DRAFT MINUTES
WATER QUALITY MANAGEMENT ADVISORY COUNCIL
January 14, 2014
Oklahoma Department of Environmental Quality
Multipurpose Room
Oklahoma City, Oklahoma

Official WQMAC
Approved at July 8, 2014 Meeting

Notice of Public Meeting – The Water Quality Management Advisory Council (WQMAC) convened for a Regular Meeting at 1:00 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 November 18, 2013. The agenda was posted at DEQ twenty-four hours prior to the meeting. Mr. Michel Paque, Chair, called the meeting to order. Mr. Paque welcomed the newly appointed Executive Director, Mr. Scott Thompson and gave him the opportunity to introduce himself to the Water Quality Management Advisory Council (WQMAC).

MEMBERS PRESENT
Cathy Canty
Robert Carr
Mike Paque
Jim Rodriguez
Jeff Short
Debbie Wells
Duane Winegardner
Terry Wyatt

DEQ STAFF PRESENT
Shellie Chard-McClary
Tim Ward
Chris Armstrong
David Freede
Gary Collins
Mark Hildebrand
Carl Parrott
Mista Turner-Burgess
Quiana Fields

MEMBERS ABSENT
Greg McCortney
Steve Sowers

OTHERS PRESENT
Lori Roberts, Court Reporter

Introduction of New Council Members – Ms. Shellie Chard-McClary briefly introduced new Council members Mr. Robert Carr, Ms. Terry Wyatt and Mayor Greg McCortney to the WQMAC. Mayor Greg McCortney was unable to attend. Mr. Paque mentioned that the roll call was out of order on the agenda so Ms. Quiana Fields called roll and a quorum was confirmed. See transcript pages 7 - 9

Mr. Rodriguez entered the meeting at 1:20 p.m.

Approval of Minutes from the October 8, 2013 Meeting – Mr. Paque called for a motion to approve the Minutes of the October 8, 2013 Regular Meeting. Mr. Short moved to approve and Ms. Canty made the second. See transcript pages 10 – 12

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Election of the Vice-Chair – Mr. Paque opened discussion for nominations for Vice-Chair. Ms. Canty nominated Mr. Winegardner and Ms. Wells made the second. Hearing no other nominations Mr. Winegardner accepted the nomination to serve if elected.

See transcript pages 12 – 14

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Election of the Chair – Mr. Paque temporarily turned the Chair over to Mr. Winegardner. In advance, Mr. Paque stated he would withdraw himself from being nominated as Chair due to extensive travel but would still remain as a Council member. Mr. Winegardner entertained nominations for the Chair position. Mr. Short nominated Ms. Canty if she accepts. Ms. Canty accepted. Ms. Wells made the second. Hearing no other nominations Mr. Winegardner called for a roll call vote. Mr. Paque and Ms. Canty switched seats and Ms. Canty proceeded on with the next agenda item.

See transcript pages 14 – 16

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PERMANENT RULEMAKING – OAC 252:606 – OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS – Mr. Mark Hildebrand, Environmental Programs Manager, Water Quality Division, stated the Department has three chapters of rulemaking to propose which are Chapters 606, 656 and 710. Mr. Hildebrand mentioned prior to this meeting DEQ held two public meetings one in Tulsa, November 5 and the second in Oklahoma City, November 6. The meetings were held prior to the official comment period to solicit comments from interested parties. As a result of these meetings the Department was able to address concerns and try to incorporate the concerns into the rules prior to being officially noticed for the comment period and as a result of these meetings there were no formal comments. Mr. Hildebrand stated the Department is proposing to update the numbering of subparagraphs incorporated by reference in 40 CFR 124.10 to be consistent with the current CFR; replace the provision for pro-rating the initial stormwater permit fees with a provision allowing the initial fee to cover the subsequent 12 months; and revoke Appendix D and move the fee language to Section 3-4. Hearing no discussion by the Council Ms. Canty called for a motion to approve. Mr. Winegardner moved to approve and Mr. Paque made the second. Ms. Mista Burgess, Environmental Attorney Supervisor, advised Ms. Canty after taking comments from the Council that the floor is open to the public before a motion and second. Ms. Canty withdrew the motion and second and open the floor up to the public. Hearing none by the public, Ms. Canty entertained a motion to approve. Mr. Winegardner moved to approve and Mr. Paque made the second.

See transcript pages 17 - 20

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PERMANENT RULEMAKING – OAC 252:656 – WATER POLLUTION CONTROL
FACILITY CONSTRUCTION STANDARDS – Mr. Hildebrand stated the legislature set a
requirement for DEQ to form a Water Reuse Committee to recommend updates to our water
reuse regulations. A subgroup of this committee was created to incorporate new technologies for
water reuse. Mr. Hildebrand stated seven items that he will mention in this rule were
recommended by the subgroup and accepted by the Water Reuse Committee for inclusion of
these rules and the item numbers are 3, 4, 5, 6, 8, 9 and 10 on the agenda. Mr. Hildebrand stated
the Department is proposing to require that the submissions of plans include at least one set of
construction plans be on 11” x 17” paper and one set of specifications be loosely bound and
suitable for scanning; strengthen the existing prohibition against locating lagoons in areas subject
to karstification; add disinfection criteria for reclaimed water systems and distinguish those
criteria from the criteria required for OPDES discharges; clarify that the minimum dosage for
Category 3 reclaimed water design is based on MS-2 phage virus inactivation; add traveling
bridge filters as an approved method for filtration; update the hydraulic loading rates for disc
filters; require a pilot study before designing filters to be used to polish TSS from lagoon
effluent; clarify that signage is required to be posted at land application sites; clarify that fencing
is required for Category 5 reclaimed water land application sites; add a requirement for above-
ground signage for existing reclaimed water piping that does not meet the purple pipe standards;
and make other minor clarifications and typographical corrections. Mr. Hildebrand stated that
the Department received no formal comments on chapter 656, but mentioned that there was one
comment from Norman Utility Authority and they had some good ideas during the informal
comment period. Mr. Hildebrand asked if the Council could take in consideration the additional
corrections that were an oversight. Following questions and comments from the Council, DEQ
staff and none by the public, Ms. Canty entertained a motion to approve. Mr. Winegardner
moved to approve that it includes all the changes and provisions in chapter 656. Mr. Paque made
the second.

See transcript pages 20 – 31

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PERMANENT RULEMAKING – OAC 252:710 – WATERWORKS AND
WASTEWATER WORKS OPERATOR CERTIFICATION – Mr. Hildebrand stated the
Department is proposing to clarify that an entity only needs to meet one of the listed conditions
set forth for a particular classification level in order to fall under that classification. Mr.
Hildebrand stated the Department received no formal comments on this chapter. Following
comments by the Council and none by the public, Ms. Canty called for a motion to approve. Mr.
Carr moved to approve and Mr. Winegardner made the second.

See transcript pages 31 – 34

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DIRECTOR'S REPORT – Ms. Shellie Chard-McClary, Water Quality Division Director, mentioned the announcement of the new Executive Director for DEQ and was glad Mr. Thompson was able to join the meeting and introduce himself. Ms. Chard-McClary spoke on the expansion of the Council duties in taking on more rules from the operator certification program and the rules that are governed by our State Environmental Laboratory Services (SELS). The Council is familiar with the water and ECLS rules but there is also a chapter of rules that will follow under the Land Protection Division (LPD), underground injection control rules. Ms. Chard-McClary also mentioned with new Council members over the last year and two more appointments which have not been made, it will be beneficial to have a Council orientation in late spring or July 8. The orientation will be a background on Ms. Martha Penisten, General Counsel for DEQ, to speak on legal issues, the signing of the ethics commission statement and talk in general about the responsibilities for the Council. Also, have the various divisions present an overview of their rules and things you can expect to see and hear over the next couple of years. Ms. Chard-McClary mentioned that the Council may want to adopt something similar to what the Environmental Quality Board (EQB) has done. That two or three members may want to focus on a certain rule based on their expertise just something to think about and that will be something that will be discussed more in detail at orientation. The Department received the verbal notification from EPA and we are waiting on the official approval letter in writing that awards primacy on the drinking water program to DEQ. Ms. Chard-McClary mentioned the Department of Agriculture received authority to administer their piece of the Clean Water Act. The Department is responsible for providing information and reports to EPA that actually comes from the Oklahoma Water Resources Board, Conservation Commission and Department of Agriculture. Lastly, Ms. Chard-McClary spoke on the activities underway for the Joint Study Committee that has been established for the Illinois River.

NEW BUSINESS – None

ANNOUNCEMENTS – The next scheduled meeting will be on July 8, 2014 at 1:00 p.m. in the Multi-Purpose Room, 1st floor, DEQ building.

ADJOURNMENT - Ms. Canty entertained a motion to adjourn the meeting. Mr. Winegardner moved to adjourn and Ms. Wells made the second. Meeting was adjourned at 2:10p.m.

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Transcripts and Attendance Sheet are attached as an official part of these Minutes.
TRANSCRIPT OF PROCEEDINGS
OF THE WATER QUALITY MANAGEMENT
ADVISORY COUNCIL MEETING
JANUARY 14, 2014, AT 1:00 P.M.
IN OKLAHOMA CITY, OKLAHOMA

YOUNG REPORTING SERVICES
414 N.W. 4th Street, Suite 140
Oklahoma City, Oklahoma 73102
(405) 236-8426
www.youngreporting.com

REPORTED BY: LORI L. ROBERTS, CSR No. 1588
CATHY CANTY
MICHAEL J. PAQUE
JEFFREY E. SHORT
JIM RODRIGUEZ
DUANE L. WINEGARDNER
DEBBIE WELLS
ROBERT CARR
TERRY WYATT
STEVE Sowers
GREG McCortney

1 PROCEEDINGS
2 MR. PAQUE: I would like to call to order the
3 January 14, 2014, Water Quality Management Advisory
4 Council in session.
5 We have a quorum. Right?
6 You have -- I would like to begin by reading our
7 protocol statement.
8 This regular meeting of the Water Quality
9 Management Advisory Council was called in accordance
10 with the Open Meeting Act.
11 Notice for this January 14th, 2013 [sic],
12 meeting was filed with the Secretary of State on
13 November 18, 2013. The Agenda was duly posted at the
14 DEQ at least 24 hours prior to the meeting.
15 Only matters appearing on the posted Agenda are
16 considered at this regular meeting. In the event that
17 this meeting is continued or reconvened, public notice
18 of date, time, and place of the continued meeting will
19 be given by announcement at this meeting. Only matters
20 appearing on the Agenda in the meeting which is
21 continued may be discussed at the continued or
22 reconvened meeting.
23 Well, we've got a interesting meeting today.
24 We've got a number of -- a number of new members, and I
25 would like to introduce them in a moment. We also have

MR. THOMPSON: Hi, I'm Scott Thompson. I was
7 director of Land Protection Division. I've worked with
8 the State since '84 in environmental programs so I've
9 been around awhile. And I don't know how many of you
10 dealt with my division over the times, some of the
11 programs in our division, but we pretty much focus on
12 just getting work done and moving on down the road. And
13 we're going to look at some possible organizational
14 changes in the Agency.
15 One of the things that's on the list to look at
16 is creating a customer assistance group. That was
17 originally part of the plan when the Agency was created
18 in '93. And at time some people kind of waxed and waned
19 on how much effort we put towards that, but I want to
20 bring some staff that are really experienced and can
21 actually help people to that, and can maybe create an
22 ombudsman function in that group, and give people a
23 place to go to if they want to ask the department to
24 take a second look at something. And we'll have more
25 details on that as that gets developed. But some of

1 that may occur fairly quickly.
2 And I just got in just before Christmas so the
3 holidays kind of hampered a little bit of trying to get
4 things lined out, and I'm just getting up to speed on
5 the Agency budget and having to go to the Capital and go
6 through all that, so it's going to be an interesting
7 session.
8 I think I'm going to get a little bit of a pass
9 being the new guy but well see. It may not happen.
10 Anyway, I have a pretty open-door policy if people have
11 issues or whatever, I'm pretty open to hearing about it,
12 getting in contact in some way. So you're welcome to
13 give me a shout or Jimmy Givens, the deputy director.
14 And that's pretty much it, and I've got to go to
15 the capital in a little bit so I'm probably not going to
16 stay for the whole meeting.
17 MR. PAQUE: Well, thanks, Scott. I know you
18 have a history with the department, as you have said,
19 and we look forward to working with you and the water
20 division staff. And I think one of our challenges for
21 us, and I think for you and certainly the water division
22 staff, is how we create this new combined council, which
23 is exciting. It's a good idea I think. It's an
24 efficient way of doing things.
25 And so during this next year we'll be working on

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MR. PAQUE: All right. Well, thank you.
Next item on the Agenda is the introduction of new council members, Terry Wyatt and Robert Carr and Greg McCortney.

She'llie, your name is down. Did you want to introduce the members?

MS. CHARD-MCCLARY: Did we do roll call and I missed it?

MR. PAQUE: No, we did not. It's out of order
in here, and you are absolutely right.

MS. CHARD-MCCLARY: Okay.
MR. PAQUE: Let's do -- no, let's.

MS. CHARD-MCCLARY: Or I don't -- it doesn't matter to me. All of a sudden it seems to me we did the call to order and we normally do roll call, but if you want me to go ahead because we're not taking up new business and we are still waiting on one council member to arrive. Is that —

MR. PAQUE: We are.

MS. CHARD-MCCLARY: Okay. Well, I will go ahead
and I wanted to do some brief introductions. We do have some new council members. At the last meeting you all met Robert Carr, so this is his official meeting -- first meeting with this council. But he is a public works director and City engineer for the City of Jenks. He represents the -- as operator for municipal wastewater works or waterworks facility. This is one of the new positions with the operator's certification council was disbanned last legislative session.

And he has been involved with AWWA in the southwest section for several years, WEF for many years, so he brings a lot of water, wastewater experience to the Council. Like I say, I know most of you had the opportunity to meet him in October, but we welcome Robert.

We also have Terry Wyatt. She's our newest council appoint. She's the new Lowell Hobbs. She's filling the ag position that has been vacant since Lowell resigned now 18 months to two years ago. And it's great that in our brief conversations that Terry didn't know she was replacing Lowell and actually has known Lowell for a very long time. So I told her she would have to be sure to let him know the next
Let me ask Mista with counsel, is it the Chair's prerogative to move the Agenda items without objection? Can I do that?
(Mr. Rodriguez enters the room at 1:20 p.m.)
MR. PAQUE: Well, there's Jim. Here he is. I may have just solved my problem. I was going to move the elections to the end of the Agenda.
MR. RODRIGUEZ: Well, just as long as you didn't elect me while I was out.
MR. PAQUE: Well, I still can.
MS. CANTY: You go back out.
MR. PAQUE: Well, what is the answer to that question one way or the other? I am curious.
MS. BURGESS-TURNER: Yes, you can move around the Agenda.
MR. PAQUE: Is that by vote or is that by purely prerogative.
MS. BURGESS-TURNER: Yeah, I think you probably would want to do it by vote on the record, but we'll look at it for future meetings.
MR. PAQUE: Now we've got our member here so it's not a problem.
All right. We have all had a chance to see the minutes from the October 8th meeting that are correct at this time that were delivered. Have we had a chance to see them or are there any changes or corrections to the minutes from the October 8th, 2013, meeting? Changes?
MR. SHORT: I move we accept the minutes.
MS. CANTY: I'll second.
MR. PAQUE: By motion to second to approve the minutes of the last meeting, October 8th of 2013 Advisory Council.
MS. FIELDS: Ms. Canty?
MS. CANTY: Yes.
MS. FIELDS: Mr. Carr?
MR. CARR: Abstain.
MS. FIELDS: Mr. Rodriguez?
MR. RODRIGUEZ: Abstain.
MS. FIELDS: Mr. Short.
MR. SHORT: Yes.
MS. FIELDS: Mr. - Ms. Wells?
MS. WELLS: Do I need to abstain since I was not at that meeting? No? Yes?
MR. FIELDS: Mr. Winegardner?
MR. WINEGARDNER: Yes.
MS. FIELDS: Ms. Wyatt?
MS. WYATT: Since I wasn't even on the Board, do I need to - I'm looking for direction.
MS. BURGESS-TURNER: Yes, you just have to say "abstain".
MS. WYATT: Okay. Abstain.
MR. PAQUE: Will there be enough to vote?
MS. FIELDS: Mr. Paque?
MR. PAQUE: Yes.
MS. BURGESS-TURNER: It can pass with her abstaining.
MS. FIELDS: Motion passed.
MR. PAQUE: I've lost track. I'm counting votes here. Are you done with roll?
MS. FIELDS: Yes.
MR. PAQUE: And are they approved?
MS. FIELDS: Yes.
MR. PAQUE: Okay. Thank you. I was a bit distracted.
All right. The minutes have been approved.
Well, actually I did note that there — Jim was just showing me something that he got, and he's going to get an excused tardy. He has a notice here that says the meeting starts at 1:30 today as opposed to 1:00, and I guess that's wishful thinking for me too. I wish it started at 1:30 myself. Anyway, so you get a free pass.
That brings us to the elections for the coming year, items No. 5 and items No. 6, with the first item being election of vice chair. So let me open the floor and ask if there are any nominations for vice chair for the coming one year for the management -- the Water Management Advisory Council, any nominations for vice chair?
MS. CANTY: I would like to nominate Duane Winegardner.
MR. PAQUE: Okay. Nomination for Duane Winegardner. Is there a second?
MS. WELLS: Yes, I second the nomination.
MR. PAQUE: Second. Duane has been nominated and seconded.
Are there any other nominations for vice chair? Any nominations?
Hearing none, would you cast the roll, please?
Can you serve if elected?
MR. WINEGARDNER: Yes, sir, I will.
MS. FIELDS: Ms. Canty?
MS. CANTY: Yes.
MS. FIELDS: Mr. Carr?
MR. CARR: Yes.
MS. FIELDS: Mr. Rodriguez?
MR. RODRIGUEZ: Yes.
MS. FIELDS: Mr. Short?
MR. SHORT: Yes.
MS. FIELDS: Ms. Wells?
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<td>1 MS. WELLS: Yes.</td>
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<td>2 MS. FIELDS: Mr. Winegardner?</td>
<td>2 MS. CANTY: Really?</td>
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<td>3 MR. WINEGARDNER: Abstain.</td>
<td>3 MR. PAQUE: We're going to have a changing of the gavel, so.</td>
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<td>4 MS. FIELDS: Ms. Wyatt?</td>
<td>5 MS. CANTY: Okay. But you're going to guide me.</td>
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<td>5 MS. WYATT: Yes.</td>
<td>6 Right?</td>
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<td>6 MS. FIELDS: Mr. Paque?</td>
<td>7 MR. PAQUE: Oh, you don't need any guidance.</td>
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<td>7 MR. PAQUE: Yes.</td>
<td>8 And your most important thing is right here. Here you go.</td>
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<td>8 MS. FIELDS: Motion passed.</td>
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<td>9 MR. PAQUE: All right. I would like to turn the seat over to the newly elected vice-chair.</td>
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<td>11 I would like to announce in advance, and not being presumptuous at all, but that I would withdraw my name to succeed myself for an additional year as chair.</td>
<td>11 Okay. With that, thank you. I've been on the Council for I know over ten years, so I hate to see Mike step down but such a good group and thankful we're still going to have him. Good to keep Duane, I'm going to guess we can just keep moving into permanent rule making OAC 252:606.</td>
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<td>12 I travel extensively for -- I travel extensively for my living and the coming year doesn't -- it wasn't good this last year and it looks worse this coming year. So I would love to serve on the Council and I can continue to serve, but I would remove myself from any consideration as chair for the next year. Having said that, I would turn the floor over to the Vice-Chair.</td>
<td>15 Mark, are you going to come up and present?</td>
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<td>16 MR. HILDEBRAND: Yes. Before I get started, I want to hand out a couple of our travel items to get this out of the way before I lose them. And if any of the rest of you Council members would like to get reimbursed for your mileage, come get me after the meeting and we'll get that taken care of.</td>
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<td>17 We've been lucky. We had -- and Jeff you drive the furthest out now. The last few times you haven't</td>
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<td>15 Canty if she would accept.</td>
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<td>1 MS. CANTY: Yes.</td>
<td>1 done it but you are more than welcome to. So we've had a bunch of people really close so that hasn't really been an issue. Anyway, let's get back to the Agenda. I apologize for that.</td>
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<td>2 MR. WINEGARDNER: Thank you. Is there a second to that nomination?</td>
<td>5 My name is Mark Hildebrand, and I'm an environmental program manager for the Water Quality Division. And today we have three chapters of rulemaking to propose in front of the Council, and that's Chapter 606, 656, and 710. Prior to this meeting DEQ held two public meetings, information meetings where we have invited members of our list that's interested in our rulemaking.</td>
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<td>3 MS. WELLS: Yes, I second.</td>
<td>13 We had one in Tulsa on November 5th and we had one in Oklahoma City on November 6th. And we hold these meetings prior to the official comment period so that we can solicit comments from interested parties, and then we -- we then address these express concerns and try to incorporate these into the rules prior to being officially noticed for the comment period. And as a result of these meetings, we were able to address concerns, and this is the first time since I've been here we didn't receive any formal comments during the comment period. So I think our public meetings are -- and the fact that we just have three rules this time, but we're doing some good there.</td>
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<td>4 MR. WINEGARDNER: Are there other nominations for Chair?</td>
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<td>5 If not, let's have the roll.</td>
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<td>6 MS. FIELDS: Ms. Canty?</td>
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<td>7 MS. CANTY: Abstain.</td>
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<td>8 MS. FIELDS: Mr. Carr?</td>
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<td>9 MR. CARR: Yes.</td>
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<td>10 MS. FIELDS: Mr. Rodriguez?</td>
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<td>11 MR. RODRIGUEZ: Yes.</td>
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<td>12 MS. FIELDS: Mr. Short?</td>
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<td>13 MR. SHORT: Yes.</td>
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<td>14 MS. FIELDS: Ms. Wells?</td>
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<td>15 MS. WELLS: Yes.</td>
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<td>16 MS. FIELDS: Mr. Winegardner?</td>
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<td>17 MR. WINEGARDNER: Yes.</td>
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<td>18 MS. FIELDS: Ms. Wyatt?</td>
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<td>19 MS. WYATT: Yes.</td>
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<td>20 MS. FIELDS: Mr. Paque?</td>
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<td>21 MR. PAQUE: Yes.</td>
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<td>22 MS. FIELDS: Motion passed.</td>
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<td>23 MR. PAQUE: With that, Cathy, if you would trade</td>
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### WQMAC Board Meeting - 01/14/2014

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| 1 | For Chapter 606, the department is proposing to update the numbering of subparagraphs incorporated by reference of 40 CFR, part 124.10, and that's to be consistent with the current code of federal regulations. The second item is we're proposing to revise the provision of prorating -- or replace the provision for prorating initial storm water fees with the provision allowing the initial fee to cover the subsequent 12 months. In the past when you would -- if you got a permit in January, we would prorate that and then send you another bill in July for a year's worth of fees. At our public meetings -- and we did this -- we would get a lot of phone calls saying, we just paid this bill, we just paid this bill two months ago. So at our public meetings we had folks from the home builder's association and they were very pleased with this change because it helps them in their bookkeeping as well. So -- and it will also allow us to spread our resources where we don't have everything coming in June or July every year where we have to do our billing and receiving so it would be spread out through the year. And then also on our third thing on Chapter 606 is to revoke Appendix D, and we would move this language to Section 3.4 of the actual text. As discussed earlier, we did not receive any formal comments during the formal comment period, and we did have some positive feedback on the changing of fees to be a -- good for 12 months. |
| MS. CANTY: Is that it, Mark? |
| MR. HILDEBRAND: Yep. |
| MS. CANTY: Discussion by the Council? |
| Questions for Mark? |
| Comments, 606? |
| You did a very good job, apparently. |
| MR. HILDEBRAND: I got a little tongue-tied. |
| MS. CANTY: Anybody? |
| If not, we can take a motion to pass. |
| MR. WINEGARDNER: I'll move to approve. |
| MR. PAQUE: Second. |
| MS. BURGESS-TURNER: And I want to interrupt for just a second. You want to make it clear that after you are done taking comments from the Council that it's open to the public. |
| MS. CANTY: All right. So we're going to back up. |
| MS. BURGESS-TURNER: Sorry about that. |
| MS. CANTY: No, I'm learning. I'm new. |
| So we're going to back up before we get your motion, Duane, to see if anybody from the public wants to come up and make a comment on 252.606 before we move forward on passing the regulation. |
| Hearing none, I'll take a motion. |
| MR. WINEGARDNER: Okay. Move to approve. |
| MR. PAQUE: Second. |
| MS. FIELDS: Ms. Canty? |
| MS. CANTY: Yes. |
| MS. FIELDS: Mr. Carr? |
| MR. CARR: Yes. |
| MS. FIELDS: Mr. Rodriguez? Mr. Rodriguez? |
| MR. RODRIGUEZ: Yes. |
| MS. FIELDS: Mr. Short? |
| MR. SHORT: Yes. |
| MS. FIELDS: Ms. Wells? |
| MS. WELLS: Yes. |
| MS. FIELDS: Mr. Winegardner? |
| MR. WINEGARDNER: Yes. |
| MS. FIELDS: Ms. Wyatt? |
| MS. WYATT: Yes. |
| MS. FIELDS: Mr. Paque? |
| MR. PAQUE: Yes. |
| MS. FIELDS: Motion passed. |
| MS. CANTY: Okay. Mark, are you going to cover 252.656? |
| MR. HILDEBRAND: Yes. As you may recall, the legislature set a requirement for DEQ to form a Water Reuse Committee to recommend updates to our water reuse regulations. A subgroup of this committee was created to incorporate new technologies for water reuse. The rules to minimize the need for -- to minimize the need for variances. This subgroup is comprised of consulting engineers and other national and local water reuse experts. I believe Gary Hunter is here because he was our co-chair and actually kind of ended up being the chair seemed like, but because Tom had other -- Tom Crowley was our chair but he had a lot of things going. And I just, before I get any further I just want to really appreciate Gary's help on this and the other members of this sub-committee. But seven of these items that I'm going to mention here were recommended by this subgroup and accepted by the full committee, the Water Reuse Committee, for inclusion of these rules. And these items that were recommend by the water reuse group are items No. 3, 4, 5, 6, 8, 9, and 10 on your Agenda. So for the -- the Department proposes to make the following changes to Chapter 656. Require that the submission of plans include at least one set of construction plans beyond 11" x 17" paper, and one set of specifications be loosely bound and suitable for

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scanning. And we previously did this on Chapter 629 at our last meeting, and this change is part of the agency's effort to move toward electronic and paperless filing system.

The second item is to strengthen the existing prohibition against locating lagoons in the areas subject to karstification. In the last few years we have had two or three wastewater systems that have failed, their lagoons have failed due to sinkholes which occurred in the lagoon itself because they were located in an area with gypsum or karst soils, so we just tried to make it more clear in our language.

And as a result of this, these towns ended up getting in lawsuits with engineers and we would get drug into it, and it takes all of our time, let alone it sends a lot of wastewater into the ground water which we're trying to avoid, so we're trying to just be more clear on that.

The third item is to add disinfection criteria for reclaimed water systems and distinguish those criteria from the criteria required in OPDES permits.

The fourth item is clarify that the minimum disinfection dosage for Category 3 reclaimed water design is based on MS-2 phage virus inactivation. Number 5 is to add traveling bridge filters as an approved method of filtration.

Number 6 is to update the hydraulic loading rates for disc filters.

Number 7, require a pilot study before designing filters to be used to polish TSS from lagoon effluent.

Number 8, clarify that signage is required to be posted on land application sites. This requirement was overlooked last year when we updated 656.

Number 9 is to clarify that fencing is required for Category 5, Reclaimed Water Land Application Sites. As with Number 8, this requirement was in Chapter 627 but it was it was overlooked in inclusion of this chapter.

Number 10 is add a requirement for above-ground signage for existing reclaimed water systems for the piping that does not meet the purple pipe standards. So this is ones that are already in the ground before we had our water reuse rules, we're requiring signs to be placed there so the public can should be able to see that we've got - that that is not a public water supply line. That's the intent of this.

And we did have a comment during this time from the Norman Utilities Authority. And we used - they had some good ideas on this during our informal comment period. And we were considered and partially incorporated the one thing we had they wanted to limit these to 500 feet, every 500 feet, the signs. And we talked to them and said let's do 300 and call it good, and so that's where we came up with the 300 feet. And then we also had some other minor clarifications in typographical corrections in the chapter. And we did receive no formal comments on this chapter as well. However, I wanted to let everybody know we've -- we had a few additional corrections that each of you should have a sheet that has the highlighted sections in it, and we placed those on the table as well where we have some oversight. Has everybody found theirs? There should a stapled -- right.

And then the first one is in Subchapter 21-2, we failed to strike out "domestic sewage". Which we -- our intent was to change that from "domestic sewage" to "nonindustrial wastewater". So we would like the Council to consider that change in addition to the ones that we have -- had previous -- previously added.

And then on Page 10 in the handout that we have given you today, we had actually put it -- we had 65 percent UV transmittance, at the very top of Page 10 which is in Subchapter 21-3(B) -- 3(B). But it's the very top of Page 10. That should have been 55 percent rather than 65 percent, and we would ask that we go ahead and make these changes.

And we ran it by our counsel and none of these are -- or our general counsel -- and none of these changes require any further public notice or anything.

Do you have anything to add to that to clarify?

MS. BURGESS-TURNER: (Inaudible).

MR. HILDEBRAND: No, on just the legality.

MS. BURGESS-TURNER: Oh, no.

MR. HILDEBRAND: And then on Page Number 12, which is Chapter 656-23-1(I), we wanted to add the words, "for OPDES permits or the anticipated design flow for Water Reuse Systems."

And then the fourth item is on Page 14, where we just -- we wanted to strike out "the primary lagoon cell."

MS. BURGESS-TURNER: I'm sorry. We -- it didn't get highlighted, but we were striking out "from the primary lagoon cell", and then that underlined section, "out of a primary lagoon cell" was added so that should have been highlighted.

MR. HILDEBRAND: Okay. That was just a word -- a verbiage change.

MS. BURGESS-TURNER: Okay.

MR. HILDEBRAND: So that means the same intent.
but better wording.

MS. CANTY: Is that it, Mark?

MR. HILDEBRAND: That's all I've got.

MS. CANTY: Okay. Discussion by the Council?

Questions for Mark by the Council?

MR. PAQUE: I have just idle curiosity, Mark, but lagoons that failed that were located in a karst area, if you recall any of them individually, just I'm wondering were they put where they were because there was depression and it was going to be subject to failure and but it looked handy, or was it just more serendipity than that? Do you know what I'm saying?

MR. PARROTT: On one particular one -- I'm Carl Parrott, chief engineer, and I guess I will answer that question because I probably know more about the case than Mark does.

MR. PAQUE: Okay.

MS. BURGESS-TURNER: I'm sorry. Some of these are still being litigated, so for us determining the cause and not the cause is a little complicated. And before he answers, I'll just say that, you know, the three that I could name off the top of my head, they're all three -- I believe one of them maybe is not under litigation but they were in an area subject to karstification. That's where they were located.

And we couldn't prohibit it at the time, and all we're trying to do is say definitively it's not a subjective call. It's -- if it is, it can't -- you can't put a lagoon there. That way we're not leaving it up to an engineer or somebody else to decide whether or not you can put a lagoon in karst topography.

MR. PAQUE: Okay. With all due respect to the lawsuit, I think that kind of answers my questions. And I think the bigger point here is that that occurrence would be -- the potential for that to occur would be minimized based on this, whether or not that was the reason. I suspect it would have been.

MS. BURGESS-TURNER: We would actually -- we now -- it's now -- it will now be prohibited and we can deny the engineering report if it is in an area subject to karstification. It's not -- we actually have the authority and before it was may or may not.

MR. PAQUE: And to determine an area subject to karstification and karst areas, we generally know. I mean, that's fairly well understood in Oklahoma, but you have some means that you are satisfied with determining what the boundaries of that area are, geologic survey or one of the other departments?

MR. PARROTT: Yes. If we have an area that we know is light on gypsum, karst areas in the western part of the state primarily, and of course in the eastern part of the state we have some areas of limestone under which it's underground where that's in karst areas, so we know generally where those areas are. And we'll require more testing to determine their -- that the -- for sure that there's no -- that they're outside of the area where it's most likely to have.

MR. PAQUE: I understand. It wouldn't preclude it from a happening, it's just going to have a higher standards.

MR. PARROTT: Yes.

MS. BURGESS-TURNER: And through the lawsuits it has become abundantly clear that there really is technology available to study the site and figure out whether or not where you are going to site it. Yeah, that whole area generally is subject to karstification, so now do this further study if you really want to still do a lagoon, then you need to do a little more study and cite it properly where it's not on an area where there's stuff underneath.

MR. PAQUE: Okay. I'm good with that.

MR. PARROTT: Yeah. We have -- the two of those have already been corrected, they have done extensive testing and one of them is -- didn't really find and the other is just being completed. And we have no reason to believe it's going to have any problems either. But they were moved a few miles from where they were the first time, away from the areas.

MR. PAQUE: Okay. Thanks.

MR. PARROTT: Actually back to the areas where the lagoons were originally, which in those two cases which it never had any failures over a long time, so we had that kind of going for us too. But we did a lot of these testing -- seismic testing and stuff to verify that those areas were fine as well as the history on those sides. Thanks.

MS. CANTY: Is that good, Mike? Did you get your question answered?

Other discussion from Council members?

I'm going to make a comment. I think it's a no-brainer, we shouldn't be putting a lagoon over a karst environment. So I'm going to say this is a really good change and surprised we didn't have it in there before, so it should be a no-brainer for the group.

But with that, is there anybody here from the public that would like to get up and speak and address
the Council?
Okay. With that, we can go ahead and move forward on the vote for 252:656. I'll entertain a motion.
MR. WINEGARDNER: Yes, as the geology representative, I feel it is my opportunity here to express and say that I recommend approval and I move for that.
MS. CANTY: Thank you.
MS. BURGESS-TURNER: Can you be clear that your motion includes the changes, provisions —
MR. WINEGARDNER: Yes, that includes all the changes and provisions. Thank you.
MS. CANTY: Second?
MR. PAQUE: As the assistant geology representative or the deputy, I will say I defer to the real guy, I, second.
MS. CANTY: Okay. Roll call vote.
MS. FIELDS: Ms. Canty?
MS. CANTY: Yes.
MS. FIELDS: Mr. Carr?
MR. CARR: Yes.
MS. FIELDS: Mr. Rodriguez?
MR. RODRIGUEZ: Yes.
MS. FIELDS: Mr. Short?
MR. SHORT: Yes.
MS. FIELDS: Ms. Wells?
MS. WELLS: Yes.
MS. FIELDS: Mr. Winegardner?
MR. WINEGARDNER: Yes.
MS. FIELDS: Ms. Wyatt?
MS. WYATT: Yes.
MS. FIELDS: Mr. Paque?
MR. PAQUE: Yes.
MS. FIELDS: Motion passed.
MS. CANTY: Thank you. With that, we'll keep moving.
Mark, are you going to discuss 252.710?
MR. HILDEBRAND: Yes. In Chapter 710 the Department is proposing to clarify that when a facility has an advanced treatment plant but serves a small population, the operator still needs to have an advanced certification license. And this will affect some small public water systems with advanced treatment systems such as reverse osmosis or ion exchange, and some wastewater systems that have water quality base limits and have the required advanced treatment technologies that — to achieve those. And the Department received no formal comments on Chapter 710.
MS. CANTY: Okay. Is that it, Mark?
MR. HILDEBRAND: Yes.
MS. FIELDS: Shellie, anybody else? No other comments?
Discussion by the Council?
MR. SHORT: How does the Department determine complexity?
MR. HILDEBRAND: I can't tell you that exactly.
MS. CHARD-MCCRARY: We do have Shellie Chard-McClary, Water Quality Division Director. We do have a rating sheet. We rely heavily on some of the work done by ABC, the National Board Council that looks over all of the operator certification criteria throughout the United States.
We also work closely with Rose State who is designated as the environmental training center for Oklahoma related to the operator certification training. We work with them and we do have, if you meet certain criteria, you can get so many points, and whatever those points total, that's where you find yourself, whether it's A, B, C, or D.
The most simple plants, a groundwater system that has serves very few people that has very minimal federal oversight, those are obviously on the lower end.
But when you start getting up into serving very large populations and you start looking at the more advanced treatment, you get awarded more points and ultimately find where you fit. It is there is a rating sheet. It's not a subjective thing. It's not up to that staff person to think, well, I think this one should be. There is specific language related to populations served and the type of technology implemented and the type of federal monitoring required.
MS. CANTY: Did you have anymore? Is that good?
Further discussion by the Council?
Seeing none, I'll take comments from the public or if anybody has any questions from the public.
MR. HILDEBRAND: I thought Chris was going to ask a question.
MS. CANTY: I thought he was too. I was like, wow.
Hearing no comments from the public, I think Council has made their comments and questions, I think we can take a vote on this. I'll take a motion on 252:710.
MR. CARR: Move for approval.
MS. CANTY: Second?
MR. WINEGARDNER: Second.
MS. CANTY: Roll call vote.
At that point we will ask the general counsel,
Martha Penisten, to come and talk about just a few of
the legal issues, the signing of the ethics commission
statement that you all have to sign, and just talk in
general about the responsibilities for the Council. And
then we will have the various divisions present kind of
a brief overview of their rules and some things that you
can expect to see and hear over the next couple of
years.

The other thing that I wanted to kind of throw
out at you and you can file it away and be thinking
about it, and that is if you all might want to adopt
something similar to what the Environmental Quality
Board has done. Since they have 13 members and rules
for all of the Agency, they have looked at it and
decided, well, these two or three members are going to
really focus on these kinds of rules or this particular
Council based on your expertise.

Obviously at some point we're going to have at
least two that are specifically operators of either
water or wastewater facilities. And I know we already
have at this time Debbie, that would give us three. So
it might be a thought that the three of you may want to
kind of be the Council experts on that set of rules. We
may want the geologists to take a particular interest in

1 introduce himself. I do have just a few other hopefully
2 quick items that I wanted to be sure and cover with you.
3 One item that we had alluded to a couple of
times earlier is the expansion of this Council's duties
in taking on significantly more rules, the rules from
the operator certification program and the rules that
are governed by our laboratory services.

You are very familiar with the Water Rules, the
ECLS Rules, and I will take this opportunity to remind
you that there's also one chapter of rules that falls in
our Land Protection Division, the underground injection
control rules. So that's a huge range of
responsibilities.

We have had quite a few new members over the
last year or so and still waiting for two more
appointments. What we're planning to do is a Council
orientation for this group. Our intent was to try to do
it before this meeting but we had not received the
appointments, and then had one just in the last few
days. But what we would like to do is to schedule that
sometime either in late spring or possibly the date of
the July 8th meeting, that if we do not have rule making
activity that day, we may take advantage and actually
expand that to all day and do that as the Council
orientation.
we're going to be meeting in a couple of weeks, and
we're going to try to kind of look at what we see as
issues coming up, the number of rule chapters, and try
to put together a game plan, and at that point we would
share that with the Council at orientation.
You know, there are different ways to look at
it. You know, you can have one or two all-day meetings,
you could meet more frequently but for just the
afternoon. We may want to look at staggering so that
you would anticipate seeing certain kinds of rules at
each of the various meetings.
Once upon a time, now 21, 22 years ago when the
Agency was first formed and we were looking at having to
do all of the rules that first year, this Council did
meet almost monthly that first nine, ten months. I
think that's kind of brutal to meet all of the rule
making requirements and travel times and all of those
kinds of things.
So we will be looking at kind of our game plan
or some options, and then we would present that to you
at orientation. And you know it may be that we give you
two or three options and you tell us the direction you
want to go with that as far as more meetings or
staggering subjects or something along those lines. But
there will be significantly more activity for this group
than there has been just based on the addition of the
new rules.
MR. PAQUE: But the orientation will be in July.
Right? It could be but it doesn't have to be?
MS. CHARD-MCCLARY: Right. If we were to get
the remaining two appointments, say, this week, then we
could move to schedule the orientation significantly
sooner than that. If we don't get those appointments,
we have kind of decided we're going to do the
orientation for those of you who are here in July if not
before, and then just have to do, you know, kind of a
crash course as the others will be appointed.
MS. CANTY: Anything else, Shellie?
MS. CHARD-MCCLARY: Well, there were two or
three significant issues kind of going on that I wanted
to just kind of give you an update. We have gotten the
verbal notification from EPA and we're waiting on the
official approval letter in writing that awards primacy
to DEQ. It is final primacy on the drinking water
program.
As you all know we've been working for two,
three years to get through that process. We were
awarded interim primacy. The EPA has completed the
public notification period and there was no request for
hearing and there was no information provided that
indicated DEQ was not suitable or capable of
implementing that program. So that was one piece of
good news.
With the Department of Agriculture receiving
authority to administer their piece of the Clean Water
Act, the ag specific pieces of the NPDES program, we're
undergoing some rewrites with a lot of our documents
that just in the way of jurisdictional boundaries fall,
DEQ is responsible for providing information and reports
to EPA that actually come from the Water Board
Conservation Commission and Department of Agriculture so
we're going through that process right now. So that
will be a big deal to get through that hurdle for the
State of Oklahoma.
Water reuse is something that we have been
talking about now for several years, and had kind of an
interesting and a great development.
And, Mike, I apologize, I haven't had a chance
to tell you.
But while we've been trying to expand water
reuse particularly into the area of oil and gas
exploration and production, the Corporation Commission
has not always been real interested in coming to the
table to have those discussions because they weren't
getting a lot of -- all kinds of interest from the oil
and gas companies. But in the last few days, we had a
-- we had an attorney contact us saying that their firm
would be representing about five oil and gas companies,
and so they will be joining us in the next Water Reuse
Committee meeting and looking at making further
expansion of reuse in those areas to try to save the
potable water for drinking as opposed to oil and gas
production or some of the other uses.
So that's something we're really excited about,
and we know that Corp Com will be in those meetings with
us to make sure that we meet their criteria along with
the municipal side of it to get that moving forward. I
know that's been something that was high on your list of
things to do so I think we're finally making some
progress there.
And one of the last issues, those of you from
the Eastern part of the state have heard a lot about
this but I'm not sure everyone else has, and that is the
Illinois River, the scenic river study, the
Oklahoma/Arkansas joint study committee for phosphorous
stress air response basically looking at -- I will just
use my loud voice.
So the Illinois River and the phosphorus studies
the phosphorus criteria established by the Water
Resources Board, that's been a point of contention
between the two states for a long time. We have had several different agreements between the two governors, between the two attorneys general, and now we do have this Joint Study Committee that has been established. The Arkansas governor got to appoint three members, the Oklahoma governor appointed three members. I am one of the three for Oklahoma.

We have been meeting since October. We are close to selecting a contractor who is going to do about a $600,000 study on how the Illinois River and other scenic rivers respond to nutrients, water options, what should the standard be, that it will be an Oklahoma scenic river specific study as opposed to relying on national data or averages of data taken from other places.

So it's really exciting that we're finally moving forward, and it looks like it will be approximately a two and a half year study and then we'll have a recommendation that we will give to the Governor, and then at that point hopefully the uncertainty of what's going to happen with all of those permits in northeastern Oklahoma and northwest Arkansas will finally be resolved.

So that is something that two or three of us have had conversations, so I just wanted to kind of give you all an update on that's where that stands. And that's all I have unless you all have specific questions.

MS. CANTY: Questions from the Council?

Okay. Thank you, Shellie. A lot of information.

With that, I think we can move into new business, but I'm not sure what we're doing there. Do we have new business?

MS. CHARD-MOCLARY: New business would be anything unknown about before the Agenda was posted and the Agency knows of no new business.

MS. CANTY: Okay. So we'll move forward. I don't need to have a -- solicit comments. Okay. I think with that we can move to our next meeting date. Is that correct? Is there anything else we have to -- any other comments from the public? One last chance.

Okay. Next meeting is going to be July 8th, 2014, 1:00 p.m., probably in this room, the multiple-purpose room.

With that, I think I will take a motion to adjourn.

Duane, do I see your hand up?

MR. WINGARDNER: I move to adjourn.
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