

**MINUTES
ENVIRONMENTAL QUALITY BOARD
SEPTEMBER 13, 2022
QUARTZ MOUNTAIN STATE PARK
LONE WOLF, OKLAHOMA**

Official EQB Approved
On November 8, 2022

Notice of Public Meeting – The Environmental Quality Board (Board) convened for a Regular Meeting at 9:30 a.m., at the Quartz Mountain State Park, 22469 Lodge Road, Lone Wolf, Oklahoma. This meeting was held in accordance with 25 O.S. Section 311, with notice of the meeting given to the Secretary of State on November 3, 2021. The agenda was mailed to interested parties on September 2, 2022 and was posted at the DEQ and the facility on September 12, 2022. Dr. Tracy Hammon, Chair, called the meeting to order. Dr. Hammon talked on safety precautions in case of an emergency and welcomed Mr. Tom Buchanan, General Manager of Lugert-Altus Irrigation District and Secretary Ken McQueen, Office of the Secretary of Energy & Environment to the meeting. Ms. Fields called roll and a quorum was confirmed.

MEMBERS PRESENT

Richard Auer
Mark Barton
Shannon Ferrell
Jimmy Kinder
Alexie Kindrick
Steve Mason
Matt Newman
Mike Paque
Billy Sims
Tracy Hammon

DEQ STAFF PRESENT

Scott Thompson, Executive Director
Jimmy Givens, Deputy Executive Director
Rob Singletary, Chief of Staff
Michelle Wynn, Legislative Liaison
Jennifer Boyle, General Counsel
Madison Miller, Deputy General Counsel
Shellie Chard, Water Quality Division
Erin Hatfield, Office of Communications
Saba Tahmassebi, Engineering Manager
Kathy Aebischer, Administrative Services Division
Travis Mensik, Environmental Complaints & Local Services
Bill Kropf, Environmental Complaints & Local Services
Jeff Franklin, State Environmental Laboratory Services
Kelly Dixon, Land Protection Division
Skylar McElhaney, Office of Continuous Improvement
Malcolm Zachariah, Air Quality Division
Paul Parks, Water Quality Division
Lloyd Kirk, Office of External Affairs
Brock Barker, Environmental Complaints & Local Services
April Eberle, Environmental Attorney
Bruce Vande Lune, Environmental Complaints & Local Services
Sharon Smith, Office of the Executive Director
Quiana Fields, Board & Council Secretary

MEMBERS ABSENT

John Easton
Ken Hirshey
Tim Munson

OTHERS PRESENT

Ken McQueen, Office of the Secretary of Energy & Environment
Victoria Tran, Office of the Secretary of Energy & Environment
Tom Buchanan, General Manager of Lugert-Altus Irrigation District
Jennifer Lewis, Office of the Attorney General
Jenny Longley, Court Reporter

Approval of Minutes – Dr. Hammon commented that on the February 18, 2022 minutes on the transcript page 74 line 12, should read “employees of the quarter” instead of “employee in the corner” hearing no other comments. Dr. Hammon called for a motion to approve the change requested. Dr. Ferrell moved to approve the Minutes of the February 18, 2022 Regular Meeting. Ms. Kindrick made the second.

transcript pages 11 - 12

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Emergency Rulemaking – OAC 252:730 Oklahoma’s Water Quality Standards – Dr. Hammon called upon Mr. Brian Duzan, Chair of the Water Quality Management Advisory Council (WQMAC), to present the water rules. Mr. Duzan stated that the Department is proposing to promulgate this new rule to replace the Oklahoma Water Resources Board (OWRB) rule (OAC 785:45 – Oklahoma’s Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering Oklahoma Water Quality Standards from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as a emergency measure to protect public health, safety and welfare om order to comply with the statutory changes. This rule must be approved by the EQB, signed by the Governor and be in effect on November 1, 2022, the effective date of the legislation. A failure to promulgate this emergency rule may result in permit issuance delays and the application of federal Water Quality Standards in the State of Oklahoma. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Mason moved to approve and Mr. Paque made the second.

transcript pages 12 - 19

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Emergency Rulemaking – OAC 252:740 Implementation of Oklahoma’s Water Quality Standards – Mr. Duzan stated that the Department is proposing to promulgate this new rule to replace the OWRB rule OAC 785:46 – Implementation of Oklahoma’s Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety and welfare in order to comply with the statutory changes and deadlines as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Kinder moved to approve and Mr. Sims made the second.

transcript pages 19 - 22

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Emergency Rulemaking – OAC 252:606 Oklahoma Pollutant Discharge Elimination System (OPDES) Standards – Mr. Duzan stated that the Department is proposing to update the rule to ensure that references to OAC 785:45, OAC 785:46 and to the OWRB’s authority for administering OWQS appropriately cite new emergency rules, OAC 252:730 and OAC 252:740 and DEQ’s authority over Water Quality Standards including authority to issue Water Quality Standard Variances. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an

emergency measure to protect public health, safety and welfare in order to comply with statutory changes and deadline as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Sims moved to approve and Mr. Paque made the second.

transcript pages 22 - 24

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Emergency Rulemaking OAC 252:611 General Water Quality – Mr. Duzan stated that the Department is proposing to update the rule to ensure that references to OAC 785:45 and to the OWRB’s authority for administering OWQS appropriately cite new emergency rule OAC 252:730 and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety and welfare in order to comply with statutory changes and deadlines as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Barton moved to approve and Ms. Kindrick made the second.

transcript pages 25 - 27

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Emergency Rulemaking OAC 252:616 Industrial Wastewater Systems – Mr. Duzan stated that the Department is proposing to update the rule to ensure that references to OAC 785:45 and to OWRB’s authority for administering OWQS appropriately cite new emergency rule OAC 252:730 and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety and welfare in order to comply with statutory changes and deadlines as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Dr. Ferrell moved to approve and Mr. Barton made the second.

transcript pages 27 - 29

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Emergency Rulemaking OAC 252:621 Non-Industrial Discharging and Public Water Supply Lagoons – Mr. Duzan stated that the Department is proposing to update the rule to ensure that references to OAC 785:45 and to OWRB’s authority for administering OWQS appropriately cite new emergency rule OAC 252:730 and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislature session, Senate Bill No. 1325 and House Bill No. 3824

were passed by the Legislature and signed by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety and welfare in order to comply with statutory changes and deadlines as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Auer moved to approve and Mr. Mason made the second.

transcript pages 29 - 31

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Emergency Rulemaking OAC 252:628 Indirect Potable Reuse for Surface Water

Augmentation – Mr. Duzan stated that the Department is proposing to update the rule to ensure that references to OAC 785:45, OAC 785:46 and to OWRB’s authority for administering OWQS appropriately cite new emergency rules, OAC 252:730 and OAC 252:740 and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety and welfare in order to comply with statutory changes and deadlines as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Sims moved to approve and Dr. Ferrell made the second.

transcript pages 31 - 33

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Emergency Rulemaking OAC 252:652 Underground Injection Control – Mr. Duzan stated that the Department is proposing to update the rule to ensure that references to OAC 785:45 and to OWRB’s authority for administering OWQS appropriately cited new emergency rule OAC 252:730 and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety and welfare in order to comply with statutory changes and deadlines as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Paque moved to approve and Mr. Kinder made the second.

transcript pages 33 - 35

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Emergency Rulemaking OAC 252:653 Aquifer Storage and Recovery – Mr. Duzan stated that the Department is proposing to update the rule to ensure that references to OAC 785:45 and to OWRB’s authority for administering OWQSs appropriately cite new emergency rule OAC 252:730 and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety and welfare in order to comply with statutory changes and deadlines as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Following a question by the Board and none by the public, Dr. Hammon called for a motion. Mr. Paque moved to approve and Ms. Kindrick made the second.

transcript pages 35 - 38

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Emergency Rulemaking OAC 252:656 Water Pollution Control Facility Construction Standards – Mr. Duzan stated that the Department is proposing to update the rule to ensure that references to OAC 785:45 cite new emergency rule OAC 252:730. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety and welfare in order to comply with statutory changes and deadlines as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2020 WQMAC meeting. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Auer moved to approve and Mr. Barton made the second.

transcript pages 38 - 40

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Emergency Rulemaking OAC 252:690 Water Quality Standards Implementation – Mr. Duzan stated that the Department is proposing to update the rule to ensure that references to OAC 785:45, OAC 785:46 and to the OWRB’s authority for administering OWQSs appropriately cite new emergency rules, OAC 252:730 and OAC 252:740 and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as a emergency measure to protect public health, safety and welfare in order to comply with statutory changes and deadlines as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Hearing no questions or comments by the Board or the public, Dr. Hammon called for motion. Mr. Kinder moved to approve and Mr. Auer made the second.

transcript pages 40 - 44

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes

Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

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

transcript pages 44 - 64

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

transcript pages 65 - 73

DEQ Operational Budget Request (FY 2024) – Ms. Aebischer gave a presentation on the DEQ budget requests. The operational budget request for SFY 2024 (beginning July 1, 2023) must be submitted to OMES by October 1, 2022. Following questions and comments by the Board and none by the public, Dr. Hammon called for a motion, Dr. Ferrell moved to approve and Mr. Kinder made the second.

transcript pages 73 - 79

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Employee Disclosures – Ms. Jennifer Boyle, General Counsel of the DEQ, stated the Environmental Quality Code requires DEQ employees involved in reviewing, issuing or enforcing permits to disclose financial interests they hold in entities regulated by the DEQ. The DEQ is required to submit these disclosures to the Board and make them part of the minutes. This is for informational purposes only and no action by the Board is required.

See transcript pages 79

Executive Session – Annual Performance Review of Executive Director – Among the statutory duties of the Board are the responsibilities to appoint and set the compensation of the Executive Director and to assist the DEQ in conducting periodic reviews and planning activities related to the goals, objectives, priorities and policies of the DEQ. In connection with these responsibilities the Board has determined that it should conduct a performance review of the Executive Director. Mr. Sims moved to go into Executive Session and Mr. Paque made the second. Mr. Barton was designated as the scribe for executive session.

transcript pages 80 – 81

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

In open session Dr. Hammon called for a motion to reconvene the Regular Board meeting. Ms. Kindrick moved to approve and Mr. Newman made the second.

transcript pages 81 – 83

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Dr. Hammon called for a motion on a specific action recommendation to the Executive Director's annual performance review. Mr. Sims made a motion to increase the salary of the DEQ Executive Director by six percent. Dr. Ferrell made the second.

transcript pages 83 - 85

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Calendar Year 2023 Board Meeting Dates and Locations – Dr. Hammon opened the floor for discussion regarding the Board meeting dates and locations: Friday, February 17 in OKC, Tuesday, June 13 in OKC, Tuesday, September 12 in Bixby and Tuesday, November 7 in Duncan. Mr. Mason moved to approve and Mr. Newman made the second.

transcript pages 85 - 86

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

New Business – None

Next Meeting – The next regular meeting is scheduled for Tuesday, November 8, 2022 in Shawnee, Oklahoma.

Dr. Hammon introduced new Board member Mr. Matt Newman to the Board.

transcript pages 86 - 87

Adjournment – Dr. Hammon called for a motion to adjourn. Mr. Barton moved to adjourn and Mr. Auer made the second. Meeting adjourned at 12:26 p.m.

transcript pages 87 – 88

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Public Forum – No public forum issues were raised.

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

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REGULAR MEETING, DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL QUALITY BOARD
ON SEPTEMBER 13, 2022 AT 9:30 AM
IN LONE WOLF, OKLAHOMA

REPORTED BY: Jenny Longley, CSR

Professional Reporters

800.376.1006

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1 DR. HAMMON: Good morning. Before we
 2 get officially kicked off, I'd like to welcome Tom
 3 Buchanan up to the front to give us a welcome. Tom
 4 is the General Manager of Lugert-Altus Irrigation
 5 District, and we're so happy to have you here with
 6 us this morning.

7 MR. BUCHANAN: Ms. Chairman, I
 8 appreciate the opportunity to be here with the board
 9 and the staff. Welcome to Southwest Oklahoma,
 10 Quartz Mountain Lodge, Lake Lugert, or as the locals
 11 like to call it, Lake Altus. I'm Tom Buchanan, I
 12 farm and ranch here, and I also manage Lugert-Altus
 13 Irrigation District.

14 Lugert or Lake Altus is a Bureau of
 15 Reclamation project. It's one of the furthest-east
 16 bureau projects with an irrigation component built
 17 to it, meaning that that's how we deliver water to
 18 the 50,000 acres.

19 I would tell you that we're the only
 20 irrigation district in Oklahoma, and I understand,
 21 Tom, I see lots of irrigation in Oklahoma when I
 22 drive across Western Oklahoma or where I fly to the
 23 West. Yes, what you're seeing with those center
 24 pivots is really a private individual, he's got a
 25 well and he's doing his own.

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1 When I'm talking irrigation district,
 2 I mean we're the only group of acres that share the
 3 same infrastructure to deliver water from the source
 4 to the farm itself, primarily focused on growing
 5 cotton. Cotton is one of the larger economic
 6 impacts to this local area along with the military,
 7 and then the community around the business that
 8 supports those two.

9 When we have a good year, meaning
 10 when Mother Nature doesn't throw us a curveball that
 11 we can't hit -- which she's thrown one this year
 12 that we're not even close to coming to, we're
 13 swinging and missing every time -- we'll produce
 14 150,000 to 200,000 bales of cotton. And again, when
 15 things are working in our favor, it will be as high
 16 a quality as produced anywhere in the United States
 17 and I'd tell you across the world. That Egyptian
 18 long-staple cotton's a marketing deal, and so cotton
 19 is what really drives this part of the world, has
 20 always for a long, long time. You are where cotton
 21 is king.

22 I can very briefly tell that today
 23 what you're looking at is a lake that is certainly
 24 impacted by the drought, the ongoing drought. We
 25 are in Western Oklahoma, we are not immune to

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1 droughts, dry times come and go here, but this is
 2 one of those that is getting severe and is causing
 3 some ramifications in the agriculture world.

4 We have taken significant steps, I
 5 believe, within the district itself -- it is a
 6 Bureau of Reclamation project, it still is federal
 7 property; so this is one of your assets, it belongs
 8 to you. We, the landowners, are required by
 9 contract to take care of it.

10 We've taken significant steps within
 11 the district itself to modernize that 1945
 12 technology, that's when it was constructed, poured
 13 new concrete structures for flow measurements and
 14 just control measures and assorted -- a lot of
 15 automated gates to help with control of flow, and
 16 then have also gone in here and put in a lot of
 17 SCADA systems for remote transmission of data that
 18 allows remote control, also. That has resulted in a
 19 significant increase in the delivery percentage of
 20 water released here and gets to the farm, that's
 21 what we're about.

22 And then I also want to let you know
 23 that the farmers here in this area, the landowners,
 24 have taken significant steps and have improved their
 25 irrigation practices, from flood irrigation to

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1 subsurface or drop irrigation; so we are on the
 2 cutting edge when it comes to irrigation. Even
 3 though we are in Oklahoma and we're the only one
 4 here, I would tell you that you can be proud of some
 5 fellow Oklahomans that we are on the cutting edge of
 6 trying to advance and use water as efficiently and
 7 effectively as possible in a water deficit part of
 8 the world and continue to grow Oklahoma agriculture
 9 in the process.

10 Of course, we're always looking for
 11 more water, we'd love to have additional waters out
 12 here if we can find those and get those here. There
 13 are a few available streams that are out here, but
 14 as Mr. Sims knows, who lives in this part of the
 15 world, they are compromised by naturally occurring
 16 chlorides, and so whenever we finally recognize and
 17 realize a way how, there will be additional waters
 18 for Oklahoma to benefit from in that process.

19 So I'll sit down, and once again,
 20 welcome here. I appreciate you being in this part
 21 of the world, coming, seeing who we are, what we're
 22 doing, and if you're ever back again, let's expand
 23 our opportunity, we'll talk again. Thank you.

24 DR. HAMMON: Thank you very much,
 25 Mr. Buchanan. Appreciate the overview of all of

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1 that and your time this morning.
 2 And with that, the September 13, 2022
 3 regular meeting of the Environmental Quality Board
 4 has been called according to the Oklahoma Open
 5 Meeting Act, Section 311 of Title 25 of the Oklahoma
 6 Statutes. Notice was filed with the Secretary of
 7 State on November 3, 2021. Agendas were mailed to
 8 interested parties on September 2, 2022 and were
 9 posted at the DEQ and the facility on September 12,
 10 2022. Only matters appearing on the posted agenda
 11 may be considered.
 12 If this meeting is continued or
 13 reconvened, we must announce today the date, time
 14 and place of the continued meeting and the agenda
 15 for such continuation will remain the same as
 16 today's agenda.
 17 So moving on to the "Announcements"
 18 section, I'd like to first start our meeting by
 19 welcoming the new Secretary of Energy and
 20 Environment, Mr. Ken McQueen. Ken is in the
 21 audience with us today. You are welcome to say a
 22 few words or just wave at the crowd, but I know for
 23 the -- speaking for the board, we are looking
 24 forward to working with you, and welcome to your new
 25 role. Would you like to say a few words?

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1 SECRETARY McQUEEN: Thank you, Madam
 2 Chair. I always question how much time I should
 3 take because I know you all have a very busy agenda
 4 today, but first of all, let me tell you how excited
 5 I am to be here. Some of you I have known in past
 6 lives, either at EPA or in New Mexico or even in my
 7 past industrial career.
 8 I'm a native Oklahoman, have been in
 9 Tulsa the last 44 years, at least based in Tulsa,
 10 although I've rotated to other places in the
 11 country, beautiful spots like North Dakota and New
 12 Mexico.
 13 But this is an orientation time for
 14 me, so I'm excited that this is the first board
 15 meeting I've been invited to, thank you for the
 16 invitation. My first six weeks, I expect to get
 17 around to all of the boards and commissions, visit
 18 with those, get acquainted with the personnel, get a
 19 better understanding of what's going on.
 20 Coincidentally, DEQ was our first stop, we stopped
 21 by to see Scott and his gang last week. So we'll
 22 continue to do that over the next coming months.
 23 My view of this job is I'm here to
 24 enable the great work that your agencies do, so I
 25 have always maintained an open door policy. Feel

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1 free to come by or call me or email me at any time,
 2 I want to make sure that I'm supporting the great
 3 work that you're doing for the state of Oklahoma.
 4 To the board, thank you for your
 5 service to the state. I know you're not getting
 6 rich in this role, this has to be something from the
 7 heart that you're doing to support the great work of
 8 environmental protections here in the state of
 9 Oklahoma.
 10 Look forward to meeting you all. I
 11 met some of you last night, thank you for the
 12 invitation to dinner, great steak, by the way. So
 13 thank you again for the invitation to be here.
 14 DR. HAMMON: Thank you, Secretary
 15 McQueen, it's a pleasure to have you here today, I'm
 16 so glad you could join us.
 17 So a little bit of history about
 18 where we are at in Quartz Mountain, and this is such
 19 a beautiful location. I took a walk yesterday
 20 evening when we got here and this morning, and if
 21 you do nothing else, go across the boardwalk over to
 22 the performing arts center, take a left, and walk
 23 around a little bit of the Twin Peaks Mountains
 24 right there, it's absolutely stunning.
 25 This park was founded in 1935, so

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1 we're coming close to 100 years, I think it's about
 2 87 years. It was one of the original seven state
 3 parks in the State of Oklahoma; so there's Quartz
 4 Mountain, Beaver Bend, Boiling Springs, Lake Murray,
 5 Osage Hills, Robbers Cave and Roman Nose, and I know
 6 the board's been to several of those, and it is a
 7 pleasure to be back here, I think we haven't been
 8 here since 2014.
 9 But in 1955, the lodge was built. It
 10 has gone through some iterations and a fire and they
 11 recently remodeled, and it's just such a pleasure to
 12 be back here again and in this part of the state.
 13 So I do welcome everyone. Restrooms,
 14 they're important, the men's room is out the door to
 15 the right, the women's room is out the door to the
 16 left. We're not expecting any severe weather today,
 17 I think we're going to be in a beautiful
 18 temperature, so there should be no reason to
 19 evacuate this building. I think if we hear an
 20 alarm, we'll assume it's real and we'll convene
 21 outdoors or we'll take shelter in here.
 22 So with that, I'd like to go to a
 23 roll call. Quiana?
 24 SECRETARY FIELDS: Mr. Auer?
 25 MR. AUER: Yes.

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1 SECRETARY FIELDS: Mr. Barton?
 2 MR. BARTON: Yes.
 3 SECRETARY FIELDS: Mr. Easton is
 4 absent.
 5 Dr. Ferrell?
 6 DR. FERRELL: Yes.
 7 SECRETARY FIELDS: Mr. Hirshey is
 8 absent.
 9 Mr. Kinder?
 10 MR. KINDER: Yes.
 11 SECRETARY FIELDS: Ms. Kindrick?
 12 MS. KINDRICK: Yes.
 13 SECRETARY FIELDS: Mr. Mason?
 14 MR. MASON: Yes.
 15 SECRETARY FIELDS: Mr. Munson is
 16 absent.
 17 Mr. Newman?
 18 MR. NEWMAN: Yes.
 19 SECRETARY FIELDS: Mr. Paque?
 20 MR. PAQUE: Yes.
 21 SECRETARY FIELDS: Mr. Sims?
 22 MR. SIMS: Yes.
 23 SECRETARY FIELDS: Dr. Hammon?
 24 DR. HAMMON: Yes.
 25 SECRETARY FIELDS: We have a quorum.

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1 DR. HAMMON: Okay. Thank you.
 2 All right. Item Number 4 is the
 3 approval of minutes from the February 18, 2022
 4 regular meeting. I did have a comment on these,
 5 this time, that I'd like to put forth before I ask
 6 if others have a comment. Page 74, Line 12, it was
 7 me talking where I wanted to "thank the employees in
 8 the corner; Michelle, Patrick, Jeff, and Cory for
 9 their hard work". "In the corner" should actually
 10 be 'of the quarter'; so it was employees of the
 11 quarter that would be recognized for their hard work
 12 with the DEQ.
 13 I would like to open the floor to any
 14 comments or questions by the board.
 15 Hearing none, do I have a motion to
 16 approve of the change that I have requested?
 17 DR. FERRELL: So moved.
 18 DR. HAMMON: Do I have a second?
 19 MS. KINDRICK: Second.
 20 DR. HAMMON: I have a motion and a
 21 second. Quiana, roll call?
 22 SECRETARY FIELDS: Mr. Auer?
 23 MR. AUER: Yes.
 24 SECRETARY FIELDS: Mr. Barton?
 25 MR. BARTON: Yes.

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1 SECRETARY FIELDS: Dr. Ferrell?
 2 DR. FERRELL: Yes.
 3 SECRETARY FIELDS: Mr. Kinder?
 4 MR. KINDER: Yes.
 5 SECRETARY FIELDS: Ms. Kindrick?
 6 MS. KINDRICK: Yes.
 7 SECRETARY FIELDS: Mr. Mason?
 8 MR. MASON: Yes.
 9 SECRETARY FIELDS: Mr. Newman?
 10 MR. NEWMAN: Yes.
 11 SECRETARY FIELDS: Mr. Paque?
 12 MR. PAQUE: Yes.
 13 SECRETARY FIELDS: Mr. Sims?
 14 MR. SIMS: Yes.
 15 SECRETARY FIELDS: Dr. Hammon?
 16 DR. HAMMON: Yes.
 17 SECRETARY FIELDS: Motion passed.
 18 DR. HAMMON: Thank you.
 19 Item Number 5 starts our "Emergency
 20 Rulemaking". You guys have noticed there's a very
 21 large packet today, hopefully this will run fairly
 22 smoothly, but I'd like to welcome Brian Duzan to the
 23 floor to begin us with Item 5, "Emergency Rulemaking
 24 OAC 252:730", "Oklahoma's Water Quality Standards".
 25 MR. DUZAN: Thank you. I'd like to

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1 apologize in advance, I don't have one of those
 2 nice, soothing voices that you see in all those
 3 documentaries on TV, but -- and you will hear me
 4 drone on and on for a while.
 5 To begin with, Chapter 730 rules, I'd
 6 like to explain the reason behind these emergency
 7 rules and the process that was used to get them in
 8 front of you today. During the 2022 Oklahoma
 9 Legislative session, two bills were passed by the
 10 Legislature and signed by the Governor that
 11 transfers the authority for administering the
 12 Oklahoma Water Quality Standards from OWRB to the
 13 Department of Environmental Quality.
 14 The first bill, Senate Bill No. 1325,
 15 Amended Oklahoma State Statute 27A Section 1-3-101
 16 that describes DEQ's jurisdictional areas of
 17 environmental responsibility. Specifically, the
 18 bill states in part that DEQ will have authority for
 19 "Development and promulgation of Oklahoma Water
 20 Quality Standards, their accompanying use support
 21 assessment support protocols, antidegradation
 22 policies generally affecting Oklahoma Water Quality
 23 Standards application and implementation including
 24 but not limited to mixing zones, low flows and
 25 variances or any modification or change thereof

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1 pursuant to Section 1085.30 of Title 82 of Oklahoma
 2 Statutes".
 3 Section 1085.30 of Title 82, which
 4 describes classification of water uses, was amended
 5 to denote that the DEQ, not OWRB, is authorized to
 6 promulgate rules to be known as "Oklahoma Water
 7 Quality Standards", which established
 8 classifications of uses of water in the state,
 9 criteria to maintain and protect such
 10 classifications, and other standards or policies
 11 pertaining to water quality standards.
 12 The second bill was House Bill 3824,
 13 was also passed, amending Section 1-3-101 of 27A.
 14 This amendment gave DEQ jurisdiction for "adoption
 15 of water quality standard variances and
 16 site-specific criteria to the extent that such
 17 variances and site-specific criteria are utilized in
 18 and enforced throughout water quality permits issued
 19 by the department. Such variances and site-specific
 20 criteria may be adopted through the rulemaking or
 21 through the permitting process; provided that the
 22 process satisfies the department, the public
 23 participation and water quality standard variance
 24 requirements set forth in the corresponding federal
 25 regulations".

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1 The effective date of these two bills
 2 is November 1st, 2022. Therefore, in order for the
 3 State of Oklahoma to have authority to promulgate
 4 water quality standards and to implement the water
 5 quality standards in our permits as of November 1,
 6 2022, it is necessary that the DEQ promulgate the
 7 two new rules, Chapters 730 and 740, to replace the
 8 current rules of Chapters OAC 785:45, titled
 9 "Oklahoma's Water Quality Standards", and OAC
 10 785:46, titled "Implementation of Oklahoma's Water
 11 Quality Standards" that were previously promulgated
 12 by the OWRB.
 13 These rules must be approved by the
 14 Environmental Quality Board, signed by the Governor,
 15 and be in effect by November 1, 2022. Without the
 16 promulgation of these rules by DEQ, the EPA could
 17 assume jurisdiction over the water quality standards
 18 for the state.
 19 On July 26, 2022, the WQMAC met to
 20 discuss emergency rulemaking that affects several of
 21 these existing rule chapters, plus a couple of new
 22 chapters. DEQ staff held two public meetings to
 23 discuss and receive input from the public regarding
 24 this rulemaking. The first meeting was held
 25 August 9, 2022 at 1:00 p.m. at the Tulsa Mohawk

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1 Water Treatment Plant and there were approximately
 2 20 attendees. The second meeting was held at the
 3 DEQ at 9:00 a.m. on August 18, 2022, and there were
 4 five attendees.
 5 The majority of the comments
 6 concerned the new chapters, 730 and 740, and most
 7 expressed a better understanding that these new
 8 chapters were basically copies of Chapters 45 and 46
 9 and that the DEQ has not made any widespread changes
 10 to these rules for this emergency rulemaking.
 11 One comment urged DEQ not to permit
 12 variances for Oklahoma Scenic Rivers. The rules and
 13 comments provided during the information were
 14 presented to the WQMAC in a special meeting on
 15 August 23, 2022.
 16 Okay. Now getting to OAC 252:730.
 17 It is titled Oklahoma's Water Quality Standards and
 18 is basically a copy of OWRB's OAC 785:45. Since
 19 this is a new chapter of rules for DEQ, all the text
 20 is underlined.
 21 There are some changes within the
 22 chapter that I want to make sure that you are aware
 23 of. So we look at the first page, it lists the
 24 subchapters and appendices. You will notice that
 25 Appendix C is denoted as "Reserved". The reason for

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1 this is OAC 785:45, Appendix C was at some time
 2 revoked. By denoting it as reserved, we do not need
 3 to change the alphabetical designations of the
 4 following appendices. Appendix D remains Appendix
 5 D, Appendix E remains Appendix E, et cetera. This
 6 eliminates the need for us to correct citations in
 7 other chapters that may have referenced those
 8 appendices.
 9 Another section I want to bring to
 10 your attention is 252:730-5-5, entitled "Water
 11 Quality Standard Variances". This is on page 13.
 12 This section was changed to remove language that
 13 read, "OWRB rulemaking and approvals is required for
 14 all water quality standard variances". In Section
 15 5-7 below that, the changes were made to denote that
 16 DEQ, not the OWRB, will review and approve detailed
 17 work plans related to site-specific criteria.
 18 While there were comments by
 19 individuals representing Save the Illinois River
 20 requesting DEQ prohibit variances in scenic rivers,
 21 DEQ staff and the WQMAC are not recommending a
 22 change in this emergency rule that would rule to
 23 prohibit variances in any waterbody. The WQMAC
 24 recommended to the EQB by unanimous vote this
 25 emergency rule as DEQ has deemed that this emergency

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1 rule is necessary as an emergency measure to protect
 2 the public health, safety, and welfare in order to
 3 comply with the statutory changes that take effect
 4 November 1, 2022. Thank you.
 5 DR. HAMMON: Taking questions or
 6 comments from the board.
 7 Questions or comments from the
 8 public?
 9 Hearing none, do I have a motion?
 10 MR. MASON: Mason moves approval.
 11 MR. PAQUE: Second.
 12 DR. HAMMON: We have a motion and a
 13 second. Quiana, the roll call, please.
 14 SECRETARY FIELDS: Mr. Auer?
 15 MR. AUER: Yes.
 16 SECRETARY FIELDS: Mr. Barton?
 17 MR. BARTON: Yes.
 18 SECRETARY FIELDS: Dr. Ferrell?
 19 DR. FERRELL: Yes.
 20 SECRETARY FIELDS: Mr. Kinder?
 21 MR. KINDER: Yes.
 22 SECRETARY FIELDS: Ms. Kindrick?
 23 MS. KINDRICK: Yes.
 24 SECRETARY FIELDS: Mr. Mason?
 25 MR. MASON: Yes.

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1 SECRETARY FIELDS: Mr. Newman?
 2 MR. NEWMAN: Yes.
 3 SECRETARY FIELDS: Mr. Paque?
 4 MR. PAQUE: Yes.
 5 SECRETARY FIELDS: Mr. Sims?
 6 MR. SIMS: Yes.
 7 SECRETARY FIELDS: Dr. Hammon?
 8 DR. HAMMON: Yes.
 9 SECRETARY FIELDS: Motion passed.
 10 DR. HAMMON: Thank you.
 11 (A short discussion was had.)
 12 DR. HAMMON: Apologies for the delay,
 13 we were discussing whether we need to move on these
 14 emergency rules and we'll just specify it according
 15 to the agenda this is emergency rulemaking, so --
 16 MR. DUZAN: Correct.
 17 DR. HAMMON: Brian, I'll let you move
 18 on to Item Number 6, which is 740.
 19 MR. DUZAN: Okay. Moving on to OAC
 20 252:740, is entitled "Implementation of Oklahoma's
 21 Water Quality Standards" and is basically a copy of
 22 OWRB's OAC 785:46. Since this is a new chapter, all
 23 the text is underlined. One change from 785:46 is
 24 the Subchapter 17, which is titled "OWRB's Water
 25 Quality Standards Implementation Plan", is deleted

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1 and remained an OWRB responsibility. Subchapter 17
 2 then became "Implementation of the DO Criteria to
 3 Protect Fish Propagation", which is formerly
 4 Subchapter 19.
 5 There was some changes to the
 6 appendices, as well, since in Chapter 46, Appendix A
 7 has been revoked and is so denoted as now "Reserved"
 8 so that we don't have to correct references, either
 9 in this chapter or others, if we relabel the
 10 appendices. We also removed Appendix D, which was
 11 titled "Summary of Comments on OWRB's Water Quality
 12 Standards Implementation Plan".
 13 Chapter 740, just like 730, required
 14 many of the same edits as far as removing citations
 15 to the OWRB, where applicable, and making
 16 appropriate references to 730 and 740. One other
 17 thing in this chapter that is different from the
 18 other DEQ rules is that it has multiple references
 19 to various technical report documents. DEQ staff is
 20 still in the process of obtaining from OWRB and
 21 reviewing these documents for the permanent
 22 rulemaking that should be before you in the
 23 February 2023 DEQ meeting. DEQ will update and
 24 revise or discontinue references in that rule.
 25 In OAC 785:46, there are several

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1 revoked sections that had -- that were removed which
 2 will continue -- which will require renumbering
 3 those sections for the emergency OAC 252:740. We
 4 have changed references, where necessary, to make
 5 sure that they have been updated.
 6 The WQMAC recommended to the EQB by
 7 unanimous vote this emergency rule. DEQ has deemed
 8 that this emergency rule is necessary as an
 9 emergency measure to protect public health, safety,
 10 and welfare in order to comply with the statutory
 11 changes that take effect November 1, 2022. Thank
 12 you.
 13 DR. HAMMON: Thank you. Any
 14 questions from the board on the emergency rulemaking
 15 for Chapter 740?
 16 Any questions or comments from the
 17 public?
 18 Hearing none, do I have a motion?
 19 MR. KINDER: I'll make a motion to
 20 adopt.
 21 MR. SIMS: Second the motion.
 22 DR. HAMMON: I have a motion and a
 23 second for approval. Quiana, roll call, please.
 24 SECRETARY FIELDS: Mr. Auer?
 25 MR. AUER: Yes.

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1 SECRETARY FIELDS: Mr. Barton?
 2 MR. BARTON: Yes.
 3 SECRETARY FIELDS: Dr. Ferrell?
 4 DR. FERRELL: Yes.
 5 SECRETARY FIELDS: Mr. Kinder?
 6 MR. KINDER: Yes.
 7 SECRETARY FIELDS: Ms. Kindrick?
 8 MS. KINDRICK: Yes.
 9 SECRETARY FIELDS: Mr. Mason?
 10 MR. MASON: Yes.
 11 SECRETARY FIELDS: Mr. Newman?
 12 MR. NEWMAN: Yes.
 13 SECRETARY FIELDS: Mr. Paque?
 14 MR. PAQUE: Yes.
 15 SECRETARY FIELDS: Mr. Sims?
 16 MR. SIMS: Yes.
 17 SECRETARY FIELDS: Dr. Hammon?
 18 DR. HAMMON: Yes.
 19 SECRETARY FIELDS: Motion passed.
 20 DR. HAMMON: Thank you. Moving on to
 21 Item Number 7, Chapter 606.
 22 MR. DUZAN: Okay. 252:606 is the
 23 "Oklahoma Pollutant Discharge Elimination System
 24 (OPDES) Standards". Beginning with Chapter 6, the
 25 remaining rules we'll be asking the board to vote on

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1 today basically consist of changing references to
 2 252:730 instead of 785:45, 252:740 instead of
 3 785:46, or DEQ instead of OWRB. I will point out
 4 any exceptions to this as necessary. Changes were
 5 made to Subchapter 1, the "Introduction", Subchapter
 6 3, and Subchapter 5 and Subchapter 8.
 7 While there were comments by
 8 individuals representing Save the Illinois River
 9 requesting DEQ prohibit variances in the scenic
 10 rivers, DEQ staff and the WQMAC are not recommending
 11 a change in this emergency rule to prohibit
 12 variances in any waterbody. The WQMAC recommended
 13 to the EQB by unanimous vote this emergency rule.
 14 DEQ has deemed that this emergency rule is necessary
 15 as an emergency measure to protect public health,
 16 safety, and welfare in order to comply with the
 17 statutory changes that take effect November 1, 2022.
 18 Thank you.
 19 DR. HAMMON: Thank you.
 20 Questions or comments from the board?
 21 Questions or comments from the
 22 general public?
 23 Do I have a motion?
 24 MR. SIMS: Make a motion we approve
 25 that.

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1 MR. PAQUE: I'll second.
 2 DR. HAMMON: We have a motion and a
 3 second to approve emergency rulemaking 252:606.
 4 Quiana, roll call, please.
 5 SECRETARY FIELDS: Mr. Auer?
 6 MR. AUER: Yes.
 7 SECRETARY FIELDS: Mr. Barton?
 8 MR. BARTON: Yes.
 9 SECRETARY FIELDS: Dr. Ferrell?
 10 DR. FERRELL: Yes.
 11 SECRETARY FIELDS: Mr. Kinder?
 12 MR. KINDER: Yes.
 13 SECRETARY FIELDS: Ms. Kindrick?
 14 MS. KINDRICK: Yes.
 15 SECRETARY FIELDS: Mr. Mason?
 16 MR. MASON: Yes.
 17 SECRETARY FIELDS: Mr. Newman?
 18 MR. NEWMAN: Yes.
 19 SECRETARY FIELDS: Mr. Paque?
 20 MR. PAQUE: Yes.
 21 SECRETARY FIELDS: Mr. Sims?
 22 MR. SIMS: Yes.
 23 SECRETARY FIELDS: Dr. Hammon?
 24 DR. HAMMON: Yes.
 25 SECRETARY FIELDS: Motion passed.

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1 DR. HAMMON: Thank you. Agenda Item
 2 Number 8 is OAC 252:611.
 3 MR. DUZAN: Okay. We'll move on to
 4 252:611, "General Water Quality". This rule is a
 5 case where I need to point out the change to the
 6 proposed text that entailed more than simply
 7 updating references. At the very end of the current
 8 rule, there's a group of definitions denoted
 9 "Supplemental Information Glossary of Terms".
 10 Having these terms defined at the end of the rules
 11 does not conform to the way we handle definitions in
 12 our other rules. Subchapter 1 of the existing rule
 13 does have a section titled "Definitions", so we have
 14 consolidated the two sets of definitions to have all
 15 terms defined at the beginning of the chapter,
 16 again, for the sake of consistency. The only part
 17 of this rule with changes is Subchapter 1, "General
 18 Provisions", which includes the consolidated
 19 definitions and the updated references from OAC
 20 785:45 to OAC 252:730.
 21 The WQMAC recommended to the EQB by
 22 unanimous vote this emergency rule. DEQ has deemed
 23 that this emergency rule is necessary as an
 24 emergency measure to protect the public health,
 25 safety, and welfare in order to comply with the

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1 statutory change that takes effect November 1, 2022.
 2 Thank you.
 3 DR. HAMMON: Thank you.
 4 Any questions or comments from the
 5 board?
 6 Questions or comments from the
 7 public?
 8 Could I have a motion?
 9 MR. BARTON: Barton, motion to adopt.
 10 DR. HAMMON: I have a motion. Is
 11 there a second?
 12 MS. KINDRICK: Second.
 13 DR. HAMMON: We have a motion and a
 14 second. Quiana, roll call, please.
 15 SECRETARY FIELDS: Mr. Auer?
 16 MR. AUER: Yes.
 17 SECRETARY FIELDS: Mr. Barton?
 18 MR. BARTON: Yes.
 19 SECRETARY FIELDS: Dr. Ferrell?
 20 DR. FERRELL: Yes.
 21 SECRETARY FIELDS: Mr. Kinder?
 22 MR. KINDER: Yes.
 23 SECRETARY FIELDS: Ms. Kindrick?
 24 MS. KINDRICK: Yes.
 25 SECRETARY FIELDS: Mr. Mason?

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1 MR. MASON: Yes.
 2 SECRETARY FIELDS: Mr. Newman?
 3 MR. NEWMAN: Yes.
 4 SECRETARY FIELDS: Mr. Paque?
 5 MR. PAQUE: Yes.
 6 SECRETARY FIELDS: Mr. Sims?
 7 MR. SIMS: Yes.
 8 SECRETARY FIELDS: Dr. Hammon?
 9 DR. HAMMON: Yes.
 10 SECRETARY FIELDS: Motion passed.
 11 DR. HAMMON: Thank you.
 12 All right. I believe we're on agenda
 13 Item 9 now, which is OAC 252 Chapter 616.
 14 MR. DUZAN: Okay. Moving on, 252:616
 15 is "Industrial Wastewater Systems". In this
 16 chapter, edits were made to reference DEQ instead of
 17 OWRB and to reference 252:730 instead of 785:45.
 18 These changes affect Subchapter 1, Subchapter 9, and
 19 Subchapter 11.
 20 The WQMAC recommended to the EQB by
 21 unanimous vote this emergency rule. DEQ has deemed
 22 that this emergency rule is necessary as an
 23 emergency measure to protect public health, safety,
 24 and welfare in order to comply with the statutory
 25 change that takes effect November 1, 2022. Thank

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1 you.
 2 DR. HAMMON: Questions or comments
 3 from the board?
 4 Questions or comments from the
 5 public?
 6 Do I have a motion on Title 252
 7 Chapter 616?
 8 DR. FERRELL: Ferrell, motion to
 9 approve.
 10 DR. HAMMON: Thank you. Is there a
 11 second?
 12 MR. BARTON: Second. Barton.
 13 DR. HAMMON: We have a motion and a
 14 second. Quiana, roll call, please.
 15 SECRETARY FIELDS: Mr. Auer?
 16 MR. AUER: Yes.
 17 SECRETARY FIELDS: Mr. Barton?
 18 MR. BARTON: Yes.
 19 SECRETARY FIELDS: Dr. Ferrell?
 20 DR. FERRELL: Yes.
 21 SECRETARY FIELDS: Mr. Kinder?
 22 MR. KINDER: Yes.
 23 SECRETARY FIELDS: Ms. Kindrick?
 24 MS. KINDRICK: Yes.
 25 SECRETARY FIELDS: Mr. Mason?

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1 MR. MASON: Yes.
 2 SECRETARY FIELDS: Mr. Newman?
 3 MR. NEWMAN: Yes.
 4 SECRETARY FIELDS: Mr. Paque?
 5 MR. PAQUE: Yes.
 6 SECRETARY FIELDS: Mr. Sims?
 7 MR. SIMS: Yes.
 8 SECRETARY FIELDS: Dr. Hammon?
 9 DR. HAMMON: Yes.
 10 SECRETARY FIELDS: Motion passed.
 11 DR. HAMMON: All right. Agenda Item
 12 10 is Chapter 621.
 13 MR. DUZAN: Okay. 252:621 is
 14 "Non-Industrial Discharging and Public Water Supply
 15 Lagoons". In this chapter, edits were made to only
 16 Subchapter 1, to change the reference from OWRB to
 17 DEQ and to reference 252:730 instead of 785:45 in
 18 the definition of "Water Quality Standards".
 19 The WQMAC recommended to the EQB by
 20 unanimous vote this emergency rule. DEQ has deemed
 21 that this emergency rule is necessary as an
 22 emergency measure to protect public health, safety,
 23 and welfare in order to comply with the statutory
 24 changes that take effect November 1, 2022. Thank
 25 you.

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1 DR. HAMMON: Thank you. Any
 2 questions or comments from the board?
 3 Any questions or comments from the
 4 public?
 5 Do I have a motion?
 6 MR. AUER: Auer, I'll make a motion
 7 to approve.
 8 DR. HAMMON: Thank you. Do I have a
 9 second?
 10 MR. MASON: Mason, second.
 11 DR. HAMMON: We have a motion and a
 12 second to approve Chapter 621. Quiana, roll call,
 13 please.
 14 SECRETARY FIELDS: Mr. Auer?
 15 MR. AUER: Yes.
 16 SECRETARY FIELDS: Mr. Barton?
 17 MR. BARTON: Yes.
 18 SECRETARY FIELDS: Dr. Ferrell?
 19 DR. FERRELL: Yes.
 20 SECRETARY FIELDS: Mr. Kinder?
 21 MR. KINDER: Yes.
 22 SECRETARY FIELDS: Ms. Kindrick?
 23 MS. KINDRICK: Yes.
 24 SECRETARY FIELDS: Mr. Mason?
 25 MR. MASON: Yes.

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1 SECRETARY FIELDS: Mr. Newman?
 2 MR. NEWMAN: Yes.
 3 SECRETARY FIELDS: Mr. Paque?
 4 MR. PAQUE: Yes.
 5 SECRETARY FIELDS: Mr. Sims?
 6 MR. SIMS: Yes.
 7 SECRETARY FIELDS: Dr. Hammon?
 8 DR. HAMMON: Yes.
 9 SECRETARY FIELDS: Motion passed.
 10 DR. HAMMON: Thank you. All right.
 11 We are on Agenda Item 11, which is OAC 252 Chapter
 12 628.
 13 Brian?
 14 MR. DUZAN: Okay. 252:628 is
 15 "Indirect Potable Reuse for Surface Water
 16 Augmentation". In this chapter, edits have been
 17 made to reference DEQ instead of OWRB, to reference
 18 252:730 instead of 785:45, and to reference 252:740
 19 instead of 785:46. These changes affected
 20 Subchapter 1, Subchapter 3, Subchapter 9, Subchapter
 21 11.
 22 In this chapter, some of the
 23 references were more descriptive than simply
 24 referencing 730 or 740. For example, on page 10,
 25 under Section 252:628-11-4, you will see a reference

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1 to 252:730-S-25(c)(8)(C). We've been careful to
 2 make these citations, when more specific, do match
 3 up with the text in Chapters 730 or 740.
 4 The WQMAC recommended to the EQB by
 5 unanimous vote this emergency rule. DEQ has deemed
 6 that this emergency rule is necessary as an
 7 emergency measure to protect public health, safety,
 8 and welfare in order to comply with the statutory
 9 changes that take effect November 1, 2022. Thank
 10 you.
 11 DR. HAMMON: Thank you.
 12 Do I have any questions or comments
 13 from the board on Title 252 Chapter 628?
 14 Any comments or questions from the
 15 public?
 16 Do I have a motion?
 17 MR. SIMS: I'll make a motion we
 18 approve.
 19 DR. HAMMON: Thank you. Is there a
 20 second?
 21 DR. FERRELL: Second. Ferrell.
 22 DR. HAMMON: We have a motion and a
 23 second. Quiana, roll call, please.
 24 SECRETARY FIELDS: Mr. Auer?
 25 MR. AUER: Yes.

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1 SECRETARY FIELDS: Mr. Barton?
 2 MR. BARTON: Yes.
 3 SECRETARY FIELDS: Dr. Ferrell?
 4 DR. FERRELL: Yes.
 5 SECRETARY FIELDS: Mr. Kinder?
 6 MR. KINDER: Yes.
 7 SECRETARY FIELDS: Ms. Kindrick?
 8 MS. KINDRICK: Yes.
 9 SECRETARY FIELDS: Mr. Mason?
 10 MR. MASON: Yes.
 11 SECRETARY FIELDS: Mr. Newman?
 12 MR. NEWMAN: Yes.
 13 SECRETARY FIELDS: Mr. Paque?
 14 MR. PAQUE: Yes.
 15 SECRETARY FIELDS: Mr. Sims?
 16 MR. SIMS: Yes.
 17 SECRETARY FIELDS: Dr. Hammon?
 18 DR. HAMMON: Yes.
 19 SECRETARY FIELDS: Motion passed.
 20 DR. HAMMON: Thank you. Agenda Item
 21 12 is Title 252 Chapter 652.
 22 MR. DUZAN: Okay. 252:652 is
 23 "Underground Injection Control". In this chapter,
 24 an edit was made to reference DEQ instead of OWRB
 25 and an edit to reference OAC 252:730 instead of

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1 785:45. These changes affected Subchapter 3 only.
 2 The WQMAC recommended to the EQB by
 3 unanimous vote this emergency rule. DEQ has deemed
 4 that this emergency rule is necessary as an
 5 emergency measure to protect public health, safety,
 6 and welfare in order to comply with the statutory
 7 changes that take effect November 1, 2022. Thank
 8 you.
 9 DR. HAMMON: Any questions or
 10 comments from the board?
 11 Questions or comments from the
 12 public?
 13 Do I have a motion regarding Chapter
 14 652?
 15 MR. PAQUE: So move.
 16 DR. HAMMON: Move to approve?
 17 MR. KINDER: Kinder, second. Thank
 18 you.
 19 DR. HAMMON: All right. So I have a
 20 motion and a second.
 21 SECRETARY FIELDS: Whose second? I
 22 didn't see whose second.
 23 MR. KINDER: Kinder, second.
 24 SECRETARY FIELDS: Kinder? Thank
 25 you.

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1 DR. HAMMON: Quiana, roll call,
 2 please.
 3 SECRETARY FIELDS: Mr. Auer?
 4 MR. AUER: Yes.
 5 SECRETARY FIELDS: Mr. Barton?
 6 MR. BARTON: Yes.
 7 SECRETARY FIELDS: Dr. Ferrell?
 8 DR. FERRELL: Yes.
 9 SECRETARY FIELDS: Mr. Kinder?
 10 MR. KINDER: Yes.
 11 SECRETARY FIELDS: Ms. Kindrick?
 12 MS. KINDRICK: Yes.
 13 SECRETARY FIELDS: Mr. Mason?
 14 MR. MASON: Yes.
 15 SECRETARY FIELDS: Mr. Newman?
 16 MR. NEWMAN: Yes.
 17 SECRETARY FIELDS: Mr. Paque?
 18 MR. PAQUE: Yes.
 19 SECRETARY FIELDS: Mr. Sims?
 20 MR. SIMS: Yes.
 21 SECRETARY FIELDS: Dr. Hammon?
 22 DR. HAMMON: Yes.
 23 SECRETARY FIELDS: Motion passed.
 24 DR. HAMMON: Thank you. Agenda Item
 25 13 with Chapter 653.

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1 Brian?
 2 MR. DUZAN: Okay. We're about
 3 10 percent through, so we're making good time.
 4 This is 252:653, "Aquifer Storage and
 5 Recovery". In this chapter, edits were made to
 6 reference OAC 252:730 instead of 785:45. These
 7 changes affect Subchapter 3 and Subchapter 5 and
 8 Subchapter 9.
 9 The WQMAC recommended to the EQB by
 10 unanimous vote this emergency rule. DEQ has deemed
 11 that this emergency rule is necessary as an
 12 emergency measure to protect public health, safety,
 13 and welfare in order to comply with the statutory
 14 changes that take effect November 1, 2022. Thank
 15 you.
 16 DR. HAMMON: Thank you.
 17 Any questions or comments from the
 18 board on Chapter 653?
 19 MR. PAQUE: I have one question,
 20 Brian. On Subchapter 3, "Standards", I'm fine with
 21 the language, the language is fine, I don't take
 22 exception to it. When the Water Quality Council
 23 met, was there any discussion on what might be,
 24 either historically or in the future, the approval
 25 on a case-by-case basis? If you didn't have any,

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1 that's fine, I'm just asking.
 2 MR. DUZAN: I don't think we did.
 3 No, I don't think that came up at all.
 4 MR. PAQUE: Okay. All right. That's
 5 all.
 6 DR. HAMMON: Thank you.
 7 Any other questions or comments by
 8 the board?
 9 Questions or comments from the
 10 public?
 11 All right. Hearing none, do I have a
 12 motion?
 13 MR. PAQUE: I so move.
 14 DR. HAMMON: Move to approve? Mike?
 15 Mike, will you state that you move to approve? Move
 16 to approve?
 17 MR. PAQUE: Yes.
 18 DR. HAMMON: Okay. I have a motion
 19 to approve. Do I have a second?
 20 MS. KINDRICK: Second, Kindrick.
 21 DR. HAMMON: Thank you. We have a
 22 motion and a second. Quiana, roll call, please.
 23 SECRETARY FIELDS: Mr. Auer?
 24 MR. AUER: Yes.
 25 SECRETARY FIELDS: Mr. Barton?

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1 MR. BARTON: Yes.
 2 SECRETARY FIELDS: Dr. Ferrell?
 3 DR. FERRELL: Yes.
 4 SECRETARY FIELDS: Mr. Kinder?
 5 MR. KINDER: Yes.
 6 SECRETARY FIELDS: Ms. Kindrick?
 7 MS. KINDRICK: Yes.
 8 SECRETARY FIELDS: Mr. Mason?
 9 MR. MASON: Yes.
 10 SECRETARY FIELDS: Mr. Newman?
 11 MR. NEWMAN: Yes.
 12 SECRETARY FIELDS: Mr. Paque?
 13 MR. PAQUE: Yes.
 14 SECRETARY FIELDS: Mr. Sims?
 15 MR. SIMS: Yes.
 16 SECRETARY FIELDS: Dr. Hammon?
 17 DR. HAMMON: Yes.
 18 SECRETARY FIELDS: Motion passed.
 19 DR. HAMMON: Thank you. Agenda Item
 20 14, Subchapter 656 -- or, Chapter 656, excuse me.
 21 MR. DUZAN: Okay. OAC 252:656 is
 22 "Water Pollution Control Facility Construction
 23 Standards". In this chapter, one edit was made to
 24 Chapter 11 to reference OAC 252:730 instead of OAC
 25 758:45.

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1 The WQMAC recommended to the EQB by
 2 unanimous vote this emergency rule. DEQ has deemed
 3 that this emergency rule is necessary as an
 4 emergency measure to protect public health, safety,
 5 and welfare in order to comply with the statutory
 6 changes that take effect November 1, 2022. Thank
 7 you.
 8 DR. HAMMON: Any questions or
 9 comments from the board?
 10 Questions or comments from the
 11 public?
 12 Do I have a motion to approve?
 13 MR. AUER: Auer, I make a motion to
 14 approve.
 15 DR. HAMMON: Thank you. Second?
 16 MR. BARTON: Barton, second.
 17 DR. HAMMON: Thank you.
 18 We have a motion and a second.
 19 Quiana, roll call, please.
 20 SECRETARY FIELDS: Mr. Auer?
 21 MR. AUER: Yes.
 22 SECRETARY FIELDS: Mr. Barton?
 23 MR. BARTON: Yes.
 24 SECRETARY FIELDS: Dr. Ferrell?
 25 DR. FERRELL: Yes.

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1 SECRETARY FIELDS: Mr. Kinder?
 2 MR. KINDER: Yes.
 3 SECRETARY FIELDS: Ms. Kindrick?
 4 MS. KINDRICK: Yes.
 5 SECRETARY FIELDS: Mr. Mason?
 6 MR. MASON: Yes.
 7 SECRETARY FIELDS: Mr. Newman?
 8 MR. NEWMAN: Yes.
 9 SECRETARY FIELDS: Mr. Paque?
 10 MR. PAQUE: Yes.
 11 SECRETARY FIELDS: Mr. Sims?
 12 MR. SIMS: Yes.
 13 SECRETARY FIELDS: Dr. Hammon?
 14 DR. HAMMON: Yes.
 15 SECRETARY FIELDS: Motion passed.
 16 DR. HAMMON: All right. We are on
 17 Agenda Item 15, which I understand is the last of
 18 our emergency rulemaking. So we'll move on to
 19 Chapter 690.
 20 MR. DUZAN: Okay. This one there's a
 21 little bit more to it, but 252:690 is "Water Quality
 22 Standards Implementation". In this chapter, edits
 23 have been made to reference DEQ instead of OWRB, to
 24 reference 232:730 instead of 785:45, and to
 25 reference 252:740 instead of 785:46. These changes

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1 affected Chapter 1 and Chapter 3, which is the
 2 "Point Source Discharges".
 3 I also need to point out that there
 4 were changes to Subchapter 5, "Groundwater
 5 Protection". This section referenced 252:648, which
 6 is no longer an active rule; so that was changed to
 7 OAC 252:606 Subchapter 8, which addresses "Biosolids
 8 Requirements". Subchapter 5 also referenced OAC
 9 252:510 and OAC 252:520 that are no longer active
 10 chapters, so this reference was changed to OAC
 11 252:515, "Management of Solid Waste".
 12 Beginning on page 15, we have
 13 Appendix A. As a reminder, appendices get revoked
 14 and issued as a new appendix. I would also like to
 15 point out that on page 23, under Part II, WQSIP,
 16 "Elements by Jurisdictional Area", there's a Section
 17 "B" titled "Water Quality Planning", "Compliance
 18 with antidegradation requirements and protection of
 19 beneficial uses". You can see at the bottom of that
 20 that we have added a sentence that reads, "DEQ may
 21 adopt variances and site-specific criteria as set
 22 forth in 27A O.S. 2-6-103(B)". This conforms us to
 23 the language in Title 27A Section 2-6-103(B) that
 24 was amended in House Bill 3824.
 25 Lastly, regarding Chapter 690, when

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1 we do permanent rulemaking, we intend to merge
 2 Chapter 690 with the new Chapter 740. If that
 3 happens, Chapter 690 will be revoked and Chapter 740
 4 will be included, both the emergency 690 and 740
 5 requirements, in the implementation of "Oklahoma's
 6 Water Quality Standards" rule. While there were
 7 comments by individuals representing Save the
 8 Illinois River requesting DEQ prohibit variances to
 9 scenic rivers, DEQ staff and the WQMAC are not
 10 recommending a change in this emergency rule to
 11 prohibit variances in any waterbody.
 12 The WQMAC recommend to the EQB by
 13 unanimous vote this emergency rule. DEQ has deemed
 14 that this emergency rule is necessary as an
 15 emergency measure to protect public health, safety,
 16 and welfare in order to comply with the statutory
 17 changes that take effect November 1, 2022. Thank
 18 you.
 19 DR. HAMMON: Thank you.
 20 Any questions or comments from the
 21 board?
 22 Questions or comments from the
 23 public?
 24 Do I have a motion to approve?
 25 MR. KINDER: Kinder, motion to

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1 approve.
 2 DR. HAMMON: Thank you, Jimmy.
 3 Do I have a second?
 4 MR. AUER: Auer, second.
 5 DR. HAMMON: Thank you.
 6 We have a motion and a second to
 7 approve. Quiana, roll call, please.
 8 SECRETARY FIELDS: Mr. Auer?
 9 MR. AUER: Yes.
 10 SECRETARY FIELDS: Mr. Barton?
 11 MR. BARTON: Yes.
 12 SECRETARY FIELDS: Dr. Ferrell?
 13 DR. FERRELL: Yes.
 14 SECRETARY FIELDS: Mr. Kinder?
 15 MR. KINDER: Yes.
 16 SECRETARY FIELDS: Ms. Kindrick?
 17 MS. KINDRICK: Yes.
 18 SECRETARY FIELDS: Mr. Mason?
 19 MR. MASON: Yes.
 20 SECRETARY FIELDS: Mr. Newman?
 21 MR. NEWMAN: Yes.
 22 SECRETARY FIELDS: Mr. Paque?
 23 MR. PAQUE: Yes.
 24 SECRETARY FIELDS: Mr. Sims?
 25 MR. SIMS: Yes.

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1 SECRETARY FIELDS: Dr. Hammon?
 2 DR. HAMMON: Yes.
 3 SECRETARY FIELDS: Motion passed.
 4 DR. HAMMON: Thank you.
 5 MR. DUZAN: Thank you.
 6 DR. HAMMON: Kudos, Brian, thank you
 7 very much.
 8 MR. DUZAN: You'll get to hear it
 9 again in February.
 10 DR. HAMMON: We'll be prepared for
 11 that.
 12 So I do want to thank the Water
 13 Quality Management Advisory Council and the agency.
 14 Obviously, you know, if you look at the stack of
 15 paper in front of us and the number of emergency
 16 rules that we just approved, this was a lot of work
 17 on their part, and appreciate them doing this to
 18 make sure that this sort of work continues as of
 19 November 1st, so do appreciate that.
 20 At this point, we are on Agenda Item
 21 16, which is our "Executive Director's Report", so
 22 we'll just go ahead and hand this right off to Scott
 23 Thompson.
 24 MR. THOMPSON: Okay. Thank you.
 25 So Secretary McQueen was introduced

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1 earlier. We're happy to have him on the board, I
 2 have met him and worked with him in earlier roles,
 3 particularly when he was recently Administrator in
 4 Dallas at EPA, and so I was very happy to find out
 5 that he was selected for this position. Don't tell
 6 Secretary Wagner, but I'm referring to him as Ken
 7 2.0.
 8 So, anyways, I think you know his
 9 background, but you all know Victoria Tran, she's
 10 also a native Oklahoman who spent some time at EPA
 11 headquarters, and she's been a great asset to us in
 12 that office, and recently they've added Scott Mason,
 13 he's appointed the Deputy Secretary of Energy, and I
 14 guess he's officially the Deputy Secretary for
 15 Environment. And Scott Mason is from Cordell, which
 16 is just up the road and many of us drove through
 17 that town coming up here, so we're interested, and
 18 he came from EPA's Tribal Office at headquarters at
 19 EPA, most recently; so I think he's going to be very
 20 helpful to us as we move down the road.
 21 So Catherine Sharp retired, I suppose
 22 many of you heard. She didn't want to make a big
 23 deal out of it, but we did force her to have sort of
 24 a going-away event, and I found some really old,
 25 embarrassing pictures to post, you know, on the big

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1 screen during that event, so -- but she was with us
 2 for I think 37 years, and she became the
 3 Administrative Service Director in 2014, so -- and
 4 Catherine and I had worked together since I think
 5 1985 or something like that. So she will be missed,
 6 but she's probably going to have a pretty good time
 7 in her retirement.

8 And then the thing I get asked about
 9 the most lately when I go and run into folks from
 10 the Capitol or other folks is the Chickasha hand
 11 sanitizer case, that's drawn a lot of publicity
 12 lately, and I can -- we issued about a \$6.6 million
 13 fine, something to that effect in that case, and if
 14 you saw the news, you saw at least two warehouses
 15 caught on fire that were full of this hand
 16 sanitizer.

17 It -- there was nothing right about
 18 the way that material was brought into the state or
 19 managed. Technically, it was FDA-recalled hand
 20 sanitizer, some of it had some chemistry that was
 21 not approved by the FDA to be used as hand
 22 sanitizer, and some of it may have just been
 23 expired, and it was -- it's definitely hazardous
 24 waste by EPA policy and -- because it's ignitable.

25 So it should have been disposed of at

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1 a permanent facility to receive that type of waste,
 2 it should have been stored at a facility that was
 3 permitted to receive that type of waste for storage,
 4 et cetera; none of that was in place. And after our
 5 folks became aware of it, went out and took a look
 6 at the facility, like, maybe on a Wednesday, I
 7 believe, by the next Saturday, the following
 8 Saturday, one of the warehouses had been torched,
 9 and then I think the next day a second warehouse had
 10 been torched and we discovered at that point there
 11 were at least three. And so one of them was not,
 12 and then we've since discovered about six, I
 13 believe, maybe more, also a burial site in a place
 14 that appeared that someone was getting ready to bury
 15 some, so we have pursued that strongly and we are
 16 working with EPA. We are also working with the
 17 Chickasaw Nation to make sure they were aware of it
 18 and are happy to work with them to take care of this
 19 situation, and so we'd expect further activity with
 20 regard to the enforcement case there.

21 And this is a nationwide problem,
 22 there is a large amount of this material nationwide,
 23 and so I think, you know, our actions will probably
 24 make Oklahoma not a destination for more of it,
 25 hopefully, and if we follow through with the

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1 enforcement activity we're working with the local
 2 authorities, District Attorney, local police,
 3 Sheriff's Office, all that. So I think that is
 4 proceeding as well as it can at the moment, but --
 5 so it's under control for now, but we still have
 6 some work to do for the long-term disposition and
 7 outcome of all of that and probably some significant
 8 enforcement by ourselves and/or by EPA.

9 So let's see. Lean implementation.

10 An update on that is -- you know, I think I've
 11 mentioned before, but I can't talk enough about how
 12 much help the State of Arizona has been to us, the
 13 Arizona DEQ. We've had numerous meetings with them,
 14 I've been there personally where I was on another
 15 trip and got shown how their process works in Lean,
 16 very enthusiastic about it, and they are more than
 17 willing to talk to us or to have our staff sit in on
 18 virtual sessions as they do Lean in their work
 19 units, et cetera, and see how that goes, so that's
 20 helped us dramatically in terms of moving forward on
 21 this process on trying to implement it.

22 One of the programs we're running a
 23 pilot on is Air Quality, it's a conception program
 24 to try to make that more efficient and to go more
 25 swiftly. We're also working a lot on all the

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1 programs that we're working on in terms of a visual
 2 management approach, and because of the last few
 3 years we've been through and Arizona has moved from
 4 an in-person visual management approach to a virtual
 5 board where you can observe, the manager kind of
 6 observe exactly what's going on with each project
 7 and process, and we're not quite there yet, but
 8 that's our goal is to get that in place.

9 So, you know, we've also done a lot
 10 of training for DEQ staff and for upper management
 11 to try to help everybody wrap -- the hardest thing
 12 about Lean is just wrapping your mind around exactly
 13 -- 'It makes sense to me, but then how do I actually
 14 do it? What do I actually do day to day, how do I
 15 get started doing it, how do I make it work?', and
 16 once a group or a division or a program starts
 17 working on it and gets started, then it really makes
 18 a lot more sense to them.

19 So we're -- some of the programs have
 20 already implemented projects and others are just
 21 starting, and then we're trying to encourage as much
 22 of the agency as possible to head down this road.
 23 So I think this will also help us in a lot of ways
 24 in just maximizing the speed at which staff can be
 25 trained with the -- I think the pilot will help us

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1 with.

2 At the conclusion of the pilot, we

3 expect many areas of waste and inefficiency to have

4 been identified and alleviated. This will improve

5 the speed at which we get inspection results back to

6 the facility and/or take whatever actions we need as

7 a result of that. So today, we've had 20 Lean

8 training events throughout the agency, including 200

9 of our staff.

10 So I think it's -- you know, this is

11 the future. I've been around a long time and I've

12 seen a whole lot of management concepts come and go,

13 like total quality management, things like that,

14 they all come back to continuous improvement and

15 this is the one that has really taken root across

16 the country, especially in government agencies, and

17 is continuing for a number of years and so I expect

18 it to be the way we do things from now on.

19 So in our divisions, Air Quality got

20 an award from the Association of Air Pollution

21 Control Agencies, AAPCA. Each year, AAPCA presents

22 an award for Best Practices in Air Pollution

23 Control, and our Air Quality Workshop received the

24 award for 2022. Air Quality hosts an Emissions

25 Inventory Workshop every January. This year, after

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1 listening to industry needs, the Emissions Inventory

2 Section recognized a gap in what was presented by

3 DEQ and what the industry needed to focus on and

4 know about.

5 So the January workshop was expanded

6 to be an Air Quality Workshop to cover not only

7 emissions inventory information, but also federal

8 rule updates, new permitting rules, a demonstration

9 of Air Quality Division's Storage Tank Emissions

10 Calculation Tool, a refresher on the interpretation

11 of regulations, and information on how inspections

12 are selected by staff.

13 So we had more than 340 folks

14 registered for that and participate in the virtual

15 workshop, so that went very well, and Air Quality

16 has deserved that award.

17 In the Land Protection Division, we

18 recently hosted a National Brownfields Conference in

19 Oklahoma City at the Omni and right next door to

20 Scissortail Park, both of which are Brownfields

21 projects.

22 We have numerous Brownfields projects

23 in Oklahoma City and in Tulsa and in a few places

24 across the state. This is one of the best programs

25 EPA's ever implemented because we're actually doing

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1 positive things instead of just looking over

2 people's shoulders and tagging them when they don't

3 get everything right, so we're helping cities and

4 public communities and some private sector folks

5 actually recycle properties, make sure they're safe

6 for reuse, and then they're able to put them back

7 into use and on the tax rolls, et cetera, where they

8 might just sit by otherwise.

9 So that was a big deal to host that

10 national conference, and we had over 2,200 attendees

11 at that, so it was very widespread nationally and

12 even internationally.

13 The Phoenix Awards are awards that

14 are given out every year that at least -- I don't

15 know if they were during the pandemic, but

16 previously they have been every year, and so this

17 was always -- matter of fact, this is the third

18 attempt to host the Brownfields conference, two of

19 them got canceled. And so our staff in Oklahoma

20 City and everybody involved, the EPA worked very

21 hard to try to make sure that it actually took place

22 this time, so we were happy to be one of the first

23 life events that EPA was willing to do across the

24 country.

25 And so the Phoenix Award recognizes

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1 first regional projects that have done really well

2 and they get a nice recognition, and it just picks

3 the best project in each region.

4 And so Oklahoma City, the First

5 Americans Museum there on I-40 next to the river,

6 was awarded the Regional Phoenix Award, and the

7 First Americans Museum also won the national award,

8 which is a really big deal.

9 And so that was built, you know, just

10 -- it's right by Eastern Avenue and I-40, Reno, and

11 it's a great facility, we got to take a number of

12 folks, including almost all the regional

13 administrators from EPA through that facility, get a

14 personal tour by the guy who's the director, and it

15 was just outstanding.

16 So -- and DEQ helped make that

17 possible because it was also a Brownfields site. We

18 did a lot of work in the early days with that,

19 trying to clarify whether there were any

20 environmental concerns, making sure any of them were

21 addressed so that that facility could be constructed

22 on that property and move forward, and now the

23 Chickasaw Nation is pursuing further development

24 there of a resort and hotel, I believe, and some

25 recreational opportunities there, and that's going

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1 to be a pretty sizeable development and that will
 2 also go through our Brownfields Program, so we're
 3 looking forward to working on that.
 4 And recently, we went up to Tar Creek
 5 and took the Regional Administrator from Region 6
 6 and the Regional Administrator from Region 7 on a
 7 tour of the site in conjunction with the Quapaw
 8 Tribe. We have an agreement with the Quapaw Tribe
 9 to do some of the work, they have the capacity, and
 10 they're the only tribe in the nation that's ever
 11 done this, to actually do the real construction work
 12 for the remedy on a Superfund site, and so that went
 13 very well and our relation with the Quapaw Tribe is
 14 good, and so -- and we're getting a lot of property
 15 cleaned up, a lot of residences and yards cleaned
 16 up, still it's a very large site, it's about 40
 17 square miles from end to end, theoretically, and so
 18 we're just very excited and we'll be doing that for
 19 a number of years. And I just think that went very
 20 well, and I think the new EPA folks in this
 21 administration were kind of amazed at the scope of
 22 it and the work we're doing with the tribe, so that
 23 was good.
 24 So there's an old Kerr-McGee refinery
 25 in Cushing, we recently did some work on that and

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1 started in the fall of 2020, and it was completed in
 2 June this year. So there were 100,000 on-site man
 3 hours with no lost time or OSHA incidents, and
 4 nearly 355,000 tons of contaminated soils were
 5 removed and hauled off site for disposal. That was
 6 about 15,000 truckloads of material. And if you
 7 need details on that, you need to corner Kelly Dixon
 8 in a little bit.
 9 And so, likewise, the Oklahoma
 10 Refining Company site in Cyril, Oklahoma, not too
 11 far away from here, we cleaned up an additional
 12 23 acres of contaminated soil and sediment, and it
 13 had some hydrocarbons and metals, and those were
 14 excavated, that included about 163,000 cubic yards.
 15 And that work was completed a year and a half early;
 16 so that was a good deal.
 17 We had an old landfill that had --
 18 somehow, somebody dumped some radioactive material
 19 on the surface at some point, and our folks had been
 20 working on that for quite a while and trying to get
 21 that -- and EPA has agreed to do the cleanup on
 22 that, probably through the removal program, and
 23 we're working with them. We expect that to be done
 24 in about 30 days from when it starts, which should
 25 be this month.

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1 In Water Quality. Kay Coffey has been
 2 recognized nationally with a pretty significant
 3 award. She's the recipient of the Bridget O'Grady
 4 Excellence in Service Award from the Association of
 5 State Drinking Water Administrators, and the award
 6 recognizes individuals whose careers with the state
 7 drinking water programs and work with the
 8 Association exemplify commitment and outstanding
 9 professional performance.
 10 This shows that Kay's years of
 11 experience in DEQ's drinking water program has
 12 really helped with vision, commitment, and
 13 excellence to make the program successful and, you
 14 know, that impact has been noticed by others across
 15 the country.
 16 We -- are receiving funds to address
 17 lead service lines to try to do an inventory of
 18 those. I don't anticipate having as many as you
 19 would in other states, especially back East, where
 20 the systems are much older, but we may have some.
 21 And so we're going to work on that towards the end
 22 of this year and we are going to do outreach
 23 throughout the state to provide information about
 24 funding and requirements of the rule. And mostly
 25 this is going to affect municipal water systems,

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1 public water systems, so we're going to assist those
 2 folks to try to complete these inventories and
 3 understand what the universe is there.
 4 In our -- oh, we also have a very
 5 successful Rural Infrastructure Grant program as --
 6 that's part of our work with the Rural Water
 7 Association. It's been going very well, the
 8 legislature authorized \$10 million additionally this
 9 year to assist these systems, and so we've made the
 10 first 10 awards and this money was just awarded at
 11 the very end of the legislative session, and we
 12 didn't know what was coming exactly or what the
 13 strings were to it, so the staff really got together
 14 with Rural Water and we're moving forward.
 15 But they're going to do a lot of work
 16 with small systems on hydraulic analysis, water age
 17 studies, smoke testing, and well rehabilitation,
 18 well drilling, et cetera. What this will do is help
 19 some of these systems prepare for the Bipartisan
 20 Infrastructure Law funding that is coming at us over
 21 the next five years.
 22 And really, the new batch of money we
 23 got this year's current funding already, but the new
 24 batch of this bill money really doesn't start until
 25 next year, but we've got to get people -- what some

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1 of the folks don't understand, the D.C. folks, is
 2 you -- the system has to be at a certain part to
 3 then -- to be able to utilize that money to actually
 4 do the projects. So we have a lot of work to do
 5 with this system to figure out what's to be done,
 6 the design and that sort of stuff and to get it
 7 going, and otherwise you have money sitting there,
 8 but you don't have enough people in the kitty to use
 9 it. And part of that desire on the part of the
 10 legislature is to make sure some of the little guys
 11 aren't left behind and it doesn't just all go to the
 12 larger systems who already, you know, have plenty of
 13 funds and capability, so that is going very well.

In the Operator Certification
 Program, Water Quality's been meeting with Operator
 Certification stakeholder groups to evaluate how to
 organize their efforts and funding and training
 requirements nationwide. There's always a shortage
 of trained operators for drinking water systems, and
 I hear that from my peers at national meetings a lot
 and it's very consistent, and so there's a
 tremendous need to get more people trained and
 certified and get them out there, doing the work in
 these systems and making sure that we have quality
 operators to deliver quality drinking water.

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1 So I think we have a visual,
 2 somewhere, on the mobile lab that we've been working
 3 on. And so this is a picture of the mobile lab that
 4 we received the trailer in June, and they're working
 5 to further support our customer service efforts by
 6 supporting the Public Water Supply Small System
 7 Assistance Program, Lead testing in Schools,
 8 targeted outreach efforts, and I would think the
 9 majority of the work is going to be doing emergency
 10 response, natural disaster response, et cetera,
 11 where you have to -- where you have a system that
 12 has an incident and we need to do quicker testing to
 13 try to identify any issues, get that system
 14 straightened out and be able to balance it and go
 15 back into service.

Our staff do that now, but they have
 to transport all the samples to Oklahoma City to a
 private lab in a timely manner. We'll get that
 figured out, hopefully this year make that process
 go better and faster, but our staff, laboratory
 staff and our county office staff and some of the
 Water Quality staff, in particular in those
 situations, put in a lot of overtime on weekends and
 sometimes even on holidays to make sure things get
 going and we get people back in to being able to use

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1 their water as soon as possible so, that will help.
 2 They're going to be able to do things like thermal
 3 preservation, pH, conductivity, turbidity and a
 4 variety of other parameters and some Bac-T samples.

So EPA is about to launch, in
 January, the fifth step of the Unregulated
 Contaminant Monitoring Rule, and that requires all
 large systems and certain smaller ones to analyze
 for Lithium and 29 PFAS compounds, and I will not go
 into PFAS with you. If you really want to know a
 lot about PFAS, I can deliver more than you want to
 know.

But this is -- these things aren't --
 don't have drinking water standards currently, but
 this is -- only EPA would talk about unregulated --
 you know, start regulating Unregulated Contaminant
 Rule instead of identifying what you need to do up
 front, so -- but it will give us a snapshot of where
 we're at in these systems with some of these
 compounds and whether there are any issues that we
 need to consider and work on, but there are
 currently not drinking water standards.

So -- and, also, we have a very
 active school/child care lead testing program, and
 that's going well. We talked about that in

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1 February, and there is a status handout, should be a
 2 packet that is I think a one-pager, two-pager that's
 3 in color, so if you can find that near the back of
 4 your packet, that can give you the update on 48
 5 schools and daycares, other organizations that
 6 participated, which equates to about 23,000 students
 7 and staff so far.

We've done 2,300 samples, two-thirds
 of them did not detect lead, about 31 percent
 detected lead below action levels, and only about
 3 percent had lead above what's currently used as a
 drinking water, 15 parts per billion.

So 13 of those facilities completely
 in need of repairs and upgrades and 12 are
 undergoing those things, 23 facilities are having
 their applications for assistance reviewed and
 sample plans are being developed. More than \$26,000
 of our funds have been utilized for this purpose,
 and that came from Land Protection Division to
 assist with this effort. So -- and the DEQ lab
 staff put at least 117 hours in on-site technical or
 sampling assistance.

So, you know, we'll make thousands of
 students more safe or at least less exposed to lead,
 potentially, and so a lot of the issue really tracks

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1 to old fixtures, old drinking water fountains or
 2 faucets or things like that that may have lead
 3 sauter, et cetera, and so replacing those turns out
 4 to be the key, it's generally not the water source
 5 that's the issue, but again, as we get more of this
 6 federal funding, we're going to target lead. In
 7 particular, under this new Lead and Copper Rule,
 8 this is going to be pretty complicated, it's a new
 9 rule that really will identify some areas and
 10 hopefully be able to use federal funds to address
 11 some of those things that are identified.

12 Under the Bipartisan Infrastructure
 13 Law, Cleanup Program, Superfund, such, get about
 14 \$25 million over the next five years, mostly for Tar
 15 Creek. We're going to get another almost \$4 million
 16 for the Brownfields Revolving Loan Program and \$1
 17 million for assessments and cleanup of Brownfields
 18 sites.

19 And then EPA will receive
 20 approximately \$5 million for a lead interim action
 21 at the Wilcox Refinery Superfund site near Bristow.
 22 I believe the EPA has the lead on that action. So
 23 -- but we work with them closely to -- as they
 24 implement that and make sure that everything's going
 25 well.

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1 Water Programs, \$10 million for
 2 emerging contaminants, about \$40 million for Lead
 3 Service Line Inventory, \$25 million is supplemental
 4 Drinking Water State Evolving funding, so that's
 5 going to be needed, \$38 million Congressionally
 6 Directed funding.

7 So -- and then on to Keep America
 8 Beautiful organization has recognized our
 9 partnership with Keep Oklahoma -- Keep Oklahoma
 10 Beautiful. And clean America is a -- clean America
 11 -- Keep America Beautiful has recognized our
 12 partnership with Keep Oklahoma Beautiful on its
 13 Clean Communities Program, that's where folks in --
 14 Keep Oklahoma Beautiful folks that recognize towns
 15 in these rural communities, tribes, et cetera, that
 16 work with DEQ to clean up tire dumps, implement
 17 measures to stop illegal dumping, and perform other
 18 environmental service projects. In many cases, just
 19 clean up their town and address some of the issues
 20 that, you know, have plagued certain towns for a
 21 long time, and it helps the town look cleaner,
 22 better, spruce it up and allows for possible new
 23 developments in areas and just, you know, this is a
 24 benefit to the community.

25 Last year, more than 50,000 tires

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1 were removed from illegal dumps and 242,000 were
 2 diverted from possible illegal dumping through
 3 community-wide collection events across the state.
 4 And our partnership with KOB has resulted in 34
 5 communities being certified as Oklahoma Clean
 6 Communities.

7 And, last, the State has implemented
 8 a new HR system called Workday. On August 15th,
 9 they flipped the switch and it went live, and that
 10 was kind of traumatic for Kathy and her staff, for
 11 some of the rest of us who were just hoping our
 12 paychecks would show up. And so I think in the end
 13 it's going to be a good thing, it's going to be
 14 simpler once we get used to it, but it's challenging
 15 and not all of the questions have been answered and
 16 there were some hiccups, and so we're continuing to
 17 work on that, but it's going to tie together a bunch
 18 of HR and payroll and other things together. So
 19 it's cloud based and, you know, we hope that it
 20 works better than our previous system, and I think
 21 it will, from what I've seen so far.

22 So I think that concludes my report.
 23 If you have any questions, I'd be happy to take any.

24 DR. HAMMON: All right. Thank you,
 25 Scott.

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1 Our next item is a "Budget Update and
 2 Financial Overview" by Kathy Aebischer.

3 MS. AEBISCHER: Well, Chairman,
 4 Members of the Board, I'm Kathy Aebischer, Chief
 5 Financial Officer for DEQ. This is the meeting
 6 where we go into more detail of the budget. We just
 7 started a new fiscal year, we finished the
 8 legislative session, so we want to give you an
 9 update on how that impacts our budget, go into the
 10 details of the divisional budgets and some of the
 11 challenges they may be encountering, and then give
 12 you an update of the expenditures and revenue
 13 through July 31st.

14 So this past session, our State
 15 appropriations increased 125 percent; our base FY22
 16 budget was just over \$9 million; our general revenue
 17 increased a little over \$11 million; so our total
 18 State appropriations is \$20,322,643.

19 So going into detail, if you remember
 20 last year you approved a budget request. So this
 21 third column is what we requested, we requested
 22 additional FTEs for Environmental Complaints & Local
 23 Services, also three additional FTEs for State
 24 Environmental Lab, the DEQ Parking Garage \$20
 25 million, and you'll see the third column is what we

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1 received.

2 So they gave us \$295,000 for three

3 additional FTEs for ECLS for the field offices, to

4 help with the additional workload; they also gave us

5 an additional \$1 million with our partnership with

6 Rural Water, for Rural Water Development Projects;

7 and then an additional \$10 million went to -- is a

8 pass-through or partnership with Rural Water, and

9 those are the grants that Scott mentioned, of \$10

10 million.

11 So when we compare FY22 budget to

12 FY23, all funding sources, the first line is

13 carryover funds from FY20, that was the lab

14 equipment. With COVID, it's taken a while to be

15 able to get equipment, so those funds were spent in

16 '22 and will not be carried over.

17 And then you'll see General

18 Appropriations went up 125 percent. The

19 Environmental Education Fund is the license plates,

20 those are the funds from the license plate sales and

21 are given to schools, grants to schools.

22 You'll see Federal Funds went down

23 little bit. We will have a budget revision just

24 because we're waiting for final invoices and also

25 some finalization of some grants, but that's where

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1 it stood starting July 1.

2 MR. PAQUE: So, Kathy, you're

3 suggesting that will go up, during fiscal year that

4 goes up?

5 MS. AEBISCHER: Yes.

6 MR. PAQUE: And then depending on

7 whatever the grants are?

8 MS. AEBISCHER: Yeah.

9 MR. PAQUE: Okay.

10 MS. AEBISCHER: So you'll see our

11 total budget is a little over \$100 million; so, in

12 total, a 4 percent increase.

13 MR. PAQUE: Another question. On

14 that -- the Environmental Settlement Fund, is that

15 Volkswagen, I think, part of it? Is that the

16 Volkswagen money?

17 MS. AEBISCHER: Yes.

18 MR. PAQUE: And how --

19 MS. AEBISCHER: Yes. Very good.

20 MR. PAQUE: Well, what kind of future

21 does that have? I know it's going down, I know it's

22 got a projected end point, but that's a big drop.

23 What happens in the next-out year, is that -- what

24 is -- how long does it last?

25 MS. AEBISCHER: I think we have three

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1 more years on that, three or four. That's based on

2 expenditure; so, there's funds there. We're also

3 running into their funding for school buses,

4 charging stations, so the supply chain is a little

5 tough right now. So there could be -- once we see

6 where some of those grants fall we might be doing a

7 revision this year, but there's -- that's a

8 continuing activity and releasing our fees on that.

9 MR. PAQUE: Okay. Thanks.

10 MS. AEBISCHER: Okay. I'm going to

11 go into each division's budget. So for Air, their

12 revenue projections are expected to be \$800,000 less

13 than last year. This has been a continuing issue

14 they're having to deal with, they're looking at

15 other opportunities to kind of recoup some revenue,

16 so that's just something we'll be working on.

17 Their total budget, so Revolving

18 funds they'll have \$12 million; Federal grants, \$2.8

19 million; and VW Settlement Funds, \$2.3; Penalty

20 Funds is just a little over \$1,000; and then Reserve

21 from FY2022 is \$697,000; so total funds available

22 for Air is \$17.9 million.

23 So Air's budget is \$14.5, and then

24 they have partnerships with the other divisions that

25 perform some activities for Air. Air's budget,

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1 there are Indirect Costs of \$2.7.

2 Here, if we look at their total

3 budget, it is currently 12 percent less when we

4 compare it to last year. We do expect to do a

5 budget revision for VW funds, which will bring it up

6 a little bit, but Professional Service is the main

7 decrease, with IT projects. Let's see. And then

8 the \$2.2 million is less in projects that we're

9 doing this year.

10 So if we look at Land, in total,

11 they're projecting a net \$740,000 increase in their

12 revenue. So their revenue is looking good and we

13 don't foresee any issues for Land.

14 Their total budget in Revolving, \$3.7

15 million; in Federal Funds, \$9.2, but we will be

16 doing budget revisions once everything settles, and

17 we have some federal grants that might come down in

18 the middle of the year, but at this point, this is

19 where they stand; Penalty Funds, \$5,600; and the

20 Reserve from FY2022 of \$758,000; so total funds for

21 Land is just over \$23 million.

22 Land's budget is \$20 million,

23 Projects ECLS and the Lab assist with and then

24 Indirect Costs of \$2.2. Land's budget compared to

25 last year is about 21 percent less, that's in

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1 federal funds. Like I said, we expect to do a
 2 budget revision, so this will change, but this is
 3 where we stand today.
 4 Water Quality, they're expecting a
 5 net of \$350,000 increase in their revenue. Their
 6 budget, they have a little over \$9 million of
 7 Revolving funds; Federal Funds of \$7 million; State
 8 Appropriations, \$13 million; Penalty Funds, \$1,500;
 9 Reserve of \$727,000; Total Funds available is a
 10 little over \$30 million.
 11 Water's budget is \$25.8 million.
 12 They also have projects with the other divisions,
 13 ECLS and the Lab and then indirect costs of
 14 \$2.9 million. Their budget, it increased
 15 55 percent, and that's because of the pass-through
 16 funds, the partnership with Rural Water is the
 17 reason why their budget has increased so much.
 18 ECLS, their revenue projections, also
 19 they're projecting an increase of about \$121,000
 20 more than last year. ECLS's budget, all funding
 21 sources, we have Revolving fund of \$2.8; Federal
 22 Funds, \$1.2 million; State Appropriations of \$3.5;
 23 Penalty Funds, \$66,000; Reserve from '22, \$661,000;
 24 also, the work that they do for the other divisions;
 25 and Total Funds available, \$10,969,000.

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1 ECLS's budget is \$8.8 million with
 2 Indirect Costs of a little over \$2 million. ECLS's
 3 budget has increased about 7 percent, that's due to
 4 the three additional FTEs that legislative
 5 appropriated for this division.
 6 State Environmental Lab, they are
 7 also projecting a small increase in revenue when
 8 compared to last year, about \$16,000. If we look at
 9 the Lab's total funding sources, Revolving funds we
 10 have a little over \$2 million; Federal Funds, also
 11 \$2.3; State Appropriations, \$3 million; Penalty
 12 Funds, \$48,000; Reserve from 2022 of \$65,000; the
 13 work that they're doing for other divisions; which
 14 brings their total funds just under \$9 million. The
 15 Lab's budget is \$7.5 million, with \$1.4 million
 16 going to Indirect Costs.
 17 The Lab's budget overall is
 18 decreasing about 5 percent, and this is due to -- we
 19 had carryover last year for the lab equipment, and
 20 that is not in this budget; so that's the reason for
 21 the decrease.
 22 Administrative Services and
 23 Technology, total Divisional Funds from IDC is
 24 \$11.5; we have Reserve from 2023 of -- or, 2022 of
 25 \$2 million; and also, we do accounting for OSEE,

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1 \$20,000; Federal Grant Awards of \$926,000; the Tag
 2 Grants of \$10,000; Penalty Funds, about \$500,000;
 3 Reserve from 2022 of \$812,000; for a total of funds
 4 of just under \$16 million.
 5 ASD's Proposed Budget is \$15,767,000;
 6 Penalty Funds to Other Divisions is \$159,000; and
 7 then Indirect Costs of \$19,000. We have a variance
 8 of \$10,000. What we do is we collect the funds one
 9 year and then we do grants the following year is why
 10 we have a difference.
 11 Administrative Support budget
 12 increased 12 percent, mainly due to market increases
 13 that the agency had is the reason for the increase
 14 in this budget.
 15 Any questions before I give you
 16 update on revenue expenditure through July? No?
 17 Okay. Really small.
 18 Okay. This is a summary of revenue
 19 collected through July 31st of this fiscal year,
 20 that's just one month. We have total projections
 21 just under \$40 million, and that's the revolving
 22 fund, those are the fees that we collect.
 23 Collections for July were \$1.6
 24 million, that's 4.2 percent of the total projections
 25 for the year, and we collected -- at the same point,

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1 when you compare it to last year is we're behind
 2 \$762,000. We're not really concerned, some invoices
 3 went out later, so it's just a timing difference.
 4 Everyone's revenue seems to be coming in as
 5 expected, but it's just one month into the year.
 6 If we look at expenditures, so our
 7 total Budget is \$100,081,846; and Expenses for the
 8 first month is \$1.9; we've Encumbered \$54 million;
 9 Remaining to be encumbered is \$43 million.
 10 And if we look at the Funding
 11 Sources, this details in which fund expenditures
 12 have occurred through the month of July.
 13 Do we have any questions?
 14 DR. HAMMON: Any questions on the
 15 overall budget for Kathy?
 16 I see none, so I think it's okay to
 17 go into the "Operational Budget Request".
 18 MS. AEBISCHER: So this is the time
 19 that you vote on what we recommend to request for
 20 the State Appropriations Budget for FY2024, and this
 21 is due to be submitted October 1st of this year. So
 22 the first column outlines our base appropriations by
 23 division.
 24 As you recall, we received a little
 25 over \$20 million. It has been requested from the

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1 Governor's Office that we remain a flat budget;
 2 however, we feel that our parking garage is an
 3 urgent need; so we have, once again, put that -- in
 4 a one-time request of \$20 million to assist with
 5 replacing the parking garage.
 6 MR. PAQUE: How much did you do for
 7 the garage last year?
 8 MS. AEBISCHER: The same amount, \$20
 9 million. This would bring the total request to \$40
 10 -- just over \$40 million.
 11 As a status on the parking garage, we
 12 still continue to get an engineer, a structural
 13 engineer to come in quarterly to review the garage,
 14 and they'll suggest to close additional spaces or
 15 whatever we may need to do. We just completed
 16 another one, and they requested for us to close an
 17 additional four. We are now over 40 -- 50 percent
 18 closed. We were able to get some spaces with the
 19 church that is near us downtown, and with telework
 20 we've managed, but it continues to be a major issue
 21 for DEQ.
 22 DR. HAMMON: Any questions or
 23 comments from the board on the proposed budget?
 24 MR. KINDER: Kathy, I've got a
 25 question. I know that we asked for that \$20 million

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1 last year, as everyone knows, that things have gone
 2 up, and so I guess I question whether -- and I
 3 understand where we're at on the request, but is \$20
 4 million going to be enough today?
 5 MS. AEBISCHER: Well, when we
 6 originally started replacing it, the estimate was
 7 \$13,500,000. So during this process, and as you
 8 know the increase in materials, with consultation
 9 with OMES, this was the estimate of what we felt it
 10 would be today would be \$20 million, but it is just
 11 the best estimate we have until we get into -- you
 12 know, we do have drawings, we do have a pretty solid
 13 estimate of the \$13.5, so we just -- that's where we
 14 got to the \$20.
 15 MR. KINDER: Okay. Thank you.
 16 MR. PAQUE: So we've -- you've given
 17 us the number of net spaces that are left. How many
 18 employees depend on that garage to park? We've
 19 talked in past years of if we didn't have the
 20 garage, we could hardly imagine where to put people,
 21 but how many people actually use it on a daily
 22 basis, on average? How many people would be
 23 displaced if we tore it down and reconstructed?
 24 MS. AEBISCHER: Well, today, we rely
 25 on telework and, you know, managing it that way, but

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1 it's estimated we need, like, 325 spaces; so how we
 2 do that is we have several leases. The Heritage
 3 garage, which is fairly new by the Memorial, we have
 4 125 spaces there; we also have spaces by the church
 5 that our surface lot; we have some spaces, 40-some,
 6 by Walker.
 7 So we're trying to manage that way.
 8 We're managing. I haven't heard any major issues,
 9 but like I said, we try to work around telework to
 10 kind of accommodate those that have to be in the
 11 office.
 12 MR. THOMPSON: But we're about
 13 50 percent capacity, is that right? So 50 percent
 14 of the garage is unusable and it was about 325
 15 spaces; so the max we could put in there is half of
 16 that.
 17 MR. PAQUE: But that number is going
 18 in the garage every day?
 19 MR. THOMPSON: Well, it depends upon
 20 day to day. We do have more people working in the
 21 field and teleworking, and you know, if we can't fix
 22 the garage, we will be back to essentially what we
 23 were doing in the pandemic, where maybe 80 percent
 24 of the staff would be telework.
 25 So we have some capacity for maybe

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1 200 parking outside the garage, but that was -- that
 2 is not ideal to run an agency like ours, especially
 3 as you have turnover and have to bring in new people
 4 and get them trained properly, et cetera; so we'd
 5 much rather be in a more in-the-office situation,
 6 but it may be going the other way in the short-term.
 7 Even if we get funded, we will have
 8 to tear the garage down and rebuild a new one; so
 9 that will change everything there in terms of
 10 short-term we'll be teleworking a large percentage
 11 of our staff regardless, but in the long-term for
 12 the agency, it's much better to have adequate
 13 parking.
 14 MR. MASON: But to summarize what
 15 Scott's dancing around, inevitably a structural
 16 engineer is going to condemn the garage due to
 17 legislative inaction, and because of a closed garage
 18 this agency is going to have to start telecommuting,
 19 and a parking garage cannot dictate to this agency
 20 whether the staff should be present in the office or
 21 not, and to Scott's point, we need them in the
 22 office. And by the inaction of the legislature, we
 23 are heading towards a telecommuting agency one day,
 24 unfortunately.
 25 DR. HAMMON: Other questions or

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1 comments from the board?
 2 Any questions or comments from the
 3 public?
 4 All right. At this point, there is
 5 discussion and possible action by the board. Are
 6 there any motions?
 7 DR. FERRELL: Ferrell, move to
 8 approve the budget as presented.
 9 DR. HAMMON: I have a motion to
 10 approve. Is there a second?
 11 MR. KINDER: Kinder, second.
 12 DR. HAMMON: We have a motion and a
 13 second. Quiana, roll call, please.
 14 SECRETARY FIELDS: Mr. Auer?
 15 MR. AUER: Yes.
 16 SECRETARY FIELDS: Mr. Barton?
 17 MR. BARTON: Yes.
 18 SECRETARY FIELDS: Dr. Ferrell?
 19 DR. FERRELL: Yes.
 20 SECRETARY FIELDS: Mr. Kinder?
 21 MR. KINDER: Yes.
 22 SECRETARY FIELDS: Ms. Kindrick?
 23 MS. KINDRICK: Yes.
 24 SECRETARY FIELDS: Mr. Mason?
 25 MR. MASON: Yes.

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1 SECRETARY FIELDS: Mr. Newman?
 2 MR. NEWMAN: Yes.
 3 SECRETARY FIELDS: Mr. Paque?
 4 MR. PAQUE: Yes.
 5 SECRETARY FIELDS: Mr. Sims?
 6 MR. SIMS: Yes.
 7 SECRETARY FIELDS: Dr. Hammon?
 8 DR. HAMMON: Yes.
 9 SECRETARY FIELDS: Motion passed.
 10 DR. HAMMON: Thank you.
 11 "Employee Disclosures" is Agenda Item
 12 Number 19, by Jennifer Boyle, DEQ General Counsel.
 13 MS. BOYLE: Good morning. Mine is
 14 very short and sweet. Every year, DEQ employees are
 15 required to update any financial interests that they
 16 have in entities that we may regulate, and this year
 17 we had one. We have one employee in the Water
 18 Quality Division who has shares in an oil and gas
 19 company, and that has been disclosed to HR
 20 accordingly.
 21 That's it.
 22 DR. HAMMON: All right. This was
 23 information purposes only, no action by the board is
 24 required, but did anyone have any questions?
 25 All right. Thank you.

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1 Among the statutory duties of the
 2 Board are the responsibilities to appoint and set
 3 the compensation of the Executive Director and to
 4 assist the DEQ in conducting periodic reviews and
 5 planning activities related to the goals,
 6 objectives, priorities, and policies of the DEQ. In
 7 connection with these responsibilities, the Board
 8 has determined that it should conduct a performance
 9 review of the Executive Director.
 10 With that, we'd like to move to
 11 executive session; before I ask for a motion for
 12 that, do I have anyone who is willing to keep
 13 minutes during the executive session?
 14 MR. BARTON: I'm willing.
 15 DR. HAMMON: Thank you.
 16 All right. So do I have a motion to
 17 move to executive session?
 18 MR. SIMS: I make a motion we move to
 19 executive session.
 20 MR. PAQUE: And I'll second.
 21 DR. HAMMON: I have a motion and a
 22 second. Roll call, please.
 23 SECRETARY FIELDS: Mr. Auer?
 24 MR. AUER: Yes.
 25 SECRETARY FIELDS: Mr. Barton?

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1 MR. BARTON: Yes.
 2 SECRETARY FIELDS: Dr. Ferrell?
 3 DR. FERRELL: Yes.
 4 SECRETARY FIELDS: Mr. Kinder?
 5 MR. KINDER: Yes.
 6 SECRETARY FIELDS: Ms. Kindrick?
 7 MS. KINDRICK: Yes.
 8 SECRETARY FIELDS: Mr. Mason?
 9 MR. MASON: Yes.
 10 SECRETARY FIELDS: Mr. Newman?
 11 MR. NEWMAN: Yes.
 12 SECRETARY FIELDS: Mr. Paque?
 13 MR. PAQUE: Yes.
 14 SECRETARY FIELDS: Mr. Sims?
 15 MR. SIMS: Yes.
 16 SECRETARY FIELDS: Dr. Hammon?
 17 DR. HAMMON: Yes.
 18 SECRETARY FIELDS: Motion passed.
 19 DR. HAMMON: Thank you.
 20 All right. We're in closed session,
 21 thank you.
 22 (Board went into Executive Session at 11:14 AM)
 23 (Meeting resumed at 12:20 AM)
 24 DR. HAMMON: All right. I appreciate
 25 everyone's patience with us while we were in closed

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1 session. I'd like to reconvene now into open
 2 session, and if I could have Quiana do a roll call
 3 to do so, I would appreciate that.
 4 (A short discussion was had.)
 5 DR. HAMMON: Apparently, I need a
 6 motion to go back into open session.
 7 MS. KINDRICK: I make a motion to go
 8 back into open session.
 9 MR. NEWMAN: Second.
 10 DR. HAMMON: All right. I have a
 11 motion and a second. Quiana, can we please have a
 12 roll call?
 13 SECRETARY FIELDS: Mr. Auer?
 14 MR. AUER: Yes.
 15 SECRETARY FIELDS: Mr. Barton?
 16 MR. BARTON: Yes.
 17 SECRETARY FIELDS: Dr. Ferrell?
 18 DR. FERRELL: Yes.
 19 SECRETARY FIELDS: Mr. Kinder?
 20 MR. KINDER: Yes.
 21 SECRETARY FIELDS: Ms. Kindrick?
 22 MS. KINDRICK: Yes.
 23 SECRETARY FIELDS: Mr. Mason?
 24 MR. MASON: Yes.
 25 SECRETARY FIELDS: Mr. Newman?

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1 MR. NEWMAN: Yes.
 2 SECRETARY FIELDS: Mr. Paque?
 3 MR. PAQUE: Yes.
 4 SECRETARY FIELDS: Mr. Sims?
 5 MR. SIMS: Yes.
 6 SECRETARY FIELDS: Dr. Hammon?
 7 DR. HAMMON: Yes.
 8 SECRETARY FIELDS: Motion passed.
 9 DR. HAMMON: Thank you.
 10 All right. Thank you.
 11 And again, thank you for everyone's
 12 patience while we were in closed session. The Board
 13 met to discuss our Executive Director's annual
 14 performance review. I can say we continue to be
 15 very pleased with Scott's performance, his
 16 leadership of the agency, as well as his leadership
 17 on external committees. So out of that closed
 18 session, do I have any actions or motions?
 19 MR. SIMS: Ms. Chairman, I would make
 20 a motion that we give Scott a 6 percent increase in
 21 salary based on his effectiveness running this
 22 department and also his effectiveness working with
 23 the state legislators and other departments.
 24 DR. HAMMON: Thank you, Billy.
 25 Do I have a second?

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1 DR. FERRELL: Ferrell seconds.
 2 DR. HAMMON: I have a motion and a
 3 second. Could I have a roll call, please?
 4 SECRETARY FIELDS: Mr. Auer?
 5 MR. AUER: Yes.
 6 SECRETARY FIELDS: Mr. Barton?
 7 MR. BARTON: Yes.
 8 SECRETARY FIELDS: Dr. Ferrell?
 9 DR. FERRELL: Yes.
 10 SECRETARY FIELDS: Mr. Kinder?
 11 MR. KINDER: Yes.
 12 SECRETARY FIELDS: Ms. Kindrick?
 13 MS. KINDRICK: Yes.
 14 SECRETARY FIELDS: Mr. Mason?
 15 MR. MASON: Yes.
 16 SECRETARY FIELDS: Mr. Newman?
 17 MR. NEWMAN: Yes.
 18 SECRETARY FIELDS: Mr. Paque?
 19 MR. PAQUE: Yes.
 20 SECRETARY FIELDS: Mr. Sims?
 21 MR. SIMS: Yes.
 22 SECRETARY FIELDS: Dr. Hammon?
 23 DR. HAMMON: Yes.
 24 SECRETARY FIELDS: Motion passed.
 25 DR. HAMMON: Thank you.

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1 Would any of the board like to say
 2 some words? As I've said, we continue to be very
 3 supportive of Scott and his role as Executive
 4 Director. Would you like to do anything else or
 5 have I said everything? I guess that settled it.
 6 All right. Moving on to the meeting
 7 dates and locations for 2023. On the table in front
 8 of you is a list of locations. So we have Friday,
 9 February 17th, Oklahoma City; Tuesday, June 13th,
 10 Oklahoma City; Tuesday, September 12th, Bixby; and
 11 Tuesday November 7th, Duncan.
 12 Are there any comments or discussion
 13 on these proposed locations and dates?
 14 Hearing none, do I have a motion for
 15 approval?
 16 MR. MASON: Mason, move to approval.
 17 MR. NEWMAN: Newman seconds.
 18 DR. HAMMON: We have a motion and a
 19 second. Quiana, roll call, please.
 20 SECRETARY FIELDS: Mr. Auer?
 21 MR. AUER: Yes.
 22 SECRETARY FIELDS: Mr. Barton?
 23 MR. BARTON: Yes.
 24 SECRETARY FIELDS: Dr. Ferrell?
 25 DR. FERRELL: Yes.

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1 SECRETARY FIELDS: Mr. Kinder?
 2 MR. KINDER: Yes.
 3 SECRETARY FIELDS: Ms. Kindrick?
 4 MS. KINDRICK: Yes.
 5 SECRETARY FIELDS: Mr. Mason?
 6 MR. MASON: Yes.
 7 SECRETARY FIELDS: Mr. Newman?
 8 MR. NEWMAN: Yes.
 9 SECRETARY FIELDS: Mr. Paque?
 10 MR. PAQUE: Yes.
 11 SECRETARY FIELDS: Mr. Sims?
 12 MR. SIMS: Yes.
 13 SECRETARY FIELDS: Dr. Hammon?
 14 DR. HAMMON: Yes.
 15 SECRETARY FIELDS: Motion passed.
 16 DR. HAMMON: Thank you.
 17 Agenda Item 24 is "New Business". Is
 18 there any matter not known about and which could
 19 have not been reasonably foreseen prior to the
 20 posting of the agenda that anyone wishes to discuss?
 21 All right. Hearing none, our next
 22 meeting will be November 8th in Shawnee, Oklahoma.
 23 I look forward to seeing everyone there.
 24 Before we move to adjourn, I want to
 25 apologize. In the opening segment, I forgot to

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1 introduce our new board member. Matt Newman is our
 2 new member representing the solid waste industry.
 3 So if you saw a new face today, I recognized it as
 4 we started going through the roll call. So, Matt,
 5 if you want to give a quick introduction of
 6 yourself.
 7 MR. NEWMAN: Sure. Yeah, I'll keep
 8 it under 60 seconds. So it's an honor to serve and
 9 take the baton from David Griesel, who had this
 10 position and seat before me. I will carry the baton
 11 very proudly, it's an honor to serve. For I think
 12 two terms, I served on the Solid Waste Management
 13 Advisory Council; so it's an honor to serve here,
 14 and I look forward to serving the state and serving
 15 you. Thank you.
 16 DR. HAMMON: Well, we certainly
 17 welcome you, and my apologies, again, for
 18 overlooking the introduction at the beginning of the
 19 meeting. With that, can I have a motion to adjourn?
 20 MR. BARTON: Barton moves to adjourn.
 21 DR. HAMMON: Do I have a second?
 22 MR. AUER: Auer, second.
 23 DR. HAMMON: All right. I do have a
 24 motion and a second. Quiana, roll call, please.
 25 SECRETARY FIELDS: Mr. Auer?

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1 MR. AUER: Yes.
 2 SECRETARY FIELDS: Mr. Barton?
 3 MR. BARTON: Yes.
 4 SECRETARY FIELDS: Dr. Ferrell?
 5 DR. FERRELL: Yes.
 6 SECRETARY FIELDS: Mr. Kinder?
 7 MR. KINDER: Yes.
 8 SECRETARY FIELDS: Ms. Kindrick?
 9 MS. KINDRICK: Yes.
 10 SECRETARY FIELDS: Mr. Mason?
 11 MR. MASON: Yes.
 12 SECRETARY FIELDS: Mr. Newman?
 13 MR. NEWMAN: Yes.
 14 SECRETARY FIELDS: Mr. Paque?
 15 MR. PAQUE: Yes.
 16 SECRETARY FIELDS: Mr. Sims?
 17 MR. SIMS: Yes.
 18 SECRETARY FIELDS: Dr. Hammon?
 19 DR. HAMMON: Yes.
 20 SECRETARY FIELDS: Motion passed.
 21 DR. HAMMON: Thank you.
 22 Meeting adjourned.
 23 (The ENVIRONMENTAL QUALITY BOARD meeting was
 24 concluded at 12:26 PM)
 25 DR. HAMMON: We will now move into

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1 the "Public Forum" portion. The Board meets several
 2 times a year at different locations across the state
 3 to hear the views and concerns of all Oklahomans
 4 about environmental issues. The opportunity is
 5 informal, and we invite you to sign the register to
 6 speak.
 7 Has anyone signed the register to
 8 speak today?
 9 Okay. I think we are officially
 10 done, I appreciate everyone's time. Please enjoy
 11 the area, it is lovely outside, and travel safe
 12 going back to wherever you're coming from.
 13 Thank you.
 14 (CONCLUDED AT 12:26 PM)
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CERTIFICATE

I, Jenny Longley, Certified Shorthand Reporter within and for the State of Oklahoma, do hereby certify that the above and foregoing meeting was by me taken in shorthand and thereafter transcribed; and that I am not an attorney for nor relative of any of said parties or otherwise interested in the event of said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 19th day of September, 2022.



Jenny Longley, CSR
CSR # 1903



ENVIRONMENTAL QUALITY
BOARD

Attendance Record
September 13, 2022
Lone Wolf, Oklahoma

NAME and/or AFFILIATION	Address and/or Phone and/or E-Mail
Diane Fielder	ODEQ
Paul Parks	ODEQ
Malcolm Zachariah	DEQ
Kathy Aebischer	DEQ
Sharon Smith	DEQ
Matt Newman	Matt Newman @ New Era Advisors, Inc.
Jimmy Givens	DEQ
Shelle Grand	DEQ
Brian Duzan	GCT
Saba Tahmassebi	DEQ
Lloyd Kirk	DEQ
Victoria Tran	SOCC
Mike Paque	DEQ
SKYLAR McElhoney	DEQ
Kelly Dixon	DEQ
Rob Singleton	DEQ
Scott Thompson	DEQ
Bill Krupt	DEQ
Brade Barber	DEQ
Alexie Kendrick	EQB
James Kinder	Board
Jeff Franklin	DEQ
Kelly Sina	EQB
Tracy Hammon	EQB
Shannon L. Ferrell	EQB
Travis Mensik	DEQ



ENVIRONMENTAL QUALITY
BOARD

Attendance Record
September 13, 2022
Lone Wolf, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

Rich Auer	DEQ
Mark Barton	EQB
Micah Sapienza	Altus Times
Erin Hatfield	DEQ
Michelle Wynn	DEQ
Jennifer Poole	DEQ
Madison Miller	DEQ
Jennifer Lewis	OAG
April Sherle	DEQ
Erin VanderCoo	DEQ