



**OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY  
OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM  
PERMIT NUMBER OKS000201**

**RESPONSE TO COMMENTS**

The Department of Environmental Quality (DEQ), Water Quality Division received written comments from the City of Tulsa concerning the draft Oklahoma Pollutant Discharge Elimination System (OPDES) permit OKS000201 for storm water discharges from the Tulsa municipal separate storm sewer system.

After reviewing the comments and considering issues with the permit, changes were made to the draft permit. A copy of the final permit, fact sheet, and response to comments has been posted on DEQ's website at <http://www.deq.state.ok.us/WQDnew/stormwater/index.html>.

The DEQ's response to comments was provided to the city of Tulsa, which submitted comments within the public comment period. The permit will become effective on October 16, 2011. This will be the DEQ's final permit decision.

A summary of the comments received, DEQ's responses, and modifications after the public review are listed as follows:

**PART I Comments Received Pertaining to the OPDES Permit OKS000201 with DEQ's Responses**

All comments were fully considered and changes were made where appropriate.

**A. Page 1, Arkansas River Basin.**

Blackboy Creek has changed to Bigheart Creek. Lower Basin is listed twice and it should only be listed once.

**DEQ Response:** Blackboy Creek's name has been changed and Lower Basin is listed only once. ODEQ has revised the proposed permit as a result of this comment.

**B. Page 3, Part II, Storm Water Management Program**

The first paragraph states "Each permittee shall contribute to the development, revision and implementation of a comprehensive SWMP, including pollution prevention measures, treatment or removal techniques, storm water monitoring ....". The words "storm water monitoring" should be removed.



No storm water monitoring was proposed or specifically delineated in this draft.

**DEQ Response:** Monitoring is one component of Tulsa’s SWMP and is specified in Part II.12 of the proposed permit. ODEQ agrees to remove the word “storm water” in order to be consistent with Part II.12 of the permit. The proposed language has been changed to read “Each permittee shall contribute to the development, revision and implementation of a comprehensive SWMP, including pollution prevention measures, treatment or removal techniques, monitoring, use of legal authority, and other appropriate means to control the quality of storm water discharged from the Municipal Separate Storm Water Sewer System (MS4).”

**C. Page 4, Flood Control Projects.**

In regards to existing flood control projects, Tulsa has had a permit since 1993 and has already assessed the feasibility of incorporating pollutant removal devices into those structures built prior to 1993. Additionally, all structures built since that time, during the design phase, considered pollutant removal. Tulsa should not have to study the feasibility of retrofitting existing structures.

**DEQ Response:** Tulsa’s SWMP is supposed to use a long term planning approach to manage storm water runoff to protect public health and safety, as well as the environment. EPA rules state that “flood management projects assess the impacts on the water quality of receiving water bodies” and “evaluating structural flood control to determine if retrofitting the device to provide additional pollutant removal from storm water is feasible” [40 CFR 122.26(d)(2)(iv)(A)(4)]. Therefore, the city of Tulsa is required to continually conduct and update assessments for all flood management projects and feasibility studies for all flood control devices. No changes were made to the proposed permit as a result of this comment.

**D. Page 5, (s) Discharge from emergency fire fighting activities**

It will be practically impossible to meet the requirements of (s) part II during fire operations. Incident commanders are faced with the protection of life and property and to take their attention away from that task to evaluating potential releases of pollutants to the MEP is not something most have the expertise or training to do. Fire fighting training is essential to the effective and safe control of fires. To restrict training to no flow of water is not acceptable. This is not consistent with 40 CFR 122.26(d)(2)(iv)(b)(1) and should be eliminated from the permit. Tulsa currently has a Haz-Mat unit of the Tulsa Fire Department that responds to insure that fire fighting activities minimize chemical releases to the environment.

**DEQ Response:** “Discharge from emergency fire fighting activities” and “discharges from fire fighting training activities” have been identified as significant sources of pollutants to waters of the State since 2005. These discharges are not authorized unless the discharges meet a specific requirement or are currently authorized under another permit. The city of Tulsa should be able to provide the procedures that currently take place and document them in the SWMP. These procedures may include how incident commanders notify the Haz-Mat Unit of the Tulsa Fire Department regarding potential releases of pollutants from the scene and how the Haz-Mat Unit responds to minimize such potential releases of pollutants from the scene. Training is not restricted to “no flow of water”. Only the discharge of contaminated water from training activities is restricted. Since training is a planned activity, control of potential discharges can be incorporated into the event plans. No changes were made to the proposed permit as a result of this comment.

**E. Page 13, Measurable Goals for Major BMPs, #12 Watershed Characterization (a)**

The analytical monitoring portion of the watershed characterization is to be submitted within the first 6 months is confusing. Page 17, Part III “Schedules for Implementation and Compliance”, provide 12 months from the effective date of the permit to develop and submit a program for review. Yet, another part of the permit states that a minimum of 6 watersheds must be assessed within the first year. This draft permit has timeline inconsistencies, especially related to the watershed characterization requirement. The 1 year period, as delineated in Part III, provides Tulsa time to complete all planning and QAPP development, is reasonable and essential. Tulsa has 30 watersheds, each of which has to be evaluated for dominant land uses, sampling site(s) must be selected, reconnaissance surveys for all sites (including the 200-400 meter HA and biological survey sites) must be conducted, equipment researched and purchased, budgets aligned, manpower allocated, laboratory services negotiated, employee training acquired, contracts and partnerships secured, documents prepared (including a new QAPP, and SOPs), and department management educated about new requirements. Please remove timelines related to the watershed characterization that are not consistent with the 1 year as defined in Part III (A)(3).

**DEQ Response:** The table “Measurable Goals for Major BMPs” (see page 10) provides measurable goals for each BMP in order to help the City track all BMPs undertaken. ODEQ expects the City to submit a monitoring schedule for the analytical monitoring program (item 12 of the table) within 6 months from the effective date of the permit, and a completed watershed characterization program within 12 months from effective date of the permit.

ODEQ understands Tulsa's concerns. However, ODEQ feels that the timeline included in the Table is appropriate. No changes were made to the proposed permit as a result of this comment.

**F. Page 13, Measurable Goals for Major BMPs, #12 Watershed Characterization (b)**

As discussed during our recent meeting, all monitoring will be conducted in association with the watershed characterization. It is Tulsa's understanding that other than dry weather field screening, floatable monitoring, and IHRR monitoring, no additional monitoring is required other than the 30 watershed characterization locations. Watershed characterization requires a minimum of 6 locations sampled per year for only one year. If biological information determines impairment, additional sampling may be performed.

**DEQ Response:** For clarification purpose, the city's wet weather screening monitoring program will be replaced with dry weather analytical and biological monitoring programs in this proposed permit. Also, additional wet weather sampling will be needed to determine the extent that storm water discharges contribute to the impact on receiving streams. The city may revise the schedules contained in the table "Measurable Goals for Major BMPs" based on the previous completion of interim goals or final deadlines. No changes were made to the proposed permit as a result of this comment.

**G. Page 13, Measurable Goals for Major BMPs, #12 Watershed Characterization (c)**

It is Tulsa's understanding that pollutant loading will only be required if analytical monitoring is conducted as a result of impacts to watersheds that are identified based on the biological monitoring program. Again, it is Tulsa's understanding that no storm event monitoring is required by this permit. Tulsa may elect to conduct storm event monitoring or wet weather field screening in order to locate pollutant sources during rainfall events.

**DEQ Response:** ODEQ agrees with this comment. No changes were made to the proposed permit as a result of this comment.

**H. Page 14, Part II(B)(2)(b) Total Maximum Daily Load Allocations**

The wording of this paragraph gives the impression that numeric criteria from the TMDL will have to be achieved, instead of making progress towards achieving. It abandons MEP as delineated in section 402(p)(3)(B) of the CWA.

**DEQ Response:** This is standard language that has been developed for all state storm water programs. It is intended to incorporate any TMDL

requirements to the City's permit without reopening the permit. MEP is a minimum technology-based requirement. TMDLs result in water quality based requirements, and are only developed where technology requirements are insufficient to attain water quality goals. No changes were made to the proposed permit as a result of this comment.

**I. Page 17, Part III, (A)(1) Schedules for Implementation and Compliance**

This component requires the revision of the SWMP within 6 months of the effective date of the permit. This should be removed. With the addition of the watershed characterization, LID requirements as well as others that must be added to the SWMP within two years of the effective date of the permit, the SWMP revisions will be ongoing and a part of each annual report submittal.

**DEQ Response:** The city of Tulsa is required to start modification proceedings to the SWMP after the final permit is issued. ODEQ feels the "no timeline" recommendation is not practicable as the City does need to revise the existing SWMP. The City may make changes to the SWMP during the 5 year period of the permit in accordance with PARTs II.G and V.C. No changes were made to the proposed permit as a result of this comment.

**J. Page 21, A. Watershed Characterization Program, (1)(a)**

Analytical monitoring shall be conducted once per month each permit year. As per aforementioned comment that referenced 1 year to implement the watershed characterization program, this should read, "Analytical monitoring shall be conducted once per month each permit year upon implementation of the watershed characterization program. This aligns the monitoring with the "Schedules for Implementation and Compliance", found in Part III. No outfall monitoring will be conducted that is not a part of the watershed characterization program.

**DEQ Response:** The proposed language has been revised to read: "Analytical monitoring shall be conducted once per month each permit year upon implementation schedule of the watershed characterization program (see PART III.A)."

**K. Page 36, Part IX, Requirements for Tulsa Municipal Construction Activities**

I was informed that Part IX was added at the request of City of Tulsa personnel, specifically Engineering Services. I have contacted representatives from that department and reviewed the pros and cons of Part IX. As a result, Tulsa does not want this requirement in the permit. All City of Tulsa



construction sites that require a general permit will be obtained through the current process using OKR10.

**DEQ Response:** PART IX “Requirements for Tulsa Municipal Construction Activities” has been removed as a result of this comment.