

REGULAR MEETING AGENDA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OKLAHOMA ENVIRONMENTAL QUALITY BOARD

A Public Meeting: 9:30 a.m., Tuesday, September 13, 2022
Quartz Mountain State Park
22469 Lodge Road
Lone Wolf, Oklahoma 73655

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 safety information for the current meeting venue and any other general housekeeping matters of interest to the Board. These announcements are for informational purposes only, and no action by the Board is required.

3. **Roll Call** – Quiana Fields, Secretary, Board & Councils
4. **Approval of Minutes** of the February 18, 2022, Regular Meeting
5. **EMERGENCY RULEMAKING OAC 252:730 “OKLAHOMA’S WATER QUALITY STANDARDS”**

The Department is proposing to promulgate this new rule to replace the Oklahoma Water Resources Board (OWRB) rule OAC 785:45 – “OKLAHOMA’S WATER QUALITY STANDARDS”. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering Oklahoma Water Quality Standards (OWQS) from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety, and welfare in order to comply with the statutory changes. This rule must be approved by the Environmental Quality Board, signed by the Governor, and be in effect on November 1, 2022, the effective date of the legislation. A failure to promulgate this emergency rule may result in permit issuance delays and the application of federal Water Quality Standards in the State of Oklahoma. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting.

- 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)

6. EMERGENCY RULEMAKING OAC 252:740 – “IMPLEMENTATION OF OKLAHOMA’S WATER QUALITY STANDARDS”

The Department is proposing to promulgate this new rule to replace the Oklahoma Water Resources Board (OWRB) rule OAC 785:46 – “IMPLEMENTATION OF OKLAHOMA’S WATER QUALITY STANDARDS”. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering Oklahoma Water Quality Standards (OWQS) from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety, and welfare in order to comply with the statutory changes and deadlines as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting.

- 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)

7. EMERGENCY RULEMAKING – OAC 252:606 “OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS”

The Department is proposing to update the rule to ensure that references to OAC 785:45, OAC 785:46, and to the Oklahoma Water Resources Board’s authority for administering Oklahoma Water Quality Standards appropriately cite new emergency rules, OAC 252:730 and OAC 252:740, and DEQ’s authority over Water Quality Standards including the authority to issue Water Quality Standard Variances. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering Oklahoma Water Quality Standards (OWQS) from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety, and welfare in order to comply with statutory changes and deadlines as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting.

- 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)

8. EMERGENCY RULEMAKING – OAC 252:611 “GENERAL WATER QUALITY”

The Department is proposing to update the rule to ensure that references to OAC 785:45 and to the Oklahoma Water Resources Board’s authority for administering Oklahoma Water Quality Standards appropriately cite new emergency rule OAC 252:730 and DEQ’s

authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering Oklahoma Water Quality Standards (OWQS) from the OWRB to the Department of Environmental Quality (DEQ) and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety, and welfare in order to comply with statutory changes and deadlines as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting.

- 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)

9. EMERGENCY RULEMAKING – OAC 252:616 “INDUSTRIAL WASTEWATER SYSTEMS”

The Department is proposing to update the rule to ensure that references to OAC 785:45 and to the Oklahoma Water Resources Board’s authority for administering Oklahoma Water Quality Standards appropriately cite new emergency rule OAC 252:730 and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering Oklahoma Water Quality Standards (OWQS) from the OWRB to the Department of Environmental Quality (DEQ) and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety, and welfare in order to comply with statutory changes and deadlines as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting.

- 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)

10. EMERGENCY RULEMAKING OAC 252:621 “NON-INDUSTRIAL DISCHARGING AND PUBLIC WATER SUPPLY LAGOONS”

The Department is proposing to update the rule to ensure that references to OAC 785:45 and to the Oklahoma Water Resources Board’s authority for administering Oklahoma Water Quality Standards appropriately cite new emergency rule OAC 252:730 and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session,

Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering Oklahoma Water Quality Standards (OWQS) from the OWRB to the Department of Environmental Quality (DEQ) and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety, and welfare in order to comply with statutory changes and deadlines as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting.

- 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)

11. EMERGENCY RULEMAKING OAC 252:628 “INDIRECT POTABLE REUSE FOR SURFACE WATER AUGMENTATION”

The Department is proposing to update the rule to ensure that references to OAC 785:45, OAC 785:46, and to the Oklahoma Water Resources Board’s authority for administering Oklahoma Water Quality Standards appropriately cite new emergency rules, OAC 252:730 and OAC 252:740, and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering Oklahoma Water Quality Standards (OWQS) from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety, and welfare in order to comply with statutory changes and deadlines as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting.

- 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)

12. EMERGENCY RULEMAKING OAC 252:652 – “UNDERGROUND INJECTION CONTROL”

The Department is proposing to update the rule to ensure that references to OAC 785:45 and to the Oklahoma Water Resources Board’s authority for administering Oklahoma Water Quality Standards appropriately cite new emergency rule OAC 252:730 and DEQ’s

authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering Oklahoma Water Quality Standards (OWQS) from the OWRB to the Department of Environmental Quality (DEQ) and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety, and welfare in order to comply with statutory changes and deadlines as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting.

- 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)

13. EMERGENCY RULEMAKING OAC 252:653 – “AQUIFER STORAGE AND RECOVERY”

The Department is proposing to update the rule to ensure that references to OAC 785:45 and to the Oklahoma Water Resources Board’s authority for administering Oklahoma Water Quality Standards appropriately cite new emergency rule OAC 252:730 and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering Oklahoma Water Quality Standards (OWQS) from the OWRB to the Department of Environmental Quality (DEQ) and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety, and welfare in order to comply with statutory changes and deadlines as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting.

- 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)

14. EMERGENCY RULEMAKING OAC 252:656 “WATER POLLUTION CONTROL FACILITY CONSTRUCTION STANDARDS”

The Department is proposing to update the rule to ensure that references to OAC 785:45 cite new emergency rule OAC 252:730. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering Oklahoma Water Quality Standards (OWQS) from the OWRB to the Department of Environmental Quality (DEQ) and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety, and welfare in order to comply with statutory changes and deadlines as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting.

- 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)

15. EMERGENCY RULEMAKING OAC 252:690 “WATER QUALITY STANDARDS IMPLEMENTATION”

The Department is proposing to update the rule to ensure that references to OAC 785:45, OAC 785:46, and to the Oklahoma Water Resources Board’s authority for administering Oklahoma Water Quality Standards appropriately cite new emergency rules, OAC 252:730 and OAC 252:740, and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering Oklahoma Water Quality Standards (OWQS) from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety, and welfare in order to comply with statutory changes and deadlines as described in Item 5 above. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting.

- 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)

16. 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.

17. Budget Update and Financial Overview (FY 2023) – Kathy Aebischer, DEQ Chief Financial Officer

Ms. Aebischer's report will include an update and outlook on DEQ's budget for Fiscal Year 2023. This report is for informational purposes only, and no action by the Board is required.

18. DEQ Operational Budget Request (FY 2024)

DEQ budget requests to the Governor through the Office of Management and Enterprise Services (OMES) require approval of the Board. The operational budget request for State Fiscal Year (SFY) 2024 (beginning July 1, 2023) must be submitted to OMES by October 1st of this year.

- Presentation - Kathy Aebischer, DEQ Financial Office
- Questions and discussion by the Board
- Questions, comments and discussion by the public
- Discussion and possible action by the Board, which may include a roll call vote(s) on approval of the request

19. Employee Disclosures – Jennifer Boyle, DEQ General Counsel

The Environmental Quality Code requires DEQ employees involved in reviewing, issuing or enforcing permits to disclose financial interests they hold in entities regulated by the DEQ. The DEQ is required to submit these disclosures to the Board and make them part of the minutes. This is for informational purposes only, and no action by the Board is required.

20. Executive Session- Annual Performance Review of Executive Director

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

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

- In executive session, discussion of Executive Director's annual performance review and of possible employment actions by the Board relating to the Executive Director.

21. Reconvene into open session

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

22. Consider taking action on the following

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

23. Calendar Year 2023 Board Meeting Dates and Locations - Discussion and vote by the Board

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

25. Next Meeting November 8, 2022, Shawnee, Oklahoma

26. Adjournment

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

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