

**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

**MEMBERS ABSENT**

Debbie Wells  
 Terry Wyatt

**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

**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.

	<i>See transcript pages 5 – 6</i>		
Robert Carr	Yes	Jim Rodriguez	Abstain
Brian Duzan	Yes	Jeff Short	Yes
Mark Matheson	Abstain	Steve Sowers	Yes
Jon Nelson	Abstain	Duane Winegardner	Yes
Mike Paque	Yes		

**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*

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

**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*

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

**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*

Robert Carr	Yes	Jim Rodriguez	Yes
Brian Duzan	Yes	Jeff Short	Yes

Mark Matheson	Yes	Steve Sowers	Yes
Jon Nelson	Yes	Duane Winegardner	Yes
Mike Paque	Yes		

**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 T 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.

*See transcript pages 20 – 23*

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

**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.

*See transcript pages 23 – 32*

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

**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.**

WQMAC Meeting 1/12/2016

1	<p>1 DEPARTMENT OF ENVIRONMENTAL QUALITY REGULAR MEETING 2 WATER QUALITY MANAGEMENT ADVISORY COUNCIL 3 4 5 6 7 8 9 10 11 JANUARY 12, 2016 - 2:00 P.M. 12 13 14 15 Multi-Purpose Room, 1st Floor DEQ Building 16 707 N. Robinson Oklahoma City, OK 17 18 19 20 21 22 23 Reported by Lynette H. Wrany, C.S.R. #1167 24 25</p>	3
2	<p>1 COUNCIL MEMBERS PRESENT: 2 Robert Carr Brian Duzan 3 Mark Matheson Jon Nelson 4 Mike Paque Jim Rodriguez 5 Jeffrey Short-Vice-Chair Steve Sowers 6 Duane Winegardner-Chair 7 8 COUNCIL MEMBERS ABSENT: 9 Debbie Wells Terry Wyatt 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	4

1 Call to order - 2:00 P.M.  
2 MR. WINEGARDNER: It's now 2:00 o'clock. I'd  
3 like to encourage you to complete your conversation  
4 and have a seat, please.  
5 Thank you all for coming today. Welcome to  
6 the regular meeting of the Water Quality Management  
7 Advisory Council. And I'd like to call this meeting  
8 to order.  
9 And prior to calling it formally to order,  
10 some of you, apparently, have not yet been able to get  
11 ahold of a copy of all of the paperwork for the  
12 meeting today, and there is more being printed that  
13 will be back there on the table very shortly.  
14 Okay. I will read the protocol statement.  
15 This regular meeting of the Water Quality Management  
16 Advisory Council was called in accordance with the  
17 Open Meeting Act.  
18 Notice for this January 12th, 2016 meeting  
19 was filed with the Secretary of State on October 20th,  
20 2015. The Agenda was duly posted at DEQ at least  
21 twenty-four hours prior to the meeting.  
22 Only matters appearing on the posted Agenda  
23 may be considered at this regular meeting. In the  
24 event that this meeting is continued or reconvened,  
25 public notice of the date, time, and place of the

1 continued meeting will be given by announcement at  
2 this meeting. Only matters appearing on the Agenda of  
3 the meeting which is continued may be discussed at the  
4 continued or reconvened meetings.  
5 May we have the roll call, please.  
6 MS. QUIANA FIELDS: Mr. Carr?  
7 MR. CARR: Here.  
8 MS. QUIANA FIELDS: Mr. Duzan?  
9 MR. DUZAN: Here.  
10 MS. QUIANA FIELDS: Mr. Matheson?  
11 MR. MATHESON: Here.  
12 MS. QUIANA FIELDS: Mr. Nelson?  
13 MR. NELSON: Here.  
14 MS. QUIANA FIELDS: Mr. Paque?  
15 MR. PAQUE: Present.  
16 MS. QUIANA FIELDS: Mr. Rodriguez?  
17 MR. RODRIGUEZ: Here.  
18 MS. QUIANA FIELDS: Mr. Short?  
19 MR. SHORT: Here.  
20 MS. QUIANA FIELDS: Mr. Sowers?  
21 MR. SOWERS: Here.  
22 MS. QUIANA FIELDS: Ms. Wells is absent. Ms  
23 Wyatt is absent.  
24 MS. QUIANA FIELDS: Mr. Winegardner?  
25 MR. WINEGARDNER: Here.

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5	<p>1 MS. QUIANA FIELDS: We have a quorum.                  2 MR. WINEGARDNER: Thank you.                  3 The next item on the Agenda is the approval                  4 of the minutes from the October 13th, 2015 minutes.                  5 MR. CARR: Move approval.                  6 MR. SHORT: Second.                  7 MR. WINEGARDNER: Okay. Is there discussion                  8 from the Council? If not, we'll call the roll.                  9 MS. QUIANA FIELDS: Mr. Carr?                  10 MR. CARR: Yes.                  11 MS. QUIANA FIELDS: Mr. Duzan?                  12 MR. DUZAN: Yes.                  13 MS. QUIANA FIELDS: Mr. Matheson?                  14 MR. MATHESON: I abstain.                  15 MS. QUIANA FIELDS: Mr. Nelson?                  16 MR. NELSON: I have to abstain.                  17 MS. QUIANA FIELDS: Abstain?                  18 MR. NELSON: Abstain.                  19 MS. QUIANA FIELDS: Mr. Paque?                  20 MR. PAQUE: Yes.                  21 MS. QUIANA FIELDS: Mr. Rodriguez?                  22 MR. RODRIGUEZ: Abstain.                  23 MS. QUIANA FIELDS: Mr. Short?                  24 MR. SHORT: Yes.                  25 MS. QUIANA FIELDS: Mr. Sowers?</p>	7
6	<p>1 MR. SOWERS: Yes.                  2 MS. QUIANA FIELDS: Mr. Winegardner?                  3 MR. WINEGARDNER: Yes.                  4 MS. QUIANA FIELDS: Motion passed.                  5 MR. WINEGARDNER: Thank you.                  6 The next item is the election of the                  7 Vice-Chair. The Chair is open for nominations.                  8 MR. PAQUE: Mr. Chairman, if unless one of                  9 you other members object, and I certainly entertain                  10 discussion or objection, I'd like to move that both                  11 the Chair and the Vice-Chair be reelected for one more                  12 term by acclamation.                  13 MR. SOWERS: Second.                  14 MR. WINEGARDNER: We have a motion and a                  15 second. Is there discussion? If not, we'll call the                  16 roll.                  17 MS. QUIANA FIELDS: Mr. Carr?                  18 MR. CARR: Yes.                  19 MS. QUIANA FIELDS: Mr. Duzan?                  20 MR. DUZAN: 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?</p>	8
5	<p>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. Now we will proceed on to the                  13 permanent rulemaking discussions. And this one is                  14 from OAC 252.606, the Oklahoma Pollution (sic.)                  15 Discharge Elimination System Standards.                  16 Mark, would you address us, please.                  17 MR. MARK HILDEBRAND: Turn this on. You'd                  18 think I'd know how to do this.                  19 All right. Thank you all. And I guess I'll                  20 take the blame for running low on handouts. But I do                  21 appreciate everybody coming.                  22 Hi. I'm Mark Hildebrand. I'm an                  23 Environmental Program Manager for the Water Quality                  24 Division.                  25 And today we have four chapters of rule that</p>	7
6	<p>1 we are proposing changes to: Chapter 606, 626, 631                  2 and Chapter 690. And at -- prior to bringing these                  3 rules to you, we generally have public meetings to go                  4 over these with all of our interested parties that are                  5 on our mailing list. And if anybody in the audience                  6 would be interested in getting on that mailing list,                  7 we'd love to have you on there so you can be a part of                  8 this informal process prior to the rules being public                  9 noticed.                  10 But we had one on November 17th here in                  11 Oklahoma City and then we had a meeting on November                  12 18th in Tulsa to go over these. And we hold these                  13 just to get everybody's opinion and to vet it with our                  14 stakeholders that are interested in these things. And                  15 we always get good suggestions on wording and things                  16 that we incorporate each time.                  17 And we feel like, as a result of these, it                  18 helps eliminate formal comments during the comment                  19 period. And this year we didn't receive any formal                  20 comments on any of these rules, written comments.                  21 So I'll go ahead and get into Chapter 606.                  22 For Chapter 606, Oklahoma Pollutant Discharge                  23 Elimination Standards, the Department is proposing to                  24 update the date of incorporation by reference of the                  25 federal rules from July 1 of 2014 to July 1 of 2015.</p>	8

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<p style="text-align: right;">9</p> <p>1 And there are some significant changes in these rules                  2 that are incorporated.                  3 And two of the federal rules, the first is                  4 the cooling water intake rule, which is intended to                  5 protect aquatic life from being entrapped or taken                  6 into cooling water systems. And as a part of this,                  7 when we knew this was coming down the line, we -- our                  8 staff has tried to have outreach with each of our                  9 power plants that were going to be affected by this                  10 rule and just give them a heads up and technical                  11 assistance so that they could be prepared for what's                  12 coming down the pike on this federal rule.                  13 And I believe that the earliest things that                  14 have to be done are in 2018 in various ways to address                  15 this rule. And that should be who it affects here in                  16 Oklahoma, is primarily a lot of our large power                  17 plants.                  18 And then we also have the sensitive --                  19 Sufficiently Sensitive Method Rule, which I'm going to                  20 start calling the SSMR from here on so I don't get                  21 tongue tied. And this is intended to allow for                  22 detection of pollutants at levels that will be more                  23 accurate indication of Water Quality Standards. And                  24 we will primarily discuss this in Chapter 690                  25 discussion, because that's how we plan on implementing</p>	<p style="text-align: right;">11</p> <p>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                  14 on? We've got some extra --                  15 MS. SHELLIE CHARD-McCLARY: You need to turn                  16 off at least one of the --                  17 MR. MARK HILDEBRAND: This one right here.                  18 MS. SHELLIE CHARD-McCLARY: There you go.                  19 Okay.                  20 MR. MARK HILDEBRAND: If anybody needs a copy                  21 of this rule, Sharon's got some extra copies. I know                  22 she's going around, but let us know.                  23 To start this off, I just want to make a                  24 quick announcement on one of our rulemaking documents,                  25 that we made an amendment to a Rule Impact Statement</p>
<p style="text-align: right;">10</p> <p>1 this method rule in Oklahoma.                  2 And that's really all we have on Chapter 606.                  3 And as I mentioned just a minute ago, we didn't                  4 receive any formal comments on this rule.                  5 MR. WINEGARDNER: Is there some discussion or                  6 concerns of the Council on these things?                  7 Is there any discussion that the public would                  8 wish to bring forward to us now on this rule?                  9 Okay. Without that, without any discussion,                  10 I suppose that it's time to entertain a motion.                  11 MR. RODRIGUEZ: I move we accept the rule as                  12 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. DUZAN: 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?</p>	<p style="text-align: right;">12</p> <p>1 for this chapter today on Item 11. We had -- we                  2 changed it to include the possibility of other state                  3 agencies may incur costs as a result of this rule.                  4 If they run -- if they operate a public water                  5 supply system and do some construction on there, it                  6 may be an additional cost for them at this point. And                  7 some examples of that would be Department of                  8 Corrections may have something, and same way with,                  9 like, Tourism in state parks and things.                  10 But we overlooked that initially and we can                  11 amend it and we did that today. And originally it                  12 said that there would be no economic impact on any                  13 other state agency. So we just wanted to go ahead and                  14 correct that. And so, I wanted to share that with                  15 you.                  16 Okay. For Chapter 626, Public Water Supply                  17 Construction Standards, the Department is proposing to                  18 add definitions for "25-year flood" and "100-year                  19 flood"; clarify definitions for "CT," "Community water                  20 system," "Minor water system" and "Public water                  21 system"; to add language requiring that maps, site                  22 plans, and schematic layouts of treatment facilities                  23 are submitted with engineering reports. And we did                  24 this on Chapter 656 at this time last year.                  25 And then also requirement to add a concrete</p>

13	<p>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.</p> <p>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.</p> <p>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.</p>	15
14	<p>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.</p> <p>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.</p> <p>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</p>	16
13	<p>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 these changes.                  9 MR. PAQUE: Yeah. Understood.                  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</p>	15
14	<p>1 of weeks that wished they had peak -- peak demand                  2 generators that ran for their whole peak demand with                  3 the flooding and the ice issues that we had, whether                  4 it be wastewater or water systems. But I'll let Carl                  5 kind of give --                  6 MR. NELSON: Well, at peak demand I                  7 understand. But peak hour is the --                  8 MR. MARK HILDEBRAND: Peak hour. Right.                  9 MR. CARL PARROTT: Anyway, well, we noticed                  10 it didn't specify which peak demand. So it needed to                  11 be changed so that there was a specification whether                  12 we're talking about peak hourly, peak daily or what.                  13 So, it was changed to peak hourly, as Mark said, just                  14 in case the worst case scenario, you know. So --                  15 MR. NELSON: I understand you don't have to                  16 meet that standard if you have the proper amount of                  17 storage elevated, and I get that.                  18 MR. CARL PARROTT: Yes.                  19 MR. NELSON: But it seemed like those two                  20 standards are a little bit at odds, because peak hour                  21 is instantaneous max.                  22 MR. CARL PARROTT: Uh-huh.                  23 MR. NELSON: And it seemed like maybe a peak                  24 day, maximum day, would be -- might be just as                  25 sufficient. But that's just me. This could affect</p>	16



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17	<p>1 some facilities certainly.</p> <p>2 MR. CARL PARROTT: Shellie.</p> <p>3 MS. SHELLIE CHARD-McCLARY: Shellie</p> <p>4 Chard-McClary, Water Quality Division Director.</p> <p>5 One of the things that I was going to talk</p> <p>6 about in my Director's Report was going to be numbers</p> <p>7 of facilities impacted, and that sort of thing, from</p> <p>8 our most recent natural disasters that we were dealing</p> <p>9 with, the ice and the flooding.</p> <p>10 And, you know, we had about 250 systems that</p> <p>11 were impacted that had some amount of power failure.</p> <p>12 Well, as of this morning, we still had 70 that were</p> <p>13 not recovered from that yet. So, it is something we</p> <p>14 deal with. And it does -- is it peak hours as the</p> <p>15 exact right answer? I don't know. But I do know</p> <p>16 that, you know, we're still dealing with lack of power</p> <p>17 and lack of safe drinking water in a lot of systems.</p> <p>18 MR. NELSON: And I understand the concern</p> <p>19 about lost power in the winter and due to ice storms</p> <p>20 and it can last for a long time. But then this</p> <p>21 standard imposes the peak hour of the peak demand</p> <p>22 period, as I understand it. It's like so you would be</p> <p>23 able to supply summertime peaks, instantaneous peaks,</p> <p>24 probably your maximum component capacity. And I don't</p> <p>25 know. That just seemed a little bit excessive</p>	19
18	<p>1 possibly.</p> <p>2 MR. MATHESON: Well, I'd like to comment on</p> <p>3 that a minute, if I may. For one thing that I see in</p> <p>4 the wintertime, a lot of these systems, especially the</p> <p>5 smaller systems, because a lot of the customers leave</p> <p>6 their faucets dripping in the wintertime to keep pipes</p> <p>7 from freezing, their usage is higher sometimes during</p> <p>8 those periods than it is during the summer. So I</p> <p>9 don't have a problem with that peak hourly demand to</p> <p>10 help those systems keep up.</p> <p>11 MR. CARL PARROTT: Well, with the tornadoes</p> <p>12 and that type thing, too, it may be happening in a</p> <p>13 peak hour time frame as well. So, in our generation,</p> <p>14 our lack of generators in the state is a problem. And</p> <p>15 we definitely need to beef up our requirements for</p> <p>16 generators. And if you're not running your peak hour</p> <p>17 at the time and you don't need to have all those pumps</p> <p>18 on, well, it would carry over to be accessible for</p> <p>19 other uses within the plant, too. And we were --</p> <p>20 we're constantly having the question of, well, which</p> <p>21 peak demand is it. So we did need to address that.</p> <p>22 MR. NELSON: And I will admit that when you</p> <p>23 get into a summertime position -- condition with</p> <p>24 tornadoes and then you have the possibility of quite a</p> <p>25 bit of fire flow, and under that circumstance I can</p>	20
19	<p>1 see it. But -- so I just wanted to question it a</p> <p>2 little bit.</p> <p>3 MR. WINEGARDNER: Just, Mark, on the sheet</p> <p>4 that you have given us?</p> <p>5 MR. MARK HILDEBRAND: Yes.</p> <p>6 MR. WINEGARDNER: Back in there it says, "off</p> <p>7 peak hourly demand." Is that -- it was way back there</p> <p>8 on the Agenda page.</p> <p>9 MR. MATHESON: Well, I think it says to be</p> <p>10 based off of peak demand. Not the off peak demand.</p> <p>11 MR. WINEGARDNER: Based off. Okay. That was</p> <p>12 a little bit confusing. All right.</p> <p>13 MR. MARK HILDEBRAND: Right.</p> <p>14 MR. CARL PARROTT: Thanks, Mark.</p> <p>15 MR. WINEGARDNER: Okay. Any other comments</p> <p>16 from the Council?</p> <p>17 Any comments from the public?</p> <p>18 Okay. Then we will entertain a motion.</p> <p>19 MR. NELSON: I move approval.</p> <p>20 MR. WINEGARDNER: Thank you.</p> <p>21 MR. MATHESON: I'll second it.</p> <p>22 MR. WINEGARDNER: We have a moved and second.</p> <p>23 Okay. Please, call the roll.</p> <p>24 MS. QUIANA FIELDS: Mr. Carr?</p> <p>25 MR. CARR: Yes.</p>	21

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21	<p>1 Supply system," "Community water supply system," and                  2 "Minor water system;" and to update the rules                  3 concerning the date of incorporation by reference from                  4 July 1 of 2014 to July 1 of 2015; to add language                  5 incorporating Subparts S and Y of the Microbiological                  6 standards in accordance with 40 CFR Section 141.63, to                  7 replace "Turbidity" with "Filtration, disinfection and                  8 enhanced treatment" in accordance with 40 CFR Sections                  9 141.73 and 141.173; to add "Lead, copper and                  10 corrosivity standards" in accordance with 40 CFR Part                  11 141, Subpart I; to replace "Coliform" with                  12 "Microbiological" requirements in accordance with 40                  13 CFR Section 141, Subparts S and Y -- add enhanced                  14 treatment requirements in CFR Section 141, Subparts S                  15 and Y; and to add enhanced treatment requirements in                  16 accordance with 40 CFR Sections 141.74 and 141.147                  17 (sic.), Subparts T and W; and add Subparts U and V in                  18 accordance with 40 CFR, Part 141; and also to clarify                  19 requirements for laboratory accreditation and                  20 validation of data to be consistent with federal                  21 requirements, and this includes adding an emergency                  22 reporting of positive E. coli results, and then other                  23 minor clarifications.                  24 And we received no formal comments on Chapter                  25 631. However, during our public meetings, we had the</p>	23
22	<p>1 same comment on the removing Minor Water Supply from                  2 the Public Water Supply definition, which we've                  3 incorporated.                  4 And it was also suggested that our original                  5 proposed language on emergency notification was too                  6 vague, so we discussed it there at the meeting and                  7 modified 631-3-2 to clarify that all positive E. coli                  8 results should be reported to us here at DEQ                  9 immediately by phone and e-mail, in case we need to                  10 deal with precautionary boil letters or mandatory boil                  11 letters or things like that to protect the public.                  12 MR. WINEGARDNER: Okay. Questions, comments                  13 from the Council?                  14 Any questions or comments from the public?                  15 Hearing none, then we'll entertain a motion.                  16 MR. RODRIGUEZ: I move we accept the                  17 rule as amended.                  18 MR. WINEGARDNER: Thank you.                  19 MR. SHORT: Second.                  20 MR. WINEGARDNER: I have a second. So moved                  21 and seconded. Would you, please, call the roll?                  22 MS. QUIANA FIELDS: Mr. Carr?                  23 MR. CARR: Yes.                  24 MS. QUIANA FIELDS: Mr. Duzan?                  25 MR. DUZAN: Yes.</p>	24
21	<p>1 MS. QUIANA FIELDS: Mr. Matheson?                  2 MR. MATHESON: Yes.                  3 MS. QUIANA FIELDS: Mr. Nelson?                  4 MR. NELSON: Yes.                  5 MS. QUIANA FIELDS: Mr. Paque?                  6 MR. PAQUE: Yes.                  7 MS. QUIANA FIELDS: Mr. Rodriguez?                  8 MR. RODRIGUEZ: Yes.                  9 MS. QUIANA FIELDS: Mr. Short?                  10 MR. SHORT: Yes.                  11 MS. QUIANA FIELDS: Mr. Sowers?                  12 MR. SOWERS: Yes.                  13 MS. QUIANA FIELDS: Mr. Winegardner?                  14 MR. WINEGARDNER: Yes.                  15 MS. QUIANA FIELDS: Motion passed.                  16 MR. WINEGARDNER: Okay. Mark, now Number                  17 690, Water Quality Standards Implementation.                  18 MR. MARK HILDEBRAND: Thank you. For Chapter                  19 690, the Department is proposing to delete the term                  20 "CFU", which is colony forming units, from this rule,                  21 which will allow the permit holders to choose from                  22 additional methods of bacteria testing. And this is                  23 in accordance with the changes to Oklahoma Water                  24 Quality Standards made by the Water Resources Board,                  25 and also change to update a reference to a previously</p>	23
22	<p>1 revoked rule; and then to update the incorporation of                  2 reference of federal rules from July 1, 2013 to July                  3 1, 2015, and these significant changes include the                  4 incorporation of the cooling water intake rule and the                  5 SSMR rule. And the SSMR rule is intended to allow for                  6 detection of pollutants at levels that will be more                  7 accurate indication of water quality standards.                  8 To incorporate this, DEQ has chosen to revoke                  9 "Appendix B, Priority and Nonpriority Pollutants with                  10 Numerical Criteria Requiring Reasonable Potential                  11 Screening" and replace with an amended version of this                  12 appendix that includes the minimum quantification                  13 levels for measuring the presence of various                  14 pollutants in wastewater discharges. And DEQ decided                  15 that this would be the least burdensome way to                  16 implement this rule that's come down from our federal                  17 partners for both DEQ and the regulated community.                  18 And as a result of this rule, DEQ formed an                  19 internal work group here with our folks in Water                  20 Quality, as well as our State Environmental Lab. And                  21 we tried to figure out what were the reasonable MQLs.                  22 Mainly relied on the lab on a lot of this. And they                  23 had a big group of people, and really productive                  24 meetings, and we set a preliminary list of numbers,                  25 and most of which -- some of which aren't anywhere</p>	24

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25	<p>1 near as low as EPA has been trying to -- Region 6 of                  2 EPA has been trying to promote.                  3 But we sent this and then we also found a                  4 group of laboratories that were stakeholders in this                  5 group and we submitted this to them and asked them for                  6 their comments and their thoughts on all of these                  7 numbers. And this -- these group of laboratories                  8 included commercial and municipal labs. We sent these                  9 out to -- our participants were Green Country Testing,                  10 Accurate Labs and Environmental Testing, Incorporated.                  11 And then we also sent to the City of Midwest City, the                  12 City of Oklahoma City, and the City of Tulsa.                  13 And we got a whole bunch of comments from                  14 them and then we reconvened. And we have adjusted                  15 some of those numbers based on those comments and the                  16 reality that it -- sometimes it is hard to get down as                  17 low in a wastewater matrix as -- as necessary.                  18 And we ended up making it -- change it to a                  19 total of nine, nine analytical methods we modified on                  20 Appendix B as a result of this. And we discussed                  21 these changes and these proposed MQLs at our November                  22 meetings here in Oklahoma City and Tulsa. And I'm                  23 going to try and convey these costs and comments from                  24 our -- from our laboratories, just to give you an idea                  25 of the wide range and what we had for comments there.</p>	27
26	<p>1 Well, some labs put the costs in terms of                  2 price increases per test that would be passed on to                  3 customers. And we didn't really get specific numbers,                  4 but we did hear a couple that were -- could increase                  5 up to \$50 on some parameters, up to a thousand dollars                  6 on some parameters, and depending on what the                  7 parameter is.                  8 And then some labs told us that they would                  9 need to purchase new equipment and develop new                  10 procedures and spend more man-hours on each test to do                  11 a little -- be a little more careful to meet these new                  12 limits. And these costs increases weren't really                  13 enumerated to us in exact dollar figures either.                  14 Some labs indicated that they currently have                  15 the capabilities to meet -- meet the proposed MQLs.                  16 Other labs indicated they would need to spend up to                  17 \$30,000 on equipment. And then we had one lab that                  18 suggested the possibility of spending \$250,000 for a                  19 clean room and new equipment to achieve compliance                  20 with the mercury MQL. However, based on our lab and                  21 many of the stakeholder labs that came to our public                  22 meetings and were part of our work group, we do not                  23 believe that mercury at this level will require a                  24 clean room to comply with these methods if they do                  25 clean -- clean techniques.</p>	28
25	<p>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 or had                  7 just sent these limits to the EPA Region and had --                  8 the question was, were they going to accept them or                  9 are they going to say, no, we want lower limits. Has                  10 anything ever been heard back?                  11 MR. MARK HILDEBRAND: We met with them and we                  12 didn't -- although I can't say that we provided them                  13 these exact numbers, our staff has talked to EPA down                  14 in Region 6, a couple of their members at a big                  15 manager's meeting, and told them our intention. And                  16 they were at least on board with the concept, because                  17 some of the other states in Region 6, the big one                  18 south of us, I think they have adopted what Region 6                  19 has been trying to push on us and EPA and Texas are                  20 both having troubles with labs that are able to even                  21 try and get down to those numbers that they were                  22 pointing out.                  23 So, I mean, could they change and tell us                  24 those numbers later? Possibly. But we think they're                  25 kind of on board with our concept. And I don't know</p>	27
26	<p>1 if anybody else has anything specific to add, Mike or                  2 Terry?                  3 MS. SHELLIE CHARD-McCLARY: This is Shellie                  4 again. You know, we run all the traps, we've done                  5 everything we could do with EPA.                  6 Typically, when we go this far in the                  7 process, they don't comment. So they haven't                  8 officially said yes, but they haven't said no. So we                  9 keep going. Sometimes they have trouble saying yes,                  10 because, you know, that might set a precedent and we                  11 might have other issues. They could come back at any                  12 time and say, no, not good enough. But we've had                  13 enough conversations. It's going to be awfully                  14 difficult for them to say this is not acceptable,                  15 considering some of the things that they were really                  16 pushing for. Other states have been unable to meet                  17 those limits because real-world laboratories don't                  18 deal with distilled water with one pollutant in a                  19 clean room.                  20 So, while we can't say for certainty, oh,                  21 yeah, EPA is good, they haven't given us any                  22 indication they are not okay. And they have nodded at                  23 the table in talking about this is our approach, how                  24 we've decided, and how we've moved forward. So we're                  25 going with no news is good news.</p>	28

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29	<p>1 MR. WINEGARDNER: I find it interesting,                  2 Mark, your comment that the EPA lab was also having                  3 problems.                  4 MR. MARK HILDEBRAND: Well, I don't know that                  5 the EPA lab is, but some of their staff have witnessed                  6 the problems in these other states. And they're like,                  7 well, you know, it's easy to say this can be done and                  8 all this when you're dealing with, like Shellie said,                  9 with clean water or distilled water and then                  10 segregating it with some mercury. And you're able to                  11 do that with a bunch of high-powered equipment in a                  12 clean room.                  13 But, anyway, I think I'm glad we pushed back                  14 for all these years. And I hope -- I think we got                  15 something pretty manageable here. It's not -- I mean,                  16 it's going to -- everybody knows that this is going to                  17 cost some extra money for some parameters, and                  18 sampling and stuff, but I think it could be a lot                  19 worse for us and our regulated community.                  20 MR. WINEGARDNER: Thank you. Further                  21 comments?                  22 MR. NELSON: Mark, are any of the proposed                  23 standards actually lower than the federal standard?                  24 Or are we either at the federal standard and higher?                  25 MR. MARK HILDEBRAND: I can't say for sure.</p>	31
30	<p>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</p>	32
	<p>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.</p> <p>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</p>	

<p style="text-align: right;">33</p> <p>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 lame-duck president, is how much can happen in</p>	<p style="text-align: right;">35</p> <p>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 strontium showing up there in a lot of the sample                  24 locations in Oklahoma. So we'll be seeing some                  25 activity on that.</p>
<p style="text-align: right;">34</p> <p>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 change. 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</p>	<p style="text-align: right;">36</p> <p>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</p>

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<p style="text-align: right;">37</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p style="text-align: right;">39</p> <p>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.</p> <p>9 I think Mike Paque 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.</p> <p>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.</p> <p>19 So with that, I will stop and answer any  20 questions anybody has.</p> <p>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.</p>
<p style="text-align: right;">38</p> <p>1 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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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 Work Group Task</p>	<p style="text-align: right;">40</p> <p>1 MS. SHELLIE CHARD-McCLARY: That is the  2 actual time table. That's how it works now. It's  3 usually -- we will get -- I can think of one formal  4 objection that we have had in the last five years.  5 That's how infrequently it happens now.</p> <p>6 MR. PAQUE: Okay.</p> <p>7 MS. SHELLIE CHARD-McCLARY: That's under the  8 current system. If we do this funky thing with the --  9 the proposed rule, if what the rumor says it is, I  10 think headquarters will be leaning on the regions to  11 do it, and I think the region, or at least our region,  12 will be looking at ways to not do it so that,  13 hopefully, it would be limited.</p> <p>14 If you are going through a normal process  15 where the state has drafted the permit and sent it for  16 review, most of the time, you know, we get a few  17 questions, a few comments, it's handled by phone, it's  18 handled by e-mail, and it just gets worked out because  19 it's not a big deal.</p> <p>20 But if it is something where a permit expired  21 6 1/2 years ago, the water quality standards have  22 changed, there's some new federal requirement that  23 applies to that facility, 90 days is not realistic or  24 doable. But under normal circumstances it is very  25 doable.</p>

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 -- is  
14 scheduled for May 3rd, 2016 in this room.

15 Are there other announcements that the  
16 Council should be aware of? If not, I'll then -- I  
17 will adjourn the meeting. This is probably one of the  
18 shortest meetings we've ever had. Thank you.

19

20 Meeting Adjourned - 3:00 P.M.

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1 \*\* CERTIFICATE \*\*

2 STATE OF OKLAHOMA )

) SS:

3 COUNTY OF )

4

5 I, Lynette Wrany, a Certified Shorthand Reporter  
6 within and for the State of Oklahoma, do hereby  
7 certify that I reported all the foregoing meeting, and  
8 that I later reduced it to typewritten form, as the  
9 same appears herein.

10 I further certify that I am not a relative of,  
11 nor attorney for, nor clerk or stenographer for any  
12 party to this meeting, and that I am not otherwise  
13 interested in the event of the same.

14 I further certify that the above and foregoing  
15 typewritten pages contain a full, true and correct  
16 transcript of my stenographic notes so taken, during  
17 said meeting.

18 WITNESS my hand and seal this the 14th day of  
19 January, 2015.

20

21

22

23



LYNETTE WRANY, C.S.R.

24 Oklahoma Certified Shorthand Reporter

Certificate No. 1167

25 Expiration Date: December 31, 2016



**WATER QUALITY MANAGEMENT  
ADVISORY COUNCIL**

**Attendance Record**

**January 12, 2016**

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

**CHECK BOX TO COMMENT**

NAME and/or AFFILIATION

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Mark J. Hildebrand	DEQ		
Chris ARMSTRONG	DEQ		
Betsy Streuli	DEQ		
Jennifer Boyle	DEQ		
Bud Ground	EFO		
Scott Corpen	DEQ		
Courtney Carter	DEQ		
Molly Thompson	DEQ		
Jon Nelson	WQMAC		





## WATER QUALITY MANAGEMENT ADVISORY COUNCIL

Attendance Record

January 12, 2016

Department of Environmental Quality  
Oklahoma City, Oklahoma

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