

REGULAR MEETING AGENDA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OKLAHOMA ENVIRONMENTAL QUALITY BOARD

A Public Meeting: 9:30 a.m. Friday, February 26, 2010
DEQ Multipurpose Room
Oklahoma City, 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 November 19, 2009, Regular Meeting
- 4. Election of Officers** – Election of Chair and Vice-Chair for Calendar Year 2010
- 5. Rulemaking - OAC 252:100 Air Pollution Control**
 - A.** The DEQ proposes to amend Chapter 100, Subchapter 17, Parts 1 and 3 (Incinerators) to remove obsolete language and clarify the remaining provisions. Additionally, the DEQ proposes to revoke Appendix A, Allowable Emissions for Incinerators with Capacities in Excess of 100 lb/hr. and Appendix B, Allowable Emissions for Incinerators with Capacities Less than 100 lb/hr. The DEQ proposes to combine the current provisions of both appendices in a new Appendix A, Allowable Particulate Matter Emission Rate for Incinerators.
 - B.** The DEQ proposes to re-organize and update Appendix Q, Incorporation by Reference, to match the organizational scheme of the federal rules and to incorporate new federal air quality regulations from July 1, 2008 to July 1, 2009. The proposed rulemaking will require the revocation of the current Appendix Q and the adoption of the updated Appendix Q.
 - Presentation – Laura Lodes, Chair, Air Quality Advisory Council
 - Questions and discussion by the Board
 - Questions, comments and discussion by the public
 - Discussion and possible action by the Board, which may include roll call vote(s) on permanent adoption
- 6. Rulemaking – OAC 252:515 Solid Waste Management**
 - A.** The DEQ proposes to amend Subchapter 1, General Provisions, to clarify certain definitions and to amend certain permit modification requirements for Construction and Demolition (C&D) landfills and transfer stations.
 - B.** The DEQ proposes to amend Subchapter 3, Permit Provisions and Applications, to add a permit requirement for transfer stations to have a waste exclusion plan.
 - C.** The DEQ proposes to amend Subchapter 15, Methane Gas Monitoring and Control, to remove the monitoring-and-control exemption for C&D landfills.

- D. The DEQ proposes to amend Subchapter 19, Operations Requirements, to add a prohibition with exception, for the disposal of unsorted, baled municipal solid waste at a disposal facility.
- E. The DEQ proposes to amend Subchapter 29, Exclusion of Prohibited Wastes, to add the requirement for transfer stations to have a waste exclusion plan and to remove C&D landfills from certain notification requirements.
- F. The DEQ proposes to add a new Subchapter 39, E-Waste Recycling, including rules and a fee structure pursuant to the requirements of the Oklahoma Computer Equipment Recovery Act (“Act”). The Act establishes DEQ’s authority to administer a collection, recycling and reuse program for certain computers and computer monitors. The Act anticipates that the Environmental Quality Board will promulgate rules necessary to implement its provisions, including the adoption of fees necessary to cover DEQ’s costs of administering the “e-waste recycling” program.
 - Presentation – Jay Stout, Chair, Solid 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 permanent adoption

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

The DEQ proposes to amend its OPDES rules to update the incorporation by reference of certain federal regulations from July 1, 2008 to July 1, 2009. Included for the first time in the incorporation is EPA’s “Water Transfer Rule,” which went into effect on August 12, 2008, and exempts the need for an NPDES permit for the transfer of raw water from one watershed to another.

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

8. Rulemaking – OAC 252:645 Septage Tank Cleaners

The DEQ proposes to amend its Chapter 645 for four primary reasons. (1) The first is to require training for individuals who are licensed to pump, haul, and store septage, operate a septage land application site, or treat septage as a means of final disposal. Requiring training will ensure that the licensed individuals have actual knowledge of the regulations. Facilities already permitted by DEQ’s Water Quality Division to accept septage would be exempt from having to obtain another license under this regulation. (2) The second reason is to allow the temporary storage of septage when the preferred disposal method is unavailable (e.g., land application site too wet, municipal wastewater treatment plant closed, etc.). (3) The third reason is to allow individuals to operate a treatment facility that specifically treats septage, which will provide another disposal option for septage pumpers and haulers. (4) The fourth reason is to establish a fee schedule that will help

cover some of the costs of operating the program, which has historically been entirely supported by appropriated funds.

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

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

The DEQ proposes to amend Chapter 690 to update the incorporation by reference of federal regulations from July 1, 2008 to July 1, 2009. The federal rules being incorporated in this Chapter also include the “Water Transfer Rule,” and the proposed changes update the list of federal hazardous waste management rules found in 40 CFR, Parts 260-279, which are also incorporated in Chapter 690. Finally, the DEQ proposes to remove the reference to “EPA, Region 6” from the Technical Acronym “MQL.”

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

10. Consideration of and Possible Adoption of Resolution in Support of the “Oklahoma Beverage Container Recycling Act”

The Board will consider a Resolution in support of current proposed 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

11. Executive Director’s Report – Steve Thompson

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

13. Next meeting: June 15, 2010, El Reno, Oklahoma

14. 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 Oklahoma City the evening of February 25th. 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.