

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

A Public Meeting: 9:30 a.m. Friday, February 24, 2012
DEQ Multipurpose Room
Oklahoma City, Oklahoma

Please turn off cell phones.

- 1. Call to Order** – Jerry Johnson, Chair
- 2. Roll Call** – Myrna Bruce, Secretary, Board & Councils
- 3. Approval of Minutes** of the November 15, 2011, Regular Meeting
- 4. Election of Officers** – Election of Chair and Vice-Chair for Calendar Year 2012
- 5. Rulemaking - OAC 252:100 Air Pollution Control**

The DEQ proposes: (1) to amend Subchapter 1 (General Provisions) to complete the incorporation of EPA's recent changes to the Prevention of Significant Deterioration and Part 70 permitting programs exempting certain biogenic carbon dioxide emissions; (2) to amend Subchapters 1 and 7 (Permits for Minor Facilities) to resolve issues surrounding when an application for an air quality operating permit is to be submitted; and (3) to amend Subchapter 7 to make the requirement for obtaining a construction permit for existing minor facilities more consistent with that for new minor facilities.

Additionally, the DEQ proposes to clarify existing language in Subchapter 31 (Control of Emission of Sulfur Compounds) and to bring the allowable sulfur dioxide (SO₂) ambient air limits in OAC 252:100-31-7(a) into line with the requirements of the recently-enacted change to the SO₂ National Ambient Air Quality Standards. In response to comments received, the DEQ is proposing additional changes to several longstanding control, monitoring and emission requirements in the Subchapter. Additionally, the DEQ is proposing to add requirements for fuel-burning equipment that uses an alternative fuel. Finally, the DEQ is also proposing to add a new section 252:100-31-4, which aligns Subchapter 31 excess emission reporting requirements with those of 252:100-9.

- 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 252:110 Lead-Based Paint Management

The DEQ proposes to amend OAC 252:110, Lead-Based Paint Management, to add a new Subchapter 15, Additional Renovation, Repair, and Painting (RRP) Requirements. The proposed rule establishes state requirements consistent with those established by EPA and applies to contractors who perform RRP projects in homes, child-care facilities, and schools built before 1978. The proposal also applies to training providers who offer renovation and dust sampling courses. This rule revision is essential to the DEQ obtaining EPA delegation of the federal Lead-Based Paint Renovation Program in

Oklahoma. Additionally, the DEQ proposes to establish fees in Subchapter 15 to be charged by the DEQ for RRP firm certifications and for accreditation of training providers.

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

7. Rulemaking – OAC 252:515 Solid Waste Management

The DEQ proposes to amend OAC 252:515, Subchapter 21, due to recent statutory changes to the Oklahoma Used Tire Recycling Act. The amendments include: (1) changing the term “waste tire” to “used tire”; (2) increasing the percentage requirement for the cleanup of tire dumps; (3) identifying how the DEQ will allocate funds for tire dump remediation; (4) making minor changes to the requirements for mobile operations; and (5) affording eligibility to tires used on implements of husbandry and agricultural equipment that are not more than fourteen (14) inches wide and forty-four (44) inches in diameter. Finally, the DEQ proposes to change all references from “waste tire” to “used tire” throughout Chapter 515.

Additionally, the DEQ proposes to adopt new OAC 252:515 Appendices H and I (each pertaining to procedures for calculating landfill closure and/or post-closure cost estimates for financial assurance) and concurrently revoke the existing OAC 252:515 Appendices H and I. This proposal would result in the removal of the unit costs from the appendices, and updated unit costs would be published in accordance with OAC 252:515-27-34 (Annual adjustments to cost estimates).

- Presentation – Jeffrey Shepherd, 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 revocation

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

The DEQ proposes to amend OAC 252:641 as follows: (1) to establish water body protection areas for siting and designing on-site sewage treatment systems; (2) to require nitrogen reduction systems to be installed prior to dispersal for any on-site sewage treatment systems located within Zone 1 of a water body protection area; (3) to prohibit any system installed within Zone 2 of a water body protection area from being designed using a soil percolation test; and (4) to require purple pipe for any pressurized piping conveying treated wastewater for reuse. Additionally, the DEQ proposes other non-substantive changes to clarify existing language.

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

9. Rulemaking – OAC 252:626 Public Water Supply Construction Standards

The DEQ proposes to amend OAC 252:626 as follows: (1) to add a new rule containing standards for anion exchange for nitrate removal; (2) to modify the standards for water treatment plant pretreatment by removing the provision regarding large volume off-stream storage basins; (3) to modify the standards for residuals management to conform with residual and wastewater management standards in other Chapters; and (4) to make other minor clarifications.

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

10. Rulemaking - OAC 252:656 Water Pollution Control Facility Construction Standards

The DEQ proposes to amend OAC 252:656 as follows: (1) to incorporate design, construction and permitting requirements for four categories of water reuse systems (Categories 2 through 5); (2) to establish permit application fees for water reuse treatment systems and reclaimed water distribution systems in accordance with the existing fee structure in OAC 252:656-3-9; (3) to remove a duplicate financial responsibility section; and (4) to clarify language in existing sections. The requirements for the land application of wastewater from lagoon systems are being moved from Chapters 619 and 621 to this Chapter as Categories 4 and 5 reclaimed water.

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

11. Rulemaking - OAC 252:627 Operation and Maintenance for Water Reuse

The DEQ proposes to establish a new Chapter 627 with standards for the operation and maintenance of systems that take treated wastewater and, with additional treatment, make it into non-potable “reclaimed water” for beneficial reuse. The new rules create four categories of reclaimed water (Categories 2 through 5). Each category has a different level of treatment and permitted uses. The operating standards for the land application of wastewater from lagoon treatment systems were formerly in Chapters 619 and 621; those provisions have been incorporated into these new rules under Categories 4 and 5 reclaimed water. The new rules define terms and establish permitting, treatment, monitoring and record keeping requirements for reclaimed water suppliers and users. DEQ also proposes to charge annual fees to the suppliers of reclaimed water. The fees will cover DEQ’s costs to inspect, track compliance, provide technical assistance for and enforce the new standards.

- Presentation – Michel Paque, Chair, Water Quality Management Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
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12. Rulemaking - OAC 252:619 – Operation and Maintenance of Non-Industrial Total Retention Lagoon Systems and Land Application

The DEQ proposes to amend OAC 252:619 to remove language from the title and text concerning the operation, maintenance and closure of land application sites related to total retention lagoon facilities. The DEQ also proposes to move rules pertaining to the operation and maintenance of land application sites to the new Chapter 627 (Operation and Maintenance of Water Reuse Systems). Additionally, the DEQ proposes to require the addition of name and contact number to the existing lagoon signage, which must be posted near or on the fence at each side of the lagoon. Finally, the DEQ proposes several non-substantive changes for clarification.

- Presentation – Michel Paque, Chair, Water Quality Management Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
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13. Rulemaking – OAC 252:621 Non-Industrial Discharging and Public Water Supply Lagoons Including Land Application

The DEQ proposes to amend OAC 252:621 to remove language from the title and text concerning the operation, maintenance and closure of land application sites related to non-industrial discharging and public water supply lagoon facilities. The DEQ also proposes to move the rules pertaining to operation and maintenance of land application sites associated with these types of facilities to the new Chapter 627 (Operation and Maintenance of Water Reuse Systems). Finally, the DEQ proposes to revoke redundant language concerning financial assurances.

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

14. Rulemaking – OAC 252:4 Rules of Practice and Procedure

The DEQ proposes to amend Chapter 4 to include new water reuse systems in the environmental permitting process. The proposed rulemaking classifies applications for permits to construct new water reuse treatment systems and new water reuse distribution systems as Tier II applications. It also classifies applications for modifications to existing water reuse systems as Tier I applications.

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

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

The DEQ proposes to amend OAC 252:631 as follows: (1) to modify the annual fee schedule for public water supply systems; (2) to update its rules concerning the date of the incorporation by reference of certain federal regulations from July 1, 2010, to July 1, 2011; (3) to require a minimum level of disinfection for systems with mandatory disinfection; (4) to establish an alternate minimum free chlorine residual at the point of entry to the distribution system for PWSs that maintain a minimum required log-inactivation of pathogens; (5) to clarify that purchase water systems must meet minimum disinfection standards; (6) to clarify which systems are required to submit the monthly operational report to DEQ; and (7) to replace “standard plate count” as one of the required analyses with “heterotrophic bacteria” when chloramines are used or proposed to be used as the method of disinfection in a distribution system.

- Presentation – Michel Paque, Chair, Water Quality Management Advisory Council
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16. Executive Director’s Report – Steve Thompson, DEQ Executive Director

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

18. Next meeting: June 19, 2012, Bartlesville, Oklahoma (if needed)

19. 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 23, 2012. 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.