

DRAFT MINUTES
WATER QUALITY MANAGEMENT ADVISORY COUNCIL
October 5, 2021
Department of Environmental Quality
Multipurpose Room
Oklahoma City, Oklahoma

Official WQMAC
Approved at January 11, 2022 Meeting

Notice of Public Meeting – The Water Quality Management Advisory Council (WQMAC) convened for a Regular Meeting at 2:00 p.m. The meeting was held in accordance with the Open Meeting Act, with notice of the meeting given to the Secretary of State on November 4, 2020. The agenda was posted at DEQ twenty-four hours prior to the meeting. Mr. Brian Duzan, Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that there was no quorum.

MEMBERS PRESENT

Robert Carr
Mary Elizabeth Mach
Mark Matheson
Willard Smith
Steve Sowers
Brian Duzan

MEMBERS ABSENT

Ron Jarman
Rick Moore
Debbie Wells
Duane Winegardner
Terry Wyatt

DEQ STAFF PRESENT

Shellie Chard
Brian Clagg
Mark Hildebrand
Karen Steele
Cody Danielson
Jeff Franklin
David Caldwell
Pam Dizikes
Erin Vorderlandwehr
Michelle Wynn
Greg Carr
Quiana Fields

OTHERS PRESENT

Jenessa Kalsu, Court Reporter

Approval of Minutes from the January 12, 2021 Meeting – Mr. Duzan stated due to no quorum the minutes will be carried over to the next WQMAC meeting.

See transcript page 4

COUNCIL MEETING SCHEDULE FOR CALENDAR YEAR 2022 – Mr. Duzan stated due to no quorum and advice from the General Counsel, the Chair will state the first meeting and the remaining dates will be voted on at the next WQMAC meeting. Mr. Duzan stated that the next meeting will be January 11, 2022 at 2:00 p.m. at the DEQ.

See transcript pages 4 – 5

DISCUSSION OF RULEMAKING FOR JANUARY 2021 WQMAC MEETING:

OAC 252:301, 302, 305 and 307 – LABORATORY ACCREDITATION, FIELD ACCREDITATION, LABORATORY SERVICES AND TNI LABORATORY ACCREDITATION – Mr. Jeff Franklin, Division Director of the SELS, stated that at the January 2022 WQMAC meeting, SELSD will present four separate rules packages one for each of the

SELSD programs, for WQMAC review and recommendations. The most significant change will update incorporations by reference (IBR) in Chapter 307 that will now include EPA's 2019 Clean Water Act Methods Update Rule and also update the TNI program to address changes in the 2016 TNI standard. Other changes in Chapter 307 are to conform the DEQ rules with the TNI 2016 standard. Changes in Chapters 301 and 302 are minor, made for conformity within the three SELSD accreditation programs. SELSD is proposing to combine Appendix A and Appendix B to Chapter 305 and propose a new fee schedule to confirm that fees for each service cover but do not exceed actual program costs and also comparing the DEQ SELSD fee schedule with fees charged in Oklahoma and neighboring states. This is considered a significant rulemaking and since it involves fee revisions, the rulemaking must be recommended by the WQMAC and considered by the EQB while the Oklahoma legislature is in session. There were no comments by the Council or the public.

See transcript pages 5 – 6

OAC 252:606 – OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS – Mr. Brian Clagg, Environmental Programs Manager of the WQD, stated that the DEQ staff will be proposing to: update the rule concerning the date of incorporation by reference of certain federal regulations from July 1, 2020, to July 19, 2021. The federal regulation updates being incorporated include EPA's 2019 Clean Water Act Methods Update Rule that became effective July 19, 2021. The rule finalized changes to test procedures required to be used by industries and municipalities when analyzing the chemical, physical and biological properties of wastewater and other environmental samples for reporting under EPA's National Pollutant Discharge Elimination System (NPDES) permit program. It is anticipated that these changes will provide increased flexibility for the regulated community in meeting monitoring requirements while improving data quality. In addition, this update to the CWA methods also incorporates technological advances in analytical technology. There were comments by the Council and none by the public.

See transcript pages 7 - 9

OAC 252:631 – PUBLIC WATER SUPPLY OPERATION – Mr. Clagg stated that the DEQ staff will be proposing to: update the rule concerning the date of incorporation by reference of certain federal regulations from July 1, 2020, to July 1, 2021. The federal regulation updates being incorporated include EPA finalizing changes to existing regulations to protect the public from lead in plumbing materials used in public water systems or residential or nonresidential facilities providing water for human consumption. The rule changes codify aspects of the Reduction of Lead in Drinking Water Act of 2011 (RLDWA) and the Community Fire Safety Act of 2013 (CFSA). The RLDWA amended section 1417 of the Safe Drinking Water Act (SDWA), which prohibits the use and introduction into commerce of certain plumbing products that are not "lead free." The RLDWA revised the definition of lead free to lower the allowable maximum lead content of plumbing products and established a statutory method for calculating lead content. EPA also established new requirements for manufacturers or importers that introduce into commerce products that must meet lead free requirements in Section 1417 of the SDWA, as amended. EPA expects that these requirements for lead content in plumbing materials used in new installations and repairs will result in fewer sources of lead in drinking water and, consequently, will reduce adverse health effects associated with exposure to lead in drinking water. The final rule became effective October 1, 2020, and the compliance date for the

product certification requirements in 40 CFR 143.19 is September 1, 2023. There were no comments by the Council and none by the public.

See transcript pages 9 – 11

OAC 252:690 – WATER QUALITY STANDARDS IMPLEMENTATION – Mr. Clagg stated that the DEQ staff will be proposing to: update the rule concerning the date of incorporation by reference of certain federal regulations from July 1, 2020, to July 19, 2021. The federal regulation updates being incorporated include EPA’s 2019 Clean Water Act Methods Update Rule that became effectively July 19, 2021. The rule finalized changes to test procedures required to be used by industries and municipalities when analyzing the chemical, physical and biological properties of wastewater and other environmental for reporting under EPA’s National Pollutant Discharge Elimination System (NPDES) permit program. It is anticipated that these changes will provide increased flexibility for the regulated community in meeting monitoring requirements while improving data quality. In addition, this update to the CWA methods also incorporates technological advances in analytical technology. There were no comments by the Council and none by the public.

See transcript pages 11 – 12

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

See transcript pages 12 – 34

NEW BUSINESS – None

ANNOUNCEMENTS – The next scheduled WQMAC meeting will be on January 11, 2022 at 2:00 p.m. in the Multi-Purpose Room, 1st floor, DEQ building.

ADJOURNMENT - Mr. Duzan adjourned the meeting at 2:47 p.m.

Transcript and attendance sheet becomes as an official part of these Minutes.

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

WATER QUALITY MANAGEMENT ADVISORY COUNCIL

PUBLIC MEETING

OCTOBER 5, 2021 - 2:00 P.M.

Multi-Purpose Room, 1st Floor
DEQ Building
707 N. Robinson
Oklahoma City, Oklahoma

REPORTED BY: JENESSA KALSU, CSR

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1 COUNCIL MEMBERS

2 MR. BRIAN DUZAN - CHAIR

3 MR. STEVE SOWERS - VICE-CHAIR

4 MR. ROBERT CARR

5 MR. RON JARMAN - ABSENT

6 MS. MARY MACH

7 MR. MARK MATHESON

8 DR. RICK MOORE - ABSENT

9 MR. WILLARD SMITH

10 MS. DEBBIE WELLS - ABSENT

11 MR. DUANE WINEGARDNER - ABSENT

12 MS. TERRY WYATT - ABSENT

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14 ALSO PRESENT:

15 MS. QUIANA FIELDS, Secretary of Board and Council

16 MS. SHELLIE CHARD, DEQ staff

17 MR. JEFF FRANKLIN, DEQ staff

18 MR. BRIAN CLAGG, DEQ staff

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1 CALL TO ORDER 2:00 P.M.

2 CHAIRMAN BRIAN DUZAN: This regular

3 meeting of the Water Quality Management Advisory

4 Council is called in accordance with the Open

5 Meeting Act.

6 Notice for this October 5th, 2021 regular

7 meeting was filed with the Secretary of State on

8 November 4, 2020 and amended on August 5th, 2021.

9 The Agenda was duly posted at DEQ at least 24 hours

10 prior to the meeting.

11 Only matters appearing on the posted

12 Agenda may be considered at this regular meeting.

13 In the event that this meeting is continued or

14 reconvened, public notice of the date, time, and

15 place of the continued meeting will be given by

16 announcement at this meeting. Only matters

17 appearing on the Agenda of a meeting which is

18 continued may be discussed at the continued or

19 reconvened meeting.

20 So, roll call.

21 MS. QUIANA FIELDS: Mr. Carr.

22 MR. ROBERT CARR: Here.

23 MS. QUIANA FIELDS: Mr. Jarman is absent.

24 Ms. Mach.

25 MS. MARY MACH: Here.

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1 MS. QUIANA FIELDS: Mr. Matheson.

2 MR. MARK MATHESON: Here.

3 MS. QUIANA FIELDS: Dr. Moore is absent.

4 Mr. Smith.

5 MR. WILLARD SMITH: Here.

6 MS. QUIANA FIELDS: Mr. Sowers.

7 VICE CHAIRMAN STEVE SOWERS: Present.

8 MS. QUIANA FIELDS: Ms. Wells is absent.

9 Mr. Winegardner is absent. Ms. Wyatt is

10 absent.

11 Mr. Duzan.

12 CHAIRMAN BRIAN DUZAN: Here.

13 MS. QUIANA FIELDS: We do not have a

14 quorum.

15 CHAIRMAN BRIAN DUZAN: Okay. And in the

16 light of us not having a quorum, we will not be able

17 to approve the minutes from the last meeting. But

18 we would like to go ahead and schedule the date for

19 the next meeting, which is January the 11th, 2022,

20 at 2:00 p.m. at this building.

21 So, I guess we need to take a -- a vote on

22 that date or do we -- or are we just going to state

23 that's what it's going to be?

24 MS. SHELLIE CHARD: Yes. So, on the

25 advice of the DEQ general counsel, the chair can set

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1 meetings. And so we would ask that you set that

2 meeting and then we will have a discussion in

3 January to set the other meetings. But there would

4 be no vote today. You would set that as the chair.

5 CHAIRMAN BRIAN DUZAN: Okay. Well, as

6 chair, we will set that meeting. So, the next

7 meeting is Tuesday, January 11th, 2022, at 2:00 p.m.

8 in this building.

9 They did also ask for the people that are

10 speaking, if you can remove your mask to make it a

11 little bit easier on the people recording this.

12 So, with no approval of the meetings or

13 the schedule, I guess we're going to dive headlong

14 into rulemaking, Item 5. I think we have

15 Jeff Franklin who is going to --

16 MR. JEFF FRANKLIN: Thank you.

17 We have a couple of things on the docket

18 that we just wanted to throw out there, at this

19 point, to make you aware. We have some rulemaking

20 that's going to involve some incorporation of the

21 Method Update Rules that will expand the current

22 list of new methods that are eligible to be run for

23 compliance testing, as well as some other updates to

24 these methods.

25 Primarily, the other focus on this is

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1 pretty much to get rid of some, in our opinion,
 2 excessively stringent quality assurance
 3 requirements, with our rules, that should streamline
 4 the process for everyone involved.

5 The other piece of this would be the
 6 Chapter 305, which is updating to our fees. And
 7 just let me make it clear that this is not a fee
 8 increase. This is an effort to actually develop and
 9 implement a structured process to determine true
 10 costs of analysis, not to make a profit. This is
 11 just going to be reflective of updates to our
 12 procedures, to some equipment instrumentation
 13 advancements that should have a positive effect on
 14 the value that customers and stakeholders are going
 15 to get from our analytical services.

16 CHAIRMAN BRIAN DUZAN: Okay. So, that's
 17 the fee structure that the State Lab here charges
 18 people that use it?

19 MR. JEFF FRANKLIN: That's correct.

20 CHAIRMAN BRIAN DUZAN: Okay. Any
 21 discussion from the Council?
 22 (No response.)

23 CHAIRMAN BRIAN DUZAN: Okay. Any
 24 discussion from the public?
 25 (No response.)

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1 the regulated community in meeting monitoring
 2 requirements while also improving data quality. It
 3 also incorporates technological advances in
 4 analytical technology.

5 So, this Method Update Rule is the basis
 6 for our need to update Chapter 606 incorporation by
 7 reference date from the current July 1st, 2020 to
 8 the proposed July 19th, 2021.

9 That concludes my remarks on this section.

10 CHAIRMAN BRIAN DUZAN: Okay. Any
 11 questions or comments from the Council?
 12 MR. WILLARD SMITH: Brian, does the --
 13 This is Bill Smith.

14 Does the change -- are Oklahoma standards
 15 any greater or less than or just equal to the
 16 federal standards on the change -- things that are
 17 being changed? Do we have more stringent standards,
 18 or is the EPA more stringent than our current
 19 Oklahoma standards for this type of --

20 MR. BRIAN CLAGG: Yeah. I believe in this
 21 case and the labs procedures, it just allows that
 22 flexibility for additional lab procedures and for
 23 our regulations to reference the most current
 24 standards on that. So I would say it's the same.

25 MR. WILLARD SMITH: Okay.

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1 CHAIRMAN BRIAN DUZAN: Okay. We'll move
 2 on to the next item, which is the OPDES Standards,
 3 and I believe we have a presentation from Brian
 4 Clagg of DEQ.

5 MR. BRIAN CLAGG: Yes. It's -- last year
 6 we updated our incorporation by reference for three
 7 of our chapters and we're basically planning to do
 8 that -- to do that again this year. So, I'll go
 9 through each one of these.

10 The first one is Chapter 606, our Oklahoma
 11 Pollutant Discharge Elimination System Standards.
 12 We're proposing to update it concerning the
 13 incorporation by reference of certain federal
 14 regulations from the current July 1st, 2020, to
 15 July 19th of 2021. This update is being proposed in
 16 order to incorporate EPA's 2019 Clean Water Act
 17 Methods Update Rule that became effective on
 18 July 19th of 2021. That's why we're proposing to
 19 update it to July 19th, as opposed to kind of what
 20 has been our standard July 1st.

21 This rule finalized changes to test
 22 procedures that are required to be used by
 23 industries and municipalities for reporting under
 24 the Pollutant Discharge Elimination System Program.
 25 These changes will allow increased flexibility for

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1 CHAIRMAN BRIAN DUZAN: Okay. Any other
 2 questions or comments from the Council?
 3 (No response.)

4 CHAIRMAN BRIAN DUZAN: And any questions
 5 or comments from the public?
 6 (No response.)

7 CHAIRMAN BRIAN DUZAN: Okay. We're going
 8 to move on to the Public Water Supply Operation.
 9 And, again, Brian Clagg has our presentation.

10 MR. BRIAN CLAGG: Thank you.

11 For Chapter 631, that is our Public Water
 12 Supply Operation. We are proposing to update the
 13 rule concerning the date of incorporation by
 14 reference to certain federal regulations from
 15 July 1st, 2020 to July 1st, 2021.

16 A final rule went into effect October 1st
 17 of 2020 that finalized changes to existing
 18 regulations to protect the public from lead in
 19 plumbing materials used in public water systems,
 20 residential and non-residential facilities providing
 21 water for human consumption.

22 The changes in the rule codify aspects of
 23 the Reduction of Lead in Drinking Water Act of 2011
 24 and the Community Fire Safety Act of 2013.

25 The Reduction of Lead in Drinking Water

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1 Act amended Section 1417 of the Safe Drinking Water
 2 Act to prohibit the use and introduction into
 3 commerce of certain plumbing products that are not
 4 "lead free."
 5 The Reduction of Lead in Drinking Water
 6 Act revised the definition of "lead free" to lower
 7 the allowable maximum lead content of plumbing
 8 products and establish a statutory method for
 9 calculating lead content. EPA also established new
 10 requirements for manufacturers or importers that
 11 introduce into commerce products that must meet
 12 lead-free requirements to certify such products as
 13 being in compliance with the lead-free requirements.
 14 The compliance date for the certification
 15 requirements is September 1st, 2023. So, where
 16 EPA's current regulations in 40 CFR part 141 had
 17 codified parts of Section 1417 of the State Drinking
 18 Water Act, they did not reflect the current version
 19 of Section 1417 as amended by the Reduction of Lead
 20 in Drinking Water Act and Community Fire Safety Act.
 21 So, here the final rule amends those
 22 regulations to reflect current law. And that's why
 23 we're looking at changing the incorporation date of
 24 Chapter 631. Thank you.
 25 CHAIRMAN BRIAN DUZAN: Okay. Any

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1 quality. It also incorporates the technological
 2 advances in analytical technology.
 3 So, again, this is a change for the very
 4 same reason, Chapter 690, our Water Quality
 5 Standards Implementation, to incorporate by
 6 reference some of the same sections with these test
 7 methods.
 8 CHAIRMAN BRIAN DUZAN: Okay. Thank you.
 9 Any questions or comments from the
 10 Council?
 11 (No response.)
 12 CHAIRMAN BRIAN DUZAN: Any questions or
 13 comments from the public?
 14 (No response.)
 15 CHAIRMAN BRIAN DUZAN: Okay. We're going
 16 to go ahead and move on down to the Director's
 17 Report, Shellie Chard. Shellie.
 18 MS. SHELLIE CHARD: Okay. First, I'd like
 19 to turn it over to Jeff Franklin to do an update
 20 from the lab.
 21 MR. JEFF FRANKLIN: Hi. Again, my name is
 22 Jeff Franklin for those of you that haven't met me.
 23 Obviously, Chris Armstrong has retired back in
 24 April. From there, we had a slew of successional
 25 changes that I've never seen before, and we are

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1 questions or comments from the Council?
 2 (No response.)
 3 CHAIRMAN BRIAN DUZAN: Any questions or
 4 comments from the public?
 5 (No response.)
 6 CHAIRMAN BRIAN DUZAN: Okay. We're going
 7 to move on to the Water Quality Standards
 8 Implementation. And, again, Brian has that
 9 presentation.
 10 MR. BRIAN CLAGG: Okay. This is our Water
 11 Quality Standards Implementation chapter. And,
 12 basically, it is the same update that -- same update
 13 that we were doing for Chapter 606. It goes to
 14 the -- the Method Update Rule.
 15 So, we're proposing to update this
 16 chapter, the incorporation by reference date from
 17 July 1st, 2020, to July 19th of 2021. Again, we're
 18 going with that July 19th date because that's the
 19 date when the Method Update Rule became effective.
 20 It's -- so, we're proposing that to
 21 incorporate the Method Update Rule. As mentioned
 22 earlier, it finalizes changes to test procedures
 23 used by industries and municipalities and allows the
 24 flexibility for the regulated community in meeting
 25 their monitoring requirements while improving data

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1 still trying to figure out how all of the pieces
 2 fall.
 3 That being said, I would like to introduce
 4 a few people that you're going to be seeing on a
 5 regular basis.
 6 The new Assistant Director is Cody
 7 Danielson.
 8 MS. CODY DANIELSON: Hello.
 9 MR. JEFF FRANKLIN: And our Business
 10 Operations Manager is Erin Vorderlandwehr. She's
 11 right next door. These are folks that are going to
 12 be participating in this event from here forward,
 13 so...
 14 With these changes, though, come a lot of
 15 fresh faces, but also some very good and different
 16 skill sets. So, we're really looking at this
 17 opportunity as a way to kind of reinvent what we do,
 18 both as staffing models, as well as kind of redefine
 19 our role as the Oklahoma principal state laboratory.
 20 So, we're looking forward to the
 21 challenge. But it is a challenge, to be sure. And
 22 I really think that given some of the things that
 23 are on the table in front of us that I think that
 24 our customers and stakeholders are going to see a
 25 significant improvement in the quality and the scope

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1 of the services that the SELS provides.
2 That being said, if anybody has any
3 specific questions about where we're going and what
4 we're doing, I'd certainly like the opportunity to
5 respond to that.
6 MS. MARY MACH: Hi. This is Mary
7 Elizabeth Mach. I had a quick question.
8 You talk about improving the services. Is
9 it turnaround time? Is it offering a number of
10 different types of constituents for which you'll be
11 testing, or all of the above? Just curious.
12 MR. JEFF FRANKLIN: Yeah, there's some.
13 We're also looking into expanding the scope of the
14 services we provide, in terms of right now, thanks
15 to our friends at Water Quality, we have an ongoing
16 pilot program that we provide small system technical
17 assistance directly to them, to help make a more
18 sustainable process for the drinking water
19 compliance.
20 And so we are looking potentially to
21 expand that role to offer sample collections to
22 those folks that are interested or have a need.
23 We've been fortunate enough this year to actually
24 purchase a mobile laboratory that we intend to use
25 for targeted outreach to the systems, as well as for

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1 think as a training hub for targeted outreach is one
2 of its -- going to be primary functions, so we're
3 looking forward to that.
4 CHAIRMAN BRIAN DUZAN: Okay. That's good.
5 You know, the laboratory is the most exciting part
6 of these meetings, so you have to check that.
7 (Laughter.)
8 CHAIRMAN BRIAN DUZAN: Okay. Shellie, I
9 guess.
10 MS. SHELLIE CHARD: All right. Thank you.
11 So, I do have a few things that I wanted
12 to highlight for you today. First, you may or may
13 not be aware, we did have a statutory change this
14 session related to Design Build Project Delivery.
15 The bill is not intended to create a whole new
16 Design Bill process. That was one of the concerns.
17 But it was really to allow us the flexibility and to
18 give us the authority to modify our construction
19 permitting process to allow for design build.
20 So, this was -- kind of the first step was
21 to have the statutory language changed. And what
22 that language says is that DEQ will update its rules
23 and DEQ will use up to five pilot projects to inform
24 that rulemaking.
25 So, right now we are in the process of

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1 emergency response events, so that the agency's
2 emergency response will be even more effective using
3 that that -- that vehicle.
4 MS. MARY MACH: Thank you.
5 MR. JEFF FRANKLIN: But yes, we are about
6 expanding capacity, as well, to look -- we're
7 developing the technology to analyze for PFAS as an
8 example of that.
9 CHAIRMAN BRIAN DUZAN: What kind of stuff
10 are you going to be testing in the -- in your mobile
11 lab?
12 MR. JEFF FRANKLIN: Ask me in two months.
13 CHAIRMAN BRIAN DUZAN: Okay.
14 MR. JEFF FRANKLIN: No. We actually have
15 some basic thermal preservation on board, obviously,
16 to go and be able to collect samples across the
17 state.
18 We have some basic bacteria testing that
19 we're going to be equipped to perform, so that we
20 can meet holding times. We're kicking around some
21 screening, you know, tools to be able to respond to
22 emergency events of a variety of scenarios.
23 So, I think this kind of got dropped in
24 our lap, Brian, and I'm -- we're still trying to
25 figure out exactly how we're going to use it. But I

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1 putting together a work group that's going to work
2 with the Water Quality staff and attorneys in order
3 to develop that language. Typically, when we do
4 these type of work groups, we will have one or two
5 members of the Council, a member of the Board, and
6 then we will have the rest of the members from the
7 public.
8 At this point, the Environmental Quality
9 Board will be represented by Alexie Kindrick with
10 Tetra Tech. She will be part of that.
11 Mary Elizabeth Mach and Rick Moore have
12 agreed to represent the Council.
13 We do have to be careful at how many
14 Council members we have so that we don't have a
15 quorum. Given the fact we don't have a quorum
16 today, maybe that's not as much of an issue as it
17 once was.
18 (Laughter.)
19 MS. SHELLIE CHARD: But we will be adding
20 representatives appointed by the Municipal League,
21 Rural Water Association. The Chickasaw Nation will
22 be participating. I'm not sure who their
23 representative will be, it's one of two people. But
24 also, they have expressed interest and were
25 encouraging the passage of that legislation, so we

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1 want them to engage with us in that rulemaking.
2 Then we will be filling out the group with
3 any other unrepresented groups. We're looking at --
4 at potentially some small consulting firms that
5 are -- operate only in the state of Oklahoma, or in
6 a very small radius, so that we do have kind of that
7 national, regional, and local representation.
8 So, if you have an interest in serving or
9 you know someone who would be good to serve on that
10 committee, please let Brian Clagg or me know as soon
11 as possible. We will likely be start -- starting to
12 put that group together and begin that work in the
13 next month or so.
14 And so that will be rule revisions, that
15 you will see in the next one to two years, that will
16 affect both our Drinking Water Construction
17 Permitting Rules and our Wastewater Construction
18 Permitting Rules. So, this will not be the last
19 time this topic comes before you.
20 Do you have any questions on that before I
21 move on?
22 CHAIRMAN BRIAN DUZAN: Anybody have any
23 questions or comments?
24 (No response.)
25 CHAIRMAN BRIAN DUZAN: Okay.

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1 within the dorms, and then also at the City of
2 Norman Wastewater Treatment Facility, and some
3 locations in between. Then they compared those
4 results to what the OU clinical data in Norman was
5 seeing and the Health Science Center, they were
6 seeing, as far as COVID-reported cases.
7 They expanded to Oklahoma City. They
8 divided Oklahoma City into 13 sewersheds and have
9 been doing extensive monitoring in Oklahoma City.
10 And they consistently can predict spikes in COVID-19
11 and in particular neighborhoods seven to ten days
12 prior to having that clinical verification.
13 They have expanded to several smaller
14 communities. They're working with the City of
15 Tulsa, planning to bring their surveillance system
16 online. So, there's a lot of great information
17 that's out there. So, that's been something we've
18 been following.
19 We're not active participants in that
20 project, but we are participating in updates and
21 working with the Health Department to help correlate
22 the clinical data.
23 The other Wastewater Based Epidemiology
24 project DEQ has been specifically involved in is a
25 joint effort with the Department of Corrections.

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1 MS. SHELLIE CHARD: Okay. And I guess I
2 will add one more thing; and that is, the Design
3 Build Institute of America has offered to review
4 whatever our final rules are to provide their
5 perspective. So, we will take them up on that.
6 But they will not be an active participant
7 as we develop the rules, because we want it to be
8 Oklahoma-centric as opposed to national interests
9 prevailing. But they will take a look and make sure
10 that it does meet the national standard at the end
11 of the day.
12 So, the next topic that I wanted to spend
13 a little bit of time on today is the Wastewater
14 Based Epidemiology. You may have seen some of that
15 on TV on the news. The O.U. Norman campus and the
16 O.U. Health Team have been doing this work quite a
17 bit. There's been a lot of focus, of course,
18 because of COVID-19 and, "Can we use wastewater to
19 predict illness in advance of the clinical
20 diagnosis?"
21 And it's been absolutely fascinating to
22 watch that develop over the last six to 12 months.
23 We do have an amazing team here in Oklahoma that is
24 working on that. They started out small testing the
25 University of Oklahoma campus, various locations

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1 This actually started at the cabinet secretary level
2 with Public Safety and Energy and Environment. We
3 are part of a pilot project, and this is kind of
4 part of the great things about an agency, like DEQ,
5 where we have a wide range of function.
6 When the pilot is over, the agency, mostly
7 Jeff, will have access to some new technology
8 from -- the company's name is LuminUltra. They
9 partnered with the HACH Corporation. They are pilot
10 testing this equipment. We're the first state to
11 pilot.
12 It is essentially a field test for COVID
13 or for Sars-CoV-2, the virus that causes COVID-19.
14 They're able to -- from the time they collect the
15 sample until they get the results is about two to
16 three hours. It can be a little bit shorter once
17 you really have the testing method down. So we're
18 excited what that's going to show us.
19 They're testing in five correctional
20 facilities across the state. It's a project with
21 the CDC, Water Environment Federation, HACH, and
22 Oklahoma. And about a month after we came online,
23 Virginia, Washington, and California have all also
24 begun participating in this pilot study.
25 So, we'll end up with about \$300,000 worth

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1 of testing equipment available to our staff and to
2 our systems in the state that we'll be able to use
3 as we move forward.

4 The equipment currently has about 26 or
5 29, I can't remember which, different viruses that
6 it can test; all strains of the flu, it's --
7 Legionella is a big one that has been highlighted.
8 So that may be something that we're using in the
9 future as we are continuing to connect the dots
10 between wastewater and public health.

11 Does anybody have any questions about that
12 before I move on?

13 (No response.)

14 MS. SHELLIE CHARD: Okay. I'm moving on.
15 So why is the Wastewater Based
16 Epidemiology monitoring important and why are we so
17 excited to have access to this equipment?

18 Well, EPA has been working on some new
19 water quality standard criteria for viruses.
20 There's talk that it could be used as an indicator
21 for other contaminants or overflows, CSOs and SSOs
22 but we are waiting to hear what EPA is going to do.
23 It's coliphage criteria. They were working on it
24 and apparently had it fairly close to ready when the
25 Trump Administration came in. And they shifted

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1 there were controls adjusted, were out of state.
2 However, we've had a couple of our cities that had
3 their city systems hacked for information to be held
4 for ransom and that sort of thing. So, that's going
5 to be a big focus.

6 Well, it definitely needs to be a focus
7 and we need to figure it out. Some of EPA's early
8 suggestions of how that might work is a little
9 concerning. We're still trying to work with them to
10 figure out a good path forward.

11 But right now, they're focused on sanitary
12 surveys. One of the big objections the State has to
13 that is if we put your security deficiencies in a
14 sanitary survey, it's a public document. I'd just
15 as soon not have that available. So we're trying to
16 work through that.

17 While that's incredibly problematic, it's
18 also problematic from the standpoint of State
19 inspectors are not cybersecurity experts, don't have
20 that training. So, how do we go about doing that
21 work? So, we're trying to come up with some other
22 options.

23 When you look at EPA has direct
24 implementation of the threat assessments that were
25 required under AWIA and when -- you know, they have

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1 priorities and not much happened with it. So, we
2 kind of got lulled into a sense -- a false sense
3 that maybe that wasn't coming anytime soon.

4 But we've heard from EPA Office of Science
5 and Technology that we should expect to hear more
6 about that criteria, that mainly applies to virus
7 monitoring and discharge permits.

8 EPA has talked about storm water
9 monitoring. Typically, that comes up in terms of
10 combined sewer overflows. But when they just say
11 storm water, you don't really know exactly if there
12 are any areas that they're carving out. But that's
13 definitely something we will be watching.

14 And we do have some of Jeff's staff and
15 some of the Water Quality staff and ECLS staff have
16 gone through the training to use the testing
17 equipment. So, we're hoping that will give us a
18 leg-up in trying to navigate that new criteria if
19 and when it comes out.

20 Another big area of focus for EPA has been
21 cybersecurity. I don't think that's a surprise to
22 anyone. With some of the attacks that have happened
23 into various infrastructure, there have been the
24 attacks on pipelines, we've also had several in the
25 drinking water world. Most of those big ones, where

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1 the experts and they're already receiving that
2 information from the large systems, but maybe they
3 can continue to do that through direct
4 implementation. And they have the ability to
5 protect some of that confidential information
6 differently than just a regular report.

7 The states have suggested if that's the
8 path EPA wants to go down, they do need to do a
9 rulemaking so that it clearly identifies that
10 information as confidential, so that we have the
11 ability to protect that information. I have no
12 earthly idea what's going to happen with this.

13 Right now, they are focusing on drinking
14 water, and are just now starting to have a
15 conversation on the wastewater side. But I can
16 guarantee you it's something we will be talking
17 about again. I don't know when and I don't know in
18 what form, whether it will be a federal rulemaking
19 or just letting you know changes to processes that
20 we will be following.

21 Maybe I should stop with that one to see
22 if anybody has any questions that I can try to
23 answer.

24 CHAIRMAN BRIAN DUZAN: Does anybody have
25 any questions or comments so far?

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1 (No response.)
2 MS. SHELLIE CHARD: Okay. Then I'm going
3 to keep going.
4 Consumer Confidence Report, those who
5 operate drinking water plants, know that that is an
6 annual requirement and information compliance of
7 your system over the last year. We had some federal
8 legislation that has moved reporting to twice a year
9 on CCRs, even though much of the data doesn't change
10 in six months.
11 EPA is looking at not just implementing
12 that one change that was in the Congressional act,
13 but also looking at other ways to update and
14 streamline consumer confidence reports.
15 There's a lot of talk about when
16 translations into other languages would be required,
17 what electronic delivery would look like, and what
18 kind of additional information might be required.
19 As with all rulemaking processes, there's
20 a lot of opportunity for public comment. A lot of
21 the public comment has been, "Well, it needs to be
22 clearer and simplified, but here's a whole laundry
23 list of other things we want added," which makes it
24 not simpler and not clarified.
25 Some of those items EPA has expressed an

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1 speakers, Russian speakers.
2 And kind of the response was, "Well,
3 Google Translate works pretty well."
4 I'm like, "I don't know that it does on
5 scientific terms."
6 And then there was the discussion of,
7 "Well, does that include tribal nations and how much
8 translation has to be done for native languages?"
9 So, I have no idea what we're going to
10 see. But we are scheduled to see a proposal in the
11 next six months. I don't know how confident I am
12 that they will meet their target of December, just
13 because it's their own timeline, it's not something
14 that's being enforced from the outside. But we will
15 be seeing more on that.
16 Final rule topic, the Lead and Copper
17 Revised Rule. That is set to be released
18 mid-December. That is a deadline that has been
19 imposed on EPA. The first draft of the rule was
20 several hundred pages.
21 American Waterworks Association and the
22 Association of State Drinking Water Administrators
23 had comment letters that were in the three to 400
24 range for AWWA and about 200 pages from ASDWA, who
25 are the State Drinking Water Administrators.

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1 interest, things like capital budget, operation of
2 maintenance budgets that the water system may have,
3 because that speaks to the integrity of the system.
4 There's talk about source water
5 discussions, what the threats are to that source
6 water, whether it be drought or a nearby industry;
7 or if it's groundwater, "Is there any contamination
8 plume? Are they seeing saltwater intrusion on those
9 sources?"
10 So, there are a lot of things that are out
11 there. EPA has indicated that they plan to have
12 something released by the end of the calendar year.
13 I don't know what "something" is. It may be just
14 releasing their plan of when they're going to do
15 rulemaking. It could be that they already have a
16 path forward and they're taking public comment and
17 will release that plan.
18 But areas that I think we may see some
19 complications are that translation criteria because
20 that -- there's been discussion of if a language, as
21 a native speaker, is one percent of the community,
22 then you would have to translate to that language.
23 For Oklahoma, that could get interesting in a hurry
24 with all of the marijuana growing operations. Many
25 of those facilities are Laotian speakers, Mandarin

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1 There's a lot of new data requirements.
2 The head of the Child Chemical Safety For
3 Environmental Defense Fund described it as "a big
4 step forward and very data-intensive." Looking at
5 it from a State perspective, the federal data system
6 cannot even come close to accommodating the data
7 that's being required in the rule. So, there's a
8 push to get that updated.
9 It changes sampling locations and sample
10 collection type. It also includes different kinds
11 of samples. There would be compliance samples and
12 then there would be recommended samples, and then
13 there would be various action levels, in addition to
14 the actual action level exceedance that we deal with
15 today in that rule.
16 There would be sampling at schools and
17 licensed childcare facilities, which actually
18 include Boys and Girls Clubs, community centers,
19 entities that are not true childcare facilities, but
20 there are a lot of children there.
21 They're looking at requiring the water
22 systems to take samples in the schools, even though
23 they don't own or operate those facilities, and then
24 it would be up to the schools and the water
25 districts to figure out how to address any

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1 exceedances or any trigger levels or action levels.
2 So, that's something we're definitely watching.
3 There's a lot of speculation, not a lot of
4 hard facts. Which, honestly, I'm not sure which is
5 worse, knowing or not knowing. But in December,
6 we're going to know. And I think that is one we
7 will definitely see in the time frame, which is a
8 little bit unusual. But this one is a really high
9 priority for not only EPA, but the White House, and
10 the White House Council on Environmental Quality has
11 been very active in working on this issue, and it
12 translates into their environmental justice, social
13 justice approach to dealing with environmental
14 regulations.
15 The Final EPA thing before I move on,
16 there is a program that's called Justice40. The
17 Clean Water and Drinking Water SRF loan and grant
18 programs are two of the three pilots for this
19 program. And the short explanation of what it is,
20 40 percent of all benefits from those programs must
21 be for environmental justice or disadvantaged
22 communities. It's not 40 percent of the funding,
23 but it's 40 percent of the benefits. And trying to
24 figure out the difference and how that gets
25 measured, it's going to be interesting. And who

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1 that?
2 (No response.)
3 MS. SHELLIE CHARD: Sorry. I know I'm
4 throwing everything at you.
5 Okay. ARPA funding, American Rescue Plan
6 Act, this is going to be short. Because I keep
7 being asked and the answer is still the same: I
8 don't know.
9 We know that there's going to be a lot of
10 money coming into Oklahoma, a lot of that focused on
11 wastewater, construction for communities that have
12 to use a new source of funding to make some
13 much-needed repairs, and we're super excited about
14 that.
15 From a selfish perspective, it means we're
16 going to have a lot more construction permits, a lot
17 more projects coming through the SRF programs.
18 That's how a lot of that money will be awarded. And
19 because all of the consulting firms are gearing up
20 for this big influx of work, they're hiring the
21 staff that would be at DEQ doing those project
22 reviews. So, we're already starting to see the
23 effects of that. And so hopefully that will kind of
24 balance a little bit soon. But we are seeing a lot
25 of change in our personnel in Water Quality,

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1 decides how much benefit?
2 The Assistant Administrator for Water made
3 the comment, "Well, it doesn't have to be an actual
4 number. You know, we just need to be making
5 progress."
6 "So, when you review our programs, as long
7 as we're making progress..."
8 "Well, no, you're going to have to show
9 40 percent of the benefit." So, we kind of just
10 talk ourselves in a circle trying to figure that
11 out.
12 But there are a lot of discussions
13 happening. The Water Board will be involved in
14 those discussions for Oklahoma, as well. And we'll
15 kind of see what comes of that.
16 And interestingly, the third pilot, while
17 not a DEQ or Water Board program, it directly
18 affects us, and that is the USDA Rural Development
19 monies and -- you know, so that's a lot of the
20 funding for our small rural communities. So, that
21 we will definitely be hearing a lot about as we move
22 forward in trying to implement that in our programs
23 and figuring out how we measure to make sure that we
24 continue to receive all of those funding dollars.
25 Anybody have any questions about any of

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1 particularly in drinking water. And so that's going
2 to be challenging, depending on when all of the ARPA
3 money actually hits us, as far as those projects.
4 So with that -- yes, sir.
5 MR. WILLARD SMITH: Shellie, I -- we were
6 at the Oklahoma Floodplain Managers Conference two
7 weeks ago, and we heard the same thing. So, I have
8 a little short handout if you hadn't heard about it,
9 I was going -- it's \$350 billion, just so you got a
10 "B" with the dollars with a "B," So there's a --
11 here's a little handout I'll share.
12 MS. SHELLIE CHARD: That would be great.
13 Thank you.
14 Yeah, it's real money. And I'm going to
15 need real staff to be able to get those permits
16 issued so that we can get those projects moving as
17 soon as possible. The last thing we want to do is
18 be a delay.
19 Under the ARRA funding, we had something
20 similar happen and we ended up with a chunk of our
21 staff working 50, 60 hours a week for about five to
22 six months. And we went through the process so that
23 they could actually be paid, which that seems like
24 it should be pretty straightforward, but it is not.
25 So, we were able to pay them to work that

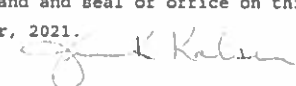
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1 many hours and not just have them accruing
 2 additional leave that they couldn't take. We do not
 3 want to be the clog in that process.
 4 So, we will be looking at all of the
 5 options that we have to keep those projects going.
 6 And it's not just a DEQ problem. It's, I think, all
 7 State agencies are going to face some of that.
 8 CHAIRMAN BRIAN DUZAN: Okay. Any
 9 questions or comments from the Council?
 10 (No response.)
 11 CHAIRMAN BRIAN DUZAN: Okay. Is that all
 12 for you?
 13 MS. SHELLIE CHARD: Well, I'm sure I could
 14 find something else, but I'm happy to be done right
 15 there. Thank you.
 16 CHAIRMAN BRIAN DUZAN: Okay. Thank you so
 17 much, Shellie. Lots of valuable information.
 18 At this time, I don't think we have any
 19 new business. Anybody on the Council have any new
 20 business?
 21 (No response.)
 22 CHAIRMAN BRIAN DUZAN: Our next meeting is
 23 going to be January 11th, 2022, 2:00 p.m. in this
 24 building, right here in this room, unless it gets
 25 changed or there's a conflict.

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1 And so with that, I'll see if we have a
 2 motion for adjournment.
 3 MS. QUIANA FIELDS: Just adjourn, since we
 4 don't have a --
 5 CHAIRMAN BRIAN DUZAN: Oh. Since we don't
 6 have a quorum, we can't vote on it, so we are
 7 adjourned.
 8 (Meeting adjourned 2:47 p.m.)
 9 * * * * *

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1 C E R T I F I C A T E
 2 STATE OF OKLAHOMA)
) SS:
 3 COUNTY OF OKLAHOMA)
 4
 5 I, JENESSA K. KALSU, a certified shorthand
 6 reporter within and for the State of Oklahoma,
 7 certify that the above meeting was taken by me in
 8 stenotype and thereafter transcribed by computer and
 9 is a true and correct transcript of the meeting;
 10 that the meeting was had on the 5th day of October,
 11 2021, in Oklahoma City, Oklahoma; that I am not an
 12 attorney for or a relative of any party, or
 13 otherwise interested in this action.
 14 Witness my hand and seal of office on this
 15 the 16th day of October, 2021.
 16 
 17 _____
 18 JENESSA K. KALSU, CSR
 Oklahoma CSR No. 01654
 Expiration Date December 31, 2021
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WATER QUALITY MANAGEMENT ADVISORY COUNCIL

Attendance Record

October 5, 2021

Department of Environmental Quality
Oklahoma City, Oklahoma

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