

**DRAFT MINUTES
WATER QUALITY MANAGEMENT ADVISORY COUNCIL
January 14, 2014
Oklahoma Department of Environmental Quality
Multipurpose Room
Oklahoma City, Oklahoma**

**Official WQMAC
Approved at July 8, 2014 Meeting**

Notice of Public Meeting – The Water Quality Management Advisory Council (WQMAC) convened for a Regular Meeting at 1:00 p.m. at the Oklahoma Department of Environmental Quality (DEQ), 707 North Robinson, Oklahoma City, Oklahoma. The meeting was held in accordance with the Open Meeting Act, with notice of the meeting given to the Secretary of State on November 18, 2013. The agenda was posted at DEQ twenty-four hours prior to the meeting. Mr. Michel Paque, Chair, called the meeting to order. Mr. Paque welcomed the newly appointed Executive Director, Mr. Scott Thompson and gave him the opportunity to introduce himself to the Water Quality Management Advisory Council (WQMAC).

MEMBERS PRESENT

Cathy Canty
Robert Carr
Mike Paque
Jim Rodriguez
Jeff Short
Debbie Wells
Duane Winegardner
Terry Wyatt

DEQ STAFF PRESENT

Shellie Chard-McClary
Tim Ward
Chris Armstrong
David Freede
Gary Collins
Mark Hildebrand
Carl Parrott
Mista Turner-Burgess
Quiana Fields

MEMBERS ABSENT

Greg McCortney
Steve Sowers

OTHERS PRESENT

Lori Roberts, Court Reporter

Introduction of New Council Members – Ms. Shellie Chard-McClary briefly introduced new Council members Mr. Robert Carr, Ms. Terry Wyatt and Mayor Greg McCortney to the WQMAC. Mayor Greg McCortney was unable to attend. Mr. Paque mentioned that the roll call was out of order on the agenda so Ms. Quiana Fields called roll and a quorum was confirmed.

See transcript pages 7 - 9

Mr. Rodriguez entered the meeting at 1:20 p.m.

Approval of Minutes from the October 8, 2013 Meeting – Mr. Paque called for a motion to approve the Minutes of the October 8, 2013 Regular Meeting. Mr. Short moved to approve and Ms. Canty made the second.

See transcript pages 10 – 12

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|---------------|---------|-------------------|---------|
| Cathy Canty | Yes | Duane Winegardner | Yes |
| Robert Carr | Abstain | Terry Wyatt | Abstain |
| Jim Rodriguez | Abstain | Mike Paque | Yes |
| Jeff Short | Yes | | |
| Debbie Wells | Yes | | |

Election of the Vice-Chair – Mr. Paque opened discussion for nominations for Vice-Chair. Ms. Canty nominated Mr. Winegardner and Ms. Wells made the second. Hearing no other nominations Mr. Winegardner accepted the nomination to serve if elected.

See transcript pages 12 – 14

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|---------------|-----|-------------------|---------|
| Cathy Canty | Yes | Duane Winegardner | Abstain |
| Robert Carr | Yes | Terry Wyatt | Yes |
| Jim Rodriguez | Yes | Mike Paque | Yes |
| Jeff Short | Yes | | |
| Debbie Wells | Yes | | |

Election of the Chair – Mr. Paque temporarily turned the Chair over to Mr. Winegardner. In advance, Mr. Paque stated he would withdraw himself from being nominated as Chair due to extensive travel but would still remain as a Council member. Mr. Winegardner entertained nominations for the Chair position. Mr. Short nominated Ms. Canty if she accepts. Ms. Canty accepted. Ms. Wells made the second. Hearing no other nominations Mr. Winegardner called for a roll call vote. Mr. Paque and Ms. Canty switched seats and Ms. Canty proceeded on with the next agenda item.

See transcript pages 14 – 16

| | | | |
|---------------|---------|-------------------|-----|
| Cathy Canty | Abstain | Duane Winegardner | Yes |
| Robert Carr | Yes | Terry Wyatt | Yes |
| Jim Rodriguez | Yes | Mike Paque | Yes |
| Jeff Short | Yes | | |
| Debbie Wells | Yes | | |

PERMANENT RULEMAKING – OAC 252:606 – OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS – Mr. Mark Hildebrand, Environmental Programs Manager, Water Quality Division, stated the Department has three chapters of rulemaking to propose which are Chapters 606, 656 and 710. Mr. Hildebrand mentioned prior to this meeting DEQ held two public meetings one in Tulsa, November 5 and the second in Oklahoma City, November 6. The meetings were held prior to the official comment period to solicit comments from interested parties. As a result of these meetings the Department was able to address concerns and try to incorporate the concerns into the rules prior to being officially noticed for the comment period and as a result of these meetings there were no formal comments. Mr. Hildebrand stated the Department is proposing to update the numbering of subparagraphs incorporated by reference in 40 CFR 124.10 to be consistent with the current CFR; replace the provision for pro-rating the initial stormwater permit fees with a provision allowing the initial fee to cover the subsequent 12 months; and revoke Appendix D and move the fee language to Section 3-4. Hearing no discussion by the Council Ms. Canty called for a motion to approve. Mr. Winegardner moved to approve and Mr. Paque made the second. Ms. Mista Burgess, Environmental Attorney Supervisor, advised Ms. Canty after taking comments from the Council that the floor is open to the public before a motion and second. Ms. Canty withdrew the motion and second and open the floor up to the public. Hearing none by the public, Ms. Canty entertained a motion to approve. Mr. Winegardner moved to approve and Mr. Paque made the second.

See transcript pages 17 - 20

| | | | |
|---------------|-----|-------------------|-----|
| Cathy Canty | Yes | Duane Winegardner | Yes |
| Robert Carr | Yes | Terry Wyatt | Yes |
| Jim Rodriguez | Yes | Mike Paque | Yes |
| Jeff Short | Yes | | |

PERMANENT RULEMAKING – OAC 252:656 – WATER POLLUTION CONTROL FACILITY CONSTRUCTION STANDARDS – Mr. Hildebrand stated the legislature set a requirement for DEQ to form a Water Reuse Committee to recommend updates to our water reuse regulations. A subgroup of this committee was created to incorporate new technologies for water reuse. Mr. Hildebrand stated seven items that he will mention in this rule were recommended by the subgroup and accepted by the Water Reuse Committee for inclusion of these rules and the item numbers are 3, 4, 5, 6, 8, 9 and 10 on the agenda. Mr. Hildebrand stated the Department is proposing to require that the submissions of plans include at least one set of construction plans be on 11" x 17" paper and one set of specifications be loosely bound and suitable for scanning; strengthen the existing prohibition against locating lagoons in areas subject to karstification; add disinfection criteria for reclaimed water systems and distinguish those criteria from the criteria required for OPDES discharges; clarify that the minimum dosage for Category 3 reclaimed water design is based on MS-2 phage virus inactivation; add traveling bridge filters as an approved method for filtration; update the hydraulic loading rates for disc filters; require a pilot study before designing filters to be used to polish TSS from lagoon effluent; clarify that signage is required to be posted at land application sites; clarify that fencing is required for Category 5 reclaimed water land application sites; add a requirement for above-ground signage for existing reclaimed water piping that does not meet the purple pipe standards; and make other minor clarifications and typographical corrections. Mr. Hildebrand stated that the Department received no formal comments on chapter 656, but mentioned that there was one comment from Norman Utility Authority and they had some good ideas during the informal comment period. Mr. Hildebrand asked if the Council could take in consideration the additional corrections that were an oversight. Following questions and comments from the Council, DEQ staff and none by the public, Ms. Canty entertained a motion to approve. Mr. Winegardner moved to approve that it includes all the changes and provisions in chapter 656. Mr. Paque made the second.

See transcript pages 20 – 31

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|---------------|-----|-------------------|-----|
| Cathy Canty | Yes | Duane Winegardner | Yes |
| Robert Carr | Yes | Terry Wyatt | Yes |
| Jim Rodriguez | Yes | Mike Paque | Yes |
| Jeff Short | Yes | | |
| Debbie Wells | Yes | | |

PERMANENT RULEMAKING – OAC 252:710 – WATERWORKS AND WASTEWATER WORKS OPERATOR CERTIFICATION – Mr. Hildebrand stated the Department is proposing to clarify that an entity only needs to meet one of the listed conditions set forth for a particular classification level in order to fall under that classification. Mr. Hildebrand stated the Department received no formal comments on this chapter. Following comments by the Council and none by the public, Ms. Canty called for a motion to approve. Mr. Carr moved to approve and Mr. Winegardner made the second.

See transcript pages 31 – 34

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|---------------|-----|-------------------|-----|
| Cathy Canty | Yes | Duane Winegardner | Yes |
| Robert Carr | Yes | Terry Wyatt | Yes |
| Jim Rodriguez | Yes | Mike Paque | Yes |
| Jeff Short | Yes | | |
| Debbie Wells | Yes | | |

DIRECTOR'S REPORT – Ms. Shellie Chard-McClary, Water Quality Division Director, mentioned the announcement of the new Executive Director for DEQ and was glad Mr. Thompson was able to join the meeting and introduce himself. Ms. Chard-McClary spoke on the expansion of the Council duties in taking on more rules from the operator certification program and the rules that are governed by our State Environmental Laboratory Services (SELS). The Council is familiar with the water and ECLS rules but there is also a chapter of rules that will follow under the Land Protection Division (LPD), underground injection control rules. Ms. Chard-McClary also mentioned with new Council members over the last year and two more appointments which have not been made, it will be beneficial to have a Council orientation in late spring or July 8. The orientation will be a background on Ms. Martha Penisten, General Counsel for DEQ, to speak on legal issues, the signing of the ethics commission statement and talk in general about the responsibilities for the Council. Also, have the various divisions present an overview of their rules and things you can expect to see and hear over the next couple of years. Ms. Chard-McClary mentioned that the Council may want to adopt something similar to what the Environmental Quality Board (EQB) has done. That two or three members may want to focus on a certain rule based on their expertise just something to think about and that will be something that will be discussed more in detail at orientation. The Department received the verbal notification from EPA and we are waiting on the official approval letter in writing that awards primacy on the drinking water program to DEQ. Ms. Chard-McClary mentioned the Department of Agriculture received authority to administer their piece of the Clean Water Act. The Department is responsible for providing information and reports to EPA that actually comes from the Oklahoma Water Resources Board, Conservation Commission and Department of Agriculture. Lastly, Ms. Chard-McClary spoke on the activities underway for the Joint Study Committee that has been established for the Illinois River.

See transcript pages 34 - 43

NEW BUSINESS – None

ANNOUNCEMENTS – The next scheduled meeting will be on July 8, 2014 at 1:00 p.m. in the Multi-Purpose Room, 1st floor, DEQ building.

ADJOURNMENT - Ms. Canty entertained a motion to adjourn the meeting. Mr. Winegardner moved to adjourn and Ms. Wells made the second. Meeting was adjourned at 2:10p.m.

See transcript pages 43- 44

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|---------------|-----|-------------------|-----|
| Cathy Canty | Yes | Duane Winegardner | Yes |
| Robert Carr | Yes | Terry Wyatt | Yes |
| Jim Rodriguez | Yes | Mike Paque | Yes |
| Jeff Short | Yes | | |
| Debbie Wells | Yes | | |

Transcripts and Attendance Sheet are attached as an official part of these Minutes.

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TRANSCRIPT OF PROCEEDINGS
OF THE WATER QUALITY MANAGEMENT
ADVISORY COUNCIL MEETING
JANUARY 14, 2014, AT 1:00 P.M.
IN OKLAHOMA CITY, OKLAHOMA

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REPORTED BY: LORI L. ROBERTS, CSR No. 1588

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| <p style="text-align: right;">Page 2</p> <p>1 MEMBERS OF THE COUNCIL: 2 CATHY CANTY 3 MICHAEL J. PAQUE 4 JEFFREY E. SHORT 5 JIM RODRIGUEZ 6 DUANE L. WINEGARDNER 7 DEBBIE WELLS 8 ROBERT CARR 9 TERRY WYATT 10 STEVE SOWERS 11 GREG McCORTNEY 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> | <p style="text-align: right;">Page 4</p> <p>1 since we met last a retired director from the Department 2 of Environmental Quality and newly appointed director, 3 and I would like to give the new director an opportunity 4 to introduce himself to the Water Quality Council. 5 Scott? 6 MR. THOMPSON: Hi, I'm Scott Thompson. I was 7 director of Land Protection Division. I've worked with 8 the State since '84 in environmental programs so I've 9 been around awhile. And I don't know how many of you 10 dealt with my division over the times, some of the 11 programs in our division, but we pretty much focus on 12 just getting work done and moving on down the road. And 13 we're going to look at some possible organizational 14 changes in the Agency. 15 One of the things that's on the list to look at 16 is creating a customer assistance group. That was 17 originally part of the plan when the Agency was created 18 in '93. And at time some people kind of waxed and waned 19 on how much effort we put towards that, but I want to 20 bring some staff that are really experienced and can 21 actually help people to that, and can maybe create an 22 ombudsman function in that group, and give people a 23 place to go to if they want to ask the department to 24 take a second look at something. And we'll have more 25 details on that as that gets developed. But some of</p> |
| <p style="text-align: right;">Page 3</p> <p>1 PROCEEDINGS 2 MR. PAQUE: I would like to call to order the 3 January 14, 2014, Water Quality Management Advisory 4 Council in session. 5 We have a quorum. Right? 6 You have -- I would like to begin by reading our 7 protocol statement. 8 This regular meeting of the Water Quality 9 Management Advisory Council was called in accordance 10 with the Open Meeting Act. 11 Notice for this January 14th, 2013 [sic], 12 meeting was filed with the Secretary of State on 13 November 18, 2013. The Agenda was duly posted at the 14 DEQ at least 24 hours prior to the meeting. 15 Only matters appearing on the posted Agenda are 16 considered at this regular meeting. In the event that 17 this meeting is continued or reconvened, public notice 18 of date, time, and place of the continued meeting will 19 be given by announcement at this meeting. Only matters 20 appearing on the Agenda in the meeting which is 21 continued may be discussed at the continued or 22 reconvened meeting. 23 Well, we've got a interesting meeting today. 24 We've got a number of -- a number of new members, and I 25 would like to introduce them in a moment. We also have</p> | <p style="text-align: right;">Page 5</p> <p>1 that may occur fairly quickly. 2 And I just got in just before Christmas so the 3 holidays kind of hampered a little bit of trying to get 4 things lined out, and I'm just getting up to speed on 5 the Agency budget and having to go to the Capital and go 6 through all that, so it's going to be an interesting 7 session. 8 I think I'm going to get a little bit of a pass 9 being the new guy but well see. It may not happen. 10 Anyway, I have a pretty open-door policy if people have 11 issues or whatever, I'm pretty open to hearing about it, 12 getting in contact in some way. So you're welcome to 13 give me a shout or Jimmy Givens, the deputy director. 14 And that's pretty much it, and I've got to go to 15 the capital in a little bit so I'm probably not going to 16 stay for the whole meeting. 17 MR. PAQUE: Well, thanks, Scott. I know you 18 have a history with the department, as you have said, 19 and we look forward to working with you and the water 20 division staff. And I think one of our challenges for 21 us, and I guess for you and certainly the water division 22 staff, is how we create this new combined council, which 23 is exciting. It's a good idea I think. It's an 24 efficient way of doing things. 25 And so during this next year we'll be working on</p> |

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| <p style="text-align: right;">Page 6</p> <p>1 -- together to make this all work a little better. Look 2 for support from you all and the staff, and hopefully a 3 year from now it will a lean, mean, machine. 4 MR. THOMPSON: Yeah. 5 MR. PAQUE: A new challenge for us, is what I'm 6 trying to say. 7 MR. THOMPSON: Okay. Thank you. 8 MR. PAQUE: All right. Well, thank you. 9 Next item on the Agenda is the introduction of 10 new council members, Terry Wyatt and Robert Carr and 11 Greg McCortney. 12 Shellie, your name is down. Did you want to 13 introduce the members? 14 MS. CHARD-MCCLARY: Did we do roll call and I 15 missed it? 16 MR. PAQUE: No, we did not. It's out of order 17 in here, and you are absolutely right. 18 MS. CHARD-MCCLARY: Okay. 19 MR. PAQUE: Let's do -- no, let's. 20 MS. CHARD-MCCLARY: Or I don't -- it doesn't 21 matter to me. All of a sudden it seems to me we did the 22 call to order and we normally do roll call, but if you 23 want me to go ahead because we're not taking up new 24 business and we are still waiting on one council member 25 to arrive. Is that --</p> | <p style="text-align: right;">Page 8</p> <p>1 Cattleman's Association or Beef Board meeting that she's 2 now sitting in his chair. And we know that she will do 3 a great job. Her experience with conservation 4 commission, the various conservation districts, and her 5 experience with ASCOG (phonetic). So we know she brings 6 a lot to the table, and we are really excited to have 7 that position filled again. 8 Then our third new appointee we discussed very 9 briefly in our last meeting, but that is the Mayor of 10 Ada, Greg McCortney, had a City emergency that came up 11 earlier this morning. And his office called to let us 12 know that he would be unable to attend, but we look 13 forward to him joining us hopefully at our next meeting. 14 MR. PAQUE: Okay. 15 MS. CHARD-MCCLARY: Also, just very briefly, 16 most of you have worked with me and with Gary Collins 17 over the years as the Environmental Land and Local 18 Services Division Director. Chris Armstrong addressed 19 you all briefly at the last meeting, but this is his 20 official first meeting since the Laboratory Council was 21 also disbanded in that same legislation. And so Chris 22 Armstrong and all of the Laboratory rules will be part 23 of the various rule-making efforts that you all will 24 have the opportunity to address. Chris? 25 MR. ARMSTRONG: Thank you, Shellie. You guys</p> |
| <p style="text-align: right;">Page 7</p> <p>1 MR. PAQUE: We are. 2 MS. CHARD-MCCLARY: Okay. Well, I will go ahead 3 and I wanted to do some brief introductions. We do have 4 some new council members. At the last meeting you all 5 met Robert Carr, so this is his official meeting -- 6 first meeting with this council. But he is a public 7 works director and City engineer for the City of 8 Jenks. He represents the -- as operator for municipal 9 wastewater works or waterworks facility. This is one of 10 the new positions with the operator's certification 11 council was disbanded last legislative session. 12 And he has been involved with AWWA in the 13 southwest section for several years, WEF for 14 many years, so he brings a lot of water, wastewater 15 experience to the Council. Like I say, I know most of 16 you had the opportunity to meet him in October, but we 17 welcome Robert. 18 We also have Terry Wyatt. She's our newest 19 council appoint. She's the new Lowell Hobbs. She's 20 filling the ag position that has been vacant since 21 Lowell resigned now 18 months to two years ago. And 22 it's great that in our brief conversations that Terry 23 didn't know she was replacing Lowell and actually has 24 known Lowell for a very long time. So I told her she 25 would have to be sure to let him know the next</p> | <p style="text-align: right;">Page 9</p> <p>1 will hear plenty from me later on. 2 MS. CHARD-MCCLARY: Okay. 3 MR. PAQUE: Okay. Thanks. 4 Now let's take the role. And I don't think 5 there was any harm done by having it out of place here, 6 so if we could take -- please take the role call. 7 MS. FIELDS: Ms. Canty? 8 MS. CANTY: Here. 9 MS. FIELDS: Mr. Carr? 10 MR. CARR: Here. 11 MS. FIELDS: Mr. McCortney is absent. 12 Mr. Rodriguez is absent. 13 Mr. Short? 14 MR. SHORT: Here. 15 MS. FIELDS: Mr. Sowers is absent. 16 Mr. [Sic] Wells? 17 MS. WELL: Here. 18 MS. FIELDS: Mr. Winegardner? 19 MR. WINEGARDNER: Here. 20 MS. FIELDS: Ms. Wyatt? 21 MS. WYATT: Here. 22 MS. FIELDS: Mr. Paque? 23 MR. PAQUE: Here. 24 MS. FIELDS: We have a quorum. 25 MR. PAQUE: Thank you.</p> |

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| <p style="text-align: right;">Page 10</p> <p>1 Let me ask Mista with counsel, is it the Chair's 2 prerogative to move the Agenda items without objection? 3 Can I do that? 4 (Mr. Rodriguez entered the room at 1:20 p.m.) 5 MR. PAQUE: Well, there's Jim. Here he is. I 6 may have just solved my problem. I was going to move 7 the elections to the end of the Agenda. 8 MR. RODRIGUEZ: Well, just as long as you didn't 9 elect me while I was out. 10 MR. PAQUE: Well, I still can. 11 MS. CANTY: You go back out. 12 MR. PAQUE: Well, what is the answer to that 13 question one way or the other? I am curious. 14 MS. BURGESS-TURNER: Yes, you can move around 15 the Agenda. 16 MR. PAQUE: Is that by vote or is that by purely 17 prerogative. 18 MS. BURGESS-TURNER: Yeah, I think you probably 19 would want to do it by vote on the record, but we'll 20 look at it for future meetings. 21 MR. PAQUE: Now we've got our member here so 22 it's not a problem. 23 All right. We have all had a chance to see the 24 minutes from the October 8th meeting that are correct at 25 this time that were delivered. Have we had a chance to</p> | <p style="text-align: right;">Page 12</p> <p>1 "abstain". 2 MS. WYATT: Okay. Abstain. 3 MR. PAQUE: Will there be enough to vote? 4 MS. FIELDS: Mr. Paque? 5 MR. PAQUE: Yes. 6 MS. BURGESS-TURNER: It can pass with her 7 abstaining. 8 MS. FIELDS: Motion passed. 9 MR. PAQUE: I've lost track. I'm counting votes 10 here. Are you done with roll? 11 MS. FIELDS: Yes. 12 MR. PAQUE: And are they approved? 13 MS. FIELDS: Yes. 14 MR. PAQUE: Okay. Thank you. I was a bit 15 distracted. 16 All right. The minutes have been approved. 17 Well, actually I did note that there -- Jim was 18 just showing me something that he got, and he's going to 19 get an excused tardy. He has a notice here that says 20 the meeting starts at 1:30 today as opposed to 1:00, and 21 I guess that's wishful thinking for me too. I wish it 22 started at 1:30 myself. Anyway, so you get a free pass. 23 That brings us to the elections for the coming 24 year, items No. 5 and items No. 6, with the first item 25 being election of vice chair. So let me open the floor</p> |
| <p style="text-align: right;">Page 11</p> <p>1 see them or are there any changes or corrections to the 2 minutes from the October 8th, 2013, meeting? Changes? 3 Entertain a motion for approval. 4 MR. SHORT: I move we accept the minutes. 5 MS. CANTY: I'll second. 6 MR. PAQUE: By motion to second to approve the 7 minutes of the last meeting, October 8th of 2013 8 Advisory Council. 9 MS. FIELDS: Ms. Canty? 10 MS. CANTY: Yes. 11 MS. FIELDS: Mr. Carr? 12 MR. CARR: Abstain. 13 MS. FIELDS: Mr. Rodriguez? 14 MR. RODRIGUEZ: Abstain. 15 MS. FIELDS: Mr. Short. 16 MR. SHORT: Yes. 17 MS. FIELDS: Mr. -- Ms. Wells? 18 MS. WELLS: Do I need to abstain since I was not 19 at that meeting? No? Yes? 20 MR. FIELDS: Mr. Winegardner? 21 MR. WINEGARDNER: Yes. 22 MS. FIELDS: Ms. Wyatt? 23 MS. WYATT: Since I wasn't even on the Board, do 24 I need to -- I'm looking for direction. 25 MS. BURGESS-TURNER: Yes, you just have to say</p> | <p style="text-align: right;">Page 13</p> <p>1 and ask if there are any nominations for vice chair for 2 the coming one year for the management -- the Water 3 Management Advisory Council, any nominations for vice 4 chair? 5 MS. CANTY: I would like to nominate Duane 6 Winegardner. 7 MR. PAQUE: Okay. Nomination for Duane 8 Winegardner. Is there a second? 9 MS. WELLS: Yes, I second the nomination. 10 MR. PAQUE: Second. Duane has been nominated 11 and seconded. 12 Are there any other nominations for vice chair? 13 Any nominations? 14 Hearing none, would you cast the roll, please? 15 Can you serve if elected? 16 MR. WINEGARDNER: Yes, sir, I will. 17 MS. FIELDS: Ms. Canty? 18 MS. CANTY: Yes. 19 MS. FIELDS: Mr. Carr? 20 MR. CARR: Yes. 21 MS. FIELDS: Mr. Rodriguez? 22 MR. RODRIGUEZ: Yes. 23 MS. FIELDS: Mr. Short? 24 MR. SHORT: Yes. 25 MS. FIELDS: Ms. Wells?</p> |

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| <p style="text-align: right;">Page 14</p> <p>1 MS. WELLS: Yes.</p> <p>2 MS. FIELDS: Mr. Winegardner?</p> <p>3 MR. WINEGARDNER: Abstain.</p> <p>4 MS. FIELDS: Ms. Wyatt?</p> <p>5 MS. WYATT: Yes.</p> <p>6 MS. FIELDS: Mr. Paque?</p> <p>7 MR. PAQUE: Yes.</p> <p>8 MS. FIELDS: Motion passed.</p> <p>9 MR. PAQUE: All right. I would like to turn the</p> <p>10 seat over to the newly elected vice-chair.</p> <p>11 I would like to announce in advance, and not</p> <p>12 being presumptuous at all, but that I would withdraw my</p> <p>13 name to succeed myself for an additional year as chair.</p> <p>14 I travel extensively for -- I travel extensively for my</p> <p>15 living and the travel in the coming year doesn't -- it</p> <p>16 wasn't good this last year and it looks worse this</p> <p>17 coming year. So I would love to serve on the Council</p> <p>18 and I can continue to serve, but I would remove myself</p> <p>19 from any consideration as chair for the next year.</p> <p>20 Having said that, I would turn the floor over to</p> <p>21 the Vice-Chair.</p> <p>22 MR. WINEGARDNER: Yes, and now I will entertain</p> <p>23 nominations for the Chair.</p> <p>24 MR. SHORT: Mr. Chair, I would nominate Cathy</p> <p>25 Canty if she would accept.</p> | <p style="text-align: right;">Page 16</p> <p>1 seats with me.</p> <p>2 MS. CANTY: Really?</p> <p>3 MR. PAQUE: We're going to have a changing of</p> <p>4 the gavel, so.</p> <p>5 MS. CANTY: Okay. But you're going to guide me.</p> <p>6 Right?</p> <p>7 MR. PAQUE: Oh, you don't need any guidance.</p> <p>8 And your most important thing is right here. Here you</p> <p>9 go.</p> <p>10 MS. CANTY: Wow, thank you.</p> <p>11 Okay. With that, thank you. I've been on the</p> <p>12 Council for I know over ten years, so I hate to see Mike</p> <p>13 step down but such a good group and thankful we're still</p> <p>14 going to have him. Good to keep Duane.</p> <p>15 I'm going to guess we can just keep moving into</p> <p>16 permanent rule making OAC 252:606.</p> <p>17 Mark, are you going to come up and present?</p> <p>18 MR. HILDEBRAND: Yes. Before I get started, I</p> <p>19 want to hand out a couple of our travel items to get</p> <p>20 this out of the way before I lose them. And if any of</p> <p>21 the rest of you Council members would like to get</p> <p>22 reimbursed for your mileage, come get with me after the</p> <p>23 meeting and we'll get that taken care of.</p> <p>24 We've been lucky. We had -- and Jeff you drive</p> <p>25 the furthest out now. The last few times you haven't</p> |
| <p style="text-align: right;">Page 15</p> <p>1 MS. CANTY: Yes.</p> <p>2 MR. WINEGARDNER: Thank you. Is there a second</p> <p>3 to that nomination?</p> <p>4 MS. WELLS: Yes, I second.</p> <p>5 MR. WINEGARDNER: Are there other nominations</p> <p>6 for Chair?</p> <p>7 If not, let's have the roll.</p> <p>8 MS. FIELDS: Ms. Canty?</p> <p>9 MS. CANTY: Abstain.</p> <p>10 MS. FIELDS: Mr. Carr?</p> <p>11 MR. CARR: Yes.</p> <p>12 MS. FIELDS: Mr. Rodriguez?</p> <p>13 MR. RODRIGUEZ: Yes.</p> <p>14 MS. FIELDS: Mr. Short?</p> <p>15 MR. SHORT: Yes.</p> <p>16 MS. FIELDS: Ms. Wells?</p> <p>17 MS. WELLS: Yes.</p> <p>18 MS. FIELDS: Mr. Winegardner?</p> <p>19 MR. WINEGARDNER: Yes.</p> <p>20 MS. FIELDS: Ms. Wyatt?</p> <p>21 MS. WYATT: Yes.</p> <p>22 MS. FIELDS: Mr. Paque?</p> <p>23 MR. PAQUE: Yes.</p> <p>24 MS. FIELDS: Motion passed.</p> <p>25 MR. PAQUE: With that, Cathy, if you would trade</p> | <p style="text-align: right;">Page 17</p> <p>1 done it but you are more than welcome to. So we've had</p> <p>2 a bunch of people really close so that hasn't really</p> <p>3 been an issue. Anyway, let's get back to the Agenda. I</p> <p>4 apologize for that.</p> <p>5 My name is Mark Hildebrand, and I'm an</p> <p>6 environmental program manager for the Water Quality</p> <p>7 Division. And today we have three chapters of</p> <p>8 rulemaking to propose in front of the Council, and</p> <p>9 that's Chapter 606, 656, and 710. Prior to this meeting</p> <p>10 DEQ held two public meetings, information meetings where</p> <p>11 we have invited members of our list that's interested in</p> <p>12 our rulemaking.</p> <p>13 We had one in Tulsa on November 5th and we had</p> <p>14 one in Oklahoma City on November 6th. And we hold these</p> <p>15 meetings prior to the official comment period so that we</p> <p>16 can solicit comments from interested parties, and then</p> <p>17 we -- we then address these express concerns and try to</p> <p>18 incorporate these into the rules prior to being</p> <p>19 officially noticed for the comment period.</p> <p>20 And as a result of these meetings, we were able</p> <p>21 to address concerns, and this is the first time since</p> <p>22 I've been here we didn't receive any formal comments</p> <p>23 during the comment period. So I think our public</p> <p>24 meetings are -- and the fact that we just have three</p> <p>25 rules this time, but we're doing some good there.</p> |

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| <p style="text-align: right;">Page 18</p> <p>1 For Chapter 606, the department is proposing to 2 update the numbering of subparagraphs incorporated by 3 reference of 40 CFR, part 124.10, and that's to be 4 consistent with the current code of federal regulations. 5 The second item is we're proposing to revise the 6 provision of prorating -- or replace the provision 7 prorating initial storm water fees with the provision 8 allowing the initial fee to cover the subsequent 12 9 months. In the past when you would -- if you got a 10 permit in January, we would prorate that and then send 11 you another bill in July for a year's worth of fees. 12 At our public meetings -- and we did this -- we 13 would get a lot of phone calls saying, we just paid this 14 bill, we just paid this bill two months ago. So at our 15 public meetings we had folks from the home builder's 16 association and things and they were very pleased with 17 this change because it helps them in their bookkeeping 18 as well. So -- and it will also allow us to spread our 19 resources where we don't have everything coming in June 20 or July every year where we have to do our billing and 21 receiving so it would be spread out through the year. 22 And then also on our third thing on Chapter 606 23 is to revoke Appendix D, and we would move this language 24 to Section 3.4 of the actual text. As discussed 25 earlier, we did not receive any formal comments during</p> | <p style="text-align: right;">Page 20</p> <p>1 forward on passing the regulation. 2 Hearing none, I'll take a motion. 3 MR. WINEGARDNER: Okay. Move to approve. 4 MR. PAQUE: Second. 5 MS. FIELDS: Ms. Canty? 6 MS. CANTY: Yes. 7 MS. FIELDS: Mr. Carr? 8 MR. CARR: Yes. 9 MS. FIELDS: Mr. Rodriguez? Mr. Rodriguez? 10 MR. RODRIGUEZ: Yes. 11 MS. FIELDS: Mr. Short? 12 MR. SHORT: Yes. 13 MS. FIELDS: Ms. Wells? 14 MS. WELLS: Yes. 15 MS. FIELDS: Mr. Winegardner? 16 MR. WINEGARDNER: Yes. 17 MS. FIELDS: Ms. Wyatt? 18 MS. WYATT: Yes. 19 MS. FIELDS: Mr. Paque? 20 MR. PAQUE: Yes. 21 MS. FIELDS: Motion passed. 22 MS. CANTY: Okay. Mark, are you going to cover 23 252:656? 24 MR. HILDEBRAND: Yes. As you may recall, the 25 legislature set a requirement for DEQ to form a Water</p> |
| <p style="text-align: right;">Page 19</p> <p>1 the formal comment period, and we did have some positive 2 feedback on the changing of fees to be a -- good for 12 3 months. 4 MS. CANTY: Is that it, Mark? 5 MR. HILDEBRAND: Yep. 6 MS. CANTY: Discussion by the Council? 7 Questions for Mark? 8 Comments, 606? 9 You did a very good job, apparently. 10 MR. HILDEBRAND: I got a little tongue-tied. 11 MS. CANTY: Anybody? 12 If not, we can take a motion to pass. 13 MR. WINEGARDNER: I'll move to approve. 14 MR. PAQUE: Second. 15 MS. BURGESS-TURNER: And I want to interrupt for 16 just a second. You want to make it clear that after you 17 are done taking comments from the Council that it's open 18 to the public. 19 MS. CANTY: All right. So we're going to back 20 up. 21 MS. BURGESS-TURNER: Sorry about that. 22 MS. CANTY: No, I'm learning. I'm new. 23 So we're going to back up before we get your 24 motion, Duane, to see if anybody from the public wants 25 to come up and make a comment on 252:606 before we move</p> | <p style="text-align: right;">Page 21</p> <p>1 Reuse Committee to recommend updates to our water reuse 2 regulations. A subgroup of this committee was created 3 to incorporate new technologies for water reuse. The 4 rules to minimize the need for -- to minimize the need 5 for variances. This subgroup is comprised of consulting 6 engineers and other national and local water reuse 7 experts. 8 I believe Gary Hunter is here because he was our 9 co-chair and actually kind of ended up being the chair 10 seemed like, but because Tom had other -- Tom Crowley 11 was our chair but he had a lot of things going. And I 12 just, before I get any further I just want to really 13 appreciate Gary's help on this and the other members of 14 this sub-committee. 15 But seven of these items that I'm going to 16 mention here were recommended by this subgroup and 17 accepted by the full committee, the Water Reuse 18 Committee, for inclusion of these rules. And these 19 items that were recommend by the water reuse group are 20 items No. 3, 4, 5, 6, 8, 9, and 10 on your Agenda. 21 So for the -- the Department proposes to make 22 the following changes to Chapter 656. Require that the 23 submission of plans include at least one set of 24 construction plans beyond 11" x 17" paper, and one set 25 of specifications be loosely bound and suitable for</p> |

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1 scanning. And we previously did this on Chapter 626 at
 2 our last meeting, and this change is part of the
 3 agency's effort to move toward electronic and paperless
 4 filing system.
 5 The second item is to strengthen the existing
 6 prohibition against locating lagoons in the areas
 7 subject to karstification. In the last few years we
 8 have had two or three wastewater systems that have
 9 failed, their lagoons have failed due to sinkholes which
 10 occurred in the lagoon itself because they were located
 11 in an area with gypsum or karst soils, so we just tried
 12 to make it more clear in our language.
 13 And as a result of this, these towns ended up
 14 getting in lawsuits with engineers and we would get drug
 15 into it, and it takes a lot of our time, let alone it
 16 sends a lot of wastewater into the groundwater which
 17 we're trying to avoid, so we're trying to just be more
 18 clear on that.
 19 The third item is to add disinfection criteria
 20 for reclaimed water systems and distinguish those
 21 criteria from the criteria required in OPDES permits.
 22 The fourth item is clarify that the minimum
 23 disinfection dosage for Category 3 reclaimed water
 24 design is based on MS-2 phage virus inactivation.
 25 Number 5 is to add traveling bridge filters as

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1 an approved method of filtration.
 2 Number 6 is to update the hydraulic loading
 3 rates for disc filters.
 4 Number 7, require a pilot study before designing
 5 filters to be used to polish TSS from lagoon effluent.
 6 Number 8, clarify that signage is required to be
 7 posted on land application sites. This requirement was
 8 in Chapter 627 of the Water Reuse Chapter but was
 9 overlooked last year when we updated 656.
 10 Number 9 is to clarify that fencing is required
 11 for Category 5, Reclaimed Water Land Application Sites.
 12 As with Number 8, this requirement was in Chapter 627
 13 but it was it was overlooked in inclusion of this
 14 chapter.
 15 Number 10 is add a requirement for above-ground
 16 signage for existing reclaimed water systems for the
 17 piping that does not meet the purple pipe standards. So
 18 this is ones that are already in the ground before we
 19 had our water reuse rules, we're requiring signs to be
 20 placed there so the public can -- should be able to see
 21 that we've got -- that that is not a public water supply
 22 line. That's the intent of this.
 23 And we did have a comment during this time from
 24 the Norman Utilities Authority. And we used -- they had
 25 some good ideas on this during our informal comment

Page 24

1 period. And we were considered and partially
 2 incorporated the one thing we had they wanted to limit
 3 these to 500 feet, every 500 feet, the signs. And we
 4 talked to them and said let's do 300 and call it good,
 5 and so that's where we came up with the 300 feet.
 6 And then we also had some other minor
 7 clarifications in typographical corrections in the
 8 chapter. And we did receive no formal comments on this
 9 chapter as well. However, I wanted to let everybody
 10 know we've -- we had a few additional corrections that
 11 each of you should have a sheet that has the highlighted
 12 sections in it, and we placed those on the table as well
 13 where we have some oversight. Has everybody found
 14 theirs? There should a stapled -- right.
 15 And then the first one is in Subchapter 21-2, we
 16 failed to strike out "domestic sewage". Which we -- our
 17 intent was to change that from "domestic sewage" to
 18 "nonindustrial wastewater". So we would like the
 19 Council to consider that change in addition to the ones
 20 that we have -- had previous -- previously added.
 21 And then on Page 10 in the handout that we have
 22 given you today, we had actually put it -- we had
 23 65 percent UV transmittance, at the very top of Page 10
 24 which is in Subchapter 21-3(B) -- 3(B). But it's the
 25 very top of Page 10. That should have been 55 percent

Page 25

1 rather than 65 percent, and we would ask that we go
 2 ahead and make these changes.
 3 And we ran it by our counsel and none of these
 4 are -- or our general counsel -- and none of these
 5 changes require any further public notice or anything.
 6 Do you have anything to add to that to clarify?
 7 MS. BURGESS-TURNER: (Inaudible).
 8 MR. HILDEBRAND: No, on just the legality.
 9 MS. BURGESS-TURNER: Oh, no.
 10 MR. HILDEBRAND: And then on Page Number 12,
 11 which is Chapter 656-23-1(l), we wanted to add the
 12 words, "for OPDES permits or the anticipated design flow
 13 for Water Reuse Systems."
 14 And then the fourth item is on Page 14, where we
 15 just -- we wanted to strike out "the primary lagoon
 16 cell."
 17 MS. BURGESS-TURNER: I'm sorry. We -- it didn't
 18 get highlighted, but we were striking out "from the
 19 primary lagoon cell", and then that underlined section,
 20 "out of a primary lagoon cell" was added so that should
 21 have been highlighted.
 22 MR. HILDEBRAND: Okay. That was just a word --
 23 a verbiage change.
 24 MS. BURGESS-TURNER: Okay.
 25 MR. HILDEBRAND: So that means the same intent

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| <p style="text-align: right;">Page 26</p> <p>1 but better wording.</p> <p>2 MS. CANTY: Is that it, Mark?</p> <p>3 MR. HILDEBRAND: That's all I've got.</p> <p>4 MS. CANTY: Okay. Discussion by the Council?</p> <p>5 Questions for Mark by the Council?</p> <p>6 MR. PAQUE: I have just idle curiosity, Mark,</p> <p>7 but lagoons that failed that were located in a karst</p> <p>8 area, if you recall any of them individually, just I'm</p> <p>9 wondering were they put where they were because there</p> <p>10 was depression and it was going to be subject to failure</p> <p>11 and but it looked handy, or was it just more serendipity</p> <p>12 than that? Do you know what I'm saying?</p> <p>13 MR. PARROTT: On one particular one -- I'm Carl</p> <p>14 Parrott, chief engineer, and I guess I will answer that</p> <p>15 question because I probably know more about the case</p> <p>16 than Mark does.</p> <p>17 MR. PAQUE: Okay.</p> <p>18 MS. BURGESS-TURNER: I'm sorry. Some of these</p> <p>19 are still being litigated, so for us determining the</p> <p>20 cause and not the cause is a little complicated. And</p> <p>21 before he answers, I'll just say that, you know, the</p> <p>22 three that I could name off the top of my head, they're</p> <p>23 all three -- I believe one of them maybe is not under</p> <p>24 litigation -- but they were in an area subject to</p> <p>25 karstification. That's where they were located.</p> | <p style="text-align: right;">Page 28</p> <p>1 of the state primarily, and of course in the eastern</p> <p>2 part of the state we have some areas of limestone under</p> <p>3 -- underground limestone that's in karst areas, so we</p> <p>4 know generally where those areas are. And we'll require</p> <p>5 more than just soil borings and that kind of thing too,</p> <p>6 you know, differentiate where this particular site is</p> <p>7 from the entire area. So it won't -- there could be a</p> <p>8 lagoon put in an area, but we'll probably require more</p> <p>9 testing to determine their -- that the -- for sure that</p> <p>10 there's no -- that they're outside of the area where</p> <p>11 it's most likely to have.</p> <p>12 MR. PAQUE: I understand. It wouldn't preclude</p> <p>13 it from a happening, it's just going to have a higher</p> <p>14 standards.</p> <p>15 MR. PARROTT: Yes.</p> <p>16 MS. BURGESS-TURNER: And through the lawsuits it</p> <p>17 has become abundantly clear that there really is</p> <p>18 technology available to study the site and figure out</p> <p>19 whether or not where you are going to site it. Yeah,</p> <p>20 that whole area generally is subject to karstification,</p> <p>21 so now do this further study if you really want to still</p> <p>22 do a lagoon, then you need to do a little more study and</p> <p>23 cite it properly where it's not on an area where there's</p> <p>24 stuff underneath.</p> <p>25 MR. PAQUE: Okay. I'm good with that.</p> |
| <p style="text-align: right;">Page 27</p> <p>1 And we couldn't prohibit it at the time, and all</p> <p>2 we're trying to do is say definitively it's not a</p> <p>3 subjective call. It's -- if it is, it can't -- you</p> <p>4 can't put a lagoon there. That way we're not leaving it</p> <p>5 up to an engineer or somebody else to decide whether or</p> <p>6 not you can put a lagoon in karst topography.</p> <p>7 MR. PAQUE: Okay. With all due respect to the</p> <p>8 lawsuit, I think that kind of answers my questions. And</p> <p>9 I think the bigger point here is that that occurrence</p> <p>10 would be -- the potential for that to occur would be</p> <p>11 minimized based on this, whether or not that was the</p> <p>12 reason. I suspect it would have been.</p> <p>13 MS. BURGESS-TURNER: We would actually -- we now</p> <p>14 -- it's now -- it will now be prohibited and we can deny</p> <p>15 the engineering report if it is in an area subject to</p> <p>16 karstification. It's not -- we actually have the</p> <p>17 authority and before it was may or may not.</p> <p>18 MR. PAQUE: And to determine an area subject to</p> <p>19 karstification and karst areas, we generally know. I</p> <p>20 mean, that's fairly well understood in Oklahoma, but you</p> <p>21 have some means that you are satisfied with determining</p> <p>22 what the boundaries of that area are, geologic survey or</p> <p>23 one of the other departments?</p> <p>24 MR. PARROTT: Yes. If we have an area that we</p> <p>25 know is light on gypsum, karst areas in the western part</p> | <p style="text-align: right;">Page 29</p> <p>1 MR. PARROTT: Yeah. We have -- the two of those</p> <p>2 have already been corrected, they have done extensive</p> <p>3 testing and one of them is -- didn't really find and the</p> <p>4 other is just being completed. And we have no reason to</p> <p>5 believe it's going to have any problems either. But</p> <p>6 they were moved a few miles from where they were the</p> <p>7 first time, away from the areas.</p> <p>8 MR. PAQUE: Okay. Thanks.</p> <p>9 MR. PARROTT: Actually back to the areas where</p> <p>10 the lagoons were originally, which in those two cases</p> <p>11 which it never had any failures over a long time, so we</p> <p>12 had that kind of going for us too. But we did a lot of</p> <p>13 these testing -- seismic testing and stuff to verify</p> <p>14 that those areas were fine as well as the history on</p> <p>15 those sides. Thanks.</p> <p>16 MS. CANTY: Is that good, Mike? Did you get</p> <p>17 your question answered?</p> <p>18 Other discussion from Council members?</p> <p>19 I'm going to make a comment. I think it's a</p> <p>20 no-brainer, we shouldn't be putting a lagoon over a</p> <p>21 karst environment. So I'm going to say this is a really</p> <p>22 good change and surprised we didn't have it in there</p> <p>23 before, so it should be a no-brainer for the group.</p> <p>24 But with that, is there anybody here from the</p> <p>25 public that would like to get up and speak and address</p> |

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| <p style="text-align: right;">Page 30</p> <p>1 the Council?</p> <p>2 Okay. With that, we can go ahead and move</p> <p>3 forward on the vote for 252:656. I'll entertain a</p> <p>4 motion.</p> <p>5 MR. WINEGARDNER: Yes, as the geology</p> <p>6 representative, I feel it is my opportunity here to</p> <p>7 express and say that I recommend approval and I move for</p> <p>8 that.</p> <p>9 MS. CANTY: Thank you.</p> <p>10 MS. BURGESS-TURNER: Can you be clear that your</p> <p>11 motion includes the changes, provisions --</p> <p>12 MR. WINEGARDNER: Yes, that includes all the</p> <p>13 changes and provisions. Thank you.</p> <p>14 MS. CANTY: Second?</p> <p>15 MR. PAQUE: As the assistant geology</p> <p>16 representative or the deputy, I will say I defer to the</p> <p>17 real guy here, I second.</p> <p>18 MS. CANTY: Okay. Roll call vote.</p> <p>19 MS. FIELDS: Ms. Canty?</p> <p>20 MS. CANTY: Yes.</p> <p>21 MS. FIELDS: Mr. Carr?</p> <p>22 MR. CARR: Yes.</p> <p>23 MS. FIELDS: Mr. Rodriguez?</p> <p>24 MR. RODRIGUEZ: Yes.</p> <p>25 MS. FIELDS: Mr. Short?</p> | <p style="text-align: right;">Page 32</p> <p>1 MS. CANTY: Okay. Is that it, Mark?</p> <p>2 MR. HILDEBRAND: Yes.</p> <p>3 MS. FIELDS: Shellie, anybody else? No other</p> <p>4 comments?</p> <p>5 Discussion by the Council?</p> <p>6 MR. SHORT: How does the Department determine</p> <p>7 complexity?</p> <p>8 MR. HILDEBRAND: I can't tell you that exactly.</p> <p>9 MS. CHARD-McCLARY: We do have -- Shellie</p> <p>10 Chard-McClary, Water Quality Division Director. We do</p> <p>11 have a rating sheet. We rely heavily on some of the</p> <p>12 work done by ABC, the National Board Council that looks</p> <p>13 over all of the operator certification criteria</p> <p>14 throughout the United States.</p> <p>15 We also work closely with Rose State who is</p> <p>16 designated as the environmental training center for</p> <p>17 Oklahoma related to the operator certification training.</p> <p>18 We work with them and we do have, if you meet certain</p> <p>19 criteria, you can get so many points, and whatever those</p> <p>20 points total, that's where you find yourself, whether</p> <p>21 it's A, B, C, or D.</p> <p>22 The most simple plants, a groundwater system</p> <p>23 that has -- serves very few people that has very minimal</p> <p>24 federal oversight, those are obviously on the lower end.</p> <p>25 But when you start getting up into serving very large</p> |
| <p style="text-align: right;">Page 31</p> <p>1 MR. SHORT: Yes.</p> <p>2 MS. FIELDS: Ms. Wells?</p> <p>3 MS. WELLS: Yes.</p> <p>4 MS. FIELDS: Mr. Winegardner?</p> <p>5 MR. WINEGARDNER: Yes.</p> <p>6 MS. FIELDS: Ms. Wyatt?</p> <p>7 MS. WYATT: Yes.</p> <p>8 MS. FIELDS: Mr. Paque?</p> <p>9 MR. PAQUE: Yes.</p> <p>10 MS. FIELDS: Motion passed.</p> <p>11 MS. CANTY: Thank you. With that, we'll keep</p> <p>12 moving.</p> <p>13 Mark, are you going to discuss 252:710?</p> <p>14 MR. HILDEBRAND: Yes. In Chapter 710 the</p> <p>15 Department is proposing to clarify that when a facility</p> <p>16 has an advanced treatment plant but serves a small</p> <p>17 population, the operator still needs to have an advanced</p> <p>18 certification license. And this will affect some small</p> <p>19 public water systems with advanced treatment systems</p> <p>20 such as reverse osmosis or ion exchange, and some</p> <p>21 wastewater systems that have water quality base limits</p> <p>22 and have the required advanced treatment technologies</p> <p>23 that -- to achieve those.</p> <p>24 And the Department received no formal comments</p> <p>25 on Chapter 710.</p> | <p style="text-align: right;">Page 33</p> <p>1 populations and you start looking at the more advanced</p> <p>2 treatment, you get awarded more points and ultimately</p> <p>3 find where you fit.</p> <p>4 It is -- there is a rating sheet. It's not a</p> <p>5 subjective thing. It's not up to that staff person to</p> <p>6 think, well, I think this one should be. There is</p> <p>7 specific language related to populations served and the</p> <p>8 type of technology implemented and the type of federal</p> <p>9 monitoring required.</p> <p>10 MS. CANTY: Did you have anymore? Is that good?</p> <p>11 Further discussion by the Council?</p> <p>12 Seeing none, I'll take comments from the public</p> <p>13 or if anybody has any questions from the public.</p> <p>14 MR. HILDEBRAND: I thought Chris was going to</p> <p>15 ask a question.</p> <p>16 MS. CANTY: I thought he was too. I was like,</p> <p>17 wow.</p> <p>18 Hearing no comments from the public, I think</p> <p>19 Council has made their comments and questions, I think</p> <p>20 we can take a vote on this. I'll take a motion on</p> <p>21 252:710.</p> <p>22 MR. CARR: Move for approval.</p> <p>23 MS. CANTY: Second?</p> <p>24 MR. WINEGARDNER: Second.</p> <p>25 MS. CANTY: Roll call vote.</p> |

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1 MS. FIELDS: Ms. Canty?
 2 MS. CANTY: Yes.
 3 MS. FIELDS: Mr. Carr?
 4 MR. CARR: Yes.
 5 MS. FIELDS: Mr. Rodriguez?
 6 MR. RODRIGUEZ: Yes.
 7 MS. FIELDS: Mr. Short?
 8 MR. SHORT: Yes.
 9 MS. FIELDS: Ms. Wells?
 10 MS. WELL: Yes.
 11 MS. FIELDS: Mr. Winegardner?
 12 MR. WINEGARDNER: Yes.
 13 MS. FIELDS: Ms. Wyatt?
 14 MS. WYATT: Yes.
 15 MS. FIELDS: Mr. Paque?
 16 MR. PAQUE: Yes.
 17 MS. FIELDS: Motion passed.
 18 MS. CANTY: Thank you.
 19 With that, we'll have Shellie Chard-McClary come
 20 up or she can sit there and give us her update to
 21 records report.
 22 MS. CHARD-MCCLARY: Well, we covered one of the
 23 first things on my list and that was the announcement of
 24 our new executive director. We're glad that he was able
 25 to join us for the first part of the meeting and to

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1 introduce himself. I do have just a few other hopefully
 2 quick items that I wanted to be sure and cover with you.
 3 One item that we had alluded to a couple of
 4 times earlier is the expansion of this Council's duties
 5 in taking on significantly more rules, the rules from
 6 the operator certification program and the rules that
 7 are governed by our laboratory services.
 8 You are very familiar with the Water Rules, the
 9 ECLS Rules, and I will take this opportunity to remind
 10 you that there's also one chapter of rules that falls in
 11 our Land Protection Division, the underground injection
 12 control rules. So that's a huge range of
 13 responsibilities.
 14 We have had quite a few new members over the
 15 last year or so and still waiting for two more
 16 appointments. What we're planning to do is a Council
 17 orientation for this group. Our intent was to try to do
 18 it before this meeting but we had not received the
 19 appointments, and then had one just in the last few
 20 days. But what we would like to do is to schedule that
 21 sometime either in late spring or possibly the date of
 22 the July 8th meeting, that if we do not have rule making
 23 activity that day, we may take advantage and actually
 24 expand that to all day and do that as the Council
 25 orientation.

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1 At that point we will ask the general counsel,
 2 Martha Penisten, to come and talk about just a few of
 3 the legal issues, the signing of the ethics commission
 4 statement that you all have to sign, and just talk in
 5 general about the responsibilities for the Council. And
 6 then we will have the various divisions present kind of
 7 a brief overview of their rules and some things that you
 8 can expect to see and hear over the next couple of
 9 years.
 10 The other thing that I wanted to kind of throw
 11 out at you and you can file it away and be thinking
 12 about it, and that is if you all might want to adopt
 13 something similar to what the Environmental Quality
 14 Board has done. Since they have 13 members and rules
 15 for all of the Agency, they have looked at it and
 16 decided, well, these two or three members are going to
 17 really focus on these kinds of rules or this particular
 18 Council based on your expertise.
 19 Obviously at some point we're going to have at
 20 least two that are specifically operators of either
 21 water or wastewater facilities. And I know we already
 22 have at this time Debbie, that would give us three. So
 23 it might be a thought that the three of you may want to
 24 kind of be the Council experts on that set of rules. We
 25 may want the geologists to take a particular interest in

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1 some of the UIC issues. And then there were so many
 2 that that's just, you know, to plant a seed. We will
 3 have a laboratory expert at some point. When that
 4 person is appointed, obviously, you know, that is
 5 someone we would lean on more for the laboratory rules
 6 and those complex issues. So those are just some things
 7 to think about that we'll kind of cover significantly
 8 more detail when we get to that orientation.
 9 Before I move into some program-specific items,
 10 does anyone have any questions or comments?
 11 MR. PAQUE: How to prevent that -- if it runs me
 12 off here, but do you think that we'll still be able to
 13 get our work done in three meetings? I'm not suggesting
 14 four today, but in your -- speculate, just for the heck
 15 of it. Because if you think we're going to load up
 16 towards the end of the year, I would rather get it
 17 scheduled out a ways than not. Just give me your best
 18 thinking.
 19 MS. CHARD-MCCLARY: Well, something that I will
 20 tell you that we are looking at, one of the things we're
 21 looking at is -- okay, that's still not working.
 22 (A discussion was had off the record.)
 23 MS. CHARD-MCCLARY: What I can tell you for
 24 certain is that the supervising attorneys and the
 25 directors of all the divisions that have these rules,

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1 we're going to be meeting in a couple of weeks, and
 2 we're going to try to kind of look at what we see as
 3 issues coming up, the number of rule chapters, and try
 4 to put together a game plan, and at that point we would
 5 share that with the Council at orientation.
 6 You know, there are different ways to look at
 7 it. You know, you can have one or two all-day meetings,
 8 you could meet more frequently but for just the
 9 afternoon. We may want to look at staggering so that
 10 you would anticipate seeing certain kinds of rules at
 11 each of the various meetings.
 12 Once upon a time, now 21, 22 years ago when the
 13 Agency was first formed and we were looking at having to
 14 do all of the rules that first year, this Council did
 15 meet almost monthly that first nine, ten months. I
 16 think that's kind of brutal to meet all of the rule
 17 making requirements and travel times and all of those
 18 kinds of things.
 19 So we will be looking at kind of our game plan
 20 or some options, and then we would present that to you
 21 at orientation. And you know it may be that we give you
 22 two or three options and you tell us the direction you
 23 want to go with that as far as more meetings or
 24 staggering subjects or something along those lines. But
 25 there will be significantly more activity for this group

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1 than there has been just based on the addition of the
 2 new rules.
 3 MR. PAQUE: But the orientation will be in July.
 4 Right? It could be but it doesn't have to be?
 5 MS. CHARD-MCCLARY: Right. If we were to get
 6 the remaining two appointments, say, this week, then we
 7 could move to schedule the orientation significantly
 8 sooner than that. If we don't get those appointments,
 9 we have kind of decided we're going to do the
 10 orientation for those of you who are here in July if not
 11 before, and then just have to do, you know, kind of a
 12 crash course as the others will be appointed.
 13 MS. CANTY: Anything else, Shellie?
 14 MS. CHARD-MCCLARY: Well, there were two or
 15 three significant issues kind of going on that I wanted
 16 to just kind of give you an update. We have gotten the
 17 verbal notification from EPA and we're waiting on the
 18 official approval letter in writing that awards primacy
 19 to DEQ. It is final primacy on the drinking water
 20 program.
 21 As you all know we've been working for two,
 22 three years to get through that process. We were
 23 awarded interim primacy. The EPA has completed the
 24 public notification period and there was no request for
 25 hearing and there was no information provided that

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1 indicated DEQ was not suitable or capable of
 2 implementing that program. So that was one piece of
 3 good news.
 4 With the Department of Agriculture receiving
 5 authority to administer their piece of the Clean Water
 6 Act, the ag specific pieces of the NPDES program, we're
 7 undergoing some rewrites with a lot of our documents
 8 that just in the way of jurisdictional boundaries fall,
 9 DEQ is responsible for providing information and reports
 10 to EPA that actually come from the Water Board
 11 Conservation Commission and Department of Agriculture so
 12 we're going through that process right now. So that
 13 will be a big deal to get through that hurdle for the
 14 State of Oklahoma.
 15 Water reuse is something that we have been
 16 talking about now for several years, and had kind of an
 17 interesting and a great development.
 18 And, Mike, I apologize, I haven't had a chance
 19 to tell you.
 20 But while we've been trying to expand water
 21 reuse particularly into the area of oil and gas
 22 exploration and production, the Corporation Commission
 23 has not always been real interested in coming to the
 24 table to have those discussions because they weren't
 25 getting a lot of -- all kinds of interest from the oil

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1 and gas companies. But in the last few days, we had a
 2 -- we had an attorney contact us saying that their firm
 3 would be representing about five oil and gas companies,
 4 and so they will be joining us in the next Water Reuse
 5 Committee meeting and looking at making further
 6 expansion of reuse in those areas to try to save the
 7 potable water for drinking as opposed to oil and gas
 8 production or some of the other uses.
 9 So that's something we're really excited about,
 10 and we know that Corp Com will be in those meetings with
 11 us to make sure that we meet their criteria along with
 12 the municipal side of it to get that moving forward. I
 13 know that's been something that was high on your list of
 14 things to do so I think we're finally making some
 15 progress there.
 16 And one of the last issues, those of you from
 17 the Eastern part of the state have heard a lot about
 18 this but I'm not sure everyone else has, and that is the
 19 Illinois River, the scenic river study, the
 20 Oklahoma/Arkansas joint study committee for phosphorous
 21 stress air response basically looking at -- I will just
 22 use my loud voice.
 23 So the Illinois River and the phosphorus studies
 24 the phosphorus criteria established by the Water
 25 Resources Board, that's been a point of contention

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1 between the two states for a long time. We have had
 2 several different agreements between the two governors,
 3 between the two attorneys general, and now we do have
 4 this Joint Study Committee that has been established.
 5 The Arkansas governor got to appoint three members, the
 6 Oklahoma governor appointed three members. I am one of
 7 the three for Oklahoma.
 8 We have been meeting since October. We are
 9 close to selecting a contractor who is going to do about
 10 a \$600,000 study on how the Illinois River and other
 11 scenic rivers respond to nutrients, water options, what
 12 should the standard be, that it will be an Oklahoma
 13 scenic river specific study as opposed to relying on
 14 national data or averages of data taken from other
 15 places.
 16 So it's really exciting that we're finally
 17 moving forward, and it looks like it will be
 18 approximately a two and a half year study and then we'll
 19 have a recommendation that we will give to the Governor,
 20 and then at that point hopefully the uncertainty of
 21 what's going to happen with all of those permits in
 22 northeastern Oklahoma and northwest Arkansas will
 23 finally be resolved.
 24 So that is something that two or three of us
 25 have had conversations, so I just wanted to kind of give

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1 you all an update on that's where that stands. And
 2 that's all I have unless you all have specific
 3 questions.
 4 MS. CANTY: Questions from the Council?
 5 Okay. Thank you, Shellie. A lot of
 6 information.
 7 With that, I think we can move into new
 8 business, but I'm not sure what we're doing there. Do
 9 we have new business?
 10 MS. CHARD-MCCLARY: New business would be
 11 anything unknown about before the Agenda was posted and
 12 the Agency knows of no new business.
 13 MS. CANTY: Okay. So we'll move forward. I
 14 don't need to have a -- solicit comments. Okay.
 15 I think with that we can move to our next
 16 meeting date. Is that correct? Is there anything else
 17 we have to -- any other comments from the public? One
 18 last chance.
 19 Okay. Next meeting is going to be July 8th,
 20 2014, 1:00 p.m., probably in this room, the
 21 multiple-purpose room.
 22 With that, I think I will take a motion to
 23 adjourn.
 24 Duane, do I see your hand up?
 25 MR. WINEGARDNER: I move to adjourn.

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1 MS. CANTY: Second?
 2 MS. WELLS: Yes, I second.
 3 MS. CANTY: All right. Roll call.
 4 MS. FIELDS: Ms. Canty?
 5 MS. CANTY: Yes.
 6 MS. FIELDS: Mr. Carr?
 7 MR. CARR: Yes.
 8 MS. FIELDS: Mr. Rodriguez?
 9 MR. RODRIGUEZ: Yes.
 10 MS. FIELDS: Mr. Short?
 11 MR. SHORT: Yes.
 12 MS. FIELDS: Ms. Wells?
 13 MS. WELLS: Yes.
 14 MS. FIELDS: Mr. Winegardner?
 15 MR. WINEGARDNER: Yes.
 16 MS. FIELDS: Ms. Wyatt?
 17 MS. WYATT: Yes.
 18 MS. CANTY: Okay. With that, I'm going to slam
 19 the gravel down and we'll --
 20 MS. FIELDS: Mr. Paque?
 21 MS. CANTY: Oh, yeah.
 22 MR. PAQUE: I do adjourn.
 23 MS. CANTY: Thank you, all. Council adjourned.
 24 (Meeting adjourned; proceedings concluded at
 25 2:09 p.m.)

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1 -- CERTIFICATE --
 2 I, Lori L. Roberts, Certified Shorthand
 3 Reporter for the State of Oklahoma, certify that the
 4 above and foregoing proceeding was by me taken in
 5 stenotype and thereafter transcribed and is a true and
 6 correct transcript of the proceeding; that the
 7 proceeding was taken on January 14, 2014, at 1:30 p.m.,
 8 in Oklahoma City, Oklahoma; that I am not an attorney
 9 for nor relative of any of said parties, or otherwise
 10 interested in the event of said action.
 11 IN WITNESS WHEREOF, I have hereunto set my hand
 12 and seal of office this 24th day of January, 2014.
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Lori Roberts

Lori L. Roberts
 CSR No. 1588
 Commission Expires: 12/31/14



WQMAC Board Meeting - 01/14/2014

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