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OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

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PUBLIC NOTICE

March 31, 2015

The Oklahoma Department of Environmental Quality (DEQ) announces that the general permit OKR04 for stormwater discharges associated with municipal separate storm sewer systems (MS4s) in small cities, urbanized areas (UAs), and other county areas within the State of Oklahoma is available for review.

A 30-day public comment period begins April 1, 2015 and ends April 30, 2015.

**An informal meeting will be held at 3:00pm on Wednesday, April 22, 2015,
at DEQ's central office.**

DEQ will consider additional outreach to support newly regulated small MS4s based on the level of interest and demand.

DEQ has evaluated sixty-six small MS4s that are located in the Census 2010 urbanized areas and other areas that may have a high pollution potential. As a result of the evaluation, DEQ granted fifteen small MS4s a waiver according to 40 C.F.R. 122.32(d) and (e). There are fifty-one small MS4s which are required to submit a Notice of Intent (NOI) for this general permit. These fifty-one small MS4s will be required to either revise their existing stormwater management programs (SWMPs), if necessary, or develop, implement and enforce a SWMP which must include milestones (measurable goals and target dates). It is expected that by the end of the five-year permit term all newly regulated small MS4s will have fully developed and implemented their programs by achieving these milestones along the way.

This proposed general permit will replace the 2005 small MS4 general permit OKR04, which is administratively continued in accordance with the Administrative Procedures Act. Following is a list of changes in the proposed general permit as compared to the previous small MS4 general permit:



1. *Part I.B.2 "Authorized Non-Stormwater Discharges"*: Added discharges of gray water from municipal splash pads (aka, spray parks or spray grounds) as defined in Oklahoma Statutes §27A-2-6-107 to the list of authorized non-stormwater discharges, provided the discharges comply with all applicable municipal or county ordinance enacted pursuant to law. Discharges from recirculating systems shall be de-chlorinated prior to discharge.
2. *Part I.C.5 "Limitations on Coverage"*: To be consistent with 40 CFR 122.44(d)(1)(j), added "future discharges", "potential to cause" and "have the reasonable potential to cause" to the proposed language.
3. *Part I.C.6 "Discharges not Consistent with a Total Maximum Daily Load"*: For clarification purpose, added the requirement of watershed plan in lieu of a Total Maximum Daily Load (TMDL).
4. *Part I.F.4 "Application and Annual Permit Fee"*: Updated application and annual permit fee requirement and added a reference to the DEQ's website.
5. *Part II "Notice of Intent Requirements"*: The following changes have been made to this part:
 - a. Added application deadline requirements for "Renewal Permittees", "Newly Regulated Small MS4s" and "Small MS4 Newly Designated after the Date of Permit Issuance".
 - b. Extended the jurisdiction for those MS4 cities not located entirely within an UA (to cover the entire area within the corporate boundaries of the municipality).
 - c. Modified the names of the major receiving waters to include indication of whether any of your receiving waters are designated as Outstanding Resource Water or had a TMDL either established or approved by DEQ or EPA.
 - d. Added a new provision to include documentation addressing the special conditions of the permit in Part III.B Established Total maximum Daily Load Allocations and Part III.C Discharges to Outstanding Resource Waters.
 - e. Included a description of the optional permit requirements or an outline of your MS4's *Stormwater Pollution Prevention Plan (SWP3)*.
6. *Part III "Special Conditions"*: The following changes have been made to this Part:
 - a. Added a new provision to address discharge of any pollutants (e.g., nitrogen or phosphorus, bacteria) into any water identified on the latest Clean Water Act § 303(d) list of impaired waters.
 - b. Added a new provision for further clarification on the TMDL requirement to adopt any waste load allocation (WLA) assigned to your discharges specified in the TMDL, or similar targets in the watershed plan, as measurable goals in your SWMP. Also this new provision requires that your SWMP must be modified to implement the TMDL within the timeframe established in the TMDL or as otherwise specified in watershed plan.

7. *Part IV "Stormwater Management Program"*: The following changes have been made to this Part:
 - a. Added new requirements for those permittees authorized by the 2005 MS4 general permit to review and update their BMPs and measurable goals.
 - b. Added new requirements for newly regulated small MS4s to develop a written SWMP addressing six (6) minimum control measures (BMPs and measurable goals).
 - c. Added new requirements for those small MS4s newly designated after the date of permit issuance.
 - d. Modified "Sharing Responsibility" requirements to comply with permit requirements within one (1) year if the other government entity fails to implement the control measure on your behalf.
 - e. Reorganized the six (6) Minimum Control Measure (MCM) requirements into two sections: "Permit Requirements" and "Recommendations". Both sections are revised to be consistent with EPA stormwater rules (40 CFR) and the MS4 Permit Improvement Guide. Those existing permittees are required to revise their SWMPs within the first year after effective date of this permit.
 - f. Added a new provision to provide a procedure to notify DEQ if the permittee lacks legal authority of direct enforcement action for their Construction Site Runoff Controls.
 - g. Added a new requirement to review local ordinances and regulations, identify any legal barriers to Low Impact Development (LID), and develop a schedule to remove those barriers or a justification for each barrier not removed for Post-Construction Management in New-Development and Redevelopment.
 - h. Added a new requirement to implement a municipal employee training and education program for your Pollution Prevention /Good Housekeeping for MS4 Operations.
 - i. Added a new requirement to maintain a list of industrial facilities you own or operate that are subject to the DEQ multi-sector general permit or individual OPDES or NPDES permits.
8. *Part V.C "Annual Reports"*: The following changes have been made to the permit:
 - a. Specified your annual report to be submitted by mail or Email to DEQ electronically and by March 1st of the year beginning in year 2016.
 - b. Included a description and schedule for implementation of any additional BMPs or monitoring that may be necessary to reduce/eliminate the discharges of the pollutant of concern into impaired waters on the 303(d) list.
 - c. Modified the description and schedule for implementation of any additional BMPs or monitoring that may be necessary to ensure compliance with any applicable TMDL or watershed plan in lieu of a TMDL to be consistent with Part III of the proposed permit.

9. *Part VI “Standard Permit Conditions”*: The following changes have been made to the permit:
 - a. Updated the permit language of "Duty to Comply" to be consistent with the OPDES Act.
 - b. Added a new provision to submit reports in any compliance schedules and report any noncompliance in twenty-four (24) hours.
10. *Part VII “Definitions”*: The following changes have been made to the permit:
 - a. Updated the definition of "Construction Site Operator" to be consistent with construction general permit OKR10.
 - b. Added new definitions of "Impaired Water", "LID", "Newly Regulated Small MS4", "Outstanding Resource Waters", "Small MS4 newly designated after the date of permit issuance", "Stabilization", "Total Maximum Daily Load" and “ Waters of the State”.
11. *Part VIII “Optional Permit Requirements for Municipal Construction Activities”*: Updated the requirements to be consistent with construction general permit OKR10 issued on September 12, 2012.
12. *Exhibit 1 “Endangered and Threatened Species and Their Critical Habitat”*: Updated the list and map according to the comments received from USFWS.
13. *Exhibit 2 “Notice of Intent”*: Updated the NOI according to the new requirements of this permit.
14. *Exhibit 4 “Buffer Guidance”*: Added this new Exhibit to be consistent with construction general permit OKR10.

DEQ will consider removing the provision of Part VIII “Optional Permit Requirements for Municipal Construction Activities” from this proposed general permit OKR04. This provision, a so-called “7th minimum control measure”, would allow small MS4s (except non-traditional MS4s) to seek coverage under the small MS4 permit for their municipal construction activities. DEQ seeks comments on whether the Part VIII provision should be continued.

The NOI, draft permit, fact sheet and other documents are available on DEQ’s website at <http://www.deq.state.ok.us/wqdnew/stormwater/index.html> or contact DEQ’s central office by phone (405)702-8100. Comments must be received before close of business on April 30, 2015. Comments may be submitted by email to Karen.Milford@deq.ok.gov or by mail to Karen Milford, Water Quality Division/ODEQ, P.O. Box 1677, Oklahoma City, OK 73101. Comments will also be accepted at the public meeting.