

**MINUTES**  
**WATER QUALITY MANAGEMENT ADVISORY COUNCIL**  
**October 4, 2016**  
**Oklahoma Department of Environmental Quality**  
**Multipurpose Room**  
**Oklahoma City, Oklahoma**

Official WQMAC  
Approved at January 10, 2017 Meeting

**Notice of Public Meeting** – The Water Quality Management Advisory Council (WQMAC) convened for a Regular Meeting at 2:00 p.m. at the Oklahoma Department of Environmental Quality (DEQ), 707 North Robinson, Oklahoma City, Oklahoma. The meeting was held in accordance with the Open Meeting Act, with notice of the meeting given to the Secretary of State on October 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  
Mike Paque  
Jim Rodriguez  
Jeff Short  
Debbie Wells  
Duane Winegardner

**MEMBERS ABSENT**

Mark Matheson  
Jon Nelson  
Steve Sowers  
Terry Wyatt

**DEQ STAFF PRESENT**

Shellie Chard  
Chris Armstrong  
Gary Collins  
Mark Hildebrand  
Michelle Wynn  
Terry Lyhane  
Travis Couch  
Jennifer Boyle  
Trevor Hammons  
Courtney Carter  
Lloyd Kirk  
Saba Tahmassebi  
George Russell  
Quiana Fields

**OTHERS PRESENT**

Lynette Wrany, Court Reporter

**Approval of Minutes from the May 5, 2015 Meeting** – Mr. Winegardner called for a motion to approve the Minutes of the August 9, 2016 Regular Meeting. Ms. Wells moved to approve and Mr. Duzan made the second. Approval by members was with “aye”. No one opposed.

*See transcript pages 4 – 5*

**COUNCIL MEETING SCHEDULE FOR 2017** – Mr. Winegardner called for a motion to approve the 2017 schedule as outlined in the agenda; January 10, April 25, July 25 and September 26. Mr. Rodriguez moved to approve and Mr. Paque made the second.

*See transcript pages 5 – 7*

Robert Carr	Yes	Debbie Wells	Yes
Brian Duzan	Yes	Duane Winegardner	Yes
Mike Paque	Yes		
Jim Rodriguez	Yes		
Jeff Short	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 incorporation by reference for federal regulations from July 1, 2015 to July 1, 2016. The most significant federal rules to be incorporated are the Electronic Reporting Rule; effluent limitation guidelines and standards for the steam electric power generating point source energy; and discharges from the oil and gas extraction point source category to publicly owned treatment works. Following a comment by the Council and none by the public, Mr. Winegardner called for a motion. Mr. Short moved to approve and Mr. Duzan made the second.

*See transcript pages 7 – 11*

Robert Carr	Yes	Debbie Wells	Yes
Brian Duzan	Yes	Duane Winegardner	Yes
Mike Paque	Yes		
Jim Rodriguez	Yes		
Jeff Short	Yes		

**PERMANENT RULEMAKING – OAC 252:690 – WATER QUALITY STANDARDS IMPLEMENTATION** – Mr. Hildebrand stated that the department is proposing to update the date of incorporation by reference for federal regulations from July 1, 2015 to July 1, 2016. The most significant federal rules to be incorporated are the Electronic Reporting Rule; effluent limitation guidelines and standards for the steam electric power generating point source category; and discharges from the oil and gas extraction point source category to publicly owned treatment works. Following comments by the Council and none by the public; Mr. Winegardner called for a motion. Mr. Paque moved to approve and Mr. Rodriguez made the second.

*See transcript pages 11 – 14*

Robert Carr	Yes	Debbie Wells	Yes
Brian Duzan	Yes	Duane Winegardner	Yes
Mike Paque	Yes		
Jim Rodriguez	Yes		
Jeff Short	Yes		

**DISCUSSION OF RULEMAKING FOR JANUARY 2017 WQMAC MEETING:**

**OAC 252:624 – MINOR PUBLIC WATER SUPPLY SYSTEMS** – Mr. George Russell, Environmental Programs Manager of the Environmental Complaints and Local Services Division at DEQ, stated that the DEQ staff will be proposing to: (1) clarify the definition of a “Minor Public Water Supply System”; (2) add the definitions for “Annular Space”, “Human Consumption”, “Individual Water System”, “Multi-Family Dwelling”, “PAS”, and “WSC”; (3) add language to the minor public water supply rules that incorporates the existing Permit to Supply law as outlined in §27A-2-6-304; (4) create a “Certification of Exemption” for facilities that use the water solely for hand washing or toilet flushing; (5) grant authority for DEQ to approve requested variances; (6) add language creating separation distances from confined animal feeding operations and wastewater lagoons to be consistent with Water Resources Board regulations; (7) clarify language regarding separation distances from on-site sewage systems; (8) remove the requirement of a surface casing; (9) add language allowing bentonite clay as an acceptable grouting material; (10) add language to allow for the use of pitless well adapters; (11) amend the appendix to show the changes to the rule and update drawings; and (12) make other minor clarifications and corrections. There were comments by the Council and public.

*See transcript pages 14 – 23*

**DEQ's Plans for Aquifer Storage and Recovery (ASR) in Oklahoma** – Mr. Saba Tahmassebi, Engineering Manager of the DEQ, gave a presentation on DEQ's Plan for ASR in Oklahoma.  
*See transcript pages 23 – 33*

**DIRECTOR'S REPORT** – Ms. Chard provided an update on other division activities.  
*See transcript pages 33 – 43*

**NEW BUSINESS** – None

**ANNOUNCEMENTS** – The next scheduled meeting will be on January 10, 2017 at 2:00 p.m. in the Multi-Purpose Room, 1<sup>st</sup> floor, DEQ building.

**ADJOURNMENT** - Mr. Winegardner adjourned the meeting at 3:00 p.m.  
*See transcript page 44*

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

<p>1 OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11 WATER QUALITY MANAGEMENT ADVISORY COUNCIL REGULAR MEETING OCTOBER 4, 2016 - 2.00 P.M.</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 Multi-Purpose Room, 1st Floor DEQ Building 707 N. Robinson Oklahoma City, OK</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24 Reported by Lynette H. Wrany, C.S.R. #1167</p> <p>25</p>	<p>1</p> <p>3</p> <p>1 CALL TO ORDER - 2:00 P.M</p> <p>2 CHAIRMAN DUANE WINEGARDNER I see we have a</p> <p>3 quorum now, so I think we should call this meeting to</p> <p>4 order. I'm not going to rap the thing. I don't need</p> <p>5 to rap it at the beginning. I will rap it at the end</p> <p>6 because it's more enthusiastic that way.</p> <p>7 Yeah. Okay. May we have the roll call?</p> <p>8 MS. QUIANA FIELDS. The protocol.</p> <p>9 CHAIRMAN DUANE WINEGARDNER Oh, I need to</p> <p>10 read the protocol first. Okay. Thank you.</p> <p>11 This Regular Meeting of the Water Quality</p> <p>12 Management Advisory Council was called in accordance</p> <p>13 with the Open Meeting Act.</p> <p>14 Notice for this October 4th, 2016 meeting was</p> <p>15 filed with the Secretary of State on October 20th,</p> <p>16 2015. The Agenda was duly posted at DEQ at least</p> <p>17 twenty-four hours prior to the meeting.</p> <p>18 Only matters appearing on the posted Agenda</p> <p>19 may be considered at this Regular Meeting. In the</p> <p>20 event that this meeting is continued or reconvened,</p> <p>21 public notice of the date, time, and place of the</p> <p>22 continued meeting will be given by announcement at</p> <p>23 this meeting. Only matters appearing on the agenda of</p> <p>24 a meeting which is continued may be discussed at the</p> <p>25 continued or reconvened meeting.</p>
<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>2</p> <p>4</p> <p>1 COUNCIL MEMBERS PRESENT:</p> <p>2 Mr. Robert Carr</p> <p>3 Mr. Brian Duzan</p> <p>4 Mr. Mike Paque</p> <p>5 Mr. Jim Rodriguez</p> <p>6 Mr. Jeffrey Short - Vice Chairman</p> <p>7 Ms. Debbie Wells</p> <p>8 Mr. Duane Winegardner - Chairman</p> <p>9</p> <p>10 COUNCIL MEMBERS ABSENT:</p> <p>11 Mr. Mark Matheson</p> <p>12 Mr. Jon Nelson</p> <p>13 Mr. Steve Sowers</p> <p>14 Ms. Terry Wyatt</p> <p>15</p> <p>16 OTHERS APPEARING</p> <p>17 Mr. Mark Hildebrand, Environmental Program</p> <p>18 Manager, Water Quality Division</p> <p>19 Mr. George Russell, Minor Water Program</p> <p>20 Manager, Environmental Complaints and</p> <p>21 Local Services Division</p> <p>22 Mr. Saba Tahmassebi, Agency Chief Engineer</p> <p>23 Ms. Shellie Chard, Director, Water Quality</p> <p>24 Division</p> <p>25 Ms. Quiana Fields, Board and Council</p> <p>Secretary</p>

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<p>5</p> <p>1 CHAIRMAN DUANE WINEGARDNER: So moved. And a 2 second? 3 MR. BRIAN DUZAN: Second. 4 CHAIRMAN DUANE WINEGARDNER: Okay. Thank 5 you. All in favor say aye? 6 (Vote taken.) 7 CHAIRMAN DUANE WINEGARDNER: Is that okay? 8 Okay. Normally I wouldn't do that, but I heard ayes 9 from everybody. So it's all right. Okay. 10 The next thing we have to consider is the 11 Council meeting schedule for 2017. And the staff has 12 worked with other agencies, and especially with the 13 Environmental Quality Board schedule, and they 14 proposed the meeting and times that are listed on the 15 Agenda. 16 Mark, would you like to discuss that with us? 17 MR. MARK HILDEBRAND: Yes. We based these 18 proposed meeting times to go with the Environmental 19 Quality Board meetings. We could probably adjust some 20 here or there a week or so, but I tried to get them 21 ahead of time so we'd have more time in case we had 22 things in between there and the Board meeting. 23 The one that probably cannot be moved is the 24 one for January the 12th -- or January the 10th, just 25 due to a early, early February Board meeting and then</p>	<p>7</p> <p>1 MS. QUIANA FIELDS: Mr. Winegardner? 2 CHAIRMAN DUANE WINEGARDNER: Yes. 3 MS. QUIANA FIELDS: Motion passed. 4 CHAIRMAN DUANE WINEGARDNER: Thank you 5 Next on the Agenda we have some permanent 6 rulemaking changes for 252 606, Oklahoma Pollutant 7 Discharge Elimination System Standards. 8 MR. MARK HILDEBRAND: Good afternoon. My 9 name is Mark Hildebrand and I'm an Environmental 10 Program Manager for the Water Quality Division. 11 Today we have two chapters of rules for the 12 Council to vote on. And they're the same rules we 13 discussed in the August meeting. And we have not 14 received any formal comments regarding any of the 15 proposed -- today's proposed rulemaking. 16 For Chapter 606, the Department proposes to 17 update the date of incorporation by federal reference 18 from July 1, 2015 to July 1, 2016. 19 There are three significant federal rules 20 that are incorporated. One is the Electronic 21 Reporting Rule, which will modernize the reporting of 22 the NPDES information from paper-based to 23 electronic-based. And NPDES facilities will be 24 required to submit DMRs to DEQ on December 21st of 25 this year. DEQ will be required to submit an</p>
<p>6</p> <p>1 the holidays and stuff around the 3rd. Probably 2 wouldn't be a good time, I'm guessing. 3 CHAIRMAN DUANE WINEGARDNER: Do we have 4 any -- I know this is far, far ahead, but do we have 5 any conflicts that we know now from the Council? 6 Okay. Then we should have a motion. 7 MR. JIM RODRIGUEZ: So move we accept the 8 schedule. 9 CHAIRMAN DUANE WINEGARDNER: Accept the 10 schedule. Yes. Okay. 11 MR. MIKE PAQUE: I'll second it. 12 CHAIRMAN DUANE WINEGARDNER: It is moved and 13 seconded. Okay. 14 MS. QUIANA FIELDS: Mr. Carr? 15 MR. ROBERT CARR: Yes. 16 MS. QUIANA FIELDS: Mr. Duzan? 17 MR. BRIAN DUZAN: Yes. 18 MS. QUIANA FIELDS: Mr. Paque? 19 MR. MIKE PAQUE: Yes. 20 MS. QUIANA FIELDS: Mr. Rodriguez? 21 MR. JIM RODRIGUEZ: Yes. 22 MS. QUIANA FIELDS: Mr. Short? 23 MR. JEFFREY SHORT: Yes. 24 MS. QUIANA FIELDS: Ms. Wells? 25 MS. DEBBIE WELLS: Yes.</p>	<p>8</p> <p>1 implementation plan and report compliance to DEQ at 2 that time -- to EPA at that time. 3 And then the next information on this rule is 4 Biosolids Reporting, MS4 Reporting, General Permitting 5 and things that will take place in 2020 for those 6 electronic submittals. 7 And as part of this rule, DEQ has set up and 8 scheduled several outreaches throughout the state. We 9 have five scheduled in October in Woodward, Lawton, 10 Tulsa, McAlester, and Oklahoma City. And then we'll 11 also have weekly or every-other weekly trainings here 12 in our computer room to get people signed up and 13 familiar with the system. 14 And we're going to teach our -- we're going 15 to go out to our regional county meetings with our 16 environmental specialists and give them a presentation 17 on that as well so that they can help some of our 18 facilities out there with this process. 19 And this -- this is something that we've kind 20 of pushed back for years on. And I think EPA kind of, 21 and other states, realized that we probably aren't 22 going to get 100 percent for some time on this from 23 our facilities, but we're going to give it the Good 24 Ole' College try. 25 And the second incorporation is an update of</p>

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<p style="text-align: right;">9</p> <p>1 the Effluent Limit Guidelines and Standards for Steam 2 Electric Power Generating industry. And this 3 establishes nationally applicable limits on the amount 4 of toxic metals and other pollutants that coal-fired 5 power plants are allowed to discharge. 6 And in the State of Oklahoma we have 7 approximately six power plants that this will affect. 8 And the rule has to be implemented in their -- when 9 they modify or renew their permit from any time from 10 2018 to 2022. 11 And then the third update is -- establishes 12 pretreatment standards that prevent the discharge of 13 basically fracing water or oilfield production water 14 to be introduced to a publicly-owned waste water 15 treatment plant. And we haven't had any of that in 16 the State of Oklahoma and this rule will make that 17 where that can't happen, which is probably a good idea 18 in our opinion. 19 And then that's all we've got on that. As I 20 mentioned earlier, we haven't had any formal comments 21 on any of these changes. 22 CHAIRMAN DUANE WINEGARDNER: Thank you. Are 23 there any comments from the Board -- from the Council? 24 MR. BRIAN DUZAN: How far -- is the state's 25 software ready for the electronic data?</p>	<p style="text-align: right;">11</p> <p>1 MR. MIKE PAQUE: Yes. 2 MS. QUIANA FIELDS: Mr. Rodriguez? 3 MR. JIM RODRIGUEZ: Yes. 4 MS. QUIANA FIELDS: Mr. Short? 5 MR. JEFFREY SHORT: Yes. 6 MS. QUIANA FIELDS: Ms. Wells? 7 MS. DEBBIE WELLS: Yes. 8 MS. QUIANA FIELDS: Mr. Winegardner? 9 CHAIRMAN DUANE WINEGARDNER: Yes. 10 MS. QUIANA FIELDS: Motion passed. 11 CHAIRMAN DUANE WINEGARDNER: Thank you. 12 Okay, Mark. 13 MR. MARK HILDEBRAND: Okay. For Chapter 690, 14 the Water Quality Standards Implementation, the 15 Department is proposing to update the date of 16 incorporation of reference for federal regulations 17 from July of 2015 to July of 2016, and this includes 18 the same incorporations that we just went over in 19 Chapter 606, which is the implementation of the 20 Electronic Reporting Rule, the information updating 21 the Effluent Limitation Guidelines for Steam Electric 22 Power Generating industry and the update establishes 23 the Pretreatment Standards for Waste Water from 24 Onshore Unconventional Oil and Gas Extraction 25 Facilities to Publicly-Owned Treatment Works.</p>
<p style="text-align: right;">10</p> <p>1 MR. MARK HILDEBRAND: I don't think it's 2 completely ready. We're still working through some 3 bugs, but they think that it's going to be ready. And 4 I can't give you specific details on that, but our 5 group manager, David Pruitt, thinks that -- and our IT 6 folks here in OMES and our group seem to think we're 7 going to get there. We've got a contractor that's 8 working on this. 9 CHAIRMAN DUANE WINEGARDNER: Are there any 10 comments by the public? 11 I'm just glad that you have qualified people 12 to do that, because I have trouble operating my 13 telephone. 14 MR. MARK HILDEBRAND: I'm right there with 15 you. 16 CHAIRMAN DUANE WINEGARDNER: Okay. Any 17 other -- any other comments or discussion? If not, 18 then I'm open for a motion to approve. 19 MR. JEFFREY SHORT: So move. 20 MR. BRIAN DUZAN: Second. 21 MS. QUIANA FIELDS: Mr. Carr? 22 MR. ROBERT CARR: Yes. 23 MS. QUIANA FIELDS: Mr. Duzan? 24 MR. BRIAN DUZAN: Yes. 25 MS. QUIANA FIELDS: Mr. Paque?</p>	<p style="text-align: right;">12</p> <p>1 And also there's a change to separate the 2 sections, separating it into two sections on the date 3 of incorporation by reference, which will streamline 4 future rulemaking, since the date of incorporated 5 federal rules is updated regularly and the list of 6 federal rules is not updated regularly. This will 7 make it similar to our language in 606 where it will 8 just be one line updated every year. 9 CHAIRMAN DUANE WINEGARDNER: Okay. 10 Questions, discussions by the Council? 11 MR. MIKE PAQUE: I just had one question that 12 has no bearing or little bearing on this, but just 13 curious. 14 The UIC program that the department 15 administers for all but oil and gas years ago had an 16 electronic permitting system that operators, and there 17 aren't that many of them, admittedly, for the 18 hazardous waste wells, could submit permit information 19 to the department electronically and that, in turn, is 20 capable of being submitted to Region 6. 21 Whether it's working today or not doesn't 22 matter. I'm just curious if it is, if it's still 23 functional, if you know. 24 MR. MARK HILDEBRAND: I'm going to ask Saba. 25 MR. SABA TAHMASSEBI: Right now, Mike, our</p>

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<p style="text-align: right;">13</p> <p>1 UIC program doesn't have the capability to accept  2 electronic submittals. We don't have that right now.  3 MR. MIKE PAQUE: But we're not talking about  4 a lot of wells anyway, are we?  5 MR. SABA TAHMASSEBI: We are not. But then  6 at the same time we did think about it at some point  7 for Solid Waste, Hazardous Waste and UIC. But just  8 because of the fact that you've got so much material  9 to send and there is so much back and forth, we  10 decided to wait until we become smarter electronically  11 before we try to do that.  12 MR. MIKE PAQUE: Okay. Thanks.  13 CHAIRMAN DUANE WINEGARDNER: Any other  14 comments or questions?  15 Any comments or any discussion by the public?  16 Okay. Then I believe we're open for a  17 motion.  18 MR. MIKE PAQUE: I move approval.  19 MR. JIM RODRIGUEZ: Second.  20 MS. QUIANA FIELDS: Mr. Carr?  21 MR. ROBERT CARR: Yes.  22 MS. QUIANA FIELDS: Mr. Duzan?  23 MR. BRIAN DUZAN: Yes.  24 MS. QUIANA FIELDS: Mr. Paque?  25 MR. MIKE PAQUE: Yes.</p>	<p style="text-align: right;">15</p> <p>1 Public Water System rules, Chapter 624. I wanted to  2 start by saying that no formal action is required  3 today by the Council and this is mainly just for  4 informational purposes. I'll present it again at the  5 January meeting for an official vote.  6 Our main reason for deciding to make some of  7 the changes to the rules was that the current  8 definition of the Minor Public Water Supply System was  9 ambiguous and allowed some room for misinterpretation.  10 So our goal was to clarify that definition and make it  11 easier for the regulated community to understand and  12 then for ourselves also and our ES's, our  13 Environmental Specialists.  14 So redefining the definition of a Minor Water  15 System was our main goal, but we also wanted to  16 address some of the other concerns from well drillers  17 and other members of the regulated community while we  18 had the opportunity. I'll briefly go over some of the  19 more substantial changes that we're going to propose.  20 First, we added the definitions of Annular  21 Space, CAFO, Human Consumption, Individual Water  22 System, Multi-Family Dwelling, PAS and WSC.  23 We also changed -- added language that  24 incorporates the existing Permit to Supply language  25 currently in our statutes. And this updates the rules</p>
<p style="text-align: right;">14</p> <p>1 MS. QUIANA FIELDS: Mr. Rodriguez?  2 MR. JIM RODRIGUEZ: Yes.  3 MS. QUIANA FIELDS: Mr. Short?  4 MR. JEFFREY SHORT: Yes.  5 MS. QUIANA FIELDS: Ms. Wells?  6 MS. DEBBIE WELLS: Yes.  7 MS. QUIANA FIELDS: Mr. Winegardner?  8 CHAIRMAN DUANE WINEGARDNER: Yes.  9 MS. QUIANA FIELDS: Motion passed.  10 CHAIRMAN DUANE WINEGARDNER: Thank you very  11 much.  12 MR. MARK HILDEBRAND: Thank you.  13 CHAIRMAN DUANE WINEGARDNER: Our next  14 discussion is on 252.624, Minor Public Water Supply  15 Systems.  16 MR. GEORGE RUSSELL: Good afternoon.  17 MR. MARK HILDEBRAND: I should have left it  18 on.  19 MR. GEORGE RUSSELL: Got it.  20 My name is George Russell. I'm the Minor  21 Water Program Manager for the Environmental Complaints  22 and Local Services Division here at DEQ.  23 Excuse me. I'm having some allergy issues  24 today, so bear with me if I have to cough or sneeze.  25 So I'm going to be discussing our Minor</p>	<p style="text-align: right;">15</p> <p>1 to reflect the statute that allows DEQ to permit  2 facilities that have previously not been permissible  3 or permitted.  4 We also created a Certificate of Exemption  5 form that allows facilities, such as small field  6 offices that use the water solely for handwashing or  7 toilet flushing, to opt out of being classified as a  8 Minor Public Water Supply System. And our  9 Environmental Specialists would do a site visit and  10 verify that this certification is accurate. And the  11 facility would also be required post signs saying that  12 the water is not safe to drink.  13 We proposed rules that would grant DEQ the  14 authority to approve variances and we added a  15 subsection to the rules that outlines the process.  16 We also created or added some language to  17 create separation distances from the wells to  18 concentrated animal feeding operations and waste water  19 lagoons to be more consistent with Water Resources  20 Board well driller regulations. And we also clarified  21 the distances from the well to on-site sewage systems.  22 We also propose allowing bentonite clay as an  23 acceptable grouting material and the use of pitless  24 adapters in addition to pitless well units that are  25 allowed in the current rules.</p>

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<p style="text-align: right;">17</p> <p>1 We would like to remove the requirement of</p> <p>2 the surface well casing and then amend our appendix to</p> <p>3 reflect all the changes that we're proposing.</p> <p>4 In addition, we shuffled some of the wording</p> <p>5 around in regulations and, hopefully, made the text a</p> <p>6 little more understandable, and made some other minor</p> <p>7 clarifications and corrections.</p> <p>8 We've been working on these rules with the</p> <p>9 assistance of our Water Quality Division and to make</p> <p>10 sure that our rules don't conflict with theirs. And I</p> <p>11 met with the Water Resources Board and Well Drillers</p> <p>12 Advisory Committee a couple of weeks ago and discussed</p> <p>13 some of the proposed changes. They have been asking</p> <p>14 for some changes for awhile and were pleased with many</p> <p>15 of the changes that we made or are proposing. I guess.</p> <p>16 I also have a couple more meetings scheduled:</p> <p>17 one here in Oklahoma City and then one in Tulsa later</p> <p>18 this month, in which I'll send a letter to our</p> <p>19 regulated community, as well as well drillers, and</p> <p>20 give them an opportunity to make comments at that</p> <p>21 time. And then our formal comment period, of course,</p> <p>22 will be during the month of December. I think that</p> <p>23 covers most of the changes.</p> <p>24 CHAIRMAN DUANE WINEGARDNER: Thank you.</p> <p>25 MR. GEORGE RUSSELL: Thank you.</p>	<p style="text-align: right;">19</p> <p>1 MR. JEFFREY SHORT: Where do -- I have a</p> <p>2 question on the definition of the Minor Public Water</p> <p>3 Supply System. Where does the ambiguity arise in the</p> <p>4 definition?</p> <p>5 MR. GEORGE RUSSELL: Our current definition</p> <p>6 pretty much states what a -- a minor -- it states a</p> <p>7 Minor Water System is not a PWS and that -- it kind of</p> <p>8 leaves it at that. It doesn't really define what it</p> <p>9 is, which is what we try to do to leave it -- to make</p> <p>10 it more -- explain a little better what actually a</p> <p>11 Minor Water System is, saying what it is not. Does</p> <p>12 that answer your question?</p> <p>13 So the current definition says it's not a</p> <p>14 community system, it's not a non-community, and it's</p> <p>15 not a non-transient non-community system. And we took</p> <p>16 that language out and added language that says it's</p> <p>17 fewer than 15 connections, fewer than 25 people, along</p> <p>18 with some other wording.</p> <p>19 MR. JEFFREY SHORT: The reason I asked, I</p> <p>20 remember a long time ago there was a big concern by</p> <p>21 people who ran RV parks as a transient water supply</p> <p>22 system, that they were going to have to fall under</p> <p>23 these regulations. And I think there was some</p> <p>24 compromises made at that time and I thought we had</p> <p>25 addressed that in the definition back when.</p>
<p style="text-align: right;">18</p> <p>1 CHAIRMAN DUANE WINEGARDNER: Discussion by</p> <p>2 the Council?</p> <p>3 MR. MIKE PAQUE: A question. On the</p> <p>4 separation distances?</p> <p>5 MR. GEORGE RUSSELL: Uh-huh.</p> <p>6 MR. MIKE PAQUE: They -- are they just -- it</p> <p>7 says, "add language creating separation distance."</p> <p>8 There are linear distances, but are they also based on</p> <p>9 geologic or subsurface conditions?</p> <p>10 MR. GEORGE RUSSELL: There are some, as far</p> <p>11 as in regards to on-site septic systems. We added</p> <p>12 language regarding the type of -- so like a coarse</p> <p>13 sand or a loamy coarse sand would require a greater</p> <p>14 separation distance than a clay material.</p> <p>15 MR. MIKE PAQUE: Okay. And then the</p> <p>16 elimination of surface casing, the removing of the</p> <p>17 requirement for that. What is the --</p> <p>18 MR. GEORGE RUSSELL: Right. So we</p> <p>19 discussed -- there's been a lot of discussion with the</p> <p>20 well drillers and then also the Water Quality Division</p> <p>21 and the engineers about possibly that surface casing</p> <p>22 being -- being a conduit for some contamination when</p> <p>23 it shrinks and swells between it. And what was</p> <p>24 decided is that that adds no extra protection, the</p> <p>25 surface casing.</p>	<p style="text-align: right;">20</p> <p>1 MR. GEORGE RUSSELL: Was it for the Minor</p> <p>2 definitions?</p> <p>3 MR. JEFFREY SHORT: I believe it was.</p> <p>4 MR. GEORGE RUSSELL: Okay. I'm not familiar</p> <p>5 with that conversation. I don't know if anybody</p> <p>6 else --</p> <p>7 MR. JEFFREY SHORT: Pre-dates everybody.</p> <p>8 MR. GEORGE RUSSELL: I will ask around in our</p> <p>9 division, the people who worked on the rules</p> <p>10 previously, to see what that discussion was.</p> <p>11 MR. MARK HILDEBRAND: Jeff, we can try to</p> <p>12 look at the old language changes and try to look at</p> <p>13 the old rulemaking stuff that we have in our archives</p> <p>14 and see what that might have been.</p> <p>15 MR. JEFFREY SHORT: I think it had to do with</p> <p>16 Governor Keating's rewrite, de-wrong the rules way</p> <p>17 back when, because this one came up. And I think</p> <p>18 there was a -- I remember there was quite a few people</p> <p>19 that attended the Council meeting, because they were</p> <p>20 really concerned about a transient water supply system</p> <p>21 that's applied to only a few RVs in a private park.</p> <p>22 MR. MARK HILDEBRAND: I remember that</p> <p>23 happening even though I was in Waste Water, because</p> <p>24 they sent me to look at a few while I was out in</p> <p>25 nearby areas. I drove by one the other day.</p>



21	<p>1 MR. JIM RODRIGUEZ: From Item 10, could you 2 please, tell me what a pitless well adapter is? 3 MR. GEORGE RUSSELL: A pitless well adapter 4 is a -- so a lot of the wells that you look at have 5 above-ground distribution piping. With the pitless 6 well units and pitless well adapters, all that's on 7 the surface is a casing. And then below the surface 8 it actually ties in into the production casing. And 9 where it ties in there is the pitless well adapter. 10 MR. JIM RODRIGUEZ: So that's tying in under 11 ground? 12 MR. GEORGE RUSSELL: Yes. 13 CHAIRMAN DUANE WINEGARDNER: This is a very 14 timely discussion. I have had -- in the last week 15 I've had a couple of well drillers call me and ask me. 16 So either your word is getting around or these 17 concerns are much broader than what I anticipated. 18 MR. GEORGE RUSSELL: Yeah. I have met with 19 the Well Drillers Advisory Committee. They seemed to 20 be pleased. I hope they passed that information on to 21 you, unless it was a different well driller. I'm not 22 sure. 23 CHAIRMAN DUANE WINEGARDNER: I think it was. 24 It was. 25 MR. GEORGE RUSSELL: It was? Okay</p>	23
22	<p>1 CHAIRMAN DUANE WINEGARDNER: But that doesn't 2 mean that they didn't have secondhand questions that 3 they were passing on. 4 MR. GEORGE RUSSELL: Yeah. Right. 5 CHAIRMAN DUANE WINEGARDNER: Very good. 6 Other discussion by the Council? 7 Are there concerns by the public or any 8 discussion? 9 MR. JEFF EVERETT: I need to address the mic? 10 CHAIRMAN DUANE WINEGARDNER: Please. 11 MR. JEFF EVERETT: Okay. Jeff Everett, OGE 12 Energy Corp. 13 I just want to address the Council and say, 14 you know, we've been working with George and his staff 15 on this. This is something that has come up in our 16 industry that we've kind of got caught on that we 17 found. And so, we've been working back and forth. 18 And I think this rule or this change will actually 19 align some of the rules within the different state 20 agencies, so as far as construction standards go. So 21 and, you know, I appreciate our staff working with 22 them as well. 23 So that's all I have to say. Looking forward 24 to more cooperation in the future on this. 25 CHAIRMAN DUANE WINEGARDNER: Thank you. The</p>	24
21	<p>1 more cooperation and discussion we have, the better 2 off we become in the end. Okay. 3 MR. GEORGE RUSSELL: Thank you. 4 CHAIRMAN DUANE WINEGARDNER: There is nothing 5 to vote on at this time. We will have in January 6 though. 7 MR. GEORGE RUSSELL: Thank you. 8 CHAIRMAN DUANE WINEGARDNER: Yeah. Thank 9 you. 10 Okay. Saba, would you like to come and talk 11 about Aquifer Storage and Recovery? 12 MR. SABA TAHMASSEBI: Yes, sir. Thank you 13 for having me here today. 14 As most of you know, DEQ has been very 15 proactive in trying to address the drought situation 16 for the time when we will have drought again. I have 17 talked before you in the past about what we've done 18 with dual permitting of Class I and Class V wells for 19 disposal of waste water treatment residuals, drinking 20 water treatment residuals and also our Class V rules 21 that make it easier for folks to produce groundwater 22 that is brackish and get rid of their -- get rid of 23 their residuals. 24 And you might even know, if you follow the 25 environmental news, that the City of Clinton took</p>	23
22	<p>1 advantage of the rules that you all passed last time 2 and they have made national environmental news for 3 being a community that is being proactive in 4 diversifying the sources of their water. And now they 5 have an application on file at DEQ, both in Water and 6 in UIC, to actually use brackish groundwater to 7 address the drought situation, if it comes again. 8 Some of you also may know that DEQ with OWRB 9 we developed this screening tool for regionalization. 10 This is -- it's a great tool. We have -- it's a 11 GIS-based utility map of Oklahoma shows up. You see 12 which wells, for example, have high nitrates, which 13 wells have high arsenic. This way folks who are in 14 water planning, they know which, if they need to 15 combine water resources, if there are any blending, 16 any blending opportunities, if there are any 17 opportunities to have regionalized treatment systems 18 or have regionalization in general. This tool 19 is -- has been developed and there are people who are 20 actual using it in their water planning. 21 And you also know that we have been proactive 22 in promoting reuse and we have a work group with 23 external folks who have membership in it and we are 24 trying to develop criteria and also rules for indirect 25 potable reuse and that is going well also.</p>	24

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<p style="text-align: right;">25</p> <p>1 So this brings us to ASR, Aquifer Storage and 2 Recovery. And this is with the realization that under 3 certain circumstances it may make sense for us to 4 store our drinking water or our water in the 5 subsurface, as opposed to in surface reservoirs, which 6 I call this, affectionately, evaporation basins. I 7 mean, in some of our reservoirs we lose like six 8 inches a month worth of water just due to evaporation. 9 So there are circumstances where it makes 10 sense, if you have like a flood situation, if you have 11 got a high water flow situation, to somehow divert 12 that water to treat it and to inject it so that you 13 replenish the aquifer. And that way, when the drought 14 comes, then this is something that could be done to 15 address that situation. 16 So a year and a half ago we formed a work 17 group with the Water Board, with the Department of 18 Agriculture, with the Corporation Commission, with the 19 Office of the Secretary of Energy and Environment, 20 with Mike's GWPC, and a member from the Oklahoma 21 Legislature, also the Oklahoma Geological Survey, the 22 USGS, and a City Manager in Southwest Oklahoma, and 23 two nationally prominent consultants who are -- who 24 were in Kansas -- I mean, I'm sorry, in Missouri and 25 in Colorado, who just joined the group just because we</p>	<p style="text-align: right;">27</p> <p>1 in Oklahoma and protecting our groundwater resources, 2 at the same time we created a way for ASR to happen in 3 Oklahoma. And the Water Board right now, they are in 4 the process of having this rule go through their 5 Board. And, in fact, they have their first 6 stakeholder meeting this Friday, Friday the 7th. And 7 we're hopeful that that will go forward. 8 What now, what is next is rulemaking on the 9 part of DEQ, both in the Water Quality Division and 10 the UIC Division, for us to come up with standards and 11 a mechanism to do ASR. That effort is in its infancy 12 right now. We've had a couple of meetings and people 13 are ideating, coming up with ideas on how we need to 14 do this, what are some of the issues that we need to 15 address. And after that, we will -- we will get our 16 pens and start writing rules. 17 And we have decided that we're going to do 18 the rulemaking development through the work group. So 19 we are going to get input from this list of eleven 20 different organizations that I talked about. 21 Everything will be, you know, it will be a work group 22 product. And we are very excited about it. 23 For those of you who may not know, we are not 24 inventing the wheel here. There are other states who 25 have done this. An expert in the field is Mike Paque</p>
<p style="text-align: right;">26</p> <p>1 asked them to and they are working for free. 2 We formed this huge work group of experts in 3 trying to find a way to make ASR a reality in 4 Oklahoma. And the work group has worked extremely 5 well. People have brought in very good ideas. And it 6 has also been very fruitful. 7 What we have accomplished in the past year 8 and a half has been that there was a Senate Bill, 9 Senate Bill 1219, which was passed during the last 10 legislative session. This was sponsored by the Water 11 Board. That addressed water rights with ASR. 12 The issue was that if you inject water here 13 and your neighbor recovers it, you know, just down the 14 street, whose water is it. How is that accounted for 15 in the water rights equation. So that was -- that 16 will pave the way for the Water Board to address water 17 rights or ASR situations. 18 The next issue that the work group addressed 19 was the issue of standards in Oklahoma with respect to 20 groundwater. And the way the wording of certain rules 21 were, it made it sort of impossible to have ASR in 22 Oklahoma in any meaningful way. 23 So the work group got together and crafted 24 some language that, while staying true to the 25 philosophy of maintaining the high quality groundwater</p>	<p style="text-align: right;">28</p> <p>1 right here who is a national voice for ASR and has had 2 discussions with EPA. For that reason, we wanted his 3 group to be a member of our work group. 4 And we made a presentation at GWPC's National 5 Conference a couple of weeks ago. One of our folks 6 did a survey of all of the states, the relevant 7 states, about the requirements and how they do ASR. 8 And it was quite a good study and we made that and 9 made the presentation of that study in GWPC. 10 So timelines, we are thinking that in 12 11 months we should have some rules for your 12 consideration and approval. And between now and then 13 I will keep on giving you updates of where we are in 14 the process and how this is going. 15 CHAIRMAN DUANE WINEGARDNER. Thank you. 16 MR. SABA TAHMASSEBI. Thank you. 17 CHAIRMAN DUANE WINEGARDNER. Thank you. 18 Discussion by the -- by the Council? 19 MR. MIKE PAQUE. I'd just say one word. I 20 want to commend the DEQ for taking this topic on. 21 Saba correctly points out that other states 22 are working on the same challenge for future drought 23 conditions, some current drought conditions, and some 24 states are noticeably more advanced, if you want to 25 use those words, in their use of aquifer storage and</p>

<p style="text-align: right;">29</p> <p>1 recovery as a water management tool. And I think it's  2 to the state's credit that we're undertaking this.  3 The -- I had a couple of questions. One  4 comment, Saba, I know that there has been opportunity  5 to attend the work group meetings. I haven't been  6 able to, but others have. At what point in the  7 process do you think we could do some briefings for  8 this Council so that when we get -- I would suggest  9 even before the work group got to the point where they  10 had parameters for rules, but just slightly before  11 that where we could have a Council meeting or  12 informational -- not a Council meeting, but a  13 informational meeting, like we've done a number of  14 times over the years, so that any members of the  15 Council that want to be brought up to speed on the  16 process and some of the challenges in the UIC Program,  17 the Drinking Water Program, would have that  18 information provided to them.  19 So I'd encourage you to have some briefings  20 for the Council. There is ways of doing that that  21 don't violate the Open Meeting Law. You know what  22 those are. But I'm sure Mr. Chairman would want to  23 encourage us to do that at some point in the future.  24 The other comment I had, and I don't have an  25 answer, Saba, you may, and it may be something we have</p>	<p style="text-align: right;">31</p> <p>1 office has been coming to all of the meetings.  2 And I think your idea about further  3 coordination with the members of this Council is a  4 wonderful idea. I think we could all benefit from  5 that and we will certainly do that.  6 CHAIRMAN DUANE WINEGARDNER: Yes, I like  7 working, what do you want to call it, working meetings  8 when we can just listen and have open discussion.  9 MR. SABA TAHMASSEBI: Very good.  10 CHAIRMAN DUANE WINEGARDNER: Very good. I  11 will encourage that.  12 Other discussion?  13 MR. BRIAN DUZAN: You mentioned at the  14 beginning that the legislature passed a rule about who  15 the water belonged to after you pumped it down. Can  16 you elaborate what it means or says?  17 MR. SABA TAHMASSEBI: Yes. This is the  18 Senate Bill 1219. And it actually is -- without  19 describing exactly who owns the water, the bill states  20 that the entity that does the ASR needs to come up  21 with an aquifer storage plan. And when they come up  22 with the plan, actually a part of the plan is actually  23 getting whatever permits the entity needs to get from  24 DEQ. There are other requirements, too. And with  25 that, the OWRB does its allocations of who owns what.</p>
<p style="text-align: right;">30</p> <p>1 to work out, there will be challenges eventually to  2 coordinate with OWRB, correct? Some of the -- or not?  3 MR. SABA TAHMASSEBI: Well, we are --  4 MR. MIKE PAQUE: Will there be a set of rules  5 that they have to pass or changes that they have to do  6 that have to be coordinated with changes that this  7 Council has to do and send it on to the Board?  8 MR. SABA TAHMASSEBI: Yes. We have been  9 working pretty much seamlessly with them. The first  10 step was for them to push through the standards and  11 then next year an implementation.  12 Their representatives are attending our  13 internal DEQ meetings and we are attending their  14 internal meetings. And we are also part of the bigger  15 work group. So the idea is for their rules and our  16 rules to mesh together really well. So we're really  17 working well together intentionally.  18 MR. MIKE PAQUE: And when you mention the big  19 group, do you refer to the Governor's Water 2050 group  20 or --  21 MR. SABA TAHMASSEBI: No, I'm talking about  22 the ASR work group with the membership that I  23 mentioned at the beginning.  24 MR. MIKE PAQUE: Oh, yes.  25 MR. SABA TAHMASSEBI: And Dan Yates of your</p>	<p style="text-align: right;">32</p> <p>1 I think that the whole bill is really three  2 pages and the last page is just for signature. It  3 doesn't say much. But it's one of those documents  4 that, with just a few words, opens up the pathway for  5 something good to happen.  6 MR. JIM RODRIGUEZ: Could you address the  7 circumstances that water might be lost in an aquifer?  8 MR. SABA TAHMASSEBI: That is correct. So  9 when we -- ASR may be good for certain situations, not  10 all situations. When you store water in surface  11 reservoirs, you have evaporative losses. When you  12 store water in underground reservoirs, you have losses  13 because water will go elsewhere. So all of that will  14 have to be taken into account when -- in terms of  15 water rights, I'm sure you're talking about. All of  16 that will have to be addressed through the water  17 rights. It's not -- it's not done yet. We have a  18 path forward, but we don't have a path.  19 Jim, it's not going to be easy. It's not  20 going to be easy. It's going to be hard. But then I  21 believe that we are all smart people and we know what  22 is the right thing to do. The right thing to do is  23 that, if the situation calls for it, we need to be  24 able to store water underground. If that makes sense,  25 we should not have laws, we should not have</p>

<p style="text-align: right;">33</p> <p>1 regulations that prohibit us from doing what's the 2 right thing to do. And that's what we have done. 3 We've opened up the path so that if the right thing 4 presents itself, there is no law or rule that tells us 5 we can't do that. 6 So we just – we just have to be. And we 7 have gathered the smartest people that we know in 8 trying to find a solution and do this the right way. 9 But it's not going to be easy. We need to think hard 10 and we need to be smart. 11 CHAIRMAN DUANE WINEGARDNER Thank you. Any 12 other discussion? Well, thank you, Saba. 13 MR. SABA TAHMASSEBI Thank you. 14 CHAIRMAN DUANE WINEGARDNER Any discussion 15 that the public might have? Okay. Thank you. 16 The next thing on the Agenda, Shellie, you 17 may address us. 18 MS. SHELLIE CHARD Okay. Good afternoon. 19 I'm Shellie Chard. I'm the Water Quality Division 20 Director. 21 I just had a few key things that I wanted to 22 talk about today. I know at our last meeting we kind 23 of gave you guys some of the overviews of some the 24 programs and some of the big things that were going 25 on. You know, obviously, we're spending a lot of time</p>	<p style="text-align: right;">35</p> <p>1 modeling. 2 We, in Oklahoma, have a pretty good track 3 record. We don't have very many permits that go 4 beyond a two year time period. The proposal would 5 allow EPA to consider administratively-continued 6 permits that have gone an additional two years, those 7 permits EPA would consider a draft permit, which 8 doesn't sound like too big of a deal, except that 9 triggers a clock. And that would basically give the 10 state 120 days to finalize the permit with EPA's 11 changes or EPA could federalize the permits. 12 EPA headquarters seems very high on this 13 idea. At least Region 6 is not very high on that 14 idea, because they don't have the staff or the 15 expertise to deal with some of the permitting issues 16 anymore. So the regions are trying to convince 17 headquarters to take a different stance. Certainly 18 all of the states have voiced concern. So that's 19 something we're definitely going to be working 20 through. 21 If EPA meets their timeline, they have 22 expressed that they likely will try to publish before 23 the end of the calendar year so that this rule would 24 be finalized under the current administration. Will 25 it happen? You know, you never know how that's going</p>
<p style="text-align: right;">34</p> <p>1 addressing water reuse, ASR, indirect potable reuse 2 All of those things, those activities, will continue 3 into the foreseeable future. 4 At this time that we're addressing the state 5 water needs and water planning, we're also kind of 6 catching up and keeping up with some of EPA's programs 7 and things that they have some initiatives that we 8 will be involved in and see how they affect the 9 regulated community in Oklahoma. 10 We've talked about the NPDES update rule for 11 what feels like an eternity. I think that rulemaking 12 started sometime in the mid-to-late '90s, and it was 13 put on the shelf, and it came back, and then it left, 14 and it's back again. 15 The rule was published in May. EPA had more 16 than 14,000 comments. The bulk of the comments were 17 in one section and that relates to administratively 18 continued permits. That's something that we do. If 19 the entity has a permit, they file their renewal 20 application, their permit continues in effect until we 21 renew that permit. 22 Sometimes we use that as a tool to 23 prioritize. Maybe we have an area where we're 24 addressing TMDL issues, sometimes we're waiting for 25 TMDLs, we're waiting for additional monitoring or</p>	<p style="text-align: right;">36</p> <p>1 to work. 2 MR. MIKE PAQUE Before you leave that 3 thought, the 120 days, that's in the proposed rule? 4 The 120 days? 5 MS. SHELLIE CHARD No. That's part of – 6 today when we do draft permits, EPA has the 7 opportunity to review. They don't review a lot of 8 permits because of staff limitations. But once they 9 issue formal comments to the state, that starts our 10 clock. And that's actually been in effect in Oklahoma 11 since 1995-96 when we got delegation. So it 12 just – it's using an existing mechanism to speed up 13 the process. 14 And, you know, we're being honest. There are 15 a handful of states that have really old permits. As 16 with all things, you don't address the one naughty 17 child, you punish the entire classroom. And that's 18 kind of what this rule on that provision kind of looks 19 like. And that's why there were 14,000 comments 20 primarily on the one issue. 21 The issue is related to, I think, some other 22 ways we handle things. You know, we kind of already 23 do it. It's not that big of a change, but it's the 24 administratively-continued permits that we felt like 25 would have the greatest impact in Oklahoma. So we're</p>

<p style="text-align: right;">37</p> <p>1 just kind of watching it.</p> <p>2 And, like I said, the regional offices are</p> <p>3 not proponents of that aspect. So we're kind of</p> <p>4 hoping that EPA will have their internal discussions</p> <p>5 and work through some of that. So that's the one</p> <p>6 piece of that rule that we're really keeping an eye</p> <p>7 on.</p> <p>8 Something that happened last week, on the</p> <p>9 29th of September EPA published an advanced notice of</p> <p>10 proposed rulemaking on setting a nationwide baseline</p> <p>11 Tribal water quality standards. And again, this</p> <p>12 actually originated with an issue in Maine and kind of</p> <p>13 started spreading.</p> <p>14 So EPA headquarters decided that clearly</p> <p>15 there was an issue that water quality standards had</p> <p>16 not been adequately set for the Tribes. It basically</p> <p>17 will set standards for Tribes that do not have</p> <p>18 treatment as a state status and set their own</p> <p>19 standards. It works very nicely where you have</p> <p>20 defined boundaries and EPA talks about reservations.</p> <p>21 Oklahoma, we don't have reservations. So EPA -- well,</p> <p>22 there are informal reservations.</p> <p>23 And then we got into discussions of, well,</p> <p>24 there are formal and informal reservations and there</p> <p>25 are allotment lands and trust lands and a lot of</p>	<p style="text-align: right;">39</p> <p>1 Obviously, as it moves forward, we will be working</p> <p>2 with the Tribes in Oklahoma. We have a pretty good</p> <p>3 relationship with several of the Tribes; we work on</p> <p>4 remediation projects together, we do water planning</p> <p>5 together. But it's just -- it's a little bit odd.</p> <p>6 And EPA is identifying some new beneficial uses in</p> <p>7 their proposed rulemaking that we don't currently</p> <p>8 have. So we don't know how to apply ceremonial uses,</p> <p>9 we don't know what that means when looking at water</p> <p>10 quality standards and a discharge.</p> <p>11 We know what public and private water supply</p> <p>12 is. We know what agricultural uses are. We have</p> <p>13 history with that. We know what those mean.</p> <p>14 So we're trying to figure out exactly what it</p> <p>15 means and how it will affect dischargers in Oklahoma</p> <p>16 and trying to figure out how it will all play out</p> <p>17 since -- I thought we were alone in the world, but,</p> <p>18 actually, Alaska kind of has a very similar situation</p> <p>19 to the way that their boundaries and jurisdictional</p> <p>20 issues are set.</p> <p>21 So that's going to be something we're</p> <p>22 definitely going to be watching. And we'll see how</p> <p>23 that plays out over the next year or so.</p> <p>24 Originally EPA said, oh, this is easy, it</p> <p>25 will be done before this administration. It's not.</p>
<p style="text-align: right;">38</p> <p>1 discussion of where would those standards apply, how</p> <p>2 would we deal with them. And EPA kept going back to</p> <p>3 some 1860s treaties and that we'll rely on that. And</p> <p>4 it was like, well, that sent Alaska into a tailspin.</p> <p>5 We have some Congressional language that is</p> <p>6 in place that allows us input into Tribal water</p> <p>7 quality standards that are set in the State of</p> <p>8 Oklahoma. Our biggest issue right now is not that the</p> <p>9 Tribes should or shouldn't have water quality</p> <p>10 standard, it's we don't know where these water quality</p> <p>11 standards would apply.</p> <p>12 For DEQ that becomes an issue of we don't</p> <p>13 know what water quality standards apply on a</p> <p>14 particular discharge permit on a stream segment in a</p> <p>15 water body. Is it state, is it the federal baseline,</p> <p>16 is it something beyond that, so that it gets real</p> <p>17 messy.</p> <p>18 We've also found in -- when we start talking</p> <p>19 about allotment lands, we have to ask Bureau of Indian</p> <p>20 Affairs to identify those lands for us. It can take a</p> <p>21 couple of years to do that. That's not very timely,</p> <p>22 that's not very helpful for an industry or a city</p> <p>23 that's trying to get a permit.</p> <p>24 So we're trying to figure out exactly what</p> <p>25 EPA is intending to do and how it's going to work.</p>	<p style="text-align: right;">40</p> <p>1 There is just no way, even if you meet minimum</p> <p>2 timelines, will it be finished under the current</p> <p>3 administration. So we'll see what happens, whoever</p> <p>4 the next administrator is and what that person's</p> <p>5 approach is.</p> <p>6 So this is one definitely to stay tuned. If</p> <p>7 you have an interest and want to read the Federal</p> <p>8 Register notice, you can let me know and I can send</p> <p>9 you the link. But it's, you know, kind of a standard</p> <p>10 environmental notice that EPA publishes.</p> <p>11 Just a couple of quick things on drinking</p> <p>12 water. Just as everyone knows, the Flint situation,</p> <p>13 the lead in drinking water got a lot of attention and</p> <p>14 continues to do so.</p> <p>15 The EPA made a small amount of money</p> <p>16 available to the states. They called them</p> <p>17 multi-purpose grants. Some of that had to be used for</p> <p>18 certain air quality functions and the remainder of the</p> <p>19 money could be used for whatever the state deemed a</p> <p>20 priority, but lead in drinking water should be</p> <p>21 everyone's priority. Kind of hint, hint, even though</p> <p>22 they couldn't tell us exactly what we should do.</p> <p>23 We worked with the Secretary of Energy and</p> <p>24 Environment and we did obtain about \$135,000 for the</p> <p>25 water quality drinking water programs. We are using</p>

41	<p>1 that to fund some outreach and education on the lead                  2 and copper rule as it exists today, some of the                  3 revisions that are being proposed and also the                  4 Lead-Free Act that was passed by Congress.                  5 We are going out to all of the water systems                  6 that did have an exceedence of the lead action level,                  7 working with them to determine cause. For the most                  8 part it's lack of corrosion control. But we'll be                  9 working with them to adjust their treatment to address                  10 some of those issues.                  11 So that's an area that we have been able to                  12 get a little bit of additional funding that we will                  13 over the next year be spending some time dealing with                  14 lead in drinking water.                  15 I think probably the last thing you know,                  16 that I will mention, and that is the Unregulated                  17 Contaminant Monitoring Rule 3 has wrapped up and 4 is                  18 about to start. We have gotten information from EPA                  19 that they are going to be proposing a new MCL for                  20 strontium. We don't know what that level is going to                  21 be. We know several of Oklahoma's aquifers do have                  22 naturally-occurring strontium. It kind of goes                  23 hand-in-hand with arsenic, some of the other                  24 Garber-Wellington issues. So we're going to be kind                  25 of watching that and seeing what happens.</p>	43
42	<p>1 If anyone has looked at some of the data                  2 that's been reported, probably the most surprising                  3 piece to me is that we did not see high levels or any                  4 high number of detections of pharmaceuticals and                  5 hormones that were specifically on the list for                  6 monitoring. I think everyone expected to see higher                  7 values based on some of the studies that have been                  8 done and all of the pictures of things we see about                  9 boy fish becoming girl fish and all of that sort of                  10 thing. So there was not as much occurrence of that as                  11 expected.                  12 Now EPA is going to look at some further                  13 study in UCMR 4. They're also expanding to some of                  14 the other pharmaceuticals and also looking at some of                  15 the disinfection by-products caused by using                  16 chloramines for disinfection. We all knew it was                  17 coming, they were going to do it for the                  18 chlorine-based by-products, the chloramines would                  19 come. So that's going to be kind of a focus on the                  20 next round.                  21 EPA has also indicated that they will                  22 continue with this round to have a relatively high                  23 number of what they consider small systems                  24 participating, keeping in mind Oklahoma City and Tulsa                  25 are medium-sized systems when you look across the</p>	44
41	<p>1 national list of cities that are participating and                  2 water systems get invitations to complete the                  3 mandatory sampling. The state does not have input                  4 into which systems are selected and how EPA goes about                  5 that, but we do work with the systems and help them                  6 take those samples and get those submitted to the EPA                  7 lab.                  8 With that, I will stop. I know I have kind                  9 of thrown a lot at you, but I will be happy to answer                  10 any questions.                  11 If nobody has questions, I will invite you                  12 all to the Governor's Water Conference next week in                  13 Norman.                  14 CHAIRMAN DUANE WINEGARDNER: I know I will be                  15 there. I think probably others may join us. It's                  16 always really interesting to see what's going on.                  17 That's an opportunity to meet people from all of the                  18 different aspects of water and a good many, a good                  19 many. It's always good to go.                  20 Do we have any new business? I have no new                  21 business.                  22 Announcements? Any specific announcements do                  23 we have, other than the next scheduled meeting is                  24 January in 2017? And that's, of course, on the date                  25 that we agreed on earlier, which is January the 10th.</p>	43
42	<p>1 Okay. And if there are no other pressing                  2 things -- go ahead. Mark. Mark, you want me to whop                  3 that?                  4 MR. MARK HILDEBRAND: I want you to --                  5 CHAIRMAN DUANE WINEGARDNER: Mark is                  6 indicating that I have permission to whop this thing                  7 and call this meeting to be adjourned. Thank you very                  8 much.                  9 ADJOURNMENT - 3.00 P.M.                  10                  11                  12                  13                  14                  15                  16                  17                  18                  19                  20                  21                  22                  23                  24                  25</p>	44

1       \*\* CERTIFICATE \*\*

2 STATE OF OKLAHOMA )

          ) SS.

3 COUNTY OF OKLAHOMA )

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 of the foregoing meeting,  
8 and that I later reduced it to typewritten form, as  
9 the 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 6th day of  
19 October, 2016.

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

October 4, 2016

Department of Environmental Quality  
Oklahoma City, Oklahoma

**CHECK BOX TO COMMENT**

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WATER QUALITY MANAGEMENT  
ADVISORY COUNCIL

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Oklahoma City, Oklahoma

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