

MINUTES
WATER QUALITY MANAGEMENT ADVISORY COUNCIL
August 23, 2022
Oklahoma Department of Environmental Quality
Multipurpose Room
Oklahoma City, Oklahoma

Official WQMAC

To be approved at the January 5, 2023 Meeting

Notice of Public Meeting – The Water Quality Management Advisory Council (WQMAC) convened for a Special 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 May 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
 Rick Moore
 Bill Smith
 Steve Sowers
 Debbie Wells
 Duane Winegardner
 Brian Duzan

MEMBERS ABSENT

Mary Mach
 Mark Matheson

DEQ STAFF PRESENT

Shellie Chard
 Karen Steele
 David Cates
 Jennifer Boyle
 Brian Clagg
 Jeff Franklin
 Chris Robinson
 Cody Danielson
 Lloyd Kirk
 Greg Carr
 Mark Hildebrand
 April Eberle
 Quiana Fields

OTHERS PRESENT

Jenny Longley, Court Reporter

Approval of Minutes from the July 26, 2022 Meeting – Mr. Duzan called for a motion to approve the Minutes of the July 26, 2022 Regular Meeting. Dr. Moore moved to approve and Mr. Smith made the second.

See transcript pages 3 – 4

Robert Carr	Yes	Steve Sowers	Yes
Ron Jarman	Yes	Debbie Wells	Yes
Rick Moore	Yes	Duane Winegardner	Yes
Bill Smith	Yes	Brian Duzan	Yes

EMERGENCY RULEMAKING OAC 252:730 OKLAHOMA’S WATER QUALITY STANDARDS – Mr. Brian Clagg, Environmental Programs Manager of the WQD, stated that the DEQ staff is proposing to: promulgate this new rule to replace the Oklahoma Water Resources Board (OWRB) rule OAC 785:45 – OKLAHOMA’S WATER QUALITY STANDARDS. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering Oklahoma Water Quality Standards (OWQS) from OWRB to the DEQ and

specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety and welfare in order to comply with the statutory changes. This rule must be approved by the Environmental Quality Board (EQB), signed by the Governor and be in effect on November 1, 2022, the effective date of the legislation. A failure to promulgate this emergency rule may result in permit issuance delays and the application of federal Water Quality Standards in the State of Oklahoma. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Hearing no questions or comments by the Council or by the public, Mr. Duzan called for a motion. Mr. Sowers moved to approve and Mr. Smith made the second.

See transcript pages 4 – 13

Robert Carr	Yes	Steve Sowers	Yes
Ron Jarman	Yes	Debbie Wells	Yes
Rick Moore	Yes	Duane Winegardner	Yes
Bill Smith	Yes	Brian Duzan	Yes

EMERGENCY RULEMAKING OAC 252:740 – IMPLEMENTATION OF OKLAHOMA’S WATER QUALITY STANDARDS – Mr. Clagg stated that the DEQ staff is proposing to: promulgate this new rule to replace the OWRB rule OAC 785:46 – **IMPLEMENTATION OF OKLAHOMA’S WATER QUALITY STANDARDS**. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety and welfare in order to comply with the statutory changes. This rule must be approved by the EQB, signed by the Governor and be in effect on November 1, 2022, the effective date of the legislation. A failure to promulgate this emergency rule may result in permit issuance delays and the application of federal Water Quality Standards in the State of Oklahoma. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Hearing no questions or comments by the Council or by the public, Mr. Duzan called for a motion. Mr. Winegardner moved to approve and Dr. Jarman made the second.

See transcript pages 13 – 16

Robert Carr	Yes	Steve Sowers	Yes
Ron Jarman	Yes	Debbie Wells	Yes
Rick Moore	Yes	Duane Winegardner	Yes
Bill Smith	Yes	Brian Duzan	Yes

EMERGENCY RULEMAKING OAC 252:606 – OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS – Mr. Clagg, stated that the DEQ staff is proposing to: update the rule to ensure that references to OAC 785:45, OAC 785:46 and to the OWRB’s authority for administering OWQS appropriately cite new emergency rules, OAC 252:730 and OAC 252:740 and DEQ’s authority over Water Quality Standards including the authority to issue Water Quality Standard Variances. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety and welfare in order to comply with the statutory changes. This rule must be approved by the EQB, signed by the Governor and be in effect on November 1, 2022, the effective date of the

legislation. A failure to promulgate this emergency rule may result in permit issuance delays and the application of federal Water Quality Standards in the State of Oklahoma. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Hearing no questions or comments by the Council or by the public, Mr. Duzan called for a motion. Ms. Wells moved to approve and Dr. Jarman made the second.

See transcript pages 16 – 19

Robert Carr	Yes	Steve Sowers	Yes
Ron Jarman	Yes	Debbie Wells	Yes
Rick Moore	Yes	Duane Winegardner	Yes
Bill Smith	Yes	Brian Duzan	Yes

EMERGENCY RULEMAKING OAC 252:611 – GENERAL WATER QUALITY – Mr. Clagg stated that the DEQ staff is proposing to: update the rule to ensure that references to OAC 785:45 and to the OWRB’s authority for administering OWQS appropriately cite new emergency rule OAC 252:730 and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety and welfare in order to comply with the statutory changes. This rule must be approved by the EQB, signed by the Governor and be in effect on November 1, 2022, the effective date of the legislation. A failure to promulgate this emergency rule may result in permit issuance delays and the application of federal Water Quality Standards in the State of Oklahoma. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Hearing no questions or comments by the Council or by the public, Mr. Duzan called for a motion. Mr. Smith moved to approve and Dr. Moore made the second.

See transcript pages 19 – 21

Robert Carr	Yes	Steve Sowers	Yes
Ron Jarman	Yes	Debbie Wells	Yes
Rick Moore	Yes	Duane Winegardner	Yes
Bill Smith	Yes	Brian Duzan	Yes

EMERGENCY RULEMAKING OAC 252:616 INDUSTRIAL WASTEWATER SYSTEMS – Mr. Clagg stated that the DEQ staff is proposing to: update the rule to ensure that references to OAC 785:45 and to the OWRB’s authority for administering OWQS appropriately cite new emergency rule OAC 252:730 and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety and welfare in order to comply with the statutory changes. This rule must be approved by the EQB, signed by the Governor and be in effect on November 1, 2022, the effective date of the legislation. A failure to promulgate this emergency rule may result in permit issuance delays and the application of federal Water Quality Standards in the State of Oklahoma. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Hearing no questions or comments by the Council or by the public, Mr. Duzan called for a motion. Dr. Jarman moved to approve and Mr. Sowers made the second.

See transcript pages 21 – 23

Robert Carr	Yes	Steve Sowers	Yes
Ron Jarman	Yes	Debbie Wells	Yes
Rick Moore	Yes	Duane Winegardner	Yes
Bill Smith	Yes	Brian Duzan	Yes

EMERGENCY RULEMAKING OAC 252:621 – NON-INDUSTRIAL DISCHARGING AND PUBLIC WATER SUPPLY LAGOONS – Mr. Clagg stated that the DEQ staff is proposing to: update the rule to ensure that references to OAC 785:45 and to the OWRB’s authority for administering OWQS appropriately cite new emergency rule OAC 252:730 and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety and welfare in order to comply with the statutory changes. This rule must be approved by the EQB, signed by the Governor and be in effect on November 1, 2022, the effective date of the legislation. A failure to promulgate this emergency rule may result in permit issuance delays and the application of federal Water Quality Standards in the State of Oklahoma. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Hearing no questions or comments by the Council or by the public, Mr. Duzan called for a motion. Mr. Sowers moved to approve and Ms. Wells made the second.

See transcript pages 23 – 25

Robert Carr	Yes	Steve Sowers	Yes
Ron Jarman	Yes	Debbie Wells	Yes
Rick Moore	Yes	Duane Winegardner	Yes
Bill Smith	Yes	Brian Duzan	Yes

EMERGENCY RULEMAKING OAC 252:628 – INDIRECT POTABLE REUSE FOR SURFACE WATER AUGMENTATION – Mr. Clagg stated that the DEQ staff is proposing to: update the rule to ensure that references to OAC 785:45, OAC 785:46 and to the OWRB’s authority for administering OWQS appropriately cite new emergency rule OAC 252:730 and OAC 252:740 and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety and welfare in order to comply with the statutory changes. This rule must be approved by the EQB, signed by the Governor and be in effect on November 1, 2022, the effective date of the legislation. A failure to promulgate this emergency rule may result in permit issuance delays and the application of federal Water Quality Standards in the State of Oklahoma. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Hearing no questions or comments by the Council or by the public, Mr. Duzan called for a motion. Mr. Smith moved to approve and Ms. Wells made the second.

See transcript pages 25 – 27

Robert Carr	Yes	Steve Sowers	Yes
Ron Jarman	Yes	Debbie Wells	Yes
Rick Moore	Yes	Duane Winegardner	Yes
Bill Smith	Yes	Brian Duzan	Yes

EMERGENCY RULEMAKING OAC 252:652 – UNDERGROUND INJECTION CONTROL – Mr. David Cates, Engineering Manager of the Land Protection Division (LPD), stated that the DEQ staff is proposing to: update the rule to ensure that references to OAC 785:45 and to the OWRB’s authority for administering OWQS appropriately cite new emergency rule OAC 252:730 and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety and welfare in order to comply with the statutory changes. This rule must be approved by the EQB, signed by the Governor and be in effect on November 1, 2022, the effective date of the legislation. A failure to promulgate this emergency rule may result in permit issuance delays and the application of federal Water Quality Standards in the State of Oklahoma. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Hearing no questions or comments by the Council or by the public, Mr. Duzan called for a motion. Ms. Wells moved to approve and Dr. Jarman made the second.

See transcript pages 27 – 29

Robert Carr	Yes	Steve Sowers	Yes
Ron Jarman	Yes	Debbie Wells	Yes
Rick Moore	Yes	Duane Winegardner	Yes
Bill Smith	Yes	Brian Duzan	Yes

EMERGENCY RULEMAKING OAC 252:653 – AQUIFER STORAGE AND RECOVERY – Mr. Cates stated that the DEQ staff is proposing to: update the rule to ensure that references to OAC 785:45 and to the OWRB’s authority for administering OWQS appropriately cite new emergency rule OAC 252:730 and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety and welfare in order to comply with the statutory changes. This rule must be approved by the EQB, signed by the Governor and be in effect on November 1, 2022, the effective date of the legislation. A failure to promulgate this emergency rule may result in permit issuance delays and the application of federal Water Quality Standards in the State of Oklahoma. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Hearing no questions or comments by the Council or by the public, Mr. Duzan called for a motion. Dr. Moore moved to approve and Dr. Jarman made the second.

See transcript pages 30 – 32

Robert Carr	Yes	Steve Sowers	Yes
Ron Jarman	Yes	Debbie Wells	Yes
Rick Moore	Yes	Duane Winegardner	Yes
Bill Smith	Yes	Brian Duzan	Yes

EMERGENCY RULEMAKING OAC 252:656 WATER POLLUTION CONTROL FACILITY CONSTRUCTION STANDARDS – Mr. Clagg stated that the DEQ staff is proposing to: update the rule to ensure that references to OAC 785:45 and to the OWRB’s authority for administering OWQS appropriately cite new emergency rule OAC 252:730 and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session,

Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety and welfare in order to comply with the statutory changes. This rule must be approved by the EQB, signed by the Governor and be in effect on November 1, 2022, the effective date of the legislation. A failure to promulgate this emergency rule may result in permit issuance delays and the application of federal Water Quality Standards in the State of Oklahoma. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting. Hearing no questions or comments by the Council or by the public, Mr. Duzan called for a motion. Ms. Wells moved to approve and Mr. Smith made the second.

	<i>See transcript pages 32 – 34</i>		
Robert Carr	Yes	Steve Sowers	Yes
Ron Jarman	Yes	Debbie Wells	Yes
Rick Moore	Yes	Duane Winegardner	Yes
Bill Smith	Yes	Brian Duzan	Yes

EMERGENCY RULEMAKING OAC 252:690 – WATER QUALITY STANDARDS IMPLEMENTATION – Mr. Clagg stated that the DEQ staff is proposing to: update the rule to ensure that references to OAC 785:45, OAC 785:46 and to the OWRB's authority for administering OWQS appropriately cite new emergency rules, OAC 252:730 and OAC 252:740 and DEQ's authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and by the Governor transferring authority for administering OWQS from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety and welfare in order to comply with the statutory changes. This rule must be approved by the EQB, signed by the Governor and be in effect on November 1, 2022, the effective date of the legislation. A failure to promulgate this emergency rule may result in permit issuance delays and the application of federal Water Quality Standards in the State of Oklahoma. DEQ plans to either present this rule as a permanent rule at the January 2023 WQMAC meeting or incorporate the requirements of this chapter into the permanent Chapter 740 and revoke this chapter at the January 2023 meeting. Hearing no questions or comments by the Council or by the public, Mr. Duzan called for a motion. Mr. Sowers moved to approve and Ms. Wells made the second.

	<i>See transcript pages 34 – 37</i>		
Robert Carr	Yes	Steve Sowers	Yes
Ron Jarman	Yes	Debbie Wells	Yes
Rick Moore	Yes	Duane Winegardner	Yes
Bill Smith	Yes	Brian Duzan	Yes

DIRECTOR'S REPORT – Ms. Shellie Chard, Division Director of WQD, provided an update on other division activities.

See transcript pages 38 – 40

NEW BUSINESS – None

ANNOUNCEMENTS – The next scheduled meeting is on Tuesday, September 27, 2022, 2:00p. m. at DEQ.

ADJOURNMENT – Mr. Duzan called for a motion to adjourn. Dr. Jarman moved to adjourn and Dr. Moore made the second. The meeting was adjourned at 2:46 p.m.

See transcript page 41

Robert Carr	Yes	Steve Sowers	Yes
Ron Jarman	Yes	Debbie Wells	Yes
Rick Moore	Yes	Duane Winegardner	Yes
Bill Smith	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
"SPECIAL MEETING"
ON AUGUST 23, 2022 AT 2:00 PM
IN OKLAHOMA CITY, OKLAHOMA

REPORTED BY: Jenny Longley, CSR

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

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1 Dr. Moore?
 2 DR. MOORE: Yes, here.
 3 SECRETARY FIELDS: Mr. Smith?
 4 MR. SMITH: Here.
 5 SECRETARY FIELDS: Mr. Sowers?
 6 MR. SOWERS: Here.
 7 SECRETARY FIELDS: Ms. Wells?
 8 MS. WELLS: Here.
 9 SECRETARY FIELDS: Mr. Winegardner?
 10 MR. WINEGARDNER: Here.
 11 SECRETARY FIELDS: Mr. Duzan?
 12 CHAIRMAN DUZAN: Here.
 13 SECRETARY FIELDS: We have a quorum.
 14 CHAIRMAN DUZAN: Okay. We'll go on to the
 15 approval of the minutes from the July 26, 2022
 16 meeting. Any questions or comments from the
 17 Council?
 18 DR. MOORE: I make a motion to accept.
 19 MR. SMITH: Second.
 20 CHAIRMAN DUZAN: We have a motion and a
 21 second. Go to a vote.
 22 SECRETARY FIELDS: Mr. Carr?
 23 MR. CARR: Yes.
 24 SECRETARY FIELDS: Dr. Jarman?
 25 DR. JARMAN: Yes.

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1 SECRETARY FIELDS: Dr. Moore?
 2 DR. MOORE: Yes.
 3 SECRETARY FIELDS: Mr. Smith?
 4 MR. SMITH: Yes.
 5 SECRETARY FIELDS: Mr. Sowers?
 6 MR. SOWERS: Yes.
 7 SECRETARY FIELDS: Ms. Wells?
 8 MS. WELLS: Yes.
 9 SECRETARY FIELDS: Mr. Winegardner?
 10 MR. WINEGARDNER: Yes.
 11 SECRETARY FIELDS: Mr. Duzan?
 12 CHAIRMAN DUZAN: Yes.
 13 SECRETARY FIELDS: Motion passed.
 14 CHAIRMAN DUZAN: Okay. We're going to get
 15 into the Emergency Rulemaking OAC 252:730
 16 "Oklahoma's Water Quality Standards", and we'll get
 17 to hear from Brian Clagg a lot today.
 18 MR. CLAGG: Can y'all hear me, is that --
 19 does that work? No? Okay. The red light, all
 20 right.
 21 All right. Thank you, Brian. I
 22 appreciate the Council for being here today. This
 23 is a special meeting, as you know, that we
 24 scheduled; so, thank you.
 25 On July 26, 2022, the Water Quality

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1 Management Advisory Council met to discuss emergency
 2 rulemaking that affects several of our existing rule
 3 chapters, plus a couple of new chapters. Those new
 4 chapters that we discussed and introduced to you
 5 were Chapter 730, Oklahoma Water Quality Standards,
 6 and Chapter 740, Implementation of Oklahoma Water
 7 Quality Standards.
 8 So let me begin by providing a brief
 9 overview of the legislative activity that occurred
 10 that requires us to perform this emergency
 11 rulemaking. This overview applies to all the
 12 rulemaking actions that we are discussing today.
 13 During the 2022 Oklahoma Legislative Session, two
 14 bills were passed by the Legislature and signed by
 15 the Governor that transfers authority for
 16 administering Oklahoma Water Quality Standards from
 17 the OWRB to the Department of Environmental Quality.
 18 The effective date of this legislation is
 19 November 1, 2022.
 20 The first bill, Senate Bill No. 1325,
 21 Amended Oklahoma Statute 27A Section 1-3-101 that
 22 describes DEQ's jurisdictional areas of
 23 environmental responsibility. Specifically, the
 24 bill states in part that DEQ will have authority
 25 for, quote, "Development and promulgation of

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1 Oklahoma Water Quality Standards, their accompanying
 2 use support assessment protocols, anidegradation
 3 policies generally affecting Oklahoma Water Quality
 4 Standards application and implementation including
 5 but not limited to mixing zones, low flows and
 6 variances or any modification or change thereof
 7 pursuant to Section 1085.30 of Title 82 of the
 8 Oklahoma Statutes", end quote.
 9 Section 1085.30 of Title 82, which
 10 describes classification of water uses, was amended
 11 to denote that the DEQ, not OWRB, is authorized to
 12 promulgate rules to be known as, quote, "Oklahoma
 13 Water Quality Standards", which established
 14 classifications of uses of waters of the state,
 15 criteria to maintain and protect such
 16 classifications, and other standards or policies
 17 pertaining to the quality of such waters.
 18 The second bill, House Bill 3824, was
 19 also passed, amending Section 1-3-101 of 27A. This
 20 amendment gave DEQ jurisdiction for, quote,
 21 "adoption of water quality standard variances and
 22 site-specific criteria to the extent that such
 23 variances and site-specific criteria are utilized in
 24 and enforced through water quality permits issued by
 25 the Department. Such variances and site-specific

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1 criteria may be adopted through rulemaking or
 2 through the permitting process; provided that the
 3 process satisfies the public participation and water
 4 quality standard variance requirements set forth in
 5 the corresponding federal regulations", end quote.
 6 As previously noted, the effective
 7 date for these two bills is November the 1st, 2022.
 8 Therefore, in order for the State of Oklahoma to
 9 have the authority to promulgate water quality
 10 standards and to implement water quality standards
 11 in our permits as of November 1, 2022, it is
 12 necessary that DEQ promulgate the two new rules,
 13 Chapters 730 and 740, to replace current rules
 14 Chapters OAC 785.45, which is titled "Oklahoma's
 15 Water Quality Standards", and OAC 785 Chapter 46,
 16 titled "Implementation of Oklahoma's Water Quality
 17 Standards" that were previously promulgated by the
 18 Oklahoma Water Resources Board.
 19 These rules must be approved by the
 20 Environmental Quality Board, signed by the Governor,
 21 and be in effect on November 1, 2022. Without the
 22 promulgation of these rules by DEQ, EPA could assume
 23 jurisdiction over water quality standards for the
 24 state.
 25 Since the last meeting of the

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1 Council, which was on July 26, 2022. DEQ did hold
 2 two public meetings to discuss and receive input
 3 from the public regarding this rulemaking. The
 4 first meeting was held on August the 9th, 2022 at
 5 1.00 p.m. at the Tulsa Mohawk Water Treatment Plant,
 6 where we had approximately 20 attendees. The second
 7 meeting was held here at DEQ at 9:00 a.m. on August
 8 the 18th, 2022, and we had five attendees.
 9 The majority of comments concerned
 10 the new chapters, 730 and 740, and most expressed a
 11 better understanding that these new chapters are
 12 basically copies of Chapters 45 and 46 and that DEQ
 13 has not made any widespread changes to these rules
 14 for this emergency rulemaking.
 15 One comment urged DEQ not to permit
 16 variances for Oklahoma Scenic Rivers. At the Tulsa
 17 meeting, it was also brought to DEQ's attention that
 18 we did not have the most current version of Chapters
 19 45 and 46 when drafting Chapters 730 and 740. We
 20 confirmed that to be the case upon review of the
 21 versions of these chapters posted on the Oklahoma
 22 Administrative Rules website, which required a
 23 couple of edits to each of the new chapters. I will
 24 highlight these changes as we look at Chapters 730
 25 and 740 here in a few minutes.

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1 To conclude these opening remarks
 2 today, today we will be asking the Council to vote
 3 to recommend to the Environmental Quality Board
 4 these two new emergency rules, 730 and 740, as well
 5 as the emergency rulemaking that was necessary to
 6 ensure that all of our existing rules, nine chapters
 7 to be exact, reference the new Chapters 730 and 740
 8 instead of OWRB's Chapters 45 and 46 or else
 9 appropriately identify or reference DEQ, not the
 10 OWRB, as the agency with jurisdictional authority to
 11 promulgate water quality standards and to adopt
 12 water quality standard variances. So that is the
 13 introduction here.
 14 So let's get started on our first
 15 rule, which is going to be OAC 252 Chapter 730. As
 16 mentioned earlier, OAC 252 Chapter 730 is titled
 17 "Oklahoma Water" -- "Oklahoma's Water Quality
 18 Standards" and is basically a copy of the OWRB's
 19 Chapter 45. In your binders, you will find a tab
 20 for Chapter 730 and a tab for the rule impact
 21 statement, so you'll have your text and rule impact
 22 statements in the binders. And since this is a new
 23 chapter, brand new chapter, all of the text is
 24 underlined.
 25 So I want to point out a few things

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<p style="text-align: right;">Page 10</p> <p>1 If we look at the first page after the preamble -- I 2 believe the preamble is on the front of each of 3 these -- it lists the subchapters and the 4 appendices. You will notice that Appendix C is 5 denoted as "Reserved". The reason for this is in 6 OAC Chapter 45, Appendix C was at some time revoked. 7 By us denoting it as reserved now, we don't need to 8 change the alphabetical designation of all the 9 following appendices, that way Appendix D remains as 10 Appendix D, Appendix E remains as Appendix E, et 11 cetera. This eliminates the need for us to correct 12 citations in other chapters that may have referenced 13 these appendices.</p> <p>14 Another section I want to bring to 15 your attention is 252:730-5-5, titled "Water Quality 16 Standard Variances". This is -- you'll find this on 17 page 14 of the text. And I just want to point out 18 that this section was changed to remove language 19 that read, quote, "OWRB rulemaking and approvals is 20 required for all water quality standard variances". 21 In Section 5-7 below that, changes were made to 22 denote that DEQ, not the Oklahoma Water Resources 23 Board, will review and approve detailed work plans 24 related to site-specific criteria.</p> <p>25 Another couple of sections that I</p>	<p style="text-align: right;">Page 12</p> <p>1 at the January 2023 Water Quality Management 2 Advisory Council meeting. That concludes my remarks 3 on Chapter 730. Thank you.</p> <p>4 CHAIRMAN DUZAN: Thank you. 5 Any questions or comments from the 6 Council on this? Questions or comments from the 7 public? 8 Okay. Then I'll take a motion. 9 MR. SOWERS: I make a motion to propose 10 the rulemaking to the Board. 11 MR. SMITH: Second. 12 CHAIRMAN DUZAN: Okay. Take a vote. 13 SECRETARY FIELDS: Dr. Jarman? 14 DR. JARMAN: Yes. 15 SECRETARY FIELDS: Mr. Carr? 16 MR. CARR: Yes. 17 SECRETARY FIELDS: Dr. Moore? 18 DR. MOORE: Yes. 19 SECRETARY FIELDS: Mr. Smith? 20 MR. SMITH: Yes. 21 SECRETARY FIELDS: Mr. Sowers? 22 MR. SOWERS: Yes. 23 SECRETARY FIELDS: Ms. Wells? 24 MS. WELLS: Yes. 25 SECRETARY FIELDS: Mr. Winegardner?</p>
<p style="text-align: right;">Page 11</p> <p>1 need to comment on are 252:730-5-19, titled 2 "Aesthetics", and 252:730-5-25, titled 3 "Implementation Policies for the Antidegradation 4 Policy Statement", on -- these are on pages 22 and 5 23.</p> <p>6 And as I mentioned -- as I mentioned 7 earlier, at the Tulsa public meetings, it was 8 brought to our attention that the language that we 9 had presented to you on July 26th for 730-5-19 and 10 5-25 didn't reflect the most recent rule changes at 11 OWRB. So what we have here, we've updated that -- 12 those sections to correctly reflect those most 13 recent changes, and so Chapter 730 here, this 14 emergency rule now incorporates those changes.</p> <p>15 I want to point out, DEQ staff is not 16 recommending a change in this emergency rule to 17 prohibit variances in any waterbody. DEQ is 18 requesting that the Water Quality Management 19 Advisory Council vote to recommend to the 20 Environmental Quality Board this emergency rule. 21 DEQ has deemed that this emergency rule is necessary 22 as an emergency measure to protect public health, 23 safety, and welfare in order to comply with the 24 statutory changes that take effect November 1, 2022. 25 DEQ plans to present this rule as a permanent rule</p>	<p style="text-align: right;">Page 13</p> <p>1 MR. WINEGARDNER: Yes. 2 SECRETARY FIELDS: Mr. Duzan? 3 CHAIRMAN DUZAN: Yes. 4 SECRETARY FIELDS: Motion passed. 5 CHAIRMAN DUZAN: Okay. We'll move on to 6 252:740, the "Implementation of Oklahoma's Water 7 Quality Standards". 8 MR. CLAGG: Okay. The second new chapter 9 is, as you mentioned, OAC 252:740, titled the 10 "Implementation of Oklahoma's Water Quality 11 Standards", and this one is basically a copy of the 12 OWRB's Chapter 46. 13 In your binders, you will find a tab 14 for Chapter 740 that includes the rule text and the 15 tab for the rule impact statement that has been 16 prepared for this rule, and again, this is a new 17 rule. This is a new chapter; so all of the text is 18 underlined. As I had noted at the July 26th Council 19 meeting, we had deleted Subchapter 17, which was 20 titled "OWRB's Water Quality Standards 21 Implementation Plan". Subchapter 17 then became 22 "Implementation of the DO Criteria to Protect Fish 23 Propagation", which was formerly Subchapter 19. 24 So there were some changes to the 25 appendices, as well, since in Chapter 46, Appendix A</p>

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1 had been revoked; so we denote it as "Reserved".
 2 Again, we do this so that we do not have to correct
 3 references, either in this chapter or others, if we
 4 had to relabel the appendices. We also removed
 5 Appendix D, which was titled "Summary of Comments on
 6 OWRB's Water Quality Standards Implementation Plan".
 7 So Chapter 740, just like 730,
 8 required many of the same edits as far as removing
 9 citations to the OWRB where applicable and making
 10 appropriate references to Chapters 730 and 740. And
 11 one other thing in this chapter that is a little
 12 different, as it has multiple references to various
 13 technical report documents. This was noted at the
 14 last Council meeting, but I'll state it again that
 15 when we do permanent rulemaking, we will be
 16 reviewing the support and reference documents to
 17 make sure that any updates are properly made.
 18 As we worked through Chapter 740,
 19 there were quite a few revoked sections that were
 20 removed which required renumbering of those
 21 sections. We have changed references, where
 22 necessary, to make sure that they have been updated.
 23 As with Chapter 730, we were recently
 24 made aware of a section within this chapter that
 25 needed to be updated in order to reflect the version

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1 of 785 Chapter 46 posted on the Oklahoma
 2 Administrative Rules website. This required
 3 updating 252:740-15-12, titled "Assessment of
 4 Aesthetic Support", to reflect the most recent
 5 changes made by the OWRB. So those changes were
 6 made and so we are -- got all the language that we
 7 need to from the most current copy of the OWRB
 8 rules.
 9 DEQ is requesting that the Water
 10 Quality Management Advisory Council vote to
 11 recommend to the Environmental Quality Board this
 12 emergency rule. DEQ has deemed that this emergency
 13 rule is necessary as an emergency measure to protect
 14 public health, safety, and welfare in order to
 15 comply with the statutory changes that take effect
 16 November 1, 2022. DEQ plans to present this rule as
 17 a permanent rule at the January 2023 Water Quality
 18 Management Advisory Council meeting. That concludes
 19 my remarks on Chapter 740. Thank you.
 20 CHAIRMAN DUZAN: Okay.
 21 Questions or comments from the
 22 Council? Questions or comments from the public?
 23 Then I'll entertain a motion.
 24 MR. WINEGARDNER: I move.
 25 DR. JARMAN: Second.

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1 CHAIRMAN DUZAN: Okay. We have a motion
 2 and a second. We'll have the vote.
 3 SECRETARY FIELDS: Mr. Carr?
 4 MR. CARR: Yes.
 5 SECRETARY FIELDS: Dr. Jarman?
 6 DR. JARMAN: Yes.
 7 SECRETARY FIELDS: Dr. Moore?
 8 DR. MOORE: Yes.
 9 SECRETARY FIELDS: Mr. Smith?
 10 MR. SMITH: Yes.
 11 SECRETARY FIELDS: Mr. Sowers?
 12 MR. SOWERS: Yes.
 13 SECRETARY FIELDS: Ms. Wells?
 14 MS. WELLS: Yes.
 15 SECRETARY FIELDS: Mr. Winegardner?
 16 MR. WINEGARDNER: Yes.
 17 SECRETARY FIELDS: Mr. Duzan?
 18 CHAIRMAN DUZAN: Yes.
 19 SECRETARY FIELDS: Motion passed.
 20 CHAIRMAN DUZAN: Okay. We'll move on to
 21 252:606, "Oklahoma Pollutant Discharge Elimination
 22 System Standards".
 23 Brian?
 24 MR. CLAGG: Okay. Beginning with this
 25 chapter, the remaining rules we will be asking the

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1 Council to vote on today basically consist of
 2 changes to reference 252:730 instead of 785:45,
 3 252:740 instead of 785:46, or DEQ instead of OWRB.
 4 I will point out any exceptions to that, where
 5 necessary.
 6 In your binders, you will find a tab
 7 for Chapter 606 that includes the rule text and a
 8 rule impact statement that has been prepared for
 9 this rule. From reviewing the proposed text, you
 10 can see that changes were made to Subchapter 1,
 11 "Introduction"; Subchapter 3, "Discharge Permitting
 12 Process for Individual and General Discharge
 13 Permits"; Subchapter 5, "Discharge Permit
 14 Requirements"; and Subchapter 8, "Biosolids
 15 Requirements". Please note that Subchapter 5
 16 references variances; so, again, DEQ staff is not
 17 recommending a change in this emergency rule to
 18 prohibit variances in any waterbody.
 19 DEQ is requesting that the Water
 20 Quality Management Advisory Council vote to
 21 recommend to the Environmental Quality Board this
 22 emergency rule. DEQ has deemed that this emergency
 23 rule is necessary as an emergency measure to protect
 24 public health, safety, and welfare in order to
 25 comply with the statutory changes that take effect

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1 on November 1st. DEQ plans to present this rule as
 2 a permanent rule at the January 2023 Water Quality
 3 Management Advisory Council Meeting. That concludes
 4 my remarks on Chapter 606. Thank you.
 5 CHAIRMAN DUZAN: Thank you.
 6 Questions or comments from the
 7 Council? Questions or comments from the public?
 8 Then I'll entertain a motion.
 9 MS. WELLS: So move.
 10 DR. JARMAN: Second.
 11 CHAIRMAN DUZAN: Okay. A vote?
 12 SECRETARY FIELDS: Mr. Carr?
 13 MR. CARR: Yes
 14 SECRETARY FIELDS: Dr. Jarman?
 15 DR. JARMAN: Yes.
 16 SECRETARY FIELDS: Dr. Moore?
 17 DR. MOORE: Yes
 18 SECRETARY FIELDS: Mr. Smith?
 19 MR. SMITH: Yes.
 20 SECRETARY FIELDS: Mr. Sowers?
 21 MR. SOWERS: Yes.
 22 SECRETARY FIELDS: Ms. Wells?
 23 MS. WELLS: Yes.
 24 SECRETARY FIELDS: Mr. Winegardner?
 25 MR. WINEGARDNER: Yes.

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1 SECRETARY FIELDS: Mr. Duzan?
 2 CHAIRMAN DUZAN: Yes.
 3 SECRETARY FIELDS: Motion passed.
 4 CHAIRMAN DUZAN: Okay. Now moving on to
 5 252:611, "General Water Quality".
 6 Brian?
 7 MR. CLAGG: Okay. In this chapter --
 8 excuse me -- like the others, you should have the
 9 rule text and a rule impact statement in your
 10 binders for this.
 11 This was a case where I need to point
 12 out a change to the proposed text that entailed more
 13 than simply updating references. At the very end of
 14 the current rule, this chapter has a group of
 15 definitions that was denoted as "Supplemental
 16 Information Glossary of Terms". Having these terms
 17 defined at the end of the rule does not conform to
 18 the way we handle definitions in our other rules,
 19 and in fact, as you can see in the texts in your
 20 binders, Subchapter 1 of the existing rule does have
 21 a section title "Definitions". So what we did on
 22 this one is we took and consolidated the two sets of
 23 definitions to have all the terms defined at the
 24 beginning of the chapter, again, to be consistent
 25 with the way that we address this in all of our

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1 other rules. So therefore, the only part of this
 2 rule with any changes is Subchapter 1, "General
 3 Provisions".
 4 Now, DEQ is requesting that the Water
 5 Quality Management Advisory Council vote to
 6 recommend to the Environmental Quality Board this
 7 emergency rule. DEQ has deemed that this emergency
 8 rule is necessary as an emergency measure to protect
 9 public health, safety, and welfare in order to
 10 comply with the statutory changes that take effect
 11 November 1, 2022. DEQ plans to present this rule as
 12 a permanent rule at the January 2023 Water Quality
 13 Management Advisory Council meeting. That concludes
 14 my remarks on Chapter 611. Thank you.
 15 CHAIRMAN DUZAN: Thank you.
 16 Questions or comments from the
 17 Council? Questions or comments from the public?
 18 Then I'll entertain a motion.
 19 MR. SMITH: Make a motion to approve.
 20 DR. MOORE: I'll second
 21 CHAIRMAN DUZAN: We have a second. A
 22 vote?
 23 SECRETARY FIELDS: Mr. Carr?
 24 MR. CARR: Yes.
 25 SECRETARY FIELDS: Dr. Jarman?

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1 DR. JARMAN: Yes.
 2 SECRETARY FIELDS: Dr. Moore?
 3 DR. MOORE: Yes.
 4 SECRETARY FIELDS: Mr. Smith?
 5 MR. SMITH: Yes.
 6 SECRETARY FIELDS: Mr. Sowers?
 7 MR. SOWERS: Yes.
 8 SECRETARY FIELDS: Ms. Wells?
 9 MS. WELLS: Yes.
 10 SECRETARY FIELDS: Mr. Winegardner?
 11 MR. WINEGARDNER: Yes.
 12 SECRETARY FIELDS: Mr. Duzan?
 13 CHAIRMAN DUZAN: Yes.
 14 SECRETARY FIELDS: Motion passed.
 15 CHAIRMAN DUZAN: Okay. Now 252:616,
 16 "Industrial Wastewater Systems".
 17 Brian?
 18 MR. CLAGG: Okay. Again in your binders,
 19 you will have tabs for Chapter 616 that includes a
 20 rule text and a rule impact statement. In this
 21 chapter, edits were made to reference DEQ instead of
 22 the Oklahoma Water Resources Board and to reference
 23 252:730 instead of 785.45. These changes impacted
 24 Subchapter 1, "Introduction"; Subchapter 9, "Tank
 25 System Standards"; and Subchapter 11, "Land

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1 Application Standards".

2 DEQ is requesting that the Water

3 Quality Management Advisory Council vote to

4 recommend to the Environmental Quality Board this

5 emergency rule. DEQ has deemed that this emergency

6 rule is necessary as an emergency measure to protect

7 public health, safety, and welfare in order to

8 comply with the statutory changes that take effect

9 November 1, 2022. DEQ plans to present this rule as

10 a permanent rule at the January 2023 Water Quality

11 Management Advisory Council meeting. That concludes

12 my remarks on Chapter 616. Thank you.

13 CHAIRMAN DUZAN: Questions or comments

14 from the Council? Questions or comments from the

15 public?

16 Then I'll entertain a motion.

17 DR. JARMAN: So move.

18 MR. SOWERS: Second.

19 CHAIRMAN DUZAN: We'll have a vote.

20 SECRETARY FIELDS: Mr. Carr?

21 MR. CARR: Yes.

22 SECRETARY FIELDS: Dr. Jarman?

23 DR. JARMAN: 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: Ms. Wells?

6 MS. WELLS: Yes.

7 SECRETARY FIELDS: Mr. Winegardner?

8 MR. WINEGARDNER: Yes.

9 SECRETARY FIELDS: Mr. Duzan?

10 CHAIRMAN DUZAN: Yes.

11 SECRETARY FIELDS: Motion passed.

12 CHAIRMAN DUZAN: Okay. 252:621,

13 "Non-Industrial Discharging and Public Water Supply

14 Lagoons".

15 Brian?

16 MR. CLAGG: All right. In your binders,

17 you will have tabs for the text and for the rule

18 impact statement for this. In this chapter, edits

19 were made to only Subchapter 1, "General

20 Provisions", to change a reference from OWRB to DEQ

21 and to reference 252:730 instead of 785:45 in the

22 definition of "Oklahoma's Water Quality Standards".

23 DEQ is requesting that the Water

24 Quality Management Advisory Council vote to

25 recommend to the Environmental Quality Board this

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1 emergency rule. DEQ has deemed that this emergency

2 rule is necessary as an emergency measure to protect

3 public health, safety, and welfare in order to

4 comply with the statutory changes that take effect

5 November 1, 2022. DEQ plans to present this rule as

6 a permanent rule at the January 2023 Water Quality

7 Management Advisory Council meeting. That concludes

8 my remarks on Chapter 621. Thank you.

9 CHAIRMAN DUZAN: Questions or comments

10 from the Council? Questions or comments from the

11 public? No?

12 I'll entertain a motion.

13 MR. SOWERS: Motion made.

14 MS. WELLS: Second

15 CHAIRMAN DUZAN: We'll have the vote.

16 SECRETARY FIELDS: Mr. Carr?

17 MR. CARR: Yes.

18 SECRETARY FIELDS: Dr. Jarman?

19 DR. JARMAN: Yes.

20 SECRETARY FIELDS: Dr. Moore?

21 DR. MOORE: Yes.

22 SECRETARY FIELDS: Mr. Smith?

23 MR. SMITH: Yes.

24 SECRETARY FIELDS: Mr. Sowers?

25 MR. SOWERS: Yes.

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1 SECRETARY FIELDS: Ms. Wells?

2 MS. WELLS: 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: Okay. Moving on to

9 252:628, "Indirect Potable Reuse for Surface Water

10 Augmentation".

11 Brian?

12 MR. CLAGG: Okay. You got rule text and

13 rule impact statements in your binders. In this

14 chapter, edits have been made to reference DEQ

15 instead of the OWRB, to reference 252:730 instead of

16 785:45, and to reference 252:740 instead of 785:46.

17 These changes affected Subchapter 1, "General

18 Provisions; Subchapter 3, "Benchmarks and

19 Implementation for IPR Source Water Discharges";

20 Subchapter 9, "Permitting Requirements for IPR

21 Source Water"; and Subchapter 11, "IPR Receiving

22 Waterbody Monitoring".

23 I'd like to note in this chapter,

24 some of the references were more descriptive than

25 simply referencing Chapters 730 or 740. For

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1 example, on page 10, under Section 252:628-11-4,
 2 you'll see a reference in this one that's made to
 3 252:730-5-25(c)(8)(C). We've been careful, when
 4 we've run across things like this, to make sure that
 5 these citations, when they are more specific, do
 6 match up with the text in the Chapters 730 and 740,
 7 so I just wanted to point that out as I saw more of
 8 those kind of references in this chapter.

9 Now, DEQ is requesting that the Water
 10 Quality Management Advisory Council vote to
 11 recommend to the Environmental Quality Board this
 12 emergency rule. DEQ has deemed that this emergency
 13 rule is necessary as an emergency measure to protect
 14 public health, safety, and welfare in order to
 15 comply with the statutory changes that take effect
 16 November 1, 2022. DEQ plans to present this rule as
 17 a permanent rule at the January 2023 Water Quality
 18 Management Advisory Council meeting. That concludes
 19 my remarks on Chapter 628. Thank you.

20 CHAIRMAN DUZAN: Questions or comments
 21 from the Council? Questions or comments from the
 22 public?

23 Then I'll entertain a motion.

24 MR. SMITH: Motion to adopt.

25 MS WELLS: Second.

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1 CHAIRMAN DUZAN: Let's have the vote.

2 SECRETARY FIELDS: Mr. Carr?

3 MR. CARR: Yes.

4 SECRETARY FIELDS: Dr. Jarman?

5 DR. JARMAN: Yes.

6 SECRETARY FIELDS: Dr. Moore?

7 DR. MOORE: Yes.

8 SECRETARY FIELDS: Mr. Smith?

9 MR. SMITH: Yes.

10 SECRETARY FIELDS: Mr. Sowers?

11 MR. SOWERS: Yes.

12 SECRETARY FIELDS: Ms. Wells?

13 MS. WELLS: Yes.

14 SECRETARY FIELDS: Mr. Winegardner?

15 MR. WINEGARDNER: Yes.

16 SECRETARY FIELDS: Mr. Duzan?

17 CHAIRMAN DUZAN: Yes.

18 SECRETARY FIELDS: Motion passed.

19 CHAIRMAN DUZAN: Okay. We're going down
 20 to 252.652, and I think, Brian, you get to tag out
 21 for a second, and David Cates is going to talk to us
 22 about "Underground Injection Control".

23 MR. CATES: Afternoon, Council. I guess
 24 we're going to change it up a little bit. My name
 25 is David Cates and I'm Engineering Manager in the

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1 Land Protection Division, and I oversee parts of the
 2 Underground Injection Control Program as well as the
 3 Aquifer Storage and Recovery Program.

4 So, initially, I will talk about this
 5 next rule, OAC 252:652, "Underground Injection
 6 Control". In your binders, under Chapter 652, it
 7 includes the rule text and the rule impact
 8 statement. The only edits in this chapter are in --
 9 well, involve the change of DEQ instead of OWRB and
 10 an edit to reference OAC 252:730 instead of 785:45.

11 These changes affect Subchapter 3, "Exclusionary
 12 Siting Criteria for Class I Wells", and specifically
 13 they're located at 252:652-3-1, under the "Siting
 14 criteria".

15 DEQ is requesting that the Water
 16 Quality Management Advisory Council vote to
 17 recommend to the Environmental Quality Board this
 18 emergency rule. DEQ has deemed that this emergency
 19 rule is necessary as an emergency measure to protect
 20 public health, safety, and welfare in order to
 21 comply with the statutory changes that take effect
 22 on November 1, 2022. Also, DEQ plans to present
 23 this rule as a permanent rule at the January 2023
 24 Water Quality Management Advisory Council meeting.
 25 That concludes my remarks on Chapter 652. Thank

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1 you.

2 CHAIRMAN DUZAN: Thank you, sir.

3 Any questions or comments from the
 4 Council? Questions or comments from the public?

5 Then I'll entertain a motion.

6 MS. WELLS: So move.

7 DR. JARMAN: Second.

8 CHAIRMAN DUZAN: Okay. Let's have a vote.

9 SECRETARY FIELDS: Mr. Carr?

10 MR. CARR: Yes.

11 SECRETARY FIELDS: Dr. Jarman?

12 DR. JARMAN: Yes.

13 SECRETARY FIELDS: Dr. Moore?

14 DR. MOORE: Yes.

15 SECRETARY FIELDS: Mr. Smith?

16 MR. SMITH: Yes.

17 SECRETARY FIELDS: Mr. Sowers?

18 MR. SOWERS: Yes.

19 SECRETARY FIELDS: Ms. Wells?

20 MS. WELLS: Yes.

21 SECRETARY FIELDS: Mr. Winegardner?

22 MR. WINEGARDNER: Yes.

23 SECRETARY FIELDS: Mr. Duzan?

24 CHAIRMAN DUZAN: Yes.

25 SECRETARY FIELDS: Motion passed.

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1 CHAIRMAN DUZAN: Okay. We're going to
 2 move on to 252.653, "Aquifer Storage and Recovery".
 3 David?
 4 MR. CATES: Thank you. In your binders,
 5 includes a tab marked Chapter 653 that includes the
 6 rule text and the rule impact statement for the
 7 "Aquifer Storage Recovery". In this chapter, edits
 8 were made just to reference OAC 252:730 instead of
 9 785:45. The changes affected Subchapter 3, "Raw
 10 Water and Aquifer Characterization", specifically
 11 that was at 653-3-4 in the "Groundwater Standards";
 12 Subchapter 5, "ASR Treatment Plant Construction",
 13 and specifically at 653-5-1(b) under "Permit and
 14 Pilot Study Required"; and Subchapter 9, "Aquifer
 15 Storage & Recovery Operations", specifically at
 16 653-9-2(c) under "Duration and Continuation of
 17 Expiring Permits".
 18 DEQ is recommending that the Water
 19 Quality Management Advisory Council vote to
 20 recommend to the Environmental Quality Board this
 21 emergency rule. DEQ has deemed that this emergency
 22 rule is necessary as an emergency measure to protect
 23 public health, safety, and welfare in order to
 24 comply with the statutory changes that take effect
 25 November 1, 2022. DEQ plans to present this rule as

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1 a permanent rule at the January 2023 Water Quality
 2 Management Advisory Council meeting. And that
 3 concludes my remarks on Chapter 653.
 4 CHAIRMAN DUZAN: Okay. Thank you.
 5 Discussion from the Council? Questions or comments
 6 from the public?
 7 We'll entertain a motion.
 8 DR. MOORE: So move.
 9 DR. JARMAN: Second.
 10 CHAIRMAN DUZAN: Second?
 11 Okay. Vote?
 12 SECRETARY FIELDS: Mr. Carr?
 13 MR. CARR: Yes.
 14 SECRETARY FIELDS: Dr. Jarman?
 15 DR. JARMAN: Yes.
 16 SECRETARY FIELDS: Dr. Moore?
 17 DR. MOORE: Yes.
 18 SECRETARY FIELDS: Mr. Smith?
 19 MR. SMITH: Yes.
 20 SECRETARY FIELDS: Mr. Sowers?
 21 MR. SOWERS: Yes.
 22 SECRETARY FIELDS: Ms. Wells?
 23 MS. WELLS: Yes.
 24 SECRETARY FIELDS: Mr. Winegardner?
 25 MR. WINEGARDNER: Yes.

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1 SECRETARY FIELDS: Mr. Duzan?
 2 CHAIRMAN DUZAN: Yes.
 3 SECRETARY FIELDS: Motion passed.
 4 CHAIRMAN DUZAN: Okay. Thanks, David, you
 5 can tag Brian back in for the last two.
 6 Next is 252.656, "Water Pollution
 7 Control Facility Construction Standards".
 8 Brian?
 9 MR. CLAGG: And while I was on my break, I
 10 did notice that some of the copies of rule texts and
 11 rule impact statements that I had on the table over
 12 there, it looks like people have found them, there's
 13 one left. I also have a couple of binders, as well,
 14 so if, after this, you come up to me and I still
 15 have them, I of course can give you a binder, as
 16 well, for that.
 17 Okay. Chapter 656, this is our
 18 "Water Pollution Control Facility Construction
 19 Standards". Your binders include a tab that has the
 20 rule text as rule -- as well as the rule impact
 21 statement. In this chapter, only one edit was made,
 22 to Subchapter 11, "Lagoon Standards", to reference
 23 OAC 252:730 instead of OAC 785.45.
 24 DEQ is requesting that the Water
 25 Quality Management Advisory Council vote to

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1 recommend to the Environmental Quality Board this
 2 emergency rule. DEQ has deemed that this emergency
 3 rule is necessary as an emergency measure to protect
 4 public health, safety, and welfare in order to
 5 comply with the statutory changes that take effect
 6 November 1, 2022. DEQ plans to present this rule as
 7 a permanent rule at the January 2023 Water Quality
 8 Management Advisory Council meeting. That concludes
 9 my remarks on Chapter 656. Thank you.
 10 CHAIRMAN DUZAN: Okay. Questions or
 11 comments from the Council? Questions or comments
 12 from the public?
 13 Then I'll entertain a motion.
 14 MS. WELLS: So move.
 15 MR. SMITH: Second.
 16 CHAIRMAN DUZAN: We'll vote.
 17 SECRETARY FIELDS: Mr. Carr?
 18 MR. CARR: Yes.
 19 SECRETARY FIELDS: Dr. Jarman?
 20 DR. JARMAN: Yes.
 21 SECRETARY FIELDS: Dr. Moore?
 22 DR. MOORE: Yes.
 23 SECRETARY FIELDS: Mr. Smith?
 24 MR. SMITH: Yes.
 25 SECRETARY FIELDS: Mr. Sowers?

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1 MR. SOWERS: Yes.
 2 SECRETARY FIELDS: Ms. Wells?
 3 MS. WELLS: Yes.
 4 SECRETARY FIELDS: Mr. Winegardner?
 5 MR. WINEGARDNER: Yes.
 6 SECRETARY FIELDS: Mr. Duzan?
 7 CHAIRMAN DUZAN: Yes.
 8 SECRETARY FIELDS: Motion passed.
 9 CHAIRMAN DUZAN: Okay. And 252:690,
 10 "Water Quality Standards Implementation".
 11 Brian?
 12 MR. CLAGG: Okay. This is our last
 13 chapter. Your binders include a tab with the text
 14 and the rule impact statements. In this chapter,
 15 edits have been made to reference DEQ instead of the
 16 OWRB, to reference 730 instead of Chapter 45, and to
 17 reference Chapter 740 instead of Chapter 46. These
 18 changes affected Subchapter 1, "Introduction"; and
 19 Subchapter 3, "Point Source Discharges".
 20 I also want to point out that there
 21 were some changes made to Subchapter 5, which is
 22 "Groundwater Protection". This section referenced
 23 OAC 252:648, which is no longer an active rule; so
 24 that was changed to reference our Chapter 606,
 25 Subchapter 8, which deals with "Biosolids

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1 Requirements". Subchapter 5 also referenced OAC 252
 2 Chapters 510 and 520, and these are no longer active
 3 chapters; so these references have been corrected to
 4 change that to Chapter 515, which is "Management of
 5 Solid Waste". So those changes went a little beyond
 6 what we've been talking up to this point.
 7 Now, beginning on page 16, we have
 8 Appendix A. As was discussed at the July 26, 2022
 9 Water Quality Management Advisory Council meeting,
 10 changes to appendices don't follow the same
 11 strike-through and underline requirements we've been
 12 discussing up to this point, appendices get revoked
 13 and issued as new. Therefore, there is another tab
 14 in your binders, labeled "690: App", that includes
 15 the marked-up or striked-through, underlined version
 16 of the appendix so you can actually see what kind of
 17 changes were made to the appendix. And of course,
 18 they're all the same changes that we've been talking
 19 about as far as references up to this point.
 20 I would like to point out that on
 21 pages 24 and 25, under Part II, "Elements by
 22 Jurisdictional Area", there is a section titled
 23 "Water Quality Planning", "Compliance with
 24 antidegradation requirements and protection of
 25 beneficial uses". You can see at the bottom of that

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1 that we have added a sentence that reads, "DEQ may
 2 adopt variances and site-specific criteria as set
 3 forth in 27A O.S. 2-6-103(B)". This conforms us to
 4 the language in Title 27A Section 2-6-103(B) that
 5 was amended in House Bill 3824.
 6 Now, lastly, regarding Chapter 690,
 7 when we do the permanent rulemaking, we intend to
 8 merge Chapter 690 with the new Chapter 740. If that
 9 happens, Chapter 690 will be revoked and chapter 740
 10 will include both the emergency 690 and 740
 11 requirements in the implementation of "Oklahoma's
 12 Water Quality Standards" rule. Now, again, DEQ
 13 staff is not recommending a change in this emergency
 14 rule to prohibit variances in any waterbody.
 15 DEQ is requesting that the Water
 16 Quality Management Advisory Council vote to
 17 recommend to the Environmental Quality Board this
 18 emergency rule. DEQ has deemed that this emergency
 19 rule is necessary as an emergency measure to protect
 20 public health, safety, and welfare in order to
 21 comply with the statutory changes that take effect
 22 on November 1, 2022. That concludes my remarks on
 23 Chapter 690. Thank you.
 24 CHAIRMAN DUZAN: Thank you, sir.
 25 Questions or comments from the

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1 Council? Questions or comments from the public?
 2 Then I'll entertain a motion.
 3 MR. SOWERS: Motion.
 4 MS. WELLS: Second.
 5 CHAIRMAN DUZAN: We'll have a vote.
 6 SECRETARY FIELDS: Mr. Carr?
 7 MR. CARR: Yes.
 8 SECRETARY FIELDS: Dr. Jarman?
 9 DR. JARMAN: Yes.
 10 SECRETARY FIELDS: Dr. Moore?
 11 DR. MOORE: Yes.
 12 SECRETARY FIELDS: Mr. Smith?
 13 MR. SMITH: Yes.
 14 SECRETARY FIELDS: Mr. Sowers?
 15 MR. SOWERS: Yes.
 16 SECRETARY FIELDS: Ms. Wells?
 17 MS. WELLS: Yes.
 18 SECRETARY FIELDS: Mr. Winegardner?
 19 MR. WINEGARDNER: Yes.
 20 SECRETARY FIELDS: Mr. Duzan?
 21 CHAIRMAN DUZAN: Yes.
 22 SECRETARY FIELDS: Motion passed.
 23 CHAIRMAN DUZAN: Thank you, Brian. I was
 24 thinking about this, that, man, you had to do all
 25 that talking about halfway through the last meeting.

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1 then I realized it's probably me doing it when we go
 2 before the EQB; so didn't seem as exciting then.
 3 Next we'll go on to the Director's
 4 report, Shellie Chard.
 5 DIRECTOR CHARD: Good afternoon. First of
 6 all, I would like to say thank you to the Council
 7 for hanging in with us for our two meetings to go
 8 through all of these rules for the statutory
 9 changes. I will keep my Director's report short
 10 since you've got the extended version in our last
 11 meeting.
 12 Just to share with you a few things
 13 related to funding, we are starting to get the
 14 guidance and the requirements from EPA related to
 15 the bipartisan infrastructure bill that had funding
 16 for water and wastewater projects. We've been
 17 waiting to get some of those details so that we can
 18 make our application and be ready to start loaning
 19 and forgiving some of those loans for our publicly
 20 owned systems.
 21 If you are a system and have not
 22 submitted information to us that you want to apply
 23 for that funding, be sure to send an email to Eddie
 24 Rhandour. He will be able to get you on the funding
 25 list, and then when we get the details of what the

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1 application is going to have to look like, we will
 2 be reaching back out to those that have contacted
 3 us. If you don't have Eddie's proper name spelling
 4 or email, you can always just send it to me and I
 5 will make sure Eddie gets it, as well.
 6 We are starting our pilot systems on
 7 the rule infrastructure grant program. There's a
 8 meeting next week where we will be finalizing the
 9 first 10 to 12, 15 projects, and then that's a
 10 program that we'll continue throughout the year. It
 11 does not have a required timeline for when you can
 12 apply, you just have to reach out to the Oklahoma
 13 Rural Water Association, Randy Clark can assist you
 14 with those. I know we talked about that a little
 15 bit last time, but I understand from Mr. Smith that
 16 his system has already gotten on the list and may be
 17 receiving funding here in the next few weeks, so
 18 that's great news.
 19 We're also starting to see more
 20 drought, that's not a surprise. We did get some
 21 good rain over the last few days, but we're still a
 22 long way from where we need to be. We're starting
 23 to see more and more systems having their drought
 24 operation plans in place and executing those,
 25 including outdoor watering restrictions and some

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1 things like that. We're hoping that it's going to
 2 cool off and it's going to rain a little bit so that
 3 we don't find ourselves struggling to meet our
 4 drinking water demands in the state like we're
 5 seeing in some of our states further west.
 6 We also have learned our water reuse
 7 rules are getting a little bit of national attention
 8 again. We went through that process with you a few
 9 years ago, but we're starting to have more and more
 10 states asking us how we came about developing those
 11 rules and lessons learned, as they're having to
 12 start developing a more structured reuse program due
 13 to drought and their public water supply use
 14 demands.
 15 So with that, I'm going to stop
 16 there, and if you all have anything you would like
 17 to ask me or you would like us to address today, we
 18 can do that; otherwise, we'll see you at the next
 19 meeting.
 20 CHAIRMAN DUZAN: Thank you.
 21 Any questions or comments from the
 22 Council to Shellie?
 23 Okay. I do not believe we have any
 24 new business. Our next scheduled meeting is
 25 September 27, 2022, right here in this room, at

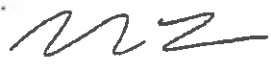
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1 2.00. That being said, I will take a motion for
 2 adjournment.
 3 DR. JARMAN: So move.
 4 DR. MOORE: Second.
 5 CHAIRMAN DUZAN: We have a motion and a
 6 second. Vote?
 7 SECRETARY FIELDS: Mr. Carr?
 8 MR. CARR: Yes.
 9 SECRETARY FIELDS: Dr. Jarman?
 10 DR. JARMAN: Yes.
 11 SECRETARY FIELDS: Dr. Moore?
 12 DR. MOORE: Yes.
 13 SECRETARY FIELDS: Mr. Smith?
 14 MR. SMITH: Yes.
 15 SECRETARY FIELDS: Mr. Sowers?
 16 MR. SOWERS: Yes.
 17 SECRETARY FIELDS: Ms. Wells?
 18 MS. WELLS: Yes.
 19 SECRETARY FIELDS: Mr. Winegardner?
 20 MR. WINEGARDNER: Yes.
 21 SECRETARY FIELDS: Mr. Duzan?
 22 CHAIRMAN DUZAN: Yes.
 23 SECRETARY FIELDS: Motion passed.
 24 CHAIRMAN DUZAN: Okay. We are adjourned.
 25 (MEETING ADJOURNED AT 2:46 PM)

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<p>1 CERTIFICATE Page 42 2 I, Jenny Longley, Certified Shorthand 3 Reporter within and for the State of Oklahoma, do 4 hereby certify that the above and foregoing meeting 5 was by me taken in shorthand and thereafter 6 transcribed; and that I am not an attorney for nor 7 relative of any of said parties or otherwise 8 interested in the event of said action. 9 IN WITNESS WHEREOF, I have hereunto 10 set my hand and official seal this 26th day of 11 August, 2022. 12  13 14 _____ 15 Jenny Longley, CSR 16 CSR # 1903 17 18 19 20 21 22 23 24 25</p>	

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**WATER QUALITY MANAGEMENT
ADVISORY COUNCIL**

Attendance Record

August 23, 2022

Special Meeting

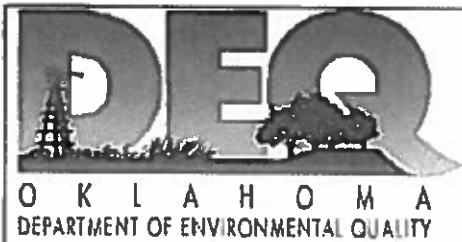
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Oklahoma City, Oklahoma**

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WATER QUALITY MANAGEMENT ADVISORY COUNCIL

Attendance Record
August 23, 2022
Special Meeting
Department of Environmental Quality
Oklahoma City, Oklahoma

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