

**REGULAR MEETING AGENDA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
WATER QUALITY MANAGEMENT ADVISORY COUNCIL**

*Please silence all cell phones*

A Public Meeting: August 23, 2022, at 2:00 pm  
Department of Environmental Quality

Location: Multi-Purpose Room, 1<sup>st</sup> Floor  
DEQ Building  
707 N. Robinson  
Oklahoma City, Oklahoma

- 1. CALL TO ORDER – Brian Duzan**
- 2. ROLL CALL – Quiana Fields**
- 3. APPROVAL OF MINUTES FROM THE JULY 26, 2022, MEETING**
- 4. EMERGENCY RULEMAKING OAC 252:730 “OKLAHOMA’S WATER QUALITY STANDARDS”**

DEQ staff is proposing to: promulgate this new rule to replace the Oklahoma Water Resources Board (OWRB) rule OAC 785:45 – “OKLAHOMA’S WATER QUALITY STANDARDS”. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering Oklahoma Water Quality Standards (OWQS) from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety, and welfare in order to comply with the statutory changes. This rule must be approved by the Environmental Quality Board, signed by the Governor, and be in effect on November 1, 2022, the effective date of the legislation. A failure to promulgate this emergency rule may result in permit issuance delays and the application of federal Water Quality Standards in the State of Oklahoma. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

**5. EMERGENCY RULEMAKING OAC 252:740 – “IMPLEMENTATION OF OKLAHOMA’S WATER QUALITY STANDARDS”**

DEQ staff is proposing to: promulgate this new rule to replace the Oklahoma Water Resources Board (OWRB) rule OAC 785:46 – “IMPLEMENTATION OF OKLAHOMA’S WATER QUALITY STANDARDS”. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering Oklahoma Water Quality Standards (OWQS) from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety, and welfare in order to comply with the statutory changes. This rule must be approved by the Environmental Quality Board, signed by the Governor, and be in effect on November 1, 2022, the effective date of the legislation. A failure to promulgate this emergency rule may result in permit issuance delays and the application of federal Water Quality Standards in the State of Oklahoma. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

**6. EMERGENCY RULEMAKING OAC 252:606 “OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS”**

DEQ staff is proposing to: update the rule to ensure that references to OAC 785:45, OAC 785:46, and to the Oklahoma Water Resources Board’s authority for administering Oklahoma Water Quality Standards appropriately cite new emergency rules, OAC 252:730 and OAC 252:740, and DEQ’s authority over Water Quality Standards including the authority to issue Water Quality Standard Variances. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering Oklahoma Water Quality Standards (OWQS) from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety, and welfare in order to comply with statutory changes. This rule must be approved by the Environmental Quality Board, signed by the Governor, and be in effect on November 1, 2022, the effective date of the legislation. A failure to promulgate this emergency rule may result in permit issuance delays and the application of federal Water Quality Standards in the State of Oklahoma. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

## **7. EMERGENCY RULEMAKING OAC 252:611 “GENERAL WATER QUALITY”**

DEQ staff is proposing to: update the rule to ensure that references to OAC 785:45 and to the Oklahoma Water Resources Board’s authority for administering Oklahoma Water Quality Standards appropriately cite new emergency rule OAC 252:730 and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering Oklahoma Water Quality Standards (OWQS) from the OWRB to the Department of Environmental Quality (DEQ) and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety, and welfare in order to comply with statutory changes. This rule must be approved by the Environmental Quality Board, signed by the Governor, and be in effect on November 1, 2022, the effective date of the legislation. A failure to promulgate this emergency rule may result in permit issuance delays and the application of federal Water Quality Standards in the State of Oklahoma. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

## **8. EMERGENCY RULEMAKING OAC 252:616 “INDUSTRIAL WASTEWATER SYSTEMS”**

DEQ staff is proposing to: update the rule to ensure that references to OAC 785:45 and to the Oklahoma Water Resources Board’s authority for administering Oklahoma Water Quality Standards appropriately cite new emergency rule OAC 252:730 and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering Oklahoma Water Quality Standards (OWQS) from the OWRB to the Department of Environmental Quality (DEQ) and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety, and

welfare in order to comply with statutory changes. This rule must be approved by the Environmental Quality Board, signed by the Governor, and be in effect on November 1, 2022, the effective date of the legislation. A failure to promulgate this emergency rule may result in permit issuance delays and the application of federal Water Quality Standards in the State of Oklahoma. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

**9. EMERGENCY RULEMAKING OAC 252:621 “NON-INDUSTRIAL DISCHARGING AND PUBLIC WATER SUPPLY LAGOONS”**

DEQ staff is proposing to: update the rule to ensure that references to OAC 785:45 and to the Oklahoma Water Resources Board’s authority for administering Oklahoma Water Quality Standards appropriately cite new emergency rule OAC 252:730 and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering Oklahoma Water Quality Standards (OWQS) from the OWRB to the Department of Environmental Quality (DEQ) and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety, and welfare in order to comply with statutory changes. This rule must be approved by the Environmental Quality Board, signed by the Governor, and be in effect on November 1, 2022, the effective date of the legislation. A failure to promulgate this emergency rule may result in permit issuance delays and the application of federal Water Quality Standards in the State of Oklahoma. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

**10. EMERGENCY RULEMAKING OAC 252:628 “INDIRECT POTABLE REUSE FOR SURFACE WATER AUGMENTATION”**

DEQ staff is proposing to: update the rule to ensure that references to OAC 785:45, OAC 785:46, and to the Oklahoma Water Resources Board's authority for administering Oklahoma Water Quality Standards appropriately cite new emergency rules, OAC 252:730 and OAC 252:740, and DEQ's authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering Oklahoma Water Quality Standards (OWQS) from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety, and welfare in order to comply with statutory changes. This rule must be approved by the Environmental Quality Board, signed by the Governor, and be in effect on November 1, 2022, the effective date of the legislation. A failure to promulgate this emergency rule may result in permit issuance delays and the application of federal Water Quality Standards in the State of Oklahoma. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

#### **11. EMERGENCY RULEMAKING OAC 252:652 – “UNDERGROUND INJECTION CONTROL”**

DEQ staff is proposing to: update the rule to ensure that references to OAC 785:45 and to the Oklahoma Water Resources Board's authority for administering Oklahoma Water Quality Standards appropriately cite new emergency rule OAC 252:730 and DEQ's authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering Oklahoma Water Quality Standards (OWQS) from the OWRB to the Department of Environmental Quality (DEQ) and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety, and welfare in order to comply with statutory changes. This rule must be approved by the Environmental Quality Board, signed by the Governor, and be in effect on November 1, 2022, the effective date of the legislation. A failure to promulgate this emergency rule may result in permit issuance delays and the application of federal Water Quality Standards in the State of Oklahoma. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting.

- A. Presentation – David Cates
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

## **12. EMERGENCY RULEMAKING OAC 252:653 – “AQUIFER STORAGE AND RECOVERY”**

DEQ staff is proposing to: update the rule to ensure that references to OAC 785:45 and to the Oklahoma Water Resources Board’s authority for administering Oklahoma Water Quality Standards appropriately cite new emergency rule OAC 252:730 and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering Oklahoma Water Quality Standards (OWQS) from the OWRB to the Department of Environmental Quality (DEQ) and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety, and welfare in order to comply with statutory changes. This rule must be approved by the Environmental Quality Board, signed by the Governor, and be in effect on November 1, 2022, the effective date of the legislation. A failure to promulgate this emergency rule may result in permit issuance delays and the application of federal Water Quality Standards in the State of Oklahoma. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting.

- A. Presentation – David Cates
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

## **13. EMERGENCY RULEMAKING OAC 252:656 “WATER POLLUTION CONTROL FACILITY CONSTRUCTION STANDARDS”**

DEQ staff is proposing to: update the rule to ensure that references to OAC 785:45 cite new emergency rule OAC 252:730. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering Oklahoma Water Quality Standards (OWQS) from the OWRB to the Department of Environmental Quality (DEQ) and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety, and welfare in order to comply with statutory changes. This rule must be approved by the Environmental

Quality Board, signed by the Governor, and be in effect on November 1, 2022, the effective date of the legislation. A failure to promulgate this emergency rule may result in permit issuance delays and the application of federal Water Quality Standards in the State of Oklahoma. DEQ plans to present this rule as a permanent rule at the January 2023 WQMAC meeting.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

#### **14. EMERGENCY RULEMAKING OAC 252:690 “WATER QUALITY STANDARDS IMPLEMENTATION”**

DEQ staff is proposing to: update the rule to ensure that references to OAC 785:45, OAC 785:46, and to the Oklahoma Water Resources Board’s authority for administering Oklahoma Water Quality Standards appropriately cite new emergency rules, OAC 252:730 and OAC 252:740, and DEQ’s authority over Water Quality Standards. During the 2022 Oklahoma Legislative session, Senate Bill No. 1325 and House Bill No. 3824 were passed by the Legislature and signed by the Governor transferring authority for administering Oklahoma Water Quality Standards (OWQS) from the OWRB to the DEQ and specifically authorizing DEQ to issue Water Quality Standards Variances. This emergency rule is necessary as an emergency measure to protect public health, safety, and welfare in order to comply with statutory changes. This rule must be approved by the Environmental Quality Board, signed by the Governor, and be in effect on November 1, 2022, the effective date of the legislation. A failure to promulgate this emergency rule may result in permit issuance delays and the application of federal Water Quality Standards in the State of Oklahoma. DEQ plans to either present this rule as a permanent rule at the January 2023 WQMAC meeting or incorporate the requirements of this chapter into the permanent chapter 740 and revoke this chapter at the January 2023 meeting.

- A. Presentation – Brian Clagg
- B. Discussion by the Council
- C. Discussion by the Public
- D. Additional Discussion by the Council
- E. Vote

#### **15. DIRECTOR’S REPORT – Shellie R. Chard**

**16. NEW BUSINESS**

Only those matters not known about and which could not have been reasonably foreseen at the time of the posting of this agenda shall be discussed at this time.

**17. ANNOUNCEMENTS**

Next Scheduled Meeting – September 27, 2022

**18. ADJOURNMENT**

**Should you have a disability and need an accommodation, please notify Brian Clagg of the DEQ three days in advance at (405) 702-8118.**