

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

A Public Meeting: 9:30 a.m., Friday, November 9, 2018
Dominion House
602 E. College Avenue
Guthrie, Oklahoma 73044

Please turn off cell phones.

1. Call to Order – Tim Munson, Chair

2. Announcements – Tim Munson, Chair

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

3. Roll Call – Quiana Fields, Secretary, Board & Councils

4. Approval of Minutes of the September 11, 2018, Regular Meeting

5. Rulemaking – OAC 252:100 Air Pollution Control

A. DEQ proposes to amend OAC 252:100-39-40 (Cutback asphalt (paving)) to correct the dates of Oklahoma’s non-oxidant season, which should be December 1 through the last day of February. This proposed rule prohibits the use of cutback asphalt during Oklahoma’s extended ozone season.

B. DEQ also proposes to amend OAC 252:100-39-41 (Storage, loading, and transport/delivery of VOCs) to allow for the use of alternative testing methods for leak inspections, to revise references used for pressure and vapor testing to the most recent EPA regulations, and to update tank truck tag requirements to reflect current practices.

C. DEQ also proposes to amend OAC 252:100, Appendix Q (Incorporation by Reference), in order to incorporate the latest changes to EPA regulations and to amend OAC 252:100, Subchapter 2, to reflect the latest date of incorporation of the EPA rules in Appendix Q. These proposed rules will incorporate recent changes to EPA regulations that include those federal regulations published from June 30, 2017 to June 30, 2018. These changes will include rules relating to the National Emission Standards for Hazardous Air Pollutants (NESHAP), New Source Performance Standards (NSPS), and other EPA regulations referenced in Chapter 100.

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

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

DEQ proposes to amend OAC 252:606 in order to incorporate the latest changes to EPA regulations. Specifically, DEQ proposes to amend OAC 252:606-1-3 (Adoption of U.S. EPA regulations by reference) to update the specific portions of the federal regulations and corresponding titles that are incorporated and to amend OAC 252:606-1-4 (Date of federal regulation incorporated) to update the incorporation of federal rules to include those published from July 1, 2016 to July 1, 2018. The most significant changes include a federal regulation that modifies the approved testing requirements for analysis and sampling under the Clean Water Act (the Methods Update Rule); and an updated rule that establishes two alternative procedural approaches a permitting authority may use to issue NPDES general permits for small MS4 systems.

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

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

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

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

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

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

9. Budget Update and Financial Overview (FY 2019) – Kathy Aebischer, DEQ Chief Financial Officer

Ms. Aebischer’s report will include an update and overview of DEQ’s current FY 2019 budget. This report is for informational purposes only, and no action by the Board is required.

10. Executive Session – Annual Performance Review of Executive Director

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

to the goals, objectives, priorities, and policies of the DEQ. In connection with these responsibilities, the Board has determined that it should conduct a performance review of the Executive Director.

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

11. Reconvene into open session

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

12. Consider taking action on the following

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

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

14. Next meeting: February 15, 2019, Oklahoma City, Oklahoma

15. Adjournment

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

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