

A G E N D A

OKLAHOMA WATER RESOURCES BOARD

January 19, 2016

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 14, 2016, at 4:05 p.m. A copy of this agenda is available on the OWRB website at www.owrb.ok.gov.

01000 1. CALL TO ORDER Chairman Linda Lambert

A. Roll Call

B. 1. Discussion, Amendments, and Vote to Approve Official Minutes of the November 17, 2015, Regular Meeting.

2. Discussion, Amendments, and Vote to Approve Official Minutes of the December 2, 2015, 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. No items.

03000 3. SUMMARY DISPOSITION AGENDA ITEMS 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>
ACOG				
a.	FAP-16-0032-R	Coyle Public Works Authority	Logan	\$99,973.86
b.	FAP-16-0019-R	Langston Public Works Authority	Logan	136,505.00
ASCOG				
c.	FAP-16-0029-R	Sterling Public Works Authority	Comanche	59,930.00
COEDD				
d.	FAP-16-0024-R	Maud Municipal Authority	Pottawatomie	39,999.00
GGEDA				
e.	FAP-16-0001-R	Welch Public Works Authority	Craig	57,868.00

- D. Consideration of and Possible Action on Contracts and Agreements:

- 1. Professional Engineering Services Agreement with Cardinal Engineering, L.L.C., to develop plans and specifications to repair the spillway of Hominy Municipal Lake.
- 2. Interagency Agreement with the Department of Environmental Quality to pay the OWRB for conducting, performing and producing bathymetric surveys to determine lake oxygen water quality standards.

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

- 1. Mike & LaDena Kauk, Custer County, #2014-612
- 2. Ryan & JoDell Hodgden, Alfalfa County, #2015-568
- 3. Tammy Gray-Steele, Oklahoma County, #2015-578

- 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. Douglas Michael Phenix, Beckham County, #2015-593

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

- 1. Jim L. Edler, Washita County, #1984-627A

- I. Consideration of and Possible Action on Applications to Amend Prior Rights to Use Groundwater:
None
- J. Consideration of and Possible Action on Applications for Regular Permits to Use Stream Water:
 - 1. John Synar, Sequoyah County, #2012-071
 - 2. Smith, Crow and Fox Properties Trust, LeFlore County, #2015-025
- K. Consideration of and Possible Action on Applications to Amend Permits to Use Stream Water:
 - 1. XTO Energy, Bryan and Marshall Counties, #2015-017
- L. Consideration of and Possible Action on Dam and Reservoir Construction:
None
- M. Consideration of and Possible Action on Well Driller and Pump Installer Licensing:
 - 1. New Licenses and Operators
 - a. Licensee: Just Geoloops, Inc. DPC-0963
 - 1. Operator: Dean Sherman OP-2131
 - b. Licensee: Unique Drilling, LLC DPC-0965
 - 1. Operator: Rocky Comyford OP-2139
 - c. Licensee: Wet Hole Drilling DPC-0957
 - 1. Operator: Gary Baker OP-2128
 - d. Licensee: Wright Water Well Services, Inc. DPC-0959
 - 1. Operator: Stephen Wright OP-2129
 - e. Licensee: York Water Well DPC-0961
 - 1. Operator: Jessie Hammock OP-2130
 - 2. New Operators, Licensee Name Change, and/or Activities for Existing Licenses:
 - a. Licensee: MK Drilling DPC-0907
 - 1. Operator: Milton Knutson OP-2011
 - b. Licensee: Matcor DPC-0479
 - 1. Operator: James Vanorden OP-2133
 - 2. Operator: Joe Schwemin OP-2134
 - 3. Operator: Chris Johnson OP-2135
 - 4. Operator: Kristofer Lamb OP-2137
 - 5. Operator: Dennis Coldiron OP-2139
 - c. Licensee: McReynolds Water Systems DPC-0578
 - 1. Operator: Steve Linch OP-2138
 - d. Licensee: Talon/LPE DPC-0619
 - 1. Operator: John Richins OP-2132
- 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, Adair County, #FP-15-32
 - 2. Oklahoma Department of Transportation, Grady County, #FP-15-33
 - 3. Oklahoma Department of Transportation, Muskogee County, #FP-15-34

- O. Consideration of and Possible Action on Applications for Accreditation of Floodplain Administrators:
 1. Heath A. Dobrovolny, Kingfisher County, #FPA-658
 2. Tim D. Coffey, City of Konawa, #FPA-659
 3. Wendi D. Marcy, Lincoln County, #FPA-660
 4. Gerald J. Haury, Town of Okeene, #FPA-661

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

- A. Staff Presentations and Public Comment on Amendments to Permanent Rules Proposed for Adoption During 2016.

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 19, 2016 meeting. The comment period for these proposed amendments will expire at the close of the public hearing on January 19, 2016. The proposed amended rules are expected to be scheduled for consideration and possible adoption or any other action by the Board at its February 16, 2016 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 3. Antidegradation Requirements
 - 785:45-3-2. Applications of antidegradation policy [AMENDED]
- Subchapter 5. Surface Water Quality Standards
 - Part 3. Beneficial Uses and Criteria to Protect Uses
 - 785.45-5-10. Public and private water supplies [AMENDED]
 - 785.45-5-12. Fish and wildlife propagation [AMENDED]
 - Part 5. Special Provisions
 - 785:45-5-25. Implementation Policies for the Antidegradation Policy Statement [AMENDED]
- Appendix A. Designated Beneficial Uses of Surface Waters [REVOKED]
- Appendix A. Designated Beneficial Uses for Surface Waters [NEW]
- Appendix B. Areas with Waters of Recreational and/or Ecological Significance [REVOKED]
- Appendix B. Areas with Waters of Recreational and/or Ecological Significance [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]
- Appendix G. Numerical Criteria To Protect Beneficial Uses. [REVOKED]
- Appendix G. Numerical Criteria To Protect Beneficial Uses. [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 1. General Provisions
 - 785:46-13-1-2. Definitions [AMENDED]
 - Subchapter 13. Implementation of Antidegradation Policy
 - 785:46-13-1. Applicability and scope [AMENDED]
 - 785:46-13-4. Tier 2 protection; maintenance and protection of High Quality Waters, ~~and Sensitive Water Supplies,~~ and Sensitive Water Supply-Reuse waterbodies [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 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 point system [AMENDED]
 - 785:50-7-7. Disbursement of funds [AMENDED]
 - Subchapter 8. Rural Economic Action Plan (REAP) Grant Program Requirements and Procedures
 - 785:50-8-2. Definitions [AMENDED]
 - 785:50-8-3. Application review and disposition [AMENDED]
 - 785:50-8-4. Applicable law; deadline for applications; eligible project costs [AMENDED]
 - 785:50-8-5. REAP grant priority point system [AMENDED]
 - 785:50-8-6. Disbursement of funds [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]
 - 785:50-9-27. Types of assistance [AMENDED]
 - 785:50-9-30. Planning documents [AMENDED]
 - 785:50-9-33. Application for financial assistance [AMENDED]
 - 785:50-9-35. Loan closing [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]

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

05000 5. SPECIAL CONSIDERATION

Chairman Lambert

A. Consideration of and Possible Action on Proposed Findings of Fact, Conclusions of Law and Board Order on Application for Permit to Use Stream Water No. 2014-004 filed January 29, 2014, Dee Max Corbin, Custer 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 Proposed Findings of Fact, Conclusions of Law and Board Order on Application for Permit to Use Stream Water No. 2014-005 filed January 29, 2014, JoLana Farris, Custer 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.

C. Consideration of and Possible Action on Proposed Findings of Fact, Conclusions of Law and Board Order on Application for Permit to Use Stream Water No. 2014-010 filed January 29, 2014, Vicki J. Rydell, Custer 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.

D. Consideration of and Possible Action on Proposed Findings of Fact, Conclusions of Law and Board Order on Application for Permit to Use Stream Water No. 2014-007 filed February 19, 2014, Preston W. & Candy Masquelier, Custer 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.

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

6. PROPOSED EXECUTIVE SESSION

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 **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 **Chairman Lambert**

Water Appreciation Day at the Capitol, February 16, 2016, 9:00 a.m. - 2:00 p.m. in the 4th Floor Rotunda, State Capitol Building, 2300 Lincoln Blvd, Oklahoma City, OK

The next regular meeting of the Oklahoma Water Resources Board will be held at 1:30 p.m., February 16, 2016, at the OWRB Offices located at 3800 N. Classen Boulevard, Oklahoma City, Oklahoma.

1/14/2016