

**MINUTES
ENVIRONMENTAL QUALITY BOARD
FEBRUARY 18, 2022
DEPARTMENT OF ENVIRONMENTAL QUALITY
OKLAHOMA CITY, OK**

Official EQB Approved
On September 13, 2022

Notice of Public Meeting – The Environmental Quality Board (Board) convened for a Regular Meeting at 10:00 a.m. This meeting was held in accordance with 25 O.S. Section 311, with notice of the meeting given to the Secretary of State on November 3, 2021. The agenda was mailed to interested parties on February 8, 2022 and was posted at the DEQ on February 16, 2022. Dr. Tracy Hammon, Chair, called the meeting to order. Dr. Hammon thanked Mr. Griesel for his service; due to this was his last meeting with the EQB. Ms. Fields called roll and a quorum was confirmed.

MEMBERS PRESENT

Richard Auer
Mark Donon
John Easton
Shanann Fetrall
David Griesel
Jimmy Kinder
Alexis Kendrick
Steve Masun
Tim Munson
Mike Paque
Billy Sims
Jimmy Kinder
Tracy Hammon

DEQ STAFF PRESENT

Scott Thompson, Executive Director
Jimmy Owens, Deputy Executive Director
Rob Singletary, Chief of Staff of the DEQ
Kendal Siegmman, Air Quality Division
Jennifer Boyle, General Counsel
Madison Miller, Deputy General Counsel
Shellee Clark, Water Quality Division
Skylar McElhoney, Office of Continuous Improvement
Erin Hatfield, Director of Communications
Sharon Smith, Executive Director's Office
Mark Hildebrandt, Environmental Complaints & Local Services
Kathy Achbacher, Administrative Services Division
Joff Franklin, State Environmental Laboratory Services
Chifton Haysle, Land Protection Division
Paul Dzikus, Environmental Anomaly Supervisor
Patrick Riley, Land Protection Division
Saba Takimawachi, Engineering Manager
Michelle Wynn, Legislative Liaison
Kelly Dixon, Land Protection Division
April Eberle, Environmental Anomaly
Heather Mallory, Land Protection Division
Mike Edwards, Land Protection Division
Mike Brindrick, Land Protection Division
Aron Samwal, Land Protection Division
Kyle Kennedy, Land Protection Division
Brian Clegg, Water Quality Division
David Caldwell, Water Quality Division
Quana Fields, Board & Council Secretary

MEMBERS ABSENT

Kun Hirshey

OTHERS PRESENT

Jennifer Lewis, Office of the Attorney General
Lynn Luder, Air Quality Advisory Council
Lee Gruber, Hazardous Waste Management Advisory Council
Bren Duzan, Water Quality Management Advisory Council
George McDurman, Radiation Management Advisory Council
Jenessa Kalam, Court Reporter

Approval of Minutes – Dr. Hammon called for a motion to approve the November 9, 2021 Regular Meeting. Mr. Griesel moved to approve and Mr. Masun made the second.

transcript pages 7 - 9

Richard Auer	Yes	Alexis Kendrick	Yes
Mark Donon	Yes	Steve Masun	Yes
John Easton	Yes	Tim Munson	Yes
Shanann Fetrall	Abstain	Mike Paque	Abstain

DAVID Ornel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Election of Officers – Dr. Hammon called for nominations for Chair. Mr. Griscel nominated Dr. Hammon and Dr. Ferrell made the second.

<i>transcript pages 9 – 10</i>			
Richard Auer	Yes	Alexis Kindrick	Yes
Mark Barton	Yes	Steve Mason	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
David Griscel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Dr. Hammon then called for nominations for Vice-Chair. Mr. Munson nominated Mr. Paque and Mr. Griscel made the second.

<i>transcript pages 11 – 13</i>			
Richard Auer	Yes	Alexis Kindrick	Yes
Mark Barton	Yes	Steve Mason	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
David Griscel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:410 Radiation Management – Dr. Hammon called upon Mr. George MacDunnon, Chair of the Radiation Management Advisory Council (RMAC), to present the rule. Mr. MacDunnon stated that the Department is proposing to amend OAC 252:410, Radiation Management. The proposed rulemaking consists of four main elements: (1) The first element is to amend Chapter 410 to change the date for incorporation of federal regulations by reference to July 1, 2020 (for 40 CFR) and January 1, 2021 (for 10 CFR). (2) The second element of this rulemaking is to amend the regulations related to the industrial radiography certification. All industrial radiography certification requests for active-duty military personnel and their spouses will be processed pursuant to 39 O.S. § 4100.8. (3) The third element is to remove references to revoked Subchapter 19. (4) The fourth element is to clarify communication requirements in 252:410-10-37 and 252:410-10-71 by directing all correspondence regarding license requirements and any notification or reports required by those Parts to DEQ. The gist of the rule changes and the underlying reason for the rulemaking is to ensure the Department is current with required federal regulations promulgated pursuant to the Title 10 of the Code of Federal Regulations, 39 O.S. § 4100.8 and Governor Stitt's Executive Order 2020-03. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Sims moved to approve and Mr. Barton made the second.

<i>transcript pages 13 – 16</i>			
Richard Auer	Yes	Alexis Kindrick	Yes
Mark Barton	Yes	Steve Mason	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
David Griscel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:100 Air Pollution Control – Dr. Hammon called upon Ms. Laura Ludes, Chair of the Air Quality Advisory Council (AQAC), to present the rules. Ms. Ludes stated that the Department of Environmental Quality (Department) is proposing to amend OAC 252:100, Subchapters 1, 7 and 8 to allow for certain construction activities to be conducted at the owner/operator's risk after submission of an administratively complete minor New Source Review (NSR) permit application but prior to issuance of the 15(n)(2)(B)(i) to give regulatory clarity to when a construction permit is required by inserting the federal terms for pieces of equipment and processes subject to NESHAP and NSPS. The gist of this rule proposal and the

underlying reason for the rulemaking is to give additional clarity to actions the regulated community may take prior to issuance of a minor construction permit. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Dr. Fettell moved to approve and Mr. Kinder made the second.

transcript pages 16 - 19

Richard Auer	Yes	Alexis Kendrick	Yes
Mark Barton	Yes	Steve Mason	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Farrell	Yes	Mike Paque	Yes
David Griesel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:100 Air Pollution Control – Ms. Lodes stated that the Department proposes to amend OAC 252:100, Subchapter 47, Control of Emissions from Existing Municipal Solid Waste Landfills. The gist of the proposed rule is to implement the provisions of 40 C.F.R. Part 60, Subpart Cf, "Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills." Upon promulgation, the revised Subchapter 47 will be incorporated into Oklahoma's revised State 111(d) Plan. The proposed rule changes affect municipal solid waste (MSW) landfills that commenced construction, modification or reconstruction before July 17, 2014 and accepted waste after November 8, 1987, including closed landfills. Landfill gas collection and control systems (GCCS) will be required for landfills with design capacities of at least 2.5 million megagrams and 2.5 million cubic meters that have estimated emissions of at least 34 megagrams per year of non-methane organic compounds (NMOC). The previous NMOC threshold to install a control system was 50 megagrams per year. Currently, EPA is implementing the emission guidelines for existing MSW landfills with a Federal Plan under 40 C.F. R. Part 62, Subpart 000. Following a question by the Board and none by the public, Dr. Hammon called for a motion. Mr. Mason moved to approve and Dr. Fettell made the second.

transcript pages 19 - 24

Richard Auer	Yes	Alexis Kendrick	Yes
Mark Barton	Yes	Steve Mason	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Farrell	Yes	Mike Paque	Yes
David Griesel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:205 Hazardous Waste Management – Dr. Hammon called upon Mr. Lee Grater, Chair of the Hazardous Waste Management Advisory Council (HWMAC) to present the rules. Mr. Grater stated that the Department is proposing to amend OAC 252:205, Subchapter 3. The gist of this rulemaking is to make DEQ's hazardous waste rules consistent with the federal regulations by incorporating by reference (IBR) the regulations found in 40 CFR Parts 124 and 260-279, revised as of July 1, 2021. The significant rule change for this IBR modernizes the rules governing determinations for ignitable liquid hazardous wastes. The modification will allow laboratories for the characteristic to use non-mercury thermometers. It finalizes the codification of existing guidance defining "aqueous" as "50% water by weight" and it corrects cross references to DOT regulations and removes obsolete information. Additionally, statute changes that became effective July 1, 2021 have rendered certain state rules obsolete. Therefore, the DEQ is modifying those state rules that have been affected by the statute changes. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Munson moved to approve and Mr. Paque made the second.

transcript pages 24 - 27

Richard Auer	Yes	Alexis Kendrick	Yes
Mark Barton	Yes	Steve Mason	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Farrell	Yes	Mike Paque	Yes
David Griesel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:221 Brownfields – Mr. Orter stated that the Department is proposing to amend OAC 252:221 to update the Brownfields Rules to remove outdated legal citations, fix typos, reduce the number of hard copies being sent to DEQ for review, allow for electronic files to be posted on our website, and remove references to Oklahoma Department of Commerce. This will reduce the costs for participants in DEQ's Brownfields Certificate and Brownfields Revolving Loan Fund Programs. The gist of the rulemaking is to update the rules to better align with current processes. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Easton moved to approve and Mr. Kinder made the second.

transcript pages 29 - 30

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Steve Mason	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Farrell	Yes	Mike Paque	Yes
David Grissel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:515 Management of Solid Waste – Mr. Patrick Riley, Environmental Programs Manager of the Land Protection Division, presented the rule. Mr. Riley stated that the Department is proposing to amend OAC 252:515, Management of Solid Waste, in response to Governor Stitt's Executive Order 2020-03. The gist of this rulemaking is to remove redundant and outdated regulations and make minor changes to clarify existing language. Included are proposed changes to clarify background water quality and assessment monitoring sampling requirements and leachate storage options. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion to approve. Mr. Sims moved to approve and Mr. Burton made the second.

transcript pages 30 - 31

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Steve Mason	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Farrell	Yes	Mike Paque	Yes
David Grissel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:301 Laboratory Accreditation – Dr. Hammon called upon, Mr. Brian Duzan, Chair of the Water Quality Management Advisory Council (WQMAC), to present the rules. Mr. Duzan stated that the Department is proposing to amend OAC 252:301, Laboratory Accreditation. The gist of these rules and the underlying reason for this rulemaking is to update incorporations by reference for EPA methodologies and to make other amendments for conformity with the updated incorporations by reference. Updates include the most recent EPA Primary Drinking Water Regulations, National Standards for Solid Waste Test Methods and EPA Test Procedures for the Analysis of Pollutants. A significant result of these updates to rules is the use of alternate testing methods, clearer language and reduced requirements which will apply to all permittees and accredited laboratories. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Munson moved to approve and Ms. Kindrick made the second.

transcript pages 31 - 36

Richard Auer	Yes	Alexie Kindrick	Yes
Mark Barton	Yes	Steve Mason	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Farrell	Yes	Mike Paque	Yes
David Grissel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:302 Field Laboratory Accreditation – Mr. Duzan stated that the Department is proposing to amend OAC 252:302, Field Laboratory Accreditation. The gist of these rules and the underlying reason for this rulemaking is to update incorporations by reference EPA methodologies and to make other amendments for conformity with the updated incorporations by reference. Updates include the most recent EPA Test Procedures for the Analysis of Pollutants. A significant result of these updates to rules is the use of alternative methods, clearer language and reduced requirements which will apply to all permittees and accredited laboratories. Hearing no question or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Paque moved to approve and Dr. Ferrell made the second.

transcript pages 36 - 39

Richard Auer	Yes	Alexis Kindrick	Yes
Mark Burton	Yes	Steve Mason	Yes
John Eason	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
David Grissel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:307 TNI Laboratory Accreditation – Mr. Duzan stated that the Department is proposing to amend OAC 252:307, TNI Laboratory Accreditation. The gist of these rules and the underlying reason for this rulemaking is to update incorporations by reference for the TNI Standard and EPA methodologies and to make other amendments for conformity with the updated incorporations by reference. Updates include the most recent EPA Primary Drinking Water Regulations, National Standards for Solid Waste Test Methods and EPA Test Procedures for the Analysis of Pollutants, and the 2016 TNI Standard. A significant result of these updates to EPA test procedures and TNI standards is the addition of alternate testing methods, clearer language and reduced requirements which will apply to all permittees and accredited laboratories. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Kinder moved to approve and Mr. Auer made the second.

transcript pages 39 - 47

Richard Auer	Yes	Alexis Kindrick	Yes
Mark Burton	Yes	Steve Mason	Yes
John Eason	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
David Grissel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:606 Oklahoma Pollutant Discharge Elimination System (OPDES) Standards – Mr. Duzan stated that the Department is proposing to amend OAC 252:606 to update incorporations by reference for the Code of Federal Regulations from July 1, 2020, to July 19, 2021. The federal regulation updates include the Environmental Protection Agency's (EPA's) Clean Water Act Methods Update Rule that became effective July 19, 2021. The rule finalized changes to test procedures required to be used by industries and municipalities when analyzing the chemical, physical and biological properties of wastewater and other environmental samples for reporting under EPA's National Pollutant Discharge System (NPDES) permit program. The gist of this proposed rule and the underlying reason for the rulemaking is to ensure the OPDES remains in compliance with the Department's delegations agreement with EPA and to ensure Oklahoma retains responsibility for administering the NPDES Program in Oklahoma. Hearing no questions or comments by the Board or the public, Dr. Hammon called for a motion. Mr. Grissel moved to approve and Mr. Paque made the second.

transcript pages 47 - 49

Richard Auer	Yes	Alexis Kindrick	Yes
Mark Burton	Yes	Steve Mason	Yes
John Eason	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
David Grissel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hammon	Yes

Rulemaking – OAC 252:631 Public Water Supply Operation – Mr. Duzun stated that the Department is proposing to amend OAC 252:631 to update certain dates of the incorporations by reference for the Code of Federal Regulations from July 1, 2020 to July 1, 2021. The gist of this rule and the underlying reason for the rulemaking is to ensure the Department remains in compliance with federal regulations promulgated pursuant to the Reduction of Lead in Drinking Water Act (RLDWA) and Safe Drinking Water Act (SDWA). The federal regulation updates include EPA finalizing changes to existing regulations to protect the public from lead in plumbing materials used in public water systems or residential or nonresidential facilities providing water for human consumption. The rule changes codify aspects of the RLDWA of 2011 and the Community Fire Safety Act of 2013 (CFSa). The RLDWA amended section 1417 of the SDWA, which prohibits the use and introduction into commerce of certain plumbing products that are not “lead free.” The RLDWA revised the definition of lead free to lower the allowable maximum lead content of plumbing products and established a statutory method for calculating lead content. EPA expects these requirements for lead content in plumbing materials used in new installations and repairs will result in fewer sources of lead in drinking water and consequently, will reduce adverse health effects associated with exposure to lead in drinking water. The final rule became effective October 1, 2020 and the compliance date for the product certification requirements in 40 C.F.R. 143.19 is September 1, 2023. Following a question by the Board but, none by the public, Dr. Hummon called for a motion. Mr. Mason moved to approve and Mr. Munson made the second.

transcript pages 43 - 51

Richard Auer	Yes	Alexis Kindrick	Yes
Mark Barton	Yes	Steve Mason	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
David Giesel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hummon	Yes

Rulemaking – OAC 252:690 Water Quality Standards Implementation – Mr. Duzun stated that the Department is proposing to amend OAC 252:690 to update incorporations by reference for the Code of Federal Regulations from July 1, 2020, to July 19, 2021. The federal regulation updates include the EPA's Clean Water Act Methods Update Rule that became effective July 19, 2021. The rule finalized changes to test procedures required to be used by industries and municipalities when analyzing the chemical, physical and biological properties of wastewater and other environmental samples for reporting under EPA's National Pollutant Discharge Elimination System (NPDES) permit program. The gist of this proposed rule and the underlying reason for the rulemaking is to ensure the Oklahoma Pollutant Discharge Elimination System (OPDES) remains in compliance with the Department's delegation agreement with EPA, and to ensure Oklahoma retains responsibility for administering the NPDES Program in Oklahoma. Hearing no questions or comments by the Board or the public, Dr. Hummon called for a motion. Mr. Griesel moved to approve and Mr. Paque made the second.

transcript pages 51 - 54

Richard Auer	Yes	Alexis Kindrick	Yes
Mark Barton	Yes	Steve Mason	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Mike Paque	Yes
David Giesel	Yes	Billy Sims	Yes
Jimmy Kinder	Yes	Tracy Hummon	Yes

Executive Director's Report – Mr. Scott Thompson, Executive Director of the DEQ, discussed agency accomplishments and activities since the last Board meeting as well as information pertaining to budget and legislative matters.

transcript pages 54 - 74

Budget Update and Financial Overview (FY 2022) – Ms. Kathy Aebischer, Chief Financial Officer of the DEQ, gave a presentation and update/overview on the FY 2022 current budget. This report is for informational purposes only.

transcript pages 74 - 81

New Business – None

Next Meeting – The next regular meeting is scheduled for June 14, 2022 in Oklahoma City, DEQ Multipurpose Room

Adjournment – Dr. Hammann called for a motion to adjourn. Mr. Griesel moved to adjourn and Dr. Ferrell made the second. Meeting adjourned at 11:00 a.m.

transcript pages 81 - 83

Richard Auer	Yes	Alexis Kendrick	Yes
Mark Barton	Yes	Steve Watson	Yes
John Easton	Yes	Tim Watson	Yes
Shannon Ferrell	Yes	Mike Paquet	Yes
David Griesel	Yes	Billy Scott	Yes
Jessy Kauder	Yes	Tony Hammann	Yes

There were no public forum issues raised.

The transcript and attendance sheet becomes an official part of these Minutes.

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

ENVIRONMENTAL QUALITY BOARD

PUBLIC MEETING

FEBRUARY 18, 2022 - 9:30 A.M.

Multi-Purpose Room, 1st Floor
DEQ Building
707 N. Robinson
Oklahoma City, OK

REPORTED BY: JENESSA KALSU, CSR

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1 BOARD MEMBERS PRESENT:

2 DR. HAMMON, CHAIR

3 MR. PADGET, VICE CHAIR

4 MR. AUSTIN

5 MR. BARTON

6 MR. EASTON

7 MR. GRIFFIN

8 MR. GRISSLE

9 MR. KIRBY

10 MR. KIRBY

11 MR. KIRBY

12 MR. KIRBY

13 MR. KIRBY

14 BOARD MEMBER ABSENT:

15 MR. KIRBY

16 ALSO PRESENT:

17 Mr. Quiana Fivins, Secretary of Board and Councils

18 Ms. Jennifer Lewis, Assistant Attorney General

19 GEORGE MACDONALD, Railroads Management Advisory Council

20 Mr. Jennifer Boylin, HQ General Counsel

21 Mr. David Leland, Chairman of Air Quality Advisory Council

22 Mr. Joe Greer, Chairman of the Hazardous Waste Management

23 Advisory Council

24 Mr. Patrick Riley, DEQ Environmental Manager

25 MR. BRIAN WILSON, Chairman of the Water Quality Management

26 Advisory Council

27 Mr. Keith Thompson, Executive Director of DEQ

28 MR. SHILLIE CLARK, Director of Water Quality Division

29 Mr. Kathy Schuchter, DEQ Chief Financial Officer

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31

32

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1 please do Mr. We're still in winter months.

2 BUT I think as COVID starts to come down,

3 consider your health and maybe appointments that

4 you've put off. February tends to be heart-health

5 month, so make those appointments start catching

6 up on anything you've missed during the pandemic.

7 All right. I don't think we have any

8 special guests out there in the audience today, but

9 I am appreciate so many of you attending this in

10 person.

11 We don't have any new Board members today.

12 But it has come to our attention that this is

13 David Griesel's last meeting with us. And I just

14 wanted to acknowledge him 14 years of service to the

15 Board. He was working on committee work when the

16 DEQ was founded.

17 So I'm really sad about this. I've sat,

18 you know, alphabetically, Hammon and Griesel, and

19 that is David for the last nine or ten years at this

20 point. I don't coach the 14 years that he has given

21 service to the State, but I really appreciate all

22 that he has done and I am going to miss him very

23 much being a member of this Board and the wisdom he

24 has given and the support that's given to me.

25 So, David, would you like to say a few

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1 DR. HAMMON: The February 18th, 2022, the

2 regular meeting of the Environmental Quality Board

3 has been called according to the Oklahoma Open

4 Meeting Act, Section 11, Chapter 15 of the Oklahoma

5 Statutes.

6 Motion was filed with the Secretary at

7 State on November 17th, 2021. Agenda was mailed to

8 interested parties on February 11th, 2022. And was

9 posted at the DEQ on February 14th, 2022.

10 Only matters appearing on the agenda

11 agenda may be considered. If this meeting is

12 adjourned or reconvened, we must announce today the

13 date, time, and place of the continued meeting. And

14 the agenda for such continuation will remain the

15 same as today's agenda.

16 So, welcome. Happy New Year. Happy 2022.

17 It's nice to have everyone back together here in

18 Oklahoma City. Good to see so many families back

19 in person.

20 Also, Happy Lunar New Year. February 1st

21 marked the calendar date of the Year of the Tiger.

22 So hopefully that's a good auspicious year.

23 I do always like to start meetings with a

24 quick safety moment. So for today -- I'm not going

25 to talk about our typical drive home on I-40, but

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1 words?

2 MR. GRISSLE: I've been honored to serve

3 with the DEQ for several years. Started on the

4 Solid Waste Council, moved into the Board. And it's

5 been an honor and a privilege. Thank you very much

6 for the fact that you will miss me.

7 (Laughter.)

8 DR. HAMMON: Yeah.

9 MR. GRISSLE: And I've been very happy to

10 serve with everybody on this Board.

11 (Applause.)

12 DR. HAMMON: Well, that made me sad this

13 morning, and I hate to start off with sad news. And

14 certainly, we will welcome your successor. But

15 yeah --

16 MR. GRISSLE: I understand --

17 DR. HAMMON: -- I personally will miss

18 you.

19 MR. GRISSLE: I understand you have

20 someone very competent and a good worker coming on.

21 DR. HAMMON: And hopefully, there's no

22 chance of you rolling off, that I'm not aware of.

23 Find me at a break if you are and I'll acknowledge

24 you, as well.

25 All right. So our meeting today is pretty

Page 6	Page 7
1 busy, so we're going to get to that. I will first 2 start with a roll call. 3 Quiana, 4 MS. FIELDS: Mr. Auer. 5 MR. AUER: Yes. 6 MS. FIELDS: Mr. Barton. 7 MR. BARTON: Yes. 8 MS. FIELDS: Mr. Easton. 9 MR. EASTON: Here. 10 MS. FIELDS: Dr. Farrell. 11 DR. FARRELL: Here. 12 MS. FIELDS: Mr. Griesel. 13 MR. GRIESEL: Here. 14 MS. FIELDS: Mr. Kichay is absent. 15 Mr. Kinder. 16 MR. KINDER: Here. 17 MS. FIELDS: Ms. Kendrick. 18 MS. KENDRICK: Here. 19 MS. FIELDS: Mr. Mason. 20 MR. MASON: Present. 21 MS. FIELDS: Mr. Munson. 22 MR. MUNSON: Here. 23 MS. FIELDS: Mr. Paque. 24 MR. PAQUE: Here. 25 MS. FIELDS: Mr. Sims.	1 MR. SIMS: Here. 2 MS. FIELDS: Dr. Hammon. 3 DR. HAMMON: Here. 4 MS. FIELDS: We have a quorum. 5 DR. HAMMON: Thank you, Quiana. 6 All right. Our next Agenda item is 7 approval of the past minutes. I just want to say 8 that one of the interesting things being Chair and 9 talking so much in a meeting is reading the 10 word-by-word playback of the minutes, and our 11 stenographers do a great job with putting those 12 together. 13 Are there any questions or comments on the 14 minutes from the November 9th meeting? 15 (No response.) 16 DR. HAMMON: Hearing none, do I have a 17 motion? 18 MR. GRIESEL: So moved. 19 DR. HAMMON: Move to approve? 20 MR. GRIESEL: Move to approve. 21 DR. HAMMON: Do I have a second? 22 (Multiple seconds.) 23 MR. HAMMON: Second. 24 DR. HAMMON: All right. I have a motion 25 and a second.
Page 8	Page 9
1 Quiana. 2 MS. FIELDS: Mr. Auer. 3 MR. AUER: Yes. 4 MS. FIELDS: Mr. Barton. 5 MR. BARTON: Yes. 6 MS. FIELDS: Mr. Easton. 7 MR. EASTON: Yes. 8 MS. FIELDS: Dr. Farrell. 9 DR. FARRELL: Absent. 10 MS. FIELDS: Mr. Griesel. 11 MR. GRIESEL: Yes. 12 MS. FIELDS: Mr. Kinder. 13 MR. KINDER: Yes. 14 MS. FIELDS: Ms. Kendrick. 15 MS. KENDRICK: Yes. 16 MS. FIELDS: Mr. Mason. 17 MR. MASON: Yes. 18 MS. FIELDS: Mr. Munson. 19 MR. MUNSON: Yes. 20 MS. FIELDS: Mr. Paque. 21 MR. PAQUE: Absent. 22 MS. FIELDS: Mr. Sims. 23 MR. SIMS: Yes. 24 MS. FIELDS: Dr. Hammon. 25 DR. HAMMON: Yes.	1 MS. FIELDS: Motion passed. 2 DR. HAMMON: Okay. Thank you. 3 Agenda Item 5 is Election of Officers. 4 And I want to ask our AG ahead of time if I'm 5 allowed to run that motion. 6 MS. LEWIS: Yes, chair of the meeting. 7 DR. HAMMON: All right. So every year we 8 go through the process of electing a Chair and a 9 Vice Chair for a calendar year. So let us start 10 with the Chair. Do I have any nominations? 11 MR. GRIESEL: I nominate Dr. Hammon. 12 DR. FARRELL: Second. 13 DR. HAMMON: Any other nomination? 14 (No response.) 15 DR. HAMMON: All right. I have a motion 16 and a second. 17 Quiana, would you do roll call? 18 MS. FIELDS: Mr. Auer. 19 MR. AUER: Yes. 20 MS. FIELDS: Mr. Barton. 21 MR. BARTON: Yes. 22 MS. FIELDS: Mr. Easton. 23 MR. EASTON: Yes. 24 MS. FIELDS: Dr. Farrell. 25 DR. FARRELL: Yes.

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1 MS. FIELDS: Mr. Griesel.
2 MR. GRIESEL: Yes.
3 MS. FIELDS: Mr. Kinder.
4 MR. KINDER: Yes.
5 MS. FIELDS: Ms. Kendrick.
6 MS. KINDERICK: Yes.
7 MS. FIELDS: Mr. Mason.
8 MR. MASON: Yes.
9 MS. FIELDS: Mr. Munson.
10 MR. MUNSON: Yes.
11 MS. FIELDS: Mr. Paque.
12 MR. PAQUE: Yes.
13 MS. FIELDS: Mr. Sims.
14 MR. SIMS: Yes.
15 MS. FIELDS: Dr. Hammon.
16 DR. HAMMON: Yes.
17 MS. FIELDS: Motion passed.
18 DR. HAMMON: Okay. Thank you. I
19 appreciate the vote of confidence. I look forward
20 to serving a second year as Chair of the
21 Environmental Quality Board.
22 Similar to what our previous Chairs have
23 done it would be my intent, after this remaining
24 year, to pass the torch. So I appreciate doing this
25 for the additional year.

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1 MS. FIELDS: Mr. Munson.
2 MR. MUNSON: Yes.
3 MS. FIELDS: Mr. Paque.
4 MR. PAQUE: Graciously abstain.
5 MS. FIELDS: Mr. Sims.
6 MR. SIMS: Yes.
7 MS. FIELDS: Dr. Hammon.
8 DR. HAMMON: Yes.
9 MR. FIELDS: Motion passed.
10 DR. HAMMON: Congratulations Mr. Paque.
11 MR. PAQUE: Thank you all. I look forward
12 to it and I love working with our president. She's
13 great, so I look forward to another year. Thank
14 you.
15 MS. BOYLE: We received word that not
16 everyone can hear in the back. So if everyone could
17 please speak up, that would be appreciated.
18 DR. HAMMON: And a reminder to turn your
19 microphones on. Hopefully --
20 Can everyone hear me okay this morning?
21 (Positive response.)
22 DR. HAMMON: Okay. I tend to talk a
23 little quieter. I saw them turning mice up on me
24 earlier.
25 So we have a really full Agenda today, a

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1 Let's move to the Vice Chair position. Do
2 I have any nominations?
3 MR. MUNSON: I nominate Mike Paque.
4 MR. GRIESEL: I'll second.
5 DR. HAMMON: Any other nomination?
6 (No response.)
7 DR. HAMMON: Okay. I have a nomination
8 and a second for Mr. Paque.
9 Quiana, can you do roll call?
10 MS. FIELDS: Mr. Auer.
11 MR. AUER: Yes.
12 MS. FIELDS: Mr. Barton.
13 MR. BARTON: Yes.
14 MS. FIELDS: Mr. Easton.
15 MR. EASTON: Yes.
16 MS. FIELDS: Dr. Ferrell.
17 DR. FERRELL: Yes.
18 MS. FIELDS: Mr. Griesel.
19 MR. GRIESEL: Yes.
20 MS. FIELDS: Mr. Kinder.
21 MR. KINDER: Yes.
22 MS. FIELDS: Ms. Kendrick.
23 MS. KINDERICK: Yes.
24 MS. FIELDS: Mr. Mason.
25 MR. MASON: Yes.

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1 lot of rulemaking items. We're going to try to get
2 through these. Take a break as needed.
3 But let's start with Agenda Item 4, which
4 is Rulemaking OAC 252:410, Radiation Management.
5 And my notes show that George McDurman, who is Chair
6 of the Radiation Management Advisory Council will be
7 presenting today.
8 Mr. McDurman, the floor is yours.
9 MR. MCDURMAN: Good morning. My name is
10 George McDurman. I'm the Chair of the Radiation
11 Management Advisory Council. And the Council is
12 recommending the adoption of the amendments to the
13 State's radiation rules. Those updates address four
14 areas. The most important is to update the Nuclear
15 Regulatory Commission and Environmental Protection
16 Agency Rules that DEQ has adopted by reference to
17 remain compatible with federal regulations. These
18 changes are required by federal law.
19 Included in these changes is to permit the
20 use of a new technology, digital reading personnel
21 dosimeters to be used for radiation monitoring. The
22 rule will still allow for traditional dosimeters, so
23 well.
24 The other parts of the updates deal with
25 administrative and other minor issues such as

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1 changed references to different parts of the NRC 2 regulations that have been reorganized. 3 The updated EPA rules pertain to the 4 National Emission Standards for hazardous air 4 pollutants. Oklahoma has no active facilities that 6 are affected by these, and there are no changes that 7 effect the State. 8 The secondary addressed by the proposed 9 rule changes is to make it clear that industrial 10 radiology certification applications by active-duty 11 military members and spouses will be handled in 12 accordance with new State laws. 13 The third and the fourth proposed 14 amendments will clarify our rules in several ways, 15 notably by removing references to Subchapter 19, 16 which has been revoked, and by making it clear that 17 correspondence and notifications, under NRC rules, 18 that are adopted by reference, should go to the DEQ 19 and not to the NRC. 20 None of these changes have been 21 controversial and the Council recommends that the 22 Board approve the amendments. 23 Mike Broderick of the Agency staff and I 24 will be happy to answer any questions that you might 25 have.	1 DR. HAMMON: Thank you, Mr. MacDermott. 2 Any questions or comments from the Board? 3 (No response.) 4 DR. HAMMON: Questions or comments from 5 the general public? 6 (No response.) 7 DR. HAMMON: Do I have a motion? 8 MR. SING: I make a motion we approve that 9 rule change. 10 DR. HAMMON: Thank you, Mr. Sing. 11 MR. BARTON: Second. 12 DR. HAMMON: Quiana, roll call, please. 13 MR. FIELDS: Mr. Auer. 14 MR. AUER: Yes. 15 MS. FIELDS: Mr. Barton. 16 MR. BARTON: Yes. 17 MS. FIELDS: Mr. Easton. 18 MR. EASTON: Yes. 19 MS. FIELDS: Dr. Patrick. 20 DR. PATRICK: Yes. 21 MS. FIELDS: Mr. Grissel. 22 MR. GRISSSEL: Yes. 23 MS. FIELDS: Mr. Kinder. 24 MR. KINDER: Yes. 25 MS. FIELDS: Mr. Kendrick.
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1 MS. KINDERICK: Yes. 2 MS. FIELDS: Mr. Mason. 3 MR. MASON: Yes. 4 MS. FIELDS: Mr. Munkoh. 5 MR. MUNKOH: Yes. 6 MS. FIELDS: Mr. Paque. 7 MR. PAQUE: Yes. 8 MS. FIELDS: Mr. Sims. 9 MR. SING: Yes. 10 MS. FIELDS: Dr. HAMMON. 11 DR. HAMMON: Yes. 12 MS. FIELDS: Motion passed. 13 DR. HAMMON: Thank you. 14 MR. MACDERMOTT: Thank you. 15 DR. HAMMON: Item Number 7 for Rulemaking 16 is CAC 252:100 Air Pollution Control. Laura Ledes, 17 Chair of the Air Quality Advisory Council, is here 18 to present to us today. 19 MS. LEDES: Madam Chairman, and members of 20 the Board, we have two rules today to bring before 21 you. The first rule is CAC 252:100, Chapters 1, 2, 22 and 8. And this is to allow for certain 23 construction activities to be conducted at the 24 owner/operator's risk after submission of an 25 administratively complete minor and a New Source	1 Review permit application but prior to issuance of 2 the construction permit. 3 Historically, the Department has allowed 4 facilities, on a case-by-case, to commence and 5 conduct certain minor construction activities prior 6 to the issuance of a permit but after the 7 administratively complete application has been 8 submitted. The purpose of this rulemaking is to 9 clarify this policy and the Air Quality rules. 10 The Department is also proposing to revise 11 CAC 252:100-7-15(a) (2) (b) (i) to give regulatory 12 clarity to when a construction permit is required by 13 inserting the federal terms for pieces of equipment 14 and processes subject to NSRMA and NSPS. 15 This proposed rule came before the Air 16 Quality Advisory Council on October 20th, 2021, and 17 again on January 18th, 2022. Notices to the 18 proposed rule change were published in the Oklahoma 19 Register on September 15th, 2021, and December 15th 20 of 2021. 21 The Department received an oral comment as 22 well as concerns from the Council during the October 23 meeting that were addressed by revisions to the 24 proposed for the January meeting. The oral comment 25 of the January meeting confirmed the proposed

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1 revisions addressed the commenter's concerns. The
2 Council unanimously approved the proposal at its
3 January meeting.
4 As Chair of the Air Quality Advisory
5 Council, I recommend that the Board approve the
6 proposed Chapter 100, Subchapters 1, 7, and 8
7 revisions as permanent rules.
8 Are there any questions regarding this?
9 DR. HAMMON: Questions or comments from
10 the Board?
11 (No response.)
12 DR. HAMMON: Hearing none. Questions or
13 comments from the public?
14 (No response.)
15 DR. HAMMON: Do I have a motion?
16 DR. FERRIEL: Move to accept the rules
17 proposed.
18 MR. KIMMER: Second.
19 DR. HAMMON: We have a motion and a second
20 for approval.
21 Others, all well, please.
22 MS. FIELDS: Mr. Auger,
23 MR. ALLEN: Yes.
24 MS. FIELDS: Mr. Rayson,
25 MR. BARTON: Yes.

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1 MS. LONES: Yes, different section of the
2 Air Quality rules.
3 The Department is proposing to amend
4 OAC 242.100, Subchapter 47, Control Emissions from Existing
5 Municipal Solid Waste Landfills. The gist of the proposed
6 rule is to incorporate new federal guidelines into the state
7 rules. The proposed rule would implement the provisions of
8 40 C.F.R. Part 40, Subpart C little f, the federal emission
9 guidelines published by the EPA in the Federal Register on
10 August 28th, 2014. Upon promulgation, the revised
11 Subchapter 47 will be incorporated into a revised State
12 Solid Plan. The proposed rules affect municipal solid
13 waste landfills that commence construction, modification, or
14 reconstruction before July 15th of 2014, and accepted waste
15 after November 8th of 1987, including closed landfills.
16 Landfill gas collection and control systems will be required
17 for landfills with design capacities of or larger 2.5 million
18 megagrams and 7.5 million cubic meters which have estimated
19 emissions of at least 34 megagrams per year of non-methane
20 organic compounds. The previous non-methane organic
21 compound threshold to install a control system was 50
22 megagrams per year.
23 Working with members of the Land
24 Protection Division, the Air Quality Division
25 initially proposed revisions to Subchapter 47 in

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1 MR. FIELDS: Mr. Easton.
2 MR. EASTON: Yes.
3 MR. FIELDS: Dr. Ferriel.
4 DR. FERRIEL: Yes.
5 MS. FIELDS: Mr. Grimes.
6 MR. GRIESEL: Yes.
7 MS. FIELDS: Mr. Kinder.
8 MR. KIMMER: Yes.
9 MS. FIELDS: Mr. Kendrick.
10 MR. KIMMERICK: Yes.
11 MS. FIELDS: Mr. Madison.
12 MR. MASON: Yes.
13 MS. FIELDS: Mr. Mulson.
14 MR. MULSON: Yes.
15 MS. FIELDS: Mr. Paque.
16 MR. PAQUE: Yes.
17 MS. FIELDS: Mr. Sims.
18 MR. GUS: Yes.
19 MS. FIELDS: Dr. Hammon.
20 DR. HAMMON: Yes.
21 MS. FIELDS: Motion passed.
22 DR. HAMMON: Okay. Thank you.
23 Again, item 8, same general topic.
24 different portion.
25 Please continue.

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1 2017, after the Emissions guidelines were finalized.
2 That rulemaking was suspended, however, until
3 various federal challenges to the rule were
4 resolved.
5 In July of 2021, EPA finalized its
6 Federal Plan and all existing municipal solid waste
7 landfills in Oklahoma are currently required to comply with
8 the Federal Plan until the State has updated its rules and
9 incorporated those rules into an EPA-approved
10 State Solid Plan. The Solid Waste Management Advisory
11 Council was briefed in September 2021, that the rulemaking
12 had been restarted. The new proposal incorporated by
13 reference provisions of both the Emissions Guidelines and
14 Federal Plan to give as much flexibility as possible to
15 Oklahoma landfills.
16 This proposed rule came before the
17 Air Quality Advisory Council on October 20th, 2021, and
18 again on January 19th of 2022. Notices of the proposed rule
19 change were published in the Oklahoma Register on
20 September 15th of 2021, and December 15th of 2021. The
21 Department received written comments from EPA prior to the
22 October meeting and those have been addressed, the
23 Department also received oral comments from
24 Waste Management during the January meeting. No revisions
25 to the proposed rule were necessary based on the oral

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1 comments. The Council unanimously approved the proposal at
2 its January meeting.
3 As Chair of the Air Quality Advisory
4 Council, I recommend that the Board approve the
5 proposed Chapter 100 Subchapter 47 revisions as
6 permanent rules.
7 DR. HAMMON: Thank you.
8 Any questions or comments from the Board?
9 MR. BARTON: Just a question. Do you know
10 how many landfills this applies to, how many
11 landfills will be affected?
12 MS. LONES: No.
13 How many do we have affected?
14 I know we asked this question when we did
15 it, but I don't remember the answer now.
16 MR. RILEY: Patrick Riley. I'm the
17 manager of Solid Waste.
18 For this particular rule, we estimate
19 about less than half a dozen that fall under this
20 revision.
21 MR. BARTON: Probably a fairly small
22 amount of violations that you're recovering.
23 MR. RILEY: Many are subject already, so
24 this affects very few.
25 MS. LONES: And all we've done is

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1 incorporate the federal rules and the Federal Plan.
2 We haven't made anything more stringent for them.
3 So they're subject -- they're required to comply
4 today. We're just pulling them out of being
5 federally-applicable and into our State
6 Implementation Plan.
7 DR. HAMMON: Any other questions from the
8 Board?
9 (No response.)
10 DR. HAMMON: Questions or comments from
11 the public?
12 (No response.)
13 DR. HAMMON: All right.
14 Do I have a motion?
15 MR. MASON: Motion. Motion approval.
16 DR. FERRELL: Second.
17 DR. HAMMON: I have a motion and a second.
18 Quiana, roll call, please.
19 MS. FIELDS: Mr. Auer.
20 MR. AUER: Yes.
21 MS. FIELDS: Mr. Barton.
22 MR. BARTON: Yes.
23 MS. FIELDS: Mr. Easton.
24 MR. EASTON: Yes.
25 MS. FIELDS: Dr. Ferrell.

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1 DR. FERRELL: Yes.
2 MS. FIELDS: Mr. Griesel.
3 MR. GRIESSEL: Yes.
4 MS. FIELDS: Mr. Kinder.
5 MR. KINDER: Yes.
6 MS. FIELDS: Ms. Kindrick.
7 MR. KINDRICK: Yes.
8 MS. FIELDS: Mr. Hanson.
9 MR. MASON: Yes.
10 MS. FIELDS: Mr. Munson.
11 MR. MUNSON: Yes.
12 MS. FIELDS: Mr. Paque.
13 MR. PAQUE: Yes.
14 MS. FIELDS: Mr. Sims.
15 MR. SIMS: Yes.
16 MS. FIELDS: Dr. Hammon.
17 DR. HAMMON: Yes.
18 MS. FIELDS: Motion passed.
19 DR. HAMMON: Thank you.
20 MR. LOUIE: Thank you.
21 DR. HAMMON: Agenda Item Number 2,
22 Rulemaking on Hazardous Waste Management,
23 Lee Grater, the Hazardous Waste Management Advisory
24 Council Chair is presenting today.
25 MR. GRATER: Good morning.

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1 DR. HAMMON: Good morning.
2 MR. GRATER: The Hazardous Waste
3 Management and Advisory Council met on October 21st
4 2021, and voted unanimously to approve the proposed
5 changes. The intent of this rulemaking is to make
6 ODEQ's hazardous waste rules consistent with the
7 federal regulations by incorporating by reference
8 the regulations found in 40 CFR Parts 174 and
9 260-279, revised as of July 1, 2021.
10 This change modernizes the rules governing
11 the determination for ignitable liquid hazardous
12 waste. The modification will allow labs testing for
13 the characteristic to use non-mercury thermometers.
14 It finalizes the codification of existing guidance
15 defining "aqueous" as 50 percent water by weight.
16 And it corrects cross references to the Department
17 of Transportation regulations and removes obsolete
18 information. This rulemaking ensures that
19 Oklahoma's Hazardous Waste Rules are at least
20 equivalent to the federal rules as required to
21 maintain program authorization. Additionally,
22 certain statutes have been rendered obsolete by
23 statutory changes that become effective by July 21,
24 2021. Therefore, ODEQ is modifying those rules that
25 are affected by the statute changes.

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1 Council recommends that the Board approve
2 these provisions as proposed.
3 DR. HAMMON: Thank you.
4 Questions or comments from the Board?
5 (No response.)
6 DR. HAMMON: Questions or comments from
7 the public?
8 (No response.)
9 DR. HAMMON: Hearing none, do I have a
10 motion?
11 MR. MUNSON: Munson. Move approval.
12 MR. PAQUK: Second. Paquer.
13 DR. HAMMON: I have a motion and a second.
14 Quiana, roll call, please.
15 MS. FIELDS: Mr. Auer.
16 MR. AUER: Yes.
17 MS. FIELDS: Mr. BAYTON.
18 MR. BAYTON: Yes.
19 MS. FIELDS: Mr. EASTON.
20 MR. EASTON: Yes.
21 MS. FIELDS: Dr. Ferrell.
22 DR. FERRELL: Yes.
23 MS. FIELDS: Mr. Griesel.
24 MR. GRIESEL: Yes.
25 MS. FIELDS: Mr. Kinder.

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1 Also, the Oklahoma Department of Commerce
2 is no longer the fund manager for the Brownfields
3 Revolving Loan Fund and is so stated in the rules.
4 DEU has managed the loan funds in-house
5 for the last few years. DEU wants to update the
6 Brownfield rules to remove outdated legal citations.
7 Fix typos, reduce the amount of hard copies being
8 sent to DEU for review, allow for electronic files
9 to be posted on DEU's website and remove references
10 to the Oklahoma Department of Commerce. This will
11 reduce the cost for the participants in DEU's
12 Brownfields certification and Brownfields Revolving
13 Loan Fund programs.
14 The intent of this rulemaking is to update
15 the rules to be more aligned with current processes.
16 The Hazardous Waste Management Advisory
17 Committee Council met on October 21st, 2021, and
18 voted unanimously to approve those changes. The
19 Council recommends that the Board approve the
20 changes as proposed.
21 DR. HAMMON: All right.
22 Any questions or comments from the Board?
23 (No response.)
24 DR. HAMMON: Questions or comments from
25 the public?

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1 MR. KINDER: Yes.
2 MS. FIELDS: Mr. Kindrick.
3 MR. KINDRICK: Yes.
4 MS. FIELDS: Mr. Mason.
5 MR. MASON: Yes.
6 MS. FIELDS: Mr. Munson.
7 MR. MUNSON: Yes.
8 MS. FIELDS: Mr. Paquer.
9 MR. PAQUE: Yes.
10 MS. FIELDS: Mr. Sims.
11 MR. SIMS: Yes.
12 MS. FIELDS: Dr. Hammon.
13 DR. HAMMON: Yes.
14 MS. FIELDS: Motion passed.
15 DR. HAMMON: Thank you.
16 We'll continue with Agenda Item Number 10,
17 Mr. Grater, the floor is still yours for
18 Brownfields.
19 MR. GRATER: Thank you.
20 The Brownfields rules were coded by the
21 2011 Legislative session and have not been updated
22 since that time. Since 2011, DEQ has moved to an
23 electronic filing system. The internet is now more
24 widely used. The EPA has changed its requirements
25 and the internal processes have changed.

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1 (No response.)
2 DR. HAMMON: Do I have a motion from the
3 Board?
4 MR. EASTON: Easton. Move to approve.
5 MR. KINDER: Kinder. Second.
6 DR. HAMMON: I have a motion and a second.
7 Quiana, roll call, please.
8 MS. FIELDS: Mr. Auer.
9 MR. AUER: Yes.
10 MS. FIELDS: Mr. Barton.
11 MR. BARTON: Yes.
12 MS. FIELDS: Mr. Easton.
13 MR. EASTON: Yes.
14 MS. FIELDS: Dr. Ferrell.
15 DR. FERRELL: Yes.
16 MS. FIELDS: Mr. Griesel.
17 MR. GRIESEL: Yes.
18 MS. FIELDS: Mr. Kinder.
19 MR. KINDER: Yes.
20 MS. FIELDS: Mr. Kindrick.
21 MR. KINDRICK: Yes.
22 MS. FIELDS: Mr. Mason.
23 MR. MASON: Yes.
24 MS. FIELDS: Mr. Munson.
25 MR. MUNSON: Yes.

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1 MR. FIELDS: Mr. Paque.
2 MR. PAQUE: Yes.
3 MR. FIELDS: Mr. Sims.
4 MR. SIMS: Yes.
5 MS. FIELDS: Dr. Hammon.
6 DR. HAMMON: Yes.
7 MS. FIELDS: Motion passed.
8 DR. HAMMON: Thank you, Mr. Grater.
9 MR. GRATER: Thank you.
10 DR. HAMMON: Agenda Item 11 is Rulemaking
11 on Management of Solid Waste. And my notes say that
12 instead of Jeff Shepherd today, we will have
13 Branda Merchant, the Vice Chair of the Solid Waste
14 Management Advisory Council to present.
15 We do not have --
16 MR. RILEY: Another change.
17 DR. HAMMON: -- Branda Merchant.
18 MR. RILEY: So since Chairman Shepherd was
19 not available for today, I had arranged for the
20 Co-Chair, Branda Merchant to be here. She called
21 last night sick and did not want to expose us all to
22 whatever she has.
23 DR. HAMMON: We appreciate her decision.
24 MR. RILEY: So I'm Patrick Riley. I work
25 for DEQ in the Solid Waste Group, Environmental

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1 MR. BARTON: Second.
2 DR. HAMMON: We have a motion and a second
3 for approval.
4 Quiana, roll call, please.
5 MS. FIELDS: Mr. Auer.
6 MR. AUER: Yes.
7 MR. FIELDS: Mr. Barton.
8 MR. BARTON: Yes.
9 MS. FIELDS: Mr. Barton.
10 MR. EASTON: Yes.
11 MS. FIELDS: Dr. Focell.
12 DR. FOCCELL: Yes.
13 MS. FIELDS: Mr. Griesel.
14 MR. GRIESEL: Yes.
15 MS. FIELDS: Mr. Kinder.
16 MR. KINDER: Yes.
17 MS. FIELDS: Ms. Kendrick.
18 MS. KENDRICK: Yes.
19 MS. FIELDS: Mr. Mason.
20 MR. MASON: Yes.
21 MR. FIELDS: Mr. Munson.
22 MR. MUNSON: Yes.
23 MS. FIELDS: Mr. Paque.
24 MR. PAQUE: Yes.
25 MS. FIELDS: Mr. Sims.

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1 Program Manager.
2 So the Department of Environmental
3 Equality is proposing to amend OAC 252.515 in
4 response to Governor Stitt's Executive Order
5 2020-03. The gist of this rulemaking is to remove
6 redundant and outdated regulations and make minor
7 changes to clarify existing language.
8 Included are proposed changes to clarify
9 background water quality and assessment monitoring
10 sampling requirements and leachate storage options.
11 The Solid Waste Management Advisory
12 Council met on January 20th, 2022, and approved the
13 changes to OAC 252.515. The Council recommends that
14 the Board approve the changes to OAC 252.515 today
15 as approved by the Council.
16 DR. HAMMON: Questions or comments from
17 the Board?
18 (No response.)
19 DR. HAMMON: Questions or comments from
20 the public?
21 (No response.)
22 DR. HAMMON: Do I have a motion?
23 MR. SIMS: I move that we approve this
24 recommendation.
25 DR. HAMMON: Thank you, Mr. Sims.

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1 MR. SIMS: Yes.
2 MS. FIELDS: Dr. Hammon.
3 DR. HAMMON: Yes.
4 MS. FIELDS: Motion passed.
5 MR. RILEY: Thank you.
6 DR. HAMMON: Thank you, Mr. Riley, for
7 stepping in.
8 Agenda Item 12, Laboratory Accreditation.
9 We have Brian DUBAN, Chair of the Water Quality
10 Management Advisory Council to present.
11 MR. DUBAN: Good morning, everybody. I'm
12 such you guys were excited when you saw "laboratory"
13 on your Agenda, but just kind of housekeeping at
14 this time.
15 My name is Brian Duban. I'm the Chair of
16 the Water Quality Management Advisory Council. And
17 I'll have the next six rules coming up. All of
18 these were handled the same way. The DEQ staff held
19 two informal meetings, one in Tulsa on
20 November 18th, 2021, and one in Oklahoma City on
21 November 10th of 2021. The DEQ then discussed
22 proposed rulemaking at the October 5th, 2021, WQMAC
23 meeting, and then we voted on them on the
24 January 11th, 2022, WQMAC meeting where these were
25 unanimously accepted by the Council.

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1 The first one is 252.301 Laboratory
2 Accreditation. The laboratory -- the Department is
3 proposing the update of incorporation by reference
4 of federal rules from July 1st of 2018 to July 19th
5 of 2021.

6 The federal regulations updates being
7 incorporated include the EPA's Clean Water Act
8 method update rule, the National Primary Drinking
9 Water Expedited approval of alternate test
10 procedures and a Resource Conservation and Recovery
11 Act release of updated methods 81-846 compendium of
12 hazardous waste testing methods.

13 These changes to test procedures are
14 required to be used by private, industrial, and
15 municipal laboratories when analyzing the chemicals,
16 physical and biological properties for drinking
17 water, wastewater and other environmental sampling
18 reports under the EPA and DQO programs.

19 Other updates to the rule include removal
20 of language and requirements that are now considered
21 outdated and unnecessary. It is anticipated that
22 these changes will provide increased flexibility for
23 the regulated community in meeting accreditation
24 requirements without negative impact on overall data
25 quality. The DEQ received no formal comments on

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1 MR. EASTON: Yes.
2 MS. FIELDS: Dr. Ferrell.
3 DR. FERRELL: Yes.
4 MS. FIELDS: Mr. Grissel.
5 MR. GRISSER: Yes.
6 MS. FIELDS: Mr. Kinder.
7 MR. KINDER: Yes.
8 MS. FIELDS: Mr. Kindrick.
9 MR. KINDRICK: Yes.
10 MS. FIELDS: Mr. Mason.
11 MR. HAMMON: Yes.
12 MS. FIELDS: Mr. Munson.
13 MR. MUNSON: Yes.
14 MS. FIELDS: Mr. Paque.
15 MR. PAQUE: Yes.
16 MS. FIELDS: Mr. Sims.
17 MR. SIMS: Yes.
18 MS. FIELDS: Dr. Hammon.
19 DR. HAMMON: Yes.
20 MS. FIELDS: Motion passed.
21 DR. HAMMON: All right.
22 Mr. Duan, Agenda Item Number 11.
23 MR. DUAN: Okay. 302 is very similar,
24 but this is the Field Laboratory Accreditation.
25 Same thing. We had two meetings, one in Tulsa, one

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1 Chapter 10).
2 This rulemaking is necessary to ensure
3 Oklahoma retains responsibility for administering
4 the Laboratory Accreditation program for the testing
5 and compliance samples in Oklahoma.
6 If you have any questions or comments, I'd
7 be glad to field them.
8 DR. HAMMON: Questions or comments from
9 the Board?
10 (No response.)
11 DR. HAMMON: Questions or comments from
12 the public?
13 (No response.)
14 DR. HAMMON: Is there an action by the
15 Board?
16 MR. MUNSON: Motion moves approval.
17 MR. KINDRICK: Second.
18 DR. HAMMON: I have a motion to approve
19 and a second.
20 Quiana, roll call, please.
21 MS. FIELDS: Mr. Auer.
22 MR. AUER: Yes.
23 MS. FIELDS: Mr. Barton.
24 MR. BARTON: Yes.
25 MS. FIELDS: Mr. Easton.

(over)

1 in Oklahoma City, and then this rule was unanimously
2 recommended to the Board by the Council on the
3 January 11th, 2022 meeting.
4 The Department is proposing to update the
5 date of incorporation by reference of the federal
6 rule from July 1st, 2018 to July 19th, 2021.
7 The federal regulations updates being
8 incorporated include the EPA's Clean Water Act
9 Method Update Rule that became effective July 19th
10 of 2021. The rule finalizes changes to the test
11 procedures required to be used for industrial and
12 municipalities when analyzing the chemical
13 properties of wastewater samples reported under
14 EPA's National Pollutant Discharge Elimination
15 System Permit Program.
16 Other updates to the rule include removal
17 of language and requirements that are now considered
18 outdated and unnecessary. It is anticipated that
19 these changes will provide increased flexibility to
20 the regulated community and meeting accreditation
21 requirements with no negative impact on overall data
22 quality. Once again, the DEQ received no formal
23 comments to Chapter 302.
24 The rulemaking is necessary to ensure
25 Oklahoma retains responsibility for administrative

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1 laboratory accreditation program for the testing of 2 the compliance samples in Oklahoma. 3 Do you have any questions or comments? 4 DR. HAMMON: Anything from the Board? 5 (No response.) 6 DR. HAMMON: Hearing none, questions or 7 comments from the public? 8 (No response.) 9 DR. HAMMON: All right. Do I have a 10 motion? 11 MR. PAQUE: I'd moved approval. Paque. 12 DR. FERRELL: Ferrell. Second. 13 DR. HAMMON: I have a motion to approve 14 and a second. 15 GUIANA, roll call, please. 16 MS. FIELDS: Mr. Auer. 17 MR. AUER: Yes. 18 MS. FIELDS: Mr. Barron. 19 MR. BARRON: Yes. 20 MS. FIELDS: Mr. Eason. 21 MR. EASTON: Yes. 22 MS. FIELDS: Dr. Ferrell. 23 DR. FERRELL: Yes. 24 MS. FIELDS: Mr. Griesel. 25 MR. GRIESEL: Yes.	1 MS. FIELDS: Mr. Kinder. 2 MR. KINDER: Yes. 3 MS. FIELDS: Ms. Kindrick, 4 MS. KINDRICK: Yes. 5 MS. FIELDS: Mr. Mason. 6 MR. MASON: Yes. 7 MS. FIELDS: Mr. Munson. 8 MR. MUNSON: Yes. 9 MS. FIELDS: Mr. Paque. 10 MR. PAQUE: Yes. 11 MS. FIELDS: Mr. Sims. 12 MR. SIMS: Yes. 13 MS. FIELDS: Dr. Harmon. 14 DR. HAMMON: Yes. 15 MS. FIELDS: Motion passed. 16 DR. HAMMON: Thank you. 17 Agenda Item Number 14, Rulemaking on TMT 18 Laboratory Accreditation. 19 MR. DUZAN: Okay. Thank you. 20 This is -- again, it's very similar. This 21 proposal went through the two meetings; one Tulsa, 22 one in Oklahoma City, and was voted on unanimously 23 by the MQMC on January 11th, 2022. 24 This one is Chapter 107, TMT Laboratory 25 Accreditation. The Department is proposing to
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1 update the date of incorporation by reference of 2 federal rules from July 1st, 2018, to July 19th, 3 2021. And update the reference to the current TMT 4 standard. 5 The federal regulation updates being 6 incorporated include the EPA's Clean Water Act 7 method update rule, National Primary Drinking Water 8 expedited approval of Alternative Test procedures, and 9 the Resource Conservation Recovery Act released the 10 updated methods in the SW-846 compendium of 11 hazardous waste testing methods. 12 These changes in the test procedures are 13 required to be used by analyzing chemical, physical, 14 and biological properties of drinking water, 15 wastewater and other environmental samples for 16 reporting under EPA's and DEQ's programs. 17 Other updates to the rule include the 18 reference to the 2016 TMT standard with the 19 supplementary language to be consistent with the 20 current TMT standard. The DEQ received no formal 21 comments on Chapter 107. 22 This rulemaking is to ensure Oklahoma 23 retains responsibility for administering the 24 Laboratory Accreditation Program for the testing and 25 compliance of samples in Oklahoma.	1 I do need to point out that there was a 2 typo found in the rule sent in your packets. In 3 252:107-2-8, there was a typo for the word 4 "failing." This typo is isolated to the prepared 5 materials for the Board packet only. 6 If you have any questions or comments, I'd 7 be happy to answer. 8 DR. HAMMON: Comments or questions from 9 the Board? 10 (No response.) 11 DR. HAMMON: Comments or questions from 12 the public? 13 (No response.) 14 DR. HAMMON: Hearing none, is there a 15 motion? 16 MR. KINDER: Kinder. Motion to approve. 17 MR. AUER: Auer. Second. 18 DR. HAMMON: I have a motion and a second. 19 GUIANA, roll call, please. 20 MS. FIELDS: Mr. Auer. 21 MR. AUER: Yes. 22 MS. FIELDS: Mr. Barron. 23 MR. BARRON: Yes. 24 MS. FIELDS: Mr. Eason. 25 MR. EASTON: Yes.

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1 MS. FIELDS: Dr. Farrell.
2 DR. FARRELL: Yes.
3 MS. FIELDS: Mr. Grissel.
4 MR. GRISSSEL: Yes.
5 MS. FIELDS: Mr. Kinder.
6 MR. KINDER: Yes.
7 MS. FIELDS: Ms. Kendrick.
8 MS. KINDRICK: Yes.
9 MS. FIELDS: Mr. Mason.
10 MR. MASON: Yes.
11 MS. FIELDS: Mr. Munson.
12 MR. MUNSON: Yes.
13 MS. FIELDS: Mr. Paque.
14 MR. PAQUE: Yes.
15 MS. FIELDS: Mr. Sims.
16 MR. SIMS: Yes.
17 MS. FIELDS: Dr. Hammon.
18 DR. HAMMON: Yes.
19 MS. FIELDS: Motion passed.
20 DR. HAMMON: All right, thank you.
21 You are halfway through.
22 MR. DUZAN: Halfway.
23 DR. HAMMON: Three done, three to go.
24 Agenda Item 15 on the Oklahoma Pollutant
25 Discharge Elimination System Standards.

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1 Oklahoma remain responsible for administering
2 the NPDES program in Oklahoma.
3 Do you have any questions or comments?
4 (No response.)
5 DR. HAMMON: I am not asking any from the
6 Board.
7 Are there questions or comments from the
8 public?
9 (No response.)
10 DR. HAMMON: Hearing none, do I have a
11 motion?
12 MR. GRISSSEL: So moved.
13 MR. PAQUE: Second.
14 DR. HAMMON: I have a motion and a second
15 for approval.
16 CUIANA.
17 MS. FIELDS: Mr. Auer.
18 MR. AUER: Yes.
19 MS. FIELDS: Mr. Barton.
20 MR. BARTON: Yes.
21 MS. FIELDS: Mr. Easton.
22 MR. EASTON: Yes.
23 MS. FIELDS: Dr. Farrell.
24 DR. FARRELL: Yes.
25 MS. FIELDS: Mr. Grissel.

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1 MR. DUZAN: Okay. This is Chapter 606.
2 Once again, this was brought up to two informal
3 meetings; one in Tulsa, one in Oklahoma City, and
4 was voted on, on the July 11th, 2022, WQMAC where it
5 was unanimously recommended to the Board.
6 606 is the Oklahoma Pollutant Discharge
7 and Elimination Standards. The Department is
8 proposing to update the date of incorporation by
9 reference of federal rules from July 1st, 2020, to
10 July 19th, 2021.
11 The federal regulation updates being
12 incorporated include the CWA's Clean Water Act
13 method update rule that became effective July 19th,
14 2021. The rule finalized changes to test procedures
15 required to be used by industries and municipalities
16 when analyzing the chemical, physical, and
17 biological properties of wastewater and other
18 environment samples for reporting under EPA's NPDES
19 permit program.
20 It is anticipated that these changes will
21 provide increased flexibility from the regulated
22 community in meeting monitoring requirements while
23 improving data quality. DEQ received no formal
24 comments to 606.
25 The rulemaking is necessary to ensure

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1 MR. GRISSSEL: Yes.
2 MS. FIELDS: Mr. Kinder.
3 MR. KINDER: Yes.
4 MS. FIELDS: Ms. Kendrick.
5 MS. KINDRICK: Yes.
6 MS. FIELDS: Mr. Mason.
7 MR. MASON: Yes.
8 MS. FIELDS: Mr. Munson.
9 MR. MUNSON: Yes.
10 MR. FIELDS: Mr. Paque.
11 MR. PAQUE: Yes.
12 MS. FIELDS: Mr. Sims.
13 MR. SIMS: Yes.
14 MS. FIELDS: Dr. Hammon.
15 DR. HAMMON: Yes.
16 MS. FIELDS: Motion passed.
17 DR. HAMMON: Thank you.
18 Agenda Item Number 16. Public Water Supply
19 Operation.
20 Mr. Duzan.
21 MR. DUZAN: Okay. This is Chapter 611.
22 The same situation, we had two meetings, one in
23 Tulsa, one in Oklahoma City, and then it was voted
24 on the January 11th, 2022, WQMAC meeting where it
25 was unanimously recommended to the Board by the

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1 Council. And there's some tongue-ties in here when
2 you get to some of these acronyms.
3 This is Chapter 631. Public Water Supply
4 Operation. The Department is proposing to update
5 the date of incorporation by reference for federal
6 regulations from July 1st, 2020, to July 1st, 2021.
7 The federal regulation updates being
8 incorporated ensure the Department of Environmental
9 Quality is in compliance with federal regulations
10 promulgated pursuant to the Reduction of Lead in the
11 Drinking Water Act, RLDDA AND the Safe Drinking
12 Water Act.
13 The federal regulation updates being
14 incorporated include EPA finalized changes to
15 existing regulations to protect the public from lead
16 in plumbing materials used in public water systems
17 or residential or nonresidential facilities
18 providing water for human consumption.
19 The rule changes codify aspects of the
20 RLDDA of 2011 and the Community Fire Safety Act of
21 2013. The RLDDA amended Section 1417 of the SDWA,
22 which prohibits the use of introduction into
23 commerce of certain plumbing products that are not
24 considered lead free.
25 The RLDDA revised the definition of "lead

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1 the Board?
2 MR. MASON: Mason has a comment --
3 question, and it's really not related to the rules,
4 SCOTT and may be a rough question.
5 There's efforts made to get existing lead
6 pipes out of circulation. How are we doing in
7 Oklahoma?
8 MR. HANMON: All right. Well, I think
9 we're doing reasonably well. We don't have a
10 historical lead pipe problem that they do in a lot
11 of other states, especially to the northwest. We do
12 have some historical lead lines.
13 Most of our focus in the program that the
14 Lead Copper Rule focuses on really, most of the time
15 we're detecting lead that's due to the plumbing side
16 or on the non-municipal side of the water meter, the
17 fixtures, at canteers.
18 We have where Secretary Wagner really
19 wanted us to step up to work with schools and
20 identified lead issues in schools, and we've done
21 some of that in the past. But he helped acquire
22 some funding to do more of that. And so we've been
23 our testing schools, and a lot of times there are
24 issues really, like, say, a drinking fountain
25 fixture that's really old or something, and the

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1 free" to lower the allowable maximum lead content of
2 plumbing products and establish a statutory method
3 for calculating lead content.
4 The EPA also established new requirements
5 for manufacturers for importers that introduce into
6 commerce products that must meet lead-free
7 requirements to certify such products as being in
8 compliance with the lead-free requirement in
9 section 1417 of the SDWA as amended.
10 The EPA expects these requirements for
11 lead content in plumbing materials used in new
12 installations or repairs will result in fewer
13 sources of lead in drinking water and consequently
14 will reduce adverse health effects associated with
15 exposure to lead in drinking water. The final rule
16 effective October 1st, 2020. And the DQ received
17 no formal comments with our proposed changes to
18 Chapter 631.
19 This rule making is necessary to ensure
20 Oklahoma retains responsibility for administering
21 Oklahoma's Public Water Supply Supervision Program
22 that is in compliance with DQ's Primary Agreement
23 with EPA.
24 Do you have any questions or comments?
25 DR. HANMON: Questions or comments from

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1 schools were somewhat reluctant to get in on the
2 program because they were worried about the cost if
3 we find it, where are they going to get the money to
4 change out the fixtures.
5 And so part of this effort was to try to
6 identify some funding sources to help them replace
7 that. So, you know -- and you can run into some
8 issues when you mix water in the system that's
9 chlorinated water versus chlorine water and
10 occasionally people buy water from somebody else.
11 You can get some reaction to the plumbing system
12 that caused some issue.
13 But for the most part, we're doing
14 reasonably well and, you know, we're just going to
15 continue to update the rules as the federal rules
16 change.
17 MR. MASON: Thank you.
18 DR. HANMON: Thank you.
19 Other questions or comments from the
20 Board?
21 (No response.)
22 DR. HANMON: Any questions or comments
23 from the public?
24 (No response.)
25 DR. HANMON: Hearing none, do I have a

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1 motion?

2 MR. MASON: Mason moves approval.

3 MR. HUNSON: Hunson, second.

4 DR. HAMMON: I have an approval and a

5 second.

6 Quiana, roll call, please?

7 MS. FIELDS: Mr. Auer.

8 MR. AUER: Yes.

9 MS. FIELDS: Mr. Barton.

10 MR. BARTON: Yes.

11 MS. FIELDS: Mr. Easton.

12 MR. EASTON: Yes.

13 MS. FIELDS: Dr. Farrell.

14 DR. FERRELL: Yes.

15 MS. FIELDS: Mr. Griessel.

16 MR. GRIESSEL: Yes.

17 MS. FIELDS: Mr. Kinder.

18 MR. KINDER: Yes.

19 MS. FIELDS: Ms. Kendrick.

20 MS. KENDRICK: Yes.

21 MS. FIELDS: Mr. Mason.

22 MR. MASON: Yes.

23 MR. FIELDS: Mr. Mathews.

24 MR. HUNSON: Yes.

25 MS. FIELDS: Mr. Paque.

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1 wastewater and other environmental samples for

2 reporting under EPA's NPDES permit program.

3 It is anticipated that these changes will

4 provide an increased flexibility for the regulated

5 community in meeting the monitoring requirements

6 while improving data quality. The DEQ received no

7 formal comments to the Chapter 690 proposal.

8 This rulemaking is necessary to ensure

9 Oklahoma retains responsibility for administering

10 the NPDES program in Oklahoma.

11 If you have any questions or comments, I'd

12 be glad to answer.

13 DR. HAMMON: Mr. Duzan, can you just

14 confirm that this is limited to the test methods

15 only and not to the actual chemical limit?

16 MR. DUZAN: Correct. This is just the

17 update to the -- and you saw we cattle that off, the

18 EPA's Clean Water Method Update rule in all of

19 these.

20 So, basically, the EPA, every now and

21 then, comes out with new test methods and they

22 produce a new Method Update Rule and then it gets

23 standardized in everywhere and we have to update it

24 all.

25 DR. HAMMON: Appreciate that. Thank you.

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1 MR. PAQUE: Yes.

2 MS. FIELDS: Mr. Sims.

3 MR. SIMS: Yes.

4 MS. FIELDS: Dr. Mathews.

5 DR. MATHews: Yes.

6 MS. FIELDS: Motion passed.

7 DR. HAMMON: All right.

8 On to the last one. Agenda Item Number 17,

9 Water Quality Standards Implementation.

10 MR. DUZAN: Okay. Thank you.

11 This is Chapter 490, the Water Quality

12 Standards Implementation. And once again, the DEQ

13 held two informal meetings, one in Tulsa and one in

14 Oklahoma City. And this was voted on by the Council

15 on January the 13th, 2022, where it was unanimously

16 accepted and to be recommended to the Board.

17 The Department is proposing to update the

18 date of incorporation by reference for federal

19 regulations from July 1st, 2020, to July 1st, 2021.

20 The federal regulation updates being incorporated

21 include the EPA's Clean Water Act method update rule

22 that became effective July 1st, 2021. The rule

23 finalized changes to test procedures required to be

24 used by industrial and municipalities when analyzing

25 chemical, physical, and biological properties of

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1 Any questions or comments from the Board?

2 (No responses.)

3 DR. HAMMON: Questions or comments from

4 the public.

5 (No responses.)

6 DR. HAMMON: Do I have a motion?

7 MR. FERRELL: So moved.

8 MR. PAQUE: I'll second.

9 I have a question, but I'll follow up

10 later.

11 DR. HAMMON: I have a motion and a second

12 for approval.

13 Quiana, roll call, please.

14 MS. FIELDS: Mr. Auer.

15 MR. AUER: Yes.

16 MS. FIELDS: Mr. Barton.

17 MR. BARTON: Yes.

18 MS. FIELDS: Mr. Easton.

19 MR. EASTON: Yes.

20 MS. FIELDS: Dr. Farrell.

21 DR. FERRELL: Yes.

22 MS. FIELDS: Mr. Griessel.

23 MR. GRIESSEL: Yes.

24 MS. FIELDS: Mr. Kinder.

25 MR. KINDER: Yes.

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1 MS. FIELDS: Mr. Kendrick,
2 MR. KENDRICK: Yes.
3 MS. FIELDS: Mr. Mason.
4 MR. MASON: Yes.
5 MS. FIELDS: Mr. Munson.
6 MR. MUNSON: Yes.
7 MS. FIELDS: Mr. Pague.
8 MR. PAGUE: Yes.
9 MS. FIELDS: Mr. Sims.
10 MR. SIMS: Yes.
11 MS. FIELDS: Dr. Hammon.
12 DR. HAMMON: Yes.
13 MS. FIELDS: Motion passed.
14 DR. HAMMON: Thank you very much.
15 All right. Agenda Item Number 18 is the
16 Executive Director's Report, Mr. Scott Thompson.
17 SCOTT.
18 MR. THOMPSON: Thank you.
19 I spoke with Secretary Wagner today and
20 he's unable to attend, but he wanted me to tell you
21 guys "hi" and wishes he could be here. So...
22 All right. Obviously, we're all dealing
23 with the pandemic still. We have been very flexible
24 with our tele-work policy with the recent spike in
25 the number of cases. So we had tried to implement a

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1 garage not being useable. That's 184 spaces. We do
2 have some off-site parking that we rent that helps us
3 get through this.
4 And, again, if that doesn't -- if we don't
5 get a solution for that, you know, we're not allowed
6 to kind of fix that, then we will increase
7 tele-work. There's just no doubt. We may go back
8 to the maximum tele-work that we were in the
9 beginning of the pandemic, so...
10 We were able to make that work pretty well
11 in a lot of programs. Some jobs, that's just really
12 not feasible, so we'll just have to make due.
13 Legislative updates. House Bill 1491 would
14 require approval of the legislature in advance for
15 adoption of any greenhouse gas rules. We've visited
16 with some folks over it and expressed concerns
17 about, you know, that they need to understand. What
18 that means is if EPA adopts a federal rule and we
19 can't adopt that rule, then EPA would be in charge
20 of the enforcement of that rule. Directly.
21 And so, if that's what the legislature and
22 the Governor decide to do, that's fine. We'll abide
23 by it. But we're trying to educate them as to the
24 possible impacts of that.
25 Another bill. Senate Bill 1794 would

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1 permanent tele-work policy to some percentage of our
2 staff that it was feasible to do. And so we've had
3 to relax that and just trying to get through the
4 last couple of months.
5 And, you know, so we're still doing all
6 the disinfection, et cetera. And using the virtual
7 meetings a lot still. At the national level, I
8 still have not had a live meeting. There was one
9 that I could have gone to in Region 6, but I was
10 unable to attend in person, and so I had to do that
11 one virtually. But Secretary Wagner was there.
12 The parking garage, the update is that the
13 fifth floor is now being closed completely, which I
14 believe cost us about another 77 spaces because
15 parts of that floor were already closed off. So
16 that means the garage is useable from the fourth
17 floor down. And parts of that are closed off
18 because of cars crumpling from the ceiling and
19 stuff.
20 We got to visually check that. We have an
21 engineer looking at it, I believe, either monthly or
22 quarterly now, and we forward those reports to the
23 legislature to help them stay aware of the severity
24 of the situation, so...
25 So we're at 51 percent of the parking

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1 require (d) And the Office of the Secretary of
2 Environment and Energy to do a study of the
3 feasibility of nuclear power plants in Oklahoma.
4 And I've had some interest in this for a
5 while because conventional nuclear plants aren't
6 really very economically feasible at this point in
7 time and there's really no long-term solution for
8 the ways that it has to be managed for, you know,
9 maybe 200,000 years if you want to wait until we get
10 the background, but...
11 So there's -- you know, every nuclear
12 plant that's out there right now is a permanent
13 disposal facility. Because I don't expect the
14 Federal Government to identify and create and
15 construct a disposal facility.
16 That being said, I think this focus is on
17 new emerging nuclear -- advanced nuclear plants that
18 are being considered. And so that would be the
19 focus of this study if this bill passes, and I think
20 we'd be happy to participate in that. Kind of
21 interested to see how that is going. What the costs
22 are, et cetera, and what the pros and cons are the
23 potential issues with it.
24 But, you know, I don't even think we can
25 consider a current technology nuclear plant. People

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1 talk about the cost -- the post-closure costs and
2 the security and the water needs and how many years
3 that goes. And there's really not a plan for how to
4 fund that long, long-term. There's probably some
5 funding for maybe 10 years post-closure or something
6 like that, but then who's handling that afterwards?
7 Supposedly, it's the Federal Government.
8 So House Bill 1186 and Senate Bill 1325
9 would transfer responsibility for Water Quality
10 Standards from Water Resources Board to DEQ. That
11 is not -- those bills were not initiated by DEQ.
12 But I think some of you are aware of some of the
13 issues in the past, and we are not opposed to this
14 if the legislature is determined to do it and the
15 Governor signed it.
16 Now, House Bill 1624 is one we brought to
17 you to blame for us to go forward with, which is to
18 allow us to grant variances from Water Quality
19 Standards as permits issued by DEQ. And we're
20 going -- you know, we had to tweak it a little bit.
21 We may have to do it by rule or through the permit.
22 If we can work it out through EPA that the
23 permitting process meets their requirements to do
24 so, that would be the best way to do it. Because
25 then we can identify upfront what a municipality has

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1 So that's a very important issue.
2 Senate Bill 1854 would require DEQ to
3 establish a streamlined permitting for hydrogen fuel
4 production facilities. And I think to the degree
5 that we would regulate such a facility, we have a
6 pretty streamlined process already. So we'd be
7 visiting with people about what's feasible and
8 what's not.
9 Secretary Wagner had led a hydrogen task
10 force and some of our folks have participated in
11 that. Lloyd Kirk and Raha Tajmasebi. And so we're
12 doing what we can to, you know, help move into the
13 hydrogen economy if that gets real. And it looks
14 like it has a lot of promise.
15 But, you know, I don't know that -- some
16 of the issues are not under our jurisdiction. That
17 would have to be addressed. And so we -- if that
18 passes, we will work with folks to get -- to make
19 our part of that as smooth as possible.
20 All right. And under Government
21 Operations and Procedures, House Bill 1415 and
22 Senate Bill 1804 would expand the opportunities to
23 use teleconferencing or videoconferencing for public
24 meetings.
25 Likewise, House Bill 1708 and Senate Bill

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1 to build to and design to, instead of having
2 possibly three to five years upfront of trying to
3 sort this out with rulemaking and EPA approval
4 before the facility can even know what standards
5 they have to meet.
6 And this would only be applicable in
7 situations that the standard cannot be met. This
8 already exists in federal law, where EPA has a
9 primacy for the Clean Water Act Program, wastewater
10 discharges. They do this frequently themselves,
11 where the standard has been set to a point that it
12 cannot be met.
13 And so it's a critical thing to do and to
14 try to be able to let the cities be able to improve
15 their discharges, for us to be able to issue a
16 permit legally defensible and take them as far as we
17 can take them. But if we were to write a standard
18 that can't be met into their permit, under the
19 federal anti-backsliding requirements, then even if
20 it can't be met, even if the science changes later,
21 we can never move that number back up.
22 So, it's just -- you'd have people in
23 perpetual non-compliance that achieves nothing,
24 really, and kind of discourages them from trying to
25 fund and spend the money and upgrade their systems.

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1 1947 would require live-streaming of public meetings
2 as I think agencies are able to build capability to
3 do so.
4 And I think in those two bills, it would
5 not -- there wouldn't be any ability to communicate,
6 ask questions and stuff. It would just simply be a
7 live-stream people can watch, kind of like when you
8 watch -- if you watch committee meetings at the
9 capital, no...
10 Senate Bill 1373 would protect "free
11 speech" rights at public meetings where public
12 comments are allowed.
13 Senate Bill 1721 would create a "General
14 Regulatory Relief Officer" within the Department of
15 Labor. Sort of a one-stop-shop to complain about
16 the effect of existing or pending rules on business.
17 And so I don't really anticipate any
18 issues with those, if they pass. I think we pretty
19 much do a lot of that anyway already.
20 So the Governor issued a substitute
21 teaching executive order. We've had 15 or 16
22 employees show an interest, but I don't think any of
23 our folks have actually been able to participate
24 yet. The issue was thrown out there very fast.
25 We're trying to understand what it meant, how it

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1 would work, how people were funded and so it took a
2 little bit to try to get that clear to us.
3 But we have folks that are willing to do
4 so if they are assigned to a school that's near them
5 that folks that are spearheading this. you know,
6 assign them to.
7 And on Personnel Act implementation. Last
8 year, a new version of personnel rules went into
9 was passed and it went into effect this January 1st.
10 And it refers to all employees, State employees
11 without reference to classified or unclassified. It
12 replaces the Merit Protection Commission with a new
13 appeals process for employees.
14 The Merit Protection Commission is going
15 to continue for a year within the existing cases
16 that they have before them to close those out. at
17 least that's the plan. And we've been working with
18 both ORES and the Merit Protection Commission on
19 this. And ORES has adopted some temporary rules,
20 emergency rules to implement this, but expect some
21 significant changes in permanent rules as everybody
22 works through this. So we will just continue to
23 work on that with folks.
24 So we're trying to train our managers and
25 get the word out. But it's still not a hundred

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1 federal jurisdiction actually applies. and the
2 people who have to try to comply with this.
3 If the rules are not clear, and they're
4 not, EPA can't really explain exactly where this
5 would apply or where it wouldn't, at least in the
6 first version of what was -- they said, "You know,
7 we'll do case-by-case determinations." They didn't
8 know what the law said.
9 But that could take five to ten years to
10 know what the law says today that people have to
11 comply with today on their own, because neither EPA,
12 nor the Corp. of Engineers, is going to come out and
13 tell everybody what they have to do to do it right.
14 They're expected to document themselves that they're
15 in compliance with federal law, which is very
16 nebulous and has no objective criteria.
17 I don't know, to the extent this new
18 version has corrected that, but our folks are all
19 looking at it and working on it. So we'll see how
20 that shakes out.
21 So, yeah, I talked about the lead testing
22 in schools and daycares. And I think we've
23 mentioned this in the past, but the labs have been
24 working on samples and we've gotten quite a few
25 folks to participate, I believe.

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1 percent clear to us exactly how things are going to
2 work, in some cases, but we will continue to try to
3 fine-tune that and maybe help ORES understand some
4 of our perspective on how things could be written in
5 permanent rules.
6 Nature of the U.S. Rule, EPA is no longer
7 implementing the Trump era Waters of the U.S. Rule.
8 EPA proposed a new, probably expanded definition of
9 WOTM in December.
10 And so we, with the new Secretary's
11 Office, submitted comments on the proposed rule
12 February 7th.
13 On January 24th, the Supreme Court agreed
14 to hear a case focused on this definition and the
15 extent of federal jurisdiction under the Clean Water
16 Act. And we're, you know, obviously going to wait
17 to see what that case brings out.
18 The biggest issue with some of the
19 versions of what has been floated out there in the
20 past, and maybe this one, is it's just not really
21 clear where it applies.
22 I mean, we have a somewhat simplified
23 issue in Oklahoma because all the water is waters of
24 the State pretty much, but...
25 So there needs to be clarity on where

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1 And so we're working with anybody we get a
2 hit -- or anybody we get a hit -- significant hit
3 with, nonetheless, copper program working with the
4 school or, in some cases, municipality to try again
5 and maybe individual homeowners sometimes on trying
6 to identify what the issue actually is and try to
7 get that resolved. And, like I said, it's rarely
8 the source water.
9 So some of that can be pretty costly. But
10 as of December of 2021, 47 schools and daycares, and
11 some other organizations, have participated across
12 the state. And they have about 22,000 residents and
13 staff.
14 We analyzed 1,500 samples. Sixty-nine
15 percent of the samples did not detect lead;
16 twenty-eight percent of the samples detected lead
17 below action levels, four percent of the samples had
18 lead exceedances.
19 And so four schools have completed needed
20 repairs and upgrades, fifteen schools are undergoing
21 repairs and upgrades, and 39 schools are having
22 their application for assistance reviewed, sampling
23 plans are being developed.
24 So more than \$15,000 of our Site Cleanup
25 and Assistance Program funding has been requested,

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1 and so we're trying to use some of that fee money to
2 help solve this, where we can.
3 But we're also looking for -- I think
4 Shellie is chasing some federal dollars to assist
5 with this, as well. So -- and Shellie is the
6 Director over Water Quality Division.
7 So, you know, at least 6,000 students are
8 now drinking safer water, due to repairs that have
9 been made. So we hope to continue to improve on
10 those numbers.
11 And then Broken Bow Water Treatment
12 Supervisor and water treatment plant assistance
13 helped get sample collection in all schools in their
14 district, in the Broken Bow district, and they've
15 applied for the program.
16 And students and teachers used it as a
17 learning opportunity at Broken Bow schools and
18 assisted in collecting samples at their school. so
19 that's a good thing.
20 And I would like to thank our employees
21 for the quarter for the past four quarters. and I --
22 I believe we have a short video to introduce each
23 one of them to you.
24 (Video played.)
25 MR. THOMPSON: Well, hopefully in the

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1 as others, so -- and then if the hydrogen things
2 take off, that's going to be really great.
3 We do have a new electric car manufacturer
4 that we helped the Department of Commerce recruit to
5 Oklahoma, Canada. So I think there's -- there's a
6 great future here for moving into the new types of
7 energy and mobile uses of that energy and just
8 modernizing things. So we're doing a good job
9 there.
10 And Lloyd and his folks really helped
11 recruit some new businesses. And there's -- you
12 know, we've become a good-positive place for at
13 least people to consider, and there's a lot of
14 potential things going on out there. So we hope to
15 be able to talk to you about that if they do.
16 So the last thing I'd like to do is to
17 thank David Grizzle for his service. And it's very
18 tempting to me to start a roast, but I won't.
19 (Laughter.)
20 MR. THOMPSON: But David and I go way
21 back. I came out of the Rural Protection Division
22 working for him in Solid Waste doing different
23 things, mostly super-fun stuff.
24 But David has always been. As far as I can
25 remember, helping us on this Solid Waste Council.

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1 future, maybe we'll have those folks here in person.
2 We didn't plan on having them here today because we
3 weren't sure how the state of the COVID situation
4 was going to be, but -- so -- and I think we may
5 have that up on our website somewhere or will have
6 anyways. So that's a great story. And really want
7 to thank those folks for stepping up and doing what
8 they do.
9 And at your place, you should have gotten
10 a charging station "Fact Sheet" which at the last
11 meeting, Mr. Hirschey had asked about the updates on
12 the status of the charging stations that have been
13 installed across the state, mostly as part of the
14 Volkswagen Settlement. And this gives you the facts
15 and where we are in terms of that. And we are top
16 ten list in some categories, and so that's good.
17 We had a very effective relationship with
18 a contractor to get this done for reasonable prices
19 pretty rapidly for some of these. And then, of
20 course, we had a lot of cooperation with the folks
21 who applied for the VW money to do different things,
22 but...
23 It's all good. We're -- and Oklahoma is
24 near the top in alternative energy sources,
25 especially wind. And we're moving more into solar.

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1 as others. And I actually met David when he was the
2 youngest mayor ever in the history of Oklahoma. I
3 don't know if they've elected anybody else that
4 young or younger yet. but I would assume a few
5 places they have where there's not 50 people to
6 choose from.
7 But it was great. David was good. And
8 David has been a great friend to the DEP and really
9 supportive. And, you know, I don't think he will
10 stay away completely. and we'll try to twist his arm
11 to get him into some things.
12 So thanks, David. Really appreciate your
13 service, and don't be a stranger.
14 MR. GRIZZLE: Thank you, sir, very much.
15 (Applause.)
16 MR. HAMMON: All right. Thank you. Thank
17 you, Scott.
18 As per the Agenda, Scott's report was for
19 informational purposes only. No action by the Board
20 is required. But if you have questions, now is the
21 time to ask, or comments.
22 MR. PAQUE: Tracy, I had just a comment
23 before I forget. It's not that important, but I may
24 not remember an hour from now.
25 Scott, there was a -- I just read in some

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1 have read about the Tennessee Valley Authority is
2 doing a piece of study on four new prototype nuclear
3 stations and might have someone birding that and
4 see.
5 I was interested in the environmental
6 piece of it. But it's -- the purpose for TV doing
7 it is to meet some future equality goal or something
8 like that.
9 But if that bill passes and BEQ is
10 actually the road on that, the duty of doing that
11 feasibility study falls in your lap, you might have
12 a head start there.
13 MR. THOMPSON: Yeah. We'd be glad to.
14 You know, we don't make policy decisions about
15 energy sources. We deal with how you comply with
16 the regulations that affect those from the
17 environmental side.
18 But I know that Secretary Wagner, and
19 basically the State of Oklahoma, is very interested
20 in having a very diversified energy portfolio just
21 to make sure we can deal with things.
22 And, you know, obviously, we managed the
23 emergency last year a little better than our
24 neighbors to the south did, so -- and I think part
25 of that is because we have enough energy sources

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1 half the town.
2 We're also working with some of our
3 technical assistance providers. Our rep, and
4 primary Rural Water Association are looking at some
5 ways that they can help systems. We're also working
6 with our larger systems to see if they may be
7 willing to help some of our smaller towns.
8 We know we're going to be getting
9 additional guidance from EPA. Sometimes their
10 guidance is challenging, and so we're trying to work
11 on our own way that we can help our systems.
12 We will be participating in some national
13 groups with other states through the Association of
14 State Drinking Water Administrators. They've been
15 putting together some very useful tools that we'll
16 be sharing with our systems.
17 If there's something in particular, I will
18 be happy to talk to you. But some things we've
19 already been able to implement, but this is
20 something that's going to be with us for a while.
21 Fortunately, we know it was coming and
22 kind of started some of that preliminary work almost
23 a year ago. But we are going to work with our
24 systems to try to do some of those surveys that
25 they're going to have to submit under the new Lead

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1 that we were able to adapt to the situation.
2 MR. KINDER: Scott -- Kinder here. I've
3 got a question. I think it kind of follows up with
4 Steve a little bit about the Lead and Copper Rule
5 that the EPA came out with, I think, in December.
6 And one of the things that they're asking water
7 systems to do is to identify lead service lines and,
8 you know, you talked about doing that in schools.
9 So we have a methodology coming on that is
10 going to tell our systems what they need to do to
11 comply with that rule?
12 MR. THOMPSON: Well, when you guys ask me
13 hard questions, I have to call on someone.
14 So Shellie Chard, the director of our
15 Water Quality Division is coming up to answer that.
16 MS. CHARD: Good morning, everyone. I'm
17 Shellie Chard, I'm the Water Quality Division
18 Director.
19 So we are working with our water systems
20 already. We have some survey tools we've sent out.
21 We've had somewhere in the neighborhood of 100 water
22 systems that have responded to the surveys where
23 they think they may have some lead lines. We're
24 working with them directly on some simple ways that
25 they can do some evaluation without having to dig up

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1 and Copper Rule.
2 We've also gotten some indication from EPA
3 on some of the smaller systems, we may be able to
4 use some of the Infrastructure funding money rather
5 than just for construction. But to do so, they
6 needed survey work and that technical assistance
7 work in order to help them identify actually what
8 they have.
9 Does that address --
10 MR. KINDER: Yeah. Yeah, thank you.
11 MR. MASON: I have a comment about
12 Mr. Grissel.
13 (Laughter.)
14 MR. MASON: So like Farnon and Scott,
15 David and I were here 10 years ago over in Solid
16 Waste. If you go back 10 years, many people forget,
17 you know, 10 years ago we were arguing about
18 incorporating federal guidelines about plastic
19 liners, methane control had sure not been invented.
20 so we've had a good ride.
21 Appreciate what you've done for the
22 environment, particularly Solid Waste, over
23 10 years. Thank you for sticking through it.
24 MR. GRISSEL: Thank you.
25 DR. JOHNSON: Other comments and questions?

Page 74 1 (No response.) 2 DR. HAMMON: All right. I have a couple 3 of words. 4 Oklahoma has always been a leader in 5 energy industry and that technology, and it's really 6 exciting to see a lot of the emerging energy sources 7 as we transition to those and the State having such 8 an involvement in that. So that's exciting. 9 Appreciate the updates there. 10 And also on behalf of the Board, they may 11 never read those minutes, but I want to thank the 12 employees of the quarter Michelle, Patrick, Jeff, 13 and Cory for their hard work. Hopefully we'll get 14 to meet them at some point. 15 Please tell them thank you on behalf of 16 the Board. And it was wonderful to see the video 17 and be a little more connected to them. So thank 18 you for putting that together. 19 Any do-overs? Anyone with a question or 20 comment? 21 (No response.) 22 DR. HAMMON: All right. Thank you. 23 Moving on to agenda 19 is the budget 24 update and financial overview. 25 Dr. Hammon Kathy Aebischer.	Page 75 1 MS. AEBISCHER: Madam Chair, members of 2 the Board, Kathy Aebischer, CEO for DEQ. I'm going 3 to give you the budget status report through 4 December 31st, which is halfway through our fiscal 5 year. 6 [Showing slide.] 7 MS. AEBISCHER: If we look at our 8 revenues, we have collected 71.4 percent of the 9 total projected revenue through the first half of 10 the year. 11 ECIS, there's just a little bit -- 45,000 12 less than projected. Not concerned with that. 13 That's a timing, we had some invoices outstanding. 14 So that should be fine. 15 The other, if you notice, is Air Quality 16 is 243,000 less than last year. But we expected and 17 projected 448,000 less to be collected this year. 18 So it's just showing that it's -- it's going to be 19 about that amount. But as a whole, we have 20 collected over \$15,000 more when we compare it to 21 the same time last year. 22 Expenditures: Out of our \$96 million 23 budget, we have expended 37 million. We have 24 55 million encumbered committed to projects and we 25 have nine million that's left to be committed to
Page 76 1 projects. 2 If we look into the funding sources, the 3 majority of that left to be committed to projects, 4 is about seven million, and that's due to timing of 5 when we're awarded federal grants. So we can't 6 commit those funds until they're awarded to the 7 agency. 8 Last time we talked about employee 9 turnover. Since the last time that we spoke, 11 10 additional employees have left the agency. About 11 half of those -- less than half have retired. So 12 through January 25th, we have a total of 47 13 employees that have left the agency. 14 If we compare it to the three previous 15 years, we have not surpassed FY '20 and 16 FY '21, and we're closer to the point of the whole fiscal 17 year 2019. 18 If we look -- I think we had questions 19 about. "Well, what does it look like per division?" 20 So of the 47 total they have left, 21 26 percent of them are in administration, which 22 includes legal, executive office, your finance, your 23 HR, purchasing, and then 21 percent of that total is 24 in Water. 25 The agency's turnover rate is nine	Page 77 1 percent. If I break it down by division, 2 administration is 17 percent. Turnover rate with 3 Water being nine percent. 4 And then the other divisions; ECIS might 5 percent. All eight percent of the total. 6 Do we have any questions? 7 DR. HAMMON: No action on the budget is 8 required by the Board, but go ahead. 9 MR. MASON: I do have a question. 10 How are we doing at raises to try and 11 lessen turnover? 12 MS. AEBISCHER: We did a market increase 13 that was effective in November, so we were able to 14 increase salaries that went into effect in their 15 December check, and that went over really well. 16 And then we continue to look kind of in 17 the fall where we live and compare to market. 18 MR. MASON: So what range of percent 19 raises did people get? 20 MS. AEBISCHER: It was different. It was 21 based on the market for that position. So we did 22 analysis based on that is what the raise was. 23 MR. THOMPSON: And it was constrained by 24 the fact that we had to do it within our existing 25 budget. We couldn't accrue new costs that we would

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1 hope to be covered somehow in the future.
2 So we were able to do that so the old
3 personnel system was ending. And so that was what
4 we could go at that point in time.
5 As, you know, the current new rules are
6 very similar to the old rules, then we'll have to
7 see how the budget goes through the session and
8 where we're at. But we're very open to do that.
9 But, again, we will have to do it by not
10 spending money and holding positions open. So,
11 turnover rate, it affects us in that way, but it
12 also limits our resources and may have us put more
13 work on some of the existing employees.
14 But our goal is to do what we can.
15 Because some of the folks are retiring, at career,
16 some of the folks are changing their job completely
17 to something that they'd rather do. But a big part
18 of that is we're losing some key staff that have a
19 lot of expertise.
20 The market is just getting so much better
21 in the private sector, and that's not the market
22 that we can compete with. We have to use the market
23 data that's generated by ODES, I believe.
24 And I think there's a new study that's
25 being proposed, some legislation out there. So

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1 better job because they understand the rules much
2 better and how to do things right. And so that may
3 make our life easier, in a way, in those cases.
4 And it's always good to be able to
5 communicate with the private sector. And so that
6 exchange of staff at times, you know, we kind of --
7 you know, when the private sector is doing poorly
8 and there's a lot of people on the street, we've
9 picked up highly experienced folks here. But at
10 this point in time, it's kind of going the other
11 way.
12 But, you know, it's going to be a struggle in
13 some areas and it's challenging and -- and it's kind
14 of -- we're just going to have to adjust to it. But
15 it is impacting our operations to a degree.
16 MS. ARISBOER: Yeah. I would echo that
17 being in a division that has a high turnover,
18 uh-huh. We have really good employees luckily and
19 they're willing to jump in and do more to cover
20 until we can recruit more staff and retain them.
21 But it is with the -- with COVID and with
22 the turnover, it's been very challenging, but we
23 have really good employees.
24 DR. HAMMON: Any other questions or
25 comments on the budget?

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1 hopefully that gets done, and that will help
2 identify that.
3 But, you know, the job market is pretty
4 tight right now. There's a lot of folks looking for
5 employees.
6 MS. KIMURICK: I have a quick question.
7 By the way, I hear you on that. We're
8 struggling on the private side, as well, to recruit
9 and keep employees.
10 Do you find that operations with DEQ has
11 been affected by this turnover rate, or is
12 everything still, you know, moving along swimmingly,
13 or anything like that?
14 MR. TOWNSEND: You know, in some cases, it
15 hasn't too much, but in other cases, it's some of
16 the folks that we kind of expected to take even
17 stronger leadership roles in the future. So it
18 worries us for the -- you know, a few years down the
19 road a bit.
20 But it's also some of the -- you know, we
21 had some really high-quality folks that have stepped
22 out now. If they go to a private sector job that
23 continues to work in the same arena, let's say, you
24 know, building water plants or wastewater plants or
25 whatever, then those folks will hopefully do a lot

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1 (No response.)
2 DR. HAMMON: Thank you, Ms. Ashbacher.
3 Agenda Item 20 is new business. Under the
4 Open Meeting Act, this Agenda item is authorized
5 only for matters not known about or which could not
6 have been reasonably foreseen prior to time of
7 posting the Agenda or a revised Agenda.
8 I'm not aware of any new business at this
9 time.
10 Do any board members or Agency staff have
11 anything to bring?
12 (No response.)
13 DR. HAMMON: Okay. Thank you.
14 Next meeting. Agenda Item 21, the next
15 meeting of the Environmental Quality Board is
16 scheduled to be held on June 14th, 2022 at 9:30 a.m.
17 in the room that we are currently sitting in. So if
18 that meeting is needed, we will hold that here on
19 June 14th.
20 And with that, one last thank you to
21 David Griesel. And I'm going to adjourn.
22 MS. FILLER: Motion.
23 DR. HAMMON: You know, I think I forgot
24 this last time, too.
25 MR. GRIESSEL: I'll make a motion to

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1 adjourn.

2 DR. HAMMON: Thank you, David.

3 (Laughter.)

4 DR. FERRELL: Second.

5 DR. HAMMON: All right. I now have a

6 motion and a second to adjourn.

7 Can I have a roll call?

8 MS. FIELDS: Mr. Auer.

9 MR. AUER: Yes.

10 MS. FIELDS: Mr. Barton.

11 MR. BARTON: Yes.

12 MS. FIELDS: Mr. Canton.

13 MR. CANTON: Yes.

14 MS. FIELDS: Dr. Farrell.

15 DR. FERRELL: Yes.

16 MS. FIELDS: Mr. Grimes.

17 MR. GRIMES: Yes.

18 MS. FIELDS: Mr. Kinder.

19 MR. KINDER: Yes.

20 MS. FIELDS: Ms. Kindrick.

21 MS. KINDRICK: Yes.

22 MS. FIELDS: Mr. Mason.

23 MR. MASON: Yes.

24 MS. FIELDS: Mr. Munson.

25 MR. MUNSON: Yes.

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1 (No response.)

2 DR. HAMMON: All right. I see no one that

3 is looking to address the board today. So we will

4 go ahead and end the public forum session. I

5 appreciate everyone's time.

6 Thank you.

7 (Meeting adjourned at 11:00 a.m.)

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1 MR. FIELDS: Mr. Paque.

2 MR. PAQUE: Yes.

3 MS. FIELDS: Mr. Sims.

4 MR. SIMS: Yes.

5 MS. FIELDS: Dr. Hammon.

6 DR. HAMMON: Yes.

7 MS. FIELDS: Motion passed.

8 DR. HAMMON: All right. The

9 February 18th, 2022 meeting is now adjourned. I was

10 just gavel-happy.

11 All right. And with that, we're going to

12 move into the public forum.

13 Has anyone signed up to speak at the

14 public portion?

15 MS. FIELDS: Not that I'm aware of.

16 DR. HAMMON: Okay. I'll read the

17 beginning of this.

18 Welcome to this public forum of the

19 Environmental Quality Board. Public input is

20 valuable to the Board and the Department and we

21 welcome your participation.

22 If you desire to make comments in today's

23 forum, but you did not sign the sheet on the

24 information table when you came in, would you please

25 raise your hand?

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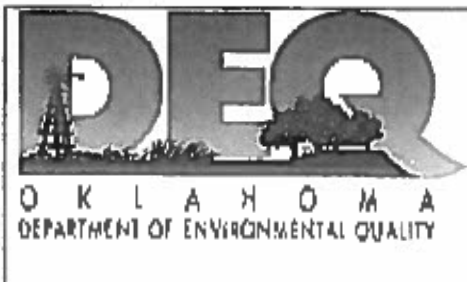
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ENVIRONMENTAL QUALITY BOARD

Attendance Record
February 18, 2022
Oklahoma City, Oklahoma

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Kathy Aebischer	DEQ
Robert P. Streets	Midwest City, Ok. (405) 739-1061
Sharon Smith	DEQ
Kate Kennedy	DEQ
EPIN Hatfield	DEQ
Shelley Chavel	DEQ
Tracy Hammon	EQB
George MacDermott	OUTSC
Diana Duzan	GCT
Mike Braderick	DEQ
Rob Singleton	DEQ
Jeremy Jewell	Trinity Consultants
Shannon L. Farrell	EQB
Bud Ground	EFU
Eric [unclear]	HBO [unclear]
Simon Kuhn	Board
Rich Auer	EQB
Mark Hildebrand	DEQ
Kendal Stegmann	DEQ
Kelly Dixon	DEQ
Jennifer Boyle	DEQ
Lana Lodes	AQC
Opal Luzzardi	DEQ



O K L A H O M A
DEPARTMENT OF ENVIRONMENTAL QUALITY

ENVIRONMENTAL QUALITY BOARD

Attendance Record

February 18, 2022

Oklahoma City, Oklahoma

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