

MINUTES
ENVIRONMENTAL QUALITY BOARD
FEBRUARY 13, 2024
DEPARTMENT OF ENVIRONMENTAL QUALITY
OKLAHOMA CITY, OKLAHOMA

Official EQB Approved
On June 11, 2024

Notice of Public Meeting – The Environmental Quality Board (Board) convened for a Regular Meeting at 9:30 a.m., at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma. This meeting was held in accordance with 25 O.S. Section 311, with notice of the meeting given to the Secretary of State on October 31, 2023. The agenda was mailed to interested parties on February 2, 2024 and was posted at the DEQ on February 12, 2024. Mr. Mike Paque, Chair, was absent so, Dr. Shannon Ferrell, Vice-Chair, called the meeting to order. Ms. Fields called roll and a quorum was confirmed.

MEMBERS PRESENT

Richard Auer
Mark Barton
John Easton
Shannon Ferrell
Ken Hirshey
Jimmy Kinder
Tim Munson
Billy Sims
Tracy Hammon

DEQ STAFF PRESENT

Scott Thompson, Executive Director
Rob Singletary, Deputy Executive Director
Jennifer Boyle, General Counsel
Michelle Wynn, Legislative Liaison
Jonathan Allen, Deputy General Counsel
Shellie Chard, Water Quality Division
Karen Steele, Water Quality Division
Erin Hatfield, Office of Communications
Stacey Tucker, Administrative Services Division
Kathy Aebischer, Administrative Services Division
Kelly Dixon, Land Protection Division
Kole Kennedy, Land Protection Division
Kendal Stegmann, Air Quality Division
Beverly Botchlet-Smith, Air Quality Division
Gary Henry, Environmental Attorney
Cody Danielson, State Environmental Laboratory Services
Susan Mensik, State Environmental Laboratory Services
Melanie Foster, Air Quality Division
Mark Hildebrand, Environmental Complaints & Local Services
Travis Mensik, Environmental Complaints & Local Services
Skylar McElhaney, Office of Continuous Improvement
Patrick Riley, Land Protection Division
Ryan Kirk, Land Protection Division
Bruce Vande Lune, Environmental Complaints & Local Services
Nicholas Huber, Environmental Complaints & Local Services
Wayne Craney, Water Quality Division
Amanda Scofield, Land Protection Division
Greg Carr, Water Quality Division
Keisha Cornelius, Land Protection Division
Cliff Hoyle, Land Protection Division
Carrie Schroeder, Air Quality Division
Kambridge Stephens, Environmental Complaints & Local Services
Malcolm Zachariah, Air Quality Division
Natalie Cota, Office of External Affairs
Tory Smith, Land Protection Division
Grant Loney, Air Quality Division
Jacquelin McDonald, Air Quality Division
Lloyd Kirk, Office of External Affairs
Ann Marie Smith, Land Protection Division
Chris Robinson, Environmental Attorney
Amanda Booze, Office of External Affairs
Kyen Huffman, Environmental Attorney

April Eberle, Environmental Attorney
 Brian Clagg, Water Quality Division
 Sharon Smith, Office of the Executive Director
 Quiana Fields, Board & Council Secretary

MEMBERS ABSENT

Alexie Kindrick
 Steve Mason
 Mike Paque

OTHERS PRESENT

Jennifer Lewis, Office of the Attorney General
 Jenny Longley, Court Reporter
 Brian Duzan, Water Quality Management Advisory Council
 Jim Linn, Solid Waste Quality Management Advisory Council
 George MacDurmon, Radiation Management Advisory Council
 Lee Grater, Hazardous Waste Management Advisory Council

Approval of Minutes – Dr. Ferrell called for a motion to approve the November 7, 2023 Regular Meeting minutes. Mr. Barton moved to approve and Mr. Kinder made the second.

transcript pages 4 - 5

Richard Auer	Yes	Ken Hirshey	Yes
Mark Barton	Yes	Jimmy Kinder	Yes
John Easton	Abstain	Tim Munson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
Tracy Hammon	Abstain		

Election of Officers – Dr. Ferrell called for nominations for Chair. Mr. Kinder nominated Mr. Paque to remain as Chair and Dr. Hammon made the second. Hearing no other nominations, Dr. Ferrell called for a motion to cease nominations and elect by acclamation. Mr. Kinder moved to cease nominations and Mr. Munson made the second.

transcript pages 6 - 8

Richard Auer	Yes	Ken Hirshey	Yes
Mark Barton	Yes	Jimmy Kinder	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
Tracy Hammon	Yes		

Dr. Ferrell called for nominations of Vice-Chair. Mr. Munson nominated Dr. Ferrell to remain as Vice-Chair and Mr. Sims made the second. Hearing no other nominations, Dr. Ferrell called for a motion to cease nominations and elect by acclamation. Mr. Kinder moved to cease nominations and Dr. Hammon made the second.

transcript pages 8 - 9

Richard Auer	Yes	Ken Hirshey	Yes
Mark Barton	Yes	Jimmy Kinder	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Abstain	Billy Sims	Yes
Tracy Hammon	Yes		

Rulemaking - OAC 252:205 - Hazardous Waste Management – Dr. Ferrell called upon Mr. Lee Grater, Chair of the Hazardous Waste Management Advisory Council (HWMAC), to present the rule. Mr. Grater stated that the Department is proposing to amend OAC 252:205-3-1 to update the agency’s hazardous waste rules consistent with the federal regulations by incorporating by reference the regulations found in Title 40 of the Code of Federal Regulations Parts 124 and 260 through 279, revised as of July 1, 2023. Hearing no questions or comments by the Board or the public, Dr. Ferrell called for a motion. Mr. Sims moved to approve and Mr. Auer made the second.

transcript pages 9 - 12

Richard Auer	Yes	Ken Hirshey	Yes
Mark Barton	Yes	Jimmy Kinder	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
Tracy Hammon	Yes		

Rulemaking – OAC 252:410 - Radiation Management – Dr. Ferrell called upon Mr. George MacDurmon, Chair of the Hazardous Waste Management Advisory Council (HWMAC), to present the rule. Mr. MacDurmon stated that the Department is proposing to amend OAC 252:410 in response to changes recommended by the Nuclear Regulatory Commission (NRC). The proposed changes are necessary to bring the Oklahoma rules fully into compatibility with the federal rules and to update language related to oversight responsibility for certain regulatory requirements. Hearing no questions or comments by the Board or the public, Dr. Ferrell called for a motion. Mr. Munson moved to approve and Mr. Kinder made the second.

transcript pages 12 - 14

Richard Auer	Yes	Ken Hirshey	Yes
Mark Barton	Yes	Jimmy Kinder	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
Tracy Hammon	Yes		

Rulemaking – OAC 252:515 - Management of Solid Waste – Dr. Ferrell called upon Mr. Jim Linn, Chair of the Solid Waste Management Advisory Council to present the rules. Mr. Linn stated that the Department is proposing to clarify and improve the groundwater separation requirement for construction and demolition (C&D) landfills. C&D landfills are currently subject to the five-foot groundwater separation requirement in existing regulations. DEQ is proposing to add a paragraph that explicitly states how the separation distance should be measured in order to avoid potential confusion. Hearing no questions or comments by the Board or but one by the public, Dr. Ferrell called for a motion. Mr. Auer moved to approve and Mr. Barton made the second.

transcript pages 15 - 20

Richard Auer	Yes	Ken Hirshey	Yes
Mark Barton	Yes	Jimmy Kinder	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
Tracy Hammon	Yes		

Rulemaking – OAC 252:515 - Management of Solid Waste – Mr. Linn stated that the Department is proposing to amend OAC 252:515-43-31, to add a new permitting exemption for small-scale composting facilities receiving waste from off-site. The existing regulations require these facilities to obtain a permit; the proposed regulatory change would allow these facilities to submit an exemption request rather than undergo the full permitting process. Hearing no questions or comments by the Board or by the public, Dr. Ferrell called for a motion. Dr. Hammon moved to approve and Mr. Munson made the second.

transcript pages 20 - 22

Richard Auer	Yes	Ken Hirshey	Yes
Mark Barton	Yes	Jimmy Kinder	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
Tracy Hammon	Yes		

Rulemaking – OAC 252:690 - Water Quality Standards Implementation – Dr. Ferrell 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

revoke this rule. Chapter 690 contains the Water Quality Standards Implementation Plan (WQSIP) recently enacted as part of the transfer of authority over Oklahoma Water Quality Standards (OWQS) from the Oklahoma Water Resources Board to the Department of Environmental Quality. Because agency rules already contained elements of a WQSIP prior to assuming responsibility for the OWQS, the proposed changes to this chapter are intended to streamline agency rules by combining the contents of Chapter 690 with the other WQSIP provisions found in Chapters 606 and 611. Applicable portions of Subchapter 1, titled “Introduction”, Subchapter 5, titled “Groundwater Protection”, and Subchapter 7, titled “Water Quality Standards Implementation Plan, Oklahoma Department of Environmental Quality” are proposed to be incorporated into Chapter 611. Applicable portions of Subchapter 1, titled “Introduction”, Subchapter 3, titled “Point Source Discharges” and Appendices B, C, D, E, F, G, H, I and J are proposed to be incorporated into Chapter 606. As a result of the incorporation of these subchapters into different parts of the agency's rules, Chapter 690 is proposed to be revoked in its entirety. Following questions and comments by the Board and none by the public, Dr. Ferrell called for a motion. Mr. Barton moved to approve the revocation of title 252 Chapter 690, based on the approval of the subsequent two rules, Chapter 606 and 611. Dr. Hammon made the second.

	transcript pages 23 - 28		
Richard Auer	Yes	Ken Hirshey	Yes
Mark Barton	Yes	Jimmy Kinder	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
Tracy Hammon	Yes		

Rulemaking – OAC 252:606 – Oklahoma Pollutant Discharge Elimination System (OPDES) Standards – Mr. Duzan stated that the Department is proposing to update and streamline the agency’s rules as part of a proposal to transfer existing regulations from OAC 252:690 into this chapter. OAC 252:690 will be revoked and the provisions in OAC 252:690 dealing with point source discharges will be merged into OAC 252:606, resulting in new Subchapter 6, and Appendices H through P. This will consolidate the technical permitting rules for point source discharges into one rule, OAC 252:606. Changes are proposed to both Subchapter 6 to correct references and streamline language and to the Appendices A, B, C, E, F, and G to correct minor typographical and formatting errors, and to replace references to “the DEQ” to simply “DEQ”, to be consistent with the agency’s other regulations. Additional proposed changes to Appendix A replace “Fecal Coliform” in Tables 1-1, 1-2 and 1-3 with “Fecal Indicator Bacteria”, corrects effluent flow monitoring frequency in Table 1-1 for facilities discharging over one million gallons per day and adds Total Phosphorus as a control test in Table 1-3. Minor formatting changes are also proposed for the Appendices H, I, J, K, L, M, N, O and P. A recommended change to Table H-1, titled “Priority and Nonpriority Pollutants with Numerical Criteria Requiring Reasonable Potential Screening” consists of replacing Total Arsenic with Arsenic III.

The Department also proposes to update its rules concerning the date of incorporation by reference for the Code of Federal Regulations from July 1, 2022, to July 12, 2023. One final regulatory change included in this update consisted of the U.S. Environmental Protection Agency (EPA) finalizing clarifications to its National Pollutant Discharge Elimination System (NPDES) Stormwater Phase II regulations due to recent changes

made by the Census Bureau. Another rule change was made to 40 CFR Part 423, the Steam Electric Power Generating Point Source Category, to extend the date for existing coal-fired power plants to submit a notice of planned participation (NOPP) for the permanent cessation of coal combustion subcategory in the 2020 Steam Electric Reconsideration Rule from October 13, 2021, to June 27, 2023. Hearing no questions or comments by the Board or the public, Dr. Ferrell called for a motion. Mr. Sims moved to approve and Mr. Easton made the second.

transcript pages 28 - 32

Richard Auer	Yes	Ken Hirshey	Yes
Mark Barton	Yes	Jimmy Kinder	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
Tracy Hammon	Yes		

Rulemaking – OAC 252:611 - General Water Quality – Mr. Duzan stated that the Department is proposing to update and streamline agency rules. As part of the proposed changes, OAC 252:690 will be revoked and the provisions in OAC 252:690 dealing with groundwater protection will be included in OAC 252:611 and merged with the existing rules. Specifically, OAC 252:690 Subchapter 5, titled “Groundwater Protection”, and Subchapter 7, titled “Water Quality Standards Implementation Plan” will be incorporated into OAC 252:611 as Subchapters 7 and 9, respectively. Many of the definitions from OAC 252:690 are being incorporated into this chapter. Proposed changes to the text and incorporated subchapters are intended to clarify rule language. Additionally, the Department proposes to correct minor typographical and formatting errors, and to update identifying nouns, such as replacing references to "the DEQ" to simply "DEQ," to be consistent with the agency's other regulations. Following questions by the Board and none by the public, Dr. Ferrell called for a motion. Mr. Barton moved to approve and Mr. Hirshey made the second.

transcript pages 32 - 37

Richard Auer	Yes	Ken Hirshey	Yes
Mark Barton	Yes	Jimmy Kinder	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
Tracy Hammon	Yes		

Rulemaking – OAC 252:628 – Indirect Potable Reuse for Surface Water Augmentation – Mr. Duzan stated that the Department is proposing to update OAC 252:628 to replace references to OAC 252:690 with references to OAC 252:606 in connection with a contemporaneous proposal to relocate rules from OAC 252:690 to OAC 252:606. Hearing no questions or comments by the Board or the public, Dr. Ferrell called for a motion. Mr. Sims moved to approve and Mr. Munson made the second.

transcript pages 37 – 38

Richard Auer	Yes	Ken Hirshey	Yes
Mark Barton	Yes	Jimmy Kinder	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
Tracy Hammon	Yes		

Rulemaking – OAC 252:641 – Individual and Small Public Onsite Sewage Treatment Systems - Mr. Duzan stated that the Department is proposing update OAC

252:641 to (1) clarify the credentials required for soil profile certification, (2) update general provisions for septic tanks to include a permanently affixed data plate, (3) incorporate the use of a riser safety screen system or factory-supplied concrete manhole lid in all inlet cleanouts, (4) establish septic tank size of 500 gallons for small public sewage facilities with flows of one hundred (100) gallons or less, (5) raise the approvable limit associated with the Biochemical Oxygen Demand (BOD) to 2.5 pounds per day for aerobic systems, (6) remove Low Pressure Dosing (LPD) systems, (7) increase the surety bond requirements for Certified Installers and Certified Soil Profilers, and (8) address formatting issues for Appendices. Hearing no questions or comments by the Board or the public, Dr. Ferrell called for a motion. Mr. Barton moved to approve and Mr. Auer made the second.

transcript pages 38 – 41

Richard Auer	Yes	Ken Hirshey	Yes
Mark Barton	Yes	Jimmy Kinder	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
Tracy Hammon	Yes		

Rulemaking – OAC 252:645 – Septage Pumpers and Transporters – Mr. Duzan stated that the Department is proposing to update OAC 252:645 to (1) clarify the definition of sewage, (2) update license requirements to include a driver certification, an exam fee, and an increase in renewal hours, (3) require a surety bond for license holders, (4) require an additional safety measure for storage tanks, (5) require the submission of land application and treatment records, and (6) update land application requirements for the removal of non-biodegradable material. Following a question by the Board and none by the public, Dr. Ferrell called for a motion. Dr. Hammon moved to approve Chapter 645 with the latitude to allow the agency to remove the word “the” preceding “DEQ” throughout the Chapter. Mr. Sims made the second.

transcript pages 41 - 44

Richard Auer	Yes	Ken Hirshey	Yes
Mark Barton	Yes	Jimmy Kinder	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
Tracy Hammon	Yes		

Rulemaking – OAC 252:730 - Oklahoma’s Water Quality Standards – Mr. Duzan stated that the Department is proposing to 1) revise Section 252:730-1-1 to update statutory references to the agency's legal authority over water quality standards, 2) revise Section 252:730-1-2 to combine or eliminate duplicative definitions, and 3) correct formatting and typographical errors throughout the chapter and replace references to OAC 252:690 with references to OAC 252:606 as part of a plan to streamline and consolidate rules that will result in OAC 252:690 being revoked. The agency proposes to revoke and re-enact revised versions of Appendices A, B, E, F, and H to make minor updates. Following a question or comment by the Board but none by the public, Dr. Ferrell called for a motion. Mr. Auer moved to approve as proposed and Mr. Kinder made the second.

transcript pages 44 - 48

Richard Auer	Yes	Ken Hirshey	Yes
Mark Barton	Yes	Jimmy Kinder	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
Tracy Hammon	Yes		

Rulemaking – OAC 252:740 - Implementation of Oklahoma’s Water Quality Standards – Mr. Duzan stated that the Department is proposing to revise OAC 252:740 by combining or eliminating duplicative definitions, correct typographical errors, and make minor formatting corrections and changing Section 252:740-15-3 to replace a reference to an outdated EPA directive on quality assurance methods with a reference to the latest equivalent EPA directive issued in July 2023. Hearing no questions or comments by the Board or the public, Dr. Ferrell called for a motion. Mr. Sims moved to approve and Mr. Munson made the second.

transcript pages 48 - 50

Richard Auer	Yes	Ken Hirshey	Yes
Mark Barton	Yes	Jimmy Kinder	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
Tracy Hammon	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 budgetary and/or legislative or related matters.

transcript pages 51 - 60

Budget Update and Financial Overview (FY 2024) – Dr. Ferrell called upon Ms. Kathy Aebischer, Chief Financial Officer of the DEQ. Ms. Aebischer gave a presentation on the FY 2024 budget update. No action by the Board is required.

transcript pages 60 - 63

Executive Session – 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. Dr. Ferrell called for a motion to go into Executive Session, Mr. Kinder moved to go into Executive Session and Mr. Sims made the second. Mr. Barton was designated as the scribe for Executive Session.

transcript pages 63 - 65

Richard Auer	Yes	Ken Hirshey	Yes
Mark Barton	Yes	Jimmy Kinder	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
Tracy Hammon	Yes		

Reconvene into open session - In open session Dr. Ferrell called for a motion to reconvene the Regular Board meeting. Mr. Kinder moved to approve and Mr. Sims made the second.

transcript pages 65 - 66

Richard Auer	Yes	Ken Hirshey	Yes
Mark Barton	Yes	Jimmy Kinder	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
Tracy Hammon	Yes		

Consider taking action on the following - No action was considered as a result of discussion in Executive Session.

transcript page 66

New Business – None

Dr. Ferrell acknowledged and thanked Mr. Sims for his service on the Board, due to this was his last meeting.

Next Meeting – The next regular meeting is scheduled for Tuesday, June 11, 2024 at 9:30 a.m., in the Multipurpose Room of the Oklahoma Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma.

Adjournment – Dr. Ferrell called for a motion to adjourn. Mr. Hirshey moved to adjourn and Dr. Hammon made the second. Meeting adjourned at 11:33 a.m.

transcript pages 69 - 70

Richard Auer	Yes	Ken Hirshey	Yes
Mark Barton	Yes	Jimmy Kinder	Yes
John Easton	Yes	Tim Munson	Yes
Shannon Ferrell	Yes	Billy Sims	Yes
Tracy Hammon	Yes		

Public Forum – No public forum issues were raised.

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

Page 1

1 REGULAR MEETING, DEPARTMENT OF ENVIRONMENTAL QUALITY

2 ENVIRONMENTAL QUALITY BOARD

3 BEGINNING AT 9:30 AM ON FEBRUARY 13, 2024

4 IN OKLAHOMA CITY, OKLAHOMA

5

6

7 MEMBERS PRESENT:

8 Richard Auer

9 Perry (Mark) Barton

10 Shannon Ferrell

11 James Kinder

12 Kenneth Hirshey, Jr.

13 Tim Munson

14 Billy Sims

15 John Easton

16 Tracy Hammon

17

18 MEMBERS ABSENT:

19 Mike Paque

20 Steve Mason

21 Alexandria Kindrick

22

23

24

25 REPORTED BY: Jenny Longley, CSR

Page 2

1 PROCEEDINGS

2 DR. FERRELL: Good morning, everyone.

3 We'd like to call the February 13, 2024 regular

4 meeting of the Environmental Quality Board to order

5 according to the Open Meetings Act, Section 311 of

6 Title 25 of the Oklahoma Statutes. Notice was filed

7 with the Secretary of State on October 31, 2023.

8 Agendas were mailed to interested parties on

9 February 2, 2024 and were posted at the DEQ on

10 February 12, 2024. Only matters appearing on the

11 posted agenda may be considered.

12 If this meeting is continued or

13 reconvened, we must announce today the time, date

14 and place of the continued meeting and the agenda

15 for such continuation will remain the same as

16 today's agenda.

17 Ladies and Gentlemen, as you're

18 looking at your playbills, you will notice there's a

19 change in your program. The role of Mike Paque will

20 be played by his understudy, Shannon Ferrell, today.

21 I'm Shannon Ferrell, Vice Chairman of

22 the Environment Quality Board. Mike had an

23 unavoidable circumstance out of his control pop up

24 pretty suddenly yesterday, and so he's out today; so

25 I'll be doing my best to fill in in his stead.

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1 Very quickly, just your normal safety

2 items. We don't anticipate any severe weather

3 today, but hey, it's Oklahoma, you never know. So

4 our most immediate exits for you all are out the

5 door back here to my left, your right, and then out

6 the front doors there.

7 For your comfort, there are restrooms

8 located just down the hallway and to your left down

9 here, and that's kind of the layout. For most of

10 you, I think you may have been here at DEQ before;

11 so you know the lay of the land.

12 With that, we'll move forward. I

13 don't believe we have any guests; so we will

14 proceed.

15 Ms. Quiana, could you please call our

16 roll?

17 MS. FIELDS: Mr. Auer?

18 MR. AUER: Here.

19 MS. FIELDS: Mr. Barton?

20 MR. BARTON: Here.

21 MS. FIELDS: Mr. Easton?

22 MR. EASTON: Here.

23 MS. FIELDS: Dr. Ferrell?

24 DR. FERRELL: Here.

25 MS. FIELDS: Dr. Hammon?

Page 4

1 DR. HAMMON: Here.

2 MS. FIELDS: Mr. Hirshey?

3 MR. HIRSHEY: Here.

4 MS. FIELDS: Mr. Kinder?

5 MR. KINDER: Here.

6 MS. FIELDS: Ms. Kindrick is absent.

7 Mr. Mason is absent.

8 Mr. Munson?

9 MR. MUNSON: Here.

10 MS. FIELDS: Mr. Sims?

11 MR. SIMS: Here.

12 MS. FIELDS: Mr. Paque is absent.

13 We have a quorum.

14 DR. FERRELL: Thank you, Quiana.

15 That will move us to Agenda Item

16 Number 4, which is the approval of the minutes at

17 our last regularly held meeting, which were

18 November 7, 2023. Those minutes are made available

19 in your board packets and also available for you in

20 the public there at the back. Please take a moment

21 to review those and, if you deem it appropriate, we

22 would entertain a motion to approve those minutes.

23 MR. BARTON: I'll move to approve.

24 MR. KINDER: Second.

25 DR. FERRELL: We have a motion and a

Page 5

1 second to approve the minutes. Any discussion?

2 I guess, Quiana, could you call the

3 roll, please?

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: Abstain.

10 MS. FIELDS: Dr. Ferrell?

11 DR. FERRELL: Yes.

12 MS. FIELDS: Dr. Hammon?

13 DR. HAMMON: Abstain.

14 MS. FIELDS: Mr. Hirshey?

15 MR. HIRSHEY: Yes.

16 MS. FIELDS: Mr. Kinder?

17 MR. KINDER: Yes.

18 MS. FIELDS: Mr. Munson?

19 MR. MUNSON: Yes.

20 MS. FIELDS: Mr. Sims?

21 MR. SIMS: Yes.

22 MS. FIELDS: Motion passed.

23 DR. FERRELL: Thank you all.

24 That brings us to Agenda Item Number

25 5, which is the election of officers. Our officers

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1 for the Environmental Quality Board consist of a

2 Chair and a Vice Chair, which traditionally, at

3 least, usually serve in successive terms.

4 So I think we would say our first

5 vacancy for consideration isn't really a vacancy,

6 currently held by Mr. Paque as our chairperson.

7 Would anyone like to make a nomination with respect

8 to the position of Chair?

9 MR. KINDER: Jimmy Kinder. Shannon, I

10 know Mike has indicated that he's still interested,

11 and unfortunately he can't be here today, and so I

12 would like to nominate Mike for Chair at this time.

13 DR. FERRELL: Is there a second?

14 DR. HAMMON: I'll second.

15 DR. FERRELL: Is there any discussion?

16 Any discussion? Any discussion?

17 Seeing none, Quiana, could you please

18 call the roll for a vote?

19 MS. FIELDS: Mr. Auer?

20 MR. AUER: Yes.

21 DR. FERRELL: Oh, I'm sorry, I apologize.

22 I should have asked, are there any further

23 nominations? I apologize for forgetting my Robert's

24 Rules for a second.

25 Are there any further nominations?

Page 7

1 Is there a motion that nominations

2 cease and we elect by acclamation?

3 MR. KINDER: So move.

4 MR. MUNSON: So move.

5 DR. FERRELL: So I think that was Jimmy

6 and then Tim, second, for a motion to close and

7 elect by acclamation. There we go.

8 Now, Quiana, could you please call

9 the roll?

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: Dr. Hammon?

19 DR. HAMMON: Yes.

20 MS. FIELDS: Mr. Hirshey?

21 MR. HIRSHEY: Yes.

22 MS. FIELDS: Mr. Kinder?

23 MR. KINDER: Yes.

24 MS. FIELDS: Mr. Munson?

25 MR. MUNSON: Yes.

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1 MS. FIELDS: Mr. Sims?

2 MR. SIMS: Yes.

3 MS. FIELDS: Motion passed.

4 DR. FERRELL: Excellent.

5 That being done, we'll now consider

6 any nominations for the position of Vice Chair.

7 MR. MUNSON: Tim Munson nominates Shannon

8 Ferrell.

9 DR. FERRELL: Is there a second?

10 MR. SIMS: Second.

11 DR. FERRELL: There's been a motion and a

12 second for nomination of Shannon Ferrell. Any

13 further nominations?

14 MR. KINDER: I move that nominations cease

15 and we elect Shannon by acclamation.

16 DR. HAMMON: Second.

17 DR. FERRELL: Second.

18 Okay. Quiana, please call the roll.

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: Abstain.

2 MS. FIELDS: Dr. Hammon?

3 DR. HAMMON: Yes.

4 MS. FIELDS: Mr. Hirshey?

5 MR. HIRSHEY: Yes.

6 MS. FIELDS: Mr. Kinder?

7 MR. KINDER: Yes.

8 MS. FIELDS: Mr. Munson?

9 MR. MUNSON: Yes.

10 MS. FIELDS: Mr. Sims?

11 MR. SIMS: Yes.

12 MS. FIELDS: Motion passed.

13 DR. FERRELL: Thank you, Quiana.

14 Also, let the record reflect that if

15 you don't show up to meetings, you get assigned

16 jobs, that's why Mr. Pague shall continue to serve

17 as our chairperson.

18 Okay. With that, we will move into

19 the rulemaking portion of the agenda. That takes us

20 to Agenda Item Number 6, which is with respect to

21 Chapter 205 of our regulations with respect to

22 Hazardous Waste Management.

23 And is Mr. Grater here for the

24 presentation? Step right up.

25 MR. GRATER: Good morning. I'm Lee

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1 Grater, I'm the Chairman of the Hazardous Waste

2 Advisory Committee. The Department of Environmental

3 Quality is proposing to amend OAC 252 Part 205.

4 This rulemaking is to make DEQ's hazardous waste

5 regulations consistent with the federal regulations

6 by incorporating by reference the regulations found

7 in 40 CFR Parts 124 and 260 through 279, revised as

8 of July 1, 2023.

9 This rule change is revised to the

10 hazardous waste boiler and industrial furnace

11 regulations to allow the use of EPA Method 23 as an

12 alternative to SW-846 Method 23A when determining

13 the emission rates of particular chlorinated dioxins

14 and furans while conducting the required

15 site-specific risk assessment of boilers and

16 industrial furnaces operating under certain

17 conditions. No facilities currently operating in

18 Oklahoma will be affected by this rule.

19 The Hazardous Waste Management

20 Advisory Council met on October 26, 2023 and voted

21 to approve the proposed changes. The council

22 recommends that the board approve these regulations

23 and additions to OAC 252 Part 205.

24 Any questions?

25 DR. FERRELL: Any questions from the

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1 board?

2 Any questions from the public?

3 Seeing none, we'd entertain a motion

4 to accept the rules as proposed.

5 MR. SIMS: Bill Sims, I make a motion we

6 approve.

7 DR. FERRELL: Is there a second?

8 MR. AUER: Auer, second.

9 DR. FERRELL: Any discussion on the

10 motion? Any discussion? Any discussion?

11 Seeing none, let's proceed to roll

12 call vote, please.

13 MS. 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. Ferrell?

20 DR. FERRELL: Yes.

21 MS. FIELDS: Dr. Hammon?

22 DR. HAMMON: Yes.

23 MS. FIELDS: Mr. Hirshey?

24 MR. HIRSHEY: Yes.

25 MS. FIELDS: Mr. Kinder?

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1 MR. KINDER: Yes.

2 MS. FIELDS: Mr. Munson?

3 MR. MUNSON: Yes.

4 MS. FIELDS: Mr. Sims?

5 MR. SIMS: Yes.

6 MS. FIELDS: Motion passed.

7 DR. FERRELL: All right. Thank you very

8 much. Thank you, sir.

9 MR. GRATER: Thank you. The Hazardous

10 Waste Advisory Council thanks you for your

11 consideration of this matter. Thank you.

12 DR. FERRELL: Thank you.

13 Agenda Item Number 7, modifications

14 to Chapter 410 with respect to Radiation Management.

15 And is Mr. MacDurmon here?

16 MR. MACDURMON: Good morning. My name's

17 George MacDurmon, I'm the Chair of the Radiation

18 Management Advisory Council. The Department of

19 Environmental Quality is proposing to amend OAC

20 252:410 to maintain compatibility with federal

21 regulations.

22 The first element is to amend Chapter

23 410 Subchapter 1, "General Provisions", to change

24 the date for incorporation of federal regulations by

25 reference to January 1st of 2023.

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1 The second element of this rulemaking
 2 is to exclude the phrases, quote, "certificate
 3 holder". unquote, and, quote, "applicant for a
 4 certificate of compliance", unquote, from OAC
 5 252:410-10-1(b)(10) to clearly indicate that these
 6 terms apply to the Nuclear Regulatory Commission as
 7 the Nuclear Regulatory Commission has sole authority
 8 for issuing certificates of compliance.

9 A certificate of compliance is
 10 approval for a package design to ship radioactive
 11 material. The gist of this rulemaking is to
 12 maintain compatibility with federal regulations.

13 The Radiation Management Advisory
 14 Council met on January 16, 2024. The council
 15 received no comments on this rule change and voted
 16 unanimously to approve the proposed changes. The
 17 council recommends that the board approve these
 18 revisions to OAC 252:410.

19 DR. FERRELL: Thank you, sir.

20 Any questions from the board?
 21 Any questions from the public?
 22 Seeing none, we would entertain a
 23 motion to approve the rules as proposed.

24 MR. MUNSON: So moved.

25 DR. FERRELL: Is there a second?

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1 MR. KINDER: Jimmy Kinder, second.
 2 DR. FERRELL: Any discussion on the
 3 motion? Any discussion? Seeing none, let's proceed
 4 to a roll call vote.

5 MS. FIELDS: Mr. Auer?
 6 MR. AUER: Yes.

7 MS. FIELDS: Mr. Barton?
 8 MR. BARTON: Yes.

9 MS. FIELDS: Mr. Easton?
 10 MR. EASTON: Yes.

11 MS. FIELDS: Dr. Ferrell?
 12 DR. FERRELL: Yes.

13 MS. FIELDS: Dr. Hammon?
 14 DR. HAMMON: Yes.

15 MS. FIELDS: Mr. Hirshey?
 16 MR. HIRSHEY: Yes.

17 MS. FIELDS: Mr. Kinder?
 18 MR. KINDER: Yes.

19 MS. FIELDS: Mr. Munson?
 20 MR. MUNSON: Yes.

21 MS. FIELDS: Mr. Sims?
 22 MR. SIMS: Yes.

23 MS. FIELDS: Motion passed.

24 DR. FERRELL: Thank you, Mr. MacDurmon,
 25 appreciate it.

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1 MR. MACDURMON: Thank you.
 2 DR. FERRELL: Next up is Agenda Item
 3 Number 8, which is modifications to our Chapter 515
 4 with respect to Management of Solid Waste.

5 And is Mr. Linn present today?
 6 MR. LINN: Yes, sir.

7 DR. FERRELL: And I apologize, I paid
 8 less, I have an obstructed-view seat; so I couldn't
 9 see you hiding behind the pillar.

10 MR. LINN: Good morning, everyone, I'm Jim
 11 Linn, Solid Waste Management Advisory Council Chair.
 12 It's nice to be with you this morning, Director
 13 Thompson and Members of the Board.

14 Today, the -- what brings me to you
 15 is DEQ is proposing to amend OAC 252:515 to clarify
 16 and improve existing regulations, essentially for
 17 construction and demolition landfills.

18 The first proposed change is to
 19 clarify the groundwater separation requirement for
 20 C&D landfills, construction and demolition. C&D
 21 landfills are currently subject to the 5-foot
 22 separation requirement in existing regulations.

23 DEQ is proposing to add a paragraph,
 24 simply to -- that explicitly states how the
 25 separation distance should be measured and -- to

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1 avoid potential confusion for the industry. The
 2 gist of this rulemaking is to clarify the
 3 groundwater separation requirements for C&D
 4 landfills, that's essentially the net of it. Solid
 5 Waste Management Advisory Council met on January 11,
 6 2024. The council received no comments on the rule
 7 change and voted unanimously to approve the proposed
 8 changes. Council recommends that the board approve
 9 these revisions to OAC 252:515.

10 Any questions?
 11 DR. FERRELL: Any questions from the
 12 board?
 13 Any questions from the public?
 14 Sir?

15 MR. GRATER: Do these rule changes affect
 16 the 5-foot offset for groundwater exclusively or
 17 does it include surface water protection as well?
 18 MR. LINN: I'm going to defer to Patrick
 19 for that answer. My recollection is it was
 20 groundwater, but let's make sure of that.

21 Is Patrick here?
 22 MR. RILEY: Yep. I was also hiding behind
 23 the pillar.

24 MR. LINN: You're hiding behind the --
 25 MR. RILEY: I am, too, we're all hiding

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1 behind the column.
 2 I'm Patrick Riley, I manage the Solid
 3 Waste Section at DEQ. I'm sorry, I didn't hear the
 4 question.
 5 MR. GRATER: The question is, does this
 6 apply to surface water as well as groundwater?
 7 MR. RILEY: It's groundwater.
 8 MR. GRATER: Groundwater --
 9 MR. RILEY: The highest groundwater.
 10 Right.
 11 MR. GRATER: Okay. So you're protecting
 12 groundwater, but somebody could put construction
 13 waste in a surface -- in an active surface, so more
 14 material drainage?
 15 MR. RILEY: Yeah, it applies directly to
 16 landfills, permitted landfills and how they're
 17 constructed and the distance they have to maintain
 18 to be the highest groundwater and the lowest
 19 placement of waste.
 20 DR. FERRELL: So would you mind -- sir,
 21 would you mind repeating your question into the
 22 microphone just so we could make sure we hear it for
 23 the record, just so we make sure we've got that in
 24 the minutes? Stating your question into the
 25 microphone --

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1 MR. GRATER: I'm sorry.
 2 DR. FERRELL: -- just so that we get it on
 3 the record.
 4 MR. GRATER: Okay. Sorry about that.
 5 We'll try it again. Sorry, I have a tendency to
 6 kind of drift off.
 7 My question was, does the proposed
 8 regulation of a 5-foot offset protecting groundwater
 9 also include protection of surface water. And the
 10 answer seems to be that it does not, it does not
 11 affect surface water.
 12 So while someone apparently, under
 13 the regulations, could -- though they must be
 14 required to maintain a 5-foot offset between their
 15 waste pile and the highest recorded groundwater
 16 level, they can pile the construction and C&D waste
 17 into a current, either flowing or materials
 18 drainage, and that seems to be a little lacking as
 19 far as protecting surface waters of the State of
 20 Oklahoma, in my opinion.
 21 Thank you.
 22 MR. THOMPSON: I'll respond to that.
 23 DR. FERRELL: Scott?
 24 MR. THOMPSON: Yeah. There are other
 25 regulations that -- citing criteria for the landfill

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1 and construction I think that talk about where it
 2 can be placed relative to surface water.
 3 MR. GRATER: Thank you, Scott, appreciate
 4 it.
 5 DR. FERRELL: That was an excellent
 6 question.
 7 Anyone else from the public, any
 8 questions?
 9 Seeing none, we would entertain a
 10 motion to accept the regulation as proposed.
 11 MR. AUER: So move.
 12 DR. FERRELL: Motion made.
 13 MR. BARTON: Second.
 14 DR. FERRELL: Second. Any discussion on
 15 the motion? Any discussion? Any discussion?
 16 Seeing none, let's proceed to a roll
 17 call vote.
 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. Ferrell?
 25 DR. FERRELL: Yes.

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1 MS. FIELDS: Dr. Hammon?
 2 DR. HAMMON: Yes.
 3 MS. FIELDS: Mr. Hirshey?
 4 MR. HIRSHEY: Yes.
 5 MS. FIELDS: Mr. Kinder?
 6 MR. KINDER: Yes.
 7 MS. FIELDS: Mr. Munson?
 8 MR. MUNSON: Yes.
 9 MS. FIELDS: Mr. Sims?
 10 MR. SIMS: Yes.
 11 MS. FIELDS: Motion passed.
 12 DR. FERRELL: Thank you all.
 13 That brings us to Agenda Item Number
 14 9, which is another modification to Chapter 515 with
 15 respect to Management of Solid Waste.
 16 And Mr. Linn, you continue to have
 17 the floor.
 18 MR. LINN: Thank you, Vice Chairman
 19 Ferrell. The second proposed change that brings me
 20 to you all today is the -- is to add a new
 21 permitting exemption for small scale composting
 22 facilities receiving waste from off site.
 23 The existing regulations require
 24 these facilities to obtain a permit. The proposed
 25 regulatory change would allow these facilities to

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1 submit an exemption request rather than undergo the
 2 full permitting process. The gist of this
 3 rulemaking is to simplify permitting requirements
 4 for certain small scale composting facilities.
 5 The council received multiple
 6 comments in support of the rule change, and those
 7 comments are included in your board packet. Quite a
 8 few members of the small composting community, I
 9 would call them, showed up for the meeting and were
 10 very much in support of the rulemaking change.
 11 The council voted unanimously, by the
 12 way, to approve the change, and recommends that the
 13 board approve these revisions to OAC 252:515.
 14 DR. FERRELL: Thanks a lot.
 15 Any questions from the board?
 16 Any questions from the public?
 17 Seeing none, the Chair would
 18 entertain a motion to approve the motion as to --
 19 or, approve the regulation as proposed.
 20 DR. HAMMON: So moved.
 21 MR. MUNSON: Second.
 22 DR. FERRELL: Motion and second. Any
 23 discussion on the motion? Any discussion? Any
 24 discussion?
 25 Seeing none, let's proceed to a roll

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1 call vote.
 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. Ferrell?
 9 DR. FERRELL: Yes.
 10 MS. FIELDS: Dr. Hammon?
 11 DR. HAMMON: Yes.
 12 MS. FIELDS: Mr. Hirshey?
 13 MR. HIRSHEY: Yes.
 14 MS. FIELDS: Mr. Kinder?
 15 MR. KINDER: Yes.
 16 MS. FIELDS: Mr. Munson?
 17 MR. MUNSON: Yes.
 18 MS. FIELDS: Mr. Sims?
 19 MR. SIMS: Yes.
 20 MS. FIELDS: Motion passed.
 21 MR. LINN: Thank you.
 22 DR. FERRELL: Thank you, Mr. Linn. And
 23 reading through the materials, I was very glad to
 24 see that there was robust public engagement with
 25 this and a lot of support; so we appreciate your

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1 committee's work on this. Thank you.
 2 Okay. Before I move to Agenda Item
 3 10, is Mr. Duzan here today?
 4 MR. DUZAN: Yeah. Hiding behind the
 5 pillar.
 6 DR. FERRELL: Behind yet another pillar,
 7 excellent. I hope that Mr. Duzan has had his
 8 electrolytes and had a good, hearty breakfast
 9 because he's got some work ahead of him today, which
 10 will start with Agenda Item 10 with respect to
 11 Chapter 690, our Water Quality Standards
 12 Implementation.
 13 MR. DUZAN: Thank you, sir. Last time I
 14 stood before you, it was like I was reading
 15 Tolstoy's War and Peace, but that was war, this time
 16 you get peace.
 17 My name is Brian Duzan, I am the
 18 Chair of the Water Quality Management Advisory
 19 Council. Today, the WQMAC has eight chapters for
 20 the board.
 21 Please note that prior to bringing
 22 these rules before you today, the DEQ staff held two
 23 informal meetings. One was conducted on
 24 November 2nd here at the DEQ office, where
 25 approximately 22 people attended, and the second was

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1 conducted November 8th at the Tulsa Centennial
 2 Center in Veterans Park, where approximately 11
 3 people attended.
 4 Additionally, DEQ staff discussed the
 5 proposed rulemaking at the September 22, 2023 WQMAC
 6 meeting and at the January 9, 2024 WQMAC meeting,
 7 where these rules were unanimously recommended to
 8 the board by the council.
 9 This rule, it's a revocation, it's
 10 part of the permanent rulemaking to implement the
 11 water quality standards that was transferred to DEQ
 12 from OWRB. DEQ staff proposed streamlining agency
 13 rules by combining the contents of Chapter 690 with
 14 other Water Quality Standards Implementation Plan
 15 provisions found in Chapters 606 and 611.
 16 Applicable portions of Subchapter 1,
 17 titled "Introduction", Subchapter 5, titled
 18 "Groundwater Protection", and Subchapter 7, titled
 19 "Water Quality Standards Implementation Plan,
 20 Oklahoma Department of Environmental Quality", are
 21 proposed to be incorporated into Chapter 611.
 22 Applicable portions of Subchapter 1,
 23 titled "Introduction", Subchapter 3, titled, "Point
 24 Source Discharges", and Appendices B through J are
 25 proposed to be incorporated into 606. As a result

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1 of the incorporation of these subchapters into
 2 different parts of the agency's rules, Chapter 690
 3 is proposed to be revoked in its entirety.
 4 In conclusion, the WQMAC recommended
 5 revocation of this rule at the -- to the EQB by
 6 unanimous vote. If you have any questions, I or the
 7 staff would be happy to answer.
 8 DR. FERRELL: Any questions from the
 9 board?
 10 DR. HAMMON: Mr. Vice Chair, I do have a
 11 question; it is more a comment on revoking Chapter
 12 690 and then adopting 611 and 606. Understanding
 13 that there's a sequential order for these, if we
 14 revoke this and do not adopt the following, what is
 15 that implication?
 16 MR. DUZAN: That's a good question for --
 17 I'm going to hand that off to Shellie Chard.
 18 MS. CHARD: Good morning, everyone. I'm
 19 Shellie Chard, I'm the Water Quality Division
 20 Director. So this is one of those chicken and egg
 21 kind of scenarios.
 22 If you revoke and then do not adopt
 23 subsequent chapters, then we have an issue of not
 24 having rules in place; if we go with adopting the
 25 others and then you fail to revoke, then we have a

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1 situation where we have two rules in place that are
 2 kind of competing. So, you know, we're kind of at
 3 your mercy.
 4 And so, obviously, we're going to be
 5 asking you in just a few moments to adopt 606 and
 6 611, but it really is that, you know, chicken and
 7 egg scenario.
 8 DR. HAMMON: Thank you. And with that
 9 chicken and egg scenario, I would think -- you know,
 10 I've read everything, if other members of the board
 11 had any issues moving forward, maybe we'd want to
 12 adopt them -- consecutively revoke and adopt,
 13 otherwise if folks don't see an issue, having read
 14 these, proceeding step-wise. And I would defer to
 15 Mr. Vice Chair.
 16 MR. BARTON: So just a question, would it
 17 be reasonable to have a motion to approve to revoke
 18 subject to the approval of the others, the motion
 19 being made to protect the process?
 20 MR. KINDER: That's the process.
 21 MS. LEWIS: If that was the motion that
 22 was made, yes.
 23 MR. BARTON: I would put that in the form
 24 of a motion at the right point in time, that we
 25 accept the revocation.

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1 DR. FERRELL: If you'd hold on for just
 2 one moment, just real quickly, any further questions
 3 from the public?
 4 Okay. Seeing none, the Chair would
 5 entertain a motion.
 6 MR. BARTON: So I move that we approve the
 7 revocation of Title 252 Chapter 690, based on the
 8 approval of the subsequent two rules. I don't have
 9 the numbers.
 10 DR. HAMMON: 606 and 611.
 11 MR. DUZAN: Correct, 606 and 611.
 12 DR. HAMMON: I'll second that motion.
 13 Thank you.
 14 DR. FERRELL: Any discussion on the
 15 motion? Any discussion? Any discussion? Oh,
 16 sorry, is there a second?
 17 DR. HAMMON: I seconded.
 18 DR. FERRELL: Okay. There we go. There
 19 we go.
 20 DR. HAMMON: I gotcha.
 21 DR. FERRELL: Just wanted to make sure.
 22 Okay. Now I believe we are in order
 23 for a roll call vote, please, Ms. Quiana.
 24 MS. FIELDS: Mr. Auer?
 25 MR. AUER: Yes.

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1 MS. FIELDS: Mr. Barton?
 2 MR. BARTON: Yes.
 3 MS. FIELDS: Mr. Easton?
 4 MR. EASTON: Yes.
 5 MS. FIELDS: Dr. Ferrell?
 6 DR. FERRELL: Yes.
 7 MS. FIELDS: Dr. Hammon?
 8 DR. HAMMON: Yes.
 9 MS. FIELDS: Mr. Hirshey?
 10 MR. HIRSHEY: Yes.
 11 MS. FIELDS: Mr. Kinder?
 12 MR. KINDER: Yes.
 13 MS. FIELDS: Mr. Munson?
 14 MR. MUNSON: Yes.
 15 MS. FIELDS: Mr. Sims?
 16 MR. SIMS: Yes.
 17 MS. FIELDS: Motion passed.
 18 DR. FERRELL: Excellent. That then takes
 19 us to Agenda Item Number 11.
 20 MR. DUZAN: Okay. 606, we'll get to it
 21 quick before something happens.
 22 All the public participation that I
 23 talked about for Chapter 690 also applies here. For
 24 permanent rulemaking, as noted in the discussion for
 25 Chapter 690, DEQ staff proposes to incorporate from

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1 Chapter 690 applicable portions of Subchapter 1,
 2 entitled "Introduction", Subchapter 3, titled "Point
 3 Source Discharges", and the Appendices B through J,
 4 which are proposed to be reassigned as Appendices H
 5 through P. This will consolidate the technical
 6 permitting rules for point source discharges into
 7 one rule, Chapter 606.

8 DEQ staff also proposed an update to
 9 the federal rules incorporated by reference from
 10 July 1, 2022 to July 12, 2023. The final regulatory
 11 changes included clarifications that the designation
 12 criteria for small municipal separate storm sewer
 13 systems - MS4s - will remain the same due to the
 14 Census Bureau's recent decision to discontinue its
 15 practice of publishing the location of urbanized
 16 areas and, two, a change to extend the date for
 17 existing coal-fired plants to submit a notice of
 18 planned participation in NOPP.

19 In Appendix A, DEQ proposed adding
 20 Total Phosphorus as a control test in Table 1-3. A
 21 comment from the WQMAC meeting during the January 9,
 22 2024 meeting was made, questioning where samples for
 23 total phosphorus as well as ammonia were to be
 24 collected. DEQ staff stated that these samples are
 25 intended to be collected from the influent and that

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1 the table would be updated to provide clarity.

2 Another change entailed a proposal to
 3 replace Total Arsenic with Arsenic III in Table H-1.
 4 DEQ informed the WQMAC that it subsequently
 5 determined that there is not an EPA-approved test
 6 method for Arsenic III and requested that the WQMAC
 7 exclude that proposed change when voting on the
 8 rule.

9 An oral comment during the meeting
 10 was made by James Jackson with the Muscogee Creek
 11 Nation Office of Environmental Services.
 12 Mr. Jackson asked for a clarification if Total
 13 Arsenic would continue to apply to Appendix H, Table
 14 H-1, for OAC 252:606. DEQ staff confirmed that
 15 Total Arsenic would continue to apply.

16 On February 12th, it was brought to
 17 the attention of the staff that there were two
 18 errors that need to be corrected in this chapter,
 19 first in Appendix C, in Table C-1, Number 7,
 20 "Additional Factors", and the other in Appendix C,
 21 in Table C-2, Number 6. There are references to the
 22 U.S. Environmental Protection Agency and Board; the
 23 word "Board" should be "DEQ".

24 The WQMAC recommended this rule to
 25 the EQB by unanimous vote. I ask, therefore, you

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1 consider this rule, that you make a motion to
 2 approve, and you include the correction from the
 3 word "Board" to "DEQ". If you have any questions, I
 4 or the staff are happy to answer.

5 DR. FERRELL: Are there any questions from
 6 the board?

7 Any questions from the public?

8 Seeing none, Chair would entertain a
 9 motion to approve the regulation with the specified
 10 modification suggested by Mr. Duzan.

11 MR. SIMS: I make a motion to approve it.

12 MR. EASTON: Second.

13 DR. FERRELL: Motion made and seconded.

14 Any discussion? Any discussion?

15 For those keeping our records, do you
 16 feel comfortable with the modification that needs to
 17 be made as Mr. Duzan specified? Everybody okay?

18 Okay. Very good, just wanted to make sure.

19 All right. Quiana, would you please
 20 call the roll?

21 MS. FIELDS: Mr. Auer?

22 MR. AUER: Yes.

23 MS. FIELDS: Mr. Barton?

24 MR. BARTON: Yes.

25 MS. FIELDS: Mr. Easton?

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1 MR. EASTON: Yes.

2 MS. FIELDS: Dr. Ferrell?

3 DR. FERRELL: Yes.

4 MS. FIELDS: Dr. Hammon?

5 DR. HAMMON: Yes.

6 MS. FIELDS: Mr. Hirshey?

7 MR. HIRSHEY: Yes.

8 MS. FIELDS: Mr. Kinder?

9 MR. KINDER: Yes.

10 MS. FIELDS: Mr. Munson?

11 MR. MUNSON: Yes.

12 MS. FIELDS: Mr. Sims?

13 MR. SIMS: Yes.

14 MS. FIELDS: Motion passed.

15 DR. FERRELL: Very good.

16 I believe that takes us to Agenda
 17 Item 12, Chapter 611.

18 MR. DUZAN: Okay. All the public
 19 participation that I talked about in Chapter 690
 20 also applies here. For permanent rulemaking that is
 21 noted in the discussion for Chapter 690, DEQ staff
 22 proposed to incorporate remaining chapters in
 23 Chapter 690, Subchapter 1, titled "Introduction",
 24 Subchapter 5, titled "Groundwater Protection", and
 25 Subchapter 7, titled "Water Quality Standards

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1 Implementation Plan, Oklahoma Department of
 2 Environmental Quality" into Chapter 611.
 3 Additionally, Section 1-3, titled
 4 "Adoption and Incorporation by Reference", is
 5 updated with the IBR date now being July 1, 2022,
 6 which is the date that was in Chapter 690.
 7 In conclusion, the WQMAC recommended
 8 this rule to the EQB by unanimous vote. If you have
 9 any questions, I or the staff would be happy to
 10 answer.
 11 DR. FERRELL: Any questions from the
 12 board?
 13 MR. BARTON: This may be a question or a
 14 comment is that I've noticed a long list of
 15 definitions which does not include the groundwater.
 16 Is there a standard definition of groundwater? I
 17 actually believe there may be one in a different
 18 rule somewhere, but --
 19 MR. DUZAN: I believe there is.
 20 MR. BARTON: -- not in this case.
 21 MR. DUZAN: Shellie?
 22 MS. CHARD: Yeah, I don't know.
 23 MR. BARTON: Perhaps the question is --
 24 MR. DUZAN: Should there be?
 25 MR. BARTON: -- the difference between

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1 surface water and groundwater and perched water, I
 2 mean, there's several different forms of water in
 3 the ground, and about what is groundwater and what's
 4 waters of the state I believe is referenced
 5 somewhere else.
 6 MS. CHARD: So we have not added that
 7 definition: we certainly could add that in a future
 8 rulemaking. Generally, we have used the definitions
 9 that are in the statute and then in, actually, the
 10 Water Quality Standards themselves, which is Chapter
 11 730, which is also in your packet in a few more
 12 agenda items.
 13 If you would like us to include a
 14 definition, we certainly can do that and bring that
 15 back to you in a subsequent meeting.
 16 MR. BARTON: It's not something I need for
 17 clarification today or need to ask for a new
 18 amendment, but it's a question for clarity, so thank
 19 you.
 20 MS. CHARD: Okay. We will put -- I'm
 21 sorry.
 22 MR. THOMPSON: Well, and I would suggest
 23 these standards typically apply to surface water.
 24 MS. CHARD: Well, we do have the limited
 25 groundwater water quality standards --

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1 MR. THOMPSON: Okay. So --
 2 MS. CHARD: -- that came over, as well.
 3 MR. THOMPSON: And there may be some
 4 modifications in the future based on a court ruling
 5 about groundwater impacting surface water, like
 6 point source. So I don't think that's clarified yet
 7 anywhere other than by the court ruling, so --
 8 MS. CHARD: Yeah, it is not clear.
 9 MR. THOMPSON: -- I would assume, at some
 10 point, that will create some additional actions.
 11 Now, we have put to rest issues like
 12 that in our cleanup programs by trying to model a
 13 groundwater pollutant as a point source and compare
 14 that to stream standards, and so I would think that
 15 would be the only logical way to process a situation
 16 like that.
 17 So we have some experience at similar
 18 situations, but we have to kind of see how this
 19 plays out in terms of the regulatory role in any
 20 other rulings that occur, so...
 21 MR. BARTON: Thank you.
 22 DR. FERRELL: Any other questions?
 23 Any questions from the public?
 24 Seeing none, the Chair would
 25 entertain a motion to accept the regulation as

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1 proposed.
 2 MR. BARTON: So moved.
 3 MR. HIRSHEY: Second.
 4 DR. FERRELL: Any discussion on the
 5 motion? Any discussion? Any discussion? Seeing
 6 none, let's proceed to a roll call vote.
 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. Ferrell?
 14 DR. FERRELL: Yes.
 15 MS. FIELDS: Dr. Hammon?
 16 DR. HAMMON: Yes.
 17 MS. FIELDS: Mr. Hirshey?
 18 MR. HIRSHEY: Yes.
 19 MS. FIELDS: Mr. Kinder?
 20 MR. KINDER: Yes.
 21 MS. FIELDS: Mr. Munson?
 22 MR. MUNSON: Yes.
 23 MS. FIELDS: Mr. Sims?
 24 MR. SIMS: Yes.
 25 MS. FIELDS: Motion passed.

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1 DR. FERRELL: Very good.

2 Agenda Item 13, modifications to

3 Chapter 628.

4 MR. DUZAN: Okay. All the public

5 participation that I talked about for Chapter 690

6 also applies here. For permanent rulemaking, DEQ

7 staff proposed changes to this rule consisting of

8 replacing references to OAC 252:690 with references

9 to OAC 252:606 or removing references to Chapter 690

10 altogether in connection with the contemporaneous

11 proposal to relocate rules from Chapter 690 to 606.

12 In conclusion, the WQMAC recommended

13 this rule to the EQB by unanimous vote. If you have

14 any questions, I or the staff would be happy to

15 answer.

16 DR. FERRELL: Any questions from the

17 board?

18 Any questions from the public?

19 Seeing none, the Chair would

20 entertain a motion to accept the regulation as

21 proposed.

22 MR. SIMS: Move to accept.

23 MR. MUNSON: Second.

24 DR. FERRELL: Second. Any discussion on

25 the motion? Any discussion? Any discussion?

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1 Quiana, would you please call the

2 roll?

3 MS. FIELDS: Mr. Auer?

4 MR. AUER: Yes.

5 MS. FIELDS: Mr. Barton?

6 MR. BARTON: Yes.

7 MS. FIELDS: Mr. Easton?

8 MR. EASTON: Yes.

9 MS. FIELDS: Dr. Ferrell?

10 DR. FERRELL: Yes.

11 MS. FIELDS: Dr. Hammon?

12 DR. HAMMON: Yes.

13 MS. FIELDS: Mr. Hirshey?

14 MR. HIRSHEY: Yes.

15 MS. FIELDS: Mr. Kinder?

16 MR. KINDER: Yes.

17 MS. FIELDS: Mr. Munson?

18 MR. MUNSON: Yes.

19 MS. FIELDS: Mr. Sims?

20 MR. SIMS: Yes.

21 MS. FIELDS: Motion passed.

22 DR. FERRELL: Okay. Agenda Item 14,

23 modifications to Chapter 641.

24 MR. DUZAN: Okay. And once again, all the

25 public participation that I talked about in Chapter

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1 690 also applies here. For permanent rulemaking,

2 DEQ staff proposed changes that clarified the

3 credentials required for soil profile certification,

4 updated the general provisions for septic tanks to

5 include a permanently affixed data plate,

6 incorporated the use of a riser safety screen system

7 or factory-supplied concrete manhole lid in all

8 inlet cleanouts, established a septic tank size of

9 500 pounds -- or, 500 gallons for small public

10 sewage facilities with flows of 100 gallons or less,

11 raised the approvable limit associated with the

12 Biochemical Oxygen Demand (BOD) 2.5 pounds per day

13 for aerobic systems, removed Low Pressure Dosing

14 (LPD) systems, increased the surety bond

15 requirements for Certified Installers and Certified

16 Soil Profilers, and corrected formatting issues for

17 the Appendices.

18 In conclusion, the WQMAC recommended

19 this rule to the EQB by unanimous vote. If you have

20 any questions, I or the staff would be happy to

21 answer.

22 DR. FERRELL: Any questions from the

23 board? Any questions from the public? Seeing none,

24 the Chair would entertain a motion to accept the

25 regulation as proposed.

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1 MR. BARTON: So move.

2 DR. FERRELL: A motion.

3 MR. AUER: Second.

4 DR. FERRELL: Second. Any discussion on

5 the motion? Any discussion? Any discussion?

6 Seeing none, let's call the roll.

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. Ferrell?

14 DR. FERRELL: Yes.

15 MS. FIELDS: Dr. Hammon?

16 DR. HAMMON: Yes.

17 MS. FIELDS: Mr. Hirshey?

18 MR. HIRSHEY: Yes.

19 MS. FIELDS: Mr. Kinder?

20 MR. KINDER: Yes.

21 MS. FIELDS: Mr. Munson?

22 MR. MUNSON: Yes.

23 MS. FIELDS: Mr. Sims?

24 MR. SIMS: Yes.

25 MS. FIELDS: Motion passed.

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1 DR. FERRELL: Thank you.

2 That leads us to Agenda Item 15,

3 changes to Chapter 645.

4 MR. DUZAN: Okay. Once again, all the

5 public participation that I talked about for Chapter

6 690 also applies here. For permanent rulemaking,

7 DEQ staff proposed changes that clarified the

8 definition of sewage, updated license requirements

9 to include a driver certification, exam fee, and an

10 increase in renewal hours, required the submission

11 of land application and treatment records, and

12 updated land application requirements for the

13 removal of non-biodegradable material.

14 In conclusion, the WQMAC recommended

15 this rule to the EQB by unanimous vote, and if you

16 have any questions or comments, I or the staff would

17 be happy to answer.

18 DR. FERRELL: Are there any questions from

19 the board?

20 DR. HAMMON: Mr. Vice Chair, I do have a

21 -- more of a comment. So, first off, I want to

22 commend the work that goes into making all of these

23 changes and then, you know, reappointing all of the

24 different chapters to the new sections.

25 I do notice in the earlier sections

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1 that you've made an effort to remove the word "the"

2 preceding "DEQ"; that was not done in this chapter.

3 I assume you could amend that later, but in trying

4 to keep with that consistency, I believe since it is

5 editorial, this board can approve you also going

6 through at this time, on approval, to remove the

7 word "the" from about two dozen cases in this

8 chapter, should the agency wish.

9 MR. DUZAN: Okay. I think that's fine, so

10 we can make that amendment.

11 MS. LEWIS: Yeah, I think that's fine,

12 just make that clear in the motion if that's what

13 the motion wants to do.

14 MR. DUZAN: Okay.

15 DR. HAMMON: You did it everywhere else;

16 so I figure you meant to here.

17 MR. DUZAN: Yeah, we had a few discussions

18 about that as kind of a random thing to go from "the

19 DEQ" to "DEQ", but if we do it once, should do it

20 all, so...

21 DR. HAMMON: Okay. I'll leave that to you

22 guys, but I didn't want to hold up or have this come

23 back to us for editorial.

24 MR. DUZAN: Well, I think that's up to you

25 guys to make the motion to do that.

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1 DR. FERRELL: Any other questions from the

2 board?

3 Any questions from the public?

4 Okay. Do we have a current pending

5 motion or we still just in discussion?

6 MS. FIELDS: No.

7 DR. FERRELL: Okay. Very good.

8 DR. HAMMON: I will. I'm going to move to

9 approve Chapter 645 with the latitude to allow the

10 agency to remove the word "the" preceding "DEQ"

11 throughout the chapter.

12 DR. FERRELL: Is there a second?

13 MR. SIMS: Second.

14 DR. FERRELL: Any discussion on the

15 motion? Any discussion? Any discussion?

16 Seeing none, let's proceed to roll

17 call vote.

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. Ferrell?

25 DR. FERRELL: Yes.

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1 MS. FIELDS: Dr. Hammon?

2 DR. HAMMON: Yes.

3 MS. FIELDS: Mr. Hirshey?

4 MR. HIRSHEY: Yes.

5 MS. FIELDS: Mr. Kinder?

6 MR. KINDER: Yes.

7 MS. FIELDS: Mr. Munson?

8 MR. MUNSON: Yes.

9 MS. FIELDS: Mr. Sims?

10 MR. SIMS: Yes.

11 MS. FIELDS: Motion passed.

12 DR. FERRELL: Thank you. I believe that

13 brings us to Item 16, is that correct?

14 Modifications to Chapter 730.

15 MR. DUZAN: Okay. 730, Oklahoma's Water

16 Quality Standards. And once again, all the public

17 participation that I talked about for Chapter 690

18 also applies here. For permanent rulemaking, DEQ

19 staff proposed changes to this rule consisting of

20 correcting formatting and typographical errors

21 throughout the chapter, replacing references to OAC

22 252:690 with references to OAC 252:606, updating the

23 statutory reference to the agency's legal authority

24 over water quality standards, and clarifying, adding

25 or removing definitions as necessary.

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1 Regarding the appendices, proposed
 2 changes include minor modifications of the Waterbody
 3 Name and Sequence, correcting a WQM Segment number,
 4 adding Waterbody ID numbers to the list of the seven
 5 dischargers with site-specific criteria for metals,
 6 and the one facility with a criteria for TES sulfate
 7 and chloride, and including the addition of 10 new
 8 groundwater beneficial use designations associated
 9 with the new remediation sites regulated by the
 10 DEQ's Land Protection Division since the last major
 11 water quality standards revision.

12 Prior to the January 9, 2024 WQMAC
 13 meeting, the DEQ received one written public comment
 14 via an email from Mike Schwab with the Water Quality
 15 Standard Program, U.S. EPA Region 6, which is
 16 included in the executive summary.

17 DEQ staff proposed changes to the
 18 council during the meeting to correct the
 19 typographical errors and additional changes
 20 requested by the EPA. The additional changes
 21 requested by the EPA will be addressed during the
 22 next triannual review.

23 And actually, his comment came
 24 literally while we were in session, and we had to
 25 move to adjourn and then come back so we could

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1 include his comments.

2 In conclusion, the WQMAC council
 3 recommended this rule to the EQB by unanimous vote.
 4 If you have any questions, I or the staff would be
 5 happy to answer.

6 DR. FERRELL: Any questions from the
 7 board?

8 Any questions from the public or
 9 someone standing next to the podium?

10 MS. CHARD: Mr. Chair and Mr. Barton, if I
 11 may, this is the chapter that does reference the
 12 definition for groundwater, and it is actually the
 13 definition that is found in statute.

14 If it is the desire of the board, we
 15 can certainly insert this definition in Chapter 611,
 16 as well, but I just wanted to let you know that is
 17 where it is and what the definition is that we use
 18 in the water quality rules.

19 MR. BARTON: Good, thank you.

20 DR. FERRELL: Would the incorporation of
 21 that definition here, as well, would that create any
 22 potential duplications or reference issues with
 23 respect to implementation of any of the other rules?

24 MS. CHARD: No, it will not.

25 DR. FERRELL: Very good.

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1 Seeing no further questions, Chair
 2 would entertain a motion to accept the rule as
 3 proposed or with amendment.

4 MR. AUER: So moved.

5 DR. FERRELL: Is that the motion for as
 6 proposed?

7 MR. AUER: Yes.

8 DR. FERRELL: Okay.

9 DR. FERRELL: Is there a second?

10 MR. KINDER: Second.

11 DR. FERRELL: Any discussion on the
 12 motion? Any discussion? Any discussion?

13 Seeing no further discussion, Quiana,
 14 could you please call the roll?

15 MS. FIELDS: Mr. Auer?

16 MR. AUER: Yes.

17 MS. FIELDS: Mr. Barton?

18 MR. BARTON: Yes.

19 MS. FIELDS: Mr. Easton?

20 MR. EASTON: Yes.

21 MS. FIELDS: Dr. Ferrell?

22 DR. FERRELL: Yes.

23 MS. FIELDS: Dr. Hammon?

24 DR. HAMMON: Yes.

25 MS. FIELDS: Mr. Hirshey?

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1 MR. HIRSHEY: Yes.

2 MS. FIELDS: Mr. Kinder?

3 MR. KINDER: Yes.

4 MS. FIELDS: Mr. Munson?

5 MR. MUNSON: Yes.

6 MS. FIELDS: Mr. Sims?

7 MR. SIMS: Yes.

8 MS. FIELDS: Motion passed.

9 DR. FERRELL: Brian, you can see the
 10 finish line in the Agenda Item 17.

11 MR. DUZAN: Almost there.

12 Now we're on to 252:740,
 13 Implementation of Oklahoma's Water Quality
 14 Standards. Once again, all the public participation
 15 that I talked about for Chapter 690 also applies
 16 here. For permanent rulemaking, DEQ staff proposed
 17 revisions to Chapter 740 that combine or eliminate
 18 duplicative definitions, correct typographical
 19 errors, make minor formatting corrections, replace a
 20 reference to an outdated EPA directive on quality
 21 assurance methods with a reference to the latest
 22 equivalent EPA directive issued in July of 2023, and
 23 fixes an error in Subchapter 9 of the rule, which
 24 entails replacing 200 milligrams per liter with 250
 25 milligrams per liter for chlorides and sulfates in

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1 determining reasonable potential to exceed an
 2 agricultural beneficial use criteria.
 3 In conclusion, the WQMAC recommended
 4 this rule to the EQB by unanimous vote. If you have
 5 any questions, I or the staff would be happy to
 6 answer.
 7 DR. FERRELL: Any questions from the
 8 board?
 9 Any questions from the public?
 10 Seeing none, the Chair would
 11 entertain a motion to accept the regulation as
 12 proposed.
 13 MR. SIMS: I make a motion we approve it
 14 as proposed.
 15 DR. FERRELL: Motion.
 16 MR. MUNSON: Second.
 17 DR. FERRELL: Second. Any discussion on
 18 the motion? Any discussion? Any discussion?
 19 Seeing none, Quiana, could you please
 20 call the roll?
 21 MS. FIELDS: Mr. Auer?
 22 MR. AUER: Yes.
 23 MS. FIELDS: Mr. Barton?
 24 MR. BARTON: Yes.
 25 MS. FIELDS: Mr. Easton?

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1 MR. EASTON: Yes.
 2 MS. FIELDS: Dr. Ferrell?
 3 DR. FERRELL: Yes.
 4 MS. FIELDS: Dr. Hammon?
 5 DR. HAMMON: Yes.
 6 MS. FIELDS: Mr. Hirshey?
 7 MR. HIRSHEY: Yes.
 8 MS. FIELDS: Mr. Kinder?
 9 MR. KINDER: Yes.
 10 MS. FIELDS: Mr. Munson?
 11 MR. MUNSON: Yes.
 12 MS. FIELDS: Mr. Sims?
 13 MR. SIMS: Yes.
 14 MS. FIELDS: Motion passed.
 15 DR. FERRELL: Thank you.
 16 Someone please get Brian a Gatorade
 17 and one of those foil blankets because he just ran a
 18 marathon.
 19 But I do, in all seriousness, want to
 20 express - at this point, especially, in the agenda -
 21 our appreciation as a board, not just for the Water
 22 Quality Advisory Council, but for all of our
 23 advisory councils because I think they represent a
 24 tremendous structure whereby we have really good,
 25 honest, open communication with our regulated

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1 community and with the public, and they do the heavy
 2 lifting to really see how these regulations could be
 3 effectively implemented with minimum impact to our
 4 economy, but with maximum benefit to our
 5 environment.
 6 And we, as a board, are so grateful
 7 for the work of our boards and for the DEQ staff
 8 that interface with them. So especially at this
 9 meeting with the work that you did, thank you so
 10 much for that.
 11 With that, that brings us to Agenda
 12 Item 18, which is our Executive Director's Report.
 13 Mr. Thompson?
 14 MR. THOMPSON: Thank you, Mr. Chairman.
 15 So I'll start off with the parking garage update.
 16 We are in the process of finalizing a contract to
 17 demolish the garage and will have a construction
 18 management contractor and an actual demolition
 19 contractor, I guess, and we may additionally get
 20 some estimates out of this process for replacing the
 21 garage with a surface lot or possibly with the base
 22 of a new garage that could be added to and maybe a
 23 couple extra floors. So -- but those will just be
 24 estimates, this contract is just to take the garage
 25 down at this point.

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1 So we anticipate that to start
 2 sometime and be finished this calendar year. I
 3 think the schedule for the contractors is going to
 4 push it out a little further than we thought.
 5 We have continued to have the
 6 engineer evaluate the garage and we haven't lost any
 7 more spaces, but we're now below 50-percent capacity
 8 in terms of usable spaces, and so at what date we
 9 actually just decide to stop using it could come
 10 earlier than the start of demolition.
 11 It will be challenging to come to
 12 meetings here and park once that's going on because
 13 part of 6th street will be shut down, I think, and
 14 we may have to stage some of the equipment in our
 15 north parking lot, and so you may have to search for
 16 parking spaces while that's ongoing.
 17 And then as that happens, that will
 18 cost us some spaces that staff are using currently;
 19 so we'll go more and more remote. We do have a lot
 20 of the space around this area, but we're always in
 21 danger of losing some of that; so we will prioritize
 22 parking that we do have based on the need to be
 23 here.
 24 Of course the lab needs to be here,
 25 finance needs to be here, and as much as we can

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1 accommodate other people who need to come to the
 2 building, we'll try to do so, but it's going to be
 3 quite challenging, and once the garage starts coming
 4 down, this will be a multi-year process.
 5 We may not be -- we may have a
 6 surface lot for a while or we may -- we're still
 7 seeking funding to build the garage. So if that is
 8 given to us this session then, you know, the design
 9 and the construction of the new garage could take
 10 two to three years, at least.
 11 So I think we'll be doing a lot of
 12 remote work, but we've learned how to do that, I
 13 think that will be fine. It's not ideal, in my
 14 opinion, especially for training new folks, but
 15 there's a lot of tools out there that we can use.
 16 And then we have copied from other states who've
 17 gone almost fully remote; so we're going to make
 18 those transitions even further in terms of
 19 management style and Lean process and continuous
 20 improvement type stuff, so I think we'll be okay.
 21 And a few jobs, like permit engineer, have seemed to
 22 get the word out.
 23 So, legislative update. There's been
 24 some publication of introduction of bills to do a
 25 9-percent across-the-board raise for state

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1 employees, I had to caution everybody that that's
 2 not a done deal, it's not happening anytime soon,
 3 it'll be the end of the session when they do the
 4 actual budget to determine what, if any, raise gets
 5 approved and passed and how it's funded, what
 6 strings are attached to it. Typically, any such
 7 raise we have to do based on performance
 8 evaluations; so I'm sure that will be tied in there
 9 somehow, but I just wanted to give you that
 10 heads-up.
 11 There's a lot of activity at the
 12 Capitol, there's lots and lots of bills. Everybody
 13 seems to be carrying tons of bills, and so we're
 14 still working through that, going to committee
 15 meetings and trying to solve some issues, and so
 16 there's not any major updates.
 17 I think the key deadline's once it
 18 gets through the first house, it then gets to a
 19 committee, gets off the floor, and is headed to the
 20 next house that's in a few weeks, I think. I can't
 21 remember what the deadline is, but Michelle's out
 22 there every day keeping up with everything, and then
 23 Rob and I and Jennifer, sometimes, are out there,
 24 Shellie, whoever needs to be there to address any
 25 issues or have discussions with folks.

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1 So it's a busy session, and it's kind
 2 of interesting, so far, like it always is. So we'll
 3 just see. There's nothing major, you know, we're
 4 looking forward to that date when we just kind of
 5 thin out the number of bills we're trying to track
 6 and see what's still alive and might need to get on
 7 that.
 8 We're visiting with legislators and
 9 giving them information about things, and so -- and
 10 one thing I will probably pass out to you guys is
 11 we've done some fact sheets on nuclear energy. Last
 12 year, there was a bill to have us do a big study;
 13 that bill did not pass, we didn't get the funding.
 14 But I asked our Land Protection staff and Radiation
 15 Management folks to draft some fact sheets to give
 16 us sort of a snapshot of key points about current
 17 conventional nuclear power and advanced nuclear
 18 power.
 19 There's a lot of talk and vendors out
 20 there, a lot of hope for nuclear power to be part of
 21 the solution that is carbon-free, theoretically. Of
 22 course, moving -- you know, there's a lot of mining
 23 and transportation costs, et cetera, with anything.
 24 But none of the advanced nuclear
 25 concepts are actually in commercial use at this

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1 point, and as far as I know, there's some pilots
 2 discussed. I know there's one in Alaska, I think,
 3 that's actually kicking off sometime soon.
 4 But we've been talking to quite a few
 5 folks out there who are interested in that and
 6 trying to keep up with it, but it's very early in
 7 that game, and actual permits for a nuclear reactor
 8 of this sort has to come from the Nuclear Regulatory
 9 Commission. So we'll be visiting with the state
 10 legislators and showing an interest in that, add
 11 some new studies, and just trying to give them what
 12 information we have.
 13 And, you know, if somebody's fishing
 14 for a lot of money to do a pilot, it'd be really
 15 smart to vet it first and probably let somebody else
 16 spend their money - like DOE - on that and then see
 17 if it works and then it might be a viable technology
 18 to invest in.
 19 Quite a few of our folks are working
 20 on the Climate Pollution Reduction Grants, the CPRG
 21 program, Lloyd and Angela, and Angela is kind of the
 22 project manager, telling us all what to do, and
 23 there's a list of the folks on the teams.
 24 A whole lot of folks from Air Quality
 25 are working hard at that, and I think several of

<p style="text-align: right;">Page 57</p> <p>1 those folks may be in the audience. So if you're 2 working on the Climate Pollution Reduction Grants 3 and any of the programs, especially Air and, you 4 know, Lloyd's folks, please stand up because I think 5 the board likes to know that people are really 6 working on stuff. So, Lloyd and Kendal, others back 7 there.</p> <p style="text-align: center;">[Applause]</p> <p>9 MR. THOMPSON: So thank you, guys, really 10 appreciate the work. This has been kind of crazy, a 11 very compressed schedule by EPA to -- got an award 12 for a study that was supposed to go multi-year, and 13 then we do an application for the big money and it 14 all got moved up to where we have to do the 15 application basically at the end of this month. And 16 then there are some other angles that we're talking 17 about maybe working with some other states on joint 18 applications, and so everybody's having to sort 19 through that and try to get it done really rapidly, 20 and so it's a lot of work.</p> <p>21 So if we get it, though, we should 22 get a lot of funding and do some interesting things 23 like looking at ways to improve, you know, mobile 24 use of energy for vehicles and stuff. So it's a 25 good exercise anyway, because we're going to be</p>	<p style="text-align: right;">Page 59</p> <p>1 large volumes of snacks for the staff, so anyways, 2 thank you very much, Wayne, you're a great guy and a 3 valuable resource at the agency and in Oklahoma.</p> <p>4 Okay. Every quarter, an employee is 5 chosen by their peers to be Employee of the Quarter. 6 And you guys are kind of familiar with this, we talk 7 about it every year. These -- the best part about 8 this, in my opinion, is the management does not 9 nominate these folks, an employee committee goes 10 through it, picks the -- who's -- who basically gets 11 selected from nominations made by coworkers, peers, 12 staff, so I just think that's excellent.</p> <p>13 They do let us arm wrestle over who 14 gets employee of year out of the four nominees, so 15 at higher levels, but so these folks are all 16 committed and really hard workers and dedicated to 17 DEQ's mission.</p> <p>18 Now, for -- so if -- you know, and 19 most recently we've had Jacquie MacDonald, Grant 20 Loney, and Tory Smith be selected for that. So if 21 you guys are here, stand up.</p> <p style="text-align: center;">[Applause]</p> <p>23 MR. THOMPSON: So I think we have another 24 employee's finalization pending, so that 25 announcement will be coming out soon.</p>
<p style="text-align: right;">Page 58</p> <p>1 heading these directions and thinking through this 2 and -- but hopefully, we will get some funding to 3 move that forward soon.</p> <p>4 Another person I'd like to mention is 5 Wayne Craney, Water Quality. He was recently 6 awarded the Lifetime Achievement Award for 7 Stormwater Excellence, and this was given by the 8 Central Oklahoma Stormwater Alliance.</p> <p>9 Wayne earned this honor for providing 10 remarkable services and leadership, and you know, I 11 would say Wayne is one of the wisest people in the 12 building, and he really does great things. So he's 13 attended almost every possible meeting, volunteered 14 at the events, and been a positive conduit between 15 DEQ and the Alliance's membership. He's been part 16 of DEQ's team for more than 30 years, and so, Wayne, 17 stand up.</p> <p style="text-align: center;">[Applause]</p> <p>19 MR. THOMPSON: I think he's wearing the 20 another Big 12's paraphernalia today. So Iowa 21 State, is that where you went?</p> <p>22 MR. CRANEY: Somebody has to root for 23 them.</p> <p>24 MR. THOMPSON: So anyways, Wayne's great 25 and, you know, he's kind of known for bringing in</p>	<p style="text-align: right;">Page 60</p> <p>1 So anyhow, I think that's all I have 2 today. I thought this was going to take a lot 3 longer, but -- so if anybody has any questions, 4 happy to answer those.</p> <p>5 Oh, are you going to run the video? 6 I thought you were running a video while I was 7 talking.</p> <p style="text-align: center;">[Video was played]</p> <p>9 MR. THOMPSON: Based on the silhouette, 10 you can tell it's not me.</p> <p>11 So one thing I was asked to do was to 12 remind people if you didn't sign in when you came 13 in, please do so, we try to keep a record of who was 14 here, so thank you all.</p> <p>15 Now I guess if there are any 16 questions?</p> <p>17 DR. FERRELL: Any questions for 18 Mr. Thompson?</p> <p>19 Scott, we appreciate it. Thank you 20 very much, sir.</p> <p>21 Speaking of people we appreciate, 22 Kathy Aebischer, come on down. It's time for Agenda 23 Item 19, which is our Budget Update and Financial 24 Overview for FY 2024.</p> <p>25 MS. AEBISCHER: Good morning. I'm Kathy</p>

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1 Aebischer, the Chief Financial Officer and Director
 2 of Administrative Services.
 3 All right. So we'll go over the
 4 revenue. This is through December 31, 2023. This
 5 is halfway through our fiscal year. Collections
 6 have been very good. Overall, we're higher than
 7 projected and higher than the same time last year.
 8 We've collected about \$1.5 million more when
 9 compared to last year. Each division is higher than
 10 projected except for one, and it's just a timing
 11 issue, and there's no concerns about revenue, we're
 12 looking pretty good.
 13 So for expenses through the same
 14 period, December 31st, we've expended almost
 15 \$33 million. Some projects have been delayed, we've
 16 had some challenges with OMES. My assistant
 17 director and I have gone over there personally, and
 18 I think we are getting things taken care of; so
 19 things should be moving quicker, and that will help
 20 us on our spend. But other than that, things are
 21 going well on the expenditures.
 22 If we look by funding source, a
 23 majority of our budget is revolving funds and then
 24 federal funds, and those two are where the majority
 25 of the money remaining is and our projects. But I

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1 expect, the second half of the year, for us to get
 2 some of these projects going.
 3 I also -- because we've talked about
 4 vacancies, recruiting, kind of what the agency's
 5 outlook is. I looked at the numbers today, and we
 6 only have 26 vacant positions, so that's good for
 7 539 people. And when we talked about it a year ago,
 8 it was, like, 39, and then the fall of '22, we had,
 9 like, 48. So we're doing much better on recruiting.
 10 I've noticed when we post, we're
 11 getting a lot more candidates and qualified
 12 candidates than we have in the past; so I think that
 13 tied is turning in our direction, and we're really
 14 getting some good staff, some good-quality staff.
 15 So I just thought I'd let you know on that front.
 16 So if you have any questions?
 17 DR. FERRELL: Any questions for Kathy?
 18 Well, I just want to say first off,
 19 Kathy, the quality, quantity, and clarity of the
 20 financial information we get is fantastic, so thank
 21 you and your staff very much for that.
 22 And to everyone who's been helping
 23 with the recruiting efforts to get the best and
 24 brightest into our agency, thank you, please keep it
 25 up. We want to be fighting over the talent

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1 competitively, so thank you all very much for that.
 2 Very good. Well, that brings us to
 3 Agenda Item 20. Among the statutory duties of the
 4 board are the responsibilities to appoint and set
 5 the compensation of the Executive Director and to
 6 assist the DEQ in conducting periodic reviews and
 7 planning activities related to the goals,
 8 objectives, priorities, and policies of the DEQ.
 9 And the board does have some action
 10 that is probably best pursued in executive session,
 11 therefore, the Chair would entertain a motion to
 12 enter into executive session.
 13 MR. KINDER: Jimmy Kinder, so moved.
 14 DR. FERRELL: Motion.
 15 MR. SIMS: Second.
 16 DR. FERRELL: Second by Billy. Any
 17 discussion on the motion? Any discussion? Any
 18 discussion?
 19 Seeing none, Quiana, would you please
 20 call the roll?
 21 MS. FIELDS: Mr. Auer?
 22 MR. AUER: Yes.
 23 MS. FIELDS: Mr. Barton?
 24 MR. BARTON: Yes.
 25 MS. FIELDS: Mr. Easton?

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1 MR. EASTON: Yes.
 2 MS. FIELDS: Dr. Ferrell?
 3 DR. FERRELL: Yes.
 4 MS. FIELDS: Dr. Hammon?
 5 DR. HAMMON: Yes.
 6 MS. FIELDS: Mr. Hirshey?
 7 MR. HIRSHEY: Yes.
 8 MS. FIELDS: Mr. Kinder?
 9 MR. KINDER: Yes.
 10 MS. FIELDS: Mr. Munson?
 11 MR. MUNSON: Yes.
 12 MS. FIELDS: Mr. Sims?
 13 MR. SIMS: Yes.
 14 MS. FIELDS: Motion passed.
 15 DR. FERRELL: Very good.
 16 The board is going to convene into
 17 executive session for a few moments, we'll reconvene
 18 here following that session.
 19 MS. LEWIS: Can we also designate someone
 20 to --
 21 DR. FERRELL: Oh, yeah, we'll definitely
 22 get there, which, by the way, we do need to
 23 designate someone to take the minutes, and I will
 24 use my executive privilege as acting Chair to say
 25 not it. So would anyone like to take the notes for

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1 our executive session?

2 MR. BARTON: I'm happy to take them.

3 DR. FERRELL: All right. Very good, we

4 have a willing volunteer, excellent. So once on the

5 conclusion of session, we will reconvene here. So

6 please feel free to take a break, refresh

7 yourselves, and we will reconvene here at the

8 conclusion of the session.

9 [Executive Session lasted from 10:37 AM to 11:29 AM]

10 DR. FERRELL: Welcome back, everyone. At

11 this point in time, the Chair would entertain motion

12 to reconvene into open session.

13 MR. KINDER: So moved.

14 DR. FERRELL: Motion.

15 MR. SIMS: Second.

16 DR. FERRELL: Second. Any discussion?

17 Seeing none, Quiana, would you please

18 call the roll?

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: Dr. Hammon?

3 DR. HAMMON: Yes.

4 MS. FIELDS: Mr. Hirshey?

5 MR. HIRSHEY: Yes.

6 MS. FIELDS: Mr. Kinder?

7 MR. KINDER: Yes.

8 MS. FIELDS: Mr. Munson?

9 MR. MUNSON: Yes.

10 MS. FIELDS: Mr. Sims?

11 MR. SIMS: Yes.

12 MS. FIELDS: Motion passed.

13 DR. FERRELL: Very good. And it's the

14 Chair's impression that at this point in time, there

15 is not a need for a motion to be advanced to vote as

16 a result of discussion in executive session, but

17 would also entertain motions if anyone feels

18 otherwise? Anyone?

19 All right. Then seeing none, we'll

20 proceed on to Item 23, which is New Business. Under

21 the Open Meeting Act, this agenda item is authorized

22 only for matters not know about or which could not

23 have reasonably been foreseen prior to the time of

24 posting the agenda or any revised agenda.

25 Is there any new business to come

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1 before the board? Any new business? Any new

2 business?

3 Well, then seeing none, before we

4 proceed on to Agenda Item 24, I don't want to say

5 old business because I think that would be offensive

6 to the people I'm about to recognize, but it's been

7 brought to my attention that this is the final EQB

8 meeting for Mr. Billy Sims, who's been with this

9 board, at least in this iteration, since 2012.

10 And I know if we went around the

11 board, lots of people could say lots of amazing

12 things about Billy. We are going to invite Billy

13 back to a future meeting so we can properly

14 commemorate his service.

15 But I will just say, as a relative

16 newbie when I came on the board, Billy's guidance

17 and his, you know, thoughtful, considered manner in

18 dealing with everything that comes before this board

19 has been invaluable, and he is truly a dedicated

20 public servant. I know that word gets thrown around

21 a lot, but he genuinely embodies that spirit and

22 I've been so grateful to have him as a board member

23 with me for that time, so Billy, thank you so much

24 for everything that you've done. Now --

25 [Applause]

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1 DR. FERRELL: And like I said, we want to

2 invite Billy back sometime so we can properly

3 recognize him.

4 But there is great drama and

5 trepidation because, at this point in time, it could

6 be Dr. Tracy Hammon's last meeting, but we just

7 don't know. So she has been nominated, her

8 nomination is being carried; so she's awaiting

9 confirmation for her re-appointment.

10 So we hope that this is not Tracy's

11 last meeting, but regardless of that, Dr. Hammon,

12 thank you tremendously for the tremendous scientific

13 insight, but also the considered policy reasoning

14 that you bring to us, as well. We appreciate you a

15 ton, also, so thank you for that.

16 DR. HAMMON: Thank you.

17 [Applause]

18 DR. FERRELL: Stay tuned for the next

19 exciting meeting of the Environmental Quality Board,

20 where you'll find the answer to these and so many

21 other questions, which brings us to Agenda Item 24,

22 which is the next regular meeting of the

23 Environmental Quality Board, which is scheduled to

24 be held on June 11th at 9:30 a.m., right here in the

25 Multipurpose Room at the Department of Environmental

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1 Quality.

2 We will have some regulatory actions

3 that we will need to take. I know, historically, we

4 have kind of scheduled that meeting not knowing if

5 it will be required, but we do know that, in fact,

6 we will need to hold that meeting this time; so make

7 sure you get that on your calendar.

8 With that, is there anything else

9 that should be considered before we move to adjourn?

10 Anything else?

11 If so, the Chair would entertain a

12 motion for adjournment.

13 MR. HIRSHEY: So move.

14 DR. FERRELL: Move.

15 DR. HAMMON: Second.

16 DR. FERRELL: Second. Any discussion on

17 the motion?

18 Seeing none, Quiana, would you please

19 call the roll?

20 MS. FIELDS: Mr. Auer?

21 MR. AUER: Yes.

22 MS. FIELDS: Mr. Barton?

23 MR. BARTON: Yes.

24 MS. FIELDS: Mr. Easton?

25 MR. EASTON: Yes.

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1 MS. FIELDS: Dr. Ferrell?

2 DR. FERRELL: Yes.

3 MS. FIELDS: Dr. Hammon?

4 DR. HAMMON: Yes.

5 MS. FIELDS: Mr. Hirshey?

6 MR. HIRSHEY: Yes.

7 MS. FIELDS: Mr. Kinder?

8 MR. KINDER: Yes.

9 MS. FIELDS: Mr. Munson?

10 MR. MUNSON: Yes.

11 MS. FIELDS: Mr. Sims?

12 MR. SIMS: Yes.

13 MS. FIELDS: Motion passed.

14 DR. FERRELL: Very good. We stand

15 adjourned.

16 (MEETING ADJOURNED AT 11:33 AM)

17 DR. FERRELL: With that, it is now time

18 for the public forum, but I will ask one more time,

19 but we checked, as we reconvened from executive

20 session there was no on who had signed up for the

21 public forum; has that changed? Do we have anyone

22 that wishes to speak for the public forum? Going

23 once, going twice.

24 With that, thank you all so much for

25 spending your time with us this morning, thank you

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1 for all that you do, and we look forward to seeing

2 you at the next meeting.

3 (PROCEEDINGS CONCLUDED AT 11:33 AM)

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1 C E R T I F I C A T E

2 I, Jenny Longley, Certified Shorthand

3 Reporter within and for the State of Oklahoma, do

4 hereby certify that the above and foregoing meeting

5 was by me taken in shorthand and thereafter

6 transcribed; and that I am not an attorney for nor

7 relative of any of said parties or otherwise


8 interested in the event of said action.

9 IN WITNESS WHEREOF, I have hereunto

10 set my hand and official seal this 21st day of

11 February, 2024.

12

13 

14 Jenny Longley, CSR

15 CSR # 1903

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**OKLAHOMA
Environmental
Quality**

**ENVIRONMENTAL QUALITY
BOARD**

Attendance Record
February 13, 2024
Oklahoma City, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

Malcolm Zachariah	(DEQ)
Shelli Orard	DEQ
Stacey Tucker	DEQ
Johnny Kunder	Board
Jim Linn	SUMAC-
Ann Ann	EQB
Jennifer Fawc	OAG
John	NEQ
(Dingus) Field	DEQ
John [unclear]	Board
Shannon L. Ferrell	EQB
Kathy Aebischer	DEQ
Scott Thompson	DEQ
Rob Singletary	DEQ
Sharon Smith	DEQ
MARK BARDON	EQB
Kole Kennedy	LPD
Kendal Stegmann	AQD
SKILLAR McEmery	DEQ
Jennifer Boyle	DEQ
Cipril Ekelle	DEQ
GEORGIE MACDURMON	RMAC
Jeff Ewertt	OG&E
Lee Grater	HWAB
Mark Hildebrand	DEQ
Tim Munson	DEQB



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Brina Clegg	DEQ	
Tracy Hammon	EQB	
Lloyd Kill	DEQ	
Nicklas Huber	DEQ	
Keasha Cornelius	DEQ	
Ken Hirshey	DEQ Board	
Grant Loney	DEQ	
Jacqueline McDonald	DEQ	
Cliff Kyle	DEQ	
Trevi Mensik	DEQ	
Patricia Ruler	DEQ	
Oody Davidson	DEQ	
Kyler Huffman	DEQ	
MELANIE FOSTER	DEQ	
Bruce Van Dyke	DEQ	
Dyga Kirk	DEQ	
Andra Liggerstoffer	Hazen Consulting	
Natalie Costa	DEQ	
Tory Smith	DEQ	
Carrie Schroeder	DEQ	
Gam Henry	DEQ	
Brian Dyer	w QMBC	
Anne Marie Smith	DEQ	
Karen Steele	DEQ	



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Oklahoma City, Oklahoma

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Address and/or Phone and/or E-Mail

Chris Robison DEQ

Amanda Boore DEQ

Kelly Dixon DEQ

Michelle Wynn DEQ

Stephanie Acavario - OAG

Kambridge Stephens - DEQ

Wayne Craney DEQ

AMANDA SCOTFIELD - DEQ - LPD

Jordan M... DEQ

Beverly Batchlet-Smith DEQ

GREG CARR DEQ