

A G E N D A

OKLAHOMA WATER RESOURCES BOARD

February 19, 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 February 14, 2019 at 4:00p.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 January 15, 2019, 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 Emergency Grant for Rural Water District No. 2, Latimer County. Recommended for Approval.
 - B. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Sayre Public Works Authority, Beckham County. Recommended for Approval.
 - C. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Tulsa Metropolitan Utility Authority, Tulsa County. Recommended for Approval.

- D. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for Moore Public Works Authority, Cleveland County. Recommended for Approval.

03000 3. SUMMARY DISPOSITION AGENDA ITEMS Chairman Hitch

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>Application No.</u>	<u>Entity Name</u>	<u>County</u>	<u>Amount Recommended</u>
ACOG				
a.	FAP-19-0044-R	Crescent Public Works Authority	Logan	\$99,999.00
COEDD				
b.	FAP-19-0025-R	Wetumka Public Works Authority	Hughes	99,999.00
NODA				
c.	FAP-14-0003-R	Nash Public Works Authority	Grant	129,948.11
OEDA				
d.	FAP-19-0006-R	Keyes Utilities Authority	Cimarron	100,000.00
SODA				
e.	FAP-18-0024-R	Maysville Municipal Authority	Garvin	99,999.00

- D. Consideration of and Possible Action on Contracts and Agreements:
 - 1. Amendment Agreement between the Office of the Secretary of Energy & Environment ("OSEE") and OWRB extending the budget/project period for the National Wetlands Condition Assessment (NWCA).

2. Subscription Services Agreement between Elation Systems, Inc. and the OWRB for services and support for Davis Bacon reporting in conjunction with the Financial Assistance Division's State Revolving Fund Programs.
 3. Agreement between OWRB and the Oklahoma Ground Water Association ("OGWA") for the oversight of continuing education of Well Drillers and Pump Installers.
 4. Intergovernmental Agreement between OWRB and Central Oklahoma Master Conservancy District ("COMCD") for water quality monitoring at Lake Thunderbird.
 5. Professional Services Agreement between OWRB and Gold Systems, Inc., to provide consulting and software development services as part of a fully federally-funded grant.
 6. Amendment of Joint Funding Agreement between OWRB and U.S. Geological Survey ("USGS") for hydrological survey on Reach 1 of the Washita Alluvium and Terrace Groundwater Basin.
 7. Amendment of Joint Funding Agreement between OWRB and U.S. Geological Survey ("USGS") for hydrological survey on Reaches 3 and 4 of the Washita Alluvium and Terrace Groundwater Basin.
 8. Amendment of Joint Funding Agreement between OWRB and U.S. Geological Survey ("USGS") for hydrological survey on the Salt Fork of the Red River Alluvium and Terrace Groundwater Basin.
- E. Consideration of and Possible Action on Applications for Temporary Permits to Use Groundwater:
1. David & Marcy Bailey, Custer County, #2018-594
 2. David & Marcy Bailey, Blaine County, #2018-595
 3. GHMR Operating, LLC, Blaine County, #2018-600
 4. Travis Eugene Farbro, Craig County, #2018-608
 5. Freeman D. & Margaret L. Schrock, Custer County, #2018-614
- F. Consideration of and Possible Action on Applications to Amend Temporary Permits to Use Groundwater: None
- G. Consideration of and Possible Action on Applications for Regular Permits to Use Groundwater:
1. Drue & Kelsey Knight, Beckham County, #2018-557
 2. Kendall & Carol Sue Bayless, Ellis County, #2018-579
 3. Richard & April Hood and Jonathan & Amy Esparza, Greer County, #2018-597
- H. Consideration of and Possible Action on Applications to Amend Regular Permits to Use Groundwater:
1. Okmulgee Co. Rural Water District No. 5, Okfuskee County, #2003-545
 2. Roy Henry & Angela Kay Heinrich, Canadian County, #2005-569
 3. C. Jeff & Shelly D. Baumann, Cotton County, #2013-542

6. Oklahoma Department of Transportation, Custer County, FP-18-30
7. Oklahoma Department of Transportation, Custer County, FP-18-31

- O. Consideration of and Possible Action on Applications for Accreditation of Floodplain Administrators:
1. Cody D. Smith, City of Heavener, FPA-779
 2. Jacquelyn F. Porter, City of Tuttle, FPA-780

04000 4. VOTING ON PROPOSED NEW AND AMENDED PERMANENT RULES OF BOARD

A. Rules Amendments Recommended for Adoption in Chapter 5 – Fees

1. Summary – **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]

2. Questions and discussion by Board Members
3. Vote on whether to approve recommended amendments as presented or as may be revised after discussions.

B. Rules Amendments Recommended for Adoption in Chapter 30 - Taking and Use of Groundwater

1. Summary – **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]

2. Questions and Discussion by Board Members
3. Vote on whether to approve recommended amendments as presented or as may be revised after discussions.

C. Rules Amendments Recommended for Adoption in Chapter 35 – Well Driller and Pump Installer Licensing

1. Summary – **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]

2. Questions and Discussion by Board Members
3. Vote on whether to approve recommended amendments as presented or as may be revised after discussions.

D. Rules Amendments Recommended for Adoption in Chapter 45 – Oklahoma's Water Quality Standards

1. Summary – **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 H. Beneficial Use Designations for Certain Limited Areas of Groundwater [REVOKED]
Appendix H. Beneficial Use Designations for Certain Limited Areas of Groundwater [NEW]

2. Questions and Discussion by Board Members
3. Vote on whether to approve recommended amendments as presented or as may be revised after discussions.

E. Rules Amendments Recommended for Adoption in Chapter 46 – Implementation of Oklahoma's Water Quality Standards

1. Summary – **Mr. Bill Cauthron**

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]

2. Questions and discussion by Board Members
3. Vote on whether to approve recommended amendments as presented or as may be revised after discussions.

F. Rules Amendments Recommended for Adoption in Chapter 50 – Financial Assistance

1. Summary – **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]

2. Questions and discussion by Board Members
3. Vote on whether to approve recommended amendments as presented or as may be revised after discussions.

05000 5. SPECIAL CONSIDERATION

Chairman Hitch

A. Consideration of and Possible Action on Proposed Findings of Fact, Conclusions of Law and Board Order on Application for Temporary Permit to Use Groundwater No. 2017-587, Ronald and Jennifer Mize, Logan County:

1. Summary – **Mr. Kent Wilkins**
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. 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, March 19, 2019, at 9:30 a.m., at the Oklahoma Water Resources Board offices located at 3800 N. Classen Boulevard, Oklahoma City, OK 73118

2/14/2019