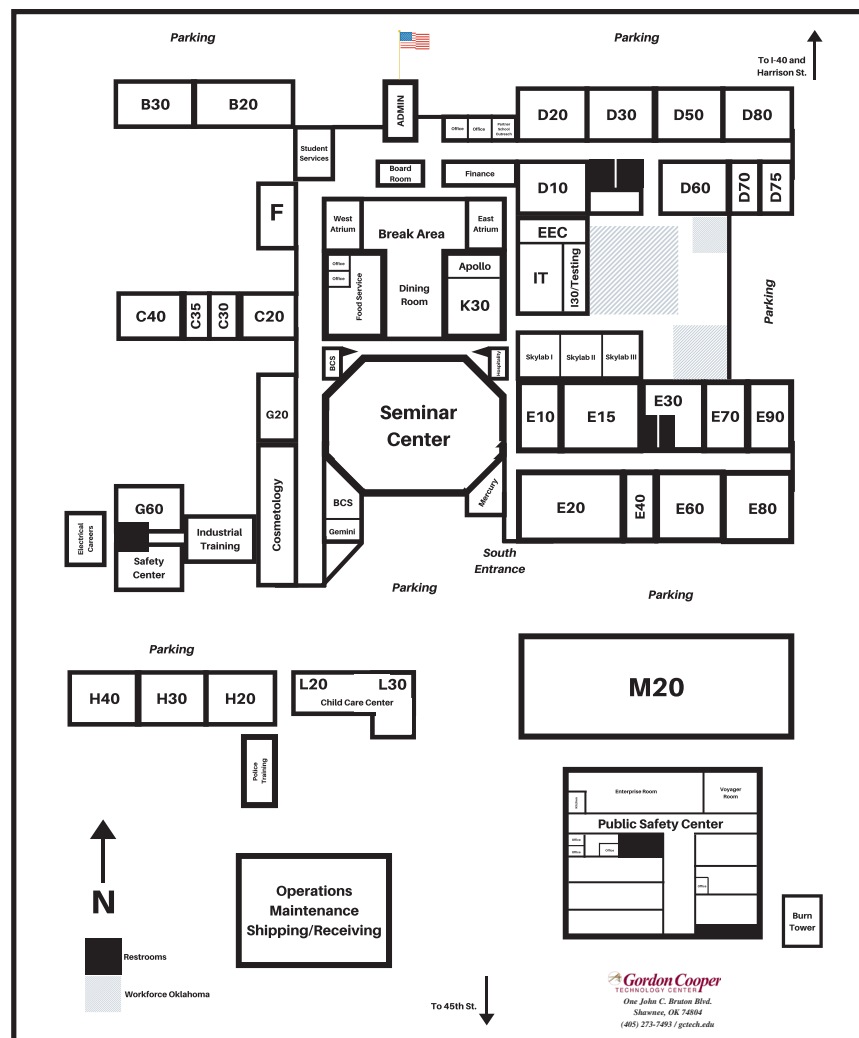


Gordon Cooper Technology Center @ The Marty Lewis Public Safety Center

One John C. Bruton Blvd.

The Board cannot act or comment on individual proceedings such as an enforcement action or a pending permit.



For more information call the Oklahoma Department of Environmental Quality at (405) 702-7100.

Public Forum



Bring your comments to
Environmental Quality Board Members
on Tuesday, November 8, 2022 @ 9:30 a.m. at
Gordon Cooper Technology Center
@ The Marty Lewis Public Safety Center
Enterprise Room
One John C. Bruton Blvd.
Shawnee, Oklahoma 74804

The public forum is your opportunity to comment and let us know if we are meeting your needs and providing timely responses to environmental issues. Sign-up on the forum register when you come to the Board meeting. You will be allocated time to speak to the Board about air quality, water quality, land protection, general environmental issues and other activities of the DEQ.



If you are unable to attend, but would like to submit comments about environmental issues, please contact Quiana Fields at the Oklahoma Department of Environmental Quality, P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

Fax: 405/702-7101

Phone: 405/702-7152

Please subscribe to <https://public.govdelivery.com/accounts/OKDEQ/subscriber/new> to continue to get these notifications for future Board meetings as we are phasing out sending hard copies.

REGULAR MEETING AGENDA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OKLAHOMA ENVIRONMENTAL QUALITY BOARD

A Public Meeting: 9:30 a.m., Tuesday, November 8, 2022
Gordon Cooper Technology Center
@ The Marty Lewis Public Safety Center
One John C. Bruton Blvd.
Shawnee, OK 74804

Please turn off cell phones

1. **Call to Order** – Tracy Hammon, Chair
2. **Announcements** – Tracy Hammon, 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 13, 2022 Regular Meeting
5. **Rulemaking – OAC 252:100 Air Pollution Control**

The agency is proposing to revoke and replace Oklahoma Administrative Code (OAC) 252:100, Appendix Q, Incorporation by Reference. In addition, the Department is proposing to update language in Subchapter 2, Incorporation by Reference, to reflect the latest date of incorporation of EPA regulations in Appendix Q. The gist of these rule proposals and the underlying reason for the rulemaking is to incorporate the latest changes to EPA regulations, primarily those relating to the New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) in 40 C.F.R. Parts 60, 61, and 63.

- 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. **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 the 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 authorized to review, amend (as necessary), and approve the report.

- Presentation – Robert Singletary, Chief of Staff, 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 on approval

7. 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.

- 8. Budget Status Report (FY 2023) – Kathy Aebischer, Chief Financial Officer, DEQ**
Ms. Aebischer's report will include an update and outlook on DEQ's budget for Fiscal Year 2023. This report is for informational purposes only, and no action by the Board is required.
- 9. New Business** (Any matter not known about, and which could not have been reasonably foreseen prior to the posting of agenda)

10. Next Meeting February 17, 2023, Oklahoma City, Oklahoma

11. 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.

**DRAFT MINUTES
ENVIRONMENTAL QUALITY BOARD
SEPTEMBER 13, 2022
QUARTZ MOUNTAIN STATE PARK
LONE WOLF, OKLAHOMA**

Official EQB Approved
On November 8, 2022

Notice of Public Meeting – The Environmental Quality Board (Board) convened for a Regular Meeting at 9:30 a.m., at the Quartz Mountain State Park, 22469 Lodge Road, Lone Wolf, 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 November 3, 2021. The agenda was mailed to interested parties on September 2, 2022 and was posted at the DEQ and the facility on September 12, 2022. Dr. Tracy Hammon, Chair, called the meeting to order. Dr. Hammon talked on safety precautions in case of an emergency and welcomed Mr. Tom Buchanan, General Manager of Lugert-Altus Irrigation District and Secretary Ken McQueen, Office of the Secretary of Energy & Environment to the meeting. Ms. Fields called roll and a quorum was confirmed.

MEMBERS PRESENT

Richard Auer
Mark Barton
Shannon Ferrell
Jimmy Kinder
Alexie Kindrick
Steve Mason
Matt Newman
Mike Paque
Billy Sims
Tracy Hammon

DEQ STAFF PRESENT

Scott Thompson, Executive Director
Jimmy Givens, Deputy Executive Director
Rob Singletary, Chief of Staff
Michelle Wynn, Legislative Liaison
Jennifer Boyle, General Counsel
Madison Miller, Deputy General Counsel
Shellie Chard, Water Quality Division
Erin Hatfield, Office of Communications
Saba Tahmassebi, Engineering Manager
Kathy Aebischer, Administrative Services Division
Travis Mensik, Environmental Complaints & Local Services
Bill Kropf, Environmental Complaints & Local Services
Jeff Franklin, State Environmental Laboratory Services
Kelly Dixon, Land Protection Division
Skylar McElhaney, Office of Continuous Improvement
Malcolm Zachariah, Air Quality Division
Paul Parks, Water Quality Division
Lloyd Kirk, Office of External Affairs
Brock Barker, Environmental Complaints & Local Services
April Eberle, Environmental Attorney
Bruce Vande Lune, Environmental Complaints & Local Services
Sharon Smith, Office of the Executive Director
Quiana Fields, Board & Council Secretary

MEMBERS ABSENT

John Easton
Ken Hirshey
Tim Munson

OTHERS PRESENT

Ken McQueen, Office of the Secretary of Energy & Environment
Victoria Tran, Office of the Secretary of Energy & Environment
Tom Buchanan, General Manager of Lugert-Altus Irrigation District
Jennifer Lewis, Office of the Attorney General
Jenny Longley, Court Reporter

Approval of Minutes – Dr. Hammon commented that on the February 18, 2022 minutes on the transcript page 74 line 12, should read “employees of the quarter” instead of “employee in the corner” hearing no other comments. Dr. Hammon called for a motion to approve the change requested. Dr. Ferrell moved to approve the Minutes of the February 18, 2022 Regular Meeting. Ms. Kindrick made the second.

transcript pages 11 - 12

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Emergency Rulemaking – OAC 252:730 Oklahoma’s Water Quality Standards – Dr. Hammon called upon Mr. Brian Duzan, Chair of the Water Quality Management Advisory Council (WQMAC), to present the water rules. Mr. Duzan stated that the Department is proposing to promulgate this new rule to replace the Oklahoma Water Resources Board (OWRB) rule (OAC 785:45 – Oklahoma’s Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering Oklahoma Water Quality Standards from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as a emergency measure to protect public health, safety and welfare om order to comply with the statutory changes. This rule must be approved by the EQB, signed by the Governor and be in effect on November 1, 2022, the effective date of the legislation. A failure to promulgate this emergency rule may result in permit issuance delays and the application of federal Water Quality Standards in the State of Oklahoma. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Mason moved to approve and Mr. Paque made the second.

transcript pages 12 - 19

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Emergency Rulemaking – OAC 252:740 Implementation of Oklahoma’s Water Quality Standards – Mr. Duzan stated that the Department is proposing to promulgate this new rule to replace the OWRB rule OAC 785:46 – Implementation of Oklahoma’s Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety and welfare in order to comply with the statutory changes and deadlines as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Kinder moved to approve and Mr. Sims made the second.

transcript pages 19 - 22

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Emergency Rulemaking – OAC 252:606 Oklahoma Pollutant Discharge Elimination System (OPDES) Standards – Mr. Duzan stated that the Department is proposing to update the rule to ensure that references to OAC 785:45, OAC 785:46 and to the OWRB’s authority for administering OWQS appropriately cite new emergency rules, OAC 252:730 and OAC 252:740 and DEQ’s authority over Water Quality Standards including authority to issue Water Quality Standard Variances. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an

emergency measure to protect public health, safety and welfare in order to comply with statutory changes and deadline as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Sims moved to approve and Mr. Paque made the second.

transcript pages 22 - 24

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Emergency Rulemaking OAC 252:611 General Water Quality – Mr. Duzan stated that the Department is proposing to update the rule to ensure that references to OAC 785:45 and to the OWRB’s authority for administering OWQS appropriately cite new emergency rule OAC 252:730 and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety and welfare in order to comply with statutory changes and deadlines as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Barton moved to approve and Ms. Kindrick made the second.

transcript pages 25 - 27

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Emergency Rulemaking OAC 252:616 Industrial Wastewater Systems – Mr. Duzan stated that the Department is proposing to update the rule to ensure that references to OAC 785:45 and to OWRB’s authority for administering OWQS appropriately cite new emergency rule OAC 252:730 and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety and welfare in order to comply with statutory changes and deadlines as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Dr. Ferrell moved to approve and Mr. Barton made the second.

transcript pages 27 - 29

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Emergency Rulemaking OAC 252:621 Non-Industrial Discharging and Public Water Supply Lagoons – Mr. Duzan stated that the Department is proposing to update the rule to ensure that references to OAC 785:45 and to OWRB’s authority for administering OWQS appropriately cite new emergency rule OAC 252:730 and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824

were passed by the Legislature and signed by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety and welfare in order to comply with statutory changes and deadlines as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Auer moved to approve and Mr. Mason made the second.

transcript pages 29 - 31

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Emergency Rulemaking OAC 252:628 Indirect Potable Reuse for Surface Water

Augmentation – Mr. Duzan stated that the Department is proposing to update the rule to ensure that references to OAC 785:45, OAC 785:46 and to OWRB’s authority for administering OWQS appropriately cite new emergency rules, OAC 252:730 and OAC 252:740 and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety and welfare in order to comply with statutory changes and deadlines as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Sims moved to approve and Dr. Ferrell made the second.

transcript pages 31 - 33

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Emergency Rulemaking OAC 252:652 Underground Injection Control – Mr. Duzan stated that the Department is proposing to update the rule to ensure that references to OAC 785:45 and to OWRB’s authority for administering OWQS appropriately cited new emergency rule OAC 252:730 and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety and welfare in order to comply with statutory changes and deadlines as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Paque moved to approve and Mr. Kinder made the second.

transcript pages 33 - 35

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Emergency Rulemaking OAC 252:653 Aquifer Storage and Recovery – Mr. Duzan stated that the Department is proposing to update the rule to ensure that references to OAC 785:45 and to OWRB’s authority for administering OWQSs appropriately cite new emergency rule OAC 252:730 and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety and welfare in order to comply with statutory changes and deadlines as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Following a question by the Board and none by the public, Dr. Hammon called for a motion. Mr. Paque moved to approve and Ms. Kindrick made the second.

transcript pages 35 - 38

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Emergency Rulemaking OAC 252:656 Water Pollution Control Facility Construction Standards – Mr. Duzan stated that the Department is proposing to update the rule to ensure that references to OAC 785:45 cite new emergency rule OAC 252:730. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety and welfare in order to comply with statutory changes and deadlines as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2020 WQMAC meeting. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Auer moved to approve and Mr. Barton made the second.

transcript pages 38 - 40

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Emergency Rulemaking OAC 252:690 Water Quality Standards Implementation – Mr. Duzan stated that the Department is proposing to update the rule to ensure that references to OAC 785:45, OAC 785:46 and to the OWRB’s authority for administering OWQSs appropriately cite new emergency rules, OAC 252:730 and OAC 252:740 and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as a emergency measure to protect public health, safety and welfare in order to comply with statutory changes and deadlines as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Hearing no questions or comments by the Board or the public, Dr. Hammon called for motion. Mr. Kinder moved to approve and Mr. Auer made the second.

transcript pages 40 - 44

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes

Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

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

transcript pages 44 - 64

Budget Update and Financial Overview (FY 2023) – Dr. Hammon called upon Ms. Kathy Aebischer, Chief Financial Officer of the DEQ. Ms. Aebischer gave a presentation on the FY 2023 budget update.

transcript pages 65 - 73

DEQ Operational Budget Request (FY 2024) – Ms. Aebischer gave a presentation on the DEQ budget requests. The operational budget request for SFY 2024 (beginning July 1, 2023) must be submitted to OMES by October 1, 2022. Following questions and comments by the Board and none by the public, Dr. Hammon called for a motion, Dr. Ferrell moved to approve and Mr. Kinder made the second.

transcript pages 73 - 79

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Employee Disclosures – Ms. Jennifer Boyle, General Counsel of the DEQ, stated the Environmental Quality Code requires DEQ employees involved in reviewing, issuing or enforcing permits to disclose financial interests they hold in entities regulated by the DEQ. The DEQ is required to submit these disclosures to the Board and make them part of the minutes. This is for informational purposes only and no action by the Board is required.

See transcript pages 79

Executive Session – Annual Performance Review of Executive Director – Among the statutory duties of the Board are the responsibilities to appoint and set the compensation of the Executive Director and to assist the DEQ in conducting periodic reviews and planning activities related to the goals, objectives, priorities and policies of the DEQ. In connection with these responsibilities the Board has determined that it should conduct a performance review of the Executive Director. Mr. Sims moved to go into Executive Session and Mr. Paque made the second. Mr. Barton was designated as the scribe for executive session.

transcript pages 80 – 81

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

In open session Dr. Hammon called for a motion to reconvene the Regular Board meeting. Ms. Kindrick moved to approve and Mr. Newman made the second.

transcript pages 81 – 83

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Dr. Hammon called for a motion on a specific action recommendation to the Executive Director's annual performance review. Mr. Sims made a motion to increase the salary of the DEQ Executive Director by six percent. Dr. Ferrell made the second.

transcript pages 83 - 85

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Calendar Year 2023 Board Meeting Dates and Locations – Dr. Hammon opened the floor for discussion regarding the Board meeting dates and locations: Friday, February 17 in OKC, Tuesday, June 13 in OKC, Tuesday, September 12 in Bixby and Tuesday, November 7 in Duncan. Mr. Mason moved to approve and Mr. Newman made the second.

transcript pages 85 - 86

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

New Business – None

Next Meeting – The next regular meeting is scheduled for Tuesday, November 8, 2022 in Shawnee, Oklahoma.

Dr. Hammon introduced new Board member Mr. Matt Newman to the Board.

transcript pages 86 - 87

Adjournment – Dr. Hammon called for a motion to adjourn. Mr. Barton moved to adjourn and Mr. Auer made the second. Meeting adjourned at 12:26 p.m.

transcript pages 87 - 88

Richard Auer	Yes	Steve Mason	Yes
Mark Barton	Yes	Matt Newman	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
Jimmy Kinder	Yes	Billy Sims	Yes
Alexie Kindrick	Yes	Tracy Hammon	Yes

Public Forum – No public forum issues were raised.

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

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11 REGULAR MEETING, DEPARTMENT OF ENVIRONMENTAL QUALITY

12 ENVIRONMENTAL QUALITY BOARD

13 ON SEPTEMBER 13, 2022 AT 9:30 AM

14 IN LONE WOLF, OKLAHOMA

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25 REPORTED BY: Jenny Longley, CSR

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<p style="text-align: right;">Page 2</p> <p>1 DR. HAMMON: Good morning. Before we 2 get officially kicked off, I'd like to welcome Tom 3 Buchanan up to the front to give us a welcome. Tom 4 is the General Manager of Lugert-Altus Irrigation 5 District, and we're so happy to have you here with 6 us this morning.</p> <p>7 MR. BUCHANAN: Ms. Chairman, I 8 appreciate the opportunity to be here with the board 9 and the staff. Welcome to Southwest Oklahoma, 10 Quartz Mountain Lodge, Lake Lugert, or as the locals 11 like to call it, Lake Altus. I'm Tom Buchanan, I 12 farm and ranch here, and I also manage Lugert-Altus 13 Irrigation District.</p> <p>14 Lugert or Lake Altus is a Bureau of 15 Reclamation project. It's one of the furthest-east 16 bureau projects with an irrigation component built 17 to it, meaning that that's how we deliver water to 18 the 50,000 acres.</p> <p>19 I would tell you that we're the only 20 irrigation district in Oklahoma, and I understand, 21 Tom, I see lots of irrigation in Oklahoma when I 22 drive across Western Oklahoma or where I fly to the 23 West. Yes, what you're seeing with those center 24 pivots is really a private individual, he's got a 25 well and he's doing his own.</p>	<p style="text-align: right;">Page 4</p> <p>1 droughts, dry times come and go here, but this is 2 one of those that is getting severe and is causing 3 some ramifications in the agriculture world.</p> <p>4 We have taken significant steps, I 5 believe, within the district itself -- it is a 6 Bureau of Reclamation project, it still is federal 7 property, so this is one of your assets, it belongs 8 to you. We, the landowners, are required by 9 contract to take care of it.</p> <p>10 We've taken significant steps within 11 the district itself to modernize that 1945 12 technology, that's when it was constructed, poured 13 new concrete structures for flow measurements and 14 just control measures and assorted -- a lot of 15 automated gates to help with control of flow, and 16 then have also gone in here and put in a lot of 17 SCADA systems for remote transmission of data that 18 allows remote control, also. That has resulted in a 19 significant increase in the delivery percentage of 20 water released here and gets to the farm, that's 21 what we're about.</p> <p>22 And then I also want to let you know 23 that the farmers here in this area, the landowners, 24 have taken significant steps and have improved their 25 irrigation practices, from flood irrigation to</p>
<p style="text-align: right;">Page 3</p> <p>1 When I'm talking irrigation district, 2 I mean we're the only group of acres that share the 3 same infrastructure to deliver water from the source 4 to the farm itself, primarily focused on growing 5 cotton. Cotton is one of the larger economic 6 impacts to this local area along with the military, 7 and then the community around the business that 8 supports those two.</p> <p>9 When we have a good year, meaning 10 when Mother Nature doesn't throw us a curveball that 11 we can't hit -- which she's thrown one this year 12 that we're not even close to coming to, we're 13 swinging and missing every time -- we'll produce 14 150,000 to 200,000 bales of cotton. And again, when 15 things are working in our favor, it will be as high 16 a quality as produced anywhere in the United States 17 and I'd tell you across the world. That Egyptian 18 long-staple cotton's a marketing deal, and so cotton 19 is what really drives this part of the world, has 20 always for a long, long time. You are where cotton 21 is king.</p> <p>22 I can very briefly tell that today 23 what you're looking at is a lake that is certainly 24 impacted by the drought, the ongoing drought. We 25 are in Western Oklahoma, we are not immune to</p>	<p style="text-align: right;">Page 5</p> <p>1 subsurface or drop irrigation; so we are on the 2 cutting edge when it comes to irrigation. Even 3 though we are in Oklahoma and we're the only one 4 here, I would tell you that you can be proud of some 5 fellow Oklahomans that we are on the cutting edge of 6 trying to advance and use water as efficiently and 7 effectively as possible in a water deficit part of 8 the world and continue to grow Oklahoma agriculture 9 in the process.</p> <p>10 Of course, we're always looking for 11 more water, we'd love to have additional waters out 12 here if we can find those and get those here. There 13 are a few available streams that are out here, but 14 as Mr. Sims knows, who lives in this part of the 15 world, they are compromised by naturally occurring 16 chlorides, and so whenever we finally recognize and 17 realize a way how, there will be additional waters 18 for Oklahoma to benefit from in that process.</p> <p>19 So I'll sit down, and once again, 20 welcome here. I appreciate you being in this part 21 of the world, coming, seeing who we are, what we're 22 doing, and if you're ever back again, let's expand 23 our opportunity, we'll talk again. Thank you.</p> <p>24 DR. HAMMON: Thank you very much, 25 Mr. Buchanan. Appreciate the overview of all of</p>

<p>Page 6</p> <p>1 that and your time this morning.</p> <p>2 And with that, the September 13, 2022</p> <p>3 regular meeting of the Environmental Quality Board</p> <p>4 has been called according to the Oklahoma Open</p> <p>5 Meeting Act, Section 311 of Title 25 of the Oklahoma</p> <p>6 Statutes. Notice was filed with the Secretary of</p> <p>7 State on November 3, 2021. Agendas were mailed to</p> <p>8 interested parties on September 2, 2022 and were</p> <p>9 posted at the DEQ and the facility on September 12,</p> <p>10 2022. Only matters appearing on the posted agenda</p> <p>11 may be considered.</p> <p>12 If this meeting is continued or</p> <p>13 reconvened, we must announce today the date, time</p> <p>14 and place of the continued meeting and the agenda</p> <p>15 for such continuation will remain the same as</p> <p>16 today's agenda.</p> <p>17 So moving on to the "Announcements"</p> <p>18 section, I'd like to first start our meeting by</p> <p>19 welcoming the new Secretary of Energy and</p> <p>20 Environment, Mr. Ken McQueen. Ken is in the</p> <p>21 audience with us today. You are welcome to say a</p> <p>22 few words or just wave at the crowd, but I know for</p> <p>23 the -- speaking for the board, we are looking</p> <p>24 forward to working with you, and welcome to your new</p> <p>25 role. Would you like to say a few words?</p>	<p>Page 8</p> <p>1 free to come by or call me or email me at any time,</p> <p>2 I want to make sure that I'm supporting the great</p> <p>3 work that you're doing for the state of Oklahoma.</p> <p>4 To the board, thank you for your</p> <p>5 service to the state. I know you're not getting</p> <p>6 rich in this role, this has to be something from the</p> <p>7 heart that you're doing to support the great work of</p> <p>8 environmental protections here in the state of</p> <p>9 Oklahoma.</p> <p>10 Look forward to meeting you all. I</p> <p>11 met some of you last night, thank you for the</p> <p>12 invitation to dinner, great steak, by the way. So</p> <p>13 thank you again for the invitation to be here.</p> <p>14 DR. HAMMON: Thank you, Secretary</p> <p>15 McQueen, it's a pleasure to have you here today, I'm</p> <p>16 so glad you could join us.</p> <p>17 So a little bit of history about</p> <p>18 where we are at in Quartz Mountain, and this is such</p> <p>19 a beautiful location. I took a walk yesterday</p> <p>20 evening when we got here and this morning, and if</p> <p>21 you do nothing else, go across the boardwalk over to</p> <p>22 the performing arts center, take a left, and walk</p> <p>23 around a little bit of the Twin Peaks Mountains</p> <p>24 right there, it's absolutely stunning.</p> <p>25 This park was founded in 1935, so</p>
<p>Page 7</p> <p>1 SECRETARY McQUEEN: Thank you, Madam</p> <p>2 Chair. I always question how much time I should</p> <p>3 take because I know you all have a very busy agenda</p> <p>4 today, but first of all, let me tell you how excited</p> <p>5 I am to be here. Some of you I have known in past</p> <p>6 lives, either at EPA or in New Mexico or even in my</p> <p>7 past industrial career.</p> <p>8 I'm a native Oklahoman, have been in</p> <p>9 Tulsa the last 44 years, at least based in Tulsa,</p> <p>10 although I've rotated to other places in the</p> <p>11 country, beautiful spots like North Dakota and New</p> <p>12 Mexico.</p> <p>13 But this is an orientation time for</p> <p>14 me, so I'm excited that this is the first board</p> <p>15 meeting I've been invited to, thank you for the</p> <p>16 invitation. My first six weeks, I expect to get</p> <p>17 around to all of the boards and commissions, visit</p> <p>18 with those, get acquainted with the personnel, get a</p> <p>19 better understanding of what's going on.</p> <p>20 Coincidentally, DEQ was our first stop, we stopped</p> <p>21 by to see Scott and his gang last week. So we'll</p> <p>22 continue to do that over the next coming months.</p> <p>23 My view of this job is I'm here to</p> <p>24 enable the great work that your agencies do, so I</p> <p>25 have always maintained an open door policy. Feel</p>	<p>Page 9</p> <p>1 we're coming close to 100 years, I think it's about</p> <p>2 87 years. It was one of the original seven state</p> <p>3 parks in the State of Oklahoma; so there's Quartz</p> <p>4 Mountain, Beaver Bend, Boiling Springs, Lake Murray,</p> <p>5 Osage Hills, Robbers Cave and Roman Nose, and I know</p> <p>6 the board's been to several of those, and it is a</p> <p>7 pleasure to be back here. I think we haven't been</p> <p>8 here since 2014.</p> <p>9 But in 1955, the lodge was built. It</p> <p>10 has gone through some iterations and a fire and they</p> <p>11 recently remodeled, and it's just such a pleasure to</p> <p>12 be back here again and in this part of the state.</p> <p>13 So I do welcome everyone. Restrooms,</p> <p>14 they're important, the men's room is out the door to</p> <p>15 the right, the women's room is out the door to the</p> <p>16 left. We're not expecting any severe weather today,</p> <p>17 I think we're going to be in a beautiful</p> <p>18 temperature, so there should be no reason to</p> <p>19 evacuate this building. I think if we hear an</p> <p>20 alarm, we'll assume it's real and we'll convene</p> <p>21 outdoors or we'll take shelter in here.</p> <p>22 So with that, I'd like to go to a</p> <p>23 roll call. Quiana?</p> <p>24 SECRETARY FIELDS: Mr. Auer?</p> <p>25 MR. AUER: Yes.</p>

<p>1 SECRETARY FIELDS: Mr. Barton? 2 MR. BARTON: Yes. 3 SECRETARY FIELDS: Mr. Easton is 4 absent. 5 Dr. Ferrell? 6 DR. FERRELL: Yes. 7 SECRETARY FIELDS: Mr. Hirshey is 8 absent. 9 Mr. Kinder? 10 MR. KINDER: Yes. 11 SECRETARY FIELDS: Ms. Kindrick? 12 MS. KINDRICK: Yes. 13 SECRETARY FIELDS: Mr. Mason? 14 MR. MASON: Yes. 15 SECRETARY FIELDS: Mr. Munson is 16 absent. 17 Mr. Newman? 18 MR. NEWMAN: Yes. 19 SECRETARY FIELDS: Mr. Paque? 20 MR. PAQUE: Yes. 21 SECRETARY FIELDS: Mr. Sims? 22 MR. SIMS: Yes. 23 SECRETARY FIELDS: Dr. Hammon? 24 DR. HAMMON: Yes. 25 SECRETARY FIELDS: We have a quorum.</p>	<p>1 SECRETARY FIELDS: Dr. Ferrell? 2 DR. FERRELL: Yes. 3 SECRETARY FIELDS: Mr. Kinder? 4 MR. KINDER: Yes. 5 SECRETARY FIELDS: Ms. Kindrick? 6 MS. KINDRICK: Yes. 7 SECRETARY FIELDS: Mr. Mason? 8 MR. MASON: Yes. 9 SECRETARY FIELDS: Mr. Newman? 10 MR. NEWMAN: Yes. 11 SECRETARY FIELDS: Mr. Paque? 12 MR. PAQUE: Yes. 13 SECRETARY FIELDS: Mr. Sims? 14 MR. SIMS: Yes. 15 SECRETARY FIELDS: Dr. Hammon? 16 DR. HAMMON: Yes. 17 SECRETARY FIELDS: Motion passed. 18 DR. HAMMON: Thank you. 19 Item Number 5 starts our "Emergency 20 Rulemaking". You guys have noticed there's a very 21 large packet today, hopefully this will run fairly 22 smoothly, but I'd like to welcome Brian Duzan to the 23 floor to begin us with Item 5, "Emergency Rulemaking 24 OAC 252:730", "Oklahoma's Water Quality Standards". 25 MR. DUZAN: Thank you. I'd like to</p>
<p>1 DR. HAMMON: Okay. Thank you. 2 All right. Item Number 4 is the 3 approval of minutes from the February 18, 2022 4 regular meeting. I did have a comment on these, 5 this time, that I'd like to put forth before I ask 6 if others have a comment. Page 74, Line 12, it was 7 me talking where I wanted to "thank the employees in 8 the corner; Michelle, Patrick, Jeff, and Cory for 9 their hard work". "In the corner" should actually 10 be 'of the quarter'; so it was employees of the 11 quarter that would be recognized for their hard work 12 with the DEQ. 13 I would like to open the floor to any 14 comments or questions by the board. 15 Hearing none, do I have a motion to 16 approve of the change that I have requested? 17 DR. FERRELL: So moved. 18 DR. HAMMON: Do I have a second? 19 MS. KINDRICK: Second. 20 DR. HAMMON: I have a motion and a 21 second. Quiana, roll call? 22 SECRETARY FIELDS: Mr. Auer? 23 MR. AUER: Yes. 24 SECRETARY FIELDS: Mr. Barton? 25 MR. BARTON: Yes.</p>	<p>1 apologize in advance, I don't have one of those 2 nice, soothing voices that you see in all those 3 documentaries on TV, but -- and you will hear me 4 drone on and on for a while. 5 To begin with, Chapter 730 rules, I'd 6 like to explain the reason behind these emergency 7 rules and the process that was used to get them in 8 front of you today. During the 2022 Oklahoma 9 Legislative session, two bills were passed by the 10 Legislature and signed by the Governor that 11 transfers the authority for administering the 12 Oklahoma Water Quality Standards from OWRB to the 13 Department of Environmental Quality. 14 The first bill, Senate Bill No. 1325, 15 Amended Oklahoma State Statute 27A Section 1-3-101 16 that describes DEQ's jurisdictional areas of 17 environmental responsibility. Specifically, the 18 bill states in part that DEQ will have authority for 19 "Development and promulgation of Oklahoma Water 20 Quality Standards, their accompanying use support 21 assessment support protocols, antidegradation 22 policies generally affecting Oklahoma Water Quality 23 Standards application and implementation including 24 but not limited to mixing zones, low flows and 25 variances or any modification or change thereof</p>

<p style="text-align: right;">Page 14</p> <p>1 pursuant to Section 1085.30 of Title 82 of Oklahoma 2 Statutes".</p> <p>3 Section 1085.30 of Title 82, which 4 describes classification of water uses, was amended 5 to denote that the DEQ, not OWRB, is authorized to 6 promulgate rules to be known as "Oklahoma Water 7 Quality Standards", which established 8 classifications of uses of water in the state, 9 criteria to maintain and protect such 10 classifications, and other standards or policies 11 pertaining to water quality standards.</p> <p>12 The second bill was House Bill 3824, 13 was also passed, amending Section 1-3-101 of 27A. 14 This amendment gave DEQ jurisdiction for "adoption 15 of water quality standard variances and 16 site-specific criteria to the extent that such 17 variances and site-specific criteria are utilized in 18 and enforced throughout water quality permits issued 19 by the department. Such variances and site-specific 20 criteria may be adopted through the rulemaking or 21 through the permitting process; provided that the 22 process satisfies the department, the public 23 participation and water quality standard variance 24 requirements set forth in the corresponding federal 25 regulations".</p>	<p style="text-align: right;">Page 16</p> <p>1 Water Treatment Plant and there were approximately 2 20 attendees. The second meeting was held at the 3 DEQ at 9:00 a.m. on August 18, 2022, and there were 4 five attendees.</p> <p>5 The majority of the comments 6 concerned the new chapters, 730 and 740, and most 7 expressed a better understanding that these new 8 chapters were basically copies of Chapters 45 and 46 9 and that the DEQ has not made any widespread changes 10 to these rules for this emergency rulemaking.</p> <p>11 One comment urged DEQ not to permit 12 variances for Oklahoma Scenic Rivers. The rules and 13 comments provided during the information were 14 presented to the WQMAC in a special meeting on 15 August 23, 2022.</p> <p>16 Okay. Now getting to OAC 252:730. 17 It is titled Oklahoma's Water Quality Standards and 18 is basically a copy of OWRB's OAC 785:45. Since 19 this is a new chapter of rules for DEQ, all the text 20 is underlined.</p> <p>21 There are some changes within the 22 chapter that I want to make sure that you are aware 23 of. So we look at the first page, it lists the 24 subchapters and appendices. You will notice that 25 Appendix C is denoted as "Reserved". The reason for</p>
<p style="text-align: right;">Page 15</p> <p>1 The effective date of these two bills 2 is November 1st, 2022. Therefore, in order for the 3 State of Oklahoma to have authority to promulgate 4 water quality standards and to implement the water 5 quality standards in our permits as of November 1, 6 2022, it is necessary that the DEQ promulgate the 7 two new rules, Chapters 730 and 740, to replace the 8 current rules of Chapters OAC 785:45, titled 9 "Oklahoma's Water Quality Standards", and OAC 10 785:46, titled "Implementation of Oklahoma's Water 11 Quality Standards" that were previously promulgated 12 by the OWRB.</p> <p>13 These rules must be approved by the 14 Environmental Quality Board, signed by the Governor, 15 and be in effect by November 1, 2022. Without the 16 promulgation of these rules by DEQ, the EPA could 17 assume jurisdiction over the water quality standards 18 for the state.</p> <p>19 On July 26, 2022, the WQMAC met to 20 discuss emergency rulemaking that affects several of 21 these existing rule chapters, plus a couple of new 22 chapters. DEQ staff held two public meetings to 23 discuss and receive input from the public regarding 24 this rulemaking. The first meeting was held 25 August 9, 2022 at 1:00 p.m. at the Tulsa Mohawk</p>	<p style="text-align: right;">Page 17</p> <p>1 this is OAC 785:45, Appendix C was at some time 2 revoked. By denoting it as reserved, we do not need 3 to change the alphabetical designations of the 4 following appendices. Appendix D remains Appendix 5 D, Appendix E remains Appendix E, et cetera. This 6 eliminates the need for us to correct citations in 7 other chapters that may have referenced those 8 appendices.</p> <p>9 Another section I want to bring to 10 your attention is 252:730-5-5, entitled "Water 11 Quality Standard Variances". This is on page 13. 12 This section was changed to remove language that 13 read, "OWRB rulemaking and approvals is required for 14 all water quality standard variances". In Section 15 5-7 below that, the changes were made to denote that 16 DEQ, not the OWRB, will review and approve detailed 17 work plans related to site-specific criteria.</p> <p>18 While there were comments by 19 individuals representing Save the Illinois River 20 requesting DEQ prohibit variances in scenic rivers, 21 DEQ staff and the WQMAC are not recommending a 22 change in this emergency rule that would rule to 23 prohibit variances in any waterbody. The WQMAC 24 recommended to the EQB by unanimous vote this 25 emergency rule as DEQ has deemed that this emergency</p>

<p style="text-align: right;">Page 18</p> <p>1 rule is necessary as an emergency measure to protect 2 the public health, safety, and welfare in order to 3 comply with the statutory changes that take effect 4 November 1, 2022. Thank you. 5 DR. HAMMON: Taking questions or 6 comments from the board. 7 Questions or comments from the 8 public? 9 Hearing none, do I have a motion? 10 MR. MASON: Mason moves approval. 11 MR. PAQUE: Second. 12 DR. HAMMON: We have a motion and a 13 second. Quiana, the roll call, please. 14 SECRETARY FIELDS: Mr. Auer? 15 MR. AUER: Yes. 16 SECRETARY FIELDS: Mr. Barton? 17 MR. BARTON: Yes. 18 SECRETARY FIELDS: Dr. Ferrell? 19 DR. FERRELL: Yes. 20 SECRETARY FIELDS: Mr. Kinder? 21 MR. KINDER: Yes. 22 SECRETARY FIELDS: Ms. Kindrick? 23 MS. KINDRICK: Yes. 24 SECRETARY FIELDS: Mr. Mason? 25 MR. MASON: Yes.</p>	<p style="text-align: right;">Page 20</p> <p>1 and remained an OWRB responsibility. Subchapter 17 2 then became "Implementation of the DO Criteria to 3 Protect Fish Propagation", which is formerly 4 Subchapter 19. 5 There was some changes to the 6 appendices, as well, since in Chapter 46, Appendix A 7 has been revoked and is so denoted as now "Reserved" 8 so that we don't have to correct references, either 9 in this chapter or others, if we relabel the 10 appendices. We also removed Appendix D, which was 11 titled "Summary of Comments on OWRB's Water Quality 12 Standards Implementation Plan". 13 Chapter 740, just like 730, required 14 many of the same edits as far as removing citations 15 to the OWRB, where applicable, and making 16 appropriate references to 730 and 740. One other 17 thing in this chapter that is different from the 18 other DEQ rules is that it has multiple references 19 to various technical report documents. DEQ staff is 20 still in the process of obtaining from OWRB and 21 reviewing these documents for the permanent 22 rulemaking that should be before you in the 23 February 2023 DEQ meeting. DEQ will update and 24 revise or discontinue references in that rule. 25 In OAC 785:46, there are several</p>
<p style="text-align: right;">Page 19</p> <p>1 SECRETARY FIELDS: Mr. Newman? 2 MR. NEWMAN: Yes. 3 SECRETARY FIELDS: Mr. Paque? 4 MR. PAQUE: Yes. 5 SECRETARY FIELDS: Mr. Sims? 6 MR. SIMS: Yes. 7 SECRETARY FIELDS: Dr. Hammon? 8 DR. HAMMON: Yes. 9 SECRETARY FIELDS: Motion passed. 10 DR. HAMMON: Thank you. 11 (A short discussion was had.) 12 DR. HAMMON: Apologies for the delay, 13 we were discussing whether we need to move on these 14 emergency rules and we'll just specify it according 15 to the agenda this is emergency rulemaking, so -- 16 MR. DUZAN: Correct. 17 DR. HAMMON: Brian, I'll let you move 18 on to Item Number 6, which is 740. 19 MR. DUZAN: Okay. Moving on to OAC 20 252:740, is entitled "Implementation of Oklahoma's 21 Water Quality Standards" and is basically a copy of 22 OWRB's OAC 785:46. Since this is a new chapter, all 23 the text is underlined. One change from 785:46 is 24 the Subchapter 17, which is titled "OWRB's Water 25 Quality Standards Implementation Plan", is deleted</p>	<p style="text-align: right;">Page 21</p> <p>1 revoked sections that had -- that were removed which 2 will continue -- which will require renumbering 3 those sections for the emergency OAC 252:740. We 4 have changed references, where necessary, to make 5 sure that they have been updated. 6 The WQMAC recommended to the EQB by 7 unanimous vote this emergency rule. DEQ has deemed 8 that this emergency rule is necessary as an 9 emergency measure to protect public health, safety, 10 and welfare in order to comply with the statutory 11 changes that take effect November 1, 2022. Thank 12 you. 13 DR. HAMMON: Thank you. Any 14 questions from the board on the emergency rulemaking 15 for Chapter 740? 16 Any questions or comments from the 17 public? 18 Hearing none, do I have a motion? 19 MR. KINDER: I'll make a motion to 20 adopt. 21 MR. SIMS: Second the motion. 22 DR. HAMMON: I have a motion and a 23 second for approval. Quiana, roll call, please. 24 SECRETARY FIELDS: Mr. Auer? 25 MR. AUER: Yes.</p>

<p>Page 22</p> <p>1 SECRETARY FIELDS: Mr. Barton?</p> <p>2 MR. BARTON: Yes.</p> <p>3 SECRETARY FIELDS: Dr. Ferrell?</p> <p>4 DR. FERRELL: Yes.</p> <p>5 SECRETARY FIELDS: Mr. Kinder?</p> <p>6 MR. KINDER: Yes.</p> <p>7 SECRETARY FIELDS: Ms. Kindrick?</p> <p>8 MS. KINDRICK: Yes.</p> <p>9 SECRETARY FIELDS: Mr. Mason?</p> <p>10 MR. MASON: Yes.</p> <p>11 SECRETARY FIELDS: Mr. Newman?</p> <p>12 MR. NEWMAN: Yes.</p> <p>13 SECRETARY FIELDS: Mr. Paque?</p> <p>14 MR. PAQUE: Yes.</p> <p>15 SECRETARY FIELDS: Mr. Sims?</p> <p>16 MR. SIMS: Yes.</p> <p>17 SECRETARY FIELDS: Dr. Hammon?</p> <p>18 DR. HAMMON: Yes.</p> <p>19 SECRETARY FIELDS: Motion passed.</p> <p>20 DR. HAMMON: Thank you. Moving on to</p> <p>21 Item Number 7, Chapter 606.</p> <p>22 MR. DUZAN: Okay. 252:606 is the</p> <p>23 "Oklahoma Pollutant Discharge Elimination System</p> <p>24 (OPDES) Standards". Beginning with Chapter 6, the</p> <p>25 remaining rules we'll be asking the board to vote on</p>	<p>Page 24</p> <p>1 MR. PAQUE: I'll second.</p> <p>2 DR. HAMMON: We have a motion and a</p> <p>3 second to approve emergency rulemaking 252:606.</p> <p>4 Quiana, roll call, please.</p> <p>5 SECRETARY FIELDS: Mr. Auer?</p> <p>6 MR. AUER: Yes.</p> <p>7 SECRETARY FIELDS: Mr. Barton?</p> <p>8 MR. BARTON: Yes.</p> <p>9 SECRETARY FIELDS: Dr. Ferrell?</p> <p>10 DR. FERRELL: Yes.</p> <p>11 SECRETARY FIELDS: Mr. Kinder?</p> <p>12 MR. KINDER: Yes.</p> <p>13 SECRETARY FIELDS: Ms. Kindrick?</p> <p>14 MS. KINDRICK: Yes.</p> <p>15 SECRETARY FIELDS: Mr. Mason?</p> <p>16 MR. MASON: Yes.</p> <p>17 SECRETARY FIELDS: Mr. Newman?</p> <p>18 MR. NEWMAN: Yes.</p> <p>19 SECRETARY FIELDS: Mr. Paque?</p> <p>20 MR. PAQUE: Yes.</p> <p>21 SECRETARY FIELDS: Mr. Sims?</p> <p>22 MR. SIMS: Yes.</p> <p>23 SECRETARY FIELDS: Dr. Hammon?</p> <p>24 DR. HAMMON: Yes.</p> <p>25 SECRETARY FIELDS: Motion passed.</p>
<p>Page 23</p> <p>1 today basically consist of changing references to</p> <p>2 252:730 instead of 785:45, 252:740 instead of</p> <p>3 785:46, or DEQ instead of OWRB. I will point out</p> <p>4 any exceptions to this as necessary. Changes were</p> <p>5 made to Subchapter 1, the "Introduction", Subchapter</p> <p>6 3, and Subchapter 5 and Subchapter 8.</p> <p>7 While there were comments by</p> <p>8 individuals representing Save the Illinois River</p> <p>9 requesting DEQ prohibit variances in the scenic</p> <p>10 rivers, DEQ staff and the WQMAC are not recommending</p> <p>11 a change in this emergency rule to prohibit</p> <p>12 variances in any waterbody. The WQMAC recommended</p> <p>13 to the EQB by unanimous vote this emergency rule.</p> <p>14 DEQ has deemed that this emergency rule is necessary</p> <p>15 as an emergency measure to protect public health,</p> <p>16 safety, and welfare in order to comply with the</p> <p>17 statutory changes that take effect November 1, 2022.</p> <p>18 Thank you.</p> <p>19 DR. HAMMON: Thank you.</p> <p>20 Questions or comments from the board?</p> <p>21 Questions or comments from the</p> <p>22 general public?</p> <p>23 Do I have a motion?</p> <p>24 MR. SIMS: Make a motion we approve</p> <p>25 that.</p>	<p>Page 25</p> <p>1 DR. HAMMON: Thank you. Agenda Item</p> <p>2 Number 8 is OAC 252:611.</p> <p>3 MR. DUZAN: Okay. We'll move on to</p> <p>4 252:611, "General Water Quality". This rule is a</p> <p>5 case where I need to point out the change to the</p> <p>6 proposed text that entailed more than simply</p> <p>7 updating references. At the very end of the current</p> <p>8 rule, there's a group of definitions denoted</p> <p>9 "Supplemental Information Glossary of Terms".</p> <p>10 Having these terms defined at the end of the rules</p> <p>11 does not conform to the way we handle definitions in</p> <p>12 our other rules. Subchapter 1 of the existing rule</p> <p>13 does have a section titled "Definitions", so we have</p> <p>14 consolidated the two sets of definitions to have all</p> <p>15 terms defined at the beginning of the chapter,</p> <p>16 again, for the sake of consistency. The only part</p> <p>17 of this rule with changes is Subchapter 1, "General</p> <p>18 Provisions", which includes the consolidated</p> <p>19 definitions and the updated references from OAC</p> <p>20 785:45 to OAC 252:730.</p> <p>21 The WQMAC recommended to the EQB by</p> <p>22 unanimous vote this emergency rule. DEQ has deemed</p> <p>23 that this emergency rule is necessary as an</p> <p>24 emergency measure to protect the public health,</p> <p>25 safety, and welfare in order to comply with the</p>

<p>1 statutory change that takes effect November 1, 2022.</p> <p>2 Thank you.</p> <p>3 DR. HAMMON: Thank you.</p> <p>4 Any questions or comments from the</p> <p>5 board?</p> <p>6 Questions or comments from the</p> <p>7 public?</p> <p>8 Could I have a motion?</p> <p>9 MR. BARTON: Barton, motion to adopt.</p> <p>10 DR. HAMMON: I have a motion. Is</p> <p>11 there a second?</p> <p>12 MS. KINDRICK: Second.</p> <p>13 DR. HAMMON: We have a motion and a</p> <p>14 second. Quiana, roll call, please.</p> <p>15 SECRETARY FIELDS: Mr. Auer?</p> <p>16 MR. AUER: Yes.</p> <p>17 SECRETARY FIELDS: Mr. Barton?</p> <p>18 MR. BARTON: Yes.</p> <p>19 SECRETARY FIELDS: Dr. Ferrell?</p> <p>20 DR. FERRELL: Yes.</p> <p>21 SECRETARY FIELDS: Mr. Kinder?</p> <p>22 MR. KINDER: Yes.</p> <p>23 SECRETARY FIELDS: Ms. Kindrick?</p> <p>24 MS. KINDRICK: Yes.</p> <p>25 SECRETARY FIELDS: Mr. Mason?</p>	<p>1 you.</p> <p>2 DR. HAMMON: Questions or comments</p> <p>3 from the board?</p> <p>4 Questions or comments from the</p> <p>5 public?</p> <p>6 Do I have a motion on Title 252</p> <p>7 Chapter 616?</p> <p>8 DR. FERRELL: Ferrell, motion to</p> <p>9 approve.</p> <p>10 DR. HAMMON: Thank you. Is there a</p> <p>11 second?</p> <p>12 MR. BARTON: Second. Barton.</p> <p>13 DR. HAMMON: We have a motion and a</p> <p>14 second. Quiana, roll call, please.</p> <p>15 SECRETARY FIELDS: Mr. Auer?</p> <p>16 MR. AUER: Yes.</p> <p>17 SECRETARY FIELDS: Mr. Barton?</p> <p>18 MR. BARTON: Yes.</p> <p>19 SECRETARY FIELDS: Dr. Ferrell?</p> <p>20 DR. FERRELL: Yes.</p> <p>21 SECRETARY FIELDS: Mr. Kinder?</p> <p>22 MR. KINDER: Yes.</p> <p>23 SECRETARY FIELDS: Ms. Kindrick?</p> <p>24 MS. KINDRICK: Yes.</p> <p>25 SECRETARY FIELDS: Mr. Mason?</p>
<p>1 MR. MASON: Yes.</p> <p>2 SECRETARY FIELDS: Mr. Newman?</p> <p>3 MR. NEWMAN: Yes.</p> <p>4 SECRETARY FIELDS: Mr. Paque?</p> <p>5 MR. PAQUE: Yes.</p> <p>6 SECRETARY FIELDS: Mr. Sims?</p> <p>7 MR. SIMS: Yes.</p> <p>8 SECRETARY FIELDS: Dr. Hammon?</p> <p>9 DR. HAMMON: Yes.</p> <p>10 SECRETARY FIELDS: Motion passed.</p> <p>11 DR. HAMMON: Thank you.</p> <p>12 All right. I believe we're on agenda</p> <p>13 Item 9 now, which is OAC 252 Chapter 616.</p> <p>14 MR. DUZAN: Okay. Moving on, 252:616</p> <p>15 is "Industrial Wastewater Systems". In this</p> <p>16 chapter, edits were made to reference DEQ instead of</p> <p>17 OWRB and to reference 252:730 instead of 785:45.</p> <p>18 These changes affect Subchapter 1, Subchapter 9, and</p> <p>19 Subchapter 11.</p> <p>20 The WQMAC recommended to the EQB by</p> <p>21 unanimous vote this emergency rule. DEQ has deemed</p> <p>22 that this emergency rule is necessary as an</p> <p>23 emergency measure to protect public health, safety,</p> <p>24 and welfare in order to comply with the statutory</p> <p>25 change that takes effect November 1, 2022. Thank</p>	<p>1 MR. MASON: Yes.</p> <p>2 SECRETARY FIELDS: Mr. Newman?</p> <p>3 MR. NEWMAN: Yes.</p> <p>4 SECRETARY FIELDS: Mr. Paque?</p> <p>5 MR. PAQUE: Yes.</p> <p>6 SECRETARY FIELDS: Mr. Sims?</p> <p>7 MR. SIMS: Yes.</p> <p>8 SECRETARY FIELDS: Dr. Hammon?</p> <p>9 DR. HAMMON: Yes.</p> <p>10 SECRETARY FIELDS: Motion passed.</p> <p>11 DR. HAMMON: All right. Agenda Item</p> <p>12 10 is Chapter 621.</p> <p>13 MR. DUZAN: Okay. 252:621 is</p> <p>14 "Non-Industrial Discharging and Public Water Supply</p> <p>15 Lagoons". In this chapter, edits were made to only</p> <p>16 Subchapter 1, to change the reference from OWRB to</p> <p>17 DEQ and to reference 252:730 instead of 785:45 in</p> <p>18 the definition of "Water Quality Standards".</p> <p>19 The WQMAC recommended to the EQB by</p> <p>20 unanimous vote this emergency rule. DEQ has deemed</p> <p>21 that this emergency rule is necessary as an</p> <p>22 emergency measure to protect public health, safety,</p> <p>23 and welfare in order to comply with the statutory</p> <p>24 changes that take effect November 1, 2022. Thank</p> <p>25 you.</p>

<p>Page 30</p> <p>1 DR. HAMMON: Thank you. Any 2 questions or comments from the board? 3 Any questions or comments from the 4 public? 5 Do I have a motion? 6 MR. AUER: Auer, I'll make a motion 7 to approve. 8 DR. HAMMON: Thank you. Do I have a 9 second? 10 MR. MASON: Mason, second. 11 DR. HAMMON: We have a motion and a 12 second to approve Chapter 621. Quiana, roll call, 13 please. 14 SECRETARY FIELDS: Mr. Auer? 15 MR. AUER: Yes. 16 SECRETARY FIELDS: Mr. Barton? 17 MR. BARTON: Yes. 18 SECRETARY FIELDS: Dr. Ferrell? 19 DR. FERRELL: Yes. 20 SECRETARY FIELDS: Mr. Kinder? 21 MR. KINDER: Yes. 22 SECRETARY FIELDS: Ms. Kindrick? 23 MS. KINDRICK: Yes. 24 SECRETARY FIELDS: Mr. Mason? 25 MR. MASON: Yes.</p>	<p>Page 32</p> <p>1 to 252:730-S-25(c)(8)(C). We've been careful to 2 make these citations, when more specific, do match 3 up with the text in Chapters 730 or 740. 4 The WQMAC recommended to the EQB by 5 unanimous vote this emergency rule. DEQ has deemed 6 that this emergency rule is necessary as an 7 emergency measure to protect public health, safety, 8 and welfare in order to comply with the statutory 9 changes that take effect November 1, 2022. Thank 10 you. 11 DR. HAMMON: Thank you. 12 Do I have any questions or comments 13 from the board on Title 252 Chapter 628? 14 Any comments or questions from the 15 public? 16 Do I have a motion? 17 MR. SIMS: I'll make a motion we 18 approve. 19 DR. HAMMON: Thank you. Is there a 20 second? 21 DR. FERRELL: Second. Ferrell. 22 DR. HAMMON: We have a motion and a 23 second. Quiana, roll call, please. 24 SECRETARY FIELDS: Mr. Auer? 25 MR. AUER: Yes.</p>
<p>Page 31</p> <p>1 SECRETARY FIELDS: Mr. Newman? 2 MR. NEWMAN: Yes. 3 SECRETARY FIELDS: Mr. Paque? 4 MR. PAQUE: Yes. 5 SECRETARY FIELDS: Mr. Sims? 6 MR. SIMS: Yes. 7 SECRETARY FIELDS: Dr. Hammon? 8 DR. HAMMON: Yes. 9 SECRETARY FIELDS: Motion passed. 10 DR. HAMMON: Thank you. All right. 11 We are on Agenda Item 11, which is OAC 252 Chapter 12 628. 13 Brian? 14 MR. DUZAN: Okay. 252:628 is 15 "Indirect Potable Reuse for Surface Water 16 Augmentation". In this chapter, edits have been 17 made to reference DEQ instead of OWRB, to reference 18 252:730 instead of 785:45, and to reference 252:740 19 instead of 785:46. These changes affected 20 Subchapter 1, Subchapter 3, Subchapter 9, Subchapter 21 11. 22 In this chapter, some of the 23 references were more descriptive than simply 24 referencing 730 or 740. For example, on page 10, 25 under Section 252:628-11-4, you will see a reference</p>	<p>Page 33</p> <p>1 SECRETARY FIELDS: Mr. Barton? 2 MR. BARTON: Yes. 3 SECRETARY FIELDS: Dr. Ferrell? 4 DR. FERRELL: Yes. 5 SECRETARY FIELDS: Mr. Kinder? 6 MR. KINDER: Yes. 7 SECRETARY FIELDS: Ms. Kindrick? 8 MS. KINDRICK: Yes. 9 SECRETARY FIELDS: Mr. Mason? 10 MR. MASON: Yes. 11 SECRETARY FIELDS: Mr. Newman? 12 MR. NEWMAN: Yes. 13 SECRETARY FIELDS: Mr. Paque? 14 MR. PAQUE: Yes. 15 SECRETARY FIELDS: Mr. Sims? 16 MR. SIMS: Yes. 17 SECRETARY FIELDS: Dr. Hammon? 18 DR. HAMMON: Yes. 19 SECRETARY FIELDS: Motion passed. 20 DR. HAMMON: Thank you. Agenda Item 21 12 is Title 252 Chapter 652. 22 MR. DUZAN: Okay. 252:652 is 23 "Underground Injection Control". In this chapter, 24 an edit was made to reference DEQ instead of OWRB 25 and an edit to reference OAC 252:730 instead of</p>

<p>Page 34</p> <p>1 785:45. These changes affected Subchapter 3 only.</p> <p>2 The WQMAC recommended to the EQB by</p> <p>3 unanimous vote this emergency rule. DEQ has deemed</p> <p>4 that this emergency rule is necessary as an</p> <p>5 emergency measure to protect public health, safety,</p> <p>6 and welfare in order to comply with the statutory</p> <p>7 changes that take effect November 1, 2022. Thank</p> <p>8 you.</p> <p>9 DR. HAMMON: Any questions or</p> <p>10 comments from the board?</p> <p>11 Questions or comments from the</p> <p>12 public?</p> <p>13 Do I have a motion regarding Chapter</p> <p>14 652?</p> <p>15 MR. PAQUE: So move.</p> <p>16 DR. HAMMON: Move to approve?</p> <p>17 MR. KINDER: Kinder, second. Thank</p> <p>18 you.</p> <p>19 DR. HAMMON: All right. So I have a</p> <p>20 motion and a second.</p> <p>21 SECRETARY FIELDS: Whose second? I</p> <p>22 didn't see whose second.</p> <p>23 MR. KINDER: Kinder, second.</p> <p>24 SECRETARY FIELDS: Kinder? Thank</p> <p>25 you.</p>	<p>Page 36</p> <p>1 Brian?</p> <p>2 MR. DUZAN: Okay. We're about</p> <p>3 10 percent through, so we're making good time.</p> <p>4 This is 252:653, "Aquifer Storage and</p> <p>5 Recovery". In this chapter, edits were made to</p> <p>6 reference OAC 252:730 instead of 785:45. These</p> <p>7 changes affect Subchapter 3 and Subchapter 5 and</p> <p>8 Subchapter 9.</p> <p>9 The WQMAC recommended to the EQB by</p> <p>10 unanimous vote this emergency rule. DEQ has deemed</p> <p>11 that this emergency rule is necessary as an</p> <p>12 emergency measure to protect public health, safety,</p> <p>13 and welfare in order to comply with the statutory</p> <p>14 changes that take effect November 1, 2022. Thank</p> <p>15 you.</p> <p>16 DR. HAMMON: Thank you.</p> <p>17 Any questions or comments from the</p> <p>18 board on Chapter 653?</p> <p>19 MR. PAQUE: I have one question,</p> <p>20 Brian. On Subchapter 3, "Standards", I'm fine with</p> <p>21 the language, the language is fine, I don't take</p> <p>22 exception to it. When the Water Quality Council</p> <p>23 met, was there any discussion on what might be,</p> <p>24 either historically or in the future, the approval</p> <p>25 on a case-by-case basis? If you didn't have any.</p>
<p>Page 35</p> <p>1 DR. HAMMON: Quiana, roll call,</p> <p>2 please.</p> <p>3 SECRETARY FIELDS: Mr. Auer?</p> <p>4 MR. AUER: Yes.</p> <p>5 SECRETARY FIELDS: Mr. Barton?</p> <p>6 MR. BARTON: Yes.</p> <p>7 SECRETARY FIELDS: Dr. Ferrell?</p> <p>8 DR. FERRELL: Yes.</p> <p>9 SECRETARY FIELDS: Mr. Kinder?</p> <p>10 MR. KINDER: Yes.</p> <p>11 SECRETARY FIELDS: Ms. Kindrick?</p> <p>12 MS. KINDRICK: Yes.</p> <p>13 SECRETARY FIELDS: Mr. Mason?</p> <p>14 MR. MASON: Yes.</p> <p>15 SECRETARY FIELDS: Mr. Newman?</p> <p>16 MR. NEWMAN: Yes.</p> <p>17 SECRETARY FIELDS: Mr. Paque?</p> <p>18 MR. PAQUE: Yes.</p> <p>19 SECRETARY FIELDS: Mr. Sims?</p> <p>20 MR. SIMS: Yes.</p> <p>21 SECRETARY FIELDS: Dr. Hammon?</p> <p>22 DR. HAMMON: Yes.</p> <p>23 SECRETARY FIELDS: Motion passed.</p> <p>24 DR. HAMMON: Thank you. Agenda Item</p> <p>25 13 with Chapter 653.</p>	<p>Page 37</p> <p>1 that's fine, I'm just asking.</p> <p>2 MR. DUZAN: I don't think we did.</p> <p>3 No, I don't think that came up at all.</p> <p>4 MR. PAQUE: Okay. All right. That's</p> <p>5 all.</p> <p>6 DR. HAMMON: Thank you.</p> <p>7 Any other questions or comments by</p> <p>8 the board?</p> <p>9 Questions or comments from the</p> <p>10 public?</p> <p>11 All right. Hearing none, do I have a</p> <p>12 motion?</p> <p>13 MR. PAQUE: I so move.</p> <p>14 DR. HAMMON: Move to approve? Mike?</p> <p>15 Mike, will you state that you move to approve? Move</p> <p>16 to approve?</p> <p>17 MR. PAQUE: Yes.</p> <p>18 DR. HAMMON: Okay. I have a motion</p> <p>19 to approve. Do I have a second?</p> <p>20 MS. KINDRICK: Second, Kindrick.</p> <p>21 DR. HAMMON: Thank you. We have a</p> <p>22 motion and a second. Quiana, roll call, please.</p> <p>23 SECRETARY FIELDS: Mr. Auer?</p> <p>24 MR. AUER: Yes.</p> <p>25 SECRETARY FIELDS: Mr. Barton?</p>

<p>Page 38</p> <p>1 MR. BARTON: Yes.</p> <p>2 SECRETARY FIELDS: Dr. Ferrell?</p> <p>3 DR. FERRELL: Yes.</p> <p>4 SECRETARY FIELDS: Mr. Kinder?</p> <p>5 MR. KINDER: Yes.</p> <p>6 SECRETARY FIELDS: Ms. Kindrick?</p> <p>7 MS. KINDRICK: Yes.</p> <p>8 SECRETARY FIELDS: Mr. Mason?</p> <p>9 MR. MASON: Yes.</p> <p>10 SECRETARY FIELDS: Mr. Newman?</p> <p>11 MR. NEWMAN: Yes.</p> <p>12 SECRETARY FIELDS: Mr. Paque?</p> <p>13 MR. PAQUE: Yes.</p> <p>14 SECRETARY FIELDS: Mr. Sims?</p> <p>15 MR. SIMS: Yes.</p> <p>16 SECRETARY FIELDS: Dr. Hammon?</p> <p>17 DR. HAMMON: Yes.</p> <p>18 SECRETARY FIELDS: Motion passed.</p> <p>19 DR. HAMMON: Thank you. Agenda Item</p> <p>20 14, Subchapter 656 -- or, Chapter 656, excuse me.</p> <p>21 MR. DUZAN: Okay. OAC 252:656 is</p> <p>22 "Water Pollution Control Facility Construction</p> <p>23 Standards". In this chapter, one edit was made to</p> <p>24 Chapter 11 to reference OAC 252:730 instead of OAC</p> <p>25 758:45.</p>	<p>Page 40</p> <p>1 SECRETARY FIELDS: Mr. Kinder?</p> <p>2 MR. KINDER: Yes.</p> <p>3 SECRETARY FIELDS: Ms. Kindrick?</p> <p>4 MS. KINDRICK: Yes.</p> <p>5 SECRETARY FIELDS: Mr. Mason?</p> <p>6 MR. MASON: Yes.</p> <p>7 SECRETARY FIELDS: Mr. Newman?</p> <p>8 MR. NEWMAN: Yes.</p> <p>9 SECRETARY FIELDS: Mr. Paque?</p> <p>10 MR. PAQUE: Yes.</p> <p>11 SECRETARY FIELDS: Mr. Sims?</p> <p>12 MR. SIMS: Yes.</p> <p>13 SECRETARY FIELDS: Dr. Hammon?</p> <p>14 DR. HAMMON: Yes.</p> <p>15 SECRETARY FIELDS: Motion passed.</p> <p>16 DR. HAMMON: All right. We are on</p> <p>17 Agenda Item 15, which I understand is the last of</p> <p>18 our emergency rulemaking. So we'll move on to</p> <p>19 Chapter 690.</p> <p>20 MR. DUZAN: Okay. This one there's a</p> <p>21 little bit more to it, but 252:690 is "Water Quality</p> <p>22 Standards Implementation". In this chapter, edits</p> <p>23 have been made to reference DEQ instead of OWRB, to</p> <p>24 reference 232:730 instead of 785:45, and to</p> <p>25 reference 252:740 instead of 785:46. These changes</p>
<p>Page 39</p> <p>1 The WQMAC recommended to the EQB by</p> <p>2 unanimous vote this emergency rule. DEQ has deemed</p> <p>3 that this emergency rule is necessary as an</p> <p>4 emergency measure to protect public health, safety,</p> <p>5 and welfare in order to comply with the statutory</p> <p>6 changes that take effect November 1, 2022. Thank</p> <p>7 you.</p> <p>8 DR. HAMMON: Any questions or</p> <p>9 comments from the board?</p> <p>10 Questions or comments from the</p> <p>11 public?</p> <p>12 Do I have a motion to approve?</p> <p>13 MR. AUER: Auer, I make a motion to</p> <p>14 approve.</p> <p>15 DR. HAMMON: Thank you. Second?</p> <p>16 MR. BARTON: Barton, second.</p> <p>17 DR. HAMMON: Thank you.</p> <p>18 We have a motion and a second.</p> <p>19 Quiana, roll call, please.</p> <p>20 SECRETARY FIELDS: Mr. Auer?</p> <p>21 MR. AUER: Yes.</p> <p>22 SECRETARY FIELDS: Mr. Barton?</p> <p>23 MR. BARTON: Yes.</p> <p>24 SECRETARY FIELDS: Dr. Ferrell?</p> <p>25 DR. FERRELL: Yes.</p>	<p>Page 41</p> <p>1 affected Chapter 1 and Chapter 3, which is the</p> <p>2 "Point Source Discharges".</p> <p>3 I also need to point out that there</p> <p>4 were changes to Subchapter 5, "Groundwater</p> <p>5 Protection". This section referenced 252.648, which</p> <p>6 is no longer an active rule; so that was changed to</p> <p>7 OAC 252:606 Subchapter 8, which addresses "Biosolids</p> <p>8 Requirements". Subchapter 5 also referenced OAC</p> <p>9 252:510 and OAC 252:520 that are no longer active</p> <p>10 chapters; so this reference was changed to OAC</p> <p>11 252:515, "Management of Solid Waste".</p> <p>12 Beginning on page 15, we have</p> <p>13 Appendix A. As a reminder, appendices get revoked</p> <p>14 and issued as a new appendix. I would also like to</p> <p>15 point out that on page 23, under Part II, WQSIP,</p> <p>16 "Elements by Jurisdictional Area", there's a Section</p> <p>17 "B" titled "Water Quality Planning", "Compliance</p> <p>18 with antidegradation requirements and protection of</p> <p>19 beneficial uses". You can see at the bottom of that</p> <p>20 that we have added a sentence that reads, "DEQ may</p> <p>21 adopt variances and site-specific criteria as set</p> <p>22 forth in 27A O.S. 2-6-103(B)". This conforms us to</p> <p>23 the language in Title 27A Section 2-6-103(B) that</p> <p>24 was amended in House Bill 3824.</p> <p>25 Lastly, regarding Chapter 690, when</p>

<p style="text-align: right;">Page 42</p> <p>1 we do permanent rulemaking, we intend to merge 2 Chapter 690 with the new Chapter 740. If that 3 happens, Chapter 690 will be revoked and Chapter 740 4 will be included, both the emergency 690 and 740 5 requirements, in the implementation of "Oklahoma's 6 Water Quality Standards" rule. While there were 7 comments by individuals representing Save the 8 Illinois River requesting DEQ prohibit variances to 9 scenic rivers, DEQ staff and the WQMAC are not 10 recommending a change in this emergency rule to 11 prohibit variances in any waterbody. 12 The WQMAC recommend to the EQB by 13 unanimous vote this emergency rule. DEQ has deemed 14 that this emergency rule is necessary as an 15 emergency measure to protect public health, safety, 16 and welfare in order to comply with the statutory 17 changes that take effect November 1, 2022. Thank 18 you. 19 DR. HAMMON: Thank you. 20 Any questions or comments from the 21 board? 22 Questions or comments from the 23 public? 24 Do I have a motion to approve? 25 MR. KINDER: Kinder, motion to</p>	<p style="text-align: right;">Page 44</p> <p>1 SECRETARY FIELDS: Dr. Hammon? 2 DR. HAMMON: Yes. 3 SECRETARY FIELDS: Motion passed. 4 DR. HAMMON: Thank you. 5 MR. DUZAN: Thank you. 6 DR. HAMMON: Kudos, Brian, thank you 7 very much. 8 MR. DUZAN: You'll get to hear it 9 again in February. 10 DR. HAMMON: We'll be prepared for 11 that. 12 So I do want to thank the Water 13 Quality Management Advisory Council and the agency. 14 Obviously, you know, if you look at the stack of 15 paper in front of us and the number of emergency 16 rules that we just approved, this was a lot of work 17 on their part, and appreciate them doing this to 18 make sure that this sort of work continues as of 19 November 1st, so do appreciate that. 20 At this point, we are on Agenda Item 21 16, which is our "Executive Director's Report", so 22 we'll just go ahead and hand this right off to Scott 23 Thompson. 24 MR. THOMPSON: Okay. Thank you. 25 So Secretary McQueen was introduced</p>
<p style="text-align: right;">Page 43</p> <p>1 approve. 2 DR. HAMMON: Thank you, Jimmy. 3 Do I have a second? 4 MR. AUER: Auer, second. 5 DR. HAMMON: Thank you. 6 We have a motion and a second to 7 approve. Quiana, roll call, please. 8 SECRETARY FIELDS: Mr. Auer? 9 MR. AUER: Yes. 10 SECRETARY FIELDS: Mr. Barton? 11 MR. BARTON: Yes. 12 SECRETARY FIELDS: Dr. Ferrell? 13 DR. FERRELL: Yes. 14 SECRETARY FIELDS: Mr. Kinder? 15 MR. KINDER: Yes. 16 SECRETARY FIELDS: Ms. Kindrick? 17 MS. KINDRICK: Yes. 18 SECRETARY FIELDS: Mr. Mason? 19 MR. MASON: Yes. 20 SECRETARY FIELDS: Mr. Newman? 21 MR. NEWMAN: Yes. 22 SECRETARY FIELDS: Mr. Paque? 23 MR. PAQUE: Yes. 24 SECRETARY FIELDS: Mr. Sims? 25 MR. SIMS: Yes.</p>	<p style="text-align: right;">Page 45</p> <p>1 earlier. We're happy to have him on the board, I 2 have met him and worked with him in earlier roles, 3 particularly when he was recently Administrator in 4 Dallas at EPA, and so I was very happy to find out 5 that he was selected for this position. Don't tell 6 Secretary Wagner, but I'm referring to him as Ken 7 2.0. 8 So, anyways, I think you know his 9 background, but you all know Victoria Tran, she's 10 also a native Oklahoman who spent some time at EPA 11 headquarters, and she's been a great asset to us in 12 that office, and recently they've added Scott Mason, 13 he's appointed the Deputy Secretary of Energy, and I 14 guess he's officially the Deputy Secretary for 15 Environment. And Scott Mason is from Cordell, which 16 is just up the road and many of us drove through 17 that town coming up here, so we're interested, and 18 he came from EPA's Tribal Office at headquarters at 19 EPA, most recently, so I think he's going to be very 20 helpful to us as we move down the road. 21 So Catherine Sharp retired, I suppose 22 many of you heard. She didn't want to make a big 23 deal out of it, but we did force her to have sort of 24 a going-away event, and I found some really old, 25 embarrassing pictures to post, you know, on the big</p>

<p style="text-align: right;">Page 46</p> <p>1 screen during that event, so -- but she was with us 2 for I think 37 years, and she became the 3 Administrative Service Director in 2014, so -- and 4 Catherine and I had worked together since I think 5 1985 or something like that. So she will be missed, 6 but she's probably going to have a pretty good time 7 in her retirement.</p> <p>8 And then the thing I get asked about 9 the most lately when I go and run into folks from 10 the Capitol or other folks is the Chickasha hand 11 sanitizer case, that's drawn a lot of publicity 12 lately, and I can -- we issued about a \$6.6 million 13 fine, something to that effect in that case, and if 14 you saw the news, you saw at least two warehouses 15 caught on fire that were full of this hand 16 sanitizer.</p> <p>17 It -- there was nothing right about 18 the way that material was brought into the state or 19 managed. Technically, it was FDA-recalled hand 20 sanitizer, some of it had some chemistry that was 21 not approved by the FDA to be used as hand 22 sanitizer, and some of it may have just been 23 expired, and it was -- it's definitely hazardous 24 waste by EPA policy and -- because it's ignitable. 25 So it should have been disposed of at</p>	<p style="text-align: right;">Page 48</p> <p>1 enforcement activity we're working with the local 2 authorities, District Attorney, local police, 3 Sheriff's Office, all that. So I think that is 4 proceeding as well as it can at the moment, but -- 5 so it's under control for now, but we still have 6 some work to do for the long-term disposition and 7 outcome of all of that and probably some significant 8 enforcement by ourselves and/or by EPA.</p> <p>9 So let's see. Lean implementation.</p> <p>10 An update on that is -- you know, I think I've 11 mentioned before, but I can't talk enough about how 12 much help the State of Arizona has been to us, the 13 Arizona DEQ. We've had numerous meetings with them, 14 I've been there personally where I was on another 15 trip and got shown how their process works in Lean, 16 very enthusiastic about it, and they are more than 17 willing to talk to us or to have our staff sit in on 18 virtual sessions as they do Lean in their work 19 units, et cetera, and see how that goes, so that's 20 helped us dramatically in terms of moving forward on 21 this process on trying to implement it.</p> <p>22 One of the programs we're running a 23 pilot on is Air Quality, it's a conception program 24 to try to make that more efficient and to go more 25 swiftly. We're also working a lot on all the</p>
<p style="text-align: right;">Page 47</p> <p>1 a permanent facility to receive that type of waste, 2 it should have been stored at a facility that was 3 permitted to receive that type of waste for storage, 4 et cetera; none of that was in place. And after our 5 folks became aware of it, went out and took a look 6 at the facility, like, maybe on a Wednesday, I 7 believe, by the next Saturday, the following 8 Saturday, one of the warehouses had been torched, 9 and then I think the next day a second warehouse had 10 been torched and we discovered at that point there 11 were at least three. And so one of them was not, 12 and then we've since discovered about six, I 13 believe, maybe more, also a burial site in a place 14 that appeared that someone was getting ready to bury 15 some, so we have pursued that strongly and we are 16 working with EPA. We are also working with the 17 Chickasaw Nation to make sure they were aware of it 18 and are happy to work with them to take care of this 19 situation, and so we'd expect further activity with 20 regard to the enforcement case there.</p> <p>21 And this is a nationwide problem, 22 there is a large amount of this material nationwide, 23 and so I think, you know, our actions will probably 24 make Oklahoma not a destination for more of it, 25 hopefully, and if we follow through with the</p>	<p style="text-align: right;">Page 49</p> <p>1 programs that we're working on in terms of a visual 2 management approach, and because of the last few 3 years we've been through and Arizona has moved from 4 an in-person visual management approach to a virtual 5 board where you can observe, the manager kind of 6 observe exactly what's going on with each project 7 and process, and we're not quite there yet, but 8 that's our goal is to get that in place.</p> <p>9 So, you know, we've also done a lot 10 of training for DEQ staff and for upper management 11 to try to help everybody wrap -- the hardest thing 12 about Lean is just wrapping your mind around exactly 13 -- 'It makes sense to me, but then how do I actually 14 do it? What do I actually do day to day, how do I 15 get started doing it, how do I make it work?', and 16 once a group or a division or a program starts 17 working on it and gets started, then it really makes 18 a lot more sense to them.</p> <p>19 So we're -- some of the programs have 20 already implemented projects and others are just 21 starting, and then we're trying to encourage as much 22 of the agency as possible to head down this road. 23 So I think this will also help us in a lot of ways 24 in just maximizing the speed at which staff can be 25 trained with the -- I think the pilot will help us</p>

<p>1 with.</p> <p>2 At the conclusion of the pilot, we</p> <p>3 expect many areas of waste and inefficiency to have</p> <p>4 been identified and alleviated. This will improve</p> <p>5 the speed at which we get inspection results back to</p> <p>6 the facility and/or take whatever actions we need as</p> <p>7 a result of that. So today, we've had 20 Lean</p> <p>8 training events throughout the agency, including 200</p> <p>9 of our staff.</p> <p>10 So I think it's -- you know, this is</p> <p>11 the future. I've been around a long time and I've</p> <p>12 seen a whole lot of management concepts come and go,</p> <p>13 like total quality management, things like that,</p> <p>14 they all come back to continuous improvement and</p> <p>15 this is the one that has really taken root across</p> <p>16 the country, especially in government agencies, and</p> <p>17 is continuing for a number of years and so I expect</p> <p>18 it to be the way we do things from now on.</p> <p>19 So in our divisions, Air Quality got</p> <p>20 an award from the Association of Air Pollution</p> <p>21 Control Agencies, AAPCA. Each year, AAPCA presents</p> <p>22 an award for Best Practices in Air Pollution</p> <p>23 Control, and our Air Quality Workshop received the</p> <p>24 award for 2022. Air Quality hosts an Emissions</p> <p>25 Inventory Workshop every January. This year, after</p>	<p>Page 50</p> <p>1 positive things instead of just looking over</p> <p>2 people's shoulders and tagging them when they don't</p> <p>3 get everything right, so we're helping cities and</p> <p>4 public communities and some private sector folks</p> <p>5 actually recycle properties, make sure they're safe</p> <p>6 for reuse, and then they're able to put them back</p> <p>7 into use and on the tax rolls, et cetera, where they</p> <p>8 might just sit by otherwise.</p> <p>9 So that was a big deal to host that</p> <p>10 national conference, and we had over 2,200 attendees</p> <p>11 at that, so it was very widespread nationally and</p> <p>12 even internationally.</p> <p>13 The Phoenix Awards are awards that</p> <p>14 are given out every year that at least -- I don't</p> <p>15 know if they were during the pandemic, but</p> <p>16 previously they have been every year, and so this</p> <p>17 was always -- matter of fact, this is the third</p> <p>18 attempt to host the Brownfields conference, two of</p> <p>19 them got canceled. And so our staff in Oklahoma</p> <p>20 City and everybody involved, the EPA worked very</p> <p>21 hard to try to make sure that it actually took place</p> <p>22 this time, so we were happy to be one of the first</p> <p>23 life events that EPA was willing to do across the</p> <p>24 country.</p> <p>25 And so the Phoenix Award recognizes</p>
<p>Page 51</p> <p>1 listening to industry needs, the Emissions Inventory</p> <p>2 Section recognized a gap in what was presented by</p> <p>3 DEQ and what the industry needed to focus on and</p> <p>4 know about.</p> <p>5 So the January workshop was expanded</p> <p>6 to be an Air Quality Workshop to cover not only</p> <p>7 emissions inventory information, but also federal</p> <p>8 rule updates, new permitting rules, a demonstration</p> <p>9 of Air Quality Division's Storage Tank Emissions</p> <p>10 Calculation Tool, a refresher on the interpretation</p> <p>11 of regulations, and information on how inspections</p> <p>12 are selected by staff.</p> <p>13 So we had more than 340 folks</p> <p>14 registered for that and participate in the virtual</p> <p>15 workshop, so that went very well, and Air Quality</p> <p>16 has deserved that award.</p> <p>17 In the Land Protection Division, we</p> <p>18 recently hosted a National Brownfields Conference in</p> <p>19 Oklahoma City at the Omni and right next door to</p> <p>20 Scissortail Park, both of which are Brownfields</p> <p>21 projects.</p> <p>22 We have numerous Brownfields projects</p> <p>23 in Oklahoma City and in Tulsa and in a few places</p> <p>24 across the state. This is one of the best programs</p> <p>25 EPA's ever implemented because we're actually doing</p>	<p>Page 52</p> <p>1 first regional projects that have done really well</p> <p>2 and they get a nice recognition, and it just picks</p> <p>3 the best project in each region.</p> <p>4 And so Oklahoma City, the First</p> <p>5 Americans Museum there on I-40 next to the river,</p> <p>6 was awarded the Regional Phoenix Award, and the</p> <p>7 First Americans Museum also won the national award,</p> <p>8 which is a really big deal.</p> <p>9 And so that was built, you know, just</p> <p>10 -- it's right by Eastern Avenue and I-40, Reno, and</p> <p>11 it's a great facility, we got to take a number of</p> <p>12 folks, including almost all the regional</p> <p>13 administrators from EPA through that facility, get a</p> <p>14 personal tour by the guy who's the director, and it</p> <p>15 was just outstanding.</p> <p>16 So -- and DEQ helped make that</p> <p>17 possible because it was also a Brownfields site. We</p> <p>18 did a lot of work in the early days with that,</p> <p>19 trying to clarify whether there were any</p> <p>20 environmental concerns, making sure any of them were</p> <p>21 addressed so that that facility could be constructed</p> <p>22 on that property and move forward, and now the</p> <p>23 Chickasaw Nation is pursuing further development</p> <p>24 there of a resort and hotel, I believe, and some</p> <p>25 recreational opportunities there, and that's going</p>

<p>Page 54</p> <p>1 to be a pretty sizeable development and that will 2 also go through our Brownfields Program, so we're 3 looking forward to working on that.</p> <p>4 And recently, we went up to Tar Creek 5 and took the Regional Administrator from Region 6 6 and the Regional Administrator from Region 7 on a 7 tour of the site in conjunction with the Quapaw 8 Tribe. We have an agreement with the Quapaw Tribe 9 to do some of the work, they have the capacity, and 10 they're the only tribe in the nation that's ever 11 done this, to actually do the real construction work 12 for the remedy on a Superfund site, and so that went 13 very well and our relation with the Quapaw Tribe is 14 good, and so -- and we're getting a lot of property 15 cleaned up, a lot of residences and yards cleaned 16 up, still it's a very large site, it's about 40 17 square miles from end to end, theoretically, and so 18 we're just very excited and we'll be doing that for 19 a number of years. And I just think that went very 20 well, and I think the new EPA folks in this 21 administration were kind of amazed at the scope of 22 it and the work we're doing with the tribe, so that 23 was good.</p> <p>24 So there's an old Kerr-McGee refinery 25 in Cushing, we recently did some work on that and</p>	<p>Page 56</p> <p>1 In Water Quality, Kay Coffey has been 2 recognized nationally with a pretty significant 3 award. She's the recipient of the Bridget O'Grady 4 Excellence in Service Award from the Association of 5 State Drinking Water Administrators, and the award 6 recognizes individuals whose careers with the state 7 drinking water programs and work with the 8 Association exemplify commitment and outstanding 9 professional performance.</p> <p>10 This shows that Kay's years of 11 experience in DEQ's drinking water program has 12 really helped with vision, commitment, and 13 excellence to make the program successful and, you 14 know, that impact has been noticed by others across 15 the country.</p> <p>16 We -- are receiving funds to address 17 lead service lines to try to do an inventory of 18 those. I don't anticipate having as many as you 19 would in other states, especially back East, where 20 the systems are much older, but we may have some. 21 And so we're going to work on that towards the end 22 of this year and we are going to do outreach 23 throughout the state to provide information about 24 funding and requirements of the rule. And mostly 25 this is going to affect municipal water systems,</p>
<p>Page 55</p> <p>1 started in the fall of 2020, and it was completed in 2 June this year. So there were 100,000 on-site man 3 hours with no lost time or OSHA incidents, and 4 nearly 355,000 tons of contaminated soils were 5 removed and hauled off site for disposal. That was 6 about 15,000 truckloads of material. And if you 7 need details on that, you need to corner Kelly Dixon 8 in a little bit.</p> <p>9 And so, likewise, the Oklahoma 10 Refining Company site in Cyril, Oklahoma, not too 11 far away from here, we cleaned up an additional 12 23 acres of contaminated soil and sediment, and it 13 had some hydrocarbons and metals, and those were 14 excavated, that included about 163,000 cubic yards. 15 And that work was completed a year and a half early; 16 so that was a good deal.</p> <p>17 We had an old landfill that had -- 18 somehow, somebody dumped some radioactive material 19 on the surface at some point, and our folks had been 20 working on that for quite a while and trying to get 21 that -- and EPA has agreed to do the cleanup on 22 that, probably through the removal program, and 23 we're working with them. We expect that to be done 24 in about 30 days from when it starts, which should 25 be this month.</p>	<p>Page 57</p> <p>1 public water systems, so we're going to assist those 2 folks to try to complete these inventories and 3 understand what the universe is there.</p> <p>4 In our -- oh, we also have a very 5 successful Rural Infrastructure Grant program as -- 6 that's part of our work with the Rural Water 7 Association. It's been going very well, the 8 legislature authorized \$10 million additionally this 9 year to assist these systems, and so we've made the 10 first 10 awards and this money was just awarded at 11 the very end of the legislative session, and we 12 didn't know what was coming exactly or what the 13 strings were to it, so the staff really got together 14 with Rural Water and we're moving forward.</p> <p>15 But they're going to do a lot of work 16 with small systems on hydraulic analysis, water age 17 studies, smoke testing, and well rehabilitation, 18 well drilling, et cetera. What this will do is help 19 some of these systems prepare for the Bipartisan 20 Infrastructure Law funding that is coming at us over 21 the next five years.</p> <p>22 And really, the new batch of money we 23 got this year's current funding already, but the new 24 batch of this bill money really doesn't start until 25 next year, but we've got to get people -- what some</p>

<p>Page 58</p> <p>1 of the folks don't understand, the D.C. folks, is 2 you -- the system has to be at a certain part to 3 then -- to be able to utilize that money to actually 4 do the projects. So we have a lot of work to do 5 with this system to figure out what's to be done, 6 the design and that sort of stuff and to get it 7 going, and otherwise you have money sitting there, 8 but you don't have enough people in the kitty to use 9 it. And part of that desire on the part of the 10 legislature is to make sure some of the little guys 11 aren't left behind and it doesn't just all go to the 12 larger systems who already, you know, have plenty of 13 funds and capability, so that is going very well.</p> <p>14 In the Operator Certification 15 Program, Water Quality's been meeting with Operator 16 Certification stakeholder groups to evaluate how to 17 organize their efforts and funding and training 18 requirements nationwide. There's always a shortage 19 of trained operators for drinking water systems, and 20 I hear that from my peers at national meetings a lot 21 and it's very consistent, and so there's a 22 tremendous need to get more people trained and 23 certified and get them out there, doing the work in 24 these systems and making sure that we have quality 25 operators to deliver quality drinking water.</p>	<p>Page 60</p> <p>1 their water as soon as possible so, that will help. 2 They're going to be able to do things like thermal 3 preservation, pH, conductivity, turbidity and a 4 variety of other parameters and some Bac-T samples. 5 So EPA is about to launch, in 6 January, the fifth step of the Unregulated 7 Contaminant Monitoring Rule, and that requires all 8 large systems and certain smaller ones to analyze 9 for Lithium and 29 PFAS compounds, and I will not go 10 into PFAS with you. If you really want to know a 11 lot about PFAS, I can deliver more than you want to 12 know. 13 But this is -- these things aren't -- 14 don't have drinking water standards currently, but 15 this is -- only EPA would talk about unregulated -- 16 you know, start regulating Unregulated Contaminant 17 Rule instead of identifying what you need to do up 18 front, so -- but it will give us a snapshot of where 19 we're at in these systems with some of these 20 compounds and whether there are any issues that we 21 need to consider and work on, but there are 22 currently not drinking water standards. 23 So -- and, also, we have a very 24 active school/child care lead testing program, and 25 that's going well. We talked about that in</p>
<p>Page 59</p> <p>1 So I think we have a visual, 2 somewhere, on the mobile lab that we've been working 3 on. And so this is a picture of the mobile lab that 4 we received the trailer in June, and they're working 5 to further support our customer service efforts by 6 supporting the Public Water Supply Small System 7 Assistance Program, Lead testing in Schools, 8 targeted outreach efforts, and I would think the 9 majority of the work is going to be doing emergency 10 response, natural disaster response, et cetera, 11 where you have to -- where you have a system that 12 has an incident and we need to do quicker testing to 13 try to identify any issues, get that system 14 straightened out and be able to balance it and go 15 back into service. 16 Our staff do that now, but they have 17 to transport all the samples to Oklahoma City to a 18 private lab in a timely manner. We'll get that 19 figured out, hopefully this year make that process 20 go better and faster, but our staff, laboratory 21 staff and our county office staff and some of the 22 Water Quality staff, in particular in those 23 situations, put in a lot of overtime on weekends and 24 sometimes even on holidays to make sure things get 25 going and we get people back in to being able to use</p>	<p>Page 61</p> <p>1 February, and there is a status handout, should be a 2 packet that is I think a one-pager, two-pager that's 3 in color, so if you can find that near the back of 4 your packet, that can give you the update on 48 5 schools and daycares, other organizations that 6 participated, which equates to about 23,000 students 7 and staff so far. 8 We've done 2,300 samples, two-thirds 9 of them did not detect lead, about 31 percent 10 detected lead below action levels, and only about 11 3 percent had lead above what's currently used as a 12 drinking water, 15 parts per billion. 13 So 13 of those facilities completely 14 in need of repairs and upgrades and 12 are 15 undergoing those things, 23 facilities are having 16 their applications for assistance reviewed and 17 sample plans are being developed. More than \$26,000 18 of our funds have been utilized for this purpose, 19 and that came from Land Protection Division to 20 assist with this effort. So -- and the DEQ lab 21 staff put at least 117 hours in on-site technical or 22 sampling assistance. 23 So, you know, we'll make thousands of 24 students more safe or at least less exposed to lead, 25 potentially, and so a lot of the issue really tracks</p>

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1 to old fixtures, old drinking water fountains or
2 faucets or things like that that may have lead
3 sauter, et cetera, and so replacing those turns out
4 to be the key, it's generally not the water source
5 that's the issue, but again, as we get more of this
6 federal funding, we're going to target lead. In
7 particular, under this new Lead and Copper Rule,
8 this is going to be pretty complicated, it's a new
9 rule that really will identify some areas and
10 hopefully be able to use federal funds to address
11 some of those things that are identified.

12 Under the Bipartisan Infrastructure
13 Law, Cleanup Program, Superfund, such, get about
14 \$25 million over the next five years, mostly for Tar
15 Creek. We're going to get another almost \$4 million
16 for the Brownfields Revolving Loan Program and \$1
17 million for assessments and cleanup of Brownfields
18 sites.

19 And then EPA will receive
20 approximately \$5 million for a lead interim action
21 at the Wilcox Refinery Superfund site near Bristow.
22 I believe the EPA has the lead on that action. So
23 -- but we work with them closely to -- as they
24 implement that and make sure that everything's going
25 well.

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1 Water Programs, \$10 million for
2 emerging contaminants, about \$40 million for Lead
3 Service Line Inventory, \$25 million is supplemental
4 Drinking Water State Evolving funding, so that's
5 going to be needed, \$38 million Congressionally
6 Directed funding.

7 So -- and then on to Keep America
8 Beautiful organization has recognized our
9 partnership with Keep Oklahoma -- Keep Oklahoma
10 Beautiful. And clean America is a -- clean America
11 -- Keep America Beautiful has recognized our
12 partnership with Keep Oklahoma Beautiful on its
13 Clean Communities Program, that's where folks in --
14 Keep Oklahoma Beautiful folks that recognize towns
15 in these rural communities, tribes, et cetera, that
16 work with DEQ to clean up tire dumps, implement
17 measures to stop illegal dumping, and perform other
18 environmental service projects. In many cases, just
19 clean up their town and address some of the issues
20 that, you know, have plagued certain towns for a
21 long time, and it helps the town look cleaner,
22 better, spruce it up and allows for possible new
23 developments in areas and just, you know, this is a
24 benefit to the community.

25 Last year, more than 50,000 tires

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1 were removed from illegal dumps and 242,000 were
2 diverted from possible illegal dumping through
3 community-wide collection events across the state.
4 And our partnership with KOB has resulted in 34
5 communities being certified as Oklahoma Clean
6 Communities.

7 And, last, the State has implemented
8 a new HR system called Workday. On August 15th,
9 they flipped the switch and it went live, and that
10 was kind of traumatic for Kathy and her staff, for
11 some of the rest of us who were just hoping our
12 paychecks would show up. And so I think in the end
13 it's going to be a good thing, it's going to be
14 simpler once we get used to it, but it's challenging
15 and not all of the questions have been answered and
16 there were some hiccups, and so we're continuing to
17 work on that, but it's going to tie together a bunch
18 of HR and payroll and other things together. So
19 it's cloud based and, you know, we hope that it
20 works better than our previous system, and I think
21 it will, from what I've seen so far.

22 So I think that concludes my report.
23 If you have any questions, I'd be happy to take any.

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

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1 Our next item is a "Budget Update and
2 Financial Overview" by Kathy Aebischer.
3 MS. AEBISCHER: Well, Chairman,
4 Members of the Board, I'm Kathy Aebischer, Chief
5 Financial Officer for DEQ. This is the meeting
6 where we go into more detail of the budget. We just
7 started a new fiscal year, we finished the
8 legislative session, so we want to give you an
9 update on how that impacts our budget, go into the
10 details of the divisional budgets and some of the
11 challenges they may be encountering, and then give
12 you an update of the expenditures and revenue
13 through July 31st.

14 So this past session, our State
15 appropriations increased 125 percent; our base FY22
16 budget was just over \$9 million; our general revenue
17 increased a little over \$11 million; so our total
18 State appropriations is \$20,322,643.

19 So going into detail, if you remember
20 last year you approved a budget request. So this
21 third column is what we requested, we requested
22 additional FTEs for Environmental Complaints & Local
23 Services, also three additional FTEs for State
24 Environmental Lab, the DEQ Parking Garage \$20
25 million, and you'll see the third column is what we

<p>1 received.</p> <p>2 So they gave us \$295,000 for three</p> <p>3 additional FTEs for ECLS for the field offices, to</p> <p>4 help with the additional workload; they also gave us</p> <p>5 an additional \$1 million with our partnership with</p> <p>6 Rural Water, for Rural Water Development Projects;</p> <p>7 and then an additional \$10 million went to -- is a</p> <p>8 pass-through or partnership with Rural Water, and</p> <p>9 those are the grants that Scott mentioned, of \$10</p> <p>10 million.</p> <p>11 So when we compare FY22 budget to</p> <p>12 FY23, all funding sources, the first line is</p> <p>13 carryover funds from FY20, that was the lab</p> <p>14 equipment. With COVID, it's taken a while to be</p> <p>15 able to get equipment, so those funds were spent in</p> <p>16 '22 and will not be carried over.</p> <p>17 And then you'll see General</p> <p>18 Appropriations went up 125 percent. The</p> <p>19 Environmental Education Fund is the license plates,</p> <p>20 those are the funds from the license plate sales and</p> <p>21 are given to schools, grants to schools.</p> <p>22 You'll see Federal Funds went down</p> <p>23 little bit. We will have a budget revision just</p> <p>24 because we're waiting for final invoices and also</p> <p>25 some finalization of some grants, but that's where</p>	<p>Page 66</p> <p>1 more years on that, three or four. That's based on</p> <p>2 expenditure; so, there's funds there. We're also</p> <p>3 running into their funding for school buses,</p> <p>4 charging stations, so the supply chain is a little</p> <p>5 tough right now. So there could be -- once we see</p> <p>6 where some of those grants fall we might be doing a</p> <p>7 revision this year, but there's -- that's a</p> <p>8 continuing activity and releasing our fees on that.</p> <p>9 MR. PAQUE: Okay. Thanks.</p> <p>10 MS. AEBISCHER: Okay. I'm going to</p> <p>11 go into each division's budget. So for Air, their</p> <p>12 revenue projections are expected to be \$800,000 less</p> <p>13 than last year. This has been a continuing issue</p> <p>14 they're having to deal with, they're looking at</p> <p>15 other opportunities to kind of recoup some revenue,</p> <p>16 so that's just something we'll be working on.</p> <p>17 Their total budget, so Revolving</p> <p>18 funds they'll have \$12 million; Federal grants, \$2.8</p> <p>19 million; and VW Settlement Funds, \$2.3; Penalty</p> <p>20 Funds is just a little over \$1,000; and then Reserve</p> <p>21 from FY2022 is \$697,000; so total funds available</p> <p>22 for Air is \$17.9 million.</p> <p>23 So Air's budget is \$14.5, and then</p> <p>24 they have partnerships with the other divisions that</p> <p>25 perform some activities for Air. Air's budget.</p>
<p>Page 67</p> <p>1 it stood starting July 1.</p> <p>2 MR. PAQUE: So, Kathy, you're</p> <p>3 suggesting that will go up, during fiscal year that</p> <p>4 goes up?</p> <p>5 MS. AEBISCHER: Yes.</p> <p>6 MR. PAQUE: And then depending on</p> <p>7 whatever the grants are?</p> <p>8 MS. AEBISCHER: Yeah.</p> <p>9 MR. PAQUE: Okay.</p> <p>10 MS. AEBISCHER: So you'll see our</p> <p>11 total budget is a little over \$100 million; so, in</p> <p>12 total, a 4 percent increase.</p> <p>13 MR. PAQUE: Another question. On</p> <p>14 that -- the Environmental Settlement Fund, is that</p> <p>15 Volkswagen, I think, part of it? Is that the</p> <p>16 Volkswagen money?</p> <p>17 MS. AEBISCHER: Yes.</p> <p>18 MR. PAQUE: And how --</p> <p>19 MS. AEBISCHER: Yes. Very good.</p> <p>20 MR. PAQUE: Well, what kind of future</p> <p>21 does that have? I know it's going down, I know it's</p> <p>22 got a projected end point, but that's a big drop.</p> <p>23 What happens in the next-out year, is that -- what</p> <p>24 is -- how long does it last?</p> <p>25 MS. AEBISCHER: I think we have three</p>	<p>Page 68</p> <p>1 there are Indirect Costs of \$2.7.</p> <p>2 Here, if we look at their total</p> <p>3 budget, it is currently 12 percent less when we</p> <p>4 compare it to last year. We do expect to do a</p> <p>5 budget revision for VW funds, which will bring it up</p> <p>6 a little bit, but Professional Service is the main</p> <p>7 decrease, with IT projects. Let's see. And then</p> <p>8 the \$2.2 million is less in projects that we're</p> <p>9 doing this year.</p> <p>10 So if we look at Land, in total,</p> <p>11 they're projecting a net \$740,000 increase in their</p> <p>12 revenue. So their revenue is looking good and we</p> <p>13 don't foresee any issues for Land.</p> <p>14 Their total budget in Revolving, \$3.7</p> <p>15 million; in Federal Funds, \$9.2, but we will be</p> <p>16 doing budget revisions once everything settles, and</p> <p>17 we have some federal grants that might come down in</p> <p>18 the middle of the year, but at this point, this is</p> <p>19 where they stand; Penalty Funds, \$5,600; and the</p> <p>20 Reserve from FY2022 of \$758,000; so total funds for</p> <p>21 Land is just over \$23 million.</p> <p>22 Land's budget is \$20 million.</p> <p>23 Projects ECLS and the Lab assist with and then</p> <p>24 Indirect Costs of \$2.2. Land's budget compared to</p> <p>25 last year is about 21 percent less, that's in</p>

<p>Page 70</p> <p>1 federal funds. Like I said, we expect to do a 2 budget revision, so this will change, but this is 3 where we stand today. 4 Water Quality, they're expecting a 5 net of \$350,000 increase in their revenue. Their 6 budget, they have a little over \$9 million of 7 Revolving funds; Federal Funds of \$7 million; State 8 Appropriations, \$13 million; Penalty Funds, \$1,500; 9 Reserve of \$727,000; Total Funds available is a 10 little over \$30 million. 11 Water's budget is \$25.8 million. 12 They also have projects with the other divisions, 13 ECLS and the Lab and then indirect costs of 14 \$2.9 million. Their budget, it increased 15 55 percent, and that's because of the pass-through 16 funds, the partnership with Rural Water is the 17 reason why their budget has increased so much. 18 ECLS, their revenue projections, also 19 they're projecting an increase of about \$121,000 20 more than last year. ECLS's budget, all funding 21 sources, we have Revolving fund of \$2.8; Federal 22 Funds, \$1.2 million; State Appropriations of \$3.5; 23 Penalty Funds, \$66,000; Reserve from '22, \$661,000; 24 also, the work that they do for the other divisions; 25 and Total Funds available, \$10,969,000.</p>	<p>Page 72</p> <p>1 \$20,000; Federal Grant Awards of \$926,000; the Tag 2 Grants of \$10,000; Penalty Funds, about \$500,000; 3 Reserve from 2022 of \$812,000; for a total of funds 4 of just under \$16 million. 5 ASD's Proposed Budget is \$15,767,000; 6 Penalty Funds to Other Divisions is \$159,000; and 7 then Indirect Costs of \$19,000. We have a variance 8 of \$10,000. What we do is we collect the funds one 9 year and then we do grants the following year is why 10 we have a difference. 11 Administrative Support budget 12 increased 12 percent, mainly due to market increases 13 that the agency had is the reason for the increase 14 in this budget. 15 Any questions before I give you 16 update on revenue expenditure through July? No? 17 Okay. Really small. 18 Okay. This is a summary of revenue 19 collected through July 31st of this fiscal year, 20 that's just one month. We have total projections 21 just under \$40 million, and that's the revolving 22 fund, those are the fees that we collect. 23 Collections for July were \$1.6 24 million, that's 4.2 percent of the total projections 25 for the year, and we collected -- at the same point,</p>
<p>Page 71</p> <p>1 ECLS's budget is \$8.8 million with 2 Indirect Costs of a little over \$2 million. ECLS's 3 budget has increased about 7 percent, that's due to 4 the three additional FTEs that legislative 5 appropriated for this division. 6 State Environmental Lab, they are 7 also projecting a small increase in revenue when 8 compared to last year, about \$16,000. If we look at 9 the Lab's total funding sources, Revolving funds we 10 have a little over \$2 million; Federal Funds, also 11 \$2.3; State Appropriations, \$3 million; Penalty 12 Funds, \$48,000; Reserve from 2022 of \$65,000; the 13 work that they're doing for other divisions; which 14 brings their total funds just under \$9 million. The 15 Lab's budget is \$7.5 million, with \$1.4 million 16 going to Indirect Costs. 17 The Lab's budget overall is 18 decreasing about 5 percent, and this is due to -- we 19 had carryover last year for the lab equipment, and 20 that is not in this budget; so that's the reason for 21 the decrease. 22 Administrative Services and 23 Technology, total Divisional Funds from IDC is 24 \$11.5; we have Reserve from 2023 of -- or, 2022 of 25 \$2 million; and also, we do accounting for OSEE,</p>	<p>Page 73</p> <p>1 when you compare it to last year is we're behind 2 \$762,000. We're not really concerned, some invoices 3 went out later, so it's just a timing difference. 4 Everyone's revenue seems to be coming in as 5 expected, but it's just one month into the year. 6 If we look at expenditures, so our 7 total Budget is \$100,081,846; and Expenses for the 8 first month is \$1.9; we've Encumbered \$54 million; 9 Remaining to be encumbered is \$43 million. 10 And if we look at the Funding 11 Sources, this details in which fund expenditures 12 have occurred through the month of July. 13 Do we have any questions? 14 DR. HAMMON: Any questions on the 15 overall budget for Kathy? 16 I see none; so I think it's okay to 17 go into the "Operational Budget Request". 18 MS. AEBISCHER: So this is the time 19 that you vote on what we recommend to request for 20 the State Appropriations Budget for FY2024, and this 21 is due to be submitted October 1st of this year. So 22 the first column outlines our base appropriations by 23 division. 24 As you recall, we received a little 25 over \$20 million. It has been requested from the</p>

<p>Page 74</p> <p>1 Governor's Office that we remain a flat budget; 2 however, we feel that our parking garage is an 3 urgent need; so we have, once again, put that -- in 4 a one-time request of \$20 million to assist with 5 replacing the parking garage. 6 MR. PAQUE: How much did you do for 7 the garage last year? 8 MS. AEBISCHER: The same amount, \$20 9 million. This would bring the total request to \$40 10 -- just over \$40 million. 11 As a status on the parking garage, we 12 still continue to get an engineer, a structural 13 engineer to come in quarterly to review the garage, 14 and they'll suggest to close additional spaces or 15 whatever we may need to do. We just completed 16 another one, and they requested for us to close an 17 additional four. We are now over 40 -- 50 percent 18 closed. We were able to get some spaces with the 19 church that is near us downtown, and with telework 20 we've managed, but it continues to be a major issue 21 for DEQ. 22 DR. HAMMON: Any questions or 23 comments from the board on the proposed budget? 24 MR. KINDER: Kathy, I've got a 25 question. I know that we asked for that \$20 million</p>	<p>Page 76</p> <p>1 it's estimated we need, like, 325 spaces; so how we 2 do that is we have several leases. The Heritage 3 garage, which is fairly new by the Memorial, we have 4 125 spaces there; we also have spaces by the church 5 that our surface lot; we have some spaces, 40-some, 6 by Walker. 7 So we're trying to manage that way. 8 We're managing. I haven't heard any major issues, 9 but like I said, we try to work around telework to 10 kind of accommodate those that have to be in the 11 office. 12 MR. THOMPSON: But we're about 13 50 percent capacity, is that right? So 50 percent 14 of the garage is unusable and it was about 325 15 spaces; so the max we could put in there is half of 16 that. 17 MR. PAQUE: But that number is going 18 in the garage every day? 19 MR. THOMPSON: Well, it depends upon 20 day to day. We do have more people working in the 21 field and teleworking, and you know, if we can't fix 22 the garage, we will be back to essentially what we 23 were doing in the pandemic, where maybe 80 percent 24 of the staff would be telework. 25 So we have some capacity for maybe</p>
<p>Page 75</p> <p>1 last year; as everyone knows, that things have gone 2 up, and so I guess I question whether -- and I 3 understand where we're at on the request, but is \$20 4 million going to be enough today? 5 MS. AEBISCHER: Well, when we 6 originally started replacing it, the estimate was 7 \$13,500,000. So during this process, and as you 8 know the increase in materials, with consultation 9 with OMES, this was the estimate of what we felt it 10 would be today would be \$20 million, but it is just 11 the best estimate we have until we get into -- you 12 know, we do have drawings, we do have a pretty solid 13 estimate of the \$13.5, so we just -- that's where we 14 got to the \$20. 15 MR. KINDER: Okay. Thank you. 16 MR. PAQUE: So we've -- you've given 17 us the number of net spaces that are left. How many 18 employees depend on that garage to park? We've 19 talked in past years of if we didn't have the 20 garage, we could hardly imagine where to put people, 21 but how many people actually use it on a daily 22 basis, on average? How many people would be 23 displaced if we tore it down and reconstructed? 24 MS. AEBISCHER: Well, today, we rely 25 on telework and, you know, managing it that way, but</p>	<p>Page 77</p> <p>1 200 parking outside the garage, but that was -- that 2 is not ideal to run an agency like ours, especially 3 as you have turnover and have to bring in new people 4 and get them trained properly, et cetera; so we'd 5 much rather be in a more in-the-office situation, 6 but it may be going the other way in the short-term. 7 Even if we get funded, we will have 8 to tear the garage down and rebuild a new one; so 9 that will change everything there in terms of 10 short-term we'll be teleworking a large percentage 11 of our staff regardless, but in the long-term for 12 the agency, it's much better to have adequate 13 parking. 14 MR. MASON: But to summarize what 15 Scott's dancing around, inevitably a structural 16 engineer is going to condemn the garage due to 17 legislative inaction, and because of a closed garage 18 this agency is going to have to start telecommuting, 19 and a parking garage cannot dictate to this agency 20 whether the staff should be present in the office or 21 not, and to Scott's point, we need them in the 22 office. And by the inaction of the legislature, we 23 are heading towards a telecommuting agency one day, 24 unfortunately. 25 DR. HAMMON: Other questions or</p>

<p>Page 78</p> <p>1 comments from the board?</p> <p>2 Any questions or comments from the</p> <p>3 public?</p> <p>4 All right. At this point, there is</p> <p>5 discussion and possible action by the board. Are</p> <p>6 there any motions?</p> <p>7 DR. FERRELL: Ferrell, move to</p> <p>8 approve the budget as presented.</p> <p>9 DR. HAMMON: I have a motion to</p> <p>10 approve. Is there a second?</p> <p>11 MR. KINDER: Kinder, second.</p> <p>12 DR. HAMMON: We have a motion and a</p> <p>13 second. Quiana, roll call, please.</p> <p>14 SECRETARY FIELDS: Mr. Auer?</p> <p>15 MR. AUER: Yes.</p> <p>16 SECRETARY FIELDS: Mr. Barton?</p> <p>17 MR. BARTON: Yes.</p> <p>18 SECRETARY FIELDS: Dr. Ferrell?</p> <p>19 DR. FERRELL: Yes.</p> <p>20 SECRETARY FIELDS: Mr. Kinder?</p> <p>21 MR. KINDER: Yes.</p> <p>22 SECRETARY FIELDS: Ms. Kindrick?</p> <p>23 MS. KINDRICK: Yes.</p> <p>24 SECRETARY FIELDS: Mr. Mason?</p> <p>25 MR. MASON: Yes.</p>	<p>Page 80</p> <p>1 Among the statutory duties of the</p> <p>2 Board are the responsibilities to appoint and set</p> <p>3 the compensation of the Executive Director and to</p> <p>4 assist the DEQ in conducting periodic reviews and</p> <p>5 planning activities related to the goals,</p> <p>6 objectives, priorities, and policies of the DEQ. In</p> <p>7 connection with these responsibilities, the Board</p> <p>8 has determined that it should conduct a performance</p> <p>9 review of the Executive Director.</p> <p>10 With that, we'd like to move to</p> <p>11 executive session; before I ask for a motion for</p> <p>12 that, do I have anyone who is willing to keep</p> <p>13 minutes during the executive session?</p> <p>14 MR. BARTON: I'm willing.</p> <p>15 DR. HAMMON: Thank you.</p> <p>16 All right. So do I have a motion to</p> <p>17 move to executive session?</p> <p>18 MR. SIMS: I make a motion we move to</p> <p>19 executive session.</p> <p>20 MR. PAQUE: And I'll second.</p> <p>21 DR. HAMMON: I have a motion and a</p> <p>22 second. Roll call, please.</p> <p>23 SECRETARY FIELDS: Mr. Auer?</p> <p>24 MR. AUER: Yes.</p> <p>25 SECRETARY FIELDS: Mr. Barton?</p>
<p>Page 79</p> <p>1 SECRETARY FIELDS: Mr. Newman?</p> <p>2 MR. NEWMAN: Yes.</p> <p>3 SECRETARY FIELDS: Mr. Paque?</p> <p>4 MR. PAQUE: Yes.</p> <p>5 SECRETARY FIELDS: Mr. Sims?</p> <p>6 MR. SIMS: Yes.</p> <p>7 SECRETARY FIELDS: Dr. Hammon?</p> <p>8 DR. HAMMON: Yes.</p> <p>9 SECRETARY FIELDS: Motion passed.</p> <p>10 DR. HAMMON: Thank you.</p> <p>11 "Employee Disclosures" is Agenda Item</p> <p>12 Number 19, by Jennifer Boyle, DEQ General Counsel.</p> <p>13 MS. BOYLE: Good morning. Mine is</p> <p>14 very short and sweet. Every year, DEQ employees are</p> <p>15 required to update any financial interests that they</p> <p>16 have in entities that we may regulate, and this year</p> <p>17 we had one. We have one employee in the Water</p> <p>18 Quality Division who has shares in an oil and gas</p> <p>19 company, and that has been disclosed to HR</p> <p>20 accordingly.</p> <p>21 That's it.</p> <p>22 DR. HAMMON: All right. This was</p> <p>23 information purposes only, no action by the board is</p> <p>24 required, but did anyone have any questions?</p> <p>25 All right. Thank you.</p>	<p>Page 81</p> <p>1 MR. BARTON: Yes.</p> <p>2 SECRETARY FIELDS: Dr. Ferrell?</p> <p>3 DR. FERRELL: Yes.</p> <p>4 SECRETARY FIELDS: Mr. Kinder?</p> <p>5 MR. KINDER: Yes.</p> <p>6 SECRETARY FIELDS: Ms. Kindrick?</p> <p>7 MS. KINDRICK: Yes.</p> <p>8 SECRETARY FIELDS: Mr. Mason?</p> <p>9 MR. MASON: Yes.</p> <p>10 SECRETARY FIELDS: Mr. Newman?</p> <p>11 MR. NEWMAN: Yes.</p> <p>12 SECRETARY FIELDS: Mr. Paque?</p> <p>13 MR. PAQUE: Yes.</p> <p>14 SECRETARY FIELDS: Mr. Sims?</p> <p>15 MR. SIMS: Yes.</p> <p>16 SECRETARY FIELDS: Dr. Hammon?</p> <p>17 DR. HAMMON: Yes.</p> <p>18 SECRETARY FIELDS: Motion passed.</p> <p>19 DR. HAMMON: Thank you.</p> <p>20 All right. We're in closed session,</p> <p>21 thank you.</p> <p>22 (Board went into Executive Session at 11:14 AM)</p> <p>23 (Meeting resumed at 12:20 AM)</p> <p>24 DR. HAMMON: All right. I appreciate</p> <p>25 everyone's patience with us while we were in closed</p>

<p>Page 82</p> <p>1 session. I'd like to reconvene now into open 2 session, and if I could have Quiana do a roll call 3 to do so, I would appreciate that. 4 (A short discussion was had.) 5 DR. HAMMON: Apparently, I need a 6 motion to go back into open session. 7 MS. KINDRICK: I make a motion to go 8 back into open session. 9 MR. NEWMAN: Second. 10 DR. HAMMON: All right. I have a 11 motion and a second. Quiana, can we please have a 12 roll call? 13 SECRETARY FIELDS: Mr. Auer? 14 MR. AUER: Yes. 15 SECRETARY FIELDS: Mr. Barton? 16 MR. BARTON: Yes. 17 SECRETARY FIELDS: Dr. Ferrell? 18 DR. FERRELL: Yes. 19 SECRETARY FIELDS: Mr. Kinder? 20 MR. KINDER: Yes. 21 SECRETARY FIELDS: Ms. Kindrick? 22 MS. KINDRICK: Yes. 23 SECRETARY FIELDS: Mr. Mason? 24 MR. MASON: Yes. 25 SECRETARY FIELDS: Mr. Newman?</p>	<p>Page 84</p> <p>1 DR. FERRELL: Ferrell seconds. 2 DR. HAMMON: I have a motion and a 3 second. Could I have a roll call, please? 4 SECRETARY FIELDS: Mr. Auer? 5 MR. AUER: Yes. 6 SECRETARY FIELDS: Mr. Barton? 7 MR. BARTON: Yes. 8 SECRETARY FIELDS: Dr. Ferrell? 9 DR. FERRELL: Yes. 10 SECRETARY FIELDS: Mr. Kinder? 11 MR. KINDER: Yes. 12 SECRETARY FIELDS: Ms. Kindrick? 13 MS. KINDRICK: Yes. 14 SECRETARY FIELDS: Mr. Mason? 15 MR. MASON: Yes. 16 SECRETARY FIELDS: Mr. Newman? 17 MR. NEWMAN: Yes. 18 SECRETARY FIELDS: Mr. Paque? 19 MR. PAQUE: Yes. 20 SECRETARY FIELDS: Mr. Sims? 21 MR. SIMS: Yes. 22 SECRETARY FIELDS: Dr. Hammon? 23 DR. HAMMON: Yes. 24 SECRETARY FIELDS: Motion passed. 25 DR. HAMMON: Thank you.</p>
<p>Page 83</p> <p>1 MR. NEWMAN: Yes. 2 SECRETARY FIELDS: Mr. Paque? 3 MR. PAQUE: Yes. 4 SECRETARY FIELDS: Mr. Sims? 5 MR. SIMS: Yes. 6 SECRETARY FIELDS: Dr. Hammon? 7 DR. HAMMON: Yes. 8 SECRETARY FIELDS: Motion passed. 9 DR. HAMMON: Thank you. 10 All right. Thank you. 11 And again, thank you for everyone's 12 patience while we were in closed session. The Board 13 met to discuss our Executive Director's annual 14 performance review. I can say we continue to be 15 very pleased with Scott's performance, his 16 leadership of the agency, as well as his leadership 17 on external committees. So out of that closed 18 session, do I have any actions or motions? 19 MR. SIMS: Ms. Chairman, I would make 20 a motion that we give Scott a 6 percent increase in 21 salary based on his effectiveness running this 22 department and also his effectiveness working with 23 the state legislators and other departments. 24 DR. HAMMON: Thank you, Billy. 25 Do I have a second?</p>	<p>Page 85</p> <p>1 Would any of the board like to say 2 some words? As I've said, we continue to be very 3 supportive of Scott and his role as Executive 4 Director. Would you like to do anything else or 5 have I said everything? I guess that settled it. 6 All right. Moving on to the meeting 7 dates and locations for 2023. On the table in front 8 of you is a list of locations. So we have Friday, 9 February 17th, Oklahoma City; Tuesday, June 13th, 10 Oklahoma City; Tuesday, September 12th, Bixby; and 11 Tuesday November 7th, Duncan. 12 Are there any comments or discussion 13 on these proposed locations and dates? 14 Hearing none, do I have a motion for 15 approval? 16 MR. MASON: Mason, move to approval. 17 MR. NEWMAN: Newman seconds. 18 DR. HAMMON: We have a motion and a 19 second. Quiana, roll call, please. 20 SECRETARY FIELDS: Mr. Auer? 21 MR. AUER: Yes. 22 SECRETARY FIELDS: Mr. Barton? 23 MR. BARTON: Yes. 24 SECRETARY FIELDS: Dr. Ferrell? 25 DR. FERRELL: Yes.</p>

<p>Page 86</p> <p>1 SECRETARY FIELDS: Mr. Kinder?</p> <p>2 MR. KINDER: Yes.</p> <p>3 SECRETARY FIELDS: Ms. Kindrick?</p> <p>4 MS. KINDRICK: Yes.</p> <p>5 SECRETARY FIELDS: Mr. Mason?</p> <p>6 MR. MASON: Yes.</p> <p>7 SECRETARY FIELDS: Mr. Newman?</p> <p>8 MR. NEWMAN: Yes.</p> <p>9 SECRETARY FIELDS: Mr. Paque?</p> <p>10 MR. PAQUE: Yes.</p> <p>11 SECRETARY FIELDS: Mr. Sims?</p> <p>12 MR. SIMS: Yes.</p> <p>13 SECRETARY FIELDS: Dr. Hammon?</p> <p>14 DR. HAMMON: Yes.</p> <p>15 SECRETARY FIELDS: Motion passed.</p> <p>16 DR. HAMMON: Thank you.</p> <p>17 Agenda Item 24 is "New Business". Is</p> <p>18 there any matter not known about and which could</p> <p>19 have not been reasonably foreseen prior to the</p> <p>20 posting of the agenda that anyone wishes to discuss?</p> <p>21 All right. Hearing none, our next</p> <p>22 meeting will be November 8th in Shawnee, Oklahoma.</p> <p>23 I look forward to seeing everyone there.</p> <p>24 Before we move to adjourn, I want to</p> <p>25 apologize. In the opening segment, I forgot to</p>	<p>Page 88</p> <p>1 MR. AUER: Yes.</p> <p>2 SECRETARY FIELDS: Mr. Barton?</p> <p>3 MR. BARTON: Yes.</p> <p>4 SECRETARY FIELDS: Dr. Ferrell?</p> <p>5 DR. FERRELL: Yes.</p> <p>6 SECRETARY FIELDS: Mr. Kinder?</p> <p>7 MR. KINDER: Yes.</p> <p>8 SECRETARY FIELDS: Ms. Kindrick?</p> <p>9 MS. KINDRICK: Yes.</p> <p>10 SECRETARY FIELDS: Mr. Mason?</p> <p>11 MR. MASON: Yes.</p> <p>12 SECRETARY FIELDS: Mr. Newman?</p> <p>13 MR. NEWMAN: Yes.</p> <p>14 SECRETARY FIELDS: Mr. Paque?</p> <p>15 MR. PAQUE: Yes.</p> <p>16 SECRETARY FIELDS: Mr. Sims?</p> <p>17 MR. SIMS: Yes.</p> <p>18 SECRETARY FIELDS: Dr. Hammon?</p> <p>19 DR. HAMMON: Yes.</p> <p>20 SECRETARY FIELDS: Motion passed.</p> <p>21 DR. HAMMON: Thank you.</p> <p>22 Meeting adjourned.</p> <p>23 (The ENVIRONMENTAL QUALITY BOARD meeting was</p> <p>24 concluded at 12:26 PM)</p> <p>25 DR. HAMMON: We will now move into</p>
<p>Page 87</p> <p>1 introduce our new board member. Matt Newman is our</p> <p>2 new member representing the solid waste industry.</p> <p>3 So if you saw a new face today, I recognized it as</p> <p>4 we started going through the roll call. So, Matt,</p> <p>5 if you want to give a quick introduction of</p> <p>6 yourself.</p> <p>7 MR. NEWMAN: Sure. Yeah, I'll keep</p> <p>8 it under 60 seconds. So it's an honor to serve and</p> <p>9 take the baton from David Griesel, who had this</p> <p>10 position and seat before me. I will carry the baton</p> <p>11 very proudly, it's an honor to serve. For I think</p> <p>12 two terms, I served on the Solid Waste Management</p> <p>13 Advisory Council; so it's an honor to serve here,</p> <p>14 and I look forward to serving the state and serving</p> <p>15 you. Thank you.</p> <p>16 DR. HAMMON: Well, we certainly</p> <p>17 welcome you, and my apologies, again, for</p> <p>18 overlooking the introduction at the beginning of the</p> <p>19 meeting. With that, can I have a motion to adjourn?</p> <p>20 MR. BARTON: Barton moves to adjourn.</p> <p>21 DR. HAMMON: Do I have a second?</p> <p>22 MR. AUER: Auer, second.</p> <p>23 DR. HAMMON: All right. I do have a</p> <p>24 motion and a second. Quiana, roll call, please.</p> <p>25 SECRETARY FIELDS: Mr. Auer?</p>	<p>Page 89</p> <p>1 the "Public Forum" portion. The Board meets several</p> <p>2 times a year at different locations across the state</p> <p>3 to hear the views and concerns of all Oklahomans</p> <p>4 about environmental issues. The opportunity is</p> <p>5 informal, and we invite you to sign the register to</p> <p>6 speak.</p> <p>7 Has anyone signed the register to</p> <p>8 speak today?</p> <p>9 Okay. I think we are officially</p> <p>10 done, I appreciate everyone's time. Please enjoy</p> <p>11 the area, it is lovely outside, and travel safe</p> <p>12 going back to wherever you're coming from.</p> <p>13 Thank you.</p> <p>14 (CONCLUDED AT 12:26 PM)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

1 CERTIFICATE

2 I, Jenny Longley, Certified Shorthand
3 Reporter within and for the State of Oklahoma, do
4 hereby certify that the above and foregoing meeting
5 was by me taken in shorthand and thereafter
6 transcribed; and that I am not an attorney for nor
7 relative of any of said parties or otherwise
8 interested in the event of said action.

9 IN WITNESS WHEREOF, I have hereunto
10 set my hand and official seal this 19th day of
11 September, 2022.

12 

13 _____
14 Jenny Longley, CSR
15 CSR # 1903
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ENVIRONMENTAL QUALITY BOARD

Attendance Record
September 13, 2022
Lone Wolf, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

① Diana Fiech	ODEQ
Paul Parks	ODEQ
Malcolm Zachariah	DEQ
Kathy Aebischer	DEQ
Sharon Smith	DEQ
Matt Newman	Matt Newman @ New Era Advisors, Inc.
Jimmy Givens	DEQ
Shelley Orand	DEQ
Brian Duzan	GCT
Saba Tahmassebi	DEQ
Lloyd Kirk	DEQ
Victoria Tran	SOGE
Mike Paque	DEQ
Skyler McElhenny	DEQ
Kelly Dixon	DEQ
Rob Singleton	DEQ
Scott Thompson	DEQ
Bill Krupt	DEQ
Brack Barber	DEQ
Alexie Kendrick	EQB
James Kinder	Board
Jeff Fennell	DEQ
Rebecca Pina	DEQ
Tracy Hamman	EQB
Shannon L. Ferrell	EQB
Travis Mensik	DEQ



ENVIRONMENTAL QUALITY BOARD

Attendance Record
September 13, 2022
Lone Wolf, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

Rich Auer	DEQ
Mark Barton	EQB
Micah Sapienza	Altus Times
Erin Hatfield	DEQ
Michelle Wynn	DEQ
Jennifer Boyle	DEQ
Madison Miller	DEQ
Jennifer Lewis	OAG
April Sherle	DEQ
Bruce Van der Grint	DEQ

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL**

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 2. Incorporation By Reference

252:100-2-3 [AMENDED]

Appendix Q. Incorporation By Reference [REVOKED]

Appendix Q. Incorporation By Reference [NEW]

AUTHORITY:

Environmental Quality Board; 27A O.S. Sections 2-2-101, 2-2-201, and 2-5-106.

Air Quality Advisory Council; 27A O.S. Sections 2-2-201 and 2-5-107.

Oklahoma Clean Air Act; 27A O.S. Sections 2-5-101 through -117.

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

August 8, 2022

COMMENT PERIOD:

September 1, 2022 through October 5, 2022

PUBLIC HEARING:

October 5, 2022, Air Quality Advisory Council

November 8, 2022, Environmental Quality Board

ADOPTION:

November 8, 2022 (proposed)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

LEGISLATIVE APPROVAL:

LEGISLATIVE DISAPPROVAL:

APPROVED BY GOVERNOR'S DECLARATION:

FINAL ADOPTION:

EFFECTIVE:

September 15, 2022 (proposed)

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

Incorporated standards:

Date of 40 C.F.R. provisions incorporated by reference in OAC 252:100-2-3 and in Appendix Q is changed to "as they existed on June 30, 2022."

Incorporating rules.

252:100-2-3

Appendix Q. Incorporation By Reference

Availability:

The standards are on file at the Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma, 73102, and are available to the public for examination Monday through Friday between the hours of 8:00 a.m. and 4:30 p.m., excluding state holidays.

GIST/ANALYSIS:

The Department is proposing to update OAC 252:100, Appendix Q, Incorporation by Reference, to incorporate the latest changes to U.S. Environmental Protection Agency (EPA) regulations. In addition, the Department is proposing to update language in Subchapter 2, Incorporation by Reference, to reflect the latest date of incorporation of EPA regulations in Appendix Q. The gist of these rules and the underlying reason for the rulemaking is to incorporate the latest changes to EPA regulations, primarily those relating to the National Emission Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS).

CONTACT PERSON:

Melanie Foster, Department of Environmental Quality, Air Quality Division, 707 North Robinson, P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, (405) 702-4100

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 250.3(5) and 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 15, 2023.

SUBCHAPTER 2. INCORPORATION BY REFERENCE

252:100-2-3. Incorporation by reference

Except as provided under this section, the provisions of 40 CFR listed in Appendix Q are hereby incorporated by reference as they existed on ~~June 30, 2021~~ June 30, 2022.

- (1) **Inclusion of 40 CFR citations and definitions.** When a provision of 40 CFR is incorporated by reference, all citations contained therein are also incorporated by reference.
- (2) **Inconsistencies or duplications of requirements or incorporation dates.**
 - (A) In the event that there are inconsistencies or duplications between the requirements of this Chapter and the requirements of those provisions incorporated by reference in Appendix Q or elsewhere in this Chapter, the more stringent requirements shall apply.
 - (B) In the event that a specific date of incorporation is indicated in Appendix Q or a subchapter of this Chapter, the specified date of incorporation shall apply.
- (3) **Terminology related to 40 CFR.** For purposes of interfacing with 40 CFR and unless the context clearly indicates otherwise, the following terms apply.
 - (A) "Administrator" is synonymous with "Executive Director."
 - (B) "U. S. Environmental Protection Agency" or "EPA" is synonymous with "Department of Environmental Quality" or "DEQ."

APPENDIX Q. INCORPORATION BY REFERENCE [REVOKED]

APPENDIX Q. INCORPORATION BY REFERENCE [NEW]

Except as provided under OAC 252:100-2-3, the following provisions of Title 40 of the Code of Federal Regulations are hereby incorporated by reference as they existed on June 30, 2022, unless otherwise noted.

PART	SUBPART	DESCRIPTION
50	n/a	Appendix B to Part 50 - Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)
50	n/a	Appendix J to Part 50 - Reference Method for the Determination of Particulate Matter as PM ₁₀ in the Atmosphere
51	A	Table 1 to Appendix A only of Subpart A—Emission Thresholds by Pollutant for Treatment as Point Source Under 40 CFR 51.30
51	F	Paragraph 51.100(s)(1) only of Subpart F, Procedural Requirements
51	n/a	Appendix P to Part 51 - Minimum Emission Monitoring Requirements
51	n/a	Appendix W to Part 51 – Guideline on Air Quality Models
58	n/a	Appendix A to Part 58 - Quality Assurance Requirements for Monitors used in Evaluations of National Ambient Air Quality Standards
58	n/a	Appendix B to Part 58 – Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring
60	A	General Provisions [Except 60.4, 60.9, 60.10 and 60.16]
60	Cf	Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills
60	D	Standards of Performance for Fossil-Fuel-Fired Steam Generators
60	Da	Standards of Performance for Electric Utility Steam Generating Units

PART	SUBPART	DESCRIPTION
60	Db	Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units
60	Dc	Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units
60	E	Standards of Performance for Incinerators
60	Ea	Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and on or Before September 20, 1994
60	Eb	Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996
60	Ec	Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996
60	F	Standards of Performance for Portland Cement Plants
60	G	Standards of Performance for Nitric Acid Plants
60	Ga	Standards of Performance for Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011
60	H	Standards of Performance for Sulfuric Acid Plants
60	I	Standards of Performance for Hot Mix Asphalt Facilities
60	J	Standards of Performance for Petroleum Refineries
60	Ja	Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007
60	K	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978
60	Ka	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984

PART	SUBPART	DESCRIPTION
60	Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984
60	L	Standards of Performance for Secondary Lead Smelters
60	M	Standards of Performance for Secondary Brass and Bronze Production Plants
60	N	Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973
60	Na	Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983
60	O	Standards of Performance for Sewage Treatment Plants
60	P	Standards of Performance for Primary Copper Smelters
60	Q	Standards of Performance for Primary Zinc Smelters
60	R	Standards of Performance for Primary Lead Smelters
60	S	Standards of Performance for Primary Aluminum Reduction Plants
60	T	Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants
60	U	Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants
60	V	Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants
60	W	Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants
60	X	Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities
60	Y	Standards of Performance for Coal Preparation and Processing Plants
60	Z	Standards of Performance for Ferroalloy Production Facilities

PART	SUBPART	DESCRIPTION
60	AA	Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983
60	AAa	Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983
60	BB	Standards of Performance for Kraft Pulp Mills
60	BBa	Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013
60	CC	Standards of Performance for Glass Manufacturing Plants
60	DD	Standards of Performance for Grain Elevators
60	EE	Standards of Performance for Surface Coating of Metal Furniture
60	GG	Standards of Performance for Stationary Gas Turbines
60	HH	Standards of Performance for Lime Manufacturing Plants
60	KK	Standards of Performance for Lead-Acid Battery Manufacturing Plants
60	LL	Standards of Performance for Metallic Mineral Processing Plants
60	MM	Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations
60	NN	Standards of Performance for Phosphate Rock Plants
60	PP	Standards of Performance for Ammonium Sulfate Manufacture
60	QQ	Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing
60	RR	Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations
60	SS	Standards of Performance for Industrial Surface Coating: Large Appliances
60	TT	Standards of Performance for Metal Coil Surface Coating

PART	SUBPART	DESCRIPTION
60	UU	Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture
60	VV	Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006
60	VVa	Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006
60	WW	Standards of Performance for the Beverage Can Surface Coating Industry
60	XX	Standards of Performance for Bulk Gasoline Terminals
60	BBB	Standards of Performance for the Rubber Tire Manufacturing Industry
60	DDD	Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry
60	FFF	Standards of Performance for Flexible Vinyl and Urethane Coating and Printing
60	GGG	Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006
60	GGGa	Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006
60	HHH	Standards of Performance for Synthetic Fiber Production Facilities
60	III	Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes
60	JJJ	Standards of Performance for Petroleum Dry Cleaners

PART	SUBPART	DESCRIPTION
60	KKK	Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants
60	LLL	Standards of Performance for SO ₂ Emissions From Onshore Natural Gas Processing: SO ₂ Emissions
60	NNN	Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations
60	OOO	Standards of Performance for Nonmetallic Mineral Processing Plants
60	PPP	Standard of Performance for Wool Fiberglass Insulation Manufacturing Plants
60	QQQ	Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems
60	RRR	Standards of Performance for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes
60	SSS	Standards of Performance for Magnetic Tape Coating Facilities
60	TTT	Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines
60	UUU	Standards of Performance for Calciners and Dryers in Mineral Industries
60	VVV	Standards of Performance for Polymeric Coating of Supporting Substrates Facilities
60	WWW	Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014
60	XXX	Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014
60	AAAA	Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001

PART	SUBPART	DESCRIPTION
60	CCCC	New Source Performance Standards for Commercial/Industrial Solid Waste Incinerators constructed after November 30, 1999
60	DDDD	Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units, Model Rule only, Sections 60.2575 through 60.2875, including Tables 1 through 9
60	EEEE	Standards of Performance for Other Solid Waste Incineration Units for Which Construction Is Commenced After December 9, 2004, or for Which Modification or Reconstruction Is Commenced on or After June 16, 2006
60	III	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines
60	JJJ	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines
60	KKKK	Standards of Performance for Stationary Combustion Turbines
60	LLLL	Standards of Performance for New Sewage Sludge Incineration Units
60	OOOO	Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for which Construction, Modification or Reconstruction Commenced after August 23, 2011, and on or before September 18, 2015
60	OOOOa	Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced after September 18, 2015
60	TTTT	Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units
60	n/a	Appendix A to Part 60 - Test Methods
60	n/a	Appendix B to Part 60 - Performance Specifications
61	A	General Provisions
61	C	National Emission Standard for Beryllium
61	D	National Emission Standard for Beryllium Rocket Motor Firing
61	E	National Emission Standard for Mercury
61	F	National Emission Standard for Vinyl Chloride

PART	SUBPART	DESCRIPTION
61	J	National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene
61	L	National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants
61	M	National Emission Standard for Asbestos
61	N	National Emission Standard for Inorganic Arsenic Emissions From Glass Manufacturing Plants
61	O	National Emission Standard for Inorganic Arsenic Emissions From Primary Copper Smelters
61	P	National Emission Standard for Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities
61	V	National Emission Standard for Equipment Leaks (Fugitive Emission Sources)
61	Y	National Emission Standard for Benzene Emissions From Benzene Storage Vessels
61	BB	National Emission Standard for Benzene Emissions From Benzene Transfer Operations
61	FF	National Emission Standard for Benzene Waste Operations
63	A	General Provisions
63	B	Sections 63.41, 63.43 and 63.44 only of Subpart B, Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j)
63	F	National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry
63	G	National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater
63	H	National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks

PART	SUBPART	DESCRIPTION
63	I	National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks
63	J	National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production
63	L	National Emission Standards for Coke Oven Batteries
63	M	National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities
63	N	National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks
63	O	Ethylene Oxide Emissions Standards for Sterilization Facilities
63	Q	National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers
63	R	National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)
63	S	National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry
63	T	National Emission Standards for Halogenated Solvent Cleaning
63	U	National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins
63	W	National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production
63	X	National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting
63	Y	National Emission Standards for Marine Tank Vessel Loading Operations
63	AA	National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants
63	BB	National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants

PART	SUBPART	DESCRIPTION
63	CC	National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries
63	DD	National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations
63	EE	National Emission Standards for Magnetic Tape Manufacturing Operations
63	GG	National Emission Standards for Aerospace Manufacturing and Rework Facilities
63	HH	National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities
63	II	National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)
63	JJ	National Emission Standards for Wood Furniture Manufacturing Operations
63	KK	National Emission Standards for the Printing and Publishing Industry
63	LL	National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants
63	MM	National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills
63	NN	National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources
63	OO	National Emission Standards for Tanks - Level 1
63	PP	National Emission Standards for Containers
63	QQ	National Emission Standards for Surface Impoundments
63	RR	National Emission Standards for Individual Drain Systems
63	SS	National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process
63	TT	National Emission Standards for Equipment Leaks – Control Level 1

PART	SUBPART	DESCRIPTION
63	UU	National Emission Standards for Equipment Leaks - Control Level 2 Standards
63	VV	National Emission Standards for Oil-Water Separators and Organic-Water Separators
63	WW	National Emission Standards for Storage Vessels (Tanks) - Control Level 2
63	XX	National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations
63	YY	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards
63	CCC	National Emission Standards for Hazardous Air Pollutants for Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants
63	DDD	National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production
63	EEE	National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors
63	GGG	National Emission Standards for Pharmaceuticals Production
63	HHH	National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities
63	III	National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production
63	JJJ	National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins
63	LLL	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry
63	MMM	National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production
63	NNN	National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing
63	OOO	National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins

PART	SUBPART	DESCRIPTION
63	PPP	National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production
63	QQQ	National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting
63	RRR	National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production
63	TTT	National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting
63	UUU	National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units
63	VVV	National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works
63	XXX	National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese
63	AAAA	National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills
63	CCCC	National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast
63	DDDD	National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products
63	EEEE	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)
63	FFFF	National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing
63	GGGG	National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production
63	HHHH	National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production
63	IIII	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks
63	JJJJ	National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating

PART	SUBPART	DESCRIPTION
63	KKKK	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans
63	MMMM	National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products
63	NNNN	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances
63	OOOO	National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles
63	PPPP	National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products
63	QQQQ	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products
63	RRRR	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture
63	SSSS	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil
63	TTTT	National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations
63	UUUU	National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing
63	VVVV	National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing
63	WWWW	National Emissions Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production
63	XXXX	National Emissions Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing
63	YYYY	National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines
63	ZZZZ	National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines
63	AAAAA	National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants

PART	SUBPART	DESCRIPTION
63	BBBBB	National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing
63	CCCCC	National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks
63	DDDDD	National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters
63	EEEEEE	National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries
63	FFFFFF	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities
63	GGGGG	National Emission Standards for Hazardous Air Pollutants: Site Remediation
63	HHHHH	National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing
63	IIIII	National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali Plants
63	JJJJJ	National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing
63	KKKKK	National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing
63	LLLLL	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing
63	MMMMM	National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations
63	NNNNN	National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production
63	PPPPP	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards
63	QQQQQ	National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities
63	RRRRR	National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing

PART	SUBPART	DESCRIPTION
63	SSSSS	National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing
63	TTTTT	National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining
63	UUUUU	National Emission Standards for Hazardous Air Pollutants: Coal and Oil-fired Electric Utility Steam Generating Units
63	WWWWW	National Emission Standards for Hospital Ethylene Oxide Sterilizers
63	YYYYY	National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities
63	ZZZZZ	National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources
63	BBBBBB	National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities
63	CCCCCC	National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities
63	DDDDDD	National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources
63	EEEEEE	National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources
63	FFFFFF	National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources
63	GGGGGG	National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources - Zinc, Cadmium, and Beryllium
63	HHHHHH	National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources
63	JJJJJ	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources
63	LLLLLL	National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources

PART	SUBPART	DESCRIPTION
63	MMMMMM	National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources
63	NNNNNN	National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds
63	OOOOOO	National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources
63	PPPPPP	National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources
63	QQQQQQ	National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources
63	RRRRRR	National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources
63	SSSSSS	National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources
63	TTTTTT	National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources
63	VVVVVV	National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources
63	WWWWWW	National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations
63	XXXXXX	National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Nine Metal Fabrication and Finishing Source Categories
63	YYYYYY	National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities
63	<i>ZZZZZZ</i>	National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries
63	AAAAAAA	National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing
63	BBBBBBB	National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry

PART	SUBPART	DESCRIPTION
63	CCCCCCC	National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing
63	DDDDDDD	National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing
63	EEEEEEE	National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category
63	HHHHHHH	National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production
64	n/a (All Sections)	Compliance Assurance Monitoring (CAM)
72	All Subparts	Permits Regulation (for Acid Rain Sources)
98	A	Table A-1 only to Subpart A of Part 98 – Global Warming Potentials
241	n/a	Solid Wastes Used as Fuels or Ingredients in Combustion Units

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL**

Before the Air Quality Advisory Council on October 5, 2022
Before the Environmental Quality Board on November 8, 2022

RULE IMPACT STATEMENT

Subchapter 2. Incorporation By Reference

252:100-2-3 [AMENDED]

APPENDIX Q. Incorporation By Reference [REVOKED]

APPENDIX Q. Incorporation By Reference [NEW]

DESCRIPTION: The Department of Environmental Quality (Department or DEQ) is proposing to update OAC 252:100, Appendix Q, Incorporation By Reference, to incorporate the latest changes to U.S. Environmental Protection Agency (EPA) regulations, primarily those relating to the National Emission Standards for Hazardous Air Pollutants (NESHAP) in 40 C.F.R. Parts 61 and 63, and New Source Performance Standards (NSPS) in 40 C.F.R. Part 60. No new standards are to be added this year, but several standards have been amended and updated. In addition, the Department is proposing to update language in Subchapter 2, Incorporation By Reference, to reflect the latest date of incorporation of EPA regulations in Appendix Q. The gist of this rule change and the underlying reason for the rulemaking is to incorporate changes the EPA has made to its regulations and ensure that the state's rules are up to date.

CLASSES OF PERSONS AFFECTED: The classes of persons affected are the owners and operators of facilities that are subject to the regulations incorporated by reference.

CLASSES OF PERSONS WHO WILL BEAR COSTS: The classes of persons who will bear costs are the owners and operators of facilities that are subject to the regulations incorporated by reference. However, no additional costs are expected to be incurred by these persons because the facilities are already subject to the federal regulations that will be incorporated by reference.

INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES: The Department has not received any information on cost impacts as of this date.

CLASSES OF PERSONS BENEFITTED: The citizens of Oklahoma and owners and operators of the facilities subject to these regulations will benefit by the assurance that the most current regulations available are in place to protect public health and welfare. The owners and operators will benefit from consistency in state and federal rules.

PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS: There should be no new economic impacts on affected classes of persons subject to this rule.

PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS: The Department anticipates no economic impact on political subdivisions.

POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS: The Department anticipates no adverse effect on small business.

LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE: The Department is not proposing any fee changes in this rule.

PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE: The Department anticipates there will be no significant increased costs associated with the implementation and enforcement of these proposed amendments. The Department will benefit from the proposal because it will allow state implementation and enforcement of these federal requirements.

PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE: There are none. No other agencies will be implementing or enforcing these regulations.

SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE: Fees and federal grants will continue to be used to implement and enforce these regulations.

PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED: The Department expects no net loss or gain in revenues from these amendments.

COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE: None is required. The Department will be responsible for all aspects of implementation and enforcement of these regulations.

EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS: The proposed changes will allow the Department to implement and enforce the federal regulations rather than EPA, which generally results in lower compliance costs for those affected.

DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE: The Department has determined that there are no less costly or nonregulatory or less intrusive methods of achieving the purpose of the proposed rule.

DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT: The proposed changes will have a positive effect on public health, safety, and the environment by updating the existing standards that were established to protect public health and welfare.

IF THE PROPOSED RULE IS DESIGNED TO REDUCE SIGNIFICANT RISKS TO THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT, EXPLANATION OF THE NATURE OF THE RISK AND TO WHAT EXTENT THE PROPOSED RULE WILL REDUCE THE RISK: The proposed changes will have a positive effect on public health, safety,

and the environment by updating the existing standards that were established to protect public health and welfare.

DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:

If the proposed changes are not implemented, the updated standards will be enforced by the federal government rather than the State.

PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES (INCLUDE QUANTIFIABLE DATA WHERE POSSIBLE):

There will be no new quantitative impact on business entities since the proposed changes will align state standards with the current federal standards. The owners and/or operators of businesses subject to federal standards will benefit from consistent state and federal standards.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: September 1, 2022

MODIFIED ON:

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL
SUBCHAPTER 2. INCORPORATION BY REFERENCE
APPENDIX Q. INCORPORATION BY REFERENCE**

EXECUTIVE SUMMARY:

The Department is proposing to update OAC 252:100, Appendix Q, Incorporation by Reference, to incorporate the latest changes to U.S. Environmental Protection Agency (EPA) regulations.

In addition, the Department is proposing to update language in Subchapter 2, Incorporation by Reference, to reflect the latest date of incorporation of EPA regulations in Appendix Q.

DIFFERENCES FROM ANALOGOUS FEDERAL RULES:

Federal rules will be incorporated by reference with no changes.

ENVIRONMENTAL BENEFIT STATEMENT:

These rules are not more stringent than corresponding federal rules; therefore, an Environmental Benefit Statement is not required.

SUMMARY OF COMMENTS AND RESPONSES:

No comments were received relating to this rule proposal.

DRAFT MINUTES
AIR QUALITY ADVISORY COUNCIL
October 5, 2022
Department of Environmental Quality
Oklahoma City, Oklahoma

Official AQAC Approved
at December 6, 2022 special meeting

Notice of Public Meeting – The Air Quality Advisory Council (AQAC) convened for its Regular Meeting at 9:00 a.m. on October 5, 2022. Notice of the meeting was forwarded to the Office of Secretary of State on November 3, 2021. The agenda was posted at the DEQ twenty-four hours prior to the meeting. Also, Ms. Beverly Botchlet-Smith acted as Protocol Officer and convened the hearings by the AQAC in compliance with the Oklahoma Administrative Procedures Act and Title 40 CFR Part 51 and Title 27A, Oklahoma Statutes, Sections 2-2-201 and 2-5-101 through 2-5-117. She entered the agenda and the Oklahoma Register Notice into the record and announced that if you wish to make a statement when it's time for public comments, complete the form at the registration table and you will be called upon at the appropriate time. Ms. Laura Lodes, Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that a quorum was present.

MEMBERS PRESENT

Matt Caves
Gary Collins
Robert Delano
Gregory Elliott
Garry Keele
Steve Landers
John Privrat
Jeffrey Taylor
Laura Lodes

MEMBERS ABSENT

None

DEQ STAFF PRESENT

Kendal Stegmann
Beverly Botchlet-Smith
Joe Daniel
Brooks Kirlin
Melanie Foster
Phillip Fielder
Travis Couch
Jared Milano
Cheryl Bradley
Kathy Aebischer
Ryan Biggerstaff
Tom Richardson
Malcolm Zachariah
Christina Hagens
Quiana Fields

Approval of Minutes – Ms. Lodes called for a motion to approve the Minutes of the January 19, 2022 Regular Meeting. Mr. Caves moved to approve and Mr. Keele made the second.

See transcript pages 3 - 4

Matt Caves	Yes	Steve Landers	Yes
Gary Collins	Yes	John Privrat	Yes
Robert Delano	Yes	Jeffrey Taylor	Yes
Gregory Elliott	Yes	Laura Lodes	Yes
Garry Keele	Yes		

Meeting Schedule for Calendar Year 2023 – Ms. Lodes stated the proposed meeting scheduled dates are: January 11 in Oklahoma City, June 21 in Tulsa and October 4 in Oklahoma City. Mr. Taylor moved to approve the proposed dates and Mr. Elliott made the second.

See transcript pages 4 - 5

Matt Caves	Yes	Steve Landers	Yes
Gary Collins	Yes	John Privrat	Yes

Robert Delano	Yes	Jeffrey Taylor	Yes
Gregory Elliott	Yes	Laura Lodes	Yes
Garry Keele	Yes		

City of Mustang Ordinance Requiring Air Curtain Incinerators for Land Clearing Operations – Captain Eric Halter, Fire Chief, City of Mustang gave the presentation. Following discussion by the Council, Ms. Lodes called for a motion to approve the proposal, Mr. Privrat made the motion to approve it as to its reasonableness and technical feasibility and Mr. Taylor made the second.

See transcript pages 5 - 18

Matt Caves	Yes	Steve Landers	Yes
Gary Collins	Yes	John Privrat	Yes
Robert Delano	Yes	Jeffrey Taylor	Yes
Gregory Elliott	Yes	Laura Lodes	Yes
Garry Keele	Yes		

Public Rulemaking Hearing

Chapter 100. Air Pollution Control

Subchapter 2. Incorporation By Reference [AMENDED]

Appendix Q. Incorporation By Reference [REVOKED]

Appendix Q. Incorporation By Reference [NEW]

Ms. Christina Hagens, Environmental Programs Specialist of the AQD, stated the Department is proposing to update OAC 252:100, Appendix Q, Incorporation by Reference. In addition, the Department is proposing to update language in Subchapter 2, Incorporation by Reference, to reflect the latest date of incorporation of EPA regulations in Appendix Q. Hearing no questions by the Council or by the public, Ms. Lodes called for a motion, Mr. Elliott moved to approve and Mr. Keele made the second.

See transcript pages 19 - 22

Matt Caves	Yes	Steve Landers	Yes
Gary Collins	Yes	John Privrat	Yes
Robert Delano	Yes	Jeffrey Taylor	Yes
Gregory Elliott	Yes	Laura Lodes	Yes
Garry Keele	Yes		

Ms. Botchlet-Smith announced the conclusion of the hearing portion of the meeting.

See transcript page 22 - 23

Presentation – Mr. Brooks Kirlin, P.E., Rules & Planning Section of the AQD, gave a presentation on Oklahoma Emission Reduction Technology Incentive Act.

Presentation – Ms. Kathy Aebischer, Assistant Division Director of the ASD, gave a presentation on the Fiscal Report.

Presentation – Mr. Michael Ketcham, EPS, Emissions Inventory Section of the AQD, gave a presentation on Emission Inventory Trends.

Division Director's Report – Ms. Kendal Stegmann, Division Director of the AQD, provided an update on other Division activities.

The Council discussed having a Special Meeting on December 6, 2022. Ms. Lodes called for a motion, Mr. Collins moved to approve and Mr. Elliott made the second.

Matt Caves	Yes	Steve Landers	Yes
Gary Collins	Yes	John Privrat	Yes
Robert Delano	Yes	Jeffrey Taylor	Yes
Gregory Elliott	Yes	Laura Lodes	Yes
Garry Keele	Yes		

New Business – None

Adjournment – Ms. Lodes called for a motion to adjourn the meeting. Mr. Taylor moved to adjourn and Mr. Keele made the second. The next scheduled Special Meeting is on Wednesday, December 6, 2022. Meeting adjourned at 10:20 a.m.

Matt Caves	Yes	Steve Landers	Yes
Gary Collins	Yes	John Privrat	Yes
Robert Delano	Yes	Jeffrey Taylor	Yes
Gregory Elliott	Yes	Laura Lodes	Yes
Garry Keele	Yes		

Transcript and attendance sheet becomes an official part of these Minutes.

1 REGULAR MEETING/HEARING

2 AIR QUALITY ADVISORY COUNCIL

3 OCTOBER 5, 2022, 9:00 AM

4 MEMBERS PRESENT

DEQ STAFF PRESENT

5 Laura Lodes

Kathy Aebischer

6 Garry Keele II

Beverly Botchlet-Smith

7 Matt Caves

Kendal Stegmann

8 Gary Collins

Travis Couch

9 Robert Delano

Melanie Foster

10 Gregory Elliott

Brooks Kirlin

11 Stephen Landers

Christina Hagens

12 John Privrat

Quiana Fields

13 Jeffrey Taylor

14

OTHERS PRESENT

15

Eric Halter

16 MEMBERS ABSENT

John Miller

17 (None)

18

19

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21

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23

24

25 REPORTED BY: Jenny Longley, CSR

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<p style="text-align: right;">Page 2</p> <p>1 PROCEEDINGS</p> <p>2 CHAIRWOMAN LODES: I'd like to call</p> <p>3 today's meeting of the Air Quality Advisory Council</p> <p>4 to order.</p> <p>5 Quiana, will you please call roll?</p> <p>6 MS. FIELDS: Mr. Caves?</p> <p>7 MR. CAVES: Here.</p> <p>8 MS. FIELDS: Mr. Collins?</p> <p>9 MR. COLLINS: Here.</p> <p>10 MS. FIELDS: Dr. Delano?</p> <p>11 DR. DELANO: Here.</p> <p>12 MS. FIELDS: Mr. Elliott?</p> <p>13 MR. ELLIOTT: Here.</p> <p>14 MS. FIELDS: Mr. Keele?</p> <p>15 VICE-CHAIRMAN KEELE: Here.</p> <p>16 MS. FIELDS: Mr. Landers?</p> <p>17 MR. LANDERS: Here.</p> <p>18 MS. FIELDS: Mr. Privrat?</p> <p>19 MR. PRIVRAT: Here.</p> <p>20 MS. FIELDS: Mr. Taylor?</p> <p>21 MR. TAYLOR: Here.</p> <p>22 MS. FIELDS: Ms. Lodes?</p> <p>23 CHAIRWOMAN LODES: Here.</p> <p>24 MS. FIELDS: We have a quorum.</p> <p>25 CHAIRWOMAN LODES: Thank you.</p>	<p style="text-align: right;">Page 4</p> <p>1 MS. FIELDS: Mr. Privrat?</p> <p>2 MR. PRIVRAT: Yes.</p> <p>3 MS. FIELDS: Mr. Taylor?</p> <p>4 MR. TAYLOR: Yes.</p> <p>5 MS. FIELDS: Ms. Lodes?</p> <p>6 CHAIRWOMAN LODES: Yes.</p> <p>7 MS. FIELDS: Motion passed.</p> <p>8 CHAIRWOMAN LODES: Thank you. The next</p> <p>9 item on today's agenda is the meeting schedule for</p> <p>10 calendar year 2023. On this -- it's in our packet</p> <p>11 -- the proposed meeting dates are Wednesday -- or,</p> <p>12 yeah, Wednesday, January 11th or an alternate</p> <p>13 inclement weather date as January 18th here in</p> <p>14 Oklahoma City, June 21st in Tulsa, and October 4th</p> <p>15 in Oklahoma City.</p> <p>16 Do we have any questions or concerns</p> <p>17 about the dates?</p> <p>18 Seeing no questions or concerns, do</p> <p>19 we have a motion to pass the proposed dates?</p> <p>20 MR. TAYLOR: I'll make a motion.</p> <p>21 CHAIRWOMAN LODES: Thank you.</p> <p>22 MR. ELLIOTT: I'll second.</p> <p>23 CHAIRWOMAN LODES: I have a motion and a</p> <p>24 second. Quiana, will you please call roll?</p> <p>25 MS. FIELDS: Mr. Caves?</p>
<p style="text-align: right;">Page 3</p> <p>1 The next item on today's agenda is</p> <p>2 approval of the minutes from the January 19, 2022</p> <p>3 regular meeting.</p> <p>4 Do we have any discussion or comments</p> <p>5 on the minutes?</p> <p>6 Seeing none, do we have a motion to</p> <p>7 pass the minutes?</p> <p>8 MR. CAVES: I'll make a motion.</p> <p>9 VICE-CHAIRMAN KEELE: Second.</p> <p>10 CHAIRWOMAN LODES: Thank you, Matt. Thank</p> <p>11 you, Garry.</p> <p>12 I have a motion and a second.</p> <p>13 Quiana, will you please call roll?</p> <p>14 MS. FIELDS: Mr. Caves?</p> <p>15 MR. CAVES: Yes.</p> <p>16 MS. FIELDS: Mr. Collins?</p> <p>17 MR. COLLINS: Yes.</p> <p>18 MS. FIELDS: Dr. Delano?</p> <p>19 DR. DELANO: Yes.</p> <p>20 MS. FIELDS: Mr. Elliott?</p> <p>21 MR. ELLIOTT: Yes.</p> <p>22 MS. FIELDS: Mr. Keele?</p> <p>23 VICE-CHAIRMAN KEELE: Yes.</p> <p>24 MS. FIELDS: Mr. Landers?</p> <p>25 MR. LANDERS: Yes.</p>	<p style="text-align: right;">Page 5</p> <p>1 MR. CAVES: Yes.</p> <p>2 MS. FIELDS: Mr. Collins?</p> <p>3 MR. COLLINS: Yes.</p> <p>4 MS. FIELDS: Dr. Delano?</p> <p>5 DR. DELANO: Yes.</p> <p>6 MS. FIELDS: Mr. Elliott?</p> <p>7 MR. ELLIOTT: Yes.</p> <p>8 MS. FIELDS: Mr. Keele?</p> <p>9 VICE-CHAIRMAN KEELE: Yes.</p> <p>10 MS. FIELDS: Mr. Landers?</p> <p>11 MR. LANDERS: Yes.</p> <p>12 MS. FIELDS: Mr. Privrat?</p> <p>13 MR. PRIVRAT: Yes.</p> <p>14 MS. FIELDS: Mr. Taylor?</p> <p>15 MR. TAYLOR: Yes.</p> <p>16 MS. FIELDS: Ms. Lodes?</p> <p>17 CHAIRWOMAN LODES: Yes.</p> <p>18 MS. FIELDS: Motion passed.</p> <p>19 CHAIRWOMAN LODES: The next item on</p> <p>20 today's agenda is the "City of Mustang Ordinance</p> <p>21 Requiring Air Curtain Incinerators for Land Clearing</p> <p>22 Operations". We've got a presentation by Captain</p> <p>23 Eric Halter of the -- the Fire Chief for the City of</p> <p>24 Mustang.</p> <p>25 CAPTAIN HALTER: Good morning. Thank you</p>

<p style="text-align: right;">Page 6</p> <p>1 for letting me come up here and talk today. I'm 2 Eric Halter, the Fire Marshal for the City of 3 Mustang, and I'm coming to get your -- the council's 4 approval for the City of Mustang to put in our City 5 Ordinance to require air curtains for land clearing 6 for commercial operations. 7 The background behind it is we're 8 6 miles long, 2 miles wide, we have about 23,000 9 population, and from 2013 to 2021, it was required 10 through the state that they have air curtains for 11 land clearing operations, and then in November of 12 '21, it changed to where the City of Mustang doesn't 13 fall under that state requirement anymore. 14 We are completely surrounded by 15 Oklahoma City and we butt up to Oklahoma County. So 16 when we do the land clearing operations, the smoke 17 will go into our neighborhoods and our schools and 18 businesses are there because we're such a compact 19 area. 20 So we're trying to continue on with 21 the same rules that are already there and just waive 22 the 500,000 population that you have to have to fall 23 under that. So we're wanting to continue what has 24 been there, we've never had any issue with using the 25 air curtains from 2013 to 2021, everybody had just</p>	<p style="text-align: right;">Page 8</p> <p>1 ordinance is coming to us. 2 And if you'll recall, as he stated, 3 we have that in our rules and then the legislature 4 made us change them last year, and so that is why 5 the City of Mustang has come to us with this one. 6 Do we have any questions for him? 7 MR. LANDERS: And we're saying it's more 8 strict than -- because they're not -- they don't -- 9 currently are not required to have -- 10 CHAIRWOMAN LODES: Because of the 500,000 11 population requirement. So we have the rule if you 12 were in, I don't remember which counties, that we 13 had to do it, you had to -- huh? 14 MS. FOSTER: Oklahoma and Tulsa are the 15 only ones now, but before -- 16 CHAIRWOMAN LODES: Right. But before, it 17 was a bigger area that were required to have the air 18 curtain incinerators. 19 MR. PRIVRAT: All the surrounding counties 20 did. 21 CHAIRWOMAN LODES: All the surrounding 22 counties did, and then the legislature in 2020 23 passed a -- I think it was 2020 passed a rule that 24 it had to be a population of 500,000 to require the 25 air curtain incinerators. So that meant only</p>
<p style="text-align: right;">Page 7</p> <p>1 complied with it, never had any issues. 2 We did have issues prior to 2013. 3 When air curtains weren't required, we had a burn 4 area that caused some smoke and air quality 5 problems, and that contractor ended up getting sued 6 by some of the citizens. So the history's there 7 that we need it, and then we didn't have any 8 problems with people complying with it for that 9 almost 10 years, so we're just wanting to continue 10 on with that process. 11 CHAIRWOMAN LODES: Thank you. 12 And -- and it's the City of Mustang 13 rules that require it to come to us, correct, isn't 14 that the way it's worked, or is it our state rules? 15 MS. STEGMANN: It's the Oklahoma Clean Air 16 Act that requires this. 17 CHAIRWOMAN LODES: Okay. It's the 18 Oklahoma -- so everybody else understands, because 19 of the way the Oklahoma Clean Air Act is written, 20 since it's a City Ordinance that is more stringent 21 than our rules, they have to bring this to us. In 22 case you're wondering why they're bringing it 23 outside of the others, because I asked this question 24 last week at the pre meeting because I was a little 25 surprised. So you gentlemen understand why this</p>	<p style="text-align: right;">Page 9</p> <p>1 Oklahoma County and Tulsa County had to, and we had 2 to do -- if you'll remember, we did a rulemaking 3 last year to change our -- because I'm trying to 4 remember which year we did this -- to change our 5 rules to comply with the state rules, and so because 6 of that, areas like Mustang are no longer required 7 to have the air curtain incinerator. 8 So they have -- they still want to 9 keep using the air curtain incinerators within the 10 Mustang city limits, and so they've brought this 11 rule to us. 12 MR. COLLINS: Is there any opposition on 13 record? 14 MR. CAVES: Has the city heard from any 15 developers? You said prior to '13 there were some 16 issues, but during the time when it was required, it 17 was additional protection. Have any developers or 18 others come before the city and said anything? 19 CAPTAIN HALTER: Nobody's said anything 20 currently. Since the -- since the rule stopped, to 21 this date we haven't had a land clearing to where it 22 would -- this would have been brought up, so I'm 23 just trying to catch it before because I know some 24 land clearing operations are fixing to come into 25 play here in the next year or so, so I'm trying to</p>

<p style="text-align: right;">Page 10</p> <p>1 catch it beforehand.</p> <p>2 VICE-CHAIRMAN KEELE: Do you guys have to</p> <p>3 do notification items when you're -- within the</p> <p>4 community whenever you're passing an ordinance like</p> <p>5 this?</p> <p>6 CAPTAIN HALTER: We do, we go -- I'll --</p> <p>7 so if I get the approval through you guys, I'll go</p> <p>8 through our city council and we'll have a public</p> <p>9 hearing with the city council and they'll adopt it</p> <p>10 into our City Ordinance and then the citizens can --</p> <p>11 or contractors can come up and voice their opinion</p> <p>12 in.</p> <p>13 MR. TAYLOR: Is your council behind all</p> <p>14 this? I know ours is, and ours has talked about</p> <p>15 doing it, too.</p> <p>16 CAPTAIN HALTER: As of right now, I</p> <p>17 haven't had any complaints or -- to get back to my</p> <p>18 council.</p> <p>19 MR. LANDERS: Do you have to have it</p> <p>20 approved here before you can go before your city</p> <p>21 council?</p> <p>22 CAPTAIN HALTER: We did this process to</p> <p>23 approve it here before the City Council because I</p> <p>24 didn't want to enact a City Ordinance and then have</p> <p>25 to go back and take it off the board.</p>	<p style="text-align: right;">Page 12</p> <p>1 should it be the council, the city council that</p> <p>2 brings it before the Air Council, is that a more</p> <p>3 appropriate entity? I don't know, I'm just asking</p> <p>4 that question.</p> <p>5 CHAIRWOMAN LODS: I don't think the way</p> <p>6 the rules are written, it matters who brings it</p> <p>7 before us.</p> <p>8 VICE-CHAIRMAN KEELE: It doesn't specify.</p> <p>9 CHAIRWOMAN LODS: Yeah.</p> <p>10 MR. COLLINS: Okay.</p> <p>11 MR. PRIVRAT: And the City Attorney also</p> <p>12 wrote a letter; so I mean, it's more than just the</p> <p>13 fire department, but...</p> <p>14 CHAIRWOMAN LODS: Sir?</p> <p>15 MR. MILLER: I was just going to say, I'm</p> <p>16 the -- I'm John Miller, I'm the City Attorney for</p> <p>17 the City of Mustang, if there were any legal-type</p> <p>18 questions that I could answer. Thank you.</p> <p>19 CHAIRWOMAN LODS: Is there -- I mean, I</p> <p>20 guess does it matter -- it doesn't -- there's</p> <p>21 nothing in the rules that say it needs to be the</p> <p>22 city council that would bring it to us?</p> <p>23 MR. MILLER: No, it's --</p> <p>24 CHAIRWOMAN LODS: No? Okay.</p> <p>25 MR. MILLER: The rules say that the city</p>
<p style="text-align: right;">Page 11</p> <p>1 CHAIRWOMAN LODS: Because, yeah, we have</p> <p>2 to approve it before whatever the city does can go</p> <p>3 into effect. So they brought it to us first before</p> <p>4 he takes it because if we denied it, then there's no</p> <p>5 point going to the city council.</p> <p>6 MR. LANDERS: Yeah, I understand, it's</p> <p>7 just a little backwards for the process we go</p> <p>8 through of getting public input before, but --</p> <p>9 CHAIRWOMAN LODS: That is correct. So I</p> <p>10 had a lot of these questions, I was very puzzled by</p> <p>11 this as of last week.</p> <p>12 VICE-CHAIRMAN KEELE: Yeah, this is</p> <p>13 probably the first time this has happened --</p> <p>14 CHAIRWOMAN LODS: Yeah.</p> <p>15 VICE-CHAIRMAN KEELE: -- something like</p> <p>16 this, so --</p> <p>17 CAPTAIN HALTER: Well, it's my first, as</p> <p>18 well.</p> <p>19 MR. PRIVRAT: I talked to several</p> <p>20 contractors, some were not even aware that the</p> <p>21 change had been made, they thought that was</p> <p>22 required. I didn't get any real feedback from</p> <p>23 anybody when I checked in to say this would be an</p> <p>24 issue; so I don't see any issues with this.</p> <p>25 MR. COLLINS: I guess the question is</p>	<p style="text-align: right;">Page 13</p> <p>1 brings it, and as a representative of the city, on</p> <p>2 behalf of the city, the state fire -- or, our</p> <p>3 municipal fire marshal is the appropriate person to</p> <p>4 do that.</p> <p>5 CHAIRWOMAN LODS: Okay.</p> <p>6 MR. MILLER: It's under his bailiwick, the</p> <p>7 enforcement and the driving force behind the</p> <p>8 enactment of these ordinances in the City of</p> <p>9 Mustang.</p> <p>10 CHAIRWOMAN LODS: Okay. Any other</p> <p>11 questions or comments?</p> <p>12 VICE-CHAIRMAN KEELE: How quickly is you</p> <p>13 guys' procedure if it goes whenever you get back in</p> <p>14 front of your council? How quickly will the</p> <p>15 ordinance be enacted, I guess?</p> <p>16 MR. MILLER: Well, the -- that will</p> <p>17 depend. The -- if it's passed -- approved by the</p> <p>18 Air Quality Control Council today, it will go on the</p> <p>19 November docket for our regularly-scheduled meeting,</p> <p>20 and if it is passed at that time, it will go into</p> <p>21 effect 30 days after publication; so it would go</p> <p>22 into effect in December.</p> <p>23 VICE-CHAIRMAN KEELE: Thank you.</p> <p>24 MR. MILLER: Thank you.</p> <p>25 MR. LANDERS: It sounds like that your</p>

<p>Page 14</p> <p>1 city council still has the option to not pass the --</p> <p>2 I know it sounds unlikely, but to not pass the</p> <p>3 ordinance; right?</p> <p>4 CAPTAIN HALTER: They do.</p> <p>5 MR. LANDERS: So I guess even if we pass</p> <p>6 it today, there's still going to be an -- a hearing</p> <p>7 for -- an opportunity for public input before they</p> <p>8 pass it.</p> <p>9 CHAIRWOMAN LODES: That is correct.</p> <p>10 MS. STEGMANN: I would say that this is</p> <p>11 not a passing or for y'all to pass this, I think</p> <p>12 it's just approval from the council to move forward,</p> <p>13 that's how --</p> <p>14 VICE-CHAIRMAN KEELE: Move forward with a</p> <p>15 rule that's more stringent to address this.</p> <p>16 MR. ELLIOTT: Yeah, right, that seems</p> <p>17 probably a better view.</p> <p>18 MS. STEGMANN: Yeah, that's how I would</p> <p>19 view this.</p> <p>20 MR. CAVES: So we're not, you know,</p> <p>21 ultimately endorsing what they're doing, we're just</p> <p>22 approving it so they can move forward and then it's</p> <p>23 their ultimate decision.</p> <p>24 CHAIRWOMAN LODES: Yes. We're approving</p> <p>25 the proposal so that they can move forward with it</p>	<p>Page 16</p> <p>1 I mean, to me, it certainly makes</p> <p>2 sense. I don't think if a larger area would require</p> <p>3 this, as a -- you know, as a member, I think we</p> <p>4 could legitimately say if there's a unique situation</p> <p>5 we could not agree with for a huge area, but</p> <p>6 Mustang, to me, meets the requirements and makes</p> <p>7 sense for such a small area not having open burning.</p> <p>8 But I think their idea was there's a</p> <p>9 lot of rural area that was covered under the old</p> <p>10 bill, and that didn't make as much sense in some of</p> <p>11 those areas. That's what I saw.</p> <p>12 VICE-CHAIRMAN KEELE: Thanks for that,</p> <p>13 that makes a lot of sense, actually.</p> <p>14 CHAIRWOMAN LODES: Any other questions or</p> <p>15 comments?</p> <p>16 So they've requested that we approve</p> <p>17 this proposed ordinance to go before their city</p> <p>18 council. Do we have a motion to approve it? I</p> <p>19 guess this is the right procedures; right?</p> <p>20 MR. COUCH: I would make a motion using</p> <p>21 the statutory language that brought us here today.</p> <p>22 I would recommend you make a motion to approve it as</p> <p>23 to its reasonableness and technical feasibility.</p> <p>24 CHAIRWOMAN LODES: Okay. Do we have a</p> <p>25 motion that says what he said?</p>
<p>Page 15</p> <p>1 to take it, and then the city will go through their</p> <p>2 process to actually pass and enact it.</p> <p>3 VICE-CHAIRMAN KEELE: Basically, saying</p> <p>4 this rule -- it's okay for there to be more</p> <p>5 stringent than the regular rule set that we're</p> <p>6 dealing with.</p> <p>7 MR. ELLIOTT: Then they'll have public</p> <p>8 comments and a chance for people to have input and</p> <p>9 --</p> <p>10 VICE-CHAIRMAN KEELE: Correct.</p> <p>11 CHAIRWOMAN LODES: Any other questions or</p> <p>12 comment?</p> <p>13 MR. LANDERS: Do we know why the</p> <p>14 legislature passed the bill that they did -- I mean</p> <p>15 --</p> <p>16 CHAIRWOMAN LODES: Yeah, that was --</p> <p>17 MR. LANDERS: -- obviously, there was some</p> <p>18 reason they did that that would -- basically.</p> <p>19 MR. PRIVRAT: I think that from what I've</p> <p>20 seen, there are some rural areas where, truly, the</p> <p>21 air curtain incinerators are not really required.</p> <p>22 When you look at the area that encompasses all the</p> <p>23 surrounding counties, Mustang is really unique. I</p> <p>24 didn't realize the shape that it was, I thought it</p> <p>25 was much bigger.</p>	<p>Page 17</p> <p>1 MR. PRIVRAT: I make a motion to approve,</p> <p>2 due to its -- say that again -- reasonableness --</p> <p>3 MR. COUCH: Reasonableness and technical</p> <p>4 feasibility.</p> <p>5 MR. PRIVRAT: -- reasonableness and</p> <p>6 technical feasibility.</p> <p>7 MR. TAYLOR: I'll second that.</p> <p>8 CHAIRWOMAN LODES: Quiana, will you please</p> <p>9 call roll?</p> <p>10 MS. FIELDS: Mr. Caves?</p> <p>11 MR. CAVES: Yes.</p> <p>12 MS. FIELDS: Mr. Collins?</p> <p>13 MR. COLLINS: Yes.</p> <p>14 MS. FIELDS: Dr. Delano?</p> <p>15 DR. DELANO: Yes.</p> <p>16 MS. FIELDS: Mr. Elliott?</p> <p>17 MR. ELLIOTT: Yes.</p> <p>18 MS. FIELDS: Mr. Keele?</p> <p>19 VICE-CHAIRMAN KEELE: Yes.</p> <p>20 MS. FIELDS: Mr. Landers?</p> <p>21 MR. LANDERS: Yes.</p> <p>22 MS. FIELDS: Mr. Privrat?</p> <p>23 MR. PRIVRAT: Yes.</p> <p>24 MS. FIELDS: Mr. Taylor?</p> <p>25 MR. TAYLOR: Yes.</p>

<p>Page 18</p> <p>1 MS. FIELDS: Ms. Lodes?</p> <p>2 CHAIRWOMAN LODES: Yes.</p> <p>3 MS. FIELDS: Motion passed.</p> <p>4 CHAIRWOMAN LODES: Thank you.</p> <p>5 CAPTAIN HALTER: Thank you.</p> <p>6 CHAIRWOMAN LODES: Thank you, gentlemen.</p> <p>7 The next item on today's agenda is</p> <p>8 the "Public Rulemaking Hearing".</p> <p>9 Beverly?</p> <p>10 MS. BOTCHLET-SMITH: Good Morning: I'm</p> <p>11 Beverly Botchlet-Smith, I'm the Assistant Director</p> <p>12 of the Air Quality Division, and as such, I will</p> <p>13 serve as the protocol officer for today's hearings.</p> <p>14 The hearings will be convened by the</p> <p>15 Air Quality Council in compliance with the Oklahoma</p> <p>16 Administrative Procedures Act and Title 40 of the</p> <p>17 Code of Federal Regulations, Part 51, as well as the</p> <p>18 authority of Title 27A of the Oklahoma Statutes,</p> <p>19 Section 2-2-201 and Sections 2-5-101 through</p> <p>20 2-5-117.</p> <p>21 Notice of the October 5, 2022</p> <p>22 hearings were advertised in the OKLAHOMA REGISTER</p> <p>23 for the purpose of receiving comments pertaining to</p> <p>24 the proposed OAC Title 252 Chapter 100 rules as</p> <p>25 listed on the Agenda and will be entered into each</p>	<p>Page 20</p> <p>1 The department is proposing to update</p> <p>2 language in Subchapter 2, "Incorporation by</p> <p>3 Reference", to reflect the new date of incorporation</p> <p>4 for Appendix Q. In addition, the department is</p> <p>5 proposing to revoke the current Chapter 100</p> <p>6 Appendix Q Incorporation by Reference and adopt a</p> <p>7 new Appendix Q.</p> <p>8 This proposal is part of the annual</p> <p>9 update of Title 40, Code of Federal Regulations,</p> <p>10 Incorporation by Reference in Chapter 100. The</p> <p>11 Oklahoma Rules on Rulemaking dictates the procedure</p> <p>12 for amending a rule appendix by revoking the old and</p> <p>13 creating an entirely new appendix.</p> <p>14 The proposed changes to Appendix Q</p> <p>15 reflect federal regulations, mostly New Source</p> <p>16 Performance Standards (NSPS) and National Emissions</p> <p>17 Standards for Hazardous Air Pollutants (NESHAP),</p> <p>18 which have been implemented as of June 30, 2022.</p> <p>19 The update would incorporate any</p> <p>20 amendments to standards currently listed in Appendix</p> <p>21 Q, and a list of the standards that are currently</p> <p>22 included in Appendix Q which have been modified</p> <p>23 since July 1st of 2021 was provided in your packet.</p> <p>24 A notice of the proposed changes was</p> <p>25 published in the Oklahoma Register on September 1,</p>
<p>Page 19</p> <p>1 record along with the Oklahoma Register filing.</p> <p>2 Notice of the Meeting was filed with the Secretary</p> <p>3 of State on November 3, 2021. The Agenda was duly</p> <p>4 posted 24 hours prior to the meeting at the DEQ.</p> <p>5 If you wish to make a statement, it's</p> <p>6 very important for you to complete the form at the</p> <p>7 registration table, and then you will be called upon</p> <p>8 at the appropriate time. Audience members please</p> <p>9 come to the podium for your comments and please</p> <p>10 state your name prior to making them.</p> <p>11 At this time, we'll proceed with</p> <p>12 what's marked as Agenda Item 6A on the Hearing</p> <p>13 Agenda. This is: "Chapter 100, Air Pollution</p> <p>14 Control"; "Subchapter 2, Incorporation by</p> <p>15 Reference"; and "Appendix Q, Incorporation by</p> <p>16 Reference [Revoked]" and "Appendix Q, Incorporation</p> <p>17 by Reference [New]".</p> <p>18 The presentation will be made by</p> <p>19 Christina Hagens, she's an Environmental Programs</p> <p>20 Specialist with the Air Quality Division.</p> <p>21 Christina?</p> <p>22 MS. HAGENS: Good morning. Madam Chair,</p> <p>23 Members of the Council, my name is Christina Hagens,</p> <p>24 I'm an Environmental Programs Specialist in the Air</p> <p>25 Quality Division here at DEQ.</p>	<p>Page 21</p> <p>1 2022. Written comments from the public and other</p> <p>2 interested parties was requested in the notice and</p> <p>3 no comments have been received as of today.</p> <p>4 Staff requests that the council</p> <p>5 recommend this rulemaking to the Environmental</p> <p>6 Quality Board for permanent adoption. Thank you.</p> <p>7 MS. BOTCHLET-SMITH: At this point, we can</p> <p>8 have discussion by the council. Any questions?</p> <p>9 CHAIRWOMAN LODES: Any questions or</p> <p>10 comments?</p> <p>11 MS. BOTCHLET-SMITH: I have not received</p> <p>12 any forms from anyone in the public, but just to</p> <p>13 check, is there anyone who wants to ask a question</p> <p>14 or make a comment on this rule?</p> <p>15 Seeing none, if there are no</p> <p>16 questions from the council, I'll turn it back to</p> <p>17 you, Laura.</p> <p>18 CHAIRWOMAN LODES: Okay. Seeing no</p> <p>19 questions or comments, the agency has asked that we</p> <p>20 pass the annual update to Subchapter 100 -- to</p> <p>21 Chapter 100, Subchapter 2, and Appendix Q, we'll do</p> <p>22 Incorporation by Reference. Do we have a motion?</p> <p>23 MR. ELLIOTT: I'll make a motion to</p> <p>24 approve the updates to the Subchapter 2 and the</p> <p>25 Appendix Q.</p>

<p>1 CHAIRWOMAN LODES: Thank you. 2 Do I have a second? 3 VICE-CHAIRMAN KEELE: Second. 4 CHAIRWOMAN LODES: I have a motion and a 5 second. Quiana, please call the roll. 6 MS. FIELDS: Mr. Caves? 7 MR. CAVES: Yes. 8 MS. FIELDS: Mr. Collins? 9 MR. COLLINS: Yes. 10 MS. FIELDS: Dr. Delano? 11 DR. DELANO: Yes. 12 MS. FIELDS: Mr. Elliott? 13 MR. ELLIOTT: Yes. 14 MS. FIELDS: Mr. Keele? 15 VICE-CHAIRMAN KEELE: Yes. 16 MS. FIELDS: Mr. Landers? 17 MR. LANDERS: Yes. 18 MS. FIELDS: Mr. Privrat? 19 MR. PRIVRAT: Yes. 20 MS. FIELDS: Mr. Taylor? 21 MR. TAYLOR: Yes. 22 MS. FIELDS: Ms. Lodes? 23 CHAIRWOMAN LODES: Yes. 24 MS. FIELDS: Motion passed. 25 MS. BOTCHLET-SMITH: And that concludes</p>	<p>Page 22</p> <p>1 CERTIFICATE 2 I, Jenny Longley, Certified Shorthand 3 Reporter within and for the State of Oklahoma, do 4 hereby certify that the above and foregoing hearing 5 was by me taken in shorthand and thereafter 6 transcribed; and that I am not an attorney for nor 7 relative of any of said parties or otherwise 8 interested in the event of said action. 9 IN WITNESS WHEREOF, I have hereunto 10 set my hand and official seal this 10th day of 11 October, 2022. 12  13 _____ 14 Jenny Longley, CSR 15 CSR # 1903 16 17 18 19 20 21 22 23 24 25</p> <p>Page 24</p>
<p>1 the hearing portion of today's meeting. 2 (HEARING CONCLUDED AT 9:21 AM) 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>Page 23</p>

THE AIR QUALITY COUNCIL
RULEMAKING RECOMMENDATION
TO THE ENVIRONMENTAL QUALITY BOARD

Identification of Proposed Rulemaking:

Chapter Number and Title: OAC 252:100

Chapter 100. Air Pollution Control

Subchapter 2. Incorporation by Reference [AMENDED]

Appendix Q. Incorporation by Reference [REVOKED]

Appendix Q. Incorporation by Reference [NEW]

On October 5, 2022, the members of this Council, by authority vested in them by the Oklahoma Environmental Quality Code (27 O.S. Sec. 2-2-201), by roll call vote, recommended to the Environmental Quality Board that the rulemaking described above be adopted as:

 X permanent [take effect after legislative review]

 emergency [temporary, to take effect upon approval by the Governor because of time]

This Council has considered the proposed rulemaking and comments about it and determined, to the best of its knowledge, that all applicable requirements of the Oklahoma Administrative Procedures Act have been followed.

This Council authorizes the Department to prepare this recommended rulemaking for the Board, making any changes approved by the Council, correcting typographical, grammatical and reference errors, and formatting them as required by the Office of Administrative Rules. This is to be done with the understanding that such changes shall neither alter the sense of what this Council recommends nor invalidate this recommendation.

Respectfully,


Chair or Designee:

Date Signed: 10-5-22

	VOTING TO APPROVE	VOTING AGAINST	ABSTAIN	ABSENT
Matt Caves	✓			
Gary Collins	✓			
Robert Delano	✓			
Gregory Elliott	✓			
Garry Keele II	✓			
Steve Landers	✓			
John Privrat	✓			
Jeffrey Taylor	✓			
Laura Lodes	✓			



AIR QUALITY ADVISORY COUNCIL

Attendance Record

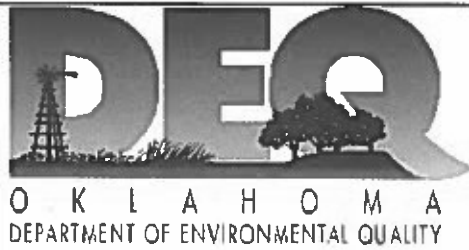
October 5, 2022

Oklahoma City, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

MELANIE FOSTER	AQD	
Garry Keefe	McAfee & Jeff	garry.keefe@mcfee.com
Christina Hagens	AQD	
Jared Milam	AQD	
Cheryl Bradley	AQD	
Kathy Aebischer	DEQ/ASD	
Beverly Botchlet-Smith	DEQ	
Kendal Stegmann	DEQ	
Jeff Taylor	AQD	
Jeremy Jewell	Trinity	
Tom Richardson	AQD	
Gary Collins	AQC	gcollins@cfindustries.com
Brooks Korton	AQD	
Craig Carruth	Mustang Fire Dept.	
Eric Halter	Mustang Fire Dept.	
Sam Miller	City of Mustang	
Ryan Biggerstaff	AQD	
Quiana Fields	ODEQ	
Randy Ward	public	Randy1993@yahoo.com
Greg Elliott	AQAC	greg.elliott@valero.com
Bob Delano	AQHC	
John Privat	AQAC	
Phillip Fields	AQD	
Travis Couch	AQD	
Joe Daniel	AQD	
Steve Landers	AQC	



AIR QUALITY ADVISORY COUNCIL

Attendance Record

October 5, 2022

Oklahoma City, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

David Frick ACOG

405 245-4511

dflick@aqc.org

Bud Ground EFO

Matt Caves AQAC

ERIC POLLARD ACOG

Malcolm Zachariah

DEPARTMENT OF ENVIRONMENTAL QUALITY

ENVIRONMENTAL QUALITY REPORT

For consideration and approval by the Environmental Quality Board on November 8, 2022

The Department of Environmental Quality (DEQ) is required by statute to annually submit an “Environmental Quality Report” to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives. It is to summarize DEQ’s annual budget needs for providing the environmental services within its jurisdictional areas, new federal mandates, and state statutory or constitutional changes recommended by DEQ. The report must be reviewed and approved by the Environmental Quality Board prior to its submittal to the Governor and legislative leaders.

I. ANNUAL BUDGET REQUEST¹

DEQ is slated to receive \$20,322,643 in state appropriated funding for current State Fiscal Year (SFY) 2023. This represents an increase from the SFY 2022 appropriation of \$9,027,346, with most of the increase attributable to funding for grants for rural water and wastewater infrastructure. The DEQ, with the approval of the Environmental Quality Board, is requesting a “flat” general revenue appropriation for annual operating expenses of \$20,322,643 for SFY 2024 along with one-time funding of \$20 million to replace the DEQ parking garage.

DEQ’s total budget for SFY 2024 – including fee revenues and federal funds, which are also variable from year to year – is indeterminate as of the date of submittal of this report. The total DEQ budget for current SFY 2023 stands at just over \$100 million, comprised of approximately 20% state general revenue funding, 30% federal funding for DEQ, 7% federal funding for the Office of the Secretary of Energy and Environment, and 43% fee funding. Appendix A contains additional details. Should state or federal funding substantially decrease, DEQ would have to further reduce activities and/or secure additional fee funding.

II. FEDERAL MANDATES²

AIR QUALITY DIVISION (AQD)

AIR POLLUTION CONTROL

- *Ozone National Ambient Air Quality Standard*

All of Oklahoma remains designated as attainment/unclassifiable for the 70 ppb 8-hour National Ambient Air Quality Standard (NAAQS) for ozone. Although the 2022 ozone season has been challenging, with several individual days over 70 ppb across the state, it

¹ Because requests for state appropriations are due by October 1, the appropriation request information in this portion of the Environmental Quality Report was previously considered and approved by the Environmental Quality Board at its September 13, 2022, meeting.

² The list of federal mandates is not exhaustive but covers recent or impending requirements or major developments that are among the most significant to the State and DEQ.

does not appear that the NAAQS, a three-year average of the fourth-highest 8-hour value, will be exceeded. EPA is currently in the process of reviewing its 2020 decision to retain the 70 ppb ozone standard. A proposed rule is not expected until 2023.

- *Particulate Matter National Ambient Air Quality Standard*

EPA is currently in the process of reviewing its 2020 decision to retain the particulate matter NAAQS. All of Oklahoma is designated as attainment/unclassifiable for both the PM10 and PM2.5 NAAQS. It is anticipated that EPA will propose to tighten the PM2.5 standards. The proposed decision is expected this fall and the final decision is expected in 2023. Depending on the final standards selected, Oklahoma may be in danger of exceeding a particulate matter NAAQS for the first time.

- *Regional Haze*

The goal of the 1999 EPA regional haze rule is to achieve natural visibility conditions at all designated Class 1 Areas by 2064. Oklahoma must have (and must periodically update) a long-term strategy for reducing visibility impairment at its Class 1 Area, the Wichita Mountains Wilderness Area (WMWA) as well as other impacted Class 1 Areas. The State Implementation Plan (SIP) for the Second Planning Period was due in July of 2021. This deadline was not met by a majority of states and EPA was aware of causes for the delay. After a 30-day public comment period and public hearing, and after consultation with Federal Land Managers, Tribes, and EPA, Oklahoma submitted its SIP for the Second Planning Period to EPA on August 9, 2022. EPA Region 6 found Oklahoma's SIP to be administratively complete and is now working on its technical review of the plan. DEQ anticipates additional dialogue with Region 6 throughout its review.

- *Interstate Transport of Ozone Precursor Pollutants*

The Clean Air Act includes a “good neighbor” or “interstate transport” provision that requires states to prohibit emissions that significantly contribute to NAAQS nonattainment or maintenance problems in downwind states. On October 28, 2018, Oklahoma submitted its interstate transport SIP for the 2015 ozone NAAQS to demonstrate that the state was meeting this obligation. On February 22, 2022, EPA proposed to disapprove Oklahoma’s interstate transport SIP and subsequently proposed a Federal Implementation Plan (FIP) on April 6, 2022, to address what EPA considered to be deficiencies in the interstate transport SIPs of 26 states, including Oklahoma. DEQ submitted comments on EPA's proposed disapproval of Oklahoma's interstate transport SIP as well as EPA's proposed FIP on April 25, 2022, and June 21, 2022, respectively. If the FIP is finalized as proposed, Oklahoma electric utilities will have their ozone-season NOx trading allowances reduced by approximately 58% and new NOx emission limits will be placed on natural gas compressor engines over 1,000 horsepower, cement kilns, glass plants, and some large boilers, with all of those requirements becoming fully operative in 2026. A final disapproval of Oklahoma's interstate transport SIP is expected in December 2022 with the promulgation of a FIP to follow in early 2023.

- *Methane*

EPA proposed a methane rule package for the oil and gas industry on November 15, 2021. The rulemaking package included both New Source Performance Standards (NSPS) for new sources as well as Emission Guidelines (EG) for existing sources. The proposed rule has the potential to apply to numerous oil and gas sources. DEQ submitted comments on EPA's proposal on January 31, 2022. EPA is working on a supplemental rule proposal that is expected to be released this fall and should include the potential rule text for the NSPS and EG. The supplemental rule proposal will also be subject to a public comment period and DEQ anticipates filing additional comments after its review. A final rule is not anticipated until 2023.

WATER QUALITY DIVISION (WQD), along with STATE ENVIRONMENTAL LABORATORY SERVICES DIVISION (SELSD), ENVIRONMENTAL COMPLAINTS & LOCAL SERVICES DIVISION (ECLS), and LAND PROTECTION DIVISION (LPD)

WATER REUSE -

- *Water Reuse Action Plan (WRAP)*

EPA began working on the WRAP, a non-regulatory initiative to advance water reuse across the country, in late 2018. EPA finalized the WRAP in February 2020. There has already been a significant amount of staff time spent working on this federal initiative, and it is expected that the workload will continue to increase. The Oklahoma Water Resources Board has begun work on an Oklahoma Water Reuse Action Plan (OWRAP) which is requiring additional work for DEQ staff. This work is expected to continue to grow over the next few years.

DRINKING WATER -

- *Lead and Copper Rules*

The initial compliance date for the federal Lead and Copper Rule Revision (LCRR) and requirement for Public Water Supply Systems to submit Lead Service Line inventories to DEQ is October 16, 2024. Quickly after the LCRR became effective, EPA stated they will be creating additional requirements with the Lead and Copper Rule Improvements (LCRI). EPA has announced plans to finalize the LCRI prior to October 16, 2024. More recently, EPA has indicated that it anticipates a proposal for LCRI to be available for review in 2023. This will result in increased workload for WQD immediately and ultimately for SELSD when new sample schedules take effect. A study by Cadmus, a national drinking water consulting firm, estimated that a medium-sized state primacy agency (Oklahoma's category) should anticipate adding 12-13 staff to fully implement the rule.

- *Bipartisan Infrastructure Law (BIL)*

In addition to the traditional Drinking Water State Revolving Fund (DWSRF) Base Program (\$9.9 million), three additional sources of funding are available for the next five years. These additional sources include general supplemental (\$25.5 million), lead service

line inventory/replacement (\$40 million), and emerging contaminants (\$10.7 million). The amounts in parentheses are for FY23 but should be similar for each of the next four years. In addition to the DWSRF funding, there is a PFAS or other-emerging-contaminants grant for small or disadvantaged communities that will become available this year. It is unknown at this time how much funding will be available to Oklahoma, but \$1 billion is available nationwide each year for the next five years. This additional funding will create additional workload for application assistance, technical assistance, construction permitting and inspections.

- *Cybersecurity*

Community Public Water Supply (PWS) systems, regardless of size, are facing cybersecurity threats. EPA has determined that states will be required to update Sanitary Surveys to include cyber elements. Currently, state staff, including DEQ staff, do not have the training necessary to complete this new required element of Sanitary Surveys. There will be costs associated with this initiative.

- *Consumer Confidence Report Rule*

The Consumer Confidence Report (CCR) Rule requires all community water systems to provide an annual report to customers regarding water quality. The federal WIIN Act increased the requirement from one per year to one every six months. EPA is working to update the rule. In addition to increasing the frequency, EPA is holding public meetings to gain input into other potential changes. Currently, potential changes include Translation to languages that 1%, 5%, or 10% speak as a primary language; requiring posting of information for renters, tenants, etc. (not just customers); and providing reports to “interested” community organizations. The increase in frequency is self-implementing. There will be increased workload for DEQ staff that prepare CCRs for most PWS systems in Oklahoma and the water systems that will be required to duplicate work. EPA indicated that the rule would be proposed in calendar 2022 but it has been delayed until 2023.

- *Microbial and Disinfection By-Products (MDBP) Rules*

EPA has announced a review of rules related to disinfection and the byproducts formed during the drinking water treatment process. EPA plans to provide a preliminary determination for updates to the rules listed below during early 2023:

- Surface Water Treatment Rule
- Interim Enhanced Surface Water Treatment Rule
- Long-Term 1 Enhanced Surface Water Treatment Rule
- Stage 1 and Stage 2 Disinfectant and Disinfection Byproducts Rules

Staff and managers that are technical experts will be spending substantial time gaining an understanding of the EPA proposals and how they will impact PWS systems in Oklahoma. Once final regulatory decisions are made, DEQ staff (WQD, ECLS and SELSD) will be working together to provide technical assistance to the regulated community. The potential

new rule or schedule for updating existing rules is expected in late calendar year 2023 or 2024.

WASTEWATER -

- *EPA Existing Effluent Limitation Guideline Review*

EPA is expected to release new or updated Effluent Limitation Guidelines (ELGs) for PFAS Manufacturers, Electrical and Electrical Components, Electroplaters, Central Waste Treatment Facilities, Power Plant Ash Transport Water, and Meat Processors. These changes will result in additional workload for WQD staff and more restrictive permit limits for the regulated community.

- *2022 Methods Update Rule (MUR)*

EPA is preparing its next routine MUR, as allowed under the Clean Water Act, and anticipates publishing a proposed rule as early as fall 2022. In the next MUR, EPA will consider only the following: new methods or method revisions for which documentation was submitted to EPA by January 7, 2022; methods from voluntary consensus standard bodies (VCSBs) or other government agencies; or methods that were submitted through the Alternative Test Procedures (ATP) program. EPA is not currently considering any changes to radiochemical or Whole Effluent Toxicity (WET) methods because of the extensive data requirements and review associated with these methods. EPA is also not considering methods for new analytes at this time.

MISCELLANEOUS -

- *Per- and Polyfluoroalkyl Substances (PFAS)*

EPA is continuing to propose standards for both drinking water and wastewater for PFAS compounds. EPA has issued guidance to their Regional Offices to include monitoring and Best Management Practices (BMPs) for PFAS in stormwater general permits and in NPDES individual discharge permits that also require extensive public notice if PFAS is detected. EPA has indicated that a memo will be issued to state programs to include these same conditions in state-issued permits.

EPA has published the Unregulated Contaminant Monitoring Rule 5 (UCMR 5) which requires sampling by all community water systems for 29 PFAS compounds beginning in January of 2023, through 2025. The SELSD continues to spend significant time and resources to develop the analytical capability and become TNI accredited to test for PFAS in drinking water, and DEQ staff will provide technical and sampling assistance to water systems during this period. UCMR data typically informs EPA in setting new limits for drinking water. This capacity advancement would also enable SELSD to be prepared to support the systems of the state in response to any future Safe Drinking Water Act or Clean Water Act rule promulgation related to PFAS.

III. LEGISLATIVE RECOMMENDATIONS

The following is proposed as a possible DEQ “request” bill for the 2023 Oklahoma regular legislative session:

- *DEVELOPMENT AND REPORTING OF STATUS OF WATER QUALITY MONITORING*

Pursuant to S.B. 1325 (enacted during the 2022 regular legislative session), the responsibility for Oklahoma’s water quality standards was transferred from the Oklahoma Water Resources Board (OWRB) to the DEQ. In addition to numerous other related changes, S.B. 1325 amended 27A O.S. § 1-1-202(E) to require DEQ to “provide a report on the status of water quality monitoring to the legislature for review” during each even-numbered year. However, 27A O.S. § 1-3-101(C)(15) was not amended, apparently inadvertently, and that section of the statute leaves this responsibility with the OWRB. DEQ plans to request a bill that makes § 1-3-101(C)(15) consistent with S.B. 1325’s amendments to § 1-1-202(E).

In addition to the possible request bill referenced above, DEQ plans to work with the appropriate legislative committees to ensure that DEQ advisory councils (*i.e.*, the Water Quality Management Advisory Council, the Hazardous Waste Management Advisory Council, the Solid Waste Management Advisory Council, and the Radiation Management Advisory Council) are re-created and remain in existence beyond July 1, 2023. Pursuant to H.B. 2823, enacted during the 2020 regular legislative session, these four advisory councils, along with those of several other agencies, will sunset on July 1, 2023.

APPENDIX A

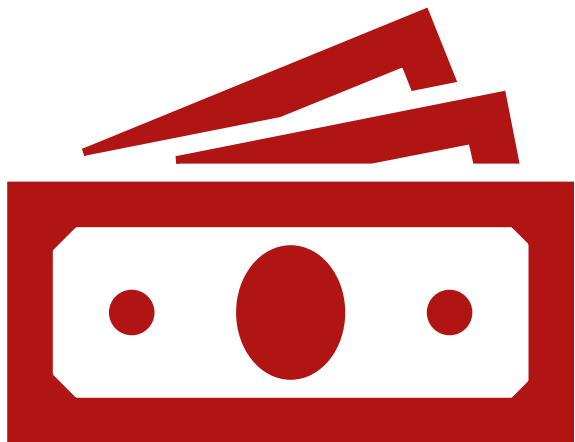
Department of Environmental Quality

FY2023 Budget Status

As of 09/30/2022

	Budget	Budget Revision	Total Revised Budget
Salaries and other Compensation Expenses	\$50,609,542	-	\$50,609,542
Professional Services	25,852,937	1,044,500	26,897,437
Travel Expenses	921,587	-	921,587
Administrative Expenses	7,338,780	-	7,338,780
Lab Equipment, Furniture & Building Construction, and Air	1,794,843	-	1,794,843
Local Governments & Non-Profit Projects and Programs	13,564,157	2,706,179	16,270,336
	\$100,081,846	\$3,750,679	\$103,832,525

FUNDING SOURCES	Budget	Budget Revision	Total Revised Budget
19211 Appropriation Carryover	-	\$290,000	\$290,000
19301 General Appropriations	20,322,643	-	20,322,643
20000 Revolving Fund	43,259,393	100,000	43,359,393
21000 Environmental Education Fund	20,000	-	20,000
22000 Hazardous Waste Penalty Fund	-	-	-
22500 Certificate Fund	889,174	94,000	983,174
40000 Federal Funds	25,750,693	901,362	26,652,055
40300 Brownfields Revolving Loan Fund	-	-	-
40500 Environmental Settlement Fund (Federal)	2,336,658	2,365,317	4,701,975
41000 Water Management Federal Fund	7,503,285	-	7,503,285
TOTAL FUNDING SOURCES	\$100,081,846	\$3,750,679	\$103,832,525



DEQ FY2023 Budget Status Report

KATHY AEBISCHER, CFO
DIRECTOR OF ADMINISTRATIVE SERVICES

NOVEMBER 8, 2022

FY2023 Revenue Summary Status Report

For the period ending September 30, 2022

Division	Current Fiscal Year Activity (FY2023)				Comparison to Previous Year (FY2022)			
	FY2023 Projections	FY2023 Collections 7/1 to 9/30	% of Total Projections	Projected Revenue Remaining	FY2022 Projections	Collections Same Time Period	% of Total Projections	Variance Compared to FY2022
SELS	\$2,140,000	\$500,986	23.4%	(\$1,639,014)	\$2,123,500	\$515,334	24.3%	(\$14,348)
ECLS	2,834,300	1,013,597	35.8%	(1,820,703)	2,713,000	1,157,835	42.7%	(144,238)
AQD ¹	12,039,013	7,796,645	64.8%	(4,242,368)	12,841,253	8,790,966	68.5%	(994,321)
WQD	9,091,000	6,253,492	68.8%	(2,837,508)	8,731,000	6,842,438	78.4%	(588,946)
LPD	13,941,250	2,464,256	17.7%	(11,476,994)	13,205,000	3,091,815	23.4%	(627,559)
	\$40,045,563	\$18,028,976	45.0%	(\$22,016,587)	\$39,613,753	\$20,398,388	51.5%	(\$2,369,412)

1. Air Quality Division reduced FY2023 revenue projections by \$802,240 from FY 2022.



FY2023 Budget Status Report

By Expenditure Type

As of 09/30/2022

	Budget				
	Budget	Revision	Expenses	Encumbered	Remaining
Salaries and other Compensation Expenses	\$50,609,542	-	\$8,815,081	\$40,536,085	\$1,258,376
Professional Services	25,852,937	1,044,500	2,131,767	11,249,185	13,516,484
Travel Expenses	921,587	-	96,446	9,115	816,026
Administrative Expenses	7,338,780	-	1,402,512	4,717,478	1,218,790
Lab Equipment, Furniture & Building Construction, and Air	1,794,843	-	32,905	230,206	1,531,732
Local Governments & Non-Profit Projects and Programs	13,564,157	2,706,179	99,053	9,944,362	6,226,921
Total Expenses	\$100,081,846	\$3,750,679	\$12,577,765	\$66,686,431	\$24,568,330

FY2023 Budget Status Report

By Funding Sources

As of 09/30/2022

FUNDING SOURCES		Budget	Budget Revision	Expenses	Encumbered	Remaining
19021	Appropriation Carryover	-	290,000	-	153,761	136,239
19301	General Appropriations	20,322,643		1,770,772	8,125,235	10,426,636
20000	Revolving Fund	43,259,393	100,000	7,288,836	32,479,273	3,591,284
21000	Environmental Education Fund	20,000		-	-	20,000
22000	Hazardous Waste Penalty Fund	-		-	-	-
22500	Certificate Fund	889,174	94,000	107,385	637,376	238,413
40000	Federal Funds	25,750,693	901,362	3,388,735	18,435,719	4,827,601
40300	Brownfields Revolving Loan Fund	-		-	-	-
40500	Environmental Settlement Fund (Federal)	2,336,658	2,365,317	10,482	3,700,716	990,778
41000	Water Management Federal Fund	7,503,285	-	11,555	3,154,353	4,337,377
TOTAL FUNDING SOURCES		100,081,846	\$3,750,679	\$12,577,765	\$66,686,431	\$24,568,330

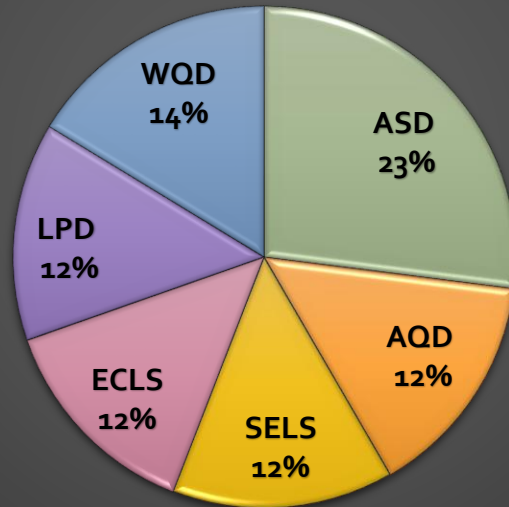




FY2022 EMPLOYEE TURNOVER

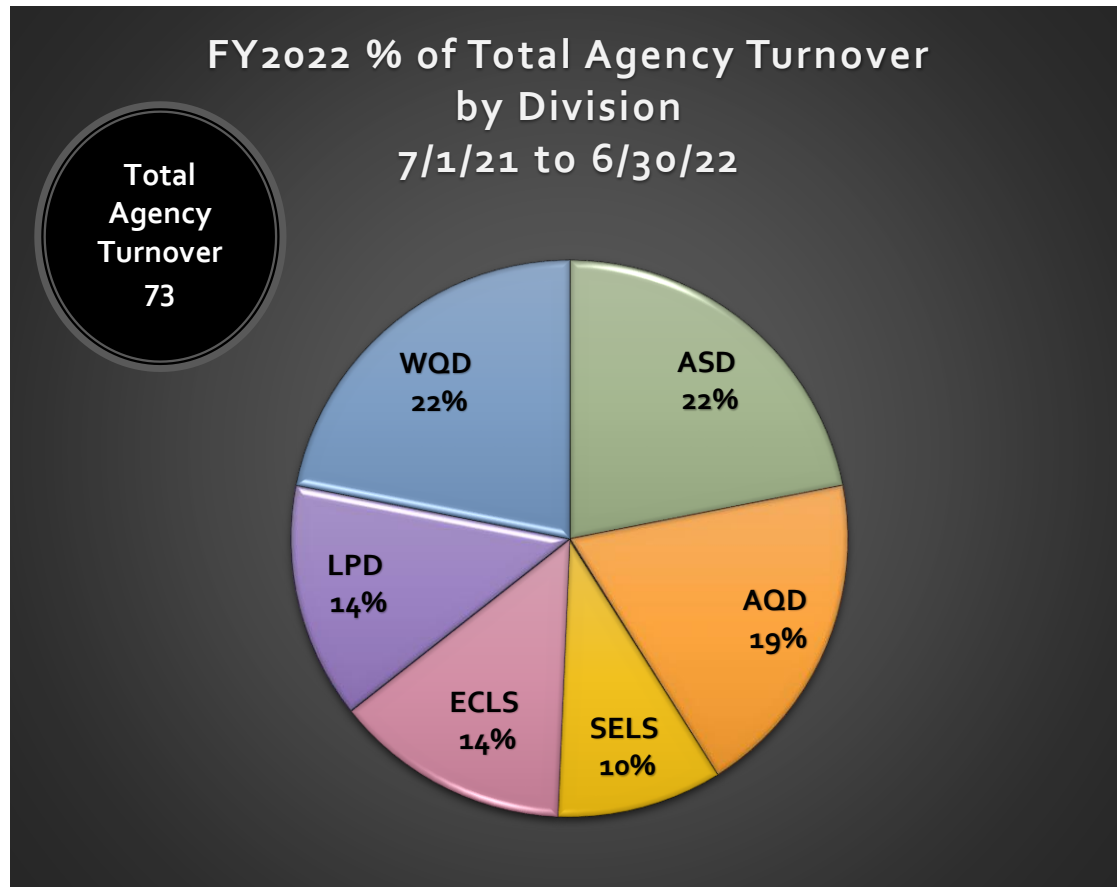
Fiscal Year 2022

FY2022 Employee Turnover Rate
by Division
7/1/21 to 6/30/22



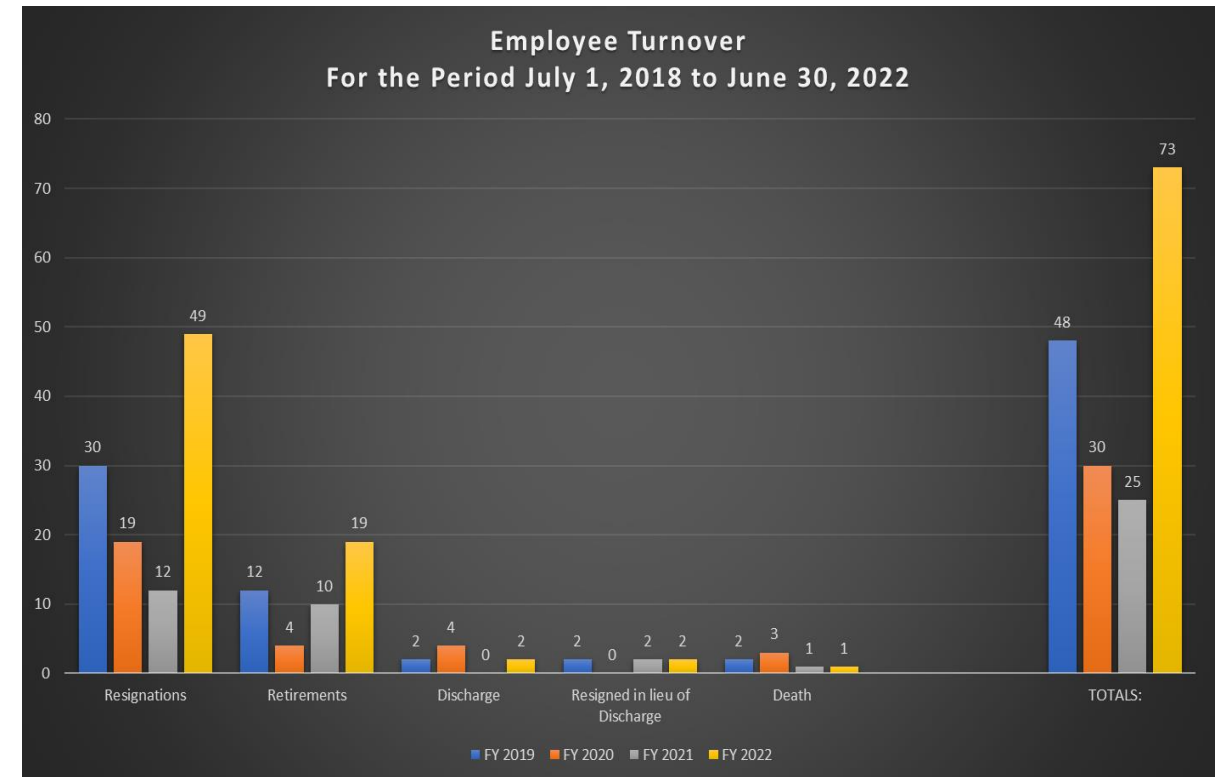
**Agency
Turnover
Rate
14%**

FY2022 Employee Turnover by Division



FY 2022								
7/1/21 - 6/30/22								
			ASD	AQD	SELS	ECLS	LPD	WQD
Total Number of Employees:	527		70	113	58	86	84	116
Resignations	49		11	11	5	6	4	12
Retirements	19		4	3	2	2	5	3
Discharge	2		1	0	0	1	0	0
Resigned in lieu of Discharge	2		0	0	0	1	1	0
Death	1		0	0	0	0	0	1
Total Turnover:	73		16	14	7	10	10	16
Employee Turnover Rate	14%		23%	12%	12%	12%	12%	14%
% of Total Turnover	14%		22%	19%	10%	14%	14%	22%

For the period 7/1/2021 to 6/30/2022				
	FY 2019	FY 2020	FY 2021	FY 2022
Resignations	30	19	12	49
Retirements	12	4	10	19
Discharge	2	4	0	2
Resigned in lieu of Discharge	2	0	2	2
Death	2	3	1	1
TOTALS:	48	30	25	73



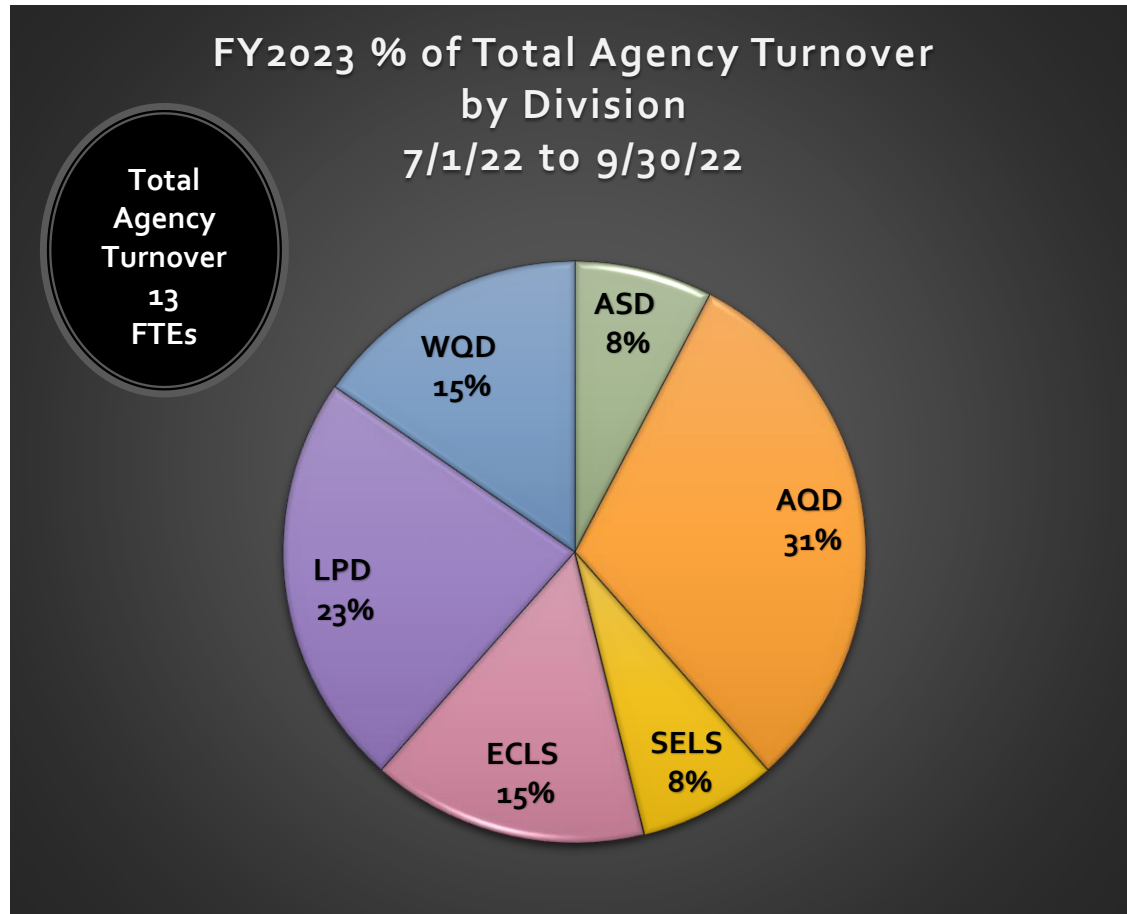
TOTAL EMPLOYEE TURNOVER COMPARISON

FOR THE FISCAL YEARS 2019 THRU 2022



FY2023 EMPLOYEE TURNOVER

FY2023 Employee Turnover by Division



FY 2023								
7/1/22 - 9/30/22								
		ASD	AQD	SELS	ECLS	LPD	WQD	
Total Number of Employees:	529	71	111	58	89	84	116	
Resignations	7	0	2	1	2	1	1	
Retirements	5	1	2	0	0	1	1	
Discharge	1	0	0	0	0	1	0	
Resigned in lieu of Discharge	0	0	0	0	0	0	0	
Death	0	0	0	0	0	0	0	
Total Turnover:	13	1	4	1	2	3	2	
Employee Turnover Rate	2%	1%	4%	2%	2%	4%	2%	
% of Total Turnover	2%	8%	31%	8%	15%	23%	15%	



VACANCIES

Division	Vacant FTEs As of 10/12/2022
ASD	7
SELS	6
ECLS	8
AQD	10
WQD	10
LPD	7
Total	48

