Appendices

2006

Fiscal Statistics
Environmental Quality Report
Administrative Hearings
Criminal Enforcement Statistics
Solid Waste Fee Report

Annual Report
## Ambient Monitoring - FY2006
### Air Quality

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## Excess Emissions Monitoring - FY2006
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## Emissions Inventory - FY2006
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### Air Quality

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#### Inspection - FY2006

### Air Quality

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#### Lead Based Paint - FY2006

### Air Quality

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#### Lead Based Paint Compliance Inspections

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### Public Information and Education - FY2006

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### Quality Assurance - FY2006

#### Air Quality

<table>
<thead>
<tr>
<th>Quality Assurance</th>
<th>QTR 1</th>
<th>QTR 2</th>
<th>QTR 3</th>
<th>QTR 4</th>
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<tbody>
<tr>
<td>Audits</td>
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<tr>
<td>Continuous</td>
<td>34</td>
<td>29</td>
<td>37</td>
<td>38</td>
<td>138</td>
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<tr>
<td>Non-Continuous</td>
<td>20</td>
<td>14</td>
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<td>Interlab</td>
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<td>812</td>
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<td>62</td>
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<td>Filter Checks</td>
<td>211</td>
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<td>Precision Tests</td>
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### Environmental Impact Assessments - FY2006

#### Air Quality

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<th>QTR 2</th>
<th>QTR 3</th>
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<tr>
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## Ambient Monitoring - FY2006
### Customer Service

<table>
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<tr>
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<th>QTR 3</th>
<th>QTR 4</th>
<th>TOTAL</th>
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<tbody>
<tr>
<td>Biotrend Monitoring (from CSD)</td>
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## Compliance Monitoring - FY2006
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<th>QTR 3</th>
<th>QTR 4</th>
<th>TOTAL</th>
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</thead>
<tbody>
<tr>
<td>Industrial/Municipal Wastewater</td>
<td>22</td>
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## Customer Assistance General Outreach - FY2006
### Customer Service

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<th>QTR 3</th>
<th>QTR 4</th>
<th>TOTAL</th>
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</thead>
<tbody>
<tr>
<td>Services Provided to:</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Corporations</td>
<td>376</td>
<td>357</td>
<td>381</td>
<td>370</td>
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<td>Cities/Towns</td>
<td>42</td>
<td>40</td>
<td>42</td>
<td>44</td>
<td>168</td>
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<tr>
<td>Other Government</td>
<td>184</td>
<td>176</td>
<td>186</td>
<td>181</td>
<td>727</td>
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<tr>
<td>Individuals</td>
<td>26</td>
<td>24</td>
<td>27</td>
<td>26</td>
<td>103</td>
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<tr>
<td>Permit Assistance to New Business &amp; Industry</td>
<td>6</td>
<td>8</td>
<td>7</td>
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<td>Targeted Outreach</td>
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## Laboratory Operations - FY2006
### Customer Service

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<th>QTR 2</th>
<th>QTR 3</th>
<th>QTR 4</th>
<th>TOTAL</th>
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<tbody>
<tr>
<td>Laboratory Services</td>
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<td></td>
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<td></td>
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<tr>
<td>Local DEQ</td>
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<td>44</td>
<td>42</td>
<td>55</td>
<td>193</td>
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<tr>
<td>Private Citizens</td>
<td>227</td>
<td>531</td>
<td>147</td>
<td>159</td>
<td>1,064</td>
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<td>Contractual</td>
<td>249</td>
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<td>347</td>
<td>186</td>
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<td>QA Check Samples</td>
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<td>40</td>
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<td>Public Water Supplies</td>
<td>3,071</td>
<td>3,001</td>
<td>2,820</td>
<td>12,677</td>
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<tr>
<td>Bacteriological</td>
<td>6,959</td>
<td>6,211</td>
<td>5,453</td>
<td>6,506</td>
<td>25,129</td>
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<td>Super Fund</td>
<td>431</td>
<td>171</td>
<td>111</td>
<td>222</td>
<td>935</td>
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<tr>
<td>Hazardous Waste</td>
<td>65</td>
<td>35</td>
<td>152</td>
<td>80</td>
<td>332</td>
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<td>Water Quality</td>
<td>53</td>
<td>217</td>
<td>62</td>
<td>33</td>
<td>365</td>
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<td>Oklahoma Water Resources Board</td>
<td>950</td>
<td>811</td>
<td>640</td>
<td>1,094</td>
<td>3,495</td>
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<td>Conservation Commission</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Percent of Samples Analyzed Within Turnaround Goals</td>
<td>87%</td>
<td>94%</td>
<td>95%</td>
<td>98%</td>
<td>92%</td>
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### Laboratory Methodology/Instrumentation

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<th>Service Provided to:</th>
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<th>QTR 2</th>
<th>QTR 3</th>
<th>QTR 4</th>
<th>TOTAL</th>
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</thead>
<tbody>
<tr>
<td># New Instruments to Support New Methods</td>
<td>1</td>
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<tr>
<td># Replacement Instruments</td>
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<tr>
<td># New Methods Implemented</td>
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### Laboratory Certification

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<th>QTR 2</th>
<th>QTR 3</th>
<th>QTR 4</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applications Received</td>
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<td>1</td>
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<td>9</td>
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<tr>
<td>Certificates Issued</td>
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<td>0</td>
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<td>2</td>
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<td>Certificates Renewals</td>
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<td>0</td>
<td>166</td>
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<td>Performance Evaluations</td>
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<td>11</td>
<td>10</td>
<td>12</td>
<td>40</td>
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<tr>
<td>Issuance &gt; Timelines</td>
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</table>
### Permit Administration - FY2006

#### Customer Services

<table>
<thead>
<tr>
<th>Public Meetings for Permitting</th>
<th>QTR 1</th>
<th>QTR 2</th>
<th>QTR 3</th>
<th>QTR 4</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
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<td>2</td>
<td>4</td>
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### Customer Assistance Pollution Prevention - FY2006

#### Customer Services

<table>
<thead>
<tr>
<th>Pollution Prevention Activities</th>
<th>QTR 1</th>
<th>QTR 2</th>
<th>QTR 3</th>
<th>QTR 4</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Technical Assistance</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Telephone &amp; E-mail contacts</td>
<td>36</td>
<td>23</td>
<td>24</td>
<td>30</td>
<td>113</td>
</tr>
<tr>
<td>Site Assistance Visits</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>6</td>
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<tr>
<td>Publish P2 Literature</td>
<td>1</td>
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<td>Disseminate P2 Information</td>
<td>250</td>
<td>250</td>
<td>200</td>
<td>250</td>
<td>950</td>
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<td>Seminars, Workshops, &amp; Presentations</td>
<td>1</td>
<td>3</td>
<td>6</td>
<td>5</td>
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</table>

### Public Information - FY2006

#### Customer Services

<table>
<thead>
<tr>
<th>Public Information &amp; Publications</th>
<th>QTR 1</th>
<th>QTR 2</th>
<th>QTR 3</th>
<th>QTR 4</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Designs/Illustrations/Graphics Produced</td>
<td>251</td>
<td>282</td>
<td>165</td>
<td>247</td>
<td>945</td>
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<tr>
<td>Brochures/Flyers Produced</td>
<td>51</td>
<td>52</td>
<td>42</td>
<td>39</td>
<td>184</td>
</tr>
<tr>
<td>Fact Sheets Produced</td>
<td>14</td>
<td>6</td>
<td>3</td>
<td>7</td>
<td>30</td>
</tr>
<tr>
<td>Publications/Reports Produced</td>
<td>12</td>
<td>4</td>
<td>6</td>
<td>17</td>
<td>39</td>
</tr>
<tr>
<td>Newsletters Produced</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>2</td>
<td>14</td>
</tr>
<tr>
<td>Web Applications/Pages Developed</td>
<td>19</td>
<td>29</td>
<td>25</td>
<td>23</td>
<td>96</td>
</tr>
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</table>

#### Information Dissemination and Environmental Education

| Conferences/Displays | 4     | 3     | 3     | 2     | 12    |
| Environmental Education packets/information distributed | 21    | 26    | 57    | 24    | 128   |
| Personal/Web /Phone Contacts | 110   | 79    | 118   | 123   | 430   |

### Sara Title III - FY2006

#### Customer Services

<table>
<thead>
<tr>
<th>Community Right to Know (EPCRA)</th>
<th>QTR 1</th>
<th>QTR 2</th>
<th>QTR 3</th>
<th>QTR 4</th>
<th>TOTAL</th>
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</thead>
<tbody>
<tr>
<td>Tier 2 Reports Filed</td>
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<td>52</td>
<td>36,467</td>
<td>52</td>
<td>36,681</td>
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<tr>
<td>Tier 2 Forms Filed Electronically</td>
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<td>48</td>
<td>22,181</td>
<td>5</td>
<td>22,336</td>
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<td>Industry Request for Guidance</td>
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<td>241</td>
<td>1,174</td>
<td>36</td>
<td>1,491</td>
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<td>CAMEO/Submit Instruction/Presentations</td>
<td>5</td>
<td>6</td>
<td>12</td>
<td>22</td>
<td>45</td>
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<td>LEPC Meetings Attended</td>
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<td>6</td>
<td>11</td>
<td>7</td>
<td>30</td>
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<tr>
<td>TRI Inspections Attended</td>
<td>4</td>
<td>6</td>
<td>6</td>
<td>3</td>
<td>19</td>
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### Media Handling - FY2006

#### Administration

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<th>QTR 2</th>
<th>QTR 3</th>
<th>QTR 4</th>
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<td>Press Releases</td>
<td>7</td>
<td>8</td>
<td>19</td>
<td>20</td>
<td>54</td>
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<tr>
<td>Responses to Media Inquiries</td>
<td>131</td>
<td>73</td>
<td>99</td>
<td>93</td>
<td>396</td>
</tr>
<tr>
<td>Interviews</td>
<td>90</td>
<td>46</td>
<td>66</td>
<td>67</td>
<td>269</td>
</tr>
<tr>
<td>Number of Presentations</td>
<td>31</td>
<td>43</td>
<td>43</td>
<td>40</td>
<td>157</td>
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<td>Number of Citizens at Presentations</td>
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<td>2,966</td>
<td>3,677</td>
<td>2,261</td>
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# Complaint Statistics - FY2006

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<tr>
<th>ECLS</th>
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<th>QTR 2</th>
<th>QTR 3</th>
<th>QTR 4</th>
<th>TOTAL</th>
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</thead>
<tbody>
<tr>
<td><strong>Total Spills/Complaints Received</strong></td>
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<td>1,005</td>
<td>1,277</td>
<td>1,385</td>
<td>5,019</td>
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<td><strong>Spills/Complaints Referred to Other Agencies</strong></td>
<td>85</td>
<td>62</td>
<td>87</td>
<td>83</td>
<td>317</td>
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<td>5</td>
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<td>3</td>
<td>16</td>
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<td>Corps of Engineers</td>
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<td>2</td>
<td>1</td>
<td>5</td>
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<td>Used Motor Vehicle Commission</td>
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<td>0</td>
<td>0</td>
<td>0</td>
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<td>Dept. of Agriculture, Food, &amp; Forestry</td>
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<td>5</td>
<td>11</td>
<td>7</td>
<td>35</td>
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<td>County Sheriff’s Office</td>
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<td>4</td>
<td>15</td>
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<tr>
<td>City/Town</td>
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<td>7</td>
<td>9</td>
<td>10</td>
<td>34</td>
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<td>Corporation Commission</td>
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<td>40</td>
<td>48</td>
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<td>Native American</td>
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<td>6</td>
<td>3</td>
<td>12</td>
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<td>Liquefied Petroleum &amp; Gas Board</td>
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<td>0</td>
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<td>Dept. of Public Safety</td>
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<td>0</td>
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<td>0</td>
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<td>Conservation Commission</td>
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<td>0</td>
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<td>0</td>
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<tr>
<td>Oklahoma Water Resources Board</td>
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<td>1</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total DEQ Spills/Complaints Received</strong></td>
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<td>943</td>
<td>1,190</td>
<td>1,302</td>
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<tr>
<td><strong>Spills Received</strong></td>
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<td>89</td>
<td>62</td>
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<td>365</td>
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<tr>
<td>Water Quality Division</td>
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<td>2</td>
<td>2</td>
<td>10</td>
</tr>
<tr>
<td>Air Quality Division</td>
<td>52</td>
<td>39</td>
<td>19</td>
<td>40</td>
<td>150</td>
</tr>
<tr>
<td>Land Protection Division - Solid Waste</td>
<td>53</td>
<td>48</td>
<td>39</td>
<td>59</td>
<td>199</td>
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<tr>
<td><strong>Complaints Received</strong></td>
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<td>Publicly-Owned Wastewater Facility &amp; Lines</td>
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<td>Private Wastewater Service Lines</td>
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<td>Fish Kills</td>
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### Emergency Response - FY2006
#### ECLS

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#### Complaint Responsiveness

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<td>87%</td>
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### Enforcement Administration - FY2006
#### ECLS

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<tr>
<td>Fugitive Dust</td>
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<td>1</td>
<td>2</td>
<td>0</td>
<td>3</td>
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</table>

| Formal Actions                                |       |       |       |       |       |
| Open Burning                                  | 1     | 0     | 0     | 0     | 1     |
| Open Dumping                                  | 7     | 0     | 10    | 21    | 38    |
| Fugitive Dust                                 | 2     | 0     | 3     | 0     | 5     |
| Surfacing Sewage                              | 35    | 41    | 17    | 41    | 134   |
| Certified Installers                          | 0     | 1     | 0     | 1     | 2     |
| Non-Certified Installers                      | 3     | 0     | 0     | 2     | 5     |
| Septage Pumpers/Haulers                       | 0     | 0     | 0     | 0     | 0     |
| Total Retention Lagoons                       | 1     | 1     | 3     | 1     | 6     |
| Certified Soil Profilers                      | 0     | 0     | 0     | 0     | 0     |

| Fines Paid                                    |       |       |       |       |       |
| Open Burning                                  | $0    | $200  | $0    | $0    | $200  |
| Open Dumping                                  | $438  | $292  | $438  | $146.00 | $1,314 |
| Fugitive Dust                                 | $0    | $0    | $0    | $0    | $0    |
| Surfacing Sewage                              | $0    | $0    | $175  | $200.00 | $375   |
| Certified Installers                          | $0    | $425  | $1,175 | $0    | $1,600 |
| Non-Certified Installers                      | $150  | $1,350 | $0    | $0    | $1,500 |
| Septage Pumpers/Haulers                       | $0    | $0    | $0    | $0    | $0    |
| Total Retention Lagoons                       | $828  | $3,000 | $2,609 | $2,000 | $8,437 |
| Certified Soil Profilers                      | $0    | $0    | $0    | $0    | $0    |

| Total                                         | $1,416 | $5,267 | $4,397 | $2,346 | $13,426 |

### Target Complaints

<table>
<thead>
<tr>
<th>Complaints Closed</th>
<th>1,261</th>
<th>810</th>
<th>1,133</th>
<th>1,199</th>
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### Compliance

#### Enforcement Administration

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<tr>
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<th>9</th>
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<tr>
<td>Complaints Closed</td>
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<td>810</td>
<td>1,133</td>
<td>1,199</td>
<td>4,403</td>
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#### Water Quality Division
- Open Burning: 4, 2, 0, 0, 6
- Open Dumping: 1, 5, 1, 2, 9
- Fugitive Dust: 0, 1, 2, 0, 3
- Surfacing Sewage: 8, 2, 4, 2, 16
- Certified Installers: 0, 2, 1, 1, 4
- Non-Certified Installers: 0, 3, 2, 1, 6
- Septage Pumpers/Haulers: 0, 0, 0, 0, 0
- Total Retention Lagoons: 1, 0, 2, 4, 7
- Certified Soil Profilers: 0, 0, 0, 0, 0

#### Air Quality Division
- Open Burning: 1, 0, 0, 0, 1
- Open Dumping: 7, 0, 10, 21, 38
- Fugitive Dust: 2, 0, 3, 0, 5
- Surfacing Sewage: 35, 41, 17, 41, 134
- Certified Installers: 0, 1, 0, 1, 2
- Non-Certified Installers: 3, 0, 0, 2, 5
- Septage Pumpers/Haulers: 0, 0, 0, 0, 0
- Total Retention Lagoons: 1, 1, 3, 1, 6
- Certified Soil Profilers: 0, 0, 0, 0, 0

#### Land Protection Division - Solid Waste
- Open Burning: 0, 0, 0, 0, 0
- Open Dumping: 0, 0, 0, 0, 0
- Fugitive Dust: 0, 0, 0, 0, 0
- Surfacing Sewage: 0, 0, 0, 0, 0
- Certified Installers: 0, 0, 0, 0, 0
- Non-Certified Installers: 0, 0, 0, 0, 0
- Septage Pumpers/Haulers: 0, 0, 0, 0, 0
- Total Retention Lagoons: 0, 0, 0, 0, 0
- Certified Soil Profilers: 0, 0, 0, 0, 0

#### Land Protection Division - Hazardous Waste
- Open Burning: 0, 0, 0, 0, 0
- Open Dumping: 0, 0, 0, 0, 0
- Fugitive Dust: 0, 0, 0, 0, 0
- Surfacing Sewage: 0, 0, 0, 0, 0
- Certified Installers: 0, 0, 0, 0, 0
- Non-Certified Installers: 0, 0, 0, 0, 0
- Septage Pumpers/Haulers: 0, 0, 0, 0, 0
- Total Retention Lagoons: 0, 0, 0, 0, 0
- Certified Soil Profilers: 0, 0, 0, 0, 0

#### Complaint Responsiveness

<table>
<thead>
<tr>
<th>Complaints Requiring Response</th>
<th>701</th>
<th>492</th>
<th>660</th>
<th>707</th>
<th>2,560</th>
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<tbody>
<tr>
<td>Met 2 Working Day Response</td>
<td>88%</td>
<td>86%</td>
<td>87%</td>
<td>90%</td>
<td>88%</td>
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#### Fines Paid

<table>
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<tr>
<th>Enforcement Actions - Unpermitted Activities</th>
<th>QTR 1</th>
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| Total                                         | $1,416 | $5,267 | $4,397 | $2,346 | $13,426 |
### ECLS Requested Services

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### Water Quality

#### Storm Water-Construction

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#### Storm Water-Industrial

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### Inspection - FY2006

#### ECLS

#### Air Quality

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#### Water Quality

#### Public Water Supply

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<th>QTR 3</th>
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#### Industrial Wastewater

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#### Stormwater

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### Operator Certification - FY2006
#### Water Quality

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<td><strong>On-site System Installer Certification</strong></td>
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### Wellhead Protection Program - FY2006
#### ECLS

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### Technical Assistance - FY2006
#### ECLS

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<td>57</td>
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<td>144</td>
<td>232</td>
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## Enforcement Administration - FY2006

### Land Protection

#### Solid Waste

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<td>$0</td>
<td>$0</td>
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#### Hazardous Waste

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<th>QTR 4</th>
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<td>10,716</td>
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#### Radiation

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<tr>
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### Customer Assistance General Outreach - FY2006

#### Land Protection

#### Radiation Surveys

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<tr>
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<td>Radiation Surveys</td>
<td>124</td>
<td>91</td>
<td>49</td>
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### Inspection - FY2006

#### Land Protection

#### Solid Waste Inspections

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<tr>
<td>Compliance Evaluation Inspections</td>
<td>166</td>
<td>167</td>
<td>144</td>
<td>116</td>
<td>593</td>
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#### Hazardous Waste Inspections

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<td>Compliance Evaluation Inspections</td>
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#### Radiation

<table>
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<tr>
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<th>QTR 3</th>
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## Waste to Resources Programs - FY2006

### Land Protection

#### Waste Management Permitting

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<td><strong>Solid Waste</strong></td>
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<td>73</td>
<td>97</td>
<td>109</td>
<td>83</td>
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<td>93</td>
<td>90</td>
<td>103</td>
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<tr>
<td>Applications Received</td>
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<td>70</td>
<td>73</td>
<td>61</td>
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<tr>
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#### Underground Injection Control

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<td>54</td>
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#### Radiation

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#### Total Permits Issuance > Timelines

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## Historic Site Cleanup - FY2006

### Land Protection

#### Private Party Oversight

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<th>QTR 3</th>
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<tr>
<td>Ongoing</td>
<td>119</td>
<td>113</td>
<td>115</td>
<td>113</td>
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### Environmental Education - FY2006
#### Land Protection

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<td>EE Organizational/Committee Meetings &amp; Projects</td>
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<td>67</td>
<td>76</td>
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<td>8</td>
<td>8</td>
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<td>Total EE Public Presentations (conf., schools, festivals, etc.)</td>
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<td>15</td>
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#### Recycling Information

| Recycling Exhibits Prepared | 1     | 2     | 4     | 2     | 9     |
| Recycling Conference Presentations | 1     | 1     | 2     | 2     | 6     |
| Total Recycling Public Presentations (conf., schools, festivals, etc.) | 42    | 78    | 49    | 62    | 231   |
| Recycling Public Presentations (Adult) | 13    | 7     | 13    | 11    | 44    |
| Recycling Public Presentations (K-12) | 29    | 44    | 36    | 51    | 160   |
| DEQ Recycling Publications (Total)         | 1     | 3     | 1     | 1     | 6     |
| New DEQ Recycling Publications Developed   | 1     | 1     | 2     | 0     | 4     |
| DEQ Recycling Publications Distributed     | 138   | 212   | 783   | 245   | 1,378 |
| Recycling Training Given (Agencies, Organizations, etc.) | 39    | 47    | 45    | 39    | 170   |
| Recycling Markets Identified in Oklahoma (Total) | 33    | 27    | 28    | 22    | 110   |
| Recycling Markets Identified in Oklahoma (New) | 4     | 6     | 4     | 4     | 18    |
| Waste Audits Performed                     | 1     | 3     | 3     | 1     | 8     |

#### Rulemaking Meetings

| Council meetings/rulemaking hearings held | 1     | 2     | 1     | 0     | 4     |

### Non-Hazardous Waste Management - FY2006
#### Land Protection

<table>
<thead>
<tr>
<th>Solid Waste</th>
<th>NHIW Certifications Received</th>
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<th>QTR 2</th>
<th>QTR 3</th>
<th>QTR 4</th>
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<td></td>
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<td>145</td>
<td>136</td>
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### Operator Certification - FY2006
#### Land Protection

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## TMDL Development - FY2006
### Water Quality

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<td>TMDLs Completed</td>
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<td>3</td>
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## Operator Certification - FY2006
### Water Quality

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<tr>
<td>Approved Training Hours Provided</td>
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<td>232</td>
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### New Certified Examinations

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## Enforcement Administration - FY2006
### Water Quality

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<td>Supplemental Environmental Projects (in thousands)</td>
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### Storm Water

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## Inspection - FY2006
### Water Quality

### Public Water Supply

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<td>552</td>
<td>524</td>
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### Municipal Wastewater

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## Data Management - FY2006
### Water Quality

### Groundwater

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## Permit Administration - FY2006
### Water Quality

### Water Quality Permitting

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The Department of Environmental Quality ("DEQ") is required by statute annually to submit an "Environmental Quality Report" to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives, outlining the DEQ’s annual needs for providing the environmental services within its jurisdictional areas, any new federal mandates, and state statutory or constitutional changes recommended by the DEQ. The Report must be reviewed and approved by the Environmental Quality Board prior to its submittal to the Governor and Legislature.

I. ANNUAL NEEDS

BACKGROUND

For fiscal year 2007, the Department of Environmental Quality (DEQ) is requesting a state legislative appropriation of $8,166,580 simply to address ongoing costs. In addition to that, the DEQ is requesting appropriated funds totaling $1,823,000, primarily to provide assistance to small communities for public water supply systems.

The DEQ is addressing many new and expanded requirements under the federal Safe Drinking Water Act and Clean Water Act. Examples of these requirements include the Interim Enhanced Surface Water Treatment Rule, the Disinfection By-Products Rule, the Arsenic Rule, the Groundwater Rule, and TMDL/Watershed Rule (see attachment A for rule descriptions). The federal requirements add responsibilities and costs to both regulated communities and state agencies charged with implementing the programs.

In many cases, the new regulatory requirements will have the greatest impact on small communities who are operating with very limited resources. These new federal requirements, like many in the past, come with no additional federal money. In fact, under wartime budgets federal funds are projected to decrease. This shortage of federal funds leaves states in a position of seeking additional state appropriations in a difficult budget time and/or raising fees to the regulated community.

While DEQ has historically provided technical assistance and guidance to small communities, helping them to comply with regulatory requirements, it is becoming increasingly difficult to devote limited resources toward this effort. As new requirements come into effect and as budgets shrink, DEQ will be forced to devote all available resources to meet those obligations required by law (permitting, compliance monitoring, and enforcement). This will have a dramatic impact on DEQ’s ability to provide assistance to those communities unable to meet the technical and financial demands of new regulatory requirements on their own.
FUNDING FOR COMMUNITY ASSISTANCE

We estimate that a minimum of $345,000 per year increase in revenues will be needed to fund increased demands on Public Water Supply (PWS) staff created by the new PWS rules. This increase would cover personnel costs (6 full-time employees) required to implement new rule requirements and to provide additional technical assistance to those systems impacted by new rules.

A good example of benefits derived from DEQ’s ability to provide assistance to a small community is recent on-site technical support to the City of Nowata. To help the city address Disinfection By-Product (DBP) issues, DEQ staff spent several days at Nowata’s water treatment plant conducting an audit of their operations. Based on this evaluation, DEQ was able to make recommendations on modifying operational procedures that resulted in lowering the city’s DBP levels. This helped the City achieve and maintain compliance with the DBP Rule at no additional cost. This type of technical assistance will be in jeopardy without additional funding.

The largest and most immediate cost increases faced by small communities are expenditures for laboratory analyses. This is due to the significant increases in the parameters and new constituents that public water supplies are federally required to address. These costs are borne by the communities and the DEQ and will continue to increase where funding is not available to mitigate the expenditures necessary for compliance. To address these analytical needs, the DEQ estimates a minimum annual need of $513,000. Funding options are federal money available to states (which is decreasing and thus is an unlikely source), state appropriated dollars, or fee increases.

The DEQ is also attempting to address new and expanded TMDL requirements under the federal Clean Water Act. A TMDL is the process of calculating the quantity of a particular contaminant that a specific water body can receive and still meet Oklahoma Water Quality Standards (WQS). In Oklahoma there are currently over 500 water bodies identified as being impaired by pollutants; TMDL development is required for each of these impaired water bodies. These TMDLs will need to be completed over the next few years under a federally mandated schedule, with 88 TMDLs scheduled for completion in 2007.

While DEQ must comply with the federal rule, there are other issues that need to be considered as well. DEQ recognizes the need to prioritize TMDL efforts in a manner that benefits those in the regulated community utilizing those impaired waters. There are currently 117 PWS systems drawing water from impaired waters. Of those systems, 105 draw water from lakes and 12 draw from streams. Many of these systems have violations associated with disinfection by-products, the result of the interaction between chlorine used for disinfecting drinking water and the organics in the raw source water. TMDLs can help identify sources of contaminants that may be contributing to these problems. Once identified, federally funded programs such as the 319 Program can implement Best Management Practices to help eliminate potential non-point sources. As contaminant sources are identified and addressed, this can only help those communities struggling to treat impacted water supplies, resulting in a reduction in operational costs and making it easier to comply with federal requirements.
The ability to supply safe and dependable drinking water to its citizens and industries is a fundamental necessity for Oklahoma towns and cities. For small communities it can be the difference between having a sound economy that funds many needs, or not. DEQ proposes to prioritize TMDL efforts to assist those small communities that will benefit the most from having TMDLs – communities that are least able to pursue TMDLs on their own financially. Under this prioritized schedule DEQ proposes in FY 2007 to perform TMDLs on PWS supply lakes supplying water to significant numbers of small communities. It is estimated that will cost $50,000-$75,000 for each TMDL. As little or no federal funding will be available to fund this activity, a minimum of a $400,000 increase in revenues will be needed to fund this activity.

DEQ recognizes that sometimes the regulated community in general and small community systems in particular face a difficult task in even knowing where to go for information and help on how to comply with new environmental rules. Questions may be as simple as “How do I collect a sample?” or as complex as “What modifications in our treatment plant are needed to comply with this rule and how can we pay for them?” As a wide range of environmental expertise exists within DEQ, we are well equipped to provide assistance to small communities trying to comply with new rules, and will provide such assistance to the degree resources will allow. To facilitate this sharing of knowledge, DEQ would like to adopt a Small Community Compliance Assistance (SCCA) Hotline. This hotline would provide a single point of contact to call for assistance, ensuring that those in need have access to timely and productive assistance in dealing with compliance issues. An additional $60,000 would be required to fund the SCCA Hotline through DEQ’s Customer Services Division.

**FUNDING FOR ANALYTICAL EQUIPMENT**

The DEQ provides laboratory analysis for most small public water supplies and uses available federal and state revenues to keep these costs to a minimum. Small communities pay for these analyses through a combination of the PWS fee for regulatory services for core analyses and/or fees billed for services as received. Small communities rely upon DEQ for this service but the agency continues to struggle in two areas to fund the cost of equipment needed to provide this testing.

In FY05 the Legislature allocated $400,000 in REAP funding for DEQ’s use to purchase equipment to meet new DBP and Radionuclide monitoring. This funding allowed DEQ to meet needs up to that time. However, it was one-time funding that is no longer available to meet new monitoring requirements, replace equipment that wears out and needs to be replaced every five to ten years, or provide the needed maintenance to existing equipment like that just purchased with the REAP money.

To address the new equipment needed to meet upcoming increases in monitoring analysis, DEQ will need $140,000 in FY07 for development of new testing technologies. In addition, DEQ has a current investment in analytical testing equipment of $3,650,000. Laboratory equipment has a useful life span of seven to ten years. At least $365,000 annually is needed to replace existing equipment and maintain capabilities to provide laboratory analyses for small communities. These costs will be borne by the communities where funding is not available to mitigate the expenditures necessary to continue to provide analytical services.
Summary of Funding Needs – Appropriated Funds

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<tr>
<th>Cost Category</th>
<th>FY 07</th>
</tr>
</thead>
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<tr>
<td>Regulatory Services</td>
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<tr>
<td>Analytical Needs</td>
<td>$513,000</td>
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<tr>
<td>TMDLs</td>
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<td>Small Community Assistance Hotline</td>
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<tr>
<td>Equipment for new testing</td>
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<tr>
<td>Equipment replacement/maintenance</td>
<td>$365,000</td>
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<tr>
<td>Total</td>
<td>$1,823,000</td>
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</table>

CONCLUSION

DEQ needs increased general revenue or other state funding, or needs to pass costs on to the regulated community.

II. FEDERAL MANDATES

PUBLIC WATER SUPPLY

The deadlines for promulgation and implementation of a number of rules under the federal Safe Drinking Water Act have recently occurred or will occur by sometime in 2006. In January 2004, the Disinfection By-Product Rule (DBP) monitoring, including Trihalomethanes, Haloacetic Acids and Total Organic Carbon monitoring, was expanded to apply to all public water supplies that disinfect. Radionuclide Rule monitoring changes, including Gross Alpha, Radium and Uranium, also went into effect in January of 2004. The requirement under the Arsenic Rule that all new sources of drinking water collect initial monitoring samples also took effect in January of 2004, and the new arsenic limit becomes effective in January 2006. The Long-Term 1 Enhanced Surface Water Treatment Rule became effective for systems serving a population fewer than 10,000 in January of 2005. EPA is predicting that the Long-Term 2 Enhanced Surface Water Treatment Rule and the Stage 2 DBP Rule, further tightening DBP limits, will be promulgated in January 2006. The Groundwater Rule is targeted to be promulgated in the spring of 2006.

III. DEQ LEGISLATIVE RECOMMENDATIONS

The following are DEQ’s proposals, as of the date of preparation of this Report and subject to concurrence by the Environmental Quality Board, for request legislation for the 2006 regular legislative session.
FTE LIMITS
The DEQ employs a number of individuals on a non-contract temporary basis. This allows the DEQ to meet some staffing needs in a more cost-efficient fashion, and also allows the agency an opportunity to observe the performance of some potential permanent employees. Currently, however, temporary employees count against the agency’s full-time-equivalent (FTE) “cap”.

The number of federal mandates imposed on the states in environmental programs has increased dramatically over the last several years. The number of FTEs authorized for the DEQ (571) has been sufficient until now, but with the ever-increasing staffing needs resulting in large part from the mandates, the DEQ is approaching its FTE limit.

The proposed legislation would provide that non-contract temporary employees do not count against the agency’s FTE cap. This will allow DEQ to meet its staffing needs for the reasonably foreseeable future without increasing the number of permanent employees for which the agency is authorized.

AIR QUALITY
The DEQ was created in 1993. Most of the DEQ’s functions were previously with the Oklahoma State Department of Health (OSDH). The statutes that created the DEQ included a number of transitional provisions, to cover the handling of permitting and enforcement, for example.

The OSDH-DEQ transitional provisions generally have outlived their applicability and usefulness, and often cause confusion for those unfamiliar with the history.

The proposed legislation amends a transitional section of the Oklahoma Clean Air Act to remove outdated language and reduce confusion.

HAZARDOUS WASTE FEE
The DEQ’s Hazardous Waste Program regulates the generation, treatment, storage, and disposal of hazardous wastes under the authority of the federal Resource Conservation and Recovery Act (RCRA). The DEQ has delegation of the program from the Administrator of the United States Environmental Protection Agency (EPA). Additionally the DEQ is responsible for remediation of contaminated sites throughout the state.

The primary state funding for the program comes from commercial disposal of hazardous waste at permitted facilities within the state. These fees have been statutorily set at $9 per ton since 1993. The total annual income from these fees has decreased from a high ten years ago of $3.2 million to less than $780,000 in 2004. They have been declining at the rate of 10% to 15% per year. This has dramatically decreased the funding available to DEQ to run the Hazardous Waste Program (including funding to the State Environmental Laboratory), to provide a monetary match to address Superfund sites, and to clean up orphan hazardous waste sites.

The decrease in funding has caused the Hazardous Waste Program to operate at minimum staffing levels. While the workload for managing active hazardous waste generators has remained constant, the need for remediation of contaminated sites continues to grow. Contaminated sites generally fall into one of the following three areas.
1. **RCRA (Hazardous Waste) Program.**

DEQ staff perform inspections and ensure compliance at hundreds of hazardous waste sites. The Corrective Action program is responsible for long-term remediation of many hazardous waste facilities. Due to existing vacancies, our personnel perform a minimum number of inspections and perform remediation primarily on the highest-risk sites. There are many sites that are significantly contaminated which are being deferred due to resource limitations.

Projected need: $320,000 annually, for four FTEs

2. **Superfund.**

Through the federal Superfund program, Oklahoma is able to leverage 90% federal funding for the cleanup of large, contaminated sites. In this way our 10% “match” becomes a very effective tool to address contaminated sites.

Projected Need:

<table>
<thead>
<tr>
<th>Calendar Year</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>$534,900</td>
</tr>
<tr>
<td>2007</td>
<td>$83,600</td>
</tr>
<tr>
<td>2008</td>
<td>$770,800</td>
</tr>
<tr>
<td>2009</td>
<td>$2,055,000</td>
</tr>
<tr>
<td>2010</td>
<td>$255,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$3,699,300</strong></td>
</tr>
</tbody>
</table>

3. **Orphan Sites**

There is a large universe of contaminated sites with no means for cleanup. Generally these are formerly used industrial properties where the owner either cannot be located or lacks the means to remediate the site. DEQ databases list several hundred potentially contaminated orphan sites, some of the most significant of which are listed in the following table.

Projected Need:

<table>
<thead>
<tr>
<th>Site Name</th>
<th>County</th>
<th>Projected Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cushing Acid Works</td>
<td>Payne</td>
<td>$250,000</td>
</tr>
<tr>
<td>Minnie Lane (To be a SEP)</td>
<td>Oklahoma</td>
<td>$104,000</td>
</tr>
<tr>
<td>Globe Oil, Blackwell</td>
<td>Kay</td>
<td>$200,000</td>
</tr>
<tr>
<td>Wilcox Refinery, Bristow</td>
<td>Creek</td>
<td>$200,000</td>
</tr>
<tr>
<td>Thomason Lumber Co.</td>
<td>McCurtain</td>
<td>$125,000</td>
</tr>
<tr>
<td>Blackstar (Near Mannford)</td>
<td>Creek</td>
<td>$35,000</td>
</tr>
<tr>
<td>Valliant (wood preserving facility)</td>
<td>McCurtain</td>
<td>$323,000</td>
</tr>
</tbody>
</table>
El Reno Gas and Electric  Canadian  $160,000  
Cushing Rail Car  Payne  $110,000  
Jones Battery Site  Oklahoma  $70,000  
Collinsville Trailer Park  Rogers  $500,000  
Empire Refining  Payne  $1,000,000  
Kusa Smelter/USA Refining  Okmulgee  $1,000,000  
City Services Refining  Okmulgee  $2,000,000  
Chaparral Transport, Watonga  Blaine  $25,000  
**Total**  
**$6,102,000**

**Summary of Needs for Hazardous Waste Program**

**Based on a Five-Year Projection**

<table>
<thead>
<tr>
<th>Category</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>RCRA Corrective Action</td>
<td>$320,000/yr X 5 yrs = $1,600,000</td>
</tr>
<tr>
<td>Superfund Match</td>
<td>$3,699,300</td>
</tr>
<tr>
<td>Orphan Site Cleanup</td>
<td>$6,102,000¹</td>
</tr>
<tr>
<td><strong>Total Resources Needed</strong></td>
<td><strong>$11,401,300</strong></td>
</tr>
<tr>
<td><strong>Annual Average</strong></td>
<td>$11,401,300 / 5 yrs = <strong>$2,280,260</strong></td>
</tr>
</tbody>
</table>

The principal commercial hazardous waste facility in Oklahoma is the Lone Mountain facility, owned and operated by Clean Harbors Environmental Services, Inc. It is a hazardous waste landfill disposal facility, with associated hazardous waste treatment and other services also offered. The two other states in EPA Region 6 that have commercial hazardous waste landfill facilities are Louisiana and Texas. As noted above, Oklahoma’s hazardous waste disposal fee is currently $9.00 per ton. In comparison, Louisiana’s commercial hazardous waste disposal fee is $40.00 per ton, and Texas’ is $37.50 per ton for hazardous waste from outside the state, or $30.00 if the hazardous waste was generated within Texas.²

The DEQ proposes to raise the Oklahoma disposal fee to $35.00 per ton – within the Texas fee range, and slightly lower than Louisiana’s. Based on FY 2005 figures, this increase would produce roughly $2 million annually in additional revenue. This would allow for more adequate staffing of the Hazardous Waste Program and greatly enhanced cleanup of contaminated sites, and would also mean a more level playing field among states in the Region.

**WATER AND WASTEWATER**

Oklahoma state law requires that most public water supplies and wastewater treatment systems hire an operator licensed and certified by the State of Oklahoma. Operators provide an invaluable service to public water supplies and wastewater treatment systems by ensuring that the operation and maintenance of the system is efficient and effective. Additionally, operators help systems to comply with federal and state statutory and regulatory requirements. Problems arise when small municipalities, small rural public water supplies and small rural wastewater treatment systems do not have the necessary revenue to hire certified operators. The proposed legislation will provide substate planning districts and other public systems the authority to contract or hire a licensed, certified operator, that can assist multiple systems with their drinking water and wastewater operation and maintenance needs and help them obtain and maintain compliance.
IV. OTHER LEGISLATION OF SPECIAL INTEREST

SALARY CAP

Last year the legislature raised the Executive Director’s salary cap, along with those of other state agency directors. However, the cap was not raised to the level suggested by the Hay Study. The legislature did indicate an interest in revisiting the salary issue again this year and adhering to the Hay Study to resolve salary inequities of the state’s executive directors.

(Footnotes)

1 This orphan site cleanup figure is projected to extend over five years to be consistent with the other needs figures, but expenditures for this item in particular could extend over a shorter or longer period, depending on availability of funds after other needs are met.

2 Attorneys for the DEQ believe the Texas system of differentiating between out-of-state and in-state waste for purposes of fee assessment is constitutionally suspect.
Administrative Hearings FY 2006*

<table>
<thead>
<tr>
<th>Facility or Individual</th>
<th>Nature of Hearing</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blackstar Performance</td>
<td>Emergency Order</td>
<td>Proposed Order Issued, 8/15/06</td>
</tr>
</tbody>
</table>

Criminal Enforcement Statistics

<table>
<thead>
<tr>
<th>Statistics</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary investigations initiated:</td>
<td>42</td>
</tr>
<tr>
<td>New cases opened:</td>
<td>14</td>
</tr>
<tr>
<td>Cases continued from previous years:</td>
<td>8</td>
</tr>
<tr>
<td>Felony counts filed:</td>
<td>24</td>
</tr>
<tr>
<td>Misdemeanor counts filed:</td>
<td>2</td>
</tr>
<tr>
<td>Felony convictions (individuals):</td>
<td>3</td>
</tr>
<tr>
<td>Misdemeanor convictions (individuals):</td>
<td>1</td>
</tr>
</tbody>
</table>

*Statistics are from July 1, 2005 through March 30, 2006
## Oklahoma Department of Environmental Quality

### Solid Waste Fees Budgeted & Expended

**Fiscal Year 2006**

| FY2006 Income (through 6/30/2006) | $5,316,133 |

<table>
<thead>
<tr>
<th>Budgeted Solid Waste Program</th>
<th>Budgeted OCCHD TCCHD</th>
<th>Total FY 2006 Budget</th>
<th>Expenditures/Encumbrances 08/24/06</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>Personnel</strong></th>
<th>2,252,549</th>
<th>681,771</th>
<th>2,934,320</th>
<th>2,674,433</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Salaries, Insurance, FICA, Retirement, Workers Compensation)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Equipment</strong></th>
<th>105,014</th>
<th>0</th>
<th>105,014</th>
<th>102,743</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Data Processing Equipment &amp; Software, Property, and Furniture)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Travel</strong></th>
<th>149,438</th>
<th>44,414</th>
<th>193,852</th>
<th>226,426</th>
</tr>
</thead>
<tbody>
<tr>
<td>(In-state and out-of-state Mileage, Meals, &amp; Incidents, Lodging)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Miscellaneous Administrative Expenses</strong></th>
<th>54,861</th>
<th>11,370</th>
<th>66,231</th>
<th>43,440</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Freight, Telecommunications, Informational, Exhibitions, Licenses, Membership, Utility, Copy Charges, Copier Lease, Printing)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Rent Expense</strong></th>
<th>5,461</th>
<th>16,334</th>
<th>21,795</th>
<th>24,420</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Building Space, Telecommunication Equipment)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Maintenance and Repair</strong></th>
<th>56,882</th>
<th>3,304</th>
<th>60,186</th>
<th>61,576</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Equipment)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Specialized Supplies &amp; Materials Expense</strong></th>
<th>0</th>
<th>0</th>
<th>0</th>
<th>181</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Medical, Architectural, and Printing Supplies, Fuels)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Production &amp; Safety</strong></th>
<th>5,000</th>
<th>0</th>
<th>5,000</th>
<th>501</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Uniforms &amp; Wearing Apparel, Safety Supplies)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Office and Shop</strong></th>
<th>104,248</th>
<th>12,015</th>
<th>116,263</th>
<th>109,287</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Office Supplies, Data Processing Supplies, Lab Supplies and Services)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Resource Materials</strong></th>
<th>526</th>
<th>0</th>
<th>526</th>
<th>533</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Library Resources)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Lease Purchases</strong></th>
<th>5,830</th>
<th>1,471</th>
<th>7,301</th>
<th>5,294</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Lease Purchases of Furniture, Equipment, Software, Buildings, and Land)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Contracts</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>SWRINO/Solid Waste Research Institute</td>
</tr>
<tr>
<td>Association of County Commissioners</td>
</tr>
<tr>
<td>Keep Oklahoma Beautiful</td>
</tr>
<tr>
<td>Lab Cleanup</td>
</tr>
<tr>
<td>Computer Training &amp; Technical Assistance</td>
</tr>
<tr>
<td>Closure of North Tulsa Landfill</td>
</tr>
<tr>
<td>OSU Cooperative Extension Service</td>
</tr>
<tr>
<td>Credit Bureau</td>
</tr>
<tr>
<td>Legal/Court Reporting Services</td>
</tr>
<tr>
<td>Update SE unit costs &amp; worksheets in appendices H&amp;I</td>
</tr>
<tr>
<td>Community Based Environmental Protection</td>
</tr>
<tr>
<td>Recycling Equipment - Local Governments</td>
</tr>
<tr>
<td>Land Reclamation</td>
</tr>
<tr>
<td>Projects to Implement County Plans</td>
</tr>
<tr>
<td>Recycling Educ.</td>
</tr>
<tr>
<td><strong>Total Budget for Contracts</strong></td>
</tr>
</tbody>
</table>

| **TOTALS** | 4,509,321 | 770,679 | 5,280,000 | 4,480,434 |