

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

A Public Meeting: 9:30 a.m., Wednesday, November 9, 2016  
Carolyn Renfro Event Center  
445 Fairview Avenue  
Ponca City, 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 13, 2016, Regular Meeting

**5. Rulemaking – OAC 252:100 Air Pollution Control**

A. DEQ proposes to amend several definitions in OAC 252:100, Subchapter 1 (General Provisions) to make them consistent with those promulgated by EPA. This will ensure that the State's rules are no less stringent than the federal rules and that DEQ will retain the Prevention of Significant Deterioration (PSD) and Title V permitting programs.

B. DEQ also proposes to amend OAC 252:100, Subchapter 8 (Part 5. Permits for Part 70 Sources; Part 7. PSD Requirements for Attainment Areas; and Part 9. Major Sources Affecting Nonattainment Areas). These amendments include changes to various definitions; revisions to the PM<sub>2.5</sub> exemption from ambient pre-construction monitoring requirements; revisions to remove and reserve the PM<sub>2.5</sub> significant impact levels consistent with federal rules; and amendment of the incorporation date for NSR emission offsets from July 1, 2010 to April 6, 2015, in Subchapter 8.

C. DEQ proposes to amend OAC 252:100, Appendix Q (Incorporation by Reference) in order to incorporate the latest changes to EPA regulations, including new requirements pertaining to Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units and pertaining to National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources. Additionally, DEQ proposes to update language in Subchapter 2 (Incorporation by Reference) to reflect the latest date of incorporation of EPA regulations.

- Presentation – Gerald Butcher, 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. Report on Rulemaking Petition – Gerald Butcher, Chair, Air Quality Advisory Council**

On September 27, 2016, DEQ received a Petition for Rulemaking from the Oklahoma Department of Labor requesting a rule requiring that asbestos inspection reports be sent to DEQ prior to the commencement of demolition or renovation activities. DEQ's Rules of Practice and Procedure (OAC 252:4) require DEQ to refer a rulemaking petition filed with the agency to the appropriate Council and to advise the Board of the status of the rulemaking petition. Upon receipt of the Petition for Rulemaking, the DEQ referred it to the Air Quality Advisory Council. This report is to advise the Board of the status of the Petition. No action by the Board is required.

## **7. Rulemaking – OAC 252:205 Hazardous Waste Management**

DEQ proposes to amend OAC 252:205, Subchapter 3 (Incorporation by Reference) in order to update the date of incorporation by reference of federal rules from July 1, 2015 to July 1, 2016. There were no significant new federal rule changes during this time period; however, 40 CFR 261.4(b)(18) will be reincorporated in order to correct an error from a previous rulemaking that resulted in state rules not being equivalent to the federal rules. Section 261.4(b)(18) was previously excluded because it specifically referred to the State of Utah and was thus not applicable in Oklahoma. This citation was subsequently reused by EPA for part of the new Solvent Wipes final rule, which relaxed the standards for management and disposal of solvent contaminated wipes. Reincorporation of this section will ensure that state rules are equivalent to the federal rules.

- 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(s) on permanent adoption

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

DEQ proposes to amend Subchapters 1 and 10 in order to adopt recent revisions to Nuclear Regulatory Commission (NRC) regulations by updating the date for incorporation by reference from January 1, 2015 to January 1, 2016. The most significant revisions to be incorporated include consolidating requirements on reporting and protecting of Safeguards information from 10 CFR Parts 30 and 73 to Part 37; providing relief from fingerprinting and background check requirements for certain commercial vehicle drivers; and updating shipping requirements for certain radioactive materials. This rulemaking is necessary in order for DEQ's Radiation Management program to remain compatible with federal rules and maintain its Agreement State status as authorized by the NRC.

- 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**

DEQ proposes to amend Subchapter 1 in order to adopt recent revisions to the federal regulations pertaining to wastewater discharges by updating the date of incorporation by reference from July 1, 2015 to July 1, 2016. The most significant federal regulations to be incorporated by reference include electronic reporting for NPDES; effluent limitations and standards for the steam electric power

generating industry; and pretreatment standards for unconventional oil and gas extraction facilities. This rulemaking is necessary in order for DEQ's OPDES program to remain compatible with federal rules and to ensure that DEQ retains primacy for administering the program in Oklahoma.

- 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

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

DEQ proposes to amend Subchapter 1 to adopt recent revisions to the federal regulations pertaining to water quality standards implementation in Oklahoma by updating the date of incorporation by reference from July 1, 2015 to July 1, 2016. The regulations incorporated include those described in the Agenda item numbered 9 above. Additionally, DEQ proposes to separate into two sections the date of incorporation by reference and the list of rules incorporated. This change is consistent with other DEQ rules and will facilitate future rulemaking since the date of incorporation must be updated more regularly than the list of rules.

- 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. Consideration of and Action on the Annual Environmental Quality Report**

The Oklahoma Environmental Quality Code requires 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 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, 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(s) on approval

#### **12. Executive Director's Report – Scott Thompson, Executive Director, DEQ**

Mr. Thompson's report may include budget and legislative updates as well as significant agency accomplishments and activities since the last Board meeting. This report is for informational purposes only, and no action by the Board is required.

**13. Executive Session – Annual 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

**14. Reconvene into open session**

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

**15. 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

**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 17, 2017, Norman, OK

**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.**