

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

A Public Meeting: 9:30 a.m., Tuesday, November 18, 2008  
Tahlequah Municipal Armory  
100 Water Street  
Tahlequah, Oklahoma

*Please turn off cell phones*

- 1. Call to Order** – Jennifer Galvin, Chair
- 2. Roll Call** – Myrna Bruce, Secretary, Board & Councils
- 3. Approval of Minutes** of the August 19, 2008 Regular Meeting
- 4. Rulemaking – OAC 252:100 Air Pollution Control**
  - A. The DEQ proposes to amend Subchapter 25 pertaining to visible emissions and particulates to correct a rule citation.
  - B. The DEQ proposes to update Appendices E and F pertaining to primary and secondary ambient air quality standards to be consistent with federal standards for ozone.
  - C. The DEQ proposes to update Appendix Q to incorporate the latest changes to federal regulations by reference. The updates include the addition of New Source Performance Standards (NSPS) and Part 63 National Emissions Standards for Hazardous Air Pollutants (NESHAP) for area sources.
    - Presentation – David Branecky, 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
- 5. Rulemaking – OAC 252:205 Hazardous Waste Management**

The DEQ proposes to update Subchapter 3, Sections 3-1 and 3-2 to incorporate by reference the federal hazardous waste regulations found in 40 CFR Parts 124 and 260-279, revised as of July 1, 2008.

  - Presentation – Michael Graves, Chair, Hazardous Waste Management Advisory Council
  - Questions and discussion by the Board
  - Questions, comments and discussion by the public
  - Discussion and possible action by the Board, which may include a roll call vote on permanent adoption

## **6. Rulemaking – OAC 252:410 Radiation Management**

The DEQ proposes to amend Subchapters 1, 10, and 20 to change the date for the incorporation of federal regulations by reference to January 1, 2008. These incorporations include a new definition of “byproduct material;” amended rules governing the distribution of byproduct material; minor corrections pertaining to medical use of byproduct material; and amended rules for implementation of a National Source Tracking System.

- Presentation – Steve Woods, Chair, Radiation Management Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include a roll call vote on permanent adoption

## **7. Rulemaking – OAC 252:611 General Water Quality**

- A. The DEQ proposes to amend Subchapter 1, Section 1-3 to change the date of incorporation of applicable federal regulations from July 1, 2007 to July 1, 2008.
- B. The DEQ proposes to amend Subchapter 3, Sections 3-1 and 3-2 to require a mitigation plan with an application to DEQ for certification pursuant to Section 401 of the Clean Water Act when mitigation is required to obtain a permit from the federal permitting entity under Section 404 of the Clean Water Act.

- Presentation – Lowell Hobbs, Chair, Water Quality Management Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include roll call votes on permanent adoption

## **8. Rulemaking (emergency) - OAC 252:641 Individual and Small Public Onsite Sewage Treatment Systems**

The DEQ proposes to amend Appendix H, Figure 25 to correct an error classifying Delaware County as Net Evaporation Zone 1 when the Appendix was last adopted.

- Presentation – Lowell Hobbs, Chair, Water Quality Management Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include roll call votes on a finding of emergency and emergency adoption

## **9. 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 1<sup>st</sup> of each year. 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.

- Presentation – Jimmy Givens, Acting Deputy Executive Director, DEQ
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion by the Board and roll call vote on approval

#### **10. Consideration of Executive Director Compensation**

During the Environmental Quality Board meeting on August 19, 2008, the Board decided to further study and consider appropriate compensation for Steve Thompson, Executive Director of the DEQ, and requested that the DEQ provide Board members with a recent salary study compiled by the Office of Personnel Management. The DEQ has provided the requested salary study and other relevant salary information. The Board is expected to discuss and may elect to go into executive session to further consider Mr. Thompson's compensation.

- A. Discussion by Board in open session
- B. Possible executive session pursuant to Title 25 § 307(B)(1) (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 of Executive Director's compensation in executive session
- C. Further discussion by the Board in open session
- D. Possible roll call vote on specific actions or recommendation as a result of executive session and/or open discussion

**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**

**Upcoming Meetings in 2009:** February 27, DEQ

August 25, Tulsa (location to be determined)

November 17, Ada (location to be determined)

**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. This Public Forum will include a presentation by Jon Craig, Director, Water Quality Division, DEQ.

**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.**

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Some members of the Board and senior staff members from DEQ will meet for dinner in Tahlequah the evening of November 17. This is a social occasion. It is uncertain whether a majority of the Board will be present, but no Board or DEQ business will be conducted.