

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

A Public Meeting: 9:30 a.m., Tuesday, November 7, 2017  
Northeastern State University Event Center  
1041 North Grand Avenue  
Tahlequah, Oklahoma

*Please turn off cell phones.*

**1. Call to Order** – Tim Munson, Chair

**2. Announcements** – Tim Munson, Chair

Announcements will include the introduction of any new Board members or special meeting guests, as well as safety information for the current meeting venue and any other general housekeeping matters of interest to the Board. These announcements are for informational purposes only, and no action by the Board is required.

**3. Roll Call** – Quiana Fields, Secretary, Board & Councils

**4. Approval of Minutes** of the September 19, 2017, Regular Meeting

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

A. DEQ proposes to amend OAC 252:100, Subchapter 7 (Permits for Minor Facilities), by adding a new Permit By Rule (PBR) as section 252:100-7-60.7, for facilities whose only obligation to obtain a permit is due to the presence of a gasoline dispensing facility or gasoline dispensing facility with an emergency engine that is subject to a federal standard. DEQ also proposes to add a definition in OAC 252:100-7-1.1 for “gasoline dispensing facilities,” and to amend section OAC 252:100-7-2 to exempt gasoline dispensing facilities with less than 100,000 gallons of monthly throughput from permit requirements. If adopted, this proposed rulemaking will simplify the permitting process and reduce the regulatory burden for owners and operators of gasoline dispensing facilities and gasoline dispensing facilities with emergency engines.

B. DEQ also proposes to amend OAC 252:100-8-35 to revise or remove references to dates associated with federal air quality modeling guidelines in order to ensure that industry follows the most up-to-date EPA requirements.

C. DEQ proposes to amend OAC 252:100, Appendix Q (Incorporation by Reference) in order to incorporate the latest changes to EPA regulations, and to amend OAC 252:100 Subchapter 2 to reflect the latest date of incorporation of EPA rules in Appendix Q. These proposed rules will incorporate recent changes to EPA regulations relating to the National Emission Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS).

- Presentation – Laura Lodes, Chair, Air Quality Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote(s) on permanent adoption

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

- A. DEQ proposes to amend OAC 252:205, Subchapter 3 to incorporate by reference the federal hazardous waste regulations found at 40 CFR Parts 124 and 260-279, revised as of July 1, 2017. Significant rule changes during this time period include the revisions to the hazardous waste generator rules. The incorporation of the federal generator rule revisions will also require amendments to OAC 252:205, Subchapters 13 and 15 due to federal citation changes and in order to ensure that the state rules remain equivalent with the federal rules.
- B. DEQ also proposes to revoke applicable parts of OAC 252:205, Subchapter 17, which are no longer supported by statute since 27A O.S. § 2-11-303 (Tax credit) was revoked in 2013.
- Presentation – Lee Grater, Chair, Hazardous Waste Management Advisory Council
  - Questions and discussion by the Board
  - Questions, comments and discussion by the public
  - Discussion and possible action by the Board, which may include roll call vote(s) on permanent adoption

## **7. Rulemaking – OAC 252:626 Public Water Supply Construction Standards**

DEQ proposes to amend the definition of “Public Water Supply (PWS) System” to exclude certain purchase water systems that meet explicit requirements as set out in the proposed rule and to amend the definition of “Validated dose” in order to correct a typographical error.

- Presentation – Duane Winegardner, Chair, Water Quality Management Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote(s) on permanent adoption

## **8. Rulemaking – OAC 252:631. Public Water Supply Operation**

DEQ proposes to amend OAC 252:631, Subchapter 1 to amend the definition of “Public Water Supply (PWS) System” to exclude certain purchase water systems and to update the date of incorporation by reference of federal regulations from July 1, 2015 to July 1, 2017. The federal regulations proposed for incorporation include those allowing for newly approved alternative testing methods for contaminants listed in 40 CFR 141.21(f)(3). DEQ also proposes to amend OAC 252:631, Subchapter 3, to clarify reporting requirements in 40 CFR Part 141, and to modify language to include a process control test to stabilize calcium carbonate for groundwater systems.

- Presentation – Duane Winegardner, Chair, Water Quality Management Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote(s) on permanent adoption

## **9. Rulemaking – OAC 252:653. Aquifer Storage and Recovery [NEW]**

DEQ proposes to create a new Chapter 653, Aquifer Storage and Recovery (“ASR”), to provide a regulatory structure for an ASR program. The proposed rulemaking would establish a multi-phase permitting process and requirements for the construction and operation of ASR projects. The proposed rulemaking would also require appropriate testing and modeling of the aquifer to ensure that the project is feasible and that the aquifer remains unharmed. Additionally, the proposed rulemaking establishes the fees associated with ASR permitting and operations.

- Presentation –Duane Winegardner, Chair, Water Quality Management Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote(s) on permanent adoption

## **10. Rulemaking – OAC 252:4. Rules of Practice and Procedure [WQD]**

DEQ proposes to create three new sections, OAC 252:4-7-79; 252:4-7-80, and 252:4-7-81, relating to Water Quality Division’s tiered permit application processes for Aquifer Storage and Recovery (ASR). This proposed rulemaking is related to the rulemaking proposed in Agenda Item 9 above.

- Presentation –Duane Winegardner, Chair, Water Quality Management Advisory Council
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote(s) on permanent adoption

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

The Oklahoma Environmental Quality Code requires DEQ to prepare an “Oklahoma Environmental Quality Report” and to submit it to the Governor, Speaker of the House and Senate President Pro Tempore by January 1<sup>st</sup> of each year. The statutorily prescribed purpose of this report is to outline the DEQ’s annual funding needs for providing environmental services within its jurisdiction, reflect any new federal mandates, and summarize DEQ-recommended statutory changes. The Environmental Quality Board is to review, amend (as necessary), and approve the report.

- Presentation – Jimmy Givens, Deputy Executive Director, DEQ
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include a roll call vote(s) on approval

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

Mr. Thompson’s report may include significant agency accomplishments and activities since the last Board meeting, as well as information pertaining to budgetary and/or legislative matters. This report is for informational purposes only, and no action by the Board is required.

**13. Budget Update and Financial Overview (FY 2018) – Kathy Aebischer, DEQ Chief Financial Officer**

Ms. Aebischer's report will include an update and overview of DEQ's current FY 2018 budget. This report is for informational purposes only, and no action by the Board is required.

**14. Executive Session – Annual Performance Review of Executive Director**

Among the statutory duties of the Board are responsibilities to appoint and set the compensation of the Executive Director and to assist the DEQ in conducting periodic reviews and planning activities related to the goals, objectives, priorities, and policies of the DEQ. In connection with these responsibilities, the Board has determined that it should conduct a performance review of the Executive Director.

- In open session, discussion by the Board
- In open session, consideration of possible executive session pursuant to Title 25 Oklahoma Statutes Section 307(B)(1) (discussion of employment actions related to any individual salaried public officer or employee), if authorized by recorded majority vote of a quorum of the Board members present
- In open session, if executive session approved, designation of person to keep minutes in executive session
- In executive session, discussion of Executive Director's annual performance review and of possible employment actions by the Board relating to the Executive Director

**15. Reconvene into open session**

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

**16. Consider taking action on the following**

- In open session, possible roll call vote on specific actions or recommendations as a result of the Executive Director's annual performance review

**17. New Business** (Any matter not known about and which could not have been reasonably foreseen prior to the time of posting of agenda)

**18. Next meeting:** February 16, 2018, Oklahoma City

**19. Adjournment**

**Public Forum – Following Adjournment** -- The Board meets several times a year at different locations across the State to hear the views and concerns of all Oklahomans about environmental issues. This opportunity is informal, and we invite you to sign the register to speak. If necessary to accommodate the public, the Board Chair may make a determination to conduct the Forum prior to the Call to Order.

**Should you desire to attend but have a disability and need an accommodation, please notify the DEQ three days in advance at 405-702-7100. For hearing impaired, the TDD Relay Number is 1-800-722-0353 for TDD machine use only.**