

MINUTES
WATER QUALITY MANAGEMENT ADVISORY COUNCIL
January 9, 2024
Oklahoma Department of Environmental Quality
Multipurpose Room
Oklahoma City, Oklahoma

Official WQMAC

Approved at the April 30, 2024 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 October 31, 2023. 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 a quorum.

MEMBERS PRESENT

Ron Jarman
 Mary Mach
 Mark Matheson
 Rick Moore
 Kenneth Schwab
 Bill Smith
 Duane Winegardner
 Brian Duzan

MEMBERS ABSENT

Eric Lee
 Steve Sowers
 Debbie Wells

DEQ STAFF PRESENT

Shellie Chard
 Jeff Franklin
 Brian Clagg
 Travis Mensik
 Jonathan Allen
 Vance Pennington
 Nicholas Huber
 Michelle Wynn
 Jennifer Boyle
 Susan Mensik
 Karen Steele
 Patrick Rosch
 Joe Long
 Ryan McIntosh
 Greg Carr
 Cody Danielson
 Kambridge Stephens
 Mark Hildebrand
 April Eberle
 Quiana Fields

OTHERS PRESENT

Jenny Longley, Court Reporter

Approval of Minutes from the September 26, 2023 Meeting – Mr. Duzan called for a motion to approve the September 26, 2023 minutes, Mr. Smith moved to approve and Mr. Winegardner made the second.

See transcript pages 3-4

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

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

See transcript pages 4 - 5

Ron Jarman	Yes	Kenneth Schwab	Yes
Mary Mach	Yes	Bill Smith	Yes
Mark Matheson	Yes	Duane Winegardner	Yes
Rick Moore	Yes	Brian Duzan	Yes

SELECTION OF THE CHAIR – Mr. Duzan opened discussion for nominations for Chair. Mr. Smith nominated Mr. Duzan to remain as Chair and Mr. Winegardner made the second.

See transcript pages 5 - 6

Ron Jarman	Yes	Kenneth Schwab	Yes
Mary Mach	Yes	Bill Smith	Yes
Mark Matheson	Yes	Duane Winegardner	Yes
Rick Moore	Yes	Brian Duzan	Yes

PERMANENT RULEMAKING OAC 252:690 – WATER QUALITY STANDARDS IMPLEMENTATION – Mr. Brian Clagg, Environmental Manager of the WQD, stated that the DEQ staff is proposing to: revoke this rule. Chapter 690 contains the Water Quality Standards Implementation Plan (WQSIP) recently enacted as part of the transfer of authority over Oklahoma Water Quality Standards (OWQS) from the Oklahoma Water Resources Board to the Department of Environmental Quality. Because agency rules already contained elements of a WQSIP prior to assuming responsibility for the OWQS, the proposed changes to this chapter are intended to streamline agency rules by combining the contents of Chapter 690 with the other WQSIP provisions found in Chapters 606 and 611. Applicable portions of Subchapter 1, titled “Introduction”, Subchapter 5, titled “Groundwater Protection”, and Subchapter 7, titled “Water Quality Standards Implementation Plan, Oklahoma Department of Environmental Quality” are proposed to be incorporated into Chapter 611. Applicable portions of Subchapter 1, titled “Introduction”, Subchapter 3, titled “Point Source Discharges” and Appendices B, C, D, E, F, G, H, I and J are proposed to be incorporated into Chapter 606. As a result of the incorporation of these subchapters into different parts of the agency's rules, Chapter 690 is proposed to be revoked in its entirety. Hearing no questions or comments by the Council or the public, Mr. Duzan called for a motion. Mr. Matheson moved to approve and Ms. Mach made the second.

See transcript pages 6 - 10

Ron Jarman	Yes	Kenneth Schwab	Yes
Mary Mach	Yes	Bill Smith	Yes
Mark Matheson	Yes	Duane Winegardner	Yes
Rick Moore	Yes	Brian Duzan	Yes

PERMANENT RULEMAKING OAC 252:606 – OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS – Mr. Clagg stated that the DEQ staff is proposing to: update the rule to streamline the Department of Environmental Quality (DEQ) rules as part of a proposal to transfer existing regulations from OAC 252:690 into this chapter. As part of the proposed agency rule changes, OAC 252:690 will be revoked and the provisions in OAC 252:690 dealing with point source discharges will be merged into OAC 252:606, resulting in new Subchapter 6, and Appendices H through P. This will consolidate the technical permitting rules for point source discharges into one rule, OAC 252:606. Changes are

proposed to both Subchapter 6 to correct references and streamline language and to the Appendices A, B, C, E, F, and G to correct minor typographical and formatting errors, and to replace references to “the DEQ” to simply “DEQ”, to be consistent with the agency’s other regulations. Additional proposed changes to Appendix A replace “Fecal Coliform” in Tables 1-1, 1-2 and 1-3 with “Fecal Indicator Bacteria”, corrects effluent flow monitoring frequency in Table 1-1 for facilities discharging over one million gallons per day and adds Total Phosphorus as a control test in Table 1-3. Minor formatting changes are also proposed for the Appendices H, I, J, K, L, M, N, O and P. A recommended change to Table H-1, titled “Priority and Nonpriority Pollutants with Numerical Criteria Requiring Reasonable Potential Screening” consists of replacing Total Arsenic with Arsenic III. The Department also proposes to update its rules concerning the date of incorporation by reference for the Code of Federal Regulations from July 1, 2022, to July 12, 2023. One final regulatory change included in this update consisted of the U.S. Environmental Protection Agency (EPA) finalizing clarifications to its National Pollutant Discharge Elimination System (NPDES) Stormwater Phase II regulations due to recent changes made by the Census Bureau. Another rule change was made to 40 CFR Part 423, the Steam Electric Power Generating Point Source Category, to extend the date for existing coal-fired power plants to submit a notice of planned participation (NOPP) for the permanent cessation of coal combustion subcategory in the 2020 Steam Electric Reconsideration Rule from October 13, 2021, to June 27, 2023. Following questions and comments by the Council and the public, Mr. Duzan called for a motion. Ms. Mach moved to approve the rule as written with the proposed changes and Mr. Matheson made the second.

See transcript pages 10 - 20

Ron Jarman	Yes	Kenneth Schwab	Yes
Mary Mach	Yes	Bill Smith	Yes
Mark Matheson	Yes	Duane Winegardner	Yes
Rick Moore	Yes	Brian Duzan	Yes

PERMANENT RULEMAKING OAC 252:611 – GENERAL WATER QUALITY – Mr. Clagg stated that the DEQ staff is proposing to: update the rule to streamline agency rules. As part of the proposed agency rule changes, OAC 252:690 will be revoked and the provisions in OAC 252:690 dealing with groundwater protection will be included in OAC 252:611 and merged with the existing rules. Specifically, OAC 252:690 Subchapter 5, titled “Groundwater Protection”, and Subchapter 7, titled “Water Quality Standards Implementation Plan” will be incorporated into OAC 252:611 as Subchapters 7 and 9, respectively. Many of the definitions from OAC 252:690 are being incorporated into this chapter. Proposed changes to the text and incorporated subchapters are intended to clarify rule language. Additionally, the Department proposes to correct minor typographical and formatting errors, and to update identifying nouns, such as replacing references to “the DEQ” to simply “DEQ,” to be consistent with the agency’s other regulations. Following questions and comments by the Council and none by the public, Mr. Duzan called for a motion. Ms. Mach made a motion to approve the rule as amended, by adding subchapter reference OAC 252:307 following SEL’s NELAP in Section 5, on page 44 and Dr. Jarman made the second.

See transcript pages 20 - 26

Ron Jarman	Yes	Kenneth Schwab	Yes
Mary Mach	Yes	Bill Smith	Yes
Mark Matheson	Yes	Duane Winegardner	Yes
Rick Moore	Yes	Brian Duzan	Yes

PERMANENT RULEMAKING OAC 252:628 – INDIRECT POTABLE REUSE FOR SURFACE WATER AUGMENTATION – Mr. Clagg stated that the DEQ staff is proposing to: update the rule to replace references to OAC 252:690 with references to OAC 252:606 in connection with a contemporaneous proposal to relocate rules from OAC 252:690 to OAC 252:606. Following questions and comments by the Council and none by the public, Mr. Duzan called for a motion. Mr. Smith moved to approve and Mr. Matheson made the second.

See transcript pages 26 - 30

Ron Jarman	Yes	Kenneth Schwab	Yes
Mary Mach	Yes	Bill Smith	Yes
Mark Matheson	Yes	Duane Winegardner	Yes
Rick Moore	Yes	Brian Duzan	Yes

PERMANENT RULEMAKING OAC 252:641 – INDIVIDUAL AND SMALL PUBLIC ON-SITE SEWAGE TREATMENT SYSTEMS – Mr. Nicholas Huber of the Environmental Complaints and Local Services Division, stated that the DEQ staff is proposing to: update the rule to (1) clarify the credentials required for soil profile certification, (2) update general provisions for septic tanks to include a permanently affixed data plate, (3) incorporate the use of a riser safety screen system or factory-supplied concrete manhole lid in all inlet cleanouts, (4) establish septic tank size of 500 gallons for small public sewage facilities with flows of one hundred (100) gallons or less, (5) raise the approvable limit associated with the Biochemical Oxygen Demand (BOD) to 2.5 pounds per day for aerobic systems, (6) remove Low Pressure Dosing (LPD) systems, (7) increase the surety bond requirements for Certified Installers and Certified Soil Profilers, and (8) address formatting issues for Appendices. Following questions and comments by the Council and none by the public, Mr. Duzan called for a motion. Mr. Schwab moved to approve and Ms. Mach made the second.

See transcript pages 30 - 43

Ron Jarman	Yes	Kenneth Schwab	Yes
Mary Mach	Yes	Bill Smith	Yes
Mark Matheson	Yes	Duane Winegardner	Yes
Rick Moore	Yes	Brian Duzan	Yes

PERMANENT RULEMAKING OAC 252:645 – SEPTAGE PUMPERS AND TRANSPORTERS – Mr. Huber stated that the DEQ staff is proposing to: update the rule to (1) clarify the definition of sewage, (2) update license requirements to include a driver certification, an exam fee, and an increase in renewal hours, (3) require a surety bond for license holders, (4) require an additional safety measure for storage tanks, (5) require the submission of land application and treatment records, and (6) update land application requirements for the removal of non-biodegradable material. Following questions and comments by the Council and none by the public, Mr. Duzan called for a motion to approve the rule with the requirements listed. Mr. Matheson moved to approve and Ms. Mach made the second.

See transcript pages 43 - 53

Ron Jarman	Yes	Kenneth Schwab	Yes
Mary Mach	Yes	Bill Smith	Yes
Mark Matheson	Yes	Duane Winegardner	Yes
Rick Moore	Yes	Brian Duzan	Yes

Ms. Shellie Chard, Division Director of the WQD stated that the Staff received an email at 1:42p.m., from Mr. Mike Schwab at EPA Region 6, with five questions related to Chapter 730. Ms. Chard requested a ten minute recess to address the issues so that the rules can be

moved forward. Mr. Duzan called for a motion to take a recess, Ms. Mach moved to approve and Dr. Jarman made the second.

See transcript pages 53 - 55

Ron Jarman	Yes	Kenneth Schwab	Yes
Mary Mach	Yes	Bill Smith	Yes
Mark Matheson	Yes	Duane Winegardner	Yes
Rick Moore	Yes	Brian Duzan	Yes

Following the ten minute recess Mr. Duzan called for a motion to reconvene the meeting, Mr. Matheson moved to approve and Dr. Jarman made the second.

See transcript pages 55 - 56

Ron Jarman	Yes	Kenneth Schwab	Yes
Mary Mach	Yes	Bill Smith	Yes
Mark Matheson	Yes	Duane Winegardner	Yes
Rick Moore	Yes	Brian Duzan	Yes

PERMANENT RULEMAKING OAC 252:730 - OKLAHOMA’S WATER QUALITY STANDARDS – Mr. Clagg, stated that the DEQ staff is proposing to: 1) revise Section 252:730-1-1 to update statutory references to the agency's legal authority over water quality standards, 2) revise Section 252:730-1-2 to combine or eliminate duplicative definitions, and 3) correct formatting and typographical errors throughout the chapter and replace references to OAC 252:690 with references to OAC 252:606 as part of a plan to streamline and consolidate rules that will result in OAC 252:690 being revoked. The agency proposes to revoke and re-enact revised versions of Appendices A, B, E, F, and H to make minor updates. Hearing no questions or comments by the Council or the public, Mr. Duzan called for a motion. Ms. Mach moved to approve and Mr. Smith made the second.

See transcript page 56 - 60

Ron Jarman	Yes	Kenneth Schwab	Yes
Mary Mach	Yes	Bill Smith	Yes
Mark Matheson	Yes	Duane Winegardner	Yes
Rick Moore	Yes	Brian Duzan	Yes

PERMANENT RULEMAKING OAC 252:740 – IMPLEMENTATION OF OKLAHOMA’S WATER QUALITY STANDARDS – Mr. Clagg stated that the DEQ staff is proposing to: revise by combining or eliminating duplicative definitions, correct typographical errors, and make minor formatting corrections and changing Section 252:740- 15-3 to replace a reference to an outdated EPA directive on quality assurance methods with a reference to the latest equivalent EPA directive issued in July 2023. Hearing no questions or comments by the Council, Mr. Duzan called for a motion. Dr. Moore moved to approve and Mr. Matheson made the second.

See transcript pages 60 - 63

Ron Jarman	Yes	Kenneth Schwab	Yes
Mary Mach	Yes	Bill Smith	Yes
Mark Matheson	Yes	Duane Winegardner	Yes
Rick Moore	Yes	Brian Duzan	Yes

DISCUSSION OF RULEMAKING FOR THE APRIL 30, 2024 WQMAC MEETING:

OAC 252:301 LABORATORY ACCREDITATION – Ms. Susan Mensik of the SELS Division, gave a summary on the rule. There were no questions or comments from the Council or the public.

See transcript pages 63 – 67

OAC 252:302 FIELD LABORATORY ACCREDITATION – Ms. Mensik gave a summary on the rule. There were no questions or comments from the Council or the public.

See transcript pages 67 - 69

OAC 252:307 TNI LABORATORY ACCREDITATION – Ms. Mensik gave a summary on the rule. There was a question by the Council and none by the public.

See transcript pages 69 – 73

DIRECTOR'S REPORT – Mr. Jeff Franklin, Division Director of the SELS, Mr. Mark Hildebrand of the ECLS and Ms. Shellie Chard, Division Director of the WQD, provided an update on division activities.

See transcript pages 73 - 83

NEW BUSINESS – None

ANNOUNCEMENTS – The next scheduled meeting is on Tuesday, April 30, 2024, 2:00p.m. at DEQ.

ADJOURNMENT – Mr. Duzan called for a motion to adjourn. Mr. Matheson moved to adjourn and Dr. Jarman made the second. The meeting was adjourned at 3:51p.m.

See transcript page 83 – 84

Ron Jarman	Yes	Kenneth Schwab	Yes
Mary Mach	Yes	Bill Smith	Yes
Mark Matheson	Yes	Duane Winegardner	Yes
Rick Moore	Yes	Brian Duzan	Yes

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

Page 1

1 REGULAR MEETING
 2 DEPARTMENT OF ENVIRONMENTAL QUALITY
 3 WATER QUALITY MANAGEMENT ADVISORY COUNCIL
 4 ON JANUARY 9, 2024 AT 2:00 PM
 5
 6
 7
 8 MEMBERS PRESENT
 9 Ron Jarman
 10 Mark Matheson
 11 Mary Mach
 12 Rick Moore
 13 Bill Willard Smith
 14 Duane Winegardner
 15 Brian Duzan
 16 Kenneth Schwab
 17
 18 MEMBERS ABSENT
 19 Eric Lee
 20 Steve Sowers
 21 Debbie Wells
 22
 23
 24
 25 REPORTED BY: Jenny Longley, CSR

Page 2

1 PROCEEDINGS
 2 MR. DUZAN: This regular meeting of the
 3 Water Quality Management Advisory Council was called
 4 in accordance with the Open Meeting Act. Notice for
 5 this January 9, 2024 regular meeting was filed with
 6 the Secretary of State on October 31, 2023. The
 7 Agenda was duly posted at DEQ at least 24 hours
 8 prior to the meeting.
 9 Only matters appearing on the posted
 10 Agenda may be considered at this regular meeting.
 11 In the event that this meeting is continued or
 12 reconvened, public notice of the date, time, and
 13 place of the continued meeting will be given by
 14 announcement at this meeting. Only matters
 15 appearing on the Agenda of a meeting which has been
 16 continued may be discussed at the continued or
 17 reconvened meeting.
 18 We'll have a roll call.
 19 MS. FIELDS: Dr. Jarman?
 20 DR. JARMAN: Here.
 21 MS. FIELDS: Mr. Lee is absent.
 22 Ms. Mach?
 23 MS. MACH: Here.
 24 MS. FIELDS: Mr. Matheson?
 25 MR. MATHESON: Here.

Page 3

1 MS. FIELDS: Dr. Moore?
 2 DR. MOORE: Here.
 3 MS. FIELDS: Mr. Schwab?
 4 MR. SCHWAB: Here.
 5 MS. FIELDS: Mr. Smith?
 6 MR. SMITH: Here.
 7 MS. FIELDS: Mr. Sowers is absent.
 8 Ms. Wells is absent.
 9 Mr. Winegardner?
 10 MR. WINEGARDNER: Here.
 11 MS. FIELDS: Mr. Duzan?
 12 MR. DUZAN: Here.
 13 MS. FIELDS: We have a quorum.
 14 MR. DUZAN: Okay. Next is the Approval of
 15 the Minutes from the September 26, 2023 meeting.
 16 MR. SMITH: I make a motion to approve.
 17 MR. WINEGARDNER: Second.
 18 MR. DUZAN: We have a motion and a second,
 19 we'll have a vote.
 20 MS. FIELDS: Dr. Jarman?
 21 DR. JARMAN: Yes.
 22 MS. FIELDS: Ms. Mach?
 23 MS. MACH: Yes.
 24 MS. FIELDS: Mr. Matheson?
 25 MR. MATHESON: I abstain.

Page 4

1 MS. FIELDS: Dr. Moore?
 2 DR. MOORE: Abstain.
 3 MS. FIELDS: Mr. Schwab?
 4 MR. SCHWAB: Yes.
 5 MS. FIELDS: Mr. Smith?
 6 MR. SMITH: Yes.
 7 MS. FIELDS: Mr. Winegardner?
 8 MR. WINEGARDNER: Yes.
 9 MS. FIELDS: Mr. Duzan?
 10 MR. DUZAN: Yes.
 11 MS. FIELDS: Motion passed.
 12 MR. DUZAN: Okay. Moving on, we have the
 13 -- since we're in a new year, we have the Selection
 14 of the Vice-Chair. Do we have any nominations for
 15 Vice-Chair?
 16 If nobody has any ideas, Steve Sowers
 17 has always done it in the past, and I'm pretty sure
 18 he has been okay to do it in the future; so I would
 19 nominate Steve.
 20 MR. WINEGARDNER: Second.
 21 MS. CHARD: Mr. Chair, we did confirm with
 22 Mr. Sowers that he was trying to be here today, but
 23 had a conflict, but he is interested in continuing
 24 if the Council so chooses.
 25 MR. DUZAN: Okay. Do we have any other

Page 5

1 nominations?

2 Then we'll have a vote.

3 MS. FIELDS: Dr. Jarman?

4 DR. 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. Schwab?

12 MR. SCHWAB: 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 MR. DUZAN: Yes.

19 MS. FIELDS: Motion passed.

20 MR. DUZAN: Okay. Normally, then, we

21 would pass this on to the vice-chair to elect the

22 chair, but since we don't have the vice-chair, I

23 will now take nominations for Chair for 2024.

24 MR. SMITH: I nominate Brian Duzan.

25 MR. WINEGARDNER: I will second that.

Page 6

1 MR. DUZAN: Okay. We have a first and a

2 second, any other?

3 Then we'll have a vote.

4 MS. FIELDS: Dr. Jarman?

5 DR. 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. Schwab?

13 MR. SCHWAB: Yes.

14 MS. FIELDS: Mr. Smith?

15 MR. SMITH: Yes.

16 MS. FIELDS: Mr. Winegardner?

17 MR. WINEGARDNER: Yes.

18 MS. FIELDS: Mr. Duzan?

19 MR. DUZAN: Yes.

20 MS. FIELDS: Motion passed.

21 MR. DUZAN: Okay. Moving right along now,

22 we're going to Permanent Rulemaking OAC 252:690,

23 "Water Quality Standards Implementation". And this

24 is going -- we'll have it presented by Brian Clagg

25 with DEQ.

Page 7

1 Brian?

2 MR. CLAGG: Thank you.

3 Thank you, Council, for being here

4 today. All of the rules being presented today were

5 discussed at the September 26, 2023 Council meeting.

6 I would also like to note that we conducted two

7 informal public meetings regarding these proposed

8 rules. One was conducted on November the 2nd here

9 at the DEQ office, where we had approximately 22

10 attendees, and the second was conducted on

11 November 8th in Tulsa, at the Centennial Center in

12 Veterans Park, where approximately 11 attended.

13 I also need to point out an issue

14 with the binders in front of you here today. When

15 assembling the various documents for staff to make

16 copies, I failed to remove the "Draft" watermark

17 from the Notice of Rulemaking Intent, Rule Impact

18 Statements, and the rule text; so please understand

19 that the materials in your binders are final copies

20 and that the "Draft" watermark on those should be

21 ignored. Thank you.

22 Okay. To get into Chapter 252:690,

23 which is "Water Quality Standards Implementation",

24 for permanent rulemaking, DEQ is proposing to revoke

25 this rule. As discussed at the September 26, 2023

Page 8

1 council meeting, although DEQ staff had originally

2 intended to merge Chapter 690 and Chapter 740 into

3 one rule, DEQ staff determined that a better

4 approach was to incorporate certain contents of

5 Chapter 690 into two of our existing rules, Chapter

6 606, titled "Oklahoma Pollutant Discharge

7 Elimination System Standards", and Chapter 611,

8 titled "General Water Quality".

9 For your convenience and to assist in

10 your review, your packet contains a color-coded

11 sheet that illustrates the streamlined approach that

12 we are proposing. That might be in the front of

13 your binders, but it's going to look something like

14 that.

15 So from that, you can see that

16 applicable portions of Subchapter 1, titled

17 "Introduction", which is shaded green, Subchapter 5,

18 titled "Groundwater Protection", and Subchapter 7,

19 titled "Water Quality Standards Implementation Plan,

20 Oklahoma Department of Environmental Quality", both

21 shaded blue, are proposed to be incorporated into

22 Chapter 611.

23 Other applicable portions of

24 Subchapter 1, titled "Introduction", Subchapter 3,

25 titled "Point Source Discharges", shaded yellow, and

Page 9

1 Appendices B, C, D, E, F, G, H, I and J, also shaded
 2 yellow, are proposed to be incorporated into Chapter
 3 606.

4 As a result of the incorporation of
 5 these subchapters and appendices into different
 6 parts of the agency's rules, Chapter 690 is proposed
 7 to be revoked in its entirety. A review of the
 8 proposed text in your packet shows a strike-through
 9 of all text and that all appendices are designated
 10 as revoked.

11 So, in conclusion, DEQ is asking the
 12 Council to recommend to the Environmental Quality
 13 Board this permanent rulemaking to revoke Chapter
 14 690. Thank you.

15 MR. DUZAN: Thank you, sir. Any questions
 16 or comments from the Council?

17 Questions or comments from the
 18 public?

19 Okay. We will --

20 MR. MATHESON: I'll make a motion we
 21 accept the changes.

22 MS. MACH: Second.

23 MR. DUZAN: We have a motion and a second,
 24 so we'll have a vote.

25 MS. FIELDS: Dr. Jarman?

Page 10

1 DR. JARMAN: Yes.

2 MS. FIELDS: Ms. Mach?

3 MS. MACH: Yes.

4 MS. FIELDS: Mr. Matheson?

5 MR. MATHESON: Yes.

6 MS. FIELDS: Dr. Moore?

7 DR. MOORE: Yes.

8 MS. FIELDS: Mr. Schwab?

9 MR. SCHWAB: Yes.

10 MS. FIELDS: Mr. Smith?

11 MR. SMITH: Yes.

12 MS. FIELDS: Mr. Winegardner?

13 MR. WINEGARDNER: Yes.

14 MS. FIELDS: Mr. Duzan?

15 MR. DUZAN: Yes.

16 MS. FIELDS: Motion passed.

17 MR. DUZAN: Okay. Moving on to 252:606,
 18 the "Oklahoma Pollutant Discharge Elimination System
 19 Standards".

20 Brian?

21 MR. CLAGG: Okay. For permanent
 22 rulemaking, DEQ is proposing to incorporate from
 23 Chapter 690 applicable portions of Subchapter 1,
 24 titled "Introduction" and Subchapter 3, titled
 25 "Point Source Discharges", both of which are on your

Page 11

1 color-coded sheet and were described above in the
 2 discussion of Chapter 690.

3 So Subchapter 3 will become
 4 Subchapter 6 in Chapter 606, and Appendices B, C, D,
 5 E, F, G, H, I and J are proposed to be reassigned in
 6 Chapter 606 as Appendices H through P. This will
 7 consolidate the technical permitting rules for point
 8 source discharges into one rule, Chapter 606. Also,
 9 changes include formatting changes such as replacing
 10 "the DEQ" with just "DEQ", getting rid of the "the"
 11 before it, or "The Department", replacing that with
 12 "DEQ", to be consistent with all agency rules.

13 I will point out some of the other
 14 significant changes. A review of the Chapter 606
 15 text shows that in Subchapter 1, titled
 16 "Introduction", there are many additions to Section
 17 606-1-2, titled "Definitions" to include those
 18 definitions from 690. There is also a new Section
 19 606-1-2.1 titled "Technical Definitions", which are
 20 all underlined, as they also all came directly from
 21 Chapter 690.

22 In Section 252:606-1-4, titled "Date
 23 of federal regulations incorporated", you can see
 24 that the date referenced is updated from July 1,
 25 2022 to July 12, 2023. One final regulatory change

Page 12

1 included in this update consisted of the U.S.
 2 Environmental Protection Agency finalizing
 3 clarifications to its National Pollutant Discharge
 4 Elimination System Stormwater Phase II regulations
 5 due to recent changes made by the Census Bureau.

6 The changes to EPA's regulations are
 7 limited to clarifying that the designation criteria
 8 for small municipal separate storm sewer systems -
 9 known as MS4s - which have been used since the
 10 promulgation of the regulations in 1999, will remain
 11 the same.

12 These clarifications are necessary
 13 due to the Census Bureau's recent decision to
 14 discontinue its practice of publishing the location
 15 of "urbanized areas" along with the 2020 census and
 16 future censuses.

17 The clarifications in this final rule
 18 replaced the term "urbanized area" in the Phase II
 19 regulations with the phrase "urban areas with a
 20 population of at least 50,000", which is the Census
 21 Bureau's longstanding definition of the term
 22 "urbanized areas". This change allows NPDES
 23 permitting authorities to use 2020 census and future
 24 census data in a manner that is consistent with
 25 existing longstanding regulatory practice.

Page 13

1 Since the Census Bureau and EPA have
 2 discontinued use of the term "urbanized area", the
 3 DEQ will need to delete references to "urbanized
 4 area" and replace them with references to "urban
 5 areas with a population of at least 50,000" during
 6 the next permit renewal process. The effective date
 7 of this rule was July the 12th, 2023.

8 Another rule change was made to 40
 9 CFR Part 423, the Steam Electric Power Generating
 10 Point Source Category, to extend the date for
 11 existing coal-fired power plants to submit a notice
 12 of planned participation - called an NOPP - for the
 13 permanent cessation of coal combustion subcategory
 14 in the 2020 Steam Electric Reconsideration Rule from
 15 October 13, 2021 to June 27, 2023. This rule was
 16 effective May 30, 2023.

17 So moving on to Subchapter 3, titled
 18 "Discharge Permitting Process for Individual and
 19 General Discharge Permits", and Subchapter 5, titled
 20 "Discharge Permit Requirements", these contain minor
 21 formatting changes such as replacing "The
 22 Department" and "the DEQ" with just "DEQ" and
 23 changing the abbreviation for milligrams per liter
 24 from using a lower case "l" to a capital "L", and
 25 we're trying to do that to be consistent throughout

Page 14

1 our various chapters.
 2 Subchapter 6, titled "Point Source
 3 Discharges" is all underlined as it is being moved
 4 from Chapter 690 and is new to Chapter 606. A
 5 marked-up version of the 690 subchapter - it should
 6 be located in your binders, in the tab denoted
 7 "Subchapter 6" - is provided as supplemental
 8 information in your packet.

9 You will note numerous formatting
 10 changes, changes to improve readability, and
 11 reference changes from Chapter 690 to Chapter 606.
 12 Section 606-6-62, titled "Modeling procedures for
 13 the implementation of dissolved oxygen criteria to
 14 protect the Fish and Wildlife Propagation beneficial
 15 use" does contain a change that consisted of
 16 striking out outdated numbers for target DO
 17 concentrations and replacing with a reference to
 18 Chapter 730 Appendix G. This prevents having
 19 duplicative information across rules. Some other
 20 changes throughout included replacing "conservative
 21 substances" with "toxic substances" and replacing
 22 "bacteriological" with "bacterial".

23 Lastly, we have the Appendices A
 24 through P. These consist of the pre-existing
 25 Appendices A, B, C, E, F and G as well as the

Page 15

1 appendices moved over from Chapter 690, now
 2 identified as Appendices H through P. A
 3 strike-through version of these appendices is also
 4 included as supplemental information in your packet,
 5 under the tab Appendices A-P.

6 For Appendix A, most of the changes
 7 are rather minor formatting and typographical
 8 changes. A few of the more substantial changes
 9 include replacing "Fecal Coliform" in Tables 1-1,
 10 1-2, and 1-3 with "Fecal Indicator Bacteria",
 11 correcting the effluent flow monitoring frequency
 12 that's listed in Table 1-1 for facilities
 13 discharging over 1 million gallons per day and
 14 adding Total Phosphorus as a control test in Table
 15 1-3.

16 Changes to Appendices B, C, E, F and
 17 G are all minor and grammar or typographical in
 18 nature.

19 Now, beginning with the appendices
 20 moved over from Chapter 690, we have Appendix H,
 21 which has minor changes. In addition, the rule text
 22 shows a proposed change in Table H-1, which lists
 23 "Priority Pollutants with State Water Quality
 24 Criteria or National Recommended Water Quality
 25 Criteria Requiring Reasonable Potential Screening".

Page 16

1 The change entailed replacing Total
 2 Arsenic with Arsenic III; however, we since
 3 determined that there is no EPA approved test method
 4 for Arsenic III, therefore we ask that the Council
 5 exclude this proposed language when voting on this
 6 rule.

7 Lastly, proposed changes to
 8 Appendices I, J, K, L, M, N, O and P are all minor,
 9 with much of it to just change references from 690
 10 to 606 and to update equation references due to the
 11 appendices lettering changes.

12 So, in conclusion, DEQ is asking the
 13 Council to recommend to the Environmental Quality
 14 Board this permanent rulemaking for Chapter 606 with
 15 the exception of changing Total Arsenic to Arsenic
 16 III, as discussed.

17 MR. DUZAN: Okay. Thank you, sir. Any
 18 questions or comments from the Council on this?
 19 MS. MACH: Chairman Duzan, I have a
 20 couple.
 21 MR. DUZAN: Okay.
 22 MS. MACH: Eric Lee was unable to make it
 23 today, and so he's asked me to ask a couple
 24 questions on his behalf. On page -- Table 52 -- I'm
 25 sorry, page 52, Table 1-3 discusses the ammonia and

Page 17

1 phosphorus additions, but it doesn't indicate
 2 whether it's on the influent or effluent side.
 3 MR. CLAGG: Okay. And the table doesn't
 4 define where to collect a sample?
 5 MS. MACH: Correct, whereas the others do.
 6 MR. CLAGG: Oh, okay. In that case, for
 7 the phosphorus we would want it collected on the
 8 influent, and it sounds like we need to update that
 9 table to include that. Ammonia, I think, is listed
 10 there, as well --
 11 MS. MACH: Correct.
 12 MR. CLAGG: -- and I think there's an
 13 asterisk on the ammonia --
 14 MR. DUZAN: Yes.
 15 MR. CLAGG: -- that requires that that
 16 control testing only be done during times when that
 17 limit applies, so --
 18 MS. MACH: So that would be the effluent
 19 side?
 20 MR. CLAGG: Yeah, so we need to apply that
 21 same to phosphorus, as well.
 22 MS. MACH: So phosphorus and ammonia would
 23 be on the --
 24 MR. CLAGG: Phosphorus and ammonia need to
 25 be specified that it's an influent sample, and that

Page 18

1 asterisk should apply to phosphorus as well as
 2 ammonia, I think we could make that change.
 3 MS. CHARD: Yes, if the Council would like
 4 to include that change, you would do that as part of
 5 your motion, as well.
 6 MS. MACH: And the most convenient way to
 7 do that would just be add the asterisk to Total
 8 Phosphorus?
 9 MR. CLAGG: And put in the table influent
 10 sample so that it's -- we know where that sample's
 11 supposed to be collected.
 12 MS. MACH: Okay.
 13 MR. DUZAN: Is that it?
 14 MS. MACH: Yes.
 15 MR. DUZAN: Okay. Any other questions or
 16 comments from the Council?
 17 MR. SCHWAB: I have one question. I
 18 think, Brian, you actually stated it, but I just
 19 want to make sure for clarification. With the
 20 definition under urbanization going to the 50,000,
 21 anybody -- any community is a part of the MS4 now,
 22 and if it doesn't meet that, they stay in; is that
 23 correct?
 24 MR. CLAGG: Yes. That's correct.
 25 MR. SCHWAB: All right. Thank you.

Page 19

1 MR. DUZAN: Okay. Any other questions or
 2 comments from the Council?
 3 Questions or comments from the
 4 public? Okay. We have -- if you'll come up to the
 5 lectern and state your name.
 6 MR. JACKSON: Hello, everyone. My name is
 7 James Jackson with the Muscogee Creek Nation Office
 8 of Environmental Services. I just want a
 9 clarification about -- and I asked Brian, since
 10 you'd asked for Total Arsenic to be replaced by
 11 Arsenic III, we still are going to continue to have
 12 Total Arsenic on there; correct?
 13 MR. CLAGG: Yes.
 14 MR. JACKSON: Okay. That's all I needed.
 15 Thank you.
 16 MR. DUZAN: Thank you, sir.
 17 Any other questions or comments from
 18 the public?
 19 Any other from the Council?
 20 Then we'll take a motion to accept
 21 them with the changes that we've noted.
 22 MS. MACH: Chairman Duzan, I make that
 23 motion to accept these rules as written and the
 24 proposed changes.
 25 MR. MATHESON: I'll second that. I'll

Page 20

1 second it.
 2 MR. DUZAN: Okay. We have a motion and a
 3 second, we'll have a vote.
 4 MS. FIELDS: Dr. Jarman?
 5 DR. 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. Schwab?
 13 MR. SCHWAB: Yes.
 14 MS. FIELDS: Mr. Smith?
 15 MR. SMITH: Yes.
 16 MS. FIELDS: Mr. Winegardner?
 17 MR. WINEGARDNER: Yes.
 18 MS. FIELDS: Mr. Duzan?
 19 MR. DUZAN: Yes.
 20 MS. FIELDS: Motion passed.
 21 MR. DUZAN: Okay. Moving on to 252:611,
 22 "General Water Quality".
 23 Brian?
 24 MR. CLAGG: Okay. For permanent
 25 rulemaking and as noted in the discussion above, for

Page 21

1 Chapter 690, DEQ staff is proposing to incorporate
 2 remaining parts of Chapter 690 Subchapter 1, titled
 3 "Introduction", Subchapter 5, titled "Groundwater
 4 Protection", and Subchapter 7, titled "Water Quality
 5 Standards Implementation Plan, Oklahoma Department
 6 of Environmental Quality", into Chapter 611.
 7 From your color-coded sheet, and as
 8 described in the discussion of Chapter 690, you can
 9 see that the groundwater protection Subchapter 5 in
 10 Chapter 690 becomes Subchapter 7 in Chapter 611, and
 11 the Chapter 690 Subchapter 7, "Water Quality
 12 Standards Implementation Plan", now becomes
 13 Subchapter 9 in Chapter 611.
 14 So, beginning with Subchapter 1,
 15 titled "General Provisions", there were changes to
 16 Section 1-1, titled "Purpose", that establishes
 17 guidance and requirements for DEQ jurisdictional
 18 areas for implementing Oklahoma's Water Quality
 19 Standards, and this section was also updated to
 20 include a list of other DEQ rules that may apply,
 21 with that list of rules being carried over directly
 22 from Chapter 690.
 23 The next section of this subchapter,
 24 titled "Definitions", has been updated to include
 25 many of the definitions from Chapter 690 that were

Page 22

1 not incorporated into Chapter 606. Section 1-3,
 2 titled "Adoption and incorporation by reference", is
 3 updated with the IBR date now being July 1, 2022,
 4 which was the date that was in Chapter 690. Section
 5 1-7, titled "Planning and wasteload allocations", is
 6 also revised to incorporate language from Chapter
 7 690 that provided more detail on TMDLs and
 8 development of Water Quality Management Plans.
 9 Subchapter 3, titled
 10 "Certifications", contains some minor changes.
 11 Section 611-3-2, titled "Requirements for
 12 certification", does show that several lines of text
 13 are struck through and proposed to be removed. The
 14 struck-through language was more specific and
 15 mirrored federal rule language. Since the federal
 16 rule language has changed numerous times over the
 17 past several years, we are proposing to make our
 18 rule language more general to avoid the need for
 19 further revisions every time the federal rule
 20 language changes.
 21 Next, Subchapter 5, titled
 22 "Groundwater Pollution Control", contains only minor
 23 grammatical changes and correction of a reference
 24 from OAC 252:605 to Chapter 606, 605 is no longer
 25 with us.

Page 23

1 So Subchapter 7, titled "Groundwater
 2 Protection", is one of the subchapters from Chapter
 3 690. Since it is a completely new subchapter, all
 4 of it is underlined in the draft text. Your packet
 5 contains supplemental materials that include a
 6 marked-up version of this subchapter, which is under
 7 the tab "Subchapters 7 and 9". A few grammatical
 8 changes are made, and a couple of references to
 9 Chapter 690 are changed to Chapter 611.
 10 So, last is Subchapter 9, titled
 11 "Water Quality Standards Implementation Plan,
 12 Oklahoma Department of Environmental Quality". It
 13 is new, previously Chapter 690 Subchapter 7. It is
 14 all underlined; so supplemental materials of a
 15 marked-up version, as just mentioned, are in your
 16 materials. This chapter contains many proposed
 17 changes with the intention of improving the
 18 readability of the chapter and also to remove
 19 duplicative language.
 20 The first significant change is to
 21 Section 611-9-1, titled "Required Water Quality
 22 Standards Implementation Plan Elements". The
 23 struck-through language was redundant with statute,
 24 and the new language is intended to be more
 25 streamlined. Also, language regarding the BUMP

Page 24

1 program, which is the Beneficial Use Monitoring
 2 Program, is removed since it is an OWRB program.
 3 In conclusion, DEQ is asking the
 4 Council to recommend to the Environmental Quality
 5 Board this permanent rulemaking for Chapter 611.
 6 MR. DUZAN: Thank you, sir.
 7 Any questions or comments from the
 8 Council on this?
 9 MS. MACH: Chairman Duzan, yes, I have a
 10 couple. Section 9-2(n)(5) is in the Environmental
 11 Laboratory Services section, and on page 44, the
 12 question is, on Section 5, do we need a reference
 13 where the Laboratory Accreditation Program can be
 14 found elsewhere in the rules; however, in reviewing,
 15 is that what subchapter -- or, Section 3?
 16 MR. CLAGG: I don't --
 17 MS. MACH: It specifically asks about
 18 "through application" -- "assessments per the OAC".
 19 This is more of a reference incorporation question.
 20 MS. CHARD: I'm sorry, could you repeat
 21 the page number?
 22 MS. MACH: Yes, ma'am. It's on page 44,
 23 Section 5. It's right about the middle of the page.
 24 MR. CLAGG: Can you give me that one more
 25 time, what page again?

<p>1 MS. MACH: Page 44. Page 25</p> <p>2 MS. CHARD: Okay. The lab director, Jeff</p> <p>3 Franklin.</p> <p>4 MR. FRANKLIN: Yeah, I think that that</p> <p>5 reference should be to our Chapter 307.</p> <p>6 MS. MACH: So previously -- on the</p> <p>7 previous page, Section 3, it does show "OAC 252:301,</p> <p>8 302, or 307". Would that accomplish what the</p> <p>9 question --</p> <p>10 MR. FRANKLIN: So I think that's -- I</p> <p>11 think the first one, where it references 301, 302,</p> <p>12 and 307. that's for general, and then the one that</p> <p>13 talks about the NELAP itself, that's specific for</p> <p>14 307.</p> <p>15 MS. MACH: Okay. So we could add the</p> <p>16 reference of 252:307 on Subsection 5?</p> <p>17 MR. FRANKLIN: I believe so. That is</p> <p>18 correct.</p> <p>19 MS. MACH: Okay.</p> <p>20 MR. DUZAN: Any other questions or</p> <p>21 comments from the Council?</p> <p>22 Questions or comments from the</p> <p>23 public?</p> <p>24 Okay. We'll entertain a motion.</p> <p>25 MS. MACH: Chairman Duzan, I recommend a</p>	<p>1 Augmentation". Page 27</p> <p>2 Brian?</p> <p>3 MR. CLAGG: Okay. With the proposal to</p> <p>4 revoke Chapter 690, it was necessary that we</p> <p>5 reviewed all chapters for any references to 690.</p> <p>6 This chapter, dealing with indirect potable reuse,</p> <p>7 contained several references to Chapter 690.</p> <p>8 The proposed text updates these</p> <p>9 references by correcting the reference or removing</p> <p>10 the reference to 690 all together for: Subchapter 3,</p> <p>11 titled "Benchmarks and Implementation for IPR Source</p> <p>12 Water Discharges", Subchapter 7, titled "Operation</p> <p>13 and Maintenance for IPR Source Water Treatment</p> <p>14 Plants", Subchapter 9, titled "Permitting</p> <p>15 Requirements for IPR Source Water", and Subchapter</p> <p>16 11, titled "IPR Receiving Waterbody Monitoring".</p> <p>17 In conclusion, DEQ is asking the</p> <p>18 Council to recommend to the Environmental Quality</p> <p>19 Board this permanent rulemaking for Chapter 628.</p> <p>20 MR. DUZAN: Thank you, sir.</p> <p>21 Any questions or comments from the</p> <p>22 Council?</p> <p>23 MS. MACH: Yes, sir, there's a question.</p> <p>24 Page 1, is "IPR" defined?</p> <p>25 MR. CLAGG: IPR is defined at the</p>
<p>1 motion to approve these rules as amended, by adding Page 26</p> <p>2 subchapter reference OAC 252:307 following SEL's</p> <p>3 NELAP in Section 5, on page 44.</p> <p>4 DR. JARMAN: Second.</p> <p>5 MR. DUZAN: Okay. We have a motion and a</p> <p>6 second. We'll have a vote.</p> <p>7 MS. FIELDS: Dr. Jarman?</p> <p>8 DR. JARMAN: Yes.</p> <p>9 MS. FIELDS: Ms. Mach?</p> <p>10 MS. MACH: Yes.</p> <p>11 MS. FIELDS: Mr. Matheson?</p> <p>12 MR. MATHESON: Yes.</p> <p>13 MS. FIELDS: Dr. Moore?</p> <p>14 DR. MOORE: Yes.</p> <p>15 MS. FIELDS: Mr. Schwab?</p> <p>16 MR. SCHWAB: 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 MR. DUZAN: Yes.</p> <p>23 MS. FIELDS: Motion passed.</p> <p>24 MR. DUZAN: Okay. We're now moving on to</p> <p>25 252:628, "Indirect Potable Reuse for Surface Water</p>	<p>1 beginning of the chapter. For this rule, I think Page 28</p> <p>2 all you have is Subchapters 3, 5, 7, 9. It doesn't</p> <p>3 have Subchapter 1 because we had no proposed changes</p> <p>4 to it, and IPR is defined in those definitions at</p> <p>5 the beginning.</p> <p>6 MS. MACH: Okay. The other question is to</p> <p>7 consider adding the spelling-out as well as the</p> <p>8 number in parentheses throughout the chapter; so</p> <p>9 including 'five, parenthesis, numeric 5, end</p> <p>10 parenthesis'.</p> <p>11 MR. CLAGG: Because we did a lot of</p> <p>12 revisions where we got rid of the -- either the</p> <p>13 spelled-out part or the number part.</p> <p>14 MS. MACH: So it might be too cumbersome</p> <p>15 to go through and make all those revisions?</p> <p>16 MS. EBERLE: This is April Eberle, for the</p> <p>17 record, Counsel for the Water Quality Division at</p> <p>18 DEQ. I think that would be something that would be</p> <p>19 better handled holistically, in housekeeping, rather</p> <p>20 than just try to address the subchapters in this one</p> <p>21 larger chapter.</p> <p>22 Certainly we can proceed however you</p> <p>23 wish, but that would be my recommendation, that we</p> <p>24 take that up in our next round.</p> <p>25 MS. MACH: We'll proceed with your</p>

Page 29

1 recommendation.

2 MS. EBERLE: Thank you.

3 MS. MACH: No other questions, Chairman.

4 MR. DUZAN: Okay. Any other questions

5 from the Council?

6 Questions or comments from the

7 public?

8 Having none, we'll entertain a

9 motion.

10 MR. SMITH: I make a motion to adopt.

11 MR. MATHESON: I'll second it.

12 MR. DUZAN: We have a motion and a second,

13 we'll have a vote.

14 MS. FIELDS: Dr. Jarman?

15 DR. JARMAN: Yes.

16 MS. FIELDS: Ms. Mach?

17 MS. MACH: Yes.

18 MS. FIELDS: Mr. Matheson?

19 MR. MATHESON: Yes.

20 MS. FIELDS: Dr. Moore?

21 DR. MOORE: Yes.

22 MS. FIELDS: Mr. Schwab?

23 MR. SCHWAB: Yes.

24 MS. FIELDS: Mr. Smith?

25 MR. SMITH: Yes.

Page 30

1 MS. FIELDS: Mr. Winegardner?

2 MR. WINEGARDNER: Yes.

3 MS. FIELDS: Mr. Duzan?

4 MR. DUZAN: Yes.

5 MS. FIELDS: Motion passed.

6 MR. DUZAN: Okay. Moving on to 252:641,

7 "Individual and Small Public Onsite Sewage Treatment

8 Systems". We have a new presenter.

9 Nicholas?

10 MR. HUBER: Hello? The volume okay,

11 everybody can hear me?

12 For the record, I am Nicholas Huber,

13 Program Manager with Environmental Complaints and

14 Local Services. It's nice to see y'all again,

15 thanks for braving the weather.

16 I am here today to present the draft

17 rule revision to Chapter 641. The changes that I

18 will be discussing shortly come from a joint effort

19 between DEQ and the Oklahoma Onsite Wastewater

20 Association. As stakeholders, OOWA has taken an

21 active role in the development of the onsite

22 industry in Oklahoma. Currently, the organization

23 has around 100 members across the state, made up of

24 installers, pumpers, and profilers.

25 Each year, a joint educational

Page 31

1 conference is held, with last year's event being

2 attended by around 350 onsite professionals.

3 Several of the proposed changes started as poll

4 questions at this conference in the fall of '22,

5 specifically the surety bond question. From these

6 questions and other notes, we developed our first

7 draft.

8 This past summer, a small stakeholder

9 workgroup was established to address proposed

10 language changes. This joint venture resulted in

11 several changes to the draft, which was then

12 provided to all onsite professionals about a month

13 prior to the 2023 onsite conference. During this

14 conference, a question-and-answer session was held,

15 which proved to be beneficial and brought out

16 several useful comments.

17 Prior to the official public comment

18 period, we held two outreach meetings, in Oklahoma

19 City and Tulsa, to present the changes and answer

20 questions the public may have. Attendance at these

21 meetings were good, with around 20 to 25 attending

22 both meetings. We did have several Council members

23 in attendance at the Tulsa event, I want to thank

24 Mr. Lee, Mr. Schwab, and Mr. Smith for coming to

25 that meeting.

Page 32

1 The official comment period was held

2 and opened December 1st and ran through the 1st of

3 January. During this period, there were no comments

4 received for this draft.

5 In Subchapter 1, we are amending

6 language that lays out the requirements of paperwork

7 needed to secure a construction permit. This change

8 will reduce the total amount of paperwork needed for

9 each installation, as found in 641-1-2.1. The next

10 amendment is in 641-1-3(d), for minimum lot size.

11 We are proposing the addition of language that was a

12 footnote in the appendices. This additional text

13 will also include an exclusion of surface

14 impoundments from the minimum lot size requirements

15 listed.

16 In Subchapter 3, we revised the

17 section that addresses the required credentials for

18 completing soil testing. This change was made to

19 bring the rule in line with the governing statute.

20 We removed the mention of Zone 2 from the exclusion

21 language for percolation tests. The remaining

22 language serves the same purpose.

23 The final change in the subchapter is

24 the removal of the mention of low-pressure dosing

25 systems. We have struck all mention of this system

Page 33

1 type from the rule, and this was done in response to
 2 the lack of permitting over the last 25 years.

3 Subchapter 7, we are proposing new
 4 language that defines the use and installation of a
 5 data plate for all concrete septic tanks, requires
 6 the installation of a riser safety system on all
 7 manhole openings not using a factory-supplied
 8 concrete insert, and a new tank sizing option for
 9 small public systems with flows of 100 gallons or
 10 less.

11 Subchapter 9 is specific to pump
 12 tanks. Here we include a subsection that
 13 establishes a measure of level for the tanks
 14 described in the subchapter. We also include
 15 language that addresses the use of riser safety
 16 systems and the removal of the low-pressure dosing
 17 pump specifications.

18 In Subchapter 10, we propose an
 19 increase to the upper limit of BOD that can be
 20 treated with an aerobic treatment unit before
 21 requiring an individual permit. This increase will
 22 simplify the permitting requirements for systems
 23 with flows typically under 1,000 gallons per day.
 24 This subchapter also includes riser safety system
 25 language and clarification of NSF requirements for

Page 34

1 disinfection devices and when pump tanks are
 2 required to be used.

3 Subchapter 12 changes are limited to
 4 the removal of all language associated with the
 5 low-pressure dosing systems. As I mentioned
 6 earlier, there has not been any permitted systems of
 7 this type since before it was added to rule.
 8 Permitting of these systems, should it be needed,
 9 will be handled through our alternative review
 10 process.

11 In Subchapter 21, we are proposing
 12 increases to both the bonding and renewal training
 13 requirements. We are also proposing to increase the
 14 renewal hours from four to six hours. Currently, we
 15 offer around 12 hours of renewal training at the
 16 educational conference each year.

17 Subchapter 22 also includes an
 18 increase to the bond amount from \$10,000 to \$25,000
 19 for soil profilers. This increase, as with the
 20 increase to installers, is proposed to address the
 21 increased cost of systems since the bonding
 22 requirement was set out in rule in the early 2000's.
 23 There is also a change to remove the income tax
 24 requirement from both Subchapter 21 and 22 to comply
 25 with recently enacted legislation.

Page 35

1 Subchapter 23 was mainly
 2 housekeeping. There were scheduled fee increases
 3 that were set that need to be removed, as they're no
 4 longer valid. These fees are now tied to CPI.

5 The proposed changes that I've
 6 mentioned are also reflected in the appendices which
 7 you have before you.

8 Thank you for your time, and I'll answer
 9 any questions you may have.

10 MR. DUZAN: Thank you, sir. Any questions
 11 or comments from the Council?

12 MS. MACH: I have a few. 7-3(c)(1), it
 13 was regarding the screening and the riser.

14 MR. HUBER: Yes.

15 MS. MACH: The question is -- this is
 16 actually my question, too. It says, "a screen with
 17 sufficient size". What does "sufficient" mean?

18 MR. HUBER: So we left "sufficient size"
 19 there simply because there are individuals who
 20 manufacture their own tank that don't use a set
 21 manhole size; so to give them the ability to fit
 22 their specific molds, we left that open as long as
 23 what they provide is large enough to allow for that
 24 access.

25 In Subchapter 7, it lays out what the

Page 36

1 manhole requirements are, and as long as that access
 2 is large enough to provide for that cleaning, we
 3 didn't want to tie anybody to a set size as there is
 4 some industry standards that are varied across tied
 5 to tank sizing.

6 MS. MACH: So it could potentially limit
 7 competition if you had to set something in a way, as
 8 well?

9 MR. HUBER: It would be more restricted
 10 than it needs to be to facilitate the treatment in
 11 the cleaning of the septic tanks, yes.

12 MS. MACH: Okay. Thank you.

13 7-4 regarding the size of the tank
 14 that you said was generally less than 1,000 gallons,
 15 you have decreased -- is that right? Or, you have
 16 instituted a sizing based on 100 gallons of flow per
 17 day. How does that compare to other states, do you
 18 know?

19 MR. HUBER: So there is a variation of
 20 sizing requirements from state to state. This
 21 change actually came from a request from the onsite
 22 industry and the board for OOWA that we address some
 23 smaller tank sizes for lower flows.

24 The industry standard is a retention
 25 time of two to three, sometimes four days in septic

Page 37

1 tanks, to ensure there's plenty of retention time
 2 for the solids to settle. There are states that
 3 have the small, 500-gallon-tank sizing. It all is
 4 based off of the amount of daily flow that the
 5 states assign, and there's significant variation
 6 between those across the states.

7 We require an additional 66 gallons
 8 per bedroom, where some states are upwards of 150 to
 9 200 gallons. So there is some precedent in this
 10 industry-wise. Tank manufacturers throughout the
 11 nation have varied tank sizing, from 200 gallons all
 12 the way up to 20,000 gallons.

13 MS. MACH: So this was put in there to
 14 allow for some greater flexibility for public
 15 systems that have lower flows?

16 MR. HUBER: Yes. Specifically the
 17 backyard shop, where you may have a restroom and a
 18 sink, instead of having to install a 1,000-gallon
 19 tank in a field, this would allow for a smaller tank
 20 to be installed at a little bit easier effort.

21 MS. MACH: Okay. Thank you.

22 Go ahead. I have one more.

23 MR. SCHWAB: May I go ahead, then? All
 24 right. On the surety bond in Section 21-2.1, I
 25 happened to be at the public meeting in November in

Page 38

1 Tulsa, and OOWA representatives were present, and
 2 there was a lot of discussion about that amount on
 3 the surety bond, between 50,000 and 100,000. I
 4 think the general consensus actually landed on the
 5 75,000.

6 Would that be something that we could
 7 put into this and make that as recommendation, to go
 8 75 instead?

9 MR. HUBER: That would be definitely a
 10 recommendation that we can accept. We had initially
 11 started at 100,000, which was --

12 MR. SCHWAB: Right.

13 MR. HUBER: -- presented at this Council
 14 in September. Through some of those comments that
 15 we received back and forth, the 75 is an acceptable
 16 amount.

17 MR. SCHWAB: That would be my
 18 recommendation to the board, that we change that to
 19 75.

20 MR. DUZAN: And that was what the
 21 installer group or whatever was okay with that?

22 MR. HUBER: Yes, yes. They -- that is the
 23 question that they posed initially, at the 2022
 24 educational conference, that received significant
 25 support across the board and the members that were

Page 39

1 in attendance, and that is what they're looking for
 2 and are in favor of.

3 MR. SCHWAB: They were in favor of it.

4 MR. DUZAN: Okay.

5 MS. MACH: So then why is it shown as 25?

6 MR. HUBER: So when we filed the -- the 25
 7 is actually for the soil profilers. So there are
 8 two separate surety bonds that we're proposing. In
 9 the version you have in front of you, because of the
 10 filing requirements we had, the version that was
 11 filed was listed at 50,000, and that was before we
 12 had had some of those conversations and those public
 13 meetings.

14 MS. MACH: Mr. Schwab, are you done?

15 MR. SCHWAB: I am done, yes.

16 MS. MACH: This one's actually my
 17 question. I'm asking for two people. The last
 18 question is about the BOD requirements, and I'd just
 19 like to understand a little bit more about why there
 20 was an increase from 1.5 to 2.5 pounds of BOD.

21 MR. HUBER: So, initially, that was set
 22 into rule several years ago. We found that the
 23 aerobic treatment units, based on flow, in some
 24 situations, were not providing adequate treatment.
 25 And so we set a limit at the 1.5 pounds, that is

Page 40

1 what a standard 600-gallon-a-day unit will treat,
 2 that is a fairly common treatment level that you're
 3 going to find in most applications.

4 From that period on, all of the
 5 designs over the 1.5 were reviewed as alternative
 6 systems; so there's an additional permitting
 7 requirement that would be associated with that
 8 approval.

9 Through the last several years, we
 10 average about 45 alternative reviews per year. It
 11 found the majority of those applications that were
 12 being made by installers were of such a good quality
 13 and they understood the use of the BOD and sizing in
 14 designing those systems that it was a natural
 15 progression, through what we saw.

16 We were not denying systems for
 17 issues associated with those designs; so that
 18 expansion allows them the ability to have a more
 19 streamlined permitting process, it simplifies a
 20 review that may take four weeks to now moving it
 21 down to two or three days in some situations.

22 So we see it as an expansion of that
 23 normal permitting process and a reduction of
 24 oversight that is beneficial, and the industry shows
 25 their understanding warrants some of that leeway and

Page 41

1 expansion of that amount.

2 MS. MACH: Are there any concerns about

3 those low-quality submittals that you might receive

4 that would be now allowed to size it for the higher

5 requirement, but might not provide a quality

6 effluent that would be deemed necessary?

7 MR. HUBER: Right. So we're still going

8 to be looking at those high-strength waste systems

9 that are restaurants, schools, those are still going

10 to fall well over the 2.5 pounds. That equates to

11 about 1,000 gallons a day.

12 The majority of those that we're

13 seeing are RV parks, and we still have oversight of

14 those designs at the local level, and our staff are

15 in line with those installers and their

16 understanding of the BOD and the need for treatment.

17 We're still having the oversight, it's just the --

18 where it's coming from is changing.

19 MS. MACH: All right. Thank you.

20 I have no further questions.

21 MR. DUZAN: Any other questions from the

22 Council?

23 MR. SMITH: I have a comment. At our

24 public meeting in Tulsa, Nicholas, we talked about

25 FEHA regulations and septic tanks and lateral fields

Page 42

1 in the regulatory floodplain. I went back and

2 looked and it's a guidance document, not a

3 regulation, but it -- so their recommendations in

4 the regulatory floodplain is to use an aerobic tank

5 rather than a septic tank in the lateral field

6 system.

7 So I just wanted to clarify that

8 discussion that we had at the public meeting, but it

9 is an issue that took -- for compliance and for

10 pollution -- potential pollution in the event of a

11 flood that, you know, could cause an issue.

12 MR. HUBER: Yes, and I think it's

13 something -- can I just -- we had discussed there in

14 Tulsa that we need to look at in future revisions

15 and policy that we set. We kind of defer to those

16 floodplain administrators, many times, to really

17 kind of limit some of that, but it is a valid point

18 and we will add that to our continued review.

19 MR. DUZAN: Okay. Any other questions or

20 comments from the Council?

21 Questions or comments from the

22 public?

23 Then we'll take a motion.

24 MR. SCHWAB: I would recommend that we

25 adopt the draft regulations as final on Chapter 641

Page 43

1 as amended on the surety bond.

2 MS. MACH: Second.

3 MR. DUZAN: Okay. We have a second.

4 We'll have a vote.

5 MS. FIELDS: Dr. Jarman?

6 DR. 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. Schwab?

14 MR. SCHWAB: 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 MR. DUZAN: Yes.

21 MS. FIELDS: Motion passed.

22 MR. DUZAN: Okay. Now we're moving on to

23 252:645, "Septage Pumps and Transporters".

24 Nicholas?

25 MR. HUBER: Hello again. I'll save

Page 44

1 repeating some of what I've already covered. We did

2 a lot of this rule prep alongside our Chapter 641

3 preparation.

4 These questions were brought before

5 the educational conference that we hold each year,

6 presented at that conference for a

7 question-and-answer session, which did result in

8 many good points that we went through and evaluated

9 and came up with this draft we're looking at today.

10 One thing that we did find during our

11 due diligence with this chapter and several others

12 before today's meeting is that there was a

13 discrepancy between the version of rule that we have

14 on our website and that is posted on the Secretary

15 of State's website. That finding resulted in a very

16 thorough review to determine what other issues there

17 may be, and it was limited to a very specific

18 section that we actually are proposing a change to

19 today.

20 What I ask is that in the draft

21 before you, we propose changes to 252:641-1-1,

22 "purpose, authority, and applicability", to amend

23 "hauling" to "transporting". In the official

24 version that is on the Secretary of State's website,

25 that change has already been made and was in effect

Page 45

1 officially since 2010, when that rule change was
 2 codified. So we were moving to strike those changes
 3 from 645-1-1 for what's already on record.
 4 The remainder of the changes in
 5 Subchapter 1 result -- or, represent the majority of
 6 what we're proposing to change. This new language
 7 is: an amendment to the definition of sewage,
 8 645-1-2, that puts it in line with how we define
 9 sewage in Chapter 641 so there's some consistency of
 10 what we're talking about; language establishing a
 11 driver certification, which will include the
 12 prerequisites, application, training and
 13 examination, and license renewal requirements;
 14 establishing an examination fee similar to the other
 15 certification programs that we maintain and operate
 16 in ECLS, which is the installer program and the
 17 profiler program; expanding renewal training from
 18 two hours every other year to two hours every year;
 19 adding the location where septage was pumped to the
 20 daily log so that we're able to track from source to
 21 disposal; requiring an employee or contractor list
 22 to be maintained by each licensed septage hauler;
 23 and establishing requirements for a surety bond for
 24 all licensed septage haulers in the amount of
 25 \$25,000, similar to what we are doing in Chapter

Page 46

1 641.
 2 There are limited amendments to the
 3 next three subchapters, but in all three
 4 subchapters, we are proposing a change to the
 5 location where applications are submitted from the
 6 local office to the central office. Subchapter 3
 7 includes a new requirement to secure the storage
 8 tanks in place.
 9 In Subchapters 5 and 7, the Land
 10 Application and Treatment system sections, we are
 11 proposing that the application and treatment records
 12 required to be maintained by the license holder be
 13 submitted with the renewal application. This will
 14 provide a better mechanism for ensuring compliance
 15 with the issued permit. Subchapter 5 includes new
 16 language that requires the removal of
 17 non-biodegradable material from septage being land
 18 applied.
 19 And the final revision is found in
 20 Subchapter 9 and, as earlier mentioned, as the
 21 examination fee that we listed in the new section
 22 for the drivers. We currently do not charge an
 23 examination fee and put a significant amount of
 24 effort into setting up classes and handling that,
 25 and that amendment would be in line with the other

Page 47

1 certification and licensing programs we have.
 2 And I thank you for your time, and I
 3 will answer any questions you may have now.
 4 MR. DUZAN: Thank you, sir.
 5 Questions or comments from the
 6 Council?
 7 MR. WINEGARDNER: Yes, I have one
 8 question. The land application is also under the
 9 control of the Corporation Commission for their
 10 disposal of petroleum-generated waste. Was there
 11 some communication between DEQ's people talking
 12 about septage -- if I have a piece of property that
 13 has useless sand and I want to apply some organic
 14 matter and also some clay to it, can I do both?
 15 MR. HUBER: So, Chapter 645 addresses the
 16 use -- or, common usage of a site for the land
 17 application of septage and the land application of
 18 biosolids. I do not believe that we address any
 19 commingling of the drilling mud or land farming that
 20 OCC would oversee, that would probably be something
 21 that we would handle as an individual permit.
 22 That's how I would look at handling
 23 anything that would be compliant with 645, I'd have
 24 to defer to Shellie and her group for the question
 25 about the biosolids.

Page 48

1 MS. CHARD: I'm Shellie Chard, Water
 2 Quality Director.
 3 Yeah, so each of the chapter rules
 4 really only apply to the specific subject that they
 5 are addressing; so everything Nicholas has said is
 6 correct. Biosolids specifically are addressed under
 7 Chapter 606 through the adoption of some of the
 8 federal regulations as well as some specific state
 9 statutory language. The drilling mud issues, you
 10 know, those questions have to go to the Corporation
 11 Commission and they determine, you know, what they
 12 think is appropriate.
 13 As far as the question of
 14 coordination and what that looks like, the two
 15 agencies do have a document that is signed that's a
 16 Memorandum of Understanding of Jurisdictional
 17 Authorities so that we take what's in the statute
 18 and then look at what each of the agencies has
 19 responsibility for under those statutes.
 20 Items that are specific to, 'I'm a
 21 homeowner and I brought in some sand to help with my
 22 building project', you know, that is not regulated
 23 by us or the Corporation Commission, so there are
 24 certain things that just do not have regulation
 25 specific to a property owner.

Page 49

1 So -- and I'm not sure if that

2 answers everything you were trying to get at there.

3 MR. WINEGARDNER: Now, I have run into

4 this situation and that's the reason I asked.

5 MS. CHARD: Yeah, I would say when in

6 doubt, you can certainly reach out to DEQ and we can

7 help coordinate with any other agencies to help find

8 an answer if we can.

9 MR. WINEGARDNER: Thank you.

10 MS. MACH: I have one more, about the

11 driver certification. Can you explain a little bit

12 about the driver certification and that 45-day grace

13 period and if it applies more than just to new

14 drivers? Is there a way to prevent a driver from

15 driving for 45 days if they do have outstanding

16 fines or fees?

17 MR. HUBER: So there is a section in this

18 chapter that addresses any type of revocation or

19 suspension of the license or the certification

20 that's issued. The 45 days was intended to provide

21 a grace period for new drivers so an individual

22 could go to work for a pumper, they would have 45

23 days then to enroll in one of the classes that we

24 would hold monthly so that they can still be

25 compliant and work without having to set aside and

Page 50

1 wait for that class to happen.

2 So it is intended specifically for

3 new drivers. Any non-renewal or revocation of a

4 license that may be associated with a non-compliance

5 rule or penalty we would handle the same manner we

6 would any other licenses described.

7 This actually is very similar to what

8 Operator Certification did with their temporary

9 license to allow somebody to get into the industry

10 without having to go through certification right off

11 the bat.

12 This was actually -- that part was

13 added. It was a comment that was made here, during

14 our unofficial meeting, where they brought up that

15 getting drivers certified right at the beginning

16 before they go to work may be difficult and asked

17 for a grace period, and the 45 days fit in with what

18 we had done as an agency.

19 MS. MACH: So when it says "to renew a

20 license or driver certification", do you renew the

21 certification as well as the license?

22 MR. HUBER: Yes, they would -- well, so

23 there would be -- with that driver certification,

24 they would be required to complete the examination

25 so that we ensure that everyone engaging in the

Page 51

1 hauling, transportation, disposal of septage has

2 been provided some level of training.

3 They would be part of that pumper

4 renewal that occurs for the company, much like to

5 equate them to one of the vehicles, but they are

6 included in that licensed septage haulers renewal.

7 So the intent is not to require them to renew

8 individually, they would be part of that pumper

9 license, but each driver would then be an amendment

10 to the license that's issued.

11 So if I have a pumper business, my

12 license, I would include six drivers, they would all

13 have to attend class and training, then I would

14 maintain them on my license.

15 MS. MACH: I understand. Thank you.

16 MR. HUBER: You're welcome.

17 MS. MACH: Nothing further.

18 MR. SCHWAB: I just have one question. So

19 I've realized the bond in 641 is for installation,

20 and this is for transport and pumping. Do you all

21 have a position on this bond, as well, or are they

22 good with the 25?

23 MR. HUBER: During the stakeholder

24 meetings that we held over the summer, it was

25 actually mentioned to have that bond set quite a bit

Page 52

1 higher; so they were in favor of a bond for septage

2 haulers. Being that there wasn't one before,

3 through discussion this is kind of our jumping-off

4 point, but definitely in favor of a bonding that

5 would allow the agency the ability to address any

6 mitigation, environmental impacts that there may be.

7 MR. DUZAN: Any other questions or

8 comments from the Council?

9 Questions or comments from the

10 public?

11 Then I'll entertain a motion.

12 MR. MATHESON: I'll make a motion to

13 approve.

14 MS. CHARD: Mr. Chairman, if I may just

15 remind the Council that there was an edit to what

16 was presented to you today. In 1-1, that there

17 would be no change needed because of the error in

18 what was available through the Secretary of State

19 versus our copy in-house. So if you would like to

20 consider that as part of your motion, we would ask

21 you to do that.

22 MR. HUBER: Yes, thank you.

23 MR. DUZAN: Okay. Well, I would make a

24 motion to accept that with the requirements listed.

25 MS. MACH: Second.

Page 53

1 MR. DUZAN: Okay. We have a motion and a
 2 second, we'll have a vote.
 3 MS. FIELDS: Dr. Jarman?
 4 DR. 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. Schwab?
 12 MR. SCHWAB: 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 MR. DUZAN: Yes.
 19 MS. FIELDS: Motion passed.
 20 MR. DUZAN: Okay. Thanks, Nicholas.
 21 MR. HUBER: Thank you.
 22 MR. DUZAN: Now we're moving on to
 23 252:730, "Oklahoma's Water Quality Standards", and
 24 Brian Clagg is back with us.
 25 MS. CHARD: Mr. Chair, we received an

Page 54

1 email at 1:42 p.m. today, from Mike Schwab at EPA
 2 Region 6, with five questions related to this
 3 chapter. So if the Council would indulge the staff,
 4 I would request about a 10-minute recess so we can
 5 see if we can address these issues so that we can
 6 move these rules forward?
 7 MR. DUZAN: Okay. We'll entertain a
 8 motion for a 10-minute recess.
 9 MS. MACH: I make a motion for recess.
 10 DR. JARMAN: Second.
 11 MR. DUZAN: We have a motion and a second,
 12 we'll have a vote.
 13 MS. FIELDS: Dr. Jarman?
 14 DR. JARMAN: Yes.
 15 MS. FIELDS: Ms. Mach?
 16 MS. MACH: Yes.
 17 MS. FIELDS: Mr. Matheson?
 18 MR. MATHESON: Yes.
 19 MS. FIELDS: Dr. Moore?
 20 DR. MOORE: Yes.
 21 MS. FIELDS: Mr. Schwab?
 22 MR. SCHWAB: Yes.
 23 MS. FIELDS: Mr. Smith?
 24 MR. SMITH: Yes.
 25 MS. FIELDS: Mr. Winegardner?

Page 55

1 MR. WINEGARDNER: Yes.
 2 MS. FIELDS: Mr. Duzan?
 3 MR. DUZAN: Yes.
 4 MS. FIELDS: Motion passed.
 5 MR. DUZAN: So we are recessed for 10
 6 minutes.
 7 (Break taken from 3:05 p.m. to 3:14 p.m.)
 8 MR. DUZAN: Okay. I think we're ready to
 9 continue on. I guess we'll have a vote to
 10 reconvene.
 11 MR. MATHESON: I'll make a motion to
 12 reconvene.
 13 DR. JARMAN: Second.
 14 MR. DUZAN: We have a motion and a second,
 15 we'll have a vote.
 16 MS. FIELDS: Dr. Jarman?
 17 DR. JARMAN: Yes.
 18 MS. FIELDS: Ms. Mach?
 19 MS. MACH: Yes.
 20 MS. FIELDS: Mr. Matheson?
 21 MR. MATHESON: Yes.
 22 MS. FIELDS: Dr. Moore?
 23 DR. MOORE: Yes.
 24 MS. FIELDS: Mr. Schwab?
 25 MR. SCHWAB: Yes.

Page 56

1 MS. FIELDS: Mr. Smith?
 2 MR. SMITH: Yes.
 3 MS. FIELDS: Mr. Winegardner?
 4 MR. WINEGARDNER: Yes.
 5 MS. FIELDS: Mr. Duzan?
 6 MR. DUZAN: Yes.
 7 MS. FIELDS: Motion passed.
 8 MR. DUZAN: Okay. We are officially back
 9 in session.
 10 We'll move on to 252:730, "Oklahoma's
 11 Water Quality Standards", since all the lawyers have
 12 got it straightened out.
 13 Brian?
 14 MR. CLAGG: All right. The rules in this
 15 chapter make up the Oklahoma Water Quality
 16 Standards. Many of the revisions include correcting
 17 formatting and typographical errors throughout the
 18 chapter and replacing references to OAC 252:690 with
 19 references to OAC 252:606 as part of the plan to
 20 streamline and consolidate rules with the revocation
 21 of Chapter 690.
 22 So a review of the proposed text
 23 shows revisions to Subchapter 1, titled "General
 24 Provisions" -- (microphone was turned on). I'm
 25 sorry, thank you. Hope y'all could hear everything

Page 57

1 I said so far.

2 Okay. So, updates of Subchapter 1

3 and updating the statutory reference to the agency's

4 legal authority over water quality standards and to

5 add or remove, as necessary, certain definitions.

6 And there is one of the definitions

7 that was a comment by EPA that we were talking

8 about. If you look in that subchapter, it lists the

9 acronym for polychlorinated biphenyls as PSB, and

10 that should be PCB; so we will need to make that

11 correction to that definition.

12 For Subchapter 5, titled "Surface

13 Water Quality Standards", there are a few minor

14 formatting changes and a change to clarify the

15 definition of a Warm Water Aquatic Community

16 subcategory in that it includes an environment

17 suitable for "the full range of warm water benthos"

18 and supports "intolerant" climax fish communities.

19 For Subchapter 7, titled "Groundwater

20 Quality Standards", the only proposed changes are

21 minor and typographical in nature.

22 So for the appendices, your materials

23 contain supplemental information, which is a

24 marked-up version under the tab labeled "Appendices

25 A, B, E, F and H".

Page 58

1 For Appendix A, titled "Designated

2 Beneficial Uses of Surface Waters", some

3 modifications of the Waterbody Name and Sequence

4 were made, such as "headwater of" or replacing

5 "mouth" with "confluence". Other changes included

6 correcting a couple of the Waterbody ID numbers for

7 the Canadian River.

8 For Appendix B, titled "Areas with

9 Waters of Recreational and/or Ecological

10 Significance", a correction was made to the Water

11 Quality Segment number for the Blue River Wildlife

12 Management Area.

13 For Appendix E, titled "Requirements

14 for Development of Site-Specific Criteria for

15 Certain Parameters", changes included adding the

16 Waterbody ID numbers to the list of seven

17 dischargers with site-specific criteria for metals.

18 The Waterbody ID number was also added to AEP PSO

19 Comanche Power Station, which has criteria for TDS,

20 sulfate, and chloride.

21 And within this Appendix E, also was

22 one of the EPA comments that they cited that -- for

23 the City of Poteau, the Waterbody ID number begins

24 with 2202, and that should be 2201; so we will need

25 to make that correction.

Page 59

1 For Appendix F, titled "Statistical

2 Values of the Historical Data for Mineral

3 Constituents of Water Quality (Beginning

4 October 1976 Ending September 1983), Except as

5 Indicated", one minor correction is made to the

6 "Notes" to change "OWQS" to "WQS".

7 And finally, Appendix H, titled

8 "Beneficial Use Designations for Certain Limited

9 Areas of Groundwater", we have included in this the

10 addition of 10 new groundwater beneficial use

11 designations associated with new remediation sites

12 regulated by DEQ's Land Protection Division since

13 the last major Water Quality Standards revision.

14 So, in conclusion, DEQ is asking the

15 Council to recommend to the Environmental Quality

16 Board this permanent rulemaking for Chapter 730.

17 MR. DUZAN: Okay. Questions or comments

18 from the Council?

19 Questions or comments from the

20 public?

21 Then I'll entertain a motion to

22 accept with the addition of the EPA's requirements,

23 or suggestions, I guess.

24 MS. MACH: I make a motion for the rules

25 to be adopted with the suggested changes by EPA.

Page 60

1 MR. SMITH: Second.

2 MR. DUZAN: We have a motion and a second,

3 we'll have a vote.

4 MS. FIELDS: Dr. Jarman?

5 DR. 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. Schwab?

13 MR. SCHWAB: Yes.

14 MS. FIELDS: Mr. Smith?

15 MR. SMITH: Yes.

16 MS. FIELDS: Mr. Winegardner?

17 MR. WINEGARDNER: Yes.

18 MS. FIELDS: Mr. Duzan?

19 MR. DUZAN: Yes.

20 MS. FIELDS: Motion passed.

21 MR. DUZAN: Okay. Now on to 252:740,

22 "Implementation of Oklahoma's Water Quality

23 Standards".

24 Brian?

25 MR. CLAGG: All right. DEQ staff is

Page 61

1 proposing revisions to Chapter 740 that combine or
 2 eliminate duplicative definitions, that correct
 3 typographical errors, and make minor formatting
 4 corrections and change Section 252:740-15-3 to
 5 replace a reference to an outdated EPA directive on
 6 quality assurance methods with a reference to the
 7 latest equivalent EPA directive issued in July 2023.
 8 So, specifically, a review of the
 9 text for Subchapter 1, titled "General Provisions",
 10 shows that we are proposing to eliminate some
 11 duplicative definitions.
 12 Subchapter 5, titled "Implementation
 13 of Numerical Criteria to Protect Fish and Wildlife
 14 from Toxicity due to Conservative Substances", and
 15 Subchapter 7, titled "Implementation of Numerical
 16 Criteria to Protect Human Health from Toxicity due
 17 to Conservative Substances", contain some minor
 18 formatting changes to capitalize the subscript in
 19 several of those equations.
 20 A review of Subchapter 9, titled
 21 "Implementation of Criteria to Protect the
 22 Agricultural Beneficial Use", does fix an error in
 23 the rule, the correction of which entails replacing
 24 200 milligrams per liter with 250 milligrams per
 25 liter, for chlorides and sulfates in determining

Page 62

1 reasonable potential to exceed an Agriculture
 2 beneficial use criterion.
 3 Subchapter 13, titled "Implementation
 4 of Antidegradation Policy", includes a few minor
 5 typographical corrections.
 6 And lastly, Subchapter 15, titled
 7 "Use Support Assessment Protocols", Part 740-15-3(g)
 8 shows the text updating the Quality Assurance
 9 Project Plan Standard with the latest EPA directive
 10 that was issued in July of 2023.
 11 In conclusion, DEQ is asking the
 12 Council to recommend to the Environmental Quality
 13 Board this permanent rulemaking for Chapter 740.
 14 MR. DUZAN: Thank you, sir.
 15 Questions or comments from the
 16 Council?
 17 Questions or comments from the
 18 public?
 19 Then we'll entertain a motion.
 20 DR. MOORE: Motion.
 21 MR. MATHESON: I'll second it.
 22 MR. DUZAN: We have a motion and a second,
 23 we'll have a vote.
 24 MS. FIELDS: Dr. Jarman?
 25 DR. JARMAN: Yes.

Page 63

1 MS. FIELDS: Ms. Mach?
 2 MS. MACH: Yes.
 3 MS. FIELDS: Mr. Matheson?
 4 MR. MATHESON: Yes.
 5 MS. FIELDS: Dr. Moore?
 6 DR. MOORE: Yes.
 7 MS. FIELDS: Mr. Schwab?
 8 MR. SCHWAB: Yes.
 9 MS. FIELDS: Mr. Smith?
 10 MR. SMITH: Yes.
 11 MS. FIELDS: Mr. Winegardner?
 12 MR. WINEGARDNER: Yes.
 13 MS. FIELDS: Mr. Duzan?
 14 MR. DUZAN: Yes.
 15 MS. FIELDS: Motion passed.
 16 MR. DUZAN: Okay. I'd like to thank Brian
 17 Clagg and Nicholas for putting together all this
 18 information, a lot of information to put together
 19 and then copy. So, as always, they did a wonderful
 20 job.
 21 Next, we're moving on to probably the
 22 highlight of the meeting, we get into lab stuff.
 23 So, Discussion of Rulemaking for the April 30th
 24 Meeting, and first we're going to talk about
 25 252:301, "Laboratory Accreditation".

Page 64

1 Susan?
 2 MS. MENSIK: Nice to meet everybody here
 3 at the Council. It's my first time speaking, so
 4 thank you for being able to be here today.
 5 We're going to talk -- in summary
 6 real quick, we're going to talk about rulemaking for
 7 three separate laboratory rules, we're going to talk
 8 about Laboratory Accreditation, Field Laboratory
 9 Accreditation, and also TNI Laboratory
 10 Accreditation.
 11 And so some of the information that
 12 you're going to hear me speak about in summary is
 13 going to be a bit duplicative because we're going to
 14 try to do some changes to all three rules
 15 simultaneously; so it's going to be a lot of
 16 speaking on my part.
 17 First, we're going to talk about
 18 changes to our Laboratory Accreditation, Chapter
 19 301. This particular chapter contains rules about
 20 the accreditation of privately and publicly owned
 21 laboratories by the Department.
 22 The proposed rule changes intend to
 23 clarify program definitions, proficiency testing or
 24 PT requirements to correct incorrect references, to
 25 standardize language between the Oklahoma DEQ Lab

Page 65

1 Accreditation Program rules - and when I talk about
 2 the Lab Accreditation Program, I'm probably going to
 3 mention "LAP" a couple of times, and I'll try not to
 4 do that - and then simplify the renewal and
 5 application processes, fee calculations, and reset
 6 the yearly accreditation period to run from January
 7 through December as opposed to September through
 8 August, as had been done previously.

9 Additional proposed changes will
 10 serve to update incorporations by reference for EPA
 11 methodologies and to make other amendments for
 12 conformity with past, present, and future method
 13 requirements under the following national programs:
 14 the EPA Primary Drinking Water Regulations, the
 15 National Standards for Solid Waste Test Methods, and
 16 the EPA Test Method Procedures for the Analysis of
 17 Pollutants.

18 One significant result of these
 19 proposed changes is that they will give additional
 20 flexibility to the labs in the program to select for
 21 methods that are both historically and most recently
 22 approved for use in the programs mentioned above,
 23 and it will allow the lab to offer accreditation for
 24 those methods.

25 The Department is proposing to create

Page 66

1 a new section, 252:303-1-10, to establish a new
 2 accreditation period that runs from January through
 3 December. This move to the calendar year will allow
 4 the program labs to better manage their finances and
 5 their renewal applications. This change will also
 6 allow for a more fluid and timely processing of
 7 applications and invoices by our LAP staff.

8 The Department is proposing to amend
 9 301-1-9, "Fees", to accommodate the above new
 10 section. This amendment will simplify the
 11 calculation and accreditation application and the
 12 renewal fees and eliminate a fee for late
 13 applications. Again, there will be no new fees or
 14 fee increases with this change.

15 This change will make it easier for
 16 the program labs to determine the fee for
 17 participation in the program. This change will also
 18 make the rule language more consistent with the
 19 other lab rules that I'm talking about today.

20 Further, the Department is proposing
 21 to amend 301-3-4, "Renewals", to establish a new
 22 September 15th deadline for submitting your renewal
 23 documentation and proficiency test provider reports,
 24 along with a December 15th deadline to pay renewal
 25 invoices to allow for continued participation in the

Page 67

1 program. Additional information has been added to
 2 better define the renewal process and make it more
 3 consistent with other LAP rules.

4 And this concludes my comments for
 5 this particular section.

6 MR. DUZAN: Okay. I guess I have a
 7 question. How will the change in certification
 8 timeline work the first time around? So we'll
 9 currently expire August 31st or whatever, so will we
 10 do that and then do it again in two months, if we
 11 have to submit --

12 MS. MENSİK: My understanding is if the
 13 rules are adopted that we will extend the
 14 certificates for the laboratories to run beyond that
 15 original expiration date, through December 31st, so
 16 there would be additional time added to that
 17 particular permit.

18 MR. DUZAN: Okay. Any other questions
 19 from the Council?

20 Any questions from the public?

21 Okay. Moving on to, I guess, 302.

22 MS. MENSİK: And 302 is "Field Laboratory
 23 Accreditation", and again, I'm going to restate some
 24 of the information I stated previously.

25 This chapter contains rules about the

Page 68

1 accreditation of privately and publicly owned
 2 laboratories by the department. The proposed rule
 3 changes intend to clarify program definitions,
 4 correct incorrect references, standardize language
 5 between the DEQ Lab Accreditation Program rules,
 6 where feasible, simplify the renewal and application
 7 processes, fee calculations, and reset the yearly
 8 accreditation period to run January through
 9 December.

10 Additional proposed changes will
 11 serve to update incorporations by reference for EPA
 12 methodologies and to make other amendments for
 13 conformity with past, present, and future method
 14 requirements under the national program for EPA Test
 15 Procedures for the Analysis of Pollutants.

16 One significant result of these
 17 proposed changes is they will give additional
 18 flexibility to labs in the program to select from
 19 methods that are both historically and most recently
 20 approved for use in the programs mentioned above and
 21 will allow the lab to offer accreditation for those
 22 methods.

23 Specifically, the Department is
 24 proposing to amend 302-1-5, "Fees", to simplify the
 25 calculation of accreditation application and renewal

Page 69

1 fees and to eliminate a fee for late applications.
 2 This change will make it easier for
 3 the program labs to determine the correct fee for
 4 participation in the program. This change will also
 5 make the rule language more consistent with other
 6 LAP rules. There are no fee increases or new fees.
 7 Further, the Department is proposing
 8 to amend 302-3-6, "Renewals", to establish a new
 9 September 15th deadline for submitting renewal
 10 documentation and proficiency test provider reports,
 11 along with the December 15th deadline to pay the
 12 renewal invoice to allow for continued participation
 13 in the program. The proposed changes include
 14 additional information intended to better define the
 15 renewal process and make it more consistent with the
 16 other LAP rules.
 17 And that, again, is the end of my
 18 comments for Chapter 302.
 19 MR. DUZAN: Okay. Thank you.
 20 Any questions or comments from the
 21 Council?
 22 Any questions or comments from the
 23 public?
 24 Okay. We're going to move on to 307,
 25 TNI.

Page 70

1 MS. MENSIK: TNI Laboratory Accreditation.
 2 This chapter contains rules about the accreditation
 3 of privately and publicly owned laboratories by the
 4 Department. The proposed rule changes intend to
 5 clarify program definitions, proficiency test
 6 requirements, correct incorrect references,
 7 standardize language between Oklahoma DEQ
 8 accreditation programs' rules where feasible,
 9 simplify the renewal and application processes, fee
 10 calculations, and reset the yearly accreditation
 11 period to run January through December.
 12 Additional proposed changes will
 13 serve to update incorporations by reference for EPA
 14 methodologies and to make other amendments for
 15 conformity with past, present, and future method
 16 requirements under the following national programs:
 17 the EPA Primary Drinking Water Regulations, the
 18 National Standards for Solid Waste Test Methods, and
 19 EPA Test Procedures for the Analysis of Pollutants.
 20 One significant result of these
 21 proposed changes is that they will give additional
 22 flexibility to laboratories in the program to select
 23 from methods that are both historically and most
 24 recently approved for use in the programs mentioned
 25 above and to allow the lab to offer accreditation

Page 71

1 for these methods.
 2 Specifically, the Department is
 3 proposing to amend 307-1-7, "Annual Fees", to
 4 simplify the calculation of accreditation,
 5 application, and renewal fees and to eliminate a fee
 6 for late applications. There are no fee increases
 7 or new fees.
 8 Further, the Department is proposing
 9 to amend 307-3-6, "Renewal and Expiration", to
 10 establish a new September 15th deadline for
 11 submitting renewal documentation and proficiency
 12 test provider reports, along with a December 15th
 13 deadline to pay the renewal invoice to allow for
 14 continued participation in the program.
 15 And this is the end of my comments
 16 for this rule.
 17 MR. DUZAN: Okay. Thank you. Any
 18 questions or comments from the Council? Okay.
 19 MR. SMITH: I have one, Brian.
 20 MR. DUZAN: Go ahead.
 21 MR. SMITH: On the late fees, you said
 22 you're going to eliminate the late fees?
 23 MS. MENSIK: They are going to eliminate
 24 the late fees.
 25 MR. SMITH: Is that if -- if somebody

Page 72

1 comes in late, does it take more time or take some
 2 work effort away from something else somebody's
 3 already scheduled to do then? I would question why
 4 you would eliminate that.
 5 MS. MENSIK: Well, the goal is -- what
 6 we're hoping to do is if we are going to no longer
 7 -- we're not going to allow late applications,
 8 moving forward in the future, and so if a laboratory
 9 is delinquent on their renewal application, then
 10 they're going to go through the process of initial
 11 accreditation again to remain in the program.
 12 MR. DUZAN: Okay. And I guess it's also
 13 worth remembering that this is something we will
 14 vote on in April, so then it has to go to the EQB,
 15 then the Governor and through the legislature, so
 16 this, best case, would start in 2025. The renewal
 17 cycle for this year, coming up on September 1st,
 18 wouldn't affect because it wouldn't have --
 19 MS. MENSIK: I'm going to defer to our
 20 Laboratory Accreditation Manager, Taryn Hurley.
 21 MS. HURLEY: Yes, you are correct.
 22 MR. DUZAN: Okay. Any other questions or
 23 comments from the Council?
 24 Any questions or comments from the
 25 public?

Page 73

1 Okay. Thank you very much.

2 MS. HENSIK: Thank you.

3 MR. DUZAN: Now we're moving on to Item

4 15, the Director's Report.

5 Shellie?

6 MS. CHARD: Okay. Thank you,

7 Mr. Chairman. I am going to first turn things over

8 to Jeff Franklin of the State Environmental

9 Laboratory Services Division.

10 MR. FRANKLIN: Good afternoon, everybody.

11 I'm Jeff Franklin, the Division Director of the

12 State Environmental Laboratory Services, I just have

13 a few quick updates to follow up on things I shared

14 with you back in September.

15 As you recall from the last report,

16 we actually did extend the LAP certification season

17 this year, and the good news is that, as of this

18 week, we're 97 percent complete renewing all

19 eligible laboratories.

20 Also of note, Brian knows this, this

21 quarter, we issued -- or, actually, Quarter 4 of

22 2023, we have issued a quarterly newsletter to the

23 laboratories in the program, and it's out on the

24 website if you want to check it out. It's been well

25 received and -- by the participating labs.

Page 74

1 The staffing, I think you've heard us

2 talk about, you know, turnover and all that, but we

3 continue to strategically refill critical vacancies

4 and place an emphasis on establishing an effective

5 and sustainable training plan for all of our

6 technical functions.

7 A little bit about lab capacity. As

8 you also recall from -- we had an EPA drinking water

9 audit last May, it was a full-scale audit, and we

10 responded to all the findings in October and we're

11 still waiting to hear back, so -- but we are

12 systematically also working on the issues that were

13 brought forward during that according to our

14 schedule, waiting on response from EPA.

15 We were able to renew our

16 accreditation for PFAS testing in drinking water and

17 we're looking for ways to increase capacity in the

18 event that rules are promulgated to increase the

19 testing demand.

20 I think I had mentioned last time

21 that we had purchased another instrument to analyze

22 water samples for cyanotoxins. That instrument is

23 here, it's installed, and we are in method

24 development and are hopeful we have that method in

25 production sometime before the recreational season

Page 75

1 starts, and that should increase the capacity of the

2 Agency to respond to emergency response events as

3 well as source water protection.

4 And the last thing I got for you is

5 budget related. As we gear up for this new budget

6 season, the lab in particular faces several

7 challenges that will impact our budget and threaten

8 lab capacity in an unpredictable manner. Among

9 these are continued rise in industry operational

10 costs, but -- and that's been a challenge, really,

11 ever since COVID.

12 We have some -- as brought out by the

13 audit, we have some challenges with this building.

14 This building was not designed as a laboratory. We

15 have heat, humidity, and we also have some physical

16 security issues that we're trying to deal with, and

17 that's not cheap and it's not easy to resolve those.

18 And you guys already know about this,

19 but there's some authorized state legislation that

20 increases retirement benefits that has a great

21 chance to impact our budget as well as the maternity

22 and paternity leave that is now going to be paid by

23 the Agency.

24 So we're not really sure how we're

25 going to deal with those things going forward, but

Page 76

1 it should be an interesting budget season for us.

2 And with that, any questions from any

3 of you?

4 MR. DUZAN: I will say the quarterly

5 newsletter is pretty cool, it -- because not a lot

6 of the labs come to these meetings where rules are

7 discussed about being changed, and it really gets

8 that information out to everybody; so I think that's

9 a really good tool to use.

10 MR. FRANKLIN: I think, also -- and we've

11 kind of are in our infancy in this is we're also

12 thinking about having, at some frequency that is

13 undetermined, actual Zoom meetings with the

14 laboratories, as well, to exchange information. And

15 I think that's something that Taryn's pretty gung ho

16 about, so we'll see where that goes, too.

17 MR. DUZAN: Once upon a time, we had our

18 own Laboratory Services Advisory Council that got

19 dissolved as a cost-saving tool; for a voluntary

20 council, I'm still not quite sure how that worked.

21 So -- but it's the same thing, you got all the labs

22 together and everything could be discussed and

23 everybody was on the same page, and that really does

24 probably make a big difference from your side, as

25 the accreditation and enforcement, so...

Page 77

1 MR. FRANKLIN: I mean, we try to do that
 2 at the national level with other principal state
 3 labs, and it's really paid off in a big way for us
 4 to advance expertise and just share, you know,
 5 stories and knowledge, it's great; so we're going to
 6 try to do that at the state level.

7 Any other questions? Thanks for your
 8 time.

9 MS. CHARD: All right. Now I'll turn
 10 things over to Mark Hildebrand, the Division
 11 Director for Environmental Complaints and Local
 12 Services.

13 MR. HILDEBRAND: Hi, everybody. I don't
 14 have much, it's been a long meeting, but I've got to
 15 introduce our new onsite and Total Retention Lagoon
 16 and Field Support Manager, Ms. Kambridge Stephens.
 17 Stand up, Kambridge.

18 Kambridge has been with us five
 19 years, and she's got a couple of master's degrees
 20 from the school down south. But she's a real
 21 go-getter, and I just heard something that piqued my
 22 interest that I think we may try and tackle
 23 something like that, as well.

24 But in the future, she will likely be
 25 doing rules presentations when we do that; so I

Page 78

1 wanted to make sure y'all got to meet her, and
 2 she'll probably be around after the meeting if you
 3 want to tell her congratulations.

4 Thank you, unless you've got any
 5 questions. They think I need a microphone.

6 MS. CHARD: All right. Also, in keeping
 7 an eye on the clock, I promise to be pretty short,
 8 but there are a handful of things I want to make
 9 sure that you all are aware.

10 On Tuesday, January 16th, that is
 11 EPA's public meeting, public hearing for the Lead
 12 and Copper Rule Improvements. It's scheduled from
 13 10:00 a.m. to 6:00 p.m. Oklahoma time. You can go
 14 on EPA's website in order to register so you can get
 15 that link. The deadline to sign up to request a
 16 speaking slot is really soon, it's in the next day
 17 or two, and I apologize, I don't recall the exact
 18 date.

19 But I do encourage you, if you have
 20 an interest, listen in even if you don't request a
 21 speaking slot. I think there's something like 300
 22 or 350 speaking slots that they allocate, depending
 23 on how many people request a spot. They may limit
 24 speakers either two, three, or a whopping five
 25 minutes to speak, so there are always a lot of

Page 79

1 interesting comments that you hear in these
 2 hearings. Sometimes they're related to the subject
 3 at hand, sometimes it is a drinking water issue,
 4 just not this one, but that's a great opportunity to
 5 kind of get a feel for where things are headed with
 6 that rule.

7 EPA will do a presentation, but they
 8 will not respond to any questions or comments that
 9 they receive during that hearing, it will just
 10 become part of the docket and they will post
 11 response, they may group questions or comments. But
 12 that's something you can find on EPA's Office of
 13 Ground Water and Drinking Water website. If you
 14 have an interest and can't find it, let me know and
 15 I will send you the link.

16 Microbial and disinfection byproducts
 17 has been a hot topic for EPA. Recently, that was
 18 the focus of a three-day virtual meeting with the
 19 National Drinking Water Advisory Council. A
 20 three-day virtual meeting is rough, in case you
 21 haven't tried it, I don't recommend it.

22 There is a report that will be
 23 published on EPA's website that gets into some of
 24 the conversations. This is part of EPA's review of
 25 regulations, looking at the surface water treatment

Page 80

1 rules, the bacteriological rules, looking at what
 2 should happen moving forward, should they stay the
 3 same, should they be expanded, should there be
 4 additional requirements.

5 So again, if you do much work on the
 6 drinking water side, I would pay attention to that
 7 because I suspect we will see rulemaking on this
 8 subject within the next couple of years, that will
 9 actually start being rules in draft form.

10 PFAS, we're still talking about that,
 11 probably will for the rest of our careers. We know
 12 the drinking water MCLs are expected to be
 13 finalized, EPA is pushing to have that final in the
 14 summer, no later than the fall of 2024.

15 They have truncated comment periods
 16 and everything they can to speed up the process.
 17 Several of the rules and comment periods were around
 18 Thanksgiving and Christmas, and they would not
 19 extend the comment periods at all. So definitely
 20 pay attention to those rule announcements because
 21 there's not much time to do anything with them
 22 before they move into their final form for issuance.

23 On the Clean Water Act side, we are
 24 starting to hear more PFAS conversations, test
 25 method development, looking at new effluent

Page 81

1 limitation guidelines. Those are in rule
 2 development stage, I expect to see those within the
 3 next year or two. So those of you who treat
 4 wastewater or have discharge permits, you may be
 5 seeing some new ELGs on some industries and that
 6 also becomes limits in -- for your pretreatment
 7 programs.

8 We also are hearing more and more not
 9 just the traditional PFAS, but we're hearing in New
 10 England, specifically, so -- PFAS monitoring
 11 requirements in stormwater. I don't know how you do
 12 that, I don't know how you manage that or deal with
 13 that, but that's a big conversation; so, definitely,
 14 I would be paying attention to that.

15 And the other big one that is kind of
 16 a -- the litigation has restarted, is how it's being
 17 phrased, related to Residual Determination Areas.
 18 This is a provision in the stormwater program that
 19 allows the stormwater regulatory authority - in this
 20 case, it would be DEQ - to include areas that don't
 21 meet the MS4 definitions.

22 You can just -- because of some
 23 reason, a special interest, a waterbody of interest,
 24 industry of interest, whatever it is, the regulatory
 25 agency has the authority to say, 'And you are also

Page 82

1 part of an MS4 program'.
 2 East Coast, New England really, is
 3 the big focus, Massachusetts. EPA is the permitting
 4 authority there, so they're getting all kinds of
 5 petitions. And an environmental group would say,
 6 'Well, this aquatic organism needs special
 7 protection, therefore you should treat this county,
 8 this rural community, as an MS4'. We're also seeing
 9 that on the West Coast, California primarily.

10 So Oklahoma has never tried to do
 11 this, I can't imagine us going down this path;
 12 however, you may be doing business in other states,
 13 and if it starts being a federal program requirement
 14 in some states, sometimes it takes a while, but
 15 eventually it makes it to all of us.

16 So I would definitely pay attention
 17 to those kinds of issues, just so you're not
 18 surprised, and we'll try to keep you informed if
 19 anything really weird starts happening in our part
 20 of the country.

21 One last thing. This summer, the
 22 National Biosolids Conference is going to be held in
 23 Oklahoma City, at the Convention Center. I know the
 24 Omni Hotel will be at least one of the hotels for
 25 that conference, so I would encourage you if you

Page 83

1 have any interest, it's a great opportunity.
 2 I think the last time this conference
 3 was in Oklahoma was about 25 years ago, maybe a
 4 little longer; so it's a big deal for that to be
 5 here and so that we can have a lot of our utilities
 6 here able to send people because it's significantly
 7 cheaper to drive to Oklahoma City than it is to fly
 8 to all of the other places that that has been held.

9 If you don't have the information or
 10 you can't find it online, definitely let me know or
 11 my staff, and we will get you the information. I
 12 know they're putting together the final agenda now;
 13 so, hopefully, that will all be out very soon.

14 With that, I will stop and say if
 15 anybody has any questions, I'm happy to answer. Is
 16 everybody tired and ready to go home? All right.
 17 Thank you.

18 MR. DUZAN: Okay. Thanks, Shellie.
 19 Next is New Business. We have no new
 20 business.

21 Then we're on to Announcements. The
 22 next meeting, I believe, is April 30, 2024, 2:00
 23 p.m., in this building, in this room.

24 So -- and then the last thing is
 25 Adjournment, so I'll take a motion.

Page 84

1 MR. MATHESON: I'll make a motion for
 2 that.

3 DR. JARMAN: Second.

4 MR. DUZAN: We have a motion and a second,
 5 we'll have a vote.

6 MS. FIELDS: Dr. Jarman?
 7 DR. JARMAN: Yes.
 8 MS. FIELDS: Ms. Mach?
 9 MS. MACH: Yes.
 10 MS. FIELDS: Mr. Matheson?
 11 MR. MATHESON: Yes.
 12 MS. FIELDS: Dr. Moore?
 13 DR. MOORE: Yes.
 14 MS. FIELDS: Mr. Schwab?
 15 MR. SCHWAB: Yes.
 16 MS. FIELDS: Mr. Smith?
 17 MR. SMITH: Yes.
 18 MS. FIELDS: Mr. Winegardner?
 19 MR. WINEGARDNER: Yes.
 20 MS. FIELDS: Mr. Duzan?
 21 MR. DUZAN: Yes.
 22 MS. FIELDS: Motion passed.
 23 MR. DUZAN: And we are adjourned.
 24 (MEETING ADJOURNED AT 3:51 PM)
 25

1 C E R T I F I C A T E
2 I, Jenny Longley, Certified Shorthand
3 Reporter within and for the State of Oklahoma, do
4 hereby certify that the above and foregoing meeting
5 was by me taken in shorthand and thereafter
6 transcribed; and that I am not an attorney for nor
7 relative of any of said parties or otherwise
8 interested in the event of said action.

9 IN WITNESS WHEREOF, I have hereunto
10 set my hand and official seal this 17th day of
11 January, 2024.

12 

13 _____
14 Jenny Longley, CSR

15 CSR # 1903
16
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25



WATER QUALITY MANAGEMENT ADVISORY COUNCIL

Attendance Record

January 9, 2024

Department of Environmental Quality
Oklahoma City, Oklahoma

CHECK BOX TO COMMENT

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WATER QUALITY MANAGEMENT ADVISORY COUNCIL

Attendance Record
January 9, 2024
Department of Environmental Quality
Oklahoma City, Oklahoma

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