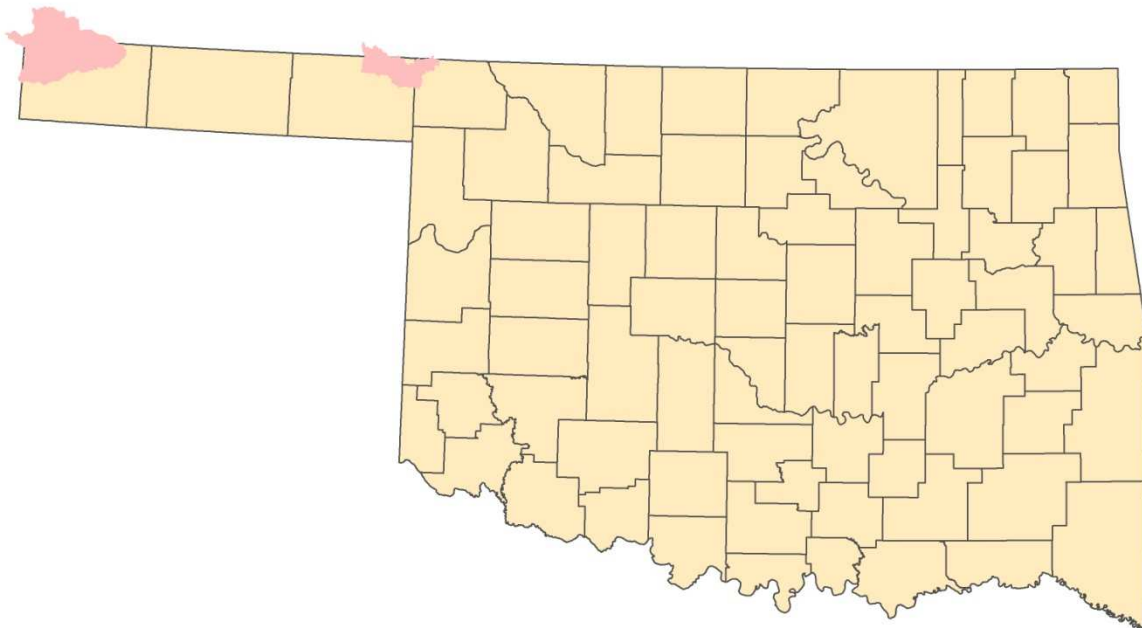


FINAL

**BACTERIA TOTAL MAXIMUM DAILY LOADS FOR STREAMS
IN THE UPPER CIMARRON RIVER AREA, OKLAHOMA**



Prepared By:

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY



JULY, 2011

FINAL

**BACTERIA TOTAL MAXIMUM DAILY LOADS FOR STREAMS
IN UPPER CIMARRON RIVER AREA, OKLAHOMA**

OKWBID

OK720900000180_00	-	Cimarron River
OK620930000010_00	-	Cimarron River
OK620930000100_00	-	Crooked Creek

Prepared by:

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

JULY, 2011

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ACRONYMS AND ABBREVIATIONS

ASAE	American Society of Agricultural Engineers
BMP	best management practice
CAFO	Concentrated Animal Feeding Operation
CFR	Code of Federal Regulations
cfs	Cubic feet per second
cfu	Colony-forming unit
CPP	Continuing planning process
CWA	Clean Water Act
DMR	Discharge monitoring report
LA	Load allocation
LDC	Load duration curve
mg	Million gallons
mgd	Million gallons per day
mL	Milliliter
MOS	Margin of safety
MS4	Municipal separate storm sewer system
NPDES	National Pollutant Discharge Elimination System
O.S.	Oklahoma statutes
ODAFF	Oklahoma Department of Agriculture, Food and Forestry
DEQ	Oklahoma Department of Environmental Quality
OPDES	Oklahoma Pollutant Discharge Elimination System
OSWD	Onsite wastewater disposal
OWRB	Oklahoma Water Resources Board
PBCR	Primary body contact recreation
PRG	Percent reduction goal
SSO	Sanitary sewer overflow
TMDL	Total maximum daily load
USDA	U.S. Department of Agriculture
USEPA	U.S. Environmental Protection Agency
USGS	U.S. Geological Survey
WLA	Wasteload allocation
WQM	Water quality monitoring
WQS	Water quality standard
WWTP	Wastewater treatment plant

Executive Summary

This report documents the data and assessment used to establish TMDLs for the pathogen indicator bacteria fecal coliform and enterococci for certain waterbodies in the Upper Cimarron River area. Elevated levels of pathogen indicator bacteria in aquatic environments indicate that a receiving water is contaminated with human or animal feces and that there is a potential health risk for individuals exposed to the water. Data assessment and TMDL calculations are conducted in accordance with requirements of Section 303(d) of the CWA, Water Quality Planning and Management Regulations (40 CFR Part 130), USEPA guidance, and Oklahoma Department of Environmental Quality (DEQ) guidance and procedures. DEQ is required to submit all TMDLs to USEPA for review and approval. Once the USEPA approves a TMDL, then the waterbody may be moved to Category 4a of a state's Integrated Water Quality Monitoring and Assessment Report, where it remains until compliance with water quality standards (WQS) is achieved (USEPA 2003).

The purpose of this report is to establish pollutant load allocations for indicator bacteria in impaired waterbodies, which is the first step toward restoring water quality and protecting public health. TMDLs determine the pollutant loading a waterbody can assimilate without exceeding the WQS for that pollutant. A TMDL consists of a wasteload allocation (WLA), load allocation (LA), and a margin of safety (MOS). The WLA is the fraction of the total pollutant load apportioned to point sources, and includes stormwater discharges regulated under the National Pollutant Discharge Elimination System (NPDES) as point sources. The LA is the fraction of the total pollutant load apportioned to nonpoint sources. The MOS is a percentage of the TMDL set aside to account for the uncertainty associated with natural process in aquatic systems, model assumptions, and data limitations.

This report does not stipulate specific control actions (regulatory controls) or management measures (voluntary best management practices) necessary to reduce bacteria loadings within each watershed. Watershed-specific control actions and management measures will be identified, selected, and implemented under a separate process.

E.1 Problem Identification and Water Quality Target

A decision was made to place specific waterbodies in this Study Area, listed in Table ES-1, on the DEQ 2008 303(d) list because evidence of nonsupport of primary body contact recreation (PBCR) was observed.

Elevated levels of bacteria above the WQS for one or more of the bacterial indicators result in the requirement that a TMDL be developed. The TMDLs established in this report are a necessary step in the process to develop the bacteria loading controls needed to restore the primary body contact recreation use designated for each waterbody.

Table ES-1 Excerpt from the 2008 Integrated Report – Comprehensive Waterbody Assessment Category List

Waterbody ID	Waterbody Name	Stream Miles	Priority	TMDL Date	Primary Body Contact Recreation	Impairments		
						Enterococci	E. coli	Fecal coliform
OK720900000180_00	Cimarron River near Kenton	19	3	2010	N	X	X	X
OK720900000010_00	Cimarron River above Ute Creek, near Boise City	47	2	2013	N		X	
OK620930000010_00	Cimarron River off US 64, Mocane	38	3	2016	N	X		X
OK620930000100_00	Crooked Creek near Englewood, KS	6	3	2016	N	X		

N = Not Supporting; Source: 2008 Integrated Report, DEQ 2008

There was sufficient data collected between 2000 and 2008 to make an assessment of the four segments for the three bacteria numeric criterion. Evidence of nonsupport of primary body contact recreation beneficial uses was observed for fecal coliform and enterococci indicators in two segments of Cimarron River (OK720900000180_00 & OK620930000010_00). Nonsupport of PBCR was also observed for enterococci in Crooked Creek (OK620930000100_00). There was no evidence of nonsupport of primary body contact recreation beneficial uses observed for E. coli in two segments of Cimarron River (OK720900000180_00 & OK720900000010_00) although both are listed on 2008 303(d) list. Table ES-2 shows the bacteria TMDLs that will be developed in this report:

Table ES-2 Waterbodies Requiring TMDLs for Not Supporting Primary Body Contact Recreation Use Contained in This Package

WQM Station	Waterbody ID	Waterbody Name	Indicator Bacteria		
			ENT	E. coli	FC
OK720900-00-0180C OK720900-00-0180G	OK720900000180_00	Cimarron River near Kenton	X		X
OK620930-00-0010G OK620930-00-0010T	OK620930000010_00	Cimarron River off US 64, Mocane	X		X
OK620930-00-0100G	OK620930000100_00	Crooked Creek near Englewood, KS	X		

The definition of PBCR is summarized by the following excerpt from Chapter 45 of the Oklahoma WQSs.

- (a) *Primary Body Contact Recreation involves direct body contact with the water where a possibility of ingestion exists. In these cases the water shall not contain chemical, physical or biological substances in concentrations that are irritating to skin or sense organs or are toxic or cause illness upon ingestion by human beings.*

- (b) In waters designated for Primary Body Contact Recreation...limits...shall apply only during the recreation period of May 1 to September 30. The criteria for Secondary Body Contact Recreation will apply during the remainder of the year.*

To implement Oklahoma's WQS for PBCR, OWRB promulgated Chapter 46, *Implementation of Oklahoma's Water Quality Standards* (OWRB 2008a). The excerpt below from Chapter 46: 785:46-15-6, stipulates how water quality data will be assessed to determine support of the PBCR use as well as how the water quality target for TMDLs will be defined for each bacterial indicator.

(a) Scope. The provisions of this Section shall be used to determine whether the subcategory of Primary Body Contact of the beneficial use of Recreation designated in OAC 785:45 for a waterbody is supported during the recreation season from May 1 through September 30 each year. Where data exist for multiple bacterial indicators on the same waterbody or waterbody segment, the determination of use support shall be based upon the use and application of all applicable tests and data.

(b) Screening levels.

(1) The screening level for fecal coliform shall be a density of 400 colonies per 100ml.

(2) The screening level for Escherichia coli shall be a density of 235 colonies per 100 ml in streams designated in OAC 785:45 as Scenic Rivers and in lakes, and 406 colonies per 100 ml in all other waters of the state designated as Primary Body Contact Recreation.

(3) The screening level for enterococci shall be a density of 61 colonies per 100 ml in streams designated in OAC 785:45 as Scenic Rivers and in lakes, and 108 colonies per 100 ml in all other waters of the state designated as Primary Body Contact Recreation.

(c) Fecal coliform:

(1) The Primary Body Contact Recreation subcategory designated for a waterbody shall be deemed to be fully supported with respect to fecal coliform if the geometric mean of 400 colonies per 100 ml is met and no greater than 25% of the sample concentrations from that waterbody exceed the screening level prescribed in (b) of this Section.

(2) The parameter of fecal coliform is not susceptible to an assessment that Primary Body Contact Recreation is partially supported.

(3) The Primary Body Contact Recreation subcategory designated for a waterbody shall be deemed to be not supported with respect to fecal coliform if the geometric mean of 400 colonies per 100 ml is not met, or greater than 25% of the sample concentrations from that waterbody exceed the screening level prescribed in (b) of this Section, or both such conditions exist.

(d) Escherichia coli (E. coli):

(1) The Primary Body Contact Recreation subcategory designated for a waterbody shall be deemed to be fully supported with respect to E. coli if the geometric mean of 126 colonies per 100 ml is met, or the sample concentrations from that waterbody taken during the

recreation season do not exceed the screening level prescribed in (b) of this Section, or both such conditions exist.

(2) The parameter of E. coli is not susceptible to an assessment that Primary Body Contact Recreation is partially supported.

(3) The Primary Body Contact Recreation subcategory designated for a waterbody shall be deemed to be not supported with respect to E. coli if the geometric mean of 126 colonies per 100 ml is not met and any of the sample concentrations from that waterbody taken during the recreation season exceed a screening level prescribed in (b) of this Section.

(e) Enterococci:

(1) The Primary Body Contact Recreation subcategory designated for a waterbody shall be deemed to be fully supported with respect to enterococci if the geometric mean of 33 colonies per 100 ml is met, or the sample concentrations from that waterbody taken during the recreation season do not exceed the screening level prescribed in (b) of this Section, or both such conditions exist.

(2) The parameter of enterococci is not susceptible to an assessment that Primary Body Contact Recreation is partially supported.

(3) The Primary Body Contact Recreation subcategory designated for a waterbody shall be deemed to be not supported with respect to enterococci if the geometric mean of 33 colonies per 100 ml is not met and any of the sample concentrations from that waterbody taken during the recreation season exceed a screening level prescribed in (b) of this Section.

Compliance with the Oklahoma WQS is based on meeting requirements for all three bacterial indicators. Where concurrent data exist for multiple bacterial indicators on the same waterbody or waterbody segment, each indicator group must demonstrate compliance with the numeric criteria prescribed (OWRB 2008).

As stipulated in the WQS, utilization of the geometric mean to determine compliance for any of the three indicator bacteria depends on the collection of five samples within a 30-day period. For most waterbodies in Oklahoma there are insufficient data available to calculate the 30-day geometric mean since most water quality samples are collected once a month. As a result, waterbodies placed on the 303(d) list for not supporting the PBCR are the result of individual samples exceeding the instantaneous criteria or the long-term geometric mean of individual samples exceeding the geometric mean criteria for each respective bacterial indicator. Targeting the instantaneous criterion established for the primary body contact recreation season (May 1st to September 30th) as the water quality goal for TMDLs corresponds to the basis for 303(d) listing and may be protective of the geometric mean criterion as well as the criteria for the secondary contact recreation season. However, both the instantaneous and geometric mean criteria for *E. coli* and enterococci will be evaluated as water quality targets to ensure the most protective goal is established for each waterbody.

All TMDLs for fecal coliform must take into account that no more than 25 percent of the samples may exceed the instantaneous numeric criteria. For *E. coli* and enterococci, no samples may exceed instantaneous criteria. Since the attainability of stream beneficial uses for *E. coli* and enterococci is based on the compliance of either the instantaneous or a long-term geometric mean criterion, percent reductions goals will be calculated for both criteria. TMDLs

will be based on the percent reduction required to meet either the instantaneous or the long-term geometric mean criterion, whichever is less.

E.2 Pollutant Source Assessment

There are no NPDES permitted facilities of any type in the Study Area. There are no continuous point source dischargers in the Study Area.

Nonpoint source bacteria loading to the receiving streams of each waterbody may emanate from a number of different sources including wildlife, various agricultural activities and domesticated animals, land application fields, urban runoff, failing onsite wastewater disposal (OSWD) systems, and domestic pets. The data analysis and the load duration curves (LDC) demonstrate that exceedances in stream segments are the result of a variety of nonpoint source loading occurring during a range of flow conditions. Low flow exceedances are likely due to a combination of non-point sources, uncontrolled point sources and permit noncompliance.

E.3 Using Load Duration curves to Develop TMDLs

The TMDL calculations presented in this report are derived from LDCs. LDCs facilitate rapid development of TMDLs and as a TMDL development tool, may assist in identifying whether impairments are associated with point or nonpoint sources.

Use of the LDC obviates the need to determine a design storm or selected flow recurrence interval with which to characterize the appropriate flow level for the assessment of critical conditions. For waterbodies impacted by both point and nonpoint sources, the “nonpoint source critical condition” would typically occur during high flows, when rainfall runoff would contribute the bulk of the pollutant load, while the “point source critical condition” would typically occur during low flows, when treatment plant effluents would dominate the base flow of the impaired water. However, flow range is only a general indicator of the relative proportion of point/nonpoint contributions. It is not used in this report to quantify point source or nonpoint source contributions. Violations that occur during low flows may not be caused exclusively by point sources. Violations have been noted in some watersheds that contain no point sources. Research has shown that bacteria loading in streams during low flow conditions may be due to direct deposit of cattle manure into streams and faulty septic tank/lateral field systems.

The basic steps to generating an LDC involve:

- obtaining daily flow data for the site of interest from the USGS;
- sorting the flow data and calculating flow exceedance percentiles for the time period and season of interest;
- obtaining the water quality data from the primary body contact recreation season (May 1 through September 30);
- matching the water quality observations with the flow data from the same date;
- display a curve on a plot that represents the allowable load determined by multiplying the actual or estimated flow by the WQS for each respective indicator;
- multiplying the flow by the water quality parameter concentration to calculate daily loads; then

- plotting the flow exceedance percentiles and daily load observations in a load duration plot.

LDCs display the maximum allowable load over the complete range of flow conditions by a line using the calculation of flow multiplied by the water quality criterion. The TMDL can be expressed as a continuous function of flow, equal to the line, or as a discrete value derived from a specific flow condition.

E.4 TMDL Calculations

As indicated above, the bacteria TMDLs for the 303(d)-listed waterbodies covered in this report were derived using LDCs. A TMDL is expressed as the sum of all WLAs (point source loads), LAs (nonpoint source loads), and an appropriate MOS, which attempts to account for uncertainty concerning the relationship between effluent limitations and water quality.

This definition can be expressed by the following equation:

$$TMDL = \Sigma WLA + \Sigma LA + MOS$$

For each waterbody the TMDLs presented in this report are expressed as a percent reduction across the full range of flow conditions (See Table ES-3). The difference between existing loading and the water quality target is used to calculate the loading reductions required.

Table ES-3 presents the percent reductions necessary for each bacterial indicator causing nonsupport of the PBCR use in each waterbody of the Study Area. Selection of the appropriate PRG for each bacteria indicator for each waterbody in Table ES-3 is denoted by the bold text. For Fecal Coliform, the PRG is determined based on instantaneous criteria. For *E. coli* and enterococci, the TMDL PRG will be the lesser of that required to meet the geometric mean or instantaneous criteria because WQ standards are considered to be met if 1) either the geometric mean of all data is less than the geometric mean criteria, or 2) no samples exceed the instantaneous criteria.

Table ES-3 TMDL Percent Reduction Goals Required to Meet Water Quality Standards for Impaired Waterbodies

Waterbody ID	Waterbody Name	Percent Reduction Required		
		FC	ENT	
		Instantaneous	Instantaneous	Geo-mean
OK720900000180_00	Cimarron River near Kenton	28%	88%	56%
OK620930000010_00	Cimarron River off US 64, Mocane	20%	99%	66%
OK620930000100_00	Crooked Creek near Englewood, KS		94%	70%

The TMDL, WLA, LA, and MOS vary with flow condition, and are calculated at every 5th flow interval percentile. For illustrative purposes, the TMDL, WLA, LA, and MOS are calculated for the median flow at each site in Table ES-4. The WLA component of each TMDL is the sum of all WLAs within the contributing watershed of each waterbody. The sum of the WLAs can be represented as a single line below the LDC. The LDC and the simple equation of:

$$\text{Average LA} = \text{average TMDL} - \text{MOS} - \sum \text{WLA}$$

can provide an individual value for the LA in counts per day which represents the area under the TMDL target line and above the WLA line. There are no permitted MS4s in the study area. Where there are no continuous point sources the WLA is zero.

Federal regulations (40 CFR §130.7(c)(1)) require that TMDLs include a MOS. The MOS is a conservative measure incorporated into the TMDL equation that accounts for the uncertainty associated with calculating the allowable pollutant loading to ensure WQSs are attained. USEPA guidance allows for use of implicit or explicit expressions of the MOS, or both. When conservative assumptions are used in development of the TMDL, or conservative factors are used in the calculations, the MOS is implicit. When a specific percentage of the TMDL is set aside to account for uncertainty, then the MOS is considered explicit.

The use of instream bacteria concentrations to estimate existing loading is another conservative element utilized in these TMDLs that can be recognized as an implicit MOS. This conservative approach to establishing the MOS will ensure that both the 30-day geometric mean and instantaneous bacteria standards can be achieved and maintained.

Table ES-4 TMDL Summaries Examples

Waterbody ID	Waterbody Name	Indicator Bacteria Species	TMDL [†] (cfu/day)	WLA [†] (cfu/day)	LA [†] (cfu/day)	MOS [†] (cfu/day)
OK720900000180_00	Cimarron River near Kenton	ENT	1.61E+09	0.00E+00	1.45E+09	1.61E+08
		FC	5.97E+09	0.00E+00	5.37E+09	5.97E+08
OK620930000010_00	Cimarron River off US 64, Mocane	ENT	1.32E+11	0.00E+00	1.19E+11	1.32E+10
		FC	4.89E+11	0.00E+00	4.40E+11	4.89E+10
OK620930000100_00	Crooked Creek near Englewood,	ENT	2.91E+10	0.00E+00	2.62E+10	2.91E+09

Derived for illustrative purposes at the median flow value

E.5 Reasonable Assurance

As authorized by Section 402 of the CWA, DEQ has delegation of the NPDES in Oklahoma, except for certain jurisdictional areas related to agriculture and the oil and gas industry retained by the Oklahoma Department of Agriculture and Oklahoma Corporation Commission, for which the USEPA has retained permitting authority. The NPDES program in Oklahoma is implemented via Title 252, Chapter 606 of the Oklahoma Pollutant Discharge Elimination System (OPDES) Act, and in accordance with the agreement between DEQ and USEPA relating to administration and enforcement of the delegated NPDES program. Implementation of WLAs for point sources is done through permits issued under the OPDES program.

SECTION 1 INTRODUCTION

1.1 TMDL Program Background

Section 303(d) of the Clean Water Act (CWA) and U.S. Environmental Protection Agency (USEPA) Water Quality Planning and Management Regulations (40 Code of Federal Regulations [CFR] Part 130) require states to develop total maximum daily loads (TMDL) for waterbodies not meeting designated uses where technology-based controls are in place. TMDLs establish the allowable loadings of pollutants or other quantifiable parameters for a waterbody based on the relationship between pollution sources and in-stream water quality conditions, so states can implement water quality-based controls to reduce pollution from point and nonpoint sources and restore and maintain water quality (USEPA 1991).

This report documents the data and assessment used to establish TMDLs for the pathogen indicator bacteria fecal coliform and enterococci for certain waterbodies in the Upper Cimarron River Area of the Cimarron River Basin. Elevated levels of pathogen indicator bacteria in aquatic environments indicate that a receiving water is contaminated with human or animal feces and that there is a potential health risk for individuals exposed to the water. Data assessment and TMDL calculations are conducted in accordance with requirements of Section 303(d) of the CWA, Water Quality Planning and Management Regulations (40 CFR Part 130), USEPA guidance, and Oklahoma Department of Environmental Quality (DEQ) guidance and procedures. DEQ is required to submit all TMDLs to USEPA for review and approval. Once the USEPA approves a TMDL, then the waterbody may be moved to Category 4a of a state's Integrated Water Quality Monitoring and Assessment Report, where it remains until compliance with water quality standards (WQS) is achieved (USEPA 2003).

The purpose of this TMDL report is to establish pollutant load allocations for indicator bacteria in impaired waterbodies, which is the first step toward restoring water quality and protecting public health. TMDLs determine the pollutant loading a waterbody can assimilate without exceeding the WQS for that pollutant. TMDLs also establish the pollutant load allocation necessary to meet the WQS established for a waterbody based on the relationship between pollutant sources and in-stream water quality conditions. A TMDL consists of a wasteload allocation (WLA), load allocation (LA), and a margin of safety (MOS). The WLA is the fraction of the total pollutant load apportioned to point sources, and includes stormwater discharges regulated under the National Pollutant Discharge Elimination System (NPDES) as point sources. The LA is the fraction of the total pollutant load apportioned to nonpoint sources. The MOS is a percentage of the TMDL set aside to account for the uncertainty associated with natural process in aquatic systems, model assumptions, and data limitations.

This report does not stipulate specific control actions (regulatory controls) or management measures (voluntary best management practices) necessary to reduce bacteria loadings within each watershed. Watershed-specific control actions and management measures will be identified, selected, and implemented under a separate process involving stakeholders who live and work in the watersheds, tribes, and local, state, and federal government agencies.

This TMDL report focuses on waterbodies that DEQ placed in Category 5 of the 2008 Integrated Report [303(d) list] for nonsupport of primary body contact recreation (PBCR):

- Cimarron River (OK720900000180_00)
- Cimarron River (OK720900000010_00)
- Cimarron River (OK620930000010_00)
- Crooked Creek (OK620930000100_00)

Figure 1-1 is a location map showing the impaired segments of these waterbodies and their contributing watersheds. This map also displays the locations of the water quality monitoring (WQM) stations used as the basis for placement of these waterbodies on the Oklahoma 303(d) list. These waterbodies and their surrounding watersheds are hereinafter referred to as the Study Area.

Elevated levels of bacteria above the WQS also result in the requirement that a TMDL be developed. The TMDLs established in this report are a necessary step in the process to develop the bacteria loading controls needed to restore the contact recreation use designated for each waterbody. Table 1-1 provides a description of the locations of the WQM stations on the 303(d)-listed waterbodies.

Table 1-1 Water Quality Monitoring Stations used for 2008 303(d) Listing Decision

Waterbody Name	Waterbody ID	WQM Station	WQM Station Locations Descriptions
Cimarron River near Kenton	OK720900000180_00	OK720900-00-0180C OK720900-00-0180G	SW¼NW¼SW¼ Section 11-5N-2E SE¼ NE¼ SW¼ Section 4-5N-1E
Cimarron River above Ute Creek, near Boise City	OK720900000010_00	OK720900-00-0010G	SW¼ NE¼ NE¼ Section 9-5N-5E
Cimarron River off US 64, Mocane	OK620930000010_00	OK620930-00-0010G OK620930-00-0010T	SE¼NE¼SE¼Section23-29N-26W SW¼NW¼NW¼Section24-6N-25E
Crooked Creek near Englewood, KS	OK620930000100_00	OK620930-00-0100G	SW¼NW¼NW¼Section23-6N-27E

1.2 Watershed Description

General. Some parts of the watersheds in this TMDL are located in Cimarron and Beaver Counties in Northwestern Oklahoma, Baca County in Colorado, Union County in New Mexico and Meade County in Kansas. The vast majority of the drainage area for the waterbodies included in this report is located in Cimarron County.

All watersheds in the Upper Cimarron River Study Area are in the Southwestern Tablelands and High Plains eco-region. Table 1-2, derived from the 2000 U.S. Census, demonstrates that the counties in which these watersheds are located are sparsely populated (U.S. Census Bureau 2000).

Table 1-2 County Population and Density

County Name	Population (2000 Census)	Area (square miles)	Population Density (per square mile)
Beaver	5,857	1,818	3
Cimarron	3,148	1,841	2
Harper	3,562	1,041	3

Climate. Table 1-3 summarizes the average annual precipitation for each stream segment. Average annual precipitation values among the stream segments in this portion of Oklahoma range between 40.1 and 42.1 inches (Oklahoma Climate Survey 2005).

Table 1-3 Average Annual Precipitation by Stream Segment

Waterbody Name	Waterbody ID	Average Annual (Inches)
Cimarron River near Kenton	OK720900000180_00	17.06
Cimarron River above Ute Creek, near Boise City	OK720900000010_00	17.02
Cimarron River off US 64, Mocane	OK620930000010_00	19.47
Crooked Creek near Englewood, KS	OK620930000100_00	22.61

Land Use. Table 1-4 summarizes the acreages and the corresponding percentages of the land use categories for the contributing watershed associated with each respective Oklahoma waterbody. The land use/land cover data were derived from the U.S. Geological Survey (USGS) 2001 National Land Cover Dataset (USGS 2001). The land use categories are displayed in Figure 1-2.

The dominant land use in the Study Area is grassland. The second most prevalent land use is cultivated land for Cimarron River off US 64, Mocane (OK620930000010_00) and Crooked Creek near Englewood, Kansas (OK620930000100_00). The second most prevalent land use is shrub land for the other two Cimarron River segments (OK720900000180_00 & OK720900000010_00).

Table 1-4 Land Use Summaries by Watershed

Land Use Category	Stream Segments			
	Cimarron River near Kenton	Cimarron River above Ute Creek, near Boise City	Cimarron River off US 64, Mocane	Crooked Creek near Englewood, KS
Waterbody ID	OK720900000180_00	OK720900000010_00	OK620930000010_00	OK620930000100_00
Barren	0.00%	0.05%	0.04%	0.02%
Cultivated	0.17%	4.73%	27.70%	31.81%
Deciduous Forest	0.05%	0.00%	0.09%	0.18%
Developed High Intensity	0.00%	0.00%	0.00%	0.00%
Developed Low Intensity	0.00%	0.00%	0.00%	0.00%
Developed Medium Intensity	0.00%	0.03%	0.15%	0.17%
Developed Open Space	0.41%	1.03%	3.32%	2.87%
Evergreen Forest	2.24%	0.04%	0.00%	0.00%
Grassland	64.55%	69.79%	64.56%	59.30%
Herbaceous Wetland	0.31%	0.65%	0.03%	0.01%
Mixed Forest	0.00%	0.00%	0.00%	0.00%
Pasture Hay	0.00%	0.93%	2.54%	4.89%
Shrub	31.80%	22.64%	0.26%	0.00%
Woody Wetland	0.37%	0.10%	0.30%	0.14%
Water	0.09%	0.01%	1.00%	0.60%
Total Percentage:	100%	100%	100%	100%
Units in Acres				
Barren	5	207	137	2
Cultivated	246	21,523	100,624	3,347
Deciduous Forest	74	3	333	19
Developed High Intensity	0	0	12	0
Developed Low Intensity	0	0	0	0
Developed Medium Intensity	4	119	540	18
Developed Open Space	600	4,679	12,068	302
Evergreen Forest	3,311	187	1	0
Grassland	95,351	317,312	234,542	6,240
Herbaceous Wetland	464	2,970	103	1
Mixed Forest	0	0	0	0
Pasture Hay	0	4,247	9,214	514
Shrub	46,972	102,963	939	0
Woody Wetland	540	453	1,104	14
Water	139	28	3,648	63
Total (Acres)	147,706	454,692	363,266	10,522

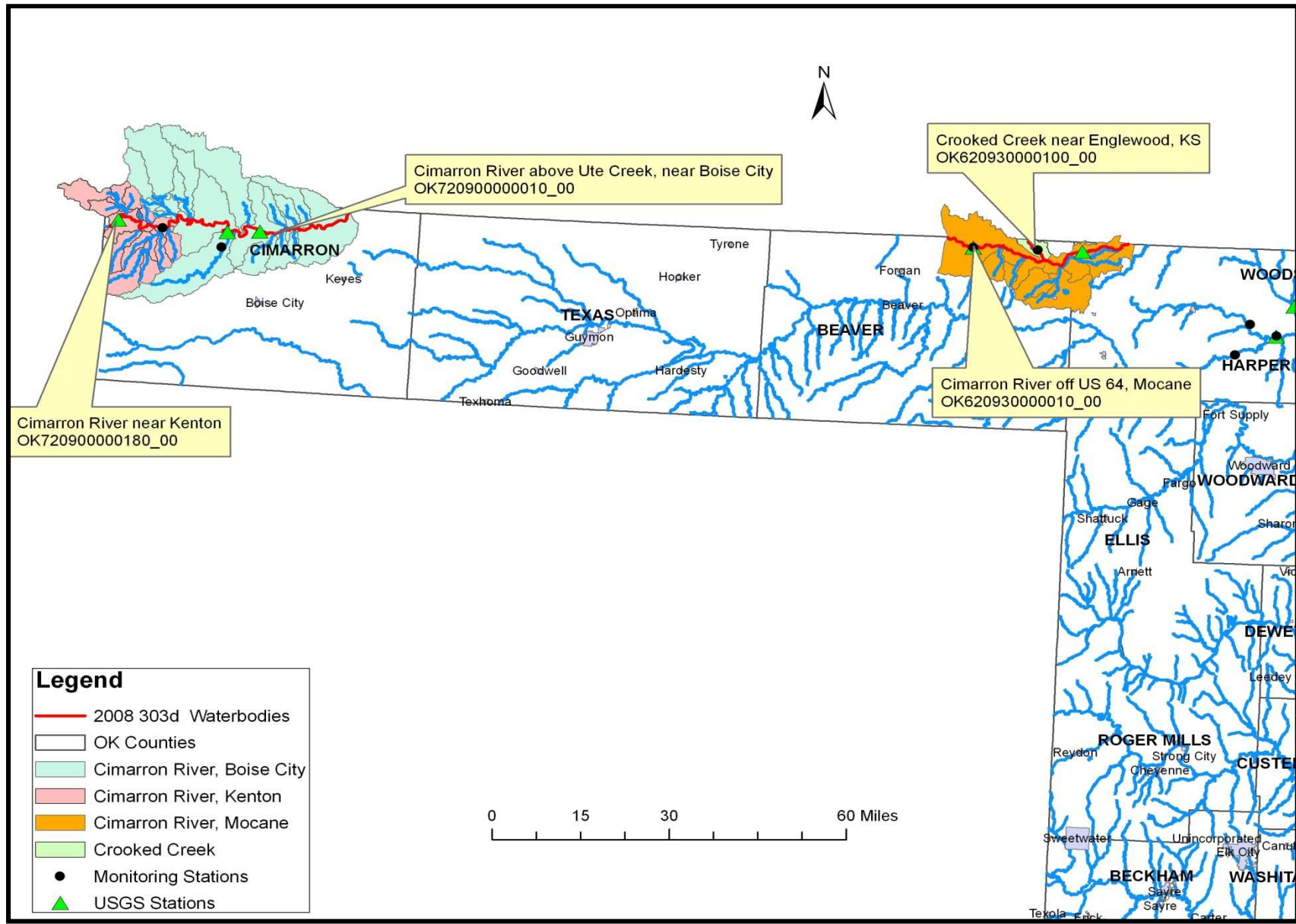
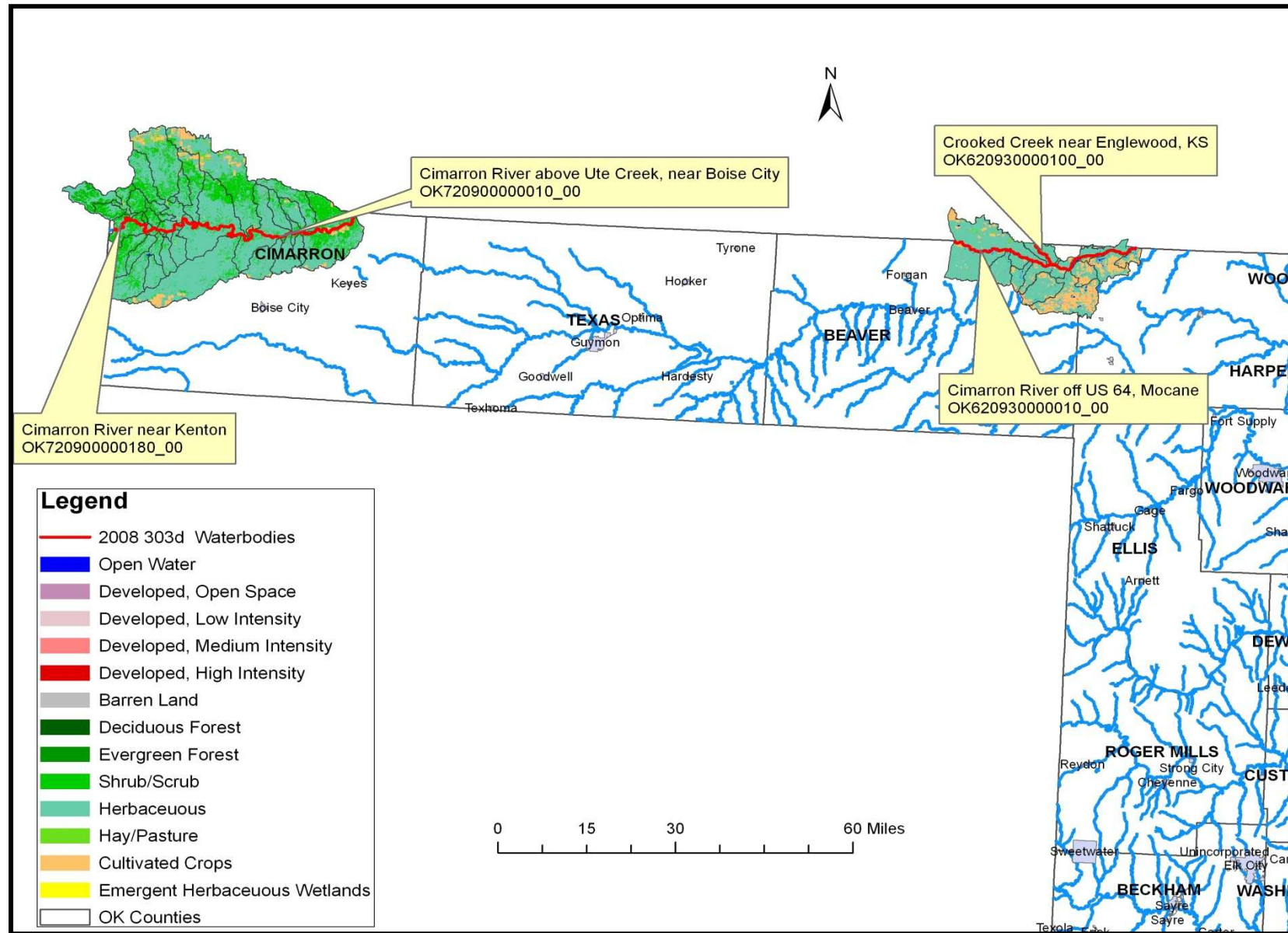
Figure 1-1 Watersheds Not Supporting Primary Body Contact Recreation Use within the Study Area

Figure 1-2 Land Use Map by Watershed



SECTION 2

PROBLEM IDENTIFICATION AND WATER QUALITY TARGET

2.1 Oklahoma Water Quality Standards

Title 785 of the Oklahoma Administrative Code includes Oklahoma's water quality standards (OWRB 2008). The OWRB has statutory authority and responsibility concerning establishment of state water quality standards, as provided under 82 Oklahoma Statute [O.S.], §1085.30. This statute authorizes the OWRB to promulgate rules *...which establish classifications of uses of waters of the state, criteria to maintain and protect such classifications, and other standards or policies pertaining to the quality of such waters.* [O.S. 82:1085:30(A)]. Beneficial uses are designated for all waters of the state. Such uses are protected through restrictions imposed by the antidegradation policy statement, narrative water quality criteria, and numerical criteria (OWRB 2008). An excerpt of the Oklahoma WQS (Title 785) summarizing the State of Oklahoma Antidegradation Policy is provided in Appendix D. Table 2-1a, an excerpt from the 2008 Integrated Report (DEQ 2008), lists beneficial uses designated for each bacteria impaired stream segment in the Study Area. The beneficial uses include:

- AES – Aesthetics
- AG – Agriculture Water Supply
- WWAC – Warm Water Aquatic Community
- FISH – Fish Consumption
- PBCR – Primary Body Contact Recreation
- PPWS – Public & Private Water Supply
- HQW – High Quality Water

Table 2-1 summarizes the PBCR and WWAC use attainment status and bacteria impairment status for streams in the Study Area. The TMDL priority shown in Table 2-1 is directly related to the TMDL target date. The TMDLs established in this report, which are a necessary step in the process of restoring water quality, only address bacteria impairments that affect the PBCR and WWAC-beneficial uses.

The definition of PBCR is summarized by the following excerpt from Chapter 45 of the Oklahoma WQS.

- (a) *Primary Body Contact Recreation involves direct body contact with the water where a possibility of ingestion exists. In these cases the water shall not contain chemical, physical or biological substances in concentrations that are irritating to skin or sense organs or are toxic or cause illness upon ingestion by human beings.*
- (b) *In waters designated for Primary Body Contact Recreation...limits...shall apply only during the recreation period of May 1 to September 30. The criteria for Secondary Body Contact Recreation will apply during the remainder of the year.*

Table 2-1 Excerpt from the Oklahoma 2008 303(d) List

Waterbody ID	Waterbody Name	Stream Miles	Priority	TMDL Date	Primary Body Contact Recreation	Impairments		
						Enterococci	E. coli	Fecal coliform
OK720900000180_00	Cimarron River near Kenton	19	3	2010	N	X	X	X
OK720900000010_00	Cimarron River above Ute Creek, near Boise City	47	2	2013	N		X	
OK620930000010_00	Cimarron River off US 64, Mocane	38	3	2016	N	X		X
OK620930000100_00	Crooked Creek near Englewood, KS	6	3	2016	N	X		

N = Not Supporting; Source: 2008 Integrated Report, DEQ 2008

Table 2-1a Designated Beneficial Uses for Each Impaired Waterbody in the Study Area

Waterbody ID	Waterbody Name	AES	AG	WWAC	FISH	PBCR	PPWS	Limitation
OK720900000180_00	Cimarron River near Kenton	F	N	N	X	N	I	HQW
OK720900000010_00	Cimarron River above Ute Creek, near Boise City	F	F	I	X	N	F	HQW
OK620930000010_00	Cimarron River off US 64, Mocane	I	N	F	I	N	I	
OK620930000100_00	Crooked Creek near Englewood, KS	I	F	I	X	N	I	

F – Fully supporting; N – Not supporting; I – Insufficient information; X – Not assessed

To implement Oklahoma's WQS for PBCR, OWRB promulgated Chapter 46, *Implementation of Oklahoma's Water Quality Standards* (OWRB 2008a). The excerpt below from Chapter 46: 785:46-15-6, stipulates how water quality data will be assessed to determine support of the PBCR use as well as how the water quality target for TMDLs will be defined for each bacterial indicator.

(a) *Scope. The provisions of this Section shall be used to determine whether the subcategory of Primary Body Contact of the beneficial use of Recreation designated in OAC 785:45 for a waterbody is supported during the recreation season from May 1 through September 30 each year. Where data exist for multiple bacterial indicators on the same waterbody or waterbody segment, the determination of use support shall be based upon the use and application of all applicable tests and data.*

(b) *Screening levels.*

(1) *The screening level for fecal coliform shall be a density of 400 colonies per 100ml.*

(2) *The screening level for Escherichia coli shall be a density of 235 colonies per 100 ml in streams designated in OAC 785:45 as Scenic Rivers and in lakes, and 406 colonies per 100 ml in all other waters of the state designated as Primary Body Contact Recreation.*

(3) *The screening level for enterococci shall be a density of 61 colonies per 100 ml in streams designated in OAC 785:45 as Scenic Rivers and in lakes, and 108 colonies per 100 ml in all other waters of the state designated as Primary Body Contact Recreation.*

(c) Fecal coliform:

(1) *The Primary Body Contact Recreation subcategory designated for a waterbody shall be deemed to be fully supported with respect to fecal coliform if the geometric mean of 400 colonies per 100 ml is met and no greater than 25% of the sample concentrations from that waterbody exceed the screening level prescribed in (b) of this Section.*

(2) *The parameter of fecal coliform is not susceptible to an assessment that Primary Body Contact Recreation is partially supported.*

(3) *The Primary Body Contact Recreation subcategory designated for a waterbody shall be deemed to be not supported with respect to fecal coliform if the geometric mean of 400 colonies per 100 ml is not met, or greater than 25% of the sample concentrations from that waterbody exceed the screening level prescribed in (b) of this Section, or both such conditions exist.*

(d) Escherichia coli (E. coli):

(1) *The Primary Body Contact Recreation subcategory designated for a waterbody shall be deemed to be fully supported with respect to E. coli if the geometric mean of 126 colonies per 100 ml is met, or the sample concentrations from that waterbody taken during the recreation season do not exceed the screening level prescribed in (b) of this Section, or both such conditions exist.*

(2) *The parameter of E. coli is not susceptible to an assessment that Primary Body Contact Recreation is partially supported.*

(3) *The Primary Body Contact Recreation subcategory designated for a waterbody shall be deemed to be not supported with respect to E. coli if the geometric mean of 126 colonies per 100 ml is not met and any of the sample concentrations from that waterbody taken during the recreation season exceed a screening level prescribed in (b) of this Section.*

(e) Enterococci:

(1) *The Primary Body Contact Recreation subcategory designated for a waterbody shall be deemed to be fully supported with respect to enterococci if the geometric mean of 33 colonies per 100 ml is met, or the sample concentrations from that waterbody taken during the recreation season do not exceed the screening level prescribed in (b) of this Section, or both such conditions exist.*

(2) *The parameter of enterococci is not susceptible to an assessment that Primary Body Contact Recreation is partially supported.*

(3) *The Primary Body Contact Recreation subcategory designated for a waterbody shall be deemed to be not supported with respect to enterococci if the geometric mean of 33 colonies per 100 ml is not met and any of the sample concentrations from that waterbody taken during the recreation season exceed a screening level prescribed in (b) of this Section.*

Compliance with the Oklahoma WQS is based on meeting requirements for all three bacterial indicators. Where concurrent data exist for multiple bacterial indicators on the same waterbody or waterbody segment, each indicator group must demonstrate compliance with the numeric criteria prescribed (OWRB 2008).

As stipulated in the WQS, utilization of the geometric mean to determine compliance for any of the three indicator bacteria depends on the collection of five samples within a 30-day period. For most stream segments in Oklahoma there are insufficient data available to calculate the 30-day geometric mean since most water quality samples are collected once a month. As a result, waterbodies placed on the 303(d) list for not supporting the PBCR are the result of individual samples exceeding the instantaneous criteria or the long-term geometric mean of individual samples exceeding the geometric mean criteria for each respective bacterial indicator. Targeting the instantaneous criterion established for the primary body contact recreation season (May 1st to September 30th) as the water quality goal for TMDLs corresponds to the basis for 303(d) listing and may be protective of the geometric mean criterion as well as the criteria for the secondary contact recreation season. However, both the instantaneous and geometric mean criteria for *E. coli* and enterococci will be evaluated as water quality targets to ensure the most protective goal is established for each waterbody.

The specific data assessment method for listing indicator bacteria based on instantaneous or single sample criterion is detailed in Oklahoma's 2008 Integrated Report. As stated in the report, a minimum of 10 samples collected between May 1st and September 30th (during the primary recreation season) is required to list a segment for *E. coli* and enterococci.

A sample quantity exception exists for fecal coliform that allows waterbodies to be listed for nonsupport of PBCR if there are less than 10 samples. The assessment method states that if there are less than 10 samples and the existing sample set already assures a nonsupport determination, then the waterbody should be listed for TMDL development. This condition is true in any case where the small sample set demonstrates that at least three out of six samples exceed the single sample fecal coliform criterion. In this case if four more samples were available to meet minimum of 10 samples, this would still translate to >25 percent exceedance or nonsupport of PBCR (*i.e.*, three out of 10 samples = 33 percent exceedance). For *E. coli* and enterococci, the 10-sample minimum was used, without exception, in attainment determination.

2.2 Problem Identification

Table 2-2 summarizes water quality data collected during primary body contact recreation season from the stream segments between 2000 and 2008 for each indicator bacteria. All the data within this time frame were used to support the decision to place specific waterbodies within the Study Area on the DEQ 2008 303(d) list (DEQ 2008). Water quality data from the primary and secondary contact recreation seasons are provided in Appendix A.

There was sufficient data collected between 2000 and 2008 to make an assessment of the four segments for the three bacteria numeric criterion. Evidence of nonsupport of primary body contact recreation beneficial uses was observed for fecal coliform and enterococci indicators in two segments of Cimarron River (OK720900000180_00 & OK620930000010_00). Nonsupport of PBCR was also observed for enterococci in Crooked Creek (OK620930000100_00). There was no evidence of nonsupport of primary body contact recreation beneficial uses observed for *E. coli* in two segments of Cimarron River

(OK720900000180_00 & OK72090000010_00) although both are listed on 2008 303(d) list. Table 2-3 summarizes the waterbodies requiring TMDLs for not supporting PBCR.

2.3 Water Quality Target

The Code of Federal Regulations (40 CFR §130.7(c)(1)) states that, “TMDLs shall be established at levels necessary to attain and maintain the applicable narrative and numerical water quality standards.” For the waterbodies requiring TMDLs in this report, defining the water quality target is somewhat complicated by the use of three different bacterial indicators with three different numeric criteria for determining attainment of PBCR use as defined in the Oklahoma WQS. An individual water quality target is established for each bacterial indicator since each indicator group must demonstrate compliance with the numeric criteria prescribed in the Oklahoma WQS (OWRB 2008). As previously stated, because available bacteria data were collected on an approximate monthly basis (see Appendix A) instead of at least five samples over a 30-day period, data for these TMDLs are analyzed and presented in relation to the instantaneous criteria for fecal coliform and both the instantaneous and a long-term geometric mean for both *E. coli* and enterococci.

All TMDLs for fecal coliform must take into account that no more than 25 percent of the samples may exceed the instantaneous numeric criteria. For *E. coli* and enterococci, no more than 10 percent of samples may exceed instantaneous criteria. Since the attainability of stream beneficial uses for *E. coli* and enterococci is based on the compliance of either the instantaneous or a long-term geometric mean criterion, percent reductions goals will be calculated for both criteria. TMDLs will be based on the percent reduction required to meet either the instantaneous or long-term geometric mean criterion, whichever is less.

The water quality target for each waterbody will also incorporate an explicit 10 percent MOS. For example, if fecal coliform is utilized to establish the TMDL, then the water quality target is 360 organisms per 100 milliliters (mL), 10 percent lower than the instantaneous water quality criteria (400/100 mL). For *E. coli* the instantaneous water quality target is 365 organisms/100 mL, which is 10 percent lower than the criterion value (406/100 mL), and the geometric mean water quality target is 113 organisms/100 mL, which is 10 percent lower than the criterion value (126/100 mL). For enterococci the instantaneous water quality target is 97/100 mL, which is 10 percent lower than the criterion value (108/100 mL) and the geometric mean water quality target is 30 organisms/100 mL, which is 10 percent lower than the criterion value (33/100 mL).

Each water quality target will be used to determine the allowable bacteria load which is derived by using the actual or estimated flow record multiplied by the instream criteria minus a 10 percent MOS.

Table 2-2 Summary of Indicator Bacteria Samples from Primary Body Contact Recreation Season, 2000-2008

Waterbody ID	Waterbody Name	Indicator Bacteria	Geo-Mean (cfu/100ml)	# of Samples	# of Samples Exceeding Criterion	% of Samples Exceeding Criterion	2008 303(d)	Notes
OK720900000180_00	Cimarron River near Kenton	FC	161	8	3	38%	X	TMDL required
		ENT	67	23	17	74%	X	TMDL required
		EC	68	24	9	38%	X	Delist: Meets geo-mean
OK720900000010_00	Cimarron River above Ute Creek, near Boise City	FC						
		ENT						
		EC		6	1		X	Delist: Not enough data
OK620930000010_00	Cimarron River off US 64, Mocane	FC	230	33	11	33%	X	TMDL required
		ENT	86	49	37	76%	X	TMDL required
		EC						
OK620930000100_00	Crooked Creek near Englewood, KS	FC						
		ENT	97	20	16	80%	X	TMDL required
		EC						

FC – Fecal Coliform, EC – E. coli, ENT – Enterococci

Highlighted indicators are impaired

Table 2-3 Waterbodies Requiring TMDLs for Not Supporting Primary Body Contact Recreation Use

WQM Station	Waterbody ID	Waterbody Name	Indicator Bacteria		
			ENT	E. coli	FC
OK720900-00-0180C OK720900-00-0180G	OK720900000180_00	Cimarron River near Kenton	X		X
OK620930-00-0010G OK620930-00-0010T	OK620930000010_00	Cimarron River off US 64, Mocane	X		X
OK620930-00-0100G	OK620930000100_00	Crooked Creek near Englewood, KS	X		

ENT = enterococci; FC = fecal coliform

SECTION 3

POLLUTANT SOURCE ASSESSMENT

A source assessment characterizes known and suspected sources of pollutant loading to impaired waterbodies. Sources within a watershed are categorized and quantified to the extent that information is available. Bacteria originate from humans and warm-blooded animals; and sources may be point or nonpoint in nature.

Point sources are permitted through the NPDES program. NPDES-permitted facilities that discharge treated wastewater are required to monitor for one of the three bacterial indicators (fecal coliform, *E coli*, or enterococci) in accordance with its permit. Nonpoint sources are diffuse sources that typically cannot be identified as entering a waterbody through a discrete conveyance at a single location. These sources may involve land activities that contribute bacteria to surface water as a result of rainfall runoff. For the TMDLs in this report, all sources of pollutant loading not regulated by NPDES are considered nonpoint sources. The following discussion describes what is known regarding point and nonpoint sources of bacteria in the impaired watersheds.

3.1 NPDES-Permitted Facilities

Under 40CFR, §122.2, a point source is described as a discernable, confined, and discrete conveyance from which pollutants are or may be discharged to surface waters. Certain NPDES-permitted municipal plants are classified as no-discharge facilities. NPDES-permitted facilities classified as point sources that may contribute bacteria loading include:

- NPDES municipal wastewater treatment plants (WWTP);
- NPDES municipal no-discharge WWTP;
- NPDES municipal separate storm sewer discharge (MS4); and
- NPDES Concentrated Animal Feeding Operation (CAFO).

Continuous point source discharges such as WWTPs, could result in discharge of elevated concentrations of fecal coliform bacteria if the disinfection unit is not properly maintained, is of poor design, or if flow rates are above the disinfection capacity. While the no-discharge facilities do not discharge wastewater directly to a waterbody, it is possible that the collection systems associated with each facility may be a source of bacteria loading to surface waters. Stormwater runoff from MS4 areas, which is now regulated under the USEPA NPDES Program, can also contain high bacteria concentrations. There are no permitted MS4s within the study area. CAFOs are recognized by USEPA as significant sources of pollution, and may have the potential to cause serious impacts to water quality if not properly managed. There are no NPDES permitted CAFOs in the study area.

There are no NPDES permitted facilities of any type in any of the contributing watersheds in the study area.

3.1.1 Continuous Point Source Discharges

There are no continuous point dischargers within the study area.

3.1.2 NPDES No-Discharge Facilities and SSOs

There is no NPDES no-discharge facility in any of the sub-watersheds in the study area.

There are no wastewater collection systems in the study area; hence no sanitary sewer overflows (SSO).

3.1.3 NPDES Municipal Separate Storm Sewer Discharge

Phase I MS4

In 1990 the USEPA developed rules establishing Phase I of the NPDES Stormwater Program, designed to prevent harmful pollutants from being washed by stormwater runoff into MS4s (or from being dumped directly into the MS4) and then discharged into local water bodies (USEPA 2005). Phase I of the program required operators of medium and large MS4s (those generally serving populations of 100,000 or greater) to implement a stormwater management program as a means to control polluted discharges. Approved stormwater management programs for medium and large MS4s are required to address a variety of water quality-related issues, including roadway runoff management, municipal-owned operations, and hazardous waste treatment. There are no Phase I MS4 permits in the Study Area.

Phase II MS4

Phase II of the rule extends coverage of the NPDES Stormwater Program to certain small MS4s. Small MS4s are defined as any MS4 that is not a medium or large MS4 covered by Phase I of the NPDES Stormwater Program. Phase II requires operators of regulated small MS4s to obtain NPDES permits and develop a stormwater management program. Programs are designed to reduce discharges of pollutants to the “maximum extent practicable,” protect water quality, and satisfy appropriate water quality requirements of the CWA. Small MS4 stormwater programs must address the following six minimum control measures:

- Public Education and Outreach;
- Public Participation/Involvement;
- Illicit Discharge Detection and Elimination;
- Construction Site Runoff Control;
- Post- Construction Runoff Control; and
- Pollution Prevention/Good Housekeeping.

The small MS4 General Permit for communities in Oklahoma became effective on February 8, 2005. There are no permitted MS4s within the study area. DEQ provides information on the current status of its MS4 program on its website, found at:

<http://www.deq.state.ok.us/WQDnew/stormwater/ms4/>

3.1.4 Concentrated Animal Feeding Operations

There are no NPDES-permitted CAFO facilities within the Study Area.

3.2 Nonpoint Sources

Nonpoint sources include those sources that cannot be identified as entering the waterbody at a specific location. Bacteria originate from rural, suburban, and urban areas. The following section describes possible major nonpoint sources contributing fecal coliform loading within the Study Area.

These sources include wildlife, various agricultural activities, land application fields, urban runoff, failing onsite wastewater disposal (OSWD) systems, and domestic pets.

Bacteria associated with urban runoff can emanate from humans, wildlife, commercially raised farm animals, and domestic pets. Water quality data collected from streams draining urban communities often show existing concentrations of fecal coliform bacteria at levels greater than a state's instantaneous standards. A study under USEPA's National Urban Runoff Project indicated that the average fecal coliform concentration from 14 watersheds in different areas within the United States was approximately 15,000 /100 mL in stormwater runoff (USEPA 1983). Water quality data collected from streams draining many of the non-permitted communities show existing loads of fecal coliform bacteria at levels greater than the State's instantaneous standards. Best management practices (BMP) such as buffer strips, repair of leaking sewage collection systems, elimination of illicit discharges and proper disposal of domestic animal waste, can reduce bacteria loading to waterbodies.

3.2.1 Wildlife

Fecal coliform bacteria are produced by all warm-blooded animals, including wildlife such as mammals and birds. In developing bacteria TMDLs it is important to identify the potential for bacteria contributions from wildlife by watershed. Wildlife is naturally attracted to riparian corridors of streams and rivers. With direct access to the stream channel, wildlife can be a concentrated source of bacteria loading to a waterbody. Fecal coliform bacteria from wildlife are also deposited onto land surfaces, where it may be washed into nearby streams by rainfall runoff. Currently there are insufficient data available to estimate populations and spatial distribution of wildlife and avian species by watershed. Consequently it is difficult to assess the magnitude of bacteria contributions from wildlife species as a general category.

However, adequate data are available by county to estimate the number of deer by watershed. This report assumes that deer habitat includes forests, croplands, and pastures. Using Oklahoma Department of Wildlife Conservation county data, the population of deer can be roughly estimated from the actual number of deer harvested and harvest rate estimates. Because harvest success varies from year to year based on weather and other factors, the average harvest from 1999 to 2003 was combined with an estimated annual harvest rate of 20 percent to predict deer population by county. Using the estimated deer population by county and the percentage of the watershed area within each county, a wild deer population can be calculated for each watershed. Table 3-1 provides the estimated number of deer for each watershed.

Table 3-1 Estimated Deer Populations

Waterbody ID	Waterbody Name	Deer	Acre
OK720900000180_00	Cimarron River near Kenton	50	147,706
OK620930000010_00	Cimarron River off US 64, Mocane	413	363,266
OK620930000100_00	Crooked Creek near Englewood, KS	1	10,522

According to a study conducted by ASAE (the American Society of Agricultural Engineers), deer release approximately 5×10^8 fecal coliform units per animal per day (ASAE 1999). Although only a fraction of the total fecal coliform loading produced by the deer population may actually enter a waterbody, the estimated fecal coliform production for deer provided in Table 3-2 in cfu/day provides a relative magnitude of loading in each watershed.

Table 3-2 Estimated Fecal Coliform Production for Deer

Waterbody ID	Waterbody Name	Watershed Area (acres)	Wild Deer Population	Estimated Wild Deer per acre	Fecal Production ($\times 10^9$ cfu/day) of Deer Population
OK720900000180_00	Cimarron River near Kenton	147,706	50	0.0003	25
OK620930000010_00	Cimarron River off US 64, Mocane	363,266	413	0.0011	206
OK620930000100_00	Crooked Creek near Englewood, KS	10,522	1	0.0001	0

3.2.2 Non-Permitted Agricultural Activities and Domesticated Animals

There are a number of non-permitted agricultural activities that can also be sources of fecal bacteria loading. Agricultural activities of greatest concern are typically those associated with livestock operations (Drapcho and Hubbs 2002). The following are examples of commercially raised farm animal activities that can contribute to bacteria sources:

- Processed commercially raised farm animal manure is often applied to fields as fertilizer, and can contribute to fecal bacteria loading to waterbodies if washed into streams by runoff.
- Animals grazing in pastures deposit manure containing fecal bacteria onto land surfaces. These bacteria may be washed into waterbodies by runoff.
- Animals often have direct access to waterbodies and can provide a concentrated source of fecal bacteria loading directly into streams.

Table 3-3 provides estimated numbers of commercially raised farm animals by watershed based on the 2002 U.S. Department of Agriculture (USDA) county agricultural census data (USDA 2002). The estimated animal populations in Table 3-3 were derived by using the percentage of the watershed within each county. Because the watersheds are generally much

smaller than the counties, and commercially raised farm animals are not evenly distributed across counties or constant with time, these are rough estimates only. Cattle generate the largest amount of fecal coliform and often have direct access to the impaired waterbodies.

Detailed information is not available to describe or quantify the relationship between instream concentrations of bacteria and land application of manure. The estimated acreage by watershed where manure was applied in 2002 is shown in Table 3-3. These estimates are also based on the county level reports from the 2002 USDA county agricultural census, and thus represent approximations of the land application area in each watershed. Because of the lack of specific data, for the purpose of these TMDLs, land application of animal manure is not quantified in Table 3-4 but is considered a potential source of bacteria loading to the waterbodies in the Study Area. Most poultry feeding operations are regulated by ODAFF, and are required to land apply chicken waste in accordance with their Animal Waste Management Plans or Comprehensive Nutrient Management Plans. While these plans are not designed to control bacteria loading, best management practices and conservation measures, if properly implemented, could greatly reduce the contribution of bacteria from this group of animals to the watershed.

According to a study conducted by the ASAE, the daily fecal coliform production rates by species were estimated as follows (ASAE 1999):

- Beef cattle release approximately $1.04\text{E}+11$ fecal coliform counts per animal per day;
- Dairy cattle release approximately $1.01\text{E}+11$ per animal per day
- Swine release approximately $1.08\text{E}+10$ per animal per day
- Chickens release approximately $1.36\text{E}+08$ per animal per day
- Sheep release approximately $1.20\text{E}+10$ per animal per day
- Horses release approximately $4.20\text{E}+08$ per animal per day;
- Turkey release approximately $9.30\text{E}+07$ per animal per day
- Ducks release approximately $2.43\text{E}+09$ per animal per day
- Geese release approximately $4.90\text{E}+10$ per animal per day

Using the estimated animal populations and the fecal coliform production rates from ASAE, an estimate of fecal coliform production from each group of commercially raised farm animals was calculated in each watershed of the Study Area in Table 3-4. Note that only a small fraction of these fecal coliform are expected to represent loading into waterbodies, either washed into streams by runoff or by direct deposition from wading animals. Cattle appear to represent the largest source of fecal bacteria.

According to data provided by Oklahoma Department of Agriculture, Food, and Forestry (ODAFF), there are no CAFOs or poultry operations in the study area.

Table 3-3 Commercially Raised Farm Animals and Manure Application Area Estimates by Watershed

Waterbody ID	Waterbody Name	Cattle & Calves-all	Dairy Cows	Horses & Ponies	Goats	Sheep & Lambs	Hogs & Pigs	Ducks & Geese	Chicken & Turkeys	Acres of Manure Application
OK720900000180_00	Cimarron River near Kenton	14,463	0	66	0	9	8	0	26	557
OK620930000010_00	Cimarron River off US 64, Mocane	34,896	54	156	0	198	0	6	116	1,004
OK620930000100_00	Crooked Creek near Englewood, KS	970	0	1	0	6	60	0	3	38

Table 3-4 Fecal Coliform Production Estimates for Commercially Raised Farm Animals (x10⁹ number/day)

Waterbody ID	Waterbody Name	Cattle & Calves-all	Dairy Cows	Horses & Ponies	Goats	Sheep & Lambs	Hogs & Pigs	Ducks & Geese	Chickens & Turkeys	Total
OK720900000180_00	Cimarron River near Kenton	1,504,152	0	28	0	108	86	0	2	1,504,377
OK620930000010_00	Cimarron River off US 64, Mocane	3,629,184	5,454	66	0	2,376	129,784	15	11	3,766,888
OK620930000100_00	Crooked Creek near Englewood, KS	100,880	0	0	0	72	648	0	0	101,601

3.2.3 Failing Onsite Wastewater Disposal Systems and Illicit Discharges

DEQ is responsible for implementing the regulations of Title 252, Chapter 641 of the Oklahoma Administrative Code, which define design standards for individual and small public onsite sewage disposal systems (DEQ 2008a). OSD systems and illicit discharges can be a source of bacteria loading to streams and rivers. Bacteria loading from failing OSD systems can be transported to streams in a variety of ways, including runoff from surface ponding or through groundwater. Fecal coliform-contaminated groundwater discharges to creeks through springs and seeps.

To estimate the potential magnitude of OSDs fecal bacteria loading, the number of OSD systems was estimated for each watershed. The estimate of OSD systems was derived by using data from the 1990 U.S. Census because this data was not available in the 2000 U.S. Census. The estimate was then prorated based on the population data from both the 1990 and 2000 U.S. Census. The density of OSD systems within each watershed was estimated by dividing the number of OSD systems in each census block by the number of acres in each census block. This density was then applied to the number of acres of each census block within a waterbody watershed. Census blocks crossing a watershed boundary required additional calculation to estimate the number of OSD systems based on the proportion of the census tracking falling within each watershed. This step involved adding all OSD systems for each whole or partial census block.

Over time, most OSD systems operating at full capacity will fail. OSD system failures are proportional to the adequacy of a state's minimum design criteria (Hall 2002). The 1995 American Housing Survey conducted by the U.S. Census Bureau estimates that, nationwide, 10 percent of occupied homes with OSD systems experience malfunctions during the year (U.S. Census Bureau 1995). A study conducted by Reed, Stowe & Yanke, LLC (2001) reported that approximately 12 percent of the OSD systems in northeast Texas (adjacent to the study area) were chronically malfunctioning. Most studies estimate that the minimum lot size necessary to ensure against contamination is roughly one-half to one acre (Hall 2002). Some studies, however, found that lot sizes in this range or even larger could still cause contamination of ground or surface water (University of Florida 1987). It is estimated that areas with more than 40 OSD systems per square mile (6.25 septic systems per 100 acres) can be considered to have potential contamination problems (Canter and Knox 1986). Table 3-5 summarizes estimates of sewered and unsewered households for each watershed in the study area.

Table 3-5 Estimates of Sewered and Unsewered Households

Waterbody ID	Waterbody Name	Public Sewer	Septic Tank	Other Means	Housing Units	% Sewered
OK720900000180_00	Cimarron River near Kenton	2	61	0	63	3%
OK620930000010_00	Cimarron River off US 64, Mocane	475	345	7	828	57%
OK620930000100_00	Crooked Creek near Englewood, KS	12	9	0	21	57%

For the purpose of estimating fecal coliform loading in watersheds, an OSD failure rate of eight percent was used. Using this eight percent failure rate, calculations were made to characterize fecal coliform loads in each watershed.

Fecal coliform loads were estimated using the following equation (USEPA 2001):

$$\# \frac{\text{counts}}{\text{day}} = (\# \text{ Failing_systems}) \times \left(\frac{10^6 \text{ counts}}{100 \text{ ml}} \right) \times \left(\frac{70 \text{ gal}}{\text{person day}} \right) \times \left(\# \frac{\text{person}}{\text{household}} \right) \times \left(3785.2 \frac{\text{ml}}{\text{gal}} \right)$$

The average of number of people per household was calculated to be 2.48 for counties in the Study Area (U.S. Census Bureau 2000). Approximately 70 gallons of wastewater was estimated to be produced on average per person per day (Metcalf and Eddy 1991). The fecal coliform concentration in septic tank effluent was estimated to be 10^6 per 100 mL of effluent based on reported concentrations from a number of published reports (Metcalf and Eddy 1991, Canter and Knox 1985; Cogger and Carlile 1984). Using this information, the estimated load from failing septic systems within the watersheds was summarized below in Table 3-6.

Table 3-6 Estimated Fecal Coliform Load from OSD Systems

Waterbody ID	Waterbody Name	Acres	Septic Tank	# of Failing Septic Tanks	Estimated Loads from Septic Tanks (x 10^9 counts/day)
OK720900000180_00	Cimarron River near Kenton	147,706	61	5	32
OK620930000010_00	Cimarron River off US 64, Mocane	363,266	345	28	182
OK620930000100_00	Crooked Creek near Englewood, KS	10,522	9	1	5

3.2.4 Domestic Pets

Fecal matter from dogs and cats, which is transported to streams by runoff from urban and suburban areas can be a potential source of bacteria loading. On average nationally, there are 1.7 dogs per household and 2.2 cats per household (American Veterinary Medical Association 2007). Using the U.S. census data at the block level (U.S. Census Bureau 2000),

dog and cat populations can be estimated for each watershed. Table 3-7 summarizes the estimated number of dogs and cats for the watersheds of the Study Area.

Table 3-7 Estimated Numbers of Pets

Waterbody ID	Waterbody Name	Housing Units	Dogs	Cats
OK720900000180_00	Cimarron River near Kenton	63	107	139
OK620930000010_00	Cimarron River off US 64, Mocane	828	1,407	1,821
OK620930000100_00	Crooked Creek near Englewood, KS	21	36	46

Table 3-8 provides an estimate of the fecal coliform load from pets. These estimates are based on estimated fecal coliform production rates of 5.4×10^8 per day for cats and 3.3×10^9 per day for dogs (Schueler 2000).

Table 3-8 Estimated Fecal Coliform Daily Production by Pets ($\times 10^9$)

Waterbody ID	Waterbody Name	Dogs	Cats	Total
OK720900000180_00	Cimarron River near Kenton	353	75	428
OK620930000010_00	Cimarron River off US 64, Mocane	4,644	983	5,628
OK620930000100_00	Crooked Creek near Englewood, KS	118	25	143

3.3 Summary of Bacteria Sources

NPDES-permitted facilities operate in a few of the watersheds in the Study Area but most of the point sources are relatively minor and for the most part tend to meet instream water quality criteria in their effluent. Thus, nonpoint sources are considered to be the major source of bacteria loading in each watershed. Table 3-9 summarizes the suspected sources of bacteria loading in each impaired watershed.

Table 3-9 Estimated Major Source of Bacteria Loading by Watershed

Waterbody ID	Waterbody Name	Point Sources	Nonpoint Sources	Major Source
OK720900000180_00	Cimarron River near Kenton	No	Yes	Nonpoint
OK620930000010_00	Cimarron River off US 64, Mocane	No	Yes	Nonpoint
OK620930000100_00	Crooked Creek near Englewood, KS	No	Yes	Nonpoint

Table 3-10 below provides a summary of the estimated fecal coliform loads in percentage for the four major nonpoint source categories (commercially raised farm animals, pets, deer and septic tanks) that are contributing to the elevated bacteria concentrations in each watershed. Commercially raised farm animals are estimated to be the primary contributors of fecal coliform loading to land surfaces. It must be noted that while no data are available to estimate populations and fecal loading of wildlife other than deer, a number of bacteria source tracking studies demonstrate that wild birds and mammals represent a major source of the fecal bacteria found in streams.

The magnitude of loading to a stream may not reflect the magnitude of loading to land surfaces. While no studies quantify these effects, bacteria may die off or survive at different rates depending on the manure characteristics and a number of other environmental conditions. Manure handling practices, use of BMPs, and relative location to streams can also affect stream loading. Also, the structural properties of some manures, such as cow patties, may limit their wash-off into streams by runoff. Because litter is applied in a pulverized form, it could be a larger source during storm runoff events. The Shoal Creek report showed that poultry litter was about 71% of the high flow load and cow pats contributed only about 28% of it (Missouri Department of Natural Resources, 2003). The Shoal Creek report also showed that poultry litter was insignificant under low flow conditions up to 50% frequency. In contrast, malfunctioning septic tank effluent may be present in pools on the surface, or in shallow groundwater, which may enhance its conveyance to streams.

Table 3-10 Summary of Daily Fecal Coliform Load Estimates from Nonpoint Sources to Land Surfaces

Waterbody ID	Waterbody Name	Commercially Raised Farm Animals	Pets	Deer	Septic Tanks
OK720900000180_00	Cimarron River near Kenton	99.97%	0.03%	0.00%	0.00%
OK620930000010_00	Cimarron River off US 64, Mocane	99.85%	0.14%	0.00%	0.00%
OK620930000100_00	Crooked Creek near Englewood, KS	99.97%	0.03%	0.00%	0.00%

SECTION 4

TECHNICAL APPROACH AND METHODS

The objective of a TMDL is to estimate allowable pollutant loads and to allocate these loads to the known pollutant sources in the watershed so appropriate control measures can be implemented and the WQS achieved. A TMDL is expressed as the sum of three elements as described in the following mathematical equation:

$$\text{TMDL} = \Sigma \text{WLA} + \Sigma \text{LA} + \text{MOS}$$

The WLA is the portion of the TMDL allocated to existing and future point sources. The LA is the portion of the TMDL allocated to nonpoint sources, including natural background sources. The MOS is intended to ensure that WQSs will be met. Thus, the allowable pollutant load that can be allocated to point and nonpoint sources can then be defined as the TMDL minus the MOS.

40 CFR, §130.2(1), states that TMDLs can be expressed in terms of mass per time, toxicity, or other appropriate measures. For fecal coliform, *E. coli*, or enterococci bacteria, TMDLs are expressed as colony-forming units per day, where possible, or as a percent reduction goal (PRG), and represent the maximum one-day load the stream can assimilate while still attaining the WQS.

4.1 Using Load Duration Curves to Develop TMDLs

The TMDL calculations presented in this report are derived from load duration curves (LDC). LDCs facilitate rapid development of TMDLs, and as a TMDL development tool are effective at identifying whether impairments are associated with point or nonpoint sources. The technical approach for using LDCs for TMDL development includes the four following steps that are described in Subsections 4.2 through 4.4 below:

- Preparing flow duration curves for gaged and ungaged stream segments;
- Estimating existing bacteria loading in the receiving water using ambient water quality data;
- Using LDCs to identify the critical condition that will dictate loading reductions necessary to attain WQS; and
- Interpreting LDCs to derive TMDL elements – WLA, LA, MOS, and PRG.

Historically, in developing WLAs for pollutants from point sources, it was customary to designate a critical low flow condition (*e.g.*, 7Q2) at which the maximum permissible loading was calculated. As water quality management efforts expanded in scope to quantitatively address nonpoint sources of pollution and types of pollutants, it became clear that this single critical low flow condition was inadequate to ensure adequate water quality across a range of flow conditions. Use of the LDC obviates the need to determine a design storm or selected flow recurrence interval with which to characterize the appropriate flow level for the assessment of critical conditions. For waterbodies impacted by both point and nonpoint sources, the “nonpoint source critical condition” would typically occur during high flows, when rainfall runoff would contribute the bulk of the pollutant load, while the “point source critical condition” would typically occur during low flows, when WWTP effluents would dominate the base flow of the impaired water. However, flow range is only a general indicator of the

relative proportion of point/nonpoint contributions. It is not used in this report to quantify point source or nonpoint source contributions. Violations that occur during low flows may not be caused exclusively by point sources. Violations have been noted in some watersheds that contain no point sources. Research has shown that bacteria loading in streams during low flow conditions may be due to direct deposit of cattle manure into streams and faulty septic tank/lateral field systems.

LDCs display the maximum allowable load over the complete range of flow conditions by a line using the calculation of flow multiplied by the water quality criterion. The TMDL can be expressed as a continuous function of flow, equal to the line, or as a discrete value derived from a specific flow condition.

4.2 Development of Flow Duration Curves

Flow duration curves serve as the foundation of LDCs and are graphical representations of the flow characteristics of a stream at a given site. Flow duration curves utilize the historical hydrologic record from stream gages to forecast future recurrence frequencies. Many streams throughout Oklahoma do not have long term flow data and therefore, flow frequencies must be estimated. The most basic method to estimate flows at an ungaged site involves 1) identifying an upstream or downstream flow gage; 2) calculating the contributing drainage areas of the ungaged sites and the flow gage; and 3) calculating daily flows at the ungaged site by using the flow at the gaged site multiplied by the drainage area ratio. The more complex approach used here in this TMDL report, also considers watershed differences in rainfall, land use, and the hydrologic properties of soil that govern runoff and retention. More than one upstream flow gage may also be considered. A more detailed explanation of the methods for estimating flow at ungaged streams is provided in Appendix C.

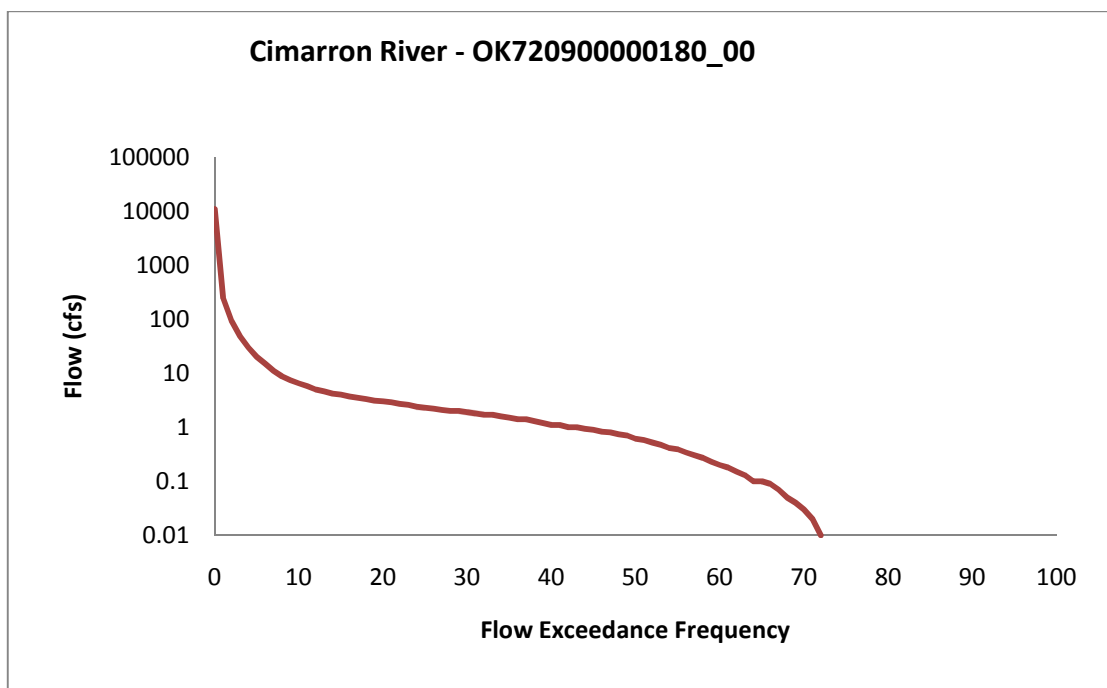
Flow duration curves are a type of cumulative distribution function. The flow duration curve represents the fraction of flow observations that exceed a given flow at the site of interest. The observed flow values are first ranked from highest to lowest then, for each observation, the percentage of observations exceeding that flow is calculated. The flow value is read from the ordinate (y-axis), which is typically on a logarithmic scale since the high flows would otherwise overwhelm the low flows. The flow exceedance frequency is read from the abscissa, which is numbered from 0 to 100 percent, and may or may not be logarithmic. The lowest measured flow occurs at an exceedance frequency of 100 percent, indicating that flow has equaled or exceeded this value 100 percent of the time, while the highest measured flow is found at an exceedance frequency of 0 percent. The median flow occurs at a flow exceedance frequency of 50 percent. The flow exceedance percentiles for each stream segment addressed in this report are provided in Appendix C.

While the number of observations required to develop a flow duration curve is not rigorously specified, a flow duration curve is usually based on more than 1 year of observations, and encompasses inter-annual and seasonal variation. Ideally, the drought of record and flood of record are included in the observations. For this purpose, the long-term flow gaging stations operated by the USGS are utilized (USGS 2007a).

A typical semi-log flow duration curve exhibits a sigmoidal shape, bending upward near a flow exceedance frequency value of 0 percent and downward at a frequency near 100 percent, often with a relatively constant slope in between. For sites that on occasion exhibit no flow, the

curve will intersect the abscissa at a frequency less than 100 percent. As the number of observations at a site increases, the line of the LDC tends to appear smoother. However, at extreme low and high flow values, flow duration curves may exhibit a “stair step” effect due to the USGS flow data rounding conventions near the limits of quantitation. An example of a typical flow duration curve is shown in Figure 4-1.

**Figure 4-1 Flow Duration Curve for Cimarron River near Kenton
(OK720900000180_00)**



4.3 Estimating Current Point and Nonpoint Loading

Another key step in the use of LDCs for TMDL development is the estimation of existing bacteria loading from point and nonpoint sources and the display of this loading in relation to the TMDL. In Oklahoma, WWTPs that discharge treated sanitary wastewater must meet the state WQSs for fecal bacteria at the point of discharge. However, for TMDL analysis it is necessary to understand the relative contribution of WWTPs to the overall pollutant loading and its general compliance with required effluent limits. The monthly bacteria load for continuous point source dischargers is estimated by multiplying the monthly average flow rates by the monthly geometric mean using a conversion factor. The current pollutant loading from each permitted point source discharge is calculated using the equation below.

*Point Source Loading = monthly average flow rates (mgd) * geometric mean of corresponding fecal coliform concentration * unit conversion factor*

Where:

unit conversion factor = 37,854,120 100-ml/million gallons

It is difficult to estimate current nonpoint loading due to lack of specific water quality and flow information that would assist in estimating the relative proportion of non-specific sources within the watershed. Therefore, existing instream loads minus the point source loads were used as an estimate for nonpoint loading.

4.4 Development of TMDLs Using Load Duration Curves

The draft step in the TMDL calculation process involves a group of additional computations derived from the preparation of LDCs. These computations are necessary to derive a PRG (which is one method of presenting how much bacteria loading must be reduced to meet WQSs in the impaired watershed).

Step 1: Generate Bacteria LDCs. LDCs are similar in appearance to flow duration curves; however, the ordinate is expressed in terms of a bacteria load in cfu/day. The curve represents the single sample water quality criterion for fecal coliform (400 cfu/100 mL), *E. coli* (406 cfu/100 mL), or enterococci (108 cfu/100 mL) expressed in terms of a load through multiplication by the continuum of flows historically observed at this site. The basic steps to generating an LDC involve:

- obtaining daily flow data for the site of interest from the USGS;
- sorting the flow data and calculating flow exceedance percentiles for the time period and season of interest;
- obtaining the water quality data from the primary body contact recreation season (May 1 through September 30);
- matching the water quality observations with the flow data from the same date;
- display a curve on a plot that represents the allowable load multiplied by the actual or estimated flow by the WQS for each respective indicator;
- multiplying the flow by the water quality parameter concentration to calculate daily loads; then
- plotting the flow exceedance percentiles and daily load observations in a load duration plot.

The culmination of these steps is expressed in the following formula, which is displayed on the LDC as the TMDL curve:

$$TMDL \text{ (cfu/day)} = WQS * flow \text{ (cfs)} * unit \text{ conversion factor}$$

Where: WQS = 400 cfu /100 ml (Fecal coliform); 406 cfu/100 ml (E. coli); or 108 cfu/100 ml (Enterococci)

$$unit \text{ conversion factor} = 24,465,525 \text{ ml*s} / \text{ft}^3 * \text{day}$$

The flow exceedance frequency (x-value of each point) is obtained by looking up the historical exceedance frequency of the measured or estimated flow, in other words, the percent of historical observations that equal or exceed the measured or estimated flow. Historical observations of bacteria concentration are paired with flow data and are plotted on the LDC. The fecal coliform load (or the y-value of each point) is calculated by multiplying the fecal coliform concentration (colonies/100 mL) by the instantaneous flow (cubic feet per second) at the same site and time, with appropriate volumetric and time unit conversions. Fecal coliform/*E. coli*/enterococci loads representing exceedance of water quality criteria fall above the water quality criterion line.

Only those flows and water quality samples observed in the months comprising the primary body contact recreation season are used to generate the LDCs. It is inappropriate to compare single sample bacteria observations and instantaneous or daily flow durations to a 30-day geometric mean water quality criterion in the LDC.

As noted earlier, runoff has a strong influence on loading of nonpoint pollution. Yet flows do not always correspond directly to local runoff; high flows may occur in dry weather and runoff influence may be observed with low or moderate flows.

Step 2: Define MOS. Federal regulations (40 CFR §130.7(c)(1)) require that TMDLs include a MOS. The MOS is a conservative measure incorporated into the TMDL equation that accounts for the uncertainty associated with calculating the allowable pollutant loading to ensure WQSs are attained. USEPA guidance allows for use of implicit or explicit expressions of the MOS, or both. When conservative assumptions are used in development of the TMDL, or conservative factors are used in the calculations, the MOS is implicit. When a specific percentage of the TMDL is set aside to account for uncertainty, then the MOS is considered explicit. The MOS may be defined explicitly or implicitly. A typical explicit approach would reserve some specific fraction of the TMDL as the MOS. In an implicit approach, conservative assumptions used in developing the TMDL are relied upon to provide an MOS to assure that WQSs are attained.

Step 3: Calculate WLA. As previously stated, the pollutant load allocation for point sources is defined by the WLA. A point source can be either a wastewater (continuous) or stormwater (MS4) discharge. Stormwater point sources are typically associated with urban and industrialized areas, and recent USEPA guidance includes NPDES-permitted stormwater discharges as point source discharges and, therefore, part of the WLA.

The LDC approach recognizes that the assimilative capacity of a waterbody depends on the flow, and that maximum allowable loading will vary with flow condition. TMDLs can be expressed in terms of maximum allowable concentrations, or as different maximum loads allowable under different flow conditions, rather than single maximum load values. This concentration-based approach meets the requirements of 40 CFR, 130.2(i) for expressing TMDLs “in terms of mass per time, toxicity, or other appropriate measures” and is consistent with USEPA’s Protocol for Developing Pathogen TMDLs (USEPA 2001).

WLA for WWTP. WLAs may be set to zero for watersheds with no existing or planned continuous permitted point sources. For watersheds with permitted point sources, WLAs may be derived from NPDES permit limits. A WLA may be calculated for each active NPDES wastewater discharger using a mass balance approach as shown in the equation below. The permitted average flow rate used for each point source discharge and the water quality criterion concentration are used to estimate the WLA for each wastewater facility. All WLA values for each NPDES wastewater discharger are then summed to represent the total WLA for the watershed.

$$WLA \text{ (cfu/day)} = WQS * flow * unit \text{ conversion factor}$$

Where:

Where: WQS = 200 cfu /100 ml (Fecal coliform); 126 cfu/100 ml (E. coli); or 33 cfu/100 ml (Enterococci)

flow (10⁶ gal/day) = permitted flow

unit conversion factor = 37,854,120-10⁶ gal/day

Step 4: Calculate LA and WLA for MS4s. LAs can be calculated under different flow conditions as the water quality target load minus the WLA. The LA is represented by the area under the LDC but above the WLA. The LA at any particular flow exceedance is calculated as shown in the equation below.

$$LA = TMDL - \sum WLA - MOS$$

WLA for MS4s. When there are permitted MS4s in the watershed, WLAs for MS4s will be calculated based on area prorated LA. This WLA for MS4s may not be the total load allocated for permitted MS4s unless the whole MS4 area is located within the study watershed boundary. However, in most case the study watershed intersects only a portion of the permitted MS4 coverage areas.

Step 5: Estimate WLA Load Reduction. The WLA load reduction was not calculated as it was assumed that continuous dischargers (NPDES-permitted WWTPs) are adequately regulated under existing permits to achieve water quality standards at the end-of-pipe and, therefore, no WLA reduction would be required. All SSOs are considered unpermitted discharges under State statute and DEQ regulations. For any MS4s that are located within a watershed requiring a TMDL the load reduction will be equal to the PRG established for the overall watershed.

Step 6: Estimate LA Load Reduction.

After existing loading estimates are computed for each bacterial indicator, nonpoint load reduction estimates for each stream segment are calculated by using the difference between estimated existing loading and the allowable load expressed by the LDC (TMDL-MOS). This difference is expressed as the overall percent reduction goal for the impaired waterbody. For fecal coliform the PRG which ensures that no more than 25 percent of the samples exceed the TMDL based on the instantaneous criteria allocates the loads in a manner that is also protective of the geometric mean criterion. For *E. coli* and enterococci, because WQ standards are considered to be met if 1) either the geometric mean of all data is less than the geometric mean criteria, or 2) no samples exceed the instantaneous criteria, the TMDL PRG will be the lesser of that required to meet the geometric mean or instantaneous criteria.

SECTION 5 TMDL CALCULATIONS

5.1 Flow Duration Curves

The USGS National Water Information System serves as the primary source of flow measurements for the application. All available daily average flow values for all gages in Oklahoma, as well as the nearest upstream and downstream gages in adjacent states, were retrieved for use in the application. The application includes a data update module that automatically downloads the most recent USGS data and appends it to the existing flow database.

Some instantaneous flow measurements were available from various agencies. These were not combined with the daily average flows or used in calculating flow percentiles, but were matched to bacteria grab measurements collected at the same site and time. When available, these instantaneous flow measurements were used in lieu of the daily average flow to calculate instantaneous bacteria loads.

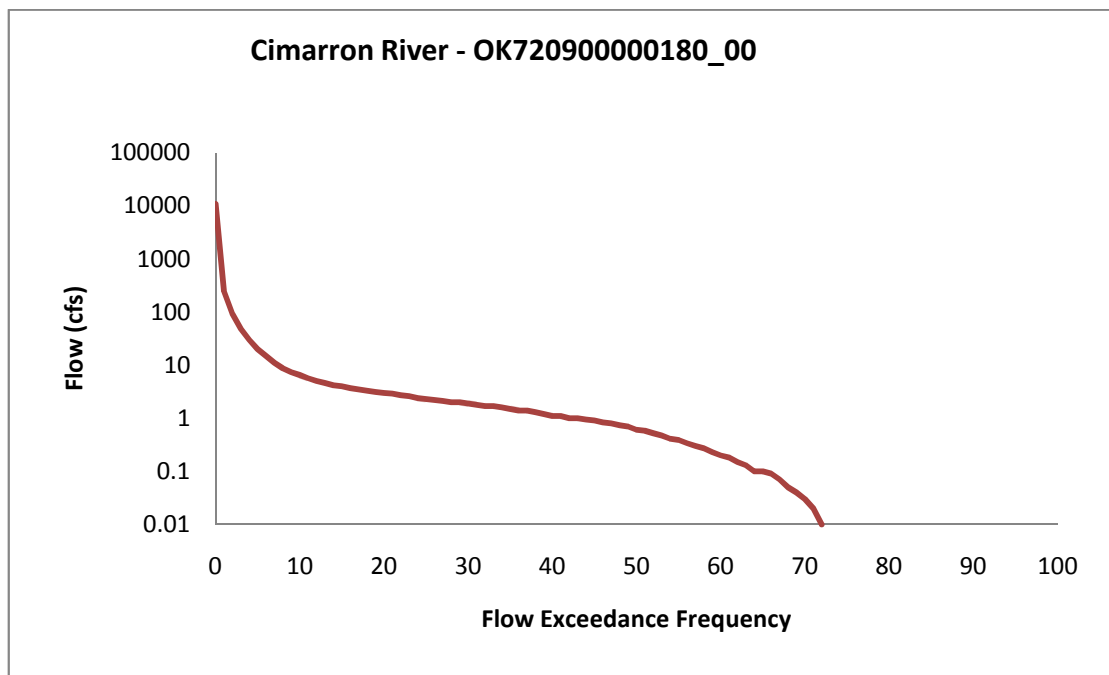
Figures 5-1 through 5-4 are flow duration curves for each impaired waterbody during the primary body contact recreation season. The flow duration curve for Cimarron River near Kenton (OK720900000180_00) was based on measured flows at USGS gage station 07154500. The flow period used for this station was 1950 through 2010.

The flow duration curve for Cimarron River above Ute Creek, near Boise City (OK720900000010_00) was based on measured flows at USGS gage station 07155000. The flow period used for this station was 1905 through 1954. No flow data is available after 1954.

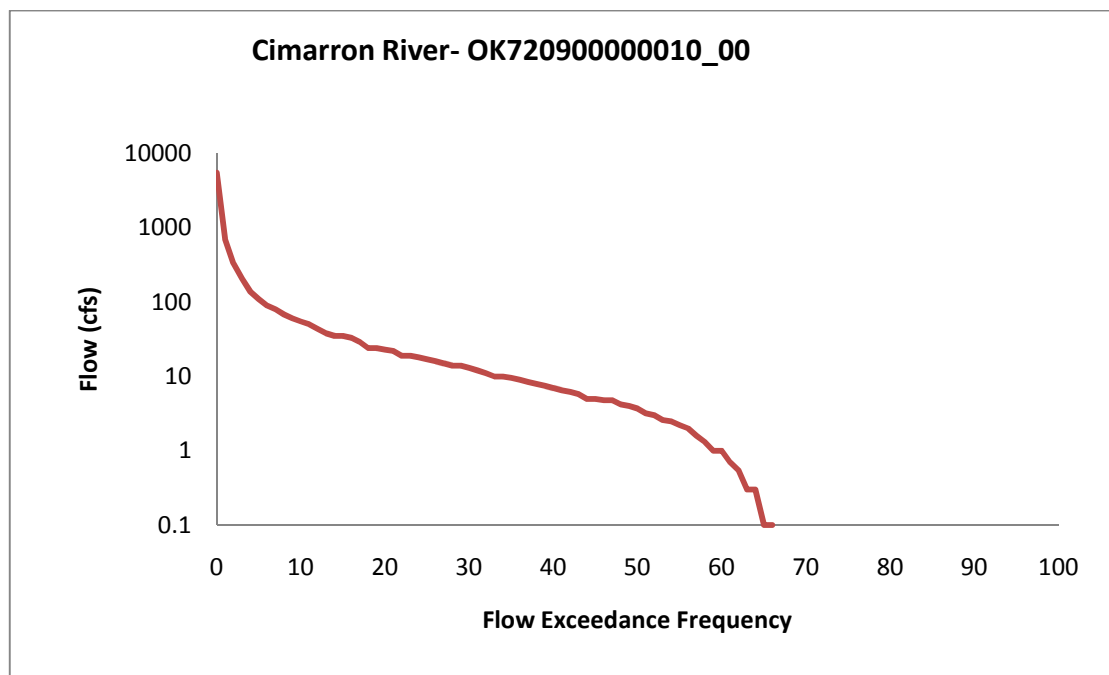
The flow duration curve for Cimarron River off US 64, Mocane (OK620930000010_00) was estimated using watershed area ratio method based on measured flows at USGS gage station 07157950 (Cimarron River near Buffalo). The flow period used for this station was 1960 through 2010.

The flow duration curve for Crooked Creek (OK620930000100_00) was based on measured flows at USGS gage station 07177000 (Crooked Creek near Englewood, KS). The flow period used for this station was 1942 through 2010.

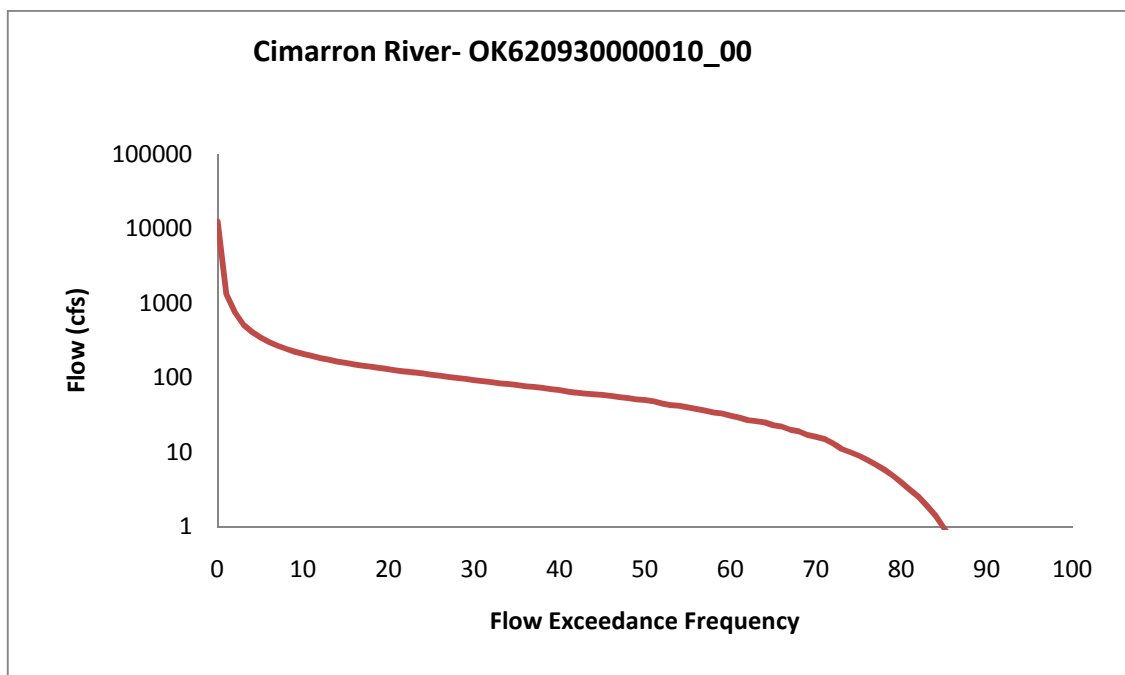
**Figure 5-1 Flow Duration Curve for Cimarron River near Kenton
(OK720900000180_00)**



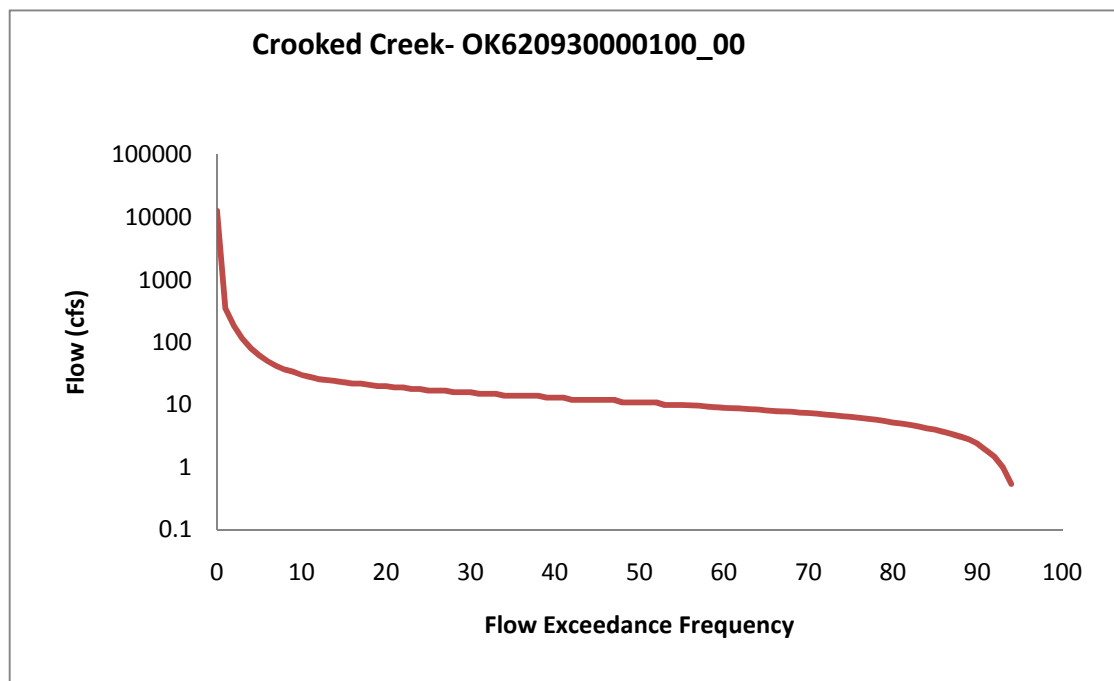
**Figure 5-2 Flow Duration Curve for Cimarron River above Ute Creek, near Boise City
(OK720900000010_00)**



**Figure 5-3 Flow Duration Curve for Cimarron River off US 64, Mocane
(OK620930000010_00)**



**Figure 5-4 Flow Duration Curve for Crooked Creek near Englewood, KS
(OK620930000100_00)**



5.2 Estimated Loading and Critical Conditions

USEPA regulations at 40 CFR 130.7(c) (1) require TMDLs to take into account critical conditions for stream flow, loading, and all applicable water quality standards. To accomplish this, available instream WQM data were evaluated with respect to flows and magnitude of water quality criteria exceedance using LDCs.

To calculate the bacteria load at the WQS, the flow rate at each flow exceedance percentile is multiplied by a unit conversion factor ($24,465,525 \text{ ml} \cdot \text{s} / \text{ft}^3 \cdot \text{day}$) and the criterion specific to each bacterial indicator. This calculation produces the maximum bacteria load in the stream without exceeding the instantaneous standard over the range of flow conditions. The x-axis indicates the flow exceedance percentile, while the y-axis is expressed in terms of a bacteria load.

To estimate existing loading, bacteria observations for the primary body contact recreation season (May 1st through September 30th) from 1999 to 2007 are paired with the flows measured or estimated in that segment on the same date. Pollutant loads are then calculated by multiplying the measured bacteria concentration by the flow rate and a unit conversion factor of $24,465,525 \text{ ml} \cdot \text{s} / \text{ft}^3 \cdot \text{day}$. The associated flow exceedance percentile is then matched with the measured flow from the tables provided in Appendix C. The observed bacteria loads are then added to the LDC plot as points. These points represent individual ambient water quality samples of bacteria. Points above the LDC indicate the bacteria instantaneous standard was exceeded at the time of sampling. Conversely, points under the LDC indicate the sample met the WQS.

The LDC approach recognizes that the assimilative capacity of a waterbody depends on the flow, and that maximum allowable loading varies with flow condition. Existing loading, and load reductions required to meet the TMDL water quality target can also be calculated under different flow conditions. The difference between existing loading and the water quality target is used to calculate the loading reductions required. Percent reduction goals are calculated for each watershed and bacterial indicator species as the reductions in load required in order that no more than 10 percent of the existing instantaneous water quality observations would exceed the water quality target. This is because for the PBCR use to be supported, criteria for each bacterial indicator must be met in each impaired waterbody.

Table 5-1 presents the percent reductions necessary for each bacterial indicator in each of the impaired waterbodies in the Study Area. Attainment of WQS in response to TMDL implementation will be based on results measured in these stream segments. The appropriate PRG for each bacteria indicator for each waterbody in Table 5-1 is denoted by the bold text.

Table 5-1 TMDL Percent Reductions Required to Meet Water Quality Standards for Impaired Waterbodies in the Upper Cimarron River Study Area

Waterbody ID	Waterbody Name	Percent Reduction Required		
		FC	ENT	
		Instantaneous	Instantaneous	Geomean
OK720900000180_00	Cimarron River near Kenton	28%	88%	56%
OK620930000010_00	Cimarron River off US 64, Mocane	20%	99%	66%
OK620930000100_00	Crooked Creek near Englewood, KS		94%	70%

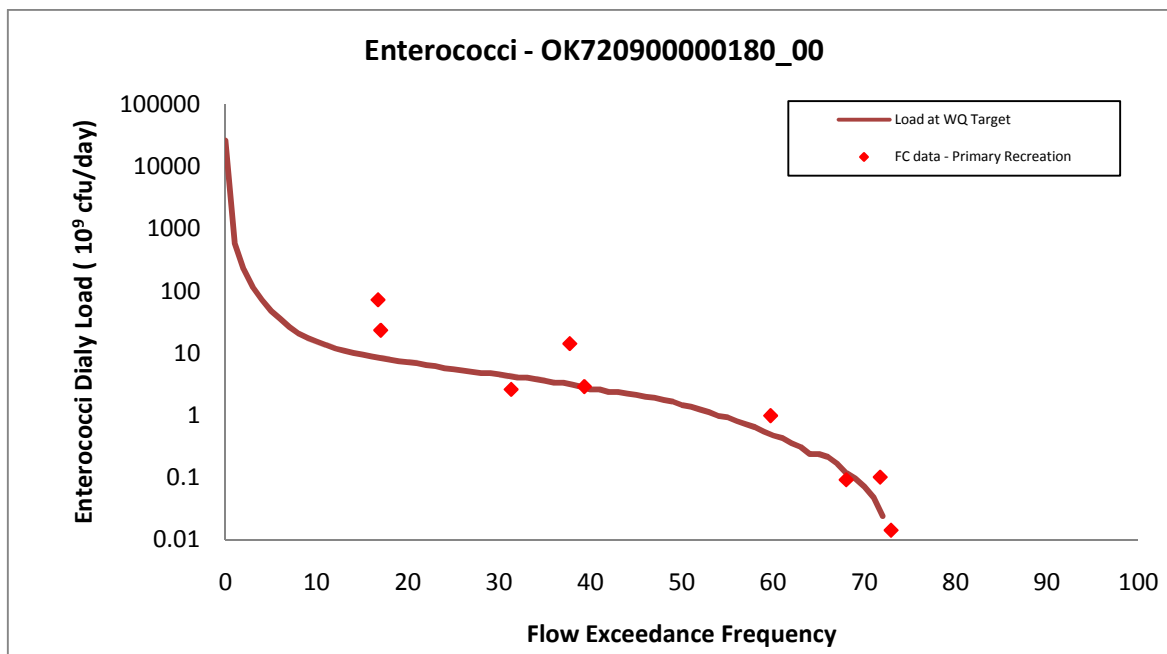
LDCs for each impaired waterbody (for the contact recreation season from 2000 through 2008) for each bacteria indicator are shown in Figures 5-5 through 5-9. Observed data during both primary body contact recreation season and secondary body contact recreation season are shown on the load duration curves. However, only data from primary body contact recreation season (May through September) are used to calculate percent reduction goal because this calculated reduction is sufficient to ensure that the secondary body contact recreation criteria are also met.

The LDCs for Cimarron River, segment OK720900000180_00 (Figure 5-5 & 5-6) shows enterococci and fecal coliform bacteria measurements at WQM station OK720900-00-0180C and OK720900-00-0180G. The LDCs indicates that enterococci and fecal coliform levels exceed the instantaneous water quality criteria under various flow conditions for enterococci and high flows for fecal coliform. This indicates a combination of point sources and non-point sources as causes for impairments. However, since there is no point source in the sub-watershed, non-point sources must be the cause of the impairments.

The LDCs for Cimarron River, segment OK620930000010_00 (Figure 5-7 & 5-8) show measurements for enterococci and fecal coliform at WQM station OK620930-00-0010G and OK620930-00-0010T. The LDCs indicate that Enterococci and fecal coliform levels exceed the instantaneous water quality criteria primarily under high flow conditions, but exceedance also occurs under low flows. This indicates that nonpoint sources are a major cause of impairment. However, since there is no point discharge in the sub-watershed, non-point sources must be the cause of the impairments.

The LDC for Crooked Creek, segment OK620930000100_00 (Figure 5-9) show measurements for enterococci at WQM station OK620930-00-0100G. The LDC indicate that bacteria levels exceed the instantaneous water quality criteria under various flow conditions, indicating a combination of point sources and non-point sources as causes for impairments. However, since there is no point source in the sub-watershed, non-point sources must be the cause of the impairments.

**Figure 5-5 Load Duration Curve for Enterococci in Cimarron River near Kenton
(OK720900000180_00)**



**Figure 5-6 Load Duration Curve for Fecal Coliform in Cimarron River near Kenton
(OK720900000180_00)**

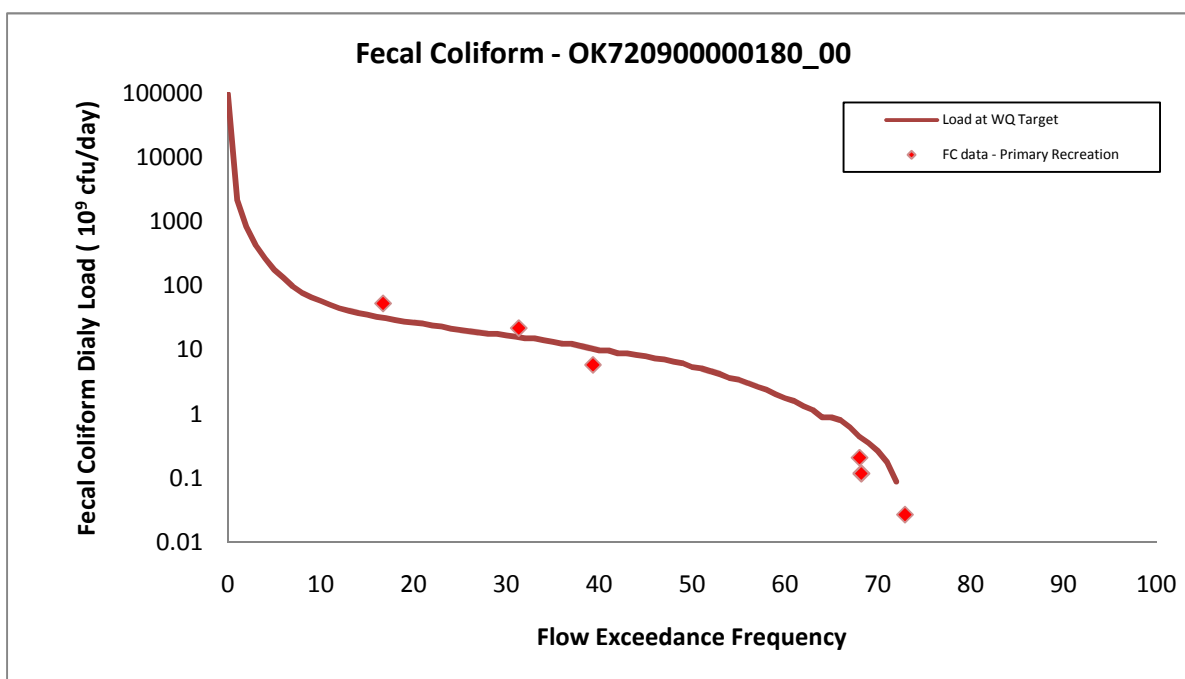


Figure 5-7 Load Duration Curve for Enterococci in Cimarron River off US 64, Mocane (OK620930000010_00)

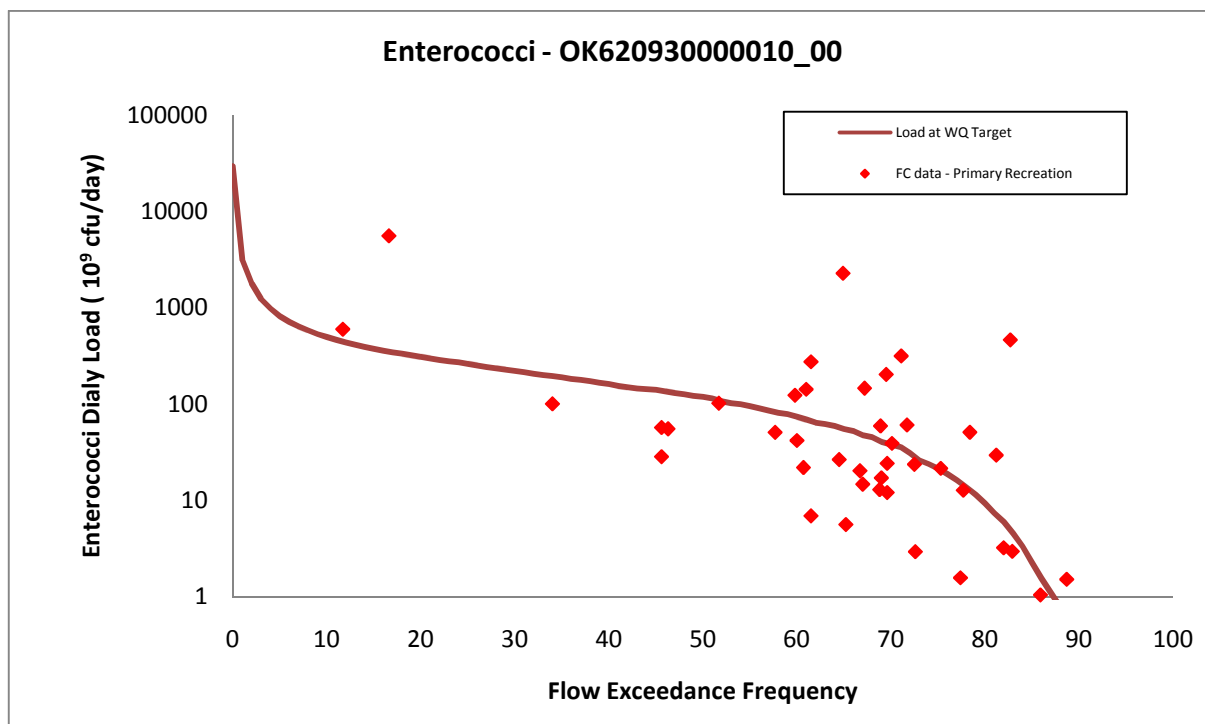


Figure 5-8 Load Duration Curve for Fecal Coliform in Cimarron River off US 64, Mocane (OK620930000010_00)

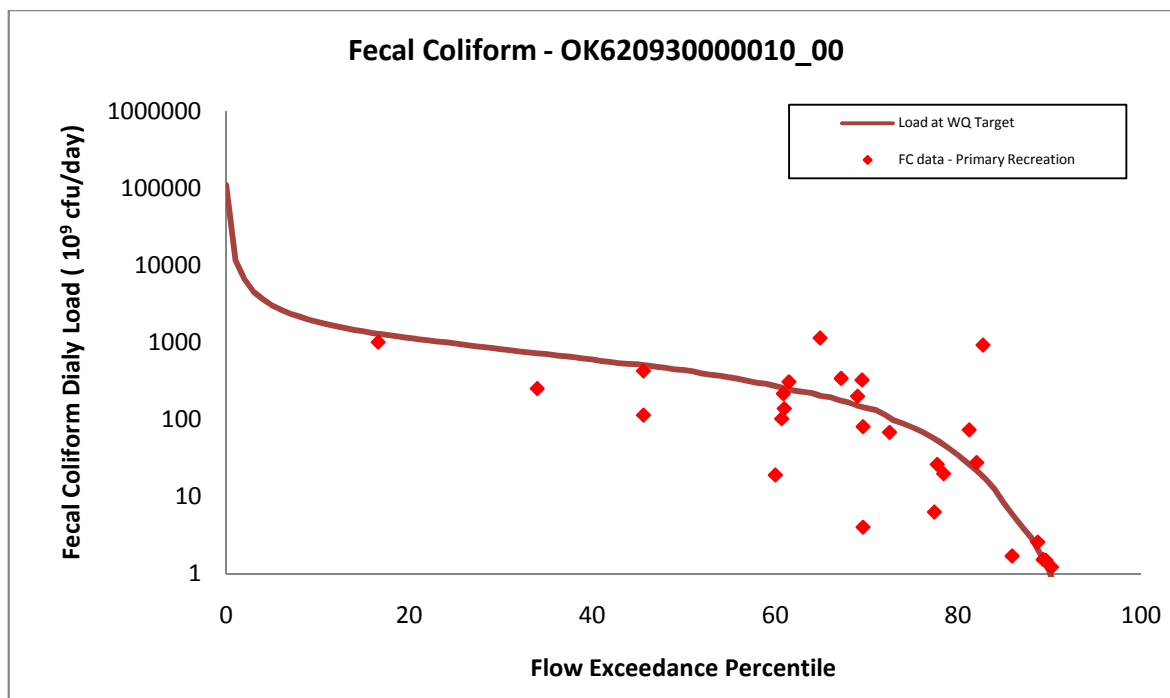
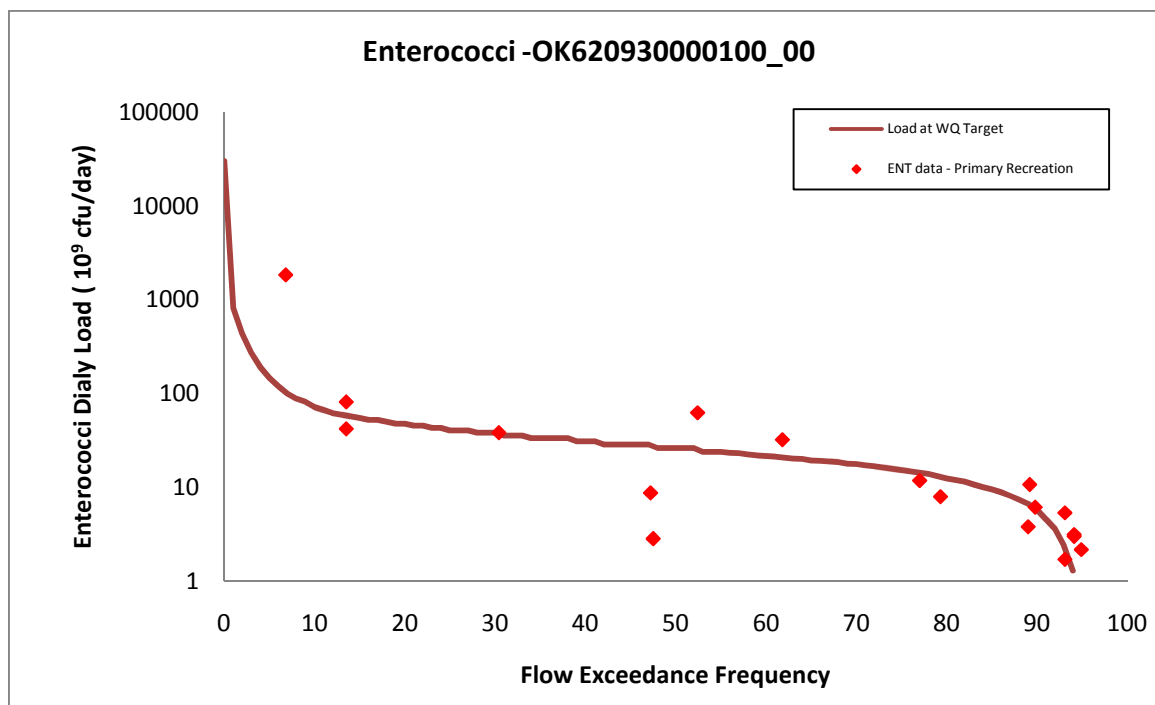


Figure 5-9 Load Duration Curve for Enterococci in Crooked Creek, near Englewood, KS (OK620930000100_00)



5.3 Wasteload Allocation

There are no NPDES WWTPs discharging into the contributing watersheds in the study area, hence the WLA is zero.

Permitted storm water discharges are considered point sources. There are no permitted MS4s within the study area; therefore, a specific wasteload allocation is not calculated for MS4s.

5.4 Load Allocation

As discussed in Section 3, nonpoint source bacteria loading to the receiving streams of each waterbody emanate from a number of different sources. The LAs for each stream segment are calculated as the difference between the TMDL, MOS, and WLA, as follows:

$$LA = TMDL - \sum WLA - MOS$$

5.5 Seasonal Variability

Federal regulations (40 CFR §130.7(c)(1)) require that TMDLs account for seasonal variation in watershed conditions and pollutant loading. The TMDLs established in this report adhere to the seasonal application of the Oklahoma WQS which limits the PBCR use to the period of May 1st through September 30th. Seasonal variation was also accounted for in these TMDLs by using more than 5 years of water quality data and by using the longest period of USGS flow records when estimating flows to develop flow exceedance percentiles.

5.6 Margin of Safety

For the TMDLs in this package, an explicit MOS of 10 percent was selected.

5.7 TMDL Calculations

The bacteria TMDLs for the 303(d)-listed stream segments covered in this report were derived using LDCs. A TMDL is expressed as the sum of all WLAs (point source loads), LAs (nonpoint source loads), and an appropriate MOS, which attempts to account for uncertainty concerning the relationship between effluent limitations and water quality.

This definition can be expressed by the following equation:

$$TMDL = \Sigma WLA + \Sigma LA + MOS$$

The TMDL represents a continuum of desired load over all flow conditions, rather than fixed at a single value, because loading capacity varies as a function of the flow present in the stream. The higher the flow is, the more wasteload the stream can handle without violating water quality standards. Regardless of the magnitude of the WLA calculated in these TMDLs, future new discharges or increased load from existing discharges will be considered consistent with the TMDL provided that the NPDES permit requires instream criteria to be met.

The TMDL, WLA, LA, and MOS will vary with flow condition, and are calculated at every 5th flow interval percentile (Tables 5-2 through 5-6).

**Table 5-2 Enterococci TMDL Calculations for Cimarron River near Kenton
(OK720900000180_00)**

Percentile	Flow (cfs)	TMDL (cfu/day)	WLA (cfu/day)	LA (cfu/day)	MOS (cfu/day)
0	11000	2.91E+13	0	2.62E+13	2.91E+12
5	20	5.28E+10	0	4.76E+10	5.28E+09
10	7	1.72E+10	0	1.55E+10	1.72E+09
15	4	1.06E+10	0	9.51E+09	1.06E+09
20	3	7.93E+09	0	7.13E+09	7.93E+08
25	2	6.08E+09	0	5.47E+09	6.08E+08
30	2	5.02E+09	0	4.52E+09	5.02E+08
35	2	3.96E+09	0	3.57E+09	3.96E+08
40	1	2.91E+09	0	2.62E+09	2.91E+08
45	1	2.38E+09	0	2.14E+09	2.38E+08
50	1	1.61E+09	0	1.45E+09	1.61E+08
55	0.4	1.03E+09	0	9.27E+08	1.03E+08
60	0.2	5.28E+08	0	4.76E+08	5.28E+07
65	0.1	2.64E+08	0	2.38E+08	2.64E+07
70	0.03	7.93E+07	0	7.13E+07	7.93E+06
75	0	0	0	0	0
80	0	0	0	0	0
85	0	0	0	0	0
90	0	0	0	0	0
95	0	0	0	0	0
100	0	0	0	0	0

**Table 5-3 Fecal Coliform TMDL Calculations for Cimarron River near Kenton
(OK720900000180_00)**

Percentile	Flow (cfs)	TMDL (cfu/day)	WLA (cfu/day)	LA (cfu/day)	MOS (cfu/day)
0	11000	1.08E+14	0	9.69E+13	1.08E+13
5	20	1.96E+11	0	1.76E+11	1.96E+10
10	7	6.36E+10	0	5.72E+10	6.36E+09
15	4	3.91E+10	0	3.52E+10	3.91E+09
20	3	2.94E+10	0	2.64E+10	2.94E+09
25	2	2.25E+10	0	2.03E+10	2.25E+09
30	2	1.86E+10	0	1.67E+10	1.86E+09
35	2	1.47E+10	0	1.32E+10	1.47E+09
40	1	1.08E+10	0	9.69E+09	1.08E+09
45	1	8.81E+09	0	7.93E+09	8.81E+08
50	1	5.97E+09	0	5.37E+09	5.97E+08
55	0.4	3.82E+09	0	3.43E+09	3.82E+08
60	0.2	1.96E+09	0	1.76E+09	1.96E+08
65	0.1	9.79E+08	0	8.81E+08	9.79E+07
70	0.03	2.94E+08	0	2.64E+08	2.94E+07
75	0	0	0	0	0
80	0	0	0	0	0
85	0	0	0	0	0
90	0	0	0	0	0
95	0	0	0	0	0
100	0	0	0	0	0

**Table 5-4 Enterococci TMDL Calculations for Cimarron River off US 64,
Mocane (OK620930000010_00)**

Percentile	Flow (cfs)	TMDL (cfu/day)	WLA (cfu/day)	LA (cfu/day)	MOS (cfu/day)
0	12500	3.30E+13	0	2.97E+13	3.30E+12
5	345	9.11E+11	0	8.19E+11	9.11E+10
10	209	5.52E+11	0	4.97E+11	5.52E+10
15	158	4.17E+11	0	3.75E+11	4.17E+10
20	130	3.43E+11	0	3.09E+11	3.43E+10
25	110	2.91E+11	0	2.62E+11	2.91E+10
30	93	2.46E+11	0	2.21E+11	2.46E+10
35	80	2.11E+11	0	1.90E+11	2.11E+10
40	68	1.80E+11	0	1.62E+11	1.80E+10
45	59	1.56E+11	0	1.40E+11	1.56E+10
50	50	1.32E+11	0	1.19E+11	1.32E+10
55	40	1.06E+11	0	9.51E+10	1.06E+10
60	31	8.19E+10	0	7.37E+10	8.19E+09
65	23	6.08E+10	0	5.47E+10	6.08E+09
70	16	4.23E+10	0	3.80E+10	4.23E+09
75	9	2.38E+10	0	2.14E+10	2.38E+09
80	4	1.03E+10	0	9.27E+09	1.03E+09
85	1	2.48E+09	0	2.24E+09	2.48E+08
90	0.1	3.17E+08	0	2.85E+08	3.17E+07
95	0	0	0	0	0
100	0	0	0	0	0

Table 5-5 Fecal Coliform TMDL Calculations for Cimarron River off US 64, Mocane (OK620930000010_00)

Percentile	Flow (cfs)	TMDL (cfu/day)	WLA (cfu/day)	LA (cfu/day)	MOS (cfu/day)
0	12500	1.22E+14	0	1.10E+14	1.22E+13
5	345	3.37E+12	0	3.04E+12	3.37E+11
10	209	2.05E+12	0	1.84E+12	2.05E+11
15	158	1.54E+12	0	1.39E+12	1.54E+11
20	130	1.27E+12	0	1.14E+12	1.27E+11
25	110	1.08E+12	0	9.69E+11	1.08E+11
30	93	9.10E+11	0	8.19E+11	9.10E+10
35	80	7.83E+11	0	7.05E+11	7.83E+10
40	68	6.65E+11	0	5.99E+11	6.65E+10
45	59	5.77E+11	0	5.20E+11	5.77E+10
50	50	4.89E+11	0	4.40E+11	4.89E+10
55	40	3.91E+11	0	3.52E+11	3.91E+10
60	31	3.03E+11	0	2.73E+11	3.03E+10
65	23	2.25E+11	0	2.03E+11	2.25E+10
70	16	1.57E+11	0	1.41E+11	1.57E+10
75	9	8.81E+10	0	7.93E+10	8.81E+09
80	4	3.82E+10	0	3.43E+10	3.82E+09
85	1	9.20E+09	0	8.28E+09	9.20E+08
90	0.1	1.17E+09	0	1.06E+09	1.17E+08
95	0	0	0	0	0
100	0	0	0	0	0

**Table 5-6 Enterococci TMDL Calculations for Crooked Creek near Englewood, KS
(OK620930000100_00)**

Percentile	Flow (cfs)	TMDL (cfu/day)	WLA (cfu/day)	LA (cfu/day)	MOS (cfu/day)
0	12700	3.36E+13	0	3.02E+13	3.36E+12
5	62	1.63E+11	0	1.47E+11	1.63E+10
10	30	7.93E+10	0	7.13E+10	7.93E+09
15	23	6.08E+10	0	5.47E+10	6.08E+09
20	20	5.28E+10	0	4.76E+10	5.28E+09
25	17	4.49E+10	0	4.04E+10	4.49E+09
30	16	4.23E+10	0	3.80E+10	4.23E+09
35	14	3.70E+10	0	3.33E+10	3.70E+09
40	13	3.43E+10	0	3.09E+10	3.43E+09
45	12	3.17E+10	0	2.85E+10	3.17E+09
50	11	2.91E+10	0	2.62E+10	2.91E+09
55	10	2.64E+10	0	2.38E+10	2.64E+09
60	9	2.38E+10	0	2.14E+10	2.38E+09
65	8	2.14E+10	0	1.93E+10	2.14E+09
70	7	1.96E+10	0	1.76E+10	1.96E+09
75	6	1.69E+10	0	1.52E+10	1.69E+09
80	5	1.37E+10	0	1.24E+10	1.37E+09
85	4	1.06E+10	0	9.51E+09	1.06E+09
90	2	6.34E+09	0	5.71E+09	6.34E+08
95	0	0	0	0	0
100	0	0	0	0	0

5.8 Reasonable Assurances

DEQ will collaborate with a host of other state agencies and local governments working within the boundaries of state and local regulations to target available funding and technical assistance to support implementation of pollution controls and management measures. Various water quality management programs and funding sources provide reasonable assurance that the pollutant reductions as required by these TMDLs can be achieved and water quality can be restored to maintain designated uses. DEQ's Continuing Planning Process (CPP), required by the CWA §303(e)(3) and 40 CFR 130.5, summarizes Oklahoma's commitments and programs aimed at restoring and protecting water quality throughout the State (DEQ 2007). The CPP can be viewed from DEQ's website at http://www.deq.state.ok.us/WQDnew/pubs/2006_cpp_draft.pdf. Table 5-7 provides a partial list of the state partner agencies DEQ will collaborate with to address point and nonpoint source reduction goals established by TMDLs.

Table 5-7 Partial List of Oklahoma Water Quality Management Agencies

Agency	Web Link
Oklahoma Conservation Commission	http://www.ok.gov/conservation/Agency_Divisions/Water_Quality_Division
Oklahoma Department of Wildlife Conservation	http://www.wildlifedepartment.com
Oklahoma Department of Agriculture, Food, and Forestry	http://www.oda.state.ok.us/aems.htm
Oklahoma Water Resources Board	http://www.owrb.ok.gov/quality/index.php

The Oklahoma Conservation Commission (OCC) is the lead agency for Nonpoint Source Pollution in Oklahoma. The primary mechanisms used for management of nonpoint source pollution are incentive-based programs that support the installation of BMPs and public education and outreach. Other programs include regulations and permits for CAFOs. The CAFO Act, as administered by the ODAFF, provides CAFO operators the necessary tools and information to deal with the manure and wastewater animals produce so streams, lakes, ponds, and groundwater sources are not polluted. In addition, financial incentives are currently available to assist qualified applicants with construction of fences to create riparian buffers, ponds, wells, livestock watering facilities and stream crossings through the USDA, Natural Resources Conservation Service (NRCS) Environmental Quality Incentives Programs (EQIP) and the Wildlife Habitat Incentives Program (WHIP).

As authorized by Section 402 of the CWA, the DEQ has delegation of the NPDES Program in Oklahoma, except for certain jurisdictional areas related to agriculture and the oil and gas industry retained by State Department of Agriculture and Oklahoma Corporation Commission, for which the USEPA has retained permitting authority. The NPDES Program in Oklahoma is implemented via OAC Title 252, Chapter 606 and the Oklahoma Pollutant Discharge Elimination System (OPDES) Act and in accordance with the agreement between DEQ and USEPA relating to administration and enforcement of the delegated NPDES

Program. Implementation of point source WLAs is done through permits issued under the OPDES program.

The reduction rates called for in this TMDL report are as high as 75 percent. The DEQ recognizes that achieving such high reductions will be very difficult, especially since unregulated nonpoint sources are a major cause of the impairment. The high reduction rates are not uncommon for pathogen-impaired waters. Similar reduction rates are often found in other pathogen TMDLs around the nation. The suitability of the current criteria for pathogens and the beneficial uses of the receiving stream should be reviewed. For example, the Kansas Department of Environmental Quality has proposed to exclude certain high flow conditions during which pathogen standards will not apply, although that exclusion was not approved by the USEPA. Additionally, USEPA has been conducting new epidemiology studies and may develop new recommendations for pathogen criteria in the near future.

Revisions to the current pathogen provisions of Oklahoma's WQS should be considered. There are three basic approaches to such revisions that may apply.

- **Removing the PBCR use:** This revision would require documentation in a Use Attainability Analysis that the use is not existing and cannot be attained. It is unlikely this approach would be successful since there is evidence that people do swim in these waterbodies, thus constituting an existing use. Existing uses cannot be removed.
- **Modifying application of the existing criteria:** This approach would include considerations such as an exemption under certain high flow conditions, an allowance for wildlife or "natural conditions," a sub-category of the use or other special provision for urban areas, or other special provisions for storm flows. Since large bacteria violations occur over all flow ranges, it is likely that large reductions would still be necessary. However, this approach may have merit and should be considered.
- **Revising the existing numeric criteria:** Oklahoma's current pathogen criteria are based on USEPA guidelines (See Implementation Guidance for Ambient Water Quality Criteria for Bacteria, May 2002 Draft; and Ambient Water Quality Criteria for Bacteria-1986, January 1986). However, those guidelines have received much criticism and USEPA studies that could result in revisions to their recommendations are ongoing. The use of the three indicators specified in Oklahoma's standards should be evaluated. The numeric criteria values should also be evaluated using a risk-based method such as that found in USEPA guidance.

Unless or until the WQS are revised and approved by USEPA, federal rules require that the TMDLs in this report must be based on attainment of the current standards. If revisions to the pathogen standards are approved in the future, reductions specified in these TMDLs will be re-evaluated.

SECTION 6 PUBLIC PARTICIPATION

This report is submitted to EPA for technical review. After the technical approval, a public notice will be circulated to the local newspapers and/or other publications in the area affected by this TMDL. The public will have opportunities to review the TMDL report and make written comments. The public comment period lasts 45 days. Depending on the interest and responses from the public, a public meeting may be held within the watershed affected by this TMDL. If a public meeting is held, the public will also have opportunities to ask questions and make formal oral comments at the meeting and/or to submit written comments at the public meeting.

All written comments received during the public notice period become a part of the record of this TMDL. All comments will be considered and the TMDL report will be revised according to the comments if necessary in the ultimate completion of this TMDL for submission to EPA for final approval.

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**APPENDIX A
AMBIENT WATER QUALITY BACTERIA DATA – 2000 TO 2008**

Appendix A

Ambient Water Quality Bacteria Data during Recreation Season – 2000 to 2008

WBID	Site Name	Date	E. coli (cfu/100 ml)	Enterococci (cfu/100 ml)	Fecal coliform (cfu/100 ml)
OK720900-00-0180G	Cimarron River: West	5/15/2000			100
OK720900-00-0180G	Cimarron River: West	5/7/2001	350	60	500
OK720900-00-0180G	Cimarron River: West	6/19/2000			1100
OK720900-00-0180G	Cimarron River: West	6/11/2001	52	100	200
OK720900-00-0180G	Cimarron River: West	7/16/2001	< 800	820	> 600
OK720900-00-0180G	Cimarron River: West	8/28/2000	10	10	20
OK720900-00-0180G	Cimarron River: West	8/20/2001	95	75	170
OK720900-00-0180G	Cimarron River: West	9/24/2001	10	10	20
OK720900-00-0180C	Cimarron River	5/12/2008	40	30	
OK720900-00-0180C	Cimarron River	6/9/2003	50	430	
OK720900-00-0180C	Cimarron River	6/7/2004	< 5	< 5	
OK720900-00-0180C	Cimarron River	6/4/2007	370	190	
OK720900-00-0180C	Cimarron River	6/25/2007	90	< 10	
OK720900-00-0180C	Cimarron River	7/22/2002	660	320	
OK720900-00-0180C	Cimarron River	7/14/2003	35	125	
OK720900-00-0180C	Cimarron River	7/9/2007	20	50	
OK720900-00-0180C	Cimarron River	7/15/2008	40	40	
OK720900-00-0180C	Cimarron River	7/21/2008	150	50	
OK720900-00-0180C	Cimarron River	8/26/2002	540	100	
OK720900-00-0180C	Cimarron River	8/18/2003	30	35	
OK720900-00-0180C	Cimarron River	8/6/2007	200	580	
OK720900-00-0180C	Cimarron River	8/25/2008	170	270	
OK720900-00-0180C	Cimarron River	9/30/2002	< 34	QAF	
OK720900-00-0180C	Cimarron River	9/15/2003	< 10	20	
OK720900-00-0180C	Cimarron River	9/10/2007	< 10	90	
OK720900-00-0180C	Cimarron River	9/29/2008	340	60	
OK720900-00-0010G	Cimarron River: East	5/7/2001	30		
OK720900-00-0010G	Cimarron River: East	6/11/2001	< 10		
OK720900-00-0010G	Cimarron River: East	7/16/2001	10		
OK720900-00-0010G	Cimarron River: East	8/28/2000	30		
OK720900-00-0010G	Cimarron River: East	8/20/2001	80		
OK720900-00-0010G	Cimarron River: East	9/24/2001	< 10		
OK620930-00-0010T	Cimarron River	5/12/2008		40	
OK620930-00-0010T	Cimarron River	6/9/2003		90	
OK620930-00-0010T	Cimarron River	6/7/2004		45	

WBID	Site Name	Date	E. coli (cfu/100 ml)	Enterococci (cfu/100 ml)	Fecal coliform (cfu/100 ml)
OK620930-00-0010T	Cimarron River	6/4/2007		60	
OK620930-00-0010T	Cimarron River	6/25/2007		130	
OK620930-00-0010T	Cimarron River	6/16/2008		860	
OK620930-00-0010T	Cimarron River	7/22/2002		180	
OK620930-00-0010T	Cimarron River	7/14/2003		140	
OK620930-00-0010T	Cimarron River	7/9/2007		30	
OK620930-00-0010T	Cimarron River	7/15/2008		60	
OK620930-00-0010T	Cimarron River	7/21/2008		10	
OK620930-00-0010T	Cimarron River	8/26/2002		40	
OK620930-00-0010T	Cimarron River	8/18/2003		100	
OK620930-00-0010T	Cimarron River	8/6/2007		100	
OK620930-00-0010T	Cimarron River	8/25/2008		10	
OK620930-00-0010T	Cimarron River	9/30/2002		QAF	
OK620930-00-0010T	Cimarron River	9/15/2003		10	
OK620930-00-0010T	Cimarron River	9/10/2007		160	
OK620930-00-0010T	Cimarron River	9/29/2008		30	
OK620930-00-0010G	Cimarron River	5/16/2000			400
OK620930-00-0010G	Cimarron River	5/8/2001		20	80
OK620930-00-0010G	Cimarron River	6/20/2000			300
OK620930-00-0010G	Cimarron River	6/12/2001		30	140
OK620930-00-0010G	Cimarron River	9/25/2001		30	10
OK620930000010-001AT	Cimarron River	9/12/2006		20.5	105
OK620930000010-001AT	Cimarron River	8/8/2006		10	140
OK620930000010-001AT	Cimarron River	8/1/2006		116	165
OK620930000010-001AT	Cimarron River	7/19/2006		90.5	130
OK620930000010-001AT	Cimarron River	7/11/2006		52.5	450
OK620930000010-001AT	Cimarron River	6/27/2006		61.5	100
OK620930000010-001AT	Cimarron River	6/13/2006		90.5	425
OK620930000010-001AT	Cimarron River	5/31/2006		80.5	232
OK620930000010-001AT	Cimarron River	5/2/2006		41	480
OK620930000010-001AT	Cimarron River	9/22/2004		246.5	420
OK620930000010-001AT	Cimarron River	9/13/2004		10	345
OK620930000010-001AT	Cimarron River	8/10/2004		85	175
OK620930000010-001AT	Cimarron River	7/27/2004		385	150
OK620930000010-001AT	Cimarron River	7/6/2004		1550	280
OK620930000010-001AT	Cimarron River	6/22/2004		400	450
OK620930000010-001AT	Cimarron River	6/1/2004		400	1000

WBID	Site Name	Date	E. coli (cfu/100 ml)	Enterococci (cfu/100 ml)	Fecal coliform (cfu/100 ml)
OK620930000010-001AT	Cimarron River	5/18/2004		200	195
OK620930000010-001AT	Cimarron River	5/4/2004		50	125
OK620930000010-001AT	Cimarron River	9/17/2002		55	15
OK620930000010-001AT	Cimarron River	8/13/2002		9000	18000
OK620930000010-001AT	Cimarron River	7/16/2002		290	450
OK620930000010-001AT	Cimarron River	6/18/2002		10	40
OK620930000010-001AT	Cimarron River	5/15/2002		55	25
OK620930000010-001AT	Cimarron River	4/16/2002			285
OK620930000010-001AT	Cimarron River	3/19/2002			450
OK620930000010-001AT	Cimarron River	11/6/2001			100
OK620930000010-001AT	Cimarron River	10/2/2001			145
OK620930000010-001AT	Cimarron River	9/25/2001		60	200
OK620930000010-001AT	Cimarron River	8/7/2001		300	700
OK620930000010-001AT	Cimarron River	7/10/2001		4000	2000
OK620930000010-001AT	Cimarron River	6/5/2001		500	800
OK620930000010-001AT	Cimarron River	5/8/2001		40	300
OK620930-00-0100G	Crooked Creek	5/12/2008		30	
OK620930-00-0100G	Crooked Creek	6/9/2003		70	
OK620930-00-0100G	Crooked Creek	6/7/2004		135	
OK620930-00-0100G	Crooked Creek	6/7/2004		55	
OK620930-00-0100G	Crooked Creek	6/4/2007		10	
OK620930-00-0100G	Crooked Creek	6/25/2007		60	
OK620930-00-0100G	Crooked Creek	6/16/2008		220	
OK620930-00-0100G	Crooked Creek	7/22/2002		840	
OK620930-00-0100G	Crooked Creek	7/29/2002		1720	
OK620930-00-0100G	Crooked Creek	7/14/2003		150	
OK620930-00-0100G	Crooked Creek	7/9/2007		80	
OK620930-00-0100G	Crooked Creek	7/15/2008		70	
OK620930-00-0100G	Crooked Creek	7/21/2008		10	
OK620930-00-0100G	Crooked Creek	8/26/2002		100	
OK620930-00-0100G	Crooked Creek	8/18/2003		250	
OK620930-00-0100G	Crooked Creek	8/6/2007		160	
OK620930-00-0100G	Crooked Creek	8/25/2008		240	
OK620930-00-0100G	Crooked Creek	9/30/2002		QAF	
OK620930-00-0100G	Crooked Creek	9/15/2003		10	
OK620930-00-0100G	Crooked Creek	9/10/2007		250	
OK620930-00-0100G	Crooked Creek	9/29/2008		100	

QAF = results failed QA, not reported.

**APPENDIX B
ESTIMATED FLOW EXCEEDANCE PERCENTILES**

Appendix B

Estimated Flow Exceedance Frequency

Stream Name	Cimarron River near Kenton, OK	Cimarron River above Ute Creek, near Boise City, OK	Cimarron River off US 64, Mocane, OK	Crooked Creek near Englewood, KS
WBID Segment	OK720900000180_00	OK720900000010_00	OK620930000010_00	OK620930000100_00
USGS Gage Reference	07154500	07155000	07157950	07157500
Drainage Area (sq. mile)	230.79	710.45	567.60	16.44
NRCS Curve Number	65.76	61.06	70.44	59.99
Ave. Annual Rainfall (inch)	17.06	17.02	19.47	22.61
Flow Exceedance Frequency	Q (cfs)	Q (cfs)	Q (cfs)	Q (cfs)
0	11000.00	5520.00	12500.00	12700.00
1	247.52	704.92	1323.20	348.00
2	94.00	331.98	755.64	184.00
3	48.00	207.47	515.00	115.00
4	30.00	137.96	414.00	80.00
5	20.00	110.00	344.60	61.65
6	15.00	90.00	300.00	50.00
7	11.00	80.00	269.00	42.00
8	8.70	68.00	245.00	37.00
9	7.40	60.41	224.00	34.00
10	6.50	55.00	209.00	30.00
11	5.70	50.00	196.00	28.00
12	5.00	43.88	184.00	26.00
13	4.60	38.00	174.00	25.00
14	4.20	35.00	165.00	24.00
15	4.00	35.00	157.80	23.00
16	3.70	33.00	150.00	22.00
17	3.50	29.00	145.00	22.00

Stream Name	Cimarron River near Kenton, OK	Cimarron River above Ute Creek, near Boise City, OK	Cimarron River off US 64, Mocane, OK	Crooked Creek near Englewood, KS
WBID Segment	OK720900000180_00	OK720900000010_00	OK620930000010_00	OK620930000100_00
USGS Gage Reference	07154500	07155000	07157950	07157500
Drainage Area (sq. mile)	230.79	710.45	567.60	16.44
NRCS Curve Number	65.76	61.06	70.44	59.99
Ave. Annual Rainfall (inch)	17.06	17.02	19.47	22.61
Flow Exceedance Frequency	Q (cfs)	Q (cfs)	Q (cfs)	Q (cfs)
18	3.30	24.00	140.00	21.00
19	3.10	24.00	135.00	20.00
20	3.00	23.00	130.00	20.00
21	2.90	22.00	125.00	19.00
22	2.70	19.00	121.00	19.00
23	2.60	19.00	117.00	18.00
24	2.40	18.00	114.00	18.00
25	2.30	17.00	110.00	17.00
26	2.20	16.00	106.00	17.00
27	2.10	15.00	102.00	17.00
28	2.00	14.00	99.00	16.00
29	2.00	14.00	96.00	16.00
30	1.90	13.00	93.00	16.00
31	1.80	12.00	90.00	15.00
32	1.70	11.00	87.00	15.00
33	1.70	10.00	84.00	15.00
34	1.60	10.00	82.00	14.00
35	1.50	9.60	80.00	14.00
36	1.40	9.00	77.00	14.00

Stream Name	Cimarron River near Kenton, OK	Cimarron River above Ute Creek, near Boise City, OK	Cimarron River off US 64, Mocane, OK	Crooked Creek near Englewood, KS
WBID Segment	OK720900000180_00	OK720900000010_00	OK620930000010_00	OK620930000100_00
USGS Gage Reference	07154500	07155000	07157950	07157500
Drainage Area (sq. mile)	230.79	710.45	567.60	16.44
NRCS Curve Number	65.76	61.06	70.44	59.99
Ave. Annual Rainfall (inch)	17.06	17.02	19.47	22.61
Flow Exceedance Frequency	Q (cfs)	Q (cfs)	Q (cfs)	Q (cfs)
37	1.40	8.40	75.00	14.00
38	1.30	7.90	73.00	14.00
39	1.20	7.50	70.00	13.00
40	1.10	7.00	68.00	13.00
41	1.10	6.50	65.00	13.00
42	1.00	6.20	63.00	12.00
43	1.00	5.80	61.00	12.00
44	0.94	5.00	60.00	12.00
45	0.90	5.00	59.00	12.00
46	0.83	4.80	57.00	12.00
47	0.80	4.80	55.00	12.00
48	0.74	4.20	53.00	11.00
49	0.70	4.00	51.00	11.00
50	0.61	3.70	50.00	11.00
51	0.58	3.20	48.00	11.00
52	0.52	3.00	45.00	11.00
53	0.47	2.60	43.00	10.00
54	0.41	2.50	42.00	10.00
55	0.39	2.20	40.00	10.00

Stream Name	Cimarron River near Kenton, OK	Cimarron River above Ute Creek, near Boise City, OK	Cimarron River off US 64, Mocane, OK	Crooked Creek near Englewood, KS
WBID Segment	OK720900000180_00	OK720900000010_00	OK620930000010_00	OK620930000100_00
USGS Gage Reference	07154500	07155000	07157950	07157500
Drainage Area (sq. mile)	230.79	710.45	567.60	16.44
NRCS Curve Number	65.76	61.06	70.44	59.99
Ave. Annual Rainfall (inch)	17.06	17.02	19.47	22.61
Flow Exceedance Frequency	Q (cfs)	Q (cfs)	Q (cfs)	Q (cfs)
56	0.34	2.00	38.00	9.80
57	0.30	1.60	36.00	9.70
58	0.27	1.30	34.00	9.40
59	0.23	1.00	33.00	9.20
60	0.20	1.00	31.00	9.00
61	0.18	0.70	29.00	8.90
62	0.15	0.54	27.00	8.70
63	0.13	0.30	26.00	8.50
64	0.10	0.30	25.00	8.40
65	0.10	0.10	23.00	8.10
66	0.09	0.10	22.00	8.00
67	0.07	0.00	20.00	7.90
68	0.05	0.00	19.00	7.80
69	0.04	0.00	17.00	7.50
70	0.03	0.00	16.00	7.40
71	0.02	0.00	15.00	7.20
72	0.01	0.00	13.00	7.00
73	0.00	0.00	11.00	6.80

Stream Name	Cimarron River near Kenton, OK	Cimarron River above Ute Creek, near Boise City, OK	Cimarron River off US 64, Mocane, OK	Crooked Creek near Englewood, KS
WBID Segment	OK720900000180_00	OK720900000010_00	OK620930000010_00	OK620930000100_00
USGS Gage Reference	07154500	07155000	07157950	07157500
Drainage Area (sq. mile)	230.79	710.45	567.60	16.44
NRCS Curve Number	65.76	61.06	70.44	59.99
Ave. Annual Rainfall (inch)	17.06	17.02	19.47	22.61
Flow Exceedance Frequency	Q (cfs)	Q (cfs)	Q (cfs)	Q (cfs)
74	0.00	0.00	10.00	6.60
75	0.00	0.00	9.00	6.40
76	0.00	0.00	7.90	6.20
77	0.00	0.00	6.80	6.00
78	0.00	0.00	5.80	5.80
79	0.00	0.00	4.80	5.50
80	0.00	0.00	3.90	5.20
81	0.00	0.00	3.10	5.00
82	0.00	0.00	2.50	4.80
83	0.00	0.00	1.90	4.50
84	0.00	0.00	1.40	4.20
85	0.00	0.00	0.94	4.00
86	0.00	0.00	0.65	3.70
87	0.00	0.00	0.46	3.40
88	0.00	0.00	0.33	3.10
89	0.00	0.00	0.20	2.80
90	0.00	0.00	0.12	2.40
91	0.00	0.00	0.05	1.90
92	0.00	0.00	0.01	1.50
93	0.00	0.00	0.00	1.00

Stream Name	Cimarron River near Kenton, OK	Cimarron River above Ute Creek, near Boise City, OK	Cimarron River off US 64, Mocane, OK	Crooked Creek near Englewood, KS
WBID Segment	OK720900000180_00	OK720900000010_00	OK620930000010_00	OK6209300000100_00
USGS Gage Reference	07154500	07155000	07157950	07157500
Drainage Area (sq. mile)	230.79	710.45	567.60	16.44
NRCS Curve Number	65.76	61.06	70.44	59.99
Ave. Annual Rainfall (inch)	17.06	17.02	19.47	22.61
Flow Exceedance Frequency	Q (cfs)	Q (cfs)	Q (cfs)	Q (cfs)
94	0.00	0.00	0.00	0.54
95	0.00	0.00	0.00	0.00
96	0.00	0.00	0.00	0.00
97	0.00	0.00	0.00	0.00
98	0.00	0.00	0.00	0.00
99	0.00	0.00	0.00	0.00
100	0.00	0.00	0.00	0.00

Appendix B

General Methodology for Estimating Stream Flow

Flows duration curve will be developed using existing USGS measured flow where the data exist from a gage on the stream segment of interest, or by estimating flow for stream segments with no corresponding flow record. Flow data to support flow duration curves and load duration curves will be derived for each Oklahoma stream segment in the following priority:

- i) In cases where a USGS flow gage occurs on, or within one-half mile upstream or downstream of the Oklahoma stream segment.
 - a. If simultaneously-collected flow data matching the water quality sample collection date are available, these flow measurements will be used.
 - b. If flow measurements at the coincident gage are missing for some dates on which water quality samples were collected, the gaps in the flow record will be filled, or the record will be extended, by estimating flow based on measured streamflows at a nearby gage. First, the most appropriate nearby stream gage is identified. All flow data are first log-transformed to linearize the data because flow data are highly skewed. Linear regressions are then developed between 1) daily streamflow at the gage to be filled/ extended, and 2) streamflow at all gages within 95 miles that have at least 300 daily flow measurements on matching dates. The station with the best flow relationship, as indicated by the highest r-squared value, is selected as the index gage. R-squared indicates the fraction of the variance in flow explained by the regression. The regression is then used to estimate flow at the gage to be filled/extended from flow at the index station. Flows will not be estimated based on regressions with r-squared values less than 0.25, even if that is the best regression. In some cases, it will be necessary to fill/extend flow records from two or more index gages. The flow record will be filled/extended to the extent possible based on the best index gage (highest r-squared value), and remaining gaps will be filled from the next best index gage (second highest r-squared value), and so forth.
 - c. Flow duration curves will be based on measured flows only, not on the filled or extended flow time series calculated from other gages using regression.
 - d. On a stream impounded by dams to form reservoirs of sufficient size to impact stream flow, only flows measured after the date of the most recent impoundment will be used to develop the flow duration curve. This also applies to reservoirs on major tributaries to the stream.
- ii) In the case no coincident flow data are available for a stream segment, but flow gage(s) are present upstream and/or downstream without a major reservoir between, flows will be estimated for the stream segment from an upstream or downstream gage using a watershed area ratio method derived by delineating subwatersheds, and relying on the National Resources Conservation Service (NRCS) runoff curve numbers and antecedent rainfall condition. Drainage subbasins will first be delineated for all impaired 303(d)-listed stream segments, along with all USGS flow stations located in the 8-digit HUCs with impaired streams. Then all the USGS

gage stations upstream and downstream of the subwatersheds with 303(d) listed stream segments will be identified.

- a. Watershed delineations are performed using ESRI Arc Hydro with a 30 m resolution National Elevation Dataset (NED) digital elevation model, and National Hydrography Dataset (NHD) streams. The area of each watershed will be calculated following watershed delineation.
- b. The watershed average curve number is calculated from soil properties and land cover as described in the U.S. Department of Agriculture (USDA) Publication *TR-55: Urban Hydrology for Small Watersheds*. The soil hydrologic group is extracted from NRCS STATSGO soil data, and land use category from the 2001 National Land Cover Dataset (NLCD). Based on land use and the hydrologic soil group, SCS curve numbers are estimated at the 30-meter resolution of the NLCD grid as shown in Table 7. The average curve number is then calculated from all the grid cells within the delineated watershed.
- c. The average rainfall is calculated for each watershed from gridded average annual precipitation datasets for the period 1971-2000 (Spatial Climate Analysis Service, Oregon State University, <http://www.ocs.oregonstate.edu/prism/>, created 20 Feb 2004).

Table C-1 Runoff Curve Numbers for Various Land Use Categories and Hydrologic Soil Groups

NLCD Land Use Category	Curve number for hydrologic soil group			
	A	B	C	D
0 in case of zero	100	100	100	100
11 Open Water	100	100	100	100
12 Perennial Ice/Snow	100	100	100	100
21 Developed, Open Space	39	61	74	80
22 Developed, Low Intensity	57	72	81	86
23 Developed, Medium Intensity	77	85	90	92
24 Developed, High Intensity	89	92	94	95
31 Barren Land (Rock/Sand/Clay)	77	86	91	94
32 Unconsolidated Shore	77	86	91	94
41 Deciduous Forest	37	48	57	63
42 Evergreen Forest	45	58	73	80
43 Mixed Forest	43	65	76	82
51 Dwarf Scrub	40	51	63	70
52 Shrub/Scrub	40	51	63	70
71 Grasslands/Herbaceous	40	51	63	70
72 Sedge/Herbaceous	40	51	63	70
73 Lichens	40	51	63	70
74 Moss	40	51	63	70
81 Pasture/Hay	35	56	70	77
82 Cultivated Crops	64	75	82	85
90-99 Wetlands	100	100	100	100

- d. Flow at the ungaged site is calculated from the gaged site. The NRCS runoff curve number equation is:

$$Q = \frac{(P - I_a)^2}{(P - I_a) + S} \quad (1)$$

where:

Q = runoff (inches)

P = rainfall (inches)

S = potential maximum retention after runoff begins (inches)

I_a = initial abstraction (inches)

If $P < 0.2$, $Q = 0$. Initial abstraction has been found to be empirically related to S by the equation

$$I_a = 0.2 * S \quad (2)$$

Thus, the runoff curve number equation can be rewritten:

$$Q = \frac{(P - 0.2S)^2}{P + 0.8S} \quad (3)$$

S is related to the curve number (CN) by:

$$S = \frac{1000}{CN} - 10 \quad (4)$$

- e. First, S is calculated from the average curve number for the gaged watershed. Next, the daily historic flows at the gage are converted to depth basis (as used in equations 1 and 3) by dividing by its drainage area, then converted to inches. Equation 3 is then solved for daily precipitation depth of the gaged site, P_{gaged}. The daily precipitation depth for the ungaged site is then calculated as the precipitation depth of the gaged site multiplied by the ratio of the long-term average precipitation in the watersheds of the ungaged and gaged sites:

$$P_{\text{ungaged}} = P_{\text{gaged}} \left(\frac{M_{\text{ungaged}}}{M_{\text{gaged}}} \right) \quad (5)$$

where M is the mean annual precipitation of the watershed in inches. The daily precipitation depths for the ungaged watershed, along with the average curve number of the ungaged watershed, are then used to calculate the depth equivalent daily flow Q of the ungaged site. Finally, the volumetric flow rate at

the ungaged site is calculated by multiplying by the area of the watershed of the ungaged site and converted to cubic ft..

- f. If any flow measurements are available on the stream segment of interest, the projected flows will be compared to the measured flows on each date. If there is poor agreement, projections will be repeated with a simpler approach, using only the watershed area ratio and the gaged site (thereby eliminating the influence of differences in curve number and precipitation between the gaged and ungaged stream watersheds). If this simpler approach provides better agreement with existing data, the projected flows based on the simpler approach will be used.
- iii) In the rare case where no coincident flow data are available for a stream segment and no gages are present upstream or downstream, flows will be estimated for the stream segment from a gage on an adjacent watershed of similar size and properties, via the same procedure described above for upstream or downstream gages.

APPENDIX C
STATE OF OKLAHOMA ANTIDEGRADATION POLICY

Appendix C

State of Oklahoma Antidegradation Policy

785:45-3-1. Purpose; Antidegradation policy statement

- (a) Waters of the state constitute a valuable resource and shall be protected, maintained and improved for the benefit of all the citizens.
- (b) It is the policy of the State of Oklahoma to protect all waters of the state from degradation of water quality, as provided in OAC 785:45-3-2 and Subchapter 13 of OAC 785:46.

785:45-3-2. Applications of antidegradation policy

- (a) Application to outstanding resource waters (ORW). Certain waters of the state constitute an outstanding resource or have exceptional recreational and/or ecological significance. These waters include streams designated "Scenic River" or "ORW" in Appendix A of this Chapter, and waters of the State located within watersheds of Scenic Rivers. Additionally, these may include waters located within National and State parks, forests, wilderness areas, wildlife management areas, and wildlife refuges, and waters which contain species listed pursuant to the federal Endangered Species Act as described in 785:45-5-25(c)(2)(A) and 785:46-13-6(c). No degradation of water quality shall be allowed in these waters.
- (b) Application to high quality waters (HQW). It is recognized that certain waters of the state possess existing water quality which exceeds those levels necessary to support propagation of fishes, shellfishes, wildlife, and recreation in and on the water. These high quality waters shall be maintained and protected.
- (c) Application to beneficial uses. No water quality degradation which will interfere with the attainment or maintenance of an existing or designated beneficial use shall be allowed.
- (d) Application to improved waters. As the quality of any waters of the state improve, no degradation of such improved waters shall be allowed.

785:46-13-1. Applicability and scope

- (a) The rules in this Subchapter provide a framework for implementing the antidegradation policy stated in OAC 785:45-3-2 for all waters of the state. This policy and framework includes three tiers, or levels, of protection.
- (b) The three tiers of protection are as follows:
 - (1) Tier 1. Attainment or maintenance of an existing or designated beneficial use.
 - (2) Tier 2. Maintenance or protection of High Quality Waters and Sensitive Public and Private Water Supply waters.
 - (3) Tier 3. No degradation of water quality allowed in Outstanding Resource Waters.
- (c) In addition to the three tiers of protection, this Subchapter provides rules to implement the protection of waters in areas listed in Appendix B of OAC 785:45. Although Appendix B areas are not mentioned in OAC 785:45-3-2, the framework for

protection of Appendix B areas is similar to the implementation framework for the antidegradation policy.

- (d) In circumstances where more than one beneficial use limitation exists for a waterbody, the most protective limitation shall apply. For example, all antidegradation policy implementation rules applicable to Tier 1 waterbodies shall be applicable also to Tier 2 and Tier 3 waterbodies or areas, and implementation rules applicable to Tier 2 waterbodies shall be applicable also to Tier 3 waterbodies.
- (e) Publicly owned treatment works may use design flow, mass loadings or concentration, as appropriate, to calculate compliance with the increased loading requirements of this section if those flows, loadings or concentrations were approved by the Oklahoma Department of Environmental Quality as a portion of Oklahoma's Water Quality Management Plan prior to the application of the ORW, HQW or SWS limitation.

785:46-13-2. Definitions

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Specified pollutants" means

- (A) Oxygen demanding substances, measured as Carbonaceous Biochemical Oxygen Demand (CBOD) and/or Biochemical Oxygen Demand (BOD);
- (B) Ammonia Nitrogen and/or Total Organic Nitrogen;
- (C) Phosphorus;
- (D) Total Suspended Solids (TSS); and
- (E) Such other substances as may be determined by the Oklahoma Water Resources Board or the permitting authority.

785:46-13-3. Tier 1 protection; attainment or maintenance of an existing or designated beneficial use

- (a) General.
 - (1) Beneficial uses which are existing or designated shall be maintained and protected.
 - (2) The process of issuing permits for discharges to waters of the state is one of several means employed by governmental agencies and affected persons which are designed to attain or maintain beneficial uses which have been designated for those waters. For example, Subchapters 3, 5, 7, 9 and 11 of this Chapter are rules for the permitting process. As such, the latter Subchapters not only implement numerical and narrative criteria, but also implement Tier 1 of the antidegradation policy.
- (b) Thermal pollution. Thermal pollution shall be prohibited in all waters of the state. Temperatures greater than 52 degrees Centigrade shall constitute thermal pollution and shall be prohibited in all waters of the state.
- (c) Prohibition against degradation of improved waters. As the quality of any waters of the state improves, no degradation of such improved waters shall be allowed.

785:46-13-4. Tier 2 protection; maintenance and protection of High Quality Waters and Sensitive Water Supplies

- (a) General rules for High Quality Waters. New point source discharges of any pollutant after June 11, 1989, and increased load or concentration of any specified pollutant from any point source discharge existing as of June 11, 1989, shall be prohibited in any waterbody or watershed designated in Appendix A of OAC 785:45 with the limitation "HQP". Any discharge of any pollutant to a waterbody designated "HQP" which would, if it occurred, lower existing water quality shall be prohibited. Provided however, new point source discharges or increased load or concentration of any specified pollutant from a discharge existing as of June 11, 1989, may be approved by the permitting authority in circumstances where the discharger demonstrates to the satisfaction of the permitting authority that such new discharge or increased load or concentration would result in maintaining or improving the level of water quality which exceeds that necessary to support recreation and propagation of fishes, shellfishes, and wildlife in the receiving water.
- (b) General rules for Sensitive Public and Private Water Supplies. New point source discharges of any pollutant after June 11, 1989, and increased load of any specified pollutant from any point source discharge existing as of June 11, 1989, shall be prohibited in any waterbody or watershed designated in Appendix A of OAC 785:45 with the limitation "SPW". Any discharge of any pollutant to a waterbody designated "SPW" which would, if it occurred, lower existing water quality shall be prohibited. Provided however, new point source discharges or increased load of any specified pollutant from a discharge existing as of June 11, 1989, may be approved by the permitting authority in circumstances where the discharger demonstrates to the satisfaction of the permitting authority that such new discharge or increased load will result in maintaining or improving the water quality in both the direct receiving water, if designated SPW, and any downstream waterbodies designated SPW.
- (c) Stormwater discharges. Regardless of subsections (a) and (b) of this Section, point source discharges of stormwater to waterbodies and watersheds designated "HQP" and "SPW" may be approved by the permitting authority.
- (d) Nonpoint source discharges or runoff. Best management practices for control of nonpoint source discharges or runoff should be implemented in watersheds of waterbodies designated "HQP" or "SPW" in Appendix A of OAC 785:45.

785:46-13-5. Tier 3 protection; prohibition against degradation of water quality in outstanding resource waters

- (a) General. New point source discharges of any pollutant after June 11, 1989, and increased load of any pollutant from any point source discharge existing as of June 11, 1989, shall be prohibited in any waterbody or watershed designated in Appendix A of OAC 785:45 with the limitation "ORW" and/or "Scenic River", and in any waterbody located within the watershed of any waterbody designated with the limitation "Scenic River". Any discharge of any pollutant to a waterbody designated "ORW" or "Scenic River" which would, if it occurred, lower existing water quality shall be prohibited.

- (b) Stormwater discharges. Regardless of 785:46-13-5(a), point source discharges of stormwater from temporary construction activities to waterbodies and watersheds designated "ORW" and/or "Scenic River" may be permitted by the permitting authority. Regardless of 785:46-13-5(a), discharges of stormwater to waterbodies and watersheds designated "ORW" and/or "Scenic River" 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, may be permitted by the permitting authority; provided, however, increased load of any pollutant from such stormwater discharge shall be prohibited.
- (c) Nonpoint source discharges or runoff. Best management practices for control of nonpoint source discharges or runoff should be implemented in watersheds of waterbodies designated "ORW" in Appendix A of OAC 785:45, provided, however, that development of conservation plans shall be required in sub-watersheds where discharges or runoff from nonpoint sources are identified as causing or significantly contributing to degradation in a waterbody designated "ORW".
- (d) LMFO's. No licensed managed feeding operation (LMFO) established after June 10, 1998 which applies for a new or expanding license from the State Department of Agriculture after March 9, 1998 shall be located...[w]ithin three (3) miles of any designated scenic river area as specified by the Scenic Rivers Act in 82 O.S. Section 1451 and following, or [w]ithin one (1) mile of a waterbody [2:9-210.3(D)] designated in Appendix A of OAC 785:45 as "ORW".

785:46-13-6. Protection for Appendix B areas

- (a) General. Appendix B of OAC 785:45 identifies areas in Oklahoma with waters of recreational and/or ecological significance. These areas are divided into Table 1, which includes national and state parks, national forests, wildlife areas, wildlife management areas and wildlife refuges; and Table 2, which includes areas which contain threatened or endangered species listed as such by the federal government pursuant to the federal Endangered Species Act as amended.
- (b) Protection for Table 1 areas. New discharges of pollutants after June 11, 1989, or increased loading of pollutants from discharges existing as of June 11, 1989, to waters within the boundaries of areas listed in Table 1 of Appendix B of OAC 785:45 may be approved by the permitting authority under such conditions as ensure that the recreational and ecological significance of these waters will be maintained.
- (c) Protection for Table 2 areas. Discharges or other activities associated with those waters within the boundaries listed in Table 2 of Appendix B of OAC 785:45 may be restricted through agreements between appropriate regulatory agencies and the United States Fish and Wildlife Service. Discharges or other activities in such areas shall not substantially disrupt the threatened or endangered species inhabiting the receiving water.
- (d) Nonpoint source discharges or runoff. Best management practices for control of nonpoint source discharges or runoff should be implemented in watersheds located within areas listed in Appendix B of OAC 785:45.

APPENDIX D
RESPONSE TO COMMENTS

