

**MINUTES**  
**WATER QUALITY MANAGEMENT ADVISORY COUNCIL**  
**July 26, 2022**  
**Oklahoma Department of Environmental Quality**  
**Multipurpose Room**  
**Oklahoma City, Oklahoma**

**Official WQMAC**

To be approved at The Special Meeting August 23, 2022 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 January 25, 2022. The agenda was posted at DEQ twenty-four hours prior to the meeting. Mr. Brian Duzan, Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that a quorum was present.

**MEMBERS PRESENT**

Robert Carr  
 Ron Jarman  
 Mary Mach  
 Rick Moore  
 Bill Smith  
 Steve Sowers  
 Duane Winegardner  
 Brian Duzan

**MEMBERS ABSENT**

Mark Matheson  
 Debbie Wells

**DEQ STAFF PRESENT**

Shellie Chard  
 Karen Steele  
 Erin Hatfield  
 Jeff Franklin  
 Jennifer Boyle  
 Erin Vorderlandwehr  
 Brian Clagg  
 Hillary Young  
 Chris Robinson  
 Cody Danielson  
 Afiya Wilkins  
 Greg Carr  
 Mark Hildebrand  
 April Eberle  
 Quiana Fields

**OTHERS PRESENT**

Abby Rhodes, Court Reporter

**Approval of Minutes from the January 11, 2022 Meeting** – Mr. Duzan called for a motion to approve the Minutes of the January 11, 2022 Regular Meeting. Dr. Moore moved to approve and Mr. Smith made the second.

	<i>See transcript pages 3 – 4</i>		
Robert Carr	Yes	Steve Sowers	Yes
Ron Jarman	Yes	Duane Winegardner	Yes
Rick Moore	Yes	Brian Duzan	Yes
Bill Smith	Yes		Yes

**DISCUSSION OF EMERGENCY RULEMAKING FOR AUGUST 23, 2022 MEETING**

**OAC 252:606 – OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS** – Mr. Brian Clagg, Environmental Programs Manager of the Water Quality Division (WQD), stated that at the August 23, 2022, WQMAC meeting, DEQ will be

proposing an emergency rule for OAC 252:606. DEQ has deemed that this emergency rule is necessary as an emergency measure to protect public health, safety and welfare. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer Oklahoma's Water Quality Standards to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. The legislation will become effective November 1, 2022. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. There were comments by the Council and the public.

*See transcript pages 4 – 19*

**Ms. Mach arrived at the meeting during item #4A on the agenda.**

**OAC 252:611 – GENERAL WATER QUALITY** – Mr. Clagg stated that at the August 23, 2022, WQMAC meeting, DEQ staff will be proposing an emergency rule for OAC 252:611. DEQ has deemed that this emergency rule is necessary as an emergency measure to protect public health, safety and welfare. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer Oklahoma's Water Quality Standards to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. The legislation will become effective November 1, 2022. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. There were no comments by the Council or the public.

*See transcript pages 19 - 20*

**OAC 252:616 INDUSTRIAL WASTEWATER SYSTEMS** – Mr. Clagg stated that at the August 23, 2022, WQMAC meeting, DEQ will be proposing an emergency rule for OAC 252:616. DEQ has deemed that this emergency rule is necessary as an emergency measure to protect public health, safety and welfare. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer Oklahoma's Water Quality Standards to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. The Legislation will become effective November 1, 2022. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. There were no comments by the Council or the public.

*See transcript pages 20-21*

**OAC 252:621 – NON-INDUSTRIAL DISCHARGING AND PUBLIC WATER SUPPLY LAGOONS** – Mr. Clagg stated that at the August 23, 2022, WQMAC meeting, DEQ will be proposing an emergency rule for OAC 252:621. DEQ has deemed that this emergency rule is necessary as an emergency measure to protect public health, safety and welfare. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer Oklahoma's Water Quality Standards to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. The legislation will become effective November 1, 2022. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. There were comments by the Council and the public.

*See transcript pages 21 - 24*

**OAC 252:628 – INDIRECT POTABLE REUSE FOR SURFACE WATER AUGMENTATION** – Mr. Clagg stated that at the August 23, 2022, WQMAC meeting, DEQ will be proposing an emergency rule for OAC 252:628. DEQ has deemed that this emergency

rule is necessary as an emergency measure to protect public health, safety and welfare. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer Oklahoma's Water Quality Standards to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. The legislation will become effective November 1, 2022. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. There were no comments by the Council or the public.

*See transcript pages 25 - 26*

**OAC 252:656 – WATER POLLUTION CONTROL FACILITY CONSTRUCTION STANDARDS** – Mr. Clagg stated that at the August 23, 2022, WQMAC meeting, DEQ will be proposing an emergency rule for OAC 252:656. DEQ has deemed that this emergency rule is necessary as an emergency measure to protect public health, safety and welfare. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer Oklahoma's Water Quality Standards to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. The legislation will become effective November 1, 2022. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. There were no comments by the Council or the public.

*See transcript pages 26 - 27*

**OAC 252:690 – WATER QUALITY STANDARDS IMPLEMENTATION** – Mr. Clagg stated that at the August 23, 2022, WQMAC meeting, DEQ will be proposing an emergency rule for OAC 252:690. DEQ has deemed that this emergency rule is necessary as an emergency measure to protect public health, safety and welfare. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer Oklahoma's Water Quality Standards to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. The legislation will become effective November 1, 2022. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. There were comments by the Council and the public.

*See transcript pages 27 - 33*

**OAC 252:730 OKLAHOMA'S WATER QUALITY STANDARDS** – Mr. Clagg stated that during the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer Oklahoma's Water Quality Standards to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. The legislation will become effective November 1, 2022. DEQ has deemed that this emergency rule is necessary as an emergency measure to protect public health, safety and welfare. In order to comply with the legislation, DEQ is proposing this new emergency rule, Chapter 730, for Oklahoma's Water Quality Standards. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. There were comments by the Council and the public.

*See transcript pages 33 - 40*

**OAC 252:740 IMPLEMENTATION OF OKLAHOMA'S WATER QUALITY STANDARDS** – Mr. Clagg stated that during the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer Oklahoma's Water Quality Standards to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. The legislation will become effective November 1, 2022. DEQ has deemed that this emergency rule is necessary as an emergency measure to protect public health, safety and welfare. In order

to comply with the Act, DEQ is proposing this new emergency rule, Chapter 740, for Implementation of Oklahoma’s Water Quality Standards. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. There were no comments by the Council but by the public.

*See transcript pages 40 - 42*

**OAC 252:652 UNDERGROUND INJECTION CONTROL** – Ms. Hillary Young, Chief Engineer of the LPD, stated that at the August 23, 2022, WQMAC meeting, DEQ will be proposing an emergency rule for OAC 252:652. DEQ has deemed that this emergency rule is necessary as an emergency measure to protect public health, safety and welfare. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer Oklahoma’s Water Quality Standards to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. The legislation will become effective November 1, 2022. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. There were no comments by the Council or the public.

*See transcript pages 42 - 43*

**OAC 252:653 AQUIFER STORAGE AND RECOVERY** – Ms. Young stated that at the August 23, 2022, WQMAC meeting, DEQ will be proposing an emergency rule for OAC 252:653. DEQ has deemed that this emergency rule is necessary as an emergency measure to protect public health, safety and welfare. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer Oklahoma’s Water Quality Standards to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. The legislation will become effective November 1, 2022. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. There were no comments by the Council or the public.

**DIRECTOR’S REPORT** – Mr. Jeff Franklin, Division Director of SELS provided an update on the lab and then Ms. Shellie Chard, Division Director of WQD, provided an update on other division activities.

*See transcript pages 45 – 58*

**NEW BUSINESS** – None

**ANNOUNCEMENTS** – The next scheduled meeting is on Tuesday, August 23, 2022, 2:00p. m. at DEQ.

**ADJOURNMENT** – Mr. Duzan called for a motion to adjourn. Dr. Jarman moved to adjourn and Ms. Mach made the second. The meeting was adjourned at 3:28 p.m.

*See transcript pages 58 - 59*

Robert Carr	Yes	Bill Smith	Yes
Ron Jarman	Yes	Steve Sowers	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Rick Moore	Yes	Brian Duzan	Yes

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

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WATER QUALITY MANAGEMENT ADVISORY COUNCIL MEETING  
ON JULY 26, 2022 AT 2:00 P.M.  
IN OKLAHOMA CITY, OKLAHOMA

REPORTED BY: Abby Rhodes, CSR, RPR

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1 CHAIRMAN DUZAN: This regular meeting of the  
 2 Water Quality Management Advisory Council was called  
 3 in accordance with the Open Meeting Act. Notice for  
 4 this July 26, 2022 regular meeting was filed with the  
 5 Secretary of State on January 25, 2022.  
 6 The agenda was duly posted at DEQ at least  
 7 24 hours prior to the meeting. Only matters appearing  
 8 on the posted agenda may be considered at this regular  
 9 meeting. In the event that this meeting is continued  
 10 or reconvened, public notice of the date, time, and  
 11 place of the continued meeting will be given by  
 12 announcement at this meeting.  
 13 Only matters appearing on the agenda of the  
 14 meeting which has been continued may be discussed at  
 15 the continued or reconvened meeting.  
 16 We'll have a roll call.  
 17 SECRETARY FIELDS: Mr. Carr?  
 18 MR. CARR: Here.  
 19 SECRETARY FIELDS: Dr. Jarman?  
 20 DR. JARMAN: Here.  
 21 SECRETARY FIELDS: Ms. Mach is absent.  
 22 Mr. Matheson is absent.  
 23 Dr. Moore?  
 24 DR. MOORE: Here.  
 25 SECRETARY FIELDS: Mr. Smith?

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1 MR. SMITH: Here.  
 2 SECRETARY FIELDS: Mr. Sowers?  
 3 MR. SOWERS: Here.  
 4 SECRETARY FIELDS: Ms. Wells is absent.  
 5 Mr. Winegardner?  
 6 MR. WINEGARDNER: Here.  
 7 SECRETARY FIELDS: Mr. Duzan?  
 8 CHAIRMAN DUZAN: Here.  
 9 SECRETARY FIELDS: We have a quorum.  
 10 CHAIRMAN DUZAN: Okay. The next thing is  
 11 the approval of the minutes from our January 11, 2022  
 12 meeting, which everybody should have gotten ahead of  
 13 time.  
 14 DR. MOORE: Motion to pass.  
 15 MR. SMITH: I'll second.  
 16 CHAIRMAN DUZAN: We have a motion and a  
 17 second. Roll call vote.  
 18 SECRETARY FIELDS: Mr. Carr?  
 19 MR. CARR: Yes.  
 20 SECRETARY FIELDS: Dr. Jarman?  
 21 DR. JARMAN: Yes.  
 22 SECRETARY FIELDS: Dr. Moore?  
 23 DR. MOORE: Yes.  
 24 SECRETARY FIELDS: Mr. Smith?  
 25 MR. SMITH: Yes.

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1 SECRETARY FIELDS: Mr. Sowers?  
 2 MR. SOWERS: Yes.  
 3 SECRETARY FIELDS: Mr. Winegardner?  
 4 MR. WINEGARDNER: Yes.  
 5 SECRETARY FIELDS: Mr. Duzan?  
 6 CHAIRMAN DUZAN: Yes.  
 7 SECRETARY FIELDS: Motion passed.  
 8 CHAIRMAN DUZAN: We may ask the members to  
 9 kindly point your name plate to the court reporter so  
 10 that she can see who's who.  
 11 Okay. We have a pretty full agenda here  
 12 today so we're going to go ahead and jump into it.  
 13 The first one is changes to OAC 252-606 and we have a  
 14 presentation from Brian Clagg at the DEQ.  
 15 MR. CLAGG: All right. Thank you, Council,  
 16 for being here. Let me make sure, can you hear me  
 17 now? Yes. Thank you, Council, for being here today.  
 18 We are here to discuss emergency rule making that  
 19 affects several of our rule chapters, plus a couple of  
 20 new ones. So let me begin by providing a bit of  
 21 background on what has led up to this need for  
 22 emergency rule making. This overview applies to all  
 23 the rule making actions that we are discussing today.  
 24 So during the 2022 Oklahoma legislative  
 25 session, two bills were passed by the legislature and

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1 signed by the governor that transfers authority for  
 2 administering Oklahoma Water Quality Standards from  
 3 the Oklahoma Water Resources Board to the Department  
 4 of Environmental Quality. The effective date of this  
 5 legislation is November 1, 2022.  
 6 The first bill, Senate Bill No. 1325,  
 7 amended Oklahoma Statute 27A Section 1-3-101 that  
 8 describes DEQ's jurisdictional areas of environmental  
 9 responsibility. Specifically, the bill states, in  
 10 part, that DEQ will have authority for "Development  
 11 and promulgation of Oklahoma Water Quality Standards,  
 12 their accompanying use support assessment protocols,  
 13 anti-degradation policies generally affecting Oklahoma  
 14 Water Quality Standards application, and  
 15 implementation including, but not limited, to mixing  
 16 zones, low flows, and variances or any modification or  
 17 change thereof pursuant to Section 1085.30 of Title 82  
 18 of the Oklahoma statutes "  
 19 Section 1085.30 of Title 82 describes  
 20 classification of water uses and was amended to denote  
 21 that the DEQ, not OWRB, is authorized to promulgate  
 22 rules to be known as Oklahoma Water Quality Standards  
 23 which establish classifications of uses of water of  
 24 the state, criteria to maintain and protect such  
 25 classifications, and other standards or policies

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1 pertaining to the quality of such waters.  
 2 The second bill, House Bill 3824, was also  
 3 passed amending Section 1-3-101 of 27A. This  
 4 amendment gave DEQ jurisdiction for "adoption of water  
 5 quality standard variances and site-specific criteria  
 6 to the extent that such variances and site specific  
 7 criteria are utilized in and enforced through water  
 8 quality permits issued by the department. Such  
 9 variances and site-specific criteria may be adopted  
 10 through rule making or through the permitting process,  
 11 provided that the process satisfies the public  
 12 participation and water quality standard variance  
 13 requirements set forth in the corresponding federal  
 14 regulations."  
 15 So as previously noted, the effective date  
 16 for these two bills is November 1, 2022. Therefore,  
 17 in order for the State of Oklahoma to have the  
 18 authority to promulgate Water Quality Standards and to  
 19 implement Water Quality Standards in our permits as of  
 20 November 1, 2022, it is necessary that DEQ promulgate  
 21 two new rules that will replace current Water Quality  
 22 Standards promulgated by the Oklahoma Water Resources  
 23 Board.  
 24 The first new rule is Oklahoma Water Quality  
 25 Standards and the second new rule is Implementation of

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1 Oklahoma Water Quality Standards.  
 2 These rules must be approved by the  
 3 Environmental Quality Board, signed by the governor,  
 4 and be in effect on November 1, 2022. Without the  
 5 promulgation of these rules by DEQ, EPA will assume  
 6 jurisdiction over Water Quality Standards for the  
 7 state.  
 8 As you know, we have scheduled a special  
 9 Water Quality Management Advisory Council meeting for  
 10 August 23, 2022, at which time we will be asking you  
 11 to vote on these emergency rules, so please keep in  
 12 mind that it is crucial that we have a quorum for that  
 13 August 23, 2022 Council meeting.  
 14 In summary, DEQ, not the Oklahoma Water  
 15 Resources Board, will be responsible for promulgating  
 16 and maintaining Water Quality Standards in Oklahoma's  
 17 lakes, rivers and streams. The Water Resources  
 18 Board's current rules that deal with water quality  
 19 standards are OAC 785 Chapter 45 and OAC 785 Chapter  
 20 46.  
 21 Chapter 45 is titled "Oklahoma Water Quality  
 22 Standards" and chapter 46 is titled "Implementation of  
 23 Oklahoma's Water Quality Standards."  
 24 So what have we done? Well, DEQ has drafted  
 25 two new rules that will be -- that we will be

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1 discussing throughout this presentation that will  
 2 replace the Water Resources Board's rules. DEQ's new  
 3 rules will be OAC 252 Chapter 730, which will be  
 4 titled Oklahoma's Water Quality Standards, and  
 5 Oklahoma Administrative Code 252:740, which will be  
 6 titled "Implementation of Oklahoma's Water Quality  
 7 Standards."  
 8 Many of DEQ's rule chapters make reference  
 9 to the Water Resources Board's Chapters 45 and 46 or  
 10 else make reference to the OWRB having jurisdiction  
 11 over the water quality standards.  
 12 As a result, we need emergency rule making  
 13 for these chapters in order to amend those references  
 14 so that they correctly reference our new rules,  
 15 Chapter 730 and Chapter 740, or reference DEQ's  
 16 authority over the water quality standards.  
 17 I apologize if throwing all these numbers  
 18 around is confusing, but I think as we move through  
 19 today's agenda, it should become clearer. And before  
 20 I forget, you should also note that we will be holding  
 21 two informal public meetings for discussion of this  
 22 rule making. The first will be August 9, 2022 at the  
 23 Mohawk water treatment plant in Tulsa, and the second  
 24 will be held on August 18th here at DEQ.  
 25 I will be putting out a flyer this week and

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1 an e-mail to the Council as well as all interested  
 2 parties that are on our distribution list for Council  
 3 updates, and I would ask of the Council here that if  
 4 you plan to attend either of those informal public  
 5 meetings that you let me know so that I can ensure  
 6 that we don't[sic] form a quorum.  
 7 Okay. That concludes my general remarks,  
 8 and we're getting now more specific into the specific  
 9 rules, so let's look at OAC 252, Chapter 606. You  
 10 should have rule text in your binder for Chapter 606  
 11 and, I'll go through this one just a little bit  
 12 slower, a little bit more in depth just so you can  
 13 kind of see the type of changes that we're talking  
 14 about.  
 15 So if you look at 606, if you look at the  
 16 first page, you see Subchapter 1, Introduction,  
 17 606-1-1 Purpose, if you look at the second one there,  
 18 it's Other Rules Apply. Towards the end, you can see  
 19 that we have our strike through and underlined, which  
 20 is our convention for making changes to the rules, and  
 21 you can see where we struck 785 chapter 45 and  
 22 replaced that with our proposed new chapter, 252 730.  
 23 If you flip the page to page 4, you can look  
 24 down and see where we did make a change on Oklahoma  
 25 Water Quality Standards where we struck Oklahoma Water

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1 Resources Board and replaced that with DEQ rules. So  
 2 here, you can see the type of changes that we are  
 3 making, and this will be kind of general for most of  
 4 the chapters we're going to go going through for a  
 5 little bit here.  
 6 So, okay. So at the August 23, 2022 Water  
 7 Quality Management Advisory Council meeting, DEQ will  
 8 be proposing an emergency rule for OAC:252 Chapter  
 9 606. DEQ has deemed that this emergency rule is  
 10 necessary and an emergency measure to protect public  
 11 health, safety, and welfare in order to comply with  
 12 the statutory changes that take effect November 1,  
 13 2022.  
 14 DEQ plans to present this rule as a  
 15 permanent rule at the January 2023 Water Quality  
 16 Management Advisory Council meeting. That concludes  
 17 my remarks on Chapter 606. Thank you.  
 18 CHAIRMAN DUZAN: Thank you, Mr. Clagg.  
 19 Do we have any discussion or comments from  
 20 the Council?  
 21 DR. JARMAN: A question I have is, are the  
 22 changes solely on page 4?  
 23 MR. CLAGG: No.  
 24 DR. JARMAN: Are there other changes?  
 25 MR. CLAGG: There are other changes. You

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1 can see on page 2 at the top under "Other rules  
 2 apply," we changed a reference there. In subchapter 3  
 3 on page 4, that's a small section, there you can see  
 4 where we did make a couple of changes there. So  
 5 you've just kind of got to see that strike through and  
 6 underline and that's where we made those changes.  
 7 DR. JARMAN: Thank you.  
 8 MR. CLAGG: Uh-huh.  
 9 MS. CHARD: Also, I would point out that on  
 10 page 5, there's some additional change on 606-5-4  
 11 related to water quality standards variance.  
 12 CHAIRMAN DUZAN: Any other questions or  
 13 comments from the Council? Do we have any questions  
 14 or comments from the public?  
 15 Go ahead and state your name so they can get  
 16 it on the record, sir.  
 17 MR. BROCKSMITH: My name is Ed Brocksmith  
 18 and I'm from Tahlequah and I'm joining you today to  
 19 make a statement on behalf of Save The Illinois River  
 20 Incorporated, STIR, of Tahlequah, which is a 501(c)(3)  
 21 not-for-profit citizens coalition formed in 1984.  
 22 And I'm a cofounder and I'm STIR secretary  
 23 treasurer. Also here today in support is Ed Fite of  
 24 the Grand River Dam Authority, and Dwayne Smoot, a  
 25 reporter for the Muskogee Phoenix. In addition,

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1 because of their keen interest in this matter is,  
 2 attending is Matt Wright and Ron Suttles of the  
 3 Conservation Coalition of Oklahoma. Save the Illinois  
 4 River Inc., STIR, is a 501(c)(3) chartered in 1984 by  
 5 Tahlequah Area Citizens in response to a very serious  
 6 threat to the future of the Illinois River.  
 7 STIR's mission is to protect and preserve  
 8 the Illinois river, its tributaries, and Lake  
 9 Tenkiller. Also, we protect aquifers in the Illinois  
 10 River watershed.  
 11 STIR objects to the concept of variance to  
 12 Oklahoma water quality standards for Oklahoma Scenic  
 13 Rivers. STIR intends to make public comments at every  
 14 stage of this process of adopting emergency rules and  
 15 permanent rules on variance. By the way,  
 16 congratulations on your new responsibility.  
 17 STIR asks you to recommend to the Oklahoma  
 18 Department of Environmental Quality that variance for  
 19 any purpose must not be permitted for Oklahoma Scenic  
 20 Rivers. Variance may be beneficial to the waters of  
 21 Oklahoma in some cases but not for the Oklahoma Scenic  
 22 Rivers, which include the Illinois River, Baron Fork  
 23 Creek, Flint Creek, Little Lee creek, Big Lee Creek,  
 24 and the Mountain Fork River.  
 25 Any variance to water quality rules for

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1 Scenic Rivers will send a devastating message upstream  
 2 to our neighbor Arkansas. This will happen at a  
 3 critical time when Oklahoma is attempting to work with  
 4 Arkansas to meet Oklahoma Scenic River water quality  
 5 standards.  
 6 The Oklahoma Scenic Rivers Act passed in the  
 7 '70s states that Scenic Rivers are unique and must be  
 8 protected. The act states, and I quote, "The Oklahoma  
 9 legislature finds that certain free-flowing streams  
 10 and rivers of Oklahoma possess such unique natural  
 11 beauty, scenic beauty, water, fish, wildlife, and  
 12 outdoor recreational values of present and future  
 13 benefit to the people of the state that it is the  
 14 policy of the legislature to preserve these areas for  
 15 the benefit of the people of Oklahoma."  
 16 Oklahoma Scenic Rivers are granted special  
 17 protection in accordance with their beauty, their  
 18 uniqueness, and fragility. Among those special water  
 19 quality protections is the in-stream numeric limit for  
 20 the nutrient phosphorus. That standard is  
 21 0.037 milligrams per liter total phosphorus. Other  
 22 protective water quality rules apply to Scenic Rivers  
 23 including designation as Outstanding Resource Waters,  
 24 Nutrient-sensitive watershed designation, and  
 25 important, an anti-degradation clause which means the



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1 state cannot backslide on water quality. Also unique  
 2 is aesthetics as a beneficial use of scenic rivers.  
 3 No body of water in Oklahoma has been more  
 4 contentious and more litigated than the Illinois  
 5 River. Oklahoma and STIR sued EPA in the mid 1980s  
 6 over Illinois River water quality protection. In a  
 7 precedent-setting act -- ruling, the United States  
 8 Supreme Court ruled that under the federal Clean Water  
 9 Act, upstream states must meet the water quality  
 10 standards set by downstream states. Furthermore,  
 11 Oklahoma sued the largest poultry corporations in  
 12 Arkansas for polluting the Illinois River watershed.  
 13 For some unknown reason to me, there's been no ruling  
 14 for 17 years on that federal court case in Tulsa.  
 15 Lake Tenkiller impounds the Illinois River.  
 16 It too has special water quality protection, and like  
 17 the Illinois River, it too is stressed by nutrients  
 18 and bacteria from point sources and from nonpoint  
 19 sources. Oklahoma's in-stream phosphorus limit of  
 20 .037 milligrams per liter is exceeded by nearly  
 21 85 percent of the time at the Arkansas-Oklahoma state  
 22 line by nearly 65 percent in Tahlequah.  
 23 Each year, according to the annual report to  
 24 the Arkansas-Oklahoma Arkansas River Compact  
 25 Commission, tons of phosphorus pour into Lake

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1 Tenkiller hastening the premature death of one of  
 2 Oklahoma's premier lakes in a process called  
 3 eutrophication.  
 4 Recreation on the Illinois River and Lake  
 5 Tenkiller amounts to an expenditure of millions of  
 6 dollars yearly. Visitors account for a large factor  
 7 of the economy of Tahlequah.  
 8 This Council will make a recommendation to  
 9 the Oklahoma Department of Environmental Quality on  
 10 recent legislation that moves some regulations from  
 11 the Water Board to ODEQ. These rules include variance  
 12 to water quality standards, including standards set  
 13 for Oklahoma Scenic Rivers. A variance might be  
 14 sought for one or both cities that are permitted now  
 15 to discharge treated sewage into the Illinois River.  
 16 The present limit for Tahlequah and Westville,  
 17 Oklahoma, is one milligram per liter total phosphorus,  
 18 well over the phosphorus limit of 0.037 milligrams per  
 19 liter of the Illinois River and other scenic rivers.  
 20 The EPA, based on its attitude about two recent NPDES  
 21 permits in Arkansas might consider variance for scenic  
 22 rivers to be backsliding.  
 23 Population growth in northwest Arkansas has  
 24 been tremendous and the loading of phosphorus to the  
 25 Illinois River is increasing. More people, more

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1 phosphorus, all while maintaining the same phosphorus  
 2 limits. Since 1983, the population of northwest  
 3 Arkansas has increased four-fold. The population is  
 4 expected to double by 2045 to the year 2050.  
 5 A variance to Oklahoma Scenic River water  
 6 quality standards, especially for the in-stream  
 7 phosphorus limit, will send an enormously powerful and  
 8 damaging signal to the state of Arkansas that could be  
 9 used against Oklahoma and against the EPA in their  
 10 attempts to meet Scenic River water quality standards.  
 11 EPA has rejected two draft NPDES permits in Arkansas  
 12 because they will not meet Oklahoma's water quality  
 13 standards. Arkansas is now suing the EPA over these  
 14 contested NPDES permits.  
 15 In conclusion, Save The Illinois River is  
 16 asking you, the ODEQ's Advisory Council, to insulate  
 17 Oklahoma Scenic Rivers from variance to water quality  
 18 standards in any form.  
 19 These important, beautiful, unique, and  
 20 valuable water resources are impaired by nutrients,  
 21 including legacy phosphorus, by bacteria, and by  
 22 sedimentation caused by stream-bank erosion. They  
 23 cannot take any more pollution for any reason, for any  
 24 length of time, for any frequency the state might  
 25 allow by variance.

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1 Thank you very much.  
 2 CHAIRMAN DUZAN: Thank you, sir. Thanks for  
 3 your dedication to the environment. Grass roots  
 4 environmentalism is why we have an EPA, which is why  
 5 we have a DEQ, so it's important to, to, to keep on  
 6 doing those things.  
 7 As far as variances, I'm going to have to  
 8 refer that to Shellie with the DEQ.  
 9 MS. CHARD: Okay. So for right now, we are  
 10 updating our rules so that we have water quality  
 11 standards in place so that we don't have a situation  
 12 of having EPA take over promulgation of water quality  
 13 standards for the state of Oklahoma and require us to  
 14 use their standards for permit purposes.  
 15 As far as what we can and can't do right  
 16 now, because it is an emergency, we are not making  
 17 changes to these rules other than to update to the  
 18 current statutory authority. We will be doing  
 19 permanent rule making, which you will see at the late  
 20 September meeting, and for a vote in January and then  
 21 to the Environmental Quality Board if recommended to  
 22 them in February. That's where we might have some  
 23 changes that are necessary for other reasons, merging  
 24 a couple of chapters of rules, some things like that.  
 25 As far as can we carve out certain water

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1 bodies or classifications, based on the way the  
 2 statute is written, it says we have the authority for  
 3 variances. Our rules give us the authority for  
 4 variances, but you're seeing right now before we could  
 5 include or exclude any water bodies, that's something  
 6 that would have to go through our general counsel's  
 7 office and possibly through the legislature. We would  
 8 not be making significant changes of applying a  
 9 statute or not applying a statute without that  
 10 authority.

11 So that would be something we would be  
 12 revisiting, and before we would start any variance  
 13 process, we're probably at least two rule makings  
 14 away, just from a practical standpoint.

15 We -- for the record, we have only been  
 16 approached now by one entity that may be seeking a  
 17 variance. It is an industrial facility and it's  
 18 related to a background metal concentration. And  
 19 that's something we'll be looking at in the next 18  
 20 months or so that's tied to a permit, compliance  
 21 schedule, and some efforts that they already had  
 22 ongoing with the Water Resources Board. So that's  
 23 kind of where we stand right now.

24 Before we would do any kind of a variance,  
 25 there would be public participation, there would be

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1 the opportunity, again, for informal and formal  
 2 meetings. We're not operating in a vacuum. We will  
 3 continue our process of multiple stakeholder  
 4 engagement opportunities and we will also continue to  
 5 follow our statutory authority and not overstep that.

6 CHAIRMAN DUZAN: Okay. Thank you.  
 7 Any other questions or comments from the  
 8 Council from all that? If not, we'll go on to Item B  
 9 on our list.

10 Go ahead.

11 MR. CLAGG: Okay. Here, we're looking at  
 12 our next rule, Chapter 611, General Water Quality. If  
 13 you're looking at the text on that, you can see that  
 14 in 611-1-1 we made a change changing to reference 730  
 15 from Chapter 45, and again, in the glossary of terms,  
 16 you can see where we struck out OWRB and put DEQ there  
 17 and replaced the Chapter 45 reference with Chapter  
 18 730.

19 So at the August 23, 2022 Water Quality  
 20 Management Advisory Council meeting, DEQ will be  
 21 proposing an emergency rule for OAC 252:611. DEQ has  
 22 deemed that this emergency rule is necessary as an  
 23 emergency measure to protect public health, safety,  
 24 and welfare in order to comply with the statutory  
 25 changes that take effect November 1, 2022.

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1 DEQ plans to present this rule as a  
 2 permanent rule at the January 2023 council meeting.  
 3 That concludes my remarks on Chapter 611.

4 CHAIRMAN DUZAN: Any questions or comments  
 5 from Council? Any questions or comments from the  
 6 public?

7 Then I guess we'll move on to C, Industrial  
 8 Waste Water Assistance. Again, Brian.

9 MR. CLAGG: Okay. This is Chapter 616.  
 10 There are similar edits as we've looked at before. In  
 11 this one, we're changing -- making changes in Chapter  
 12 I, Introduction, Oklahoma Water Quality standards,  
 13 we're making changes to Subchapter 9, tank system  
 14 standards, and we're making changes to Subchapter 11,  
 15 land application standards.

16 At the August 23, 2022 Water Quality  
 17 Management Advisory Council meeting, DEQ will be  
 18 proposing an emergency rule for OAC 252 Chapter 616.  
 19 DEQ has deemed that this emergency rule is necessary  
 20 as an emergency measure to protect public health,  
 21 safety, and welfare in order to comply with the  
 22 statutory changes that take effect November 1, 2022.

23 DEQ plans to present this rule as a  
 24 permanent rule at the January 2023 Water Quality  
 25 Management Advisory Council meeting. Thank you.

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1 CHAIRMAN DUZAN: Okay. Again, any questions  
 2 or comments from the Council? Any questions or  
 3 comments from the public?

4 I guess we'll move on to D, Non-industrial  
 5 Discharging and Public Water Supply Lagoons.  
 6 Brian.

7 MR. CLAGG: Okay. Again, nothing -- nothing  
 8 different or new here. Similar edits proposed in this  
 9 one. It looks like we just have the Subchapter I  
 10 definitions and got a change under Oklahoma Water  
 11 Quality Standards.

12 So again, at the August 23, 2022 Water  
 13 Quality -- Water Quality Management Advisory Council  
 14 meeting, DEQ will be proposing an emergency rule for  
 15 this Chapter 621. DEQ has deemed that this emergency  
 16 rule is necessary as an emergency measure to protect  
 17 public health, safety, and welfare in order to comply  
 18 with the statutory changes that take effect on  
 19 November 1. DEQ plans to present this rule as a  
 20 permanent rule at the January council meeting.

21 And that concludes my remarks on chapter  
 22 621.

23 CHAIRMAN DUZAN: Questions or comments from  
 24 the Council?

25 MR. SMITH: Brian?

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1 MR. CLAGG: Yes.

2 MR. SMITH: I have just a quick question.

3 These rules that were at OWRB, how long were they in

4 effect in this state prior to this transfer to DEQ?

5 MR. CLAGG: Chapters 45 and 46, I don't

6 know.

7 MR. SMITH: Quite a while? Do you have any

8 idea?

9 MS. CHARD: By federal law, they have to be

10 revised every three years, so it would have been a

11 maximum of three years in exactly this form. I know

12 we have a member of the OWRB staff that is in the

13 audience. I don't know if he knows the answer to

14 that.

15 MR. MILLS: Well, we've had them since

16 inception. I think it might have been the health

17 department --

18 MS. CHARD: You need to go to the microphone

19 so that -- in this -- the question is in this form as

20 they were as of the change in statute.

21 MR. MILLS: I, I don't want to sound -- all

22 I can really say with --

23 MS. CHARD: Owen, introduce yourself.

24 MR. MILLS: My name is Owen Mills. I'm with

25 the Oklahoma Water Resources Board. I am the director

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1 of water planning for this, for the state and for the

2 Water Board. I was Water Quality Standards about 25

3 years ago, so I'm really here more of for interest,

4 but all I can really say with confidence is that we

5 have had those chapters since inception, which would

6 have been right after the Clean Water Act, so in the

7 mid '70s. That's what I can tell you.

8 We were the Health Department prior to that,

9 so I -- we probably were the Health Department at that

10 point until they moved Water Quality Standards over to

11 the Water Board, and I'm not sure what year that was,

12 if that helps.

13 DR. JARMAN: I can answer that question.

14 MR. MILLS: Oh.

15 DR. JARMAN: The first full set of standards

16 were established for Oklahoma in 1967. They've been

17 updated at least every three years and many interim

18 changes, minor changes.

19 CHAIRMAN DUZAN: Any other questions or

20 comments from the Council? I do have one kind of odd

21 question is how this relates to other -- since,

22 basically, kind of all the water is moving in under

23 DEQ, leaking underground storage tanks and some of

24 those that may be covered by the OCC, does that really

25 change anything as far as that goes or... is that a

Page 24

1 trick question?

2 MS. CHARD: It's not, actually. So

3 currently, the Water Resources Board has the

4 overarching water quality standards. Each

5 environmental agency that has water programs are

6 required to have their own chapter of implementation

7 rules.

8 So the general rules that are currently

9 785:46 apply for all environmental agencies. Then

10 each agency will have its own water quality standards

11 implementation, which for DEQ is Chapter 690,

12 Department of Agriculture, and Corporation Commission

13 should have their own chapters as well.

14 We are only receiving the authority that the

15 legislature is moving from the Water Board to DEQ and

16 not any of the other agencies.

17 CHAIRMAN DUZAN: So basically, the

18 Department of Ag and Corporation Commission, they are

19 going to have to go through this same thing of

20 changing their rules to cite the reference that

21 when -- we had done in moving it from OWRB to DEQ?

22 MS. CHARD: That's correct. All of the

23 water agencies that have any reference to 785:45 or

24 785:46 will have to update their rules as well.

25 CHAIRMAN DUZAN: Okay. Any other questions

Page 25

1 or comments from the Council on this? Questions or

2 comments from the public?

3 If not, we'll move on to E, Indirect Potable

4 Reuse and Surface Water Augmentation.

5 MR. CLAGG: Again, similar edits here. We

6 have changes in Subchapter 1, General Provisions,

7 Subchapter 3, benchmarks and implementation for IPR

8 source water discharges, Subchapter 9, permitting

9 requirements for IPR source water, and Subchapter 11,

10 IPR receiving water body monitoring.

11 If you do turn to page 11, I just want to

12 point something out. Under section 628-11-4, it's

13 kind of right there in the middle of the page, you can

14 see where we have the strike-through and the

15 underline, and on some of these it goes a little bit

16 beyond just the Chapter 45 or the Chapter 46.

17 This was Chapter 45-5-25(c)(8)(C), so you

18 get a little bit more particular down into those, you

19 know, diving down into those references. We make sure

20 that when we cross-reference these with the other

21 chapters that those, you know, are actually accurate

22 too, so just want to point out when it gets into that

23 finer detail that we have to make sure that those are

24 cited correctly.

25 To conclude, at the August 23, 2022 Water

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1 Quality Management Advisory Council meeting, DEQ will  
 2 be proposing an emergency rule for this Chapter 628.  
 3 DEQ has deemed that this emergency rule is necessary  
 4 as an emergency measure to protect public health,  
 5 safety, and welfare in order to comply with the  
 6 statutory changes that take effect on November 1,  
 7 2022.  
 8 DEQ plans to present this rule as a  
 9 permanent rule at the January Council meeting. Thank  
 10 you.  
 11 CHAIRMAN DUZAN: Thank you. Any questions  
 12 or comments from the Council? Questions or comments  
 13 from the public?  
 14 Then we'll move on down to F, Water  
 15 Pollution Control and Construction Standards.  
 16 Brian.  
 17 MR. CLAGG: Okay. This one's a pretty  
 18 simple one; it only had one change. Under  
 19 disinfection in Subchapter 11 titled Lagoon Standards,  
 20 you see a change from 785:45 to Chapter 730.  
 21 So on this one, again, at the August 23rd  
 22 special council meeting, DEQ will be proposing an  
 23 emergency rule for Chapter 656. DEQ has deemed that  
 24 this emergency rule is necessary as an emergency  
 25 measure to protect public health, safety, and welfare

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1 in order to comply with the statutory changes that  
 2 take effect on November 1.  
 3 DEQ plans to present this rule as a  
 4 permanent rule at the January 2023 Council meeting.  
 5 That concludes my remarks on Chapter 656.  
 6 CHAIRMAN DUZAN: Questions or comments from  
 7 the Council? Questions or comments from the public?  
 8 Then we'll move on down to G, Water Quality  
 9 Standards Implementation.  
 10 MR. CLAGG: All right. For chapter 690,  
 11 since that's our Water Quality Standards  
 12 Implementation chapter, there's quite a few changes.  
 13 Many of -- the same type of changes we've seen  
 14 references from 730 -- or to 730 and 740 and replacing  
 15 OWRB with DEQ.  
 16 Occasionally, such as -- if you look at page  
 17 12, you might see where we identified a typo in the  
 18 regulations and got strike through and underline on  
 19 that. You might see that on page 12 at the bottom in  
 20 690-3-26 where "exceedance" was misspelled on that.  
 21 If you look at page 15, under Subchapter 5,  
 22 Groundwater Protection, we needed to correct the  
 23 citation to Chapter 515, management of solid waste  
 24 since the current references, which were to Chapters  
 25 510 and 520, were no -- were not current rule

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1 chapters. So couple of different little changes made  
 2 on that.  
 3 Now, beginning on page 17, which is the next  
 4 page, you get to the Appendix A. Okay. Here, I need  
 5 to kind of point out that for appendix it's a little  
 6 different. Changes to appendices do not follow the  
 7 same strike-through and underline requirements that  
 8 we've been discussing and looking at up to this point.  
 9 For appendices, they get revoked and then  
 10 issued as new. So, for example, on page 21, if you  
 11 flip a couple of pages over while we're still here in  
 12 Appendix A, you see the definition for Outstanding  
 13 Resource Water.  
 14 And if you look there, you'll see that we  
 15 have correctly referenced to our new Chapter 730, but  
 16 you don't see the strike-through. So that's the way  
 17 the appendices or appendix are treated different.  
 18 So to try to help out on that -- let me see  
 19 here. To help out on that, I've created another tab,  
 20 which if you look at your next tab in your binder,  
 21 it's titled 690 App. What that is, is the markup  
 22 strike-through, underline version of the appendix. So  
 23 in it, you will be able to see the changes that are  
 24 made.  
 25 So let's stick with that marked-up appendix

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1 for right now. If you look on page 9 under part two,  
 2 you get to Water Quality Standards Implementation Plan  
 3 Elements by Jurisdictional Area. There is a Section B  
 4 titled Water Quality Planning. Compliance with  
 5 anti-degradation requirements and protection of  
 6 beneficial uses.  
 7 You can see at the bottom of that, that  
 8 we've added a sentence that reads DEQ may adopt  
 9 variances and site-specific criteria as set forth in  
 10 27A Oklahoma Statutes 2-6-103(B). This conforms us to  
 11 the language in Title 27A Section 2-6-103(B) that was  
 12 amended in the House Bill 3824 that we talked about  
 13 earlier.  
 14 Lastly, regarding Chapter 690, when we do  
 15 the permanent rule making, we may be merging -- and  
 16 Shellie kind of alluded to this. We may be merging  
 17 Chapter 690 with the new Chapter 740. If that is the  
 18 case, Chapter 690 will be revoked and Chapter 740 will  
 19 include both the emergency 690 and the 740  
 20 requirements in the implementation of Oklahoma's Water  
 21 Quality Standards rule.  
 22 Okay. At the August 23, 2022 Council  
 23 meeting, DEQ will be proposing an emergency rule for  
 24 Chapter 690. DEQ has deemed that this emergency rule  
 25 is necessary as an emergency measure to protect public

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1 health, safety, and welfare in order to comply with  
 2 the statutory changes that take effect on November 1,  
 3 2022.  
 4 DEQ plans to present this rule as a  
 5 permanent rule at the January 2023 Water Quality  
 6 Management Advisory Council meeting. That concludes  
 7 my remarks on Chapter 690. Thank you.  
 8 CHAIRMAN DUZAN: Thank you. Any questions  
 9 or comments from the Council?  
 10 MS. MACH: I had a question.  
 11 When you stated on that page 9 under subpart  
 12 2 that DEQ may also adopt variances and site-specific  
 13 criteria, you said that that is something that is  
 14 already promulgated in the rules and it's just  
 15 incorporated by reference here as well?  
 16 MR. CLAGG: On the --  
 17 MS. MACH: That underlined portion on page 9  
 18 under part 2.  
 19 MR. CLAGG: I flipped forward --  
 20 MS. MACH: It was 690 --  
 21 MR. CLAGG: -- unfortunately. Let me find  
 22 that. What page was that?  
 23 MS. CHARD: I'd be happy to answer that --  
 24 MS. MACH: Sure.  
 25 MS. CHARD: -- since I have the page open.

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1 MR. CLAGG: Sorry about that.  
 2 MS. CHARD: That has been promulgated by the  
 3 legislature. It passed this session. It was signed  
 4 by the governor. It becomes a statutory requirement  
 5 November 1, 2022.  
 6 So it will be in effect, these rules,  
 7 assuming that the Council recommends them to the board  
 8 and the board approves them, they will take effect  
 9 upon the governor's signature on November 1st in line  
 10 with the statute.  
 11 MS. MACH: Right. And so the previous  
 12 updates that we've seen have been more or less  
 13 scribner updates; right? I mean, just...  
 14 MS. CHARD: Well, all of the updates to --  
 15 from 785:45 and 785:46 to the new DEQ chapters are as  
 16 a result of statutory changes that take --  
 17 MS. MACH: Right.  
 18 MS. CHARD: -- place November 1st.  
 19 There was -- there were a couple of typos,  
 20 "exceedance" was spelled incorrectly, but everything  
 21 else with -- we did have the one edit that had not  
 22 been updated from chapters that the DEQ had revoked,  
 23 so they no longer existed. So we corrected that so  
 24 the regulating community would know where to go look.  
 25 So those are the only changes. All of the,

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1 what I would consider significant changes are all as a  
 2 result of the new statutes that were passed --  
 3 MS. MACH: Right.  
 4 MS. CHARD: -- and signed, and so that's the  
 5 bulk of the changes by and large.  
 6 MS. MACH: Yeah, I was just curious about  
 7 this one statement under the water quality planning  
 8 and DEQ adopting variances.  
 9 Is that just --  
 10 MS. CHARD: That --  
 11 MS. MACH: -- incorporated more specifically  
 12 under this as a result of that --  
 13 MS. CHARD: That --  
 14 MS. MACH: -- statutory change?  
 15 MS. CHARD: Yes, that --  
 16 MS. MACH: Okay.  
 17 MS. CHARD: The -- we had two statutory  
 18 changes. The first one was the move of Water Quality  
 19 Standards from the Water Board to DEQ, and then we had  
 20 a statute that specifically authorized DEQ to approve  
 21 variances from Water Quality Standards, so this was  
 22 the location where that fit in this chapter, and so we  
 23 just specified in accordance with the statute this  
 24 could happen.  
 25 MS. MACH: Okay. That's exactly what I was

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1 hoping to know. Thank you.  
 2 MS. CHARD: Okay.  
 3 MS. MACH: That answers that question.  
 4 CHAIRMAN DUZAN: Any other questions or  
 5 comments from the Council? Questions or comments from  
 6 the public?  
 7 MS. CHARD: Mr. Duzan, may I suggest that  
 8 rather than having Mr. Brocksmith repeat his statement  
 9 on water quality variances that we just note that he  
 10 also has the same comment here?  
 11 CHAIRMAN DUZAN: Okay. We can put that in  
 12 the record.  
 13 MS. CHARD: Thank you.  
 14 CHAIRMAN DUZAN: Thank you.  
 15 Okay. We'll move on to H, which is 730,  
 16 Oklahoma's Water Quality Standards.  
 17 Mr. Clagg?  
 18 MR. CLAGG: Okay. Well, we finally come to  
 19 one of our new chapters that we've been talking about  
 20 up to this point. So as you know by now, Chapter 730  
 21 is titled Oklahoma's Water Quality Standards and is  
 22 basically a copy of OWRB's Chapter 45.  
 23 If we look at the first page, it lists the  
 24 subchapters and the appendices, so you should have  
 25 that in your text documents there. You'll notice that

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1 Appendix C is denoted as reserved. Okay? The reason  
 2 for this is in OAC 785 Chapter 45, Appendix C was at  
 3 some time revoked, and by now, denoting as reserved,  
 4 we do not need to change the alphabetical designation  
 5 of all the following appendixes. So in other words,  
 6 Appendix D remains as Appendix D, Appendix E remains  
 7 as Appendix E, et cetera. Therefore, we don't have to  
 8 worry about going back and correcting citations in  
 9 other rules that were referencing these appendixes, so  
 10 that's why we've done it that way.  
 11 From here, I'll try to focus on some changes  
 12 that were made in drafting 730 that are of particular  
 13 interest. If you go to page 11, if you look at the  
 14 very bottom, it says "Water Quality Standards  
 15 Variance." And so you actually need to turn to the  
 16 next page.  
 17 So if you look there, what you don't see but  
 18 what was changed was it was changed to remove language  
 19 that read "OWRB rule-making and approval is required  
 20 for all water quality standard variances." So that  
 21 was removed because now it is DEQ's -- will be DEQ's  
 22 jurisdiction.  
 23 And section 5-point -- 5-7, which is a  
 24 little bit below that on the same page, page 12, you  
 25 will see changes were made to denote that DEQ, not the

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1 OWRB, will review and approve detailed work plans  
 2 related to site-specific criteria. So a couple of  
 3 changes I just wanted to point out there.  
 4 Now, much of the remainder of Subchapter 5  
 5 remains unchanged from how it appeared in Chapter 45.  
 6 Again, just updating references to Chapter 730 and 740  
 7 as applicable, and the same applies to the appendices  
 8 for this as well. So that's 730.  
 9 At the August 23rd Council meeting, DEQ will  
 10 be proposing an emergency rule for OAC 252 Chapter  
 11 730. DEQ has deemed that this emergency rule is  
 12 necessary as an emergency measure to protect public  
 13 health, safety, and welfare in order to comply with  
 14 the statutory changes that take effect on November 1,  
 15 2022.  
 16 DEQ plans to present this rule as a  
 17 permanent rule at the January 2023 Water Quality  
 18 Management Advisory Council meeting. That concludes  
 19 my remarks on Chapter 730.  
 20 CHAIRMAN DUZAN: Thank you.  
 21 Questions, comments from the Council?  
 22 So is it safe to say that this was kind of  
 23 cut and pasted?  
 24 MR. CLAGG: It's very, very, very similar,  
 25 yeah, very similar.

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1 CHAIRMAN DUZAN: Any questions or comments  
 2 from the public?  
 3 We have -- sir, if you will come up and  
 4 state your name and...  
 5 MS. CHARD: Mr. Chairman, while he's making  
 6 his way to the microphone, I would just ask that we  
 7 again note Mr. Brocksmith's comments on 606 also apply  
 8 to this chapter.  
 9 CHAIRMAN DUZAN: Okay. So noted.  
 10 Sir.  
 11 MR. HAGEN: Hello, Jacob Hagen with the City  
 12 of Tulsa Stormwater Quality Group. Kind of a  
 13 background question was with the transfer of this  
 14 authority, I assume, excuse me, no personnel or  
 15 resources will be transferred from OWRB to DEQ? And  
 16 if that's the case, will -- has DEQ been appropriated  
 17 additional resources or personnel to implement these  
 18 standards? Thank you.  
 19 MS. CHARD: So there were no staff transfer  
 20 authorized in the legislation so there will not be  
 21 Water Board staff automatically transferred to DEQ.  
 22 There was no additional funding for DEQ in our state  
 23 appropriations this year. I can tell you that for  
 24 this next year, we will be asking for staff and for  
 25 appropriated dollars to fund the efforts of this

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1 program.  
 2 Currently, we have borrowed a vacant  
 3 position that we had in another area in Water Quality  
 4 that is funded with some federal 106 dollars, which  
 5 water quality standards is an eligible expense in that  
 6 grant, so that will be the proverbial duct tape and  
 7 baling wire that we will be using for this first year  
 8 and then we'll see what happens in the next session.  
 9 Because there was no staff authorized to  
 10 transfer in the bill, we certainly would highly  
 11 consider anyone who was a current employee of the  
 12 Water Resources Board who was doing work in this area,  
 13 but they would have to apply for the position and go  
 14 through that process to be hired.  
 15 So really, we expect to be making our case  
 16 that we do need additional funding to fully implement  
 17 the program.  
 18 CHAIRMAN DUZAN: Okay. Thank you.  
 19 I guess we'll move on down to --  
 20 MR. SMITH: Brian?  
 21 CHAIRMAN DUZAN: Oh, go ahead.  
 22 MR. SMITH: If I'm reading the correctly on  
 23 page 20, under 252.730-5-19 subparagraph D -- or C2.  
 24 MR. CLAGG: What page was that? I'm sorry.  
 25 MR. SMITH: 252 -- page 20. 252.730-5-19,

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1 aesthetics, under C2. If I'm reading this correctly,  
 2 the -- that paragraph relates to the scenic rivers and  
 3 the standard that Mr. Brocksmith was referring to.  
 4 Am I reading that correctly?  
 5 MR. CLAGG: Under aesthetics there?  
 6 MS. MACH: Yes.  
 7 MR. CLAGG: Yeah. Yes.  
 8 MR. SMITH: He was referring to the  
 9 037 milligrams per liter --  
 10 MR. CLAGG: That is --  
 11 MR. SMITH: -- and that's what that standard  
 12 is?  
 13 MR. CLAGG: That is correct.  
 14 CHAIRMAN DUZAN: Sir, if you'll come up to  
 15 the podium and state your name.  
 16 MR. JACKSON: Hello, everyone. I'm James  
 17 Jackson with the Muskogee Creek Nation's Office of  
 18 Environmental Services. Kind of going back a little  
 19 bit there, do we know why the legislators passed this  
 20 authority on to you at this time when we have -- you  
 21 know, we're presently in a drought, water quality  
 22 standards and things like that are really a pressing  
 23 issue, but there's no legislation on how this is going  
 24 to be funded for you-all.  
 25 Does anybody have any idea of why this

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1 authority is being passed to you now without the  
 2 financial support also in litigation -- or from the  
 3 legislator?  
 4 CHAIRMAN DUZAN: Shellie?  
 5 MS. CHARD: Well, I'll take my best guess  
 6 and it's nothing but the world according to Shellie.  
 7 I don't know, I was not part of any of those  
 8 discussions. I know every few years there are  
 9 conversations about further consolidation of  
 10 environmental programs or of water programs.  
 11 DEQ was formed in 1993 by removing part of  
 12 the programs from the Water Resources Board, part from  
 13 the Health Department, part from Pollution Control.  
 14 Over the years, there have been pieces that have been  
 15 moved from Department of Agriculture to DEQ and DEQ to  
 16 Department of Agriculture. As it is now, we still  
 17 have water programs, especially spread over multiple  
 18 agencies. If I'm guessing, I think it's further  
 19 consolidation of programs.  
 20 For water quality standards, if you look at  
 21 how other states are structured, I think we were one  
 22 of two that did not have water quality standards with  
 23 the NPDES permitting authority.  
 24 So that's the best I can do. Probably any  
 25 more information than that is going to have to come

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1 from the bill authors to see what their driver was,  
 2 and as far as the funding goes, sometimes programs get  
 3 moved first and the funding comes the next year, but  
 4 again, that's a guess.  
 5 MR. JACKSON: Thank you very much.  
 6 CHAIRMAN DUZAN: Thank you. Any other  
 7 questions or comments from the Council on this one?  
 8 Any questions or comments from the public?  
 9 Okay. I think we're ready to move on to  
 10 740, Implementations of Oklahoma's Water Quality  
 11 Standards.  
 12 Brian.  
 13 MR. CLAGG: Okay. Yes, Chapter 740 is our  
 14 proposed replacement for 785 Chapter 46. So working  
 15 off of Chapter 46 -- well, let me get on the right tab  
 16 here. We first deleted Subchapter 17 which was OWRB's  
 17 Water Quality Standards Implementation Plan.  
 18 Subchapter 17 then became Implementation of  
 19 the DO Criteria, which was formerly Subchapter 19.  
 20 There were some changes to the appendixes as well  
 21 since in Chapter 46, Appendix A had been revoked. So  
 22 we denote it as reserved, again, so as not to have to  
 23 fix references in other rules, and we also removed  
 24 Appendix D which was titled Summary of Comments on  
 25 OWRB's Water Quality Standards Implementation Plan.

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1 So we just got rid of that.  
 2 So 740, just like 730 that we just  
 3 discussed, required many of the same edits as far as  
 4 removing citations to the OWRB and making appropriate  
 5 references to 730 and 740.  
 6 Now, one thing in this chapter that is  
 7 different is it has multiple references to various  
 8 technical report documents. For example, if you look  
 9 at page 8, we have Subchapter 5, and if you look at  
 10 the bottom of that page, under Reasonable Potential,  
 11 you see number B there, Use of Reasonable Potential  
 12 Factor.  
 13 It makes reference to a Water Resources  
 14 Board report titled, the Incorporation of Ambient  
 15 Concentration with that Due to Effluent for Waste Load  
 16 Allocation, this chapter's got all kinds of things  
 17 like that, different references, different technical  
 18 documents and things like that.  
 19 We plan as we go and push forward to do the  
 20 permanent rule making to check all of those and make  
 21 sure they're still applicable and make sure they still  
 22 pertain, make sure that it is the right reference that  
 23 we need to be using in that.  
 24 As we work through Chapter 740, there were  
 25 quite a few revoked sections that were removed, so we

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1 did numbering of that and we changed references, where  
 2 necessary, to make updates.  
 3       So that concludes this. At the August 23,  
 4 2022 Council meeting, DEQ will be proposing an  
 5 emergency rule for this Chapter 740. DEQ has deemed  
 6 that this emergency rule is necessary as an emergency  
 7 measure to protect public health, safety, and welfare  
 8 in order to comply with the statutory changes that  
 9 take effect on November 1, 2022. DEQ plans to present  
 10 this rule as a permanent rule at the January 2023  
 11 Council meeting.  
 12       And that concludes my remarks on Chapter  
 13 740. Thank you.  
 14       CHAIRMAN DUZAN: Questions or comments from  
 15 the Council? Questions or comments from the public?  
 16       MS. CHARD: Mr. Duzan, I would ask again  
 17 that Mr. Brocksmith's statement from Chapter 606 be  
 18 included in this chapter as well.  
 19       CHAIRMAN DUZAN: Okay. Duly noted.  
 20       Any other questions or comments from the  
 21 public?  
 22       Okay. I think that you are done now.  
 23       MR. CLAGG: That's it. All right.  
 24       CHAIRMAN DUZAN: We're ready to move on to  
 25 J, Underground Injection Control, and we have Hillary

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1 Young speaking.  
 2       MS. YOUNG: Hello, I'm Hillary Young. I'm  
 3 chief engineer of the land protection division and I'm  
 4 going to be presenting to you the changes to Chapter  
 5 652, our underground injection control rules. As with  
 6 the other chapters, the changes are simply updating  
 7 the citation where it appeared in the rules and it's  
 8 just one -- in one place, under the citing criteria  
 9 for Class-1 wells. And so at the August 23, 2022  
 10 Water Quality Management Advisory Council meeting, DEQ  
 11 will be proposing an emergency rule for OAC 252.652.  
 12       DEQ has deemed that this emergency rule is  
 13 necessary as an emergency measure to protect public  
 14 health, safety, and welfare. This is due to statutory  
 15 changes that will become effective November 1, 2022,  
 16 and DEQ plans to present this rule as a permanent rule  
 17 at the January 2023 Council meeting. That's it.  
 18       CHAIRMAN DUZAN: Any questions or comments  
 19 from the Council? Questions or comments from the  
 20 public?  
 21       Okay. Then we'll move on to K, Aquifer  
 22 Storage and Recovery.  
 23       Hillary.  
 24       MS. YOUNG: Okay. So again, for Chapter 653  
 25 our aquifer storage and recovery rules. We went in

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1 and simply made changes to update the citations where  
 2 it was necessary. They appeared under the groundwater  
 3 standards, the ASR treatment plant construction in  
 4 Subchapter 5, Subchapter 9 under aquifer storage and  
 5 recovery operations, and as with the UIC rules, these  
 6 were simply updating citations.  
 7       Okay. Now, at the August 23, 2022 Water  
 8 Quality Management Advisory Council meeting, DEQ will  
 9 be proposing an emergency rule for OAC252:653. DEQ  
 10 has deemed that this emergency rule is necessary as an  
 11 emergency measure to protect public health, safety,  
 12 and welfare. This is due to statutory changes that  
 13 would become effective November 1, 2022. DEQ plans to  
 14 present this rule as a permanent rule at the  
 15 January 2023 Council meeting. And that's it.  
 16       CHAIRMAN DUZAN: Okay. Questions or  
 17 comments from Council? Questions or comments from the  
 18 public?  
 19       Okay. I think we're good.  
 20       MS. YOUNG: And I just have one additional  
 21 thing. I wanted to introduce, we have a new UIC  
 22 attorney and I want to introduce him to Council and  
 23 Christopher Robinson, and Christopher, he came to us  
 24 from the AG's office. So we're super happy to have  
 25 him. Thank you.

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1       CHAIRMAN DUZAN: Glad to have you on board,  
 2 sir.  
 3       MR. ROBINSON: Thank you. Happy to be here.  
 4       CHAIRMAN DUZAN: Okay. Since we're not  
 5 voting on any of these now, we can move on to the  
 6 directors report.  
 7       MS. CHARD: I will start by turning things  
 8 over to Jeff Franklin to provide an update from the  
 9 State Environmental Laboratory.  
 10       MR. FRANKLIN: Okay. How is everybody doing  
 11 today? Good job getting us through all that,  
 12 appreciate that.  
 13       I'll just give you a couple things that we  
 14 went over the last time we met. We actually purchased  
 15 the mobile lab. That was delivered in January, we're  
 16 pretty excited about it. We're still applying the  
 17 safety-related equipment to go with it so we can put  
 18 it in the field hopefully by September.  
 19       We plan to use it to support our small  
 20 systems assistance program as well as targeted  
 21 outreach as a training vessel, if you will, and then  
 22 to enhance the agency's emergency response  
 23 capabilities.  
 24       We plan to have some basic bacteria testing  
 25 on board, so we're working towards competency in that



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1 area. I'm pretty excited about it. So we got that  
 2 going on.  
 3 I think last time we also talked about  
 4 UCMR-5. We have made a lot of progress since the last  
 5 time we talked. We have basically completed all of  
 6 our competency training for both lithium and PFAS. We  
 7 have successfully completed some TNI gap audits.  
 8 We're working on proficiency testing samples and we  
 9 are on schedule to make application to be recognized  
 10 as an EPA-approved laboratory to support UCMR-5, and  
 11 that date is August 1st. We also had a TNI  
 12 accreditation that's scheduled for the week of  
 13 August 18th.  
 14 And earlier this week, we sent some flyers  
 15 that looked like this to all the large public water  
 16 supplies in the state to make them not just aware but  
 17 we are going to have to be able to support their needs  
 18 for the program which kicks off January of '23.  
 19 So we're, we're pretty excited about that.  
 20 I think we would be remiss if we didn't say that as  
 21 we've said throughout the pandemic era that we are  
 22 continuing to experience staff and manager turnover,  
 23 and so that comes with its own challenges when you're  
 24 talking about training staff for complex analytical  
 25 testing, as Brian knows all too well.

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1 We have two interns currently working in the  
 2 laboratory as part of our EJ program, so they're  
 3 making significant contributions to what we're doing  
 4 as well as getting some solid background in the  
 5 industry.  
 6 The other thing I want to bring is you've  
 7 got a flyer that, with our partners in Water Quality,  
 8 we are really pushing forward our lead testing in  
 9 schools and daycares forward, and that's pretty  
 10 exciting. That report is comprehensive to the last  
 11 quarter's performance. If you have any questions with  
 12 that, you can get back to us, but I think everybody is  
 13 kind of proud of the work we're doing, making a  
 14 positive impact, touching lives and keeping them safe.  
 15 So I think it's a pretty high priority not just for  
 16 the agency but OSEE and the governor are all on board  
 17 with that program as well.  
 18 One of the things that -- I say this, it's a  
 19 big deal to us, we went through -- we had a lot of  
 20 legacy hazardous waste and chemical inventory. Some  
 21 of it was a byproduct of our analysis, some of it was  
 22 chemicals that we brought over from the Health  
 23 Department. It goes back a long ways.  
 24 They've been stockpiled on the first floor  
 25 for awhile, and thanks to our friends and Land

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1 Protection who footed the tab, we were able to lab  
 2 pack this chemical waste, expired chemicals, hazardous  
 3 waste, materials, and samples, quite frankly, that  
 4 were hazardous.  
 5 So we were able to finish that in June with  
 6 their assistance, like I said, and that's been a big  
 7 difference. I feel really good about not just the  
 8 space but the safety concerns that come with removing  
 9 all those materials from the facility. So that's,  
 10 that's a big achievement in our mind. So we're never  
 11 letting us fall back into that trap again.  
 12 One of the things I'd like to mention, and  
 13 I'm glad that Erin straightened me out on this  
 14 earlier, but our 2022 mercury and fish consumption  
 15 advisories have been completed. We expect them, a  
 16 press release to come within the next week or so and  
 17 then the booklets that come with it, the lake advisory  
 18 manager's notifications as well as website update, we  
 19 expect that to happen, to follow once the press  
 20 release is made. So we've got that going on.  
 21 Just a little bit, I had mentioned something  
 22 about our small system assistance program. We are  
 23 really improving compliance rates, but and also, you  
 24 know, reducing health-based violations through the  
 25 program, through this enhanced technical assistance.

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1 We've collaborated with water quality and  
 2 identified those target systems. We hope to  
 3 incorporate our mobile lab into that program as a way  
 4 to facilitate not just transport but analysis for the  
 5 samples that have short hold times and such.  
 6 So, and we're going to use it, like I said  
 7 before, about targeted outreach, train them how to  
 8 collect and submit and things like that. So we're  
 9 looking forward to hitting that as a trial run as part  
 10 of the September is what we're up to.  
 11 I would be remiss if I didn't talk about our  
 12 systematic cost value analysis that reduced our  
 13 operational budget by \$300,000, and we're pretty proud  
 14 of that and we look to continue to look for ways to  
 15 reduce that even further and look for gained  
 16 efficiencies. That's all part of our Leading the Way  
 17 program that you've heard about.  
 18 Just one more thing. Here we are in a  
 19 rule-making setting so I'd like to tell you that we  
 20 have new legal representation, that's John Brown, so  
 21 we're affiliated with Water Quality, staff.  
 22 So we are continuing to work on a systematic  
 23 approach to better define our true costs. We're about  
 24 35 percent of the way through our 200-plus tests that  
 25 we do. Some day soon, hopefully we'll be bringing

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1 that proposal to you for evaluation. We're very much  
 2 looking forward to Mr. Brown's contributions to making  
 3 a solid product that makes sense and brings good value  
 4 to the, to the citizens and the systems in the state.  
 5 We also are -- back in June, our -- the rule  
 6 making for 301, 302, and 307 that you-guys all  
 7 approved and pushed through was adopted and  
 8 promulgated in June and we are making some flyers that  
 9 are informational in nature that should help the labs  
 10 interpret those rules and incorporations by reference  
 11 to, to make it easier on them on what it means and  
 12 what it doesn't mean and what, what they can do based  
 13 on that information.  
 14 And with that, that's about all I got unless  
 15 anybody has any questions. Thank you.  
 16 MS. CHARD: Okay. I know we've talked a lot  
 17 about PFAS. The last few weeks, you can't read any  
 18 newspaper or anything technically written that doesn't  
 19 at least touch PFAS. So I do want to just hit on a  
 20 couple of things that are important and are happening  
 21 right now.  
 22 I'm sure Mr. Duzan is familiar with EPA's  
 23 approach to water analysis for PFAS compounds. EPA is  
 24 requiring or trying to require, highly recommending I  
 25 think is the most recent terms I've heard, a draft

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1 method 1633. It has only been single-lab validated  
 2 and it has not gone through the promulgation process  
 3 to be incorporated into 40 CFR Part 136.  
 4 EPA says they are going to go down that  
 5 path. They are working with a series of DOD labs and  
 6 Eurofins to validate that method. Any federal permit  
 7 that's issued has PFAS monitoring requirements and it  
 8 does require 1633.  
 9 I know some of the labs in Oklahoma we've  
 10 heard are continuing to use 537.1, which is a drinking  
 11 water method that they are modifying for waste water.  
 12 I can't speak to the appropriateness or not of that.  
 13 I stopped being a chemist kind of person a really long  
 14 time ago, so there's some interesting back and forth  
 15 with EPA on how they're going to handle permit limits  
 16 for PFAS.  
 17 Right now, we have only two states where EPA  
 18 is the permit authority and then, of course, in any of  
 19 the tribal nations that do not have treatment as a  
 20 state designation, EPA is issuing those permits.  
 21 Oklahoma is one of the few states that has  
 22 biosolids and pretreatment authority, so EPA is  
 23 including those monitoring requirements in all of  
 24 those permits, and also in stormwater permits which is  
 25 kind of interesting.

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1 Again, we have the authority, so we're not  
 2 going to see that in our permits anytime real soon,  
 3 but that is something we're kind of keeping an eye on  
 4 as we see what EPA is doing.  
 5 We've had a series of calls with EPA, some  
 6 of them specific to drinking water, some of them  
 7 specific to wastewater. In those calls, EPA has  
 8 reaffirmed that they intend to go from the -- having  
 9 the health advisories to actually having MCLs possibly  
 10 as early as December of this year. Typically, when  
 11 new MCLs come out, there's a three-year compliance  
 12 window to allow systems to get geared up.  
 13 The new health advisory went from a combined  
 14 70 parts per trillion to 0.004 parts per trillion for  
 15 individual constituents, not combined. We have a  
 16 minimum quantification level at this time set at four  
 17 parts per trillion, so any detect would trigger a  
 18 health advisory violation.  
 19 The MCL is supposed to take into account  
 20 both the science of what those health advisories are,  
 21 the laboratory testing methods and their detection  
 22 limits, and the economic cost to systems to build  
 23 whatever treatment is necessary. So it's going to be  
 24 interesting to see what happens.  
 25 EPA made the comment that when we see the

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1 final health advisory, right now they're interim, they  
 2 could still be orders of magnitude lower than the  
 3 interim. I don't know what that means, what that  
 4 looks like, but I think it's going to be very  
 5 challenging, so we're watching that very closely.  
 6 On the -- oh, go ahead.  
 7 MS. MACH: Hi, Director Chard.  
 8 Is .004 parts per trillion detectable? Can  
 9 we test at that level?  
 10 MS. CHARD: The -- well, I'm going to let  
 11 Jeff answer that, but I'm going to go with that's  
 12 everywhere. That's -- I mean, if you've ever been  
 13 anywhere where there's water repellent, grease  
 14 repellent, fire retardant, we're probably going to see  
 15 those levels, but I'll let an expert answer that.  
 16 MR. FRANKLIN: I don't know about "expert,"  
 17 we're relatively new to this, but I'm kind of shocked,  
 18 honestly, that we have not seen contamination levels  
 19 in our laboratory area that are impacting our ability  
 20 to see down that low, but that being said, we're just  
 21 talking about drinking water right now.  
 22 So we can do it in drinking water right now,  
 23 So we're just learning how to, for the most part,  
 24 so... but you start bringing, you know, other matrixes  
 25 into the mix, I think that's going to be unattainable.

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1 MS. MACH: Thank you.

2 MS. CHARD: On the Clean Water Act side, a

3 couple of the newest developments. There is an

4 aquatic life criteria that is out for public comment

5 for PFAS. Fish flesh primarily is what that's looking

6 at. We had some questions about the method that EPA

7 didn't follow their own guidance, so we have asked --

8 I say "we," DEQ but also state organizations a lot of

9 researchers in industry are asking questions at how

10 they are proposing to derive this new water quality

11 standard, so we'll definitely be paying attention to

12 that.

13 We're also starting to hear more about MCLs

14 related to PFAS -- I'm sorry, ELGs, effluent

15 limitation guidelines, for PFAS manufacturers, which

16 of course makes sense, but also metal finishers, metal

17 plating where they are using chemicals that have a

18 PFAS component to them.

19 They're also talking about ELGs related to

20 certain food items. I don't know what that means. We

21 haven't gotten any further information. So that will

22 also be something we're following very closely and

23 we're looking at.

24 BMPs for storm water to address PFAS, EPA

25 has talked about, well, stormwater conveyance channels

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1 would all be lined so that you could have no intrusion

2 of contaminated groundwater or some other nefarious

3 entry point. Have no idea what that's going to look

4 like, but EPA Headquarters Office of Water is talking

5 about it, so that's definitely one of those that we

6 pay attention to quite a bit.

7 Biosolids has been an area where there's

8 been a lot of attention. In Maine, they have

9 prohibited all land application of biosolids because

10 of concern of PFAS contamination. There are other

11 states that are considering it, looking at it.

12 Prohibiting the land application of

13 biosolids is a big deal. Farmers use it routinely and

14 it's a lower cost fertilizer option for them and it's

15 a good practice that many of our municipalities have

16 been using for a long time. For a while, that was the

17 only disposal method that EPA was really promoting, so

18 we'll see how that shakes out. It's going to impact

19 our cities. We've already started to hear from some

20 neighborhoods or property owners going to their

21 legislators to try to get that practice stopped here

22 in Oklahoma.

23 So if asked, at this point, we still think

24 it's a very good option. People are not going to stop

25 flushing their toilets. We're going to have to treat

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1 wastewater, and part of that treatment is biosolids.

2 EPA is talking about the possibility of

3 requiring upstream, downstream monitoring for PFAS to

4 determine how much PFAS may be entering a water body

5 from biosolids. They're talking about potentially

6 having public notice requirements if you have any

7 detection of PFAS on any downstream water intake.

8 They're talking about it. I haven't seen it

9 in writing, I haven't seen it in guidance or a rule,

10 but they are talking about it to the states, at least,

11 and so I'm assuming to others as well. So that's

12 something definitely we all need to stay in tune.

13 So PFAS is going to be with us a while. So

14 I'll just leave it there and say the one good thing

15 about PFAS, we do have money that is earmarked in the

16 bipartisan infrastructure law that is specific for

17 contaminants of emergent concern with PFAS being top

18 on EPA's list for eligibility. So there will at least

19 be some money for the next five years to deal with

20 PFAS.

21 Another funding program that you may not

22 have heard about, this is state specific. It was part

23 of the appropriations process. DEQ received

24 \$10 million to work with Oklahoma Rural Water

25 Association to fund rural projects. We've been

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1 meeting, looking at what kind of projects that might

2 be. 3300 is the population cap and we're looking at a

3 hundred thousand dollars that could be a grant for a

4 project.

5 We've already been contacted by a few

6 systems that are looking at hydraulic analysis,

7 water-age studies, smoke testing, meter replacement,

8 valve replacement, pump replacements, well rehab.

9 It's not limited to those, but that's what we're

10 hearing so far.

11 So those of you who are rural or work for

12 rural communities or small communities under 3300,

13 there is that dedicated \$10 million. The hope is that

14 it's not a one-time appropriation, but time will tell.

15 If we're able to show some really good work, hopefully

16 that funding will continue.

17 And I will share with one piece of good

18 news, that I'm very excited. One of our DEQ public

19 water supply managers, Kay Coffey, has been awarded a

20 national dedication and career service award in the

21 drinking water field. She will receive that award in

22 person in Scottsdale, Arizona, in October. So that's

23 very exciting. That's the first Oklahoman to win.

24 So with that piece of good news, I will stop

25 there unless you-all have questions for me.


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1 CHAIRMAN DUZAN: Thank you. Yeah, that is  
 2 good news. It's always good to talk about lab stuff,  
 3 you know, especially when there's no new regulations  
 4 or fees.  
 5 Any other questions or comments from the  
 6 Council about her discussion?  
 7 Okay. We'll move on to new business. I do  
 8 not believe we have any new business. So  
 9 announcements, our next scheduled meeting is  
 10 August 23, 2022 at I'm assuming 2:00 p.m. in this  
 11 building in this room. And so we will now take a  
 12 motion for adjournment.  
 13 DR. JARMAN: I'll move.  
 14 MS. MACH: Second.  
 15 CHAIRMAN DUZAN: Vote.  
 16 SECRETARY FIELDS: Mr. Carr?  
 17 MR. CARR: Yes.  
 18 SECRETARY FIELDS: Dr. Jarman?  
 19 DR. JARMAN: Yes.  
 20 SECRETARY FIELDS: For the record, Ms. Mach  
 21 is -- has attended the meeting.  
 22 Ms. Mach?  
 23 MS. MACH: Yes.  
 24 SECRETARY FIELDS: Dr. Moore?  
 25 DR. MOORE: Yes.

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1 SECRETARY FIELDS: Mr. Smith?  
 2 MR. SMITH: Yes.  
 3 SECRETARY FIELDS: Mr. Sowers?  
 4 MR. SOWERS: Yes.  
 5 SECRETARY FIELDS: Mr. Winegardner?  
 6 MR. WINEGARDNER: Yes.  
 7 SECRETARY FIELDS: Mr. Duzan?  
 8 CHAIRMAN DUZAN: Yes.  
 9 SECRETARY FIELDS: Motion passed.  
 10 CHAIRMAN DUZAN: And we are adjourned.  
 11 (The WATER QUALITY MANAGEMENT ADVISORY  
 12 COUNCIL meeting was concluded at 3:28 p.m.)  
 13  
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 25

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1 CERTIFICATE  
 2 STATE OF OKLAHOMA )  
 3 ) SS:  
 4 )  
 5 COUNTY OF OKLAHOMA )  
 6  
 7 I, Abby Rhodes, CSR, RPR, do hereby certify  
 8 that on July 26 , 2022 at the offices of the  
 9 Department of Environmental Quality, Oklahoma City,  
 10 Oklahoma, that the foregoing pages constitute a full,  
 11 true, and correct transcript of the Water Quality  
 12 Management Advisory Council meeting on the date as  
 13 indicated.  
 14 I do further certify that I am not counsel,  
 15 attorney, or relative of either party, or otherwise  
 16 interested in the event of this Water Quality  
 17 Management Advisory Council meeting.  
 18 IN WITNESS WHEREOF, I have hereunto set my  
 19 hand and affixed my seal at my office in Oklahoma City  
 20 Oklahoma County, Oklahoma, this 2nd day of August,  
 21 2022.  
 22   
 23 \_\_\_\_\_  
 24 Abby Rhodes, CSR, RPR  
 25 CSR No. 1939.



# WATER QUALITY MANAGEMENT ADVISORY COUNCIL

Attendance Record  
July 26, 2022  
Department of Environmental Quality  
Oklahoma City, Oklahoma

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**WATER QUALITY MANAGEMENT  
ADVISORY COUNCIL**

**Attendance Record**

**July 26, 2022**

**Department of Environmental Quality  
Oklahoma City, Oklahoma**

**CHECK BOX TO COMMENT**

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