

**REGULAR MEETING AGENDA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
WATER QUALITY MANAGEMENT ADVISORY COUNCIL**

*Please silence all cell phones*

A Public Meeting: January 5, 2023, at 1:00 pm  
Department of Environmental Quality

Location: Multi-Purpose Room, 1<sup>st</sup> Floor  
DEQ Building  
707 N. Robinson  
Oklahoma City, Oklahoma

- 1. CALL TO ORDER – Brian Duzan**
- 2. ROLL CALL – Quiana Fields**
- 3. APPROVAL OF MINUTES FROM THE AUGUST 23, 2022, MEETING**
- 4. COUNCIL MEETING SCHEDULE FOR CALENDAR YEAR 2023**

Discuss and vote on dates, times, and locations of the Water Quality Management Advisory Council (“WQMAC”) meetings for the 2023 calendar year. Staff recommends meetings be held in DEQ’s 1<sup>st</sup> Floor Multi-Purpose Room at DEQ’s Oklahoma City office which is located at 707 N. Robinson, Oklahoma City, OK 73102. Based on the Environmental Quality Board (“EQB”) schedule and expected rulemaking efforts, staff recommends the following meeting dates and times:

- Tuesday, April 18, 2023, at 2:00 p.m.
- Tuesday, July 25, 2023, at 2:00 p.m.
- Tuesday, September 26, 2023, at 2:00 p.m.

- 5. SELECTION OF THE VICE-CHAIR – Brian Duzan**
  - A. Nominations**
  - B. Discussion**
  - C. Vote**
- 6. SELECTION OF THE CHAIR – Newly Elected Vice-Chair**
  - A. Nominations**
  - B. Discussion**
  - C. Vote**

**7. PERMANENT RULEMAKING OAC 252:730 – “OKLAHOMA’S WATER QUALITY STANDARDS”**

DEQ staff is proposing to: present this rule as a permanent rule. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer Oklahoma’s Water Quality Standards (OWQS’s) from the Oklahoma Water Resources Board (OWRB) to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. The legislation became effective November 1, 2022. As a result, DEQ proposed emergency rule OAC 252:730, titled “Oklahoma’s Water Quality Standards”, to replace OWRB rule OAC 785:45. The Environmental Quality Board (EQB) voted to adopt the emergency rule at the EQB meeting held on September 13, 2022, and the Governor approved the emergency rule on October 25, 2022

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

**8. PERMANENT RULEMAKING OAC 252:740 – “IMPLEMENTATION OF OKLAHOMA’S WATER QUALITY STANDARDS”**

DEQ staff is proposing to: present this rule as a permanent rule. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer OWQS’s to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. The legislation became effective November 1, 2022. As a result, DEQ proposed emergency rule OAC 252:740, titled “Implementation of Oklahoma’s Water Quality Standards”, to replace OWRB’s rule OAC 785:46. The EQB voted to adopt the emergency rule at the EQB meeting held on September 13, 2022, and the Governor approved the emergency rule on October 25, 2022.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

**9. PERMANENT RULEMAKING OAC 252:606 – “OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS”**

DEQ staff is proposing to: present this rule as a permanent rule. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer OWQS’s to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS

Variances. This required emergency rulemaking to promulgate OAC 252:730 and OAC 252:740 and to update 252:606 to ensure that references to the OWRB's rules were replaced with references to the new rules and that references to OWRB's authority for administering OWQS's was updated to denote DEQ as now having this authority. The EQB voted to adopt this emergency rule at the EQB meeting held on September 13, 2022, and the Governor approved the emergency rule on October 25, 2022.

DEQ staff is also proposing an update of the federal rules incorporated by reference from July 19, 2021, to July 1, 2022. The final regulatory change consisted of a technical amendment to modify the submission location for Continuous Release Reports (CRRs) subject to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). These reports were submitted to respective EPA regional offices but with the technical amendment, EPA now requires reports be submitted to the appropriate EPA Headquarters office. The amendment also corrected a typographical error, corrected citations within the section, and amended the listed authority.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

#### **10. PERMANENT RULEMAKING OAC 252:611 - “GENERAL WATER QUALITY”**

DEQ staff is proposing to: present this rule as a permanent rule. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer OWQS's to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. This required emergency rulemaking to promulgate OAC 252:730 and to update OAC 252:611 to ensure that a reference to the OWRB rule was replaced with a reference to the new rule and that a reference to OWRB's authority for administering OWQS's was updated to denote DEQ as now having this authority. In addition to these changes, a group of definitions denoted as “Supplemental Information, Glossary of Terms” located at the very end of the rule was consolidated with the list of definitions at the beginning of the chapter to conform with the way definitions and terms are referenced in DEQ's other rules. The EQB voted to adopt the emergency rule at the EQB meeting held on September 13, 2022, and the Governor approved the emergency rule on October 25, 2022.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

**11. PERMANENT RULEMAKING OAC 252:616 – “INDUSTRIAL WASTEWATER SYSTEMS”**

DEQ staff is proposing to: present this rule as a permanent rule. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer OWQS’s to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. This required emergency rulemaking to promulgate OAC 252:730 and to update OAC 252:616 to ensure that a reference to the OWRB rule was replaced with a reference to the new rule and that a reference to OWRB’s authority for administering OWQS’s was updated to denote DEQ as now having this authority. The EQB voted to adopt the emergency rule at the EQB meeting held on September 13, 2022, and the Governor approved the emergency rule on October 25, 2022.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

**12. PERMANENT RULEMAKING OAC 252:621 – “NON-INDUSTRIAL DISCHARGING AND PUBLIC WATER SUPPLY LAGOONS”**

DEQ staff is proposing to: present this rule as a permanent rule. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer OWQS’s to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. This required emergency rulemaking to promulgate OAC 252:730 and to update OAC 252:621 to ensure that a reference to the OWRB rule was replaced with a reference to the new rule and that a reference to OWRB’s authority for administering OWQS’s was updated to denote DEQ as now having this authority. The EQB voted to adopt the emergency rule at the EQB meeting held on September 13, 2022, and the Governor approved the emergency rule on October 25, 2022.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

**13. PERMANENT RULEMAKING OAC 252:626 – “PUBLIC WATER SUPPLY CONSTRUCTION STANDARDS”**

DEQ staff is proposing to: update the rule to allow Design-build as a project delivery method. On July 1, 2021, House Bill 2402 was enacted authorizing conservancy districts, municipalities, counties, public trusts, and other political subdivisions operating a public water supply system or wastewater treatment system to utilize Design-build. Design-build is defined as a project delivery method in which one entity works under a single contract to provide design and construction services. The measure requires DEQ incorporate a flexible permitting process to allow this Design-build authorization into its rules and to authorize up to 5 pilot projects in the interim before those rules are adopted. This bill was codified in Oklahoma Statutes, Title 61, Section 220.1. DEQ is proposing to update this rule to include definitions for “Design-build”, “Design package”, and “Flexible permitting process”. This also requires updating language for the following subchapters: Construction Permit Applications, Engineering Reports, and Plans and Specifications.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

#### **14. PERMANENT RULEMAKING OAC 252:628 – “INDIRECT POTABLE REUSE FOR SURFACE WATER AUGMENTATION”**

DEQ staff is proposing to: present this rule as a permanent rule. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer OWQS’s to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. This required emergency rulemaking to promulgate OAC 252:730 and OAC 252:740 and to update 252:628 to ensure that references to the OWRB’s rules were replaced with references to the new rules and that references to OWRB’s authority for administering OWQS’s was updated to denote DEQ as now having this authority. The EQB voted to adopt the emergency rule at the EQB meeting held on September 13, 2022, and the Governor approved the emergency rule on October 25, 2022.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

#### **15. PERMANENT RULEMAKING OAC 252:631 – “PUBLIC WATER SUPPLY OPERATION”**

DEQ staff is proposing to: update the rule concerning the date of incorporation by reference of certain federal regulations from July 1, 2021, to August 17, 2022. Changes included EPA's approval of alternative testing methods for measuring the levels of contaminants in drinking water and determining compliance with national primary drinking water regulations. This provides timelier access to new measurement techniques and greater flexibility in the selection of analytical methods, thereby reducing monitoring costs while maintaining public health protection.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

#### **16. PERMANENT RULEMAKING OAC 252:633 – “DRINKING WATER STATE REVOLVING FUND”**

DEQ staff is proposing to: revoke and reissue Appendix A to remove language related to application of the median household income as an element used by DEQ in prioritizing the award of DWSRF funds. This change is intended to clarify that DEQ is to utilize information from the latest census on the median household income when prioritizing the award of DWSRF funds, rather than the dollar amounts currently in the provision. The language DEQ proposes to remove does not reflect the latest census information on median household income and was intended to be illustrative only. It was not intended to prevent DEQ from using information from the latest census. Removing this language will clarify that DEQ is to utilize the information from the latest census for the household median income and is not required to only use the dollar amounts listed.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

#### **17. PERMANENT RULEMAKING OAC 252:652 – “UNDERGROUND INJECTION CONTROL”**

DEQ staff is proposing to: present this rule as a permanent rule. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer OWQS's to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. This required emergency rulemaking to promulgate OAC 252:730 and to update

OAC 252:652 to ensure that a reference to the OWRB rule was replaced with a reference to the new rule and that a reference to OWRB's authority for administering OWQS's was updated to denote DEQ as now having this authority. The EQB voted to adopt the emergency rule at the EQB meeting held on September 13, 2022, and the Governor approved the emergency rule on October 25, 2022.

- A. Presentation – Hillary Young
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

**18. PERMANENT RULEMAKING OAC 252:653 – “AQUIFER STORAGE AND RECOVERY”**

DEQ staff is proposing to: present this rule as a permanent rule. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer OWQS's to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. This required emergency rulemaking to promulgate OAC 252:730 and to update OAC 252:653 to ensure that references to the OWRB rule were replaced with references to the new rule. The EQB voted to adopt the emergency rule at the EQB meeting held on September 13, 2022, and the Governor approved the emergency rule on October 25, 2022.

- A. Presentation – Hillary Young
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

**19. PERMANENT RULEMAKING OAC 252:656 – “WATER POLLUTION CONTROL FACILITY CONSTRUCTION STANDARDS”**

DEQ staff is proposing to: present this rule as a permanent rule. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer OWQS's to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. This required emergency rulemaking to promulgate OAC 252:730 and to update OAC 252:656 to ensure that a reference to the OWRB rule was replaced with a reference to the new rule. The EQB voted to adopt the emergency rule at the EQB meeting held on September 13, 2022, and the Governor approved the emergency rule on October 25, 2022.

DEQ staff is also proposing to update the rule to allow Design-build as a project delivery method. On July 1, 2021, House Bill 2402 was enacted authorizing conservancy districts, municipalities, counties, public trusts, and other political subdivisions operating a public water supply system or wastewater treatment system to utilize Design-build. Design-build is defined as a project delivery method in which one entity works under a single contract to provide design and construction services. The measure requires DEQ incorporate a flexible permitting process to allow this design-build authorization into its rules and to authorize up to 5 pilot projects in the interim before those rules are adopted. This bill was codified in Oklahoma Statutes, Title 61, Section 220.1. DEQ is proposing to update this rule to include definitions for “Design-build”, “Design package”, and “Flexible permitting process”. This will also require updating language for the following subchapters: Construction Permit Process, Engineering Reports, and Plans and Specifications.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

## **20. PERMANENT RULEMAKING OAC 252:690 – “WATER QUALITY STANDARDS IMPLEMENTATION”**

DEQ staff is proposing to: present this rule as a permanent rule. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer OWQS’s to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. This required emergency rulemaking to promulgate OAC 252:730 and OAC 252:740 and to update 252:690 to ensure that references to the OWRB’s rules were replaced with references to the new rules and that references to OWRB’s authority for administering OWQS’s was updated to denote DEQ as now having this authority. The EQB voted to adopt the emergency rule at the EQB meeting held on September 13, 2022, and the Governor approved the emergency rule on October 25, 2022.

DEQ staff is also proposing an update of the federal rules incorporated by reference from July 19, 2021, to July 1, 2022. The final regulatory change consisted of a technical amendment to modify the submission location for Continuous Release Reports (CRRs) subject to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). These reports were submitted to respective EPA regional offices but with the technical amendment, EPA now requires reports be submitted to the appropriate EPA Headquarters office. The amendment also corrected a typographical error, corrected citations within the section, and amended the listed authority.

DEQ staff is also proposing updates to this rule which include moving the text of Appendix A to the body of the rule as Subchapter 7, consolidating definitions from Appendix A with definitions at the beginning of the rule, correcting outdated citations in Subchapter 5, and correcting a few typographical errors.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

## **21. PERMANENT RULEMAKING OAC 252:710 – “WATERWORKS AND WASTEWATER WORKS OPERATOR CERTIFICATION”**

DEQ staff is proposing to: update the rule to allow DEQ to permanently revoke, or revoke for a set time an operator’s certification; to better define special requirements for instructors of approved training courses; and, to allow recording of laboratory analyses utilizing software applications in addition to bound volumes.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

## **22. DIRECTOR’S REPORT – Shellie R. Chard**

### **23. NEW BUSINESS**

Only those matters not known about and which could not have been reasonably foreseen at the time of the posting of this agenda shall be discussed at this time.

### **24. ANNOUNCEMENTS**

Lead Service Line Inventory Training  
Next Scheduled Meeting

### **25. ADJOURNMENT**

**Should you have a disability and need an accommodation, please notify Brian Clagg of the DEQ three days in advance at (405) 702-8118.**