

Environmental Federation of Oklahoma

2023 Annual Report



ENVIRONMENTAL FEDERATION OF OKLAHOMA

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 32nd annual meeting, EFO has 108 members: 32 company members, 35 associates, 15 affiliates, 26 appendix affiliates, and 9 ex-officio members. A current membership list is attached to this report.

2022 – 2023 has been a good year for EFO membership. We were very active during the legislative session tracking over 400 of the 3,100 bills and resolutions filed. We were able to stop the bills that could have had an adverse impact on industry and helped pass a number of good bills. We are able to be successful due to the work of the member company lobbyist who meet routinely during session to discuss impacts of the legislation and strategy on how to stop or improve the language. EFO still has a good reputation at the Capitol of being upfront with our positions and knowledgeable of the issues.

We were able to talk Jennifer Wassinger into chairing the Activities Committee after Nyna Saenz took another job and moved out of the state. Jennifer has done a wonderful job leading the Activities committee with routine meetings to schedule the events that we held this year. We held a great Legislative Reception where member company employees were able to meet and talk with legislators and regulators in a relaxed format. We saw that the WOTUS issue was becoming contentious again so we held a seminar on the subject with great speakers lined up to speak to a large number of member company professionals. The Regulatory Newsreel was held in June and also had a great lineup of speakers and an opportunity to meet and talk with DEQ, OWRB and ODWC personnel. Now we are attending the 32nd Annual Meeting, and we have the largest number of attendees and exhibitors that we have ever had. We have a great lineup of speakers, and we get to hear about some of the great projects that member companies have submitted in the Frank Condon Award for Environmental Excellence and celebrate Jimmy Givens as the James Barnett Public Servant Award winner.

I am confident that the next year will be even better. The Board held a strategic planning session in August and discussed ways to meet the needs of the membership and improve what we currently offer. We are always open to ideas from the membership on ways to improve and expand what we do. Please contact me or a Board member with your ideas.

EFO has, and we want to maintain a 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 2022

EFO started the year 2022 with \$254,678 in the Federation's checking account. The Federation had a gross income of \$224,379 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 2022 totaled \$197,418 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, 2022, the Federation's checking account balance was \$279,140.

Respectfully submitted,

Craig Perry
Treasurer

EFO Media Committee Reports

Air Quality Committee

From October 2022 to September 2023, the Air Quality Committee monitored a number of new and revised laws, regulations, and guidance/policies 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's Oil & Gas General Permit
- Oklahoma's Climate Pollution Reduction Grant
- EPA's approvals of SIP revisions related to Excess Emission and Malfunction Reporting Requirements, Open Burning, and VOC regulations
- EPA's disapproval of the SIP revision, and its replacement FIP, for the 2015 8-hour ozone NAAQS interstate transport provisions and the 10th Circuit Court's stay of the SIP disapproval
- EPA's guidance to states related to nonattainment area contingency measure requirements for ozone and PM
- EPA's actions on the Oklahoma (and Texas) Regional Haze FIP for the 1st planning period
- EPA's Air Emissions Reporting Requirements (AERR)
- PSD - reconsideration of fugitive emissions in determining major source status
- NAAQS for PM and ozone
- Cross-State Air Pollution Rule (CSAPR)
- NSPS and EG regulations related to:
 - Secondary Lead Smelters ,
 - Oil and Natural Gas Sector
 - Surface Coating of Plastic Parts for Business Machines
 - Fossil Fuel-Fired Power Plants
 - Stationary internal combustion engines
- NESHAP regulations related to:
 - Site Remediation
 - Lime Manufacturing
 - Miscellaneous Organic Chemical Manufacturing
 - Boilers
 - Miscellaneous Coating Manufacturing
 - Commercial Sterilization Facilities
 - Coal- and Oil-Fired Electric Utility Steam Generating Units, a.k.a., MATS
 - Synthetic Organic Chemical Manufacturing Industry and Group I and II Polymers and Resins Industry
 - Plywood and Composite Wood Products
 - Primary Copper Smelting
 - Coke Ovens
- Title V operating permit program - removal of emergency affirmative defense provisions
- Greenhouse Gas Reporting Rule
- Renewable Fuel Standard Program: Canola Oil Pathways to Renewable Diesel, Jet Fuel, Naphtha, Liquefied Petroleum Gas, and Heating Oil
- TSCA's Formaldehyde Emission Standards for Composite Wood Products

Also, the EFO Air Quality Committee Chair, the EFO President, one other EFO Air Quality Committee member, the AQD Director, and the DEQ Chief Engineer met on six occasions (Oct. 31, 2022; Dec. 12, 2022; Feb. 23, 2023; Apr. 27, 2023; June 30, 2023; Aug. 14, 2023) to discuss the following issues:

- DEQ's guidance about "annual"
- Met. data processing delays with no accommodation for outside processing
- An instance where DEQ proposed lowering a Title V emissions cap to a PSD project + BAE.
- Requesting plantwide PSD BAE-to-PAE analysis for a modification to non-production equipment.
- DEQ's internal EJ policy
- Unusual questions on PBR applications
- DEQ's comments on EPA's ozone transport SIP disapproval and replacement FIP (proposed)
- Delays in receiving reports and information from enforcement, contrasted with their requests for information quickly
- The permitting branch's use of NODs for issues that are not true deficiencies
- Advantages and disadvantages of getting comments from DEQ reviewers piecemeal versus all at once
- DEQ's concerns about EPA's annual emission reporting rule revisions (proposed)
- Lack of responsiveness of a permit writer after permits were reassigned to them

EFO Air Quality Committee Chair: Jeremy Jewell

EFO Air Quality Committee Vice Chair: Sean Walker

Water Quality Committee

The annual summary from WQC concerning fiscal year 2023 (September 2022-October 2023) captures following developments within the following categories:

1. Emerging contaminants (e.g., PFAS, microplastics, pharmaceuticals, 1,4-dioxane, nanomaterials, perchlorate, polybrominated biphenyls)
2. Lead and copper
3. Cyanobacteria
4. Nutrients
5. Source water/watershed protection/water pollution prevention
6. Drinking water/wastewater treatment
7. WOTUS
8. Resilience, sustainability, green water management
9. Water permitting/monitoring/UCMR/standards
10. Tribal water quality

The WQC has been receiving monthly summaries, as well as one-time email announcements during each month on important developments.

National Developments

In November 2022, EPA updated its information on the copper and lead rule, inclusive of its associated guidance documentation.

In January 2023, EPA announced the availability of the Effluent Guidelines Program Plan 15 (Plan 15), which provides updates on activities discussed in the preliminary version and discusses public comments. EPA continued to focus on and evaluate the extent and nature of Per- and Polyfluoroalkyl Substances (PFAS) discharges and assess opportunities for limiting those discharges from multiple industrial categories.

In February 2023, EPA announced \$2 billion in infrastructure funding to address emerging contaminants, like Per- and Polyfluoroalkyl Substances (PFAS) in drinking water. Funding is allocated to states and territories and will be distributed via as grants through Emerging Contaminants in Small or Disadvantaged Communities (EC-SDC) Grant Program.

In March 2023, EPA proposed a national drinking water standard for 6 polyfluoroalkyl substances (PFAS). PFOA and PFOS are to be regulated at 4 parts per trillion. PFNA, PFHxS, PFBS, and GenX are to be regulated as combined sum not to exceed the cumulative hazard index of 1. Final rule is expected in December 2023. Also in March 2023, EPA announced proposed reductions in wastewater discharge standards for coal-fired power plants. EPA's proposed rule would establish more stringent discharge standards for three types of wastewater generated at coal fired power plants: flue gas desulfurization wastewater, bottom ash transport water, and combustion residual leachate. The proposed rule also addresses wastewater produced by coal fired power plants that is stored in surface impoundments (for example, ash ponds). The proposal would define these "legacy" wastewaters and seeks comment on whether to develop more stringent discharge standards.

In May 2023, Supreme Court of The United States (SCOTUS) ruled on the revised definition of the Waters of the United States (WOTUS) that removes the significant nexus test from consideration when identifying tributaries and other waters as federally protected. Also in May 2023, EPA proposed to develop water quality standards for Indian reservations protecting a range of uses from fishing and swimming, potable purposes, to the protection of wildlife. In June 2023, EPA has clarified its National Pollutant Discharge Elimination System (NPDES) Stormwater Phase II regulations concerning the designation criteria for small municipal separate storm sewer systems (MS4s) to specifically include the phrase "urban areas with a population of at least 50,000." This change will also be harmonized with OK state regulations next year.

In July 2023, EPA has provided an update on the analytical method EPA 1633 for 40 PFAS, which is to be used to test wastewater, surface water, groundwater, biosolids, and landfill leachate in support of non-drinking water programs such as the National Pollutant Discharge Elimination System (NPDES).

In August 2023, US Army and USEPA announced the final WOTUS rule amending the 2023 definition of the waters of the United States to conform with the March 2023 SCOTUS decision removing the nexus requirement. The revised definition has since been published in Federal Register. Also in August, USEPA has updated its aquatic life benchmarks for registered pesticides as well as released some of the 5th Unregulated Contaminant Monitoring Rule (UCMR 5) results for PFAS and lithium. On another note, the Clean Water Act Section 404 Tribal and State Program Regulation is under proposal by EPA for comprehensive revisions to address requests from Tribes and States to clarify the requirements and processes for assumption and administration of a CWA section 404 permitting program for discharges of dredged and fill material. The proposed revisions would facilitate Tribal and State assumption of the section 404 program.

In September 2023, EPA published revised final Clean Water Act Section 401 Water Quality Certification Improvement Rule, which facilitates flexible/early stakeholder coordination, clarifies rule requirements, imposes a 1-year maximum timeframe on decisions, limits considerations to water quality, and enables a collaborative certification modification process. Also in September 2023, EPA updated their resources and guidance concerning availability and accessibility to Water Infrastructure Finance and Innovation Act (WIFA)/ State Infrastructure

Financing Authority WIFIA (SWIFIA) funds for eligible water and wastewater infrastructure applicants.

Oklahoma Developments

In November 2022, Oklahoma Water Quality Standards were delegated to the Oklahoma Department of Environmental Quality. Revisions are underway to Sections OAC 252:690, 606, 611, 628, 730, 740, 641, 645 subject to legislative approvals in the next rulemaking cycle. In April 2023, Oklahoma was named as one of the recipients of the Clean Water State Revolving Fund being granted approximately \$6 million to upgrade essential wastewater and stormwater systems to protect public health and environment. Nearly half of this funding will be available as grants or principal forgiveness loans.

In June 2023, DEQ has updated the list of lakes with consumption advisories for mercury. Ft. Supply Lake has been added based on the recommendation made in 2022.

In August 2023, Oklahoma has been listed to receive \$406K from the Sewer Overflow and Stormwater Reuse Municipal Grant (OSG). Funds can be used for the planning, designing, and construction of combined sewer overflows (CSOs), sanitary sewer overflows (SSOs), and stormwater management projects. Also in August 2023, the Oklahoma Water Resources Board (OWRB) held a series of public meetings intended for local officials, water utility suppliers, regulated industry, commercial agricultural producers, and economic development entities to outline the development of the Oklahoma Comprehensive Water Plan (OCWP).

Land Protection Committee

The Land Protection Committee has tracked and reported on several Federal and State rules, regulations, or policies during CY2023, including the following:

FEDERAL

EPA Adds Oklahoma Site to Superfund National Priorities List

The U.S. Environmental Protection Agency (EPA) announced that it is finalizing adding Oklahoma's Fansteel Metals/FMRI Superfund site to the National Priorities List (NPL). This list contains sites throughout the United States and its territories where releases of hazardous substances, pollutants, or contaminants pose significant threats to human health and the environment.

The Fansteel Metals/FMRI site in Muskogee, Oklahoma, encompasses 105 acres along the Arkansas River. This area is also within the historic boundaries of the Cherokee Nation land. The site operated between the years of 1956 to 1989, producing metals from uranium ore. The residue from these operations was disposed of in acidic ponds. Over the years, the groundwater near the facility became contaminated with metal residue. A water treatment system is in place, but funding for the system is expected to run out next year. The state of Oklahoma referred the site to EPA to ensure the water treatment system remains in place to prevent contaminated water from potentially leaking into the Arkansas River.

EPA Finalizes Rule to Require Reporting of PFAS Data to Better Protect Communities from Forever Chemicals

The U.S. Environmental Protection Agency (EPA) finalized a rule that will provide EPA, its partners, and the public with the largest-ever dataset of per- and polyfluoroalkyl substances (PFAS) manufactured and used in the United States.

The final rule expands on the definition of PFAS in the proposed rule to include 41 additional PFAS that were identified as being of concern. EPA has determined that at least 1,462 PFAS that are known to have been made or used in the U.S. since 2011 will be subject to the final rule, better capturing the important data the agency needs to protect human health and the environment from these chemicals.

The final rule also streamlines reporting requirements and reduces the burden for those who made or used small quantities of PFAS for research and development purposes and for those who imported PFAS contained in articles into the U.S.

Data is due to EPA within 18 months of the effective date of the final rule, with an additional six months for reports from small businesses that are solely reporting data on importing PFAS contained in articles.

EPA PFAS Analytic Tools

The EPA is taking a strategic whole-of-EPA strategy to protect public health and the environment from the impacts of PFAS. The Agency is compiling and integrating a collection of data that can be used to evaluate what is known about per- and poly-fluoroalkyl substances manufacture, release, and occurrence in communities. As part of this effort, EPA is integrating data available nationally with other information from states, Tribes, and localities that are testing for PFAS pursuant to their own regulatory or voluntary data collection initiatives. The data included in the PFAS Analytic Tools have a wide range of location-specific data and, in general, are based on national scope, and readily accessible, public information repositories

Revisions to Subpart J of the National Contingency Plan; Product Listing and Authorization of Use - Final Rule

On May 31, 2023, EPA finalized product listing and authorization of use requirements under Subpart J of the [National Oil and Hazardous Substances Pollution Contingency Plan](#) for chemical or biological agents when responding to oil spills.

These provisions will:

- Encourage the development of safer and more effective spill mitigating products.
- Assist in better targeting the use of these products to reduce the risks of oil spills and response technologies to human health and the environment.
- Ensure that emergency responders have sufficient information to better inform an assessment of the overall ecological risks that can support authorization of use decisions for chemical and biological agents.

Highlights of the rule include:

- Strengthening requirements for listing products on the NCP Product Schedule. These amendments ensure that only products that perform effectively in laboratory testing will be listed on the NCP Product Schedule for use in mitigating the effects of oil discharges.
- Establishing a publicly available Sorbent Product List that is separate from the NCP Product Schedule.
- Requiring product manufacturers to provide more detailed product information, including health and safety information, to aid responders in evaluating whether to use specific products when responding to oil spills.
- Establishing limitations and prohibitions on the use of certain agents.
- Increasing access to information on product components.
- Clarifying responsibilities and procedures for authorizing the use of these products.

- Notifying the public of when these chemical and biological agents are used in an emergency response.

EPA Announces New Framework to Prevent Unsafe New PFAS from Entering the Market

The U.S. Environmental Protection Agency (EPA) [announced](#) its framework for addressing new and new uses of per- and poly-fluoroalkyl substances (PFAS). The framework outlines EPA's planned approach when reviewing new PFAS and new uses of PFAS to ensure that, before these chemicals are allowed to enter into commerce, EPA will undertake an extensive evaluation to ensure they pose no harm to human health and the environment.

Implementing Statutory Addition of Certain Per- and Polyfluoroalkyl Substances (PFAS) to the Toxics Release Inventory Beginning With Reporting Year 2023

The Environmental Protection Agency (EPA) is updating the list of chemicals subject to toxic chemical release reporting under the Emergency Planning and Community Right-to-Know Act (EPCRA) and the Pollution Prevention Act (PPA). Specifically, this action updates the regulations to identify nine per- and polyfluoroalkyl substances (PFAS) that must be reported pursuant to the National Defense Authorization Act for Fiscal Year 2020 (FY2020 NDAA) enacted on December 20, 2019.

STATE

In the September 7th Solid Waste Management Advisory Council (SWMAC), the council discussed a draft rule change for separation from groundwater at construction and demolition waste landfills.

Proposed clarification

252:515-11-3. Separation from groundwater

(a) All land disposal facilities. Liner systems shall be designed and constructed to maintain a minimum five-foot vertical separation between the highest ground water elevation and the lower most surface on which waste, including leachate, will be placed.

(b) C&D landfills with in-situ liners. C&D landfills utilizing an in-situ liner shall be designed to maintain a minimum fifteen-foot vertical separation between the highest groundwater elevation and the lowermost surface on which waste will be placed.

(c) C&D landfills with reconstructed clay liners. C&D landfills utilizing a reconstructed clay liner shall be designed to maintain a minimum five-foot vertical separation between the highest groundwater elevation and the top of the clay liner.

OCC Environmental Committee

The Jim Thorpe Building was closed for major renovations this last summer expected to be completed over the next two or three years. The Corporation Commission has now been accommodated within the Will Rogers Building. Court dockets and hearing information, docket results, Commissioner's signing agendas, and instructions for video listening using Zoom software for each of the courtrooms are available at <https://oklahoma.gov/occ/court-dockets.html>. Commissioner Kim David replaced previous Commissioner Dana Murphy in January 2023.

Rule Revisions and Policy Changes

This last year there were rule changes that are effective October 1, 2023, for several chapters, with associated environmental areas of concern to EFO members included below.

Chapter 5, Rules of Practice

The adopted rules consider procedural changes primarily due to adoption of electronic filings, and remote hearings. Other changes were required for an entry of appearance filed following the granting of intervention in a case, clarify when a motion for intervention is not necessary, clarify the process to consolidate cases and to consolidate for hearing purposes only, clarify when exceptions are heard by the Oil and Gas Appellate Referee versus the Commission and clarify the process to set the hearing, establish a time period for exhibits to be provided prior to a hearing, clarify the process for requesting exceptions, and clarify how and when Commission orders are sent.

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, facilitate electronic filing of forms and allow for statements without notarization requirements, clarify requirements regarding transfers of well operations and well spacing requirements, specify disposal requirements in a closed pit system, require removal of all trash, debris, and unnecessary equipment by operators at well site and surface facilities, and calculation of allowables for horizontal and non-horizontal wells producing from the same common source of supply, spacing and notification in horizontal well requirements. The adopted rules also specify information to be supplied for approval of underground injection wells, clarify casing cementing requirements, transfer of authority, monitoring, reporting, and termination of authority for underground injection wells, and add document requirements for evaluating simultaneous injection well authority. The adopted rules make clarifications to the Brownfield program rules, including providing consistency with federal grant terms, clarifying responsible party liability, requirements for submitting applications and providing electronic submission options, and to allow electronic submission for providing written public comments and requests for public meetings. The rules also add new Sections to implement the amendments to 68 O.S. §1001 in Enrolled House Bill No. 3568 (2022) regarding exemptions from the levy of gross production taxes.

Chapter 15, Fuel Inspection

The adopted rules clarify that all Commission standards apply only to "regulated facilities" and not all facilities, correct a statutory citation, and clarify that the rules allow a 50- or 100-gallon prover for checking high volume dispensers.

Chapter 16, Antifreeze

The adopted rules include the current editions of the standards incorporated within the rules.

Chapter 20, Gas & Hazardous Liquid Pipeline Safety

The rule changes added an email option for incident reporting and adopts the provisions of 49 C.F.R. Parts 191 and 192. It also adds immediate reporting for excavation damages as defined in the Oklahoma Underground Facilities Damage Prevention Act (Title 63 O.S. § 142.2) with anticipated higher number of incidents to be reported and investigated. The electronic form is available on the OCC website.

Chapter 25, Underground Storage Tanks

The revisions were to update referenced standards to current versions and allow electronic submission of compliance records to Fuel Inspectors during their onsite inspections.

Chapter 26, Aboveground Storage Tanks

The adopted rules add a new AST Remover license, separate from the AST Installer license. This will provide AST owners with more options for contractors when no replacement of the AST is needed. The violation for removing an AST without an OCC licensee will be increased to \$5,000 per occurrence.

Chapter 27, Indemnity Fund

The adopted rules align the rules with related statutes and corrects a statutory citation.

Chapter 29, Corrective Action

The adopted rules match language in the corresponding rule in OAC 165:25, strike references to fax, and reference that backfill material must be sampled during site closure activities.

Health and Safety Committee

All has been extremely (and uncommonly) quiet this past year. While the following rules have been followed for the past year, there has been no mention of a proposed rule for the following subjects:

- Heat Illness Prevention
- Emergency Response
- Process Safety Management

OSHA did issue a Compliance Directive for the [Warehousing and Distribution Center Operations](#), and due to the increased heat throughout United States, the [Outdoor and Indoor Heat-Related Hazards](#) was re-emphasized in Summer 2023.

The following rules were proposed by the Department of Labor under OSHA:

- [Worker Walkaround Representative Designation Process](#) on 8/30/2023
- [Personal Protective Equipment in Construction](#) on 7/20/2023

The only health and safety program rule that was finalized in the past year (September 2022 through September 2023) is the [Improve Tracking of Workplace Injuries and Illnesses](#) on 7/21/2023, which requires employers with >100 employees to submit information from the OSHA 300 and 301 to OSHA once per year (i.e., 3/1 annually). While personal information will not be collected by OSHA, they do intend to post some of the data on a public website.

Natural and Cultural Resources

2023 saw new issues arise, but some put to bed as well.

Effective March 27, 2023 the U.S. Fish and Wildlife Service (USFWS) listed two Distinct Population Segments (DPS) of the lesser prairie-chicken (LPC) under the Endangered Species Act (ESA). The Southern DPS of the lesser prairie-chicken was listed as endangered. The Northern DPS (including Oklahoma) of the lesser prairie-chicken was listed as threatened. The Service also finalized a section 4(d) rule designed to conserve the Northern DPS of lesser prairie-chicken while allowing greater flexibility for landowners and land managers.

In July, congress approved two measures to undo federal protections for the lesser prairie chicken and the northern long-eared bat (NLEB). The House voted 221-206 to reverse protections for the LPC and in a separate vote, 220-209 to overturn protections for the NLEB. This past week, President Biden vetoed both bills.

In mid-September, the Species Status Assessment for the Monarch went out for peer review according to Melissa Burns, Western Monarch Coordinator at the U.S. Fish and Wildlife Service. She indicated that they are legally bound to publish the listing decision in the federal register at the end of September 2024.

This week, the United States District Court of the District of Columbia ruled that the Fish and Wildlife Service relied on a reasonable interpretation of the statute when it listed the American burying beetle (ABB) as threatened. As for the Center for Biological Diversity's other challenges, it found that the challenged rule was procedurally proper, adequately explained, and supported by the administrative record. Thus, it granted summary judgment for Defendants. Despite the less prohibitive "threatened" status, and the associated 4(d) rule allowing for incidental take in the southern region of the species' range, the ABB still poses an issue mostly for agricultural industries due to EPA's proposed draft mitigations and implementation plan including pesticide restrictions specifically associated with the species that was published in June.

The final listing decision for the tri-colored bat is expected to be published at the end of October.

Lastly, the Wildlife Committee has been renamed the Natural and Cultural Resources Committee as tribal consultation moves to a more prominent place in project planning. While this is an aspect of project planning and good stewardship that has always existed, it has become far more prominent post-McGirt. Additionally, Condition 18 of the United States Army Corps Nationwide Permits (NWP) states that no activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Non-federal permittees must submit a pre-construction notification (PCN) to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity and the PCN application package requires a cultural resources survey to be completed and attached. The USACE will then consult with the State Historic Preservation Office (SHPO) and geographically associated Tribal Historic Preservation Offices (THPOs) for comments. Thus, with the anticipated near state-wide listing of the tri-colored bat and the species' broad habitat use, PCNs and the associated SHPO and THPO consultations are inherently tied together and will become far more frequent in most industry repertoire. In March, EFO held a WOTUS technical transfer seminar and was grateful to hear from Paul Bowman, USACE Tulsa District's regulatory archaeologist on this very topic.

EFO Organization Committees

Activities Committee

Jennifer Wassinger took over as the Activities Chairwoman this year after Nyna Saenz took another job out of state. This year's scheduled events included the Annual Legislative Reception, held at the Faculty House (May 2nd), a seminar on WOTUS (March 8th), and ODEQ/EFO Regulatory NewsReel at the Rose State College Ball Room (June 22nd). We had very good turnout and participation at each of the events.

Legislative Committee

The 1st Session of the 59th Legislature starts on February 6th with Governor Stitt's State of the State address. For this session there was a total of 1,901 bills, and 44 resolutions filed in the House and there were 1,116 Senate bills and 18 Senate Resolutions filed. In addition to the bills filed for this session. Education legislation seemed to take up an extraordinary amount of time this session.

The 1st session of the 59th Legislature adjourned Sine Die on May 26th at 5:00 PM. The legislature initiated a special session in the last 2 weeks of session so that they could pass education and budget bills even after sine die of the regular session. This special session lasted until July 31st. The Governor did veto quite a few budget and education bills and the legislature quickly overrode most of them. There are 2,812 bills and resolutions carrying over to the 2nd Session of the 59th Legislature. It is going to be a busy Session.

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 Legislature for the first time in many years actually passed a resolution to accept or deny the agency rules so the Governor was not required to decide if the rules should go into effect or not.

Nominations Committee

EFO Nominations Committee Report

2023-2024

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
CF Industries
Clean Harbors Environmental Services, Inc.
Commercial Metals Company
Covanta
Dolese Brothers
Energy Transfer
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
Spirit 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 - 35

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.
 OGI Process Equipment
 Oklahoma Aggregates Association
 Oklahoma Environmental Services, Inc.
 Oklahoma Municipal League

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
 StanTech
 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 - 26

Air Hygiene
 Anvil Environmental
 Basin Environmental & Safety Technologies
 Bear Creek Consultants
 Blackshare Environmental Solutions
 Blackstone Environmental
 Civil & Environmental Consultants
 Common Ground Consulting, LLC
 Environmental Works
 EnviroTech
 Freese & Nichols
 HEPACO
 LJA Environmental Services

MHT Consulting, LLC
 Providence Engineering
 Ramboll
 Reagan Smith
 Redbud Environmental, LLC
 Rock Rose Environmental Services, LLC
 Ryan Whaley
 Second Chance Consulting, LLC
 Strata, LLC
 SWCA Incorporated
 Texas Molecular
 Trihydro
 White Rock Resources

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 2022.

Company Membership

- Covanta

Associate Membership

- Keep Oklahoma Beautiful
- S&R Compression
- StanTech

Appendix Affiliate

- EnviroTech
- Ryan Whaley
- White Rock Resources

In 2022, this began is the 6th year that EFO has offered student memberships. Oklahoma State University Tulsa, Oklahoma State University Stillwater, University of Oklahoma Law School, and Northeastern State University Broken Arrow campuses have had EFO members visit their classes to do a presentation how laws and policies are developed in Oklahoma and how EFO has been integral to this process for Oklahoma businesses.

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

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VICE CHAIR

Mr. Jeff Everett

Lead Water Specialist

OG+E Energy Corporation

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Oklahoma City, OK 73101

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TREASURER

Mr. Craig Perry

Manager of Government Affairs

ONE Gas

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SECRETARY

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Environmental Program Manager

Georgia-Pacific Consumer Products

LP, Muskogee Mill

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Director

Crowe & Dunlevy

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Mr. Jay Adair

Vice President of Landfills

Clean Harbors Environmental

Services, Inc.

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Waynoka, OK 73860

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Mr. Katlin Esteph

Environmental Health and Safety

Manager

International Paper 890 IP Lane

Valliant, OK 74764

580.933.1943

Dr. Ron Jarman

Senior Environmental Manager

Apex Companies, LLC

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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. Jennifer Wasinger, Chair
Associate/Client Services Leader
Freese and Nichols, Inc.
405.706.7066

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. Andrew Pawlisz, Chair
Regulatory Toxicologist/Business
Development
Trihydro
804 A/B North 128th East Ave
Owasso, OK 74055
307.745.7474

OKLAHOMA CORPORATION COMMISSION COMMITTEE

Ms. Terri Roberts, Chair
Compliance Program Manager
Oklahoma Environmental Services
2424 N. Kelley Avenue
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SAFETY & HEALTH COMMITTEE

Ms. Jody Reinhart, Chair
Business Development Supervisor
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5801 E. 41st Street, Suite 450
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Natural & Cultural Resources

Ms. Stephanie Rainwater, Chair
Project Manager
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