

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

A Public Meeting: 9:30 a.m. Tuesday, February 13, 2024
DEQ Multipurpose Room
707 N. Robinson
Oklahoma City, Oklahoma 73101-1677

A copy of this notice and agenda has been posted in a prominent location at the offices of the Oklahoma Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, on February 9, 2024 at 4:30 p.m. A copy of this agenda is available on the DEQ's website at www.deq.ok.gov.

Please turn off cell phones.

1. **Call to Order** – Mike Paque, Chair
2. **Announcements** – Mike Paque, Chair

Announcements will include the introduction of any new Board members or special meeting guests, as well as 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 November 7, 2023, Regular Meeting
5. **Election of Officers** – Election of Chair and Vice-Chair for Calendar Year 2024
6. **Rulemaking – OAC 252:205 Hazardous Waste Management**

The Department is proposing to amend OAC 252:205-3-1 to update the agency's hazardous waste rules consistent with the federal regulations by incorporating by reference the regulations found in Title 40 of the Code of Federal Regulations Parts 124 and 260 through 279, revised as of July 1, 2023.

- Presentation – Lee Grater, Chair, Hazardous Waste Management 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)

7. Rulemaking – OAC 252:410 Radiation Management

The Department is proposing to amend OAC 252:410 in response to changes recommended by the Nuclear Regulatory Commission (NRC). The proposed changes are necessary to bring the Oklahoma rules fully into compatibility with the federal rules and to update language related to oversight responsibility for certain regulatory requirements.

- Presentation – George MacDurmon, Chair, Radiation Management 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)

8. Rulemaking – OAC 252:515 – Management of Solid Waste

The Department is proposing to amend OAC 252:515-11-3 to clarify and improve the groundwater separation requirement for construction and demolition (C&D) landfills. C&D landfills are currently subject to the five-foot groundwater separation requirement in existing regulations. DEQ is proposing to add a paragraph that explicitly states how the separation distance should be measured in order to avoid potential confusion.

- Presentation – Jim Linn, Chair, Solid Waste Management 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)

9. Rulemaking – OAC 252:515 – Management of Solid Waste

The Department is proposing to amend OAC 252:515-43-31, to add a new permitting exemption for small-scale composting facilities receiving waste from off-site. The existing regulations require these facilities to obtain a permit; the proposed regulatory change would allow these facilities to submit an exemption request rather than undergo the full permitting process.

- Presentation – Jim Linn, Chair, Solid Waste Management 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)

10. Rulemaking – OAC 252:690 – Water Quality Standards Implementation

The Department is proposing to revoke this rule. Chapter 690 contains the Water Quality Standards Implementation Plan (WQSIP) recently enacted as part of the transfer of

authority over Oklahoma Water Quality Standards (OWQS) from the Oklahoma Water Resources Board to the Department of Environmental Quality. Because agency rules already contained elements of a WQSIP prior to assuming responsibility for the OWQS, the proposed changes to this chapter are intended to streamline agency rules by combining the contents of Chapter 690 with the other WQSIP provisions found in Chapters 606 and 611. Applicable portions of Subchapter 1, titled “Introduction”, Subchapter 5, titled “Groundwater Protection”, and Subchapter 7, titled “Water Quality Standards Implementation Plan, Oklahoma Department of Environmental Quality” are proposed to be incorporated into Chapter 611. Applicable portions of Subchapter 1, titled “Introduction”, Subchapter 3, titled “Point Source Discharges” and Appendices B, C, D, E, F, G, H, I and J are proposed to be incorporated into Chapter 606. As a result of the incorporation of these subchapters into different parts of the agency's rules, Chapter 690 is proposed to be revoked in its entirety.

- Presentation – Brian Duzan, Chair, Water Quality Management 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)

11. Rulemaking – OAC 252:606 – Oklahoma Pollutant Discharge Elimination System (OPDES) Standards

The Department is proposing to update and streamline the agency’s rules as part of a proposal to transfer existing regulations from OAC 252:690 into this chapter. OAC 252:690 will be revoked and the provisions in OAC 252:690 dealing with point source discharges will be merged into OAC 252:606, resulting in new Subchapter 6, and Appendices H through P. This will consolidate the technical permitting rules for point source discharges into one rule, OAC 252:606. Changes are proposed to both Subchapter 6 to correct references and streamline language and to the Appendices A, B, C, E, F, and G to correct minor typographical and formatting errors, and to replace references to “the DEQ” to simply “DEQ”, to be consistent with the agency’s other regulations. Additional proposed changes to Appendix A replace “Fecal Coliform” in Tables 1-1, 1-2 and 1-3 with “Fecal Indicator Bacteria”, corrects effluent flow monitoring frequency in Table 1-1 for facilities discharging over one million gallons per day and adds Total Phosphorus as a control test in Table 1-3. Minor formatting changes are also proposed for the Appendices H, I, J, K, L, M, N, O and P. A recommended change to Table H-1, titled “Priority and Nonpriority Pollutants with Numerical Criteria Requiring Reasonable Potential Screening” consists of replacing Total Arsenic with Arsenic III.

The Department also proposes to update its rules concerning the date of incorporation by reference for the Code of Federal Regulations from July 1, 2022, to July 12, 2023. One final regulatory change included in this update consisted of the U.S. Environmental Protection Agency (EPA) finalizing clarifications to its National Pollutant Discharge Elimination System (NPDES) Stormwater Phase II regulations due to recent changes made by the Census Bureau. Another rule change was made to 40 CFR Part 423, the Steam Electric Power Generating Point Source Category, to extend the date for existing coal-fired

power plants to submit a notice of planned participation (NOPP) for the permanent cessation of coal combustion subcategory in the 2020 Steam Electric Reconsideration Rule from October 13, 2021, to June 27, 2023.

- Presentation – Brian Duzan, Chair, Water Quality Management 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)

12. Rulemaking – OAC 252:611 – General Water Quality

The Department is proposing to update and streamline agency rules. As part of the proposed changes, OAC 252:690 will be revoked and the provisions in OAC 252:690 dealing with groundwater protection will be included in OAC 252:611 and merged with the existing rules. Specifically, OAC 252:690 Subchapter 5, titled “Groundwater Protection”, and Subchapter 7, titled “Water Quality Standards Implementation Plan” will be incorporated into OAC 252:611 as Subchapters 7 and 9, respectively. Many of the definitions from OAC 252:690 are being incorporated into this chapter. Proposed changes to the text and incorporated subchapters are intended to clarify rule language. Additionally, the Department proposes to correct minor typographical and formatting errors, and to update identifying nouns, such as replacing references to "the DEQ" to simply "DEQ," to be consistent with the agency's other regulations.

- Presentation – Brian Duzan, Chair, Water Quality Management 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)

13. Rulemaking – OAC 252:628 – Indirect Potable Reuse for Surface Water Augmentation

The Department is proposing to update OAC 252:628 to replace references to OAC 252:690 with references to OAC 252:606 in connection with a contemporaneous proposal to relocate rules from OAC 252:690 to OAC 252:606.

- Presentation – Brian Duzan, Chair, Water Quality Management 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)

14. Rulemaking – OAC 252:641 – Individual and Small Public Onsite Sewage Treatment Systems

The Department is proposing update OAC 252:641 to (1) clarify the credentials required for soil profile certification, (2) update general provisions for septic tanks to include a permanently affixed data plate, (3) incorporate the use of a riser safety screen system or

factory-supplied concrete manhole lid in all inlet cleanouts, (4) establish septic tank size of 500 gallons for small public sewage facilities with flows of one hundred (100) gallons or less, (5) raise the approvable limit associated with the Biochemical Oxygen Demand (BOD) to 2.5 pounds per day for aerobic systems, (6) remove Low Pressure Dosing (LPD) systems, (7) increase the surety bond requirements for Certified Installers and Certified Soil Profilers, and (8) address formatting issues for Appendices.

- Presentation – Brian Duzan, Chair, Water Quality Management 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)

15. Rulemaking – OAC 252:645 – Septage Pumpers and Transporters

The Department is proposing to update OAC 252:645 to (1) clarify the definition of sewage, (2) update license requirements to include a driver certification, an exam fee, and an increase in renewal hours, (3) require a surety bond for license holders, (4) require an additional safety measure for storage tanks, (5) require the submission of land application and treatment records, and (6) update land application requirements for the removal of non-biodegradable material.

- Presentation – Brian Duzan, Chair, Water Quality Management 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)

16. Rulemaking – OAC 252:730 – Oklahoma’s Water Quality Standards

The Department is proposing to 1) revise Section 252:730-1-1 to update statutory references to the agency's legal authority over water quality standards, 2) revise Section 252:730-1-2 to combine or eliminate duplicative definitions, and 3) correct formatting and typographical errors throughout the chapter and replace references to OAC 252:690 with references to OAC 252:606 as part of a plan to streamline and consolidate rules that will result in OAC 252:690 being revoked. The agency proposes to revoke and re-enact revised versions of Appendices A, B, E, F, and H to make minor updates.

- Presentation – Brian Duzan, Chair, Water Quality Management 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)

17. Rulemaking – OAC 252:740 – Implementation of Oklahoma’s Water Quality Standards

The Department is proposing to revise OAC 252:740 by combining or eliminating duplicative definitions, correct typographical errors, and make minor formatting corrections and changing Section 252:740-15-3 to replace a reference to an outdated EPA directive on quality assurance methods with a reference to the latest equivalent EPA directive issued in July 2023.

- Presentation – Brian Duzan, Chair, Water Quality Management Advisory Council
- Questions and discussion by the Board
- Questions, comments, and discussion by the public
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18. 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.

19. Budget Update and Financial Overview (FY 2024) – Kathy Aebischer, DEQ Chief Financial Officer

Ms. Aebischer’s report will include an update and overview of DEQ’s current budget for Fiscal Year 2024. This report is for informational purposes only. Although discussion may occur, no action by the Board is required.

20. Executive Session

Among the statutory duties of the Board are the responsibilities to appoint and set the compensation of the Executive Director and to assist the DEQ in conducting periodic reviews and planning activities related to the goals, objectives, priorities, and policies of the DEQ.

- In open session, discussion by the Board
- In open session, consideration of possible executive session pursuant to Title 25 Oklahoma Statutes Section 307(B)(1) (discussion of employment actions related to any individual salaried public officer or employee), if authorized by recorded majority vote of a quorum of the Board members present
- In open session, if executive session approved, designation of a person to keep minutes in executive session
- In executive session, discussion of possible employment actions by the Board relating to the Executive Director.

21. Reconvene into open session

- In open session, roll call vote to reconvene regular Board meeting

22. Consider taking action on the following

- In open session, possible roll call vote on specific actions or recommendations as a result of the Executive Director’s annual performance review.

23. New Business

Under the Open Meeting Act, this agenda item is authorized only for matters not known about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda.

24. Next Meeting

The next regular meeting of the Environmental Quality Board is scheduled to be held on June 11, 2024, at 9:30 a.m., in the Multipurpose Room of the Oklahoma Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73101.

25. 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 follow the instructions provided during and at the conclusion of the Board meeting if you would like to speak during the forum. If necessary to accommodate the public, the Board Chair may decide 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.