

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

A Public Meeting: 9:30 a.m., Wednesday, November 13, 2013  
Muskogee Civic Center  
425 Boston Avenue, Room D  
Muskogee, Oklahoma

1. **Call to Order** – John Wendling, Chair
2. **Roll Call** – Quiana Fields, Secretary, Board & Councils
3. **Approval of Minutes** of the August 20, 2013, Regular Meeting
4. **Approval of Minutes** of the September 19, 2013 Special Meeting
5. **Rulemaking – OAC 252:205 Hazardous Waste Management**

The DEQ is proposing to revoke a portion of Subchapter 19 of its Hazardous Waste Management Rules in order to make them consistent with changes to the Oklahoma Statutes during the most recent legislative session. Previously, the Oklahoma Hazardous Waste Management Act prohibited, as a form of recycling, the burning of hazardous waste with a low heating value, or the blending of low-Btu fuel with other materials or wastes to create a hazardous waste fuel. However, the Legislature revoked the prohibition, making this proposed rulemaking necessary.

- 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 252:301 Laboratory Accreditation**

The DEQ is proposing to amend Subchapter 9 of its Laboratory Accreditation Rules to incorporate by reference the most recent EPA required analytical methodologies for drinking water, wastewater and solid waste. If adopted, these amendments will update the list of approved methods for environmental testing and provide new quality assurance and quality control requirements. These new and revised methods will provide increased flexibility to the regulated community and laboratories in their selection of analytical methods. The proposed amendments also remove redundant and unnecessary references.

- 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 252:302 Field Laboratory Accreditation**

The DEQ is proposing to amend Subchapter 9 of its Field Laboratory Accreditation Rules to incorporate by reference the most recent EPA required analytical methodologies for wastewater. If adopted, these changes would expand the list of approved methods for environmental testing and provide new quality assurance and quality control requirements. These new and revised methods will provide increased flexibility to the regulated community and laboratories in their selection of analytical methods.

- 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

## **8. Rulemaking – OAC 252:410 Radiation Management**

The DEQ is proposing to update Subchapter 1 to change the date of the incorporation of federal regulations by reference to January 1, 2013, as well as make related amendments to Subchapters 10 and 20 to maintain consistency with federal regulations. The changes include: (a) making improvements to decommissioning planning; (b) clarifying definitions related to materials licensing; (c) requiring licensees to provide advance notice to tribal governments regarding shipments of irradiated reactor fuel and certain nuclear wastes; (d) making requirements for distributors of byproduct material clearer; and (e) making technical changes and correcting errors.

- Presentation – George MacDurmon, Chair, Radiation 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 252:606 Oklahoma Pollutant Discharge Elimination System (OPDES) Standards**

The DEQ is proposing to amend the OPDES Standards, Subchapters 1, 5, and 11 and to add a new Appendix G. The proposed amendments would: (1) update the date of incorporation by reference for federal regulations from July 1, 2012 to July 1, 2013; (2) add a requirement for a weekly average of 135 mg/l total dissolved solids (TSS) for municipal lagoon effluent; and (3) include process control testing requirements for public water supply residuals lagoons.

- Presentation – Mike 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 252:626 Public Water Supply Construction Standards**

The DEQ is proposing to amend the Public Water Supply Construction Standards, Subchapters 3, 5, 9, 11 and 19. The proposed amendments would: (1) require that at least one set of plans be submitted on 11” x 17” paper; (2) require a public water system to submit a copy of its water rights verification

or its purchase water contract when submitting an engineering report; (3) update the analytical testing equipment's capability requirements for iron and manganese removal plants; (4) add fluoride concentration testing requirement for certain plants; (5) clarify that test equipment must be able to measure certain phosphate levels when poly or orthophosphates are added; (6) clarify monitoring and recording requirements for chlorine residuals; (7) clarify that chloramines cannot be used to meet contact time requirements; (8) move fluoridation requirements from Subchapter 9 to Subchapter 11; (9) add a requirement for tracer wire for certain waterline installations; and (10) make other minor corrections and clarifications.

- Presentation – Mike 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 252:631 Public Water Supply Operation**

The DEQ is proposing to amend the Public Water Supply Operation Rules, Subchapters 1 and 3. The proposed amendments would: (1) update the rules concerning the date of the incorporation by reference of certain federal regulations from July 1, 2012 to July 1, 2013; (2) move fluoridation process control language relating to disinfection from 252:631-3-3 to 252:631-3-10 which relates to process control tests; (3) add requirement for non-community water systems to record chlorine residuals twice daily in the distribution system and once daily at the point-of-entry; (4) add requirement for certain purchase water systems to record chlorine residuals; (5) remove language applicable to minor water systems which are regulated in 252:624; (6) make other minor clarifications.

- Presentation – Mike 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

#### **12. Rulemaking – OAC 252:690 Water Quality Standards Implementation**

The DEQ is proposing to amend its Water Quality Standards Implementation Rules, Subchapters 1 and 3, as well as Appendices B and J. The proposed amendments would (1) update the publication date of the federal rules incorporated by reference from July 1, 2012 to July 1, 2013; (2) update the definition of "Q<sub>e(D)</sub>"; (3) clarify potential temperature requirements for municipalities treating industrial wastewater having a thermal component; (4) update the rules on regulatory flow to be consistent with the Water Quality Standards (WQS); (5) update text to be consistent with new definition of Q<sub>e(D)</sub>; (6) remove fecal coliform as the bacteriological indicator organism for discharge permits to be consistent with a change to WQS; (7) clarify that the exception in 252:690-3-86(e) does not apply if it is determined that the discharge is not in compliance with WQS; (8) add color implementation to comply with changes to WQS; (9) update Appendix B to be consistent with WQS; and (10) update Appendix J to include all formulas referenced in the text.

- Presentation – Mike 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

**13. 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<sup>st</sup> 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, Interim 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

**14. Executive Director’s Report – Jimmy Givens, Interim Executive Director, DEQ**

**15. Report of Executive Director Search Committee – Jan Kunze, Chair, Search Committee**  
(Report on ad placement, statistics on applications received and an update on process, timelines and recommendations of the Executive Director Search Committee)

Among the statutory duties of the Board are responsibilities to appoint and set the compensation of the DEQ Executive Director (27A O.S. § 2-2-101(G)(1)). In connection with these responsibilities, the Board may go into executive session for the purpose of discussing the employment, hiring, or appointment of any individual salaried public officer or employee (25 O.S. § 307(B)(1)).

- 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 or individual candidates for the Executive Director position), 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 the appointment of a DEQ Executive Director
- In open session, roll call vote to resume regular Board meeting
- In open session, possible roll call vote on the recommendations of the Executive Director Search Committee

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

**17. Next meeting:** February 21, 2014, DEQ Multipurpose Room

**18. 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.**

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Some members of the Board and senior staff members from DEQ will meet for dinner in Muskogee the evening of November 12, 2013. 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.