

A G E N D A

OKLAHOMA WATER RESOURCES BOARD

February 20, 2018

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 15, 2018 at 5:15 p.m. A copy of this agenda is available on the OWRB website at www.owrb.ok.gov.

- 01000 1. CALL TO ORDER** **Chairman Ford Drummond**
- A. Roll Call
 - B. Discussion, Amendments, and Vote to Approve Official Minutes of the January 16, 2018, 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
 - 2. Audit Report Update
- 02000 2. FINANCIAL ASSISTANCE DIVISION** **Mr. Joe Freeman**
- A. Consideration of and Possible Action on a Proposed Order Approving Emergency Grant for Wayne Public Works Authority, McClain County. Recommended for Approval.
 - B. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Canton Public Works Authority, Blaine County. Recommended for Approval.
 - C. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Grand Lake Public Works Authority, Delaware County. Recommended for Approval.
 - D. Consideration of and Possible Action on a Proposed Order Approving State Loan Program Revenue Bond Loan Funding Application for Waurika Public Works Authority, Jefferson County. Recommended for Approval

- E. Resolution Authorizing the Issuance of Oklahoma Water Resources Board Revolving Fund Revenue Bonds – Drinking Water Program (Master Trust), in the Aggregate Principal Amount not to Exceed \$90,000,000; Approving and Authorizing Execution of a Bond Indenture Providing for the Issuance of the Bonds; Providing for the Sale and Delivery of the Bonds and Authorizing a Certificate of Determination; Waiving Competitive Bidding on the Bonds and Authorizing the Sale Thereof by Negotiation Pursuant to the Terms of a Contract of Purchase Pertaining Thereto; Approving a Preliminary Official Statement with Respect to the Bonds; Authorizing Execution of Such Other and Further Instruments, Certificates and Documents as may be Required for the Issuance of the Bonds; Directing Payment of Costs of Issuance and Containing other Provisions Relating to the Issuance of the Bonds. Recommended for Approval.

- F. Resolution Authorizing the Issuance of Oklahoma Water Resources Board State Loan Program Revenue Bonds in an Aggregate Principal Amount not to Exceed \$100,000,000; at a Net Interest Cost not to Exceed Six Percent (6.0%); Providing for the Issuance of Said Bonds in One or More Series; Approving and Authorizing Execution of a Series 2018A Supplemental Bond Resolution and, if Deemed Advisable, an Additional Supplemental Bond Resolution for Each Additional Series; Waiving Competitive Bidding on the Bonds and Authorizing the sale Thereof by Negotiation and at a Discount Pursuant to the Terms of a Contract of Purchase Pertaining Thereto; Approving a Preliminary Official Statement with Respect to Said Bonds; Authorizing the Chairman or Vice Chairman to Deem Preliminary Official Statements for Additional Series of Bonds Final; Directing Deposit of Proceeds Derived from the Issuance of the Bonds in the State Treasury and Requesting the State Treasurer to Remit Such Proceeds to the Bond Trustee; Ratifying and Approving the Form of Promissory Note, Loan Agreement, and Note Purchase Agreement to be Executed by Borrowers in the State Loan Program; Authorizing Execution of Such Other and Further Instruments, Certificates and Documents as may be Required for the Issuance of the Bonds; Directing Payment of Costs of Issuance and Containing Other Provisions Relating to the Issuance of the Bonds. Recommended for Approval.

- G. Report of the January 16, 2018 Board Audit Committee Meeting Including Oklahoma Water Resources Board State Loan Program Revenue Bonds and Clean Water State Revolving Fund Program (CWSRF) Financial Statements as of June 30, 2017 and 2016, Audits of the CWSRF Administrative Fund and the Drinking Water Treatment Loan Administrative Fund as of June 30, 2017 and 2016.

03000 3. SUMMARY DISPOSITION AGENDA ITEMS Chairman Drummond

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-18-0014-R	Rural Water District #21	Okmulgee	\$60,000.00
SWODA				
b.	FAP-16-0008-R	Duke Municipal Authority	Jackson	98,000.00

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

1. Agreement between OWRB and the Oklahoma Ground Water Association for the oversight of continuing education of Well Drillers and Pump Installers.

2. Amendment to Professional Engineering Services Agreement between OWRB and Lynker Technologies to add additional tasks and associated payment for updates to OWRB's North Fork of the Red River CRAM model.

3. Contract between OWRB and Oklahoma Floodplain Managers Associations, Inc., to publish informational materials to educate the public, floodplain managers and administrators on flood hazards and the reduction of these hazards.

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

- 1. Perry & Karen Castonguay, Blaine County, #2017-535
- 2. Roger Eugene & Susan Beth Post, Kingfisher County, #2017-540
- 3. Gulfport MidCon LLC, Grady County, #2017-545
- 4. Joe Bob & Melinda Stump, Woodward County, #2017-549
- 5. Peggy S. Hughes Revocable Trust, Wagoner County, #2017-551
- 6. Darrell Jantz, Garfield County, #2017-556
- 7. Western Sky Farms, LLC, Payne County, #2017-577

F. Consideration of and Possible Action on Applications to Amend Temporary Permits to Use Groundwater:

- 1. Continental Carbon Co., Kay County, #2016-513

G. Consideration of and Possible Action on Applications for Regular Permits to Use Groundwater:

- 1. No Water Farms, LLC, Cimarron County, #2017-541
- 2. Jevon & Crystal West, Custer County, #2017-555
- 3. Otter Creek Farms, LLC, Tillman County, #2017-566

- H. Consideration of and Possible Action on Applications to Amend Regular Permits to Use Groundwater:
1. Connie L. Henry, Custer County, #1994-510
 2. Grewell Family, LLC, Texas County, #1999-545
 3. Boaldin Family, LLC, Texas County, #2015-605
- I. Consideration of and Possible Action on Applications for Regular Permits to Use Stream Water:
1. Matthew N. & Lisa L. Moreland, Kay County, #2014-055
 2. Matthew N. & Lisa L. Moreland, Kay County, #2014-056
 3. Matt Moreland, Kay County, #2014-057
 4. Matthew N. & Lisa L. Moreland, Grant County, #2014-058
 5. Wooderson Farms, Kay County, #2014-059
 6. Wooderson Farms, Kay County, #2014-060
 7. Wooderson Farms, Kay County, #2014-061
 8. Roger E. Post and Justin R. Post, Kingfisher County, #2017-035
 9. Clayton Fisher, Blaine County, #2017-039
 10. Oklahoma Energy Acquisitions, LP, Kingfisher County, #2017-051
- J. Consideration of and Possible Action on Applications for Term Permits to Use Stream Water:
1. James F. & Judith H. Grellner, Kingfisher County, #2017-037
 2. James F. & Judith H. Grellner, Kingfisher County, #2017-056
 3. James F. & Judith H. Grellner, Kingfisher County, #2017-057
- K. Consideration of and Possible Action on Applications to Amend Vested Right to Use Stream Water:
1. David Olie Hale, Grady County, #1959-056
- L. Consideration of and Possible Action on Dam and Reservoir Construction:
1. Oklahoma City Water Utilities Trust (Atoka), Atoka County, #OK00092
 2. Logan County Conservation District (Omega), Logan County, #OK11014
- M. Consideration of and Possible Action on Well Driller and Pump Installer Licensing:
1. New Operators, Licensee Name Change, and/or Activities for Existing Licenses
 - a. Licensee: Hedrick Drilling DPC-0096
 1. Operator: Bryan Hedrick OP-2223
 - b. Licensee: Associated Environmental Industries DPC-0269
 1. Operator: Adam Arms OP-2224
- N. Consideration and Possible Action on Proposed Resolution Appointing Persons to Serve as Members of the Well Driller and Pump Installers Advisory Council:
 Names of persons to serve as members are individually set out in the February 20, 2018 packet of Board materials.
- 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, Beckham County, #FP-17-57
 2. Oklahoma Department of Transportation, Osage County, #FP-17-58

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

1. Ryan M. Conner, City of Blanchard, FPA-731
2. Marcus N. Cunningham, City of Checotah, FPA-732
3. Gene E. Winsett, City of Chickasha, FPA-733
4. David W. Clapsaddle, City of Guymon, FPA-734
5. Brian D. Scribner, City of Healdton, FPA-735
6. Jane L. Thomas, City of Newkirk, FPA-736
7. David B. Hewitt, City of Nowata, FPA-737
8. Kevin W. Wofford, City of Vinita, FPA-738
9. Rachael J. Cooper, Wagoner County, FPA-739
10. Kesto S. Simpson, City of Walters, FPA-740

04000 4. VOTING ON PROPOSED NEW AND AMENDED PERMANENT RULES OF THE BOARD **Chairman Drummond**

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

1. Summary — **Mr. Kent Wilkins**

Subchapter 1. General Provisions

785:5-1-1. Purpose [AMENDED]

785:5-1-2. Definitions [AMENDED]

785:5-1-3. Board to charge and collect fees [AMENDED]

785:5-1-6. Stream water permit application and administration fees [AMENDED]

785:5-1-7. Watercourse reclamation permit fee [REVOKED]

785:5-1-10. Groundwater application and administration fees [AMENDED]

785:5-1-14. Stream Water and Groundwater petition fees [AMENDED]

785:5-1-15. Fees for reproduction, maps and publications [AMENDED]

785:5-1-16. Fees required in other matters [AMENDED]

785:5-1-17. Loan application fees [AMENDED]

785:5-1-19. Request for Water Quality Standards site specific criteria fee [NEW]

785:5-1-20. Aquifer storage and recovery permit fees [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.

B. Rules Amendments Recommended for Adoption in Chapter 32 – Aquifer Storage and Recovery [NEW]

1. Summary — **Mr. Kent Wilkins**

Subchapter 1. General Provisions [NEW]

785:32-1-1. Purpose [NEW]

785:32-1-2. Definitions [NEW]

Subchapter 3. Permit Application Requirements and Processing [NEW]

- 785:32-3-1. Requirement for permit [NEW]
- 785:32-3-2. Site-specific aquifer storage and recovery plan [NEW]
- 785:32-3-3. Well spacing [NEW]
- 785:32-3-4. Fees [NEW]
- 785:32-3-5. Acceptance of application for filing; when applications deemed withdrawn [NEW]
- 785:32-3-6. Notice of application [NEW]
- 785:32-3-7. Approval of application [NEW]
- Subchapter 5. Aquifer Storage and Recovery Permits [NEW]
- 785:32-5-1. Contents of permits [NEW]
- 785:32-5-2. Annual reports [NEW]
- 785:32-5-3. Cancellation or suspension of permits [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.

C. Rules Amendments Recommended for Adoption in Chapter 45 - Oklahoma's Water Quality Standards

1. Summary — **Mr. Bill Cauthron**

- Subchapter 5. Surface Water Quality Standards
- Part 5. Special Provisions
- 785:45-5-25. Implementation Policies for the Antidegradation Policy Statement [AMENDED]
- Subchapter 7. Groundwater Quality Standards
- 785:45-7-1. Scope and Applicability; Purpose [AMENDED]
- 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]

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 46 – Implementation of Oklahoma's Water Quality Standards

1. Summary — **Mr. Bill Cauthron**

- 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, sensitive water supplies, and Sensitive Water Supply-Reuse and other Tier 2~~ waterbodies [AMENDED]
- 785:46-13-5. ~~Tier 3 protection; prohibition against degradation of water quality in outstanding resource waters~~ Tier 2.5 protection; maintenance and protection of high quality waters, sensitive water supplies, and other tier 2.5 waterbodies [AMENDED]

- 785:46-13-6. ~~Protection for Appendix B areas~~ Tier 3 protection; prohibition against degradation of water quality in outstanding resource waters [AMENDED]
- 785:46-13-7. Protection for Appendix B areas [NEW]
- 785:46-13-8. Antidegradation review in in surface waters [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 50 - Financial Assistance

1. Summary– **Mr. Joe Freeman**

Subchapter 1. General Provisions

785:50-1-2. Definitions [AMENDED]

Subchapter 5. Applications for Financial Assistance

785:50-5-1. Application form and required information [AMENDED]

785:50-5-2. Application verification and approval [AMENDED]

Subchapter 6. Water and Sewer Program Emergency Grants Requirements and Procedures [NEW]

785:50-6-1. Approval criteria [NEW]

785:50-6-2. Evaluation procedure for grant application [NEW]

785:50-6-3. Emergency grant priority point system [NEW]

785:50-6-4. Disbursement of grant funds [NEW]

Subchapter 7. Water and Sewer Program (~~Bond Proceed Loans and Emergency Grants~~ State Loan Program Revenue Bond) Requirements and Procedures

785:50-7-1. General procedures [AMENDED]

785:50-7-2. Approval criteria [AMENDED]

785:50-7-3. Evaluation procedures for grant applications [REVOKED]

785:50-7-5. Emergency grant priority point system [REVOKED]

785:50-7-7. Disbursement of funds [AMENDED]

Subchapter 8. Rural Economic Action Plan (REAP) Grant Program Requirements and Procedures

785:50-8-3. Application review and disposition [AMENDED]

Subchapter 9. Clean Water State Revolving Fund Regulations

Part 1. General Provisions

785:50-9-9. Definitions [AMENDED]

Part 3. General Program Requirements

785:50-9-21. Eligible project [AMENDED]

785:50-9-24. Intended use plan [AMENDED]

785:50-9-28. Pre-Application for funding [AMENDED]

785:50-9-29. Pre-Planning conference [REVOKED]

785:50-9-30. Planning documents [AMENDED]

785:50-9-31. Pre-Application conference [REVOKED]

785:50-9-33. Application for financial assistance [AMENDED]

785:50-9-35. Loan closing [AMENDED]

785:50-9-36. Refinancing construction loans [AMENDED]

785:50-9-37. Minimum assistance agreement conditions [REVOKED]

785:50-9-38. Construction phase [AMENDED]

785:50-9-39. Project changes [AMENDED]

- 785:50-9-40. Building phase submittal [REVOKED]
- 785:50-9-41. Progress payments [REVOKED]
- 785:50-9-42. Retainage [AMENDED]
- 785:50-9-43. Post Building phase responsibilities of the recipient [AMENDED]
- 785:50-9-44. Accounting [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]
- 785:50-9-61. Environmental information documents required by the Board [AMENDED]
- 785:50-9-62. Environmental impact statement review by the Board [AMENDED]
- Subchapter 10. Drinking Water Treatment Revolving Loan Program Regulations
- 785:50-10-3. Terms and conditions [AMENDED]
- Subchapter 11. Miscellaneous Provisions
- 785:50-11-4. Application fees [AMENDED]
- 785:50-11-5. Project completion, inspection and audit [AMENDED]
- 785:50-11-7. Approval and notification regarding certain proposed action of an eligible entity [REVOKED]
- 785: 50-11-10. Insurance requirements for loan recipients [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 Drummond

- A. No items.
- B. Consideration of and Possible Action on Items Transferred from Summary Disposition Agenda, if any.

6. BOARD MEMBER EDUCATION SERIES Chairman Drummond

- A. Presentation and Discussion on Oklahoma Water Resources Board Dam Safety Program - **Mr. Yohanes Sugeng**

7. NEW BUSINESS Chairman Drummond

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 Drummond

The next regular meeting of the Oklahoma Water Resources Board is scheduled for Tuesday, March 20, 2018, at 1:30 p.m., at the Oklahoma Water Resources Board offices located at 3800 N. Classen Boulevard, Oklahoma City, OK 73118

Water Appreciation Day at the Capitol will be held on Tuesday, March 20, 2018, from 9:00 a.m. to 2:00 p.m. on the Fourth Floor Rotunda.

2/15/2018