

A G E N D A

OKLAHOMA WATER RESOURCES BOARD

January 15, 2019

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 11, 2019 at 3:30 p.m. A copy of this agenda is available on the OWRB website at www.owrb.ok.gov.

- 01000 1. CALL TO ORDER** **Chairman Jason Hitch**
- A. Roll Call
 - B. Discussion, Amendments, and Vote to Approve Official Minutes of the December 6, 2018, Regular Meeting
 - C. Executive Director's Report and possible discussion: **Ms. Julie Cunningham**
 - 1. Calendar Items
 - 2. Legislative Update
 - 3. Agency Update
 - D. Financial Update **Mr. Cleve Pierce**
 - 1. Budget Report
- 02000 2. FINANCIAL ASSISTANCE DIVISION** **Mr. Joe Freeman**
- A. 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.
 - B. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Oklahoma City Water Utilities Trust, Oklahoma County. Recommended for Approval.
 - C. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for Enid Municipal Authority, Garfield County. Recommended for Approval.

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-17-0014-R	Town of Chattanooga	Comanche	\$99,550.00
INCOG				
b.	FAP-19-0047-R	Shidler Public Works Authority	Osage	59,500.00
KEDDO				
c.	FAP-10-0011-R	Cameron Public Works Authority	LeFlore	79,999.00

- D. Consideration of and Possible Action on Contracts and Agreements:
 - 1. Professional Services Agreement with Hilltop Securities, Inc. for financial advisor services related to the Board's financial assistance programs.
 - 2. Memorandum of Understanding ("MOU") between the Oklahoma Department of Mines ("ODM") and OWRB for the purpose of clarifying the responsibilities of each agency related to Senate Bill 597 (2011) and improving coordination of the implementation of those responsibilities.
- E. Consideration of and Possible Action on Applications for Temporary Permits to Use Groundwater:
 - 1. Robert W. Jech, Jr. & Daphne L. Jech, Kingfisher County, #2018-518
 - 2. Herbert Carlin Blood, Caddo County, #2018-538
 - 3. David & Marcy Bailey, Custer County, #2018-542

2. New Operators, Licensee Name Change, and/or Activities for Existing Licenses
 - a. Licensee: Associated Environment Industries DPC-0269
 Operator: Matthew Strasser OP-2263
 Operator: Jonathan Neff OP-2264
 - b. Licensee: Two Eight Drilling, Inc. DPC-0215
 Operator: Craig Girdner OP-2265

N. Consideration of and Possible Action on Permit Applications for Proposed Development on State Owned or Operated Property within Floodplain Areas:

1. Oklahoma Department of Transportation, McClain County, #FP-18-11
2. Oklahoma Department of Transportation, Comanche County, #FP-18-13
3. Oklahoma Department of Transportation, Grady County, #FP-18-15
4. Oklahoma Department of Transportation, Cotton County, #FP-18-17
5. Oklahoma Department of Transportation, Garvin County, #FP-18-19
6. Oklahoma Department of Transportation, Cotton County, #FP-18-20
7. Oklahoma Department of Transportation, Cotton County, #FP-18-21
8. Oklahoma Department of Transportation, Cotton County, #FP-18-22
9. Oklahoma Department of Transportation, Tulsa County, #FP-18-49
10. Oklahoma Department of Transportation, Tulsa County, #FP-18-50

O. Consideration of and Possible Action on Applications for Accreditation of Floodplain Administrators:

1. Roger Holley, City of Atoka, FPA-774
2. Mark S. Whinnery, City of Drumright, FPA-775
3. Paul T. Martin, City of Elmore City, FPA-776
4. Cody R. Murray, Kingfisher County, FPA-777
5. David C. Kennedy, Town of Verden, FPA-778

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

A. Staff Presentations and Public Comment on Amendments to Permanent Rules Proposed for Adoption During 2019.

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 15, 2019 meeting. The comment period for proposed amendments to chapters 5, 30, 35 and 50 is currently ongoing and will expire at the conclusion of the Board meeting on January 15, 2019. The comment period for proposed amendments to chapters 45 and 46 is currently ongoing and will expire at 5:00 P.M., January 17, 2019. The proposed amended rules are expected to be scheduled for consideration and possible adoption or any other action by the Board at its February 19, 2019 meeting.

1. a. Summary of Proposed Amendments to Chapter 5 – Fees – Mr. Kent Wilkins

Subchapter 1. General Provisions

785:5-1-9. Dam safety and inspection fees [AMENDED]
785:5-1-11. Well driller and pump installer licensing fees [AMENDED]
785:5-1-14. Stream Water and Groundwater petition fees [AMENDED]

- b. Questions and Discussion by Board Members
- c. Public Comment

2. a. Summary of Proposed Amendments to Chapter 30 – Taking and Use of Groundwater - Mr. Kent Wilkins

Subchapter 1. General Provisions

785:30-1-2. Definitions [AMENDED]

Subchapter 3. Permit Application Requirements and Processing

785:30-3-1. General application requirements [AMENDED]

785:30-3-5.1. Prohibition to issuance or amendment of permit and waiver [REVOKED]

785:30-3-6. Well spacing [AMENDED]

Subchapter 7. Amendments to Groundwater Rights

785:30-7-4. Adding or replacing a well for the purpose of exercising prior rights or existing permits [AMENDED]

Appendix A. Application for a Permit to Use Groundwater [REVOKED]

- b. Questions and Discussion by Board Members
- c. Public Comment

3. a. Summary of Proposed Amendments to Chapter 35 – Well Driller and Pump Installer Licensing – Mr. Kent Wilkins

Subchapter 1. General Provisions

785:35-1-2. Definitions [AMENDED]

785:35-1-5. Indemnity Fund [AMENDED]

785:35-1-6. Well Drillers and Pump Installers Advisory Council [AMENDED]

Subchapter 3. Licensing and Certifications

785:35-3-1. Licensing procedures [AMENDED]

785:35-3-2. Expiration and renewal of licenses and certifications [AMENDED]

Subchapter 7. Minimum Standards for Construction of Wells

785:35-7-1. Minimum standards for construction of groundwater wells, fresh water observation wells, and water well test holes [AMENDED]

785:35-7-1.1. Minimum standards for construction of heat exchange wells [AMENDED]

785:35-7-3. Minimum standards for construction of marginal water wells [AMENDED]

785:35-7-4. Variances to minimum standards for construction of wells [NEW]

Subchapter 11. Plugging and capping Requirements for Wells and Test Holes

785:35-11-1. Plugging and capping requirements for groundwater wells, fresh water observation wells, heat exchange wells and water well test holes [AMENDED]

- b. Questions and Discussion by Board Members
- c. Public Comment

4. a. Summary of Proposed Amendments to Chapter 45 – Oklahoma's Water Quality Standards - Mr. Bill Cauthron

Subchapter 1. General Provisions

785:45-1-2. Definitions [AMENDED]

Subchapter 5. Surface Water Quality Standards

Part 1. General Provisions

785:45-5-4. Applicability of narrative and numerical criteria [AMENDED]

785:45-5-5. Water Quality Standards variance [NEW]

785:45-5-6. Compliance schedules [NEW]

785:45-5-7. Site-specific criteria [NEW]

Appendix G. Numerical Criteria to Protect Beneficial Uses [REVOKED]

Appendix G. Numerical Criteria to Protect Beneficial Uses [NEW]

Appendix H. Beneficial Use Designations for Certain Limited Areas of Groundwater [REVOKED]

Appendix H. Beneficial Use Designations for Certain Limited Areas of Groundwater [NEW]

b. Questions and Discussion by Board Members

c. Public Comment

5. a. Summary of Proposed Amendments to Chapter 46 – Implementation of Oklahoma's Water Quality Standards – Mr. Bill Cauthron

Subchapter 5. Implementation of Numerical Criteria to Protect Fish and Wildlife from Toxicity Due to Conservative Substances

785:46-5-10. Implementation of multimedia criteria for bioaccumulative pollutants in permits [NEW]

Subchapter 14. Implementation of Fish Tissue Criterion Element and Fish Tissue Monitoring to Protect the Fish and Wildlife Beneficial Use [NEW]

785:46-14-1. Applicability and scope [NEW]

785:46-14-2. Definitions (Reserved)

785:46-14-3. Composite fish tissue sample minimum requirements [NEW]

785:46-14-4. Fish tissue special studies for NPDES Permits [NEW]

785:46-14-5. Fish Tissue Studies for Monitoring and Assessment [NEW]

Subchapter 15. Use Support Assessment Protocols

785:46-15-3. Data requirements [AMENDED]

785:46-15-4. Default protocols [AMENDED]

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

785:46-15-14. Assessment of Aesthetics support [AMENDED]

b. Questions and Discussion by Board Members

c. Public Comment

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

Subchapter 1. General Provisions

785:50-1-4. Application of rules [AMENDED]

Subchapter 5. Applications for Financial Assistance

- 785:50-5-1. Application form and required information [AMENDED]
 - Subchapter 6. Water and Sewer Program Emergency Grants Requirements and Procedures
 - 785:50-6-1. Approval criteria [AMENDED]
 - 785:50-6-3. Emergency grant priority point system [AMENDED]
 - Subchapter 7. Water and Sewer Program (State Loan Program Revenue Bond) Requirements and Procedures
 - 785:50-7-2. Approval criteria [AMENDED]
 - Subchapter 8. Rural Economic Action Plan (REAP) Grant Program Requirements and Procedures
 - 785:50-8-3. Application review and disposition [AMENDED]
 - 785:50-8-5. REAP grant priority point system [AMENDED]
 - Subchapter 9. Clean Water State Revolving Fund Regulations
 - Part 3. General Program Requirements
 - 785:50-9-23. Clean Water SRF Project Priority System [AMENDED]
 - Part 7. SRF Environmental Review Process
 - 785:50-9-60. Requirement of environmental review [AMENDED]
- b. Questions and Discussion by Board Members
 - c. Public Comment

05000 5. SPECIAL CONSIDERATION Chairman Hitch

- A. Consideration of and Possible Action on the Pit Water Management Plan for the Non-Exempt Mine in the name of Covia Holdings Corporation (Hatch Site), Pontotoc County:
 - 1. Summary - Mr. Kent Wilkins
 - 2. Discussion and questions by Board
 - 3. Vote on whether to approve or as may be amended, or vote on any other action or decision related to the plan.
- B. Consideration of and Possible Action on Items Transferred from Summary Disposition Agenda, if any.

6. NEW BUSINESS Chairman Hitch

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.

7. ADJOURNMENT Chairman Hitch

The next regular meeting of the Oklahoma Water Resources Board is scheduled for Tuesday, February 19, 2019, at 9:30 a.m., at the Oklahoma Water Resources Board offices located at 3800 N. Classen Boulevard, Oklahoma City, OK 73118