

**REGULAR MEETING AGENDA
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY MANAGEMENT ADVISORY COUNCIL**

Please silence all cell phones

A Public Meeting: January 9, 2024, at 2:00 pm
Department of Environmental Quality

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

- 1. CALL TO ORDER – Brian Duzan**
- 2. ROLL CALL – Quiana Fields**
- 3. APPROVAL OF MINUTES FROM THE SEPTEMBER 26, 2023, MEETING**
- 4. SELECTION OF THE VICE-CHAIR – Brian Duzan**
 - A. Nominations**
 - B. Discussion**
 - C. Vote**
- 5. SELECTION OF THE CHAIR – Newly Elected Vice-Chair**
 - A. Nominations**
 - B. Discussion**
 - C. Vote**
- 6. PERMANENT RULEMAKING OAC 252:690 – “WATER QUALITY STANDARDS IMPLEMENTATION”**

DEQ staff is proposing to: revoke this rule. Chapter 690 contains the Water Quality Standards Implementation Plan (WQSIP) recently enacted as part of the transfer of authority over Oklahoma Water Quality Standards (OWQS) from the Oklahoma Water Resources Board to the Department of Environmental Quality. Because agency rules already contained elements of a WQSIP prior to assuming responsibility for the OWQS, the proposed changes to this chapter are intended to streamline agency rules by combining the contents of Chapter 690 with the other WQSIP provisions found in Chapters 606 and 611. Applicable portions of Subchapter 1, titled “Introduction”, Subchapter 5, titled “Groundwater Protection”, and Subchapter 7, titled “Water Quality Standards Implementation Plan, Oklahoma Department of Environmental Quality” are proposed to be incorporated into Chapter 611. Applicable portions of Subchapter 1, titled “Introduction”, Subchapter 3, titled “Point Source Discharges” and Appendices B, C, D, E, F, G,

H, I and J are proposed to be incorporated into Chapter 606. As a result of the incorporation of these subchapters into different parts of the agency's rules, Chapter 690 is proposed to be revoked in its entirety.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

7. PERMANENT RULEMAKING OAC 252:606 – “OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS”

DEQ staff is proposing to: update the rule to streamline the Department of Environmental Quality (DEQ) rules as part of a proposal to transfer existing regulations from OAC 252:690 into this chapter. As part of the proposed agency rule changes, OAC 252:690 will be revoked and the provisions in OAC 252:690 dealing with point source discharges will be merged into OAC 252:606, resulting in new Subchapter 6, and Appendices H through P. This will consolidate the technical permitting rules for point source discharges into one rule, OAC 252:606. Changes are proposed to both Subchapter 6 to correct references and streamline language and to the Appendices A, B, C, E, F, and G to correct minor typographical and formatting errors, and to replace references to “the DEQ” to simply “DEQ”, to be consistent with the agency’s other regulations.

Additional proposed changes to Appendix A replace “Fecal Coliform” in Tables 1-1, 1-2 and 1-3 with “Fecal Indicator Bacteria”, corrects effluent flow monitoring frequency in Table 1-1 for facilities discharging over one million gallons per day and adds Total Phosphorus as a control test in Table 1-3. Minor formatting changes are also proposed for the Appendices H, I, J, K, L, M, N, O and P. A recommended change to Table H-1, titled “Priority and Nonpriority Pollutants with Numerical Criteria Requiring Reasonable Potential Screening” consists of replacing Total Arsenic with Arsenic III.

The Department also proposes to update its rules concerning the date of incorporation by reference for the Code of Federal Regulations from July 1, 2022, to July 12, 2023. One final regulatory change included in this update consisted of the U.S. Environmental Protection Agency (EPA) finalizing clarifications to its National Pollutant Discharge Elimination System (NPDES) Stormwater Phase II regulations due to recent changes made by the Census Bureau. Another rule change was made to 40 CFR Part 423, the Steam Electric Power Generating Point Source Category, to extend the date for existing coal-fired power plants to submit a notice of planned participation (NOPP) for the permanent cessation of coal combustion subcategory in the 2020 Steam Electric Reconsideration Rule from October 13, 2021, to June 27, 2023.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

8. PERMANENT RULEMAKING OAC 252:611 – “GENERAL WATER QUALITY”

DEQ staff is proposing to: update the rule to streamline agency rules. As part of the proposed agency rule changes, OAC 252:690 will be revoked and the provisions in OAC 252:690 dealing with groundwater protection will be included in OAC 252:611 and merged with the existing rules. Specifically, OAC 252:690 Subchapter 5, titled “Groundwater Protection”, and Subchapter 7, titled “Water Quality Standards Implementation Plan” will be incorporated into OAC 252:611 as Subchapters 7 and 9, respectively. Many of the definitions from OAC 252:690 are being incorporated into this chapter. Proposed changes to the text and incorporated subchapters are intended to clarify rule language. Additionally, the Department proposes to correct minor typographical and formatting errors, and to update identifying nouns, such as replacing references to "the DEQ" to simply "DEQ," to be consistent with the agency's other regulations.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

9. PERMANENT RULEMAKING OAC 252:628 – “INDIRECT POTABLE REUSE FOR SURFACE WATER AUGMENTATION”

DEQ staff is proposing to: update the rule to replace references to OAC 252:690 with references to OAC 252:606 in connection with a contemporaneous proposal to relocate rules from OAC 252:690 to OAC 252:606.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

10. PERMANENT RULEMAKING OAC 252:641 – “INDIVIDUAL AND SMALL PUBLIC ONSITE SEWAGE TREATMENT SYSTEMS”

DEQ staff is proposing to: update the rule to (1) clarify the credentials required for soil profile certification, (2) update general provisions for septic tanks to include a permanently affixed data plate, (3) incorporate the use of a riser safety screen system or factory-supplied concrete manhole lid in all inlet cleanouts, (4) establish septic tank size of 500 gallons for small public sewage facilities with flows of one hundred (100) gallons or less, (5) raise the approvable limit associated with the Biochemical Oxygen Demand (BOD) to 2.5 pounds per day for aerobic systems, (6) remove Low Pressure Dosing (LPD) systems, (7) increase the surety bond requirements for Certified Installers and Certified Soil Profilers, and (8) address formatting issues for Appendices.

- A. Presentation – Nicholas Huber
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

11. PERMANENT RULEMAKING OAC 252:645 – “SEPTAGE PUMPERS AND TRANSPORTERS”

DEQ staff is proposing to: update the rule to (1) clarify the definition of sewage, (2) update license requirements to include a driver certification, an exam fee, and an increase in renewal hours, (3) require a surety bond for license holders, (4) require an additional safety measure for storage tanks, (5) require the submission of land application and treatment records, and (6) update land application requirements for the removal of non-biodegradable material.

- A. Presentation – Nicholas Huber
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

12. PERMANENT RULEMAKING OAC 252:730 – “OKLAHOMA’S WATER QUALITY STANDARDS”

DEQ staff is proposing to: 1) revise Section 252:730-1-1 to update statutory references to the agency's legal authority over water quality standards, 2) revise Section 252:730-1-2 to combine or eliminate duplicative definitions, and 3) correct formatting and typographical errors throughout the chapter and replace references to OAC 252:690 with references to OAC 252:606 as part of a plan to streamline and consolidate rules that will result in OAC 252:690 being revoked. The agency proposes to revoke and re-enact revised versions of Appendices A, B, E, F, and H to make minor updates.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

13. PERMANENT RULEMAKING OAC 252:740 – “IMPLEMENTATION OF OKLAHOMA’S WATER QUALITY STANDARDS”

DEQ staff is proposing to: revise by combining or eliminating duplicative definitions, correct typographical errors, and make minor formatting corrections and changing Section 252:740-15-3 to replace a reference to an outdated EPA directive on quality assurance methods with a reference to the latest equivalent EPA directive issued in July 2023.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

14. DISCUSSION OF RULEMAKING FOR THE APRIL 30, 2024 WQMAC MEETING

A. OAC 252:301 “LABORATORY ACCREDITATION”

- A. Presentation – Susan Mensik
- B. Discussion by the Council
- C. Discussion by the Public

B. OAC 252:302 “FIELD LABORATORY ACCREDITATION”

- A. Presentation – Susan Mensik
- B. Discussion by the Council
- C. Discussion by the Public

C. OAC 252:307 “TNI LABORATORY ACCREDITATION”

- A. Presentation – Susan Mensik
- B. Discussion by the Council
- C. Discussion by the Public

15. DIRECTOR'S REPORT – Shellie R. Chard

16. NEW BUSINESS

Only those matters not known about and which could not have been reasonably foreseen at the time of the posting of this agenda shall be discussed at this time.

17. ANNOUNCEMENTS

Next Scheduled Meeting

18. ADJOURNMENT

Should you have a disability and need an accommodation, please notify Brian Clagg of the DEQ three days in advance at (405) 702-8118.