

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

A Public Meeting: 9:30 a.m., Tuesday, November 14, 2006
B. S. Roberts Conference Room – Room 151
OSU-Tulsa Campus, 700 N. Greenwood, Tulsa, OK

1. **Call to Order** – Steve Mason, Chair
2. **Roll Call** – Myrna Bruce, Secretary, Board & Councils
3. **Approval of Minutes** of the August 22, 2006, Regular Meeting
4. **Rulemaking – OAC 252:100 Air Pollution Control**

Several sets of amendments are proposed:

- Amendments in Subchapters 5, 7 and 9 add definitions for “regulated air pollutant” and “gross particulate matter” (replacing the term “total suspended particulates”), and revise the definitions for “actual emissions,” “allowable emissions” and “regulated pollutant (for fee calculation)”. Corresponding changes are made where needed. Appendix P, pertaining to Regulated Air Pollutants, is added.
- A new Part 11 of Subchapter 17, pertaining to Other Solid Waste Incinerators (“OSWI”), establishes state emission standards and other enforceable requirements for existing OSWI.
- The addition of Subchapters 2 and 40 and Appendix Q, and revocation of Subchapters 4 and 41, assure that all incorporations by reference of 40 CFR provisions have specified incorporation dates.
- One Subchapter 5 amendment makes the requirement to provide a written explanation when yearly emission changes are in excess of 30 percent conditional on a request by the DEQ. A second amendment changes the due date for submittal of the annual emission inventory from March 1 to April 1, with the opportunity for a 30-day extension.
 - 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

5. **Rulemaking – OAC 252:4 Rules of Practice and Procedure
OAC 252:205 Hazardous Waste Management**

Two sets of amendments are proposed:

- Amendments to OAC 252:4-7-51, 4-7-52, and 4-7-53 modify the DEQ rules related to hazardous waste permitting requirements to include provisions for the new RCRA Standardized Permit.
- Revisions to OAC 252:205-3-1 and 205-3-2 update the incorporation by reference of the federal hazardous waste regulations to July 1, 2006, and incorporate later federal amendments that relate to management of cathode ray tubes and to corrections of miscellaneous errors in the federal rules.
 - A. Presentation – Bob Kennedy, Vice-Chair, Hazardous Waste Management 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 permanent adoption

6. Rulemaking – OAC 252:210 Highway Spill Remediation [New]

New Chapter 210 is designed to implement the requirements of Senate Bill 1938, the Oklahoma Highway Remediation and Cleanup Services Act, passed by the Oklahoma Legislature during the 2006 regular session and effective November 1, 2006. The Act gives the DEQ the responsibility “to license, supervise, govern, and regulate highway remediation and cleanup services . . . and operators” in Oklahoma, and authorizes the Board to adopt implementing rules.

- A. Presentation – Bob Kennedy, Vice-Chair, Hazardous Waste Management 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 emergency adoption

7. Rulemaking – OAC 252:300 Laboratory Accreditation

Proposed changes update references to methods used in the Drinking Water Program to the current citation. In addition a method for the Daphnia Magna Life-Cycle Toxicity Test is added to the list of approved methodologies and Salmonella testing is added to the General Water Quality Laboratory Microbiology Category since these tests will be required for some OPDES permits.

- A. Presentation – Brian Duzan, 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 a roll call vote on permanent adoption

8. Rulemaking – OAC 252:410 Radiation Management

Several amendments comprise a single rulemaking proposal:

- Subchapter 1, Section 7 amendments update the incorporation by reference of Nuclear Regulatory Commission (NRC) regulations to January 1, 2005. They also add later-promulgated NRC regulations pertaining to the recognition of specialty boards and the training of Radiation Safety Officers as related to the medical use of byproduct material, and increased security requirements for portable gauges. A new subsection (c) clarifies that when a provision of the Code of Federal Regulations is incorporated by reference, all referenced citations are also incorporated by reference.
- Changes to Subchapter 10, Section 1 include revisions to subsection (b) to correct the list of NRC rules that are not incorporated by reference, for which enforcement remains with the NRC. Subsection (c) is revised, and subsection (d) is deleted, because language regarding the effect of becoming an “agreement state” is no longer needed.
- The amendments within Parts 30, 31, 32, 34, 35, 39, 70, and 71 of Subchapter 10 and in Subchapter 20, Section 1 make conforming changes resulting from updated incorporations by reference, correct scrivener's errors, and make minor formatting changes.
 - A. Presentation – Dr. David Gooden, Chair, Radiation Management 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

9. Rulemaking – OAC 252:515 Solid Waste Management

This rulemaking reflects the addition of a new Part 13 to Subchapter 19, relating to landfill wheel washes. The new Part 13 contains provisions concerning applicability, eligibility deadlines, definitions, approved costs, disapproved costs, the recoupment process, limitation on funds, and water management and control.

- A. Presentation – Jay Stout, Chair, Solid Waste Management 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

10. Consideration of and Action on the Environmental Quality Report

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

- A. Presentation – Craig Kennamer, DEQ Deputy Executive Director
- 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 approval

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

12. Executive Director’s Report – Steve Thompson

13. Adjournment

2007 Meetings: February 23, DEQ; June 19, Ada (if needed); August 21, Guthrie; November 15, Weatherford

Public Forum (after 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.

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.

Some members of the Board, as well as senior staff members from the DEQ, will attend the annual Metropolitan Environmental Trust (M.e.t.) Recycling Awards Banquet in Tulsa the evening of November 13. It is uncertain whether a majority of the Board will be present. No Board or DEQ business will be conducted.