

**REGULAR MEETING AGENDA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OKLAHOMA ENVIRONMENTAL QUALITY BOARD**

A Public Meeting: 9:30 a.m., Friday, November 8, 2019
Woodward Conference Center
3401 Centennial Drive
Woodward, Oklahoma 73801

Please turn off cell phones.

- 1. Call to Order** – Jimmy Kinder, Chair
- 2. Announcements** – Jimmy Kinder, Chair

Announcements will include the introduction of any new Board members or special meeting guests, as well as safety information for the current meeting venue and any other general housekeeping matters of interest to the Board. These announcements are for informational purposes only, and no action by the Board is required.

- 3. Roll Call** – Quiana Fields, Secretary, Board & Councils
- 4. Approval of Minutes** of the September 10, 2019, Regular Meeting
- 5. Rulemaking – OAC 252:100 Air Pollution Control**

- A. The Department is proposing to update OAC 252:100, Appendix Q, Incorporation by Reference, to incorporate the latest changes to U.S. Environmental Protection Agency (EPA) regulations. In addition, the Department is proposing to update language in Subchapter 2, Incorporation by Reference, to reflect the latest date of incorporation of EPA regulations in Appendix Q. The gist of these rules and the underlying reason for the rulemaking is to incorporate the latest changes to EPA regulations, primarily those relating to the National Emission Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS).
- B. The Department is proposing to revoke OAC 252:100-39-49, Manufacturing of fiberglass reinforced plastic products. The gist of this rulemaking is to reduce the regulatory burden on facilities by eliminating an antiquated rule where a federal regulation now sufficiently limits emissions of air pollutants.
- C. The Department is proposing to amend Oklahoma Administrative Code (OAC) 252:100-13, Open Burning, to conform the Department of Environmental Quality (DEQ) rules to statutory changes enacted in the 2019 legislative session. DEQ is also proposing to add a new section, 252:100-13-8.1, for this same purpose. The statutory changes added a provision for open burning of certain medical marijuana plant parts and modified when an air curtain incinerator (ACI) is required. In addition, the Department is proposing to change Section 13-2, Definitions, to reflect an update in terminology from "watch" to "alert" for ozone and particulate matter notifications. The Department is also proposing to amend Section 13-7(1), Fire training, to clarify specific inspection and removal

requirements, as provided for in the Oklahoma Clean Air Act. The gist of this rulemaking is to implement the statutory changes made in the 2019 legislative session to add a provision for open burning of certain medical marijuana plant parts, to modify when an ACI is required, and to make other minor clarifications to the rule.

- Presentation – Laura Lodes, Chair, Air Quality Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote(s) on permanent adoption

6. Rulemaking – OAC 252:410 – Radiation Management The Department is proposing to amend Chapter 410, Subchapter 1 (General Provisions) to change the date for incorporation of federal regulations by reference to January 1, 2019. The Department is also proposing to amend the regulations related to the medical use of byproduct material to conform the Oklahoma rules to the updated federal regulations, which includes revisions to 10 CFR Parts 30, 32, and 35. The Department is proposing a revision to better organize, clarify, and update the regulations in OAC 252:410-10-32 as well as to correct an error made when 10 CFR 40 was adopted. The gist of this rulemaking is to maintain compatibility with federal regulations.

- Presentation – Kelly Dixon, Director, Land Protection Division
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote(s) on permanent adoption

7. Consideration of and Action on the Annual Environmental Quality Report

The Oklahoma Environmental Quality Code requires DEQ to prepare an “Oklahoma Environmental Quality Report” and to submit it to the Governor, Speaker of the House and Senate President Pro Tempore by January 1st of each year. The statutorily prescribed purpose of this report is to outline the DEQ’s annual funding needs for providing environmental services within its jurisdiction, reflect any new federal mandates, and summarize DEQ-recommended statutory changes. The Environmental Quality Board is to review, amend (as necessary), and approve the report.

- Presentation – Jimmy Givens, Deputy Executive Director, DEQ
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include a roll call vote(s) on approval

8. Budget Update and Financial Overview (FY 2020) – Kathy Aebischer, DEQ Chief Financial Officer

Ms. Aebischer’s report will include an update and overview of DEQ’s current FY 2020 budget. This report is for informational purposes only, and no action by the Board is required.

9. Executive Director’s Report – Scott Thompson, Executive Director, DEQ

Mr. Thompson’s report may include significant agency accomplishments and activities since the last Board meeting, as well as information pertaining to budgetary and/or legislative matters. This report is for informational purposes only, and no action by the Board is required.

10. New Business (Any matter not known about and which could not have been reasonably foreseen prior to the time of posting of agenda)

11. Next meeting: February 21, 2020, Oklahoma City, Oklahoma

12. Adjournment

Public Forum – Following Adjournment -- The Board meets several times a year at different locations across the State to hear the views and concerns of all Oklahomans about environmental issues. This opportunity is informal, and we invite you to sign the register to speak. If necessary to accommodate the public, the Board Chair may make a determination to conduct the Forum prior to the Call to Order.

Should you desire to attend but have a disability and need an accommodation, please notify the DEQ three days in advance at 405-702-7100. For hearing impaired, the TDD Relay Number is 1-800-722-0353 for TDD machine use only.