

**MINUTES
ENVIRONMENTAL QUALITY BOARD
NOVEMBER 8, 2022
GORDON COOPER TECHNOLOGY CENTER
SHAWNEE, OKLAHOMA**

Official EQB Approved
On February 17, 2023

Notice of Public Meeting – The Environmental Quality Board (Board) convened for a Regular Meeting at 9:30 a.m., at the Gordon Cooper Technology Center at the Marty Lewis Public Safety Center, One John C. Bruton Blvd., Shawnee, 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 October 28, 2022 and was posted at the DEQ and the facility on November 7, 2022. Dr. Tracy Hammon, Chair, called the meeting to order. Dr. Hammon welcomed Mr. David Hinkle, Oklahoma Economic Development District and Mr. John Cobb, Director of the Agency of Aging to the meeting. Ms. Fields called roll and a quorum was confirmed.

MEMBERS PRESENT

Richard Auer
Mark Barton
John Easton
Shannon Ferrell
Ken Hirshey
Jimmy Kinder
Matt Newman
Mike Paque
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
Kathy Aebischer, Administrative Division
Shellie Chard, Water Quality Division
Erin Hatfield, Office of Communications
Saba Tahmassebi, Engineering Manager
Kendal Stegmann, Air Quality Division
Mark Hildebrand, Environmental Complaints & Local Services
Vance Pennington, Environmental Complaints & Local Services
Travis Mensik, Environmental Complaints & Local Services
Kelly Dixon, Land Protection Division
Skylar McElhaney, Office of Continuous Improvement
Malcolm Zachariah, Air Quality Division
Lloyd Kirk, Office of External Affairs
Sharon Smith, Office of the Executive Director
Quiana Fields, Board & Council Secretary

MEMBERS ABSENT

Alexie Kindrick
Steve Mason
Tim Munson
Billy Sims

OTHERS PRESENT

Victoria Tran, Office of the Secretary of Energy & Environment
Jennifer Lewis, Office of the Attorney General
Laura Lodes, Air Quality Advisory Council
Jenny Longley, Court Reporter

Approval of Minutes – Dr. Hammon called for a motion to approve the Minutes of the September 13, 2022 Regular Meeting. Mr. Paque moved to approve and Dr. Ferrell made the second.

transcript pages 4 - 5

Richard Auer	Yes	Jimmy Kinder	Yes
Mark Barton	Yes	Matt Newman	Yes
John Easton	Abstain	Mike Paque	Yes
Shannon Ferrell	Yes	Tracy Hammon	Yes
Ken Hirshey	Yes		

Rulemaking – OAC 252:100 Air Pollution Control – Dr. Hammon called upon Ms. Laura Lodes, Chair of the Air Quality Advisory Council (AQAC), to present the air rule. Ms. Lodes stated that the agency is proposing to revoke and replace Oklahoma Administrative Code (OAC)

252:100, Appendix Q, Incorporation by Reference. In addition, the Department is proposing to update language in Subchapter 2, Incorporation by Reference, to reflect the latest date of incorporation of EPA regulations in Appendix Q. The gist of these rule proposals and the underlying reason for the rulemaking is to incorporate the latest changes to EPA regulations, primarily those relating to the New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) in 40 C.F.R. Parts 60, 61 and 63. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Barton moved to approve and Mr. Hirshey made the second.

transcript pages 5 - 8

Richard Auer	Yes	Jimmy Kinder	Yes
Mark Barton	Yes	Matt Newman	Yes
John Easton	Yes	Mike Paque	Yes
Shannon Ferrell	Yes	Tracy Hammon	Yes
Ken Hirshey	Yes		

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

transcript pages 8 - 33

Richard Auer	Yes	Jimmy Kinder	Yes
Mark Barton	Yes	Matt Newman	Yes
John Easton	Yes	Mike Paque	Yes
Shannon Ferrell	Yes	Tracy Hammon	Yes
Ken Hirshey	Yes		

Executive Director’s Report – Mr. Scott Thompson, Executive Director of the DEQ, discussed agency accomplishments and activities since the last Board meeting.

transcript pages 33 - 41

Budget Status Report (FY 2023) – Dr. Hammon called upon Ms. Kathy Aebischer, Chief Financial Officer of the DEQ. Ms. Aebischer gave a presentation that included an update and outlook on DEQ’s budget for FY 2023.

transcript pages 41 - 46

New Business – None

Next Meeting – The next regular meeting is scheduled for Friday, February 17, 2023 in Oklahoma City, DEQ Multipurpose Room.

Adjournment – Dr. Hammon called for a motion to adjourn. Mr. Hirshey moved to adjourn and Mr. Kinder made the second. Meeting adjourned at 10:33 a.m.

transcript pages 46 – 47

Richard Auer	Yes	Jimmy Kinder	Yes
Mark Barton	Yes	Matt Newman	Yes
John Easton	Yes	Mike Paque	Yes
Shannon Ferrell	Yes	Tracy Hammon	Yes
Ken Hirshey	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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1 REGULAR MEETING, DEPARTMENT OF ENVIRONMENTAL QUALITY
 2 ENVIRONMENTAL QUALITY BOARD
 3 ON NOVEMBER 8, 2022 AT 9:30 AM
 4 IN SHAWNEE, OKLAHOMA
 5
 6 MEMBERS PRESENT
 7 Richard Auer
 8 Mark Barton
 9 John Easton
 10 Shannon Ferrell
 11 James Kinder
 12 Matthew Newman
 13 Mike Paque
 14 Kenneth Hirshey, Jr
 15 Tracy Hammon
 16
 17 MEMBERS ABSENT
 18 Alexie Kindrick
 19 Steve Mason
 20 Tim Munson
 21 Billy Sims
 22
 23
 24
 25 REPORTED BY: Jenny Langley, CSR

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1 PROCEEDINGS
 2 DR. HAMMON: The November 8, 2022 regular
 3 meeting of the Environmental Quality Board has been
 4 called according to the Oklahoma Open Meeting Act,
 5 Section 311 of Title 25 of the Oklahoma Statutes.
 6 Notice was filed with the Secretary of State on
 7 November 3, 2021. Agendas were mailed to interested
 8 parties on October 28, 2022 and were posted at the
 9 DEQ and the facility on November 7, 2022. Only
 10 matters appearing on the posted agenda may be
 11 considered.
 12 If this meeting is continued or
 13 reconvened, we must announce today the date, time
 14 and place of the continued meeting and the agenda
 15 for such continuation will remain the same as
 16 today's agenda.
 17 Welcome, everyone. It's a pleasure
 18 to be here in Shawnee, Oklahoma, and once again, we
 19 are at an absolutely beautiful facility. Lovely to
 20 be here, great meeting space.
 21 I'd like to welcome two guests that
 22 we have in the room today. We have David Hinkle
 23 with the Oklahoma Economic Development District --
 24 welcome, David -- as well as John Cobb, who's the
 25 Director of the Agency on Aging, if I have that

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1 correctly. So we appreciate both of you being here
 2 today, and welcome and thank you.
 3 So as a quick moment, since I have
 4 the mic, I will remind everyone that today is an
 5 Oklahoma voting day; so if you have not done so
 6 already -- I did take advantage of early voting,
 7 knowing that I'd be down south from my home today --
 8 please go ahead and take advantage of that
 9 opportunity.
 10 The Oklahoma Voter's Portal will show
 11 you where you are registered at and the different
 12 candidates that you can choose from, and the League
 13 of Women Voters has some great information and bios
 14 on the various candidates.
 15 So again, welcome.
 16 Quiana, could I have a roll call,
 17 please?
 18 MS. FIELDS: Mr. Auer?
 19 MR. AUER: Yes.
 20 MS. FIELDS: Mr. Barton?
 21 MR. BARTON: Yes.
 22 MS. FIELDS: Mr. Easton?
 23 MR. EASTON: Yes.
 24 MS. FIELDS: Dr. Ferrell?
 25 DR. FERRELL: Yes.

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1 MS. FIELDS: Mr. Hirshey?
 2 MR. HIRSHEY: Yes.
 3 MS. FIELDS: Mr. Kinder?
 4 MR. KINDER: Yes.
 5 MS. FIELDS: Ms. Kindrick is absent,
 6 Mr. Mason is absent, Mr. Munson is absent.
 7 Mr. Newman?
 8 MR. NEWMAN: Yes.
 9 MS. FIELDS: Mr. Paque?
 10 MR. PAQUE: Yes.
 11 MS. FIELDS: Mr. Sims is absent.
 12 Dr. Hammon?
 13 DR. HAMMON: Yes.
 14 MS. FIELDS: We have a quorum.
 15 DR. HAMMON: Thank you, Quiana.
 16 Our first agenda item is the Approval
 17 of Minutes of the September 13, 2022 Regular
 18 Meeting.
 19 Are there any questions or comments
 20 from the Board?
 21 Do I have a motion from the Board?
 22 MR. PAQUE: I move approval.
 23 DR. FERRELL: Second.
 24 DR. HAMMON: I have a motion and a second.
 25 Quiana, roll call, please.

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1 MS. FIELDS: Mr. Auer?
 2 MR. AUER: Yes.
 3 MS. FIELDS: Mr. Barton?
 4 MR. BARTON: Yes.
 5 MS. FIELDS: Mr. Easton?
 6 MR. EASTON: Abstain.
 7 MS. FIELDS: Dr. Ferrell?
 8 DR. FERRELL: Yes.
 9 MS. FIELDS: Mr. Hirshey?
 10 MR. HIRSHEY: Yes.
 11 MS. FIELDS: Mr. Kinder?
 12 MR. KINDER: Yes.
 13 MS. FIELDS: Mr. Newman?
 14 MR. NEWMAN: Yes.
 15 MS. FIELDS: Mr. Paque?
 16 MR. PAQUE: Yes.
 17 MS. FIELDS: Dr. Hammon?
 18 DR. HAMMON: Yes.
 19 MS. FIELDS: Motion passed.
 20 DR. HAMMON: Thank you.
 21 All right. Our first rulemaking item
 22 and our only rulemaking item, unlike our last
 23 meeting where we had so many, is a presentation by
 24 Laura Lodes, the Chair of the Air Quality Advisory
 25 Council, on OAC 252:100, Air Pollution Control.

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1 MS. LODES: Madam Chair, Members of the
 2 Board, I thank you for being here today. Before the
 3 Board today, we have the Department is proposing to
 4 update the language in Subchapter 2, Incorporation
 5 By Reference, to reflect the new date of
 6 incorporation for Appendix Q (updated as of June 30,
 7 2022). This proposal is part of the annual update
 8 to Title 40, Code of Federal Regulations,
 9 Incorporation By Reference in Chapter 100.
 10 The purpose of the update to OAC
 11 252:100, Appendix Q, Incorporation By Reference, is
 12 to incorporate the latest changes to EPA
 13 regulations. Included are changes or modifications
 14 to 40 CFR Part 60, New Source Performance Standards
 15 (NSPS), and Part 63, National Emission Standards for
 16 Hazardous Air Pollutants (NESHAP), as well as other
 17 referenced subparts.
 18 Title 40 of the Code of Federal
 19 Regulations, incorporations by reference are
 20 annually updated in the DEQ Air Pollution Control
 21 rules. The Oklahoma Rules on Rulemaking dictate the
 22 procedures for amending a rule appendix by revoking
 23 the old and creating an entirely new appendix.
 24 Notice of the proposed rule changes
 25 was published in the Oklahoma Register on

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1 September 1st of 2022. The Department received no
 2 comments prior to or during the October 5, 2022 Air
 3 Quality Advisory Council. The Council unanimously
 4 approved the proposal at its October meeting.
 5 As Chair of the Air Quality Advisory
 6 Council, I recommend that the Board approve the
 7 proposed Chapter 100-2 and Appendix Q revisions as
 8 permanent rules.
 9 DR. HAMMON: Thank you.
 10 Any comments or questions from the
 11 Board?
 12 Any comments or questions by the
 13 public?
 14 Can I get a motion from the Board?
 15 MR. BARTON: Barton, motion to approve.
 16 DR. HAMMON: I have a motion to approve.
 17 Is there a second?
 18 MR. HIRSHEY: Second.
 19 DR. HAMMON: We have a motion and a
 20 second.
 21 Quiana, roll call, please.
 22 MS. FIELDS: Mr. Auer?
 23 MR. AUER: Yes.
 24 MS. FIELDS: Mr. Barton?
 25 MR. BARTON: Yes.

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1 MS. FIELDS: Mr. Easton?
 2 MR. EASTON: Yes.
 3 MS. FIELDS: Dr. Ferrell?
 4 DR. FERRELL: Yes.
 5 MS. FIELDS: Mr. Hirshey?
 6 MR. HIRSHEY: Yes.
 7 MS. FIELDS: Mr. Kinder?
 8 MR. KINDER: Yes.
 9 MS. FIELDS: Mr. Newman?
 10 MR. NEWMAN: Yes.
 11 MS. FIELDS: Mr. Paque?
 12 MR. PAQUE: Yes.
 13 MS. FIELDS: Dr. Hammon?
 14 DR. HAMMON: Yes.
 15 MS. FIELDS: Motion passed.
 16 DR. HAMMON: Thank you, Laura.
 17 MS. LODES: Thank you.
 18 DR. HAMMON: Agenda Item 6 is
 19 Consideration of and Action on the Annual
 20 Environmental Quality Report. The Oklahoma
 21 Environmental Quality Code requires DEQ to prepare
 22 an "Oklahoma Environmental Quality Report" and to
 23 submit it to the Governor, Speaker of the House and
 24 Senate President by January 1st of every year.
 25 So the Environmental Quality Board is

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1 authorized to review, amend as necessary, and
 2 approve the report, and today's presentation is Rob
 3 Singletary, Chief of Staff of the DEQ.
 4 Rob, the floor is yours.
 5 MR. SINGLETARY: Madam Chair, Members of
 6 the Board, good morning. I guess for the record, my
 7 name is Rob Singletary, I'm Chief of Staff for the
 8 Oklahoma Department of Environmental Quality.
 9 As the Chair stated, we are required
 10 each year to submit an "Environmental Quality
 11 Report" to the Governor and to the legislature by
 12 the beginning of the year. So we typically try and
 13 present our draft Environmental Quality Report to
 14 you all in November of each year for your
 15 consideration and approval.
 16 Statute requires three different
 17 elements in the Environmental Quality Report: one is
 18 our budget requests for the upcoming fiscal year, so
 19 State Fiscal Year 2024; it also requires a
 20 discussion of federal mandates that have either took
 21 effect or been proposed since the last Environmental
 22 Quality Report; and then, lastly, we're required to
 23 include any legislative recommendations that the
 24 Agency has for the upcoming legislative session.
 25 When it comes to the budget request,

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1 as you know, we've got a separate requirement that
 2 we submit the budget request to the legislature each
 3 year by October 1st; so we try and present that to
 4 you all during the September board meeting. Kathy
 5 Aebischer made that presentation back on
 6 September 13th.
 7 Just as a quick recap, it was a
 8 "flat" general revenue appropriation request of just
 9 over \$20 million for the next fiscal year and then a
 10 one-time funding of an additional \$20 million to
 11 address our parking garage needs that we've talked
 12 about at previous meetings in much detail. This
 13 does not include federal funding, it doesn't include
 14 any fees that we receive, it's too early in that
 15 process to touch on those fees.
 16 The current year's fees and status of
 17 federal funding will be covered in Kathy's CFO
 18 budget presentation later on on the agenda, so this
 19 was just for the state appropriations fees. And
 20 again, the Board's already approved this, but we're
 21 required to put it in the report, so we cite it in
 22 there.
 23 When it comes to federal mandates,
 24 start off with Air Quality. Every year, we try and
 25 give you an update on our status when it comes to

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1 ozone attainment with the National Ambient Air
 2 Quality Standard. We've had several days this past
 3 year where we exceeded the 70 parts per billion
 4 threshold, but when you put it into the three-year
 5 average of the fourth-highest eight-hour value,
 6 we're still in good shape across the state. All
 7 counties remain designated as
 8 attainment/unclassifiable, which is the best you can
 9 be when it comes to ambient status. So that's the
 10 good news.
 11 The downside, depending on how you
 12 look at it, is EPA is reconsidering a decision that
 13 was made in 2020 by the previous administration not
 14 to go back and review the 2015 70 parts per billion
 15 standard. So in 2020, the EPA said we're not going
 16 to go back and lower it; now they've decided that
 17 they're going to go back and look at that, revisit
 18 that 2020 decision, which means that they're going
 19 to reconsider whether or not they should lower the
 20 standard. So we will definitely keep you apprised
 21 on that.
 22 Very similarly, we've got the PM2.5,
 23 which is the small particulate matter. So the
 24 National Ambient Air Quality Standard, the primary
 25 standard for PM2.5, there's two of them. One is an

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1 annual average which is 12 micrograms per cubic
 2 meter, and the other is a 24-hour standard of 35
 3 micrograms per cubic meter. All counties in
 4 Oklahoma are designated as attainment or
 5 unclassifiable for both of those, so that's
 6 fantastic.
 7 Very similar to ozone, in 2020 EPA
 8 made a decision to not go back and lower those
 9 standards, either the 2.5 or the PM10 standards;
 10 about a year and a half ago, EPA announced that they
 11 were going to reconsider that decision, just like
 12 with ozone, and reevaluate those two standards.
 13 In this one, we -- there's a stronger
 14 indication that they will, in fact, lower that
 15 standard; so we expect some kind of final, revised
 16 PM NAAQS sometime in 2023. This is significant
 17 because there are several areas in the state,
 18 depending on how much they lower that, that could be
 19 in danger at least of exceeding the NAAQS.
 20 So if they lowered it to
 21 10 micrograms per cubic meter, I think Oklahoma
 22 City, Tulsa, Ponca City, there are several areas
 23 that would have to be really careful. If they
 24 lowered it to 8, which is within the lower end of
 25 the range they're considering, then that could be

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1 problematic statewide. So we're definitely keeping
 2 a close eye on that.
 3 Regional Haze, this is one that's
 4 been on the agenda for many years. EPA issued a
 5 rule back in 1999 that established the goal of
 6 returning all Class I Areas to natural visibility
 7 conditions by 2064, and it requires each state to
 8 put together a Regional Haze State Implementation
 9 Plan on how they're going to do that. We did that,
 10 we've submitted our initial plan, now we're up for
 11 renewal of that plan.
 12 So there's a requirement every 10
 13 years that the Regional Haze Plan be updated.
 14 Importantly, we only have one Class I federal area
 15 in the state, that's the Wichita Mountains
 16 Wilderness Area, but we also have to consider the
 17 impact that our sources have, potentially on other
 18 Class I areas in different states.
 19 So our updated Implementation Plan
 20 was submitted back in August. EPA let us know they
 21 made an administrative completeness determination,
 22 so it's fully submitted and they're evaluating it;
 23 so, hopefully, over the next year or two we're going
 24 to have a response back from them on that, so we're
 25 just kind of in a waiting game.

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1 They're -- they have indicated --
 2 even though we are ahead of schedule when it comes
 3 to visibility improvement. So you take the baseline
 4 from I think it's 2012 to 2064, and there's a glide
 5 path that they want you to be on, we're ahead of
 6 schedule when it comes to that glide path. They
 7 have indicated that they may be looking for more
 8 reductions than what we have accomplished in our
 9 plan; so it'll be interesting to see how they
 10 evaluate what we submitted.
 11 Next up is the methane rule. So EPA
 12 published their proposal just about a year ago, back
 13 on November 15th of 2021. Their proposal didn't
 14 have actual text or language in it, it had concepts,
 15 and based on those concepts, EPA staff -- or, the
 16 DEQ staff, I should say, determined that there's
 17 going to be a lot more oil and gas sources that are
 18 likely to be subject to any rulemaking from EPA,
 19 either for permitting requirements or for monitoring
 20 requirements. So a lot that aren't currently
 21 subject are going to fall within it. The estimation
 22 that our staff put together is that it's going to go
 23 from about 10,000 sources to well over 200,000
 24 sources that would be subject.
 25 DEQ, along with the Secretary of

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1 Energy and Environment's Office, put together some
 2 combined comments, submitted them to EPA, EPA has
 3 put together now a proposed rule; so there's going
 4 to be actual text. It's expected to contain NSPS
 5 for new sources, Emission Guidelines for existing
 6 sources.
 7 That is currently at OMB; so we
 8 anticipate that being released very soon. Once it
 9 is, it will undergo another comment period, so our
 10 staff will take a look at that and, if necessary,
 11 put together some additional comments, but it's
 12 anticipated that that rule is going to be finalized
 13 or promulgated in 2023.
 14 The last Air Quality issue that we
 15 have has to do with ozone and the NAAQS, as well.
 16 So every time EPA changes the NAAQS, we have to
 17 submit a State Implementation Plan demonstrating how
 18 we're going to comply with it within Oklahoma, which
 19 we've done.
 20 So the last change was for ozone back
 21 in 2015, but that also triggers a separate SIP
 22 requirement where we have to address the federal
 23 Clean Air Act "good neighbor" provision. So that
 24 basically requires that states don't have emissions
 25 originating within the state that impact the

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1 attainment status or significantly contribute to
 2 nonattainment in a downwind state. So,
 3 theoretically, if we were a nonattainment, Texas
 4 wouldn't be able to impact that, they would have to
 5 control emissions in Texas so they didn't have a
 6 significant contribution.
 7 So, as I said, the 2015 ozone
 8 standard came out. We've put together our
 9 "interstate transport" SIP, so that's that "good
 10 neighbor" SIP, in 2018. When we did that, we relied
 11 upon a memo that was put together by EPA in the
 12 previous administration. So, again, we submitted
 13 that back in 2018.
 14 When the new administration took
 15 over, they essentially revoked that memorandum and
 16 then, in February of this year, EPA proposed to
 17 disapprove our State Implementation Plan for the
 18 ozone transport based on a perceived significant
 19 contribution on some areas of North Texas and their
 20 attainment issues that they have. And it really
 21 revolves around that memo that EPA had issued and
 22 the fact that we had relied upon it in making our
 23 determination and now EPA will not consider that.
 24 So they proposed that, we filed
 25 comments along with the Secretary of Energy and

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1 Environment Office, again we combined comments,
 2 Shortly after that, there was a proposed FIP that
 3 was issued to address those issues, those
 4 deficiencies that EPA had identified, but that FIP
 5 didn't apply just to Oklahoma, it applied to 25
 6 other states and deficiencies in their either
 7 failure to submit a transport SIP or a deficiency
 8 within what they had submitted.
 9 So that proposed FIP is out there
 10 along with a proposed disapproval, we filed comments
 11 on that. We anticipate a final decision on the
 12 proposed disapproval next month. So there's a
 13 court-ordered deadline of I think it's
 14 December 15th; so there should be some action on
 15 that by EPA then, and then shortly thereafter,
 16 sometime in early 2023, we'll have a final
 17 promulgation of the FIP is what we anticipate.
 18 We have been working closely with the
 19 Attorney General's Office and the Secretary of
 20 Energy and Environment Office along this whole
 21 process, so as we were developing comments and
 22 submitting those to EPA because we anticipate that's
 23 a pretty significant issue for Oklahoma and the
 24 sources located in Oklahoma. So there's a strong
 25 likelihood, if we get a determination from EPA that

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1 we're expecting that there could be litigation
 2 challenging that determination. So we'll probably
 3 get a lot of updates in the future on that,
 4 hopefully we'll know something by the next board
 5 meeting at least on the disapproval front. So
 6 that's it for Air Quality.
 7 Next is Drinking Water. We talked
 8 last year about the revised Lead and Copper Rule.
 9 It was finalized along with the requirement that the
 10 Public Water Supplies submit lead service line
 11 inventories, that deadline is going to be in October
 12 of 2024, so just less than two years away.
 13 EPA has also indicated that they're
 14 going to do a Lead and Copper Rule Improvements
 15 that's going to be available or proposed for review
 16 sometime in 2023 and promulgated soon thereafter,
 17 maybe 2023 or 2024.
 18 Obviously, for Public Water Supplies
 19 this is going to be a big impact on them as far as
 20 the workload, but it's also going to have a
 21 significant workload impact on DEQ staff and their
 22 workload, Water Quality Division, ECLS, and the lab,
 23 all three of those are going to be impacted.
 24 That last bullet point references a
 25 study that was done by a national drinking water

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1 consulting firm that estimated that a medium-sized
 2 primacy agency like our Water Quality Division could
 3 anticipate needing to add 12 to 13 staff after full
 4 implementation of the Lead and Copper Rule. So once
 5 they get all the pieces put together, that's what we
 6 can anticipate as far as the additional workload
 7 that our staff is going to have.
 8 Similar to the Bipartisan
 9 Infrastructure Law, so we've got our traditional
 10 Drinking Water State Revolving Fund that's got, you
 11 know, about almost \$10 million of funding through
 12 that. In addition to that, we're going to have
 13 three additional sources of funding over the next
 14 five years that are going to total just around
 15 \$75 million, and then there's another \$1 billion
 16 nationwide that's available. So the \$75 million is
 17 in Oklahoma, the \$1 billion is nationwide, and
 18 that's going to be for PFAS, other emerging
 19 contaminants, and small and disadvantaged
 20 communities, and we anticipate some of that coming
 21 to Oklahoma.
 22 The bottom line is, there's going to
 23 be a huge investment in infrastructure across the
 24 state, which is great, but there's also going to be
 25 a big role that DEQ staff play in that when it comes

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1 to technical assistance, when it comes to the
 2 permitting process, when it comes to inspections
 3 related to the construction, all of that is going to
 4 involve our -- a lot of our folks, especially in the
 5 Water Quality Division.
 6 Just a few more federal mandates
 7 related to drinking water, there's a Consumer
 8 Confidence Report Rule, that was one that was
 9 supposed to be proposed last year. EPA's delayed
 10 that proposal until sometime in 2023; so we'll wait
 11 and see what that looks like.
 12 There's also Microbial and
 13 Disinfection Byproducts Rules. So EPA has issued
 14 these -- the initial rules, you can see the four
 15 there, the Surface Water Treatment Rule, the
 16 Disinfectant and Byproducts Rules. So they're
 17 planning to update those rules and revise those
 18 sometime in 2023, which will have additional
 19 mandates associated with those, as well; so that's
 20 on our radar.
 21 And then, lastly, cybersecurity.
 22 EPA's made the determination that Sanitary Surveys
 23 need to include cybersecurity elements within those
 24 evaluations, so -- that is basically it on the
 25 drinking water.

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1 Wastewater, the only thing we have on
 2 the report related to that are EPA's Effluent
 3 Limitation Guideline Review. This has actually been
 4 going on for a couple years, there's four different
 5 ELGs that they're looking at. The PFAS
 6 Manufacturers, Electrical Components, Central Waste
 7 Treatment Facilities, and Power Plant Ash Transport
 8 Water. So once they do finalize those, they're
 9 likely to result in more restrictive permit limits
 10 on -- for the community, regular community but also
 11 result in additional work for our inspection and our
 12 permit staff, as well.

13 Last item -- oh, wait, no, it's two
 14 -- our last two items, these federal mandates are
 15 both related to PFAS. I'm sure that you guys have
 16 heard a lot of information about PFAS over the last
 17 couple years. EPA continues to be very active, they
 18 have a new health advisory level that's 5 parts per
 19 trillion for some PFAS compounds.

20 Also in the last year, EPA
 21 Headquarters issued guidance to their regional
 22 offices for the permits that EPA issues, so the
 23 stormwater general permits as well as their NPDES
 24 individual discharge permits that they have to
 25 monitor for PFAS in those permits, and then if

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1 there's a detection of them, then they have a
 2 trigger of pretty extensive public notice that's
 3 required.

4 Right now that only applies to
 5 federal permits, but EPA's indicated that they're
 6 going to issue a memo that states the states have to
 7 address that -- those two issues in their
 8 state-issued permits, too, but as far as I know,
 9 that hasn't happened yet.

10 Next up, about a year ago, December
 11 2021, EPA published UCMR 5, that's the Unregulated
 12 Contaminant Monitoring Rules, the FIP version. This
 13 one requires that all community systems monitor for
 14 29 different PFAS compounds, and they have to start
 15 that monitoring in January of this next year and it
 16 goes through 2025.

17 So the idea is they have to monitor
 18 it, there's no limit or anything associated with it,
 19 but they'll take that information and they'll turn
 20 it into an MCL or something later on down the road.
 21 Because these systems are required to do this
 22 monitoring, that is a burden on our lab to develop
 23 competencies and capacity to analyze those samples,
 24 and they've been working really hard to do that over
 25 the last year, bought some new equipment that they

Page 23

1 purchased. Just last week, they got notice that
 2 they are fully accredited for PFAS Methods 533 and
 3 537.1; so that was a big celebration, a big deal for
 4 the lab. So they continue to fill up those
 5 competencies in that capacity.

6 Lastly, related to PFAS, EPA proposed
 7 back in September to designate two individual PFAS
 8 compounds. So there's thousands of those, if you
 9 recall, PFOA and PFOS, some of the original
 10 compounds that were developed, they have proposed to
 11 designate those as hazardous substances.

12 So just yesterday DEQ, along with the
 13 Secretary of Energy and Environment Office, filed
 14 some combined comments on that proposal.
 15 Essentially, what we did is encouraged them to very
 16 thoughtfully consider the unintended consequences of
 17 such a designation and the liability that we
 18 associated with wastewater treatment plants and
 19 landfills and how that can jeopardize the continuing
 20 operation of those, and anyway, we just wanted them
 21 to -- we wanted to re-emphasize that there are
 22 consequences beyond just, you know, that listing and
 23 that they take those into account. So that's it on
 24 the federal mandates.

25 When it comes to legislative

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1 requests, we only have one request bill that we're
 2 proposing this year, and it relates to the
 3 Development and Reporting of the Status of Water
 4 Quality Monitoring within the state.

5 So if you recall, last year the
 6 legislature moved water quality standards
 7 responsibility from the Water Board over to DEQ. In
 8 that bill, it also required DEQ to report to the
 9 legislature every other year, it's every
 10 even-numbered year, basically what the status of
 11 water quality monitoring is here in the state.
 12 Well, there was an associated provision in another
 13 part of the statute that they didn't change, and
 14 that still remains with the Water Resources Board.

15 So we plan to just ask that those two
 16 provisions remain consistent in the Agency's
 17 responsibilities to develop and report the status of
 18 water quality monitoring, that be clarified. So the
 19 intention of the new bill is that it's DEQ, but they
 20 just failed to change another provision in the
 21 statute to remain consistent.

22 And then, secondly, this isn't going
 23 to be a request bill, but pursuant to House Bill
 24 2823 that was enacted back in 2020, there's four
 25 different DEQ advisory councils, the Water Quality

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1 Management Advisory Council, the Hazardous Waste
 2 Council, the Solid Waste Council, and the Radiation
 3 Management Council, those along with a bunch of
 4 other councils and other agencies pursuant to that
 5 bill are set to sunset on July 1st of the upcoming
 6 year. So we plan to work with the appropriate
 7 communities to make sure we bring that to light and
 8 do what we can to help ensure that those councils
 9 are recreated and that they remain consistent beyond
 10 July 1, 2023.

11 That's it. I'll be happy to answer
 12 any questions that anybody has.

13 DR. HAMMON: Thanks, Rob. I know that I
 14 and the members of the Board really value the work
 15 of those advisory committees; so it's good to see us
 16 trying to keep those in play after that date.

17 Any questions or comments from the
 18 Board for Rob?

19 MR. PAQUE: I have one question. Jimmy,
 20 go ahead. You beat me to the buzzer, go ahead.

21 MR. KINDER: No -- okay. We're not going
 22 to argue about it, I guess.

23 Jimmy Kinder. I've discovered,
 24 talking of PFSA and -- I didn't say that right, did
 25 I? PFAS. Yeah, let me get this correct. You know,

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1 we talked about added testing that's going to be
 2 required for these entities that we're regulating,
 3 and I'm talking specifically for smaller rural water
 4 districts and small treatment plants. Do we know
 5 how much that added testing is going to cost?

6 Because I -- you know, I heard you
 7 say we've got new tests, and I hear -- usually 'new
 8 test' means expensive, and do we have any idea what
 9 that's going to cost on an annual basis or has
 10 anybody looked at that, maybe what -- how can that
 11 be impacted these people that are being regulated,
 12 these districts out when this comes through?

13 MR. SINGLETARY: Yeah, we have Shellie to
 14 discuss some of that.

15 MS. CHARD: Shellie Chard, Water Quality
 16 Division Director. So we have been told from the
 17 states that are already requiring the sampling to
 18 expect about \$300, \$350 a sample. When we talked to
 19 EPA, they're talking about potentially that it may
 20 be just one monthly sample, but it's going to depend
 21 on what they decide to do.

22 In addition to looking at the
 23 drinking water side, they're looking at ambient
 24 water quality monitoring, effluent discharge,
 25 treatment plant or lagoon-influent concentrations,

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1 so I don't think anybody has a number, but it's a
 2 lot, unfortunately. But what --

3 MR. THOMPSON: Shellie, UCMR, isn't the
 4 EPA going to pay for the sampling for smaller
 5 systems?

6 MS. CHARD: For UCMR, EPA is paying --
 7 they pay the cost for the 29 PFAS monitoring
 8 requirements, but they do not pay anything for the
 9 other monitoring that they're talking about, the
 10 memo that Rob mentioned for the wastewater treatment
 11 facilities or lagoons.

12 MR. THOMPSON: Okay. And so what size
 13 system is that, do you remember? 3,000 or
 14 something?

15 MS. CHARD: Well, so anything above 3,300
 16 is required, and then it's a random selection under
 17 3,300. So if it -- there are over 26 connections
 18 served, you may have gotten part of the random draw.

19 MR. THOMPSON: Okay. So is there a
 20 mandate outside of the UCMR or is part of the UCMR
 21 for other systems to all test?

22 MS. CHARD: UCMR only applies to the
 23 drinking water systems. The large systems are
 24 required, the -- and these are public water systems.
 25 There is not currently a requirement for the

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1 wastewater biosolids ambient monitoring

2 MR. THOMPSON: And there's not a routine
 3 MCL set; correct?

4 MS. CHARD: There has not been an MCL set.
 5 They are talking about -- depending on what comes
 6 out of science advisory board later this year, they
 7 may be proposing an MCL. They did set health
 8 advisory numbers that are below detection limit; so
 9 there's going to have to be some give and take
 10 there.

11 MR. THOMPSON: And so until that happens,
 12 we're not going to require routine testing for PFAS;
 13 is that correct?

14 MS. CHARD: Oklahoma is not requiring, we
 15 are waiting for EPA to take any action before we do.

16 MR. THOMPSON: So there's a lot looming on
 17 the horizon, but it's not all here yet, and there's
 18 going to be some limited testing early and then, you
 19 know, it depends on what they do, but -- and it
 20 depends on how Congress reacts to it, I think.

21 So it's going to be an interesting
 22 time, but I don't think it's here yet in terms of
 23 that being a routine cost for -- especially for
 24 smaller systems. We will work with anyone who does
 25 want to do some testing through our laboratory and

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1 try to work some stuff out, but we're not going to
 2 make people test outside of the normal parameters,
 3 so -- and I have not heard what we think a fee would
 4 be for that test yet from the laboratory.
 5 MR. SINGLETARY: I know other labs -- not
 6 our labs, but other labs concerning -- Shellie said
 7 it's around \$250 to \$350 per sample, and they can
 8 get all 29 of those in the samples, but how many
 9 samples do you have to take in triad points?
 10 MR. THOMPSON: I only know of one other --
 11 one private laboratory in Oklahoma that's testing,
 12 currently; are there others?
 13 MR. SINGLETARY: I know Accurate is.
 14 MR. THOMPSON: Right, out of Stillwater,
 15 but is anybody else that you've heard of?
 16 MR. SINGLETARY: I haven't. I'd have to
 17 check at this point.
 18 MR. THOMPSON: Okay. So anyways, I think,
 19 you know, it remains to be seen, and it's -- EPA's
 20 not exercised much concern about the cost to small
 21 systems for the way they're approaching standards
 22 set, et cetera.
 23 MR. KINDER: So we've got to worry about
 24 the lead and copper first, and then now -- then this
 25 is coming down the road after that. So thank you

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1 very much, that's just -- we hear a lot on the small
 2 systems that, you know, we're very budget conscious,
 3 and when we hear something like this, it can be --
 4 impact the bottom line and rates. Thank you.
 5 MR. PAQUE: So before you sit down. And,
 6 Jimmy, testing is one thing, treatment's another,
 7 and we haven't talked about that. And there's
 8 anecdotal evidence, and I think Shellie's involved
 9 some of the other states that have actually gone to
 10 treatment, it's going to be difficult.
 11 The -- I had one question on the \$1
 12 billion that's in there for emergent contaminants,
 13 which includes PFAS. That's in the current federal
 14 budget, \$1 billion?
 15 MS. CHARD: So that was in the language in
 16 his -- the full billion has not been appropriated.
 17 The other funds had already been not only
 18 authorized, but appropriated; the billion, they're
 19 expecting that to be funded this Congress, and it's
 20 going to be -- first approach will be using the
 21 Drinking Water State Revolving Fund formula to
 22 allocate to the states, and then states will have a
 23 set amount of time to spend that money or it will go
 24 back into the pool of money, go back through that
 25 re-allocation process.

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1 MR. PAQUE: Just a ballpark, could you
 2 guess what our share would be based on a State
 3 Revolving Fund formula?
 4 MS. CHARD: If they use the current
 5 formula, it's probably --
 6 MR. PAQUE: Just guess.
 7 MS. CHARD: -- \$30 million to
 8 \$40-million-ish. If they also apply the lead
 9 formula, add onto that, then we would get less than
 10 some of the bigger, older states, but it's real
 11 money.
 12 MR. PAQUE: Thanks.
 13 DR. FERRELL: And I'll actually let
 14 Shellie off the hook, this one's just for Rob.
 15 So, going back to the "interstate
 16 transport" and potential change that we might have
 17 going to a FIP rather than a SIP on that -- forgive
 18 my ignorance, I should have went back and read my
 19 Clean Air Act delegation rules. If we do get to a
 20 scenario where we are operating under a FIP, does
 21 that have any impact on our delegation status or are
 22 we simply the state agency implementing the FIP?
 23 MR. SINGLETARY: Well, the FIP is actually
 24 the federal law that's being implemented by the EPA.
 25 If it's -- we implement the State Implementation

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1 Plan. So if they end up doing a FIP, then it's not
 2 something that we would have the opportunity to
 3 revise our SIP to reflect what they have and then we
 4 would be the ones implementing it, but the actual
 5 requirements on the FIP would be EPA.
 6 DR. HAMMON: Other questions or comments
 7 from the board?
 8 Any questions or comments from the
 9 public?
 10 All right. Do I have a motion from
 11 the Board?
 12 DR. FERRELL: Madam Chair, move to accept
 13 the report as proposed.
 14 DR. HAMMON: Thank you.
 15 Do I have a second?
 16 MR. BARTON: Barton, second.
 17 DR. HAMMON: We have a motion and a
 18 second.
 19 Quiana, roll call, please.
 20 MS. FIELDS: Mr. Auer?
 21 MR. AUER: Yes.
 22 MS. FIELDS: Mr. Barton?
 23 MR. BARTON: Yes.
 24 MS. FIELDS: Mr. Easton?
 25 MR. EASTON: Yes.

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1 MS. FIELDS: Dr. Ferrell?
 2 DR. FERRELL: Yes.
 3 MS. FIELDS: Mr. Hirshey?
 4 MR. HIRSHEY: Yes.
 5 MS. FIELDS: Mr. Kinder?
 6 MR. KINDER: Yes.
 7 MS. FIELDS: Mr. Newman?
 8 MR. NEWMAN: Yes.
 9 MS. FIELDS: Mr. Paque?
 10 MR. PAQUE: Yes.
 11 MS. FIELDS: Dr. Hammon?
 12 DR. HAMMON: Yes.
 13 MS. FIELDS: Motion passed.
 14 DR. HAMMON: Thank you, Quiana.
 15 All right. Agenda Item 7 is the
 16 Executive Director's Report. Scott Thompson,
 17 Executive Director of DEQ, will present. And as a
 18 reminder, this report is for informational purposes
 19 and no action by the Board is required.
 20 MR. THOMPSON: Thank you. So, last time,
 21 you guys voted, I believe, on water quality
 22 standards, emergency rules for the -- that go into
 23 effect November 1st. Well, the governor signed
 24 those, so those are in effect, and then we expect to
 25 bring permanent rules before the board in February.

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1 and I would assume -- we've had some lively
 2 conversations with the industry and other folks out
 3 there on water quality standards, so I don't know
 4 how much change there will be to the process, but I
 5 think it'll -- there's definitely more communication
 6 going on, and so I think -- I expect those to be
 7 pretty straightforward by that time.
 8 And then Shellie Chard, our Water
 9 Quality Director, just returned from Israel, and she
 10 was in a delegation of 40 folks from the U.S. who
 11 was there to learn about Israel's water treatment
 12 and reuse of technologies, approaches. So the trip
 13 included the Deputy Secretary of State, water and
 14 wastewater utilities, consulting engineers, water
 15 treatment equipment companies, the states of
 16 Oklahoma and Maryland, and quite a few other folks.
 17 It was coordinated by EPA, the USDA, the Department
 18 of Energy, and the U.S. Embassy in Israel and the
 19 WaterReuse Association.
 20 They toured wastewater treatment
 21 plants and a water recycling facility, a reuse
 22 plant, as well as other sites, and I think they will
 23 have follow-up meetings on cybersecurity. So, you
 24 know, feel free to bend Shellie's ear there about
 25 any of those details, but I'm sure that was very

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1 interesting. I've seen some presentations on the
 2 technologies used in Israel, and they're pretty
 3 impressive and I think many of them would be
 4 directly applicable to the Western part of the
 5 state, so -- if not the whole state.
 6 So another event that's been in the
 7 news in Weatherford -- really, Hydro, there's been a
 8 report of Campylobacter that's been detected in the
 9 area. We're working with the State Health
 10 Department on that, we're working with the City of
 11 Hydro.
 12 Our data didn't indicate it that it
 13 was likely the water supply, but we asked Hydro to
 14 do a voluntary oil immer just in case, and I think
 15 the Health Department put out some information. And
 16 I haven't heard any new developments on that, so I
 17 don't know if the -- okay, there's not much, if any.
 18 And so I think the Health Department's still trying
 19 to figure out exactly what's going on.
 20 We don't sample for that particular
 21 bacteria or compound, and we look at E. coli, and so
 22 we did find one sink at one restaurant that was
 23 high, but none of the other places we checked could
 24 we find high levels of bacteria. So we assume it
 25 could be associated with that, but it's not directly

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1 been established that that is a natural source. So
 2 I think that will continue to be in the news a
 3 little bit as that develops, we'll see.
 4 And then I'm sure you're all familiar
 5 with the Chickasha hand sanitizer case, and not too
 6 long ago, we had another warehouse go up in flames.
 7 And so I think, you know, there's a lot of activity
 8 behind the scenes, working with the local law
 9 enforcement authorities, et cetera, and federal
 10 government on response to that, but there's also
 11 this crossing state lines and some international
 12 lines in terms of some of the folks involved.
 13 And there's a lot of activity in
 14 Texas, as well, and another warehouse in Texas went
 15 up in flames. So we're trying to deal with the
 16 aftermath of that, and so I expect some developments
 17 in the near future in regard to that.
 18 So if anybody offers you a deal on
 19 some hand sanitizer, I would think twice and I would
 20 really check it out. So -- some of it would be a
 21 better degreaser, I would think, than hand
 22 sanitizer. A lot of it was recalled, most of it was
 23 recalled in a hand sanitizer recall by the FDA.
 24 So, recently, I was in Okmulgee along
 25 with Lloyd and Angela Hughes to celebrate a ribbon

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1 cutting; actually, we didn't have golden shovels,
 2 they used a track hoe from the OSU Technology Center
 3 out there to break ground, so that was kind of cool.
 4 We basically -- there's an old
 5 refinery that we started working with many years ago
 6 -- many years ago, I won't say how long -- that the
 7 community and Muscogee (Creek) Nation was a part of
 8 the local industrial authority and all the meetings
 9 and things that we did and title work that was done,
 10 and worked with Phillips Petroleum, Phillips 66.
 11 And we took an old refinery that had
 12 been sold off and left behind, and it was reacquired
 13 and put into the hands of the local economic
 14 development authority and was cleaned up and was
 15 made ready for reuse, and they got a Brownfields
 16 certificate. And it's one of the oldest industrial
 17 parks in Oklahoma, it was originally established in
 18 1907.
 19 So that -- we helped facilitate --
 20 you know, I tell people we don't do the reuse, we
 21 don't make the economics work, we try to keep the
 22 government from screwing that up and we try to make
 23 sure it's safe for the reuse. And so they managed
 24 to put a -- like, a Holiday Inn, I believe, Tractor
 25 Supply, a Love's, you know, store, gas station,

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1 convenience store, and a Ford dealership on a
 2 property.
 3 And they recently received a \$2
 4 million federal EDA grant to do more development of
 5 the interior of the property. It's very large and
 6 it has a rail and it's right next to Highway 75 and
 7 so it has a great track record, and the Muscogee
 8 (Creek) Nation is helping with improvement of the
 9 roads down at the facility in that area, and so that
 10 was a great deal and we expect more development.
 11 And they said it actually won the
 12 regional -- or, the okay. It won the regional and
 13 national Brownfields award, the Phoenix Award, which
 14 is really a bigger deal than most people -- if
 15 you're not in this world, you don't quite realize
 16 it, but basically it's a reward for recycling a
 17 property, reuse of a property in positive economic
 18 ways to benefit an area instead of it just sitting
 19 there, idle. And so it's been a great asset for the
 20 Okmulgee area now, and I think it'll grow even more,
 21 so that's great.
 22 And then Amy Brittain in the Land
 23 Protection Division was recently named the Vice
 24 President of the Association of State and
 25 Territorial Solid Waste Management Officials, which

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1 is great. Amy's been very active in that
 2 organization on national policy levels, and I think
 3 that's -- Amy manages our voluntary cleanup and
 4 chemical reporting programs, and she had previously
 5 worked for 14 years as a section manager over
 6 Superfund and she's, you know, doing great things.
 7 And I get a lot of feedback about her
 8 when I'm at some of the national meetings I attend,
 9 and it's directly from folks that run ASTSWMO, and
 10 they really appreciate her effort and how much she
 11 gets done for them and that has some influence on
 12 national policy, which is very beneficial, I think,
 13 for all of us.
 14 So another thing that we've been
 15 working on, the School Chemical Disposal Program.
 16 In Fiscal Year 22, the program completed the removal
 17 of lab chemicals from 16 public schools, which
 18 included Shawnee Public Schools, which was completed
 19 in March.
 20 And so that's a great deal where, you
 21 know, a lot of -- especially my old chemistry
 22 teachers, who knows what they had in the closets
 23 after they did experiments, forgot to label things,
 24 et cetera. And so we try to help those folks clear
 25 those out every so often and make sure that the

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1 classrooms are safer and that we don't have decades'
 2 worth of unknown chemicals or acids or whatever that
 3 have been sitting around forever that maybe should
 4 be moved on.
 5 And the DEQ was recognized by the
 6 Sustainable Alliance with the Bellmon Award in the
 7 large organization category. We were nominated for
 8 this award based on our sustainable Scorecard data
 9 and performance, and we expect the award to be
 10 presented November 17th at the Sustainable Alliance
 11 Business to Business forum in Tulsa, so that's a
 12 great deal.
 13 And in front of you, you should have
 14 a card that shows you how to access our annual
 15 report this year on our website. So, once again,
 16 we're not printing them, we're doing them digitally,
 17 and so I guess Regional hasn't called yet and asked
 18 for some hard copies, have they? So the -- so,
 19 anyways, take a look at that and that will give you
 20 some more information about the things we've done in
 21 the last year, little more detail.
 22 So -- and then, you know, we're kind
 23 of just cruising along, looking at the national
 24 level of what EPA's doing policy-wise, et cetera,
 25 and where that may be going and trying to have some

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1 influence on that with some limited success, I
 2 think, but I think some of the states, especially on
 3 PFAS -- it's been brought up. Some of the states
 4 who were very gung ho are now very concerned about
 5 where EPA's headed and how EPA's new approaches are
 6 going to impact them directly.
 7 And so I think that's quite
 8 interesting since some of those states are typically
 9 considered, you know, on one side of the aisle that
 10 typically supports whatever EPA does, and I think
 11 that's going to make things a little more lively at
 12 the national policy level, which I welcome.
 13 So, anyways, that is all that I have.
 14 I will be happy to entertain any questions.
 15 DR. HAMMON: Questions for Scott?
 16 All right. Well, thank you for the
 17 report, appreciate it.
 18 Agenda Item 8 is a budget status
 19 report. Again, this report is for informational
 20 purposes and no action by the Board will be
 21 required. I'd like to invite Kathy Aebischer, Chief
 22 Financial Officer of DEQ, up to the podium.
 23 Thank you, Kathy.
 24 MS. AEBISCHER: Madam Chairman, Members of
 25 the Board, I'm Kathy Aebischer, I'm the Chief

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1 Financial Officer of DEQ.
 2 Today, we will review the FY23 Budget
 3 Status Report. So the first-quarter revenue
 4 collections, we are a little bit behind when we
 5 compare it to last fiscal year, a little over \$2
 6 million. We've collected 45 percent of our
 7 projections. Our largest variance is within Air,
 8 just under \$1 million, and we have projected that
 9 they'll collect \$800,000 less than last year, so
 10 that's kind of expected. It looks like we're
 11 trending just a little bit behind last year, but
 12 it's due to some invoices going out a little later;
 13 so, really not concerned there.
 14 On expenditures, our last report we
 15 had a budget of \$100 million. We did a budget
 16 revision to move some FY22 funds to FY23 of \$3.7
 17 million. The majority of that is due to supply
 18 chain issues and grantees, just things are taking a
 19 lot longer; so we've moved those funds to this year.
 20 We have total expenditures for the first quarter of
 21 \$12.5 million and we've encumbered almost
 22 \$67 million to date.
 23 If we look at FY23 funding sources,
 24 the majority of the budget revision is in the
 25 Environmental Settlement Fund, you'll see \$2.3, and

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1 that's the VW grant, and a lot of those buses that
 2 they've ordered, it's just taking a lot longer to
 3 come in. So that's where you see the largest budget
 4 revision, and then the Federal Funds, we spent \$3.3
 5 million, and Revolving Funds, \$7.2 to date.
 6 If you recall, the last meeting we
 7 talked about -- I think the meeting before that, we
 8 talked about turnover; so I thought I'd give you an
 9 update of how FY22 turned out.
 10 Our Agency Turnover Rate ended up to
 11 be 14 percent, and just to give you a reference of
 12 kind of historically what our turnover rate has
 13 been, for FY21 it was 5 percent; for FY20, it was
 14 6 percent; and then FY19, which has been the highest
 15 year, was 9 percent.
 16 So last fiscal year was very
 17 challenging with a lot of people I know with staff.
 18 So the division that had the highest turnover rate
 19 was Administrative Services, followed by Water was
 20 14 percent, and then the others were similar, around
 21 the 12 percent.
 22 Here are the numbers. A total of 73
 23 individuals left the Agency last fiscal year, and
 24 then you'll see this by division, with 16 out of 70
 25 left Administrative Services, and then Water had 16

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1 out of 116 that left last year. So if we look at --
 2 as I said, comparing the total employees that left
 3 the Agency, FY19 was 48 and then last year was 73.
 4 So what does it look like for the
 5 first quarter of this year? Our turnover rate,
 6 we've had 13 leave the agencies in the first
 7 quarter, and Air had four, the most, and then you
 8 can see, right now Air's 31 percent of the total
 9 turnover.
 10 So on 10/12, I looked at how many
 11 vacancies we had across the Agency, and we had 48
 12 vacancies that we were trying to fill or in the
 13 process of filling, and here for each division you
 14 can see Administrative Services had seven, Air had
 15 10, Water had 10, so to just kind of give you a
 16 glimpse of where we were at that point in time.
 17 Do we have any questions?
 18 MR. PAQUE: I have one comment, that it
 19 seems to me that on the 2022 employee turnover that
 20 the Executive Director must have mandated 12 percent
 21 for the divisions because we got four divisions
 22 coming around 12 percent, so -- I won't accuse you
 23 of that, Scott, it was just interesting to see it.
 24 So, Kathy, are the vacancies, are
 25 they generally technical or administrative or can

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1 you categorize the nature of the vacancies in the
 2 divisions? Not administrative, but the others, is
 3 there a pattern?
 4 MS. AEBISCHER: I just -- I think it's
 5 across the board. I know in Administrative
 6 Services, we've had a hard time finding accountants.
 7 I know there's an engineer issue, part of it's pay
 8 and then part of it there's just a shortage in
 9 engineers, but I think it's kind of across the
 10 board.
 11 MR. PAQUE: I'm only wondering because
 12 COVID, we had the dive and it looks like people
 13 hunkered down and then jobs opened up; so we're
 14 competing, obviously, with the private sector.
 15 MS. AEBISCHER: Yes. I think a lot of --
 16 with the new federal funding, the bill funds, I
 17 think that's really impacted the divisions. A lot
 18 of the seasoned employees, really good employees are
 19 being, you know, enticed to leave the agency.
 20 DR. FERRELL: Kathy or Scott, whoever
 21 wants to respond -- not holding you accountable for
 22 this -- do you have any feel for how our turnover
 23 numbers stack up against other state agencies that
 24 are in the technical fields or just other state
 25 agencies generally?

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1 MS. AEBISCHER: I have not seen a report
 2 from the state human resource agency of what, like,
 3 the rest of the divisions or the whole state looks
 4 like.
 5 DR. HAMMON: Any other questions?
 6 All right. Thank you, Kathy.
 7 All right. Agenda Item 9, New
 8 Business, so any matter not known about, and which
 9 could have not reasonably been foreseen prior to the
 10 posting of our agenda. Are there any items that
 11 have come up?
 12 All right. Hearing none, our next
 13 meeting is scheduled for February 17, 2023 in
 14 Oklahoma City, Oklahoma, and I'm guessing that will
 15 be at the DEQ offices. So, looking forward to
 16 seeing everyone there in February. Buckle in, I
 17 guess we're going to have a lot of rulemaking.
 18 So before we move to our adjournment,
 19 I'd like to once again thank the Marty Lewis Public
 20 Safety Center for the use of this facility, what a
 21 wonderful location, the Board is happy to be here
 22 today.
 23 Do I have a motion for adjournment?
 24 MR. HIRSHEY: So move.
 25 DR. HAMMON: Is there a second?

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1 MR. KINDER: Jimmy Kinder, second.
 2 DR. HAMMON: I have a motion and a second.
 3 Quiana, roll call for adjournment?
 4 MS. FIELDS: Mr. Auer?
 5 MR. AUER: Yes.
 6 MS. FIELDS: Mr. Barton?
 7 MR. BARTON: Yes.
 8 MS. FIELDS: Mr. Easton?
 9 MR. EASTON: Yes.
 10 MS. FIELDS: Dr. Ferrell?
 11 DR. FERRELL: Yes.
 12 MS. FIELDS: Mr. Hirshey?
 13 MR. HIRSHEY: Yes.
 14 MS. FIELDS: Mr. Kinder?
 15 MR. KINDER: Yes.
 16 MS. FIELDS: Mr. Newman?
 17 MR. NEWMAN: Yes.
 18 MS. FIELDS: Mr. Paque?
 19 MR. PAQUE: Yes.
 20 MS. FIELDS: Dr. Hammon?
 21 DR. HAMMON: Yes.
 22 MS. FIELDS: Motion passed.
 23 DR. HAMMON: Thank you. Meeting
 24 adjourned.
 25 And at this point, we move into the

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1 public forum portion of the Environmental Quality
 2 Board. I will go through reading the script, I
 3 don't actually think we have any sign-ups yet, but
 4 if you are interested in speaking, there are forms
 5 at the back of the room.
 6 So, welcome to this public forum of
 7 the Environmental Quality Board.
 8 Public input is valuable to the Board
 9 and the Department and we welcome your
 10 participation. If you desire to make comments at
 11 today's forum but you did not sign the sheet on the
 12 information table when you came in, would you please
 13 raise your hand?
 14 All right. With that, we are done
 15 for the day, and I appreciate everyone coming down.
 16 Please remember to vote, the polls are open until
 17 7:00 p.m.
 18 And it's a pleasure seeing everyone,
 19 drive safe.
 20 (MEETING ADJOURNED AT 10:33 AM)
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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 15th day of November, 2022.



Jenny Longley, CSR
CSR # 1903



ENVIRONMENTAL QUALITY
BOARD

Attendance Record
November 8, 2022
Shawnee, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

Quiana Fields	DEQ
Sharon Smith	DEQ
Malcolm Zachariah	DEQ
Mark Hildebrand	DEQ
Kendal Stegmann	DEQ
Kelly Dixon	DEQ
VICTORIA TRAN	SOEE
MIKE PARVE	DEQ - Board
Scott Thompson	DEQ
SKYLAR McElhoney	DEQ
Kathy Aebischer	DEQ
Michelle Wynn	DEQ
MATT NEUMAN	DEQ Board
Jimmy Givens	DEQ
Shelle Cheard	DEQ
Jimmy Kende	DEQ board
Iraey Hammon	DEQ Board
Erin Hatfield	DEQ
Travis Measick	DEQ
Vance Pennington	DEQ
Saba Tahmassebi	DEQ
Lloyd Kirk	
Ken Hirshey	DEQ - Board
DAVID HINKLE	COEPD
Maugh Bealton	EPB
John Castle	DEQ Board



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

ENVIRONMENTAL QUALITY BOARD

Attendance Record
November 8, 2022
Shawnee, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

Rich Auer

DEQ

Rb Singletary
Laura Lodes

DEQ
AQC

John Cobb

COEDS -AAA

Jennifer Lewis

OAG

Shannon L. Ferrell

EQB