

**DRAFT MINUTES
WATER QUALITY MANAGEMENT ADVISORY COUNCIL
May 5, 2015
Oklahoma Department of Environmental Quality
Multipurpose Room
Oklahoma City, Oklahoma**

**Official WQMAC
Approved at August 18, 2015 Meeting**

Notice of Public Meeting – The Water Quality Management Advisory Council (WQMAC) convened for a Regular Meeting at 2:00 p.m. at the Oklahoma Department of Environmental Quality (DEQ), 707 North Robinson, Oklahoma City, Oklahoma. The meeting was held in accordance with the Open Meeting Act, with notice of the meeting given to the Secretary of State on November 17, 2014. The agenda was posted at DEQ twenty-four hours prior to the meeting. Mr. Duane Winegardner, Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that a quorum was present.

MEMBERS PRESENT

Robert Carr
Brian Duzan
Jon Nelson
Mike Paque
Jim Rodriguez
Steve Sowers
Debbie Wells
Duane Winegardner

DEQ STAFF PRESENT

Shellie Chard-McClary
Chris Armstrong
Saba Tahmassebi
Mark Hildebrand
Betsey Streuli
Martha Penisten
Stephen Baldrige
Hillary Young
Quiana Fields

MEMBERS ABSENT

Greg McCortney
Jeff Short
Terry Wyatt

OTHERS PRESENT

Kerry Huff, Court Reporter

Approval of Minutes from the January 13, 2015 Meeting – Mr. Winegardner called for a motion to approve the Minutes of the January 13, 2015 Regular Meeting. Mr. Nelson moved to approve and Mr. Paque made the second.

See transcript pages 4 – 5

Robert Carr	Yes	Jim Rodriguez	Yes
Brian Duzan	Yes	Steve Sowers	Yes
Jon Nelson	Yes	Debbie Wells	Yes
Mike Paque	Yes	Duane Winegardner	Yes

PERMANENT RULEMAKING – OAC 252:652 – UNDERGROUND INJECTION CONTROL – Mr. Winegardner called upon Mr. Saba Tahmassebi, Engineering Manager of the DEQ, to present the underground injection control rule. Mr. Tahmassebi stated the Department is proposing to amend OAC 252:652-1-3, OAC 252:652-1-5, and OAC 252:652-3-1 to update the rule incorporations and citations for this Chapter. The Department is proposing to amend OAC 252:652-1-6 by removing the annual \$250 facility monitoring fee. The Department is proposing to create a new subchapter (Subchapter 11) which would provide rules for regulating Class V Drinking Water Treatment Residual injection wells. Following questions and comments

by the Council and none by the public, Mr. Winegardner called for a motion. Mr. Rodriguez moved to approve. Mr. Paque made the second.

See transcript 5 – 19

Robert Carr	Yes	Jim Rodriguez	Yes
Brian Duzan	Yes	Steve Sowers	Yes
Jon Nelson	Yes	Debbie Wells	Yes
Mike Paque	Yes	Duane Winegardner	Yes

DIRECTOR'S REPORT – Ms. Chard-McClary provided an update on other division activities.

See transcript pages 19 – 32

NEW BUSINESS – None

ANNOUNCEMENTS – The next scheduled meeting will be on August 18, 2015 at 2:00 p.m. in the Multi-Purpose Room, 1st floor, DEQ building.

ADJOURNMENT - Mr. Winegardner entertained a motion to adjourn the meeting. Mr. Nelson moved to adjourn and Mr. Duzan made the second. The meeting was adjourned at 2:50p.m.

See transcript page 33 – 34

Robert Carr	Yes	Jim Rodriguez	Yes
Brian Duzan	Yes	Steve Sowers	Yes
Jon Nelson	Yes	Debbie Wells	Yes
Mike Paque	Yes	Duane Winegardner	Yes

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

<p>1 2 TRANSCRIPT OF PROCEEDINGS OF THE 3 4 WATER QUALITY MANAGEMENT ADVISORY 5 6 COUNCIL MEETING 7 8 TAKEN ON MAY 5, 2015, 9 10 AT 2:00 P.M. 11 12 IN OKLAHOMA CITY, OKLAHOMA 13 14 15 16 17 18 19 20 21 22 23 REPORTED BY KERRY L. HUFF, CSR #1725 24 25</p>	<p>1 3 1 ** PROCEEDINGS ** 2 MR. WINEGARDNER: This regular meeting of the 3 Water Quality Management Advisory Council was called 4 in accordance with the Open Meeting Act. And notice 5 for this May 5, 2015, meeting was filed with the 6 Secretary of State on November 17, 2014. 7 The agenda was duly posted at DEQ at least 24 8 hours prior to this meeting. Only matters appearing 9 on the posted agenda may be considered at this 10 regular meeting. In the event that this meeting is 11 continued or reconvened, public notice of the date, 12 time and place of the continued meeting will be given 13 by announcement at this meeting. 14 Only matters appearing on the agenda of a 15 meeting which is continued may be discussed at the 16 continued or reconvened meeting. 17 I would like to have the roll call. 18 MS. FIELDS: Mr. Carr? 19 MR. CARR: Here. 20 MS. FIELDS: Mr. Duzan? 21 MR. DUZAN: Here. 22 MS. FIELDS: Mr. McCortney is absent. 23 Mr. Nelson? 24 MR. NELSON: Here. 25 MS. FIELDS: Mr. Paque?</p>
<p>1 2 ** MEMBERS OF THE COUNCIL ** 3 Duane Winegardner 4 Robert Carr 5 Brian Duzan 6 Greg McCortney 7 Jon Nelson 8 Mike Paque 9 Jim Rodriguez 10 Jeff Short 11 Steve Sowers 12 Debbie Wells 13 Terry Wyatt 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>2 4 1 MR. PAQUE: Here. 2 MS. FIELDS: Mr. Rodriguez? 3 MR. RODRIGUEZ: Here. 4 MS. FIELDS: Mr. Short is absent. Mr. Sowers? 5 MR. SOWERS: Here. 6 MS. FIELDS: Ms. Wells? 7 MS. WELLS: Here. 8 MS. FIELDS: Ms. Wyatt is absent. 9 Mr. Winegardner? 10 MR. WINEGARDNER: Here. 11 MS. FIELDS: We have a quorum. 12 MR. WINEGARDNER: Thank you. We have minutes 13 to be reviewed from the January 13th meeting. Do I 14 have a discussion or a motion? 15 MR. NELSON: Mr. Chairman, I move to approve. 16 MR. PAQUE: Second. 17 MR. WINEGARDNER: Moved and seconded. Any 18 discussion on the minutes? 19 If not, we'll call the roll. 20 MS. FIELDS: Mr. Carr? 21 MR. CARR: Yes. 22 MS. FIELDS: Mr. Duzan? 23 MR. DUZAN: Yes. 24 MS. FIELDS: Mr. Nelson? 25 MR. NELSON: Yes.</p>

<p style="text-align: right;">5</p> <p>1 MS. FIELDS: Mr. Paque? 2 MR. PAQUE: Yes. 3 MS. FIELDS: Mr. Rodriguez? 4 MR. RODRIGUEZ? Yes. 5 MS. FIELDS: Mr. Sowers? 6 MR. SOWERS: Yes. 7 MS. FIELDS: Ms. Wells? 8 MS. WELLS: Yes. 9 MS. FIELDS: Mr. Winegardner? 10 MR. WINEGARDNER: Yes. 11 MS. FIELDS: Motion passed. 12 MR. WINEGARDNER: Thank you. Now, today we 13 will have some discussion of permanent rulemaking for 14 underground injection control. I think Saba will 15 address us. 16 MR. TAHMASSEBI: Hello counsel members. Thank 17 you for giving DEQ the opportunity to present some 18 modifications to our UIC rules. Some of the rules 19 are just housekeeping but then at the end we do have 20 some new language that we are really excited about. 21 We discussed that last time in January. You 22 got a preliminary view of what it is we are trying to 23 accomplish. Maybe it's best for me to go through all 24 the changes. 25 On the first page we are updating the</p>	<p style="text-align: right;">7</p> <p>1 to have Class 6 wells in Oklahoma. In 652-1-6 we are 2 eliminating the facility monitoring fee of \$250 per 3 year. This is for Class 1, Class 3 and Class 5 4 wells. And the reason for this reduction is that 5 this is a fee that the department currently does not 6 collect. 7 Folks in the UIC right now -- legal, technical, 8 clerical -- no one knows what was contemplated here 9 when our forefathers wrote those rules. And we think 10 that it may take a lot more than \$250 per year to try 11 to collect the \$250. 12 So we decided to get rid of this. At the same 13 time, as you may know, the UIC program is funded 14 partially by federal grants from EPA and also there 15 is a per-gallon injected fee which is statutory, and 16 that also helps fund the UIC program. 17 So we don't think that the \$250 that we don't 18 collect is going to have an impact. On 652-3-1 we 19 are removing an outdated reference. It says, Except 20 as provided by 605. Well, there is no exception in 21 605. That exception has been removed years ago. 22 So we are just making the rules up to date. 23 11-1 we are adding some definitions that are going to 24 be useful for what we are trying to accomplish in our 25 UIC program. We are defining the drinking water</p>
<p style="text-align: right;">6</p> <p>1 incorporation by reference from year 2000 to the 2 current year, excluding the Class 6 wells. As you 3 may recall, Class 6 wells are through a sequestration 4 of carbon dioxide wells, and we as DEQ can't ask for 5 incorporation by reference. 6 This has to be a statewide effort. We need to 7 do this together with the Oklahoma Corporation 8 Commission. Our part is easy because we just simply 9 adopt the federal rules by reference. For CorpCom 10 this is a much more difficult task since they have 11 their own rules and they don't have adoption by 12 reference. 13 So somebody has to actually sit down and write 14 the rules, and since we don't think this is going to 15 be something that will be contemplated in Oklahoma, 16 CorpCom just said that we don't do the adoption, and 17 we said okay until a time comes when this will become 18 necessary and then we will do it. 19 Although we don't think that this will ever be 20 a reality in Oklahoma because we are a gas -- oil and 21 gas state. 97 percent of our capacity is oil and gas 22 reservoirs, and this would make sense to inject the 23 CO2 into oil and gas reservoirs to promote further 24 production. 25 So for that reason we don't think we are going</p>	<p style="text-align: right;">8</p> <p>1 treatment residuals -- DWTR -- as waste waters, which 2 are like membrane filter reject water from drinking 3 water treatment operations. 4 And we are defining dual permit as a Class 5 5 Permit under DEQ's jurisdiction for the injection of 6 DWTR into a Commercial Class 2D well that is -- this 7 is under the jurisdiction of the Corporation 8 Commission. 9 You may recall that in January you all passed 10 our rules -- tier rules for dual permitting of 11 Class 5 and Class 2D wells. And now our 652s are 12 being updated to reflect that administrative change 13 that was accomplished through the Chapter 4 14 modifications. 15 So for dual permits, any existing Commercial 16 Class 2D injection well authorized under the rules of 17 OCC can be additionally permitted as a Class 5 18 injection well through DEQ for the injection of DWTR. 19 And an application for dual permit under this 20 section shall be submitted to DEQ for approval, and 21 the permit term is not to exceed ten years, which is 22 consistent with the rest of our universe of permits 23 in the UIC program. 24 Now the big news is 11-3, Class 5, DWTR 25 permits. Class 5 permits for the injection of DWTR</p>

<p style="text-align: right;">9</p> <p>1 which are not regulated under Section 2 of this 2 subchapter – which means they're not dually 3 permitted. 4 Class 5 wells that are for the injection of 5 wastewater residuals from drinking water treatment 6 operations that are not dually permitted – they're 7 not under the jurisdiction of – in wells that are 8 under the jurisdiction of CorpCom. 9 They shall be regulated in accordance with this 10 chapter, and application for a permit under this 11 section shall be submitted to DEQ for approval. And 12 construction and operations -- since the federal 13 rules don't have any requirements, construction or 14 operating requirements for Class 5 wells and since at 15 DEQ we don't have any requirements either, we are 16 adopting by reference the requirements that the 17 Corporation Commission has for the Commercial 18 Class 2D injection wells. 19 We're adopting them by reference for this 20 classified injection. The construction and operation 21 requirements of a Class 5 DWTR injection well shall 22 be in accordance with the Commercial Class 2D 23 injection well requirements in OAC Title 165 which 24 are the CorpCom rules. 25 Again, the permit shall not exceed a period of</p>	<p style="text-align: right;">11</p> <p>1 When they deliver water from the water plant to 2 somebody's home, 50 percent of the water is gone. 3 Well, if you have a lot of water, that may be okay. 4 In times of drought that is not okay. 5 So what we have done is that with the help of 6 our legal department we have put initiatives in place 7 that when there are enforcement actions against 8 industry or some municipality or whatever, one of the 9 items that they can choose for a supplemental 10 environmental project is to invest in a detection and 11 remediation of leaks in distribution lines for water. 12 That is something that we can do, and this is 13 something that we do do. Another thing that DEQ is 14 taking a leadership role in is encouraging the reuse 15 of wastewater. And you all know – you have looked 16 at the rules, and you do see that there is a – there 17 is a lot of energy at DEQ to promote reuse of water, 18 and we are working on it continuously. 19 We are part of a work group of concerned folks, 20 stakeholders, and we are working on rules that will 21 be designed for promotion of water reuse – paving 22 the way for water reuse. Another thing that we've 23 done is that we got together with the Oklahoma 24 Municipal League, and we proposed language for a bill 25 that basically states that wastewater from splash</p>
<p style="text-align: right;">10</p> <p>1 ten years, and there are financial assurance 2 requirements just in case a well needs to be plugged 3 or some corrective action needs to be taken and then 4 the entity who is the permit holder doesn't have the 5 financial means somehow to do closure. 6 So there is compensation for financial 7 assurance in the rules. So this change in the UIC 8 rules is an integral part of an effort that DEQ has 9 undertaken to help mitigate the impact of drought to 10 our communities. 11 We realize that at DEQ we do some regional 12 research, but we don't do a lot of regional research. 13 We certainly don't come up with new technologies for 14 water treatment or other things that might help the 15 drought situation, but what we can do is and what we 16 do is to find administrative solutions that helps the 17 communities and people out there who are impacted by 18 drought to mitigate the impact of the drought and the 19 water shortages. 20 As part of this you may be interested in 21 knowing that we have taken initiatives to encourage 22 conservation of water, for example. We have had 23 reports that there are some small communities that 24 lose up to 50 percent of their water -- 50 percent of 25 their water -- through the distribution lines.</p>	<p style="text-align: right;">12</p> <p>1 pads and -- with a show of hands, how many of you 2 know what a splash pad is? 3 Okay. The ones who have young children. A 4 splash pad -- I didn't know what a splash pad was 5 until my kids took me there. It's a concrete pad and 6 then you have the shower nozzles and then kids get 7 wet and then they get splashed with water. 8 This is a very popular thing. Those of you who 9 have children or grandchildren, I'm sure at one point 10 you get exposed to splash pads. They are a new water 11 recreation that cities have without having a swimming 12 pool. 13 They're easier to maintain and cheaper to 14 operate so they are more popular now days. So we 15 worked on this piece of legislation to reuse the 16 water from -- wastewater from splash pads for 17 irrigation. 18 Like, usually the splash pad operations are 19 next to some park, and we didn't see any reason why 20 the wastewater couldn't be used for irrigation, and 21 we didn't want the DEQ rules to be an obstacle to 22 something that makes common sense. 23 So with this law we have transferred the 24 authority of regulating the reuse of wastewater from 25 splash pads to the municipalities. So when they have</p>

<p style="text-align: right;">13</p> <p>1 an ordinance -- a city ordinance that governs this 2 activity, they can go ahead and do it. 3 And that bill is now on the governor's desk for 4 signature, and we are very happy about that. So the 5 reason I'm telling you all of this is to paint a 6 picture as to why it is we are pushing these UIC 7 rules through. 8 Another administrative solution that DEQ can do 9 is that we want to improve the municipality's options 10 for water resources. As most of you know, ground 11 water resources are not very feasible to explore 12 because once you treat the ground water using some 13 kind of a membrane technology, the reject water from 14 the membrane system -- there is no place to put it 15 because the flow of water in the rivers and streams 16 is very low. 17 And that discharge would have challenges. 18 There would be challenges meeting the water-quality 19 standards. So we thought that, well, maybe injection 20 is an option. So this water needs to be injected 21 into a Class 1 well. 22 But we negotiated with EPA, and we got an 23 approval from them to allow us to use a Class 5 well 24 instead of a Class 1 well for injection of these 25 residuals. The reason we did this is because much of</p>	<p style="text-align: right;">15</p> <p>1 to their drought problem, but this -- what Clinton is 2 doing -- has gotten national attention. In fact, EPA 3 has chosen Clinton together with a handful of other 4 municipalities as a community that has implemented 5 drought response and resilience planning, and they 6 are creating a guide, and Clinton is one of the 7 handful of communities that are included in the 8 guide. 9 And me and Dawn Hoggard who is the engineer in 10 the water quality division was instrumental in 11 Clinton getting their way and approving their 12 process. We are going to Clinton. 13 They are going to film us for their -- they 14 have an entire crew, and this is going to be a major 15 national production. So we are very excited about 16 that. I talked as usual a little bit more than 17 intended, but I conclude my comments. If you all 18 have any questions -- 19 MR. WINEGARDNER: Questions? 20 MR. PAQUE: Saba, I'm not saying it's good or 21 bad, I'm just asking. What was the -- what were the 22 parameters that went into picking a ten-year life of 23 the permit? 24 MR. TAHMASSEBI: Okay. We wanted to be 25 consistent with what are Class 1 and Class 3 well</p>
<p style="text-align: right;">14</p> <p>1 Oklahoma by rule is precluded from consideration for 2 Class 1 injection wells because Class 1 injection 3 wells cannot be drilled through alluvium and terrace 4 deposits. 5 They cannot be drilled through bedrock 6 aquifers. That's three-fourths of Oklahoma. But 7 with Class 5 wells, these restrictions do not apply. 8 And at the same time the construction and operating 9 requirements for Class 1 wells are too onerous, but 10 Class 5 wells, they offer more flexibility especially 11 now that we have -- we are going to be adopting the 12 OCC rules by reference. 13 Our efforts here have not gone unnoticed. 14 People have noticed what we are doing here. In fact, 15 the City of Clinton that is -- that is -- they're 16 having challenges meeting their water needs. They 17 have talked to us and the Corporation Commission, and 18 they are, in fact, going to have wells -- grounds 19 water wells. 20 They are going to send them through -- send the 21 ground water through reverse osmosis and then they're 22 going to be injecting these residuals through Class 5 23 wells. In anticipation of this rule to pass, they 24 have started working on that. 25 Not only have we helped Clinton find a solution</p>	<p style="text-align: right;">16</p> <p>1 life cycles are. At the same time when we were doing 2 the dual permitting negotiations with the CorpCom, 3 although everyone was very excited about this, there 4 was some reservation. 5 They didn't want to have a permit indefinitely. 6 They wanted to have -- they wanted to have at some 7 point for us to go back and re-evaluate the permit 8 and make sure that everything is still okay. 9 When we negotiated with them we decided to land 10 on a ten-year permit cycle. And then once that was 11 said, we wanted the Class 5 rule to be consistent 12 with dual permitting. So if a dual-permitted well is 13 for ten years, we wanted the Class 5 well to be for 14 ten years also. So for these two reasons. 15 MR. PAQUE: But you'd still -- it would still 16 be on a -- somewhere in here you talked about the 17 implementation and compliance. It's still on a 18 compliance schedule that isn't every ten years. I 19 mean you should -- 20 MR. TAHMASSEBI: Oh, yes. 21 MR. PAQUE: -- make it clear, not in rule but 22 to everybody here. 23 MR. TAHMASSEBI: Oh, sure. Yes. 24 MR. PAQUE: You still have an annual inspection 25 to report, more or less.</p>

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<p style="text-align: right;">17</p> <p>1 MR. TAHMASSEBI: By all means. Yes. The wells 2 will get periodically inspected. We will get 3 reports. We will get our fees. They're not 4 forgotten, by any means, but then the entire permit 5 will expire in ten years and then before that 6 expiration the operator, the facility is expected to 7 submit a permit renewal application and then get a 8 renewed permit. 9 I also -- talking about removing obstacles, I 10 would like to also mention that there is a statutory 11 requirement for fees which the floor is \$10,000 and 12 the ceiling is \$50,000. So each operator of a well 13 for injection pays DEQ depending on how much they 14 inject between 10 to \$50,000. 15 But since we did not want our fees to be an 16 obstacle for what we consider to be the right thing 17 to do to help the communities overcome the impact of 18 drought, we have reduced that fee to \$2,000 to 19 \$5,000. 20 So the maximum that a municipality will pay us 21 will be \$5,000 per year for this operation. And that 22 bill -- Senate Bill 208 -- as of yesterday is being 23 on the governor's desk for signature. So we did not 24 want to -- for DEQ to be an obstacle at all in any 25 way when it comes to fees or requirements or anything</p>	<p style="text-align: right;">19</p> <p>1 MS. FIELDS: Mr. Sowers? 2 MR. SOWERS: Yes. 3 MS. FIELDS: Ms. Wells? 4 MS. WELLS: Yes. 5 MS. FIELDS: Mr. Winegardner? 6 MR. WINEGARDNER: Yes. 7 MS. FIELDS: Motion passed. 8 MR. WINEGARDNER: Thank you very much. 9 MR. TAHMASSEBI: Thank you, folks. 10 MR. WINEGARDNER: Shellie, I see that you're 11 ready to give us the director's report. 12 MS. CHARD-MCCLARY: Okay. My apologies for my 13 late arrival but I just came off the podium at the 14 Cox Center and took a little longer to get back here 15 but I made it. I do have one administrative item for 16 you. 17 Mark, would you pass those out? 18 We have gotten notice from the Ethics 19 Commission that they've done a review and determined 20 that the DEQ councils no longer have to file the 21 Ethics Commission reports. What Mark is handing you 22 is the email that Quiana received from the Ethics 23 Commission. 24 And you can do those online. Sometimes 25 reminders get sent out to you, and we just wanted to</p>
<p style="text-align: right;">18</p> <p>1 when communities are trying to mitigate the impact of 2 drought for their citizens. 3 MR. WINEGARDNER: Any other questions from the 4 board? Questions or comments from the audience? 5 This is becoming very easy. 6 MR. TAHMASSEBI: Yes. Well, it's easy when you 7 do good things. 8 MR. WINEGARDNER: Okay. Then we don't have 9 any -- we have no further discussion then from the 10 board? Okay. Then I will entertain a motion to 11 accept this. 12 MR. RODRIGUEZ: So moved. 13 MR. PAQUE: Second. 14 MR. WINEGARDNER: Seconded. All right. 15 Would you call the role, please? 16 MS. FIELDS: Mr. Carr? 17 MR. CARR: Yes. 18 MS. FIELDS: Mr. Duzan? 19 MR. DUZAN: Yes. 20 MS. FIELDS: Mr. Nelson? 21 MR. NELSON: Yes. 22 MS. FIELDS: Mr. Paque? 23 MR. PAQUE: Yes. 24 MS. FIELDS: Mr. Rodriguez? 25 MR. RODRIGUEZ: Yes.</p>	<p style="text-align: right;">20</p> <p>1 make you aware that you're not going to be reminded, 2 and you don't have to remember on your own anymore. 3 That is something that the Environmental 4 Quality Board will continue to have to file and 5 certain DEQ staff will continue to file, but you all 6 are off the hook. So I just wanted to let you know 7 that it wasn't that it fell through the cracks, that 8 that is no longer a requirement. 9 I also wanted to talk very briefly about two 10 federal rules that are -- one of them you're going to 11 be seeing probably in October with a proposed vote in 12 January, and that is the Sufficiently Sensitive 13 Scientific Method Rule. 14 It is a rule that EPA has put in place. Its 15 effective date was actually back in September, and it 16 gave states two years to get something proposed and 17 in place if the state had some kind of legislative 18 involvement in their rulemaking process. 19 Which, of course, our rules do have to go to 20 the legislature and be approved so that did buy us a 21 little bit of extra time. We'll be talking in more 22 detail about it in upcoming meetings, but basically 23 what it does is require states to adopt lower MQLs, 24 test methods that have lower detection limits 25 basically.</p>

<p style="text-align: right;">21</p> <p>1 So kind of what we anticipate seeing is that 2 discharge permits will have new parameters or 3 possibly lower limits based on this rule change. I 4 know Chris Armstrong in our lab will be working with 5 the labs and industries and municipalities that have 6 maintained their own labs in order to get them up to 7 speed on what the details are and then we will 8 actually have changes to two chapters of rules -- 9 Chapter 606 and Chapter 690 -- in order to address 10 this issue. 11 I will stop right there. I saw several of you 12 writing a few things down. Do you guys have 13 questions before I move on to the other potential 14 rulemaking? No? Okay. More details will follow. 15 MR. DUZAN: What it's going to end up doing is 16 probably dropping the permit levels for a lot of 17 people. As lab methods become more sensitive, they 18 all of a sudden get positive hits for things that 19 were never seen before, and so it all trickles 20 downhill. 21 MS. CHARD-MCCLARY: That's absolutely what we 22 are expecting. Kind of at the same time EPA is 23 pushing the Water Resources Board to change water 24 quality standards, lowering the levels of some of the 25 contaminants that are included in water quality</p>	<p style="text-align: right;">23</p> <p>1 So the Water Quality Division and the State 2 Environmental Laboratory Services Division are 3 working together to put that together and kind of see 4 where we go from here and get some feedback from the 5 water board where they think they may have changes to 6 water quality standards so we can kind of be moving 7 hand in hand with them. 8 MR. DUZAN: Well, that's a good change because 9 originally it was a most sensitive method which, you 10 know, precludes some things. So going to 11 sufficiently sensitive is a big change already. 12 MS. CHARD-MCCLARY: It doesn't define exactly 13 what sufficiently sensitive is, and so we're going to 14 make the claim that is sufficient if we get to those 15 water quality standards levels. 16 A rule that we thought had gone away that EPA 17 kind of surprised us in March in an announcement that 18 they are going back to the NPDS Program Update Rule. 19 The states haven't seen it since 2016. I mean -- I'm 20 sorry -- 2010. 21 And EPA is now committed to having the rule in 22 effect by 2016. This -- when they proposed it in 23 2010 it was two phases. They never shared Phase Two 24 with the states. Phase One had 16, what were defined 25 as easy fixes, adjustments, updates to the NPDES</p>
<p style="text-align: right;">22</p> <p>1 standards. 2 So they kind of go together. We are trying to 3 take an approach -- well, it says it has to be 4 sufficiently sensitive. Well, we have kind of made a 5 decision that if the detection limit is at the water 6 quality standard, then that is good enough because 7 that's what we're supposed to be protecting, that we 8 will not be looking at lower levels than what the 9 water quality standards are because we believe those 10 standards were set for a reason. 11 They're reasonable. They're appropriate and 12 protecting them does meet the definition of 13 sufficiently sensitive. However, that is not going 14 to be the case on all of them. We know -- we have 15 started preliminary review. 16 We know there are going to be parameters that 17 we'll be looking at significantly lower levels, and 18 it will lead to lower permit limits of some things. 19 I just don't know that we are prepared to talk about 20 what all of those things are. 21 But that is a discussion we'll be having in 22 upcoming meetings and then, you know, we will have -- 23 sometime we're going to have to look at labs, getting 24 equipment, developing methods and figuring out that 25 part of it as well.</p>	<p style="text-align: right;">24</p> <p>1 program. 2 Some of the things that we saw in that were 3 things like increasing the number of violations that 4 would be considered criminal as opposed to civil 5 violations, looking at the length that permits could 6 be continued -- administratively continued -- giving 7 EPA the ability to say an administratively continued 8 permit will be treated as a draft permit, which they 9 would then review and provide the state comments and 10 then start the clock that the state has to make 11 changes to the permit or EPA will federalize that 12 permit. 13 There were some issues related to which 14 documents would have to be maintained in electronic 15 format for the duration of the permit cycle. Not 16 just the permit but the permit application, fax 17 sheets, other documents. 18 That's a lot of information to be maintained on 19 a public, available, accessible electronic data 20 system. We're not sure how that would work. The 21 federal data system doesn't support that right now so 22 we have a lot of things to figure out. 23 We have been told that sometime this summer we 24 will see what that rule looks like today in a draft 25 form, but I just wanted to put that on your radar</p>

<p style="text-align: right;">25</p> <p>1 that that is something that we may be talking about 2 again pretty soon. And if the path forward is as EPA 3 indicated, it will be a relatively short timeline. 4 MR. PAQUE: So Shellie, you said Phase One – 5 sorry. I thought I had that turned off. So you 6 talked about a Phase One and a Phase Two or soft 7 what? There are two parts to that, and I never heard 8 the second one. 9 MS. CHARD-MCCLARY: Okay. The EPA in 2010 when 10 they first presented a proposal to the states, they 11 categorized it as Phase One and Phase Two. They 12 never shared what Phase Two looked like with the 13 states so we have no idea what that is. 14 MR. PAQUE: That's not what you just described 15 as -- 16 MS. CHARD-MCCLARY: What I just described was 17 Phase One. 18 MR. PAQUE: And you mentioned 2016. That's for 19 completion of Two or One? 20 MS. CHARD-MCCLARY: One. Well, actually I 21 guess a more accurate answer is I don't know for 22 sure. The states haven't seen it since 2010. If 23 they have changed it, it could be the whole thing. 24 It may be something totally different. 25 But what we saw before, there was the 16 items</p>	<p style="text-align: right;">27</p> <p>1 Waurika, you're at 20 or 27 percent. Altus Lugert is 2 at 23-percent capacity. Those are lakes that provide 3 a lot of drinking water. A lot of small systems, 4 several cities depend on those. 5 So we are still dealing with significant 6 drought and significant issues that we're trying to 7 address to make sure we have safe and adequate 8 drinking water. Some of the things that we are 9 looking at on the upside, if you compare April 28, 10 2014, with April 28, 2015, we have gone from -- we 11 had -- 20 percent of the state was in exceptional 12 drought a year ago, and only a little over 4 percent 13 is in exceptional drought today. 14 If you look at parts of the state with actual 15 amount of rainfall, we're seeing things like 16 statewide it's the 23rd wettest April in history. 17 But you have part of the state -- surprisingly 18 Northeast Oklahoma was the -- well, their percent of 19 normal rainfall was 79 percent which made it the 36th 20 driest on record. 21 So we're seeing a lot of variability. We're 22 seeing a lot of, Oh, it's better, Oh, it's worse, Oh, 23 my gosh, the drought's over, No, it's not. There are 24 a lot of confusing messages out there. So we're 25 trying to work with our communities in helping them</p>
<p style="text-align: right;">26</p> <p>1 that were in Phase One, but the EPA office of water 2 permitting staff were throwing the dates around 3 saying out the summer, early fall of '15, in place by 4 '16, but I don't know. 5 MR. PAQUE: So they're requiring additional 6 data that, if they had it, they really didn't have 7 anyplace to put it; is that right? Or use it? 8 MS. CHARD-MCCLARY: Well, more or less. So 9 Saba talked a lot about drought, drinking water, what 10 are we doing, how are things working. I wanted to 11 take just a couple of minutes to share with you some 12 data. 13 I don't want to get too far in the weeds, but 14 we did have rain last weekend. We're supposed to 15 have rain again this week and this weekend even in 16 the western part of the state. I think I'm going to 17 scream if I hear one more TV or radio person say, Oh, 18 we got some rain, the drought is over. 19 The drought is not over. But just to give you 20 an idea of what some of the cities across the state 21 are dealing with, we have extremes like at Broken 22 Bow. Their reservoir is currently at 131-percent 23 capacity. Which if you're in Broken Bow -- drought? 24 What drought? What's anybody talking about? 25 The flip side is if you are Tom Steed or</p>	<p style="text-align: right;">28</p> <p>1 deal with kind of the changing and weather 2 conditions. 3 I've had a couple of people ask me, Oh, my 4 gosh, we thought we had fixed our sanitary sewer 5 overflows and then we realize it just hadn't rained 6 because last week we have several hundred in this 7 very small area. 8 So we're dealing with a lot of those kinds of 9 challenges related to drought and related to, you 10 know, it's so dry for so long. Now we're getting a 11 little bit of rain, but we're getting it all at once. 12 Which I'm all for it. You know, I tell my 13 kids, Nobody is complaining about waiting for the bus 14 in the rain. Nobody is complaining about walking 15 down the driveway to get the mail in the rain. 16 We're going to be happy to do it. So, you 17 know, we are continuing to improve with some of the 18 rainfall events we have had. We are seeing some of 19 the lake elevations come up, but drought is still 20 very real, and we are going to continue forward with 21 some of the drought assistance that we have put in 22 place. 23 Sometimes people tend to forget about the 24 drought as soon as their own reservoir fills up or it 25 gets back to where water rationing is lessened, but</p>

<p style="text-align: right;">29</p> <p>1 we are going to continue forward with a lot of our 2 efforts and try to get at least a little bit of 3 resiliency built into some of our systems and give us 4 some options. 5 And one last item that's really just a plug for 6 things that are coming up -- and Mike Paque may want 7 to chime in. I don't know. But coming up the last 8 week of September, first few days of October the 9 Ground Water Protection Council, National Rural Water 10 Association and Interstate Oil and Gas Compact 11 Commission are holding a joint meeting downtown 12 Oklahoma City at the Cox Center. 13 Going to be a lot of really good discussions. 14 There are sessions that are specifically geared 15 toward drought, drought management options, 16 technologies, rules, processes in different states. 17 There are going to be a lot of discussions on 18 aquifer storage and recovery. Anything that impacts 19 oil and gas, ground water or water in general will be 20 talked about. And it's big enough that I think three 21 or four of the downtown hotels are all reserved for 22 that purpose. 23 So I would encourage you to watch for that, and 24 if you have an interest, to come and participate with 25 us. And with that, I am finished unless you all have</p>	<p style="text-align: right;">31</p> <p>1 Steve, I'm assuming you're going to be there. 2 We haven't talked about it. 3 So if it looks like we're going to have more 4 than seven -- or seven or more of you that want to 5 attend, we'll figure out what we need to do. 6 MR. PAQUE: I think that's a bunch of poppycock 7 myself but -- 8 MR. WINEGARDNER: Well, I agree. This is an 9 educational experience for us, and if we're so lucky 10 that everyone wanted to go, three could retro-serve 11 for IOGCC, three for us and three for rural water, 12 you wouldn't have a meeting. But I want -- 13 MS. CHARD-MCCLARY: Yeah. Let's just not talk 14 about that out loud. 15 MR. PAQUE: I say poppycock. Quote me on that. 16 The -- I did say one thing, that some of you aren't 17 familiar with all those groups. National Rural Water 18 was founded here in the 1930s. It's a national 19 organization operating in all 50 states with offices 20 in Washington DC. 21 Interstate Oil and Gas Compact Commission was 22 founded in Ponca City in 1935. It's celebrating 23 75-plus years. It's a national organization 24 operating in all the oil and gas states. It's a 25 group of the governors of all the oil and gas</p>
<p style="text-align: right;">30</p> <p>1 questions or comments. 2 MR. PAQUE: We're expecting 3,500 to 4,000 3 people. Most all the hotels downtown -- the title -- 4 the theme of it is, Oklahoma, where water and energy 5 mix. 6 MR. WINEGARDNER: Question, Shellie. When we 7 have a conference like this and it is a conference, 8 if more than four board members attend, do we have to 9 announce it? 10 MS. CHARD-MCCLARY: Well, let me answer that 11 with a recent experience I had, and this is what the 12 attorney general's office advised. It was a 13 different group, but it was a committee of six. All 14 six were invited to attend a meeting in Tahlequah. 15 And there was a notice posted on the website 16 and on the door of the meeting venue saying that it 17 is possible that more than three of the committee 18 would be in the attendance but no business would be 19 discussed. 20 So that's what we were required to do in that 21 case. As it gets closer, if several of you would 22 like to attend, if you can let us know, we'll run the 23 legal traps, and we'll do whatever we need to do. 24 Obviously Mike will be there. I hope there will be 25 several others.</p>	<p style="text-align: right;">32</p> <p>1 operating states. 2 And I think they have ten associate members and 3 then the Ground Water Protection Council which is now 4 37 years old was founded in Oklahoma and operates in 5 45 of the 50 states with an office in Washington. So 6 we've got three national associations all founded in 7 Oklahoma having a joint meeting for the first time 8 ever so it is kind of exciting. 9 MS. CHARD-MCCLARY: That's all I have unless 10 anyone has any additional questions for me. 11 MR. WINEGARDNER: Now Shellie, you mentioned 12 you have some -- is that the one upcoming event that 13 you wished to do? 14 MS. CHARD-MCCLARY: Yes. 15 MR. WINEGARDNER: Thank you. I appreciate it. 16 I have no new business that was -- that anybody had 17 any knowledge of before the meeting so I can't bring 18 anything up. Is there anything -- any other 19 announcements from the board? 20 With that in case, the next meeting -- the next 21 scheduled meeting will be on August 18, 2015, at 2:00 22 in this room. 23 MR. PAQUE: What's the likelihood of that 24 occurring? I'm all for it but, Mark, just out of 25 curiosity, should we -- I mean it's on my calendar.</p>

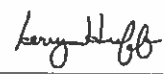
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1 I was just curious to --
 2 MR. HILDEBRAND: I think we will probably want
 3 to have it.
 4 MR. PAQUE: Okay.
 5 MR. HILDEBRAND: But if I find out otherwise,
 6 I'll let you all know.
 7 MR. PAQUE: I'll be here. I'm just asking.
 8 MR. WINEGARDNER: I haven't marked it on my
 9 calendar.
 10 MR. HILDEBRAND: I know -- I think Jon is out.
 11 MR. WINEGARDNER: Okay. I will entertain a
 12 motion for adjournment.
 13 MR. NELSON: So moved.
 14 MR. DUZAN: Second.
 15 MR. WINEGARDNER: Okay.
 16 MS. FIELDS: Mr. Carr?
 17 MR. CARR: Yes.
 18 MS. FIELDS: Mr. Duzan?
 19 MR. DUZAN: Yes.
 20 MS. FIELDS: Mr. Nelson?
 21 MR. NELSON: Yes.
 22 MS. FIELDS: Mr. Paque?
 23 MR. PAQUE: Yes.
 24 MS. FIELDS: Mr. Rodriguez?
 25 MR. RODRIGUEZ: Yes.

34

1 MS. FIELDS: Mr. Sowers?
 2 MR. SOWERS: Yes.
 3 MS. FIELDS: Ms. Wells?
 4 MS. WELLS: Yes.
 5 MS. FIELDS: Mr. Winegardner?
 6 MR. WINEGARDNER: Yes. Thank you very much.
 7 See you in August.
 8 (Meeting adjourned at 2:50 p.m.)
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1 ** CERTIFICATE **
 2
 3 STATE OF OKLAHOMA)
 4) SS:
 5 COUNTY OF MCCLAIN)
 6
 7 I, Kerry L. Huff, a Certified Shorthand Reporter
 8 within and for the State of Oklahoma, do hereby
 9 certify that I reported all of the foregoing matter
 10 and that I later reduced it to typewritten form, as
 11 the same appears herein.
 12 I further certify that I am not a relative of, nor
 13 attorney for, nor clerk or stenographer for any party
 14 to this matter, and that I am not otherwise
 15 interested in the event of the same.
 16 I further certify that the above and foregoing
 17 typewritten pages contain a full, true and correct
 18 transcript of my stenograph notes so taken, during
 19 said matter.
 20 WITNESS my hand and seal this 12th day of May,
 21 2015.
 22
 23 
 24 KERRY L. HUFF, C.S.R.
 25 Oklahoma Certified Shorthand Reporter
 Certificate No. 1725
 Expiration Date: December 31, 2015



WATER QUALITY MANAGEMENT ADVISORY COUNCIL

Attendance Record

May 5, 2015

Department of Environmental Quality
Oklahoma City, Oklahoma

CHECK BOX TO COMMENT

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