Notice of Public Meeting  The Water Quality Advisory Council convened for a regular meeting at 1:00 p.m. January 15, 2008 in the Multipurpose Room of the 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 2, 2007. The agenda was posted at the Department of Environmental Quality twenty-four hours prior to the meeting. Mr. Lowell Hobbs, Chair, called the meeting to order and requested roll call. A quorum was confirmed.

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<tr>
<th>MEMBERS PRESENT</th>
<th>DEQ STAFF PRESENT</th>
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<tr>
<td>Cathy Canty</td>
<td>Jon Craig</td>
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<td>Stephen Greetham</td>
<td>Don Maisch</td>
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<td>Lowell Hobbs</td>
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<td>Mike Paque</td>
<td>Robert Huber</td>
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<td>Mark Pierce</td>
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<td>Debbie Wells</td>
<td>Myrna Bruce</td>
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<th>MEMBERS ABSENT</th>
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<tr>
<td>Glen Brown</td>
<td>Christy Myers, Court Reporter</td>
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<td>Jeffrey Short</td>
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<td>Joseph Warren</td>
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The Attendance sheet is attached as an official part of these Minutes

Approval of Minutes  Mr. Hobbs called for approval of the Minutes of the January 15, 2008 Regular Meeting as presented. Mr. Paque made the motion to approve and Ms. Canty made the second.

See transcript pages 4 - 5
**Council Meeting Schedule for 2009** Based on the Environmental Quality Board meetings and expected rulemaking, staff recommended January 13, July 14 and October 13 to be held at 1:00 p.m. in the DEQ Multipurpose Room. Ms. Canty made motion to approve those dates with the second made by Mr. Pierce.

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**EMERGENCY RULEMAKING – OAC 252:641 INDIVIDUAL AND SMALL PUBLIC ONSITE SEEWAGE TREATMENT SYSTEMS** Mr. Maisch advised that emergency rulemaking was necessary to amend Appendix H, Figure 25 to change the classification of Delaware County from Net Evaporation Zone 1 to Net Evaporation Zone 2. He noted that when the Appendix was last adopted, the Department made a typographical error and accidentally placed Delaware County in Net Evaporation Zone 1. Mr. Maisch explained that the issue was just recently brought to the Department’s attention and the Department believed that it was of enough importance due to the requests that had been received from Delaware County to ask for emergency rulemaking which would allow the rule to go into effect immediately. The emergency rulemaking would then go into effect immediately when signed by the Governor. Mr. Maisch conveyed that Council would be asked to consider the permanent rulemaking at its January 2009 Council meeting. The permanent rulemaking would then go into effect on July 1, 2009. Mr. Robert Hubert, ECLS, further explained the emergency issue and fielded questions from Council. Hearing no public comments, Mr. Hobbs called for a motion for approval of staff’s recommendation. Mr. Mike Paque made the motion and Ms. Debbie Wells made the second.

**PERMANENT RULEMAKING – OAC 252:606 “OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS”** Mr. Don Maisch advised that the proposal would combine the two subchapters concerning biosolids (subchapters 7 and 9) into one subchapter. The modifications create rules to govern facilities that wish to
create Class A Biosolids pursuant to federal requirements and also updates rules concerning the date of the incorporation by reference of certain federal regulations. The proposal would update the publication date of the federal rules from July 1, 2007 to July 1, 2008. Mr. Maisch related that several comments had been received; therefore, staff recommended that Council table the rulemaking to its next meeting. Mr. Maisch fielded questions and comments from the Council. Hearing no comments from the public, Mr. Hobbs called for a motion to table this item to Council’s January meeting. Ms. Canty made the motion and Mr. Greetham made the second.

PERMANENT RULEMAKING – OAC 252:611 – “GENERAL WATER QUALITY” Mr. Don Maisch explained that the proposal is two-fold. It updates the publication date of the federal rules from July 1, 2007 to July 1, 2008. And it updates the rules concerning entities required to receive a water quality certification from the Oklahoma Department of Environmental Quality, pursuant to Section 401 of the Clean Water Act, when the entity is required to obtain a federal permit. The change would require entities, when applying for a certification pursuant to Section 401 of the Clean Water Act, to submit a mitigation plan with the application for certification when the federal entity requires mitigation to obtain a permit pursuant to Section 404 of the Clean Water Act. Additionally, the rule changes would modify the date of the incorporation by reference of certain federal regulations. Mr. Maisch fielded questions from the Council. Hearing no comments from the public, Mr. Hobbs called for a motion to recommend the rulemaking to the Environmental Quality Board. Mr. Paque made the motion and Ms. Wells made the second.

PERMANENT RULEMAKING – OAC 252:616 – “INDUSTRIAL WASTEWATER SYSTEMS” Mr. Don Maisch advised that the proposal would modify its rules to require secondary containment for above-ground tank systems that are constructed pursuant to the requirements of this chapter. Additionally, the proposal would clarify the closure requirements for industrial wastewater systems, propose to revoke the Appendices A, B and C that contain the permit forms so modifications to permit applications documents can be made without going through rulemaking and propose to revoke and replace Appendix D concerning Class III Surface Impoundments to make clean-up changes. Mr. Maisch advised that comments were still being received; therefore, staff recommended that the Council table this rulemaking to its next meeting. Hearing no further comments or questions from Council or the public, Mr. Hobbs called for a motion to table. Mr. Greetham made the motion and Ms. Canty made the second.
DISCUSSION PROPOSED RULEMAKING MODIFICATIONS – OAC 252:690 – “WATER QUALITY STANDARDS IMPLEMENTATION” Mr. Don Maisch advised that the proposal would modify the rules concerning biomonitoring requirements to require a sublethal failure (failure to demonstrate growth or reproduction) to have the same outcome as a lethal failure (death to the test organisms) as required by EPA and already promulgated into Oklahoma’s Water Quality Standards. Additionally, the proposed rule modifications further refine when a facility may request a biomonitoring organism change from *Daphnia pulex* or *Ceriodaphnia dubia* to *Daphnia magna*. The proposed rule modifications would require monthly monitoring for phosphorus and/or nitrogen if a facility is discharging to a nutrient limited watershed as designated by Oklahoma’s Water Quality Standards. Additionally, the proposed rule modifications would change the date of the incorporation by reference of certain federal regulations from July 1, 2007 to July 1, 2008 and make other language cleanup changes. Mr. Maisch pointed out that since the rule had not been noticed to the public, it was brought to the Council for discussion only. Mr. Maisch fielded comments from the public and said that the rule would come before the Council again at the January meeting. No vote was necessary.

*See transcript pages 48 - 53*

DISCUSSION CONCERNING HOW THE COUNCIL WILL CONDUCT FUTURE RULEMAKING, PART I and II – Mr. Maisch stated that at the January 2008 meeting, Council requested the option to discuss certain proposed rulemaking at two Council meetings prior to a vote. The four items on the Agenda were presented using both concepts. After discussion, Mr. Hobbs expressed that staff had done a good job in the past of bringing the rulemaking proposals and the public comments. Directive from the Council was to have at each meeting the option to vote to approve rulemaking or to vote to table rulemaking if Council preferred.

*See transcript pages 7 - 11 and pages 54 - 66*

New Business None

Announcements Mr. Maisch welcomed Mr. Stephen Greetham who had replaced Brian Campbell in the general public position. He also announced that Mr. Glen Brown had resigned as a member of the Council leaving the geology position vacant. Mr. Maisch reminded that the Minutes with transcript are now posted on the DEQ Webpage. Council congratulated Mr. Jon Craig for his 36 years of public service.

Adjournment Meeting was adjourned at 2:30 p.m. Next scheduled meeting is January 13, 2009.
DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF OKLAHOMA

* * * * *

TRANSCRIPT OF PROCEEDINGS

OF THE WATER QUALITY MANAGEMENT

ADVISORY COUNCIL REGULAR MEETING

HELD ON OCTOBER 7, 2008, AT 1:00 P.M.

IN OKLAHOMA CITY, OKLAHOMA

* * * * *

MYERS REPORTING SERVICE

Christy Myers, CSR

P.O. BOX 721532

OKLAHOMA CITY, OKLAHOMA 73172-1532

405-721-2882
MEMBERS OF THE COUNCIL

LOWELL HOBBS, CHAIR

JEFFERY SHORT, MEMBER (ABSENT)

MICHEL PAQUE, VICE-CHAIR

CATHY CANTY, MEMBER

JOSEPH WARREN, MEMBER

GLEN BROWN, MEMBER (ABSENT)

MARK PIERCE, MEMBER

DEBBIE WELLS, MEMBER

STEVEN GREETHAM, MEMBER

STAFF

MYRNA BRUCE, SECRETARY

DON MAISCH, ATTORNEY
MR. HOBBS: Good morning. I'd like to take this opportunity to thank all of you for coming, for whatever reason you have for being here, we welcome you. And if you have a desire to say something, there's a procedure to do that. And don't go away saying, well, I didn't get a chance to address the Council. With that being said, I'll call the meeting to order. We'll have a roll call from Myrna.

MS. BRUCE: Joseph Warren is absent.

Debbie Wells.

MS. WELLS: Present.

MS. BRUCE: Steven Greetham.

MR. GREETHAM: Present.

MS. BRUCE: Mike Paque.

MR. PAQUE: Present.

MS. BRUCE: Cathy Canty.

MS. CANTY: Present.
MS. BRUCE: Mark Pierce.

MR. PIERCE: Present.

MS. BRUCE: Lowell Hobbs.

MR. HOBBINS: Here.

MS. BRUCE: Also absent is Jeffrey Short and Glen Brown. We do have a quorum.

MR. HOBBINS: Thank you. Now we need to do the Approval of the Minutes from the January 15th meeting. You’ve been mailed a copy of those Minutes, the Council has, and I'm sure you've all had a chance to look those over and see if you have any clarifications or corrections or discussions about any of those. If not, I'd entertain a motion to approve those as has been presented.

MR. PAQUE: So moved.

MS. CANTY: Second.

MR. HOBBINS: Any discussion?

Seeing none, I'll call for a vote.

MS. BRUCE: Debbie Wells.

MS. WELLS: Aye.

MS. BRUCE: Steven Greetham.

MR. GREETHAM: Aye.
MS. BRUCE: Mike Paque.
MR. PAQUE: Aye.
MS. BRUCE: Cathy Canty.
MS. CANTY: Aye.
MS. BRUCE: Mark Pierce.
MR. PIERCE: Aye.
MS. BRUCE: Lowell Hobbs.
MR. HOBBS: Aye.
MS. BRUCE: Motion passed.
MR. HOBBS: Okay. On your Agenda we have a meeting scheduled for 2009 to approve -- we've got a couple of options there on January and October. Let's take those one at a time, we'll vote on all three of them at the end but let's talk about Tuesday, January 13th or January 20th. Anybody have a conflict with either one of those dates?
(Discussion about dates)
MR. HOBBS: So let's go with the 13th then, in October. And as you note there, the meetings will all be held here at this room, at 1:00.
Well, I suppose we should have a motion and second on that to accept those
dates. Do you think so, Myrna?

MS. CANTY: I'll make a motion that we go with Tuesday, January 13th, 2009; Tuesday, July 14th, 2009; and Tuesday, October 13th, 2009.

MR. PIERCE: Second.

MR. HOBBS: Okay, we've got a second. Anymore discussion? Seeing none, roll call vote.

MS. BRUCE: Debbie Wells.

MS. WELLS: Aye.

MS. BRUCE: Steven Greetham.

MR. GREETHAM: Aye.

MS. BRUCE: Mike Paque.

MR. PAQUE: Aye.

MS. BRUCE: Cathy Canty.

MS. CANTY: Aye.

MS. BRUCE: Mike Pierce.

MR. PIERCE: Aye.

MS. BRUCE: Lowell Hobbs.

MR. HOBBS: Yes.

MS. BRUCE: Motion passed.

MR. HOBBS: Your name is on there to have a presentation. Did you need to present anything on that, Don?
MR. MAISCH: No.

MR. HOBBS: You do have something to -- about the discussion concerning how the Council will conduct future rulemaking, right?

MR. MAISCH: Correct.

MR. HOBBS: We're ready.

MR. MAISCH: All right. If you remember at the January 2008 Meeting, there was discussion by the Council that they would like to have two meetings to look at rules and decide at the first meeting whether they wanted to vote on those rules or not, or hold them over until a second meeting. So what we've done through the upcoming rulemaking, except for the 641, which will be emergency rulemaking, and I'll discuss that briefly here in a few minutes.

We have set the remainder of those rules up that way, in two different ways.

Number one, on 606, 616 and 611, we public noticed those rules so that Council could have an option to vote on them today.

As you know, in my conversations
with each of you, individually, the Agency is going to put out a position on 606 and 616 to have those tabled until the January meeting, due to the comments we have received and the continual work with the public that we are doing on those two sets of rules. 690 we have not public noticed yet, so the Council will not be able to vote on those. So as we go through this process keep that in mind, and at the end of our rulemaking process we can discuss this further and decide which way the Council likes it.

If the Council likes to have just a discussion first without a chance to vote as we are going to do on 690; or if the Council would like to have the option at that first meeting to have the opportunity to potentially vote on those rules, then we will do them as we have set up in 606, 611 and 616 at this time.

It is totally up to the Council how they wish to proceed with rulemaking from this point forward. So, that's just kind of an overlay to think about how we are
doing rules at this time and to discuss
that when we return to that option. I
think it's Agenda Item Number 12, if I
remember correctly -- Agenda Item Number
11. So that's how that is. So just keep
that in mind at this time, and if there's
any questions, I would be happy to take
them.

MR. HOBBS: If I understand right
what you're saying, you're going to leave
it up to the Council to decide at each
meeting if we discuss and vote now, or we
discuss and vote later, or are we going to
decide today whether we discuss today and
vote later; that's going to leave that
option open to us, you're saying?

MR. MAISCH: What I'm saying is,
I presented you two ways in which we can do
the two-meeting rules.

One is, we can public notice them
for the first meeting. And you've been the
Council each time to have the option
whether you want to vote on those rules at
that meeting, or continue them on to the
subsequent meeting.
Or we could set it up so that the Council vote to not have that option, and can just discuss the rules at the first meeting and then only have the vote at the second meeting.

That's the way the Chapter 690 rules are done at this time. The Agency has not public noticed 690 at this time, so they're just open for Council discussion.

The other three remaining sets of rules, 606, 611 and 616 have all been public noticed. And as I communicated to you, we've had comments about 606 and 616, so I'm going to ask that the Council not vote on those, and table those until the next meeting.

Chapter 611 will be a decision for you all to make as to whether you want to vote on them at this time or hold them over until next time.

If you recall the discussion that we had concerned either complex rulemaking or voluminous rulemaking; in other words, where we completely redo a chapter. It may not be the most complex, but we are making
a ton of changes. The Council wanted to look at it at one meeting and potentially vote on it at another meeting, as well as complex rulemaking and that type of rulemaking that would get -- that would garner considerable public input and public comment.

So set it up two ways, we wanted the Council to look at it both ways and then when we come to Agenda Item Number 11, have the Council direct the Agency which way they prefer.

MR. HOBBS: Okay. Before we proceed further, let me read the Protocol Statement which I have failed to do. It's not on the Agenda, but anyway, we are going to read the Protocol Statement.

"This regular meeting of the Water Quality Management Advisory Council was called in accordance with the Open Meeting Act.

Notice for this October 7, 2008 meeting was filed with the Secretary of State on November 2, 2007. At least twenty-four hours prior to the meeting, the
Agenda was duly posted at this facility, 707 North Robinson, Oklahoma City.

Only matters appearing on the posted Agenda may be considered at this regular meeting. In the event that this meeting is continued or reconvened, public notice of the date, time, and place of the continued meeting will be given by announcement at this meeting. Only matters appearing on the Agency of a meeting which is continued may be discussed at the continued or reconvened meeting.

Sorry I didn't read that at the first. That's suppose to be one of the first things we do. Okay.

You've heard Don's presentation on how we are going to do the rulemaking, and we'll just wait until Item 11 to vote to see how we are going to do that. Everybody understand? Any questions about how we're going to do that? Understand?

MR. MAISCH: Thank you. On Chapter 641, the Agency has received a couple of inquiries from Delaware County concerning the size of an aerobic sewage disposal system. Those are the type of individual systems that are connected to a house or to a small public facility, and the affluent after it goes through a septic tank and after it is treated is then used to water gardens, water lawns, things like that.

Appendix H on this -- and if you will look at 641, Appendix H, if you will go back to Page 47, which is the last page, you will see the one change in that -- what this sets are the evaporation zones -- for what size -- for the sizing of those irrigation fields. How much of your yard you have to subside to irrigate.

Delaware County was accidentally typed in as the most restrictive or you needed the most area to build one of these irrigation systems on. The zones were set pursuant to rainfall within the county. And if you'll notice, Delaware was kind of
lumped in there with McCurtain County and Sequoyah, and LeFlore. And, you know, if you are familiar with the state, LeFlore and McCurtain Counties get the most rain in the state. Well, when we went back, and after we received the inquiries, we went back and looked at the rainfall amounts for Delaware County and found out we had made a typographical error, and in fact, it should have been in the next zone up, so we are making that change. You can see it under Delaware as a strike-out and underline. This is coming through as emergency only at this time. We have received a request to have it done as emergency, and the Agency has agreed to do it as emergency at this time.

In January then, the permanent rulemaking for this will come through. What the emergency means is that once this Council votes on it and if it is approved, it will go to the Board. If the Board approves it, it will go to the Governor and if the Governor signs off on it, then it will go immediately into effect until July
If we do the permanent rulemaking then in January, and it is approved by the Council, and then the Board at a subsequent meeting adopts and approves the permanent rule change, and then the Governor approves the permanent rule change, it will go into effect -- that will take it into effect after July 1, 2009.

This issue just came up within the last two to three weeks, and so we did not have sufficient time to do the proper public notice to get it before this Council at this meeting to do this rulemaking as a permanent rulemaking procedure here at the October Council meeting. But the Agency believed that it was of enough importance due to the requests that we have received, that we needed to make it as emergency rulemaking at this meeting, and then come back and do permanent rulemaking in January.

So that is what this does.

Basically right now, the Zone 1 fields require, and staff is here to discuss further, but I believe it takes about
19,000 square feet, if I remember my numbers correctly, under a Zone 1 for that irrigation system; under a Zone 2, it would be approximately a 11,000 square foot irrigation area for the watering of the gardens or the lawn at 11,000 square feet. So that is basically what this change does. It takes that square footage of that irrigation area from about 18,000 down to 11,000 square feet. And that's the net results of this. As I said, we base this off of the rainfall that the Agency receives. With that, I'll be happy to take any questions.

MR. PAQUE: Don, I have one question. And I am indifferent to the emergency, I'm fine with that. Can you just -- because I've not heard you refer to an emergency rule before. You said if we vote on it today, it does go into effect on July 1, 2009; correct?

MR. MAISCH: No. I said once it is signed by the Governor, it goes immediately into effect once the Governor has signed it, until July 1, 2009.
MR. PAQUE: I meant until. And then it automatically would lapse, back that up with a permanent rulemaking in January; right?

MR. MAISCH: That is correct.

MR. PAQUE: Okay.

MR. HOBBS: Is that going to change Adair County, too? They're right there by them.

MR. MAISCH: No. At this time we're not proposing and we've not received a request for a propose change to Adair County.

MR. HOBBS: Does the Council have anything to comment about? Maybe you will after we here from the public.

(Comment)

MR. HOBBS: You walked up there like you had something big to say.

MR. MAISCH: I need all the support I can get.

MR. HOBBS: And actually the only thing it does is change the square footage of the aerobic area.

MR. MAISCH: Correct. That's all
it does for Delaware County.

MR. HOBBS: What's the need to do
it on an emergency basis? Does someone
have something pending that has to get it
done?

MR. MAISCH: Now I will defer to
Robert Huber to explain what emergency
basis.

MR. HUBER: Yes. I'm Robert
Huber with the Environmental Complaints and
Local Services. The purpose of this would
be the Delaware County, Grand Lake area,
has a lot of existing subdivisions. The
19,000 square feet that is set, that the
state has set makes them too hard for
utilization. Going back and looking at our
evaporation and the net rainfall, that
county fell in Zone 2, but is in Zone 1.
That's the emergency. Because right now,
basically, by not doing this it stifles the
utilization of that system in that county
on those watts.

MR. HOBBS: Does anybody from the
public have any comments to make regarding
this?
Council, back to you all. Did anybody's comment out there inspire you to say anything? You're recommending this as a change?

MR. MAISCH: Yes, the Agency is recommending approval as an emergency rulemaking, this change to Chapter 641.

MR. PAQUE: Mr. Chairman, I'd so move for approval of the docket item.

MR. HOBBS: Do I have a second?

MS. WELLS: Yes, I second.

MR. HOBBS: Further discussion?

I didn't think so. Roll call vote.

MS. BRUCE: Debbie Wells.

MS. WELLS: Aye.

MS. BRUCE: Steven Greetham.

MR. GREETHAM: Aye.

MS. BRUCE: Mike Paque.

MR. PAQUE: Aye.

MS. BRUCE: Cathy Canty.

MS. CANTY: Aye.

MS. BRUCE: Mike Pierce.

MR. PIERCE: Aye.

MS. BRUCE: Lowell Hobbs.

MR. HOBBS: Aye.
MS. BRUCE: Motion passed.

MR. HOBBS: You noticed I voted "aye" that time instead of "yes".

(Comment)

MR. HOBBS: Item 7. OAC 252:606.
Oklahoma Pollutant Discharge Elimination Systems. Don Maisch.

MR. MAISCH: Thank you very much.
What, basically, these rules -- this rule change would do two different things.
One is, 606 includes our adoption by reference of the NPDES program, and it would move that adoption by reference up from 2007 to July 1st to July 1, 2008, something you do every year, and that's not controversial.
The controversial issue with 606 is the fact that the Agency regulates the use of sludge and biosolids from municipal waste water facilities.
Since the original regulations were adopted by EPA in the 1990's, we have gone through substantial changes.
One of the those changes allows for the compost of biosolids -- or the
biosolids taking the raw sludge from a municipal wastewater treatment plant and doing certain types of treatment with that, and turning it into a compost of material that can then be used by flower gardens as soil amendments, and things like that. What these rules were an attempt to do was to identify -- let me back up here and say this. Our rules currently don't recognize any difference between the different ways biosolids are created. There are basically two primary categories of biosolids currently under the EPA rules. There's a Class A and a Class B. Class A has specific pathogens reduction to it, so that it can be handled and it can be a compost-type of material; whereas Class B has a much higher pathogen, much less treatment and has to be handled in a totally different way. Our rules right now basically only deal with this material as a Class B. We have been running over about the past four or five years pilot projects for several
municipalities across the state in doing Class A biosolids. We have had very good success with several municipalities with the Windrow Method and there's the Windusal Method and those are recognized in the rule change.

So what the Agency attempted to do was to take the current rules that we had, which are in Subchapter 7 and Subchapter 9 of 606, combine it together into one chapter of rules, and then put into place those types of Class A biosolid production that the Agency has seen good success taking them out of those being pilot projects and those to become something that if a facility followed these rules, they would not need the pilot, they could immediately go into production and do that.

We then took these rules, thought we did pretty well -- took these rules and put them out for public comment. And those side packets that I handed out to you -- I believe the top will have Benham Group or something like that, are all the comments that we have received. Comments from the
City of Tahlequah who is currently producing Class A biosolids. From Bethany/Warr Acres that are producing Class A biosolids.

Dan Hodges gave us some comments, and Mr. Hodges is here today, and he has been someone who has been working extensively with many of these municipalities and doing Class A biosolids.

After we received many of these comments -- and I will tell you that you have not received them all because while we were standing down here and greeting each other, my phone went off, and lo and behold, I got emailed another set of comments while I was standing down here.

So there is another set from the City of Tulsa, upstairs, at my desk and of course, I was not able to produce for this meeting.

Based on receiving those comments, then staff met with Mr. Hodges and six of the municipalities including Ardmore, which you have comments on, Bethany, Warr Acres and Tahlequah, and they had extensive discussions, and proposed recommendations.
for changes to those rules.

After receiving those back, it is
the Agency's position that we need to do
some additional work on these rules, so it
would be the Agency recommendation for
Chapter 606 at this meeting to table these
rules and not go forward with them -- not
disapprove them, but table them for the
next meeting. And what the Agency's
position is that then we will take the
comments, make changes to the rules that
we've already started working on and then
pull the group that we met with back
together and give them the rules prior to
that meeting, pull them back together,
receive their comments, hopefully resolve
any issues that are out there, and have
then a set of rules for the Council that
will have, at least from this group a
minimal, if any, type of comment.

A couple of comments we received,
which they were absolutely correct on, was
the way we had written the rules, as l
said, we've had a lot of success with
Windrow composting of the biosolids, and
that's the only one we had written into our
rules to not be piloted. As the group told
us, there are a couple of others that some
of these municipalities have used, and with
great success, and we identified those
during the meeting, but we did not have
those in the rules at this time. So we
would have to go through and completely
change the rules to add those in, and we
would like to have the opportunity to take
these back and add those in.
There are several other comments
that they've made to simplify the process
because it is the Agency's position that
the composting of biosolids is a good
thing, it is a green thing, it is a
positive thing, and it is a positive reduce
of these biosolids as opposed -- and is a
good option than just having to land-apply
the biosolids and to find some place, a
large acreage to put them on or to have to
landfill the biosolids.
This is a different way of using
these. It is a good way of using these.
Other municipalities across the nation do
this as well with high success. What we want to try -- our attempt on these rules were to make it easier for municipalities to do that. I don't know if everybody would agree, we got close to the mark, but we didn't hit the mark. And we want to take them back and try to hit the mark better. And so we want to make it as easy as possible for the municipalities and anybody who produces municipal biosolids, to make composting a definite possibility, if not a probability for them, to make it as easy as possible so that their uses can be done across the board. So I would be more than happy to hear comments or questions from the Council and more than happy to have the public to come up and comment about it. But on the vote, we would ask that you vote to table these until the January meeting and let us come back with a revised set of rules that hopefully meet and resolve many of the issues raised in the comments that we have provided to you. And I'll be happy to take any questions.
MR. HOBBS: Okay. Does Council have anything that they want to say?

MS. CANTY: I have a question. Don, where are you at in terms of agreement? I mean are you guys pretty close with minor changes? Because what I see happening is, which is what we were trying to avoid, is we're having this meeting to hear comments and to make sure we address everybody's concerns. Now we are in to the January meeting where we can get these rules through, can we get a copy of those revisions in December, or earlier, where we've got some time if we have some concerns to address it. Because I don't want to be at the January meeting and have people standing up and saying we're not happy about this. That's the whole reason we are having this meeting.

MR. MAISCH: Yes, that is correct. And there are some people here, and I would be more than happy to -- they can have the option if they wish to come up here and speak. I can tell you that we have reviewed their comments. We have had
one meeting with them and we have heard their concerns. We have -- an initial draft of those have been done, we're reviewing it internally. I met with Mr. Hodges before the meeting here today, and we already have a meeting scheduled with him in November, and I have just told Mr. Hodges that I want to have that meeting in October. I want to get this out to them, hopefully, the end of this week or the first part of next week. That will give them two or three weeks to review it, and then have a meeting with them so that we can address their concerns and either one or two things will happen.

Well, I know one thing that will happen. We will address as many of their concerns as we can, so that we can eliminate as many concerns as possible. I can't guarantee we're going to eliminate every concern, and if that is the case, then they should have the ability to come up and request or address concerns about this.

I believe according to -- when I
talked to technical staff about this, I think we are close to get it, as you've asked the question, staff believes that we are very close in getting to them what they want. One of the things that they requested was -- they are required a laboratory analysis of the compost and sludge. Well, there aren't many labs, or any labs really, in Oklahoma who do that. And our laboratory rules under 606 require a DEQ certified lab. But we have other rules in some of our other chapters that allow for DEQ labs to do it, or EPA labs or a third party approved by EPA. Well, we didn't make that change in these rules. We're taking that language, lifting it out and putting it in here so that we can address that laboratory issue. And that's just one of a multitude of the issues. As I have mentioned, there's the -- these rules that you look at right now, only deal with windrowing, making compost out of biosolids through the windrow process. The group mentioned these two other types of processes that we have seen good success
with, and we are writing those into the rules, as well. They've already given us that information, we've already put it in the draft. Like I said, staff is looking at that draft right now. So I really think that we will really be close when we meet with them hopefully in October. I understand your concern, but actually the dual meeting process is actually working then, because as opposed to trying to work it out here and having to vote on it now, we have a chance to pull it back, work it out and then bring it back hopefully in a form that everybody can -- well everybody may not be 100 percent happy, but everybody can look at.

MS. CANTY: Thanks.

MR. PAQUE: Don, I have a couple of questions. First is on the weather prohibition. It says in there that "thou shalt not apply biosolids when the ground is frozen or saturated." And by the way, I think that overall that the land application here is a good idea, so I don't want to be misunderstood on that, but it
would be a bad idea if they were applied on frozen ground or saturated ground, resulting in the obvious run-off.

How do we communicate or who determines what the saturation is? I mean I know how we do that, but sitting in this office in Oklahoma City, and someone doing land application out in the Hinton-land, how are we going to communicate that this is saturated soil and you shall not apply right now, or go ahead and do it. How do we do that?

MR. MAISCH: Well, what we do is, we require that -- everybody who does land application of biosolids is required to get a permit, and that will be one of their permit conditions. So we will communicate it to the facility in that form or manner.

Additionally, if we find through a complaint or through an inspection, and we have local offices who do inspections yearly on these facilities, if we go out through a complaint or do an inspection and find run-off, or either through saturation or through land application when the ground
is frozen, we will take an enforcement action, through that process, at that time.

MR. PAQUE: Okay. Second question is how do these rules compare to Kansas, Missouri, Texas, New Mexico and Colorado? My concern there being -- and again, this is only a question -- the out-of-state deposition of municipal biosolids or in whatever form in Oklahoma, may not be good or bad, but it's a concern.

MR. MAISCH: Understood. Under our statutory provisions, as you very well know, most times we track what EPA requires. And EPA has regulations on this. There is one area in the water and wastewater business, or I should say the wastewater business, where we are more stringent than EPA. And that is with municipal biosolids, and industrial sludge. And we require things above and beyond what EPA requires. And that is set by state statute.

We also have state statutes concerning the land application and the introduction into Oklahoma of out-of-state
biosolids and sludge.
So, in that vein, if another
municipality or some other group wanted to
bring this material into the state, it
would have to meet those statutory, as well
as these regulatory requirements. And
quite frankly, we haven't seen that as an
issue that has really come up because we
are more stringent than our surrounding
states. Most of them have just avoided
wanting to undertake those issues.
MR. PAQUE: That's the answer I
was hoping I'd hear. That's excellent.
And then the last question on the one
applier rule -- one applier at a time. Is
the purpose of that to prevent a site from
being created with -- is multiple operators
coming in at random? I mean the license
will go -- the permit will go to one
applier, I guess.
MR. MAISCH: And you'll have an
identified site. That way we won't have
multiple operators applying to one site,
over application of organics that is
commonly known as phytotoxicity, which the
statutes strictly mandates that we are not
allowed to permit, which is the
over-application of this material on the
land so that you have either too much
nitrogen and too much phosphorous to be up
taken by whatever crop is being grown at
the site.

MR. PAQUE: That's good. Thank
you.

MR. HOBBS: One thing, Cathy,
about your comment depending on how we vote
on this Item 11 over here, may not fully
decide in January what we do with this;
correct? If we vote to look at it twice?

MR. MAISCH: That you could, that
could be correct.

MR. HOBBS: So it may not be
settled in January, regardless, depending
on how we vote on Item 11 on here. I would
think that wouldn't escape that idea if
it's presented then. Okay, anything
further from the Council?

MS. CANTY: Do we need a motion
to table?

MR. HOBBS: No.
MR. MAISCH: Not yet.

MR. HOBBS: We need the public to comment first. Anybody from the public?

You scared them all off, Don.

MR. MAISCH: I guess I did.

MR. HOBBS: Yeah, you did good.

Or bad, whichever side of the fence you're on. Okay, back to the Council.

MR. MAISCH: Once again, it is the Agency's recommendation that the Council table this. Well, and I will tell you that tabling it then will require us to put it on the January agenda for consideration.

MR. HOBBS: So we need to table it until January then, that being the case. Because if you don't specify it, then it's tabled until some other time. So, was that your motion you were going to make?

MS. CANTY: That was my motion.

MR. HOBBS: Did you get it that way, Myrna?

MS. BRUCE: Yes, sir.

MR. HOBBS: Is there a second?

MR. GREETHAM: Second.
MR. HOBBS: Any further discussion before we vote? Seeing none, roll call vote.

MS. BRUCE: Debbie Wells.

MS. WELLS: Aye.

MS. BRUCE: Steven Greetham.

MR. GREETHAM: Aye.

MS. BRUCE: Mike Paque.

MR. PAQUE: Yes.

MS. BRUCE: Cathy Canty.

MS. CANTY: Yes.

MS. BRUCE: Mike Pierce.

MR. PIERCE: Yes.

MS. BRUCE: Lowell Hobbs.

MR. HOBBS: Yes.

MS. BRUCE: Motion passed.

MR. HOBBS: Item 8, 252:611, General Water Quality. Mr. Don.

MR. MAISCH: Thank you. This rule change basically does two items. And the first one is very generic. Once again, it covers for what the Agency undertakes which is when a federal permit is required and a facility is required to get a federal permit for a water quality covered topic,
then that entity is required to get a certification from the State of Oklahoma.

And that certification says that your activity will not impact water quality standards. And that's basically what these rules undertake dealing with, that we are seeking to modify here.

The modifications are two-fold. One is very generic. It is updating those rules by reference in this chapter, updating that date from those that were incorporated as of July 1, 2007 to July 1, 2008.

The second change that this does, which is the controversial issue, that deals with mitigation plans. And recently, the Corps of Engineers has changed the procedures of policies concerning mitigation plans and are requiring plans when a facility is undertaking an activity that might impact water quality standards or might impact a wet land or something like that, that may destroy that wet land, the Corps will require mitigation that's an impact to that wet land or that water body.
Previously, those mitigation plans could have been turned in at any time. And we currently have no rule concerning those mitigation plans. The Corps has changed their policies and are now requiring those mitigation plans with the application for their federal permit when it is submitted.

What this rule -- all this additional rule change does is to require applicant when they apply for the water quality certification to submit the mitigation plan to the DEQ if the federal permitting entity requires the mitigation plan. So we are not requiring any separate mitigation whatsoever. We are requiring the mitigation plan to be submitted to the DEQ when the feds require mitigation and require the mitigation plan.

Currently, we do not have a rule on this. We have tried to work this out with the Corps of Engineers, and what we've been told is that we don't have a rule on this.

You can't have the mitigation plan sent to you until you get a rule that says that.

So, we are hereby proposing a rule to say
that if the Federal Government, and that
federal permitting agency says you have to
do mitigation and you have to supply a
mitigation plan before we issue the 401
certifications because we want that
mitigation plan as part of your application
for that certification submitted to the
DEQ. That's the only two changes that this
rule makes. It was brought up this way
because Joe Warren, if he were here, has
been interested in, in the past. I knew he
would have questions about it.
Unfortunately, Joe is not here today. But
that's all that this rule does -- or that
these rules changes do. And the Agency
would, in this situation, request and
recommend passage. And I'll be happy to
take any questions.
MR. HOBBS: Anybody on the
Council have questions or comments?
MS. CANTY: Don, currently you're
saying that the Corps of Engineers won't
provide you copy of the mitigation plan
they have on file?
MR. MAISCH: They are not
submitting it with -- what we have is --

it's kind of a two-pronged policy, and we

have an agreement with the Corps of

Engineers on how these are done. So when

they submit their information to the Corps,

it not only triggers the Corps permitting

process, but it also triggers the state's

certification process. So, that would mean

when the public notice is done on the Corps

permit, it's also done on the state

certification. When that trigger occurs,

we're under Title 33 of the Code of Federal

Regulations, we're under a specific time

frame in which to either say, yes, you can

have the certification or decline the

certification. If we choose to do nothing,

then it's deemed waived and they can move

on with their permitting process. When

they're submitting the information to us

with the notice, they are not submitting

those plans to the Agency. Then we're

having to make the request while our clock

is ticking, and then we don't have usually

by the time, if we get it in, we don't have

sufficient time to be able to process what
the mitigation plan says before our time has expired. And in fact, on a couple of occasions, since we did not get the mitigation plan in, we had to deny the certification. Since we denied the certification, that stops whatever activity is ongoing dead-in-the-water until the facility comes back and supplies everything that we need and then has to go through a second individual process under the federal rules to get our certification and then move forward with the federal process. If we get this in immediately, it keeps that stream-line process going. And usually within 45 to 60 days after the public notice has been submitted, both the state certification and the federal permit is to the applicant and then they can then proceed with their process. Whereas, if we decline, then you are in a -- it could take, who knows how long; 60, 90, 120. And it really slows down the process quite a bit.

MS. CANTY: Which group would be getting the mitigation plans? Would it be
MR. MAISCH: No.

MS. CANTY: -- or is it Water Quality?

MR. MAISCH: It is Water Quality.

It's our planning group who also is assigned the 401 certification activities.

MR. HOBBS: Other comments from the Council? Any from the public?

Okay. You heard the recommendation from Don, and I hear no comments from this body or the public, either one, so we're ready for the motion to pass this.

MR. PAQUE: I move for approval.

MR. HOBBS: Is there a second?

MS. WELLS: I second.

MR. HOBBS: Any further discussion?

MS. CANTY: Don, I have a quick question. Who will be providing you a copy of the mitigation?

MR. MAISCH: It can basically -- it come from either source.

MR. HOBBS: Anything further?

Roll call vote.
MS. BRUCE: Debbie Wells.

MS. WELLS: Yes.

MS. BRUCE: Steven Greetham.

MR. GREETHAM: Aye.

MS. BRUCE: Mike Paque.

MR. PAQUE: Yes.

MS. BRUCE: Cathy Canty.

MS. CANTY: Yes.

MS. BRUCE: Mike Pierce.

MR. PIERCE: Yes.

MS. BRUCE: Lowell Hobbs.

MR. HOBBS: Yes.

MS. BRUCE: Motion passed.

MR. HOBBS: Okay. Item 9, 252:616, Industrial Wastewater Systems.

Mr. Don, you’re our star again.

MR. MAISCH: These rules were basically -- the rule change that we were discussing here was basically two-fold. One was Appendix D, some clean-up language; and then about two years ago, we had proposed some rules to this Council that, in fact, the Council passed concerning aboveground storage tanks and the fact that the Agency had received -- at that time,
one permit application for an industrial facility to store all their wastewater in aboveground storage tanks and then we pumped off and we had absolutely no rules about that. So we proposed a set of rules and the Council passed them, they went to the Board, and then the Board saw some issues with them, and they did not get passed by the Board. Like I said, that happened about two years ago. We didn't do a whole lot with it, thinking okay, the one facility had changed its mind and weren't going to go forward, maybe it wasn't a big enough issue.

Since that time -- or within the past year we've received two more applications for industrial facilities who want to do aboveground storage tanks. And so we thought, okay, we still have this hole in our rules where we don't require anything for aboveground storage tanks where industrial facilities want to store the wastewater in a tank and then have it pumped off to somebody. We do need
something.
And the only thing we really want to require is secondary containment around those aboveground storage tanks, so if contaminated stormwater gets in, it can be contained and get pumped off as well, or if there is a spill, it can be contained around the aboveground storage tank, and not go anywhere and then be pumped off as well.
So we proposed the rules again.
This time when we proposed them, since I knew we had issues with certain Board Members, I sent them to those members of the Board, heard comments back that we needed to still do some tweaking. We're completely satisfied with everything that we did and we are working -- I am again negotiating with the Board Member to get that language changed so that the exclusions meet their needs.
And the basic exclusion and their basic concern was that there were some of these rules that deal with RCRA, Resource Conservation Recovery Act, who also govern
those tanks that deal with RCRA-style waste and that also have rules that deal with this.

And what we wanted to make sure is that our rules, number one, don't conflict and that in no way impact what the RCRA permitted facilities are required to do. These don't apply to RCRA permitted facilities and shouldn't and we just need to make sure our exclusion is airtight as to that. So there were some concerns about that.

So at this time, based on those and the fact that we are still working them out with Members of the Board, the Agency's position would be to table -- for the Council to vote to table this rule as well until the January Board meeting.

But I can tell you, Cathy, to answer your question, we are very, very close. I've had two discussions with a specific Board member and we are very, very close. I need to email them back the language that adopts the language that they basically sent to us, that we have pretty much
approved. So it's just working out those final details. And I'll be happy to take any questions.

MR. HOBBS: Did that inspire any comments from you, Cathy?

MS. CANTY: No.

MR. HOBBS: Does any Council have questions or comments?

MR. PAQUE: Let me make sure I understood. The only conflict you're trying to resolve is that there be no conflict between existing RCRA permitted facilities and facilities that would fall exclusively under this and not rising to any of the RCRA requirements; right?

MR. MAISCH: That is correct.

MR. PAQUE: Okay.

MR. MAISCH: Since we also permit some of these under NPDES permits, or OPDS permits, and they are already permitted through that process, we'd also be excluding out those OPDS permitted facilities that already have -- their tank systems or whatever, permitted under an OPDS permit.
MR. PAQUE: Yes. Gotcha.

MR. HOBBS: Does Council have any further comments? Any comments from the public regarding this? Seeing none, I guess we are ready for a motion to table this until January. Does anybody want to do that motion?

MR. GREETHAM: So moved.

MR. HOBBS: Is there a second?

MS. CANTY: Second.

MR. HOBBS: Motion moved and seconded. Any further discussion? If not, we're ready for the vote.

MS. BRUCE: Debbie Wells.

MS. WELL: Yes.

MS. BRUCE: Steven Greetham.

MR. GREETHAM: Yes.

MS. BRUCE: Mike Paque.

MR. PAQUE: Aye.

MS. BRUCE: Cathy Canty.

MS. CANTY: Yes.

MS. BRUCE: Mark Pierce.

MR. PIERCE: Aye.

MS. BRUCE: Lowell Hobbs.

MR. HOBBS: Yes.
MS. BRUCE: Motion passed.


Mr. Don, you may take the stand again.

MR. MAISCH: These are the final items for you to consider and to take comments on. This is one that was done differently in that we have not provided notice to the public of this set of rules. This one is being done the other way for your consideration.

Basically, what these rule changes that you have before you would undertake would be to implement a requirement that we are being required to do by EPA. EPA has sent correspondence to the DEQ stating that the way the Agency and the state is doing bio-monitoring does not meet federal requirements. Specifically -- currently, at this point, when we do testing for hold-up on toxicity and those identifying tests, we look at lethality, meaning that
you have certain test organisms, specifically water fleas and minnows and if 50 percent or more of them die, you fail the test. If 50 percent or less than those die, you pass the test. It's a very simple test. It's a 48-hour acute test.

EPA has changed their policy concerning how they interpret their rules and began corresponding with the DEQ and with the other State Environmental Agency involved, the Oklahoma Water Resources Board, saying looking at lethality in and of itself is not sufficient; that in fact, you need to be looking at certain other effects other than just lethality, those being growth and reproduction, so that if the organisms don't properly grow during the test time period or don't properly reproduce within a proper test period, then that should be concerned a test failure as well.

A year ago, the Oklahoma Water Resources Board changed the water quality standards to implement EPA's requirements concerning this and making those end points
we need to look at, not only lethality, but
growth and reproduction. What these basic
rule changes would do would be to implement
those water quality standard changes, as
EPA has required to, then allow for us at
an end-test point, to not only look at
lethality, but also growth and
reproduction. That is the primary item
that this change does us.
A second thing that it does is that
about a year or two years ago, this Council
recommended for approval and the Board
approved the use of a different, a
healthier, a larger water flea in certain
situations. You could go from the small
water flea in these situations to a larger
water flea in different types of
situations. And EPA had approved that
change in its rules in the past and we
adopted that as a test organism. In
discussions with EPA, those -- we needed to
put some perimeters about when background
levels for certain constituents are found
when we needed to look at those background
levels and what those background levels
needed to be to trigger the use of that larger water flea.

If you'll look in the rule changes for 690 -- I'll tell you exactly where that is at. It is on Page 10 and it's the underlined information concerning the Daphnia Magna. Daphnia Magna is the large water flea. And Daphnia Magna is a water flea that is more tolerant to total dissolved solids in either the waste stream or in the background water body. And these then set out the criteria that EPA has approved for us to use Daphnia Magna. So that's what those set of rule changes would do as well.

The remaining rule changes, as I said, are basically clean-up language and we also will have the rule change in here that would advance through adoption of rules by reference from July 1, 2007 to July 1, 2008.

With that I would be happy to take any questions. As I said, we have not public noticed these yet. We will notice these in January. We wanted to
present both mechanisms for the dual
process to the Council for the Council to
determine which way it likes to look
at rules at two separate meetings. So
those are the proposed rule changes for 690
at this time. I’d be happy to take any
questions.

(Comment by Mr. Paque)

MR. HOBBS: That’s a good point.
Are there any comments by the Council?
That wasn’t a bad comment if you
want to make it to the group.

MR. PAQUE: My comment was that I
can’t remember what I did in the last
meeting from one meeting to the next. And
two separate meetings leaves me a little
unenthusiastic unless there’s a high public
purpose to be served. If that’s the case,
that’s fine, but barring that, I would
favor discussion and voting, but I’d bend
to the will of the Council with no
resistance.

MR. MAISCH: I understand.

MR. HOBBS: Any further comments
from the Council? From the public?
Hearing none, let's go back to Council.

MR. MAISCH: Just so you'll know,

the way I did 690 is the way the Air

Quality Council actually pretty much does

it, and then discussion with their staff

they present a set of rules to the Council

for their discussion at an initial one, and

then don't have a vote until the second

one.

I wanted to present those rules two
different ways, and let this Council decide

and obviously Mike, you've made your

impression on this. You liked the way we
did the first three rather than the way we
did the last one. But I wanted to present

them at least those two ways as two

options, or there may be other options out

there, as well.

MR. PAQUE: Let me just qualify

what I've said, Mr. Chairman. Different

public bodies that I've served on over my

life, when I think of a meeting being every
two weeks and introduction at one meeting

and voting it the next. A two week time

period for the public. You might argue
that it is too short, but in local
government, it really isn't. And maybe
even a week in some cases, depending on the
circumstances, it seemed workable. I think
where we were meeting four times a year and
sometimes not even that. I'd still favor
maybe, if that all makes any sense, to
proceed the way we've been proceeding, with
just the discussion and a vote. But then
again, I don't have a strong view on that.
MR. HOBBS: I guess the situation
could happen that we would, like we did
last time, say we've been on this long
enough, we need some more time and take an
exception for each time if we needed
actually more time on one particular item
and not make it an across-the-board thing.
MR. PAQUE: Does staff have an
opinion on this? Do you guys have an
opinion? I mean, I'd appreciate it if you
did have one.
MR. MAISCH: I can tell you that
the way we did 690 is a lot more work for
the Agency and a lot more work for me
personally. I'm of the opinion that the
system seems to somewhat work, especially
producing them here at this meeting,
whether it was 606, 611, 616, giving the
public a chance to comment, if we can’t
work out those comments with relative ease
and relative speed to be able to present
some fairly minor amendments to the Council
and then let them vote on those, then being
able to have the Council to have the option
to table on those and bring them back at a
separate meeting, seems to be probably the
easiest way to work the process. And
thereby it leaves it up to the Council to
decide, do we want, as a body, to go ahead
and vote on these and either approve or
disapprove them, or do we want to give the
Agency a chance to take those back and work
with the groups that have commented on them
and have raised concerns to be able to work
through that process and hopefully at the
next meeting bring them back before the
Council and discuss those. The issue that
we run into is at the January meeting,
which is if we are going to adopt rules
that go into effect July 1st of that year,
we have to pass them in the January meeting.
If we don't pass them and approve them in the January meeting, then it's a full year until July 1st of the following year before those rules can go into effect if they are brought forward again. And when we were doing that, and we were just bringing them up in one meeting it made -- we saw, and I think, received comments on last January's meeting -- this past January meeting where you just voted on the Minutes, can sometimes make for very long meetings and very arduous meetings. Of course, we have some very highly difficult issues to deal with, specifically, we were doing fee increases. Those were very contentious issues for a lot of people to deal with. We were dealing with five to six chapters of fee increases that, hopefully, we have resolved and we won't be seeing those anytime in the near future.
With that, this process of putting them out for public comment and public review as we did on 606 and 616, getting
the feedback that we did, seemed to work pretty well, so we could ask the Council then to make the Agency recommendation that they be tabled and we can go back and talk to those groups that are concerned and ensure that their comments are heard and any changes that can be made, will be made and then come back with a cleaner version of the rule changes for this Council at the next meeting.

MR. PAQUE: I hadn't thought about that January meeting comment. It has been a problem in the past? Has it not?

MR. MAISCH: Yes.

MR. PAQUE: So you're saying that -- I'm still on the out take thing. So you're saying that the current way we have done things historically seems to be as workable as any, with the option to table.

MR. MAISCH: If you want to go to the two-meeting process, and have the option at each one of those meetings to vote to approve as we've done in the past, or to table for the next meeting, that's going to put a premium on not only the
January meeting, but also this meeting, as well. Because the October meeting will always be the meeting, prior to the January meeting. So for those controversial issues, we can bring them up in October at the October meeting, have them vetted before the Council, the Council can then vote either to approve, disapprove or to table, and then at least you have the January meeting to consider those again and still make the July 1st of that year's time frame.

MR. HOBBS: That appeals to me.

I don't know about the rest of you.

MS. CANTY: I would like to do it that way. I think the two-meeting process is much better because it allows you to work with the groups that have concerns and allows us to have something, to see what's been said, and have some time to review it. We can maybe do some research on our own, or get back with you. I just think it's a much better approach, and it works better than how we used to do it in the past. So I like the October/January with the option
to vote in October. Because we had
emergency language we needed to get through
today, so I think we should have the option
to vote in October and pass things that you
need passed. But I like the two-meeting
approach in case we need to re-address some
issues, personally.

MR. HOBBS: So what you're saying
is do it like we've been doing it, except
to table it if we have an issue with it and
not clear on it yet.

MS. CANTY: Yes.

MR. PAQUE: Yes, that was what I
was thinking.

MS. CANTY: Yes.

MR. HOBBS: Well, we're actually
moving into 11. We're not through with 10
yet.

(Comments)

MR. HOBBS: But concerning Item
10, we could vote to pass it and not --

MR. MAISCH: No, you could not,
not on 10. It has not been public noticed
so it's not properly before this Council
for a vote. That's why you don't see Item
E down there allowing you to vote it on.

We can discuss Item 10 but you cannot vote on it.

MR. HOBBS: So we’re just ready to accept what you’ve said and not make any motion and just go.

MR. MAISCH: Just go, yes.

MR. HOBBS: I like that part, go.

Are there any further comments from the public before we move to the next item? I say further comments -- that’s kind of a strange word because there hasn’t been any comments yet. Any comments, period.

Item 11. Discussion concerning how the Council will conduct future rulemaking.

I think we’ve talked about that, but let’s talk about it with an end, go.

MR. MAISCH: And what the Agency would like is to -- we want to adopt whatever your directive is to us. So however you want to handle rulemaking in future, we want to handle that handle that directive and meet that directive.

MR. HOBBS: After hearing this last discussion, I would propose that we
proceed on as we've always done, with the ability to vote. I think the staff has done a real good job of presenting the things and getting the public comments to us and if there is an issue that comes up, just like we had today, then he can tell us that, and we can table it to the next meeting knowing that we are going to have to do something in January, or else it's going to be another year before we can do it.

So I would propose that we basically do it the way we've been doing it in the past. We just have an option to table it which we've always had, but kind of press upon you that we can do that.

MR. MAISCH: What we'll do is look at the October meeting then as a -- try to bring as many of those either complex or voluminous rulemaking -- we will have certain rules come up in January that are neither complex nor voluminous where we just adopt federal rules by reference, and that's the only thing we are doing. And we can hold those until January.
But for those that are either complex, voluminous, or that we know we are going to get public comment on, bring those to the October meeting with the option of either the Council voting on it in October, or being able to pass it until January. And we will strive to do that from this point forward.

MR. HOBBS: Yes?

MS. CANTY: I make a motion that we have two meetings for rules in October and January. I guess I should probably limit that to October -- two rulemaking meetings, and at each meeting we have the option to vote or table what is before us. How do I want to say that?

MR. MAISCH: I don't know if you want to do that because as you know we have a July meeting. Why we have the July meeting is in case in July, something like 641 were to come up where we would need to do emergency rulemaking. And the reason we scheduled these meetings the way we did, so the Council is aware, is we scheduled thirty to forty-five days prior to a Board
Meeting. Because the process is this
Council is a rule recommendation Council.
No rule concerning water or wastewater can
be adopted by the Board, unless this
Council recommends its adoption to the
Board. So every time you're voting on a
rule and you vote to approve it, you're
approving its recommendation to the Board
for its adoption.
And so that's why the dates are
selected where they are because that then
gives staff sufficient time between the
Council meeting and the Board meeting to
get the information together to give it to
the Board. And that is why many times we
don't have a July Council meeting, is
because we don't have any emergency
rulemaking.
Also the Council is required to set
its date for its next meeting at the last
meeting of the year, which is the October
meeting; and then in January, the first
meeting of the year, is also required to
vote on Officers. So that's the other
duties it must take care of. So I hate to
say I want to limit it, and say there will be two rulemaking meetings, one in January and one in October. Because you never know when that July issue is going to be raised. I think that probably the best way is, is the way Lowell described it, which is we'll bring as much as we can either controversial, voluminous or where we know we are going to get sufficient public comment and bring those rules to a vote at the October meeting. And if necessary, then they can be tabled to be moved to the January meeting. But for those things that are not controversial, not going to raise public comment, an example being -- I'll do 631 next in January, which will be just re-adopting the federal rules by reference and changing that date from July 1, 2007 to July 1, 2008. Generally not controversial, generally not going to spur public comment, and it's something that you can pass on very quickly. But those things like you saw here today, I knew those things would be controversial, knew those things could raise public comment and so I wanted to
bring them here and run them through the
process as we have described. And so we
will do that for you.

MR. HOBBS: Can you word that
motion to where it will fit that statement?

MR. MAISCH: You know, all I
really need is just a directive from the
Council.

MR. HOBBS: Okay. Item 12. New
business. My name is on there. I have no
new business.

MR. MAISCH: Very good.

MR. HOBBS: Any announcements?

MR. MAISCH: I have a couple.
I'll go to the one that's on here first.
But first, Lowell, we have not done well.

We have a new Council Member.

MR. HOBBS: You had told me
earlier that you were going do that.

MR. MAISCH: I know, I blew it.

I'd like to introduce everybody to Steven
Greetham. Steven is with the Chickasaw
Nation. He has replaced Brian Campbell.

Steve, can you tell us a little bit about
yourself.
MR. GREETHAM: Thank you. My name is Steven Greetham. I'm the Special Counselor for Water Natural Resources for the Chickasaw Nation down in Ada. Relatively new transplant to Oklahoma. Been out here for a couple of years. Spent about ten years in practice working with some Tribes on water natural resources issues out of New Mexico. I married a Chickasaw woman and thus began my Oklahoma career. So, it's a privilege and an honor to join you all on this Council. I look forward to working with you.

MR. HOBBBS: We wanted to wait to see if you passed muster before we introduced you as a new Council Member.

MR. MAISCH: The second announcement I have is concerning Glen Brown. Mr. Brown, over the past two weeks has filed his resignation from the Council. His business has taken off, which is a good thing. He is traveling extensively now and says he no longer has the time to devote like he would to the Council. He would have made it today if we absolutely needed
him, but he has filed his resignation, so he was a President Pro Tem of the Senate appointment, so we'll be working with the Pro Tem's office to see who they wish to appoint. Glen represented a geology position which is a position as stated in State statute, and so we will be working with the Pro Tem's office to see who replaces Glen.
The other thing is a hold-over from last time. It is just a reminder that we are posting the Minutes of this meeting and all of our Council meetings on the DEQ Web page, and it's just a reminder to watch what you say. Only one laugh out of that.
On that I'm done.
MR. HOBBS: I'm reminded of that every time I get the --
(Comment by the Reporter)
MR. HOBBS: She records every utterance you make. If you say "uh" twice, she's got it in there.
(Comments)
MR. PAQUE: I've got an announcement now that I've been encouraged
by the Chairman.

Before we meet again, there will be
an anniversary in the month of October I
just heard earlier this afternoon. Our
fearless Water Division Director, Jon
Craig, will celebrate -- I think Jon said,
37 years here, October 16th. Is that the
date that I heard?

MR. CRAIG: (Inaudible).

MR. PAQUE: Okay, all right. But
nonetheless, my congratulations to Jon.

MR. HOBBS: No wonder he keeps
showing up. He knows how to get here,
doesn't he? We didn't have anything on
here today for you, Jon.

I wanted to commend the staff. As
the Chairman of this Council, I have the
opportunity or responsibility, whatever,
it's a privilege to represent this Council
at the DEQ Board meeting. And I always
fussed at Myrna because they have fruit,
cookies, cakes and drinks, and my goodness.
And I said, you know, I feel slighted,
because they have some drinks over there
today and some pastries. And I hope you'll
take advantage of them. Don't let them go
to waste because she wouldn't bring any
next time probably.
Nothing further? We're about to
adjourn unless somebody says something that
causes us not to. So be it.
The meeting is adjourned.

(Meeting adjourned at 2:30 p.m.)
CERTIFICATE

STATE OF OKLAHOMA )
COUNTY OF OKLAHOMA

ss:

I, CHRISTY A. MYERS, Certified
Shorthand Reporter in and for the State of
Oklahoma, do hereby certify that the above
proceedings is the truth, the whole truth,
and nothing but the truth; that the
foregoing proceeding was taken by me in
shorthand and thereafter transcribed under
my direction; that said proceedings were
taken on the 7th day of October, 2008, at
Oklahoma City, Oklahoma; and that I am
neither attorney for nor relative of any of
said parties, nor otherwise interested in
said action.

IN WITNESS WHEREOF, I have hereunto
set my hand and official seal on this, the
10th day of October, 2008.

CHRISTY A. MYERS, C.S.R.
Certificate No. 00310