

A G E N D A

OKLAHOMA WATER RESOURCES BOARD

January 20, 2015

9:30 a.m.

3800 N. Classen Boulevard, Oklahoma City, OK 73118

A copy of this notice of meeting and agenda has been posted in a prominent location at the offices of the Oklahoma Water Resources Board, 3800 North Classen Blvd., Oklahoma City, Oklahoma, on January 15, 2015, at 5:00 p.m. A copy of this agenda is available on the OWRB website at www.owrb.ok.gov.

- 01000 1. CALL TO ORDER** **Vice Chairman Linda Lambert**
- A. Roll Call
 - B. Discussion, Amendments, and Vote to Approve Official Minutes of the December 16, 2014, Regular Meeting.
 - C. Executive Director's Report. **Mr. J.D. Strong**
 - D. Monthly Budget Report **Ms. Amanda Storck**
- 02000 2. FINANCIAL ASSISTANCE DIVISION** **Mr. Joe Freeman**
- A. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Nicoma Park Development Authority, Oklahoma County. Recommended for Approval.
 - B. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Oklahoma City Water Utilities Trust, Oklahoma County. Recommended for Approval.
 - C. Resolution Authorizing the Issuance of Oklahoma Water Resources Board Revolving Fund Revenue Bonds - Clean Water Program, Series 2015 (Master Trust) in the Aggregate Principal Amount not to Exceed \$115,000,000; Approving and Authorizing Execution of a Bond Indenture Providing for the Issuance of the Bonds; Providing for the Sale and Delivery of the Bonds and Authorizing a Certificate of Determination; Waiving Competitive Bidding on the Bonds and Authorizing the Sale Thereof by Negotiation Pursuant to the Terms of a Contract of Purchase Pertaining Thereto; Approving a Preliminary Official Statement with Respect to the Bonds; Authorizing execution of such other and further Instruments, Certificates and Documents as may be Required for the Issuance of the Bonds; Directing Payment of Costs of Issuance and Containing Other Provisions Relating to the Issuance of the Bonds. Recommended for Approval.

- D. Consideration of and Possible Action on a Proposed Resolution Expressing Official Intent to Reimburse Costs of Loans for Clean Water State Revolving Fund Projects. Recommended for Approval.
- E. Consideration of and Possible Action on a Proposed Resolution Expressing Official Intent to Reimburse Costs of Loans for Drinking Water State Revolving Fund Projects. Recommended for Approval.

03000 3. SUMMARY DISPOSITION AGENDA ITEMS Vice Chairman Lambert

All of the items listed below under this Summary Disposition Agenda are recommended for approval.

Any item listed under this Summary Disposition Agenda may, at the request of any member of the Board, the Board's staff, or any other person attending this meeting, be transferred to the Special Consideration Agenda. Under the Special Consideration Agenda, separate discussion and vote or other action may be taken on any items already listed under that agenda or items transferred to that agenda from this Summary Disposition Agenda.

- A. Requests to Transfer Items from Summary Disposition Agenda to the Special Consideration Agenda, and Action on Whether to Transfer Such Items.
- B. Discussion, Questions, and Responses Pertaining to Any Items Remaining on Summary Disposition Agenda and Possible Action on Items Listed Below.
- C. Consideration of and Possible Action on Financial Assistance Division Items:

1. Rural Economic Action Plan (REAP) Grant Applications:

<u>Item No.</u>	<u>Application No.</u>	<u>Entity Name</u>	<u>County</u>	<u>Amount Recommended</u>
ASCOG				
a.	FAP-14-0049-R	Verden Public Works Authority	Grady	\$99,999.00
KEDDO				
b.	FAP-11-0038-R	Canadian Public Works Authority	Pittsburg	99,999.00

- D. Consideration of and Possible Action on Contracts and Agreements:
 1. Professional Service Agreement with Huitt-Zollars, Inc., for engineering inspection services of grant and loan Programs used by the Financial Assistance Division.
 2. Professional Services Agreement with First Southwest Company for financial advisor services related to the Board's financial assistance programs.
 3. Amended Operating Agreement with the United States Environmental Protection Agency, Region 6 regarding the management of the Clean Water State Revolving Fund Loan Program.

4. Renewal Agreement with Meshek & Associates, PLC to provide professional engineering services in connection with Cooperating Technical Partnership Program Assistance for the creation and maintenance of Flood Hazard Data.

5. Services Agreement with USEngineering Solutions Corporation for the continued enhancement, development and access of proprietary software used by the DAM Safety Program.

6. Agreement with Oklahoma City Water Utilities Trust to improve water quality at Lake Stanley Draper through the Vegetated Wetland Project by strategically implementing and maintaining planting sites.

7. Joint Funding Agreement with the U.S. Geological Survey to do groundwater hydrological survey on Section (Reach) 1 of the Washita River Alluvium and Terrace Groundwater Basin.

E. Consideration of and Possible Action on Applications for Temporary Permits to Use Groundwater:

1. Bob L. & Joyce B. Detrick, Major County, #2014-534
2. B & R Revocable Trust, Comanche County, #2014-559
3. Lynn & Katherine Bittle, Caddo County, #2014-578
4. Enid Municipal Authority, Major County, #2014-618
5. Enid Municipal Authority, Major County, #2014-619
6. Thomas Scott & Brandi Don Phelps, Jefferson County, #2014-583

F. Consideration of and Possible Action on Applications to Amend Temporary Permits to Use Groundwater:

1. Bryan Family Land & Cattle, L.L.C., Major County, #1977-872
2. Summit Lakes Development, L.L.C., Oklahoma County, #2006-605

G. Consideration of and Possible Action on Applications for Regular Permits to Use Groundwater:

None

H. Consideration of and Possible Action on Applications to Amend Regular Permits to Use Groundwater:

1. Donna J. Thrall, Dianna K. Hankla, Linda Burke, the Luain Thrall Hensel Revocable Trust, and the Andrew M. Thrall Revocable Trust, Texas County, #1973-299

I. Consideration of and Possible Action on Applications to Amend Prior Rights to Use Groundwater:

1. Pawnee Public Works Authority, Pawnee County, #1966-426

J. Consideration of and Possible Action on Applications for Regular Permits to Use Stream Water:

1. Clyde & Elizabeth Nipp, Love County, #2014-019
2. Foster S. Johnson, III, Leflore County, #2014-044
3. Enid Municipal Authority, Kay County, #2014-047
4. Lindsey 2011 Revocable Trust, Wagoner County, #2014-050
5. Lindsey 2011 Revocable Trust, Wagoner County, #2014-066

- K. Consideration of and Possible Action on Applications for Term Permits to Use Stream Water:
 - 1. Mark White, Wagoner County, #2014-013
- L. Consideration of and Possible Action on Applications to Amend Regular Permits to Use Stream Water:
 - 1. Lawana & Foster S. Johnson, Jr., LeFlore County, #1998-020
- M. Consideration of and Possible Action on Dam and Reservoir Construction:
 - 1. Fowler Pond, Jerry D. & Carolyn Fowler, Pittsburg County, #OK30480
- N. Consideration of and Possible Action on Well Driller and Pump Installer Licensing:
 - 1. New Licenses and Operators:
 - a. Reid Drilling, Inc. DPC-0911
 - 1. Michael D. Reid OP-2072
- O. Consideration of and Possible Action on Permit applications for Proposed Development on State Owned or Operated Property within Floodplain Areas:
None
- P. Consideration of and Possible Action on Applications for Accreditation of Floodplain Administrators:
None

04000 4. PUBLIC HEARING ON PROPOSED NEW AND AMENDED PERMANENT RULES OF THE BOARD **Vice Chairman Lambert**

- A. Staff Presentations and Public Comment on Amendments to Permanent Rules Proposed for Adoption During 2015.

This public hearing is an opportunity for interested persons to present oral or written argument, data, and views on the new and amended rules of the Board which are being proposed for Title 785 of the Oklahoma Administrative Code specified below.

Other than this public hearing, no action will be taken by the Board on the proposed rules at the January 20, 2015 meeting. The proposed amended rules are expected to be scheduled for consideration and possible adoption or any other action by the Board at its February 17, 2015 meeting.

- 1. a. Summary of Proposed Amendments to Chapter 45 – Oklahoma’s Water Quality Standards – **Mr. Derek Smithee**

- Subchapter 1. General Provisions
- 785:45-1-2. Definitions [AMENDED]
- Subchapter 5. Surface Water Quality Standards
- Part 3. Beneficial Uses and Criteria to Protect Uses
- 785.45-5-12. Fish and Wildlife Propagation [AMENDED]

785:45-5-21. Wetland Beneficial Uses and Criteria [NEW]

Part 5. Special Provisions

785:45-5-26. Mixing zones and zones of passage[AMENDED]

785:45-5-30. Other Provisions [NEW]

Appendix G. Numerical Criteria To Protect Beneficial Uses. Table 1. [REVOKED]

Appendix G. Numerical Criteria To Protect Beneficial Uses. Table 1. [NEW]

Appendix E. Requirements For Development of Site-Specific Criteria For Certain Parameters [REVOKED]

Appendix E. Requirements For Development of Site-Specific Criteria For Certain Parameters [NEW]

b. Questions and Discussion by Board Members

c. Public Comment

2. a. Summary of Proposed Amendments to Chapter 46 – Implementation of Oklahoma’s Water Quality Standards – **Mr. Derek Smithee**

Subchapter 15. Use Support Assessment Protocols

785:46-15-5. Assessment of Fish and Wildlife support [AMENDED]

b. Questions and Discussions by Board Members

c. Public Comment

3. a. Summary of Proposed Amendments to Chapter 50 – Financial Assistance – **Mr. Joe Freeman**

Subchapter 1. General Provisions

785:50:1-2. Definitions [AMENDED]

Subchapter 3. Project and Entities Eligible

785:50-3-1. Project Eligibility [AMENDED]

Subchapter 7. Water and Sewer Program (Bond Proceed Loans and Emergency Grants) Requirements and Procedures

785:50-7-5. Emergency grant priority points system [AMENDED]

Subchapter 8. Rural Economic Action Plan (REAP) Grant Program Requirements and

Procedures

785:50-8-2. Definitions [AMENDED]

785:50-8-4. Applicable law, deadline for applications, eligible project costs [AMENDED]

785:50-8-5. REAP grant priority point system [AMENDED]

Subchapter 9. Clean Water State Revolving Fund Regulations

Part 1. General Provisions

785:50-9-9. Definitions

Part 3. General Program Requirements

785:50-9-21. Eligible project [AMENDED]

785:50-9-23. Clean Water SRF Project Priority System [AMENDED]

- 785:50-9-24. Intended use plan [AMENDED]
- 785:50-9-28. Pre-application for funding [AMENDED]
- 785:50-9-33. Application for financial assistance [AMENDED]
- 785:50-9-35. Loan closing [AMENDED]
- 785:50-9-38. Construction phase [AMENDED]
- 785:50-9-45. Compliance with federal authorities [AMENDED]
- Part 7. SRF Environmental Review Process
- 785:50-9-60. Requirement of environmental review [AMENDED]
- 785:50-9-61. Environmental information required by the Board [AMENDED]
- 785:50-9-62. Environmental review by the Board [AMENDED]

b. Questions and Discussion by Board Members

c. Public Comment

05000 5. SPECIAL CONSIDERATION

Vice Chairman Lambert

A. Consideration of and Possible Action on Application for Regular Groundwater Permit No. 2013-620, Love County Disposal, L.L.C., Love County:

1. Summary – **Ms. Julie Cunningham**
2. Discussion and presentation by parties
3. Possible Executive Session
As authorized by the Oklahoma Open Meeting Act in Section 307(B)(8) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of “[e]ngaging in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act”.
(a) Vote on whether to hold Executive Session. Before it can be held, the Executive Session must be authorized by a majority vote of a quorum of members present and such vote must be recorded.
(b) Designation of person to keep written minutes of Executive Session, if authorized.
(c) Executive Session, if authorized.
4. Return to open meeting and possible vote or action on any matter discussed in the Executive Session, if authorized.
5. Vote on whether to approve the Proposed Order as presented or as may be amended, or vote on any other action or decision relating to the Proposed Order.

B. Consideration of and Possible Action on Items Transferred from Summary Disposition Agenda, if any.

6. PROPOSED EXECUTIVE SESSION

Vice Chairman Lambert

As authorized by the Oklahoma Open Meeting Act in Section 307(B)(4) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding in the public interest.

Pursuant to this provision, the Board proposes to hold an executive session for the purpose of discussing Chickasaw Nation and Choctaw Nation v. Fallin, et al., and Oklahoma Water Resources Board v. United States on behalf of the Choctaw Nation et al.

Statement by legal counsel advising on whether disclosure of the discussion of the litigation will seriously impair the ability of the Board and State to conduct the present and proposed litigation in the public interest.

- A. Vote on whether to hold Executive Session upon determination that disclosure of the discussion of the litigation will seriously impair the ability of the Board and State to conduct the present and proposed litigation in the public interest. Before it can be held, the Executive Session must be authorized by a majority vote of a quorum of members present and such vote must be recorded.
- B. Designation of person to keep written minutes of Executive Session, if authorized.
- C. Executive Session, if authorized.

Return to open meeting and possible vote or action on any matter discussed in the Executive Session.

7. NEW BUSINESS

Vice Chairman Lambert

Under the Open Meeting Act, this agenda item is authorized only for matters not known about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda.

8. ADJOURNMENT

Vice Chairman Lambert

The next regular meeting of the Oklahoma Water Resources Board will be held at 9:30 a.m., February 17, 2015, at the OWRB Offices located at 3800 N. Classen Boulevard, Oklahoma City, Oklahoma.

1/15/2015