

Scott A. Thompson  
Executive Director



Mary Fallin  
Governor

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

## PUBLIC NOTICE

February 20, 2014

This is to give notice that the [Oklahoma Department of Environmental Quality](#) (DEQ) has received an application for a Water Quality Certification (WQC) for the proposed **2013 EPA Multi-Sector General Permit for Industrial Activities** (OKR05F000<sup>1</sup> and OKR05I000<sup>2</sup>). Under [Section 401 of the Clean Water Act \(CWA\)](#), the State is required to review any Federal permit regarding activities in navigable waters. The purpose of the Certification review, according to DEQ regulations [[Title 252, Chapter 611-3-1\(a\)](#)], is to determine whether the proposed discharges will comply with the [Oklahoma Water Quality Standards](#) (Title 785: Chapter 45), and the [CWA](#) (Sections 301, 302, 303, 306, and 307). EPA's MSGP will be used to authorize stormwater discharges from industrial facilities that are not within the jurisdiction of DEQ. The comment period for the draft EPA MSGP permit ended 12/03/2013, but the draft permit can be seen at: <http://cfpub.epa.gov/npdes/stormwater/msgp.cfm>.

**The Comment Period for the Water Quality Certification Opens on  
February 20<sup>th</sup>, 2014 and Closes at 4:30 p.m. on Thursday, March 20<sup>th</sup>, 2014.**

A copy of the draft conditional Certification is enclosed. If you have any comments regarding it, please submit them in writing by 4:30 p.m. on Thursday, March 20<sup>th</sup>, 2014 to:

Dr. Elena Jigoulina  
Water Quality Division  
Oklahoma Department of Environmental Quality  
P.O. Box 1677  
Oklahoma City, OK 73101-1677  
(405) 702-8200  
[Water.Comments@deq.ok.gov](mailto:Water.Comments@deq.ok.gov)



You are receiving this notice because you are either on DEQ's list to receive all public notices or you are located downstream in an affected watershed. If you are receiving this notice in error, are getting multiple notices, or do not want to receive future notices, please let us know. In addition, DEQ's Watershed Planning & Stormwater Permitting Section sends out public notices about proposed changes in Waste Load Allocations, the Integrated Report, TMDLs, 404 projects, stormwater permits, and the CPP.

If you would like to receive any or all of these public notices via e-mail, please send your e-mail address to [Water.Comments@deq.ok.gov](mailto:Water.Comments@deq.ok.gov). Also, please let us know if you want to receive notices for the entire State or just for your [watershed](#). **By receiving PDF public notices via e-mail, you will help save money and the environment by reducing the amount of paper we use to mail them.** In addition to helping the environment, you will be able to click on helpful FYI hyperlinks.



**Note to newspapers:** This notice is for informational purposes only. **Do not publish in the legal section or as a legal notice.**

<sup>1</sup> [Appendix C6](#): Indian country within the State of Oklahoma

<sup>2</sup> [Appendix C6](#): Facilities in the State of Oklahoma not under the jurisdiction of the Oklahoma Department of Environmental Quality or the Oklahoma Department of Agriculture, Food and Forestry, except those on Indian Country. EPA jurisdiction facilities include SIC Codes 1311, 1381, 1382, 1389, and 5171.

March XX, 2014

William K. Honker, Director  
Water Quality Protection Division (Mail Code: 6WQ)  
Environmental Protection Agency, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

RE: Water Quality Certification for Stormwater Multi-Sector General Permit for Industrial Activities (OKR05F000 and OKR05I000).

Dear Director Honker:

The Department of Environmental Quality (DEQ) has received your request for a Water Quality Certification under Section 401 of the Federal Clean Water Act [[33 U.S.C. §1251 et seq. \(1972\)](#)], for the Stormwater Multi-Sector General Permit for Industrial Activities (OKR05F000 and OKR05I000). DEQ rules governing 401 Water Quality Certification are contained in Oklahoma Administrative Code (O.A.C.) § 252:611-3 (2011) pursuant to [27A O.S. §2-6-103\(C\)\(2\) \[OSCN 1999\]](#). For copies of the DEQ rules and regulations related to the 401 procedures, please access it online at [www.deq.state.ok.us/rules/611.pdf](http://www.deq.state.ok.us/rules/611.pdf) or contact the DEQ Office of External Affairs at (800) 869-1400.

We have reviewed your draft permit, fact sheet, and other relevant information while developing this Certification.

DEQ grants Clean Water Act 401 Water Quality Certification for OKR05F000 and OKR05I000 and is subject to the following conditions. These conditions are necessary to comply with Oklahoma's Water Quality Standards and with the Clean Water Act sections 208(e), 301, 302, 303, 306, and 307:

1. For the Multi-Sector General Stormwater Permit for Industrial Activities applicable to facilities not under the jurisdiction of the Oklahoma Department of Environmental Quality, OKR05F000: In accordance with Oklahoma's Water Quality Standards (OAC 785:45-5-25), Certification is denied for any new or proposed discharges located within the watershed of any part of the Oklahoma Scenic Rivers system, including the Illinois River, Flint Creek, Barren Fork Creek, Upper Mountain Fork River, Little Lee Creek, Big Lee Creek or to any water designated as an Outstanding Resource Water (ORW). Existing discharges of stormwater in these watersheds may be permitted under the MSGP only from point sources existing as of June 25, 1992, whether or not such stormwater discharges were permitted as point sources prior to June 25, 1992. For any such existing discharge, increased load of any pollutant above levels of June 25, 1992 is prohibited.
2. For the Multi-Sector General Stormwater Permit for Industrial Activities applicable to facilities located on Indian Country lands, OKR05I000: In accordance with Oklahoma's Water Quality Standards (OAC 785:45-5-25) certification is denied for any new or proposed discharges

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located within the watershed of any part of the Oklahoma Scenic Rivers system, including the Illinois River, Flint Creek, Barren Fork Creek, Upper Mountain Fork River, Little Lee Creek, Big Lee Creek or to any water designated as an Outstanding Resource Water (ORW). Existing discharges of stormwater in these watersheds may be permitted under the MSGP only from point sources existing as of June 25, 1992, whether or not such stormwater discharges were permitted as point sources prior to June 25, 1992. For any such existing discharge, increased load of any pollutant above levels of June 25, 1992 is prohibited.

If you have any questions regarding this certification, please contact Elena Jigoulina at 405-702-8200.

Sincerely yours,

Mark Derichsweiler, P.E., Manager  
Watershed Planning & Stormwater Permitting  
Water Quality Division

cc: Richard Hatcher, Director, Oklahoma Department of Wildlife Conservation  
Dixie Bounds, Field Supervisor, U. S. Fish and Wildlife Service, or Tulsa Director, U. S. Fish and Wildlife Service, Tulsa  
Claudia Hosch, EPA Region 6  
Tom Bates, Public Protection Unit Chief, Attorney General of Oklahoma