

**MINUTES
ENVIRONMENTAL QUALITY BOARD
FEBRUARY 17, 2023
DEPARTMENT OF ENVIRONMENTAL QUALITY
OKLAHOMA CITY, OKLAHOMA**

Official EQB Approved
On September 12, 2023

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 N. 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 November 1, 2022. The agenda was mailed to interested parties on February 7, 2023 and was posted at the DEQ on February 16, 2023. Dr. Tracy Hammon, Chair, called the meeting to order. Ms. Fields called roll and a quorum was confirmed.

MEMBERS PRESENT

Richard Auer
Mark Barton
John Easton
Shannon Ferrell
Ken Hirshey
Jimmy Kinder
Alexie Kindrick
Tim Munson
Matt Newman
Mike Paque
Billy Sims
Tracy Hammon

DEQ STAFF PRESENT

Scott Thompson, Executive Director
Jimmy Givens, Deputy Executive Director
Rob Singletary, Chief of Staff
Michelle Wynn, Legislative Liaison
Jennifer Boyle, General Counsel
Madison Miller, Deputy General Counsel
Shellie Chard, Water Quality Division
Erin Hatfield, Office of Communications
Saba Tahmassebi, Engineering Manager
Kathy Aebischer, Administrative Services Division
Kole Kennedy, Land Protection Division
Kendal Stegmann, Air Quality Division
Jeff Franklin, State Environmental Laboratory Services
Melanie Foster, Air Quality Division
Mark Hildebrand, Environmental Complaints & Local Services
Stacey Tucker, Administrative Services Division
Skylar McElhane, Office of Continuous Improvement
Mike Edwards, Land Protection Division
Ryan Kirk, Land Protection Division
Hillary Young, Land Protection Division
Amber Edwards, Land Protection Division
Greg Carr, Water Quality Division
David Bruton, Land Protection Division
Cliff Hoyle, Land Protection Division
Karen Steele, Water Quality Division
Carrie Schroeder, Air Quality Division
Kambridge Stephens, Environmental Complaints & Local Services
Paul Parks, Water Quality Division
Gracelyn Ross, Water Quality Division
Lloyd Kirk, Office of External Affairs
Travis Couch, Environmental Attorney
April Eberle, Environmental Attorney
Brian Clagg, Water Quality Division
Sharon Smith, Office of the Executive Director
Quiana Fields, Board & Council Secretary

MEMBERS ABSENT

Steve Mason

OTHERS PRESENT

Jennifer Lewis, Office of the Attorney General
Jenny Longley, Court Reporter
Brian Duzan, Water Quality Management Advisory Council
Brenda Merchant, Solid Waste Management Advisory Council
Laura Lodes, Air Quality Advisory Council
Lee Grater, Hazardous Waste Management Advisory Council

Approval of Minutes – Dr. Hammon called for a motion to approve the November 8, 2022 Regular Meeting minutes. Dr. Ferrell moved to approve and Mr. Hirshey made the second.

transcript pages 5 - 7

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Tim Munson	Yes
John Easton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Ken Hirshey	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Election of Officers – Dr. Hammon called for nominations for Chair. Mr. Munson nominated Mr. Paque and Mr. Sims made the second. Hearing no other nominations, Dr. Hammon called for a motion to cease nominations and elect by acclamation. Mr. Kinder moved to cease nominations and Mr. Easton made the second.

transcript pages 7 - 9

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Tim Munson	Yes
John Easton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Abstain
Ken Hirshey	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Dr. Hammon and Mr. Paque switched seats and Mr. Paque chaired the meeting. Mr. Paque thanked Dr. Hammon and presented her with a plaque for her service as Chair. Mr. Paque called for nominations of Vice- Chair. Mr. Kinder nominated Dr. Ferrell and Mr. Sims made the second. Hearing no other nominations, Mr. Paque called for a motion to cease nominations and elect by acclamation. Mr. Sims moved to cease nominations and Dr. Hammon made the second.

transcript pages 10 - 13

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Tim Munson	Yes
John Easton	Yes	Matt Newman	Yes
Shannon Ferrell	Abstain	Mike Paque	Yes
Ken Hirshey	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking - OAC 252:100 Air Pollution Control – Mr. Paque called upon Ms. Laura Lodes, Chair of the Air Quality Advisory Council (AQAC), to present the air rules. Ms. Lodes stated that the Department is proposing to amend OAC 252:100, Subchapter 5, Registration, Emission Inventory and Annual Operating Fees, to adjust the annual operating fee and to update the annual operating fee schedule language to include the use of the Consumer Price Index (CPI) in the adjustment of annual operating fees for minor facilities. Part 70 (major) sources are subject to adjusted annual operating fees based on the CPI. Hearing no questions or comments by the Board or the public, Mr. Paque called for a motion. Mr. Kinder moved to approve and Dr. Ferrell made the second.

transcript pages 14 - 18

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Tim Munson	Yes
John Easton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Ken Hirshey	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:100 Air Pollution – Ms. Lodes stated that the Department is proposing to add Subchapter 49, Oklahoma Emission Reduction Technology Rebate Program to OAC 252:100, to implement applicable provisions of the Oklahoma Emission Reduction Technology Incentive Act, 68 O.S. § 55006, et seq. The act created the “Oklahoma Emission Reduction Technology Rebate Program,” administered by the DEQ and Oklahoma 2 Tax Commission, to

provide an incentive for “Emission Reduction Projects” – implementation of new and innovative technologies to reduce air pollutant emissions from oil and gas facilities. Hearing no questions or comments by the Board or the public, Mr. Paque called for a motion. Mr. Munson moved to approve and Mr. Hirshey made the second.

transcript pages 18 – 22

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Tim Munson	Yes
John Easton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Ken Hirshey	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:205 Hazardous Waste Management – Mr. Paque called upon Mr. Lee Grater, Chair of the Hazardous Waste Management Advisory Council (HWMAC), to present the rule. Mr. Grater stated that the Department is proposing to amend OAC 252:205 to make DEQ’s hazardous waste rules consistent with the federal regulations by incorporating by reference (IBR) the regulations found in 40 CFR Parts 124 and 260-279, revised as of July 1, 2022. Hearing no questions or comments by the Board or the public, Mr. Paque called for a motion. Mr. Sims moved to approve and Mr. Auer made the second.

transcript pages 22 - 24

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Tim Munson	Yes
John Easton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Ken Hirshey	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:515 Management of Solid Waste – Mr. Paque called upon Mr. Jim Linn, Chair of the Solid Waste Management Advisory Council to present the rule, Mr. Linn was unable to attend so Ms. Brenda Merchant, member of the SWMAC presented the rule. Ms. Merchant stated that the Department is proposing to revise OAC 252:515-23-3. Disposal of untreated, regulated medical waste, to make clear that regulated medical waste generators, including small quantity generators, are also subject to any additional provisions that may be required by the Oklahoma State Department of Health. Hearing no questions or comments by the Board or by the public, Mr. Paque called for a motion. Mr. Newman moved to approve and Mr. Barton made the second.

transcript pages 24 - 26

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Tim Munson	Yes
John Easton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Ken Hirshey	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:730 Oklahoma’s Water Quality Standards – Mr. Paque called upon Mr. Brian Duzan, Chair of the Water Quality Management Advisory Council (WQMAC), to present the water rules. Mr. Duzan stated that the Department is proposing to present this rule as a permanent rule. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer Oklahoma’s Water Quality Standards (OWQS’s) from the Oklahoma Water Resources Board (OWRB) to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. The legislation became effective November 1, 2022. As a result, DEQ proposed emergency rule OAC 252:730, titled “Oklahoma’s Water Quality Standards”, to replace OWRB rule OAC 785:45. The Environmental Quality Board (EQB) voted to adopt the emergency rule at the EQB meeting held on September 13, 2022, and the Governor approved the emergency rule on October 25, 2022. Hearing no

questions or comments by the Board or the public, Mr. Paque called for a motion. Dr. Hammon moved to approve and Dr. Ferrell made the second.

transcript pages 26 - 34

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Tim Munson	Yes
John Easton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Ken Hirshey	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:740 Implementation of Oklahoma’s Water Quality Standards – Mr. Duzan stated that the Department is proposing to present this rule as a permanent rule. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer OWQS’s to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. The legislation became effective November 1, 2022. As a result, DEQ proposed emergency rule OAC 252:740, titled “Implementation of Oklahoma’s Water Quality Standards”, to replace OWRB’s rule OAC 785:46. The EQB voted to adopt the emergency rule at the EQB meeting held on September 13, 2022, and the Governor approved the emergency rule on October 25, 2022. Hearing no questions or comments by the Board or the public, Mr. Paque called for a motion. Mr. Auer moved to approve and Mr. Munson made the second.

transcript pages 34 - 37

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Tim Munson	Yes
John Easton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Ken Hirshey	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:606 Oklahoma Pollutant Discharge Elimination System (OPDES) Standards – Mr. Duzan stated that the Department is proposing to present this rule as a permanent rule. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 was enacted transferring authority to administer OWQS’s to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. This required emergency rulemaking to promulgate OAC 252:730 and OAC 252:740 and to update 252:606 to ensure that references to the OWRB’s rules were replaced with references to the new rules and that references to the OWRB’s rules were replaced with references to the new rules and that references to OWRB’S authority for administering OWQS’s was updated to denote DEQ as now having this authority. The EQB voted to adopt this emergency rule at the EQB meeting held on September 13, 2022, and the Governor approved the emergency rule on October 25, 2022. The Department is also proposing an update of the federal rules incorporated by reference from July 19, 2021, to July 1, 2022. The final regulatory change consisted of a technical amendment to modify the submission location for Continuous Release Reports (CRRs) subject to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Hearing no questions or comments by the Board or the public, Mr. Paque called for a motion. Mr. Sims moved to approve and Mr. Munson made the second.

transcript pages 37 - 40

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Tim Munson	Yes
John Easton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Ken Hirshey	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking - OAC 252:611 General Water Quality – Mr. Duzan stated that the Department is proposing to present this rule as a permanent rule. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer OWQS’s to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. This required emergency rulemaking to promulgate OAC 252:730 and to update OAC 252:611 to ensure that a reference to OWRB’s authority for administering OWQS’s was updated to denote DEQ as now having this authority.

In addition to these changes, a group of definitions denoted as “Supplemental Information, Glossary of Terms” located at the very end of the rule was consolidated with the list of definitions at the beginning of the chapter to conform with the way definitions and terms are referenced in DEQ’s other rules. The EQB voted to adopt the emergency rule at the EQB meeting held on September 13, 2022, and the Governor approved the emergency rule on October 25, 2022. Hearing questions or comments by the Board or the public, Mr. Paque called for a motion. Mr. Kinder moved to approve and Mr. Barton made the second.

transcript pages 40 - 42

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Tim Munson	Yes
John Easton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Ken Hirshey	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking - OAC 252:616 Industrial Wastewater Systems – Mr. Duzan stated that the Department is proposing to present this rule as a permanent rule. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer OWQS’s to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. This required emergency rulemaking to promulgate OAC 252:730 and to update OAC 252:616 to ensure that a reference to the OWRB rule was replaced with a reference to the new rule and that a reference to OWRB’s authority for administering OWQS’s was updated to denote DEQ as now having this authority. The EQB voted to adopt the emergency rule at the EQB meeting held on September 13, 2022, and the Governor approved the emergency rule on October 25, 2022. Hearing no questions or comments by the Board or the public, Mr. Paque called for a motion. Mr. Easton moved to approve and Mr. Hirshey made the second.

transcript pages 42 - 44

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Tim Munson	Yes
John Easton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Ken Hirshey	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking - OAC 252:621 Non-Industrial Discharging and Public Water Supply Lagoons – Mr. Duzan stated that the Department is proposing to present this rule as a permanent rule. During the 2022 Oklahoma legislature session, Senate Bill No. 1325 was enacted transferring authority to administer OWQS’s to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. This required emergency rulemaking to promulgate OAC 252:730 and to update OAC 252:621 to ensure that a reference to the OWRB rule was replaced with a reference to the new rule and that a reference to the OWRB’s authority for administering OWQS’s was updated to denote DEQ as now having authority. The EQB voted to adopt the emergency rule at the EQB meeting held on September 13, 2022, and the Governor approved the emergency rule on October 25, 2022. Hearing no questions or comments by the Board or the public, Mr. Paque called for a motion. Mr. Sims moved to approve and Mr. Kinder made the second.

		<i>transcript pages 44 - 46</i>	
Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Tim Munson	Yes
John Easton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Ken Hirshey	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking - OAC 252:626 Public Water Supply Construction Standards – Mr. Duzan stated that the Department is proposing to update the rule to allow Design-build as a project delivery method. On July 1, 2021, House Bill 2402 was enacted authorizing conservancy districts, municipalities, counties, public trusts and other political subdivisions operating a public water supply system or wastewater treatment system to utilize Design-build. Design-build is defined as a project delivery method in which one entity works under a single contract to provide design and construction services. The measure requires DEQ incorporate a flexible permitting process to allow this Design-build authorization into its rules and to authorize up to 5 pilot projects in the interim before those rules are adopted. This bill was codified in Oklahoma Statutes, Title 61, Section 220.1. DEQ is proposing to update this rule to include definitions for “Design-build”, “Design package” and “Flexible permitting process”. This also requires updating language for the following subchapters: Construction Permit Applications, Engineering Reports, and Plans and Specifications. Hearing no questions or comments by the Board, Mr. Paque called for a motion. Mr. Kinder moved to approve and Mr. Barton made the second.

		<i>transcript pages 46 - 49</i>	
Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Tim Munson	Yes
John Easton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Ken Hirshey	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking - OAC 252:628 Indirect Potable Reuse for Surface Water Augmentation – Mr. Duzan stated that the Department is proposing to present this rule as a permanent rule. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer OWQS’s to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. This required emergency rulemaking to promulgate OAC 252:730 and OAC 252:740 and to update 252:628 to ensure that references to the OWRB’s rules were replaced with references to the new rules and that references to OWRB’s authority for administering OWQS’s was updated to denote DEQ as now having this authority. The EQB voted to adopt the emergency rule at the EQB meeting held on September 13, 2022, and the Governor approved the emergency rule on October 25, 2022. Hearing no questions or comments by the Board or the public, Mr. Paque called for a motion. Dr. Hammon moved to approve and Mr. Newman made the second.

		<i>transcript pages 49 - 51</i>	
Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Tim Munson	Yes
John Easton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Ken Hirshey	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking - OAC 252:631 Public Water Supply Operation – Mr. Duzan stated that the Department is proposing to update the rule concerning the date of incorporation by reference of certain federal regulations from July 1, 2021, to August 17, 2022. Changes included EPA’s approval of alternative testing methods for measuring the levels of contaminants in drinking

water and determining compliance with national primary drinking water regulations. This provides timelier access to new measurement techniques and greater flexibility in the selection of analytical methods, thereby reducing monitoring costs while maintaining public health protection. Hearing no questions or comments by the Board or the public, Mr. Paque called for a motion. Mr. Auer moved to approve and Mr. Barton made the second.

transcript pages 51 - 53

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Tim Munson	Yes
John Easton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Ken Hirshey	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:633 – Mr. Duzan stated that the Department is proposing to revoke and reissue Appendix A to remove language related to application of the median household income as an element used by DEQ in prioritizing the award of DWSRF funds. This change is intended to clarify that DEQ is to utilize information from the latest census on the median household income when prioritizing the award of DWSRF funds, rather than the dollar amounts currently in the provision. The language DEQ proposes to remove does not reflect the latest census information on median household income and was intended to be illustrative only. It was not intended to prevent DEQ from using information from the latest census. Removing this language will clarify that DEQ is to utilize the information from the latest census for the household median income and is not required to only use the dollar amounts listed. Following a question by the Board and none by the public, Mr. Paque called for a motion. Mr. Sims moved to approve and Mr. Newman made the second.

transcript pages 53 - 57

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Tim Munson	Yes
John Easton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Ken Hirshey	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking - OAC 252:652 Underground Injection Control – Mr. Duzan stated that the Department is proposing to present this rule as a permanent rule. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer OWQS's to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. This required emergency rulemaking to promulgate OAC 252:730 and to update OAC 252:652 to ensure that a reference to the OWRB rule was replaced with a reference to the new rule and that a reference to OWRB's authority for administering OWQS's was updated to denote DEQ as now having this authority. The EQB voted to adopt the emergency rule at the EQB meeting held on September 13, 2022, and the Governor approved the emergency rule on October 25, 2022. Hearing no questions or comments by the Board or the public, Mr. Paque called for a motion. Mr. Hirshey moved to approve and Mr. Auer made the second.

transcript pages 57 - 59

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Tim Munson	Yes
John Easton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Ken Hirshey	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking - OAC 252:653 Aquifer Storage and Recovery – Mr. Duzan stated that the Department is proposing to present this rule as a permanent rule. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer

OWQS's to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. This required emergency rulemaking to promulgate OAC 252:730 and to update OAC 252:653 to ensure that references to the OWRB rule were replaced with references to the new rule. The EQB voted to adopt the emergency rule at the EQB meeting held on September 13, 2022, and the Governor approved the emergency rule on October 25, 2022. Hearing no questions or comments by the Board or the public, Mr. Paque called for a motion. Mr. Newman moved to approve and Mr. Munson made the second.

transcript pages 59 - 61

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Tim Munson	Yes
John Easton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Ken Hirshey	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking - OAC 252:656 Water Pollution Control Facility Construction Standards – Mr. Duzan stated that the Department is proposing to present this rule as a permanent rule. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer OWQS's to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. This required emergency rulemaking to promulgate OAC 252:730 and to update OAC 252:656 to ensure that references to the OWRB rule was replaced with reference to the new rule. The EQB voted to adopt the emergency rule at the EQB meeting held on September 13, 2022, and the Governor approved the emergency rule on October 25, 2022.

The Department is also proposing to update the rule to allow Design-build as a project delivery method. On July 1, 2021, House Bill 2402 was enacted authorizing conservancy districts, municipalities, counties, public trusts and other political subdivisions operating a public water supply system or wastewater treatment system to utilize Design-build. Following a question by the Board and none by the public, Mr. Paque called for a motion. Mr. Hirshey moved to approve and Mr. Kinder made the second.

transcript pages 62 - 65

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Tim Munson	Yes
John Easton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Ken Hirshey	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking - OAC 252:690 Water Quality Standards Implementation – Mr. Duzan stated that the Department is proposing present this rule as a permanent rule. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer OWQS's to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. This required emergency rulemaking to promulgate OAC 252:730 and OAC 252:740 and to update 252:690 to ensure that references to the OWRB's rules were replaced with references to the new rules and that references to OWRB's authority for administering OWQS's was updated to denote DEQ as now having this authority. The EQB voted to adopt the emergency rule at the EQB meeting held on September 13, 2022, and the Governor approved the emergency rule on October 25, 2022.

The Department is also proposing an update of the federal rules incorporated by reference from July 19, 2021, to July 1, 2022. The final regulatory change consisted of a technical amendment to modify the submission location for CRRs subject to the CERCLA

The Department is also proposing updates to this rule which include moving the text of Appendix A to the body of the rule as Subchapter 7, consolidating definitions from Appendix A with

definitions at the beginning of the rule, correcting outdated citations in Subchapter 5, and correcting a few typographical errors. Following a question by the Board and none by the public, Mr. Paque called for motion. Mr. Kinder moved to approve and Mr. Barton made the second.

transcript pages 66 - 70

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Tim Munson	Yes
John Easton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Ken Hirshey	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:710 Waterworks and Wastewater Works Operator Certification –

Mr. Duzan stated that the Department is proposing to update the rule to allow DEQ to permanently revoke, or revoke for a set time an operator’s certification; to better define special requirements for instructors of approved training courses; and, to allow recording of laboratory analyses utilizing software applications in addition to bound volumes. Following a question by the Board and none by the public, Mr. Paque called for a motion. Mr. Hirshey moved to approve and Dr. Hammon made the second.

transcript pages 70 - 75

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Tim Munson	Yes
John Easton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Ken Hirshey	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

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 75 - 88

Budget Update and Financial Overview (FY 2023) – Mr. Paque called upon Ms. Kathy Aebischer, Chief Financial Officer of the DEQ. Ms. Aebischer gave a presentation on the FY 2023 budget update.

transcript pages 88 - 91

Overview of Recent Federal Rulemaking Activity and DEQ’s Response – Mr. Rob Singletary, Chief of Staff of DEQ gave a presentation on recent federal rulemaking activity.

transcript pages 91 - 107

New Business – None

Next Meeting – The next regular meeting is scheduled for Tuesday, June 13, 2023 in Oklahoma City, Oklahoma.

Adjournment – Mr. Paque called for a motion to adjourn. Dr. Hammon moved to adjourn and Mr. Newman made the second. Meeting adjourned at 11:34 a.m.

transcript pages 108 – 109

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Tim Munson	Yes
John Easton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Ken Hirshey	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Public Forum – No public forum issues were raised.

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

Page 1

1 REGULAR MEETING, DEPARTMENT OF ENVIRONMENTAL QUALITY
 2 ENVIRONMENTAL QUALITY BOARD
 3 ON FEBRUARY 17, 2023
 4 IN OKLAHOMA CITY, OKLAHOMA
 5
 6 MEMBERS PRESENT:
 7 Richard Auer
 8 Mark Barton
 9 John Easton
 10 Shannon Ferrell
 11 James Kinder
 12 Matthew Newman
 13 Mike Paque
 14 Kenneth Hirshey, Jr.
 15 Tracy Hammon
 16 Alexandria Kindrick
 17 Tim Munson
 18 Billy Sims
 19
 20 MEMBERS ABSENT:
 21 Steve Mason
 22
 23
 24
 25 REPORTED BY: Jenny Longley, CSR

Page 2

1 PROCEEDINGS
 2 DR. HAMMON: Welcome. The February 17,
 3 2023 regular meeting of the Environmental Quality
 4 Board has been called according to the Oklahoma Open
 5 Meeting Act, Section 311 of Title 25 of the Oklahoma
 6 Statutes. Notice was filed with the Secretary of
 7 State on November 1, 2022. Agendas were mailed to
 8 interested parties on February 7, 2023 and were
 9 posted at the DEQ on February 16, 2023. Only
 10 matters appearing on the posted agenda may be
 11 considered.
 12 If this meeting is continued or
 13 reconvened, we must announce today the date, time
 14 and place of the continued meeting and the agenda
 15 for such continuation will remain the same as
 16 today's agenda.
 17 Well, welcome, everyone. It's a
 18 pleasure to see everybody here today, have the Board
 19 assembled again. Happy February. So February
 20 brings up thoughts of Valentine's Day, which was
 21 Tuesday, and hearts and candy, but it is also
 22 American Heart Month. So I know we have a long
 23 agenda today, but I wanted to talk about a little
 24 bit about heart disease, which is the leading cause
 25 of death for men and women in the U.S.

Page 3

1 So, in fact, Oklahoma ranks -- varies
 2 between first place and second place for mortality
 3 from heart disease; so it is a big issue for our
 4 state. One person dies every 34 seconds in the U.S.
 5 from cardiovascular disease. In 2018, it was a \$229
 6 billion expense for the U.S., and it's estimated to
 7 hit \$749 billion in just about 12 years, in 2035.
 8 So a couple little tips to prevent
 9 heart disease: exercising, healthy diet, maintaining
 10 an appropriate weight; knowing your health
 11 screening, doing preventative health screening such
 12 as knowing your cholesterol, your blood pressure,
 13 keeping those under control; managing stress, I know
 14 a lot of us have stress in our lifetimes -- or, in
 15 our lives, so keeping that under control; and then,
 16 if nothing else, learning CPR to help others who may
 17 have a cardiovascular event. So, that's my little
 18 tip for the day.
 19 Again, I do welcome folks back. I
 20 have been told that we have a mobile laboratory. We
 21 will re-announce this at the end, but DEQ's mobile
 22 laboratory's parked on 7th Street -- you might have
 23 seen it as you came in -- which is just north of the
 24 building, so if any board members or members of the
 25 public want to go outside for a tour.

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1 Mobile lab helps the agency's
 2 customer service efforts by supporting the Public
 3 Water Supply Small System Assistance Program, Lead
 4 Testing in Schools, targeted outreach efforts,
 5 environmental investigations, and both state and
 6 regional emergency response, and then the
 7 capabilities include thermal preservation,
 8 conductivity, turbidity, and then total coliform and
 9 E. coli analysis.
 10 So, pretty cool lab sitting out
 11 there, and I encourage folks to take the opportunity
 12 to walk through at the conclusion of the meeting.
 13 So with that, Quiana, can we get a
 14 roll call?
 15 MS. FIELDS: Mr. Auer?
 16 MR. AUER: Yes.
 17 MS. FIELDS: Mr. Barton?
 18 MR. BARTON: Yes.
 19 MS. FIELDS: Mr. Easton?
 20 MR. EASTON: Here.
 21 MS. FIELDS: Dr. Ferrell?
 22 DR. FERRELL: Yes.
 23 MS. FIELDS: Mr. Hirshey?
 24 MR. HIRSHEY: Present.
 25 MS. FIELDS: Mr. Kinder?

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1 MR. KINDER: Here.
 2 MS. FIELDS: Ms. Kindrick?
 3 MS. KINDRICK: Here.
 4 MS. FIELDS: Mr. Mason is absent.
 5 Mr. Munson?
 6 MR. MUNSON: Here.
 7 MS. FIELDS: Mr. Newman?
 8 MR. NEWMAN: Here.
 9 MS. FIELDS: Mr. Paque?
 10 MR. PAQUE: Here.
 11 MS. FIELDS: Mr. Sims?
 12 MR. SIMS: Here.
 13 MS. FIELDS: Dr. Hammon?
 14 DR. HAMMON: Here.
 15 MS. FIELDS: We have a quorum.
 16 DR. HAMMON: Thank you.
 17 All right. Our first agenda item,
 18 Item Number 4, is Approval of Minutes from the
 19 November 8, 2022 regular meeting. Are there any
 20 questions or comments?
 21 DR. FERRELL: Madam Chair, I'd move to
 22 approve the minutes as presented.
 23 DR. HAMMON: All right. I have a motion
 24 for approval, do I have a second?
 25 MR. HIRSHEY: Second.

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1 DR. HAMMON: I have a motion and a second.
 2 Quiana, roll call, please.
 3 MS. FIELDS: Mr. Auer?
 4 MR. AUER: Yes.
 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. Hirshey?
 12 MR. HIRSHEY: Yes.
 13 MS. FIELDS: Mr. Kinder?
 14 MR. KINDER: Yes.
 15 MS. FIELDS: Ms. Kindrick?
 16 MS. KINDRICK: Yes.
 17 MS. FIELDS: Mr. Munson?
 18 MR. MUNSON: Yes.
 19 MS. FIELDS: Mr. Newman?
 20 MR. NEWMAN: Yes.
 21 MS. FIELDS: Mr. Paque?
 22 MR. PAQUE: Yes.
 23 MS. FIELDS: Mr. Sims?
 24 MR. SIMS: Yes.
 25 MS. FIELDS: Dr. Hammon?

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1 DR. HAMMON: Yes.
 2 MS. FIELDS: Motion passed.
 3 DR. HAMMON: Thank you.
 4 Agenda Item 5 is Election of
 5 Officers, Election of a Chair and a Vice-Chair for
 6 the current calendar year. I have been the Chair,
 7 at this point, for two years, and it is my intent to
 8 step down from this role. I have really enjoyed
 9 doing this, there is nothing stopping me from
 10 continuing. I have three additional years left to
 11 serve on the Board and I look forward to doing that,
 12 but I feel like I will share the gavel as my
 13 predecessors have done, several of them have spent
 14 two years at this role.
 15 I do want to thank the Board for your
 16 confidence in having elected me chair for the last
 17 two years. This agency, the Board has made this a
 18 very easy job, and I would like to thank Mike Paque
 19 for having served as the Vice-Chair for the last two
 20 years for this role.
 21 But with that, I'm going to open the
 22 floor for nominations for Chair.
 23 MR. MUNSON: Madam Chairman, I would
 24 nominate Mike Paque for Chairman.
 25 MR. SIMS: I second the motion.

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1 DR. HAMMON: Thank you.
 2 So we have one nomination for Mike
 3 Paque, with a second. Do I have any other
 4 nominations for Chair? I will ask one remaining
 5 time if we have any additional nominations for
 6 chair.
 7 All right. Can I have a motion to
 8 cease nominations and elect by acclamation?
 9 MR. KINDER: So moved, Jimmy Kinder.
 10 MR. EASTON: Second, John Easton.
 11 DR. HAMMON: I have a motion and a second.
 12 Quiana, roll call, please.
 13 MS. FIELDS: Mr. Auer?
 14 MR. AUER: Yes.
 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. Hirshey?
 22 MR. HIRSHEY: Yes.
 23 MS. FIELDS: Mr. Kinder?
 24 MR. KINDER: Yes.
 25 MS. FIELDS: Ms. Kindrick?

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1 MS. KINDRICK: Yes.

2 MS. FIELDS: Mr. Munson?

3 MR. MUNSON: Yes.

4 MS. FIELDS: Mr. Newman?

5 MR. NEWMAN: Yes.

6 MS. FIELDS: Mr. Paque?

7 MR. PAQUE: Abstain.

8 MS. FIELDS: Mr. Sims?

9 MR. SIMS: Yes.

10 MS. FIELDS: Dr. Hammon?

11 DR. HAMMON: Yes.

12 MS. FIELDS: Motion passed.

13 DR. HAMMON: All right. Thank you.

14 Congratulations, Mr. Chair.

15 MR. PAQUE: Thank you.

16 DR. HAMMON: And we are going to switch

17 seats right now. I will move over to Mr. Paque's

18 seat and let him take over the meeting -- no getting

19 out of this -- and let you take over the election of

20 the Vice-Chair.

21 So at least you get to do this in

22 person, I was on a Zoom call when I took over.

23 Thank you all.

24 MR. PAQUE: I told Billy I'd never leave

25 his side.

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1 DR. HAMMON: You can bring Billy.

2 MR. SIMS: I think this is going to be an

3 improvement, though.

4 MR. PAQUE: So while I'm getting

5 organized, I will tell you a little story. This was

6 the packet that the board members received in the

7 mail for this agenda, which is unusually large, and

8 some of us would confess that we don't read these

9 things page to page if they're highly technical, and

10 we are very dependent on the councils.

11 But last night or two nights ago, I

12 decided to kind of flip through it -- I'd looked at

13 it as the weeks went by -- and I dropped it on my

14 living room floor; so this looks like a deck of

15 cards, I'm going to rely on Mr. Thompson to keep me

16 in order here.

17 Well, thank you for the honor and

18 privilege of chairing the Environmental Board, it's

19 not something I take lightly. I've enjoyed my first

20 five years on the Board and look forward to my next

21 five years, one of them as Chairman; so thank you,

22 Madam Chair -- Former Madam Chair.

23 So we'd like to, on behalf of the

24 Board -- and I have to say that Tracy is an

25 excellent Chair of the Board. She only called me to

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1 say hello and tell me nice things, so we never had

2 any crisis management.

3 Tracy, on behalf of the Board of

4 Oklahoma Department of Environmental Quality, we'd

5 like to present you this plaque in recognition of

6 your exceptional performance and dedication.

7 Thank you so much.

8 DR. HAMMON: Thank you very much,

9 appreciate it.

10 MR. PAQUE: So the next order of business

11 is the election of a Vice President for the Board,

12 and the Chair would entertain a motion for a

13 nomination for Vice-Chair.

14 MR. KINDER: Jimmy Kinder, I'd like to

15 nominate Shannon Ferrell.

16 MR. SIMS: Second the motion.

17 MR. PAQUE: We have a motion and a second,

18 nominating Shannon Ferrell as Vice President. Are

19 there any other nominations for --

20 MR. SIMS: Make a motion for nominations

21 to cease.

22 MR. PAQUE: Well, let me ask for a motion

23 on that, yeah. To accept that, we have to entertain

24 motions for any other nominations. Any other

25 nominations? Hearing none, call for the roll.

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1 MS. LEWIS: The order that we're following

2 is to call for the motions to cease.

3 MR. PAQUE: That's what I thought I was

4 doing, thank you. My training day.

5 MS. FIELDS: Billy Sims.

6 MR. PAQUE: Is there a motion to cease

7 nominations?

8 DR. HAMMON: Mr. Chair, I move to cease

9 nominations and elect by acclamation.

10 MS. LEWIS: And since I believe we already

11 have a motion by Mr. Sims, sorry, I --

12 MR. PAQUE: That's okay.

13 MS. LEWIS: Okay. And so then --

14 DR. HAMMON: I will second that motion.

15 MS. LEWIS: Yes.

16 MR. PAQUE: So do we have a motion to

17 cease nominations?

18 MS. LEWIS: We do, from Mr. Sims.

19 MR. PAQUE: And a second?

20 MS. LEWIS: And a second from Dr. Hammon.

21 MR. PAQUE: Okay. We have a motion and a

22 second. All those in favor signify by saying aye.

23 MS. LEWIS: You will do a roll call vote.

24 MR. PAQUE: Roll call, yes.

25 MS. FIELDS: Mr. Auer?

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1 MR. AUER: Yes.

2 MS. FIELDS: Mr. Barton?

3 MR. BARTON: Yes.

4 MS. FIELDS: Mr. Easton?

5 MR. EASTON: Yes.

6 MS. FIELDS: Dr. Ferrell?

7 DR. FERRELL: Abstain.

8 MS. FIELDS: Mr. Hirshey?

9 MR. HIRSHEY: Yes.

10 MS. FIELDS: Mr. Kinder?

11 MR. KINDER: Yes.

12 MS. FIELDS: Ms. Kindrick?

13 MS. KINDRICK: Yes.

14 MS. FIELDS: Mr. Munson?

15 MR. MUNSON: Yes.

16 MS. FIELDS: Mr. Newman?

17 MR. NEWMAN: Yes.

18 MS. FIELDS: Mr. Paque?

19 MR. PAQUE: Yes.

20 MS. FIELDS: Mr. Sims?

21 MR. SIMS: Yes.

22 MS. FIELDS: Dr. Hammon?

23 DR. HAMMON: Yes.

24 MS. FIELDS: Motion passed.

25 MR. PAQUE: Thank you. I've never been

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1 elected President, that was the first time for me;

2 so I apologize for the awkwardness.

3 All right. On to the regular agenda.

4 Item number 6 is beginning Rulemaking. First item

5 under Number 6 is OAC 252:100 Air Pollution Control.

6 Laura Lodes?

7 MS. LODES: Hi. Thank you, Mr. Chairman.

8 I will present today two rules for

9 the Air Quality, we have them going as separate

10 actions. The first one is Subchapter 5, and the

11 Department is proposing to amend OAC 252:100,

12 Subchapter 5, Registration, Emission Inventory and

13 Annual Operating Fees, to update the annual

14 operating fee schedule language relating to minor

15 facilities. Part 70, major, sources are subject to

16 an adjusted annual operating fees based on the

17 Consumer Price Index. The purpose of this amendment

18 is to now include the use of the CPI in the

19 adjustment of annual operating fees for minor

20 facilities.

21 Specifically, the proposed change would

22 increase the base annual operating fee for minor

23 facilities from its current rate of \$25.12 per ton

24 of regulated air pollutant to \$36.50 per ton. If

25 approved, this new fee would go into effect with

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1 invoices sent out next year on July 1st of 2024 and

2 will be based on emissions from last year, 2022.

3 This will allow minor facilities approximately a

4 year and a half to adjust their budget to

5 accommodate these additional fees. Each subsequent

6 year starting in 2025, the base fee will be adjusted

7 annually based off the Consumer Price Index to

8 ensure the fee keeps up with inflation. This is the

9 same way the Part 70, major, source annual operating

10 fee is adjusted.

11 The minor source annual operating fee has

12 not been changed since 2008 and has failed to keep

13 up with inflation. In addition, the workload

14 associated with minor facilities has increased.

15 This additional revenue is needed to fund 14

16 full-time positions in the Air Quality Division that

17 have been lost, not been filled due to budgetary

18 shortfalls, or are needed for new programs that

19 benefit minor facilities.

20 In addition, this change will not affect

21 the emission billing threshold of 5 tons per company

22 that excludes many smaller companies from fee

23 requirements.

24 Subchapter 5 revisions were brought before

25 the Council on two occasions, at a Special Meeting

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1 on December 6th of 2022, and at the regularly

2 scheduled meeting on January 11th of 2023. Notice

3 of the proposed rule change was published in the

4 Oklahoma Register on November 1 of 2022, and on

5 December 1 of 2022. The Department received no

6 written comments during either public comment

7 period; however, verbal comments were received

8 during the December and January meetings. The

9 verbal comments from industry are summarized in your

10 packet. The comments were supportive of the fee

11 increase to address the Department's need for

12 additional revenue to fill and retain full-time

13 employee positions. The Council unanimously

14 approved the proposal at its January meeting.

15 As Chair of the Air Quality Advisory

16 Council, I recommend that the Board approve the

17 proposed Chapter 100-5 revisions as permanent rules.

18 MR. PAQUE: Thank you, Laura.

19 Any questions by board members or

20 comments?

21 Any other comments, questions?

22 Hearing none, the Chair would

23 entertain a motion.

24 MR. KINDER: I make a motion to approve.

25 DR. FERRELL: Second.

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1 MS. FIELDS: Mr. Auer?
 2 MR. AUER: Yes.
 3 MS. FIELDS: Mr. Barton?
 4 MR. BARTON: Yes.
 5 MS. FIELDS: Mr. Easton?
 6 MR. EASTON: Yes.
 7 MS. FIELDS: Dr. Ferrell?
 8 DR. FERRELL: Yes.
 9 MS. FIELDS: Mr. Hirshey?
 10 MR. HIRSHEY: Yes.
 11 MS. FIELDS: Mr. Kinder?
 12 MR. KINDER: Yes.
 13 MS. FIELDS: Ms. Kindrick?
 14 MS. KINDRICK: Yes.
 15 MS. FIELDS: Mr. Munson?
 16 MR. MUNSON: Yes.
 17 MS. FIELDS: Mr. Newman?
 18 MR. NEWMAN: Yes.
 19 MS. FIELDS: Mr. Paque?
 20 MR. PAQUE: Yes.
 21 MS. FIELDS: Mr. Sims?
 22 MR. SIMS: Yes.
 23 MS. FIELDS: Dr. Hammon?
 24 DR. HAMMON: Yes.
 25 MS. FIELDS: Motion passed.

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1 MS. LODES: Thank you. We greatly
 2 appreciate you guys supporting us in passing that
 3 increase since we have not touched it in 15 years
 4 and it was more than time to do the increase; so
 5 that was a greatly appreciated boost for us.
 6 The second item we have today from
 7 the Air Quality Council is Subchapter 49. The
 8 Department is proposing to add Subchapter 49, the
 9 Oklahoma Emission Reduction Technology Rebate
 10 Program to OAC 252:100, to implement applicable
 11 provisions of the Oklahoma Emission Reduction
 12 Technology Incentive Act, 68 O.S. 55006. The act
 13 created the Oklahoma Emission Reduction Technology
 14 Rebate Program, administered by the DEQ and the
 15 Oklahoma Tax Commission, to provide an incentive for
 16 Emission Reduction Projects - the implementation of
 17 new and innovative technologies to reduce air
 18 pollutant emissions from oil and gas facilities.
 19 The purpose of this rulemaking is to implement the
 20 Department's responsibility under the Oklahoma
 21 Emission Reduction Technology Incentive Act.
 22 The Act was passed during the 2022
 23 legislative session and became effective July 1 of
 24 2022. The Act is intended to provide a rebate of up
 25 to 25 percent of documented costs associated with an

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1 emission reduction project. The rule relies on the
 2 statute's definition of an emission reduction
 3 project, which describes the types of facilities and
 4 activities eligible for the program, namely
 5 controlling oil and gas facility sources. The
 6 statute sets a \$10 million annual cap on rebates
 7 from the fund. DEQ is responsible for reviewing the
 8 projects and determining their eligibility. The
 9 Oklahoma Tax Commission is responsible for
 10 distribution of payments from the fund.
 11 Many of the program requirements
 12 included in the proposed rule are direct
 13 requirements from the statute. Other requirements
 14 are meant to clarify and certify the information
 15 needed for the DEQ to verify the eligibility of a
 16 project. Since the statute did not create any
 17 additional revenue source for the DEQ to perform
 18 this work, the proposed rule includes a \$1,000 fee
 19 to help cover the costs of the increased workload
 20 for reviewing the rebate claims. Currently, the
 21 statute, and therefore this rule, is set to sunset
 22 on July 1, 2027.
 23 Subchapter 49 was brought before the
 24 Council on two occasions, at a special meeting on
 25 December 6th of 2022, and at the regularly scheduled

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1 meeting on January 11th of 2023. Notice of the
 2 proposed rule changes was published in the Oklahoma
 3 Register on November 1st of 2022 and December 1st of
 4 2022. The Department received a written comment
 5 during the first public comment period, which was
 6 addressed by the Department. Verbal comments were
 7 received during both the December and January
 8 meetings. All comments are summarized in your
 9 packets. The Council unanimously approved the
 10 proposal at its January meeting.
 11 As Chair of the Air Quality Advisory
 12 Council, I recommend that the Board approve the
 13 proposed addition of Subchapter 49 to Chapter 100 as
 14 a permanent rule.
 15 MR. PAQUE: Thank you, Laura.
 16 Are there any questions by board
 17 members, comments? Any questions from the public,
 18 comments, present? I can't see behind the pillar
 19 there; so I'll rely on someone else for that.
 20 Seeing none, the Chair would
 21 entertain a motion.
 22 MR. MUNSON: Mr. Chairman, I move for
 23 approval.
 24 MR. HIRSHEY: Second.
 25 MR. PAQUE: We have a motion and a second.

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1 Call roll, please.
 2 MS. FIELDS: Mr. Auer?
 3 MR. AUER: Yes.
 4 MS. FIELDS: Mr. Barton?
 5 MR. BARTON: Yes.
 6 MS. FIELDS: Mr. Easton?
 7 MR. EASTON: Yes.
 8 MS. FIELDS: Dr. Ferrell?
 9 DR. FERRELL: Yes.
 10 MS. FIELDS: Mr. Hirshey?
 11 MR. HIRSHEY: Yes.
 12 MS. FIELDS: Mr. Kinder?
 13 MR. KINDER: Yes.
 14 MS. FIELDS: Ms. Kindrick?
 15 MS. KINDRICK: Yes.
 16 MS. FIELDS: Mr. Munson?
 17 MR. MUNSON: Yes.
 18 MS. FIELDS: Mr. Newman?
 19 MR. NEWMAN: Yes.
 20 MS. FIELDS: Mr. Paque?
 21 MR. PAQUE: Yes.
 22 MS. FIELDS: Mr. Sims?
 23 MR. SIMS: Yes.
 24 MS. FIELDS: Dr. Hammon?
 25 DR. HAMMON: Yes.

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1 MS. FIELDS: Motion passed.
 2 MR. PAQUE: Thank you. Item Number 8,
 3 Rulemaking, OAC 252:205 Hazardous Waste Management.
 4 Lee Grater? Thank you.
 5 MR. GRATER: Thank you, Mr. Chairman. The
 6 Department of Environmental Quality is proposing to
 7 amend OAC 252:205. The gist of this rulemaking is
 8 to make DEQ's hazardous waste rules consistent with
 9 the federal regulations by incorporating by
 10 reference the regulations found in 40 CFR Parts 124
 11 and 260 through 279, revised as of July 1, 2022.
 12 This rule change revises import,
 13 export, recovery, and disposal code numbers and
 14 descriptions to ensure that import and export
 15 notices and subsequent movement documents exchanged
 16 between Canada and the United States do not contain
 17 conflicting information.
 18 This revision is necessary to reflect
 19 modifications to the Canadian disposal code numbers
 20 and descriptions which became effective on
 21 October 31, 2021. The Hazardous Waste Management
 22 Advisory Council met on October 27, 2022 and voted
 23 to approve the proposed changes.
 24 The Council recommends that the Board
 25 approve these revisions to OAC 252:205.

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1 MR. PAQUE: Thank you, Lee.
 2 Any questions or comments from the
 3 board members?
 4 MR. SIMS: Move to approve it.
 5 MR. PAQUE: One second. We have a motion.
 6 Any questions or comments from the
 7 public?
 8 Seeing none, we do have a motion to
 9 approve.
 10 MR. SIMS: Approve.
 11 MR. AUER: Second.
 12 MR. PAQUE: We have a motion and a second.
 13 Call the roll, please.
 14 MS. FIELDS: Mr. Auer?
 15 MR. AUER: Yes.
 16 MS. FIELDS: Mr. Barton?
 17 MR. BARTON: Yes.
 18 MS. FIELDS: Mr. Easton?
 19 MR. EASTON: Yes.
 20 MS. FIELDS: Dr. Ferrell?
 21 DR. FERRELL: Yes.
 22 MS. FIELDS: Mr. Hirshey?
 23 MR. HIRSHEY: Yes.
 24 MS. FIELDS: Mr. Kinder?
 25 MR. KINDER: Yes.

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1 MS. FIELDS: Ms. Kindrick?
 2 MS. KINDRICK: Yes.
 3 MS. FIELDS: Mr. Munson?
 4 MR. MUNSON: Yes.
 5 MS. FIELDS: Mr. Newman?
 6 MR. NEWMAN: Yes.
 7 MS. FIELDS: Mr. Paque?
 8 MR. PAQUE: Yes.
 9 MS. FIELDS: Mr. Sims?
 10 MR. SIMS: Yes.
 11 MS. FIELDS: Dr. Hammon?
 12 DR. HAMMON: Yes.
 13 MS. FIELDS: Motion passed.
 14 MR. PAQUE: Thank you.
 15 MR. GRATER: Thank you, the Hazardous
 16 Waste Advisory Council appreciates your
 17 consideration. Thank you.
 18 MR. PAQUE: Item Number 9 on the agenda is
 19 Rulemaking, OAC 252:515 Management of Solid Waste.
 20 Mr. Linn?
 21 MS. MERCHANT: Thank you, Mr. Chairman. I
 22 am not James Linn.
 23 MR. PAQUE: Not Mr. Linn, okay.
 24 MS. MERCHANT: Not Mr. Linn, he couldn't
 25 be here today. I'm Brenda Merchant, I also serve on

Page 25

1 the Advisory Council, so --

2 MR. PAQUE: Thank you for being here.

3 MS. MERCHANT: The Department of

4 Environmental Quality is proposing to amend OAC

5 252:515, and the gist of the rulemaking is to make

6 minor changes to the clarifying existing language

7 related to the generation of regulated medical

8 waste, and acknowledged generators may be subject to

9 rules of other agencies.

10 The Solid Waste Management Advisory

11 Council met on January 12, 2023 and approved the

12 changes to OAC 252:515. The Council recommends that

13 the Board approve the changes to OAC 252:515 today,

14 as approved by the Council.

15 MR. PAQUE: Thank you. Are there any

16 questions from the board members?

17 Seeing none, any comments, any

18 questions or comments from the public?

19 Seeing none, the Board would

20 entertain a motion.

21 MR. NEWMAN: Motion to approve as

22 presented.

23 MR. BARTON: Second.

24 MR. PAQUE: Call the roll.

25 MS. FIELDS: Mr. Auer?

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1 MR. AUER: Yes.

2 MS. FIELDS: Mr. Barton?

3 MR. BARTON: Yes.

4 MS. FIELDS: Mr. Easton?

5 MR. EASTON: Yes.

6 MS. FIELDS: Dr. Ferrell?

7 DR. FERRELL: Yes.

8 MS. FIELDS: Mr. Hirshey?

9 MR. HIRSHEY: Yes.

10 MS. FIELDS: Mr. Kinder?

11 MR. KINDER: Yes.

12 MS. FIELDS: Ms. Kindrick?

13 MS. KINDRICK: Yes.

14 MS. FIELDS: Mr. Munson?

15 MR. MUNSON: Yes.

16 MS. FIELDS: Mr. Newman?

17 MR. NEWMAN: Yes.

18 MS. FIELDS: Mr. Paque?

19 MR. PAQUE: Yes.

20 MS. FIELDS: Mr. Sims?

21 MR. SIMS: Yes.

22 MS. FIELDS: Dr. Hammon?

23 DR. HAMMON: Yes.

24 MS. FIELDS: Motion passed.

25 MR. PAQUE: Thank you. Rulemaking, Number

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1 7 -- Number 10, I'm sorry, OAC 252:730 Oklahoma's

2 Water Quality Standards.

3 Brian is the Chair of the Water

4 Quality Management Council.

5 MR. DUZAN: Correct. Thank you, sir.

6 I'd just like to say you guys will

7 hear my grating voice for a while, so -- OERB got

8 Mike Rowe to do their commercials, y'all get me.

9 So the first one is OAC 252:730,

10 Oklahoma's Water Quality Standards. I'm going to

11 first start, give a summary of the rulemaking

12 efforts these past few months.

13 During the 2022 Oklahoma legislative

14 session, two bills were passed by the legislature

15 and signed by the Governor to transfer authority of

16 the Oklahoma Water Quality Standards from OWRB the

17 Department of Environmental Quality.

18 The first bill was Senate Bill 1325,

19 amended Oklahoma Statute 27A Section 1-3-101 that

20 describes DEQ's jurisdictional areas of

21 environmental responsibility. Specifically, the

22 bill states, in part, that the DEQ will have

23 authority for, "Development and promulgation of

24 Water Quality Standards, their accompanying use

25 support assessment protocols, anti-degradation

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1 policies generally affecting Oklahoma Water Quality

2 Standards application and implementation including

3 but not limited to mixing zones, low flows and

4 variances or any modification or change thereof

5 pursuant to Section 1085.30 of Title 82 of the

6 Oklahoma Statutes". Section 1085.30 of Title 82,

7 which describes Classification of water uses, was

8 amended to denote that the DEQ, not OWRB is

9 "authorized to promulgate rules to be known as Water

10 Quality Standards which establish classifications of

11 uses of water of the state, criteria to maintain and

12 protect the classifications, and other standards or

13 policies pertaining to the quality of such waters".

14 The second bill was House Bill 3824,

15 was also passed amending Section 1-3-101 of 27A.

16 This amendment gave DEQ jurisdiction for "adoption

17 of water quality standard variances site-specific

18 criteria to the extent that such variances and

19 site-specific criteria are utilized in and enforced

20 through water quality permits issued by the

21 Department. Such variances and site-specific

22 criteria may be adopted through rulemaking or

23 through the permitting process; provided that the

24 process satisfies public participation and water

25 quality standard variance requirements set forth in

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1 the corresponding federal regulations".

2 The effective date for these two

3 bills was November 1st of 2022. Therefore, in order

4 for the state of Oklahoma to have authority to

5 promulgate water quality standards and to implement

6 water quality standards in our permits, as of

7 November 1, 2022, it was necessary for the DEQ to

8 promulgate two new rules, Chapters 730 and 740, to

9 replace current rules Chapters OAC 785:45, titled

10 "Oklahoma's Water Quality Standards" and OAC 785:46,

11 titled "Implementation of Oklahoma's Water Quality

12 Standards", that were previously promulgated by

13 OWRB.

14 At the August 23, 2022 WQMAC meeting,

15 the Council voted to recommend to the EQB emergency

16 rules. These included the two new rules, Chapters

17 730 and 740, as well as existing DEQ rules that made

18 reference to Chapters 785:45 and 785:46 or else

19 referenced OWRB, not DEQ, as having jurisdictional

20 authority to promulgate Water Quality Standards and

21 to adopt Water Quality Standard Variances. In

22 addition to these chapters were OAC 252:606, 611,

23 616, 621, 628, 652, 653, 656, and 690. In all,

24 these 11 chapters of emergency rules were presented

25 to the EQB on September 13, 2022, at which time the

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1 EQB voted to adopt each of the emergency rules. The

2 emergency rules were approved by the Governor on

3 October 25, 2022.

4 Please note that prior to bringing

5 these rules before you today, DEQ staff held two

6 informal public meetings: one in Oklahoma City on

7 November 2, 2022, and one in Tulsa on November 18,

8 2022. Additionally, DEQ staff discussed the

9 proposed rulemaking at the September 27, 2022 WQMAC

10 meeting and at the January 5, 2023 WQMAC meeting

11 where these rules were unanimously recommended to

12 the Board by the Council.

13 The DEQ staff proposed this new rule

14 which is a copy of the Emergency Rule OAC 252:730.

15 Since this is a new permanent rule, all the text is

16 underlined.

17 Prior to the January 5, 2023 WQMAC

18 meeting, DEQ received one written public comment via

19 email from Matthew Wright, Chairman of the

20 Conservation Coalition of Oklahoma, that included

21 via email attached statement, included in the

22 executive summary, from Mr. Ed Brocksmith, STIR

23 co-founder and Secretary-Treasurer. Mr. Wright

24 noted that the Conservation Coalition of Oklahoma

25 had attended the WQMAC meeting held on July 26,

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1 2022, here in this room, where Mr. Brocksmith had

2 also presented his statement on behalf of STIR.

3 Note: the July 26, 2022 WQMAC meeting allowed for

4 presentation, discussion, and questions from both

5 WQMAC members and the public on the emergency

6 rulemaking for these chapters. Mr. Wright notes

7 that STIR's statement to the WQMAC outlines concerns

8 regarding some of the regulations being transferred

9 by legislation from OWRB to the DEQ. Included in

10 this transfer of authority are provisions for

11 variances to the Oklahoma Water Quality Standards,

12 including standards established for Oklahoma Scenic

13 Rivers. Mr. Wright's email and STIR's statement

14 note concerns with variances, particularly as they

15 apply to Oklahoma's Scenic Rivers. Mr. Wright's

16 email concludes that the Conservation Coalition of

17 Oklahoma supports STIR's concerns about scenic

18 rivers and the need to insulate Oklahoma's Scenic

19 Rivers from variances to the Oklahoma Water Quality

20 Standards.

21 STIR notes that it objects to the

22 concept of "variances" to the Water Quality

23 Standards and that STIR recommends that the WQMAC

24 recommend to the EQB Board that variances for any

25 purpose are not permitted for the Oklahoma Scenic

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1 Rivers.

2 The DEQ's response to the comment

3 were the two bills passed during the 2022 Oklahoma

4 legislative session and signed by the Governor to

5 transfer authority for administering the OWQS from

6 OWRB to DEQ and specifically authorizes variances.

7 Although Mr. Wright's email and

8 Mr. Brocksmith's statements do not cite specific

9 rules, current rulemaking for Chapters OAC 252:606,

10 for the Oklahoma Pollutant Discharge Elimination

11 Systems, and OAC 252:690, Water Quality Standards

12 Implementation, and OAC 252:730, Oklahoma Water

13 Quality Standards, do address variances. There are

14 currently no formal requests before DEQ for

15 variances to the Water Quality Standards, and no

16 variance is being promulgated by this rulemaking.

17 Before any variance would be approved, DEQ would

18 follow statutory and regulatory procedures that

19 would provide for public notice and public

20 participation for the consideration of any variance

21 in the future.

22 Because the Legislature has

23 specifically authorized DEQ to adopt the variances,

24 DEQ staff did not recommend any change to the

25 proposed rules based on the email and statement

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1 provided by Mr. Wright and Mr. Brocksmith,
 2 respectively. The Water Quality Management Advisory
 3 Council did not make any changes to the rules
 4 proposed by staff.
 5 In conclusion, the Water Quality
 6 Management Advisory Council recommended this rule to
 7 the EQB by unanimous vote. If you have any
 8 questions, I or the staff will be happy to answer.
 9 MR. PAQUE: Could you repeat that?
 10 MR. DUZAN: Oh, you'll hear it eight more
 11 times.
 12 MR. PAQUE: Thank you, Brian. Are there
 13 any questions for Brian? Anybody else, any board
 14 member comments?
 15 Anybody here in the public wish to
 16 comment or ask a question?
 17 Seeing none, the Chair would
 18 entertain a motion.
 19 DR. HAMMON: Mr. Chair, I move to approve
 20 Chapter 730.
 21 DR. FERRELL: Second.
 22 MR. PAQUE: We have a motion and a second.
 23 Call the roll, please.
 24 MS. FIELDS: Mr. Auer?
 25 MR. AUER: Yes.

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1 MS. FIELDS: Mr. Barton?
 2 MR. BARTON: Yes.
 3 MS. FIELDS: Mr. Easton?
 4 MR. EASTON: Yes.
 5 MS. FIELDS: Dr. Ferrell?
 6 DR. FERRELL: Yes.
 7 MS. FIELDS: Mr. Hirshey?
 8 MR. HIRSHEY: Yes.
 9 MS. FIELDS: Mr. Kinder?
 10 MR. KINDER: Yes.
 11 MS. FIELDS: Ms. Kindrick?
 12 MS. KINDRICK: Yes.
 13 MS. FIELDS: Mr. Munson?
 14 MR. MUNSON: Yes.
 15 MS. FIELDS: Mr. Newman?
 16 MR. NEWMAN: Yes.
 17 MS. FIELDS: Mr. Paque?
 18 MR. PAQUE: Yes.
 19 MS. FIELDS: Mr. Sims?
 20 MR. SIMS: Yes.
 21 MS. FIELDS: Dr. Hammon?
 22 DR. HAMMON: Yes.
 23 MS. FIELDS: Motion passed.
 24 MR. PAQUE: Thank you.
 25 Item Number 11, Rulemaking, OAC

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1 252:740 Implementation of Oklahoma's Water Quality
 2 Standards.
 3 Brian?
 4 MR. DUZAN: Okay. The rest get a little
 5 easier, it's basically all those first few pages
 6 relate to all these for the transfer of the rules.
 7 So this one specifically is OAC
 8 252:740, Implementation of Oklahoma's Water Quality
 9 Standards. All the public participation that I
 10 talked about for Chapter 730 also applies here. For
 11 permanent rulemaking, DEQ staff proposed to
 12 promulgate this rule. Its purpose is to replace
 13 Emergency Rule OAC 252:740. Since this is a new
 14 rule, all the text is underlined.
 15 In conclusion, the Water Quality
 16 Management Advisory Council recommended this rule to
 17 the EQB by unanimous vote. If you have any
 18 questions, I or the staff will be happy to answer.
 19 MR. PAQUE: Are there any questions for
 20 Brian, comments?
 21 Any member of the public wish to
 22 comment, have a question?
 23 Seeing none, the Chair would call for
 24 a motion.
 25 MR. AUER: Auer, I'll make a motion to

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1 approve.
 2 MR. PAQUE: We have a motion.
 3 A second?
 4 MR. MUNSON: Second.
 5 MR. PAQUE: Motion and a second. Call the
 6 roll, please.
 7 MS. FIELDS: Mr. Auer?
 8 MR. AUER: Yes.
 9 MS. FIELDS: Mr. Barton?
 10 MR. BARTON: Yes.
 11 MS. FIELDS: Mr. Easton?
 12 MR. EASTON: Yes.
 13 MS. FIELDS: Dr. Ferrell?
 14 DR. FERRELL: Yes.
 15 MS. FIELDS: Mr. Hirshey?
 16 MR. HIRSHEY: Yes.
 17 MS. FIELDS: Mr. Kinder?
 18 MR. KINDER: Yes.
 19 MS. FIELDS: Ms. Kindrick?
 20 MS. KINDRICK: Yes.
 21 MS. FIELDS: Mr. Munson?
 22 MR. MUNSON: Yes.
 23 MS. FIELDS: Mr. Newman?
 24 MR. NEWMAN: Yes.
 25 MS. FIELDS: Mr. Paque?

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1 MR. PAQUE: Yes.

2 MS. FIELDS: Mr. Sims?

3 MR. SIMS: Yes.

4 MS. FIELDS: Dr. Hammon?

5 DR. HAMMON: Yes.

6 MS. FIELDS: Motion passed.

7 MR. PAQUE: Thank you. Item Number 12,

8 Rulemaking, OAC 252:606 Oklahoma Pollutant Discharge

9 Elimination System or OPDES Standards.

10 MR. DUZAN: Okay. OAC 252:606 is the

11 OPDES Standards. All the public participation that

12 I talked about for Chapter 730 also applies here.

13 For permanent rulemaking, DEQ staff proposed updates

14 during the emergency rules. Because of the variance

15 language in this chapter, the executive summary for

16 this chapter also includes the written public

17 comment from Matthew Wright, Chairman of the

18 Conservation Coalition of Oklahoma, and the attached

19 statement from Ed Brocksmith, representing STIR, and

20 the DEQ's response, previously discussed in Chapter

21 730.

22 The DEQ staff also proposed an update

23 of the federal rules incorporated by reference from

24 July 19, 2021 to July 1, 2022. The final regulatory

25 change consisted of a technical amendment to modify

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1 the submission location for Continuous Release

2 Reports subject to the Comprehensive Environmental

3 Response, Compensation, and Liability Act, CERCLA.

4 These reports were submitted to respective EPA

5 regional offices but with the technical amendment,

6 EPA now requires reports be submitted to the

7 appropriate EPA Headquarters office. The amendment

8 also corrected a typographical error, corrected

9 citations within the section, and amended the listed

10 authority. We incorporated by reference this

11 section of 40 CFR because of spill prevention,

12 response and reporting requirements specified in

13 some of our permits.

14 In conclusion, the WQMAC recommends

15 this rule to the EQB by unanimous vote. If you have

16 any questions, I'll be glad to help answer those.

17 MR. PAQUE: Any questions for Brian?

18 Comments?

19 Any member of the public want to --

20 wish to comment, ask a question?

21 Seeing none, the Chair would call for

22 a motion.

23 MR. SIMS: Make a motion to approve.

24 MR. MUNSON: I'll second.

25 MR. PAQUE: Motion and a second. Call the

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1 roll, please.

2 MS. FIELDS: Mr. Auer?

3 MR. AUER: Yes.

4 MS. FIELDS: Mr. Barton?

5 MR. BARTON: Yes.

6 MS. FIELDS: Mr. Easton?

7 MR. EASTON: Yes.

8 MS. FIELDS: Dr. Ferrell?

9 DR. FERRELL: Yes.

10 MS. FIELDS: Mr. Hirshey?

11 MR. HIRSHEY: Yes.

12 MS. FIELDS: Mr. Kinder?

13 MR. KINDER: Yes.

14 MS. FIELDS: Ms. Kindrick?

15 MS. KINDRICK: Yes.

16 MS. FIELDS: Mr. Munson?

17 MR. MUNSON: Yes.

18 MS. FIELDS: Mr. Newman?

19 MR. NEWMAN: Yes.

20 MS. FIELDS: Mr. Paque?

21 MR. PAQUE: Yes.

22 MS. FIELDS: Mr. Sims?

23 MR. SIMS: Yes.

24 MS. FIELDS: Dr. Hammon?

25 DR. HAMMON: Yes.

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1 MS. FIELDS: Motion passed.

2 MR. PAQUE: Thank you. Item Number 13,

3 Rulemaking, OAC 252:611 General Water Quality.

4 Brian?

5 MR. DUZAN: Okay. 252:611 General Water

6 Quality. All the public participation that I talked

7 about for Chapter 730 also applies here. For

8 permanent rulemaking, DEQ staff proposed the updates

9 to this chapter made during the emergency rulemaking

10 process.

11 In conclusion, the WQMAC recommended

12 this rule to the EQB by unanimous vote. If you have

13 any questions, I or the staff will be happy to

14 answer.

15 MR. PAQUE: Thank you, Brian.

16 Are there any questions, comments?

17 Anyone present a member of the public

18 wish to comment, ask a question?

19 Seeing none, the Chair would call for

20 a motion.

21 MR. KINDER: Jimmy Kinder, motion to

22 approve 611.

23 MR. PAQUE: We have a motion, is there a

24 second?

25 MR. BARTON: Barton second.

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1 MR. PAQUE: I think I heard a second
 2 somewhere. Okay. We have a motion and a second.
 3 Call the roll, please.
 4 MS. FIELDS: Mr. Auer?
 5 MR. AUER: Yes.
 6 MS. FIELDS: Mr. Barton?
 7 MR. BARTON: Yes.
 8 MS. FIELDS: Mr. Easton?
 9 MR. EASTON: Yes.
 10 MS. FIELDS: Dr. Ferrell?
 11 DR. FERRELL: Yes.
 12 MS. FIELDS: Mr. Hirshey?
 13 MR. HIRSHEY: Yes.
 14 MS. FIELDS: Mr. Kinder?
 15 MR. KINDER: Yes.
 16 MS. FIELDS: Ms. Kindrick?
 17 MS. KINDRICK: Yes.
 18 MS. FIELDS: Mr. Munson?
 19 MR. MUNSON: Yes.
 20 MS. FIELDS: Mr. Newman?
 21 MR. NEWMAN: Yes.
 22 MS. FIELDS: Mr. Paque?
 23 MR. PAQUE: Yes.
 24 MS. FIELDS: Mr. Sims?
 25 MR. SIMS: Yes.

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1 MS. FIELDS: Dr. Hammon?
 2 DR. HAMMON: Yes.
 3 MS. FIELDS: Motion passed.
 4 MR. PAQUE: Thank you.
 5 Item Number 14, Rulemaking, OAC
 6 252:616 Industrial Wastewater Systems.
 7 Brian?
 8 MR. DUZAN: Okay. 252:616 Industrial
 9 Wastewater Systems. All the public participation
 10 that I talked about for Chapter 730 also applies
 11 here. For permanent rulemaking, DEQ staff proposed
 12 updates to this chapter made during the emergency
 13 rulemaking process.
 14 In conclusion, the Water Quality
 15 Management Advisory Council recommended this rule to
 16 the EQB by unanimous vote. If you have any
 17 questions, I or the staff will be happy to answer.
 18 MR. PAQUE: Thank you, Brian. Are there
 19 any questions from the board members, comments?
 20 Seeing none, any member of the
 21 public, anyone present wish to comment? Questions?
 22 Seeing none, the Chair would call for
 23 a motion.
 24 MR. EASTON: Easton, move to approve.
 25 MR. HIRSHEY: Second.

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1 MR. PAQUE: We have a motion and a second.
 2 Call the roll, please.
 3 MS. FIELDS: Mr. Auer?
 4 MR. AUER: Yes.
 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. Hirshey?
 12 MR. HIRSHEY: Yes.
 13 MS. FIELDS: Mr. Kinder?
 14 MR. KINDER: Yes.
 15 MS. FIELDS: Ms. Kindrick?
 16 MS. KINDRICK: Yes.
 17 MS. FIELDS: Mr. Munson?
 18 MR. MUNSON: Yes.
 19 MS. FIELDS: Mr. Newman?
 20 MR. NEWMAN: Yes.
 21 MS. FIELDS: Mr. Paque?
 22 MR. PAQUE: Yes.
 23 MS. FIELDS: Mr. Sims?
 24 MR. SIMS: Yes.
 25 MS. FIELDS: Dr. Hammon?

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1 DR. HAMMON: Yes.
 2 MS. FIELDS: Motion passed.
 3 MR. PAQUE: Thank you.
 4 Item Number 15, Rulemaking, OAC
 5 252:621 Non-Industrial Discharging and Public Water
 6 Supply Lagoons.
 7 Brian, please?
 8 MR. DUZAN: Okay. OAC 252:621
 9 Non-Industrial Discharging and Public Water Supply
 10 Lagoons. All the public participation that I talked
 11 about for Chapter 730 also applies here. For
 12 permanent rulemaking, DEQ staff proposed updates to
 13 this chapter made during the emergency rulemaking
 14 process.
 15 In conclusion, the WQMAC recommended
 16 this rule to the EQB by unanimous vote. If you have
 17 any questions, I or the staff will be happy to
 18 answer.
 19 MR. PAQUE: Any questions, comments?
 20 Any member of the public wish to
 21 comment, questions?
 22 Seeing none, the chair would call for
 23 a motion.
 24 MR. SIMS: So move, Bill Sims.
 25 MR. PAQUE: We have a motion to approve.

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1 MR. KINDER: Second, Jimmy Kinder.
 2 MR. PAQUE: Motion and a second. Call the
 3 roll, please.
 4 MS. FIELDS: Mr. Auer?
 5 MR. AUER: Yes.
 6 MS. FIELDS: Mr. Barton?
 7 MR. BARTON: Yes.
 8 MS. FIELDS: Mr. Easton?
 9 MR. EASTON: Yes.
 10 MS. FIELDS: Dr. Ferrell?
 11 DR. FERRELL: Yes.
 12 MS. FIELDS: Mr. Hirshey?
 13 MR. HIRSHEY: Yes.
 14 MS. FIELDS: Mr. Kinder?
 15 MR. KINDER: Yes.
 16 MS. FIELDS: Ms. Kindrick?
 17 MS. KINDRICK: Yes.
 18 MS. FIELDS: Mr. Munson?
 19 MR. MUNSON: Yes.
 20 MS. FIELDS: Mr. Newman?
 21 MR. NEWMAN: Yes.
 22 MS. FIELDS: Mr. Paque?
 23 MR. PAQUE: Yes.
 24 MS. FIELDS: Mr. Sims?
 25 MR. SIMS: Yes.

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1 MS. FIELDS: Dr. Hammon?
 2 DR. HAMMON: Yes.
 3 MS. FIELDS: Motion passed.
 4 MR. PAQUE: Thank you.
 5 Item Number 16, Rulemaking, OAC
 6 252:626 Public Water Supply Construction Standards.
 7 Brian?
 8 MR. DUZAN: Okay. 252:626 Public Water
 9 Supply Construction Standards. All the public
 10 participation that I talked about for Chapter 730
 11 also applies here. It is important to note that a
 12 workgroup consisting of DEQ personnel and external
 13 stakeholders was formed and met several times
 14 regarding the proposed changes to this rule. On
 15 July 1, 2021, House Bill 2402 was enacted
 16 authorizing conservancy districts, municipalities,
 17 counties, public trusts, and other political
 18 subdivisions operating a public water supply system
 19 or wastewater treatment system to utilize
 20 design-build as a project delivery method for those
 21 systems. Design-build is defined as a project
 22 delivery method in which one entity works under a
 23 single contract to provide design and construction
 24 services. The measure requires that the DEQ
 25 incorporate a flexible permitting process to allow

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1 this design-build authorization into its rules and
 2 to authorize up to five pilot projects in the
 3 interim before those rules are adopted. This bill
 4 was codified in Oklahoma Statutes, Title 61, Section
 5 220.1. DEQ staff proposed permanent rulemaking to
 6 update this rule to include definitions for
 7 "Design-build", "Design package", and "Flexible
 8 permitting process" in Subchapter 1, the
 9 Introduction. This also requires updating language
 10 for Subchapter 3, Permit Procedures, to specify that
 11 if design-build is used, the final design package
 12 must encompass the entire completed project, and to
 13 denote engineering report requirements when using
 14 design-build.
 15 In conclusion, the Water Quality
 16 Management Advisory Council recommended this rule to
 17 the EQB by unanimous vote. If you have any
 18 questions, I or the staff will be happy to answer.
 19 MR. PAQUE: Any questions for Brian,
 20 comments?
 21 Any member of the public wish to
 22 comment? Questions?
 23 Seeing none, the Board would
 24 entertain a motion -- or the Chair would, excuse me.
 25 MR. KINDER: Jimmy Kinder moves to adopt

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1 626.
 2 MR. BARTON: Barton, second.
 3 MR. PAQUE: We have a motion and a second.
 4 Call the roll, please.
 5 MS. FIELDS: Mr. Auer?
 6 MR. AUER: Yes.
 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. Hirshey?
 14 MR. HIRSHEY: Yes.
 15 MS. FIELDS: Mr. Kinder?
 16 MR. KINDER: Yes.
 17 MS. FIELDS: Ms. Kindrick?
 18 MS. KINDRICK: Yes.
 19 MS. FIELDS: Mr. Munson?
 20 MR. MUNSON: Yes.
 21 MS. FIELDS: Mr. Newman?
 22 MR. NEWMAN: Yes.
 23 MS. FIELDS: Mr. Paque?
 24 MR. PAQUE: Yes.
 25 MS. FIELDS: Mr. Sims?

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1 MR. SIMS: Yes.

2 MS. FIELDS: Dr. Hammon?

3 DR. HAMMON: Yes.

4 MS. FIELDS: Motion passed.

5 MR. PAQUE: Thank you.

6 Rulemaking, OAC 252 -- Item Number

7 17, 252:628 Indirect Potable Reuse for Surface Water

8 Augmentation.

9 MR. DUZAN: Okay. 252:628, the Indirect

10 Potable Reuse for Surface Water Augmentation. All

11 the public participation that I talked about for

12 Chapter 730 also applies here.

13 For permanent rulemaking, DEQ staff

14 proposed updates to this chapter made during the

15 emergency rulemaking process.

16 In conclusion, the WQMAC recommended

17 this rule to the EQB by unanimous vote. If you have

18 any questions, I or the staff will be happy to

19 answer.

20 MR. PAQUE: Thank you, Brian. Are there

21 any questions for Brian or comments?

22 Seeing none, anyone present, member

23 of the public wish to comment? Questions?

24 Seeing none, the Chair would call for

25 a motion.

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1 DR. HAMMON: Mr. Chair, I move to adapt

2 628.

3 MR. NEWMAN: Second.

4 MR. PAQUE: We have a motion and a second.

5 Call the roll, please.

6 MS. FIELDS: Mr. Auer?

7 MR. AUER: Yes.

8 MS. FIELDS: Mr. Barton?

9 MR. BARTON: Yes.

10 MS. FIELDS: Mr. Easton?

11 MR. EASTON: Yes.

12 MS. FIELDS: Dr. Ferrell?

13 DR. FERRELL: Yes.

14 MS. FIELDS: Mr. Hirshey?

15 MR. HIRSHEY: Yes.

16 MS. FIELDS: Mr. Kinder?

17 MR. KINDER: Yes.

18 MS. FIELDS: Ms. Kindrick?

19 MS. KINDRICK: Yes.

20 MS. FIELDS: Mr. Munson?

21 MR. MUNSON: Yes.

22 MS. FIELDS: Mr. Newman?

23 MR. NEWMAN: Yes.

24 MS. FIELDS: Mr. Paque?

25 MR. PAQUE: Yes.

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1 MS. FIELDS: Mr. Sims?

2 MR. SIMS: Yes.

3 MS. FIELDS: Dr. Hammon?

4 DR. HAMMON: Yes.

5 MS. FIELDS: Motion passed.

6 MR. PAQUE: Thank you.

7 Item Number 18, rulemaking OAC

8 Rulemaking, OAC 252:631 Public Water Supply

9 Operation.

10 MR. DUZAN: Okay. 252:631 Public Water

11 Supply Operation. All the public participation that

12 I talked about for Chapter 730 also applies here.

13 DEQ staff is proposing an update of

14 the federal rules incorporated by reference from

15 July 1, 2021 to August 17, 2022. Changes include

16 EPA's approval of alternate testing methods for

17 measuring the levels of contaminants in drinking

18 water and determining compliance with national

19 primary drinking water regulations. This provides

20 timelier access to new measurement techniques and

21 greater flexibility in the selection of analytical

22 methods, thereby reducing monitoring costs while

23 maintaining public health protection. From a review

24 of the proposed text, the Board can see that the

25 proposed update affects Subchapter 1, Introduction.

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1 This rulemaking is necessary to ensure Oklahoma

2 retains responsibility for administering Oklahoma's

3 Public Water Supply Supervision Program and that it

4 is in compliance with the DEQ's primacy agreement

5 with the EPA.

6 In conclusion, the Water Quality

7 Management Advisory Council recommended this rule to

8 the EQB by unanimous vote. If you have any

9 questions, I or the staff will be happy to answer.

10 MR. PAQUE: Thank you, Brian.

11 Are there any questions for Brian?

12 Comments?

13 Anyone present, member of the public

14 wish to comment or have a question?

15 Seeing none, the Chair would call for

16 a motion.

17 MR. AUER: Auer, I make a motion to

18 approve.

19 MR. BARTON: Barton, second.

20 MR. PAQUE: We have a motion and a second

21 to approve. Call the roll, please.

22 MS. FIELDS: Mr. Auer?

23 MR. AUER: Yes.

24 MS. FIELDS: Mr. Barton?

25 MR. BARTON: Yes.

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1 MS. FIELDS: Mr. Easton?
 2 MR. EASTON: Yes.
 3 MS. FIELDS: Dr. Ferrell?
 4 DR. FERRELL: Yes.
 5 MS. FIELDS: Mr. Hirshey?
 6 MR. HIRSHEY: Yes.
 7 MS. FIELDS: Mr. Kinder?
 8 MR. KINDER: Yes.
 9 MS. FIELDS: Ms. Kindrick?
 10 MS. KINDRICK: Yes.
 11 MS. FIELDS: Mr. Munson?
 12 MR. MUNSON: Yes.
 13 MS. FIELDS: Mr. Newman?
 14 MR. NEWMAN: Yes.
 15 MS. FIELDS: Mr. Paque?
 16 MR. PAQUE: Yes.
 17 MS. FIELDS: Mr. Sims?
 18 MR. SIMS: Yes.
 19 MS. FIELDS: Dr. Hammon?
 20 DR. HAMMON: Yes.
 21 MS. FIELDS: Motion passed.
 22 MR. PAQUE: Thank you.
 23 Item Number 19, Rulemaking, OAC
 24 252:633 Drinking Water State Revolving Fund.
 25 MR. DUZAN: Okay. 633 is titled the

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1 "Drinking Water State Revolving Fund". All the
 2 public participation that I talked about for Chapter
 3 730 also applies here. For this one, DEQ staff
 4 proposed an update to Appendix A, Part II, B.,9. to
 5 remove language related to application of the median
 6 household income as an element used by DEQ in
 7 prioritizing the award of DWSRF funds. This change
 8 is intended to clarify that DEQ is to utilize
 9 information from the latest census on the median
 10 household income when prioritizing the award of the
 11 DWSRF funds, rather than the dollar amounts
 12 currently in the provision. The language DEQ staff
 13 proposed to remove does not reflect the latest
 14 census information on median household income and
 15 was intended to be illustrative only. It was not
 16 intended to prevent DEQ from using information from
 17 the latest census. Removing this language will
 18 clarify that DEQ is to utilize the information from
 19 the latest census for the household median income
 20 and is not required to use only dollar amounts
 21 listed.
 22 This rulemaking is necessary to
 23 provide clarity regarding DEQ's use of median
 24 household income from the latest census rather than
 25 the dollar amounts currently listed in Appendix A.

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1 The WQMAC recommended this rule to
 2 the EQB by unanimous vote. If you have any
 3 questions, I or the staff will be happy to answer.
 4 MR. PAQUE: Are there any questions for
 5 Brian? Comments?
 6 I have one question, Brian. When we
 7 talk about census, censuses are normally taken every
 8 10 years; there are subsets of censuses that are
 9 taken in between those years. When we refer to
 10 "census" in this case, what do we specifically mean?
 11 MR. DUZAN: Since I'm the lab guy, I think
 12 we're going to turn that over to Ms. Shellie Chard.
 13 MS. CHARD: Good morning, everyone. I'm
 14 Shellie Chard, I'm the Water Quality Division
 15 Director. By using the term "census", we can
 16 utilize whatever the most recent information is
 17 that's been released; so we do not have to only use
 18 the 10-year after that's QA'd and released by the
 19 Census Bureau. So whenever they release an update
 20 in the interim, we do have the ability to pick that
 21 up.
 22 We made the decision to go to this
 23 format just because once we put something in a rule,
 24 it's there until we come back and change that rule,
 25 and this just allows us to use that most-up-to-date

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1 information.
 2 MR. PAQUE: I think that's a good change,
 3 it's just I wasn't interested in depending on an
 4 every-10-year recalculation by the federal
 5 government, but something more dynamic, and you're
 6 saying that's what we'll do?
 7 MS. CHARD: Yes.
 8 MR. PAQUE: Okay. Any other questions or
 9 comments?
 10 Any comments or questions from the
 11 public?
 12 Seeing none, hearing none, the Chair
 13 would call for a motion.
 14 MR. SIMS: I'll make a motion to adopt,
 15 Bill Sims.
 16 MR. PAQUE: We have a motion, do we have a
 17 second?
 18 MR. NEWMAN: Second.
 19 MR. PAQUE: Call the roll, please.
 20 MS. FIELDS: Mr. Auer?
 21 MR. AUER: Yes.
 22 MS. FIELDS: Mr. Barton?
 23 MR. BARTON: Yes.
 24 MS. FIELDS: Mr. Easton?
 25 MR. EASTON: Yes.

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1 MS. FIELDS: Dr. Ferrell?
 2 DR. FERRELL: Yes.
 3 MS. FIELDS: Mr. Hirshey?
 4 MR. HIRSHEY: Yes.
 5 MS. FIELDS: Mr. Kinder?
 6 MR. KINDER: Yes.
 7 MS. FIELDS: Ms. Kindrick?
 8 MS. KINDRICK: Yes.
 9 MS. FIELDS: Mr. Munson?
 10 MR. MUNSON: Yes.
 11 MS. FIELDS: Mr. Newman?
 12 MR. NEWMAN: Yes.
 13 MS. FIELDS: Mr. Paque?
 14 MR. PAQUE: Yes.
 15 MS. FIELDS: Mr. Sims?
 16 MR. SIMS: Yes.
 17 MS. FIELDS: Dr. Hammon?
 18 DR. HAMMON: Yes.
 19 MS. FIELDS: Motion passed.
 20 MR. PAQUE: Thank you.
 21 Item Number 20, Rulemaking, OAC
 22 252:652 Underground Injection Control.
 23 Brian?
 24 MR. DUZAN: Okay. 252:652 Underground
 25 Injection Control. All the public participation

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1 that I talked about for Chapter 730 also applies
 2 here. For permanent rulemaking, DEQ staff proposed
 3 updates to this chapter that include those made
 4 during the emergency rulemaking process.
 5 In conclusion, the WQMAC recommended
 6 this rule to the EQB by unanimous vote. If you have
 7 any questions, I or the staff will be happy to
 8 answer.
 9 MR. PAQUE: Thank you, Brian.
 10 Are there any questions of the board
 11 members, comments?
 12 Anyone present, member of the public
 13 wish to comment, have a question?
 14 Seeing none, the Chair would
 15 entertain a motion.
 16 MR. HIRSHEY: I move we accept the Rule
 17 252:652 as stated.
 18 MR. PAQUE: We have a motion. Second?
 19 MR. AUER: Auer, second.
 20 MR. PAQUE: Motion and a second to
 21 approve. Call the roll, please.
 22 MS. FIELDS: Mr. Auer?
 23 MR. AUER: Yes.
 24 MS. FIELDS: Mr. Barton?
 25 MR. BARTON: Yes.

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1 MS. FIELDS: Mr. Easton?
 2 MR. EASTON: Yes.
 3 MS. FIELDS: Dr. Ferrell?
 4 DR. FERRELL: Yes.
 5 MS. FIELDS: Mr. Hirshey?
 6 MR. HIRSHEY: Yes.
 7 MS. FIELDS: Mr. Kinder?
 8 MR. KINDER: Yes.
 9 MS. FIELDS: Ms. Kindrick?
 10 MS. KINDRICK: Yes.
 11 MS. FIELDS: Mr. Munson?
 12 MR. MUNSON: Yes.
 13 MS. FIELDS: Mr. Newman?
 14 MR. NEWMAN: Yes.
 15 MS. FIELDS: Mr. Paque?
 16 MR. PAQUE: Yes.
 17 MS. FIELDS: Mr. Sims?
 18 MR. SIMS: Yes.
 19 MS. FIELDS: Dr. Hammon?
 20 DR. HAMMON: Yes.
 21 MS. FIELDS: Motion passed.
 22 MR. PAQUE: Thank you.
 23 Next item, Item Number 21,
 24 Rulemaking, OAC 252:653, Aquifer Storage and
 25 Recovery.

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1 Brian?
 2 MR. DUZAN: Okay. 252:653 Aquifer Storage
 3 and Recovery. All the public participation that I
 4 talked about in Chapter 730 also applies here. For
 5 permanent rulemaking, DEQ staff proposed updates to
 6 this chapter made during the emergency rulemaking
 7 process.
 8 In conclusion, the Water Quality
 9 Management Advisory Council recommended this rule to
 10 the EQB by unanimous vote. If you have any
 11 questions, I or the staff will be happy to answer.
 12 MR. PAQUE: Thanks, Brian.
 13 Are there any questions from the
 14 Board, comments?
 15 Any member of the public wish to
 16 comment, have a question?
 17 Seeing none, the Chair would
 18 entertain a motion.
 19 MR. NEWMAN: Motion to approve as
 20 presented.
 21 MR. PAQUE: Motion to approve.
 22 MR. MUNSON: Second.
 23 MR. PAQUE: Second. Call the roll,
 24 please.
 25 MS. FIELDS: Mr. Auer?

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1 MR. AUER: Yes.

2 MS. FIELDS: Mr. Barton?

3 MR. BARTON: Yes.

4 MS. FIELDS: Mr. Easton?

5 MR. EASTON: Yes.

6 MS. FIELDS: Dr. Ferrell?

7 DR. FERRELL: Yes.

8 MS. FIELDS: Mr. Hirshey?

9 MR. HIRSHEY: Yes.

10 MS. FIELDS: Mr. Kinder?

11 MR. KINDER: Yes.

12 MS. FIELDS: Ms. Kindrick?

13 MS. KINDRICK: Yes.

14 MS. FIELDS: Mr. Munson?

15 MR. MUNSON: Yes.

16 MS. FIELDS: Mr. Newman?

17 MR. NEWMAN: Yes.

18 MS. FIELDS: Mr. Paque?

19 MR. PAQUE: Yes.

20 MS. FIELDS: Mr. Sims?

21 MR. SIMS: Yes.

22 MS. FIELDS: Dr. Hammon?

23 DR. HAMMON: Yes.

24 MS. FIELDS: Motion passed.

25 MR. PAQUE: Thank you.

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1 stakeholders that met several times. On July 1 of

2 2021, House Bill 2402 was enacted authorizing

3 conservancy districts, municipalities, counties,

4 public trusts, and other political subdivisions

5 operating a public water supply system or wastewater

6 treatment system to utilize design-build as a

7 project delivery method for those systems.

8 Design-build is defined as a project delivery method

9 in which one entity works under a single contract to

10 provide design construction, design -- the flexible

11 permitting and design-build process. The measure

12 requires the DEQ to incorporate a flexible

13 permitting process to allow this design-build

14 authorization into its rules and to authorize up to

15 five pilot projects in the interim before these

16 rules are adopted. This bill was codified in

17 Oklahoma Statutes, Title 61, Section 220.1. DEQ

18 staff proposed permanent rulemaking to update this

19 rule to include definitions for "Design-build",

20 "Design package", and "Flexible permitting process"

21 in the Subchapter 1, Introduction. This also

22 requires updated language for Subchapter 3, Permit

23 Procedures, regarding the permitting process and

24 requirements for submittal of the engineering

25 reports when utilizing design-build.

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1 So before you dash off after this

2 item, Brian --

3 MR. DUZAN: Oh, no, I got a couple more.

4 MR. PAQUE: Oh, you do? Oh, yeah, you do,

5 I'm sorry, I'm a page ahead of myself. All right.

6 Item Number 22, OAC 252:656 Water

7 Pollution Control Facility Construction Standards.

8 MR. DUZAN: So, yeah, imagine if I had

9 Mike Rowe's smooth and sultry voice, there'd be a

10 lot of heavy eyes around, so --

11 MR. PAQUE: Yeah, I can't turn pages,

12 that's the problem. Go ahead.

13 MR. DUZAN: Okay. 252:656 is the Water

14 Pollution Control Facility Construction Standards.

15 All the public participation that I talked about for

16 Chapter 730 also applies here.

17 For permanent rulemaking, DEQ staff

18 proposed an update to this chapter made during the

19 emergency rulemaking process.

20 Additionally, DEQ staff proposed an

21 update to this chapter, regarding flexible

22 permitting, similar to the one we discussed for

23 252:626, Public Water Supply Construction Standards.

24 As noted earlier, the proposed text is the result of

25 a workgroup consisting of DEQ personnel and external

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1 In conclusion, the WQMAC recommended

2 this rule to the EQB by unanimous vote. If you have

3 any questions, I or the staff will be glad to

4 answer.

5 MR. PAQUE: Are there any questions?

6 Comments?

7 Any member of the public?

8 MR. HIRSHEY: I have a quick question, I

9 meant to ask this before. Does this just allow the

10 use of design-build and you can still use

11 design-bid-build? This just allows design-build; is

12 that correct?

13 MR. DUZAN: Yes, that is correct.

14 MR. HIRSHEY: Okay. That's what I

15 thought.

16 MR. PAQUE: Anybody else?

17 Any member of the public?

18 Seeing none, the Chair would call for

19 a motion.

20 MR. HIRSHEY: I move that the OAC 252:656

21 be approved as stated.

22 MR. PAQUE: We have a motion.

23 MR. KINDER: Kinder, second.

24 MR. PAQUE: Second. Call the roll,

25 please.

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1 MS. FIELDS: Mr. Auer?
 2 MR. AUER: Yes.
 3 MS. FIELDS: Mr. Barton?
 4 MR. BARTON: Yes.
 5 MS. FIELDS: Mr. Easton?
 6 MR. EASTON: Yes.
 7 MS. FIELDS: Dr. Ferrell?
 8 DR. FERRELL: Yes.
 9 MS. FIELDS: Mr. Hirshey?
 10 MR. HIRSHEY: Yes.
 11 MS. FIELDS: Mr. Kinder?
 12 MR. KINDER: Yes.
 13 MS. FIELDS: Ms. Kindrick?
 14 MS. KINDRICK: Yes.
 15 MS. FIELDS: Mr. Munson?
 16 MR. MUNSON: Yes.
 17 MS. FIELDS: Mr. Newman?
 18 MR. NEWMAN: Yes.
 19 MS. FIELDS: Mr. Paque?
 20 MR. PAQUE: Yes.
 21 MS. FIELDS: Mr. Sims?
 22 MR. SIMS: Yes.
 23 MS. FIELDS: Dr. Hammon?
 24 DR. HAMMON: Yes.
 25 MS. FIELDS: Motion passed.

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1 MR. PAQUE: Thank you.
 2 Item Number 23, OAC 252:690 Water
 3 Quality Standards Implementation.
 4 MR. DUZAN: Okay. 252:690 Water Quality
 5 Standards Implementation. All the public
 6 participation that I talked about for Chapter 730
 7 also applies here.
 8 For permanent rulemaking, DEQ staff
 9 proposed updates to this chapter that includes those
 10 made during the emergency rulemaking process.
 11 Changes are also proposed to improve
 12 the organization of the contents within the chapter.
 13 Appendix A was titled "Water Quality Standards
 14 Implementation Plan, Oklahoma Department of
 15 Environmental Quality". The contents of Appendix A
 16 have been moved to a new Subchapter, Subchapter 7,
 17 with the same title. This allowed DEQ staff to
 18 structure the text in the rule in a more
 19 standardized format. It also allows consolidating a
 20 list of definitions that were in Appendix A with
 21 definitions at the beginning of the rule. Appendix
 22 A is now denoted as "Reserved New". Because of the
 23 variance language in this chapter, the executive
 24 summary for this chapter also includes the written
 25 public comment from Matthew Wright, the Chairman of

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1 the Conservation Coalition of Oklahoma, with the
 2 attached statement from Mr. Ed Brocksmith,
 3 representing STIR, and the DEQ's response,
 4 previously discussed in Chapters 730 and 606.
 5 The DEQ staff also proposed an update
 6 of the federal rules incorporated by reference from
 7 July 19, 2021 to July 1, 2022. The final regulatory
 8 change is the same as we discussed with Chapter 606
 9 earlier that consisted of a technical amendment to
 10 modify the submission location for Continuous
 11 Release Reports subject to the CERCLA program.
 12 These reports were submitted to respective EPA
 13 regional offices but with technical amendment, EPA
 14 now requires reports amended to the EPA's
 15 Headquarters office. The amendment also corrected a
 16 typographical error, corrected citations within the
 17 section, and amended listed authority. This section
 18 of 40 CFR is incorporated because of spill
 19 prevention, response and reporting requirements
 20 specified in some OPDES permits.
 21 This rulemaking is necessary to
 22 ensure that Oklahcma retains authority for
 23 administering the OPDES permit program within
 24 Oklahoma. In conclusion, the WOMAC recommended this
 25 rule to the EOB by unanimous vote. If you have any

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1 questions, I or the staff will be happy to answer.
 2 MR. PAQUE: Thank you, Brian.
 3 Any questions for Brian or comments?
 4 I have one small question. You
 5 mentioned that they had to be submitted directly to
 6 headquarters at the EPA, they're saying just go over
 7 directly?
 8 MR. DUZAN: Correct.
 9 MR. PAQUE: Had they, heretofore, gone
 10 through the region and then off to headquarters, is
 11 that new or changed and --
 12 MR. DUZAN: I'll let Shellie --
 13 MR. PAQUE: -- it's not ominous, is it? I
 14 mean, headquarters gets them anyway, but I'm
 15 wondering if there was a reason.
 16 MS. CHARD: Shellie Chard, Water Quality
 17 Division Director. So, before this change, it was
 18 going to the regional offices and entered into a
 19 data system and headquarters could access it, but it
 20 wasn't submitted to them, they had to go looking for
 21 it.
 22 Now it will go directly to them and,
 23 I assume, into the same data system, but I don't
 24 know about that part. But it just changes where
 25 those get either mailed hard copy or uploaded

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1 electronically.

2 MR. PAQUE: We're happy to do our part

3 enhancing communication inside EPA.

4 MS. CHARD: Absolutely.

5 MR. PAQUE: Yeah. All right. Thank you.

6 Any other questions from anybody?

7 Member of the public, Board, comments?

8 Chair would entertain a motion.

9 MR. KINDER: Jimmy Kinder, so move to

10 approve.

11 MR. BARTON: Barton, second.

12 MR. PAQUE: We have a motion and a second.

13 Call the roll, please.

14 MS. FIELDS: Mr. Auer?

15 MR. AUER: Yes.

16 MS. FIELDS: Mr. Barton?

17 MR. BARTON: Yes.

18 MS. FIELDS: Mr. Easton?

19 MR. EASTON: Yes.

20 MS. FIELDS: Dr. Ferrell?

21 DR. FERRELL: Yes.

22 MS. FIELDS: Mr. Hirshey?

23 MR. HIRSHEY: Yes.

24 MS. FIELDS: Mr. Kinder?

25 MR. KINDER: Yes.

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1 MS. FIELDS: Ms. Kindrick?

2 MS. KINDRICK: Yes.

3 MS. FIELDS: Mr. Munson?

4 MR. MUNSON: Yes.

5 MS. FIELDS: Mr. Newman?

6 MR. NEWMAN: Yes.

7 MS. FIELDS: Mr. Paque?

8 MR. PAQUE: Yes.

9 MS. FIELDS: Mr. Sims?

10 MR. SIMS: Yes.

11 MS. FIELDS: Dr. Hammon?

12 DR. HAMMON: Yes.

13 MS. FIELDS: Motion passed.

14 MR. PAQUE: Thank you.

15 Item Number 24, Rulemaking, OAC

16 252:710 Waterworks and Wastewater Works Operator

17 Certification.

18 MR. DUZAN: Okay. And this is my last

19 one; so I'd also like to thank Brian Clagg, Shellie

20 Chard, and people at the DEQ for putting all this

21 information together. For something as simple as

22 moving a standard from OWRB to DEQ, it's incredibly

23 complicated because it touches so many of the

24 programs within the DEQ.

25 This one is OAC 252:710 Waterworks

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1 and Wastewater Works Operator Certification. All

2 the public participation that I talked about for

3 Chapter 730 also applies here. For permanent

4 rulemaking, the DEQ staff proposed several updates

5 to this chapter. I want to note that a workgroup

6 consisting of DEQ personnel and external

7 stakeholders was formed to meet, review and discuss

8 and make recommended changes to this chapter. The

9 first update was found in Subchapter 1, the General

10 Provisions, where language is proposed to allow DEQ

11 to permanently revoke, or revoke for a set time, an

12 operator's certification. This update was

13 recommended by the DEQ's legal staff to provide

14 clarity to DEQ's authority regarding revoking of a

15 license. The second update is found in Subchapter

16 3, Certification, to better define the special

17 requirements for instructors of approved training

18 courses. This proposed update is to clarify a

19 longstanding practice which requires instructors to

20 take a DEQ-proctored exam. Lastly, the DEQ staff

21 proposed an update to Subchapter 5, Duties and

22 Responsibilities, to allow recording of laboratory

23 analyses utilizing software applications in addition

24 to bound volumes. The proposed language requires

25 the software application be protected from some form

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1 of electronic authorization and that all entries are

2 date and timestamped and include an audit trail.

3 In conclusion, the WQMAC recommended

4 this rule to the EQB by unanimous vote. If you have

5 any questions, I or the staff will be happy to

6 answer.

7 MR. PAQUE: Any questions or comments for

8 Brian?

9 Questions or comments, any questions

10 or comments from the public?

11 Before the Chair calls for a motion,

12 I want to thank you, Brian, it's yeoman's work that

13 the councils do. Everyone up here has experienced

14 that at one time or another, whether it be here,

15 Wastewater.

16 Having sat on the Water Council for

17 10 or 12 years and at that podium, I would have left

18 a long time before you have; so, I thank you. No,

19 kidding. We appreciate all the work, thank you very

20 much.

21 MR. DUZAN: Thank you.

22 MR. PAQUE: So the Chair calls for a

23 motion.

24 MR. SIMS: I have a question or it might

25 be a comment. Of course you -- I suppose you guys

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1 work closely and hand in hand with all the Rural
 2 Water staff people and you approve their training
 3 program and they report back to you and so there's a
 4 cooperative effort there to make sure everybody's on
 5 the same page and --
 6 MR. DUZAN: Yeah, I'll let Shellie, again,
 7 answer the details.
 8 MS. CHARD: Shellie Chard, Water Quality
 9 Division Director. Yes, we absolutely work very
 10 closely with Oklahoma Rural Water Association. In
 11 fact, we contract with Rural Water to do some of the
 12 training.
 13 So, this does not change that
 14 relationship. The Rural Water instructors have a
 15 history of following the process laid out in
 16 ensuring that they have had a proctored exam and
 17 verified that they should continue to be certified.
 18 That's not the case with some of the
 19 other training providers, which is why it was
 20 recommended that we put this language into our
 21 rules.
 22 MR. SIMS: Thank you.
 23 MR. PAQUE: Thank you.
 24 Any other comments, questions for
 25 Brian, Shellie? Thank you.

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1 Well, any member of the public have
 2 an additional question, comment?
 3 Seeing none, the Chair would call for
 4 a motion.
 5 MR. HIRSHEY: I move that 252:710 be
 6 approved as stated.
 7 MR. PAQUE: I have a motion.
 8 DR. HAMMON: I'll second.
 9 MR. PAQUE: A second. Call the roll,
 10 please.
 11 MS. FIELDS: Mr. Auer?
 12 MR. AUER: Yes.
 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. Hirshey?
 20 MR. HIRSHEY: Yes.
 21 MS. FIELDS: Mr. Kinder?
 22 MR. KINDER: Yes.
 23 MS. FIELDS: Ms. Kindrick?
 24 MS. KINDRICK: Yes.
 25 MS. FIELDS: Mr. Munson?

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1 MR. MUNSON: Yes.
 2 MS. FIELDS: Mr. Newman?
 3 MR. NEWMAN: Yes.
 4 MS. FIELDS: Mr. Paque?
 5 MR. PAQUE: Yes.
 6 MS. FIELDS: Mr. Sims?
 7 MR. SIMS: Yes.
 8 MS. FIELDS: Dr. Hammon?
 9 DR. HAMMON: Yes.
 10 MS. FIELDS: Motion passed.
 11 MR. PAQUE: Thank you. Item 25 is the
 12 Executive Director's Report.
 13 Scott?
 14 MR. THOMPSON: All right. Thank you.
 15 So, let's see, we'll go through a few
 16 things. We're in the middle of the legislative
 17 session or, really, early in the session; so there
 18 are only 3,000-some-odd bills up right now.
 19 Committee meetings have started. We attended some
 20 of those, Michelle's there all the time, generally.
 21 So that's going okay at the moment,
 22 but we're keeping an eye on a number of bills and we
 23 will let you know if there's anything that is of
 24 major concern or that looks like a really good item
 25 to support.

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1 So, you know, it's also the time the
 2 Governor's budget cut the \$10 million we received
 3 last year from Rural Water projects, but the budget
 4 really gets done at the end of session, April, May;
 5 so we'll see where that goes.
 6 And some of those projects are going
 7 pretty well. We had a little growing pains to get
 8 that program off the ground, get it set up, and I
 9 think we found some ways to do things more
 10 efficiently if we keep -- are able to keep doing
 11 those kind of projects; so I think that we're
 12 helping a lot of systems across the state. So --
 13 and that is in conjunction with the Rural Water
 14 Association of Oklahoma, so that's going well.
 15 And recently, we -- like, three years
 16 ago, there was a statute passed, I think Senator
 17 Thompson and Representative Wallace authored that,
 18 to direct OMES to up the dollar amounts that
 19 agencies could directly purchase things with instead
 20 of having to go through inordinate do loops to
 21 actually get anything done.
 22 And so finally, just the other day,
 23 DEQ was the first agency approved to increase our
 24 P-Card limit and acquisition thresholds, and so we
 25 can -- we've been raised up from \$5,000 to \$25,000

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1 on the P-Card -- but Kathy better keep an eye on
 2 every one of those expenses -- and acquisitions have
 3 increased from \$50,000 to \$250,000.
 4 There's still a process we have to
 5 follow to do that properly, but we can do it
 6 in-house, without having to go back and forth to
 7 OMES to try to get some stuff done, especially with
 8 the pipeline issues, the supply chain issues. You
 9 know, if something's in stock and you need it, it's
 10 a good time to go ahead and acquire that, or if you
 11 need services for something, instead of going
 12 through a convoluted process, we can do that much
 13 quicker.
 14 So only eight agencies total were
 15 approved an increase in these thresholds at this
 16 time, and the agencies that have been approved, the
 17 CPO, Certified Public Purchasing Officer,
 18 Procurement Officer Level II, DEQ has three folks at
 19 that level out of 59 statewide. So we've been
 20 through a couple of favorable audits and we have
 21 passed those and, you know, so that's a good thing,
 22 it should help us be more efficient and effective
 23 and be able to respond faster to certain things.
 24 And you guys may have heard about an
 25 update to a case that's been out there for, I don't

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1 know, 18 years or something like that, maybe not
 2 that long, can't remember. Rob started that case,
 3 by the way, at the Attorney General's Office, along
 4 with some other folks, or he came in later on that,
 5 I don't remember.
 6 But the poultry case was kind of
 7 revived by the federal judge, who decided to finally
 8 rule and has issued that, and I believe there's some
 9 discussions ongoing with a lot of folks. DEQ's not
 10 directly involved in that, which is fine with us,
 11 but the Attorney General's Office is working on that
 12 and I believe the Secretary of Energy and
 13 Environment's Office is also, from our standpoint,
 14 participating in at least some discussions.
 15 So we'll see how that goes, there's a
 16 limited time to -- for a settlement to be reached,
 17 if that's possible, and if not, the judge is going
 18 to rule. So we're keeping an eye on that and we'll
 19 just see how that goes, but --
 20 MR. PAQUE: What's the limited time?
 21 MR. THOMPSON: St. Patrick's Day.
 22 MR. PAQUE: Of this year?
 23 MR. THOMPSON: Yes. Yes, it's a very
 24 short window. So I don't know if the judge picked
 25 that date on purpose, but -- so, anyways, it does

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1 impact, in a way, some of the things that we do up
 2 there, especially with the two point sources in
 3 Oklahoma in that whole watershed, that is Tahlequah
 4 and Westville, and really -- and right now,
 5 technically, they would have to meet a standard, if
 6 we were to update their permit, that they can't
 7 possibly meet without treating the entire river
 8 because the river does not achieve the water quality
 9 standard currently, and treating the entire river
 10 would kill the river from a biological standpoint;
 11 so that would be a bad idea.
 12 So that's one of the reasons we went
 13 through the process to try to adopt the federal rule
 14 that allows for variances. That was in federal law,
 15 and so that's not something that Oklahoma dreamed up
 16 on our own as we're doing the Water Quality Standard
 17 process here to institute permanent rules, it is
 18 something that's pre-existing in federal law that
 19 EPA utilizes in states where EPA is the authority
 20 that runs the program.
 21 And so we will make determinations,
 22 and it's possible we may see a need for a variance,
 23 but we're -- you either have naturally occurring
 24 conditions or an upstream situation that can't
 25 possibly be met. We want to work with the regulated

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1 point sources and try to help them through the
 2 process and give them some interim targets that are
 3 actually achievable with current technology.
 4 So we'll see how that goes, but we're
 5 also very interested in the overall impacts on the
 6 watershed. And Rob is now our -- are you a
 7 Commissioner on the --
 8 MR. SINGLETARY: Yes.
 9 MR. THOMPSON: Yeah, the Arkansas-Oklahoma
 10 Arkansas River Compact Commission, which I was
 11 unsuccessful in getting it changed so that Arkansas
 12 wasn't named twice, but -- when I was a
 13 Commissioner. And I believe that Vicky Tran from
 14 the Secretary's Office is also an Oklahoma
 15 Commissioner, so the -- we're -- so we're keeping an
 16 eye on everything up at that watershed in a variety
 17 of ways.
 18 So Water Quality is conducting
 19 training across the state on lead service line
 20 inventories and funding, and the dates and locations
 21 are available on the DEQ website. Training sessions
 22 on available infrastructure funding are currently
 23 being scheduled across the state to help drinking
 24 water systems understand all the options available
 25 to them and, you know, how to try to go about doing

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1 that work to identify whether or not there are
 2 actual any lead service lines in use.

3 And recently, several of us had a
 4 meeting with the Quapaw Nation. Quapaw Nation is
 5 the only tribe in the country, as far as I know,
 6 still, and they were definitely the first tribe
 7 ever, in the whole country, to be able to do some
 8 actual construction, remediation work on a Superfund
 9 site. And we had worked with the tribe and we
 10 worked on EPA pretty hard to allow the tribe to do
 11 some of that work because we believe they have the
 12 capacity and they've demonstrated very good
 13 capacity. And they're working much more closely
 14 with landowners and we have a lot fewer problems,
 15 and the costs are much more reasonable the way
 16 they're approaching it than was being done by the
 17 previous contractor by the federal government.

18 So our folks are also doing a lot of
 19 work up there at the same time, but that was a very
 20 good meeting and we discussed cleanup, primarily,
 21 but some other issues, too, and I think that went
 22 very well. So we intend to continue to work with
 23 the tribe up there to the extent that funds are
 24 available, and that project's going well.

25 So, Air Quality's participating in a

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1 LEAN pilot project and so, you know, we're -- I've
 2 been in government forever, and LEAN is one of the
 3 few programs, the Continuous Improvement type
 4 programs, that's actually stuck and is working a lot
 5 of places. And we've worked with Arizona, Arkansas
 6 to look at their programs, and we've also worked
 7 with EPA because EPA adopted a similar program
 8 within their units.

9 And so we're moving forward with that
 10 and we're in the stage to try to do a bigger
 11 project. Some of the individual units within DEQ,
 12 their managers have stepped up and started using the
 13 LEAN process, and I just think it's the future for
 14 management, especially as you bring younger people
 15 into government, I think they can relate to that kind
 16 of a process better, and it's a very visual process
 17 and you can see where everybody's at, pretty much,
 18 on projects.

19 So, anyways, the guiding principle of
 20 LEAN Management System is the creation of a work
 21 environment where everybody, every day, identifies
 22 and solves problems. And so the idea is to increase
 23 communication dramatically within the various
 24 stages, levels of the agency.

25 And so Air is working specifically on

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1 an inspection report writing process to find and
 2 eliminate, you know, steps that don't add value and
 3 just take up time, and to minimize those things and
 4 to maximize the parts of the efforts that actually
 5 do add value.

6 So this will go on for a long time
 7 and it will be, again, a Continuous Improvement
 8 approach. And you know, we, a while back, created
 9 an Office of Continuous Improvement to run these
 10 projects, and I think that's really important to add
 11 that emphasis and to make sure the agency, across
 12 the board, realizes we're engaging in this, it's
 13 just a matter of people wrapping their heads around
 14 it, how do I actually do it with my program and my
 15 unit.

16 So one of the key concepts in the
 17 LEAN Management System is the idea of a True North,
 18 and a True North is the value-driven purpose of an
 19 organization, it's a unifying force that assures
 20 autonomous decisions are made in a manner consistent
 21 with the purpose and values of an organization. And
 22 basically, you know, if you're trying to figure out
 23 how should I approach something, you know, then you
 24 can think about what's the agency's True North and
 25 how is this fitting into that direction, that

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1 mission.

2 The current vision statement for DEQ
 3 is to lead the nation in fostering a healthy and
 4 sustainable future through effective and innovative
 5 environmental actions. And so we had folks looking
 6 at this and trying to identify what we should use
 7 for True North, and so basically they decided that
 8 that vision statement is really what we ought to use
 9 for our True North statement.

10 And so we're rebranding the vision
 11 statement as our True North, and as we get further
 12 into LEAN transformation, we may refine our True
 13 North statement or, you know, goal to a degree, but
 14 I expect that, as we do the LEAN management process
 15 throughout the agency, we'll revise many things
 16 continuously, every so often making tweaks that make
 17 the program work better.

18 So I just think that's really the
 19 future for the way we should operate, and I've seen
 20 it firsthand in Arizona and it was very impressive,
 21 the staff's buy-in and enthusiasm and participation
 22 to work in that manner, and it helps, I think, in
 23 terms of -- vastly in terms of productivity and
 24 effectiveness of the agency.

25 We recently, in January, held an

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1 all-agency meeting to update employees on agency
 2 news, and that went really well. We -- as a part of
 3 that, we did an in-house internal recognition of our
 4 Employees of the Quarter and Employee of the Year,
 5 and we like to do that with the Board once a year.
 6 I believe -- I don't know what
 7 happened, I think everybody -- either the Employees
 8 of the Quarter, most of them went out and they're
 9 working somewhere out in the field today or I'm not
 10 quite sure, but we do have one, Kambridge Stephens
 11 is here. Kambridge, raise your hand or stand up or
 12 something. So we tried to get those folks here, but
 13 I'm not quite sure where the other ones are at, if
 14 they were too shy or afraid I was going to tell
 15 stories about them or something.
 16 So anyways, our Employee of the Year
 17 last year, she was also one of the Employees of the
 18 Quarter -- we select the Employee of the Year from
 19 the Employee of the Quarter -- was Ramona Haggins
 20 from Water Quality. She's been a longtime employee,
 21 she's done a lot of good work here, she's taken on a
 22 lot of responsibility, and she was eligible and
 23 chose to retire; so I don't believe that she is with
 24 us today, but we were able to recognize her before
 25 she left, and that was good.

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1 And so the other Employees of the
 2 Quarter over the last year were Kambridge Stephens
 3 from our Environmental Complaints and Local Services
 4 Division, Hal Cantwell from our Land Protection
 5 Division, and Hanna Thornberg from our Air Quality
 6 Division.
 7 So I want to thank them for their
 8 dedication to the agency and the citizens of
 9 Oklahoma and all the good work that they do, and we
 10 have a short video to introduce you to those folks
 11 and kind of give you an idea of what they've done.
 12 (A video was played.)
 13 MR. THOMPSON: One thing I always like to
 14 point out about the Employee of the Quarter
 15 recognition is it is not driven by management, it is
 16 the employees who nominate their peers for that
 17 recognition.
 18 And there's an employee committee
 19 that sits through those nominations and chooses the
 20 Employee of the Quarter, and then management gets to
 21 choose the Employee of the Year out of the -- from
 22 the Employees of the Quarter, and so -- but that's
 23 really the only role that upper management plays in
 24 the process, so I really like the fact that it's
 25 employee driven.

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1 And that concludes my report.
 2 MR. PAQUE: Thank you, Scott. I'd like to
 3 make one comment. I think all the board members
 4 were invited to the all-agency meeting. And it was
 5 a couple hours, there were two in one day, they did
 6 two, one into the next -- oh, I'm sorry. It's
 7 training day.
 8 The all-agency meeting, I had the
 9 chance to listen in on it, and it was two two-hour
 10 sessions, independent of each other, and Scott, it
 11 was great. I learned -- I've been around DEQ for 30
 12 years and maybe more, on and off, in different ways,
 13 and I learned stuff. And I think it was excellent
 14 and I'd encourage any board member, if you get the
 15 chance -- are those just done once a year?
 16 MR. THOMPSON: Generally, yeah.
 17 MR. PAQUE: Yeah. Well, if it's next
 18 year, I'd encourage any and all board members to do
 19 that. There were 318 participants in the first
 20 session that I was in, and I don't know how many
 21 were in the second, but that's a heck of a good
 22 participation. I don't know if it was mandatory or
 23 not, but you got -- the field people probably were
 24 required, I don't know, but I just learned a lot and
 25 I think it was great, and I'd encourage everybody to

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1 try to do that when they have the chance.
 2 Are you done?
 3 MR. THOMPSON: Yeah.
 4 MR. PAQUE: Okay. Item Number 28 is New
 5 Business.
 6 MS. LEWIS: No, we're on 26.
 7 MR. PAQUE: Oh, yes, I am sorry. Correct,
 8 thank you. Thank you.
 9 Item 26, Budget Update and Financial
 10 Overview for FY23, Kathy Aebischer.
 11 Kathy?
 12 MS. AEBISCHER: Hi. Mr. Chairman, Members
 13 of the Board, Kathy Aebischer, CFO, Director of
 14 Administrative Services. Today, I'm just going to
 15 give you a financial update for the time period
 16 ending December 31st.
 17 So Revenue through December 31st,
 18 we've projected a total of \$40 million to be
 19 collected during the year and we've collected
 20 \$27 million. We are about \$900,000 below, if we
 21 compared last year's collections, and a majority of
 22 that is expected. If you remember, you approved a
 23 fee increase for Air, so \$800,000 of that was
 24 projected to be lower this year; so we were kind of
 25 planning for that. Other divisions are pretty close

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1 to collections, we don't have any concerns at this
 2 point.

3 The Expenditures, we started off the
 4 year with a budget of \$100,000, we have done a
 5 budget revision and the majority of that is federal
 6 funds, federal grants received, increased our budget
 7 by \$3.7 million; so, budget today is a little over
 8 \$103 million. We expended \$31 million, Encumbrances
 9 as of December 31st was \$62 million committed to
 10 projects.

11 And if we look at by funding source,
 12 as you can see, the majority of the budget revision
 13 was in our Federal Funds and VW Grant, Volkswagen
 14 Grant, and we've expended out of these funds,
 15 Revolving Fund is almost \$17 million and then
 16 Federal Funds is behind that.

17 If you recall, last year we discussed
 18 we've had some challenges with employee turnover; so
 19 I wanted to give you an update of where we are
 20 today. Okay. If you remember, last year we ended
 21 Fiscal Year '22 with a 14 percent turnover rate,
 22 which is high for our agency. We saw a total of,
 23 like, 73 people leave the agency through retirements
 24 and just finding better opportunities. And as a
 25 total of each division, Administrative Services had

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1 the highest turnover rate of all the divisions, of
 2 23 percent.

3 If we look at this fiscal year
 4 through January 25th, it looks like Administrative
 5 Services, Water, and Land is recovering, we have a
 6 small turnover rate. As a total of the agency, it's
 7 6 percent, so it's looking better. The job market
 8 looks better, we're hiring on more people. The Lab
 9 seems to be the division that has the most turnover
 10 as a total; so we're looking into that, but it's
 11 much better than it was last year.

12 So if we look at total turnover, like
 13 I said, 73 left for the whole fiscal year FY22.
 14 Through January 25th, we've had 31 individuals leave
 15 the agency. The majority of those are Air, eight,
 16 with -- the Lab and ECLS has a total of six.

17 Some areas are still struggling. It
 18 seems to be engineers that we have trouble finding,
 19 and then environmental program specialists that are
 20 out in the field for ECLS, there are some areas
 21 we're having trouble. We've re-advertised several
 22 times; so we're hoping that will get better as
 23 people are looking for more jobs, but that seems to
 24 be our kind of challenges to date.

25 And if we look at total vacancies at

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1 a point in time, the last Board meeting we had 48
 2 vacancies. As of January 25, we have 39; so it's
 3 trending down. We hope things will continue to get
 4 better as we're looking at different options of
 5 trying to -- going to different career fairs, we're
 6 connecting with more colleges across the state.

7 We're also looking into internships.
 8 So there's been a lot of interest of individuals in
 9 colleges to intern at DEQ to find out kind of more
 10 specifically of what we're doing. So that seems to
 11 be where we're finding a lot of interested people;
 12 so we'll see in the future if that turns out to be
 13 more employees and kind of reducing our vacancies.

14 But that's all I have today, if
 15 there's any questions?

16 MR. PAQUE: Any questions?

17 Thank you, Kathy. Good job.

18 Next item on the agenda is Overview
 19 of Recent Federal Rulemaking Activity and DEQ's
 20 Response, Rob Singletary.

21 MR. SINGLETARY: Mr. Chairman, Members Of
 22 the Board, good morning. For the record, I wanted
 23 to first say I had a really small role in the
 24 Illinois River watershed case, but there is a
 25 central figure in that case who's actually in the

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1 room today. I won't call him out by name, but he
 2 was a key player in that case and actually got an
 3 entire paragraph in the opinion that was dedicated
 4 to recognizing his extreme credibility. So, anyway,
 5 we'll see how that turns out with the negotiations
 6 with the Attorney General's Office and the parties
 7 involved, but we're watching that pretty closely.

8 I was a little worried today that
 9 this presentation was going to be a little bit too
 10 long, but Mr. Duzan kind of set a pretty high bar
 11 there; so I'm not quite as worried at this point.
 12 I'm sure you guys are ready to get out, but --

13 So as you can see by our agenda
 14 today, our rulemaking here at the DEQ on the state
 15 level is very robust, and what you probably
 16 recognize is that a lot of that is driven by
 17 rulemaking activity at the federal level, so we try
 18 to be very involved in that. There's tens of
 19 thousands of pages of federal regulations that are
 20 promulgated each year just for EPA, and we monitor
 21 that. We try to identify rulemakings that we think
 22 are going to be significant for DEQ's operations,
 23 for our regulated community, but most importantly
 24 for citizens here in Oklahoma from the environmental
 25 and the human health aspect; so we thought it might

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1 be a good idea to share some of those efforts and
 2 some of that activity with you all.

3 So, I just identified 12 or so
 4 different activities that are currently active right
 5 now. This isn't all of them, but it's some of the
 6 more major ones, and I thought I'd provide a brief
 7 overview of those. Only one or two of them get into
 8 any kind of detail, if the Board has any interest on
 9 any of the other items, Ms. Madison Miller, who's
 10 extremely involved in this effort along with myself,
 11 can come back at maybe the June meeting or a
 12 subsequent meeting and provide you all kind of a
 13 more in-depth dive into it.

14 But the first one we've got up on the
 15 agenda, this is one that it's probably worth getting
 16 into a little bit of detail on, and that's WOTUS.
 17 WOTUS is Waters of the U.S., it's a Clean Water Act
 18 rule set by EPA. The reason it's significant is
 19 under the Clean Water Act, federal jurisdiction is
 20 limited to navigable waters.

21 The act itself defines navigable
 22 waters to include Waters of the U.S. or WOTUS, and
 23 then EPA defines what WOTUS is through their
 24 rulemaking, and they've done that many times over
 25 the years. In kind of recent memory, 2015, there

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1 was a WOTUS rule that was proposed by the Obama
 2 administration, then the Navigable Waters Protection
 3 Rule in 2020 was proposed by the Trump
 4 administration, and now, in 2023, we've got the new
 5 WOTUS rule that's been actually finalized by the
 6 Biden administration.

7 Throughout that entire process, we've
 8 had numerous opportunities -- I personally have
 9 written comment letters on all three of those. We
 10 had several opportunities, at each one of those
 11 points there's a state consultation, then a public
 12 comment period, and we've submitted our comments and
 13 our concerns related to how you define that
 14 throughout that entire process.

15 There's also been, very
 16 significantly, numerous Supreme Court cases
 17 associated with it. All the way back to '85, there
 18 was a Riverside Bayview Homes case, there was the
 19 Swain case in 2001 and, very significantly, there
 20 was a case called Rapanos in 2006 that really led to
 21 the 2015, the 2020, and this latest kind of
 22 revisions to the WOTUS rule.

23 In addition to those, there is a case
 24 currently before the Supreme Court which is referred
 25 to as Sackett v. EPA. That's one that was actually

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1 argued back in the fall, and we are expecting to get
 2 a decision sometime possibly this June from the
 3 Supreme Court, and it's widely anticipated that
 4 that's going to further restrict federal
 5 jurisdiction.

6 So during this latest round of
 7 rulemaking, when they made the latest proposal about
 8 a year ago, we submitted comments asking EPA to kind
 9 of hold back on their rulemaking until we got that
 10 decision and that clarity from the Supreme Court;
 11 well, EPA decided not to do that. In fact, on
 12 December 30th, so the week in between Christmas and
 13 then New Year's Day, they released the new WOTUS
 14 rule and then it was just published, as well.

15 So this new WOTUS rule -- I'll try to
 16 -- I'm really fighting the temptation to get into
 17 the weeds on it, but all it does is create more
 18 confusion, less clarity, and then it kind of expands
 19 federal jurisdiction over -- definitely over the
 20 Navigable Waters Protection Rule that was in place
 21 after the Trump administration.

22 So, you know, the reason that matters
 23 is it's important to keep in mind when you're
 24 talking about federal jurisdiction, just because a
 25 water doesn't fall under federal jurisdiction

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1 doesn't mean it's protected -- or, not protected.
 2 In Oklahoma, just like most other states, we have a
 3 very broad definition of waters of the state. So if
 4 it doesn't fall under federal jurisdiction, it falls
 5 under ours; so that's the reason we're so concerned
 6 about it and the reason we're so active in this
 7 rulemaking.

8 So the new rule is effective
 9 March 20th, I believe. I just found out today that
 10 the Attorney General's Office has joined with other
 11 states and already filed a challenge to that final
 12 rule, so that was either yesterday or the day
 13 before, that was filed. So these slides -- I
 14 actually drafted these slides yesterday, and already
 15 in two areas they're outdated, that's how quickly
 16 this stuff is changing.

17 So we're going to watch that, see how
 18 that case develops, and at the same time we're
 19 looking forward to that Sackett decision from the
 20 Supreme Court. So, we'll see where WOTUS goes.
 21 I'll try not to get into the same kind of detail on
 22 the rest of these.

23 So the next two up are really --
 24 they're not federal rulemakings, they're just
 25 federal actions that are out there. Recently, the

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1 state requested that the Fansteel Metals Site in the
 2 Muskogee area be listed on the NPL. Under CERCLA,
 3 we have the responsibility to request one site
 4 within the state be listed. That's important
 5 because once you're listed on the NPL, then you're
 6 eligible for federal monies to help clean that up.
 7 This is a site that's got some extensive
 8 contamination; so we're looking at \$100 million to
 9 \$120 million worth of cleanup, so the next step is
 10 for EPA to take action to that request.

11 The next one up is just the SAFTEA
 12 Reconsideration, we've talked about that in the
 13 past. After McGirt, there was some questions
 14 related to jurisdiction across the state, the state
 15 requested authority under SAFTEA for EPA to allow
 16 us to continue to administer our environmental
 17 programs the same way as we've always done here in
 18 Oklahoma. EPA granted that request, when the new
 19 administration came in they published a notice that
 20 they were going to reconsider that and took public
 21 comment about a year ago; so we're kind of watching
 22 EPA on that to see where that goes.

23 Next up, Tribal Water Quality
 24 Standards, this was a new proposal back in December
 25 of this year. The purpose of it is to protect or

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1 make sure that water quality standards that are set
 2 by the state, so you guys are very familiar with
 3 that after today's rulemaking, when the state sets a
 4 new water quality standard or goes back there in the
 5 triennial review and looks at existing water quality
 6 standards, under this rule the states would be
 7 required to ensure that any reserved tribal water
 8 rights as a result of treaties or what have you,
 9 that those are protected by whatever the water
 10 quality standard being set is.

11 So that's going to be a pretty
 12 complex analysis by the state to have to try and
 13 ascertain what those reserve water rights are
 14 because it's not clear in the treaties or in the
 15 statutes.

16 So that would be step one, and then
 17 after that then we'd have to determine what the
 18 level is that would be necessary to protect that.
 19 So that's one that was just published, the public
 20 comment period ends in a couple of weeks, and we're
 21 really evaluating that and trying to develop some
 22 constructive comments for EPA's consideration on
 23 that.

24 401 Certification, also under the
 25 Clean Water Act. So when a federal permit is being

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1 issued, like a 404 permit with the Army Corps of
 2 Engineers, the applicant doesn't have to get a
 3 permit from the state, but they do have to get a
 4 certification that the proposed project isn't going
 5 to cause any kind of a violation of a water quality
 6 standard that's set in the state.

7 In the past, states have gone beyond
 8 just looking at the project-specific discharge and
 9 the water quality standards specifically, they've
 10 looked at kind of cumulative impacts from a project
 11 beyond just that water quality standard piece of it.

12 So under the Trump administration,
 13 EPA had implemented a rule that kind of restricted
 14 that back to specifically water quality standards,
 15 and they also limited the amount of time that a
 16 state had to make a decision on that type of
 17 request.

18 The current administration's rolled
 19 that back and they're proposing to extend that
 20 timeline, but then also extend the scope of that 401
 21 certification. So that is something that we were in
 22 support of the previous administration's view on
 23 that and submitting comments on that one, and then
 24 we submitted comments on this one, and that comment
 25 period ended last summer; so we're still waiting on

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1 EPA to make a decision on that one, as well.

2 Really big one, the Methane Rule, and
 3 then there was a supplemental rulemaking proposal
 4 that was proposed on that. This is significant,
 5 especially here in Oklahoma, because it is a general
 6 tightening of the new and -- the regulations or
 7 requirements related to new and existing oil and gas
 8 facilities.

9 Based on the proposal, we estimate
 10 that the number of wells that are regulated here in
 11 Oklahoma are going to go from 10,000 to over
 12 200,000, which is going to be a big burden on us,
 13 but also on the regulating community, as well.

14 So we participated in the initial
 15 comments on the initial proposal, and then us --
 16 when I say "we", it's not just DEQ, we also partner
 17 on, all of these, with the Secretary of Energy and
 18 Environment's Office. So typically it comes under
 19 his signature, but we work together to develop these
 20 comments. On Monday this week, we just submitted
 21 comments on that supplemental proposal: so, again,
 22 we're going to wait for EPA's final determination on
 23 that one, as well.

24 Implementing regulations for Section
 25 111(d) Plans under the Clean Air Act. So when EPA

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1 issues new Emissions Guidelines, that triggers a
 2 requirement that the states submit changes to their
 3 -- or, submit new Section 111(d) plans on how
 4 they're going to implement that.

5 In the past, typically you get three
 6 years to do that. There's some litigation, I think
 7 in the D.C. Circuit Court of Appeals, where EPA --
 8 the court held that that was too long, EPA didn't
 9 justify the need for that. So they proposed a rule
 10 where they're going to reduce that to 15 months,
 11 which we think is way too short, just because
 12 sometimes we've got to gather information for those
 13 plans, there might be rulemaking associated with it.

14 When we do the rulemaking, it goes
 15 through the Council, then through the Board, and
 16 then through the Legislature and the Governor. If
 17 everything went perfect, we might be able to get
 18 that done in 15 months, but if somebody had some
 19 comments that we needed to consider and kind of go
 20 back and revisit it, it really takes away the
 21 ability to meaningfully consider comments and it
 22 kind of sets us up for a federal plan to be put into
 23 place if we can't meet it in 15 months. So it kind
 24 of messes with the whole cooperative federalism and
 25 the state being the primary implementer on these.

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1 So we have developed comments, and those are going
 2 to be submitted next week, by the 27th.

3 Next up, this one's pretty
 4 significant. The PM2.5, National Ambient Air
 5 Quality Standards, the EPA has just proposed about a
 6 month ago to reduce that from -- the annual standard
 7 from 12 micrograms per cubic meter down to between 9
 8 and 10 micrograms, and then also taking comments
 9 between 8 micrograms per cubic meter and 11.

10 This is significant because in
 11 Oklahoma, just looking at where we're monitoring, if
 12 they go all the way down to 8 micrograms per cubic
 13 meter, most of Oklahoma's going to be in
 14 nonattainment; if they do it at 9, then the Oklahoma
 15 City and the Tulsa Metropolitan Areas could go
 16 nonattainment, and that's significant for permitting
 17 reasons. I mean, you go from PSD permitting to
 18 nonattainment NSR permitting, there's different
 19 control technology and you go from BACT to LAER, it
 20 just makes it much more difficult to get a permit,
 21 for one thing.

22 So we're evaluating the methodologies
 23 used by EPA and we're considering putting in
 24 comments on that one, as well. But that one, again,
 25 we've got about a month or so, a little bit more

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1 than a month before those comments are due; so we're
 2 working on that.

3 Regional Haze, you've heard us talk
 4 about that. Under the EPA's Regional Haze Rule,
 5 states are required to make sure that visibility in
 6 Class I areas, like the Wichita Mountains Wilderness
 7 Area, that those are at natural visibility
 8 conditions by the year 2064.

9 We submitted a SIP over a decade ago.
 10 Just this last summer we had to submit an update
 11 because, every 10 years, you have to update it.
 12 Even though we are on track to actually -- because
 13 of, you know, coal-fired switching to natural gas
 14 and all kind of different controls that have been
 15 implemented over the last decade, we are on track to
 16 meet that 2064 deadline, but EPA has indicated that
 17 they may be looking for additional reductions. So
 18 we're kind of -- we're waiting for their proposal in
 19 response to what we submitted; so that is on the
 20 radar.

21 This one's very significant, the
 22 Ozone Transport SIP. Every time EPA established a
 23 new NAAQS, like the proposed one for PM2.5, when
 24 they do it for ozone that triggers a requirement
 25 that we develop a SIP demonstrating that we are

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1 going to be in attainment for that, but it also
 2 triggers another requirement that we submit a SIP
 3 showing that we are not going to have a significant
 4 contribution to another state's nonattainment or
 5 interference with the maintenance of a NAAQS.

6 So we did that. The 2015 Ozone
 7 Standard triggered that requirement, we put together
 8 a State Implementation Plan. We relied upon some
 9 memorandum from the Trump administration's EPA to
 10 develop that, and that had to do with the thresholds
 11 and how the states become linked to nonattainment in
 12 other states.

13 So we submitted that. In the
 14 meantime, the new administration came in,
 15 essentially revoked those memorandum, and then came
 16 back and published a proposed disapproval of our SIP
 17 last year, we commented on that. Just recently,
 18 they just published the final disapproval of that
 19 State Implementation Plan. It wasn't just us, there
 20 are 18 other states. What they're saying is that we
 21 have a significant contribution to nonattainment in
 22 Texas, which it doesn't really matter from a legal
 23 standpoint, but it's kind of tough to swallow when
 24 we know that the vast majority of emissions
 25 impacting other states are coming from Texas to us,

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1 not vice versa.

2 So that's one that there's already

3 been -- I think I mention here there's been two

4 states this week that have filed challenges; as of

5 today, there's actually been a third. Arkansas just

6 filed a challenge, and we anticipate Oklahoma's

7 going to be one that challenges that, as well.

8 And the reason that matters is

9 because if you have a SIP that's disapproved, that

10 opens the door for the feds to come in and give you

11 a Federal Implementation Plan. Usually, the feds

12 will issue a proposed -- you know, or a SIP

13 disapproval, give the state -- you know, they have

14 two years on the FIP clock before they have to issue

15 a FIP so they give the state the opportunity to

16 rectify that. In this case they didn't, so they --

17 back last year, they issued the proposed disapproval

18 and then, like, a month later, little bit more than

19 a month later, they also proposed the proposed FIP.

20 So that FIP is still out there, that

21 affects 25 different states. It doesn't happen

22 unless the disapproval stands up in court. So if we

23 challenge that disapproval that will be great, but

24 we -- even if we were unsuccessful there, we also

25 have the opportunity to challenge this FIP, as well,

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1 and it's my understanding that -- I mean, there's a

2 lot of states that are already working toward this,

3 and Oklahoma's going to be one of those, as well.

4 PFAS, we've talked about that quite a

5 bit in the last year. EPA has had four different

6 actions, I won't list them all -- or, I won't call

7 them out, they're all listed here, but we

8 participated in each one of these by filing comments

9 or responses to EPA; so we're waiting for EPA's

10 final action on those, as well.

11 I think we have one more slide. I

12 guess not, it looks like that's all of them. So I'm

13 happy to answer any questions, otherwise, if you're

14 interested in any of these comments, we'll be happy

15 to send you a copy of what we've submitted, and if

16 you'd like us to come back, Madison or I, and give

17 you additional details on some of these -- because

18 we really could get into the weeds on a lot of

19 these, there's a lot of issues at stake in each one

20 of these activities -- we'll be happy to come back

21 and do it.

22 MR. PAQUE: Thank you, Rob.

23 MR. SINGLETARY: You're welcome.

24 MR. PAQUE: Good job.

25 Any questions or comments of Rob?

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1 board members?

2 Any member of the public have a

3 question? You could talk to Rob afterwards, if you

4 wish, I'm sure.

5 Seeing none, we'll move on to the

6 next item, but before we do, before we go to New

7 Business, I'd like to end old business with one more

8 thank you to Tracy Hammon. Dr. Hammon, you were a

9 great Chair and it was a pleasure to be a Vice Chair

10 under you and to be a board member in general; so,

11 thank you very much for your service.

12 All right. New Business. Under the

13 Open Meeting Act, this agenda item is authorized

14 only for matters not known about or which could not

15 have reasonably been foreseen prior to the time of

16 posting the agenda or any revised agenda.

17 Is there any other business to come

18 before the Board this morning? Staff, Board,

19 members of the public, anybody? I see none. That

20 does not take an action.

21 The next item is Item Number 25, the

22 Next Meeting. The next regular meeting of the

23 Environmental Quality Board on the schedule will be

24 held on June 13th at 9:30 in this room, Multipurpose

25 Room, and we hope to see everybody there if we have

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1 the meeting, subject to change.

2 Are there any other items that I've

3 missed, Counsel?

4 MS. LEWIS: (Shook head).

5 MR. PAQUE: No? Okay.

6 All right. I'd entertain a motion

7 for Adjournment.

8 DR. HAMMON: Mr. Chair, I'd love to

9 adjourn the meeting.

10 MR. NEWMAN: Second.

11 MR. PAQUE: We have a motion and a second.

12 Call the motion, please.

13 MS. FIELDS: Mr. Auer?

14 MR. AUER: Yes.

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. Hirshey?

22 MR. HIRSHEY: Yes.

23 MS. FIELDS: Mr. Kinder?

24 MR. KINDER: Yes.

25 MS. FIELDS: Ms. Kindrick?

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1 MS. KINDRICK: Yes.

2 MS. FIELDS: Mr. Munson?

3 MR. MUNSON: Yes.

4 MS. FIELDS: Mr. Newman?

5 MR. NEWMAN: Yes.

6 MS. FIELDS: Mr. Paque?

7 MR. PAQUE: Yes.

8 MS. FIELDS: Mr. Sims?

9 MR. SIMS: Yes.

10 MS. FIELDS: Dr. Hammon?

11 DR. HAMMON: Yes.

12 MS. FIELDS: Motion passed.

13 MR. PAQUE: We are adjourned.

14 We have one other item. We're going

15 to move to the Public Forum today, and just by way

16 of note, welcome to the public forum. Public input

17 is valuable to this Board and the Department and we

18 welcome your participation, any member of the public

19 here today.

20 The Board will allow you to make

21 suggestions or express concerns about environmental

22 laws, rules, or policy. However, concerns with an

23 action or decision in a specific case or matter,

24 such as a particular permit application or

25 enforcement case, should be communicated directly to

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1 the Department. The Board cannot and does not

2 intervene in those case-specific decisions. We also

3 ask that you not use the forum to advertise or

4 publicize commercial products or services.

5 Because of the nature of these issues

6 that are appropriate for the forum, you may not

7 receive an immediate response to your comments. The

8 Department staff and/or the Board generally will

9 need some time to evaluate the comments and respond

10 to them.

11 If you wish to make comments in

12 today's forum but you did not sign in on the

13 information table in the back when you came in, if

14 you'd please raise your hand to be acknowledged, you

15 certainly will be given the opportunity to come

16 forward. If you wish to, we ask that you try to

17 limit your comments to 5 minutes.

18 Is there anyone present who wishes to

19 make comments on any item?

20 I see none.

21 MR. NEWMAN: Mr. Chairman?

22 MR. PAQUE: Yes, sir.

23 MR. NEWMAN: Can I have a moment?

24 MR. PAQUE: Yes.

25 MR. NEWMAN: I'd like to recognize and

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1 praise the Department of Environmental Quality,

2 specifically Saba and Lloyd, for pulling together an

3 interdepartmental working group, interdepartmental

4 agency group to review all possible implications

5 across all departments on the up-and-coming hydrogen

6 economy that's moving our way, and that work product

7 was fantastic.

8 I understand that that work product

9 was shared by our Governor at a Governors Conference

10 recently, and we will share that work product with

11 our partners in Arkansas and Louisiana. Chances are

12 very good that work product will be copied and

13 plagiarized in a positive way across the United

14 States.

15 It's just another example of the

16 Department of Environmental Quality here leaning

17 forward and being proactive, so I just wanted --

18 kind of a shameless plug, it is a shameless plug,

19 it's fantastic work.

20 MR. PAQUE: It's a great plug, thank you.

21 Anybody else, any other member of the

22 Board have a comment?

23 All right. One final note for

24 everyone present, I'd remind you again of the DEQ

25 mobile lab tour. The lab is parked on 7th Street,

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1 just north of the building, and any board member or

2 any member of the public that wants to take a tour,

3 please go and take advantage of it.

4 It's a good opportunity to see the

5 lab, and the lab, as Former Chair Hammon said, it

6 really enhances the customer service efforts of the

7 Department by supporting Public Water Supply

8 Systems, Lead Testing in Schools, targeted outreach

9 efforts, environmental investigations, and both

10 state and federal emergency response. So if you

11 have any interest at all, it's there, I encourage

12 you all to take advantage of it.

13 And, finally, I want to thank the

14 Board for your patience in my apprenticeship, and

15 hopefully I've learned a little procedurally and I

16 look forward to seeing you all in June.

17 We are adjourned.

18 (MEETING ADJOURNED AT 11:34 AM)

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<p>1 C E R T I F I C A T E Page 113</p> <p>2 I, Jenny Longley, Certified Shorthand</p> <p>3 Reporter within and for the State of Oklahoma, do</p> <p>4 hereby certify that the above and foregoing meeting</p> <p>5 was by me taken in shorthand and thereafter</p> <p>6 transcribed; and that I am not an attorney for nor</p> <p>7 relative of any of said parties or otherwise</p> <p>8 interested in the event of said action.</p> <p>9 IN WITNESS WHEREOF, I have hereunto</p> <p>10 set my hand and official seal this 28th day of</p> <p>11 February, 2023.</p> <p>12 </p> <p>13 _____</p> <p>14 Jenny Longley, CSR</p> <p>15 CSR # 1903</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	



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David Wink	SOEE
Amber Edwards	DEQ
GREG CAPR	DEQ
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