



2010 Small MS4 General Permit – DEQ Work Group

**Watershed Planning & Stormwater Permitting
Water Quality Division
Department of Environmental Quality**



Small/Phase 2 Municipal Separate Storm Sewer System (MS4) General Permit –OKR04

- December 1999
EPA's Stormwater Phase 2 Final Rule Published:
Requires small MS4s in Urbanized Areas (UAs),
as well as small MS4s outside the UAs that are
designated by ODEQ, to obtain permit
coverage for their storm water discharges

Small/Phase 2 Municipal Separate Storm Sewer System (MS4) General Permit –OKR04

- February 8, 2005

ODEQ's First Stormwater Small MS4 General Permit
Issued - Covers 45 small MS4s:

Cities - Altus, Bartlesville, Bethany, Bixby, broken arrow, Catoosa,
Choctaw, Claremore, Coweta, del city, Edmond, Jenks, Lawton,
McAlester, Miami, Midwest City, Moore, Muskogee, Mustang, Nichols
Hills, Nicoma Park, Noble, Norman, Okmulgee, Owasso, Ponca City,
sand Springs, Sapulpa, Spencer, Stillwater, Tahlequah, The Village and
Warr Acres

Counties - Comanche, Creek, Oklahoma, Tulsa, Wagoner and Rogers*

Others – Fort Sill AFB, ODOT**, OTA, Tinker AFB, OU

*Requests a waiver – DEQ is waiting for final result of annexation from INCOG.

**Pending - DEQ is waiting for ODOT's response on the technical review.



Proposed schedule of Re-issuance

- 02/27 - Kickoff meeting (Stakeholder Advisory);
- 04/24- Preliminary draft of the permit and 2nd meeting;
- 06/19 - Revised draft of the permit and 3rd meeting;
- 07/01 - Send proposed permit to the EPA for review;
- 10/01 - Release the draft permit for public comment;
- 11/01 - Close the comment period; and
- 02/07/2010 - Permit issued.



Stakeholder Advisory Committee

1. Dr. Michael Smolen (OSU),
2. Cheryl Cheadle (Blue Thumb),
3. Julie Shannon (City of Tahlequah),
4. Lorre Kay Troyer (Land Legacy),
5. Richard Smith (INCOG),
6. Nancy Kennedy (City of Edmond),
7. Ruth Walters (Oklahoma County),
8. John Truong (Tinker AB),
9. Aaron Milligan (City of Norman),
10. James King (City of Nicoma Park),
11. Jeff Bigby (City of Broken Arrow),
12. Rick Miller (City of Okmulgee) and,
13. Robert Carr (City of Jenks).

EPA - Identified Issues



Permit Issues – TMDL and Impaired Waters

- EPA asks the new permit includes a monitoring element, such as a cooperative monitoring program, to determine whether the controls are adequate.
- See “Compliance with Water Quality Standards” and “Established Total Maximum daily Load Allocations” on Part III.A and III.B of the existing permit OKRo4 Part III.A



Permit Issues –

Anti-degradation Policy

- EPA asks that new permit uses a Low Impact Development (LID) approach to control new or increased pollutant discharges.
- See “Applications of Antidegradation Policy” in State’s Water Quality Standard 785:45-3-2
- See “Discharges to Outstanding resource Waters” in Part III.C of the existing Permit OKRo4.



Permit Issues –

Post –construction Management in New Development and Redevelopment

- EPA asks that new permit requires a LID BMP to prevent and minimize water quality impact on these new development and redevelopment areas.
- See “ Permit Requirements” in Part IV.C.5 of the existing permit OKR04

Permit Issues –

BMP Requirements for each Control Measure

2003 EPA Permit

1. Development, implement and enforce a program to address run off from new development and redevelopment projects which disturb one or more acres;
2. Develop an ordinance to address post construction runoff in new development and redevelopment;
3. Develop procedures to ensure long term operation and maintenance of best management practices; and
4. Procedures to ensure controls will prevent or minimize impacts to water quality

EPA asks that new permit includes more aggressive requirements and specific BMPs for each control measure

2008 EPA Permit

1. Describes the objective for the measure: attempt to maintain natural site hydrology;
2. Requires the post construction ordinance to be effective on the effective day of the permit;
3. Procedures to ensure new development and redevelopment minimize impacts to water quality;
4. Submission of as-built plans and procedures to ensure long term operation and maintenance of stormwater BMPs;
5. Assess street and park lot designs. Determine if changes can be made to support low impact design options;
6. Assess the feasibility of making green infrastructure practices allowable when feasible;
7. Estimate directly connected impervious cover and report on the number of acres added or removed.

DEQ - Identified Issues



Permit Issues – Designating New Small MS4s

- Regulated Small MS4 based on 2000 Census
Outside UAs – Ada, Ardmore, Chickasha, Duncan,
Durant, Elk City, Enid, El Reno, Guymon, Shawnee,
Woodward.
Within UAs – Arkoma, Cleveland county, Forest Park,
Guthrie, Le Flore County, Logan County, Moffett,
Pocola, Sequoyah County, Smith Village, Sperry,
Valley Brook, Woodlawn Park, Turley, Oakhurst,
Hall Park and Roger County
- New Listing Based on 2010 Census



Permit Issues – Implementation Schedules

New & Current Small MS4s

- Existing Permittees – Submitting a new NOI and updated description of Storm Water Management Program (SWMP), including BMP and measurable goals within **90** days of the effective date of the new permit. Public notice required.
- New Designated Small MS4s – Submitting a NOI and description of SWMP within **180** days of the effective date of the new permit. **Full implementation required by the end of permit term.**
- New listing of Small MS4s based on 2010 census – Submitting a NOI and description of SWMP within **180** days of being notified by the ODEQ that you operate a regulated Small MS4. Implementation schedule with authorization.



Permit Issues – Incentives For Low Impact Development (LID)

- **Can some permit requirements be relaxed if LID practices are implemented?**
- **What requirements?**
- **How could it be tracked?**
- **Is there any interest?**

Other Issues/Comments

Open Discussion

