MINUTES
WATER QUALITY MANAGEMENT ADVISORY COUNCIL
September 29, 2020
VIRTUAL MEETING

Official WQMAC
Approved at January 12, 2021 Meeting

Notice of Public Meeting – The Water Quality Management Advisory Council (WQMAC) convened for a Virtual Regular Meeting at 2:00 p.m. The meeting was held in accordance with the Open Meeting Act, with notice of the meeting given to the Secretary of State on October 16, 2019. The agenda was posted at DEQ twenty-four hours prior to the meeting. Mr. Brian Duzan, Chair, called the meeting to order. Ms. Quiiana Fields called roll and confirmed that a quorum was present.

MEMBERS PRESENT
Robert Carr
Mary Elizabeth Mach
Rick Moore
Jon Nelson
Willard Smith
Steve Sowers
Debbie Wells
Duane Winegardner
Terry Wyatt
Brian Duzan

DEQ STAFF PRESENT
Shellie Chard
Brian Clagg
Nicholas Huber
Erin Hatfield
Paul Parks
Quiiana Fields

OTHERS PRESENT
Tammie Shipman, Court Reporter

MEMBERS ABSENT
Mark Matheson

Approval of Minutes from the July 21, 2020 Meeting – Mr. Duzan called for a motion to approve the Minutes of the July 21, 2020 Regular Meeting. Mr. Smith moved to approve as amended with a correct listing of the adjournment list and Ms. Mach made the second.

See transcript pages 6 – 8

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COUNCIL MEETING SCHEDULE FOR 2021 – Mr. Duzan called for a motion to approve the 2021 schedule as outlined in the agenda; January 12, May 11, July 27 and September 28. Mr. Nelson moved to approve and Ms. Wells made the second.

See transcript pages 8 – 10

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EMERGENCY RULEMAKING OAC 252:641 – INDIVIDUAL AND SMALL PUBLIC ONSITE SEWAGE TREATMENT SYSTEMS – Mr. Nicholas Huber, Environmental Programs Manager of the ECLS Division, stated that the DEQ staff will be proposing emergency changes to Chapter 541 to: amend and establish certain definitions, under certain situations allow a reduction of the minimum size of subsurface absorption fields for individual on-site sewage treatment systems, establish sizing criteria for manufactured media systems and revise and combine the minimum spray area size for aerobic systems, most of which will result in a reduction of overall application areas. DEQ plans to introduce the same rules as permanent rules at the January 2021 WQMC meeting. Following questions by the Council and the public, Mr. Duzan called for a motion to approve the rule. Ms. Mach moved to approve and Mr. Smith made the second.

Robert Carr  Yes  Steve Sowers  Yes
Mary Elizabeth Mach  Yes  Debbie Wells  Yes
Rick Moore  Yes  Duane Winegardner  Yes
John Nelson  Yes  Terry Wyatt  Yes
Willard Smith  Yes  Brian Duzan  Yes

DISCUSSION OF RULEMAKING FOR JANUARY 2021 WQMAC MEETING:

OAC 252:606 – OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS – Mr. Brian Clagg, Environmental Programs Manager of the WQD, stated that the DEQ staff will be proposing an update of the progress of the publication date of the federal rules incorporated by reference from July 1, 2018 to July 1, 2020. The final regulatory changes are minor and clarify the regulations in the following categories: Regulatory definitions (new discharger and two definitions related to the discharge of pesticides from pesticide application); permit applications (adding elements such as email address, indicators for cooling water use and variance requests; and clarifying effluent data requirements); and public notice (allowing for public website posting in lieu of newspaper publication). The final rules also updated EPA contact information, web addresses for electronic databases, and outdated references, and deleted a provision relating to best practicable waste treatment technology for POTWs that is no longer applicable. The final rule modernizes the NPDES regulations, promotes submission of complete permit applications, and clarifies regulatory requirements to allow more timely development of NPDES permits that protect human health and environment. There were no comments by the Council and none by the public.

See transcript pages 10 – 26

OAC 252:631 – PUBLIC WATER SUPPLY OPERATION – Mr. Clagg stated that the DEQ staff will be proposing an update of the progress of the publication date of the federal rules incorporate by reference from January 1, 2017 to July 1, 2020. Changes included EPA’s approval of alternative testing methods for measuring the levels of contaminants in drinking water and determining compliance with national primary drinking water regulations. This provides more timely access to new measurement techniques and greater flexibility in the selection of analytical methods, thereby reducing monitoring costs while maintaining public health protections. There were comments by the Council and none by the public.

See transcript pages 26 – 30

See transcript pages 30 – 32
OAC 252:690 – WATER QUALITY STANDARDS IMPLEMENTATION – Mr. Clagg stated that the DEQ staff will be proposing an update of the progress of the publication date of the federal rules incorporated by reference from July 1, 2016 to July 1, 2020. Changes include EPA’s and the Department of the Army’s redefining and clarifying the scope of “waters of the United States” federally regulated under the Clean Water Act, consistent with the Executive Order signed on February 28, 2017. This final rule implements the overall objective of the Clean Water Act and increases the predictability and consistency of Clean Water Act Programs. There were comments by the Council and none by the public.

See transcript pages 32 – 35

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

See transcript pages 35 – 47

NEW BUSINESS – None

ANNOUNCEMENTS – The next scheduled WQMAC meeting will be on January 12, 2021 at 2:00 p.m. in the Multi-Purpose Room, 1st floor, DEQ building or virtually.

Ms. Mach left the meeting before adjournment.

ADJOURNMENT - Mr. Duzan entertained a motion to adjourn. Mr. Nelson moved to adjourn and Mr. Smith made the second. The meeting was adjourned at 3:10 p.m.

See transcript pages 48 – 49

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Transcripts are attached as an official part of these Minutes.
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY MANAGEMENT ADVISORY COUNCIL

WATER QUALITY MANAGEMENT ADVISORY COUNCIL MEETING
SEPTEMBER 29, 2020 - 2:00 P.M.

VIRTUAL ZOOM MEETING

REPORTED BY: TAMMIE SHIPMAN, CSR
### Council Members Present:

1. Mr. Brian Duzan, Chairman
2. Dr. Duane Wiegandner, Vice-Chairman
3. Mr. Robert Carr
4. Ms. Mary Mach
5. Dr. Rick Moore
6. Mr. Jon Nelson
7. Mr. Willard Smith
8. Mr. Steve Somers
9. Ms. Debbie Wells
10. Ms. Terry Wyatt
11. Mr. Mark Matheson - Absent

Also present:

12. Ms. Quiana Fields, Secretary of Board and Council
13. Mr. Nicholas Huber, On-Site Total Retention Lagoon Program Manager
14. Ms. Shellie Chard, Director of Water Quality Division
15. Mr. Brian Clagg, Environmental Programs Manager, Water Quality Division
16. Ms. Erin Matfield, Moderator
17. Mr. Paul Parks, Electronic Reporting System

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### Meeting Minutes:

**Chairman Duzan:** Okay. My clock says 2:05, so we're going to go ahead and get started. This Regular Meeting of Water Quality Management Advisory Council was called in accordance with the Open Meeting Act. Notice for this September 29th, 2020, virtual meeting was filed with the Secretary of State on October 16th, 2019.

The agenda was duly posted at DEQ at least 24 hours prior to the meeting. Only matters appearing on the posted agenda may be considered at this regular meeting. In the event that this meeting is continued or reconvened, public notice of the date, time and place of the continued meeting will be given by announcement at this meeting. Only matters appearing on the agenda of a meeting, which is continued, may be discussed at the continued or reconvened meeting.

If the meeting host becomes disconnected during the meeting, DEQ will attempt for 15 minutes to restart the meeting. Such an event would require all participants, council members and members of the public to log back into the meeting. If successful, the meeting would be restarted once a quorum is re-established. If unsuccessful, the meeting will be continued or reconvened on Wednesday, September 30th, 2020, at 2 p.m.

If such a reconvened meeting becomes necessary, only matters appearing on this agenda will be discussed, and the video conference and the teleconference information for such meeting will be posted at www.deq.ok.gov/council-meetings/water-quality-management-advisory-council.com. If you have any questions, please contact Brian Clagg of the DEQ at 405-702-8118.

So we'll now call to order, and we'll do a roll call.

**MS. Fields:** Mr. Carr?

**Mr. Carr:** Here.

**MS. Fields:** Ms. Mach? Ms. Mach? I think she's --

**MS. Mach:** I'm here.

**MS. Fields:** Okay. Mr. Matheson is absent.

**Mr. Moore:**

**MR. Moore:** Here.
MS. FIELDS: Mr. Nelson?
MR. NELSON: Here.
MS. FIELDS: Mr. Smith?
MR. SMITH: Here.
MS. FIELDS: Mr. Sowers?
MR. SOWERS: Here.
MS. FIELDS: Ms. Wells?
MS. WELLS: Here.
MS. FIELDS: Mr. Winegardner?
MR. WINEGARDNER: Here.
MS. WATT: Here.
MS. FIELDS: Mr. Duzan?
CHAIRMAN DUZAN: Here.
MS. FIELDS: We have a quorum.
CHAIRMAN DUZAN: Okay. The next thing is the approval of the minutes from the July 22, 2020, meeting, which I believe everybody should already have. Any discussion?
MR. SMITH: I have one comment. This is Bill Smith. If you look at the adjournment list, I think it's an old list. It doesn't match the beginning list.
CHAIRMAN DUZAN: Okay. I guess, how do we address that from -- do we just make a note of that and then vote it be approved as the amendment?
MS. CHARD: Mr. Duzan, when the council makes their motion, they should request that that be specifically corrected.
CHAIRMAN DUZAN: Okay. Then do we have a motion?
MR. SMITH: This is Bill Smith. I would make a motion that the minutes be accepted as amended, with a correct listing of the adjournment list.
MS. MACH: This is Mary Elizabeth Mach. I'll second.
MR. WINEGARDNER: This is Duane. I will second that.
CHAIRMAN DUZAN: Okay. We'll have a vote.
MS. FIELDS: Mr. Carr?
MR. CARR: Yes.
MS. FIELDS: Ms. Mach?
MS. MACH: Yes. Yes.
MS. FIELDS: Mr. Moore?
MR. MOORE: Yes.
MS. FIELDS: Mr. Nelson?
MR. NELSON: Yes.

Tuesday, September 28th. Any discussion from the Council?
MR. NELSON: I would move approval of the schedule.
MS. WELLS: I second.
CHAIRMAN DUZAN: Okay. Let's have a vote.
MS. FIELDS: Mr. Carr?
MR. CARR: Yes.
MS. FIELDS: Ms. Mach?
MS. MACH: Yes.
MS. FIELDS: Mr. Moore?
MR. MOORE: Yes.
MS. FIELDS: Mr. Nelson?
MR. NELSON: Yes.
MS. FIELDS: Mr. Smith?
MR. SMITH: Yes.
MS. FIELDS: Mr. Sowers?
MR. SOWERS: Yes.
MS. FIELDS: Ms. Wells?
MS. WELLS: Yes.
MS. FIELDS: Mr. Winegardner?
MR. WINEGARDNER: Yes.
MS. FIELDS: Ms. Wyatt? Ms. Wyatt?
MR. WINEGARDNER: Excuse me?
MS. WATT: Yes.
MS. FIELDS: Okay. Mr. Duzan?
CHAIRMAN DUZAN: Yes.
MS. FIELDS: Motion passed.
CHAIRMAN DUZAN: Okay. Next is the discussion of the schedule for next year, the meetings for the 2021 calendar year. The Staff recommends that meetings be held at 2 p.m. at DEQ's first floor of multipurpose room at DEQ's Oklahoma City office at 707 North Robinson, unless it's deemed that we do more virtual meetings.

The dates listed, which you should have had before, everybody, Tuesday, January 12th, Tuesday, May 11th, Tuesday, July 27th, and...
MS. FIELDS: Mr. Duzan?
CHAIRMAN DUZAN: Yes.
MS. FIELDS: Motion passed.
CHAIRMAN DUZAN: Okay. Next on the agenda is Emergency Rulemaking to OAC 252:641, Individual And Small Public On-site Sewage Treatment Systems. I believe we have a presentation from Nicholas Huber from the DEQ. So Nicholas.
MR. HUBER: Yes. Thank you. I want to say hello to everyone. I'll try to get in control of the presentation here. Here we go. All right. I'll say hello. My name is Nicholas Huber. I'm the On-site Total Retention Lagoon Program Manager for the Environmental Complaints and Local Service Division. I'll be presenting rules to the council as to Chapter 641.

These emergency changes are in response to some legislative directive that we received in the spring to make changes to the sizing of lateral line systems and aerobic spray application areas. During that session, we saw House Bill 3461 make through the House with almost unanimous support. It was viewed in the Senate, and they did send it back to the House for renaming.

It was at this time that COVID began to take place, to really take hold, and that House bill did not make it into law. Through discussion, we decided to continue with the emergency revision, since all indications were that that bill would have become law had the pandemic not occurred.

We also noted that several of the changes that we were looking at making would address perceived prejudice to public interest, that had resulted from our current rules. These changes will allow Oklahomans more freedom to use their property and, thus, better control over their personal interest, all while providing for a continued protection of human health and the environment.

Through this process, we continue to rely on our stakeholders to assist in the revision of Chapter 641. We had significant contributions from many of the certified installers in Oklahoma, along with industry professionals and manufacturers. During this process, we did hold three virtual meetings that we presented the rules at in soliciting comments from our stakeholders.

Various other meetings were held with interested parties throughout the (undiscernible audio portion) to continue with the revision of these rules. It was this large collaboration that allowed us to come to the draft that we have today.

I will discuss changes to 641 that include definition revisions, expansion of dispersal system requirements, an addition of an optional reduction for conventional subsurface absorption systems, and then changes to sizing criteria that are Appendix H in this chapter.

Here we'll see in 641-1-2 in our definitions that we are looking to add a manufactured media system definition. We'll be amending water body protection area, Zone 1 definition, and then we'll also make a deletion of a definition.

I'm not -- there we go. Okay. So we're proposing to add a definition for manufacturing media systems. It will read, "A system containing a dispersal trench product utilizing a non-gravel, fines-free storage media specifically designed for the dispersal and the treatment of sewage." That's a new definition that will set some groundwork for changes of -- (inaudible portion.)

THE REPORTER: I'm sorry. I'm sorry, Mr. Huber. For some reason you're fading in and out. When -- maybe just try and speak right into your microphone. I apologize but I'm struggling getting what you just said.

MR. HUBER: Okay.
THE REPORTER: Can you -- that's really clear, right there. Can you go back over what you just said? I apologize.
MR. HUBER: Yes. We are proposing to add a definition for manufacturing media systems. This definition will state, "A system containing a dispersal trench product, utilizing non-gravel fines-free storage media, specifically for the dispersal and treatment of sewage."

This definition will allow us to expand the types of systems that will be used in Oklahoma, including, but not limited to, chambers, vinyl expanded polystyrene, and other synthetic media systems. With the inclusion of...
this definition, we will be removing --
proposing to remove the definition that was
currently in place for the changes.
The next definition that we're
proposing to amend is Zone 1, which has been
defined as 660 feet from the highest normal pool
elevation or a streambed. This change is being
proposed to reduce this distance to 300 feet.
The reduction of this distance will still
maintain a level -- high level of protection for
the water to the State, but will open up system
options for property owners. This change also
puts it in line with the standard that has been
in place for many years, for separation distance
to the public water supply.

The next change we're proposing is in
Subchapter 12-1, The General Provisions. We're
looking to add a Part F to provide additional
guidance for the use of dispersal systems. This
section includes criteria for perforated storage
media and manufactured media systems. By
placing this new language in the general
provisions, we'll be able to provide guidance
for conventional subsurface absorption systems,
shallow extended systems, low pressure dosage
 evaluated 20 years worth of rainfall data,
across nine different identified zones, to
evaluate current sizing of our conventional
system.
The model indicated a scaled reduction
in sizing was appropriate for parts of the
state. Based on these findings, we are looking
to propose optional reductions of 15 and
30 percent, depending on where you are in the
state. The 15 percent reduction is being
proposed to what we consider net evaporation
Zones 6 through 8, which are certain counties in
central Oklahoma; and a 30 percent reduction for
net evaporation Zones 9 and 10, which are
western Oklahoma. Both of these reductions will
be based on soil profile test methods.
The research project did not recommend
a reduction in eastern Oklahoma. Found the
sizing there were appropriate. Here we can see
a breakdown of how that classification will
work. The brown shaded area in eastern Oklahoma
would not receive a reduction and would be
compliant with our standard sizing. The blue
counties would be our 15 percent reduction
option, and the yellow counties would fall

and ETA systems.

Part one of the new language is taken
from the Sections I just mentioned, so it is not
changing something added to this section. The
second part here for manufacturing media systems
is providing that guidance for their systems and
their manufacturers to comply with. This new
language will remove the need to provide
individual approval to manufacturers for various
systems. So as long as the criteria is met,
then the dispersal systems can be used in
Oklahoma. Along with this definition of
criteria, it will be also including equivalent
sizing for manufactured media systems.

In 641:12-2 -- 641-12-2, conventional
subsurface absorption fields, we're looking to
include language that defines the use of
optional reductions in certain counties. These
reductions were based on research that was
completed by Josh Maple under the supervision of
Professor Sergio Abit at Oklahoma State
University.
The modeling project evaluated the
impact of rainfall on subsurface absorption
systems across the state. The modeling system
within that category for 30 percent reduction.

With the addition of the sizing
equivalent to manufactured media system, the
optional reduction in parts of the state, we had
to make changes to our appendix and the charts
contained within those appendices. The best way
we found to do that was combine the sizing for
gravel and manufactured media systems based on
the soil testing.

So here in an attempt to be consistent
across all the sizing charts, we combined the
sizing to the percolation test method in Figure
1. Now all the sizing for the percolation test
method would be in Figure 1, Appendix H.

As we go to Figure 2, we see our
standard statewide sizing for gravel and
manufactured media systems. Manufactured media
systems have a sizing equivalent of .75 to a
gravel sizing. This would be what we would
recommend statewide for use.

Figure 3 contains our 15 percent
reduction for gravel systems. It still
maintains that equivalent sizing for
manufactured media, which is at .75. This is
for those zones designated 6 through 8 in our
Net Evaporation Chart at the end of Appendix H. Figure 4 will contain the 30 percent reduction, which we have applied in sizing for gravel and manufactured media system. We have -- in combining this, it provides for condensed sizing for the design criteria for soil testing view.

So as we continue on, we have been tasked with addressing the issue with aerobic system application. Current sizing areas within eastern Oklahoma are very large, requiring large pieces of property to be held for the application of effluent. These sizing increases were made in 2007 and were based on the 90th percentile rainfall.

Changes didn't take into account the absorption that occurred by the soil and the uptake by the vegetation there. In reviewing our complaints and talking with installers, we just weren't seeing any issue with those older systems' design on the sizing pre 2007. So based on this, we're proposing to roll back their sizing numbers for aerobic systems to what they were in 2007.

Upon review, we noted that several of the sizing for the different net evaporation zones were very close in footprint. So we are proposing that we combine some of those charts, and we'll look at those now. Here we see net evaporation Zones 1 and 2 being combined into a single zoning chart. The current zoning for a three bedroom house in the Zone 5 soil is roughly 19,000 square feet, so the reduction that we're proposing is quite significant. This is going to allow Oklahomans to have more control in use of the property they have in a fairly large part of Oklahoma.

Net Evaporation Zone 3 contains its own -- has its own sizing chart. It's still a reduced footprint.

Okay. Having problems going to the next slide.

Okay. 4 and 5 was also combined.

Again, it's a slight reduction. It's not as significant as we see in eastern Oklahoma, Zones 1 and 2. 6 and 7 is also combined. Again, a slight reduction. This is as we're getting into western Oklahoma, the reductions are less significant.

8, 9 and 10, which will consist of

1. Majority of Oklahoma west of I-35, will be -- use one sizing chart. I believe, also, in this review, noted that there was sizing criteria that was admitted from the previous provision that was done. It took effect September 15th.

2. In the identification of that, we have made changes to include drip irrigation sizing and spray irrigation sizing for small public aerobic systems.

3. Figure 13 is our drip sizing, which is going to include another column for the sizing based on soil loading rate. I need to go back to the chart. I'll let you guys look at that.

4. Here's our drip sizing. We already established sizing for our individual residents.

5. We have simply added another chart to this Figure 4, Small Public. The spray irrigation has been applied to our small public with a per gallon, per day square footprint. It will pull -- it will pull from the residential sizing.

6. This is the changes that we proposed. I will now turn it back over to the council for any questions they may have.

Chairman Duzan: Okay. Thank you.

Nicholas. And now we'll open up questions from the council. Anybody have any questions?

Comments?

Mr. Nelson: This is John Nelson. I think at the last meeting you mentioned that this criteria, this new criteria, lined up fairly well with surrounding states; is that correct?

Mr. Huber: Yes. The modeling that was completed by OSU to evaluate Kansas' application of reduction from east to west.

Mr. Nelson: So just Kansas?

Mr. Huber: Yes. Kansas was the one state that was listed in that report.

Mr. Nelson: Thank you.

Mr. Huber: You're welcome.

Mr. Smith: Nicholas, this is Bill Smith. I did review the study that you submitted, and I -- I had raised a question last meeting about the precipitation and the source of the precipitation. And I concur with what they are using, so I just wanted to clarify that.

Mr. Huber: Thank you.
CHAIRMAN DUZAN: Any other questions or comments from the council?

MR. WINEGARDNER: This is Duane Winegardner. I thought the study was done very well. I went through it pretty carefully, and I enjoyed reading it and I'm glad it was provided to us.

CHAIRMAN DUZAN: Okay. If there's no other questions or comments from the council at this point, we will open it up to the public. And they have the little thing that you raise your hand, and then I think there's a Mr. Parks from the ODEQ will administer that. So we will open it up for questions from the public.

MS. HAYFIELD: It's now, like the Chair said, time for public questions and comments.

If you wish to make a comment, either click the Raise Hand icon on your device, at the bottom of the participant's list, or, if you were calling in by phone, you can hit *9. If you do not have a microphone on your device, you will need to call 1-812-693-5973. And you can see the meeting ID and password on your screen. I will then identify you by name or the last four digits of your phone number when it's your turn to speak, and then I will unmute your line. Please state your name and affiliation for the record, and you will have approximately three minutes to make your comment.

Once you begin to speak, your -- the timer will begin at the bottom of the screen. Once you have reached three minutes, we will give you an additional three minutes, but please be mindful of the time and try to wrap your comments up after that.

So if anyone has any comments, please raise your hand.

Mr. Bachelder, I will now unmute you and you can begin speaking. And please note the timer at the bottom of the screen. Thank you.

Mr. Bachelder: Thank you very much. My name is Dick Bachelder. I'm a government Affairs Specialist with Infiltrator Water Technologies. Upon learning about the proposed changes in the rules last fall, our company, Infiltrator Water Technologies, submitted comments to DEQ. And from that point forward, we have enjoyed a very back and forth dialogue with Nicholas and the members of the staff. And we're very grateful for the involvement and the openness of the process, and we want to commend, to the council, DEQ's staff's inclusion of interested parties, at least, specifically, with respect to our involvement to the proposed rules that are put before you presently. Thank you.

CHAIRMAN DUZAN: Okay. Thank you, sir. We appreciate it. I think everybody at the DEQ and the council, you know, try to get as much information out there as they can, because there's a lot of stakeholders out there. So we appreciate the good work.

I guess we'll move on to the next, if there's any more questions.

MS. HAYFIELD: There are currently no raised hands. We'll give the public about a minute to raise their hand.

MR. HUBER: While we're waiting, I would like to make a comment here. We will be bringing these to permanent rule in, approximately, January, as well. I forgot to add that. We will be bringing this to everyone for a vote in January.

MS. HAYFIELD: We don't have any raised hands. If you do wish to speak, please raise your hand or push *9 on your phone.

MR. PARKS: I have a comment.

Nicholas, are you -- so this won't be put to a vote today at all?

MR. HUBER: That is incorrect. These emergency rules will be voted on today. We will also be bringing them back to the council in January to be voted on as permanent rules.

MS. HAYFIELD: It would appear that we do not have any additional raised hands, so if we would like to move on, we can do so.

CHAIRMAN DUZAN: Okay. We will move on from the discussion. If somebody has a motion.

MR. SOWERS: Steve Sowers, makes a motion --

MS. MACH: This is Mary --

MR. SOWERS: Go ahead, Mary.

MS. MACH: This is Mary Elizabeth Mach, and I make a motion that we approve the emergency rule.

MR. SMITH: This is Bill Smith. I second that motion.

CHAIRMAN DUZAN: Okay. We'll have a roll vote.

MS. FIELDS: Mr. Carr?

MR. CARR: Yes.
1. So Brian.
2. MR. CLAGG: All right. Thank you, Brian.
3. As he mentioned, we'll be going over those areas of our rules that we incorporate by reference. So I will discuss the rulemaking for the January 2021 council meeting as it relates to the rules that we incorporate by reference, certain sections out of the federal regulations. So of these we have identified three that need to be updated. These include Chapter 606, which is our Oklahoma Pollutant Discharge Elimination System Standards, Chapter 631, which is Public Water Supply Operations, and, lastly, Chapter 690, which is our Water Quality Standards Implementation. So the agenda provides a brief summary of what those changes entail, and I will go through each of those beginning with Chapter 606.

4. So for 606, DEQ staff will be proposing an update of the progress of the publication date of the federal rules incorporated by reference from July 1st, 2018, to July 1st, 2020. The summary in the federal register describes the final regulatory changes as minor, and it appears many of those were minor.

5. One was a change to the definition of new dischargers, which in the previous CFR was defined, in part, as a building structure or facility or installation, which has never received a finally effective NDPES permit for discharges at that site. It was hard for me to say NDPES, because we all know that we always say NDPES. So that was the change that was made to that, so as you can see, many of these changes are really relatively minor. There were a couple of definitions added related to discharge of pesticides, from pesticide applications, and this would be regulated by the Department of Agriculture and Forestry here in Oklahoma.

6. Some of the things that were more, perhaps, kind of tangible changes to us, were changes to EPA contact information, such as web addresses for electronic databases. Also, making current, just some of the outdated references.

7. There were changes made to permit application, such as requiring e-mail addresses, indicating that the facility uses cooling water, or it is requesting a variance. These -- there were changes to public notice, allowing for public website posting in lieu of newspaper publication.

8. In summary, for this -- for this rule, these changes are intended to modernize -- modernize the regulations, promote submission of complete permit application, and it clarifies regulatory requirements to allow more timely development of the NDPES permits that protect human health and the environment.

9. So that basically concludes my update on 606. I turn it back to Mr. Duzan.

10. CHAIRMAN DUZAN: Okay. Is there any discussion from the council on these changes that are coming up for the January meeting?

11. Okay. Since there's no questions there, I guess we'll go back to see if we can get some comments from the public. Erin, I think, was in charge of that.

12. MS. CHARD: Excuse me, Mr. Duzan.

13. Whoever is controlling the slides, you are at least two slides ahead. If you could go back to GAC 252:606. This is Shelli Chard, Water Quality Director. Thank you.
CHAIRMAN DUZAN: So do we have any raised hands from the public?

MS. HATFIELD: As of right now we do not have any raised hands from the public. If you would like to comment, please raise your hand or press *9 on your phone.

CHAIRMAN DUZAN: Okay. Since we don't have any yet, I want to say we move on down to 631, since we're not voting any permanent rules. These are all fairly related. So this is the Item B, the Public Water Supply Operation, Chapter 631.

So Brian.

MR. CLAGG: Okay. For Chapter 631, DBQ is proposing an update of the progress of the publication date of the federal rules, incorporated by reference from January 1, 2017, to July 1, 2020. These changes concern approval of alternative test methods.

So when the EPA determines that an alternative analytical method is equally effective, for example, as effective as a method that has already been promulgated in the regulations, then the Safe Drinking Water Act allows the EPA to approve the use of the

comments from the public? Which you have to go back and raise your hand and they'll let you in.

MS. HATFIELD: We don't currently have any raised hands. But if you would like to do so, please use the raise hand function or press *9 on your phone.

CHAIRMAN DUZAN: Okay. We'll give them a little bit of time here before we move on.

MS. HATFIELD: There are still no raised hands.

CHAIRMAN DUZAN: Okay. Then we'll move on to 690, Water Quality Standards Implementation.

Brian.

MR. CLAGG: Okay. Chapter 690 DBQ staff will be proposing an update of the progress of the publication date of the federal rules, incorporated by reference from July 1, 2016, to July 1, 2020. These changes include EPA's and the Department of the Army's redefining and clarifying the scope of Waters of the United States federally regulated under the Clean Water Act, consistent with the executive order signed on February 28th, 2017. This final rule implements the overall objective of the alternative testing methods through publication in the federal register.

The EPA used that authority to make about 100 additional methods available for analyzing drinking water samples. Therefore, these changes provide more timely access to new measurements techniques and greater flexibility in the selection of analytical methods, thereby reducing monitoring costs, while maintaining public health protection. And that concludes my update on Chapter 631.

CHAIRMAN DUZAN: Okay. Any discussion from the council on 631?

MR. NELSON: So, Brian, nothing was eliminated? No test procedures were eliminated, just additional tests were added?

MR. CLAGG: Right. That's my understanding. Like I say, there was about 100 of them that were added, so...

CHAIRMAN DUZAN: Yeah, typically, the technology moves faster than the EPA can develop new methods and get through the publication process.

So any other questions or comments from the council? If not, we'll -- any questions or comments from the public?
our permitting programs in Oklahoma.

MS. MACH: Okay.

MS. CHARD: So you hear a lot of talk about this, and you hear a lot of talk of how it greatly impacts certain issues in some states. The only time this is going to become more challenging for us is, I'm sure, many of you have seen the McGirt decision, the Supreme Court case involving the Muskogee Creek Nation. And so there is some review going on at this time. It does not appear that this is an issue that we have to address, but that's a set of circumstances where, if the federal government were to -- I started to say retain, but it's actually to take over that authority, that could have impacts in that area that EPA would be governing. But from our practical standpoint, these changes we have to include in order to be consistent with the federal laws and our delegation agreement. But our state definition goes beyond what the federal is, and that has been the case for a very long time in Oklahoma.

MS. MACH: Okay. Thank you, Shellie.

I love -- I love your background, by the way.

that is through our Operators Certification Program. Because those are occupational licenses, they are covered under the governor's executive order, which automatically extends those licenses to ten days past the expiration of this last executive order.

So while we've had a third or so of license holders renew, that still leaves a big chunk that have yet to renew this year. So we're watching our budget very closely to see what changes or how that may impact us.

Also, even though our state appropriated dollars is announced at the beginning of the fiscal year, that we will have X number of dollars, we actually receive 1/12th each month. And anytime that there is a decrease in state appropriated dollars collected by the Tax Commission, that can impact our budget.

So I'm expecting that we will be hearing conversations of a revenue failure, which is when the Excise Board, they meet, they discuss, they determine what the actual revenue is, or they will make an adjustment to what they predicted initially. And what that means is we...
be one that we're going to be dealing with for a  
very long time in trying to determine the best  
way to move toward compliance and all of the  
revised sampling plans that are required and the  
different kinds of sampling.  

This is one of the few rules that  
maintains monitoring. But they're not all  
regulatory compliance samples, so that creates a  
whole other level of tracking, monitoring,  
reporting. So that will be certainly  
interesting.

We are seeing a lot of activity from  
EPA on microbial -- microbes in drinking water  
and also in the interest of disinfection  
by-products. EPA is convening a stakeholder  
meeting. It's six or seven hours on two  
back-to-back days in October. I believe it's  
the 14th and 15th. I will be participating as  
one of the state panelists in a couple of  
discussions.

The focus seems to be on looking at,  
would EPA, or should EPA, establish residual  
levels in distribution systems, and what, as the  
state, we've kind of been referring to as Stage  
3 disinfection by-products, with a focus on  
nitrosamine. It's, basically, the disinfection  
by-products formed by the use of chlorination,  
as opposed to the chlorine that we see now.  

This is one that's a lot of discussion  
at this point, and we don't have any indication  
on timing, of when EPA would look to move  
forward with any new regulation changes to  
existing regulations. But this is one I will  
definitely keep you all informed.

We're also seeing continued expansion  
in the capacity development areas of the  
drinking water program. We've seen it through  
rules over time. We're now seeing it in  
Congressional acts. The WIIN Act and AWIA, both  
of those continue to expand that focus on  
capacity development, the financial, managerial,  
and technical competencies in drinking water  
facilities.

Fortunately, in Oklahoma we do have  
really good experts and partners that we are  
working with to help systems. One of the  
biggest areas that we've talked about before is  
the Water Loss Audit Program. So that is  
continuing to expand, and we're seeing some  
really positive results there.

We are also going through SDWIS  
modernization. SDWIS is the Safe Drinking Water  
Information System. This is where all the  
drinking water information is tracked. EPA has  
been working on this, it feels like forever, but  
I think the actual length of time is somewhere  
around ten years.

They've used multiple different  
contractors, and they've spent two or three  
years and then stopped work, and then spent  
two or three years. And last summer stopped the  
entire process because of some fatal flaws in  
the database that's behind the system, that they  
discovered.

I have been serving on that  
modernization board in trying to ensure that the  
states are overseeing the process, seeing what's  
happening, and helping to guide EPA down a path  
so that the states get something that is useable  
and meets the requirements of the rules. EPA  
does very little direct implementation, so  
sometimes they don't necessarily understand all  
of the things that it takes to implement the  
rules that they put in place for us. So that's  
going to be something that's going to continue  
for quite some time.

In the last month or so there's been a  
lot of activity around water reuse. There  
was -- what was supposed to be a two-day  
meeting, of course, that moved to virtual, that  
we met every Thursday in September for about  
three hours on different topics of water reuse.  
I'm definitely seeing a lot of interest and  
expanding interest nationwide in enhancing  
water sources.

Oklahoma has been featured pretty  
heavily in some of these activities because of  
the drought that we suffered a few years ago and  
were able to get our aquifer storage recovery  
rules in place and all of our non-potable reuse  
rules and our indirect potable reuse rules. So  
we are, again, being able to help direct some of  
that national dialogue and working closely with  
EPA and the Water Reuse Action Plan.

Some examples of areas where we've had  
some pretty significant input at the American  
Water Works Association Virtual ACE, their big  
conference every year, we have presenters  
talking about potable, both direct and indirect  
from a state perspective. Produced water
continues to be a big discussion for us. There are presentations that have already been prerecorded for the Water Environment Federation's annual conference, WEFTEC. This year, WEFTEC Connect. I was able to participate in one of the produced water sessions there.

We -- the Groundwater Protection Council annual forum is going on this week virtually, and there were a couple of presentations highlighted by DEQ staff on our aquifer storage and recovery, the intersection of Safe Drinking Water Act and Clean Water Act as it relates to reuse, and also on produced water. So we are very active right now and have big roles in driving some of the nation's water policy.

And, finally, I know many of you heard EPA talk about some of their streamlining processes and how they are shifting and doing more lean processes. They have asked that the states also participate with them in identifying some processes that we have, and going through that lean process in order to improve timelines and to provide better customer service. So this was something that fits perfectly into DEQ's strategic plan.

And the first lean process that water quality has undergone is our storm water construction permit process. And after attending one meeting with our staff, after they had made their virtual board presentation to EPA, our process and our virtual management system or virtual visible -- okay. Let me try that again. Virtual visual management board.

EPA was so impressed with that, that they asked that we make ourselves available and help them, working with EPA headquarters and, potentially, some of the other regions, to highlight how we were able to make the transition to physically, all being in the same place, to a visual management system that is all electronic. So I'm pretty proud of my staff for what they've been able to do with that project, and they have been recognized by EPA, which is pretty exciting.

One last good news item. DEQ is working with Oklahoma State University in their Water Resources Center, in their effort to highlight careers in the water sector and, hopefully, elevate that profile and make sure

that our water and waste water operators are acknowledged, not only as first responders, but as continuous responders. Because we do need them every day to make sure that we protect public health in the water we drink and in being able to wash our hands frequently, as we try to get through the global pandemic.

So with that, I think I'll stop there and answer any questions that anyone might have.

MR. WINEGARDNER: This is Duane Winegardner. I have a question for you. On the internet I have seen a lot of discussion about fluoroalkyl substances in groundwater. And has that been brought up or is that under discussion?

MS. CHARD: So all of the PFAS compounds, there's definitely a lot of discussion there. DEQ, as an agency, we do have a team that is following that issue and working on that issue. Kay Coffey, who is the PhD drinking water engineer here in Water Quality, is heading up the agency team.

We also are working with other state agencies, looking at where we might have detection of those PFAS compounds, what are they likely attributed to, and working with responsible parties on cleanup and that sort of thing.

Right now our Land Protection Division is the division that's seeing the most activity. They are working with the military departments, the various installations as they're going through their site characterization process.

Just -- so you know, in the earlier rounds of drinking water sampling in Oklahoma, we only had one drinking water system that had a detection in their source water, and it was below the current health advisory. So we've been very fortunate so far.

We are participating in state and national work groups on the subject. I can tell you, Congress has taken an issue -- an interest in this issue. They are likely to propose language again this year -- or this Congress, that would set regulatory levels as opposed to relying on the scientists in EPA to work through that process.

There are groups that are lobbying very hard for Congress to mandate standards. EPA does have a PFAS team that is also working on
Back a month or two ago when I testified before the House, it was supposed to be on all drinking water standards. Very quickly the conversation went to PFAS. So I know they have an interest and I know we're going to be hearing more about it.

MR. WINEGARDNER: Thank you.

CHAIRMAN DUZAN: Okay. Any other questions or comments from the council?

Okay. I guess the next thing on it is new business, which I do not believe we have any new business for this agenda.

The next thing is announcements. I'd like to thank the DEQ and everybody over there. It takes a lot of work, a lot of organization to get all these meetings going. You know, in two or three years this may be old hat, but right now there's a lot of people behind the scenes that you know, have done test runs and have worked with council members and others to get them online. So a big thanks to everybody over there to get this all taken care of.

Our next meeting, whether it be in person, at DEQ, or virtual meeting like this one, is scheduled for Tuesday, January 12th.
CERTIFICATE

STATE OF OKLAHOMA

COUNTY OF TULSA

I, Tammie Shipman, Certified Shorthand Reporter in and for the State of Oklahoma, do hereby certify that the foregoing proceedings are a true and correct transcript of the record of the machine shorthand notes taken by me and transcribed into written form under my supervision, direction and control.

I further certify that I'm neither related to nor attorney for any interested party in the named action, nor otherwise interested in the outcome of said action.

WITNESS MY HAND, this 6th day of October, 2020.

Tammie Shipman
Shorthand Reporter
CSR #1564