

MINUTES
WATER QUALITY MANAGEMENT ADVISORY COUNCIL
April 30, 2024
Oklahoma Department of Environmental Quality
Multipurpose Room
Oklahoma City, Oklahoma

Official WQMAC

Approved at the September 24, 2024 Meeting

Notice of Public Meeting – The Water Quality Management Advisory Council (WQMAC) convened for a Regular Meeting at 2:00 p.m. at the Oklahoma Department of Environmental Quality (DEQ), 707 North Robinson, Oklahoma City, Oklahoma. The meeting was held in accordance with the Open Meeting Act, with notice of the meeting given to the Secretary of State on October 31, 2023. The agenda was posted at DEQ twenty-four hours prior to the meeting. Mr. Brian Duzan, Chair, called the meeting to order. Ms. Quiana Fields called roll and confirmed that there was a quorum.

MEMBERS PRESENT

Ron Jarman
Eric Lee
Mary Mach
Kenneth Schwab
Bill Smith
Steve Sowers
Debbie Wells
Duane Winegardner
Brian Duzan

MEMBERS ABSENT

Mark Matheson
Rick Moore

DEQ STAFF PRESENT

Shellie Chard
Jeff Franklin
Brian Clagg
Taryn Hurley
Jeffrey Jackson
John Brown
Ryan Lerch
Jennifer Boyle
Susan Mensik
Karen Steele
Cody Danielson
Kambridge Stephens
Mark Hildebrand
April Eberle
Quiana Fields

OTHERS PRESENT

Jenny Longley, Court Reporter

Approval of Minutes from the January 9, 2024 Meeting – Mr. Duzan called for a motion to approve the January 9, 2024 minutes, Dr. Jarman moved to approve and Mr. Sowers made the second.

	<i>See transcript pages 3 - 4</i>		
Ron Jarman	Yes	Steve Sowers	Yes
Eric Lee	Abstain	Debbie Wells	Abstain
Mary Mach	Yes	Duane Winegardner	Yes
Kenneth Schwab	Yes	Brian Duzan	Yes
Bill Smith	Yes		

PERMANENT RULEMAKING OAC 252:301 – LABORATORY ACCREDITATION –

Ms. Susan Mensik, Environmental Programs Manager of the State Environmental Laboratory Services (SELS), stated that the DEQ staff is proposing to update the rule to modify the title, clarify program definitions, correct references, and standardize language between other DEQ

Lab Accreditation Program (LAP) rules. Additional proposed updates are to simplify the program renewal and application processes and fee calculations, remove the late application fee, and revise the annual accreditation period and timelines for submitting renewal applications and invoice payment. Other proposed changes are to update incorporations by reference for EPA methodologies and to make other amendments for conformity and added flexibility with method requirements under the EPA Primary Drinking Water regulations, National Standards for Solid Waste Methods, and EPA Test Procedures for the Analysis of Pollutants. The Department is also proposing rule amendments clarifying accreditation groups and types, proficiency testing, and laboratory assessments. Hearing questions and comments by the Council and none by the public, Mr. Duzan called for a motion. Dr. Jarman moved acceptance of the Chapter 301 with the modifications recommended by Mr. Lee and Ms. Mach made the second.

See transcript pages 4 - 20

Ron Jarman	Yes	Steve Sowers	Yes
Eric Lee	Yes	Debbie Wells	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Kenneth Schwab	Yes	Brian Duzan	Yes
Bill Smith	Yes		

PERMANENT RULEMAKING OAC 252:302 – FIELD LABORATORY ACCREDITATION – Ms. Mensik stated that the DEQ staff is proposing to update the rule to modify the title, clarify program definitions, correct references, and standardize language between other DEQ Lab Accreditation Program (LAP) rules. Additional proposed updates are to simplify the program renewal and application processes and fee calculations and revise the annual accreditation period and timelines for submitting renewal applications and invoice payment. Other proposed changes are to update incorporations by reference for EPA methodologies and make amendments allowing more flexibility with method requirements under the national program for EPA Test Procedures for the Analysis of Pollutants. The Department is also proposing rule amendments to clarify proficiency testing requirements. Hearing questions and comments by the Council and none by the public, Mr. Duzan called for a motion. Mr. Smith made a motion to adopt Chapter 302, “Industrial Discharge Laboratory Accreditation” with the suggested modifications from the Council and Mr. Sowers made the second.

See transcript pages 20 - 29

Ron Jarman	Yes	Steve Sowers	Yes
Eric Lee	Yes	Debbie Wells	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Kenneth Schwab	Yes	Brian Duzan	Yes
Bill Smith	Yes		

PERMANENT RULEMAKING OAC 252:307 – TNI LABORATORY ACCREDITATION – Ms. Mensik stated that the DEQ staff is proposing to update the rule to modify the title, clarify program definitions, correct references, and standardize language between other DEQ Lab Accreditation Program (LAP) rules. Additional proposed updates are to simplify the program renewal and application processes and fee calculations, remove the late application fee, and revise the annual accreditation period and timelines for submitting renewal applications and invoice payment. Other proposed changes are to update incorporations by reference for EPA methodologies and to make other amendments for conformity and added flexibility with method requirements under the EPA Primary Drinking Water regulations, National Standards for Solid Waste Methods, and EPA Test Procedures for the Analysis of Pollutants. The Department is also proposing rule amendments to clarify proficiency testing requirements. Hearing questions and

comments by the Council and none by the public, Mr. Duzan called for a motion. Ms. Mach made a motion to approve the Rule 252:307 as amended by Mr. Lee and Mr. Schwab made the second.

See transcript pages 29 - 36

Ron Jarman	Yes	Steve Sowers	Yes
Eric Lee	Yes	Debbie Wells	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Kenneth Schwab	Yes	Brian Duzan	Yes
Bill Smith	Yes		

Mr. Sowers left the meeting after Item #6.

DIRECTOR'S REPORT – Ms. Shellie Chard, Division Director of the WQD, Mr. Jeff Franklin, Division Director of the SELS and Mr. Mark Hildebrand of the ECLS provided an update on division activities.

See transcript pages 36 - 57

NEW BUSINESS – None

ANNOUNCEMENTS – The next scheduled meeting is on Tuesday, July 30, 2024, 2:00p.m. at DEQ.

ADJOURNMENT – Mr. Duzan called for a motion to adjourn. Ms. Mach moved to adjourn and Dr. Jarman made the second. The meeting was adjourned at 3:10p.m.

See transcript page 58 – 59

Ron Jarman	Yes	Steve Sowers	Yes
Eric Lee	Yes	Debbie Wells	Yes
Mary Mach	Yes	Duane Winegardner	Yes
Kenneth Schwab	Yes	Brian Duzan	Yes
Bill Smith	Yes		

Transcript and Attendance Sheet are attached as an official part of these Minutes.

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1 REGULAR MEETING
 2 DEPARTMENT OF ENVIRONMENTAL QUALITY
 3 WATER QUALITY MANAGEMENT ADVISORY COUNCIL
 4 ON APRIL 30, 2024 AT 2:00 PM
 5
 6
 7 MEMBERS PRESENT
 8 Ron Jarman
 9 Eric Lee
 10 Mary Mach
 11 Steve Sowers
 12 Debbie Wells
 13 Bill Willard Smith
 14 Duane Winegardner
 15 Brian Duzan
 16 Kenneth Schwab
 17
 18 MEMBERS ABSENT
 19 Mark Matheson
 20 Rick Moore
 21
 22
 23
 24
 25 REPORTED BY: Jenny Longley, CSR

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1 MS. FIELDS: Mr. Matheson is absent.
 2 Dr. Moore is absent.
 3 Mr. Schwab?
 4 MR. SCHWAB: Here.
 5 MS. FIELDS: Mr. Smith?
 6 MR. SMITH: Here.
 7 MS. FIELDS: Mr. Sowers?
 8 MR. SOWERS: Here.
 9 MS. FIELDS: Ms. Wells?
 10 MS. WELLS: Here.
 11 MS. FIELDS: Mr. Winegardner?
 12 MR. WINEGARDNER: Here.
 13 MS. FIELDS: Mr. Duzan?
 14 MR. DUZAN: Here.
 15 MS. FIELDS: We have a quorum.
 16 MR. DUZAN: Okay. Going on, we'll do the
 17 approval of the minutes from the January 9, 2024
 18 meeting that I believe everybody got ahead of time.
 19 DR. JARMAN: I move approval of the
 20 minutes.
 21 MR. SOWERS: Second.
 22 MR. DUZAN: We have a motion and a second,
 23 we'll have a vote.
 24 MS. FIELDS: Dr. Jarman?
 25 DR. JARMAN: Yes.

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1 PROCEEDINGS
 2 MR. DUZAN: Okay. This regular meeting of
 3 the Water Quality Management Advisory Council was
 4 called in accordance with the Open Meeting Act.
 5 Notice for this April 30, 2024
 6 Regular Meeting was filed with the Secretary of
 7 State on October 31, 2023. The Agenda was duly
 8 posted at DEQ at least 24 hours prior to the
 9 meeting.
 10 Only matters appearing on the posted
 11 Agenda may be considered at this regular meeting.
 12 In the event this meeting is continued or
 13 reconvened, public notice of the date, time, and
 14 place of the continued meeting will be given by
 15 announcement at this meeting. Only matters
 16 appearing on the Agenda of a meeting which is
 17 continued may be discussed at the continued or
 18 reconvened meeting.
 19 So we'll have a roll call.
 20 MS. FIELDS: Dr. Jarman?
 21 DR. JARMAN: Present.
 22 MS. FIELDS: Mr. Lee?
 23 MR. LEE: Here.
 24 MS. FIELDS: Ms. Mach?
 25 MS. MACH: Here.

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1 MS. FIELDS: Mr. Lee?
 2 MR. LEE: Abstain.
 3 MS. FIELDS: Ms. Mach?
 4 MS. MACH: Yes.
 5 MS. FIELDS: Mr. Schwab?
 6 MR. SCHWAB: Yes.
 7 MS. FIELDS: Mr. Smith?
 8 MR. SMITH: Yes.
 9 MS. FIELDS: Mr. Sowers?
 10 MR. SOWERS: Yes.
 11 MS. FIELDS: Ms. Wells?
 12 MS. WELLS: Abstain.
 13 MS. FIELDS: Mr. Winegardner?
 14 MR. WINEGARDNER: Yes.
 15 MS. FIELDS: Mr. Duzan?
 16 MR. DUZAN: Yes.
 17 MS. FIELDS: Motion passed.
 18 MR. DUZAN: Okay. We're going to go on to
 19 the first deal today, which is Permanent Rulemaking
 20 OAC 252:301, "Laboratory Accreditation". I believe
 21 we have a presentation from Susan Mensik.
 22 MS. MENSIK: Good afternoon, everybody.
 23 As Mr. Duzan said, I am Susan Mensik, I am an
 24 Environmental Programs Manager from the State
 25 Environmental Laboratory. This afternoon, I will be

<p>1 discussing Permanent Rulemaking for Chapters 301, 2 302, and 307 for the Laboratory Accreditation 3 Program, or we call it the LAP; so you're going to 4 hear me refer to "LAP" every now and then, so that's 5 what I'm referring to. The Rulemaking being 6 presented today was discussed during the January 9, 7 2024 Council meeting.</p> <p>8 And I'm going to give you a 9 disclaimer, I don't have my current prescription on; 10 so if I start doing this a lot or very dramatic 11 flinging of the glasses, it's because I'm having a 12 little bit of trouble seeing, so...</p> <p>13 Since the January meeting, the 14 Department's LAP Program has been working to ensure 15 that private and publicly-owned labs in these 16 programs have been notified of proposed changes and 17 that they have had ample opportunities to be engaged 18 in the process, either with just being able to ask a 19 question about the new proposed language or through 20 providing public comment. Since the publication of 21 the draft proposed rule text and the Notices of 22 Rulemaking Intent on March the 15th in the Oklahoma 23 Register and on the DEQ Water Quality Management 24 Advisory Council's web page, the Department staff 25 have been busy doing the following:</p>	Page 5	<p>1 primary impacts to each of the laboratories -- I'm 2 sorry, the primary expected impacts to the labs; 3 they were provided guidance about where they could 4 review the rules and proposed language; and how and 5 when they could make public comments if they chose 6 to do so; and then they also had opportunities to 7 ask questions about the draft language.</p> <p>8 Real quickly, I wanted to thank 9 Mr. Winegardner, who joined us for our Oklahoma City 10 meeting, and Mr. Duzan and Mr. Lee, who joined us at 11 those meetings in Tulsa, so thank you all for 12 participating.</p> <p>13 As I discuss the proposed changes for 14 all three of these Program Chapters, you will hear 15 identical or nearly identical items multiple times. 16 This is due to our efforts to improve and update all 17 the chapters holistically to ensure that the 18 definitions, the language, and the requirements are 19 aligned with one another, where possible. We expect 20 these changes to improve the accessibility and the 21 ease of use for our customers, particularly when 22 they're making changes to their existing 23 accreditations, and it would also be beneficial for 24 our LAP staff when they are pursuing future 25 rulemaking as necessary.</p>	Page 1
<p>1 On March the 18th, we had 696 LAP 2 contacts that were notified via email about two 3 upcoming, in-person proposed rulemaking meetings. 4 On March the 19th, the primary point of contact for 5 each of our in-state labs in our TNI program were 6 specifically emailed to invite them to the in-person 7 meetings. On the 22nd of March, the LAP contacts 8 were emailed a copy of a LAP Quarterly Newsletter 9 which included information about these meetings and 10 a discussion about a potential future Zoom meeting.</p> <p>11 At the end of March, we held our two 12 informal, in-person meetings regarding the proposed 13 rules. The first was here at DEQ on March the 26th, 14 and we had 17 people attend that meeting; the second 15 meeting was later in week, in Tulsa, on March the 16 28th, and we had 16 attendees that attended that 17 meeting.</p> <p>18 And then, on April 3rd, an email 19 invitation link to join that Zoom meeting that we 20 were talking about earlier was sent to 152 21 accredited labs, and that online meeting had 21 22 attendees.</p> <p>23 During the meetings, attendees were 24 provided: a summary of the proposed changes for each 25 of the rules; the primary impacted -- or, the</p>	Page 6	<p>1 So we're going to move into OAC 2 252:301, "Laboratory Accreditation". For this rule, 3 DEQ staff is first proposing to modify the Chapter 4 name from "Laboratory Accreditation" to "State of 5 Oklahoma Laboratory Accreditation" to be more 6 descriptive of this specific accreditation program 7 and to clarify the differences among the three 8 accreditation program chapters: 301, 302, and 307. 9 Chapter 301 is the "state" accreditation program 10 that offers a wide range of parameters that range 11 across scientific disciplines and technologies and 12 also accommodates the analysis of drinking water. 13 And when I'm going to discuss these, I'm just going 14 through -- chronologically through the rules; so I'm 15 going to be hitting on each of the subchapters.</p> <p>16 Under Subchapter 1, "General 17 Provisions", the proposed amendments are to clarify 18 program definitions and to standardize definitions 19 and terminology between the three LAP chapters and 20 the Oklahoma Statute 27A. Subchapter 301-1-5 21 reduces the groups for which accreditation can be 22 requested from three groups to two: "Drinking Water 23 and "General Environmental". The General 24 Environmental group will cover the previous "General 25 Water Quality" and "Petroleum Hydrocarbons" groups</p>	Page 2

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1 resulting in the revocation of Section 301-1-8. The
 2 Department also proposes to amend 301-1-9 "Fees" to
 3 simplify the calculation of the application and the
 4 renewal fees. Note that there are no new fees
 5 proposed, or new fee increases. The most
 6 significant proposal is the addition of the new
 7 section, 301-1-10, which is going to change the
 8 accreditation period to a calendar-year cycle,
 9 January to December, from the current cycle, which
 10 is September through August. The change of
 11 accreditation period is also going to be proposed
 12 for the other LAP rules that we're going to talk
 13 about momentarily.

14 DEQ proposes amendments to Sections
 15 of Subchapter 3, the "Laboratory Accreditation
 16 Process", to update the accreditation application
 17 steps: updating the date for submitting renewal
 18 application materials and proficiency testing
 19 reports to September 15th from the previous June the
 20 15th and removing the requirement for submitting
 21 fees with the application. The proposed change of
 22 the renewal cycle will permit the renewal fees to be
 23 determined based on the lab's requested scope of
 24 accreditation and not based on their previous scope,
 25 or their existing scope. The date will be set to

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1 pay the invoice on December the 15th following
 2 application review and will result in reducing
 3 inaccurate payments and ultimately more timely
 4 processing and issuing of certificates, or letters
 5 of accreditation.

6 Amendments in Subchapter 5 include
 7 language and terminology changes, such as exchanging
 8 "assessment" for "evaluation" or "audit" for
 9 increasing consistency with the other LAP rules. A
 10 proposed change in Section 301-5-4 will add a
 11 specification that the only assessors that will be
 12 deemed "acceptable" to DEQ for "out-of-state"
 13 assessments will be assessors from a nationally
 14 recognized governmental TNI accreditation body.
 15 This change will ensure that assessments for
 16 laboratories outside of Oklahoma are performed
 17 uniformly and so all laboratories accredited under
 18 this Chapter receive the same quality of assessments
 19 and technical resources. Another change is for
 20 on-site assessments to occur approximately once
 21 every three years instead of once every two. This
 22 will align the frequency of assessments under this
 23 rule with the frequency of EPA audits of drinking
 24 water laboratories.

25 Subchapter 7 has been amended to

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1 reduce ambiguity of current requirements for
 2 proficiency testing. Section 301-7-13, "PT report
 3 deadline", was revoked and this was addressed under
 4 amendments mentioned earlier. There is no change to
 5 PT frequency requirements.

6 Proposed amendments to the "Quality
 7 Assurance/Quality Control" Subchapter 9 are to
 8 update incorporations by reference for EPA
 9 methodologies and to add flexibility to offer
 10 accreditation for other approved methods under the
 11 EPA Primary Drinking Water regs, Test Methods for
 12 Evaluating Solid Waste, the Laboratory
 13 Physical/Chemical Methods, and the EPA Test
 14 Procedures for the Analysis of Pollutants.

15 Additional changes in the proposed
 16 rule text will correct typographical and grammatical
 17 errors, including removing the word "the" from in
 18 front of "DEQ" for consistency with other DEQ rules.

19 There is an additional item of note
 20 regarding this Chapter rulemaking. After the
 21 publication of the related Notice of Rulemaking
 22 Intent in the Oklahoma Register, we detected an
 23 error in the NRI Summary. The NRI Summary
 24 incorrectly references creation of a new section,
 25 301-1-8, to establish that new accreditation period

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1 as previously discussed; however, Section 301-1-8 in
 2 the draft text was actually revoked. The correct
 3 reference for this new accreditation period is a new
 4 section, 301-1-10. Note this was only an error in
 5 the published 301 NRI and it was not in the draft
 6 rule text that you all have in front of you. The
 7 NRI posted on the DEQ Water Quality Management
 8 Advisory Council web page was corrected and noted
 9 with the word "Amended" and the preparation date of
 10 April the 5th.

11 As far as public comments to date,
 12 there has only been one written comment noting a
 13 typographical error that has since been corrected in
 14 the draft text.

15 In conclusion, DEQ is asking the
 16 Council to recommend to the Environmental Quality
 17 Board this Permanent Rulemaking for Chapter 301.

18 MR. DUZAN: Okay. Thank you.

19 Any questions or comments from the
 20 Council?

21 MR. LEE: I guess I'll get started.

22 MS. MENSİK: Okay.

23 MR. LEE: Sorry. On page -- let's see,
 24 it'll be 252:301-1-9, "Fees". Under (d), "Annual
 25 fee adjustment", I notice it says, "To assist in

1 meeting rising costs to the DEQ", so there's a "the"
 2 right there.
 3 And just out of curiosity, that
 4 language that says, "To assist in meeting rising
 5 costs", I guess that's old language; so are we
 6 meaning costs of service, is that what we're doing?
 7 MS. MENSİK: Yes.
 8 MR. LEE: And so I don't know, do we need
 9 to -- not necessarily for this one, but maybe for
 10 future, "in order to meet costs of service to DEQ"?
 11 Just a thought there.
 12 Also, further on I think in the next
 13 sentence, it says "the DEQ", and the third sentence,
 14 it says, "The DEQ may waive collection"; so a couple
 15 places where it says "the".
 16 Further down in (e), on the
 17 calculation here for the on-site assessment fee, I
 18 -- just out of curiosity, I guess that references
 19 back to Item - what is that - 6 or 8, whatever that
 20 cost is where an on-site evaluation is a
 21 reimbursable expense.
 22 So, looks like we've lined out what
 23 those factors may be, "not to exceed \$10,000", but
 24 now there's an assessment fee, but it doesn't really
 25 maybe say how that's calculated. Can you maybe

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1 place for \$10,000.
 2 MR. LEE: Okay. Is it okay if I keep
 3 going?
 4 MR. DUZAN: Yeah, I'm just -- it looks
 5 like they marked it out, but -- the \$10,000.
 6 MR. FRANKLIN: Hi, this is Jeff Franklin.
 7 I believe that cap is still in place.
 8 MR. LEE: Okay.
 9 MR. DUZAN: I'm not sure why it's struck
 10 through.
 11 MS. HURLEY: It is in section (b) now, I'm
 12 sorry.
 13 MR. LEE: It's in section (b)? Okay.
 14 MS. HURLEY: So if you look up in section
 15 (b) --
 16 MR. LEE: There it is, okay.
 17 MS. HURLEY: -- "not to exceed \$10,000 per
 18 individual laboratory".
 19 MR. LEE: Thank you. Appreciate that.
 20 May I move on?
 21 MR. DUZAN: Yeah.
 22 MR. LEE: 252:301-3-4, "Renewals and
 23 expiration", the first sentence there, it says,
 24 "Annual renewal required". Says, "A laboratory that
 25 wishes to remain accredited". Not to get into the

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1 explain or expound on that?
 2 MS. MENSİK: Uh-huh. And I think --
 3 Taryn, if you don't mind? I'm going to have Taryn
 4 Hurley, who's our Laboratory Accreditation Program
 5 Manager, can give you some more details about that,
 6 and we may have to have -- Taryn, I've pulled up the
 7 draft rule here, I'm not sure if this is what he's
 8 referring to.
 9 MS. HURLEY: Hi, I'm Taryn Hurley, as
 10 Susan said. So to clarify, the question is in
 11 regards to 252:301-1-9 part (e)?
 12 MR. LEE: Yes.
 13 MS. HURLEY: Okay.
 14 MR. LEE: Yes. So it says, "All
 15 laboratories will must pay an on-site assessment
 16 fee". So how is that assessment fee calculated?
 17 MS. HURLEY: That assessment fee is based
 18 off of the hours spent for the assessor or the
 19 assessment team, and so that is an encumbered cost
 20 of our hourly pay plus our, like, benefits pay.
 21 MR. LEE: So previously there was a cap, I
 22 guess, "not to exceed \$10,000". Is that -- are we
 23 putting a cap in this, what should laboratories
 24 expect as far as maybe a ceiling?
 25 MS. HURLEY: I believe the cap is still in

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1 wordsmithing, but "wishes", maybe "decides" might be
 2 a better word?
 3 MS. HURLEY: Fair enough.
 4 MR. LEE: Okay. Moving on to Part 3,
 5 "Conditions of Accreditation", 301-3-31(5),
 6 "Reporting requirements. The Laboratory shall give
 7 advance notice to the DEQ."
 8 MS. HURLEY: I see it, thank you.
 9 MR. LEE: Subchapter 7 -- or, I'm sorry,
 10 301-5-5, "Recordkeeping and reporting", (a)(4),
 11 "reports filed with" and "the DEQ" is marked out
 12 there - "or submitted to clients for filing with" -
 13 then it says - "the DEQ".
 14 MS. HURLEY: Thank you.
 15 MR. LEE: 301-7-4, "Initial
 16 accreditation", there's a couple places in there
 17 where it talks about "proficiency testing", then it
 18 has "PT" in brackets there. As we go into 7-5,
 19 there's quite a few examples of "proficiency
 20 testing", I don't know if you want to, at this time,
 21 change those to "PT" throughout. 7-5, 7-6, 7-7, and
 22 7-8.
 23 MS. HURLEY: Thank you.
 24 MR. LEE: And then the only other question
 25 I had is on -- if you look at 301-7-18, "Corrective

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1 action", in here it says the "corrective action
 2 report", and then it says "CAP". If I go back to
 3 "Definitions", and we have "Corrective Action Plan",
 4 it says "CAP" or "Corrective Action Report". Does
 5 "Corrective Action Report" also need to have the
 6 "CAP" next to it to show that it applies to either
 7 one of those phrases?
 8 MS. HURLEY: That is a good question. I
 9 think it's relatively ambivalent.
 10 MR. FRANKLIN: Just -- you're recommending
 11 we pick one so that we're clearly --
 12 MR. LEE: I was just going to --
 13 MR. FRANKLIN: The terms are used
 14 synonymously.
 15 MR. LEE: Right. I guess if I was reading
 16 from beginning to end, I got to "Definitions" and
 17 went "Corrective Action Plan" is "CAP" or
 18 "Corrective Action Report", to me it means that
 19 you're either going to do "CAP" or "Corrective
 20 Action Report".
 21 I just didn't know if you wanted the
 22 "CAP" after "Corrective Action Report", just to show
 23 that it might apply to both. Maybe I'm getting too
 24 into the weeds.
 25 MS. MENSIK: No, we can fix --

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1 MS. HURLEY: Yeah --
 2 MR. LEE: It's just a recommendation, I --
 3 MS. HURLEY: No, thank you, it's a good
 4 point. Thank you.
 5 MR. LEE: That's all I had, Chairman.
 6 MR. DUZAN: Okay. Any other questions
 7 from the Council?
 8 DR. JARMAN: What is the course of action
 9 that we could take to make those recommended
 10 modifications?
 11 MS. MACH: Make a motion as amended.
 12 MR. DUZAN: Yeah.
 13 MS. CHARD: So this is Shellie Chard,
 14 Water Quality Division Director. In order to
 15 incorporate all of the comments that were made here,
 16 you would just include that in your motion to
 17 approve the chapter as presented, with the edits as
 18 suggested, and then the staff will go back and, with
 19 the transcript, make sure all of those get made
 20 before it goes to the Environmental Quality Board.
 21 MR. DUZAN: Okay.
 22 DR. JARMAN: Then I move approval of the
 23 --
 24 MR. DUZAN: Yeah, we're not quite there
 25 yet.

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1 DR. JARMAN: Oh, okay. Sorry.
 2 MR. DUZAN: I do have -- was there any
 3 other questions or comments from the labs that
 4 showed up to the meetings that have been
 5 incorporated or that you saw changes or was it just
 6 kind of --
 7 MS. HURLEY: We actually had no questions
 8 from the Zoom meeting, and then we didn't have any
 9 resulting written comments or feedback about these
 10 rule changes from the Zoom meeting.
 11 MR. DUZAN: Okay.
 12 MS. MENSIK: Other than one typo.
 13 MS. HURLEY: Well, but that wasn't from
 14 the Zoom meeting.
 15 MS. MENSIK: Yes.
 16 MR. DUZAN: Any other questions or
 17 comments from the Council?
 18 Do we have any questions or comments
 19 from the audience?
 20 Not seeing any, I'll entertain a
 21 motion.
 22 MR. LEE: I'll not steal that from you.
 23 DR. JARMAN: I move that the -- I move
 24 acceptance of the Chapter 301 with the modifications
 25 recommended by Mr. Lee.

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1 MS. MACH: Second.
 2 MR. DUZAN: Okay. We have a motion and a
 3 second, we'll have a vote.
 4 MS. FIELDS: Dr. Jarman?
 5 DR. JARMAN: Yes.
 6 MS. FIELDS: Mr. Lee?
 7 MR. LEE: Yes.
 8 MS. FIELDS: Ms. Mach?
 9 MS. MACH: Yes.
 10 MS. FIELDS: Mr. Schwab?
 11 MR. SCHWAB: Yes.
 12 MS. FIELDS: Mr. Smith?
 13 MR. SMITH: Yes.
 14 MS. FIELDS: Mr. Sowers?
 15 MR. SOWERS: Yes.
 16 MS. FIELDS: Ms. Wells?
 17 MS. WELLS: Yes.
 18 MS. FIELDS: Mr. Winegardner?
 19 MR. WINEGARDNER: Yes.
 20 MS. FIELDS: Mr. Duzan?
 21 MR. DUZAN: Yes.
 22 MS. FIELDS: Motion passed.
 23 MR. DUZAN: Okay. We're going to move on
 24 to 252:302, which is the "Field Laboratory
 25 Accreditation".

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1 Susan?
 2 MS. MENSİK: And again, you're going to
 3 hear some of the -- very similar language that you
 4 just heard moments ago, for 302. All the public
 5 participation that was described in relation to the
 6 previous Rulemaking also applies to this Chapter.
 7 For OAC 252:302, DEQ staff is proposing to modify
 8 the Chapter name from "Field Laboratory
 9 Accreditation" to "Industrial Discharge Laboratory
 10 Accreditation" so it will be more descriptive of
 11 this DEQ Laboratory Accreditation Program and to
 12 clarify the differences between the three
 13 accreditation program chapters. Chapter 302 was
 14 originally implemented in 2013 and is the "state"
 15 accreditation program that offers a narrow scope of
 16 accreditation that is strictly limited to the
 17 analysis of non-potable water and is mostly for
 18 analyses that are performed within very short
 19 holding times, typically within 15 minutes of sample
 20 collection, which includes things like: pH,
 21 chlorine, turbidity, dissolved oxygen, or
 22 temperature. The labs in this program are typically
 23 on-site facility labs that report data to DEQ for
 24 Clean Water Act compliance.
 25 Under Subchapter 1, "General

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1 payment. The proposed change of the renewal cycle
 2 period will allow for more timely processing and
 3 issuing of certificates.
 4 A proposed amendment in Section
 5 302-9-25 of the "Quality Assurance/Quality Control"
 6 subchapter would allow the LAP to update
 7 incorporations by reference for other EPA-approved
 8 methodologies, adding flexibility for both the LAP
 9 and for the impacted labs for regulatory changes.
 10 Additional proposed changes will also
 11 update text, including replacing the word "field"
 12 with "industrial discharge" and correcting
 13 typographical and grammatical errors, including
 14 removing the word "the" from in front of "DEQ" for
 15 consistency with other DEQ rules.
 16 As far as public comment, to date
 17 there has been one minor typographical comment that
 18 has already been addressed in the current draft
 19 text.
 20 So in conclusion, DEQ is asking the
 21 Council to recommend to the Environmental Quality
 22 Board this Permanent Rulemaking for Chapter 302.
 23 MR. DUZAN: Okay. Thank you.
 24 Any questions or comments from the
 25 Council?

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1 Provisions", the proposed amendments are to clarify
 2 and standardize program definitions and terminology
 3 between the three LAP chapters and the Oklahoma
 4 Statute 27A. The fee for submitting late renewal
 5 applications was removed in section 302-1-5. If
 6 this chapter modification is approved and becomes
 7 effective, labs that missed their deadline would be
 8 required to reapply through the initial
 9 accreditation process. No additional or increased
 10 fees are included. As with Chapter 301, the most
 11 significant proposal is the addition of the new
 12 section, 302-1-6, changing the accreditation period
 13 to a calendar year to January to December from the
 14 current September to August cycle. Issued
 15 certificates would reflect the effective date of
 16 January the 1st and expire December the 31st. DEQ
 17 proposes amendments to sections of Subchapter 3, the
 18 "Laboratory Accreditation Process", to update the
 19 accreditation application process, including:
 20 striking language requiring submitting application
 21 fees with the application materials, updating the
 22 date for submitting the renewal application
 23 materials and proficiency testing reports to
 24 September 15th from the previous June the 15th, and
 25 adding the December 15th deadline for invoice

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1 MR. SMITH: Is there a reason that
 2 "Industrial discharge" is not defined?
 3 MS. MENSİK: In the definitions?
 4 MR. SMITH: In the definitions. You talk
 5 about an "Industrial discharge laboratory", but
 6 "Industrial discharge", in and of itself, is not
 7 defined.
 8 MS. MENSİK: I'm going to have Taryn come
 9 up and give us her two cents.
 10 MS. HURLEY: Okay. Hi, Taryn Hurley
 11 again. That is a fair comment. We do have
 12 "Industrial discharge laboratory" defined to just be
 13 as general as possible so that we're not overly
 14 limiting to the labs that are applicable to this
 15 program.
 16 MR. SMITH: So it's more -- this is more
 17 related to the lab itself, not what -- where the --
 18 what facilities are being tested?
 19 MS. HURLEY: Correct.
 20 MR. SMITH: Okay. Thank you.
 21 MR. DUZAN: Was there -- oh, I was going
 22 to say, was there a reason to change it from "Field"
 23 to "Industrial discharge"?
 24 MS. HURLEY: There was. We were receiving
 25 a lot of feedback from our customers within this

1 program and for potential customers in this program
 2 that they were unsure of what this program was with
 3 the identification of "field accreditation". They
 4 were expecting different parameters to be covered
 5 and different subjects, essentially, to be covered
 6 and it not to be a Laboratory Accreditation Program.
 7 There was also some confusion from
 8 the TNI definition of "field sampling" and "field
 9 measurements", and so with our participation in the
 10 NELAC Institute as an accreditation body, we were
 11 having some difficulties communicating effectively
 12 what this program was to our peers in the state and
 13 across the nation.
 14 MS. CHARD: Mr. Smith, the attorneys are
 15 looking to verify, but it seems like "industrial
 16 discharger" is defined in statute; so we think it's
 17 addressed, but April's looking at that and hopefully
 18 will be able to get that answer to you pretty
 19 quickly.
 20 MR. LEE: So did you say that the name
 21 change aligns with other states and their
 22 regulations?
 23 MS. HURLEY: A lot of the other states
 24 that we've done research on do not have an
 25 equivalent Laboratory Accreditation Program for us

1 to align with --
 2 MR. LEE: Okay.
 3 MS. HURLEY: -- but this at least was not
 4 directly opposed to other state programs.
 5 MR. LEE: Okay. Thank you.
 6 MS. HURLEY: Of course. Thank you.
 7 MR. LEE: Sorry, are you going, Ken?
 8 MR. SCHWAB: Yeah, I have a couple.
 9 MR. LEE: Okay.
 10 MR. SCHWAB: If that's all right.
 11 MR. LEE: Sure.
 12 MR. SCHWAB: Just a clarification. In
 13 302-5-6(c) and 302-7-10, we refer to that
 14 "Corrective Action Report", here it says "CAR" as
 15 opposed to "CAP". And I think it's referred to a
 16 few times and then refers to it as the "CAR". I'm
 17 fine with CAR, I just think we ought to be
 18 consistent.
 19 MS. HURLEY: Agreed.
 20 MR. SCHWAB: And I think it's in there,
 21 302-3-31-3(A), as well. And then the last one is we
 22 still have "the DEQ" in 302-3-21(5).
 23 MS. HURLEY: Agreed. Thank you.
 24 MR. SCHWAB: Did I catch all yours, Eric,
 25 or did you do more?

1 MR. LEE: Not really, but you're good.
 2 It's also in 6.
 3 All right. So I guess I'll go. At
 4 the very beginning, 302-1-1(a)(1), "The available
 5 scope of accreditation under this Chapter is
 6 generally limited to wastewater analyses", I think
 7 later on in the document it talks about "non-potable
 8 water". So is it just wastewater and non-potable
 9 water or just wastewater?
 10 MS. HURLEY: It's intended to be
 11 non-potable water --
 12 MR. LEE: Okay.
 13 MS. HURLEY: -- which would encapsulate
 14 wastewater.
 15 MR. LEE: Okay. 302-1-5(b), "Annual fee
 16 adjustment", a similar comment about maybe instead
 17 of "meeting rising costs", just 'to meet the costs
 18 of service'. 302-3-4(6) says, second sentence, "The
 19 DEQ".
 20 I think to Mr. Schwab's point,
 21 Corrective Action Report or Corrective Action Plan,
 22 I guess we can probably use that "CAP" throughout to
 23 be consistent. 302-3-6(a), "A laboratory that
 24 wishes", maybe, again, 'decides' might be better
 25 than "wishes".

1 MS. HURLEY: Agreed.
 2 MR. LEE: That is it from me.
 3 MR. DUZAN: Any other questions or
 4 comments from the Council?
 5 Questions or comments from the
 6 public?
 7 Okay. I'll entertain a motion, then.
 8 MR. SMITH: I'll make a motion to adopt
 9 Chapter 302, "Industrial Discharge Laboratory
 10 Accreditation", with the suggested modifications
 11 from the Council.
 12 MR. SOWERS: Second.
 13 MR. DUZAN: Okay. We have a motion and a
 14 second, we'll have a vote.
 15 MS. FIELDS: Dr. Jarman?
 16 DR. JARMAN: Yes.
 17 MS. FIELDS: Mr. Lee?
 18 MR. LEE: Yes.
 19 MS. FIELDS: Ms. Mach?
 20 MS. MACH: Yes.
 21 MS. FIELDS: Mr. Schwab?
 22 MR. SCHWAB: Yes.
 23 MS. FIELDS: Mr. Smith?
 24 MR. SMITH: Yes.
 25 MS. FIELDS: Mr. Sowers?

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1 MR. SOWERS: Yes.

2 MS. FIELDS: Ms. Wells?

3 MS. WELLS: Yes

4 MS. FIELDS: Mr. Winegardner?

5 MR. WINEGARDNER: Yes.

6 MS. FIELDS: Mr. Duzan?

7 MR. DUZAN: Yes.

8 MS. FIELDS: Motion passed.

9 MR. DUZAN: Okay. Moving on to 252:307,

10 "TNI Laboratory".

11 Susan?

12 MS. MENSİK: Again, all the public

13 participation that was described in relation to the

14 previous Rulemaking applies to this Chapter, as

15 well. For OAC 252-307, DEQ staff is again proposing

16 to modify the Chapter name. The change from "TNI

17 Laboratory Accreditation" to "National TNI

18 Laboratory Accreditation" will make this DEQ

19 Laboratory Accreditation Program distinguishable

20 from the other two "state" accreditation program

21 chapters, 301 and 302.

22 As with the prior rules discussed

23 today, under 307 Subchapter 1, "General Provisions",

24 the proposed amendments are to clarify and

25 standardize program definition and terminology

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1 between the three LAP chapters and Oklahoma Statute

2 27A and to change the accreditation period to a

3 calendar year January to December, with certificates

4 issued with these effective and expiration dates.

5 Amendments to 307-1-4 will add ability for the LAP

6 to incorporate other EPA-approved analytical methods

7 for accreditation, increasing program flexibility.

8 In Section 301-1-7, "Annual Fees", fee calculations

9 are simplified and the existing fee for a late

10 application is removed. If this chapter

11 modification is approved and becomes effective, labs

12 that have missed the deadline would be required to

13 reapply through the initial accreditation process.

14 No new or increased fees are included.

15 DEQ proposes amendments to sections

16 of Subchapter 3, the "Laboratory Accreditation

17 Process", to update accreditation application steps,

18 including: removing language requiring the submittal

19 of application fees with their application

20 materials, that's in 307-1-3(e) -- 307-3-1(e),

21 excuse me -- and changing the process so the lab

22 will be invoiced after the LAP review and approval

23 of their application materials. In Section 307-3-6,

24 amendments include updating the date for submitting

25 the renewal application materials and the

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1 proficiency testing reports to September 15th from

2 June the 15th and also adding a December 15th

3 deadline for invoice payment prior to certificate

4 issuance. The proposed changes will allow renewal

5 fees to be invoiced based on the lab's requested

6 scope of accreditation and not based on their

7 existing scope. This will result in the reduction

8 of payment errors and more timely processing and

9 issuing of certificates.

10 In Subchapter 9, Part 1, "Proficiency

11 Testing", the proposed amendments will not change

12 the existing program requirements for proficiency

13 testing but will add clarity for users. The new

14 section, 307-9-12, will be added to provide guidance

15 to labs when a "NELAP or TNI recognized" proficiency

16 test sample is not available for a particular

17 analyte or matrix for which the lab seeks

18 accreditation.

19 Additional proposed changes will also

20 update text and correct typographical and

21 grammatical errors, including removing the word

22 "the" from in front of "DEQ" for consistency with

23 other DEQ rules.

24 As far as public comments to date,

25 the LAP has not received any formal public comments

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1 for this rule.

2 So in conclusion, the DEQ is asking

3 the Council to recommend to the Environmental

4 Quality Board this Permanent Rulemaking for Chapter

5 307.

6 MR. DUZAN: Okay. Thank you.

7 Any questions or comments from the

8 Council?

9 MR. LEE: Yes, Mr. Chair. 307-1-7(c),

10 "Annual fee adjustment", I think it says "the DEQ"

11 twice in there. Let's see, 307-3-1(d),

12 "Certification of compliance", in there it actually

13 says, "the Oklahoma Department of Environmental

14 Quality standards", and so I don't know, does that

15 need to be just 'DEQ standards' or does that need to

16 be spelled out in that instance?

17 MS. MENSİK: Let me put my glasses back

18 on.

19 MR. LEE: 307-3-6(a), "Annual renewal

20 required. A laboratory that wishes", again, maybe

21 'decides' or 'selects'. And that's all I got.

22 MS. MENSİK: Thank you. Did you catch

23 everything, Taryn?

24 MS. HURLEY: I believe so.

25 MS. MENSİK: Thank you, Mr. Lee.

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1 MR. DUZAN: Thank you.
 2 Anybody else have any questions?
 3 MR. SCHWAB: I have one little minor one,
 4 comment. Throughout here, you've done really well
 5 at putting in parentheses, like, if there's a
 6 number, you put the number behind the word. In
 7 307-9-8, second line, it says, "at least two", if we
 8 could add the number in parentheses, and then the
 9 third line it says, "more than six", if we could add
 10 that.
 11 And then in 307-9-10, this one does
 12 say, "corrective action report" with "CAP" in it; so
 13 I think, per what Mr. Lee said on the previous one,
 14 if you stick with that format that will be
 15 consistent throughout.
 16 That's all I have, Mr. Chair.
 17 MR. DUZAN: Okay.
 18 MS. MENSİK: Thank you.
 19 MR. DUZAN: I have one kind of comment.
 20 On 307-9-3, on PTs, it changed the analysis of
 21 "seven calendar days apart from the closing date of
 22 one study to the" -- now it's "the opening date of
 23 another study" instead of the "shipment date".
 24 Did that come from TNI or...
 25 MS. HURLEY: That came from our ability to

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1 know when something was received. There's not a way
 2 for us to know when something was shipped to the
 3 lab, and so it was a standard that we weren't able
 4 to know easily when a lab had a PT shipped to them.
 5 We do know the opening date of a PT study, that is
 6 information that is available to us from the PT
 7 provider.
 8 MR. DUZAN: Okay. So even for, like,
 9 quick responses that -- so that would be the date if
 10 it's -- we use ERA, so they would open it today and
 11 then ship it to us, or I don't know how -- what days
 12 go with what.
 13 MS. HURLEY: Yeah. Each PT provider
 14 handles it a little bit differently in terms of how
 15 they establish their study, especially with
 16 quick-turn PT studies, but that is information that
 17 we at least receive and can receive from the PT
 18 provider, whereas trying to get the date of shipment
 19 is a much more complicated process.
 20 MR. DUZAN: Okay. It just --
 21 MS. HURLEY: No, it's a good question.
 22 MR. DUZAN: Well, I just kind of -- it's
 23 an interesting change, I didn't -- because I know so
 24 much of it is dictated by TNI.
 25 MS. HURLEY: Yes.

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1 MR. DUZAN: Any other questions or
 2 comments from the Council?
 3 Do we have any questions or comments
 4 from the audience?
 5 Then I will entertain a motion.
 6 MS. MACH: I make a motion to approve the
 7 Rule 252:307 as amended by Mr. Lee.
 8 MR. SCHWAB: Second.
 9 MR. DUZAN: Okay. We have a motion and a
 10 second, we'll have a vote.
 11 MS. FIELDS: Dr. Jarman?
 12 DR. JARMAN: Yes.
 13 MS. FIELDS: Mr. Lee?
 14 MR. LEE: Yes.
 15 MS. FIELDS: Ms. Mach?
 16 MS. MACH: Yes.
 17 MS. FIELDS: Mr. Schwab?
 18 MR. SCHWAB: Yes.
 19 MS. FIELDS: Mr. Smith?
 20 MR. SMITH: Yes.
 21 MS. FIELDS: Mr. Sowers?
 22 MR. SOWERS: Yes.
 23 MS. FIELDS: Ms. Wells?
 24 MS. WELLS: Yes.
 25 MS. FIELDS: Mr. Winegardner?

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1 MR. WINEGARDNER: Yes.
 2 MS. FIELDS: Mr. Duzan?
 3 MR. DUZAN: Yes.
 4 MS. FIELDS: Motion passed.
 5 [Mr. Sowers was absent from this point forward.]
 6 MR. DUZAN: Okay. We're going to move on
 7 now to the Director's Report.
 8 Shellie Chard?
 9 MS. CHARD: Today, we're going to do
 10 something a little different. Normally, I turn
 11 things over to Mr. Franklin first, but due to
 12 another commitment I have, I'm going to go first
 13 today.
 14 And I really just want to touch on
 15 three or four things at a high level. One that's
 16 hopefully going to prove to be very fruitful for the
 17 State of Oklahoma, Congressman Cole has ascended to
 18 the chairmanship of the House Appropriations
 19 Committee, so that's pretty exciting. We're already
 20 engaged with him on some funding issues and helping
 21 to hopefully restore some of the funding to the SRF
 22 that we can pass along in terms of loans for
 23 infrastructure here in the state.
 24 Congressional Directed Spending has
 25 been an issue that has taken money from the SRFs.

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1 These are Congress-requested projects. In Oklahoma,
 2 they've made the decision that \$5 million is the
 3 cap; so for many projects, it's just a supplement to
 4 other funding that they're using for projects. This
 5 is, you know, the new name for earmarks. We don't
 6 say "earmarks" because that's bad, but
 7 "Congressional Directed Spending". Those projects
 8 are funded out of the SRF, so that comes off the top
 9 before the money is allocated to the states.
 10 What does that mean for Oklahoma?
 11 It's about a 58 percent decrease. That is
 12 58 percent less money that we have to leverage in
 13 our SRF loan programs, both Drinking Water and Clean
 14 Water SRF at the Water Board. That's also -- we
 15 take set-asides out of that, so there's less money
 16 available for us to provide technical assistance and
 17 implement programs.
 18 So we're trying to figure out what
 19 that path forward looks like for us, but our
 20 congressional delegation is very much on board with
 21 that process. So now our conversations are, 'Yeah,
 22 it's great, but let's find another way to fund it',
 23 so we'll see what happens with that.
 24 With the Congressional Directed
 25 Spending projects, EPA has been administering those

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1 programs. They've hired a lot of people. I think
 2 it's been a struggle for them, and it's certainly
 3 been a struggle for us. I get emails and letters
 4 all the time that say, 'Congratulations on receiving
 5 this award and this funding, and here's what you
 6 need to do', and I said, 'I'm a little confused why
 7 I have it', and, EPA said, 'Oh, well, we didn't have
 8 contact information for the community, so we just
 9 sent it to you'. I thought, 'Oh, okay'. You know,
 10 so we spend a lot of time trying to help them with
 11 that.
 12 There is now a conversation been
 13 started in the last -- at least the conversation
 14 with the states in the last few days. EPA has until
 15 the end of May to submit a report to Congress on
 16 what it would look like to shift that administration
 17 of that program to the states. Would the states be
 18 interested, what challenges might there be, and
 19 funding to do that work.
 20 And EPA has suggested that perhaps
 21 the states should apply for the grants directly and
 22 then it's EPA -- Congress would give it to EPA, EPA
 23 would give it to the states, and then the states
 24 would have to have applications and would monitor
 25 that process for the life of the project.

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1 So it's going to get interesting, as
 2 we move forward, to see what that's going to look
 3 like because we really don't know, we just had the
 4 first conversation about this about noon today,
 5 Oklahoma to me.
 6 So more to come, but those of you who
 7 are involved with infrastructure funding and who may
 8 have been the beneficiary of these funds, it's going
 9 to -- the process is going to change, we just don't
 10 know what it's going to look like; so definitely
 11 stay tuned.
 12 Another big issue that we have heard
 13 a lot from EPA for several years, but also now from
 14 the White House, I'm sure you heard on the news,
 15 letters were sent to the governors requesting them
 16 to submit cybersecurity plans for the Water and
 17 Wastewater sector. It's not an EPA request, it's
 18 actually a White House request; so that makes it a
 19 little bit different.
 20 For Oklahoma, we do have a statewide
 21 cybersecurity plan. It is tied to some FEMA grant
 22 funding that was available to the states, and then
 23 Oklahoma applied for the additional funding to make
 24 cybersecurity grants to publicly-owned water and
 25 wastewater facilities. You can access that through

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1 Department of Homeland Security or you can email me
 2 if you want more information and I'll get it to you.
 3 So Oklahoma is building on the State
 4 Plan, it's currently being reviewed by all of the
 5 agencies involved. The plan, if I get my way, is
 6 going to be about three, four pages with the State
 7 Plan attached and referencing some of the key parts
 8 of that plan.
 9 A key part of that plan is going to
 10 be outreach, training, making resources available.
 11 There are already a lot of good resources out there,
 12 we are not going to reinvent the wheel. We know
 13 that the City of Tulsa is already looking at
 14 adapting some national training materials for use in
 15 Oklahoma; so that will be very helpful, as well.
 16 If you have a water or wastewater
 17 facility where you are the responsible party, if
 18 you're not thinking about cybersecurity, it's time.
 19 I know we're seeing a lot of incidents and attempts
 20 at creating problems through cyberattacks, so this
 21 is definitely something we're going to continue to
 22 see.
 23 There's been some noise that, well,
 24 right now the way it's set up, it's not mandatory so
 25 systems may not do it; so we could see cybersecurity

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1 rules that apply not only to the bigger systems, but
 2 to all systems. So again, stay tuned, more to come.
 3 And I, you know, would be remiss if I
 4 didn't include everybody's favorite subject, and
 5 that's PFAS. We've been talking about it a while,
 6 we have so many different things that have come out,
 7 but I do want to just touch briefly on the drinking
 8 water rule, it is a little bit different than other
 9 EPA drinking water rules.
 10 First of all, there's a five-year --
 11 or, a -- yeah, five-year monitoring period and then
 12 compliance -- or, two-year monitoring, three-year
 13 compliance, which is unusual in that, usually, it's
 14 just, here it is and within three years, you must
 15 comply. But we're not going to comply with this one
 16 with existing treatment equipment if you have PFAS.
 17 We've done -- through the UCMR, we've
 18 looked at some of that data. I'm very happy that we
 19 do not have a lot of PFAS showing up so far, and
 20 where we have it, it's the same source of drinking
 21 water, so that's going to be something that we're
 22 going to have to be paying attention to.
 23 The new MCL, we have PFOA, PFOS,
 24 PFHxS, and the NextGen chemicals and PFNA all have
 25 MCLs. PFOA and PFOS are four parts per trillion.

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1 the other three are 10 parts per trillion.
 2 And then the new twist. For the
 3 first time, EPA is using the Hazard Index as --
 4 becomes another MCL, and that is a mathematical
 5 calculation based on a series of PFAS compounds and
 6 their toxicology data and adding those together, and
 7 if it's 1 -- even if it's 1.00001, you're out of
 8 compliance, it is 1. Period.
 9 That hazard risk index has been used
 10 in Superfund and other cleanup-type programs for a
 11 long time, but this is the first time that we're
 12 seeing it applied to Water. And I'm assuming that
 13 we may see it on the Wastewater side, as well, but I
 14 don't know for sure, EPA is being pretty
 15 close-lipped about that.
 16 We do know there's some work going on
 17 for PFAS Water Quality Standards; don't know what it
 18 is, EPA did just acknowledge it in March that they
 19 were, in fact, doing some work in that area. We
 20 also know they've done some work on Biosolids and
 21 Stormwater; so I'm assuming we're going to hear some
 22 of that -- I'm going to use the term "soon",
 23 whatever that means.
 24 We also know we have ELGs, Effluent
 25 Limitation Guidelines, that have come out related to

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1 PFAS, primarily, right now, looking at manufacturing
 2 and electroplating, those kinds of industries, but I
 3 expect there will be more to come on that.
 4 So I will stop there and I'll give
 5 you the opportunity if you have any questions.
 6 DR. JARMAN: I do have a question based on
 7 recent weather activities. Is there a plan in place
 8 or a process to plan for infrastructure repairs
 9 where necessary?
 10 MS. CHARD: So --
 11 DR. JARMAN: The tornado storm.
 12 MS. CHARD: Yeah, so the -- anytime we
 13 have, you know, significant weather events, whether
 14 it be tornadoes or wildfires or ice storms, there is
 15 some Emergency Grant funding that's available
 16 through the Oklahoma Water Resources Board, there's
 17 also some funding that's available through FEMA.
 18 DEQ is not -- we do not have any
 19 special funds that we could make available for
 20 emergency structure repair. We generally play a
 21 role of technical assistance, we can make some
 22 decisions as far as construction permitting based on
 23 governor declaration and some things like that, but
 24 through FEMA and its Emergency Management group that
 25 is formed, they will go through and look at what's

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1 going to be required or needed to help communities
 2 recover.
 3 Generally, with the kind of storms
 4 that we had recently, we do not have significant
 5 impact to water and wastewater treatment facilities.
 6 Sometimes we do, sometimes, you know, that will make
 7 it look a little different, but right now as a
 8 matter of getting buildings that were damaged valved
 9 off and then they would be reconnected when they --
 10 the building was safe for those services.
 11 MR. LEE: You mentioned cybersecurity and
 12 you mentioned that whatever potential future rules
 13 may come out would apply to all size of utilities.
 14 Do you feel like -- you know, part of this is the
 15 rulemaking, but also part of it is your staff's
 16 ability to then enforce and monitor those rules.
 17 What are your thoughts, is that more
 18 of a state -- another state agency doing that work
 19 or is that something that's going to happen within
 20 DEQ's purview?
 21 MS. CHARD: I think that's a great
 22 question. I can tell you the water and wastewater
 23 cybersecurity plan is being submitted by the office
 24 of the Secretary of Energy and Environment. DEQ
 25 will be kind of the lead agency for now because we

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1 don't have rules that require something specific.
 2 So we are taking the approach of
 3 partnering with anybody who wants to partner. We
 4 are encouraging water and wastewater systems to go
 5 to EPA's website and complete the request to have an
 6 expert come perform an audit, or an assessment. I
 7 think they're calling it. You know, we are not
 8 going to get into that. We are looking at trying to
 9 get at least some of our staff to go through a
 10 couple of training programs that are six to 10
 11 hours, not to be experts, but to understand the
 12 conversations that are going on.
 13 We will -- in the time that we don't
 14 have a federal requirement, we're going to focus on
 15 education, outreach, training. From the DEQ
 16 perspective, we're going to be incorporating some
 17 cyber discussions in what we call our road show,
 18 where we go out across the state, talking about hot
 19 topics.
 20 The State Cyber Command has offered
 21 to participate with us. I don't know if they
 22 understand that's 14 or 18 a year, but as of right
 23 now, they have volunteered to, you know, do whatever
 24 we need, including going out to these training
 25 events.

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1 My staff is going to be doing a lot
 2 of the things that -- we kind of laugh, but we've
 3 all seen it, and that is we don't tape our login
 4 name and password to the computer. You don't keep
 5 the default password 1, you update.
 6 The one good thing that we do have
 7 that we can offer is, as we start talking about
 8 things like, 'Do you have a separate internet
 9 connection firewall that can block off your Public
 10 Works from HR or Billing?', and it's like, 'No, we
 11 don't, it's too expensive', right now the state has
 12 about -- I think \$4 million this year,
 13 \$2-point-something million next year, and then \$1.5
 14 million the following year.
 15 That's not going to solve everybody's
 16 problems, but there's at least some money that can
 17 be used, and the State Rural Infrastructure Grant
 18 program can also pay cyber costs, and we've kind of
 19 been talking and trying to figure out ways that we
 20 can use that small grant funding for small
 21 communities to meet the required match on the FEMA
 22 money. So it may not get us where we need to go,
 23 but at least it's a start, so that's kind of how
 24 we're dealing with it right now.
 25 MR. LEE: Thank you.

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1 MR. DUZAN: I would just like to say on
 2 the PFAS that, you know, Mr. Franklin and his staff
 3 gave me a tour of the lab earlier, it's a whole new
 4 world. Four parts per trillion is pretty
 5 incredible, it's pretty incredible technology if
 6 you're a science lab nerd, and if you're not, I'm
 7 sorry. But it's definitely a new world.
 8 And they talked about everything
 9 contaminating samples from the ice that was put in
 10 the cooler to the paper -- or, the plastic wrap that
 11 they were putting on the chain of custodies.
 12 PFAS is truly everywhere in the
 13 environment, you know, your Tyvek suits to your
 14 waterproof jacket, so it is a -- and they're forever
 15 chemicals, they're not going away, so -- any other
 16 questions to Shellie?
 17 MS. CHARD: All right. Thank you all very
 18 much, and at this point I will turn things over to
 19 Jeff Franklin.
 20 MR. FRANKLIN: Thank you, Shellie.
 21 I'm Jeff Franklin, Director of the
 22 State Environmental Laboratory, and thank you,
 23 Brian, for that perfect segue.
 24 So I think -- I want to tell you a
 25 story today because, you know, a little bit from the

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1 lab side, okay, that hopefully you'll find
 2 educational when people throw out "PFAS".
 3 Right now, EPA has approved 53
 4 laboratories to run Methods 533 and 537.1 as part of
 5 UCMR 5, okay? So keep that in mind, that's 53.
 6 Nationwide, there's another 25 labs that are
 7 functioning outside of UCMR 5 and are certified or
 8 accredited for one of those two methods, some both,
 9 okay? So that brings us to 78 total. EPA uses that
 10 number as justification that there is sufficient lab
 11 capacity to support the rule promulgation.
 12 So is that true? Well, the short
 13 answer for me is doubtful, and I'm going to give you
 14 some explanations as to why labs are impacted and
 15 how capacity and what other challenges are out
 16 there.
 17 We are not expecting a spike in new
 18 labs to be added to that list of 78, not including
 19 the analysts' time, which took us about 12 months to
 20 get there. It cost us \$650,000 startup cost,
 21 instrument, standards, equipment, reagents to bring
 22 those methods into production.
 23 So I don't know how many labs out
 24 there have that kind of cash laying around, and that
 25 was over two years ago and our prices for

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1 consumables and instruments has gone up about
 2 29 percent last year; so you do the math, you're
 3 pushing, you know, a million bucks, I think, to get
 4 up if you do not have that capability, so that's a
 5 big one.

6 Along those lines, we've experienced
 7 several supply chain issues that could definitely
 8 negatively impact the ability of laboratories to
 9 support these rules. There are only a few vendors
 10 for some of the standards in the proficiency testing
 11 samples out there, period, and I have concerns that
 12 if they get maxed out that maybe the product quality
 13 of what they provide us may not be adequate to run
 14 the levels that we need to see, as both Shellie and
 15 Brian talked to, I mean, the ppt is down there. So
 16 I have some concerns about that.

17 I have some very, very serious
 18 concerns about the system's ability to pay the bill.
 19 Okay? You're talking about analysis that runs
 20 anywhere, currently, \$350 to \$600 per entry point,
 21 multiply it by the entry points in the system, so I
 22 mean, you're talking about some real money here.

23 And I think the workload will
 24 increase, which could take that price per sample
 25 down because we're doing more of them but being more

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1 efficient with it, but what that really looks like I
 2 don't know, but the testing costs alone is going to
 3 be a major deterrent for any kind of compliance.

4 This one is especially one near and
 5 dear to my heart that the lab competency, again, to
 6 see those kind of levels is a concern of mine
 7 because right now, EPA has no oversight program,
 8 they don't offer certification for PFAS testing.

9 So right now it's kind of the Wild,
 10 Wild West, it's unregulated at this time, and we
 11 are, in fact, the only laboratory in the state of
 12 Oklahoma that is certified to run the regulated
 13 compounds of PFAS in drinking water, we're it right
 14 now. We've had a lot of inquiries through our Lab
 15 Accreditation Program, but that remains the status
 16 as of today.

17 We also have a shortage of people
 18 that have the expertise to actually do an assessment
 19 over PFAS analysis. Taryn and Ryan have done
 20 internal audits for us but, you know, there's plenty
 21 of room for technical growth there.

22 And EPA is talking about potentially
 23 offering a certification program for assessors for
 24 PFAS, but right now the best we've got is a
 25 one-and-a-half-hour virtual training a week from

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1 now. So we'll see. I have no idea what that looks
 2 like because it hasn't been vetted through any kind
 3 of technical committee or anything. So we'll see
 4 with that, hopefully it'll bring some value and help
 5 to fill the gap.

6 Again, without the proper oversight
 7 program, I have serious data quality detection limit
 8 concerns. We have no idea -- of the 78 labs that
 9 are on this list, we have no idea how many of them
 10 can actually see the MCLs, the required reporting
 11 limits. We have no idea, but I guarantee it's not
 12 100 percent, so there's that issue.

13 There are staffing and training
 14 challenges. There's not a lot of LC-MS-MS
 15 scientists out there walking around, looking for
 16 jobs; so that pool's pretty thin. And that's not
 17 just to do the work, that's to bring somebody in to
 18 train others to do the work; so there's a serious
 19 concern.

20 A lot of these challenges have not
 21 been addressed in EPA's preliminary information,
 22 consideration. They have a capacity index, I've
 23 never seen it, but I heard it exists and I don't
 24 know what kind of data they put into the thing to
 25 determine whether there's enough labs to support the

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1 testing or not. I'll get back to you on that one.

2 Then there's the other piece that
 3 Brian is very familiar with is that we -- it's one
 4 thing to be able to run the method, it's another one
 5 to determine how many samples you can do in a period
 6 of time.

7 This testing has a 14-day holding
 8 time; so you can't line them up and run them all
 9 day, all night. So how many samples -- we might be
 10 able to do 12 a day, maybe Brian's lab, if they go
 11 that direction, can do 24 a day, but maybe the lab
 12 down the street can only do two a day. So that has
 13 a big impact on how many samples labs can actually
 14 handle, and then you start doing the math in terms
 15 of 78 labs nationwide, it gets a little frightening.

16 So those are the major things I want
 17 you to keep your eye out for as we move forward with
 18 this, and also keep in mind that what we're talking
 19 about here today and what has been promulgated to
 20 date is just the drinking water universe.

21 Because everybody knows there's talk
 22 about PFAS in other media, so who's going to do that
 23 testing? And sometimes the media don't line up --
 24 yeah, right there he is, right there.

25 MR. DUZAN: Send them over.

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1 MR. FRANKLIN: Yeah. So -- and sometimes,
 2 you know, you'll have the instrument, but our setup
 3 is optimized for drinking water and Brian's is
 4 optimized for a different media, his instruments; so
 5 that consideration puts further demand on the
 6 capacity that exists.
 7 It's a pretty serious problem, but I
 8 just wanted you guys to hear this side of it, to
 9 think about that. And I know Eric knows some of
 10 this stuff, too, but it's concerning, and we're
 11 trying right now to build as much redundancy as we
 12 can, given our situation.
 13 Okay. Any questions on the lab story
 14 of PFAS? I got one other very quick --
 15 MR. LEE: You threw the number 12 out
 16 there, how realistic is that?
 17 MR. FRANKLIN: Well, from a startup not
 18 very, I'll tell you why. We were so fortunate we
 19 found partners going down the same path that we are
 20 were, same instrument, same UCMR program goals, New
 21 Mexico. If we hadn't partnered with them, I'm
 22 thinking that's more like 18 to 24 months.
 23 And remember, some of this stuff
 24 takes a long time to acquire. I mean, I'm not --
 25 the state purchasing process out, you know, not

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1 considered, but just the sheer acquisition of all
 2 the materials, finding out what you need and then
 3 actually acquiring them, then putting them into
 4 action, it's a process.
 5 MR. LEE: Thank you.
 6 MR. FRANKLIN: For sure.
 7 MR. DUZAN: I'm going to go out on a limb
 8 and say the EPA probably isn't that worried about
 9 whether there's capacity when they set the rules, so
 10 I --
 11 MR. FRANKLIN: Well, we've seen this
 12 before where things are promulgated without
 13 consideration for, you know, being able to analyze
 14 to the levels, I've seen it three or four times
 15 myself just in the time I've been doing this.
 16 Okay. The other one is -- actually
 17 ties into what Susan presented here today. We are
 18 -- recently identified -- Taryn and Ryan and myself
 19 have recently identified gaps between state lab
 20 accreditation programs, some of them pretty
 21 significant.
 22 And so why is that important? Well,
 23 I'll tell you why. This is especially critical in
 24 areas where lab testing isn't available unless you
 25 go across the state line. So if the programs don't

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1 match up and the program requirements don't match
 2 up, you've got inferior data that's being used for
 3 compliance.
 4 That's a tremendous concern of mine,
 5 not just from the lab accreditation point of view,
 6 but also from program integrity for the agency as a
 7 whole, and so we're looking into that this week, and
 8 last week we had a meeting with the other regional
 9 partners to try to first identify those gaps and
 10 then try to resolve them with the goal of
 11 reciprocity.
 12 So I'm, like -- between the state
 13 programs. Right now we have that at the national
 14 level through the TNI standard, but at the state
 15 level, it's not even close. And we are painfully --
 16 with John Brown's assistance, painfully working
 17 through that process right now.
 18 But that's something I want you to
 19 know, that some of what Susan presented today is
 20 directly applicable to those efforts to try to get
 21 everybody on the same playing field. So there's
 22 going to be more of this to come, but just wanted
 23 you to know that, where it fits in together.
 24 That's all I've got for you. If you
 25 have any questions for me, I'm here.

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1 MR. DUZAN: Do we have any more questions
 2 or comments from the Council?
 3 Thank you, Jeff.
 4 MR. FRANKLIN: Thank you very much.
 5 MR. DUZAN: Appreciate it.
 6 MR. HILDEBRAND: Hey, Brian?
 7 MR. DUZAN: Yeah.
 8 MR. HILDEBRAND: Hey, I wasn't going to --
 9 I'm going to go ahead and give a little something.
 10 So I'm Mark Hildebrand, and I'm the Division
 11 Director for our Environmental Complaints and Local
 12 Services Division, and we usually come to you and
 13 talk about septic tanks and rules and septage and
 14 all that.
 15 But I -- I wasn't planning on
 16 talking, but I want to tell you about our staff.
 17 Our staff, you know, 20 field offices throughout the
 18 state, and with -- somebody was asking about, you
 19 know, the emergencies.
 20 So when we see these storms coming,
 21 we give a heads-up and all our folks take their list
 22 of operators and -- for all their systems and they
 23 check in with them to see how things are going. And
 24 we coordinate with the Office of Emergency
 25 Management and give them updates on everything

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1 that's going on, and I just wanted to give a shout
 2 out to them for doing what they do.
 3 They aren't first responders, we
 4 aren't getting out there amongst them, but you know,
 5 they're doing -- going above and beyond, and we
 6 don't ever talk about that stuff. We come up here
 7 and talk about our rules and things, but I wanted to
 8 go ahead and give a shout out to our staff.
 9 So if anybody's got any questions,
 10 you can ask me or talk to me afterwards, but they do
 11 a great job.
 12 MR. DUZAN: Thank you, sir, I appreciate
 13 that and I think everybody here does. There's a
 14 whole lot that goes on at the DEQ behind the doors
 15 that, you know, the public doesn't see, they don't
 16 hear about, they only hear about when something goes
 17 wrong, and so it's good to hear about all the people
 18 out there doing a good job and getting things done.
 19 MR. HILDEBRAND: Yep. All right. Thanks,
 20 y'all.
 21 MR. DUZAN: Thank you, sir.
 22 MR. LEE: Thank you, Mark.
 23 MR. HILDEBRAND: Yep.
 24 MR. DUZAN: Okay. New business, I think
 25 we have no new business.


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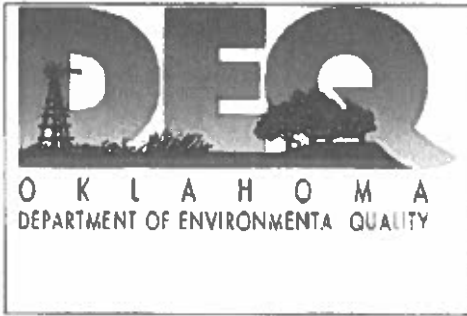
1 MR. DUZAN: Yes.
 2 MS. FIELDS: Motion passed.
 3 MR. DUZAN: We are adjourned.
 4 (PROCEEDINGS ADJOURNED AT 3:10 PM)
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1 Announcements. Our next meeting,
 2 according to my Post-it note, is July 30th, it'll be
 3 at 2:00 in this room.
 4 So if there's nothing else, I will
 5 entertain a motion for adjournment.
 6 MS. MACH: Motion to adjourn.
 7 DR. JARMAN: Second.
 8 MR. DUZAN: We have a motion and a second,
 9 we'll have a vote.
 10 MS. FIELDS: Dr. Jarman?
 11 DR. JARMAN: Yes.
 12 MS. FIELDS: Mr. Lee?
 13 MR. LEE: Yes.
 14 MS. FIELDS: Ms. Mach?
 15 MS. MACH: Yes.
 16 MS. FIELDS: Mr. Smith?
 17 MR. SMITH: Yes.
 18 MS. FIELDS: Mr. Schwab?
 19 MR. SCHWAB: Yes.
 20 MS. FIELDS: Mr. Sowers left the meeting.
 21 Ms. Wells?
 22 MS. WELLS: Yes.
 23 MS. FIELDS: Mr. Winegardner?
 24 MR. WINEGARDNER: Yes.
 25 MS. FIELDS: Mr. Duzan?

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1 CERTIFICATE
 2 I, Jenny Longley, Certified Shorthand
 3 Reporter within and for the State of Oklahoma, do
 4 hereby certify that the above and foregoing meeting
 5 was by me taken in shorthand and thereafter
 6 transcribed, and that I am not an attorney for nor
 7 relative of any of said parties or otherwise
 8 interested in the event of said action.
 9 IN WITNESS WHEREOF, I have hereunto
 10 set my hand and official seal this 8th day of May,
 11 2024.
 12
 13 
 14 Jenny Longley, CSR
 15 CSR # 1903
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**WATER QUALITY MANAGEMENT
ADVISORY COUNCIL**

Attendance Record

April 30, 2024

Department of Environmental Quality

Oklahoma City, Oklahoma

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Kenny Schwab	Broken Arrow	
Brandy Parks	Broken Arrow	
Tim Rabins	Broken Arrow	



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ADVISORY COUNCIL**

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**Department of Environmental Quality
Oklahoma City, Oklahoma**

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