

**Oklahoma Department of Environmental Quality
Water Quality Division**

**OPDES Multi-Sector General Permit OKR05
for Stormwater Discharges from Industrial Activity
within the State of Oklahoma**

DEQ Responses to Public Comments

June 3, 2022



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The Oklahoma Department of Environmental Quality (DEQ) published a notice in The Journal Record, a daily business and legal newspaper, on March 10, 2022 regarding the draft 2022 Multi-Sector General Permit OKR05 for Stormwater Discharges from Industrial Activity within the State of Oklahoma pursuant to Oklahoma Pollutant Discharge Elimination System (OPDES) Act, Title 27A Oklahoma Statute (O.S.) § 2-14-305, *et seq.*, and the Oklahoma Administrative Code (OAC) 252:004 and 252:606, the rules of the DEQ and made it available for public review and comment. DEQ also published notice for public review on the DEQ's website at <https://www.deq.ok.gov/permits-for-public-review/> on March 15, 2022. The public review period ended at 4:30 p.m. on April 14, 2022. During the public review period DEQ received written comments from two persons/entities concerning the draft 2022 OKR05 permit.

DEQ reviewed the comments and prepared the following responses and made few changes in the draft 2022 OKR05 permit in response to the comments received. The DEQ's responses to comments were sent to all individuals/entities that submitted comments during 30-day public review period. The permit will become effective on July 5, 2022. This will be the DEQ's final permit decision. A summary of the comments, DEQ's responses, and changes made to the draft 2022 permit after the public review are listed below.

A copy of the final permit, fact sheet, and responses to comments are available on DEQ's website at <https://www.deq.ok.gov/water-quality-division/wastewater-stormwater/stormwater-permitting/okr05-industrial-stormwater/>.

DEQ's Responses to Comments

Part 2: Control Measures and Effluent Limits

Comments from the City of Oklahoma City (OKC):

- Part 2.1.2.4.b, page 24: "Use [well-maintained] drip pans...." The addition of the words in the brackets will make this statement consistent with the requirements in Part 2.1.2.1.

DEQ Response: DEQ concurs with OKC's recommendation and changes have been made in Part 2.1.2.4.b of the final 2022 OKR05 permit to include the proposed language.

- Regarding: Part 1.9.9, the note [sic; reference should be to Part 1.9.6] at the bottom of page 12; Part 2.2.2, page 28, first three paragraphs; and the Definitions of the following terms in Part 9: Discharge Point/Outfall, Discharge to an Impaired Water, Impaired Water, and Waters of the State. Please provide clarification regarding how the mile is measured when a permittee discharges to an MS4 before it's discharged to an impaired waterway.

DEQ Response: Part 2.2.2 of the OKR05 permit states that a facility will be considered to discharge to an impaired water if that facility or discharge point is located within one mile of a receiving waterbody. When discharging to a separate storm sewer system (MS4 or non-MS4), the one-mile measurement distance shall be measured from the facility to the MS4 outfall that discharges to the impaired water. DEQ has added clarifying language to Part 2.2.2 and to the definition of "Discharge to an Impaired Water" in Part 9.

Part 4: Monitoring Requirements

Comments from the City of Oklahoma City (OKC):

- Part 4.1.5, page 34, second paragraph: "Auto-samplers or passive samplers may be used to collect grab samples [see note after Table 4-1]." The addition of the words in the brackets will prepare the permittee for your cautions regarding Auto-sampler and passive sampler usage for collecting quarterly visual monitoring samples.

DEQ Response: DEQ concurs with OKC’s recommendation and changes have been made in Part 4.1.5 of the final 2022 OKR05 permit to include the proposed language.

- Part 4.2.3, Pages 39-41: Part 4.2.3 does not specify how to report the analytical results to DEQ. This part is excluded from eDMR requirements per Part 4.1.9. The statement on Page 40, “Include all documentation within or as an attachment to the SWP3” only applies to a portion of this section, not the entire section. Suggest clarification through the entire section or adding similar verbiage in the other portions of this part as appropriate.

DEQ Response: DEQ confirms that Part 4.1.9 includes an exception from eDMR submittal of impaired waters analytical monitoring results to DEQ. Language specifying that impaired stream monitoring is not required to be submitted to DEQ unless requested has been moved to the opening of Part 4.2.3 to make it clear that it applies throughout this part (i.e., whether or not there is an established TMDL or watershed plan in lieu of a TMDL). The statement on Page 40 has also been moved to the opening of Part 4.2.3 and has been revised for clarity as follows: “Include all documentation related to impaired stream monitoring, additional BMPs implementation, corrective actions, etc., within or as an attachment to the SWP3.” In addition, two duplicative paragraphs at the end of Part 4.2.3.1 have been deleted.

Part 6: Stormwater Pollution Prevention Plan

Comments from the City of Oklahoma City (OKC):

- Part 6.3, Page 57, final paragraph, final sentence: “CBI may not be withheld from those staff cleared for CBI review within the DEQ, EPA, [MS4] or USFWS.” The addition of the acronym in the brackets will provide language consistent with part 8.15.

DEQ Response: DEQ concurs with OKC’s recommendation and changes have been made in Part 6.7 of the final 2022 OKR05 permit to include MS4.

Part 11: Sector-Specific Requirements

Comments from the City of Oklahoma City (OKC):

- Part 10, Sector J, page 95, part J.4.2: “Consists of two classes of earth-disturbing....” The paragraph that follows does not easily delineate the two classes. Suggest using similar wording on this portion of the requirements as Part H.4.2 (page 90) both a & b delineate those two classes of earth-disturbing activities more clearly.

DEQ Response: DEQ concurs with OKC’s comments and changes have been made in Part 10, Sector J, page 95, part J.4.2 using similar wording on this portion of the requirements as Part H.4.2 to delineate two classes of earth-disturbing activities.

Parts 1 – 10: Incorrect References and Typographical Errors in Various Sections

Comments from the City of Oklahoma City (OKC):

- Part 1.3, page 3, first paragraph after item #10: “... in compliance with the non-numeric effluent limits requirements in Part 3 [should be Part 2]....”
- Part 1.10.2, page 15, first paragraph after item #4 (two errors): “You must prepare a general location map of your facility in accordance with Part 6.2.2.3 [should be Part 6.2.2.4] and site map(s) of your facility in accordance with Part 6.2.2.4 [should be Part 6.2.2.5].”

- Part 1.16, page 19, first paragraph (two errors): “..., along with a general location map of your facility in accordance with Part 6.2.2.3 [should be Part 6.2.2.4] and site map(s) of your facility showing all the applicable features in Part 6.2.2.4 [should be Part 6.2.2.5].”
- Part 2.1.2.10, page 26, the first item “d”: “Personnel who are responsible for taking and documenting corrective actions are required in Part 6 [should be Part 5].”
- Part 2.2.2.2, Page 29: “...and modify such measures as necessary pursuant to any corrective actions per **Error! Reference source not found.** [Should be Part 5].”
- Part 4.2.2.1, Page 38, first paragraph: “Table 4-3 [should be Table 4-2] identifies the stormwater discharges....”
- Part 4.2.2.1, Page 38, second paragraph: “...at each outfall containing the discharges identified in Table 4-3 [should be Table 4-2] for the parameters....”
- Table 4-2, Page 38: “See Part 10[need a period here]O.6”
- Part 4.2.2.2, page 38: “You must monitor each outfall discharging runoff from any regulated activity identified in Table 4-1 [should be table 4-2].”
- Part 6.2.2.5.i., page 47: “Locations where significant spills or leaks identified under Part 6.2.6 [should be Part 6.2.3.3.] have occurred;”
- Part 6.2.5.1.h., page 51: “**Dust Generation and Vehicle Tracking of Industrial Materials** (see Part 2.1.2.10 [should be Part 2.1.2.8])”
- Part 9, page 69: “**Effluent Limitations** – for the purposes of this permit, any of the requirements described in Part 3 [should be Part 2].”
- Part 10, page 80, Sector D, part D.3.1: “Stormwater discharges from oil recycling facilities, which are covered under Sector N (See Part 11 [should be Part 10], Sector N)”
- Part 10, page 80, Sector D, part D.3.2: “Stormwater discharges associated with fats and oils rendering, which are covered under Sector U (See Part 11 [should be Part 10], Sector U)”
- Part 10, page 87, Sector G, part G.6.2, first sentence: “Apart from the control measures you implement to meet your Part 3 [should be Part 2] technology-based effluent limits....”
- Part 10, page 96, Sector J, part J.5.2, first sentence: “Apart from the control measures you implement to meet the Part 3 [should be Part 2] technology-based effluent limits....”
- Part 2.2.2.1, page 29, first paragraph: “Discharge of a pollutant into any water for which a TMDL or watershed plan in lieu of a TMDL for that pollutant has been either established of [should be or] approved....”
- Part 2.3, page 30, first sentence: “If you eligibility under either Part 1.9.7 and [should be or] Part 1.9.10 was made possible through your, [remove comma] or another operator’s, [remove comma] agreement....”
- Part 9, pages 67-74, header: The header on these pages refers to Part 10, not Part 9.
- Part 9, page 71: “**New Discharger** – a facility from which.... , and which has never received a [should be an] NPDES/OPDES permit....”
- Part 10, Sector D, page 79, part D.1: “The requirements in 0 [should be Sector D] apply to stormwater discharges....”

DEQ Response: DEQ concurs with OKC’s recommendations and changes have been made in various parts and subparts of the final 2022 OKR05 permit to fix all the inadvertent errors and/or incorrect references.

Time Extension of Public Comment Period

Comments from Kelsey Royce: I am asking for an extension of time from 15-45 days for people to leave comments on this permit and for ODEQ to host a public hearing in Tulsa, Oklahoma since those of us living in close proximity to the impaired and untested 7.32 miles of the Arkansas River deserve to understand what exactly ODEQ has permitted and is proposing to permit to drain into the River. This is a significant issue for people living with environmental justice concerns.

DEQ Response: Pursuant to 27A O.S. § 2-14-302, public review and comment period of a Tier II draft permit is set at 30 days after the date the notice is published. Persons wishing to make comments concerning the draft permit may do so by sending the comments in writing to the contact person for DEQ, within 30 days after the date of publication or mailing.

In addition, Title 40 Code of Federal Regulation (CFR), Section 124.13 states that all persons, who believe any condition of a draft permit is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by the close of the public comment period. Based on date of publication of public notice on the draft permit ended on April 14, 2022. DEQ has found that there has not been a significant enough degree of public interest demonstrated to warrant a time extension for public review. Therefore, an extension of time for public review has not been made.

Additional Changes to the Final Permit

- The following language has been added to Part 10, Sector L (Part 10.L.1, p. 107) to clarify requirements closed landfills:

“Closed Landfills. Permit coverage is not required for a landfill that has received DEQ approval of final facility closure in accordance with DEQ’s solid waste regulations (OAC 252:515). Closed or inactive landfills that are no longer in use, but have not received final closure approval from DEQ (and hence have not begun post-closure monitoring), are still considered to be industrial activities and permit coverage must be maintained as an inactive landfill.”
- Appendix-D: Web-links or universal resource locators (URL) of relevant agencies and regulatory citations has been removed from the final permit. Essential URLs will be available under the “Useful Links” drop-down box on the OKR05 Industrial Stormwater page of DEQ’s website.
- How to submit a notice of intent (NOI) to DEQ in Part 1.10.2 of the OKR05 permit has been revised with the options to submit the NOI to DEQ either using a paper copy or electronically using DEQ’s online NOI submission tool when it becomes available.