

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

A Public Meeting: 9:30 a.m., Tuesday, November 10, 2015
Canadian Valley Technology Center
Helen Ward Seminar Center, Building 200
1401 W. Michigan Avenue
Chickasha, Oklahoma

Please turn off cell phones.

1. Call to Order – Jan Kunze, Chair

2. Announcements – Jan Kunze, Chair

Announcements will include the introduction of any new Board members or special meeting guests, as well as safety information for the current meeting venue and any other general housekeeping matters of interest to the Board. These announcements are for informational purposes only, and no action by the Board is required.

3. Roll Call – Quiana Fields, Secretary, Board & Councils

4. Approval of Minutes of the September 15, 2015, Regular Meeting

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

The DEQ is proposing to amend Chapter 4, Subchapter 17 (Electronic Reporting) and to revoke Appendix E (Electronic signature agreement) to allow for electronic verification of the reporting entity's identity rather than requiring a notarized paper submittal for the identification process.

- Presentation – Sarah Penn, Deputy General Counsel, DEQ
- 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 252:100 Air Pollution Control

The DEQ is proposing to make revisions to Chapter 100 as follows: (1) to revoke the existing Appendix Q, Incorporation by Reference, and adopt an updated Appendix Q to incorporate EPA's latest regulatory changes including Table 1 found in 40 CFR Part 51, Subpart A, Appendix A. The DEQ is also proposing to update language in Subchapter 2, Incorporation by Reference, to reflect the latest date of incorporation of EPA regulations in Appendix Q; (2) to amend Subchapter 5 (Registration, Emission Inventory and Annual Operating Fees), for consistency with EPA's Air Emission Reporting Requirements contained in 40 CFR Part 51, Subpart A; (3) to amend Subchapter 7 (Permits for Minor Facilities) to simplify the permitting process for facilities whose only obligation to obtain a permit is due to the presence of an emergency engine that is subject to a federal standard and to clarify which air quality control rules apply to de minimis and permit-exempt facilities; and (4) to amend Subchapter 9 (Excess Emission Reporting Requirements During Periods of Startup, Shutdown and Malfunction

[SSM]) to comply with the State Implementation Plan (SIP) Call as published in the *Federal Register* by EPA on June 12, 2015 (80 FR 33840) and to conform with EPA's restated and updated SSM policy applicable to SIPs.

- Presentation – Sharon Myers, 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 on permanent adoption

7. Rulemaking – OAC 252:205 Hazardous Waste Management

The DEQ is proposing to make revisions to Chapter 205 as follows: (1) to incorporate by reference the federal hazardous waste regulations found in 40 CFR Parts 124 and 260-279 revised as of July 1, 2015, including the revocation of the Comparable Fuels Rule and the Gasification Rule pursuant to a federal court order dated June 27, 2014, and including those revisions to 40 CFR published at 80 FR 1694-1814 (January 13, 2015) pertaining to the “Definition of Solid Waste: Final Rule”; and (2) to update and improve the rules for Transfer Station Development and Operations Plans, which were originally promulgated in the early 1990s.

- 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

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 Tempore by January 1st 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 – Scott Thompson, Executive Director, DEQ

Mr. Thompson's report will include updates on the FY 2016 budget, budget projections for next year and the DEQ Annual Report due to the Legislature by January 1st of each year. Mr. Thompson's report is for informational purposes only, and no action by the Board is required.

10. Executive Session - Performance Review of Executive Director

Among the statutory duties of the Board are responsibilities to appoint and set the compensation of the Executive Director and to assist the DEQ in conducting periodic reviews and planning activities related to the goals, objectives, priorities, and policies of the DEQ. In connection with these

responsibilities, the Board has determined that it should conduct a performance review of the Executive Director.

- 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), 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 Executive Director's annual performance review and of possible employment actions by the Board relating to the Executive Director

11. Reconvene into open session

- In open session, roll call vote to reconvene regular Board meeting

12. Consider taking action on the following

- In open session, possible roll call vote on specific actions or recommendations as a result of the Executive Director's annual performance review

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

14. Next meeting: February 19, 2016, DEQ Multipurpose Room

15. 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.