

**MINUTES  
ENVIRONMENTAL QUALITY BOARD  
FEBRUARY 27, 2009  
DEQ MULTIPURPOSE ROOM  
707 NORTH ROBINSON, OKLAHOMA CITY, OK**

EQB approved  
August 24, 2009

**Notice of Public Meeting** The Environmental Quality Board convened for a regular meeting at 9:30 a.m. in the Multipurpose Room of the DEQ, 707 North Robinson in Oklahoma City. This meeting was held in accordance with 25 O.S. Sections 301-314, with notice of the meeting given to the Secretary of State on September 8, 2008. The agenda was mailed to interested parties on February 17, 2009 and was posted at the Department of Environmental Quality and the meeting facility on February 26, 2009. Dr. Jennifer Galvin, Chair, called the meeting to order.

Roll call was taken and a quorum was confirmed.

**MEMBERS PRESENT**

Brita Cantrell  
Mike Cassidy  
Tony Dark  
Bob Drake  
Jennifer Galvin  
David Griesel  
Jerry Johnston  
Steve Mason  
Sandra Rose  
Terri Savage  
John Wendling  
Richard Wuerflein

**MEMBERS ABSENT**

Kerry Sublette

**DEQ STAFF PRESENT**

Steve Thompson, Executive Director  
Jimmy Givens, Acting Deputy Executive Director  
Martha Penisten, Acting General Counsel  
Wendy Caperton, Executive Director's Office  
David Dyke, Administrative Services Division  
Shellie Chard-McClary, Administrative Services Division  
Eddie Terrill, Air Quality Division  
Judy Duncan, Customer Service Division  
Gary Collins, Env. Complaints & Local Services  
Scott Thompson, Land Protection Division  
Jon Craig, Water Quality Division  
Ellen Bussert, Administrative Services  
Skylar McElhaney, Executive Director's Office  
Myrna Bruce, Secretary, Board & Councils

**OTHERS PRESENT**

J. D. Strong, Secretary of Environment  
Ellen Phillips, Assistant Attorney General  
David Branecky, Representing AQAC  
Michel Paque, WQMAC Vice-Chair  
Christy Myers, Court Reporter

**The Attendance Sheet becomes an official part of these Minutes.**

**Approval of Minutes** Dr. Galvin made a motion to approve the minutes of the November 18, 2008 Regular Meeting with one clarification. Mr. Johnston made the second. Roll call as follows with motion passing.

*transcript pages 5 - 7*

Brita Cantrell	Yes	Steve Mason	Yes
Mike Cassidy	Abstain	Sandra Rose	Yes
Tony Dark	Yes	Terri Savage	Yes
Bob Drake	Yes	John Wendling	Yes
David Griesel	Yes	Richard Wuerflein	Yes
Jerry Johnston	Yes	Jennifer Galvin	Yes

**Election of Officers** – Dr. Galvin called for nominations for Chair for CY2009. Mr. Mason made motion to elect Brita Cantrell for the Chairperson. Mr. Johnston made the second. Mr. Drake moved that the nominations cease and that Ms. Cantrell be elected by acclamation.

*transcript pages 7 - 9*

Brita Cantrell	Yes	Steve Mason	Yes
Mike Cassidy	Yes	Sandra Rose	Yes
Tony Dark	Yes	Terri Savage	Yes
Bob Drake	Yes	John Wendling	Yes
David Griesel	Yes	Richard Wuerflein	Yes
Jerry Johnston	Yes	Jennifer Galvin	Yes

Ms. Cantrell presented Dr. Galvin with a commemorative plaque for her service as Chair. Ms. Cantrell then called for nominations for Vice Chair for CY2009. Mr. Drake nominated Jerry Johnston and the second was made by Mr. Griesel.

*transcript pages 10 - 12*

Brita Cantrell	Yes	Steve Mason	Yes
Mike Cassidy	Yes	Sandra Rose	Yes
Tony Dark	Yes	Terri Savage	Yes
Bob Drake	Yes	John Wendling	Yes
David Griesel	Yes	Richard Wuerflein	Yes
Jerry Johnston	Yes	Jennifer Galvin	Yes

**Rulemaking - OAC 252:4 Rules of Practice and Procedure** Ms. Martha Penisten, DEQ Acting General Counsel, advised that the proposal would amend the Rules of Practice and Procedure to include a timeframe for filing petitions for declaratory ruling. Discussion led to making an amendment to read to 20 ‘working’ days. Ms. Cantrell called for a vote to insert the word ‘working’. Mr. Johnston made motion and Dr. Galvin made the second. Ms. Cantrell called for a vote on the amendment.

*transcript pages 12 - 16*

Brita Cantrell	Yes	Steve Mason	Yes
Mike Cassidy	Yes	Sandra Rose	Yes
Tony Dark	Yes	Terri Savage	Yes
Bob Drake	Yes	John Wendling	Yes
David Griesel	Yes	Richard Wuerflein	Yes
Jerry Johnston	Yes	Jennifer Galvin	Yes

Ms. Cantrell then called for a vote to approve the proposal from staff that any person who requested declaratory ruling on the applicability of an order must file the petition with 20 working days of receipt of the order. Mr. Griesel made that motion and Dr. Galvin made the second. No public comments were heard.

*transcript pages 16 - 17*

Brita Cantrell	Yes	Steve Mason	Yes
Mike Cassidy	Yes	Sandra Rose	Yes
Tony Dark	Yes	Terri Savage	Yes
Bob Drake	Yes	John Wendling	Yes
David Griesel	Yes	Richard Wuerflein	Yes
Jerry Johnston	Yes	Jennifer Galvin	Yes

**Rulemaking – OAC 252:100 Air Pollution Control** Mr. David Braneky, member of the Air Quality Advisory Council, advised that the proposal would amend Chapter 100

Subchapter 9 (Excess Emission Reporting Requirements) to clarify its requirements and make them more compatible with EPA guidelines. The proposal also establishes affirmative defense provision for facilities when they have excess emissions during startup/shutdown and malfunction. Mr. Branecky explained that the rule had been through the public meeting process several times. Mr. Branecky and Eddie Terrill, AQD Director, fielded questions and comments from the Board. Hearing no comments from the public, Ms. Cantrell called for a motion for permanent adoption. Mr. Dark moved for approval and Mr. Mason made the second.

*transcript pages 18 - 37*

Brita Cantrell	Yes	Steve Mason	Yes
Mike Cassidy	Yes	Sandra Rose	Yes
Tony Dark	Yes	Terri Savage	Yes
Bob Drake	Yes	John Wendling	Yes
David Griesel	Yes	Richard Wuerflein	Yes
Jerry Johnston	Yes	Jennifer Galvin	Yes

Mr. David Branecky, Air Quality Advisory Council member, advised that the proposal would 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. Hearing no comments from the Board nor the public, Ms. Cantrell called for a motion to approve as a permanent rule. Mr. Mason made the motion and Mr. Johnston made the second.

*transcript pages 37 - 40*

Brita Cantrell	Yes	Steve Mason	Yes
Mike Cassidy	Yes	Sandra Rose	Yes
Tony Dark	Yes	Terri Savage	Yes
Bob Drake	Yes	John Wendling	Yes
David Griesel	Yes	Richard Wuerflein	Yes
Jerry Johnston	Yes	Jennifer Galvin	Yes

**Rulemaking – OAC 252:606 Oklahoma Pollutant Discharge Elimination System (OPDES) Standards** Mr. Mike Paque, Vice-Chair, Water Quality Management Advisory Council, advised that the proposal would combine the 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. The proposal would also update the rules concerning the date of the incorporation by reference of certain federal regulations from July 1, 2007 to July 1, 2008. Questions were fielded by Mr. Thompson and Mr. Don Maisch, DEQ attorney. Following discussion, Mr. Drake make motion for approval and Mr. Griesel made the second.

*transcript pages 40 - 57*

Brita Cantrell	Yes	Steve Mason	Yes
Mike Cassidy	Yes	Sandra Rose	Yes
Tony Dark	Yes	Terri Savage	Yes
Bob Drake	Yes	John Wendling	Yes
David Griesel	Yes	Richard Wuerflein	Yes
Jerry Johnston	Yes	Jennifer Galvin	Yes

**Rulemaking – OAC 252:616 Industrial Wastewater Systems** Mr. Mike Paque, Vice Chair, Water Quality Management Advisory Council, advised that the proposal would

modify rules to require secondary containment for above-ground tank systems that are constructed pursuant to the requirements of this chapter. The DEQ also proposes 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. Additionally, the proposal would revoke and replace Appendix D concerning Class III Surface Impoundments to make clean-up changes.

Mr. Paque advised that after the WQMAC approved the rule at its January meeting, comments were received regarding the proposed changes that require secondary containment for above-ground tank systems. Based on comments received, staff agreed and requested the Board to return OAC252:616-1-1; 1-2; and 9-3 in their entirety to the WQMAC for further consideration. Staff requested that the remainder of the modifications to Chapter 616 be approved by the Board. With no further discussion, Ms. Cantrell called for motion to approve the amendment as presented. Mr. Johnston moved adoption and Mr. Dark made the second.

*transcript pages 57 -63*

Brita Cantrell	Yes	Steve Mason	Yes
Mike Cassidy	Yes	Sandra Rose	Yes
Tony Dark	Yes	Terri Savage	Yes
Bob Drake	Yes	John Wendling	Yes
David Griesel	Yes	Richard Wuerflein	Yes
Jerry Johnston	Yes	Jennifer Galvin	Yes

Ms. Cantrell then called for a motion to approve the rule proposal as amended. Mr. Griesel made the motion and Mr. Drake made the second.

*transcript pages 64 - 66*

Brita Cantrell	Yes	Steve Mason	Yes
Mike Cassidy	Yes	Sandra Rose	Yes
Tony Dark	Yes	Terri Savage	Yes
Bob Drake	Yes	John Wendling	Yes
David Griesel	Yes	Richard Wuerflein	Yes
Jerry Johnston	Yes	Jennifer Galvin	Yes

**Rulemaking – OAC 252:623 Pre-Treatment for Central Treatment Trusts** Mr. Mike Paque, Vice-Chair, Water Quality Management Advisory Council, advised that the proposal would amend 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. Staff recommended approval for permanent rulemaking. Mr. Griesel made motion for approval as presented and Mr. Wuerflein made the second.

*transcript pages 67 - 69*

Brita Cantrell	Yes	Steve Mason	Yes
Mike Cassidy	Yes	Sandra Rose	Yes
Tony Dark	Yes	Terri Savage	Yes
Bob Drake	Yes	John Wendling	Yes
David Griesel	Yes	Richard Wuerflein	Yes
Jerry Johnston	Yes	Jennifer Galvin	Yes

**Rulemaking – OAC 252:631 Public Water Supply Operation** Mr. Mike Paque, Vice-Chair, Water Quality Management Advisory Council, advised that the proposal would update the incorporation by reference of certain federal regulations from July 1, 2007 to July 1, 2008. Hearing no comments, Ms. Cantrell called for a motion for permanent approval. Mr. Johnston made the motion and Mr. Cassidy made the second.

*transcript pages 69 - 71*

Brita Cantrell	Yes	Steve Mason	Yes
Mike Cassidy	Yes	Sandra Rose	Yes
Tony Dark	Yes	Terri Savage	Yes
Bob Drake	Yes	John Wendling	Yes
David Griesel	Yes	Richard Wuerflein	Yes
Jerry Johnston	Yes	Jennifer Galvin	Yes

**Rulemaking – OAC 252:641 Individual and Small Public On-Site Sewage Treatment Systems** Mr. Mike Paque, Vice-Chair, Water Quality Management Advisory Council, advised that the proposal amends 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. After discussion, Mr. Griesel moved for approval and Mr. Dark made the second.

*transcript pages 71 - 75*

Brita Cantrell	Yes	Steve Mason	Yes
Mike Cassidy	Yes	Sandra Rose	Yes
Tony Dark	Yes	Terri Savage	Yes
Bob Drake	Yes	John Wendling	Yes
David Griesel	Yes	Richard Wuerflein	Yes
Jerry Johnston	Yes	Jennifer Galvin	Yes

**Rulemaking – OAC 252:690 Water Quality Standards Implementation** Mr. Mike Paque, Vice-Chair, Water Quality Management Advisory Council, advised that the proposal amends 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. The proposal also would revoke and reissue Appendix A of this Chapter to make some clean up language changes; update rules concerning the date of the incorporation by reference of certain federal regulations from July 1, 2007 to July 1, 2008. Following discussion, Mr. Wuerflein made motion for approval as presented and Mr. Griesel made the second.

*transcript pages 75 - 78*

Brita Cantrell	Yes	Steve Mason	Yes
Mike Cassidy	Yes	Sandra Rose	Yes
Tony Dark	Yes	Terri Savage	Yes
Bob Drake	Yes	John Wendling	Yes
David Griesel	Yes	Richard Wuerflein	Yes
Jerry Johnston	Yes	Jennifer Galvin	Yes

**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. At 10:50 a.m. Ms. Cantrell entertained a motion to enter into executive session to further consider Mr. Thompson's compensation. Mr. Dark made the motion and Mr. Griesel made the second. Mr. Griesel volunteered to keep minutes for the executive session.

*transcript pages 80 - 81*

Brita Cantrell	Yes	Steve Mason	Yes
Mike Cassidy	Yes	Sandra Rose	Yes
Tony Dark	Yes	Terri Savage	Yes
Bob Drake	Yes	John Wendling	Yes
David Griesel	Yes	Richard Wuerflein	Yes
Jerry Johnston	Yes	Jennifer Galvin	Yes

At 11:50 a.m., roll call was then taken to return to regular session.

*transcript pages 81 - 85*

Brita Cantrell	Yes	Steve Mason	Yes
Mike Cassidy	Yes	Sandra Rose	Yes
Tony Dark	Yes	Terri Savage	Yes
Bob Drake	Yes	John Wendling	Yes
David Griesel	Yes	Richard Wuerflein	Yes
Jerry Johnston	Yes	Jennifer Galvin	Yes

Ms. Cantrell thanked the committee that had looked into this issue. She stated that the Board recognizes that the experience and performance of the Executive Director indicates an increase in salary. Unfortunately, the Board and the Executive Director recognize that these are difficult financial times and not the appropriate time to consider this matter. She added that the matter would be reviewed at another time. No vote was necessary.

### **New Business None**

**Executive Director's Report** – Mr. Steve Thompson recognized Mr. J. D. Strong, the Secretary of Environment for the State of Oklahoma and thanked him for coming to the Board meeting. Mr. Thompson provided a handout of the key bills in this legislative session and discussed each of them. He also discussed the American Recovery and Reinvestment Act/Federal Stimulus Bill. Mr. Thompson provided a handout of a news release related to private wells in Locust Grove. He provided information and answered questions regarding these issues.

*transcript pages 85 - 109*

**Adjournment** At 12:30 motion to adjourn was made and seconded.

*transcript pages 109 - 111*

Brita Cantrell	Yes	Steve Mason	Yes
Mike Cassidy	Yes	Sandra Rose	Yes
Tony Dark	Yes	Terri Savage	Yes
Bob Drake	Yes	John Wendling	Yes
David Griesel	Yes	Richard Wuerflein	Yes
Jerry Johnston	Yes	Jennifer Galvin	Yes

**The transcript becomes an official part of these Minutes.**

DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF OKLAHOMA

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TRANSCRIPT OF PROCEEDINGS  
OF THE  
ENVIRONMENTAL QUALITY BOARD  
HELD ON FEBRUARY 27, 2009, AT 9:30 A.M.  
IN OKLAHOMA CITY, OKLAHOMA  
\* \* \* \* \*

MYERS REPORTING SERVICE  
Christy Myers, CSR  
P.O. Box 721532  
Oklahoma City, Oklahoma 73172-1532  
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MEMBERS OF THE BOARD

BRITA CANTRELL - CHAIR, PRESENT  
JERRY JOHNSTON - VICE-CHAIR, PRESENT  
JENNIFER GALVIN - PRESENT  
BOB DRAKE - PRESENT  
DAVID GRIESEL - PRESENT  
STEVE MASON - PRESENT  
SANDRA ROSE - PRESENT  
TERRI SAVAGE - PRESENT  
RICHARD WUERFLEIN - PRESENT  
MIKE CASSIDY - PRESENT  
TONY DARK - PRESENT (ARRIVED AT 9:45 AM)  
KERRY SUBLETTE - ABSENT  
JOHN WENDLING - PRESENT

ALSO PRESENT

STEVE THOMPSON - EXECUTIVE DIRECTOR  
ELLEN PHILLIPS - ASSISTANT AG  
MARTHA PENISTEN - GENERAL COUNSEL  
MYRNA BRUCE - SECRETARY

MEETING

DR. GALVIN: I would like to call this meeting to order. I'm going to wrap my knuckles instead of the gavel.

The February 27, 2009 Regular Meeting of the Environmental Quality Board has been called according to the Oklahoma Open Meeting Act, Section 311 of Title 25 of the Oklahoma Statutes. Notice was filed with the Secretary of State on September 8, 2008.

Agendas were mailed to interested parties on February 17, 2009 and posted at this facility and the Department of Environmental Quality, 707 North Robinson, Oklahoma City, on February 25, 2009. Only matters appearing on the posted agenda may be considered.

If this meeting is continued or reconvened, we must announce today the date, time and place of the continued meeting and the agenda for such continuation will remain the same as today's agenda.

Before we get started with our meeting today, I would like to welcome back Ellen Phillips, sitting over next to Mr. Thompson.

(Applause)

DR. GALVIN: All right. Myrna, will you do the roll call.

MS. BRUCE: Good morning. Ms.

Cantrell.

MS. CANTRELL: Here.

MS. BRUCE: Mr. Cassidy.

MR. CASSIDY: Here.

MS. BRUCE: Mr. Dark should be here in a little bit.

Mr. Drake.

MR. DRAKE: Here.

MS. BRUCE: Dr. Galvin.

DR. GALVIN: Here.

MS. BRUCE: Mr. Griesel.

MR. GRIESEL: Here.

MS. BRUCE: Mr. Johnston.

MR. JOHNSTON: Praise the Lord I'm here.

MS. BRUCE: Agreed. Another

plause)

MS. BRUCE: Mr. Mason.

MR. MASON: Here.

MS. BRUCE: Ms. Rose.

MS. ROSE: Here.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Here.

MS. BRUCE: Dr. Sublette is  
absent.

Mr. Wendling.

MR. WENDLING: Here.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Here.

MS. BRUCE: We do have a quorum.

DR. GALVIN: Thank you, Myrna.  
Do I hear any comments or corrections to  
the Minutes? And I have one correction if  
no one else has any.

Ms. Cantrell is referred to as Dr.  
Cantrell and Ms. Cantrell in the Minutes.  
I don't know her appropriate title but it  
should be consistent.

MS. CANTRELL: Ms. Cantrell.

DR. GALVIN: All right.

MS. CANTRELL: Thank you.

DR. GALVIN: I have no other  
comments or corrections.

MR. JOHNSTON: It's such a  
pleasure to be able to read those Minutes  
in the full form. If you weren't at the  
meeting, you kind of feel like you were  
there.

I'll second the motion to approve  
the Minutes.

DR. GALVIN: Thank you. So we  
have a motion and it's seconded to approve  
the Minutes. Myrna, please take a vote.

MS. BRUCE: Ms. Cantrell.  
MS. CANTRELL: Yes.  
MS. BRUCE: Mr. Cassidy.  
MR. CASSIDY: Abstain.  
MS. BRUCE: Mr. Drake.  
MR. DRAKE: Yes.  
MS. BRUCE: Dr. Galvin.  
DR. GALVIN: Yes.  
MS. BRUCE: Mr. Griesel.  
MR. GRIESEL: Yes.  
MS. BRUCE: Mr. Johnston.  
MR. JOHNSTON: Yes.  
MS. BRUCE: Mr. Mason.

MR. MASON: Yes.  
MS. BRUCE: Ms. Rose.  
MS. ROSE: Yes.  
MS. BRUCE: Ms. Savage.  
MS. SAVAGE: Yes.  
MS. BRUCE: Mr. Wendling.  
MR. WENDLING: Yes.  
MS. BRUCE: Mr. Wuerflein.  
MR. WUERFLEIN: Yes.  
MS. BRUCE: Motion passed.  
DR. GALVIN: All right. The

fourth item on the Agenda is Election of  
Officers. And our first election is for  
Chair.

MR. MASON: I would like to make  
a motion to elect Ms. Cantrell as Chairman.  
MR. JOHNSTON: Second that  
motion.  
MR. DRAKE: I'll move nominations  
cease, and we elect by acclamation.

DR. GALVIN: So stated. Myrna,

would you like to take a vote -- a roll call, I'm sorry.

MS. BRUCE: Ms. Cantrell.  
MS. CANTRELL: Yes.

MS. BRUCE: Mr. Cassidy.

MR. CASSIDY: Yes.

MS. BRUCE: Mr. Drake.

MR. DRAKE: Yes.

MS. BRUCE: Dr. Galvin.

DR. GALVIN: Yes.

MS. BRUCE: Mr. Griesel.

MR. GRIESEL: Yes.

MS. BRUCE: Mr. Johnston.

MR. JOHNSTON: Yes.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes.

MS. BRUCE: Ms. Rose.

MS. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wendling.

MR. WENDLING: Yes.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Motion passed.

DR. GALVIN: Thank you. At this time do we have a changeover of the Chairs or do we --

MR. THOMPSON: Yes.

DR. GALVIN: -- all right.  
Brita, let's change chairs.  
(Applause)

MS. CANTRELL: Dr. Galvin, before we switch Chairs, I just want, on behalf of the Environmental Quality Board and on behalf on the DEQ, to thank you for your years of service for this body as Chairman of the Department of Environmental Quality Board. I think that the Board has been very lucky and I think that the staff of DEQ echoes that, that you have dedicated your talent, your experience, your wisdom, as well as your time to this Board and we are grateful. Thank you very much.

(Applause)

DR. GALVIN: I am going to give up the Chair but as Brita is moving around, I would just like to say that I really appreciate the opportunity to serve the people of Oklahoma. And I know we get paid such large amounts of money to serve on this Board. And what we really try to do

is bring a little bit of common sense to the rulemaking process for the people of

Oklahoma, and in large part that is facilitated by the ODEQ staff. So I would just like to say to all of those of you, where ever you are in the audience, thank you, because you really make this easy.

(Applause)

MS. CANTRELL: Thank you, Dr. Galvin. And thank you to the Members of the Board. I look forward to working with you this year -- this upcoming year, 2009.

Moving on down, we have now the Vice-Chair position to fill for calendar year 2009. Do I hear a nomination?

MR. DRAKE: Madam Chairman.

MS. CANTRELL: Yes.

MR. DRAKE: I would like to nominate someone who doesn't have the time but makes the time and goes all over the nation to serve Oklahoma in terms of the environment. I'd like to nominate Jerry Johnston for the Vice-Chairman.

MR. GRIESEL: I'll second it.

MS. CANTRELL: We have a nomination and a second. Seeing no discussion, will you take the roll call

vote, please.

MS. BRUCE: Mr. Cassidy.

MR. CASSIDY: Yes.

MS. BRUCE: Mr. Drake.

MR. DRAKE: Yes.

MS. BRUCE: Dr. Galvin.

DR. GALVIN: Yes.

MS. BRUCE: Mr. Griesel.

MR. GRIESEL: Yes.

MS. BRUCE: Mr. Johnston.

MR. JOHNSTON: Abstain.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes.

MS. BRUCE: Ms. Rose.

MS. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wendling.

MR. WENDLING: Yes.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: Yes.

MS. BRUCE: Motion passed.

MS. CANTRELL: Thank you, and

welcome aboard. I look forward to working with Jerry, as does the Board. He is now Vice-Chair for 2009.

(Applause)

MS. CANTRELL: The first item of rulemaking on the Agenda has to do with Rules of Practice and Procedure and I believe that Martha Penisten is going to make the presentation to the Board for Item Number 5 on the Agenda.

MS. PENISTEN: This proposed rule is an amendment to the DEQ's procedural rule and is needed to establish a time frame for filing a request for declaratory ruling on a DEQ order. The need for this would come up in situations where the DEQ has issued some type of formal or official decision in the regulatory or permitting context. And the person filing for the declaratory ruling wants a formal way in the administrative setting rather than in the Court to ask the Agency to take another look at the decision.

We've set 20 days as the time frame in the proposed rule, but if the Board

believes that that is not sufficient time for the regulated community to file a request for declaratory ruling, then the DEQ would be open to extending that time frame as the Board sees fit.

So we request that the Board adopt the amendment, but if you have any questions, I'd be happy to try and answer those now.

MS. CANTRELL: Are there any questions? Dr. Galvin?

DR. GALVIN: Is this 20 working days or 20 calendar days, including weekends?

MS. PENISTEN: I think we probably meant 20 working days. We use that 20 days based on the filing period for an answer in Court. That's kind of what we were using as our model. So that's always 20 working days.

MS. CANTRELL: The way that the rule reads right now -- the proposal reads that the person who is requesting the declaratory ruling must file a petition within 20 days of receipt of the order.

That would be interpreted as 20 calendar days. And it's my understanding that the intention of the proposal is for 20 working days, correct?

MS. PENISTEN: Well, you know, if the Board would prefer that it be 20 calendar days, we can do that. I am kind of just flying off the cuff here. I believe that's what we intended when we

discussed it.

MS. CANTRELL: Was working days?

MS. PENISTEN: Yes. But we don't

MS. CANTRELL: Would it be a simple amendment to make to the proposal to amend it to working days if everybody is in agreement and there is a proposal for that amendment to define it as working days as opposed to calendar days. We could vote on that proposed amendment if everybody is in agreement. And that would --

MS. PENISTEN: That would be fine with us.

MR. JOHNSTON: Do we need a motion on that?

MS. CANTRELL: We do need a motion.

MR. JOHNSTON: I make a motion to move it to calendar days.

MS. CANTRELL: The motion has been made and this will be -- we'll vote on the amendment first. The motion has been made to amend the proposal to 20 working days of receipt of order. So inserting the word "working".

Any questions? Is there a second?

DR. GALVIN: I'll second that motion.

MS. CANTRELL: Thank you. Can we take a vote on the proposal for the amendment.

MS. BRUCE: Mr. Cassidy.

MR. CASSIDY: Yes.

MS. BRUCE: Mr. Drake.

MR. DRAKE: Yes.

MS. BRUCE: Dr. Galvin.

DR. GALVIN: Yes.

MS. BRUCE: Mr. Griesel.

MR. GRIESEL: Yes.

MS. BRUCE: Mr. Johnston.

MR. JOHNSTON: Yes.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes.

MS. BRUCE: Ms. Rose.

MS. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wendling.

MR. WENDLING: Yes.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: Yes.

MS. BRUCE: Motion passed.

MS. CANTRELL: Thank you. So now on the table is the proposal from staff that any person who requested declaratory ruling on the applicability of an order must file the petition within 20 working days of receipt of the order.

Do I hear a motion?

MR. GRIESEL: I'll make the motion.

MS. CANTRELL: Motion has been made. Is there a second?

DR. GALVIN: I second.

MS. CANTRELL: Any discussion?

May we take a vote please.

MS. BRUCE: Mr. Cassidy.

MR. CASSIDY: Yes.

MS. BRUCE: Mr. Drake.

MR. DRAKE: Yes.

MS. BRUCE: Dr. Galvin.

DR. GALVIN: Yes.

MS. BRUCE: Mr. Griesel.

MR. GRIESEL: Yes.

MS. BRUCE: Mr. Johnston.

MR. JOHNSTON: Yes.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes.

MS. BRUCE: Ms. Rose.

MS. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wendling.

MR. WENDLING: Yes.  
MS. BRUCE: Mr. Wuerflein.  
MR. WUERFLEIN: Yes.  
MS. BRUCE: Ms. Cantrell.  
MS. CANTRELL: Yes.

MS. BRUCE: Motion passed.

MS. CANTRELL: Before we leave this item on the Agenda, I neglected to ask if there were comments from the public on this proposal. Do we need to reconsider the vote? Any comments?

Seeing no comments from the public, I think we can move on.

Moving on to Item 6 on the Agenda. This is coming from the Air Quality Council and I believe Mr. Branecky is here.

MR. BRANECKY: Right. Thank you.

MS. CANTRELL: Thank you.

MR. BRANECKY: What we have is we have two rules we would like to present to the Board today; revision to Subchapter 9 and Subchapter 33 of the Air Rules.

I'll cover Subchapter 9 first. Subchapter 9 deals with the excess emissions reporting and it also establishes affirmative defense provision for facilities when they have excess emissions during startup/shutdown and malfunction. I think what I would like to do first, and it might be helpful for you all to understand

the issue of startup/shutdown or malfunction and it varies by industry within certain industries by boiler type and by equipment type. But basically, I can speak for electric utility coal-fired units. When we startup a coal-fired unit, we cannot energize the precipitator -- the coal-driven particulate matter until we reach a certain temperature in the system. So there's a period of time that we specifically can't start the control of them during startup. And once we reach that temperature, we can energize the precipitator and the particulate matter begins to be controlled.

So that's an excess emission example for startup for a coal-fired boiler and just like that, it varies by industry and other equipment. There's just physical limitations -- engineering limitations that we cannot start that coal control equipment there until certain conditions are met. So the unit may be running without control equipment until those conditions are in effect.

Same thing on shutdown. If the unit is shutdown, and again I'll talk specifically about a coal-fired boiler during shutdown process if we lose fire in the boiler, we have to shut off the precipitator but we still have some flow through the duct work and out the stack and then some of that particulate matter continues to be picked up in the duct work and carried out the stack. So those are the things we just cannot control because of the way the equipment is designed. So what Subchapter 9 tries to do is allow for such startup/shutdown. Of course, a malfunction is say, if a piece of equipment just for some unknown reason just breaks while you're running the unit, and you're going to have those excess emissions because of that malfunction. And we'll bring the unit down as soon as we can to get it repaired but there is going to be a period of time when the equipment is still running because of the malfunction.

What Subchapter 9 is trying to do is to allow for those conditions of

startup/shutdown and malfunction and it kind of allows those to be excused, if I could use that word, from enforcement. So hopefully that helps explain a little bit of what we're trying to do.

I'll go through and explain what I see the highlights of what we did to Subchapter 9 and then I'll be happy to answer any questions.

Like I said, this rule has been before the Council for a long time; since early 2008 or maybe 2007. We've gone through seven public meetings, there was an external workgroup established with DEQ and industry, they had six meetings, so this rule has been through extensive public comment and extensive public input throughout the process.

What the changes were from the previous rule -- previous rule, if we had an excess emission of any amount, that, had to called in to DEQ immediately. It was an overburden for industries particularly with certain amount of excess emissions. Again, I can refer to opacity on a boiler.

Typically, the opacity limit is 20 percent, if you have an opacity exceedance of 21 percent, and they are measured in six minute increments, if you had one at 21 percent for one-six minute period, we would have to call that in to DEQ. And it just became an overburden to industry and there was no threat to public health because of that one small exceedance of the standard. So this rule tries to take care of that by stating that anything less than 10 percent above the 20 percent -- 20 percent, plus 10 percent -- so anything below 30 percent

opacity does not have to be immediately called in. It still has to be reported, but it doesn't have to be called in immediately. We're trying to release some of the burden on industry.

In addition, the old rule said you had to call it in verbally and then file a written report within ten days, this rule now allows the written report to be filed within 30 days.

Also, there is a provision in here for affirmative defense and that is in 9-8.

And what affirmative defense basically says is that it allows for startup/shutdown and malfunction. If you follow the provisions in 9-8 for affirmative defense, if you fill out where there is nine requirements that you have to file with DEQ to claim that affirmative defense, if you file that and the DEQ accepts your filing, then you will be protected from any administrative or civil penalties because of those excess emissions.

There was one provision in (D) (2) that I think was probably -- if you have read through your materials, there's a point of controversy there. That said if you have a startup/shutdown limit in your permit, which not all facilities do, and you exceed that limit because of startup/shutdown but you have specific limit in your permit that says during startup/shutdown you cannot exceed 30 percent opacity, if you exceed that then you don't have the affirmative defense.

Now, the thing is, we're not requiring people to get that in their

permit. If a facility wants to have a startup/shutdown limit in their permit, they can apply for it and get it. But if they do and they exceed that limit, then they don't have that affirmative defense ability. But it's not a requirement to apply for a permit revision or get that in your permit if you don't have it already. So I think that basically covers what the revisions were -- the changes were. And if you have any questions, I'd be happy to try and answer them.

We're asking for your adoption as a permanent rule today.

MS. CANTRELL: Thank you. Are there any questions? Any questions from the public?

MR. MASON: I have a question. This will impact a lot of people. What are the plans for outreach?

MR. BRANECKY: I'll let staff answer that.

MR. TERRILL: Making the assumption that the Board approves this today, we'll put notices up on our website

immediately about the need to make application for permit changes to include the maintenance activities and also the startup/shutdown if that's what the facility wishes. We've got newsletter articles written; we'll make a posting on our website detailing the changes; we're going to go to EFO in a couple of months and list those. We don't think we'll have a workshop, per se, we think there's been enough information that's gotten out through the workgroup that that won't be necessary. But if we do get some inquiries based on feedback we get from our publications and our email notifications,

and we'll probably send out an email notice out too, because we do have a list of both citizens and industry that subscribe to that service. So we'll give a notice they need to come to our website and become aware of that. But if it looks like we do have some confusion out there, we would have a workshop at that point and go through these changes. But it's a simplification of what we've done in the

past, so hopefully, folks will understand it a lot better than they did the old rules.

MS. CANTRELL: Thank you. Any other questions from the Board? Yes.

MR. WENDLING: Yes, I have a question. On the technical limitation issue, is it more stringent than the existing rules?

MR. BRANECKY: As far as --

MR. WENDLING: Not allowing any affirmative defense.

MR. BRANECKY: In the old rules, we have what we called a demonstration clause, we've changed that to call it affirmative defense. I think this is somewhat similar but it allows for those certain conditions where you can claim affirmative defense. I think this is a better rule than we had before. If you meet the nine conditions and file that with DEQ then they are obligated to give you that -- refrain from any administrative or civil penalties because the excess emissions that occurred during the

startup/shutdown and malfunction.

Does that answer your question?

MR. WENDLING: So if a facility has a permit level during a startup/shutdown and something happens beyond their control and they exceeded, then there is no affirmative defense.

MR. BRANECKY: No.

MR. WENDLING: Okay.

MR. BRANECKY: Now I guess what my suggestion to industry is when you get that or have to get that in your permit, you make sure that you cover all your bases and try and cover all of your scenarios to make sure that -- typically if you have a permit limit in your permit for startup/shutdown and malfunction, you permitted it in the worst case to cover everything so you won't have those.

MR. TERRILL: While we're encouraging industry to come in when they can to permit the startup and shutdown, we're not requiring it.

But having said that, if they do come in and in good faith, they sit down

and work with our permitting folks, and they get these limitations put in their permit, if they have problem that they just hadn't foreseen, we have the enforcement and discretion, even though you still have the affirmative defense, to work with them to figure how we can -- see that it doesn't happen again, but also not unduly penalize them for things that they try to work with us and try to do what we would like them to do which is to get these things permitted.

So even though you don't have that affirmative defense because you did go through the process of getting your permit at the public expense, these are emissions that will be coming out of your facility. If you worked with us in good faith, and something out of the ordinary happens, we'll take that into consideration.

MR. WENDLING: The reason I was asking some of the questions, when I read through the information it looked like, at least on the subcommittee, you did not have what I would call a unanimous vote on this item.

MR. BRANECKY: No.

MR. WENDLING: The other one is, I'm looking at the large number of comments from industry and it seemed like there were a lot of concerns about startup/shutdown, so I'm curious to make sure that we bedded all the issues to make sure that we covered all the bases and satisfied everyone's concerns.

MR. BRANECKY: Right. And I think you are referring to the last Council meeting, there was not a unanimous vote, but it was passed by the majority. And I think the answer to that is that we are not requiring, like Eddie said, for an industry to get a permit or get startup/shutdown limits in their permit. They can if they so choose. If they so choose and they have an exceedance then there could be some enforcement action or Eddie could have the discretion. But you are not required at this point to get that in your permit.

MR. DARK: I have a question. It's crystal clear that they are not

required to, but does it make sense that most of them or some of them will -- they would be better served to do that, to make a permit revision?

MR. TERRILL: Well, what it would do is it would cut down on their reporting. They would have to report those startup/shutdown emissions that are in their permit, so they would just have to weigh how often that happens versus their ability to put it into a permit.

And I don't think we really know for sure exactly how many folks will come in. This was a requirement that EPA asked us to put in there because of what they are doing nationwide.

I probably ought to back up just a little bit. When we enacted the changes to the excess emissions rule eight years ago, we did that with the understanding that we would come back within a couple of years and evaluate whether or not the system was working.

Well eight years later, we still hadn't done that and to be frank with you,

it was working but it wasn't working to protect public health. It was working to generate paperwork for us to have to look at and for industry to have to submit. What we think we have done here is taken a rule that was really designed not to protect the public health so much, but to generate notices so that we would know what was going on and then turn it into a tool to allow us to evaluate what was going on at that facility and not get bogged down with the minutia of the paperwork.

So we think the reporting burden has been cut down, but we also think that the protection of public health has been

elevated because we are able to look at the things that really matter and really impact public health. And this has been a problem nationwide because there have been several studies released that indicated that some facilities had excess emissions that were two and three times greater than their permitted emissions from the various sources within that plant. So the environmental groups were just up in arms

over this, and rightly so. So EPA has indicated that they are going to deal with this issue. And what we think we have got here is a model rule that can be used nationally. We work with headquarters, we work with region, we work with our industry folks, so we think this is a good balance and something that can be used nationally. Because I will promise you if EPA puts out a rule without some input, there will not be those reportable quantities in there. And we think that is key to letting us focus on the things that matter. And that drops out a lot of things that we would have to have reported that doesn't really mean anything from an environmental standpoint.

It still gets reported in 30 days, but they don't have to do the immediate notification, which we wouldn't do anything with anyway.

So what we want is a rule that we can say here is something that should be used nationally because it makes sense from an industry standpoint and an environmental

standpoint and let's focus on the things that matter. So that is a long-winded answer to tell you how proud I am of the folks in the industry that worked on this. It was a lot of work but we really think we have a good rule.

But having said that, there has to be compromise, you can't please everybody and still get something that is going to be acceptable. So we still have the same commitment with this one as we did eight years ago. If we find out that this is not working like we intended, we will be right back to the Council, and right back to the Board, to fix it.

MR. DARK: So you believe that this then makes a -- more latitude with regards to discretionary decisions on the staff; it gives them more latitude? When you said if there is a violation, you said that you would work with them in the same way outside the permit.

MR. TERRILL: What I meant was though, if they permit the startup and shutdown and they still have a violation,

and if the industry has worked with us in good faith and they have provided us with good data, we will accept the information they submit to us in good faith, that this is what they truly believe that the facility will operate and the scenarios. And if we believe that to be happening, we do have the enforcement discretion to say we will not penalize, or we will penalize less, it is still going to be a violation because you do lose that affirmative defense. Because what the industry gets in this, if you permit the emissions, you are basically saying that you are not going to have a violation of the NAAQS and all of your permits that have been -- all of your emissions have been considered in determining whether or not the facility is a PSD source or not. So if you are a

facility that is a synthetic minor, or a minor source or a non-PSD major, you can have excess emissions that will keep you above that PSD threshold. But if you've taken permit limits and things like that to keep that from happening, then you have

gone through the public process, you don't have to worry about EPA or anybody else saying that your emissions have not been considered in the permit that you were given. So, in exchange for that, and in exchange for not having to report those emissions on startup and shutdown, you don't get the affirmative defense. But you do get a whole lot of other things that will benefit you in the long run and give the public some comfort that the permit that they are looking at is truly reflective of what is going on at that facility.

MR. THOMPSON: I don't think that it either expands or contracts our current enforcement discretion. We do that all the time. It is just something that we do based on the case. I don't think it expands or contracts it. It just puts a framework around it.

MS. CANTRELL: Any further questions? Is there any comment from the public? Any questions?

Hearing none, do we have a motion?

MR. DARK: I'll move for approval.

MR. MASON: I would second that. And I think in my second, I would like to thank -- you know, in my recent memory this is the most work on a rule that I've ever been aware of. We have had five public hearings, and all six workgroups, and thousands of hours devoted by the staff and the public, and this is a good rule and I think that I appreciate what happened below us.

MS. CANTRELL: Absolutely. Thank you very much.

May we take the roll call.

MS. BRUCE: Mr. Cassidy.

MR. CASSIDY: Yes.

MS. BRUCE: Mr. Dark.

MR. DARK: Yes.

MS. BRUCE: Mr. Drake.

MR. DRAKE: Yes.

MS. BRUCE: Dr. Galvin.

DR. GALVIN: Yes.

MS. BRUCE: Mr. Griesel.

MR. GRIESEL: Yes.

MS. BRUCE: Mr. Johnston.

MR. JOHNSTON: Yes.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes.

MS. BRUCE: Ms. Rose.

MS. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wendling.

MR. WENDLING: Yes.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: Yes.

MS. BRUCE: Motion passed.

MS. CANTRELL: Thank you.

MR. BRANECKY: All right.

MS. CANTRELL: Moving on we have another item on the Agenda.

MR. BRANECKY: Right. That is Subchapter 33, Control of Emissions of Nitrogen Oxide. This is another rule that we have worked on for some time. I think our first public hearing was in January of 2008, we have gone through four public

hearings and we are asking today that you approve it as a permanent rule.

What we have done here is we've added the definition of solid fossil fuel, we have also added the formula for those facilities that burn more than one type of fuel at the same time. The standards that are in there now were for one single type of fuel when you are burning a single fuel, so there are cases where there is mixture of fuels burned, we wanted to make sure we had a limit for nitrogen oxide in there. We also added limits for equipment with technological limitations. That is down in paragraph (b) of rule 33-2.

Those are basically the three changes we made to Subchapters 33 and again we are asking for your adoption as a permanent rule.

MS. CANTRELL: Are there any questions? Any questions or comments from the public?

Hearing none, may we take a roll call vote.

MR. MASON: I'd like to make a

motion to approve the rule.  
MR. JOHNSTON: Second.  
MS. CANTRELL: Thank you, I'm a

little rusty. Thank you, Mr. Mason.  
MS. BRUCE: Mr. Cassidy.  
MR. CASSIDY: Yes.  
MS. BRUCE: Mr. Dark.  
MR. DARK: Yes.  
MS. BRUCE: Mr. Drake.  
MR. DRAKE: Yes.  
MS. BRUCE: Dr. Galvin.  
DR. GALVIN: Yes.  
MS. BRUCE: Mr. Griesel.  
MR. GRIESEL: Yes.  
MS. BRUCE: Mr. Johnston.  
MR. JOHNSTON: Yes.  
MS. BRUCE: Mr. Mason.  
MR. MASON: Yes.  
MS. BRUCE: Ms. Rose.  
MS. ROSE: Yes.  
MS. BRUCE: Ms. Savage.  
MS. SAVAGE: Yes.  
MS. BRUCE: Mr. Wendling.  
MR. WENDLING: Yes.  
MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: Yes.

MS. BRUCE: Motion passed.

MS. CANTRELL: And I want to echo  
Mr. Mason's appreciation to the Air Quality  
Council and to the staff for wrestling with  
this issue and working through the years to  
try and figure out a better solution for  
Oklahoma. Thank you.

The next item on the Agenda, we have  
Item Number 7, and I believe we have a  
presentation regarding OPDES Standards.

Mr. Hobbs.

MR. PAQUE: Madam Chair, my name is Mike Paque. I'm here today in my capacity as Vice-Chair of the Water Quality Management Advisory Council. Mr. Hobbs could not make it. And I'm here to replace him, not in intelligent or sense of humor, but hopefully I can represent what it is that we did at our last meeting and commend our decisions to the Board.

I will go through it in order and simply encapsulate what the Water Quality

Management Advisory Council's decision entailed.

The Department of Environmental Quality, Chapter 606. Oklahoma Pollutant Discharge Elimination System Standards.

The Oklahoma Department of Environmental Quality proposed the following changes to the Water Quality Management Advisory Council to update its rules concerning the Oklahoma Administrative Code 252, Chapter 606.

The Department proposed to combine its two subchapters concerning biosolids into one chapter. The rule modifications that create rules that govern facilities that wish to create Class A Biosolids pursuant to federal requirements. Additionally, the Department proposes to update its rules concerning the date of the incorporation by reference of certain federal regulations. The changed updates of the publication date of the federal rules, are from July 1, 2007 to July 1, 2008. We follow the federal rules, I think most of you know, are kind of a year in

arrears, as do all states.

The Department received oral comments from both the public and the Council. And based on the comments, a minor change, which I'll just briefly reference in a moment, to the proposed rules as recommended. A summary of the comments, and a response to the comments, and the proposed change from the Council are all in the Executive Summary provided by the Department.

After completion of the comments, and some debate, the Council voted unanimously to recommend that the Board approve changes to Chapter 606, as amended by the Council.

And just very briefly, the minor change I talked about is indeed minor but significant in its impact. Under karst soils, the language reads, for the application of karst soil conditions, "the use of land application sites that overlie areas subject to karstification, (i.e. sinkholes or underground streams generally occurring in areas underlain by limestone,

gypsum, or dolomite) is prohibited."

MR. MASON: Mike, where are you in the rule?

MR. PAQUE: I'm sorry, Steve. I am reading from the subchapters. I am under section on -- under requirements, I'm on soil sampling -- I'm sorry, restrictions, subparagraph (c), in sub point (6); does that make sense to you? Do you have the same rules as I have in front of me? Do you have Page 10? Look at the bottom of Page 10 just above Subchapter 9; do you see karst? It's a better way to do it. I get confused by all of the subchapters.

To just go back and refer to that, Steve, it just says "is prohibited" and that is the way it stood when we reviewed it, but after some very very good comments from the public, we added "unless approved by the DEQ." That has the attention and the oversight required that we believed needed to stay in there. On the other hand, it also allows the experts to approve the application where conditions are

otherwise deemed safe.

And I'm not going to read any other ones but there are all kinds of interesting protections in here and you can look at them under requirements, the manner of applications, the number of applicers, whether it required wet -- weather that it not be wet, that the land not be frozen, those types of things, I think, are all very workable.

So at the completion of those comments, we submit and recommend to the Board that you approve Chapter 606 as amended by the Water Quality Management Advisory Council.

Madam Chair, do you want to take these one at a time? Is that how you would like to do it?

MS. CANTRELL: Yes, if you would please. Let's take this one first and see if there are any questions regarding this proposal.

MR. MASON: I have a question about the karst. I don't know if we still have variances in our rules; does this

variance take a permit from a Tier I to a Tier III? Is this wording correct? Do we still have that concept?

MR. MAISCH: No, we do not. It is a variance but it is perfectly acceptable under the Tier rules and it would still remain -- if it's a renewal type permit, it would be a Tier I; if it were in a brand new permit that other conditions would make it a Tier II, it could be a Tier II, it would never be a Tier III permit in any way, shape or form, under the Tier rules as they are defined in Chapter 4 of the DEQ rules for the Water Quality Division and those permits done by Water Quality.

MR. MASON: I have a second question. At our last Board meeting, when we were in Tahlequah, we've received some input about the biosolids plant in Tahlequah. How does this rule affect a plant such as that?

MR. MAISCH: It does have an impact on a plant like that. What these rules basically do -- let me back up here.

Currently under our program for the creation of Class A biosolids, it's a pilot program and we have to -- there are certain EPA overlays for that to make sure that EPA approves the program because we do not have any rules in place. What this rule does is, it sets certain requirements for -- it sets out what a facility would need to do, like Tahlequah, if they wanted to produce a Class A biosolid in one of these two methods so they would not need to go through a pilot project, and if they just follow the rules, make their application, then they can step right up and do it. There are other ways that are not covered under these rules that we have -- that the Agency has not seen very much and so those would still be worked on, on a pilot project basis. As we get comfortable with

those, we know what those requirements need to be, we will come back with additional rules to make that a standard process. The Tahlequah process that they used is one of the two mechanisms that is in here. So we are making that a standardized process for

anybody to use across the state. There are approximately -- Carl, eight or nine of these right now out in Oklahoma, people using them in some form or fashion --

(Comment)

MR. MAISCH: Currently there are five or six that have not had to go through the pilot project process that we have approved out there right now, which standardizes that process. We have a couple of applications that are coming in right now and the hope is, by getting these rules passed, they will not have to go through a pilot process if they just follow the process that is laid out, they can just go straight into and not have quite an onerous process as some of the others have had.

MR. THOMPSON: If I could follow up. But Tahlequah would have to make no change to their current process.

MR. MAISCH: Correct. That is correct.

MS. CANTRELL: How does this proposal work with the protections of

scenic river corridors?

MR. MAISCH: The Agency has never had a rule or a regulation concerning the land application of municipal biosolid impacting in any way, shape, or form, any scenic river. But when you compost, a lot of the bacteria is killed off and you are actually making a common type of material that can be purchased at Wal-Mart. Other municipalities across the state do this. It is bagged. In fact, I saw some of it at Wal-Mart in Edmond, when I happened to be cruising through Wal-Mart in Edmond just two weeks ago. So the use of this -- there is no restriction by the city of Tahlequah to use it whether it can be used as a soil amendment-type of product, whether it was given to a homeowner and they used in a flower bed and they lived within the drainage area of the scenic river, or outside the drainage area of the scenic river, we did not put any restriction like that on here.

Our analysis that we have seen by the laboratory show that there is very

little phosphorus or nitrogen that is contained in this material. So it would be good to use in those areas, and is an environmentally safe process and a good way for the reuse of municipal biosolids.

MR. THOMPSON: Nevertheless, Madam Chair, I think the Council -- it's my understanding that there was a petition for rulemaking from some folks in the Illinois River Basin to review this issue. So I think at this point at least the Agency feels pretty good about the application of those things. But if that petition comes forward we will have -- the Council and the Board and the Department will have an opportunity to take another look at that.

MS. CANTRELL: Any other

questions? Yes. I believe we have a comment from the public.

MR. KELLOGG: We do if I can get there.

Madam Chairman, good morning. Members of the Board, staff, grandpa, Christy, my name is Bob Kellogg. I am an attorney with a local law firm, Moricoli

and Schovanec, and I'm here today on behalf of STIR, Save the Illinois River, Inc, which is a non-profit 501(c)(3) organization dedicated to preserving the Illinois River, its tributaries, and Lake Tenkiller. I believe you heard from some STIR Members at your forum in Tahlequah last November and they are very appreciative of your taking the time to hear their concerns. And I appreciate your taking the time -- your time, your personal time to listen to me today.

And don't worry, I'm not going to ask you to make any changes to the rules that are pending before you at this moment. But let me explain exactly why it is that I'm here.

The staff considers that their sludge management plan process can in the interim address the concerns that STIR has raised.

STIR is concerned about the bulk use of compost materials. I'll explain that in just a moment. So we believe that STIR can work with the Water Quality staff this

summer and explore whether further amendments are needed to protect a unique characteristic in Oklahoma.

And these comments that I gave to the Water Quality Council, and Mike and Lowell Hobbs, a month ago, and I had gotten tasked just the night before the Water Quality Council Meeting so I had not had a chance to visit with staff about this particular issue or work with the Council. So at that time I did not suggest to the Council that they make a change, although I asked that they might consider a change. But because the Department and the staff had not had a chance to look over this particular issue, the Water Quality Council was reluctant to make any changes at the last moment.

STIR understands and appreciates that and we don't have a problem with that. STIR is the one that hasn't contacted the Agency, not the other way around. But we do look forward to working with staff this summer to see if there are any issues that need to be addressed and hopefully we can

do that. And that would be in place, Steve, of a rulemaking petition.

Now let me explain that the biosolids rules and especially Oklahoma's Land Application Program has gone a long way to help cities and towns safely and beneficially reuse sludge from the sewage treatment plants. And that is excellent. And I think using the modern terminology "biosolids is sludge that has been treated." Prior to treatment, I guess everyone still calls it sludge.

In the permit processing of biosolids and the compost is likewise a good thing. And we think that that is indeed being a good steward for the environment in Oklahoma. But it isn't

necessarily uniformly applicable to every city and town. Let me explain why.

You would consider, I think, the recycling of biosolids and their composting as a green thing. And generally, green things can be good. But green is not a good thing for the color of our scenic rivers. There is a little wrinkle about

the biosolids rules that only effects a couple of towns that lay along our scenic rivers. Those towns are Tahlequah and Westville, and the wrinkle is phosphorus.

I heard Don Maisch mention a moment ago that he thought the lab analysis showed there wasn't much phosphorus in the compost. Actually the lab analysis by the city of Tahlequah, itself, was analyzed out in California and shows that the compost contains more phosphorus than chicken litter. So there is phosphorus there. And it is an issue.

The Illinois River itself is an environmentally sensitive watershed and it is impaired by phosphorus and bacteria.

Because the towns of Tahlequah and Westville remove phosphorus from their discharges, their sludges must necessarily contain more phosphorus than other towns across the state of Oklahoma.

So the concern that STIR is raising about the scenic river protection only has a minor impact in the great state of Oklahoma. But that impact could greatly

benefit the Illinois River.

Now EPA's regulations, their biosolids rules that are incorporated by reference, Part 503, were developed in 1993 and they focus on pathogens not nutrients.

EPA's rules and indeed Oklahoma's rules are silent as to scenic rivers. To plug that gap, STIR believes that biosolids including compost should not be land applied in the Illinois River watershed. At a minimum the best management practices for its application should consider the appropriate agronomic rates in the karst topography of the watershed which is conducive to contaminant migration. And it is through the sludge management plans that the Water Quality Division staff and STIR -

-that STIR's interest, we think, can be protected in the interim and so that's why we look forward to working with staff and not appearing before you with a rulemaking petition.

I think, really, what I want to say on behalf of STIR is expect us to come back in a year, maybe with some additional

tweaking to the rules or at least a report that there are sufficient mechanisms in place to see that phosphorus in excess levels doesn't enter into the Illinois River. And I will be honored to do that on behalf of STIR at that time.

One other thing I believe I should mention to you, and that is do not be misled by claims that water-soluble phosphorus and the levels of water-soluble phosphorus in compost and biosolids is low and as a result, the impact on the rivers would be negligible. That is misleading and it is incorrect. Let me explain that it is the water-soluble form of phosphorus that is taken up by the vegetation. So the total phosphorus remains in the soil where

it can be reduced by bacteria and then goes in to make up the burden of phosphorus that enters the river. So we should all be concerned about the total phosphorus, and not being misled by notions of water-soluble phosphorus.

We appreciate your time. We appreciate the work of the Water Quality

Council and the DEQ's Water Quality Division.

If you have any questions for me, I'd be happy to try to address them.

MS. CANTRELL: Thank you, Mr. Kellogg. Any questions for Mr. Kellogg?

Thank you for your time today.

MR. KELLOGG: Thank you.

MS. CANTRELL: Any further questions regarding the proposed rule change? Any other comments from the public?

Do we have a motion?

MR. DRAKE: I move for approval.

MR. GRIESEL: I'll second.

MS. CANTRELL: We have a motion and a second. May we take a vote, please.

MS. BRUCE: Mr. Cassidy.

MR. CASSIDY: Yes.

MS. BRUCE: Mr. Dark.

MR. DARK: Yes.

MS. BRUCE: Mr. Drake.

MR. DRAKE: Yes.

MS. BRUCE: Dr. Galvin.

DR. GALVIN: Yes.

MS. BRUCE: Mr. Griesel.

MR. GRIESEL: Yes.

MS. BRUCE: Mr. Johnston.

MR. JOHNSTON: Yes.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes.

MS. BRUCE: Ms. Rose.

MS. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wendling.

MR. WENDLING: Yes.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: Yes.

MS. BRUCE: Motion passed.

MS. CANTRELL: Thank you. Mr. Paque, I believe you are up for another proposal.

MR. PAQUE: Thank you. Yes, moving to the next item, which I believe is Number 8, referring to the Department of Environmental Quality, Chapter 616; Industrial Wastewater Systems.

The Department proposes to modify its rules to require secondary containment for above-ground storage tank systems that are constructed pursuant to the requirements of this chapter.

Additionally, the rules proposed to tighten the closure requirements for industrial wastewater systems, propose to revoke Appendices A, B and C that contain permit application forms and Appendix D. Appendices A and B will not be replaced, while Appendix C is replaced with a rainfall and evaporation data chart previously located in another section; and Appendix D is replaced concerning Class III Subsurface Impoundments to make clean up changes.

The Department received written and oral comments concerning the proposed rule modifications. And a summary of those comments are contained in the Executive Summary for Chapter 616.

No changes in the proposed rule modifications were recommended pursuant to the oral or written comments. After debate

by the Water Quality Management Advisory Council, the Council voted unanimously to recommend that the Board approve the changes to Chapter 616.

In the interim and after the vote of the Council to recommend the adoption of the rules to the Board, the Department of Environmental Quality received comments concerning the proposed changes to Chapter 616 to require secondary containment for above-ground tank systems. These comments dealt with the issue that the proposed rule modifications may impact certain regulated entities -- we're talking about oil and gas principally, and I would leave the more definitive description to staff, but principally the oil and gas transmission stations, certain regulated entities, which are not currently subject to permitting pursuant to Chapter 616.

The DEQ conducted a review of potential regulated entities and found that certain oil and gas production and transmission entities may be subject to the new rule changes. I might point out that

the Corporation Commission, obviously, I think it's well-known, regulates many of these entities and there are a number that are non-exploration and production related that are regulated by the Department of Environmental Quality, as one example of some of the refining entities. But I would leave that, if you need a further description, to the staff to provide that.

But this was not the intent of the proposed rule modification, and if the rule modification were adopted or recommended by the Council, there could be some of these

facilities that would be subject to the permitting requirements of Chapter 616.

So based on these comments, and since the Council recommendation and the review conducted by DEQ staff, it is requested that the Board vote to return these modifications to OAC 252:616-1-1 in their entirety, and propose modifications to OAC 252:616-1-2 concerning the definition of the term "tank system" and the proposed modifications to OAC 215:616-9-3 in their entirety to the Water Quality

Management Advisory Council for further consideration.

Our Chair, Lowell Hobbs, was informed of these changes. He has agreed, and I would concur that the proposed rule modifications, as just stated, be returned to the Council for consideration; and request that the remainder of modifications to Chapter 616 be approved by the Board.

Are there any questions?

MS. CANTRELL: Are there any questions?

Let me make sure that I understand what the Council's recommendation is. Your recommendation is, as far as

252:616-1-1, return that in its entirety.

MR. PAQUE: Correct.

MS. CANTRELL: And 1-2, return to the Council the definition of "tank systems"; is that correct?

MR. PAQUE: Correct.

MS. CANTRELL: Correct. And then what is the third item that you intend to

return?

MR. PAQUE: Return modifications

to 616-9-3 in their entirety, Madam Chair.

MS. CANTRELL: Okay, 9-3 in its  
entirety.

MR. PAQUE: Correct.

MS. CANTRELL: Are there any  
questions? Are there any comments or  
questions from the public?

MR. JOHNSTON: I move adoption.

MS. CANTRELL: I believe that  
what we'll have to do and correct me if I'm  
wrong, Ellen, but I believe we will have to  
move the amendment first, which would be to  
amend the proposal to incorporate these  
three items to be returned to the Council  
for consideration.

MR. JOHNSTON: That's what I  
meant.

MR. DARK: Second.

MS. CANTRELL: And that was  
exactly the motion that was made, and there  
is a second. Are there any questions  
regarding this moved amendment? May we  
take a roll call vote, please.

MS. BRUCE: Mr. Cassidy.

MR. CASSIDY: Yes.

MS. BRUCE: Mr. Dark.

MR. DARK: Yes.

MS. BRUCE: Mr. Drake.

MR. DRAKE: Yes.

MS. BRUCE: Dr. Galvin.

DR. GALVIN: Yes.

MS. BRUCE: Mr. Griesel.

MR. GRIESEL: Yes.

MS. BRUCE: Mr. Johnston.

MR. JOHNSTON: Yes.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes.

MS. BRUCE: Ms. Rose.

MS. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wendling.

MR. WENDLING: Yes.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: Yes.

MS. BRUCE: Motion passed.

MS. CANTRELL: And now we have  
the rule proposal as amended. Do we have a

motion?

MR. GRIESEL: So moved.

MR. DRAKE: Second.

MS. CANTRELL: We have a second.  
Are there any questions regarding the rule  
as it stands amended proposed before the  
Board?

MR. WUERFLEIN: I'm trying to  
figure out what's left. I see about two  
different paragraphs that is left to be  
approved. Would it be one of these like  
3-4 and the other one is the other Chapter

9. Wait a minute, we took all of 9 out.  
So it would be 13-1 in determination; is  
that the two changes that are left?

MR. MAISCH: Those are -- Mr.  
Wuerflein, those two changes are left as  
well as the appendices changes.

MR. WUERFLEIN: Oh, the  
appendices.

MR. MAISCH: Revoking Appendix A,  
B and C. Replacing Appendix C -- revoking  
and replacing them --

MR. WUERFLEIN: I wasn't thinking  
about the appendices, thank you.

MR. MAISCH: Yes.

MS. CANTRELL: All right. Let me  
-- to just be clear, let me repeat what the  
motion is that is currently on the floor.

We are moving approval of the rule  
package that is before the Board with the  
exception of 252:616-1-1, the purpose that  
has been removed from the proposal.

Section 252:616-1-2, definition as  
to "tank systems" has been removed from the  
proposal by the last amendment.

And Section 252:616-9-3, has been  
removed from the proposal. With those  
three exceptions, everything else in the  
proposed package before you is on the floor  
with this motion for approval.

MR. DARK: Move for approval.

MR. WUERFLEIN: Second.

MS. CANTRELL: Any questions or  
comments from the public? May we have a  
roll call vote, please.

MS. BRUCE: Mr. Cassidy.

MR. CASSIDY: Yes.

MS. BRUCE: Mr. Dark.

MR. DARK: Yes.

MS. BRUCE: Mr. Drake.

MR. DRAKE: Yes.

MS. BRUCE: Dr. Galvin.

DR. GALVIN: Yes.

MS. BRUCE: Mr. Griesel.

MR. GRIESEL: Yes.

MS. BRUCE: Mr. Johnston.

MR. JOHNSTON: Yes.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes.

MS. BRUCE: Ms. Rose.

MS. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wendling.

MR. WENDLING: Yes.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: Yes.

MS. BRUCE: Motion passed.

MS. CANTRELL: Thank you, Mr. Paque. And I believe we have one more Item 9 on the Agenda.

MR. PAQUE: Yes, we do. Things

are about to get easier I think. I move now to the Department of Environmental Quality Chapter 623, Pre-treatment for Central Treatment Trusts.

This is simply an update to incorporate the new rules by reference.

The Department proposed to amend its rules concerning Central Treatment Trusts Oklahoma Ordnance Works Authority to update the incorporation by reference date from July 1, 2007 to July 1, 2008 in OAC 252:623-1-7.

There were no comments received at our meeting and we voted unanimously to recommend to this Board that you approve these changes to Chapter 623.

MS. CANTRELL: Thank you. Are there any questions for Mr. Paque? Are there any questions or comments from the public? Hearing none, is there a motion?

MR. GRIESEL: So moved.

MR. WUERFLEIN: Second.

MS. CANTRELL: There is a motion  
and a second. May we have a roll call  
vote, please.

MS. BRUCE: Mr. Cassidy.  
MR. CASSIDY: Yes.  
MS. BRUCE: Mr. Dark.  
MR. DARK: Yes.  
MS. BRUCE: Mr. Drake.  
MR. DRAKE: Yes.  
MS. BRUCE: Dr. Galvin.  
DR. GALVIN: Yes.  
MS. BRUCE: Mr. Griesel.  
MR. GRIESEL: Yes.  
MS. BRUCE: Mr. Johnston.  
MR. JOHNSTON: Yes.  
MS. BRUCE: Mr. Mason.  
MR. MASON: (No response).  
MS. BRUCE: He stepped away.

Ms. Rose.  
MS. ROSE: Yes.  
MS. BRUCE: Ms. Savage.  
MS. SAVAGE: Yes.  
MS. BRUCE: Mr. Wendling.  
MR. WENDLING: Yes.  
MS. BRUCE: Mr. Wuerflein.  
MR. WUERFLEIN: Yes.  
MS. BRUCE: Ms. Cantrell.  
MS. CANTRELL: Yes.

MS. BRUCE: Motion passed.

MS. CANTRELL: Thank you, Mr.  
Paque. And Item 10 on the Agenda I believe  
is a proposal from your Council as well.

MR. PAQUE: It is. Another  
simple one, I believe, an incorporation of  
federal rules by reference.

The Department of Environmental  
Quality Chapter 631, Public Water Supply  
Operation.

The Department proposed to update  
its rules concerning the date of  
incorporation by reference of certain  
federal regulations. It changes the  
updates -- the publication date of federal  
rules from July 1, 2006 to July 1, 2007.  
Let me back up, it changes the date from  
July 1, 2007 to July 1, 2008. You may see  
different dates, but the ones I just read  
are correct; July 1, 2007 to July 1, 2008.  
We received no comments at our meeting or  
since then, and we unanimously recommend  
that this Board approve those changes.

MS. CANTRELL: Thank you, Mr.  
Paque. Any questions? Are there any

comments or questions from the public?

Hearing none, is there a motion?

MR. JOHNSTON: So moved.

MS. CANTRELL: A second.

MR. CASSIDY: I second.

MS. CANTRELL: The motion has  
been made and seconded. Any further  
questions? May we have a roll call vote?

MS. BRUCE: Mr. Cassidy.

MR. CASSIDY: Yes.

MS. BRUCE: Mr. Dark.

MR. DARK: Yes.

MS. BRUCE: Mr. Drake.

MR. DRAKE: Yes.

MS. BRUCE: Dr. Galvin.

DR. GALVIN: Yes.

MS. BRUCE: Mr. Griesel.

MR. GRIESEL: Yes.

MS. BRUCE: Mr. Johnston.

MR. JOHNSTON: Yes.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes.

MS. BRUCE: Ms. Rose.

MS. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wendling.

MR. WENDLING: Yes.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: Yes.

MS. BRUCE: Motion passed.

MS. CANTRELL: Thank you. And Mr. Paque, Item Number 11 is where we are now on the Agenda. And I believe that is from your Council as well.

MR. PAQUE: It is.

MS. CANTRELL: Thank you.

MR. PAQUE: I'll refer to Item Number 11, the Department of Environmental Quality Chapter 641, Individual and Small Public On-site Sewage Treatment Systems. This is a permanent rulemaking and updates the previous emergency rule adopted by the Council and the Board.

The DEQ proposes to amend Appendix H, Figure 25 to correct an error in the classification of Delaware County. Currently Delaware County is classified in

Net Evaporation Zone 1, in Figure 25, of Appendix H and Delaware County should be classified in Net Evaporation Zone 2. The Board adopted this rulemaking as an emergency rule at its November 2008 Board Meeting. At our recent meeting there were no comments received nor any discussion, and we did recommend unanimously to approve the changes to Chapter 641 as a permanent rule change.

MS. CANTRELL: Thank you, Mr. Paque. Any questions? Yes, Mr. Kellogg.

MR. KELLOGG: Madam Chairman, thank you again. Bob Kellogg. I have a brief comment to make in support of these regulations on behalf of the Oklahoma Certified Installers Association.

You all may recall that it was a year ago that I came to you on their behalf and express their concerns about the burdensome processes and what they believed to be as micro-management of the certified installers work and installation of on-site sewage and treatment programs. We did not ask for any changes to the rules at that

time but suggested that you might expect to hear back from us again this year. I am very pleased to say that the ECLS staff and the OCIA, Oklahoma Certified Installers Association, have been working very well together over the last year and the processes have greatly been simplified. They are very impressed and we look forward to continuing that relationship in the future. And I thought it would be especially important for you to have heard that. Thank you very much for your time.

MS. CANTRELL: Thank you, Mr. Kellogg. Any further questions or comments?

MR. THOMPSON: Just one comment, Madam Chair. Since Bob and I removed ourselves from the process, things are going really well.

MR. GRIESEL: I'll make a motion to approve.

MR. DARK: Second.

MS. CANTRELL: We have a motion  
and a second. Any further questions? Any  
other comments? May we have a roll call

vote, please.

MS. BRUCE: Mr. Cassidy.

MR. CASSIDY: Yes.

MS. BRUCE: Mr. Dark.

MR. DARK: Yes.

MS. BRUCE: Mr. Drake stepped

away.

Dr. Galvin.

DR. GALVIN: Yes.

MS. BRUCE: Mr. Griesel.

MR. GRIESEL: Yes.

MS. BRUCE: Mr. Johnston.

MR. JOHNSTON: Yes.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes.

MS. BRUCE: Ms. Rose.

MS. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wendling.

MR. WENDLING: Yes.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: Yes.

MS. BRUCE: Motion passed.

MS. CANTRELL: Thank you. And  
Mr. Paque, Item 12 on the Agenda.

MR. PAQUE: Item 12 is in  
reference to the Department of  
Environmental Quality Chapter 690, Water  
Quality Standards Implementation.

The Department proposes to amend  
this chapter of rules as follows:

To require a failure of toxicity testing for sublethal -- and sublethal referring to a failure to grow or reproduce, which will become more evident in the following paragraph -- testing for sublethal definition effects to be treated the same as a failure of toxicity testing for lethal effects as required by the EPA and pursuant to approve changes in Oklahoma's Water Quality Standards.

Additionally, the amendments proposed to specifically state when the Department will consider an organism change for bio-monitoring from Ceriodaphnia dubia or Daphnia pulex, which is a large water flea, to Daphnia magna, which is the small

water flea, and to add a new rule to require monitoring and a nutrient limited watershed and that there can be no monitoring frequency reductions for WET limits.

The Department proposes to revoke and reissue Appendix A to this chapter of rules to make some clean up language changes to the updated terms concerning the date of incorporation by reference of certain federal regulations.

The final change updates the publication date of the federal rules from July 1, 2007 to July 1, 2008.

The Department received written and oral comments concerning the proposed changes from both the public and the Council. Based on the comments, changes to the proposed rules were recommended. A summary of these comments, and the response to the comments and the proposed changes are contained in the Executive Summary.

Based on the discussions and comments received, the Council voted

unanimously to recommend that the Board

approve the proposed changes to Chapter

690.

MS. CANTRELL: Thank you. Are there any questions? Any questions from the Board?

MR. WUERFLEIN: Madam Chairman.

I had the privilege of sitting through the Water Councils' hearing that day. And I remember this was the one that brought about more discussion and compromise and rewording than even the karst one did. Some of their proposals needed to have changes to the rules brought up before even the Council hearings to give the staff time to review them. I thought we just maybe needed to limit the number of lawyers in the room at one time. But there was a good compromise made and I think everybody was in agreement at the end, you know, the Council's system works, and I think they've got it all ironed out. It was a long and in-depth meeting that afternoon. So with that I would move to approve the recommendation.

MR. PAQUE: Our resolution of

this issue -- and I think we did do a good job. We took a timeout and a breather, and you're absolutely right. But we got it worked out, and we believe that our unanimous recommendation is appropriate.

MS. CANTRELL: Thank you.

MR. THOMPSON: This was an issue that there was not total alignment between the Department and the United States Environmental Protection Agency. But at some point we had to work through the issues. So we have and I do want to thank

the work of the Council on that, because it was (inaudible).

MS. CANTRELL: Thank you. And thank you, Mr. Paque. We have a motion on the floor by Mr. Wuerflein; do we have a second?

MR. GRIESEL: I'll second it.

MS. CANTRELL: We have a second. Any questions or comments? Any questions or comments from the public? I think we're ready for a roll call vote.

MS. BRUCE: Mr. Cassidy.

MR. CASSIDY: Yes.

MS. BRUCE: Mr. Dark.

MR. DARK: Yes.

MS. BRUCE: Mr. Drake.

MR. DRAKE: Yes.

MS. BRUCE: Dr. Galvin.

DR. GALVIN: Yes.

MS. BRUCE: Mr. Griesel.

MR. GRIESEL: Yes.

MS. BRUCE: Mr. Johnston.

MR. JOHNSTON: Yes.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes.

MS. BRUCE: Ms. Rose.

MS. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wendling.

MR. WENDLING: Yes.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: Yes.

MS. BRUCE: Motion passed.

MS. CANTRELL: Thank you, Mr.  
Paque. And please thank the Council for

their hard work in the thorough packet and  
consideration they gave these rules. And  
thank you to the staff as well.

We are moving now to Item 13 on the  
Agenda, which is consideration of the  
Executive Director compensation and as I

understand at this point we are entertaining the idea of moving into Executive Session for this item, at least initially.

Is there a motion to that effect?

MR. DARK: So moved.

MR. GRIESEL: I second.

MS. CANTRELL: It's been moved

and seconded. Any questions? May we have

a vote.

MS. BRUCE: Mr. Cassidy.

MR. CASSIDY: Yes.

MS. BRUCE: Mr. Dark.

MR. DARK: Yes.

MS. BRUCE: Mr. Drake.

MR. DRAKE: Yes.

MS. BRUCE: Dr. Galvin.

DR. GALVIN: Yes.

MS. BRUCE: Mr. Griesel.

MR. GRIESEL: Yes.

MS. BRUCE: Mr. Johnston.

MR. JOHNSTON: Yes.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes.

MS. BRUCE: Ms. Rose.

MS. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wendling.

MR. WENDLING: Yes.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: Yes.

MS. BRUCE: Motion passed.

MS. CANTRELL: Thank you. At

this time we will take a break and the Board will go into Executive Session. And do I have a volunteer to take minutes during the Executive Session? We need to appoint someone from the Board to take minutes.

MR. DARK: I can do that.  
MS. CANTRELL: Thank you.

(Whereupon, the Board Members entered  
into Executive Session at 10:50 a.m.)  
(Whereupon, the Board Members returned  
from Executive Session at 11:50 a.m.)

MS. CANTRELL: Myrna, would you  
please call the roll to establish that we  
are back from Executive Session and have a  
quorum.

MS. BRUCE: Mr. Cassidy.  
MR. CASSIDY: Here.  
MS. BRUCE: Mr. Dark had to

leave. Mr. Drake.  
MR. DRAKE: Here.  
MS. BRUCE: Dr. Galvin.  
DR. GALVIN: Here.  
MS. BRUCE: Mr. Griesel.  
MR. GRIESEL: Here.  
MS. BRUCE: Mr. Johnston.  
MR. JOHNSTON: Here.  
MS. BRUCE: Mr. Mason.  
MR. MASON: Yes.  
MS. BRUCE: Ms. Rose.  
MS. ROSE: Here.  
MS. BRUCE: Ms. Savage.  
MS. SAVAGE: Here.

MS. BRUCE: Mr. Wendling.

MR. WENDLING: Here.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Here.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: Yes.

MS. BRUCE: We are here.

MS. CANTRELL: Thank you, Myrna.

Before I get started with the report from Executive Session I want to thank the work of the Committee of the Board that have looked at the issue of Executive Director compensation for the last few months and was able to provide some important data to the Board today during Executive Session.

And although the Board recognizes that the experience and performance of the Executive Director of the DEQ would indicate an increase in salary greater than the current cap, and the Board recognizes the excellent job and service he performs in that capacity and appreciates the work he does, which is deserving of an increase in salary, unfortunately, the Board

recognizes that these are difficult financial times. And, we, as a Board appreciate the existing financial stresses experienced by our state.

Currently, the Executive Director recognizes this as well and concurs with the evaluation of the Board that we will review the Executive Director's compensation at another time.

The feeling of the Board at this time, is that with the financial stresses experienced across Oklahoma, that this is not the appropriate time to consider this matter. But because that our Executive Director is deserving and because his pay should be increased to be commensurate with his experience and performance, the Board will review this matter at another time.

Thank you.

MS. CANTRELL: Moving on to Item Number 14, New Business. Do we have any new business? Hearing none, I will move on to Item 15, the Executive Director's Report, Steve Thompson.

Oh, before I do that, I would like

to recognize JD Strong. Where is JD? Our Secretary of Environment for the state of Oklahoma.

(Applause)

MS. CANTRELL: JD, thank you very much for joining the meeting today. And now we move to Item 15, the Executive Director's Report.

MR. THOMPSON: Thank you, Madam Chair. I typically try to make Executive Director's reports brief because I know you all take your time and your resources to be here. And that's one reason. The other reason, the staff will tell you that I'm just a soft-spoken even-tempered man of few words.

There will be no giggling out there.

But I have to tell you, we've been really busy over the last month. So I thought it was important to report to you at least in a little bit more detail on those things that have been occurring with the Agency over the last several weeks.

First thing as you know, the legislature is in session, and so that

means that we will -- have been working with the legislature on Bills of interest. You should have in front of you a document -- and if you don't we get some more -- that is Key Bills. As one would expect as you look down that list, many of the Bills that we have been tracking is key to the Agency and have gone dormant. As I tell the staff, Bills go dormant but ideas don't. So we will continue to track those.

You approved for the Agency to sponsor a couple of Bills. If you look under LBD Senate Bill 446. That Bill is moving forward handsomely. That's the Bill that changes the Brownfields program from a permitting program to a remediation program. And that one is moving along well.

Senate Bill 349 was another Bill that the Board approved. That's the notices of reclamation -- land reclamation run forever with the land. And that is moving along particularly well.

You did approve another one, 298. That Bill after some discussion with the

staff, we determined that that could be done by rules as opposed by -- to by statute. So we decided to just let that Bill go dormant and bring those federal requirements for hazardous waste recycling through the Council and Board process rather than the statutory process. So that Bill is dormant, but that's because we asked the authors to allow it to go dormant.

I will bring to your attention one other bill that we are -- that we have suggested as an Agency that is of particular interest to us, and that is Senate Bill 551 which would be -- it's listed under the Water Quality Division under WQD. That Bill allows the Agency to

do direct contracting for engineering services for communities under a population of 10,000.

In other words, we don't have to go through the Department of Central Services' processing in order to be able to do that. We can simply go through an RFP here at the Agency, so it expedites the process and

it's something that we are particularly interested in.

Which moves me to the second subject, unless there are questions about Bills here that you all have that I can answer for you.

The second thing that I want to visit with you about and one of the reasons that we wanted to recommend Senate Bill 551 is documented in this document that you should have before you, which is the discussion of the American Recovery and Reinvestment Act, the Stimulus Bill -- the Federal Stimulus Bill that has now passed Congress and signed by the President. It has been signed by the President. So this is federal funding and the DEQ's particular piece of this is federal funding for infrastructure projects for drinking water.

We will receive 31 million dollars in stimulus funding for drinking water projects. Oklahoma Water Resources Board will receive 31 million dollars for clean water projects, for sewer projects.

In addition to that, USDA rural

development will receive about 70 million dollars for communities under 10,000 in population. So at least at first blush, we are looking at about 130 million dollars total for infrastructure projects in the state, based on the Stimulus Bill. Now we are hopeful of expanding that dollar amount, because we believe that we can use some portion, to be determined later, of the stimulus package as the grant portion of 7030 loans and make the grant -- I mean, the loan portion out of the typical SRF Program, which is capitalized in the Water Board leverages -- that uses that money to leverage bonds and increase the amount of money that there is to be spent. So we think that we can expand this somewhat rare opportunity to do 7030 programs for communities when typically the only -- well, generally the only mechanism is low interest loans. So we think there is going to be -- we hope there is a lot of interest by communities, particularly small communities, but in any event communities pursuing the stimulus money. We believe

that we can do a set-aside of some portion of the money for engineering work. And our particular interest in this is to do engineering work for small communities because they struggle with that issue.

Oklahoma City and Tulsa have great projects, but they have their own engineering staff. Small communities have to rely on contract engineers. And the capacity for us to help them get the engineering work done so that they are eligible for the stimulus package, we think is important and that's what we're going to try to do. Because the biggest thing about this -- how this works is, there is a priority system for the State Revolving Fund and communities in rural water districts can get it and in the process -- the priority process ranks them. So that is what these projects -- what will happen with these projects is the process will rank them based on need and a number of other things. And then they must become

shovel-ready. So if you're at the top of the rank and you're shovel-ready, you get

the stimulus money. If you have the highest rank, and you're not shovel-ready we move on to the next one on the list. So the capacity to get community shovel-ready is something we're very interested in. Those communities have to have -- be shovel-ready and have projects under contract by February the 16th of 2010. So we have got a lot of work to do between now and then. We've got a lot of engineering work to do between now and then. But we are moving forward in cooperation with the Water Board and with rural development in pursuing these important infrastructure processes -- or projects through the stimulus package.

Are there any questions about that?

Most of the information is just on this one page. You can read that.

MR. JOHNSTON: I have a question, Steve. Are they going to -- being around too long, I see a -- I think they're going to do a lot of "you have got to do it this way things"; can you see any of that coming down or is that just my paranoia?

MR. THOMPSON: Jerry, in having some experience I will tell you that I don't think there is any such thing as paranoia. If you think they're out to get you, they're out to get you.

I really don't think so. I think there is an interest on the part of the EPA and the administration in getting this money out there and putting people to work. And the phone calls on this package that we've had with EPA, they seemed to get it. But we'll just have to see. We are at the beginning of the process. We, of course, will argue -- let me give you an example. There's something that really bothers me about -- not just the -- there is other stimulus packages. There's money for diesel retrofits, particularly for school buses. That seems to be moving along pretty well. But in superfund, there is 600 million dollars across the nation for superfund projects. That requires a 10 percent state-match. And we've just had something of a discussion of the circumstances that states find themselves

in. And how we find 10 percent, we're going to have to be very inventive in finding state-match for that 600 million dollars or it's going to sit there and then they're going to make a decision that maybe they can interpret the law differently than they have. So there are some things that weren't thought about at the beginning that should have.

MR. JOHNSTON: There's a 78 million dollar bond on the FEMA match.

MR. THOMPSON: Yeah. So we'll just see. Our interest is getting these projects out, that is going to be our interest. But the other thing we're going to be faced with is there is some administrative money that we hope will come with this. What we are going to have to do because of this flood of engineering review

work that we are going to have to have, we're probably going to have to contract with some outside engineers to get the engineering work done or the process will grind to a halt. So it doesn't appear, based on another subject I'm going to talk

about in just a minute, that there's going to be any extra state money for that. So we are trying to plan that the money that comes from the administration of this project, not a nickel goes for anything other than program implementation and much of that will go -- not all -- will go to try and get enough engineers to get the work done.

Because with a deadline to be under contract in a year, we are not going to be able to hire anybody. I mean, we can't just go through the hiring process in order to get somebody on staff and get them geared up in 11 months.

So we've got to think about and I know Jon has been thinking about how we deal with the issue too. So if there is an impediment, Jerry, it may be us in our ability to get this work done. So we're trying to plan for that.

As you are aware, I think on the budget, the Governor's budget suggested that the Department take a 20 percent cut in general revenue and to make up 75

percent of that 20 percent cut in fee increases. And we responded that we believed that this was the beginning of the budget process rather than the end of it and we would be working with the Governor and the Legislature to work through the budget issues. And that's what we'll do. It is fair to say that there is -- seems to be some misunderstanding about the capacity of the Department to raise fees, which is zero. That's your guys' job. So we will have to see how that works out. In the discussions with the Legislature, at least for our appropriations subcommittees, there's a feeling that we need to have equity in the cuts across the state, so we'll know more about budget cuts which I'm sure there will be in May as opposed to February. So as we negotiate those and work with folks about that we'll let you know what's going on there.

What we did provide to you was -- we had budget meetings in the House and in the Senate. We were asked to prepare "what do you use general revenue money for?" And

what we have provided to you is the presentation that we made to them. And that should be in front of you. And I will tell you that if you look down -- I'm not going to go down this one line-by-line, but I will make some comments about it. If you look at the bottom -- if you have that in front of you there's this table on the first sheet. Do you have one?

(Comment)

MR. THOMPSON: If you will look down this sheet, this is the general categories of expenditures from general revenue money for the Agency. And I'll start at the bottom of this. Maintenance of effort is nothing more than the general revenue money that you had to maintain to get the air grant. That's what that means. You've got to maintain a certain level of

general revenue commitment in order to leverage federal air dollars.

So that seems like one that's going to be a little bit tough to cut. If you look at the next one up, which is environmental complaints, the Agency has

tried desperately to figure out how when someone calls we say, yes, we'll address your complaint if you'll send us a check for five hundred dollars. Gary, has steadfastly refused to do that and it's just not something that fees will accommodate.

Then if you look at the top three, those are pretty direct assistance programs particularly to small communities. And that means budget cuts may have a -- they're going to have an impact to small communities. I can't cut off my nose to spite my face relative to the maintenance of efforts because it gets less federal money. And we've got to maintain a viable complaints program. But the air toxics program is money we got to do air toxics and that might be susceptible to cuts except that right in the middle of that USA Today did this exposé about the effects of air toxics on school kids and named a couple of places in Oklahoma where those effects might be a problem. So we're going to be spending more money on air toxics

than less because of the public interest in it. So we'll have to make -- the only thing is and this is the Agency's decision, just to let you know that with cuts in general revenue there's tough decisions ahead and it will impact more than just the Agency, it could impact a lot of folks. So there's that.

Questions about the budget?

MR. MASON: I have one question about raising fees. I thought in the last year we've changed our regs that allows the Agency to automatically raise some fees maybe based on inflation without coming back to the Councils.

MR. THOMPSON: That's exactly right. We do have the ability in every fee that we have now to take -- to apply the Consumer Price Index to those fees. And that is a significant advantage to the Agency. Whether that activity will offset the level of cuts or for -- I mean, we will have to take cuts, there is no question about that. My issue is going to be equitable cuts with other people. So, yes,

but it is an advantage for us to have those provisions in our fee rules that you adopted last -- at this meeting last year.

MS. CANTRELL: Steve, what has been the -- have you seen any reduction in actual fees receded over the last few months?

MR. THOMPSON: I don't know that we know the answer to that right now. We can find out for you. I don't know the answer to that. David, do you?

MR. DYKE: We monitor that through the year and we haven't seen anything significant in that.

MR. THOMPSON: Keep those charts and letters coming in, folks. Well, while the gross amount of receipts may have been the same, there may be areas -- we try to fund programs based on that specific fee and we'll be watching to see if there are areas where the fees have been -- it's not just the overall amount, it's in each area. So we'll have to watch out for that.

Finally, we provided you a news release, I think both by email and in front

of you, about our effort related to private wells at Locus Grove. Based on information provided to us by the Attorney General's Office, we decided that we were going to go out and as a service to the people in that area, begin to offer our services for free to private well -- people who were using private wells as a source of water supply to sample their wells and to provide information about how they can protect their water from bacterial contamination. We did it within a five mile radius, we were contacted by 74 individuals initially, at least 59 of those came back positive for total coliform bacteria and 17 of the 59 were positive for ecoli. Since then, and we put a deadline on it -- well since then we've had 17 more requests. So we're going to go out and extend this effort to those

17. At some point our ability to do free sampling and to work on this issue is going to be limited. So at some point we're going to say, we will be happy to sample your water but you're going to have to pay the analytical work at least. But we

haven't decided exactly when that is. Soon, probably.

Since then, we have been back, we have talked to people about construction issues with their wells, we have begun to talk to them about how they can treat their wells for bacteria. I think we will be back again based on some analylis that the Health Department is doing related to more virulent strains of ecoli, depending upon what shows up there. It turns out there are virulent strains of ecoli, we're going to have to -- I guess we're going to have to stomp our foot, because we have no regulatory authority on private wells. But we are going to strongly recommend chlorinators and we may have to work on issues related to rural water. I know that the Cherokee Nation has been in contact

with us, they may have some money that is available to put these people on rural water depending upon what we find in those wells. If it's just ecoli or total coliforms, it will be "here's how you can get on rural water, and here's how you put

a chlorinator on" and then we will probably move on to something else. But if we find these more virulent strains of ecoli in it, we'll have to go beyond that relative to how people treat their wells.

I want to stress to the Board that that's our job. We go out there and find bacteria in these wells, this is no different than when we had a hazardous waste bill in Pawnee County, and when we determined that there were potential issues with radio nuclides in Logan County. We have now reached to private well owners and discussed what they needed to do to protect their water from these kinds of issues and we moved forward with that outreach. The same thing is going on here as far as DEQ is concerned. So we've done a lot of work. We've got some more work to do depending upon what the Health Department's analysis shows and then we will eventually move on to the next issue.

Questions about that?

MS. ROSE: I do have a question about that, Steve. So if you find there

are no ecoli, that doesn't mean that at some time in the future that there could not be any ecoli. So how do you account for making the recommendation or what you are planning to do knowing that?

MR. THOMPSON: We are going to strongly suggest to these people that they put chlorinators -- that they kill the bacteria. Everybody. We're going to make that strong recommendation. A chlorinator costs, I think what Gary told me, a couple

hundred bucks, maybe. Maybe a little bit more. But to protect yourself from bacterial contamination in your well, that's a pretty cheap investment. You've got to put chlorine in it periodically. If you've got a well, and all the surface water runs toward it and it's not well sealed and you have those kinds of issues, you need to think about how you are going to change that. How you are going to seal that well. There's a lot of things you need to consider depending upon your specific situation with that well. But the key, like public water supply, in my mind

until someone tells me differently, I think in our mind is that you treat the water particularly for bacteria because it's easily treated. You can put chlorine in the well, you put a chlorinator on the well and it kills bacteria.

MS. ROSE: I guess I misunderstood what you said. Thank you.

MR. THOMPSON: We will recommend -- for the 59 where it showed up, we're going to recommend that they put chlorinators on the wells. In fact, we've already done that.

MR. JOHNSTON: It seems like in reality, that would be a lot cheaper than an eight thousand dollar funeral.

MR. THOMPSON: I won't get into that. Yes, I agree.

With that, Madam Chair, unless there are other questions, that concludes my report for today. But let me just say that the -- in all of these things, in the stimulus and the effort over at Locust Grove, in trying to prepare for budget hearings and tracking legislation and

trying to understand what the Legislature is doing and working with them, you are blessed with a highly professional and very dedicated staff that often spends lots of extra time preparing me, to be their mouth piece to just go out and talk about these things. They have gone above and beyond the call of duty over the last several months and I want to express my appreciation to them for the work that they do. It makes my job pretty easy.

With that, that concludes my report.

MR. JOHNSTON: Madam Chair, could I say a word or two about the process?

MS. CANTRELL: Absolutely.

MR. JOHNSTON: In the past, the money comes down from EPA is not going through DEQ -- in 25 years I've never gotten any grants from DEQ, it mostly comes through the Water Resources Board and it's hard to get. At this time, there is money coming in to DEQ that the DEQ can help you get. If you live in a town, and most people do, you need to tell your people who run town, your Clerk, or whoever runs the

town -- sometimes it's the Mayor and oftentimes it's the Clerk -- that these monies are available but you've got to get your name in the pot. The secret was shovel-ready is -- we're talking about 2010 which in reality is not very far off, but it beats having to do it tomorrow. And there are a lot of things you've got to do. You have to get your engineering. If you don't go digging a line up where you've already been, you have to have a large environmental survey even if you're running across virgin land with a water line but these things can be done but you have to get your name in the pot. Because this is one of these times where there's a good chance, if your name is in the pot, and two

or three other towns don't get ready, you'll be surprised, you'll be able to be funded. So it's very important for your town to get on the stick and wake up, and instead of saying there's no money for me, there's money out there. They're going to have to wake up and get it. So maybe you can wake up your town Board or become a

member of your town Board, whatever it takes.

MR. THOMPSON: I really do appreciate Jerry mentioning that. In addition to all of this other stuff I mentioned, we did five meetings across the state on a number of things but included in the stimulus package and the most important take-away message was the one that Jerry just said. You can't get in the game unless you make application. Folks can say, well, we don't have a chance. That's not necessarily true. You don't have a chance unless you make application for these funds. So as Jerry said, if you know folks in your community, just tell them don't worry about all that other stuff, make application. And we'll see how the rest of it falls out. That's really an important point and I appreciate Jerry mentioning it.

MR. JOHNSTON: There's a funding meeting on the 11th and it's for funding put on by the Oklahoma Water Resources Department, Department of Environmental

Quality, Agriculture, Commerce, Health and Services, Community Resources, Council to Government and for some reason the New Mexico Environmental Financing. That's at the Clarion Meridian Hotel and Convention Center on the 10th or the 11th.

MS. CANTRELL: Where's that meeting?  
(Comment)

MR. THOMPSON: Carl, would you email your information on the -- the conference to the Board, the flyer and everything.

MR. PARROTT: Yes.

MR. THOMPSON: There's a number of funding agencies and they are having a conference and that's what Jerry is talking about. Carl is involved in that and he'll make sure that he emails to the Board the information on that meeting.

MS. CANTRELL: Steve, is there also a website that folks can access if they have questions about how to make application and want to know more about the process?

MR. THOMPSON: There's a -- this pamphlet shows up on our website, on the Water Board website, and may show up on the rural development website. So you can go on our website and the most important -- what Jerry and I were talking about is the contact information. Contact us, or the Water Board -- contact us and we will show you how to make application for that stuff.

MS. CANTRELL: Thank you. We are now at the end of our Agenda today. I want to thank Ellen Bussert for organizing this program which has gone off without a hitch. And I want to echo the thanks of Steve Thompson and Dr. Galvin to the staff and the hard work that you all do throughout the year that impacts Oklahoma's environmental progress and your dedication to that task. We greatly appreciate all that you do and are proud to work with you and we appreciate very much the work of your Executive Director, Steve Thompson. Thank you very much.

And with that, do we have a motion  
to adjourn this meeting today?

MR. JOHNSTON: So moved.

MS. CANTRELL: Do we have a

second?

DR. GALVIN: Second.

MS. CANTRELL: Myrna, call the

roll please.

MS. BRUCE: Mr. Cassidy.

MR. CASSIDY: Yes.

MS. BRUCE: Mr. Dark.

MR. DARK: Yes.

MS. BRUCE: Mr. Drake.

MR. DRAKE: Yes.

MS. BRUCE: Dr. Galvin.

DR. GALVIN: Yes.

MS. BRUCE: Mr. Griesel.

MR. GRIESEL: Yes.

MS. BRUCE: Mr. Johnston.

MR. JOHNSTON: Yes.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes.

MS. BRUCE: Ms. Rose.

MS. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wendling.

MR. WENDLING: Yes.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: Yes.

MS. BRUCE: Meeting adjourned.

(Meeting Concluded)

C E R T I F I C A T E

STATE OF OKLAHOMA )

COUNTY OF OKLAHOMA

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ss:

I, CHRISTY A. MYERS, Certified  
Shorthand Reporter in and for the State of  
Oklahoma, do hereby certify that the above  
meeting is the truth, the whole truth, and  
nothing but the truth; that the foregoing  
meeting was taken down in shorthand by me  
and thereafter transcribed under my  
direction; that said meeting was taken on  
the 27th day of February, 2009, at Oklahoma  
City, Oklahoma; and that I am neither  
attorney for, nor relative of any of said  
parties, nor otherwise interested in said  
action.

IN WITNESS WHEREOF, I have hereunto  
set my hand and official seal on this, the  
18th day of May, 2009.

CHRISTY A. MYERS, C.S.R.  
Certificate No. 00310