

Environmental Federation of Oklahoma
2022 Annual Report



**ENVIRONMENTAL
FEDERATION OF
OKLAHOMA**

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President's Report

Please accept this Memorandum as a report on EFO's activities since last year's annual meeting. EFO was formed in 1991 to provide industry a voice in the environmental affairs of our state. Today, on our 31st annual meeting, EFO has 105 members: 32 company members, 34 associates, 15 affiliates, 24 appendix affiliates, 2 alumni members, and 9 ex-officio members. A current membership list is attached to this report.

2021 - 2022 was very different for everyone including EFO. EFO was very active in a number of areas over the past year but had to learn new things and kept our annual events even though many were still not allowed to travel or attend in-person events. First, our 30th annual meeting was held in Tulsa became a hybrid in-person and virtual meeting and we had a beautiful day of golf overlooking downtown Tulsa from the Osage hills. Many golfers still wanted to get out and spend a wonderful day on the golf course. The meeting was highlighted by the presentation of the Frank Condon award for Environmental Excellence to OGE for their Vegetation Management Browse Delivery for Oklahoma City Zoo & Botanical Gardens project.

EFO was also very active again this year in the. The Legislative committee met through the session to review bills and focus on our members' needs at the legislature. We are pleased to announce that the Legislature did NOT pass any truly bad-for-business environmental bills. At the same time, our weekly electronic legislative updates kept our membership informed of developments. We were also able to pass some very beneficial bills as well.

The Activities Committee Chairman Paula Hofford retired this year after many years of leading the Activities and Nyna Saenz of Constellation Energy graciously agreed to take on the task of chairing the Activities Committee. This year's scheduled events included the Annual Legislative Reception, held at the Faculty House (May 3rd), ODEQ/EFO Regulatory NewsReel at the Rose State College Ball Room (June 23rd). We had very good turnout and participation at each of the events. We are glad to see everyone starting to return to in-person events and taking time to network and learn from your peers.

EFO was much more active in membership development this year with Jody Reinhart leading this effort. Jody has continued to very actively pursue new members.

Considering what we have all we went through in the last year, EFO has experienced another successful year. The exchange of memberships with the Arkansas Environmental Federation and the State Chamber continues to serve EFO well. We also exchange memberships with the State Chamber and we are very active on their Energy & Natural Resources Committee. This year the State Chamber has been adding articles from the EFO Newsletter into their weekly newsletter under the title of "EFO Regulatory Newsreel".

EFO has a well-deserved reputation as the sensible business voice on environmental issues. You can and should expect that reputation to grow even more in future years!

EFO's webpage can be found at www.envirofdok.org. I may be reached at bud@envirofdok.org.
/hlg

Treasurer's Report

January – December 2021

EFO started the year 2021 with \$206,235 in the Federation's checking account.

The Federation had a gross income of \$232,320 for 2021 which included company, affiliate, associate and appendix affiliate membership dues, annual meeting registrations, exhibitor fees, and technical seminar registrations. As of December 31, 2021, the checking account remained at BancFirst.

Expenses for 2021 totaled \$183,877 and included the President's contract, administrative contract, membership development director, photocopies, postage, supplies and services, travel expenses and mileage, dues and / or memberships in other organizations, meeting and seminar registrations, legal fees, legislative information services, luncheon meeting expenses, technical seminar expenses, tax preparation fees, annual meeting supplies and expenses, contributions, and website expenses.

As of December 31, 2021, the Federation's checking account balance was \$254,678.

Respectfully submitted,

Craig Perry

Treasurer

EFO Media Committee Reports

Air Quality Committee

From October 2021 to September 2022, the Air Quality Committee sponsored six meetings/events.

1. January 12, 2022 committee meeting to discuss rule changes, including a new general permit for oil & gas facilities, proposed by the Oklahoma Department of Environmental Quality (DEQ) Air Quality Division (AQD), potential AQD fee increases, and ideas for the annual conference air panel.
2. February 18, 2022 meeting of representatives of companies (EFO members and non-members) affected by the AQD's plan for the regional haze second implementation period.
3. May 5, 2022 technical seminar with presentations about regulation and policy changes, recent compliance and enforcement activities, the Murphy/McGirt/Huerta case at SCOTUS, GHG litigation at SCOTUS, SIP updates and an open discussion where a number of concerns about the AQD were voiced.
4. July 18, 2022 meeting with the EFO Air Quality Committee Chair, the EFO President, one other EFO Air Quality Committee member, the AQD Director, and the DEQ Chief Engineer to discuss the concerns voiced during the May 5, 2022 seminar, the DEQ's plans for addressing those concerns, and to establish a meeting schedule for ongoing status updates and conversations.
5. July 27, 2022 committee meeting to discuss the previously voiced concerns with the AQD Director and DEQ Chief Engineer.
6. August 15, 2022 monthly status update meeting with the EFO Air Quality Committee Chair, the EFO President, one other EFO Air Quality Committee member, the AQD Director, and the DEQ Chief Engineer.

During the same period, the Air Quality Committee monitored a number of new or revised laws, regulations, and guidance from the State Legislature, Oklahoma Department of Environmental Quality (DEQ) Air Quality Division (AQD), its Air Quality Advisory Council (AQAC), and the U.S. EPA, including but not limited to the following:

- DEQ AQD Air Pollution Control regulations related to air permitting, open burning, existing municipal solid waste landfills
- DEQ AQD guidance for produced water tank emissions
- DEQ AQD Air Monitoring Network Plan
- DEQ AQD Oil & Gas General Permit
- DEQ AQD regional haze SIP
- DEQ e-permitting
- EPA approval of various SIP revisions
- EPA disapproval of the SIP revisions related to the 2015 8-Hour ozone national ambient air quality standards
- EPA FIP for the 2015 8-Hour ozone national ambient air quality standards
- EPA SSM policy changes
- EPA Toxic Release Inventory (TRI) applicability changes (subjecting natural gas processing facilities for the first time)
- EPA New Source Performance Standards (NSPS) and Emissions Guidelines (EG) for: oil & natural gas sector; industrial surface coating of plastic parts for business machines; and stationary internal combustion engines.

- EPA National Emission Standards for Hazardous Air Pollutants (NESHAPs) for flexible polyurethane foam fabrication operations; dry cleaning facilities; miscellaneous organic chemical manufacturing; coal- and oil-fired electric utility steam generating units; municipal solid waste landfills; wood preserving; stationary combustion turbines; gasoline distribution; and the NESHAP general provisions.
- EPA emission standards and test procedures for aircraft engines
- EPA renewable fuel standard program
- EPA National Ambient Air Quality Standards for PM and ozone
- Risk management program
- Significant New Alternatives Policy Program listings

All counties in Oklahoma remain categorized as attainment or unclassifiable for all NAAQS. However, several areas are very near the NAAQS for ozone. Attainment status and any nonattainment designations and subsequent regulations will be tracked closely – and commented upon, if necessary – by the Air Quality Committee.

The Air Quality Committee welcomes feedback from EFO's members on ways to improve its service and on issues that it can bring before the ODEQ AQD or other regulators.

Water Quality Committee

The EFO Water Committee monitors water issues at the local, state, and federal level which may impact federation members. The Committee monitors the regulatory activities of various environmental agencies, including but not limited to, U.S. Environmental Protection Agency (EPA), the Oklahoma Department of Environmental Quality (ODEQ), and the Oklahoma Water Resources Board (OWRB).

Committee members serve on various agency and industry committees. Committee members attend and participate at ODEQ council meetings and are involved with the various workgroups at the OWRB. EFO also provides input to Oklahoma legislators on all proposed legislation impacting water quality, and advocates for smart legislation that benefits our members and protects our environment.

EFO has been following major water issues in 2022.

At the State level

During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering Oklahoma Water Quality Standards (OWQS) from the OWRB to the ODEQ.

ODEQ reissued the Multi-Sector General Permit OKR05 for stormwater discharges associated with Industrial activities. The previous OKR05 expired on July 4, 2022. All industrial facilities currently authorized under the previous OKR05 are required to prepare a new Stormwater Pollution Prevention Plan (SWP3) or update their existing SWP3 in accordance with the reissued OKR05 prior to submitting a Notice of Intent (NOI) for continued coverage.

ODEQ approved several rule changes. These include revisions to:

- Chapter 301 Laboratory Accreditation,
- Chapter 302 Field Accreditation,
- Chapter 307 TNI Laboratory Accreditation,
- Chapter 606 Oklahoma Pollutant Discharge Elimination System (OPDES) Standards,
- Chapter 631 Public Water Supply Operation,
- Chapter 690 Water Quality Standards Implementation.

The OWRB made several changes. These include:

- Chapter 5 Fees and
- Chapter 35 Well Driller and Pump Installer Licensing.

At the national level

EPA has expedited approval of alternative test procedures for the analysis of contaminants under the Safe Drinking Water Act (SDWA). Seven additional test methods were approved.

On June 1, 2022, EPA published for public comment a proposed rule revising and replacing the Agency's 2020 regulatory requirements for water quality certification under Clean Water Act (CWA) section 401. The comment period closed August 8, 2022.

On May 3, 2022, EPA announced the availability of Clean Water Act national "Draft Recommended Aquatic Life Ambient Water Quality Criteria for Perfluorooctanoic acid (PFOA)" and "Draft Recommended Aquatic Life Ambient Water Quality Criteria for Perfluorooctane Sulfonic Acid (PFOS)". These draft criteria are a priority action identified in EPA's PFAS Strategic Roadmap and reflect the latest scientific knowledge regarding the effects of PFOA and PFOS on freshwater organisms. When these draft CWA recommended criteria are finalized, they will provide information that states and tribes may consider when adopting water quality standards

EPA is proposing to require planning for worst case discharges of Clean Water Act hazardous substances for onshore non-transportation-related facilities that could reasonably be expected to cause substantial harm to the environment by discharging CWA hazardous substances into or on the navigable waters, adjoining shorelines, or exclusive economic zone. A final rule is expected in 2024.

On November 18, 2021, EPA and the U.S. Department of the Army proposed a rule to revise the 2020 "Navigable Waters Protection Rule" definition of "waters of the United States.". On December 7, 2021, the proposed rule was published in the Federal Register.

The EPA Region 6 Water Division, is proposing for public comment the issuance of a National Pollutant Discharge Elimination System general permit authorizing discharges resulting from the hydrostatic testing of new and existing vessels in New Mexico (NMG270000) and Oklahoma (OKG27F000).

The EPA has announced plans to protect communities and the environment from per- and polyfluoroalkyl substances (PFAS) in our nation's waters. The actions advance EPA's plan to combat PFAS by improving methods to detect PFAS in water, reducing PFAS discharges into our nation's waters, and protecting fish and aquatic ecosystems from PFAS. These efforts are in conjunction with the \$10 billion included to address PFAS and emerging contaminants secured under the Infrastructure Law.

The Safe Drinking Water Act (SDWA) requires that once every five years EPA issue a list of unregulated contaminants to be monitored by public water systems (PWSs).

The fifth Unregulated Contaminant Monitoring Rule (UCMR 5) was published on December 27, 2021. UCMR 5 requires sample collection for 30 chemical contaminants between 2023 and 2025 using analytical methods developed by EPA and consensus organizations. This action provides EPA and other interested parties with scientifically valid data on the national occurrence of these contaminants in drinking water. Consistent with EPA's PFAS Strategic Roadmap, UCMR 5 will provide new data that is critically needed to improve EPA's understanding of the frequency that 29 PFAS (and lithium) are found in the nation's drinking water systems and at what levels. This

data will ensure science-based decision-making and help prioritize protection of disadvantaged communities.

Land Protection Committee

The Land Protection Committee has tracked and reported on several Federal and State rules, regulations, or policies during CY2022, including the following:

FEDERAL

EPA Requires Natural Gas Processing Facilities to Report to Toxics Release Inventory

Environmental Protection Agency (EPA) finalized a rule to add natural gas processing facilities to the scope of the industrial sectors covered by the Toxics Release Inventory (TRI). This rule will provide communities with important information about how toxic chemicals are being managed by these facilities in and near their communities. This information can be especially important to frontline communities, where releases to water, air or land could be of a greater impact. In total, there are approximately 1.4 million people living within three miles of at least one of the 482 natural gas processing facilities identified, including communities where there are potential environmental justice considerations.

Natural gas processing facilities receive gas from off-site wells, and then further process the gas to meet industrial or pipeline specifications and extract heavier liquid hydrocarbons from the prepared field natural gas.

Prior to this rule, natural gas processing facilities that primarily recover sulfur from natural gas were already covered under TRI. This rule expands such coverage to include all facilities that process natural gas. These facilities collectively deal with at least 21 TRI-listed chemicals, and EPA estimates that at least 321 natural gas processing facilities in the United States and its territories would meet the TRI reporting thresholds for at least one of these chemicals.

Natural gas processing facilities should begin tracking their releases and other waste management quantities in January 2022 and will submit TRI data beginning in 2023.

New EPA Toxics Release Inventory Data Show Decline in Releases of Certain Toxic Chemicals

The EPA released its 2020 Toxics Release Inventory National Analysis, which shows that companies that manage chemicals continue to make progress in preventing pollution and reducing chemical releases into the environment. Facilities released 3.0 billion pounds of TRI chemicals, a 27% decrease since 2011. Air releases decreased 34% from 2011 to 2020, driven by reduced air emissions from electric utilities. 2020 data include data on newly added per- and polyfluoroalkyl substances. Facilities submitted data for 43 distinct PFAS. To access the 2020 TRI National Analysis, including local data and analyses, visit: www.epa.gov/trinationalanalysis.

Asbestos Part 2 Supplemental Evaluation including Legacy Uses and Associated Disposals of Asbestos

In accordance with implementing regulations for the Toxic Substances Control Act, EPA is announcing the availability of the final scope of the risk evaluation to be conducted for Asbestos Part 2: Supplemental Evaluation Including Legacy Uses and Associated Disposals of Asbestos. In the Part 2 risk evaluation for asbestos, EPA will evaluate the conditions of use of asbestos (including other types of asbestos fibers in addition to chrysotile) that EPA had excluded from Part 1 as legacy uses and associated disposals, as well as any conditions of use of asbestos-containing talc. The final scope for this chemical substance includes the conditions of use, hazards, exposures, and the potentially exposed or susceptible subpopulations that EPA plans to consider

in conducting the risk evaluation for this chemical substance. FR Document: 2022-13852 Citation: 87 FR 38746

Implementing Statutory Addition of Certain Per- and Polyfluoroalkyl Substances (PFAS) to the TRI Beginning with Reporting Years 2021 and 2022

EPA has updated the regulations to identify five per- and polyfluoroalkyl substances (PFAS) to the list of chemicals required to be reported to the Toxics Release Inventory (TRI) under the Emergency Planning and Community Right-to-Know Act (EPCRA) and the Pollution Prevention Act (PPA). This action implemented the statutory mandate in the National Defense Authorization Act for Fiscal Year 2020 (FY 2020 NDAA) enacted on December 20, 2019. As this action was taken to conform the regulations to a Congressional legislative mandate, notice and comment rulemaking was unnecessary.

The additions of four PFAS are effective for the 2022 reporting year, for TRI reporting forms due July 1, 2023. The addition of one PFAS is effective for the 2021 reporting year, for TRI reporting forms due July 1, 2022.

Note that the NDAA requires additional implementation steps. For example, PFAS subject to a claim of protection from disclosure that otherwise met the automatic listing requirements provided by the NDAA must first go through a review process prior to being added to the TRI list. EPA is working to complete this process for any such PFAS identified for addition by the NDAA and will provide related updates via the Addition of Certain PFAS to the TRI by the NDAA webpage.

US EPA again Proposes Risk Management Rule

The EPA Safer Communities by Chemical Accident Prevention (SCCAP) proposed rule has been signed. It proposes revisions to the Risk Management Program (RMP) to further protect vulnerable communities from chemical accidents, especially those living near facilities with high accident rates. The proposed rule would strengthen the existing program and includes new safeguards that have not been addressed in prior RMP rules. Some of the proposed requirements include identifying safer technologies and chemical alternatives, more thorough incident investigations, and third-party auditing, all of which should benefit nearby communities. The new proposal would require RMP-covered facilities to develop procedures for informing the public about accidental releases of chemicals and require local responders to be notified of accidents and chemical releases. It calls for consideration of inherently safer processes and designs in RMP facilities as well as root cause analysis following an RMP-reportable incident. Additionally, third-party audits would be required following significant accidents at high-risk facilities.

Proposed Designation of Perfluorooctanoic Acid (PFOA) and Perfluorooctanesulfonic Acid (PFOS) as CERCLA Hazardous Substances

EPA is proposing to designate two per- and polyfluoroalkyl substances (PFAS) -- perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), including their salts and structural isomers -- as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as Superfund. This proposed rulemaking would increase transparency around releases of these harmful chemicals and help to hold polluters accountable for cleaning up their contamination.

The rulemaking would require entities to immediately report releases of PFOA and PFOS that meet or exceed the reportable quantity to the National Response Center, state or Tribal emergency response commission, and the local or Tribal emergency planning committee (local emergency responders). Entities would not be required to report past releases of PFOA or PFOS as they were not yet listed as hazardous substances.

STATE

Oklahoma to Receive Significant Brownfields Funding

EPA announced a combined \$9.8 million in Brownfields funding for the Oklahoma Department of Environmental Quality, the City of Oklahoma City and the Oklahoma Corporation Commission. A brownfield is any property where future use is affected by real or perceived environmental contamination. Through brownfields, communities have been able to reinvest in themselves, returning properties to beneficial reuse. Cleaning up and redeveloping these properties increases local tax bases, facilitates job growth, preserves historic structures, and improves public health while turning environmental liabilities into economic drivers for the community.

National Brownfields Conference 2022-OKC

The recently concluded National Brownfields Conference in Oklahoma City attracted more than 2,100 registrants and featured 130 educational sessions. The conference is a partnership between ICMA and the U.S. Environmental Protection Agency and one of ICMA's longest running grant funded programs.

From keynote speakers to whispers in hallway meetings, a key topic of presentation and conversation was the timing of EPA's FY 2023 brownfields funding. The Infrastructure Investment and Jobs Act (IIJA), which is now more commonly referred to as the Bipartisan Infrastructure Law (BIL), authorized more than \$1.5 billion dollars over the next five years in new federal funding to help communities assess and cleanup formerly used commercial and industrial properties and spark redevelopment of single sites, neighborhoods, and larger regions. In September 2022, it was announced that various competitive funding programs for FY 2023 are now available for local governments to consider in support of their revitalization activities. Each of the opportunities are summarized below and more detail can be found on EPA's brownfield grants website. The total amount available through the solicitations listed below is more than \$130 million!

- Multipurpose Grants are for communities that have identified, through community engagement efforts, a discrete area (such as a neighborhood, a number of neighboring towns, a district, a corridor, a shared planning area, or a census tract) with one or more brownfield sites. Multipurpose Grants provide funding to carry out a range of eligible assessment and cleanup activities, including planning and additional community engagement activities. Applicants can apply for funding up to \$800,000 per grant under this solicitation. The total funding available for the FY 2023 Multipurpose Grants program is \$14,000,000.
- Community Wide Assessment Grants. Grants from this solicitation are appropriate for communities that are beginning to address their brownfield challenges, as well as for communities that have ongoing efforts to bring sites into productive reuse. Applicants may request funding up to \$500,000. The total funding available for the FY 2023 Community -wide Assessment program is \$30,500,000 .
- Assessment Coalition Grants. This program is designed for one "lead" eligible entity to partner with two to four eligible entities that do not have the capacity to apply for and manage their own EPA cooperative agreement and otherwise would not have access to brownfields grant resources. Award amounts of up to \$1,000,000 are possible. The total funding available for the FY 2023 Assessment Coalition program is \$20,000,000
- Revolving Loan Fund Grants. This opportunity provides funding to a grant recipient to capitalize an "revolving loan fund (RLF). RLF programs provide loans and subgrants to

eligible entities to carry out cleanup activities at brownfield sites contaminated with hazardous substances and/or petroleum. The maximum funding request is up to \$1,000,000. The total funding available for the FY 2023 RLF program is \$10,000,000.

- Cleanup Grants provide funding to carry out cleanup activities at brownfield sites owned by the applicant such as a local government or nonprofit organization. Funding amounts have different requirements but can range from \$500,000 to \$2,000,000. The total funding available for the FY 2023 Cleanup Grants program is \$60,000,000.

Each of the programs have different guidelines and eligibility requirements, so local governments and their partners are encouraged to review each solicitation. These and other solicitations are now listed on www.grants.gov, the federal government's primary listing service for funding programs like the new brownfields grants.

EPA has also organized several upcoming webinars for local governments and other potential grantees to learn more about the newly announced programs. Registration procedures and times for each webinar, the first of which is scheduled for September 29, 2022 are listed on EPA's brownfield funding website.

OCC Environmental Committee

The Winter Storm of 2021 has continued to impact fuel cost recovery cases by regulated utilities this last year. New state legislation passed for a "securitization" process intended to help lower customer bills by spreading out the increased charges over a period of years with plan approvals for many utility companies. The Federal Infrastructure Investment and Jobs Act (IIJA) signed into law in November 2021 provides for substantial funding to include opportunities for broadband expansion and availability, abandon well plugging, and electric grid upgrades and expansion to support electric vehicles and prevent outages. Policies to be considered in the applications include Justice 40 that addresses equity to under-served, rural, and tribal communities, along with Buy America to source products manufactured in the United States with few exceptions. The \$550 Billion (nation-wide) in new funds will be used by several industries regulated by the OCC. These programs will affect energy storage, grid resilience, low-income home energy assistance, broadband, carbon capture, hydrogen, and electric charging stations. In anticipation of partnerships and potential matching funds, the Commission has heard from interested parties about application and grant requirements to be implemented in 2022 and early 2023.

Rule Revisions and Policy Changes

This last year we had rule changes that are effective October 1, 2022, for Chapter 5, Rules of Practice, Chapter 10, Oil and Gas Conservation, the new Chapter 14, Electric Vehicle Charging Stations, Chapter 15, Fuel Inspection, Chapter 25, Underground Storage Tanks, and Chapter 26, Aboveground Storage Tanks. All state agencies are still required to eliminate 2 rules for every new rule added.

Chapter 5, Rules of Practice

The adopted rules add and clarify requirements and rules relating to the Commission's Electronic Case Filing (ECF) System. Additionally, the adopted rules amend and add definitions, clean up language throughout to accurately reflect current terms and processes, reorganize sections of the rules, clarify docket types, clarify notice requirements, and give priority status to hearings on the OSF (Oklahoma Universal Services Fund) docket. Additionally, the adopted rules require the submission of an "as drilled" plat constructed from the results of the directional survey in connection with proposed location exception orders regarding directionally drilled or horizontal wells, clarify procedures for obtaining changes of operator designation regarding pooling, location

exception, and increased density orders, require submission of secondary recovery unit certificates of dissolution to the Managers of the Commission's Technical Services and Underground Injection Control Departments, require submission of brine and associated solution gas unit certificates of dissolution to the managers of the Commission's Technical Services and Underground Injection Control Departments, and eliminate forms regarding the use of state funds to conduct remedial action, and to clarify procedures concerning requests for the use and authorization of such state funds. Finally, the proposed rules increase or remove fees, and assess a new fee of \$20.00 per applicable electric vehicle supply equipment (EVSE) port.

Chapter 10, Oil and Gas Conservation

The adopted rules streamline and clarify the Oil & Gas Conservation rules, update the list of Oil & Gas Conservation Division (OGCD) prescribed forms and eliminate forms, change requirements regarding operator agreements, modify Permit to Drill requirements, allow the Commission to issue a Permit to Drill prior to the issuance of an order under certain circumstances, establish parameters concerning cementing of wells and submission of cementing reports, and revise provisions pertaining to notice of hydraulic fracturing operations and eliminate a reference to citations. The adopted rules also clarify requirements regarding submission of well logs, update specifications concerning approval of underground injection wells, increase the amount and type of information to be supplied in connection with applications for approval of underground injection wells, modify requirements pertaining to simultaneous injection wells, and streamline provisions pertaining to issuance of licenses for pulling casing and plugging wells. Certain amendments in adopted rules OAC 165:10-1-22, OAC 165:10-1-24, OAC 165:10-3-1, and OAC 165:10-3-27 regarding issuance of Permits to Drill prior to the issuance of orders in particular circumstances are consistent with proposed amendments to 52 O.S. § 87.1 pending in House Bill 3039 in the current 2022 legislative session.

Chapter 14, Electric Vehicle Charging Stations

The adopted rules standardize record keeping requirements, require submission of contact information, an annual report, and regular reporting requirements, determine that public charging stations are not public utilities, establish requirements for charging station equipment and testing standards, establish consumer protection measures, require charging station operators to retain records of service complaints and investigations, and clarify that the Commission may assess costs and fines after notice and a hearing in certain situations.

Chapter 15, Fuel Inspection

The adopted rules update a statutory citation and adopt the American Petroleum Institute's ("API") Recommended Practice 1637 color system.

Chapter 25, Underground Storage Tanks

The adopted rules add the Environmental Protection Agency ("EPA") definition of repair from Title 40 Code of Federal Regulations ("C.F.R.") § 280, establish online scheduling for tank and line tightness testing, update adopted standards to the current edition, add a new standard for sump maintenance and repair recently approved by the EPA, clarify slope requirements for underground suction and pressurized piping, allow shorter installation testing times if certified by third parties, clarify the Petroleum Storage Tank Division's ("PSTD") interpretation of a repair to a fuel island to be consistent with language found in 40 C.F.R. § 280, and clarify when installation of an under dispenser containment ("UDC") sump is required. Additionally, the adopted proposed rules clarify backfill requirements and allow excavation to remain open longer when replacing tanks in certain situations, allow third party certified methods for shorter testing times for monitoring of piping, clarify that the PSTD may not conduct the actual testing or monitoring to

ensure compliance during inspections, remove language already found in statute, remove unnecessary language found in 17 O.S. § 311(A), and clarify terminology related to a violation of PSTD rules.

Chapter 26, Aboveground Storage Tanks

The adopted rules revoke rules already addressed in statute, update adopted standards to current editions, adopt two new standards, clarify that an air soap test is not required when installing a new aboveground storage tank ("AST") if the interstice vacuum already meets the requirements set by the tank manufacturer, clarify the testing method when an AST is returned to service, and in Appendix G, remove one description used for rules in the violation column.

Issues of Interest

The Electronic Filing System (ECF) has been fully implemented this last year. This link provides a [List of Document Categories and Document Types \(1\).pdf](#) for all documents and payments to be received completely through the system effective November 1, 2022.

Health and Safety Committee

In November, OSHA filed motion to dissolve the stay from the 6th Court of Appeal for the COVID Emergency Temporary Standard (ETS), which would have required employees to get vaccinated for COVID or have routine testing. On January 13th, the United States Supreme Court stayed the lower court ruling. Subsequently on January 26th, OSHA withdrew the proposed rule. Associated with the ETS was the Executive Order 14042 which required all federal contractors and subcontractors to be fully vaccinated against COVID. This also was stayed by a Georgia Federal district court judge. OSHA re-opened the ETS for comments in healthcare settings in late March. The final rule has not been published. OSHA has continued their inspections under the compliance guideline and issued citations under the General Duty Clause. On June 30, 2022, OSHA extended the NEP to July 7, 2023 as it was set to expire on July 7, 2022.

In November, OSHA issued a notice of proposed rulemaking (NPRM) on a Heat Injury and Illness Standard. The comment period was extended to January 26, 2022. OSHA has not yet issued a proposed rulemaking on it. OSHA launched a National Emphasis Program (NEP) on April 12, 2022 for heat illnesses, injuries, and fatalities. Previously OSHA inspected workplaces and issued citations under the General Duty Clause. Vice President Kamala Harris and Labor Secretary Marty Walsh held a press conference on the issuance of this NEP. EPA joined the initiative on heat with its program and a national competition to identify innovative and effective ways to inform people of the risks of extreme heat.

On March 30, 2022, OSHA issued a proposed rule to require employers of 100 or more employees to also submit their OSHA 301 and 300A also. For employers of 20 or more employees would still only be required to submit the 300A form information. This rulemaking has not been finalized as yet. OSHA also began an enforcement program to identify employers who failed to submit their OSHA 300A form information as required by March 1 annually.

On September 20, 2022, OSHA announced that it would hold a virtual informal stakeholder meeting to seek comments on potential changes to the Process Safety Management standard. The potential changes were noticed in the Federal Register on this date.

Wildlife

The USFWS had a very busy year with regulation proposals and final rules being issued, multiple species listings, designations of critical habitat, etc.

- Multiple regulations were rescinded that were published in late 2020 were replaced with new more stringent regulations (e.g., listing endangered and threatened species and designating critical habitat, regulations for designating critical habit, etc.). In July, a federal judge reinstated the endangered species protections that were loosened under the Trump administration.
- In a separate proposed rulemaking, the USFW requested comments on ESA for species conversation banking on regulatory standards and criteria for compensatory mitigation mechanisms that are consistent with the ESA and its regulations.
- The species that were proposed to be listed as an endangered species with a critical habitat include: Oklahoma Mapleleaf, the alligator snapping turtle, prostrate milkweed, peppered chub, western and Quachita fanshell, the northern long-eared bat, Eastern Black Rail, and the tricolored bat.
- Species that were being studied for listings are the little brown bat, tri-colored bat, and lesser prairie chicken.
- The great news is that the interior least tern was recovered and delisted.

The Lesser Prairie Chicken made the news again this past year with many aspects, including an incidental take permit for the oil and gas industry in Kansas, Oklahoma, Colorado, New Mexico, and Texas. This plan was approved in June.

A rumor about the monarch butterfly was “now endangered” was debunked. The designation was made by the International Union for Conservation of Nature and Natural Resources (IUCN), but not the USFW.

The Western Association of Fish and Wildlife Agencies held their 100th Anniversary meeting in Oklahoma City in July. It was a great celebration of the 24 western states and Canadian provinces that comprise WAFWA.

EFO Organization Committees

Activities Committee

The Activities Committee Chairman Paula Hofford retired this year after many years of leading the Activities, and Nyna Saenz of Constellation Energy graciously agreed to take on the task of chairing the Activities Committee. This year's scheduled events included the Annual Legislative Reception, held at the Faculty House (May 3rd), ODEQ/EFO Regulatory NewsReel at the Rose State College Ball Room (June 23rd). We had very good turnout and participation at each of the events. We are glad to see everyone starting to return to in-person events and taking time to network and learn from your peers.

Legislative Committee

The 2nd Session of the 58th Legislature starts on February 7th with Governor Stitt's State of the State address. For this session there was a total of 1,482 bills, 18 resolutions and two concurrent resolutions filed in the House and there were 774 Senate bills and 23 Senate Joint Resolutions filed. In addition to the bills filed for this session there are 2,520 bills that carried over from last session that are still alive.

The 2nd session of the 58th Legislature adjourned Sine Die on May 27th at 5:00 PM. The legislature initiated a special session on May 18th to disburse the \$1.8 billion in American Rescue Plan Act (ARPA) funds. This special session concluded on September 30th. The Governor called a special session to start on June 13th to lower income taxes by 0.25% and eliminate state sales tax on groceries. The Legislature wasn't excited about the Governor's special session and adjourned without getting anything done.

Overall, we had another successful year at the Legislature. We got most of what we wanted and were able to stop the bills that we needed to stop, but not without considerable effort and help on some of them. The House and Senate did override a few of the budget bills that the Governor vetoed and also overrode the veto on an ethics bill that will require financial disclosures from all of the Governor's appointees. The Legislature (again) did not pass a resolution to accept or deny the agency rules so the Governor had to make approve the rules.

Nominations Committee

Below is the EFO Nominations Committee Report.

EFO Nominations Committee Report

2022-2023

The existing slate of officers is nominated to continue for the next year.

Chairman: Dr. Darrell Townsend, Grand River Dam Authority

Vice Chairman: Jeff Everitt, OG&E

Treasurer: Mr. Craig Perry, OneGas

Secretary: Mr. Steve Landers, Georgia-Pacific Consumer Products

EFO Membership

Company Members – 32

American Airlines
Associated Electric Cooperative, Inc.
CenterPoint Energy
Central Plains Cement Company
CF Industries
Clean Harbors Environmental Services, Inc.
Commercial Metals Company
Dolese Brothers
Enable Midstream Partners
Georgia-Pacific Corporation
Grand River Dam Authority
Holly Refining and Marketing Company
International Paper
KOCH Companies Public Sector, LLC
OGE Energy Corporation
ONE Gas, Inc.
ONEOK, Inc.
Oxbow Calcining, LLC
Phillips 66
Pryor Chemical Plant
Public Service Company of Oklahoma (AEP)
Republic Paperboard
Sprint AeroSystems, Inc.
The Charles Machine Works Company
The Goodyear Tire and Rubber Company
Valero Refining Company
Waste Management of Oklahoma, Inc.
Webco Industries
Western Farmers Electric Cooperative
Wynnewood Refining Company
XTO Energy, Inc.



Associate Members - 34

Altamira
 American Chemistry Council
 American Environmental Landfill
 Anchor Stone
 Arkansas Environmental Federation
 Brown Environmental, LLC
 Constellation Energy, LLC
 Continental Resources
 FER Inc.
 Green Country Testing
 ITC Great Plains, LLC
 Martin Marietta
 Mid-Way Environmental Services, Inc.
 Northeastern State University
 OGI Process Equipment
 Oklahoma Aggregates Association
 Oklahoma Environmental Services, Inc.

Oklahoma Municipal League
 Oklahoma Municipal Power Authority
 Oklahoma Ordnance Works Authority
 Oklahoma Railroad Association, Inc.
 Oklahoma Rural Water Association
 Oklahoma Safety Council
 Oklahoma State University
 OSI Environmental
 Pontotoc Sand Company
 Prairie Dirt Solutions
 S&R Compression
 State Chamber of Oklahoma
 Taylor Environmental Solutions
 Texoma Crude Oil Pipeline Company
 The Petroleum Alliance of Oklahoma
 Waste Connections
 Williams

Affiliate Members - 15

All4 Inc.
 APEX Companies, LLC
 Crowe & Dunlevy
 Enercon Services, Inc.
 GBMc & Associates
 GHD
 Guernsey
 McAfee & Taft, P.C.

Olsson Associates
 Republic Services
 RFS Consulting, Inc.
 SCS Engineers
 Terracon Environmental, Inc.
 Trinity Consultants, Inc.
 US Lime and Mineral

Appendix Affiliate Members - 24

Air Hygiene
 Anvil Environmental
 Basin Environmental & Safety Technologies
 Bear Creek Consultants
 Blackshare Environmental Solutions
 Blackstone Environmental
 Common Ground Consulting, LLC
 Environmental Management Alternatives
 Environmental Works
 Freese & Nichols
 Horizon Environmental Services, Inc.
 iSi Environmental

MHT Consulting, LLC
 Providence Engineering
 Ramboll
 Redbud Environmental, LLC
 Reagan Smith
 Rock Rose Environmental Services, LLC
 Second Chance Consulting, LLC
 Smith Roberts Baldischwiler LLC
 Strata, LLC
 SWCA Incorporated
 Texas Molecular
 Trihydro

Ex-officio Members

Mr. Gerald Butcher, Ms. Kathryn Crenweldge, Mr. John Goodwin, Dr. Jim Haught, Ms. Paula Hofford, Dr. Michael Hughes, Mr. Lundy Kiger, Mr. Gil Luton, Mr. H.J. Reed

New Members

The EFO Board of Directors continued to have Jody Reinhart to lead the organization's membership recruitment efforts. This has allowed EFO to improve its communication efforts to the Oklahoma companies and industries with environmental and other regulatory interests that may not have heard about EFO.

As with many other business sectors, the COVID pandemic continued to affect membership recruitment. However, membership began to increase in early 2022.

Below are the companies which have joined EFO since the October 2021.

Company Membership

- Pryor Chemical Plant
- Foundation Energy
- Oxbow Calcining, LLC

Associate Membership

- Brown Environmental, LLC
- Constellation Energy
- Prairie Dirt Solutions
- S&R Compression
- Taylor Environmental Solutions

Appendix Affiliate

- Anvil Environmental
- Providence Engineering
- MHT Consulting, LLC
- Ramboll
- Reagan Smith
- Redbud Environmental, LLC

In 2022, this begins the 5th year that EFO has offered student memberships. For the 30th EFO Annual Meeting and Trade Show, there were a record number of 15 students who attended the conference from Oklahoma State University and the Northeastern State University. Dr. Kenneth Ede of Oklahoma State University and Dr. Vutran and Dr. Martin of Northeastern State University have been very supportive of EFO since this program has begun.

EFO Board Members and Committee Chairs

EFO Board Members

CHAIRMAN

Dr. Darrell E. Townsend II, Ph.D.

Vice President

Ecosystems and Watershed
Management

Grand River Dam Authority

420 HWY 28, P.O. Box 70

Langley, OK 74350-0070

918.256.0616

VICE CHAIR

Mr. Jeff Everett

Lead Water Specialist

OG+E Energy Corporation

PO Box 321, M/C 506

Oklahoma City, OK 73101

405.553.3177

TREASURER

Mr. Craig Perry

Manager of Government Affairs

ONE Gas

401 N. Harvey

Oklahoma City, Oklahoma 73101

405.208.0023

SECRETARY

Mr. Steve Landers

Environmental Program Manager

Georgia-Pacific Consumer Products

LP, Muskogee Mill

4901 Chandler Road

Muskogee, OK 74403

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PRESIDENT

Mr. Howard L. (Bud) Ground

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405.509.1135 (cell)

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Mr. Donald K. Shandy

Director

Crowe & Dunlevy

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Oklahoma City, OK 73102

405.234.3205

Mr. Jay Adair

Director of Landfills

Clean Harbors Environmental

Services, Inc.

40355 S. County Road 236

Waynoka, OK 73860

580.697.3578

Mr. Katlin Esteph

*Environmental Health and Safety
Manager*

International Paper890 IP Lane

Valliant, OK 74764

580.933.1943

Dr. Ron Jarman

Senior Environmental Manager

Apex Companies, LLC

2212 N.W. 50th Street, Suite 241C

Oklahoma City, OK 73112

405.378.0500

Mr. John McCreight

EHS Coordinator

Western Farmer Electric

Cooperative

300 S. Telephone Road

Moore, OK 73160

405.585.7250

EFO Committee Chairs

ORGANIZATION COMMITTEES

ACTIVITIES COMMITTEE

Ms. Nyna Saenz, Chair
Environmental Manager
Constellation Energy
936.676.6517

LEGISLATIVE COMMITTEE

-VACANT-

MEDIA COMMITTEES

AIR QUALITY COMMITTEE

Mr. Jeremy Jewell, Chair
Principle Consultant,
Manager of Oklahoma Operations
Trinity Consultants
5801 E. 41st Street, Suite 450
Tulsa, OK 74135
918.662.7111 ext 1

LAND PROTECTION COMMITTEE

Mr. Dave Smith, Chair
Sr. Environmental Engineer
American Airlines
4100 N. Mingo Road
Tulsa, OK
918.292.2835

WATER QUALITY COMMITTEE

Mr. Mike Bednar, Chair
Superintendent of Environmental Compliance
Grand River Energy Center
8142 Highway 4128
PO Box 609
Chouteau, OK 74337-0609
918.824.7565

OKLAHOMA CORPORATION COMMISSION COMMITTEE

Ms. Terri Roberts, Chair
Compliance Program Manager
Oklahoma Environmental Services
2424 N. Kelley Avenue
Oklahoma City, OK 73113
405.605.1720 x7025

SAFETY & HEALTH COMMITTEE

Ms. Jody Reinhart, Chair
Business Development Supervisor
Trinity Consultants
5801 E. 41st Street, Suite 450
Tulsa, OK 74135
918.442.1183

WILDLIFE COMMITTEE

Ms. Stephanie Rainwater, Chair
Project Manager
Horizon Environmental Services,
Inc.
321 S. Boston, Suite 300
Tulsa, OK 74103
918.219.9951

