

RESPONSE TO COMMENTS  
AND FINAL PERMIT DECISION

This is the Department's response to comments received on the subject draft permit and final permit decision in accordance with regulations promulgated at 40 CFR Part 124.17.

OPDES Permit Number: OKS000101 City of Oklahoma City Municipal Separate Storm Sewer System (MS4) Permit

Issuing Office: Oklahoma Department of Environmental Quality (DEQ)  
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Date Prepared: December 29, 2023

Permit Action: Response to comments received on the proposed permit publicly noticed on October 20, 2023, by DEQ, and by the City of Oklahoma City on October 24, 2023; and final permit decision to reissue OPDES Permit No. OKS000201.

FINAL PERMIT DECISION

The City of Oklahoma City published a notice in the *Journal-Record*, a daily newspaper, on October 24, 2023, regarding the draft Permit No. OKS000101 for the City of Oklahoma City Municipal Separate Storm Sewer System (MS4) Permit, pursuant to the Oklahoma Pollutant Discharge Elimination System (OPDES) Act, Title 27A Oklahoma Statutes (O.S.) § 2-6-201, et seq., the Oklahoma Administrative Code (OAC) 252:606, and the policies and procedures of DEQ. DEQ also published notice on DEQ's website at <https://www.deq.ok.gov/permits-for-public-review/> on October 20, 2023. The public review period ended at 4:30 p.m. on November 23, 2023. During the public review period, DEQ received written comments concerning the draft permit, as detailed below.

DEQ reviewed the comments, prepared the following responses, and made changes in the final permit as listed below. DEQ's response to comments document was sent to all persons/entities who submitted comments during the public review period. The final permit will become effective on May 1, 2024. This will be DEQ's final permit decision.

CHANGES FROM DRAFT PERMIT AS A RESULT OF PUBLIC COMMENTS

1. Table I-1 Existing Approved TMDLs Affected by Permittee(s)' Stormwater Discharges: A footnote has been added to clarify that, for stream segments where the Total Maximum Daily Loads (TMDLs) have established Wasteload Allocations (WLAs) and required percent reductions in terms of fecal coliform, those WLAs and required percent reductions shall be applied to *E. coli* or enterococcus until such time as new TMDLs are approved or established. In addition, the Airport Heights Creek (OK520510000350\_00) stream segment has been deleted, since it was studied and determined to not be impaired for bacteria and thus to not require a TMDL to be developed.
2. Part 2.9.1.j.: The language regarding installation of curb markers has been revised to read, "Continue to install and/or reinstall curb markers at existing storm inlets using volunteers and Oklahoma City

employees. Identification of embossed storm drain inlets will count towards that annual total. Oklahoma City may reduce the number of curb marker installations once all inlets are marked. Oklahoma City may inspect and/or repair/replace a similar number of curb markers as a part of its operation and maintenance program.”

- Item 3. Part IV.C.13: The deadline for submitting the comprehensive assessment of the Watershed Characterization Program has been extended from April 15, 2027, to April 15, 2029, in the fifth year of the permit.

**OTHER CHANGES FROM DRAFT PERMIT**

- DEQ has revised the target/submittal dates in Part III.A.6.c. (development of format/template for TMDL implementation report) and Part IV.C (submittal date for first annual report) from April 15, 2024, to April 15, 2025, to better align with the effective date of the permit of May 1, 2024.

**COMMENTS RECEIVED ON DRAFT PERMIT**

The following comments were received on the draft permit:

- Comments received via email from Mr. Derek Johnson, City of Oklahoma City, to Mr. Michael Moe, DEQ, with attached document “Formal 2023 Permit Comments November 2023 Final;” dated November 9, 2023. Subject: FW: North Canadian River TMDL...

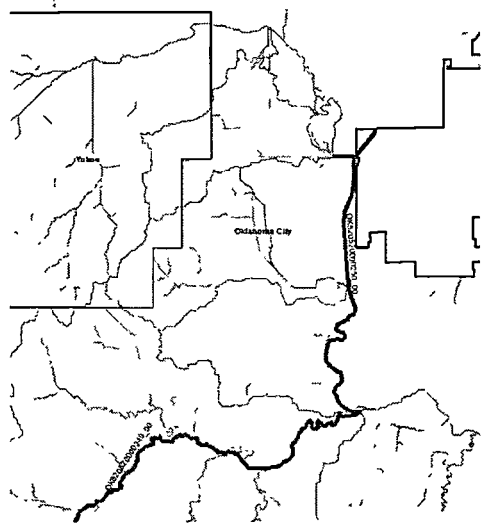
Item 1: Table I-1 Existing Approved TMDLs Affected by Permittee(s)’ Stormwater Discharges (page 12)

<b>Watershed Basin</b>	<b>TMDL Report</b>	<b>Applicable Stream Segments</b>	<b>Pollutant(s) of Concern</b>
Basin 5 Canadian-North Canadian-Deep Fork	North Canadian River Bacteria TMDLs -2010	OK520520000240_00 (Mustang Creek)	Bacteria
		OK5205200000250_00 (N. Canadian River)	Bacteria
		OK5205200000210_00 (N. Canadian River)	Bacteria
		OK5205200000350_00 (Airport Heights Creek)	Bacteria
		OK5205200000010_40 (N. Canadian River)	Bacteria
		OK5205200000150_00 (Crooked Oak Creek)	Bacteria
		OK520520000010_30 (N. Canadian River)	Bacteria
		OK5205200000070_00	Bacteria

		(Crutch Creek)	
		OK520520000010_20 (N. Canadian River)	Bacteria
		OK520520000010_10 (N. Canadian River)	Bacteria
	Lake Thunderbird Nutrient, Turbidity, and Dissolved Oxygen TMDLs – 2013	OK520810000020_00  (Lake Thunderbird)	Nutrients, Turbidity, Dissolved Oxygen

Item 1 Comment: Regarding water body identification (WBID) segment OK520520000250\_00, North Canadian River, highlighted in Table I-1 of the draft permit (see highlighted in table above). The stream segment has a load reduction identified for fecal coliform but not for Escherichia coli (*E. coli*) or enterococcus (see Table ES-3 of the Bacteria Total Maximum Daily Load (TMDL) for North Canadian River Area (OK520520)).

Fecal coliform standards are no longer part of the Primary Body Contact Recreation (PBCR) water quality standard(s) and beneficial use assessment protocol. The segment (as provided in the TMDL) also lacks additional *E. coli* and enterococcus data supporting a Total Maximum Daily Load (TMDL) assignment/reduction for those parameters.



Question 1: Without a supported water quality standard for fecal coliform and since a TMDL was not developed for *E. coli* or enterococci, is it appropriate to assign a bacteria reduction requirement based on a historical standard which is now obsolete?

Question 2: With regard to the North Canadian bacteria TMDL, is it appropriate to name all stream segments in OKC’s draft MS4 permit that were studied but not assigned a TMDL? Table ES3 (see below) of the TMDL provides percent reduction goals for the following WBIDs OK520510000110\_20, OK520520000010\_00, OK520520000010\_10, OK520520000010\_20, OK520520000010\_30, OK520520000010\_40, OK520520000210\_00, OK520520000250\_00, OK520520000070\_00, OK520520000150\_00, and OK520520000240\_00. OKC’s draft permit, Table I-1 lists Airport Heights Creek as an existing approved TMDL. The NCR bacteria TMDL provides: “Airport Heights Creek (OK520510000350\_00) is not impaired for bacteria. Therefore, a TMDL will not be developed for the creek. Instead, the TMDL for North Canadian River (OK520520000010\_40) watershed will include the Airport Heights Creek sub-watershed.”

**Table ES-3 TMDL Percent Reduction Goals Required to Meet Water Quality Standards for Impaired Waterbodies in the North Canadian River Area**

WQM Station	Waterbody ID	Waterbody Name	Percent Reduction Required				
			FC	EC		ENT	
			Instantaneous	Instantaneous	Geo-mean	Instantaneous	Geo-mean
NC-08	OK520510000110_20	N. Canadian River	3.0%			93.6%	86.4%
S20510000110-001AT	OK520520000010_00	N. Canadian River	53.0%			96.6%	91.6%
NC-07	OK520520000010_10	N. Canadian River	78.9%			99.3%	97.0%
NC-06	OK520520000010_20	N. Canadian River	48.6%			99.97%	98.9%
NC-05	OK520520000010_30	N. Canadian River	86.7%	95.6%	37.6%	99.8%	98.0%
NC-04	OK520520000010_40	N. Canadian River	48.6%			99.9%	98.1%
NC-03	OK520520000210_00	N. Canadian River				99.7%	92.9%
USGS07241000	OK520520000250_00	N. Canadian River	67.3%				
OK520520-00-0070G OK520520-00-0070B	OK520520000070_00	Crutcho Creek	28.1%				
OK520520-00-0150G WCNCE450	OK520520000150_00	Crooked Oak Creek	72.4%	75.7%	66.6%		
WCNCW654 & OK520520-00-0240G	OK520520000240_00	Mustang Creek		88.8%	42.6%		

Item 2: Part 2.9.1.J

*“Continue to install embossed storm drain inlet/hoods with the slogan, “Dump No Waste, Drains to River,” as part of operation and maintenance. Oklahoma City may reduce the number of installations once all storm inlets/hoods are marked.”*

Item 2 Comment: OKC’s request submitted during the courtesy review included keeping item 1.j but removing another reference which was redundant to 1.j. On review of the public draft (opened October 20, 2023), OKC recommends the original language provided in the courtesy draft be added back to 1.j.

Proposed revisions and comments: “Continue to install and/or reinstall curb markers at existing storm inlets using volunteers and Oklahoma City employees. Identification of embossed storm drain inlets will count towards that annual total. Oklahoma City may reduce the number of curb marker installations once all inlets are marked. Oklahoma City may inspect and/or repair/replace a similar number of curb markers as a part of its operation and maintenance program.”

OKC feels that language clarification will provide the opportunity to continue to install storm drain markers at unmarked/un-embossed locations, re-mark locations which need maintenance, and identify & count embossed locations.

Item 3: Part IV.C.13 (page 50)

*“By April 15, 2027, the permittee(s) must submit a comprehensive assessment of the Watershed Characterization Program. The assessment shall include a summary of the Watershed Characterization Program, the findings and impacts, responses taken, and any modifications recommended to enhance the usefulness or efficiency of the program.”*

Proposed revisions and comments:

*“By April 15, 2029 the permittee(s) must submit a comprehensive assessment of the Watershed Characterization Program. The assessment shall include a summary of the Watershed Characterization Program, the findings and impacts, responses taken, and any modifications recommended to enhance the usefulness or efficiency of the program.” (emphasis added)*

As provided in Part III.A.5.b-c, OKC is allotted 36 months for the installation and calibration of the 15 representative stream data collection stations. Each station will require installation and calibration time before beginning data collection activities. As currently scheduled, 5 stations will be active at 12 months, 10 at 24 months, and 15 at 36 months. Once each group of stations are activated, OKC will continue to monitor throughout the permit term. This will yield 3 years of data for group 1, 2 years for group 2 and 1 year for group 3 during the permit term. OKC anticipates maintaining these stations indefinitely as benchmark stations.

OKC requests to extend the comprehensive assessment and summary report due date to allow for sufficient time for data collection, analysis and reporting. As provided above, OKC feels that April 15, 2029 will provide sufficient time to conduct the relevant water quality/biological collections and to complete any associated analysis and reporting of these data.

#### DEQ RESPONSE TO COMMENTS

1. Item 1. Table I-1. Existing Approved TMDLs Affected by Permittee(s)' Stormwater Discharges (page 12).

With regard to Question 1 as to whether it is appropriate to assign a bacteria reduction requirement based on a historical water quality standard (WQS) for fecal coliform which is now obsolete (replaced by WQS for *E. coli* or enterococcus), DEQ has consulted with EPA. EPA has directed that these fecal coliform Total Maximum Daily Loads (TMDLs) and associated Wasteload Allocations (WLAs) and required percent reductions remain in effect and the required percent reductions should be applied to *E. coli* or enterococcus until such time as new TMDLs for *E. coli* and/or enterococcus are approved or established. The final permit has been revised to add a footnote to Table I-1 to clarify this requirement. DEQ notes that this requirement also applies to stream segment OK52052000070\_00 (Crutcho Creek), for which the TMDL also established required percent reductions for fecal coliform, but not for *E. coli* or enterococcus.

With regard to Question 2 as to whether it is appropriate to name all stream segments in OKC's draft MS4 permit that were studied but not assigned a TMDL, DEQ concurs that only those stream segments for which TMDLs and associated WLAs and required percent reductions should be included in the permit. Since Airport Heights Creek (OK520510000350\_00) was studied and determined to not be impaired for bacteria and thus to not require a TMDL to be developed, it was included in Table I-1 in error. The final permit has been revised to delete Airport Heights Creek (OK520510000350\_00) from Table I-1.

2. Item 2. Part 2.9.1.J.

DEQ concurs with Oklahoma City's request to restore the language in Part 2.9.1.j. in the BMP Actions column to the language previously used in the courtesy review draft. The language has been revised to read, "Continue to install and/or reinstall curb markers at existing storm inlets using volunteers and Oklahoma City employees. Identification of embossed storm drain inlets will count towards that annual total. Oklahoma City may reduce the number of curb marker installations once