

**FINAL AGENDA
OKLAHOMA WATER RESOURCES BOARD**

**January 17, 2023
9:30 A.M.**

3800 N. Classen Blvd., Oklahoma City, Oklahoma 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 January 6, 2023 at 2:00 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 Minutes of the December 8, 2022 Regular Meeting.

- C. Executive Director’s Report and possible discussion: **Director 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 Drinking Water Funding Application for Checotah Public Works Authority, McIntosh County, Recommended for Approval.

- B. Consideration of and Possible Action on a Proposed Order Approving Drinking Water Funding Application for Tonkawa Municipal Authority, Kay County. 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. Request to transfer items from Summary Disposition 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 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> INCOG	<u>Application No.</u>	<u>Entity Name</u>	<u>County</u>	<u>Amount Recommended</u>
a.	FAP-22-0020-R	Rural Water District #21	Osage	Change of Scope

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-23-0052-DW	The Stigler Municipal Improvement Authority	Haskell	\$800,000.00

b. ORF-22-0005-DW Fort Cobb Public Works Authority Caddo \$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. Resolution with Federal Emergency Management Agency authorizing an application for funding assistance through FEMA's program to rehabilitate high hazard-potential dams.
 - 2. Interagency Agreement between Department of Environmental Quality and OWRB to provide bathymetric surveys of dissolved oxygen reservoirs Eucha Lake and Lake Hefner.

3. Amendment Agreement between Office of the Secretary of Energy and Environment and OWRB extending the budget/project period for another no-cost time extension for the Clean Water Act Water Management Planning Program grant.
4. Resolution with the United States Geological Survey authorizing an application for funding assistance through USGS's National Groundwater Monitoring Network Grant Program to support improved national and regional groundwater data availability and sharing.

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

1. 984 Holding's LLC, Payne County, 2022-566
2. Chad Bryant and Mandy K Bryant, Roger Mills County, 2022-532
3. Timothy J McDonald and Kellie Lee McDonald, Harmon County, 2022-517

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

None

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

1. Frank Berry & Sons, Inc, Texas County, 2022-537
2. Tyler & Amanda Kamp, Beaver County, 2022-535

H. Consideration of and Possible Action on Applications to Amend Regular Permits to Use Groundwater:

1. Turner Brothers Farms, Inc, Beckham County, 1986-593
2. Pony Creek Farms, Inc, Texas County, 1975-581
- 3.

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:

None

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:

A. Licensee: 281 Pump Service DPC-1067

1. Operator: Brett Shepherd OP-2435

Activities: Pump Installation & Plugging of certain wells

B. Licensee: Dorvan Ivey DPC-1069

2. Operator: Dorvan Ivey OP-2438

Activities: Pump Installation

C. Licensee: GTS Inc. DPC-1071

3. Operator: Kevin Murphy OP-2439

Activities: Monitoring Wells

D. Licensee: Mad Moose Enterprises, LLC DPC-1073

4. Operator: Michael Muse OP-2440

Activities: Groundwater

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

A. Licensee: 281 Pump Service DPC-1067

1. Operator: Clifford Wieck- OP-2436

Activities: Pump Installation

B. Licensee: 281 Pump Service DPC-1067

2. Operator: Dale Ball OP-2437

Activities: Pump Installation

C. Licensee: Oklahoma Environmental Services DPC-0363

3. Operator: Matthew Dawson OP-2441

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. Grand River Dam Association, Delaware County, #FP-2023-1

2. Grand River Dam Association, Delaware County, #FP-2023-2

3. Oklahoma Department of Transportation, Payne County, #FP-2023-3

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

1. Takisha Jacobs, Oklahoma County, #FPA-834

2. Jordan Johnson, Caddo County, # FPA-835
3. Monty Proctor, Sequoyah County, # FPA-572
4. Jon McNelley, Hughes County, #FPA-22
5. Laura Holden, Mayes County, #FPA-550

04000 4. PUBLIC HEARING ON PROPOSED NEW AND AMENDED PERMANENT RULES OF THE BOARD **Chairman Muller**

A. Staff Presentations and Public Comment on Amendments to Permanent Rules Proposed for Adoption During 2023.

This public hearing is an opportunity for interested persons to present oral or written argument, data, and views on the new and amended rules of the Board which are being proposed for Title 785 of the Oklahoma Administrative Code specified below.

Other than this public hearing, no action will be taken by the Board on the proposed rules at the January 17, 2023 meeting. The comment period for proposed amendments to chapters 1, 4, 35, 45, 46 and 50 is currently ongoing and will expire at the end of the day on January 17, 2023. The proposed amended rules are expected to be scheduled for consideration and possible adoption or any other action by the Board at its February 21, 2023 meeting.

1. a. Summary of Proposed Amendments to Chapter 1 – Organization and Procedure of Oklahoma Water Resources Board – Ms. Sara Gibson

Subchapter 3. Organization, Meetings and Comprehensive Water Plan

785:1-3-1. Origin, composition and operations of the Board [AMENDED]

785:1-3-2. Purpose of the Board [AMENDED]

785:1-3-3. Offices of the Board [AMENDED]

Subchapter 5. Rules

785:1-5-3. Amending of rules ~~or Standards~~ by Board [AMENDED]

785:1-5-4. Petition requesting promulgation, amendment or repeal of a rule ~~or Standard~~ by others [AMENDED]

Subchapter 9. Time Periods for Permit and License Issuance and Denial

785:1-9-1. Time period for permit and license issuance or denial [AMENDED]

b. Questions and Discussion by Board Members

c. Public Comment

2. a. Summary of Proposed Amendments to Chapter 4 – Rules of Practice and Hearings – Ms. Sara Gibson

Subchapter 3. Board Hearings

785:4-3-7. Notice and Scheduling of Hearings [NEW]

Subchapter 5. Pre-Hearing Actions and Proceedings
785:4-5-1. Pre-hearing discovery [AMENDED]
785:4-5-7. ~~Copies of motions~~Motions, requests and orders [AMENDED]

- b. Questions and Discussion by Board Members
- c. Public Comment

3. a. Summary of Proposed Amendments to Chapter 35 – Well Driller and Pump

Installer Licensing – Mr. Chris Neel

Subchapter 1. General Provisions
785:35-1-4. Violations and penalties [AMENDED]
785:35-1-6. Well Drillers and Pump Installers Advisory Council [AMENDED]
Subchapter 5. General Requirements to Maintain Licenses and Operator Certifications
785:35-5-3. Requirements for ~~multi-purpose~~ completion and plugging report reports
[AMENDED]

- b. Questions and Discussion by Board Members
- c. Public Comment

4. a. Summary of Proposed Amendments to Chapter 45 – Oklahoma's Water Quality Standards
Mr. Bill Cauthron

Subchapter 1. General Provisions [REVOKED]
785:45-1-1. Purpose [REVOKED]
785:45-1-2. Definitions [REVOKED]
785:45-1-3. Adoption and enforceability of the standards [REVOKED]
785:45-1-4. Testing procedures [REVOKED]
785:45-1-5. Revision procedures [REVOKED]
785:45-1-6. Errors and separability [REVOKED]
Subchapter 3. Antidegradation Requirements [REVOKED]
785:45-3-1. Purpose; antidegradation policy statement [REVOKED]
785:45-3-2. Applications of antidegradation policy [REVOKED]
Subchapter 5. Surface Water Quality Standards [REVOKED]
Part 1. General Provisions [REVOKED]
785:45-5-1. Declaration of policy; authority of Board [REVOKED]
785:45-5-2. Beneficial uses: existing and designated [REVOKED]
785:45-5-3. Beneficial uses: default designations [REVOKED]
785:45-5-4. Applicability of narrative and numerical criteria [REVOKED]
785:45-5-5. Water quality standard variance [REVOKED]
785:45-5-6. Compliance schedules [REVOKED]
785:45-5-7. Site-specific criteria [REVOKED]
Part 3. Beneficial Uses and Criteria to Protect Uses [REVOKED]
785:45-5-9. General narrative criteria [REVOKED]
785:45-5-10. Public and private water supplies [REVOKED]

- 785:45-5-11. Emergency public and private water supplies [REVOKED]
 - 785:45-5-12. Fish and wildlife propagation [REVOKED]
 - 785:45-5-13. Agriculture [REVOKED]
 - 785:45-5-16. Primary Body Contact Recreation [REVOKED]
 - 785:45-5-17. Secondary Body Contact Recreation [REVOKED]
 - 785:45-5-18. Navigation [REVOKED]
 - 785:45-5-20. Fish consumption [REVOKED]
 - Part 5. Special Provisions [REVOKED]
 - 785:45-5-25. Implementation Policies for the Antidegradation Policy Statement [REVOKED]
 - 785:45-5-26. Mixing zones and zones of passage [REVOKED]
 - 785:45-5-29. Delineation of NLW areas [REVOKED]
 - Subchapter 7. Groundwater Quality Standards [REVOKED]
 - 785:45-7-1. Scope and Applicability; Purpose [REVOKED]
 - 785:45-7-2. Groundwater Quality Antidegradation Policy [REVOKED]
 - 785:45-7-3. Groundwater classifications, beneficial uses and vulnerability levels [REVOKED]
 - 785:45-7-4. Criteria for groundwater quality protection [REVOKED]
 - 785:45-7-5. Corrective action [REVOKED]
 - Appendix A. Designated Beneficial Uses for Surface Waters [REVOKED]
 - Appendix A.1 Designated Beneficial Uses of Surface Waters Water Quality Management Basin 1, Middle Arkansas River [REVOKED]
 - Appendix A.2 Designated Beneficial Uses of Surface Waters Water Quality Management Basin 2, Lower Arkansas River Basin [REVOKED]
 - Appendix A.3 Designated Beneficial Uses of Surface Waters Water Quality Management Basin 3, Upper Red River Basin [REVOKED]
 - Appendix A.4 Designated Beneficial Uses of Surface Waters Water Quality Management Basin 4, Lower Red River [REVOKED]
 - Appendix A.5 Designated Beneficial Uses of Surface Waters Water Quality Management Basin 5, Canadian River [REVOKED]
 - Appendix A.6 Designated Beneficial Uses of Surface Waters Water Quality Management Basin 6, Upper Arkansas River [REVOKED]
 - Appendix A.7 Designated Beneficial Uses of Surface Waters Water Quality Management Basin 7, Panhandle Region [REVOKED]
 - Appendix B. Areas With Waters of Recreational and/or Ecological Significance [REVOKED]
 - Appendix D. Classifications for Groundwater in Oklahoma [REVOKED]
 - Appendix E. Requirements for Development of Site Specific Criteria for Certain Parameters [REVOKED]
 - Appendix F. Statistical Values of the Historical Data for Mineral Constituents of Water Quality (beginning October 1976 ending September 1983, except as indicated) [REVOKED]
 - Appendix G. Numerical Criteria to Protect Beneficial Uses [REVOKED]
 - Appendix H. Beneficial Use Designations for Certain Limited Areas of Groundwater [REVOKED]
 - Appendix I. Criteria for Groundwater Protection [REVOKED]
- b. Questions and Discussion by Board Members
 - c. Public Comment

5. a. Summary of Proposed Amendments to Chapter 46 – Implementation of Oklahoma's Water Quality Standards – Mr. Bill Cauthron

Subchapter 1. General Provisions

785:46-1-1. Purpose, scope and applicability [REVOKED]

785:46-1-3. Procedural and substantive authority [AMENDED]

785:46-1-4. Testing procedures [REVOKED]

785:46-1-6. Determination of regulatory low flow [REVOKED]

Subchapter 3. Implementation of Narrative Toxics Criteria to Protect Aquatic Life Using Whole Effluent Toxicity (WET) Testing [REVOKED]

785:46-3-1. Applicability and scope [REVOKED]

785:46-3-2. Dilutions for whole effluent toxicity testing [REVOKED]

785:46-3-3. Sampling for whole effluent toxicity testing [REVOKED]

785:46-3-5. Reasonable potential to exceed narrative toxicity criterion for Fish and Wildlife Propagation [REVOKED]

785:46-3-6. Regulatory flow determination [REVOKED]

Subchapter 5. Implementation of Numerical Criteria to Protect Fish and Wildlife From Toxicity Due to Conservative Substances [REVOKED]

785:46-5-1. Applicability and scope [REVOKED]

785:46-5-2. Regulatory flow determination [REVOKED]

785:46-5-3. Reasonable potential [REVOKED]

785:46-5-8. pH and hardness dependent toxicity [REVOKED]

Subchapter 7. Implementation of Numerical Criteria to Protect Human Health From Toxicity Due to Conservative Substances [REVOKED]

785:46-7-1. Applicability and scope [REVOKED]

785:46-7-2. Determination and use of regulatory flow [REVOKED]

785:46-7-3. Reasonable potential [REVOKED]

Subchapter 9. Implementation of Criteria to Protect the Agriculture Beneficial Use [REVOKED]

785:46-9-1. Applicability and scope [REVOKED]

785:46-9-2. Applicable mineral criteria [REVOKED]

785:46-9-3. Regulatory flows [REVOKED]

785:46-9-5. Reasonable potential [REVOKED]

Subchapter 11. Implementation of Temperature Criteria to Protect Fish and Wildlife Propagation [REVOKED]

785:46-11-1. Applicability and scope [REVOKED]

785:46-11-2. Applicable temperatures [REVOKED]

785:46-11-3. Regulatory flows [REVOKED]

785:46-11-5. Reasonable potential [REVOKED]

785:46-11-6. Reasonable potential equations [REVOKED]

Subchapter 13. Implementation of Antidegradation Policy [REVOKED]

785:46-13-1. Applicability and scope [REVOKED]

785:46-13-2. Definitions [REVOKED]

785:46-13-3. Tier 1 protection; attainment or maintenance of an existing or designated beneficial use [REVOKED]

785:46-13-4. Tier 2 protection; maintenance and protection of Sensitive Water Supply-Reuse and other Tier 2 waterbodies[REVOKED]
 785:46-13-5. Tier 2.5 protection; maintenance and protection of high quality waters, sensitive water supplies, and other tier 2.5 waterbodies [REVOKED]
 785:46-13-6. Tier 3 protection; prohibition against degradation of water quality in outstanding resource waters [REVOKED]
 785:46-13-7. Protection for Appendix B areas [REVOKED]
 785:46-13-8. Antidegradation review in surface waters [REVOKED]
 Subchapter 15. Use Support Assessment Protocols [REVOKED]
 785:46-15-1. Scope and Applicability [REVOKED]
 785:46-15-2. Definitions [REVOKED]
 785:46-15-3. Data Requirements [REVOKED]
 785:46-15-4. Default protocols [REVOKED]
 785:46-15-5. Assessment of Fish and Wildlife Propagation support [REVOKED]
 785:46-13-6. Assessment of Primary Body Contact Recreation support [REVOKED]
 785:46-15-7. Assessment of Public and Private Water Supply support [REVOKED]
 785:46-15-8. Assessment of Agriculture support [REVOKED]
 785:46-15-9. Assessment of Fish Consumption support [REVOKED]
 785:46-15-10. Nutrients [REVOKED]
 785:46-15-13.1. Assessment of Navigation support [REVOKED]
 785:46-13-14. Assessment of Aesthetics support [REVOKED]
 Subchapter 19. Implementation of Dissolved Oxygen Criteria to Protect Fish and Wildlife Propagation [REVOKED]
 785:46-19-1. Applicability and scope [REVOKED]
 785:46-19-2. Regulatory flows [REVOKED]
 785:46-19-3. Reasonable potential determination [REVOKED]
 Appendix B. Mean Hardness and PH by Stream Segment [REVOKED]
 Appendix C. Index of Biological Integrity [REVOKED]

- b. Questions and Discussion by Board Members
- c. Public Comment

6. a. Summary of Proposed Amendments to Chapter 50 – Financial Assistance – Mr. Joe Freeman

Subchapter 15. American Rescue Plan Act (ARPA) Water and Wastewater Infrastructure Grant Program Requirements [NEW]
 785:50-15-1. Program description [NEW]
 785:50-15-2. Definitions [NEW]
 785:50-15-3. Application review and disposition [NEW]
 785:50-15-4. Applicable law; deadline for applications; eligible project costs [NEW]
 785:50-15-5. ARPA grant priority points system [NEW]
 785:50-15-6. Disbursement of funds [NEW]
 Subchapter 17. Oklahoma Dam Rehabilitation (OKDR) Grant Program Requirements and Procedures [NEW]

- 785:50-17-1. Program description [NEW]
 - 785:50-17-2. Definitions [NEW]
 - 785:50-17-3. Application review and disposition [NEW]
 - 785:50-17-4. Applicable law; deadline for applications; eligible project costs [NEW]
 - 785: 50-17-5. Period of performance [NEW]
 - 785:50-17-7. OKDR grant priority system [NEW]
 - 785:50-17-8. Disbursement of funds [NEW]
 - Subchapter 19. American Rescue Plan Act (ARPA) Tribal Cooperation Grant Program Requirements and Procedures [NEW]
 - 785:50-19-1. Program description [NEW]
 - 785:50-19-2. Definitions [NEW]
 - 785:50-19-3. Application review and disposition [NEW]
 - 785:50-19-4. Applicable law; deadline for applications; eligible project costs [NEW]
 - 785:50-19-5. Project Selection [NEW]
 - 785:50-19-6. Disbursement of funds [NEW]
- b. Questions and Discussion by Board Members
 - c. Public Comment

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.

6. NEW BUSINESS

Chairman Matt Muller

A. No Items

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.

7. ADJOURNMENT

The next regular meeting of the Oklahoma Water Resources Board will be held on Tuesday, February 21, 2023, at 9:30 a.m. in the offices of the OWRB, 3800 N. Classen Boulevard, Oklahoma City, OK 73118.