MINUTES
ENVIRONMENTAL QUALITY BOARD
August 24, 2004
Gordon Cooper Technology Center – Seminar Center
One John C. Bruton Boulevard
Shawnee, Oklahoma

Approved EQB
November 14, 2004

Notice of Public Meeting  The Environmental Quality Board convened for a regular meeting at 9:30 a.m. August 24, 2004 in Room at Gordon Cooper Technology Center in the Seminar Center, Shawnee, Oklahoma. This meeting was held in accordance with 25 O.S. Sections 301-314, with notice of the meeting given to the Secretary of State on October 13, 2003 and amended on May 19, 2004. The agenda was mailed to interested parties on August 11, 2004 and was posted on June 18, 2004 at the meeting facility and at the Department of Environmental Quality. Richard Wuerflein, Chair, called the meeting to order. Roll call was taken and a quorum was confirmed.

MEMBERS PRESENT
Richard Wuerflein
Brita Cantrell
Mike Cassidy
Tony Dark (arrived at 9:45)
Bob Drake
Jennifer Galvin
Jerry Johnston
Steve Mason
Sandra Rose
Terri Savage

DEQ STAFF PRESENT
Steve Thompson, Executive Director
Jimmy Givens, General Counsel
Eddie Terrill, Air Quality Division
Scott Thompson, Land Protection Division
Jon Craig, Water Quality Division
Dave Dillon, Customer Service Division
Myrna Bruce, Secretary, Board & Councils

MEMBERS ABSENT
Jack Coffman
Ken Purdy
Herschel Roberts

OTHERS PRESENT
Susan Krug, Assistant Attorney General

DEQ STAFF PRESENT
David Dyke, Administrative Services Division
Beverly Botchlet-Smith, Air Quality Division
Ellen Bussert, Administrative Services Division
Jamie Fannin, Administrative Services Division
Monty Elder, Customer Services Division
Kendal Stegmann, ASD Legal Division
Matt Paque, ASD Legal Division

The Attendance Sheet is attached as an official part of these Minutes.

Approval of Minutes  Mr. Wuerflein called for motion to approve the Minutes of the June 22, 2004 Regular Meeting. Mr. Johnston made the motion the Minutes and Ms. Galvin made the second.

Roll call.  Brita Cantrell  Yes  Jerry Johnston  Yes
Mike Cassidy  Yes  Steve Mason  Yes
Bob Drake  Yes  Sandra Rose  Yes
Jennifer Galvin  Yes  Terri Savage  Yes
Richard Wuerflein  Yes

Motion carried.

Rulemaking - OAC 252:100 Air Pollution Control  Mr. David Branecky represented the Air Quality Council. He advised that the proposal would correct a reference error in Section 3-4 that had been previously overlooked when the PSD requirements were moved from Subchapter 7 Part 5 to Subchapter 8 Part 7. This change was recommended as a permanent rule. With no questions from Board or the public, Mr. Wuerflein called for a motion. Ms. Cantrell moved for approval and Mr. Johnston made the second.

Roll call.  Brita Cantrell  Yes  Jerry Johnston  Yes
Mike Cassidy  Yes  Steve Mason  Yes
Bob Drake  Yes  Sandra Rose  Yes
Jennifer Galvin  Yes  Terri Savage  Yes
Richard Wuerflein  Yes

Motion carried.
Rulemaking - OAC 252:100 Air Pollution Control  Mr. David Branecky made the presentation for the rulemaking. He advised that changes had been made to clarify confusion on the rules that would apply to de minimis cotton gin facilities and grain, feed and seed facilities. Mr. Terrill explained that the de minimis facilities would not be held to more stringent standards than facilities with larger emissions that require permits. Following questions and comments, Mr. Wuerflein called for a motion of approval. Mr. Johnston made the motion with Mr. Drake making the second.

Roll call.
Brita Cantrell  Yes  Jerry Johnston  Yes
Mike Cassidy  Abstain  Steve Mason  Yes
Bob Drake  Yes  Sandra Rose  Yes
Jennifer Galvin  Yes  Terri Savage  Yes
Richard Wuerflein  Yes

Motion carried.

Rulemaking - OAC 252:110 Air Pollution Control Lead-Based Paint Management  Mr. David Branecky advised that the proposal would amend Subchapters 3 and 5 to update the incorporations by reference of 40 CFR 745 and would amend Subchapter 3 to make corresponding changes. Amendments to Subchapter 9 and 11 would clarify requirements for accredited lead-based paint training programs and certificate requirements. Amendments to Subchapter 13 would make the DEQ Radiation Managements Rules consistent with EPA standards. Mr. Wuerflein called for motion to approve, which was made by Mr. Mason. Ms. Rose made the second.

Roll call.
Brita Cantrell  Yes  Jerry Johnston  Yes
Mike Cassidy  Yes  Steve Mason  Yes
Bob Drake  Yes  Sandra Rose  Yes
Jennifer Galvin  Yes  Terri Savage  Yes
Richard Wuerflein  Yes

Motion carried.

DEQ Operational Budget Request  Mr. Craig Kennamer, Deputy Executive Director, provided a background on the budgeting process. He and Mr. Steve Thompson set forth the SFY 2006 operational budget requirements for the DEQ. Mr. Wuerflein thanked the Environmental Quality Board Budget Sub-Committee and entertained a motion to approve the budget as submitted. Mr. Mason moved approval and Ms. Galvin made the second.

Roll call.
Brita Cantrell  Yes  Jerry Johnston  Yes
Mike Cassidy  Yes  Steve Mason  Yes
Tony Dark  Yes  Sandra Rose  Yes
Bob Drake  Yes  Terri Savage  Yes
Jennifer Galvin  Yes  Richard Wuerflein  Yes

Motion carried.

Calendar Year 2005 Board meeting dates and locations  The dates and locations discussed were: March 4 in Oklahoma City; June 21 at Roman Nose State Park near Watonga; August 23 at Pryor; and November 15th in Braman. Mr. Drake made motion to approve those dates and locations and Mr. Dark made the second.

Roll call.
Brita Cantrell  Yes  Jerry Johnston  Yes
Mike Cassidy  Yes  Steve Mason  Yes
Tony Dark  Yes  Sandra Rose  Yes
Bob Drake  Yes  Terri Savage  Yes
Jennifer Galvin  Yes  Richard Wuerflein  Yes

Motion carried.
New Business  None

Executive Director’s Report  Mr. Thompson called upon Ms. Catherine Sharp, Land Protection Division Assistant Director, to provide an update on the Central States Low Level Radioactive Waste Compact.

Mr. Thompson announced upcoming meetings:
   The Board and Council Orientation on September 14 at the DEQ;
   The Environmental Federation of Oklahoma (EFO) meeting on September 30 where he would be the keynote speaker;
   The Environmental Council of the States (ECOS) meeting would hold its national meeting of state environmental commissioners October 3 –5 at the Cox Convention Center.

Mr. Thompson mentioned some the Agency’s “good news stories” and congratulated staff for awards received in many areas.

At 10:40 a.m., Mr. Wuerflein called for adjournment announcing the Public Forum to follow.

Transcript and sign-in sheet attached as an official part of these Minutes.
MEMBERS OF THE BOARD

RICHARD WUERFLEIN - CHAIR
BRITA CANTRELL
MIKE CASSIDY
JACK COFFMAN
BOB DRAKE
JENNIFER GALVIN
TERRI SAVAGE
JERRY JOHNSTON
STEVE MASON - VICE-CHAIR
SANDRA ROSE
TONY DARK

STAFF MEMBERS

MYRNA BRUCE - SECRETARY
EDDIE TERRILL - AQD

Christy A. Myers
Certified Shorthand Reporter
MR. WUERFLEIN: This regular meeting of the Environmental Quality Board has been called according to the Oklahoma Open Meeting Act, Section 311 of Title 25 of the Oklahoma Statutes.

Notice was filed with the Secretary of State on October 13, 2003 and amended on May 19, 2004. Agendas were mailed to interested parties on August 11, 2004. The agenda for this meeting was posted on Friday, June 18, 2004 at the Department of Environmental Quality, 707 North Robinson, Oklahoma City and at Gordon Cooper Technology Center in the Seminar Center, Shawnee, Oklahoma.

Only matters appearing on the posted agenda may be considered. If this meeting is continued or reconvened, we must announce today the date, time and place of the continued meeting and the agenda for such continuation will remain the same as

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today's agenda.

I thank everybody for coming. Roll call, Myrna.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: Here.

MS. BRUCE: Mr. Cassidy.

MR. CASSIDY: Here.

MS. BRUCE: Mr. Coffman is absent. Mr. Dark is expected later. Mr. Drake.

MR. DRAKE: Here.

MS. BRUCE: Ms. Galvin, absent.

Mr. Johnston.

MR. JOHNSTON: Here.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes.

MS. BRUCE: Mr. Purdy is absent.

Mr. Roberts is absent. Ms. Rose.

MS. ROSE: Here.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Here.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes. We've got one coming in.

MR. JOHNSTON: Jennifer's here.

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MS. BRUCE: Okay. And Jennifer is here.

MS. GALVIN: I am here. Sorry I'm late.

MR. WUERFLEIN: The next item on our agenda is the Approval of the Minutes, which were included in your packet. Are there any comments, corrections or changes to the Minutes we received?

MR. JOHNSTON: Move to approve.

MR. WUERFLEIN: Moved by Jerry Johnston.

MS. GALVIN: I'll second.

MR. WUERFLEIN: Second by Jennifer Galvin. We're ready for a roll call, Myrna.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: Aye.

MS. BRUCE: Mr. Cassidy.

MR. CASSIDY: Yes.

MS. BRUCE: Mr. Drake.

MR. DRAKE: Yes.

MS. BRUCE: Ms. Galvin.

MS. GALVIN: Yes.

MS. BRUCE: Mr. Johnston.

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MR. JOHNSTON: Yes.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes.

MS. BRUCE: Ms. Rose.

MS. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Motion passed.

MR. WUERFLEIN: Item No. 4 on our agenda is Rulemaking concerning Section -- Chapter 252, Section 100 of Air Pollution. This will be presented by David Branecky. It proposes reference errors in Sections 3 and 4. I'm just going to turn it over to you, David, to go through all of this.

MR. BRANECKY: Thank you, Mr. Chairman. Good morning, Members of the Board. What I would like to address first, I guess there is two items on this particular agenda item. We corrected an incorrect -- well, at one time it was correct, the reference in chapter -- Subchapter 3, but when the Council went

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through Subchapter 7 and made some
corrections and changes, the reference
moved from that location to another
location. So all we did, we had -- we
finally realized in Subchapter 3 that there
was an incorrect reference, so we had to
correct that to point to the right
location, to Subchapter 7.

So it's a fairly simple change,
something we didn't realize at the time
when we did the changes to Subchapter 7,
but we discovered it and we need to correct
it. So we're asking that you pass this as
a permanent rule.

MR. WUERFLEIN: Any questions
from the Board? If not, are there any
comments from the public? Questions or
comments, open it up to public discussion.
Seeing none, any other final questions from
the Board? If not, I'll entertain a motion
to approve the changes.

MR. JOHNSTON: As a permanent
rule, so moved.

MS. CANTRELL: Move approval.

MR. WUERFLEIN: As a permanent

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rule. We've got Brita and Jerry Johnston, one or the other, kind of spoke up together there.

                   MR. JOHNSTON: Brita.
                   MS. BRUCE: I'm going to say Brita made the motion. Mr. Johnston made the second. Ms. Cantrell.
                   MS. CANTRELL: Yes.
                   MS. BRUCE: Mr. Cassidy.
                   MR. CASSIDY: Yes.
                   MS. BRUCE: Mr. Drake.
                   MR. DRAKE: Yes.
                   MS. BRUCE: Ms. Galvin.
                   MS. GALVIN: Yes.
                   MS. BRUCE: Mr. Johnston.
                   MR. JOHNSTON: Yes.
                   MS. BRUCE: Mr. Mason.
                   MR. MASON: Yes.
                   MS. BRUCE: Ms. Rose.
                   MS. ROSE: Yes.
                   MS. BRUCE: Ms. Savage.
                   MS. SAVAGE: Yes.
                   MS. BRUCE: Mr. Wuerflein.
                   MR. WUERFLEIN: Yes.
                   MS. BRUCE: Motion passed.

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MR. WUERFLEIN: Go ahead, David.

MR. BRANECKY: The next item we have is a revision to Subchapter 7. And we made some changes here to clarify what we thought would be possibly some confusion on what rules would apply to those de minimis cotton gin facilities and grain, feed and seed facilities.

The way the rule was written prior to our changes, if a cotton gin or grain, feed and seed facility was a de minimis facility that didn't require a permit, it could have been interpreted that even though it was de minimis, certain more stringent rules could apply.

Subchapters 23 and 24 apply to cotton gins and the grain, feed and seed facilities for particulate matter emissions. Subchapters 25 and 29 also apply to or pertain to particulate emissions but from other facilities.

The way the rule was written -- I hope that I can make this clear. If a facility was de minimis, de minimis with respect to obtaining a permit, it could...
have been interpreted that it was -- and it complies with 23 and 24, that it could still be subject to 25 and 29, which is more stringent.

And so this is just an attempt to make it clear that if you're de minimis and you comply with 23 and 24, 25 and 29 do not apply to your facility. That's the big picture. If I can make it simple. It's not that easy to understand, but basically that's what we did. We just wanted to make sure that -- it could be interpreted that if you're de minimis, you're subject to 23 and 24, you're not subject to 25 and 29, and that's what we did.

MR. WUERFLEIN: All right. Any questions from the Board?

MR. MASON: Hey, Dave.

MR. BRANECKY: Yes.

MR. MASON: How do the rules differ in 23 and 24 versus 25 and 29, for these -- for fugitive and visible?

MR. BRANECKY: Maybe staff can help me on the details, but 25 and 29 are more stringent. So if a cotton gin or

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grain, feed and seed were subject to 25 and
29, it would be subject to more stringent
standards than if they were subject to 23
and 24.

MR. TERRILL: I think the opacity
limit is stricter in our opacity rule than
they were in 23 and the ones the applies to
specifically cotton gins and to the grain,
feed and seed facilities.

MR. MASON: Thank you.

MR. WUERFLEIN: Any further
questions? Jennifer.

MS. GALVIN: So let me restate,
they are complying with the more stringent
regulations in the beginning?

MR. BRANECKY: No. The cotton
gin and grain, feed and seed industry is
subject to Subchapters 23 and 24. The way
the rule is written, if they are de minimis
with respect to permitting, and less than 5
tons per year, that could have subjected
them to Subchapters 25 and 29 and that was
not the intent.

MR. WUERFLEIN: Further
questions? If not, I'll open it up to

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public comment. Still can't hear me? Are there any questions or comments from the public? I'll just speak up a little louder, I guess. Seeing none, return it back to the Board. Any other further comments from the Board? I still need to entertain a motion to approve, to accept the chapter.

MR. JOHNSTON: So moved.

MR. WUERFLEIN: Jerry Johnston moved.

MR. DRAKE: Second.

MR. WUERFLEIN: Bob Drake second.

Roll call, Myrna.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: Yes.

MS. BRUCE: Mr. Cassidy.

MR. CASSIDY: Abstain.

MS. BRUCE: Mr. Drake.

MR. DRAKE: Yes.

MS. BRUCE: Ms. Galvin.

MS. GALVIN: Yes.

MS. BRUCE: Mr. Johnston.

MR. JOHNSTON: Yes.

MS. BRUCE: Mr. Mason.
MR. MASON: Yes.

MS. BRUCE: Ms. Rose.

MR. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Motion passed.

MR. WUERFLEIN: I think you're still up, David, for Item No. 5 on our agenda, Lead-Based Paint.

MR. BRANECKY: Right. The Air Quality Council considered this rule to the Lead-Based Paint Management Subchapter. Actually, it's not strictly an air rule, but we felt that some Council should review it before it came to the Board, so the Air Quality Council took it upon themselves to review or take this under our wings and review 252:110, the Lead-Based Paint Management rule.

And we've made several changes and I'll just kind of summarize the changes that we made and if you have any questions, you can ask me at that time. There were...
several revisions that were made to incorporate some amendments in the federal rule that were passed in May of this year. A change was made that required training providers to include a hands-on component for each course that they taught. The changes made that we require course curriculum to have a review of the Oklahoma Lead-Based Paint Management Rule as part of the curriculum. We limited the time that a guest speaker would be allowed to instruct in the Lead-Based Paint Management courses. We require accredited training instructors to take and pass a certification exam every three years. The revisions would not allow accredited instructors to submit a lead-based paint certificate for themselves for courses that they taught. We revoked a notice of lead-based paint projects and notice of course offering. These are now included in different sections. We just deleted them and moved them over to 110-5-1, Section 4. And we updated references in this rule to the radiation management rules. That’s Christy A. Myers Certified Shorthand Reporter
kind of the summary of what we did to these rules and I can answer any questions at this time.

MR. WUERFLEIN: Any questions from the Board?

MR. BRANECKY: We're asking for adoption as a permanent rule.

MR. WUERFLEIN: As permanent, okay. You did say that the testing is required every three years, yet?

MR. BRANECKY: Yes.

MR. WUERFLEIN: That caught me. One is struck through but I didn't see where it -- but I haven't studied that, but it is still in there that it has to be every three years?

MR. BRANECKY: I believe so.

MR. WUERFLEIN: On page 6, they struck through it in one place but on page 4 they put it back, put it in. Okay. Just moved it to a different section. Thank you.

Any questions or comments from the public? Back to the Board. Any further comments from the Board? I'll entertain a

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motion to accept or approve this by permanent rule.

MR. MASON: So moved.

MR. WUERFLEIN: Steve Mason.

Second.

MS. ROSE: Second.

MR. WUERFLEIN: Second by Sandra.

Roll call when you're ready, Myrna.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: Yes.

MS. BRUCE: Mr. Cassidy.

MR. CASSIDY: Yes.

MS. BRUCE: Mr. Drake.

MR. DRAKE: Yes.

MS. BRUCE: Ms. Galvin.

MS. GALVIN: Yes.

MS. BRUCE: Mr. Johnston.

MR. JOHNSTON: Yes.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes.

MS. BRUCE: Ms. Rose.

MR. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wuerflein.

Christy A. Myers

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MR. WUERFLEIN: Yes.

MS. BRUCE: Motion passed.

MR. WUERFLEIN: Thank you. Item No. 6 is the Operational Budget. I'll call on Craig Kennamer.

MR. KENNAMER: Good morning, Mr. Chairman, Members of the Board. I'm going to present the budget this morning for fiscal year 2006. It's our budget request. I want to go through the process on how we got to where we are today in terms of what we're requesting first, so you'll have a little background. Okay. Is that better?

MR. WUERFLEIN: Yes.

MR. KENNAMER: Due to our experience and our involvement nationally in all medias, we are able to pick up on new federal requirements and new federal initiatives, long before the Legislature and the public becomes aware of them. Because of that presence, we can kind of get out in front of a lot of things. We can also do some education in the state about upcoming things before they happen. And we try to be proactive in our

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approach instead of reactive, because when we're dealing with the Legislature and we're dealing with appropriated dollars, they don't want to hear it when it's a crisis. They want to be informed, they want to know about it so they can kind of take some informed approach at looking at the situation.

What we do is, we bring back these ideas, we bring back the initiatives and new requirements and we talk about it in the Director's meetings. We rank them, we set priorities, and we look at our current budget and see whether we can fund these things through the current budget. And those items that are really big and important deals and we can't fund them, then we present them to a subgroup of the Board. Those Board Members are presented with our concepts for the new -- for the increased budget. And then after that, we take it to you.

And in previous years, our budget has been, in appropriated dollars, about five point nine million. Those dollar

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amounts cover a couple of things. They
cover the Environmental Complaints Program.
They cover the Customer Service Program and
they cover what we call mitigation dollars
to help mitigate costs to communities to
implement many of the federal requirements.

We have not had an increase in our
budget now for about six to seven years;

isn't that correct, Steve? I think, in
fact, our budget has dropped by two
million, in terms of appropriated dollars.

MR. THOMPSON: If you look at the
appropriated dollar amount when we became
an agency, we were appropriated in the
range of seven and a half million dollars.
Our appropriated dollars for last year were
five point nine million dollars. So about
a million and a half dollar increase -- I'm
sorry, decrease, in appropriated dollars.

In real dollars, I don't know what that is,
but it's large. I think Craig will get
into the fact that last year we did -- we
were successful in getting some monies to
assist small communities relative to
mitigation of fee increases from REAP
money, but those are not considered appropriated dollars. They're sort of bonus monies. But obviously when you are -- when you have that trend, you make up the difference in -- you have to try to make up the difference in fee money.

MR. KENNAME: That's right. So this year we're asking for about one point nine million dollars for three basic categories of items to be funded. The first is in the public water supply area. We've been talking about this for quite a while now. There are some new requirements for public water supplies.

And --

MR. THOMPSON: Could I -- if there are other comments or questions from the Board, apparently we're going to have to get right on top of the mike for people to hear, so if you'll do that, please.

Sorry, Craig.

MR. KENNAME: We've been talking about the public water supply requirements that were coming down the pike for a couple of years. We are now seeing them come into

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fruition. They are going to be implemented real soon. It's going to be very costly to the communities. And in Oklahoma, to kind of put it in perspective, seventy-five percent of our public water supplies are under ten thousand in population. So it's a great burden and expense to these public water supplies to implement these new rules. So what we're doing is asking for some money in several different areas to help mitigate and alleviate some of the expense and cost that the public water supplies will incur.

There's one category of costs for analysis in new equipment. Steve mentioned the REAP money. We were successful in getting REAP money to pay for the new equipment that will be needed to run the analysis on the new requirements. The new requirements are for the disinfection byproducts, which are a byproduct of the treatment of public water supplies. EPA has discovered that there are concerns about byproducts in the treatment process that can also cause public health issues.
And the other is arsenic, and many of you have probably heard about the arsenic. The arsenic level was lowered and it brought a lot of Oklahoma communities and public water supplies into the compliance realm, because the arsenic level was lowered.

What this means is that we're asking for approximately five hundred and thirteen thousand dollars to support sampling and analysis and testing public water supply systems. The state is the primary laboratory and analysis for public water supply systems and these are new costs. These are not additional costs. And if we don't get the money, we'll have to pass it on as fees to the public water supplies, which is going to greatly inhibit their ability to do what they need to do, because they're already pretty strapped.

The other area of costs is for regulatory --

MR. THOMPSON: I might say, on that piece of it, people need to understand that we will not need to do a fee increase.

We would not ask the Board for a fee

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increase. We would simply charge our
current analytical fee to the small
community. But that would mean an increase
in the total cost that those communities
would need to pay for analysis. What we're
asking for is to -- is for the Legislature
to mitigate that cost to those communities.

MR. KENNAME: That's right. And
the next area is regulatory services. To
help prepare the facilities with operation
issues and maintenance issues, analytical
issues, we propose hiring four new FTE's
and the cost for that would be two hundred
and forty thousand dollars.

We are also in a real bind with our
existing equipment. The equipment that we
purchased years ago, even before we became
the DEQ, we're still using and that was a
one-time fund. The equipment needs
maintenance, it needs repair, it needs
replacement, and that's for existing
analytical runs, not on these new
analytical requirements. So it's
approximately two hundred and fifty
thousand for that.
I'm going to pause now and take any questions on the public water supplies side, if there are any.

The next area of the budget is the -

MR. THOMPSON: The one thing that I think we need to add, on the two hundred and forty thousand dollars, we will probably bring -- in November we bring to you our request for legislation. To meet that cost, we will need one of two things. We will need general appropriations or we will need a statutory change that allows us to pass that cost along to rate payers. So it is not a rule, that piece is not a rule, it's a statute, so we want to run concurrent with the budget request legislation that will allow us to recover those costs if the Legislature chooses not to fund it.

On the routine laboratory equipment, that is an issue that we have typically found little pots of money to keep this machinery going where we could. But it is becoming of an age that unless we can find...
a routine way to replace that equipment, we
are either going to have to come back and
ask this body to increase fees or get a
general appropriation for it. This, I think, is a huge concern for us because
to a large extent, the floor of your
regulatory programs exist on your capacity
to do good analysis. And as our equipment
becomes more antiquated, our ability to
have assurance relative to our regulatory
programs becomes problematic. So we think
this is pretty important and past time.

MR. KENNAME: Yes. I would also
like to point out that that equipment is
not only used for public water supplies,
but it also supports the RCRA side of our
program, the SuperFund analysis, so that
equipment that is aging is really important
to all of the divisions in the agency.

The next area that we're asking for

--

MR. WUERFLEIN: Craig.

MR. KENNAME: Yes.

MR. WUERFLEIN: I might ask one
question on the statutory language for the


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fees. Is that like an either/or situation,
you either appropriate money for this or
you give us -- is that correct?

MR. THOMPSON: That's correct.

MR. WUERFLEIN: So does that go
through the same committee or do we happen
to coordinate the budget request now and
then ask for a statutory request for fee
changes to a different committee or
different process and work the two
committees?

MR. THOMPSON: That's correct.

What we'll need to do is, this will go --
this budget request will go to the
Subcommittee for Environment, for Budget
and Appropriations. A request for a fee
increase will go through the typical
legislative process and will go to the
committees maybe on environment, maybe on -
- maybe go -- may go to the larger
appropriations and budget committees. So
we'll have to see. And the answer to your
question is, we'll have to see where they
get assigned. That could go either way,
but I expect they'll go on separate tracks.
We'll just have to let the Board know how that turns out.

MR. WUERFLEIN: Normally, appropriations doesn't get finalized until the last week of session. So with the fee deal, there will probably be another session down the road or --

MR. THOMPSON: These are May bills. These are both May bills.

MR. KENNAMER: Any other questions? The next area is for toxics monitoring. We are proposing three hundred and thirty-five thousand dollars for air toxics monitoring. The EPA has proposed thirty-two toxics that they have listed in urban areas that are of health concerns. We are also looking at a toxics list, I think we have approximately forty.

MR. TERRILL: We don't know what we're going to come up with, yet. It depends on -- we're in the process of revising our toxics rule and that's something that we'll work through the Council and it will be something like, maybe initially it will be expanded, it

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could be as many as a hundred, we're just not for sure, yet.

MR. KENNAME: These dollars will help us gain the capacity to do modeling and sampling in air quality work and designs. It will keep us in the front of things, as opposed to following EPA's lead in this area. And it's extremely important for us to stay out in front. We've done work in Tulsa and Ponca City on urban health effects of air toxics and we want to continue that work. The grant dollars are drying up and so we're going to need appropriation dollars to continue that work. Are there any questions?

The next area is on mobile source funding. Under the Title V program, you know that mobile sources have not been -- there is no fee source in that area and the Title V fee payers are paying for the bulk of the air quality work in that area. And the Board has requested in the past that we seek some kind of funding for the mobile sources. We have looked at all kinds of things. We've ran a license plate tag idea
that didn't work. We are now looking at an
idea out of Florida, where you charge a
dollar per rental car, per day, and it
looks like it generates about five hundred
thousand dollars, is our estimate.

MR. THOMPSON: Well, that's a
guess.

MR. KENNUMER: That's a guess.

MR. THOMPSON: We have asked --
let's see -- we have asked the Tax
Commission to provide us that information
and we are still waiting to get better
information from the Tax Commission. I
guess that's the easiest way to say it.

MR. KENNUMER: But apparently a
lot of corporations use lease cars now
instead of buying cars, so that's where a
lot of the money is generated. Also, just
from the general tourism traffic. So it
may be a good source of funding, but we're
going to try to run it through those traps
on the mobile source side. We're asking
for five hundred thousand in that area.
And we have been covering those costs
through our current budget, but we have

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been, you know, robbing Peter to pay Paul
in this area and so at some point we're
going to have to get some source of
funding, either through increased fees or
appropriations for mobile sources.

MR. THOMPSON: The air program is
going to do nothing but grow. I mean, it's
clear that the toxics program is a piece of
that. We've been very fortunate with the
weather, that we haven't gone into
nonattainment, particularly in Tulsa, it
looks like we may escape again this year.
But the Board has always agreed that there
is an equity issue relative to the non-
contribution of mobile sources to this
effort. And our ability to ask for
contributions for the mobile source side,
while I would quickly add we're probably
not going to stop increases in Title V
fees, would certainly mitigate the increase
over time. The notion that we came across
last -- at the end of last session about
rental cars, to quote David Branecky, he
said you're going to get me for Title V
fees or you're going to get me when I rent

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Certified Shorthand Reporter
cars from my fleet, either way you get me. But it does -- it does tie back to the notion of mobile sources, mobile source contribution. So again, we will -- and it seems like a pretty soft target, quite frankly. So we will, again, as a part of the package that we will bring in November for approval of legislation, we will look at -- we will ask you to approve that notion when it comes back in November so that we either get appropriations or we have this idea for mobile source fees. A lot of these two things are connected. One either general appropriations. The other is, here is another source of funding that we can pursue.

MR. CASSIDY: Steve, are you talking about lease cars and rental cars?

MR. THOMPSON: I'm talking about rental cars.

MR. CASSIDY: Just rental cars?

MR. THOMPSON: To the best of my -- as I understand the Florida program -- of course, it's Florida, so they probably generate a lot of money from rental cars,

Christy A. Myers

Certified Shorthand Reporter
but that's at least what we think we're
going to do now. If that changes, we'll
bring it to the Board. But right now, our
idea is simply rental cars.

MR. KENNAMER: Is there any other
questions? The last item is on mercury.
And this one is a combination of an EPA
initiative and a new requirement that is
scheduled for 2006, to lower the fish flesh
level to .3 milligrams per liter in fish
flesh. We have been looking at this issue
for a while. And in Oklahoma, we have a
limited monitoring effort on fish flesh for
mercury. We also have a limit at 1.0
milligrams per liter. And we've looked at
the states that are around us and they are
lower than that. This is an area that
there's a lot of uncertainty, but we feel
like because of the health concerns
regarding mercury, especially in pregnant
women, nursing women and children, that
it's something that we need to get a head
of. So we're proposing a hundred thousand
dollars to start studying the mercury
issue.
Is there any questions on this?

That sums up the budget request, one point nine million is the total. Is there any other questions?

MR. WUERFLEIN: Thank you, Craig.

MR. KENNAME: Thank you.

MR. WUERFLEIN: I don't see any questions from the Board. We'll open it up to public comment. Are there any questions or comments from the public?

I want to thank our budget review committee. We met partially by conference call and partially at the office. Brita and Steve Mason, Jerry Johnston, Jennifer, I think that's who was on the phone, and myself.

We had a number of questions about how previous years' budget requests tied with this one and how the priorities have changed and how some of the previous years' requests were incorporated, especially on the air toxics.

So I should comment, Tony slipped in about a quarter to ten. I don't know if you didn't make the last roll call, but we
want to make sure you're recorded as being here, Tony.

MR. DARK: I apologize for my tardiness. I'm not too tolerant of people who are late.

MR. WUERFLEIN: Okay. Any other comments or questions from the Board? We entertain a motion to approve the budget request for the Legislature?

MR. MASON: So moved.

MR. WUERFLEIN: Steve Mason.

Second.

MS. GALVIN: Second.

MR. WUERFLEIN: Jennifer. Myrna.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: Yes.

MS. BRUCE: Mr. Cassidy.

MR. CASSIDY: Yes.

MS. BRUCE: Mr. Dark.

MR. DARK: Yes.

MS. BRUCE: Mr. Drake.

MR. DRAKE: Yes.

MS. BRUCE: Ms. Galvin.

MS. GALVIN: Yes.

MS. BRUCE: Mr. Johnston.
MR. JOHNSTON: Yes.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes.

MS. BRUCE: Ms. Rose.

MR. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Motion passed.

MR. WUERFLEIN: Thank you. The next item of business is to approve our calendar of meeting locations for next year. I think everybody should have a list of where we've been in the last ten years and potential locations. I put my plug in now, for June I would like to keep it closer to northwest Oklahoma. I would recommend Roman Nose State Park Lodge. They've rebuilt the lodge, they say it looks good now. Any other comments or suggestions?

MS. BRUCE: Was that June?

MR. WUERFLEIN: That was for June.

Christy A. Myers

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MR. JOHNSTON: We don't have those kind of facilities, but Braman would always like to host you, maybe in November? I was thinking about a fish fry. Our catfish in the Chikaskia River doesn't like mercury, so you don't have to worry about that.

MR. WUERFLEIN: And the landfill is not upstream, yet.

MR. JOHNSTON: But we would love to host you.

MS. BUSSERT: Can the church ladies feed us that lunch again?

MR. JOHNSTON: We could probably arrange that.

MS. BUSSERT: We could do another fundraiser.

MR. THOMPSON: Ellen, he said we're going to have a fish fry, Ellen. I love the church ladies, but he said fish fry.

MR. JOHNSTON: This is a night before the fish fry.

MR. THOMPSON: Okay.

MR. JOHNSTON: I've already got

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that lined out.

MS. GALVIN: What date was that, Jerry?

MR. JOHNSTON: It would be November 15th, if the Board so approved.

MR. DARK: It would seem prudent if we're going to do those, we would probably want to put tone of them in the northeast, in Tulsa or in that area.

MR. WUERFLEIN: I was going to say, it needs to be somewhere on the east side of the state, so northeast or southeast.

MS. BUSSERT: We can't hear the discussion up here. You all need to talk up.

MR. WUERFLEIN: We're trying to discuss -- if we're going to have two of them to the northwest, north and northwest, we need to kind of move the third location to the east, either Tulsa or somewhere else in the eastern side, southeast Oklahoma.

MR. THOMPSON: Those that don't have the list, we typically have our Board meeting -- the Board meeting during the

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Legislative Session in Oklahoma City. So that's set for March the 4th in Oklahoma City. Roman Nose on June the 21st and Braman on November the 15th and now the discussion is where on the eastern side of the state for August the 23rd.

MS. CANTRELL: I vote for Tulsa.

MS. GALVIN: I would like to open the discussion for Pryor, since we went to Tulsa last year. Pryor is just very close to Tulsa and we were in Tulsa last year, just to move it into a small community.

MR. WUERFLEIN: I'm not aware of what's available in Pryor, I guess, to know why to go there. Okay.

MS. GALVIN: It is on your list of suggested locations.

MR. THOMPSON: Pryor is the home of the Mid-America Industrial Park, very nice industrial park that is, in fact, a state facility. And there is a -- I'm sure that they would -- they have facilities that could accommodate us or --

MR. DARK: Actually, they have a very nice conference room out there. It's

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an old ordinance works plant from World War II.

MR. JOHNSTON: I'm sure I could get somebody from Pryor municipal government to take care of that for you.

MR. WUERFLEIN: Do we need to take a straw poll between Tulsa and Pryor?

MR. JOHNSTON: Pryor sounds good to me.

MR. WUERFLEIN: Go with Pryor?

(Talking over each other).

MR. THOMPSON: If Brita's okay with it.

MR. WUERFLEIN: If Brita's okay with it.

MS. CANTRELL: I think Pryor sounds great.

MR. WUERFLEIN: Okay. Work with Ellen on locations. Okay. So we have a proposal now for the June meeting to be at Roman Nose State Park at Watonga or between Watonga and Kingfisher. And August for Pryor, and November 15th at Braman. Are there any other suggestions or comments?

If not, we'll entertain a motion to approve.
MR. DRAKE: So moved.

MR. WUERFLEIN: Bob Drake.

MR. DARK: Second.

MR. WUERFLEIN: Second by Tony.

Does that need a roll call vote or is that just a Board -- we'll let the staff work with those suggestions.

MR. THOMPSON: We'll work with those suggestions.

MR. WUERFLEIN: New Business. Is there any new business to be brought before the Board? Anything that's come up? Do you have anything, Steven?

MR. THOMPSON: Not new business.

MR. WUERFLEIN: Okay.

MR. THOMPSON: I have some information on the Director's Report.

MR. WUERFLEIN: Getting ready for the next item. Okay. Seeing no new business, we'll turn the floor over to Steve Thompson for his Director's Report.

MR. THOMPSON: Thank you, Mr. Chairman, Members of the Board. First of all, I think that you all are all now aware that Steve Mason's wife, Kim, had a very

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severe accident. I'd like to give the
floor to Steve so he can give us an update
on progress there.

MR. MASON: Thank you, Steve.
First of all, we appreciate everyone's
cards and their thoughts. Kim returned
home last Wednesday and we're waiting for
the bones to heal, which is a slow process,
but everything is occurring according to a
slow schedule. Thank you.

MR. THOMPSON: Thank you. There
is a number of things I wanted to visit
with you about or have others visit with
you about today. I suppose you're aware
that Congress has a habit of enacting laws
that -- and then allowing the state to take
the lead. Generally, they are somewhat
controversial issues, issues like TRI and
community-right-to-know and SARA Title III
issues that come with no funding, only
responsibility.

Another example of that is some
framework legislation that Congress passed
a number of years ago that allowed states
to form compacts to deal with the issue of

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low level radioactive waste. Something the
states were very anxious, I'm sure, to deal
with. Subsequent to the passage of that
law, Oklahoma joined with Arkansas,
Louisiana, Kansas and Nebraska in forming
the Central States Low Level Radioactive
Waste Compact. To say that the activities
surrounding that Compact and some of its
member states have been controversial would
be to soften the notion. Probably the most
difficult time for the Compact has occurred
over the last couple of years.
Catherine Sharp, who is our
Assistant Division Director for Land
Protection Division, has been our delegate
to that Compact. And over the last year --
is it year or two years? Two years, she
has served as its Chairman during probably
the most controversial period in the entire
Compact's life. And I doubt very seriously
if that we would have come to a good
conclusion, as good a conclusion as we have
without the excellent leadership skills
that Catherine displayed that which she
obviously learned from me. She didn't
giggle. So anyway, I want Catherine to come forward and give the Board a little bit of an update on what's been going on with the Compact over the last couple of years.

MS. SHARP: I'll try to be brief here. But as Steve mentioned, the Compact has been in existence for almost twenty years. It's the result of federal and state legislation that actually set up states on the course to try to basically site and get permitted low level radioactive disposal facilities in our regions.

The reason it's on the agenda today to talk about, we hit a very important milestone lately where we -- it was actually the 9th of August, this month, that we actually settled. They call it a large lawsuit, it's like Steve said, the understatement of the world. But anyway, to give you a little bit of background, Oklahoma has been in a five state compact in trying to site a facility for a number of years.
And several years ago when we got started on this, Nebraska, one of the states in our compact, agreed to be the host state and began the process of siting and permitting a facility, licensing a facility, as they call it. And that went along fairly smoothly at first. It had political support and they located an area to build the site in west Nebraska, Boyd County. And then over the course of several years, I think the political winds changed and the application was being reviewed by the Nebraska DEQ. And at first we thought it would be approved and years went by and as agencies do, they asked for more information and reiterations were sent in. Anyway, in about 1998 or '99, Nebraska, the State of Nebraska, decided to deny the application. They refused it. And the reason it's significant, it's not just any application, but a bunch of money had been spent through that time, mainly by the major generators. Now, Oklahoma has small generators of low level waste that

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Certified Shorthand Reporter
need a place to dispose of their waste, but
the big power plants and the other states
had put up quite a bit of money to the
point where about ninety million dollars
had been invested at that point.

So when the Agency denied it, in our
Compact, us, the states besides Nebraska,
which are Kansas, Arkansas, Louisiana and
Oklahoma, we felt that the decision had not
been made on its merits. We felt that it
had been politically influenced and we just
hadn't gotten a fair review of that
application.

So at that point, the Compact
brought suit against the State of Nebraska,
alleging bad faith. And this started
several series -- several years of
litigation and there were some splinter
lawsuits that I won't go into. One of the
things that was difficult over the last
couple of years is when I was chairing the
Compact, we had to throw Nebraska out of
the Compact. That wasn't pleasant. We
tend to meet in Lincoln, Nebraska, so it's
not a good place to throw them out. But
anyway, so there have been a number of milestones that I won't go into.

But two years ago, we had a nine week trial in Lincoln, Nebraska, in front of a federal judge and he heard, as you might imagine, massive testimony from former -- well, from the Governor, now Senator Ben Nelson, but then the Governor, and some of his employees, who we felt we were alleging through this lawsuit, had influenced the process adversely.

So anyway, to make a long story short, the Judge ruled after that trial about two years ago that, in fact, Nebraska had acted in bad faith and had not reviewed the application on its merits. Well, all this time when the clock is ticking, interest is accruing on that money. So he awarded a judgment back to the Compact of a hundred and fifty-one million dollars and ordered Nebraska to pay that.

So they appealed and they have about exhausted all of their appeal options. They were going before the Supreme Court this year and then their Governor and their

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Certified Shorthand Reporter
Attorney General started to make signs that they wanted to negotiate a settlement with us. And so that started this Spring and we were shocked, but we actually reached a settlement agreement with the State of Nebraska, which will -- it will pay back almost all of that money. It will pay back -- it orders them to pay back what they've agreed to it and then it will be actually sanctioned by the federal court to order them to do this, they will pay a hundred and forty million dollars, plus a little bit of interest, over a five year period starting now back to the Compact.

The good thing about that is, what we feel like, it validated some of the things we were alleging, obviously, but it also gives the Compact resources so that we can again start -- we don't want to start the process we just went through, but what we're doing is negotiating with some other options, some other states that might have disposal options for our generators and the generators within our Compact region.

We are negotiating with -- the state

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of Utah has a facility and then some of you, if you read the news, you probably noticed that Texas thinks they might build a facility in the coming years. So we now have the resources to negotiate, hopefully, for disposal options for our generators.

So it's been a long, arduous process. It's a program that doesn't get that much of a spotlight but we feel like the people who generate radioactive sources in Oklahoma and in our region should have some means of safe and economical disposal for that, so that's what we're trying to do. So it's settled and everybody's amazed and now we're looking for other options, so.

MR. THOMPSON: But I think we need to reiterate to the Board, Catherine, that the hundred and forty-eight million dollars, we don't get a fifth of that.

MS. SHARP: Right. When I say we, I mean on behalf of the Compact. Oklahoma doesn't actually get any of that money. We get -- there's a small amount. We're still sorting this out. When you get

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a large judgment, now everybody is
obviously looking at that money, the major
generators, the power plants that put the
money in, some of whom are Nebraska power
plants. But anyway, they’re looking at
that money because they feel like they have
a right to it. And they’re actually --
they may file claims against it. The
states put up -- we pay a fee, to be in the
Compact, every year and then we put up some
community development money years ago to
help the people who were suing against the
facility, so they had the means to bring
legal actions. But anyway, some of that
could come back to the state, it’s a small
amount. The developer believes they’re
entitled to some of the money. So right,
it doesn’t go to Oklahoma, but it does go
to the Compact, the remaining four compact
states, so hopefully we’ll find a solution
to this problem.
MR. THOMPSON: And if we can find
a way to get it back, we will.

MR. DARK: I assume the Nebraska
site is now off the table, was that part of

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the settlement, that that wouldn't happen?

MS. SHARP: Well, that was one of
the stickiest issues to negotiate, because
people feel like if Nebraska agreed to be a
host state, they should be the host state.
The way the agreement is written, they do
not lose their host state responsibilities
until the last dime is paid at the end of
the four and a half years. So --

MR. THOMPSON: In the meantime,
there's been a little interest by another
community, as I understand it, in Nebraska
to site the facility.

MS. SHARP: That was cooking
around before the agreement was signed.

MR. THOMPSON: Okay.

MS. SHARP: Their now governor
was -- he looked around briefly for another
site to see if they could start down that
road and I think they decided they
couldn't. So they will no longer -- the
agreement is written so they will no longer
have host state responsibilities once the
debt is paid.

MR. THOMPSON: There is really

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Certified Shorthand Reporter
only two viable sites, one in Utah and one in Texas.

MS. SHARP: Yes.

MR. THOMPSON: There is only two viable -- one in Texas and one in Utah.

MS. SHARP: Yeah, I don't think anybody has the stomach to start the siting process again, you know, if there were a site.

MR. DARK: So we prefer to go to Texas.

MR. THOMPSON: Absolutely.

Questions?

MR. WUERFLEIN: Where is the stuff -- where is the waste going while they're waiting for a site?

MR. SHARP: Well, there is -- right now, yeah, there's three -- there's two facilities, really, that are open to most generators. There is one in Barnwell, South Carolina and then there is the Enviro Care facility in Utah. People don't consider the Barnwell site in South Carolina a long-term solution because it's really got a finite -- it's got a finite...
capacity within about eight years. They keep saying they'll close and then they extend it. But nobody thinks it's a long-term solution. Environmental Care is a long-term solution for about eighty to ninety percent of the waste. They can't take every class of low level waste and that's why we can't solve the problem with the current means. There has to be a new site somewhere, that's why a lot of people are looking at Texas and hoping that if that did get through the licensing process and get built, that could solve a lot of people's problems.

MR. THOMPSON: Thank you.
MS. SHARP: Thank you.
MR. THOMPSON: If there's no other questions, thank you, Catherine.
MS. SAVAGE: Yes. I would like to make a comment. This has been, as you stated, I've heard about this since I've been on the Board and I think there needs to be an applause or some acknowledgement that this has taken a lot of effort and I don't know if Catherine is to be commended

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or --

MS. SHARP: It's not me. I --

MR. THOMPSON: Yes, it is.

MS. SHARP: -- I was kind of late

to it. My predecessor, H.A. Caves, who

many of you know, and before him, Mark

Coleman, they were our Compact

representatives and it has been a long

fight. One way to put it in context is,

you know, a lot of other states formed

compacts. There's a lot of other compacts.

We're the last one standing. They've all

fallen by the wayside and just can't figure

it out. We're not saying we figured it

out, but we did stick with it and try to

get a solution and the solution obviously

isn't ideal.

MS. SAVAGE: And you succeeded.

Thank you.

(APPLAUSE)

MR. THOMPSON: The Environmental

Federation of Oklahoma is holding its

annual meeting September the 30th and they

have asked me to be the keynote speaker for

that meeting. The theme of that meeting is

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Certified Shorthand Reporter
going to be, as you might suspect,
politics. Now, I don't -- I wouldn't -- I
don't have a crystal ball relative to
national or statewide or local elections, I
don't have any idea how that's going to
turn out. So that won't be what I will be
talking about. But my crystal ball does
tell me that we're going to have -- we have
lost the long-term Chairman of the Senate
Environment Committee. We have lost the --
not the long-term but the Chairman of the
House Environment Committee, Natural
Resources Committee that we had built a
relationship. We have lost the Chairman of
our Appropriations and Budget Subcommittee
in both the House and the Senate, all of
them term limited. Plus, we're going to be
facing forty-four -- at least forty-four
new members in the State Legislature. So
my talk will be around the theme of
relationship-building. We are going to, in
the next legislative session, have to do a
huge amount of work with the Legislature to
get our story across. It will be a -- it
will be challenging but it will also be

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Certified Shorthand Reporter
fun, so we're looking forward to that challenge.

The Environmental Council of the States meeting, which is the meeting of the national -- the National Organization of State Environmental Commissioners will be meeting in Oklahoma City October the 3rd through the 5th. We would invite any of the Board Members who care to come and see what a bunch of state commissioners do when they get three days together, to attend. I'm currently serving as the Vice-President of that organization and unless they come to their senses, will probably serve as the President of that organization next year. So we look forward to hosting that meeting in Oklahoma City.

I think you're all aware of the Board and Council orientation that we're holding September the 14th. We certainly encourage you all to attend that. We want to give information about the agency and about the Board and Councils and about their responsibilities, but I've seen Jon Craig's presentation and there will be a

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little humor in it, too. So we look forward to your attendance there.

The only other thing that I wanted to talk with you a little bit about is every day some news clip hits my desk and at the end of the week I get them all. Typically, it is not good news. We should probably -- Terri tells me all the time I need to do a better job of getting news stories -- good news stories out, but I think it's important -- I thought it was important, so I asked our folks to give me some highlights of what the Agency's have done that are really frankly pretty neat, good news stories and I wanted to share those with you.

Our Complaints and Local Services folks respond to between five and six thousand environmental complaints a year.

And many of those are on open dumping and surfacing sewage. And taken individually, they're probably not a big environmental issue. So what we began to do is track the total impacts of our complaint effort. And in the last fiscal year, that group was

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responsible for cleaning up fifty-two thousand cubic yards of solid waste and over eight and a half million gallons of surfacing sewage. So I think the story here is that individually they're not big deals. Collectively, it's a pretty big story.

The Agency recently initiated it's first award for heroism. One of our environmental specialists, a fellow by the name of Don Neal that works out of our Wagoner office, suffered a very serious heart attack in that office a while back. Two of our other environmental specialists, fellows by the name of Paul Richardson and Jonathan Robinson were in the office at the time and they administered CPR and called 911 and are accredited with saving Don's life. So it was my pleasure to present them with our first heroism award and they also received a citation from the City Council in Wagoner. So their ability to respond quickly, in fact, saved Don's life.

In our Land Protection Division, several years ago we were at the dedication

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of a new shopping center in Sand Springs
called the Cimarron Plaza Shopping Center.
That was a former smelter site there that
has been turned into useless land turned
into productive land and as a result, the
developer is receiving a Regional Phoenix
Award for those kinds of reclamation
projects. That was done with the able
assistance of our Brownfields folks,
particularly, Dr. Rita Kottke who leads our
Brownfields program. So we're very proud
of that work that was done there.

A while back, we had a meeting at
Cushing and I think many of you drove right
by the old refinery site, because it had
been turned into green pasture. There is
still a lot of work to do at Cushing, but
more recently we began -- we completed the
demolition of the old ORC site at Cyril.
So while a lot of work continues, at least
the skeleton structures of those refineries
have been taken down. A lot of times, you
hear about facilities that have been bad
actors. I think it's good to acknowledge
those facilities that have been good

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Certified Shorthand Reporter
actors.

This year, the Pentagon recognized Tinker Air Force Base with the 2004 General Thomas D. White Award for having the best environmental restoration program in the Department of Defense. Of all the facilities in the Department of Defense, Air Force, Army, Marine, Naval bases, they won that award. Last year, Tinker won the award for the best overall environmental management program. So it's good to have good environmental neighbors that are winning those kind of awards.

We have been very aggressive in our -- in the field of GIS. Much to my chagrin sometimes, it seems to cost a lot of money, but the point of GIS is really, I think, to get good information to the public. And one of the ways we have tried to get good information to the public is through our DEQ data viewer, which is on our website. And this year, that website, that viewer, won a special achievement award from the Data Users Conference, not the Tech-people but the people who actually use those kind

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of sites, and was selected from one hundred thousand other user sites across the world. And so David Pruitt, who works in our Water Quality Division, is to be congratulated for his work there.

And finally and probably most unbelievably, there is a very prestigious national award called the Paul Eastman Environmental Statesman Award that is given for lifetime achievement in improving water quality. And this year's recipient of that award is our own Jon Craig, Division Director of Water Quality.

There was -- when Jon received this award, it's called the Environmental Statesman Award. There was a lot of discussion about the statesman part but, in fact, Jon has dedicated a career to improvement in water quality, not only in the State of Oklahoma, but across the country and so it is well deserved.

I'm sure there's a lot of good stuff going on in Air Quality, but they didn't give me any highlights, so maybe we can do that next time.

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MR. TERRILL: We're too busy.

MR. THOMPSON: With that, Mr. Chairman, if there are no questions, that concludes my report.

MR. WUERFLEIN: Are there any questions for Steve?

MS. SAVAGE: Mr. Chairman, when Steve talks about the things that the DEQ has done as an Agency, the thing that I've always noticed about the DEQ, that it's a very humble agency. And when he says we do this and do that, what he doesn't say is, is that the DEQ, can reach out and change the life of a family. And I've seen that. I mean, one little family. And they'll also reach out and maybe change for the better a whole community. And that's something that I would say most people don't even know. I mean, there are people out there that have been impacted in their lives just because of Jon Craig, Eddie, so many people, you know, just people will respond. And it will be several people, will do amazing things and I don't think that's something that the people know about.

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and it's something I cherish about this Agency. And I'm just saying it FYI, because I don't think people really know what a decent bunch of people we have and how hard they work and that they actually do touch lives. I've seen it, so.

MR. JOHNSTON: Here, here.

MR. THOMPSON: Thank you.

MR. WUERFLEIN: I noticed on the table there was some information about education grants. Does anybody from staff want to comment on that?

MS. BUSsert: I'm glad you asked.

We are starting our grant process for the environmental education license tag grant. There is extra copies out there on the handout table. We have grants for outdoor classrooms for a thousand dollars, five hundred dollars for supplies. This is for a teacher or youth leader, 4-H, Boy Scouts, Girl Scouts, if you need to buy hand-held microscopies, if you want to plant trees, if you need videotapes, books, anything to help your program, you can apply for it.

And then we have a special program

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for high schools called environmental field trips. And that is to pay money for the bus driver and the bus mileage to take high school classes on an environmental field trip, like to a plant where they can meet people who are environmental professionals, like chemists or engineers, to learn more about how they could pursue a career in the environment.

If you have any questions afterwards, feel free to ask me. It's going to be on our website. We have about fourteen thousand dollars to give away. All of you that have environmental education license tags on your vehicles, we thank you very much because that's what funds the program.

MR. WUERFLEIN: Thank you, Ellen.

MS. BUSSERT: Thank you, Mr. Chairman.

MR. WUERFLEIN: Would you be interested in a break before the public forum. Sounds like we'll take a ten minute break and then reconvene for the public forum.
(END OF PROCEEDINGS)

Christy A. Myers
Certified Shorthand Reporter
CERTIFICATE

STATE OF OKLAHOMA       )
COUNTY OF OKLAHOMA      ) ss:

I, CHRISTY A. MYERS, Certified Shorthand Reporter in and for the State of Oklahoma, do hereby certify that the above proceedings is the truth, the whole truth, and nothing but the truth; that the foregoing proceedings were tape recorded and taken down in stenography by me and thereafter transcribed under my direction; that said proceedings were taken on the 24th day of August, 2004, at Shawnee, Oklahoma; and that I am neither attorney for nor relative of any of said parties, nor otherwise interested in said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this, the 20th day of September, 2004.

CHRISTY A. MYERS, C.S.R.
Certificate No. 00310

Christy A. Myers
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