

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

A Public Meeting: 9:30 a.m. Friday, February 27, 2009
DEQ Multipurpose Room
Oklahoma City, 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 November 18, 2008 Regular Meeting
- 4. Election of Officers** – Election of Chair and Vice-Chair for Calendar Year 2009
- 5. Rulemaking - OAC 252:4 Rules of Practice and Procedure**

The DEQ proposes to amend its Rules of Practice and Procedure to include a timeframe for filing petitions for declaratory ruling.

- Presentation – Martha Penisten, DEQ Acting General Counsel
- 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 252:100 Air Pollution Control

- A.** The DEQ proposes to amend Chapter 100, Subchapter 9 (Excess Emission Reporting Requirements) to clarify its requirements and make them more compatible with EPA guidelines.
- B.** The DEQ proposes to amend Chapter 100, Subchapter 33 (Control of Emission of Nitrogen Oxides) to resolve issues regarding emission standards for fuel-burning equipment that uses more than one type of fuel and equipment with technological limitations. In addition, the changes clarify what types of fuel are covered.

- 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

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

- A. The DEQ proposes to combine its two subchapters concerning biosolids into one subchapter, with modifications creating rules to govern facilities that wish to create Class A Biosolids pursuant to federal requirements.
- B. The DEQ proposes to update its rules concerning the date of the incorporation by reference of certain federal regulations. The change updates the publication date of the federal rules from July 1, 2007, to July 1, 2008.
 - 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 vote(s) on permanent adoption

8. Rulemaking – OAC 252:616 Industrial Wastewater Systems

- A. The DEQ proposes to modify its rules to require secondary containment for above-ground tank systems that are constructed pursuant to the requirements of this chapter.
- B. The DEQ proposes to amend Chapter 616 to tighten the closure requirements for industrial wastewater systems and to revoke the Appendices A, B and C that contain the permit forms. The DEQ proposes not to replace Appendices A and B but proposes to replace Appendix C with a rainfall and evaporation data chart previously located in another section.
- C. The DEQ proposes to revoke Appendix D concerning Class III Surface Impoundments and to replace it to make clean up changes.
 - 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 vote(s) on permanent adoption

9. Rulemaking – OAC 252:623 Pre-Treatment for Central Treatment Trusts

The DEQ proposes to amend its rules concerning Central Treatment Trusts [Oklahoma Ordnance Works Authority] to update the incorporation by reference of federal rules from July 1, 2007, to July 1, 2008.

- 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 a roll call vote on permanent adoption

10. Rulemaking – OAC 252:631 Public Water Supply Operation

The DEQ proposes to update its incorporation by reference of certain federal regulations from July 1, 2007, to July 1, 2008.

- 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 a roll call vote on permanent adoption

11. Rulemaking – OAC 252:641 Individual and Small Public On-Site Sewage Treatment Systems

The DEQ proposes to amend its rules to change the Net Evaporation Zone in Appendix H, Figure 25 from Zone 1 to Zone 2. The Department discovered a mistake in the classification of Delaware County in the Net Evaporation Zone based on feedback from certified installers in Delaware County, DEQ. This rulemaking re-categorizes Delaware County as being in Net Evaporation Zone 2. The Board considered and passed this as an emergency rule at its November 18, 2008 meeting.

- 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 a roll call vote on permanent adoption

12. Rulemaking – OAC 252:690 Water Quality Standards Implementation

- A. The DEQ proposes to amend this Chapter to require a failure of toxicity testing for sublethal effects to be treated the same as a failure of toxicity testing for lethal effects, as required by EPA and pursuant to approved changes in Oklahoma's Water Quality Standards. Additionally, the amendments propose to specifically state when the Department will consider an organism change for biomonitoring from *Ceriodaphnia dubia* or *Daphnia pulex* to *Daphnia magna* and to add a new rule to require monitoring in a nutrient limited watershed and that there can be no monitoring frequency reductions for WET limits.
- B. The DEQ proposes to revoke and reissue Appendix A of this Chapter to make some clean up language changes.
- C. The DEQ proposes to update its rules concerning the date of the incorporation by reference of certain federal regulations. The change updates the publication date of the federal rules from July 1, 2007, to July 1, 2008.

- 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 vote(s) on permanent adoption

13. Consideration of Executive Director Compensation

During the Environmental Quality Board meetings on August 19, 2008 and November 18, 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

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

15. **Executive Director's Report** – Steve Thompson

16. **Adjournment**

2009 Meetings: August 25 in Tulsa; November 17 in Ada

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 and senior staff members from DEQ will meet for dinner in Oklahoma City the evening of February 26. 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.