

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

A Public Meeting: 9:30 a.m., Friday February 27, 2004
707 North Robinson
Multipurpose Room
Oklahoma City, Oklahoma

1. Call to Order – Richard Wuerflein, Chair
2. Roll Call – Myrna Bruce
3. Approval of Minutes of the November 18, 2003 Regular Meeting
4. Election of Officers - Election of Chair and Vice-Chair for Calendar Year 2004
5. **Rulemaking – OAC 252:100 Air Pollution Control**
 - The proposed amendments to Subchapters 5 and 7 create a new category of facility to be called “permit exempt facility”. The proposal exempts facilities with actual emissions of regulated air pollutants of 40 tons per year or less and potential emissions below Title V, PSD, and non-attainment major source thresholds from requirements to obtain permits, pay annual operating fees, and report emissions annually.
 - Proposed Subchapter 13 amendments conform with changes to the Oklahoma Clean Air Act regarding fire training; address open burning of yard brush; address general conditions and requirements for open burning; and exempt hydrocarbon flares from the prohibition on burning between sunset and sunrise.
 - 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 and action by the Board, which may include roll call votes on permanent adoption
6. **Rulemaking - OAC 252:205 Hazardous Waste Management**

Proposed amendments to Section 3-1 incorporate by reference federal hazardous waste rule amendments through July 1, 2003. Included are amendments regarding zinc fertilizers made from recycled hazardous secondary materials; a national treatment variance to designated new treatment categories for radioactively contaminated batteries; and standards for hazardous air pollutants for hazardous waste combustors (corrections to NESHAP). Proposed changes to Section 3-2 correct specific errors in previously incorporated federal rules and add language to implement the waste exclusion rule in Oklahoma.

 - A. Presentation – Jody Reinhart, Chair, Hazardous Waste Management Advisory Council
 - B. Questions and discussion by the Board
 - C. Questions, comments and discussion by the public
 - D. Discussion and action by the Board, which may include a roll call vote on permanent adoption

7. Rulemaking - OAC 252:300 Laboratory Accreditation

Proposed changes include adding a category of laboratory accreditation for Petroleum Hydrocarbons Testing; updating method references; updating language concerning minimum requirements for Quality Assurance/Quality Control Plans; and establishing a reduced fee for interim accreditation changes at an established laboratory.

- A. Presentation – Elaine Stebler, Vice-Chair, Laboratory Services Advisory Council
- B. Questions and discussion by the Board
- C. Questions, comments and discussion by the public
- D. Discussion and action by the Board, which may include a roll call vote on permanent adoption

8. Rulemaking - OAC 252:410 Radiation Management

- Proposed amendments in Subchapter 1 bring definitions in line with the Atomic Energy Act. A new provision would require that DEQ be notified of incidents involving radiation machines. Administrative changes are proposed for clarification. Amendments in Subchapter 3 include new requirements for industrial x-ray radiography records, and clarification of other recordkeeping requirements.
- The proposed change to Subchapter 5 provides a means to authorize industrial radiographers certified by an out-of-state entity to operate under reciprocity in Oklahoma. Proposed changes to Subchapter 7 add to and clarify existing notice and information requirements for persons operating under reciprocity in Oklahoma.
- Proposed revisions to Subchapter 10 change the current “Agreement State Program” to the “Radioactive Materials Program”. The license program would be expanded to include radium sealed sources and accelerator-produced material. The proposal includes a new fee for the issuance of licenses to radium sealed sources and accelerator-produced material, along with a fee increase for most fee categories. Part 19 of this subchapter would be moved to a new Subchapter 23.
- Amendments proposed for Subchapter 15 include new requirements for utilization logs, personnel monitoring, and notification to DEQ for incidents involving x-ray machines used for industrial radiography. Changes strengthen the requirements for industrial radiographers using x-ray machines and align them more closely with those in other states and with those for industrial radiographers using sealed sources.
- Proposed amendments to Subchapter 19 change the language such that operators/owners of certain portable x-ray fluorescence instruments used to detect lead-based paint would no longer be exempt from Subchapter 19.
- Subchapter 20 would be amended to add provisions related to the reporting of the theft or loss of a radiation machine, the notification of incidents, and the reporting of human exposure to machine-produced radiation when such exposure exceeds certain limits.
- Proposed new Subchapter 23 contains requirements concerning worker communications that are currently in Subchapter 10, Part 19, but the new Subchapter 23 standardizes requirements for all radiation programs.
 - A. Presentation – Dr. David Gooden, Chair, Radiation Management Advisory Council
 - B. Questions and discussion by the Board
 - C. Questions, comments and discussion by the public
 - D. Discussion and action by the Board, which may include roll call votes on permanent adoption

- 9. Rulemaking - OAC 252:605, 606, 648 OPDES/Land Application of Biosolids**
The DEQ proposes to revoke Chapters 605 (Discharges – OPDES) and 648 (Land Application of Biosolids) in favor of a new consolidated Chapter 606 (Oklahoma Pollutant Discharge Elimination System (OPDES) Standards). The new chapter includes updates of incorporations by reference and language clarifications.
- A. Presentation – Lowell Hobbs, Chair, Water Quality Management Advisory Council
 - B. Questions and discussion by the Board
 - C. Questions, comments and discussion by the public
 - D. Discussion and action by the Board, which may include a roll call vote on permanent adoption
- 10. Rulemaking – OAC 252:616 Industrial Wastewater Systems**
Proposed minor changes to Subchapter 616 (Industrial Wastewater Systems) clarify the definition of “beneficial use” to be consistent with other rule chapters and simplify language related to separation distances.
- A. Presentation – Lowell Hobbs, Chair, Water Quality Management Advisory Council
 - B. Questions and discussion by the Board
 - C. Questions, comments and discussion by the public
 - D. Discussion and action by the Board, which may include a roll call vote on permanent adoption
- 11. Rulemaking – OAC 252:641 Individual and Small Public On-Site Sewage Disposal Systems**
Proposed changes to OAC 252:641 (Individual and Small Public On-Site Sewage Disposal Systems) include an increase in fees to compensate for recent budget cuts in allocated monies. Other amendments include changes in requirements relating to soil tests and soil profiles; revisions to the classification system for certified installers; changes in standards and requirements for certain aerobic systems, small public lagoons, subsurface systems and septic tanks; revisions to financial assurance requirements; and clarification and formatting changes and typographical corrections.
- A. Presentation – Lowell Hobbs, Chair, Water Quality Management Advisory Council
 - B. Questions and discussion by the Board
 - C. Questions, comments and discussion by the public
 - D. Discussion and action by the Board, which may include a roll call vote on permanent adoption
- 12. Rulemaking – OAC 252:710 Waterworks and Wastewater Works Operator Certification**
Proposed changes revise and clarify the current operator certification rules, and amend existing procedures and requirements for the certification of waterworks and wastewater works operators and laboratory operators. New provisions include opportunity for additional credit and/or options for experience under certain classifications; addition of a certification exception for certain laboratory operators; and addition of provisions regarding distribution and collection operators and technicians. The provision on reciprocity is proposed for revocation because the provision is contained in state statutes.
- A. Presentation – Rick Ritter, Chair, Waterworks and Wastewater Works Advisory Council
 - B. Questions and discussion by the Board
 - C. Questions, comments and discussion by the public
 - D. Discussion and action by the Board, which may include a roll call vote on permanent adoption

13. New Business (any matter not known about, or which could not have been reasonably foreseen, prior to the time of posting of agenda)
14. Executive Director's Report, including status of petitions for rulemaking
15. 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 desire to attend but have a disability and need an accommodation, please notify the DEQ three days in advance at 702-7100. For hearing impaired, the TDD Relay Number is 1-800-722-0353 for TDD machine use only.

Some members of the Board, as well as senior staff members from the DEQ, will meet for dinner in Oklahoma City the evening of February 26. This is a social occasion. No Board or DEQ business will be conducted or discussed.