

**MINUTES**  
**ENVIRONMENTAL QUALITY BOARD**  
**FEBRUARY 17, 2017**  
**EMBASSY SUITES NORMAN HOTEL & CONFERENCE CENTER**  
**NORMAN, OKLAHOMA**

Official EQB Approved  
On September 19, 2017

**Notice of Public Meeting** – The Environmental Quality Board (Board) convened for a Regular Meeting at 9:30 a.m., at the Embassy Suites Norman Hotel & Conference Center, 2501 Conference Drive Norman, Oklahoma. This meeting was held in accordance with 25 O.S. Section 311, with notice of the meeting given to the Secretary of State on October 13, 2016. The agenda was mailed to interested parties on February 7, 2017, and was posted at the DEQ and the facility on February 16, 2017. Ms. Jan Kunze, Chair, called the meeting to order. Ms. Kunze then talked on safety precautions in case of an emergency. Ms. Fields called roll and a quorum was confirmed.

**MEMBERS PRESENT**

Daniel Blankenship  
Shannon Ferrell  
David Griesel  
Tracy Hammon  
Jimmy Kinder  
Jan Kunze  
Tim Munson  
Homer Nicholson  
Billy Sims  
Loretta Turner  
John Wendling

**DEQ STAFF PRESENT**

Scott Thompson, Executive Director  
Jimmy Givens, Deputy Executive Director  
Martha Penisten, General Counsel  
Michelle Wynn, Legislative Liaison  
Eddie Terrill, Air Quality Division  
Roy Walker, Administrative Services Division  
Chris Armstrong, State Environmental Laboratory Services  
Kelly Dixon, Land Protection Division  
Lloyd Kirk, Office of External Affairs  
Beverly Botchlet-Smith, Air Quality Division  
Kole Kennedy, Land Protection Division  
Richard McDaniel, Environmental Complaints & Local Services  
Bruce Vande Lune, Environmental Complaints & Local Services  
Loree Boyanton, Environmental Complaints & Local Services  
Shellie Chard, Water Quality Division  
Gary Collins, Environmental Complaints & Local Services  
Trevor Hammons, Environmental Attorney Supervisor  
Saba Tahmassebi, Engineering Manager  
Jon Roberts, Office of External Affairs  
Michael King, Office of External Affairs  
Laura Finley, Environmental Attorney Supervisor  
Sarah Penn, Deputy General Counsel  
Ryan Biggerstaff, Air Quality Division  
Vance Pennington, Environmental Complaints & Local Services  
Stan Johnson, State Environmental Laboratory Services  
Matt Wormus, Land Protection Division  
David Cates, Land Protection Division  
George Russell, Environmental Complaints & Local Services  
Cindy Przekurat, Executive Director's Office  
Kathy Aebischer, Administrative Services Division  
Quiana Fields, Board & Council Secretary

**MEMBERS ABSENT**

Steve Mason  
Cheryl Vaught

**OTHERS PRESENT**

Clayton Eubanks, Office of the Attorney General  
Tyler Powell, Office of the Secretary of Energy & Environment  
Jeff Shepherd, Solid Waste Management Advisory Council  
Laura Lodes, Air Quality Advisory Council  
Lynette Wrany, Court Reporter

**Approval of Minutes** – Mr. Nicholson moved to approve the Minutes from the November 9, 2016 Regular Meeting. Mr. Munson made the second.

*transcript pages 6 - 7*

Daniel Blankenship	Yes	Homer Nicholson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Loretta Turner	Yes
Tracy Hammon	Yes	John Wendling	Yes
Jimmy Kinder	Yes	Jan Kunze	Yes
Tim Munson	Yes		

**Election of Officers – Election of Chair and Vice-Chair for Calendar Year 2017 – Mr. Blankenship nominated Mr. Tim Munson as Chair. Mr. Kinder made a motion to cease nominations and elect Mr. Munson by acclamation and Mr. Ferrell made the second.**

*transcript pages 7 - 9*

Daniel Blankenship	Yes	Homer Nicholson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Loretta Turner	Yes
Tracy Hammon	Yes	John Wendling	Yes
Jimmy Kinder	Yes	Jan Kunze	Yes
Tim Munson	Yes		

Ms. Kunze then called for nominations for Vice-Chair. Mr. Munson nominated Mr. Dan Blankenship and Mr. Sims made the second. Mr. Ferrell moved to cease nominations and elect Mr. Blankenship by acclamation and Mr. Kinder made the second.

*transcript pages 9 - 11*

Daniel Blankenship	Yes	Homer Nicholson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
David Griesel	Yes	Loretta Turner	Yes
Tracy Hammon	Yes	John Wendling	Yes
Jimmy Kinder	Yes	Jan Kunze	Yes
Tim Munson	Yes		

**Mr. Munson presented Ms. Kunze a plaque and thanked her for her service as Chair.**

**Rulemaking – OAC 252:4 Rules of Practice – Mr. Munson called upon Ms. Martha Penisten, General Counsel of the DEQ to present the rule. Ms. Penisten stated that 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 (up to \$500) in order to cover the agency’s costs in processing permit applications and refunds. Following no questions or comments by the Board or the public, Mr. Munson called for a motion. Mr. Griesel moved to approve and Mr. Wendling made the second.**

*transcript pages 12 - 15*

Daniel Blankenship	Yes	Billy Sims	Yes
Shannon Ferrell	Yes	Loretta Turner	Yes
David Griesel	Yes	John Wendling	Yes
Tracy Hammon	Yes	Jan Kunze	Yes
Jimmy Kinder	Yes	Tim Munson	Yes
Homer Nicholson	Yes		

**Rulemaking – OAC 252:4 Rules of Practice and Procedure (Air Quality) – Mr. Munson called upon Ms. Laura Lodes, Chair of the Air Quality Advisory Council (AQAC), to present the air rule. Ms. Lodes stated that 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. Following no questions or comments by the Board or the public, Mr. Munson called for a motion. Mr. Kinder moved to approve and Dr. Hammon made the second.

*transcript pages 15 - 18*

Daniel Blankenship	Yes	Billy Sims	Yes
Shannon Ferrell	Yes	Loretta Turner	Yes
David Griesel	Yes	John Wendling	Yes
Tracy Hammon	Yes	Jan Kunze	Yes
Jimmy Kinder	Yes	Tim Munson	Yes
Homer Nicholson	Yes		

**Rulemaking - OAC 252:100 Air Pollution Control** - Ms. Lodes stated that 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. Following no questions or comments by the Board or the public, Mr. Munson called for a motion. Mr. Ferrell moved to approve and Ms. Turner made the second.

*transcript pages 18 - 21*

Daniel Blankenship	Yes	Billy Sims	Yes
Shannon Ferrell	Yes	Loretta Turner	Yes
David Griesel	Yes	John Wendling	Yes
Tracy Hammon	Yes	Jan Kunze	Yes
Jimmy Kinder	Yes	Tim Munson	Yes
Homer Nicholson	Yes		

**Rulemaking – OAC 252:515 Management of Solid Waste** – Mr. Munson called upon Mr. Jeff Shepherd, Chair of the Solid Waste Management Advisory Council (SWMAC), to present the rule. Mr. Shepherd stated that 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. Following questions by the Board and none by the public, Mr. Munson called for a motion. Mr. Blankenship moved to approve and Mr. Ferrell made the second.

*transcript pages 22 - 26*

Daniel Blankenship	Yes	Billy Sims	Yes
Shannon Ferrell	Yes	Loretta Turner	Yes
David Griesel	Yes	John Wendling	Yes
Tracy Hammon	Yes	Jan Kunze	Yes
Jimmy Kinder	Yes	Tim Munson	Yes
Homer Nicholson	Yes		

**Rulemaking – OAC 252:4 Rules of Practice and Procedure (Solid Waste)** – Mr. Shepherd stated that 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. Following no questions or comments by the Board or the public, Mr. Munson called for a motion. Mr. Sims moved to approve and Mr. Wendling made the second.

*transcript pages 26 - 28*

Daniel Blankenship	Yes	Billy Sims	Yes
Shannon Ferrell	Yes	Loretta Turner	Yes
David Griesel	Yes	John Wendling	Yes
Tracy Hammon	Yes	Jan Kunze	Yes

Jimmy Kinder	Yes	Tim Munson	Yes
Homer Nicholson	Yes		

**Rulemaking – OAC 252:517 Disposal of Coal Combustion Residuals from Electric Utilities** – Mr. Shepherd stated that 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. Following no questions or comments by the Board or the public, Mr. Munson called for a motion. Mr. Ferrell moved to approve and Mr. Blankenship made the second.

*transcript pages 28 - 31*

Daniel Blankenship	Yes	Billy Sims	Yes
Shannon Ferrell	Yes	Loretta Turner	Yes
David Griesel	Yes	John Wendling	Yes
Tracy Hammon	Yes	Jan Kunze	Yes
Jimmy Kinder	Yes	Tim Munson	Yes
Homer Nicholson	Yes		

**Rulemaking – OAC 252:624 Minor Public Water Supply Systems** – Mr. Munson called upon Mr. George Russell, Environmental Programs Manager of the ECLS, to present the rule. Mr. Russell stated that 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. Following questions by the Board and none by the public, Mr. Munson called for a motion. Mr. Griesel moved to approve and Mr. Blankenship made the second.

*transcript pages 31 - 40*

Daniel Blankenship	Yes	Billy Sims	Yes
Shannon Ferrell	Yes	Loretta Turner	Yes
David Griesel	Yes	John Wendling	Yes
Tracy Hammon	Yes	Jan Kunze	Yes
Jimmy Kinder	Yes	Tim Munson	Yes
Homer Nicholson	Yes		

**Executive Director’s Report** – Mr. Thompson, Executive Director of the DEQ, discussed current agency activities, legislative updates, and recognized certain DEQ employees who worked over the Thanksgiving holiday to respond to an environmental emergency in northern Oklahoma. Mr. Thompson then called upon Ms. Kathy Aebischer, Chief Financial Officer of the DEQ, who gave an update on the FY 2017 budget.

*transcript pages 41 - 54*

**Introduction of DEQ Employee of the Year and Employees of the Quarter, 2016** – Mr. Thompson recognized the DEQ employee of the year and employees of the quarter: Stan Johnson of the SELS, Matthew Wormus of the LPD, Ryan Biggerstaff of the AQD and Jonathan Schulz of the ECLS.

*transcript pages 54 - 55*

**DEQ Capital Budget Request** – Ms. Aebischer gave a presentation on the DEQ capital budget request for improvements to the DEQ employee parking garage. The budget request for SFY 2019 (beginning July 1, 2018) must be submitted to OMES by July 1, 2017. Following questions

by the Board and none by the public, Mr. Munson called for a motion. Mr. Griesel moved to approve and Mr. Wendling made the second.

*transcript pages 56 - 60*

**New Business – None**

**Next Meeting –** The next regular meeting is scheduled for June 13, 2017 in Oklahoma City, DEQ Multipurpose Room.

**Adjournment –** Mr. Munson called for a motion to adjourn. Mr. Sims moved to adjourn and Mr. Griesel made the second. Meeting adjourned at 10:35 a.m.

*transcript pages 61 - 62*

Daniel Blankenship	Yes	Billy Sims	Yes
Shannon Ferrell	Yes	Loretta Turner	Yes
David Griesel	Yes	John Wendling	Yes
Tracy Hammon	Yes	Jan Kunze	Yes
Jimmy Kinder	Yes	Tim Munson	Yes
Homer Nicholson	Yes		

**The transcript and sign-in sheet become an official part of these Minutes.**

Environmental Quality Board 2/17/2017

<p>1 OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY 2 ENVIRONMENTAL QUALITY BOARD 3 4 5 6 7 8 9 10 MEETING and PUBLIC FORUM 11 FEBRUARY 17, 2017 - 9:30 A.M. 12 13 14 15 EMBASSY SUITES 16 Norman Hotel and Conference Center 2501 Conference Drive 17 Norman, Oklahoma 18 19 20 21 22 23 24 Reported by: Lynette H. Wrany, C.S.R. #1167 25</p>	<p>1 CALL TO ORDER - 9 30 A.M. 2 CHAIR JAN KUNZE: I'm going to call the 3 meeting to order. 4 The February 17th, 2017 regular meeting of 5 the Environmental Quality Board has been called 6 according to the Oklahoma Open Meeting Act, Section 7 311 of Title 25 of the Oklahoma Statutes. Notice was 8 filed with the Secretary of State on October 13th of 9 2016. Agendas were mailed to interested parties on 10 February 7th of this year and were posted at the DEQ 11 and at this facility on February 16th. Only matters 12 appearing on the posted agenda may be considered. 13 If this meeting is continued or reconvened, 14 we must announce today the date, time, and place of 15 the continued meeting and the agenda for the 16 continuation will remain the same as today's agenda. 17 And with that, I want to welcome everybody to 18 the first meeting of the Environmental Quality Board 19 for 2017. 20 Restrooms -- a little bit of housekeeping. 21 Restrooms are just across the hall and back towards 22 the front desk of the hotel back to the west. 23 I have been given the Oklahoma Severe Weather 24 Guest Knowledge, but I also looked outside today. I 25 think we're more likely to have a outbreak of spring</p>
<p>1 BOARD MEMBERS PRESENT: Chairman Tim Munson 2 Vice-Chairman Daniel Blankenship Mr. Shannon Ferrell 3 Mr. David Griesel Dr. Tracy Hammon 4 Mr. James Kinder Ms. Jan Kunze (Past Chair) 5 Mr. Homer Nicholson Mr. Billy Sims 6 Ms. Loretta Turner Mr. John Wendling 7 8 BOARD MEMBERS ABSENT: Mr. Steve Mason Ms. Cheryl Vaught 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 break, rather than a tornado. 2 But, in the event of severe weather, we would 3 go out these doors and make a right. And the 4 stairwells are where they recommend that we would go. 5 And if you have spring break, I'm going to 6 say you have to get your own tee time for the golf 7 course. 8 The other thing I wanted to say, and if you 9 looked at the agenda, we're going to be making some 10 changes today. But I did want, along with the 11 welcome, I wanted to say thank you to this Board. I 12 have had the ability to be Vice-Chair under John's 13 leadership and then Chair here the last couple of 14 years. 15 And as you know, I have not hesitated to ask 16 board members to step up and help any time I saw the 17 need. And without fail, everybody has been willing to 18 do that. And I'm very, very proud of this Board and 19 some of the things we've accomplished. 20 I think you have to -- the expectation is 21 that you moan and groan about the time you spend and, 22 oh, I had to be Chair. But, to be honest, it's been 23 very good for me. I've been able to get to know the 24 board members better and the DEQ staff. And I 25 probably have also had the best Counsel that I could</p>

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<p style="text-align: right;">5</p> <p>1 have, Clayton over there, keeping me out of trouble.                  2 Always reminding me of things I can do and, more                  3 often, things I cannot do.                  4 But it's -- I've enjoyed it and I wanted to                  5 thank you guys. I'm proud of the things we've                  6 accomplished and I'm also anxious. I'm going to move                  7 around the table and whoever takes over the                  8 leadership, I promise I will do the same for you, if                  9 there's anything I can do to help.                  10 And with that, I'm going to ask Quiana for                  11 the roll call.                  12 MS. QUIANA FIELDS: Mr. Blankenship?                  13 MR. DANIEL BLANKENSHIP: Present.                  14 MS. QUIANA FIELDS: Mr. Ferrell?                  15 MR. SHANNON FERRELL: Present.                  16 MS. QUIANA FIELDS: Mr. Griesel?                  17 MR. DAVID GRIESEL: Here.                  18 MS. QUIANA FIELDS: Dr. Hammon?                  19 DR. TRACY HAMMON: Here.                  20 MS. QUIANA FIELDS: Mr. Kinder?                  21 MR. JAMES KINDER: Here.                  22 MS. QUIANA FIELDS: Mr. Mason is absent.                  23 Mr. Munson?                  24 VICE-CHAIR TIM MUNSON: Here.                  25 MS. QUIANA FIELDS: Mr. Nicholson?</p>	<p style="text-align: right;">7</p> <p>1 MR. SHANNON FERRELL: Yes.                  2 MS. QUIANA FIELDS: Mr. Griesel?                  3 MR. DAVID GRIESEL: Yes.                  4 MS. QUIANA FIELDS: Dr. Hammon?                  5 DR. TRACY HAMMON: Yes.                  6 MS. QUIANA FIELDS: Mr. Kinder?                  7 MR. JAMES KINDER: Yes.                  8 MS. QUIANA FIELDS: Mr. Munson?                  9 VICE-CHAIR TIM MUNSON: Yes.                  10 MS. QUIANA FIELDS: Mr. Nicholson?                  11 MR. HOMER NICHOLSON: Yes.                  12 MS. QUIANA FIELDS: Mr. Sims?                  13 MR. BILLY SIMS: Yes.                  14 MS. QUIANA FIELDS: Ms. Turner?                  15 MS. LORETTA TURNER: Yes.                  16 MS. QUIANA FIELDS: Mr. Wendling?                  17 MR. JOHN WENDLING: Yes.                  18 MS. QUIANA FIELDS: Ms. Kunze?                  19 CHAIR JAN KUNZE: Yes.                  20 MS. QUIANA FIELDS: Motion passed.                  21 CHAIR JAN KUNZE: Thank you.                  22 With that, we're to Item Number 5, the                  23 Election of Officers. And I'll first throw it open                  24 for nominations for the Chair.                  25 MR. DANIEL BLANKENSHIP: I'll nominate Tim</p>
<p style="text-align: right;">6</p> <p>1 MR. HOMER NICHOLSON: Present.                  2 MS. QUIANA FIELDS: Mr. Sims?                  3 MR. BILLY SIMS: Here.                  4 MS. QUIANA FIELDS: Ms. Turner?                  5 MS. LORETTA TURNER: Here.                  6 MS. QUIANA FIELDS: Ms. Vaught is absent.                  7 Mr. Wendling?                  8 MR. JOHN WENDLING: Here.                  9 MS. QUIANA FIELDS: Ms. Kunze?                  10 CHAIR JAN KUNZE: Here.                  11 MS. QUIANA FIELDS: We have a quorum.                  12 CHAIR JAN KUNZE: Thank you. I'm going to                  13 ask for the -- if there is any comments or approval of                  14 the minutes from our November 9th, 2016 regular                  15 meeting. Those have been supplied to all the board                  16 members.                  17 First, I'll ask if there is any comments or                  18 corrections. And if not, look for a motion.                  19 MR. HOMER NICHOLSON: Move approval.                  20 VICE-CHAIR TIM MUNSON: Second.                  21 CHAIR JAN KUNZE: I have a motion and a                  22 second. Roll call.                  23 MS. QUIANA FIELDS: Mr. Blankenship?                  24 MR. DANIEL BLANKENSHIP: Yes.                  25 MS. QUIANA FIELDS: Mr. Ferrell?</p>	<p style="text-align: right;">8</p> <p>1 Munson for Chair.                  2 CHAIR JAN KUNZE: Okay. Tim, who has been                  3 Vice-Chair the last couple of years, is nominated.                  4 Are there any other nominations? Any other                  5 nominations?                  6 MR. JAMES KINDER: I'll move that the                  7 nominations cease and we elect him by acclamation.                  8 CHAIR JAN KUNZE: Thank you, Jimmy.                  9 MR. SHANNON FERRELL: Second.                  10 CHAIR JAN KUNZE: Got a motion and second for                  11 him to be the Chair. Do a roll call.                  12 MS. QUIANA FIELDS: Mr. Blankenship?                  13 MR. DANIEL BLANKENSHIP: Yes.                  14 MS. QUIANA FIELDS: Mr. Ferrell?                  15 MR. SHANNON FERRELL: Yes.                  16 MS. QUIANA FIELDS: Mr. Griesel?                  17 MR. DAVID GRIESEL: Yes.                  18 MS. QUIANA FIELDS: Dr. Hammon?                  19 DR. TRACY HAMMON: Yes.                  20 MS. QUIANA FIELDS: Mr. Kinder?                  21 MR. JAMES KINDER: Yes.                  22 MS. QUIANA FIELDS: Mr. Munson?                  23 VICE-CHAIR TIM MUNSON: Yes.                  24 MS. QUIANA FIELDS: Mr. Nicholson?                  25 MR. HOMER NICHOLSON: Yes.</p>

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<p style="text-align: right;">9</p> <p>1 MS. QUIANA FIELDS: Mr. Sims?  2 MR. BILLY SIMS: Yes.  3 MS. QUIANA FIELDS: Ms. Turner?  4 MS. LORETTA TURNER: Yes.  5 MS. QUIANA FIELDS: Mr. Wendling?  6 MR. JOHN WENDLING: Yes.  7 MS. QUIANA FIELDS: Ms. Kunze?  8 CHAIR JAN KUNZE: Yes.  9 MS. QUIANA FIELDS: Motion passed.  10 CHAIR JAN KUNZE: Double yes.  11 Congratulations. I remember the hard fought campaign  12 I had with signs and stuff. You got in easier.  13 I'll ask we'll move to the Vice-Chair. Are  14 there any nominations for Vice-Chair?  15 VICE-CHAIR TIM MUNSON: I nominate Dan  16 Blankenship.  17 CHAIR JAN KUNZE: Okay. Dan has been  18 nominated.  19 MR. BILLY SIMS: Second.  20 CHAIR JAN KUNZE: Nominated and seconded.  21 And I haven't seen him run out of the room, so I'll  22 ask are there any other nominations? Any other  23 nominations?  24 MR. SHANNON FERRELL: I move that -- to close  25 nominations and elect Mr. Blankenship by acclamation.</p>	<p style="text-align: right;">11</p> <p>1 MS. QUIANA FIELDS: Motion passed.  2 CHAIR JAN KUNZE: My plan was to keep this,  3 but I think you need it.  4 (Whereupon, pursuant to the election of new  5 officers, the meeting was Chaired by Mr. Tim Munson.)  6 CHAIRMAN TIM MUNSON: Well, I'll do the best  7 I can. Before we get started with the agenda, I'd  8 like to make a couple of comments.  9 I want to thank Jan. You've done an  10 outstanding job of leading this Board and the DEQ in  11 some difficult times and your commitment has not gone  12 unnoticed.  13 And you have made comments on several  14 occasions that you really wanted to take this with  15 you. And so, I don't think that's allowed, but I do  16 have a gift that we would like to present to you.  17 On behalf of your leadership and commitment  18 to the DEQ and your outstanding performance as the  19 Chairman of this organization, you set the bar very  20 high. And I am going to do the best I can to live up  21 to it, but I also know that I will always have you to  22 lean on for advice and counsel and I appreciate you  23 very much.  24 MS. JAN KUNZE: Thank you, guys. Oh, I get a  25 new gavel.</p>
<p style="text-align: right;">10</p> <p>1 CHAIR JAN KUNZE: Okay. I have a motion.  2 MR. JAMES KINDER: Second.  3 CHAIR JAN KUNZE: And a second. Roll call.  4 MS. QUIANA FIELDS: Mr. Blankenship?  5 MR. DANIEL BLANKENSHIP: Yes.  6 MS. QUIANA FIELDS: Mr. Ferrell?  7 MR. SHANNON FERRELL: Yes.  8 MS. QUIANA FIELDS: Mr. Griesel.  9 MR. DAVID GRIESEL: Yes.  10 MS. QUIANA FIELDS: Dr. Hammon?  11 DR. TRACY HAMMON: Yes.  12 MS. QUIANA FIELDS: Mr. Kinder?  13 MR. JAMES KINDER: Yes.  14 MS. QUIANA FIELDS: Mr. Munson?  15 VICE-CHAIR TIM MUNSON: Yes.  16 MS. QUIANA FIELDS: Mr. Nicholson?  17 MR. HOMER NICHOLSON: Yes.  18 MS. QUIANA FIELDS: Mr. Sims?  19 MR. BILLY SIMS: Yes.  20 MS. QUIANA FIELDS: Ms. Turner?  21 MS. LORETTA TURNER: Yes.  22 MS. QUIANA FIELDS: Mr. Wendling?  23 MR. JOHN WENDLING: Yes.  24 MS. QUIANA FIELDS: Ms. Kunze?  25 CHAIR JAN KUNZE: Yes.</p>	<p style="text-align: right;">12</p> <p>1 CHAIRMAN TIM MUNSON: Yeah. This one's all  2 beat up. So --  3 MS. JAN KUNZE: Thank you, guys. Appreciate  4 it. And, honestly, it's been an honor.  5 CHAIRMAN TIM MUNSON: All right. So we'll  6 move on now to Agenda Item Number 6. We have some  7 discussion on Rules of Practice. We're going to hear  8 from Martha Penisten, if she would come forward,  9 please.  10 MS. MARTHA PENISTEN: The proposed rule is to  11 amend DEQ's Rules of Practice and Procedure pertaining  12 to the refund of permit application fees.  13 The current rule generally prohibits the  14 refund of permit application fees, except where DEQ  15 has failed to meet its own permit review deadlines.  16 Fairly recently, however, we have realized in the  17 agency that some of the divisions had been allowing  18 refunds in situations where the applicant had applied  19 for the wrong permit or for an unnecessary permit and,  20 essentially, submitted an overpayment of the  21 application fee.  22 Therefore, the DEQ proposes to amend the rule  23 to allow for refunds in these situations where the  24 applicant makes a timely request for the refund of an  25 overpayment.</p>



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<p style="text-align: right;">13</p> <p>1        Additionally, in cases where DEQ has voided  2 an application for non-responsiveness of the  3 applicant, the amendment would allow for a refund if  4 there's a reasonable and substantial explanation for  5 the applicant's failure to respond.  6        Because the number of applicants requesting  7 refunds has increased over time and because there are  8 costs to the agency associated with refunding  9 application fees, the DEQ also proposed originally to  10 retain 15 percent of the amount to be refunded, except  11 in cases of DEQ error or DEQ failure to meet review  12 deadlines.  13        However, we received a comment from Dr.  14 Hammon, a member of the Board, that it may be  15 inequitable for DEQ to retain the full 15 percent of  16 an overpayment, especially if the overpayment is  17 substantial.  18        Since this rule is not within the purview of  19 any of the Councils and is coming directly to the  20 Board for consideration, we're, therefore, suggesting  21 a change to the proposed rule language regarding  22 overpayments so that there is a \$500 cap on the amount  23 that DEQ would retain. You should have that  24 alternative language in front of you. Everything's  25 the same as it was in your packet, except for the last</p>	<p style="text-align: right;">15</p> <p>1        MR. JAMES KINDER: Yes.  2        MS. QUIANA FIELDS: Mr. Nicholson?  3        MR. HOMER NICHOLSON: Yes.  4        MS. QUIANA FIELDS: Mr. Sims?  5        MR. BILLY SIMS: Yes.  6        MS. QUIANA FIELDS: Ms. Turner?  7        MS. LORETTA TURNER: Yes.  8        MS. QUIANA FIELDS: Mr. Wendling?  9        MR. JOHN WENDLING: Yes.  10        MS. QUIANA FIELDS: Ms. Kunze?  11        MS. JAN KUNZE: Yes.  12        MS. QUIANA FIELDS: Mr. Munson?  13        CHAIRMAN TIM MUNSON: Yes.  14        MS. QUIANA FIELDS: Motion passed.  15        CHAIRMAN TIM MUNSON: Thank you.  16        Okay. Before we start on Number 7, it was  17 brought to my attention by Tracy that one of the  18 members of the Air Quality Advisory Council had  19 stepped down after almost 20 years of service, Sharon  20 Myers. And I just wanted to recognize her for her  21 long-standing service and commitment to the DEQ and,  22 in particular, to the Air Quality Advisory Council.  23        Now, if we could move on to Item 7, and we  24 have Laura Lodes, who's going to explain what we are  25 talking about doing here.</p>
<p style="text-align: right;">14</p> <p>1 line that's highlighted on the page that I left at  2 your place.  3        These amendments should provide more  4 consistency and fairness in the way the agency handles  5 permit fee refunds. So we request that the Board  6 adopt the proposed rule as amended, but we can first  7 try to answer any questions you might have.  8        CHAIRMAN TIM MUNSON: All right. Thank you,  9 Martha.  10        Do we have any questions from the Board? Any  11 questions from the Public? I would entertain a  12 motion.  13        MR. DAVID GRIESEL: So move.  14        MR. JOHN WENDLING: Second.  15        CHAIRMAN TIM MUNSON: We have a motion and a  16 second. Roll call, please.  17        MS. QUIANA FIELDS: Mr. Blankenship?  18        VICE CHAIRMAN DANIEL BLANKENSHIP: Yes.  19        MS. QUIANA FIELDS: Mr. Ferrell?  20        MR. SHANNON FERRELL: Yes.  21        MS. QUIANA FIELDS: Mr. Griesel?  22        MR. DAVID GRIESEL: Yes.  23        MS. QUIANA FIELDS: Dr. Hammon?  24        DR. TRACY HAMMON: Yes.  25        MS. QUIANA FIELDS: Mr. Kinder?</p>	<p style="text-align: right;">16</p> <p>1        MS. LAURA LODES: Chair and Members of the  2 Board, the Department proposes -- we have two,  3 actually, action items I will say. But the first one  4 is for Chapter 4, Subchapter 7. The DEQ proposes  5 amendments to certain public notice requirements in  6 Chapter 4 which covers the DEQ's agencywide Rules of  7 Practice and Procedure.  8        Proposed changes to Chapter 4 do not  9 typically require the recommendation from an  10 individual Council. However, the particular provision  11 we are amending, sub-section (G) of OAC 252.4-7-13,  12 applies only to Air Quality, as indicated by the tag  13 line, Additional Notice Content Requirements for Clean  14 Air Act Permits. The Air Quality Advisory Council is,  15 therefore, the appropriate body to recommend these  16 revisions to the Environmental Quality Board.  17        Today, we are proposing to slightly modify  18 notice content requirements and procedures only for  19 Prevention of Significant Deterioration permits or PSD  20 permits. The changes would better align the  21 Department's requirements with the Environmental  22 Protection Agency's PSD requirements and make certain  23 that the state's rules are not less stringent than the  24 federal rules.  25        This proposal should alleviate a concern</p>

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17	<p>1 identified by EPA Region 6 Staff while working with                  2 the AQD Staff to address a backlog of State                  3 Implementation Plan revisions that have been submitted                  4 for their review.                  5 Notice of the proposed rule change was                  6 published in the Oklahoma Register on December 15th,                  7 2016. The Department received no written comments                  8 prior to or during the January, 2017 Air Quality                  9 Advisory Council meeting.                  10 At the meeting, a member of the public asked                  11 for clarification on the applicability and AQD Staff                  12 responded to the question.                  13 The Council unanimously approved the proposal                  14 at its January meeting. As Chair of the Air Quality                  15 Advisory Council, I recommend that the Board approve                  16 the proposed Chapter 4 revisions as permanent rules.                  17 CHAIRMAN TIM MUNSON: Thank you, Laura.                  18 Do we have any questions or discussion by the                  19 Board? Any questions or discussion from the Public?                  20 Okay. Do I hear a motion?                  21 MR. JAMES KINDER: I'll move to approve.                  22 DR. TRACY HAMMON: Second.                  23 CHAIRMAN TIM MUNSON: Okay. We have a motion                  24 and a second. Roll call, please.                  25 MS. QUIANA FIELDS: Mr. Blankenship?</p>	19
18	<p>1 VICE CHAIR DANIEL BLANKENSHIP: Yes.                  2 MS. QUIANA FIELDS: Mr. Ferrell?                  3 MR. SHANNON FERRELL: Yes.                  4 MS. QUIANA FIELDS: Mr. Griesel?                  5 MR. DAVID GRIESEL: Yes.                  6 MS. QUIANA FIELDS: Dr. Hammon?                  7 DR. TRACY HAMMON: Yes.                  8 MS. QUIANA FIELDS: Mr. Kinder?                  9 MR. JAMES KINDER: Yes.                  10 MS. QUIANA FIELDS: Mr. Nicholson?                  11 MR. HOMER NICHOLSON: Yes.                  12 MS. QUIANA FIELDS: Mr. Sims?                  13 MR. BILLY SIMS: Yes.                  14 MS. QUIANA FIELDS: Ms. Turner?                  15 MS. LORETTA TURNER: Yes.                  16 MS. QUIANA FIELDS: Mr. Wendling?                  17 MR. JOHN WENDLING: Yes.                  18 MS. QUIANA FIELDS: Ms. Kunze?                  19 MS. JAN KUNZE: Yes.                  20 MS. QUIANA FIELDS: Mr. Munson?                  21 CHAIRMAN TIM MUNSON: Yes.                  22 MS. QUIANA FIELDS: Motion passed.                  23 CHAIRMAN TIM MUNSON: Thank you.                  24 All right. Move on to Item 8. Laura, you're                  25 still up.</p>	20
17	<p>1 MS. LAURA LODES: I'm still up.                  2 CHAIRMAN TIM MUNSON: Okay.                  3 MS. LAURA LODES: The second item that we                  4 have on our agenda today for the Air Quality Council                  5 was for OAC 252 100-7, Permits for Minor Facilities.                  6 The Department is proposing to add a                  7 reference to the new source review standard (NSPS)                  8 Subpart OOOOa within the existing Permit By Rule for                  9 oil and gas facilities.                  10 The Department's also proposing amendments to                  11 clarify that, when calculating potential emissions for                  12 the purpose of qualifying for PBR, a facility may                  13 include enforceable limitations from a federal                  14 standard, such as NSPS or NESHAP, to which they are                  15 subject.                  16 This amendment does not create any new                  17 regulatory requirements, but reiterates what the                  18 permitting section is already practicing by adding                  19 clarifying language. Should NSPS OOOOa be revoked,                  20 remanded or amended, the addition of the reference to                  21 it does not impose any binding obligations to OOOOa.                  22 Notice of the proposed rule change was                  23 published in the Oklahoma Register on December 15th,                  24 2016. The Department received no written comments                  25 prior to or during the January 2017 Air Quality</p>	19
18	<p>1 Advisory Council meeting. The Council unanimously                  2 approved the proposal at its January meeting.                  3 As Chair of the Air Quality Advisory Council,                  4 I recommend that the Board approve the proposed                  5 Chapter 100-7 revisions as permanent rules.                  6 CHAIRMAN TIM MUNSON: All right. Thank you,                  7 Laura.                  8 Do we have any questions or discussion from                  9 the Board? Any questions or discussions from the                  10 Public?                  11 Okay. Do I have a motion?                  12 MR. SHANNON FERRELL: Move to approve.                  13 CHAIRMAN TIM MUNSON: I have a motion. Do I                  14 have a second?                  15 MS. LORETTA TURNER: Second.                  16 CHAIRMAN TIM MUNSON: Moved and seconded.                  17 Quiana, do a roll call, please.                  18 MS. QUIANA FIELDS: Mr. Blankenship?                  19 VICE CHAIR BLANKENSHIP: Yes.                  20 MS. QUIANA FIELDS: Mr. Ferrell?                  21 MR. SHANNON FERRELL: Yes.                  22 MS. QUIANA FIELDS: Mr. Griesel?                  23 MR. DAVID GRIESEL: Yes.                  24 MS. QUIANA FIELDS: Dr. Hammon?                  25 DR. TRACY HAMMON: Yes.</p>	20

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21	<p>1 MS. QUIANA FIELDS: Mr. Kinder?                  2 MR. JAMES KINDER: Yes.                  3 MS. QUIANA FIELDS: Mr. Nicholson?                  4 MR. HOMER NICHOLSON: Yes.                  5 MS. QUIANA FIELDS: Mr. Sims?                  6 MR. BILLY SIMS: Yes.                  7 MS. QUIANA FIELDS: Ms. Turner?                  8 MS. LORETTA TURNER: Yes.                  9 MS. QUIANA FIELDS: Mr. Wendling?                  10 MR. JOHN WENDLING: Yes.                  11 MS. QUIANA FIELDS: Ms. Kunze?                  12 MS. JAN KUNZE: Yes.                  13 MS. QUIANA FIELDS: Mr. Munson?                  14 CHAIRMAN TIM MUNSON: Yes.                  15 MS. QUIANA FIELDS: Motion passed.                  16 CHAIRMAN TIM MUNSON: Thank you. All right.                  17 We'll move on to Agenda Item 9.                  18 MS. LAURA LODES: Before you do that, I just                  19 have one thing to say. We actually lost a second                  20 Council Member this year. Bob Lynch has served for                  21 17 --                  22 UNKNOWN OBSERVER: That sounds right.                  23 MS. LAURA LODES: Seventeen years now. So                  24 we've lost two of our most senior people on there.                  25 Actually, I think I'm now the most senior person on</p>	23	<p>1 amendments to OAC 252.515 are associated with the                  2 creation of a new Subchapter and are necessary to                  3 ensure consistency with the new Subchapter.                  4 The gist of the rule is to replace the                  5 current regulation pertaining to solid waste                  6 composting facilities to allow for a tiered permitting                  7 and regulatory structure based on the type and                  8 quantity of material to be composted.                  9 CHAIRMAN TIM MUNSON: Okay. Do we have any                  10 questions or discussion from the Board?                  11 VICE CHAIR DANIEL BLANKENSHIP: I have a                  12 question.                  13 CHAIRMAN TIM MUNSON: Okay.                  14 VICE CHAIR DANIEL BLANKENSHIP: So under the                  15 current regulations, all of the composting facilities                  16 fall under one set of regulations?                  17 MR. JEFFREY SHEPHERD: I think except for                  18 green waste.                  19 VICE CHAIR DANIEL BLANKENSHIP: Oh, except                  20 for green waste. Okay. And so, this will -- how many                  21 tiers will this create?                  22 MR. JEFFREY SHEPHERD: Three tiers. Is that                  23 right?                  24 VICE CHAIR DANIEL BLANKENSHIP: Okay. And so                  25 then, instead of having one set of regulations apply</p>
22	<p>1 the Council, I realized.                  2 CHAIRMAN TIM MUNSON: Congratulations.                  3 MS. LAURA LODES: I'm not sure if that's good                  4 or bad. But we did actually -- he's effective                  5 immediately. He's taking a teaching position in                  6 China.                  7 CHAIRMAN TIM MUNSON: Okay.                  8 MS. LAURA LODES: So we're losing two of them                  9 now.                  10 CHAIRMAN TIM MUNSON: Okay.                  11 MS. LAURA LODES: Thank you.                  12 CHAIRMAN TIM MUNSON: Well, thanks for                  13 bringing that to our attention.                  14 All right. Next we're going to hear about                  15 the Management of Solid Waste from Jeffrey Shepherd,                  16 Chair of the Solid Waste Management Advisory Council.                  17 MR. JEFFREY SHEPHERD: Mr. Chairman, the                  18 Department is proposing to amend OAC 252: 515 and to                  19 create a new Subchapter OAC 252: 515-43 to allow for a                  20 tiered permitting and regulatory structure for                  21 different classes of solid waste composting                  22 facilities.                  23 The classes of facilities are based on the                  24 type and quantity of material to be received and                  25 composted at a particular facility. All proposed</p>	24	<p>1 to all different types of composting facilities, this                  2 will tailor the regulations more to the different                  3 types. Is that --                  4 MR. JEFFREY SHEPHERD: Correct.                  5 VICE CHAIR DANIEL BLANKENSHIP: Okay. Thank                  6 you.                  7 MR. JEFFREY SHEPHERD: For example, if                  8 somebody wants to compost an organic waste, they would                  9 have to go all the way through the permitting process                  10 as if they were permitting a solid waste landfill.                  11 VICE CHAIR DANIEL BLANKENSHIP: Oh, okay.                  12 MR. JEFFREY SHEPHERD: This allows them to go                  13 through the process of permitting something a little                  14 bit less stringent, but still provides with a permit                  15 number so that the DEQ can track the regulatory issues                  16 that might arise.                  17 VICE CHAIR DANIEL BLANKENSHIP: So it                  18 provides adequate protection, but it makes it a lot                  19 more -- I guess it's not so overly stringent to be                  20 able to obtain a permit?                  21 MR. JEFFREY SHEPHERD: Correct. Correct.                  22 VICE CHAIR DANIEL BLANKENSHIP: Okay.                  23 Excellent. Thank you.                  24 CHAIRMAN TIM MUNSON: Any other questions or                  25 discussion from the Board? Do we have any questions</p>

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<p style="text-align: right;">25</p> <p>1 or discussion from the Public?</p> <p>2 Okay. I don't see any. Do we have a motion?</p> <p>3 VICE CHAIR DANIEL BLANKENSHIP: I move for</p> <p>4 approval.</p> <p>5 CHAIRMAN TIM MUNSON: Have a second?</p> <p>6 MR. SHANNON FERRELL: Second.</p> <p>7 CHAIRMAN TIM MUNSON: All right. Roll call,</p> <p>8 please.</p> <p>9 MS. QUIANA FIELDS: Mr. Blankenship?</p> <p>10 VICE CHAIR DANIEL BLANKENSHIP: Yes.</p> <p>11 MS. QUIANA FIELDS: Mr. Ferrell?</p> <p>12 MR. SHANNON FERRELL: Yes.</p> <p>13 MS. QUIANA FIELDS: Mr. Griesel?</p> <p>14 MR. DAVID GRIESEL: Yes.</p> <p>15 MS. QUIANA FIELDS: Dr. Hammon?</p> <p>16 DR. TRACY HAMMON: Yes.</p> <p>17 MS. QUIANA FIELDS: Mr. Kinder?</p> <p>18 MR. JAMES KINDER: Yes.</p> <p>19 MS. QUIANA FIELDS: Mr. Nicholson?</p> <p>20 MR. HOMER NICHOLSON: Yes.</p> <p>21 MS. QUIANA FIELDS: Mr. Sims?</p> <p>22 MR. BILLY SIMS: Yes.</p> <p>23 MS. QUIANA FIELDS: Ms. Turner?</p> <p>24 MS. LORETTA TURNER: Yes.</p> <p>25 MS. QUIANA FIELDS: Mr. Wendling?</p>	<p style="text-align: right;">27</p> <p>1 These proposed amendments are associated with</p> <p>2 the previous proposed rulemaking in which the</p> <p>3 Department proposed to create a new Subchapter, OAC</p> <p>4 252.515-43, allowing for a tiered permitting and</p> <p>5 regulatory structure for different classes of</p> <p>6 composting facilities.</p> <p>7 The gist of this proposed rule is to amend</p> <p>8 the permitting process regulations pertaining to solid</p> <p>9 waste composting facilities to be consistent with the</p> <p>10 proposed new subchapter referenced above, which will</p> <p>11 allow for a tiered permitting and regulatory structure</p> <p>12 based on the type and quantity of material to be</p> <p>13 received and composted at a particular facility.</p> <p>14 CHAIRMAN TIM MUNSON: Okay. Do we have any</p> <p>15 questions or discussion on the part of the Board? Any</p> <p>16 questions or comments from the Public?</p> <p>17 Okay. Do I hear a motion?</p> <p>18 MR. BILLY SIMS: I so move.</p> <p>19 MR. JOHN WENDLING: Second.</p> <p>20 CHAIRMAN TIM MUNSON: Got a motion and a</p> <p>21 second. Roll call, please.</p> <p>22 MS. QUIANA FIELDS: Mr. Blankenship.</p> <p>23 VICE CHAIR DANIEL BLANKENSHIP: Yes.</p> <p>24 MS. QUIANA FIELDS: Mr. Ferrell?</p> <p>25 MR. SHANNON FERRELL: Yes.</p>
<p style="text-align: right;">26</p> <p>1 MR. JOHN WENDLING: Yes.</p> <p>2 MS. QUIANA FIELDS: Ms. Kunze?</p> <p>3 MS. JAN KUNZE: Yes.</p> <p>4 MS. QUIANA FIELDS: Mr. Munson?</p> <p>5 CHAIRMAN TIM MUNSON: Yes.</p> <p>6 MS. QUIANA FIELDS: Motion passed.</p> <p>7 CHAIRMAN TIM MUNSON: Okay. Next we'll move</p> <p>8 on to Agenda Item 11, Disposal of Coal Combustion</p> <p>9 Residuals from Electric Utilities. Jeffrey?</p> <p>10 MR. JEFFREY SHEPHERD: Do we need to do 10?</p> <p>11 CHAIRMAN TIM MUNSON: Oh, did I skip one?</p> <p>12 I'm sorry.</p> <p>13 MR. JEFFREY SHEPHERD: Sorry.</p> <p>14 CHAIRMAN TIM MUNSON: Taking it back.</p> <p>15 MR. JEFFREY SHEPHERD: I needed a break.</p> <p>16 CHAIRMAN TIM MUNSON: I needed it. All</p> <p>17 right. Well, we won't skip 10. We'll go straight to</p> <p>18 10 then.</p> <p>19 Rules of Practice and Procedure for Solid</p> <p>20 Waste. Jeffrey, you're still up.</p> <p>21 MR. JEFFREY SHEPHERD: Yep. The Department</p> <p>22 is proposing amendments to OAC 252.4-7-58 and OAC</p> <p>23 252.4-7-59 to modify and clarify the permitting</p> <p>24 process requirements and associated tiers that apply</p> <p>25 to solid waste composting facilities.</p>	<p style="text-align: right;">28</p> <p>1 MS. QUIANA FIELDS: Mr. Griesel?</p> <p>2 MR. DAVID GRIESEL: Yes.</p> <p>3 MS. QUIANA FIELDS: Dr. Hammon?</p> <p>4 DR. TRACY HAMMON: Yes.</p> <p>5 MS. QUIANA FIELDS: Mr. Kinder?</p> <p>6 MR. JAMES KINDER: Yes.</p> <p>7 MS. QUIANA FIELDS: Mr. Nicholson?</p> <p>8 MR. HOMER NICHOLSON: Yes.</p> <p>9 MS. QUIANA FIELDS: Mr. Sims?</p> <p>10 MR. BILLY SIMS: Yes.</p> <p>11 MS. QUIANA FIELDS: Ms. Turner?</p> <p>12 MS. LORETTA TURNER: Yes.</p> <p>13 MS. QUIANA FIELDS: Mr. Wendling?</p> <p>14 MR. JOHN WENDLING: Yes.</p> <p>15 MS. QUIANA FIELDS: Ms. Kunze?</p> <p>16 MS. JAN KUNZE: Yes.</p> <p>17 MS. QUIANA FIELDS: Mr. Munson?</p> <p>18 CHAIRMAN TIM MUNSON: Yes.</p> <p>19 MS. QUIANA FIELDS: Motion passed.</p> <p>20 CHAIRMAN TIM MUNSON: Thank you.</p> <p>21 All right. Well, now we'll go to 11. How is</p> <p>22 that? Agenda Item 11. Jeffrey?</p> <p>23 MR. JEFFREY SHEPHERD: Yes, sir.</p> <p>24 All right. The Department is proposing to</p> <p>25 amend OAC 252.517 in response to the United States</p>

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<p style="text-align: right;">29</p> <p>1 Environmental Protection Agency amendments to 40 CFR 2 Part 257, Subpart D, the Federal CCR rule. 3 Notably, DEQ incorporated the requirements of 4 the Federal CCR rule in its entirety to ensure the 5 state and federal regulations pertaining to coal 6 combustion residuals disposal were uniform. 7 On October the 4th, 2016, EPA amended certain 8 provisions of the Federal CCR Rule in response to an 9 order issued by the D.C. Circuit Court of Appeals on 10 June 14th, 2016, that vacated part of the rule 11 allowing for early closure of inactive CCR surface 12 impoundments. The amendments to the Federal CCR Rule, 13 as well as the proposed amendments to OAC 252-517 14 extends certain deadlines for owner/operators of the 15 impoundments that had previously been eligible for 16 early closure and are now subject to the requirements 17 for existing surface impoundments. 18 The purpose of the rule is to amend OAC 19 252:517 to remove the early closure provisions for CCR 20 surface impoundments and references thereto and extend 21 certain time frames all for purposes of ensuring the 22 State CCR Rules are consistent with the Federal CCR 23 Rules. 24 CHAIRMAN TIM MUNSON: Okay. Do we have any 25 questions or discussion from the Board? Do we have</p>	<p style="text-align: right;">31</p> <p>1 MS. QUIANA FIELDS: Ms. Kunze? 2 MS. JAN KUNZE: Yes. 3 MS. QUIANA FIELDS: Mr. Munson? 4 CHAIRMAN TIM MUNSON: Yes. 5 MS. QUIANA FIELDS: Motion passed. 6 MR. JEFFREY SHEPHERD: Thank you. 7 CHAIRMAN TIM MUNSON: Thank you, Jeffrey, 8 We'll move on to Item 12, Minor Public Water 9 Supply Systems. I understand, instead of Duane, we're 10 going to hear from George Russell. 11 Thank you, George. 12 MR. GEORGE RUSSELL: Good morning. Like he 13 said, my name is George Russell. I'm the Minor Water 14 Program Manager at DEQ. Mr. Winegardner wasn't able 15 to make it today, so I'll be presenting the Minor 16 Water Public Supply System proposed rules, Chapter 17 624. These rules were passed by the Water Quality 18 Management Advisory Council in their January meeting. 19 We determined there was a need to change the 20 rules, specifically the definition of a Minor Public 21 Water Supply System, because the current definition 22 was inadequate and ambiguous. 23 We started by working on the definition and 24 made other changes to update and clarify the rules 25 while the opportunity was available. During the</p>
<p style="text-align: right;">30</p> <p>1 any questions or discussion from the Public? 2 Okay. Do we have a motion? 3 MR. SHANNON FERRELL: Move to approve. 4 VICE CHAIR DANIEL BLANKENSHIP: Second. 5 CHAIRMAN TIM MUNSON: All right. Have a 6 motion and a second. Quiana, could we have a roll 7 call? 8 MS. QUIANA FIELDS: Mr. Blankenship? 9 VICE CHAIR DANIEL BLANKENSHIP: Yes. 10 MS. QUIANA FIELDS: Mr. Ferrell? 11 MR. SHANNON FERRELL: Yes. 12 MS. QUIANA FIELDS: Mr. Griesel? 13 MR. DAVID GRIESEL: Yes. 14 MS. QUIANA FIELDS: Dr. Hammon? 15 DR. TRACY HAMMON: Yes. 16 MS. QUIANA FIELDS: Mr. Kinder? 17 MR. JAMES KINDER: Yes. 18 MS. QUIANA FIELDS: Mr. Nicholson? 19 MR. HOMER NICHOLSON: Yes. 20 MS. QUIANA FIELDS: Mr. Sims? 21 MR. BILLY SIMS: Yes. 22 MS. QUIANA FIELDS: Ms. Turner? 23 MS. LORETTA TURNER: Yes. 24 MS. QUIANA FIELDS: Mr. Wendling? 25 MR. JOHN WENDLING: Yes.</p>	<p style="text-align: right;">32</p> <p>1 process, we tried to be as inclusive as possible. 2 There was feedback and comments from many different 3 groups. 4 We met with the Oklahoma Water Resources 5 Board and the Well Driller Advisory Committee multiple 6 times and we asked for comments from our field 7 inspectors who work throughout the state. We held two 8 public meetings, one in Oklahoma City and Tulsa, with 9 well drillers and Minor Public Water Supply System 10 owner and operators. These went very well and we made 11 some changes based on these discussions. 12 We attempted to write the rules in a way that 13 we're doing our duty to protect the public health, but 14 also allowing regulated communities to have a voice in 15 how they are written. 16 That being said, we did receive a formal 17 comment in the form of a letter from Mr. Matt Cobalt. 18 We made a fairly substantial change to the proposed 19 definition based on Mr. Cobalt's letter. 20 The proposed definition was reworded to 21 exempt water systems in which there is a well for each 22 single family residence or each unit of a multi-family 23 dwelling and the phrase "on the same or contiguous 24 properties with common ownership" was removed. We 25 determined that these changes are more equitable in</p>

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<p style="text-align: right;">33</p> <p>1 regards to rental properties and should address some                  2 of Mr. Cobalt's concerns.                  3 Now, I would like to go over some of the                  4 other proposed changes. As I previously stated, our                  5 main goal to rewriting the rules was to clarify the                  6 definition of a Minor Public Water Supply System to                  7 make it easy enough for the regulated community and                  8 ourselves to understand.                  9 We didn't significantly change what a Minor                  10 Public Water Supply is, but we made it so the rules                  11 are more easily interpreted and there would be no                  12 misunderstanding about what constitutes a Minor Public                  13 Water Supply System.                  14 We also added the definitions of the terms:                  15 annular space, human consumption, individual water                  16 system, multi-family dwelling and the acronyms PAS and                  17 WSC.                  18 Language is added that incorporates the                  19 existing permit to supply language currently in the                  20 statutes. This updates the rules to reflect the                  21 statute and allows DEQ to permit pre-existing                  22 facilities that have previously not been permitted.                  23 A Certificate of Exemption form was created                  24 that allows facilities, such as small field offices                  25 that use the water solely for handwashing and toilet</p>	<p style="text-align: right;">35</p> <p>1 the Water Quality Management Advisory Council, I                  2 recommend the Board approve the proposed changes with                  3 the addition of eyewashing in the definition of human                  4 consumption.                  5 CHAIRMAN TIM MUNSON: Okay. Does anybody on                  6 the Board have any questions or comments they would                  7 like to make?                  8 VICE CHAIR DANIEL BLANKENSHIP: I do, Chair.                  9 So the proposal is to add eyewashing as part                  10 of the definition for human consumption. Is that --                  11 did I hear that correctly?                  12 MR. GEORGE RUSSELL: Correct.                  13 VICE CHAIR DANIEL BLANKENSHIP: Okay. I do                  14 have some questions about individual water systems                  15 compared to Minor Public Water Supply Systems.                  16 MR. GEORGE RUSSELL: Okay.                  17 VICE CHAIR DANIEL BLANKENSHIP: Are there                  18 separate regulations for the two?                  19 MR. GEORGE RUSSELL: Yeah. The Oklahoma                  20 Water Resources Board has regulations in regards to                  21 private water wells, which would be for a single                  22 family residence.                  23 VICE CHAIR DANIEL BLANKENSHIP: Okay. So                  24 that's so the individual water systems are essentially                  25 regulated by OWRB?</p>
<p style="text-align: right;">34</p> <p>1 flushing, to opt out of being classified as a Minor                  2 Public Water Supply System.                  3 A new subsection was added that grants DEQ                  4 the authority to approve variances. Language was                  5 added to create separation distances from the well,                  6 the waste water lagoons and also clarifying the                  7 distances from the well to onsite sewage systems.                  8 Both of these changes were made in an effort                  9 to eliminate inconsistencies between DEQ's regulations                  10 and the Oklahoma Water Resources Board regulations.                  11 The requirement of the surface well casing                  12 was removed and allowing bentonite clay as an                  13 acceptable grouting material, we've added, based on                  14 conversations and data provided by the Well Drillers                  15 Advisory Committee.                  16 The use of pitless adapters in addition to                  17 pitless well units was added and the appendix has been                  18 amended to reflect all the changes previously                  19 mentioned. Other minor clarifications and corrections                  20 were also made.                  21 I spoke with Dr. Hammons earlier this week                  22 and she pointed out an inconsistency between our                  23 definition of human consumption and the certificate of                  24 exemption requirements. Eyewashing was not included                  25 in both portions, so, on behalf of Mr. Winegardner and</p>	<p style="text-align: right;">36</p> <p>1 MR. GEORGE RUSSELL: Correct.                  2 VICE CHAIR DANIEL BLANKENSHIP: Okay. In                  3 the -- under the definition of the Minor Public Water                  4 Supply Systems, at the -- it would be the top of the                  5 second page where it says, "A water system is not an                  6 individual water system."                  7 I was wondering why we had a -- I was -- I                  8 struggled with why we had a clarification under the                  9 Public Water Supply System definition for individual                  10 water systems. I was wondering what the purpose of                  11 that clarification was.                  12 MR. GEORGE RUSSELL: Say what? Say that                  13 again? So --                  14 VICE CHAIR DANIEL BLANKENSHIP: Yeah. Under                  15 the definition of Minor Public Water Supply Systems                  16 there is a clarification on individual water systems.                  17 MR. GEORGE RUSSELL: Right. We exempt them.                  18 So the individual water systems are not going to be                  19 classified as a Minor Public Water Supply System.                  20 It's an exemption. So if it's a single family                  21 residence, which is what's defined under the                  22 individual water system, it will not be considered a                  23 Minor Water System. Does that answer your question?                  24 VICE CHAIR DANIEL BLANKENSHIP: Unless it's                  25 -- unless there is a commercial business that serves</p>

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<p style="text-align: right;">37</p> <p>1 water to the public?</p> <p>2 MR. GEORGE RUSSELL: Right. Correct.</p> <p>3 VICE CHAIR DANIEL BLANKENSHIP: In there --</p> <p>4 MR. GEORGE RUSSELL: Unless they are running</p> <p>5 a daycare or something outside of that and they serve</p> <p>6 water to the public.</p> <p>7 VICE CHAIR DANIEL BLANKENSHIP: So a single</p> <p>8 family residence housing a commercial business, would</p> <p>9 that be -- would that be considered a Minor Public</p> <p>10 Water Supply?</p> <p>11 MR. GEORGE RUSSELL: If they serve water to</p> <p>12 the public. So if they have employees that are not</p> <p>13 family members.</p> <p>14 VICE CHAIR DANIEL BLANKENSHIP: Okay.</p> <p>15 MR. GEORGE RUSSELL: Or if it's a daycare</p> <p>16 that they run out of their house. Situations like</p> <p>17 that.</p> <p>18 VICE CHAIR DANIEL BLANKENSHIP: Okay. The</p> <p>19 second item under that exemption is more than one</p> <p>20 dwelling. So if there's more than one dwelling served</p> <p>21 by a single system, then that --</p> <p>22 MR. GEORGE RUSSELL: Correct.</p> <p>23 VICE CHAIR DANIEL BLANKENSHIP: Is that a --</p> <p>24 MR. GEORGE RUSSELL: If there is one well on</p> <p>25 multiple houses. More than one house.</p>	<p style="text-align: right;">39</p> <p>1 individual systems?</p> <p>2 MR. GEORGE RUSSELL: Correct.</p> <p>3 VICE CHAIR DANIEL BLANKENSHIP: Or if you had</p> <p>4 a fourplex and there was four wells --</p> <p>5 MR. GEORGE RUSSELL: Four wells. Right.</p> <p>6 VICE CHAIR DANIEL BLANKENSHIP: Then that</p> <p>7 would be.</p> <p>8 MR. GEORGE RUSSELL: Right. Right.</p> <p>9 VICE CHAIR DANIEL BLANKENSHIP: Okay. Okay.</p> <p>10 Very good. Thank you very much for your</p> <p>11 clarification.</p> <p>12 MR. GEORGE RUSSELL: Thank you.</p> <p>13 CHAIRMAN TIM MUNSON: Any further discussion</p> <p>14 or questions on the part of the Board? Any questions</p> <p>15 or discussion from the Public?</p> <p>16 Okay. I would entertain a motion to approve</p> <p>17 the amendment of OAC 252.624, Subchapters 1, 3, 5, 7,</p> <p>18 and 9, as discussed, with the addition of the</p> <p>19 eyewashing language that Russell -- that George</p> <p>20 brought up.</p> <p>21 MR. DAVID GRIESEL: So move with that</p> <p>22 addition.</p> <p>23 VICE CHAIR DANIEL BLANKENSHIP: Second --</p> <p>24 second.</p> <p>25 CHAIRMAN TIM MUNSON: Okay. We have a motion</p>
<p style="text-align: right;">38</p> <p>1 VICE CHAIR DANIEL BLANKENSHIP: Okay.</p> <p>2 MR. GEORGE RUSSELL: That would be considered</p> <p>3 a Minor Public Water Supply System.</p> <p>4 VICE CHAIR DANIEL BLANKENSHIP: Okay. And</p> <p>5 then right below that there's a further exclusion. It</p> <p>6 said, "Excluded from this definition are water systems</p> <p>7 that --" What is the -- is the exclusion, when it</p> <p>8 says excluded from this definition, does that mean</p> <p>9 it's excluded from the Minor Public Water Supply</p> <p>10 System definition?</p> <p>11 MR. GEORGE RUSSELL: Correct.</p> <p>12 VICE CHAIR DANIEL BLANKENSHIP: Okay. So</p> <p>13 under that we have, if you have a -- have a well for</p> <p>14 each single family residence or each unit of a</p> <p>15 multi-family dwelling, it would be -- it would not be</p> <p>16 considered a Minor Public Water Supply System?</p> <p>17 MR. GEORGE RUSSELL: Right. And that's part</p> <p>18 of the changes that we made based on Mr. Cobalt's</p> <p>19 formal comment.</p> <p>20 VICE CHAIR DANIEL BLANKENSHIP: So in that</p> <p>21 case, it would be an individual water supply?</p> <p>22 MR. GEORGE RUSSELL: Right.</p> <p>23 VICE CHAIR DANIEL BLANKENSHIP: So if you</p> <p>24 have a duplex and it has a water well for one side and</p> <p>25 a water well for the other side, then those would be</p>	<p style="text-align: right;">40</p> <p>1 and a second. Quiana, could we have a roll call?</p> <p>2 MS. QUIANA FIELDS: Mr. Blankenship?</p> <p>3 VICE CHAIR DANIEL BLANKENSHIP: Yes.</p> <p>4 MS. QUIANA FIELDS: Mr. Ferrell?</p> <p>5 MR. SHANNON FERRELL: Yes.</p> <p>6 MS. QUIANA FIELDS: Mr. Griesel?</p> <p>7 MR. DAVID GRIESEL: Yes.</p> <p>8 MS. QUIANA FIELDS: Dr. Hammon?</p> <p>9 DR. TRACY HAMMON: Yes.</p> <p>10 MS. QUIANA FIELDS: Mr. Kinder?</p> <p>11 MR. JAMES KINDER: Yes.</p> <p>12 MS. QUIANA FIELDS: Mr. Nicholson?</p> <p>13 MR. HOMER NICHOLSON: Yes.</p> <p>14 MS. QUIANA FIELDS: Mr. Sims?</p> <p>15 MR. BILLY SIMS: Yes.</p> <p>16 MS. QUIANA FIELDS: Ms. Turner?</p> <p>17 MS. LORETTA TURNER: Yes.</p> <p>18 MS. QUIANA FIELDS: Mr. Wendling?</p> <p>19 MR. JOHN WENDLING: Yes.</p> <p>20 MS. QUIANA FIELDS: Ms. Kunze?</p> <p>21 MS. JAN KUNZE: Yes.</p> <p>22 MS. QUIANA FIELDS: Mr. Munson?</p> <p>23 CHAIRMAN TIM MUNSON: Yes.</p> <p>24 MS. QUIANA FIELDS: Motion passed.</p> <p>25 CHAIRMAN TIM MUNSON: Thank you.</p>

<p style="text-align: right;">41</p> <p>1 MR. GEORGE RUSSELL: Thank you.  2 CHAIRMAN TIM MUNSON: Thank you very much,  3 George.  4 Now, we're going to move to Agenda Item 13  5 for the Executive Director's Report. Scott.  6 MS. CAROL BARTLETT: This might be kind of  7 bright for a couple of you tall guys.  8 MR. SCOTT THOMPSON: We do have one slide in  9 this, of course.  10 Obviously, the political landscape has  11 changed nationally and a little bit here in Oklahoma.  12 As we've mentioned in the past, we have 40-something  13 new legislators, which is an unusual number of new  14 folks at the capitol trying to figure out what's going  15 on and all, trying to pass bills.  16 So we've got some interesting bills up this  17 year. One to do away with our laboratory, which would  18 not be good for the State of Oklahoma. We serve 60  19 percent of the systems out there. And in reality, we  20 serve a few more, because some of the private labs  21 actually contract back to our laboratory for some of  22 the harder analysis. So in some cases, if we really  23 are providing that, we must be cheap enough that it's  24 economical to do that and still make a profit.  25 So — and our laboratory accredits some of</p>	<p style="text-align: right;">43</p> <p>1 have actually worked in their programs on the ground  2 to even understand some of their programs.  3 So there is times that it does make sense to  4 have something that EPA hasn't considered or the  5 legislature may direct us to be more stringent in a  6 certain area. So the existing statute allows us to  7 identify that in the rulemaking and still gives plenty  8 of opportunity for the Legislature to reject those  9 rules if they don't think we've got it right. So --  10 or the Governor to reject those rules. So there's not  11 really a need for that. I think we're working through  12 a lot of those things and I think we'll be successful.  13 But, of course, it's really bad, just like  14 last year pretty much. Nobody knows what that means,  15 nobody knows how they're going to solve it. We'll  16 just have to work through that. We probably won't  17 really know where we're at or what's likely to happen  18 until April or May, although there was someone on the  19 committee that said if they don't do the budget by  20 March or something that the Governor's budget goes  21 forward. So that would be kind of interesting, if  22 that actually makes it. I'd be surprised if it does,  23 but --  24 And we have — I don't know how many bills we  25 have up, but we're tracking them. And if you want any</p>
<p style="text-align: right;">42</p> <p>1 the other laboratories in the state. Not just the  2 commercial labs, but the private labs that companies  3 have or facilities have, et cetera. So —  4 (Aside.) All right. Can't bend down low  5 enough, unless this goes up.  6 So, anyhow, there are some other bills that  7 would bar us from doing anything more stringent than  8 EPA. And at least one of those bills was really aimed  9 at water quality standards, which we don't actually  10 promulgate, another state agency does. We're working  11 on some ways with the Secretary of Environment's  12 Office and the Governor's Office and the other  13 agencies involved to try to put some checks and  14 balances on that so people understand that there's  15 going to be adequate consideration of any new  16 standards that are proposed and a sort of vetting  17 those by folks. So I think that's going to work out.  18 There's not a need for a new regulation that  19 tells us not to be more stringent than Federal law,  20 because there's already a statute that addresses that,  21 that says, if the legislature directs us to be more  22 stringent than or if we think there is a gap in  23 something, I mean, my whole philosophy is EPA doesn't  24 necessarily know best, because they have fewer and  25 fewer real scientists and fewer and fewer people that</p>	<p style="text-align: right;">44</p> <p>1 more detailed information about that, holler at Jimmy  2 or I or Michelle, who is our legislative liaison.  3 We recently hosted a DEQ 101 for — we  4 invited new legislators and new legislators on the  5 committee that deal with our rules. And we,  6 unfortunately, conflicted with a rule caucus and not  7 many new legislators were there. But they were very  8 engaged and it was good.  9 And we have that in a can, our presentation  10 in a can, and we can do it again later in the year or  11 earlier next year and continue to invite folks. But  12 the folks who were there really appreciated it.  13 And, in addition to the legislators, we had a  14 number of new legislative staff that were there, so —  15 who are going to deal with the area of law or the  16 bills that go through in our sections and said that  17 was helpful to them. That was probably pretty  18 valuable for those folks to get that first-hand  19 exposure of what we do and how it works and who to  20 talk to.  21 And, you know, a lot of people just assume  22 we're EPA Jr. and we were able to educate folks about  23 how we're really a public health agency and  24 environmental health and public health together is  25 what we actually do.</p>



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<p style="text-align: right;">45</p> <p>1       Nationally, we're working with ECOS, the 2 Environment Council of the States, in the transition 3 period. There's a lot of activity with those folks on 4 multiple committees and different things. It's almost 5 overwhelming at the moment. But they're doing a lot 6 of work, a lot of background work, to try to figure 7 out as things may change what's the smartest way to do 8 it and what roles should states really play. 9       And assuming that we'll have some increased 10 roles nationally on how to implement programs, and to 11 make it clear that the funding – the states are 12 really doing the work in the programs. So the funding 13 has got to continue to support that actual work. So 14 if you want to cut somewhere, don't cut that. So 15 we'll see how that goes. 16       We work routinely with the Department of 17 Commerce on permit assistance, especially new 18 companies that are considering moving in this state or 19 expanding their operations in this state. That's 20 going very well. We don't always land all of them. 21       But some of the folks have expressed how the 22 regulatory packages that we've put together are the 23 best they've ever seen as far as the experience and 24 working through the process for the facility that 25 moved into Durant, the micro mill down there. They</p>	<p style="text-align: right;">47</p> <p>1 incidents with some of the local folks coming into our 2 building and doing some things. We've also had people 3 living in our parking garage in the top of the 4 stairwell and the elevator room. 5       So we're upgrading all of that. And it may 6 be a little bit more of a hassle for folks, but I 7 think it's something that we have to do, the way the 8 world is today. 9       Now, at the end of this month there's going 10 to be a huge celebration. Gary Collins is retiring. 11 And I meant that in a good way. I don't know how long 12 Gary has worked for the state, but he was here when I 13 got here in 1980-something. So Gary has been around 14 forever. He has been a fixture of the State of 15 Oklahoma and the DEQ and before that with the Health 16 Department. He has provided great service to the 17 State of Oklahoma and we'd really like to thank him. 18       And it is scheduled for – his retirement 19 party is scheduled for the 28th at 1:00 o'clock. So 20 come in, go through security, and celebrate with Gary. 21       So now, we've told some stories. I think I 22 may have mentioned this incident before, but I don't 23 think I did. We have a lot of folks who work outside 24 the normal hours. And that's one of things the 25 laboratory does. We have emergency response events or</p>
<p style="text-align: right;">46</p> <p>1 said that it was the best regulatory process they have 2 ever been through, to -- for us to sit down and lay 3 out how the rules worked, how permits would work, and 4 walk them through the process. 5       So then I have gotten some thank yous from 6 the Department of Commerce, or the Secretary of 7 Commercial actually, on our participation in that. 8       The -- we're -- you will notice, if you come 9 into our building now, we've changed some of the 10 security procedures where we're modernizing, catching 11 up with some of the other state agencies and other 12 facilities out there in terms of the way we operate 13 and take care of security for the people coming into 14 our building and protect our employees. 15       So there will be a new guard's desk in the 16 center as you walk into the door and people will check 17 in there, as opposed to the little window that's on 18 the side now. 19       The back door will have card access, 20 turnstile. It will be a little more protected, 21 because you do get -- people sometimes follow other 22 people in the backdoor. As the first person to go 23 through the door is not sure if that person really 24 works there. 25       And we have had some kind of interesting</p>	<p style="text-align: right;">48</p> <p>1 contamination of the public water supplies that we 2 work nights, weekends, et cetera. 3       With the way some of the federal rules have 4 changed in the recent years, we've got boiling orders 5 frequently where we're trying to make sure we don't 6 have to issue a mandatory boil order and affect 7 business and commerce and schools and hospitals and 8 all that sort of stuff. And I've got people from 9 ECLS, the water quality and the laboratory, working 10 lots of overtime, sometimes on a routine basis, 11 sometimes for special events. 12       A recent example is, over the Thanksgiving 13 weekend, of course -- this is just like the old days. 14 Everything used to happen at 4:00 o'clock on Friday. 15 Somebody would blow something up or spill something. 16       But, on the Wednesday just before 17 Thanksgiving, there was a fire near Coffeyville, 18 Kansas, in a town called Neodesha, and a facility 19 released a lot of chemicals into the river which 20 serves Coffeyville, Kansas, who sells water into South 21 Coffeyville in Oklahoma. And it affected a number of 22 other towns potentially along the Verdigris River in 23 Oklahoma. 24       And the State of Kansas, EPA Region 7 25 Emergency Response, including the governor of Kansas,</p>

<p style="text-align: right;">49</p> <p>1 was on some of the calls with us. Governor Fallin and                  2 Secretary -- or Former Secretary Bengé, who is now the                  3 Chief of Staff Chris Bengé, were on our communications                  4 list looking at everything that was happening as we                  5 were forwarding the information to the governor's                  6 office, through the secretary's office and the                  7 governor's office.</p> <p>8 And we had Region 6 EPA Emergency Response                  9 working on this. We had a large number of folks who                  10 worked through Thanksgiving, through their whole                  11 Thanksgiving weekend and into -- for some of the towns                  12 into the last couple of weeks -- I mean the next                  13 couple of weeks after that.</p> <p>14 The folks sat down and calculated the time of                  15 travel of these contaminants to potentially come                  16 through and affect our systems. We talked to the                  17 systems about when they would draw the water from the                  18 river and shut it off in time to make sure they didn't                  19 have an impact and that they had backup water                  20 supplies.</p> <p>21 And we had one town that didn't have adequate                  22 backup water. And we talked to the Office of                  23 Emergency Management and they used their water                  24 buffalos to make sure that town had adequate water                  25 supply.</p>	<p style="text-align: right;">51</p> <p>1 much state employees really do sometimes that the                  2 general public doesn't seem to understand.</p> <p>3 And so, that -- that's just an example of the                  4 kind of things that we wind up having to deal with.                  5 And this was slightly unusual, just because it was                  6 over the Thanksgiving holiday, but it's not unusual                  7 for us to have to make this level of effort sometimes                  8 for real disasters or emergency response events or                  9 whatever. And without the laboratory, we would not be                  10 able to do this.</p> <p>11 So now I'm going to hand things off to Kathy,                  12 our Chief Financial Officer, to go over the budget and                  13 then we'll check if there is any questions.</p> <p>14 MS. KATHY AEBISCHER: Good morning. We'll go                  15 over the agency's financial status as of December                  16 31st.</p> <p>17 This is our revenue status of all                  18 collections. Overall, we are just over 100,000 down                  19 from last year. But the lab is the largest decrease                  20 of almost -- under 500,000. Part of that is due to                  21 some invoice timing issues. So we believe the second                  22 part of the year we'll be able to make up that                  23 difference. So we don't think it's an issue at this                  24 time. And Air has collected more than projected, the                  25 largest portion, over 300,000.</p>
<p style="text-align: right;">50</p> <p>1 So we worked through that and, fortunately,                  2 things worked out. We didn't have a massive                  3 contamination. But one of the contaminants was,                  4 essentially, anti-freeze, ethylene glycol, which is                  5 kind of hard to test for. And only one laboratory was                  6 identified in this part of the country that could run                  7 it and they wouldn't work on Thanksgiving.</p> <p>8 So for everything else, our folks were going                  9 up, meeting people, picking up samples, delivering                  10 them to the lab, running samples, trying to make sure                  11 where we were at what the levels are, are we safe,                  12 how can we address this, can you flush the water.</p> <p>13 Because Coffeyville -- Coffeyville didn't                  14 have adequate backup water supply. So they were                  15 panicking.</p> <p>16 And so, anyways, that was pretty difficult.                  17 We had a ton of folks working on that. Here is the                  18 list of names. I'm not going to go through it. You                  19 can read it. And there's probably folks that we                  20 didn't get on that list that worked through their                  21 Thanksgiving holiday.</p> <p>22 And Governor Fallin wrote us a really nice                  23 letter thanking us for that effort, because she was                  24 well aware of it. Her office was keeping up with it.                  25 So we really appreciate that, that recognition of how</p>	<p style="text-align: right;">52</p> <p>1 But otherwise, we're -- our revenue is                  2 steady. Any questions on this slide?</p> <p>3 So on our expenditures, we're halfway through                  4 the year. We've expended just under 30 million, which                  5 is on par with what we regularly do. The second half                  6 of the year is when the major portion of our                  7 expenditures happen, just because of the way the                  8 projects lay out. We're project heavy. So the first                  9 part of the year was -- you're through the bid                  10 process, selection, and starting -- just starting the                  11 projects. So the second half of the year we'll be                  12 doing -- expending at a greater amount. Any                  13 questions?</p> <p>14 As you remember, we have three major revenue                  15 sources, your general fund, your fees and permitting                  16 and your federal dollars. And so, this is based on                  17 those funding sources. That's what is expended at                  18 this time.</p> <p>19 Again, we're -- I don't see any issues.                  20 Things seem to be progressing. I'm not worried about                  21 the revenue collections. We should be catching up                  22 within the next quarter. Our projects are on pace.                  23 Do we have any questions?</p> <p>24 MR. JAMES KINDER: I have got a question. It                  25 may be more political than anything.</p>


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<p style="text-align: right;">53</p> <p>1 On the federal funds, with the new 2 administration up there, do we have anticipation that 3 that number is going to change any great -- and I know 4 this is a crystal ball question, I think. But I guess 5 I'm curious about what we're doing to make sure that 6 we're going to stay solvent despite what happens in 7 D.C.</p> <p>8 MR. SCOTT THOMPSON: Right. Well, the 9 anticipation is that states will have a greater role. 10 Now, if no funding comes with that greater role, 11 because federal funding has reduced over the years, 12 not increased for the most part. We occasionally get 13 a bump in -- what looks like a bump in federal 14 funding, but that's generally for one big project, 15 like a Superfund clean-up or something, it is not for 16 the day-to-day operation of the programs. That has 17 decreased over time in general.</p> <p>18 So if no funding comes with it, it will just 19 be another unfunded federal mandate. So I think -- I 20 would anticipate that there's a chance the states 21 might receive some additional funding along with the 22 additional work or responsibility. Just a guess at 23 this point. How long it might take to sort that out 24 and how it's really going to work, I don't think 25 anybody can tell at the moment. But that is the trend</p>	<p style="text-align: right;">55</p> <p>1 Johnson, Matthew Wormus, Ryan Biggerstaff and Jonathan 2 Schulz. I didn't recognize Jonathan without his hat.</p> <p>3 UNKNOWN SPEAKER: It's under his chair.</p> <p>4 MR. SCOTT THOMPSON: Oh, yeah. All right. I 5 started having to wear a hat lately. I'm not sure 6 why.</p> <p>7 But I'd really like to thank you all for your 8 hard work and dedication.</p> <p>9 And these folks are nominated by their 10 co-workers. This not an upper management picking out 11 favorites or anything. This is people who work with 12 these folks day-to-day, and as well as folks that we 13 receive praise from folks that they work with on the 14 outside of the agency, et cetera.</p> <p>15 So I really do appreciate the work that you 16 guys do for us. And thank you very much.</p> <p>17 Well, that concludes my talk, unless anybody 18 has any additional questions for me. Thank you.</p> <p>19 MS. JAN KUNZE: Scott, I very much appreciate 20 you bringing and letting us recognize your employees. 21 And I know the agency has a lot of people that do a 22 lot of good things that we're not always aware of.</p> <p>23 And I wanted to mention something and extend 24 an invitation to the board members, if they're 25 interested. But something the DEQ is very involved in</p>
<p style="text-align: right;">54</p> <p>1 I would expect to see.</p> <p>2 MR. JAMES KINDER: Thank you, Scott.</p> <p>3 MS. KATHY AEBISCHER: For this current year, 4 we have been -- all of our federal funds are awarded 5 and we are drawing down and we have no issues. So for 6 this fiscal year, we are fine. So they -- we'll just 7 have to see how next year's budget comes out.</p> <p>8 There was a freeze and it affected two of our 9 grants, but those have since been released. So for 10 this year, this is the funding that we're -- we still 11 have.</p> <p>12 MR. JAMES KINDER: Thank you.</p> <p>13 MS. KATHY AEBISCHER: Does that answer your 14 question?</p> <p>15 MR. JAMES KINDER: Yes. Thank you.</p> <p>16 MS. KATHY AEBISCHER: And that is it.</p> <p>17 CHAIRMAN TIM MUNSON: If there are no further 18 questions, I'll move to Agenda Item 14.</p> <p>19 MS. SCOTT THOMPSON: All right. Thank you 20 all.</p> <p>21 For this, I would like to recognize some 22 additional employees. We've asked them to be here 23 today. And I want to recognize our employees of the 24 quarter and employee of the year for fiscal year 2016. 25 And so, when I call your name, please, stand up. Stan</p>	<p style="text-align: right;">56</p> <p>1 making happen, and has been for, I think, the last 14 2 years, we do a big environmental education day for 3 Fourth and Fifth Graders in the state. Have run as 4 many as five thousand Fourth and Fifth Graders, if you 5 can imagine that, all in one place doing hands-on 6 environmental activities.</p> <p>7 And I probably should thank Eddie and 8 Beverly. It's kind of sponsored through the Air 9 Quality Division and it's in partnership with some 10 other state agencies and private enterprise.</p> <p>11 But on May 4th, out at the Oklahoma State 12 Fairgrounds, I'd like to extend an invitation. If 13 you'd like to come out and you'll probably see a lot 14 of the DEQ employees doing some good things. And I 15 would extend to you to be my personal guest. I'd love 16 to show you what's happening. May 4th at the State 17 Fairgrounds.</p> <p>18 CHAIRMAN TIM MUNSON: Thank you, Jan.</p> <p>19 Okay. At this point I think we're ready to 20 move to Agenda Item 15. Kathy is going to discuss the 21 Capital Budget Request.</p> <p>22 MS. KATHY AEBISCHER: So the Capital Budget 23 Request is required by every state agency, no matter 24 what the funding source that will be used for the 25 project. And every planned expense for a facility or</p>

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<p style="text-align: right;">57</p> <p>1 a fiscal item over 25,000 has to be submitted to be                  2 approved. So this is the process we go through every                  3 year.                  4 So the last time I brought this to you was in                  5 2015. And the projects that we have is the parking                  6 garage. As many of you know, if you have been to our                  7 office, the parking garage is in pretty bad shape. So                  8 we need to fix it up.                  9 And so, we came to you in 2015 for approval                  10 and it was approved. So you have to submit two years                  11 in advance, so it gets a little confusing. This next                  12 request is due June 30th of this year and it is for                  13 fiscal year '19. So that's July 1, 2018. And this                  14 submission goes to the Long Range Capital Planning                  15 Commission and they review every agency's request and                  16 then they make recommendations on funding.                  17 There's a state fund, a state maintenance                  18 fund, that's used to pay for state facilities and                  19 state property and then they also can issue bonds.                  20 So this last request, they put us on the list                  21 to recommend that the Legislators approve the bond                  22 issue that would pay for the parking garage. We won't                  23 know the results of that until March, April. So                  24 that's a little bit different. What that will mean is                  25 that we'll have bond payments once we go into the</p>	<p style="text-align: right;">59</p> <p>1 for that?                  2 MS. KATHY AEBISCHER: This is one request.                  3 And we don't have control over whether they use the                  4 state maintenance fund or whether they issue a bond.                  5 That's — the committee decides that, because we were                  6 kind of surprised by the recommendation that came out.                  7 So we put in a request of our need and then they                  8 decide on how the funding is going to be.                  9 MR. SCOTT THOMPSON: It wouldn't be in                  10 addition to the bond. It wouldn't be another 9                  11 million.                  12 MS. KATHY AEBISCHER: No. It will all be on                  13 the bond. Just the 9 million.                  14 CHAIRMAN TIM MUNSON: Any other questions?                  15 Any questions or discussion from the Public?                  16 Okay. Do we have a motion to approve the                  17 request for the capital budget of \$5 million for FY-19                  18 to bring the total to \$9 million?                  19 MR. DAVID GRIESEL: So move.                  20 MR. JOHN WENDLING: Second.                  21 CHAIRMAN TIM MUNSON: Motion and second.                  22 Quiana, we have a roll call?                  23 MS. QUIANA FIELDS: Mr. Blankenship?                  24 VICE CHAIR DANIEL BLANKENSHIP: Yes.                  25 MS. QUIANA FIELDS: Mr. Ferrell?</p>
<p style="text-align: right;">58</p> <p>1 project and construction.                  2 So once we have that nailed down of what                  3 they've decided to do, we'll come back, update and                  4 give some more information. But at this time it's                  5 kind of in limbo.                  6 What I'm bringing today for approval is we                  7 came to you in 2015 and asked for \$4 million for the                  8 renovation of the parking garage. And at this point,                  9 with increased construction costs and the parking                  10 garage continuing to deteriorate, we have an updated                  11 estimate of 9 million. So we're asking that we ask                  12 for \$5 million more, for a total of 9 million, to                  13 renovate the parking garage. And the total cost will                  14 be \$9 million. Is there any questions?                  15 CHAIRMAN TIM MUNSON: So just to clarify, we                  16 had previously approved 4 million and you're asking us                  17 to approve an additional 5, which would bring the                  18 total request that you would make of 9 million?                  19 MS. KATHY AEBISCHER: That's correct.                  20 CHAIRMAN TIM MUNSON: Any questions or                  21 discussion from the Board? Billy?                  22 MR. BILLY SIMS: If the bond is approved,                  23 would that negate the need for this funding?                  24 MS. KATHY AEBISCHER: No.                  25 MR. BILLY SIMS: Okay. This is additional</p>	<p style="text-align: right;">60</p> <p>1 MR. SHANNON FERRELL: Yes.                  2 MS. QUIANA FIELDS: Mr. Griesel?                  3 MR. DAVID GRIESEL: Yes.                  4 MS. QUIANA FIELDS: Dr. Hammon?                  5 DR. TRACY HAMMON: Yes.                  6 MS. QUIANA FIELDS: Mr. Kinder?                  7 MR. JAMES KINDER: Yes.                  8 MS. QUIANA FIELDS: Mr. Nicholson?                  9 MR. HOMER NICHOLSON: Yes.                  10 MS. QUIANA FIELDS: Mr. Sims?                  11 MR. BILLY SIMS: Yes.                  12 MS. QUIANA FIELDS: Ms. Turner?                  13 MS. LORETTA TURNER: Yes.                  14 MS. QUIANA FIELDS: Mr. Wendling?                  15 MR. JOHN WENDLING: Yes.                  16 MS. QUIANA FIELDS: Ms. Kunze?                  17 MS. JAN KUNZE: Yes.                  18 MS. QUIANA FIELDS: Mr. Munson?                  19 CHAIRMAN TIM MUNSON: Yes.                  20 MS. QUIANA FIELDS: Motion passed.                  21 CHAIRMAN TIM MUNSON: Thank you.                  22 We are moving along pretty well here. As a                  23 general rule, we would make an announcement at the                  24 break. But since we probably are not going to have to                  25 do that, I wanted to just make the public aware that</p>

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<p style="text-align: right;">61</p> <p>1 we will have an opportunity for a public forum after  2 the adjournment of this meeting. So if there's  3 anybody here who would like to participate in that,  4 you can sign in at the back and we will give you an  5 opportunity to speak with the Board at that time.  6 Now, we're going to move on to Item -- Agenda  7 Item Number 16. Do we have any new business to be  8 brought before the Board today? Okay. I don't see  9 any new business.  10 Our next meeting is scheduled for June the  11 13th. It will be held in Oklahoma City at the DEQ  12 headquarters.  13 If there is nothing else to be discussed, I  14 would entertain a motion for adjournment.  15 MR. BILLY SIMS: So move.  16 MR. DAVID GRIESEL: I'll second.  17 CHAIRMAN TIM MUNSON: Okay. Roll call,  18 please.  19 MS. QUIANA FIELDS: Mr. Blankenship?  20 VICE CHAIR DANIEL BLANKENSHIP: Yes.  21 MS. QUIANA FIELDS: Mr. Ferrell?  22 MR. SHANNON FERRELL: Yes.  23 MS. QUIANA FIELDS: Mr. Griesel?  24 MR. DAVID GRIESEL: Yes.  25 MS. QUIANA FIELDS: Dr. Hammon?</p>	<p style="text-align: right;">63</p> <p>1 any, I will give myself a check box for completing the  2 first meeting without making too bad a mistake.  3 We'll see you all again on June 13th.  4 ADJOURNMENT - 10:35 A.M.  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p>
<p style="text-align: right;">62</p> <p>1 DR. TRACY HAMMON: Yes.  2 MS. QUIANA FIELDS: Mr. Kinder?  3 MR. JAMES KINDER: Yes.  4 MS. QUIANA FIELDS: Mr. Nicholson?  5 MR. HOMER NICHOLSON: Yes.  6 MS. QUIANA FIELDS: Mr. Sims?  7 MR. BILLY SIMS: Yes.  8 MS. QUIANA FIELDS: Ms. Turner?  9 MS. LORETTA TURNER: Yes.  10 MS. QUIANA FIELDS: Mr. Wendling?  11 MR. JOHN WENDLING: Yes.  12 MS. QUIANA FIELDS: Ms. Kunze?  13 MS. JAN KUNZE: Yes.  14 MS. QUIANA FIELDS: Mr. Munson?  15 CHAIRMAN TIM MUNSON: Yes.  16 MS. QUIANA FIELDS: Motion passed.  17 CHAIRMAN TIM MUNSON: Thank you.  18 Okay, I gave you a lot of heads up warning to  19 get your name signed in. So if there are any -- there  20 is anybody who would like to come forward and bring  21 anything to the attention or discuss anything with the  22 Board, this would be your opportunity to do so. Do  23 we have anybody who would like to do that? Is there  24 anybody signed in?  25 All right. Well, I guess if we don't have</p>	<p style="text-align: right;">64</p> <p>1           ** CERTIFICATE **  2 STATE OF OKLAHOMA )                            ) SS:  3 COUNTY OF CLEVELAND )  4  5 I, Lynette Wrany, a Certified Shorthand Reporter  6 within and for the State of Oklahoma, do hereby  7 certify that I reported all of the foregoing meeting,  8 and that I later reduced it to typewritten form, as  9 the same appears herein.  10 I further certify that I am not a relative of,  11 nor attorney for, nor clerk or stenographer for any  12 party to this meeting, and that I am not otherwise  13 interested in the event of the same.  14 I further certify that the above and foregoing  15 typewritten pages contain a full, true and correct  16 transcript of my stenographic notes so taken, during  17 said meeting.  18 WITNESS my hand and seal this the 19th day of  19 February, 2017.  20  21  22  23  24  25</p> <div style="text-align: center;">  <hr style="width: 20%; margin: auto;"/> <p>LYNETTE WRANY, C.S.R.  Oklahoma Certified Shorthand Reporter  Certificate No. 1167  Expiration Date: December 31, 2017</p> </div>



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DEPARTMENT OF ENVIRONMENTAL QUALITY

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BOARD

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Norman, Oklahoma

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Address and/or Phone and/or E-Mail

Quiana Field	ODEQ
Jimmy Givens	"
<del>Amy Calk</del>	<del>DEQ</del>
Bruce Hande Line	DEQ
George Russell	DEQ
Jan L Kunze	EQ
Cindy Peretzkat	DEQ
Kate Kennedy	DEQ
Kathy Aebischer	DEQ
ROY WALKER	DEQ
John D. Wynn	DEQ
Jeff Sherald	SWMAC
Ally Luna	AEC
John C	DEQ
CHRIS ARMSTRONG	DEQ
Shannon L. Ferrell	EQB
Matthew Prinstein	DEQ
Beverly Doherty-Smith	DEQ
Shelle Chael	DEQ
Saba Tahmassobi	DEQ
Lundy Riger	AEC
Michael King	DEQ
Tyler Powell	OSEE
Ryan Biggestoff	DEQ
John C	AQC
John C	DEQ



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Address and/or Phone and/or E-Mail

Homer Nicholson Panca City  
Bud Ground EPO

Clayton Eubanks OAG

John Wendley EQB

Rave Furry DEQ

Sarah Penn DEQ

Jon Wyatts DEQ

Ruby McDaniel DEQ

Dan Blankenship EQB

Tracy Hammon EQB

Tim Munson DEQ

Kelly Dixon DEQ

Cheryl M DEQ

Vance Pennington DEQ

Stan Sokol DEQ

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James Chappel OGE/city of Norman

Nichelle Wynn DEQ

Brian McQuinn OGE

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Mike Mathis Continental Resources

Steve Vannoy Vannoy & Sons Drilling

Loretta Turner Deep Board

Matt Wormes DEQ

Derek Hardbeyn Hall Estill

Tad Bow OGE



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Norman, Oklahoma

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