

**MINUTES
ENVIRONMENTAL QUALITY BOARD
SEPTEMBER 15, 2020
VIRTUAL EQB MEETING**

Official EQB Approved
On November 10, 2020

Notice of Public Meeting – The Environmental Quality Board (Board) convened for a Virtual Regular Meeting at 9:30 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 October 16, 2019. The agenda was mailed to interested parties on August 30, 2019 and was posted at the DEQ and the facility on September 4, 2020. Mr. Jimmy Kinder, Chair, called the meeting to order. Mr. Kinder welcomed new Board member, John Easton. Ms. Fields called roll and a quorum was confirmed.

MEMBERS PRESENT

Mark Barton
John Easton
Shannon Ferrell
David Griesel
Tracy Hammon
Ken Hirshey
Alexie Kindrick
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
Malcolm Zachariah, Air Quality Division
Christina Hagens, Air Quality Division
Erin Hatfield, Office of External Affairs
Skylar McElhane, Office of External Affairs
Kathy Aebischer, Administrative Services Division
Quiana Fields, Board & Council Secretary

MEMBERS ABSENT

None

OTHERS PRESENT

Jennifer Lewis, Office of the Attorney General
Jennifer Kaelin, Court Reporter

Approval of Minutes – Mr. Griesel moved to approve the Minutes from the February 21, 2020 Regular Meeting. Mr. Paque made the second.

transcript pages 9 - 11

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
Alexie Kindrick	Yes		

Executive Director’s Report – Mr. Thompson, Executive Director of the DEQ, discussed current agency accomplishments, activities and legislative updates.

transcript pages 11 - 26

Budget Update and Financial Overview (FY 2021) – Ms. Kathy Aebischer, Chief Financial Officer of the DEQ, gave an update on the FY 2021 budget.

transcript pages 27 - 36

DEQ Operational Budget Request (FY 2021) – Ms. Aebischer gave a presentation on the DEQ budget requests. The operational budget request for SFY 2022 must be submitted to OMES by

October 1, 2020. Mr. Kinder called for a motion. Dr. Ferrell moved to approve and Mr. Munson made the second.

transcript pages 36 - 45

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
Alexie Kindrick	Yes		

Indian Country Update – Mr. Rob Singletary, General Counsel of the DEQ, gave an update regarding environmental regulation in Indian country.

transcript pages 45- 51

Calendar Year 2021 Board Meeting Dates and Locations – Mr. Kinder opened the floor for discussion regarding the Board meeting CY 2021 dates and locations. Mr. Griesel made a motion to approve the 2021 Board meeting dates and locations for Friday, February 19 in Oklahoma City; Tuesday, June 8 in Oklahoma City; Tuesday, September 14 in Altus and Tuesday November 9 in Bartlesville. Mr. Sims made the second.

transcript pages 51 - 53

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
Alexie Kindrick	Yes		

New Business – None

Next Meeting – The next regular meeting is scheduled for November 10, 2020.

Adjournment – Mr. Kinder called for a motion to adjourn. Mr. Munson moved to adjourn and Dr. Hammon made the second. Meeting adjourned at 11:00 a.m.

transcript pages 54 - 56

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
Alexie Kindrick	Yes		

The transcript become an official part of these Minutes.

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OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY BOARD MEETING

September 15, 2020, 9:30 a.m.

conducted via teleconference

Oklahoma City, Oklahoma

* * * * *

WORD FOR WORD REPORTING, L.L.C.
111 HARRISON AVE, SUITE 101
OKLAHOMA CITY, OKLAHOMA 73104
(405) 232-9673

REPORTED BY: Jennifer Payne Kaelin, CSR

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1 BOARD MEMBERS PRESENT VIA TELECONFERENCE:
2 MR. JIMMY KINDER, CHAIRMAN
3 DR. TRACY HAMMON, VICE-CHAIR
4 MR. DAVID GRIESEL
5 MR. TIM MUNSON
6 MS. JAN KUNZE
7 MR. STEVE MASON
8 MR. MIKE PAQUE
9 MR. BILLY SIMS
10 DR. SHANNON FERRELL
11 MR. MARK BARTON
12 MR. JOHN EASTON
13 MR. KEN HIRSHEY
14 MS. ALEXANDRIA KINDRICK
15
16 ALSO PRESENT VIA TELECONFERENCE:
17 MS. QUIANA FIELDS, Secretary of Board and Council
18 MS. JENNIFER LEWIS, Office of the Attorney General
19 MR. SCOTT THOMPSON, Executive Director, DEQ
20 MS. KATHY AEBISCHER, DEQ Finance Office
21 MR. ROB SINGLETARY, General Counsel, DEQ
22 MS. CHRISTINA HAGENS, DEQ Zoom Moderator
23 MR. MALCOLM ZACHARIAH, DEQ staff
24
25

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1 You will then be called on by the public forum moderator.
2 If for some reason the connection is lost during today's
3 meeting, we will attempt to connection for 15 minutes. If
4 attempts are unsuccessful, the meeting will continue on
5 September 16th, which is tomorrow, at 9:30 a.m. using the
6 same meeting ID, link and password, and the Agenda for the
7 continuation will remain the same as today.
8 Hopefully everyone sees the pop-up. And if you don't
9 know want -- if you already answered, press "X" there and
10 get rid of it.
11 I will ask -- Christina, are you on the line?
12 MS. CHRSTINA HAGENS: Yes.
13 MR. JIMMY KINDER: She's going to give us kind
14 of a Zoom 101 and I -- we'll make sure that everyone knows
15 how to, you know, get around and talk and unmute yourself
16 and all.
17 So, Christina, go ahead.
18 MS. CHRISTINA HAGENS: Sure. So for most of you,
19 you'll find most of your controls down at the bottom of your
20 screen. And so the most important ones are the "mute" and
21 "unmute button," the "start" and "stop" video button. And
22 then under the "participant's tab" is where you'll be able
23 to raise your hand.
24 So during the two moments when we'll have members of
25 the public speaking, we will ask that you raise your hand in

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1 CALL TO ORDER 9:42 A.M.
2 MR. JIMMY KINDER: Well, I'm going to go ahead
3 and start. I think we've got most everyone in place. And,
4 of course, these Zoom meetings are always -- something new
5 thrown at you all the time. And so I will just say that the
6 staff has done a great job of trying to put this all
7 together and we just thank everyone for being here today.
8 And so first, I want to call the meeting to order.
9 This is the September 15th, 2020, virtual regular meeting of
10 the Environmental Quality Board has called according to the
11 Oklahoma Meetings Act, Section 311 of Title 45 of the
12 Oklahoma statutes.
13 Notice was filed with the Secretary of State on
14 October 16th, 2019. Agendas were mailed out to the parties
15 on September 4th, 2020, and was posted at the DEQ on
16 September 14th, 2020.
17 Only matters appearing on the posted Agenda may be
18 considered. After today's meeting is adjourned, there will
19 be a public forum.
20 You should now see a polling box. I see it popped up
21 on my computer. If you wish to speak during the public
22 forum, please answer yes or no so we will have an
23 approximate headcount and are appropriately prepared.
24 When it is time for the public forum, you will be asked
25 to raise your hand with the "raised hand" function to speak.

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1 order to show that you have an interest in speaking and you
2 will do that by pressing the "participant's tab" and then
3 going down to the bottom of the list and you'll see the
4 little button that says "raise hand." And that will pop up
5 on our list and then will identify you and call on you to
6 speak.
7 Now, if you're on a tablet or an iPad, these buttons
8 are probably going to be at the top right-hand of your
9 screen so you'll just have to look for the participant's tab
10 and for mute, unmute, and start/stop video.
11 And then we have instructions up in case you have any
12 issues and you can call our number if you have any technical
13 problems.
14 And I think that's about it, Jimmy.
15 MR. JIMMY KINDER: Okay. Thank you.
16 And I will say that if you're a Board member, just
17 unmute yourself and identify yourself. You don't have to
18 raise your hand during the meeting. So you -- you have that
19 ability to do it if you're a Board members.
20 So we also have a new member. John Easton is our new
21 Board member, and I'd just ask him to kind of give us a
22 short intro of who you are, John, and how you came to DEQ.
23 MR. JOHN EASTON: I have been on the Bixby City
24 Council for almost 12 years now. Five of those I've served
25 as mayor, six of those I've served as Vice-Mayor. I'm

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1 serving as Vice-Mayor now.
2 I own Easton Sod Farms, and we've done a lot of erosion
3 control around the state. And I was asked if I wanted to be
4 a member and I said, "Sure."
5 MR. JIMMY KINDER: Sometimes that's all it takes
6 is just a willing partner.
7 MR. JOHN EASTON: Yeah, that was -- you know, I
8 guess it was because of my municipal background and -- and
9 the other that I was asked to serve, so glad to.
10 MR. JIMMY KINDER: Well, welcome. We'll
11 anticipate the day where we get to see you in person and you
12 get to meet the rest of the people.
13 So at this time, though, I will just turn it over to
14 Quiana for a roll-call vote -- a roll call to see who's
15 here.
16 Quiana. You're muted, Quiana.
17 MS. QUIANA FIELDS: Mr. Barton.
18 MR. MARK BARTON: Yes, Mr. Barton is here.
19 MS. QUIANA FIELDS: Can you hear me?
20 MR. MARK BARTON: Yes, this -- I'm here.
21 MS. QUIANA FIELDS: Mr. Easton.
22 MR. JOHN EASTON: Yes.
23 MS. QUIANA FIELDS: Dr. Ferrell.
24 DR. SHANNON FERRELL: Here.
25 MS. QUIANA FIELDS: Mr. Griesel.

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1 Glad to see everybody and --
2 MS. JENNIFER LEWIS: This is -- oh, hi. This is
3 Jennifer. Sorry to interrupt.
4 MR. JIMMY KINDER: Yes. Go ahead, Jennifer.
5 MS. JENNIFER LEWIS: Oh, I was -- thank you. I
6 was just wondering if Quiana could call again to get the --
7 the ones that we didn't hear from. Because I couldn't tell
8 if it was computer cutting out or if -- if there were some
9 members that were present on the video that I just didn't
10 hear -- that I didn't hear them answer.
11 Would it be possible, Quiana, to call the ones that
12 didn't answer again? Or maybe it was just my video that cut
13 out. And so did -- did everyone answer that they're here?
14 MR. JIMMY KINDER: I heard everyone except
15 Billy. I don't know of anybody else.
16 MR. MALCOLM ZACHARIAH : Mr. Sims is now
17 unmuted.
18 MR. BILLY SIMS: Yeah, I'm present.
19 MS. JENNIFER LEWIS: Perfect. Thank you so
20 much.
21 MR. JIMMY KINDER: You're welcome.
22 MS. JENNIFER LEWIS: I apologize for the
23 interruption. Thank you.
24 MR. JIMMY KINDER: That makes us 100 percent.
25 Well, like I said, these new Zoom meetings, I'm sure

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1 MR. DAVID GRIESEL: Here.
2 MS. QUIANA FIELDS: Dr. Hammon.
3 MS. TRACY HAMMON: Here.
4 MS. QUIANA FIELDS: Mr. Hirshey.
5 MR. KEN HIRSHEY: Here.
6 MS. QUIANA FIELDS: Ms. Kindrick.
7 MS. KINDRICK: Here.
8 MS. QUIANA FIELDS: Ms. Kunze.
9 MS. JAN KUNZE: Here.
10 MS. QUIANA FIELDS: Mr. Mason.
11 MR. STEVE MASON: Present.
12 MS. QUIANA FIELDS: Mr. Munson.
13 MR. TIM MUNSON: Here.
14 MS. QUIANA FIELDS: Mr. Paque.
15 MR. MIKE PAQUE: Here.
16 MS. QUIANA FIELDS: Mr. Sims. Mr. Sims.
17 I'm sorry. I can't hear him.
18 MR. JIMMY KINDER: He's still muted.
19 MS. QUIANA FIELDS: He is.
20 Mr. Kinder.
21 MR. JIMMY KINDER: Did you say Mr. Kinder?
22 MS. QUIANA FIELDS: Yes.
23 MR. JIMMY KINDER: Here.
24 MS. QUIANA FIELDS: We have a quorum.
25 MR. JIMMY KINDER: Okay. Thank you, Quiana.

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1 everyone has had their -- a number of these already, and
2 every one of them is uniquely different in usually a bad
3 way. But thank you, guys.
4 So next on the Agenda is approval of the minutes. They
5 were sent out. This is the minutes from February 21st of
6 2020. And hopefully you've had a chance to look at those.
7 And if it is -- you guys, as well, I am open to listen to a
8 motion to accept the minutes.
9 MR. DAVID GRIESEL: Moved.
10 MR. MIKE PAQUE: Second. Paque second.
11 MR. JIMMY KINDER: Who was the first?
12 MR. DAVID GRIESEL: Griesel.
13 MR. JIMMY KINDER: Okay. We've got a motion and
14 second. Any discussion from the Board on the minutes as
15 presented?
16 (No audible response.)
17 MR. JIMMY KINDER: I want to wait a little bit
18 long than I usually do in person, because I know everyone
19 has to hit the unmute button.
20 Seeing no discussion, Quiana, I would ask for a
21 roll-call vote for approval of the motion. Quiana, you're
22 muted again.
23 I guess I'll make an assumption that everyone heard me.
24 MS. CHRISTINA HAGENS: Yes. We're working on
25 getting her second account to be co-host, so she can unmute

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1 herself.
2 MR. JIMMY KINDER: Okay.
3 MS. QUIANA FIELDS: Now, I'm unmuted. It
4 won't -- it wouldn't let me unmute it. I have it now.
5 MR. JIMMY KINDER: Quiana, we can hear you now.
6 MS. QUIANA FIELDS: Okay. Mr. Barton.
7 MR. MARK BARTON: Yes.
8 MS. QUIANA FIELDS: Mr. Easton.
9 MR. JOHN EASTON: Abstain since I wasn't here
10 for those meetings.
11 MS. QUIANA FIELDS: Dr. Ferrell.
12 DR. SHANNON FERRELL: Yes.
13 MS. QUIANA FIELDS: Mr. Griesel.
14 MR. DAVID GRIESEL: Yes.
15 MS. QUIANA FIELDS: Dr. Hammon.
16 DR. TRACY HAMMON: Yes.
17 MS. QUIANA FIELDS: Mr. Hirshey.
18 MR. KEN HIRSHEY: Yes.
19 MS. QUIANA FIELDS: Ms. Kindrick.
20 MS. KINDRICK: Yes.
21 MS. QUIANA FIELDS: Ms. Kunze.
22 MS. JAN KUNZE: Yes.
23 MS. QUIANA FIELDS: Mr. Mason.
24 MR. STEVE MASON: Yes.
25 MS. QUIANA FIELDS: Mr. Munson.

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1 expectations in terms of, you know, to operate in this
2 environment.
3 We have remained, for the most part, at about 20
4 percent in terms of staff in the office with the lab and
5 finance folks. And most of the rest of our staff is able to
6 operate remotely, and so that's been very helpful in terms
7 of, you know, really continuing to get the work done. And
8 some of our timelines on permitting and such have been --
9 actually, I think been better in this situation than they
10 were before.
11 So anyways, you know, the lab staff have been on a
12 rotating schedule because that's one of the most critical
13 tasks that we do is to make sure that, especially drinking
14 water samples are done, but some of the other samples that
15 we have to analyze in order to keep systems in compliance
16 and make sure that the water is safe. So they've done a
17 great job.
18 And our local offices are out there continuing to
19 respond to issues and complaints and provide services. And,
20 you know, they've -- everybody is trying to do this in the
21 safest way that we can using the appropriate distancing and
22 personal protection gear.
23 One of the things that's going on over -- you know,
24 we've talked about before is the "Leading the Way," our
25 strategic plan to determine whether we need to do a -- we're

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1 MR. TIM MUNSON: Yes.
2 MS. QUIANA FIELDS: Mr. Paque.
3 MR. MIKE PAQUE: Yes.
4 MS. QUIANA FIELDS: Mr. Sims.
5 MR. BILLY SIMS: Yes.
6 MS. QUIANA FIELDS: Mr. Kinder.
7 MR. JIMMY KINDER: Yes.
8 MS. QUIANA FIELDS: Motion passed.
9 MR. JIMMY KINDER: Okay. Thank you very much
10 for approving the minutes.
11 Moving right along, the item number five is Executive
12 Director's Report from Scott. We'll turn it back to you.
13 Turn it over to you, Scott, and let us know how we've been
14 doing since February when we officially met.
15 Several times, just to let you know, the subcommittee
16 has met several times just trying to check in to see how
17 things were going during Covid, and so we'll just enjoy that
18 update, Scott.
19 MR. SCOTT THOMPSON: Well, thank you. You know,
20 much like this meeting, we've been dealing with the
21 challenges of our current situation with the Covid-19 and
22 the impacts to our work. And our staff has really been
23 dedicated and persevered in terms of trying to keep
24 everything going, getting the most critical job functions
25 done. And, you know, they've kind of exceeded my

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1 looking at that to decide whether, based on our current work
2 situation, if we need to adjust that in some way to adapt to
3 this work environment, so that's going to continue.
4 There's a new Superfund site that's been added to the
5 national priorities list in Henryetta, Oklahoma. It's a
6 metal salvage yard that's been there since the 1930s. If
7 you've ever driven down, you know, the main drag in
8 Henryetta, the business route of the highway, you probably
9 drove right through this site because it was on both sides
10 of the road. And it was not real popular with local
11 leadership and stuff, so we've worked on trying to find
12 solutions there for a long time.
13 And actually, in 2010, we identified some high
14 radiation in some drums there. And we worked with the EPA
15 emergency response. Lloyd Kirk went out there personally
16 and helped work on that, and our Superfund staff to get
17 those removed and properly disposed of.
18 And in 2018, there was some additional contamination
19 that was addressed through an emergency removal action in
20 some yards and City right-of-way. The site was proposed in
21 November of 2019, and there -- you know, basically, like any
22 salvage yard, old salvage yard, there's a little bit of
23 BCBs, polychlorinated biphenyls, and stuff like that, that
24 show up. Not in super-high levels, but enough to warrant
25 action.

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1 So I think it has recently gone final, so it's on the
2 list and that's one of our -- our next jobs is to work with
3 EPA to try to get that addressed.

4 The Tulsa Fuels facility in Collinsville, Oklahoma,
5 another Superfund site, is being proposed for deletion. So
6 the public comment period closed on August 17th for that
7 site. We're awaiting EPA's final determination. That site
8 was a former zinc smelter that produced zinc for World War
9 I. Oklahoma was a -- had quite a few smelters and some lead
10 and zinc mining. But the reason they located the smelters
11 where they did was for the fuel sources. So they may be
12 remote from the actual mining of locations.

13 One of the -- reuse of the site was capped and
14 vegetated with some native vegetation, and there's a -- a
15 honey bee operation on top of the site now making honey, and
16 the honey is very good. I've tried it, so -- and the EPA
17 worked with us on that very closely to resolve that
18 situation.

19 You know, we've made our largest low-interest loan in
20 the Brownfields Program, and that was made in partnership
21 with the City of Tulsa. The City of Tulsa Brownfields
22 Program also worked on this project in terms of making a
23 loan.

24 The developer is going to abate the asbestos in the
25 Diamond Building in Tulsa, also called the Abundant Life

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1 really nice. But the Brownfields Program is still going
2 strong.

3 And in the past quarter, you know, we get the
4 Volkswagen Settle Fund from all the national settlement with
5 Volkswagen over their mileage issues, the pollution control
6 issues, but -- so we're like a trustee. We're not really
7 the trustee, but we're the entity in Oklahoma that's the
8 coordinator for this. It's not DEQ funds, but it's
9 pass-through money that we oversee and try to work with
10 folks to get approved projects to do.

11 And so about 3.5 million of that has been made
12 available as part of our "On the Road Program." And, you
13 know, this will reimburse applicants to replace or repower
14 on-the-road medium and heavy-duty trucks and buses. DEQ
15 will accept applications through September 30th for some
16 additional funds.

17 And in addition, in the past quarter, through the
18 VW Trust, DEQ offered 1.1 million in grant funding for
19 light-duty electrical vehicle charging stations at 15
20 locations across Oklahoma, and this will further expand the
21 electric vehicle charging network across Oklahoma, which
22 will help reduce air emissions and some of those problems
23 that we could have.

24 The application period for this next round closes on --
25 oh, closed on September 8th, so that -- that 1.1 million

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1 Building. And that will pave the way for that property to
2 be reused as opposed to standing derelict for many more
3 years.

4 The National Brownfields Conference is coming to town.
5 Now, it was originally scheduled for next spring. But
6 the -- so technically it's still scheduled for April 26th
7 through the 30th, 2021. But there's some discussions
8 ongoing about moving that date back probably to September or
9 October. And when Lloyd finds out what that timeframe is
10 going to be, and the Brownfield staff, then we will announce
11 that to you guys.

12 But I hope that it moves to the fall of next year,
13 because that would be a great event for the City of Oklahoma
14 City. It could mean, if it's a normal time, several
15 thousand people attending from across the nation.

16 And I don't know if -- for those of you who have been
17 to our Brownfield Conferences that we've held before, we
18 have very high-quality events. Hopefully those of you that
19 have not, if we're able to host this event, then I would
20 strongly encourage you to attend. It will be a very good
21 deal and a nice showcase for Oklahoma City.

22 And partly as a result of that, maybe some of the other
23 things that we've done, City of Oklahoma City awarded us a
24 Hometown Hero Award, and Lloyd accepted that on our behalf
25 the other day at an event in Oklahoma City, so that was

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1 closed on September 8th. So we'll see what projects get
2 awarded out of that. But, yeah, there's -- there's quite a
3 bit of activity using that fund.

4 But I -- I always try to caution, especially with the
5 Legislature, that that's not DEQ money. Just because it
6 shows up in our budget, it's not money we have in the bank,
7 especially money that you can take and use for anything
8 else.

9 Water Quality is creating an online training library
10 for certified water and wastewater operators so they can
11 obtain professional development online. You know, we've had
12 to adapt to move away from some of the in-person training
13 we've always done, but I think this is a good thing. A lot
14 of this, the things that we've had to learn on the fly to
15 deal with the Covid-19 situation, are really, I think, going
16 to be very beneficial in terms of productivity down the road
17 that we're able to do, things in new and different ways.

18 And historically, we've been trying to work with, say,
19 IT-type folks to build a perfect tool to do something. And
20 we've been forced to find out what tools are available and
21 learn how to use those, and it's actually working pretty
22 well for most things.

23 So currently, we have topics ranging from specific rule
24 requirements to broader operational topics, and working with
25 NextThought, a Norman company, we're working with them to

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1 develop a broader training platform that will expand our
2 capabilities for remote training and testing of operators.
3 Also, in Water Quality, the lab and ECLS have worked
4 together to complete our first round of lead testing in
5 schools. We are currently working with EPA to identify
6 funding that could be made available to schools if there are
7 action-level exceedances.
8 We've routinely worked with schools on a -- especially
9 in RAD in schools and such. But some of the school systems
10 are a little scared because they didn't know what they were
11 going to do to fix a problem if it's identified, and so
12 we're working with EPA to try to identify funding to solve
13 anything that's identified.
14 Normally, the kinds of things you run into are, like,
15 the drinking water fountains are really old and they have
16 lead solder in them or something, so...
17 We're also working with the Water Resources Board -- or
18 no, the Water Resource Center at OSU and its campaign to
19 highlight various professions in the water field. And so
20 watch for social media posts over the next few months. You
21 know, I'm not a big social media guy, so some of the Board
22 members and other folks will have to inform me when we do
23 something really good on social media, so -- anyways, I'm
24 sure that will go well.
25 Our staff, we've gotten a lot of compliments, and we've

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1 Libby McCaskill recently joined Keisha Cornelius.
2 They're both in our radiation program on the Organization of
3 Agreement States Board of National Organization that works
4 on policy related to radiation.
5 Our participation in national organizations helps us
6 stay in tune and ensures that Oklahoma has a voice on
7 radiological concerns. You know, and we have some -- our
8 folks are experts in the field, so it's -- it's important
9 that we stay engaged at the national level.
10 You know, we have four employees of the quarter from
11 the last year, and they were not able to be here. But we'll
12 try to invite them to the next meeting in Oklahoma City,
13 make sure they get recognized in person. But Daniel Ross
14 from Air Quality Division; Laura Jardine from ECLS;
15 Rick Felty from External Affairs; and Joshua Kalfas from Air
16 Quality.
17 He was also selected as employee of the year. And I
18 know Joshua has done a lot of work with ECOS, the
19 Environmental Council of the States on some groups there,
20 and I get lots of positive comments about his contribution
21 to those efforts, so...
22 And all of these folks are really solid. And, again,
23 to be employee of the quarter, you have to be nominated by
24 your peers. It's not a management decision. Upper
25 management picks from the four employees of the quarter for

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1 got some private entities who are studying how we do social
2 media because our -- for having very little or no budget for
3 that, our stuff seems to be pretty effective and maybe
4 beyond what some of our peers in other states are doing. So
5 that's another place where the staff are really just
6 stepping up and getting things done.
7 Water Quality, and our ECLS division, the Environmental
8 Complaints and Local Services Divisions, are partnering with
9 ODOT, the Turnpike Authority, and the General Contractor's
10 Association to provide training and other technical
11 assistance to road and bridge contractors to help them
12 navigate the Clean Water Act, storm water permits that are
13 required. DEQ has agreed to assist ODOT in updating design
14 criteria to improve the cost effectiveness of best
15 management practices.
16 So, you know, our former general counsel is over there
17 as general counsel, so, you know, we expect her to actually
18 solve all this stuff, but we'll see. But I think that's a
19 good sign. We're all working together to try and make sure
20 that everybody is compliant.
21 As far as the employee recognition, unfortunately,
22 we -- you know, normally might try to have all these people
23 in the room in a live meeting, but we're not doing so today.
24 But I still wanted to give them a shout out and let you know
25 about some of the good things that our staff are doing.

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1 who's the employee of the year. But, you know, this is a
2 great recognition from your fellow staff members.
3 And, also, I want to thank Malcolm Zachariah, from
4 Air Quality, for putting a lot of work into making this
5 Board meeting possible via Zoom. Thanks, Malcolm.
6 Most of you have been on the practice calls so we can
7 try to make sure we can even make our stuff work, and he's
8 done a great job. As well as Christina, who's helping
9 moderate some of this stuff. So thank you to you two for
10 your efforts.
11 All right. Now, we've had a few retirements in the
12 last few months or upcoming before our next meeting. So
13 Terry Lyhane, from Water Quality, retired at the end of
14 July. He had actually worked at the Water Resources Board.
15 I knew him back then, which kind of tells you how old I am a
16 little bit.
17 He left DEQ in -- or I guess when DEQ got created, he
18 was absorbed. That part of the Water Board became part of
19 DEQ. So in '93, he left, went into private sector,
20 consulted for around 20 years doing a lot of different
21 things. And then he -- we were able to lure him back to DEQ
22 to help us out as we started some transition to our current
23 way of doing business and focusing on customer service,
24 et cetera.
25 So he's really helped a lot, brought a lot of common

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1 sense and experience to the regulatory process. He was
2 really a solid technical guy. And we have not, at this
3 point, named a replacement for Terry. So he was the
4 Assistant Director in Water Quality.

5 Eddie Terrill has also decided to retire. His last day
6 in the office is next week, but his official retirement is
7 at the end of October. So he's had a very long career in
8 public service. He's been our Air Quality Division Director
9 for over 20 years, and he's probably the longest serving
10 division director currently in the agency, so he's done a
11 lot of great things for us and we wish him well. And I'm
12 kind of even jealous actually, so...

13 He helped build an advanced, highly-skilled staff
14 and -- you know, our -- our staff really, I get lots of
15 kudos in all programs from people at the national level who
16 see what gets done across the country. So virtually in all
17 of our programs, our staff are really stepping up and are
18 leaders across the country, so...

19 And then finally, Fenton Rood, who looks the same as
20 the day he hired me in 1980 something, so -- or almost the
21 same. Anyways, he's retiring the end of October, I think.
22 He's been around for forever. And, you know, he's -- he's
23 the Assistant Director of the Land Protective Division
24 currently.

25 And on Saturday mornings, if you want to look him up,

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1 to be doing that. But they reached across and made sure
2 that everything was working well. And so I'm assuming that
3 that also works with projects.

4 And kudos to Scott for you having -- letting the
5 building have that atmosphere of a "can do" and working
6 across the halls making sure that everyone is successful.

7 I will ask one question about, you know, I guess last
8 February -- man, it seems like over a year ago now, we were
9 talking about the building. And so we've had some things
10 that have not happened, I guess, is the way to say it.

11 Scott, can you talk a little bit about the building,
12 and -- and we had talked a little bit about that in
13 February, about the possibility of us moving.

14 MR. SCOTT THOMPSON: Right. There was -- there
15 was some newspaper articles and stuff indicating we were
16 moving to Sandridge. There was a lot of stuff going on with
17 regard to that. But at the end, the laboratory could not
18 relocate to Sandridge, and the situation just did not seem
19 to really be the best fit.

20 So there were other agencies, other State entities who
21 really wanted to take our place and so that's what happened.
22 So we are not moving to Sandridge.

23 We're looking at some other properties that might be
24 available. But, again, the sticking point is the cost to
25 relocate a laboratory. A modern laboratory is very

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1 you can find him playing guitar and singing at the OSU-OKC
2 Farmer's Market most weekends.

3 Fenton also has a passion for volunteer work. He
4 serves as the current board president for the Tree Bank
5 Foundation and he was the past president for Keep Oklahoma
6 Beautiful. He's really helped a lot at DEQ.

7 And one of my favorite memories of Fenton's volunteer
8 work was he got us doing the Woody Guthrie Festival and
9 doing recycling. And some up-and-coming young folks, you
10 know, there's pictures of them standing in dumpsters
11 recycling everything. And many of those folks are still out
12 there, out in the field now working professionally, so
13 that's really cool.

14 Anyways, I think that's the end of my presentation.
15 And I can take questions and then after that we can pitch it
16 to Kathy.

17 MR. JIMMY KINDER: Okay. Thank you.

18 Any comments or questions from the Board?

19 I guess I've got maybe something -- a couple things I
20 want to talk about, is that, first of all, I could tell from
21 the way the staff took ownership of this meeting, trying to
22 make sure it was going to work well. I was teasing them
23 yesterday that they're making me nervous because they were
24 checking, making sure every little detail was taken care of,
25 and lot of times it wasn't actually in their job description

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1 expensive now, anywhere from 500 to \$1,000 a square foot to
2 build out. So even adapting an existing structure, if it's
3 perfectly designed for a laboratory, could be pretty costly
4 because you have to have a lot of extra electrical capacity,
5 as well as a lot of unique air handling capacity to try to
6 make sure that we can achieve the detection limits done on a
7 parts per billion or maybe even parts per trillion that
8 we're having to try to get to these days.

9 So we're waiting on an engineering report that would
10 identify what the costs might be to move the laboratory to
11 another structure. I expected to have that already, but we
12 have not. But it's being adapted to maybe pick some
13 different facilities, so I'm -- I'm waiting on that
14 currently. So there's not a plan to move for sure. There's
15 no guarantee that we're actually going to move.

16 You know, baseline cost is to repair our garage or
17 replace our garage in the 11 to \$13 million range has been
18 estimated. So going out and purchasing a building and then
19 maybe having to invest 20, 30 million bucks again to move
20 the laboratory, it would be great. But I don't see how
21 that's going to be funded if it's that kind of dollar
22 figure, so...

23 Anyhow, we're just kind of waiting in a hold pattern to
24 see what happens. We have some other people that want to
25 visit with our building, et cetera. There's some interest

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1 in our property, but the -- the value is checked out in an
2 appraisal, and it was in the probably \$11 million range,
3 which doesn't really provide enough capital to cover too
4 much of a move. So we're just going to carry on and see
5 where this leads. But there's a chance that we would move
6 at some point in the future, but it's not guaranteed.

7 In the meantime, we've taken advantage of having so
8 many folks working remotely to do some repairs on the
9 existing parking garage, and so we may be able to get a few
10 more years life out of the garage with some continued
11 repairs as long as we can afford to do that.

12 And so working remotely has really been beneficial in
13 that regard. And if we have to do more in the garage, then
14 we could continue working remotely so that we don't have
15 that large a need for the parking space. Unfortunately,
16 there's not a lot of readily-available parking anywhere
17 close to our building, but we continue to evaluate all those
18 options.

19 MR. JIMMY KINDER: Okay. Thank you, Scott.
20 For the Board, is there any more questions? Did I hear
21 someone?
22 (No audible response.)
23 MR. JIMMY KINDER: I don't hear anyone speaking
24 up. You're atypically quiet. Shocking.
25 So I guess we'll go on to -- if there's not anything

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1 percent to \$478,668. So our total general fund
2 appropriations is \$7,188,879.

3 Next slide, please. If you remember we put in a budget
4 request last October for FY 2021 for the 13 million for us
5 to build a parking garage and that was not approved.

6 Next slide, please. So some of the unknowns this year
7 is we're just preparing that there could possibly be a
8 general fund revenue failure, so we just monitor that
9 throughout the year, see how the State's funds come in. But
10 it's something for us to be aware of.

11 And then also, as Director Thompson was talking about,
12 House Bill 2840 was passed, and it was just regarding the
13 sale of DEQ building, another multi-agency relocations. So
14 if that comes about, just any costs associated with that
15 kind of where that's going to come from.

16 So if we can have the next slide. So our total budget,
17 with all of our funding sources outlined in this chart, as
18 we discussed, the general appropriations was reduced a
19 little over 800,000.

20 Our revolving fund, which is our fees, our licenses, we
21 have projected an increase of \$371,000. At the time of
22 preparing this budget, which was before Covid, so we're just
23 monitoring. This may not come to pass.

24 Other funds are licensing, educational fund, a little
25 increase of 2,000. Hazardous penalties remaining the same.

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1 more for Scott, we'll go on down to item number six. We'll
2 talk about the budget update and the finance overview with
3 Kathy Aebischer.

4 Kathy, I see you just popped up on my screen. Welcome.
5 And show us the numbers, Kathy.

6 MS. KATHY AEBISCHER: Okay. Well, good morning,
7 Mr. Chairman, and members of the Board. This is a time that
8 we drill down into the budget for the current fiscal year
9 and we highlight any legislative items that affected our
10 budget. We also highlight any concerns that we potentially
11 have that we'll just need to monitor throughout the year.

12 So if we look at this year's legislative results for
13 general fund appropriations, so our State appropriations
14 were decreased 11.41 percent or \$820,000. And in the chart
15 below, it outlines kind of where we got to that amount. So
16 our base, which from FY 2019 carry over to 2020, that line
17 item received a 4.27 percent decrease, which was almost
18 300,000.

19 And if you remember, the legislators funded us \$500,000
20 last year to purchase lab equipment, and they deemed that as
21 a one-time, so we did not get that appropriation for this
22 current year.

23 And then also if you remember last year, they gave us
24 500,000 for the Rural Water Sustainable Infrastructure
25 Program, 500,000, and that line item was reduced 4.27

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1 Federal funds, we do have -- we estimated a large
2 increase. We were anticipating to get several additional
3 federal grants at the time preparing this budget. But as
4 time has passed, there's some delays in awarding those, so
5 those probably will not happen this year, but the
6 expenditures probably will be into next year, just a
7 little -- a couple million that we know of at this time.

8 And then your Environmental Settlement Fund, which is
9 your Volkswagen Settlement Fund, we're estimating \$820,000
10 less in projects being expended this fiscal year when we
11 compare it to last year.

12 And then the Water Management Federal Fund is the OSE&E
13 funds that we manage, and their budget remains the same.

14 If we go to the next slide. So I want to go down into
15 each division and discuss kind of their budget. So
16 Air Quality, they projected that their fees would increase
17 400 -- over 400,000 at that time. I think we're a little
18 concerned that that won't happen, so we're just monitoring
19 that with the current situation.

20 So if we go to the next slide, that outlines all the
21 sources of funds for Air Quality. Their projected revolving
22 fund of 13 million. We had some reserve from last fiscal
23 year we're carrying over, which includes the Volkswagen
24 Settlement funds of a little over a million.

25 Federal grants with Volkswagen, additional funds for

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1 this year, a little over eight million. And then penalty
2 funds to fund the Deputy Reserve Program of \$13,000. So
3 total funds for Air is 22,853,202. The distribution of
4 Air Quality funds, their budget will be 18,505,348.
5 And then we have projects that are being done in other
6 divisions and then indirect costs of 2.6 million. We have a
7 difference of 913,000 that will be used to support the
8 public water supply programs.
9 If we go to the next slide and we compare Air's budget
10 for last year compared to this year, the net decrease of
11 \$743,000, and that's due to Volkswagen settlement. We're
12 going to be doing less projects this current year that will
13 be expended.
14 So if we go to the next slide, in Land, these are the
15 outline of their revenue projections for the fee sources for
16 Land. And when compared to last year and this year, they're
17 projecting just a net \$25,000 less.
18 So if we go to the next slide, for Land, all of their
19 funds, revolving funds of a little over 13 million. Federal
20 funds, they were estimating 19 million. And as you see,
21 other small funding sources with a reserve of 1.1. So a
22 total funds available of 34 million. Land's budget will be
23 30,791,448. And they have projects in other divisions that
24 support the Land projects and indirect cost of 1.9.
25 So if we go to the next slide, we compare last year's

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1 So if we go to the next slide and look at Environmental
2 Complaints' total funding, we have revolving funds of 2.4,
3 federal grants of 1.4, a reserve from last year of 46,000,
4 some penalty funds for Deputy Reserve Program and septic
5 grants of \$88,000. And then funds from other divisions that
6 support the programs -- that they support the other
7 divisions, and they have State appropriations of 3.2, so
8 total funds of 10 million. Their budget is 8.3 with
9 indirect costs of 1.8.
10 So if we go to the next slide and we compare last
11 year's budget to this year's budget for ECLS, it's a net
12 decrease of a minimal \$17,000. Let's see. And that's just
13 a decrease in equipment needs for this fiscal year.
14 If we go to the next slide, for the State Environmental
15 Lab Services Division, they have projected a net decrease in
16 revolving fund fees of 55,000 when we compare it to last
17 fiscal year.
18 And if we go to the next slide, total funds that
19 support this division is revolving funds of two million,
20 federal grants of 871,000, State appropriations of 2.5, and
21 then other funds that they do programs and projects that
22 support other divisions and a reserve from last fiscal year
23 of 1.4 for total funds 8.9 million. Their budget is 7.6
24 million with 1.3 going to indirect costs.
25 If we go to the next slide, when we compare the lab's

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1 budget to this year's budget, a net increase of 7 million,
2 and that's due to expected new federal grants, which some of
3 that, as we discussed, will not happen. Probably be pushed
4 to FY 2022.
5 So the next slide, we look at Water Quality Division
6 and their projected revenue. They projected a net decrease
7 of 248,000 in revenue for this fiscal year. The industrial
8 (Inaudible.) PDS is the major decrease.
9 If we go to the next slide, we see all of the funding
10 sources for Water. Their revolving funds of 8.8 million.
11 They're projecting federal funds of 8.7 million, State
12 appropriations of 1.3, penalties 31,000, and then a reserve
13 from last fiscal year of 1.3. So total funding sources in
14 water is a little over 20 million. Other projects, their
15 budget will be 15 million. And other projects and ECLS and
16 the lab, and then indirect costs of 2.6.
17 So if we go to the next slide, we compare Water's
18 budget of last year to this fiscal year, we have a net
19 increase of \$485,000, and that's also due to anticipated new
20 federal grants.
21 So if we go to the next slide, we look at the
22 Environmental Complaints and Local Services Division. They
23 have projected a net increase of \$10,000 when compared to
24 last fiscal year, and that's within the highway remediation
25 licenses and the septic pumpers and transporters.

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1 budget last fiscal year to this fiscal year, it's a net
2 increase of 132,000. That is mainly due to equipment
3 purchase that we had to carry over from last fiscal year to
4 this fiscal year.
5 Next slide, please. For the Administrative Services
6 Division and information Technology, we have IDC from all of
7 the divisions of 10 million. We do OSE&E accounting for
8 20,000. We have rent, copies, and other related projects
9 and some federal grant awards for total funds of 15 million.
10 ASD's budget is 15 million and penalties that go to other
11 divisions to support projects is 220,000 and indirect costs
12 of 8,265.
13 So if we go to the next slide, if we compare ASD's
14 budget to last fiscal year, there's a net decrease of
15 931,000.
16 And if we go to the next slide, this just outlines the
17 total staffing for the agency. When we compare it to last
18 fiscal year, we have a decrease of one FTE, and that's out
19 of the lab. So for FY 2021, we have a total funded staffing
20 of 530.
21 So if we go to the next slide. Okay. And just to give
22 you an update before if you have questions on revenue
23 status, we just closed out August. So the first two months
24 of this fiscal year, we have a net decrease of 978,000 if we
25 compare it to the same timeframe last fiscal year. And it's

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1 mainly out of two divisions. Three divisions actually are
2 seeing a little bit more.

3 So we need to look at Air and Water. Probably need to
4 see just another month. Because of the situation we're in,
5 some of the payments seem to be delayed a little bit. But
6 after the first quarter, we'll be making decisions if we
7 need to not fill some positions to see if revenue comes back
8 in, then we'll have to do that.

9 Right now, it looks like just two divisions that we're
10 concerned about, and we'll just have to watch that as we
11 close out this September.

12 Do we have any questions over the budget or revenue?

13 MR. MIKE PAQUE: Kathy -- Mike Paque --

14 MS. KATHY AEBISCHER: Yes.

15 MR. MIKE PAQUE: -- which two divisions, that
16 you just mentioned -- that you're concerned about in terms
17 of staffing, which two divisions are those? I may have
18 missed it.

19 MS. KATHY AEBISCHER: The two divisions I'm
20 concerned about is revenue.

21 MR. MIKE PAQUE: Oh, okay.

22 MS. KATHY AEBISCHER: So the revenue coming in
23 to support the budget that we built.

24 MR. MIKE PAQUE: Uh-huh.

25 MS. KATHY AEBISCHER: And that's Air Quality

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1 MR. MARK BARTON: Thank you.

2 MS. KATHY AEBISCHER: Uh-huh.

3 MR. JIMMY KINDER: Any other questions? Because
4 there's a lot of -- a lot of numbers, a lot of things in
5 flux, of course, this year.

6 I -- I think we have -- this year we have -- instead of
7 a black swan, we have a flock of black swans that occurred
8 that, you know, really upset everything. And even be close
9 on -- on a projected budget is -- is something to be, I
10 guess -- it is a good thing, I guess.

11 Any other questions? This doesn't require any Board
12 action. But, of course, we could sure have discussion about
13 it. I don't want to push anybody short.

14 (No audible response.)

15 MR. JIMMY KINDER: Kathy, I guess you did a
16 great job of explaining so far, so we'll move on.

17 The next item is for State appropriations, and I'll let
18 you take off from there.

19 MS. KATHY AEBISCHER: Yes. This item does
20 require a vote from the Board, so just reminding you.

21 But DEQ staff would like to propose that we request
22 additional funding for FY 2022, in State appropriations to
23 support the Agency's mission. So I'm going to go through
24 the details of the budget request for these additional
25 funds.

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1 Division. They're about \$800,000 less if we compare it to
2 the same timeframe last year. And then Water Division,
3 we're about \$750,000 less if I compare it to last year.

4 MR. MIKE PAQUE: Thanks. Thank you.

5 MS. KATHY AEBISCHER: Uh-huh.

6 MR. MARK BARTON: Kathy -- Mark Barton -- how
7 does your actual staffing compare to your budgeted amount?
8 How are you in filling staffed positions or budgeted
9 positions right now?

10 MS. KATHY AEBISCHER: Well, with the Covid, it
11 kind of slowed down filling of vacant positions and us
12 trying to get the structure established so everybody can
13 work.

14 Right now, I'm not sure how many vacant we have. But
15 we have, I would say, 15 to 20. We are looking at --
16 there's some being posted now and looking at filling some.
17 But we've held off on others waiting to see if revenue will
18 turn back around.

19 MR. MARK BARTON: Good. And just for clarity on
20 the revenue, they -- the shortfall that you're talking about
21 is year-to-date, or is that what you project for the total
22 fiscal year?

23 MS. KATHY AEBISCHER: The shortfall is
24 year-to-date. So just if I compare the first two months of
25 last year and the first two months of this year.

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1 So the lab and the analysis in Quality Assurance
2 section, they would like to request two additional
3 positions, environmental/chemical laboratory scientists.
4 And these positions will add technical and analytical
5 expertise in-depth and meet increasing demands of the
6 National Primary Drinking Water and Clean Water Act
7 regulations and maintain the lab's role as the State
8 principal laboratory.

9 These positions will also improve data quality and
10 reporting times. So two positions would cost, with salary
11 and benefits, \$187,409.

12 If we go to the next slide, in the lab customer
13 assistance group, they're requesting three additional
14 environmental/chemical laboratory scientists positions. Two
15 of these positions would be dedicated to customer support
16 and technical assistance. They would focus on the
17 assistance to small drinking water systems, compliance,
18 sampling, scheduling, on-site sample collection, technical
19 assistance.

20 They will also provide field sampling training,
21 technical and sample collection assistance to other DEQ
22 divisions and programs.

23 And the third position would expand the depth and
24 expertise of staff involved in data management. This
25 position would enable the lab to more effectively respond to

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1 the challenging reporting and accreditation requirements.
 2 It would also free up current technical staff to focus on
 3 analytical assignments rather than splitting their time
 4 between the bench and data management.
 5 This position would approve the efficiency of workloads
 6 for laboratory staff as well as data quality, traceability
 7 and reporting times. So these three positions, with salary
 8 and benefits, would cost \$281,116.
 9 Go to the next slide. And for our Environmental
 10 Complaints and Local Services Division, they're requesting
 11 one additional environmental specialist to help offset the
 12 elimination of four positions that we've lost since 2017.
 13 And due to this loss of staff, ECLS has had to reduce the
 14 number of local offices and decrease the inspection
 15 frequency.
 16 And then they've scaled back on the on-site septic
 17 system oversight. And even with these reductions, their
 18 staffing model indicates that ECLS will need two more
 19 full-time employees. And funding this position would
 20 enhance responsiveness to technical assistance and
 21 complaints, license certification turnaround, assistance to
 22 small communities with dripping water, wastewater, and solid
 23 waste problems, and will assist them in responding to
 24 natural and manmade disaster. So the cost of this position,
 25 salary and benefits, would be \$84,942.

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1 Is there any questions on this request?
 2 MR. JIMMY KINDER: I'll ask the Board to weigh
 3 in on any thoughts about the proposed budget.
 4 DR. TRACY HAMMON: The question on the
 5 positions -- this is Tracy Hammon -- are these open
 6 positions that have been held off on being backfilled to
 7 this point, or are these new positions?
 8 MS. KATHY AEBISCHER: These would be brand-new
 9 positions, because we cannot afford them at this time. So
 10 it would be funded with general appropriations. If it's not
 11 approved by the legislature, we couldn't fill these
 12 positions.
 13 MR. SCOTT THOMPSON: This is Scott Thompson.
 14 Kathy, we have the FTEs in existence, but we have not
 15 funded them in recent years.
 16 MS. KATHY AEBISCHER: Correct.
 17 MR. SCOTT THOMPSON: Correct?
 18 MS. KATHY AEBISCHER: Correct.
 19 DR. TRACY HAMMON: Thank you.
 20 MR. JIMMY KINDER: Any more questions from the
 21 Board? I'll give everybody a little bit of time.
 22 (No audible response.)
 23 MR. JIMMY KINDER: Okay. We're going to try to
 24 have some questions and comments. Any questions or comments
 25 by the public?

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1 Next slide, please. The Water Division would like to
 2 request two additional environmental programs specialists to
 3 be in the public water supply compliance section. These
 4 positions would assist small communities in Oklahoma with
 5 monitoring and reporting requirements for public water
 6 supplies under the Safe Drinking Water Act, and emphasis on
 7 compliance with the new Federal Lead and Copper Rule. So
 8 these positions would cost, salaries, benefits, and
 9 additional training, \$190,000.
 10 If we go to the next slide, in the Public Water Supply
 11 Capacity Development section, they're requesting one
 12 environmental program specialist. This program includes
 13 water loss audits, the leak detection, rate-setting
 14 training, asset management.
 15 This position would increase the ability for DEQ to
 16 work more systems in the Governor's Strategic Alliance
 17 effort. This includes other agencies as Oklahoma Secretary
 18 of Energy Environment, Oklahoma Water Resource Board, and
 19 the Oklahoma Rural Water Association. The cost for this
 20 position, salary, benefits, additional training, is \$95,000.
 21 And if we go to the next slide. So in summary, DEQ
 22 staff would like to propose that we request additional funds
 23 in the amount of 838,467. And with our current general fund
 24 appropriation of 7,188,879, this would bring the total
 25 FY 2022 general fund budget request to 8,027,346.

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1 MS. CHRISTINA HAGENS: Yeah. Any members of the
 2 public wishing to speak on what we just heard, you will you
 3 use the "raise hand" function to indicate that you would
 4 like to speak. And so like I said earlier, you will find
 5 this under the participant's tab. So you'll click where it
 6 says "participants." And at the very bottom, it will say,
 7 "Raise hand." So if you would like to speak, please raise
 8 your hand and we will begin calling on you.
 9 And if you're calling in on the telephone to raise your
 10 hand, please press star 9.
 11 (No audible response.)
 12 MS. CHRISTINA HAGENS: I'm not seeing anyone yet,
 13 but we will wait a little bit and give people time to
 14 navigate.
 15 So if you're calling in, just remember to press star 9
 16 to raise your hand. Still not seeing any hands raised.
 17 We'll give it a few more seconds here.
 18 MR. JIMMY KINDER: Okay. I know when you're
 19 trying to use technology to get in or it's not working, and
 20 it's just so frustrating when you can't -- you can't get in.
 21 We just want to make sure we give ample time for everyone
 22 to --
 23 And then if the Board has thought of anything, too,
 24 please, you're welcome to weigh in here, too.
 25 MS. CHRISTINA HAGENS: We've had a couple more

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1 participants join since we've started this public comment
2 period. So I will say anyone wishing to give a comment or
3 ask a question on the record, please raise your hand and we
4 will call on you.
5 MR. JIMMY KINDER: And this is per the budget
6 request.
7 (No audible response.)
8 MR. JIMMY KINDER: Christina, I think that we've
9 probably given ample time for someone to weigh in and we've
10 not heard anyone. If that's --
11 MS. CHRISTINA HAGENS: I agree.
12 MR. JIMMY KINDER: You've not seen anybody.
13 Okay. Thank you.
14 Next is an action possible to address the proposed
15 budget from the Board. I guess I'm looking for a -- some
16 type of action from you guys.
17 DR. SHANNON FERRELL: Shannon Ferrell, I'd move
18 to approve the budget as proposed.
19 MR. TIM MUNSON: Tim Munson seconds.
20 MR. JIMMY KINDER: Tim Munson, I think, has got
21 a second.
22 Any more discussion about the proposed budget before we
23 send it over and vote on it?
24 MR. SCOTT THOMPSON: This is Scott Thompson.
25 We're actually talking about the budget requests for next

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1 MS. QUIANA FIELDS: Mr. Griesel.
2 MR. DAVID GRIESEL: Yes.
3 MS. QUIANA FIELDS: Dr. Hammon.
4 DR. TRACY HAMMON: Yes.
5 MS. QUIANA FIELDS: Mr. Hirshey.
6 MR. KEN HIRSHEY: Yes.
7 MS. QUIANA FIELDS: Ms. Kindrick.
8 MS. KINDRICK: Yes.
9 MS. QUIANA FIELDS: Ms. Kunze.
10 MS. JAN KUNZE: Yes.
11 MS. QUIANA FIELDS: Mr. Mason.
12 MR. STEVE MASON: Mason, yes.
13 MS. QUIANA FIELDS: Mr. Munson.
14 MR. TIM MUNSON: Yes.
15 MS. QUIANA FIELDS: Mr. Paque.
16 MR. MIKE PAQUE: Yes.
17 MS. QUIANA FIELDS: Mr. Sims. Mr. Sims.
18 MR. JIMMY KINDER: I see him. It's still muted
19 or it's on mute. Mr. Sims.
20 MR. BILLY SIMS: Yes.
21 MS. QUIANA FIELDS: Okay. And I -- Mr. Sims,
22 that's a yes vote?
23 MR. BILLY SIMS: Yes.
24 MS. QUIANA FIELDS: Mr. Kinder.
25 MR. JIMMY KINDER: Yes.

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1 year.
2 MR. JIMMY KINDER: Yeah, the budget request.
3 MR. SCOTT THOMPSON: Yeah.
4 MR. JIMMY KINDER: I probably said it wrong.
5 DR. SHANNON FERRELL: Shannon Ferrell. I'd
6 clarify. I'd add that clarification to my motion.
7 MR. JIMMY KINDER: Shannon, we get to count half
8 a mile on my program just watching you, so just letting you
9 know.
10 Any more discussion on the -- we have a motion in front
11 of us and a second. Any discussion? Any discussion?
12 (No audible response.)
13 MR. JIMMY KINDER: Hearing none, Quiana, we'll
14 see if you can get unmuted and we'll have a roll-call vote.
15 MR. ROB SINGLETARY: Mr. Chairman, this
16 is Rob Singletary. Just wanted to let you know that Quiana
17 was having some technical difficulties, so she's joined me
18 in my office.
19 MR. JIMMY KINDER: Okay. Very good.
20 MS. QUIANA FIELDS: Mr. Barton.
21 MR. MARK BARTON: Yes.
22 MS. QUIANA FIELDS: Mr. Easton.
23 MR. JOHN EASTON: Yes.
24 MS. QUIANA FIELDS: Dr. Ferrell.
25 DR. SHANNON FERRELL: Yes.

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1 MS. QUIANA FIELDS: Motion passed.
2 MR. JIMMY KINDER: Okay. Thank you very much.
3 We have a motion request or a request for a new budget.
4 Thank you very much to everyone that put that together. And
5 all those numbers don't just jump onto the page. A lot of
6 digging and gnashing of teeth goes into trying to get the
7 proposed budget together, so thank you for all of that.
8 We're going to move on to item number eight. And I
9 just ask Rob Singletary, our General Counsel, if he could
10 just kind of give us a broad-strokes overview of the
11 McGirt vs. Oklahoma landmark Supreme Court case and how that
12 ruling could potentially not impact or impact DEQ.
13 MR. ROB SINGLETARY: Yes, sir.
14 MR. JIMMY KINDER: Rob.
15 MR. ROB SINGLETARY: Good morning, Mr. Chairman,
16 members of the Board. As the Chairman has indicated, I've
17 been asked to provide a brief update on the status of
18 environmental regulation here in Oklahoma in areas that are
19 referred to as "Indian Country."
20 As Mr. Kinder mentioned, we did have -- and I'm sure
21 most of you are aware, there was a very significant
22 Supreme Court decision that was issued earlier this summer.
23 On July 9th of this year, the Supreme Court issued a
24 decision in a case that's referred to as McGirt v. Oklahoma.
25 This was a case that came out of Creek County. It

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1 involved issues that are related to the Major Crimes Act,
2 and the case primarily focused on the issue of whether the
3 defendant's crimes were committed in what is termed "Indian
4 Country."
5 For those of you who aren't familiar, "Indian County"
6 is a term that's defined by federal statute to include,
7 among other things, all lands within the limits of any
8 Indian reservation.
9 In McGirt, the Court determined that the
10 Creek Reservation, here in Oklahoma, was never
11 disestablished by Congress and, therefore, it still exists.
12 And as a result, the reservation then, by definition, is
13 considered to be Indian Country.
14 Again, that case only dealt -- or dealt specifically, I
15 should say, with the Creek Reservation. However, if you
16 apply that same rationale, you could reach a similar
17 conclusion that the reservations of the Cherokee Nation, the
18 Choctaw Nation of Oklahoma, the Chickasaw Nation, and the
19 Seminole Nation were similarly not disestablished by
20 Congress and currently exist. Now, that determination was
21 not made by the Court. But if you follow that same
22 rationale, that's a conclusion that could be made
23 potentially.
24 In light of that, the question, of course, then
25 becomes: To what extent does the State maintain

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1 Typically, under the Constitution, these federal
2 statutes preempt State law, and as such, the federal
3 environmental programs are either implemented, as you know,
4 directly by EPA or by a corresponding state agency, like the
5 DEQ, through a federally-approved program.
6 The reason that's significant is typically when EPA
7 approves a state program, it describes the geographic extent
8 to which the specific program applies. Any approval, at
9 least here in Oklahoma, typically contains a provision
10 indicating that the approval does not extend to the
11 implementation of that specific program in Indian County.
12 So, obviously, this is pretty significant when it comes
13 to a Supreme Court decision making a determination as to
14 what a reservation status is when we're determining the
15 extent to which our environmental programs are applicable.
16 It's important to mention that at this time, since
17 there are no tribal regulatory environmental programs in
18 these areas that have been approved by EPA, the question
19 becomes whether environmental programs in these areas,
20 within the state of Oklahoma, are implemented by federal
21 government or by the State of Oklahoma, which takes me to
22 the last item on this update. And that has to do with a
23 request that was submitted by the State, under the
24 Governor's signature, on July 22nd of this year.
25 So we've got the Supreme Court decision came out on

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1 jurisdiction in these areas?
2 Obviously, the Court's decision, at the very least,
3 raises some questions to what extent the State's
4 environmental programs apply in these areas of the state.
5 So that takes me to the second item on the update. So
6 the first item was the McGirt case. The second item is
7 Executive Order Number 20-20-24. So because of the
8 questions that arose, or are arising as a result of the
9 Court's decision, the Governor, back on July 20th, issued
10 Executive Order Number 2020-24, which requires all State
11 agencies to submit a detailed report by the end of the
12 month -- by the end of this month, September 30th.
13 This report is required to specify the areas and the
14 extent to which the agencies anticipate impacts from the
15 McGirt decision. In compliance with that order, we, the
16 DEQ, are preparing a report to submit by the end of the
17 month.
18 One of the most significant potential impacts, that
19 we've identified through our review, relates to our
20 federally-delegated programs. So as most of you are
21 familiar, the vast majority of environmental regulatory
22 programs in Oklahoma, and throughout the country, are
23 governed by federal environmental statutes like the
24 Safe Drinking Water Act, the Clean Water Act, the Clean Air
25 Act, the Resource Conservation and Recovery Act.

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1 July 9th. We've got the Executive Order that came out on
2 July the 20th. And then on July 22nd, the State of Oklahoma
3 requested approval from the EPA to administer all approved
4 environmental programs in areas of the State that are
5 considered Indian Country pursuant to some federal
6 legislation that was passed back in 2015.
7 This legislation specifically pertains to the State of
8 Oklahoma and allows the State to administer environmental
9 programs in Indian Country if the State is approved to
10 administer those same environmental programs in other
11 non-Indian Country areas of the state.
12 So if we have an approved program that's implemented
13 throughout the State and we make the request, then this
14 legislation would allow the State to implement that same
15 program in areas of Indian Country.
16 This legislation was a part of the 2005 Transportation
17 Bill. It's referred to, in short form, as SAFETEA, the full
18 name of the legislation is the Safe Accountable Flexible
19 Efficient Transportation Equity Act of 2005. So this has
20 been on the books for quite awhile.
21 I should point out that the SAFETEA, this legislation,
22 allows the State to actually request to implement
23 environmental programs in all of Indian Country. However,
24 the State's request, on July 22nd, only requested approval
25 to implement these programs to the same extent that those

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1 programs were implemented prior to the McGirt decision.
2 In other words, the State did not seek approval to
3 implement environmental programs on tribal trust lands
4 throughout the state.
5 The current status is that the State is awaiting a
6 response, a formal response from EPA on that SAFETEA
7 request, and we don't really have a timeline as of yet as to
8 how that request is going to be processed and when a
9 decision is going to be reached.
10 So the current status, for DEQ purposes, although we
11 have a lot of uncertainty that's been created by the McGirt
12 decision, as we await a response from the EPA on our
13 SAFETEA, or on the State's SAFETEA request, and as the
14 Governor and the Attorney General and the Tribes work toward
15 a more permanent resolution on the jurisdictional issues,
16 DEQ continues to operate as usual in all areas of the state,
17 continuing to work with EPA, the Tribes, and all the
18 stakeholders continue to protect human health and the
19 environment throughout Oklahoma.
20 So, obviously, Mr. Chairman, members of the Board, this
21 is a -- a fluid change -- a fluid situation constantly
22 changing. As we get more information or more decisions
23 become available, of course, we'll continue to provide
24 updates to you guys on an ongoing basis.
25 Thank you, Mr. Kinder.

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1 MR. DAVID GRIESEL: Mr. Chairman, I'd make a
2 motion for approval.
3 MR. JIMMY KINDER: Okay. We have a motion to
4 approve the proposed dates and times and places.
5 MR. BILLY SIMS: Mr. Chairman, I'd second the
6 motion. Bill Sims.
7 MR. JIMMY KINDER: Okay. We've got a motion and
8 a second. So what I'll ask for is some discussion.
9 MR. ROB SINGLETARY: Can we clarify who made the
10 original motion?
11 MR. DAVID GRIESEL: David Griesel.
12 MR. ROB SINGLETARY: Thank you, Mr. Griesel.
13 MR. DAVID GRIESEL: Thank you.
14 MR. JIMMY KINDER: Hearing no discussion, I
15 guess I will ask for Quiana to have a roll-call vote,
16 please.
17 MS. QUIANA FIELDS: Mr. Barton.
18 MR. MARK BARTON: Yes.
19 MS. QUIANA FIELDS: Mr. Easton.
20 MR. JOHN EASTON: Yes.
21 MS. QUIANA FIELDS: Dr. Ferrell.
22 DR. SHANNON FERRELL: Yes.
23 MS. QUIANA FIELDS: Mr. Griesel.
24 MR. DAVID GRIESEL: Yes.
25 MS. QUIANA FIELDS: Dr. Hammon.

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1 MR. JIMMY KINDER: Thank you, Rob.
2 As you probably heard, there's a lot more questions and
3 answers so far about this. But I did want Rob to just weigh
4 in how it would possibly impact the Department and how some
5 of the existing things, that have gone on so far and where
6 we are. And no doubt this will be something on our Agenda
7 in future as -- as more clarity on this issue happens,
8 and -- and we'll just kind of keep you abreast.
9 I know there's a lot of parts, a lot of things
10 federally and in state that -- that are kind of out of our
11 hands, thankfully, and we're just going to stand by and try
12 to do the best job with the Department that we can.
13 That doesn't require any action. That was just kind of
14 some information to the Board.
15 The next thing there on the Agenda is our calendar year
16 for meeting dates and location for 2021. I was told this is
17 the same locations as for 2020. But because we were not
18 allowed to go across the state this year, and we anticipate
19 maybe that we'll get to do it next year, that we roll the --
20 the dates to 2021.
21 As I jokingly also refer to is that we don't want to
22 redo 2020. I think most people are ready to get to 2021.
23 But I would like for the Board to look at those dates and
24 see if there's any problems with the dates or locations and
25 please weigh in.

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1 DR. TRACY HAMMON: Yes.
2 MS. QUIANA FIELDS: Mr. Hirshey.
3 MR. KEN HIRSHEY: Yes.
4 MS. QUIANA FIELDS: Ms. Kindrick.
5 MS. KINDRICK: Yes.
6 MS. QUIANA FIELDS: Mr. Mason.
7 MR. STEVE MASON: Mason, yes.
8 MS. QUIANA FIELDS: Ms. Kunze.
9 MS. JAN KUNZE: Yes.
10 MS. QUIANA FIELDS: Mr. Munson.
11 MR. TIM MUNSON: Yes.
12 MS. QUIANA FIELDS: Mr. Paque.
13 MR. MIKE PAQUE: Yes.
14 MS. QUIANA FIELDS: Mr. Sims.
15 MR. BILLY SIMS: Yes.
16 MS. QUIANA FIELDS: Mr. Kinder.
17 MR. JIMMY KINDER: Yes.
18 MS. QUIANA FIELDS: Motion passed.
19 MR. JIMMY KINDER: Okay. Thank you very much
20 for those dates and please enter those into your calendar.
21 Well, at this point, we'll talk about our next meeting
22 is scheduled for November the 10th. It's supposed to be in
23 Oklahoma City.
24 MR. ROB SINGLETARY: Mr. Kinder --
25 MR. JIMMY KINDER: Yes.

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1 MR. ROB SINGLETARY: -- new business on the
2 Agenda, as well.
3 MR. JIMMY KINDER: Oh, excuse me. Excuse me. I
4 did jump that. Sorry. Point of order.
5 Do we have any new business?
6 (No audible response.)
7 MR. JIMMY KINDER: I don't hear any new
8 business.
9 Now we'll go to -- we'll skip to number 11. Thank you
10 for catching that. I did jump that and you heard me.
11 Our next meeting is November the 10th, 2020. Right now
12 we're going to try really hard to have it in person because
13 we've got some things that we've got to actually put off at
14 this meeting knowing it would be hard to do.
15 One of them is the evaluation of our director and input
16 for him, and some rulemaking, and probably a few other
17 things. So I anticipate to roll your sleeves up and we will
18 do -- try to get whatever we can do that's appropriate, as
19 far as Covid. And -- and we've been actually looking at
20 kind of maybe some alternative sites to have more square
21 footage, if we need to -- if we need to do so.
22 And comments about the next meeting from the Board?
23 (No audible response.)
24 MR. JIMMY KINDER: Very good then.
25 I had the last item to act on from the Board is our

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1 MR. TIM MUNSON: Yes.
2 MS. QUIANA FIELDS: Mr. Pague.
3 MR. MIKE PAQUE: Yes, Pague.
4 MS. QUIANA FIELDS: Mr. Sims.
5 MR. BILLY SIMS: Yes.
6 MS. QUIANA FIELDS: Mr. Kinder.
7 MR. JIMMY KINDER: Yes.
8 MS. QUIANA FIELDS: Motion passed.
9 MR. JIMMY KINDER: Okay. Thank you very much,
10 Board. We stand adjourned.
11 (Board meeting adjourned 11:00 a.m.)
12 MR. JIMMY KINDER: And then we're going to move
13 right out of adjournment into our public forum segment. And
14 I've got a script to read.
15 Do we have anyone signed up to have comments?
16 MS. CHRISTINA HAGENS: No. We did not have any
17 responses on the poll that indicated people wanted to speak.
18 MR. JIMMY KINDER: Would it be appropriate to
19 leave a little bit of time in case someone wanted to -- to
20 do that, so -- and if we did, then I'm just going to make
21 sure everyone -- we're inclusive to everyone here in case
22 someone came in a little bit late.
23 MS. CHRISTINA HAGENS: Yes. We've had a number
24 of people join since that first poll, so we can go over the
25 controls over again and allow them to have time.

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1 adjournment. So do I hear a motion to adjourn?
2 MR. TIM MUNSON: So moved, Tim Munson.
3 DR. TRACY HAMMON: Second, Tracy Hammon.
4 MR. JIMMY KINDER: Okay. We've got a motion and
5 a second.
6 Quiana, we'll ask for you to do a roll-call vote.
7 MS. QUIANA FIELDS: Mr. Barton.
8 MR. MARK BARTON: Yes.
9 MS. QUIANA FIELDS: Mr. Easton.
10 MR. JOHN EASTON: Yes.
11 MS. QUIANA FIELDS: Dr. Ferrell.
12 DR. SHANNON FERRELL: Yes.
13 MS. QUIANA FIELDS: Mr. Griesel.
14 MR. DAVID GRIESEL: Yes.
15 MS. QUIANA FIELDS: Dr. Hammon.
16 DR. TRACY HAMMON: Yes.
17 MS. QUIANA FIELDS: Mr. Hirshey.
18 MR. KEN HIRSHEY: Yes.
19 MS. QUIANA FIELDS: Ms. Kindrick.
20 MS. KINDRICK: Yes.
21 MS. QUIANA FIELDS: Ms. Kunze.
22 MS. JAN KUNZE: Yes.
23 MS. QUIANA FIELDS: Mr. Mason.
24 MR. STEVE MASON: Mason, yes.
25 MS. QUIANA FIELDS: Mr. Munson.

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1 MR. JIMMY KINDER: If you would, please, and
2 that just indulges us a little bit. And if we still don't
3 have anyone, then that -- so be it. But I just wanted to
4 make sure that if someone came in after, the scripter is
5 allowed to weigh in on the public forum. Go ahead.
6 MS. CHRISTINA HAGENS: Sure thing. So if you
7 wish to speak during this public forum, you will indicate as
8 such by the using "raise hand function," which you will find
9 under the participant's tab, which, depending on your
10 device, will either be at the very bottom of your screen or
11 the upper-right hand section.
12 So you click on the participant's tab, and down at the
13 bottom of the list is a button that says "raise hand." So
14 if you wish to speak, then press that and we will call on
15 you and you will identify yourself and your affiliation and
16 have some time to speak on the record.
17 So if anybody is wishing to speak, then please navigate
18 to that button and click "raise hand." And if you're
19 calling in on the telephone, press star 9 to initiate the
20 raise hand.
21 MR. JIMMY KINDER: While they're doing that,
22 maybe save some time, I'm going to go ahead and read the
23 script that was given to me so that we can get that out of
24 the way in case someone does want to talk to us.
25 Basically, it's welcome to this virtual public forum of

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1 the Environmental Quality Board. Public input is valuable
2 to the Board and the Department and we welcome your
3 participation.
4 If you desire to make comments at today's forum, please
5 use the "raise hand" option. When it's your turn to speak,
6 you will be called on by the public forum moderator.
7 You'll be allowed up to three minutes to speak.
8 There's a timer at the bottom of the screen that will alert
9 you to the amount of time you have remaining. Please wrap
10 up your comments as quickly as possible if you go over your
11 allotted three minutes.
12 Forums allow you to make suggestions or express
13 concerns about environmental laws, rules, or policy.
14 However, concerns with an action or decision in a specific
15 case, or matters such as particular permit application or an
16 enforcement case, should be communicated directly to the
17 Department. The Board cannot and does not intervene in
18 those case-specific decisions.
19 We also ask that you do not use the forum to advertise
20 or publicize commercial products or services.
21 If you use inappropriate or abusive language, you'll be
22 removed from the waiting room and may not be allowed to
23 reenter the meeting.
24 Because of the nature of the issues that are
25 appropriate for the forum, you may not receive an immediate

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1 Thank you. Dismissed.
2 MALE SPEAKER: And have a good day.
3 (End of public comment forum.)
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1 response to your comments. The Department's staff and/or
2 Board generally will need some time to evaluate the comments
3 and respond to them.
4 Thank you.
5 So did we have anyone raise their hand?
6 MS. CHRISTINA HAGENS: No, we have not had anyone
7 raise their hand just yet.
8 MR. JIMMY KINDER: Probably this would be an
9 appropriate -- I think they've had appropriate time to do so
10 if they wanted to. Is that the consensus of the staff
11 with -- from the meeting?
12 MS. CHRISTINA HAGENS: Yes. I'd say there's been
13 plenty of time. So last call for any raised hands and then
14 we'll move on.
15 (No audible response.)
16 MR. JIMMY KINDER: Okay. Seeing none, I thank
17 everyone for coming to the Zoom meeting. I think this, for
18 a Zoom meeting, went fairly smooth. I think technically you
19 guys had figured out everything that needed to happen, and
20 thankfully we weren't in a thunderstorm watch and people's
21 electricity going off. I had that happen on a Zoom meeting.
22 It sure makes it a little bit difficult, especially out in
23 the country whenever we have a little bit of spotty wifi.
24 So I thank everyone for coming. I anticipate seeing
25 you in November. Be safe today and we'll talk to you later.

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CERTIFICATION

1 I, Jennifer Payne Kaelin, a Certified Shorthand
2 Reporter within and for the State of Oklahoma, do hereby
3 certify that I was present at virtual meeting of the
4 Department of Environmental Quality Board on September 15,
5 2020, at 9:30 a.m. via Zoom; that I recorded in stenotype
6 notes all of said proceedings; and that I thereafter
7 transcribed my notes so taken and reduced same to
8 typewritten form; and that the foregoing transcript of
9 proceedings is fully, true, correct and complete, to the
10 best of my skill and ability along with changes and
11 corrections of the DEQ staff.
12 I further certify that I am not an attorney for
13 nor relative of any of said parties or otherwise interested
14 in the outcome or event of said action.
15
16
17 IN WITNESS WHEREOF, I have hereunto set my hand
18 and affixed my official seal this 30th day of September,
19 2020.
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24
25

Jennifer Payne Kaelin, CSR
Jennifer Payne Kaelin, CSR#1748
Official Court Reporter