

**MINUTES**  
**WATER QUALITY MANAGEMENT ADVISORY COUNCIL**  
**January 11, 2022**  
**Oklahoma Department of Environmental Quality**  
**Multipurpose Room**  
**Oklahoma City, Oklahoma**

**Official WQMAC**

To be approved at the July 26, 2022 Meeting

**Notice of Public Meeting** – The Water Quality Management Advisory Council (WQMAC) convened for a Regular Meeting at 2:00 p.m. at the Oklahoma Department of Environmental Quality (DEQ), 707 North Robinson, Oklahoma City, Oklahoma. The meeting was held in accordance with the Open Meeting Act, with notice of the meeting given to the Secretary of State on November 3, 2021. The agenda was posted at DEQ twenty-four hours prior to the meeting. Mr. Brian Duzan, Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that a quorum was present.

**MEMBERS PRESENT**

Robert Carr  
Ron Jarman  
Mary Mach  
Mark Matheson  
Rick Moore  
Bill Smith  
Duane Winegardner  
Brian Duzan

**MEMBERS ABSENT**

Steve Sowers  
Debbie Wells  
Terry Wyatt

**DEQ STAFF PRESENT**

Shellie Chard  
Karen Steele  
David Caldwell  
Jeff Franklin  
Erin Vorderlandwehr  
Brian Clagg  
Amber Atherton  
Pam Dizikes  
Cody Danielson  
Angela Hughes  
Mark Hildebrand  
April Eberle  
Michelle Wynn  
Quiana Fields

**OTHERS PRESENT**

Debra Garver, Court Reporter

**Approval of Minutes from the January 12, 2021 Meeting** – Mr. Duzan called for a motion to approve the Minutes of the January 12, 2021 Regular Meeting. Mr. Matheson moved to approve and Ms. Mach made the second.

*See transcript pages 4 – 5*

Robert Carr	Yes	Rick Moore	Yes
Ron Jarman	Yes	Bill Smith	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Mark Matheson	Yes	Brian Duzan	Yes

**Approval of Minutes from the October 5, 2021 Meeting** – Mr. Duzan called for a motion to approve the Minutes of the October 5, 2021 Regular Meeting. Mr. Carr moved to approve and Mr. Smith made the second.

*See transcript pages 5 – 6*

Robert Carr	Yes	Rick Moore	Yes
Ron Jarman	Yes	Bill Smith	Yes
Mary Mach	Yes	Duane Winegardner	Abstain
Mark Matheson	Yes	Brian Duzan	Yes

**Council Meetings Schedule for Calendar Year 2022** – Mr. Duzan called for a motion to approve the 2022 WQMAC dates; April 19, July 26 and September 27. Mr. Carr moved to approve and Dr. Moore made the second.

	<i>See transcript pages 6 – 7</i>			
Robert Carr	Yes	Rick Moore	Yes	
Ron Jarman	Yes	Bill Smith	Yes	
Mary Mach	Yes	Duane Winegardner	Yes	
Mark Matheson	Yes	Brian Duzan	Yes	

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

	<i>See transcript pages 7 – 8</i>			
Robert Carr	Yes	Rick Moore	Yes	
Ron Jarman	Yes	Bill Smith	Yes	
Mary Mach	Yes	Duane Winegardner	Yes	
Mark Matheson	Yes	Brian Duzan	Yes	

**ELECTION OF THE CHAIR** – Mr. Duzan opened discussion for nominations for Chair. Mr. Matheson nominated Mr. Duzan for Chair and Mr. Carr made the second.

	<i>See transcript pages 8 – 9</i>			
Robert Carr	Yes	Rick Moore	Yes	
Ron Jarman	Yes	Bill Smith	Yes	
Mary Mach	Yes	Duane Winegardner	Yes	
Mark Matheson	Yes	Brian Duzan	Yes	

**PERMANENT RULEMAKING OAC 252:301 – LABORATORY ACCREDITATION** – Mr. David Caldwell, Environmental Programs Manager of the SELS Division, stated that the DEQ staff will be proposing to: update incorporations by reference for EPA methodologies and to make other amendments for conformity with the updated incorporations by reference. Updates include the most recent EPA Primary Drinking Water Regulations, National Standards for Solid Waste Test Methods and EPA Test Procedures for the Analysis of Pollutants. A significant result of these updates to rules is the use of alternate testing methods, clearer language and reduced requirements which will apply to all permittees and accredited laboratories. Hearing no questions or comments by the Council or by the public, Mr. Duzan called for a motion. Ms. Mach moved to approve and Mr. Matheson made the second.

	<i>See transcript pages 9 – 11</i>			
Robert Carr	Yes	Rick Moore	Yes	
Ron Jarman	Yes	Bill Smith	Yes	
Mary Mach	Yes	Duane Winegardner	Yes	
Mark Matheson	Yes	Brian Duzan	Yes	

**PERMANENT RULEMAKING OAC 252:302 – FIELD LABORATORY ACCREDITATION** – Mr. Caldwell stated that the DEQ staff will be proposing to: update incorporations by reference for EPA methodologies, specifically Test Procedures for the Analysis of Pollutants and to make other amendments for conformity with the updated incorporations by reference. A significant result of these updates to rules is to utilize alternate testing methods, clearer language and reduced requirements which will apply to all permittees and accredited laboratories. Hearing a question by the Council and none by the public, Mr. Duzan called for a motion. Ms. Mach moved to approve and Mr. Jarman made the second.

*See transcript pages 11 – 13*

Robert Carr	Yes	Rick Moore	Yes
Ron Jarman	Yes	Bill Smith	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Mark Matheson	Yes	Brian Duzan	Yes

**PERMANENT RULEMAKING OAC 252:307 – TNI LABORATORY ACCREDITATION**

– Mr. Caldwell stated that the DEQ staff will be proposing to: update incorporations by reference for the TNI Standard and EPA methodologies and to make other amendments for conformity with the updated incorporations by reference. Updates include the most recent EPA Primary Drinking Water Regulations, National Standards for Solid Waste Test Methods and EPA Test Procedures for the Analysis of Pollutants and the 2016 TNI Standard. A significant result of these updates to EPA test procedures and TNI Standards is the addition of alternate methods, clearer language and reduced requirements which will apply to all permittees and accredited laboratories. Hearing a question by the Council and none by the public, Mr. Duzan called for a motion. Mr. Matheson moved to approve and Mr. Smith made the second.

*See transcript pages 13 – 16*

Robert Carr	Yes	Rick Moore	Yes
Ron Jarman	Yes	Bill Smith	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Mark Matheson	Yes	Brian Duzan	Yes

**PERMANENT RULEMAKING 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 the EPA's 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 samples for reporting under EPA's National Pollutant Discharge Elimination System (NPDES) permit program. It is anticipated that the changes, which include incorporating technological advances in analytical technology, will provide increased flexibility for the regulated community in meeting monitoring requirements while improving data quality. Following a question by the Council and none by the public, Mr. Duzan called for a motion. Ms. Mach moved to approve and Mr. Winegardner made the second.

*See transcript pages 16 – 19*

Robert Carr	Yes	Rick Moore	Yes
Ron Jarman	Yes	Bill Smith	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Mark Matheson	Yes	Brian Duzan	Yes

**PERMANENT RULEMAKING 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 (CFA). EPA expects that the

new requirements for lead content in plumbing material 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. Hearing questions by the Council and none by the public, Mr. Duzan called for a motion. Dr. Moore moved to approve and Mr. Winegardner made the second.

*See transcript pages 19 – 23*

Robert Carr	Yes	Rick Moore	Yes
Ron Jarman	Yes	Bill Smith	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Mark Matheson	Yes	Brian Duzan	Yes

**PERMANET RULEMAKING OAC 252:690 – WATER QUALITY STANDARDS IMPLEMENTATION** – Mr. Clagg stated that 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 the EPAs 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 samples for reporting under EPA’s NPDES permit program. It is anticipated that the changes, which include incorporating technological advances in analytical technology, will provide increased flexibility for the regulated community in meeting monitoring requirements while improving data quality. Following a question 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 23 – 26*

Robert Carr	Yes	Rick Moore	Yes
Ron Jarman	Yes	Bill Smith	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Mark Matheson	Yes	Brian Duzan	Yes

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

*See transcript pages 26 – 44*

**NEW BUSINESS** – None

**ANNOUNCEMENTS** – The next scheduled meeting is on Tuesday, April 19, 2022, 2:00 p. m. at DEQ.

**ADJOURNMENT** – Mr. Duzan called for a motion to adjourn. Mr. Matheson moved to adjourn and Ms. Mach made the second. The meeting was adjourned at 2:54 p.m.

*See transcript pages 45 – 46*

Robert Carr	Yes	Rick Moore	Yes
Ron Jarman	Yes	Bill Smith	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Mark Matheson	Yes	Brian Duzan	Yes

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

DEPARTMENT OF ENVIRONMENTAL QUALITY  
WATER QUALITY MANAGEMENT ADVISORY COUNCIL  
PUBLIC MEETING

January 11, 2022, at 2:00 P.M.

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

707 North Robinson

1st Floor, Multi-Purpose Room

Oklahoma City, Oklahoma

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REPORTED BY DEBRA GARVER, CSR, RPR

<p style="text-align: center;">A P P E A R A N C E S</p> <p style="text-align: right;">Page 2</p> <p>1 COUNCIL MEMBERS:</p> <p>2 Brian Duzan, Chair</p> <p>3 Mary Mach</p> <p>4 Mark Matheson</p> <p>5 Duane Winegardner</p> <p>6 Robert Carr</p> <p>7 Ron Jarman</p> <p>8 Willard Smith</p> <p>9 Dr. Rick Moore</p> <p>10 Steve Sowers - absent</p> <p>11 Debbie Wells - absent</p> <p>12 Terry Wyatt - absent</p> <p>13</p> <p>14</p> <p>15 Also present:</p> <p>16 Shellie Chard</p> <p>17 April Eberle</p> <p>18 David Caldwell</p> <p>19 Brian Clagg</p> <p>20 Jeff Franklin</p> <p>21 Quiana Fields</p> <p>22</p> <p>23 . . . . .</p> <p>24</p> <p>25</p>	<p style="text-align: center;">P R O C E E D I N G S</p> <p style="text-align: right;">Page 3</p> <p>1 CHAIR DUZAN: The regular meeting of the Water</p> <p>2 Quality Management Advisory Council was called in</p> <p>3 accordance with the Open Meeting Act. Notice for this</p> <p>4 January 11, 2022, regular meeting was filed with the</p> <p>5 Secretary of State on November 3rd, 2021.</p> <p>6 The agenda was duly posted at the DEQ at least 24</p> <p>7 hours prior to the meeting. Only matters appearing on</p> <p>8 the posted agenda might be considered at this regular</p> <p>9 meeting.</p> <p>10 In the event that this meeting is continued or</p> <p>11 reconvened, public notice of the date, time, and place</p> <p>12 of the continued meeting will be given by announcement</p> <p>13 at this meeting. Only matters appearing on the agenda</p> <p>14 of a meeting which is continued may be discussed at the</p> <p>15 continued or reconvened meeting.</p> <p>16 And we'll do a roll call.</p> <p>17 MS. FIELDS: Mr. Carr.</p> <p>18 MR. CARR: Here.</p> <p>19 MS. FIELDS: Mr. Jarman.</p> <p>20 MR. JARMAN: Here.</p> <p>21 MS. FIELDS: Ms. Mach.</p> <p>22 MS. MACH: Here.</p> <p>23 MS. FIELDS: Mr. Matheson.</p> <p>24 MR. MATHESON: Here.</p> <p>25</p>
<p style="text-align: right;">Page 4</p> <p>1 MS. FIELDS: Dr. Moore.</p> <p>2 DR. MOORE: Here.</p> <p>3 MS. FIELDS: Mr. Smith?</p> <p>4 MR. SMITH: Here.</p> <p>5 MS. FIELDS: Mr. Sowers is absent.</p> <p>6 Ms. Wells is absent.</p> <p>7 Mr. Winegardner?</p> <p>8 MR. WINEGARDNER: Here.</p> <p>9 MS. FIELDS: Ms. Wyatt is absent.</p> <p>10 Mr. Duzan.</p> <p>11 CHAIR DUZAN: Here.</p> <p>12 MS. FIELDS: We have a quorum.</p> <p>13 CHAIR DUZAN: Okay. Thank you.</p> <p>14 The next thing on the agenda is the approval of the</p> <p>15 minutes from the January 12th, 2021, meeting, because at</p> <p>16 our last meeting we didn't have a quorum so we couldn't</p> <p>17 even approve the minutes.</p> <p>18 So do we have any questions or comments from the</p> <p>19 minutes from January 12?</p> <p>20 MR. MATHESON: I make a motion that they are</p> <p>21 approved as emailed.</p> <p>22 MS. MACH: Second.</p> <p>23 CHAIR DUZAN: Okay. We have a motion and a</p> <p>24 second. Vote?</p> <p>25 MS. FIELDS: Mr. Carr.</p>	<p style="text-align: right;">Page 5</p> <p>1 MR. CARR: Yes.</p> <p>2 MS. FIELDS: Mr. Jarman.</p> <p>3 MR. JARMAN: Yes.</p> <p>4 MS. FIELDS: Ms. Mach.</p> <p>5 MS. MACH: Yes.</p> <p>6 MS. FIELDS: Mr. Matheson.</p> <p>7 MR. MATHESON: Yes.</p> <p>8 MS. FIELDS: Dr. Moore.</p> <p>9 DR. MOORE: Yes.</p> <p>10 MS. FIELDS: Mr. Smith.</p> <p>11 MR. SMITH: Yes.</p> <p>12 MS. FIELDS: Mr. Winegardner.</p> <p>13 MR. WINEGARDNER: Yes.</p> <p>14 MS. FIELDS: Mr. Duzan.</p> <p>15 CHAIR DUZAN: Yes.</p> <p>16 MS. FIELDS: Motion passed.</p> <p>17 CHAIR DUZAN: Okay. Now we'll do the approval</p> <p>18 of the minutes from the October 5th, 2021, meeting.</p> <p>19 Any questions? Comments?</p> <p>20 MR. CARR: Move approval.</p> <p>21 MR. SMITH: Second.</p> <p>22 CHAIR DUZAN: Okay. We have a motion and a</p> <p>23 second. Take a vote.</p> <p>24 MS. FIELDS: Mr. Carr.</p> <p>25 MR. CARR: Yes.</p>

<p style="text-align: right;">Page 6</p> <p>1 MS. FIELDS: Mr. Jarman. 2 MR. JARMAN: Yes. 3 MS. FIELDS: Ms. Mach. 4 MS. MACH: Yes. 5 MS. FIELDS: Mr. Matheson. 6 MR. MATHESON: Yes. 7 MS. FIELDS: Dr. Moore. 8 DR. MOORE: Yes. 9 MS. FIELDS: Mr. Smith. 10 MR. SMITH: Yes. 11 MS. FIELDS: Mr. Winegardner. 12 MR. WINEGARDNER: Abstain. I was not here. 13 MS. FIELDS: Mr. Duzan. 14 CHAIR DUZAN: Yes. 15 MS. FIELDS: Motion passed. 16 CHAIR DUZAN: Okay. Now we'll move on to the 17 council meetings for the rest of this calendar year. 18 They're in your information. Basically, 19 April 19th, July 22nd, and September 27th, which should 20 coincide so we can get stuff to the EQB if needed. 21 Any questions? Comments? 22 MR. CARR: Move approval. 23 DR. MOORE: Second. 24 CHAIR DUZAN: Okay. We have a motion and a 25 second. Vote.</p>	<p style="text-align: right;">Page 7</p> <p>1 MS. FIELDS: Mr. Carr. 2 MR. CARR: Yes. 3 MS. FIELDS: Mr. Jarman. 4 MR. JARMAN: Yes. 5 MS. FIELDS: Ms. Mach. 6 MS. MACH: Yes. 7 MS. FIELDS: Mr. Matheson. 8 MR. MATHESON: Yes. 9 MS. FIELDS: Dr. Moore. 10 DR. MOORE: Yes. 11 MS. FIELDS: Mr. Smith. 12 MR. SMITH: Yes. 13 MS. FIELDS: Mr. Winegardner. 14 MR. WINEGARDNER: Yes. 15 MS. FIELDS: Mr. Duzan. 16 CHAIR DUZAN: Yes. 17 MS. FIELDS: Motion passed. 18 CHAIR DUZAN: Okay. Moving along, we're going 19 to do the selection for the vice chair for the year. 20 Do we have any nominations? 21 MR. WINEGARDNER: I would like to recommend 22 Steve Sowers for vice chair. 23 CHAIR DUZAN: Okay. I'll second that. 24 And I will do a -- is there any other nominations? 25 (No response.)</p>
<p style="text-align: right;">Page 8</p> <p>1 CHAIR DUZAN: Then we'll take a vote. 2 MS. FIELDS: Mr. Carr. 3 MR. CARR: Yes. 4 MS. FIELDS: Mr. Jarman. 5 MR. JARMAN: Yes. 6 MS. FIELDS: Ms. Mach. 7 MS. MACH: Yes. 8 MS. FIELDS: Mr. Matheson. 9 MR. MATHESON: Yes. 10 MS. FIELDS: Dr. Moore. 11 DR. MOORE: Yes. 12 MS. FIELDS: Mr. Smith? 13 MR. SMITH: Yes. 14 MS. FIELDS: Mr. Winegardner. 15 MR. WINEGARDNER: Yes. 16 MS. FIELDS: Mr. Duzan. 17 CHAIR DUZAN: Yes. 18 MS. FIELDS: Motion passed. 19 CHAIR DUZAN: Okay. Normally, the newly 20 elected vice chair takes over the proceedings to elect 21 the new chair, but since Steve is absent, I guess I'll 22 take nominations now for the chair for the year. 23 MR. MATHESON: I nominate you. 24 MR. CARR: Second. 25 CHAIR DUZAN: Any other nominations?</p>	<p style="text-align: right;">Page 9</p> <p>1 (No response.) 2 CHAIR DUZAN: Then we'll vote. 3 MS. FIELDS: Mr. Carr. 4 MR. CARR: Yes. 5 MS. FIELDS: Mr. Jarman. 6 MR. JARMAN: Yes. 7 MS. FIELDS: Ms. Mach. 8 MS. MACH: Yes. 9 MS. FIELDS: Mr. Matheson. 10 MR. MATHESON: Yes. 11 MS. FIELDS: Dr. Moore. 12 DR. MOORE: Yes. 13 MS. FIELDS: Mr. Smith. 14 MR. SMITH: Yes. 15 MS. FIELDS: Mr. Winegardner. 16 MR. WINEGARDNER: Yes. 17 MS. FIELDS: Mr. Duzan. 18 CHAIR DUZAN: Yes. 19 MS. FIELDS: Motion passed. 20 CHAIR DUZAN: Okay. Moving right along, our 21 first big business is Item 8 on your agenda, permanent 22 rulemaking for laboratory accreditation. 23 We have a presentation by David Caldwell. 24 MR. DAVID CALDWELL: The proposed changes 25 presented here today for the council's consideration are</p>

<p style="text-align: right;">Page 10</p> <p>1 to update the incorporation by reference to recent 2 EPA-approved methods for the Primary Drinking Water 3 Regulations, National Standards for Solid Waste Testing 4 Methods, and EPA Testing Procedures for the analysis of 5 pollutants, 40 CFR 141, 261, and 136, respectively, 6 which include additional alternative testing methods for 7 laboratories to analyze compliance samples. 8 The changes include a reduction in laboratory 9 requirements to be consistent with current documentation 10 processes and laboratory accreditation rules. 11 The significant results of these amendments will 12 allow laboratories to utilize alternative testing 13 methods and be consistent with other DEQ and laboratory 14 accreditation rules. 15 CHAIR DUZAN: Okay. Any questions or comments 16 from the council? 17 (No response.) 18 CHAIR DUZAN: I'd just like to say I think this 19 is pretty standard kind of lab guide. Just every now 20 and then they have to update the references. 21 So any questions or comments from the public? 22 (No response.) 23 CHAIR DUZAN: Okay. I'll entertain a motion. 24 MS. MACH: Move to approve the rule as 25 proposed.</p>	<p style="text-align: right;">Page 11</p> <p>1 MR. MATHESON: I'll second it. 2 CHAIR DUZAN: Okay. We'll vote. 3 MS. FIELDS: Mr. Carr. 4 MR. CARR: Yes. 5 MS. FIELDS: Mr. Jarman. 6 MR. JARMAN: Yes. 7 MS. FIELDS: Ms. Mach. 8 MS. MACH: Yes. 9 MS. FIELDS: Mr. Matheson. 10 MR. MATHESON: Yes. 11 MS. FIELDS: Dr. Moore. 12 DR. MOORE: Yes. 13 MS. FIELDS: Mr. Smith. 14 MR. SMITH: Yes. 15 MS. FIELDS: Mr. Winegardner. 16 MR. WINEGARDNER: Yes. 17 MS. FIELDS: Mr. Duzan. 18 CHAIR DUZAN: Yes. 19 MS. FIELDS: Motion passed. 20 CHAIR DUZAN: Okay. Moving on to the OAC 21 252:302, Field Laboratory Accreditation. 22 David. 23 MR. DAVID CALDWELL: The proposed changes 24 presented here today for the council's consideration are 25 to update the incorporation by reference to the recent</p>
<p style="text-align: right;">Page 12</p> <p>1 EPA Test Procedures for the analysis of pollutants, 40 2 CFR 136, which include additional alternative testing 3 methods for permittees and laboratories to analyze 4 compliance samples. 5 Other proposed changes will reduce the requirements 6 for accreditation which are considered inappropriate to 7 the required testing methods while meeting all EPA 8 compliance requirements and to be consistent with other 9 DEQ and laboratory accreditation rules. 10 The significant results of these changes will allow 11 laboratories to utilize alternative testing methods with 12 reduced requirements and be consistent with other DEQ 13 and laboratory accreditation rules. 14 CHAIR DUZAN: Okay. Questions, comments from 15 the council? 16 (No response.) 17 CHAIR DUZAN: David, is there any real -- the 18 field is such a limited scope. There's not a whole lot 19 of alternate methods out there, is there, for those 20 handful of parameters? 21 MR. DAVID CALDWELL: No. Basically, we're 22 updating all of the additional methods that are out 23 there at this time. 24 CHAIR DUZAN: Okay. Questions or comments from 25 the council?</p>	<p style="text-align: right;">Page 13</p> <p>1 MS. MACH: I make a motion to approve the rules 2 as proposed. 3 MR. JARMAN: Second. 4 CHAIR DUZAN: Okay. We'll take a vote. 5 MS. FIELDS: Mr. Carr. 6 MR. CARR: Yes. 7 MS. FIELDS: Mr. Jarman. 8 MR. JARMAN: Yes. 9 MS. FIELDS: Ms. Mach. 10 MS. MACH: Yes. 11 MS. FIELDS: Mr. Matheson. 12 MR. MATHESON: Yes. 13 MS. FIELDS: Dr. Moore. 14 DR. MOORE: Yes. 15 MS. FIELDS: Mr. Smith. 16 MR. SMITH: Yes. 17 MS. FIELDS: Mr. Winegardner. 18 MR. WINEGARDNER: Yes. 19 MS. FIELDS: Mr. Duzan. 20 CHAIR DUZAN: Yes. 21 MS. FIELDS: Motion passed. 22 CHAIR DUZAN: Okay. Now we'll go on to 23 252:307, TNI Laboratory Accreditation. 24 David. 25 MR. DAVID CALDWELL: The proposed changes</p>



<p style="text-align: right;">Page 14</p> <p>1 presented here today for the council's consideration are  2 to up update the incorporation by reference to the  3 recent EPA-approved methods of the Primary Drinking  4 Water regulations, National Standards, and Solid Waste  5 Testing Methods and EPA Procedures for Analysis of  6 Pollutants, 40 CFR 141, 261, and 136, respectively,  7 which include additional alternative testing methods for  8 laboratories to analyze compliance samples.  9 The proposed changes also include the incorporation  10 to the current 2016 TNI standard, which was approved for  11 implementation on January 31st, 2020, by the TNI  12 accreditation council and the TNI board of directors.  13 The TNI standard is a result of consensus body  14 efforts to continually improve the requirements and  15 clarification of proficiency testing, method validation,  16 instrument calibration and detection and chemistry and  17 revisions to the microbiology and radiochemistry modules  18 developed by professionals in their fields of expertise.  19 Supplemental changes to the rules add uniformity to  20 the TNI standard for clarification and ease of  21 discernibility.  22 The most significant result of these updates is to  23 meet current federal and TNI requirements with  24 laboratories' ability to utilize alternative testing  25 procedures and to be consistent with other DEQ and</p>	<p style="text-align: right;">Page 15</p> <p>1 laboratory accreditation rules for those laboratories  2 wishing to apply.  3 CHAIR DUZAN: Okay. Is the EPA getting ready  4 to come out with another method update rule?  5 MR. DAVID CALDWELL: They will continue to  6 improve and to come out with additional method update  7 rules. I will find out, hopefully, later on this month  8 on further details.  9 CHAIR DUZAN: Okay. Because that's usually the  10 big thing for labs is EPA says, oh, here's the new rules  11 and then they roll through the council.  12 Any questions or comments from the council?  13 From the public?  14 Okay. Do we have a motion for acceptance?  15 MR. MATHESON: I'll make a motion.  16 CHAIR DUZAN: Motion. And a second?  17 MR. SMITH: I'll second.  18 CHAIR DUZAN: So we'll take a vote.  19 MS. FIELDS: Mr. Carr.  20 MR. CARR: Yes.  21 MS. FIELDS: Mr. Jarman.  22 MR. JARMAN: Yes.  23 MS. FIELDS: Ms. Mach.  24 MS. MACH: Yes.  25 MS. FIELDS: Mr. Matheson.</p>
<p style="text-align: right;">Page 16</p> <p>1 MR. MATHESON: Yes.  2 MS. FIELDS: Dr. Moore.  3 DR. MOORE: Yes.  4 MS. FIELDS: Mr. Smith.  5 MR. SMITH: Yes.  6 MS. FIELDS: Mr. Winegardner.  7 MR. WINEGARDNER: Yes.  8 MS. FIELDS: Mr. Duzan.  9 CHAIR DUZAN: Yes.  10 MS. FIELDS: Motion passed.  11 CHAIR DUZAN: Thank you, David.  12 Moving on, Permanent Rulemaking 252:606 on the  13 OPDES standards, and we'll have a presentation from  14 Brian Clagg.  15 MR. BRIAN CLAGG: Yes, good afternoon. I'm  16 Brian Clagg, environmental programs manager in the Water  17 Quality Division here at DEQ.  18 On October 15, we did discuss that we would be  19 seeking to update the incorporation by reference dates  20 in three of our rules as well.  21 So in your materials you have tabs for Chapters  22 606, 631, and 690, and each one of those contains copies  23 of the proposed rule text change, notice of rulemaking  24 intent, and rule impact statement.  25 And in addition to your copies, there's some copies</p>	<p style="text-align: right;">Page 17</p> <p>1 back here on the back for anybody that would like to  2 pick up a copy of those as well.  3 So I'd like to go through each of these  4 individually. And I want to note also that David  5 Caldwell and I conducted two informal public meetings  6 regarding these proposed changes. One was on  7 November 10 here at the DEQ office, and the second one  8 was conducted on November 16th in Tulsa at the Mohawk  9 Water Treatment Plant.  10 In regards to 606, 631, and 690, we did not receive  11 any written comments regarding the proposed updates to  12 these rules.  13 So I'll start with Chapter 606, which is the  14 Oklahoma Pollutant Discharge Elimination System  15 Standards. The proposed text shows that we are  16 proposing to update the incorporation by reference date  17 for federal regulations from July 1st, 2020, to  18 July 19th, 2021.  19 The primary federal regulation update is EPA's 2019  20 Clean Water Act Methods Update Rule that became  21 effective July 19th, 2021.  22 This rule finalized changes to test procedures  23 required to be used by industries and municipalities in  24 analyzing chemical, physical, and biological properties  25 of wastewater and other environmental samples for</p>

<p style="text-align: right;">Page 18</p> <p>1 reporting under EPA's National Pollutant Discharge 2 Elimination Permit Program.</p> <p>3 It is anticipated that these changes will provide 4 increased flexibility for the regulated community in 5 meeting monitoring requirements while improving data 6 quality.</p> <p>7 In addition, this update to the Clean Water Act 8 methods also incorporates technological advantages in 9 analytical technology.</p> <p>10 So that concludes my presentation on Chapter 606.</p> <p>11 CHAIR DUZAN: Okay. Questions or comments from 12 the council?</p> <p>13 MR. SMITH: I have a question.</p> <p>14 Brian, did you all receive comments on this?</p> <p>15 MR. BRIAN CLAGG: No, we did not.</p> <p>16 MR. SMITH: Okay. I saw "in anticipation of," 17 and I thought there was.</p> <p>18 CHAIR DUZAN: Any other questions or comments 19 from the council?</p> <p>20 Do we have any questions or comments from the 21 public?</p> <p>22 Okay. I guess we'll entertain a motion.</p> <p>23 MS. MACH: I make a motion.</p> <p>24 MR. WINEGARDNER: Second.</p> <p>25 CHAIR DUZAN: Okay. So we have a motion and a</p>	<p style="text-align: right;">Page 19</p> <p>1 second.</p> <p>2 MS. MACH: I made the motion.</p> <p>3 CHAIR DUZAN: Okay. So we'll do a vote.</p> <p>4 MS. FIELDS: Mr. Carr.</p> <p>5 MR. CARR: Yes.</p> <p>6 MS. FIELDS: Mr. Jarman.</p> <p>7 MR. JARMAN: Yes.</p> <p>8 MS. FIELDS: Ms. Mach.</p> <p>9 MS. MACH: Yes.</p> <p>10 MS. FIELDS: Mr. Matheson.</p> <p>11 MR. MATHESON: Yes.</p> <p>12 MS. FIELDS: Dr. Moore.</p> <p>13 DR. MOORE: Yes.</p> <p>14 MS. FIELDS: Mr. Smith.</p> <p>15 MR. SMITH: Yes.</p> <p>16 MS. FIELDS: Mr. Winegardner.</p> <p>17 MR. WINEGARDNER: Yes.</p> <p>18 MS. FIELDS: Mr. Duzan.</p> <p>19 CHAIR DUZAN: Yes.</p> <p>20 MS. FIELDS: Motion passed.</p> <p>21 CHAIR DUZAN: Okay. Moving on to 252:631, 22 Public Water Supply Operation.</p> <p>23 Brian.</p> <p>24 MR. BRIAN CLAGG: All right. Chapter 631, it's 25 Public Water Supply Operation. The proposed next shows</p>
<p style="text-align: right;">Page 20</p> <p>1 that we are proposing to update the incorporation by 2 reference date for federal regulations from July 1st, 3 2020, to July 1st, 2021.</p> <p>4 A final rule went into effect October 1st, 2020, 5 that finalized changes to existing regulations to 6 protect the public from lead in plumbing materials used 7 in public water systems, residential and nonresidential 8 facilities providing water for human consumption.</p> <p>9 The changes in the rule codify aspects of the 10 reduction of lead in Drinking Water Act of 2011 and the 11 Community Fire Safety Act of 2013.</p> <p>12 The Reduction of Lead in Drinking Water Act has 13 amended Section 1417 of the Safe Drinking Water Act to 14 prohibit the use and introduction into commerce of 15 certain plumbing products that are not lead free.</p> <p>16 The Reduction of Lead in Drinking Water Act revised 17 the definition of "lead free" to lower the allowable 18 maximum lead content of plumbing products and 19 establishes a statutory method for calculating lead 20 content.</p> <p>21 EPA also established new requirements for 22 manufacturers and importers that introduce into commerce 23 products that must meet lead-free requirements to 24 certify such products as being in compliance with the 25 lead free requirements.</p>	<p style="text-align: right;">Page 21</p> <p>1 The compliance date for the certification 2 requirements is September 1, 2023. So where EPA's 3 current regulations in 40 CFR part 141 had codified 4 parts of Section 1417 of the Safe Drinking Water Act, 5 they did not reflect the current version of Section 1417 6 as amended by the Reduction of Lead in Drinking Water 7 Act and the Community Fire Safety Act.</p> <p>8 So, basically, this final rule amends those 9 regulations to reflect current law. The impact of the 10 rule is beneficial in terms of reducing exposure of lead 11 in drinking water.</p> <p>12 One potential adverse impact that we noted in the 13 rule impact statement could be any business or political 14 subdivisions holding inventories of old parts or spare 15 parts that could be unusable, but we do feel that it is 16 unlikely or at least not significant.</p> <p>17 That concludes my presentation on Chapter 361.</p> <p>18 CHAIR DUZAN: Okay. Questions or comments from 19 council?</p> <p>20 MR. SMITH: I have a question.</p> <p>21 It says in your summary, "used in new installation 22 and repair."</p> <p>23 Would this also include rebuilds, for example, if a 24 structure was damaged in a flood or fire or something 25 like that? I'm assuming it would.</p>

<p style="text-align: right;">Page 22</p> <p>1 MR. BRIAN CLAGG: I do believe that it would.</p> <p>2 And with the Reduction of Lead in Drinking Water Act,</p> <p>3 it's been out there for a long time, so I anticipate</p> <p>4 it's unlikely or should be not common to find any, you</p> <p>5 know, current parts that don't meet the requirements of</p> <p>6 being produced or in production or in the supply chain.</p> <p>7 In other words, the supply chain should be pretty</p> <p>8 much clean of anything that wouldn't comply with this at</p> <p>9 this point.</p> <p>10 MR. SMITH: And my second question is, would</p> <p>11 this rule update the IDC or the (inaudible), do you</p> <p>12 know? Do you have any idea?</p> <p>13 MR. BRIAN CLAGG: That I don't.</p> <p>14 MS. CHARD: This is Shellie Chard, Water</p> <p>15 Quality Division director.</p> <p>16 Just one thing I want to say, with the various lead</p> <p>17 free acts, we had, you know, self-implementation. We</p> <p>18 went through a lot of discussions with some of our</p> <p>19 plumbers and contractors.</p> <p>20 After the effective date, they were not allowed to</p> <p>21 even use whatever they had in their inventory systems</p> <p>22 that had spare parts. They were not allowed to install</p> <p>23 those. So it would apply to anything and everything.</p> <p>24 CHAIR DUZAN: Okay. Any other questions or</p> <p>25 comments from the Council?</p>	<p style="text-align: right;">Page 23</p> <p>1 Questions or comments from the public?</p> <p>2 Then we'll entertain a motion.</p> <p>3 DR. MOORE: So moved.</p> <p>4 MR. WINEGARDNER: Second.</p> <p>5 CHAIR DUZAN: So we have a motion and a second.</p> <p>6 Vote.</p> <p>7 MS. FIELDS: Mr. Carr.</p> <p>8 MR. CARR: Yes.</p> <p>9 MS. FIELDS: Mr. Jarman.</p> <p>10 MR. JARMAN: Yes.</p> <p>11 MS. FIELDS: Ms. Mach.</p> <p>12 MS. MACH: Yes.</p> <p>13 MS. FIELDS: Mr. Matheson.</p> <p>14 MR. MATHESON: Yes.</p> <p>15 MS. FIELDS: Dr. Moore.</p> <p>16 DR. MOORE: Yes.</p> <p>17 MS. FIELDS: Mr. Smith?</p> <p>18 MR. SMITH: Yes.</p> <p>19 MS. FIELDS: Mr. Winegardner.</p> <p>20 MR. WINEGARDNER: Yes.</p> <p>21 MS. FIELDS: Mr. Duzan.</p> <p>22 CHAIR DUZAN: Yes.</p> <p>23 MS. FIELDS: Motion passed.</p> <p>24 CHAIR DUZAN: Okay. Now moving on to 252:690,</p> <p>25 Water Quality Standards Implementation.</p>
<p style="text-align: right;">Page 24</p> <p>1 Brian.</p> <p>2 MR. BRIAN CLAGG: All right. This last one</p> <p>3 we're proposing to update Chapter 690 concerning</p> <p>4 incorporation by reference by certain federal</p> <p>5 regulations from the current July 1st, 2020, to</p> <p>6 July 19th, 2021.</p> <p>7 This update is basically the same as for Chapter</p> <p>8 606 that we just discussed. It's proposed in order to</p> <p>9 incorporate EPA's 2009 Clean Water Act methods update</p> <p>10 rule that became effective on July 19th, 2021.</p> <p>11 It finalizes changes to test procedures that are</p> <p>12 required to be used by industries and municipalities for</p> <p>13 reporting under the Pollutant Discharge Elimination</p> <p>14 System program, and these changes will allow increased</p> <p>15 flexibility for the regulated community in meeting</p> <p>16 monitoring requirements while also improving data</p> <p>17 quality.</p> <p>18 That concludes my remarks on Chapter 690.</p> <p>19 CHAIR DUZAN: Okay. Thank you.</p> <p>20 And the one question that I have is, we go through</p> <p>21 this and we go through this -- we have to go through</p> <p>22 this because Oklahoma law precludes us from stating "the</p> <p>23 most recent version" of the EPA or whatever. Correct?</p> <p>24 MR. BRIAN CLAGG: It's my understanding that we</p> <p>25 have to go through this process every year. Shellie can</p>	<p style="text-align: right;">Page 25</p> <p>1 probably tell you why.</p> <p>2 MS. CHARD: You're exactly correct. We adopt</p> <p>3 every year because we cannot adopt something in advance.</p> <p>4 It has to already be in effect before we begin our</p> <p>5 rulemaking.</p> <p>6 CHAIR DUZAN: Okay. Any other questions or</p> <p>7 comments from the council?</p> <p>8 Any from the public?</p> <p>9 MS. MACH: I move to accept the rules as</p> <p>10 proposed.</p> <p>11 MR. MATHESON: I will second.</p> <p>12 CHAIR DUZAN: Okay. Vote.</p> <p>13 MS. FIELDS: Mr. Carr.</p> <p>14 MR. CARR: Yes.</p> <p>15 MS. FIELDS: Mr. Jarman.</p> <p>16 MR. JARMAN: Yes.</p> <p>17 MS. FIELDS: Ms. Mach.</p> <p>18 MS. MACH: Yes.</p> <p>19 MS. FIELDS: Mr. Matheson.</p> <p>20 MR. MATHESON: Yes.</p> <p>21 MS. FIELDS: Dr. Moore.</p> <p>22 DR. MOORE: Yes.</p> <p>23 MS. FIELDS: Mr. Smith?</p> <p>24 MR. SMITH: Yes.</p> <p>25 MS. FIELDS: Mr. Winegardner.</p>

<p style="text-align: right;">Page 26</p> <p>1 MR. WINEGARDNER: Yes.</p> <p>2 MS. FIELDS: Mr. Duzan.</p> <p>3 CHAIR DUZAN: Yes.</p> <p>4 MS. FIELDS: Motion passed.</p> <p>5 CHAIR DUZAN: Thank you, Mike.</p> <p>6 Now going on to the director's report with Shellie</p> <p>7 Chard.</p> <p>8 MS. CHARD: Great. Thank you, Mr. Chairman.</p> <p>9 First, I want to turn it over to Jeff Franklin,</p> <p>10 laboratory services division director, if he has any</p> <p>11 report to make to the council.</p> <p>12 MR. JEFF FRANKLIN: Just a quick follow-up from</p> <p>13 what we talked about the last time. We're still in</p> <p>14 pursuit of our mobile laboratory, which we expect</p> <p>15 delivery next month.</p> <p>16 We have some ideas on how to utilize it to improve</p> <p>17 our emergency response capabilities as well as a hub for</p> <p>18 targeted outreach for various programs, so we're kind of</p> <p>19 excited about that.</p> <p>20 We have purchased an LCMSMS and have begun method</p> <p>21 development for PFAS testing in support of UOMR 5.</p> <p>22 We're operable at this point and we expect to receive</p> <p>23 about five days of training in early February to</p> <p>24 actually ramp up that work.</p> <p>25 So we're pretty excited about that. It's new</p>	<p style="text-align: right;">Page 27</p> <p>1 horizons for us, new technology, comes with a lot of</p> <p>2 challenges.</p> <p>3 And I guess the big point is, with the surge again</p> <p>4 in the pandemic, we continue to struggle to maintain</p> <p>5 daily operations. We've started to go back to kind of</p> <p>6 shift work a little bit to keep people somewhat</p> <p>7 isolated. We are bound and determined to keep</p> <p>8 operations open to support our critical functions, but</p> <p>9 it has become challenging once again.</p> <p>10 So I think that's pretty much the highlights from</p> <p>11 the lab side. Any questions?</p> <p>12 CHAIR DUZAN: The MSMS is a really cool tool</p> <p>13 that can do a lot at very, very incredibly low levels.</p> <p>14 On the mobile lab, are you guys going to look at</p> <p>15 things doing -- like, I know lakes have had different</p> <p>16 algae blooms, like red and some of the more dangerous</p> <p>17 stuff that -- I know they shut down parts of Grand Lake</p> <p>18 a couple years ago for that.</p> <p>19 Is that one of the things you guys are looking at</p> <p>20 doing?</p> <p>21 MR. JEFF FRANKLIN: We have had discussions</p> <p>22 about including HAB response as part of the onboard</p> <p>23 capabilities, yes.</p> <p>24 And we actually had a golden algae episode two</p> <p>25 weeks ago, something like that -- correct me if I'm</p>
<p style="text-align: right;">Page 28</p> <p>1 wrong, but we've had a golden algae incident recently.</p> <p>2 It's been a while since that's come up, so.</p> <p>3 CHAIR DUZAN: Kind of odd this time of year, I</p> <p>4 think.</p> <p>5 MR. JEFF FRANKLIN: Yes, it is.</p> <p>6 CHAIR DUZAN: Any other questions or comments</p> <p>7 from the council?</p> <p>8 MR. JEFF FRANKLIN: Thank you.</p> <p>9 MS. CHARD: All right.</p> <p>10 Thank you all very much for being here with us</p> <p>11 today and for all of your efforts going through all</p> <p>12 these rules.</p> <p>13 So I'm going to give you maybe a glimpse of things</p> <p>14 that you may be seeing or hearing about that, whenever</p> <p>15 EPA starts seriously talking about it, it generally will</p> <p>16 come before you in some rulemaking form.</p> <p>17 So we got information today -- late-breaking</p> <p>18 news -- on EPA's Office of Wastewater Management</p> <p>19 priorities for the next couple of years. A couple of</p> <p>20 them don't bother me so much. Some of them make me take</p> <p>21 a big deep breath.</p> <p>22 So the big one is increased state oversight is</p> <p>23 their top priority. Emerging contaminants and</p> <p>24 nutrients, they lumped those two. I'm guessing it's</p> <p>25 because they had six and they were only allowed five,</p>	<p style="text-align: right;">Page 29</p> <p>1 but I don't know. But that'll be something we'll be</p> <p>2 watching to see what comes with that.</p> <p>3 Integrated planning with an emphasis on resilient</p> <p>4 equitable community-funded infrastructure. So the</p> <p>5 obvious question is: What is that?</p> <p>6 I can tell you what integrated planning is, which</p> <p>7 is an effort that's now about 10 to 12 years old that</p> <p>8 EPA's been working on with a focus on wastewater.</p> <p>9 There's been a lot of interest in also including</p> <p>10 drinking water in that.</p> <p>11 But it would be where, rather than focusing</p> <p>12 compliance efforts and funding for projects specifically</p> <p>13 on a wastewater issue or a particular issue, that it be</p> <p>14 looked at more holistically of all things water or at</p> <p>15 least all things wastewater discharge, whether it be</p> <p>16 stormwater or point sources.</p> <p>17 There's been a lot of integrated planning used in</p> <p>18 big old cities that had combined sewers. They have been</p> <p>19 the ones most successful. They're the ones hiring the</p> <p>20 high-dollar law firms that are able to negotiate with</p> <p>21 the EPA.</p> <p>22 They are looking at the first round of orders.</p> <p>23 Consent decrees are coming to an end, and they are</p> <p>24 looking at how they're going to renegotiate, how they're</p> <p>25 going to move forward. It's been the way that we've</p>


<p style="text-align: right;">Page 30</p> <p>1 looked at stormwater management in the big old cities. 2 Oklahoma is lucky that we became a state much later 3 and had the sense, in 1907, when we became a state, to 4 not allow combined sewers to be installed in the state, 5 so we don't have that issue. 6 But we have plenty of communities that do have 7 multiple discharge permits and, certainly, the 8 stormwater MS4 communities. So there's definitely some 9 opportunities to use integrated planning here, we just 10 really haven't seen a huge interest. 11 How a resilient equitable community-funded 12 infrastructure benefits integrated planning I don't 13 really know yet. When we look at all of those words, we 14 know what they mean separately, but I don't know how it 15 all comes together. 16 So I would say stay tuned, we definitely will be 17 getting more information from EPA in the upcoming weeks. 18 And those of you that represent municipalities or are 19 consultants to municipalities, that's definitely 20 something to put on your radar to see how that one 21 unfolds and what it means for all of us. 22 Environmental justice was also included as a 23 standalone priority. So, again, it will be interesting 24 to see exactly what EPA means by that and what they're 25 including and what kind of projects and what kind of</p>	<p style="text-align: right;">Page 31</p> <p>1 oversight related to that we will see. 2 In Oklahoma, the majority of the state does meet 3 the environmental justice category because rural is one 4 of the criteria in the definition. 5 I think Oklahoma City and Tulsa are really the only 6 two areas that don't meet that definition, but then 7 there are certainly pockets of Oklahoma City and Tulsa, 8 that being either income or ethnic diversity 9 definitions, language definitions. 10 So that would be something, again, interesting to 11 see what guidance we get from EPA and how we move 12 forward in some of our programs. 13 We do know the assistant administrator for water, 14 this is a number one topline priority for her in all 15 things, so we'll continue to see and hear about that. 16 The final area is stormwater runoff, management, 17 monitoring, and sanitary sewer overflows. Those have 18 been an issue my entire career. I think our database 19 goes back to the '80s, and so we definitely see a lot of 20 systems that still continue to struggle. 21 Some of that is simply an aging infrastructure 22 issue. Some of it is an operation and maintenance 23 issue. Some of it is homeowners and the things that we 24 insist on flushing and putting down our sinks. 25 So all of that plays into those overflow issues,</p>
<p style="text-align: right;">Page 32</p> <p>1 but that's getting another look. I know we did a round 2 back -- I don't know, it's probably been at least 15 3 years, but that was a high priority for the EPA. So 4 that one is coming back around. 5 So you'll definitely be hearing more either through 6 rulemaking or from emphasis with inspections and that 7 sort of thing. 8 So I will stop there for a minute and see if 9 anybody has any questions or comments. 10 CHAIR DUZAN: Anybody have any questions at 11 this point? 12 MS. CHARD: Some of you are looking at me like, 13 "Just stop talking, I don't want to hear it." 14 Something that we definitely know we're going to 15 see -- and I suspect may be a rulemaking item before 16 this council -- environmental justice applications in 17 our permits. How will we address environmental justice 18 over and above what we already do in our permit issuance 19 process? 20 We knew it was going to be a priority of the EPA, 21 and now we've seen it in, also, wastewater management in 22 their list of priorities. So we're looking at if there 23 would be additional public meetings, would there be some 24 other kind of outreach done in particular communities. 25 How would we identify those, how would we conduct that</p>	<p style="text-align: right;">Page 33</p> <p>1 additional outreach. All of that is something that 2 we're going to be working on to try to figure out. 3 In looking at it, in my mind, I can see that we may 4 have to look at some of our tier rules. Do we still 5 consider all of the same facilities in those same tier 6 one, two, or three. 7 We may have to add something. Just it may be as 8 simple -- recognizing that nothing is simple -- that it 9 may just be a change in permit application, public 10 notice, or something else. So that's definitely a stay 11 tuned. 12 Yes, ma'am. 13 MS. MACH: Director Chard, this concept of 14 environmental justice, is it going to be part of the 15 application for a permit to construct eventually? 16 Because normally we don't -- (inaudible). 17 MS. CHARD: Construction permits will be 18 included, but it's -- we're still working on the 19 details. An existing facility, I cannot imagine we're 20 going to say to the city of whoever, okay, you need to 21 move your water plant or your wastewater plant another 22 10 miles out of town because the town has grown to you. 23 We're not talking about that. 24 On the construction side, maybe if it's a new 25 facility being constructed on a new location, that's</p>

<p style="text-align: right;">Page 34</p> <p>1 something that where we would have to have a 2 conversation and determine what would be appropriate. 3 So I don't want to say there's no impact on the 4 construction permits, but it's certainly different than 5 the federal permits, like the NPS discharge permits. 6 Anything that's currently required under the SRF or 7 RD funding, you know, those requirements will stay in 8 place. 9 But on the funding side, we also have the EPA 10 Justice 40 initiative, which is 40 percent of all the 11 benefits of the federal money have to be realized by an 12 EJ community. 13 Well, what does "benefits" mean exactly? What does 14 "community" mean? That has not been totally described 15 for us by EPA yet. So in those cases, because of 16 Justice 40, we will definitely see some things picked 17 up. 18 The three water funding mechanisms are the first 19 three -- the federal government, that Justice 40 20 applies. And they're going to be expanding that to all 21 federal funding, I think, either later this fiscal year 22 or next fiscal year. 23 MS. MACH: Do you anticipate that requirements 24 that were part of, like, the EID and EA, for example, 25 still be sufficient for this next level? Do you</p>	<p style="text-align: right;">Page 35</p> <p>1 anticipate them being expanded? 2 MS. CHARD: I think in some cases it will 3 definitely have to be expanded. 4 I'll be honest, it depends on who you ask at EPA. 5 What does that mean? Is this enough? Is this not 6 enough? 7 The agency is currently working on a long-term 8 environmental justice approach, a plan, whatever you 9 want to call it, where we look holistically across all 10 of our programs as being headed up by general counsel, 11 Jennifer Boyle. 12 We're looking at what other states are doing. Some 13 of our outreach that we do now, some of our training we 14 do now, we think some of that will definitely meet. 15 So it's not necessarily creating a whole lot of 16 brand-new things. It's repackaging some things, 17 recognizing them, that they do fit this category. 18 And then there will be some things that will be 19 new, particularly on outreach, and communication. 20 MS. MACH: Thank you. 21 MS. CHARD: So moving on to another fun one, 22 cyber security. That's become more and more important. 23 We're seeing more attacks on our water wastewater 24 systems. We saw what happened on the pipelines when 25 those were attacked through ransomware.</p>
<p style="text-align: right;">Page 36</p> <p>1 We've had some of our cities even in the state of 2 Oklahoma that have been hit with ransomware attacks. In 3 some cases it was going through city hall and just 4 day-to-day business and other parts of the city, but the 5 utilities were connected. 6 The water, wastewater SCADA systems were connected 7 on the same network without firewalls between them 8 because it was all a part of the city. So we're seeing 9 some attacks go that way and really impacting systems. 10 We've seen some cases out of state where operators 11 happened to be standing in front of their system and saw 12 valves turning. Somebody adjusted it, put it back to 13 where it was. And it was like a test; could they do it. 14 So that kind of opened some eyes. 15 Later this month, I will be in Washington, D.C., 16 for two days at a water, wastewater cyber security 17 meeting with the National Intelligence Office. They're 18 going to share with us what they can. 19 It's the hard thing about cyber security. Have to 20 have top secret security clearance to know some of this, 21 but not every water system has somebody with top secret 22 security clearance. 23 So we're trying to find a way to get meaningful 24 information to our water wastewater systems to let them 25 know they are vulnerable and to be able to make some</p>	<p style="text-align: right;">Page 37</p> <p>1 changes or improvements that would minimize that risk. 2 That's definitely something we're going to be 3 hearing a lot more about. This is an area that we have 4 not seen on the drinking water top five priority list, 5 but the staff has already told us that cyber security is 6 one of them and we will be seeing, potentially, changes 7 to sanitary survey inspections or other vulnerability 8 assessments that specifically focus on cyber. 9 So that will be something -- I don't know, we may 10 see it in federal rulemaking, which, of course, we'll be 11 bringing to you. It may show up through changes to 12 inspection protocols. So we'll keep you advised on how 13 that plays out as we get more information. 14 Anybody have any questions on that before I keep 15 going? 16 (No response.) 17 MS. CHARD: Okay. A couple of things that we 18 want to be watching for as now the portal is open for 19 water wastewater projects for the new -- it's gone by 20 different names, but the bipartisan infrastructure 21 bill -- it's been called "The Bid," "The Bill," "The 22 Bif." I don't know which is the correct name of it 23 right now. 24 But, at any rate, that funding is starting to be 25 available. Any water system or wastewater system that</p>

<p style="text-align: right;">Page 38</p> <p>1 has a potential project looking to be funded, the state 2 does have a portal to go out, find it, put in 3 applications, get on the intended use plans so we can 4 fund those projects. 5 If you have any questions, you can reach out to the 6 DEQ Drinking Water State Revolving Fund manager. He can 7 help you with those drinking water projects and can also 8 guide you through the clean water SRF process. It's 9 essentially the same. Or you can contact the Oklahoma 10 Water Resources Board directly on that. 11 Yes, ma'am. 12 MS. MACH: Is this a specific to state -- the 13 funding that's just been allocated to the states is 14 separate and different from the funding to the city? 15 MS. CHARD: This is funding to the state, and 16 there's also a separate allocation that has been made to 17 the various tribes in Oklahoma. 18 So this is not the city, the county. This is not 19 the ARPA. This is the bipartisan infrastructure bill. 20 The ARPA projects also have a portal, and that is 21 reviewed and approved by the governor and a legislative 22 committee. And that funding, the treasury has released 23 updated guidance, which has changed some of the 24 eligibility requirements to make it easier to qualify as 25 a government entity for a lot of that funding.</p>	<p style="text-align: right;">Page 39</p> <p>1 They had tied it to, basically, the same 2 requirements as the various SRF funds, but now that has 3 been removed. 4 The operator certification rules may be coming back 5 to you in the next year or two. We're starting to see 6 some issues with the increase in number of hours 7 required for renewal training in that we have operators 8 that are taking the same class twice. 9 Not just twice in the same year but twice in the 10 same day. They'll enroll in the morning and then take 11 it again in the afternoon and submit that as eight hours 12 of renewal training. 13 So those of you who are training providers, we're 14 going to be talking to you about doing your best to not 15 allow that to happen. 16 And we'll be working with operators and trainers 17 just to make sure everybody understands it's not four 18 hours of the same class taken two, three, or four times. 19 It is for them to be different classes. If we continue 20 to see that issue, we may clarify in our rules. 21 Those of you that are connected with smaller 22 systems, I wanted to let you know that on -- the CDC has 23 partnered with the Water Environment Federation, and 24 National Rural Water has become involved recently, so 25 small systems can apply to receive auto samplers at no</p>
<p style="text-align: right;">Page 40</p> <p>1 cost. It's got no strings attached. 2 It's to allow the small systems to do a better job 3 monitoring, knowing we're going to continue to see 4 increases in EPA regulation. It's a good opportunity 5 for those small systems to get those auto samplers at no 6 cost. 7 If you have questions, those of you that are rural 8 water affiliated, certainly Matt has been right in the 9 middle of all this, and Cheyenne -- last name I can't 10 think of. They are the points of contact for National 11 Rural Water, or you can contact me and I can get you in 12 contact with the right people. So that's an 13 opportunity. 14 And one last thing that's kind of fun that, you 15 know, goes in the category of the things that apparently 16 I can be talked into at times. If you haven't seen 17 DEQ's social media, the Water Queen and the three Water 18 Warriors are doing videos and now making public 19 appearances to talk about water conservation and 20 environmental education at various school events. 21 It's kind of been a lot of fun. But, you know, if 22 you want to see my tiara and my whole outfit, you'll 23 have to check it out. It's a great opportunity that DEQ 24 has taken. The Water Queen and Water Warriors have 25 joined Captain Atmosphere.</p>	<p style="text-align: right;">Page 41</p> <p>1 And here in another couple of months Terra, the 2 Goddess of Earth, will be making her appearance. So 3 we'll have our whole crew of super heros to provide 4 environmental education, hopefully, in a way that's kind 5 of fun and exciting as opposed to what we typically do 6 when we try to talk to people about conservation, 7 healthy air, being environmentally responsible. So 8 that's been a lot of fun. 9 So anybody have any questions about any of those? 10 MS. MACH: How big is your tiara? 11 MS. CHARD: Well, I have upgraded. I started 12 with the \$1 version, which is, you know, very nice. 13 Then I went to the \$5 version, which it had jewels. And 14 now I'm up to the 14.99 version, which is very sparkly 15 and, you know, very impressive. 16 MR. MATHESON: Was your very first one -- was 17 that a news clip on TV about that? Seems like I seen 18 that clip. 19 MS. CHARD: So the first one, there was. It 20 actually got picked up in Oregon, and that's the first 21 place that I knew that it was actually on the news. 22 It started with the environment awareness license 23 plates. And, for whatever reason, that one got picked 24 up. An agency in Oregon called us. A reporter out 25 there had seen it.</p>

<p style="text-align: right;">Page 42</p> <p>1 And so then once it started being talked about</p> <p>2 other places -- I'm assuming it was, you know,</p> <p>3 affiliates -- it did show up here briefly. But it's</p> <p>4 all -- once it goes on the internet, it's there forever.</p> <p>5 But I've had an upgrade in my tiara and my royal</p> <p>6 robes, so --</p> <p>7 MR. MATHESON: Since that one, yeah.</p> <p>8 MS. CHARD: Okay. One last thing just to say</p> <p>9 we do have this Board and Council magazine handout. Or</p> <p>10 you can get it off the DEQ website. And it just kind of</p> <p>11 gives a little bit of who makes up the board, the</p> <p>12 various councils, who the various staff are.</p> <p>13 We do not have enough for everybody at this</p> <p>14 meeting, so if you want a hard copy and you don't get</p> <p>15 one today, let me know and we will get those sent to</p> <p>16 you. But I do have a few of them here today if anybody</p> <p>17 wants to pick one up, or you can download it off the DEQ</p> <p>18 website.</p> <p>19 So with that, that's all I have. Thank you.</p> <p>20 CHAIR DUZAN: I have one kind of odd question.</p> <p>21 With the current -- with the McGirt decision, is that</p> <p>22 going to affect anything? Because that seems like it's</p> <p>23 opened up a can of worms across a whole bunch of things.</p> <p>24 MS. CHARD: Yeah, it's like this is -- pass it</p> <p>25 back. No, you take it. No, you take it.</p>	<p style="text-align: right;">Page 43</p> <p>1 I would just say that's something we're looking at,</p> <p>2 at what it's going to mean. And that's my very</p> <p>3 simplistic answer. Yeah, we're kind of looking at it</p> <p>4 and we're leaving it to the lawyers and the politicians</p> <p>5 to figure it out.</p> <p>6 MS. APRIL EBERLE: Yes, just to second what</p> <p>7 Shellie said, it remains to be seen. I would not be</p> <p>8 surprised if there is an impact. Exactly what that will</p> <p>9 be remains to be seen.</p> <p>10 CHAIR DUZAN: Okay. I just see and hear stuff</p> <p>11 on the news, and I thought it's going to be a spiral web</p> <p>12 of things that it had no initial thoughts it would</p> <p>13 affect.</p> <p>14 MS. APRIL EBERLE: It remains to be seen.</p> <p>15 There's a lot of litigation on it. And, obviously</p> <p>16 until, it works its way through the various courts,</p> <p>17 hurry up and wait and see.</p> <p>18 CHAIR DUZAN: Good enough.</p> <p>19 Any other questions or comments from the council?</p> <p>20 MR. SMITH: I have a question.</p> <p>21 I was involved in a case last week about water</p> <p>22 supply, and one of the topics that came up in that was</p> <p>23 wastewater discharge being used to recharge aquifers.</p> <p>24 That's not allowed in Oklahoma at the time.</p> <p>25 Can you see that in the future?</p>
<p style="text-align: right;">Page 44</p> <p>1 MS. CHARD: So we do have -- we had statutory</p> <p>2 change now four or five, six years ago. With COVID</p> <p>3 time, I kind of don't really know anymore.</p> <p>4 But we have gone through a process where we do have</p> <p>5 rules for aquifer storage and recovery. We have a</p> <p>6 process in place.</p> <p>7 And we have one project right now that's going</p> <p>8 through the limited-scope ASR process right now. It's</p> <p>9 in Pontotoc County. That is something that is done</p> <p>10 across the country.</p> <p>11 There's an incredibly successful project up in</p> <p>12 Wichita, Kansas. We've kind of looked at a lot of what</p> <p>13 they have done. What we're seeing in a lot of places is</p> <p>14 the various treatment that happens before water is</p> <p>15 injected.</p> <p>16 Arizona has done a lot for 20 years or more, but it</p> <p>17 is legal in Oklahoma and it's just a matter of going</p> <p>18 through that permitting process. Right now there is one</p> <p>19 that's going through kind of that first pilot phase.</p> <p>20 CHAIR DUZAN: Okay. Any other questions or</p> <p>21 comments?</p> <p>22 Okay. Thank you, Shellie.</p> <p>23 We'll move on to new business, and I do not believe</p> <p>24 we have any new business.</p> <p>25 Anybody on the council have any new business.</p>	<p style="text-align: right;">Page 45</p> <p>1 (No response.)</p> <p>2 CHAIR DUZAN: Okay. Our only announcement is</p> <p>3 our next meeting is Tuesday, April 19th, 2022,</p> <p>4 2:00 p.m., in this building in this room.</p> <p>5 And with that, I'll take a motion for adjournment.</p> <p>6 MR. MATHESON: I'll make that motion.</p> <p>7 MS. MACH: Second.</p> <p>8 CHAIR DUZAN: And we'll have a vote.</p> <p>9 MS. FIELDS: Mr. Carr.</p> <p>10 MR. CARR: Yes.</p> <p>11 MS. FIELDS: Mr. Jarman.</p> <p>12 MR. JARMAN: Yes.</p> <p>13 MS. FIELDS: Ms. Mach.</p> <p>14 MS. MACH: Yes.</p> <p>15 MS. FIELDS: Mr. Matheson.</p> <p>16 MR. MATHESON: Yes.</p> <p>17 MS. FIELDS: Dr. Moore.</p> <p>18 DR. MOORE: Yes.</p> <p>19 MS. FIELDS: Mr. Smith?</p> <p>20 MR. SMITH: Yes.</p> <p>21 MS. FIELDS: Mr. Winegardner.</p> <p>22 MR. WINEGARDNER: Yes.</p> <p>23 MS. FIELDS: Mr. Duzan.</p> <p>24 CHAIR DUZAN: Yes --</p> <p>25 MS. FIELDS: Motion passed.</p>



<p>Page 46</p> <p>1 CHAIR DUZAN: So we're adjourned. 2 (End of proceedings at 2:54 p.m.) 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>Page 47</p> <p>1 STATE OF OKLAHOMA ) 2 ) SS: 3 COUNTY OF OKLAHOMA ) 4 5 C E R T I F I C A T E 6 I, DEBRA GARVER, a certified shorthand reporter 7 within and for the State of Oklahoma, certify that the 8 foregoing transcription of the Department of 9 Environmental Quality Water Quality Management Advisory 10 Council Public Meeting, January 11, 2022, at 2:00 p.m., 11 at the Oklahoma Department of Environmental Quality, 707 12 North Robinson, First Floor, Multi-Purpose Room, in 13 Oklahoma City, Oklahoma, was taken by me in stenotype 14 and simultaneously transcribed by computer, and the 15 foregoing is a true and correct transcript of said 16 proceedings, and that I am not an attorney for or a 17 relative of any party, or otherwise interested in this 18 action. 19 Witness my hand and seal of office 20 January 14, 2022. 21  22 DEBRA GARVER, CSR, RPR 23 State of Oklahoma CSR# 1370 24 Certificate exp. 12/31/2022 25</p>



# WATER QUALITY MANAGEMENT ADVISORY COUNCIL

## Attendance Record

January 11, 2022

Department of Environmental Quality  
Oklahoma City, Oklahoma

### CHECK BOX TO COMMENT

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