

MINUTES
WATER QUALITY MANAGEMENT ADVISORY COUNCIL
September 24, 2024
Oklahoma Department of Environmental Quality
Multipurpose Room
Oklahoma City, Oklahoma

Official WQMAC

Approved at the January 7, 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 31, 2023. 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

Ron Jarman
Eric Lee
Mark Matheson
Andrew Pawlisz
Kenneth Schwab
Bill Smith
Steve Sowers
Debbie Wells
Brian Duzan

MEMBERS ABSENT

Mary Mach
Rick Moore

DEQ STAFF PRESENT

Shellie Chard
Karen Steele
Brian Clagg
Rob Singletary
Chris Robinson
Michelle Wynn
Luke Mills
Othman Shahin
Mark Stasyszen
Susan Mensik
George Russell
Lynzie Chan
Steven Thibodeau
Greg Carr
Lloyd Kirk
Kylen Huffman
April Eberle
Quiana Fields

OTHERS PRESENT

Jenny Longley, Court Reporter

MESSAGE FROM EXECUTIVE DIRECTOR – Mr. Rob Singletary, Executive Director of the DEQ, welcomed the Council in his new role as Executive Director.

See transcript pages 3 - 4

Mr. Duzan welcomed new Council member, Mr. Andrew Pawlisz to the WQMAC.

See transcript page 4

Approval of Minutes from the April 30, 2024 Meeting – Mr. Duzan called for a motion to approve the April 30, 2024 minutes, Mr. Lee moved to approve and Dr. Jarman made the second.

See transcript pages 4-5

Ron Jarman	Yes	Bill Smith	Yes
Eric Lee	Yes	Steve Sowers	Yes
Mark Matheson	Abstain	Debbie Wells	Yes
Andrew Pawlisz	Abstain	Brian Duzan	Yes
Kenneth Schwab	Yes		

COUNCIL MEETING SCHEDULE FOR CALENDAR YEAR 2025 – Mr. Duzan called for a motion to approve the 2025 Council dates: January 7, April 22, July 22, September 23 and December 2. Mr. Sowers moved to approve and Mr. Smith made the second.

See transcript pages 5 - 7

Ron Jarman	Yes	Bill Smith	Yes
Eric Lee	Yes	Steve Sowers	Yes
Mark Matheson	Yes	Debbie Wells	Yes
Andrew Pawlisz	Yes	Brian Duzan	Yes
Kenneth Schwab	Yes		

DISCUSSION OF PERMANENT RULEMAKING FOR THE JANUARY 2025 WQMAC MEETING:

A. OAC 252:305 – LABORATORY SERVICES – Ms. Susan Mensik, Environmental Programs Manager of the SELS, stated that the DEQ staff will be proposing to revoke OAC 252:305 and replace it with a new chapter, OAC 252:306. The proposed new chapter will: include content changes for consistency with other department rules; update information currently in Chapter 305; better define the services provided by SELS and allow adaptability for future laboratory services updates without requiring annual rulemaking. There were questions by the Council and none by the public.

See transcript pages 7 - 13

B. 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 12, 2023 to July 8, 2024.

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.

The second regulatory change, effective on June 17, 2024, consisted of EPA finalizing changes to its test procedures required to be used by industries and municipalities when analyzing the chemical, physical and biological properties of wastewater and other samples for reporting under the EPA's National Pollutant Discharge Elimination System permit program. This provides timelier access to new measurement techniques and greater flexibility in the selection of

analytical methods, thereby reducing monitoring costs while maintaining public health protection.

A third regulatory change was the Steam Electric Power Generating Effluent Guidelines final rule which became effective July 8, 2024. This rule revises the technology-based effluent limitation guidelines and standards for the steam electric power generating point source category applicable to flue gas desulfurization (FGD) wastewater, bottom ash transport water, legacy wastewater at existing sources and combustion residual leachate at new and existing sources.

Lastly, EPA designated two per- and polyfluoroalkyl substances -perfluorooctanoic acid (“PFOA”) and perfluorooctanesulfonic acid (“PFOS”), including their salts and structural isomers, as hazardous substances under section 102(a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). As a result of designation, CERCLA and EPCRA reporting requirements apply to releases of PFOA or PFOS or their salts and structural isomers. This rule became effective July 8, 2024. There were questions by the Council and none by the public.

See transcript pages 13 - 18

C. OAC 252:631 – PUBLIC WATER SUPPLY OPERATION – Mr. Clagg stated that the DEQ staff will be proposing to: update the rule concerning the date of incorporation by reference of certain federal regulations from August 17, 2022, to July 1, 2024 or possibly a later date pending expected regulatory action by EPA regarding the Lead and Copper Rule Improvements (LCRI); correct grammatical error; remove references to Fecal Coliform and replace, where appropriate, with *E. coli*; update laboratory emergency notification requirements to match Tier 1 public notice (PN) requirements in the C.F.R.; update validation of data requirements for sampling procedures to match the intent of the C.F.R.; update Consumer Confidence Reports (CCR) delivery requirements to match the CCR requirements in the C.F.R.; remove total chlorine residual testing requirements for systems that use free chlorine and update public water supply (PWS) immediate notification requirements to match Tier 1 PN requirements in the C.F.R. and to account for physical and cybersecurity concerns. There were questions by the Council and none by the public.

See transcript pages 18 - 25

D. OAC 252:710 – WATERWORKS AND WASTEWATER WORKS OPERATOR CERTIFICATION – Mr. Clagg stated that the DEQ staff is proposing updates to this rule. The proposed updates correct grammatical errors; clarify that operator experience means licensed experience; allow approval of virtual classes that are less than 4 hours; require attendance records to be submitted in a DEQ-approved format; cite military exception statute for renewals; rename registered helper to non-certified helper; change CPI from every five years to annually; allow DEQ to determine if a Non-community and minor systems need an operator; clarify approved equivalents and fixes footnotes in Appendices A & B. There were questions by the Council and none by the public.

See transcript pages 25 - 32

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

See transcript pages 32 - 46

NEW BUSINESS – None

ANNOUNCEMENTS – The next scheduled meeting is on Tuesday, January 7, 2025, 2:00p.m. at DEQ.

ADJOURNMENT – Mr. Duzan called for a motion to adjourn. Mr. Smith moved to adjourn and Mr. Sowers made the second. The meeting was adjourned at 3:00 p.m.

See transcript page 46 – 47

Ron Jarman	Yes	Kenneth Schwab	Yes
Mary Mach	Yes	Bill Smith	Yes
Mark Matheson	Yes	Duane Winegardner	Yes
Rick Moore	Yes	Brian Duzan	Yes

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

<p>Page 1</p> <p>1 REGULAR MEETING</p> <p>2 DEPARTMENT OF ENVIRONMENTAL QUALITY</p> <p>3 WATER QUALITY MANAGEMENT ADVISORY COUNCIL</p> <p>4 ON SEPTEMBER 24, 2024 AT 2:00 PM</p> <p>5</p> <p>6</p> <p>7 MEMBERS PRESENT</p> <p>8 Ron Jarman</p> <p>9 Eric Lee</p> <p>10 Mark Matheson</p> <p>11 Steve Sowers</p> <p>12 Debbie Wells</p> <p>13 Bill Willard Smith</p> <p>14 Andrew Pawlisz</p> <p>15 Brian Duzan</p> <p>16 Kenneth Schwab</p> <p>17</p> <p>18 MEMBERS ABSENT</p> <p>19 Mary Mach</p> <p>20 Rick Moore</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 REPORTED BY: Jenny Longley, CSR</p>	<p>Page 3</p> <p>1 MR. MATHESON: Here.</p> <p>2 MS. FIELDS: Dr. Moore is absent.</p> <p>3 Mr. Pawlisz?</p> <p>4 MR. PAWLISZ: Present.</p> <p>5 MS. FIELDS: Mr. Schwab?</p> <p>6 MR. SCHWAB: Here.</p> <p>7 MS. FIELDS: Mr. Smith?</p> <p>8 MR. SMITH: Here.</p> <p>9 MS. FIELDS: Mr. Sowers?</p> <p>10 MR. SOWERS: Here.</p> <p>11 MS. FIELDS: Ms. Wells?</p> <p>12 MS. WELLS: Here.</p> <p>13 MS. FIELDS: Mr. Duzan?</p> <p>14 MR. DUZAN: Here.</p> <p>15 MS. FIELDS: We have a quorum.</p> <p>16 MR. DUZAN: Okay. The next thing is we</p> <p>17 have a message from the Executive Director, Mr. Rob</p> <p>18 Singletary.</p> <p>19 MR. SINGLETARY: Good morning. I didn't</p> <p>20 know you had a message from me, but a greeting, just</p> <p>21 wanted to say hello to you all. I know there's a</p> <p>22 lot of familiar faces and familiar eyes peeking out</p> <p>23 behind masks, but I'm kind of new to this position</p> <p>24 and I don't think you guys have had a council</p> <p>25 meeting since I've been in this position.</p>
<p>Page 2</p> <p>1 PROCEEDINGS</p> <p>2 MR. DUZAN: Okay. This regular meeting of</p> <p>3 the Water Quality Management Advisory Council was</p> <p>4 called in accordance with the Open Meeting Act.</p> <p>5 Notice for this September 24, 2024</p> <p>6 Regular Meeting was filed with the Secretary of</p> <p>7 State on October 31, 2023. The Agenda was duly</p> <p>8 posted at DEQ at least 24 hours prior to the</p> <p>9 meeting.</p> <p>10 Only matters appearing on the posted</p> <p>11 Agenda may be considered at this regular meeting.</p> <p>12 In the event that this meeting is continued or</p> <p>13 reconvened, public notice of the date, time, and</p> <p>14 place of the continued meeting will be given by</p> <p>15 announcement at this meeting. Only matters</p> <p>16 appearing on the Agenda of a meeting that is</p> <p>17 continued may be discussed at the continued or</p> <p>18 reconvened meeting.</p> <p>19 So we'll have a roll call.</p> <p>20 MS. FIELDS: Dr. Jarman?</p> <p>21 DR. JARMAN: Here.</p> <p>22 MS. FIELDS: Mr. Lee?</p> <p>23 MR. LEE: Here.</p> <p>24 MS. FIELDS: Ms. Mach is absent.</p> <p>25 Mr. Matheson?</p>	<p>Page 4</p> <p>1 So I just wanted to come down and say</p> <p>2 howdy to y'all and how much we appreciate everything</p> <p>3 you all do to help the agency function the way it</p> <p>4 is, we really do appreciate that. But welcome and</p> <p>5 thank you.</p> <p>6 MR. DUZAN: Thank you, sir. They just put</p> <p>7 it on the list and I read it all, so --</p> <p>8 MR. SINGLETARY: Sounds good.</p> <p>9 MR. DUZAN: I think we do have some new</p> <p>10 members this time, if they want to make their</p> <p>11 introduction.</p> <p>12 MR. PAWLISZ: Thank you. My name is</p> <p>13 Andrew Pawlisz, I'm a board-certified toxicologist</p> <p>14 with various background, hoping to contribute to the</p> <p>15 council, and I am representing the Environmental</p> <p>16 Federation of Oklahoma. Thank you.</p> <p>17 MR. DUZAN: Thank you, sir. Glad to have</p> <p>18 you.</p> <p>19 I guess we'll move on to the approval</p> <p>20 of minutes from our last meeting, which was actually</p> <p>21 the April 30, 2024 meeting. Do we have any</p> <p>22 discussion or notes?</p> <p>23 MR. LEE: Mr. Chair, I'll make a motion to</p> <p>24 approve the minutes.</p> <p>25 DR. JARMAN: Second.</p>

<p>Page 5</p> <p>1 MR. DUZAN: We have a motion and a second, 2 we'll have a vote.</p> <p>3 MS. FIELDS: Dr. Jarman? 4 DR. JARMAN: Yes.</p> <p>5 MS. FIELDS: Mr. Lee? 6 MR. LEE: Yes.</p> <p>7 MS. FIELDS: Mr. Matheson? 8 MR. MATHESON: Abstain.</p> <p>9 MS. FIELDS: Mr. Pawlisz? 10 MR. PAWLISZ: Abstain.</p> <p>11 MS. FIELDS: Mr. Schwab? 12 MR. SCHWAB: Yes.</p> <p>13 MS. FIELDS: Mr. Smith? 14 MR. SMITH: Yes.</p> <p>15 MS. FIELDS: Mr. Sowers? 16 MR. SOWERS: Yes.</p> <p>17 MS. FIELDS: Ms. Wells? 18 MS. WELLS: Yes.</p> <p>19 MS. FIELDS: Mr. Duzan? 20 MR. DUZAN: Yes.</p> <p>21 MS. FIELDS: Motion passed. 22 MR. DUZAN: Okay. We're going to move on 23 to the schedule for the meetings for next year, 24 which are all posted there. And you'll notice 25 there's five this time, that has to do with the</p>	<p>Page 7</p> <p>1 MS. FIELDS: Mr. Sowers? 2 MR. SOWERS: Yes.</p> <p>3 MS. FIELDS: Ms. Wells? 4 MS. WELLS: Yes.</p> <p>5 MS. FIELDS: Mr. Duzan? 6 MR. DUZAN: Yes.</p> <p>7 MS. FIELDS: Motion passed. 8 MR. DUZAN: Okay. Now we're going to move 9 on to Number 6, which is Discussion of Permanent 10 Rulemaking for the January 2025 WQMAC Meeting, OAC 11 252:305 "Laboratory Services", and I think we have a 12 proposal from Susan Mensik.</p> <p>13 MS. MENSİK: Good afternoon, everybody. 14 Thank you for joining us today. I am Susan Mensik 15 from the Department's State Environmental Laboratory 16 Services Division, and I'm going to be discussing 17 proposed rulemaking for OAC 252:305, which is 18 "Laboratory Services". This chapter provides an 19 overview of the services and the associated fees 20 offered by the State Environmental Laboratory or the 21 SELS. The purpose for this proposed rulemaking is 22 to revoke the outdated Chapter 305 rule and replace 23 it with a new rule, Chapter 306, which would be 24 titled "State Environmental Laboratory Services". 25 Currently, all nine sections of Chapter 305 and its</p>
<p>Page 6</p> <p>1 change in the legislative schedule so that next 2 year, we'll have to get our stuff voted on in 3 December instead of January. So next year we'll 4 have five, and then the following year we will 5 probably go back to four and the January one will be 6 canceled or not scheduled.</p> <p>7 So does anybody have any thoughts or 8 discussion or -- with the dates? Hearing none, I'll 9 entertain a motion for approval.</p> <p>10 MR. SOWERS: I make a motion. 11 MR. SMITH: I move, or second.</p> <p>12 MR. DUZAN: We have a motion and a second, 13 we'll have a vote.</p> <p>14 MS. FIELDS: Dr. Jarman? 15 DR. JARMAN: Yes.</p> <p>16 MS. FIELDS: Mr. Lee? 17 MR. LEE: Yes.</p> <p>18 MS. FIELDS: Mr. Matheson? 19 MR. MATHESON: Yes.</p> <p>20 MS. FIELDS: Mr. Pawlisz? 21 MR. PAWLISZ: Yes.</p> <p>22 MS. FIELDS: Mr. Schwab? 23 MR. SCHWAB: Yes.</p> <p>24 MS. FIELDS: Mr. Smith? 25 MR. SMITH: Yes.</p>	<p>Page 8</p> <p>1 two appendices detailing the dozens of laboratory 2 services and fees all require updates to make the 3 rule language current and to accurately reflect 4 services that the division provides.</p> <p>5 In 305, Subchapter 1, the stated 6 purpose and basis for the laboratory services are 7 inadequately stated and they don't reflect the 8 status of the State Environmental Laboratory as an 9 independent division of the Department. The Terms 10 and Definitions Subchapters 1-4 and 1-6 need to be 11 expanded. For Laboratory Services, Subchapter 1-7 12 requires clarification to accurately reflect 13 appropriate statutory references and it needs 14 updates to our laboratory testing technologies, the 15 services that we currently provide, the inclusion of 16 non-analytical laboratory services, and the types of 17 entities to which services are provided. The 18 outdated Quality Assurance and Quality Control 19 Subchapter 1-8 needs to be updated to reflect the 20 laboratory's current Quality System and its 21 implementation and maintenance plans. The Fees and 22 Pricing Subchapter 1-11, which allows for annual CPI 23 adjustments, also needs significant updates to 24 outdated cost structures and fee assessments. We 25 have two appendices in the current rule, A and B,</p>

<p>1 which are inaccurate and they will be consolidated 2 and updated into the new rule. 3 Due to the extensive changes needed 4 for Rule 305, we've decided that revoking it in its 5 entirety and replacing it with the new Rule 306 6 would be the most efficient way to update this rule. 7 The Office of Administrative Rules has already 8 approved Chapter 306 as a replacement for 305. As 9 part of the new Chapter 306, the SELS is developing 10 a more sustainable process for updating and 11 assessing the many laboratory services and 12 associated prices by introducing a single Lab 13 Services Fee Schedule appendix in the new 306 that 14 could be periodically evaluated and updated as 15 necessary on the Department's Rules web page. This 16 will streamline the ability of the SELS to provide 17 more timely service and fee updates to our public 18 and private entities to accommodate changing 19 regulatory requirements, laboratory operations, and 20 customer needs. 21 And lastly, I would like to note 22 that, as we've done with past rulemaking, we plan on 23 holding two informal public rule meetings, one is 24 going to be in Oklahoma City and one in Tulsa, to 25 discuss the proposed rules and answer questions from</p>	<p>Page 9</p> <p>1 does that then need approval of this advisory board? 2 Does it go through the same process or is that 3 something that's just updated internally or how does 4 that work? 5 MS. MENSİK: For this set of rulemaking, 6 what we'll be doing is revising the entire, creating 7 a new rule, we'll create a new appendix which will 8 be current at that time, which will have our current 9 services and our current fees. And so that will be 10 posted and published in the rule if it's recommended 11 for approval and approved by the board. 12 MR. LEE: How often would that appendix be 13 reviewed and updated? Is that annually or as 14 needed? 15 MS. MENSİK: That's one of the things that 16 we're trying to work with for rulemaking. I think 17 one of the struggles that our division has had with 18 rulemaking is the fact that it would require an 19 annual rulemaking process, which is really pretty 20 inefficient for our division and for the Agency and 21 for the Council, as well; so we're going to write 22 some language into our new rule to kind of give us a 23 little flexibility. 24 What we would like to do is publish 25 services and fees in the rule and then we could</p> <p>Page 11</p>
<p>1 the public. The meeting in Tulsa is going to be the 2 afternoon of November the 7th at the Centennial 3 Center in Veterans Park, which is going to begin at 4 1:00, and the Oklahoma City meeting will be here at 5 the DEQ offices and will start at 9:00 a.m. on 6 Wednesday, November the 13th. We will put out 7 flyers in October to announce these meetings and we 8 will need to coordinate our council members' 9 attendance to make sure we don't form a quorum. 10 And this concludes my comments for 11 Chapter 305. 12 MR. DUZAN: Okay. Any questions or 13 comments from the Council? 14 MR. LEE: Yes, Mr. Chair. 15 Just out of curiosity, how far off is 16 the fee schedule from actual costs? 17 MS. MENSİK: The published fee schedule is 18 probably -- I would have to go back and do a 19 comparison, but it's significantly outdated. 20 MR. DUZAN: So the fees are going down? 21 MS. MENSİK: Well, its potential -- you 22 know, there may be some fees that could potentially 23 go down, but probably not the published fees since 24 they are quite outdated. 25 MR. LEE: So Mr. Chair, as an appendix</p> <p>Page 10</p>	<p>1 update that appendix by placing an updated version 2 on the DEQ rules web page and also on our laboratory 3 -- our laboratory web page. And so it may be a 4 discussion that we have to have that we have to 5 write that language into the new rule to ensure that 6 that would meet with board -- I mean Council 7 approval. 8 So we're still working on some of 9 those ideas, and so if you have ideas and you want 10 to participate in some of the informal rulemaking 11 discussions we would welcome that, but we are kind 12 of working on that type of language to kind of make 13 it less cumbersome for everybody involved because we 14 have dozens and dozens of fees. 15 MR. DUZAN: Go ahead. 16 MS. CHARD: Mr. Chair, I would just add 17 the actual rulemaking itself is what will set the 18 fees, but we do have the ability to do CPI 19 increases. Those do not require rulemaking action 20 by this body or by the Environmental Quality Board, 21 and in the case where we do the CPI, then we update 22 and post on our website what the fee plus the CPI 23 equals rather than doing that full rulemaking every 24 year for CPI. I think that's kind of what you were 25 trying to get at.</p> <p>Page 12</p>

<p>1 MR. LEE: Thank you.</p> <p>2 MS. MENSİK: Thank you, Shellie. Yes,</p> <p>3 that is the case.</p> <p>4 MR. DUZAN: Okay. Any other questions or</p> <p>5 comments from the Council? Do we have any questions</p> <p>6 or comments from the audience?</p> <p>7 Okay. Thank you very much.</p> <p>8 MS. MENSİK: Thank you. Thank you,</p> <p>9 Shellie.</p> <p>10 MR. DUZAN: Now we're going to move on to</p> <p>11 the next item, which is 252:606, the OPDES</p> <p>12 Standards, and we have a presentation from Brian</p> <p>13 Clagg.</p> <p>14 MR. CLAGG: Yes, I'll be discussing</p> <p>15 rulemaking for Chapter 606, which is the "Oklahoma</p> <p>16 Pollutant Discharge Elimination System Standards".</p> <p>17 We are proposing an update of the federal rules</p> <p>18 incorporated by reference from July the 12th, 2023,</p> <p>19 which is currently in the reg, to July 8, 2024.</p> <p>20 The first regulatory change was the</p> <p>21 Clean Water Act Section 401 Water Quality</p> <p>22 Certification Improvement Rule that became effective</p> <p>23 on November the 27th, 2023. The purpose of the</p> <p>24 final rule was to provide stakeholders with a clear</p> <p>25 and consistent certification process while ensuring</p>	<p>Page 13</p> <p>1 per-and-polyfluoroalkyl substances,</p> <p>2 perfluorooctanoic acid ("PFOA") and</p> <p>3 perfluorooctanesulfonic acid ("PFOS"), including</p> <p>4 their salts and structural isomers, as hazardous</p> <p>5 substances under Section 102(a) of the Comprehensive</p> <p>6 Environmental Response, Compensation, and Liability</p> <p>7 Act ("CERCLA"). As a result of designation, CERCLA</p> <p>8 and EPCRA reporting requirements apply to releases</p> <p>9 of PFOA or PFOS or their salts and structural</p> <p>10 isomers. This rule became effective July 8, 2024.</p> <p>11 Those are the changes that we are</p> <p>12 proposing to update by reference for Chapter 606.</p> <p>13 MR. DUZAN: Okay. Thank you, sir.</p> <p>14 Any questions or comments from the</p> <p>15 Council?</p> <p>16 DR. JARMAN: I have a quick question,</p> <p>17 Brian.</p> <p>18 MR. CLAGG: Yeah.</p> <p>19 DR. JARMAN: On the 401 certification,</p> <p>20 there's a lot of documentation that backs up the</p> <p>21 methods used. Is there anything in the federal law</p> <p>22 that's going to require a modification of that</p> <p>23 system?</p> <p>24 MR. CLAGG: I know the intent of the rule</p> <p>25 was to streamline and make things a lot clearer,</p>
<p>1 protection of vital state, territory, and Tribal</p> <p>2 water resources.</p> <p>3 The second regulatory change, which</p> <p>4 was effective on June 17, 2024, consisted of EPA</p> <p>5 finalizing changes to its test procedures required</p> <p>6 to be used by industries and municipalities when</p> <p>7 analyzing the chemical, physical, and biological</p> <p>8 properties of wastewater and other samples for</p> <p>9 reporting under the EPA's National Pollutant</p> <p>10 Discharge Elimination System permit program. This</p> <p>11 provides timelier access to new measurement</p> <p>12 techniques and greater flexibility in the selection</p> <p>13 of analytical methods, thereby reducing monitoring</p> <p>14 costs while maintaining public health protection.</p> <p>15 A third regulatory change was the</p> <p>16 Steam Electric Power Generating Effluent Guidelines</p> <p>17 final rule which became effective on July the 8th,</p> <p>18 2024. This rule revises the technology-based</p> <p>19 Effluent Limitations Guidelines and Standards for</p> <p>20 the Steam Electric Power Generating Point Source</p> <p>21 Category applicable to flue gas desulfurization</p> <p>22 wastewater, bottom ash transport water, legacy</p> <p>23 wastewater at existing sources, and combustion</p> <p>24 residual leachate at new and existing sources.</p> <p>25 Lastly, EPA designated two</p>	<p>Page 14</p> <p>1 clear up some areas that were kind of confusing and</p> <p>2 stuff. I'm not an expert on the 401 certifications</p> <p>3 in that, but I would say that, you know, a lot of</p> <p>4 effort was put in to streamline things and make</p> <p>5 things move a little faster on that, as well, but</p> <p>6 Shellie may have a comment, so --</p> <p>7 MS. CHARD: Dr. Jarman, I would say as the</p> <p>8 rule so far, of course, we haven't been implementing</p> <p>9 a lot of this yet, but it should not change what is</p> <p>10 submitted or what is required. It's more associated</p> <p>11 with timelines for review, for determining</p> <p>12 completeness, and getting the certification issued</p> <p>13 as opposed to changing what must be submitted or</p> <p>14 considered.</p> <p>15 DR. JARMAN: I guess that's my concern is</p> <p>16 if it increases the time for certification on a</p> <p>17 federal permit.</p> <p>18 MS. CHARD: It's designed to shorten the</p> <p>19 timeframes; honestly, I'm not sure how much of an</p> <p>20 impact it will have in Oklahoma. We have not used</p> <p>21 the 401 certification to be a roadblock, but it's</p> <p>22 been done in some -- we'll say Pacific Northwest</p> <p>23 part of the country. So I don't suspect we'll see a</p> <p>24 whole lot of change here, but the goal is definitely</p> <p>25 to shorten the process, not lengthen.</p>

<p>1 MR. CLAGG: Now, I believe the year was --</p> <p>2 a year is the statutory maximum on that, but they</p> <p>3 have shortened it to six months. If the certifying</p> <p>4 agency and the feds don't agree, then the default is</p> <p>5 six months. I think that's the intention, is kind</p> <p>6 of speed that up.</p> <p>7 DR. JARMAN: Okay.</p> <p>8 MR. SMITH: Brian, I have one question.</p> <p>9 You're just looking at changing the references, not</p> <p>10 the language in that section --</p> <p>11 MR. CLAGG: Exactly, yeah. That's exactly</p> <p>12 --</p> <p>13 MR. SMITH: We don't have to go through</p> <p>14 all of the stuff that we did last year?</p> <p>15 MR. CLAGG: No. No, not here, not today.</p> <p>16 MR. DUZAN: Okay. The question I have is</p> <p>17 on the last one, your PFOS, the structural isomers,</p> <p>18 that narrows down that list to a couple thousand</p> <p>19 compounds. Could be an issue eventually, just --</p> <p>20 not that there's probably an answer to that, but --</p> <p>21 MR. CLAGG: Okay.</p> <p>22 MR. DUZAN: Any other questions or</p> <p>23 comments from the council?</p> <p>24 MR. PAWLISZ: Just one comment,</p> <p>25 Mr. Chairman, this is Andrew Pawlisz. So on there,</p>	<p>Page 17</p> <p>1 regulations being incorporated. The current</p> <p>2 incorporation by reference date is August the 17th,</p> <p>3 2022. DEQ staff propose changing the incorporation</p> <p>4 date to July 1, 2024, or a later date, depending on</p> <p>5 future rulemaking action by EPA. Changing the date</p> <p>6 to at least July the 1st, 2024, will give DEQ the</p> <p>7 ability to implement several new Safe Drinking Water</p> <p>8 Act Rules made effective this year, including the</p> <p>9 recent changes to the Consumer Confidence Report</p> <p>10 Rule and the finalized Per-and-Polyfluoroalkyl</p> <p>11 Substances Rule. These new rules represent</p> <p>12 significant federal rulemaking activities that DEQ</p> <p>13 must adopt in its state regulations to retain</p> <p>14 primacy in regulating drinking water in Oklahoma.</p> <p>15 Now, while the July 1, 2024 date</p> <p>16 would capture the two previously mentioned new</p> <p>17 drinking water rules, we anticipate that the final</p> <p>18 incorporation by reference date will be in October</p> <p>19 of this year. This is because EPA has broadcasted</p> <p>20 that it will finalize an additional rule, the Lead</p> <p>21 and Copper Rule Improvements Rule, ahead of the</p> <p>22 LCRR's compliance date of October the 16th, 2024.</p> <p>23 Regarding the removal and replacement</p> <p>24 of Fecal Coliform testing with E. coli testing,</p> <p>25 where appropriate, the proposed changes reflect</p>
<p>Page 18</p> <p>1 the PFOA and PFOS, I think the industry in --</p> <p>2 especially in the PFAS space, indicating the parent</p> <p>3 compounds are easily understood and analyzed for,</p> <p>4 but the whole concept with the salt and structural</p> <p>5 isomers is something that everyone struggles with.</p> <p>6 It really essentially boils down to what you're</p> <p>7 actually measuring.</p> <p>8 So whilst it might be complicated to</p> <p>9 grasp your mind around it, I think from the</p> <p>10 practical perspective is what the method actually</p> <p>11 measures. So you wouldn't go beyond that, if that</p> <p>12 makes sense.</p> <p>13 MR. DUZAN: Okay. Any other questions or</p> <p>14 comments from the Council? Questions or comments</p> <p>15 from the public?</p> <p>16 Okay. We'll move on to 252:631,</p> <p>17 "Public Water Supply Operation". Brian?</p> <p>18 MR. CLAGG: Okay. The proposed updates to</p> <p>19 Chapter 631 are necessary for DEQ to retain primacy</p> <p>20 for enforcing Safe Drinking Water Act requirements,</p> <p>21 to better align state regulation with new and</p> <p>22 existing federal regulations, and to both simplify</p> <p>23 and improve public water supply system operations</p> <p>24 and incident reporting.</p> <p>25 Let's begin with the federal</p>	<p>Page 20</p> <p>1 current drinking water testing and reporting</p> <p>2 requirements. Currently, Fecal Coliform testing is</p> <p>3 referenced four times in Chapter 631. Replacing</p> <p>4 Fecal Coliform testing with E. coli testing will</p> <p>5 ensure that DEQ's rules are aligned with current</p> <p>6 testing and monitoring standards.</p> <p>7 Regarding the laboratory emergency</p> <p>8 notification requirements, DEQ staff is proposing</p> <p>9 changes to better match laboratory reporting</p> <p>10 requirement to both new and existing Tier 1 Public</p> <p>11 Notification requirements for PWS systems in the</p> <p>12 CFR. These Tier 1 Public Notification requirements</p> <p>13 include lead action level exceedances and nitrate</p> <p>14 MCL violations. If a PWS system triggers a Tier 1</p> <p>15 Public Notification, they must notify their</p> <p>16 customers within 24 hours; however, the current</p> <p>17 regulation in Chapter 631 only specifies that E.</p> <p>18 coli positive samples must be reported immediately</p> <p>19 by laboratories to DEQ. Earlier notification of</p> <p>20 lead action level exceedances and nitrate MCL</p> <p>21 violations by laboratories will enable DEQ to better</p> <p>22 assist the affected PWS systems in meeting their</p> <p>23 Public Notification requirements and addressing</p> <p>24 potential public health risks more swiftly.</p> <p>25 Regarding the proposed updates</p>

<p>Page 21</p> <p>1 clarifying the validation of water sampling data, 2 the goal is to ensure that the water being sampled 3 represents the quality of water in the distribution 4 system during typical, day-to-day operations. 5 Sampling during unusual or non-representative 6 conditions can give misleading results. For 7 example, if a disinfection byproduct sample is 8 collected from a chloraminated system during a 9 temporary free chlorine conversion, it would not 10 accurately reflect normal water quality and would 11 give a misleadingly high result. Similarly, some 12 PWS systems might attempt to a mask DBP issue by 13 excessively flushing lines just before taking a 14 sample. The proposed changes will discourage these 15 practices and ensure that sampling reflects the true 16 state of the water being delivered to customers on a 17 daily basis.</p> <p>18 Regarding the changes to CCR delivery 19 requirements, the proposed change will align Chapter 20 631 with the new federal CCR Rule. Under this new 21 rule, large PWS systems will be required to produce 22 and deliver Consumer Confidence Reports twice a year 23 instead of just once annually, which was the 24 previous requirement for all systems, regardless of 25 size, and which is specified in the Chapter 631</p>	<p>Page 23</p> <p>1 to the FBI or Cybersecurity and Infrastructure 2 Security Agency, but these agencies are not 3 well-positioned to assist the affected PWS system in 4 determining the threat to public health these 5 incidents present; however, DEQ personnel are and 6 can help the PWS system in determining the 7 corrective actions necessary, if any, to protect 8 public health.</p> <p>9 Lastly, these updates represent 10 important steps toward aligning Oklahoma's drinking 11 water regulations with current federal standards and 12 best operational practices. By making these 13 changes, DEQ can ensure that our state remains in 14 compliance with EPA rules, retains authority to 15 enforce those rules, and continues to protect public 16 health through effective regulation and monitoring 17 of PWS systems.</p> <p>18 That concludes my remarks on 631.</p> <p>19 MR. DUZAN: Thank you, sir.</p> <p>20 Questions or comments from the 21 Council?</p> <p>22 MR. SMITH: Brian, you helped clarify 23 something that was written. So assuming that EPA 24 does pass their rule October 16th, I think you said, 25 and we have haven't acted on it -- or, WQMAC hasn't</p>
<p>Page 22</p> <p>1 regulation currently. The proposed changes will 2 help keep Chapter 631 requirements in line with the 3 new federal rule.</p> <p>4 Regarding the proposed change for 5 disinfectant residual testing for PWS systems that 6 use free chlorine, currently, these systems are 7 required to test for both free chlorine and total 8 chlorine; however, testing for total chlorine in 9 these systems isn't particularly useful and this 10 extra testing is not a requirement found in the CFR. 11 Therefore, DEQ staff is proposing removing the total 12 chlorine testing requirement for free chlorine 13 systems, which will reduce confusion and streamline 14 the testing process for operators.</p> <p>15 Regarding the proposed changes to PWS 16 system immediate notification requirements to DEQ, 17 the inclusion of lead action level exceedances, acts 18 or threats of physical attacks, and acts or threats 19 of cybersecurity attacks, as events requiring 20 immediate notification to DEQ, will better align 21 Chapter 631 requirements with new federal rules, 22 including the LCRR and the proposed LCRI, and will 23 help DEQ better assist public water supply systems 24 in responding to security incidents. PWS systems 25 are already required to report cybersecurity attacks</p>	<p>Page 24</p> <p>1 acted on it, then it will be incorporated; if they 2 have not, then you would use the July 1st date?</p> <p>3 MR. CLAGG: Right. We have the --</p> <p>4 MR. SMITH: That last language, "or 5 possibly a later date" in there, you don't want to 6 put that in a -- you know, as a -- that's for 7 information, but you need to have specific dates in 8 there so everybody's clear.</p> <p>9 MR. CLAGG: Right, right. And so that 10 would be that October date if that happens is what 11 we're saying, so yep.</p> <p>12 MR. SMITH: Yeah.</p> <p>13 MS. CHARD: Mr. Smith, when we do the 14 final rule text that will come before the Council 15 for a vote, it will have the actual date. EPA had 16 told us it would be out early, we kept waiting and 17 waiting.</p> <p>18 So we wanted to be sure that we 19 included that, we wanted you to be aware of it and 20 know that it will either be the July date -- the 21 July 1 or whatever that October date is, which, 22 theoretically, it could go up until maybe the end of 23 October before we would have to say we cannot get 24 that in all of the rulemaking documents.</p> <p>25 MR. SMITH: My point, yeah.</p>


<p>Page 25</p> <p>1 MR. DUZAN: Okay. Any other questions or</p> <p>2 comments from the Council?</p> <p>3 MR. LEE: So Brian, this is probably</p> <p>4 tongue-in-cheek, but you mentioned excessive</p> <p>5 flushing as an example. Is it possible that a</p> <p>6 system is already flushing quite a bit so that would</p> <p>7 be a normal operation for them?</p> <p>8 MR. CLAGG: Anything is possible.</p> <p>9 MR. LEE: Yeah.</p> <p>10 MS. CHARD: Mr. Lee, if in question we</p> <p>11 look at their flushing plan and if their flushing</p> <p>12 plan shows that they are flushing at a set rate and</p> <p>13 that's what we observe, then we assume that is their</p> <p>14 normal operation since that's what their plan says.</p> <p>15 However, if their plan says first day</p> <p>16 of the month and they're rigorously flushing the</p> <p>17 15th, 16th, 17th, 18th, and taking a sample on the</p> <p>18 19th, we may have some more questions.</p> <p>19 MR. DUZAN: Okay. Any other questions or</p> <p>20 comments from the Council? Any questions or</p> <p>21 comments from the public?</p> <p>22 Okay. We're going to move on to OAC</p> <p>23 252:710, "Waterworks and Wastewater Works Operator</p> <p>24 Certification". Brian?</p> <p>25 MR. CLAGG: Okay.</p>	<p>Page 27</p> <p>1 710 increases the frequency of CPI increases from</p> <p>2 every five years to every year.</p> <p>3 To ensure flexibility while upholding</p> <p>4 standards, proposed changes allow DEQ to better</p> <p>5 determine if non-community systems need a licensed</p> <p>6 operator.</p> <p>7 And, finally, these changes aim to</p> <p>8 provide clarity on using higher education as a</p> <p>9 substitute for experience or training when applying</p> <p>10 for certification. These substitutes, referred to</p> <p>11 as "approved equivalents", are currently unclear for</p> <p>12 operators applying for waterworks and wastewater</p> <p>13 works licensure.</p> <p>14 That concludes the comments on</p> <p>15 Chapter 710.</p> <p>16 MR. DUZAN: Thank you, sir.</p> <p>17 Questions or comments from the</p> <p>18 Council?</p> <p>19 MR. MATHESON: I have a question.</p> <p>20 Actually, a couple questions. One is on the</p> <p>21 attendance records, they need to meet DEQ's</p> <p>22 requirements, so are they going to continue using</p> <p>23 what we've been using or are they going to do</p> <p>24 something different?</p> <p>25 MR. CLAGG: Is Brandon --</p>
<p>Page 26</p> <p>1 Minor changes include correcting</p> <p>2 grammatical errors throughout this rule as well as</p> <p>3 proposed changes to the footnotes to the appendices</p> <p>4 that are more comprehensive and clarify what they</p> <p>5 are referencing.</p> <p>6 Other proposed changes entail clearly</p> <p>7 defining that operator experience refers to licensed</p> <p>8 experience. Proposed changes also allow for DEQ to</p> <p>9 approve virtual operator certification classes that</p> <p>10 are less than four hours. This offers operators</p> <p>11 better convenience and accessibility to classes.</p> <p>12 Proposed changes also require that</p> <p>13 attendance records for classes to be submitted in an</p> <p>14 established format. This aims to ensure accuracy</p> <p>15 and transparency.</p> <p>16 Another proposed update changes the</p> <p>17 term "registered helper" to "non-certified helper".</p> <p>18 This change fits with the industry standard.</p> <p>19 Proposed changes also recognize the</p> <p>20 valuable service of military personnel and recognize</p> <p>21 an exception for the renewal of their certifications</p> <p>22 while on duty, and that's based on 72 Oklahoma</p> <p>23 Statutes Paragraph 48, for "Extension and Renewal of</p> <p>24 Professional Licenses".</p> <p>25 Importantly, a key proposed change to</p>	<p>Page 28</p> <p>1 MR. TYLER: Yes.</p> <p>2 Hello, I'm Brandon Tyler, I'm the</p> <p>3 Manager of the Operator Certifications section. To</p> <p>4 clearly -- what this is actually going to is the</p> <p>5 virtual training classes. Because of how those are</p> <p>6 done a lot of the time, they don't have the ability</p> <p>7 to be there to get the attendance records --</p> <p>8 MR. MATHESON: Right.</p> <p>9 MR. TYLER: -- so it's working with the</p> <p>10 instructors to get them in a manner that we can</p> <p>11 record them. Right now, they'll send them in any</p> <p>12 which way they want to and it's kind of hard to get</p> <p>13 that all together.</p> <p>14 MR. MATHESON: Right. My next question</p> <p>15 was on the operator certification, currently the</p> <p>16 rule says to take a certification exam, you have to</p> <p>17 have a high school diploma. And you and I discussed</p> <p>18 that on the phone, I believe last year, about how</p> <p>19 could a person get experience without having a</p> <p>20 license. Is that going to be in the new rule or --</p> <p>21 MR. TYLER: It's -- that current part is</p> <p>22 still staying the same because a part of the</p> <p>23 approved equivalents is as a temporary helper or,</p> <p>24 under that, it is you need a high school diploma or</p> <p>25 experience. And so that temporary license allows</p>

<p>1 them to get experience out in the field and --</p> <p>2 MR. MATHESON: Okay. So they don't have</p> <p>3 to have the high school diploma to get the temporary</p> <p>4 license.</p> <p>5 MR. TYLER: Yes, that is correct.</p> <p>6 MR. MATHESON: All right. That's what I</p> <p>7 wanted to know. Thanks.</p> <p>8 MR. LEE: So how did we land on four hours</p> <p>9 for virtual classes?</p> <p>10 MR. MATHESON: Actually, the rule has</p> <p>11 always said a class had to be a minimum of four</p> <p>12 hours.</p> <p>13 MR. TYLER: Right. I believe that is</p> <p>14 because of the previous years that when someone</p> <p>15 renewed, everybody had to do four hours. That was</p> <p>16 before 2022, when the rules were updated for the ABC</p> <p>17 to have a different amount. And I think just for</p> <p>18 easier bookkeeping, that's a big assumption on my</p> <p>19 part, but that's why the classes were a minimum of</p> <p>20 four.</p> <p>21 MS. CHARD: I think it was just kind of a</p> <p>22 carryover of, well, renewal hours had to be four</p> <p>23 hours -- or, classes for four hours, so if this is a</p> <p>24 class, it must be four hours. Which is not very</p> <p>25 reasonable, very appropriate, times have changed; so</p>	<p>Page 29</p> <p>1 that there could be some knowledge about what you're</p> <p>2 considering on complexities, just for their</p> <p>3 knowledge? What I hate to see is somebody say,</p> <p>4 yeah, I require an operator, but it looks the same</p> <p>5 to me, this over here isn't. I realize you need the</p> <p>6 flexibility and that should be granted to DEQ, but</p> <p>7 if there's any way to kind of -- these are items</p> <p>8 that might be considered.</p> <p>9 MS. CHARD: We do have kind of an internal</p> <p>10 worksheet that if you meet this criteria, that</p> <p>11 criteria. And so I'm not sure if that is actually</p> <p>12 in one of the appendices or not, but we certainly</p> <p>13 can make that available on our website if it's not</p> <p>14 specified in the appendix.</p> <p>15 MR. SCHWAB: I would think it would be</p> <p>16 helpful, just for clarification purposes.</p> <p>17 MR. PAWLISZ: Same theme. So is it an</p> <p>18 exception to the rule that in your all's cases, the</p> <p>19 operator is not required or is it the opposite?</p> <p>20 MR. TYLER: For minor water systems and</p> <p>21 for non-community water systems, it's not required</p> <p>22 to have an operator.</p> <p>23 MR. DUZAN: Any other questions or</p> <p>24 comments from the Council? Okay. Questions or</p> <p>25 comments from the public?</p>
<p>Page 30</p> <p>1 it's time for that to get updated, as well.</p> <p>2 MR. LEE: Oh, I misread this. I misread</p> <p>3 it as only virtual classes that are less than four</p> <p>4 hours; that's not what you're saying?</p> <p>5 MR. TYLER: No, that is what that rule</p> <p>6 says actually right now, it's just the virtual</p> <p>7 classes --</p> <p>8 MR. LEE: I'm sorry, excuse me.</p> <p>9 MR. TYLER: Yeah.</p> <p>10 MR. LEE: And also, Brian, can you</p> <p>11 describe the situation where it says, "allow DEQ to</p> <p>12 determine if a non-community and minor systems needs</p> <p>13 an operator", can you provide an example of --</p> <p>14 MR. TYLER: Yeah. So a good example of</p> <p>15 that would be if you have a surface water -- if</p> <p>16 they're pulling from a surface water site or</p> <p>17 something like that, just where we would have the</p> <p>18 ability to use a complexity judgment - like we do on</p> <p>19 larger facilities - with our smaller facilities that</p> <p>20 may need an A or B license holder. That if they're</p> <p>21 pulling from a water source that may need some level</p> <p>22 to protect the public, to have that ability to say</p> <p>23 you need a licensed operator at that facility.</p> <p>24 MR. LEE: Okay.</p> <p>25 MR. SCHWAB: Is there any way with that</p>	<p>Page 32</p> <p>1 Okay. Thank you very much, guys.</p> <p>2 MR. TYLER: Thank you.</p> <p>3 MR. DUZAN: We're going to move on now to</p> <p>4 Number 7 on the list, the Director's Report, Shellie</p> <p>5 Chard.</p> <p>6 MS. CHARD: Good afternoon, everyone. I'm</p> <p>7 going to start out by turning things over to George</p> <p>8 Russell, he is the acting Laboratory Division</p> <p>9 Director.</p> <p>10 MR. RUSSELL: Thank you, Shellie. Hey,</p> <p>11 everybody. I've known some of y'all over the years,</p> <p>12 worked with you in different capacities, so it's</p> <p>13 good to be here again.</p> <p>14 So like Shellie mentioned, I was</p> <p>15 named the acting director about a month ago. So</p> <p>16 Jeff Franklin and Cody Danielson have resigned; so</p> <p>17 I've taken over leadership of the State</p> <p>18 Environmental Lab. And so with any kind of</p> <p>19 leadership change, there's some -- a little bit of</p> <p>20 turmoil there; so that's kind of my number-one goal</p> <p>21 right now.</p> <p>22 But for those of you that don't know</p> <p>23 me, I started in ECLS, I worked there for 12-ish</p> <p>24 years, started in Stillwater and then managed the</p> <p>25 minor water and the stormwater programs. I actually</p>

<p>Page 33</p> <p>1 brought the minor water rules to the council here.</p> <p>2 You guys didn't go too hard on me, so I appreciate</p> <p>3 it, back then. I'm not sure how -- Mr. Winegardner</p> <p>4 was the chair back then, so I'm sure some of y'all</p> <p>5 know him.</p> <p>6 But then I moved to Water Quality and</p> <p>7 had Shellee mentor me for the last few years as we</p> <p>8 worked on public water supply rules and something</p> <p>9 Brian just talked about, some of those changes.</p> <p>10 There's quite a few, as y'all know.</p> <p>11 And then now so I'm in the lab. So I</p> <p>12 think there's some work to do up there and I'm</p> <p>13 hoping to do my best, and I look forward to getting</p> <p>14 to work with y'all some more and seeing y'all. If</p> <p>15 you have any questions, I'm open to them, as well.</p> <p>16 MR. LEE: Congratulations.</p> <p>17 MR. RUSSELL: Thank you.</p> <p>18 MR. DUZAN: And I think Mr. Winegardner is</p> <p>19 in the back.</p> <p>20 MS. CHARD: Thank you, George.</p> <p>21 And as you might imagine, if the</p> <p>22 Water Quality Public Water Supply group manager is</p> <p>23 the acting laboratory director, that means a little</p> <p>24 bit of a hole for Water Quality. I have asked Mark</p> <p>25 Stasyszen - who is behind me, who some of you may</p>	<p>Page 35</p> <p>1 role. So those are kind of some big staffing things</p> <p>2 that Water Quality is going through right now.</p> <p>3 I do want to highlight for you some</p> <p>4 items in the DEQ strategic plan. There are three</p> <p>5 that apply to Water Quality, three of the ten. One</p> <p>6 of them is operator certification, doing</p> <p>7 modernization efforts of the data system which has</p> <p>8 stalled a couple of times, but now, with new</p> <p>9 leadership in place, we're making a lot of progress;</p> <p>10 so hopefully, we're a year away or less, we'll see.</p> <p>11 Another item in our strategic plan is</p> <p>12 getting the Water Quality Standards program fully</p> <p>13 functional. As you recall, the mountain of</p> <p>14 rulemaking that you have done the last year and a</p> <p>15 half related to the transfer of the Water Quality</p> <p>16 Standards programs from the Water Board to DEQ.</p> <p>17 We now have hired all of the</p> <p>18 positions that we were authorized. We have started</p> <p>19 that training process and we have hired some pretty</p> <p>20 impressive, young, smart people. They are going</p> <p>21 through looking at how to streamline some Water</p> <p>22 Quality Standards changes that kind of got stuck</p> <p>23 somewhere between the Water Board and EPA and</p> <p>24 getting that program transferred to us.</p> <p>25 So you will be seeing Water Quality</p>
<p>Page 34</p> <p>1 know - he is acting as the drinking water group</p> <p>2 manager while still wearing his drinking water field</p> <p>3 staff and engineering section.</p> <p>4 So we're asking Mark to do a little</p> <p>5 bit of double duty and relying on some of his senior</p> <p>6 staff as we go through this period of transition</p> <p>7 across the Agency. If you haven't worked with Mark,</p> <p>8 I'm sure you'll have the opportunity, particularly</p> <p>9 as we work on some of these new rules, but he is</p> <p>10 also great and I'm sure you'll find him very helpful</p> <p>11 to you, as well.</p> <p>12 We also have had a change due to</p> <p>13 retirement. We now have Steven Thibodeau - who I</p> <p>14 think is here, behind me somewhere - he has accepted</p> <p>15 a promotion into our cross-divisional water programs</p> <p>16 group overseeing all of our federal data systems,</p> <p>17 our construction permitting, and operator</p> <p>18 certification. So I'm sure you will be seeing him</p> <p>19 around, as well, and so we are very excited to have</p> <p>20 these changes and have some people in some new</p> <p>21 positions.</p> <p>22 We will be having a new public water</p> <p>23 supply compliance manager hopefully by the first of</p> <p>24 November - I don't know if we're going to make that,</p> <p>25 but I'm hoping - replacing Steven in his previous</p>	<p>Page 36</p> <p>1 Standards rulemaking maybe a year from now,</p> <p>2 certainly within two years, as we go through the</p> <p>3 first triennial review that's required for our Water</p> <p>4 Quality Standards. It will be significant because</p> <p>5 we are trying to pick up as many of those backlogged</p> <p>6 items as possible. So we're making good progress,</p> <p>7 but again, that's one of the key items in the DEQ</p> <p>8 strategic plan.</p> <p>9 The third item in the plan is setting</p> <p>10 up a standalone Drinking Water section that will</p> <p>11 focus on the Lead and Copper Rules. As you've</p> <p>12 already heard, we're expecting a new rule before the</p> <p>13 16th of October. We already have Lead and Copper</p> <p>14 Rule, a Lead and Copper Revised Rule, the Lead</p> <p>15 Service Line Inventory Rule. We have new lead</p> <p>16 exceedance numbers, we have new outreach</p> <p>17 requirements.</p> <p>18 For the first time, we have -- all</p> <p>19 community water systems have to submit lead service</p> <p>20 line inventories. If they don't know the material</p> <p>21 that makes up the pipe, it's assumed to be lead</p> <p>22 until they can verify it's not.</p> <p>23 We're being required to track and</p> <p>24 review things we have not historically been required</p> <p>25 to report to EPA, the level of detail. EPA is, in</p>

<p>1 theory, trying to get a new data system to replace 2 SDWIS. It's been ongoing for about eight years. 3 They say they're close, our staff 4 thinks they're getting close, so there's going to be 5 a lot of work related to all the various Lead and 6 Copper Rules. So that's an area that we are 7 requesting funding from the legislature for five 8 positions to help us do that work. 9 When we sent a survey to some of the 10 other states, Texas added the most staff - that's 11 probably not surprising - it was 53-plus additional 12 in the coming years. I think it was Colorado that 13 added 15 and are reviewing to determine how many 14 more they're going to need. There are also states 15 that are much closer to what we are requesting. 16 About four years ago, Cadmus, who's 17 one of the national drinking water consulting 18 groups, they developed what they considered a pretty 19 accurate workload model for drinking water programs, 20 specifically for lead and copper. They were saying 21 about 12 was their estimate for Oklahoma. 22 Historically, the models seem to be a 23 little bit high; however, we're going to start with 24 five and see where we are after a couple years, we 25 may have to reevaluate, but that's something that's</p>	<p>Page 37</p> <p>1 four to six months. 2 The extent of the engagement that we 3 know of so far was a site visit with Region 8 and 4 Region 6 EPA people into the Permian Basin with the 5 Texas Railroad Commission. The Ground Water 6 Protection Council is trying to get at least some 7 calls or webinars for EPA to commit to at least do 8 an update, a briefing, a something. 9 So for those of you that have an 10 interest in oil and gas or produced water, 11 definitely pay attention. You could reach out to me 12 anytime, I'm happy to provide whatever information I 13 have or at least get you referred to somebody who 14 might be able to help you. 15 On the other study, PFAS, we've 16 talked a little bit about that today already. EPA 17 Office of Science and Technology is embarking on an 18 influent study for PFAS chemicals. They're going to 19 be reaching out to -- I think they're starting with 20 the 400 largest POTWs in the United States, they're 21 going to have them do some preliminary screening, 22 then they're going to go down to 200 largest and 23 then may start looking more targeted. 24 They're just referring to it as an 25 influent study, but from reading between the lines</p> <p>Page 39</p>
<p>1 happening. 2 So if we receive that funding, there 3 won't be specific rulemaking to that, but certainly 4 will be a little bit of reorganization in the 5 division and another section added to our drinking 6 water group. So that's the strategic plan items. 7 Some of the EPA activity on the 8 wastewater side, currently there's a produced water 9 effluent limitation guideline update study underway. 10 The interesting thing about that, or maybe a couple 11 of interesting things about that study, they're not 12 being done in the Office of Science and Technology, 13 which is where those functions typically occur, it's 14 been done out of Region 8 in Denver, with support 15 from Region 6 in Dallas. 16 And this is a push to develop numeric 17 standards for produced water discharge west of the 18 98th Meridian. So if you're wondering where that 19 is, El Reno-ish, north-south line through -- 20 actually, I think it's right through the municipal 21 airport, we looked at one point. So that's 22 happening. 23 The other interesting thing about it, 24 these studies are typically three, four, five years 25 of data gathering, public engagement; the goal is</p> <p>Page 38</p>	<p>1 and unofficial conversations, it's a control 2 authority issue, meaning likely to see some 3 pretreatment requirements or pretreatment program 4 changes, I don't really know. 5 But it's definitely one we are paying 6 very close attention to, but we only have the 7 information that we can pry out of EPA, and 8 unfortunately, I don't even know what the timing is 9 of events 'soon'. Of course, we have an election 10 that is 'soon'; so I don't know what impact that 11 has, either. 12 One final wastewater specific item is 13 the biosolids study that EPA had ordered Office of 14 Science and Technology and the Office of Research 15 and Development are working on. We don't have any 16 real information on that other than it is specific 17 to PFAS in biosolids and land application of 18 biosolids. 19 That study is supposed to be out 20 before the end of the calendar year; don't know how 21 close they are, if that's reasonable or not, but 22 whenever we would get that information, we will 23 definitely be sharing that. 24 One final item, cybersecurity. This 25 is an area that EPA and CISA have really picked up</p> <p>Page 40</p>

<p>Page 41</p> <p>1 on. The National Security Council sent letters to 2 all of the governors earlier this year, asking them 3 to submit their state cybersecurity plan or program. 4 Oklahoma did complete that and submit it. We were 5 actually the first state to submit. EPA received 6 all of the plans from the National Security Council. 7 In looking, EPA has now reviewed 8 against a criteria that we didn't know they had, and 9 they are going to be sending letters back to the 10 governors informing the governors of their thoughts, 11 their opinions, their request for more detailed 12 plans, more robust programs. 13 From what we have seen, states that 14 have a cybersecurity plan for water and wastewater 15 facilities that are run through, like, an OMES-type 16 statewide IT agency, EPA and CISA really liked 17 those. 18 Plans that were seeking out 19 partnership, providing basic training, resources 20 ranked lower because they wanted to see tracking of 21 what systems were doing with their plans, do plans 22 -- are their cybersecurity plans embedded with 23 emergency response plans, and if they're not, what's 24 the state going to do about it, how's that going to 25 be tracked.</p>	<p>Page 43</p> <p>1 requirements, vulnerability assessments from the 2 Biosecurity Act, but there's not an equivalent for 3 wastewater. So EPA is just saying, well we have the 4 authority and, well, it's national security so 5 National Security Council has the authority. 6 There are states that are pushing 7 back saying, well, if it's national security, what's 8 the federal government going to do about it other 9 than pass it on to the states? So definitely a lot 10 more to come on the state and national level. 11 So with that, I will stop and answer 12 any questions if any of you have any. 13 MR. DUZAN: Okay. Thanks, Shellie. I 14 guess in regards to cybersecurity, it makes sense 15 that the EPA would have double-secret criteria to 16 evaluate these, so... 17 Any questions from the Council? 18 MR. PAWLISZ: I do have one, Mr. Chairman. 19 On the produced water effluent limitations 20 guidelines, could we have some clarity, what are the 21 parameters you would be looking for? Is it 22 aesthetic, physical, chemical, biological, all of 23 the above on that, do you know? 24 MS. CHARD: I don't know what EPA is 25 looking at. They have not been super forthcoming.</p>
<p>Page 42</p> <p>1 So we're, at this point, sticking 2 with kind of where we thought our plan should be, 3 which is we are starting to include some basic Cyber 4 101 in our training events, you know, resetting 5 passwords, don't use default passwords, if somebody 6 leaves turn off their access, you know, so basic 7 things like that. 8 We are going to be looking at 9 partnering with other entities that are doing some 10 training. Oklahoma Rural Water got some funding 11 from National Rural Water, who got funding from 12 EPA's Technical Assistance provider grant, so we are 13 working with them on some training. 14 So we know all of that is kind of out 15 there, but that's why you -- that we will be 16 requiring cyber events to be reported to us. We 17 weren't too worried about that until we started 18 hearing from other states and how the FBI was 19 saying, don't tell the state, don't tell anybody, 20 we're the ones that are going to take the lead and 21 we'll tell whoever needs to know. But they were 22 looking at it strictly from a cybersecurity 23 perspective, not a public health perspective. 24 The other thing that makes cyber a 25 little more challenging, there is drinking water</p>	<p>Page 44</p> <p>1 The existing language is the water must be good 2 enough quality to support wildlife and -- maybe 3 something else. Sorry. 4 But there's a push -- Wyoming's the 5 only state that has a lot of produced water 6 discharge, it's pretty high quality because it's 7 primarily coal bed methane, or historically it has 8 been. In North Dakota, there have been some 9 requests that are on Tribal lands, which is how 10 Region 8 became the region kind of in charge. 11 We know for sure they're looking at 12 TDS because Texas Railroad Commission told me that 13 was the one question they were getting asked, they 14 were being asked a lot about volume and TDS, also 15 asking a lot of drilling fluids, which they were 16 kind of pushed back to FracFocus, where they could 17 extract that information directly. 18 So there's definitely going to be 19 some chemical component, there's definitely going to 20 be some numeric limits, but that's all we know at 21 this point. 22 MR. DUZAN: Okay. Any other questions? 23 MR. SCHWAB: I have a quick one, Mr. 24 Chair. 25 Of the 400 largest POTWs, do we have</p>

<p>Page 45</p> <p>1 any idea how that may affect in Oklahoma? You knew</p> <p>2 it was coming.</p> <p>3 MS. CHARD: I have asked that question. I</p> <p>4 am pretty certain Oklahoma City and Tulsa are going</p> <p>5 to find themselves in the first round, I don't know</p> <p>6 by the time we get down to 200. I may be wrong</p> <p>7 since the plants, you know, Oklahoma City has the</p> <p>8 three and Tulsa has the two, that may get them</p> <p>9 below. They did not include a provision to add</p> <p>10 plant and flow together. So it is -- at some point,</p> <p>11 they're going to run a report.</p> <p>12 And the other thing I don't know, is</p> <p>13 it design flow or actual flow? Because that could</p> <p>14 make a significant difference, as you know. But</p> <p>15 again, if I get more information, I definitely will</p> <p>16 pass on to the Oklahoma facilities.</p> <p>17 MR. SCHWAB: I was just trying to help</p> <p>18 Mr. Lee out.</p> <p>19 MR. LEE: You're so kind, Kenny. I guess</p> <p>20 the benefit of reducing I&I is maybe we'll be off</p> <p>21 that list, right?</p> <p>22 MS. CHARD: There you go.</p> <p>23 MR. LEE: Do you know when that study or</p> <p>24 that effort may take place?</p> <p>25 MS. CHARD: Soon is all I know.</p>	<p>Page 47</p> <p>1 MR. SCHWAB: Yes.</p> <p>2 MS. FIELDS: Mr. Smith?</p> <p>3 MR. SMITH: Yes.</p> <p>4 MS. FIELDS: Mr. Sowers?</p> <p>5 MR. SOWERS: Yes.</p> <p>6 MS. FIELDS: Ms. Wells?</p> <p>7 MS. WELLS: Yes.</p> <p>8 MS. FIELDS: Mr. Duzan?</p> <p>9 MR. DUZAN: Yes.</p> <p>10 MS. FIELDS: Motion passed.</p> <p>11 MR. DUZAN: And we are adjourned.</p> <p>12 (MEETING CONCLUDED AT 3:00 PM)</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</p>
<p>Page 46</p> <p>1 MR. LEE: Okay. Thank you.</p> <p>2 MS. CHARD: And that's 'soon' in EPA</p> <p>3 world, to be clear. It's not imminent, it's 'soon'.</p> <p>4 MR. DUZAN: Any other questions or</p> <p>5 comments from the Council?</p> <p>6 Okay. We'll move on then to New</p> <p>7 Business, which I believe we have none.</p> <p>8 And so the Announcement is our next</p> <p>9 meeting will be January 7, 2025 at 2:00 p.m., right</p> <p>10 here at this building, in this space.</p> <p>11 So at that, I will entertain a motion</p> <p>12 for adjournment.</p> <p>13 MR. SMITH: So move.</p> <p>14 MR. SOWERS: Second.</p> <p>15 MR. DUZAN: We have a motion and a second,</p> <p>16 we'll have a vote.</p> <p>17 MS. FIELDS: Dr. Jarman?</p> <p>18 DR. JARMAN: Yes.</p> <p>19 MS. FIELDS: Mr. Lee?</p> <p>20 MR. LEE: Yes.</p> <p>21 MS. FIELDS: Mr. Matheson?</p> <p>22 MR. MATHESON: Yes.</p> <p>23 MS. FIELDS: Mr. Pawlisz?</p> <p>24 MR. PAWLISZ: Yes.</p> <p>25 MS. FIELDS: Mr. Schwab?</p>	<p>Page 48</p> <p>1 CERTIFICATE</p> <p>2 I, Jenny Longley, Certified Shorthand</p> <p>3 Reporter within and for the State of Oklahoma, do</p> <p>4 hereby certify that the above and foregoing meeting</p> <p>5 was by me taken in shorthand and thereafter</p> <p>6 transcribed; and that I am not an attorney for nor</p> <p>7 relative of any of said parties or otherwise</p> <p>8 interested in the event of said action.</p> <p>9 IN WITNESS WHEREOF, I have hereunto</p> <p>10 set my hand and official seal this 2nd day of</p> <p>11 October, 2024.</p> <p>12</p> <p>13 </p> <p>14 Jenny Longley, CSR</p> <p>15 CSR # 1903</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</p>



WATER QUALITY MANAGEMENT ADVISORY COUNCIL

Attendance Record
September 24, 2024
Department of Environmental Quality
Oklahoma City, Oklahoma

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