

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

A Public Meeting: 9:30 a.m. Friday, February 18, 2022
DEQ Multipurpose Room
707 N. Robinson
Oklahoma City, Oklahoma 73101-1677

A copy of this notice and agenda has been posted in a prominent location at the offices of the Oklahoma Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, on February 16, 2022 at 4:30 p.m. A copy of this agenda is available on the DEQ's website at www.deq.ok.gov.

Please turn off cell phones.

1. **Call to Order** – Dr. Tracy Hammon, Chair
2. **Announcements** – Dr. Tracy Hammon, Chair

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

3. **Roll Call** – Quiana Fields, Secretary, Board & Councils
4. **Approval of Minutes** of the November 9, 2021 Regular Meeting
5. **Election of Officers** – Election of Chair and Vice-Chair for Calendar Year 2022
6. **Rulemaking – OAC 252:410 Radiation Management**

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 59 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 these 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, 59 O.S. § 4100.8 and Governor Stitt's Executive Order 2020-03.

- Presentation – George MacDurmon, Chair, Radiation Management Advisory Council
- Questions and discussion by the Board
- Questions, comments, and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote(s)

7. Rulemaking – OAC 252:100 Air Pollution Control

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 construction permit. The Department is also proposing to revise OAC 252:100-7-15(a)(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.

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

8. Rulemaking – OAC 252:100 Air Pollution Control

The Department of Environmental Quality (DEQ) 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 OOO.

- Presentation – Laura Lodes, Chair, Air Quality Advisory Council

- Questions and discussion by the Board
- Questions, comments, and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote(s) on permanent adoption

9. Rulemaking – OAC 252:205 Hazardous Waste Management

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 labs testing 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.

- Presentation – Lee Grater, Chair, Hazardous Waste Management Advisory Council
- Questions and discussion by the Board
- Questions, comments, and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote(s) on permanent adoption

10. Rulemaking – OAC 252:221 Brownfields

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.

- Presentation – Lee Grater, Chair, Hazardous Waste Management Advisory Council
- Questions and discussion by the Board
- Questions, comments, and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote(s) on permanent adoption

11. Rulemaking – OAC 252:515 Management of Solid Waste

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.

- Presentation – Jeff Shepherd, Chair, Solid Waste Management Advisory Council
- Questions and discussion by the Board
- Questions, comments, and discussion by the public
- Discussion and possible action by the Board, which may include roll call vote(s) on permanent adoption

12. Rulemaking – OAC 252:301 Laboratory Accreditation

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.

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

13. Rulemaking – OAC 252:302 Field Laboratory Accreditation

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.

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

14. Rulemaking – OAC 252:307 TNI Laboratory Accreditation

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.

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

15. Rulemaking – OAC 252:606 Oklahoma Pollutant Discharge Elimination System (OPDES) Standards

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 (EPAs) 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 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.

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

16. Rulemaking – OAC 252:631 Public Water Supply Operation

The Department proposes to amend OAC 252:631 to update 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.

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

17. Rulemaking – OAC 252:690 Water Quality Standards Implementation

The Department proposes 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 Environmental Protection Agency's (EPAs) 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.

- Presentation – Brian Duzan, Chair, Water Quality Management Advisory Council
- Questions and discussion by the Board
- Questions, comments, and discussion by the public
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18. Executive Director's Report - Scott Thompson, Executive Director, DEQ

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

19. Budget Update and Financial Overview (FY 2022) – Kathy Aebischer, DEQ Chief Financial Officer

Ms. Aebischer's report will include an update and overview of DEQ's current budget for Fiscal Year 2022. This report is for informational purposes only. Although discussion may occur, no action by the Board is required.

20. New Business

Under the Open Meeting Act, this agenda item is authorized only for matters not known about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda.

21. Next Meeting

The next regular meeting of the Environmental Quality Board is scheduled to be held on June 14, 2022, at 9:30 a.m., in the Multipurpose Room of the Oklahoma Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73101.

22. Adjournment

Public Forum – Following Adjournment – The Board meets several times a year at different locations across the State to hear the views and concerns of all Oklahomans about environmental issues. This opportunity is informal, and we invite you to follow the instructions provided during and at the conclusion of the Board meeting if you would like to speak during the forum. If necessary to accommodate the public, the Board Chair may make a determination to conduct the Forum prior to the Call to Order.

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