

A G E N D A

OKLAHOMA WATER RESOURCES BOARD

February 16, 2016

1:30 p.m.

3800 N. Classen Boulevard, Oklahoma City, OK 73118

The members of the Oklahoma Water Resources Board may gather at the Oklahoma State Capitol Building to attend activities associated with “Water Appreciation Day at the Capitol,” scheduled on the Fourth Floor Rotunda, 2300 Lincoln Boulevard, Oklahoma City, Oklahoma, from 9:00 a.m. through 2:00 p.m. on February 16, 2016. No discussion or action will be taken by a quorum of the members during any activity at the Capitol.

The members of the Oklahoma Water Resources Board will then convene at 1:30 p.m. on February 16, 2016, at the Board’s offices at 3800 N. Classen Boulevard, Oklahoma City, Oklahoma to conduct the regular monthly meeting of the Oklahoma Water Resources Board and to consider and possibly take action on the agency items listed below.

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 11, 2016, at 3:30 p.m. A copy of this agenda is available on the OWRB website at www.owrb.ok.gov.

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- 01000 1. CALL TO ORDER** **Chairman Linda Lambert**
- A. Roll Call
 - B. Discussion, Amendments, and Vote to Approve Official Minutes of the January 19, 2016, 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 Emergency Grant for Rural Water District No. 14, Pittsburg County. Recommended for Approval.
 - B. Report of the Board Audit Committee Regarding Oklahoma Water Resources Board State Loan Program Revenue Bonds and Clean Water State Revolving Fund Program (CWSRF) Financial Statements as of June 30, 2015 and 2014, Audits of the CWSRF Administrative Fund and the Drinking Water Treatment Loan Administrative Fund as of June 30, 2015 and 2014.

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>
EODD				
a.	FAP-12-0015-R	Rural Water District #5	Okmulgee	\$99,900.00
OEDA				
b.	FAP-16-0014-R	Waynoka Utilities Authority	Woods	99,900.00
SODA				
c.	FAP-14-0027-R	Lehigh Development Authority	Coal	99,999.00

- D. Consideration of and Possible Action on Contracts and Agreements:
 - 1. Professional Services Agreement with Tarigma Corporation for support service for the computer loan and grant tracking software used by the Financial Assistance Division.
 - 2. Contract with the City of Norman for the implementation of the Lake Thunderbird TMDL Monitoring Plan through stormwater sampling, analysis and monitoring.
 - 3. Agreement with Oklahoma Ground Water Association for the oversight of continued education of Well Drillers and Pump Installers.
- E. Consideration of and Possible Action on Applications for Temporary Permits to Use Groundwater:
 - 1. Bryan Kroeker Revocable Trust, Major County, #2015-579
 - 2. Jeff and Lori Cart Family Trust, Caddo County, #2015-592
 - 3. Rustin & Sheryl Sturgeon, Alfalfa County, #2015-597
 - 4. White Oak, L.L.C., Kingfisher County, #2015-608

- F. Consideration of and Possible Action on Applications to Amend Temporary Permits to Use Groundwater:
1. Town of Helena, Alfalfa County, #1984-582
 2. Lloyd Lynn & Gayle Elaine Bates, Caddo County, #2008-582
- G. Consideration of and Possible Action on Applications for Regular Permits to Use Groundwater:
1. Burns Family Limited Partnership, Carter County, #2015-600
 2. Hutton, Inc., Beckham County, #2015-606
- H. Consideration of and Possible Action on Applications to Amend Regular Permits to Use Groundwater:
1. Robinson Bros. Pork, Inc., Johnston County, #1993-552
 2. Woodward County Rural Water District No. 2, Woodward County, #2000-504
- 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. Louis Williams, Jr., Kingfisher County, #2015-030
- K. Consideration of and Possible Action on Applications to Amend Permits to Use Stream Water:
- None
- 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:
None
 2. New Operators, Licensee Name Change, and/or Activities for Existing Licenses:
 - a. Licensee: Just Geoloops, Inc. DPC-0963
 1. Operator: Deon Sherman OP-2131
 - b. Licensee: Pratt Well Service, Inc. DPC-0621
 1. Operator: Mike Schmidt OP-2142
 2. Operator: Dennis Mohler OP-2143
 - c. Licensee: Etter Water Well Inc. DPC-0782
 1. Operator: Dale Ball OP-1750
 2. Operator: Clifford Wieck OP-2144
 - d. Licensee: Mclean's CP Installation, Inc. DPC-0526
 1. Operator: Timothy Riddlespurger OP-2145
 - e. Licensee: H & H Water Well Service DPC-0090
 1. Operator: Jason Holton OP-2146
 - f. Licensee: Summers' Well Drilling DPC-0568
 1. Operator: Jacob Summers OP-1618
 - g. Licensee: William's Drilling Co. DPC-0229
 1. Operator: Joshua Johnson OP-2075

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| h. Licensee: Canadian Water Well, Inc. | DPC-0705 |
| 1. Operator: Ezequiel Cervantes | OP-2147 |
| i. Licensee: B2D Enterprises | DPC-0890 |
| 1. Operator: Bobby Criswell, Jr. | OP-1817 |

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

1. City of Norman Utilities Authority, Cleveland County, #FP-16-13

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

1. Daniel R. Wind, Kickapoo Tribe, #FPA-662
2. Melissa D. Dennis, Pottawatomie County, #FPA-663
3. Laura L. Hendrix, City of Tulsa, #FPA-664

04000 4. PROPOSED AMENDMENTS TO PERMANENT RULES Chairman Lambert

A. Consideration of and Possible Action on Adoption of Rules Amendments in Chapter 45 – Oklahoma’s Water Quality Standards

Staff recommends for approval the proposed changes to OAC 785:45 listed below.

1. Summary - 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]

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

B. Consideration of and Possible Action on Adoption of Rules Amendments to Chapter 46 – Implementation of Oklahoma’s Water Quality Standards.

Staff recommends for approval the proposed changes to OAC 785:46 listed below:

1. Summary – **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]

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

C. Consideration of and Possible Action on Adoption of Rules Amendments to Chapter 50 – Financial Assistance.

Staff recommends for approval the proposed changes to OAC 785:50 listed below:

1. Summary -**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]

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

05000 5. SPECIAL CONSIDERATION Chairman Lambert

- A. No items.
- B. 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**

The next regular meeting of the Oklahoma Water Resources Board will be held at 9:30 a.m., March 15, 2016, at the OWRB Offices located at 3800 N. Classen Boulevard, Oklahoma City, Oklahoma.

2/11/2016