OKR04 Evaluations Update

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Oklahoma DEQ
DEQ MISSION STATEMENT
The mission of the Oklahoma Department of Environmental Quality is to protect people through the air we breathe, the water we drink, and the land on which we thrive, helping to make Oklahoma an even better place to live.

DEQ VISION STATEMENT
The vision of the Department of Environmental Quality is to eliminate the effects of unintended consequences of historic development, to prevent new adverse environmental impacts and to provide significant input into national decision making, all the while enhancing both the environment and the economy of Oklahoma.
DEQ MS4 Evaluations
What are the components of an OKR04 General Permit evaluation?

• Thoroughly complete an evaluation checklist of questions covering all 7 MCMs
• DEQ's review of completed checklist questions
• If needed, DEQ follow-up questions to MS4
• Conference call between DEQ & the MS4 to answer additional questions
• In person inspections of construction & municipal sites within the MS4
• Drafting findings & recommendations to submit to the MS4 & EPA
What is the goal of an evaluation?

• Determination of permit compliance
  – Is the MS4 substantially meeting the requirements of the OKR04?
• Finding areas of strength and weakness
  – Which MCMs are better than others?
• Determining whether technical assistance is needed
  – DEQ can share advice, materials, and examples of model MS4 programs
• Determining what barriers are in the way of success
  – Budget, staff, city leaders, political will?
• Generate trust and relationships between DEQ and MS4s
Evaluation Progress

- Evaluations completed from May 2019-June 2020: Broken Arrow, Norman, Creek County, Edmond, Owasso, Stillwater, Tahlequah, OU, Yukon, MWC, Lawton

- On Deck: Bixby, Moore, Sapulpa, OTA, Wagoner County
Completing the Evaluation Checklist
• Once notified that your MS4 is on the schedule, we will email you our Evaluation Checklist with a date when we would like for it to be completed and returned to DEQ.
Evaluation Checklist

- Once you return your checklist we will review it and be in touch with you for clarification on any questions we have.
- It’s not uncommon to have a few rounds of additional questions back and forth so try to answer the questions in full detail.
• Example: Have Pollutant of Concern specific strategies been developed in your SWMP?

• Incomplete answer- “All BMPs are used to minimize the impacts of pollutants of concern”
Better answer- “The SWMP includes several POC-specific measurable goals listed on page #9. Most POC-specific strategies are two-pronged, with both regulatory (construction site inspections/enforcement, manufactured fertilizer applicators registration) and educational facets. Regulatory and educational activities happen simultaneously.”
# Applicable Documents

## Part 1: General Program Information

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<thead>
<tr>
<th>No.</th>
<th>Part 1. General Program Information Interview Questions</th>
<th>Response</th>
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<tbody>
<tr>
<td></td>
<td><strong>Section 1. Stormwater Management Plan (SWMP)</strong></td>
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<tr>
<td>1.</td>
<td>Has the SWMP been updated to reflect the 2015 OKR04 permit? Required under Part IV.A.(1-3)</td>
<td>✅-Yes □-No □-NA</td>
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<tr>
<td></td>
<td>The City submitted its Notice of Intent (NOI) and other application materials to the Department of Environmental Quality (DEQ) on January 19, 2016. During the re-application process for reauthorized General Permit, OKR04, the City reviewed and updated its SWMP to ensure its compliance with the permit requirements as laid out in the reauthorized General Permit, OKR04. The SWMP is attached.</td>
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<td>2.</td>
<td>Are procedures in place to coordinate in-house departments?</td>
<td>✅-Yes □-No □-NA</td>
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<td></td>
<td>In-house departments are coordinated at the Division or Department level on an informal basis. Within the Stormwater Division, staff is given the ability to coordinate quality and maintenance with other City Divisions, though the Stormwater Program Manager oversees all aspects. Stormwater works closest with Drainage Maintenance. There is a close working relationship within the City and all departments/divisions work well with the Stormwater Division.</td>
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<td>3.</td>
<td>Have roles and responsibilities been assigned?</td>
<td>✅-Yes □-No □-NA</td>
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<td>Cynthia Williams is the Environmental Specialist who serves as the Stormwater Program Manager. She is responsible for overseeing operations of the Stormwater Division. The Stormwater Division consists of a one inspector, Troy Brandon, and one Associate Engineer, Mike Hawkins. The Drainage Maintenance Vector Control Technician assists with education outreach, public participation and illicit discharge detection activities. Each BMP is assigned to an individual for implementation responsibility. The summary is attached BMP Summary of Activities and Goals 2020.docx</td>
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<td>4.</td>
<td>Has an organizational chart been developed?</td>
<td>✅-Yes □-No □-NA</td>
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<td>Attached City of Lawton Operational Chart.docx</td>
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<td>5.</td>
<td>How does the permittee decide program implementation priorities for resources?</td>
<td>✅-Yes □-No □-NA</td>
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<tr>
<td>Applicable Documents</td>
<td>Obtained</td>
<td>Reviewed</td>
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<td>1) SWMP- <strong>SWMP.docx</strong></td>
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<td>3) <strong>BMP Summary of Activities and Goals 2020.docx</strong></td>
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<td>4) Organizational Chart – <strong>City of Lawton Operational Chart.pdf</strong></td>
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Virtual Interview
Interview

- We will set up a conference call during which we will ask for
  - Clarification on some of your checklist answers
  - Additional documents related to your program
  - Dates available for MS4 construction & municipal site inspections
Interview

• Medium: Microsoft Teams or Zoom

• Length: Depends on how fully you answered the checklist questions. Expect at least 2 hours.

• Call participants: Wayne, John & Jordan and the MS4 Stormwater Manager
Onsite Inspections
Inspections

• Construction Site Inspections
  – The MS4 inspectors will be evaluated while they conduct a series of onsite inspections.

• Municipal Site Inspections
  – DEQ will inspect municipal sites with the potential to produce pollutants (e.g. equipment yards, salt/sand storage areas, wash bays, etc.)

• Industrial Stormwater Inspections (optional)
  – Let us know beforehand if your inspectors would like to accompany DEQ inspectors on an OKR05 inspection
Findings & Recommendations
After the interview and inspection portions of the evaluation are complete, DEQ will formally draft findings and recommendations.

This first draft will be shared with the MS4 to provide feedback to DEQ for the final draft.
• DEQ will consider incorporating some or all of the MS4's feedback into the final draft and then submit to both the MS4 and the EPA.

• The MS4's partnership in this process is critical in the evaluation's overall success.
• Within 9-12 months, DEQ will revisit the MS4 to assess its progress correcting the deficiencies/violations listed in the findings & recommendations letter drafted after our initial evaluation.
Preparing For Your Evaluation
What You Can Do Now

• Review the EPA MS4 Program Evaluation Guidance (EPA-833-R-07-003) from January 2007.

• Review any documentation received from DEQ after the MS4’s last OKR04 evaluation. If you cannot locate the findings and recommendations from your last evaluation, contact DEQ for a copy.
Before the Inspection Component

• Make sure your municipal facilities have documents readily available for review, e.g. SWP3s, quarterly inspection reports, training logs, etc.

• Have the construction site inspection reports conducted by your inspectors readily available.
Recommendations from Fellow MS4s

• If there are sections of the evaluation checklist that relate to different city departments, have them review those programs and discuss their responsibilities with them.

• Have a system to keep track of your documents. What do you have, how can it be improved?

• Be honest!!! The only way DEQ will be able to assist the municipality is if staff are honest about the status of their Stormwater program.
Common Findings
MCMs 1 & 2

• Lack of outreach materials in multiple languages

• Lack of educational programs for builders, developers and contractors.
MCM 3

• The permittee does not track illicit discharge events and does not target future inspections to areas where past incidents occurred.

• The permittee only inspects each outfall once during the permit cycle.
MCM 4

- MS4s not escalating enforcement actions on repeat and recalcitrant offenders
- MS4 inspectors doing frequent “drive-by” inspections and not thoroughly evaluating the construction site at regular intervals
MCM 5

• Not verifying that inspections and maintenance of post construction BMPs are regularly occurring by the responsible party (Developer/HOA).

• Not implementing and enforcing a post-construction management program to address new development and redevelopment.
MCM 6

• Improper storage and disposal of stockpiles (sand, salt, street sweepings).
• Improper disposal of street sweeper spoils and wash water.
• Improper discharge of pollutants from fleet and maintenance yards.
• Improper inspection frequency of fleet and maintenance facilities.
Quick Shout-Outs
Exceptional MCM Implementation

• MCM 1 Stakeholder meetings and school education programs - Norman

• MCM 2 Getting corporations and groups to volunteer for street/stream cleanups - Yukon

• MCM 3 Dry weather field screening - MWC
Exceptional MCM Implementation

• MCM 4 - Outreach and training with developers, builders and contractors - Edmond

• MCM 5 – Use of Rain Gardens and Floating Wetlands- Broken Arrow

• MCM 6 - Practice what you preach. A difficult issue for all.
Stormwater Contacts

• John Brown - (405) 702-8116
  – John.Brown@deq.ok.gov

• Jordan Hultgren - (405) 702-8214
  – Jordan.Hultgren@deq.ok.gov
ENVIRONMENTAL COMPLAINTS

As one of DEQ's highest priorities, the Environmental Complaints Program is a customer oriented process designed to address citizens' environmental complaints. The program's two main goals are to:

- Provide rapid response to each environmental complaint
- Bring about regulatory compliance through a consistent and structured process.

Oklahoma DEQ's Environmental Complaints Program is unlike any other state's complaint program in that specific timelines for communication with the complainant have been established within DEQ's regulations. The program has a uniform investigation process, a central repository for all complaint records, and direct continuous involvement with each citizen who lodges a complaint.

Do you have an environmental complaint?

To file a complaint, you can call the DEQ Environmental Complaints Hotline, at (800) 522-0206. Or, if you would like to file an environmental complaint electronically, you can use the online form below.

For DEQ to adequately address your complaint, we need you to provide us with specific information. Please describe your complaint in as much detail as possible, including when you first noticed the problem, how often it occurs, who is responsible, and where the problem is specifically located. Please provide an address or detailed finding directions to the complaint site beginning at the nearest major intersection.

To receive updates concerning your complaint, leave us your name, mailing address and phone number on the online form, this enables our investigators to contact you for additional facts and provide you feedback on the investigation. Upon request, we will keep this information confidential, which will protect your identity and contact information from release on public records, unless ordered by a District Court. If this is your preference, check the box to the left of "Confidential". Of course, please feel free to remain anonymous.

Regardless of the nature of the situation, or whether or not you choose to leave contact information, rest assured that DEQ will seriously consider the information provided and we appreciate the time you took to inform us of your concerns.

COMPLAINT FORM ONLINE

Making A Complaint

- https://www.deq.ok.gov/environmental-complaints/
Requesting Technical Assistance or Training

- https://www.deq.ok.gov/request-technical-assistance/
- https://www.deq.ok.gov/request-training-or-outreach/
Questions, Comments, Discussion