Notice of Public Meeting  The Environmental Quality Board convened for a regular meeting at 9:30 a.m. March 4, 2005 at the DEQ Multipurpose Room, Oklahoma City, 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 November 24, 2004. The agenda was mailed to interested parties on February 18, 2005 and was posted on March 2, 2005 at Department of Environmental Quality. Mr. Richard Wuerflein called the meeting to order. Roll call was taken and a quorum was confirmed.

MEMBERS PRESENT  Brita Cantrell  Tony Dark  Bob Drake  Jennifer Galvin  Jerry Johnston  Steve Mason  Sandra Rose  Terri Savage  Richard Wuerflein

MEMBERS ABSENT  Mike Cassidy  Jack Coffman  Vacancy  Vacancy

DEQ STAFF PRESENT  Steve Thompson, Executive Director  Jimmy Givens, General Counsel  Eddie Terrill, Air Quality Division  Scott Thompson, Land Protection Division  Catherine Sharp, Land Protection Division  Jon Craig, Water Quality Division  Judy Duncan, Customer Services Division  Gary Collins, ECLS  Wendy Caperton, Office of Executive Director  Ellen Bussert, Administrative Services Division  Jamie Fannin, Administrative Services Division

OTHERS PRESENT  Susan Krug, Assistant Attorney General  Sharon Myers, Chair, AQC  Jody Reinhart, Chair, HWMAC  Steve Woods, Vice-Chair, RMAC  Lowell Hobbs, Chair, WQMAC  Carl Gray, Chair, WWWAC

Approval of Minutes  Mr. Wuerflein called for motion to approve the Minutes of the November 16, 2004 Regular Meeting. Ms. Galvin made the motion and Mr. Drake made the second.

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

lection of Officers  - Mr. Wuerflein called for nominations for Chair for calendar year 2005. Mr. Drake nominated Steve Mason for Chair. Mr. Johnston made the second. Mr. Drake moved that nominations cease and that Mr. Mason be elected by acclamation from the Board and Mr. Johnston made that second. Following roll call vote, Mr. Johnston presented Mr. Wuerflein with an appreciation plaque for his term served as Chair.
Mr. Mason also thanked Mr. Wuerflein for his leadership and called for nominations for vice-chair. Mr. Johnston nominated Jennifer Galvin with second being made by Ms. Savage. Mr. Johnston moved that nominations cease and that Ms. Galvin be elected by acclamation. Mr. Drake made the second.

OAC 252:4 Rules of Practice and Procedure  Mr. Jimmy Givens, General Counsel, advised that a agency-wide central records system is now in place and proposed rule changes have been recommended by the Central Records Committee. The proposal would amend language to provide greater security and file integrity for agency records and would cover some of the costs of materials when the DEQ responds to open records requests. Mr. Givens explained that most of the copy work is now being handled in house by Central Records; therefore, the amendments relate to restrictions on removal of files from DEQ offices and to recovery of DEQ costs for faxing, mailing, delivery service, and copying of CDs. Hearing no comments or discussions, Mr. Mason called for a motion to approve the rule changes as recommended. Mr. Johnston moved approval and Ms. Galvin made the second.

AQC 252:100 Air Pollution Control Ms. Sharon Myers, Air Quality Council Chair, stated that the three rule changes she presented for consideration would bring the agency into compliance with federal guidelines. She explained that proposed new language in Section 63 of Subchapter 17, Incinerators, would clarify federal requirements that air curtain incinerators are subject to the Title V permitting requirements found in Section 73 of that Subchapter. Ms. Myers pointed out that the proposed amendment to Subchapter 41, Control of Emission of Hazardous Air Pollutants and Toxic Air Contaminants, would incorporate by reference new National Emission Standards for Hazardous Air Pollutants contained in 40 CFR Parts 61 and 63, as of September 1, 2004. She added that the third rule proposal would amend Appendices E and F to add the 24-hour and annual PM 2.5 standards to both the Primary and Secondary Ambient Air Quality Standards contained in those appendices.
Mr. Mason called for motion to approve Subchapter 17, Incinerators. Mr. Drake moved for approval of proposed changes as presented and Mr. Dark made the second.

**Roll call.**

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Motion carried.

Mr. Mason called for the next two Air Quality items to be voted on together. Mr. Johnston moved for approval of Subchapter 41 and Appendices E and F. Ms. Galvin made the second.

**Roll call.**

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Motion carried.

See transcript pages 16 – 20

**OAC 252:205 Hazardous Waste Management**  Ms. Jody Reinhart, Hazardous Waste Management Advisory Council Chair, advised that the proposed Section 3-1 amendment would update the incorporation by reference of federal hazardous waste regulations to July 1, 2004. She added that the only significant changes to the federal rules directly affecting Oklahoma facilities are revisions to the used oil management standards involving revisions to 40 CFR Parts 261 and 279. Mr. Wuerflein moved for adoption of Subchapter 3 as presented. Ms. Galvin made the second.

**Roll call.**

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Motion carried.

See transcript pages 20 – 23

Ms. Reinhart continued with the proposal to add a new Section 21-5, Subchapter 25 and Appendices D and E and amend Section 3-2 to implement a state hazardous waste delisting program in Oklahoma and establish fees to help support the program. Ms. Reinhart set forth the changes recommended. She and Ms. Catherine Sharp fielded questions from Board and the public. Mr. Drake made motion to approve the amendments as presented and Mr. Dark made the second.

**Roll call.**

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Motion carried.

See transcript pages 23 - 40
OAC 252:410 Radiation Management  Mr. Steve Woods, Vice-Chair of the Radiation Management Advisory Council, set forth several rule changes recommended unanimously by the Council. He advised that changes to Subchapter 1 updates the DEQ with the federal rules and changes to Subchapter 10 modifies the numbering to be in line with the newest version of the federal rules in 10 CFR 35. Mr. Woods explained that proposed changes to Subchapter 3 extend the permit term from one year to ten years, which will reduce paperwork, clarify permit requirements, and add a due date for annual fees. Mr. Woods continued with proposed administrative changes to Subchapters 7 and 10 that would add late fee provisions, add an example of a major permit or license amendments, and strengthen language concerning the content of renewal applications. Subchapter 10 amendments clarify DEQ's intent to charge at full cost inspection and oversight activities at licensed facilities undergoing decommissioning. Other changes clarify language and update citations. The proposal would also amend the schedule of fees charged to applicants for new radioactive materials licenses by deleting the option to file as a small entity. Following questions and comments, Mr. Mason called for action on the proposals. Ms. Galvin moved to adopt the four items as presented and Ms. Cantrell seconded.

**Roll call.**

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Jerry Johnston  Yes
Sandra Rose  Yes
Terri Savage  Yes
Richard Wuerflein  Yes
Steve Mason  Yes

**Motion carried.**

See transcript pages 40 – 47

OAC 252:4 Rules of Practice and Procedure (Water Quality Management-Related)

Mr. Lowell Hobbs, Water Quality Council Chair, advised that the proposal would clarify language regarding water quality permits and includes a category of permits that were inadvertently omitted -- pretreatment permits and 401 certifications. He stated that no public comments were received. Mr. Mason called for action by the Board. Mr. Dark moved for approval and Mr. Drake made the second.

**Roll call.**

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Jerry Johnston  Yes
Sandra Rose  Yes
Terri Savage  Yes
Richard Wuerflein  Yes
Steve Mason  Yes

**Motion carried.**

See transcript pages 47 - 51

OAC 252:606 Oklahoma Pollutant Discharge Elimination System  Mr. Lowell Hobbs explained that proposed changes would update the incorporation by reference of federal regulations in various Parts of 40 CFR to July 1, 2004. He mentioned that the update does not involve any major change in regulatory requirements. Hearing no comments, Mr. Mason called for action. Ms. Cantrell moved approval and Ms. Galvin made the second.

**Roll call.**

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Jerry Johnston  Yes
Sandra Rose  Yes
Terri Savage  Yes
Richard Wuerflein  Yes

**Motion carried.**
OAC 252:611  General Water Quality  Mr. Lowell Hobbs stated that proposed changes update the incorporation by reference of federal regulations in 40 CFR Part 130 to July 1, 2004. He explained that this update does not involve any major change in regulatory requirements.

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

Motion carried.
See transcript pages 53–55

OAC 252:616  Industrial Wastewater Systems  Mr. Lowell Hobbs advised that proposed changes are primarily the results of a workgroup established to review this Chapter and make appropriate language recommendations. The changes include eliminating duplicative language relating to storm water requirements; clarifying classes of wastewater that can be treated in tank systems; prohibiting the land application of industrial sludge in scenic river basins; and listing specific requirements for the use of Class III wastewater for dust suppression. Also included is an amendment to clarify that a licensed professional engineer must design and close industrial treatment systems under the state statutory definition of the “practice of engineering”. Mr. Hobbs stated that the Council voted unanimously to recommend these changes to the Board for consideration. Comments were received from the Board and the public, then Mr. Dark made motion to approve the proposed rule changes as presented including the new engineer requirement paragraph. Mr. Dark also recommended that the Council could eliminate the workgroup efforts. Ms. Savage made the second to that motion. Mr. Drake moved to table this motion. With no second to the motion, Mr. Drake pulled his motion. Following a break, Mr. Mason asked if there was further discussion in relation to Mr. Dark’s motion to pass the rule as presented. Hearing none, Mr. Mason called for a vote.

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

Motion carried.
See transcript pages 55–83

OAC 252:619  Operation and Maintenance of Non-Industrial Total Retention Lagoon Systems and Land Application  Mr. Lowell Hobbs pointed out that this new chapter would clarify maintenance and operation rules that apply to non-industrial total retention lagoon systems, with or without land applications sites; and would consolidate them into one set of rules that is separate from the more complex rules applicable to discharging wastewater treatment facilities. Following discussion, Mr. Johnston moved to approve as recommended and Mr. Wuerflein made the second.
Roll call.
Brita Cantrell  Yes  Jerry Johnston  Yes
Tony Dark  Yes  Steve Mason  Yes
Bob Drake  Yes  Sandra Rose  Yes
Jennifer Galvin  Yes  Terri Savage  Yes
Jerry Johnston  Yes  Richard Wuerflein  Yes
Motion carried.
See transcript pages 83 – 88

OAC 252:621 Non-Industrial Flow-Through and Public Water Supply Impoundments Including Land Application Mr. Lowell Hobbs advised that the changes to Chapter 621 are the result of the anticipated adoption of the new Chapter 619. The changes are for clarification of the title and which entities this Chapter regulates. Hearing no comments, Mr. Mason called for a motion. Motion was made by Mr. Wuerflein and the second was by Mr. Drake.

Roll call.
Brita Cantrell  Yes  Jerry Johnston  Yes
Tony Dark  Yes  Sandra Rose  Yes
Bob Drake  Yes  Terri Savage  Yes
Jennifer Galvin  Yes  Richard Wuerflein  Yes
Steve Mason  Yes  Steve Mason  Yes
Motion carried.
See transcript pages 88- 90

OAC 252:631 Public Water Supply Operation Mr. Lowell Hobbs advised that these proposed changes would update the incorporation by reference of federal regulations in 40 CFR Parts 141 and 143 to July 1, 2004. He pointed out that the update does not involve any major change in regulatory requirements and that no public comments had been received. Mr. Dark moved for approval and Ms. Cantrell made the second.

Roll call.
Brita Cantrell  Yes  Jerry Johnston  Yes
Tony Dark  Yes  Sandra Rose  Yes
Bob Drake  Yes  Terri Savage  Yes
Jennifer Galvin  Yes  Richard Wuerflein  Yes
Steve Mason  Yes  Steve Mason  Yes
Motion carried.
See transcript pages 90 – 91

OAC 252:690 Water Quality Standards Mr. Lowell Hobbs explained that proposed amendments sets forth the methodology that DEQ uses to implement water quality standards and would modify and update the incorporation by reference of federal regulations in various Parts of 40 CFR to July 1, 2004; amend the calculation procedure for 7Q2 to allow for alternative methods; amend background monitoring requirements; amend ammonia monitoring requirements; amend procedures relating to Whole Effluent Toxicity (WET) testing; and correct a typographical error in Appendix B. He added that all comments had been addressed by the Council. Hearing no further comments, Mr. Mason called for a motion. Mr. Dark moved for approval and Ms. Galvin made the second.

Roll call.
Brita Cantrell  Yes  Jerry Johnston  Yes
Tony Dark  Yes  Sandra Rose  Yes
Bob Drake  Yes  Terri Savage  Yes
Jennifer Galvin  Yes  Richard Wuerflein  Yes
Steve Mason  Yes  Steve Mason  Yes
Motion carried.
See transcript pages 91 – 94
OAC 252:710  Waterworks & Wastewater Works  The proposed changes revise and clarify the current operator certification rules. They amend existing procedures and requirements for the certification of waterworks and wastewater works operators and laboratory operators. Included are establishment of a certification exception for certain laboratory operators and addition of a classification based on the complexity of certain systems. The provision for a grace period for non-transient non-community systems is being deleted because of rule obsolescence. Mr. Carl Gray, Chair of the Waterworks and Wastewater Works Advisory Council advised that Council recommended changes for approval but due to the finding of a possible misunderstanding of 252:710-3-31b(1), requested that portion not be considered. Mr. Wisniewski, Manager of the Operator Certification Section, explained that this portion of the rule could be construed as conflicting with State Statutes; therefore, staff would prefer to reconsider and bring it to the Board at a later time. Mr. Mason called for a motion to approve the language as presented striking the proposed language in 3-31b(1). Mr. Johnston made the motion and Mr. Drake made the second.

See transcript pages 94 - 102

New Business  None

Executive Director’s Report  Mr. Steve Thompson updated the Board on Agency policy in regards to fleet vehicles; and provided an update on legislative interests, key bills and watches.

Adjournment  At 12:05, Mr. Mason called for adjournment announcing the Public Forum to follow.

The next regular meeting of the Environmental Quality Board will be June 21, Roman Nose State Park, Watonga, Oklahoma.
DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
STATE OF OKLAHOMA

* * * * *

TRANSCRIPT OF PROCEEDINGS
OF REGULAR MEETING
AGENDA ITEMS 1-19
HELD ON MARCH 4, 2005, AT 9:30 A.M.
IN OKLAHOMA CITY, OKLAHOMA

* * * * *
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 November 24, 2004. Agendas were mailed to interested parties on February 18, 2005. The agenda for this meeting was posted on Wednesday, March 2, 2005 at the Department of Environmental Quality, 707 North Robinson, Oklahoma City, 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 today's agenda.

So welcome. We've got a long agenda today. We'll get started. Time for roll call, Myrna.

MS. BRUCE: Ms. Cantrell.
MS. CANTRELL:  Here.
MS. BRUCE:  Mr. Dark.
MR. DARK:  Here.
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:  For the record, absent are Mr. Cassidy, Mr. Coffman and we have two vacancies.  We do have a quorum.
MR. WUERFLEIN:  So that is a quorum.  Thank you.  The next item on the agenda is the Approval of the Minutes of

the last meeting, which were mailed to everyone.  Are there any questions, comments or corrections to the printed
Minutes?

MS. GALVIN: No comments. I move we --

MR. WUERFLEIN: Move we approve?

MS. GALVIN: -- move to approve.

MR. WUERFLEIN: Okay. Thank you.

MR. DRAKE: Second.

MR. WUERFLEIN: Bob Drake. Roll call.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: 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.

MS. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.
MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Approved.

MR. WUERFLEIN: It's time to reorganize the Board. Any suggestions, nominations for Chairman of the Board?

MR. DRAKE: I move that Mr. Mason be elected as Chairman.

MR. WUERFLEIN: Thank you, Mr. Drake.

MR. JOHNSTON: Second.

MR. WUERFLEIN: Second by --

MS. SAVAGE: Second.

MR. WUERFLEIN: I've got two seconds. I've got Jerry Johnston and Terri Savage both, so are there any other nominations?

MR. DRAKE: Move nominations close and Mr. Mason be elected by acclamation from the Board.

MR. WUERFLEIN: Thank you.

MR. JOHNSTON: Second.

MR. WUERFLEIN: Second agree with that? I've got a yes from Jerry. So we will take a -- I guess it's a roll call for that, too; isn't it?
MS. KRUG: I think you should, yes.

MR. WUERFLEIN: All right. Roll call vote.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: 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: Abstain.

MS. BRUCE: Ms. Rose.

MS. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Motion approved.

MR. WUERFLEIN: Thank you. I'll turn this over to you, Steve.
MR. MASON: I think I would like to recognize Jerry to say a few words.

MR. JOHNSTON: Before you run off, Richard, as the President, or Mr. Chair, it gives me a great deal of pleasure to give this plaque to a very good friend and a person who's done a very good job as the Chairman of the Board the last two years.

It says from the Oklahoma Department of Environmental Quality in appreciation of Richard Wuerflien for dedicated service as the Environmental Quality Board Chairman for 2003 and 2004.

MR. WUERFLEIN: I appreciate that.

MR. MASON: Thanks for all your great leadership.

Now we need to elect a Vice-Chairman. Are there any suggestions?

MR. JOHNSTON: I would nominate Jennifer Galvin to be Vice-Chair.

MS. SAVAGE: Second.

MR. MASON: Are there any other nominations?

MR. JOHNSTON: I would move that
nominations cease and vote by acclamation
or however it works.

MR. DRAKE: I'll second that nomination.

MR. MASON: May we have another vote, please.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: Yes.

MS. BRUCE: Mr. Dark.

MR. DARK: Yes.

MS. BRUCE: Mr. Drake.

MR. DRAKE: Yes.

MS. BRUCE: Ms. Galvin.

MS. GALVIN: Abstain.

MS. BRUCE: Mr. Johnston.

MR. JOHNSTON: Yes.

MS. BRUCE: Ms. Rose.

MS. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes.

MS. BRUCE: Motion passed.
MR. MASON: Jennifer, thank you and congratulations.

Our next item is the Rules of Practice and Procedure.

Jimmy, give your presentation.

MR. GIVENS: Good morning. I'm always accused when I have a presentation to make of going into too much detail and taking too much time. I'm going to try to keep it short this morning, but I'm giving to give you just a little bit of background on our central records system because I think it will help you to understand what we're proposing here today. But maybe more importantly I think it's useful information for you to have and we're quite proud of what we've been able to accomplish. About a year or so ago, we started seriously talking about moving all of our records into a central location. And we are well down the road to doing that. There are a number of advantages to that, obviously file security is high. Probably, more importantly, we think it is helpful to our customers to have the records in a central location and we have the ability
then to train people who do that full-time, to both manage records and then to deal
with requests that come in for the records. So if you here not aware that that
was going on, that has been going on for quite some time now and we have most of our
records on the Sixth Floor and the remainder is coming shortly.

That's just by way of brief background, as far as the physical operation itself, but in conjunction with
that, we had a Central Records Committee, we still have a Central Records Committee,
to look not only at the location and management itself, but to make recommendations that might be helpful in
the management of the records. And they have made a couple of recommendations that are reflected in what you have before you
today.

What you have before you today reflects really two categories of rule changes. But one is a fairly minor change
pertaining to file security. What the Committee proposed to us and what we are
bringing to you today is simply to be a
little bit more careful about letting files
outside the building.

In the past, we, frankly did not
have as great a capability as we do now to
handle copy jobs in-house, the large copy
jobs that we occasionally get. So we had
an accommodation that said, if you make
arrangements with a professional copying
service, they can come get the file, take
it to their location, copy it, and bring it
back.

We ran into one very specific
problem with that. We actually lost a set
of files one time when they went outside
the building, it's rather a unique
circumstances. It's the only time that it
has happened. But it does illustrate the
fact that it's better to keep the files
here if it's possible to do so.

Now that we have a central records
location and full-time staff for it, we can
handle nearly all the jobs that we get. So
this first change that you see on Page One
of your rules is simply saying that
normally we will keep everything in-house.
If there is a really extraordinary circumstance, we can make arrangements for it to go out to a copying service, but we will continue to supervise getting it there and getting it back, is basically what the first set of changes on Page One does.

On Page Two, we are simply handing a few administrative fees or adjusting a few of those administrative fees. We did not have a provision for charging for faxes. Nearly every state agency that I know of does and it probably makes sense if we're going to charge a small fee for copying, to also charge a small fee for faxing. And that's what the first change does, is anything above ten pages.

Frankly, below ten pages, copying, faxing, collecting the fee, costs more than what the fee is worth. But once you get -- if it's a moderate-sized copy job, we propose to charge 25 cents a page for faxing. We already charge 25 cents a page for copying, so this will be an either/or situation.

We didn't have a specific provision
for recovering our costs for mailing,
that's what Subsection D, does on Page Two.
And we did not have a provision to collect
any of our costs for CD copying, which as
you would imagine, has become more and more
common. When we first adopted
administrative fee rules, most requests
were hard copies. We're seeing more and
more requests for electronic copies now.

I would represent to you that these
fees -- we have looked around at some of
the other agencies, most of them are lower
than the other agencies that we have looked
at. We are trying to simply recover our
costs more or less with these proposed rule
changes. And I am open to any questions
you might have about them.

MR. MASON: Is there any

questions from the Board? Any questions or
suggestions from the public? Is there any
discussion and action by the Board?

MR. JOHNSTON: I would move that
we approve this.

MS. GALVIN: I second.

MR. MASON: Thank you, Jerry.

And we have a second from Jennifer. Is
there any discussion?

Myrna, may we have a vote, please.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: 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: Ms. Rose.

MS. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes, ma'am.

MS. BRUCE: Motion passed.

MR. MASON: Thank you, Jimmy.

I think Sharon Myers has a presentation now on behalf of Air.

MS. MYERS: Good morning, Mr.
Chair, Members of the Board, Members of the Agency.

We have three rules under consideration today. Subchapter 17 relating to incinerators. The language proposed for that is clarification to meet the federal requirements. Subchapter 41, is incorporating by reference the changes that have been made on the federal level, and the additions and clarification relating to Appendix E and F to change the primary and secondary ambient air quality standards for particulate matter 2.5 to be consistent with the National Ambient Air Quality Standards.

Basically, all three rules are straightforward, they're minor changes to bring us into compliance with the federal guidelines.

MR. MASON: Thank you. Let's do the three rules separately. We'll start with Subchapter 17, Item Number 6 on our agenda.

Are there any questions or discussion by the Board? Any comments from the public? Any discussion or action by
the Board?

MR. DRAKE: Move approval.

MR. DARK: Second.

MR. MASON: Second. All right.

Myrna, may we have a vote, please.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: 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: Ms. Rose.

MS. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes.

MS. BRUCE: Motion passed.

MR. MASON: The next item is Item
Number 17 -- I mean Number 7, I apologize, Subchapter 41.

MS. MYERS: We're still under Item 6.

MR. MASON: Pardon me.

MS. MYERS: We're still under Item 6 on the agenda, it's the second bullet under Item 6.

MR. MASON: I'm sorry. You're right. We should have done this as one. Well, let's do the final two together. All right. Well, let's do these final two then as the next motion. I'm sorry. 41 and then these appendices.

Is there any discussion by the Board? Any discussion by the public? Any discussion and action by the Board? We could get a motion, I guess, for Subchapter 41 and then this Chapter 100.

MR. JOHNSTON: I move approval.

MS. GALVIN: Second.

MR. MASON: Any discussion?

Myrna, roll call vote, please.

MS. BRUCE: Is this for 41 and the E and F?

MR. MASON: Yes, ma'am.

MS. CANTRELL: 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: Ms. Rose.

MS. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes.

MS. BRUCE: Motion passed.

MR. MASON: Thank you, Sharon.

Jodie Reinhart has a presentation.

MS. REINHART: Good morning. How is everyone this morning? We're going to be talking about -- we have two different things to address in our rulemaking this
morning. The first part is we're going to
be doing our incorporation by reference.
The second part is the delisting,
and because the delisting is significantly
-- it's a big change, we wanted to do ours
in two separate rulemakings. Okay.
The first set of rules before you is
just the annual incorporation by reference
and it's the most recent hazardous waste
rules as it's listed in July of 2004. All
it does is make revisions to the 252:205-3-
1 and change the date from July 1, 2003 to
July 1, 2004. There is no real significant
rule changes that occurred during that
period of time, there were just some minor
changes. And so we're just going to go
through those so you can understand what
happened.
The first clarifies the used oil
contaminated with PCBs and when it's going
to be regulated under RCRA.
The second part of it clarifies the
mixtures of small quantities of hazardous
waste in used oil when it is subject to
RCRA and to the used oil management
standards and how it's going to be recycled
and so forth.

Previously, the federal rules required that the mixture would be subject to RCRA, used oil standards, but only if it was going to be going to the energy recovery. Okay.

The final revision deals with the record keeping requirements of initial marketer of used oil. It requires that they keep a shipment of records -- excuse me, a record of the shipment of used oil to facilities where used oil is delivered to.

Previously, the federal rules suggested that they have to not only keep a record of that shipment, but to any other facilities that that oil was shipped to and that would be literally impossible for somebody to keep track of. So these are just the federal changes. All we do is just do the incorporation by reference and so we don't need to do anything further on that.

And our Council makes the recommendation that we make those changes
to update our records.

MR. MASON: Thank you. Are there any questions by the Board? Any comments from the public? Is there any action from the Board?

MR. WUERFLEIN: I would move adoption of Subchapter 3.

MS. GALVIN: I second it.

MR. MASON: Any discussion from the Board? Can we have a roll call vote, please, Myrna.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: 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.

MS. ROSE: Yes.

MS. BRUCE: Ms. Savage.
MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes.

MS. BRUCE: Motion passed.

MS. REINHART: The second item that we are bringing to the Board today is (inaudible) RCRA recognizes two broad categories of hazardous waste. The first way is by what they call listing it on a list by a certain industrial process that routinely generates waste and industry knows that the waste is hazardous by definition.

The second is, if it doesn't meet a listed criteria, then you go through and list its characteristics and various criteria of whether it's (inaudible) corrosive, reactive or toxic. So those are the two types of hazardous wastes within our realm.

Ever since RCRA was accepted, EPA recognizes some industries are able to implement some control measures that
distribute the waste that is being generated is not really hazardous. And so, therefore, they also gave the generators an opportunity to do what they call waste exclusion and it allows them to exclude waste from being listed by demonstrating that the waste is consistently and migrates, not hazardous.

So in common terms, this process is known as delisting. The generators would collect data, they write a report, and then they determine whether it meets the RCRA criteria or not. And historically they were responsible for reviewing these delisting petitions within the EPA. But in May of 2003, the DEQ received authorization from the EPA to do these evaluations of delisting petitions, instead of them. So at this point, the DEQ is required to develop procedures on how to go through and do that delisting program.

In April of 2004, the Hazardous Waste Management Council, we looked at the rules that they proposed and we modified and approved them and so that's what you have before you today.
In Section 3-2 of that information, it's just revising so that we can provide publication of the approved petitions in the Oklahoma Register versus the Federal Register.

In Chapter 21, that's where we go through and establish the fees for the review of the delisting petition. And then in Subchapter 25, it establishes the procedures that somebody will have to go through, in order to do a delisting petition.

(Inaudible) our program, when EPA grants a delisting petition, the federal rules are revised and they have to issue something to the Federal Register through the notice there, they identify the generator, the specific waste that they are requesting to be delisted in the petition, and then any conditions that are necessary for the generator to maintain that delisting status.

Our DEQ process is designed to mirror that same exact federal process.
The generators will submit their delisting petition to the DEQ and our hazardous waste management staff and permitting staff as well as the (inaudible) staff will be doing that review. If the petition is denied, the generator is going to be notified. If it's ultimately approved, then the final authorization will be granted through an amendment to the DEQ hazardous waste management rules.

So the DEQ will then prepare a dissertation for approval and amendment to Appendix E of the rules. They'll have to come before the Hazardous Waste Council to make that petition for our approval and then it will come back to the Board for their approval. And if all goes well, then they will get added to Appendix E after the Governor and so forth sign off on it.

This also entails a fee because there is -- when the DEQ started looking at this process, they got varying levels of amounts that the federal level had used, to be able to do the delisting petition. So we want to make certain that the DEQ is able to recover the cost, for the most
part, for what it took to do the reviews, as well as to process the delisting petition. So they looked at, you know, various other states that have already been doing it, as well at the federal level, and based upon that time, they made a determination of the time and effort it takes to be able to do that, review that petition. And they looked at it and they determined that it's basically the same thing as a hazardous waste permit, which is -- and the fee is set at $20,000. An annual monitoring fee has also been provided for additional funding for the staff to be able to do their periodic inspection of these generators and facilities, be able to collect samples for analysis, and then there will be some rulemaking or some processes or record keeping that the generator must maintain to be able to confirm that they are still doing their process the way they set it up. So all those fees are going to be set up so that the DEQ won't be out as much money. While the fee may appear significant
for the initial petition, the generators
that will be doing these petitions will
actually be saving quite a bit of money
because their waste, instead of being
hazardous waste, will now be deemed
nonhazardous waste, and it's significantly
less expensive to be able to dispose of
nonhazardous waste versus hazardous waste.
So during the rulemaking process, we also
got input from the representatives of the
industry, as well as the industry alliance
group, and they gave input to the fee. So
there is a considerable amount of time
that's necessary to review these petitions
and that the program can't be maintained
without them.

One other thing that we came across
when we started looking at these rules, is
that the rules as we passed in last April
and voted upon, there is a slight change
that we need to make to the language. It's
just a minor modification to the language.

MS. BRUCE: Jodie, the Board has
it in front of them.

MS. REINHART: Okay. It looks
like this. And all we're recommending
today versus what our Council did last April is -- under Paragraph C-1, there is a slight change in the language there. When we first approved this, the language indicated that the generator must pay a prorated and a monitoring fee and we're just changing that word prorated so that means that (inaudible) must pay a prorated portion of the annual monitoring fee, which there was not a prorated fee in the Appendices. Therefore, that's what we have and Council is recommending today. Are there any questions regarding this rulemaking?

MR. MASON: Questions from the Board?

MS. GALVIN: Jodie, could I ask a clarification question?

MS. REINHART: Yes. Go ahead.

MS. GALVIN: And my real purpose is trying to just clarify what the Board's part to play is, the sole purpose.

MS. REINHART: Okay. All right.

MS. GALVIN: So the delisting comes to DEQ.
MS. REINHART: Yes, ma'am.

MS. GALVIN: DEQ reviews it and then brings it to the Board and, I'm sorry, and then the delisting is either approved or disapproved. But following that, if it is approved, it goes to EPA for notification?

MS. REINHART: No. My understanding of the process is that the DEQ will either approve or deny that first delisting. Okay. If they recommend that it be approved, they will bring it to the Council. The Council will then bring it to the Board. And then just like any other rulemaking that comes before the Board, it will, you know, you guys either approve it or deny it. If it's denied, you know, it's dead. If you guys approve it, then it's going to go on in the regular rulemaking process where the Legislature and the Governor and so forth have to go through and approve that. Because what we'll be doing, every time one of these comes before us, we will be making changes to these rules here. They will be added to the appendices within
our rulemaking. Once the EPA gave
authority, almost two years ago, to the
DEQ, then their ability to process these
type of applications ceased and now it's
the DEQ's responsibility to pick up that
and go forward with the program. Okay.
Did I answer your question? It will never
go back to the regional level at this
point.

MR. THOMPSON: Jodie, let me see
if I can help just a little bit. And the
wastes that's excluded will only be
excluded for Oklahoma.

MS. REINHART: Yes.

MR. THOMPSON: Wastes generated
and disposed in Oklahoma. So it does not
carry with it a national exclusion.

MS. REINHART: Right. That is a
big difference between -- and we wrestled
with that question significantly, because
when you got a federal exclusion, it's
excluded throughout the whole nation. Now
that they delegated it out to the states,
if you want to dispose of your waste in a
different state, you'll have to not only
delist it in Oklahoma, you'll have to go to
that other state, as well, and delist it.
Now, I understand -- is that right, Jon,
that we -- they're going to try and work
out a deal to do some concurrent delistings
or did that not go through?
MR. ROBERTS: I think we have an
agreement with EPA where we could delist in
Oklahoma and a facility could request a
nationwide delisting, also, for everybody
else.

MS. REINHART: The remainder of
the states, yes.
MS. GALVIN: That answered the
question. Thanks.
MS. REINHART: Okay.
MS. SAVAGE: Mr. Chairman, have
we -- Jennifer, are you -- I have a real
problem with something brand-new being put
on our desk at the beginning.
MS. REINHART: I understand.
MS. SAVAGE: I mean, I have a
real problem with that because we're all
scrambling trying to figure out what is
new, what it relates to. There is a lot of
confusion on my part.
MS. REINHART: Okay.

MS. SAVAGE: Not unusual. So I think -- I guess, basically, we need to talk about that and I think that if it has not been explained and everybody in the Board -- if everybody is okay with it, then we can proceed with that. But I really have a real hard time finding something like this on the day of the meeting.

MS. REINHART: I'll let Catherine explain.

MS. SHARP: Could I address this real quick? Are you talking about the one-page change? It's so minor we almost didn't do it. It's the sentence about prorating the fee. And you see where it said, after the effective date of the rule excluding the waste, the generating facility must pay the prorated annual monitoring fees listed. We didn't actually list any, so we said they will pay a prorated portion, making it -- the effect is the same, but we didn't want to refer to a prorated fee listed if one didn't exist.

So the effect is exactly the same,
it's just literally more correct. We need to refer to something. You know, somebody's like, where's the prorated fee, well, it didn't actually get written into the fee section that way. Do you read it that way, Jimmy?

MR. GIVENS: Yes. If there's blame to be laid, it's mine. Actually, I

read this and when I read it, I looked at Appendix D and couldn't figure out where the prorated fees were and so I raised the question. And when it was explained to me what they were trying to accomplish, it makes sense. They are simply saying, take the fees that are there, take however many months that are applicable in that first year and take the prorated portion of what's in Appendix D.

I didn't think that's what this said initially, or at least it was unclear. It referred to prorated fees in Appendix D. When you look at Appendix D, there are no prorated fees there. So it's purely a clarification, it was at my request.

MS. GALVIN: I just want to add, because I was trying to figure that out,
also, just to reinforce what Jimmy said,
it's really pretty minor.

MS. SAVAGE: Okay.

MS. GALVIN: The fee is there, but the prorated fee is not. So you just have to do a little bit of math to get to nine-twelfths or whatever the --

MR. WUERFLEIN: So really we're just adding the word "portion of" instead of --

MS. REINHART: Right. Because prorated is --

MR. WUERFLEIN: -- it's already in there, yes.

MS. REINHART: Yes. We just moved that one word and added (inaudible) to make it real clear to the reader that -- if they get a petition given to them in June, they don't have to pay a whole year of monitoring, you know, they only have to pay half a year. So that was the thought behind that language right there.

MR. THOMPSON: You'll also note that it's in our rules of practice that if there's a problem, Jimmy takes the blame.
MR. DARK: Are we ready for action on this item?

MR. MASON: I have one question.

MS. REINHART: Yes, sir.

MR. MASON: Compared to the EPA process for delisting, not the cost of waste disposal, will the state process be cheaper or faster to the generator?

MS. REINHART: I would think that's a staff question. (Inaudible). It should be faster.

MS. SHARP: We will go on record and say we do everything better than the EPA. That's actually a really very good question. The delisting rules, just in a nutshell -- see, unlike Jimmy, he takes a long time to explain something, I do it, too quickly. The delisting rules are unique in the hazardous waste program because it takes the waste out of the hazardous waste realm almost forever, and it's a huge thing, the hazardous waste generator.

So the rules are a little bit unique, that's why this is one of the last things to ever get evolved down to the
states. EPA had refined their process, to answer your question, at Region VI to where I understand certain petitions did finally get to the yes point and that was not true of EPA petitions years ago. Delisting was considered completely broken, you couldn't get your waste out even if you had all the data in the world to prove that it shouldn't be a hazardous waste.

They evolved that process and we adopted that process and during both Council meetings on this, several people asked the same thing you asked, why would it be in Oklahoma if EPA has refined it. And what I would have to say is the general feeling was that generators like to deal with the agency in the state, they felt like they would be processed in a timely manner and the process would be better dealing with us. So they stated that to us. So the technical bar you have to get over to get one approved could be roughly the same. That generally should be the same.

MR. DARK: So my understanding is
that basically the industry has asked for this?

MS. SHARP: Right, they did. They -- to be in all fairness, they vacillated during the meeting because of, there's no fee for the federal system and

they've gotten better where it was workable for the state system. But then by the end, the industry people in the room said they (inaudible) and that's why the rule came forward.

MR. MASON: Thank you. Any other comments from the Board? Comments or questions from the public? Returning to the Board, are there any discussions or action?

MR. DRAKE: I move approval. I would rather pay DEQ than have EPA free.

MR. MASON: Does your motion include this proration handout?

MR. DRAKE: You bet.

MR. MASON: All right. Do we have a second?

MR. DARK: Second.

MR. MASON: We have a second. May we have a roll call vote, please,
Myrna.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: 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.

MS. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Motion approved.

MR. MASON: Thank you. Bob, we'll be sure to send the Minutes of this down to EPA with your comments.

MR. MASON: We're ready for Radiation now. Steve Woods.
unanimously several rule changes. I am here to present them to you today. They are listed on your agenda as four bulleted items. I’ll start with the first one. Subchapter 1 and 10, these are in OAC 252:410, Radiation Management. Amendments to Subchapter 1 changes the date of the nuclear regulatory Commission rules in 10 CFR to bring DEQ up to date with current federal rules. It changes the dates of the rules which were adopted by reference. Changes to Subchapter 10 modified the numbering to make the numbering with the DEQ listing, the 10 CFR 35 (inaudible) fit the numbering of the newest version of the federal rules.

Bullet number two. Changes to Subchapter 3 to govern radiation machines, extend the permit term from one year to 10 years, which will reduce repetitive filing of paperwork, it also clarifies the permit
requirements and specifies the due date for fees to support late fee changes in Subchapter 7.

Bullet number three. Changes to

1 Subchapter 7 institute charges for late fees for radiation applications.
2 Requirements for all licensing must include a renewal application to clarify. It makes a number of administrative changes such as change in references to the agreement as a state program, the radioactive material program as the program is currently known, and updating some of references from federal regulations, adds new source of radiation for therapeutic purposes, and that’s added as an example of a minor amendment.

Subchapter 10 changes. Clarify occasions DEQ may charge a per hour fee to insure that the language is consistent with NRC practices and with the original intent of the DEQ. There are also a number of administrative changes similar to those in Subchapter 7. Another change to Subchapter 10
brings DEQ in line with the NRC practice by eliminating the option to file for a radioactive material license as a small entity. Current practices allow for a reduced application fee for small entities. This fee does not cover DEQ's cost in most cases and since it has income as one justification, current rules have led to such inequities as a new hospital with a massive nuclear medicine program paying approximately $250 to get a radioactive material license because the facility did not exist in the previous year and thus had no income. These applications take many hours of processing by DEQ's most experienced staff and the existing fee does not even begin to cover DEQ's costs. The proposed fee change will eliminate these inequities and bring us in line with federal practices. DEQ processes approximately one dozen licenses under this program per year, so the number of applicants affected will not be large. There will still also be (inaudible) for the annual fee and (inaudible) the initial application. We're asking to change all
23 that.
24 MR. MASON: Thank you, Steve.
25 Any questions from the Board?

1 MR. DARK: An example of the cost change, in terms of dollars?
2 MR. WOODS: It varies depending
3 on the application type. Each type of
4 application --
5 MR. DARK: The hospital, for
6 example.
7 MR. WOODS: Well, the hospital is
8 going to go from, say, $250 to around
9 $10,000 and it's based on, you know,
10 looking at a stack of paperwork about that
11 thick (inaudible) time an hour associated
12 with that.
13 MR. DARK: Do you have any idea
14 what kind of time an hour do you guys track
15 that at a staff level?
16 MR. THOMPSON: I'm sorry.
17 MR. DARK: Do you track that at a
18 staff level, how much time an hour?
19 MR. THOMPSON: Yes, we track time
20 and effort on those.
21 MR. DARK: Do you have any
estimate on what that would be? I'm just curious.

MR. THOMPSON: Mike -- is Mike here? There he is.

MR. BRODERICK: For a hospital, it would take -- there would be some back and forth over several weeks, a licence wouldn't work solid just on the hospital. We have several licenses that we would be juggling. I can't -- I don't have an exact figure, but I would guess it would be forty to sixty hours, would be my guess for a hospital week-to-week.

MR. THOMPSON: I think the range, as I understand it, is -- I mean, it can be fairly significant, depending upon the number of machines and the size that we're talking about. It can go up to close to $20,000, as I understand it. So it is -- for the initial -- for the initial application, it can be a significant change. The renewal remains, for small entities, remains the same. That's sort of -- the base is about $1,300 and the highest would be about $19,000. So there is a range depending upon the technical nature.
of the application, the size and number of
machines. That's the range.

MR. DARK: I was just curious.
MR. MASON: Any other Board
questions? Comments from the public? Is
there any action on all four items?
MS. GALVIN: I move we adopt all
four items.
MS. CANTRELL: I'll second it.
MR. MASON: Second from Brita.
Is there any discussion from the Board? Do
a vote, please.
MS. BRUCE: Ms. Cantrell.
MS. CANTRELL: 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: Ms. Rose.
MS. ROSE: Yes.
MS. BRUCE: Ms. Savage.
MR. WUERFLEIN: Yes.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes.

MS. BRUCE: Motion approved.

MR. MASON: Thank you, Steve.

MR. WOODS: Thank you.

MR. MASON: Lowell Hobbs is going to discuss some water issues now with us.

MR. HOBBS: As Chairman of the Water Quality Management Advisory Council, it's my privilege to represent the entire Water Quality Council to present these rule changes to you. Our staff leader, Shellie Chard-McClary, has been -- other things are happening in her life and she couldn't be here today, so I checked with staff to take up her part. If it would give you all any degree of comfort to know that our Water Quality Board has reviewed these and in every case voted unanimously to make these recommendations to you.

I have managed to out live everybody who has ever been on the Water Quality Council. I was on the first Water Quality
Board or Council and the only one that is still there, so they treat me with much respect (inaudible) and allow me to continue.

That being said, I would like to tell you that in addition to that, that our Water Quality Council people are all of a broad base of occupations and environments and personalities. And we try to allow time for everybody to have a comment and input if they feel led to and feel like we have been very successful in doing that. So that should give you some comfort to know before we make these recommendations, that it's not been done very lightly, it's been done with some forethought and some effort put into these recommendations.

We start with 252:004, Rules of Practice and Procedure. Chapter 4, Subchapter 7, Part 7 addresses the permitting functions of the Water Quality Division. The change before the Environmental Quality Board is to clarify the existing language in the Water Quality Tier Rules and to add a pretreatment permit
that had been omitted when the rules were

originally set forth.

There were no comments received
during the comment period or at the Council
meeting. The Council voted unanimously to
recommend that the Board approve the
to Chapter 4.

Do you want me to do them
individually or do you want me to go
through them?

MR. MASON: I think according to
my agenda, I think we'll do them
individually. All right. I've got this
figured out now. All right. Any questions
from the Board? Comments from the public?

Action from the Board?

MR. DARK: Move approval.

MR. MASON: Move approval from
Tony.

MR. WUERFLEIN: I might have one
question on procedure. This one, they just
changed one date -- was it radiation when
they went through and underlined all the
subchapters or paragraphs that were
affected. Is there a difference? I didn't
know any more after reading the radiation
on what they were changing than this one by changing the one CFR date.

MR. THOMPSON: I believe the difference is that when there is simply a date change, there has been no change to the federal rule, that you simply do the date change. I think on the radiation rule, there was some -- I don't know that there was specifically any real changes to it, the feds just did some renumbering; is that right, Pam?

MS. DIZIKES: That's correct.

MR. THOMPSON: And so we just changed the rules to reflect the renumbering.

MR. WUERFLEIN: So there was renumbering involved with this, okay.

MR. THOMPSON: Is that fair?

MS. DIZIKES: There were a couple of very minor changes in doing the program that (inaudible) hospitals. (Inaudible) a long, long number of underlying problems.

MR. WUERFLEIN: Renumbering, okay.

MR. MASON: Thank you, Richard.
Is there a second to Tony's motion?

MR. DRAKE: Second.

MR. MASON: Second from Bob. Any discussion? Can we have a vote, please.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: 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: Ms. Rose.

MS. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes.

MS. BRUCE: Motion approved.

MR. MASON: Thank you. Lowell, I guess you're up next.
MR. HOBBS: 252:606, Oklahoma

Pollutant Discharge Elimination System.

Chapter 606 addresses the federal NPDES program. The change before the Environmental Quality Board is to update the incorporation by reference of federal regulations. This is an annual update to ensure that the Oklahoma program is consistent with federal requirements.

There were no technical changes or changes to fees.

There were no comments received during the comment period or at the Council meeting. The Council voted unanimously to recommend that the Board approve the changes to Chapter 606.

MR. MASON: Thank you. Any questions from the Board?

MS. CANTRELL: Move approval.

MR. MASON: Okay.

MS. GALVIN: Second.

MR. MASON: Second. Are there any comments from the public? Can we have a vote, please.

MS. BRUCE: Ms. Cantrell.
MS. CANTRELL: 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: Ms. Rose.

MS. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes.

MS. BRUCE: Motion approved.

MR. MASON: You're still here.

MR. LOWELL: 252:611, General Water Quality. Chapter 611 addresses general water quality issues, including 401 certifications and groundwater. The change before the Environmental Quality Board is to update the incorporation by reference of
federal regulations. This is an annual update to ensure that the Oklahoma program is consistent with federal requirements. There were no technical changes or changes to fees.

There were no comments during the comment period or at the Council meeting. The Council voted unanimously to recommend that the Board approve the changes to Chapter 611.

MR. MASON: Questions from the Board? Comments from the public? Action by the Board?

MR. JOHNSTON: Move approval.

MS. CANTRELL: Second.

MR. MASON: Jerry and Brita.

Discussion? Can we have a vote, please.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: 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: Ms. Rose.
MS. ROSE: Yes.
MS. BRUCE: Ms. Savage.
MS. SAVAGE: Yes.
MS. BRUCE: Mr. Wuerflein.
MR. WUERFLEIN: Yes.
MS. BRUCE: Mr. Mason.
MR. MASON: Yes.
MS. BRUCE: Motion approved.
MR. HOBB: 252:616, Industrial Wastewater Systems. Now, listen up on this one because this one is a little different than those last ones.

This chapter has been undergoing review by a workgroup since September of 2004. The changes presented today are a result of that workgroup consisting of Council Members, a Board Member, consultants, affected industries, other state agencies, and DEQ staff.

These changes include removing duplicative language related to stormwater; clarifying that tank systems can be used.
for all wastewater classifications and
renumbering the tank system section; adding
a specific prohibition for the land
application of industrial sludge in a
scenic river basin; adding specific
language to allow for the use of Class III
wastewater where TSS is the pollutant of
concern for dust suppression; and adding
appropriate recordkeeping requirements for
dust suppression.

There was language included in the
rule making notice and the rules presented
to the Council that added the following
language. You all have been provided a
copy of this change. 252:616-1-3, Engineer
Required. Pursuant to 59 O.S. 475 and a
ruling by the Oklahoma State Board of
Registration for Professional Engineers and
Land Surveyors, the design and closure
activities required by this chapter
constitute the practice of engineering and
thus, require the seal and signature of an
engineer registered to practice in the
State of Oklahoma.

At the time of the Council meeting,
no response had been received by DEQ from the Oklahoma State Board of Registration for Professional Engineers and Land Surveyors to determine if all wastewater classification design and closure required a PE seal. Therefore, the Council motion for recommendation to the Board removed this provision.

However, DEQ did receive a letter dated January 21, 2005 from the PE Board stating that a PE seal for design and closure submittals under Chapter 616 is required. The PE Board also stated that it expected DEQ to submit to them any person or company that submitted engineering work without a seal so that proper enforcement could be pursued. The letter has been shared with the Council and the workgroup.

Based on the receipt of the letter, I am asking that you amend the rules recommended to you to re-insert this language, which is the copies that have been handed out.

The workgroup is still in place. However, at the request of the Oklahoma Aggregates Association and a Council Member, the workgroup has taken a break and
will reconvene in April of 2005. It is anticipated that there will be additional changes presented to the Council and the Board in Calendar Year 2006.

After much discussion, this Council recommended the changes presented to the Board for consideration by a unanimous vote.

MR. MASON: Questions from the Board.

MR. DRAKE: I have a question. Steve, you're about to explain that to Jerry, so why don't you explain it to all of us.

MR. THOMPSON: The real issue is whether these lagoons require an engineer, a seal of professional engineer. And what we do, what the DEQ does, is defer to the Engineering Board to make that decision.

That decision had not been -- we had not received correspondence from the Engineering Board at the time that the Council passed the rule.

So what happened was, once we

received that letter, which says, you bet
ya, you need an engineer for this kind of work, we provided the language to include the rulemaking to reflect what the Engineering Board -- not only did the Engineering Board say you need an engineer, they said if somebody doesn't do it, if somebody does it that is not an engineer, we expect you to refer those folks to us for enforcement.

So we believe it's important, very important to clarify the position of the PE Board. We are going to follow what the PE Board says to us about this issue.

MR. DARK: Just a quick question.

It said that the -- this advisory, that there is a separate advisory board set up for this?

MR. HOBBS: It's a workgroup.

MR. DARK: I'm sorry, a workgroup. And this workgroup is going to stay together because we expect some other changes, do those changes have anything to do with licensure with the engineer seal portion?

MR. HOBBS: My understanding is that it covers a lot of things which might
include that, yes.

MR. DARK: Okay. I want to make a comment. We have to understand two things. One, this Board's role and the registration board's role, they are far different, but both very important. I'm of the opinion, strong opinion -- I'll be glad to debate it until midnight tonight if you want to stay -- that this Board must require an engineer's seal and signature and the industries that we -- frankly, this is an opinion, the industries that we want in this state will want an engineer's seal and signature because with that comes a liability and a responsibility from that professional to do it the proper way.

And I understand that that's a very definitive statement and it covers a very broad range of issues, but on those smaller issues that seem of no significance, to spend a workgroup's time considering whether a small impoundment would need an engineer's seal, they will spend more time calling to put the workgroup together than the industry will in hiring that engineer
to review it and seal it. It is an insignificant cost.

So to argue that point is a moot point and it's a waste of our time. I would strongly consider that we recommend that we not have a workgroup, that we set this rule in place and that we protect the public, which is our charge, and that we require a registered professional engineer's seal and signature on this type of work. And for those areas where there may be a problem, where there may be a concern about costs, I can assure you in the big picture that is not a concern and it's a waste of this Board's time and effort to consider that.

I think it's very important that we make certain that registered professionals are signing and sealing documents that we are reviewing, otherwise we are accepting the liability that we shouldn't and that industry is maybe unknowingly accepting the liability that they shouldn't. I don't believe we're here to protect the industry, but at the same time any industry we would want, would want that
professional.

MR. HOBBS: I'm not -- if I clearly understand, this change that we put in here does require the seal and signature of an engineer (inaudible).

MR. DARK: I understand that. My point is if that is the only reason that this workgroup is being kept together. If there are other issues here, absolutely, but I cannot see, personally, as a Board Member representing this Board, why we would ever want to consider allowing some nonprofessionals to do that sort of work. It just does not make sense.

MR. MASON: Other Board comments?

Any comments from the public?

MR. RODRIGUEZ: Yes, Mr. Chairman, I do.

MR. MASON: If you would come up to the podium and introduce yourself, please. Thank you.

MR. RODRIGUEZ: Mr. Chairman, other Members of the Board, on behalf of the Oklahoma Aggregate's Association, I'd like to thank you for this opportunity to address this subject.
MR. MASON: And your name please.

MR. RODRIGUEZ: My name is Jim Rodriguez. I'm the Executive Director of the Association. And by unanimous vote of Board, I was asked to come and speak against this additional engineering requirement.

I'd like to read the names of the companies on the Board. By the way, we have 30 member companies who are producers. We have 37 affiliate members. Our member companies represent close to 80 percent of the production of rock, sand and gravel in the State of Oklahoma. Which is approaching 80 million tons of a growing, vibrant industry, a significant part of this State's economy. I would also like to note that 20 to 25 percent today is shipped by rail to north Texas because the Arbuckle area, the Synder area, represents the highest quality aggregate source in close proximity to that area. So this is a significant business in the State of Oklahoma.

On the Board are: Anchor Stone; APAC-Oklahoma, which is a company out of
Atlanta, Georgia; Bellco Materials; Dolese Brothers Company; Hanson Aggregates, which is a company out of Irving, Texas; Kemp Stone; Martin Marietta Materials, which is a company out of Atlanta Georgia; Muskogee Sand, Incorporated; Pryor Stone Incorporated; TXI, which is a company out of Dallas, Texas. Some of these are national companies: Martin Marietta, TXI, APAC. Our Board Members unanimously asked me to come and speak against this requirement for engineering -- for the certification on Class III impoundments.

Class I and II impoundments require a board certification design. The pollutants in those two classes merit that design, you know, by itself, without any other consideration. That is an environmental consideration. And I agree with Tony, that in cases such as that, that yes, you should have the rule and, Tony,
solids are not a threat to the waters of
the State of Oklahoma. So your
environmental concerns are not present at
Class III.

So we move into a category of
engineering concerns. Whose interest or
whose responsibility is it to enforce the
engineering for itself? Who is to set the
standards to qualify a structure to be
Board certified, if there is no threat to
the environment? Certainly, not DEQ.
Certainly, it would be the State Board of
Engineering and Land Surveyors.

I attended the November 19th meeting
of the Engineering Board. Shawn was there.
Carl Parrish was there. We had four
industry representatives attending that
meeting where this was discussed. And
during that meeting, one example of an
impoundment was presented by one of our
members. It was a concrete and steel
structure and I have the drawings, if any
one want to review them. And our
Association has no argument that this type
of impoundment may need a Board
certification seal and signature. At the
meeting -- our member representatives at this November 19th meeting, described earthen impoundments similar to farm ponds, which are common at quarries and sand and gravel operations. Engineering Board Members stated that farm ponds do not require engineering seals and signatures. And that Class III impoundments that were similar to farm ponds would likely not need a seal and signature. And during the discussion on these earthen impoundments, the DEQ management employees that were there suggested that the current 616 treatment of sand and gravel operations needs to be addressed perhaps with a new classification. That admission came during that particular meeting.

At sand and gravel operations, the impoundment, is usually the mine. And as such, is constantly undergoing modification by the mining process. Thereby, putting the facility in a constant state of non-compliance for most of 616's, and definitely if you add this engineering provision.
The language as presented, the language that Lowell presented -- and I want to make sure that it's understood --

MR. HOBBS:   I'm right behind you.

MR. RODRIGUEZ?   Lowell, has your Board or your Council voted unanimously for this particular item

MR. HOBBS:   Yes, sir.

MR. RODRIGUEZ:   When?   They did not vote on this item on the 19th of January.

MR. MASON:   Mr. Rodriques, I think we understand -- I think this Board understands that that language has appeared since that meeting.

MR. RODRIGUEZ:   So this Board understands that that Council did not unanimously approve this.   That this was rushed in to.

There's a line from Loretta Lynn's movie, Coalminer's Daughter, "I think we're just moving a little fast here".   And that's what I am here to say.   If I may continue.

The language as permitted, would require DEQ to start making judgments,
engineering judgments, that they previously
said they didn't want to make.

MR. MASON: Mr. Rodrigues, are
there other speakers after you?

MR. RODRIQUEZ: No, I'm it.

MR. MASON: We don't have 30
aggregate people here to talk after you, do
we?

MR. RODRIQUEZ: No, no, no.

MR. MASON: Okay.

MR. RODRIQUEZ: DEQ said they
didn't want to make these engineering
decisions, now they are going to have to
make them. And the Engineering Board
ruling absolves DEQ employees of any
liability. So we don't see the need to act
here at this time.

We think this is a very obvious case
that proves that one size does not fit
Board's decision that all Class III impoundments would require a Board certification, engineering construction and that was not what they meant by their letter. And he told me he was on his way to see Don and have a conversation with him, and I believe that conversation took place. Don told me he had a brief conversation with John.

During the meeting, they clearly stated that the impoundment that we were describing as earthen impoundments, similar to farm ponds, would not require an engineering signature. Because if they were to rule that they did, then to be fair they would have to start requiring all the farms in the State of Oklahoma to get board certification on their ponds.

I would ask you to lay this aside.

The opinion from the Engineering Board does state that there is no liability and to your staff for enforcement, of engineering. We recognize that some Class III impoundments are going rise to the level that require Engineering Board certification. We strongly advise that
that is between our industry and the
Engineering Board. And that's where we
think it should remain.
Thank you very much for your
indulgence and consideration. I would like
to thank the Board, thank the Advisory
Council, and recommend passage of the other
items. We, Tony, do have other significant
issues regarding 616 especially as they
apply to sand and gravel operations and the
Board is, you know, behind our continuing
that effort.
Thank you.

MR. MASON: Thank you, sir. Is
there any other comments from the public?
All right. Tony.
MR. DARK: I guess, first the
Roberts Rules, we need a motion and a

second and then more discussion. I'll move
that we approve this as written with the
recommendation that the Council eliminate
the workgroup if it is just so concerned,
if it's only concerned with engineer's
seals and signatures as I stated before.

MR. MASON: All right.
MR. DARK: If there are other issues, then I think it would be great.

MR. MASON: Your motion includes this engineer required paragraph?

MR. DARK: Absolutely.

MR. MASON: Is there a second.

MS. SAVAGE: Second.

MR. MASON: From Terri.

MR. DRAKE: Mr. Chairman, I am very confused. I live in the Arbuckle's and consequently, I am very concerned when Mr. Lacey, and others, have concerns. I don't know what I'm really voting on.

I move to table this motion, which takes precedence.

MS. KRUG: We have one motion, we need a second on the first motion.

MR. MASON: We've got a second from Terri.

MS. KRUG: So, it will either pass or fail before we can get another motion.

MR. DRAKE: You can't move to table? You can move to table any time, can't you?

MS. KRUG: Well, don't we already
have a motion on the floor that needs to be taken up.

MR. WUERFLIEN: That table takes precedence over the motion.

MR. DRAKE: You have a motion on the floor to pass this as written with the letter. You have a second. I am not Roberts Rules of Order but I -- I think a motion to table will take precedence.

MS. SAVAGE: Bob, would it be helpful to you to know that I participated in the workgroup and that I was at the Water Quality Council Meeting. Absolutely nothing untoward is happening here as related to the professional engineering rule, absolutely nothing. The language was not stuck in at the last minute. The Water Quality Council did vote, everyone knew exactly what was happening. The information was sent to the Professional Engineering Board for discussion and for them to issue a statement and an opinion. Their opinion had not been rendered by the time of the Water Quality Council and it was discussed -- Shellie discussed it, it
was all completely laid on the table. The entire Council knew that, because of the workgroup, because of the discussion at the workgroup. And I can tell you that it was -- there was a great deal of discussion at the workgroup that if the PE Board recommended that the language be changed --

(Court reporter changed tape)

MS. SAVAGE: -- there is nothing untoward happening here. And I was a participant in this from -- it began last September, October. And so many people have been involved. And I had a letter from Jeff Short, who is a professional engineer, who has served on the Water Quality Council, he is a professor at Southwestern Oklahoma State University.

You can look at it if you would like. I asked him to come to the meeting because I knew there would be some discussion. He has two classes to teach. He emailed his statement to me. He was the leader in this and I take my direction from the experts because I am not an engineer, but there is nothing untoward happening and I totally support Tony one hundred percent.
MR. DARK: Let me add this. I have said for years -- I am an associate member of the Association of Contractors which everyone of these members are a member of. I am quite confident in what I am suggesting which would not be that which results in to what Mr. Rodriquez is representing. I don't see -- I can't imagine that the (inaudible) for any large producer would be resistant to the changes we're talking about.

I've got a list of things:

A, these are not farm ponds, everyone recognizes that.

B, John Nelson not only has a business partner (inaudible) for 15 years,

I've consulted with him on this. I know his opinion intimately.

C, I don't think that this Board needs to be making more rules and setting another classification that we're (inaudible) with as it is. I mean, to supersede the Federal Government knowing their classification is beyond comprehension. We should not and will not
have the liability, our Board or our staff (inaudible).

As a professional engineer, you seal us up a plan, you sleep with that decision until you are six feet in the ground. And there's no limitations on them, you must live with that.

So that is a foregone conclusion when a professional signs it and why on earth we would not want a professional to sign this is beyond me. However, it does indicate to me that there may be special interest far beyond this list of producers that is motivating a reason to pull a professional engineer requirement out of it. We require a professional engineer seal and signature on every waste water plant design that comes through this -- there are very few things that DEQ will not require a professional engineer's signature on. The only thing that concerns me about this is that an issue as small as this, is elevated to a level as high as this. And it tells me that there is something there that we should not concern ourselves with and act as a Board and see to it that we
are protecting the public health and
safety, and welfare. And I do not believe
that we are being onerous -- it's been
debated all day long -- that we are being
wrong in doing what I'm suggesting here and
what our advisory council is suggesting.
We're following procedure, we're right
there.

Unless there is strong opinion
otherwise. I would move that the Board
pass it (inaudible) because this is
important to what we are doing.

MR. DRAKE: Well, I have a second
on the table.

MR. MASON: I think we're still

getting organized with what to do with your
motion.

MR. DRAKE: Well, I will pull it
but I will tell you -- is it important
enough that this go into effect today or is
it -- we meet again in three months, and if
there is any confusion, maybe, I'm the only
one that is confused. But again, I'm very
likely to listen when I have eight plants
within ten miles of my home. And our area
relies greatly on the Arbuckle Mountains and we service north Texas, and that's where most of this is coming from. And when those names are given and all of them work, all but one, I have a real concern because I don't have the ability that you have, I am not in that (inaudible). But the tabling didn't have a second, anyway. I do think though you will find out that I will be right. A motion to table takes precedence.

MR. MASON: They're thinking about it. We'll have an answer in a few minutes.

MR. DRAKE: I bet I'm right on that. I will tell you, though, that I don't think -- I appreciate everything that has been said. Terri and Tony, both, are more familiar with this than I am but I have to tell you I am very concerned when we're voting on something that affects my area this way and I don't have more knowledge. I am just wondering if three months makes that much of a difference? So again, I don't have that second on the table, and we are looking up the
MS. SAVAGE: Dolese was part of the workgroup.

MR. DRAKE: They were part of the workgroup? I just heard their name mentioned as part of the group --

MR. MASON: I said they were in the workgroup that recommended this rule be put in place.

MS. SAVAGE: Yes. There was a unanimous vote within the workgroup.

MR. MASON: But I think, in defense of Dolese, they weren't at the workgroup when this paragraph came up.

MS. SAVAGE: Yeah. It was a big deal.

MR. MASON: It was my understanding that this paragraph has appeared after the workgroup?

MS. SAVAGE: No. There -- it was brought up legitimately as an agenda item, discussed and votes were taken. In fact -- the fact that it was sent to the PE Board was the part that makes it not an arbitrary decision on the part of the DEQ staff.
whole meeting practically was devoted to it
and it was, you know, we're going to send
it to the PE Board for -- and really on
this, we had -- yes.

MR. MASON: But when the Council
passed this rule, the paragraph was not in
there?

MS. SAVAGE: No. I was an
observer, I am not on the Council. They
were told that they had hoped that the PE
Board would have rendered their decision by
the time of the Water Quality Council. But
it had not been in effect. It came about a
week later after -- I think it was about a
week later or maybe it was a few days after
the Water Quality Council, Shellie said, we
didn't get it but we will -- if they decide
to recommend that we change the language
and recommend or require a professional
engineer, then the language will be
inserted as part of this package, which
will be presented to our Board.

MR. MASON: And that was the
discussion with the Council?

MS. SAVAGE: Yes, and everybody
voted.
MR. DARK: And Dolese was present at that discussion?

MS. SAVAGE: They were present on the workgroup, they were part of this workgroup.

(Multiple inaudible conversations)

MR. MASON: Do we need to take a break?

MR. DRAKE: I'll move a break.

MR. MASON: All right. We'll take a break for ten minutes.

(Break)

(Back on the record)

MR. MASON: Are we ready to resume, folks? We're going to go back to this 616 discussion, Item 12. I think Tony made a motion. And it was seconded. And your motion died, to table. So we're back to Tony's motion.

MR. DRAKE: I will support Tony's motion because I've had it explained.

MR. MASON: All right. So, now we're in discussion within the Board about the motion to pass the rule and include the
PE paragraph.

Is there any other discussion?

MR. WUERFLEIN: From what I understand, that paragraph is the same as what was in our packet. It was just submitted to them for ratification. There is no changes between what we had presented before and what was on the table today, is there?

MR. THOMPSON: What I think happened was between the time that the Board packet went out and the Council met we received notification from the PE Board and we parenthetically put it in there so you would know that it was coming.

MR. MASON: Is there any other Board discussion?

Myrna, let's call the question, please, for a vote.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: 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: Ms. Rose.

MS. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes.

MS. BRUCE: Motion approved.

MR. MASON: Thank you. Mr. Rodriguez, thank you for your input.

MR. RODRIGUEZ: Thank you, very much, for the opportunity for discussion.

MR. MASON: We appreciate your help. And we're happy that on the dust suppression, hopefully the rules are a little bit easier on using the water now.

MR. RODRIGUEZ: (Inaudible).

MR. MASON: Good. Lowell, I guess you're with us through lunch.

MR. HOBBS: Quite possibly.

Remember when I started that, I said listen
up? I'm not saying that this time.

We're going to proceed with 252:619, Operation and Maintenance of Non-Industrial Total Retention Lagoon Systems and Land Application. This chapter is the result of changing responsibilities with the Agency. Specifically, there was a shift in the compliance and enforcement responsibility for non-industrial total retention lagoon and land application systems. As a result, all requirements for these systems were reviewed and consolidated into Chapter 619.

The DEQ staff sent this chapter out for review prior to filing the rulemaking notice in order to address as many concerns as possible. There were a number of comments received during this unofficial comment period and where possible, these comments were included in the final rule proposal. There were no other comments received from the public at the Council meeting.

During the Council meeting, several Council Members questions and concerns were addressed and as a result, changes were made prior to the Council unanimously
recommending these rules to the Board for approval.

MR. MASON: Board questions?

Does a PE have to seal this lagoon?

MR. HOBBS: Don, do you want to answer that?

MR. MAISCH: Good morning, I'm Don Maisch, supervising attorney for the Water Quality Division. The answer is -- I don't know who posed the question, but the answer to that is yes, there is a statutory provision that these basically are municipal lagoons and there is a statutory provision that requires municipal lagoons be sealed by a registered professional engineer. So it's included in the statement.

MR. HOBBS: I could have said yes, but you will accept it from him.

MR. WUERFLEIN: Steve, I just noticed something on page two, paragraph 1-4. And it reads at the bottom of that paragraph, when in conflict, the terms of the program shall superecede requirements of the chapter. It says the permit may be
more restrictive or it could be less restrictive than the rules and regulations in the chapter.

MR. DARK: I had that same question when I reviewed it. It seems to me either would be -- would be the answer.

MR. WUERFLEIN: It could be either one.

MR. DARK: Yes. Depending on, you have to pick one to supersede. I mean, I would seek staff's advice. But when I read that, I had that same question. When I thought through it, it seemed to me that --

MR. WUERFLEIN: Why is the permit in conflict with the rules, is my question.

MR. DARK: Well, yes, if it happened, you have to pick one. And what the rules would say, we pick the permit. I don't know that that's -- I don't have enough knowledge to have an opinion on it, but it does make sense that you wouldn't want one to supersede the other.

MR. COLLINS: If we had a permit that was an old permit, say, that said you need two foot of freeboard, these rules
require three foot, well, you would only be
required to have two foot, because that's
what the permit said.

MR. WUERFLEIN: It's grand fathered in.

MR. COLLINS: It's grand fathered in. For some reason, they needed
(inaudible) the location needed to be more
restrictive, it could be more restrictive
in the permit. I don't know that that

happens, but regardless of which, if it was
more stringent or less stringent, the
permit would always rule.

(Inaudible discussion)

MR. MASON: Any other Board
comments? Public comments? Action by the
Board?

MR. JOHNSTON: Move to approve.

MR. WUERFLEIN: Second.

MR. MASON: Jerry moved and
Richard seconded. Can we have a vote,
please, Myrna.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: 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: Ms. Rose.

MS. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes.

MS. BRUCE: Approved.

MR. MASON: Continue, please.

MR. HOBB: 252:621, Non-

Industrial Flow-Through and Public Water

Supply Impoundments Including Land

Application. The changes to this chapter

are the result of the anticipated adoption

of the new Chapter 619. These changes

clarify the title and which entities this

chapter regulates. There were no technical

changes or changes to fees.
There were no comments received during the comment period or at the Council meeting. The Council voted unanimously to recommend that the Board approve the changes to Chapter 621.

MR. MASON: And do PE's certify these impoundments?

MR. HOBBES: Absolutely.

MR. MASON: And I guess part of my confusion is I don't see it in certainly in the earlier rules we looked at just before this. That's my confusion. Thank you. Board, questions? Public comments? Action by the Board?

MR. WUERFLEIN: Move we adopt.

MR. MASON: Richard moves.

MR. DRAKE: Second.

MR. MASON: Second by Bob.

Myrna, may we vote again, please.

MS. BRUCE: Ms. Cantrell.

MS. CANTRELL: Yes.

MS. BRUCE: Mr. Dark.

MR. DARK: Yes.

MS. BRUCE: Mr. Drake.

MR. DRAKE: Yes.
MR. WUERFLEIN: Yes.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes.

MS. BRUCE: Motion approved.

MR. MASON: Thank you. Lowell.

MR. HOBBS: 252:631, Public Water Supply Operation. Chapter 631 addresses the federal Public Water Supply Supervision program. The change before the Environmental Quality Board is to update the incorporation by reference of federal regulations. This is an annual update to ensure that the Oklahoma program is consistent with federal requirements. There were no technical changes or changes to fees, no comments received during the comment period nor at the Council meeting.
The Council voted unanimously to recommend
that the Board approve the changes to
Chapter 631.

MR. MASON: Board questions?
Public questions? Board action?
MR. DARK: Move approval.
MR. MASON: Tony moves.
MS. CANTRELL: Second.

MR. MASON: Brita seconds.
Ms. Cantrell.

MS. CANTRELL: 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: Ms. Rose.
MS. ROSE: Yes.

MS. BRUCE: Ms. Savage.
MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wuerflein.
24 time I've been up here would confirm my
25 statement earlier that we've got a very

1 conscientious Council and a very qualified
2 group. We review these things very
3 seriously. This is one of the last things
4 I'll do, I've got one more after this.
5 252:690, Water Quality Standards
6 Implementations. Chapter 690 sets forth
7 the methodology that DEQ uses to implement
8 Water Quality Standards in the permitting
9 process. The changes proposed to this
10 chapter include updating the incorporation
11 by reference of federal regulations and
12 publication dates and titles used as
13 reference materials for Whole Effluent
14 Toxicity Testing; and amending language
15 relating to 7Q2 determination, language for
16 background monitoring, ammonia monitoring
17 requirements, amending test durations, and
18 how and when testing frequency can be
reduced; removing the diazinon alternative for Whole Effluent Toxicity testing; and correcting a typographical error in Appendix B.

There was one comment received during the comment period, which was addressed by the Council. Also, there were some questions asked at the Council meeting by Council Members and by members of the public. These questions were addressed during the meeting.

The Council voted unanimously to recommend that the Board approve the changes to Chapter 690.

MR. MASON: Board questions?
Public questions, comments? Board action?
MR. DARK: Move approval.
MS. GALVIN: Second.
MR. MASON: Motion from Tony and a second from Jennifer. Any discussion?
May we vote, please, Myrna.

MS. BRUCE: Ms. Cantrell.
MS. CANTRELL: 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: Ms. Rose.

MS. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes.

MS. BRUCE: Approved.

MR. MASON: Is that it, Lowell?

MR. HOBBES: I've got one more unofficial thing. A fellow on this Board, on the DEQ Board, who is -- has a special day today. Bob Drake, if you'll come up here, I've got -- I want to recognize you for having another birthday. I think we're going to sing happy birthday to you and here's a little card of our appreciation. There's not any money in it. Congratulations on a very happy birthday.
MR. THOMPSON: It's my opinion that the DEQ staff always goes above and beyond the call of duty. Mr. Drake is not a big fan of bakery birthday cakes, so

Ellen Bussert baked, last night, his favorite birthday cake at home, so just an example of the DEQ -- and I suppose all Board Members will now expect that.

MR. DRAKE: Probably all of them won't announce it. I think when you have another year -- anytime after 60 you have another year, God has given you another year of grace, so I announce it.

MR. THOMPSON: I'm getting real close to agreeing with you, Bob.

MR. MASON: Well, Bob, happy birthday.

And Lowell, there is not many people that have served this agency on our councils since we were formed in 1993 and thank you, very much, we appreciate you.

Item Number 17 to be presented by Carl Gray.
MR. GRAY: So how do you top that? No birthdays.

The Water and Wastewater Works Advisory Council would like to propose the following changes to 252:710, except at this time we would like to withdraw the recommendation under 710-3-31, Subchapter B, and would like to take this back for further discussion. I've had a number of phone calls on this as well as our representatives at DEQ and I think we would like to have some clarification.

MR. MASON: So what I understand is your Council passed the rule as presented.

MR. GRAY: Yes.

MR. MASON: And then your recommendation on Page Two, under (B)(1) under plumbers and contractors.

MR. GRAY: Yes.

MR. MASON: This new language, "a certified operator or designee", your individual recommendation is that we strike that change and pass the rest of the rule, understanding that the entire rule was passed by your Council?
MR. GRAY: Yes. I don't want that to stop the entire rule change to the other housecleaning things we did in 710 and for -- we wish for the rule to proceed and that not be a deal breaker.

MR. MASON: Yes, sir. All right. Questions from the Board? Please.

MR. DARK: If we pull that out, that's not going to have an adverse affect on any other of the sections, those changes?

Mr. GRAY: No.

MR. DARK: I really would like to know what's the motivation for pulling it, is there a potential for conflict?

MR. GRAY: Yes. I would say there is a potential for conflict. What we attempted to do in the old 700 rules, there was a provision for plumbers and contractors to perform under the general supervision of the superintendent. When we came back in and made some changes to 710, some of that language was left out and changed. The cities can have more stringent requirements than what the rule
proposes and the particular city I work for does.

But this change was brought about to put some of that wording back in, but we've had a number of calls and comments about it and I think that if we propose and go forward as written now we might tie up the rest of the afternoon and I don't want to stop that from the rest of the rules going through.

MR. DARK: So the cities' concern is that (inaudible).

MR. GRAY: Well, I have a personal recommendation on here, but my vote was a no vote on the Council. I wanted further clarification and we had talked about that with the DEQ legal representatives at that time but we went ahead and the proposal was passed on through.

MR. WISNIEWSKI: I'm Chris Wisniewski of the Operator Certification. There is a possibility it could be construed as conflicting with State Statutes. Because the State Statutes state that a plumber or contractor can do all the
work unsupervised. And then this portion kind of infers that operator certification still might have to be part of the loop which the State Statutes says they do not

have to, so we just want further reconsideration.

MR. MASON: Other Board questions?

MS. SAVAGE: Why did the Council pass it? Was there no discussion?

MR. GRAY: Yes, there was plenty of discussion. And there was discussion in the member audiences, but -- and part of that discussion was that the cities can be more stringent and require additional requirements of issuing a permit to do a TAP, say, on a sewer line. So it was discussed back and forth, but the -- and you know, the view of the Council was that since the cities can be more stringent, that we really did need to clarify this further.

My comments in that discussion was a lot of these smaller towns a lot of times say, well, it says in State Statutes that
This is OS 27A.

A plumber license pursuant to the plumbing license law of 1955 shall not be required to hold any waterworks or wastewater operation certification in order to make connections to public water systems for lines or sewer systems or lines.

So I believe the discussion is, where it comes in is, under the general supervision of a certified operator. And also I wanted some clarification on contractors, are we talking about plumber contractors, are we talking about the general contractors, the gentlemen who's doing the dirt work on the development, you know, personally I've ran across all of those scenarios.

MR. DARK: I can see why you would want this held off for more clarification, absolutely. Just from my limited knowledge, there is a lot of potential for conflict -- a lot of
23 potential conflict.
24 MR. MASON: Other Board comments?
25 Comments from the public? Is there any --

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1 MS. SAVAGE: What would be the
2 procedure, do you take that out first?
3 MR. MASON: I think a motion will
4 be made with or without that line.
5 MS. SAVAGE: Okay.
6 MR. MASON: Any action by the
7 Board?
8 MR. JOHNSTON: I make a motion
9 without that line.
10 MR. DRAKE: I'll second.
11 MR. MASON: We have a motion from
12 Jerry and a second from Bob to pass
13 language as presented, but we're going to
14 strike the proposed language in that
15 Section (B)(1) under plumbers and
16 contractors that says a certified operator
17 or a designee of. Is there any discussion?
18 Myrna, may we vote, please.
19 MS. BRUCE: Ms. Cantrell.
20 MS. CANTRELL: Yes.
21 MS. BRUCE: Mr. Dark.
22 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: Ms. Rose.

MS. ROSE: Yes.

MS. BRUCE: Ms. Savage.

MS. SAVAGE: Yes.

MS. BRUCE: Mr. Wuerflein.

MR. WUERFLEIN: Yes.

MS. BRUCE: Mr. Mason.

MR. MASON: Yes.

MS. BRUCE: Motion approved.

MR. MASON: Thank you. Thank you, very much.

MR. GRAY: Thank you.


MR. THOMPSON: Thank you, Mr. Chairman. Members of the Board, I have just a couple of things for the Board today. There has been some publicity in the paper about the State fleet. Those agencies of state government that own
vehicles were surveyed by the Auditor and Inspector. And then there was some publicity in several of the papers about what some agencies were doing. We didn't receive any publicity, which may be an indicator. So I thought I would review that with you.

What this survey revealed is that DEQ leases 34 vehicles from the State Motor Pool and we own four vehicles. All of those four vehicles are in surplus and will go through the auction -- surplus auction at some time. So we effectively have only 34 leased vehicles. We have a written policy that prohibits employees from taking a state-owned vehicle home, that includes particularly -- not particularly, but it also includes the Executive Director and from allowing non-state personnel from riding in a state vehicle. We log all of our usage, we show where we're going, the miles that we went.

We have people in the field who have used a car full-time for work, but they are required to take that car to the office or
to some state facility, drive their personal car home and then come back to the state facility the next day and take that car out for work. So relative to some of the issues that have been raised, relative to fleets, we think we're pretty much in compliance with both the letter and the spirit of the law.

Any questions about that? Okay.

Every year at about this time we provide a memo to the Board -- to Board and Council Members that describes legislation of interest to the Agency and we hope to the Board and Council and where that bill is, in the process. In past years, that memo would have gone out last Friday. This year, the House decided to extend the time period for committee meetings until next Friday. So that memo will be coming out next Friday, the first deadline being bills being out of the House -- the Committee of the House of Origin.

But I thought I would go over some of the bills and maybe as importantly, the way that the agency tracks them. Now, among Jimmy Givens' many talents --
MR. GIVENS: Besides taking blame.

MR. THOMPSON: -- besides taking blame, which is his primary task. But second, maybe, is -- Jimmy is responsible to track bills for us. As you will recall, maybe from the newspapers, there were some 2,100 bills filed this year, so that's a fairly daunting task. And the way that he tracks those bills -- there are two ways. I didn't bring copies of this, but this is what we call our watch list. These are bills of general interest to the Agency, things that we might think -- a lot of them are administrative issues, some are not. But they are just of general interest to the Agency. And then we have what we call our key bills list that Jimmy creates for us every week. So as those are passed around, I would like to just run down through the bills that are on the key bills list for you, tell you where we think they are and then that will conclude my -- and then I'll answer questions and that will conclude my report for this
House Bill -- starting at the top, House Bill 1868 is a shell bill. We have talked to the author of that bill and he has stated that he has no intention to use that bill. We'll know more about that at the end of next week. If these bills do not run through committee, they are effectively dead for the session.

House Resolution 1007 was a resolution in the House of Representatives that supported the Clear Skies -- the President's Clear Skies Initiative, that did pass the House.

Senate Bill 272 was our request bill that we brought forward to the last Board meeting relative to a fee on rental cars. It was the feeling of both the author and the fee payers, quite frankly, that this had drawn enough flies, enough angst had been expressed about it, and that the way to proceed in getting money for the air program was through general revenue appropriations. So -- don't laugh, now. So I have been vigorously pursuing that.

It's my understanding, though, that really
EFO and the major fee payers will be in behind me supporting that general revenue effort. But we'll see what happens there.

MR. DARK: Unless they start falling backwards (inaudible).

MR. THOMPSON: That's exactly right, they've promised to be right behind me. But anyway, that bill is effectively dead.

Some money that was requested for INCOG for modeling also is dead. You will see then a whole list of appropriation and budget shell bills. We start out every year with lots of appropriation and shell bills -- appropriation and budget shell bills. They eventually whittle those away until we are down to one that our budget will be set -- where our budget will be set. They're just out there in case somebody needs something.

Senate Bill -- both Senate Bills 304 and 306, there is a prohibition currently against any state employee doing soil tests or soil profiles, perc tests essentially. Both of these bills give state employees
the ability to do that. One says that only for non-DEQ employees. One doesn't make that limitation, but the Agency makes that limitation with some support of merit rules and we just don't think it's appropriate for a regulator to be involved in a business. So we will prohibit that by policy, anyway. I think the private sector has taken some interest in this, adding people who might be in competition with them, so we'll see what happens to those bills in the House. But essentially, it has no effect on our employees because either by statute or by policy, we will prohibit that activity.

Then there is a raft -- there are as usual a raft of tire bills. House Bill 1217, 1606, 1773, Senate Bill 521 and Senate Bill 898 are all tire bills. The ones in the Senate are dead. 1217 will soon die because it's not going to be run in Committee. 1606 and 1773 remain live rounds.

The Chairman of the House Environment Committee asked me to get all
the tire processors in one room at one time to see if we can come to compromise on a tire bill. And in a brief moment, if insanity, I agreed to do so. But in effect, we met last -- this Wednesday and as of that date, most of the tire processors in the state had compromised on one piece of legislation. Now, this is Friday and that may well have changed by now. And that is a change that is really sort of a reallocation of the current fund that gives more equity to a fund but does not include any fee increase on tires. So we seem at least -- is Sharon Myers still here? Did she leave? Okay. She was in that meeting, so I was going to ask her to comment. But so far so good, so we'll see how that goes.

Senate Bill 41 is a bill -- we had a solid waste facility -- our late fee on solid waste fees is, after the first month, is 50 percent a month, by statute and it doesn't say you may fine them 50 percent, or impose a 50 percent late fee, you shall. We had a facility who had a change in
employment and the person that was doing this didn't do it and it went on for some time and I don't recall exactly what it was, but I think ultimately they paid a late fee that was 150 percent of the fee. And I don't know of any late fee anywhere that's that big. And so they came, went to the legislature, Senator Wilcoxon came to me, we wanted strong deterrence, we wanted people to pay their late fees, but we compromised at 15 percent a month. That's 90 percent a year, we think that's sufficient deterrence, so that's a bill that's going forward.

281 is a -- it was a shell bill that's dead. Senate Bill 356 is a Tar Creek relocation act bill, it is really a shell, it is just in case the Governor needs to do anything relative to the buyout that's going on at Tar Creek.

380 was a dollar fee on solid waste for county roads, that bill is dead. There was a bill to limit the height on landfills, that bill is dead.

599 is our request bill -- Senate
Bill 599 is our request bill that has to do with equalizing Board meetings and Board forums, so that if there comes a time that we only have three meetings, we will only have the requirement to have three forums rather than the current requirement to have four. So that's a request bill we brought to you.

1238, again, is our request bill that has to do with the connections and the flow and it simply removes the connection language so that the thing that dictates an engineered lagoon is the flow, rather than number of connections. There is also some federal language in there relative to nontransient, non-community officers.

MR. WUERFLEIN: Let me back up to one of the forums.

MR. THOMPSON: Yes.

MR. WUERFLEIN: What does the general order mean? Does that mean it's just alive?

MR. THOMPSON: I'm sorry. I'm sorry, I should be telling you that. That bill is -- has passed out of committee, is
on general order in the House.

MR. WUERFLEIN: Has it been voted
on by the floor yet?

MR. THOMPSON: Are we talking
about 1288?

MR. WUERFLEIN: Well, I was
talking about the forums.

MR. THOMPSON: 599 still needs to
be voted on by the Senate, full Senate.

MR. WUERFLEIN: Okay.

MR. THOMPSON: I'm sorry. 1238
has passed the full House and is in
committee in the Senate, has been assigned
to committee in the Senate. Let's see.

1328 was a shell bill. That's not -
- the House Environment Committee meets
Monday, it is not on the agenda for Monday
so -- and that's the deadline, so we're
going to assume that that bill is dead.

1458 is a bill that says if we -- if
a rural water district removes a meter for
any other reason than delinquency, the
Department can order the rural water
district to put it back. This is not a DEQ
request bill.
MR. DARK: Say that again, please.

MR. THOMPSON: Okay. If a rural water district removes a meter for any other reason than delinquency, we can order the rural water district to put the meter back.

MR. DARK: Just to protect the water supply.

MR. THOMPSON: To protect the water supply. Currently, our only issue related to meters, as far as I know and Don can correct me, is pressure. You have to have sufficient pressure at the meter, wherever that is. This was done as a result of a constituent complaint with Representative Ellis and I'm not sure that Gene Whatley is particularly happy about it and it's not a request bill.

The 1467 is the bill that was -- is sponsored by the Oklahoma Department of Agriculture to get delegation of the discharge program from the federal government, much like the DEQ has. I will tell you that Tina Gunter, with the
Department of Agriculture, has been very good about providing information to us to allow us to comment. We don't have -- we don't have a particular dog in this fight other than our own jurisdiction.

(Court reporter changed tape)

MR. THOMPSON: House bill 1505 is a bill that would designate the Blue River as a scenic river. That is scheduled and the Blue River is down in Mr. Drake's area. That is scheduled to be heard in the House Environment Committee Monday. Whether the Blue River is designated as a scenic river or not is not really the Agency's issue. But we do feel an obligation -- no surprises -- obligation to the author to tell him what the consequences of that, what will be -- what will happen when that designation occurs and so we have provided -- we have simply provided that information.

MR. DRAKE: He's not listening, but thank you.

MR. THOMPSON: 305 is another shell that's dead. If you'll look on the back, 379 was a task force by Senator
Easley to put together the group to talk about poultry issues, that is dead.  was a simple shell bill by Senator Lerblance, that didn't run in committee so that one is dead.

Senate Bill 604 is a bill that simply says that the community has the -- can make the determination about who gets its sludge. The Department simply permits where it can go. It was an issue that arose that -- well, that maybe some of our employees were -- an employee was making decisions about the distribution of sludge. That's not our role. Senator Shurden wanted to do a bill that clarified that and we support that bill. It simply puts in place what we believe to be the case now.

SJR 18 was a resolution to disapprove a couple of our wastewater rules -- industrial wastewater rules. Joint resolutions and concurrent resolutions survive beyond the committee deadline, so you can't assume that an SJR is dead, even though the committee deadline has passed.

We believe the resolution to be dormant, we
don't believe it's going to run, but we
will continue to watch that.

MR. DARK: Steve, it's my
understanding that SJRs are just joint
resolutions, they have the ability to live
until the last day of session, correct?

MR. THOMPSON: We do. SJRs. Okay. Almost
until the end, Tony. Go ahead.

MR. GIVENS: Joint resolutions
that address administrative rules live
beyond the deadlines, not all the joint
resolutions.

MR. DARK: Just administrative.
Give me an example of where one wouldn't
live.

MR. GIVENS: Joint resolutions
are subject to the same deadlines as bills
except for joint resolutions that address
administrative rules, redistricting, one
other that escapes me at the moment.
Generally, they are subject to the same
deadlines.

MR. THOMPSON: And it's Jimmy's
fault for not making that clear to me.

MR. DARK: I'm just trying to get
a clarification, I wasn't sure.
MR. THOMPSON: But this one falls into that category.

Now, that's a good point. I think most people know this, just because a bill is dead does not mean the idea is dead. Any idea can be slipped into a bill at any time, so we will continue to -- and Jimmy will rigidly continue to watch for those kind of things and we'll address them as we have to. Anyway, it may give you a sense of why the Department spends some time at the legislature.

MR. DARK: One request with the sub-bills, if Jimmy is not that busy, in his spare time could he email out to the Board Members?

MR. THOMPSON: We would be glad to.

MR. DARK: Do you do those weekly or monthly?

MR. THOMPSON: Weekly.

MR. DARK: Weekly?

MR. THOMPSON: Yes.

MR. DARK: Literally, Jimmy, if you could press a button to make it happen,
please do, but don't go to any trouble beyond that. I would really like to see those weekly.

MR. THOMPSON: Okay. Board, is that the consensus of the Board?

MR. JOHNSTON: Yes, I would like to see them.

MR. THOMPSON: Okay.

MR. DRAKE: Particularly, if you need some help on something, if the Department needs some help on something, not just send out en masse like we're talking about but specifically, say -- you don't have to ask them, just say, this is an issue.

MR. THOMPSON: We can certainly do that.

MR. DRAKE: Based on how you really feel. Like I don't want the rural water thing to go through.

MR. THOMPSON: One other thing that is a legislative issue that I will bring you up to date on. I sense a lot of the Board, again, has asked that in the appropriations bill, the Hays Study be included relative to the salary of the
Executive Director. I am doing a little work on that, but I sense that there are a lot of Board Members and folks that work with Board Members that are pursuing that and I want to express my appreciation, but the deal is not done. Typically, statutory issues get taken up toward the first part of the session, budget and appropriations get taken up toward the end, but there is clearly some overlap on both of those. And with that, Mr. Chairman --

MR. DARK: Is there a sense of more overlap because of the freshman status of our house these days?

MR. THOMPSON: Well, I mean -- yes. Yes.

MR. DARK: I wasn't sure, because they have some latitude there. I wasn't sure what they were taking.

MR. THOMPSON: Yes. I think there is -- that is the case. They are going to take some advantage of that. They really did run -- they did extend the time for committee meetings, at least, because they wanted the issues to be taken up in
committee. The committee process is a really good learning process for freshman members. In fact, prior to the legislature beginning, because of the number of new people in the legislature, they held some mock committee meetings and we were invited to be there to explain -- help and offer to explain the bill. So I think the leadership on both sides is doing what they can to get new members acclimated to the process. That's my sense. With that, Mr. Chairman, that concludes my report.

MR. MASON: Any other questions for Steve today from the Board or the public or the staff?

MR. WUERFLEIN: Steve, on this one on municipal sludge, have we got people fighting for that to get that stuff out, keeping the DEQ out of who gets it, it used to be you had to fight to find somebody to take that stuff.

MR. THOMPSON: It is becoming more and more of a resource.

MR. WUERFLEIN: More popular, okay.
MR. THOMPSON: We permit the site. We have -- they decide who gets it and I assume there is a list and then we permit the site. And there is regulations requiring incorporation of a lot of things once a site is permitted, but that's our role.

MR. JOHNSTON: Move for adjournment.

MR. MASON: That's fine. We're adjourned and we'll go to the public forum.

(END OF PROCEEDINGS)

CERTIFICATE

STATE OF OKLAHOMA

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COUNTY OF OKLAHOMA    )

                        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 taken down in
shorthand, tape recorded by me and
thereafter transcribed under my direction;
that said proceedings were taken on the 4th
day of March, 2005, at Oklahoma City,
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
7th day of April, 2005.

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