

MINUTES
WATER QUALITY MANAGEMENT ADVISORY COUNCIL
July 25, 2017
Oklahoma Department of Environmental Quality
Multipurpose Room
Oklahoma City, Oklahoma

Official WQMAC
To be approved at the October 10, 2017 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 13, 2016. The agenda was posted at DEQ twenty-four hours prior to the meeting. Mr. Duane Winegardner, Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that a quorum was present.

MEMBERS PRESENT

Robert Carr
 Brian Duzan
 Mark Matheson
 Jon Nelson
 Jim Rodriguez
 Jeff Short
 Steve Sowers
 Debbie Wells
 Duane Winegardner

MEMBERS ABSENT

Terry Wyatt

DEQ STAFF PRESENT

Shellie Chard
 Chris Armstrong
 Mark Hildebrand
 Betsey Streuli
 Michelle Wynn
 Travis Couch
 Patty Thompson
 Lloyd Kirk
 Terry Lyhane
 Lee Dooley
 Hillary Young
 Stephen Baldrige
 Greg Carr
 Traci Kelly
 Quiana Fields

OTHERS PRESENT

Sherry Jones, Court Reporter

Approval of Minutes from the April 25, 2017 Meeting – Mr. Winegardner called for a motion to approve the Minutes of the April 25, 2017 Regular Meeting. Mr. Matheson moved to approve and Mr. Nelson made the second.

See transcript pages 4 - 5

Robert Carr	Yes	Jeff Short	Yes
Brian Duzan	Yes	Steve Sowers	Yes
Mark Matheson	Yes	Debbie Wells	Yes
Jon Nelson	Yes	Duane Winegardner	Yes
Jim Rodriguez	Yes		

DISCUSSION OF RULEMAKING FOR FY 2018:

OAC 252:626 – PUBLIC WATER SUPPLY CONSTRUCTION STANDARDS – Mr. Greg Carr, Chief Engineer of the WQD, stated that the DEQ staff will be proposing to amend the definitions of public water supply system and validated dose.

See transcript pages 6 - 10

OAC 252:631 – PUBLIC WATER SUPPLY OPERATION – Mr. Carr stated that the DEQ staff will be proposing to amend the definition for “public water supply system”; update the rule concerning the date of the incorporation by reference of certain federal regulations from July 1, 2015 to January 1, 2017; clarify the reporting requirements of 40 CFR 141 and clarify that groundwater systems with certain advanced treatment processes must run a control test for “stability to calcium carbonate.”

See transcript pages 10 - 12

OAC 252:653 – AQUIFER STORAGE AND RECOVERY – Ms. Hillary Young, Chief Engineer of the LPD, stated that the Department is proposing to create a new Chapter, OAC 252:653 (Aquifer Storage and Recovery), to allow for a regulatory structure for an aquifer storage and recovery (ASR) program. The purpose of the Chapter is to enable DEQ to issue permits to those who wish to undertake an ASR project. The Chapter establishes a multi-phase permitting process and requirements for the construction and operations of an ASR project. The Chapter requires appropriate testing and modeling to ensure a project is feasible and that the aquifer is not harmed. In addition, the Chapter establishes the fees associated with ASR permitting and operations.

See transcript pages 12 - 41

OAC 252:004 – RULES OF PRACTICE AND PROCEDURE – Ms. Young stated that the DEQ staff will be proposing to update the Tire rules to incorporate the new Aquifer Storage and Recovery permitting process.

See transcript pages 41 - 47

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

See transcript pages 47 - 51

NEW BUSINESS – None

ANNOUNCEMENTS – There was a discussion to move the scheduled meeting Tuesday, September 26, 2017 to another date; due to some Council members being unable to attend. Ms. Chard advised the Council that Mr. Hildebrand will take a poll and inform Council members of a new meeting date.

See transcript pages 52 - 54

ADJOURNMENT – Mr. Matheson moved to adjourn and Mr. Duzan made the second. The meeting was adjourned at 3:30 p.m.

See transcript pages 54 - 55

Robert Carr	Yes	Jeff Short	Yes
Brian Duzan	Yes	Steve Sowers	Yes
Mark Matheson	Yes	Debbie Wells	Yes
Jon Nelson	Yes	Duane Winegardner	Yes
Jim Rodriguez	Yes		

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

DEPARTMENT OF ENVIRONMENTAL QUALITY

WATER QUALITY MANAGEMENT ADVISORY COUNCIL

REGULAR MEETING

July 25, 2017 2:00 p.m.

at the Multi-Purpose Room, 1st Floor DEQ Building

707 N. Robinson

Oklahoma City, Oklahoma

WORD FOR WORD REPORTING, L.L.C.
111 HARRISON AVE, SUITE 101
OKLAHOMA CITY, OKLAHOMA 73104
(405) 232-9673

REPORTED BY: Sherry A. Jones, CSR

Page 2

1 Board Members present:
2 ROBERT CARR
3 BRIAN DUZAN
4 MARK MATHESON
5 JON NELSON
6 JIM RODRIGUEZ
7 JEFF SHORT, Vice Chairman
8 STEVE SOWERS
9 DEBBIE WELLS
10 DUANE WINEGARDNER, Chairman
11
12 Board member absent:
13 TERRY WYATT
14
15 Also appearing:
16 STEPHEN BALDRIDGE, Land Protection Division,
Attorney
17 GREG CARR, Water Quality Division, Chief Engineer
18 SHELLIE CHARD, Water Quality Division, Director
19 BUD GROUND, EFO
20 MARK HILDEBRAND, Water Quality Division
Environmental Program Manager
21 BETSY STREULI, DEQ Attorney
22 HILLARY YOUNG, Land Protection Division,
Chief Engineer
23 QUIANA FIELDS, Board & Council Secretary
24
25

Page 3

1 Call to order: 2:00 P.M.
2 CHAIRMAN DUANE WINEGARDNER: Thank you
3 very much. Welcome to our meeting this afternoon.
4 We've got a lot of interesting things to have
5 discussion on. First of all, the protocol
6 statement.
7 This regular meeting of the Water Quality
8 Management Advisory Council was called in accordance
9 with the Open Meetings Act.
10 Notice for this July 25th, 2017 meeting
11 was filed with the Secretary of State on
12 October 13th, 2016. The Agenda was duly posted at
13 DEQ at least 24 hours prior to the meeting.
14 Only matters appearing on the posted
15 Agenda may be considered at this regular meeting.
16 In the event that this meeting is continued or
17 reconvened, public notice of the date, time and
18 place of the continued meeting will be given by
19 announcement at this meeting. Only matters
20 appearing on the Agenda of a meeting which is
21 continued may be discussed at the continued or
22 reconvened meeting.
23 MS. QUIANA FIELDS: Mr. Carr?
24 MR. ROBERT CARR: Here.
25 MS. QUIANA FIELDS: Mr. Duzan?

Page 4

1 MR. BRIAN DUZAN: Here.
2 MS. QUIANA FIELDS: Mr. Matheson?
3 MR. MARK MATHESON: Here.
4 MS. QUIANA FIELDS: Mr. Nelson?
5 MR. JON NELSON: Here.
6 MS. QUIANA FIELDS: Mr. Rodriguez?
7 MR. JIM RODRIGUEZ: Here.
8 MS. QUIANA FIELDS: Mr. Short?
9 MR. JEFFREY SHORT: Here.
10 MS. QUIANA FIELDS: Mr. Sowers?
11 MR. STEVE SOWERS: Here.
12 MS. QUIANA FIELDS: Ms. Wells?
13 MS. DEBBIE WELLS: Here.
14 MS. QUIANA FIELDS: Ms. Wyatt is absent.
15 Mr. Winegardner?
16 CHAIRMAN DUANE WINEGARDNER: Here.
17 MS. QUIANA FIELDS: We have a quorum.
18 CHAIRMAN DUANE WINEGARDNER: Thank you
19 very much. I assume everyone has had the
20 opportunity to read the meetings -- the minutes from
21 the April 25th meeting. Are there any changes,
22 comments or a motion?
23 MR. MARK MATHESON: I make a motion to
24 approve them as mailed out.
25 CHAIRMAN DUANE WINEGARDNER: Okay. Thank

Page 5

1 you. Second?
2 MR. JON NELSON: Second.
3 CHAIRMAN DUANE WINEGARDNER: We have a
4 motion and second. All in favor -- we will call the
5 roll.
6 MS. QUIANA FIELDS: Mr. Carr?
7 MR. ROBERT CARR: Yes.
8 MS. QUIANA FIELDS: Mr. Duzan?
9 MR. BRIAN DUZAN: Yes.
10 MS. QUIANA FIELDS: Mr. Matheson?
11 MR. MARK MATHESON: Yes.
12 MR. QUIANA FIELDS: Mr. Nelson?
13 MR. JON NELSON: Yes.
14 MS. QUIANA FIELDS: Mr. Rodriguez?
15 MR. JIM RODRIGUEZ: Yes.
16 MS. QUIANA FIELDS: Mr. Short?
17 MR. JEFFREY SHORT: Yes.
18 MS. QUIANA: Mr. Sowers?
19 MR. STEVE SOWERS: Yes.
20 MS. QUIANA FIELDS: Ms. Wells?
21 MS. DEBBIE WELLS: Yes.
22 MS. QUIANA FIELDS: Mr. Winegardner?
23 CHAIRMAN DUANE WINEGARDNER: Yes.
24 MS. QUIANA FIELDS: Motion passed.
25 CHAIRMAN DUANE WINEGARDNER: Thank you.

Page 6

1 Now, our first item on the agenda for the
2 is day is discussion for rule makings in the fiscal
3 year 2018. And the first one is getting ready
4 there.
5 MR. GREG CARR: Yes, sir.
6 CHAIRMAN DUANE WINEGARDNER: We have the
7 Public Water Supply Construction Standards. And
8 Greg Carr will make the presentation.
9 MR. GREG CARR: Thank you, sir. I
10 appreciate the opportunity to speak with the
11 Council today. My name is Greg Carr. I am the
12 Water Quality Division Chief Engineer.
13 CHAIRMAN DUANE WINEGARDNER: Push the
14 button.
15 MR. GREG CARR: Okay. My name is Greg
16 Carr. Im the Chief Engineer for the Water Quality
17 Division. Today's agenda, we have four items to
18 discuss. Please note we the not requesting a vote
19 today, this is discussion only. Also we have
20 scheduled public meetings to further discuss these
21 proposed rules, and on August the 2nd, 3rd and 4th,
22 in Lawton, Tulsa and Oklahoma City, respectively.
23 The first item we will discuss today
24 regards many definitions in Chapter 626 of the Water
25 Supply and Construction Standards. And the second

Page 7

1 item will address verifications and updates for
2 Chapter 631 of the public water supply operations.
3 The third will be a proposed brand new Chapter 653
4 for Aquifer Storage and Recovery. And the fourth is
5 update on tiers and timelines. And Chapter 4 is
6 Rules of Practice and Procedure. Please note that
7 Hillary Young the Land Protection Division Chief
8 Engineer will present the last two items. She's
9 much more entertaining than I am.
10 Regarding Chapter 626, Public Water Supply
11 Construction Standards – I believe everyone has
12 their notes in front of them -- DEQ proposes to,
13 Number 1, at the top of Page 3, amend the definition
14 for Public Water Supply system to exclude certain
15 water systems that meet explicit requirements.
16 And Number 2, at the bottom of Page 5,
17 amend the definition for validated dose to correct a
18 typographical error. And basically it's just
19 removing the word mean, M-E-A-N.
20 At this point, we welcome Council and
21 public discussion. The main points, I believe, to
22 the Public Water Supply System definition were
23 basically specifically excluding correctional
24 centers, apartment buildings, and trailer parks,
25 mobile home parks. And actually Patty at last

Page 8

1 week's agency EPA meeting, she did discuss this with
2 EPA, and they're fine with it. We have done this
3 mostly just to be consistent in our rules.
4 Are there any questions, or should I move
5 to next topic?
6 MR. MARK MATHESON: On the mobile homes,
7 is that just those that serve less than 15
8 connections or 25 people, or just all of them that
9 purchase water?
10 MR. GREG CARR: All of those that purchase
11 water. Yes, sir.
12 MR. MARK MATHESON: As long as they're not
13 reselling, correct?
14 MR. GREG CARR: As long as they're not
15 reselling, absolutely. Yes, sir. So there could be
16 some large ones that fall in there, I think there
17 are a few large ones up near Tulsa, that is less
18 oversight for those, but I also like that fact that
19 this – I mean, this will essentially encourage
20 reorganization. So we have some that have had
21 problem with their sources. This has always been an
22 option to become a purchase system, that will make
23 it that much more enticing.
24 MS. SHELLIE CHARD: This is Shellie Chard,
25 Water Quality Division Director. I would also add,

Page 9

1 it's not only – does it resell water, but also is
2 not treating water, so if the mobile home park that
3 has it's own source or is adding treatment of any
4 kind, that doesn't meet the exemption that is laid
5 out in the federal rules.
6 MR. GREG CARR: And the copies Mark
7 provided has the new text underlined.
8 MR. JON NELSON: Greg, the definition of
9 minor public water supply was apparently eliminated
10 from this for some reason.
11 MR. GREG CARR: Well, it's its own -- that
12 is actually written by ECLS. We don't consider
13 those to be a public water supply. That's – ECLS,
14 it has it's own set of regulations. Yes, sir.
15 MR. MARK HILDEBRAND: Chapter 624.
16 MR. JON NELSON: Greg, kind of off the
17 subject of what you actually changed. Under the
18 rural water system, again, it says a system like
19 that may be organized as a trust, et cetera, et
20 cetera. And that's the first time I ever noticed
21 that word. Why isn't that "shall"? I mean, is
22 there a – this is off the wall, I know.
23 MR. GREG CARR: Sure. And I honestly
24 don't have a good answer for that. Betsy, would you
25 like to tackle that one as my legal counsel? Not to

Page 10

1 put you on the spot or anything. No pressure.
2 MS. BETSY STREULI: Shall, in the legal
3 sense, is you have permissive language and mandatory
4 language. And shall usually connotes a mandatory
5 language.
6 MR. JON NELSON: Right. And I would think
7 those systems should be somehow formally organized
8 and not possibly formally organized. But it's just
9 a thought. I was kind of curious about it.
10 MS. SHELLIE CHARD: And I think -- this is
11 Shellie again. I think it may be any one of those
12 things. But it does have to be one of those things.
13 We don't mandate that it has to be one over another.
14 I suspect that is why the "may." Perhaps that is
15 something we should take a look at and make sure the
16 next time definitions are reopened to make sure that
17 it says what we intended to say.
18 MR. JON NELSON: Maybe "either." Yeah.
19 Okay. That's all I had.
20 CHAIRMAN DUANE WINEGARDNER: Any other
21 comments or questions? Okay. Any comments from the
22 public on this? Okay.
23 MR. GREG CARR: Thank you, sir. Moving on
24 to regarding Chapter 631, this one is a little more
25 complicated, a few more changes. Public Water

Page 11

1 Supply Operation, DEQ proposes to Number 1, if you
2 look at the top of Page 2, it's essentially the same
3 thing, amend the Public Water Supply definition to
4 make it consistent with Chapter 626. It was a
5 little bit different before we changed it, but now
6 we are trying to match those two up and make it
7 consistent.
8 Item No. 2 here, at the bottom of Page 2,
9 in Section 1-3, update the rule concerning the date
10 of incorporation by reference of certain federal
11 regulations, of July 1st, 2015, the old date, to
12 January 1st, 2017. This is specifically allowing
13 for newly improved alternative testing methods for
14 contaminants listed at 40 CFR 141, subpart C, of
15 part 141. But essentially it's for alternative
16 testing methods for contaminants.
17 Three, in the middle of Page 3, in Section
18 3-1(C), to clarify the reporting requirements of 40
19 CFR 141, and really what was done there is we added
20 the record reporting, just to basically emphasize
21 that there are additional reporting requirements.
22 And four, in the middle of Page 4, in
23 Section -- hold on to this -- Section 3-10-2(B),
24 little Roman Numeral 4, large Roman Numeral 5,
25 modify language to include the process control test

Page 12

1 for stability of the calcium carbonate groundwater
2 systems. And it was just merely omitted before. At
3 Roman Numeral 4, we put this in and not included in
4 the stability test.
5 And again, we welcome Council and public
6 discussions at this time. I think those were a
7 little less controversial.
8 CHAIRMAN DUANE WINEGARDNER any questions?
9 MR. STEVE SOWERS: No.
10 CHAIRMAN DUANE WINEGARDNER: Okay. Any
11 questions, any comments?
12 MR. JIM RODRIGUEZ: No.
13 CHAIRMAN DUANE WINEGARDNER: Any questions
14 from the public on these?
15 (None being heard.)
16 CHAIRMAN DUANE WINEGARDNER: Okay.
17 MR. GREG CARR: Thank you, sir. Hillary
18 Young will now present the Chapter 653 for Aquifer
19 Storage and Recovery.
20 MS. HILLARY YOUNG: Hello, I'll Hillary
21 Young. I'm Chief Engineer in the Land Protection
22 Division. And I'm here to talk to you today about
23 the new Chapter 653, Aquifer Storage and Recovery,
24 or ASR.
25 DEQ's ASR rule-making group worked

Page 13

1 cooperatively with other members of the larger ASR
2 work group to come up with the proposed rules before
3 you today. As you know, several years ago, Oklahoma
4 was suffering from a terrible drought that
5 threatened the ability of communities to provide
6 water for their citizens. Since that time, DEQ has
7 been proactive in finding ways to help communities
8 be better armed to defend themselves in the face of
9 drought and its devastating consequences. Some of
10 these proactive measures include such things as
11 regionalization and water reuse. Aquifer Storage
12 and Recovery is yet another proactive measure.
13 ASR is the delivery of water at the
14 subsurface for future recovery. It is the ability
15 to store water underground, as opposed to reservoirs
16 where large volumes of water can be lost to
17 evaporation. The proposed rules that I'm presenting
18 today are the path forward for ASR.
19 And not only is important to have a path
20 forward for ASR, at the same time, we must ensure
21 that ASR is done in the most protective way possible
22 so that aquifers are not compromised.
23 Now, Chapter 653 has six subchapters, they
24 are; General Provisions, Raw Water and Aquifer
25 Characterization, ASR Treatment Plant Construction,

Page 14

1 ASR Water Delivery Construction, Aquifer Storage and
2 Recovery Operation, and Cost Estimates and Financial
3 Assurance.
4 So I'm going to go through the rules. I'm
5 not going to read them all, but I will touch on
6 various things as I move through the rules. And if
7 you have any questions, feel free to interrupt me.
8 So first of all, we have our General
9 Provisions, Subchapter 1. So we have the purpose,
10 which is, you know, the Chapter establishes a
11 framework for ASR, and standards for permitting
12 construction, operation and maintenance of ASR
13 projects.
14 Next we have our authorities, which are
15 statutory authorities that allow us to regulate this
16 and to write these rules. The applicability
17 statement, which is that the rules in these Chapters
18 apply only to people who undertake the construction,
19 operation and maintenance of an ASR project. And
20 these rules do not apply to any activity conducted
21 outside the scope of an ASR project regulated by
22 this Chapter.
23 Then we have our conformity with other
24 applicable rules. This is pretty standard language.
25 And that all rules contained in this Chapter means

Page 15

1 they've still got to follow the rules and
2 regulations of other agencies, such as OWRB,
3 Oklahoma Corporation Commission, et cetera.
4 Next are the definitions. And I just want
5 to touch -- I want to specifically draw your
6 attention to the definition of Aquifer Storage and
7 Recovery. It means the delivery of water into an
8 aquifer for later recovery and use. For purposes of
9 this Chapter, ASR activities shall not include
10 groundwater recharge for augmentation through a
11 natural connection with a farm pond or other
12 impoundment. And for the purposes of this Chapter,
13 ASR activities shall not include activities
14 specifically authorized pursuant to Title 82 of the
15 Oklahoma Statute, Section 1020.2(G), and that has to
16 do with mining. So, for instance, a limestone
17 quarry pit that is full of water, where some of the
18 water seeps into the aquifer, or storm water runoff
19 management practices otherwise authorized by law.
20 The next definition is the area of
21 hydrologic effect. You will see that sprinkled
22 throughout the rules. And it is the area that is
23 determined by the projected extent of the
24 underground stored water, as calculated using site
25 specific information and as implemented by the

Page 16

1 specific design of the ASR project.
2 And another definition is the
3 limited-scale ASR pilot projects. And I think Saba
4 has talked to you about this in previous Council
5 meetings. These are authorized by Title 27A of the
6 Oklahoma statute, Section 2-6-110. And
7 limited-scale pilot project is just a targeted ASR
8 pilot, we call them lasers. And they are to
9 determine the feasibility of a prospective ASR
10 project or obtain aquifer flow characteristic data
11 for research purposes, an example of a this could be
12 water -- delivery of water to the subsurface, in
13 order to gain a better understanding of subsurface
14 pressure distribution and the fate of the injectate.
15 Now, these lasers will be Tier II permits, and the
16 criteria will be in a guidance document. The
17 guidance document is already on our website. So you
18 will see this mentioned in the rule, and it will
19 come again when I talk about Chapter 4, what we're
20 doing there. I just want to make sure that you
21 understood that.
22 Next is, I'm going to talk about siting
23 criteria. So we have applicable siting criteria for
24 the ASR project is going to be determined on
25 site-specific basis. And this determination is

Page 17

1 going to be made by DEQ, based on submittals of the
2 applicant. So we will look at things like, how
3 close are they to a river, are there any domestic
4 water wells in the area, and things like that to
5 determine if the site is appropriate and will work
6 for this kind of project.
7 Next is the statement of interest. All
8 persons seeking to establish an ASR project have to
9 submit a written statement of interest, and this
10 summarizes the project goals of the project, and it
11 has to include such things as the proposed location
12 of the project, a description of the purpose and
13 scope, source of the water, intended use of the
14 recovered water, description of the recharge, a
15 topographic map and demonstration of the legal
16 rights, a demonstration the applicant is actively
17 seeking water rights through OWRB, and consideration
18 of economic factors and alternatives conducting ASR.
19 And then we have the initial meeting with
20 DEQ, which is required. And we will get with the
21 applicant and discuss this statement of interest,
22 what they plan on doing, explain to them the
23 process, uh, and it also sets the stage for a
24 working relationship. Because this will be
25 something where we work cooperatively with the

Page 18

1 applicant to help them through the process, an
2 exchange of information, because it's a big project
3 and we want to assist them all we can, all the way
4 through the project, through all the permits, into
5 operations. And this really sets the stage for
6 that.

7 Next are the permits that are required in
8 this Chapter. So we have ASR treatment plant
9 construction permit. So if they're going to
10 construct a treatment plant, then they have to have
11 a construction permit. If you'll notice, it states
12 that an ASR treatment plant construction permit is
13 not required for any existing DEQ permitted water or
14 wastewater treatment plant used in the ASR project,
15 provided that it meets the requirements of
16 Subchapter 5. So if they want to use an existing
17 plant, they don't need to go through the process of
18 having a construction permit.

19 And then we have ASR water delivery
20 construction permit and the ASR operating permit.

21 The next is water sampling and analysis.
22 And this is just stating that any water sampling
23 analysis methods have to be in accordance with EPA
24 approved procedures, and they need to use a DEQ
25 accredited laboratory.

Page 19

1 Next we have fees. The current
2 application fee for each ASR permit is as follows:
3 For an ASR treatment plant, construction permit is
4 \$3,000. This was based on what we anticipated would
5 be the type of flow that this project would use or
6 the kind of volume. And it was taken from our water
7 rules. For water delivery construction permit and
8 an ASR operation permit, those are each \$10,000.
9 This is based on the cost for DEQ to review the
10 applications and writing the permit. An annual
11 operating fee in amount of \$5,000, and this is to
12 cover costs for staff time for review of monitoring
13 reports, operating reports, and inspections.

14 Next we have Subchapter 3, raw water and
15 aquifer characterization. So first of all, we have
16 an applicability statement. You will see this at
17 the front on the rest -- top of the rest of the
18 subchapters, so this, of course, applies to anybody
19 who wants to do an ASR project. And then, of
20 course, you know, the results of the raw water and
21 aquifer characterization, need to be part of the
22 permanent application for the construction of an ASR
23 treatment plant and the construction of the water
24 delivery mechanism.

25 And with the raw water and aquifer

Page 20

1 characterization, they need to get a raw water and
2 aquifer characterization plan, and they need to
3 submit this plan to DEQ for approval. The content
4 would include a proposal for characterization of the
5 raw water, a proposal for hydrologic investigation
6 and characterization of the aquifer, a proposed
7 method to calculate the amount of recoverable water
8 and the method of water recovery, a discussion of
9 the hydrogeological information, a proposed schedule
10 for completion, and any additional information DEQ
11 determines to be necessary for the specific ASR
12 project. So if there is something in here that
13 wasn't covered, it's not specifically stated in here
14 and we met and we look at their site specific
15 information or their site specific project or where
16 they're locating it and we decide, well, we don't
17 have it specifically in here, but I think we need
18 this additional information. So that is the purpose
19 of that statement there.

20 MR. JON NELSON: Hillary, I noticed under
21 part two, I didn't find where there was a
22 requirement to characterize the other uses of water
23 from proposed aquifer. Is that covered somewhere
24 else or should it be covered?

25 MS. HILLARY YOUNG: Well, yeah, that would

Page 21

1 be when characterize the aquifer, they should be
2 looking at that as well.

3 MR. JON NELSON: So it's not really
4 specifically -- it would be just be understood?

5 MS. HILLARY YOUNG: Yeah.

6 Next we have attenuation of constituents
7 in the aquifer media. On a case-by-case basis, the
8 attenuation of constituents in the aquifer media
9 will be considered in meeting groundwater standards.
10 And we have groundwater standards, and this is that
11 the water has to meet the groundwater standards in
12 OWRB, which is 785:45. And no allowance for
13 attenuation will be considered unless outlined in
14 785:45 or on a case-by-case basis, at DEQ's
15 discretion, if human health will not be impacted.

16 And next is the groundwater monitoring
17 well construction and/or plugging. And this is our
18 general statement for monitoring wells that need to
19 be constructed and plugged in accordance with OWRB
20 requirements.

21 And then we have the raw water aquifer
22 characterization plan implementation, they need to
23 implement it within one year of approval. And once
24 it's approved, the results are good for five years,
25 absent an episodic event that changes the

Page 22

1 characterization of the raw water or aquifer. So
2 that would something like say, somebody had a
3 chemical spill and it might affect the aquifer or if
4 getting your raw water from the river, and there is
5 a new discharge that is put in upstream of where
6 your get your water, and they would need to
7 reevaluate that.

8 Next we have Subchapter 5, which is ASR
9 treatment plant construction. First of all, of
10 course, a permit and pilot study is required. And I
11 want to notice on A, it says, "Subject to the
12 results of the raw water and aquifer
13 characterization of Subchapter 3 of this Chapter, an
14 ASR water treatment and pilot of study may be
15 required." And what that means is that, for
16 instance if somebody wanted to do ASR into an
17 aquifer that is a brackish aquifer, maybe they want
18 to use it for irrigation purposes, and there the
19 rural water is higher quality, then it may not be
20 necessary to build a water treatment plant. So we
21 didn't want to put that provision in there where it
22 was absolutely required, because there could be
23 instances where it may not be. And you also notice,
24 too, that in B it says that, "No person shall
25 construct or modify an ASR water treatment plant

Page 23

1 without first obtaining a permit to construct in
2 accordance with applicable requirements of OAC
3 252:626 and 656." So – and it has to be to meet
4 Groundwater Standards. So what we're doing is we're
5 referring back to existing water quality rules for
6 water treatment plants and waste water treatment
7 plants, and this is going to give the applicant the
8 ability to use different types of technologies or to
9 mix technologies between two types. And we didn't
10 include – we didn't put all these rules into this
11 Chapter, because this Subchapter would have been a
12 couple hundred pages long, so we refer back to that.

13 Next is they need to construct according
14 to plans and specifications.

15 And then we also have the variances from
16 the construction standards, and this is, of course,
17 to encourage the use of new technology as it comes
18 up.

19 So next is Subchapter 7, which is ASR
20 Water Delivery Construction. Again, we have
21 applicability. So, you know, they have to submit a
22 permit application.

23 And then we have permit application
24 requirements. And these are general requirements
25 that are required for no matter what the water

Page 24

1 delivery mechanism is. So it's a site description,
2 a map, geologic cross-sections, operations,
3 contingency plans, groundwater monitoring plan,
4 run-on/run off, raw water and aquifer
5 characterization, of course they have to have
6 results for that, and any additional information
7 that DEQ deems necessary.

8 And then we have additional application
9 requirements for recharge wells.

10 Additional application requirements for
11 infiltration basins.

12 And then additional application
13 requirements for other water delivery mechanism. So
14 that – those would be any kind of a water delivery
15 mechanism that we didn't contemplate. We don't want
16 to put somebody in a position of not being able to
17 use something else, if it's something they could do.

18 And then they would need to do a water
19 delivery pilot test. So in addition to the other
20 requirements, a water delivery pilot test has to be
21 included as part of the permanent application.
22 These are field tests. So basically what happens is
23 an applicant will do the raw water and aquifer
24 characterization and take that information and come
25 up with a design. And they come up with certain

Page 25

1 assumptions of how they think it's going to operate,
2 and then they construct, and then they build and
3 test, and then they validate whether or not their
4 information that – any assumptions that they made
5 were correct.

6 And then they also use that information
7 for the next part, which is the aquifer testing.
8 And this is most important part. So in addition to
9 all the other requirements, they need a plan for
10 evaluating through appropriate testing and modeling,
11 the compatibility of the delivered water with the
12 receiving aquifer for possible subsequent changes in
13 aquifer characteristics due to hydrogeologic or
14 hydro-geochemical changes. And the plan has to
15 include provisions for testing, to determine if the
16 full scale long term project is hydrologically
17 feasible and to evaluate all of the data.

18 Okay. So next is Subchapter 9, aquifer
19 storage and recovery operations. So we have, again,
20 our applicability statement.

21 And then we have duration and continuation
22 of expiring permits. The ASR operating permit will
23 be good for a period of ten years, with DEQ being
24 able to – reviewing it every five years for
25 possible permit modification. And upon expiration

Page 26

1 of the operating permit, the permittee can seek
2 renewal by submitting a renewal application 180 days
3 prior to expiration. And then, of course, if the --
4 they will be able to continue working on -- under
5 the expired permit if the new permit wasn't issued
6 before the existing permit expired. And then we
7 have a statement that in the event that water
8 quality standards change within the duration of the
9 ASR operating permit, then they need to come up with
10 a plan to ensure continued operation of the ASR
11 meets the new water quality standards.
12 And then we have our no endangerment
13 statement. And this is just that, you know, ASR
14 projects will be operated in a manner so that it
15 will not endanger drinking water sources.
16 And we have permit application
17 requirements. So we have these general
18 requirements, and some of the things that follow
19 just expand on some of this. So we have site
20 description, map, operations, contingency plan,
21 groundwater monitoring plan, water delivery pilot
22 test results, operation and maintenance, closure
23 plan, cost estimates, financial assurance, and any
24 additional information that DEQ deems necessary.
25 So next is operation and maintenance of

Page 27

1 ASR water treatment plant. And this is just the
2 operation and maintenance manual. This is right out
3 of water rules.
4 Next is operation and maintenance of
5 recharge wells. So that include such things as --
6 well, we will talk about the injection pressure, and
7 it can exceed -- it has to be calculated so that it
8 doesn't -- so that it ensures the pressure injection
9 zone does not cause movement of the fluid out of the
10 injection zone. And then, of course, they have
11 maintain mechanical integrity and they will need to
12 do continuous monitoring. And then have a method
13 and schedule for maintenance.
14 And same thing for operation and
15 maintenance of infiltration basins. You know, we
16 have flow rate monitoring, maintenance and
17 inspections.
18 Operation and maintenance of other water
19 delivery systems.
20 And next we have source control. So that
21 if the applicant -- they need to provide a mechanism
22 for monitoring any changes to the source of raw
23 water and updating the raw water characterization in
24 order to determine if the requirements of the ASR
25 treatment plant need to be modified.

Page 28

1 Next is groundwater monitoring
2 requirements. They will be required to monitor the
3 groundwater through a network of groundwater
4 monitoring wells for site-specific constituents.
5 They will need to identify alert triggers for each
6 constituent monitored for which a contingency plan
7 will be activated. The frequency of groundwater
8 monitoring, how often they need monitored will be
9 determined on case-by-case basis. And then, of
10 course, they have to submit any other monitoring
11 data to DEQ.
12 Next is a contingency plan. A contingency
13 plan needs to be developed in case any potential
14 problem does occur, they will have the alert
15 triggers. Then they need the course of action that
16 is designed to verify and correct the condition that
17 caused alert trigger to be exceeded. Water
18 management would be procedures for appropriate
19 management of raw and/or treated water. They need
20 to designate a emergency coordinator who will be
21 responsible for implementing the contingency plan.
22 In the event that an alert trigger is exceeded,
23 they'll need to cease operations and notify DEQ
24 within 24 hours. And then they can't resume
25 operations without DEQ approval.

Page 29

1 And next we have corrective action. If it
2 is determined that the groundwater has been
3 compromised, corrective action will be required.
4 And the following will required for implementation,
5 and that would be a corrective action monitoring
6 program would have to be established. A remedy
7 would need to be selected and implemented. Interim
8 measures to ensure the protection of human health
9 and the environment, and then financial assurance
10 for corrective action will need to be established.
11 Next we have reporting requirements, and
12 these are just like operating reporting
13 requirements, so like the volume of water injected
14 for storage, the volume of water recovered for
15 beneficial reuse, the monthly injection pressures
16 and other information that DEQ determines to be
17 necessary.
18 And then finally we have the closure plan.
19 So they need a plan for closure at the ASR facility
20 to include, P & A of the ASR recharge wells, closure
21 of the infiltration basins and for other water
22 delivery mechanisms, and then closure of the water
23 treatment plant.
24 And then next we have Subchapter 11,
25 which is cost estimates and financial assurance.

Page 30

1 All projects need to have financial assurance. And
2 the -- so they have the duty to maintain financial
3 assurance for closure and/or corrective action. So
4 that means this is financial assurance for closure
5 of the entire facility. So it would be for the cost
6 of closing the facility.
7 For permit transfers, so if the permit is
8 transferred from one owner to another, then the
9 current owner's financial assurance stays in place
10 until the new owner's financial assurance is
11 established.
12 And then we have substitute financial
13 assurance. And it may be provided as specified in
14 the Subchapter.
15 And then next is cost estimates for
16 closure. So it describes how to come up with cost
17 estimates for closure. And the estimate needs to be
18 detailed written estimate in current dollars, that
19 is the cost of hiring a third-party to close the ASR
20 facility. So when we would use financial assurance
21 would be if the operator or the owner walk away, and
22 the DEQ needed to close the facility. And then, you
23 know, they need DEQ approval and et cetera.
24 And then we have cost estimates for
25 corrective action. If corrected action is required,

Page 31

1 they will need to get financial assurance to cover
2 the cost of corrective action, and that is what this
3 discusses.
4 Annual adjustments to cost estimates.
5 Every year they need to recalculate the maximum cost
6 or use an inflation factor to deal with inflation.
7 And then we have financial assurance.
8 That's general requirements, just general
9 requirements for financial assurance.
10 The ability to use multiple mechanisms.
11 So they can combine mechanisms to come up with their
12 total costs.
13 And then we go into the different types
14 of mechanisms. So we have cash, certificate of
15 deposit, trust fund, escrow account, surety bond,
16 letter of credit, insurance, corporate financial
17 tests, local government financial tests, corporate
18 guarantee, local government guarantee or other state
19 approved mechanism that meets the requirements of
20 this Chapter.
21 MR. JON NELSON: Hilary, did all that
22 pretty much mirror the requirements that are in
23 place for the Solid Waste Landfill?
24 MS. HILLARY YOUNG: That is exactly where
25 we got those requirements, was from Solid Waste. We

Page 32

1 pulled them from Solid Waste.
2 MR. JON NELSON: Good to be consistent.
3 MS. HILLARY YOUNG: Yeah.
4 CHAIRMAN DUANE WINEGARDNER: I have a
5 comment. Anybody else have comments, as the members
6 go?
7 MR. JIM RODRIGUEZ: I have a question.
8 CHAIRMAN DUANE WINEGARDNER: You have a
9 question? Go ahead.
10 MR. JIM RODRIGUEZ: Jim Rodriguez. There
11 is a single permit that covers construction and
12 operation or -- go ahead.
13 MS. HILLARY YOUNG: I'm sorry. There's
14 two permits.
15 MR. JIM RODRIGUEZ: Two permits.
16 MS. HILLARY YOUNG: There's one permit for
17 construction and then there is another permit for
18 operation.
19 MR. JIM RODRIGUEZ: And when you apply the
20 first time, do you -- would a candidate process both
21 of those permits, or only one of them? What would
22 happen initially?
23 MS. HILLARY YOUNG: When they submit the
24 permit applications?
25 MR. JIM RODRIGUEZ: Yes.

Page 33

1 MS. HILLARY YOUNG: Well, both of those
2 permits are going to be Tier III permit
3 applications, so they would follow the requirements
4 in the Tier III application requirements. So when
5 they submit their application for the construction
6 permit, it would go through the Tier III permitting
7 process. And so -- which I'm going to be talking
8 about in Chapter 4. So those -- that includes, like
9 a Notice of Filing, uh, with the opportunity -- the
10 Notice of Filing that the application has been filed
11 with DEQ, and then it would go on to a draft permit,
12 and then it goes to proposed permit. And then the
13 same thing would happen for the operation permit.
14 MR. JIM RODRIGUEZ: So the fees that we
15 saw early in this are for which permit? Permit
16 application fees?
17 MS. HILLARY YOUNG: The permit application
18 fee, the first one is the ASR treatment plant
19 construction permit. That will be one permit. That
20 will be permit number one, if they need one. The
21 second one is for ASR water delivery construction
22 permit. That is permit number two, so they would
23 have to pay that fee for that permit. The next
24 permit is the application for the ASR operations
25 permit, so that is permit number three.

Page 34

1 MR. JIM RODRIGUEZ: So they have \$23,000
2 in permit fees up front?
3 MR. HILLARY YOUNG: That's right.
4 MR. JIM RODRIGUEZ: Has any candidate for
5 this activity been involved in the process?
6 MS. HILLARY YOUNG: Well, in our ASR work
7 group, we had like the City of Ada. The City of Ada
8 is actually going to be doing a laser project, and
9 they are very excited about it. So we have had
10 input from some municipalities on this.
11 MR. JIM RODRIGUEZ: So there are
12 candidates that have reviewed the permit amounts and
13 have they commented on them?
14 MS. HILLARY YOUNG: There hasn't been a
15 comment on the fees up to this point. So -- but
16 there have been of some that viewed the amounts, but
17 we haven't received any comment yet.
18 MR. JIM RODRIGUEZ: Okay. Thank you.
19 MS. HILLARY YOUNG: Uh-huh.
20 CHAIRMAN DUANE WINEGARDNER other
21 questions?
22 MR. STEVE SOWERS: Just one question.
23 Hillary, follow up on notifications, things like
24 that. Is there any notification filed of record on
25 it, like at the courthouse, like with City of Ada?

Page 35

1 Is there any other notification that you know that
2 is filed to make others aware of an ASR?
3 MS. HILARY YOUNG: Are you talking about
4 like a deed notice or something?
5 MR. STEVE SOWERS: Uh-huh. Like a record
6 like that.
7 MS. HILLARY YOUNG: No.
8 MR. STEVE SOWERS: Is that something that
9 needs to be thought about?
10 MS. HILLARY YOUNG: Uh, well, I mean, it's
11 not something that we really considered.
12 MR. STEPHEN BALDRIDGE: Hi, I'm Stephen
13 Baldrige. I'm a land protection attorney at DEQ.
14 In the instance, I think, you know, if we had to
15 have corrective action at one of these things, DEQ
16 requires a deed notice to be placed on any site that
17 has a Notice of Remediation taken on the deed of the
18 property where there has been a clean up that occurs
19 under DEQ authority. So arguably, we would be
20 required to, if there isn't some sort of corrective
21 action that is necessary. But it is not
22 contemplated in the rules, per se.
23 MR. STEVE SOWERS: Do you see that
24 necessary for what you're doing here for a
25 third-party coming into play, just to put them on

Page 36

1 notice there is ASR out there?
2 MR. STEPHEN BALDRIDGE: Uh, it is not
3 something that we included in the rules. I think it
4 is something we can consider. But if something did
5 go wrong and we were required to do some type of
6 clean up, then there certainly would be a notice at
7 that point.
8 MR. STEVE SOWERS: Thank you.
9 CHAIRMAN DUANE WINEGARDNER: Any other
10 questions?
11 MR. MARK MATHESON: I have a couple of
12 questions. One is, will there be any kind of public
13 hearings for any proposed ASR's or a period for
14 public comment for proposed ASR in a particular
15 area?
16 MS. HILLARY YOUNG: It would take place as
17 part of the permitting process.
18 MR. MARK MATHESON: And also on treating
19 water to be injected into an aquifer, will there be
20 operator certification requirements for those
21 individuals operating those types of plants?
22 MS. HILLARY YOUNG: Maybe Greg can answer
23 that.
24 MR. GREG CARR: I don't think we've
25 addressed that in the rules at this time. It's a

Page 37

1 good idea. Since this is a drinking water aquifer,
2 I mean, it will have to be drinking water quality
3 water, because nobody owns their own aquifer.
4 MR. MARK MATHESON: Right.
5 MR. GREG CARR: I mean, that would
6 essentially be DPR, direct public awareness. So we
7 would have to -- I mean, at this time, I'm looking
8 at a water treatment plant.
9 MR. MARK MATHESON: Right.
10 MR. GREG CARR: A real water treatment
11 plant with associated -- required operator
12 certification, yes, sir. Does that answer your
13 question?
14 MR. MARK MATHESON: Yeah. Pretty much.
15 MR. GREG CARR: Thank you. Other
16 questions?
17 CHAIRMAN DUANE WINEGARDNER: I have one
18 comment. In looking at your limited scale pilot
19 projects, it seems to me, as a geologist, if you
20 would want to have a very large data set of
21 information when you come to talk to DEQ, because we
22 all know that geology is what geology is, and it
23 takes a lot of investigation work right up front.
24 So I think before you even started your limited
25 scale thing your DEQ people would want to have a

Page 38

1 really strong input into what the investigation
2 consisted of a head of time.
3 MS. HILLARY YOUNG: Right. And you know,
4 uh, anybody that undertakes – before they undertake
5 the larger ASR project, could do some sort of
6 limited scale aquifer storage and recovery project.
7 And really that is the whole purpose is for us to
8 gain information, and that is the purpose of the
9 laser, is to gain targeted information from the
10 aquifer, or how they think it's going to behave
11 when they inject or use maybe an infiltration basin
12 to determine whether or not it's feasible at all to
13 do a larger scale project. And it's up to someone
14 who wants to undertake something like this, on
15 whether or not they would want to a laser, or
16 whether they want to go right into ASR, into the
17 larger one.
18 CHAIRMAN DUANE WINEGARDNER: Okay. Other
19 questions? Any comments from the public? We have
20 one.
21 MR. BUD GROUND: I'm Bud Ground with the
22 Environmental Federation of Oklahoma. I just have a
23 question. I just want to make sure I understand
24 part of this, or how it's going to operate. And I
25 guess the water that comes out of this for the

Page 39

1 recovery part, is that going to be considered water
2 reuse, and following under the reuse rules?
3 MS. HILLARY YOUNG: Well, I think it's
4 considered like beneficial use under like OWRB,
5 under the water standards.
6 MR. BUD GROUND: So that leads to another
7 question.
8 MS. HILLARY YOUNG: Okay.
9 MR. BUD GROUND: So you're considering
10 this groundwater, once it's put in the ground?
11 MS. HILLARY YOUNG: Yes.
12 MR. BUD GROUND: Because I would not
13 consider it groundwater, I would consider it service
14 water that is stored in the ground, and that is why
15 I asked the question.
16 MS. HILLARY YOUNG: That is a good
17 question. Uh, yeah, we would consider it part of
18 aquifer, because it's recharging the aquifer to
19 store the water and for later use, for whatever use
20 that aquifer is used for.
21 MR. MARK HILDEBRAND: Just stay up there.
22 MR. BUD GROUND: So that leads to another
23 question. If it's groundwater, you're limited to
24 1.2-acre feet per acre, whatever the standard is for
25 groundwater, unless the Water Board does an

Page 40

1 evaluation of that aquifer. So if you're
2 considering it groundwater, you may not be able to
3 take out as much as what you put in.
4 MS. SHELLIE CHARD: This is Shellie again.
5 Bud, I know the Water Resources Board is working on
6 a process on how they will handle aquifer storage
7 and how they will deal with that. I don't know
8 where they are in the development of that, but they
9 are looking at, you know, the water withdrawals and
10 is it a groundwater right, is it something else, but
11 that's something the Water Board, I know, is looking
12 into and working through. And they have been a part
13 of the work groups with DEQ and stakeholders and
14 legislators throughout this process.
15 MR. JIM RODRIGUEZ: Shellie, if that's the
16 case, is rule making going to be required by the
17 OWRB to be able to administer whatever they decide
18 about that groundwater?
19 MS. SHELLIE CHARD: I know that there were
20 – I'm not an expert in this area, I will put that
21 out there upfront – but I am pretty sure they have
22 done some statutory changes in this past legislative
23 session, and are working on rule making and internal
24 policy issues. It's Owen Mills has been kind of
25 their point person that's been heavily involved. He

Page 41

1 might be able to answer some questions or certainly
2 contacting the Water Resources Board with that
3 question, they would get you to the right person to
4 get that information. But yes, the Water Board is
5 undertaking steps.
6 CHAIRMAN DUANE WINEGARDNER: Are there
7 other discussions that need to be brought up right
8 now? I think we're making good progress. This is
9 something we all looked forward to for a long, long
10 time. We are finally getting there. It's a very
11 complex issue. Kind of like the federal tax code,
12 there is so many implications for a whole bunch a
13 group of people. We have to be careful with this.
14 Okay. Well, if we have nothing else, thank you.
15 MS. HILLARY YOUNG: One more. Next we
16 have Chapter 4. So I will talk to you about our
17 proposed changes to Chapter 4. This again, has to
18 do with ASR. Our Chapter 4 is rules of practice and
19 procedure. And this is our uniform permitting
20 process that all of DEQ follows for the permits.
21 So aquifer storage and recovery, we have
22 Tier I, Tier II and Tier III. For those that aren't
23 familiar with the tier rules, Tier I has no public
24 participation, and as you go up, you have more and
25 more public participation.

Page 42

1 So for Tier I, which has no public
2 participation, the following ASR authorizations for
3 Tier I applications, so that would be minor
4 modification of any ASR permit for minor changes, so
5 that would be something like a change in the
6 emergency coordinator or something like that. A
7 modification of an approved closure plan for an ASR
8 operating permit, or modification of an approved
9 corrective action plan.

10 Next would be ASR applications, which
11 would be Tier II applications. Now, for Tier II
12 applications, when an application is filed with DEQ,
13 uh, the applicant has to publish a notice of that
14 filing in a paper local to the site, they need to
15 place a copy of the application in the local --
16 typically a library, and then the application is
17 reviewed and a draft permit is issued. And once the
18 draft permit is issued, then the applicant has to
19 publish notice in the newspaper again, that the
20 draft permit has been issued, and give the public an
21 opportunity to comment or request a public meeting.
22 And if there are comments received, then DEQ would
23 provide a written response to comment, and then if
24 there's nothing to stop it from moving forward, if
25 there is no comment that causes any kind of issues,

Page 43

1 then the permit would be issued from there. So
2 the -- Tier II applications would include a
3 modification of an ASR permit not covered under Tier
4 I, the limited-scale ASR pilot project as,
5 authorized by 27A of Oklahoma Statute, 2-6-110, an
6 ASR treatment plant permit, modification of an
7 existing water treatment plant for ASR operations,
8 or renewal of an ASR operations permit.

9 Next is the Tier III applications. And so
10 the Tier III applications build on the Tier II
11 requirements, in that when an application is filed,
12 the Notice -- they have to publish a Notice of
13 Filing, but this time there is the opportunity for
14 the public to request a process meeting. And if a
15 process meeting is requested, then DEQ goes out and
16 explains the permitting process, DEQ's permitting
17 process to the public, so that they understand where
18 it is they can insert themselves into the permitting
19 process. Next again, would be the issuance of a
20 draft permit in which that would need to be public
21 noticed as well. And with the opportunity for the
22 public to comment or request a public meeting. And
23 if we receive comments, and again, we would do a
24 written response to comments, and this time we would
25 prepare a proposed permit. And the proposed permit

Page 44

1 and the written response to comments would all be
2 public noticed. And during all these steps, of
3 course, these applications and the draft permits
4 will be put in the library for the public to be able
5 to review them and the website. So when the public
6 -- when the proposed permit is public noticed, then
7 the public has an opportunity to request an
8 administrative hearing. And if an administrative
9 hearing is granted, then it would take place in
10 front of administrative law judge who would make a
11 decision on whether or not the permit should be
12 issued. After the law judge makes his decision, it
13 would go to our executive director, and he would
14 make the final decision on whether or not the permit
15 would be issued. So for Tier III applications, we
16 have the ASR water delivery construction and the ASR
17 operations permit. Both of those are Tier III.

18 CHAIRMAN DUANE WINEGARDNER: Questions or
19 comments from the Board?

20 MR. JEFFREY SHORT: What are the time
21 requirements for the Tier I, Tier II and Tier III
22 again?

23 MS. HILLARY YOUNG: Like DEQ time
24 requirements?

25 MR. JEFFREY SHORT: Yeah, I believe there

Page 45

1 was statutory limitation on how long the permit
2 could exist before it has to be processed.

3 MS. HILLARY YOUNG: Well, we have internal
4 requirements, where we have 60 days to review Tier
5 II and 90 days for Tier III renewals. I don't think
6 that is statutory.

7 MS. SHELLIE CHARD: This is Shellie. When
8 you start looking at the Tier III requirements or
9 whether it's Tier II or Tier III, for say,
10 wastewater discharge permits, that is a 180 days for
11 those. That is part of the federal requirement for
12 those permits, but the clock stops when there is a
13 request for additional information or when there is
14 a public hearing, or something along those lines.
15 So there are some things that extend that time line.
16 But if you look at different programs, if you go
17 into the actual tier language, it talks about if
18 it's a water or a solid waste or a UIC permit, it
19 does have some different timelines, according to the
20 federal program that is the overarching program.

21 MR. JEFFREY SHORT: Do you remember what
22 those were for Tier III?

23 MS. SHELLIE CHARD: For what? I'm sorry.

24 MR. JEFFREY SHORT: What is timeline is
25 for Tier III?

Page 46

1 MS. SHELLIE CHARD: For NPDES, it's 180
2 days of actual DEQ time on the clock, but that time
3 can be extended or is stopped whenever there are
4 hearings, meetings, uh, comment periods. We have
5 the authority to extend comment periods beyond the
6 minimum when we do that, those days don't count. If
7 there is another agency review that kicks in, that
8 can extend, but in general, for the NPDES permits,
9 it's 180 days. Hillary, I don't know, you may be
10 able to speak to the RCRA –
11 MS. HILLARY YOUNG: Well, I know RCRA has
12 like 300 days total. I'm not sure what it is for
13 UIC.
14 MR. JEFFREY SHORT: I remember something
15 about Air had -- Air had something like 540 that we
16 worked. I didn't know if we worked into that type
17 of category.
18 MS. SHELLIE CHARD: As far as the water
19 permits, in general, you will see the Tier I's are
20 30/45 days-type timelines, and 180 days, for the
21 Tier II and Tier III. But then you have those stop
22 points.
23 MS. HILLARY YOUNG: And the length of the
24 process of the review process is always dependent on
25 the quality of application, because if there is

Page 47

1 missing information or anything like that, then we
2 have to request more information and wait for the
3 information to come in. And it has to be reviewed
4 again. So that contributes as well.
5 CHAIRMAN DUANE WINEGARDNER: Comments?
6 Any more comments or questions? Public comments or
7 questions? Thank you. I think Shellie is going to
8 address us next.
9 MS. SHELLIE CHARD: Thank you. I just
10 have a couple of things that I wanted to highlight
11 for you all. Generally, you hear a lot about what
12 we're hearing from EPA and what we think may or may
13 not be happening in the next few months regarding
14 rules. And I was having a conversation before the
15 meeting started, and the answer to kind of what do
16 we expect, I don't know. It's been very interesting
17 and it's fascinating kind of watching everything
18 unfold in Washington DC. There are several rules
19 that have been talked about, that seem to be talked
20 about and not really moving forward at this point.
21 There was a lot of talk about the NPDES update
22 rules. We were asked by EPA if the states -- if we
23 really wanted it to come out, you know, we should
24 really get behind it and encourage the administrator
25 to send that out. And EPA didn't get the

Page 48

1 overwhelming response of "get that out right now,"
2 that I think they were expecting. We haven't seen
3 it in a while to know what all of the changes are.
4 We know that EPA has taken into consideration a lot
5 of the comments that the state had and have made
6 some revisions. To be honest, at this point, my
7 biggest fear is some of the reporting requirements
8 that could get into it, and some of that is whether
9 it's electronic, or whether it's on paper, and it's
10 the mechanism that it gets to the EPA database,
11 which are more things that we have to deal with,
12 rather than the regulated community.
13 We did get our electronic reporting system
14 operational over the last year, and we were -- it
15 was about 95 plus percent of DMR submitters,
16 submitting electronically, so that is definitely a
17 big relief that we got that operational. It took a
18 lot of hard work and a lot of training by our staff
19 and a lot of patience on part of the regulated
20 community. That will address some of the changes
21 that we think EPA is proposing in the program update
22 rule. We'll see if it comes out and what it looks
23 like.
24 On the drinking water side, there have
25 been a lot of environmental activist-type groups

Page 49

1 asking questions across the county, what is
2 compliance rate, who has lead in their water, who
3 has various chemical components. I believe we have
4 been given notice that the tomorrow the
5 Environmental Working Group plans to release a new
6 report to highlight the problems with drinking water
7 across the country. What we know from the
8 preliminary information is that they're using data
9 that is a minimum of six months old, and they're
10 comparing the data, not only to the maximum
11 contaminant levels of the Safe Drinking Water Act,
12 but also to the California public health goals,
13 which are goals established for the State of
14 California, by the State of California. So we don't
15 really know what that is going to look like, but we
16 will be watching that and seeing if any of the
17 Oklahoma community show up in that report.
18 The last big report they did was when we had all of
19 the hexavalent chromium discussions, it's that same
20 group. So we will see what happens with that. So
21 that may lead to a few exciting days or some new
22 stories, we will see.
23 Uh, a couple of things I do want to share
24 with you on a positive note, we have had a lot of
25 things going on behind the scenes that don't always

Page 50

1 make it when it's a good news or things get resolved
2 quickly, it's not on the 6:00 o'clock news. We had
3 our staff working very closely with several drinking
4 water systems over the last few weeks and resolved
5 some pretty potentially big issues with what turned
6 out not to be chemical contamination of a large
7 drinking water system, but had everyone not taken
8 action, it could have been a much bigger deal. So
9 I'm pretty proud of our staff. Our engineers in
10 Oklahoma City, our local services staff, and the
11 municipality involved pulled together and did a lot
12 of hard work and put a lot of minds at ease before a
13 big weekend. We also had several of our employees
14 nominated in the last two quarters, for the agency
15 employee for the quarter, for their efforts. And we
16 actually have one who was selected as the employee
17 of the quarter. But that won't be announced and who
18 it is for another week or so, so I can't -- I know,
19 I'm not going to name any names. But it's, you
20 know, nice to see that the hard work and positive
21 attitude even at a time when we're dealing with
22 budget concerns, and we're dealing with the heat,
23 and drought in some areas, flooding in some areas,
24 it's good to know that there are people that are
25 going above and beyond. So I'm pretty proud of

Page 51

1 those efforts. I don't really have much else for
2 you today, unless you want to play -- I always tell
3 my staff, we can play stump the chump -- and I will
4 see what I can answer for you.

5 We've got a lot of things coming that we
6 will be continuing to work on the ASR, we will be
7 continuing to work on water reuse rules and projects
8 and we're heavily involved in produced water issues
9 in Oklahoma, and across the country. So lots of
10 things coming that -- but nothing that is a
11 regulatory issue so far that we know of, other than
12 what the staff has presented today that you will be
13 seeing. I guess it's late September of this year,
14 instead of early October.

15 Wow, you guys are going to let me off the
16 hook?

17 CHAIRMAN DUANE WINEGARDNER: You deserve a
18 little ease sometimes.

19 MS. SHELLIE CHARD: Thank you.

20 CHAIRMAN DUANE WINEGARDNER: There are
21 times we won't let you off the hook.

22 Are there any questions for Shellie? Any
23 comments from the public?

24 MR. JIM RODRIGUEZ: I would like to let
25 you know that we have invited the administrator to

Page 52

1 our annual meeting in January, and we will let
2 everybody know if he says yes. The first indication
3 we got back was that it was a possibility. We
4 figured he might want to come back to Oklahoma for a
5 day or two.

6 MS. SHELLIE CHARD: Always good to give
7 him an excuse to come home.

8 CHAIRMAN DUANE WINEGARDNER: That would be
9 a good opportunity to hear what is going on, that we
10 don't hear or you don't hear anyways. Okay. New
11 business. I don't have any. And only those matters
12 not known about, which could not have been
13 reasonably foreseen at the time of posting shall be
14 discussed, and I don't have of anything. I don't
15 know of anything.

16 Special announcements, next scheduled
17 meeting is September 26th, at 2:00 p.m. here. I
18 will not be here then. I will be on vacation.

19 MR. JIM RODRIGUEZ: I will be in
20 Washington DC.

21 CHAIRMAN DUANE WINEGARDNER: Are there
22 other conflicts?

23 MR. MARK HILDEBRAND: Maybe we need to see
24 how many others are missing.

25 MR. JIM RODRIGUEZ: We have two so far.

Page 53

1 MR. MARK HILDEBRAND: You're out Jim?

2 MR. JIM RODRIGUEZ: Yeah, I'm in
3 Washington.

4 CHAIRMAN DUANE WINEGARDNER: And I will be
5 in Europe.

6 MS. SHELLIE CHARD: We will have Mark
7 maybe poll all of the council members. We do have
8 the restraint on us that we meet at least so many
9 days prior to the board meetings, so we will have to
10 see what we can work around their schedule as well.
11 That is how we got bumped up into September, was
12 when the board set their meeting that pushed us to
13 an earlier meeting than our normal time. So maybe
14 Mark will send out some possible dates and we will
15 see what we need to do. And what would happen is we
16 would -- the Chair would need to cancel this
17 meeting, and then we would call a special meeting,
18 in order to make a move. That is a paperwork
19 exercise on our part, but things will look a little
20 different when we do that.

21 CHAIRMAN DUANE WINEGARDNER: Good. Good.

22 MR. MARK MATHIESON: Shellie, isn't it true
23 that a regular meeting, if it's canceled more than
24 ten days in advance can be rescheduled without
25 having to call a special meeting, under the Open

1 Meeting Act?

2 MS SHELLIE CHARD I don't know if that

3 works for us or not Betsy -- the lawyers will

4 figure out. And it will happen the way it's

5 supposed to happen and notices will be posted the

6 right number of days a head of time, and the

7 protocol statement might look different But as far

8 as business goes, we will get it done

9 MR. MARK HILDEBRAND We may be able to

10 get Jeff to round everybody up here.

11 MR. JIM RODRIGUEZ Okay No other

12 recants?

13 CHAIRMAN DUANE WINEGARDNER: Are there any

14 other items of notice that we need to discuss? And

15 if not, I will entertain a motion to adjourn

16 MR. JON NELSON: So moved.

17 MR. JIM RODRIGUEZ: Second.

18 CHAIRMAN DUANE WINEGARDNER: Moved and

19 seconded.

20 MS QUIANA FIELDS: Mr. Carr?

21 MR. ROBERT CARR: Yes.

22 MS QUIANA FIELDS: Mr. Duzan?

23 MR. BRIAN DUZAN: Yes

24 MS QUIANA FIELDS: Mr. Matheson?

25 MR. MARK MATHESON: Yes.

1 MS QUIANA FIELDS: Mr. Nelson?

2 MR. JON NELSON: Yes

3 MS QUIANA FIELDS: Mr. Rodriguez?

4 MR. JIM RODRIGUEZ: Yes

5 MS QUIANA FIELDS: Mr. Short?

6 MR. JEFFREY SHORT: Yes

7 MS QUIANA FIELDS: Mr. Sowers?

8 MR. STEVE SOWERS: Yes

9 MS QUIANA FIELDS: Ms. Wells?

10 MS DEBBIE WELLS: Yes

11 MS QUIANA FIELDS: Mr. Winegardner?

12 CHAIRMAN DUANE WINEGARDNER: Yes Thank

13 you very much. The meeting is adjourned

14 (Meeting adjourned at 3:08 p.m.)

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE

1

2

3 STATE OF OKLAHOMA)

4) SS:

5 COUNTY OF OKLAHOMA)

6 I, SHERRY JONES, a certified shorthand

7 reporter within and for the State of Oklahoma,

8 certify that meeting of Department of

9 Environmental Quality Water Quality Management

10 Advisory Council, was taken by me in stenotype

11 and thereafter transcribed by computer and is a

12 true and correct transcript of the meeting;

13 that the meeting was taken on the 25th day of

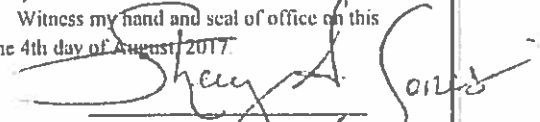
14 July, 2017, in Oklahoma City, Oklahoma; that I

15 am not an attorney for or a relative of any

16 party, or otherwise interested in this action.

17 Witness my hand and seal of office on this

18 the 4th day of August, 2017.



19

20

21 SHERRY A. JONES, CSR

Oklahoma CSR No. 01345

Expires Dec. 31, 2017

22

23

24

25

Sherry A. Jones

State of Oklahoma

Certified Shorthand Reporter

CSR # 1345

Certificate Expires 12-31-17



**WATER QUALITY MANAGEMENT
ADVISORY COUNCIL**

Attendance Record

July 25, 2017

**Department of Environmental Quality
Oklahoma City, Oklahoma**

CHECK BOX TO COMMENT

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

<u>NAME</u> and/or <u>AFFILIATION</u>	<u>Address</u> and/or <u>Phone</u> and/or <u>E-Mail</u>
Shelli Chard DEQ	
Inaci Kelly DEQ	
Duane Wingardner	
Olivia Fields DEQ	
Jon Nelson WQMAC	jon.nelson@tefrtech.com
Terry Lyhane DEQ	terry.lyhane@deg.ok.gov
Hillary Young DEQ	hillary.young@deg.ok.gov
Sue Ann Neeley OMC	sannee@omc.org
Stephen Bridgic DEQ	
Hebbie Wells WQMAC member	
Bud Ground EFD	
MIKE MATHIS CONTINENTAL	MIKE.MATHIS@CLR.COM
CHRIS ARMSTRONG DEQ	
Brian Duran GCT	
Jeff Everett OGE	everetj@eoge.com
Betsy Straul DEQ	
Lee Dooley DEQ	
JASON CHILDRESS OGE	
Jeremy Blodgett OGE	
Les Warner OGE	
Travis Couch DEQ	
Patty Thompson DEQ	
Steve Landers GP	

