

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

A Public Meeting: 9:30 a.m., Tuesday June 22, 2004  
Oklahoma State University  
Sequoyah Room 280 Student Union Center  
Stillwater, Oklahoma

1. Call to Order – Richard Wuerflein, Chair
2. Roll Call – Myrna Bruce
3. Approval of Minutes of the February 27, 2004 Regular Meeting
4. **Rulemaking - OAC 252:20 Emergency Planning and Community Right-to-Know**  
In 1999, EPA raised the thresholds that trigger Material Safety Data Sheet (MSDS) reporting and annual chemical inventory reporting for gasoline and diesel fuel stored underground at retail gas stations that comply with underground storage tank (UST) requirements. The DEQ has followed the federal rule change but the state rule has not been updated to conform. The proposed amendment in OAC 252:20-1-3 updates the incorporation by reference to include EPA's 1999 changes. The Code of Federal Regulations is published in July each year, so the most current CFR date of July 1, 2003, is proposed as the incorporation by reference date. Other proposed amendments simply update addresses.
  - A. Presentation – Judy Duncan, Director, Customer Services Division
  - B. Questions and discussion by the Board
  - C. Questions, comments and discussion by the public
  - D. Discussion and action by the Board, which may include roll call votes on permanent adoption
5. **Rulemaking – OAC 252:100 Air Pollution Control**  
All proposed amendments are in Subchapter 8. Proposed textual changes to Section 252:100-8-6 are for clarity. Since OAC Chapter 252:2 has been replaced by Chapter 252:4, the Department also proposes to correct references to 252:2 contained in several sections of Subchapter 8.
  - A. Presentation – Sharon Myers, Chair, Air Quality Advisory Council
  - B. Questions and discussion by the Board
  - C. Questions, comments and discussion by the public
  - D. Discussion and action by the Board, which may include a roll call vote on permanent adoption
6. **Rulemaking - OAC 252:300 Laboratory Accreditation**  
The proposed textual amendment adds radionuclides to the list of drinking water categories for which laboratories may be accredited. This action also requires a corresponding change to Appendix A.
  - A. Presentation – Anthony Bright, Chair, Laboratory Services Advisory Council
  - B. Questions and discussion by the Board
  - C. Questions, comments and discussion by the public
  - D. Discussion and action by the Board, which may include roll call vote(s) on emergency\* and/or permanent adoption

**7. Annual Performance Review of Executive Director**

Among the statutory duties of the Board are responsibilities to appoint and set the compensation of the Executive Director and to assist the Department in conducting periodic reviews and planning activities related to the goals, objectives, priorities, and policies of the Department. In connection with these responsibilities, the Board has determined that it should perform an annual performance review of the Executive Director.

- A. Discussion by the Board in open session
- B. Possible executive session pursuant to Title 25 Oklahoma Statutes § 307(A) (discussion of employment actions related to any individual salaried public officer or employee), if authorized by recorded majority vote of the Board members present
  - (1) Vote in open session on whether to enter executive session
  - (2) If executive session approved, designation in open session of person to keep minutes in executive session
  - (3) Discussion in executive session of Executive Director’s performance
- C. Further discussion by the Board in open session
- D. Possible roll call vote on specific actions or recommendations as a result of performance review

(Executive Session held in adjacent room)

**8.** New Business (any matter not known about, or which could not have been reasonably foreseen, prior to the time of posting of agenda)

**9.** Executive Director’s Report, including a summary of key actions in the recent legislative session and the disclosure of certain employee financial interests as required by statute. These actions are for informational purposes and do not require action by the Board.

**10.** Adjournment

\* Specification of proposed adoption by emergency rulemaking is based on the recommendation of the advisory council. Adoption or amendment of a rule by emergency requires a finding by the Board that a compelling public interest warrants emergency rulemaking, so that the rule will take effect immediately upon the Governor’s signature. Absent a finding and approval of emergency, rules adopted today will not become effective until June of 2005.

**Public Forum** (after adjournment): The Board meets four 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.

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

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Some members of the Board, as well as senior staff members from the DEQ, will meet for dinner in Stillwater the evening of June 21. This is a social occasion. No Board or DEQ business will be conducted or discussed.