

**DRAFT MINUTES
WATER QUALITY MANAGEMENT ADVISORY COUNCIL
October 13, 2015
Oklahoma Department of Environmental Quality
Multipurpose Room
Oklahoma City, Oklahoma**

**Official WQMAC
Approved at January 12, 2016 Meeting**

Notice of Public Meeting – The Water Quality Management Advisory Council (WQMAC) convened for a Regular Meeting at 2:00 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 17, 2014. The agenda was posted at DEQ twenty-four hours prior to the meeting. Mr. Duane Winegardner, Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that a quorum was present.

MEMBERS PRESENT

Robert Carr
Brian Duzan
Mike Paque
Jeff Short
Steve Sowers
Debbie Wells
Duane Winegardner

MEMBERS ABSENT

Mark Matheson
Jon Nelson
Jim Rodriguez
Terry Wyatt

DEQ STAFF PRESENT

Shellie Chard-McClary
Chris Armstrong
Carl Parrott
Mark Hildebrand
Scott Cordell
Michelle Wynn
Terry Lyhane
Patty Thompson
Courtney Carter
Lloyd Kirk
Martha Penisten
Sharon Smith
Quiana Fields

OTHERS PRESENT

Kerry Huff, Court Reporter

Approval of Minutes from the May 5, 2015 Meeting – Mr. Winegardner called for a motion to approve the Minutes of the May 5, 2015 Regular Meeting. Ms. Wells moved to approve and Mr. Paque made the second.

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| | | <i>See transcript pages 4 – 5</i> | |
| Robert Carr | Yes | Debbie Wells | Yes |
| Brian Duzan | Yes | Duane Winegardner | Yes |
| Mike Paque | Yes | | |
| Jeff Short | Yes | | |
| Steve Sowers | Yes | | |

COUNCIL MEETING SCHEDULE FOR 2016 – Mr. Winegardner called for a motion to approve the 2016 schedule as outlined in the agenda; January 12, May 3, August 9 and October 4. Mr. Sowers moved to approve and Mr. Short made the second.

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| | | <i>See transcript pages 5 – 7</i> | |
| Robert Carr | Yes | Debbie Wells | Yes |

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| Brian Duzan | Yes | Duane Winegardner | Yes |
| Mike Paque | Yes | | |
| Jeff Short | Yes | | |
| Steve Sowers | Yes | | |

DISCUSSION OF RULEMAKING FOR JANUARY 2016 WQMAC MEETING:

OAC 252:606 – OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS – Mr. Mark Hildebrand, Environmental Programs Manager of the WQD, stated that the DEQ staff will be proposing to update the date of the incorporation by reference for federal regulations from July 1, 2014 to July 1, 2015.

See transcript pages 7 – 9

OAC 252:626 – PUBLIC WATER SUPPLY CONSTRUCTION STANDARDS – Mr. Hildebrand stated that the DEQ staff will be proposing to: add definitions for “25-year flood,” and “100 year flood,”; clarify the definition for “CT”; clarify the definition for “public water supply system”; add a 3 foot freeboard requirement to lagoon standards; add surface evaporation lagoon (total retention) requirements; clarify peak demand for standby power and elevated storage; add requirement for each filter unit to have a meter indicating the instantaneous rate of flow; add requirement for each filter to be equipped with a device to measure head loss; add requirement for a concrete splash pad for wellhouse blow-off valve discharges; add map requirements to the engineering report section; and other minor clarifications.

See transcript pages 9 – 12

OAC 252:631 – PUBLIC WATER SUPPLY OPERATION – Mr. Hildebrand stated that the DEQ staff will be proposing to: update reference to the new Laboratory Accreditation rules; clarify the definitions of “maximum contaminant level (MCL),” “maximum residual disinfectant level (MRDL),” “primary drinking water standards” and “public water supply system”; update the date of the incorporation by reference for federal regulations from July 1, 2014 to July 1, 2015; update applicable primary drinking water standards to include newly adopted rules and clarify existing rules; update applicable monitoring and analytical requirements to include newly adopted rules; strike start up requirements for seasonal water systems because start up procedures have been updated and included in the new Revised Total Coliform Rule; update analytical and reporting requirements for accredited laboratories including emergency notification to DEQ for positive E. coli results; update data validation procedures by striking procedures that are updated and included in the Revised Total Coliform Rule; update process control tests to include tests required by newly adopted rules; and other minor clarifications.

See transcript pages 12 – 17

OAC 252:690 – WATER QUALITY STANDARDS IMPLEMENTATION – Mr. Hildebrand stated that the DEQ staff will be proposing to: update the date of the incorporation by reference for federal regulations from July 1, 2013 to July 1, 2015; revoke “Appendix B Priority and Nonpriority Pollutants with Numerical Criteria Requiring Reasonable Potential Screening”; replace Appendix B with an updated table of minimum quantifiable levels for constituents, developed in response to EPA’s sufficiently sensitive method rule update.

See transcript pages 17 – 23

Mr. Terry Lyhane, Assistant Division Director of the WQD and Mr. Carl Parrott, Engineering Manager of the WQD gave an update of the path forward for indirect potable reuse of reclaimed water in Oklahoma.

See transcript pages 24 – 42

DIRECTOR’S REPORT – Ms. Chard-McClary provided an update on other division activities.

See transcript pages 42 – 52

NEW BUSINESS – None

ANNOUNCEMENTS – None

ADJOURNMENT - Mr. Winegardner entertained a motion to adjourn the meeting. Ms. Wells moved to adjourn and Mr. Sowers made the second. The meeting was adjourned at 3:20 p.m.

See transcript page 52 – 53

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| Robert Carr | Yes | Debbie Wells | Yes |
| Brian Duzan | Yes | Duane Winegardner | Yes |
| Mike Paque | Yes | | |
| Jeff Short | Yes | | |
| Steve Sowers | Yes | | |

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

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| <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">TRANSCRIPT OF PROCEEDINGS OF THE WATER QUALITY MANAGEMENT ADVISORY COUNCIL MEETING TAKEN ON OCTOBER 13, 2015, AT 2:00 P.M. IN OKLAHOMA CITY, OKLAHOMA</p> <p style="text-align: center;">REPORTED BY KERRY L. HUFF, CSR #1725</p> | <p>1 3</p> <p>1 MR. WINEGARDNER: We are now starting our 2 meeting of the regular meeting of the Water Quality 3 Management Advisory Council. This regular meeting of 4 the Water Quality Management Advisory Council was 5 called in accordance with the Open Meeting Act. 6 Notice of this October 13, 2015, meeting was 7 filed with the secretary of state on November 14 -- 8 or excuse me -- November 17, 2014. The agenda was 9 duly posted at DEQ at least 24 hours prior to the 10 meeting. 11 Only matters appearing on the posted agenda may 12 be considered at this regular meeting. In the event 13 that this meeting is continued or reconvened, public 14 notice of the date, time and place of the continued 15 meeting will be given by announcement at this 16 meeting. 17 Only matters appearing on the agenda of a 18 meeting which is continued may be discussed at the 19 continued or reconvened meeting. Roll call? 20 MS. FIELDS: Mr. Carr? 21 MR. CARR: Here. 22 MS. FIELDS: Mr. Duzan? 23 MR. DUZAN: Here. 24 MS. FIELDS: Mr. Matheson is absent. 25 Mr. Nelson is absent. Mr. Paque?</p> |
| <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>1 MEMBERS OF THE COUNCIL: 2 3 Robert Carr 4 Brian Duzan 5 Mark Matheson 6 Jon Nelson 7 Mike Paque 8 Jim Rodriguez 9 Jeff Short - Vice-Chair 10 Steve Sowers 11 Debbie Wells 12 Duane Winegardner - Chair 13 Terry Wyatt</p> | <p>2 4</p> <p>1 MR. PAQUE: Here. 2 MS. FIELDS: Mr. Rodriguez is absent. 3 Mr. Short? 4 MR. SHORT: Here. 5 MS. FIELDS: Mr. Sowers? 6 MR. SOWERS: Here. 7 MS. FIELDS: Ms. Wells? 8 MS. WELLS: Here. 9 MS. FIELDS: Ms. Wyatt is absent. 10 Mr. Winegardner? 11 MR. WINEGARDNER: Here. 12 MS. FIELDS: We have a quorum. 13 MR. WINEGARDNER: Thank you very much. I hope 14 everyone has had an opportunity to review the minutes 15 from the May 15th meeting, and I will entertain a 16 motion to approve. 17 MS. WELLS: I move that we approve the minutes 18 as presented. 19 MR. PAQUE: Second. 20 MR. WINEGARDNER: Second. Is there any 21 discussion on these? If not, we'll call the roll. 22 MS. FIELDS: Mr. Carr? 23 MR. CARR: Yes. 24 MS. FIELDS: Mr. Duzan? 25 MR. DUZAN: Yes.</p> |

WQMAC Meeting 10/13/2015

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| <p>5</p> <p>1 MS. FIELDS: Mr. Paque? 2 MR. PAQUE: Here. Yes, I mean, and here. 3 MS. FIELDS: Mr. Short? 4 MR. SHORT: Yes. 5 MS. FIELDS: Mr. Sowers? 6 MR. SOWERS: Yes. 7 MS. FIELDS: Ms. Wells? 8 MS. WELLS: Yes. 9 MS. FIELDS: Mr. Winegardner? 10 MR. WINEGARDNER: Yes. 11 MS. FIELDS: Motion passed. 12 MR. WINEGARDNER: Next on the agenda we have 13 the proposed meeting schedule for 2016, and it's on 14 Tuesday, January 12th, Tuesday, May 3rd; Tuesday, 15 August 9th; and Tuesday, October 4th, all at 2.00 in 16 this room. 17 MR. HILDEBRAND: Good afternoon. The DEQ has 18 come up with the dates that Duane just spoke of based 19 on our rulemaking activities in accordance with the 20 Environmental Quality Board meetings. There is a 21 little bit of wiggle room especially on the two 22 middle dates, and actually we could move October one 23 week later. 24 That's however fits you all's schedule, but I 25 tried to move that forward because we have had</p> | <p>7</p> <p>1 MR. SOWERS: Yes. 2 MS. FIELDS: Ms. Wells? 3 MS. WELLS: Yes. 4 MR. FIELDS: Mr. Winegardner? 5 MR. WINEGARDNER: Yes. 6 MS. FIELDS: Motion passed. 7 MR. WINEGARDNER: Thank you. Next we will have 8 a discussion of rulemaking for January 16th for our 9 meeting on OPDES. Mark? 10 MR. HILDEBRAND: Yes. On -- of course, we'll 11 start with Chapter 606, Oklahoma Pollutant Discharge 12 Elimination System Standards. In January of 2016 -- 13 now at January 12th -- we will be proposing to update 14 the date of incorporation of reference for federal 15 regulations from July of 2014 to July of 2015. 16 And among these changes these incorporations 17 will be the 316(b) rule which involves cooling water 18 intake structures, and this change will affect 10 or 19 12 power plants here in the state, and our staff has 20 been working with -- has gotten in touch with each of 21 these power plants and worked with them, given them 22 technical assistance in hopes of getting them 23 prepared for these changes. 24 It has to do with -- let me see if I say this 25 right -- entrapment or impingement of fish from their</p> |
| <p>6</p> <p>1 trouble in October, and I know Jim Rodriguez, he has 2 a trade convention that he has to go do every year 3 during that second week of October. So any 4 suggestions that you all have -- have you all looked 5 at your calendars -- and make any suggestions? 6 MR. WINEGARDNER: I know for me a year out is a 7 year out. Things are flexible by the week and I 8 suspect it's that way for many of us. 9 MR. DUZAN: I have no issues with the dates as 10 presented. 11 MR. WINEGARDNER: Would someone move then to 12 approve these dates? 13 MR. SOWERS: I would move to approve the dates 14 as dated. 15 MR. SHORT: Second. 16 MR. WINEGARDNER: Okay. 17 MS. FIELDS: Mr. Carr? 18 MR. CARR: Yes. 19 MS. FIELDS: Mr. Duzan? 20 MR. DUZAN: Yes. 21 MS. FIELDS: Mr. Paque? 22 MR. PAQUE: Yes. 23 MS. FIELDS: Mr. Short? 24 MR. SHORT: Yes. 25 MS. FIELDS: Mr. Sowers?</p> | <p>8</p> <p>1 intake structures. And a lot of them involves some 2 kind of a study, whether it be technical or some type 3 of scientific study of ways to decrease -- this is a 4 pretty generic way I'm telling you this -- but to 5 decrease the fish harm there. 6 And then also the Sensitive Scientific Method 7 Update Rule -- excuse me. I left out an S there. 8 Sufficiently Sensitive Scientific Update Method Rule. 9 And we're going to discuss that part mainly in 10 Chapter 690 discussion. 11 MR. WINEGARDNER: Okay. Questions? Comments? 12 I'm curious about the -- you've come up with some 13 technology to keep them from taking in more fish than 14 necessary? 15 MR. HILDEBRAND: Well, talking to Mike Moe, who 16 is more of the expert on this than I am -- but some 17 of the methods that they've used is using smaller 18 screens decreasing -- in a way to avoid the thing 19 totally is -- if they reduce their flow enough, their 20 suction from these intakes where it's not under, 21 like .5 CFS flow, then I think they can avoid it 22 totally. 23 But it goes from anything from fish trap catch 24 nets where it will pick them up and move them 25 downstream to -- I believe they'll have three years</p> |

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| <p style="text-align: right;">9</p> <p>1 to get a study done or -- before it will really 2 affect anybody, it will be 2018. 3 But they need to be getting ready for it and 4 working on these studies, and we've met with them and 5 it seems like they're on board with it and going to 6 move forward and just go ahead and take it on. I 7 don't guess they got a whole lot of choice if they 8 had to say that. 9 MR. WINEGARDNER: Any discussion from the 10 public? Okay. And we have discussion on Item B, 11 Public Water Supply Construction Standards. 12 MR. HILDEBRAND: Yes. Chapter 626, Public 13 Water Supply Construction Standards. In January of 14 2016 we will be proposing to add some definitions for 15 the 25-year and 100-year flood, to clarify some 16 definitions for CT and public water supply, add a 17 three-foot freeboard requirement for lagoon 18 standards. 19 Add surface evaporation requirements for the 20 lagoons, clarify peak demand for standby power at 21 elevated storage, add a requirement for filter units 22 to have a meter indicating the instantaneous rate of 23 flow and be equipped with a device to measure the 24 head loss. 25 Add a requirement for a concrete splash pad for</p> | <p style="text-align: right;">11</p> <p>1 was not illegal for them to provide water in this 2 manner. 3 We argued that in Oklahoma the way the 4 definition read, if you don't have it under pressure 5 in a pipe, it is not adequate and therefore would be 6 in violation. There has been a lot of back and 7 forth, and Patty Thompson and her staff had 8 negotiated with the -- our attorneys and the Region 6 9 attorneys to come up with a definition that allows us 10 to maintain the public water supply program primacy 11 and to still require drinking water to be served from 12 a pipe and under pressure. 13 MR. SHORT: My other question was on the -- 14 what is a lagoon used for in a public water supply 15 system? 16 MS. CHARD-MCCLARY: The short answer is the 17 filter backwash water mostly. There are some that 18 may do things a little bit differently, but that's 19 primarily where we see it. I don't know if Carl or 20 Patty want to add anything, but that's where we see 21 it mostly. 22 MR. SHORT: Because the reason I asked that was 23 we did a lot of work on the industrial wastewater 24 treatment, and I remember this was part of the 25 industrial wastewater lagoon rule. So I didn't know</p> |
| <p style="text-align: right;">10</p> <p>1 wellhouse blow-off valve discharges to protect the 2 wellhouse foundation from erosion, and to also add 3 map requirements for engineering report section and 4 then other minor clarifications. 5 MR. WINEGARDNER: Discussion from the panel, 6 from the Council? 7 MR. SHORT: I have two questions. On the 8 clarifying the definition of public water supply, is 9 that going to be the same as a federal definition, or 10 is it not now, or has a change been really -- 11 MR. HILDEBRAND: I'm not exactly sure of the 12 federal definition but I'll let Shellie -- 13 MS. CHARD-MCCLARY: Shellie Chard-McClary. I'm 14 the Water Quality Division Director. This became an 15 issue with EPA in the last six-to-nine months. They 16 are requiring us to make a change based on a court 17 decision that occurred actually in Texas, and it 18 involved our requirement to require a drinking water 19 system to be operated with a minimum pressure. 20 The court case in question was a migrant worker 21 area where a system was putting water -- potable 22 water into a ditch and flowing it down to this area 23 serving these migrant workers. The federal court 24 ruled that because of the definition, it wasn't 25 technically a public water supply, so therefore it</p> | <p style="text-align: right;">12</p> <p>1 if we were going to incorporate all of those or just 2 some of those, but it would probably be in our best 3 interest on something like that to take a look and 4 make sure all those are incorporated. 5 MR. PARROTT: Well, we've gone back to 6 referencing I think in the 656 rule and also to have 7 our own rule in public water supply for it, and we 8 just inadvertently left out that three-foot freeboard 9 requirement so we're adding it in. 10 MR. WINEGARDNER: The map, don't most 11 engineering studies include a map? 12 MR. HILDEBRAND: Yeah. But we've had some that 13 haven't submitted a map so we just clarify that in 14 there, but some people just like to argue. And so 15 we'd like to put it in the rules so we can cut down 16 on arguing, and it's not that onerous of a 17 requirement 18 MR. WINEGARDNER: Well, I think that's very 19 important. Okay. Other discussion about by the 20 Council? Any comments from the public? Okay. 21 Continue on, Mark. Number C? 22 MR. HILDEBRAND: Okay. Chapter 631, Public 23 Water Supply Operation. In January DEQ staff will be 24 proposing to update the references of the new 25 laboratory accreditation rules that we've recently</p> |

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| <p style="text-align: right;">13</p> <p>1 added, to clarify definitions of maximum contaminate 2 level, maximum residual disinfectant level, primary 3 drinking water standards and, again, public water 4 supply system. 5 And then we're going to update the date of 6 incorporation by reference of the federal regulations 7 from July of 2014 to July of 2015, which indicate -- 8 which includes the new total -- Revised Total 9 Coliform Reform Rule. 10 We're going to plan to update the applicable 11 primary drinking water standards to include these 12 newly adopted rules and clarify existing rules, to 13 update the applicable monitoring and analytical 14 requirements to include newly adopted rules, to 15 strike the startup requirements for seasonal water 16 systems because these startup procedures have been 17 updated in the new Revised Total Coliform Reform 18 Rule, to update the analytical and reporting 19 requirements for accredited laboratories. 20 And one thing we've added is including 21 emergency notification to DEQ for positive 22 E. Coli results. Then also we plan to update the 23 data validation procedures by striking procedures 24 that are updated and included in the Revised Total 25 Coliform Rule, to update process control tests to</p> | <p style="text-align: right;">15</p> <p>1 MS. CHARD-MCCLARY: Okay. 2 MS. BREEDAN: We bought this mobile home park 3 back in 2007, and we've tested the monthly testing 4 ever since then. There are some new rules that are 5 changing such as now we need to get certified to do 6 the testing that we've done for these eight years. 7 I can understand that to a degree. They've 8 added a chlorine test, and I spoke with the woman -- 9 and I didn't get her name -- at the end of last month 10 that said, Oh, we've just been real lax. Now you 11 have to start doing chlorine testing. 12 We have 16 service connections on one of our 13 water lines, and all of this is through the City of 14 Oklahoma City. So basically what I'm doing is 15 spending almost \$1,000 a year testing Oklahoma City's 16 water. 17 I want to know why a small mobile home park 18 like that with 18 mobile homes total, which is more 19 than likely going to be a family business and a small 20 mobile home park like that -- why apartment complexes 21 with anything from 20-to-1,000 doors and/or service 22 connections don't have to test their water that they 23 buy from the City of Oklahoma City, why hospitals 24 don't have to test, why hotels and motels don't have 25 to test the water that they purchase from the city.</p> |
| <p style="text-align: right;">14</p> <p>1 include the test required by the newly-adopted rules 2 and then other minor clarifications. 3 MR. WINEGARDNER: Discussion from the 4 committee? Okay. Any discussion from the public? 5 MS. BREEDAN: I have a question. I actually 6 have a mobile home park that has to test water -- 7 MR. WINEGARDNER: Ma'am -- 8 MS. BREEDAN: Good afternoon, everybody. My 9 name is Susan Lollis Breedan. This is my brother, 10 Johnny Lollis, and we own Cummings Mobile Home Park 11 at 55th and Shields. We've owned -- is this the time 12 that I need to discuss this, or is it new business 13 before I go on? 14 MR. WINEGARDNER: I think it's probably the 15 time to discuss it. 16 MS. CHARD-MCCLARY: If this is related to this 17 particular rulemaking and those proposed for January, 18 this would be the time. 19 MS. BREEDAN: Okay. 20 MS. CHARD-MCCLARY: But one thing I need to 21 make sure -- if this is about a specific permit issue 22 or enforcement issue, it cannot be presented to this 23 body. 24 MS. BREEDAN: Okay. No. I just have some 25 questions.</p> | <p style="text-align: right;">16</p> <p>1 Just as this is starting to get where I feel 2 like I'm more under the gun and under the thumb -- 3 I've been doing this testing monthly, like I said, 4 for the last eight years, and I've never asked any 5 questions as to why really. I've just complied. 6 It's getting to where, like I said, it's \$1,000 7 a year almost to do the amount of testing that we 8 have to do on a very small family-owned mobile home 9 park. 10 MR. WINEGARDNER: Okay. Does someone from 11 staff care to address this? 12 MS. CHARD-MCCLARY: Let me address part of it 13 in that -- why the testing and the regulation when 14 it's purchasing water from City of Oklahoma City, 15 EPA has an entire category for purchase water systems 16 so that's why some get caught up and others don't. 17 But what we can do is we can have the public 18 water supply staff and the operator certification 19 staff sit down and go through all of those issues 20 with you and see which of those we do have some 21 flexibility, which things we don't have flexibility 22 because the federal requirements and work through 23 that. 24 And I'm going to ask Patty Thompson to give you 25 her contact information. She's here somewhere. She</p> |

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| <p style="text-align: right;">17</p> <p>1 is back behind here, and Patty will give you all of 2 her contact information and go through all of that 3 with you whether it's this afternoon or in the next 4 few days or whatever is a convenient time to do that. 5 MS. BREEDAN: Okay. 6 MR. WINEGARDNER: Thank you. 7 MS. BREEDAN: Uh-huh. 8 MR. WINEGARDNER: Okay. Next topic. Mark, the 9 water quality standards implementation. 10 MR. HILDEBRAND: Okay. In January on 11 Chapter 690, the water quality standards 12 implementation, we will propose to update the date of 13 incorporation of reference from July of 2013 to July 14 of 2015. 15 This will include both the 319(b) rule which 16 was discussed previously in Chapter 606 and the 17 Sufficiently Sensitive Scientific Method Update Rule. 18 As a result of this sensitive -- I'm going to call it 19 the SSMR rule just so I don't get tongue-tied. 20 We are proposing to revoke in Appendix B which 21 is priority and nonpriority pollutants with numeric 22 criteria requiring reasonable potential screening and 23 replace this appendix with an updated table of 24 minimum quantifiable levels for constituents, and 25 this is developed in response to EPA's Sufficiently</p> | <p style="text-align: right;">19</p> <p>1 thought -- what they thought with what we came up 2 with. 3 I think Chris and them did a -- tried really 4 hard not to have to have a separate sampling -- 5 separate analysis rooms for specific analytes and 6 things like that, and I'll just leave it at that. 7 If you've got any questions, we'll ask probably 8 Chris. I may be able to answer. 9 MR. PAQUE: So the fact that we have to do it 10 is -- that's a given. Right? 11 MR. HILDEBRAND: It's a given and EPA sent out 12 recommended MQLs. We plan on -- we may have already 13 contacted EPA with our list and said, This is how we 14 plan on addressing this particular rule. But if we 15 haven't done it, once we get stuff back from our 16 stakeholders -- we hate sending -- I'm betting we 17 hadn't sent it to them. 18 But once we get back from our stakeholders 19 comments, in case we need to do adjusting, we'll send 20 them this table and say, This is how we plan on 21 handling this to our permitting section, and move 22 forward there. 23 MR. PAQUE: So I'm just asking -- I mean I'm on 24 our side here, but if they've got minimum 25 quantifiable levels, EPA can get kind of dug in</p> |
| <p style="text-align: right;">18</p> <p>1 Sensitive Method Rule Update. 2 We've had an internal work group working on 3 this from both our lab I think -- I know Chris 4 Armstrong, our director from the lab, has been 5 working on this as well as Mike Moe and several 6 others in water quality to try to come up with a 7 happy medium of the levels that EPA says you can 8 sufficiently get down to and what we think is 9 sufficient to get down to for the levels. 10 And we've come up and modified a table, and I 11 believe yesterday we sent out this table to some 12 stakeholders which include some contract labs as well 13 as some municipal labs to see how this will affect 14 them on these certain -- every constituent that we 15 have there. 16 And we asked some specific questions like, Is 17 your lab capable of meeting these MQLs, the impact 18 that you feel it will have on you as a laboratory and 19 your customers and would they need to buy new 20 equipment and, if so, give us kind of a specific cost 21 on what you'll need to do to upgrade and what would 22 be the overall additional cost to their laboratory. 23 So we're trying to get some feedback from our 24 stakeholders on that, and we kind of got a fairly 25 small group but a diverse group just to see what we</p> | <p style="text-align: right;">20</p> <p>1 sometimes. Is there flexibility? 2 MR. LYHANE: Mike, can I interrupt here? 3 MR. PAQUE: Yeah. 4 MR. LYHANE: My name is Terry Lyhane, I'm the 5 Assistant Director in Water Quality. Those MQLs that 6 we're proposing, those did go out to the stakeholders 7 or at least a group of the stakeholders yesterday. 8 I was talking to Brian right before the 9 meeting, and he did get a get a copy of that. Those 10 MQLs were actually developed in-house because we 11 wanted to have our lab take a look at it and see what 12 is realistic, what makes sense. 13 The whole driver on this rule is EPA wants to 14 make sure that we are testing at a sufficiently 15 sensitive method level to make sure there is no water 16 quality standards problems in the stream and it's 17 directed towards discharges. 18 So we don't necessarily have to adopt this 19 rule, but if we don't, EPA's got their own MQLs that 20 in many cases are much, much lower. So this is our 21 chance to provide some common sense, I guess, some 22 realism these. 23 MS. CHARD-MCCLARY: This is Shellie McClary. I 24 would just add to that, that we did go in -- rather 25 than taking what EPA sent out, we went and compared</p> |

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| <p style="text-align: right;">21</p> <p>1 our water quality standards criteria. And so in 2 Oklahoma we determined it was sufficiently sensitive 3 if it was at or below the water quality standard. 4 So where EPA may have proposed significantly 5 lower, if we were already at the water quality 6 standard, that's what we were going with. If it 7 was -- the water quality standard was lower, we 8 lowered down to that water quality standard. 9 But we were not going to adopt EPA's levels 10 which appear to be the most expensive equipment could 11 get, down to this low level and in some case appeared 12 to be basically pure samples, you know, where it did 13 not have the interference from the other pollutants. 14 So we were trying to avoid all of that to the 15 greatest extent possible. 16 MR. LYHANE: I might just add to what Shellie 17 said and what Mark I think was alluding to, the 18 mercury in particular, they were down in the -- 19 proposing down in the very-low-parts-per-trillion 20 range. 21 And our lab was telling us, You're talking 22 about a clean room with separate ventilation system 23 in order to be able to not get false positives and 24 something like that and some very specialized 25 equipment. It just didn't make sense.</p> | <p style="text-align: right;">23</p> <p>1 groups about, well, some state standards -- not 2 ours -- water quality standards or testing are not 3 protecting the public sufficiently and all when they 4 have unreasonable criteria to do that. 5 MR. WINEGARDNER: Okay. Other comments? 6 MR. DUZAN: Well, the other issue is once they 7 drop these levels to whatever, you're going to start 8 getting positives so then that will be a separate 9 issue that has to be addressed, you know, once the 10 state starts acquiring data. 11 MR. HILDEBRAND: You're absolutely right, 12 Brian. 13 MR. LYHANE: Yeah. That's a good point. When 14 the cost analysis -- cost benefit analysis is done, I 15 think they look at what the cost may be is to the 16 labs and in terms of lab analysis, but the big cost 17 could be very well at the end of the day when you 18 start getting these positives of very, very low 19 levels you have to treat and figure out some way to 20 handle that. 21 MR. WINEGARDNER: Okay. Any other comments 22 from the public? Okay. Okay. Now -- 23 MR. HILDEBRAND: While Terry and Carl are 24 getting ready -- I forgot to say this earlier, but 25 Mark Matheson wanted to apologize to all of you all</p> |
| <p style="text-align: right;">22</p> <p>1 I'm sure Chris can speak in more detail about 2 that. But we tried to -- we leaned heavily on Chris 3 and his staff to come up with numbers that we did 4 which we think are -- we think are realistic but we 5 wanted to get some input from the outside community 6 as well. 7 MR. PAQUE: That's good and I trust you all's 8 judgment but when the day is over but my only 9 question was -- or my concern was -- not a question 10 so much -- was if EPA was dug in on any of those 11 standards. 12 Sometimes they get to do that and sometimes 13 they don't. You've all worked with them. I have too 14 and you never know. I'm just asking. So for all 15 your work they can say, Well, not good enough yet. 16 Terry, or Chris or whoever. 17 MR. LYHANE: We agree. We recognize that as a 18 possibility. 19 MR. WINEGARDNER: I can appreciate that. A few 20 years ago I had a project that EPA was in charge of, 21 and we could not find a lab within about 25,000 miles 22 that could meet those detections levels. Yeah. I 23 appreciate your efforts. 24 MR. PAQUE: The challenge is really for the DEQ 25 staff. I mean you see articles about -- from other</p> | <p style="text-align: right;">24</p> <p>1 for not being able to attend his first meeting. 2 His wife had surgery, and he has got to stay 3 home with her until at least Thursday when the doctor 4 releases her. So I told him I'd tell you all, and I 5 almost let it slip by. So -- 6 MR. WINEGARDNER: Very good. Now we'll hear an 7 update on the path forward for indirect and direct 8 potable reuse and reclaim for water. 9 MR. LYHANE: Thank you, Mr. Chairman. Let's 10 see if I can turn this on. Okay. Thank you very 11 much. Good afternoon. My name is Terry Lyhane. I'm 12 the Assistant Director in Water Quality. As I stated 13 earlier, we've been covering a lot of rules changes, 14 and these are all rules changes that are for this 15 coming year, which is of course 2015-2016. 16 They will be voted on by you I believe in 17 January and then goes to the board -- those that are 18 forwarded on -- in February. I wanted to talk to you 19 a little bit about some rules not for this year but 20 for next year. 21 Those are related to water reuse, in 22 particular, Category One, Indirect Potable Reuse. We 23 anticipate having rules -- draft rules available one 24 year from today for that particular category. 25 It will be for surface water augmentation.</p> |

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| <p style="text-align: right;">25</p> <p>1 There's many different kinds of indirect potable 2 reuse, surface water augmentation, groundwater 3 augmentation. There is also indirect -- or direct -- 4 excuse me -- potable reuse which doesn't involve an 5 environmental buffer. 6 So I don't know how many of you know about -- 7 I'm sure many of you do know about indirect potable 8 reuse and direct potable reuse, but indirect potable 9 reuse which is, again, what these rules will be next 10 year. 11 Indirect potable reuse is the discharge of 12 highly treated municipal wastewater into a lake or 13 stream in order to supplement an existing public 14 water supply. So this would be wastewater that's 15 currently being discharged to another creek, another 16 stream. 17 Under an existing permit they would be 18 permitted to discharge this water into a public water 19 supply reservoir, and, of course, then at that point 20 it would serve as a supplemental water supply for 21 that particular entity. 22 So you can imagine there is going to be a lot 23 of interest in these rules. We have not drafted 24 these rules yet. We are in the process of doing a 25 lot of study, a lot of research. Carl is going to</p> | <p style="text-align: right;">27</p> <p>1 a -- or got a permit for a Category 2 Reuse Project 2 at Ft. Sill and it was for use of wastewater for 3 parade grounds, irrigation, park maybe. I'm not sure 4 if Carl knows the details about it. 5 MR. PARROTT: Cemetery -- 6 MR. LYHANE: And a cemetery. So we have been 7 successful in reuse in Categories 6 through 2. This 8 is kind of like a whole other level at this point. 9 As you can imagine -- well, first of all, why do we 10 think that we're doing this? 11 There is a lot of interest. We have many 12 municipalities that have expressed interest in this 13 to us and made some presentations. I think we're 14 looking at a combination of three things. 15 I think we're looking at demographics. I think 16 some of these cities have grown, obviously. Oklahoma 17 City has grown over the past 20, 35 years, and at the 18 same time we've seen no new reservoirs, no new 19 surface water reservoirs being built. Then you 20 couple that with the drought, and I think there is an 21 interest in looking for all possible water supplies. 22 So I think a combination of those three 23 things -- and you're seeing it mostly in 24 municipalities that are along I35 and west, which you 25 can imagine too because that's drought-impacted area.</p> |
| <p style="text-align: right;">26</p> <p>1 talk a little bit about that here in just a minute. 2 But we wanted to give you a heads-up about this 3 because it's going to be a big deal. So again we're 4 talking about a year out on it. We are -- our 5 current rules are 627 and 656 chapters, and those 6 cover Categories 6 through 2, and that's in 7 increasing order of possible public exposure and 8 increasing level of treatment that needs to be 9 required. 10 So Category 2 is basically for golf courses -- 11 unrestricted use on a golf course, public parks and 12 that kind of thing. There is very low CBOD 13 requirements for that. It's in Appendix A of 14 Chapter 627. 15 I believe this Council voted on those two or 16 three years ago, I believe. 2012 or something like 17 that. And of course we left Category One reserved, 18 and that's what we're talking about doing a year from 19 now. 20 We have had numerous projects over the past 21 couple of years and were able to reuse -- or allow 22 reuse under existing rules -- probably billions of 23 gallons of water. A lot of cooling tower industrial 24 applications using municipal wastewater. 25 And we have -- I think we just recently passed</p> | <p style="text-align: right;">28</p> <p>1 So there are some challenges. 2 First of all, there are no federal rules on 3 potable reuse -- indirect or direct potable reuse. 4 EPA has no rules. They have guidance. There are 5 very few state rules. Texas has permitted a few of 6 these projects. Wichita Falls, Big Springs, Abilene, 7 Texas. 8 They permit it on a case-by-case basis, and the 9 reason why is public water supply is typically 10 handled under Safe Drinking Water Act regulations, 11 federal regulations, and, of course, the wastewater 12 discharge is handled under Clean Water Act, and they 13 have very different kinds of requirements. 14 The underlying assumption I think behind both 15 of those is that there was going to be no connection 16 or no intentional connections. Of course this does 17 away with that concept altogether. So there is going 18 to be some challenges for us. 19 As a state if we're going to adopt rules for 20 this, we're probably looking at some treatment -- 21 obviously looking at some treatment standards and 22 possible -- and also some effluent limitations for 23 this. 24 So with that I think I may turn it over to 25 Carl, and he'll talk a little bit about the</p> |

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| <p style="text-align: right;">29</p> <p>1 subcommittee that was formed by Senate Bill 1013 and 2 the progress we made on that. 3 MR. PAQUE: Terry, one quick question. 4 MR. LYHANE: Yes. 5 MR. PAQUE: You mentioned Texas. I was talking 6 to Shellie before the meeting. I – just a point of 7 interest. I would think less than – probably much 8 less than this but I don't think half the states -- 9 Western states, if we call them that, have – would 10 be as far along as we are on direct potable and 11 indirect potable reuse by the time we're done. 12 There's a few but would we be among kind of 13 cutting edge which – and the problem with that is 14 when you get – you all are looking for rules and 15 examples, you have less places to pick over and look 16 than you would otherwise. But -- 17 MR. LYHANE: That's exactly -- 18 MR. PAQUE: -- not that we would want to be 19 discouraging you for any reason but -- 20 MR. LYHANE: Right. We're being strongly 21 encouraged to do this. But, no, you're exactly 22 right. I mean when we go out and we survey the state 23 regulations -- and, like I said, EPA doesn't have 24 regulations on this -- there is very, very little out 25 there.</p> | <p style="text-align: right;">31</p> <p>1 few years. Co-Chairs are Tom Crowley with Carollo 2 Engineers and Gary Hunter with Black and Veatch out 3 of Kansas City. 4 So there is a lot of technical guidance out 5 there that we'll be looking at to develop these rules 6 which includes some major publications from the Water 7 Research Council, the Water Reuse Research 8 Foundation. 9 EPA has some guidelines out there that they've 10 done in 2014 and then I've just learned that they're 11 also going to do some supplement to that guidance 12 which will come out soon which is going to be more 13 extensively talking about IPR and DPR, indirect 14 potable and direct potable reuse. 15 So we'll be looking at that. The Texas Water 16 Development Board has a publication out in 2015 that 17 covers IPR as well as DPR, and there are also 18 numerous web -- Water Environment Federation, Water 19 Environment Research Foundation publications out 20 there that we'll be reviewing. 21 We'll also get, like I said, a lot of valuable 22 input as usual from our subcommittees. We're also 23 going to continue reviewing other states' 24 regulations, but as Terry eluded to, as far as direct 25 potable reuse for surface water, there is not a lot</p> |
| <p style="text-align: right;">30</p> <p>1 There is some for groundwater recharge, and 2 California has some standards. They're incredibly 3 tight. It involves UF MF RO of very, very expensive 4 treatment. And so that's going to be a challenge for 5 us. Yes. It is. 6 MR. PARROTT: Well, I would just add to what 7 Terry was saying a little bit here on what our plans 8 are, you know, to the next year. Our new rules, 9 they'll be developed of course with extensive input 10 from our water quality, water reuse subcommittee, 11 established by Senate Bill 1043 back in 2013. It's 12 through a group of representatives from each of our 13 stakeholders. 14 There are two subcommittees that will be 15 involved in these IPR issues -- the Water Quality 16 Standards Subcommittee and the New Technology 17 Subcommittee. CO-Chairs of those for Water Quality 18 Standards Subcommittee is Ellen McDonald with Alan 19 Plummer Associates in Texas. She has got a lot of 20 experience there with projects that have been done 21 down in Texas. And Michael Graves with Garber & 22 Associates here in Oklahoma. 23 The New Technology Subcommittee which looks 24 at -- has been working with us on new technologies 25 that we've been adding to the standards in the last</p> | <p style="text-align: right;">32</p> <p>1 out there. 2 There are our only rules right now in place 3 anyway for groundwater storage and reuse. So we are 4 at the cutting edge like Mike mentioned on IPR, and 5 we've been recognized nationally as being on the 6 cutting edge for IPR. 7 Our staff has been to a number of training 8 conferences learning about the latest treatment 9 techniques for IPR and DPR. And, like I said, we've 10 been recognized on a national level to be proactive 11 with our water reuse regulations and program, and as 12 a result I'll be representing DEQ here soon in 13 October -- late October -- as an invited participant 14 in a workshop on inland potable reuse. 15 That's looking at other possibilities besides 16 just RO because of the disposal issues with the RO 17 brine on inland facilities where you don't have an 18 ocean to discharge to. The alternative technology 19 that they're going to be focusing on will be ozone 20 followed by biofiltration as an alternate for 21 emerging contaminants and that type of thing for -- 22 in lieu of RO where you don't have totally solids 23 issues to deal with. 24 The sponsors for that will be the Water Reuse 25 Association, American Water, Stantech Consultants and</p> |

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| <p style="text-align: right;">33</p> <p>1 the Northern Nevada Water planning Commission, and I 2 believe an EPA scholarship and our expenses are to be 3 covered on this project. 4 As Terry mentioned, the water board is 5 currently pursuing rule changes that will facilitate 6 IPR discharges into lakes with the classification as 7 SWS. Sensitive public and private water supplies, 8 which is pretty much a prohibited prohibition on 9 discharge. 10 And these changes will allow within their 11 Chapter 45 and 46, a new classification for SWSR, SWS 12 for reuse for augmentation of lakes, and that's in 13 their 2015-'16 rulemaking cycle. Their proposal was 14 first presented to the public for on October 1, 2015, 15 at their informal public meeting. And that proposal 16 is probably on their website. I'm pretty sure it is. 17 It's out to comment right now if anybody has any 18 comments on what's been proposed there. 19 The rules that we anticipate to change will be 20 Chapter 606, Discharge Rules, 690 Water Quality 21 Standards Implementation Rules, 627 Water Reuse 22 Operations and Maintenance Rules, and 656 Wastewater 23 Construction Standards. 24 And as Terry mentioned we will also be looking 25 at the possibility of a whole new chapter devoted</p> | <p style="text-align: right;">35</p> <p>1 month. Is that what you're anticipating? 2 MR. PARROTT: We will -- we'll follow them by a 3 year actually because we'll -- 4 MR. PAQUE: Okay. That's fine. 5 MR. PARROTT: Terry is going to talk more about 6 that, but what our final schedule is, he is going to 7 come back and talk to us about some of that, but it 8 will be September of '17 when we have our actual 9 rules for implementation of IPR and DPR but -- or 10 IPR. Not the DPR yet. 11 MR. PAQUE: I had written down October -- 12 MR. PARROTT: Later? 13 MR. PAQUE: -- discussion but I get it. Yeah, 14 MR. PARROTT: Yeah. We're just kind of giving 15 you an update on where we are on things right now. 16 But the -- we won't have any rule changes on this 17 year. We also have the Regulatory Path Forward 18 Document that you saw on the table back here for DPR 19 and IPR, and this is our white paper that was put 20 together by our Water Reuse Committee to cover what 21 their recommendations were as far as how we handle 22 this as we move forward. 23 And it's been updated in August to cover what 24 I've just told you about and how we plan to 25 implement. We don't really have any rule changes</p> |
| <p style="text-align: right;">34</p> <p>1 exclusively to IPR and then eventually possibly DPR. 2 So I don't know what the number will be on that one 3 at this point, but it stands to reason, as Terry 4 said, this goes across the -- from the wastewater 5 into the water program. So it covers all areas that 6 we cover in water quality pretty much. So it is 7 going to require a lot of thought and a lot of rule 8 change. 9 This approach everybody has figured is best 10 since our rules will cover how we implement their 11 rule in whatever its final form is. So that's why 12 ours are put off until after the rules are approved 13 for the water quality standards change and why we're 14 working on it for next year but we are moving forward 15 with anticipation of that rule. 16 MR. PAQUE: Carl, what's your schedule for their 17 rules? I mean they've got something out -- 18 MR. PARROTT: Yeah. Their rules would become 19 effective in September of next year of 2016. So then 20 I don't know how much EPA is going to chime in, but 21 EPA does have some authority then to approve or 22 disprove water quality standards which -- or accept 23 or not accept which comes up usually in November so 24 definitely by November of '16. 25 MR. PAQUE: But we would follow them by a</p> | <p style="text-align: right;">36</p> <p>1 anticipated on construction standards this year to 2 add any new technologies. Our water resubcommittee, 3 they have recommended that we do guidance on some of 4 the emerging technologies out there to facilitate 5 variance approvals for these processes but didn't 6 feel that they were mainstream enough to be added to 7 our standards at this time. 8 So we're going to work with those on a guidance 9 basis if we have proposals for them coming in. And 10 that list is going to include peracetic acid 11 disinfection, membrane bioreactors, advanced 12 oxidation processes, ozone biofiltration, as I 13 mentioned before, coming up on the workshop that I'm 14 getting ready to attend. 15 The CT for chlorine disinfection instead of the 16 traditional chlorine basis for water reuse to use 17 the -- for the same basic procedure that's used for 18 public water supply to get your log removals from the 19 pathogens. And we're going to do some O&M guidance 20 on potable water uses onsite of wastewater treatment 21 plants which is our new Category 6. 22 So that's pretty much what I'd like to cover 23 today. If there are any questions on that part of 24 it, I will take those now and then if not, I'm going 25 to turn it back over to Terry. He is going to talk</p> |

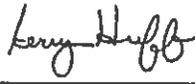
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| <p style="text-align: right;">37</p> <p>1 to you with some final thoughts and details on our 2 anticipated schedule to get more detail on that. So 3 thank you. 4 MR. WINEGARDNER: Thank you. 5 MR. LYHANE: Thanks, Carl. Just a few more 6 things. As Carl said, the water board right now -- 7 Water Resources Board is going through rulemaking to 8 add a new category of sensitive water supply R, and R 9 stands for reuse. 10 And so what we'll do is -- there is a -- I 11 should know the exact number but I don't -- maybe 70 12 lakes or so, mostly small lakes, mostly city lakes. 13 But the standards have always historically kind of 14 protected -- given a SWS designation because the city 15 has asked for that. 16 And the SWS designation means that there can be 17 no new discharges or increased loading into those 18 lakes, and so this new designation says the same 19 thing except if you're a municipal wastewater that is 20 wanting to be discharge for reuse purposes. And 21 that's the idea of adding this new category. 22 Their rulemaking this year adds that category 23 as a concept -- not as a concept as a rule -- but it 24 doesn't apply to any particular reservoir. That 25 would be -- once the rule is passed, then the coming</p> | <p style="text-align: right;">39</p> <p>1 about these draft rules but hopefully in August of 2 2016. Are we scheduled for a meeting? 3 MR. HILDEBRAND: August 9th. 4 MR. LYHANE: August 9th to have a heads-up, 5 here's-what-the-draft-is-starting-to-look-like kind 6 of meeting. At that point we normally have public -- 7 informal public meetings after the October board. 8 It's possible we could have some public meetings 9 after the August board then go to the October -- I 10 keep saying board. Council, I'm sorry. 11 And then go -- have our October Council meeting 12 and with some draft rules that have had some public 13 vetting and then, of course, have our two meetings 14 after that -- public meetings -- and then rulemaking 15 of I guess formal notice in December and rulemaking 16 recommendation in January of 2017. Tentative 17 schedule and, of course, open to suggestions about 18 that. So I'll just -- if there are any questions, 19 I'll be glad to answer them. 20 MR. WINEGARDNER: Sounds like you're making 21 good progress. 22 MR. LYHANE: We hope to. We've got a big task 23 ahead of us. 24 MR. WINEGARDNER: Yeah. 25 MR. LYHANE: Thank you.</p> |
| <p style="text-align: right;">38</p> <p>1 years, if your city wants to do it, then you would 2 petition the Water Resources Board to have the SWS 3 designation removed off your lake and for it to be an 4 SWSR designation. 5 So that's the -- that's what the water board is 6 pursuing on that. These rules that we're talking 7 about on our side would apply both to SWSR reservoirs 8 and also reservoirs that are used for public water 9 supply that don't have a SWS designation. 10 So it's a little bit broader in scope than that 11 so I might just mention that. Let's see. I've got 12 down here my next bullet item. There is liable to be 13 significant public interest in this both for and 14 against so that's just something to be aware of. 15 Also, like Carl said, this impacts everything 16 that we do in water quality which is kind of unusual 17 because normally Patty's group, public water supply, 18 and Mike Moe's group, wastewater, do their thing and 19 really don't interact too much. This is unusual in 20 that probably every group that we've got is involved 21 in some way or form in this concept, this IPR 22 process. 23 I think that's -- oh, scheduling. Very 24 tentative. The thought was not to wait maybe until 25 October of next year at this very same time to talk</p> | <p style="text-align: right;">40</p> <p>1 MR. DUZAN: Do you have any municipalities that 2 have expressed a desire to start this process once 3 everything's done? I know it's two, three years out 4 from that but -- or is this just taying the 5 groundwork for five, ten years down the road if 6 somebody -- 7 MR. LYHANE: In other words, are there 8 practical -- are there folks wanting to do this right 9 now? 10 MR. DUZAN: Yeah. 11 MR. LYHANE: Yes. There are. 12 MR. DUZAN: Okay. 13 MR. LYHANE: We have been approached by at 14 least -- Carl, I don't know -- three -- two 15 definitely and then in formal mention by two or three 16 others but very serious interests on the part of the 17 two municipalities. 18 MR. PAQUE: It's probably going to be important 19 when you're rolling this out. There will be some -- 20 there will be concern. You know there will be. 21 Until a municipal water supply says they want to do 22 it, nothing is being forced on anyone. It's simply 23 allowing the opportunity to do it, where those water 24 supplies make that independent decision. Is that a 25 right way to put it or not?</p> |

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| <p style="text-align: right;">41</p> <p>1 MR. LYHANE: That's exactly right. These rules 2 are not -- what's the term? They're not -- we're not 3 forcing anything on anyone. This is just a 4 mechanism. If you want to do it, this is how we 5 would permit something like that. 6 MR. WINEGARDNER: At some time we need to start 7 public education on a formal basis. I don't know 8 when. I mean we need to have the framework and the 9 foundation set first but then at some point we need 10 to have some brochures or some way to -- because 11 there is a lot of public concerns with people who 12 don't ordinarily associate their concerns with the 13 public water supply. 14 MR. LYHANE: That's very good point. I think 15 that's why we wanted to have some extra public 16 meetings in relation to these rules. Of course, 17 these rules, just like Mike said, are not 18 prescriptive. That's what I was trying to say. 19 So, in other words, you would have to -- or you 20 don't have to use -- go through the reuse process, 21 but if you do, these rules would apply. But I think 22 definitely once a municipality made that decision, 23 then public buy-in is critical, and I don't know if 24 that's our role or their role at that point. 25 I imagine they play a very strong lead in</p> | <p style="text-align: right;">43</p> <p>1 We do it unintentionally or without talking 2 about it now if we're drinking surface water, but 3 that was a topic. So there is some information 4 getting out there and from some of the national 5 groups so I think we're going to have a lot of 6 opportunity to continue that dialog, and with 7 journalists from across the country participating in 8 that discussion, we may see a little bit more of 9 that. 10 This has kind of been a big three weeks for 11 Oklahoma. In addition to that national meeting, we 12 held a joint meeting of -- the Interstate Oil & Gas 13 Compact Commission, the National Rural Water 14 Association and the Groundwater Protection Council 15 all met at a co-located meeting at the Cox Center two 16 weeks ago, three weeks ago. It all kind of runs 17 together. 18 We had between 2- and 3,000 attendees from 19 across the US and Canada. That was a great 20 opportunity, and I had the privilege of moderating a 21 day-long session that was all about water reuse. 22 Groundwater Protection Council and National 23 Rural Water Association invited EPA headquarters, 24 Region 6, a couple of states and three utilities that 25 are actually practicing water reuse -- talking about</p> |
| <p style="text-align: right;">42</p> <p>1 convincing their citizens that this is a good thing 2 for the city. 3 MR. WINEGARDNER: Very good. 4 MR. LYHANE: Thank you. 5 MR. WINEGARDNER: Thank you. Shellie, would 6 you like to address us today? We're at arm's length 7 because she is not sharing whatever she is carrying 8 in her hands. 9 MS. CHARD-MCCLARY: Yes. I will stay at an 10 appropriate distance to spare you from the 11 middle-school plague that is going through Norman 12 right now. You guys actually set me up perfectly for 13 one of the items I wanted to just mention briefly. 14 The University of Oklahoma this past week 15 hosted the annual meeting of the Society of 16 Environmental Journalists. I had the privilege of 17 speaking on one of the panels that officially was on 18 water and wastewater infrastructure, that after about 19 an hour some of the questions got into a paradigm 20 shift and what are we anticipating or seeing paradigm 21 shifts happening in the water, wastewater arena. 22 So I had the opportunity to talk about what I 23 have just dubbed the ick factor or the yuck factor, 24 and that is the concept of drinking treated 25 wastewater. I mean we -- on purpose.</p> | <p style="text-align: right;">44</p> <p>1 how that's working, how it might look in a few years 2 and kind of the thought process behind how we get 3 from where we are today to a more robust water reuse 4 thought process. 5 So that was a great opportunity and with those 6 three organizations all headquartered in Oklahoma, we 7 had a good time kind of showcasing our state, our 8 city and critical issues. 9 A couple of things just to kind of let you know 10 that are out there, particularly those of you in the 11 eastern part of the state. The Scenic Rivers Joint 12 Study Committee for Phosphorus Stressor Response -- 13 that three-year committee that was negotiated between 14 the states' attorneys general for Arkansas and 15 Oklahoma with appointees made by the governors of 16 those states -- is wrapping up the second year of 17 that study. 18 We had a meeting the 2nd of October starting to 19 lay out some of the preliminary findings, the data. 20 The purpose of this study is to look at is the water 21 quality standard established by the Oklahoma Water 22 Resources Board appropriate for Oklahoma scenic 23 rivers. 24 Was it set arbitrarily too low? Is it too 25 high? Should it be something else? So we're</p> |

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| <p style="text-align: right;">45</p> <p>1 starting to get a lot of data, and we will have some 2 sort of a draft report probably in about ten months 3 from now. At the same time EPA has been working on 4 modeling efforts that are supposed to lead to TMDLs 5 for the Illinois River and for Lake Tenkiller 6 addressing phosphorus. 7 That model has been released to EPA's website. 8 You can go and look at the very tedious, technical 9 nature of that model. They are going to be providing 10 some training to the state agencies in Oklahoma and 11 Arkansas so that we can understand what the 12 contractors have done. 13 Initially this was supposed to be finished I 14 believe five years ago or something like that. EPA 15 got behind, had funding issues, and now this effort 16 is running pretty much parallel with the Scenic 17 Rivers Joint Study Committee. 18 We'll see if they keep on track or if it will 19 be a situation where the models get adjusted in the 20 phosphorus standard changes. So there's a lot of 21 things happening there that will continue to unfold. 22 Anybody who has any questions, I would be happy 23 to answer those. It may be more technical than we 24 want to get into in this meeting, but I'm happy to 25 visit with you about it, or Derek Smithee at the</p> | <p style="text-align: right;">47</p> <p>1 only the RCRA provisions but pretreatment 2 requirements associated for municipal wastewater 3 treatment plants. 4 So we're going to have to kind of figure that 5 one out. The administrator actually signed it 6 yesterday. I hadn't heard a whole lot about it. It 7 just kind of showed up on the Clean Water Act side. 8 So EPA is going to bring the states tomorrow so 9 hopefully we'll know a little bit more about that. 10 Big things that you probably have heard about 11 are Waters of the US. You know, that one did not fly 12 under the radar regardless of what kind of radar you 13 were using. EPA headquarters and the Corps of 14 Engineers headquarters crafted the rule. 15 It came out. It was rescinded. It came out. 16 There was comments. It was finalized. It did take 17 effect. I think within a couple of days the lawsuits 18 started to be filed. The first court decision 19 impacted 13 states and basically stayed the 20 implementation. 21 Last week another federal district court that 22 had joined several of the lawsuits into one ruled, 23 and I think that was 17 states that the rule is 24 stayed and not enforceable, and Oklahoma is part of 25 that group of states.</p> |
| <p style="text-align: right;">46</p> <p>1 Water Resources Board is one of the state co-chairs 2 and can also provide information. 3 Before I move on to some rule issues on the 4 federal level, is there any questions? Okay. Then 5 I'm going to keep going. Just in case you wonder 6 what we do all day and try to figure out what's going 7 on, this piece of paper or series of pieces of paper 8 describe the current 22 rulemaking efforts that 9 impact Clean Water Act facilities ranging from 10 hard-and-fast dates to brilliant ideas somebody had 11 at EPA and so they've made a list but don't have a 12 deadline. 13 Some of them have court-established deadlines. 14 Some of it ranges from things that, you know, we know 15 are coming that we deal with like the NPDES Program 16 Update Rule but then we start getting into additional 17 revisions to water quality standards. 18 We get in to dental amalgam, which that rule -- 19 just in a quick look, there were over 200 dentists' 20 offices in Tulsa County alone that would be impacted 21 if EPA went forward with that. So, yeah. It's kind 22 of all over the board. 23 We also have managing hazardous 24 pharmaceuticals. They're already regulated under 25 RCRA provisions, but now there is going to be not</p> | <p style="text-align: right;">48</p> <p>1 In Oklahoma we have a definition of waters of 2 the State of Oklahoma which is what we go by, and it 3 is at least as stringent as the best interpretation 4 as we can get out of EPA and the Corps of Engineers. 5 So from a practical, how do we do business, it 6 should have very little impact whether the rule is in 7 place or stayed. The uproar comes if our state 8 legislature were to decide to change or modify our 9 definition of waters of this state. 10 It would get pretty cloudy pretty quickly on 11 how far we could go and what changes we could make. 12 But that's the big one that's out there, but from a 13 practical standpoint we're okay. I'm glad we're not 14 Kansas. They've got some real issues, but ours is 15 pretty straightforward at least from a practitioner's 16 standpoint versus the political one. 17 The Electronic Reporting Rule for Clean Water 18 Act facilities is out. It has implementation 19 schedule that states can negotiate. Basically the 20 short version of this very lengthy rule is everything 21 required to be submitted to the state or EPA under an 22 PDS permit would have to be submitted electronically 23 into the federal data system. 24 It cannot be submitted to the state on paper 25 and the state do the data entry anymore. It would</p> |

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| <p style="text-align: right;">49</p> <p>1 have to be a direct entry by the facilities. The 2 biggest issue with the rule as it's written, the 3 federal data system cannot accept certain reports 4 that are required. 5 We don't know how EPA is going to deal with 6 that. Our state system does not allow for facilities 7 to do all of the direct entry of that data and get it 8 to us or to EPA. With the consolidation of State of 9 Oklahoma IT services, we are kind of at the mercy of 10 another state agency to get the IT capability to do 11 all of that. 12 Which I would be even more concerned about it 13 if the federal data system could accept all of the 14 data. So I don't know how this is going to shake 15 out. We are going to have to expend funds to get our 16 data system where it can accept all this and get it 17 transferred to EPA electronically once that 18 capability exists. 19 I'm not totally sure what the time line is 20 going to look like. We have not begun those 21 negotiations with EPA, but, again, we will have to 22 have the Oklahoma Management of Enterprise Services 23 Agency involved in those discussions since they are 24 the state IT service for us. So that one will be 25 interesting.</p> | <p style="text-align: right;">51</p> <p>1 agreement with the state regulatory agency so that 2 it's cohesive and not the patchwork that tribal trust 3 land, Indian country, and Indian-owned land is in 4 Oklahoma which is very, very different. 5 We have found that Alaska is very similar to 6 us, and Native Alaskan villages, they have similar 7 concerns. EPA made the determination in Colorado 8 that if a tribal reservation totally surrounds an 9 area that is not tribal trust land -- basically so 10 it's a donut-type shape -- that the tribe has the 11 authority over that center area because it totally 12 surrounds that area so the tribe should have 13 authority, which got the states to ask the question 14 of, Well, when we totally surround that tribal land, 15 does that apply to the state as well. The answer is 16 no. 17 A lot of discussion. The other important thing 18 about the interpretive rules is the Supreme Court 19 ruled I believe in February or March that while 20 interpretive rules are called a rule, they are 21 technically a guidance and do not have to go through 22 the full comment and regulatory review process that a 23 rule must go through, but it has the binding effect 24 of rule. 25 So it was, again, odd at best. So we have been</p> |
| <p style="text-align: right;">50</p> <p>1 The final rules that I want to talk about -- 2 the Federal Interpretive Rules on tribal treatment as 3 a state. We have several things happening all at 4 once. The federally-recognized tribes historically 5 have had the provision that they could demonstrate 6 they had geographic authority, legal authority and 7 the resources to implement programs and be treated as 8 states for environmental regulation. 9 They went through a process very similar to 10 what states went through to get delegation or 11 primacy. EPA has decided to revisit their 12 interpretive rules regarding treatment-as-a-state 13 status. 14 They determined to revert to the 1860s treaties 15 between the tribes and the federal government. Those 16 of you who remember your Oklahoma history, we were 17 not a state in 1860. Things were very different. 18 Oklahoma has very different laws related to the 19 state and tribal relationship so there have been a 20 lot of discussions. Many years ago Senator Inhofe 21 had a rider attached to a transportation bill 22 referred to as Safety or The Midnight Rider. 23 And basically what it does is set out a process 24 where in order to receive treatment as a state status 25 in Oklahoma, the tribe has to have a memorandum of</p> | <p style="text-align: right;">52</p> <p>1 commenting at every opportunity as a state, not just 2 DEQ but the Secretary of Energy Environment's office, 3 the water board, DEQ, Conservation Commission, 4 Department of Agriculture. 5 We have all been commenting, saying, You can't 6 use 1860s treaties, and you can't say just follow the 7 process. You have to specify that there are some 8 nuances and to specify the safety language. 9 And so far we have been fairly successful at 10 getting EPA to actually write the safety language and 11 reference that public law so that everyone's clear 12 that it does apply in Oklahoma. So with that I'm 13 going to stop again and ask if anybody has any 14 questions or comments. 15 MR. WINEGARDNER: Sounds like you've been 16 really busy. 17 MS. CHARD-MCCLARY: Definitely. Okay. That is 18 all I have, and I will just say goodbye to all of you 19 now at a safe distance and try not to share my germs 20 with you. 21 MR. WINEGARDNER: Well, I don't think that bugs 22 can travel through the -- I hope. Okay. New 23 business? I have none. Does anyone else have new 24 business? Okay. Announcements? Okay. Then I will 25 entertain a motion for adjournment.</p> |

1 MS. WELLS: So moved.
 2 MR. SOWERS: Second.
 3 MR. WINEGARDNER: All right. Call the roll.
 4 MS. FIELDS: Mr. Carr?
 5 MR. CARR: Yes.
 6 MS. FIELDS: Mr. Duzan?
 7 MR. DUZAN: Yes.
 8 MS. FIELDS: Mr. Paque?
 9 MR. PAQUE: Yes.
 10 MS. FIELDS: Mr. Short?
 11 MR. SHORT: Yes.
 12 MS. FIELDS: Mr. Sowers?
 13 MR. SOWERS: Yes.
 14 MS. FIELDS: Ms. Wells?
 15 MS. WELLS: Yes.
 16 MS. FIELDS: Mr. Winegardner?
 17 MR. WINEGARDNER: Yes. Thank you.
 18 (Meeting adjourned at 3:20 p.m.)
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1 ** CERTIFICATE **
 2
 3 STATE OF OKLAHOMA)
 4) SS:
 5 COUNTY OF MCCLAIN)
 6
 7 I, Kerry L. Huff, a Certified Shorthand Reporter
 8 within and for the State of Oklahoma, do hereby
 9 certify that I reported all of the foregoing matter,
 10 and that I later reduced it to typewritten form, as
 11 the same appears herein.
 12 I further certify that I am not a relative of, nor
 13 attorney for, nor clerk or stenographer for the
 14 attorneys, or any party to this matter, and that I am
 15 not otherwise interested in the event of the same.
 16 I further certify that the above and foregoing
 17 typewritten pages contain a full, true and correct
 18 transcript of my stenograph notes so taken, during
 19 said matter.
 20 WITNESS my hand and seal this 21st day of October,
 21 2015.
 22
 23 
 24 _____
 25 KERRY L. HUFF, C.S.R.
 Oklahoma Certified Shorthand Reporter
 Certificate No. 1725
 Expiration Date: December 31, 2015



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Department of Environmental Quality
Oklahoma City, Oklahoma

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