

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

A Public Meeting: 9:30 a.m. Tuesday, August 24, 2010
Redlands Community College
El Reno, Oklahoma

Please turn off cell phones.

- 1. Call to Order** – Brita Cantrell, Chair
- 2. Roll Call** – Myrna Bruce, Secretary, Board & Councils
- 3. Approval of Minutes** of the February 26, 2010, Regular Meeting
- 4. Rulemaking - OAC 252:100 Air Pollution Control**

The DEQ proposes to add a new Part 4, Biomedical Waste Incinerators, to Chapter 100, Subchapter 17, Incinerators. The proposed rulemaking will include design requirements, emission standards and control technology for this type of incinerator. Additionally, the proposed rulemaking will close certain regulatory gaps in Subchapter 17, Part 7 (Hospital, Medical and Infectious Waste Incinerators) when pathological waste, low-level radioactive waste and chemotherapeutic wastes are incinerated.

- Presentation – Laura Lodes, Chair, Air Quality Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote on permanent adoption

5. Rulemaking – OAC 252:220 and 252:221 Brownfields

The DEQ proposes to revoke Chapter 220 and replace it with a new Chapter 221. The proposed changes modify and re-organize the current Brownfields rules to make them consistent with recent amendments to the Oklahoma Brownfields Voluntary Redevelopment Act, which eliminated permitting requirements for Brownfield program participants. The proposed changes also allow for timely expenditure of federal stimulus funds for Brownfields projects in Oklahoma.

- Presentation – Lee Grater, Chair, Hazardous Waste Management Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote(s) on:
 1. Emergency adoption of OAC 252:221, including Finding of Emergency;
 2. Permanent adoption of OAC 252:221;
 3. Emergency revocation of OAC 252:220, including Finding of Emergency
 4. Permanent revocation of OAC 252:220

6. OAC 252:4 DEQ Rules of Practice and Procedure

The DEQ proposes to amend OAC 252:4, Part 5, Land Protection Division Tiers and Time Lines, by revoking 252:4-7-61, 4-7-62 and 4-7-63, which contain the Brownfields permitting requirements made obsolete by the recent amendments to the Oklahoma Brownfields Voluntary Redevelopment Act.

- Presentation – Lee Grater, Chair, Hazardous Waste Management Advisory Council
- Questions and Discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote(s) on:
 1. Emergency revocation of OAC 252:4-7-61 through 63, including Finding of Emergency; and
 2. Permanent revocation of OAC 252:4-7-61 through 63

7. Consideration of and Possible Adoption of Resolution in Support of Recycling in Oklahoma

Following a presentation by Fenton Rood, DEQ - Land Protection Division, on recycling in Oklahoma, the Board will consider a Resolution in support of future legislation concerning beverage container recycling in Oklahoma. If adopted by the Board, the Resolution will be forwarded to the Governor, the Speaker of the House, the President Pro Tempore of the Senate, and the Chair of the Senate Energy and Environment Committee by the DEQ.

- Presentation – Brita Cantrell, Chair, Environmental Quality Board
- Discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote on adoption of the Resolution

8. DEQ Operational Budget Request

DEQ budget requests to the Governor through the Office of State Finance (“OSF”) require approval of the Board. The operational budget request for State Fiscal Year (“SFY”) 2012 (beginning July 1, 2011) must be submitted to the OSF by October 1st of this year. The law requires that all state agencies submit a five-year budget. The request for the coming year, SFY 2012, is the most critical. Within the overall request for general revenue funds, DEQ will specifically request to restore funding for its Air Toxics program and for technical assistance for small communities.

- Presentation – Steve Thompson, Executive Director
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include a roll call vote on approval of the budget request

9. Disclosure of Employee Financial Interests

These reports are required by Title 27A Oklahoma Statutes Section 2-3-101(C) for informational purposes only. No action by the Board is required.

- Presentation – Martha Penisten, DEQ General Counsel

- Questions and discussion by the Board
- Questions, comments and discussion by the public

10. Executive Director’s Report – Steve Thompson, DEQ Executive Director

11. Annual Performance Review of Executive Director

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

- In open session, discussion by the Board
- In open session, consideration of possible executive session pursuant to Title 25 Oklahoma Statutes Section 307(B)(1) (discussion of employment actions related to any individual salaried public officer or employee), if authorized by recorded majority vote of a quorum of the Board members present
- In open session, if executive session approved, designation of person to keep minutes in executive session
- In executive session, discussion of Executive Director’s performance and of possible employment actions by the Board relating to the Executive Director
- In open session, possible roll call vote on specific actions or recommendations as a result of the Executive Director’s performance review

12. Calendar Year 2011 Board meeting dates and locations: Discussion and vote by Board

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

14. Next meeting: November 16, 2010, Stillwater, Oklahoma

15. Adjournment

Public Forum – Following Adjournment -- The Board meets several times a year at different locations across the State to hear the views and concerns of all Oklahomans about environmental issues. This opportunity is informal, and we invite you to sign the register to speak.

Should you desire to attend but have a disability and need an accommodation, please notify the DEQ three days in advance at 405-702-7100. For hearing impaired, the TDD Relay Number is 1-800-722-0353 for TDD machine use only.

Some members of the Board and senior staff members from DEQ will meet for dinner in Okarche, Oklahoma the evening of August 23, 2010. This is a social occasion. It is uncertain whether a majority of the Board will be present, but no Board or DEQ business will be conducted.