

**MINUTES  
ENVIRONMENTAL QUALITY BOARD  
FEBRUARY 19, 2021  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OKLAHOMA CITY, OK**

Official EQB Approved  
On September 14, 2021

**Notice of Public Meeting** – The Environmental Quality Board (Board) convened for a Virtual Regular Meeting at 10:00 a.m. 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 4, 2020. The agenda was mailed to interested parties on February 16, 2021 and was posted at the DEQ on February 16, 2021. Mr. Jimmy Kinder, Chair, called the meeting to order. Mr. Kinder thanked Ms. Kunze for her service; due to this was her last meeting with the EQB. Ms. Fields called roll and a quorum was confirmed.

**MEMBERS PRESENT**

Mark Barton  
John Easton  
Shannon Ferrell  
David Griesel  
Tracy Hammon  
Ken Hirshey  
Jan Kunze  
Steve Mason  
Tim Munson  
Mike Paque  
Billy Sims  
Jimmy Kinder

**DEQ STAFF PRESENT**

Scott Thompson, Executive Director  
Jimmy Givens, Deputy Executive Director  
Rob Singletary, General Counsel  
Kendal Stegmann, Air Quality Division  
Patrick Riley, Land Protection Division  
Madison Miller, Environmental Attorney  
Shellie Chard, Water Quality Division  
Skylar McElhane, Office of External Affairs  
Erin Hatfield, Office of External Affairs  
Malcolm Zachariah, Air Quality Advisory Council  
Christina Hagens, Air Quality Advisory Council  
Kathy Aebischer, Administrative Services Division  
Quiana Fields, Board & Council Secretary

**MEMBERS ABSENT**

Alexie Kindrick

**OTHERS PRESENT**

Jennifer Lewis, Office of the Attorney General  
Laura Lodes, Air Quality Advisory Council  
Lee Grater, Hazardous Waste Management Advisory Council  
Brian Duzan, Water Quality Management Advisory Council  
Tammie Shipman, Court Reporter

**Approval of Minutes** – Mr. Sims moved to approve the Minutes of the November 10, 2020 Regular Meeting. Mr. Hirshey made the second.

*transcript pages 7 - 9*

Mark Barton	Yes	Jan Kunze	Yes
John Easton	Yes	Steve Mason	Abstain
Shannon Ferrell	Yes	Tim Munson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Ken Hirshey	Yes	Jimmy Kinder	Yes

**Election of Officers** – Mr. Kinder called for nominations for Chair. Mr. Paque nominated Dr. Hammon and Mr. Griesel made the second. Mr. Sims made a motion to cease nominations and Mr. Munson made the second.

*transcript pages 9 - 11*

Mark Barton	Yes	Jan Kunze	No vote
John Easton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Tim Munson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Ken Hirshey	Yes	Jimmy Kinder	Yes

**There was no vote by Ms. Kunze due to connection lost.**

Dr. Hammon then called for nominations for Vice-Chair. Mr. Munson nominated Mr. Paque and Mr. Sims made the second. Dr. Ferrell made a motion to cease nominations and Mr. Barton made the second.

*transcript pages 12 – 14*

Mark Barton	Yes	Jan Kunze	Yes
John Easton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Tim Munson	Yes
David Griesel	Yes	Mike Paque	Abstain
Tracy Hammon	Yes	Billy Sims	Yes
Ken Hirshey	Yes	Jimmy Kinder	Yes

**Rulemaking – OAC 252:100 Air Pollution Control** – Dr. Hammon called upon Ms. Laura Lodes, Chair of the Air Quality Advisory Council (AQAC), to present the rule. Ms. Lodes stated that the Department is proposing to revoke and replace OAC 252:100, Appendix Q, Incorporation by Reference. In addition, the Department is proposing to update language in Subchapter 2, Incorporation by Reference, to reflect the latest date of incorporation of EPA regulations in Appendix Q. The gist of these rule proposals and underlying reason for the rulemaking is to incorporate the latest changes to EPA regulations, primarily those relating to the National Emission Standards for Hazardous Air Pollutants (“NESPHAPs”) and New Source Performance Standards (“NSPS”). Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Mason moved to approve and Mr. Sims made the second.

*transcript pages 15 - 19*

Mark Barton	Yes	Jan Kunze	Yes
John Easton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Tim Munson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Ken Hirshey	Yes	Jimmy Kinder	Yes

**Rulemaking – OAC 252:110 Lead-Based Paint Management** – Ms. Lodes stated that the Department is proposing to amend OAC 252:110, Lead-Based Paint Management, to update the incorporation by reference section; to add provisions to implement the military reciprocity statute (59 O.S. § 4100, *et seq.*, Military Service Occupation, Education and Credentialing Act); to update clearance levels to parallel dust-lead hazard changes; to remove several outdated provisions; and to correct minor punctuation and grammar errors. The proposed updates to hazard standards and clearance levels are necessary to maintain EPA approval for Oklahoma’s Lead-Based Paint program. The gist of the proposed rulemaking is to update the rule in accordance with recent changes to the federal lead-based paint poisoning prevention requirements, and to provide reciprocity for active-duty military service members and their spouses. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Griesel moved to approve and Mr. Munson made the second.

*transcript pages 19 - 23*

Mark Barton	Yes	Jan Kunze	Yes
John Easton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Tim Munson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Ken Hirshey	Yes	Jimmy Kinder	Yes

**Rulemaking – OAC 252:4 Rules of Practice and Procedure** – Ms. Lodes stated that the Department is proposing to amend the air quality portions of Chapter 4, Subchapter 7 to better align the Department’s permit issuance process and public participation procedures for minor facility and Part 70 source construction and operating permits with the New Source Review (“NSR”) permit requirements and Title V operating permit requirements promulgated by the EPA in 40 C.F.R. Part 51, Subpart I, and 40 C.F. R. Part 70, respectively, The proposal would also

provide for the Department's use of online notice for Tier I applications for certain permits. The gist of the proposed rule and the underlying reason for these revisions is to ensure that the State's rules are not less stringent than the federal rules require. This will assist the State's effort to obtain approval from EPA for relevant portions of Oklahoma's State Implementation Plan ("SIP") and in ensuring that the Department retains approval of the State NSR permit program and the Title V operating permit program. Following questions by the Board and the public, Dr. Hammon called for a motion. Mr. Sims moved to approve and Mr. Munson made the second.

*transcript pages 23 - 38*

Mark Barton	Yes	Jan Kunze	Yes
John Easton	No	Steve Mason	No
Shannon Ferrell	Yes	Tim Munson	Yes
David Griesel	No	Mike Paque	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Ken Hirshey	Yes	Jimmy Kinder	Yes

**Rulemaking – OAC 252:100 Air Pollution Control** – Ms. Lodes stated that the Department is proposing to amend and update various sections in OAC 252:100, Subchapters 1, 7 and 8, to better align the Department's construction and operating permit requirements and issuance processes for minor facilities and Part 70 sources with the NSR permit requirements and Title V operating permit requirements promulgated by the EPA in 40 C.F. R. Part 51, Subpart I and 40 C.F. R. Part 70, respectively, and the guidance on Federally Enforceable State Operating Permits ("FESOPs"). The gist of the proposed rule and the underlying reason for these revisions is to ensure that the State's rules requiring public notice are not less stringent than the federal rules require. In addition, the formal adoption of the FESOP structure, the formal designation of the "enhanced" NSR procedure, and the new option to follow the "traditional" NSR procedure will ensure continued enforceability of permits issued by the Department while offsetting some new requirements with new alternatives to expedite the process of permit issuance. Changes made to the DEQ rules to bring them into alignment with federal requirements will remove an obstacle in obtaining approval from EPA for relevant portions of Oklahoma's SIP, which will help ensure that the Department retains approval of the state NSR permit program and the Title V operating permit program. Following a question by the Board and none by the public, Dr. Hammon called for a motion. Mr. Kinder moved to approve and Mr. Barton made the second.

*transcript pages 38 - 48*

Mark Barton	Yes	Jan Kunze	Yes
John Easton	No	Steve Mason	No
Shannon Ferrell	Yes	Tim Munson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Ken Hirshey	Yes	Jimmy Kinder	Yes

**Rulemaking – OAC 252:4 Rules of Practice and Procedure** – Dr. Hammon called upon Ms. Madison Miller, Attorney Supervisor for Air Quality, to present the rule. Ms. Miller stated that the Department is proposing to revoke and replace Appendix C, Permitting Process Summary, to Chapter 4 in order to ensure that entities with Air Quality permits are directed to the specific regulatory citations for the public review process rather than following the general procedures outlined in the current version of Appendix C. The gist of the rulemaking and underlying reason for the proposed changes are to ensure that permit holders are aware of the changes to the public noticing provisions of Chapter 4 for Air Quality permits (as proposed in agenda item No. 8 above) through a notation in Appendix C. Hearing no questions or comments by the Board or by the public, Dr. Hammon called for a motion. Mr. Barton moved to approve and Mr. Paque made the second.

*transcript pages 48 - 52*

Mark Barton	Yes	Jan Kunze	Yes
John Easton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Tim Munson	Yes

David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Ken Hirshey	Yes	Jimmy Kinder	Yes

**Rulemaking – OAC 252:205 Hazardous Waste Management** – Dr. Hammon 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 update language in Chapter 205 to reflect the latest date of incorporation of EPA regulations. The gist of the rulemaking is to make DEQ’s hazardous waste rules consistent with the federal regulations by incorporating by reference the regulations found in 40 C.F.R. Parts 124 and 260-279, revised as of July 1, 2020. One significant rule change found in the to be incorporated federal regulations is the addition of hazardous waste aerosol cans to the universal waste program under the federal Resource Conservation and Recovery Act (“RCRA”) regulations. This change will provide a clear, protective system for managing discarded aerosol cans by easing regulatory burdens, promoting collection and recycling and encouraging the development of programs to reduce the quantity of these wastes sent to municipal solid waste landfills or combustors. This rulemaking will ensure that Oklahoma’s hazardous waste rules are at least equivalent to the federal rules, as required to maintain program Authorization. Hearing no questions or comments by the Board or by the public, Dr. Hammon called for a motion to approve. Mr. Munson moved to approve and Mr. Sims made the second.

<i>transcript pages 52 - 56</i>			
Mark Barton	Yes	Jan Kunze	Yes
John Easton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Tim Munson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Ken Hirshey	Yes	Jimmy Kinder	Yes

**Rulemaking – OAC 252:517 Disposal of Coal Combustion Residuals from Electric Utilities** – Dr. Hammon called upon, Mr. Patrick Riley, Environmental Programs Manager of the Land Protection Division, to present the rule. Mr. Riley stated that the Department, in response to changes to 40 C.F. R. Part 257, Subpart D, is proposing to amend OAC 252:517 to change the classification of “clay-lined” CCR surface impoundments to “unlined,” revise certain closure deadlines for surface impoundments, provide alternative closure provisions, establish groundwater protection standards for four Appendix B constituents, add a summary requirement to the annual groundwater report, and make other non-substantive changes. The gist of this rulemaking is to incorporate federal changes and ensure that the State CCR rules are at least as protective as the corresponding federal rules. This rulemaking is necessary to maintain EPA authorization of Oklahoma’s CCR regulatory program. Following questions by the Board and none by the public, Dr. Hammon called for a motion. Mr. Mason moved to approve and Mr. Paque made the second.

<i>transcript pages 56 - 62</i>			
Mark Barton	Yes	Jan Kunze	Yes
John Easton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Tim Munson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Ken Hirshey	Yes	Jimmy Kinder	Yes

**Dr. Hammon called for motion to break for 10 minutes before continuing the remaining of the agenda. Mr. Griesel moved to approve and Mr. Hirshey made the second.**

<i>transcript pages 62 - 64</i>			
Mark Barton	Yes	Jan Kunze	Yes
John Easton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Tim Munson	Yes
David Griesel	Yes	Mike Paque	Yes

Tracy Hammon	Yes	Billy Sims	Yes
Ken Hirshey	Yes	Jimmy Kinder	Yes

**Dr. Hammon stated the meeting has reconvened.**

**Rulemaking – OAC 252:606 Oklahoma Pollutant Discharge Elimination System Standards**

– Dr. Hammon called upon Mr. Brian Duzan, Chair of the Water Quality Management Advisory Council (WQMAC), to present the rules. Mr. Duzan stated that the Department is proposing to amend Chapter 606 to update certain dates of incorporation by reference of federal rules from July 1, 2018 to July 1, 2020. The federal regulation updates being incorporated are minor and are intended to modernize regulations, promote submission of complete permit applications and clarify regulatory requirements to allow more timely development of National Pollutant Discharge Elimination System (“NPDES”) permits that protect human health and the environment. This rulemaking is necessary to ensure Oklahoma retains responsibility for administering the NPDES program in Oklahoma. Hearing no question or comments by the Board or by the public, Dr. Hammon called for a motion. Mr. Griesel moved to approve and Mr. Barton made the second.

*transcript pages 64 - 67*

Mark Barton	Yes	Jan Kunze	Yes
John Easton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Tim Munson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Ken Hirshey	Yes	Jimmy Kinder	Yes

**Rulemaking – OAC 252:631 Public Water Supply Operation** – Mr. Duzan stated that the Department is proposing to amend Chapter 631 to update certain dates of the incorporation by reference for federal regulations from January 1, 2017 to July 1, 2020. The federal regulation updates being incorporated allow and approve the use of about 100 alternative testing methods for contaminants listed at 40 C.F.R. Part 141. The Safe Drinking Water Act allows the EPA to approve the use of alternative testing methods through publication in the Federal Register. These updates are needed to ensure Oklahoma retains responsibility for administering Oklahoma’s Public Water Supply Supervision Program and also to ensure Oklahoma is in compliance with DEQ’s Primacy agreement with the EPA. Hearing no questions or comment by the Board but, questions by the public, Dr. Hammon called for a motion. Mr. Sims moved to approve and Mr. Barton made the second.

*transcript pages 67 - 72*

Mark Barton	Yes	Jan Kunze	Yes
John Easton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Tim Munson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Ken Hirshey	Yes	Jimmy Kinder	Yes

**Rulemaking – OAC 252:690 Water Quality Standards Implementation** – Mr. Duzan stated that the Department is proposing to amend Chapter 690 to update certain dates of the incorporation by reference for federal regulations from July 1, 2016, to July 1, 2020. One significant federal regulation update being incorporated by reference concerns EPA and the Department of the Army’s redefining and clarifying the scope of “Waters of the United States” federally regulated under the Clean Water Act consistent with the Executive Order signed on February 28, 2017, entitled “The Navigable Waters Protection Rule: Definition of Waters of the United States”. This implements the overall objective of the Clean Water Act and increases the predictability and consistency of Clean Water Act programs. This rulemaking is necessary to ensure Oklahoma retains responsibility for administering the NPDES program in Oklahoma.

Hearing no questions or comments by the Board or by the public, Dr. Hammon called for a motion. Mr. Paque moved to approve and Mr. Munson made the second.

*transcript pages 72 - 75*

Mark Barton	Yes	Jan Kunze	Yes
John Easton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Tim Munson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Ken Hirshey	Yes	Jimmy Kinder	Yes

**Rulemaking – OAC 252:641 Individual and Small Public Onsite Sewage Treatment Systems**

– Mr. Duzan stated that the Department is proposing to: add or amend definitions relating to chambers, manufactured media systems and Zone 1; establish sizing reduction guidelines for Conventional Subsurface Absorption systems (including manufactured media systems); amend aerobic system surface application area totals and establish sizing criteria for small aerobic systems and address numbering issues for Appendices referenced in rule text. Hearing no question or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Kinder moved to approve and Mr. Griesel made the second.

*transcript pages 76 - 79*

Mark Barton	Yes	Jan Kunze	Yes
John Easton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Tim Munson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Ken Hirshey	Yes	Jimmy Kinder	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 budget and legislative matters.

*transcript pages 79 - 89*

**Budget Update and Financial Overview (FY 2021)** – Ms. Kathy Aebischer, Chief Financial Officer of the DEQ, gave a presentation and update/overview on the FY 2021 current budget. This report is for informational purposes only.

*transcript pages 89 - 91*

**New Business** – None

**Next Meeting** – The next regular meeting is scheduled for June 8, 2021 in Oklahoma City, DEQ Multipurpose Room.

**Adjournment** – Dr. Hammon called for a motion to adjourn. Mr. Griesel moved to adjourn and Mr. Hirshey made the second. Meeting adjourned at 12:10 p.m.

*transcript pages 100 - 103*

Mark Barton	Yes	Jan Kunze	Yes
John Easton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Tim Munson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Ken Hirshey	Yes	Jimmy Kinder	Yes

**There were no public forum issues raised.**

**The transcript becomes an official part of these Minutes.**

DEPARTMENT OF ENVIRONMENTAL QUALITY  
OKLAHOMA ENVIRONMENTAL QUALITY BOARD

ENVIRONMENTAL QUALITY BOARD REGULAR MEETING AGENDA

(VIRTUAL MEETING)

FEBRUARY 19, 2021 - 10:05 A.M.

REPORTED BY: TAMMIE SHIPMAN, CSR

<p style="text-align: right;">Page 2</p> <p>1 BOARD MEMBERS PRESENT: 2 DR. TRACY HAMMON, CHAIRMAN 3 MR. MIKE PAQUE, VICE CHAIR 4 MR. PERRY BARTON 5 MR. JOHN EASTON 6 DR. SHANNON FERRELL 7 MR. DAVID GRIESEL 8 MR. KENNETH HIRSHEY 9 MS. JAN KUNZE 10 MR. BILL SIMS 11 MR. STEVE MASON 12 MR. TIM MUNSON 13 MR. JIMMY KINDER 14 MS. ALEXANDRIA KINDRICK - Absent 15 Also Present: 16 Ms. Quiana Fields, Secretary of Board and Council 17 Mr. Patrick Riley, Environmental Programs Manager 18 Mr. Brian Duzan, Chair to the WQMAC 19 Ms. Shellie Chard, Water Quality Division Director 20 Ms. Kendal Stegmann, Air Quality Director 21 Ms. Laura Lodes, Chair to the AQAC 22 Mr. Lee Grater, Hazardous Waste Management 23 Mr. Rob Singletary, General Counsel 24 Ms. Madison Miller, DEQ Air Quality Counsel 25 Mr. Scott Thompson, DEQ Executive Director 26 Ms. Kathy Aebischer, Chief Financial Officer</p>	<p style="text-align: right;">Page 3</p> <p>1 (Meeting began at 10:05 a.m.) 2 MR. KINDER: Okay. Well, welcome 3 everyone. I've got to get this out of re-disk, 4 to get this out of the way before -- when we 5 start here. 6 We're going to call the meeting to 7 order. The February 19th, 2021, virtual regular 8 meeting of the Environmental Quality Board has 9 been called according to the Oklahoma Open 10 Meetings Act, Section 311 of Title 25 of the 11 Oklahoma State Statutes. Notice was filed with 12 the Secretary of State on November 4th of 2020. 13 Agendas were e-mailed to interested parties on 14 February 16th, 2021, and were posted at the DEQ 15 on February 16th, 2021. Only matters appearing 16 on the posted agenda may be considered. 17 If this meeting host becomes 18 disconnected during the meeting, DEQ will 19 attempt to restart the meeting. Such an event 20 would require all participants, Board members 21 and members of the public to log back into the 22 meeting. If successful, the meeting would be 23 restarted once a quorum is re-established. 24 If unsuccessful, the meeting will 25 continue and reconvene in person in the DEQ</p>
<p style="text-align: right;">Page 4</p> <p>1 multi-purpose room at the office of the Oklahoma 2 Department of Environmental Quality, 707 North 3 Robinson, Oklahoma City, Oklahoma, on February 4 the 26th, 2021, at 10 a.m. If such a reconvened 5 meeting becomes necessary, only matters 6 appearing on the agenda will be discussed. 7 And if you've not already done so, 8 please make sure that you have signed on to this 9 meeting with your full name and that it appears 10 on the screen. I wanted to get that out of the 11 way right up front in case we lose connection, 12 for whatever reason, so that we'll have a 13 mechanism to go forward from this meeting. 14 First of all, thank everyone for your 15 attendance. I live south of Lawton, and my 16 temperature this morning when I got up was zero, 17 and so I'm sure everyone else had similar 18 temperatures. And we would have all liked to 19 have done this in person, but we understand, 20 when weather like this comes along, it's once 21 every 40, 50 years, or whatever, maybe 100 years 22 that this happens, and we've just got to go with 23 the flow. I am thankful for technology that 24 enabled to let us go forward with this meeting, 25 so we -- we'll -- thank you for your attendance.</p>	<p style="text-align: right;">Page 5</p> <p>1 I will -- a little bit of bookkeeping, 2 I just ask that if you speak, please say your 3 name so that we may get the record for that. 4 And a little bit of bookkeeping -- and I know 5 that it's cumbersome to mute and unmute, but try 6 to be respectful with your microphone. You 7 might catch the barking dog in the back, and so 8 we've all been on those zoom calls. So thank 9 you for muting and unmuting. 10 We -- I don't think we have anybody new 11 on the Board, that I'm aware of, that's -- 12 that's here. I did find out that Jan Kunze, 13 it's her last meeting. And so I feel like that 14 we're going to miss Jan. Jan was on the Board 15 whenever I got there. And she took me under her 16 wing, and she was one of the first people that I 17 met at the Board. 18 And so, Jan -- and Jan told me she may 19 have connection issues to get on and off. She's 20 on here. But I just wanted to mention Jan and 21 the work that she's done. And she was chairman, 22 I guess, when -- when we hired Scott, so I think 23 she did a great job there. And so we're going 24 to miss Jan and will be interested in her 25 replacement.</p>



Page 6	Page 7
<p>1 At this point, unless staff tells me 2 any different, Quiana will have a roll call to 3 see if we've got a quorum. 4 MS. FIELDS: Mr. Barton? 5 MR. BARTON: Yes, Barton's here. 6 MS. FIELDS: Mr. Easton? 7 MR. EASTON: Easton's here. 8 MS. FIELDS: Dr. Ferrell? 9 DR. FERRELL: Ferrell here. 10 MS. FIELDS: Mr. Griesel? 11 MR. GRIESEL: Griesel here. 12 MS. FIELDS: Dr. Hammon? 13 DR. HAMMON: Hammon here. 14 MS. FIELDS: Mr. Hirshey? 15 MR. HIRSHEY: Mr. Hirshey's here. 16 MS. FIELDS: Ms. Kindrick. She's 17 absent. 18 Ms. Kunze? Ms. Kunze? 19 MR. ZACHARIAH: I think we had to add 20 her again and -- 21 MS. FIELDS: I'll just come back to 22 her. 23 Mr. Mason? 24 MS. KUNZE: I'm on right now. 25 MS. FIELDS: Ms. Kunze?</p>	<p>1 MS. KUNZE: This is Jan. 2 MS. FIELDS: Okay. Mr. Mason? 3 MR. MASON: Mason's present. 4 MS. KUNZE: Yes, I'm on. 5 MS. FIELDS: Mr. Munson? 6 MR. MUNSON: Munson present. 7 MS. FIELDS: Mr. Pague? 8 MR. PAQUE: Pague present. 9 MS. FIELDS: Mr. Sims? Mr. Sims? 10 MR. ZACHARIAH: He is muted. We're 11 asking to unmute. 12 MR. SIMS: Bill Sims present. 13 MS. FIELDS: Mr. Kinder? 14 MR. KINDER: Here. 15 MS. FIELDS: We have a quorum. 16 MR. KINDER: Thank you very much. 17 We'll go move on to Item Number 4, is approval 18 of minutes. That should have been sent out to 19 the Board. I'll be open to a motion to accept 20 the minutes. 21 MR. SIMS: I'll make a motion we 22 approve the minutes as mailed out. Bill Sims. 23 MR. HIRSHEY: And Hirshey seconds it. 24 MR. KINDER: Okay. We have a motion 25 and second.</p>
Page 8	Page 9
<p>1 Quiana, we'll have a roll call vote, 2 please. 3 MS. FIELDS: Mr. Barton? 4 MR. BARTON: Barton, yes. 5 MS. FIELDS: Mr. Easton? 6 MR. EASTON: Easton, yes. 7 MS. FIELDS: Dr. Ferrell? 8 DR. FERRELL: Ferrell, yes. 9 MS. FIELDS: Mr. Griesel? 10 MR. GRIESEL: Griesel, yes. 11 MS. FIELDS: Dr. Hammon? 12 DR. HAMMON: Hammon, yes. 13 MS. FIELDS: Mr. Hirshey? 14 MR. HIRSHEY: Hirshey, yes. 15 MS. FIELDS: Ms. Kunze. 16 UNIDENTIFIED MEMBER: That was a yes. 17 MS. FIELDS: Ms. Kunze? 18 MR. ZACHARIAH: She's -- 19 MS. KUNZE: Yes. 20 MR. ZACHARIAH: Okay. 21 MS. FIELDS: Mr. Mason? 22 MR. MASON: Mason, abstain. 23 MS. FIELDS: Mr. Munson? 24 MR. MUNSON: Munson, yes. 25 MS. FIELDS: Mr. Pague?</p>	<p>1 MR. PAQUE: Pague, yes. 2 MS. FIELDS: Mr. Sims? 3 MR. SIMS: Yes. 4 MS. FIELDS: Mr. Kinder? 5 MR. KINDER: Yes. 6 MS. FIELDS: Motion passed. 7 MR. KINDER: Thank you, Quiana. 8 Moving on to Item Number 5, Elections 9 of Officers. As some of you may know, or some 10 of you may not know, I've been Chair for two 11 years, and I've enjoyed being Chairman for those 12 two years. But I've decided to, you know, let 13 somebody else new come along, and so I'm going 14 to step down as Chair. And I'll still be around 15 in the background. Hopefully, we'll be able to 16 meet in person. 17 I will tell you, the last -- this last 18 year, doing everything virtual, has been a 19 little bit of a challenge, but staff has always 20 been very helpful. And I hope you guys have 21 found out that they continue to deliver the 22 mail, so to speak, and make sure things are 23 getting done, and they've always been responsive 24 to anything that I need. 25 So thank you, again, as -- from the</p>

<p style="text-align: right;">Page 10</p> <p>1 Chair, that -- for allowing me to sit here for 2 two years. I'll still be around to ask 3 questions and be involved and -- but I think 4 it's -- I'm going to let somebody else lead. 5 And with that, I'm going to open up the 6 nominations for Chair. 7 MR. PAQUE: Mr. Chairman, Mr. Paque 8 here. I'd like to nominate our current Vice 9 Chair, Tracy Hammon, to become Chair of the 10 Board. 11 MR. GRIESEL: Griesel second. 12 MR. KINDER: Okay. We have a motion 13 and second for Tracy Hammon. Are there any 14 other nominations? Are there any other 15 nominations? 16 MR. SIMS: I'd make a motion, 17 nominations cease, re-elect of acclamation. 18 MR. KINDER: Okay. We have a motion 19 for our nominations to cease. Do I have a 20 second? 21 MR. MUNSON: Second. Munson. 22 MR. KINDER: Okay. We'll have a roll 23 call vote. 24 MS. FIELDS: Mr. Barton? 25 MR. BARTON: Barton, yes.</p>	<p style="text-align: right;">Page 11</p> <p>1 MS. FIELDS: Mr. Easton? 2 MR. EASTON: Easton, yes. 3 MS. FIELDS: Dr. Ferrell? 4 DR. FERRELL: Ferrell, yes. 5 MS. FIELDS: Mr. Griesel? 6 MR. GRIESEL: Griesel, yes. 7 MS. FIELDS: Dr. Hammon? 8 DR. HAMMON: Yes, it would be an honor. 9 MS. FIELDS: Mr. Hirshey? 10 MR. HIRSHEY: Hirshey, yes. 11 MS. FIELDS: Ms. Kunze? 12 MR. ZACHARIAH: I think she may have 13 dropped off. 14 MS. FIELDS: Mr. Mason? 15 MR. MASON: Mason, yes. 16 MS. FIELDS: Mr. Munson? 17 MR. MUNSON: Munson, yes. 18 MS. FIELDS: Mr. Paque? 19 MR. PAQUE: Paque, yes. 20 MS. FIELDS: Mr. Sims? 21 MR. SIMS: Sims, yes. 22 MS. FIELDS: Mr. Kinder? 23 MR. KINDER: Yes. 24 MS. FIELDS: Motion passed. 25 MR. KINDER: Okay. Thank you very</p>
<p style="text-align: right;">Page 12</p> <p>1 much. 2 Well, Tracy, is there -- I'm going to 3 hand you a sterile gavel, virtual gavel to use, 4 COVID free, but congratulations. And as has 5 been our tradition, you will continue to Chair 6 this meeting. 7 DR. HAMMON: Excellent. Thank you. 8 I'd first like to thank the members of the Board 9 for their vote of confidence. It is a privilege 10 to be on this Board with you. I look forward to 11 serving the State of Oklahoma and people in a 12 greater capacity. 13 I also want to thank our outgoing 14 Chair, Mr. Jimmy Kinder, for his service. He 15 has seen the Board through some interesting 16 times over the past two years, including the 17 onset of the COVID pandemic, the move to the 18 occasional virtual meeting. I am very thankful 19 for him and for those who have preceded me in 20 this roll. So I do have big shoes to fill, and 21 I'm looking forward to doing so. 22 So with that, let's move to the second 23 part of Agenda Item 5, which is election of a 24 Vice Chair. So I would open the floor for 25 nominations for Vice Chair.</p>	<p style="text-align: right;">Page 13</p> <p>1 MR. MUNSON: Madam Chair, this is Tim 2 Munson. I would like to nominate Mike Paque for 3 Vice Chair. 4 MR. GRIESEL: Griesel second. 5 DR. HAMMON: Thank you, Tim. Any other 6 nominations for Vice Chair? 7 MR. SIMS: This is Bill Sims; I second 8 that motion. 9 DR. HAMMON: Thank you, Bill. Any last 10 opportunity for nominations for Vice Chair? 11 DR. FERRELL: Madam Chair, I would move 12 that the nominations cease and we elect by 13 acclamation. 14 DR. HAMMON: Thank you. 15 I have a motion. Do I have a second? 16 MR. BARTON: Mr. Barton, second. 17 DR. HAMMON: Quiana, can I get a roll 18 call vote? 19 MS. FIELDS: Mr. Barton? 20 MR. BARTON: Barton, yes. 21 MS. FIELDS: Mr. Easton? 22 MR. EASTON: Easton, yes. 23 MS. FIELDS: Dr. Ferrell? 24 DR. FERRELL: Ferrell, yes. 25 MS. FIELDS: Mr. Griesel?</p>

<p style="text-align: right;">Page 14</p> <p>1 MR. GRIESEL: Griesel, yes. 2 MS. FIELDS: Dr. Hammon? 3 DR. HAMMON: Yes. 4 MS. FIELDS: Mr. Hirshey? 5 MR. HIRSHEY: Hirshey, yes. 6 MS. FIELDS: Ms. Kunze? 7 MS. KUNZE: Yes. 8 MS. FIELDS: Mr. Mason? 9 MR. MASON: Yes. 10 MS. FIELDS: Mr. Munson? 11 MR. MUNSON: Yes. 12 MS. FIELDS: Mr. Paque? 13 MR. PAQUE: If it doesn't alter the 14 vote, I'll abstain with honor. Thank you. 15 MS. FIELDS: Mr. Sims? 16 MR. SIMS: Yes. 17 MS. FIELDS: Mr. Kinder? 18 MR. KINDER: Yes. 19 MS. FIELDS: Motion passed. 20 DR. HAMMON: Thank you. 21 Congratulations, Mr. Paque. I look 22 forward to working with you. 23 MR. PAQUE: Thank you very much. Thank 24 all of you. Appreciate it. 25 DR. HAMMON: All right. So moving</p>	<p style="text-align: right;">Page 15</p> <p>1 forward, we're going to enter -- 2 (At which time, there was zoom 3 interference.) 4 DR. HAMMON: I'm getting some feedback 5 there. 6 All right. I'm going to enter the 7 rulemaking portion of our agenda. We have a 8 number of rulemaking items to work through this 9 morning. We will start with Agenda Item Number 10 6, which is OAC 252:100, Air Pollution Control. 11 And I have Laura Lodes, Chair of the Air Quality 12 Advisory Council, to present on this topic. 13 MS. LODES: Madam Chair, (zoom 14 interruption) congratulations on your recent 15 election. 16 DR. HAMMON: Thank you. 17 MS. LODES: Thank you for giving us the 18 opportunity. We have several rulemaking items 19 to bring to you all. And I believe you all are 20 going to vote on each one of them individually, 21 so I'll present them, allow you all to ask 22 questions, and do that as we go through these 23 items. 24 The first item on our agenda today is 25 Chapter 100, Air Pollution Control, Subchapter 2</p>
<p style="text-align: right;">Page 16</p> <p>1 in Appendix Q, Incorporation by Reference. 2 The Department is proposing to update 3 language in Subchapter 2, Incorporation by 4 Reference, to reflect the date of incorporation 5 for Appendix Q, updated as of June 30th, 2020. 6 This proposal is part of an annual update of 7 Title 40, Code of Federal Regulations, 8 Incorporations by Reference in Chapter 100. 9 The purpose of the update to OAC 10 252:100, Appendix Q, an Incorporation by 11 Reference, is to incorporate the latest changes 12 to EPA rail regulations. Included are changes 13 or modifications to 40 CFR Part 60, New Source 14 Review Performance Standards, and Part 63, 15 National Emissions Standards for Hazardous Air 16 Pollutants, as well as other reference subparts. 17 Title 40, Code of Federal Regulations, 18 Incorporations by Reference are updated annually 19 in the DEQ Air Pollution Control rules. The 20 Oklahoma rules on rulemaking dictate the 21 procedures for amending a rule appendix by 22 revoking the old and creating an entirely new 23 appendix. 24 Notice of the proposed rule changes was 25 published in the Oklahoma Register on</p>	<p style="text-align: right;">Page 17</p> <p>1 September 15th, 2020. The Department received 2 no comments prior to or during the October 21st, 3 2020, Air Quality Advisory Council meeting. The 4 Council unanimously approved the proposal at its 5 October meeting. 6 As Chair of the Air Quality Advisory 7 Council, I recommend that the Board approve the 8 proposed Chapter 100-2 and Appendix Q revisions 9 as permanent rules. 10 Are there any questions? 11 DR. HAMMON: Thank you, Laura. 12 Questions and discussion by the Board? 13 If you are a Board member, you can take yourself 14 off mute and ask a question. 15 All right. Do we have any questions, 16 comments or discussion by the public? You can 17 select the raise hand feature to indicate that 18 you have a question. 19 MS. HAGENS: I'm not seeing any raised 20 hands just yet, so I'm not sure if you want to 21 wait a few more seconds and proceed. 22 MR. MASON: Mason moves approval. 23 DR. HAMMON: All right. Seeing no 24 further discussion by the Board and no questions 25 and discussions by the public, I have a motion</p>

<p style="text-align: right;">Page 18</p> <p>1 for approval. Do I have a second?</p> <p>2 MR. SIMS: I second.</p> <p>3 MR. MUNSON: Munson seconds.</p> <p>4 DR. HAMMON: All right. I heard two</p> <p>5 seconds there. Did you guys get that?</p> <p>6 MS. FIELDS: Yes.</p> <p>7 DR. HAMMON: All right. Ms. Fields, if</p> <p>8 we could do a roll call vote.</p> <p>9 MS. FIELDS: Mr. Barton?</p> <p>10 MR. BARTON: Barton, yes.</p> <p>11 MS. FIELDS: Mr. Easton?</p> <p>12 MR. EASTON: Easton, yes.</p> <p>13 MS. FIELDS: Dr. Ferrell?</p> <p>14 DR. FERRELL: Ferrell, yes.</p> <p>15 MS. FIELDS: Mr. Griesel?</p> <p>16 MR. GRIESEL: Griesel, yes.</p> <p>17 MS. FIELDS: Dr. Hammon?</p> <p>18 DR. HAMMON: Yes.</p> <p>19 MS. FIELDS: Mr. Hirshey?</p> <p>20 MR. HIRSHEY: Hirshey, yes.</p> <p>21 MS. FIELDS: Ms. Kunze?</p> <p>22 MS. KUNZE: Yes.</p> <p>23 MS. FIELDS: Mr. Mason?</p> <p>24 MR. MASON: Mason, yes.</p> <p>25 MS. FIELDS: Mr. Munson?</p>	<p style="text-align: right;">Page 19</p> <p>1 MR. MUNSON: Munson, yes.</p> <p>2 MS. FIELDS: Mr. Paque?</p> <p>3 MR. PAQUE: Paque, yes.</p> <p>4 MS. FIELDS: Mr. Sims?</p> <p>5 MR. SIMS: Yes.</p> <p>6 MS. FIELDS: Mr. Kinder?</p> <p>7 MR. KINDER: Yes.</p> <p>8 MS. FIELDS: Motion passed.</p> <p>9 DR. HAMMON: Thank you all. Moving on</p> <p>10 to our next rulemaking item, also with the Air</p> <p>11 Quality Advisory Council, Laura Lodes, on OAC</p> <p>12 252:110.</p> <p>13 MS. LODES: This is the Chapter 110,</p> <p>14 Lead-Based Paint Management, Subchapter. We</p> <p>15 have Subchapters 3 for Definitions; Subchapter</p> <p>16 5, Incorporation by Reference; Subchapter 9,</p> <p>17 Additional Accreditation Requirements;</p> <p>18 Subchapter 11, Addition LBP Certification</p> <p>19 Requirements; Subchapter 13, Additional Work</p> <p>20 Practice Standards; Subchapter 15, Additional</p> <p>21 Renovation Repair and Painting Requirements.</p> <p>22 The Department is proposing to amend</p> <p>23 Chapter 110, Lead-Based Paint Management.</p> <p>24 Chapter 110 regulates the activities of</p> <p>25 individuals and firms who are engaged in</p>
<p style="text-align: right;">Page 20</p> <p>1 lead-based paint service, including inspections,</p> <p>2 lead abatements, renovation, repair and painting</p> <p>3 activities that target housing and child</p> <p>4 occupied facilities.</p> <p>5 As you are probably aware, there's no</p> <p>6 safe level of lead, especially for children, and</p> <p>7 housing constructed prior to 1978 often</p> <p>8 contained lead in paint and other building</p> <p>9 materials. On July 9th, 2019, EPA made changes</p> <p>10 to lower its dust level hazard standards in 40</p> <p>11 CFR Part 745 to address the childhood lead</p> <p>12 exposure.</p> <p>13 Subsequently, on January 7th, 2021, EPA</p> <p>14 made additional changes to 40 CFR Part 745 to</p> <p>15 lower its clearance levels. The purpose of the</p> <p>16 proposed revisions to Chapter 110 is to update</p> <p>17 the rule in accordance with the recent changes</p> <p>18 to the federal lead-based paint poisoning</p> <p>19 prevention requirements, and to provide</p> <p>20 reciprocity for active duty military service</p> <p>21 members and their spouses.</p> <p>22 The proposal would also remove several</p> <p>23 outdated provisions and correct minor</p> <p>24 punctuation and grammar. The proposed updates</p> <p>25 to hazard levels and clearance levels are</p>	<p style="text-align: right;">Page 21</p> <p>1 necessary to maintain EPA approval for Oklahoma</p> <p>2 Lead-Based Paint Program. The only exception to</p> <p>3 this is the clearance level for interior window</p> <p>4 troughs.</p> <p>5 The Department is lowering this</p> <p>6 standard to match requirements already in place</p> <p>7 for the US Department of Housing and Urban</p> <p>8 Development grant recipients. An economic</p> <p>9 impact and enviromental benefit is included in</p> <p>10 your packet to address this issue.</p> <p>11 Notice of the proposed rule changes</p> <p>12 were -- was published in the Oklahoma Register</p> <p>13 on May 15th, 2020, and September 15th, 2020.</p> <p>14 The Department received no comments prior to or</p> <p>15 during the June 17th, 2020, or October 21st,</p> <p>16 2020, Air Quality Advisory Council meetings.</p> <p>17 The Council unanimously approved the proposal at</p> <p>18 its October meeting.</p> <p>19 As Chair of the Air Quality Advisory</p> <p>20 Council, I recommend that the Board approve the</p> <p>21 proposed Chapter 110 revisions as permanent</p> <p>22 rules.</p> <p>23 DR. HAMMON: Thank you.</p> <p>24 Any questions or discussions by the</p> <p>25 Board?</p>

Page 22

1 Questions or discussion from the  
2 public?  
3 MS. HAGENS: Any members of the public  
4 wishing to speak, if you're calling in press \*9  
5 in order to raise your hand. And anybody else,  
6 the raise hand button is at the bottom of your  
7 screen or in the top right corner under "more  
8 settings".  
9 At this point, I'm not seeing any hands  
10 raised.  
11 DR. HAMMON: Thank you, Christina.  
12 Any action by the Board?  
13 MR. GRIESEL: Griesel, move approval.  
14 DR. HAMMON: I have a motion to  
15 approve. Do I have a second?  
16 MR. MUNSON: Munson second.  
17 DR. HAMMON: Thank you, Tim.  
18 Quiana, could you please do a roll call  
19 vote?  
20 MS. FIELDS: Mr. Barton?  
21 MR. BARTON: Barton, yes.  
22 MS. FIELDS: Mr. Easton?  
23 MR. EASTON: Easton, yes.  
24 MS. FIELDS: Dr. Ferrell?  
25 DR. FERRELL: Ferrell, yes.

Page 24

1 MS. LODES: This is part of a larger  
2 package that we did. This is for Chapter 4,  
3 Rules of Practice and Procedure; Subchapter 7,  
4 Environmental Permit Process.  
5 The Department's proposing to amend  
6 portions of Chapter 4, Subchapter 7, that are  
7 specific to the Air Quality Program. These  
8 changes are being proposed in tandem with  
9 Chapter 100 changes to better align the  
10 Department's issuance and process and public  
11 participation procedures for AQD permits with  
12 federal requirements.  
13 Let me preface this discussion by  
14 explaining that the Oklahoma Air Quality program  
15 has historically been a dual permit system,  
16 requiring both a construction permit and an  
17 operating permit. The program requirements are  
18 divided into two subchapters in Chapter 100, one  
19 for minor sources and the other for major  
20 sources, but some requirements apply to almost  
21 all permitting actions. It's EPA's general  
22 expectation that the public should have an  
23 opportunity to review and comment on permits  
24 issued by the Department, both construction and  
25 operating and minor -- major and minor.

Page 23

1 MS. FIELDS: Mr. Griesel?  
2 MR. GRIESEL: Griesel, yes.  
3 MS. FIELDS: Dr. Hammon?  
4 DR. HAMMON: Hammon, yes.  
5 MS. FIELDS: Mr. Hirshey?  
6 MR. HIRSHEY: Hirshey, yes.  
7 MS. FIELDS: Ms. Kunze?  
8 MS. KUNZE: Kunze, yes.  
9 MS. FIELDS: Mr. Mason?  
10 MR. MASON: Mason, yes.  
11 MS. FIELDS: Mr. Munson?  
12 MR. MUNSON: Munson, yes.  
13 MS. FIELDS: Mr. Paque?  
14 MR. PAQUE: Paque, yes.  
15 MS. FIELDS: Mr. Sims? Mr. Sims?  
16 MR. SIMS: Yes.  
17 MS. FIELDS: Mr. Kinder? Mr. Kinder?  
18 MR. KINDER: Yes.  
19 MS. FIELDS: Motion passed.  
20 DR. HAMMON: Thank you. So,  
21 Ms. Fields, you are coming across fairly  
22 quietly. I'm not sure if there's a way you can  
23 increase your volume. That may help.  
24 Moving on to our next rulemaking item.  
25 Again, with Laura Lodes, OAC 252, Subchapter 4.

Page 25

1 The proposed rule changes before the  
2 Board will bring minor facility and major  
3 source -- Part 70 source, construction and  
4 operating permits into alignment with the  
5 federal New Source Review permit requirements  
6 and Title V operating permit requirements, both  
7 promulgated by the US EPA.  
8 Included in your packet is a letter  
9 from EPA Region 6, dated November 6th, 2020,  
10 that identifies specific areas of concern within  
11 our permitting rules. The rule revisions are  
12 intended to address EPA's overarching concern  
13 that the State's rules requiring public notice  
14 are not less stringent than the federal rules  
15 require them to be.  
16 Oklahoma State Statutes only require  
17 companies to publish newspaper public notices  
18 for Tier II and Tier III applications. Under  
19 the proposed rules, the DEQ will post online  
20 notices on the Department's web page for Tier I  
21 applications for certain air permits. This will  
22 meet EPA's notice requirements in the least  
23 burdensome way for industry. This is not an  
24 uncommon expectation, and many companies that  
25 operate in other states are already familiar

<p style="text-align: right;">Page 26</p> <p>1 with these types of noticing requirements.</p> <p>2 In addition, the rule proposal</p> <p>3 formalizes the Department's current practice of</p> <p>4 offering simultaneous public notice for both</p> <p>5 construction and operating permits for</p> <p>6 modifications to existing facilities, as allowed</p> <p>7 by the EPA. This would also reduce the burden</p> <p>8 on industry. And it also adopts EPA's</p> <p>9 requirement that all brand new Title V operating</p> <p>10 permits have a separate public review process.</p> <p>11 These proposed rule changes have been</p> <p>12 prompted by EPA's review of Oklahoma's state</p> <p>13 implementation plan submittals. Approval of</p> <p>14 theses changes will remove an obstacle to</p> <p>15 obtaining approval from EPA for outstanding</p> <p>16 portions of this step. This will help ensure</p> <p>17 that the Department retains approval to</p> <p>18 administer the state NSR permit program and the</p> <p>19 Title V operating permit program.</p> <p>20 The regulated community had multiple</p> <p>21 opportunities to provide field feedback on these</p> <p>22 rule notices. These notices to the proposed</p> <p>23 rule changes were published in the Oklahoma</p> <p>24 Register on May 15th, 2020, and September 15th,</p> <p>25 2020, and on the agency website.</p>	<p style="text-align: right;">Page 27</p> <p>1 In addition, as the rules were</p> <p>2 developed, successive versions of the proposed</p> <p>3 rule changes were brought before the Air Quality</p> <p>4 Advisory Council on four separate occasions to</p> <p>5 solicit input from the Council, industry</p> <p>6 stakeholders and the public.</p> <p>7 Presentations were made at regularly</p> <p>8 scheduled rulemaking meetings in June, and a</p> <p>9 special meeting in July, and a regularly</p> <p>10 scheduled rulemaking meeting in October, and at</p> <p>11 a continuation of the October meeting held in</p> <p>12 November of 2020.</p> <p>13 There were two formal public comments</p> <p>14 periods, as well as the opportunity for the</p> <p>15 public to provide comments during the four</p> <p>16 public hearings. Written and verbal comments</p> <p>17 were received throughout the process, resulting</p> <p>18 in revisions and improvements to the rule</p> <p>19 proposal.</p> <p>20 Ultimately, the Council unanimously</p> <p>21 approved the proposal at its November 12th</p> <p>22 continuation meeting. The Council and</p> <p>23 Department recognize that these changes -- that</p> <p>24 these rule changes will have impacts on the</p> <p>25 regulated community. We believe the rule</p>
<p style="text-align: right;">Page 28</p> <p>1 changes have been written in such a way to</p> <p>2 minimize the impacts to the extent possible,</p> <p>3 while still meeting the requirements of EPA.</p> <p>4 The Department has assured me they will continue</p> <p>5 to work with stakeholders through the</p> <p>6 implementation of these changes, if and when</p> <p>7 they are approved.</p> <p>8 As Chair of the Air Quality Advisory</p> <p>9 Council, I recommend that the Board approve the</p> <p>10 proposed Chapter 4, Subchapter 7 revisions as</p> <p>11 permanent rules.</p> <p>12 DR. HAMMON: Do we have questions or</p> <p>13 discussions by the Board?</p> <p>14 MR. MASON: Yes, Mason has some</p> <p>15 comments.</p> <p>16 DR. HAMMON: Go ahead, Mr. Mason.</p> <p>17 MR. MASON: It's my understanding,</p> <p>18 normally when a rule is passed that has an</p> <p>19 economic impact, there's supposed to be an</p> <p>20 economic impact analysis according to our rules.</p> <p>21 I'm not seeing that. Is it in there?</p> <p>22 Second question is, I think I heard in</p> <p>23 Laura's comments, and maybe I misunderstood her,</p> <p>24 there's no impact on the regulated community.</p> <p>25 But aren't we adding more impact and more</p>	<p style="text-align: right;">Page 29</p> <p>1 permitting requirements on the regulating</p> <p>2 community? So I'm confused.</p> <p>3 And then my final question is, this is</p> <p>4 changing how we've done things for a long time.</p> <p>5 Are there other states that are also</p> <p>6 mis-performing that are requiring these changes?</p> <p>7 Thank you.</p> <p>8 MS. LODES: So, I did state, we do</p> <p>9 recognize that it is an impact to the regulated</p> <p>10 community. It will be a change. It will slow</p> <p>11 down the process. Because a 30-day public</p> <p>12 review will mean that a permit's not going to</p> <p>13 get issued -- a Minor Source permit's not going</p> <p>14 to get issued in two weeks.</p> <p>15 It will change some of the Title V</p> <p>16 level permit changes that are made where we</p> <p>17 can't go in, submit an application, and</p> <p>18 immediately effect the change for some of the</p> <p>19 stuff that we've been able to do today. So</p> <p>20 there will absolutely be an impact. That's why</p> <p>21 there were four special meetings.</p> <p>22 The -- having the agency just publish</p> <p>23 it on their website, I think, does help with the</p> <p>24 economic burden for the industry. They're not</p> <p>25 having to pay to run it in the newspapers.</p>

<p style="text-align: right;">Page 30</p> <p>1 They're not having to go through the hassle of 2 trying to get it to a library. 3 So a lot of these that are Tier I, that 4 never have gone through public notice before, 5 will now go through a public notice, but it's 6 just a notice on the agency's website. So that 7 should help with some of the -- offset some of 8 the burden that would be -- if we had to follow 9 the regular, what I'll call, Tier II procedures 10 for a public notice. 11 As far as other states are concerned, 12 that was one of the main things we kept bringing 13 up from the Council. I do know from working in 14 other states, that other states do have a 15 program, I'll say, similar to what we have today 16 where they're not doing some of the public 17 notices. But at the same time, I know a lot of 18 states that do require it. 19 New Mexico, for example, requires you 20 to run a radio ad, and they have a lot more of 21 their minor source that does go in the radio, 22 the newspaper, and a lot is done before it. 23 Texas has -- if you're doing an individual 24 permit in Texas, it's going to have a very 25 similar public notice process. They've got an</p>	<p style="text-align: right;">Page 31</p> <p>1 extensive permit by rule provision which does 2 allow for some more rapid changes. And so it's 3 kind of a tossup there. We haven't totally, 4 I'll say, determined why. 5 Florida was one state we brought up 6 several times as to a state that doesn't -- that 7 seems to have backed off some of the public 8 notice requirements. I know the agency looked 9 into it, and our understanding is that some of 10 the -- the State of Florida had backed off on 11 trying to relax it. I'm assuming that was in 12 conversations with EPA. I know EPA sent the 13 letter stating that if we wanted our SIP 14 approved, we had to pretty much pass the set of 15 changes. 16 Does that address your question, Steve? 17 MR. MASON: Yes, ma'am. And then third 18 question, which may need to go to staff, and 19 I'm -- help me here with the words. Don't we 20 have a requirement that when there's an economic 21 impact, there needs to be an analysis done and 22 presented to us? 23 MS. LODES: Yes, and I will send that 24 over. I think Kendal's on to help with that 25 piece, because we do look at some of that.</p>
<p style="text-align: right;">Page 32</p> <p>1 MR. MASON: Is that required document, 2 asking the DEQ staff, and probably asking Rob, 3 is that contained in this packet? And if so, 4 tell me where. And I'm sorry. I'm sure it's 5 there. I'm trying to go through a lot of pages. 6 MR. SINGLETARY: Here, Steve, this is 7 Rob. If you go back and you look at the rule 8 impact statement, after the rule there is 9 some -- as part of that there are some 10 statements regarding probable impact on business 11 entities, as well as the probable economic 12 impact on effected classes of persons. 13 MR. MASON: Okay. And I'm struggling 14 with these hundreds of pages. Can you just 15 summarize for what it says for me? 16 MR. SINGLETARY: Yeah. I mean, it 17 essentially says what Laura said, is that 18 there's going to be minimal economic impact 19 anticipated because of the ease at which you can 20 post the notices on DEQ's website, is really 21 what it boils down to. 22 MR. MASON: All right. Thank you. 23 MR. SINGLETARY: You're welcome. 24 MS. LODES: And I think, Steve, you'll 25 find some of the economic impact is rolled</p>	<p style="text-align: right;">Page 33</p> <p>1 into -- and they can correct me if I'm wrong -- 2 the overall economic evaluation of the changes 3 of Subchapter 7 and 8 in OAC 252:100, because 4 that's where we had looked at it. 5 Because it was kind of -- basically, we 6 have to -- for these changes to go into effect, 7 we have to change all three chapters. I was 8 trying to pull out my own Council packet where 9 we had gone through it. 10 MS. STEGMANN: And, also, this is 11 Kendal Stegmann, with the Air Quality Division. 12 And I also believe that that economic analysis 13 that you're talking about is done -- (zoom 14 interruption.) 15 MS. LODES: We have lost Kendal. 16 DR. HAMMON: I think Kendal just froze. 17 MS. STEGMANN: -- more stringent than 18 the regulations, and in this case we're not. 19 We're just trying to bring our -- (zoom 20 interruption.) 21 DR. HAMMON: We'll give Kendal a second 22 to try get back on. 23 MR. SINGLETARY: What I think Kendal 24 was saying is that -- and this is Rob again. 25 That the -- that requirement she's referring to</p>

<p style="text-align: right;">Page 34</p> <p>1 on the economic analysis kicks in, in the event 2 DEQ is going to be more stringent than a federal 3 requirement. And in this case, we're being more 4 in line with what the federal requirements are. 5 I believe that's what she was trying to say. 6 MS. STEGMANN: Yes, that's correct. 7 MR. SINGLETARY: You're back. 8 MS. STEGMANN: Can you hear me now? 9 MS. LODES: Yes. 10 MR. SINGLETARY: We can. 11 MS. STEGMANN: Sorry. I think when I 12 use my video, my internet is instable. I 13 apologize. 14 DR. HAMMON: No apologies needed. 15 These are interesting times, zoom meetings. 16 Any other questions or comments from 17 the Board? 18 MR. MASON: One final comment from 19 Mason. Thanks for answering all my questions. 20 I appreciate it. It makes sense. And I expect 21 this rule will pass. 22 I am going to rule against it, just 23 honoring Governor Stitt's directive to us a year 24 ago with no more rules that aren't needed. Kind 25 of like voting against the spilled milk on</p>	<p style="text-align: right;">Page 35</p> <p>1 highway rule last year, but I'm sure it's going 2 to pass. 3 DR. HAMMON: Other questions or 4 comments from the Board? 5 Questions or comments from the public? 6 MR. SIMS: Bill Sims. I would make a 7 motion that we approve this. And also it 8 expresses concern about a lot more regulations 9 coming behind them. 10 MS. HAGENS: We've got one member of 11 the public that looks like they want to speak. 12 I see a raised hand. 13 DR. HAMMON: All right. Let's go ahead 14 with that raised hand. We'll hold on the motion 15 to approve. 16 MS. HAGENS: All right. It is a phone 17 number ending in 0107, so I will go ahead and 18 unmute you. Please remember to state your name 19 and affiliation, and you'll have three minutes 20 to speak. 21 All right. I've asked to unmute your 22 line. Are you able to -- 23 MR. JACKMAN: Hello, this is Bob 24 Jackman, Tulsa. Independent geologist 25 representing myself.</p>
<p style="text-align: right;">Page 36</p> <p>1 Would this new regulation also require 2 on new large chicken houses, that they also will 3 be required to fill out this form on air quality 4 or is there an exemption for agriculture on 5 this? That's it. Thank you. This is Bob 6 Jackman. 7 DR. HAMMON: Thank you, Bob. 8 Do we have someone who can address his 9 question? 10 MS. LODES: I'm not sure on if the 11 large chicken houses and how they have an air 12 quality permit. So this is going to impact 13 stuff that requires an air quality permit. 14 Kendal may know, and I know she was cutting out. 15 Or Rob may know, but I don't know that -- 16 MS. STEGMANN: Yes. Yeah, I -- no, I 17 do not see the chicken houses being caught up in 18 this -- in these new regulations. 19 MR. THOMPSON: Right. If they required 20 a DEQ air permit -- 21 MS. STEGMANN: Right. 22 MR. THOMPSON: -- then it would apply. 23 But if they do not -- 24 MS. STEGMANN: Right. 25 MR. THOMPSON: -- meet that criteria to</p>	<p style="text-align: right;">Page 37</p> <p>1 require the permit, then we don't regulate them. 2 If they have other ways to regulate -- 3 MS. STEGMANN: Yes. 4 MR. THOMPSON: -- but, primarily, 5 they're regulated by the Department of 6 Agriculture. 7 MS. STEGMANN: That is correct. We 8 don't consider them having a regulated air 9 pollutant. 10 DR. HAMMON: All right. I appreciate 11 the question and the responses to that question. 12 I am not seeing any other raised hands at this 13 time. Do we have any further Board discussion 14 or action? 15 MR. MUNSON: Madam Chairman, I'll 16 second the motion made by Mr. Sims. 17 DR. HAMMON: All right. So I had a 18 motion to approve and a second. 19 Quiana, can you do a roll call vote? 20 MS. FIELDS: Mr. Barton? 21 MR. BARTON: Barton, yes. 22 MS. FIELDS: Mr. Easton? 23 MR. EASTON: Easton, no. 24 MS. FIELDS: Dr. Ferrell? 25 DR. FERRELL: Ferrell, yes.</p>



<p style="text-align: right;">Page 38</p> <p>1 MS. FIELDS: Mr. Griesel?</p> <p>2 MR. GRIESEL: Griesel, no.</p> <p>3 MS. FIELDS: Dr. Hammon?</p> <p>4 DR. HAMMON: Hammon, yes.</p> <p>5 MS. FIELDS: Mr. Hirshey?</p> <p>6 MR. HIRSHEY: Hirshey, yes.</p> <p>7 MS. FIELDS: Ms. Kunze?</p> <p>8 MS. KUNZE: Kunze, yes.</p> <p>9 MS. FIELDS: Mr. Mason?</p> <p>10 MR. MASON: No. Mason, no.</p> <p>11 MS. FIELDS: Mr. Munson?</p> <p>12 MR. MUNSON: Munson, yes.</p> <p>13 MS. FIELDS: Mr. Pague? Mr. Pague?</p> <p>14 MR. PAQUE: Sorry about that. Pague,</p> <p>15 yes.</p> <p>16 MS. FIELDS: Mr. Sims?</p> <p>17 MR. SIMS: Yes.</p> <p>18 MS. FIELDS: Mr. Kinder?</p> <p>19 MR. KINDER: Yes.</p> <p>20 MS. FIELDS: Motion passed.</p> <p>21 DR. HAMMON: Okay. Thank you. Moving</p> <p>22 on to agenda item 9, also Laura Lodes.</p> <p>23 You've had a full slate today, Laura.</p> <p>24 OAC 252:100.</p> <p>25 MS. LODES: It's been a while since I</p>	<p style="text-align: right;">Page 39</p> <p>1 had this full of a slate. I feel like we got</p> <p>2 really quiet for a few years there.</p> <p>3 Okay. This is the other part of the</p> <p>4 Subchapter 4 -- or the Chapter 4 changes we just</p> <p>5 made. This is in the corresponding Chapter 100</p> <p>6 part to the Air Quality Control rules. It's</p> <p>7 Chapter 100, Air Pollution Control, Subchapter</p> <p>8 1, General Provisions -- Subchapter 1, General</p> <p>9 Provisions; Subchapter 7, Permits for Minor</p> <p>10 Facilities; Subchapter 8, Permits for Part 70</p> <p>11 Sources and major New Source Review sources.</p> <p>12 As discussed previously, the</p> <p>13 Department's proposing to amend portions of</p> <p>14 Chapter 100 in tandem with the proposed changes</p> <p>15 to rules in Chapter 4 that are specific to the</p> <p>16 Air Quality Program. These proposed changes</p> <p>17 went through the same process of a Council</p> <p>18 evaluation and a public review as the proposed</p> <p>19 changes to Chapter 4 discussed previously.</p> <p>20 Again, the primary purpose for the proposed</p> <p>21 changes is to bring the public participation</p> <p>22 process in line with federal requirements.</p> <p>23 As it's mentioned previously, there's a</p> <p>24 letter included in your packet dated November 6,</p> <p>25 2020, issued by EPA Region 6 that identifies</p>
<p style="text-align: right;">Page 40</p> <p>1 specific areas of concern within the permitting</p> <p>2 rules. The letter also emphasizes the necessity</p> <p>3 of the proposed rule changes to fix these</p> <p>4 problems and shares possible consequences,</p> <p>5 should the DEQ be unable to address EPA's</p> <p>6 concerns.</p> <p>7 New Source Review or NSR is a process</p> <p>8 used to evaluate plans to construct new emission</p> <p>9 sources or to modify existing sources. The NSR</p> <p>10 process concludes with the issuance of a</p> <p>11 construction permit. Minor NSR includes all</p> <p>12 construction permits issued for minor facilities</p> <p>13 covered in Subchapter 7 of the Chapter 100</p> <p>14 rules, and most of the construction permits</p> <p>15 issued to major sources addressed in Subchapter</p> <p>16 8.</p> <p>17 As already discussed, federal rule</p> <p>18 requires all NSR permits to undergo a 30-day</p> <p>19 public review period. Therefore, changes</p> <p>20 related to those made in Chapter 4 were added to</p> <p>21 Chapter 100. Tier I minor NSR draft permits</p> <p>22 would, under today's proposal, undergo public</p> <p>23 review with a permit posted on the Department's</p> <p>24 web page as earlier -- as explained earlier.</p> <p>25 Based on recent numbers, staff</p>	<p style="text-align: right;">Page 41</p> <p>1 estimates this change will only affect about 10</p> <p>2 percent of AQD's permitted universe,</p> <p>3 specifically individual minor source permits and</p> <p>4 most minor modifications to Title V operating</p> <p>5 permits. It will not affect general permits or</p> <p>6 permits by rule.</p> <p>7 The Title V operating permit covers</p> <p>8 major source of air emissions. The rules have</p> <p>9 allowed an applicant to incorporate the</p> <p>10 requirements of Tier II construction permit into</p> <p>11 a Title V operating permit with an</p> <p>12 administrative amendment for both new and</p> <p>13 existing facilities. Federal rules only allow</p> <p>14 that procedure for facilities already operating</p> <p>15 under a Title V permit. The proposed rules</p> <p>16 incorporate this change.</p> <p>17 A facility that has a Title V operating</p> <p>18 permit may apply for a permit that limits</p> <p>19 emissions to below major source thresholds. The</p> <p>20 permit with those limits is called a Synthetic</p> <p>21 Minor Permit. DEQ guidance currently requires</p> <p>22 Tier II public review for this process, but this</p> <p>23 policy will now be formally incorporated into</p> <p>24 the rules.</p> <p>25 Minor modifications to Title V</p>

Page 42

1 operating permits under current DEQ policy may  
2 be accomplished directly through the revision of  
3 the operating permit and without a corresponding  
4 construction permit. However, EPA rules state  
5 that any physical change or change in the method  
6 of operation to a facility that results in an  
7 increase in emissions would require an NSR  
8 permit.

9 The proposed rule change will require  
10 minor mods to receive prior authorization by a  
11 construction permit, with Tier I public review  
12 on the web, followed by a minor modification to  
13 the Title V operating permit. To reduce the  
14 impact of this change, the proposed rules will  
15 exempt projects that will result in potential  
16 emission increases of less than ten tons per  
17 year of any regulated air pollutant from the  
18 requirement to obtain a minor NSR permit.

19 To bring subchapter 7 minor facility  
20 operating permit program fully into the SIP, the  
21 program is being modified in accordance with  
22 EPA's requirements on establishing a federally  
23 enforceable state operating permit or FESOP  
24 program. Somewhat analogous to the requirement  
25 for the initial Title V operating permit, an

Page 44

1 DR. HAMMON: All right. Thank you,  
2 Laura.

3 Questions and discussion by the Board?

4 MR. MASON: Well, Mason would have the  
5 same comments, with the same responses, so we  
6 don't need to repeat those, because I  
7 understand.

8 I would add one thing, I do appreciate  
9 DEQ's efforts for, certainly, Tier I permits in  
10 the former rule, and maybe it's in this rule, to  
11 do an online notification. That does help  
12 industry. So I would thank DEQ for that. Thank  
13 you.

14 DR. HAMMON: Thank you, Mr. Mason.

15 MS. LODES: And I did want to say one  
16 more thing on this. So Subchapter 7, our minor  
17 source rules, has historically had a  
18 requirement -- and I know several years ago,  
19 Steve, you asked me about why we had to do the  
20 generator permit, the emergency generator  
21 permit.

22 MR. MASON: Oh, yes.

23 MS. LODES: Okay. And I said, because  
24 our rules require any source subject to an  
25 emission limit or work practice standard under

Page 43

1 initial FESOP would need to go through 30-day  
2 public review.

3 The rule proposal includes an  
4 additional change in Subchapter 7 that's  
5 intended to reduce the permitting burden on  
6 industry by exempting minor facilities from  
7 their requirement for a minor NSR permit for  
8 like-kind unit replacements.

9 In summary, these changes to the rules  
10 will require that a number of permits undergo  
11 public review, permits which previously would  
12 have been exempt from the requirement for public  
13 review under DEQ's current rules.

14 We believe the proposed rule change  
15 minimizes the impact to the extent possible,  
16 while still meeting the minimum requirements of  
17 EPA. While these changes are significant, as I  
18 mentioned before, the Department has assured me  
19 that they will continue to work with the  
20 stakeholders through the implementation of these  
21 changes, if and when they are approved.

22 As Chair of the Air Quality Advisory  
23 Council, I recommend the Board approve the  
24 proposed Chapter 100, Subchapters 1, 7 and 8  
25 provisions as personal -- as permanent rules.

Page 45

1 an NSP (inaudible) had to get a construction  
2 permit, and that's held true all these years.  
3 And so if an oil and gas facility needed to  
4 swing an engine under the individual minor  
5 source permit, they've had to go through a  
6 construction permit process which delayed them.

7 One change that the agency did make on  
8 industry's behalf was like-kind changes or  
9 changes with the same or less emissions don't  
10 require a permit change -- or a permit  
11 modification that goes through public notice.

12 Now, we still have the requirement  
13 because -- for the emergency generators. We  
14 don't get out of that one, because we didn't get  
15 rid of that piece. That was considered  
16 backsliding by the EPA. But it does allow  
17 industry, whether it's changing out a heater at  
18 your asphalt roof manufacturer or your engine at  
19 your oil and gas facility, from not having to go  
20 through a permit review process, it's a  
21 notification to the agency, which should take  
22 away some of the burden of permit changes we've  
23 been making for years where it's been almost a  
24 like-kind change but required a permit mod  
25 because of the way our rules were structured.

<p style="text-align: right;">Page 46</p> <p>1 MR. MASON: Well, that's great news, 2 Laura, and the DEQ air folks. And, Laura, I 3 appreciate what you do, and the whole staff, 4 because I barely understand these air rules, and 5 I appreciate your thorough understanding. Thank 6 you. 7 MS. LODES: Sure. And that was -- I 8 want to say, that was a big win, I think, for 9 industry with a concession by the agency on 10 getting us that piece in the rule, because that 11 really will help, I think, with a lot of the 12 changes. 13 Any other questions you all have? 14 DR. HAMMON: All right. Hearing none 15 from the Board, any questions or discussion by 16 the public? 17 MS. HAGENS: I'm currently not seeing 18 any raised hands. 19 DR. HAMMON: All right. Thank you. 20 Moving on to action by the Board. 21 MR. KINDER: This is Jimmy Kinder. 22 I'll make a motion to accept. 23 DR. HAMMON: I have a motion to 24 approve. Do I have a second? 25 (Inaudible response.)</p>	<p style="text-align: right;">Page 47</p> <p>1 DR. HAMMON: I'm sorry. That was a 2 second. I need one of you. 3 MR. BARTON: Barton. 4 DR. HAMMON: Thank you. All right. So 5 I have a motion and a second. 6 Quiana, can you do a roll call vote? 7 MS. FIELDS: Mr. Barton? 8 MR. BARTON: Barton, yes. 9 MS. FIELDS: Mr. Easton? 10 MR. EASTON: Easton, no. 11 MS. FIELDS: Dr. Ferrell? 12 DR. FERRELL: Ferrell, yes. 13 MS. FIELDS: Mr. Griesel? 14 MR. GRIESEL: Griesel, yes. 15 MS. FIELDS: Dr. Hammon? 16 DR. HAMMON: Hammon, yes. 17 MS. FIELDS: Mr. Hirshey? 18 MR. HIRSHEY: Hirshey, yes. 19 MS. FIELDS: Ms. Kunze? Ms. Kunze? 20 MS. KUNZE: Kunze, yes. 21 MS. FIELDS: Mr. Mason? 22 MR. MASON: Mason, no. 23 MS. FIELDS: Mr. Munson? 24 MR. MUNSON: Munson, yes. 25 MS. FIELDS: Mr. Paque?</p>
<p style="text-align: right;">Page 48</p> <p>1 MR. PAQUE: Paque, yes. 2 MS. FIELDS: Mr. Sims? 3 MR. SIMS: Yes. 4 MS. FIELDS: Mr. Kinder? 5 MR. KINDER: Yes. 6 MS. FIELDS: Motion passed. 7 DR. HAMMON: All right. Thank you. 8 And, Laura, I appreciate your time presenting on 9 those topics. 10 Switching presenters, our next 11 rulemaking item is Agenda Item 10, the OAC 12 252:4, Rules of Practice and Procedure. And we 13 have Madison Miller with the Office of General 14 Counsel. 15 Madison. 16 MS. MILLER: Thank you. Yeah, I'll 17 give Laura a little break now. Good morning, 18 Madam Chair and members of the Board. I am 19 Madison Miller, the attorney supervisor for the 20 Air Quality Division. 21 Appendix C to Chapter 4, Permitting 22 Process Summary contains a table setting forth 23 permitting steps for Tiers I, II and III 24 permits, and the table is generally applicable 25 to all DEQ permits. Due to our proposed changes</p>	<p style="text-align: right;">Page 49</p> <p>1 to the Air Quality permitting rules today in 2 Chapters 4 and 100, some of the steps detailed 3 in Appendix C are no longer accurate for certain 4 air quality permits. 5 To my knowledge, the table in this 6 appendix remains valid for permits in other 7 media, such as land and water, but it will no 8 longer accurately reflect the public notice and 9 review requirements for certain air quality 10 permits. 11 To remedy this we are proposing to add 12 a note underneath the table indicating that air 13 quality permits require certain additional 14 public noticing steps that are not detailed in 15 the appendix. The note would also refer the 16 reader to 252:4-7-13(G) for additional 17 information. 18 After considering possible ways to 19 modify the -- modify and update the appendix, we 20 decided that adding this note is the least 21 confusing and most efficient option to update 22 the appendix and correct the inaccuracies that 23 remain after today's permitting changes to the 24 rules. 25 Because Appendix C is broadly</p>

<p style="text-align: right;">Page 50</p> <p>1 applicable to all DEQ permitting programs, it 2 wasn't sent through a specific council. 3 Instead, we thought it would be more appropriate 4 to bring this proposed rule change straight to 5 the Board. 6 In conclusion, if -- as a substantive 7 changes to the air quality permitting process in 8 Chapters 4 and 100 have been passed today, and 9 if they are promulgated, Appendix C would no 10 longer be accurate. To correct this, the 11 proposed note would read as follows, and you 12 should see a screenshot of the proposed note on 13 your screen. 14 Note for Clean Air Act Permits: In 15 order to meet the minimum federal public 16 participation requirements for state air 17 pollution control programs, certain additional 18 steps apply to the AQD permitting process. See 19 OAC 252:4-7-13(G). 20 And staff recommends the Board approve 21 this proposed change to Chapter 4, Appendix -- 22 excuse me, Appendix C. Thank you. 23 DR. HAMMON: Thank you, Madison. 24 Questions and comments from the Board? 25 Questions and comments from the public?</p>	<p style="text-align: right;">Page 51</p> <p>1 I'm not seeing any hands up. Can you 2 confirm that? 3 MS. HAGENS: I'm not seeing any hands 4 either. 5 DR. HAMMON: All right. Moving on to 6 action by the Board. 7 MR. BARTON: Move to approve, Barton. 8 MR. PAQUE: Paque. I'll second. 9 DR. HAMMON: Thank you. I have a 10 motion and a second. 11 Quiana, can we do a roll call vote? 12 MS. FIELDS: Mr. Barton? 13 MR. BARTON: Barton, yes. 14 MS. FIELDS: Mr. Easton? 15 MR. EASTON: Easton, yes. 16 MS. FIELDS: Dr. Ferrell? 17 DR. FERRELL: Ferrell, yes. 18 MS. FIELDS: Mr. Griesel? 19 MR. GRIESEL: Griesel, yes. 20 MS. FIELDS: Dr. Hammon? 21 DR. HAMMON: Hammon, yes. 22 MS. FIELDS: Mr. Hirshey? 23 MR. HIRSHEY: Hirshey, yes. 24 MS. FIELDS: Ms. Kunze? 25 MS. KUNZE: Kunze, yes.</p>
<p style="text-align: right;">Page 52</p> <p>1 MS. FIELDS: Mr. Mason? 2 MR. MASON: Mason, yes. 3 MS. FIELDS: Mr. Munson? 4 MR. MUNSON: Munson, yes. 5 MS. FIELDS: Mr. Paque? 6 MR. PAQUE: Paque, yes. 7 MS. FIELDS: Mr. Sims? 8 MR. SIMS: Yes. 9 MS. FIELDS: Mr. Kinder? 10 MR. KINDER: Yes. 11 MS. FIELDS: Motion passed. 12 DR. HAMMON: All right. Thank you. 13 Agenda Item Number 11 is a Hazardous Waste 14 Management item. We have, I believe, Lee Grater 15 presenting. If Lee's not available, I've listed 16 Mike Edwards as backup. 17 MR. GRATER: Lee's available. 18 DR. HAMMON: Okay. Thank you, Lee. 19 The floor is yours. 20 MR. GRATER: Rulemaking, OAC 252, 21 Section 205, Hazardous Waste Management. The 22 Department is proposing to update language in 23 Chapter 205 to reflect the latest date of 24 incorporation of EPA regulations. The gist of 25 this rulemaking is to make DEQ's Hazardous Waste</p>	<p style="text-align: right;">Page 53</p> <p>1 Rules consistent with federal regulation by 2 incorporating by reference the regulations found 3 in 40 CFR Parts 124 and 260 through 279, revised 4 as of July 1st, 2020. 5 One significant rule change found to be 6 incorporated in federal regulations is the 7 addition of hazardous waste aerosol cans in the 8 universal waste program under the federal 9 Resource Conservation and Recovery Act 10 Regulations. This change will provide a clear 11 protective system for managing discarded aerosol 12 cans by easing the regulatory versions from 13 loading collection and recycling and encouraging 14 the development of programs to reduce the 15 quantities of this waste sent to municipal solid 16 waste landfills or combusters. The rule will 17 ensure that Oklahoma's hazardous waste rules are 18 at least equivalent to the federal rules as 19 required to maintain minimum program 20 authorizations. 21 The Hazardous Waste Management Advisory 22 Council met virtually on October 15th of 2020, 23 with our annual approval -- our annual 24 rulemaking approval. The Council unanimously 25 voted to approve the proposed revision. The</p>

<p style="text-align: right;">Page 54</p> <p>1 gist of this rulemaking is to make DEQ's 2 hazardous waste rules consistent with federal 3 regulations incorporated under 40 CFR Parts 124, 4 260 through 269. 5 This change will provide a clear 6 protective system for managing discarded aerosol 7 cans by easing the regulatory burden, promoting 8 collection and recycling and encouraging the 9 development of programs to reduce the quantity 10 sent to municipal solid waste or landfills. 11 This rulemaking will ensure Oklahoma's hazardous 12 waste rules are at least equivalent to federal 13 rules as required to maintain (inaudible) 14 authorization. 15 The DEQ and the Hazardous Waste Council 16 recommend that the Board approve the proposed 17 rule. 18 DR. HAMMON: All right. Thank you, 19 Lee. 20 Are there any questions or discussion 21 by the Board? 22 Hearing none, questions, comments or 23 discussion by the public? 24 MS. HAGENS: Just a reminder for anyone 25 wishing to make a comment during this period,</p>	<p style="text-align: right;">Page 55</p> <p>1 please use the raise hand function to show that 2 you wish to speak, which is either at the bottom 3 of your screen or at the top right under "more". 4 All right. I'm currently not seeing 5 any hands raised. 6 DR. HAMMON: All right. Thank you. 7 Discussion and action by the Board? 8 MR. MUNSON: Madam Chair, this is Tim 9 Munson. I move that we approve the motion -- or 10 approve the proposal. 11 DR. HAMMON: Thank you. Do I have a 12 second? 13 MR. SIMS: Bill Sims, second. 14 DR. HAMMON: All right. We have a 15 motion and a second to approve. 16 Quiana, could you do a roll call vote, 17 please? 18 MS. FIELDS: Mr. Barton? 19 MR. BARTON: Barton, yes. 20 MS. FIELDS: Mr. Easton? 21 MR. EASTON: Easton, yes. 22 MS. FIELDS: Dr. Ferrell? 23 DR. FERRELL: Ferrell, yes. 24 MS. FIELDS: Mr. Griesel? 25 MR. GRIESEL: Griesel, yes.</p>
<p style="text-align: right;">Page 56</p> <p>1 MS. FIELDS: Dr. Hammon? 2 DR. HAMMON: Hammon, yes. 3 MS. FIELDS: Mr. Hirshey? 4 MR. HIRSEY: Hirshey, yes. 5 MS. FIELDS: Ms. Kunze? 6 MS. KUNZE: Kunze, yes. 7 MS. FIELDS: Mr. Mason? 8 MR. MASON: Mason, yes. 9 MS. FIELDS: Mr. Munson? 10 MR. MUNSON: Munson, yes. 11 MS. FIELDS: Mr. Paque? 12 MR. PAQUE: Yes. 13 MS. FIELDS: Mr. Sims? 14 MR. SIMS: Yes. 15 MS. FIELDS: Mr. Kinder? 16 MR. KINDER: Yes. 17 MS. FIELDS: Motion passed. 18 DR. HAMMON: All right. Thank you. 19 Thank you, Mr. Grater, for the 20 presentation. 21 Agenda Item Number 12, also more 22 rulemaking. This is the Disposal of Coal 23 Combustion Residuals from Electric Utilities. 24 And my understanding is that we have Patrick 25 Riley to present today.</p>	<p style="text-align: right;">Page 57</p> <p>1 MR. RILEY: That's correct. I'm 2 Patrick Riley. I manage the Solid Waste and 3 Sustainability Group at DEQ. Chairman Shephard 4 was unable to be here today, so he asked me to 5 deliver the -- or present the rules. 6 So the Department of Environmental 7 Quality in response to changes to 40 CFR 257, 8 Subpart D is proposing to amend OAC 252:517, 9 Disposal of Coal Combustion Residuals from 10 Electric Utilities. The gist of this rulemaking 11 is to incorporate federal changes and ensure 12 state CCR rules are consistent with, and at 13 least as protective as, the federal rules. 14 Proposed changes which are identical to 15 federal revisions, except for some minor 16 formatting changes, include: Changing the 17 classification of clay-lined CCR surface 18 impoundments to unlined, revising certain closer 19 deadlines for surface impoundments, providing 20 alternative enclosure provisions, establishing 21 groundwater protection standards for four 22 Appendix B constituents, adding a requirement to 23 include a summary in annual groundwater reports, 24 and making those non-substantive changes. 25 This rulemaking is necessary to</p>

<p style="text-align: right;">Page 58</p> <p>1 maintain Environmental Protection Agency 2 authorization of Oklahoma's CCR regulatory 3 program. EPA allows states with approved 4 programs three years to come into compliance 5 with federal changes. The first effective date, 6 the federal changes that we propose in this 7 rule, was August 29th of 2018.</p> <p>8 The Solid Waste Management Advisory 9 Council met January 14th, 2021, and approved the 10 proposed changes. The Council recommends the 11 Board approve the changes as proposed.</p> <p>12 DR. HAMMON: Okay. Thank you.</p> <p>13 Questions and discussion by the Board?</p> <p>14 MR. PAQUE: Patrick, Mike Paque. I 15 have one question in reference to the -- in the 16 report. And I apologize. I do not have the 17 full packet in front of me. I've looked at it 18 but it's not up on my screen, so forgive me if 19 this question would be answered in a sharper 20 read of that.</p> <p>21 But it says, Established groundwater 22 protection standards for four constituents. 23 Those groundwater protection standards are -- 24 come from where and are based on what? They 25 don't come with it, I know.</p>	<p style="text-align: right;">Page 59</p> <p>1 MR. RILEY: Yeah. Those are 2 groundwater protection standards that EPA has 3 established, risk-based standards that apply to 4 background. In the absence of those standards, 5 the background concentrations would be the -- 6 what the facility would have to compare down 7 gradient sampling results to. So this is 8 actually -- so establishing these standards is 9 actually a benefit to the regulated community, 10 so they're not required to compare to something 11 that might actually be lower.</p> <p>12 MR. PAQUE: So they're not any 13 different than any other rule that has the 14 federal rule and has the tenant background 15 standards, it's the same?</p> <p>16 MR. RILEY: I can't speak to other 17 federal rules, but these are what EPA 18 established specific for CCR facilities.</p> <p>19 MR. PAQUE: Okay. Thanks.</p> <p>20 DR. HAMMON: Other questions by the 21 Board?</p> <p>22 MR. MASON: Patrick, Steve Mason. This 23 rule applies to a very small regulated 24 community. In their public (zoom interruption) 25 are they on Board with this change?</p>
<p style="text-align: right;">Page 60</p> <p>1 MR. RILEY: I'm sorry. The public who? 2 MR. MASON: This rule, I believe, 3 applies to a very small regulated community. In 4 their comments, are they okay with this rule 5 change?</p> <p>6 MR. RILEY: Yes.</p> <p>7 MR. MASON: All right. Thank you.</p> <p>8 MR. RILEY: Not that I can speak for 9 them directly, but from discussion we had in 10 council meetings and feedback that we've heard, 11 the regulated community is supportive of EPAs -- 12 of DEQ operating in lieu of EPA, and they're 13 supportive of these changes.</p> <p>14 MR. MASON: We're all supportive of us 15 operating in lieu of EPA.</p> <p>16 MR. BARTON: Yeah, Barton would comment 17 that I'm appreciative of the leadership of the 18 DEQ in taking the lead in these rules as opposed 19 to EPA ahead of other states.</p> <p>20 DR. HAMMON: Any other comments from 21 the Board?</p> <p>22 I will open it up to comments or 23 discussion by the public. Again, use the raise 24 hand feature if you wish to speak.</p> <p>25 MS. HAGENS: I'm not seeing any raised</p>	<p style="text-align: right;">Page 61</p> <p>1 hands at this time.</p> <p>2 DR. HAMMON: All right. Do we have any 3 action by the Board?</p> <p>4 MR. MASON: Mason moves approval.</p> <p>5 DR. HAMMON: Thank you, Mr. Mason.</p> <p>6 MR. PAQUE: Paque, second.</p> <p>7 DR. HAMMON: Thank you, Mr. Paque. I 8 have a motion and a second.</p> <p>9 Quiana, could we get a roll call vote?</p> <p>10 MS. FIELDS: Mr. Barton?</p> <p>11 MR. BARTON: Barton, yes.</p> <p>12 MS. FIELDS: Mr. Easton?</p> <p>13 MR. EASTON: Easton, yes.</p> <p>14 MS. FIELDS: Dr. Ferrell?</p> <p>15 DR. FERRELL: Ferrell, yes.</p> <p>16 MS. FIELDS: Mr. Griesel?</p> <p>17 MR. GRIESEL: Griesel, yes.</p> <p>18 MS. FIELDS: Dr. Hammon?</p> <p>19 DR. HAMMON: Hammon, yes.</p> <p>20 MS. FIELDS: Mr. Hirshey?</p> <p>21 MR. HIRSHEY: Hirshey, yes.</p> <p>22 MS. FIELDS: Ms. Kunze?</p> <p>23 MS. KUNZE: Kunze, yes.</p> <p>24 MS. FIELDS: Mr. Mason?</p> <p>25 MR. MASON: Mason, yes.</p>

<p style="text-align: right;">Page 62</p> <p>1 MS. FIELDS: Mr. Munson?</p> <p>2 MR. MUNSON: Munson, yes.</p> <p>3 MS. FIELDS: Mr. Pague?</p> <p>4 MR. PAQUE: Pague, yes.</p> <p>5 MS. FIELDS: Mr. Sims?</p> <p>6 MR. SIMS: Sims, yes.</p> <p>7 MS. FIELDS: Mr. Kinder?</p> <p>8 MR. KINDER: Yes.</p> <p>9 MS. FIELDS: Motion passed.</p> <p>10 DR. HAMMON: All right. Thank you.</p> <p>11 My agenda shows we're about halfway</p> <p>12 through our program for today. We're about an</p> <p>13 hour and seven minutes in. I will ask the Board</p> <p>14 if they would like a quick break to go refill</p> <p>15 coffee or wish to proceed with the remainder of</p> <p>16 the agenda? Any -- any preference?</p> <p>17 UNIDENTIFIED MEMBER: Break, please.</p> <p>18 DR. HAMMON: Break. One is enough.</p> <p>19 Could we do a motion? Could I hear a motion to</p> <p>20 break?</p> <p>21 MR. GRIESEL: Move to take a --</p> <p>22 MR. HIRSHEY: Second.</p> <p>23 DR. HAMMON: All right. I hear a</p> <p>24 motion. And who was the second?</p> <p>25 MR. HIRSHEY: Hirshey.</p>	<p style="text-align: right;">Page 63</p> <p>1 DR. HAMMON: Thank you, Mr. Hirshey.</p> <p>2 So I have a motion and a second for taking a</p> <p>3 ten-minute break.</p> <p>4 If I could get a roll call on that, and</p> <p>5 we will set a timer and reconvene after ten</p> <p>6 mention.</p> <p>7 Quiana.</p> <p>8 MS. FIELDS: Mr. Barton?</p> <p>9 MR. BARTON: Barton, yes.</p> <p>10 MS. FIELDS: Mr. Easton?</p> <p>11 MR. EASTON: Easton, yes.</p> <p>12 MS. FIELDS: Dr. Ferrell?</p> <p>13 DR. FERRELL: Ferrell, yes.</p> <p>14 MS. FIELDS: Mr. Griesel?</p> <p>15 MR. GRIESEL: Griesel, yes.</p> <p>16 MS. FIELDS: Dr. Hammon?</p> <p>17 DR. HAMMON: Hammon, yes.</p> <p>18 MS. FIELDS: Mr. Hirshey?</p> <p>19 MR. HIRSHEY: Hirshey, yes.</p> <p>20 MS. FIELDS: Ms. Kunze?</p> <p>21 MS. KUNZE: Kunze, yes.</p> <p>22 MS. FIELDS: Mr. Mason?</p> <p>23 MR. MASON: Mason, yes.</p> <p>24 MS. FIELDS: Mr. Munson?</p> <p>25 MR. MUNSON: Munson, yes.</p>
<p style="text-align: right;">Page 64</p> <p>1 MS. FIELDS: Mr. Pague?</p> <p>2 MR. PAQUE: Pague, yes.</p> <p>3 MS. FIELDS: Mr. Sims?</p> <p>4 MR. SIMS: Sims, yes.</p> <p>5 MS. FIELDS: Mr. Kinder?</p> <p>6 MR. KINDER: Yes.</p> <p>7 MS. FIELDS: Motion passed.</p> <p>8 DR. HAMMON: All right. I'll see you</p> <p>9 in ten minutes for the second half of our</p> <p>10 agenda.</p> <p>11 (At which time, there was a ten minute</p> <p>12 recess taken.)</p> <p>13 DR. HAMMON: We are officially</p> <p>14 reconvened. I appreciate the chance for a break</p> <p>15 there. And Brian Duzan has the next Board</p> <p>16 rulemaking session.</p> <p>17 So, Brian, I appreciate you allowing us</p> <p>18 to take a quick break before we put you on the</p> <p>19 floor here.</p> <p>20 So our next agenda item is Agenda Item</p> <p>21 No. 13. It is rulemaking on Oklahoma Pollutants</p> <p>22 Discharge Elimination System Standards.</p> <p>23 Brian, the floor is yours.</p> <p>24 MR. DUZAN: Thank you, Madam Chairman,</p> <p>25 good morning to everybody. My name is Brian</p>	<p style="text-align: right;">Page 65</p> <p>1 Duzan. I am the Chair to the Water Quality</p> <p>2 Management Advisory Council or WQMAC. Today the</p> <p>3 WQMAC has four chapters of rules recommended to</p> <p>4 the Board for consideration.</p> <p>5 The first one we're bringing today, the</p> <p>6 DEQ staff discussed the proposed rulemaking of</p> <p>7 the September 29th, 2020, WQMAC meeting and the</p> <p>8 January 12th, 2021, WQMAC meeting, where it was</p> <p>9 unanimously approved by the Council. It is</p> <p>10 Chapter 606, Oklahoma Pollutant Discharge</p> <p>11 Elimination Standards, and the department is</p> <p>12 proposing to update the date of incorporation by</p> <p>13 reference of federal rules from July 1st, 2018,</p> <p>14 to July 1st, 2020.</p> <p>15 The federal regulation updates being</p> <p>16 incorporated are minor and intended to modernize</p> <p>17 regulations, promote submission of complete</p> <p>18 permit applications, and clarifies regulatory</p> <p>19 requirements to allow more timely development of</p> <p>20 NPDS permits that protect human health and the</p> <p>21 environment.</p> <p>22 The DEQ received no formal comments on</p> <p>23 Chapter 606. This rulemaking is necessary to</p> <p>24 ensure Oklahoma retains responsibility for</p> <p>25 administering the NPDS programming in Oklahoma.</p>

<p style="text-align: right;">Page 66</p> <p>1 Do you have any questions or comments?</p> <p>2 Seth and I would be -- hopefully, be glad to</p> <p>3 answer.</p> <p>4 DR. HAMMON: All right. Questions and</p> <p>5 discussion by the Board?</p> <p>6 Hearing none, questions or comments by</p> <p>7 the public?</p> <p>8 MS. HAGENS: Any members of the public</p> <p>9 wishing to speak, please use the raise hand icon</p> <p>10 on the bottom or the top right-hand of your</p> <p>11 screen.</p> <p>12 All right. Currently not seeing any</p> <p>13 hands raised.</p> <p>14 DR. HAMMON: Thank you, Christina.</p> <p>15 Any discussion or possible action by</p> <p>16 the Board?</p> <p>17 MR. GRIESEL: Griesel, move for</p> <p>18 approval.</p> <p>19 DR. HAMMON: Thank you, Mr. Griesel.</p> <p>20 MR. BARTON: Second.</p> <p>21 DR. HAMMON: Thank you, Mr. Barton.</p> <p>22 Quiana, I have a motion and a second to</p> <p>23 approve. Could you please do a roll call vote?</p> <p>24 MS. FIELDS: Mr. Barton?</p> <p>25 MR. BARTON: Barton, yes.</p>	<p style="text-align: right;">Page 67</p> <p>1 MS. FIELDS: Mr. Easton?</p> <p>2 MR. EASTON: Easton, yes.</p> <p>3 MS. FIELDS: Dr. Ferrell?</p> <p>4 DR. FERRELL: Ferrell, yes.</p> <p>5 MS. FIELDS: Mr. Griesel?</p> <p>6 MR. GRIESEL: Griesel, yes.</p> <p>7 MS. FIELDS: Dr. Hammon?</p> <p>8 DR. HAMMON: Hammon, yes.</p> <p>9 MS. FIELDS: Mr. Hirshey?</p> <p>10 MR. HIRSHEY: Hirshey, yes.</p> <p>11 MS. FIELDS: Ms. Kunze?</p> <p>12 MS. KUNZE: Kunze, yes.</p> <p>13 MS. FIELDS: Mr. Mason?</p> <p>14 MR. MASON: Mason, yes.</p> <p>15 MS. FIELDS: Mr. Munson?</p> <p>16 MR. MUNSON: Munson, yes.</p> <p>17 MS. FIELDS: Mr. Paque?</p> <p>18 MR. PAQUE: Paque, yes.</p> <p>19 MS. FIELDS: Mr. Sims?</p> <p>20 MR. SIMS: Mr. Sims, yes.</p> <p>21 MS. FIELDS: Mr. Kinder?</p> <p>22 MR. KINDER: Yes.</p> <p>23 MS. FIELDS: Motion passed.</p> <p>24 DR. HAMMON: All right. Thank you.</p> <p>25 Moving on to Agenda Item 14, Public Water Supply</p>
<p style="text-align: right;">Page 68</p> <p>1 Operation.</p> <p>2 Again, Brian Duzan.</p> <p>3 MR. DUZAN: Thank you, Madam Chair.</p> <p>4 This one is very similar to the first one. The</p> <p>5 DEQ staff discussed the proposed rulemaking at</p> <p>6 the September 29th, 2020, WQMAC meeting and at</p> <p>7 the January 12th, 2021, WQMAC meetings, where it</p> <p>8 was unanimously approved by the Council.</p> <p>9 It is Chapter 631, Public Water Supply</p> <p>10 Operation. And the Department is proposing to</p> <p>11 update the date of incorporation by reference</p> <p>12 for the federal regulation from January 1st,</p> <p>13 2017, to July 1st, 2020. The federal regulation</p> <p>14 updates being incorporated allow for the</p> <p>15 approval of the use of about 100 alternate</p> <p>16 testing methods for contaminants listed in 40</p> <p>17 CFR Park 141.</p> <p>18 The Safe Drinking Water Act allows EPA</p> <p>19 to approve the use of alternative testing</p> <p>20 methods through the publication in the federal</p> <p>21 register. The DEQ received no formal comments</p> <p>22 on Chapter 631. This rulemaking is necessary to</p> <p>23 ensure Oklahoma retains responsibility for</p> <p>24 administering Oklahoma's Public Water Supply</p> <p>25 Supervision Program, and it is in compliance</p>	<p style="text-align: right;">Page 69</p> <p>1 with DEQ's primacy agreement with the EPA.</p> <p>2 If you have any questions or comments,</p> <p>3 hopefully, we'll be able to answer them.</p> <p>4 DR. HAMMON: All right. Thank you.</p> <p>5 Any questions or discussion by the</p> <p>6 Board?</p> <p>7 Hearing none, questions or discussion</p> <p>8 by the public?</p> <p>9 MS. HAGENS: All right. I see one hand</p> <p>10 raised.</p> <p>11 DR. HAMMON: Okay.</p> <p>12 MS HAGENS: It is from a phone number</p> <p>13 ending in 0107.</p> <p>14 So for that user, I am going to unmute</p> <p>15 you. And please state your name and affiliation</p> <p>16 for the record, and then you'll have three</p> <p>17 minutes to speak.</p> <p>18 MR. JACKMAN: This is Bob Jackman</p> <p>19 again, independent geologist in Tulsa. This</p> <p>20 will allow a wider range of specific tests for</p> <p>21 specific areas and specific types of pollution;</p> <p>22 such as, we have an enormous amount of chicken</p> <p>23 litter up-slope from us -- from Oklahoma in</p> <p>24 Arkansas, especially three counties, that would</p> <p>25 be Washington, Benton, and Carol County, which</p>



<p style="text-align: right;">Page 70</p> <p>1 generate over 460,000 tons per year from the</p> <p>2 Arkansas chicken litter spreadsheet.</p> <p>3 My question, or I want some</p> <p>4 clarification, is who decides then, okay, we've</p> <p>5 got more latitude in the specific tests -- water</p> <p>6 quality tests to be designed, but who actually</p> <p>7 makes it? Who's required? Will that be</p> <p>8 requiring a Board action or is that by the</p> <p>9 ODEQ's water quality section? Thank you very</p> <p>10 much.</p> <p>11 DR. HAMMON: Thank you.</p> <p>12 MS. CHARD: This is Shellie Chard,</p> <p>13 Water Quality Division Director at DEQ. I just</p> <p>14 want to clarify that this rule is specific to</p> <p>15 drinking water systems, and this is laboratory</p> <p>16 testing associated with the production and</p> <p>17 distribution of drinking water in the State of</p> <p>18 Oklahoma. So it is not ambient sampling, it is</p> <p>19 not related to poultry litter or surface water</p> <p>20 bodies, it's specific to drinking water.</p> <p>21 And once DEQ adopts these rules, then</p> <p>22 it would go through the approval process with</p> <p>23 the legislature and the governor. Drinking</p> <p>24 water systems would be allowed to use any of the</p> <p>25 approved test methods that are included, now</p>	<p style="text-align: right;">Page 71</p> <p>1 this additional hundred-plus testing method.</p> <p>2 DR. HAMMON: Shellie, thank you for the</p> <p>3 clarification.</p> <p>4 Mr. Jackman, I hope that answers your</p> <p>5 question.</p> <p>6 All right. Did we have other comments</p> <p>7 from the public?</p> <p>8 MS. HAGENS: No, I'm not seeing any</p> <p>9 more hands raised.</p> <p>10 DR. HAMMON: All right. Thank you.</p> <p>11 Moving back to the Board, any</p> <p>12 discussion or possible motion?</p> <p>13 MR. SIMS: Mr. Sims, I make a motion to</p> <p>14 approve.</p> <p>15 DR. HAMMON: All right. I heard</p> <p>16 Mr. Sims make a motion to approve. Do I have a</p> <p>17 second?</p> <p>18 MR. BARTON: Barton, second.</p> <p>19 DR. HAMMON: Thank you, Mr. Barton.</p> <p>20 Quiana, I have a motion and a second to</p> <p>21 approve. Could you please proceed with a roll</p> <p>22 call vote?</p> <p>23 MS. FIELDS: Mr. Barton?</p> <p>24 MR. BARTON: Barton, yes.</p> <p>25 MS. FIELDS: Mr. Easton?</p>
<p style="text-align: right;">Page 72</p> <p>1 MR. EASTON: Easton, yes.</p> <p>2 MS. FIELDS: Dr. Ferrell?</p> <p>3 DR. FERRELL: Ferrell, yes.</p> <p>4 MS. FIELDS: Mr. Griesel?</p> <p>5 MR. GRIESEL: Griesel, yes.</p> <p>6 MS. FIELDS: Dr. Hammon?</p> <p>7 DR. HAMMON: Hammon, yes.</p> <p>8 MS. FIELDS: Mr. Hirshey?</p> <p>9 MR. HIRSHEY: Hirshey, yes.</p> <p>10 MS. FIELDS: Ms. Kunze?</p> <p>11 MS. KUNZE: Kunze, yes.</p> <p>12 MS. FIELDS: Mr. Mason?</p> <p>13 MR. MASON: Mason, yes.</p> <p>14 MS. FIELDS: Mr. Munson?</p> <p>15 MR. MUNSON: Munson, yes.</p> <p>16 MS. FIELDS: Mr. Paque?</p> <p>17 MR. PAQUE: Paque, yes.</p> <p>18 MS. FIELDS: Mr. Sims?</p> <p>19 MR. SIMS: Sims, yes.</p> <p>20 MS. FIELDS: Mr. Kinder?</p> <p>21 MR. KINDER: Yes.</p> <p>22 MS. FIELDS: Motion passed.</p> <p>23 DR. HAMMON: All right. Thank you,</p> <p>24 all.</p> <p>25 Moving to Agenda Item Number 15,</p>	<p style="text-align: right;">Page 73</p> <p>1 Rulemaking OAC 252:690, Water Quality Standards</p> <p>2 Implementation. Again, we have Brian Duzan.</p> <p>3 MR. DUZAN: Thank you, Madam Chair.</p> <p>4 This is very similar to the first two, that</p> <p>5 Chapter 606, DEQ staff discussed and proposed</p> <p>6 the rulemaking at the September 29th, 2020,</p> <p>7 WQMAC meeting and the January 12th, 2021, WQMAC</p> <p>8 meeting where it was unanimously approved by the</p> <p>9 Council.</p> <p>10 It is Chapter 690, Water Quality</p> <p>11 Standards Implementation. And the Department is</p> <p>12 proposing to update the date of the</p> <p>13 incorporation by reference for federal</p> <p>14 regulations from July 1st, 2016, to July 1st,</p> <p>15 2020. The most significant change update being</p> <p>16 incorporated is the EPA and the Department of</p> <p>17 the Army redefining and clarifying the scope of</p> <p>18 Waters of the United States, federally regulated</p> <p>19 under The Clean Water Act, consistent with the</p> <p>20 Executive Order signed February 28th, 2017,</p> <p>21 entitled The Navigational Water Protection Rule,</p> <p>22 Definition Of The Waters Of The United States.</p> <p>23 Basically, the final rule implements</p> <p>24 the overall objectives of The Clean Water Act</p> <p>25 and increases the predictability and consistency</p>

<p style="text-align: right;">Page 74</p> <p>1 of Clean Water Act programs. The DEQ received 2 no formal complaints or comments to Chapter 690. 3 This rulemaking is necessary to ensure Oklahoma 4 retains responsibility for administering the 5 NPDS program in Oklahoma. 6 And, again, if you have any questions 7 or comments, we'll be glad to entertain those. 8 DR. HAMMON: Thank you. 9 Questions or comments from the Board? 10 Questions or comments from the public? 11 MS. HAGENS: Not seeing any raised 12 hands at this time. 13 DR. HAMMON: All right. Thank you, 14 Christina. 15 Possible motion by the Board? 16 MR. PAQUE: Paque moves to accept. 17 DR. HAMMON: Thank you, Mr. Paque. 18 MR. MUNSON: Second. 19 DR. HAMMON: Who was the second? 20 MR. MUNSON: Munson seconds. 21 DR. HAMMON: Thank you, Mr. Munson. 22 All right. I have a motion and a 23 second to approve. 24 Quiana, can I get a roll call vote, 25 please?</p>	<p style="text-align: right;">Page 75</p> <p>1 MS. FIELDS: Mr. Barton? 2 MR. BARTON: Barton, yes. 3 MS. FIELDS: Mr. Easton? 4 MR. EASTON: Easton, yes. 5 MS. FIELDS: Dr. Ferrell? 6 DR. FERRELL: Ferrell, yes. 7 MS. FIELDS: Mr. Griesel? 8 MR. GRIESEL: Griesel, yes. 9 MS. FIELDS: Dr. Hammon? 10 DR. HAMMON: Yes. 11 MS. FIELDS: Mr. Hirshey? 12 MR. HIRSHEY: Hirshey, yes. 13 MS. FIELDS: Ms. Kunze? 14 MS. KUNZE: Kunze, yes. 15 MS. FIELDS: Mr. Mason? 16 MR. MASON: Mason, yes. 17 MS. FIELDS: Mr. Munson? 18 MR. MUNSON: Munson, yes. 19 MS. FIELDS: Mr. Paque? 20 MR. PAQUE: Paque, yes. 21 MS. FIELDS: Mr. Sims? 22 MR. SIMS: Yes. 23 MS. FIELDS: Mr. Kinder? 24 MR. KINDER: Yes. 25 MS. FIELDS: Motion passed.</p>
<p style="text-align: right;">Page 76</p> <p>1 DR. HAMMON: All right. And on to our 2 last rulemaking item on the agenda. It's Agenda 3 Item 16 OAC 252 Chapter 641, Individual and 4 Small Public Onsite Sewage Treatment Systems. 5 Again, Brian Duzan, the floor is yours. 6 MR. DUZAN: Thank you, Madam Chair. 7 This one may sound a little familiar. On 8 January 12th, 2021, the WQMAC met and approved 9 changes to OAC 252:641, Individual and Small 10 Public Onsite Sewage Treatment Systems. 11 These changes were presented in 12 compliance with the permanent rulemaking process 13 by the Environmental Complaints and Local 14 Services Division. This rule revision is 15 required to replace the current emergency action 16 that was approved by this Board on 17 November 10th, 2020, and signed by the Governor 18 on January 4th, 2021. 19 The changes being presented today for 20 the Board approval include a new definition of 21 Manufactured Media System, the removal of the 22 definition of Chamber, and the amendment of the 23 definition of Zone One. Language is also being 24 proposed that will establish an optimal 25 reduction in sizing for conventional subsurface</p>	<p style="text-align: right;">Page 77</p> <p>1 absorption systems for parts of the state and 2 the sizing requirement for all Manufacturing 3 Media Systems. 4 The final proposed changes will include 5 sizing amendments for aerobic treatment systems, 6 the establishment of small public aerobic system 7 dispersal sizing, and the update of related 8 appendices. 9 And, again, we received no comments 10 prior to our approval, and we'll be glad to 11 entertain any questions or comments of the 12 Council. 13 DR. HAMMON: All right. Questions or 14 discussion by the Board? 15 Okay. Hearing none, questions or 16 comments by the public? 17 MS. HAGENS: Not seeing any raised 18 hands at this moment. 19 DR. HAMMON: All right. I'll open it 20 up to action by the Board. 21 MR. KINDER: Jimmy Kinder, motion to 22 approve. 23 MR. GRIESEL: Griesel, second. 24 DR. HAMMON: Thank you, both. I have a 25 motion and a second to approve.</p>

<p style="text-align: right;">Page 78</p> <p>1 Quiana, can I get a roll call vote?</p> <p>2 MS. FIELDS: Mr. Barton?</p> <p>3 MR. BARTON: Barton, yes.</p> <p>4 MS. FIELDS: Mr. Easton?</p> <p>5 MR. EASTON: Easton, yes.</p> <p>6 MS. FIELDS: Dr. Ferrell?</p> <p>7 DR. FERRELL: Ferrell, yes.</p> <p>8 MS. FIELDS: Mr. Griesel?</p> <p>9 MR. GRIESEL: Griesel, yes.</p> <p>10 MS. FIELDS: Dr. Hammon?</p> <p>11 DR. HAMMON: Hammon, yes.</p> <p>12 MS. FIELDS: Mr. Hirshey?</p> <p>13 MR. HIRSHEY: Hirshey, yes.</p> <p>14 MS. FIELDS: Ms. Kunze?</p> <p>15 MS. KUNZE: Kunze, yes.</p> <p>16 MS. FIELDS: Mr. Mason?</p> <p>17 MR. MASON: Mason, yes.</p> <p>18 MS. FIELDS: Mr. Munson?</p> <p>19 MR. MUNSON: Munson, yes.</p> <p>20 MS. FIELDS: Mr. Paque?</p> <p>21 MR. PAQUE: Yes, Paque.</p> <p>22 MS. FIELDS: Mr. Sims?</p> <p>23 MR. SIMS: Yes.</p> <p>24 MS. FIELDS: Mr. Kinder?</p> <p>25 MR. KINDER: Yes.</p>	<p style="text-align: right;">Page 79</p> <p>1 MS. FIELDS: Motion passed.</p> <p>2 DR. HAMMON: All right. Thank you.</p> <p>3 And with that, we have ended the</p> <p>4 rulemaking portion of our agenda. I just want</p> <p>5 to extend my thanks to the staff and the Council</p> <p>6 who have worked these issues and brought these</p> <p>7 to the Board. I know that being in the midst of</p> <p>8 the pandemic, as well as some of the recent</p> <p>9 weather issues, have not made this as easy. So</p> <p>10 we appreciate all the work that is done behind</p> <p>11 the scenes to get them up to our Board level.</p> <p>12 The next item on the agenda is the</p> <p>13 Executive Director's report, so I am going to</p> <p>14 turn the floor over to Director Scott Thompson.</p> <p>15 MR. THOMPSON: Yes, thank you. Well, I</p> <p>16 guess it's been quite an interesting year. And,</p> <p>17 you know, recently we've been focused on the</p> <p>18 emergency response due to all the weather. And,</p> <p>19 you know, our environmental complaints and local</p> <p>20 services folks, our county office folks are out</p> <p>21 in the field primarily. And our Water Quality</p> <p>22 division folks have really had to work a lot</p> <p>23 during this time period to be all hands on deck,</p> <p>24 working long hours, many of them out in the</p> <p>25 cold, trying to deal with issues or ensure that</p>
<p style="text-align: right;">Page 80</p> <p>1 we understand what's happenings, trying to</p> <p>2 assist systems with problems they're having.</p> <p>3 So up today we have 81 water systems</p> <p>4 impacted by this weather; 18 of those were</p> <p>5 wastewater facilities. I guess, drinking water</p> <p>6 systems are 81, wastewater facilities are 18.</p> <p>7 The -- we have, mostly left over from</p> <p>8 the October ice storm, we have 129 active</p> <p>9 disaster debris sites that are still being</p> <p>10 worked, so that work continues. There's two</p> <p>11 more pending. 125 have been -- are from the ice</p> <p>12 storms. We have some new ones, and I imagine</p> <p>13 we'll get a few more after this.</p> <p>14 Not a whole lot going on in the</p> <p>15 legislature. I'll mention some of the bills</p> <p>16 later that we have. We're in the first</p> <p>17 committee phase, in the first -- in the House of</p> <p>18 Origins. So we are attending those meetings and</p> <p>19 providing whatever information the legislature</p> <p>20 requires on that.</p> <p>21 But today I'd like to focus a little</p> <p>22 more on employee recognition. When we have the</p> <p>23 meetings in Oklahoma City live, we like to try</p> <p>24 to bring in a lot of our employees to be</p> <p>25 recognized. And so -- but during the pandemic</p>	<p style="text-align: right;">Page 81</p> <p>1 this year and the disasters that we've had,</p> <p>2 especially this, you know, Siberian winter we're</p> <p>3 experiencing, we've had a lot of folks having to</p> <p>4 do some interesting work and really -- you know,</p> <p>5 some of the finance folks, the administrative</p> <p>6 people have been in the office when other people</p> <p>7 have been able to work remote.</p> <p>8 Many of the lab folks have been in the</p> <p>9 office; almost all of them, I think, on rotating</p> <p>10 shifts, and now we're having to go back to more</p> <p>11 complete, routine-type shifts. The lab is going</p> <p>12 to be processing a lot of water samples to deal</p> <p>13 with all the line breaks and the loss of</p> <p>14 pressure, et cetera, to verify that the bacteria</p> <p>15 levels are okay.</p> <p>16 So, you know, I expect the next week or</p> <p>17 two or three for them to be pretty busy running</p> <p>18 those samples. So, you know, we have a</p> <p>19 statewide sample and data management group, and</p> <p>20 they have to, you know, check all those samples</p> <p>21 into the lab, manage that, interface with the</p> <p>22 public.</p> <p>23 They have adjusted their workspace to</p> <p>24 reduce the contact, to be, you know, more in</p> <p>25 line with the pandemic requirements or social</p>

<p style="text-align: right;">Page 82</p> <p>1 distancing. The -- this group includes Stan 2 Johnson, Patrick Harjo, Kayleigh Clement, Hunter 3 Nelson, Pam Baldwin and Erin Vorderlandwehr. 4 The micro-section -- environmental 5 microbiology of the lab has also been working 6 pretty hard. They check for the bacteria, for 7 public health risks, like ecoli. And, again, 8 they're going to be pretty busy coming up the -- 9 you know, those folks, including Vietta Sanders, 10 Bryan Disch, Brian Niblett, Candice Smith, Shea 11 Ramsey. 12 The Public Water Supply Compliance 13 Group in the Water Quality Division and the 14 Public Water Supply Engineering Group have been 15 working with systems across the state, pretty 16 much nonstop since the freezing temperatures 17 have kicked. And the folks that worked pretty 18 hard on that under Travis Archer, Michele Welch, 19 Jennifer Alig and Steven Thibodeau. 20 I've been getting e-mails this morning 21 on new issues we have arising as -- as we speak, 22 especially precautionary boil orders for some 23 systems. So we have -- you know, maintain a 24 list of that. We were (inaudible) some 25 emergency management on all this stuff. And a</p>	<p style="text-align: right;">Page 83</p> <p>1 lot of that is coordinated through our 2 Enviromental Complaints and Local Services field 3 staff. 4 And Jennifer Handley is the primary 5 point of contact, and she gives everybody -- the 6 lists of all the systems that we're working with 7 and the things that are going on up to date, and 8 we distribute that pretty widely to, you know, 9 the Secretary of Environments and Energy's 10 office has been -- make sure that goes to 11 cabinet of the Governor to keep everybody 12 informed on what's happened with water systems, 13 especially drinking water. 14 So, you know, (inaudible) the water 15 quality have been out there working on some 16 things, like Cherokee County Rural Water 17 District Number 1. They had their intake pump 18 stop working in Fort Gibson. That shut down the 19 water plant. Had a loss of pressure. They 20 didn't really have a good backup pump or 21 contingency plan. 22 James Barnett from our staff provided 23 some hands-on technical assistance. Cory Bates, 24 he was on leave actually, and he came in to help 25 the system. And so they helped install</p>
<p style="text-align: right;">Page 84</p> <p>1 replacement pumps, once those got delivered, so 2 that water could be restored. And there's a lot 3 of folks helping in all of these efforts. 4 And the Rural Water Association is 5 doing a lot of work with many of these systems 6 with our staff and anybody who -- you know, this 7 is Oklahoma. Anybody who can help, will. 8 County Commissioners, Fire Department. In some 9 of those cases, Cherokee Nation has provided 10 some assistance. And I'm sure some of the other 11 tribal nations have provided assistance in their 12 areas. 13 It's pretty routine for everybody to 14 pitch in and do what we've got to do and try to 15 work together to make things work here. So, you 16 can know, we've fixed some of the things out 17 there, but we're still in the middle of it. And 18 we know that as everything thaws out, there will 19 be additional problems, additional line leaks, 20 et cetera. 21 So, you know, other folks in the 22 agency, they've been working pretty hard through 23 these times. The folks who just do shipping and 24 receiving of the mail, the accounts receivable, 25 budget, payables, grant folks, acquisition</p>	<p style="text-align: right;">Page 85</p> <p>1 management folks, they've all remained in the 2 office to keep things going, to keep the agency 3 functioning. You know, a lot of our technical 4 folks, engineers and such, can work outside the 5 agency and still review permits and make 6 comments and do things they need to do online. 7 But we're also having some key 8 retirements coming up pretty soon. So before 9 the next meeting Roy Walker is going to retire. 10 He started a DEQ in 2002, and he basically came 11 with the building, the way I think about it. 12 He worked 27 years at Southwestern 13 Bell, a lot of it in the current DEQ building. 14 And so at some point, after we acquired the 15 building and moved in, Roy came in about, 16 like -- probably five or six years after we 17 moved into the current DEQ building, he was back 18 in his old building but working for us. 19 And he's done a lot of work in IT for 20 us. He also did a stint over at OMES, and then 21 came back to us. He saw the light and realized 22 this was the place to be. But he is the 23 assistant director currently in the 24 Administrative Services Division. 25 You know, an interesting fact about Roy</p>

<p style="text-align: right;">Page 86</p> <p>1 is he sold his house, moved into an RV, so we 2 were giving him a hard time about being kind of 3 homeless for a while. Now, I don't know what's 4 going on. He's having a late-life crisis or 5 something. He's moved to Hennessey. 6 So -- but he's retiring, I believe, 7 around the 1st of April, and so we're going to 8 miss Roy. He did a lot of work on the national 9 level with the Enviromental Council with states 10 and helped a lot with the IT type projects, the 11 enterprise projects that we've been working on. 12 So, you know, if you know Roy, you 13 know, get ahold of him. And, hopefully, we will 14 have some sort of an event, even if it's an 15 online event for some of these folks that are 16 going to be leaving. 17 The other person that's retiring about 18 the same time is Chris Armstrong, who runs our 19 laboratory. And so, unfortunately, I don't 20 think Chris is able to be here today, or attend 21 even online, because his mother passed away this 22 week. So he's dealing with that and -- but 23 Chris has been a very dedicated employee. He's 24 an expert in laboratory stuff. He's, you know, 25 nationally active and recognized nationally as</p>	<p style="text-align: right;">Page 87</p> <p>1 an expert. 2 He started out as a microbiologist and 3 he's -- you know, he's helped our lab 4 accreditation program. We've joined NELAC, and 5 our laboratory -- well, any laboratory has 6 issues, and I'm more acutely aware of ours 7 because it's here. 8 We also have done a very good job. 9 They're very professional. You can't make good 10 decisions with bad data, and they do everything 11 they can to make sure the data is solid so that 12 we're not making mistakes in our 13 decision-making. And I really appreciate all 14 the time and effort that Chris has put into, you 15 know, setting up a lab, you know, in a building 16 that wasn't designed for it and operating and 17 really -- you know, we've determined that if we 18 were to try to move to a new location, just to 19 retrofit a building for a laboratory, existing 20 structure, that portion alone would be in the 30 21 to 40-million-dollar range. 22 So we've achieved this here for far 23 under 10 million dollars, to set up this 24 building and operate it, including the 25 laboratory. So I think that's huge in term of</p>
<p style="text-align: right;">Page 88</p> <p>1 the accomplishments that Chris and the other 2 folks in the laboratory have made. 3 So, you know, and I mentioned earlier 4 that the legislative stuff that we've been 5 working on, some of the bills that are up and 6 are under consideration. There's a PFAS 7 disposal bill that got through senate committee 8 yesterday, and there's a bill on air current 9 incinerators. 10 There's a bill on hazardous waste 11 disposal plant and plastics recycling, designed 12 and built for water and wastewater. Watershed 13 trading. There's a highway remediation 14 licensing bill out there, and there's a demerit 15 protection system bill that may alter some of 16 those processes for the State, some of the 17 employment processes. 18 There's also some enhanced legislative 19 review of federal and state rules that's being 20 proposed. We're trying to keep an eye on all 21 those bills and many others that may directly 22 affect the DEQ and our mission. 23 And so, you know, there's not a whole 24 lot to say about those. Some of those have been 25 through committee, some have not. But</p>	<p style="text-align: right;">Page 89</p> <p>1 there's -- they have a long ways to go. And we 2 may offer some alternative language for those 3 bills and work with the authors, and any 4 interested parties, to try to come out with the 5 best legislation or Oklahoma possible. 6 And now I would like to pitch this to 7 Kathy Aebischer, our CFO. 8 MS. AEBISCHER: Yes. Good morning, 9 Madam Chair, members of the board. Let me get 10 my PowerPoint up here. 11 Well, we have survived the first half 12 of the fiscal year, so the information I'm going 13 to present to you is July 1st through 14 December 31st. If we look at the revenue for 15 the first half of the year, we've collected just 16 under 28 million. That's 70 percent of our 17 projections, and it's right on point to what we 18 collected last year. 19 We have collected 34,000, if we compare 20 it to collections at the same time period last 21 year. Even with -- we reduced water's 22 projections by 248,000, so we're pleasantly 23 surprised. Our revenue is holding strong for 24 what's going on in the environment today. 25 So if we look at expenditures, we have</p>

<p style="text-align: right;">Page 90</p> <p>1 a total of six million that -- well, the last 2 time that we -- are you all able to see my 3 PowerPoint, guys? Because it disappeared on my 4 screen for some reason. 5 DR. HAMMON: Yes, we're seeing slide 3. 6 MS. AEBISCHER: Okay. There we go. 7 Since the last time that we met, we had to do a 8 re- -- a budget revision due to a federal grant 9 that was delayed. So we reduced our budget a 10 net -- a little over six million. We had a 11 federal grant for the land division, 6.5, that 12 will be spending the next -- starting next 13 fiscal, so... 14 We also had another federal grant for 15 the lab, additional funds for lab equipment, so 16 that net budget revision was a little over 17 six million. We reduced our budget from 18 103 million to 90 -- a little over 97 million. 19 So through December 31st we have 20 expended almost 30 million. We have 48 million 21 committed to other projects. We do have some 22 slowing of projects just because of the 23 environment we're in. We have 18, almost 24 19 million that are in bid process, that we hope 25 to be awarded within the next month.</p>	<p style="text-align: right;">Page 91</p> <p>1 If we look at the sources of funds, 2 you'll see that the majority of the expenses 3 have been out of the revolving fund and federal 4 funds for the total of 29 million being 5 expended. We don't have any concerns at this 6 point. Federal grants are moving. Some 7 projects are a little slow to be approved, which 8 it affects the expenditures. But at this point, 9 you know, we're just holding steady. 10 Do we have any questions? 11 Okay. Well, in summary, the -- our 12 revenue is holding strong. There's no concerns 13 there. Expenditures, you know, as much as we 14 can keep the projects going within the current 15 environment, things seem to be moving. 16 DR. HAMMON: All right. Scott and 17 Kathy, thank you both for the report. I 18 appreciate the ongoing transparency. 19 Scott, I really appreciate the efforts 20 of your staff. There is a lot going on right 21 now. Many -- much of it invisible to the rest 22 of us, but I know with the -- with the storm, 23 there's quite a bit of additional work, and we 24 do appreciate what they do. And I do wish Roy 25 and Chris the best in their retirement.</p>
<p style="text-align: right;">Page 92</p> <p>1 There was no action required from the 2 Board on either of those two items. It was just 3 an inform. But if any member of the Board has a 4 comment or a question, there is time for that 5 now. 6 MR. MASON: Mason has a couple of 7 questions that may start with Scott and end up 8 with Shellie. 9 Oklahoma is truly on top of Texas. Why 10 is our water systems not failing like in Texas? 11 Second question is: Oklahoma City 12 issued this morning a boil order on their water 13 based on input from the state. I'd love some 14 elaboration. 15 And then, finally, are my restaurants 16 in Oklahoma City supposed to start boiling their 17 water today? 18 MR. THOMPSON: Well, I'll defer the 19 last question to Shellie. But I think the 20 primary reason that we're not having a lot of 21 the issues that Texas has is because our power 22 stayed on for the most part, even with some 23 rolling blackouts and some issues. I believe a 24 lot of their problems are due to not having 25 enough energy to power the grid the way they're</p>	<p style="text-align: right;">Page 93</p> <p>1 set up. 2 So much of that -- you know, windmills 3 don't generally produce during icy weather and 4 solar is limited, natural gas was freezing up in 5 ways that I don't think people as far south 6 expected to happen. But they have -- they have 7 a direct delivery, which some of ours are set up 8 that way, too. But, you know, I think people 9 are going to have to copy North Dakota's way 10 that they insulate some of those kinds of 11 facilities and consider things. 12 But also part of it is we have backup 13 coal. You know, I keep saying I think having -- 14 I believe that Texas closed a number of their 15 coal plants because of the clean power plan, 16 even some of the newest ones, the more efficient 17 ones. So I think having some coal capacity is 18 critical for times like this. 19 Coal should be our backup generator. I 20 know that's not perfect for some of the existing 21 coal plants, but I think we should have, you 22 know, some emergency generation capacity that -- 23 if the fuel is not delivered directly, right on 24 time. And so some storage capacity for the 25 fuels rules, whatever they may be, and just</p>

<p style="text-align: right;">Page 94</p> <p>1 making sure that we continue to generate during 2 times like this.</p> <p>3 Because, you know, we had some contacts 4 with some of the utilities that were asking us 5 questions about could they do this or that, and 6 during the emergency they have to make reports 7 to us about things that they have to do 8 differently. But, you know, we told them to 9 keep making power, because if they don't, people 10 are really going to die. You know, it's not 11 preventing theoretical deaths, it's real.</p> <p>12 So I think that's critical. I think 13 that's some of the difference in Oklahoma. 14 We're also connected to a larger power pool, 15 which Texas isolated for their power. If they 16 had more specific reasons for things not working 17 on the water side in Texas, I'm not sure. But I 18 would assume pumps are freezing, et cetera, when 19 you -- we don't have tubes.</p> <p>20 So -- and then the boilers, we 21 typically advise cities to advise precautionary 22 boil orders when they have line breaks, et 23 cetera, because there could be some foreign 24 materials get into the system. If you have lots 25 of pressure you could have some issue.</p>	<p style="text-align: right;">Page 95</p> <p>1 It's just precautionary at this point, 2 and we'd just advise the cities to issue those 3 precautionary. If we have some more significant 4 reason to believe -- and we have a list of 5 those, I'm sure, somewhere, or can get them to 6 you, of all the systems across the state. And 7 if there are any of them on mandatory boil 8 orders, they may -- some of them may be at this 9 point, but Oklahoma City is just on a 10 precautionary.</p> <p>11 So I don't know if Shellie or anybody 12 else has any input on your restaurant.</p> <p>13 MS. CHARD: So, Scott, you're exactly 14 right on Texas issue. Their water issues 15 started as power issues, and it was kind of just 16 a domino effect there. That's why we've seen 17 much less of that.</p> <p>18 And we also have requirements for our 19 drinking water systems, that they have backup 20 power. So that in some cases means electrical 21 feeds from perhaps two different power 22 companies. And if they don't have access to 23 different feeds, they will have generators where 24 they can keep the minimum plant operating. So 25 we're fortunate by having that in place, that</p>
<p style="text-align: right;">Page 96</p> <p>1 that helped to minimize the impacts on our water 2 and wastewater side.</p> <p>3 As far as the boil advisories, DEQ has 4 not issued any mandatory boil orders related to 5 the storm. We've had some that were issued just 6 prior to the storm, and those were related to 7 confirmed contamination sources in the water or 8 a violation of a federal rule that requires a 9 mandatory boil order.</p> <p>10 What we're seeing, the numbers -- it's 11 during the time that the Board meeting has been 12 going on, we've had about another six or eight 13 or ten precautionary boil advisories issued. 14 And what Oklahoma City has done, we have spent 15 quite a bit of time talking with them. We're 16 still talking with Tulsa who is working through 17 their process.</p> <p>18 If someone loses water service due to a 19 problem within the drinking water system, such 20 as a broken line, down plant, down pumps, not 21 in-house plumbing. But if it's a water system 22 issue that's caused the outage or extremely low 23 pressure, the recommendation is to boil the 24 water to a rolling boil for one minute.</p> <p>25 Out of an abundance of caution, we are</p>	<p style="text-align: right;">Page 97</p> <p>1 encouraging customers, whether they be 2 residential or commercial, restaurant, to 3 definitely be in contact with the drinking water 4 provider. And they can let you know if there is 5 something that specifically impacted your part 6 of the system, or if it is just that you were 7 experiencing low pressure.</p> <p>8 So it is definitely not mandatory. It 9 is something that if we feel like we need to 10 issue something mandatory to protect public 11 health, we will do that. But right now it's the 12 water systems being proactive and trying to 13 protect the health of their citizens.</p> <p>14 MR. THOMPSON: And I would add that as 15 far as water systems emergency issues, et 16 cetera, this is so different because it's 17 statewide, all at the same time. But we do have 18 something we call SOONERWARN, which, 19 essentially, has drinking water systems putting 20 out the word, if they have a problem, they need 21 a pump, they need a generator, they need 22 something else, and if one of their neighbors, 23 rural water or somebody else has the equipment 24 that they need, many times they're able to share 25 that equipment or loan it to another system</p>

<p style="text-align: right;">Page 98</p> <p>1 that's in an emergency.</p> <p>2 And I think some of that went on during</p> <p>3 this event. But that's sort of a backup system</p> <p>4 so that people -- people tend to cooperate in</p> <p>5 real emergencies here, and so it's -- everybody</p> <p>6 tends to help their neighbors. Communities and</p> <p>7 systems help each other.</p> <p>8 MS. CHARD: Yeah, SOONERWARN and</p> <p>9 Oklahoma Rural Water have been incredible</p> <p>10 partners in helping us through this crisis.</p> <p>11 MR. MASON: Okay. Thanks for the water</p> <p>12 update. I think what Shellie just told me, as</p> <p>13 long as we kept good water pressure at Earls and</p> <p>14 Iguana, we don't have to boil our water and she</p> <p>15 would eat there this weekend.</p> <p>16 MS. CHARD: Yes, I would. If I could</p> <p>17 get out of my neighborhood, I'm there.</p> <p>18 MR. MASON: All right. Thanks for the</p> <p>19 encouragement. We'll keep going.</p> <p>20 DR. HAMMON: All right. Thank you.</p> <p>21 That was informative. I appreciate the</p> <p>22 additional details there.</p> <p>23 Any other questions or discussions?</p> <p>24 Hearing none, moving on to Agenda Item</p> <p>25 19 is the new business agenda item. I was not</p>	<p style="text-align: right;">Page 99</p> <p>1 pre-informed of anything to add to our agenda</p> <p>2 today. Can I have someone confirm that for me,</p> <p>3 that we have no additional matters that were not</p> <p>4 known about prior to this meeting to discuss?</p> <p>5 MR. SINGLETARY: We haven't heard of</p> <p>6 any new matters or any new business.</p> <p>7 DR. HAMMON: All right. Thank you,</p> <p>8 Mr. Singletary.</p> <p>9 All right. Item Number 20, our next</p> <p>10 meeting -- for the next regular meeting of the</p> <p>11 Environmental Quality Board is scheduled to be</p> <p>12 held on June 8th, 2021, at 9:30 a.m. in the</p> <p>13 multi-purpose room at the Oklahoma Department of</p> <p>14 Environmental Quality, on 707 North Robinson,</p> <p>15 Oklahoma City. And I'm fairly confident we will</p> <p>16 not be dealing with winter weather in June for</p> <p>17 that meeting, so I look forward to seeing</p> <p>18 everyone.</p> <p>19 Before we move to the adjournment</p> <p>20 piece, I just want to, again, acknowledge that</p> <p>21 this is Jan Kunze's last meeting with the Board.</p> <p>22 I am very grateful for all that she has done</p> <p>23 with this Board, her expertise, her leadership.</p> <p>24 She was instrumental in finding our current</p> <p>25 executive director, and I wish her well in the</p>
<p style="text-align: right;">Page 100</p> <p>1 future. Although, we will welcome your</p> <p>2 replacement, we will certainly miss you. And,</p> <p>3 hopefully, you will keep in touch with us.</p> <p>4 I'd also like to keep in our thoughts</p> <p>5 everyone who has been impacted by the winter</p> <p>6 storm and the pandemic, many of you on this</p> <p>7 phone call, no doubt. We'll keep folks in our</p> <p>8 thoughts as we get through this.</p> <p>9 The good news is, light at the end of</p> <p>10 the tunnel. The weather, we're supposed to be</p> <p>11 back up in the 50s, next week, early next week.</p> <p>12 Hopefully that will alleviate some of the issues</p> <p>13 we're having. And we're starting to see more</p> <p>14 and more vaccine roll out across the state, so</p> <p>15 all of that is positive.</p> <p>16 And then, again, thank you to the</p> <p>17 agency staff for pivoting to getting this</p> <p>18 virtual meeting set up. I know we made that</p> <p>19 decision on Tuesday. It takes a lot of work to</p> <p>20 go virtual, so I do appreciate this meeting</p> <p>21 happening.</p> <p>22 And with that, moving to the</p> <p>23 adjournment piece, can I get a motion to</p> <p>24 adjourn?</p> <p>25 MR. GRIESEL: Griesel so moves.</p>	<p style="text-align: right;">Page 101</p> <p>1 DR. HAMMON: Thank you, Mr. Griesel.</p> <p>2 Do I have a second?</p> <p>3 MR. HIRSHEY: Hirshey, second.</p> <p>4 DR. HAMMON: Oh, and hang on. I think</p> <p>5 I heard -- I should have allowed Jan to give any</p> <p>6 last words that she would like.</p> <p>7 MS. KUNZE: Yes, Tracy. I would like</p> <p>8 to say thanks for your compliments, and I got to</p> <p>9 talk to Jimmy this morning.</p> <p>10 I would like to say that I very much</p> <p>11 believe in the work that's being done, and I</p> <p>12 take great pride in the DEQ and the position</p> <p>13 we're in now. And I want to say thank you to</p> <p>14 everyone I've been able to work with and all the</p> <p>15 kindness and support that was given to me as</p> <p>16 I -- as I rotated through the vice chair and the</p> <p>17 chair positions. I've enjoyed it. I've made</p> <p>18 some great friends. And I just want to thank</p> <p>19 everyone and say how much -- how much pride I</p> <p>20 have in the department.</p> <p>21 And with that, I'll let you guys go</p> <p>22 ahead -- I think you already have a second on</p> <p>23 the motion?</p> <p>24 DR. HAMMON: We do. But, Jan, I do</p> <p>25 appreciate all you have done and we will miss</p>



<p style="text-align: right;">Page 102</p> <p>1 you. And sorry to have overlooked giving you a 2 chance to say that, and I'm glad you had a 3 chance to give some words. So, again, on behalf 4 of the Board, thank you for all that you have 5 done.</p> <p>6 MR. MASON: Hey, Jan -- (zoom 7 interruption.)</p> <p>8 DR. HAMMON: Jan, how long have you 9 been on the Board?</p> <p>10 MS. KUNZE: I served two terms, so 11 eight years. I hear good things about the new 12 representative, and I know conservation -- the 13 conservation seat is in good hands. And, as 14 always, I'll be happy to -- if there's anything 15 I can ever do to help with anything, I'd be 16 happy to.</p> <p>17 DR. HAMMON: Thank you, Jan.</p> <p>18 All right. We did have a motion and a 19 second to adjourn the meeting. We'll follow up 20 with that public forum process after this.</p> <p>21 But, Quiana, if I could get you to do a 22 roll call vote for adjournment?</p> <p>23 MS. FIELDS: Mr. Barton?</p> <p>24 MR. BARTON: Barton, yes.</p> <p>25 MS. FIELDS: Mr. Easton?</p>	<p style="text-align: right;">Page 103</p> <p>1 MR. EASTON: Easton, yes.</p> <p>2 MS. FIELDS: Dr. Ferrell?</p> <p>3 DR. FERRELL: Ferrell, yes.</p> <p>4 MS. FIELDS: Mr. Griesel?</p> <p>5 MR. GRIESEL: Griesel, yes.</p> <p>6 MS. FIELDS: Dr. Hammon?</p> <p>7 DR. HAMMON: Hammon, yes.</p> <p>8 MS. FIELDS: Mr. Hirshey?</p> <p>9 MR. HIRSHEY: Hirshey, yes.</p> <p>10 MS. FIELDS: Ms. Kunze?</p> <p>11 MS. KUNZE: Kunze, yes.</p> <p>12 MS. FIELDS: Mr. Mason? Mr. Mason?</p> <p>13 MR. MASON: Mason, yes.</p> <p>14 MS. FIELDS: Mr. Munson?</p> <p>15 MR. MUNSON: Munson, yes.</p> <p>16 MS. FIELDS: Mr. Paque?</p> <p>17 MR. PAQUE: Paque, yes.</p> <p>18 MS. FIELDS: Mr. Sims?</p> <p>19 MR. SIMS: Yes.</p> <p>20 MS. FIELDS: Mr. Kinder?</p> <p>21 MR. KINDER: Yes.</p> <p>22 MS. FIELDS: Motion passed.</p> <p>23 DR. HAMMON: All right. This meeting 24 is officially adjourned.</p> <p>25 So we're going to move into the public</p>
<p style="text-align: right;">Page 104</p> <p>1 forum piece. I'm going to read the script for 2 the public forum. These are some of our 3 instructions regarding our forum today.</p> <p>4 As I do so, if you are a member of the 5 public and wish to speak, please indicate your 6 intention by doing the raise hand feature. You 7 can do that while I am talking, and the staff 8 will identify and allow you microphone time.</p> <p>9 So, welcome, to this virtual public 10 forum of the Environmental Quality Board.</p> <p>11 Public input is valuable to the Board and the 12 Department and we welcome your participation.</p> <p>13 If you desire to make comments at today's forum, 14 please use the raise hand option. When it's 15 your turn to speak, you'll be called on by the 16 public forum moderator.</p> <p>17 You will be allowed up to three minutes 18 to speak. There is a timer at the bottom of the 19 screen that will alert you to the amount of time 20 you have remaining. Please wrap up your 21 comments as quickly as possible, if you go over 22 your allotted three minutes. And I'll try to do 23 an audible as we're approaching that time, as 24 well.</p> <p>25 Forums allow you to make suggestions or</p>	<p style="text-align: right;">Page 105</p> <p>1 express concerns about environmental laws, rules 2 or policy. However, concerns with an action or 3 decision in a specific case or matter, such as a 4 particular permit application or enforcement 5 case should be communicated directly to the 6 Department. The Board can not and does not 7 intervene in these case specific decisions.</p> <p>8 We also ask that you not use the forum 9 to advertise or publicize commercial products or 10 services. If you use inappropriate or abusive 11 language, you will be removed to the waiting 12 room and may not be allowed to re-enter the 13 meeting.</p> <p>14 Because of the nature of the issues 15 that are appropriate for the forum, you may not 16 receive an immediate response to your comments.</p> <p>17 Department staff and/or the Board generally will 18 need some time to evaluate the comments and 19 respond to them.</p> <p>20 Christina, do we have anyone who has 21 raised their hand?</p> <p>22 MS. HAGENS: Currently, there's no one 23 with their hand raised. And just a reminder for 24 anyone calling in, to press *9 and that will 25 show your hands raised.</p>

<p>Page 106</p> <p>1 DR. HAMMON: So if you would like to 2 start the timer, I'll give about 30 seconds or 3 so to make sure we've caught anyone who would be 4 interested in speaking. 5 MS. HAGENS: And a reminder, for anyone 6 on a tablet or mobile device, the raise hand 7 button is under "more" in the top right-hand 8 corner of your screen. 9 DR. HAMMON: All right. Have we had 10 anyone raise their hands? 11 MS. HAGENS: I am not seeing anyone at 12 this moment. 13 DR. HAMMON: All right. And with that, 14 I believe our meeting has ended. I appreciate 15 everyone's time today and input, and look 16 forward to seeing you hopefully in June. 17 (Proceedings concluded.) 18 19 20 21 22 23 24 25</p>	<p>Page 107</p> <p>C E R T I F I C A T E</p> <p>STATE OF OKLAHOMA )  ) COUNTY OF TULSA )</p> <p>I, Tammie Shipman, Certified Shorthand Reporter in and for the State of Oklahoma, do hereby certify that the foregoing proceedings are a true and correct transcript of the record of the machine shorthand notes taken by me and transcribed into written form under my supervision, direction and control.</p> <p>I further certify that I'm neither related to nor attorney for any interested party in the named action, nor otherwise interested in the outcome of said action.</p> <p>WITNESS MY HAND, this 26th day of February, 2021. <i>Tammie Shipman</i> Tammie Shipman Shorthand Reporter CSR #1564</p>