MINUTES
ENVIRONMENTAL QUALITY BOARD
FEBRUARY 18, 2022
DEPARTMENT OF ENVIRONMENTAL QUALITY
OKLAHOMA CITY, OK

Official EQB Approved
On September 13, 2022

Notice of Public Meeting – The Environmental Quality Board (Board) convened for a Regular Meeting at 10:00 a.m. This meeting was held in accordance with 25 O.S. Section 311, with notice of the meeting given to the Secretary of State on November 3, 2021. The agenda was mailed to interested parties on February 8, 2022 and was posted at the DEQ on February 16, 2022. Dr. Tracy Hammon, Chair, called the meeting to order. Dr. Hammon thanked Mr. Griesel for his service; due to this was his last meeting with the EQB. Ms. Fields called roll and a quorum was confirmed.

MEMBERS PRESENT	DEQ STAFF PRESENT
Richard Auer	Scott Thompson, Executive Director
Mark Barton	Jimmy Givens, Deputy Executive Director
John Easton	Rob Singletary, Chief of Staff of the DEQ
Shannon Ferrell	Kendal Stegmann, Air Quality Division
David Griesel	Jennifer Boyle, General Counsel
Jimmy Kinder	Madison Miller, Deputy General Counsel
Alexie Kindrick	Shellie Chard, Water Quality Division
Steve Mason	Skylar McElhaney, Office of Continuous Improvement
Tim Munson	Erin Hatfield, Director of Communications
Mike Paque	Sharon Smith, Executive Director's Office
Billy Sims	Mark Hildebrand, Environmental Complaints & Local Services
Jimmy Kinder	Kathy Aebischer, Administrative Services Division
Tracy Hammon	Jeff Franklin, State Environmental Laboratory Services
	Clifton Hoyle, Land Protection Division
	Pam Dizikes, Environmental Attorney Supervisor
	Patrick Riley, Land Protection Division
	Saba Tahmassebi, Engineering Manager
	Michelle Wynn, Legislative Liaison
	Kelly Dixon, Land Protection Division
	April Eberle, Environmental Attorney
	Heather Mallory, Land Protection Division
	Mike Edwards, Land Protection Division
	Mike Broderick, Land Protection Division
	Aron Samwel, Land Protection Division
	Kole Kennedy, Land Protection Division
	Brian Clagg, Water Quality Division
	David Caldwell, Water Quality Division
	Quiana Fields, Board & Council Secretary

MEMBERS ABSENT	OTHERS PRESENT
Ken Hirshey	Jennifer Lewis, Office of the Attorney General
	Laura Lodes, Air Quality Advisory Council
	Lee Grater, Hazardous Waste Management Advisory Council
	Brian Duzan, Water Quality Management Advisory Council
	George MacDurmon, Radiation Management Advisory Council
	Jenessa Kalsu, Court Reporter

Approval of Minutes – Dr. Hammon called for a motion to approve the November 9, 2021 Regular Meeting. Mr. Griesel moved to approve and Mr. Munson made the second.

transcript pages 7 - 9

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Steve Mason	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Abstain	Mike Paque	Abstain

David Griesel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Election of Officers – Dr. Hammon called for nominations for Chair. Mr. Griesel nominated Dr. Hammon and Dr. Ferrell made the second.

transcript pages 9 - 10

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Steve Mason	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
David Griesel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Dr. Hammon then called for nominations for Vice-Chair. Mr. Munson nominated Mr. Paque and Mr. Griesel made the second.

transcript pages 11 – 12

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Steve Mason	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
David Griesel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:410 Radiation Management – Dr. Hammon called upon Mr. George MacDurmon, Chair of the Radiation Management Advisory Council (RMAC), to present the rule. Mr. MacDurmon stated that the Department is proposing to amend OAC 252:410, Radiation Management. The proposed rulemaking consists of four main elements: (1) The first element is to amend Chapter 410 to change the date for incorporation of federal regulations by reference to July 1, 2020 (for 40 CFR) and January 1, 2021 (for 10 CFR). (2) The second element of this rulemaking is to amend the regulations related to the industrial radiography certification. All industrial radiography certification requests for active-duty military personnel and their spouses will be processed pursuant to 59 O.S. § 4100.8. (3) The third element is to remove references to revoked Subchapter 19. (4) The fourth element is to clarify communication requirements in 252:410-10-37 and 252:410-10-71 by directing all correspondence regarding license requirements and any notification or reports required by these Parts to DEQ. The gist of the rule changes and the underlying reason for the rulemaking is to ensure the Department is current with required federal regulations promulgated pursuant to the Title 10 of the Code of Federal Regulations, 59 O.S. § 4100.8 and Governor Stitt's Executive Order 2020-03. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Sims moved to approve and Mr. Barton made the second.

transcript pages 13 - 16

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Steve Mason	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
David Griesel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	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 rules. Ms. Lodes stated that the Department of Environmental Quality (Department) is proposing to amend OAC 252:100, Subchapters 1, 7 and 8 to allow for certain construction activities to be conducted at the owner/operator's risk after submission of an administratively complete minor New Source Review (NSR) permit application but prior to issuance of the 15(a)(2)(B)(i) to give regulatory clarity to when a construction permit is required by inserting the federal terms for pieces of equipment and processes subject to NESHAP and NSPS. The gist of this rule proposal and the

underlying reason for the rulemaking is to give additional clarity to actions the regulated community may take prior to issuance of a minor construction permit. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Dr. Ferrell moved to approve and Mr. Kinder made the second.

transcript pages 16 - 19

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Steve Mason	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
David Griesel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:100 Air Pollution Control – Ms. Lodes stated that the Department proposes to amend OAC 252:100, Subchapter 47, Control of Emissions from Existing Municipal Solid Waste Landfills. The gist of the proposed rule is to implement the provisions of 40 C.F.R. Part 60, Subpart Cf, "Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills." Upon promulgation, the revised Subchapter 47 will be incorporated into Oklahoma's revised State 111(d) Plan. The proposed rule changes affect municipal solid waste (MSW) landfills that commenced construction, modification or reconstruction before July 17, 2014 and accepted waste after November 8, 1987, including closed landfills. Landfill gas collection and control systems (GCCS) will be required for landfills with design capacities of at least 2.5 million megagrams and 2.5 million cubic meters that have estimated emissions of at least 34 megagrams per year of non-methane organic compounds (NMOC). The previous NMOC threshold to install a control system was 50 megagrams per year. Currently, EPA is implementing the emission guidelines for existing MSW landfills with a Federal Plan under 40 C.F. R. Part 62, Subpart OOO. Following a question by the Board and none by the public, Dr. Hammon called for a motion. Mr. Mason moved to approve and Dr. Ferrell made the second.

transcript pages 19 - 24

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Steve Mason	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
David Griesel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:205 Hazardous Waste Management – Dr. Hammon called upon Mr. Lee Grater, Chair of the Hazardous Waste Management Advisory Council (HWMAC) to present the rules. Mr. Grater stated that the Department is proposing to amend OAC 252:205, Subchapter 3. The gist of this rulemaking is to make DEQ's hazardous waste rules consistent with the federal regulations by incorporating by reference (IBR) the regulations found in 40 CFR Parts 124 and 260-279, revised as of July 1, 2021. The significant rule change for this IBR modernizes the rules governing determinations for ignitable liquid hazardous wastes. The modification will allow labs testing for the characteristic to use non-mercury thermometers. It finalizes the codification of existing guidance defining "aqueous" as "50% water by weight" and it corrects cross references to DOT regulations and removes obsolete information. Additionally, statute changes that became effective July 1, 2021 have rendered certain state rules obsolete. Therefore, the DEQ is modifying those state rules that have been affected by the statute changes. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Munson moved to approve and Mr. Paque made the second.

transcript pages 24 - 27

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Steve Mason	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
David Griesel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:221 Brownfields – Mr. Grater stated that the Department is proposing to amend OAC 252:221 to update the Brownfields Rules to remove outdated legal citations, fix typos, reduce the number of hard copies being sent to DEQ for review, allow for electronic files to be posted on our website, and remove references to Oklahoma Department of Commerce. This will reduce the costs for participants in DEQ's Brownfields Certificate and Brownfields Revolving Loan Fund Programs. The gist of the rulemaking is to update the rules to better align with current processes. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Easton moved to approve and Mr. Kinder made the second.

transcript pages 27 - 30

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Steve Mason	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
David Griesel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:515 Management of Solid Waste – Mr. Patrick Riley, Environmental Programs Manager of the Land Protection Division, presented the rule, Mr. Riley stated that the Department is proposing to amend OAC 252:515, Management of Solid Waste, in response to Governor Stitt's Executive Order 2020-03. The gist of this rulemaking is to remove redundant and outdated regulations and make minor changes to clarify existing language. Included, are proposed changes to clarify background water quality and assessment monitoring sampling requirements and leachate storage options. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion to approve. Mr. Sims moved to approve and Mr. Barton made the second.

transcript pages 30 - 33

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Steve Mason	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
David Griesel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:301 Laboratory Accreditation – Dr. Hammon called upon, Mr. Brian Duzan, Chair of the Water Quality Management Advisory Council (WQMAC), to present the rules. Mr. Duzan stated that the Department is proposing to amend OAC 252:301, Laboratory Accreditation. The gist of these rules and the underlying reason for this rulemaking is to update incorporations by reference for EPA methodologies and to make other amendments for conformity with the updated incorporations by reference. Updates include the most recent EPA Primary Drinking Water Regulations, National Standards for Solid Waste Test Methods and EPA Test Procedures for the Analysis of Pollutants. A significant result of these updates to rules is the use of alternate testing methods, clearer language and reduced requirements which will apply to all permittees and accredited laboratories. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Munson moved to approve and Ms. Kindrick made the second.

transcript pages 33 - 36

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Steve Mason	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
David Griesel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:302 Field Laboratory Accreditation – Mr. Duzan stated that the Department is proposing to amend OAC 252:302, Field Laboratory Accreditation. The gist of these rules and the underlying reason for this rulemaking is to update incorporations by reference EPA methodologies and to make other amendments for conformity with the updated incorporations by reference. Updates include the most recent EPA Test Procedures for the Analysis of Pollutants. A significant result of these updates to rules is the use of alternative methods, clearer language and reduced requirements which will apply to all permittees and accredited laboratories. Hearing no question or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Paque moved to approve and Dr. Ferrell made the second.

transcript pages 36- 39

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Steve Mason	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
David Griesel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:307 TNI Laboratory Accreditation – Mr. Duzan stated that the Department is proposing to amend OAC 252:307, TNI Laboratory Accreditation. The gist of these rules and the underlying reason for this rulemaking is to update incorporations by reference for the TNI Standard and EPA methodologies and to make other amendments for conformity with the updated incorporations by reference. Updated include the most recent EPA Primary Drinking Water Regulations, National Standards for Solid Waste Test Methods and EPA Test Procedures for the Analysis for Pollutants, and the 2016 TNI Standard. A significant result of these updates to EPA test procedures and TNI standards is the addition of alternate testing methods, clearer language and reduced requirements which will apply to all permittees and accredited laboratories. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Kinder moved to approve and Mr. Auer made the second.

transcript pages 39 - 42

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Steve Mason	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
David Griesel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:606 Oklahoma Pollutant Discharge Elimination System (OPDES) Standards – Mr. Duzan stated that the Department is proposing to amend OAC 252:606 to update incorporations by reference for the Code of Federal Regulations from July 1, 2020, to July 19, 2021. The federal regulation updates include the Environmental Protection Agency's (EPAs) Clean Water Act Methods Update Rule that became effective July 19, 2021. The rule finalized changes to test procedures required to be used by industries and municipalities when analyzing the chemical, physical and biological properties of wastewater and other environmental samples for reporting under EPA's National Pollutant Discharge System (NPDES) permit program. The gist of this proposed rule and the underlying reason for the rulemaking is to ensure the OPDES remains in compliance with the Department's delegations agreement with EPA and to ensure Oklahoma retains responsibility for administering the NPDES Program in Oklahoma. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Griesel moved to approve and Mr. Paque made the second.

transcript pages 42 - 45

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Steve Mason	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
David Griesel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:631 Public Water Supply Operation – Mr. Duzan stated that the Department is proposing to amend OAC 252:631 to update certain dates of the incorporations by reference for the Code of Federal Regulations from July 1, 2020 to July 1, 2021. The gist of this rule and the underlying reason for the rulemaking is to ensure the Department remains in compliance with federal regulations promulgated pursuant to the Reduction of Lead in Drinking Water Act (RLDWA) and Safe Drinking Water Act (SDWA). The federal regulation updates include EPA finalizing changes to existing regulations to protect the public from lead in plumbing materials used in public water systems or residential or nonresidential facilities providing water for human consumption. The rule changes codify aspects of the RLDWA of 2011 and the Community Fire Safety Act of 2013 (CFSA). The RLDWA amended section 1417 of the SDWA, which prohibits the use and introduction into commerce of certain plumbing products that are not "lead free." The RLDWA revised the definition of lead free to lower the allowable maximum lead content of plumbing products and established a statutory method for calculating lead content. EPA expects these requirements for lead content in plumbing materials used in new installations and repairs will result in fewer sources of lead in drinking water and consequently, will reduce adverse health effects associated with exposure to lead in drinking water. The final rule became effective October 1, 2020 and the compliance date for the product certification requirements in 40 C.F.R. 143.19 is September 1, 2023. Following a question by the Board but, none by the public, Dr. Hammon called for a motion. Mr. Mason moved to approve and Mr. Munson made the second.

transcript pages 45 - 51

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Steve Mason	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
David Griesel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:690 Water Quality Standards Implementation – Mr. Duzan stated that the Department is proposing to amend OAC 252:690 to update incorporations by reference for the Code of Federal Regulations from July 1, 2020, to July 19, 2021. The federal regulation updates include the EPAs Clean Water Act Methods Update Rule that became effective July 19, 2021. The rule finalized changes to test procedures required to be used by industries and municipalities when analyzing the chemical, physical and biological properties of wastewater and other environmental samples for reporting under EPA's National Pollutant Discharge Elimination System (NPDES) permit program. The gist of this proposed rule and the underlying reason for the rulemaking is to ensure the Oklahoma Pollutant Discharge Elimination System (OPDES) remains in compliance with the Department's delegation agreement with EPA, and to ensure Oklahoma retains responsibility for administering the NPDES Program in Oklahoma. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Griesel moved to approve and Mr. Paque made the second.

transcript pages 51 - 54

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Steve Mason	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
David Griesel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

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

transcript pages 54 - 74

Budget Update and Financial Overview (FY 2022) – Ms. Kathy Aebischer, Chief Financial Officer of the DEQ, gave a presentation and update/overview on the FY 2021 current budget. This report is for informational purposes only.

transcript pages 74 - 81

New Business – None

Next Meeting – The next regular meeting is scheduled for June 14, 2022 in Oklahoma City, DEQ Multipurpose Room.

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

transcript pages 81 - 83

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Steve Mason	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
David Griesel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

There were no public forum issues raised.

The transcript and attendance sheet becomes an official part of these Minutes.

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

ENVIRONMENTAL QUALITY BOARD

PUBLIC MEETING

FEBRUARY 18, 2022 - 9:30 A.M.

Multi-Purpose Room, 1st Floor
DEQ Building
707 N. Robinson
Oklahoma City, OK

REPORTED BY: JENESSA KALSU, CSR

BOARD MEMBERS PRESENT:
DR. HAMMON, CHAIR
MR. PAQUE, VICE CHAIR
MR. AUER
MR. BARTON
MR. EASTON
DR. FERRELL
MR. GRIESEL
MR. KINDER
MS. KINDRICK
MR. MASON
MR. MUNSON
MR. SIMS

BOARD MEMBER ABSENT:
MR. HIRSHEY

ALSO PRESENT:
Ms. Quiana Fields, Secretary of Board and Council
Ms. Jennifer Lewis, Assistant Attorney General
George MacDurmon, Radiation Management Advisory Council Chair
Ms. Jennifer Boyle, DEQ General Counsel
Ms. Laura Lodes, Chairman of Air Quality Advisory Council
Mr. Lee Grater, Chairman of the Hazardous Waste Management Advisory Council
Mr. Patrick Riley, DEQ Environmental Manager
Mr. Brian Duzan, Chairman of the Water Quality Management Advisory Council
Mr. Scott Thompson, Executive Director of DEQ
Ms. Shellie Chard, Director of Water Quality Division
Ms. Kathy Aebischer, DEQ Chief Financial Officer

DR. HAMMON: The February 18th, 2022, the regular meeting of the Environmental Quality Board has been called according to the Oklahoma Open Meeting Act, Section 311, Chapter 25 of the Oklahoma Statutes.

Notice was filed with the Secretary of State on November 3rd, 2021. Agendas were mailed to interested parties on February 8th, 2022, and were posted at the DEQ on February 16th, 2022.

Only matters appearing on the posted Agenda may be considered. If this meeting is continued or reconvened, we must announce today the date, time, and place of the continued meeting. And the Agenda for such continuation will remain the same as today's Agenda.

So, welcome, Happy New Year. Happy 2022. It's nice to have everyone back together here in Oklahoma City. Good to see so many familiar faces in person.

Also, Happy Lunar New Year. February 1st marked the calendar date of the year of the tiger. So hopefully that's a good auspicious year.

I do always like to start meetings with a quick safety moment. So for today -- I'm not going to talk about our typical "drive safe on ice," but

please do so. We're still in winter months.

But I think as COVID starts to come down, consider your health and maybe appointments that you've put off. February tends to be heart-health month, so make those appointments. Start catching up on anything you've missed during the pandemic.

All right. I don't think we have any special guests out there in the audience today, but I do appreciate so many of you attending this in person.

We don't have any new board members today. But it has come to our attention that this is David Griesel's last meeting with us. And I just wanted to acknowledge his 16 years of service to the Board. He was working on committees back when the ODEQ was founded.

So I'm really sad about this. I've sat, you know, alphabetically, Hammon and Griesel, sat next to David for the last nine or ten years at this point. I don't touch the 15 years that he has given service to the State, but I really appreciate all that he has done and I am going to miss him very much being a member of this Board and the wisdom he has given and the support he's given to me.

So, David, would you like to say a few

words?

MR. GRIESEL: I've been honored to serve with the DEQ for several years. Started on the Solid Waste Council, moved into the Board. And it's been an honor and a privilege. Thank you very much for the fact that you will miss me.

(Laughter.)

DR. HAMMON: Yeah.

MR. GRIESEL: And I've been very happy to serve with everybody on this Board.

(Applause.)

DR. HAMMON: Well, that made me sad this morning, and I hate to start off with sad news. And certainly, we will welcome your successor. But yeah --

MR. GRIESEL: I understand --

DR. HAMMON: -- I personally will miss you.

MR. GRIESEL: I understand you have someone very competent and a good worker coming on.

DR. HAMMON: And hopefully, there's no others of you rolling off, that I'm not aware of. Find me at a break if you are and I'll acknowledge you, as well.

All right. So our meeting today is pretty

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1 busy, so we're going to get to that. I will first
2 start with a roll call.
3 Quiana.
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: Here.
10 MS. FIELDS: Dr. Ferrell.
11 DR. FERRELL: Here.
12 MS. FIELDS: Mr. Griesel.
13 MR. GRIESEL: Here.
14 MS. FIELDS: Mr. Hirshey is absent.
15 Mr. Kinder.
16 MR. KINDER: Here.
17 MS. FIELDS: Ms. Kindrick.
18 MS. KINDRICK: Here.
19 MS. FIELDS: Mr. Mason.
20 MR. MASON: Present.
21 MS. FIELDS: Mr. Munson.
22 MR. MUNSON: Here.
23 MS. FIELDS: Mr. Paque.
24 MR. PAQUE: Here.
25 MS. FIELDS: Mr. Sims.

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1 MR. SIMS: Here.
2 MS. FIELDS: Dr. Hammon.
3 DR. HAMMON: Here.
4 MS. FIELDS: We have a quorum.
5 DR. HAMMON: Thank you, Quiana.
6 All right. Our next Agenda item is
7 approval of the past minutes. I just want to say
8 that one of the interesting things being Chair and
9 talking so much in a meeting is reading the
10 word-by-word playback of the minutes, and our
11 stenographers do a great job with putting those
12 together.
13 Are there any questions or comments on the
14 minutes from the November 9th meeting?
15 (No response.)
16 DR. HAMMON: Hearing none, do I have a
17 motion?
18 MR. GRIESEL: So moved.
19 DR. HAMMON: Move to approve?
20 MR. GRIESEL: Move to approve.
21 DR. HAMMON: Do I have a second?
22 (Multiple seconds.)
23 MR. MUNSON: Second.
24 DR. HAMMON: All right. I have a motion
25 and a second.

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

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1 MS. FIELDS: Motion passed.
2 DR. HAMMON: Okay. Thank you.
3 Agenda Item 5 is Election of Officers.
4 And I meant to ask our AG ahead of time if I'm
5 allowed to run that portion.
6 MS. LEWIS: Yes, chair of the meeting.
7 DR. HAMMON: All right. So every year we
8 go through the process of electing a Chair and a
9 Vice Chair for a calendar year. So let us start
10 with the Chair. Do I have any nominations?
11 MR. GRIESEL: I nominate Dr. Hammon.
12 DR. FERRELL: Second.
13 DR. HAMMON: Any other nomination?
14 (No response.)
15 DR. HAMMON: All right. I have a motion
16 and a second.
17 Quiana, would you do roll call?
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.

MS. FIELDS: Mr. Griesel.
MR. GRIESEL: Yes.
MS. FIELDS: Mr. Kinder.
MR. KINDER: Yes.
MS. FIELDS: Ms. Kindrick.
MS. KINDRICK: Yes.
MS. FIELDS: Mr. Mason.
MR. MASON: Yes.
MS. FIELDS: Mr. Munson.
MR. MUNSON: Yes.
MS. FIELDS: Mr. Paque.
MR. PAQUE: Yes.
MS. FIELDS: Mr. Sims.
MR. SIMS: Yes.
MS. FIELDS: Dr. Hammon.
DR. HAMMON: Yes.
MS. FIELDS: Motion passed.
DR. HAMMON: Okay. Thank you. I appreciate the vote of confidence. I look forward to serving a second year as Chair of the Environmental Quality Board.
Similar to what our previous Chairs have done it would be my intent, after this remaining year, to pass the torch. So I appreciate doing this for the additional year.

Let's move to the Vice Chair nominees. Do I have any nominations?
MR. MUNSON: I nominate Mike Paque.
MR. GRIESEL: I'll second.
DR. HAMMON: Any other nomination?
(No response.)
DR. HAMMON: Okay. I have a nomination and a second for Mr. Paque.
Quiana, can you do roll call?
MS. FIELDS: Mr. Auer.
MR. AUER: Yes.
MS. FIELDS: Mr. Barton.
MR. BARTON: Yes.
MS. FIELDS: Mr. Easton.
MR. EASTON: Yes.
MS. FIELDS: Dr. Ferrell.
DR. FERRELL: Yes.
MS. FIELDS: Mr. Griesel.
MR. GRIESEL: Yes.
MS. FIELDS: Mr. Kinder.
MR. KINDER: Yes.
MS. FIELDS: Ms. Kindrick.
MS. KINDRICK: Yes.
MS. FIELDS: Mr. Mason.
MR. MASON: Yes.

MS. FIELDS: Mr. Munson.
MR. MUNSON: Yes.
MS. FIELDS: Mr. Paque.
MR. PAQUE: Graciously abstain.
MS. FIELDS: Mr. Sims.
MR. SIMS: Yes.
MS. FIELDS: Dr. Hammon.
DR. HAMMON: Yes.
MS. FIELDS: Motion passed.
DR. HAMMON: Congratulations, Mr. Paque.
MR. PAQUE: Thank you all. I look forward to it and I love working with our president. She's great, so I look forward to another year. Thank you.
MS. BOYLE: We received word that not everyone can hear in the back. So if everyone could please speak up, that would be appreciated.
DR. HAMMON: And a reminder to turn your microphones on. Hopefully --
Can everyone hear me okay this morning?
(Positive response.)
DR. HAMMON: Okay. I tend to talk a little quieter. I saw them turning mics up on me earlier.
So we have a really full Agenda today, a

lot of rulemaking items. We're going to try to get through these, take a break as needed.
But let's start with Agenda Item 6, which is Rulemaking OAC 252:410, Radiation Management. And my notes show that George McDurmon, who is Chair of the Radiation Management Advisory Council will be presenting today.
Mr. MacDurmon, the floor is yours.
MR. MACDURMON: Good morning. My name is George MacDurmon. I'm the Chair of the Radiation Management Advisory Council. And the Council is recommending the adoption of the amendments to the State's radiation rules. These updates address four areas. The most important is to update the Nuclear Regulatory Commission and Environmental Protection Agency Rules that DEQ has adopted by reference to remain compatible with federal regulations. These changes are required by federal law.
Included in these changes is to permit the use of a new technology, digital reading personnel dosimeters to be used for radiation monitoring. The rule will still allow for traditional dosimeters, as well.
The other parts of the updates deal with administrative and other minor issues such as

1 changed references to different parts of the NRC
2 regulations that have been reorganized.
3 The updated EPA rules pertain to the
4 National Emission Standards for hazardous air
5 pollutants. Oklahoma has no active facilities that
6 are affected by these, and there are no changes that
7 affect the State.
8 The secondary addressed by the proposed
9 rule changes is to make it clear that industrial
10 radiology certification applications by active-duty
11 military members and spouses will be handled in
12 accordance with new State laws.
13 The third and the fourth proposed
14 amendments will clarify our rules in several ways,
15 notably by removing references to Subchapter 19,
16 which has been revoked, and by making it clear that
17 correspondence and notifications, under NRC rules,
18 that are adopted by reference, should go to the DEQ
19 and not to the NRC.
20 None of these changes have been
21 controversial and the Council recommends that the
22 Board approve the amendments.
23 Mike Broderick of the Agency staff and I
24 will be happy to answer any questions that you might
25 have.

1 DR. HAMMON: Thank you, Mr. MacDurmon.
2 Any questions or comments from the Board?
3 (No response.)
4 DR. HAMMON: Questions or comments from
5 the general public?
6 (No response.)
7 DR. HAMMON: Do I have a motion?
8 MR. SIMS: I make a motion we approve that
9 rule change.
10 DR. HAMMON: Thank you, Mr. Sims.
11 MR. BARTON: Second.
12 DR. HAMMON: Quiana, roll call, please.
13 MS. FIELDS: Mr. Auer.
14 MR. AUER: Yes.
15 MS. FIELDS: Mr. Barton.
16 MR. BARTON: Yes.
17 MS. FIELDS: Mr. Easton.
18 MR. EASTON: Yes.
19 MS. FIELDS: Dr. Ferrell.
20 DR. FERRELL: Yes.
21 MS. FIELDS: Mr. Griesel.
22 MR. GRIESEL: Yes.
23 MS. FIELDS: Mr. Kinder.
24 MR. KINDER: Yes.
25 MS. FIELDS: Ms. Kindrick.

1 MS. KINDRICK: Yes.
2 MS. FIELDS: Mr. Mason.
3 MR. MASON: Yes.
4 MS. FIELDS: Mr. Munson.
5 MR. MUNSON: Yes.
6 MS. FIELDS: Mr. Paque.
7 MR. PAQUE: Yes.
8 MS. FIELDS: Mr. Sims.
9 MR. SIMS: Yes.
10 MS. FIELDS: Dr. Hammon.
11 DR. HAMMON: Yes.
12 MS. FIELDS: Motion passed.
13 DR. HAMMON: Thank you.
14 MR. MACDURMON: Thank you.
15 DR. HAMMON: Item Number 7 for Rulemaking
16 is OAC 252:100 Air Pollution Control. Laura Lodes,
17 Chair of the Air Quality Advisory Council, is here
18 to present to us today.
19 MS. LODES: Madam Chairman, and members of
20 the Board, we have two rules today to bring before
21 you. The first rule is OAC 252:100, Chapters 1, 7,
22 and 8. And this is to allow for certain
23 construction activities to be conducted at the
24 owner/operator's risk after submission of an
25 administratively complete minor and a New Source

1 Review permit application but prior to issuance of
2 the construction permit.
3 Historically, the Department has allowed
4 facilities, on a case-by-case, to commence and
5 conduct certain minor construction activities prior
6 to the issuance of a permit but after the
7 administratively complete application has been
8 submitted. The purpose of this rulemaking is to
9 clarify this policy and the Air Quality rules.
10 The Department is also proposing to revise
11 OAC 252:100-7-15(a)(2)(B)(i) to give regulatory
12 clarity to when a construction permit is required by
13 inserting the federal terms for pieces of equipment
14 and processes subject to NESHAP and NSPS.
15 This proposed rule came before the Air
16 Quality Advisory Council on October 20th, 2021, and
17 again on January 19th, 2022. Notices to the
18 proposed rule change were published in the Oklahoma
19 Register on September 15th, 2021, and December 15th
20 of 2021.
21 The Department received an oral comment as
22 well as concerns from the Council during the October
23 meeting that were addressed by revisions to the
24 proposal for the January meeting. The oral comment
25 of the January meeting confirmed the proposed

revisions addressed the commenter's concern. The Council unanimously approved the proposal at its January meeting.

As Chair of the Air Quality Advisory Council, I recommend that the Board approve the proposed Chapter 100, Subchapters 1, 7, and 8 revisions as permanent rules.

Are there any questions regarding this?

DR. HAMMON: Questions or comments from the Board?

(No response.)

DR. HAMMON: Hearing none. Questions or comments from the public?

(No response.)

DR. HAMMON: Do I have a motion?

DR. FERRELL: Move to accept the rules proposed.

MR. KINDER: Second.

DR. HAMMON: We have a motion and a second for approval.

Quiana, roll call, please.

MS. FIELDS: Mr. Auer.

MR. AUER: Yes.

MS. FIELDS: Mr. Barton.

MR. BARTON: Yes.

MS. FIELDS: Mr. Easton.

MR. EASTON: Yes.

MS. FIELDS: Dr. Ferrell.

DR. FERRELL: Yes.

MS. FIELDS: Mr. Griesel.

MR. GRIESEL: Yes.

MS. FIELDS: Mr. Kinder.

MR. KINDER: Yes.

MS. FIELDS: Ms. Kindrick.

MS. KINDRICK: Yes.

MS. FIELDS: Mr. Mason.

MR. MASON: Yes.

MS. FIELDS: Mr. Munson.

MR. MUNSON: Yes.

MS. FIELDS: Mr. Paque.

MR. PAQUE: Yes.

MS. FIELDS: Mr. Sims.

MR. SIMS: Yes.

MS. FIELDS: Dr. Hammon.

DR. HAMMON: Yes.

MS. FIELDS: Motion passed.

DR. HAMMON: Okay. Thank you.

Again, Item 8, same general topic, different portion.

Please continue.

MS. LODES: Yes, different section of the Air Quality rules.

The Department is proposing to amend OAC 252:100, Subchapter 47, Control Emissions from Existing Municipal Solid Waste Landfills. The gist of the proposed rule is to incorporate new federal guidelines into the state rules. The proposed rule would implement the provisions of 40 C.F.R. Part 60, Subpart C little f, the federal emission guidelines published by the EPA in the Federal Register on August 29th, 2016. Upon promulgation, the revised Subchapter 47 will be incorporated into a revised State 111(d) Plan. The proposed rules affect municipal solid waste landfills that commence construction, modification, or reconstruction before July 17th of 2014, and accepted waste after November 8th of 1987, including closed landfills. Landfill gas collection and control systems will be required for landfills with design capacities of at least 2.5 million megagrams and 2.5 million cubic meters which have estimated emissions of at least 34 megagrams per year of non-methane organic compounds. The previous non-methane organic compound threshold to install a control system was 50 megagrams per year.

Working with members of the Land Protection Division, the Air Quality Division initially proposed revisions to Subchapter 47 in

2017, after the Emissions guidelines were finalized. That rulemaking was suspended, however, until various federal challenges to the rule were resolved.

In July of 2021, EPA finalized its Federal Plan and all existing municipal solid waste landfills in Oklahoma are currently required to comply with the Federal Plan until the State has updated its rules and incorporated those rules into an EPA-approved State 111(d) Plan. The Solid Waste Management Advisory Council was briefed in September 2021, that the rulemaking had been restarted. The new proposal incorporates by reference provisions of both the Emission Guidelines and Federal Plan to give as much flexibility as possible to Oklahoma landfills.

This proposed rule came before the Air Quality Advisory Council on October 20th, 2021, and again on January 19th of 2022. Notices of the proposed rule change were published in the Oklahoma Register on September 15th of 2021, and December 15th of 2021. The Department received written comments from EPA prior to the October meeting and those have been addressed. The Department also received oral comments from Waste Management during the January meeting. No revisions to the proposed rule were necessary based on the oral

1 comments. The Council unanimously approved the proposal at
2 its January meeting.
3 As Chair of the Air Quality Advisory
4 Council, I recommend that the Board approve the
5 proposed Chapter 100 Subchapter 47 revisions as
6 permanent rules.
7 DR. HAMMON: Thank you.
8 Any questions or comments from the Board?
9 MR. BARTON: Just a question. Do you know
10 how many landfills this applies to, how many
11 landfills will be affected?
12 MS. LODES: No.
13 How many do we have affected?
14 I know we asked this question when we did
15 it, but I don't remember the answer now.
16 MR. RILEY: Patrick Riley. I'm the
17 manager of Solid Waste.
18 For this particular rule, we estimate
19 about less than half a dozen that fall under this
20 revision.
21 MR. BARTON: Probably a fairly small
22 amount of emissions that you're recovering.
23 MR. RILEY: Many are subject already, so
24 this affects very few.
25 MS. LODES: And all we've done is

1 incorporate the federal rules and The Federal Plan.
2 We haven't made anything more stringent for them.
3 So they're subject -- they're required to comply
4 today. We're just pulling them out of being
5 federally-applicable and into our State
6 Implementation Plan.
7 DR. HAMMON: Any other questions from the
8 Board?
9 (No response.)
10 DR. HAMMON: Questions or comments from
11 the public?
12 (No response.)
13 DR. HAMMON: All right.
14 Do I have a motion.
15 MR. MASON: Mason. Moves approval.
16 DR. FERRELL: Second.
17 DR. HAMMON: I have a motion and a second.
18 Quiana, roll call, please.
19 MS. FIELDS: Mr. Auer.
20 MR. AUER: Yes.
21 MS. FIELDS: Mr. Barton.
22 MR. BARTON: Yes.
23 MS. FIELDS: Mr. Easton.
24 MR. EASTON: Yes.
25 MS. FIELDS: Dr. Ferrell.

1 DR. FERRELL: Yes.
2 MS. FIELDS: Mr. Griesel.
3 MR. GRIESEL: Yes.
4 MS. FIELDS: Mr. Kinder.
5 MR. KINDER: Yes.
6 MS. FIELDS: Ms. Kindrick.
7 MS. KINDRICK: Yes.
8 MS. FIELDS: Mr. Mason.
9 MR. MASON: Yes.
10 MS. FIELDS: Mr. Munson.
11 MR. MUNSON: Yes.
12 MS. FIELDS: Mr. Paque.
13 MR. PAQUE: Yes.
14 MS. FIELDS: Mr. Sims.
15 MR. SIMS: Yes.
16 MS. FIELDS: Dr. Hammon.
17 DR. HAMMON: Yes.
18 MS. FIELDS: Motion passed.
19 DR. HAMMON: Thank you.
20 MS. LODES: Thank you.
21 DR. HAMMON: Agenda Item Number 9,
22 Rulemaking on Hazardous Waste Management.
23 Lee Grater, the Hazardous Waste Management Advisory
24 Council Chair is presenting today.
25 MR. GRATER: Good morning.

1 DR. HAMMON: Good morning.
2 MR. GRATER: The Hazardous Waste
3 Management and Advisory Council met on October 21st
4 2021, and voted unanimously to approve the proposed
5 changes. The intent of this rulemaking is to make
6 DEQ's hazardous waste rules consistent with the
7 federal regulations by incorporating by reference
8 the regulations found in 40 CFR Parts 124 and
9 260-279, revised as of July 1, 2021.
10 This change modernizes the rules governing
11 the determination for ignitable liquid hazardous
12 waste. The modification will allow labs testing for
13 the characteristic to use non-mercury thermometers.
14 It finalizes the codification of existing guidance
15 defining "aqueous" as 50 percent water by weight.
16 And it corrects cross references to the Department
17 of Transportation regulations and removes obsolete
18 information. This rulemaking ensures that
19 Oklahoma's Hazardous Waste rules are at least
20 equivalent to the federal rules as required to
21 maintain program authorization. Additionally,
22 certain statutes have been rendered obsolete by
23 statutory changes that become effective by July 21,
24 2021. Therefore, DEQ is modifying those rules that
25 are affected by the statute changes.

Council recommends that the Board approve these provisions as proposed.
DR. HAMMON: Thank you.
Questions or comments from the Board?
(No response.)
DR. HAMMON: Questions or comments from the public?
(No response.)
DR. HAMMON: Hearing none, do I have a motion?
MR. MUNSON: Munson. Move approval.
MR. PAQUE: Second. Paque.
DR. HAMMON: I have a motion and a second.
Quiana, roll call, please.
MS. FIELDS: Mr. Auer.
MR. AUER: Yes.
MS. FIELDS: Mr. Barton.
MR. BARTON: Yes.
MS. FIELDS: Mr. Easton.
MR. EASTON: Yes.
MS. FIELDS: Dr. Ferrell.
DR. FERRELL: Yes.
MS. FIELDS: Mr. Griesel.
MR. GRIESEL: Yes.
MS. FIELDS: Mr. Kinder.

MR. KINDER: Yes.
MS. FIELDS: Ms. Kindrick.
MS. KINDRICK: Yes.
MS. FIELDS: Mr. Mason.
MR. MASON: Yes.
MS. FIELDS: Mr. Munson.
MR. MUNSON: Yes.
MS. FIELDS: Mr. Paque.
MR. PAQUE: Yes.
MS. FIELDS: Mr. Sims.
MR. SIMS: Yes.
MS. FIELDS: Dr. Hammon.
DR. HAMMON: Yes.
MS. FIELDS: Motion passed.
DR. HAMMON: Thank you.
We'll continue with Agenda Item Number 10.
Mr. Grater, the floor is still yours for Brownfields.
MR. GRATER: Thank you.
The Brownfields rules were coded by the 2011 Legislative session and have not been updated since that time. Since 2011, DEQ has moved to an electronic filing system. The internet is now more widely used. The EPA has changed its requirements and the internal processes have changed.

Also, the Oklahoma Department of Commerce is no longer the fund manager for the Brownfields Revolving Loan Fund and is so stated in the rules.
DEQ has managed the loan funds in-house for the last few years. DEQ wants to update the Brownfield rules to remove outdated legal citations, fix typos, reduce the amount of hard copies being sent to DEQ for review, allow for electronic files to be posted on DEQ's website and remove references to the Oklahoma Department of Commerce. This will reduce the cost for the participants in DEQ's Brownfields certification and Brownfields Revolving Loan Fund programs.
The intent of this rulemaking is to update the rules to be more aligned with current processes.
The Hazardous Waste Management Advisory Committee Council met on October 21st, 2021, and voted unanimously to approve those changes. The Council recommends that the Board approve the changes as proposed.
DR. HAMMON: All right.
Any questions or comments from the Board?
(No response.)
DR. HAMMON: Questions or comments from the public?

(No response.)
DR. HAMMON: Do I have a motion from the Board?
MR. EASTON: Easton. Move to approve.
MR. KINDER: Kinder. Second.
DR. HAMMON: I have a motion and a second.
Quiana, roll call, please.
MS. FIELDS: Mr. Auer.
MR. AUER: Yes.
MS. FIELDS: Mr. Barton.
MR. BARTON: Yes.
MS. FIELDS: Mr. Easton.
MR. EASTON: Yes.
MS. FIELDS: Dr. Ferrell.
DR. FERRELL: Yes.
MS. FIELDS: Mr. Griesel.
MR. GRIESEL: Yes.
MS. FIELDS: Mr. Kinder.
MR. KINDER: Yes.
MS. FIELDS: Ms. Kindrick.
MS. KINDRICK: Yes.
MS. FIELDS: Mr. Mason.
MR. MASON: Yes.
MS. FIELDS: Mr. Munson.
MR. MUNSON: Yes.

MS. FIELDS: Mr. Paque.
MR. PAQUE: Yes.
MS. FIELDS: Mr. Sims.
MR. SIMS: Yes.
MS. FIELDS: Dr. Hammon.
DR. HAMMON: Yes.
MS. FIELDS: Motion passed.
DR. HAMMON: Thank you, Mr. Grater.
MR. GRATER: Thank you.
DR. HAMMON: Agenda Item 11 is Rulemaking on Management of Solid Waste. And my notes say that instead of Jeff Shepherd today, we will have Brenda Merchant, the Vice Chair of the Solid Waste Management Advisory Council to present.
We do not have --
MR. RILEY: Another change.
DR. HAMMON: -- Brenda Merchant.
MR. RILEY: So since Chairman Shepherd was not available for today, I had arranged for the Co-Chair, Brenda Merchant to be here. She called last night sick and did not want to expose us all to whatever she has.
DR. HAMMON: We appreciate her decision.
MR. RILEY: So I'm Patrick Riley. I work for DEQ in the Solid Waste Group, Environmental

Programs Manager.
So the Department of Environmental Equality is proposing to amend OAC 252:515 in response to Governor Stitt's Executive Order 2020-03. The gist of this rulemaking is to remove redundant and outdated regulations and make minor changes to clarify existing language.
Included are proposed changes to clarify background water quality and assessment monitoring sampling requirements and leachate storage options.
The Solid Waste Management Advisory Council met on January 20th, 2022, and approved the changes to OAC 252:515. The Council recommends that the Board approve the changes to OAC 252:515 today as approved by the Council.
DR. HAMMON: Questions or comments from the Board?
(No response.)
DR. HAMMON: Questions or comments from the public?
(No response.)
DR. HAMMON: Do I have a motion?
MR. SIMS: I move that we approve this recommendation.
DR. HAMMON: Thank you, Mr. Sims.

MR. BARTON: Second.
DR. HAMMON: We have a motion and a second for approval.
Quiana, roll call, please.
MS. FIELDS: Mr. Auer.
MR. AUER: Yes.
MS. FIELDS: Mr. Barton.
MR. BARTON: Yes.
MS. FIELDS: Mr. Easton.
MR. EASTON: Yes.
MS. FIELDS: Dr. Ferrell.
DR. FERRELL: Yes.
MS. FIELDS: Mr. Griesel.
MR. GRIESEL: Yes.
MS. FIELDS: Mr. Kinder.
MR. KINDER: Yes.
MS. FIELDS: Ms. Kindrick.
MS. KINDRICK: Yes.
MS. FIELDS: Mr. Mason.
MR. MASON: Yes.
MS. FIELDS: Mr. Munson.
MR. MUNSON: Yes.
MS. FIELDS: Mr. Paque.
MR. PAQUE: Yes.
MS. FIELDS: Mr. Sims.

MR. SIMS: Yes.
MS. FIELDS: Dr. Hammon.
DR. HAMMON: Yes.
MS. FIELDS: Motion passed.
MR. RILEY: Thank you.
DR. HAMMON: Thank you, Mr. Riley, for stepping in.
Agenda Item 12, Laboratory Accreditation. We have Brian Duzan, Chair of the Water Quality Management Advisory Council to present.
MR. DUZAN: Good morning, everybody. I'm sure you guys were excited when you saw "laboratory" on your Agenda, but just kind of housekeeping at this time.
My name is Brian Duzan. I'm the Chair of the Water Quality Management Advisory Council, and I'll have the next six rules coming up. All of these were handled the same way. The DEQ staff held two informal meetings, one in Tulsa on November 16th, 2021, and one in Oklahoma City on November 10th of 2021. The DEQ then discussed proposed rulemaking at the October 5th, 2021, WQMAC meeting, and then we voted on them on the January 11th, 2022, WQMAC meeting where these were unanimously accepted by the Council.

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The first one is 252:301 Laboratory Accreditation. The laboratory -- the Department is proposing the update of incorporation by reference of federal rules from July 1st of 2018 to July 19th of 2021.

The federal regulations updates being incorporated include the EPA's Clean Water Act method update rule, the National Primary Drinking Water Expedited approval of alternate test procedures and a Resource Conservation and Recovery Act release of updated methods SW-846 compendium of hazardous waste testing methods.

These changes to test procedures are required to be used by private, industrial, and municipal laboratories when analyzing the chemicals, physical and biological properties for drinking water, wastewater and other environmental sampling reports under the EPA and DEQ programs.

Other updates to the rule include removal of language and requirements that are now considered outdated and unnecessary. It is anticipated that these changes will provide increased flexibility for the regulated community in meeting accreditation requirements without negative impact on overall data quality. The DEQ received no formal comments on

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Chapter 301.

This rulemaking is necessary to ensure Oklahoma retains responsibility for administrating the Laboratory Accreditation program for the testing and compliance samples in Oklahoma.

If you have any questions or comments, I'd be glad to field them.

DR. HAMMON: Questions or comments from the Board?

(No response.)

DR. HAMMON: Questions or comments from the public?

(No response.)

DR. HAMMON: Is there an action by the Board?

MR. MUNSON: Munson moves approval.

MS. KINDRICK: Second.

DR. HAMMON: I have a motion to approve and a second.

Quiana, roll call, please.

MS. FIELDS: Mr. Auer.

MR. AUER: Yes.

MS. FIELDS: Mr. Barton.

MR. BARTON: Yes.

MS. FIELDS: Mr. Easton.

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MR. EASTON: Yes.

MS. FIELDS: Dr. Ferrell.

DR. FERRELL: Yes.

MS. FIELDS: Mr. Griesel.

MR. GRIESEL: Yes.

MS. FIELDS: Mr. Kinder.

MR. KINDER: Yes.

MS. FIELDS: Ms. Kindrick.

MS. KINDRICK: Yes.

MS. FIELDS: Mr. Mason.

MR. MASON: Yes.

MS. FIELDS: Mr. Munson.

MR. MUNSON: Yes.

MS. FIELDS: Mr. Paque.

MR. PAQUE: Yes.

MS. FIELDS: Mr. Sims.

MR. SIMS: Yes.

MS. FIELDS: Dr. Hammon.

DR. HAMMON: Yes.

MS. FIELDS: Motion passed.

DR. HAMMON: All right.

Mr. Duzan, Agenda Item Number 13.

MR. DUZAN: Okay. 302 is very similar, but this is the Field Laboratory Accreditation. Same thing. We had two meetings, one in Tulsa, one

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in Oklahoma City, and then this rule was unanimously recommended to the Board by the Council on the January 11th, 2022 meeting.

The Department is proposing to update the date of incorporation by reference of the federal rule from July 1st, 2018 to July 19th, 2021.

The federal regulations update being incorporated include the EPA's Clean Water Act Method Update Rule that became effective July 19th of 2021. The rule finalizes changes to the test procedures required to be used for industrials and municipalities when analyzing the chemical properties of wastewater samples reported under EPA's National Pollutant Discharge Elimination System Permit Program.

Other updates to the rule include removal of language and requirements that are now considered outdated and unnecessary. It is anticipated that these changes will provide increased flexibility to the regulated community and meeting accreditation requirements with no negative impact on overall data quality. Once again, the DEQ received no formal comments to Chapter 302.

The rulemaking is necessary to ensure Oklahoma retains responsibility for administrative

laboratory accreditation program for the testing of the compliance samples in Oklahoma.

Do you have any questions or comments?

DR. HAMMON: Anything from the Board?

(No response.)

DR. HAMMON: Hearing none, questions or comments from the public?

(No response.)

DR. HAMMON: All right. Do I have a motion?

MR. PAQUE: I'd moved approval. Paque.

DR. FERRELL: Ferrell. Second.

DR. HAMMON: I have a motion to approve and a second.

Quiana, roll call, please.

MS. FIELDS: Mr. Auer.

MR. AUER: Yes.

MS. FIELDS: Mr. Barton.

MR. BARTON: Yes.

MS. FIELDS: Mr. Easton.

MR. EASTON: Yes.

MS. FIELDS: Dr. Ferrell.

DR. FERRELL: Yes.

MS. FIELDS: Mr. Griesel.

MR. GRIESEL: Yes.

MS. FIELDS: Mr. Kinder.

MR. KINDER: Yes.

MS. FIELDS: Ms. Kindrick.

MS. KINDRICK: Yes.

MS. FIELDS: Mr. Mason.

MR. MASON: Yes.

MS. FIELDS: Mr. Munson.

MR. MUNSON: Yes.

MS. FIELDS: Mr. Paque.

MR. PAQUE: Yes.

MS. FIELDS: Mr. Sims.

MR. SIMS: Yes.

MS. FIELDS: Dr. Hammon.

DR. HAMMON: Yes.

MS. FIELDS: Motion passed.

DR. HAMMON: Thank you.

Agenda Item Number 14, Rulemaking on TNI Laboratory Accreditation.

MR. DUZAN: Okay. Thank you.

This is -- again, it's very similar. This proposal went through the two meetings; one Tulsa, one in Oklahoma City, and was voted on unanimously by the WQMAC on January 11th, 2022.

This one is Chapter 307, TNI Laboratory Accreditation. The Department is proposing to

update the date of incorporation by reference of federal rules from July 1st, 2018, to July 19th, 2021, and update the reference to the current TNI standard.

The federal regulation updates being incorporated include the EPA's Clean Water Act method update rule, National Primary Drinking Water expedited approval of alternate test procedures, and the Resource Conservation Recovery Act released the updated methods to the SW8-46 compendium of hazardous waste testing methods.

These changes in the test procedures are required to be used by analyzing chemical, physical, and biological properties of drinking water, wastewater and other environmental samples for reporting under EPA's and DEQ's programs.

Other updates to the rule include the reference to the 2016 TNI standard with the supplementary language to be consistent with the current TNI standard. The DEQ received no formal comments to Chapter 307.

This rulemaking is to ensure Oklahoma retains responsibility for administrating the Laboratory Accreditation Program for the testing and compliance of samples in Oklahoma.

I do need to point out that there was a typo found in the rule text in your packets. In 252:307-9-8, there was a typo for the word "failing." This typo is isolated to the prepared materials for the Board packet only.

If you have any questions or comments, I'd be happy to answer.

DR. HAMMON: Comments or questions from the Board?

(No response.)

DR. HAMMON: Comments or questions from the public?

(No response.)

DR. HAMMON: Hearing none, is there a motion?

MR. KINDER: Kinder. Motion to approve.

MR. AUER: Auer. Second.

DR. HAMMON: I have a motion and a second.

Quiana, roll call, please.

MS. FIELDS: Mr. Auer.

MR. AUER: Yes.

MS. FIELDS: Mr. Barton.

MR. BARTON: Yes.

MS. FIELDS: Mr. Easton.

MR. EASTON: Yes.

MS. FIELDS: Dr. Ferrell.
DR. FERRELL: Yes.
MS. FIELDS: Mr. Griesel.
MR. GRIESEL: Yes.
MS. FIELDS: Mr. Kinder.
MR. KINDER: Yes.
MS. FIELDS: Ms. Kindrick.
MS. KINDRICK: Yes.
MS. FIELDS: Mr. Mason.
MR. MASON: Yes.
MS. FIELDS: Mr. Munson.
MR. MUNSON: Yes.
MS. FIELDS: Mr. Paque.
MR. PAQUE: Yes.
MS. FIELDS: Mr. Sims.
MR. SIMS: Yes.
MS. FIELDS: Dr. Hammon.
DR. HAMMON: Yes.
MS. FIELDS: Motion passed.
DR. HAMMON: All right. Thank you.
You are halfway through.
MR. DUZAN: Halfway.
DR. HAMMON: Three done, three to go.
Agenda Item 15 on the Oklahoma Pollutant Discharge Elimination System Standards.

MR. DUZAN: Okay. This is Chapter 606. Once again, this was brought up to two informal meetings; one in Tulsa, one in Oklahoma City, and was voted on, on the July 11th, 2022, WQMAC where it was unanimously recommended to the Board.

606 is the Oklahoma Pollutant Discharge and Elimination Standards. The Department is proposing to update the date of incorporation by reference of federal rules from July 1st, 2020, to July 19th, 2021.

The federal regulation updates being incorporated include the EPA's Clean Water Act method update rule that became effective July 19th, 2021. The rule finalized changes to test procedures required to be used by industries and municipalities when analyzing the chemical, physical, and biological properties of wastewater and other environment samples for reporting under EPA's NPDES permit program.

It is anticipated that these changes will provide increased flexibility from the regulated community in meeting monitoring requirements while improving data quality. DEQ received no formal comments to 606.

The rulemaking is necessary to ensure

Oklahoma retain responsibility for administrating the NPDES program in Oklahoma.
Do you have any questions or comments?
(No response.)
DR. HAMMON: I am not seeing any from the Board.
Are there questions or comments from the public?
(No response.)
DR. HAMMON: Hearing none, do I have a motion?
MR. GRIESEL: So moved.
MR. PAQUE: Second.
DR. HAMMON: I have a motion and a second for approval.
Quiana.
MS. FIELDS: Mr. Auer.
MR. AUER: Yes.
MS. FIELDS: Mr. Barton.
MR. BARTON: Yes.
MS. FIELDS: Mr. Easton.
MR. EASTON: Yes.
MS. FIELDS: Dr. Ferrell.
DR. FERRELL: Yes.
MS. FIELDS: Mr. Griesel.

MR. GRIESEL: Yes.
MS. FIELDS: Mr. Kinder.
MR. KINDER: Yes.
MS. FIELDS: Ms. Kindrick.
MS. KINDRICK: Yes.
MS. FIELDS: Mr. Mason.
MR. MASON: Yes.
MS. FIELDS: Mr. Munson.
MR. MUNSON: Yes.
MS. FIELDS: Mr. Paque.
MR. PAQUE: Yes.
MS. FIELDS: Mr. Sims.
MR. SIMS: Yes.
MS. FIELDS: Dr. Hammon.
DR. HAMMON: Yes.
MS. FIELDS: Motion passed.
DR. HAMMON: Thank you.
Agenda Item Number 16, Public Water Supply Operation.
Mr. Duzan.
MR. DUZAN: Okay. This is Chapter 631. The same situation, we had two meetings; one in Tulsa, one in Oklahoma City, and then it was voted on the January 11th, 2022, WQMAC meeting where it was unanimously recommended to the Board by the

1 Council. And there's some tongue-ties in here when
2 you get to some of these acronyms.
3 This is Chapter 631, Public Water Supply
4 Operation. The Department is proposing to update
5 the date of incorporation by reference for federal
6 regulations from July 1st, 2020, to July 1st, 2021.
7 The federal regulation updates being
8 incorporated ensure the Department of Environmental
9 Quality is in compliance with federal regulations
10 promulgated pursuant to the Reduction of Lead in the
11 Drinking Water Act, RLDWA and the Safe Drinking
12 Water Act.
13 The federal regulation updates being
14 incorporated include EPA finalized changes to
15 existing regulations to protect the public from lead
16 in plumbing materials used in public water systems
17 or residential or nonresidential facilities
18 providing water for human consumption.
19 The rule changes codify aspects of the
20 RLDWA of 2011 and the Community Fire Safety Act of
21 2013. The RLDWA amended Section 1417 of the SDWA,
22 which prohibits the use of introduction into
23 commerce of certain plumbing products that are not
24 considered lead free.
25 The RLDWA revised the definition of "lead

1 free" to lower the allowable maximum lead content of
2 plumbing products and establish a statutory method
3 for calculating lead content.
4 The EPA also established new requirements
5 for manufacturers for importers that introduce into
6 commerce products that must meet lead-free
7 requirements to certify such products as being in
8 compliance with the lead-free requirement in
9 section 1417 of the SDWA as amended.
10 The EPA expects these requirements for
11 lead content in plumbing materials used in new
12 installations or repairs will result in fewer
13 sources of lead in drinking water and consequently
14 will reduce adverse health effects associated with
15 exposure to lead in drinking water. The final rule
16 effective October 1st, 2020. And the DEQ received
17 no formal comments with our proposed changes to
18 Chapter 631.
19 This rule making is necessary to ensure
20 Oklahoma retains responsibility for administrating
21 Oklahoma's Public Water Supply Supervision Program
22 that is in compliance with DEQ's Primacy Agreement
23 with EPA.
24 Do you have any questions or comments?
25 DR. HAMMON: Questions or comments from

1 the Board?
2 MR. MASON: Mason has a comment --
3 question, and it's really not related to the rules,
4 Scott and may be a tough question.
5 There's efforts made to get existing lead
6 pipes out of circulation. How are we doing in
7 Oklahoma?
8 MR. THOMPSON: All right. Well, I think
9 we're doing reasonably well. We don't have a
10 historical lead pipe problem that they do in a lot
11 of other states, especially to the northwest. We do
12 have some historical lead lines.
13 Most of our focus in the program that the
14 Lead Copper Rule focuses on really, most of the time
15 we're detecting lead that's due to the plumbing side
16 or on the non-municipal side of the water meter, its
17 fixtures, et cetera.
18 We have where Secretary Wagner really
19 wanted us to step up to work with schools and
20 identified lead issues in schools, and we've done
21 some of that in the past. But he helped acquire
22 some funding to do more of that. And so we've been
23 out testing schools, and a lot of times there are
24 issues really, like, say, a drinking fountain
25 fixture that's really old or something, and the

1 schools were somewhat reluctant to get in on the
2 program because they were worried about the cost if
3 we find it, where are they going to get the money to
4 change out the fixtures.
5 And so part of this effort was to try to
6 identify some funding sources to help them replace
7 that. So, you know -- and you can run into some
8 issues when you mix water in the system that's
9 chlorinated water versus chlorine water and
10 occasionally people buy water from somebody else.
11 You can get some reaction to the plumbing system
12 that caused some issue.
13 But for the most part, we're doing
14 reasonably well and, you know, we're just going to
15 continue to update the rules as the federal rules
16 change.
17 MR. MASON: Thank you.
18 DR. HAMMON: Thank you.
19 Other questions or comments from the
20 Board?
21 (No response.)
22 DR. HAMMON: Any questions or comments
23 from the public?
24 (No response.)
25 DR. HAMMON: Hearing none, do I have a

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1 motion?
2 MR. MASON: Mason moves approval.
3 MR. MUNSON: Munson, second.
4 DR. HAMMON: I have an approval and a
5 second.
6 Quiana, roll call, please?
7 MS. FIELDS: Mr. Auer.
8 MR. AUER: Yes.
9 MS. FIELDS: Mr. Barton.
10 MR. BARTON: Yes.
11 MS. FIELDS: Mr. Easton.
12 MR. EASTON: Yes.
13 MS. FIELDS: Dr. Ferrell.
14 DR. FERRELL: Yes.
15 MS. FIELDS: Mr. Griesel.
16 MR. GRIESEL: Yes.
17 MS. FIELDS: Mr. Kinder.
18 MR. KINDER: Yes.
19 MS. FIELDS: Ms. Kindrick.
20 MS. KINDRICK: Yes.
21 MS. FIELDS: Mr. Mason.
22 MR. MASON: Yes.
23 MS. FIELDS: Mr. Munson.
24 MR. MUNSON: Yes.
25 MS. FIELDS: Mr. Paque.

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1 MR. PAQUE: Yes.
2 MS. FIELDS: Mr. Sims.
3 MR. SIMS: Yes.
4 MS. FIELDS: Dr. Hammon.
5 DR. HAMMON: Yes.
6 MS. FIELDS: Motion passed.
7 DR. HAMMON: All right.
8 On to the last one, Agenda Item Number 17,
9 Water Quality Standards Implementation.
10 MR. DUZAN: Okay. Thank you.
11 This is Chapter 690, the Water Quality
12 Standards Implementation. And once again, the DEQ
13 held two informal meetings; one in Tulsa and one in
14 Oklahoma City. And this was voted on by the Council
15 on January the 11th, 2022, where it was unanimously
16 accepted and to be recommended to the Board.
17 The Department is proposing to update the
18 date of incorporation by reference for federal
19 regulations from July 1st, 2020, to July 19, 2021.
20 The federal regulation updates being incorporated
21 include the EPA's Clean Water Act method update rule
22 that became effective July 19, 2021. The rule
23 finalized changes to test procedures required to be
24 used by industrial and municipalities when analyzing
25 chemical, physical, and biological properties of

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1 wastewater and other environmental samples for
2 reporting under EPA's NPDES permit program.
3 It is anticipated that these changes will
4 provide an increased flexibility for the regulated
5 community in meeting the monitoring requirements
6 while improving data quality. The DEQ received no
7 formal comments to the Chapter 690 proposal.
8 This rulemaking is necessary to ensure
9 Oklahoma retains responsibility for administering
10 the NPDES program in Oklahoma.
11 If you have any questions or comments, I'd
12 be glad to answer.
13 DR. HAMMON: Mr. Duzan, can you just
14 confirm that this is limited to the test methods
15 only and not to the actual chemical limit?
16 MR. DUZAN: Correct. This is just the
17 update to the -- and you saw me rattle that off, the
18 EPA's Clean Water Method Update rule in all of
19 these.
20 So, basically, the EPA, every now and
21 then, comes out with new test methods and they
22 produce a new Method Update Rule and then it gets
23 sandwiched in everywhere and we have to update it
24 all.
25 DR. HAMMON: Appreciate that. Thank you.

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1 Any questions or comments from the Board?
2 (No response.)
3 DR. HAMMON: Questions or comments from
4 the public.
5 (No response.)
6 DR. HAMMON: Do I have a motion?
7 MR. GRIESEL: So moved.
8 MR. PAQUE: I'll second.
9 I have a question, but I'll follow up
10 later.
11 DR. HAMMON: I have a motion and a second
12 for approval.
13 Quiana, roll call, please.
14 MS. FIELDS: Mr. Auer.
15 MR. AUER: Yes.
16 MS. FIELDS: Mr. Barton.
17 MR. BARTON: Yes.
18 MS. FIELDS: Mr. Easton.
19 MR. EASTON: Yes.
20 MS. FIELDS: Dr. Ferrell.
21 DR. FERRELL: Yes.
22 MS. FIELDS: Mr. Griesel.
23 MR. GRIESEL: Yes.
24 MS. FIELDS: Mr. Kinder.
25 MR. KINDER: Yes.

MS. FIELDS: Ms. Kindrick.
MS. KINDRICK: Yes.
MS. FIELDS: Mr. Mason.
MR. MASON: Yes.
MS. FIELDS: Mr. Munson.
MR. MUNSON: Yes.
MS. FIELDS: Mr. Paque.
MR. PAQUE: Yes.
MS. FIELDS: Mr. Sims.
MR. SIMS: Yes.
MS. FIELDS: Dr. Hammon.
DR. HAMMON: Yes.
MS. FIELDS: Motion passed.
DR. HAMMON: Thank you very much.
All right. Agenda Item Number 18 is the Executive Director's Report, Mr. Scott Thompson.
Scott.
MR. THOMPSON: Thank you.
I spoke with Secretary Wagner today and he's unable to attend, but he wanted me to tell you guys "hi" and wishes he could be here, so...
All right. Obviously, we're all dealing with the pandemic still. We have been very flexible with our tele-work policy with the recent spike in the number of cases. So we had tried to implement a

permanent tele-work policy to some percentage of our staff that it was feasible to do. And so we've had to relax that and just trying to get through the last couple of months.
And, you know, so we're still doing all the disinfection, et cetera, and using the virtual meetings a lot still. At the national level, I still have not had a live meeting. There was one that I could have gone to in Region 6, but I was unable to attend in person, and so I had to do that one virtually. But Secretary Wagner was there.
The parking garage, the update is that the fifth floor is now being closed completely, which I believe cost us about another 27 spaces because parts of that floor were already closed off. So that means the garage is useable from the fourth floor down. And parts of that are closed off because of cement crumbling from the ceiling and stuff.
We got to visually check that. We have an engineer looking at it, I believe, either monthly or quarterly now, and we forward those reports to the Legislature to help them stay aware of the severity of the situation, so...
So we're at 51 percent of the parking

garage not being useable. That's 166 spaces. We do have some offsite parking that we rent that helps us get through this.
But, again, if that doesn't -- if we don't get a solution for that, you know, we're not allowed to kind of fix that, then we will increase tele-work. There's just no doubt. We may go back to the maximum tele-work that we were in the beginning of the pandemic, so...
We were able to make that work pretty well in a lot of programs. Some jobs, that's just really not feasible, so we'll just have to make due.
Legislative updates, House Bill 3491 would require approval of the legislature in advance for adoption of any greenhouse gas rules. We've visited with some folks over it and expressed concerns about, you know, that they need to understand. What that means is if EPA adopts a federal rule and we can't adopt that rule, then EPA would be in charge of the enforcement of that rule, directly.
And so, if that's what the Legislature and the Governor decide to do, that's fine, we'll abide by it. But we're trying to educate them as to the possible impacts of that.
Another bill, Senate Bill 1794 would

require DEQ and the Office of the Secretary of Environment and Energy to do a study of the feasibility of nuclear power plants in Oklahoma.
And I've had some interest in this for a while because conventional nuclear plants aren't really very economically feasible at this point in time and there's really no long-term solution for the ways that it has to be managed for, you know, maybe 200,000 years if you want to wait until we get the background, but...
So there's -- you know, every nuclear plant that's out there right now is a permanent disposable facility. Because I don't expect the Federal Government to identify and create and construct a disposal facility.
That being said, I think this focus is on new emerging nuclear -- advanced nuclear plants that are being considered. And so that would be the focus of this study if this bill passes, and I think we'd be happy to participate in that. Kind of interested to see how that is going, what the costs are, et cetera, and what the pros and cons are the potential issues with it.
But, you know, I don't even think we can consider a current technology nuclear plant. People

1 talk about the past -- the post-closure costs and
2 the security and the water needs and how many years
3 that goes. And there's really not a plan for how to
4 fund that long, long-term. There's probably some
5 funding for maybe 30 years post-closure or something
6 like that, but then who's handling that afterwards?
7 Supposedly, it's the Federal Government.
8 So House Bill 3386 and Senate Bill 1325
9 would transfer responsibility for Water Quality
10 Standards from Water Resources Board to DEQ. That
11 is not -- those bills were not initiated by DEQ.
12 But I think some of you are aware of some of the
13 issues in the past, and we are not opposed to this
14 if the Legislature is determined to do it and the
15 Governor signed it.
16 Now, House Bill 3824 is one we brought to
17 you to bless for us to go forward with, which is to
18 allow us to grant variances from Water Quality
19 Standards as permits issued by DEQ. And we're
20 going -- you know, we had to tweak it a little bit.
21 We may have to do it by rule or through the permit.
22 If we can work it out through EPA that the
23 permitting process meets their requirements to do
24 so, that would be the best way to do it. Because
25 then we can identify upfront what a municipality has

1 to build to and design to, instead of having
2 possibly three to five years upfront of trying to
3 sort this out with rulemaking and EPA approval
4 before the facility can even know what standards
5 they have to meet.
6 And this would only be applicable in
7 situations that the standard cannot be met. This
8 already exists in federal law, where EPA has a
9 primacy for the Clean Water Act Program, wastewater
10 discharges. They do this frequently themselves,
11 where the standard has been set to a point that it
12 cannot be met.
13 And so it's a critical thing to do and to
14 try to be able to let the cities be able to improve
15 their discharges, for us to be able to issue a
16 permit legally defensible and take them as far as we
17 can take them. But if we were to write a standard
18 that can't be met into their permit, under the
19 federal anti-backsliding requirements, then even if
20 it can't be met, even if the science changes later,
21 we can never move that number back up.
22 So, it's just -- you'd have people in
23 perpetual non-compliance that achieves nothing,
24 really, and kind of discourages them from trying to
25 fund and spend the money and upgrade their systems.

1 So that's a very important issue.
2 Senate Bill 1854 would require DEQ to
3 establish a streamline permitting for hydrogen fuel
4 production facilities. And I think to the degree
5 that we would regulate such a facility, we have a
6 pretty streamlined process already. So we'd be
7 visiting with people about what's feasible and
8 what's not.
9 Secretary Wagner had led a hydrogen task
10 force and some of our folks have participated in
11 that. Lloyd Kirk and Saba Tahmassebi. And so we're
12 doing what we can to, you know, help move into the
13 hydrogen economy if that gets real. And it looks
14 like it has a lot of promise.
15 But, you know, I don't know that -- some
16 of the issues are not under our jurisdiction. That
17 would have to be addressed. And so we -- if that
18 passes, we will work with folks to get -- to make
19 our part of that as smooth as possible.
20 All right. And under Government
21 Operations and Procedures, House Bill 3415 and
22 Senate Bill 1804 would expand the opportunities to
23 use teleconferencing or videoconferencing for public
24 meetings.
25 Likewise, House Bill 3708 and Senate Bill

1 1547 would require live-streaming of public meetings
2 as I think agencies are able to build capability to
3 do so.
4 And I think in those two bills, it would
5 not -- there wouldn't be any ability to communicate,
6 ask questions and stuff. It would just simply be a
7 live-stream people can watch, kind of like when you
8 watch -- if you watch committee meetings at the
9 capitol, so...
10 Senate Bill 1273 would protect "free
11 speech" rights at public meetings where public
12 comments are allowed.
13 Senate Bill 1721 would create a "General
14 Regulatory Relief Office" within the Department of
15 Labor. Sort of a one-stop-shop to complain about
16 the effect of existing or pending rules on business.
17 And so I don't really anticipate any
18 issues with those, if they pass. I think we pretty
19 much do a lot of that anyway already.
20 So the Governor issued a substitute
21 teaching executive order. We've had 15 or 16
22 employees show an interest, but I don't think any of
23 our folks have actually been able to participate
24 yet. The issue was thrown out there very fast.
25 We're trying to understand what it meant, how it

would work, how people were funded and so it took a little bit to try to get that clear to us.

But we have folks that are willing to do so if they are assigned to a school that's near them that folks that are spearheading this, you know, assign them to.

And so Personnel Act implementation. Last year, a new version of personnel rules went into -- was passed and it went into effect this January 1st. And it refers to all employees, State employees without reference to classified or unclassified. It replaces the Merit Protection Commission with a new appeals process for employees.

The Merit Protection Commission is going to continue for a year within the existing cases that they have before them to close those out, at least that's the plan. And we've been working with both OMES and the Merit Protection Commission on this. And OMES has adopted some temporary rules, emergency rules to implement this, but expect some significant changes in permanent rules as everybody works through this. So we will just continue to work on that with folks.

So we're trying to train our managers and get the word out. But it's still not a hundred

percent clear to us exactly how things are going to work, in some cases, but we will continue to try to fine-tune that and maybe help OMES understand some of our perspective on how things could be written in permanent rules.

Waters of the U.S. Rule, EPA is no longer implementing the Trump era Waters of the U.S. Rule. EPA proposed a new, probably expanded definition of WOTUS in December.

And so we, with the new Secretary's Office, submitted comments on the proposed rule February 7th.

On January 24th, the Supreme Court agreed to hear a case focused on this definition and the extent of federal jurisdiction under the Clean Water Act. And we're, you know, obviously going to wait to see what that case brings out.

The biggest issue with some of the versions of what has been floated out there in the past, and maybe this one, is it's just not really clear where it applies.

I mean, we have a somewhat simplified issue in Oklahoma because all the water is waters of the State pretty much, but...

So there needs to be clarity on where

federal jurisdiction actually applies, and the people who have to try to comply with this.

If the rules are not clear, and they're not, EPA can't really explain exactly where this would apply or where it wouldn't, at least in the first version of what was -- they said, "You know, we'll do case-by-case determinations." They didn't know what the law said.

But that could take five to ten years to know what the law says today that people have to comply with today on their own, because neither EPA, nor the Corp of Engineers, is going to come out and tell everybody what they have to do to do it right. They're expected to document themselves that they're in compliance with federal law, which is very nebulous and has no objective criteria.

I don't know, to the extent this new version has corrected that, but our folks are all looking at it and working on it. So we'll see how that shakes out.

So, yeah, I talked about the lead testing in schools and daycares. And I think we've mentioned this in the past, but the labs have been working on samples and we've gotten quite a few folks to participate, I believe.

And so we're working with anybody we get a hit -- or anybody we get a hit -- significant hit with, nonetheless, copper program working with the school or, in some cases, municipality to try again and maybe individual homeowners sometimes on trying to identify what the issue actually is and try to get that resolved. And, like I said, it's rarely the source water.

So some of that can be pretty costly. But as of December of 2021, 47 schools and daycares, and some other organizations, have participated across the state. And they have about 22,000 students and staff.

We analyzed 1,500 samples. Sixty-nine percent of the samples did not detect lead; twenty-eight percent of the samples detected lead below action levels; four percent of the samples had lead exceedances.

And so four schools have completed needed repairs and upgrades, fifteen schools are undergoing repairs and upgrades, and 29 schools are having their application for assistance reviewed, sampling plans are being developed.

So more than $15,000 of our Site Cleanup and Assistance Program funding has been requested,

and so we're trying to use some of our fee money to help solve this, where we can.

But we're also looking for -- I think, Shellie is chasing some federal dollars to assist with this, as well. So -- and Shellie is the Director over Water Quality Division.

So, you know, at least 6,000 students are now drinking safer water, due to repairs that have been made. So we hope to continue to improve on those numbers.

And then Broken Bow Water Treatment Supervisor and water treatment plant' assistants helped get sample collection in all schools in their district, in the Broken Bow district, and they've applied for the program.

And students and teachers used it as a learning opportunity at Stonewall Schools and assisted in collecting samples at their school, so that's a good thing.

And I would like to thank our employees for the quarter for the past four quarters, and I -- I believe we have a short video to introduce each one of them to you.

(Video played.)

MR. THOMPSON: Well, hopefully in the

future, maybe we'll have those folks here in person. We didn't plan on having them here today because we weren't sure how the state of the COVID situation was going to be, but -- so -- and I think we may have that up on our website somewhere or will have anyways. So that's a great story. And really want to thank those folks for stepping up and doing what they do.

And at your place, you should have gotten a charging station "Fact Sheet" which at the last meeting, Mr. Hirshey had asked about the update on the status of the charging stations that have been installed across the state, mostly as part of the Volkswagen Settlement. And this gives you the facts and where we are in terms of that. And we are top ten list in some categories, and so that's good.

We had a very effective relationship with a contractor to get this done for reasonable prices pretty rapidly for some of these. And then, of course, we had a lot of cooperation with the folks who applied for the VW money to do different things, but...

It's all good. We're -- and Oklahoma is near the top in alternative energy sources, especially wind. And we're moving more into solar,

et cetera, so -- and then if the hydrogen things take off, that's going to be really great.

We do have a new electric car manufacturer that we helped the Department of Commerce recruit to Oklahoma, Canoo. So I think there's -- there's a great future here for moving into the new types of energy and mobile uses of that energy and just modernizing things. So we're doing a good job there.

And Lloyd and his folks really helped recruit some new businesses. And there's -- you know, we've become a proof-positive place for at least people to consider, and there's a lot of potential things going on out there. So we hope to be able to talk to you about that if they do.

So the last thing I'd like to do is to thank David Griesel for his service. And it's very tempting to me to start a roast, but I won't.

(Laughter.)

MR. THOMPSON: But David and I go way back. I came out of the Wind Protection Division working for him in Solid Waste doing different things, mostly super-fun stuff.

But David has always been, as far as I can remember, helping us on this Solid Waste Council,

et cetera. And I actually met David when he was the youngest mayor ever in the history of Oklahoma. I don't know if they've elected anybody else that young or younger yet, but I would assume a few places they have where there's not 50 people to choose from.

But it was great. David was good. And David has been a great friend to the DEQ and really supportive. And, you know, I don't think he will stay away completely, and we'll try to twist his arm to get him into some things.

So thanks, David. Really appreciate your service, and don't be a stranger.

MR. GRIESEL: Thank you, sir, very much.

(Applause.)

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

As per the Agenda, Scott's report was for informational purposes only. No action by the Board is required. But if you have questions, now is the time to ask, or comments.

MR. PAQUE: Tracy, I had just a comment before I forget. It's not that important, but I may not remember an hour from now.

Scott, there was a -- I just read in some

1 news feed about the Tennessee Valley Authority is
2 doing a piece of study on four new prototype nuclear
3 stations and might have someone birddog that and
4 see.
5 I was interested in the environmental
6 piece of it. But it's -- the purpose for TV doing
7 it is to meet some future equality goal or something
8 like that.
9 But if that bill passes and DEQ is
10 actually the road on that, the duty of doing that
11 feasibility study falls in your lap, you might have
12 a head start there.
13 MR. THOMPSON: Yeah. We'd be glad to.
14 You know, we don't make policy decisions about
15 energy sources. We deal with how you comply with
16 the regulations that affect those from the
17 environmental side.
18 But I know that Secretary Wagner, and
19 basically the State of Oklahoma, is very interested
20 in having a very diversified energy portfolio just
21 to make sure we can deal with things.
22 And, you know, obviously, we managed the
23 snowstorm last year a little better than our
24 neighbors to the south did, so -- and I think part
25 of that is because we have enough energy sources

1 that we were able to adapt to the situation.
2 MR. KINDER: Scott -- Kinder here. I've
3 got a question. I think it kind of follows up with
4 Steve a little bit about the Lead and Copper Rule
5 that the EPA came out with, I think, in December.
6 And one of the things that they're tasking water
7 systems to do is to identify lead surface lines and,
8 you know, you talked about doing that in schools.
9 Do we have a methodology coming on that is
10 going to tell our systems what they need to do to
11 comply with that rule?
12 MR. THOMPSON: Well, when you guys ask me
13 hard questions, I have to call on someone.
14 So Shellie Chard, the Director of our
15 Water Quality Division is coming up to answer that.
16 MS. CHARD: Good morning, everyone. I'm
17 Shellie Chard. I'm the Water Quality Division
18 Director.
19 So we are working with our water systems
20 already. We have some survey tools we've sent out.
21 We've had somewhere in the neighborhood of 300 water
22 systems that have responded to the surveys where
23 they think they may have some lead lines. We're
24 working with them directly on some simple ways that
25 they can do some evaluation without having to dig up

1 half the town.
2 We're also working with some of our
3 technical assistance providers. Our cap, and
4 primary Rural Water Association are looking at some
5 ways that they can help systems. We're also working
6 with our larger systems to see if they may be
7 willing to help some of our smaller towns.
8 We know we're going to be getting
9 additional guidance from EPA. Sometimes their
10 guidance is challenging, and so we're trying to work
11 on our own way that we can help our systems.
12 We will be participating in some national
13 groups with other states through the Association of
14 State Drinking Water Administrators. They've been
15 putting together some very useful tools that we'll
16 be sharing with our systems.
17 If there's something in particular, I will
18 be happy to talk to you. But some things we've
19 already been able to implement, but this is
20 something that's going to be with us for a while.
21 Fortunately, we knew it was coming and
22 kind of started some of that preliminary work almost
23 a year ago. But we are going to work with our
24 systems to try to do some of those surveys that
25 they're going to have to submit under the new Lead

1 and Copper Rule.
2 We've also gotten some indication from EPA
3 on some of the smaller systems, we may be able to
4 use some of the infrastructure funding money rather
5 than just for constructions. But to do so, they
6 needed survey work and that technical assistance
7 work in order to help them identify actually what
8 they have.
9 Does that address --
10 MR. KINDER: Yeah. Yeah, thank you.
11 MR. MASON: I have a comment about
12 Mr. Griesel.
13 (Laughter.)
14 MR. MASON: So like Fenton and Scott,
15 David and I were here 30 years ago over in Solid
16 Waste. If you go back 30 years, many people forget,
17 you know, 30 years ago we were arguing about
18 incorporating federal guidelines about plastic
19 liners, methane control had sure not been invented,
20 so we've had a good ride.
21 Appreciate what you've done for the
22 environment, particularly Solid Waste, over
23 30 years. Thank you for sticking through it.
24 MR. GRIESEL: Thank you.
25 DR. HAMMON: Other comments and questions?

(No response.)

DR. HAMMON: All right. I have a couple of words.

Oklahoma has always been a leader in energy industry and that technology, and it's really exciting to see a lot of the emerging energy sources as we transition to those and the State having such an involvement in that. So that's exciting. Appreciate the updates there.

And also on behalf of the Board, they may never read these minutes, but I want to thank the employees of the quarter Michelle, Patrick, Jeff, and Cory for their hard work. Hopefully we'll get to meet them at some point.

Please tell them thank you on behalf of the Board. And it was wonderful to see the video and be a little more connected to them. So thank you for putting that together.

Any do-overs? Anyone with a question or comment?

(No response.)

DR. HAMMON: All right. Thank you.

Moving on to Agenda 19 is the budget update and financial overview.

Dr. Hammon: Kathy Aebischer.

MS. AEBISCHER: Madam Chair, members of the Board, Kathy Aebischer, CFO for DEQ. I'm going to give you the budget status report through December 31st, which is halfway through our fiscal year.

(Showing slide.)

MS. AEBISCHER: If we look at our revenues, we have collected 71.4 percent of the total projected revenue through the first half of the year.

ECLS, there's just a little bit -- 55,000 less than projected. Not concerned with that. That's a timing. We had some invoices outstanding, so that should be fine.

The other, if you notice, is Air Quality is 243,000 less than last year. But we expected and projected 448,000 less to be collected this year. So it's just showing that it's -- it's going to be about that amount. But as a whole, we have collected over 835,000 more when we compare it to the same time last year.

Expenditures: Out of our $96 million budget, we have expended 32 million. We have 55 million encumbered committed to projects and we have nine million that's left to be committed to

projects.

If we look into the funding sources, the majority of that left to be committed to projects, is about seven million, and that's due to timing of when we're awarded federal grants. So we can't commit those funds until they're awarded to the agency.

Last time we talked about employee turnover. Since the last time that we spoke, 13 additional employees have left the agency. About half of those -- less than half have retired. So through January 25th, we have a total of 47 employees that have left the agency.

If we compare it to the three previous years, we have now surpassed FY '20 and FY '21, and we're almost to the point of the whole fiscal year 2019.

If we look -- I think we had questions about, "Well, what does it look like per division?"

So of the 47 total they have left, 26 percent of them are in administration; which includes legal, executive office, your finance, your HR, purchasing; and then 21 percent of that total is in Water.

The agency's turnover rate is nine

percent. If I break it down by division, administration is 17 percent, turnover rate with Water being nine percent.

And then the other divisions; ECLS eight percent, Air eight percent of the total.

Do we have any questions?

DR. HAMMON: No action on the budget is required by the Board, but go ahead.

MR. MASON: I do have a question.

How are we doing at raises to try and lessen turnover?

MS. AEBISCHER: We did a market increase that was effective in November, so we were able to increase salaries that went into effect in their December check, and that went over really well.

And then we continue to look kind of in the fall where we lie and compare to market.

MR. MASON: So what range of percent raises did people get?

MS. AEBISCHER: It was different. It was based on the market for that position. So we did analysis based on that is what the raise was.

MR. THOMPSON: And it was constrained by the fact that we had to do it within our existing budget. We couldn't accrue new costs that we would

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1 hope to be covered somehow in the future.
2 So we were able to do that as the old
3 personnel system was ending. And so that was what
4 we could go at that point in time.
5 As, you know, the current new rules are
6 very similar to the old rules, then we'll have to
7 see how the budget goes through the session and
8 where we're at. But we're very open to do that.
9 But, again, we will have to do it by not
10 spending money and holding positions open. So,
11 turnover rate, it effects us in that way, but it
12 also limits our resource and may have us put more
13 work on some of the existing employees.
14 But our goal is to do what we can.
15 Because some of the folks are retiring, et cetera,
16 some of the folks are changing their job completely
17 to something that they'd rather do. But a big part
18 of that is we're losing some key staff that have a
19 lot of expertise.
20 The market is just getting so much better
21 in the private sector, and that's not the market
22 that we can compete with. We have to use the market
23 data that's generated by OMES, I believe.
24 And I think there's a new study that's
25 being proposed, some legislation out there. So

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1 hopefully that gets done, and that will help
2 identify that.
3 But, you know, the job market is pretty
4 tight right now. There's a lot of folks looking for
5 employees.
6 MS. KINDRICK: I have a quick question.
7 By the way, I hear you on that. We're
8 struggling on the private side, as well, to recruit
9 and keep employees.
10 Do you find that operations with DEQ has
11 been affected by this turnover rate, or is
12 everything still, you know, moving along swimmingly,
13 or anything like that?
14 MR. THOMPSON: You know, in some cases, it
15 hasn't too much; but in other cases, it's some of
16 the folks that we kind of expected to take even
17 stronger leadership roles in the future. So it
18 worries us for the -- you know, a few years down the
19 road a bit.
20 But it's also some of the -- you know, we
21 had some really high-quality folks that have stepped
22 out now. If they go to a private sector job that
23 continues to work in the same arena, let's say, you
24 know, building water plants or wastewater plants or
25 whatever, then those folks will hopefully do a lot

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1 better job because they understand the rules much
2 better and how to do things right. And so that may
3 make our life easier, in a way, in those cases.
4 And it's always good to be able to
5 communicate with the private sector. And so that
6 exchange of staff at times, you know, be kind of --
7 you know, when the private sector is doing poorly
8 and there's a lot of people on the street, we've
9 picked up highly experienced folks here. But at
10 this point in time, it's kind of going the other
11 way.
12 But, you know, it's going be a struggle in
13 some areas and it's challenging and -- and it's kind
14 of -- we're just going to have to adjust to it. But
15 it is impacting our operations to a degree.
16 MS. AEBISCHER: Yeah. I would echo that
17 being in a division that has a high turnover,
18 uh-huh. We have really good employees luckily and
19 they're willing to jump in and do more to cover
20 until we can recruit more staff and train them.
21 But it is with the -- with COVID and with
22 the turnover, it's been very challenging. But we
23 have really good employees.
24 DR. HAMMON: Any other questions or
25 comments on the budget?

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1 (No response.)
2 DR. HAMMON: Thank you, Ms. Aebischer.
3 Agenda Item 20 is new business. Under the
4 Open Meeting Act, this Agenda item is authorized
5 only for matters not known about or which could not
6 have been reasonably foreseen prior to time of
7 posting the Agenda or a revised Agenda.
8 I'm not aware of any new business at this
9 time.
10 Do any Board members or Agency staff have
11 anything to bring?
12 (No response.)
13 DR. HAMMON: Okay. Thank you.
14 Next meeting, Agenda Item 21, the next
15 meeting of the Environmental Quality Board is
16 scheduled to be held on June 14th, 2022 at 9:30 a.m.
17 in the room that we are currently sitting in. So if
18 that meeting is needed, we will hold that here on
19 June 14th.
20 And with that, one last thank you to
21 David Griesel. And I'm going to adjourn.
22 MS. FIELDS: Motion.
23 DR. HAMMON: You know, I think I forgot
24 this last time, too.
25 MR. GRIESEL: I'll make a motion to

adjourn.
DR. HAMMON: Thank you, David.
(Laughter.)
DR. FERRELL: Second.
DR. HAMMON: All right. I now have a motion and a second to adjourn.
Can I have a roll call?
MS. FIELDS: Mr. Auer.
MR. AUER: Yes.
MS. FIELDS: Mr. Barton.
MR. BARTON: Yes.
MS. FIELDS: Mr. Easton.
MR. EASTON: Yes.
MS. FIELDS: Dr. Ferrell.
DR. FERRELL: Yes.
MS. FIELDS: Mr. Griesel.
MR. GRIESEL: Yes.
MS. FIELDS: Mr. Kinder.
MR. KINDER: Yes.
MS. FIELDS: Ms. Kindrick.
MS. KINDRICK: Yes.
MS. FIELDS: Mr. Mason.
MR. MASON: Yes.
MS. FIELDS: Mr. Munson.
MR. MUNSON: Yes.

MS. FIELDS: Mr. Paque.
MR. PAQUE: Yes.
MS. FIELDS: Mr. Sims.
MR. SIMS: Yes.
MS. FIELDS: Dr. Hammon.
DR. HAMMON: Yes.
MS. FIELDS: Motion passed.
DR. HAMMON: All right. The February 18th, 2022 meeting is now adjourned. I was just gavel-happy.
All right. And with that, we're going to move into the public forum.
Has anyone signed up to speak at the public portion?
MS. FIELDS: Not that I'm aware of.
DR. HAMMON: Okay. I'll read the beginning of this.
Welcome to this public forum of the Environmental Quality Board. Public input is valuable to the Board and the Department and we welcome your participation.
If you desire to make comments in today's forum, but you did not sign the sheet on the information table when you came in, would you please raise your hand?

(No response.)
DR. HAMMON: All right. I see no one that is looking to address the Board today. So we will go ahead and end the public forum session. I appreciate everyone's time.
Thank you.
(Meeting adjourned at 11:00 a.m.)

C E R T I F I C A T E

STATE OF OKLAHOMA)
) SS:
COUNTY OF OKLAHOMA)

I, JENESSA K. KALSU, a certified shorthand reporter within and for the State of Oklahoma, certify that the meeting of Department of Environmental Quality was taken on the 18TH day of February, 2021, in Oklahoma City, Oklahoma; that I am not an attorney for or a relative of any party, or otherwise interested in this action.
Witness my hand and seal of office on this the 8th day of March, 2022.

JENESSA K. KALSU, CSR
Oklahoma CSR No. 01654
Expiration Date December 31, 2022

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

ENVIRONMENTAL QUALITY BOARD

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February 18, 2022

Oklahoma City, Oklahoma

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Mike Broderick	DEQ
Rob Singletary	DEQ
Jeremy Jewell	Trinity Consultants
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Bud Ground	EFO
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Jim Kirby	Board
Rich Auer	EQB
Mark Hildebrand	DEQ
Kendal Stegmann	DEQ
Kelly Dixon	DEQ
Jennifer Boyle	DEQ
Laura Lodes	AQC
[illegible]	DEQ

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Attendance Record

February 18, 2022

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