

MINUTES
WATER QUALITY MANAGEMENT ADVISORY COUNCIL
September 23, 2025
Oklahoma Department of Environmental Quality
Multipurpose Room
Oklahoma City, Oklahoma

Official WQMAC

Approved at the December 2, 2025 Meeting

Notice of Public Meeting – The Water Quality Management Advisory Council (WQMAC) convened for a Regular Meeting at 2:00 p.m. at the Oklahoma Department of Environmental Quality (DEQ), 707 North Robinson, Oklahoma City, Oklahoma. The meeting was held in accordance with the Open Meeting Act, with notice of the meeting given to the Secretary of State on October 24, 2024. The agenda was posted at DEQ twenty-four hours prior to the meeting. Mr. Brian Duzan, Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that there was a quorum.

MEMBERS PRESENT

Travis Archer
Ron Jarman
Eric Lee
Mary Elizabeth Mach
Rick Moore
Andrew Pawlisz
Steve Sowers
Debbie Wells
Brian Duzan

MEMBERS ABSENT

Kenneth Schwab

DEQ STAFF PRESENT

Shellie Chard
Karen Steele
Brian Clagg
George Russell
Patrick Rosch
Joe Long
April Eberle
Nicole Newcomer
Jonathan Allen
Tiffany Darata
Mark Stasyszen
Lynzie Chan
Greg Carr
Andrew Shaw
Kylen Huffman
Quiana Fields

OTHERS PRESENT

Abby Rhodes, Court Reporter
Bud Ground, Environmental Federation of OK
Marla Peek, OK Farm Bureau
Michelle Wynn, Office of Secretary Energy & Environment

Approval of Minutes from the January 7, 2025 Meeting – Mr. Duzan called for a motion to approve the January 7, 2025 minutes, Mr. Lee moved to approve and Ms. Mach made the second.

	<i>See transcript pages 3-5</i>	
Travis Archer	Yes	Andrew Pawlisz
Ron Jarman	Yes	Steve Sowers
Eric Lee	Yes	Debbie Wells
Mary Elizabeth Mach	Yes	Brian Duzan
Rick Moore	Yes	

Mr. Duzan introduced new member, Travis Archer to the Council.

See transcript page 4

DISCUSSION OF PERMANENT RULEMAKING FOR THE DECEMBER 2, 2025 WQMAC MEETING:

A. OAC 252:606 – OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS – Mr. Brian Clagg, Environmental Programs Manager of the WQD, stated that the DEQ will be proposing an update of the federal rules incorporated by reference from July 8, 2024 to January 17, 2025. The regulatory changes are minor in nature, primarily consisting of grammar and style changes.

The first regulatory change was the Clean Water Act Section 401 Water Quality Certification Improvement Rule that became effective November 27, 2023. The purpose of the final rule was to provide stakeholders with a clear and consistent certification process while ensuring protection of vital state, territory and Tribal water resources.

DEQ will be proposing updating the section on fees. Currently, Consumer Price Index (CPI) adjustments are made on July 1st every year for individual discharge permits and individual permit fees for industrial users. The proposed update is to apply the CPI to stormwater and other general discharge permit fees.

DEQ will be proposing adding and modifying definitions to Subchapter 1. INTRODUCTION, as well as adding language to SUBCHAPTER 6. POINT SOURCE DISCHARGES for determination of reasonable potential for selenium and changing language to disallow monitoring frequency reductions for a parameter when the receiving water is impaired for that parameter. An equation is proposed to be added to Appendix L. There were questions by the Council and none by the public.

See transcript pages 4 - 9

B. OAC 252:626 – PUBLIC WATER SUPPLY CONSTRUCTION STANDARDS – Mr. Clagg stated that the DEQ will be proposing to update the rule as follows:

- allow electronic submittal of plans and specifications and engineering reports;
- update references to International Fire Code (IFC) and American Water Works Association (AWWA);
- correct typographical errors and update other incorrect references;
- update SUBCHAPTER 9. TREATMENT
 - 626-9-2(b) – Provide specific reference to the sedimentation portion of the clarification section
 - 626-9-8(a)(1)(B) – remove “the maximum detention time of the rapid mix basin, at design flow is 30 seconds” and replace with “provide good mixing of the raw water with the chemicals applied and prevent deposition of solids in the mixing zone;
 - 626-9-10(1)(B) – add language noting a rapid mix detention time of not more than 30 seconds.
- update SUBCHAPTER 17. FINISHED WATER STORAGE

- remove “Cathodic protection shall be provided for all steel tanks to prevent under bottom corrosion”.

There were no questions or comments by the Council or by the public.

See transcript pages 9 - 10

C. OAC 252:627 – OPERATION AND MAINTENANCE OF WATER REUSE SYSTEMS

– Mr. Clagg stated that the DEQ staff is proposing to update the rule to include Consumer Price Index (CPI) language allowing for the annual adjustment of fees based on the CPI. This will ensure consistently amongst the rules that require annual fees. There were no questions or comments by the Council or the public.

See transcript page 10

D. OAC 252:656 – WATER POLLUTION CONTROL FACILITY CONSTRUCTION

STANDARDS – Mr. Clagg stated that the DEQ will be proposing to update the rule as follows:

- allow electronic submittal of plans and specifications and engineering reports;
- update references to Metcalf & Eddy
- update SUBCHAPTER 13. PRELIMINARY TREATMENT STANDARDS
 - 656-13-2(g)(2) – Regarding Vortex-type grit chamber detention times, update to allow other designs that may be authorized with engineering justification;
 - 656-13-4(d) – Regarding wet weather flow equalization basin construction, update to cite OAC 252:656-11-1 which will require wet weather Flow Equalization Basins (FEBs) to be located with the same requirements as lagoons to provide for groundwater protection;
- Update SUBCHAPTER 16. BIOLOGICAL TREATMENT STANDARDS
 - 656-16-1(h)(3) – Regarding return sludge piping, specify that 4-inch piping is a minimum requirement;
- Update SUBCHAPTER 27. WATER REUSE
 - 656-27-1-(6) – specify that Category 6 reclaimed water must be drawn from the effluent of the final treatment process unit, with the intake located within or immediately downstream of the disinfection unit where disinfection is provided.

There were questions and comments by the Council and none by the public.

See transcript pages 10 - 17

E. OAC 252:730 – OKLAHOMA’S WATER QUALITY STANDARDS – Mr. Clagg stated that the DEQ staff is proposing to update the rule as follows:

- Adding, removing and/or modifying certain definitions.
- Primary Body Contact Recreation: Replacing confidence intervals with geometric mean and statistical threshold values. Applies to both *E.coli* and *Enterococci*. Numeric criteria were not changed.
- Secondary Body Contact Recreation: Numeric criteria for *E.coli* and enterococci were added based on EPA’s water ingesting formula.
- Appendix A: Adding the designation of Culturally Significant Waters to 5 waterbodies at request of the Quapaw Nation.
- Appendix E: Adding language requiring the use of the copper biotic ligand model for development of copper site-specific criteria; requiring the use of a fish tissue study for

selenium site-specific criteria; removal of the option for WER for site-specific criteria for copper; and removal of site-specific metals criteria that were not approved by EPA.

- Appendix F: Removal of segment averages that were not approved by EPA.
- Appendix G: Recalculation of certain criteria and the addition of the Aquatic Life and Human Health criteria values based on EPA's recommended values.
- Appendix H: Appendix H was missing in the most recent version of Chapter 730. An updated version of Appendix H has been created for inclusion in Chapter 730.

There were questions and comments by the Council and the public.

See transcript pages 17 - 29

F. OAC 252:740 – IMPLEMENTATION OF OKLAHOMA'S WATER QUALITY

STANDARDS – Mr. Clagg stated that the DEQ staff is proposing to update the rule as follows:

- Adding, removing and/or modifying certain definitions.
- Reasonable potential: Allowing the use of a fish tissue study to confirm the need for a WQBEL.
- Assessment of Fish and Wildlife Propagation support: Adds fish tissue criteria as the preferred method for assessing waterbodies for selenium, with water column criteria being used if fish tissue is unavailable.
- Assessment of Secondary Body Contact Recreation support: Addition of criteria values for assessment.

There were questions and comments by the Council and the public.

See transcript pages 29 - 33

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

See transcript pages 33 - 49

NEW BUSINESS – None

ANNOUNCEMENTS – The next scheduled meeting is on Tuesday, December 2, 2025, 2:00p.m. at DEQ.

ADJOURNMENT – Mr. Duzan called for a motion to adjourn. Mr. Lee moved to adjourn and Dr. Jarman made the second. The meeting was adjourned at 3:12 p.m.

See transcript page 49 - 50

Travis Archer	Yes	Andrew Pawlisz	Yes
Ron Jarman	Yes	Steve Sowers	Yes
Eric Lee	Yes	Debbie Wells	Yes
Mary Elizabeth Mach	Yes	Brian Duzan	Yes
Rick Moore	Yes		

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

<p>Page 1</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8 DEPARTMENT OF ENVIRONMENTAL QUALITY</p> <p>9 WATER QUALITY MANAGEMENT ADVISORY COUNCIL MEETING</p> <p>10 ON SEPTEMBER 23, 2025 AT 2:00 P.M.</p> <p>11 IN OKLAHOMA CITY, OKLAHOMA</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 REPORTED BY: Abby Rhodes, CSR, RPR</p>	<p>Page 3</p> <p>1 MS. FIELDS: Mr. Pawlisz?</p> <p>2 MR. PAWLISZ: Here.</p> <p>3 MS. FIELDS: Mr. Schwab is absent.</p> <p>4 Mr. Sowers?</p> <p>5 VICE CHAIR MR. SOWERS: Here.</p> <p>6 MS. FIELDS: Ms. Wells?</p> <p>7 MS. WELLS: Here.</p> <p>8 MS. FIELDS: Mr. Duzan?</p> <p>9 CHAIRPERSON MR. DUZAN: Here.</p> <p>10 MS. FIELDS: We have a quorum.</p> <p>11 CHAIRPERSON MR. DUZAN: Okay. Next thing is</p> <p>12 the approval of minutes from the January 7, 2025,</p> <p>13 meeting which everybody should have gotten ahead of</p> <p>14 time.</p> <p>15 MR. LEE: Motion to approve.</p> <p>16 VICE CHAIR MR. SOWERS: Second.</p> <p>17 MS. MACH: Second.</p> <p>18 CHAIRPERSON MR. DUZAN: We have a motion and</p> <p>19 a second. We'll have a vote.</p> <p>20 MS. FIELDS: Mr. Archer?</p> <p>21 MR. ARCHER: Aye.</p> <p>22 MS. FIELDS: Dr. Jarman?</p> <p>23 DR. JARMAN: Aye.</p> <p>24 MS. FIELDS: Mr. Lee?</p> <p>25 MR. LEE: Yes.</p>
<p>Page 2</p> <p>1 CHAIRPERSON MR. DUZAN: This regular meeting</p> <p>2 of the Water Quality Advisory Council was called in</p> <p>3 accordance with the Open Meeting Act. Notice for the</p> <p>4 September 23, 2025, Regular Meeting was filed with the</p> <p>5 Secretary of State on October 24, 2024. The Agenda</p> <p>6 was duly posted at DEQ at least 24 hours prior to the</p> <p>7 meeting. Only matters appearing on the posted Agenda</p> <p>8 may be considered at this regular meeting. In the</p> <p>9 event that this meeting is continued or reconvened,</p> <p>10 public notice of the date, time, and place of the</p> <p>11 continued meeting will be given by announcement at</p> <p>12 this meeting. Only matters appearing on the Agenda of</p> <p>13 the meeting which has been continued may be discussed</p> <p>14 at the continued or reconvened meeting.</p> <p>15 And now, roll call.</p> <p>16 MS. FIELDS: Mr. Archer?</p> <p>17 MR. ARCHER: Present.</p> <p>18 MS. FIELDS: Dr. Jarman?</p> <p>19 DR. JARMAN: Here.</p> <p>20 MS. FIELDS: Mr. Lee?</p> <p>21 MR. LEE: Here.</p> <p>22 MS. FIELDS: Ms. Mach?</p> <p>23 MS. MACH: Here.</p> <p>24 MS. FIELDS: Dr. Moore?</p> <p>25 DR. MOORE: Here.</p>	<p>Page 4</p> <p>1 MS. FIELDS: Ms. Mach?</p> <p>2 MS. MACH: Yes.</p> <p>3 MS. FIELDS: Dr. Moore?</p> <p>4 DR. MOORE: Yes.</p> <p>5 MS. FIELDS: Mr. Pawlisz?</p> <p>6 MR. PAWLISZ: Yes.</p> <p>7 MS. FIELDS: Mr. Sowers?</p> <p>8 VICE CHAIR MR. SOWERS: Yes.</p> <p>9 MS. FIELDS: Ms. Wells?</p> <p>10 MS. WELLS: Yes.</p> <p>11 MS. FIELDS: Mr. Duzan?</p> <p>12 CHAIRPERSON MR. DUZAN: Yes.</p> <p>13 MS. FIELDS: Motion passed.</p> <p>14 CHAIRPERSON MR. DUZAN: Okay. Before we dig</p> <p>15 into the rulemaking, I believe we have a new member,</p> <p>16 if he wants to state his case.</p> <p>17 MR. ARCHER: Yeah, I'm Travis Archer. I</p> <p>18 represent the engineering field. I work for a company</p> <p>19 called Parkhill. Formerly spent just under 12 years</p> <p>20 working for DEQ so I'm excited to come back and serve</p> <p>21 in this role.</p> <p>22 CHAIRPERSON MR. DUZAN: Great.</p> <p>23 MR. ARCHER: Thank you all.</p> <p>24 CHAIRPERSON MR. DUZAN: Glad to have you.</p> <p>25 So we're going to move on to the discussion</p>

<p>Page 5</p> <p>1 of permanent rulemaking, the Oklahoma Pollutant 2 Discharge Elimination System Standards. I believe we 3 have a presentation from Brian Clagg. 4 Mr. Clagg? 5 MR. CLAGG: All right. Good afternoon, 6 Council. For 606, DEQ will be proposing an update of 7 the federal rules incorporated by reference from 8 July 8, 2024, to January 17, 2025. The regulatory 9 changes are minor in nature, primarily consisting of 10 grammar and style changes. 11 In addition, the Department will propose 12 updates to the fee structure. At present, Consumer 13 Price Index adjustments are applied annually on 14 July 1st to individual discharge permits and to 15 individual permit fees for industrial users. The 16 proposed change will extend the CPI adjustment to 17 include stormwater and other general discharge permit 18 fees, ensuring consistency across all permit 19 categories. 20 Further, the Department will propose 21 modifications to Subchapter 1, Introduction, by adding 22 and revising definitions as well as amendments to 23 Subchapter 6, Point Source Discharges. These include 24 the addition of language for determining reasonable 25 potential for selenium and revised provisions that</p>	<p>Page 7</p> <p>1 MR. GROUND: I will. Bud Ground with 2 Environmental Federation of Oklahoma. And I -- 3 really, the question is, is it appropriate at this 4 time to ask about specifics as to what you're talking 5 about here? And specifically, my specific question 6 is, what are you planning to do for determination of 7 reasonable potential for selenium? That's really what 8 my question is. What, what is the goal of your 9 change? 10 CHAIRPERSON MR. DUZAN: I think... 11 MS. CHARD: Go ahead. 12 MR. ROSCH: Do you want me to take that? 13 This is Patrick Rosch, water quality division, DEQ. 14 So the EPA's recommended criteria for selenium, which 15 we'll get to more when we discuss chapter 730, aren't 16 in -- those criteria aren't entirely consistent with 17 the reasonable potential calculations that currently 18 exist in Chapter 606, so the changes that we're 19 proposing are fairly minor, but they will be more 20 applicable to selenium and other -- in the future, 21 perhaps other constituents that are more consistent 22 with that updated methodology or rationale that EPA is 23 recommending that we're hoping to adopt into Chapter 24 730. 25 CHAIRPERSON MR. DUZAN: Okay. Any other</p>
<p>Page 6</p> <p>1 disallow reductions in monitoring frequency for any 2 parameter when the receiving water is impaired for 3 that parameter. 4 An equation will also be added to Appendix L 5 which details the method used to implement numerical 6 criteria for toxic substances in order to protect the 7 fish and wildlife propagation beneficial use. 8 And finally, in keeping with past practice, 9 the department will hold two informal public meetings 10 to present these proposed rules and respond to 11 questions from the public. The first meeting will be 12 held in Oklahoma City at the Department of 13 Environmental Quality offices on October 2nd at 14 9:00 a.m. The second meeting will take place in Tulsa 15 at the Centennial Center in Veterans Park on 16 October 8th at 1:00 p.m. A "flyer" for these meetings 17 was sent to you last Thursday. Council member 18 attendance will be coordinated to ensure that a quorum 19 is not formed. 20 That concludes my comments on Chapter 606. 21 CHAIRPERSON MR. DUZAN: Thank you, sir. 22 Any questions or comments from the council? 23 Questions or comments from the public? Okay. I think 24 we have a gentleman coming up to speak. If you'll go 25 ahead and state your name for the record.</p>	<p>Page 8</p> <p>1 questions from the council on that? 2 MS. MACH: So would this potentially 3 strengthen or make the lower concentration acceptable 4 discharge from the OPDES terms? 5 MR. ROSCH: Well, one of the -- one of the 6 changes that EPA has recommended criteria introduces 7 is using a 30-day exposure period for the chronic 8 criteria which is different than the four day that's 9 contemplated in all of our other reasonable potential 10 calculations. 11 So in order to accommodate that, a couple of 12 the equations needed to be tweaked. The end result 13 from the calculations that we've run up to now is that 14 the changes appear to be pretty negligible in -- to, 15 to permit limits. We'll go into it more in 730 with 16 the lowering of the water column number seems to, in 17 most cases, be offset by the change in the exposure 18 period. It's not one to one, but we've run a couple 19 calculations for, for facilities just to kind of 20 ground truth it, and the number has come out fairly 21 comparable to existing limits. 22 MS. MACH: Thank you. 23 MR. ROSCH: Sure. 24 CHAIRPERSON MR. DUZAN: Okay. Any other 25 questions from the council? Any other questions or</p>

<p>1 comments from the public?</p> <p>2 Okay. We're going to move on to 252:626</p> <p>3 Public Water Supply Construction Standards.</p> <p>4 Mr. Clagg?</p> <p>5 MR. CLAGG: Okay. For this one, DEQ is</p> <p>6 proposing to update the rule to make it clear that DEQ</p> <p>7 does allow electronic submittal of plans and</p> <p>8 specifications and engineering reports. Presently,</p> <p>9 the rule describes only paper submittal of these</p> <p>10 documents. Other changes include updating references</p> <p>11 with most of these updates aligning to the most recent</p> <p>12 editions of the International Fire Code and American</p> <p>13 Water Works Association. Within Subchapter 9 titled</p> <p>14 "Treatment," DEQ proposes a minor change to more</p> <p>15 clearly reference the sedimentation portion of the</p> <p>16 clarification section, basically changing the</p> <p>17 reference from Subsection 9-8 to 9-8(a)(3)(b). More</p> <p>18 significant changes to Subchapter 9 include a proposed</p> <p>19 change in the clarification section to remove "The</p> <p>20 maximum detention time of the rapid mix basin, at</p> <p>21 design flow is 30 seconds." And replacing with</p> <p>22 "Provide good mixing of the raw water with the</p> <p>23 chemicals applied and prevent deposition of solids in</p> <p>24 the mixing zone."</p> <p>25 Another change in the softening section of</p>	<p>Page 9</p> <p>1 Water Pollution Control Facility Construction</p> <p>2 Standards.</p> <p>3 Again, Mr. Clagg?</p> <p>4 MR. CLAGG: Proposed changes in this rule</p> <p>5 are similar in nature to those discussed for Chapter</p> <p>6 626, the construction standards, PWS construction</p> <p>7 standards. DEQ is proposing to update the rule to</p> <p>8 make it clear that DEQ does allow electronic submittal</p> <p>9 of plans and specifications and engineering reports.</p> <p>10 Presently, the rule describes only paper submittal of</p> <p>11 these documents. Other changes include updating</p> <p>12 references to the fifth edition of Metcalf and Eddy's</p> <p>13 textbook titled "Wastewater Engineering Treatment and</p> <p>14 Resource Recovery."</p> <p>15 DEQ is also proposing changes to Subchapter</p> <p>16 13, Preliminary Treatment Standards, that would allow</p> <p>17 alternative designs to Vortex grit chamber detention</p> <p>18 times if supported by appropriate engineering</p> <p>19 justification.</p> <p>20 Another proposed change regarding wet</p> <p>21 weather flow equalization basin construction updates</p> <p>22 it to cite OAC 252:656-11-1, which is Lagoon Siting,</p> <p>23 and this requires wet weather Flow Equalization Basins</p> <p>24 be located with the same requirements as lagoons such</p> <p>25 as requiring groundwater protection.</p>
<p>Page 10</p> <p>1 Subchapter 9 proposes adding language noting a rapid</p> <p>2 mix detention time of not more than 30 seconds.</p> <p>3 Finally, under Subchapter 17, Finished Water</p> <p>4 Storage, DEQ proposes removing redundant language</p> <p>5 regarding cathodic protection of steel tanks since</p> <p>6 these -- since those requirements are already</p> <p>7 addressed elsewhere in the regulation.</p> <p>8 That concludes my comments on Chapter 626.</p> <p>9 CHAIRPERSON MR. DUZAN: Okay. Questions or</p> <p>10 comments from the council? Questions or comments from</p> <p>11 the public?</p> <p>12 Okay. We'll move on to 252:627, Operation</p> <p>13 and Maintenance of Water Reuse Systems.</p> <p>14 Again Mr. Clagg?</p> <p>15 MR. CLAGG: Okay. DEQ staff is proposing to</p> <p>16 update the rule to include Consumer Price Index</p> <p>17 language allowing for the annual adjustment of fees</p> <p>18 based on the CPI. As we discussed earlier regarding</p> <p>19 Chapter 606, this will ensure consistency amongst the</p> <p>20 rules that require annual fees.</p> <p>21 That concludes my comments on 627.</p> <p>22 CHAIRPERSON MR. DUZAN: Okay. Questions or</p> <p>23 comments from the council? Questions or comments from</p> <p>24 the public?</p> <p>25 Okay. We're going to move on to 252:656,</p>	<p>Page 12</p> <p>1 A proposed update to Chapter 16 titled</p> <p>2 Biological Treatment Standards regarding return sludge</p> <p>3 piping specifies that four-inch piping is the minimum</p> <p>4 requirement, rather than a fixed standard, and this is</p> <p>5 to help prevent clogging.</p> <p>6 Lastly, DEQ is proposing updating Subchapter</p> <p>7 27, Water Reuse, to clarify that Category 6 reclaimed</p> <p>8 water must be drawn from the effluent of the final</p> <p>9 treatment process unit with the intake located within</p> <p>10 or immediately downstream of the disinfection unit</p> <p>11 where disinfection is provided.</p> <p>12 That concludes my comments on 656.</p> <p>13 CHAIRPERSON MR. DUZAN: Okay. Questions or</p> <p>14 comments from the council?</p> <p>15 MR. ARCHER: I think I have one. Just on</p> <p>16 the 656-13-2(g)2 where we finished that with</p> <p>17 engineering justification, I'm curious, does the</p> <p>18 agency put any additional thought towards what that</p> <p>19 policy or guidance will be for the consulting engineer</p> <p>20 so we receive consistent reviews?</p> <p>21 MR. CLAGG: I think I'd like to ask Greg</p> <p>22 Carr if he could come address that issue.</p> <p>23 MR. CARR: And that is a good question.</p> <p>24 That's actually been discussed a lot here as well. So</p> <p>25 the intent there for us was to provide more</p>

<p>Page 13</p> <p>1 flexibility. We've got -- we refer a lot to Metcalf 2 and Eddy, we've got manuals that refer to WEF, I've 3 got ASCE. The intent was just pretty much any 4 engineering justification, whichever method they 5 choose to use. When we're looking at the WEF, this is 6 the vortex grit chambers? 7 MR. ARCHER: Correct. 8 MR. CARR: Yes. You're looking at -- when 9 we started to specify, we got into some areas where, 10 you know, you're talking about peak flow in one, 11 you're talking about design flow in another one, so 12 the intent there was to leave just some room for 13 flexibility, but one man's flexibility can't be 14 another man's ambiguous, so we have talked about 15 adding just a Metcalf and Eddy reference. 16 When you do that, you're talking -- we could 17 change it to just detention time, but if you just make 18 a pure Metcalf and Eddy reference, there's a lot more 19 than just detention time in there, there's screenings, 20 there's some other requirements for it, and we would 21 not try to lock it down more. 22 What we mostly see is folks are purchasing a 23 modular system, you know, similar in rapid mix, some 24 vortex grit chambers or any kind of grit chamber, 25 really, that bind the modular system that</p>	<p>Page 15</p> <p>1 that we'll make it ourselves. 2 Does that make sense? Does that answer the 3 question? 4 MR. ARCHER: Yes, it answers the question. 5 My comment was really just directed at making sure 6 that when we do have that type of language with 7 engineering justification, there's been some 8 consideration for how our individual review engineers 9 might be able to interpret that. 10 MR. CARR: They need a target to hit. 11 MR. ARCHER: I'm sorry, what was that? 12 MR. CARR: They need a target to hit, is 13 what you're saying? 14 MR. ARCHER: Right. 15 MR. CARR: Okay. Yeah. 16 We're going to do some more talking and I'll 17 get with various one of you and we'll see if we can 18 make that language a little better. I kind of like it 19 myself, but then I can understand where it might 20 not -- it might be perceived as difficult to hit. 21 MR. ARCHER: Thank you. 22 MR. CARR: Thank you. 23 MS. CHARD: Mr. Chairman, you may want to 24 consider if several council members would like to have 25 a conversation or to fine tune that language, that</p>
<p>Page 14</p> <p>1 manufacturers already designed. So asked to justify 2 the existence, you're typically looking at what the 3 size of grit you're going after. Again, the intent 4 was to make it flexible and not try to lock it down, 5 but I'm more than willing to have some discussions on 6 how we might want to address that. Metcalf and Eddy 7 is not the only -- that is sort of the Bible for 8 wastewater design, but it's not the only one out 9 there. 10 Again, there's at least WEF and ASCE that we 11 routinely -- and they don't all go about it the same 12 way. They usually end up in the same location, you 13 know, just depending on how you do it. I mean, you're 14 talking design flow versus peak flow, you know, and 15 then what are you using for peaking factors. So the 16 intent is to be flexible. 17 But then -- so right now, we're doing a lot 18 of variances. So we want to be careful with the 19 variances because if we're doing a lot of consistent 20 variances, that has aspects of rulemaking itself, so 21 we don't want to do de facto variances. If we see 22 ourselves doing a lot of fairly consistent variances, 23 then we want to take it to the council, to the board, 24 to the legislators to make sure that they have a say 25 on it. We don't want to have any kind of appearance</p>	<p>Page 16</p> <p>1 could be something that the council could direct the 2 staff should you choose to. 3 CHAIRPERSON MR. DUZAN: Okay. Go ahead. 4 MS. MACH: Thank you, Chairman. Before we 5 get to that, I also had a question about water reuse, 6 so you might high tail it back to the mic, Greg. 7 MR. CARR: I'm always eager to leave a 8 podium. I apologize. 9 MS. MACH: Well, it was regarding the 10 reuse -- 11 MR. CARR: Yes, ma'am -- 12 MS. MACH: -- section specifically. 13 MR. CARR: -- 627 or 656. 14 MS. MACH: And the only -- and there might 15 be some ambiguity that needs to be tightened up here 16 as well because it specifically says the intake of the 17 final process unit, and -- or the intake needs to be 18 drawn at the effluent side of the final treatment 19 unit. Oftentimes, we have disinfection that also has 20 bisulfate -- bisulfite, sorry, that then quenches the 21 chlorine before it's discharged -- 22 MR. CARR: Right. Right. We're not 23 looking -- 24 MS. MACH: And so -- 25 MR. CARR: For the -- yeah.</p>

<p>Page 17</p> <p>1 MS. MACH: I understand that. Right. So, 2 but if it was downstream of a final treatment unit, 3 sometimes the injection and the injection bisulfate, 4 but the chlorine and bisulfate are at opposite ends of 5 the same unit.</p> <p>6 MR. CARR: Yes, and we're trying to avoid 7 that. We've also got places that don't necessarily 8 disinfect so we've, we've played with that language 9 quite a bit. Playing on Shellie's -- I mean, we could 10 add that to the list of things that we would discuss 11 in say a work group, I'm not sure how that works with 12 the council, but I would love to have input.</p> <p>13 CHAIRPERSON MR. DUZAN: Okay. And as they 14 were talking, if anybody on the council wants to meet 15 with the engineers of the DEQ, I'm sure we can set up 16 appropriate date and times to fully discuss the 17 matters, so okay.</p> <p>18 Any other questions or comments from the 19 council on, where are we at, 656? Any questions or 20 comments from the public?</p> <p>21 Okay. We'll move on to 730, Oklahoma's 22 Water Quality Standards.</p> <p>23 Mr. Clagg?</p> <p>24 MR. CLAGG: Okay. The underlying reason for 25 the rulemaking is to comply with the federal water</p>	<p>Page 19</p> <p>1 the Historic Data for Mineral Constituents of Water 2 Quality beginning October 1976 ending September 1983 3 except as indicated, DEQ is proposing removal of 4 segment averages that were not approved by EPA.</p> <p>5 For Appendix G titled Numerical Criteria to 6 Protect Beneficial Uses, DEQ is proposing 7 recalculation of certain criteria and the addition of 8 Aquatic Life and Human Health criteria values based on 9 EPA's recommended values.</p> <p>10 And for Appendix H titled Beneficial Use 11 Designations for Certain Limited Areas of Groundwater, 12 DEQ is proposing restoring an updated version of this 13 appendix since it was missing in the most recent 14 version of Chapter 730.</p> <p>15 That concludes my comments on 730.</p> <p>16 CHAIRPERSON MR. DUZAN: Okay. Questions or 17 comments from the council?</p> <p>18 MR. PAWLISZ: I do. I actually have four 19 questions if we can go through them together one by 20 one with other council members, but here's the first 21 question.</p> <p>22 On the replacement of confidence intervals 23 with geometric mean and statistical threshold values, 24 presumably there will be additional clarity on exactly 25 what statistical measures those threshold values will</p>
<p>Page 18</p> <p>1 quality standards triennial review requirements. DEQ 2 is proposing adding, removing, and/or modifying 3 certain definitions. For primary body contact 4 recreation, DEQ is proposing to replace confidence 5 intervals with geometric mean and statistical 6 threshold values. This applies to both E. coli and 7 enterococci. Numeric criteria were not changed. For 8 secondary body contact recreation, DEQ is proposing 9 adding numeric criteria for E. coli and enterococci 10 based on EPA's water ingestion formula.</p> <p>11 For Appendix A titled Designated Beneficial 12 Uses of Surface Waters, DEQ is proposing adding the 13 designation of Culturally Significant Waters to five 14 water bodies at the request of the Quapaw Nation.</p> <p>15 For Appendix E titled Requirements for 16 Development of Site-Specific Criteria for Certain 17 Parameters, DEQ is proposing adding language requiring 18 the use of the copper biotic ligand model for 19 development of copper site-specific criteria; 20 requiring the use of a fish tissue study for selenium 21 site-specific criteria, removal of the option for WER, 22 water effects ratio, for site-specific criteria for 23 copper, and removal of site-specific metals criteria 24 that were not approved by EPA.</p> <p>25 For Appendix F titled Statistical Values of</p>	<p>Page 20</p> <p>1 represent? Is it 90 percent UCL or something that has 2 a statistical terminology associated with it?</p> <p>3 MR. CLAGG: Patrick?</p> <p>4 MS. CHARD: You can go.</p> <p>5 MR. LONG: Yes, Joe Long, I'm the watershed 6 planning section manager. In the -- I am not the best 7 statistician, but it effectively has no change. It's 8 just the way EPA interprets it.</p> <p>9 MR. PAWLISZ: Okay.</p> <p>10 MR. LONG: It's just a different way to look 11 at it.</p> <p>12 MR. PAWLISZ: Okay. So by reference to EPA, 13 the second question was, that I had on my mind was 14 that Appendix E, concerning the language requiring the 15 use of copper biotic ligand model for development of 16 copper site-specific criteria, I understand the 17 science and the BLM was around for a long time, but I 18 wonder if the agency has experience and precedence of 19 applying the BLM to develop quality criteria in the 20 state. Just curious.</p> <p>21 MR. ROSCH: We're developing that, that 22 criteria. There have only been, I believe two 23 facilities that have proposed use of it at this point. 24 We've had plenty of discussions with EPA in which they 25 made it clear that they're not going to approve any</p>

<p>1 site-specific criteria that don't also consider the</p> <p>2 use of -- well, don't use BLM. Even if WER was to be</p> <p>3 done, it would be compared to the results of a BLM and</p> <p>4 the most -- the more stringent of the two resultant</p> <p>5 criteria would end up being approved, so we are</p> <p>6 developing the experience with use of BLM.</p> <p>7 MR. PAWLISZ: Thank you.</p> <p>8 Next question, also under Appendix E, in one</p> <p>9 of the punch list items is the requirement of the use</p> <p>10 of a fish tissue study with selenium site-specific</p> <p>11 criteria.</p> <p>12 And what is meant here is the laboratory</p> <p>13 based; right, exposures? This is not modeling or</p> <p>14 predictive anything, AI, this has to be --</p> <p>15 MR. ROSCH: Correct.</p> <p>16 MR. PAWLISZ: -- done the --</p> <p>17 MR. ROSCH: Correct. And this would involve</p> <p>18 submitting a work plan, a sampling plan, we're putting</p> <p>19 together a technical guidance document to outline the</p> <p>20 requirements of that work plan and the fish sampling</p> <p>21 that needs to be done and the analysis that would need</p> <p>22 to be required and the -- how robust the sampling and</p> <p>23 the analysis would need to be.</p> <p>24 MR. PAWLISZ: Very good. Thank you.</p> <p>25 MR. ROSCH: Sure.</p>	<p>Page 21</p> <p>1 Bureau. I had a question about the</p> <p>2 culturally-significant water bodies, about which ones</p> <p>3 they were and what's the criteria to go with those.</p> <p>4 Thanks.</p> <p>5 MR. ROSCH: Patrick Rosch, water quality</p> <p>6 again. We've had one -- one meeting, one consultation</p> <p>7 with the Quapaw Nation and just here yesterday</p> <p>8 afternoon or this morning, they submitted an official</p> <p>9 written submittal with the request for the addition of</p> <p>10 those five water bodies. There is a tributary to Tar</p> <p>11 Creek and Beaver Creek which is the most important</p> <p>12 water body -- water body they've expressed the most</p> <p>13 interest in adding that culturally-significant water</p> <p>14 designation to, but there are four other water bodies</p> <p>15 that cross their traditional territories that they had</p> <p>16 interest in adding that designation to.</p> <p>17 At this point, all adding that designation</p> <p>18 would be, be a matter of listing it in Appendix A with</p> <p>19 a note that says "culturally-significant waters."</p> <p>20 There will need to be a lot of work in the future to,</p> <p>21 to find what those protections actually look like.</p> <p>22 As, as the standards currently stand, that</p> <p>23 definition of "culturally-significant waters" exist in</p> <p>24 Chapter 730, but what protections that affords a water</p> <p>25 body haven't been defined and that's going to be a</p> <p>Page 23</p>
<p>1 MR. PAWLISZ: And finally, last question, so</p> <p>2 in Appendix G, and then further down the sentence,</p> <p>3 "addition of Aquatic Life and Human Health criteria</p> <p>4 values is based on the EPA's recommendation."</p> <p>5 So my question is specific to PFAS, the</p> <p>6 Aquatic Life materials, I understand they're final, so</p> <p>7 they could be adopted as is; however, the PFAS Human</p> <p>8 Health criteria, I don't think they're finalized yet.</p> <p>9 So what's DEQ's position on adoption, if so,</p> <p>10 for the Human Health criteria PFAS?</p> <p>11 MS. CHARD: This is Shellie Chard, water</p> <p>12 quality director. We are not planning to move forward</p> <p>13 and adopt any of the PFAS standards and water quality</p> <p>14 standards at this time. Waiting until we get some of</p> <p>15 the laboratory methods squared away and we have</p> <p>16 laboratory capacity in the state to do some of that</p> <p>17 analysis, and then that decision will be revisited on</p> <p>18 whether it will be adopted, but it would go through</p> <p>19 the standard rulemaking process in this council.</p> <p>20 MR. PAWLISZ: Thank you. That concludes my</p> <p>21 questions.</p> <p>22 CHAIRPERSON MR. DUZAN: Okay. Any other</p> <p>23 questions from the council? Questions or comments</p> <p>24 from the public?</p> <p>25 MS. PEEK: Hi, Maria Peek, Oklahoma Farm</p> <p>Page 22</p>	<p>1 significant discussion point in the next triennial</p> <p>2 review or even sooner than that.</p> <p>3 MR. LEE: I defer to you.</p> <p>4 MS. MACH: No. No, sir.</p> <p>5 MR. LEE: You're a senior member of this</p> <p>6 council.</p> <p>7 MS. MACH: Thank you, Patrick.</p> <p>8 There are the criteria of what the water</p> <p>9 protections would afford that water body, but what are</p> <p>10 the criteria that makes it culturally significant?</p> <p>11 Have you determined that?</p> <p>12 MR. ROSCH: Well, to this point, I believe</p> <p>13 that significance is somewhat in the eye of the</p> <p>14 beholder, and the Nation specifically made that</p> <p>15 assertion so we're taking that under consideration and</p> <p>16 giving, giving weight to that, and again, what that</p> <p>17 ends up meaning in practicality in the future will,</p> <p>18 will be determined.</p> <p>19 I know in the case of Beaver Creek, they had</p> <p>20 outlined some tribal activities that, that take place</p> <p>21 there which seemed pretty similar to primary body</p> <p>22 contact, but exactly how their religious and cultural</p> <p>23 activities in the creek differ from the activities</p> <p>24 that we define as primary body contact, those are the</p> <p>25 kind of discussions we want to flesh out and make sure</p> <p>Page 24</p>

<p>Page 25</p> <p>1 that we can arrive at a common understanding of what 2 protections would be appropriate. 3 MS. MACH: Thank you. 4 MS. CHARD: This is Shellie Chard, water 5 quality director. 6 Something that, you know, we've been looking 7 at as we have seen at the federal level, giving more 8 deference to some of the tribal nations, the 9 conversations that we're having so far are looking at 10 as much as the cultural activity that the tribe is 11 willing to share with us and then trying to look at 12 existing beneficial uses and to see how those might 13 apply. Patrick mentioned primary body contact, you 14 know, if they need to be in the water, that certainly 15 seems to fit. 16 If it is a situation of ingesting that 17 water, then we would be looking at considering is that 18 a public and private water supply or an emergency 19 water supply usage. So the intent is, as we work 20 through it, trying to relate back as much as possible 21 to beneficial uses that we already have established 22 because we know how to handle those, the regulated 23 community know what those mean, so that's kind of our, 24 our approach. 25 And then obviously if a tribal nation were</p>	<p>Page 27</p> <p>1 five water bodies and you describe one as being Beaver 2 Creek. 3 Do you know if there are any industrial or 4 city discharges into any of these waters? 5 MR. ROSCH: There are not at this time. 6 MR. GROUND: At this time. 7 Are they significant enough water bodies 8 that they could be? 9 MR. ROSCH: I would presume that there could 10 be, but there's nothing that we're aware of planned at 11 this time. 12 MR. GROUND: Okay. Since you don't really 13 know what the impact would be, I didn't know if that 14 would actually prevent any economic development in 15 that area if it had that designation on these, so I 16 wanted to question that. 17 And then my other question is on the 18 Appendix E, the site-specific criteria. In the 19 requiring of the use of the BLM and removal of the 20 WER, I know that industries are going to have -- and, 21 and cities are going to have a real issue with that 22 since the BLM is actually not even required under, 23 under EPA rules; it's a policy. 24 And I hate for DEQ to, to put something in 25 our rules that's not even in a rule that EPA -- I</p>
<p>Page 26</p> <p>1 to exert that it should be something else, then that 2 is something we would have to work through, but all of 3 those designated uses, that's all coming before you 4 and the Environmental Quality Board, so there will be 5 a lot of opportunity for both formal and informal 6 public comment before any of those decisions could be 7 finalized in a rule. 8 MR. LEE: So are there any other, excuse me, 9 states or provinces that have similar language with -- 10 upon which will be drawn? 11 MR. ROSCH: The states that have the most 12 experience in this particular realm are the Pacific 13 Northwest states. That's where a lot of legal 14 challenges were first litigated and where a lot of the 15 consultation between EPA and the tribes has taken 16 place. So I would presume that's -- those experiences 17 will be drawn on when we're moving forward with these 18 discussions. 19 MR. LEE: Thank you. 20 CHAIRPERSON MR. DUZAN: Any other questions 21 or comments from the council? Do we have any 22 questions or comments from the public? 23 MR. GROUND: Bud Ground with Environmental 24 Federation of Oklahoma. First, I've got a question 25 like Marla did on the culturally-significant waters on</p>	<p>Page 28</p> <p>1 consider that way and above beyond what's, what's 2 required. So I can -- I will just say now since we 3 haven't seen any language, but just those words, I'll 4 say the industry is going to have an issue with it. 5 And that's all I have. 6 CHAIRPERSON MR. DUZAN: Okay. Thank you, 7 sir. 8 Any other questions or comments from the 9 public? 10 MR. CHILDERS: Good afternoon, Jason 11 Childers with OG&E. Just a question on Appendix E, 12 the last portion of that, it says there will be a 13 removal of site specific metals criteria that were not 14 approved by EPA. 15 Do we have -- I guess two part: Do we have 16 a list of those, and then second, how does -- will 17 this affect any of the existing site-specific criteria 18 that have used water effective ratios? 19 MR. ROSCH: Patrick Rosch again. To part 20 one of your question, Jason, there have been several 21 site-specific criteria that have been on the books 22 that you can see in the current chapter that have a 23 footnote that says "Not for Clean Water Act use." 24 That's because EPA never approved them. Those are the 25 ones that we're proposing to remove because we haven't</p>


<p>1 been able to do anything with them.</p> <p>2 And no, there is no intent to change any of</p> <p>3 the existing site-specific criteria that were approved</p> <p>4 using the WER.</p> <p>5 CHAIRPERSON MR. DUZAN: Okay. Any other</p> <p>6 questions or comments from the public? Anything else</p> <p>7 from the council?</p> <p>8 Okay. We're going to move on to 252.740,</p> <p>9 Implementation of Oklahoma's Water Quality Standards.</p> <p>10 Again, Mr. Clagg?</p> <p>11 MR. CLAGG: The underlying reason for this</p> <p>12 rulemaking is to comply with the Federal Water Quality</p> <p>13 Standards triennial review requirements. DEQ is</p> <p>14 proposing adding, removing, and/or modifying certain</p> <p>15 definitions. Regarding reasonable potential, DEQ is</p> <p>16 proposing allowing the use of a fish tissue study to</p> <p>17 confirm the need for a water quality based effluent</p> <p>18 limitation. For assessment of Fish and Wildlife</p> <p>19 Propagation support, DEQ is proposing to add fish</p> <p>20 tissue criteria as the preferred method for assessing</p> <p>21 water bodies for selenium, with water column criteria</p> <p>22 being used if fish tissue is unavailable. Lastly,</p> <p>23 regarding Secondary Body Contact Recreation support,</p> <p>24 DEQ is proposing adding criteria values for</p> <p>25 assessment.</p>	<p>Page 29</p> <p>1 intent is for that to be at the intent -- at the, at</p> <p>2 the choice of a permittee. Absent that, the intent is</p> <p>3 to use water column criteria and water column --</p> <p>4 existing water column data to calculate WQBELs and to</p> <p>5 do assessments.</p> <p>6 MR. PAWLISZ: Thank you for the</p> <p>7 clarification.</p> <p>8 CHAIRPERSON MR. DUZAN: Any more questions</p> <p>9 or comments from the council? Questions or comments</p> <p>10 from the public?</p> <p>11 MR. GROUND: Bud Ground with Environmental</p> <p>12 Federation of Oklahoma. I probably should have asked</p> <p>13 this when I was up before because it really doesn't</p> <p>14 have to do with this section, but do you know when</p> <p>15 you're going to release the proposed rules for public</p> <p>16 review?</p> <p>17 MS. CHARD: Okay. Legal counsel says they</p> <p>18 will be published on October 15th.</p> <p>19 MR. GROUND: So it's after the public</p> <p>20 meeting so we won't be able to see any language until</p> <p>21 after the public meeting?</p> <p>22 MR. ROSCH: They will be officially released</p> <p>23 on the 15th. We intend to discuss the specifics of</p> <p>24 the draft rule -- rule language at the public</p> <p>25 meetings.</p>
<p>1 That concludes my remarks.</p> <p>2 CHAIRPERSON MR. DUZAN: Thank you, sir.</p> <p>3 Questions or comments from the council?</p> <p>4 MR. PAWLISZ: I have two. One is regarding</p> <p>5 the second bullet in the agenda, allowing the use of a</p> <p>6 fish tissue study to confirm the need for a WQBEL.</p> <p>7 Does the agency intend to do this</p> <p>8 specifically for selenium or all and any applicable</p> <p>9 contaminants? What is the EPA saying?</p> <p>10 MR. ROSCH: At this point, it would only</p> <p>11 apply to selenium.</p> <p>12 MR. PAWLISZ: Thank you.</p> <p>13 The second question is the second bullet in</p> <p>14 the agenda, and it says that adding fish tissue</p> <p>15 criteria as a preferred method for assessing</p> <p>16 waterbodies for selenium, and then it says water</p> <p>17 column criteria being used if fish tissue is</p> <p>18 unavailable. However, we just read in 730 that the</p> <p>19 fish tissue study for selenium will be required.</p> <p>20 So automatically, you would have that at</p> <p>21 your disposal, so I wonder if those two chapters need</p> <p>22 to be synchronized?</p> <p>23 MR. ROSCH: Well, the fish tissue study</p> <p>24 would be required if a facility was to seek</p> <p>25 site-specific criteria for selenium that will -- the</p>	<p>Page 30</p> <p>1 MR. GROUND: Yeah, and I think it's very</p> <p>2 important to see, you know, the language. And my -- I</p> <p>3 guess to go along with that, so have you issued a</p> <p>4 notice of proposed ruling?</p> <p>5 MS. EBERLE: They are due to the Secretary</p> <p>6 of State on the 25th, so Thursday.</p> <p>7 MR. GROUND: So to have done that, you had</p> <p>8 to already have approval through the governor to issue</p> <p>9 these rules, so you essentially have to have proposed</p> <p>10 rules right now, some language?</p> <p>11 MS. EBERLE: Yes, we are working on text</p> <p>12 currently.</p> <p>13 MR. GROUND: Okay. So I just want to -- I</p> <p>14 just say that because I think it's concerning that we</p> <p>15 won't have any language until, I can't remember when</p> <p>16 the next Water Quality Council meeting is, but after</p> <p>17 the public meetings and just prior -- well, when is</p> <p>18 the next Water Quality Council meeting, did you say?</p> <p>19 MS. CHARD: The next Water Quality Council</p> <p>20 meeting is December 2nd.</p> <p>21 MR. GROUND: So December. So we'll have</p> <p>22 from October 15th through December to -- okay. I just</p> <p>23 wanted to let -- I just wanted to voice that concern</p> <p>24 and, and ask questions.</p> <p>25 MR. LEE: So, Shellie, just to clarify, the</p>
	<p>Page 31</p> <p>Page 32</p>

<p>Page 33</p> <p>1 first public meeting is on October 2nd and the second</p> <p>2 one is on October 8th.</p> <p>3 We'll have language at those meetings?</p> <p>4 MS. CHARD: Yes, you will have language at</p> <p>5 those meetings.</p> <p>6 MR. LEE: Okay. Thank you.</p> <p>7 CHAIRPERSON MR. DUZAN: Okay. Any other</p> <p>8 questions or comments from the public? Anything else</p> <p>9 from the council? Okay. Mr. Clagg, you are released.</p> <p>10 MR. CLAGG: Thank you.</p> <p>11 CHAIRPERSON MR. DUZAN: Moving on, we're</p> <p>12 going to go to the director's report, Shellie Chard.</p> <p>13 MS. CHARD: Good afternoon, Council. Thank</p> <p>14 you very much for being here with us and participating</p> <p>15 in the first of several discussions on upcoming rule</p> <p>16 changes. Just want to hit on a couple of things with</p> <p>17 you. Several of you know as you've been a part of</p> <p>18 some of the interim studies about this past session,</p> <p>19 there were multiple established related to water</p> <p>20 quality items.</p> <p>21 There was kind of a water use in the economy</p> <p>22 study that DEQ was not invited to participate in.</p> <p>23 There was a broad study titled "Water," and again,</p> <p>24 that was not something where our information was</p> <p>25 sought. The biggest things that we've been involved</p>	<p>Page 35</p> <p>1 hour lunch break, and then three more hours. I know</p> <p>2 Mr. Lee and Ms. Mach may be witnesses. They are not</p> <p>3 sure how -- they were trying to draw straws and</p> <p>4 volunteer each other, I think, and I will be a witness</p> <p>5 for DEQ.</p> <p>6 They also have witnesses, OSU extension. We</p> <p>7 know there will be, in the morning session, much more</p> <p>8 of the activist-type witnesses as opposed to</p> <p>9 scientific-type witnesses, so that will be a long day</p> <p>10 at the Capitol. You can stream the study or anyone is</p> <p>11 allowed to come and enjoy with us, but again, that's</p> <p>12 on the 28th of October.</p> <p>13 I'll stop there and see if anybody has any</p> <p>14 questions before I move on to a couple of other</p> <p>15 topics. Nobody wants to talk about PFAS or biosolids?</p> <p>16 Okay.</p> <p>17 MR. PAWLISZ: I do.</p> <p>18 MS. CHARD: I kind of thought so.</p> <p>19 MR. PAWLISZ: All in context of</p> <p>20 synchronization coordination with what the federal</p> <p>21 government, EPA is doing, maybe not specifically</p> <p>22 biosolids but PFAS, so what we're seeing, we all saw</p> <p>23 and commented on the biosolids risk assessment by EPA</p> <p>24 and you presented on it, but there's some things that</p> <p>25 we saw that may not have come from sound science,</p>
<p>Page 34</p> <p>1 with related to Water Quality Council, biosolids,</p> <p>2 there was a House interim study -- I'm sorry, a Senate</p> <p>3 interim study two or three weeks ago. It was a very</p> <p>4 short study. It was only about an hour and a half to</p> <p>5 two hours.</p> <p>6 DEQ was present, we were witnesses, both</p> <p>7 Land Protection division and Water Quality division</p> <p>8 were asked to be there. There was -- mostly, it was</p> <p>9 two companies, a sales pitch of their treatment</p> <p>10 technologies that they wanted the legislature and DEQ</p> <p>11 to consider moving forward.</p> <p>12 One of them, I believe, was kind of a black</p> <p>13 box technology. We couldn't really get a lot of the</p> <p>14 information of exactly how it would work. Heat was</p> <p>15 the primary treatment, and really, they were looking</p> <p>16 at PFAS treatment with that, but the temperature was</p> <p>17 far below what we now know the requirements to be to</p> <p>18 break down the PFAS compounds.</p> <p>19 The other was basically a microbial</p> <p>20 treatment for entities that have trouble disposing of</p> <p>21 their biosolids. We were asked a few questions, but</p> <p>22 that was really the focus of that study.</p> <p>23 The next study is much more substantial.</p> <p>24 It's on the House side. It is October 28th. It will</p> <p>25 be six hours in length. It will be three hours, an</p>	<p>Page 36</p> <p>1 especially in terms of its applicability to real-world</p> <p>2 scenarios, so would that aspect be considered in those</p> <p>3 studies by the, by the House?</p> <p>4 MS. CHARD: There are those who are hanging</p> <p>5 their hats on that draft risk assessment that the</p> <p>6 environmental activist groups don't like, those who</p> <p>7 are really in the scientific community don't like,</p> <p>8 those that have regulatory rules don't really like it</p> <p>9 just for the reason you stated. It's -- it was not a</p> <p>10 comprehensive study, it did not follow the standard</p> <p>11 scientific protocols that most risk assessments</p> <p>12 follow, even that EPA studies historically have</p> <p>13 followed.</p> <p>14 So there are those who are still waving that</p> <p>15 around very much. There are also those who are saying</p> <p>16 things like, well, but here are all these other</p> <p>17 pathways, it's not just biosolids, it's not just</p> <p>18 people who live on or adjacent, how are you</p> <p>19 considering broader impacts, how are you considering</p> <p>20 the regulations around land application and biosolids.</p> <p>21 There are, you know, discussions around stormwater,</p> <p>22 stormwater impacts to those land application sites and</p> <p>23 runoff, what that may or may not look like.</p> <p>24 So the biosolids risk assessment, I expect</p> <p>25 that to be brought up in terms of look, see, biosolids</p>

<p>Page 37</p> <p>1 and PFAS are bad. I also expect it to be brought up 2 to say this is what happens when you don't consider 3 other exposure pathways and you abandon some of that 4 sound science. So I think it's going to be used both 5 ways.</p> <p>6 MR. PAWLISZ: Thank you.</p> <p>7 MS. CHARD: Okay. So that's a nice segue 8 into things that we're seeing right now from a 9 regulatory standpoint. For most of it, what I can say 10 to you is stay tuned because I don't know that we have 11 a real clear pathway or know how things are going to 12 play out. We have another -- sorry?</p> <p>13 MR. LEE: Yeah, Shellie. So if, if 14 legislation passes this next cycle, whatever that 15 language may be, does that then ramp up and change 16 kind of the direction of DEQ's efforts on other 17 rulemaking based on the fact that the state may have 18 certain rules that they have or what would be the -- 19 have you already talked about it with your staff the 20 impact to your staff if, take Senate Bill 3, which I 21 think had most traction last cycle, if something like 22 that was to pass, have you already talked internally 23 about how it would impact you and impact this 24 council's efforts as well?</p> <p>25 MS. CHARD: So for Senate Bill 3, from last</p>	<p>Page 39</p> <p>1 prohibition, cities will still be sending us sludge or 2 biosolids DMRs, they'll still be updating their 3 reports, they'll just have one less option to handle 4 biosolids.</p> <p>5 MR. LEE: Thank you.</p> <p>6 MS. CHARD: Sorry.</p> <p>7 Okay. So biosolids risk assessment, the 8 directive to EPA from the White House and from 9 Congress is no funding can be spent to finalize the 10 risk assessment. So will they just leave it in draft 11 form forever? Will they retract it? But as we all 12 know, just because they pull it back doesn't mean it's 13 not still out and people have it. Will they go down 14 another path, do a more complete risk assessment?</p> <p>15 I think all of those things remain to be 16 seen. I don't think we have any indication of 17 anything other than EPA cannot spend any money 18 finalizing that risk assessment.</p> <p>19 WOTUS is back again. There's a reason it 20 got renamed woe to us. I was -- in talking with a 21 couple of you earlier, I think this is the, either 22 seventh or ninth version of WOTUS in the 15 years I've 23 been the water director. So it appears we're going 24 back to the definition that aligns with the Sackett 25 decision. The -- depending on your perspective, the</p>
<p>Page 38</p> <p>1 session for those of you who don't know, was basically 2 a prohibition of land application of biosolids which 3 is very similar to what Maine did. What that would 4 look like for us, we would stop allowing land 5 application of biosolids. We would still have all of 6 the same federal reporting, so that aspect would look 7 exactly the same.</p> <p>8 So it's going to depend on what that bill 9 language looks like. You know, right now, we require 10 sludge management plans, but we would still require 11 them, there are just less options, and the sludge 12 management plan is going to be talking about which 13 landfill and how often as opposed to maybe a 14 combination of land application and landfill are 15 strictly landfill. We already have some of those 16 communities that they strictly are landfill.</p> <p>17 There have been talks in other states, kind 18 of a well-known former EPA political deputy in the 19 office of water advocating for the use of either Class 20 1 or Class 5 UIC wells to dispose of biosolids.</p> <p>21 So there's all kinds of things out there, 22 but we will have to respond to whatever state 23 legislation says. As long as it's more restrictive 24 than the federal, it will be an immediate, how do we 25 adopt that approach. So if we do get a strict</p>	<p>Page 40</p> <p>1 up side or the down side, in Oklahoma, our definition 2 of water to the state is such that all of the back and 3 forth hasn't really impacted us much, but for some 4 states, so if you do business in other states, there 5 could be some significant changes based on which 6 definition is in effect in that state. And at times 7 we've had different, different federal definitions in 8 different states depending on litigation.</p> <p>9 So if in doubt, check with us, and we'll 10 tell you what we can and how this applies to waters of 11 the state of Oklahoma.</p> <p>12 PFAS and other effluent limitation 13 guidelines, there are several ELGs that are in 14 progress. They've been proposed and pulled back and 15 re-proposed, some of them have changed a lot, some of 16 them are exactly the same. That's definitely one. If 17 you're impacted by any of those business practices, 18 you definitely want to know where things stand with 19 those.</p> <p>20 We also know that EPA is looking at landfill 21 leachate effluent limitation guidelines, so the whole 22 don't put biosolids on the ground because it might 23 leach out, okay, so now, let's put it all in landfill 24 and then enact tighter limits and that leachate in 25 many cases goes to a municipal wastewater plant.</p>

<p>Page 41</p> <p>1 So we're just kind of moving the PFAS around 2 again, so that's definitely something that lies in our 3 future that we're going to have to deal with, and we 4 touched on earlier that while we do have Aquatic Life 5 criterion and we have the proposed Human Health 6 criterion, we don't have that finalized, don't know 7 what else we may see in potentially proposed federal 8 water quality standards.</p> <p>9 On the drinking water side, we know EPA is 10 going to be working on perchlorate, it's one that EPA 11 said they were not going to regulate, and then while 12 being questioned before the senate, a previous EPA 13 administrator said, oh, yes, we're going to regulate. 14 And then there was a lawsuit and the judge said, well, 15 once you say you're going to, you can't walk it back, 16 so they have until 2027 to have a perchlorate 17 regulation out for public comment.</p> <p>18 Microbial and disinfection byproduct rule, 19 that's one. It's still being talked about, but I'm 20 not seeing much action so I don't know what's going to 21 happen with that, but it's basically revisiting the 22 revised coliform rule. It's also revisiting 23 disinfection byproduct rules at the same time, so in 24 my mind, I've kind of just started thinking about this 25 as a stage three disinfection byproducts rule. It</p>	<p>Page 43</p> <p>1 calling for enhanced or expanded AI data center usage, 2 so that's definitely something we're going to be 3 seeing.</p> <p>4 Micro plastics and PFAS are two topics that 5 are absolutely going to be with us a while in trying 6 to figure out what that regulatory framework looks 7 like, how that might show up either in drinking water 8 regulations or through the Clean Water Act process 9 either as water quality standards criteria, effluent 10 limitation guidelines, or other directives that the 11 agencies could receive.</p> <p>12 Cyber security, of course, remains high on 13 EPA's list. There's some dedicated funding for that 14 in small amounts. EPA is providing technical 15 assistance. And then, of course, I always go back to 16 something that when Mike Teague was our cabinet 17 secretary, he made a statement of, "Drought in 18 Oklahoma never ends. It's merely interrupted by 19 periods of flooding."</p> <p>20 So we're definitely still seeing that cycle, 21 and I think that's also something that's going to be 22 high on the list of everybody in the water sector as 23 we move forward.</p> <p>24 So with a little bit of a look to the 25 future -- oh.</p>
<p>Page 42</p> <p>1 hasn't been named that, but kind of in thinking about 2 it and watching the path, that's kind of how I see it.</p> <p>3 The last rule I'll touch on is the 4 assessment and consolidation rule. This is an effort 5 that EPA has been working on for many years. I am not 6 sure if it started under the first Trump 7 administration or the administration before that. So 8 it's been with us, has not made a whole lot of 9 progress in moving through rulemaking, but the reason 10 it's particularly noteworthy right now as we start 11 looking at the potential reduction in amount of 12 federal dollars for water, wastewater infrastructure, 13 this rule would require smaller systems to evaluate 14 consolidation before they could get any federal 15 funding, to update a plan as well as that updating it 16 cost effective or some kind of consolidation or 17 regionalization is a better use of funding.</p> <p>18 We haven't seen draft language of this rule. 19 EPA just keeps talking about it, but it is on their 20 unified regulatory agenda that came out earlier this 21 month, so definitely stay tuned for that.</p> <p>22 Other challenges and things we're going to 23 be dealing with, AI and data centers, the amount of 24 water and energy required there, plus the 25 gubernatorial and presidential executive orders</p>	<p>Page 44</p> <p>1 MR. LEE: Before you change subjects, can I 2 ask you about data centers and how that would pertain 3 to rulemaking? If they're discharge permits, how are 4 they different than other...</p> <p>5 MS. CHARD: Yeah, they will -- the 6 permitting process will look very much the same as any 7 other industry. What we're seeing right now that 8 we're trying to get a better handle is they're picking 9 a site, beginning construction, and then saying, oh, 10 but we need 13 million gallons more than the water 11 plant in the small town can provide us. Oh, we're 12 looking to discharge at a volume that the receiving 13 stream cannot handle because it's nothing more than a 14 glorified bar ditch.</p> <p>15 So we're having to think about how we can 16 engage Department of Commerce and others in providing 17 education to, don't forget, figure out the water and 18 wastewater side of this business before you buy land 19 and start construction, because in some cases, oh, 20 we'll figure out how to make it work is getting very 21 interesting.</p> <p>22 Theoretically, there could be rulemaking if 23 there was enough outcry and enough problems caused 24 that we would possibly have to look at siting 25 requirements or restrictions or something like that.</p>

<p>Page 45</p> <p>1 Right now, I don't see that as a rulemaking issue, 2 just a water management, water planning kind of issue. 3 MR. LEE: Okay. Thank you. 4 MS. CHARD: Okay. So as we start looking to 5 the future, this is my last meeting with you all. I 6 will be retiring the last day of November so all of 7 this rulemaking we're talking about, not my problem. 8 No, it's been a wonderful experience, my time at DEQ 9 and my time with this council. 10 I'm not sure, Steve may remember, he's the 11 only one that may -- the -- how I got thrown into 12 managing the council as a staff member and low-level 13 manager because I happened to know the rules and the 14 person who was supposed to present was incredibly ill, 15 and it was six chapters of rules, all of them fees, 16 and nobody was happy about it, so it was trial by 17 fire, and I guess I survived, so I found myself here 18 before you very frequently over the last 33 years. 19 So mark on your calendar, you'll all be 20 getting an invite, the party is November 14th here in 21 the building. You know, you could either come because 22 it's like, "Oh, I can't believe she's out of here," or 23 come and celebrate all the things from all the years. 24 It's been an amazing experience. 25 I thank you all so much for the</p>	<p>Page 47</p> <p>1 work with all of you in a different role. At our next 2 meeting, I'll have had one day on the job so we'll get 3 it all figured out by then for sure, but thank you, 4 Shellie, for everything that you've done for me, for 5 the agency, for DEQ, for the environment. Thank you. 6 I can't say enough. 7 So with that being said, I'm going to keep 8 doing what I've been doing my whole career, which is 9 keep my head down and work hard, keep things going, so 10 that's my plan and it's worked out for me so far so 11 I'm going to keep it up. Also, I know that the staff 12 that are here that you've talked to and have presented 13 today that have represented themselves well are going 14 to continue the great work that they're doing, so I'm 15 excited to work with them again in this capacity. 16 I also want to say that as I'm moving out of 17 the lab director role, we're going to fill it with a 18 great, solid guy who you guys met a few months back 19 probably when I announced him as my assistant 20 director, Dustin Davidson. He's not here today, he 21 decided he'd rather be in Spain than hanging out with 22 all of us working folks, so, but we're excited for him 23 as well. He's going to do a great job. I know that 24 we improved as a lab when he came on board there as 25 well.</p>
<p>Page 46</p> <p>1 opportunities that I have had with you as we've 2 navigated a lot of things over the years. I've had a 3 wonderful career at DEQ. I still have two kids in 4 college, it's not like I'm, you know, really going 5 away or really retiring. Stay tuned. I will still be 6 part of the water sector. 7 One of the great things of somebody retiring 8 as opposed to just leaving is, because of state 9 process, you have to give at least six -- or I'm 10 sorry, at least two months' notice, 60 days to get 11 through the process. 12 So because I knew what my date was going to 13 be and once my retirement paperwork was accepted, the 14 agency has started moving forward and making decisions 15 of who is going to step into the role as water quality 16 director, and so I'm going to pass things over to 17 George because he will be the water director the next 18 time you all meet as a council. 19 MR. RUSSELL: Can we give Shellie a round of 20 applause for her? Yeah, thank you, Shellie. And 21 Shellie's been a great mentor to me, among many 22 others. I can't say enough about her leadership in 23 this role. I know she's worked with all of you in 24 this capacity and it's going to be a big loss for us. 25 I am excited to move in the position and to</p>	<p>Page 48</p> <p>1 So that's all I have to say. Thank you, 2 everybody. Congratulations, Shellie. I'm very 3 jealous, but it's well earned. Thank you all. 4 MR. LEE: Shellie is too humble. 5 Can you share with us the two awards I think 6 you recently received? 7 MS. CHARD: Yes. So the first one was in 8 May, that was the Lifetime Achievement Award for the 9 Oklahoma Water Environment Association, which is, you 10 know, the old people award. I received the 11 Exceptional Service Award from the Association of 12 Clean Water Administrators in August. Last week, 13 which was very much a surprise, I received the 14 Distinguished Service Award from the Groundwater 15 Protection Council. Many of you have worked with Mike 16 Paque over the years and he was on this council and he 17 graduated to the Environmental Quality Board a few 18 years ago, and that's an award that was named in his 19 honor, so that made it even more special. And next 20 week, I get to go to Chicago and be officially awarded 21 fellow status from the Water Environment Federation. 22 Thank you, all. I'm very emotional about 23 all of this and I don't like that. 24 MS. MACH: I just wanted to say thank you, 25 Shellie, for your service over the last 33 years and,</p>

<p style="text-align: right;">Page 49</p> <p>1 you know, I've worked with you for 20 of them and it's 2 been a pleasure the entire time, so we wish you well 3 and we'll greatly miss you, and welcome, George. 4 CHAIRPERSON MR. DUZAN: Yeah, I wish you 5 nothing but great happiness in your retirement. I 6 feel like, you know, after 15 years, we've finally got 7 you trained, or vice versa, not sure which, but look 8 forward to moving on with George and, you know, coming 9 from the lab side, it has to be good, right? 10 So, so that will satisfy the director's 11 report. I do not believe we have any new business. 12 Anybody? 13 Having no new business, our next scheduled 14 meeting is going to be right here, December 2nd, I 15 believe at 2:00 like they all are, and we'll have a 16 new water director, and that is that and we'll 17 entertain a motion for adjournment. 18 MR. LEE: So moved. 19 DR. JARMAN: Second. 20 CHAIRPERSON MR. DUZAN: We have a motion and 21 a second. We'll have a vote. 22 MS. FIELDS: Mr. Archer? 23 MR. ARCHER: Aye. 24 MS. FIELDS: Dr. Jarman? 25 DR. JARMAN: Yes.</p>	<p style="text-align: right;">Page 51</p> <p>1 CERTIFICATE 2 STATE OF OKLAHOMA) 3) SS: 4 COUNTY OF OKLAHOMA) 5 6 I, Abby Rhodes, CSR, RPR, do hereby certify 7 that on September 23, 2025, at the Department of 8 Environmental Quality, Oklahoma City, Oklahoma, that 9 the foregoing pages constitute a full, true, and 10 correct transcript of the meeting on the date as 11 indicated. 12 I do further certify that I am not counsel, 13 attorney, or relative of either party, or otherwise 14 interested in the event of this suit. 15 IN WITNESS WHEREOF, I have hereunto set my 16 hand and affixed my seal at my office in Oklahoma City 17 Oklahoma County, Oklahoma, this 1st day of October, 18 2025. 19  20 21 Abby Rhodes, CSR, RPR 22 CSR No. 1939. 23 24 25</p>
<p style="text-align: right;">Page 50</p> <p>1 MS. FIELDS: Mr. Lee? 2 MR. LEE: Yes. 3 MS. FIELDS: Ms. Mach? 4 MS. MACH: Yes. 5 MS. FIELDS: Dr. Moore? 6 DR. MOORE: Yes. 7 MS. FIELDS: Mr. Pawlisz? 8 MR. PAWLISZ: Yes. 9 MS. FIELDS: Mr. Sowers? 10 VICE CHAIR MR. SOWERS: Yes. 11 MS. FIELDS: Ms. Wells? 12 MS. WELLS: Yes. 13 MS. FIELDS: Mr. Duzan? 14 CHAIRPERSON MR. DUZAN: Yes. 15 MS. FIELDS: Motion passed. 16 CHAIRPERSON MR. DUZAN: And we are 17 adjourned. 18 (The meeting was concluded at 3:12 p.m.) 19 20 21 22 23 24 25</p>	



WATER QUALITY MANAGEMENT ADVISORY COUNCIL

Attendance Record

September 23, 2025

Oklahoma City, Oklahoma

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WATER QUALITY MANAGEMENT ADVISORY COUNCIL

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WATER QUALITY MANAGEMENT
ADVISORY COUNCIL
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September 23, 2025

Oklahoma City, Oklahoma

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