

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

A Public Meeting: 9:30 a.m. Friday, February 17, 2017
Embassy Suites Norman Hotel & Conference Center
2501 Conference Drive
Norman, 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 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, Board Secretary

4. Approval of Minutes of the November 9, 2016, Regular Meeting

5. Election of Officers – Election of Chair and Vice-Chair for Calendar Year 2017

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

The DEQ proposes to amend OAC 252:4, Subchapter 7 (Environmental Permit Process – Fees and fee refunds) to clarify existing rules pertaining to the refund of permit application fees and to allow for refund of application fees in certain situations. The proposed rulemaking would also allow DEQ to retain a percentage of the amount to be refunded in order to cover the agency's costs in processing permit applications and refunds.

- Presentation – Martha Penisten, DEQ General Counsel
- 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 permanent adoption

7. Rulemaking - OAC 252:4 Rules of Practice and Procedure (Air Quality)

The DEQ proposes to amend OAC 252:4, Subchapter 7, (Environmental Permit Process – Notices – Additional notice content requirements for Clean Air Act Permits) to align the Department's notice requirements for Prevention of Significant Deterioration (PSD) permits with those promulgated by EPA. This will remove an obstacle in EPA Region 6's review and approval process for related portions of Oklahoma's State Implementation Plan.

- Presentation –Laura Lodes, 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 a roll call vote on permanent adoption

8. Rulemaking – OAC 252:100 Air Pollution Control

The DEQ proposes to amend OAC 252:100, Subchapter 7, (Permits for Minor Facilities -Permit By Rule (PBR) Oil and natural gas sector) in order to add a reference to EPA's recently promulgated New Source Performance Standards (NSPS) in 40 CFR Part 60, Subpart OOOOa. The proposed amendment clarifies source eligibility criteria for the Oil and Natural Gas sector PBR.

- Presentation – Laura Lodes, 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

9. Rulemaking - OAC 252:515 Management of Solid Waste

The DEQ proposes to amend OAC 252:515 and to create a new Subchapter, OAC 252:515-43, to allow for a tiered permitting and regulatory structure for different classes of solid waste composting facilities. The classes of facilities are based on the type and quantity of material to be received and composted at a particular facility. All proposed amendments to OAC 252:515 are associated with the creation of the new Subchapter and are necessary to ensure consistency with the new Subchapter.

- 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

10. Rulemaking - OAC 252:4 Rules of Practice and Procedure (Solid Waste)

The DEQ proposes to amend OAC 252:4, Subchapter 7 (Environmental Permit Process – Land Protection Division Tiers and Time Lines) to modify and clarify the permitting process requirements and associated tiers that apply to solid waste composting facilities. These amendments are related to the amendments described in Agenda Item # 9 and support the proposed new Subchapter 43 of OAC 252:515, which allows for a tiered permitting and regulatory structure for different classes of solid waste composting facilities.

- 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

11. Rulemaking – OAC 252:517 Disposal of Coal Combustion Residuals from Electric Utilities

The DEQ proposes to amend OAC 252:517, Subchapters 9 and 15 in response to recent EPA amendments to 40 CFR Part 257, Subpart D (Federal CCR Rule). DEQ adopted the federal CCR requirements to ensure the state and federal regulations pertaining to coal combustion residuals (CCR) disposal are uniform. The amendments to the Federal CCR Rule, as well as the proposed amendments to OAC 252:517, extend certain deadlines for owners/operators of the impoundments that had previously been eligible for “early closure” and are now subject to the requirements for existing surface impoundments.

- 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

12. Rulemaking – OAC 252:624 Minor Public Water Supply Systems

The DEQ proposes to amend OAC 252:624, Subchapters 1, 3, 5, 7, and 9 in order to clarify the systems that are minor water supplies and to update technical requirements. The proposed rulemaking also includes authority for DEQ to approve variances for these systems. Additionally, the DEQ proposes to revoke and replace the existing Appendix A to illustrate the rule’s technical requirements and update the drawings.

- 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. Executive Director’s Report – Scott Thompson, DEQ Executive Director

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.

14. Introduction of DEQ Employee of the Year and Employees of the Quarter, 2016 –
Scott Thompson, DEQ Executive Director

15. DEQ Capital Budget Request

Capital Budget requests for State Fiscal Year 2019 (beginning July 1, 2018), must be submitted to the Office of Management and Enterprise Services (OMES) by July 1st of this year. The DEQ may have a need for funds to make capital improvements to its main office building and parking garage structure. Capital budget requests require approval of the Board.

- Presentation – Kathy Aebischer, DEQ Chief Financial Officer
- 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 approval

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 13, 2017, 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.