

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

A Public Meeting: 9:30 a.m. Friday, February 20, 2015
DEQ Multipurpose Room
Oklahoma City, Oklahoma

Please turn off cell phones.

- 1. Call to Order** – John Wendling, Chair
- 2. Roll Call** – Quiana Fields, Board Secretary
- 3. Approval of Minutes** of the November 13, 2014, Regular Meeting
- 4. Election of Officers** – Election of Chair and Vice-Chair for Calendar Year 2015
- 5. Rulemaking – OAC 252:410 Radiation Management**

The DEQ proposes to amend OAC 252:410, Subchapters 1 and 10 to: (1) change the date for the incorporation of federal rules by reference to January 1, 2014, effective March 18, 2016; (2) to make corrections from last year’s rulemaking in the exclusions section of Subchapter 10 (Radioactive Materials Program) [252:410-10-1(b)] to exclude the definitions of “construction” and “commencement of construction” which are reserved to NRC; (3) make DEQ rules consistent with the updated federal rules including changes governing source material and the addition of a new Part 37 pertaining to physical protection and security of large quantities of certain radioactive materials; and (4) clarify the due date for payment of annual fee for generally-licensed devices.

- 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

6. Rulemaking - OAC 252:515 Solid Waste Management

The DEQ proposes to permanently amend OAC 252:515:21-32 and 21-71 to remove a now-unattainable requirement for used tire facilities to collect fifty percent of priority cleanup-list tires from illegal dumps. Due to the success of tire dump remediation efforts, the ‘fifty-percent’ requirement is no longer attainable. This proposed rulemaking will ensure that qualified applicants do not become ineligible for compensation from the Used Tire Recycling Indemnity Fund due to non-compliance with the fifty-percent requirement.

- 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 adoption

7. Rulemaking - OAC 252:515 Solid Waste Management (Emergency)

The DEQ proposes to amend OAC 252:515:21-32 and 21-71, as described in Agenda Item 6, also as an emergency measure. Implementing the proposed rule as an emergency rule will allow used tire facilities and qualified applicants to remain eligible for compensation from the Used Tire Indemnity Fund and will continue to incentivize used tire facilities to perform the cleanup, transportation, and processing of used tires prior to the effective date of the proposed permanent rule. The proposed rulemaking is necessary to preserve the public safety, health and welfare and to avoid prejudice to the public interest.

- 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 the finding of an emergency and emergency adoption

8. Rulemaking – OAC 252:515 Solid Waste Management

The DEQ also proposes to permanently amend OAC 252:515, Subchapters 1, 3, 15, 21 and 41 to: (1) require solid waste landfills to submit permit modifications for sampling ports on gas monitoring probes (related to amendments in Subchapter 15); (2) allow DEQ to specify timelines within permits for the construction and operation of new disposal facilities; (3) rename Subchapter 15 as Methane Gas Monitoring and Control to correct a past error in naming the Subchapter and to include in the Subchapter a requirement for gas monitoring probes to be constructed with sampling ports; (4) remove the ‘fifty percent’ requirement, as described in Agenda items 6 and 7, as pertaining to erosion control installers; (5) remove the requirement that used tire manifests must be four-part and carbonless; (6) remove an invalid citation from the existing roofing material recycling rules; and (7) clarify closure cost estimate procedures for roofing material recyclers.

- 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 adoption

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

The DEQ proposes to amend OAC 252:606, Subchapters 1, 3, 5, 8 and 11 to: (1) amend definitions and other language consistent with applicable laboratory accreditation rules; (2) update the publication date of the federal regulations incorporated by reference from July 1, 2013 to July 1, 2014; (3) clarify language regarding OPDES permit applications; (4) clarify terms related to discharge permits; (5) clarify that biosolids analyses must be performed by an accredited laboratory and to allow a university familiar with Oklahoma crops and soils to perform certain soil analyses; (6) clarify that compliance test results must be from an accredited laboratory; (7) clarify that discharge monitoring reports are to include all valid compliance test results; and (8) clarify OPDES facility recordkeeping requirements.

- Presentation – Duane Winegardner, 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 252:627 Operation and Maintenance of Water Reuse Systems

The DEQ proposes to amend OAC 252:627, Subchapters 1, 3 and 5 to: (1) remove the requirement to obtain a permit to supply for the use of reclaimed water within the wastewater treatment plant boundaries; (2) add buffer zone and setback distance requirements; (3) reserve Category 1 as a future category of reclaimed water; (4) add permitted uses for Category 2 and Category 3 reclaimed water; (5) add Category 6 (use of reclaimed water within boundaries of a wastewater treatment plant) to the list of categories of reclaimed water; (6) add permitted uses for Category 6 reclaimed water; (7) add a requirement for supplier to maintain flow measuring device in proper working order; (8) revise regulatory references for Category 3 and 4 reclaimed water use restrictions; (9) add requirements for using Category 6 reclaimed water; and (10) clarify that Category 6 reclaimed water must meet effluent limits but no additional sampling is required.

- Presentation – Duane Winegardner, 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 proposes to amend OAC 252:631, Subchapters 1 and 3 to: (1) add definitions for “accredited laboratory,” “direct integrity test,” “indirect integrity monitoring,” and “point of connection”; (2) update the date of incorporation by reference for federal regulations from July 1, 2013 to July 1, 2014; (3) replace “laboratory approval” language with “laboratory accreditation”; (4) remove requirement to determine the disinfection residual once daily at the point(s) of connection to the wholesale system for purchase water systems; (5) modify requirements for monitoring disinfection residual in distribution system for purchase water systems; (6) clarify requirements for membrane filtration systems; (7) clarify the requirements for submitting fluoridation analytical reports to DEQ and Oklahoma Department of Health (ODH); and (8) clarify recordkeeping requirements for purchase water systems.

- Presentation – Duane Winegardner, 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 252:656 Water Pollution Control Facility Construction Standards

The DEQ proposes to amend OAC 252:656, Subchapters 1, 3, 11, 13, 21, 23, 27 and Appendix A to: (1) add definitions for “25-year flood”, “100-year flood,” and “CT”; (2) clarify permit requirements regarding the use of reclaimed water within wastewater treatment plant boundaries; (3) add Best Management Practices for Category 6 uses within a wastewater treatment plant to

the minimum Operation and Maintenance Manual requirements; (4) clarify the requirements for surface evaporation lagoons (total retention lagoons); (5) remove requirements for backfill consistency and cover on lined dike slopes; (6) allow the use of top mounted self-priming suction lift pumps in grit chambers; (7) add standards for on-site generation of sodium hypochlorite; (8) add ozone disinfection standards; (9) add membrane filtration to supplemental treatment standards requirements; (10) reserve Category 1 as a future category of reclaimed water; (11) add permitted uses for Category 2 and Category 3 reclaimed water; (12) add Category 6 to the list of categories of reclaimed water; (13) add permitted uses for Category 6 reclaimed water; (14) clarify cautionary language requirements for reclaimed water use from hose bibs and yard hydrants; and (15) make other minor clarifications.

- Presentation – Duane Winegardner, 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. Rulemaking – OAC 252:4 Rules of Practice and Procedure (Water Quality Tier Rules)

The DEQ proposes to amend the Water Quality tier rules to make it possible to apply for a Class V underground injection well permit for disposal of drinking water treatment residuals (e.g., membrane filter reject water) into a Class II-D well, permitted by the Oklahoma Corporation Commission, by submitting a Tier I application to the DEQ. The proposed rulemaking is intended to reduce the burden of managing drinking water treatment residuals for communities that are faced with increasing water demands and that have difficulty meeting surface water discharge standards.

- Presentation – Duane Winegardner, 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 252:650 Underground Injection Control (Revocation)

The DEQ proposes to revoke in its entirety Chapter 650, Underground Injection Control rules, pertaining to the construction and operation of any injection well facility for the disposal of liquid non-hazardous waste. Chapter 650 was previously revoked and replaced with Chapter 652, which is currently in effect. However, due to an administrative error, the revocation of Chapter 650 was never recorded with the Office of Administrative Rules. This proposed rulemaking is to correct that error.

- Presentation – Duane Winegardner, 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

15. Executive Director's Report – Scott Thompson, DEQ Executive Director

Mr. Thompson's report will include brief updates on significant DEQ accomplishments in 2014, recent staff reorganizations within the agency and the results of the recent DEQ Operational Audit. This report is for informational purposes only, and no action by the Board is required.

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: June 16, 2015, DEQ, Oklahoma City

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. If necessary to accommodate the public, the Board Chair may make a determination to conduct the Forum prior to the Call to Order.

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.