MINUTES
WATER QUALITY MANAGEMENT ADVISORY COUNCIL
January 12, 2016
Oklahoma Department of Environmental Quality
Multipurpose Room
Oklahoma City, Oklahoma

Official WQMAC
Approved at August 9, 2016 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 20, 2015. 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
Mike Paque
Jim Rodriguez
Jeff Short
Steve Sowers
Duane Winegardner

DEQ STAFF PRESENT
Shellie Chard-McClary
Chris Armstrong
Carl Parrott
Mark Hildebrand
Scott Cordell
Betsey Streuli
Jennifer Boyle
Michelle Wynn
Terry Lyhane
Patty Thompson
Courtney Carter
Lloyd Kirk
Martha Penisten
Sharon Smith
David Caldwell
Jamie Henson
Quiana Fields

MEMBERS ABSENT
Debbie Wells
Terry Wyatt

OTHERS PRESENT
Lynette Wrany, Court Reporter

Approval of Minutes from the October 13, 2015 Meeting – Mr. Winegardner called for a motion to approve the Minutes of the October 13, 2015 Regular Meeting. Mr. Carr moved to approve and Mr. Short made the second.

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See transcript pages 3 – 6

Abstain
Yes
Yes
Yes

1
ELECTION OF THE VICE-CHAIR – Mr. Paque moved that the Chair and Vice-Chair be re-elected for one more term by acclamation. Mr. Sowers made the second.

See transcript pages 6 – 7

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PERMANENT RULEMAKING – OAC 252:606 – OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS – Mr. Mark Hildebrand, Environmental Programs Manager of the WQD, stated that the Department is proposing to update the date of the incorporation by reference of federal rules from July 1, 2014 to July 1, 2015. The most significant federal rules to be incorporated are the cooling water intake rule, and the sufficiently sensitive method rule (SSMR). The cooling water intake rule is intended to protect aquatic life (for example fish and shellfish) from becoming entrapped in the filtration screen of an intake structure or from being taken into the cooling water system. The SSMR is intended to allow for detection of pollutants at levels that will be a more accurate indication of compliance with water quality standards. Hearing no discussion by the Council or the public, Mr. Winegardner called for a motion. Mr. Rodriguez moved to approve and Mr. Paque made the second.

See transcript pages 7 – 11

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PERMANENT RULEMAKING – OAC 252:626 – PUBLIC WATER SUPPLY CONSTRUCTION STANDARDS – Mr. Hildebrand stated that the Department is proposing to:
- add definitions for “25-year flood,” and “100 year flood”; clarify the definition for “CT,”; “Community water system,” “Minor water system” and “Public Water Supply system” to be consistent with other DEQ and federal regulations; add language requiring maps, site plans, and schematic layout of treatment facilities with engineering reports; clarify the requirement for standby power and elevated storage to be based off peak hourly demand; add a requirement for a concrete splash pad outside the wellhouse where blow-off valve discharges; add a requirement that filters be equipped to indicate or otherwise measure head loss; add a requirement that each filter unit indicate the instantaneous rate of flow; clarify the requirement that mechanical dewatering of residuals be constructed in accordance with OAC 252:656-19-5(3)(4) and (5); clarify the requirements for residual lagoons; add a requirement that plant outfalls be designed and constructed in accordance with OAC 252:656-9-3 when wastewater is discharged; and other minor clarifications. The proposed amendments are primarily intended to improve the operation and maintenance of all public water systems in the state and to improve the safety of drinking water provided to the citizens of Oklahoma. Following discussion by the Council and none by the public, Mr. Winegardner called for a motion. Mr. Nelson moved to approve and Mr. Matheson made the second.

See transcript pages 12 – 20

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PERMANENT RULEMAKING – OAC 252:631 – PUBLIC WATER SUPPLY OPERATION – Mr. Hildebrand stated that the Department is proposing to: replace “Laboratory Certification” with “Laboratory Accreditation,” rules; clarify the definitions for “maximum contaminant level,” “maximum residual disinfectant level,” “primary drinking water standards,” “public water supply system,” “community water system,” “non-community water system,” “non-transient non-community system,” and “minor water system”; update the rules concerning the date of the incorporation by reference of certain federal regulations from July 1, 2014, to July 1, 2015; add language incorporating Subparts S and Y of the Microbiological standards in accordance with 40 CFR Section 141.63; replace “Turbidity” with “Filtration, disinfection, and enhanced treatment” standards in accordance with 40 CFR Sections 141.73 and 141.173; add “lead, copper, and corrosivity standards” in accordance with 40 CFR Part 141. Subpart I: replace “Coliform” with “Microbiological” requirements in accordance with 40 CFR Section 141. Subparts S and Y; add enhanced treatment requirements in accordance with 40 CFR Sections 141.74 and 141.174, Subparts I and W; add Subparts U and V in accordance with 40 CFR, Part 141; clarify the requirements for laboratory accreditation, emergency notification requirements, and validation of data to be consistent with federal requirements and (10) other minor clarifications. The proposed changes will have minimal effect on the regulated community as they are largely clarifications. The referenced rules have already been adopted in previous rulemakings, and the additional listing of headings and subparts in this rulemaking is simply intended to make those rules easier to identify and locate. Hearing no discussion by the Council or the public, Mr. Winegardner called for a motion. Mr. Rodriguez moved to approve and Mr. Short made the second.

PERMANENT RULEMAKING – OAC 252:690 – WATER QUALITY STANDARDS IMPLEMENTATION – Mr. Hildebrand stated that the Department is proposing to delete the term “CFU [colony forming units]” from this rule, which will allow the permit holder to choose from additional methods for bacteria testing and is in accordance with changes to Oklahoma’s Water Quality Standards made by the Oklahoma Water Resources Board; update the date of incorporation by reference of federal rules from July 1, 2014 to July 1, 2015, which will include the cooling water intake rule and the sufficiently sensitive method rule (SSMR) update for tests performed on wastewater effluent; revoke “Appendix B Priority and Nonpriority Pollutants with Numerical Criteria Requiring Reasonable Potential Screening” and replace with an amended version of Appendix B that includes updated minimum quantifiable levels (MQLs) for measuring the presence and level of various pollutants in wastewater discharges. DEQ has determined that updating the MQLs is the least burdensome way of implementing the SSMR for both DEQ and the regulated community. The SSMR is included in the proposed incorporation by reference as well as the incorporation by reference proposed in the rulemaking for OAC 252:606 and is intended to allow detection of pollutants at levels that will give a more accurate indication of
compliance with water quality standards. Following discussion by the Council and none by the public, Mr. Winegardner called for a motion. Mr. Duzan moved to approve and Mr. Sowers made the second.

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**DIRECTOR’S REPORT** – Ms. Chard-McClary provided an update on other division activities.  
*See transcript pages 32 – 41*

**NEW BUSINESS** – None

**ANNOUNCEMENTS** – The next scheduled meeting is on Tuesday, May 3, 2016, 2:00 p. m. at DEQ.

**ADJOURNMENT** - The meeting was adjourned at 3:00 p.m.

Transcripts and Attendance Sheet are attached as an official part of these Minutes.
** LOWERY & ASSOCIATES, INC. **
(405) 319-9990

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<td>REGULAR MEETING</td>
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** JANUARY 12, 2016 - 2:00 P.M. **

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

Reported by Lynette H. Wrany, C.S.R., #1167

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1. Call to order - 2:00 P.M.
   1. MR. WINEGARDNER: It’s now 2:00 o’clock. I’d like to encourage you to complete your conversation and have a seat, please.
   2. Thank you all for coming today. Welcome to the regular meeting of the Water Quality Management Advisory Council. And I’d like to call this meeting to order.
   3. And prior to calling it formally to order.
   4. Some of you apparently have not yet been able to get ahold of a copy of all of the paperwork for the meeting today, and there is more being printed that will be back there on the table very shortly.
   5. Okay, I will read the protocol statement.
   6. This regular meeting of the Water Quality Management Advisory Council was called in accordance with the Open Meeting Act.
   7. Notice for this January 12th, 2016 meeting was filed with the Secretary of State on October 20th, 2015. The Agenda was duly posted at DEQ at least twenty-four hours prior to the meeting.
   8. 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 the meeting which is continued may be discussed at the continued or reconvened meetings.
   9. May we have the roll call, please.
   10. MS. QUIANA FIELDS: Mr. Carr?
   11. MR. CARR: Here.
   12. MS. QUIANA FIELDS: Mr. Duzan?
   13. MR. DUZAN: Here.
   14. MS. QUIANA FIELDS: Mr. Matheson?
   15. MR. MATHESON: Here.
   16. MS. QUIANA FIELDS: Mr. Nelson?
   17. MR. NELSON: Here.
   18. MS. QUIANA FIELDS: Mr. Paque?
   19. MR. PAQUE: Present.
   20. MS. QUIANA FIELDS: Mr. Rodriguez?
   21. MR. RODRIGUEZ: Here.
   22. MS. QUIANA FIELDS: Mr. Short?
   23. MR. SHORT: Here.
   24. MS. QUIANA FIELDS: Mr. Sowers?
   25. MR. SOWERS: Here.
   26. MS. QUIANA FIELDS: Ms. Wells is absent. Ms Wyatt is absent.
   27. MS. QUIANA FIELDS: Mr. Winegardner?
   28. MR. WINEGARDNER: Here.
WQMAC Meeting 1/12/2016

1. MS. QUIANA FIELDS: We have a quorum.
2. MR. WINEGARDNER: Thank you.
3. The next item on the Agenda is the approval of the minutes from the October 13th, 2015 minutes.
4. MR. CARR: Move approval.
5. MR. SHORT: Second.
6. MR. WINEGARDNER: Okay. Is there discussion from the Council? If not, we'll call the roll.
7. MS. QUIANA FIELDS: Mr. Carr?
8. MR. CARR: Yes.
9. MS. QUIANA FIELDS: Mr. Duzan?
10. MR. DUZAN: Yes.
11. MS. QUIANA FIELDS: Mr. Matheson?
12. MR. MATHESON: I abstain.
13. MS. QUIANA FIELDS: Mr. Nelson?
14. MR. NELSON: I have to abstain.
15. MS. QUIANA FIELDS: Abstain?
16. MR. NELSON: Abstain.
17. MS. QUIANA FIELDS: Mr. Paque?
18. MR. PAQUE: Yes.
19. MS. QUIANA FIELDS: Mr. Rodriguez?
20. MR. RODRIGUEZ: Abstain.
21. MS. QUIANA FIELDS: Mr. Short?
22. MR. SHORT: Yes.
23. MS. QUIANA FIELDS: Mr. Sowers?
24. MR. SOWERS: Yes.
25. MS. QUIANA FIELDS: Mr. Winegardner?
26. MR. WINEGARDNER: Yes.
27. MS. QUIANA FIELDS: Motion passed.
28. MR. WINEGARDNER: Thank you very much. Okay. Now we will proceed on to the permanent rulemaking discussions. And this one is from OAC 252:606, the Oklahoma Pollution (sic) Discharge Elimination System Standards.
29. MR. PAQUE: Turn this on. You'd think I'd know how to do this.
30. MR. MARK HILDEBRAND: Hi, I'm Mark Hildebrand. I'm an Environmental Program Manager for the Water Quality Division.
31. And today we have four chapters of rule that we are proposing changes to: Chapter 606, 626, 631 and Chapter 690. And at -- prior to bringing these rules to you, we generally have public meetings to go over these with all of our interested parties that are on our mailing list. And if anybody in the audience would be interested in getting on that mailing list, we'd love to have you on there so you can be a part of this informal process prior to the rules being public noticed.
32. But we had one on November 17th here in Oklahoma City and then we had a meeting on November 18th in Tulsa to go over these. We hold these just to get everybody's opinion and to vet it with our stakeholders that are interested in these things. And we always get good suggestions on wording and things that we incorporate each time.
33. And we feel like, as a result of these, it helps eliminate formal comments during the comment period. And this year we didn't receive any formal comments on any of these rules. written comments. So I'll go ahead and get into Chapter 606. For Chapter 606, Oklahoma Pollutant Discharge Elimination Standards, the Department is proposing to update the date of incorporation by reference of the federal rules from July 1 of 2014 to July 1 of 2015.
1 And there are some significant changes in these rules that are incorporated.
2 And two of the federal rules, the first is the cooling water intake rule, which is intended to protect aquatic life from being entrapped or taken into cooling water systems. And as a part of this, when we knew this was coming down the line, we — our staff has tried to have outreach with each of our power plants that were going to be affected by this rule and just give them a heads up and technical assistance so that they could be prepared for what’s coming down the pile on this federal rule.
3 And I believe that the earliest things that have to be done are in 2018 in various ways to address this rule. And that should be who it affects here in Oklahoma, is primarily a lot of our large power plants.
4 And then we also have the sensitive —
5 Sufficiently Sensitive Method Rule, which I'm going to start calling the SSIMR from here on so I don't get tongue tied. And this is intended to allow for detection of pollutants at levels that will be more accurate indication of Water Quality Standards. And we will primarily discuss this in Chapter 690 discussion, because that's how we plan on implementing this method rule in Oklahoma.
6 And that's really all we have on Chapter 606.
7 And as I mentioned just a minute ago, we didn't receive any formal comments on this rule.
8 
9 MR. WINEGARDNER: Is there some discussion or concerns of the Council on these things?
10 MR. RODRIGUEZ: Is there any discussion that the public would wish to bring forward to us now on this rule?
11 Okay. Without that, without any discussion, I suppose that it's time to entertain a motion.
12 MR. RODRIGUEZ: I move we accept the rule as written.
13 MR. WINEGARDNER: Thank you.
14 MR. PAQUE Second.
15 MR. SHORT Second.
16 MR. WINEGARDNER: Thank you.
17 MS. QUIANA FIELDS: Mr. Carr?
18 MR. CARR: Yes.
19 MS. QUIANA FIELDS: Mr. Duzan?
20 MR. DIZAN: Yes.
21 MS. QUIANA FIELDS: Mr. Matheson?
22 MR. MATHESON: Yes.
23 MS. QUIANA FIELDS: Mr. Nelson?
24 MR. NELSON: Yes.
25 MS. QUIANA FIELDS: Mr. Paque?

1 MR. PAQUE: Yes.
2 MS. QUIANA FIELDS: Mr. Rodriguez?
3 MR. RODRIGUEZ: Yes.
4 MS. QUIANA FIELDS: Mr. Short?
5 MR. SHORT: Yes.
6 MS. QUIANA FIELDS: Mr. Sowers?
7 MR. SOWERS: Yes.
8 MS. QUIANA FIELDS: Mr. Winegardner?
9 MR. WINEGARDNER: Yes.
10 MS. QUIANA FIELDS: Motion passed.
11 MR. WINEGARDNER: Thank you very much.
12 Okay. Mark. lead us through 626.
13 MR. MARK HILDEBRAND: Okay. On — is this on? We’ve got some extra —
14 MS. SHELLIE CHARD-McCLARY: You need to turn off at least one of the —
15 MR. MARK HILDEBRAND: This one right here.
16 MS. SHELLIE CHARD-McCLARY: There you go.
17 Okay.
18 MR. MARK HILDEBRAND: If anybody needs a copy of this rule, Sharon’s got some extra copies. I know she’s going around, but let us know.
19 To start this off, I just want to make a quick announcement on one of our rulemaking documents, that we made an amendment to a Rule Impact Statement for this chapter today on Item 11. We had — we changed it to include the possibility of other state agencies may incur costs as a result of this rule. If they run — if they operate a public water supply system and do some construction on there, it may be an additional cost for them at this point. And some examples of that would be Department of Corrections may have something, and same way with, like, Tourism in state parks and things.
20 But we overlooked that initially and we can amend it and we did that today. And originally it was said that there would be no economic impact on any other state agency. So we just wanted to go ahead and correct that. And so, I wanted to share that with you.
21 Okay. For Chapter 626, Public Water Supply Construction Standards, the Department is proposing to add definitions for “25-year flood” and “100-year flood”; clarify definitions for “CT,” “Community water system,” “Minor water system” and “Public water system”; add language requiring that maps site plans, and schematic layouts of treatment facilities are submitted with engineering reports. And we did this on Chapter 656 at this time last year.
22 And then also requirement to add a concrete

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WQMAC Meeting 1/12/2016

1. splash pad outside of a wellhouse where a blow-off
2. valve discharges, to add a requirement that filters be
3. equipped to indicate or otherwise measure head loss;
4. and that each filter unit indicate the instantaneous
5. rate of flow, to clarify the requirement that
6. mechanical dewatering of residuals should be
7. constructed in accordance with Chapter 656, to clarify
8. construction requirements for residuals lagoons; to
9. add a requirement that plant outfall be designed and
10. constructed in accordance with Chapter 656 when
11. wastewater is discharged, and other minor
12. clarifications.
13. And DEQ received no formal comments on this
14. chapter. However, during our informal public meeting
15. it was suggested that Minor water system be removed
16. from the Public water supply definition. So we
17. agreed with that and moved that out and put the Minor
18. water supply definition in as a stand-alone definition
19. there.
20. MR. WINEGARDNER: All right. Thank you.
21. Are there comments, concerns from the Council?
22. Just a quick comment. These in general seem
23. to be pretty reasonable. I mean, I have seen many
24. public water supply systems where the well has no
25. gravel or concrete splash pads.

1. MR. MARK HILDEBRAND: Right.
2. MR. WINEGARDNER: That — and I think —
3. MR. MARK HILDEBRAND: And it’s just — this
4. mainly are just compilations of things staff noticed,
5. and has seen good and bad, and felt like we need to
6. add these to our standards. And, of course, we go
7. ahead and look at what other states are doing as well.
8. So we feel it’s all for a benefit and easier operating
9. plants and things like that.
10. MR. WINEGARDNER: Thank you.
11. MR. PAQUE: Let me ask you just a general
12. question. And I’m all in favor of it. Is this
13. something that would have been difficult to get
14. compliance with just by having a simple request? It
15. seems like just a good idea. And I understand the
16. motivation of putting it in here and it’s the right
17. thing to do. But it’s just a question.
18. MR. MARK HILDEBRAND: Well, no matter what,
19. we have some people that are — obviously will listen
20. to what we give them advice on and some people don’t,
21. because they don’t want to spend the money. Or we
22. thought of, like, EPA and we’re telling them what to
23. do, even if it’s just a suggestion. So —
24. MR. PAQUE: No, that’s fine. I just — it
25. seemed like a small economic matter to me. Maybe I’m

1. misunderstanding it. But --
2. MR. MARK HILDEBRAND: We don’t feel like
3. there’s a whole lot of economic, but there is a
4. possibility there is some.
5. MR. PAQUE: Yeah.
6. MR. MARK HILDEBRAND: But in the long term we
7. feel like it’s going to save the systems money to do
8. those changes.
10. MR. WINEGARDNER: Any other comments?
11. MR. NELSON: Mark, the only question I had
12. was the addition of the hourly to the peak demand
13. comment on the standby power. And I just — that —
14. that does kind of raise the standard for standby
15. facilities.
16. What’s the background on that? And is there
17. any consideration that that might be a bit draconian,
18. you know, given that we have a loss of power that we
19. may not really need to get to the peak hour of a
20. system in a peak demand period of a community? That
21. might affect some systems. But I wasn’t here at the
22. last meeting, so I didn’t hear the background. So —
23. MR. MARK HILDEBRAND: Well, Jon, I’ll
24. probably let Carl answer this. But I will say that
25. there is a whole bunch of systems in the last couple

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| Page 17 | 1 | see it. But -- so I just wanted to question it a  
| | 2 | little bit.  
| | 3 | MR. WINEGARDNER: Just, Mark, on the sheet  
| | 4 | that you have given us?  
| | 5 | MR. MARK HILDEBRAND: Yes.  
| | 6 | MR. WINEGARDNER: Back in there it says, "off  
| | 7 | peak hourly demand." Is that -- it was way back there  
| | 8 | on the Agenda page.  
| | 9 | MR. MATHESON: Well, I think it says to be  
| | 10 | based off of peak demand. Not the off peak demand.  
| | 11 | MR. WINEGARDNER: Based off. Okay. That was  
| | 12 | a little bit confusing. All right.  
| | 13 | MR. MARK HILDEBRAND: Right.  
| | 14 | MR. CARL PARROTT: Thanks, Mark.  
| | 15 | MR. WINEGARDNER: Okay. Any other comments  
| | 16 | from the Council?  
| | 17 | Any comments from the public?  
| | 18 | Okay. Then we will entertain a motion.  
| | 19 | MR. NELSON: I move approval.  
| | 20 | MR. WINEGARDNER: Thank you.  
| | 21 | MR. MATHESON: I'll second it.  
| | 22 | MR. WINEGARDNER: We have a moved and second.  
| | 23 | Okay. Please, call the roll.  
| | 24 | MS. QUIANA FIELDS: Mr. Carr?  
| | 25 | MR. CARR: Yes.  

| Page 18 | 1 | possibly.  
| | 2 | MR. MATHESON: Well, I'd like to comment on  
| | 3 | that a minute. If I may. For one thing that I see in  
| | 4 | the wintertime, a lot of these systems, especially the  
| | 5 | smaller systems, because a lot of the consumers leave  
| | 6 | their faucets dripping in the wintertime to keep pipes  
| | 7 | from freezing, their usage is higher sometimes during  
| | 8 | those periods than it is during the summer. So I  
| | 9 | don't have a problem with that peak hourly demand to  
| | 10 | help those systems keep up.  
| | 11 | MR. CARL PARROTT: Well, with the tomatoes  
| | 12 | and that type thing, too, it may be happening in a  
| | 13 | peak hour time frame as well. So, in our generation,  
| | 14 | our lack of generators in the state is a problem. And  
| | 15 | we definitely need to beef up our requirements for  
| | 16 | generators. And if you're not running your peak hour  
| | 17 | at the time and you don't need to have all those pumps  
| | 18 | on, well, it would carry over to be accessible for  
| | 19 | other uses within the planet, too. And we were --  
| | 20 | we're constantly having the question of, well, which  
| | 21 | peak demand is it. So we did need to address that.  
| | 22 | MR. NELSON: And I will admit that when you  
| | 23 | get into a summertime position -- condition with  
| | 24 | tomatoes and then you have the possibility of quite a  
| | 25 | bit of fire flow, and under that circumstance I can  

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Supply system,” “Community water supply system,” and “Minor water system,” and to update the rules concerning the date of incorporation by reference from July 1 of 2014 to July 1 of 2015; to add language incorporating Subparts S and Y of the Microbiological standards in accordance with 40 CFR Section 141.63; to replace “Turbidity” with “Filtration, disinfection, and enhanced treatment” in accordance with 40 CFR Sections 141.73 and 141.173, to add “Lead, copper and corrosivity standards” in accordance with 40 CFR Part 1141, Subpart I; to replace “Coliform” with “Microbiological” requirements in accordance with 40 CFR Section 141, Subparts S and Y — add enhanced treatment requirements in CFR Section 141, Subparts S and Y; and to add enhanced treatment requirements in accordance with 40 CFR Sections 141.74 and 141.147 (sic). Subparts T and W; and add Subparts U and V in accordance with 40 CFR, Part 141, and also to clarify requirements for laboratory accreditation and validation of data to be consistent with federal requirements, and this includes adding an emergency reporting of positive E. coli results; and then other minor clarifications.

And we received no formal comments on Chapter 631. However, during our public meetings, we had the 1 same comment on the removal of Minor Water Supply from the Public Water Supply definition, which we’ve incorporated. And it was also suggested that our original proposed language on emergency notification was too vague, so we discussed it there at the meeting and modified 631-3-2 to clarify that all positive E. coli results should be reported to us here at DEQ immediately by phone and e-mail, in case we need to deal with precautionary boil letters or mandatory boil letters or things like that to protect the public.

MR. WINEGARDNER: Okay. Questions, comments from the Council?

Any questions or comments from the public?

Hearing none, we’ll entertain a motion.

MR. RODRIGUEZ: I move we accept the rule as amended.

MR. WINEGARDNER: Thank you.

MR. SHORT: Second.

MR. WINEGARDNER: I have a second. So moved and seconded. Would you, please, call the roll?

MR. CARR: Yes.

MS. QUIANA FIELDS Mr. Duzan?

MR. DUZAN: Yes.

1 revoked rule, and then to update the incorporation of reference of federal rules from July 1, 2013 to July 1, 2015, and these significant changes include the incorporation of the cooling water intake rule and the SSMR rule. And the SSMR rule is intended to allow for detection of pollutants at levels that will be more accurate indication of water quality standards. To incorporate this DEQ has chosen to revoke "Appendix B, Priority and Nonpriority Pollutants with Numerical Criteria Requiring Reasonable Potential Screening" and replace with an amended version of this appendix that includes the minimum quantification levels for measuring the presence of various pollutants in wastewater discharges. And DEQ decided that this would be the least burdensome way to implement this rule that’s come down from our federal partners for both DEQ and the regulated community.

And as a result of this rule DEQ formed an internal work group here with our folks in Water Quality, as well as our State Environmental Lab. And we tried to figure out what were the reasonable MQLs. Mainly relied on the lab on a lot of this. And they had a big group of people, and really productive meetings, and we set a preliminary list of numbers, and most of which — some of which aren’t anywhere...
| 1  | And we did not receive any formal comments on  |
| 2  | Chapter 690.                                  |
| 3  | MR. WINEGARDNER: Okay. Comments from the      |
| 4  | Council?                                      |
| 5  | MR. DUZAN: In the November meeting at the     |
| 6  | City of Tulsa, I guess DEQ was in the process |
| 7  | or had                                       |
| 8  | Just sent their limits to the EPA Region and  |
| 9  | had                                         |
| 10 | the question was, were they going to accept    |
| 11 | them or                                      |
| 12 | are they going to say, no, we want lower      |
| 13 | limits. Has                                  |
| 14 | anything ever been heard back?               |
| 15 | MR. MARK HILDEBRAND: We met with them and we |
| 16 | didn’t — although I can’t say that we provided |
| 17 | these exact numbers, our staff has talked to  |
| 18 | EPA down                                     |
| 19 | In Region 6, a couple of their members at a   |
| 20 | big manager’s meeting, and told them our      |
| 21 | intention. And                                |
| 22 | they were at least on board with the concept,  |
| 23 | because some of the other states in Region 6,  |
| 24 | the big one                                  |
| 25 | south of us, I think they have adopted what   |
| 26 | Region 6                                     |
| 27 | has been trying to push us and EPA and Texas  |
| 28 | are both having troubles with labs that are   |
| 29 | able to even come to a conclusion            |
| 30 | pointing out.                                |
| 31 | So, I mean, could they change and tell us    |
| 32 | those numbers later? Possibly. But we think   |
| 33 | they’re kind of on board with our concept.   |
| 34 | And I don’t know                            |

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1  MR. WINEGARDNER: I find it interesting.
2  Mr. WINEGARDNER: I find it interesting.
3  Mark, your comment that the EPA lab was also having
4  problems.
5  MR. MARK HILDEBRAND: Well, I don't know that
6  the EPA lab is, but some of their staff have witnessed
7  the problems in these other states. And they're like,
8  well, you know, it's easy to say this can be done and
9  all this when you're dealing with, like Shellie said,
10  with clean water or distilled water and then
11  segregating it with some mercury. And you're able to
12  do that with a bunch of high-powered equipment in a
13  clean room.
14  But, anyway, I think I'm glad we pushed back
15  for all these years. And I hope — I think we got
16  something pretty manageable here. It's not — I mean.
17  It's going to — everybody knows that this is going to
18  cost some extra money for some parameters, and
19  sampling and stuff, but I think it could be a lot
20  worse for us and our regulated community.
21  MR. WINEGARDNER: Thank you. Further
22  comments?
23  MR. NELSON: Mark, are any of the proposed
24  standards actually lower than the federal standard?
25  MR. MARK HILDEBRAND: I can't say for sure.

1  I'm pretty sure we're at the federal standard and
2  higher.
3  MS. SHELLIE CHARD-McCLARY: Yeah. We applied
4  water quality standards criteria for as many of the
5  parameters that the Water Board had set standards.
6  And we determined that that was sufficiently
7  sensitive, rather than the numbers the EPA proposed.
8  Which were, in some cases, significantly lower than
9  that. But since, you know, our argument was that's
10  what we're testing for, is to meet water quality
11  standards, as far as I know, we don't have anything
12  that is more sensitive than EPA. And, in most cases,
13  we are above.
14  MR. CARL PARROTT: I might add the EPA Region
15  6 is the one that had been pushing this to this for at
16  least ten years and they had numbers. But the rule
17  itself doesn't really have numbers in it. It's — the
18  objective here is for us to get our numbers down low
19  enough where all the water quality standards, where we
20  can tell if there is reasonable potential for a water
21  quality standard to be violated. There were some of
22  these that were, arguably, maybe not low enough. Not
23  many.
24  But so that was our real goal, is to make
25  sure they're low enough that we could check to make

1  sure there wasn't reasonable potential for a water
2  quality standard to be violated and, at the same time,
3  not too low where our labs couldn't get it with
4  existing equipment or with some minor modification to
5  other equipment.
6  MR. WINEGARDNER: Thank you. Any other
7  comments from the Council? Comments?
8  Any comments from the public?
9  All right. With no comments, then a motion
10  would be in order.
11  MR. DUZAN: I make a motion we pass as
12  described.
13  MR. WINEGARDNER: Thank you.
14  MR. SOWERS: Second.
15  MR. WINEGARDNER: Second.
16  MS. QUIANA FIELDS: Mr. Carr?
17  MR. CARR: Yes.
18  MS. QUIANA FIELDS: Mr. Duzan?
19  MR. DUZAN: Yes.
20  MS. QUIANA FIELDS: Mr. Matheson?
21  MR. MATHESON: Yes.
22  MS. QUIANA FIELDS: Mr. Nelson?
23  MR. NELSON: Yes.
24  MS. QUIANA FIELDS: Mr. Paque?
25  MR. PAQUE: Yes.

1  MS. QUIANA FIELDS: Mr. Rodriguez?
2  MR. RODRIGUEZ: Yes.
3  MS. QUIANA FIELDS: Mr. Short?
4  MR. SHORT: Yes.
5  MS. QUIANA FIELDS: Mr. Sowers?
6  MR. SOWERS: Yes.
7  MS. QUIANA FIELDS: Mr. Winegardner?
8  MR. WINEGARDNER: Yes.
9  MS. QUIANA FIELDS: Motion passed.
10  MR. WINEGARDNER: Thank you.
11  MR. MARK HILDEBRAND: Thank you.
12  MR. WINEGARDNER: Thank you, Mark.
13  Shellie, would you like to address us?
14  MS. SHELLIE CHARD-McCLARY: Okay. Thank you
15  I had just a few things that I wanted to
16  touch on today. Kind of briefly talked a little bit
17  about emergency response, that we are still in the
18  midst, just kind of to give you guys a snapshot of
19  this most recent event.
20  Starting December 28th, we had 319 or 318
21  facilities that were impacted either from ice or
22  flooding. Forty-six of the 77 counties were
23  dramatically impacted. We have resolved 248 of those
24  in two weeks, some pretty significant. A lot of work
25  between the Environmental Complaints and Local
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1 Services Division, the Water Quality Division and then
2 the State Environmental Lab. A lot of samplings for
3 inundated wells and systems. A lot of talk about
4 standby power and generators over the last few weeks,
5 shifting those around. Who can borrow from who and
6 what we can bring in from out of state. That’s been
7 pretty significant.
8 To that effect, one of the things that we
9 have done with the drinking water SRS Program, which
10 we administer with the Water Board, we do the
11 engineering evaluation and then contract with the
12 Water Board to act as our banker. Lack of a generator
13 is one of the key points that will get a system moved
14 up on the list, because we have found that is so
15 important. So we have several systems that have been
16 able to get substantial funding for a project simply
17 by adding generators for the back up power. And we
18 found that some systems that historically go down
19 because of either the ice storms or that sort of
20 thing we’re not seeing that problem with the same
21 systems over and over, which has been very helpful.
22 We are in a time of constant rule proposals
23 and changes from EPA. The last year or two years in
24 administration particularly, where we had a situation
25 of a time-duck president, is how much can happen in

1 whatever window of time is left. We are seeing a lot
2 of activity on the drinking water and wastewater
3 front. How much of that will actually come to
4 fruition, you kind of never know. Things that you
5 think are important and have a lot of momentum
6 sometimes stop and go away and something else becomes
7 the one or the two that are going to happen.
8 One of the things that we knew was coming
9 that is finally here. and that is the Revised Total
10 Coliform Rule. It does impact every drinking water
11 system. It has some significant changes to monitoring
12 frequency. It has potential to have a real impact to
13 a lot of systems.
14 There is a flyer at the -- on the table
15 Feel free to take them, distribute them. We have a
16 list of when we’re doing training. It is an operator
17 certification renewal credit for the training, but it
18 will go through all of the revised sampling plans that
19 are required. the additional monitoring.
20 Consecutive systems or purchased water
21 systems and seasonal systems are going to see a lot of
22 charge. So if you’re affiliated with one of those or
23 know somebody who is, by all means, please, let them
24 know about this training. We’ll be working with the
25 Municipal League and the Water Association to get

1 information out about the training and what it’s going
2 to mean to those systems.
3 we also are hearing different conversations
4 with EPA, with things they’re looking at on the
5 drinking water side. We’ve had the revised lead and
6 copper rule that’s been talked about and been out
7 there for awhile. We expect that to keep moving.
8 That’s a tough one. That’s actually going into
9 peoples’ houses and you are evaluating issues with
10 plumbing and plumbing code as well as actual the
11 public water supply itself.
12 We also know we are going to be seeing
13 regulations on strontium. EPA made an early
14 regulatory determination on it. They have not
15 finished the last round of monitoring and compiling
16 data, but made the announcement that they would be
17 moving that one forward.
18 You know, the good news is, it’s, you know,
19 naturally occurring. The bad news is, it’s naturally
20 occurring in pretty much all of Oklahoma’s aquifers.
21 It’s not huge across the country. But
22 Garber-Wellington metals, we’ve also have some
23 strontiumshowing up there in a lot of the sample
24 locations in Oklahoma. So we’ll be seeing some
25 activity on that.

1 Wastewater side has been interesting. We
2 have been talking about the electronic reporting rule
3 for -- at one point I calculated back and it was
4 sometime in the late ‘90s when I started working on it
5 personally, not sure how much work went into it before
6 that. and it is now effective. It was signed in
7 December. We are working on trying to figure out how
8 we’re going to deal with it.
9 It’s in three phases. The first phase is
10 going to be a challenge. But the federal data system
11 can at least accept the reports that are required.
12 Now we’ve just got to make it so that systems can use
13 it.
14 Phases 2 and 3, the federal data system
15 cannot accept the data that’s required to be
16 submitted. I don’t know how that’s going to play out.
17 Obviously there will be either delays in that or there
18 will be updates to the federal data system and we’ll
19 have to figure that out and work our way through it.
20 But that’s definitely something that we’ll be talking
21 about. And next January that will be part of the
22 incorporation by reference that will be before you
23 We also are hearing a lot from EPA about the
24 NPDES program update rule. When I say we’re hearing a
25 lot about it, we’re hearing that it’s drafted, it’s
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1 gone to OMB, it's going to be reviewed, but we don't
2 know a lot about what's in it. Some of the things
3 that have been talked about are changes to the
4 criminal statutes of the Clean Water Act. More
5 violations would be criminal. There would be higher
6 criminal penalties.
7 The one good thing for Oklahoma, because we
8 were not delegated into until the '90s, we have most
9 of the federal language already included in our state
10 statute and in our rules there are a few things that
11 we would have to tweak.
12 Some concerning things that we've heard is
13 how EPA would treat permits that have reached their
14 expiration date but have been administratively
15 continued, that EPA would treat those
16 administratively-continued permits as draft permits
17 after some set amount of time. We don't know what
18 that time is. We've heard 12 months, we've heard 18
19 months, we've heard two years, which would basically
20 mean, instead of the state drafting a new permit, EPA
21 would review the existing permit and any comments or
22 questions they had on it, it would basically start the
23 clock as an EPA objection to the permit and then give
24 the state 90 days to address their issues or EPA could
25 federalize the permit.

Well, it's coming out of headquarters. We
2 know that. We know the region does not have any
3 interest in federalizing the permits under that rule.
4 They don't have the staff. They can't do it. It's
5 just an oddity and we're going to have to find our way
6 through it.
7 The Director of Office of Wastewater
8 Management at headquarters says the rule is coming
9 out. Okay. I don't know when. We'll see what it all
10 says. But that's one that could impact a lot of -- a
11 lot of Oklahoma.
12 Those are the big things. We're also hearing
13 for the first time some conversation between different
14 areas in the Office of Water and Headquarters on water
15 reuse, both potable and -- or direct potable and
16 indirect potable.
17 We're also hearing, oh, we want to help you
18 find your way through this. I think every state can
19 have its own approach based on their own specific
20 conditions. So I think that one is going to be
21 interesting to watch and see what happens as they move
22 forward.
23 And one of the other big things in water is
24 the Governor announced at the Governor's Water
25 Conference the new Produced Water Group Task

1 Force. I'm not sure exactly what they're called.
2 Representatives from the various agencies and various
3 sectors across the state, there is oil and gas
4 representatives, all kinds of other business and
5 industry looking at what are some options, what can we
6 do with produced water, kind of in the vein of drought
7 resiliency, protecting water future for the state. So
8 that will be ongoing.
9 I think Mike Paige has been asked to serve on
10 that. So I'm sure we'll have more information on that
11 as we move through the next few months, as Mike hides
12 over there like, please don't make me.
13 So with that, I will stop. Those are kind of
14 the big things. Budget is going to be interesting.
15 All you have to do is read the paper to know that. I
16 can't tell you any more about it than that. We'll
17 kind of find our way through it. And usually it's
18 late April, May before we really know a whole lot.
19 So with that, I will stop and answer any
20 questions anybody has.
21 MR. PAQUE: I have one question. When you
22 talk about OPDES and NPDES and the review of the
23 administrative extensions, you said 90 days. Is that
24 firm or is that what you're hearing? Because that's
25 not realistic.

MS. SHELLIE CHARD-McCLARY: That is the
1 actual timetable. That's how it works now. It's
2 usually -- we will get -- I can think of one formal
3 objection that we have had in the last five years.
4 That's how infrequently it happens now.
5 MR. PAQUE: Okay.
6 MS. SHELLIE CHARD-McCLARY: That's under the
7 current system. If we do this funky thing with the --
8 the proposed rule, if what the rumor says it is, I
9 think headquarters will be leaning on the regions to
10 do it, and I think the region, or at least our region.
11 will be looking at ways to not do it so that,
12 hopefully, it would be limited.
13 If you are going through a normal process
14 where the state has drafted the permit and sent it for
15 review. Most of the time, you know, we get a few
16 questions, a few comments, it's handled by phone, it's
17 handled by e-mail, and it just gets worked out because
18 it's not a big deal.
19 But if it is something where a permit expired
20 6 1/2 years ago, the water quality standards have
21 changed. there's some new federal requirement that
22 applies to that facility, 90 days is not realistic or
23 doable. But under normal circumstances it is very
24 doable.

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1 MR. PAQUE: Okay. Well, that's good to hear.
2 But is there a provision that 90 days can be waived or
3 extended administratively?
4 MS. SHELLIE CHARD-McCLARY: No, but sometimes
5 the state and the regions play nice and we kind of,
6 you know, we work it out. But we would never violate
7 federal law.
8 MR. WINEGARDNER: Okay. Any comments? Any
9 other comments from the Council?
10 And I have absolutely no new business. No
11 business has been brought before me, and it's not on
12 the Agenda, so we couldn't discuss it anyways.
13 And the next meeting we have is on May 3rd, 2016 in this room.
14 Are there other announcements that the
15 Council should be aware of? If not, I'll then -- I
16 will adjourn the meeting. This is probably one of the
17 shortest meetings we've ever had. Thank you.
18 Meeting Adjourned - 3:00 P.M.
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25

** CERTIFICATE **
2 STATE OF OKLAHOMA  
) SS. 
3 COUNTY OF 
)  
4 I, Lynette Wrany, a Certified Shorthand Reporter  
5 within and for the State of Oklahoma, do hereby 
6 certify that I reported all the foregoing meeting, and  
7 that I later reduced it to typewritten form, as the 
8 same appears herein. 
9 I further certify that I am not a relative of, 
10 nor attorney for, nor clerk or stenographer for any 
11 party to this meeting, and that I am not otherwise 
12 interested in the event of the same. 
13 I further certify that the above and foregoing 
14 typewritten pages contain a full, true and correct 
15 transcript of my stenographic notes so taken, during 
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17 WITNESS my hand and seal this the 14th day of 
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<td>Lloyd Kirk</td>
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