

MINUTES
WATER QUALITY MANAGEMENT ADVISORY COUNCIL
January 5, 2023
Oklahoma Department of Environmental Quality
Multipurpose Room
Oklahoma City, Oklahoma

Official WQMAC

To be approved at the September 26, 2023 Meeting

Notice of Public Meeting – The Water Quality Management Advisory Council (WQMAC) convened for a Regular Meeting at 1:00 p.m. at the Oklahoma Department of Environmental Quality (DEQ), 707 North Robinson, Oklahoma City, Oklahoma. The meeting was held in accordance with the Open Meeting Act, with notice of the meeting given to the Secretary of State on November 1, 2022. The agenda was posted at DEQ twenty-four hours prior to the meeting. Mr. Brian Duzan, Chair, called the meeting to order. Also, Mr. Duzan welcomed new member, Eric Lee to the Council. Ms. Quiana Fields called roll and confirmed that a quorum was present.

MEMBERS PRESENT

Ron Jarman
Eric Lee
Mary Mach
Mark Matheson
Rick Moore
Bill Smith
Steve Sowers
Duane Winegardner
Brian Duzan

MEMBERS ABSENT

Debbie Wells

DEQ STAFF PRESENT

Shellie Chard
Karen Steele
Susan Mensik
Jennifer Boyle
Brian Clagg
Jeff Franklin
Hillary Young
Greg Carr
Sarah Angiel
Joe Long
Michelle Wynn
Emily Hoskin
Mark Hildebrand
April Eberle
Quiana Fields

OTHERS PRESENT

Jenny Longley, Court Reporter

Approval of Minutes from the August 23, 2022 Meeting – Mr. Duzan called for a motion to approve the Minutes of the August 23, 2022 Regular Meeting. Mr. Smith moved to approve and Ms. Mach made the second.

See transcript pages 3 – 4

Ron Jarman	Yes	Bill Smith	Yes
Eric Lee	Abstain	Steve Sowers	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Mark Matheson	Abstain	Brian Duzan	Yes
Rick Moore	Yes		

COUNCIL MEETING SCHEDULE FOR CALENDAR YEAR 2023 – Mr. Duzan called for a motion to approve the 2023 WQMAC dates; April 18, July 25 and September 26. Mr. Sowers moved to approve and Mr. Winegardner made the second.

See transcript pages 4 - 5

Ron Jarman	Yes	Bill Smith	Yes
Eric Lee	Yes	Steve Sowers	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Mark Matheson	Yes	Brian Duzan	Yes
Rick Moore	Yes		

SELECTION OF THE VICE-CHAIR – Mr. Duzan opened discussion for nominations for Vice-Chair. Mr. Duzan nominated Mr. Sowers for Vice-Chair and Mr. Matheson made the second.

See transcript pages 6 - 7

Ron Jarman	Yes	Bill Smith	Yes
Eric Lee	Yes	Steve Sowers	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Mark Matheson	Yes	Brian Duzan	Yes
Rick Moore	Yes		

Mr. Duzan turned it over to Mr. Sowers for nominations for Chair. Mr. Sowers nominated Mr. Duzan to remain as Chair and Dr. Jarman made the second.

See transcript pages 7 - 8

Ron Jarman	Yes	Bill Smith	Yes
Eric Lee	Yes	Steve Sowers	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Mark Matheson	Yes	Brian Duzan	Yes
Rick Moore	Yes		

PERMANENT 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: present this rule as a permanent rule. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer Oklahoma’s Water Quality Standards (OWQS’s) from the Oklahoma Water Resources Board (OWRB) to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. The legislation became effective November 1, 2022. As a result, DEQ proposed emergency rule OAC 252:730, titled “Oklahoma’s Water Quality Standards”, to replace OWRB rule OAC 785:45. The Environmental Quality Board (EQB) voted to adopt the emergency rule at the EQB meeting held on September 13, 2022, and the Governor approved the emergency rule on October 25, 2022. Hearing questions by the Council and none by the public, Mr. Duzan called for a motion. Ms. Mach moved to approve and Mr. Matheson made the second.

See transcript pages 10 – 22

Ron Jarman	Yes	Bill Smith	Yes
Eric Lee	Yes	Steve Sowers	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Mark Matheson	Yes	Brian Duzan	Yes
Rick Moore	Yes		

PERMANENT RULEMAKING OAC 252:740 – IMPLEMENTATION OF OKLAHOMA’S WATER QUALITY STANDARDS – Mr. Clagg stated that the DEQ staff is proposing to: present this rule as a permanent rule. During the 2022 Oklahoma legislative

session, Senate Bill No. 1325 was enacted transferring authority to administer OWQS's to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. The legislative became effective November 1, 2022. As a result, DEQ proposed emergency rule OAC 252:740, titled "Implementation of Oklahoma's Water Quality Standards", to replace OWRB's rule OAC 785:46. The EQB voted to adopt the emergency rule at the EQB meeting held on September 13, 2022, and the Governor approved the emergency rule on October 25, 2022. 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 22 – 25

Ron Jarman	Yes	Bill Smith	Yes
Eric Lee	Yes	Steve Sowers	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Mark Matheson	Yes	Brian Duzan	Yes
Rick Moore	Yes		

PERMANENT RULEMAKING OAC 252:606 – OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS – Mr. Clagg, stated that the DEQ staff is proposing to: present this rule as a permanent rule. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 was enacted transferring authority to administer OWQS's to DEQ and House Bill 3824 was enacted authorizing DEQ to implement WQS Variances. This required emergency rulemaking to promulgate OAC 252:730 and OAC 252:740 and to update 252:606 to ensure that references to OWRB's authority for administering OWQS's was updated to denote DEQ as now having this authority. The EQB voted to adopt this emergency rule at the EQB meeting held on September 13, 2022, and the Governor approved the emergency rule on October 25, 2022.

DEQ staff is also proposing an update of the federal rules incorporated by reference from July 19, 2021 to July 1, 2022. The final regulatory change consisted of a technical amendment to modify the submission location for Continuous Release Reports (CRRs) subject to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). These reports were submitted to respective EPA regional offices but with the technical amendment, EPA now requires reports be submitted to the appropriate EPA Headquarters office. The amendment also corrected a typographical error, corrected citations within the section, and amended the listed authority. Hearing no questions or comments by the Council or by the public, Mr. Duzan called for a motion. Mr. Smith moved to approve and Mr. Matheson made the second.

See transcript pages 25 – 29

Ron Jarman	Yes	Bill Smith	Yes
Eric Lee	Yes	Steve Sowers	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Mark Matheson	Yes	Brian Duzan	Yes
Rick Moore	Yes		

PERMANENT RULEMAKING OAC 252:611 – GENERAL WATER QUALITY – Mr. Clagg stated that the DEQ staff is proposing to: present this rule as a permanent rule. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer OWQS's to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. This required emergency rulemaking to promulgate OAC 252:730 and to update OAC 252:611 to ensure that a reference to the OWRB rule was replaced with a

reference to the new rule and that a reference to OWRB’s authority for administering OWQS’s was updated to denote DEQ as now having this authority. In addition to these changes, a group of definitions denoted as “Supplemental Information, Glossary Terms” located at the very end of the rule was consolidated with the list of definitions at the beginning of the chapter to conform with the way definitions and terms are referenced in DEQ’s other rules. The EQB voted to adopt the emergency rule at the EQB meeting held on September 13, 2022, and the Governor approved the emergency rule on October 25, 2022. 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. Winegardner made the second.

See transcript pages 29 – 31

Ron Jarman	Yes	Bill Smith	Yes
Eric Lee	Yes	Steve Sowers	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Mark Matheson	Yes	Brian Duzan	Yes
Rick Moore	Yes		

PERMANENT RULEMAKING OAC 252:616 INDUSTRIAL WASTEWATER SYSTEMS

– Mr. Clagg stated that the DEQ staff is proposing to: present this rule as a permanent rule. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer OWQS’s to DEQ and House Bill 3824 was enacted authorizing DEQ to implement WQS Variances. This required emergency rulemaking to promulgate OAC 252:730 and to update OAC 252:616 to ensure that a reference to the OWRB rule was replaced with a reference to the new rule and that a reference to OWRB’s authority for administering OWQS’s was updated to denote DEQ as now having this authority. The EQB voted to adopt the emergency rule at the EQB meeting held on September 13, 2022, and the Governor approved the emergency rule on October 25, 2022. Hearing no questions or comments by the Council or by the public, Mr. Duzan called for a motion. Ms. Mach moved to approve and Dr. Jarman made the second.

See transcript pages 31 – 33

Ron Jarman	Yes	Bill Smith	Yes
Eric Lee	Yes	Steve Sowers	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Mark Matheson	Yes	Brian Duzan	Yes
Rick Moore	Yes		

PERMANENT RULEMAKING OAC 252:621 – NON-INDUSTRIAL DISCHARGING AND PUBLIC WATER SUPPLY LAGOONS

– Mr. Clagg stated that the DEQ staff is proposing to: present this rule as a permanent rule. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer OWQS’s to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. This required emergency rulemaking to promulgate OAC 252:730 and to update OAC 252:621 to ensure that a reference to the OWRB rule was replaced with a reference to the new rule and that a reference to OWRB’s authority for administering OWQS’s was updated to denote DEQ as now having this authority. The EQB voted to adopt the emergency rule at the EQB meeting held on September 13, 2022, and the Governor approved the emergency rule on October 25, 2022. Hearing questions by the Council and none by the public, Mr. Duzan called for a motion. Mr. Lee moved to approve and Ms. Mach made the second.

See transcript pages 33 – 36

Ron Jarman	Yes	Bill Smith	Yes
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Eric Lee	Yes	Steve Sowers	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Mark Matheson	Yes	Brian Duzan	Yes
Rick Moore	Yes		

PERMANENT RULEMAKING OAC 252:626 – PUBLIC WATER SUPPLY CONSTRUCTION STANDARDS – Mr. Clagg stated that the DEQ staff is proposing to: update the rule to allow Design-build as a project delivery method. On July 1, 2021, House Bill 2402 was enacted authorizing conservancy districts, municipalities, counties, public trusts and other political subdivisions operating a public water supply system or wastewater treatment system to utilize Design-build. Design-build is defined as a project delivery method in which one entity works under a single contract to provided design and construction services. The measure requires DEQ incorporate a flexible permitting process to allow this Design-build authorization into its rules and to authorize up to 5 pilot projects in the interim before those rules are adopted. This bill was codified in Oklahoma Statutes, Title 61, Section 220.1. DEQ is proposing to update this rule to include definitions for “Design-build”, “Design package” and “Flexible permitting process”. This also requires updating language for the following subchapters: Construction Permit Applications, Engineering Reports and Plans and Specifications. Hearing questions by the Council and none by the public, Mr. Duzan called for a motion. Ms. Mach moved to approve and Mr. Sowers made the second.

See transcript pages 36 – 44

Ron Jarman	Yes	Bill Smith	Yes
Eric Lee	Yes	Steve Sowers	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Mark Matheson	Yes	Brian Duzan	Yes
Rick Moore	Yes		

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

See transcript pages 45 - 46

Ron Jarman	Yes	Bill Smith	Yes
Eric Lee	Yes	Steve Sowers	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Mark Matheson	Yes	Brian Duzan	Yes
Rick Moore	Yes		

PERMANENT RULEMAKING OAC 252:631 – PUBLIC WATER SUPPLY OPERATION – Mr. Clagg stated that the DEQ staff is proposing to: update the rule concerning

the date of incorporation by reference of certain federal regulations from July 1, 2021 to August 17, 2022. Changes included EPA’s approval of alternative testing methods for measuring the levels of contaminations in drinking water and determining compliance with national primary drinking water regulations. This provides timelier access to new measurement techniques and greater flexibility in the selection of analytical methods, thereby reducing monitoring costs while maintaining public health protection. Hearing questions by the Council and none by the public, Mr. Duzan called for a motion. Mr. Sowers moved to approve and Mr. Winegardner made the second.

See transcript pages 46 – 49

Ron Jarman	Yes	Bill Smith	Yes
Eric Lee	Yes	Steve Sowers	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Mark Matheson	Yes	Brian Duzan	Yes
Rick Moore	Yes		

PERMANENT RULEMAKING OAC 252:633 – DRINKING WATER STATE REVOLVING FUND – Mr. Clagg stated that the DEQ staff is proposing to: revoke and reissue Appendix A to remove language related to application of the median household income as an element used by DEQ in prioritizing the award of DWSRF funds. This change is intended to clarify the DEQ is to utilize information from the latest census on the median household income when prioritizing the award of DWSRF funds, rather than the dollar amounts currently in the provision. The language DEQ proposes to remove does not reflect the latest census information on median household income and was intended to be illustrative only. It was not intended to prevent DEQ from using information from the latest census. Removing this language will clarify that DEQ is to utilize the information from the latest census for the household median income and is not required to only use the dollar amounts listed. Hearing no questions or comments by the Council or by the public, Mr. Duzan called for a motion. Dr. Moore moved to approve and Mr. Smith made the second.

See transcript pages 49 - 51

Ron Jarman	Yes	Bill Smith	Yes
Eric Lee	Yes	Steve Sowers	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Mark Matheson	Yes	Brian Duzan	Yes
Rick Moore	Yes		

PERMANENT RULEMAKING OAC 252:652 – UNDERGROUND INJECTION CONTROL – Ms. Hillary Young, Chief Engineer of the Land Protection Division (LPD), stated that the DEQ staff is proposing to: present this rule as a permanent rule. During the 2022 Oklahoma legislative session, Senate Bill No. 1325 was enacted transferring authority to administer OWQS’s to DEQ and House Bill No. 3824 was enacted authorizing DEQ to implement WQS Variances. This required emergency rulemaking to promulgate OAC 252:730 and to update OAC 252:652 to ensure that a reference to the OWRB rule was replaced with a reference to the new rule and that a reference to OWRB’s authority for administering OWQS’s was updated to denote DEQ as now having this authority. The EQB voted to adopt the emergency rule at the EQB meeting held on September 13, 2022, and the Governor approved the emergency rule on October 25, 2022. Hearing no questions or comments by the Council and none by the public, Mr. Duzan called for a motion. Dr. Jarman moved to approve and Mr. Matheson made the second.

See transcript pages 51 – 53

Ron Jarman	Yes	Bill Smith	Yes
Eric Lee	Yes	Steve Sowers	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Mark Matheson	Yes	Brian Duzan	Yes
Rick Moore	Yes		

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

See transcript pages 53 – 55

Ron Jarman	Yes	Bill Smith	Yes
Eric Lee	Yes	Steve Sowers	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Mark Matheson	Yes	Brian Duzan	Yes
Rick Moore	Yes		

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

DEQ staff is also proposing to update the rule to allow Design-build as a project delivery method. On July 1, 2021, House Bill 2402 was enacted authorizing conservancy districts, municipalities, counties, public trusts and other political subdivisions operating a public water supply system or wastewater treatment system to utilize Design-build. Design-build is defined as a project delivery method in which one entity works under a single contract to provided design and construction services. The measure requires DEQ incorporate a flexible permitting process to allow this Design-build authorization into its rules and to authorize up to 5 pilot projects in the interim before those rules are adopted. This bill was codified in Oklahoma Statutes, Title 61, Section 220.1. DEQ is proposing to update this rule to include definitions for “Design-build”, “Design package” and “Flexible permitting process”. This also require updating language for the following subchapters: Construction Permit Process, Engineering Reports and Plans and Specifications. Hearing no questions or comments by the Council or by the public, Mr. Duzan called for a motion. Ms. Mach moved to approve and Dr. Jarman made the second.

See transcript pages 55 – 58

Ron Jarman	Yes	Bill Smith	Yes
Eric Lee	Yes	Steve Sowers	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Mark Matheson	Yes	Brian Duzan	Yes
Rick Moore	Yes		

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

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

DEQ staff is also proposing updates to this rule which include moving the text of Appendix A to the body of the rule as Subchapter 7, consolidating definitions from Appendix A with definitions at the beginning of the rule, correcting outdated citations in Subchapter 5, and correcting a few typographical errors. Hearing questions by the Council and none by the public, Mr. Duzan called for a motion. Mr. Smith moved to approve and Mr. Sowers made the second.

See transcript pages 58 – 63

Ron Jarman	Yes	Bill Smith	Yes
Eric Lee	Yes	Steve Sowers	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Mark Matheson	Yes	Brian Duzan	Yes
Rick Moore	Yes		

PERMANENT RULEMAKING OAC 252:710 WATERWORKS AND WASTEWATER WORKS OPERATOR CERTIFICATION – Mr. Clagg stated that the DEQ staff is proposing to: update the rule to allow DEQ to permanently revoke, or revoke for a set time an operator’s certification; to better define special requirements for instructors of approved training courses; and, to allow recording of laboratory analyses utilizing software applications in addition to bound volumes. Hearing questions by the Council and none by the public, Mr. Duzan called for a motion. Mr. Lee moved to approve and Mr. Matheson made the second.

See transcript pages 63 - 67

Ron Jarman	Yes	Bill Smith	Yes
Eric Lee	Yes	Steve Sowers	Yes

Mary Mach	Yes	Duane Winegardner	Yes
Mark Matheson	Yes	Brian Duzan	Yes
Rick Moore	Yes		

DIRECTOR’S REPORT – Mr. Jeff Franklin, Division Director of SELS gave a brief report on lab activities. Afterward, Ms. Shellie Chard, Division Director of WQD, provided an update on other division activities.

See transcript pages 68 – 78

NEW BUSINESS – None

ANNOUNCEMENTS – Ms. Chard gave an update on Lead Service Line Inventory Training. Mr. Duzan stated that the next scheduled meeting is on Tuesday, April 18, 2023, 2:00 p.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 2:29 p.m.

See transcript pages 80 – 81

Ron Jarman	Yes	Bill Smith	Yes
Eric Lee	Yes	Steve Sowers	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Mark Matheson	Yes	Brian Duzan	Yes
Rick Moore	Yes		

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

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1
2
3 REGULAR MEETING
4 DEPARTMENT OF ENVIRONMENTAL QUALITY
5 WATER QUALITY MANAGEMENT ADVISORY COUNCIL
6 ON JANUARY 5, 2023 AT 1:00 PM
7
8
9
10 MEMBERS PRESENT
11 Ron Jarman
12 Eric Lee
13 Mary Mach
14 Steve Sowers
15 Mark Matheson
16 Bill Smith
17 Duane Winegardner
18 Rick Moore
19 Brian Duzan
20
21 MEMBERS ABSENT
22 Debbie Wells
23
24
25 REPORTED BY: Jenny Longley, CSR

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1 PROCEEDINGS
2 CHAIRMAN DUZAN: Got a lot to go through;
3 so we're going to get started right away.
4 This regular meeting of the Water
5 Quality Management Advisory Council was called in
6 accordance with the Open Meeting Act.
7 Notice for this January 5, 2023
8 Regular Meeting was filed with the Secretary of
9 State on November 1, 2022. The Agenda was duly
10 posted at DEQ at least 24 hours prior to the
11 meeting.
12 Only matters appearing on the posted
13 Agenda may be considered at this regular meeting.
14 In the event that this meeting is continued or
15 reconvened, public notice of the date, time, and
16 place of the continued meeting will be given by
17 announcement at this meeting. Only matters
18 appearing on the Agenda of a meeting which is
19 continued may be discussed at the continued or
20 reconvened meeting.
21 So we'll have a roll call.
22 SECRETARY FIELDS: Dr. Jarman?
23 DR. JARMAN: Here.
24 SECRETARY FIELDS: Mr. Lee?
25 MR. LEE: Here.

Page 3

1 SECRETARY FIELDS: Ms. Mach?
2 MS. MACH: Here.
3 SECRETARY FIELDS: Mr. Matheson?
4 MR. MATHESON: Here.
5 SECRETARY FIELDS: Dr. Moore?
6 DR. MOORE: Here.
7 SECRETARY FIELDS: Mr. Smith?
8 MR. SMITH: Here.
9 SECRETARY FIELDS: Mr. Sowers?
10 VICE-CHAIRMAN SOWERS: Here.
11 SECRETARY FIELDS: Ms. Wells is absent.
12 Mr. Winegardner?
13 MR. WINEGARDNER: Here.
14 SECRETARY FIELDS: Mr. Duzan?
15 CHAIRMAN DUZAN: Here.
16 SECRETARY FIELDS: We have a quorum.
17 CHAIRMAN DUZAN: Okay. We'll move on to
18 the approval of the minutes from the August 23, 2022
19 meeting. The last meeting, we didn't have a quorum
20 so we don't have official minutes, and we couldn't
21 approve the minutes from the previous meeting; so
22 this is from the August 23rd meeting.
23 MR. SMITH: Make a motion to approve.
24 MS. MACH: Second.
25 CHAIRMAN DUZAN: Okay. We have a motion

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1 and a second, we'll have a vote.
2 SECRETARY FIELDS: Dr. Jarman?
3 DR. JARMAN: Yes.
4 SECRETARY FIELDS: Mr. Lee?
5 MR. LEE: Abstain.
6 SECRETARY FIELDS: Ms. Mach?
7 MS. MACH: Yes.
8 SECRETARY FIELDS: Mr. Matheson?
9 MR. MATHESON: I abstain.
10 SECRETARY FIELDS: Dr. Moore?
11 DR. MOORE: Yes.
12 SECRETARY FIELDS: Mr. Smith?
13 MR. SMITH: Yes.
14 SECRETARY FIELDS: Mr. Sowers?
15 VICE-CHAIRMAN SOWERS: Yes.
16 SECRETARY FIELDS: Mr. Winegardner?
17 MR. WINEGARDNER: Yes.
18 SECRETARY FIELDS: Mr. Duzan?
19 CHAIRMAN DUZAN: Yes.
20 SECRETARY FIELDS: Motion passed.
21 CHAIRMAN DUZAN: Okay. Next is the
22 schedule of meetings for this calendar year, they're
23 in your packets. It's basically Tuesday,
24 April 18th, at 2:00; Tuesday, July 25th, at 2:00;
25 Tuesday, September 26th, at 2:00; and they're all in

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1 this room at the DEQ.
 2 VICE-CHAIRMAN SOWERS: Make a motion to
 3 approve.
 4 MR. WINEGARDNER: Second.
 5 CHAIRMAN DUZAN: We have a motion and a
 6 second, we'll have a vote.
 7 SECRETARY FIELDS: Dr. Jarman?
 8 DR. JARMAN: Yes.
 9 SECRETARY FIELDS: Mr. Lee?
 10 MR. LEE: Yes.
 11 SECRETARY FIELDS: Ms. Mach?
 12 MS. MACH: Yes.
 13 SECRETARY FIELDS: Mr. Matheson?
 14 MR. MATHESON: Yes.
 15 SECRETARY FIELDS: Dr. Moore?
 16 DR. MOORE: Yes.
 17 SECRETARY FIELDS: Mr. Smith?
 18 MR. SMITH: Yes.
 19 SECRETARY FIELDS: Mr. Sowers?
 20 VICE-CHAIRMAN SOWERS: 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. Moving on, we need
 2 to -- every year, we have to elect a chair and a
 3 vice-chair. So, the first thing we're going to do
 4 is take nominations for the vice-chair. And if
 5 anybody else -- I'd like to -- I'll name Steve
 6 Sowers.
 7 MR. WINEGARDNER: Mr. Chairman?
 8 CHAIRMAN DUZAN: Yes?
 9 MR. WINEGARDNER: I would like to move
 10 that we continue the same officers that we had last
 11 year.
 12 CHAIRMAN DUZAN: Okay. I think we have to
 13 do it separately, though. Does anybody -- yeah. So
 14 we'll have to -- I guess, then, so Steve Sowers is
 15 the current vice-chair; so I will make a motion to
 16 select him, if he's willing.
 17 MR. MATHESON: I'll second that.
 18 CHAIRMAN DUZAN: And we have a second.
 19 Any other discussion?
 20 Okay. We'll have a vote.
 21 SECRETARY FIELDS: Dr. Jarman?
 22 DR. JARMAN: Yes.
 23 SECRETARY FIELDS: Mr. Lee?
 24 MR. LEE: Yes.
 25 SECRETARY FIELDS: Ms. Mach?

Page 7

1 MS. MACH: Yes.
 2 SECRETARY FIELDS: Mr. Matheson?
 3 MR. MATHESON: Yes.
 4 SECRETARY FIELDS: Dr. Moore?
 5 DR. MOORE: Yes.
 6 SECRETARY FIELDS: Mr. Smith?
 7 MR. SMITH: Yes.
 8 SECRETARY FIELDS: Mr. Sowers?
 9 VICE-CHAIRMAN SOWERS: I guess.
 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 I'll pass it
 16 over to Steve to elect the new chair.
 17 VICE-CHAIRMAN SOWERS: Yes, I would have a
 18 motion made for the chair. Unless there's any
 19 objection, I would recommend Brian Duzan as the
 20 chair.
 21 DR. JARMAN: Second.
 22 MS. MACH: Second.
 23 SECRETARY FIELDS: Mr. Jarman, he
 24 seconded.
 25 MS. MACH: Oh, sorry.

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1 SECRETARY FIELDS: So I will take a vote?
 2 CHAIRMAN DUZAN: Yes. Steve's in charge
 3 right now.
 4 SECRETARY FIELDS: Dr. Jarman?
 5 DR. JARMAN: Yes.
 6 SECRETARY FIELDS: Mr. Lee?
 7 MR. LEE: Yes.
 8 SECRETARY FIELDS: Ms. Mach?
 9 MS. MACH: Yes.
 10 SECRETARY FIELDS: Mr. Matheson?
 11 MR. MATHESON: Yes.
 12 SECRETARY FIELDS: Dr. Moore?
 13 DR. MOORE: Yes.
 14 SECRETARY FIELDS: Mr. Smith?
 15 MR. SMITH: Yes.
 16 SECRETARY FIELDS: Mr. Sowers?
 17 VICE-CHAIRMAN SOWERS: 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: Okay. We do have a
 24 couple new members to the council. So if you guys
 25 want to kind of state your information, who you are,

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1 and where you come from.

2 MR. LEE: Yeah. Are you looking at me?

3 CHAIRMAN DUZAN: Yeah.

4 MR. LEE: All right. I'll start us. My

5 name's Eric Lee, I'm the Operations Manager of the

6 City of Tulsa's Water and Sewer Department, been

7 with the City of Tulsa for 27 years. And as I told

8 some of you, I report to the Director of Water and

9 Sewer, and I pretty much do whatever he asks me to

10 do.

11 And so he didn't ask me to do this,

12 but I'm pleased to be here and to serve with the

13 rest of the council members. So, thank you for

14 allowing me to introduce myself.

15 CHAIRMAN DUZAN: Okay. I guess we're

16 going to move on quickly to -- we're basically going

17 through about every chapter in the book. We'll

18 start with 252:730, Oklahoma's Water Quality

19 Standards, and Brian Clagg is going to have some

20 comments.

21 MR. CLAGG: Okay. Thank you, Brian. I'm

22 going to start off with a little bit of

23 introduction, but first, I'm Brian Clagg, I'm an

24 Environmental Programs Manager in the Water Quality

25 Division here at DEQ.

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1 And I want to thank the council for

2 being here today. I'm going to give you a brief

3 summary of the rulemaking efforts that we've been

4 going through these past few months.

5 During the 2022 Oklahoma legislative

6 session, two bills were passed by the legislature

7 and signed by the Governor that transfers authority

8 for administering Oklahoma Water Quality Standards

9 from the OWRB to the Department of Environmental

10 Quality.

11 The first bill, Senate Bill No. 1325,

12 amended Oklahoma Statute 27A Section 1-3-101 that

13 describes DEQ's jurisdictional areas of

14 environmental responsibility. Specifically, the

15 bill states, in part, that DEQ will have authority

16 for, "Development and promulgation of Oklahoma Water

17 Quality Standards, their accompanying use support

18 assessment protocols, antidegradation policies

19 generally affecting Oklahoma Water Quality Standards

20 application and implementation including but not

21 limited to mixing zones, low flows and variances or

22 any modification or change thereof pursuant to

23 Section 1085.30 of Title 82 of the Oklahoma

24 Statutes". Section 1085.30 of Title 82, which

25 describes classification of water uses, was amended

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1 to denote that the DEQ, not the Oklahoma Water

2 Resources Board, is "authorized to promulgate rules

3 to be known as "Oklahoma Water Quality Standards"

4 which establish classifications of uses of water of

5 the state, criteria to maintain and protect such

6 classifications, and other standards or policies

7 pertaining to the quality of such waters".

8 Now, the second bill, House Bill

9 3824, was also passed amending Section 1-3-101 of

10 27A. This amendment gave DEQ jurisdiction for,

11 "adoption of water quality standard variances and

12 site-specific criteria to the extent that such

13 variances and site-specific criteria are utilized in

14 and enforced through water quality permits issued by

15 the Department. Such variances and site-specific

16 criteria may be adopted through rulemaking or

17 through the permitting process; provided that the

18 process satisfies the public participation and water

19 quality standard variance requirements set forth in

20 the corresponding federal regulations".

21 Now, the effective date for these two

22 bills was November 1, 2022. Therefore, in order for

23 the State of Oklahoma to have the authority to

24 promulgate water quality standards and to implement

25 water quality standards in our permits, as of

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1 November 1, 2022, it was necessary that DEQ

2 promulgate two new rules, Chapters 730 and 740, to

3 replace current rules Chapters OAC 785 Chapter 45,

4 titled "Oklahoma's Water Quality Standards", and

5 785:46, titled "Implementation of Oklahoma's Water

6 Quality Standards", that were previously promulgated

7 by the Oklahoma Water Resources Board.

8 At the August 23, 2022 Water Quality

9 Management Advisory Council meeting, you voted to

10 recommend to the Environmental Quality Board

11 emergency rules. These included the two new rules,

12 Chapters 730 and 740, as well as existing DEQ rules

13 that made reference to Chapters 45 and 46 or else

14 referenced OWRB, not DEQ, as having jurisdictional

15 authority to promulgate Water Quality Standards and

16 to adopt Water Quality Standard Variances. These

17 additional chapters were OAC 252 Chapters 606, 611,

18 616, 621, 628, 652, 653, 656, and 690. In all,

19 these 11 chapters of emergency rules were presented

20 to the Environmental Quality Board on September 13,

21 2022, at which time the Environmental Quality Board

22 voted to adopt each of the emergency rules. The

23 emergency rules were approved by the Governor on

24 October 25, 2022.

25 So, today, in addition to some other

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1 rulemaking, DEQ plans to present these rules as
 2 permanent rules. Also, all of these rules were
 3 discussed at the September 27th Water Quality
 4 Management Advisory Council meeting. I would also
 5 like to note that we conducted two informal public
 6 meetings regarding these proposed rules. One was
 7 conducted on November 2, 2022, here at the DEQ
 8 office, where we had approximately 13 attendees, and
 9 the second was conducted on November the 18th, in
 10 Tulsa, at the Mohawk Water Treatment Plant, where
 11 approximately six attended.

12 Now, up until today, DEQ had not
 13 received any written public comments during this
 14 comment period. You will recall that in the
 15 July 26, 2022 council meeting, a statement was read
 16 by Mr. Ed Brocksmith, with Save the Illinois River,
 17 and he provided you copies of his statement. At
 18 10:43 a.m. today, DEQ received an email from Matthew
 19 Wright, Chairman of the Conservation Coalition of
 20 Oklahoma. This email notes concerns regarding
 21 variances to water quality standards associated with
 22 the transfer of authority from OWRB to DEQ,
 23 specifically as variances relate to Scenic Rivers.
 24 And I should note, this letter that I'm talking
 25 about and the email are in your binders, they should

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1 have been in the left cover; so you should be able
 2 to see the email and the attachment that I'm
 3 discussing right now. So, continuing, the email
 4 refers to an attached document, which you also have,
 5 from Save the Illinois River, titled "Statement on
 6 Water Quality Variance". This document states
 7 STIR's objection to the concept of "variances" for
 8 Oklahoma Scenic Rivers and appears to be the same
 9 statement provided previously by Mr. Brocksmith.
 10 The email and attachment do not specifically cite
 11 specific rules, but several of the rules that we
 12 will discuss today address variances. These include
 13 Chapter 730, "Oklahoma's Water Quality Standards",
 14 Chapter 606, "Oklahoma Pollutant Discharge
 15 Elimination System Standards", and Chapter 690,
 16 "Water Quality Standards Implementation". As these
 17 rules are presented to you today, I will point out
 18 where variances are addressed in these rules.
 19 Because the legislature has specifically authorized
 20 DEQ the authority to adopt variances, DEQ staff is
 21 not recommending any changes to the proposed rules
 22 based on the email and attachment submitted. And as
 23 a reminder, all variance requests must go through a
 24 public participation and EPA review process.

25 Okay. So now I would like to begin

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1 with our rules. Chapter 730, which is titled
 2 "Oklahoma's Water Quality Standards". For permanent
 3 rulemaking, DEQ staff is proposing to promulgate
 4 this new rule. OAC 252:730 is basically a copy of
 5 the OWRB's Chapter 45 and Emergency Rule OAC
 6 252:730. In your binders, you will find a tab for
 7 Chapter 730 that includes the Notice of Rulemaking
 8 Intent, Rule Impact Statement, and proposed rule
 9 text. Since this is a new permanent rule all the
 10 text is underlined, and please note that any changes
 11 from the emergency rule that was promulgated are
 12 minor. I would also like to point out a few things
 13 in this chapter. First, you will notice that
 14 Appendix C is denoted as "Reserved New". The reason
 15 for this is in Chapter 45, Appendix C was, at some
 16 time, "Revoked". By denoting it as "Reserved New",
 17 we do not need to change the alphabetical
 18 designation of all the following appendices.
 19 Appendix D remains as Appendix D, Appendix E remains
 20 as Appendix E, et cetera. This eliminates the need
 21 for us to correct citations in other chapters that
 22 may have referenced these appendices. Another
 23 section I want to bring to your attention is
 24 252:730-5-5, titled "Water Quality Standard
 25 Variance". This section was changed to remove

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1 language that read, "OWRB rulemaking and approval is
 2 required for all water quality standard variances".
 3 I also want to note in Section 730-5-7 below that,
 4 the changes were made to denote that DEQ, not the
 5 Oklahoma Water Resources Board, will review and
 6 approve detailed workplans related to site-specific
 7 criteria.

8 Another couple of sections that I
 9 need to comment on are 252:730-5-19 (Aesthetics) and
 10 252:730-5-25 (Implementation Policies for the
 11 Antidegradation Policy Statement). During the
 12 emergency rulemaking process, it was brought to
 13 DEQ's attention that these sections in the draft
 14 rules did not reflect the most recent rule changes
 15 at OWRB. DEQ updated those sections in the
 16 emergency rules and I want to note that this
 17 proposed permanent rule also includes those most
 18 recent changes. Lastly, as was pointed out during
 19 the emergency rulemaking process, DEQ staff is not
 20 recommending a change in this proposed permanent
 21 rule to prohibit variances in any waterbody.

22 In conclusion, DEQ is asking the
 23 council to recommend to the Environmental Quality
 24 Board this permanent rulemaking for Chapter 730.
 25 Thank you.

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1 CHAIRMAN DUZAN: Thank you, sir.
 2 Any questions or comments from the
 3 council?
 4 DR. JARMAN: I do have a question. Do the
 5 Scenic Rivers listed in the statement receive
 6 special treatment at any place in the standard
 7 proposed, for instance, Outstanding Resource Water?
 8 MR. CLAGG: Shellie, you want to take
 9 that?
 10 MS. CHARD: Shellie Chard, I'm the Water
 11 Quality Division Director. So, the same language
 12 that was in the Water Board rules carried over; so,
 13 the Scenic Rivers do still have those protections
 14 related to limitations on where there can be added
 15 discharges or biosolids, all of the protections
 16 remain in place, there was no change to that -- to
 17 any of those protections.
 18 And the variance language does not
 19 apply to any one waterbody, it -- this simply allows
 20 the State, DEQ, to consider variances should they be
 21 requested, and then they would still have to go
 22 through all of the rulemaking or permitting, public
 23 participation steps that are required.
 24 DR. JARMAN: And as such, they would -- as
 25 a Scenic River, designated Scenic River for

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1 Oklahoma, they would receive protections appropriate
 2 for that designation; is that correct?
 3 MS. CHARD: Yes. The variance, it changes
 4 on an interim basis what a specific provision might
 5 be in the water quality standard. So if someone
 6 proposed an activity that would be an increased
 7 discharge, they would have to go through a process
 8 where they could document and show where water
 9 quality improvements would still be occurring and
 10 have a path to meet water quality standards in a
 11 specified timeframe.
 12 It's hard to talk about this one in a
 13 hypothetical just because it is a little bit
 14 nebulous. What the variance change does is allow
 15 the State to use the variance process, which has
 16 been in place in federal law since the Clean Water
 17 Act, but it still would require all of the variance
 18 approval steps to be met, which, the three biggest
 19 ones are, in a specified timeframe -- I've seen five
 20 to seven years in other states -- that they would
 21 meet all the criteria assigned to that waterbody,
 22 there would be improving water quality in that
 23 waterbody in that interim period, and there would be
 24 the public participation component to allow all
 25 stakeholders to voice their opinions, concerns,

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1 evidence, and then it would be -- have to be
 2 reviewed and approved by both EPA Region 6, in our
 3 case, and EPA Headquarters Office of Science and
 4 Technology.
 5 So that's kind of what that process
 6 looks like. So it is possible that there could be
 7 an interim period where it may not be meeting
 8 100 percent of the water quality standards, but it
 9 has to be better than what they're doing right now
 10 and they have to get to that end point in a short,
 11 specified period of time.
 12 DR. JARMAN: And that would be created
 13 through an open discussion with everyone involved?
 14 MS. CHARD: Oh, absolutely. There is very
 15 specific federal public participation requirements
 16 and then, also, all of the DEQ public participation
 17 requirements would also have to be met.
 18 DR. JARMAN: So, as I understand it, it's
 19 a pretty daunting challenge for anyone to meet a
 20 variance from the water quality standards?
 21 MS. CHARD: To obtain a variance?
 22 DR. JARMAN: To obtain a variance.
 23 MS. CHARD: It is a very specified process
 24 in federal law, plus then you apply the Oklahoma
 25 requirements, statewide requirements and then also

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1 the DEQ rulemaking requirements, which is why, in
 2 this case, you've seen these rules now four times
 3 and there have been multiple informal public
 4 meetings. There would be something similar to that.
 5 One slight difference is the area
 6 that would be affected. Since variances are site
 7 specific or waterbody specific, there is a
 8 requirement that public outreach occur in that area;
 9 so, rather than our meetings being in Oklahoma City
 10 and Tulsa, if this were an issue in Altus, then we
 11 would be having those informal meetings in Altus or,
 12 potentially, even a formal hearing in Altus as
 13 opposed to the center part of the state.
 14 DR. JARMAN: Thank you.
 15 MS. CHARD: You're welcome.
 16 CHAIRMAN DUZAN: Thank you.
 17 Any other questions or comments from
 18 the council?
 19 MS. MACH: I make a motion to approve the
 20 rule as presented.
 21 CHAIRMAN DUZAN: We need to see if there's
 22 any discussion from the public?
 23 MS. MACH: Sorry. I'm ready to get going.
 24 CHAIRMAN DUZAN: We have a lot left.
 25 MS. CHARD: I'm sorry, Mr. Chairman, if I

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1 may, I just want to highlight that the comment
 2 received that Mr. Clagg discussed, that we first
 3 heard from Mr. Brocksmith in June and then we
 4 received the email today, this is one of the
 5 chapters where those comments would apply.
 6 CHAIRMAN DUZAN: Okay. So noted.
 7 If we don't have any questions or
 8 comments from the public, I will entertain a motion.
 9 MS. MACH: I'd like to make a motion to
 10 approve the rule as presented.
 11 CHAIRMAN DUZAN: Do we have a second?
 12 MR. MATHESON: I'll second it.
 13 CHAIRMAN DUZAN: We have a second, we'll
 14 have a vote.
 15 SECRETARY FIELDS: Dr. Jarman?
 16 DR. JARMAN: Yes.
 17 SECRETARY FIELDS: Mr. Lee?
 18 MR. LEE: Yes.
 19 SECRETARY FIELDS: Ms. Mach?
 20 MS. MACH: Yes.
 21 SECRETARY FIELDS: Mr. Matheson?
 22 MR. MATHESON: Yes.
 23 SECRETARY FIELDS: Dr. Moore?
 24 DR. MOORE: Yes.
 25 SECRETARY FIELDS: Mr. Smith?

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1 MR. SMITH: Yes.
 2 SECRETARY FIELDS: Mr. Sowers?
 3 VICE-CHAIRMAN SOWERS: 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. We're going to
 10 move on to 252:740.
 11 Mr. Clagg?
 12 MR. CLAGG: Okay. The second rule on the
 13 Agenda is "Implementation of Oklahoma's Water
 14 Quality Standards". For permanent rulemaking, DEQ
 15 staff is proposing to promulgate this new rule. Its
 16 purpose is to replace the OWRB's Rule 785 Chapter 46
 17 and Emergency Rule OAC 252:740. In your binders,
 18 you will find a tab that includes the Notice of
 19 Rulemaking Intent, Rule Impact Statement, and
 20 proposed rule text. Since this is a new permanent
 21 rule all the text is underlined, and again, please
 22 note that any changes from the emergency rule that
 23 was promulgated are minor.
 24 I would like to point out some of the
 25 updates from the OWRB Chapter 46 that were made in

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1 the emergency rules and are being proposed in this
 2 permanent rule, as well. The first of these was
 3 deleting Subchapter 17, which was titled "OWRB's
 4 Water Quality Standards Implementation Plan".
 5 Subchapter 17 is now proposed to be "Implementation
 6 of the DO Criteria to Protect Fish Propagation",
 7 which was formerly Subchapter 19 in Chapter 46.
 8 There are proposed changes to the appendices, as
 9 well, since in Chapter 46, Appendix A had been
 10 revoked; so we propose now to denote it as "Reserved
 11 New" again so as not to have to correct references,
 12 either in this chapter or others, if we had
 13 relabeled the appendices. Our draft permanent rule
 14 also removes Appendix D, which was titled "Summary
 15 of Comments on OWRB's Water Quality Standards
 16 Implementation Plan". Chapter 740, just like 730,
 17 required many of the same edits, such as removing
 18 citations to OWRB, where applicable, and making
 19 appropriate references to Chapters 730 and 740. I
 20 would also like to note that the proposed Chapter
 21 740 contains multiple references to certain
 22 "support" and "reference" documents and, where DEQ
 23 has been able, these have been updated or verified.
 24 I also want to note that as we worked
 25 through Chapter 740, there were quite a few

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1 "Revoked" sections that were removed, which required
 2 renumbering of sections. We have changed
 3 references, where necessary, to make sure that they
 4 have been updated.
 5 Lastly, as was noted for Chapter 730,
 6 during the emergency rulemaking process DEQ was made
 7 aware of a section within Chapter 740 that needed to
 8 be updated in order to reflect the version of 785
 9 Chapter 46 on the Oklahoma Administrative Rules
 10 website. This required updating 252:740-15-12,
 11 titled "Assessment of Aesthetics Support", to
 12 reflect the most recent changes to Chapter 46 made
 13 by the OWRB.
 14 Therefore, in conclusion, DEQ is
 15 asking the council to recommend to the Environmental
 16 Quality Board this permanent rulemaking for Chapter
 17 740. Thanks.
 18 CHAIRMAN DUZAN: Thank you.
 19 Questions or comments from the
 20 council?
 21 Questions or comments from the
 22 public?
 23 Okay. Then I'll entertain a motion.
 24 DR. MOORE: I make a motion to approve.
 25 DR. JARMAN: Second.

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1 CHAIRMAN DUZAN: We have a motion and a
 2 second, we'll have a vote.
 3 SECRETARY FIELDS: Dr. Jarman?
 4 DR. JARMAN: Yes.
 5 SECRETARY FIELDS: Mr. Lee?
 6 MR. LEE: Yes.
 7 SECRETARY FIELDS: Ms. Mach?
 8 MS. MACH: Yes.
 9 SECRETARY FIELDS: Mr. Matheson?
 10 MR. MATHESON: 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 VICE-CHAIRMAN SOWERS: Yes.
 17 SECRETARY FIELDS: Mr. Winegardner?
 18 MR. WINEGARDNER: Yes.
 19 SECRETARY FIELDS: Mr. Duzan?
 20 CHAIRMAN DUZAN: Yes.
 21 SECRETARY FIELDS: Motion passed.
 22 CHAIRMAN DUZAN: Okay. Moving on to
 23 252:606.
 24 Mr. Clagg?
 25 MR. CLAGG: Okay. Chapter 606 is

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1 "Oklahoma Pollutant Discharge Elimination System
 2 Standards". For permanent rulemaking, DEQ staff is
 3 proposing updates to this chapter that include those
 4 made during the emergency rulemaking process which
 5 consisted of changing references from Chapter 45 to
 6 Chapter 730, from Chapter 46 to 740, and references,
 7 where applicable, to DEQ instead of the Oklahoma
 8 Water Resources Board. We would also like to note
 9 that, just as was done in the emergency rulemaking,
 10 that Subchapter 5, specifically 606-5-4, states that
 11 approval for variances allowed pursuant to the
 12 Oklahoma Water Quality Standards must be obtained
 13 directly from DEQ, not the Oklahoma Water Resources
 14 Board. So Chapter 606 is another one of our
 15 chapters that addresses the variances.
 16 DEQ staff is also proposing an update
 17 of the federal rules incorporated by reference from
 18 July 19, 2021 to July 1, 2022. The final regulatory
 19 change consisted of a technical amendment to modify
 20 the submission location for Continuous Release
 21 Reports subject to the Comprehensive Environmental
 22 Response, Compensation, and Liability Act. I think,
 23 in your Agenda -- the acronym for Continuous Release
 24 Reports, I think I had "CCRs" in there and that
 25 should be CRR, so just to point that out. So, these

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1 reports were submitted to respective EPA regional
 2 offices, but with the technical amendment, EPA now
 3 requires reports be submitted to the appropriate EPA
 4 Headquarters office. The amendment also corrected a
 5 typographical error, corrected citations within the
 6 section, and amended the listed authority. We
 7 incorporate by reference this section of 40 CFR
 8 because of spill prevention, response and reporting
 9 requirements specified in some of our permits.
 10 So, from a review of the proposed
 11 rule text, the council can see that the proposed
 12 updates affect Subchapter 1 (Introduction),
 13 Subchapter 3 (Discharge Permitting Process for
 14 Individual and General Discharge Permits),
 15 Subchapter 5 (Discharge Permit Requirements), and
 16 Subchapter 8 (Biosolids Requirements).
 17 In conclusion, DEQ staff is asking
 18 the council to recommend to the Environmental
 19 Quality Board this permanent rulemaking for Chapter
 20 606. Thank you.
 21 CHAIRMAN DUZAN: Thank you, sir.
 22 Questions or comments from the
 23 council?
 24 Questions or comments from the
 25 public?

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1 MS. CHARD: Mr. Chair, I would just point
 2 out that, again, this is a chapter that the
 3 statement that was originally submitted by
 4 Mr. Brocksmith in June and submitted by email by
 5 Mr. Wright would also apply to this chapter.
 6 CHAIRMAN DUZAN: Okay. Duly noted.
 7 Any other questions or comments from
 8 the public?
 9 Then we will entertain a motion.
 10 MR. SMITH: Motion to approve.
 11 MR. MATHESON: I'll second it.
 12 CHAIRMAN DUZAN: We have a motion and a
 13 second, we'll have a vote.
 14 SECRETARY FIELDS: Dr. Jarman?
 15 DR. JARMAN: Yes.
 16 SECRETARY FIELDS: Mr. Lee?
 17 MR. LEE: Yes.
 18 SECRETARY FIELDS: Ms. Mach?
 19 MS. MACH: Yes.
 20 SECRETARY FIELDS: Mr. Matheson?
 21 MR. MATHESON: 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 VICE-CHAIRMAN 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: Okay. Moving on to
 9 252:611.
 10 Brian?
 11 MR. CLAGG: Thank you. Chapter 611 is
 12 "General Water Quality". For permanent rulemaking,
 13 DEQ staff is proposing updates to this chapter that
 14 include those made during the emergency rulemaking
 15 process. These include ensuring that a reference is
 16 made to OAC 252:730 and that a reference to OWRB's
 17 authority for administering Oklahoma's Water Quality
 18 Standards is updated to denote DEQ as now having
 19 this authority. In addition to these changes, a
 20 group of definitions titled "Supplemental
 21 Information, Glossary of Terms", located at the very
 22 end of the rule, have been consolidated with the
 23 list of definitions at the beginning of the chapter
 24 to conform with the way definitions and terms are
 25 referenced in DEQ's other rules. From a review of

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1 the proposed rule text, the council can see that the
 2 proposed updates only affect Subchapter 1 (General
 3 Provisions).
 4 In conclusion, DEQ staff is asking
 5 the council to recommend to the Environmental
 6 Quality Board this permanent rulemaking for Chapter
 7 611. Thank you.
 8 CHAIRMAN DUZAN: Thank you.
 9 Questions or comments from the
 10 council?
 11 Questions or comments from the
 12 public?
 13 Okay. I would entertain a motion.
 14 VICE-CHAIRMAN SOWERS: Motion made.
 15 MR. WINEGARDNER: Second.
 16 CHAIRMAN DUZAN: We have a motion and a
 17 second, we'll have a vote.
 18 SECRETARY FIELDS: Dr. Jarman?
 19 DR. JARMAN: Yes.
 20 SECRETARY FIELDS: Mr. Lee?
 21 MR. LEE: Yes.
 22 SECRETARY FIELDS: Ms. Mach?
 23 MS. MACH: Yes.
 24 SECRETARY FIELDS: Mr. Matheson?
 25 MR. MATHESON: 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 VICE-CHAIRMAN SOWERS: 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. Now we're on to
 13 252:616, "Industrial Wastewater Systems".
 14 MR. CLAGG: Okay. For permanent
 15 rulemaking, DEQ staff is proposing updates to this
 16 chapter that include those made during the emergency
 17 rulemaking process. These include ensuring that a
 18 reference is made to OAC 252:730 and that a
 19 reference to Oklahoma Water Resources Board's
 20 authority for administering Oklahoma Water Quality
 21 Standards is updated to denote DEQ as now having
 22 this authority. From a review of the proposed rule
 23 text, the council can see that the proposed updates
 24 affect Subchapter 1 (Introduction), Subchapter 9
 25 (Tank System Standards), and Subchapter 11 (Land

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1 Application Standards).
 2 In conclusion, DEQ staff is asking
 3 the council to recommend to the Environmental
 4 Quality Board this permanent rulemaking for Chapter
 5 616.
 6 CHAIRMAN DUZAN: Okay. Questions or
 7 comments from the council?
 8 Questions or comments from the
 9 public?
 10 I'll entertain a motion.
 11 MS. MACH: Make a motion to pass the rule.
 12 DR. JARMAN: Second.
 13 CHAIRMAN DUZAN: We have a motion and a
 14 second, we'll have a vote.
 15 SECRETARY FIELDS: Dr. Jarman?
 16 DR. JARMAN: Yes.
 17 SECRETARY FIELDS: Mr. Lee?
 18 MR. LEE: Yes.
 19 SECRETARY FIELDS: Ms. Mach?
 20 MS. MACH: Yes.
 21 SECRETARY FIELDS: Mr. Matheson?
 22 MR. MATHESON: Yes.
 23 SECRETARY FIELDS: Dr. Moore?
 24 DR. MOORE: Yes.
 25 SECRETARY FIELDS: Mr. Smith?

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1 MR. SMITH: Yes.

2 SECRETARY FIELDS: Mr. Sowers?

3 VICE-CHAIRMAN SOWERS: 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. Moving on to

10 252:621, "Non-Industrial Discharging and Public

11 Water Supply Lagoons".

12 Mr. Clagg?

13 MR. CLAGG: Okay. For permanent

14 rulemaking, DEQ staff is proposing updates to this

15 chapter that include those made during the emergency

16 rulemaking process. This will consist of ensuring a

17 reference is made to OAC 252:730 and changing a

18 reference from OWRB to DEQ in the definition of

19 "Oklahoma's Water Quality Standards". From a review

20 of the proposed rule text, the council can see that

21 the proposed updates only affect Subchapter I

22 (General Provisions).

23 In conclusion, DEQ staff is asking

24 the council to recommend to the Environmental

25 Quality Board this permanent rulemaking for Chapter

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1 621.

2 CHAIRMAN DUZAN: Okay. Thank you.

3 Questions or comments from the

4 council?

5 MR. LEE: Yeah, Mr. Chair, got a question.

6 Mr. Clagg, on the definition for

7 "Point source", it says, "shall have the meaning

8 assigned to that term in OAC 252:606". Now, I know

9 this probably wasn't one of the things that you were

10 looking at to make this change, but I was curious,

11 is that in 606 or is that in 690?

12 MR. CLAGG: Now, where is this? Is this

13 in the draft text?

14 MR. LEE: Yeah.

15 MR. CLAGG: I don't have that in front of

16 me.

17 MR. LEE: I think there's three references

18 in 606 to "point source", and based on this, it

19 says, "shall have the meaning assigned". So I

20 noticed that in 690, it's the actual definition, and

21 so I didn't know if the definition and meaning are

22 two different things. Sorry to throw you off your

23 game.

24 MR. CLAGG: Oh, no, that's fine. So

25 the question is, does that reference back to 606 or

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1 690?

2 MR. LEE: Yes, sir.

3 MR. CLAGG: That I am not sure about at

4 the moment, I would have to check that. That was

5 not one of the items that we had changed for this

6 rulemaking; so I probably need to check on that and

7 see and look at that, but --

8 MR. LEE: Yeah, might just be a

9 scrivener's error on where the reference is.

10 I don't know, is he able to adjust

11 that based on his review after this?

12 MS. EBERLE: It would have to be changed

13 in the next rulemaking.

14 MR. LEE: Okay. Thank you much.

15 CHAIRMAN DUZAN: Okay. Any other

16 questions or comments from the council?

17 Questions or comments from the

18 public?

19 Then I'll entertain a motion.

20 MR. LEE: Motion to approve.

21 MS. MACH: Second.

22 CHAIRMAN DUZAN: We have a motion and a

23 second, we'll have a vote.

24 SECRETARY FIELDS: Dr. Jarman?

25 DR. JARMAN: Yes.

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1 SECRETARY FIELDS: Mr. Lee?

2 MR. LEE: Yes.

3 SECRETARY FIELDS: Ms. Mach?

4 MS. MACH: Yes.

5 SECRETARY FIELDS: Mr. Matheson?

6 MR. MATHESON: 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 VICE-CHAIRMAN SOWERS: Yes.

13 SECRETARY FIELDS: Mr. Winegardner?

14 MR. WINEGARDNER: Yes.

15 SECRETARY FIELDS: Mr. Duzan?

16 CHAIRMAN DUZAN: Yes.

17 SECRETARY FIELDS: Motion passed.

18 CHAIRMAN DUZAN: Okay. 252:626, "Public

19 Water Supply Construction Standards".

20 Mr. Clagg?

21 MR. CLAGG: Okay. Finally a change, we're

22 not talking about one of the emergency rules that

23 we've done, as well. So on this one, this is

24 "Public Water Supply Construction Standards". As I

25 just said, this rule is not one of the chapters that

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1 required emergency rulemaking. I also want to note
 2 that we had a workgroup consisting of DEQ personnel
 3 and external stakeholders that was formed and met
 4 several times regarding the proposed changes to this
 5 rule. On July 1, 2021, House Bill 2402 was enacted,
 6 authorizing conservancy districts, municipalities,
 7 counties, public trusts, and other political
 8 subdivisions operating a public water supply system
 9 or wastewater treatment system to utilize
 10 design-build as a project delivery method for those
 11 systems. Design-build is defined as a project
 12 delivery method in which one entity works under a
 13 single contract to provide design and construction
 14 services. The measure requires that the DEQ
 15 incorporate a flexible permitting process to allow
 16 this design-build authorization into its rules and
 17 to authorize up to five pilot projects in the
 18 interim before those rules are adopted. This bill
 19 was codified in Oklahoma Statutes Title 61 Section
 20 220.1. DEQ staff is proposing permanent rulemaking
 21 to update this rule to include definitions for
 22 "Design-build", "Design package", and "Flexible
 23 permitting process" in Subchapter 1, titled
 24 "Introduction". This also requires updating
 25 language for Subchapter 3, titled "Permit

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1 Procedures", to specify that if design-build is
 2 used, the final design package must encompass the
 3 entire completed project, and to denote engineering
 4 report requirements when using design-build.
 5 In conclusion, DEQ staff is asking
 6 the council to recommend to the Environmental
 7 Quality Board this permanent rulemaking for Chapter
 8 626.
 9 CHAIRMAN DUZAN: Okay. Questions or
 10 comments from the council?
 11 MR. LEE: Yeah, Mr. Chair, I have a
 12 question.
 13 Mr. Clagg, on the maximum of six
 14 design packages, where did that number come from?
 15 How is that decided?
 16 MR. CLAGG: I am going to find Greg Carr.
 17 Come on up, Greg.
 18 Greg's our chief engineer, and he was
 19 heavily involved in the workgroup and can provide an
 20 answer to that question.
 21 MR. CARR: So we talked with a lot of
 22 folks, Kansas being one of those, Kansas actually
 23 has design-build. You know, and we asked for a lot
 24 of input, like things that we should watch out for,
 25 for red flags, and I actually think Ms. Mach was at

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1 several of these meetings.
 2 One of the things that Kansas, their
 3 permitting and DWSRF folks suggested was to limit
 4 the number of design-build packages because you
 5 could end up with -- they had one where they had
 6 either 25 or 26. And so when you look at
 7 design-build package number three, you know, then
 8 you have to look at number two and number one. When
 9 you're looking at 25, you really need to go back and
 10 look at 24 and all down to make sure that they --
 11 you know, they all agree because once you've
 12 approved 25 you've, de facto, approved everything
 13 involved in it.
 14 So the work group, which consisted of
 15 consulting engineers, municipalities and some
 16 design-build folks, some of the design-build group,
 17 six is a number that we agreed on as a reasonable
 18 number. You know, some folks that want to do more,
 19 you can actually design your separate design-build
 20 packages, you know, you may have three or four and
 21 you would just submit it to us once.
 22 For us, it was more of a manpower
 23 issue, for design. And also, if somebody needs to
 24 do more, the discussion that we had, there's a
 25 variance process for that. So if you feel like you

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1 need to have 20 or 25, make the argument and we can
 2 live with that. But we didn't want to routinely
 3 see, you know, 10, 15, 20, we were -- at least
 4 initially, we were trying to, you know, conserve
 5 manpower and how much review time we put into that.
 6 Does that help?
 7 MR. LEE: Yes. Thank you so much.
 8 MR. CARR: Six is a number that's a little
 9 arbitrary, but we all felt that was a doable number.
 10 MR. LEE: And you said this is similar to
 11 the State of Kansas?
 12 MR. CARR: The State of Kansas didn't do
 13 this, and this was a big regret that they had.
 14 MR. LEE: Okay.
 15 MR. CARR: So that was where some of this
 16 came from.
 17 MR. LEE: All right. Thank you.
 18 MR. CARR: Thank you.
 19 MR. LEE: Thank you, Mr. Chair.
 20 CHAIRMAN DUZAN: Okay. Any other
 21 questions or comments from the council?
 22 MR. SMITH: I have a -- kind of a
 23 follow-up question that I asked when this first came
 24 up. If we are in the flexible permitting process,
 25 if -- say in the second design package a permit is

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1 issued for that and then, when they get down to the
 2 fourth design package, there's some kind of change
 3 that has to be made that would amend the second
 4 permit, then would the second permit have to be
 5 reissued in a corrected format?
 6 MR. CARR: That is an excellent question,
 7 and I recall quite a bit of discussion on that
 8 point. So with design-build, you're going to have a
 9 more-robust engineering report, you know, we call
 10 that the engineering report on steroids, but it is
 11 what it is. You're -- at that point in design --
 12 the whole point -- a big part of the design-build
 13 process is it moves quite a bit faster, you don't
 14 have the full design.
 15 We've probably -- you know, we're
 16 authorized to do design-build here by the
 17 legislators, we've probably done hundreds of
 18 design-build projects, we just haven't known it
 19 because we don't really concern ourselves at all
 20 with the relationship between the design and the
 21 construction contractors, right?
 22 So the only thing that we're really
 23 authorizing here is flexible permitting, the intent
 24 is not to have to go back and do that. So, ideally,
 25 what we're probably looking at -- and this is a

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1 process that will have to grow with us, and that's
 2 why, actually, we're not incredibly detailed on our
 3 design-build here. We do have some design-build
 4 guidance that we've also worked out with the
 5 workgroup and we're continuing to work out with the
 6 workgroup.
 7 It would probably -- that newer one,
 8 there's a chance they would have to redo the
 9 engineering report. I don't really see the benefit
 10 to that, but we've reserved that as a possibility.
 11 But what would probably happen is there is going to
 12 be something more of a technical memo associated
 13 with that newly-submitted design package, and then
 14 it will clarify and point out the differences, and
 15 then that's something we'll have to argue back and
 16 forth to make sure that it covers all the applicable
 17 issues.
 18 I mean, this is a project that will
 19 conceivably move quite a bit faster. There's
 20 always, you know, a little bit of risk associated
 21 with that, but that is one of the advantages, as
 22 well. So, with strength comes weakness, sometimes,
 23 and vice versa.
 24 MS. MACH: If I may --
 25 MR. CARR: Yes, ma'am.

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1 MS. MACH: -- I think, also, we could look
 2 at this as some field changes that occur during
 3 construction that --
 4 MR. CARR: Yes.
 5 MS. MACH: -- could be documented with red
 6 lines, if you will, that are oftentimes submitted to
 7 DEQ at the completion of a project. Those could be
 8 updated, as long they're not too major and do not --
 9 MR. CARR: Right.
 10 MS. MACH: -- change the intent of the
 11 design. So they can be captured, documented, and
 12 then submitted with future packages.
 13 MR. CARR: Yes, we do change orders after
 14 the permit's approved, we do addenda before. So, I
 15 mean, we've got some options here, we're going to
 16 try a few different ones. We do have some pilot
 17 projects that we'd still like to get done, but I'm
 18 not getting the participation on the pilots that I
 19 was hoping for, but we have a few that are in the
 20 works. Does that help?
 21 CHAIRMAN DUZAN: Okay. Any other
 22 questions or comments from the council?
 23 Questions or comments from the
 24 public?
 25 Okay. I'll entertain a motion.

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1 MS. MACH: I make a motion to pass the
 2 design-build.
 3 VICE-CHAIRMAN SOWERS: Second.
 4 CHAIRMAN DUZAN: Okay. We have a motion
 5 and a second, we'll have a vote.
 6 SECRETARY FIELDS: Dr. Jarman?
 7 DR. JARMAN: Yes.
 8 SECRETARY FIELDS: Mr. Lee?
 9 MR. LEE: Yes.
 10 SECRETARY FIELDS: Ms. Mach?
 11 MS. MACH: Yes.
 12 SECRETARY FIELDS: Mr. Matheson?
 13 MR. MATHESON: Yes.
 14 SECRETARY FIELDS: Dr. Moore?
 15 DR. MOORE: Yes.
 16 SECRETARY FIELDS: Mr. Smith?
 17 MR. SMITH: Yes.
 18 SECRETARY FIELDS: Mr. Sowers?
 19 VICE-CHAIRMAN SOWERS: Yes.
 20 SECRETARY FIELDS: Mr. Winegardner?
 21 MR. WINEGARDNER: Yes.
 22 SECRETARY FIELDS: Mr. Duzan?
 23 CHAIRMAN DUZAN: Yes.
 24 SECRETARY FIELDS: Motion passed.
 25 CHAIRMAN DUZAN: Okay. Moving on to

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1 252:628, "Indirect Potable Reuse for Surface Water
 2 Augmentation".
 3 Mr. Clagg?
 4 MR. CLAGG: Okay. For permanent
 5 rulemaking, DEQ staff is proposing updates to this
 6 chapter that include those made during the emergency
 7 rulemaking process which consisted of changing
 8 references from 785:45 to 252:730 and from 785:46 to
 9 252:740, and references, where applicable, to DEQ
 10 instead of the OWRB. From a review of the proposed
 11 rule text, the council can see that the proposed
 12 updates affect Subchapter 1 (General Provisions),
 13 Subchapter 3 (Benchmarks and Implementation for IPR
 14 Source Water Discharges), Subchapter 9 (Permitting
 15 Requirements for IPR Source Water), and Subchapter
 16 11 (IPR Receiving Waterbody Monitoring).
 17 In conclusion, DEQ staff is asking
 18 the council to recommend to the Environmental
 19 Quality Board this permanent rulemaking for Chapter
 20 628. Thank you.
 21 CHAIRMAN DUZAN: Thank you, sir.
 22 Questions or comments from the
 23 council?
 24 Questions or comments from the
 25 public?

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1 Then we'll entertain a motion.
 2 DR. JARMAN: So move to adopt.
 3 MR. MATHESON: Second that.
 4 CHAIRMAN DUZAN: We have a motion and a
 5 second, we'll have a vote.
 6 SECRETARY FIELDS: Dr. Jarman?
 7 DR. JARMAN: Yes.
 8 SECRETARY FIELDS: Mr. Lee?
 9 MR. LEE: Yes.
 10 SECRETARY FIELDS: Ms. Mach?
 11 MS. MACH: Yes.
 12 SECRETARY FIELDS: Mr. Matheson?
 13 MR. MATHESON: Yes.
 14 SECRETARY FIELDS: Dr. Moore?
 15 DR. MOORE: Yes.
 16 SECRETARY FIELDS: Mr. Smith?
 17 MR. SMITH: Yes.
 18 SECRETARY FIELDS: Mr. Sowers?
 19 VICE-CHAIRMAN SOWERS: Yes.
 20 SECRETARY FIELDS: Mr. Winegardner?
 21 MR. WINEGARDNER: Yes.
 22 SECRETARY FIELDS: Mr. Duzan?
 23 CHAIRMAN DUZAN: Yes.
 24 SECRETARY FIELDS: Motion passed.
 25 CHAIRMAN DUZAN: Moving on to 252:631,

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1 "Public Water Supply Operation".
 2 Brian?
 3 MR. CLAGG: DEQ staff is proposing an
 4 update of the federal rules incorporated by
 5 reference from July 1, 2021, to August 17, 2022.
 6 The changes include EPA's approval of alternative
 7 testing methods for measuring the levels of
 8 contaminants in drinking water and determining
 9 compliance with national primary drinking water
 10 regulations. This provides timelier access to new
 11 measurement techniques and greater flexibility in
 12 the selection of analytical methods, thereby
 13 reducing monitoring costs while maintaining public
 14 health protection. From a review of the proposed
 15 text, the council can see that the proposed update
 16 affects Subchapter 1 (Introduction).
 17 In conclusion, DEQ staff is asking
 18 the council to recommend to the Environmental
 19 Quality Board this permanent rulemaking for Chapter
 20 631.
 21 CHAIRMAN DUZAN: Okay. Questions or
 22 comments from the council?
 23 DR. JARMAN: I have a question, Brian.
 24 MR. CLAGG: Yes?
 25 DR. JARMAN: Do these new federal

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1 regulations include PFOS?
 2 MR. CLAGG: No, not -- these approved
 3 methods don't deal with PFOS.
 4 CHAIRMAN DUZAN: Okay. Any other
 5 questions or comments from the council?
 6 Questions or comments from the
 7 public? Then we will entertain a motion.
 8 VICE-CHAIRMAN SOWERS: Motion made.
 9 MR. WINEGARDNER: Second.
 10 CHAIRMAN DUZAN: We have a motion and a
 11 second, we'll have a vote.
 12 SECRETARY FIELDS: Dr. Jarman?
 13 DR. JARMAN: Yes.
 14 SECRETARY FIELDS: Mr. Lee?
 15 MR. LEE: Yes.
 16 SECRETARY FIELDS: Ms. Mach?
 17 MS. MACH: Yes.
 18 SECRETARY FIELDS: Mr. Matheson?
 19 MR. MATHESON: 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 VICE-CHAIRMAN SOWERS: Yes.

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1 SECRETARY FIELDS: Mr. Winegardner?
 2 MR. WINEGARDNER: Yes.
 3 SECRETARY FIELDS: Mr. Duzan?
 4 CHAIRMAN DUZAN: Yes.
 5 SECRETARY FIELDS: Motion passed.
 6 CHAIRMAN DUZAN: Okay. On to 252:633,
 7 "Drinking Water State Revolving Fund".
 8 Brian?
 9 MR. CLAGG: Okay. This is another rule
 10 that was not part of the water quality standards and
 11 emergency rulemaking. For this one, DEQ staff is
 12 proposing an update to Appendix A, Part II, B.9. to
 13 remove language related to application of the median
 14 household income as an element used by DEQ in
 15 prioritizing the award of DWSRF funds. This change
 16 is intended to clarify that DEQ is to utilize
 17 information from the latest census on the median
 18 household income when prioritizing the award of
 19 DWSRF funds, rather than the dollar amounts
 20 currently in the provision. The language DEQ
 21 proposes to remove does not reflect the latest
 22 census information on median household income and
 23 was intended to be illustrative only. It was not
 24 intended to prevent DEQ from using information from
 25 the latest census. Removing this language will

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1 clarify that DEQ is to utilize the information from
 2 the latest census for the household median income
 3 and is not required to only use the dollar amounts
 4 listed. Since this involves changes to an appendix
 5 which are revoked and reissued, the proposed text in
 6 your binder will not show the changes made.
 7 Therefore, I've included in your binder a marked-up
 8 version of the appendix that you can reference that
 9 should be at the end there. And if you look at the
 10 very end of it, you'll see the strike-through of the
 11 little table that was there, that's what we're
 12 proposing to remove.
 13 So, in conclusion, DEQ staff is
 14 asking the council to recommend to the Environmental
 15 Quality Board this permanent rulemaking for Chapter
 16 633.
 17 CHAIRMAN DUZAN: Questions or comments
 18 from the council?
 19 Questions or comments from the
 20 public?
 21 Then I'll entertain a motion.
 22 DR. MOORE: So move.
 23 MR. SMITH: Second.
 24 CHAIRMAN DUZAN: We have a motion and a
 25 second, we'll have a vote.

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1 SECRETARY FIELDS: Dr. Jarman?
 2 DR. JARMAN: Yes.
 3 SECRETARY FIELDS: Mr. Lee?
 4 MR. LEE: Yes.
 5 SECRETARY FIELDS: Ms. Mach?
 6 MS. MACH: Yes.
 7 SECRETARY FIELDS: Mr. Matheson?
 8 MR. MATHESON: Yes.
 9 SECRETARY FIELDS: Dr. Moore?
 10 DR. MOORE: Yes.
 11 SECRETARY FIELDS: Mr. Smith?
 12 MR. SMITH: Yes.
 13 SECRETARY FIELDS: Mr. Sowers?
 14 VICE-CHAIRMAN SOWERS: 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're going to
 21 move on to 252:652, which is "Underground Injection
 22 Control". And we have a new presenter, Ms. Hillary
 23 Young.
 24 MS. YOUNG: Hello, I'm Hillary Young, I'm
 25 Chief Engineer of the Land Protection Division, and

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1 I'll be presenting Chapter 652, which is
 2 "Underground Injection Control".
 3 For permanent rulemaking, DEQ staff
 4 is proposing updates to Chapter 652 that include
 5 those made during the emergency rulemaking process.
 6 These include changing a reference from Oklahoma
 7 Water Resources Board to Department of Environmental
 8 Quality and OAC 785:45 to OAC 252:730. Also, a
 9 minor editorial change was made for clarification.
 10 From a review of the proposed rule text, the council
 11 can see that the proposed updates affect Subchapter
 12 3 (Exclusionary Siting Criteria).
 13 In conclusion, DEQ staff is asking
 14 the council to recommend to the Environmental
 15 Quality Board this permanent rulemaking for Chapter
 16 652.
 17 CHAIRMAN DUZAN: Thank you.
 18 Questions or comments from the
 19 council?
 20 Questions or comments from the
 21 public?
 22 I'll entertain a motion.
 23 DR. JARMAN: So move.
 24 MR. MATHESON: Seconded.
 25 CHAIRMAN DUZAN: We have a motion and a

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1 second, we'll have a vote.
 2 SECRETARY FIELDS: Dr. Jarman?
 3 DR. JARMAN: Yes.
 4 SECRETARY FIELDS: Mr. Lee?
 5 MR. LEE: Yes.
 6 SECRETARY FIELDS: Ms. Mach?
 7 MS. MACH: Yes.
 8 SECRETARY FIELDS: Mr. Matheson?
 9 MR. MATHESON: 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 VICE-CHAIRMAN SOWERS: Yes.
 16 SECRETARY FIELDS: Mr. Winegardner?
 17 MR. WINEGARDNER: Yes.
 18 SECRETARY FIELDS: Mr. Duzan?
 19 CHAIRMAN DUZAN: Yes.
 20 SECRETARY FIELDS: Motion passed.
 21 CHAIRMAN DUZAN: Okay. Moving on to
 22 252:653, "Aquifer Storage and Recovery".
 23 Ms. Young?
 24 MS. YOUNG: For permanent rulemaking, DEQ
 25 staff is proposing updates to Chapter 653 that

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1 include those made during the emergency rulemaking
 2 process. These include several updates to reference
 3 OAC 252:730 instead of OAC 785:45. From a review of
 4 the proposed rule text, the council can see that the
 5 proposed updates affect Subchapter 3 (Raw Water and
 6 Aquifer Characterization), Subchapter 5 (ASR
 7 Treatment Plant Construction), and Subchapter 9
 8 (Aquifer Storage & Recovery Operations).
 9 In conclusion, DEQ staff is asking
 10 the council to recommend to the Environmental
 11 Quality Board this permanent rulemaking for Chapter
 12 653.
 13 CHAIRMAN DUZAN: Okay. Questions or
 14 comments from the council?
 15 Questions or comments from the
 16 public?
 17 Then I'll entertain a motion.
 18 MR. SMITH: Motion to approve.
 19 DR. JARMAN: Second.
 20 CHAIRMAN DUZAN: We have a motion and a
 21 second, we'll have a vote.
 22 SECRETARY FIELDS: Dr. Jarman?
 23 DR. JARMAN: Yes.
 24 SECRETARY FIELDS: Mr. Lee?
 25 MR. LEE: Yes.

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1 SECRETARY FIELDS: Ms. Mach?
 2 MS. MACH: Yes.
 3 SECRETARY FIELDS: Mr. Matheson?
 4 MR. MATHESON: Yes.
 5 SECRETARY FIELDS: Dr. Moore?
 6 DR. MOORE: Yes.
 7 SECRETARY FIELDS: Mr. Smith?
 8 MR. SMITH: Yes.
 9 SECRETARY FIELDS: Mr. Sowers?
 10 VICE-CHAIRMAN SOWERS: Yes.
 11 SECRETARY FIELDS: Mr. Winegardner?
 12 MR. WINEGARDNER: Yes.
 13 SECRETARY FIELDS: Mr. Duzan?
 14 CHAIRMAN DUZAN: Yes.
 15 SECRETARY FIELDS: Motion passed.
 16 CHAIRMAN DUZAN: Okay. Moving on. I
 17 guess, Hillary, you only had the two, now we're back
 18 to Brian. 252:656, "Water Pollution Control
 19 Facility Construction Standards".
 20 I hope you enjoyed your break.
 21 MR. CLAGG: It was short, but it was fun.
 22 Okay. For permanent rulemaking, DEQ
 23 staff is proposing an update to this chapter that
 24 includes one made during the emergency rulemaking
 25 process that consisted of ensuring a reference is

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1 made to OAC 252:730 instead of 785:45. This
 2 affected Subchapter 11, titled "Lagoon Standards".
 3 Additionally, DEQ staff is proposing
 4 an update to this chapter, regarding flexible
 5 permitting, similar to the one we discussed earlier
 6 for Chapter 626, "Public Water Supply Construction
 7 Standards". As noted earlier, the proposed text is
 8 the result of a workgroup consisting of DEQ
 9 personnel and external stakeholders that met several
 10 times. On July 1, 2021, House Bill 2402 was enacted
 11 authorizing conservancy districts, municipalities,
 12 counties, public trusts, and other political
 13 subdivisions operating a public water supply system
 14 or wastewater treatment system to utilize
 15 design-build as a project delivery method for those
 16 systems. Design-build is defined as a project
 17 delivery method in which one entity works under a
 18 single contract to provide design and construction
 19 services. The measure requires the DEQ incorporate
 20 a flexible permitting process to allow this
 21 design-build authorization into its rules and to
 22 authorize up to five pilot projects in the interim
 23 before those rules are adopted. This bill was
 24 codified in Oklahoma Statutes Title 61 Section
 25 220.1. DEQ is proposing permanent rulemaking to

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1 update this rule to include definitions for
 2 "Design-build", "Design package", and "Flexible
 3 permitting process" in Subchapter 1 (Introduction).
 4 This also requires updating language for Subchapter
 5 3, titled "Permit Procedures", regarding the
 6 permitting process and requirements for submittal of
 7 engineering reports when utilizing design-build.
 8 In conclusion, DEQ staff is asking
 9 the council to recommend to the Environmental
 10 Quality Board this permanent rulemaking for Chapter
 11 656. Thank you.
 12 CHAIRMAN DUZAN: Thank you.
 13 Questions or comments from the
 14 council?
 15 Questions or comments from the
 16 public?
 17 I'll entertain a motion.
 18 MS. MACH: So moved.
 19 DR. JARMAN: Second.
 20 CHAIRMAN DUZAN: We have a motion and a
 21 second, we'll have a vote.
 22 SECRETARY FIELDS: Dr. Jarman?
 23 DR. JARMAN: Yes.
 24 SECRETARY FIELDS: Mr. Lee?
 25 MR. LEE: Yes.

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1 SECRETARY FIELDS: Ms. Mach?
 2 MS. MACH: Yes.
 3 SECRETARY FIELDS: Mr. Matheson?
 4 MR. MATHESON: Yes.
 5 SECRETARY FIELDS: Dr. Moore?
 6 DR. MOORE: Yes.
 7 SECRETARY FIELDS: Mr. Smith?
 8 MR. SMITH: Yes.
 9 SECRETARY FIELDS: Mr. Sowers?
 10 VICE-CHAIRMAN SOWERS: Yes.
 11 SECRETARY FIELDS: Mr. Winegardner?
 12 MR. WINEGARDNER: Yes.
 13 SECRETARY FIELDS: Mr. Duzan?
 14 CHAIRMAN DUZAN: Yes.
 15 SECRETARY FIELDS: Motion passed.
 16 CHAIRMAN DUZAN: On to 252:690, "Water
 17 Quality Standards Implementation".
 18 Mr. Clagg?
 19 MR. CLAGG: For permanent rulemaking, DEQ
 20 staff is proposing updates to this chapter that
 21 include those made during the emergency rulemaking
 22 process which consisted of changing references from
 23 785:45 to 252:730, 785 Chapter 46 to 252:740, and
 24 references, where applicable, to DEQ instead of the
 25 OWRB. Other changes made during the emergency

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1 rulemaking that have been carried over to this
 2 permanent rulemaking include updates to Subchapter
 3 5, titled "Groundwater Protection". This section
 4 referenced OAC 252:648, which is no longer an active
 5 rule, so that was changed to OAC 252:606-8, which
 6 deals with biosolids requirements. Subchapter 5
 7 also referenced OAC 252:510 and OAC 252:520 that are
 8 no longer active chapters, so these references were
 9 changed to OAC 252:515, which is the rule titled
 10 "Management of Solid Waste".
 11 Changes are also proposed that
 12 improve the organization of the contents within the
 13 chapter. Appendix A was titled "Water Quality
 14 Standards Implementation Plan, Oklahoma Department
 15 of Environmental Quality". The contents of Appendix
 16 A have been moved to a new subchapter, Subchapter 7,
 17 with the same title. Now, this allowed DEQ staff to
 18 structure the text in the rule in a more
 19 standardized format. It also allowed consolidating
 20 a list of definitions that were in Appendix A with
 21 definitions at the beginning of the rule. Also, in
 22 Section 252:690-7-2-(c)(1), titled "Compliance with
 23 Antidegradation Requirements and Protection of
 24 Beneficial Uses", you will find the text that
 25 states, "DEQ may also adopt variances and

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1 site-specific criteria as set forth in 27A Oklahoma
 2 Statutes 2-6-103(B)". This conforms us to the
 3 language in Title 27A, that was amended in House
 4 Bill 3824. Of course, this is the other rule that
 5 deals with variances and states that DEQ has the
 6 authority for that. I would also like to note that
 7 your binders include an extra tab that includes a
 8 marked-up version of the appendices. Please ignore
 9 Appendix A, which we just discussed has been moved
 10 to the new Subchapter 7, but you can see for the
 11 remaining appendices, B through I, the updates that
 12 were made, and these primarily consisted of changing
 13 references from Chapter 45 to 730, from 46 to 740,
 14 and changing references from OWRB to DEQ where
 15 applicable.
 16 Now, DEQ staff is also proposing an
 17 update of the federal rules incorporated by
 18 reference from July 19, 2021, to July 1, 2022. The
 19 final regulatory change is the same as we have
 20 discussed with Chapter 606 earlier that consisted of
 21 a technical amendment to modify the submission
 22 location for Continuous Release Reports subject to
 23 the Comprehensive Environmental Response,
 24 Compensation, and Liability Act. These reports were
 25 submitted to respective EPA regional offices but

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1 with the technical amendment EPA now requires
 2 reports be submitted to the appropriate EPA
 3 Headquarters office. The amendment also corrected a
 4 typographical error, corrected citations within the
 5 section, and amended the listed authority. We
 6 incorporate by reference this section of 40 CFR
 7 because of spill prevention, response and reporting
 8 requirements specified in some of our permits.
 9 From a review of the proposed rule
 10 text, the council can see that the proposed updates
 11 affect Subchapter 1 (Introduction), Subchapter 3,
 12 titled "Point Source Discharges", Subchapter 5,
 13 titled "Groundwater Protection", and the new
 14 Subchapter 7, titled "Water Quality Standards
 15 Implementation Plan, Oklahoma Department of
 16 Environmental Quality", as well as the appendices.
 17 In conclusion, DEQ staff is asking
 18 the council to recommend to the Environmental
 19 Quality Board this permanent rulemaking for Chapter
 20 690.
 21 CHAIRMAN DUZAN: Thank you.
 22 Questions or comments from the
 23 council?
 24 MR. SMITH: I have one question for Brian.
 25 As we discussed before the meeting, I

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1 noted that one strike-out. So, does -- should that
 2 not -- is that correct as it was struck out?
 3 MR. CLAGG: Yeah, I believe that would be
 4 -- because you're looking at the marked-up version
 5 of the appendices; so that would be what was taken
 6 out, absolutely.
 7 CHAIRMAN DUZAN: Okay. And I guess this
 8 is where we need to state the submission of the
 9 information on the variances from the Scenic Rivers
 10 people again.
 11 So, any other questions or comments
 12 from the council?
 13 Questions or comments from the
 14 public?
 15 Then we'll entertain a motion.
 16 MR. SMITH: Move to adopt.
 17 VICE-CHAIRMAN SOWERS: Second.
 18 CHAIRMAN DUZAN: We have a motion and a
 19 second, we'll have a vote.
 20 SECRETARY FIELDS: Dr. Jarman?
 21 DR. JARMAN: Yes.
 22 SECRETARY FIELDS: Mr. Lee?
 23 MR. LEE: Yes.
 24 SECRETARY FIELDS: Ms. Mach?
 25 MS. MACH: Yes.

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1 SECRETARY FIELDS: Mr. Matheson?
 2 MR. MATHESON: Yes.
 3 SECRETARY FIELDS: Dr. Moore?
 4 DR. MOORE: Yes.
 5 SECRETARY FIELDS: Mr. Smith?
 6 MR. SMITH: Yes.
 7 SECRETARY FIELDS: Mr. Sowers?
 8 VICE-CHAIRMAN SOWERS: 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. On to 252:710,
 15 "Waterworks and Wastewater Works Operator
 16 Certification".
 17 Mr. Clagg?
 18 MR. CLAGG: Okay. For permanent
 19 rulemaking, DEQ staff is proposing several updates
 20 to this chapter and I want to note that there was a
 21 workgroup consisting of DEQ personnel and external
 22 stakeholders that was formed and met to discuss the
 23 proposed changes to this rule. The first update is
 24 found in Subchapter 1, titled "General Provisions",
 25 where language is proposed to allow DEQ to

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1 permanently revoke, or revoke for a set time, an
 2 operator's certification. This update was
 3 recommended by DEQ's legal staff to provide clarity
 4 to DEQ's authority regarding revoking of licenses.
 5 The second update is found in Subchapter 3, titled
 6 "Certification" to better define special
 7 requirements for instructors of approved training
 8 courses. This proposed update is to conform our
 9 rule to our current practice which requires
 10 instructors take a DEQ-proctored exam. Lastly, DEQ
 11 staff is proposing to update Subchapter 5 (Duties
 12 and Responsibilities) to allow recording of
 13 laboratory analysis utilizing software applications
 14 in addition to bound volumes. The proposed language
 15 requires the software application be protected by
 16 some form of electronic authorization and that all
 17 entries be date and time stamped and include an
 18 audit trail.
 19 In conclusion, DEQ staff is asking
 20 the council to recommend to the Environmental
 21 Quality Board this permanent rulemaking for Chapter
 22 710. Thank you.
 23 CHAIRMAN DUZAN: Thank you, sir.
 24 Questions or comments from the
 25 council?

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1 MR. LEE: Yeah, Mr. Chair.
 2 Mr. Clagg, how many times has DEQ
 3 wished that they had the ability to permanently
 4 revoke a license?
 5 MR. CLAGG: How many times?
 6 MR. LEE: Yeah. Is this a --
 7 MR. CLAGG: I don't know if I could
 8 quantify that.
 9 Shellie?
 10 MS. CHARD: So, I don't know an exact
 11 number. I can tell you that we have run into a
 12 series of cases where we have had individuals who
 13 were charged and ultimately either pled guilty or
 14 were convicted, mostly in federal court, of
 15 violations -- of criminal violations related to the
 16 operation of a treatment plant or their laboratory.
 17 Quickly, I can think of three or four of those.
 18 We've got a situation ongoing right
 19 now that we're going to see in a couple of
 20 facilities, something similar happen relatively
 21 soon, and what we've had to do is go in manually
 22 every year when it's time to renew, if they request
 23 to renew, to determine each year that it's not
 24 appropriate for them to renew.
 25 And this just gives us the ability to

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1 say, 'You're done'. It's not just a unilateral,
 2 staff makes the call and it's over, there is a
 3 process and we do follow the state administrative
 4 procedures for doing something like that.
 5 MR. LEE: Ms. Chard, is this similar to
 6 other state agencies that issue licenses? Like, I
 7 heard Mr. Carr mention Kansas. Have we looked at
 8 other states to see if this is similar to their --
 9 MS. CHARD: There are -- this is one of
 10 those programs that is very state-specific. Some
 11 states are very prescribed and have what I would
 12 consider a very short leash, there are some states
 13 -- I assume we all based our programs on something
 14 similar because there have been many states that
 15 were like us that, over the last five years or so,
 16 have been making changes into how those licenses can
 17 be revoked or they've had some other driver behind
 18 it. Each state agency for each license puts
 19 together their own disciplinary process for
 20 state-issued licenses, ranging from very lenient to
 21 not.
 22 MR. LEE: Okay. That helps, thank you.
 23 CHAIRMAN DUZAN: Okay. Any other
 24 questions or comments from the council?
 25 Questions or comments from the

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1 public?
 2 I'll entertain a motion, then.
 3 MR. LEE: Motion to approve.
 4 MR. MATHESON: I'll second it.
 5 CHAIRMAN DUZAN: We have a motion and a
 6 second, we'll have a vote.
 7 SECRETARY FIELDS: Dr. Jarman?
 8 DR. JARMAN: Yes.
 9 SECRETARY FIELDS: Mr. Lee?
 10 MR. LEE: Yes.
 11 SECRETARY FIELDS: Ms. Mach?
 12 MS. MACH: Yes.
 13 SECRETARY FIELDS: Mr. Matheson?
 14 MR. MATHESON: Yes.
 15 SECRETARY FIELDS: Dr. Moore?
 16 DR. MOORE: Yes.
 17 SECRETARY FIELDS: Mr. Smith?
 18 MR. SMITH: Yes.
 19 SECRETARY FIELDS: Mr. Sowers?
 20 VICE-CHAIRMAN SOWERS: 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. Thank you very
 2 much, Mr. Clagg, that was a lot of information to
 3 put together and put forward, you did a remarkable
 4 job.
 5 MR. CLAGG: Thank you.
 6 CHAIRMAN DUZAN: Thank you very much, sir.
 7 We're going to move on to the
 8 Director's Report now, Shellie Chard.
 9 MS. CHARD: Okay. And I would first like
 10 to say that both Land Protection and ECLS Divisions
 11 do not have a report to offer at this meeting, but
 12 Jeff Franklin from the lab does have a brief report
 13 for you.
 14 MR. FRANKLIN: Good afternoon, everyone.
 15 Yeah, thanks, Shellie.
 16 A couple of things to follow up on
 17 what we've talked about before and some new items in
 18 our world. We've talked about our mobile lab in the
 19 past. We've resolved the problem with the hitch,
 20 and currently it is being wrapped with the state and
 21 agency logo. We expect that to be done by the end
 22 of this month and to send it on its maiden voyage
 23 next month.
 24 As a reminder, we plan to use it for
 25 emergency response, support for our small systems

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1 assistance program, lead testing in schools, and for
 2 targeted outreach as a training hub, basically.
 3 A few things about our lab capacity,
 4 we've officially completed all of our UCMR 5
 5 analytical requirements and have been granted TNI
 6 accreditation for PFAS testing in drinking water.
 7 We're pretty excited about that, we have several
 8 large systems in line to begin sampling in February
 9 of 2023.
 10 We also are in the process of
 11 acquiring another LC-MS/MS using CEC funding to use
 12 for HAB events in support of drinking water, source
 13 water. So that is just getting started, but we're
 14 pretty excited about bringing technology along.
 15 Staffing, our longtime lab
 16 accreditation manager, David Caldwell, some of you
 17 know he retired in October 1st; however, we believe
 18 this program is in good standing. Several of our
 19 certification officers have recently completed EPA
 20 certification officer training which hadn't,
 21 unfortunately, been offered since before the
 22 pandemic, so we've got those through, so that's a
 23 good thing for us.
 24 We continue to struggle with turnover
 25 in the laboratory. We've lost a combination of 12

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1 scientists and managers over the last year. The
 2 good news is we've been able to replace them, quite
 3 frankly, with some superstars that have been able to
 4 right the ship, so -- but it continues to happen.
 5 We got another one last week that came out of the
 6 blue, a different world we live in when it comes to
 7 that.
 8 A little bit of a budget update for
 9 this as we prepare for budget season. Supply chain
 10 issues and rising costs continue to put an
 11 unpredictable burden on our budget and threaten lab
 12 capacity in an unpredictable manner. That continues
 13 to be a major challenge for us. Probably, Brian can
 14 relate to some of that.
 15 Just a little bit -- snippet on
 16 rulemaking. With David's retirement, we've been
 17 forced to take a real hard look at our lab
 18 accreditation program. We're trying to improve its
 19 effectiveness and its user-friendliness. Right now,
 20 we've got a focus on the application process; so you
 21 can expect some very favorable, in our opinion,
 22 rulemaking to come down the line for 301, 302, and
 23 307 as soon as we can get a little bit more
 24 organized, so that's just a heads-up.
 25 That's really the major things that I

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1 have for you today; so at that point, I'll take any
 2 questions you may have.
 3 CHAIRMAN DUZAN: It's always good to have
 4 some lab information at these meetings, we all know
 5 that's the most important part of water quality.
 6 MR. FRANKLIN: Okay. Thank you.
 7 MS. CHARD: All right. Thanks, Jeff. I
 8 do have four things that I do want to touch on with
 9 you that are kind of -- some of them, very
 10 late-breaking.
 11 In true EPA fashion, we did have the
 12 Waters of the U.S., also known as WOTUS, and the
 13 Clean Water Rule, the EPA released that on
 14 December 30th. So when that came out, we were a
 15 little bit surprised because there's still a Supreme
 16 Court case pending, and EPA said, 'Well, we've based
 17 our rule on science and Supreme Court decisions, and
 18 if we get a new Supreme Court decision, then we'll
 19 update at that point. The Sackett case was heard,
 20 so we are expecting a decision sometime, I would say
 21 before summer; so there's definitely more to come.
 22 One good thing that definitely was in
 23 the rule -- hopefully, it will stay there no matter
 24 what happens -- EPA did specifically carve out
 25 wastewater treatment facilities or -- be it

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1 impoundments or tanks or clarifiers, they are not
 2 Waters of the U.S.
 3 There was some question in certain
 4 states if you had a large flow equalization basin or
 5 aeration basin or lagoon that was multicell and you
 6 had some fish in there, they considered that to be
 7 Waters of the U.S. So we did not have that
 8 experience with the Corps of Engineers in Oklahoma,
 9 but now the rule does specifically say that's not
 10 Waters of the U.S.
 11 They used terms of significant
 12 national waterbody or a waterbody that impacts a
 13 large downstream significant waterbody. So, not
 14 totally sure what it's all going to mean. There was
 15 about 500 pages of the rule and supplemental
 16 information that was released, along with two memos,
 17 one between the Corps of Engineers and USDA and one
 18 between the Corps and EPA that has additional
 19 guidance and agreements that they have come to.
 20 So stay tuned, we're definitely going
 21 to be hearing more, and the bonus information was
 22 EPA said, 'Well, this is really an operational-type
 23 rule, we may have a rule two that comes out'. Don't
 24 have any idea what that's going to be, but we are
 25 definitely paying attention to that, and if you have

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1 an interest, you may want to, as well.
 2 EPA did say they were going to be
 3 doing some training sometime in the earlier part of
 4 this year. I'm hoping that's going to be online so
 5 that we can have a lot of people attend that and
 6 kind of try to figure it out.
 7 We also had EPA release, yesterday,
 8 in ECHO -- which is the enforcement and compliance
 9 tracking online website -- the map shows a huge part
 10 of Oklahoma in the red. Which, if you look at that,
 11 since it's a PFAS tracker you would assume that is
 12 where there has been high levels of PFAS or where
 13 there has been sampling done.
 14 Well, the disclaimer is, 'Well, this
 15 is where they would estimate that there would be
 16 high levels of PFAS'. And from what we can tell,
 17 anyplace where there's manufacturing, anyplace there
 18 are oil and gas wells are -- show up on that list or
 19 in the map. It also appears to include most of the
 20 bigger airports, where those would be located and
 21 military facilities.
 22 We're trying to figure out how they
 23 came to these conclusions, we don't know yet. EPA
 24 has said they will have discussions with us, but
 25 from what we can tell and based on their own

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1 disclaimer, it's not based on what's actually been
 2 monitored, detected, or anything like that. So you
 3 may want to kind of watch the developments on that,
 4 and we'll keep you updated if there's anything new
 5 that comes from that.
 6 We also have out right now for public
 7 comment through March 6th, it's Tribal Water Quality
 8 Standards Rule that EPA has released. We're trying
 9 to go through that right now and identify what our
 10 comments would be. So far, I believe our Chief of
 11 Staff has at least a page, maybe more, of issues
 12 that we will be raising. We're still looking at it
 13 from a technical standpoint.
 14 There are some interesting things in
 15 there related to it's not just current uses,
 16 historical tribal uses could be included in the
 17 water quality standards. And there's a statement
 18 that if a tribe asks a state to include something in
 19 the standards and the state declines, then EPA can
 20 promulgate water quality standards; we don't know if
 21 it means just for that particular issue or how that
 22 affects other water quality standards.
 23 Right now, we have lots of questions,
 24 not saying -- some of it clearly makes sense, some
 25 of it we don't understand at all. We, historically,

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1 work well with our tribal partners. We know that in
 2 some states, in some of horror stories that I've
 3 heard from both tribes and states, they don't get
 4 along well and they don't work well together.
 5 Because our relationship and the
 6 downstream state standards apply to certain types of
 7 discharges, we generally try to work through those
 8 issues. We try to respect the tribes' right to keep
 9 their rituals confined to only tribal members. When
 10 they've asked us to do anything, it's been
 11 reasonable and hasn't been a problem. There are
 12 some things in this that we are looking at because
 13 we don't want to lose our ability to cooperate, and
 14 so there are some concerns on a couple of issues.
 15 The way the standards are set up, we
 16 do have public and private water supply uses,
 17 primary body contact uses, agriculture uses, fish
 18 and wildlife propagation, so we're kind of hoping
 19 that we will be able to work through the process and
 20 use some of those specific designations that are
 21 already there to be sure to include what we need to
 22 in working with our tribal partners.
 23 But this one is going to be
 24 interesting. EPA didn't really talk a whole lot to
 25 the states; so we don't know some of the background

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1 on some of the provisions. We do know a couple of
 2 things come from some West Coast lawsuits, so we're
 3 just trying to work our way through all of that.
 4 And we'll be having a meeting later
 5 this month with EPA that was already scheduled on
 6 water quality standards as part of the transition
 7 process, but now we have another topic that we'll be
 8 seeking some guidance and trying to find our way
 9 through that in a common-sense, reasonable approach.
 10 So we will see how that turns out, but that did just
 11 come out shortly before the holidays, but it has a
 12 March 6th deadline for comments.
 13 And one last item, related to
 14 stormwater, that is the MS4 Stormwater program has
 15 always been based on the census definition of
 16 urbanized area based on the every-10-year census.
 17 The Census Bureau is no longer using that term. We
 18 haven't seen the result of what they're going to
 19 come out with and what terms they're going to use,
 20 but because of that, EPA is pausing the addition of
 21 new MS4 systems being added into the program. They
 22 still have the authority at -- the residual
 23 designation authority that they can add whatever
 24 they want to add based on that, if it meets that
 25 criteria. The states have been given the guidance

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1 to not add any unless we wanted to use that, you
 2 know, we've referred to as the nuclear option that
 3 brings in people that really are not true MS4s.
 4 We've seen some of the environmental activist groups
 5 use that in the New England states and in California
 6 and Washington and Oregon; so we're not going to
 7 touch RDA at this point, but we will be waiting to
 8 see what EPA does.
 9 All of that information was scheduled
 10 out in 2022, as we all know, we're sitting here in
 11 January of 2023 and there has been no additional
 12 guidance on that. But if you have an interest, EPA
 13 does have a website dedicated to this matter through
 14 the stormwater program website, and you can just
 15 Google stormwater interim guidance and you can get
 16 all of that information or you can let us know and
 17 we can get you the website or get you in contact
 18 with the right people at EPA for that discussion.
 19 So all of those are things we're
 20 watching, waiting, and we'll see how they ultimately
 21 impact our programs. Sometimes, it looks big and
 22 ominous and it turns out it's not, sometimes it
 23 looks straightforward and easy and those are ones
 24 that come back to bite us because we didn't really
 25 understand the intent. So those are things we'll be

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1 watching and looking for.
 2 And Mr. Jarmon, you asked a question
 3 about PFAS methods. There is a method that is under
 4 development right now, that EPA is strongly
 5 encouraging everyone to use, but it has not been
 6 multi-lab validated, it has only been single-lab
 7 validated. So definitely much more to come on the
 8 analytical method process, but so far, that one has
 9 not come out and we have not had the rulemaking
 10 process that we would have to adopt or justify not
 11 adopting.
 12 So with that, I will turn it to you
 13 all if you have any questions, and we promise we
 14 won't do this many rulemaking until the legislature
 15 tells us to.
 16 CHAIRMAN DUZAN: Thank you, Shellie.
 17 Anybody with questions or comments
 18 for Shellie?
 19 Okay. Thank you very much.
 20 Next on the agenda is new business,
 21 and I do not believe we have any new business.
 22 Under announcements, Lead Service
 23 Line Inventory training.
 24 MS. CHARD: So there's a flyer that is
 25 over on the table, where -- copies of information,

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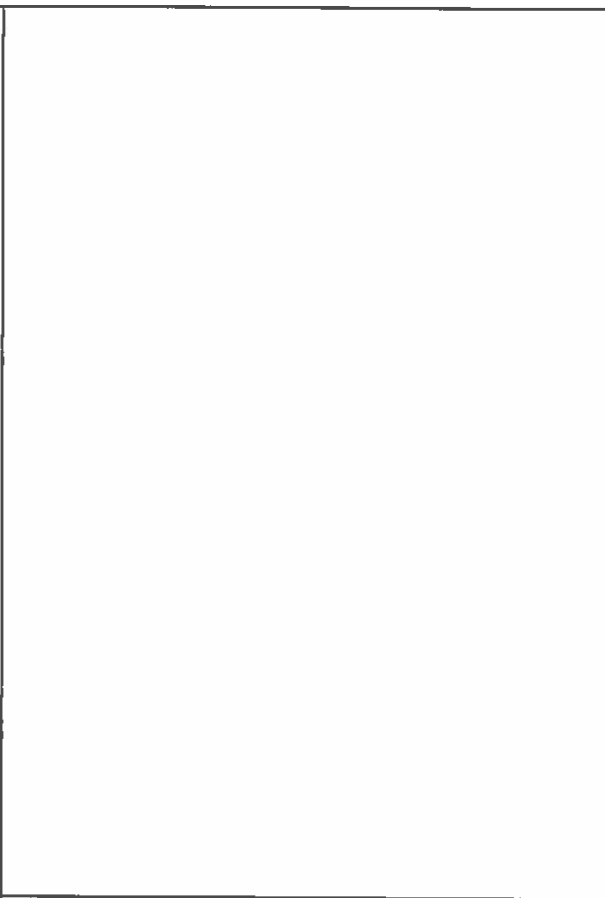
1 and then I believe you all have it in your binders.
 2 This is the DEQ staff working with our systems,
 3 trying to help them meet the new Lead Service Line
 4 Inventory requirement, looking at some training
 5 across the state.
 6 We are working with some of our
 7 training providers and some of our larger systems,
 8 helping us put together some approaches that might
 9 transfer well to smaller systems, but trying to get
 10 ahead of the new Lead and Copper Rule when it comes
 11 out.
 12 So if you have questions, we can put
 13 you in contact with our PWS staff and they can
 14 answer those for you or take care of any
 15 registration issues. We have already been asked
 16 will operators get training hours for this, yes,
 17 they will. These are approved training for renewal
 18 hours.
 19 CHAIRMAN DUZAN: Okay. Our next meeting
 20 is April 18th at 2:00 p.m., right here in this
 21 building, and the next EQB, Environmental Quality
 22 Board, is February 17th?
 23 MS. CHARD: Friday, in this building --
 24 the 17th, in this building, 9:30 a.m.
 25 CHAIRMAN DUZAN: Okay. There you go.

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1 With that, I will take a motion for
 2 adjournment.
 3 DR. JARMAN: I make a motion to move to
 4 adjournment.
 5 MS. MACH: Second.
 6 CHAIRMAN DUZAN: Okay. We have a motion
 7 and a second, we'll have a vote.
 8 SECRETARY FIELDS: Dr. Jarman?
 9 DR. JARMAN: Yes.
 10 SECRETARY FIELDS: Mr. Lee?
 11 MR. LEE: Yes.
 12 SECRETARY FIELDS: Ms. Mach?
 13 MS. MACH: Yes.
 14 SECRETARY FIELDS: Mr. Matheson?
 15 MR. MATHESON: 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 VICE-CHAIRMAN SOWERS: Yes.
 22 SECRETARY FIELDS: Mr. Winegardner?
 23 MR. WINEGARDNER: Yes.
 24 SECRETARY FIELDS: Mr. Duzan?
 25 CHAIRMAN DUZAN: Yes.

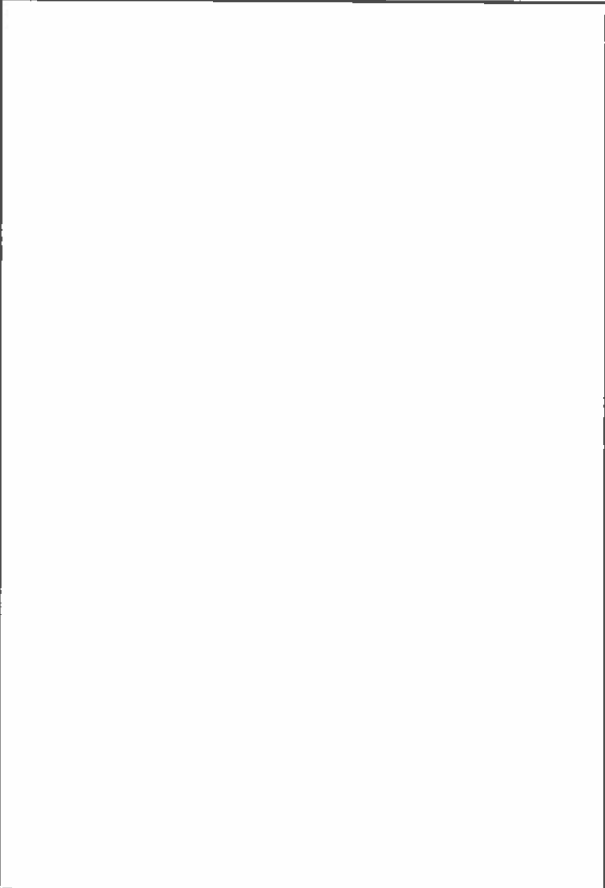
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1 SECRETARY FIELDS: Motion passed.
 2 CHAIRMAN DUZAN: So, we are adjourned.
 3 (MEETING ADJOURNED AT 2:29 PM)
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1 CERTIFICATE
 2 I, Jenny Longley, Certified Shorthand
 3 Reporter within and for the 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 17th day of
 11 January, 2023.
 12
 13
 14 
 15 _____
 16 Jenny Longley, CSR
 17 CSR # 1903
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 25





WATER QUALITY MANAGEMENT ADVISORY COUNCIL

Attendance Record

January 5, 2023

Department of Environmental Quality
Oklahoma City, Oklahoma

CHECK BOX TO COMMENT

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

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