

MINUTES
ENVIRONMENTAL QUALITY BOARD
FEBRUARY 15, 2019
DEPARTMENT OF ENVIRONMENTAL QUALITY
OKLAHOMA CITY, OKLAHOMA

Official EQB Approved
On September 10, 2019

Notice of Public Meeting – The Environmental Quality Board (Board) convened for a Regular Meeting at 9:30 a.m., at the Department of Environmental Quality, 707 North Robinson Oklahoma City, Oklahoma. This meeting was held in accordance with 25 O.S. Section 311, with notice of the meeting given to the Secretary of State on October 11, 2018. The agenda was mailed to interested parties on February 6, 2019, and was posted at the DEQ on February 14, 2019. Mr. Tim Munson, Chair, called the meeting to order. Mr. Munson introduced Ken Wagner, Secretary of Energy & Environment and welcomed him to the meeting. Mr. Munson called upon Secretary Wagner to speak to the Board and DEQ staff. Ms. Fields called roll and a quorum was confirmed.

MEMBERS PRESENT

Mark Barton
Shannon Ferrell
David Griesel
Tracy Hammon
Jimmy Kinder
Jan Kunze
Steve Mason
Tim Munson
Homer Nicholson
Mike Paque
Billy Sims

DEQ STAFF PRESENT

Scott Thompson, Executive Director
Jimmy Givens, Deputy Executive Director
Sarah Penn, General Counsel
Michelle Wynn, Legislative Liaison
Eddie Terrill, Air Quality Division
Beverly Botchlet-Smith, Air Quality Division
Chris Armstrong, State Environmental Laboratory Services
Kelly Dixon, Land Protection Division
Lloyd Kirk, Office of External Affairs
Skylar McElhane, Office of External Affairs
Kole Kennedy, Land Protection Division
Erin Hatfield, Office of External Affairs
Bruce Vande Lune, Environmental Complaints & Local Services
Shellie Chard, Water Quality Division
Mark Hildebrand, Water Quality Division
Saba Tahmassebi, Engineering Manager
Mike Edwards, Land Protection Division
Cooper Garbe, Air Quality Division
Hillary Young, Land Protection Division
Melanie Foster, Air Quality Division
Greg Carr, Water Quality Division
Jennifer Boyle, Deputy General Counsel
Heather Mallory, Land Protection Division
Pam Dizikes, Environmental Attorney Supervisor
Betsey Streuli, Environmental Attorney Supervisor
Travis Mensik, Environmental Complaints & Local Services
Kevin Crawford, Land Protection Division
Vivek Rajaraman, Air Quality Division
Sharon Smith, Executive Director's Office
Kathy Aebischer, Administrative Services Division
Quiana Fields, Board & Council Secretary

MEMBERS ABSENT

Janice Cain
Ken Hirshey

OTHERS PRESENT

Secretary Ken Wagner, Office of the Secretary of Energy & Environment
Kevin West, Oklahoma House of Representatives
Jennifer Lewis, Office of the Attorney General
Carly Cordell, Office of the Secretary of Energy & Environment
Bud Ground, Environmental Federation of Oklahoma
Laura Lodes, Air Quality Advisory Council
Lee Grater, Hazardous Waste Management Advisory Council

Approval of Minutes – Mr. Munson asked for a motion to approve the November 9, 2018 Minutes. Mr. Griesel moved to approve and Dr. Hammon made the second.

transcript pages 14 - 15

Mark Barton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Homer Nicholson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tim Munson	Yes
Jan Kunze	Yes		

Election of Officers – Election of Chair and Vice-Chair for Calendar Year 2019 – Mr. Munson called for nominations for Chair. Mr. Sims nominated Mr. Jimmy Kinder as Chair and Mr. Griesel made the second. Hearing no other nominations, Mr. Sims moved to cease nominations and elect Mr. Kinder by acclamation and Mr. Griesel made the second.

transcript pages 15 - 17

Mark Barton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Homer Nicholson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tim Munson	Yes
Jan Kunze	Yes		

Mr. Munson then called for nominations for Vice-Chair. Mr. Paque nominated Dr. Hammon as Vice-Chair and Mr. Griesel made the second. Hearing no other nominations, Mr. Sims made a motion to cease nominations and elect Dr. Hammon by acclamation and Mr. Griesel made the second.

transcript pages 17 - 18

Mark Barton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Homer Nicholson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tim Munson	Yes
Jan Kunze	Yes		

Mr. Scott Thompson, Executive Director of the DEQ, presented Mr. Munson a plaque and thanked him for his service as Chair.

transcript pages 18 - 19

Rulemaking – OAC 252:100 Air Pollution Control – Mr. Kinder called upon Ms. Laura Lodes, Chair of the Air Quality Advisory Council (AQAC) to present the rule. Ms. Lodes stated that the Department is proposing to amend OAC 252:100, Subchapters 37, 39 and Appendix N to provide the aerospace industry with updated requirements that better reflect current aerospace industry coating formulations and practice, and to make the rules applicable statewide. This rulemaking would ensure the aerospace industry in Oklahoma has the opportunity to operate with standards specific to the industry and consistent with rules already in place for Tulsa County to reduce the formation of ozone. Hearing no questions or comments by the Board or the public, Mr. Kinder called for a motion. Mr. Munson moved to approve and Mr. Nicholson made the second.

transcript pages 20 - 24

Mark Barton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Homer Nicholson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tim Munson	Yes
Jan Kunze	Yes		

Ms. Lodes stated that the Department is proposing to amend OAC 252:100, Subchapter 39-4 (Exemptions) to remove an incorrect citation to a revoked rule. Hearing no questions or comments by the Board or the public, Mr. Kinder called for a motion. Mr. Paque moved to approve and Dr. Hammon made the second.

transcript pages 24 - 27

Mark Barton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Homer Nicholson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tim Munson	Yes
Jan Kunze	Yes		

Ms. Lodes stated that the Department is proposing to amend OAC 252:100, Subchapter 39-16 (Petroleum refinery process unit turnaround) to ensure that the proper controls are used during the scheduled refinery unit turnarounds during Oklahoma’s current ozone season. Hearing no questions or comments by the Board or the public, Mr. Kinder called for a motion. Dr. Hammon moved to approve and Mr. Griesel made the second.

transcript pages 27 - 29

Mark Barton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Homer Nicholson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tim Munson	Yes
Jan Kunze	Yes		

Mr. Kinder acknowledged Representative Kevin West and welcomed him to the meeting.

transcript pages 29 - 30

Rulemaking - OAC 252:205 Hazardous Waste Management - Mr. Kinder called upon Mr. Lee Grater, Chair of the Hazardous Waste Management Advisory Council (HWMAC) to present the rule. Mr. Grater stated that the Department is proposing to amend OAC 252:205, Subchapter 3 to make DEQ’s hazardous waste rules consistent with the federal regulations through incorporation by reference of the regulation found in 40 CFR Parts 124 and 260-279 revised as of July 1, 2018. Significant federal rule changes to be incorporated include: establishing EPA user fees for electronic and paper manifests; new EPA rules related to Confidentiality Determinations for Hazardous Waste Export and Import Documents and revision to EPA’s Definition of Solid Waste rule due to court decisions vacating certain provisions. Hearing no questions or comments by the Board or the public, Mr. Kinder called for a motion. Mr. Munson moved to approve and Mr. Barton made the second.

transcript pages 30 - 33

Mark Barton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Homer Nicholson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tim Munson	Yes
Jan Kunze	Yes		

Rulemaking – OAC 252:301 Laboratory Accreditation – Mr. Kinder called upon Mr. Brian Duzan, Chair of the Water Quality Management Advisory Council (WQMAC) to present the rule. Mr. Duzan stated that the Department is proposing to amend OAC 252:301, Subchapters 1, 3, 5, 7 and 9 to make the Laboratory Accreditation Rules internally consistent and to update accreditation requirements to reflect current EPA standards for analysis, specifically incorporating by reference the latest changes to EPA Primary Drinking Water Regulations, National Standards for Solid Waste Test Methods and EPA Test Procedures for the Analysis of Pollutants. The Department is also proposing to add new fee to recover the cost, capped at \$10,000 per laboratory for assessors’ time and effort in performing on-site evaluations.

Following questions by the Board and none by the public, Mr. Kinder called for a motion. Mr. Mason moved to approve and Mr. Barton made the second.

transcript pages 34 - 40

Mark Barton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Homer Nicholson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tim Munson	Yes
Jan Kunze	Yes		

Rulemaking – OAC 252:302 Field Laboratory Accreditation – Mr. Duzan stated that the Department is proposing to amend OAC 252:302, Subchapters 1, 3, 5, 7 and 9 to make the Laboratory Accreditation Rules internally consistent and to update accreditation requirements to reflect current EPA standards for analysis, specifically incorporating by reference the latest changes to EPA Test Procedures for the Analysis of Pollutants. The Department is also proposing to add a new fee to partially recover the cost for assessors’ time and effort in performing on-site evaluations. Hearing no questions or comments by the Board or the public, Mr. Kinder called for a motion. Mr. Griesel moved to approve and Mr. Mason made the second.

transcript pages 41 - 44

Mark Barton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Homer Nicholson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tim Munson	Yes
Jan Kunze	Yes		

Rulemaking – OAC 252:307 TNI Laboratory Accreditation – Mr. Duzan stated that the Department is proposing to amend OAC 252:307, Subchapters 1, 7 and 9 to make the Laboratory Accreditation Rules internally consistent and to update accreditation requirements to reflect current EPA standards for analysis, specifically incorporating by reference the latest changes to EPA Primary Drinking Water Regulations, National Standards for Solid Waste Test Methods and EPA Test Procedures for the Analysis of Pollutants. The Department is also proposing to add a new fee to recover the cost, capped at \$10,000 per laboratory for assessors’ time and effort in performing on-site assessments. Following questions by the Board and none by the public, Mr. Kinder called for a motion. Mr. Sims moved to approve and Mr. Griesel made the second.

transcript pages 44 - 48

Mark Barton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Homer Nicholson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tim Munson	Yes
Jan Kunze	Yes		

Rulemaking – OAC 252:653 Aquifer Storage and Recovery – Mr. Duzan stated that the Department is proposing to amend OAC 252:653, Subchapters 1, 5 and 7 to include changes for clarity, reinserting the fee provision that was removed from the original proposed rules prior to submittal to the Legislature and to include notification provisions. Hearing no questions by the Board or the public, Mr. Kinder called for a motion. Mr. Paque moved to approve and Mr. Griesel made the second.

transcript pages 48 - 52

Mark Barton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Homer Nicholson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tim Munson	Yes
Jan Kunze	Yes		

Executive Director’s Report – Mr. Thompson discussed current agency activities, legislative updates, and recognized certain DEQ employees for their accomplishments. Mr. Thompson then called upon Ms. Kathy Aebischer, Chief Financial Officer of the DEQ, who gave an update on the FY 2019 budget.

transcript pages 52 - 61

Budget Update and Financial Overview (FY 2019) – Kathy Aebischer, DEQ Chief Financial Officer – Ms. Aebischer gave an update and overview of DEQ’s current FY 2019 budget.

transcript pages 61 - 66

New Business – None

Next Meeting – The next regular meeting is scheduled for June 11, 2019, at 9:30a.m., in Oklahoma City, DEQ Multipurpose Room.

Adjournment – Mr. Kinder called for a motion to adjourn. Mr. Griesel moved to adjourn and Mr. Munson made the second. Meeting adjourned at 10:50 a.m.

transcript pages 67-68

Mark Barton	Yes	Steve Mason	Yes
Shannon Ferrell	Yes	Homer Nicholson	Yes
David Griesel	Yes	Mike Paque	Yes
Tracy Hammon	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tim Munson	Yes
Jan Kunze	Yes		

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

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

OKLAHOMA ENVIRONMENTAL QUALITY BOARD

PUBLIC MEETING

FEBRUARY 15, 2019 - 9:30 A.M.

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

REPORTED BY: JENNIFER PAYNE KAE LIN, CSR

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1 BOARD MEMBERS PRESENT:
 2 MR. JIMMY KINDER, CHAIRMAN
 3 DR. TRACY HAMMON, VICE CHAIR
 4 MR. DAVID GRIESEL
 5 MR. TIM MUNSON
 6 MS. JAN KUNZE
 7 MR. STEVE MASON
 8 MR. HOMER NICHOLSON
 9 MR. MIKE PAQUE
 10 MR. BILLY SIMS
 11 DR. SHANNON FERRELL
 12 MR. PERRY MARK BARTON
 13 BOARD MEMBERS ABSENT:
 14 MR. KEN HIRSHEY
 15 MS. JANICE CAIN
 16 ALSO PRESENT:
 17 Ms. Quiana Fields, Secretary of Board and Council
 Mr. Kenneth Wagner, Secretary of Energy and Environment
 18 Ms. Laura Lodes, Chairman of Air Quality Council
 Mr. Kevin West, Oklahoma House of Representative
 19 Mr. Lee Grater, Chairman of the Hazardous Waste
 Management Advisory Council
 20 Mr. Brian Duzan, Chairman of the Water Quality Management
 Advisory Council
 21 Mr. Chris Armstrong, Director of State Environmental
 Laboratory Services Division
 22 Mr. Scott Thompson, Executive Director of DEQ
 Ms. Kathy Aebischer, DEQ Chief Financial Officer
 23 Ms. Jennifer Lewis, Assistant Attorney General
 Ms. Sarah Penn, General Counsel, DEQ
 24
 25

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1 Law. And I believe Ken would like to make a few comments
 2 today.
 3 Would you come forward?
 4 SECRETARY KEN WAGNER: Yes, sir.
 5 From here okay?
 6 CHAIRMAN TIM MUNSON: That would be great.
 7 SECRETARY KEN WAGNER: Is there a -- hello?
 8 I can talk really loudly.
 9 (Laughter.)
 10 SECRETARY KEN WAGNER: Well, first, let me
 11 tell you what an honor it is to be here today. I just
 12 never imagined that I would get to be back in my home
 13 state in a position like this. And so first and
 14 foremost, I'm just so honored to be among you and this
 15 great agency.
 16 So first, on behalf of Governor Stitt, I want to
 17 thank the Board for your service, for your past service,
 18 and what you've done to this point. More importantly we
 19 want to thank you, going forward, for your willingness to
 20 serve. What you do is so incredibly important for our
 21 state, and I got to see that firsthand in my job with the
 22 federal government.
 23 I want to thank you for your competency in the
 24 process of looking at appointments and boards and
 25 commissions. To read your bios and to understand the

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1 (Meeting called to order at 9:30 a.m.)
 2 CHAIRMAN TIM MUNSON: Let's go ahead and call
 3 the meeting to order. I'd like to welcome you to this
 4 public forum of the Environmental Quality Board. Oh, I'm
 5 sorry. This is the wrong -- the wrong thing. I
 6 apologize.
 7 The February 15th, 2019, regular meeting of the
 8 Environmental Quality Board has been called according to
 9 the Oklahoma Open Meeting Act, Section 311 of Title 25 of
 10 the Oklahoma Statutes. Notice was filed with the
 11 Secretary of State on October 11th, 2018. Agendas were
 12 mailed to interested parties on February 6th, 2019, and
 13 was posted at the DEQ facility on February 14th. Only
 14 matters appearing on the posted agenda may be considered.
 15 If this meeting is continued or reconvened, we must
 16 announce today the date and time and place of the
 17 continued meeting and the agenda for such continuation
 18 will remain the same as today's agenda.
 19 I'd like to introduce -- we have a distinguished
 20 guest with us here today. We have Ken Wagner.
 21 Ken recently served as a Senior Adviser to the EPA
 22 Administrator for Regional and State Affairs. Prior to
 23 working at the EPA, Secretary Wagner served as a founding
 24 partner and managing partner at a Tulsa law firm. He
 25 graduated in 1993 from the University of Tulsa College of

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1 wonderful diverse qualifications that you-all hold is not
 2 only impressive just to read, as somebody who is -- has
 3 certainly been around environmental regulators, but it
 4 makes me incredibly proud, as an Oklahoman, to know that
 5 we have such incredible talent protecting and devising
 6 policy that affects the day-to-day lives of all of our
 7 Oklahomans that we serve.
 8 Governor Stitt is so excited that you're willing to
 9 go alongside us, and that you're willing to serve all
 10 four million Oklahomans.
 11 I would be remiss to thank Mike Teague, if I didn't
 12 thank Mike Teague. I'm fortunate and privileged to count
 13 Mike as a friend, and he has -- first of all, I know him
 14 as an incredible man of integrity. But he has set the
 15 table so nicely for me, particularly as measured against
 16 my other cabinet members, that I'm coming into such an
 17 incredibly good situation, and that includes my wonderful
 18 staff. Carly voted to keep me and you-all know what that
 19 means.
 20 (Laughter.)
 21 SECRETARY KEN WAGNER: So I can't tell you
 22 how excited I am that she chose to stay and serve
 23 alongside me. And Katie Lippoldt, who many of you may
 24 have met, she's going to continue to do policy and
 25 legislative liaison. And we just hired a lawyer. I'm

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1 not sure --

2 MR. SCOTT THOMPSON: Yeah.

3 SECRETARY KEN WAGNER: Can I tell who that

4 is?

5 MR. SCOTT THOMPSON: Oh, yeah.

6 SECRETARY KEN WAGNER: So I stole -- my first

7 act is to steal from you guys.

8 MS. SARAH PENN: Thank you.

9 SECRETARY KEN WAGNER: I stole

10 Stephen Baldridge, who is the environmental lawyer here

11 at DEQ, to support our team, to help with several

12 policies areas including regulatory reform, efficiency

13 management, process improvement, along with just having a

14 great resource.

15 And so I did -- I did seek Director Thompson's

16 approval before I even pursued it, because his name had

17 been highly recommended to me, and so I think he's

18 excited. But I think it's a win-win because you get

19 somebody at the Governor's, you know, staff level

20 that understands your agency, along with Carly and

21 myself, who our job is to be advocates for you, to be

22 advocates for the policies that you-all promulgate and

23 that we want to support.

24 As Chair Munson indicated, my job with the

25 administrator of the EPA was to work with all ten and

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1 coordinate for the administrator and senior management,

2 all the national program managers across air, land,

3 water, enforcement, chemicals, coordinate them with our

4 ten U.S. EPA regions, including Region 6 in Dallas. But

5 it was also to better connect the region's best partners,

6 and those are states.

7 And I had the privilege of meeting, dining, having

8 drinks with, and breaking bread with all 50 states

9 environmental managers, like Scott, I -- and I was

10 fortunate to develop a friendship with Scott.

11 But the more heartening part of that is that I also

12 got to see every program, and I -- and I went and sat

13 with states. I went to the DEQ headquarters of about 30

14 and sat with their division directors. And the good news

15 is that in doing that, I always measured, you know, what

16 we have in Oklahoma. And I can tell you unequivocally

17 that your Department of Environmental Quality, as

18 measured against its peers, is incredibly favorable and

19 at a very high level.

20 Director Thompson and this Board are a great reason

21 for that because it shows leadership. This doesn't

22 happen by accident. These policies don't happen by

23 accident. We don't have regulated -- industry regulated

24 community up in arms saying that you -- that this Board

25 and this agency is off the rails or rogue. We don't have

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1 environmentalists protesting on a daily basis.

2 Not everybody is ever going to be happy. I

3 certainly learned that at the federal government. But

4 the way that you've managed to keep that in its lane

5 is -- is really commendable.

6 So, again, I -- when I met first met with

7 Governor Stitt -- and I had known him a little bit from

8 Tulsa. But when I first met with him about this job,

9 which was shortly before the general election and right

10 after the general election when he was then

11 Governor-elect Stitt, and -- and as you know, he's

12 talking about agency reform. It's on everybody's mind.

13 But I got to go in and tell him, "Look, these

14 agencies that regulate air, land, water in Oklahoma, are

15 some of the best in the country. We're not broken."

16 Like anybody -- you know, I look in the mirror every day

17 and I still don't have hair, I could lose a few pounds.

18 (Laughter.)

19 SECRETARY KEN WAGNER: We can all get better.

20 And so that's the attitude we're coming is that this

21 agency is great, but we want to be better. And that's

22 what agency reform is all about. What it's not about is

23 cutting budgets and slashing people. It's about taking

24 our employees, recognizing that they're qualified to do

25 what they've been hired to do. We need to unburden them.

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1 We need to empower them to make good, high-quality

2 decisions based in science, based in the cost versus the

3 benefits, and understanding that -- that if they will do

4 those decisions and we unbound them, then we'll support

5 them in those quality decisions, and that's what agency

6 reform is about.

7 And so, you know, Director Thompson has been great

8 to talk about these. And, you know, I think, you know,

9 there's other parts of our state government that aren't

10 functioning as well as you are. And because of that, you

11 know, it may be awhile before these systems, you know,

12 come from Secretary Bud (ph) or Secretary Ostril (ph).

13 But they've given us -- because you're functioning

14 at a high level, they've given us the green light to show

15 the rest of the state how better government can be done.

16 And so I'm so excited to be here. I'm so excited to work

17 with each and every one of you, and I'm so thankful that

18 you've chosen to serve, and I -- and our employes here in

19 the state, I'm thankful for what you do. What you do is

20 incredibly important. People don't understand how

21 vulnerable we are, our communities are, and the

22 protections and guidance that you provide are essential.

23 And we're going to champion those policies that are

24 based in finding ways to improve our air, land, and water

25 while understanding that affordable clean energy, some of

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1 the most beautiful land, some of the cleanest air, and
2 the beautiful waters that we enjoy as Oklahomans can be
3 our greatest selling point to attract new businesses and
4 people to the state of Oklahoma. And I look forward to
5 doing that with you guys, so thank you.

6 CHAIRMAN TIM MUNSON: Thank you.
7 (Applause.)

8 CHAIRMAN TIM MUNSON: All right. Billy Sims
9 has a couple of comments. Each of you should have a copy
10 of this. (Indicating.)

11 Billy, you want to make a comment?

12 MR. BILLY SIMS: Last week we were in
13 Washington at the National Rural Water Rally. And as a
14 part of that, we conduct a water taste contest.
15 Forty-nine entries from all over the United States. We
16 felt so fortunate that an Oklahoma community was
17 recognized as having the best tasting water in the
18 United States. So congratulations to Tahlequah. We were
19 fortunate to get to receive that reward -- award on their
20 behalf.

21 The pictures on the front of it and the story on the
22 second and third page will tell the story. And I won't
23 go into any further detail on that, because you can look
24 at that for yourself.

25 But we were proud to represent Oklahoma. And what

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1 DEQ and EPA do to serve the citizens of this state of
2 Oklahoma that we work every day; our operators, our
3 managers, our Board members to make sure that our water
4 in Oklahoma is safe and good and palatable. So on behalf
5 of Tahlequah and our organization, our department here, I
6 want to say thank you, and it's -- I'm proud to be a part
7 of this.

8 As Ken pointed out, we do a good job, but we want to
9 do an even better job. And this kind of represents
10 trying to make that effort. Thank you.

11 CHAIRMAN TIM MUNSON: It was just brought to
12 my attention that Secretary Wagner's hometown is
13 Tahlequah. Is that true?

14 SECRETARY KEN WAGNER: You're right.

15 CHAIRMAN TIM MUNSON: So it's good that you
16 could be here for that honor.

17 SECRETARY KEN WAGNER: And Bill asked me what
18 the meaning of Tahlequah was, and I was ashamed to say I
19 didn't know. But I thought it meant beautiful, tasty
20 water.

21 (Laughter.)

22 CHAIRMAN TIM MUNSON: Okay. I'd like to make
23 the announcement there will be an opportunity for a
24 public forum after the formal Board meeting adjourns. So
25 if there's anybody here who would like to speak, please

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1 sign up at the back and we'll recognize you at the end of
2 our meeting here today.

3 Those of you who have taken a moment to look at the
4 agenda realize that there's going to be a few changes
5 coming into effect today. So before we go into the
6 formal agenda, I thought I wanted to take just a second
7 to make a comment.

8 I want to thank each and every one of the Board
9 members who have shown me support over the last two
10 years. It has been a great honor to serve the DEQ in
11 this capacity. I look forward to continuing to work with
12 each and every one of you going forward.

13 It's been humbling. I appreciate those of you who
14 have shared with me your advice and your counsel. I
15 probably needed it more often than most would.

16 I'd like to thank Scott Thompson. I think Scott has
17 done an outstanding job in his role. It's been great to
18 get to know him better, work real closely with him the
19 last two years. It's been a great pleasure and I look
20 forward to continuing to do that.

21 I would like to thank Kathy Aebischer. I think she
22 has done an outstanding job of providing this Board with
23 clear, concise financial information as to the financial
24 status of the DEQ, and I think we all appreciate that.

25 And lastly, I just would like to thank all the staff

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1 of DEQ. You people do an outstanding job. You do it in
2 a very professional manner. I echo Secretary Wagner's
3 thoughts. We, here at the DEQ, provide a vital service
4 to the state of Oklahoma and we couldn't do it without
5 great folks like you. So I appreciate the opportunity to
6 have served as your Chair and I'll continue to work with
7 you going forward serving on this Board.

8 So with that, we will move on to item number three.
9 Can we have a roll call?

10 MS. QULANA FIELDS: Mr. Barton.

11 MR. MARK BARTON: Here.

12 MS. QULANA FIELDS: Ms. Cain is absent.

13 Dr. Ferrell.

14 DR. SHANNON FERRELL: Here.

15 MS. QULANA FIELDS: Mr. Griesel.

16 MR. DAVID GRIESEL: Here.

17 MS. QULANA FIELDS: Dr. Hammon.

18 DR. TRACY HAMMON: Here.

19 MS. QULANA FIELDS: Mr. Hirshey is absent.

20 Mr. Kinder.

21 MR. JIMMY KINDER: Here.

22 MS. QULANA FIELDS: Ms. Kunze.

23 MS. JAN KUNZE: Here.

24 MS. QULANA FIELDS: Mr. Mason.

25 MR. STEVE MASON: Here.

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1 MS. QUIANA FIELDS: Mr. Nicholson.
2 MR. HOMER NICHOLSON: Here.
3 MS. QUIANA FIELDS: Mr. Paque.
4 MR. MIKE PAQUE: Here.
5 MS. QUIANA FIELDS: Mr. Sims.
6 MR. BILLY SIMS: Here.
7 MS. QUIANA FIELDS: Mr. Munson.
8 CHAIRMAN TIM MUNSON: Here.
9 MS. QUIANA FIELDS: We have a quorum.
10 CHAIRMAN TIM MUNSON: Thank you.
11 All right. Each of you have been provided a copy of
12 the minutes of our last meeting. If there are any
13 corrections or changes that need to be made, I would ask
14 that you bring those to our attention now. If not, I
15 would entertain a motion to approve the minutes.
16 MR. DAVID GRIESEL: So moved.
17 DR. TRACY HAMMON: Second.
18 CHAIRMAN TIM MUNSON: A motion and second.
19 Roll call, please.
20 MS. QUIANA FIELDS: Mr. Barton.
21 MR. MARK BARTON: Yes.
22 MS. QUIANA FIELDS: Dr. Ferrell.
23 DR. SHANNON FERRELL: Yes.
24 MS. QUIANA FIELDS: Mr. Griesel.
25 MR. DAVID GRIESEL: Yes.

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1 MS. QUIANA FIELDS: Dr. Hammon.
2 DR. TRACY HAMMON: Yes.
3 MS. QUIANA FIELDS: Mr. Kinder.
4 MR. JIMMY KINDER: Yes.
5 MS. QUIANA FIELDS: Ms. Kunze.
6 MS. JAN KUNZE: Yes.
7 MS. QUIANA FIELDS: Mr. Mason.
8 MR. STEVE MASON: Yes.
9 MS. QUIANA FIELDS: Mr. Nicholson.
10 MR. HOMER NICHOLSON: Yes.
11 MS. QUIANA FIELDS: Mr. Paque.
12 MR. MIKE PAQUE: Yes.
13 MS. QUIANA FIELDS: Mr. Sims.
14 MR. BILLY SIMS: Yes.
15 MS. QUIANA FIELDS: Mr. Munson.
16 CHAIRMAN TIM MUNSON: Yes.
17 MS. QUIANA FIELDS: Motion passed.
18 CHAIRMAN TIM MUNSON: Thank you.
19 All right. We'll move on to item number five,
20 Election of Officers. First, I would open the floor for
21 nominations for Chairman.
22 MR. BILLY SIMS: Mr. Chairman, I would like
23 to nominate Jimmy Kinder.
24 MR. DAVID GRIESEL: I'll second.
25 CHAIRMAN TIM MUNSON: All right. Any other

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1 nominations?
2 (No response.)
3 CHAIRMAN TIM MUNSON: All right.
4 MR. BILLY SIMS: I make a motion that
5 nominations cease and we elect him by acclamation.
6 CHAIRMAN TIM MUNSON: All right. Thank you.
7 Second for that?
8 MR. DAVID GRIESEL: Second.
9 CHAIRMAN TIM MUNSON: Okay. Roll call,
10 please.
11 MS. QUIANA FIELDS: Mr. Barton.
12 MR. MARK BARTON: Yes.
13 MS. QUIANA FIELDS: Dr. Ferrell.
14 DR. SHANNON FERRELL: Yes.
15 MS. QUIANA FIELDS: Mr. Griesel.
16 MR. DAVID GRIESEL: Yes.
17 MS. QUIANA FIELDS: Dr. Hammon.
18 DR. TRACY HAMMON: Yes.
19 MS. QUIANA FIELDS: Mr. Kinder.
20 MR. JIMMY KINDER: A humble yes.
21 MS. QUIANA FIELDS: Ms. Kunze.
22 MS. JAN KUNZE: Yes.
23 MS. QUIANA FIELDS: Mr. Mason.
24 MR. STEVE MASON: Yes.
25 MS. QUIANA FIELDS: Mr. Nicholson.

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1 MR. HOMER NICHOLSON: Yes.
2 MS. QUIANA FIELDS: Mr. Paque.
3 MR. MIKE PAQUE: Yes.
4 MS. QUIANA FIELDS: Mr. Sims.
5 MR. BILLY SIMS: Yes.
6 MS. QUIANA FIELDS: Mr. Munson.
7 CHAIRMAN TIM MUNSON: Yes.
8 MS. QUIANA FIELDS: Motion passed.
9 CHAIRMAN TIM MUNSON: Thank you.
10 All right. Now we will open the floor for
11 nominations for Vice-Chairman.
12 MR. MIKE PAQUE: Mr. Chairman, I'd like to
13 nominate Dr. Tracy Hammon for Vice-Chair.
14 MR. DAVID GRIESEL: I'll second.
15 CHAIRMAN TIM MUNSON: Okay. Do we have any
16 other nominations?
17 (No response.)
18 MR. BILLY SIMS: I make a motion nominations
19 cease and we elect by acclamation.
20 MR. DAVID GRIESEL: Second.
21 CHAIRMAN TIM MUNSON: All right. Roll call,
22 please.
23 MS. QUIANA FIELDS: Mr. Barton.
24 MR. MARK BARTON: Yes.
25 MS. QUIANA FIELDS: Dr. Ferrell.

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1 DR. SHANNON FERRELL: Yes.
2 MS. QUIANA FIELDS: Mr. Griesel.
3 MR. DAVID GRIESEL: Yes.
4 MS. QUIANA FIELDS: Dr. Hammon.
5 DR. TRACY HAMMON: It would be a privilege,
6 yes.
7 MS. QUIANA FIELDS: Mr. Kinder.
8 MR. JIMMY KINDER: Yes.
9 MS. QUIANA FIELDS: Ms. Kunze.
10 MS. JAN KUNZE: Yes.
11 MS. QUIANA FIELDS: Mr. Mason.
12 MR. STEVE MASON: Yes.
13 MS. QUIANA FIELDS: Mr. Nicholson.
14 MR. HOMER NICHOLSON: Yes.
15 MS. QUIANA FIELDS: Mr. Paque.
16 MR. MIKE PAQUE: Yes.
17 MS. QUIANA FIELDS: Mr. Sims.
18 MR. BILLY SIMS: Yes.
19 MS. QUIANA FIELDS: Mr. Munson.
20 CHAIRMAN TIM MUNSON: Yes.
21 MS. QUIANA FIELDS: Motion passed.
22 CHAIRMAN TIM MUNSON: Thank you.
23 All right. Well, I think we are in good hands. And
24 at this point, I will give up the seat to Mr. Kinder.
25 MR. SCOTT THOMPSON: Well, if Mr. Kinder

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1 would bear with us here, we have a plaque for Tim Munson
2 to thank him for his service as Chair, so we'd like to
3 present that to him at this point.
4 So you get to take a gavel with you.
5 MR. TIM MUNSON: Well, this one is glued
6 down, so I can't -- (Indicating.)
7 (Laughter.)
8 MR. SCOTT THOMPSON: Why don't we take that
9 out of the bag.
10 MR. TIM MUNSON: Yeah, take it out. Be like
11 Grandma's soap at home that still has the plastic.
12 MR. SCOTT THOMPSON: Yeah, this has got a lot
13 of --
14 (Multiple speakers.)
15 CHAIRMAN TIM MUNSON: It's got low mileage.
16 Thank you very much.
17 MR. SCOTT THOMPSON: Thank you.
18 CHAIRMAN TIM MUNSON: I appreciate it.
19 (Applause.)
20 CHAIRMAN JIMMY KINDER: Well, I didn't
21 prepare any comments, but thank you. Very humble. I
22 will say that the one reason why I agreed to even run was
23 because of the people like you and the confidence I have
24 in you and the staff out here that -- to take care of. I
25 appreciate the comments from Ken Wagner,

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1 Secretary Wagner, about in Oklahoma, we think we got it
2 right. We think we know what we're doing here.
3 So I appreciate the vote of confidence. And my
4 first thing is just trying to get through this meeting,
5 so bear with me. If we stumble a little bit, keep me on
6 task. I know we've got attorneys to keep me out of here
7 and you will also keep me straight.
8 So I guess we'll move on to Rule Number 6,
9 Air Pollution Control. And we have a presentation by
10 Laura Lodes. Welcome.
11 MS. LAURA LODES: Thank you. We have three
12 separate rulemakings to do today; A, B and C. My
13 understanding is we're going to vote on -- y'all are
14 going to vote -- act on each one individually --
15 CHAIRMAN JIMMY KINDER: Okay.
16 MS. LAURA LODES: -- so I'll handle them each
17 separately.
18 The first one is Subchapter 37. The Department is
19 proposing to add OAC 252:100-37-27 to amend
20 OAC 252:100-39-47 and replace Appendix N to provide the
21 aerospace industry with updated requirements that better
22 reflect current aerospace industry coating formulations
23 and practices. This rulemaking would ensure the
24 aerospace industry in Oklahoma has the opportunity to
25 operate as necessary with standards specific to the

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1 industry throughout the state consistent with the rules
2 already in place for Tulsa County.
3 The Department received input from aerospace
4 industry professionals that participated in a work group
5 prior to the initial proposal. Comments were received
6 from American Airlines and changes to the rules were made
7 where necessary as addressed in the Response to Comments
8 document. Notice of the proposed rule changes was
9 published in the Oklahoma Register on May 15, 2018;
10 September 4, 2018; and December 3, 2018. The Council
11 unanimously approved the proposal at the -- at its
12 January 16, 2019, meeting.
13 As Chair of the Air Quality Council, I recommend the
14 Board adopt the proposed Chapter OAC 100-37-27,
15 100-39-47, and Appendix N revisions as permanent rules.
16 I do have a few additional notes. Facilities in
17 Tulsa County and the permit writers are unable to
18 reconcile the generic coating regulations in the current
19 Subchapter 37 with the industry-specific regulations in
20 Subchapter 39, both of which the facilities are subject
21 to.
22 Aerospace facilities outside of Tulsa County are
23 regulated by generic coating rules in Subchapter 37,
24 which does not allow for the flexibility provided by
25 industry-specific standards that are needed for

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1 compliance.
2 This rulemaking also adds a new section,
3 OAC 252:100-37-27 for aerospace coating operations
4 throughout the state that reference the industry-specific
5 standards set forth in 40 CFR Part 63, Subpart GG,
6 National Emission Standards for Aerospace Manufacturing
7 and Rework Facilities. This new section has a provision
8 exempting operations subject to the new section from the
9 generic coating rules in OAC 252:100-37-25 regulating all
10 coating of parts and products.
11 Rulemaking amends the current aerospace coating
12 rules applicable in Tulsa County under OAC 252:100-39-47
13 to exempt operations subject to these rules from
14 requirements of both the new section and the old generic
15 coating rules such that facilities in Tulsa County are
16 not dual-regulated.
17 In addition, the proposed amendment brings the rule
18 up-to-date with the most current recently-promulgated
19 industry-specific standards in 40 CFR Part 63,
20 Subpart GG, and clarifies existing language to better
21 reflect the Department's intent and address comments
22 received.
23 This Rulemaking revokes Appendix N to Chapter 100,
24 and replaces with a new Appendix N, Specialty Coating VOC
25 Content Limits. The new Appendix N would allow for it to

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1 be used in the new section OAC 252:100-37-27 as well as
2 the current Tulsa County only section 252 -- as well as
3 the Tulsa only county section 252:100-39-47.
4 CHAIRMAN JIMMY KINDER: Okay. Are there any
5 questions from the Board or discussions?
6 (No response.)
7 CHAIRMAN JIMMY KINDER: Any questions by the
8 public?
9 (No response.)
10 CHAIRMAN JIMMY KINDER: Hearing none, I'll
11 entertain a motion.
12 MR. TIM MUNSON: I move that we approve the
13 change.
14 CHAIRMAN JIMMY KINDER: I've got a motion to
15 approve.
16 MR. HOMER NICHOLSON: Second.
17 CHAIRMAN JIMMY KINDER: We have a second.
18 I'll just ask one more time: Any more discussion?
19 (No response.)
20 CHAIRMAN JIMMY KINDER: Seeing none, we'll
21 have a roll call vote.
22 MS. QUIANA FIELDS: Mr. Barton.
23 MR. MARK BARTON: Yes.
24 MS. QUIANA FIELDS: Dr. Ferrell.
25 DR. SHANNON FERRELL: Yes.

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1 MS. QUIANA FIELDS: Mr. Griesel.
2 MR. DAVID GRIESEL: Yes.
3 MS. QUIANA FIELDS: Dr. Hammon.
4 DR. TRACY HAMMON: Yes.
5 MS. QUIANA FIELDS: Mr. Kinder.
6 CHAIRMAN JIMMY KINDER: Yes.
7 MS. QUIANA FIELDS: Ms. Kunze.
8 MS. JAN KUNZE: Yes.
9 MS. QUIANA FIELDS: Mr. Mason.
10 MR. STEVE MASON: Yes.
11 MS. QUIANA FIELDS: Mr. Nicholson.
12 MR. HOMER NICHOLSON: Yes.
13 MS. QUIANA FIELDS: Mr. Pague.
14 MR. MIKE PAQUE: Yes.
15 MS. QUIANA FIELDS: Mr. Sims.
16 MR. BILLY SIMS: Yes.
17 MS. QUIANA FIELDS: Mr. Munson.
18 MR. TIM MUNSON: Yes.
19 MS. QUIANA FIELDS: Motion passed.
20 CHAIRMAN JIMMY KINDER: Very good.
21 All right. We can move on to Section B.
22 MS. LAURA LODES: Section B. It's more on
23 the same theme. This is for the Department is proposing
24 an amendment to OAC 252:100-39, Chapter 4, Exemptions to
25 remove an incorrect citation to a rule that has since

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1 been revoked. The rule lists 252:100-48 in the
2 exemptions list, but should read 252:100-39-48. However,
3 252:100-39-48 has since been revoked, and therefore the
4 Department is proposing to remove the incorrect citation
5 altogether.
6 Notice of the proposed rule changes were published
7 in the Oklahoma Register on September 4, 2018, and
8 December 3, 2018. No comments were received prior to
9 or -- prior to or during the October 2018 or January 2019
10 Air Quality Council meetings. The Council unanimously
11 approved the proposal at its January 16, 2019 meeting.
12 As Chair of the Air Quality Council, I recommend
13 that the Board adopt the proposed Chapter 100-39-4
14 revisions as permanent rules.
15 CHAIRMAN JIMMY KINDER: Okay. Thank you. It
16 appears to be just cleaning up some language.
17 MS. LAURA LODES: Just a cleanup.
18 CHAIRMAN JIMMY KINDER: Okay. Any questions
19 or comments by the Board?
20 (No response.)
21 CHAIRMAN JIMMY KINDER: Questions or comment
22 by the public?
23 (No response.)
24 CHAIRMAN JIMMY KINDER: Seeing none, I'll
25 entertain a motion.

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1 MR. MIKE PAQUE: So moved.
2 CHAIRMAN JIMMY KINDER: A motion.
3 DR. TRACY HAMMON: Second.
4 CHAIRMAN JIMMY KINDER: We have a motion and
5 a second to accept.
6 Have a roll call vote.
7 MS. QUIANA FIELDS: Mr. Barton.
8 MR. MARK BARTON: Yes.
9 MS. QUIANA FIELDS: Dr. Ferrell.
10 DR. SHANNON FERRELL: Yes.
11 MS. QUIANA FIELDS: Mr. Griesel.
12 MR. DAVID GRIESEL: Yes.
13 MS. QUIANA FIELDS: Dr. Hammon.
14 DR. TRACY HAMMON: Yes.
15 MS. QUIANA FIELDS: Mr. Kinder.
16 CHAIRMAN JIMMY KINDER: Yes.
17 MS. QUIANA FIELDS: Ms. Kunze.
18 MS. JAN KUNZE: Yes.
19 MS. QUIANA FIELDS: Mr. Mason.
20 MR. STEVE MASON: Yes.
21 MS. QUIANA FIELDS: Mr. Nicholson.
22 MR. HOMER NICHOLSON: Yes.
23 MS. QUIANA FIELDS: Mr. Paque.
24 MR. MIKE PAQUE: Yes.
25 MS. QUIANA FIELDS: Mr. Sims.

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1 MR. BILLY SIMS: Yes.
2 MS. QUIANA FIELDS: Mr. Munson.
3 MR. TIM MUNSON: Yes.
4 MS. QUIANA FIELDS: Motion passed.
5 CHAIRMAN JIMMY KINDER: Thank you. Two down
6 and one to go, it looks like.
7 MS. LAURA LODES: Yes, it is.
8 CHAIRMAN JIMMY KINDER: Thank you.
9 MS. LAURA LODES: We have lots of cleanup on
10 these chapters.
11 The Department is proposing to amend
12 OAC 252:100-39-16, Petroleum refinery process unit
13 turnaround, to ensure proper controls are used when
14 accomplishing a refinery process unit turnaround during
15 Oklahoma's current ozone season in Oklahoma or
16 Tulsa County.
17 Notice of the proposed rule changes were published
18 in the Oklahoma Register on December 3, 2018. No
19 comments were received prior to or during the January 16,
20 2019, Air Quality Council meeting. The Council
21 unanimously approved the proposal at its January meeting.
22 As Chair of the Air Quality Council, I recommend the
23 Board adopt the proposed OAC 252:100-39-16 revisions as
24 permanent rules.
25 These rules -- I note as this rule change is similar

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1 to what we brought before the Environmental Quality Board
2 at the November 2018 meeting for cutback asphalt. We
3 actually just missed that there was the same kind of
4 citation -- same citation for the dates that needed to be
5 corrected in this rule.
6 The current ozone season runs from March 1 through
7 November 13, and so that's why we are looking to do it.
8 CHAIRMAN JIMMY KINDER: Okay. Any questions
9 or comments by the Board?
10 (No response.)
11 CHAIRMAN JIMMY KINDER: Okay. Questions or
12 comments by the public?
13 (No response.)
14 CHAIRMAN JIMMY KINDER: Seeing none, I'll
15 entertain a motion.
16 DR. TRACY HAMMON: I move to approve.
17 MR. DAVID GRIESEL: Move to --
18 DR. TRACY HAMMON: Sorry.
19 MR. DAVID GRIESEL: Second.
20 CHAIRMAN JIMMY KINDER: We have a motion and
21 a second multiple times here. We're good, I understand.
22 So we'll have a roll call vote.
23 MS. QUIANA FIELDS: Mr. Barton.
24 MR. MARK BARTON: Yes.
25 MS. QUIANA FIELDS: Dr. Ferrell.

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1 DR. SHANNON FERRELL: Yes.
2 MS. QUIANA FIELDS: Mr. Griesel.
3 MR. DAVID GRIESEL: Yes.
4 MS. QUIANA FIELDS: Dr. Hammon.
5 DR. TRACY HAMMON: Yes.
6 MS. QUIANA FIELDS: Mr. Kinder.
7 CHAIRMAN JIMMY KINDER: Yes.
8 MS. QUIANA FIELDS: Ms. Kunze.
9 MS. JAN KUNZE: Yes.
10 MS. QUIANA FIELDS: Mr. Mason.
11 MR. STEVE MASON: Yes.
12 MS. QUIANA FIELDS: Mr. Nicholson.
13 MR. HOMER NICHOLSON: Yes.
14 MS. QUIANA FIELDS: Mr. Paque.
15 MR. MIKE PAQUE: Yes.
16 MS. QUIANA FIELDS: Mr. Sims.
17 MR. BILLY SIMS: Yes.
18 MS. QUIANA FIELDS: Mr. Munson.
19 MR. TIM MUNSON: Yes.
20 MS. QUIANA FIELDS: Motion passed.
21 CHAIRMAN JIMMY KINDER: Okay. Thank you,
22 Laura.
23 MS. LAURA LODES: Thank you, very much.
24 CHAIRMAN JIMMY KINDER: Very good.
25 It's been brought to my attention that we had a

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1 guest sneak in. Representative Kevin West in the back of
2 the room.
3 (Applause.)
4 CHAIRMAN JIMMY KINDER: Thanks for coming
5 today.
6 REPRESENTATIVE KEVIN WEST: Thank you.
7 CHAIRMAN JIMMY KINDER: And I hope you
8 approve of what's going on here today. Thank you.
9 MALE SPEAKER: He's on your budget committee.
10 CHAIRMAN JIMMY KINDER: Yeah, I understand. I
11 understand.
12 (Laughter.)
13 CHAIRMAN JIMMY KINDER: A great big
14 shout-out, right?
15 (Laughter.)
16 CHAIRMAN JIMMY KINDER: So we're going to
17 move on to action number seven, Item Number 7,
18 Rulemaking, Hazardous Waste Management. Lee Grater is
19 here today to speak to us today from the Waste Management
20 Advisory Council.
21 MR. LEE GRATER: Good morning. I'm the
22 Chairman of the Hazardous Waste Management Advisory
23 Council. The Council met for rulemaking meeting -- I'm
24 sorry.
25 (Microphone adjusted.)

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1 MR. LEE GRATER: Thank you.
2 The Council met for a rulemaking meeting on
3 October 11th, 2018. The Council voted unanimously to
4 approve the DEQ's proposed amendments. The purpose of
5 this rulemaking is to make DEQ's State hazardous waste
6 rules consistent with the federal regulations by
7 incorporating by reference the regulations found at
8 40 CFR Parts 124 and 260 through 279 revised as of
9 July 1st, 2018.
10 The significant federal rule changes, which will be
11 incorporated include establishing EPA user fees for
12 electronic and paper manifest. New EPA rules
13 regulated -- related to the Confidentiality
14 Determinations for Hazardous Waste Export and Import
15 Documentations; and revisions to EPA's Definition of
16 Solid Waste Rule resulting from court decisions that
17 affected certain provisions.
18 This rulemaking will ensure that Oklahoma's
19 hazardous waste rules are at least equivalent to the
20 federal rules, which is a requirement to maintain our
21 authorization status.
22 It is important to note that the manifest user rule
23 fee change does not create a new State fee. The fee is
24 only received at the federal level and is the funding
25 mechanism for the new nationwide E-manifest program. It

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1 is mentioned here because it is one of the new federal
2 rules that DEQ is required to incorporate to ensure that
3 its program maintains equivalency to the federal rules.
4 If anyone has any questions, we will be happy to
5 answer them at this time. Thank you.
6 CHAIRMAN JIMMY KINDER: Thank you.
7 Any questions or comments by the Board?
8 (No response.)
9 CHAIRMAN JIMMY KINDER: Questions or comments
10 by the public?
11 (No response.)
12 CHAIRMAN JIMMY KINDER: Seeing none, I will
13 entertain a motion to accept.
14 MR. TIM MUNSON: So moved.
15 CHAIRMAN JIMMY KINDER: We've got a motion to
16 accept.
17 MR. MARK BARTON: Second.
18 CHAIRMAN JIMMY KINDER: And we have a second.
19 Thank you.
20 Have a roll call vote.
21 MS. QUIANA FIELDS: Mr. Barton.
22 MR. MARK BARTON: Yes.
23 MS. QUIANA FIELDS: Dr. Ferrell.
24 DR. SHANNON FERRELL: Yes.
25 MS. QUIANA FIELDS: Mr. Griesel.

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1 MR. DAVID GRIESEL: Yes.
2 MS. QUIANA FIELDS: Dr. Hammon.
3 DR. TRACY HAMMON: Yes.
4 MS. QUIANA FIELDS: Mr. Kinder.
5 CHAIRMAN JIMMY KINDER: Yes.
6 MS. QUIANA FIELDS: Ms. Kunze.
7 MS. JAN KUNZE: Yes.
8 MS. QUIANA FIELDS: Mr. Mason.
9 MR. STEVE MASON: Yes.
10 MS. QUIANA FIELDS: Mr. Nicholson.
11 MR. HOMER NICHOLSON: Yes.
12 MS. QUIANA FIELDS: Mr. Paque.
13 MR. MIKE PAQUE: Yes.
14 MS. QUIANA FIELDS: Mr. Sims.
15 MR. BILLY SIMS: Yes.
16 MS. QUIANA FIELDS: Mr. Munson.
17 MR. TIM MUNSON: Yes.
18 MS. QUIANA FIELDS: Motion passed.
19 CHAIRMAN JIMMY KINDER: Okay.
20 MR. LEE GRATER: Thank you.
21 CHAIRMAN JIMMY KINDER: Thank you.
22 I might add that all of the councils -- we
23 appreciate all the councils' work that they do. All the
24 councils' work that they do make our job a little clearer
25 and easier to do. It sure means a lot to me, as a Board

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1 member, when I see the work done there and the approval
2 that they have of these regs as we clean them up and
3 change.
4 Okay. Moving on to item number 8, Rulemaking,
5 Laboratory Accreditation. Brian Duzan.
6 MR. BRIAN DUZAN: Yeah, Duzan.
7 CHAIRMAN JIMMY KINDER: Duzan. Okay.
8 MR. BRIAN DUZAN: Yeah. We have three
9 proposals all to deal with laboratory accreditation. The
10 first one is Chapter 301, Laboratory Accreditation. The
11 Water Quality Management Advisory Council is proposing to
12 amend Chapter 301, Laboratory Accreditation Subchapters
13 1, 3, 5, 7 and 9. The most significant proposed
14 amendment is as follows. The proposal for Subchapter 1
15 includes new definitions for the terms "finding" and
16 "critical finding." Both terms are utilized to note a
17 conclusion of a noncompliance reveal during an on-site
18 evaluation. A laboratory would respond to a finding with
19 a proposed corrective action. A critical finding would
20 be -- would require immediate corrective action or a stop
21 to testing. The proposal includes the addition of the
22 analyte e coli and temperature to the basic environmental
23 analyte for laboratory accreditation.
24 Most importantly a new fee is proposed for on-site
25 evaluations not to exceed \$10,000 per laboratory to

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1 recover the cost of assessor's time and effort in
2 performing on-site evaluation. This will more accurately
3 reflect the Department's full cost of performing
4 laboratory accreditation and reduce the reliance on
5 State-appropriated funds.
6 In Subchapter 5, on-site evaluation amendment
7 clarifies the circumstances and frequency for conducting
8 on-site evaluations.
9 In Subchapter 9, quality assurance, quality control
10 amendment incorporates the latest federal reference for
11 EPA primary drinking water regulations, national
12 standards for solid waste testing, the EPA test
13 procedures for the analysis of pollutants. The test
14 procedures for the analysis of pollutant amends the
15 procedure for method detection limits, which will apply
16 to all permittees and accredited laboratories.
17 The QA/QC requirement for analytical records
18 retention is increased from three years to five years.
19 This change is consistent with all other DEQ laboratory
20 accreditation record retention requirements. The
21 proposal deletes the option to perform spike duplicates
22 once per month. The laboratory must perform a duplicate
23 spike every 20 samples or with each analytical batch.
24 Lastly, the Department proposes that the laboratory
25 support equipment be calibrated or verified annually

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1 using National Meteorological Institute, such as NIST.
2 This change is consistent with other EPA-required test
3 procedures. That's it for 301.
4 CHAIRMAN JIMMY KINDER: Okay. Any questions
5 or comments by the Board?
6 MR. STEVE MASON: I have a question. It
7 sounds like there's a new fee on labs.
8 MR. BRIAN DUZAN: Correct.
9 MR. STEVE MASON: And what is the regulated
10 community's comments during you-all's process about that?
11 MR. BRIAN DUZAN: We had a few comments at
12 the advisory council. I think pretty much all the labs
13 were involved in making their statements and what they
14 felt.
15 This fee basically puts us in line with all the
16 surrounding states. All the surrounding states charge
17 for on-site evaluations in pretty much the same measure
18 that this proposal does. It's basically a -- charge what
19 it costs to do the on-site evaluation.
20 MR. STEVE MASON: And what are some examples
21 of the labs that are affected by this new fee?
22 MR. BRIAN DUZAN: It will be all the
23 commercial labs. You know, I'm -- I have a lab in Tulsa,
24 Green County Testing. But Accurate, the other testing
25 labs, basically anybody that has a -- is accredited will

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1 fall into this.
2 In the next section, which is 302, the field
3 laboratory is basically for the small facilities that are
4 only doing like pH or turbidity. That has a different
5 fee structure that we'll get to when it comes about.
6 MR. STEVE MASON: Okay. So this fee affects
7 you personally. Are you okay with it?
8 MR. BRIAN DUZAN: Yeah. Because I think that
9 the DEQ has to be able to have the authority and the
10 ability to inspect labs to make sure that everybody is
11 doing what they should be doing to basically level the
12 playing field.
13 Because it doesn't matter if the DEQ sets rules for,
14 you know, say lead or whatever, and then the laboratories
15 don't have the, say, oversight to be able to yield
16 generally defensible data. Then it really doesn't matter
17 what the limits are if the data is questionable.
18 So the State being able to come in and conduct
19 fairly-detailed audits, which they've already been doing,
20 but it just -- it gives them a chance to recover their
21 fees.
22 MR. STEVE MASON: Well, that makes sense.
23 And if you're okay with the fee on yourself, I'm okay
24 with it.
25 MR. BRIAN DUZAN: I --

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1 (Laughter.)
2 MR. BRIAN DUZAN: I am.
3 MR. STEVE MASON: Okay. Thanks.
4 MR. MARK BARTON: About how many labs are we
5 talking about? About what is the size of the regulated
6 community here?
7 MR. BRIAN DUZAN: There are probably three or
8 four bigger labs, and then probably three or four smaller
9 labs, and then there's a whole bunch of the labs that
10 just do like the pH that fall into the field
11 accreditation. And their fees are set at \$500 a year,
12 even though they get audited every other year to break
13 that up. Chris Armstrong could probably --
14 Thank you.
15 MR. CHRIS ARMSTRONG: Hi, I'm
16 Chris Armstrong. I'm Director of State Environmental
17 Laboratory Services Division.
18 The program as a whole, as an entirety, we certify
19 approximately 167 labs on an annual basis. Now, about
20 half of those laboratories are out of state. Okay. We
21 don't actually travel out of state to do those
22 assessments. Only the states -- only the laboratories
23 that are within state are assessed, and they're assessed
24 on an every-other-year basis. So you're probably looking
25 at maybe 38, 35 on-site assessments on an annual basis.

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1 Does that make sense?
2 MR. MARK BARTON: Yes. Thank you.
3 MR. CHRIS ARMSTRONG: Thank you.
4 MR. HOMER NICHOLSON: Question, your fee
5 structure, you probably came up with that how? By hours
6 and time and staff and what it took to actually do the
7 accreditation?
8 MR. CHRIS ARMSTRONG: Yes, sir. We actually
9 looked at -- we did a survey of surrounding states within
10 the region and everybody charges at-cost a fee that --
11 that reflects actual cost. And we elected to go with a
12 time-and-labor-based fee that would capture the efforts
13 of whoever is actually involved with an on-site
14 assessment.
15 CHAIRMAN JIMMY KINDER: Okay. Any other
16 questions or comments from the Board?
17 (No response.)
18 CHAIRMAN JIMMY KINDER: Any more questions or
19 comments from the public?
20 (No response.)
21 CHAIRMAN JIMMY KINDER: Okay. I will
22 entertain a motion.
23 MR. STEVE MASON: I'd move approval.
24 CHAIRMAN JIMMY KINDER: A motion to approve.
25 MR. MARK BARTON: Second.

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1 CHAIRMAN JIMMY KINDER: We have a second.
2 Roll call vote, please.
3 MS. QUIANA FIELDS: Mr. Barton.
4 MR. MARK BARTON: Yes.
5 MS. QUIANA FIELDS: Dr. Ferrell.
6 DR. SHANNON FERRELL: Yes.
7 MS. QUIANA FIELDS: Mr. Griesel.
8 MR. DAVID GRIESEL: Yes.
9 MS. QUIANA FIELDS: Dr. Hammon.
10 DR. TRACY HAMMON: Yes.
11 MS. QUIANA FIELDS: Mr. Kinder.
12 CHAIRMAN JIMMY KINDER: Yes.
13 MS. QUIANA FIELDS: Ms. Kunze.
14 MS. JAN KUNZE: Yes.
15 MS. QUIANA FIELDS: Mr. Mason.
16 MR. STEVE MASON: Yes.
17 MS. QUIANA FIELDS: Mr. Nicholson.
18 MR. HOMER NICHOLSON: Yes.
19 MS. QUIANA FIELDS: Mr. Paque.
20 MR. MIKE PAQUE: Yes.
21 MS. QUIANA FIELDS: Mr. Sims.
22 MR. BILLY SIMS: Yes.
23 MS. QUIANA FIELDS: Mr. Munson.
24 MR. TIM MUNSON: Yes.
25 MS. QUIANA FIELDS: Motion passed.

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1 CHAIRMAN JIMMY KINDER: Okay. Thank you.
2 Moving on to number 9, I guess, 302.
3 MR. BRIAN DUZAN: 302. And a lot of this
4 is -- all three of these are very similar, so not always
5 the most exciting when you get to the lab stuff.
6 (Laughter.)
7 MR. BRIAN DUZAN: Chapter 302 is
8 Field Laboratory Accreditation. The Water Quality
9 Management Advisory Council is proposing to amend
10 Chapter 302, Chapters 1, 3, 5, 7 and 9. The most
11 significant proposed amendments as follow: Subchapter 1
12 proposes to include the new definition for the terms
13 "finding" and "critical finding." Both terms are
14 utilized to note the conclusion of the noncompliance
15 reveal during an on-site evaluation. The laboratory
16 responds to a finding with a proposed corrective
17 action.
18 A critical finding would require immediate
19 corrective action or a stop to testing. Additionally,
20 the term "interim accreditation" is clarified as an
21 out-of-time request for the addition of an analyte to a
22 scope of accreditation in which the laboratory is not
23 currently accredited.
24 Most importantly, a new fee is proposed for on-site
25 evaluation to recover the cost for assessors in

<p style="text-align: right;">Page 42</p> <p>1 performing on-site evaluation. This will more accurately 2 reflect the Department's full cost of performing 3 laboratory accreditation and reduce the reliance on 4 State-appropriated funds.</p> <p>5 In Subchapter 5, proposed amendment, it deletes 6 redundant laboratory technician language and broadens the 7 educational and training requirements. It allows the 8 laboratory to simplify analytical demonstration of 9 proficiency to either participation in proficiency test 10 samples or the analysis of four known standards over a 11 period of three to five days. This proposal amends the 12 on-site evaluation to clarify the circumstances and 13 frequency for conducting an on-site assessment.</p> <p>14 Subchapter 7, proficiency testing amendment requires 15 that laboratories participate in proficiency tests, must 16 participate in a program provided by the National 17 Environmental Laboratory Program test provider.</p> <p>18 Subchapter 9, QA/QC requirements -- requirements 19 amend and incorporate the latest federal reference for 20 EPA test procedures for the analysis of pollutants. The 21 test procedure for the analysis of pollutant amends the 22 procedure for method detection limits, which will apply 23 to all permittees and accredited labs. And lastly, 24 amends sample storage requirements requiring the 25 utilization of thermometers calibrated or verified</p>	<p style="text-align: right;">Page 44</p> <p>1 CHAIRMAN JIMMY KINDER: Yes. 2 MS. QUIANA FIELDS: Ms. Kunze. 3 MS. JAN KUNZE: Yes. 4 MS. QUIANA FIELDS: Mr. Mason. 5 MR. STEVE MASON: Yes. 6 MS. QUIANA FIELDS: Mr. Nicholson. 7 MR. HOMER NICHOLSON: Yes. 8 MS. QUIANA FIELDS: Mr. Paque. 9 MR. MIKE PAQUE: Yes. 10 MS. QUIANA FIELDS: Mr. Sims. 11 MR. BILLY SIMS: Yes. 12 MS. QUIANA FIELDS: Mr. Munson. 13 MR. TIM MUNSON: Yes. 14 MS. QUIANA FIELDS: Motion passed. 15 CHAIRMAN JIMMY KINDER: Thank you very much. 16 We'll move on to item number 10, 307. Brian, you're up 17 again. 18 MR. BRIAN DUZAN: Okay. 307 is the 19 TNI Laboratory Accreditation. And, again, the 20 Water Quality Management Advisory Council is proposing an 21 amendment to Chapter 307, TNI Laboratory Accreditation, 22 Subchapters 1, 7 and 9. And these are the most 23 significant. 24 Subchapter 1, again, on the difference between 25 nonconformity and critical conformity. Again, the</p>
<p style="text-align: right;">Page 43</p> <p>1 annually using National Meteorological Institute, such as 2 NIST. This change is consistent with EPA-required test 3 procedures.</p> <p>4 CHAIRMAN JIMMY KINDER: Okay. Thank you. 5 Any questions or comments by the Board? 6 (No response.) 7 CHAIRMAN JIMMY KINDER: Any questions or 8 comments by the public? 9 (No response.) 10 CHAIRMAN JIMMY KINDER: Seeing none, I'll 11 entertain a motion. 12 MR. DAVID GRIESEL: Move approval. 13 MR. STEVE MASON: Second. 14 CHAIRMAN JIMMY KINDER: We've got a motion 15 and a second to approve. 16 Roll call vote, please. 17 MS. QUIANA FIELDS: Mr. Barton. 18 MR. MARK BARTON: Yes. 19 MS. QUIANA FIELDS: Dr. Ferrell. 20 DR. SHANNON FERRELL: Yes. 21 MS. QUIANA FIELDS: Mr. Griesel. 22 MR. DAVID GRIESEL: Yes. 23 MS. QUIANA FIELDS: Dr. Hammon. 24 DR. TRACY HAMMON: Yes. 25 MS. QUIANA FIELDS: Mr. Kinder.</p>	<p style="text-align: right;">Page 45</p> <p>1 laboratory would respond to a nonconformity by a proposed 2 corrective action. A critical nonconformity would 3 require immediate corrective action or a stop to testing. 4 5 The proposal includes the addition of the analyte 6 e coli to the basic environmental laboratory definition. 7 The amendment includes the latest federal reference for 8 EPA primarily drinking water regulations, national 9 standards for solid waste testing, the EPA test 10 procedures for the analysis of pollutants. 11 Also, the test procedure for the analysis of 12 pollutant amends the procedure for method detection 13 limits, which will apply to all permittees and accredited 14 laboratories. 15 Most importantly, the new fee is proposed for 16 on-site assessment not to exceed \$10,000 to recover the 17 cost of the assessor's time and effort in performing 18 on-site evaluations. This will more accurately reflect 19 the Department's full cost of performing laboratory 20 accreditation and reduce the reliance on 21 State-appropriated funds. 22 In Subchapter 9, management and technical 23 requirements is amended to clarify the policy for 24 proficiency testing failure. If a laboratory fails to 25 maintain a PT history of passing two of the last three</p>

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1 PTs, testing will be suspended. This suspension is
2 temporary lasting no more than six months or when the
3 laboratory current accreditation expires, whichever is
4 less.
5 CHAIRMAN JIMMY KINDER: Thank you.
6 Any questions or comments by the Board?
7 MR. STEVE MASON: I have a question. Reading
8 the comments from the Red River Laboratory, I think we
9 probably just need a little more explanation. They seem
10 to be concerned that TNI is going to become mandatory.
11 Maybe it's not mandatory, but we added another level of
12 requirements to them and I don't quite understand the
13 State's response. Are we adding more burden?
14 MR. CHRIS ARMSTRONG: Chris Armstrong.
15 I think Red River Laboratory had a concern that they
16 were going to be forced to become a TNI laboratory. The
17 standards for TNI accreditation are much more rigorous,
18 and I think that was their primary concern out of this.
19 I couldn't say, "No, you'll never be forced to
20 become a TNI-accredited laboratory." But at this point
21 in time, there's no intent to push you into becoming a
22 TNI-accredited laboratory.
23 MR. STEVE MASON: So our rules don't require
24 TNI accreditation in addition to DEQ accreditation?
25 MR. CHRIS ARMSTRONG: It's a voluntary

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1 program.
2 MR. STEVE MASON: Okay. Thank you.
3 MR. MARK BARTON: Same question. How many
4 TNI laboratories do we have currently?
5 CHAIRMAN JIMMY KINDER: The question is how
6 many TNI laboratories do we have currently?
7 MR. CHRIS ARMSTRONG: Five currently.
8 MR. MARK BARTON: Okay.
9 CHAIRMAN JIMMY KINDER: Any other comments or
10 questions from the Board?
11 (No response.)
12 CHAIRMAN JIMMY KINDER: Any comments or
13 questions from the public?
14 (No response.)
15 CHAIRMAN JIMMY KINDER: Seeing none, I will
16 entertain a motion.
17 MR. BILLY SIMS: Motion to approve.
18 CHAIRMAN JIMMY KINDER: I've got a motion to
19 approve.
20 MR. DAVID GRIESEL: Second.
21 CHAIRMAN JIMMY KINDER: And a second.
22 MR. MIKE PAQUE: Second.
23 CHAIRMAN JIMMY KINDER: May we have a roll
24 call vote, please.
25 MS. QUIANA FIELDS: Mr. Barton.

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1 MR. MARK BARTON: Yes.
2 MS. QUIANA FIELDS: Dr. Ferrell.
3 DR. SHANNON FERRELL: Yes.
4 MS. QUIANA FIELDS: Mr. Griesel.
5 MR. DAVID GRIESEL: Yes.
6 MS. QUIANA FIELDS: Dr. Hammon.
7 DR. TRACY HAMMON: Yes.
8 MS. QUIANA FIELDS: Mr. Kinder.
9 CHAIRMAN JIMMY KINDER: Yes.
10 MS. QUIANA FIELDS: Ms. Kunze.
11 MS. JAN KUNZE: Yes.
12 MS. QUIANA FIELDS: Mr. Mason.
13 MR. STEVE MASON: Yes.
14 MS. QUIANA FIELDS: Mr. Nicholson.
15 MR. HOMER NICHOLSON: Yes.
16 MS. QUIANA FIELDS: Mr. Paque.
17 MR. MIKE PAQUE: Yes.
18 MS. QUIANA FIELDS: Mr. Sims.
19 MR. BILLY SIMS: Yes.
20 MS. QUIANA FIELDS: Mr. Munson.
21 MR. TIM MUNSON: Yes.
22 MS. QUIANA FIELDS: Motion passed.
23 CHAIRMAN JIMMY KINDER: Okay. Brian, looks
24 like we get off the labs, don't we, for a while?
25 MR. BRIAN DUZAN: Get off the labs.

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1 CHAIRMAN JIMMY KINDER: But stay on -- we're
2 back -- still on water. Number 11, 653 Aquifer Storage
3 and Recovery, a new one for us.
4 MR. BRIAN DUZAN: A new one. This is for
5 Chapter 653. The Water Quality Management Advisory
6 Council is proposing to amend Chapter 653, Subchapters 1,
7 5 and 7. The first proposed amendment is to update the
8 definitions of "Aquifer Storage and Recovery" and "Area
9 of Hydrologic Effect" to be more consistent with Oklahoma
10 Water Resources Board's definitions.
11 The second proposed amendment is to reinstate permit
12 application fees and annual operating fees for ASR.
13 These fees were approved by the Council and the Board
14 last year. However, DEQ removed the fees per the rules
15 prior to final approval by the legislator/governor due to
16 a procedural oversight. The oversight was that the Board
17 approved the rules in November and the rules containing
18 new fees must be approved by the Board while the
19 Legislature is in session. Today's rulemaking is simply
20 putting the same fee language back into the rules that
21 was previously approved.
22 Next, our notification requirements. Last year the
23 Council approved notification language as part of the ASR
24 rules. At the Environmental Quality Board Meeting, the
25 Board had issues with that language and voted to remove

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1 it from the rules. The Board instructed DEQ to prepare a
2 new notification language that included certain
3 provisions. The DEQ worked with select Board members,
4 industry, and the Oklahoma Water Resources Board to
5 develop the language before you today consulting with
6 them and taking their comments into account.
7 To serve as an update, DEQ shared the draft of this
8 notification language with the Board at last February's
9 Environmental Quality Board meeting.
10 The final amendment is to specific the need for
11 bench scale testing and field pilot testing. As part of
12 the aquifer testing requirements last year, prior to
13 approving the ASR rules, the Water Quality Management
14 Advisory Council suggested specifying those testing
15 requirements in the rules but didn't require a change at
16 that time. This amendment will make this aquifer testing
17 requirement clear, and that is all.
18 CHAIRMAN JIMMY KINDER: All right. Any
19 questions or comments by the Board?
20 (No response.)
21 CHAIRMAN JIMMY KINDER: Seeing none, any
22 questions or comments by the public?
23 (No response.)
24 CHAIRMAN JIMMY KINDER: I'll now entertain a
25 motion to accept.

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1 MR. MIKE PAQUE: Move to accept.
2 CHAIRMAN JIMMY KINDER: Do we have a second?
3 MR. DAVID GRIESEL: I'll second.
4 CHAIRMAN JIMMY KINDER: You will second.
5 I've got a motion and a second.
6 Quiana, roll call vote, please.
7 MS. QUIANA FIELDS: Mr. Barton.
8 MR. MARK BARTON: Yes.
9 MS. QUIANA FIELDS: Dr. Ferrell.
10 DR. SHANNON FERRELL: Yes.
11 MS. QUIANA FIELDS: Mr. Griesel.
12 MR. DAVID GRIESEL: Yes.
13 MS. QUIANA FIELDS: Dr. Hammon.
14 DR. TRACY HAMMON: Yes.
15 MS. QUIANA FIELDS: Mr. Kinder.
16 CHAIRMAN JIMMY KINDER: Yes.
17 MS. QUIANA FIELDS: Ms. Kunze.
18 MS. JAN KUNZE: Yes.
19 MS. QUIANA FIELDS: Mr. Mason.
20 MR. STEVE MASON: Yes.
21 MS. QUIANA FIELDS: Mr. Nicholson.
22 MR. HOMER NICHOLSON: Yes.
23 MS. QUIANA FIELDS: Mr. Paque.
24 MR. MIKE PAQUE: Yes.
25 MS. QUIANA FIELDS: Mr. Sims.

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1 MR. BILLY SIMS: Yes.
2 MS. QUIANA FIELDS: Mr. Munson.
3 MR. TIM MUNSON: Yes.
4 MS. QUIANA FIELDS: Motion passed.
5 CHAIRMAN JIMMY KINDER: Okay.
6 MR. DAVID GRIESEL: Mr. Chairman --
7 CHAIRMAN JIMMY KINDER: Yes.
8 MR. DAVID GRIESEL: -- I would like to thank
9 the staff and the Council for working on this,
10 particularly the notification part.
11 CHAIRMAN JIMMY KINDER: So noted.
12 Thank you to all the councils that did all the hard
13 work, the heaving lifting, thank you, and staff.
14 Okay. Going to item number 12, I guess we get to
15 hear from our Executive Director, Scott. You're up.
16 MR. SCOTT THOMPSON: All right. Thank you.
17 Secretary Wagner wanted me to let you know that he
18 had to run to Tulsa to catch a flight to go to another
19 meeting, so he apologizes for not being able to stick
20 around and visit, but I'm glad that he was here and able
21 to speak to us.
22 All right. It's an interesting year. We have 55
23 new legislators over at the Capitol this year. We did
24 hold a DEQ 101 in, I think November, early December that
25 was very successful. We held -- tried to hold another

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1 one, but folks were called away to different things and
2 so it didn't really come off in January. But we will
3 continue to try to do that as we get new folks onboard
4 over there and give them at least the opportunity to
5 visit with us and understand what we do.
6 The Governor recently issued some executive orders.
7 A freeze has been lifted on unclassified positions, but
8 remains in effect on classified positions. It's
9 essentially what we've been under for several years,
10 similar to that for the classified positions. So
11 Secretary Wagner has to approve any positions that we
12 wish to fill, so...
13 And the parking garage work is going on. We had
14 some engineering firms look at this for real under a
15 contract with us and give us some estimates and stuff.
16 And they came out and told us that basically it is
17 feasible to build on the old visitor's lot, the current
18 fleet lot that's adjacent to the building on the north
19 side. And that makes me pretty happy because if we go
20 down that path, it's a lot easier to manage during the
21 construction, so...
22 And so, you know, our garage is well past its design
23 life and it's in need of substantial repair/replacement.
24 And everybody that looks at it tells us it's probably
25 better just to replace it than to try to repair it, so...

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1 And we need to do some geotechnical work in that lot
2 to verify how the construction could be done, but I don't
3 expect that being too big of an obstacle, I think, but
4 that will give us a better idea where we have to sink
5 piers and how many, et cetera, so...

6 And the costs are about what we expected. We're
7 going to explore over at the Capitol the idea of a bond
8 this year or not, or whether we need to wait until next
9 year or perhaps work out another option for funding the
10 garage, but...

11 And we'll visit with you guys about any options that
12 we might have in terms of the construction and details on
13 it that we might be able to trim some costs here and
14 there.

15 So, obviously, we've been working closely with
16 Secretary Wagner and his staff. He'd like to come here
17 and have an all-hands meeting on March 4th and speak to
18 our entire staff here at DEQ. And so, you know, again,
19 because of the size of our facility, we'll have to have
20 two meetings that day, so I think you guys will get an
21 invite to that.

22 And in terms of our strategic plan, we're doing the
23 "Leading the Way" project. The customer service work
24 group deployed a survey to all DEQ. We've got initial
25 results in, and so we've been visiting with the divisions

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1 about maybe some of the open-ended comments that apply to
2 their divisions, et cetera, and we're working through
3 that.

4 You know, the strategic plan includes a goal of
5 reducing the agency's average time to issue permits by 25
6 percent, so that's -- the real purpose of the survey was
7 to try to identify ways to do that better, and so we're
8 going to focus on those aspects of it, as well.

9 A work group of the divisional chief engineers was
10 formed and they're currently working on how to best
11 measure the current agency average and then develop a
12 strategy for reducing those times. Because we have --
13 you know, honestly, one thing I'd like to see out of that
14 is, "What are the number of permits we issue?" Because
15 every plan approval or something is technically a permit
16 under law, and so we have a tremendous variety of permits
17 in terms of simple to-do versus very, very complex for
18 some of the larger facility applications.

19 So it's a little bit of a challenge. It's apples
20 and oranges when you try to talk about permits in
21 general. You know, you're not -- you may have a permit
22 that takes a few hours versus a permit that could take
23 months to work through all the engineering, design,
24 et cetera.

25 So the -- we're taking a targeted review of our

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1 rules and statutes. Air Quality is going to take a hard
2 look at some of the Chapter 100 rules that can be
3 confusing to some of our customers, and we expect those
4 rules to come to the Board in September probably.

5 Our IT work group has developed a list of current
6 online services offered by DEQ and new services requested
7 by our customers. Our next step is to prioritize and
8 determine what it will take to implement these new and
9 improved services.

10 And, you know, I think we're getting a little better
11 interaction with OMES on some of those kinds of projects,
12 so we'll see if that really works out or not. And we
13 will keep you-all informed of any progress that we can
14 make on that.

15 For, you know, getting an idea of how many permits
16 we do issue and some of the things that we -- the numbers
17 that we hit on different things, for fiscal year 2018 we
18 issued 15,999 permits, so that includes traditional
19 permits, licenses, authorizations or plan approvals. And
20 we had 7,733 submissions for waste water monitoring. We
21 have 1.3 million that are served by the Drinking Water
22 State Revolving Fund projects. Those are those DWSFR
23 projects that we push some of our funding to the
24 Water Board and they leverage it through bonds and help
25 communities work on those infrastructure projects and

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1 improvements that are so needed. We probably can't get
2 enough funding, but two infrastructure projects for
3 water, that the need out there is just tremendous.

4 One thing that we looked at, that I would like to
5 work on in the future, is our staff put together a
6 ballpark estimate of what it might take to dredge a lot
7 of the public water supply reservoirs out there, and I
8 think the total was somewhere in the neighborhood of
9 \$4 billion.

10 So it may be money better spent to try to keep the
11 sediment from getting into those things in the first
12 place or minimize the sedimentation of those structures,
13 because it's going to be tremendously expensive to -- if
14 we have to start dredging them, which is -- there's been
15 at least a small dredging project or two in Oklahoma and
16 one in Kansas that we've looked at, but the costs are
17 extreme. So the more we can do to prevent that, the
18 better. And we may have to work with the Department of
19 Agriculture and the Conservation Commission to do that
20 and try to find innovative ways to approach that idea.

21 We have analyzed 41,982 samples in our lab in 2018.
22 We've helped 25 schools with chemical cleanups where they
23 have leftover things. Many times they're not quite sure
24 what they've got left over after some chemistry classes
25 and they leave it sitting around too long, or they may

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1 have some things that actually are a little bit
2 concerning. So we help those folks make sure that the
3 closet in the chemistry lab is safe.
4 In 2018 -- this is a great project -- we worked with
5 Oklahoma Rural Water Association to do water loss audits
6 and we completed 53 of those in 2018. Saved about
7 1.5 billion, with a B, gallons per year of lost water.
8 So, I mean, this is water you're producing and you're
9 just losing, that you don't need to manage, and so it's
10 tremendous cost and it can result in -- you know, a lot
11 of these projects are really heading us toward that
12 Water for 2060 Plan to try to minimize future water use
13 and keep it within the bounds of what we used in 2011,
14 2012, whatever the baseline year is.
15 There's hope to get there through this program. And
16 it also can negate the need for new water plants or water
17 sources for some of these communities, so that's great.
18 It's an excellent program. That's one of the things we'd
19 like to expand this next year if we can.
20 The cost savings to these systems is \$8.8 million a
21 year total, and so this is a very popular program. We
22 have a waiting list. And these things wouldn't be
23 possible without our dedicated professional staff that
24 are working on it and the folks over at the Rural Water
25 Association. It's just -- it's a very, very good

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1 government program.
2 And, you know, it seems like forever ago that we
3 announced the new license tags that we had. Well, the
4 good news is they're actually available now. So you can
5 go to your tag agency and pick out a new license plate
6 and actually get it.
7 We've got some examples, I think, of the license
8 plates up over here. So if you haven't seen them, take a
9 look at them. And the money from the sale of that goes
10 to schools across the state for environmentally-focused
11 projects, for environmental education. And they're
12 designed by our in-house artists. Grant couldn't be here
13 today, but Jim Moore is here.
14 So hey, Jim.
15 So thanks to those two guys for helping design that.
16 And I think if anybody else -- if Michael was in on that,
17 too. I don't know. Were you?
18 (Shook head.)
19 (Laughter.)
20 MR. SCOTT THOMPSON: Okay. And so the -- so
21 I also have -- you know, Grant couldn't be here today,
22 but he and Jim Moore and Heather Mallory, Glen Nabors,
23 and Dawell Wright are employees of the quarter this year.
24 I think -- I don't know if we ever had before where we
25 had two folks up and I guess tied and shared the employee

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1 of the quarter. That's why we have an odd number instead
2 of just four.
3 CHAIRMAN JIMMY KINDER: Make them waive.
4 MR. SCOTT THOMPSON: Yeah. All you guys step
5 up, raise your hands.
6 (Applause.)
7 MR. SCOTT THOMPSON: And these folks are
8 nominated by their peers, by employees, not by
9 management. So I think that's a great sign that -- that
10 their peers recognize these guys are doing a good job and
11 working really hard, and so I think that's a great
12 program. Love to be able to recognize the good things
13 that are going on.
14 So thanks you guys for everything you get done. And
15 with that, I'm done, and we can go to the next.
16 CHAIRMAN JIMMY KINDER: Okay. Any questions
17 while we've got Scott teed up here? Any questions for
18 him from the Board?
19 MS. JAN KUNZE: I've got a quick question.
20 What was the date you said the Governor was going to hold
21 those two meetings?
22 MS. SARAH PENN: March 4th.
23 MR. SCOTT THOMPSON: Oh, March 4th.
24 MS. JAN KUNZE: Thank you.
25 MR. SCOTT THOMPSON: Yeah, that's

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1 Secretary Wagner coming in.
2 MS. JAN KUNZE: All right. Got it. Thank
3 you.
4 CHAIRMAN JIMMY KINDER: Okay. Not seeing any
5 more questions or discussions, we'll move on to item
6 number 13, the budget update and financial overview.
7 Kathy Aebischer, you're up.
8 MS. KATHY AEBISCHER: Excuse me. I'm going
9 to turn this middle projector off so you guys won't be
10 blinded.
11 (Laughter.)
12 MS. KATHY AEBISCHER: Okay. I'm going to
13 give you the financial overview for the first half of the
14 fiscal year, and that's July 1 through December 31st.
15 We've got a flashing lamp. There you go. Thank
16 you.
17 (Laughter.)
18 MS. KATHY AEBISCHER: So revenues through the
19 first half of the year, I don't have any major concerns.
20 I do have a few watches and one of them is the lab. As
21 we talked about with their fees, they're trying to cover
22 their costs for their program. As you remember, we've
23 gone through several years of reduction and that's
24 affected the lab. So their revenue to December 31st is a
25 little behind. I did look at January and it looks like

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1 they've caught up a little bit, so good news. But they
2 still are needing to cover their costs.
3 The other area is Air. It looks like it's
4 62 percent, but that's because of the VW Settlement
5 funds. It makes the percentage look a lot lower. It's
6 the pass-through funds. They're actually at 90 percent
7 if I take that out, so they're in good shape.
8 And then we have Land. They're about 300,000 less
9 than the same time last year. I also pulled up
10 January's. We just closed January. They're still
11 running behind. But we had the division do an analysis
12 of reporting to see if the tonnage was running behind,
13 and it doesn't look like -- I think it's two percent, so
14 it just looks like maybe a timing of receipts. So we're
15 going to look into that a little bit further. It's just
16 a watch.
17 Other than that, the agency as a whole, we're in
18 pretty good shape.
19 So if we look at expenditures, we have expended
20 almost 30 million to-date out of our \$96 million budget.
21 We have a few projects that are delayed because we've had
22 a really wet winter, so the land is saturated. We're
23 waiting for it to dry out. That's about the only thing
24 that's running a little bit behind on that.
25 If we look at our funding sources, everything is in

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1 line. There's no concern. Federal dollars, we've been
2 able to draw down our grants while the federal government
3 was shut down so that did not affect us. And then we've
4 received a 100 -- a little over \$100,000 in the
5 settlement for VW that we've passed through so far.
6 Any questions on the financials before I give an
7 update on this project?
8 (No response.)
9 MS. KATHY AEBISCHER: Okay. Just giving you
10 a status of our Program Optimization Project, we started
11 it about a year ago, and this is DEQ's effort to really
12 look at all of our programs and to see if there's some
13 cost-cutting measures, some process improvement that
14 could be done to reduce our costs. So we've -- we are
15 going to analyze every program. Right now we've got 200.
16 But we spent last year setting up the whole structure of
17 how we're going to evaluate every program.
18 And so we have made it to the point that we
19 started -- we pulled two projects to pilot our measures
20 and analyses to make sure that it's going to flow right
21 and get some results from it.
22 So we have met with Private Water Program, mainly
23 the lab, and with the ECLS representative. We have had
24 four meetings. And just within those four meetings,
25 we've come up with about 14 possible improvements.

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1 So I'm just really impressed with the staff.
2 Everybody at DEQ is wanting to make things more efficient
3 and -- for our customers and for ourselves. So even just
4 one small project, we're already getting results.
5 We're going to start with lead-base paint probably
6 in March. After we put the reports together for those
7 two programs, we're going to submit it to the directors
8 and ADs, and then make any tweaks that need to be made,
9 and then we're going to push it out for the rest of the
10 agency.
11 So do we have any questions?
12 (No response.)
13 CHAIRMAN JIMMY KINDER: Are there any
14 questions from the Board?
15 (No response.)
16 CHAIRMAN JIMMY KINDER: I'm not seeing any.
17 Thank you, Kathy.
18 MS. KATHY AEBISCHER: Thank you.
19 CHAIRMAN JIMMY KINDER: I guess we can
20 regroup.
21 MR. MIKE PAQUE: Mr. Chairman, I had one
22 question.
23 CHAIRMAN JIMMY KINDER: Yes, Mike.
24 MR. MIKE PAQUE: I had a strawberry in my
25 mouth, so I couldn't ask Kathy a question.

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1 A simple question. On the Brownfield funds, I
2 noticed it was half a million dollars. When do those
3 come in? When are those received?
4 MS. KATHY AEBISCHER: That's the Revolving
5 Loan Fund that Commerce used to be our fund manager.
6 MR. MIKE PAQUE: Uh-huh.
7 MS. KATHY AEBISCHER: So in October we took
8 that over and brought it in-house.
9 MR. MIKE PAQUE: Okay. All right.
10 CHAIRMAN JIMMY KINDER: Okay. Good question.
11 MR. SCOTT THOMPSON: Well, I would say, you
12 know, as those funds are paid back on whatever schedule,
13 then you see some of that go up, and then as it gets
14 loaned out, I guess that balance goes back down, so...
15 MS. KATHY AEBISCHER: Uh-huh.
16 CHAIRMAN JIMMY KINDER: Yes.
17 DR. SHANNON FERRELL: Which that brings to
18 mind one more question, Kathy. And we talked about this
19 previously. But with the shutdown, have there been any
20 lagging effects now that we are somewhat functional again
21 at the federal level? Have there been any lags in
22 reimbursements or anything like that, or has it fairly --
23 fairly well leveled back out?
24 MS. KATHY AEBISCHER: The only thing that was
25 lagging was approval of specific plans. We were able to

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1 draw down and we were in good shape. I think there was a
 2 few things we were waiting for EPA approval. But as soon
 3 as they opened back up, they made it a priority, and I
 4 think most of our stuff went through.
 5 DR. SHANNON FERRELL: Thank you.
 6 MR. SCOTT THOMPSON: And they solicited what
 7 was a priority of the states, and so we were able to give
 8 them feedback and say, "Here's the things that are
 9 critical at the moment," so they put those first.
 10 DR. SHANNON FERRELL: Oh, very good.
 11 CHAIRMAN JIMMY KINDER: Okay. Any more
 12 questions?
 13 (No response.)
 14 CHAIRMAN JIMMY KINDER: Okay. Thank you,
 15 Kathy.
 16 Moving on to new business, and these are just
 17 matters that couldn't be reasonably foreseen prior to the
 18 posting time. Do we have any new business?
 19 (No response.)
 20 MR. SCOTT THOMPSON: I would --
 21 CHAIRMAN JIMMY KINDER: Go ahead.
 22 MR. SCOTT THOMPSON: I was informed we have
 23 applications for the license tags on the table over there
 24 if you're really interested, so you can grab one of those
 25 on the way out the door and go get your new tag.

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1 CHAIRMAN JIMMY KINDER: Okay. Our next
 2 meeting looks like it's going to be here June 11th at
 3 9:30. So everyone get that please put on your calendars.
 4 And seeing no more discussion, I'll entertain a
 5 motion to adjourn.
 6 MR. DAVID GRIESEL: So moved.
 7 MR. TIM MUNSON: Second.
 8 CHAIRMAN JIMMY KINDER: We've got a motion
 9 and a second to adjourn.
 10 Roll call vote, please, Quiana.
 11 MS. QUIANA FIELDS: Mr. Barton.
 12 MR. MARK BARTON: Yes.
 13 MS. QUIANA FIELDS: Dr. Ferrell.
 14 DR. SHANNON FERRELL: Yes.
 15 MS. QUIANA FIELDS: Mr. Griesel.
 16 MR. DAVID GRIESEL: Yes.
 17 MS. QUIANA FIELDS: Dr. Hammon.
 18 DR. TRACY HAMMON: Yes.
 19 MS. QUIANA FIELDS: Mr. Kinder.
 20 CHAIRMAN JIMMY KINDER: Yes.
 21 MS. QUIANA FIELDS: Ms. Kunze.
 22 MS. JAN KUNZE: Yes.
 23 MS. QUIANA FIELDS: Mr. Mason.
 24 MR. STEVE MASON: Yes.
 25 MS. QUIANA FIELDS: Mr. Nicholson.

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1 MR. HOMER NICHOLSON: Yes.
 2 MS. QUIANA FIELDS: Mr. Paque.
 3 MR. MIKE PAQUE: Yes.
 4 MS. QUIANA FIELDS: Mr. Sims.
 5 MR. BILLY SIMS: Yes.
 6 MS. QUIANA FIELDS: Mr. Munson.
 7 MR. TIM MUNSON: Yes.
 8 MS. QUIANA FIELDS: Motion passed.
 9 CHAIRMAN JIMMY KINDER: Okay. Thank you. We
 10 stand adjourned.
 11 Did we have anybody sign up for public comment? At
 12 this point, we'd open it up for public comment if we had
 13 anybody sign up.
 14 (No response.)
 15 CHAIRMAN JIMMY KINDER: I'm seeing none. So
 16 I thank everyone for coming. Thank you for your time.
 17 Be safe if you're headed north. I hear it's getting
 18 slick.
 19 (Meeting adjourned 10:50 a.m.)
 20 * * * * *
 21
 22
 23
 24
 25

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1 CERTIFICATION
 2 I, Jennifer Payne Kaelin, a Certified Shorthand
 3 Reporter within and for the State of Oklahoma, do hereby
 4 certify that I was present at the Oklahoma Environmental
 5 Quality Board meeting had February 15, 2019; I recorded
 6 in stenotype notes all of said proceedings; and that I
 7 thereafter transcribed my notes so taken and reduced same
 8 to typewritten form; and that foregoing transcript of
 9 proceedings is full, true, correct and complete, to the
 10 best of my skill and ability.
 11 I further certify that I am not an attorney for
 12 nor relative of any of said parties or otherwise
 13 interested in the outcome or event of said action.
 14
 15 IN WITNESS WHEREOF, I have hereunto set my hand
 16 and affixed my official seal this 25th day of February,
 17 2019.
 18
 19 *Jennifer Payne Kaelin, CSR*
 20 Jennifer Payne Kaelin, CSR#1748
 21 Official Court Reporter
 22
 23
 24
 25



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

ENVIRONMENTAL QUALITY
BOARD

Attendance Record
February 15, 2019
Oklahoma City, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

Lloyd Kirk

DEQ

Saba Tahmasebi

AQC

Laura Lodes

OAG

Jennifer Lewis

MELANIE FOSTER

DEQ-AQD

Randy Ward

834-4182 - private

Chris Armstrong

DEQ

Shannon L. Ferrell

EQB

Matthew Irby

OAG

Nancy Nicholson

Board member

[Signature]

DEQ

[Signature]

DEQ

Paul Dzikas

DEQ

Corbin T. Jackson

Insurica

Briese Van de Lune

DEQ

Travis Mensick

DEQ

Betsy Streuli

DEQ

Jennifer Boyle

DEQ

Bud Ground

EFO

KEVIN CRATFORD

DEQ

Michelle Wynn

DEQ

Vivek Rajaraman

DEQ

KEVIN WREST

ST. REP. 54

Heather Mallory

DEQ

GREG CARR

DEQ

Kenneth Wagner

OSEE

Carly Cordell

OSEE



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BOARD

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February 15, 2019
Oklahoma City, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

Riley Lima	
Jerry W. Kiser	
Tim Munson	
Kyle Kennedy	DEQ
Mike Pogue	
Marion Smith	ODEQ
Olivia Fields	DEQ
Brian Swain	GCT
Mark Barton	EQB
Tracy Hammon	EQB
Jimmy Givens	ODEQ
Kathy Aebischer	ODEQ
David Griesel	EQB
Mark Hildebrand	DEQ
Shellee Chard	DEQ
Sarah Penn	DEQ
Mike Edwards	DEQ
Scott Thompson	DEQ
Eds Tall	DEQ
Skyler Matheny	DEQ
Beverly Botchlet-Smith	DEQ
Jan L. Kunze	EQ Board
Kelly Dixon	DEQ
Cooper Garbo	DEQ
Erin Hatfield	DEQ
Healey Young	DEQ