

**OKLAHOMA WATER RESOURCES BOARD
OFFICIAL MINUTES**

December 8, 2022

1. CALL TO ORDER

The Regular Meeting of the Oklahoma Water Resources Board was called to order by Chairman Matt Muller, at 3:00 p.m., at the Reed Conference Center located at 5750 Will Rogers Rd Midwest City, Oklahoma 73110. The meeting was conducted pursuant to the Oklahoma Open Meeting Law with due and proper notice provided pursuant to Sections 303 and 311 thereof. The agenda was posted on December 5, 2022, at 4:00 pm at the Oklahoma Water Resources Board's offices at 3800 N. Classen Boulevard, Oklahoma City, Oklahoma. A copy was also posted at the Reed Conference Center and provided on the agency's website.

- A. Roll Call. Chairman Matt Muller welcomed everyone to the meeting and asked for the roll call of members.

Board Members Present

Matt Muller, Chairman
Charles Darby, Vice
Chairman
Ron Justice
Suzanne Landess
Robert L. Stallings, Jr.
Darren Cook

Board Members Absent

Jennifer Castillo, Secretary
Bob Latham
Thomas A. Gorman

Staff Members Present

Julie Cunningham, Executive Director
Sara Gibson, General Counsel
Tamara Lilly, Executive Administrator
Joe Freeman, Chief, Financial Assistance Division
Bill Cauthron, Chief, Water Quality Programs
Division
Chris Neel, Chief, Planning and Management
Division

Cleve Pierce, Chief, Administrative Services
Division

Others Attending

Charlie Swinton, BancFirst
Rusty Whisenhunt, City of Lawton
Eddie Rhandour, DEQ
Chris Gander, BOKFS
Bodie Bachelor, Centennial Law
Bryan Kroeker
Deena Suddath, BancFirst
Mary Stallings
BKC Myers
Kaylee Davis-Maddy
Michael Taylor, Cowan Group
David Barth, City of Stillwater
Jan Darby
Rachel Brookings, DEQ
Claire Milligan, OWRB
Steven Hoffman, DEQ
Gary Jones, Altus
Ton Lin, BoFA Securities
Eric Cowan, BoFA Securities
Tonya White, OWRB
Ron Peterson, RPGC
Marla Peek, OK Farm Bureau

B. Discussion, Amendments and Vote to Approve Official Minutes of the October 18, 2022, Regular Meeting. Chairman Muller appointed Mr. Stallings as acting Board Secretary for this meeting due to Secretary Castillo's absence. No objections to the appointment. Chairman Muller inquired if all members reviewed the minutes of the October 18, 2022, meeting and if no questions, or changes, requested a motion to approve. No comments or amendments; Mr. Darby motioned to approve, and Mr. Stallings seconded the motion. Chairman Muller called for vote.

AYE: Stallings, Justice, Landess, Cook, Darby and Muller.
NAY: None
ABSTAIN: None
ABSENT: Castillo, Gorman and Latham

C. **Executive Director's Report**

Julie Cunningham, Executive Director, greets members of the Board and general public. The OWRB has received the 2022 Top Workplace award by The Oklahoman, for the 9th year. The official announcement was published Sunday, December 4th, in a special section of The Oklahoman. For 2022, only 100 companies across the state made the winners list, out of 2,817 that were invited to participate. The OWRB was one of only 47 small employers (fewer than 125 employees) chosen, the only state agency to win in this category, and one of only 3 state agencies to win across all categories. The award is based solely on the feedback offered through the employee survey.

On October 19th, hosted the WSWC in Sulphur, in the Arbuckle Simpson area in South Central OK. On October 25, Ms. Cunningham traveled to Davenport Iowa for the Interstate Council on Water Policy meeting. On November 1st, we conducted an OWRB All-Managers Retreat- focused on succession planning, workforce development, recruitment, etc., and will conduct some focused sessions on each of these areas. On November 3rd, the National Groundwater Association University “Powered by OSU”. Met with NGW and OSU to see a demonstration of the online training program they are developing for water well drillers. They are willing to build in sessions to provide continuing education that will meet OWRB requirements for maintaining their license. On November 8th, Ms. Cunningham participated in a “fireside chat” panel at East Central University’s Oka’ Institute and discussed ARPA and Water Plan.

On November 9th, the Emergency Drought Commission Approved Additional \$12 Million in Emergency Drought Cost-Share Funding. In addition to the increase in funding, the Commission directed local conservation districts to accept applications for all approved practices and clarified that cover crops planted for the purpose of erosion control are eligible for the program. A statewide application period across all conservation districts closed on November 28, 2022. Approved practices include water well drilling, pumping facilities, pipeline, pasture tap, watering facilities, heavy use protection, cover crop planting (for erosion control), forage and biomass planting (excluding Bermuda grass), pond clean out. All practices included in the Emergency Drought Cost-Share Program may be funded retroactively to June 11, 2022, pending appropriate documentation is provided by the applicant. Appropriate documentation will be determined by the Oklahoma Conservation Commission.

On the legislative front, we submitted Budget Request and documentation and are awaiting budget hearing.

In regards to ARPA, we received approval from OMES re: last major issues needed to begin approving project and starting construction. (custodial bank draw requests). Received approval from OSEE to go out for bid for stand-by engineering firms to prepare for large volume of projects under construction at one time. OWRB \$90 million competitive grants call for applications closed Nov 30th, so we should know shortly which community project will be awarded project funding. DEQ recently indicated they will need additional funding to process the permit to construct for ARPA projects. We are discussing funding options and OMES procurement tracking requirements. Staff receiving numerous calls and having meetings with legislators, state agency partners, and communities. Met with Ok. Dept of Commerce and Oklahoma Aeronautics to discuss logistics of some joint projects that were funded through SB 13 for development of industrial parks, with water, ww, broadband construction.

For the 2023 legislative Session, Bill filing period has begun: We do not plan to request any legislation this session, but we will continue to monitor the upcoming session and continue to engage with the legislators on bills that impact the agency. 2023 will include 17 freshmen Representatives and 16 freshmen Senators; 18 bills were filed as of 11/30 - these were mostly bills that failed in 2022 being refilled. Important dates in the legislature are Bill request deadline is Dec. 9th; Bill introduction deadline is Jan. 19th; Session begins on Feb. 6; Sine die is May 26th.

There were no questions or comments.

D. **Financial Update**

Mr. Cleve pierce, Chief Administrative Services Division, presents the budget report for the period ending October 31, 2022. Mr. Pierce reports the agency has spent 29% of it appropriated budget leaving 71%; spent 17% of its revolving budget, leaving 83%; has spent 3% of its federal budget, leaving 97%. Overall, the total budget remaining is 87% with 67% of the year remaining. This is the same place the agency was in last year at the same time. Mr. Pierce mentioned that in the packets, ARPA funding is now reflected on the expense report causing our budget to increase. As money goes out, it will be reflected in the federal funds section of the budget.

There were no posed questions or comments.

2. **FINANCIAL ASSISTANCE DIVISION**

A. Consideration of and Possible Action on a Proposed Order Approving Emergency Grant Funding Application for The Barnsdall, Oklahoma, Public Works Authority, Osage County. Recommended for Approval.

Mr. Freeman greets the Board and states the first item today is a \$99,450 emergency grant request from the Barnsdall Public Works Authority located in Osage county. The dam at Barnsdall's Lake Waxhoma has been subject to heavy rains which saturated the north side of the spillway and cut a path under the spillway thus creating a large void that could cause a breach of the dam. The community entered a consent order with the water board for mitigation until full repairs may be completed. The emergency grant proceeds along with \$17,550 in loan funds were used to install a siphon to try to keep the lake levels as agreed, for engineering design and construction management of the siphon project. Staff recommends approval. Barnsdall Mayor Johnny Kelley asked me to express their appreciation for the grant.

Chairman Muller asked for questions or a motion. Mr. Darby motioned, and Ms. Landess seconded. No further comments or questions and Chairman Muller called for the vote.

AYE Stallings, Justice, Landess, Cook, Darby and Muller
NAY: None
ABSTAIN: None
ABSENT: Latham, Gorman and Castillo

B. Consideration of and possible Action on a Proposed Order Approving Drinking Water Funding Application for Alva Utility Authority, Woods County. Recommended for Approval.

Mr. Freeman greets the Board and states this is a \$1.7 million loan request from the Alva Utility Authority located in Woods County. They are requesting the loan for the installation of a remote read water meter system which will replace meters throughout the community. The loan will be funded through the Drinking Water State Revolving Fund loan program with a fixed interest rate plus a half point administrative fee. The loan will be secured with a lien on Alva's water, sewer, and sanitation system revenues and a mortgage and will mature within 15 years of the completion of the project. Alva currently has one loan with the board with a balance of \$2,335,488 and their debt coverage ratio stands at 4.89 times. Staff recommends approval. Kelly parker Mayor of Alva was not able to be here today but expressed appreciation for your consideration.

Chairman Muller asked for further questions, comments or a motion. Mr. Stallings motioned, and Mr. Justice seconded. No further comments or questions and Chairman Muller called for the vote.

AYE Stallings, Justice, Landess, Cook, Darby and Muller
NAY: None
ABSTAIN: None

ABSENT: Latham, Gorman, and Castillo

C. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Stillwater Utilities Authority, Payne County. Recommended for Approval.

Mr. Freeman greets the Board and states this is a request from the Stillwater Utilities Authority to increase the loan you approved for them last August from \$6 million to \$10.5 million. The loan proceeds will be for installing approximately 7,500 feet of 48-inch sewer line, 730 feet of 42-inch sewer line, 943 feet of 10-inch sewer line, replacement of a 30-inch diameter sewer aerial crossing, replacement of a sewer lift station, and for an 18-inch drain line at their wastewater treatment plant.

Last August, they had planned on using the \$6 million in loan proceeds to go along with approximately \$5 million in congressionally directed funds. They are waiting on the congressional proceeds and would like to move ahead with the project, so they are requesting the loan increase. If they receive the congressional funds in time, they will use them for this project and not draw all the loan funds. The loan will be funded from the Clean Water SRF loan program with a fixed interest rate plus a half point administrative fee. The loan will mature within 30 years of the completion of the project and will be secured with a lien on Stillwater's water, sewer, and electric system revenues, and a one cent sales tax. Stillwater has 5 loans outstanding with the board with a balance of approximately \$35.5 million. Their debt coverage ratio stands at 4.37 times. Staff recommends approval. Representing Stillwater today is David Barth, Senior Project Manager.

Chairman Muller asked with this new loan, it will push you up to 45 million in loans, do you preserve any near term any additional projects you will be needing to address?

Answer from Mr. Barth: Yes. Lots of projects on the horizon to include water treatment plant and raw water storage due to only having one pipeline for Stillwater for raw water.

Chairman Muller asked if Stillwater supplied to any other local municipalities or other authorities?

Answer from Mr. Barth: Yes, we supply to the Otoe Missouri tribe with raw water, the Town of Morrison, Lone Chimney as well has several rural water districts.

Chairman Muller asked for further questions, comments or a motion.

No further questions and Mr. Stallings motioned, and Mr. Darby seconded. No further comments or questions and Chairman Muller called for the vote.

AYE Stallings, Justice, Landess, Cook, Darby and Muller
NAY: None
ABSTAIN: None
ABSENT: Latham, Gorman, and Castillo

D. Consideration of and Possible Action on a Proposed Order Approving Clean Water Funding Application for Altus Municipal Authority, Jackson County. Recommended for Approval.

Mr. Freeman greets the Board and states this is a \$22.5 million loan request from the Altus Municipal Authority. Their projects include a sanitary sewer loop which needs to be replaced to correct inflow and infiltration issues, a project to deliver treated grey water from the wastewater treatment plant to irrigate the municipal golf course and public spaces, rehabilitation of their southeast wastewater treatment plant, relocation of sewer lines, and replacement of substandard manholes. The loan will be funded through the Clean Water SRF loan program with a fixed interest rate plus a half point administrative fee. The loan will mature within 30 years of the completion of the project and will be secured with a lien on altus's water and sewer system revenues. Altus currently has two loans with the board with a combined balance of approximately \$11.9 million. Their debt coverage ratio stands at 1.53 times. Staff recommends approval. Representing Altus today is City Manager Gary Jones.

Chairman Muller asked if there will be more infrastructure improvements in the future?

Mr. Jones answer: yes, we are the main water provider in all of Jackson County, the Airforce Base, Quartz Mountain Lodge, and Town of Duke.

Chairman Muller asked for further questions, comments or a motion.

With no further questions, Mr. Stallings motioned, and Mr. Justice seconded. No further comments or questions and Chairman Muller called for the vote.

AYE Stallings, Justice, Landess, Cook, Darby and Muller
NAY: None
ABSTAIN: None
ABSENT: Latham, Gorman, and Castillo

E. Consideration of and possible Action on a Proposed Order Approving Drinking Water Funding Application for The Lawton Water Authority, Comanche County. Recommended for Approval.

Mr. Freeman greets the Board and states this is a \$28 million loan request from the Lawton Water Authority. They are requesting the loan to replace approximately 26,000 feet of 36-, 26-, 24-, and 12-inch water lines throughout their water system. The loan

will be funded through the Drinking Water SRF loan program with a fixed interest rate plus a half point administrative fee. The loan will mature within 25 years of the completion of the project and will be secured with a lien on Lawton’s water, sewer, and sanitation system revenues. Lawton has been a long-time loan customer of the boards and they currently have 4 loans outstanding with us with a combined balance of approximately \$24.4 million. Their debt coverage ratio stands at 3.2 times. Staff recommends approval. Representing Lawton today is Rusty Whisenhunt, director of public utilities.

Chairman Muller asked for further questions, comments or a motion. Mr. Darby motioned, and Ms. Landess seconded. No further comments or questions and Chairman Muller called for the vote.

AYE Stallings, Justice, Landess, Cook, Darby and Muller
 NAY: None
 ABSTAIN: None
 ABSENT: Latham, Gorman and Castillo

3. SUMMARY DISPOSITION AGENDA ITEMS

All 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. Chairman Muller asked if there were any items requested to be removed.

No items were requested to be removed.

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</u>	<u>County</u>	<u>Amount Recommended</u>
GGEDA				
a.	FAP-23-0034-R	Ochelata Utilities	Washington	\$126,800.00

		Authority		
KEDDO				
b.	FAP-23-0004-R	The Soper Public Works Authority	Choctaw	\$99,999.00
SODA				
c.	FAP-23-0030-R	Stonewall Public Works Authority	Pontotoc	\$99,999.00

2. CWSRF Principal Forgiveness Loan Applications:

None

3. DWSRF 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-23-0041 DW	Carnegie Public Works Authority	Caddo	\$249,999.00
b.	ORF-23-0025-DW	Newkirk Municipal Authority	Kay	\$400,000.00
c.	ORF-23-0047-DW	Custer City Public Works Authority	Custer	\$800,000.00
d.	ORF-0032-DW	The Temple Utilities Authority	Cotton	\$1,000,000.00

4. Sewer Overflow and Stormwater Reuse Municipal Grants (“OSG”):

None

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

1. Land Use Agreement between Keith Ladd, an Oklahoma Landowner and the OWRB to obtain the right to use and occupy real property (Permitted Tract) in Dewey County for the purposes of or in connection with the construction, operation, monitoring and maintenance in and of an observation well.

2. Land Use Agreement between Leedey Public Schools, an Oklahoma Public School District to obtain the right to use and occupy real property (Permitted Tract) in Dewey County for the purposes of or in connection with the construction, operation, monitoring and maintenance in and of an observation well.

3. Professional Services Agreement between Gold Systems, Inc. and the OWRB to improve OWRB's water quality database and provide access to a national water quality dataset directly to ultimately better inform management decisions.

4. Agreement between the Office of the Secretary of Energy and Environment and the OWRB to develop a nutrient impairment framework and case study using state water quality standards and potentially determine impairment status levels.
5. Interagency Agreement between the Department of Environmental Quality and OWRB to provide bathymetric surveys of dissolved oxygen reservoirs Eucha Lake and Lake Hefner.
6. Amendment to Professional Services Contract between Centennial Law Group and the OWRB for professional legal services in relation to the Board's financial assistance programs and American Rescue Plan Act (ARPA).
7. Agreement with BancFirst and OWRB for financial custody services for the Board's American Rescue Plan Act Grant Funds.
8. Joint Funding Amendment Agreement between USGS and OWRB increasing the funding for the Hydrogeologic Framework, Numerical Simulation of Groundwater Flow, and Effects of Water Use and Drought on the Groundwater Resources in the Boone-Roubidoux Aquifers of northeastern Oklahoma.
9. Amendment Agreement between Meshek & Associates, Inc. and OWRB extending time and adding to the scope of work to provide professional engineering services in connection with Cooperating Technical Partnership Program Assistance for the creation and maintenance of Flood Hazard Data.
10. Agreement between Office of the Secretary of Energy and Environment and OWRB providing funding to aid in uploading water quality data into the Environmental Protections Agency's Water Quality Exchange database and to implement Oklahoma's part of the National Rivers and Streams Assessment Project.

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

1. Walter N. Cook, Debra L. Cook, & Mary Nan Cook, Caddo County, 2018-545
2. Ottawa County RWD No. 6, Ottawa County, 2020-510
3. Bryan & Lavonne Kroeker, Major County, 2022-530

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

1. United Ag, LLC, Harmon County, 2018-516

- G. Consideration of and Possible Action on Applications for Regular Permits to Use Groundwater:
1. Brent & Kassie Meador, Beckham County, 2022-524
 2. Bantu Wind A. LLC, Love County, 2022-546
- H. Consideration of and Possible Action on Applications to Amend Regular Permits to Use Groundwater:
1. Charles E. & Wathina M. Luthi, Ellis County, 1974-497
 2. Luthi Farms, LLC, Ellis County, 1996-663
 3. Jeff & Jeri Slatten, Beaver County, 2008-569
- I. Consideration of and Possible Action on Applications to Amend Prior Right to Use Groundwater:
- None
- J. Consideration of and Possible Action on Applications to for Term Permits to Use Stream Water:
- None
- K. Consideration of and Possible Action on Applications for Regular Permits to Use Stream Water:
1. Stephen Wade Standridge Revocable Trust, Grady County, 2022-009
 2. Kenneth Edward Silver, Pottawatomie County, 2022-014
- L. Consideration of and Possible Action on Applications to Amend Regular Permits to Use Stream Water:
1. George Harrington, Choctaw County, 2017-009
- 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: Erwin Water Well Drilling DPC-0952
 1. Operator: Bryan Erwin OP-2429
 Activities: Groundwater Wells & Pump Installation
 - B. Licensee: W.E. Pender & Sons, Inc DPC-0737
 2. Operator: Jameson Deen OP-2430
 Activities: Groundwater Wells
 - C. Licensee: Mr. Pump DPC-0311
 3. Operator: Garret Cantrell OP-2431
 Activities: Pump Installation
 - D. Licensee: Rogers Waterwell DPC-1011
 4. Operator: Rogelio Regalado OP-2276
 Activities: Groundwater Wells
 - E. Licensee: B & H Construction DPC-0765
 5. Operator: Keegan Dobbs OP-2432
 Activities: Groundwater Wells, Pump Installation, & Heat Exchange

F. Licensee: B & H Construction DPC-0765
6. Operator: Trenton Palmer OP-2433
Activities: Groundwater Wells & Heat Exchange

- N. Consideration of and Possible Action on Dam and Reservoir Construction:
1. Tribbey Lodge Lake Dam, #OK30604, Pottawatomie County
- 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, Choctaw County, #FP-2022-13
2. Oklahoma Department of Transportation, Choctaw County, #FP-2022-14
- P. Consideration of and Possible Action on Applications for Accreditation of Floodplain Administrators:
1. Jacob Price, Garfield County, #FPA-826
2. Delton Brown, Oklahoma County, # FPA-832
3. Pharon Phy, Caddo County, # FPA-6
4. Alana Pack, Comanche County, #FPA-813
5. Ryan Smykil, Kay County, #FPA-736
6. Thomas Kendall, Noble County, #FPA-786
7. Shylor Lawrence, Pushmataha County, #FPA-390
- Q. Consideration of and Possible Action on Proposed Findings of Fact, Conclusions of Law and Board Order for Informal Disposition:
1. Enid Municipal Authority, Major County, 2016-532

Chairman Muller asked for further questions, comments or a motion. Mr. Darby motioned, and Mr. Stallings seconded. No further comments or questions and Chairman Muller called for the vote.

AYE Stallings, Justice, Landess, Cook, Darby and Muller

NAY: None

ABSTAIN: None

ABSENT: Latham, Gorman and Castillo

4. QUESTIONS AND DISCUSSION ABOUT AGENCY MATTERS AND OTHER ITEMS OF INTEREST **Chairman Matt Muller**

A. No items

05000 5. SPECIAL CONSIDERATION

Chairman Matt Muller

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

No items

06000 6. NEW BUSINESS

Chairman Matt Muller

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.

No new business to discuss.

07000 7. AJOURNMENT

Chairman Matt Muller

There being no further business, Chairman Matt Muller adjourned the Regular Meeting of the Oklahoma Water Resources Board at 3:30 p.m., on December 8, 2022. The next regular meeting of the Oklahoma Water Resources Board will be held on Tuesday January 17, 2023, at 9:30 a.m., at the Oklahoma Water Resources Board located at 3800 N. Classen Blvd., Oklahoma City, Oklahoma 73118.

OKLAHOMA WATER RESOURCES BOARD

Matt Muller, Chairman

Charles Darby, Vice Chairman

Darren Cook

Suzanne V. Landess

Robert L. Stallings, Jr.

Thomas A. Gorman

Ron Justice

B. Latham

ATTEST:

Jennifer Castillo, Secretary (SEAL)