

AGENDA
OKLAHOMA WATER RESOURCES BOARD

August 16, 2022
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 August 12, 2022 at 4:00 p.m. A copy of this agenda is available on the OWRB website at www.owrb.ok.gov.

01000 1. CALL TO ORDER Chairman Matt Muller

- A. Roll Call.
- B. Discussion, Amendments, and Vote to Approve Official Minutes of the June 21, 2022 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 and Possible Discussion **Mr. Cleve Pierce**

02000 2. FINANCIAL ASSISTANCE DIVISION Mr. Joe Freeman

- A. Consideration of and Possible Action on a Proposed Order Approving Extension of Time for Obligation of Funds for Clean Water Funding for The Grove Municipal Services Authority, Delaware County. Recommended for Approval.
- B. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Stillwater Utilities Authority, Payne County. Recommended for Approval.
- C. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Shawnee Municipal Authority, Pottawatomie County. Recommended for Approval.
- D. Consideration of and Possible Action on Proposed Resolution Authorizing Certain Individuals To Sign and Act on Behalf of the Board Regarding the Board's Financial Assistance Program, State Revolving Fund Programs, and Issues of Indebtedness and Authorizing Members to Act as Assistant Secretary. Recommended for Approval.

03000 3. SUMMARY DISPOSITION AGENDA ITEMS

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-22-0012-R	Gracemont Public Works Authority	Caddo	\$150,000.00
COEDD				
b.	FAP-22-0027-R	Meeker Public Works Authority	Lincoln	99,999.00
INCOG				
c.	FAP-22-0020-R	Rural Water District #21	Osage	120,000.00
SWODA				
d.	FAP-22-0005-R	The Thomas Public Works Authority	Custer	68,423.08

2. CWSRF Principal Forgiveness Loan Applications:

<u>Item No.</u>	<u>Application No.</u>	<u>Entity Name</u>	<u>County</u>	<u>Amount Recommended</u>
a.	ORF-22-0010-CW	Talala Public Works Authority	Rogers	\$88,679.25

b.

ORF-23-0096- CW	El Reno Municipal Authority	Canadian	440,000.00
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c.

ORF-23-0068- CW	Caddo Public Works Authority	Bryan	615,380.00
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d.

ORF-23-0066- CW	The Broken Bow Public Works Authority	McCurtain	617,710.00
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e.

ORF-22-0078- CW	Marietta Municipal Authority	Love	650,000.00
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f.

ORF-23-0122- CW	The Geronimo Public Works Authority	Comanche	653,500.00
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g.

ORF-23-0101- CW	Tishomingo Municipal Authority	Johnston	1,000,000.00
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D. Consideration of and Possible Action on the Contracts and Agreements:

1. Resolution with Federal Emergency Management Agency for funding assistance through FEMA's Cooperating Technical Partners (CTP) Program for flood risk assessment and mapping.
2. Resolution with Federal Emergency Management Agency for funding assistance through FEMA's program to rehabilitate high hazard-potential dams.
3. Amendment Agreement between Oklahoma Department of Environmental Quality and OWRB extending the date of service and updating contract pricing related to lab analysis.

4. Interagency Agreement between Oklahoma Department of Agriculture, Food and Forestry and OWRB for collecting groundwater samples at monitoring wells of swine licensed managed feeding operations (LMFOs).
 5. Joint Funding Agreement between United States Geological Service and OWRB for hydrogeologic investigation and Framework of the Ogallala Aquifer in the Panhandle and northwestern Oklahoma.
 6. Amendment to Joint Funding Agreement between United States Geological Service and OWRB increasing funding and extending time period for project providing enhanced monitoring and evaluation of hydrologic trends for the Eastern Arbuckle-Simpson Aquifer in south-central Oklahoma.
 7. Grant Agreement with Office of Management Enterprise Services for administrative services for the American Rescue Plan Act Grant Funds designated for water and wastewater infrastructure and dam rehabilitation grants.
 8. Grant Agreement with Office of Management Enterprise Services for administrative services for the American Rescue Plan Act Grant Funds designated for Lugert Altus Irrigation district project.
 9. Grant Agreement with Office of Management Enterprise Services for administrative services for the American Rescue Plan Act Grant Funds designated for tribal cooperation grant matching funds for water and wastewater infrastructure.
- E. Consideration of and Possible Action on Applications for Temporary Permits to Use Groundwater:
1. Washita County RWD No. 2, Washita County, 2021-520
 2. AmeriTrust, Trustee of the Bertie O. Walls Revocable Trust, Caddo County, 2021-550
 3. The John & Mark Family, LP, Bryan County, 2022-505
- F. Consideration of and Possible Action on Applications to Amend Temporary Permits to Use Groundwater:
1. Truman & Laura Schrock, Custer County, 2014-0512
- G. Consideration of and Possible Action on Applications for Regular Permits to Use Groundwater:
1. Garrett Spillane, Pottawatomie County, 2021-525
- H. Consideration of and Possible Action on Applications to Amend Regular Permits to Use Groundwater:
None.
- I. Consideration of and Possible Action on Applications to Amend Prior Right to Use Groundwater:
1. Washita County RWD No. 2, Washita County, 1956-793
 2. Town of Seiling, Major County, 1972-300B
- J. Consideration of and Possible Action on Applications to for Term Permits to Use Stream Water:
1. Sewell Bros. Land, Inc., Washington County, 2021-0014
- K. Consideration of and Possible Action on Applications for Regular Permits to Use Stream Water:
1. Joshua LaFate Brewer & Cristina Ramos, Okfuskee County, 2022-005

L. Consideration of and Possible Action on Applications to Amend Regular Permits to Use Stream Water:
None.

M. Consideration of and Possible Action on Well Driller and Pump Installer Licensing:

1. New Licenses, Accompanying Operator Certificates and Activities:

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| A. Licensee: County Line Water Well LLC | DPC-1016 |
| 1. Operator: Chris Dickson | OP-2415 |
| Activities: Groundwater Wells & Pump Installation | |
| B. Licensee: Intercorp Industrial Solutions | DPC-1018 |
| 2. Operator: Brian Kramer | OP-2416 |
| Activities: Groundwater Wells & Pump Installation | |
| C. Licensee: Charles Madsen | DPC-1020 |
| 3. Operator: Charles Madsen | OP-2417 |
| Activities: Groundwater Wells | |
| D. Licensee: W5 Water Well Services, LLC | DPC-1022 |
| 4. Operator: Colton Wear | OP-2419 |
| Activities: Pump Installation | |

2. New Operators, Licensee Name Change, and/or Activities for Existing Licenses:

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| A. Licensee: Layne Christensen | DPC-0123 |
| 1. Operator: Lukas Brown | OP-2418 |
| Activities: Monitoring Wells | |

N. Consideration of and Possible Action on Dam and Reservoir Construction:
None.

O. 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, Payne County, #FP-2022-03
2. Oklahoma Department of Transportation, Creek County, #FP-2022-04
3. Oklahoma Department of Transportation, Creek County, #FP-2022-05
4. Oklahoma Department of Transportation, Cherokee County, #FP-2022-06
5. Oklahoma Department of Transportation, Beckham County, #FP-2022-07
6. Oklahoma Department of Transportation, Oklahoma County, #FP-2022-08
7. Oklahoma Department of Transportation, Pottawatomie County, #FP-2022-09

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

1. Josh Balch, Oklahoma County, #FPA-032
2. Rodney Sheets, Oklahoma County, # FPA-010

A. Consideration of and Possible Action on a Finding of Emergency and Adoption of Proposed Emergency Rules of the Board Relating to American Rescue Plan Water and Wastewater Grant Program Requirements and Procedures, Oklahoma Dam Rehabilitation (OKDR) Grant Program Requirements and Procedures, and Tribal Cooperation Grant Program Requirements and Procedures.

1. Summary of Finding of Emergency and Proposed Emergency Rules

Chapter 50. Financial Assistance

Subchapter 15. American Rescue Plan Act (ARPA) Water and Wastewater Infrastructure Grant Program Requirements [NEW] – **Mr. Joe Freeman**

785:50-15-1. Program description

785:50-15-2. Definitions

785:50-15-3. Application review and disposition

785:50-15-4. Applicable law; deadline for applications; eligible project costs

785:50-15-5. ARPA grant priority points system

785:50-15-6. Disbursement of funds

Subchapter 17. Oklahoma Dam Rehabilitation (OKDR) Grant Program Requirements and Procedures [NEW] – **Mr. Yohanes Sugeng**

785:50-17-1. Program description

785:50-17-2. Definitions

785:50-17-3. Application review and disposition

785:50-17-4. Applicable law; deadline for applications; eligible project costs

785: 50-17-5. Period of performance.

785:50-17-7. OKDR grant priority system

785:50-17-8. Disbursement of funds.

Subchapter 19. American Rescue Plan Act Tribal Cooperation Grant Program Requirements and Procedures [NEW] – **Ms. Julie Cunningham**

785:50-19-1. Program description

785:50-19-2. Definitions

785:50-19-3. Application review and disposition

785:50-19-4. Applicable law; deadline for applications; eligible project costs

785:50-19-5. Project Selection

785:50-19-6. Disbursement of funds

2. Questions and Discussion by Board Members

3. Comments by Public

4. Vote on Whether to Approve the Finding of Emergency and Proposed Emergency Rules Amendments as Presented or as May be Amended after Discussion and Comment.

05000 5. SPECIAL CONSIDERATION

Chairman Matt Muller

- A. Reconsideration of and Possible Action on the Application to Amend Prior Groundwater Right No. 1968-350, Billy and Kimberly Mizer, Cimarron County, Oklahoma:
1. Summary – **Mr. Chris Neel**
 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. Amendment to Schedule of Use & Reduction of Stream Water Permit No. 1993-034, City of Ponca City, Kay County, Oklahoma:
1. Summary – **Mr. Chris Neel**
 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 items Transferred from Summary Disposition Agenda, if any.

6. NEW BUSINESS

Chairman Matt Muller

Under the Open Meeting Act, this agenda item is authorized only for matters not known about which could not have been reasonable foreseen prior to the time of posting the agenda or any revised agenda.

7. ADJOURNMENT

Chairman Matt Muller

The next regular meeting of the Oklahoma Water Resources Board will be held on Tuesday, September 20, 2022 at 9:30 a.m. in the offices of the OWRB, 3800 N. Classen Boulevard, Oklahoma City, OK 73118.

8/12/2022