**AUTHORIZATION TO DISCHARGE UNDER THE OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM**

**Permit Number OKS000101**

In compliance with the Oklahoma Pollutant Discharge Elimination System (OPDES) Act, Title 27A O.S. § 2-6-201 *et seq.*; the Oklahoma Department of Environmental Quality (DEQ) rules promulgated under the Oklahoma Administrative Code (OAC) 252:606; the Federal Clean Water Act (CWA), Public Law 95-217 (33 U.S.C. § 1251 *et seq.*), Section 402 (33 U.S.C. § 1342); and the National Pollutant Discharge Elimination System (NPDES) regulations (40 C.F.R. Parts 122, 124, 136 and 403), the co-permittees

City of Oklahoma City
420 W. Main Ave.
Oklahoma City, OK 73102

Oklahoma Turnpike Authority
3500 N. Martin Luther King Ave.
Oklahoma City, OK 73136-0357

Oklahoma Department of Transportation
200 N.E. 21st Street
Oklahoma City, OK 73105-3204

are hereby authorized to discharge stormwater from the Oklahoma City Municipal Separate Storm Sewer System (MS4) to the following receiving waters:

> Canadian River, Deep Fork of the Canadian River, North Canadian River, Hefner Lake, Overholser Lake, Silver Lake, Stanley Draper Lake, Airport Heights Creek, Belle Isle Creek, Bennett Creek, Bluff Creek, Britton Creek, Brock Creek, Campbell Creek, Chapel Hill Creek, Cherry Creek, Chisholm Creek, Cow Creek, Crooked Oak Creek, Crutcho Creek, Deer Creek, Dry Creek, Edmond Creek, Foreman Creek, Hog Creek (and thence to Lake Thunderbird), Kitchen Creek, Lightning Creek, Lost Creek, Mustang Creek, Nichols Creek, Shell Creek, Silver Creek, Spring Creek, Walnut Creek, West Elm Creek (and thence to Lake Thunderbird), and Wynn Creek,

and the tributaries thereto, in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I - VII of this permit.

This permit replaces and supersedes the previous permit issued on March 15, 2013.

The issuance date of this permit is January 17, 2024 .

This permit shall become effective on May 1, 2024 .

This permit and the authorization to discharge shall expire at midnight on April 30, 2029 .

For Oklahoma DEQ:

Shellie R. Chard, Director
Water Quality Division

Michael B. Moe, P.E., Engineering Manager
Municipal Discharge and Stormwater Permits Section
Water Quality Division

**OKLAHOMA CITY MUNICIPAL SEPARATE STORM SEWER SYSTEM**

**OPDES PERMIT NO. OKS000101**

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## PART I. PERMIT AREA AND AUTHORIZED DISCHARGES

### A. Permit Area

This permit covers all areas located within the corporate boundary of the City of Oklahoma City that are served by or otherwise contributing to the MS4 owned or operated by the permittee(s).

### B. Authorized Discharges

1. Except for discharges prohibited under Part I.C., this permit authorizes all existing or new stormwater point source discharges and certain non-stormwater discharges specified in paragraph 2 below to waters of the state from those portions of the MS4 owned or operated by the permittee(s).
2. Authorized non-stormwater discharges are
   a. diverted stream flows;
   b. uncontaminated discharges from riparian areas and wetlands;
   c. uncontaminated groundwater or spring water;
   d. residential building wash water that does not use detergents, solvents, and/or soaps;
   e. uncontaminated pumped groundwater;
   f. uncontaminated ground water infiltration;
   g. uncontaminated and dechlorinated[1] discharges from potable water sources, including water line flushing and fire hydrant flushing;
   h. foundation drains;
   i. air conditioning condensate;
   j. water from crawl space pumps;
   k. footing drains;
   l. residential, non-commercial, and charity car washing;
   m. landscape irrigation and lawn watering, provided all pesticides, herbicides, and fertilizers have been applied in accordance with the approved manufacturers' instructions and/or labeling;
   n. uncontaminated and dechlorinated[1] swimming pool discharges (excluding filter backwash or discharges associated with salt water pool systems);
   o. street wash water, including wash water generated from the washing of other impervious surfaces such as sidewalks and parking lots, that does not use detergents, solvents, and/or soaps, and for which the operator has obtained the applicable local stormwater permits prior to commencing the activity;
   p. discharges in compliance with separate OPDES or NPDES permits;
   q. discharges of gray water from municipal splash pads (aka, spray parks or spray grounds), as defined in Oklahoma Statutes 27A O.S. § 2-6-107, unless otherwise permitted or regulated by DEQ, provided the discharges comply with all applicable municipal and county ordinances

[1] The discharge shall be considered dechlorinated when there is no measurable amount (defined as < 0.1 mg/L) of residual chlorine. See OAC 252:690-3-28.

enacted pursuant to law (discharges from recirculating systems shall be de-chlorinated); and

r. discharges or flows from emergency firefighting activities or training activities that are not taking place at a permanent facility, that either do or do not involve per- and polyfluoroalkyl substances-(PFAS)-containing aqueous firefighting foams (AFFFs), and that are consistent with Part II.A.9. of this permit. Procedures shall be in place for the Incident Commander, Fire Chief, or other on-scene firefighting official in charge to make an evaluation regarding potential releases of pollutants from the scene.

   i. Measures shall be taken to reduce any such pollutant releases to the Maximum Extent Practicable (MEP) subject to all appropriate actions necessary to avoid or minimize the impacts on water quality and to ensure public health and safety. After the emergency or training activity has ceased, non-stormwater discharges (e.g., discharges associated with clean-up) are prohibited. Determination of cessation of the emergency or training activity is at the discretion of the on-site coordinator.

   ii. These procedures shall be documented in the SWMP.

3. Non-stormwater discharges are authorized only under the following conditions:

   a. Discharges are insignificant sources of pollutants to the MS4 because of the nature of the discharges or because of the conditions the permittee(s) have established for allowing these discharges to occur (e.g., charity car washes with appropriate controls, cosmetic cleaning operations with appropriate local permits and controls, remoteness from sensitive waterbodies, etc.).

   b. Documentation is included in the SWMP describing any local controls or conditions placed on such discharges.

   c. A provision is included in the SWMP prohibiting any individual non-stormwater discharge that is determined to be contributing significant amounts of pollutants to the MS4.

**C. Limitations on Coverage**

1. Discharges mixed with non-stormwater are unauthorized unless such discharges are

   a. in compliance with a separate OPDES or NPDES permit, or

   b. determined not to be a substantial contributor of pollutants to waters of the state in accordance with Part I.B.2. of this permit.

2. Discharges associated with industrial activity, as defined in 40 C.F.R. § 122.26(b)(14), are unauthorized.

3. Stormwater discharges associated with construction activity, as defined in 40 C.F.R. § 122.26(b)(15), are unauthorized except as provided in Part II.A.5. of this permit.

4. Stormwater discharges currently covered under another permit are unauthorized.

5. Discharges exceeding WQS are unauthorized. The SWMP must include a description of all necessary Best Management Practices (BMPs) and other measures that the permittee(s) will be using to ensure that discharges will not cause, have the reasonable potential to cause, or contribute to an exceedance of WQS. DEQ may require corrective action if the MS4 is determined to cause, have the reasonable potential to cause, or contribute to an exceedance of WQS.

6. Discharges not consistent with a TMDL are unauthorized. Discharge of a pollutant into any water for which a TMDL, or watershed plan in lieu of a TMDL, for that pollutant has been either established or approved by DEQ or U.S. Environmental Protection Agency (EPA) is prohibited,

unless the permittee(s)' discharge is consistent with that TMDL or watershed plan. The permittee(s) must incorporate into the SWMP any conditions necessary to ensure discharges are consistent with the assumptions and requirements of any such TMDL or watershed plan in accordance with the schedules in Parts II.A. and III.A.after the effective date of the permit . If conditions change after the effective date of the permit, the permittee(s) may remain covered by the permit provided they comply with the applicable requirements of Part I.G. For discharges not eligible for coverage under this permit, the permittee(s) must apply for and obtain a separate individual permit.

7. Discharges of materials resulting from a spill are unauthorized. If discharges from a spill are necessary to prevent imminent threat to human life, personal injury, or severe property damage, the permittees have the responsibility to ensure the party responsible for the spill takes reasonable and prudent measures to minimize the impact of discharges on human health and the environment. These responsibilities may be in the form of a spill prevention and response plan or through implementation and legal enforcement of BMPs developed to satisfy the requirements of Part II.A.4.f.
8. This permit does not transfer liability for discharging without, or in violation of, an OPDES or NPDES permit from the responsible party of the discharge to the permittee. The requirements in this permit must provide compliance with the WQS.

**D. Responsibilities of the Permittee(s)**

1. Each permittee is individually responsible for the following:
   a. Compliance with permit conditions relating to discharges from portions of the MS4 where the permittee is the operator;
   b. SWMP implementation on portions of the MS4 where the permittee is the operator;
   c. Compliance with annual reporting requirements as specified in Part IV.C.;
   d. Collection of representative monitoring data required by Part IV.A. according to such agreements as may be established between permittees; and
   e. A written plan of action to assume responsibility for implementation of stormwater management and monitoring programs on its portion of the MS4 should inter-jurisdictional agreements allocating responsibility between permittees be dissolved or in default.
2. Permittees are jointly responsible for permit compliance on portions of the MS4 where operational or SWMP implementation authority is shared or has been transferred from one permittee to another in accordance with legally binding agreements.

**E. Discharge Requirements**

The following requirements are established for discharges from the MS4:

1. No discharge of toxic pollutants in toxic amounts;
2. No discharge of pollutants in quantities that would cause, have the reasonable potential to cause, or contribute to a violation of WQS;
3. No discharge of floatable debris, oils, scum, foam, or grease in other than trace amounts;
4. No discharge of non-stormwater from the MS4 (except as provided in Part I.B.2.);
5. No impairment or loss of state-designated beneficial uses of receiving waters as a result of stormwater discharges from the MS4. No degradation of receiving waters as a result of stormwater discharges from the MS4 except as authorized by the state in accordance with the state's Anti-degradation Policy (82 O.S. § 1085.30 (C)(1) and OAC 252:730-5-25); and

6. Reduction of pollutants discharged to the MEP, detailed in Part II.A. of this permit.

**F. Discharges to Impaired Waters**

1. If the permittee(s) discharge to receiving waters identified on the latest CWA section 303(d) list of impaired waters, the permittee(s) must document in the SWMP, in accordance with the schedule in Part III.A.1.b., how they will comply with the following requirements.

   a. Implement and maintain BMPs that will ensure the 303(d) impairment caused by identified pollutants (e.g., nitrogen, phosphorus, bacteria) in the receiving waters will not cause, have the reasonable potential to cause, or contribute to an in-stream exceedance of WQS. The permittee(s) must continue to provide the following information when revising the SWMP:

      i. A plan that lists the BMPs the permittee(s) have implemented or will implement to reduce the pollutants of concern (POCs). The plan must describe how the permittee(s) expect the selected controls to reduce the POCs.

      ii. Outreach programs that are directed toward targeted groups of commercial, industrial, and institutional entities likely to have significant stormwater impacts on the permittee(s)' impaired water(s).

      iii. Identification of and proposed controls for any non-stormwater discharges that contribute significant pollutants to the permittee(s)' impaired water(s).

      iv. Identification and location of those areas likely to have illicit discharges. The permittee(s) must conduct inspections based on the priority areas in the watershed of the impaired water(s).

      v. Operation and maintenance procedures for any structural and non-structural stormwater controls to reduce pollutants discharged into the impaired water(s).

      vi. A list of flood management projects and how each project assessed the impacts on water quality. The permittee(s) must ensure that new flood management projects assess the impacts on water quality and examine existing projects to determine if incorporating additional water quality protection devices and practices are necessary.

      vii. BMPs chosen from EPA's menu or selected others that can be used for managing the identified pollutants in the permittee(s)' discharge(s). Information on such BMPs can be found on EPA's website.

      viii. If the POC is bacteria, a list of identified BMPs addressing the areas below, as applicable, in the SWMP and appropriate implementation. The permittee(s) must include these BMPs under each associated control measure or activity under Part II.A. BMPs must address

         (a) sanitary sewer systems by

            (1) identifying and making improvements,

            (2) identifying and correcting lift station inadequacies that have led or could lead to unpermitted discharges,

            (3) making improvements in reporting violations, and

            (4) strengthening controls.

         (b) on-site sewage facilities by responding to complaints regarding private on-site sewage facilities that impact the MS4 and referring to the appropriate state agency, as necessary.

(c) illicit discharges and dumping by placing additional efforts into reducing waste sources of bacteria (e.g., septic systems, grease traps, and grit traps).

(d) animal sources by expanding existing programs to identify and target potential sources (e.g., zoos, pet waste, horse stables, and livestock sale barns).

(e) residential education programs by increasing focus on

(1) bacteria discharging from residential sites either directly or during runoff events,

(2) fats, oils, and grease clogging sanitary sewer lines and resulting in overflows,

(3) decorative ponds, and

(4) pet waste.

b. Where a discharge is already authorized under this permit and is later determined to cause, have the reasonable potential to cause, or contribute to the in-stream exceedance of an applicable water quality standard, DEQ will notify the permittee(s). The permittee(s) must take all necessary actions to ensure that their discharges do not cause, have the reasonable potential to cause, or contribute to in-stream exceedance of a water quality standard, and must document these actions in the SWMP. If an exceedance remains or recurs, DEQ may reopen and modify this permit to establish effluent limitations, monitoring requirements, controls, or activities.

**G. Established TMDL Allocations**

1. Discharge of a pollutant into any water for which a TMDL or watershed plan in lieu of a TMDL for that pollutant has been either established or approved by DEQ or the EPA is prohibited unless the discharge is consistent with that TMDL or watershed plan.

a. *SWMP Review and Modification*. The permittee(s) shall evaluate the existing SWMP in relation to the TMDL reduction goals. Any resulting modifications shall be implemented in accordance with the schedule in Part III.A.1.b. and then as needed. At a minimum, the permittee(s)' evaluation shall provide and identify each of the following items and information:

i. Provide a list of approved TMDLs or watershed plans applicable to the permittee(s)' discharge(s), as well as any associated implementation plans.

ii. Provide the WLA for each POC assigned to the permittee(s)' discharge(s), as well as any other TMDL limitations, conditions, monitoring, or other requirements applicable to the discharge(s).

iii. Identify potential significant sources of POCs entering the permittee(s)' discharge(s).

iv. Identify opportunities to address the POCs identified within the TMDL or watershed plan and implement those changes. A justification shall be provided for any changes that are not made. At a minimum, the permittee(s) shall expand or modify the

(a) existing public education programs to reduce the discharge of POCs,

(b) existing illicit discharge detection and elimination (IDDE) or dry weather field screening (DWFS) programs to specifically address the POCs, and

(c) existing ordinances or other regulatory mechanisms to require the reduction or control of POCs, enforcement procedures for noncompliance, and develop additional ordinances, or other regulatory mechanisms, as necessary.

b. *TMDL Pollutant Reduction Plan*. The permittee(s) shall participate in a coordinated regional pollutant reduction plan or develop their own individual plans in accordance with the schedule

in Part III.A.6.a. The plan must incorporate all approved TMDLs addressing the MS4's stormwater discharge(s) and place emphasis on all the POCs associated with impairments. At a minimum, the plan shall provide the following items:

i. A specific list of BMPs, including alternative BMPs, to be used to meet the requirements of the TMDL, watershed plan, and/or associated implementation plan. Summary information on some BMPs that may be considered for pollutant reduction can be found in the TMDL reports referenced in Table I-1. The permittees(s) are not limited to BMPs listed in these TMDL reports and should select BMPs appropriate to the local community that are expected to result in progress toward meeting the reduction goals established in the TMDL.

ii. These BMPs shall be evaluated at least one (1) time per year to monitor or assess progress or effectiveness in reducing the discharge of POCs. The result of the evaluation, including recommended solutions if control actions do not achieve measurable goals, shall be included in the annual report.

iii. If a selected BMP does not achieve the measurable goal or reduce the discharge of POCs, an alternative BMP shall be implemented within three (3) years of determining a BMP is ineffective. A specific schedule for compliance with each TMDL or watershed plan to ensure that the WLA and/or associated implementation plan will be met within any timeframes established in the TMDL or watershed plan. The schedule shall specify annual pollutant load reductions and control actions to make progress toward and ultimately achieve the measurable goal. The schedule shall include interim milestones that shall be evaluated every three (3) years.

iv. If the POC is bacteria, the plan shall include BMPs that address all elements listed in Part I.F.1.a.viii.

v. If the permittee(s) achieve compliance with an assigned WLA, at a minimum, the permittee(s) must continue to implement BMPs that are equivalent to those in effect at the time of compliance.

vi. Plan updates for any new or revised TMDL or watershed plan approved for any receiving water into which the permittee(s) discharge after the date that the permit becomes effective. The permittee(s) shall update their plans within one year of TMDL approval to incorporate any WLAs or other TMDL limitations, conditions, monitoring, or other requirements applicable to their discharges to ensure that the WLAs and/or associated implementation plan will be met within any timeframes established in the TMDL or watershed plan. A summary of the revisions shall also be submitted in the regularly scheduled annual report.

vii. An evaluation of the permittee(s)' pollutant load contributions and reductions to demonstrate consistency with all approved TMDLs and progress toward meeting any reduction goals established in the TMDLs. This evaluation shall be included in the permittee(s) fifth year annual report.

c. *TMDL Pollutant Monitoring Plan*. Permittee(s) shall participate in a coordinated regional pollutant monitoring plan, or each permittee shall develop its own individual plan. This plan may be developed as a separate plan or may be incorporated into the watershed characterization program described in Part II.A.8.b. in accordance with the schedule in Part III.A.6.b. The plan should be designed to establish the effectiveness of the selected BMPs and demonstrate progress toward achieving the reduction goals of the TMDLs or watershed plans, and eventual attainment of WQS.

d. *Monitoring Requirements*. At a minimum, the monitoring plan(s) shall provide

i. a detailed description of the program goals, monitoring plan, and sampling and analytical methods,

ii. a list and map of the selected TMDL pollutant monitoring sites,

iii. the frequency of data collection to occur at each station or site,

iv. the parameters to be measured relevant to the TMDL(s),

v. the Quality Assurance Project Plan that complies with EPA requirements,[2] and

vi. records of samples that include the elements listed in Part IV.A.1.d.

e. *Annual Reporting*. The permittee(s) shall include a TMDL implementation report as part of their annual report. The TMDL implementation report shall include the status and actions taken to implement the TMDL pollutant reduction plan and monitoring program. The TMDL implementation report shall provide

i. any relevant actions taken by the permittee that affect MS4 stormwater discharges to the waterbody segments that are the subject of the TMDL,

ii. the status of any applicable TMDL implementation schedule milestones,

iii. an evaluation of the effectiveness of the pollutant reduction plan and monitoring program to ensure progress toward attainment of WQS,

iv. an evaluation of the permittee(s)' pollutant load contributions and reductions to demonstrate consistency with all approved TMDLs and progress toward meeting any reduction goals established in the TMDLs,

v. an evaluation of the implemented BMPs to monitor or assess progress or effectiveness in reducing the discharge of POCs, and

vi. a summary of any revisions made to address applicable new or revised TMDLs or watershed plans that are approved after the effective date of this permit.

f. *Existing Approved TMDLs*.

i Table I-1 lists existing approved TMDLs at the time of permit issuance, which are affected by the permittee(s)' discharges. The Lake Thunderbird Nutrient, Turbidity, and Dissolved Oxygen TMDLs are already in effect. This permit serves as notification that the North Canadian River Bacteria TMDLs are considered effective upon the permit effective date and of the requirement to begin implementing these TMDLs for the applicable MS4 discharges.

[2] EPA Requirements for Quality Assurance Project Plans (QA/R-5).

**Table I-1. Existing Approved TMDLs Affected by Permittee(s)' Stormwater Discharges**

| Watershed Basin | TMDL Report | Applicable Stream Segments | Pollutant(s) of Concern |
|---|---|---|---|
| Basin 5 Canadian-North Canadian-Deep Fork | North Canadian River Bacteria TMDLs -2010 | OK520520000240_00 (Mustang Creek) | Bacteria |
| | | OK5205200000250_00 (N. Canadian River)[3] | Bacteria |
| | | OK520520000210_00 (N. Canadian River) | Bacteria |
| | | OK520520000010_40 (N. Canadian River) | Bacteria |
| | | OK520520000150_00 (Crooked Oak Creek) | Bacteria |
| | | OK52052000010_30 (N. Canadian River) | Bacteria |
| | | OK520520000070_00 (Crutcho Creek)[2] | Bacteria |
| | | OK520520000010_20 (N. Canadian River) | Bacteria |
| | | OK520520000010_10 (N. Canadian River) | Bacteria |
| | Lake Thunderbird Nutrient, Turbidity, and Dissolved Oxygen TMDLs – 2013 | OK520810000020_00 (Lake Thunderbird) | Nutrients, Turbidity, Dissolved Oxygen |

ii *Lake Thunderbird TMDLs*. The Lake Thunderbird TMDLs shall continue to be implemented in accordance with the 2013 TMDL report's Appendix E – Stormwater Permitting Requirements and Presumptive BMPs Approach. This shall include continuing to implement and revise as necessary the approved TMDL Compliance Plan and Pollutant Monitoring and Tracking Program. A TMDL implementation report shall be included in the annual report, and compliance with the TMDL and progress toward achieving the WLAs and load reduction goals shall be evaluated in the fifth-year annual report.

[3] The TMDL established a required percent reduction for fecal coliform for this stream segment, but did not establish required percent reductions for *E. coli* or enterococcus. While Oklahoma WQS no longer uses fecal coliform as a bacterial indicator, the TMDL and associated WLAs and required percent reductions remain in effect. The required percent reductions for bacteria for this stream segment shall be applied to *E. coli* or enterococci until such time as a new TMDL is approved or established.

## PART II. STORMWATER MANAGEMENT PROGRAM

Each permittee shall continue to contribute to the implementation and revision as necessary of the existing comprehensive SWMP, including descriptions of pollution prevention measures, treatment or removal techniques, monitoring, use of legal authority, and other appropriate means to control the quality of stormwater discharged from the MS4. The SWMP shall continue to be implemented in accordance with section 402(p)(3)(B) of the Act, and the stormwater rules in OAC 252.606-1-3(b)(3)(L) incorporating by reference 40 C.F.R. § 122.26.

Controls and activities in the SWMP shall identify areas of permittee responsibility on a jurisdictional, applicability, or specific area basis. The SWMP shall continue to include controls necessary to effectively prohibit the discharge of non-stormwater into municipal separate storm sewers and reduce the discharge of pollutants from the MS4 to the MEP, to protect water quality and to satisfy the appropriate water quality requirements of the CWA.

The permittee(s) must review the existing SWMP and, if necessary, revise and update existing and/or develop new BMPs and measurable goals in the SWMP to meet the requirements of this permit or as required by DEQ to ensure compliance with the statutory requirements of section 402(p)(3)(B) of the Act. Unless specified otherwise in Part II.A. or III.A., modifications and updates shall be documented in the SWMP within one (1) year and implemented within two (2) years after the effective date of this permit, and then as needed. The SWMP shall cover the term of this permit and shall be kept up to date. Compliance with the SWMP and any schedules in Part III shall be deemed compliance with Parts II.A. and II.B.

Implementation of the SWMP may be achieved through participation with other permittees, public agencies, or private entities in cooperative efforts to satisfy the requirements of Part II in lieu of creating duplicate program elements for each individual permittee. The SWMP, taken as a whole, shall achieve the "effective prohibition on the discharge of non-stormwater" and "MEP" standards from section 402(p)(3)(B) of the Act.

### A. SWMP Requirements

1. *Public Education and Involvement*. The permittee(s) shall continue to implement and revise as necessary a program to distribute information and educational materials to the community and MS4 staff, or conduct equivalent outreach activities to promote behavior changes to reduce pollutants in stormwater runoff and eliminate illicit discharges. The activities shall occur at the frequencies specified in Part II.A.9. and shall be tailored using a mix of locally appropriate strategies to target specific audiences and communities served by the permittee(s), such as local developers, local businesses and industries, schools, public employees, and the public being served by the MS4. The Oklahoma Department of Transportation and Oklahoma Turnpike Authority shall address the communities working on and/or served by the transportation network within the MS4 including employees, contractors, and the public.

    a. The program must describe educational and training activities, public information activities, and other appropriate activities to

        i. promote, publicize, and facilitate implementation and maintenance of BMPs such as minimizing exposure, good housekeeping, preventive maintenance, spill preventions and response, and erosion and sediment controls at industrial facilities;

        ii. promote, publicize, and facilitate public education on the hazards associated with illicit discharges and improper disposal of waste, as well as public reporting of the presence of illicit discharges or improper disposal of materials, including floatables, into the MS4, or water quality impacts associated with discharges from the MS4;

iii. promote, publicize, and facilitate implementation and maintenance of erosion and sediment controls at construction sites;

iv. promote, publicize, and facilitate an education program to make developers and the public aware of project designs that minimize water quality impacts, including Low Impact Development (LID) strategies;

v. promote, publicize, and facilitate the proper management and disposal of used oil and toxic materials, including motor vehicle fluids and household hazardous wastes, and publicize a list of recyclers of household hazardous wastes, used motor oils, and tire disposal facilities;

vi. promote, publicize, and facilitate the proper use, application, spill prevention, and disposal of pesticides, herbicides, and fertilizers by the public, MS4 contractors, landscape specialists, other lawncare specialists, and commercial and private applicators and distributors;

vii. promote, publicize, and facilitate opportunities for public involvement and participation in the implementation of the SWMP, including opportunities for public participation in updating the SWMP. This shall include a process by which public comments on the SWMP are received and reviewed by the person(s) responsible for the SWMP. Permittees must comply with state and local public notice requirements when implementing their program; and

viii. assess changes in public awareness and behavior resulting from implementation of the program using mechanisms such as surveys, direct evaluations, interviews, or other mechanisms the permittee determines appropriate. Adjust educational materials and delivery of such materials as necessary to address any shortcomings found as a result of this assessment.

b. If the permittee(s) discharge to waters identified on the latest 303(d) list of impaired waters, the permittee(s)' program must be directed towards targeted groups of commercial, industrial, and institutional entities likely to have significant stormwater impacts on the permittee(s)' impaired waters.

2. *Employee Education*. The permittee(s) shall continue to implement and revise as necessary a program to educate appropriate employees on internal policies and procedures, as well as operations, maintenance, inspections, and enforcement, including education for engineers, specialists, and inspectors on the rules and regulations for permit compliance and municipal ordinances. The program shall include municipal employee training that has the goal of preventing or reducing pollutant runoff from municipal operations. Training shall be performed at the frequencies specified in Part II.A.9. Using training materials that are available from EPA, the state, or other organizations, the program must include employee training to prevent and reduce stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance.

3. *Industrial Stormwater Runoff Control*. The permittee(s) shall continue to implement, revise as necessary, and enforce a program to identify and prevent or reduce pollutants in stormwater discharges to the MS4 from municipal landfills; other treatment, storage, or disposal facilities for municipal waste (e.g. transfer stations, incinerators, etc.); hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to the Emergency Planning and Community Right-to-know Act (EPCRA), Section 313;[4] and any other industrial or commercial

[4] Authorized by Title III of the Superfund Amendments and Reauthorization Act (SARA), the Emergency Planning & Community Right-to-Know Act (EPCRA) was enacted by Congress as the national legislation on community safety. This

discharges the permittee(s) determine are contributing a substantial pollutant loading to the MS4. At a minimum, the program requirements shall be consistent with the OKR05 General Permit. This program shall be described in the SWMP and shall include the following:

a. A list of industrial facilities that are subject to the OKR05 General Permit and individual OPDES or NPDES permits for discharges of stormwater associated with industrial activity that ultimately discharge to the MS4. This list shall continue to be maintained and updated at least one (1) time per year.

b. Ordinances or other regulatory mechanisms, to the extent allowable under state and local law, to require BMPs that will minimize exposure, provide good housekeeping, preventive maintenance, spill prevention and response, and erosion and sediment controls, as well as sanctions to ensure compliance. Existing ordinances shall be reviewed and revised as necessary to meet the requirements of this permit.

c. Priorities and procedures for site inspection and enforcement of control measures, including enforcement escalation procedures for recalcitrant or repeat offenders. Prioritization shall consider the nature of the industrial activity, topography, and the characteristics of soils and receiving water quality. Inspection findings shall be documented and all necessary follow-up actions (i.e., re-inspection, enforcement) shall be taken to ensure site compliance. Site inspections shall be conducted at the frequencies specified in Part II.A.9.3.b.

d. Priorities and procedures for monitoring (see also Part II.A.8.c.) and continually establishing and implementing control measures for such discharges.

4. *Illicit Discharge Detection and Elimination (IDDE)*. Non-stormwater discharges to the MS4 shall continue to be effectively prohibited. Permittee(s) shall continue to implement, revise as necessary, and enforce the existing illicit discharge detection and elimination program, including illegal dumping and on-site sewage disposal systems, to detect and eliminate non-stormwater discharges to the MS4. The program must include DWFS, identify non-stormwater flows, and new elements should be developed and implemented, as necessary. Discharges regulated by a separate OPDES or NPDES permit, and non-stormwater discharges identified by the permittee as specified in item (a) below, need not be addressed as illicit discharges by the permittee(s) nor prohibited from entering the MS4.

   a. The permittee(s) shall identify in the SWMP any categories of non-stormwater sources that are not prohibited from being discharged into the MS4, in accordance with conditions described in Part I.B.

   b. The permittee(s) shall continue to implement and revise as necessary the program to locate and eliminate illicit discharges and improper disposal into the MS4. At a minimum, this program must continue to implement and document the following procedures:

      i. Identify priority areas with a higher likelihood of illicit connections or discharges (e.g., areas with older sanitary sewer lines or with a history of sewer overflows or cross-connections; areas with older infrastructure that are more likely to have illicit connections; areas of industrial, commercial, or mixed use; areas with a history of past illicit discharges; areas with a history of illegal dumping or citizen complaints; and areas that discharge to Aquatic Resources of Concern [ARCs]). Update this priority area list to reflect changing priorities at least one (1) time per year.

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law is designed to help local communities protect public health, safety, and the environment from chemical hazards. (42 U.S.C. §§ 11001 *et seq.*)

ii. Conduct on-going field screening activities during the life of the permit. Identify areas or locations that will be evaluated by such field screens.

iii. Investigate portions of the separate storm sewer system that, based on the results of the field screening or other appropriate information, indicate a reasonable potential of containing illicit discharges or other sources of non-stormwater. Such procedures may include sampling procedures for constituents such as fecal coliform, fecal streptococcus, *E. coli,* surfactants (MBAS), residual chlorine, fluorides, and potassium; testing with fluorometric dyes; or conducting in-storm sewer inspections where safety and other considerations allow. Identify the locations of storm sewers that have been identified for such evaluation.

iv. Trace or investigate the source of the illicit discharge. The investigation shall take place within 72 hours of the receipt of any complaints, reports, field screening results, or monitoring information that indicates a potential illicit discharge. Describe the specific techniques used to detect the location of the source.

v. Remove the source of the illicit discharge.

vi. Identify problems using visual indicators and simple field test kits. Laboratory methods can be reserved for situations where a problem has been identified and there is a need to enforce on a suspected illicit discharge.

c. Field screening activities shall continue to include DWFS to locate portions of the MS4 with suspected illicit discharges and improper disposal. Priorities shall continue to be established based on magnitude and nature of the suspected discharge; sensitivity of the receiving water; and/or other relevant factors, and schedules for screening areas of the MS4 at the frequencies specified in Part II.A.9.4.e. Permittee(s) shall continue to utilize a consistent method (e.g., by land area, by outfall, etc.) for determining the percentage of the MS4 that has been screened. Facility inspections may be carried out in conjunction with other municipal programs (e.g., pretreatment inspections of industrial users, health inspections, fire inspections, etc.), and may include random inspections for facilities not normally visited by the municipality.

d. Permittee(s) shall continue to implement and enforce an ordinance or other regulatory mechanism, to the extent allowable under state or local law, to effectively prohibit illicit discharges into the MS4, and continue to implement appropriate enforcement procedures and actions. Include a copy of the relevant sections or the ordinance or other regulatory mechanism with the illicit discharge detection and elimination program.

e. Permittee(s) shall continue to require the elimination of illicit discharges and improper disposal practices as expeditiously as reasonably possible. Where elimination of an illicit discharge within 30 days is not possible, the permittee(s) shall require an expeditious schedule for removal of the discharge. In the interim, the permittee(s) shall require the operator of the illicit discharge to take all reasonable and prudent measures to minimize the discharge of pollutants to the MS4. Each permittee shall continue to prevent (or require the operator of the sanitary sewer to eliminate) unpermitted discharges of dry- and wet-weather overflows from sanitary sewers into the MS4. Each permittee shall continue to implement and revise as necessary controls to limit the infiltration or seepage from sanitary sewers into the MS4. A description of these controls shall be included in the SWMP.

f. *Spill Prevention and Response*. Permittee(s) shall continue to implement and revise as necessary the program to prevent, contain, and respond to spills that may discharge into the MS4. Where discharge of material resulting from a spill is necessary to prevent loss of life, personal injury, or severe property damage, the permittee(s) shall take, or ensure the party responsible for the spill takes, all reasonable steps to minimize or prevent any adverse effects on human health or

the environment. The spill response program shall continue to be described in the SWMP and include a combination of spill response actions by the permittee(s) (and/or another public or private entity), and legal requirements for private entities within the permittee's jurisdiction.

g. The discharge or disposal of used motor vehicle fluids and household hazardous wastes and the intentional disposal of collected quantities of grass clippings, leaf litter, and animal wastes into storm sewers shall continue to be prohibited. The permittee(s) shall continue to ensure the implementation of programs to collect used motor vehicle fluids (at a minimum, oil and antifreeze) for recycle, reuse, or proper disposal and to collect household hazardous waste materials (including paint, solvents, pesticides, herbicides, and other hazardous materials) for recycle, reuse, or proper disposal. Such programs shall be readily available to the residential sector within the MS4 and to all qualifying Oklahoma City residents or residents from other communities with legal inter-jurisdictional agreements, and shall be publicized and promoted on a regular basis.

h. The permittee(s) shall continue to implement and revise as necessary the floatables control program to identify sources and reduce the discharge of floatables (e.g., litter and other human-generated solid refuse). The floatables control program shall continue to include source controls and, where necessary, structural controls. A description of maintenance activities and a maintenance schedule for such structural controls shall be included in the SWMP.

i. *Storm Sewer System Map.* Permittee(s) shall continue to maintain and regularly update a storm sewer system map, showing the locations of all outfalls and the names and locations of all waters of the state that receive discharges from those outfalls.

j. Permittee(s) shall maintain and at least one (1) time per year update a list of discharges to MS4s that have been issued an OPDES or NPDES permit or authorization, and occasional incidental non-stormwater discharges or flows as allowed in Part I.B. The list shall include the name, location, and OPDES or NPDES permit/authorization number of the discharger if applicable.

5. *Construction Site Stormwater Runoff Control*.

a. Permittee(s) shall continue to implement, revise as necessary, and enforce the program to reduce pollutants in any stormwater runoff to the MS4 from construction activities. This program's requirements shall be at least as stringent as the requirements of Part 4 (Effluent Limitations) and Part 5 (Stormwater Pollution Prevention Plan) of the OKR10 General Permit for Stormwater Discharges from Construction Activities (OKR10). This program shall be described in the SWMP and shall continue to include the following:

i. Ordinances or other regulatory mechanisms, to the extent allowable under state or local law, to require erosion and sediment controls as well as sanctions to ensure compliance. Existing ordinances shall be reviewed and revised as necessary to meet the requirements of this permit.

ii. Procedures for site plan review which incorporate consideration of potential water quality impacts, including erosion and sediment controls, controls of other wastes, and any other impacts that must be examined according to the requirements of the local ordinance or other regulatory mechanism.

iii. Requirements ensuring construction site operators continue to use and maintain appropriate structural and nonstructural BMPs to reduce pollutants discharged to the MS4 during the time construction is underway.

iv. Priorities and procedures for site inspection and enforcement of control measures, including enforcement escalation procedures for recalcitrant or repeat offenders. Prioritization shall

consider the nature of the construction activity, topography, and the characteristics of soils and receiving water quality. Inspection findings shall be documented and all necessary follow-up actions (i.e., re-inspection, enforcement) shall be taken to ensure site compliance. Site inspections shall be conducted at the frequencies specified in Part II.A.9.5.

v. Where applicable, notification of building permit applicants of their responsibilities under the OPDES permitting program for construction site runoff.

b. *Municipal Construction Activities.* Oklahoma City shall be authorized by this permit to discharge stormwater and certain non-stormwater from municipal construction activities where Oklahoma City is the construction site operator. This provision does not apply to OTA or ODOT, who are co-permittees, or to Oklahoma City's contractors. Oklahoma City shall include appropriate requirements associated with municipal construction activity in the SWMP and maintain compliance with the terms and conditions of the most recent OKR10, excluding NOI, NOT, and permit fee submittal requirements. The SWMP shall be updated to include

i. a description of how construction activities will generally be conducted by Oklahoma City, including local conditions and other site-specific considerations,

ii. a description of how Oklahoma City will implement the technology-based requirements to comply with Part 4 of the latest OKR10,

iii. a description of how Oklahoma City will ensure that the OKR10 SWP3 requirements are properly implemented and maintained at municipal construction sites where Oklahoma City is the operator, and how Oklahoma City will ensure that its contractors obtain authorization under the latest OKR10 from DEQ for stormwater discharges from municipal construction sites where contractors are the operators, and

iv. the general Stormwater Pollution Prevention Plan (SWP3) conditions and procedures to include site-specific BMPs to account for local considerations.

6. *Post-Construction Management in New Development and Redevelopment*. Permittee(s) shall continue to implement, revise as necessary, and enforce a comprehensive master planning process (or equivalent) to minimize the discharge of silt, scrap, litter, trash, and other pollutants from areas of new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, after construction is completed. This shall include updating the permittee(s)' Stormwater Criteria Manual at the frequencies in Part II.A.9.6.a. This program must maintain pre-development runoff conditions and ensure that controls are in place that would prevent or minimize water quality impacts. Permittee(s) shall continue to do the following:

a. Implement and enforce ordinances or other regulatory mechanisms, to the extent allowable under state and local law, to require the use of BMPS, with highest preference given to (LID) and other green design strategies, to address post-construction runoff from new development and redevelopment projects.

b. Implement and enforce procedures, such as ordinances or other regulatory mechanisms, to ensure adequate long-term operation and maintenance of BMPs that are installed during and left in place after the completion of a construction project. Maintenance may be conducted by the MS4 or by the owner/operator of the BMP(s). For this part, owner/operator is the party with control over operational and maintenance activities of the BMP(s), including homeowner associations (HOAs), commercial and industrial entities. Owners of individual residential properties, which serve as the owner's primary residence, may be excluded.

c. Continue to review and update as necessary local ordinances, regulations, and engineering plans

or specifications to identify any legal/regulatory barriers or impediments to LID as well as opportunities to promote LID in accordance with the measurable goals, target dates, or frequencies specified in Parts II.A.9.6.b. and III.A.3.b. Continue to maintain and update as necessary a schedule to remove those barriers and implement identified opportunities. If a barrier is not removed or an opportunity is not implemented, provide a justification.

d. Assess current street design, parking lot guidelines, and other requirements that affect the creation of impervious cover and implement additional guidelines or design standards to support LID design options. Provide a justification if additional guidelines are not implemented.

7. *Pollution Prevention/Good Housekeeping for MS4 Operations*. Permittee(s) shall continue to implement, update as necessary, and enforce an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from MS4 operations such as streets, roads, highways, parking lots, maintenance and storage yards, fueling areas, bulk fuel receiving areas, waste transfer stations, fleet or maintenance shops, salt/sand storage locations, and snow disposal areas. Permittee(s) shall do the following:

   a. *General Provisions.*

      i. Maintain and at least one (1) time per year update an inventory of all MS4 operations that are impacted by this program.

      ii. Maintain and at least one (1) time per year update a list of industrial facilities owned or operated by the permittee(s) that are subject to OKR05, or individual OPDES or NPDES permits for discharges of stormwater associated with industrial activity, that ultimately discharge to the MS4. The permit/authorization number or a copy of the industrial NOI form for each facility must be included.

      iii. Implement and enforce procedures for controlling, reducing, or eliminating the discharge of pollutants. At a minimum, the program must

         (a) require implementation of BMPs[5] including sediment and erosion controls during routine maintenance, water line breaks, and emergency repairs. After these activities have been completed, stabilization measures shall be implemented within 14 calendar days of completion.[6]

         (b) ensure that vehicle wash waters are not discharged into the MS4 or waters of the state, except as provided under Parts I.B.2.l. and I.B.3.a.

   b. *Structural and Non-Structural Controls and Stormwater Collection System Operation.* Operate and maintain the MS4 and any stormwater structural and non-structural controls in a manner to ensure that the discharge of pollutants is reduced to the MEP. Establish procedures for inspecting, cleaning, and repairing catch basins and detention ponds; and sweeping streets, sidewalks, and permittee-owned parking lots within the MS4. The SWMP shall include a description of maintenance activities and schedules for structural controls to reduce pollutants (including floatables) in discharges from the MS4.

   c. *Roadways*. Operate and maintain public streets, roads, and highways to minimize the discharge of pollutants, including those pollutants related to deicing or sanding activities and storm

[5] Ensure appropriate actions are taken that may be necessary to ensure public health and safety.

[6] Complete the installation of stabilization measures as soon as practicable, but no later than 14 calendar days after stabilization measures have been initiated, or seven calendar days if the discharge is to an impaired/TMDL waterbody or ARC.

inlet/hood cleaning. Road maintenance and deicing contractors shall be familiar with MS4 regulations and requirements to prevent contamination of the waters of the state. Contracts shall include appropriate provisions to ensure compliance with the SWMP and this permit.

d. *Flood Control Projects*. Implement procedures to ensure that new flood management projects are assessed for impacts on water quality. The feasibility of retrofitting existing structural flood control devices to provide additional pollutant removal from stormwater shall also continue to be evaluated. A list of flood management projects newly implemented or retrofitted during the year, and how each project assessed the impacts on water quality shall be included in the annual report.

e. *Petroleum Products and Chemicals*. Implement and revise as necessary procedures for proper use, storage, and disposal of both petroleum and non-petroleum products at municipal offices, police and fire stations, pools, parking garages, and other permittee-owned or operated buildings or utilities. Continue to implement a Spill Prevention and Response Plan to ensure that appropriate actions will take place when a spill occurs at an MS4 facility.

f. *PFAS Management*. Implement measures to minimize discharges of PFAS during emergency firefighting activities and post-emergency activities, including clean-up. Establish specific protocols for minimizing the resuspension, conveyance, and discharge of PFAS in the MS4, both during normal operations and during all maintenance and remediation activities. Document all such activities undertaken in the SWMP and provide a summary in the annual report.

g. *Pesticide, Herbicide, and Fertilizer Application*. Implement and revise as necessary a pesticide, herbicide, and fertilizer application program to reduce the discharge of pollutants related to the permittee's storage and application of pesticides, herbicides, and fertilizers to the MEP. The SWMP shall contain a description of this program that shall include, as necessary, controls such as educational activities, permits, certifications and other measures for commercial applicators and distributors, and controls for application in public rights-of-way and at municipal facilities. Permittee(s) with jurisdiction over lands not directly owned by that entity (e.g., an incorporated city with authority over activities occurring anywhere within their city limits) shall also continue to implement programs to reduce the discharge of pollutants related to commercial application and distribution of pesticides, herbicides, and fertilizers. The use, storage, disposal, and transportation of pesticides, herbicides, and fertilizers must comply with the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. § 136 *et seq.*), and 40 C.F.R. Parts 150-189.

h. *Contractor Maintenance.* Any contractors hired to perform maintenance activities on MS4 facilities must be contractually required to comply with all the permittee(s)' stormwater control measures, good housekeeping practices, and facility-specific stormwater management operating procedures. The permittee(s) shall provide oversight to ensure that these contractual obligations are met.

i. *BMP Inspection and Maintenance.* Implement and enforce procedures for inspection and maintenance of structural and non-structural BMPs, including maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants discharged to the MS4. Inspections shall be conducted at least one (1) time per quarter at MS4 facilities subject to OKR05 or individual OPDES or NPDES permits, or one (1) time per year at other MS4 facilities impacted by the program.

8. *Monitoring Programs*. The following monitoring programs shall continue to be implemented in addition to the monitoring required by Part IV.

a. *Dry Weather Field Screening Program*. Permittee(s) shall continue ongoing efforts to detect the presence of illicit connections and improper discharges to the MS4. Areas of the MS4 must continue to be screened at the frequencies listed in Part II.A.9.4.e. during the permit term. The screening methodology may rely on visual indicators and simple field test kits for most work where the permittee(s) are looking for indications of a problem, may be modified based on experience gained during actual field screening activities, and need not conform to the protocol at OAC 252:606-1-3(b)(3)(L), incorporating by reference 40 C.F.R. § 122.26(d)(1)(iv)(D). However, where samples are taken to confirm a particular illicit connection or improper disposal practice (e.g., in support of possible enforcement or legal action), sample collection and analysis shall be performed in accordance with Part IV.A.1.c.ii. of the permit.

b. *Watershed Characterization Program*

i. *Trend and Load-Based Monitoring (Proposed by Oklahoma City)*. The permittee shall identify 15 in-stream monitoring locations within selected representative drainages within Oklahoma City corporate boundaries to provide the parameter data and flow data necessary to calculate annual constituent loadings. Stations shall be selected that represent Oklahoma City geographically and represent the various land uses that contribute to stream pollutant loading.

(a) Analytical monitoring shall be conducted continuously (or as site conditions allow).

(b) Quantitative data shall be used to calculate annual loading. Records shall be maintained of all analytical results, date, and duration of the sampling period (in hours), estimated volume of the discharge sampled (in cubic feet), estimated annual pollutant load, and number of subsamples acquired for the composite sample.

(c) *Composite Samples*. Flow-weighted composite samples shall be collected automatically. In cases where a parameter of interest requires a grab sample, that method must be used, and the frequency of collection may be reduced to meet the data quality objectives established in an applicable Quality Assurance Project Plan (QAPP). The flow-weighted sample may be composited in the field or in the laboratory.

(d) *Sampling Duration*. Duration of each sampling event shall not exceed the shortest holding time of the parameter(s) monitored. As discharge may increase or decrease with seasonal changes and precipitation patterns, samples may be collected at various intervals as sample volume demands.

(e) *Aliquot Collection*. The minimum aliquot collection required for a composite sample shall be based on the sample quantity needed for analysis purposes and any quality assurance purposes. At a minimum, a composite sample must consist of at least three aliquots that provide sufficient volume for the laboratory analysis of the selected parameter(s).

(f) *Analytical Methods*. Methods shall adhere to standard operating procedures and analysis shall conform with the requirements of OAC 252:606-1-3(b)(7), adopting and incorporating by reference 40 C.F.R. Part 136.

ii. *Biological Monitoring Program*. Permittee(s) shall update and implement the biological monitoring program by the target date in Part III.A.5.e. Permittee(s) shall identify at least 15 in-stream locations that are representative and continuously support valid biological communities, and conduct aquatic habitat surveys and assessments of the benthic macroinvertebrate and fish communities. A schedule shall continue to be maintained and revised as necessary for conducting biological monitoring during the water quality monitoring aspect of the overall watershed characterization program. Schedules shall be

aligned to complete surveys of the identified locations during the permit term. When impacts to a watershed are identified based on the results of the biological monitoring program, follow-up investigation shall be undertaken which may include, but are not limited to, wet weather field investigation with a goal of determining the extent that stormwater discharges contribute to the impacts. The requirements of this program are specified in Parts II.A.9.8.b. and IV.A.2. of the permit.

c. *Industrial Stormwater Runoff Monitoring Program*. The program shall continue to include monitoring for pollutants in stormwater discharges to the MS4 from municipal landfills; other treatment, storage, or disposal facilities for municipal waste (e.g. transfer stations, incinerators, etc.); hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to section 313 of EPCRA (Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986); and any other industrial or commercial discharge the permittee(s) determine are contributing a substantial pollutant loading to the MS4.

   i. Except as provided in ii. below, the monitoring program shall include the collection of quantitative data on the following constituents:

      (a) Any pollutants with effluent limitations in an existing OPDES permit for a subject facility;

      (b) Oil and grease;

      (c) Chemical oxygen demand (COD);

      (d) pH;

      (e) Biochemical oxygen demand, five-day ($BOD_5$);

      (f) Total suspended solids (TSS);

      (g) Total phosphorus;

      (h) Total Kjeldahl nitrogen (TKN);

      (i) Nitrate plus nitrite nitrogen;

      (j) Total nitrogen;

      (k) Ammonia as nitrogen; and

      (l) Any information on discharges required under OAC 252:606-1-3(b)(3)(H), adopting and incorporating by reference 40 C.F.R. §§ 122.21(g)(7)(iii) and (iv).

   ii. Data collected by an industrial facility to satisfy the monitoring requirements of an OPDES or NPDES discharge permit may be used to satisfy this requirement. Permittee(s) may require the industrial facility to conduct self-monitoring to satisfy this requirement.

   iii. *Alternative Certification*. In lieu of monitoring during the certification period, the permittee(s) may accept a "no exposure" certification from any facility that is neither presently allowing, nor expecting to allow, stormwater to be exposed to

      (a) raw and waste materials,

      (b) final and intermediate products,

      (c) by-products,

      (d) material handling equipment or activities,

      (e) industrial machinery or operations, or

(f) other significant materials from industrial activity.

Where the permittee(s) accept a "no exposure" certification, the permittee(s) shall conduct at least one (1) site inspection of the facility every five (5) years to verify the "no exposure" certification.

9. *Measurable Goals for Major BMPs*. The permittee(s) shall continue to fully implement the following measurable goals for each BMP associated with the above-listed SWMP components/control measures (Parts II.A.1 – 8.), in accordance with the specified target dates or frequencies.

| SWMP COMPONENTS/ CONTROL MEASURES | BMP ACTIONS | RESPONSIBLE PERMITTEE | MEASURABLE GOALS, TARGET DATES or FREQUENCIES |
|---|---|---|---|
| 1. Public Education and Involvement | a. Continue public education program through other agencies and associations, local developers, local businesses and industries, schools, and the public. Include education and training activities focused on<br>i. implementation and maintenance of BMPs at industrial facilities;<br>ii. public education on the hazards associated with illicit discharges and improper disposal of waste;<br>iii. implementation and maintenance of erosion and sediment controls at construction sites;<br>iv. developer and public awareness of project designs that minimize water quality impacts, including LID strategies;<br>v. proper management and disposal of used oil and toxic materials, including motor vehicle fluids and household hazardous wastes; and<br>vi. proper use, application, and disposal of pesticides, herbicides, and fertilizers by the public and commercial and private applicators and distributors. | All (Oklahoma City, ODOT, and OTA) | At least six (6) public education activities per year. Each activity listed in items i - vi must be included in at least one (1) of your annual activities.<br>Distribute educational materials via brochures, utility bill inserts, media spots, etc., to reach 100% of customers each year. |

| SWMP COMPONENTS/ CONTROL MEASURES | BMP ACTIONS | RESPONSIBLE PERMITTEE | MEASURABLE GOALS, TARGET DATES or FREQUENCIES |
|---|---|---|---|
| | b. Promote the public reporting of illicit discharges and improper disposal of pollutants by distributing brochures or utility bill inserts and conducting presentations at public events. | All | At least two (2) activities per year. These activities may be combined with the public education activities in item a. above.<br>Distribute educational materials via brochures, utility bill inserts, media spots, etc., to reach 100% of customers each year. |
| | c. Continue to publicize a hotline or have a mechanism in place to be used for reporting illicit connections, improper disposal of waste and water quality impacts due to MS4 pollutant discharges. Maintain a list of calls and reports with the SWMP. | Oklahoma City | Provide 24 hour-a-day, 365-day-a-year access for the public to report illicit discharges. |
| | d. Promote the proper disposal of leaves, grass clippings, and animal wastes through brochures or utility bill inserts and youth-related educational events. | Oklahoma City | At least two (2) activities per year. These activities may be combined with the public education activities in item a. above.<br>Distribute educational materials via brochures, utility bill inserts, media spots, etc., to reach 100% of customers each year. |

| SWMP COMPONENTS/ CONTROL MEASURES | BMP ACTIONS | RESPONSIBLE PERMITTEE | MEASURABLE GOALS, TARGET DATES or FREQUENCIES |
|---|---|---|---|
| | e. Continue participation in public events to target litter reduction using information brochures and displays. | All | At least two (2) activities per year. These activities may be combined with the public education activities in item a. above. |
| | f. Promote the proper use, application, and disposal of pesticides, herbicides, and fertilizers. | Oklahoma City | At least two (2) activities per year. These activities may be combined with the public education activities in item a. above. |
| | g. Continue opportunities for public involvement and participation in implementing and updating the SWMP, including compliance with state and local public meeting and notice requirements. | All | At least two (2) activities per year. These activities may be combined with the public education activities in item a. above. |
| | h. Assess changes in public awareness and behavior resulting from the implementation of surveys, direct evaluations, interviews, or other mechanisms the permittee determines appropriate. Adjust educational materials and delivery of such materials as necessary to address any shortcomings identified as a result of this assessment. | All | At least one (1) time per year. |
| | i. Continue to create public volunteer stewardship opportunities and events and/or partner with existing organizations to encourage residents to participate in stormwater-related activities such as stream cleanups, adopt-a-street, stream teams, storm inlet marking, volunteer monitoring, riparian planting, and other education activities. Examples include Oklahoma City's Adopt-a-City Street and Waterway Clean Sweep Programs. | All | At least 75 volunteer opportunities/events per year. These opportunities/events shall be in addition to the public education activities in item a. above. |

| SWMP COMPONENTS/ CONTROL MEASURES | BMP ACTIONS | RESPONSIBLE PERMITTEE | MEASURABLE GOALS, TARGET DATES or FREQUENCIES |
|---|---|---|---|
| | j. Continue to install and/or reinstall curb markers at existing storm inlets using volunteers and Oklahoma City employees. Identification of embossed storm drain inlets will count towards that annual total. Oklahoma City may reduce the number of installations once all storm inlets/hoods are marked. Oklahoma City may inspect and/or repair/replace a similar number of curb markers as a part of its operation and maintenance program. | Oklahoma City | An average of 500 embossed storm inlets/hoods markers per year. |
| 2. Employee Education | a. Continue mandatory employee stormwater training, including internal policies and procedures for engineers, specialists, inspectors, and contractors. | All | At least two (2) activities per year. |
| | b. Continue to mail or email educational information to Oklahoma City's staff and contractor pesticide, herbicide, and fertilizer applicators. | Oklahoma City | At least one (1) mailing/email per quarter. |
| | c. Continue training/education/certification classes for Oklahoma City's staff and contractor pesticide, herbicide, and fertilizer applicators. | Oklahoma City | At least one (1) class per year. |
| 3. Industrial Stormwater Runoff Control | a. Continue the industrial stormwater runoff control program through identifying, inspecting, and controlling pollutants from targeted facilities (see Parts II.A.3. and II.A.8.c.) that is consistent with the OKR05 General Permit for Stormwater Discharges Associated with Industrial Activity within the State of Oklahoma. | Oklahoma City | Update the list of facilities within 14 days of identifying a new facility. |
| | b. Continue the program to document monitoring, inspections, compliance, and enforcement actions for the targeted facilities. | Oklahoma City | Inspect at least 20% of facilities per year. Inspect 100% of facilities during the permit term. |

| SWMP COMPONENTS/ CONTROL MEASURES | BMP ACTIONS | RESPONSIBLE PERMITTEE | MEASURABLE GOALS, TARGET DATES or FREQUENCIES |
|---|---|---|---|
| 4. Illicit Discharge Detection and Elimination | a. Identify priority areas including, but not limited to, areas with a higher likelihood of illicit connections or discharges and areas with a history of illegal dumping or citizen complaints. | Oklahoma City | Update the list at least one (1) time per year. |
| | b. Continue investigating reported illicit discharges and eliminating non-authorized non-stormwater discharges. | Oklahoma City | Investigate 100% of reported illicit discharges within 72 hours of being identified.<br>Eliminate non-authorized non-stormwater discharges within 30 days. |
| | c. Conduct investigations of illegal dump sites to reduce chronic illegal dumping. | All | Investigate 100% of reported illegal dump sites within 72 hours of being identified. Clean up the sites or install BMPs to eliminate stormwater impacts from the sites within 180 days. |

| SWMP COMPONENTS/ CONTROL MEASURES | BMP ACTIONS | RESPONSIBLE PERMITTEE | MEASURABLE GOALS, TARGET DATES or FREQUENCIES |
|---|---|---|---|
| | d. Continue sanitary sewer system inspection, repair, and cleaning program to reduce the likelihood of backups and sanitary sewer overflows. | Oklahoma City | Maintain a list of sanitary sewer system overflows (SSOs) and update the list at least one (1) per month. Perform documented quality control inspections for 100% of reported SSOs with environmental impacts and at least 25% of SSOs with no reported environmental impact in accordance with the SWMP, procedures, and protocols. Inspections shall be conducted within seven (7) days of receiving the report and inspection reports completed within 14 days after the inspection. |
| | e. Continue to conduct DWFS to identify non-stormwater flows. | All | Screen all MS4 outfalls in high-priority areas at least one (1) time per year. Screen at least 40% of MS4 outfalls in other areas at least one (1) time per year. Screen all MS4 outfalls at least two (2) times during the permit term. |

| SWMP COMPONENTS/ CONTROL MEASURES | BMP ACTIONS | RESPONSIBLE PERMITTEE | MEASURABLE GOALS, TARGET DATES or FREQUENCIES |
|---|---|---|---|
| | f. *Spill Prevention and Response.* Continue to respond with technical support for the Oklahoma City Fire Department or other emergency responders on hazardous material spills and incidents that may cause or contribute to stormwater contamination. | All | Respond with support within 24 hours. |
| | g. Develop and maintain a data management system and procedures for pollution complaints and spill responses. | All | Update the data management system with records of response and outcomes within 7 days of the response. |
| | h. Continue to operate and maintain the permanent household hazardous waste collection center to properly dispose of used motor vehicle fluids and household hazardous waste that is readily available to the residential sector within the MS4 and to qualifying Oklahoma City residents or residents from other communities with legal inter-jurisdictional agreements. | All | Collect at least 675,000 pounds of waste from at least 10,000 residential loads.<br>Evaluate facility usage and capacity at least one (1) time per year to determine if changes to hours/days of operation are warranted. |
| | i. Continue support of Oklahoma City's recycling efforts through curbside recycling and other multi-family recycling collections. | All | Collect household recyclables from all qualifying residents at least one (1) time per two (2) weeks. |
| | j. Maintain at least 25 floatable monitoring structures for capture and categorization of floatables and continue removal of floatable materials and maintenance at a frequency necessary for proper operation of the removal structures. | All | Remove floatable materials at least two (2) times per year. |

| SWMP COMPONENTS/ CONTROL MEASURES | BMP ACTIONS | RESPONSIBLE PERMITTEE | MEASURABLE GOALS, TARGET DATES or FREQUENCIES |
|---|---|---|---|
| | k. Document all floatable debris removal quantities in cubic yards and include categorization of constituents. | All | Update documentation of quantities and categorization within 30 days of removing floatable materials. |
| | l. *Storm Sewer System Map.* Continue updating a storm sewer system map that shows the location of all outfalls and the names of all waters of the state. See also Part III.A.2.b. | Oklahoma City | Update the map at least one (1) time per year. |
| | m. Maintain a list of dischargers with OPDES or NPDES permits/authorizations and occasional incidental non-stormwater discharges to the MS4. | All | Update the list at least one (1) time per year. |

| SWMP COMPONENTS/ CONTROL MEASURES | BMP ACTIONS | RESPONSIBLE PERMITTEE | MEASURABLE GOALS, TARGET DATES or FREQUENCIES |
|---|---|---|---|
| 5. Construction Site Runoff | a. Continue the construction site runoff program through permitting, inspections, and enforcement that is consistent with the OKR10 General Permit for Construction Activities within the State of Oklahoma. | All | Inspect construction sites that disturb greater than 40 acres, discharge to an ARC, or are within one (1) mile of an impaired/TMDL waterbody, or have been identified as threats to water quality (e.g., sites with recalcitrant or repeat offenders) at least one (1) time per month.<br>Inspect construction sites that disturb greater than or equal to one acre, or are part of a larger common plan of development or sale, at least one (1) time per quarter. |
| | b. Continue the program for site plan review that incorporates consideration of potential water quality impacts, including erosion and sediment controls. | All | Review all site plans within 30 days of submittal. |
| | c. Continue the program to document monitoring, inspections, compliance, and enforcement actions for construction sites. | All | Complete inspection reports within 14 days of performing inspections. Update an inventory of compliance and enforcement actions at least one (1) time per month. |

| SWMP COMPONENTS/ CONTROL MEASURES | BMP ACTIONS | RESPONSIBLE PERMITTEE | MEASURABLE GOALS, TARGET DATES or FREQUENCIES |
|---|---|---|---|
| 6. Post-Construction Management in New Development and Re-Development | a. Update Stormwater Criteria Manual. | Oklahoma City | Review at least one (1) time every two (2) years and update as needed. |
| | b. Review Oklahoma City's subdivision regulations to identify impediments to LID and propose updates to remove those impediments. | Oklahoma City | Complete review within 12 months after the effective date of the permit. Complete updates within 24 months after the effective date of the permit. |
| 7. Pollution Prevention/Good Housekeeping for MS4 Operations | a. *General Provisions* | | |
| | i. Continue to implement, update as necessary, and enforce an O&M program with the goal of preventing or reducing pollutant runoff from MS4 operations. | All | Review O&M program at least one (1) time per year and update SWMP as needed. |
| | ii. Maintain an inventory of all MS4 operations impacted by this program and all industrial facilities owned or operated by the MS4 that discharge to the MS4. | All | Update the inventory at least one (1) time per year. |

| SWMP COMPONENTS/ CONTROL MEASURES | BMP ACTIONS | RESPONSIBLE PERMITTEE | MEASURABLE GOALS, TARGET DATES or FREQUENCIES |
|---|---|---|---|
| | iii. Implement BMPs, including sediment and erosion controls, during routine maintenance, water line breaks and emergency repairs, and after these activities are completed. | All | Complete the installation of final stabilization measures within 14 days of project completion. Complete the installation of final stabilization measures within 7 days of project completion for projects that disturb greater than 40 acres, discharge to an ARC or are within one (1) mile of an impaired/TMDL waterbody. |
| | b. *Structural Controls and Collection System Operations* | | |
| | i. Maintain and update a list of active drainage and structural control projects and the status of each project. | Oklahoma City | Update the project list, including project status, at least one (1) time per year. |
| | ii. Continue the maintenance program of both above- and below-ground structural stormwater controls, including inspection, repair, and clean-up for detention ponds, roadside ditches, storm sewer pipes, catch basins, inlets, culverts, and pump stations. | All | Update work order system records of maintenance activities at least one (1) time per month. |
| | c. *Roadways* | | |

| SWMP COMPONENTS/ CONTROL MEASURES | BMP ACTIONS | RESPONSIBLE PERMITTEE | MEASURABLE GOALS, TARGET DATES or FREQUENCIES |
|---|---|---|---|
| | i. Continue to evaluate the City's street sweeping program, which includes frequency, timing, and efficiency, arterial areas, residential areas, and spot areas as necessary. Street sweeping frequency shall be based on land use, trash, and stormwater pollutant levels generated. | All | Ensure contractors update street sweeping records, including volume of material removed, at least one (1) time per month. Evaluate the program at least one (1) time per year. |
| | ii. Continue to use controls for deicing and sanding activities that includes storage facilities and truck washing facilities. | All | Update records of storage volumes of deicing/sanding materials at least two (2) times per year and after each heavy snow/ice event where materials are used. Update records of volumes used and locations where applied within 14 days of application. |
| | d. *Flood Control Projects* | | |
| | i. Review Flood Management Project Designs for compliance with the City's Stormwater Criteria Manual. | Oklahoma City | Review all project designs for compliance with the Manual within 60 days of submittal. |
| | ii. Update the Capital Improvement Program list for Oklahoma City's current and proposed General Obligation Bond authorizations. | Oklahoma City | Update list at least one (1) time per year. |
| | iii. Continue to evaluate the feasibility of retrofitting existing structural flood control devices to provide additional pollutant removal from stormwater. | Oklahoma City | Conduct an evaluation at least one (1) time per year. |

| SWMP COMPONENTS/ CONTROL MEASURES | BMP ACTIONS | RESPONSIBLE PERMITTEE | MEASURABLE GOALS, TARGET DATES or FREQUENCIES |
|---|---|---|---|
| | e. *Petroleum and Non-Petroleum Products* | | |
| | i. Continue to implement and revise, as necessary, procedures for proper use, storage, and disposal of both petroleum and non-petroleum products at municipal offices, police and fire stations, pools, parking garages, and other permittee-owned or operated buildings or utilities. | All | Review and update procedures at least one (1) time per year. |
| | ii. Continue to implement and revise, as necessary, Spill Prevention and Response procedures to ensure that appropriate actions will take place when a spill occurs at an MS4 facility. Spill kits shall be maintained and accessible in highly visible locations at appropriate facilities. | All | Review and update procedures at least one (1) time per year. |
| | f. *PFAS Management* | | |
| | i. Implement measures to minimize discharges of PFAS during emergency firefighting activities and post-emergency activities, including clean-up. | All | Review and update procedures at least one (1) time per year. |
| | ii. Establish specific protocols for minimizing the resuspension, conveyance, and discharge of PFAS, both during normal operations and during all maintenance and remediation activities. | All | Review and update procedures at least one (1) time per year. |
| | g. *Pesticides, Herbicides and Fertilizers Application* | | |

| SWMP COMPONENTS/ CONTROL MEASURES | BMP ACTIONS | RESPONSIBLE PERMITTEE | MEASURABLE GOALS, TARGET DATES or FREQUENCIES |
|---|---|---|---|
| | i. Continue to implement and revise, as necessary, a program to reduce discharge of pollutants related to the MS4's storage and application of pesticides, herbicides, and fertilizers. | All | Review and update procedures at least one (1) time per year. |
| | ii. Continue to maintain and update Oklahoma City's Pesticide General Permit. | All | Timely (as specified in the permit) apply for permit renewal every five (5) years. Review and summarize permit compliance at least one (1) time per year. |
| | h. *Contractor Maintenance* | | |
| | i. Contractually require contractors hired to perform maintenance activities on MS4 facilities to comply with all the permittee(s)' stormwater control measures, good housekeeping practices, and facility-specific stormwater management operating procedures. | All | Review and update contract language at least one (1) time per two (2) years. |
| | i. *BMP Inspection and Maintenance* | | |
| | i. Implement and enforce procedures for inspection and maintenance of structural and non-structural BMPs, including maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants discharged to the MS4. | All | Conduct inspections at least one (1) time per quarter at MS4 facilities subject to OKR05 or individual OPDES or NPDES permits, or one (1) time per year at other MS4 facilities impacted by the program. |

| SWMP COMPONENTS/ CONTROL MEASURES | BMP ACTIONS | RESPONSIBLE PERMITTEE | MEASURABLE GOALS, TARGET DATES or FREQUENCIES |
|---|---|---|---|
| 8. Monitoring Programs – Watershed Characterization Program | a. *Trend and Load-Based Monitoring* | | |
| | i. Develop a revised list of 15 selected monitoring locations with target dates for each station to be activated. Install, calibrate, and activate water quality monitoring stations. | Oklahoma City | See Part III.A.5.a – d. |
| | ii. After station installation and calibration, conduct continuous monitoring at in-stream monitoring locations within selected representative drainages within Oklahoma City's corporate boundaries to provide parameter and flow data necessary to calculate annual constituent loading, in accordance with an approved QAPP. | Oklahoma City | Review and summarize analytical results at least one (1) time per month. |
| | iii. Compile analytical data collected from the watershed characterization program during the permit year and summarize results and overall condition of the targeted watersheds. This includes, but is not limited to, stream health, pollutant concentrations, loadings, and potential impacts. | Oklahoma City | At least one (1) time per year. |
| | b. *Biological Monitoring* | | |
| | i. Complete aquatic habitat surveys for at least 15 representative locations at least one (1) time during the permit term, in accordance with an approved QAPP. For each location, complete at least two (2) winter and two (2) summer macroinvertebrate collections and one (1) fish collection. These locations may be, but are not required to be, the same as the monitoring locations used for the trend and load-based monitoring. | All | See Part III.A.5.e. |

| SWMP COMPONENTS/ CONTROL MEASURES | BMP ACTIONS | RESPONSIBLE PERMITTEE | MEASURABLE GOALS, TARGET DATES or FREQUENCIES |
|---|---|---|---|
| | ii. Develop and submit a summary of relevant biological collections and water quality information, if applicable, collected during the permit year. | All | At least one (1) time per year. |
| | c. *Comprehensive Program Assessment.* Based on the results of the watershed characterization program, produce an assessment that includes the findings, trends, impacts identified, responses taken, and any modifications recommended to enhance the usefulness or efficiency of the program. | All | Complete assessment before the expiration date of the permit. Include in 5th annual report. |

**B. Deadlines for Program Implementation**

Except as provided in Part III.A., full implementation of the SWMP shall begin on the effective date of the permit.

**C. Roles and Responsibilities of Permittee(s)**

The SWMP, together with any attached interagency agreements, shall clearly identify the roles and responsibilities of each permittee.

**D. Legal Authority**

Each permittee shall continue to ensure legal authority to control discharges to and from those portions of the MS4 over which it has jurisdiction. This legal authority may be a combination of statute, ordinance, permit, contract, order, or inter-jurisdictional agreements with permittees with existing legal authority:

1. Control the contribution of pollutants to the MS4 by Stormwater Discharges Associated with Industrial Activity and the quality of stormwater discharged from sites of industrial activity;
2. Prohibit illicit discharges to the MS4;
3. Control the discharge of spills and the dumping or disposal of materials other than stormwater (e.g. industrial and commercial wastes, litter, trash, used motor vehicle fluids, leaf litter, grass clippings, animal wastes, etc.) into the MS4;
4. Control through interagency or inter-jurisdictional agreements among permittees the contribution of pollutants from one portion of the MS4 to another;
5. Require compliance with conditions in ordinances, permits, contracts, or orders**;** and
6. Carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance with permit conditions.

**E. SWMP Resources**

Each permittee shall provide adequate finances, staff, equipment, and support capabilities to implement their activities under the SWMP.

**F. SWMP Evaluation and Update**

1. *SWMP Evaluation*. All permittees shall participate in an evaluation of the current SWMP at least one (1) time per year in conjunction with preparation of the annual report required under Part IV.C. Permittees must evaluate program compliance, the appropriateness of the BMPs, and progress towards achieving the measurable goals identified in Part II.A.9. of the permit.
2. *SWMP Update*. Permittee(s) shall review the SWMP at least one (1) time per year and update the SWMP as needed, and as otherwise needed during the life of the permit.
3. *BMP Replacement.* BMP(s) determined to be ineffective or infeasible must be replaced with one or more alternative BMP(s). The SWMP update shall provide the following:
    a. An analysis of why the existing BMP(s) are technically or economically infeasible;
    b. A description of the permittee(s)' expectations for the effectiveness of the replacement BMP(s); and
    c. An analysis of why the replacement BMP(s) are expected to achieve the goals of the BMP(s) being replaced.

4. *Updates Required by the Permitting Authority*. The permitting authority may require changes to the SWMP when it is determined necessary to do the following:

   a. Address impacts on receiving waters to ensure that stormwater discharges will not cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard, including state narrative criteria for water quality;

   b. Include more stringent requirements necessary to comply with new state or federal statutory or regulatory requirements;

   c. Include such other conditions deemed necessary by DEQ to comply with the goals and requirements of the CWA;

   d. Update and implement changes required by any approved TMDL that addresses stormwater pollutants; or

   e. Include requirements based on information obtained by DEQ during routine MS4 evaluations, annual report reviews, or as otherwise determined by DEQ.

   Changes requested by DEQ shall be made in writing, set forth the time schedule for the permittee(s) to develop the changes, and offer the permittee(s) the opportunity to propose alternative SWMP changes to meet the objective of the requested modification. Within the schedule provided by DEQ, the permittee(s) must submit a copy of the revisions made to the SWMP.

5. *Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation*. The permittee(s) shall implement the SWMP on all new areas added to their portion of the MS4 (or for which they become responsible for implementation of stormwater quality controls) as soon as possible, but not later than one (1) year from the addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.

   Within 90 days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, the permittee(s) shall have a plan for implementing the SWMP on all affected areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the SWMP shall be submitted in the annual report.

## G. Retention of Stormwater Management Program Records

Permittee(s) shall retain the SWMP developed in accordance with Parts II and III for at least three (3) years after coverage under this permit terminates. The permittee(s) shall make records, including the permit application and a written description of the SWMP, available to the public at reasonable times during regular business hours (see OAC 252:606-1-3(b)(3)(G) adopting and incorporating by reference 40 C.F.R. § 122.7 for confidentiality provision). Permittees may assess a reasonable charge for copying and may require members of the public to provide advance notice.

## PART III. SCHEDULES FOR IMPLEMENTATION AND COMPLIANCE

### A. Implementation and Augmentation of SWMP

The permittee(s) shall comply with the following schedules:

| SWMP COMPONENTS/ CONTROL MEASURES | TASKS | RESPONSIBLE PERMITTEE(S) | TARGET DATE |
|---|---|---|---|
| 1. Revise SWMP as necessary | a. Revise and update current SWMP to reflect any new permit requirements. | All | Within one (1) year after the effective date of the permit. |
| | b. Evaluate the existing SWMP in relation to discharges to 303(d) impaired water(s) and TMDL reduction goals, and update as necessary. | All | Within one (1) year after the effective date of the permit. |
| 2. Illicit Discharge Detection and Elimination | a. Review the structural controls in the SWMP and implement or update a program, including adequate staffing, to investigate and eliminate littering and illegal disposal sites of trash (floatables). | Oklahoma City | Within 24 months after the effective date of the permit. |
| | b. *Storm Sewer System Map.* Expand the storm sewer system map to include all known elements of the storm sewer network that constitute the MS4, including catch basins, pipes, ditches, flood control facilities (retention/detention ponds), post-construction water quality BMPs, that have been installed to satisfy local post-construction water quality BMP requirements. | Oklahoma City | Within 36 months after the effective date of the permit. |
| | c. Identify all splash pads that discharge to the MS4 that do not de-chlorinate. Determine the best course of action for compliance. | Oklahoma City | Within 12 months after the effective date of the permit. |
| | d. Implement a plan to correct deficiencies resulting in the compliance of all City-operated splash pads, including enacting, or revising municipal ordinances, as necessary.<br>These actions will also result in compliance of future | Oklahoma City | Within 24 months after the effective date of the permit. |

| SWMP COMPONENTS/ CONTROL MEASURES | TASKS | RESPONSIBLE PERMITTEE(S) | TARGET DATE |
|---|---|---|---|
| | splash pads. | | |
| 3. New Development and Redevelopment | a. Create and implement an LID Design Criteria Manual. This may be incorporated into the Stormwater Criteria Manual or may be a separate manual. | Oklahoma City | Within 24 months after effective date of the permit. |
| | b. Develop an incentive program to promote LID. This may include, but is not limited to, reducing the stormwater utility fee or streamlining permitting fees (in lieu of detention credits), for LID projects, or by incorporating LID through retrofit or new construction into at least two (2) projects by incorporating them into Oklahoma City projects. | Oklahoma City | Within 36 months after the effective date of the permit. |
| 4. Pollution Prevention/Good Housekeeping for MS4 Operations | a. *PFAS Management*. Implement measures to minimize discharges of PFAS during emergency firefighting activities and post-emergency activities, including clean-up. Establish specific protocols for minimizing the resuspension, conveyance, and discharge of PFAS during normal operations, maintenance, and remediation activities. | All | Within 12 months after the effective date of the permit. |
| 5. Monitoring Programs | a. *Trend and Load-based Monitoring*. Develop a revised list of 15 selected monitoring locations with target dates for each station to be activated. Install, calibrate, and activate water quality monitoring stations. | Oklahoma City | Within six (6) months after the effective date of the permit. |

| SWMP COMPONENTS/ CONTROL MEASURES | TASKS | RESPONSIBLE PERMITTEE(S) | TARGET DATE |
|---|---|---|---|
| | b. Install, calibrate, and activate the first set of five (5) water quality monitoring stations. | Oklahoma City | Within 12 months after the effective date of the permit. |
| | c. Install, calibrate, and activate a second set of five (5) water quality monitoring stations. | Oklahoma City | Within 24 months after the effective date of the permit. |
| | d. Install, calibrate, and activate a third set of five (5) water quality monitoring stations. | Oklahoma City | Within 36 months after the effective date of the permit. |
| | e. *Biological Monitoring Program*. Update and implement a program to perform aquatic habitat surveys as described in Parts II.A.8.b.ii, II.A.9.8.b., and IV.A.2. | Oklahoma City | Within 12 months after the effective date of the permit. |
| 6. TMDL Pollutant Reduction and Monitoring Plans | a. Prepare an approvable TMDL Pollutant Reduction Plan in accordance with Part I.G.1.g. for the stream segments with existing approved TMDLs (see the table under Part I.G.1.f.). | Oklahoma City | Within 18 months after the effective date of the permit. |
| | b. Prepare either a TMDL Pollutant Monitoring Plan or a commitment to participate in a coordinated regional TMDL Pollutant Monitoring Plan, in accordance with the requirements of Parts I.G.1.c. and d.. | Oklahoma City | Within 24 months after the effective date of the permit. |
| | c. Develop a format/template for a TMDL implementation report in accordance with the requirements of Part I.G.1.e. to be included as part of future annual reports. The report shall include the status and actions taken by the permittee to implement the TMDL Pollutant Reduction and Monitoring Plans. | Oklahoma City | By April 15, 2025. |

| SWMP COMPONENTS/ CONTROL MEASURES | TASKS | RESPONSIBLE PERMITTEE(S) | TARGET DATE |
|---|---|---|---|
| | d. *Lake Thunderbird TMDLs*. The Lake Thunderbird TMDLs shall continue to be implemented in accordance with the 2013 TMDL report's Appendix E – Stormwater Permitting Requirements and Presumptive BMPs Approach. This shall include continuing to implement and revise as necessary the approved TMDL Compliance Plan and Pollutant Monitoring and Tracking Program. A TMDL implementation report shall be included in the annual report, and compliance with the TMDL and progress toward achieving the WLAs and load reduction goals shall be evaluated in the fifth-year annual report. | Oklahoma City | Include evaluation of TMDL compliance and progress toward achieving WLAs and load reduction goals in fifth-year annual report. |

**B. Compliance with Effluent Limitations (Reserved)**

**C. Updating the SWMP**

Permittee(s) shall update the SWMP as appropriate, in response to changes required by Part III.A.

# PART IV. MONITORING AND REPORTING REQUIREMENTS

## A. Watershed Characterization Program

Within the Oklahoma City area, at least 15 in-stream monitoring locations shall be identified and water quality monitoring stations shall be installed, calibrated, and activated within the term of the permit in accordance with the schedule developed under Parts II.A.8. and Part III.A.5. Stations shall be selected that represent Oklahoma City geographically and represent the various land uses that contribute to stream pollutant loading. The Watershed Characterization Program will allow a comprehensive assessment of representative drainages to be completed on an ongoing basis. Habitat and biological components are also included.

1. *Trend and Load-Based Monitoring Program*. Monitoring shall be conducted on at least 15 representative in-stream monitoring locations to provide the parameter and flow data necessary to calibrate annual constituent loadings.

    a. Analytical monitoring shall be conducted continuously (or as site conditions allow), with the exception of bacteria samples that shall be collected in sufficient quantity and season to make a determination of Water Quality Standard support/impairment.

    b. Quantitative data shall be collected to calculate annual loadings for each parameter sampled. Records shall be maintained of all analytical results.

    c. Parameters and the types of samples are listed in Table IV-1. The analytical monitoring requirements include the following:

        i. Flow-weighted composite or grab samples shall be used for the analysis as specified in Table IV-1 and records of samples shall include the following:

            (a) The date, exact place, and time of sampling or measurements;

            (b) The name(s) of the individual(s) who performed the sampling or measurements;

            (c) The date(s) analyses were performed;

            (d) The names of the individual(s) who performed the analyses;

            (e) The analytical techniques or methods used; and

            (f) The results or observations of such analyses.

        ii. Monitoring for compliance with WQS must be conducted in accordance with test procedures approved in 40 C.F.R. Part 136, and samples must be analyzed by an accredited laboratory in accordance with OAC 252:301 using sufficiently sensitive test procedures in accordance OAC 252:606-1-3(b)(3)(Z), adopting and incorporating by reference 40 C.F.R. § 122.44(i)(1)(iv). Test procedures are considered sufficiently sensitive if they meet the minimum quantification levels (MQLs) established in Appendix B of OAC 252:690 or, where an MQL has not been established in Appendix B of OAC 252:690, to quantify the amount of pollutant present at or below the level of the water quality standard.

**Table IV-1 - Trend and Load-Based Monitoring Requirements**

| PARAMETER(S) [1] | | REPORT FOR EACH MONITORING PERIOD (each sample type) | | | SAMPLE TYPE(S) |
|---|---|---|---|---|---|
| | Priority* | No. Samples | Daily Discharge | Annual Load (lbs/d) | |
| Discharge/Flow (cfs) | Primary | N/A | Yes | N/A | Continuous |
| Five-Day Biochemical Oxygen Demand ($BOD_5$) (mg/L) | Secondary | * | * | * | Composite |
| Chemical Oxygen Demand (COD) (mg/L) | Secondary | * | * | * | Composite |
| Oil and Grease (mg/L) | Secondary | * | * | * | Grab |
| Total Suspended Solids (TSS) (mg/L) | Primary | Yes | Yes | Yes | Composite |
| Total Dissolved Solids (TDS) (mg/L) | Secondary | * | * | * | Composite |
| Total Nitrogen (mg/L) | Primary | Yes | Yes | Yes | Composite |
| Total Kjeldahl Nitrogen (TKN) (mg/L) | Secondary | * | * | * | Composite |
| Total Phosphorus (mg/L) | Primary | Yes | Yes | Yes | Composite |
| Dissolved Phosphorus (mg/L) | Secondary | * | * | * | Composite |
| Total Cadmium (ug/L) (MQL 1 µg/L)[1] | Secondary | * | * | * | Composite |
| Total Copper (ug/L) (MQL 1 µg/L) [1] | Secondary | * | * | * | Composite |
| Total Lead (ug/L) (MQL 0.5 µg/L) [1] | Secondary | * | * | * | Composite |
| Total Mercury (ug/L) (MQL 0.05 µg/L) | Secondary | * | * | * | Composite |
| Total Thallium (ug/L) (MQL 0.5 µg/L) | Secondary | * | * | * | Composite |
| Total Zinc (ug/L) (MQL 20 µg/L) [1] | Secondary | * | * | * | Composite |
| *E. coli* (MPN/100 mL) | Secondary | * | * | * | Grab |
| pH (S.U.) | Secondary | * | * | * | Grab |
| Hardness (as CaCO3) (mg/L) | Secondary | * | * | * | Composite |
| Turbidity (NTU) | Secondary | * | * | * | Composite |
| Specific Conductance (µS/cm) | Secondary | * | * | * | Composite |
| Temperature (°C) | Secondary | * | * | * | Composite |
| Dissolved Oxygen (mg/L) | Secondary | * | * | * | Grab |

* Primary parameters are selected for long-term continuous monitoring as the key constituents for determining annual loading and trends. Secondary parameters may be added as needed to support additional monitoring needs.

[1] If any individual analytical test result is less than the Minimum Quantification Level (MQL) listed for that parameter, then a value of zero may be used for that test result for the calculation and reporting requirements.

2. Biological Monitoring Requirements

   a. The permittee(s) shall obtain all necessary aquatic wildlife collection permits from appropriate state and/or federal agencies (e.g., U.S. Fish and Wildlife Service, Oklahoma Department of Wildlife Conservation).

   b. The biological monitoring component shall be implemented and collections shall be conducted for at least 15 monitoring locations that are representative and that continuously support valid biological communities. These locations may be, but are not required to be, the same as the monitoring locations used for the trend and load-based monitoring. Procedures contained in Oklahoma's Standardized Bioassessment Protocol (SBP) shall be utilized. The biological aspect shall consist of aquatic habitat surveys and assessments of the benthic macroinvertebrate and fish communities. Biological monitoring shall be conducted according to a schedule of the water quality monitoring aspect of the overall Watershed Characterization Program. Schedules shall be aligned to provide a complete assessment, where applicable, of the identified watersheds for a one-year period. Monitoring locations shall be selected to include all watersheds within Oklahoma City.

   c. Each monitoring location shall be monitored at least one (1) time during the permit term. As more information becomes available through data analysis, more locations shall be selected within the permit area. At least two (2) winter and two (2) summer macroinvertebrate collections and one (1) fish collection at each location if conditions exist for the collection activities. A summary data sheet shall be developed for each monitoring location.

   d. When impacts to a watershed are identified based on the results of the biological monitoring program, follow-up investigation shall be undertaken which may include, but is not limited to, wet weather field investigation, with a goal of determining the extent that stormwater discharges contribute to the impacts. The program may use field sampling for situations where the permittee(s) have identified a problem and are looking for further investigation. The program shall

      i. screen the MS4, in accordance with the procedures specified in the SWMP;

      ii. specify the sampling and non-sampling techniques to be used for initial screening and follow-up purpose. Sample collection and analysis need not conform to the requirements of 40 C.F.R. Part 136. However, samples taken to confirm (e.g., in support of possible legal action) a particular illicit discharge or improper disposal practice should conform to the requirements of 40 C.F.R. Part 136; and

      iii. collect quantitative data to estimate pollutant loadings and event mean concentrations for each parameter sampled. Records shall be maintained of all analytical results; the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff; the duration (in hours) between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled. The estimates of pollutant loadings of the watersheds characterized shall be included in the annual report.

**B. Floatables Monitoring**

Permittee(s) shall continue to maintain the previously established 25 monitoring locations for removal of floatable material in discharges to or from the MS4. Floatable material shall continue to be collected at the frequency necessary for maintenance of the removal devices, but not less than two (2) times per year. The amount of material collected shall be estimated in cubic yards.

**C. Annual Report/Comprehensive Assessment of the Watershed Characterization Program**

Each permittee shall contribute to the preparation of an annual system-wide report to be submitted no later than April 15, 2025, and annually thereafter in accordance with this permit. The report shall cover the previous year from January 1st to December 31st and include the following separate sections, with an overview of the entire MS4 and subsections for each permittee:

1. The status of implementing the SWMP and status of compliance with permit conditions and any schedules established under this permit, including an assessment of the progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP.
2. For each BMP identified in the SWMP, include an assessment of the

   a. progress towards achieving each measurable goal, including volume of materials removed where applicable, and

   b. the appropriateness of the BMP.
3. An evaluation of the household hazardous waste collection center usage and capacity, and whether changes in hours/days of operation are proposed (including an implementation schedule).
4. A summary of the covered municipal construction activities (see Part II.A.5.b), including the number of active construction sites currently covered, number of construction projects started during the reporting period, number of construction projects completed during the reporting period, number of construction projects that have achieved final stabilization, and number of construction inspections that were conducted.
5. A summary of the stormwater activities the permittee(s) plan to undertake during the next reporting cycle (including an implementation schedule).
6. Proposed changes to the SWMP, including changes to any BMPs or any identified measurable goals that apply to the SWMP elements/control measures.
7. A description and schedule for implementation of any additional BMPs or monitoring that may be necessary to reduce/eliminate the discharge of pollutant(s) of concern into impaired waters on the latest 303(d) list or to ensure compliance with any applicable TMDL or watershed plan in lieu of a TMDL.
8. Revisions, if necessary, to the assessment of controls and the fiscal analysis reported in the permit application under OAC 252.606-1-3(b)(3)(L) incorporating by reference 40 C.F.R. §§ 122.26(d)(2)(v) and (d)(2)(vi).
9. A summary of information collected and analyzed, if any, during the reporting period, including monitoring data, used to assess the success of the SWMP at reducing the discharge of pollutants to the MEP.
10. Annual expenditures for the reporting period, with a breakdown for the major elements of the SWMP, and the budget for the year following each annual report.
11. A summary describing the number and nature of complaint and spill responses, enforcement actions, inspections, and public education programs.
12. Identification of any water quality improvements or degradation.
13. By April 15, 2029, the permittee(s) must submit a comprehensive assessment of the Watershed Characterization Program. The assessment shall include a summary of the Watershed Characterization Program, the findings and impacts, responses taken, and any modifications recommended to enhance the usefulness or efficiency of the program.

Preparation and submittal of the system-wide annual report shall be coordinated by the City of Oklahoma City. The report shall indicate which, if any, permittees have failed to provide required information on the portions of the MS4 for which they are responsible to the core municipality, the City of Oklahoma City, 45 days prior to the report due date. Joint responsibility for report submission shall be limited to participation in preparation of the overview for the entire system and inclusion of the identity of any permittee who failed to provide input to the annual report. Each individual permittee shall be individually responsible for content of the report relating to the portions of the MS4 for which they are responsible and for failure to provide information for the system-wide annual report in a timely manner. Each permittee shall sign and certify the annual report in accordance with Part V.K. and include a statement or resolution that the permittee's governing body or agency (or delegated representative) has reviewed or been informed of the content of the annual report.

**D. Certification and Signature of Reports**

All reports required by the permit and other information requested by DEQ shall be signed and certified in accordance with Part V.K.

**E. Reporting: Where and When to Submit**

Signed copies of the annual report required by Part IV.C., and all other reports and notifications required herein, shall be submitted to:

Oklahoma Department of Environmental Quality
Water Quality Division
Municipal Wastewater Enforcement Section
P.O. Box 1677
Oklahoma City, OK 73101-1677

## PART V. STANDARD PERMIT CONDITIONS

### A. Duty to Comply

The permittee(s) must comply with all conditions of this permit insofar as those conditions are applicable to each permittee, either individually or jointly. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, for permit termination, revocation and reissue, or modification, or for denial of a permit renewal application.

### B. Anticipated Noncompliance

Permittees shall give advance notice to DEQ of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

### C. Penalties for Violations of Permit Conditions

OPDES permit violations are subject to the enforcement provisions of 27A O.S. § 2-6-206 which include, but are not limited to, administrative penalties of $10,000 per day, for each day during which the violations continue.

### D. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the permit expiration date, the permittee must apply for and obtain a new permit. The application shall be submitted at least 180 days prior to expiration of this permit. DEQ may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated at 40 C.F.R. § 122.6 and any subsequent amendments.

### E. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

### F. Duty to Mitigate

The permittee(s) shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

### G. Duty to Provide Information

The permittee(s) shall furnish to DEQ, within a time specified by DEQ, any information that DEQ may request to determine compliance with this permit. The permittee(s) shall also furnish to DEQ upon request copies of records required to be kept by this permit.

### H. Noncompliance Reports

1. Twenty-four Hour Reporting

   Permittees shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. DEQ shall be notified by calling 1-800-256-2365 A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The report shall contain the following information:

   a. A description of the noncompliance and its cause;

   b. The period of noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and,

   c. Steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

2. The following shall be included as information that must be reported within 24 hours:
   a. Any unanticipated bypass that exceeds any effluent limitation in the permit;
   b. Any upset that exceeds any effluent limitation in the permit;
   c. Any violation of a maximum daily discharge limit for any of the pollutants listed by the Executive Director in the permit[7]; and,
   d. Any bypass in the collection system (sanitary sewer overflow (SSO)).
3. The Executive Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
4. Other Noncompliance

   The permittee shall report all instances of noncompliance not reported under Parts V.H.1 – 3. or the reporting requirements at Part IV of this permit.

**I. Upsets and Bypasses**

1. Upsets
   a. An upset constitutes an affirmative defense to an enforcement action brought for noncompliance with technology-based permit effluent limitations if the following requirements are met. A permittee who wishes to establish the affirmative defense of upset shall demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence that the
      i. upset occurred and that the permittee can identify the specific cause(s) of the upset;
      ii. permitted facility was at the time being properly operated;
      iii. permittee submitted notice of the upset as required in Part V.H.1. of this permit; and
      iv. permittee complied with any remedial measures under Part V.F. of this permit.
   b. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
2. Bypasses
   a. If the permittee anticipates in advance of the need for a bypass, it shall submit prior notice, if possible, at least 10 days before the date of the bypass.
      i The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the reporting requirements of Part V.I.2.a. and b. of this permit.
      ii Bypass exceeding limitations is prohibited, and the Executive Director may take enforcement action against a permittee for bypass, unless
         (a) the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
         (b) there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of

[7] This provision applies only to numerical effluent limitations, and not to narrative effluent limitations (e.g., "no discharge of toxic pollutants in toxic amounts").

equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass that occurred during normal periods of requirement downtime or preventive maintenance; and

(c) the permittee submitted notices as required by Part V.I.2.a. of this permit.

iii The Executive Director may allow an anticipated bypass that exceeds limitations after considering its adverse effects, if it determines that it will meet the three (3) conditions listed above in Part V.I.a.ii. of this permit.

b. The permittee shall, within 24 hours, submit notice of an unanticipated bypass as required in Part V.H.1. of this permit.

**J. Other Information**

When the permittee becomes aware that it failed to submit any relevant facts or submitted incorrect information in any report to DEQ, it shall promptly submit such facts or information.

**K. Signatory Requirements**

All Discharge Monitoring Reports, SWMPs, SWP3, reports, certifications, or information either submitted to DEQ or that this permit requires to be maintained by the permittee(s), shall be signed by

1. a principal executive officer or ranking elected official of a municipality, state, other public agency, or by either a principal executive officer or a duly authorized representative of that person**.**

   a. A person is a duly authorized representative only if the authorization

      i. is made in writing by a person described above and submitted to DEQ; and

      ii. specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters**.** A duly authorized representative may thus be either a named individual or any individual occupying a named position.

2. Any person signing documents under this section shall make the following certification:

   "*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations*."

**L. Penalties for Falsification of Monitoring Systems**

Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall be subject to the enforcement provisions of 27A O.S. § 2-6-206.

**M. Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to the Act or section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

**N. Property Rights**

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

**O. Severability**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

**P. Requiring a Separate Permit**

1. DEQ may require any co-permittee authorized by this permit to obtain a separate OPDES permit. Any interested person may petition DEQ to take action under this paragraph. DEQ may require any co-permittee authorized to discharge under this permit to apply for a separate OPDES permit only if the co-permittee has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form (as necessary), a statement setting a deadline for the co-permittee to file the application, and a statement that on the effective date of the separate OPDES permit, coverage under this permit shall automatically terminate. Separate permit applications shall be submitted to the address shown in Part IV.E. DEQ may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner a separate OPDES permit application as required by DEQ, then the applicability of this permit to the co-permittee is automatically terminated at the end of the day specified for application submittal.
2. Any co-permittee authorized by this permit may request to be excluded from coverage by applying for a separate permit. The co-permittee shall submit a separate application as specified by OAC 252.606-1-3(b)(3)(L) adopting and incorporating by reference 40 C.F.R. § 122.26(d) with reasons supporting the request to DEQ. The request may be granted by the issuance of a separate permit if the reasons cited by the co-permittee are adequate to support the request.

**Q. State Environmental Authority**

1. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under the authority preserved by section 510 of the Act.
2. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

**R. Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of the SWMPs. Proper operation and maintenance also include adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance require the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

**S. Monitoring and Records**

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

2. The permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of DEQ at any time.
3. Records of monitoring information shall include the following:
    a. The date, exact place, and time of sampling or measurements;
    b. The initials or name(s) of the individual(s) who performed the sampling or measurements;
    c. The date(s) analyses were performed;
    d. The time(s) analyses were initiated;
    e. The initials or name(s) of the individual(s) who performed the analyses;
    f. References and written procedures, when available, for the analytical techniques or methods used; and
    g. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

**T. Monitoring Methods**

Monitoring must be conducted according to test procedures approved under OAC 252:606-1-3(b)(7) incorporating by reference 40 C.F.R. Part 136, unless other test procedures have been specified in this permit. Measurable levels for effluent and background data shall be less than or equal to the MQLs established in Appendix B of OAC 252:690.

**U. Inspection and Entry**

The permittee shall allow DEQ, an authorized representative of the EPA, or the state, upon the presentation of credentials and other documents as may be required by law, to

1. enter the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
3. inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substance, or parameter at any location.

**V. Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and re issuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**W. Additional Monitoring by the Permittee**

If the permittee monitors more frequently than required by this permit, using test procedures approved under 40 C.F.R. Part 136 or as specified in this permit, the results of this monitoring shall be included in the annual report.

**X. Archeological and Historical Sites** (Reserved)

## PART VI. PERMIT MODIFICATION

### A. Modification of the Permit

The permit may be reopened and modified during the life of the permit to address

1. changes in the state's Water Quality Management Plan, including WQS;
2. changes in the state or federal statutes or regulations;
3. addition of a new permittee who is the owner or operator of a portion of the MS4;
4. other modifications deemed necessary by DEQ to meet the requirements of the Clean Water Act; or
5. any additional provisions necessary to comply with requirements of an approved TMDL.

All modifications to the permit will be made in accordance with OAC 252:606-1-3(b)(3)(GG), (HH) and (4)(D), adopting and incorporating by reference 40 C.F.R. § 122.26, as amended, §§ 40 C.F.R. 122.62, 122.63, and 124.5.

### B. Termination of Coverage for a Single Permittee

Permit coverage may be terminated, in accordance with OAC 252.606-1-3(b)(3)(II), adopting and incorporating by reference 40 C.F.R. § 122.64, and OAC 252.606-1-3(b)(3)(E), adopting and incorporating by reference 40 C.F.R. § 122.5, for a single permittee without terminating coverage for other permittees.

## PART VII. DEFINITIONS

**A.** **All Reasonable Steps** – when the permittee has undertaken initial actions to assess and address the condition requiring the corrective action, including, for example, cleaning up any exposed materials that may be discharged in a storm event (e.g., through sweeping, vacuuming) or making arrangements (i.e., scheduling) for a new BMP to be installed at a later date.

**B.** **Best Management Practices (BMPs)** – the schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**C.** **Control Measure** – any stormwater control or other method (including narrative effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the state. Stormwater control measures can be actions (including processes, procedures, schedules of activities, prohibitions on practices and other management practices), or structural or installed devices to minimize or prevent water pollution.

**D.** **Conveyance** – includes any means for conveying a stormwater discharge, such as a drainage system, ditch, swale, pipe, sewer, or MS4. Conveyance also includes any natural channels or tributaries that carry stormwater runoff through and off a facility's property.

**E.** **Co-permittee** – an owner or operator of a MS4 that is in a cooperative agreement with at least one other applicant for coverage under this permit. A co-permittee is an owner or operator of a regulated MS4 located within or in proximity to another regulated MS4. A co-permittee is only responsible for permit conditions relating to the discharges from the MS4 the co-permittee owns or operates. See also 40 C.F.R. § 122.26(b)(1).

**F.** **Discharge** – when used without a qualifier, refers to "discharge of a pollutant" (as defined at 40 C.F.R. § 122.2) from the MS4.

**G.** **Discharge Point or Outfall** – a point or location where an MS4 discharges to waters of the state, and does not include a conveyance that connects two municipal separate storm sewers.

**H.** **Effective Operating Condition** – a stormwater control is kept in effective operating condition if it has been implemented and maintained in such a manner that it is working as designed to minimize pollutant discharges.

**I.** **Event mean concentration (EMC)** – a key analytical parameter, which refers to a flow-weighted average concentration over the whole duration of a rainfall-runoff event (defined as the total pollution load mass divided by the total runoff volume) and which can be used to evaluate the effects of rainfall runoff on the water quality of the receiving waters.

**J.** **Feasible** – technologically possible and economically practicable and achievable in light of best industry practices.

**K.** **Flow-Weighted Composite Sample** – a composite sample consisting of a mixture of aliquots collected at a constant time or volume interval, where the volume of each aliquot is proportional to the flow rate of the discharge, or a constant volume is used and collected after a pre-determined discharge rate has been measured.

**L.** **Grab Sample** – a water sample that is collected at once, in a clean and clear glass or plastic container, from the specific water/stormwater source (from the facility's stormwater outfall(s)/discharge point(s).

**M.** **Illicit connection** – means any human-made conveyance connecting an illicit discharge directly to an MS4.

**N.** **Illicit discharge** – is defined at 40 C.F.R. § 122.26(b)(2) and refers to any discharge to a municipal separate storm sewer that is not composed entirely of stormwater, except discharges authorized under an OPDES or NPDES permit (other than the OPDES permit for discharges from the MS4) and discharges resulting from firefighting activities.

**O.** **Impaired Water** – a water that does not meet one or more of its beneficial uses due to not attaining applicable narrative or numeric WQS. Impaired waters are identified in the CWA section 303(d) listing from Appendix C of the most recent Integrated Report. Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established.

**P.** **Large Common Plan of Development or Sale** – an area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. This plan consists of many small construction projects that collectively add up to one or more acres of total disturbed land. For example, an original common plan of development of a residential subdivision might lay out the streets, house lots, and areas for parks, schools, and commercial development that the developer plans to build or sell to others for development. All these areas would remain part of the common plan of development or sale until the intended construction is completed.

**Q.** **Low Impact Development (LID)** – an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

**R.** **Maximum Extent Practicable (MEP)** – the technology-based discharge standard for MS4s to reduce pollutants in stormwater discharges that was established by section 402(p) of the CWA, 33 U.S.C. § 1342. Maximum extent practicable for this permit is detailed in Part II.A.

**S.** **MQL** – minimum quantifiable level.

**T.** **Municipal Separate Storm Sewer System (MS4)** – a Large, Medium, or Small Municipal Separate Storm Sewer System (e.g., "the City of Oklahoma City MS4"). The term is used to refer to either the system operated by a single entity or a group of systems within an area that are operated by multiple entities (.e.g., the Oklahoma City MS4 includes MS4s operated by the City of Oklahoma City, the Oklahoma Turnpike Authority, and the Oklahoma Department of Transportation). The term MS4 is defined at 40 C.F.R. § 122.26(b)(8) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm inlets) that is/are

1. owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the state;
2. designed or used for conveying or collecting stormwater;
3. not a combined sewer; and

4. not part of a Publicly Owned Treatment Works (POTW) as defined at OAC 252:606, adopting and incorporating by reference 40 C.F.R. § 403.3(q).

**V. Point Source --** any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

**W. Pollutant of Concern (POC)** – a pollutant that causes or contributes to a violation of a water quality standard, including a pollutant which is identified as causing an impairment in the latest 303(d) list, a TMDL report, or watershed plan.

**X. Quality Assurance Project Plan (QAPP)** – a document that outlines the procedures that those who conduct a monitoring project will take to ensure that the data they collect and analyze meets project requirements.

**Y. Stabilization** – the process of covering exposed ground surfaces with vegetative or non-vegetative practices that reduce erosion and prevent sediment discharge from occurring.

**Z. Stormwater** – is defined at OAC 252:606-1-3(b)(3)(L) adopting and incorporating by reference 40 C.F.R. § 122.26(b)(13) and means stormwater runoff, snow melt runoff, and surface runoff and drainage.

**AA. Stormwater Management Program (SWMP)** – a comprehensive program to manage the quality of stormwater discharged from the municipal separate storm sewer system. For the purpose of this permit, the Stormwater Management Program is considered a single document, but may actually consist of separate programs (e.g., "chapters") for each co-permittee.

**AB. Total Maximum Daily Load (TMDL)** – the sum of the individual wasteload allocations (WLAs) for point sources, margin of safety, reserves, and load allocations for nonpoint sources and natural background. A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet WQS, and an allocation of that amount to the pollutant's sources.

**AC. Wasteload Allocation (WLA)** – the fraction of the total pollutant load apportioned to all point sources, and includes stormwater discharges regulated as point sources which are identified in the TMDL as WLA_MS4. WLAs establish water quality-based effluent limits for point source discharges.

**AD. Waters of the State** – all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, storm sewers, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through or border upon this state or any portion thereof, and shall include under all circumstances the waters of the United States, which are contained within the boundaries of, flow through or border upon this state or any portion thereof. Provided waste treatment systems, including treatment ponds or lagoons designed to meet federal and state requirements, other than cooling ponds as defined in the Clean Water Act or rules promulgated thereto, and prior converted cropland are not waters of the state (27A O.S. § 1-1-201).

**OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**FACT SHEET**

For the Oklahoma Pollutant Discharge Elimination System (OPDES) Permit No. OKS000101 for the Oklahoma City Municipal Separate Storm Sewer System (MS4) to discharge stormwater to waters of the state.

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**OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**FACT SHEET**

For the Oklahoma Pollutant Discharge Elimination System (OPDES) Permit No. OKS000101 for the Oklahoma City Municipal Separate Storm Sewer System (MS4) to discharge to waters of the state.

## 1. NOTICE OF INTENT TO ISSUE A PERMIT

The Oklahoma Department of Environmental Quality (DEQ) has made a tentative determination to reissue a permit for the discharge of stormwater from the Oklahoma City MS4 described in the application. Permit requirements are based on the Clean Water Act (33 U.S.C. § 1251 *et seq.*), hereinafter referred to as the Act, and OPDES regulations OAC 252:606-1-3(b)(3)(L), adopting and incorporating by reference 40 C.F.R. § 122.26, as amended.

## 2. PERMITTING AUTHORITY

Oklahoma Department of Environmental Quality
P.O. Box 1677
Oklahoma City, OK 73101-1677

## 3. APPLICANT(S)

City of Oklahoma City
420 W. Main Ave.
Oklahoma City, OK 73102

Oklahoma Department of Transportation (ODOT)
200 N.E. 21st Street
Oklahoma City, OK 73105-3204

Oklahoma Turnpike Authority (OTA)
3500 N. Martin Luther King
Oklahoma City, OK 73136-0357

All applicants corporately or individually own or operate portions of the Oklahoma City MS4. The City of Oklahoma City, ODOT, and OTA have been operating under co-permittee status and DEQ wishes to encourage the cooperative efforts of these owners of portions of the Oklahoma City MS4. DEQ will include ODOT and OTA as co-permittees in the final permit provided the City of Oklahoma City, ODOT, and OTA continue the Memorandum of Agreement in principle to be co-permittees.

## 4. DESCRIPTION OF THE MUNICIPAL SEPARATE STORM SEWER SYSTEM

As authorized by section 402(p) of the Act, this permit is being proposed on a system basis. This permit covers all areas located within the corporate boundary of the City of Oklahoma City (hereafter referred to as Oklahoma City) served by, or otherwise contributing to, discharges from the MS4 owned or operated by the applicant(s) listed above.

## 5. DISCHARGES AUTHORIZED BY THIS PERMIT

### a. Stormwater

Except for discharges prohibited under Part 5.c. below, this permit authorizes all existing or new stormwater point source discharges to waters of the state from the MS4.

### b. Non-stormwater

This permit authorizes the discharge of stormwater commingled with flows contributed by process wastewater, non-process wastewater, or Stormwater Associated with Industrial Activity, provided such discharges are authorized under separate OPDES or National Pollutant Discharge Elimination System (NPDES) permits. In addition, certain types of non-stormwater listed in OPDES regulations OAC 252:606-1-3(b)(3)(L), adopting and incorporating by reference 40 C.F.R. § 122.26(d)(2)(iv)(B)(1), are allowable if appropriately addressed in the Stormwater Management Program (SWMP). Specific authorized non-stormwater discharges are described in Part I.B.2 of the permit.

There is a difference between the Act's statutory requirements for discharges from municipal storm sewers and industrial sites:

i. Section 402(p)(3)(B) of the Act requires permits for stormwater discharges from MS4s to effectively prohibit non-stormwater discharges into the MS4 and to require controls to reduce the discharge of pollutants from the MS4 to the Maximum Extent Practicable (MEP).

ii. Section 402(p)(3)(A) of the Act requires permits for stormwater discharges associated with industrial activity to meet all applicable provisions of sections 402 and 1311. Section 1311 requires application of the Best Available Technology Economically Achievable (BAT).

Because of the difference in the statutory requirements, and the fact that the Act does not exempt Stormwater Associated with Industrial Activity from the requirement to obtain a separate OPDES permit, these stormwater discharges cannot be authorized by the MS4 permit. Such discharges require a separate OPDES permit. However, the permittees are responsible for the quality of the combined discharge and have a vested interest in locating uncontrolled and unpermitted illicit and industrial stormwater discharges.

**c. Limitations on Coverage**

i. Discharges mixed with non-stormwater are unauthorized unless such discharges are in compliance with a separate OPDES or NPDES permit,or determined not to be a substantial contributor of pollutants to waters of the state.

ii. Stormwater discharges associated with industrial activity, as defined in 40 C.F.R. § 122.26(b)(14), are unauthorized.

iii. Stormwater discharges associated with construction activity, as defined in 40 C.F.R. § 122.26(b)(15), are unauthorized except as provided in the permit.

iv. Stormwater discharges currently covered under another permit are unauthorized.

v. Discharges exceeding WQS are unauthorized. The SWMP must include a description of all necessary Best Management Practices (BMPs) and other measures that the permittee(s) will be using to ensure that discharges, or future discharges, will not cause, have the reasonable potential to cause, or contribute to an exceedance of WQS. DEQ may require corrective action or an application for an individual permit or alternative general permit if the MS4 is determined to cause, have the reasonable potential to cause, or contribute to an exceedance of WQS.

vi. Discharges not consistent with a TMDL are unauthorized. Discharge of a pollutant into any water for which a TMDL, or watershed plan in lieu of a TMDL, for that pollutant has been either established or approved by DEQ or U.S. Environmental Protection Agency (EPA) is prohibited, unless the discharge is consistent with that TMDL, or watershed plan. Permittee(s) must incorporate into their SWMP any conditions necessary to ensure discharges are consistent with the assumptions and requirements of any such TMDL or watershed plan. For discharges not eligible for coverage under this permit, the permittee(s) must apply for and obtain a separate individual permit or other applicable general OPDES permit.

vii. Discharges of materials resulting from a spill are unauthorized. If discharges from a spill are necessary to prevent imminent threat to human life, personal injury, or severe property damage, the permittees have the responsibility to ensure the party responsible for the spill takes reasonable and prudent measures to minimize the impact of discharges on human health and the environment. These responsibilities may be in the form or a spill prevention and response plan or through implementation and legal enforcement of BMPs.

viii. This permit does not transfer liability for discharging without, or in violation of, an OPDES or NPDES permit from the responsible party of the discharge to the permittee. The requirements in this permit must provide compliance with WQS.

## 6. RECEIVING STREAM SEGMENTS AND DISCHARGE LOCATIONS

The discharges from the Oklahoma City MS4 are into the Canadian River Basin as follows:

| Waterbody Name | Waterbody ID(s) |
|---|---|
| Canadian River | OK520610020010_00, OK520610010010_20 |
| Deep Fork of the Canadian River | OK520710020060_00, OK520710020010_00, OK520710010010_00 |
| North Canadian River | OK520530000010_00, OK520520000250_00, OK520520000210_00, OK520520000010_50, OK52052000010_40, OK520520000010_30, OK520520000010_20, OK520520000010_10 |
| | |
| Hefner Lake | OK620910040200_00 |
| Overholser Lake | OK520520000260_00 |
| Silver Lake | OK620910040190_00, OK620910020240_00? |
| Stanley Draper Lake | OK520810000130_00 |
| Airport Heights Creek | OK520520000350_00 |
| Belle Isle Creek | OK520710020160_00 |
| Bennett Creek | OK520610020050_00 |
| Bluff Creek | OK620910040140_00 |
| Britton Creek | OK520710020070_00 |
| Brock Creek | OK520520000170_00 |
| Campbell Creek | OK520520000230_00 |
| Chapel Hill Creek | OK620910040230_00 |
| Cherry Creek | OK520520000110_00 |
| Chisholm Creek | OK620910040100_10 |
| Cow Creek | OK520610010230_00 |
| Crooked Oak Creek | OK520520000150_00 |
| Crutcho Creek | OK520520000090_00, OK520520000070_10 |
| Deer Creek | OK620910040120_10 |
| Dry Creek | OK620910040150_00 |
| Edmond Creek | OK620910040110_00 |
| Foreman Creek | OK520610020060_00 |
| Hog Creek (thence to Lake Thunderbird) | OK520810000030_00 |
| Kitchen Creek | OK520810000150_00 |
| Lightning Creek | OK520520000160_00 |

| | |
|---|---|
| Lost Creek | OK520610010220_00 |
| Mustang Creek | OK520520000240_00 |
| Nichols Creek | OK520710020150_00 |
| Shell Creek | OK520530000030_00 |
| Silver Creek | OK520520000050_00 |
| Spring Creek | OK620910040170_00 |
| Walnut Creek | OK620910040210_00 |
| West Elm Creek (thence to Lake Thunderbird) | OK520810000140_00 |
| Wynn Creek | OK520710020050_00 |

and the tributaries thereto, in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I - VII of this permit.

**7. EFFECTIVE DATES**

Compliance with permit conditions is required on the effective date of the permit (refer to Section 12 of this Fact Sheet).

**8. PUBLIC NOTICE**

Upon publication of the public notice and this fact sheet, a 30-day public comment period shall begin. During this period, any interested person may submit written comments on the draft permit to the DEQ point of contact listed below. Also, during this period, any person may request a public meeting to clarify issues involved in the permit decision. A request for a public meeting shall be in writing and shall state the nature of the issues proposed to be raised. A public meeting will be held if DEQ determines there is a significant degree of public interest in the draft permit.

**9. POINT OF CONTACT**

For information contact**:**

Cailyn Prather, Administrative Assistant
Municipal Discharge and Stormwater Permits Section
Water Quality Division
Oklahoma Department of Environmental Quality
P.O. Box 1677
Oklahoma City, OK 73101-1677
Phone: (405) 702-8238
E-mail: cailyn.prather@deq.ok.gov

**10. BASIS FOR PERMIT CONDITIONS**

**a. Statutory Basis for Permit Conditions**

The reapplication process for this permit is in accordance with the MS4 Permit Reapplication Policy of May 17, 1996. The conditions established by this permit are based on section 402(p)(3)(B) of the Act, which mandates that a permit for discharges from MS4s must effectively prohibit the discharge of non-stormwater to the MS4; and require controls to reduce pollutants in discharges from the MS4 to the MEP. This includes BMPs, control techniques, system, design and engineering methods, and other such provisions determined to be appropriate. MS4s are not exempt from compliance with WQS. Section 301(b)(1)(C) of the Act requiring

that OPDES permits include limitations, including those necessary to meet WQS, applies. The intent of the permit conditions is to meet the statutory mandate of the Act.

As authorized by OPDES regulations OAC 252:606-1-3(b)(3)(Z), adopting and incorporating by reference 40 C.F.R. § 122.44(k), the permit will be utilizing structural controls, BMPs, and a comprehensive SWMP as the mechanisms to implement the statutory requirements. Section 402(p)(3)(B)(iii) of the Act includes structural controls as a component of the MEP requirement. DEQ has encouraged permittees to explore opportunities for pollution prevention measures, while reserving the more costly structural controls for high priority locations, or where pollution prevention measures are infeasible or ineffective.

**b. Regulatory Basis for Permit Conditions**

As a result of the statutory requirements of the Act, DEQ promulgated OPDES permit application regulations in OAC Title 252, Chapter 606. In addition, OAC 252:606-1-3(b)(3)(L) adopts and incorporates by reference 40 C.F.R. § 122.26 (stormwater discharges). These regulations are described in detail for the permit application requirements for operators of MS4s. The information in the application, the previous permit, and submitted reports were utilized by DEQ to develop the permit conditions and determine the permittee status in relationship to these conditions.

**c. Discharge Requirements**

i. The following requirements apply to discharges from MS4s and were considered in review of the existing SWMP and in preparation of the draft permit. In implementing the SWMP, the permittees are required to meet the following requirements:

(a) No discharge of toxic pollutants in toxic amounts. It is the national policy that the discharge of toxics in toxic amounts be prohibited according to section 101 (a)(3) of the Act. OAC 252:730-5-12(f)(6)(A) states, “Surface waters of the state shall not exhibit acute toxicity and shall not exhibit chronic toxicity outside the chronic regulatory mixing zone.”

(b) No discharge of pollutants in quantities that would cause, have the reasonable potential to cause, or contribute to a violation of state WQS. OAC 252:606-1-3(b)(3)(Z), adopting and incorporating by reference 40 C.F.R. § 122.44(d)(5), requires that OPDES permits “[i]ncorporate any more stringent limitations, treatment standards, or schedule of compliance requirements established under Federal or State law or regulations in accordance with section 301(b)(1)(C) of the Act.” Implementation of the SWMP is reasonably expected to provide for protection of state WQS.

(c) No discharge of floatable debris, oils, scum, foam, or grease in other than trace amounts. Oklahoma WQS (OAC 252:730-5-9) require waters of the state to "...be maintained so as to be essentially free of floating debris, bottom deposits, scum, foam and other materials, including suspended substances of a persistent nature, from other than natural sources."

(d) No discharge of non-stormwater from the municipal separate storm sewer system, except in accordance with Part I.B.2. of the permit. Permits issued to MS4s are specifically required by section 402(p)(3)(B) of the Act to “...include a requirement to effectively prohibit non-stormwater discharges into the storm sewers...” The OPDES regulations OAC 252:606-1-3(b)(3)(L), adopting and incorporating by reference 40 C.F.R. § 122.26(d)(2)(iv)(B)(1), allows the permittee to accept certain non-stormwater discharges, where they have not been identified as significant sources of pollutants. Any discharge subject to its own OPDES or NPDES permit is not subject to the ban on non-stormwater discharges.

(e) No impairment or loss of state-designated beneficial uses of receiving waters as a result of stormwater discharges from the MS4. No degradation of receiving waters as a result of stormwater discharges from the MS4, except as authorized by the state in accordance with the state’s anti-degradation policy (Part I.E.5.). The State of Oklahoma has adopted an anti-degradation policy as part of the WQS in OAC 252:730-3-1 *et seq***.** This Policy requires maintenance of existing in-stream water uses or existing water quality levels where existing water quality exceeds the levels necessary to support propagation

of fish, wildlife, and recreation, in and on, the water**.** The exception is where the state has determined that lowering water quality is necessary to accommodate important economic or social development in the area where the waters are located as well as existing water quality where high quality waters constitute an outstanding natural resource (e.g., waters of national and state parks and wildlife refuges or exceptional recreational or ecological significance), and compliance with section 316 of the Act where potential water quality impairment is associated with a thermal discharge.

(f) Reduction of pollutants to the MEP, detailed in Part II of the permit. MEP is the technology-based discharge standard for MS4s to reduce pollutants in stormwater discharges that was established by section 402(p) of the CWA.

ii. No numeric discharge limitations are proposed at this time. In accordance with OPDES regulations, OAC 252:606-1-3(b)(3)(Z), adopting and incorporating by reference 40 C.F.R. § 122.44(k), DEQ has required a series of BMPs, in the form of a comprehensive SWMP, in lieu of numeric limitations.

## 11. STORMWATER MANAGEMENT PROGRAM

The existing SWMP developed by the permittees shall continue to be implemented and revised as necessary and shall contain program elements for each of the items in Table A. Note: These program elements have been reorganized to ensure they are as consistent as possible and at least as stringent as the requirements for small and medium MS4s in DEQ's OKR04 Small MS4 General Permit.

**Table A - Stormwater Management Program Components/Control Measures**

| Required Program Component/Control Measure | Permit Parts | Applicable subsection(s) of 40 C.F.R. § 122.26 |
|---|---|---|
| Public education and involvement | II.A.1. | (d)(2)(iv)(A)(6), (B)(5), (B)(6), and (D)(4) |
| Employee education | II.A.2. | (d)(2)(iv)(A)(6), (B)(5), (B)(6), and (D)(4) |
| Industrial stormwater runoff control | II.A.3. | (d)(2)(iv)(A)(5) and (C), (B)(4) and (7) |
| Illicit discharges detection and elimination | II.A.4. | (d)(2)(iv)(B)(1) - (7) |
| Spill prevention and response | II.A.4.f. | (d)(2)(iv)(B)(4) |
| Used oil and hazardous materials | II.A.4.g. | (d)(2)(iv)(B)(6) |
| Construction site stormwater runoff control | II.A.5. | (d)(2)(iv)(D) |
| Post-construction management in new development and significant redevelopment | II.A.6. | (d)(2)(iv)(A)(2) and (D) |
| Pollution Prevention/Good Housekeeping for MS4 Operations | II.A.7. | (d)(2)(iv)(A) and (B) |
| Structural controls | II.A.7.d. | (d)(2)(iv)(A)(1) |
| Roadways | II.A.7.e. | (d)(2)(iv)(A)(3) |
| Flood control projects | II.A.7.f. | (d)(2)(iv)(A)(4) |
| PFAS management | II.A.7.h. | (d)(2)(iv)(A) and (B) |
| Pesticides, herbicides, and fertilizers application | II.A.7.i. | (d)(2)(iv)(A)(6) and (C) |
| Monitoring program | II.A.8. | (d)(2)(iii); (iv)(A)(5), (B)(2), (C)(2) |

DEQ regulations found in OAC 252:606-1-3(b)(3)(L), adopting and incorporating by reference 40 C.F.R. § 122.26(d)(2)(iv), authorize separate proposed programs for co-permittees, and imposition of controls for different areas of the MS4 on a watershed, jurisdiction, or individual outfall basis. Due to differences in climate, topography, historical development patterns, legal authority, sensitivity of receiving waters, and many other factors, DEQ believes some flexibility in prioritizing the scope and timing of individual program elements must be afforded the permittee(s). The standard of reducing the pollutants to the MEP is therefore applied to the SWMP rather than to each individual program element. DEQ believes this approach is in accordance with section 402(p)(3)(B) of the Act and the intent of Congress. For the purposes of this document, the SWMP is considered a single document attached to the permit with each permittee's individual SWMP constituting a "chapter." All references to SWMP refer to this single "combined" document.

The following summarizes the SWMP components/control measures submitted by the permittee(s) to satisfy permit requirements.

**a. Public Education and Involvement**

A public education program shall continue to be implemented and revised as necessary, including the following elements (including elements that have been consolidated from other program areas):

i. Promote, publicize, and facilitate implementation and maintenance of BMPs such as minimizing exposure, good housekeeping, preventive maintenance, spill preventions and response, and erosion and sediment controls at industrial facilities;

ii. Promote, publicize, and facilitate public education on the hazards associated with illicit discharges and improper disposal of waste, as well as public reporting of the presence of illicit discharges or improper disposal of materials, including floatables, into the MS4, or water quality impacts associated with discharges from the MS4;

iii. Promote, publicize, and facilitate implementation and maintenance of erosion and sediment controls at construction sites;

iv. Promote, publicize, and facilitate an education program to make developers and the public aware of project designs that minimize water quality impacts, including Low Impact Development (LID) strategies;

v. Promote, publicize, and facilitate the proper management and disposal of used oil and toxic materials, including motor vehicle fluids and household hazardous wastes, and publicize a list of recyclers of household hazardous wastes, used motor oils, and tire disposal facilities;

vi. Promote, publicize, and facilitate the proper use, application, and disposal of pesticides, herbicides, and fertilizers by the public and commercial and private applicators and distributors;

vii. Promote, publicize, and facilitate opportunities for public involvement and participation in the implementation of the SWMP, including opportunities for public participation in updating the SWMP. This shall include a process by which public comments on the SWMP are received and reviewed by the person(s) responsible for the SWMP. Permittees must comply with state and local public notice requirements when implementing their program; and

viii. Assess changes in public awareness and behavior resulting from implementation of the program using mechanisms such as surveys, direct evaluations, interviews, or other mechanisms the permittee determines appropriate. Adjust educational materials and delivery of such materials as necessary to address any shortcomings found as a result of this assessment.

Oklahoma City shall continue a series of public education activities that include general awareness of stormwater quality; car washing and auto maintenance; proper use and storage of herbicides, pesticides, fertilizers, etc.; compliance with local development and construction site controls; illicit discharges and improper disposal (including a stormwater hotline); and requirements of the Stormwater Management Program. Oklahoma City anticipates using public meetings, brochures, public access TV, classroom

instruction materials, etc., as part of the public education program. ODOT and OTA shall be expected to cooperate in these efforts.

Implementation of a public education program on illicit discharge detection and elimination, including improper disposal is required. Oklahoma City and any co-permittees are required to submit a list of non-stormwater discharges that are allowed or not allowed to discharge to the MS4 and reasons for these determinations.

Oklahoma City also implemented a public education program aimed at proper management and disposal of household hazardous waste and used motor fluids. Semi-annually, Oklahoma City will be holding collection events for household hazardous wastes. It has been providing and shall continue to provide a program and facility that includes opportunities for the public to drop off certain materials on a daily basis.

Oklahoma City has begun education efforts aimed at both city personnel and the regulated community. A formalized construction site runoff pollution prevention program, including permitting of construction sites and operators, is in place. Any updated program shall be reported in the annual report.

In addition, a public education program was developed to increase public awareness on the impacts of improper storage and use of herbicides, pesticides, and fertilizers. The permit requires permittees to implement annual training and education of employees on herbicide, pesticide, and fertilizer use. The use, storage, disposal, and transportation of herbicides, pesticides, and fertilizers, and their containers must comply with the regulations of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. § 136 *et seq.*), and 40 C.F.R. Parts 150-189.

Oklahoma City, ODOT, and OTA shall continue to create public volunteer stewardship opportunities and events and/or partner with existing organizations to encourage residents to participate in stormwater-related activities such as stream cleanups, adopt-a-street, stream teams, storm inlet marking, volunteer monitoring, riparian planting, and other education activities. Examples include Oklahoma City's Adopt-a-City Street and Waterway Clean Sweep Programs.,

**b. Employee Education**

Oklahoma City, ODOT, and OTA shall continue to implement and revise as necessary a program to educate appropriate employees on internal policies and procedures, including education for engineers, specialists, and inspectors on the rules and regulations for permit compliance and other municipal ordinances/agency policies. A program to educate contractors responsible for herbicide, pesticide, and fertilizer application, landscape specialists and other lawn care providers specifically on the proper use of chemicals, disposal thereof and spill prevention procedures shall also be implemented.

**c. Industrial Stormwater Runoff Control**

A program to identify and control pollutants in stormwater discharges to the MS4 from municipal landfills; other treatment, storage, or disposal facilities for municipal waste (e.g. transfer stations, incinerators, etc.); hazardous waste treatment, storage, disposal and recovery facilities and facilities that are subject to section 313 of the Emergency Planning and Community Right-to-know Act (EPCRA) (Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986), and "Toxic Chemical Release Reporting: Community Right-to-Know," 40 C.F.R. Part 372; and any other industrial or commercial discharge the permittee determines are contributing a substantial pollutant loading to the MS4 shall be implemented. The program shall include inspections, a monitoring program (described in Part II.A.8.c. of the permit), and a list of industrial stormwater sources discharging to the MS4 that shall be maintained and updated, as necessary.

Oklahoma City has implemented a stormwater permitting program for high-risk runoff, complete with enforcement and inspection programs. ODOT and OTA are not expected to have any high-risk facilities discharging into their storm sewers that are not addressed under the Oklahoma City program.

**d. Illicit Discharges Detection and Elimination**

An ongoing program to detect and eliminate illicit discharges and improper disposal into the MS4 is required. Non-stormwater discharges shall be effectively prohibited. However, the permittee may allow certain non-stormwater discharges as listed in 40 C.F.R. § 122.26(d)(2)(iv)(B)(1) and Part II.A.4. of the permit. The SWMP shall identify any allowed non-stormwater discharges, along with any conditions placed on such discharges.

Each permittee shall prevent (or require the operator of the sanitary sewer to eliminate) unpermitted discharges of dry and wet weather overflows and the infiltration of seepage from sanitary sewers into the MS4.

Oklahoma City currently implements a program for maintenance of the sanitary sewer system. Oklahoma City is required to include a program for limiting seepage from sanitary sewers into separate storm sewers. Neither OTA nor ODOT operate any sanitary sewers.

The discharge of floatables (e.g., litter and other human generated solid refuse) into the MS4 shall be reduced. The permit requires permittees to implement a floatables control education program.

The discharge or disposal of used motor vehicle fluids, household hazardous wastes, grass clippings, leaf litter, and animal wastes into the MS4 shall be prohibited. The permittees shall ensure the implementation of programs to collect used motor vehicle fluids (at a minimum, oil and antifreeze) for recycle, reuse, or proper disposal and to collect household hazardous waste materials (including paint, solvents, pesticides, herbicides, and other hazardous materials) for recycle, reuse, or proper disposal.

ODOT and OTA address used motor vehicle fluids at their vehicle maintenance yards. It is not anticipated that OTA and ODOT would participate in public education on household hazardous waste, but would serve in more of a support capacity (e.g., traffic control, signs, public service announcements, other contributions of resources, etc.) for collection events.

A program to locate and eliminate illicit discharges and improper disposal into the MS4 shall continue to be implemented and revised, as necessary. This program shall include dry weather screening activities to locate portions of the MS4 with suspected illicit discharges and improper disposal. Follow-up activities to eliminate illicit discharges and improper disposal may be prioritized on the basis of the magnitude and nature of the suspected discharge, sensitivity of the receiving water, and/or other relevant factors. This program shall establish schedules for dry-weather screening (described in Parts II.A.4.c. and II.A.8.a. of the permit) of at least one (1) time per year at high-priority areas; at least 40% of MS4 outfalls in other areas at least one (1) time per year; and all MS4 outfalls at least two (2) times during the permit term. Facility inspections may be carried out in conjunction with other permittee programs (e.g., pretreatment inspections of industrial users, health inspections, fire inspections, etc.), but must include random inspections for facilities not normally visited by the permittee.

Each permittee shall continue to conduct an on-going system-wide dry weather screening program for the MS4. ODOT and OTA are included in this program.

Each permittee shall require the elimination of illicit discharges as soon as possible and the immediate ending of improper disposal practices upon identification of responsible parties. Where elimination of an illicit discharge within thirty (30) days is not possible, the permittee(s) shall require an expeditious schedule for removal of the discharge. In the interim, the permittee(s) shall require the operator of the illicit discharge to take all reasonable and prudent measures to minimize the discharge of pollutants to the MS4.

**e. Spill Prevention and Response**

A program to prevent, contain, and respond to spills that may discharge into the MS4 shall continue to be implemented and revised, as necessary. The spill response program may include a combination of spill response actions by the permittees (and/or another public or private entity), and legal requirements for private entities within the permittee(s)' jurisdiction.

Oklahoma City currently implements a spill response program as part of general public protection. ODOT and OTA also participate in spill response on their roadway rights-of-way. The permit requires incorporation of spill response procedures as part of the SWMP under the Illicit Discharge and Improper Disposal program, which will reduce materials discharging into the MS4.

**f. Construction Site Stormwater Runoff**

A program to reduce the discharge of pollutants from construction sites shall continue to be implemented and revised, as necessary. This program shall include requirements for the use and maintenance of appropriate structural and non-structural control measures to reduce pollutants discharged to the MS4 from construction sites; inspection of construction sites and enforcement of control measures requirements; appropriate education and training measures for construction site operators; and notification of appropriate building permit applicants of their potential responsibilities under the OPDES permitting program for construction site runoff.

OTA and ODOT are already subject to stormwater permitting requirements for construction sites. Incorporation of a comprehensive program for controlling and reducing sediment and runoff from roadway projects during construction should follow the same schedule/process proposed for Oklahoma City.

Oklahoma City shall be authorized by this permit to discharge stormwater and certain non-stormwater from municipal construction activities where Oklahoma City is the construction site operator. This provision does not apply to OTA or ODOT, who are co-permittees. Oklahoma City shall include appropriate requirements associated with municipal construction activity in the SWMP and maintain compliance with the terms and conditions of the most recent OKR10 general permit for stormwater discharges from construction activities, excluding NOI, NOT, and permit fee submittal requirements. The SWMP shall be updated to include

i. a description of how construction activities will generally be conducted by Oklahoma City, including local conditions and other site-specific considerations;

ii. a description of how Oklahoma City will implement the narrative and numeric effluent limitations to comply with Part 4 of the latest OKR10 permit; and

iii. a description of how Oklahoma City will ensure that the Stormwater Pollution Prevention Plan (SWP3) requirements are properly implemented and maintained at construction sites; or how Oklahoma City will ensure that contractors obtain separate authorization under the latest OKR10 general permit from DEQ for stormwater discharges for each project; and conditions and procedures to include site-specific BMPs to account for local considerations.

**g. Post-Construction Management for New Development and Redevelopment**

Permittee(s) shall continue to implement, revise, and enforce a comprehensive master planning process (or equivalent) to minimize the discharge of silt, scrap, trash, and other pollutants from areas of new development and significant redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, after construction is completed.

Oklahoma City shall incorporate LID and other green design strategies into existing ordinances regulating development. The policy described in the SWMP includes reliance on existing ordinances and policies for permitting development and construction. Oklahoma City has established a master plan for development. Oklahoma City has promoted LID and other green design strategies as effective BMPs to minimize the impact of urban runoff discharges from those areas on the receiving streams. Oklahoma City shall create and implement an LID design criteria manual and educate building inspectors and the regulated community on current and future local requirements.

**h. Pollutant Prevention/Good Housekeeping for MS4 Operations**

Permittee(s) shall continue to implement, update, and enforce an operation and maintenance program that includes a training component and has the goal of preventing or reducing pollutant runoff from MS4 operations such as streets, roads, highways, parking lots, maintenance and storage yards, fueling areas, bulk

fuel receiving areas, waste transfer stations, fleet or maintenance shops, salt/sand storage locations, and snow disposal areas.

**i. Structural and Non-structural Controls and Stormwater Collection System Operation**

The MS4 and any stormwater structural and non-structural controls shall be operated and maintained in a manner to ensure that the discharge of pollutants is reduced to the MEP.

Oklahoma City will maintain and inspect the structural controls within the MS4 that it owns or operates**.** Permittee(s) will update the SWMP to include operations and maintenance procedures for stormwater structural and non-structural controls, as needed.

**j. Roadways**

Public streets, roads, and highways shall be operated and maintained in a manner to minimize discharge of pollutants, including those pollutants related to deicing or sanding activities and curb inlet cleaning.

The permittee(s) may have contracts with private contractors for the operation and maintenance of public roadways. These contracts must be reviewed to see that they include appropriate provisions to ensure compliance with the SWMP and the permit. The current program includes, among other things, sweeping of streets for the removal of trash and sediment and a litter and debris removal program. The Oklahoma City Public Education Program will include elements for litter prevention.

**k. Flood Control Projects**

Impacts on receiving water quality shall be assessed for all new flood control projects. The feasibility of retrofitting existing structural flood control devices to provide additional pollutant removal from stormwater shall also be evaluated.

Permittees are required to prepare criteria to assure that flood control projects are assessed for the projects' impact on water quality and evaluate existing flood control devices to determine if retrofitting is feasible. The Flood Control Program is already part of the SWMP and is being implemented. A list of flood management projects and how each project assessed the impact on water quality must be included in the annual report.

**l. PFAS Management**

Permittee(s) shall implement measures to minimize discharges of PFAS during emergency firefighting activities and post-emergency activities, including clean-up. Protocols shall be established for minimizing the resuspension, conveyance, and discharge of PFAS in the MS4, both during normal operations and during all maintenance and remediation activities. These activities shall be documented in the SWMP and a summary shall be included in the annual report.

**m. Pesticide, Herbicide, and Fertilizer Application**

Permittee(s) shall implement controls to reduce the discharge of pollutants related to the storage and application of pesticides, herbicides, and fertilizers applied by the permittee(s)' employees or contractors.

**n. Monitoring Programs**

The following monitoring programs shall be implemented (see Part IV of the permit for a description of additional monitoring requirements).

i. *Dry Weather Field Screening Program*. As discussed above under illicit discharges and improper disposal**,** **t**he permittee(s) shall screen high-priority areas at least one (1) time per year, at least 40% of MS4 outfalls in other areas at least one (1) time per year; and all MS4 outfalls at least two (2) times during the permit term.

ii. *Watershed Characterization Program*. Oklahoma City proposes to conduct in-stream monitoring at 15 locations within selected representative drainages within Oklahoma City corporate boundaries. The watershed characterization projects will provide a comprehensive assessment of the appropriateness of the

identified BMPs, progress toward achieving the statutory goal of reducing the discharge of pollutants to the MEP, and progress toward achieving the measurable goals for each control measure.

(a) Permittee(s) shall continue to identify, investigate, and address areas within their jurisdiction that may contribute excessive levels of pollutants to the MS4. An analytical monitoring program shall be conducted within the five-year term of the permit. Oklahoma City has proposed to replace the existing wet weather monitoring program with a trend and load-based monitoring program The trend and load-based monitoring program will provide long-term stream quality information that will assist the permittee to determine if programmatic changes are creating any measurable changes within the drainages monitored. This program is intended to bring the monitoring efforts to a level that active and future TMDLs will require for assessment of pollutant loading. The program considers all hydrologic conditions through flow-paced sampling efforts. This program will be instituted in representative drainages throughout Oklahoma City. Select parameters will be monitored continuously. Flow-weighted samples shall be collected at a frequency necessary to meet appropriate holding times and analytical procedures shall be in accordance with 40 C.F.R. Part 136. Oklahoma City will use automatic samplers, sondes, and flow sensors to collect continuous flow-weighted samples and calculate discharge. Duration of the sampling event, total discharge, total rainfall, and consistent concentrations will be recorded for each sampling event. Oklahoma City has selected total suspended solids, total nitrogen, and total phosphorus as the "primary parameters" to continuously monitor. Other parameters termed "secondary parameters" may be added if supporting data is required. The capital investment and station development will take several years to bring the anticipated 15 stations to active status, as laid out in the schedule in Part III.A.5.a - d.

(b) Analytical monitoring requirements, including parameters sampled and types of samples, are listed in Part IV of the permit. Aquatic habitat surveys and biological monitoring, including benthic macro-invertebrate and fish collections, shall be conducted according to the requirements specified in Parts II.A.8.b.ii., II.A.9.8.b., and IV.A.2. of the permit for at least 15 in-stream locations that are representative location and continuously support valid biological communities.

iii. *Industrial Stormwater Runoff Control Program*. Oklahoma City shall continue an Industrial and High-Risk Runoff Monitoring Program. The program will be reviewed annually, revised as necessary, and reported in the annual report.

## 12. STORMWATER MANAGEMENT PROGRAM COMPLIANCE

Compliance with Part II.A. of the permit shall be accomplished by the implementation of and compliance with the described activities of the various elements of the permittee(s)' SWMP. Permittee(s) must fully implement the SWMP beginning on the effective date of the permit. All the required support and initiation procedures for the program elements shall be established and the elements' activities performed as described and scheduled.

## 13. ROLES AND RESPONSIBILITIES OF PERMITTEES

OAC 252:606-1-3(b)(3)(L), adopting and incorporating by reference 40 C.F.R. § 122.26(d)(2)(vii), requires permittees to describe the roles and responsibilities of each entity applying for the permit to ensure effective coordination. Interagency Agreements are how the permittees propose to implement the SWMP and monitoring program. Each of the permittees plans to implement their individual programs on the portion of the system that they own and operate. Permittees are accountable for understanding their roles and responsibilities regarding permit conditions.

## 14. PERMITTEES' LEGAL AUTHORITY

Each permittee is required to continue to maintain the legal authority necessary to control discharges to and from those portions of the MS4 over which it has jurisdiction and to successfully implement, enforce, and complete the various activities described in the permit and SWMP. Oklahoma City, ODOT, and OTA stated in the application that adequate legal authority exists or is being sought for controlling the contribution of pollutants to, and quality of, stormwater from industrial sites contributing to the storm sewer system; prohibiting illicit discharges to the storm sewer system; controlling spills, dumping, or improper disposal to the storm sewer system; controlling the

contribution of pollutants from one portion of the storm sewer system to the other; requiring compliance with ordinances; and performing site inspections and monitoring.

## 15. PERMITTEES' RESOURCES

Part II.E. of the permit requires each permittee to provide adequate support capabilities to implement its activities under the SWMP. Compliance with Part II.E. will be demonstrated by the permittee(s)' ability to fully implement the SWMP, monitoring programs, and other permit requirements. The permit does not require specific funding or staffing levels, thus providing the permittees the ability and incentive to adopt the most efficient and cost-effective methods to comply with permit requirements.

## 16. TYPES AND QUANTITY OF POLLUTANT PARAMETERS DISCHARGED

The permittee(s) have established a watershed characterization program, which consists of analytical and biological monitoring components. Monitoring locations will be selected to provide comprehensive data for select parameters in at least 15 representative locations within Oklahoma City corporate boundaries. Parameters sampled include total suspended solids, total nitrogen, and total phosphorus as primary parameters, and additional secondary parameters if supporting data is required. DEQ reviewed existing monitoring information during the permitting process. Monitoring data was intended to be used by the permittees to assist in their determination of appropriate stormwater management practices. DEQ used the data to review the application and to determine pollutants of concern discharging from the MS4 that should be monitored during the permit term. The permit requires characterizing discharges from areas of new development or significant redevelopment and demonstrating that LID and other green designs would result in a substantial cost savings while adequately protecting the water quality and reducing discharge pollutants and volume.

### a. 303(d) List of Impaired Waters

The Oklahoma City Storm Sewer System discharges into various waterbodies that are listed on the latest Oklahoma List of Impaired Waters, or 303(d) list. This list of waterbodies is updated biennially and contains information regarding the reason, or cause, for the impairment.

The Oklahoma City MS4 permit contains conditions that are sufficient to prevent further impairment of these 303(d)-listed waterbodies.

If the permittee(s) discharge to waters identified on the latest CWA section 303(d) list of impaired waters, the permittee(s) must implement and maintain all necessary BMPs that will ensure that the impairment caused by the identified pollutants of concern (POCs) in the permittee(s)' receiving waters will not cause, have the reasonable potential to cause, or contribute to an in-stream exceedance of WQS. The permittee(s) must continue to provide the following when revising the SWMP:

i. A plan that lists the BMPs the permittee(s) have implemented or will implement to reduce the POCs. The plan must describe how the permittee(s) expect the selected controls to reduce the POCs;

ii. Outreach programs that are directed toward targeted groups of commercial, industrial, and institutional entities likely to have significant stormwater impacts on the permittee(s)' impaired water(s);

iii. Identification of, and proposed controls for, any non-stormwater discharges that contribute significant pollutants to the permittee(s)' impaired water(s);

iv. Identification and location of those areas likely to have illicit discharges. The permittee(s) must conduct inspections based on the priority areas in the watershed of the impaired water(s);

v. Operation and maintenance procedures for any structural and non-structural stormwater controls to reduce pollutants discharged into the impaired water(s);

vi. A list of flood management projects and how each project assessed the impacts on water quality. The permittee(s) must ensure that new flood management projects assess the impacts on water quality and examine existing projects to determine if incorporating additional water quality protection devices and practices are necessary;

vii. BMPs chosen from EPA's menu or others that can be used for managing the identified pollutants in the permittee(s)' discharges. Information on such BMPs can be found on EPA's website; and

viii. If the POC is bacteria, a list of identified BMPs addressing the areas below, as applicable, in the SWMP and appropriate implementation. The permittee(s) must include these BMPs under each associated control measure or activity under Part II.A. BMPs must address the sanitary sewer system, on-site sewage facilities, illicit discharges and dumping, animal sources, and residential education programs.

**b. Established TMDL Allocations**

Discharge of a pollutant into any water for which a TMDL or watershed plan in lieu of a TMDL for that pollutant has been either established or approved by DEQ or EPA is prohibited unless the discharge is consistent with that TMDL or watershed plan. Where a TMDL or watershed plan in lieu of a TMDL is established for receiving waters within the MS4, the permittee(s) will be required to incorporate any wasteload allocations (WLAs), as well as any other TMDL limitations, conditions, monitoring, and other requirements applicable to the permittee(s)' discharges into the SWMP. The permittee(s) will also be required to develop a TMDL Pollutant Reduction Plan for the pollutants identified in the TMDL and a TMDL Pollutant Monitoring Program (either a coordinated regional plan or an individual plan) designed to establish the effectiveness of the BMPs and demonstrate progress toward achieving the reduction goals of the TMDL and eventual attainment of WQS.

Although discharges of pollutants into the water quality-limited receiving waters are authorized by this permit, the permittees must develop and implement their TMDL pollutant reduction and monitoring plans within any timeframes established in the TMDL. These expected pollutant reductions allow DEQ to authorize such discharges from the MS4 without causing adverse impacts to water quality-limited receiving waters. The permit also requires permittees to document the monitoring and reporting of the discharges to ensure compliance with the TMDL.

## 17. MONITORING AND REPORTING

**a. Reports Required**

Permittees are required by OAC 252:606-1-3(b)(3)(X), adopting and incorporating by reference 40 C.F.R. § 122.42(c)(1), to contribute to the preparation of an annual system-wide report including the status of implementing the SWMP and status of compliance with any schedules established under the permit. The annual report must include proposed changes to the SWMP; revisions, if necessary, to the assessment of controls and the fiscal analysis reported in the permit application; a summary of the data, including monitoring data, which is accumulated throughout the reporting year; annual expenditures and the budget for the following year; a summary describing the number and nature of enforcement actions, inspections, and public education programs; and identification of any water quality improvements or degradation.

The permittees are required to perform annual evaluations on the effectiveness of the SWMP, and institute or propose revisions necessary to meet the overall permit standard of reducing the discharge of pollutants to the MEP. In order to allow the orderly collection of budgetary and monitoring data, it was determined to allow the annual report submittal date to relate to the permittees' annual fiscal year and monitoring seasons. Oklahoma City's fiscal year runs from January 1st to December 31st; the annual report is due each April 15th. Copies of these reports shall be available to the public.

**b. Monitoring**

The permittees are required by OAC 252:606-1-3(b)(3)(L), adopting and incorporating by reference 40 C.F.R. §§ 122.26(d)(2)(iii)(C) and (D) to monitor the MS4 to provide data necessary to assess the effectiveness and adequacy of SWMP control measures; and identify water quality improvements or degradation. The permittees are responsible for conducting any additional monitoring necessary to accurately characterize the quality and quantity of pollutants discharged from the MS4.

Due to the variability of stormwater discharges, the cost of the monitoring program needs to be balanced with the monitoring objectives and the more important goal of implementing controls that will directly affect the quality of the stormwater discharged. The permit requires three types of monitoring: Dry Weather Field Screening, Watershed Characterization, and Floatables Monitoring.

i. *Dry Weather Field Screening Monitoring*. Permittees shall continue ongoing efforts to detect and remove any illicit connections and improper discharges to the MS4. Permittees shall conduct field screening at the frequencies specified under 11.d above. At minimum, a field screening analysis shall include a narrative description of visual observations made during a dry weather period. For such samples, a narrative description of the color, odor, turbidity, the presence of oil sheen or surface scum, as well as any other relevant observations regarding the potential presence of non-stormwater discharges or illegal dumping shall be provided.

ii. *Watershed Characterization Monitoring*. Permittees are required to use this watershed monitoring to characterize the physical, chemical, and biological properties of the receiving waters.

(a) Analytical Monitoring conducted under the trend and load-based monitoring program will provide information on the water quality of receiving streams from the MS4, and a mechanism to evaluate reductions in pollutants discharged from the MS4. Results from the monitoring program will be submitted annually. The permittees are required to monitor for the following parameters throughout the permit term**:**

| PARAMETERS | | REPORT FOR EACH MONITORING PERIOD (each sample type) | | | SAMPLE TYPE(S) |
|---|---|---|---|---|---|
| | *Priority | No. Samples | Total Discharge | Annual Load | |
| Discharge/Flow (cfs) | Primary | N/A | Yes | N/A | Continuous |
| Five-Day Biochemical Oxygen Demand ($BOD_5$) (mg/L) | Secondary | * | * | * | Composite |
| Chemical Oxygen Demand (COD) (mg/L) | Secondary | * | * | * | Composite |
| Oil and Grease (mg/L) | Secondary | * | * | * | Grab |
| Total Suspended Solids (TSS) (mg/L) | Primary | Yes | Yes | Yes | Composite |
| Total Dissolved Solids (TDS) (mg/L) | Secondary | * | * | * | Composite |
| Total Nitrogen (mg/L) | Primary | Yes | Yes | Yes | Composite |
| Total Kjeldahl Nitrogen (TKN) (mg/L) | Secondary | * | * | * | Composite |
| Total Phosphorus (mg/L) | Primary | Yes | Yes | Yes | Composite |
| Dissolved Phosphorus (mg/L) | Secondary | * | * | * | Composite |
| Total Cadmium (ug/L) (MQL 1 µg/L)[1] | Secondary | * | * | * | Composite |
| Total Copper (ug/L) (MQL 1 µg/L)[1] | Secondary | * | * | * | Composite |
| Total Lead (ug/L) (MQL 0.5 µg/L)[1] | Secondary | * | * | * | Composite |
| Total Mercury (ug/L) (MQL 0.05 µg/L) [1] | Secondary | * | * | * | Composite |
| Total Thallium (ug/L) (MQL 0.5 µg/L) [1] | Secondary | * | * | * | Composite |
| Total Zinc (ug/l) (MQL 20 µg/L)[1] | Secondary | * | * | * | Composite |
| *E. coli* (colonies/100 mL) | Secondary | * | * | * | Grab |
| pH (S.U.) | Secondary | * | * | * | Grab |
| Hardness (as $CaCO_3$) (mg/L) | Secondary | * | * | * | Composite |
| Turbidity (NTU) | Secondary | * | * | * | Composite |

| PARAMETERS | | REPORT FOR EACH MONITORING PERIOD (each sample type) | | | SAMPLE TYPE(S) |
|---|---|---|---|---|---|
| | *Priority | No. Samples | Total Discharge | Annual Load | |
| Specific Conductance (µS/cm) | Secondary | * | * | * | Composite |
| Temperature (°C) | Secondary | * | * | * | Composite |
| Dissolved Oxygen (mg/L) | Secondary | * | * | * | Grab |

* Primary parameters are selected for long-term continuous monitoring as the key constituents for determining annual loading and trends. Secondary parameters may be added as needed to support additional monitoring needs.

1. If any individual analytical test result is less than the minimum quantification level (MQL) listed for that parameter, then a value of zero may be used for that test result for the calculation and reporting requirements.

DEQ has established the above permit parameter monitoring requirements based on the information available regarding stormwater discharges and potential impacts of these discharges. The basic parameter list allows satisfaction of the regulatory requirement of OAC 252:606-1-3(b)(3)(L), adopting and incorporating by reference 40 C.F.R. § 122.26(d)(2)(iii)(A)(4).

(b) Biological Monitoring shall be conducted at least once per permit year within identified watersheds. Permittees shall obtain all necessary aquatic wildlife collection permits from appropriate federal and/or state agencies. Permittees shall follow the procedures contained in Oklahoma's Standardized Bioassessment Protocol while conducting these collections (habitat, benthic macro-invertebrate, and fish).

iii. *Floatables Monitoring*. Installation of five floatables monitoring stations shall be accomplished to investigate trends in water quality issues related to manmade debris and floatables. The comparison of yearly monitoring results should allow the permittees and DEQ to assess the impact of the SWMP elements as they relate to the reduction and elimination of floatables discharged from the MS4.

## 18. PERMIT MODIFICATIONS

### a. Re-opener Clause

DEQ may reopen and require modifications to the permit (including the SWMP) based on

i. changes in the state's Water Quality Management Plan and state or federal requirements,

ii. adding permittees,

iii. SWMP changes impacting compliance with permit requirements,

iv. additional stormwater controls identified in a TMDL that may be necessary to maintain applicable WQS, and/or

v. other modifications deemed necessary by DEQ to adhere to the requirements of the Clean Water Act.

These modification shall comply with OAC 252.606-1-3(b)(3)(HH), adopting and incorporating by reference 40 C.F.R. § 122.63, which states, "Upon the consent of the permittee, the Director may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section, without following the procedures of part 124. Any permit modification not processed as a minor modification under this section must be made for cause and with part 124 draft permit and public notice as required in § 122.62."

### b. Other Changes

The SWMP is a document prepared by the permittee(s) to address the regulatory requirements for large MS4s. The document is intended as a functioning mechanism for the permittee(s)' use. Therefore, changes and adjustments to the various SWMP elements are expected and desired. Incorporating this form of document into an OPDES permit has some inherent conflicts. The regulatory rules concerning permit changes and modifications do not easily translate to the changes that will need to occur to the various elements during the permit term. The changes may be necessary to more successfully adhere to the true intent of the permit to reduce pollutants to the MEP. DEQ has determined that these shall not be considered permit modifications as defined in the regulations. The permit must address the incorporation of the SWMP, multiple entities as permittees, and the permit covering an entire municipality subject to changes in boundaries and responsibilities. DEQ has attempted to develop permit language to clarify the permit requirements concerning possible changes to the SWMP, permittee(s)' status, and other changes inherently caused by these issues.

i. *Modifying an Existing Phase I Permit*. The process to cover additional co-permittees may occur with negotiated agreements of Phase II MS4 communities.

ii. *New or Terminated Permittees*. The process to cover any new permittee(s) under the permit will require a modification to the permit pursuant to OAC 252:606-1-3(b)(3)(GG), (HH), or OAC 252.606-1-3(b)(4)(D) adopting and incorporating by reference 40 C.F.R. §§ 122.62, 122.63 and 124.5. The process for

terminating coverage for an existing permittee shall adhere to the regulations OAC 252:606-1-3(b)(3)(II) adopting and incorporating by reference 40 C.F.R. § 122.64. A notice to terminate will be issued in accordance with permit procedures.

iii. *SWMP Changes*. Part II.F. of the permit describes the procedures for the permittee(s) to perform updates to the SWMP, including BMP replacement and updates required by DEQ. This section in no way implies that the permittee(s) are allowed to impact or change elements that directly related to permit conditions for the SWMP.

iv. *Additions*. It is the intent of DEQ to allow the permittees to annex lands and accept the transfer of operational authority over portions of the MS4 without mandating a permit modification. Implementation of appropriate SWMP elements for these additions (annexed land or transferred authority) is required within 90 days of a transfer of ownership, operational authority, or responsibility.

## 19. CONSIDERATIONS UNDER FEDERAL LAW

The discharges that are being controlled by the terms and conditions of this permit are the result of natural precipitation, and as such would continue to be discharged regardless of DEQ action represented here. The terms of this permit require that the permittees minimize or reduce to the MEP, pollutants in stormwater runoff.

DEQ has made a tentative determination that issuance of this permit will not adversely affect any listed endangered or threatened species, and/or their critical habitat.

RESPONSE TO COMMENTS
AND FINAL PERMIT DECISION

This is the Department's response to comments received on the subject draft permit and final permit decision in accordance with regulations promulgated at 40 CFR Part 124.17.

| | |
|---|---|
| OPDES Permit Number: | OKS000101 City of Oklahoma City Municipal Separate Storm Sewer System (MS4) Permit |
| Issuing Office: | Oklahoma Department of Environmental Quality (DEQ)<br>Water Quality Division (WQD)<br>P.O. Box 1677 Oklahoma City, OK 73101-1677 |
| Prepared By: | Michael B. Moe, P.E., Manager<br>Municipal Discharge and Stormwater Permits Section<br>Water Quality Division |
| Date Prepared: | December 29, 2023 |
| Permit Action: | Response to comments received on the proposed permit publicly noticed on October 20, 2023, by DEQ, and by the City of Oklahoma City on October 24, 2023; and final permit decision to reissue OPDES Permit No. OKS000201. |

FINAL PERMIT DECISION

The City of Oklahoma City published a notice in the *Journal-Record*, a daily newspaper, on October 24, 2023, regarding the draft Permit No. OKS000101 for the City of Oklahoma City Municipal Separate Storm Sewer System (MS4) Permit, pursuant to the Oklahoma Pollutant Discharge Elimination System (OPDES) Act, Title 27A Oklahoma Statutes (O.S.) § 2-6-201, et seq., the Oklahoma Administrative Code (OAC) 252:606, and the policies and procedures of DEQ. DEQ also published notice on DEQ's website at https://www.deq.ok.gov/permits-for-public-review/ on October 20, 2023. The public review period ended at 4:30 p.m. on November 23, 2023. During the public review period, DEQ received written comments concerning the draft permit, as detailed below.

DEQ reviewed the comments, prepared the following responses, and made changes in the final permit as listed below. DEQ's response to comments document was sent to all persons/entities who submitted comments during the public review period. The final permit will become effective on May 1, 2024. This will be DEQ's final permit decision.

CHANGES FROM DRAFT PERMIT AS A RESULT OF PUBLIC COMMENTS

1. Table I-1 Existing Approved TMDLs Affected by Permittee(s)' Stormwater Discharges: A footnote has been added to clarify that, for stream segments where the Total Maximum Daily Loads (TMDLs) have established Wasteload Allocations (WLAs) and required percent reductions in terms of fecal coliform, those WLAs and required percent reductions shall be applied to *E. coli* or enterococcus until such time as new TMDLs are approved or established. In addition, the Airport Heights Creek (OK520510000350_00) stream segment has been deleted, since it was studied and determined to not be impaired for bacteria and thus to not require a TMDL to be developed.

2. Part 2.9.1.j.: The language regarding installation of curb markers has been revised to read, "Continue to install and/or reinstall curb markers at existing storm inlets using volunteers and Oklahoma City

employees. Identification of embossed storm drain inlets will count towards that annual total. Oklahoma City may reduce the number of curb marker installations once all inlets are marked. Oklahoma City may inspect and/or repair/replace a similar number of curb markers as a part of its operation and maintenance program."

3. Item 3. Part IV.C.13: The deadline for submitting the comprehensive assessment of the Watershed Characterization Program has been extended from April 15, 2027, to April 15, 2029, in the fifth year of the permit.

OTHER CHANGES FROM DRAFT PERMIT

1. DEQ has revised the target/submittal dates in Part III.A.6.c. (development of format/template for TMDL implementation report) and Part IV.C (submittal date for first annual report) from April 15, 2024, to April 15, 2025, to better align with the effective date of the permit of May 1, 2024.

COMMENTS RECEIVED ON DRAFT PERMIT

The following comments were received on the draft permit:

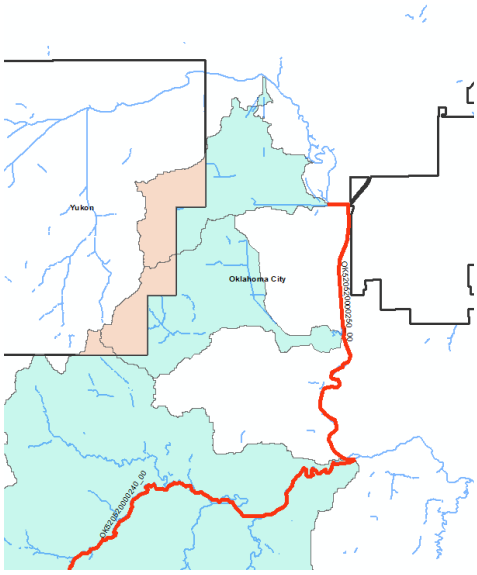
1. Comments received via email from Mr. Derek Johnson, City of Oklahoma City, to Mr. Michael Moe, DEQ, with attached document "Formal 2023 Permit Comments November 2023 Final;" dated November 9, 2023. Subject: FW: North Canadian River TMDL…

   Item 1: Table I-1 Existing Approved TMDLs Affected by Permittee(s)' Stormwater Discharges (page 12)

| Watershed Basin | TMDL Report | Applicable Stream Segments | Pollutant(s) of Concern |
|---|---|---|---|
| Basin 5 Canadian-North Canadian-Deep Fork | North Canadian River Bacteria TMDLs -2010 | OK520520000240_00 (Mustang Creek) | Bacteria |
| | | OK5205200000250_00 (N. Canadian River) | Bacteria |
| | | OK520520000210_00 (N. Canadian River) | Bacteria |
| | | OK520520000350_00 (Airport Heights Creek) | Bacteria |
| | | OK520520000010_40 (N. Canadian River) | Bacteria |
| | | OK520520000150_00 (Crooked Oak Creek) | Bacteria |
| | | OK52052000010_30 (N. Canadian River) | Bacteria |
| | | OK520520000070_00 | Bacteria |

| | | | |
|---|---|---|---|
| | | (Crutcho Creek) | |
| | | OK520520000010_20 (N. Canadian River) | Bacteria |
| | | OK520520000010_10 (N. Canadian River) | Bacteria |
| | Lake Thunderbird Nutrient, Turbidity, and Dissolved Oxygen TMDLs – 2013 | OK520810000020_00 (Lake Thunderbird) | Nutrients, Turbidity, Dissolved Oxygen |

Item 1 Comment: Regarding water body identification (WBID) segment OK520520000250_00, North Canadian River, highlighted in Table I-1 of the draft permit (see highlighted in table above). The stream segment has a load reduction identified for fecal coliform but not for Escherichia coliform (*E. coli*) or enterococcus (see Table ES-3 of the Bacteria Total Maximum Daily Load (TMDL) for North Canadian River Area (OK520520)).




Fecal coliform standards are no longer part of the Primary Body Contact Recreation (PBCR) water quality standard(s) and beneficial use assessment protocol. The segment (as provided in the TMDL) also lacks additional *E. coli* and enterococcus data supporting a Total Maximum Daily Load (TMDL) assignment/reduction for those parameters.

Question 1: Without a supported water quality standard for fecal coliform and since a TMDL was not developed for *E. coli* or enterococci, is it appropriate to assign a bacteria reduction requirement based on a historical standard which is now obsolete?

Question 2: With regard to the North Canadian bacteria TMDL, is it appropriate to name all stream segments in OKC's draft MS4 permit that were studied but not assigned a TMDL? Table ES3 (see below) of the TMDL provides percent reduction goals for the following WBIDs OK520510000110_20, OK520520000010_00, OK520520000010_10, OK520520000010_20, OK520520000010_30, OK520520000010_40, OK520520000210_00, OK520520000250_00, OK520520000070_00, OK520520000150_00, and OK520520000240_00. OKC's draft permit, Table I-1 lists Airport Heights Creek as an existing approved TMDL. The NCR bacteria TMDL provides: "Airport Heights Creek (OK520510000350_00) is not impaired for bacteria. Therefore, a TMDL will not be developed for the creek. Instead, the TMDL for North Canadian River (OK520520000010_40) watershed will include the Airport Heights Creek sub-watershed."

**Table ES-3 TMDL Percent Reduction Goals Required to Meet Water Quality Standards for Impaired Waterbodies in the North Canadian River Area**

| WQM Station | Waterbody ID | Waterbody Name | Percent Reduction Required | | | | |
|---|---|---|---|---|---|---|---|
| | | | FC | EC | | ENT | |
| | | | Instant-aneous | Instant-aneous | Geo-mean | Instant-aneous | Geo-mean |
| NC-08 | OK520510000110_20 | N. Canadian River | **3.0%** | | | 93.6% | **86.4%** |
| 520510000110-001AT | OK520520000010_00 | N. Canadian River | **53.0%** | | | 96.6% | **91.6%** |
| NC-07 | OK520520000010_10 | N. Canadian River | **78.9%** | | | 99.3% | **97.0%** |
| NC-06 | OK520520000010_20 | N. Canadian River | **48.6%** | | | 99.97% | **98.9%** |
| NC-05 | OK520520000010_30 | N. Canadian River | **86.7%** | 95.6% | **37.6%** | 99.8% | **98.0%** |
| NC-04 | OK520520000010_40 | N. Canadian River | **48.6%** | | | 99.9% | **98.1%** |
| NC-03 | OK520520000210_00 | N. Canadian River | | | | 99.7% | **92.9%** |
| USGS07241000 | OK520520000250_00 | N. Canadian River | **67.3%** | | | | |
| OK520520-00-0070G OK520520-00-0070B | OK520520000070_00 | Crutcho Creek | **28.1%** | | | | |
| OK520520-00-0150G WCNCE450 | OK520520000150_00 | Crooked Oak Creek | **72.4%** | 75.7% | **66.6%** | | |
| WCNCW654 & OK520520-00-0240G | OK520520000240_00 | Mustang Creek | | 88.8% | **42.6%** | | |

Item 2: Part 2.9.1.J

"*Continue to install embossed storm drain inlet/hoods with the slogan, "Dump No Waste, Drains to River," as part of operation and maintenance. Oklahoma City may reduce the number of installations once all storm inlets/hoods are marked.*"

Item 2 Comment: OKC's request submitted during the courtesy review included keeping item 1.j but removing another reference which was redundant to 1.j. On review of the public draft (opened October 20, 2023), OKC recommends the original language provided in the courtesy draft be added back to 1.j.

Proposed revisions and comments: "Continue to install and/or reinstall curb markers at existing storm inlets using volunteers and Oklahoma City employees. Identification of embossed storm drain inlets will count towards that annual total. Oklahoma City may reduce the number of curb marker installations once all inlets are marked. Oklahoma City may inspect and/or repair/replace a similar number of curb markers as a part of its operation and maintenance program."

OKC feels that language clarification will provide the opportunity to continue to install storm drain markers at unmarked/un-embossed locations, re-mark locations which need maintenance, and identify & count embossed locations.

Item 3: Part IV.C.13 (page 50)

*"By April 15, 2027, the permittee(s) must submit a comprehensive assessment of the Watershed Characterization Program. The assessment shall include a summary of the Watershed Characterization Program, the findings and impacts, responses taken, and any modifications recommended to enhance the usefulness or efficiency of the program."*

Proposed revisions and comments:

"*By April 15, **2029** the permittee(s) must submit a comprehensive assessment of the Watershed Characterization Program. The assessment shall include a summary of the Watershed Characterization Program, the findings and impacts, responses taken, and any modifications recommended to enhance the usefulness or efficiency of the program."* (**emphasis added**)

As provided in Part III.A.5.b-c, OKC is allotted 36 months for the installation and calibration of the 15 representative stream data collection stations. Each station will require installation and calibration time before beginning data collection activities. As currently scheduled, 5 stations will be active at 12 months, 10 at 24 months, and 15 at 36 months. Once each group of stations are activated, OKC will continue to monitor throughout the permit term. This will yield 3 years of data for group 1, 2 years for group 2 and 1 year for group 3 during the permit term. OKC anticipates maintaining these stations indefinitely as benchmark stations.

OKC requests to extend the comprehensive assessment and summary report due date to allow for sufficient time for data collection, analysis and reporting. As provided above, OKC feels that April 15, 2029 will provide sufficient time to conduct the relevant water quality/biological collections and to complete any associated analysis and reporting of these data.

DEQ RESPONSE TO COMMENTS

1. Item 1. Table I-1. Existing Approved TMDLs Affected by Permittee(s)' Stormwater Discharges (page 12).

   With regard to Question 1 as to whether it is appropriate to assign a bacteria reduction requirement based on a historical water quality standard (WQS) for fecal coliform which is now obsolete (replaced by WQS for *E. coli* or enterococcus), DEQ has consulted with EPA. EPA has directed that these fecal coliform Total Maximum Daily Loads (TMDLs) and associated Wasteload Allocations (WLAs) and required percent reductions remain in effect and the required percent reductions should be applied to *E. coli* or enterococcus until such time as new TMDLs for *E. coli* and/or enterococcus are approved or established. The final permit has been revised to add a footnote to Table I-1 to clarify this requirement. DEQ notes that this requirement also applies to stream segment OK520520000070_00 (Crutcho Creek), for which the TMDL also established required percent reductions for fecal coliform, but not for *E. coli* or enterococcus.

   With regard to Question 2 as to whether it is appropriate to name all stream segments in OKC's draft MS4 permit that were studied but not assigned a TMDL, DEQ concurs that only those stream segments for which TMDLs and associated WLAs and required percent reductions should be included in the permit. Since Airport Heights Creek (OK520510000350_00) was studied and determined to not be impaired for bacteria and thus to not require a TMDL to be developed, it was included in Table I-1 in error. The final permit has been revised to delete Airport Heights Creek (OK520510000350_00) from Table I-1.

2. Item 2. Part 2.9.1.J.

   DEQ concurs with Oklahoma City's request to restore the language in Part 2.9.1.j. in the BMP Actions column to the language previously used in the courtesy review draft. The language has been revised to read, "Continue to install and/or reinstall curb markers at existing storm inlets using volunteers and Oklahoma City employees. Identification of embossed storm drain inlets will count towards that annual total. Oklahoma City may reduce the number of curb marker installations once

all inlets are marked. Oklahoma City may inspect and/or repair/replace a similar number of curb markers as a part of its operation and maintenance program."

3. Item 3. Part IV.C.13 (page 50).

   DEQ concurs with Oklahoma City's request to extend the deadline for the comprehensive assessment of the Watershed Characterization Program from April 15, 2027, to April 15, 2029, in the fifth year of the permit.