

REGULAR MEETING AGENDA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OKLAHOMA ENVIRONMENTAL QUALITY BOARD

A Public Meeting: 9:30 a.m., Tuesday, September 9, 2003  
OSU @ Tulsa Auditorium  
700 N. Greenwood  
Tulsa, Oklahoma

1. Call to Order – Richard Wuerflein, Chair
2. Roll Call – Myrna Bruce
3. Approval of Minutes of the February 28, 2003 Regular Meeting
4. **Consideration of Biomedical Facility Certificate of Need**

State law (27A O.S. § 2-10-308) requires that an applicant for new a commercial medical waste processing facility obtain a Certificate of Need from the Board. Positive Impact Waste Solutions (PIWS) seeks a Certificate of Need for mobile medical waste treatment units.

  - A. Background presentation on Certificate of Need requirement and DEQ review process – Jimmy Givens, DEQ General Counsel
  - B. Presentation by PIWS concerning Certificate of Need application – Mark Gelvin, Regional Manager, PIWS
  - C. Questions and discussion by the Board
  - D. Questions, comments and discussion by the public
  - E. Discussion by the Board
  - F. Roll call vote on approval, denial, remand or other action
5. **DEQ Operational Budget Request**

DEQ budget requests to the Governor through the Office of State Finance require approval of the Board. The operational budget request for State Fiscal Year 2005 (beginning July 1, 2004) must be submitted to the OSF by October 1<sup>st</sup> of this year. The law requires that all state agencies submit a 5-year budget plan. The request for the coming year, in this case SFY 2005, is the most critical. Included in the request for SFY 2005 are funds for air quality programs, Total Maximum Daily Load (TMDL) assessments, public water supply programs, and local project assistance.

  - A. Presentation – David Dyke, Assistant Division Director, Administrative Services
  - B. Questions and discussion by the Board
  - C. Questions, comments and discussion by the public
  - D. Discussion by the Board
  - E. Roll call vote on approval of budget request
6. **Rulemaking – OAC 252:4 Rules of Practice and Procedure**

Proposed amendments to Subchapter 9 will delete references to the possibility that the Air Quality Advisory Council would conduct hearings on enforcement matters. This conforms to legislation (HB 1019) that was passed in the 2003 legislative session and approved by the Governor April 22, 2003.

  - A. Presentation – Sharon Myers, Chair, Air Quality Advisory Council
  - B. Questions and discussion by the Board
  - C. Questions, comments and discussion by the public
  - D. Discussion by the Board
  - E. Roll call vote on permanent adoption

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

Proposed amendments replace an existing emergency rule with a permanent rule to exempt glass-melting furnaces that utilize BACT from the requirements of Subchapter 33. The definition of “new fuel-burning equipment” is revised to reflect that direct-fired fuel-burning equipment did not become subject to Subchapter 33 until 1977.

- A. Presentation – Sharon Myers, Chair, Air Quality Advisory Council
- B. Questions and discussion by the Board
- C. Questions, comments and discussion by the public
- D. Discussion by the Board
- E. Roll call vote on permanent adoption

8. **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 Department in conducting periodic reviews and planning activities related to the goals, objectives, priorities, and policies of the Department. In connection with these responsibilities, the Board has determined that it should perform an annual performance review of the Executive Director.

- A. Discussion by the Board in open session
- B. Possible executive session pursuant to Title 25 Oklahoma Statutes § 307(A) (discussion of employment actions related to any individual salaried public officer or employee), if authorized by recorded majority vote of the Board members present
  - (1) Vote in open session on whether to enter executive session
  - (2) If executive session approved, designation in open session of person to keep minutes in executive session
  - (3) Discussion in executive session of Executive Director’s performance
- C. Further discussion by the Board in open session
- D. Possible roll call vote on specific actions or recommendations as a result of performance review

9. **CY 2004 Board meeting dates and locations:** Discussion and vote by the Board

- 10. New Business (any matter not known about, or which could not have been reasonably foreseen prior to the time of posting of agenda)
- 11. Executive Director’s Report, including disclosure of certain employee financial interests pursuant to 27A O.S. § 2-3-101
- 12. Adjournment

**Public Forum** (after adjournment): The Board meets four 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 have a disability and need an accommodation, please notify the DEQ three days in advance at 702-7100.

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Some members of the Board, as well as senior staff members from the DEQ, will meet for dinner in Tulsa the evening of September 8. This is a social occasion. No Board or DEQ business will be conducted or discussed.