

COMMENT SUMMARY AND RESPONSES

PROPOSED AMENDMENTS TO CHAPTER 45, OKLAHOMA'S WATER QUALITY STANDARDS

PROPOSED AMENDMENTS TO CHAPTER 46, IMPLEMENTATION OF OKLAHOMA'S WATER QUALITY STANDARDS

OWRB BOARD HEARING JANUARY 15, 2019

VERBAL COMMENTS PRESENTED AT THE BOARD HEARING

List of Verbal Public Comments from Board Hearing, January 15, 2019
1. Amy McRay
2. Conservation Coalition of Oklahoma
3. Environmental Federation of Oklahoma
4. Katherine Trent
5. Koch Fertilizer
6. Mary Francis
7. Phyllis Klugas
8. Public Service Company of Oklahoma
9. Save the Illinois River
10. Sierra Club of Oklahoma
11. Unnamed Citizen
12. Valero Refining Company

Comment Number	Comment	Response
1.0	Ashley McRay	
1.1	<p>I think it's incumbent upon state agencies, like yourself, to protect our citizens. Especially considering that federal regulations are being weakened and reduced. Here in Oklahoma, I think that we are a special case because we are an oil and gas state. We do need more stringent regulations on our water, to protect our communities, to protect our environment, to protect our people. I want to ask the board to prioritize people over industry. I think it's no surprise today that those who speak in opposition are from the public, and those who speak in favor of the proposals are from industry. I think that this is not lost of the community here today. I think it's important that you follow Oklahoma law by excluding scenic rivers from the variance process, to limit the duration of variances for other waters, to exclude any variance from regulations that protect the health of our Oklahoma communities. Please complete the review of the human health standards now, propose the revisions now.</p>	<p>Thank you for your comment. The OWRB proposes rules to ensure that the assigned beneficial uses for our waters are protected so that waters can be used by all of our citizens. The proposed rules do not establish a variance for any Oklahoma Scenic River. Each and every variance that may be pursued will happen as part of a vigorous public participation process and will be unique in and to itself. It is the intent to proposed rules related to human health criteria as part of the 2020 rulemaking process.</p>
1.2	<p>On the subject of stakeholders, I think it's important that we bring everybody to the table. Decisions that are impacting communities who are not able to be present here today, or even submit the information that they want you to hear, should be considered as well. It shouldn't just be Valero or Conoco Phillips. It should be the people who are being impacted by these projects. The flexibility of these proposals you are making, make it more difficult for the public to be engaged in this process. In Norman where we are fighting a variance, we had to go to these last minute meetings for six months in a row. That's really difficult for ordinary citizens to be engaged in these processes that are impacting them. So I think the flexibility in these variances makes it more difficult and cuts out the</p>	<p>The OWRB works extensively with stakeholders as part of our normal rule making process. If you have specific input on ways we can do this more effectively, please relay that information to us. We are unaware of the "variance" issue in Norman, but it is not related to the OWRB proposed rules. The OWRB endeavors to work closely with the tribes and continues to build on those positive working relationships.</p>

Comment Number	Comment	Response
	<p>communities that are being impacted. Finally, there needs to be a consideration tribal and state relationships. I am in a unique position in my job, I was most recently the democratic nominee for corporation commissioner , so I have traveled throughout the state extensively. I've been in the communities, I've met many wonderful people who are fighting. Fighting because these agencies that in place to protect them are not doing their job, and I don't think that should be the way... I think our state agencies should be stewards. They should be here to protect our water and they should care about what the public has to say. Thank you. I am speaking in opposition to the proposals made today, and I know that there are many who could not be here today and they feel the same.</p>	
2.0	<p>Conservation Coalition of Oklahoma, Ron Suttles, Board Chair</p>	
	<p>Comments reflect those provided in written format.</p>	<p>Comment Noted:</p>
3.0	<p>Environmental Federation of Oklahoma, Bud Ground</p>	
	<p>Comments reflect those provided in written format.</p>	<p>Comment Noted:</p>
4.0	<p>Katherine Trent</p>	
	<p>Comments reflect those provided in written format.</p>	<p>Comment Noted:</p>
5.0	<p>Koch Fertilizer, Kevan Reardon</p>	
	<p>Comments reflect those provided in written format.</p>	<p>Comment Noted:</p>
6.0	<p>Mary Francis</p>	
	<p>Comments reflect those provided in written format.</p>	<p>Comment Noted:</p>
7.0	<p>Phyllis Klugas</p>	
7.1	<p>Fish tissue is a late indicator. You could have runoff coming down into my creek and the fish that are there wasn't exposed to that. They have to be exposed for a period of time before it reaches human or animal consumption. I appeal to you that you use science in your decision making because I think that fish tissue is a great</p>	<p>The proposed rules are based upon the latest and best science available at this time. It is always the intent of the OWRB to propose rules that protect assigned beneficial uses. Thank you for your comment.</p>

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	indicator, but it does not replace water samples.	
8.0	Public Service Company of Oklahoma, Rob Reash, American Electric Power	
	Comments reflect those provided in written format.	Comment Noted:
9.0	Save the Illinois River, Ed Brocksmith	
	Comments reflect those provided in written format.	Comment Noted:
10.0	Sierra Club of Oklahoma, Mark Derichsweiler, Vice Chairman	
	Comments reflect those provided in written format.	Comment Noted:
11.0	Mr. Jackman	
11.1	First of all, let me give you my track record... I was working with former state senator Jerry Ellis, in 2015 Mr. Ellis and I were successful in arranging... to go to capitol and asking for some more money, part of what I was saying is that more money is necessary to really get OWRB fully staffed. Mr. Ellis and I were successful is raising 1.5 million dollars for the study of the Red River Basin, from its very origins in New Mexico, to where it goes into the Mississippi River. We went to the USGS, Mr. Ellis got through a senate concurrent resolution asking the USGS, in concert with OWRB... we needed a study. So I've been successful, and this is all on record, some of the staff know this. Also, I was a member for two years of the statewide comprehensive plans for fiscal. During that time, I raised so much cain about the lack of science at OWRB. Science is the backbone of water management, not politics. It's science, it's water chemistry, it's hydrogeology	Comment Noted: Thank you Mr. Jackman for your comment. The OWRB proposed rules reflect the best science available and it is always the intention of the OWRB to propose rules that are scientifically defensible; this is the backbone for all of our work.
11.2	So sir I've come to you with my comments on Chapter 45, you've heard their comments on variance. In street language, a variance is a tool to allow Arkansas to continue to dump trash into the Illinois River. We focus on phosphorous, that's the tip of the iceberg. What else are they dumping in? So I am	The proposed rule does not grant or create a variance condition to any party. It merely makes changes to existing rule to more accurately reflect EPA guidance and provide a tool that can be utilized as deemed appropriate through a collaborative public participation process involving state agencies and stakeholders.

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	<p>adamantly against variances. You are a flexible body, you are a smart body. Stewarts, staff, somebody has got a real problem and wants a loophole, or a little bit more time, you will grant it to them. Don't grant this variance.</p>	
11.3	<p>The other thing that I take exception to, Bill and I have had many conversations... Selenium, I think on this whole study is cherry picking the real problems. Remember we have three cities in eastern Oklahoma where the residents have the lowest life-expectancy in the United States. Rather than selenium, why didn't you use the case of mercury? We've got 54 major lakes in the state of Oklahoma with mercury warnings on them. So I disagree with this example, there are many other problems... mercury, lead, cadmium, and so forth. Don't think it's just one.</p>	<p>Comment Noted: There are a number of water quality issues facing Oklahoma. Selenium is what the proposed rule is dealing with at this time.</p>
11.4	<p>Which get's me into this. The number of chemicals identified to be studied... I disagree with that amount. It's too small. Don't take my word for it. Ms. Cunningham, have your staff do a comparative analysis of how they are setting up what chemicals, pollutants, carcinogens, and so forth that they use in their test receivers. Check with Kansas, check with Nebraska, check with Minnesota, check with Iowa, check with New Mexico... These states have recognized this day and age, we've got unregulated compound chemicals coming in daily. One of them is called P-Fast, you've been reading about. We're not prepared to find these. Use mass spectrometry, widen their ticks, or what they will catch. Let's catch up with what other people are doing.</p>	<p>Comment Noted: There are a large number of constituents of emerging concern in the environment.</p>
11.5	<p>Gentlemen, as stewards we cannot stand to be listed at 40... 45, whatever... in water quality management. I ask you to go... to get more money from the governor, legislatures... I will work, if others will help me, to raise money from</p>	<p>Comment Noted: Additional funding is always appreciated.</p>

Comment Number	Comment	Response
	federal groups.	
11.6	Lastly... if you're stewards, and somebody comes and dumps trash in your yard, are you going to give them a variance? No. That's what's happening with your water. The sad situation that has happened up in Delaware, Cherokee, and Adair county is that they have been invaded by 200 industry type poultry houses... The remaining comments given do not pertain to Chapter 45.	Comment Noted: See response to comments 11.2
12.0	Valero Refining Company, Lial Tischler, Consultant Engineer	
	Comments reflect those provided in written format.	Comment Noted: