

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

A Public Meeting: 9:30 a.m., Wednesday, November 7, 2012
CETES Conference Center, Room AB
2800 West Gore Blvd.
Cameron University Campus
Lawton, Oklahoma

1. **Call to Order** – Jerry Johnston, Chair
2. **Roll Call** – Jeanette Nance, Secretary, Board & Councils
3. **Welcome** – Dr. John M. McArthur, Provost, Cameron University
4. **Approval of Minutes** of the August 21, 2012, Regular Meeting
5. **Rulemaking – OAC 252:205 Hazardous Waste Management**

The DEQ is proposing to amend Subchapter 3 of its Hazardous Waste Management rules to incorporate by reference the federal hazardous waste regulations found in 40 CFR Parts 124 and 260-279 revised as of July 1, 2012. The changes are non-substantive and are not expected to have a significant impact on the DEQ’s hazardous waste program.

- 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 on permanent adoption

6. **Rulemaking – OAC 252:303 TNI Laboratory Certification**

The DEQ is proposing to extend the implementation date of the rules in OAC 252:303 from January 2013 to January 2016. The Chapter 303 rules provide for accreditation of privately and publicly owned laboratories by the DEQ consistent with The NELAC Institute (“TNI”) accreditation standards. Since adoption of the rules in OAC 252:303 by the Board in 2011, it has come to the attention of the DEQ through information from other states that the TNI rules as adopted by reference previously may not be adequately enforceable by the DEQ. Without enforceable standards, the DEQ would be unable to hold laboratories in Oklahoma accountable for complying with TNI accreditation standards. Therefore, this extension is needed to allow the DEQ to further evaluate the enforceability of the TNI rules as previously adopted and to make adjustments as needed to develop an enforceable laboratory accreditation program. The additional time will also allow laboratories to prepare for compliance with an enforceable laboratory accreditation program.

- Presentation – Elaine Stebler, Chair, Laboratory Services 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

7. Rulemaking – OAC 252:303 TNI Laboratory Certification

The DEQ is also proposing an emergency rulemaking to extend the implementation date of the rules in OAC 252:303. (See Agenda Item #6 above.) Since The NELAC Institute (“TNI”) rules as adopted by reference previously may not be adequately enforceable, the DEQ would be unable to hold laboratories in Oklahoma accountable for complying with the TNI accreditation standards. Therefore, this emergency rulemaking is necessary to avoid serious injury to the public interest.

- Presentation – Elaine Stebler, Chair, Laboratory Services 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 emergency adoption, including Finding of Emergency*

8. Consideration of and Action on the Annual Environmental Quality Report

The Oklahoma Environmental Quality Code requires the DEQ to prepare an “Oklahoma Environmental Quality Report” and to submit it to the Governor, Speaker of the House and Senate President Pro Tem by January 1 of each year. The statutorily prescribed purpose of this report is to outline the DEQ’s annual funding needs for providing environmental services within its jurisdiction, reflect any new federal mandates, and summarize DEQ-recommended statutory changes. The Environmental Quality Board is to review, amend (as necessary) and approve the report.

- Presentation – Jimmy Givens, Deputy Executive Director, DEQ
- 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

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

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

11. Next meeting: February 22, 2013, DEQ Multipurpose Room

12. 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.

*Specification of proposed adoption by emergency rulemaking, by permanent rulemaking, or by both, is based on the recommendations of the respective advisory councils. Adoption of a rule amendment as an emergency rulemaking requires substantial supporting evidence and a finding by the Board that the emergency measure is necessary to do any of the following: (a) protect public health, safety or welfare; (b) comply with deadlines in amendments to an agency’s governing law or federal programs; (c) avoid violation

of federal law or regulation or other state law; (d) avoid imminent reduction to the agency's budget; or (e) avoid serious prejudice to the public interest.

Some members of the Board and senior staff members from DEQ will meet for dinner in Lawton the evening of November 6, 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.