

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

Please silence all cell phones

A Public Meeting: September 27, 2022, at 2:00 pm
Department of Environmental Quality

Location: Multi-Purpose Room, 1st 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 1st 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:

- Thursday, January 5, 2023, at 1:00 p.m.
- 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. DISCUSSION OF PERMANENT RULEMAKING FOR THE JANUARY 2023
WQMAC MEETING**

A. OAC 252:730 “OKLAHOMA’S WATER QUALITY STANDARDS”

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 will become 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. DEQ will be proposing to present this rule as a permanent rule at the January 2023 WQMAC meeting.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public

B. OAC 252:740 – “IMPLEMENTATION OF OKLAHOMA’S WATER QUALITY STANDARDS”

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 will become 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. DEQ will be proposing to present this rule as a permanent rule at the January 2023 WQMAC meeting.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public

C. OAC 252:606 “OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS”

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.

DEQ will also be 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 (CCRs) 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. At the January 2023

WQMAC meeting, DEQ will be proposing permanent rulemaking for OAC 252:606 that includes these updates.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public

D. OAC 252:611 “GENERAL WATER QUALITY”

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. At the January 2023 WQMAC meeting, DEQ will be proposing permanent rulemaking for OAC 252:611 that includes these updates.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public

E. OAC 252:616 “INDUSTRIAL WASTEWATER SYSTEMS”

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. At the January 2023 WQMAC meeting, DEQ will be proposing permanent rulemaking for OAC 252:616 that includes these updates.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public

F. OAC 252:621 “NON-INDUSTRIAL DISCHARGING AND PUBLIC WATER SUPPLY LAGOONS”

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. At the January 2023 WQMAC meeting, DEQ will be proposing permanent rulemaking for OAC 252:621 that includes these updates.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public

G. OAC 252:626 “PUBLIC WATER SUPPLY CONSTRUCTION STANDARDS”

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 as a project delivery method for those systems. 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 the 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 Applications, Engineering Reports, and Plans and Specifications. DEQ will be proposing to update the rule concerning these changes at the January 2023 WQMAC meeting.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public

H. OAC 252:628 “INDIRECT POTABLE REUSE FOR SURFACE WATER AUGMENTATION”

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. At the January 2023 WQMAC meeting, DEQ will be proposing permanent rulemaking for OAC 252:628 that includes these updates.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public

I. OAC 252:631 – “PUBLIC WATER SUPPLY OPERATION”

DEQ staff will be proposing an update of the federal rules incorporated by reference from July 1, 2021, to July 1, 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

J. OAC 252:633 – “DRINKING WATER STATE REVOLVING FUND”

DEQ is proposing a change to OAC 252:633 Appendix A, Part II, B., 9. 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. At the January 2023 WQMAC meeting, DEQ will be proposing permanent rulemaking to revoke Appendix A and reissue with these updates.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public

K. OAC 252:652 – “UNDERGROUND INJECTION CONTROL”

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. At the January 2023 WQMAC meeting, DEQ will be proposing permanent rulemaking for OAC 252:652 that includes these updates.

- A. Presentation – Hillary Young
- B. Discussion by the Council
- C. Discussion by the Public

L. OAC 252:653 “AQUIFER STORAGE AND RECOVERY”

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. At the January 2023 WQMAC meeting, DEQ will be proposing permanent rulemaking for OAC 252:653 that includes these updates.

- A. Presentation – Hillary Young
- B. Discussion by the Council
- C. Discussion by the Public

M. OAC 252:656 “WATER POLLUTION CONTROL FACILITY CONSTRUCTION STANDARDS”

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. In addition, 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 as a project delivery method for those systems. 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 the 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. At the January 2023 WQMAC meeting, DEQ will be proposing permanent rulemaking for OAC 252:656 that includes these updates.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public

N. OAC 252:690 “WATER QUALITY STANDARDS IMPLEMENTATION”

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. Although it had been discussed that DEQ was considering merging OAC 252:690 into OAC 252:740 during permanent rulemaking, DEQ has determined that the updating of 740 and the revocation of 690 will not occur until the January 2024 WQMAC meeting due to the complexities of the chapter.

DEQ 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 (CCRs) 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. At the January 2023 WQMAC meeting, DEQ will be proposing permanent rulemaking for OAC 252:606 that includes these updates.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public

O. OAC 252:710 – “WATERWORKS AND WASTEWATER WORKS OPERATOR CERTIFICATION”

DEQ staff will be proposing to amend OAC 252:710-1-8 (Operator disciplinary actions) to allow DEQ to permanently revoke, or revoke for a set time an operator’s certification; OAC 252:710-3-37 (Approved Instructor) to better define special requirements for instructors of approved training courses; and OAC 252:710-5-53 (Laboratory operator) to allow recording of laboratory analyses utilizing software applications in addition to bound volumes. In addition, DEQ is currently reviewing the fee schedules outlined in 252:710-1-12 pertaining to certification, renewal, and registration fees for operators of waterworks and wastewater works to determine if any updates are necessary. The fee increase discussion with the stakeholder group will continue over the next few months. We will update the Council at the January meeting. If a fee increase is determined to be necessary, staff expects the rule to come before the Council in January 2024.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public

6. DIRECTOR’S REPORT – Shellie R. Chard

7. 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.

8. ANNOUNCEMENTS

Next Scheduled Meeting

9. 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.