

**DRAFT MINUTES
 WATER QUALITY MANAGEMENT ADVISORY COUNCIL
 January 11, 2018
 Oklahoma Department of Environmental Quality
 Multipurpose Room
 Oklahoma City, Oklahoma**

**Official WQMAC
 To be approved at the May 1, 2018 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 18, 2017. The agenda was posted at DEQ twenty-four hours prior to the meeting. Mr. Duane Winegardner, Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that a quorum was present.

MEMBERS PRESENT

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

MEMBERS ABSENT

Debbie Wells
 Terry Wyatt

DEQ STAFF PRESENT

Shellie Chard
 Terry Lyhane
 Chris Armstrong
 Lloyd Kirk
 Mark Hildebrand
 Patrick Rosch
 Betsey Streuli
 David Caldwell
 Karen Steele
 Michael Moe
 David Cates
 Lee Dooley
 Michelle Wynn
 Wendy Sheets
 Travis Couch
 Greg Carr
 Traci Kelly
 Quiana Fields

OTHERS PRESENT

Jennifer Kaelin, Court Reporter

Approval of Minutes from the October 10, 2017 Meeting – Mr. Winegardner called for a motion to approve the Minutes of the October 10, 2017 Regular Meeting. Mr. Sowers moved to approve and Mr. Short made the second.

See transcript pages 4 – 5

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

ELECTION OF THE VICE-CHAIR – Mr. Winegardner opened discussion for nominations for Vice-Chair. Mr. Nelson nominated Mr. Winegardner for Vice-Chair and Mr. Duzan made the second.

See transcript pages 5 – 6

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

ELECTION OF THE CHAIR – Mr. Winegardner opened discussion for nominations for Chair. Mr. Winegardner nominated Mr. Duzan for Chair and 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

PERMANENT RULEMAKING – OAC 252:628 – INDIRECT POTABLE REUSE FOR SURFACE WATER AUGMENTATION – Mr. Greg Carr of the WQD, stated that the DEQ staff will be proposing a new chapter to regulate indirect potable reuse discharges to surface water bodies for the purpose of augmenting public water supplies. Following discussion by the Council and by the public, Mr. Duzan called for a motion. Mr. Winegardner moved to approve and Mr. Nelson made the second.

See transcript pages 7 – 19

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

DISCUSSION OF THE SEPTEMBER 2017, 40 CFR PART 136 CLEAN WATER ACT METHOD UPDATE RULE FOR THE ANALYSIS OF EFFLUENT – Mr. Chris Armstrong, Division Director of the SELS, stated that the pending incorporation by reference and WQD and SELS rules that will be impacted by the amendment to the change in procedure for the determination of Method Detection Limits. There were comments by the Council and public.

See transcript pages 19 – 27

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

See transcript pages 27 – 31

NEW BUSINESS – None

ANNOUNCEMENTS – The next scheduled meeting is on Tuesday, May 1, 2018, 2:00 p. m. at DEQ.

ADJOURNMENT – Mr. Duzan called for a motion to adjourn. Mr. Nelson moved to adjourn and Mr. Matheson made the second. The meeting was adjourned at 2:40 p.m.

See transcript pages 31 – 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

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

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

WATER QUALITY MANAGEMENT ADVISORY COUNCIL
REGULAR MEETING

January 11, 2018 - 2:00 p.m.

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

707 N. Robinson

Oklahoma City, Oklahoma

WORD FOR WORD REPORTING, L.L.C.
111 HARRISON AVE, SUITE 101
OKLAHOMA CITY, OKLAHOMA 73104

(405)232-9673

REPORTED BY: Jennifer Payne Kaelin, CSR

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1 COUNCIL MEMBERS PRESENT:
2 MR. Brian Duzan - Chairman
3 Mr. Mark Matheson
4 Mr. Jon Nelson
5 Mr. Duane Winegardner - Chairman - Vice-Chairman
6 Mr. Jim Rodriguez
7 Mr. Jeff Short - Vice-Chairman
8 Mr. Steven Sowers
9 Mr. Robert Carr
10 COUNCIL MEMBER ABSENT:
11 Ms. Terry Wyatt
12 Ms. Debbie Wells
13 ALSO PRESENT:
14 Ms. Quiana Fields, Secretary of Board and Council
15 Mr. Greg Carr, Water Quality Division Chief Engineer
16 Ms. Shellie Chard, Water Quality Division Director
17 Mr. Saba Tahmassebi, Engineering Manager
18 Mr. Ken Komiske, City of Norman Utilities Director
19 Mr. Chris Armstrong, Director of State Environmental Lab
20 Services Division at DEQ
21
22
23
24
25

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1 CALL TO ORDER: 2:05 P.M.
2 CHAIRMAN DUANE WINEGARDNER: Well, the cuckoo
3 clock says it's 2:05, and I would like to call this meeting
4 to order. Okay. I will call this meeting to order and I
5 will read the Protocol Statement.
6 This regular meeting of the Water Quality Management
7 Advisory Council was called in accordance with the Open
8 Meeting Act.
9 Notice for this January the 11th, 2018, meeting was
10 filed with the Secretary of State on October 18th, 2017.
11 The Agenda was duly posted at DEQ at least 24 hours prior to
12 the meeting.
13 Only matters appearing on the posted Agenda may be
14 considered at this regular meeting. In the event that this
15 meeting is continued or reconvened, public notice of the
16 date, time, and place of the continued meeting will be given
17 by announcement at this meeting. Only matters appearing on
18 the Agenda of a meeting which is continued may be discussed
19 at the continued or reconvened meeting.
20 May we have a roll call?
21 SECRETARY FIELDS: Mr. Carr?
22 MR. CARR: Here.
23 SECRETARY FIELDS: Mr. Duzan?
24 MR. DUZAN: Here.
25 SECRETARY FIELDS: Mr. Matheson?

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1 MR. MATHESON: Here.
2 SECRETARY FIELDS: Mr. Nelson?
3 MR. NELSON: Here.
4 SECRETARY FIELDS: Mr. Rodriguez?
5 MR. RODRIGUEZ: Here.
6 SECRETARY FIELDS: Mr. Short?
7 MR. SHORT: Here.
8 SECRETARY FIELDS: Mr. Sowers?
9 MR. SOWERS: Here.
10 SECRETARY FIELDS: Ms. Wells is absent.
11 Ms. Wyatt is absent.
12 Mr. Winegardner?
13 CHAIRMAN WINEGARDNER: Here.
14 SECRETARY FIELDS: We have a quorum.
15 CHAIRMAN WINEGARDNER: Thank you very much.
16 I assume that most of us have had the opportunity to
17 review the minutes of the previous meeting. Are there any
18 comments, questions or motion to approve?
19 MR. SOWERS: Motion made.
20 MR. SHORT: Second.
21 CHAIRMAN WINEGARDNER: And seconded.
22 SECRETARY FIELDS: Mr. Carr?
23 MR. CARR: Yes.
24 SECRETARY FIELDS: Mr. Duzan?
25 MR. DUZAN: Yes.

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1 SECRETARY FIELDS: Mr. Matheson?
2 MR. MATHESON: Yes.
3 SECRETARY FIELDS: Mr. Nelson?
4 MR. NELSON: Yes.
5 SECRETARY FIELDS: Mr. Rodriguez?
6 MR. RODRIGUEZ: Yes.
7 SECRETARY FIELDS: Mr. Short?
8 MR. SHORT: Yes.
9 SECRETARY FIELDS: Mr. Sowers?
10 MR. SOWERS: Yes.
11 SECRETARY FIELDS: Mr. Winegardner?
12 CHAIRMAN WINEGARDNER: Yes.
13 SECRETARY FIELDS: Motion passed.
14 CHAIRMAN WINEGARDNER: Thank you very much.
15 The next item on the Agenda is the election of the
16 Vice-Chair. Do we have nominations?
17 MR. NELSON: Mr. Chairman, I understand that you
18 might be in a position to step down from Chair. And if
19 that's the fact, I would nominate you for Vice-Chair.
20 CHAIRMAN WINEGARDNER: Thank you.
21 MR. DUZAN: I'll second.
22 CHAIRMAN WINEGARDNER: Thank you very much.
23 Are there other nominations?
24 (No response.)
25 CHAIRMAN WINEGARDNER: Okay.

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1 SECRETARY FIELDS: Mr. Carr?
2 MR. CARR: Yes.
3 SECRETARY FIELDS: Mr. Duzan?
4 MR. DUZAN: Yes.
5 SECRETARY FIELDS: Mr. Matheson?
6 MR. MATHESON: Yes.
7 SECRETARY FIELDS: Mr. Nelson?
8 MR. NELSON: Yes.
9 SECRETARY FIELDS: Mr. Rodriguez?
10 MR. RODRIGUEZ: Yes.
11 SECRETARY FIELDS: Mr. Short?
12 MR. SHORT: Yes.
13 SECRETARY FIELDS: Mr. Sowers?
14 MR. SOWERS: Yes.
15 SECRETARY FIELDS: Mr. Winegardner?
16 CHAIRMAN WINEGARDNER: Yes.
17 SECRETARY FIELDS: Motion passed.
18 CHAIRMAN WINEGARDNER: Okay. Well, now that I'm
19 the newly-elected Vice-Chair, I'm going to open nominations
20 for the Chair. And I then am proposing a nomination of
21 Brian Duzan.
22 MR. SOWERS: Second.
23 CHAIRMAN WINEGARDNER: Are there other
24 nominations?
25 (No response.)

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1 CHAIRMAN WINEGARDNER: Okay.
2 SECRETARY FIELDS: Mr. Carr?
3 MR. CARR: Yes.
4 SECRETARY FIELDS: Mr. Duzan?
5 MR. DUZAN: Yes.
6 SECRETARY FIELDS: Mr. Matheson?
7 MR. MATHESON: Yes.
8 SECRETARY FIELDS: Mr. Nelson?
9 MR. NELSON: Yes.
10 SECRETARY FIELDS: Mr. Rodriguez?
11 MR. RODRIGUEZ: Yes.
12 SECRETARY FIELDS: Mr. Short?
13 MR. SHORT: Yes.
14 SECRETARY FIELDS: Mr. Sowers?
15 MR. SOWERS: Yes.
16 SECRETARY FIELDS: Mr. Winegardner?
17 CHAIRMAN WINEGARDNER: Yes.
18 SECRETARY FIELDS: Motion passed.
19 CHAIRMAN WINEGARDNER: Thank you. You missed your
20 turn.
21 (Laughter.)
22 CHAIRMAN DUZAN: Thank you.
23 I guess the first thing is the Permanent Rulemaking
24 OAC 252:628 - Indirect Potable Reuse for Surface Water
25 Augmentation. And we have a presentation by Greg Carr.

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1 MR. CARR: Yes. Thank you.
2 Hello. My name is Greg Carr. I'm the Chief Engineer
3 for the Water Quality Division. Members of the Council, I
4 appreciate the opportunity to speak with you today regarding
5 permanent rulemaking for the new Chapter 628, Indirect
6 Potable Reuse for Surface Water Augmentation.
7 During the last Council meeting on October 10th, we
8 discussed these proposed rules, IPR rules, including a
9 presentation that we have also provided in the very back of
10 your meeting binder.
11 Also, DEQ held three public meetings to present and
12 discuss the IPR rules. We did Clinton in October, and then
13 in November we did Tulsa and Oklahoma City.
14 The public comment period for these proposed rules
15 ended on January 2nd, and we do have four comments that I
16 will address as we discuss the rule text.
17 If you turn to the Chapter 628 draft text in your
18 binder, I'll cover the main points of the rule and discuss
19 the comments, as well. So changes due to our response to
20 comments are signified by a strike-through for deleted
21 material and red underlined text for new material. Please
22 note that this format was used, as we have in the past, to
23 assist the Council in recognizing the changes due to public
24 comments.
25 The rules submitted to the Environmental Quality Board

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1 will follow the new chapter format wherein all text is
2 underlined and the subchapter listings indicated new in
3 accordance with the Oklahoma Secretary of State rules.
4 So to start, we have six subchapters and one appendix.
5 And, again, this will just be general highlights.
6 Subchapter 1 is General Provisions, establishing purpose and
7 authority, definitions and fees.
8 The first of two comments here regards the definition
9 for a Consumer Price Index, CPI, on Page 2. There's an
10 effective description for CPI on Page 5 and we have merely
11 provided a reference to that.
12 Secondly, on Page 3, we provide the acronym for
13 Indirect Potable Reuse Source Water Treatment Plant,
14 IPR SWTP, as that is used later on in the text, and that
15 provides the definition.
16 Also, please note the fees on Page 4, which include a
17 construction permit application fee, a one-time fee; an
18 additional OPDES permit application fee; and an annual
19 operation fee. And these fee amounts are based on estimates
20 of staff time for things such as reviews of feasibility
21 study, we've got at least three sampling plans, the pilot
22 protocol, engineering report, construction permits. Should
23 be at least two discharge permits, modeling, trend analysis,
24 tiered permit limitations and so on, compliance reporting,
25 inspections.

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1 Subchapter 3 covers Benchmarks and Implementation. And
2 note that Appendix A includes a comprehensive listing of the
3 IPR benchmarks.
4 Okay. I'll start with the pathogen benchmarks on
5 Page 6 with log removal requirements of 5, 5, 3, 3 for
6 virus, bacteria, Cryptosporidium and Giardia respectively.
7 This section includes comment and response clarifying that
8 these log removal requirements are from secondary treated
9 effluent to IPR end-of-pipe discharge. And then we also
10 clarify that in the pathogen section in Appendix A.
11 And highlighting, again, the benchmarks continue
12 through the general benchmarks, such as five-day
13 carbonaceous biochemical oxygen demand, total suspended
14 solids, et cetera. The primary benchmarks, such as metals
15 and pesticides, additional conservative parameters such as
16 total dissolved solids, chlorides and so on. Nutrients,
17 total nitrogen and phosphorus and constituents of emerging
18 concerns, CECs.
19 And then on Page 8, you will note our most significant
20 response to comment. This comment came from multiple
21 sources. As a matter of rule, DEQ approves water treatment
22 plants and wastewater treatment plants that are designed to
23 continue to operate in worst case drought of record
24 conditions. However, an IPR source water treatment plant is
25 going to be different in that the discharge flow from the

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1 plant may be reduced or even stopped based on hydraulic mass
2 balance modeling, or something equivalent, with different
3 tiers of loading limits that would apply to different lake
4 capacities to protect the conservative benchmarks and make
5 beneficial uses. So essentially, the difference is you can
6 stop the IPR discharge.
7 And there is a requirement, in several places, that the
8 applicant must maintain a non-IPR discharge and a full
9 capacity wastewater treatment that's non-IPR, and that's
10 what allows them to either cease or reduce discharge on the
11 IPR. And then the changes on Page 8 were made to clarify
12 this concept.
13 Moving to Subchapter 5, this is treatment standards and
14 they are performance-based to meet the benchmarks. And also
15 included in that section is a requirement for a source
16 control program. I hesitate to call that pre-treatment;
17 it's not. But it's -- it will follow -- have some similar
18 aspects.
19 Subchapter 7 is Operation and Maintenance of the IPR
20 Source Water Treatment Plant. Of particular note are the
21 operator protocol procedures on Page 14. This will detail
22 specific physical steps, criteria and set points to ensure
23 that the effluent requirements are met before discharging to
24 the waterbody, including emergency response and steps to
25 return to normal operation.

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1 Page 15, also of note, lists the supervising operator
2 certification requirements of both dual Class A wastewater,
3 lab and operations and dual Class A water, lab and
4 operations.
5 Moving to your Subchapter 9, that is the permitting
6 subchapter; includes the requirements for feasibility study,
7 pilot study protocol, engineering report and the plans and
8 specifications.
9 And as I touched on earlier, note in the middle of
10 Page 17 where it discusses IPR as a voluntary activity. So
11 this section includes a requirement for the applicant to
12 maintain both an approved non-IPR outfall and a non-IPR
13 wastewater treatment system capable of peak flows in the
14 event that the IPR system is required to reduce or cease
15 discharge flow.
16 So Chapter 11 is receiving waterbody monitoring. This
17 one here is fairly new territory for us. As indicated on
18 Page 19, the goals are to monitor for changes in the
19 receiving waterbody, perform trend monitoring, evaluate
20 modeling outcomes, and monitor the assimilative capacity for
21 SWS-R waterbodies.
22 Page 20 addresses the sampling plan requirements for
23 baseline monitoring, OPDES permit monitoring and OPDES
24 permit renewal monitoring. And additional sections include
25 the data requirements for analysis for spatial and temporal

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1 coverage, establishing action levels to protect beneficial
2 uses. And as you'll notice, we still -- we're still working
3 a lot of those. And they could fairly well be specific to
4 each specific waterbody and treatment plant.
5 Trend monitoring methods and developing approved
6 parameter and monitoring list such as for CECs, metals, and
7 we are looking at using surrogates whenever possible,
8 especially when you're talking CECs.
9 And then we have Appendix A, which provides a
10 comprehensive list of IPR source water benchmarks. And as
11 previously noted, the log removals for pathogens have been
12 clarified as being required from secondary treated effluent
13 to end-of-pipe discharge.
14 And I know I went through that pretty quick. But in
15 closing, DEQ staff discussed the changes made due to
16 comments with those that made the comments. We obtained
17 concurrence that the changes addressed their concerns. And
18 for your convenience, we have included the response to
19 comments document in your packet.
20 Thank you for your time. I'm happy to answer any
21 questions that you may have.
22 CHAIRMAN DUZAN: Comments by the Council?
23 (No response.)
24 MR. NELSON: Brian, I had one that's in support of
25 the proposal. I'm kind of interested in what the public has

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1 to say about it. But I had the opportunity to review the
 2 proposed regulations some weeks ago and sit down with DEQ
 3 staff members and discussed them and made some comments, and
 4 the revisions that they made, we're very satisfied with.
 5 The regulation is an extremely comprehensive one, and
 6 it should be so. It also grants, at the same time, a
 7 significant amount of discretion to DEQ that they can apply
 8 during the process of approving an IPR system. And while I
 9 generally prefer that such discretion be minimized, I think
 10 in this case the level provided is appropriate due to the
 11 complex nature and the potential ramifications of this
 12 subject.
 13 I've also been assured that DEQ will prepare documents
 14 that provide guidance for those who will ultimately navigate
 15 through the process of implementing an IPR system and such
 16 procedures will be extremely important. And I propose that
 17 they be prepared in the same manner that this regulation was
 18 prepared, with input from the engineering community and
 19 other stakeholders, as I thought this process was actually
 20 very well done.
 21 So with that, I am in a position to support the
 22 regulation. I am, though, interested in any other comments
 23 the public might have.
 24 MR. GREG CARR: And if I may comment on that. We
 25 do have still some subcommunities groups that are formed.

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1 And one of those items, that we're working on with our
 2 smaller groups, is the guidance documents in addition to a
 3 long list of outstanding items.
 4 Thank you.
 5 CHAIRMAN DUZAN: Okay. Any other discussion from
 6 the Council at this point?
 7 (No response.)
 8 CHAIRMAN DUZAN: Open it up to discussion from the
 9 public.
 10 MR. KOMISKE: Good afternoon.
 11 CHAIRMAN DUZAN: Good afternoon.
 12 MR. KOMISKE: My name is Ken Komiske. I'm the
 13 Director of Utilities for the City of Norman. And so you
 14 may ask yourself, you know, "Why do you want to do this?
 15 What motivates a city or a municipality?" As you said,
 16 these are quite significant changes and they're significant
 17 effort on any utility side, and the answer is because we
 18 need water.
 19 If you think of your community, wherever you're from,
 20 it probably began as a community because there was a source
 21 of water there. And as communities grow, whether it's for
 22 economics or just to have a place for your children to have
 23 jobs and things of that nature, as your community starts to
 24 grow, you need more water. And you reach out further and
 25 further to get freshwater supply, and so it gets further.

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1 And if you think in your community where it started,
 2 you probably had a -- you're lucky enough to have a stream
 3 or a robust river perhaps. But as the communities get
 4 bigger, they need more water. That's an ever-increasing
 5 piece of a community. As you add more people, you're going
 6 to need more water.
 7 And so if you think of your water reclamation facility
 8 or used to be called wastewater treatment plants, now
 9 they're water reclamation or water resource recovery plants.
 10 If you have a mechanical plant, that's probably the single
 11 biggest asset your city owns. I mean, it's costs a lot more
 12 than the fire department, it cost more than City Hall.
 13 And so we -- at our plant, you know, we give tours to
 14 anybody that wants to look at our plant, whether it's the
 15 Cub Scouts or senior citizens or people getting their
 16 master's or doctor's degrees at OU. And so we take them
 17 through our plant. And you look at its millions and
 18 millions of dollars of infrastructure of treatment
 19 facilities, and it's manned by licensed, professional
 20 employees that are there 24 hours a day. And we have
 21 emergency generators. I mean, it's a really pretty
 22 significant and impressive facility.
 23 And so you take your tour group and you go from what
 24 comes into the plant to what we discharged. And although we
 25 say we discharge in the South Canadian River, we discharge

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1 through a little tributary that leads to South Canadian. So
 2 we discharge to this little stream-looking thing, and we
 3 discharge -- you know, there's 11 million gallons a day of
 4 clean water, clean-looking water going out there. And
 5 depending on the season, there might be game fish in the
 6 receiving stream.
 7 And your tour group looked at you and they say, "Where
 8 does this water go?" And we say, "Well, it goes downstream
 9 for somebody else to use." And they think, "You just spent
 10 millions of dollars and you have this infrastructure and
 11 someone else is using it. Why don't you use it?" We
 12 get that question an awful, awful lot.
 13 And so, you know, our particular community went through
 14 a strategic water supply plan. "Where are we going to get
 15 our water for the next 50 years?" And as I mentioned, you
 16 know, we have Lake Thunderbird, but that's -- that's used up
 17 essentially. There's no more permitted capacity in
 18 Lake Thunderbird. We have drilled wells. We're going to be
 19 drilling more wells on the short term -- for short-term
 20 supply, but you can't just keep poking holes in an aquifer.
 21 So we're having -- you know, for a long term, 50 years from
 22 now, we need to get some source of supply.
 23 And with our strategic plan, we put together a -- the
 24 mayor put together an ad hoc committee so we had members
 25 from all walks of our community. We had, you know,

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1 developers, we had people on the Conversation Commission and
2 bankers and Sierra Clubs and everybody was involved, to make
3 sure we were on the right path, to make sure we didn't
4 overlook something or ignore somebody's concern, and we also
5 held six public meetings. So this is a two-year process.
6 But our community chose reuse as a — as a solution, as
7 a sustainable solution for our long-range water supply. So
8 this means the world to our community and it will mean a lot
9 to other communities in Oklahoma.
10 And to support that, I brought a letter from my
11 City Manager. It was a resolution signed by our
12 City Council last Tuesday. And so it just says,
13 "Chairman Winegardner, the City of Norman received the
14 Notice of a Public Hearing on the proposed amendments to the
15 chapter of the Oklahoma Administrative Code. We appreciate
16 the opportunity to be involved in the drafting of these new
17 regulations, and the City has discussed the proposed
18 amendments and desire to submit the attached resolution
19 1718-80 adopted by the City Council on January 9th. It's a
20 document, the City's support for the adoption of these
21 rules. I'd like to present this to you. Thank you.
22 VICE-CHAIRMAN WINEGARDNER: Thank you.
23 CHAIRMAN DUZAN: Thank you. I think that hits
24 home how important some of those are to a lot of cities.
25 Any other discussion from the public?

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1 (No response.)
2 CHAIRMAN DUZAN: Any other discussion from the
3 Council?
4 (No response.)
5 CHAIRMAN DUZAN: Do we have a motion for a vote?
6 VICE-CHAIRMAN WINEGARDNER: Motion to approve.
7 MR. NELSON: Second.
8 SECRETARY FIELDS: Mr. Carr?
9 MR. CARR: Yes.
10 SECRETARY FIELDS: Mr. Duzan?
11 CHAIRMAN DUZAN: Yes.
12 SECRETARY FIELDS: Mr. Matheson?
13 MR. MATHESON: Yes.
14 SECRETARY FIELDS: Mr. Nelson?
15 MR. NELSON: Yes.
16 SECRETARY FIELDS: Mr. Rodriguez?
17 MR. RODRIGUEZ: Yes.
18 SECRETARY FIELDS: Mr. Short?
19 MR. SHORT: Yes.
20 SECRETARY FIELDS: Mr. Sowers?
21 MR. SOWERS: Yes.
22 SECRETARY FIELDS: Mr. Winegardner?
23 VICE-CHAIRMAN WINEGARDNER: Yes.
24 SECRETARY FIELDS: Motion passed.
25 CHAIRMAN DUZAN: Okay. Next on the Agenda is the

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1 discussion of the September 2017, 40 CFR Part 136 Clean
2 Water Act Method Update Rule for the Analysis of Effluent.
3 And for this, from the DEQ, we'll have a presentation by
4 Chris Armstrong.
5 MR. ARMSTRONG: Thank you, Brian. It kind of
6 seems like old times, doesn't it?
7 (Laughter.)
8 MR. ARMSTRONG: Welcome everybody. Good
9 afternoon. The revised 40 CFR Part 136 Clean Water Act
10 Method Update Rule the Analysis of Effluent was promulgated
11 September 12, 2017, and it became effective September 27th
12 of 2017. This revision includes new and revised test
13 methods, clarification to the alternative test procedure,
14 and amends the procedure for the determination of method
15 detection limits. Excuse me.
16 The update approves over 100 new versions of analytical
17 methods published by ASTM International, standard methods,
18 vendors and organizations, EPA, and replaced Method 608 for
19 testing chlorinated solvents, Method 624 for VOCs, and
20 Method 625 for semi-vols.
21 There are times a state may request a test method that
22 is an alternative to an EPA-approved method. With this
23 update, EPA clarifies the procedural language for obtaining
24 approval and to use an alternative test method.
25 In the 2012 version, EPA inadvertently authorized state

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1 permitting authorities the ability to approve ATPs for
2 limited use in that state. In other words, EPA enabled the
3 states to approve ATPs for use in their own states. This
4 was never EPA's intention, and it's corrected in this new
5 revision. Only EPA has the ability to approve an
6 alternative test procedure.
7 Method detection limit is the big change with this
8 rule. The MDL procedure has been revised, after 20 years of
9 debate, and that includes a 1998 federal court mandate and
10 resulting suits. This revision addresses laboratory blank
11 contamination and better accounts for intra-laboratory
12 variability. That's instrument variability within a
13 laboratory. Labs will be required to evaluate the MDL for
14 background levels of contamination. This is new.
15 If a lab uses multiple instruments for the same test
16 method, they will be required to calculate the MDL using
17 spike samples and blank samples for all these instruments.
18 This blank evaluation is a big change, and the labs will be
19 required to check or verify their MDL values once per
20 quarter. The larger labs may have more sophisticated
21 laboratory information management systems and enough data
22 points that they can just continuously update their MDLs and
23 get out of a lot of the labor that's involved with the
24 smaller labs doing MDLs.
25 The revision affects both accredited, public and

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1 commercial laboratories as well as certified laboratory
2 operator facilities. This may become a big deal for some of
3 the smaller labs using older technologies.
4 Any lab that generates reports -- generates and reports
5 compliance data will have to implement the new MDL
6 procedure. And it's not just wastewater, but it's also some
7 drinking water methods, biosolid testing. Some hazardous
8 waste methods may require the new MDL procedure.
9 For example, drinking water VOCs and lead copper for
10 drinking water will require the new procedure. So this
11 thing is not just limited to NPDES testing.
12 So why am I going on with the revised method update
13 rule and the MDL procedure? Once the new federal reference
14 is approved by you, the EQB, the legislators and
15 incorporated by DEQ rule, any reference to 40 CFR part 136
16 for quantitative data reporting will include the requirement
17 for the new MDL procedure. It affects all Oklahoma
18 laboratories, both accredited and lab operator certified
19 labs as well as all labs across the nation. Everyone is
20 going to have to comply.
21 For some labs, blank corrected MDLs could result in
22 a higher MDL, which could become an MQL or permit limit
23 issue and force a lab to implement a newer technology to
24 meet permit requirements.
25 What DEQ rules will be considered for the new

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1 Method Update Rule? This is a big question for us. I mean,
2 mainly it's all laboratory accreditation rules as well as
3 all water quality division discharge rules will need to
4 include this new reference.
5 The water quality and the SELS reviewing this rule and
6 evaluating potential for implementation, and I want you to
7 understand what implementation means. If DEQ goes forward
8 with the 2017 Method Update Rule, the references, as well as
9 minor edits, will be added to both SELS and water quality
10 rules for your consideration over the next few months. So
11 there's going to be more on this later.
12 And I want to thank you for the opportunity. And if
13 you have questions, I'll do my best with that.
14 CHAIRMAN DUZAN: Well, you said the EPA took 20
15 years to come up with this. And as a lab person, I wish
16 they would have taken about five or six more years.
17 (Laughter.)
18 MR. ARMSTRONG: What happens in five or six years?
19 CHAIRMAN DUZAN: Maybe they could have come up
20 with a better program. It is rather comprehensive, the new
21 MDL rule. The other rules is -- Method Update Rule 608.1
22 and 624.1, 625.1 are more in line with 8260 and 8270, the
23 other methods. But the MDL rule is going to be a deal.
24 But Oklahoma doesn't really have much choice in
25 eventually ratifying the new CFR.

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1 MR. ARMSTRONG: True.
2 CHAIRMAN DUZAN: Okay.
3 MR. ARMSTRONG: We're deemed both the NPDES
4 programs as well as the Safe Drinking Water Act program.
5 And one way or the other, we will have to implement.
6 CHAIRMAN DUZAN: Okay. Any discussion from the
7 Council?
8 (No response.)
9 CHAIRMAN DUZAN: Any comments from the public?
10 MS. REINHART: What kind of help are going to be
11 provided to those that are in the regulated community. I
12 mean, that's --
13 THE COURT REPORTER: I can't hear her.
14 MS. CHARD: You need to --
15 MR. TAHMASSEBI: You need to go to the podium.
16 MS. REINHART: Yeah. Sure. I'm Jody Reinhart,
17 and I used to be a member of the Hazardous Waste Council, so
18 I just want to give you that so you can understand.
19 The regulate community -- I mean, you're in the
20 regulate community. So what kind of help are we going to be
21 able to provide to them so that they can understand better
22 how to move forward and how to achieve compliance, because
23 that's really the bottom line. How do we make it happen
24 here in Oklahoma? So that's just my question.
25 VICE-CHAIRMAN WINEGARDNER: It's a good question.

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1 MS. CHARD: This is Shellie Chard. I'm the Water
2 Quality Division Director. Chris and I said we'd kind of
3 tag-team this one since we both were going to have
4 implementation side effects once this does get adopted.
5 But typically what we try to do, any time we have
6 significant rule changes, whether they be started here in
7 the state or an EPA regulation change, we try to go out, we
8 do outreach, we do training to try and help people
9 understand what that requirement is and then where we can,
10 actually some hands-on training or assistance. Laboratory,
11 it's a little bit harder, a little bit different as far as
12 the hands-on part of it. But we can still use our typical
13 approach of going out and holding those training sessions
14 across the state and working with those that are impacted.
15 We also typically reach out to partners, such as the
16 Environmental Training Center at Rose State. We work with
17 the various commercial laboratories, the Municipal League
18 Rural Water Association, both state and national. There are
19 other training centers that we can use. So we do a lot of
20 outreach, and this is something that we'll have to do, at
21 least at a minimum, so everyone knows what the requirements
22 are.
23 And the other option that we have, that is part of what
24 Chris said, we're going to have to work through this and
25 figure out how we do it. You know, do we have some kind of

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1 phased approach where maybe we do the rulemaking, but it's
2 not effective until a little bit later to buy us a little
3 time. We've done that a little bit. And, you know, we can
4 buy six months. Sometimes we can buy a year to allow for
5 some additional time for compliance, but it will all just
6 kind of depend on rulemaking cycle. And to be honest, it
7 will depend on how much EPA is insisting that "the time has
8 come." So we'll have to balance all of those kinds of
9 considerations.

10 MR. ARMSTRONG: Thank you, Shellie.

11 CHAIRMAN DUZAN: And it is important to note, too,
12 that other states, when they publish 40 CFR and it says it
13 is effective July 17th or whatever, it is effective for
14 everybody within the state at that time. Because we've
15 gotten communication from other states saying, "Hey, don't
16 know if you knew this was coming, but they promulgated it,
17 so you're expected to comply now." So Oklahoma has come
18 ahead of the curve by having a buffer time to be able to,
19 you know, look at things more detailed.

20 MR. ARMSTRONG: And in light with that, Brian, I'd
21 be very amiss if I didn't make a comment to the fact what
22 Brian is speaking to. You know, regardless of what we
23 actually implement for the state, the TNI labs and the large
24 commercial labs may have to implement this immediately
25 depended upon who their customers are, who their

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1 out-of-state customers are, so there's that part of it, as
2 well.

3 MR. NELSON: Chris, you had indicated that we'll
4 have to implement this one way or the other. But really,
5 this is very descriptive. There is no -- there's just one
6 way, right? I mean, there's not a lot of wiggle room in
7 this matter.

8 MR. ARMSTRONG: The wiggle room is with how long
9 it takes us to implement it.

10 MR. NELSON: Okay. I--

11 MR. ARMSTRONG: But that's -- that's really the
12 only wiggle room. There's no wiggle room with procedure.
13 And luckily for Brian, at least we got out of having to do
14 MDLs and synthetic matrices, which was, once upon a time,
15 part of this, as well.

16 Okay. Thank y'all very much.

17 CHAIRMAN DUZAN: Thank you.

18 Next is the Director's report. Shellie Chard again.

19 MS. CHARD: And I think since I have the
20 microphone, I'm going to take this opportunity to say a big
21 "Thank you" to the Council, but to our work groups that have
22 been working on Indirect Potable Reuse for the last several
23 years, but kind of nothing but Indirect Potable Reuse for
24 about the last six to 12 months. We've had a lot of staff
25 involved, a lot of stakeholder meetings. And I think the

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1 rule we have is very reflective of those discussions and how
2 that process went, and I'm very happy that it was able to
3 pass through the Council as quickly and easily as it did, so
4 that's a great opportunity for us.

5 I think we're the -- one of two states that has some
6 Indirect Potable Reuse rules out. California's are out for
7 public comment. I don't know when they become effective.
8 But our next hearing will be before the Environmental
9 Quality Board in February, so we are definitely setting the
10 pace and leading the country in addressing this important
11 source of water and kind of building some resilience into
12 our water systems.

13 I also wanted to share just a couple of things with the
14 Council. I'm sure you have heard by now we do have a
15 Region 6 Regional Administrator. Her name is Anne Idsal.
16 We had the opportunity to meet her last week. She spent
17 some time working with TECQ, basically our equivalent in
18 Texas, and before joining EPA, was the clerk of the land
19 office in Texas. She had a lot of good things to say,
20 wanted to know things that were priorities for us. We had
21 really good conversations, some things that we would like to
22 see move forward continuing with some of our
23 remediation-type projects; the Superfund, brownfields,
24 talked a lot about infrastructure, talked a lot about
25 partnerships, how do we continue to build relationships with

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1 EPA.

2 Also talked a lot about kind of workforce development
3 and the fact that EPA, a lot of the people that we've known
4 and worked with for a long time and had very good working
5 relationships, are retiring after 30, 40 years. They know
6 how to get things done, they knew how to work with us, how
7 to keep everybody in the loop. And, you know, some of the
8 newer staff, sometimes that's a little bit harder.

9 So I think we're going to have a good partnership with
10 Region 6 under her direction. I would say "stay tuned."
11 I'm sure there's going to be a lot more that we're going to
12 hear in the next few months as she settles in and starts
13 identifying some priorities.

14 Do you have any questions or comments before I move on?
15 (No response.)

16 MS. CHARD: Okay. Something we've talked about
17 before was related to produced water. That's a big topic.
18 Again, part of Oklahoma's water for 2060 plan, a lot of
19 different activities on different fronts going on with that.
20 That's an area right now we are working with Region 6. We
21 are working to secure delegation of issuing the NPDES or
22 OPDES discharge permits for produced water.

23 We had -- the legislative language was passed last
24 session and is in place to allow us to seek that authority.
25 We've made a submittal to EPA. They've had a series of

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1 questions, so we're in the process of answering those
 2 questions and providing them some specific information in
 3 our statutes and our delegation agreement that allow us to
 4 implement that program. That's something that we worked
 5 very closely with the Environmental Federation of Oklahoma
 6 and OIPA and others. So that's something we're really
 7 excited about that I hope we can get that moving again
 8 pretty quickly in the new year.

9 I also just wanted to just let everyone know Oklahoma
 10 is playing host to a meeting in Tulsa in February. It is
 11 the Groundwater Protection Council, Underground Injection
 12 Control conference. There's going to be tracts focused on
 13 Aquifer Storage and Recovery, which you-all passed those
 14 rules in the last meeting. There's also going to be tract
 15 focused on produced water and its usages. But I just wanted
 16 to throw that out. It's February 12th through the 14th in
 17 Tulsa. So it's great to have a national meeting in
 18 Oklahoma, especially focusing on some issues that are near
 19 and dear to our heart and that we're spending a lot of time
 20 working on.

21 Does anybody have any questions on that?
 22 (No response.)

23 MS. SHELLIE CHARD: Okay. One more thing and then
 24 I will turn it back over to the Chair.
 25 As this year has come to an end, we've had some big

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1 rulemaking come through this Council between the ASR and IPR
 2 today, and I want to acknowledge our outgoing Chair and
 3 Vice-Chair, Duane and Jeff, for your efforts in helping us
 4 get those things done. And to all of you for reviewing and
 5 re-reviewing and answering questions and asking questions,
 6 giving us some things to think about. So I think your
 7 involvement in those efforts helped us be successful and get
 8 that passed and hopefully in place by September.

9 So with that, I will be done and just answer any
 10 questions anybody has.

11 CHAIRMAN DUZAN: Questions?
 12 (No response.)

13 CHAIRMAN DUZAN: Okay. New business?
 14 Only those matters not known about which could not have
 15 been reasonably foreseen at the time of the posting of the
 16 Agenda shall be discussed at this time. Is there any new
 17 business?
 18 (No response.)

19 CHAIRMAN DUZAN: Okay. Announcements. Our next
 20 scheduled meeting is May 1st, 2018, 2:00 p.m, the
 21 Multi-Purpose Room, first floor DEQ building, 707 North
 22 Robinson, Oklahoma City, Oklahoma, which is this room. So
 23 May 1st is our next meeting.

24 And I guess we'll hold a motion for adjournment.
 25 MR. NELSON: So moved.

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1 MR. MATHESON: Seconded.
 2 SECRETARY FIELDS: Mr. Carr?
 3 MR. CARR: Yes.
 4 SECRETARY FIELDS: Mr. Duzan?
 5 CHAIRMAN DUZAN: Yes.
 6 SECRETARY FIELDS: Mr. Matheson?
 7 MR. MATHESON: Yes.
 8 SECRETARY FIELDS: Mr. Nelson?
 9 MR. NELSON: Yes.
 10 SECRETARY FIELDS: Mr. Rodriguez?
 11 MR. RODRIGUEZ: Yes.
 12 SECRETARY FIELDS: Mr. Short?
 13 MR. SHORT: Yes.
 14 SECRETARY FIELDS: Mr. Sowers?
 15 MR. SOWERS: Yes.
 16 SECRETARY FIELDS: Mr. Winegardner?
 17 VICE-CHAIRMAN WINEGARDNER: Yes.
 18 SECRETARY FIELDS: Motion passed.
 19 CHAIRMAN DUZAN: We're adjourned.
 20 (Meeting adjourned at 2:40 p.m.)
 21 * * * * *
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 23
 24
 25

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1
 2 CERTIFICATION
 3 I, Jennifer Payne Kaelin, a Certified Shorthand
 4 Reporter within and for the State of Oklahoma, do hereby
 5 certify that I was present at the Water Quality Management
 6 Advisory Council Meeting had January 11, 2018; that I
 7 recorded in stenotype notes all of said proceedings; and
 8 that I thereafter transcribed my notes so taken and reduced
 9 same to typewritten form; and that foregoing transcript of
 10 proceedings is full, true, correct and complete, to the best
 11 of my skill and ability, along with corrections made by the
 12 Department of Environmental Quality's staff.

13 I further certify that I am not an attorney for
 14 nor relative of any of said parties or otherwise interested
 15 in the outcome or event of said action.

16
 17 IN WITNESS WHEREOF, I have hereunto set my hand
 18 and affixed my official seal this 19th day of January, 2018.
 19
 20
 21 _____
 22 Jennifer Payne Kaelin, CSR#1748
 23 Official Court Reporter
 24
 25

CERTIFICATION

I, Jennifer Payne Kaelin, a Certified Shorthand Reporter within and for the State of Oklahoma, do hereby certify that I was present at the Water Quality Management Advisory Council Meeting had January 11, 2018; that I recorded in stenotype notes all of said proceedings; and that I thereafter transcribed my notes so taken and reduced same to typewritten form; and that foregoing transcript of proceedings is full, true, correct and complete, to the best of my skill and ability, along with corrections made by the Department of Environmental Quality's staff.

I further certify that I am not an attorney for nor relative of any of said parties or otherwise interested in the outcome or event of said action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 19th day of January, 2018.

Jennifer R. Payne Kaelin

Jennifer Payne Kaelin, CSR#1748
Official Court Reporter



Jennifer R. Payne
State of Oklahoma
Certified Shorthand Reporter

CSR # 1748

My Certificate Expires 12-31-18



WATER QUALITY MANAGEMENT ADVISORY COUNCIL

Attendance Record
January 11, 2018
 Department of Environmental Quality
 Oklahoma City, Oklahoma

CHECK BOX TO COMMENT

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