

**OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES)  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
SMALL MS4 PERMIT OKR04  
FACT SHEET**

The Oklahoma Pollutant Discharge Elimination System (OPDES) General Permit OKR04 for the Small Municipal Separate Storm Sewer Systems (MS4) to discharge storm water to waters of the State.

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**OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES)  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
SMALL MS4 PERMIT OKR04**

**A. FACT SHEET NOTICE OF INTENT TO ISSUE A PERMIT**

The Department of Environmental Quality (DEQ) has issued a general permit for the discharge of storm water from Small Municipal Separate Storm Sewer System (SMS4) described in the application. Permit requirements are based on the Clean Water Act (33 U.S.C. 1251 et seq.), hereinafter referred to as the Act, and OPDES regulations OAC 252:606-1-3(b)(3) adopting and incorporating by reference 40 CFR 122.26, as amended.

**B. PERMITTING AUTHORITY**

The Oklahoma Department of Environmental Quality  
P.O. Box 1677  
Oklahoma City, OK 73101-1677

**C. ELIGIBILITY**

This permit authorizes discharges of storm water and certain non-storm water discharges from Small Municipal Separate Storm Sewer Systems (SMS4s), as defined in OAC 252:606-1-3(b)(3) incorporating by reference 40 CFR §122.26(b)(16). This includes MS4s designated under 40 CFR §122.32(a)(1) and 40 CFR §122.32(a)(2) that describes the referenced area with a population of at least 10,000 but not exceeding 100,000, and SMS4s located in urbanized areas (UA). Operators of SMS4s located outside of a UA may be designated as a regulated MS4.

Small MS4s are eligible provided they are able to meet all permit requirements and the eligibility conditions of Part C.

**1. Applicant(s)**

The following categories of small MS4s are potentially subject to permitting under Phase II of the storm water program (40 CFR 122.32):

- a. MS4s operated by municipalities in urbanized areas as defined by the Census Bureau. These MS4s must be permitted unless they receive a waiver based on the criteria discussed below in Part R. An urbanized area is basically a core city and urban fringe with a population of 50,000 or more.
- b. Designated MS4s operated by municipalities which are outside urbanized areas which have a population of 10,000 or more and population density of 1,000/sq.mi. Permitting of these MS4s is required on a case-by-case basis based on factors such as rapid growth, high population density or adverse water quality impacts. Small MS4 designation reviews by DEQ are discussed in Part Q.
- c. Designated MS4s which contribute substantial pollutant loads to regulated MS4s through interconnections.
- d. MS4s designated by the DEQ Executive Director.

The DEQ relied solely upon the 2000 U.S. Census Urbanized Area for determining SMS4 automatic designations. Municipality is used broadly to describe both traditional and non-traditional MS4s, such as MS4s operated by the federal or state government, or other public entity such as: military bases, universities, hospitals, prisons, and county operations.

**2. Eligibility Criteria For Endangered Species**

Activities authorized by this permit must avoid unacceptable effects to Federally and State listed endangered or threatened ("listed") species or designated critical habitats. Direct and indirect

effects must be considered. Coverage under this permit is available only if the storm water discharges, allowable non-storm water discharges, and discharge related activities are not likely to:

- a. Jeopardize the continued existence of any listed species or result in the adverse modification or destruction of critical habitat; or
- b. Cause a prohibited “take” of endangered or threatened species (as defined under Section 3 of the Endangered Species Act and 50 CFR 17.3, unless such takes are authorized under sections 7 or 10 of the Endangered Species Act.

“Discharge-related activities” include: activities which cause, contribute to, or result in storm water point source pollutant discharges; and measures to control storm water discharges including the construction and operation of best management practices (BMPs) to control, reduce or prevent storm water pollution.

The permittee must meet one or more of the five (5) eligibility criteria for the entire term of coverage under the general permit. The information used to make the eligibility determination must be documented and included as part of the SWMP. The endangered species eligibility criteria are:

- a. **Criterion A:** No endangered or threatened species or critical habitats are in proximity to the SMS4s.
- b. **Criterion B:** Consultation with the U.S. Fish and Wildlife has resulted in a documented determination that the resultant storm water discharge will not adversely impact threatened or endangered species.
- c. **Criterion C:** The activities of the SMS4 are authorized under Section 10 of the Endangered Species Act and the authorization addresses storm water and non-storm water discharges on threatened and endangered species.
- d. **Criterion D:** The applicant has evaluated the effects of the storm water discharges, allowable non-storm water discharges, and discharge related activities on listed species and critical habitat. Based on the evaluation there is no reason to believe the discharge and discharge related activities are likely to adversely affect any listed species or result in the adverse modification or destruction of critical habitat.
- e. **Criterion E:** The storm water discharges, allowable non-storm water discharges, and discharge related activities were already addressed in another operator’s certification of eligibility.

The permittee must certify that you have met eligibility criteria for protection of threatened or endangered species and their critical habitat. If the eligibility requirements cannot be met, you may seek coverage under a DEQ individual permit. This eligibility must be evaluated before the NOI is submitted.

DEQ strongly recommends that you conduct this evaluation at the earliest possible stage to ensure that measures to protect listed species are incorporated early in the planning process.

### 3. Historic Preservation

The Oklahoma Department of Environmental Quality’s OPDES permitting activities are not Federal undertakings and, therefore, are not subject to review under Section 106 of the National Historic Preservation Act. However, applicants and permittees must comply with the State Antiquities Act (Title 53, Chapter 20, Section 361) where applicable and the Burial Disturbance Law (Title 21, Chapter 47, Section 1168.0-1168.6), as well as with any applicable local laws concerning the identification and protection of historic properties.

Applicants and permittees who may receive Federal funding or other Federal assistance in the completion of their projects must be aware that compliance with Section 106 of the Historic Preservation Act may apply. For information about the Section 106 review process in Oklahoma,

Oklahoma properties listed on or eligible for the National Register of Historic Places, and related topics, contact:

State Historic Preservation Office  
Oklahoma Historical Society  
2704 Villa Prom (Shepard Mall)  
Oklahoma City, OK 73107  
405/521-6249

To identify historic properties, examine the following web site:

[www.ok-history.mus.ok.us](http://www.ok-history.mus.ok.us) and click on “[National Register of Historic Places](#)”, then “Oklahoma Properties Listed in the National Register”.

Archeological sites can be researched by contacting:

Oklahoma Archeological Survey  
111 East Chesapeake  
Norman, OK 73019  
405/325-7211

Research the following web site:

<http://www.ou.edu/cas/archsur/>

## **D. DISCHARGES AUTHORIZED BY THIS PERMIT**

### **1. Storm Water**

This permit authorizes all existing or new storm water point source discharges to waters of the State from a regulated SMS4. The Nationwide Urban Runoff Program (NURP), which was sponsored by EPA in the years 1978 through 1983, showed that storm water runoff is a significant source of pollutants (EPA, 1983). The study identified 77 priority toxic pollutants in storm water runoff discharged from residential, commercial and light industrial areas. Of these toxic pollutants, heavy metals such as copper, lead and zinc were detected most frequently and at levels of greatest concern. Floatables, pesticides, nutrients, bacteria, and erosion runoff from construction activities are potential pollutants expected in MS4 discharges. More information and copies of documents with additional information on the environmental impacts of storm water discharges are available via EPA’s storm water web page at [www.epa.gov/npdes/stormwater](http://www.epa.gov/npdes/stormwater).

General permits rely on permittees to certify that they meet the eligibility conditions and implement requirements that will ensure compliance with the conditions of the permit. The permit requirements at PART IV and PART V are intended to ensure that those seeking coverage under this general permit select, implement, and maintain BMPs for their Storm Water Management Program that will reduce the discharge of pollutants and effectively control pollutant discharges from the MS4.

### **2. Non-Storm Water**

This permit authorizes the discharge of storm water commingled with flows contributed by process wastewater, non-process wastewater, or storm water associated with industrial activity, provided such discharges are authorized under separate OPDES or NPDES permits. In addition, certain types of non-storm waters listed in OPDES regulations OAC 252:606-1-3(b)(3) adopting and incorporating by reference 40 CFR 122.26 are allowable if appropriately addressed in the Storm Water Management Program.

### **3. Discharges to Outstanding Resource Waters**

Except for discharges of stormwater from temporary construction activities, new discharges located within the watershed of any waterbody designated Outstanding Resource Water (ORW) in Oklahoma’s Water Quality Standards are not allowed and are not authorized by this permit. Discharges to ORW waters from municipal separate storm sewer systems existing as of June 25,

1992 are allowed but such stormwater discharges are prohibited from increased load of any pollutant. A copy of the Oklahoma Water Quality Standards can be obtained by calling the Oklahoma Water Resources Board at (405) 530-8800 or online at [http://www.owrb.state.ok.us/util/rules/pdf\\_rul/Chap45.pdf](http://www.owrb.state.ok.us/util/rules/pdf_rul/Chap45.pdf).

#### **4. Discharges Originating on Indian Country Lands**

Storm water discharges from MS4s or construction activities occurring on Indian Country lands (as defined in 18 USC Section 1151) are not under the authority of the DEQ and are not eligible for coverage under this permit. If discharges of storm water require authorization under federal NPDES regulations, a permit for these discharges must be obtained from the U.S. Environmental Protection Agency (EPA).

#### **5. Spills**

This permit does not authorize discharges of material resulting from a spill. If discharges from a spill are necessary to prevent imminent threat to human life, personal injury, or severe property damage. The permittees have the responsibility to insure the party responsible for the spill takes reasonable and prudent measures to minimize the impact of discharges on human health and the environment. These responsibilities may be in the form of a spill prevention and response plan or through implementation and legal enforcement of other BMPs developed to satisfy the 6 minimum control measures.

### **E. EFFECTIVE DATE**

Dischargers who submit an NOI in accordance with the requirements of this permit are not authorized to discharge storm water from MS4s under the terms and conditions of this permit until an authorization is received from the DEQ. Compliance with permit conditions is required on the effective date of the permit authorization.

### **F. PUBLIC NOTICE**

Persons wishing to file comments and/or request that the DEQ hold a public meeting on the draft permit are required to do so in writing to the DEQ at the point of contact listed in Part G. within 30 days after the date of publication. Requests for a public hearing should include: (1) name and address of the interested person, (2) the title of the permit to which the objection or comment(s) relates, (3) the nature and basis of the interest of the person affected, and (4) a statement of the objection or comment, the basis therefore, and any requested action by the DEQ. A formal public hearing may be scheduled if there is a significant degree of public interest. Notice of the date, time and place of the hearing will be given to all parties of record.

The application, draft permit and other relevant documents may be viewed at the DEQ's central office at 707 N. Robinson, Oklahoma City, between 8:00 a.m. and 4:00 p.m., Monday through Friday. Any person wishing to view these documents should contact the point of contact listed in Part G. of the Fact Sheet to schedule an appointment. At the end of the comment period the DEQ will make any necessary changes to the permit, provide a written response to comments to all parties that provided comment, and the response to comments and permit issuance will be posted and/or published to the public. If significant changes to the permit are necessary the modified draft permit will be placed through the procedures of this section as necessary.

Notice is also given that two public meetings will be held to clarify issues involved in the permit decision and receive public comments. The meetings will be held as follows:

Oklahoma City

Date

Time

Location

Tulsa

Date

Time

Location

## G. POINT OF CONTACT

For information or to submit comments, contact:

Ms. Kim Wyatt  
Water Quality Division  
Department of Environmental Quality  
P.O. Box 1677  
Oklahoma City, Oklahoma 73101-1677

Phone: (405) 702-8100

Fax: (405) 702-8101

E-mail: [kim.wyatt@deq.state.ok.us](mailto:kim.wyatt@deq.state.ok.us)

## H. BASIS FOR PERMIT CONDITIONS

### 1. Statutory Basis for Permit Conditions

The conditions established by this permit are based on Section 402(p) of the Act which mandates that a permit for discharges from MS4s must effectively prohibit the discharge of non-storm water to the MS4 and require controls to reduce pollutants in discharges from the MS4 to the Maximum Extent Practicable (MEP) including Best Management Practices (BMP), control techniques, system, design and engineering methods, and other such provisions determined to be appropriate. MS4s are not exempt from compliance with Water Quality Standards. Section 301(b) of the Act requiring that OPDES permits include limitations, including those necessary to meet water quality standards, applies. The intent of the permit conditions is to meet the statutory mandate of the Act.

As authorized by OPDES regulations OAC 252:606-1-3(b)(3) adopting and incorporating by reference 40 CFR 122.44, the permit will be utilizing Structural Controls, Best Management Practices, and a comprehensive SWMP as the mechanism to implement the statutory requirements. Section 402(p) of the Act clearly includes structural controls as a component of the maximum extent practicable requirement. The DEQ has encouraged permittees to explore opportunities for pollution prevention measures, while reserving the more costly structural controls for high priority locations, or where pollution prevention measures are unfeasible or ineffective.

There is a difference between the Act's statutory requirements for discharges from municipal storm sewers and industrial sites:

- a. Section 402(p) of the Act requires an effective prohibition on non-storm water discharges to a MS4 and controls to reduce the discharge of pollutants from the MS4 to the Maximum Extent Practicable (MEP).
- b. Section 402(p) of the Act requires compliance with treatment or Best Available Technology (BAT) and Section 301 water quality requirements on discharges of Storm Water Associated with Industrial Activity.

Because of the difference in the statutory requirements, and the fact that the Act does not exempt Storm Water Associated with Industrial Activity from the requirement to obtain a separate OPDES permit, these storm water discharges can not be authorized by the SMS4

permit. Such discharges would require a separate OPDES permit. However, the permittees are responsible for the quality of the combined discharge, and have a vested interest in locating uncontrolled and unpermitted illicit and industrial storm water discharges.

## **2. Regulatory Basis for Permit Conditions**

As a result of the statutory requirements of the Act, the DEQ promulgated the SMS4 Permit application regulations, OPDES regulations OAC 252:606-1-3(b)(3) adopting and incorporating by reference 40 CFR 122.30 and 40 CFR 122.32-37. These regulations are described in detail for the permit application requirements for operators of SMS4s. The information contained in the Notice of Intent and the submitted Storm Water Management Plan are utilized by the DEQ to determine the authorization conditions and the permittee status in regards to these conditions.

## **3. Discharge Goals and Limitations**

### **a. Discharge Goals**

General permits rely on permittees to certify that they meet the eligibility conditions and implement requirements that will ensure compliance with the conditions of the permit. The permit requirements at PART IV and PART V are intended to ensure that those seeking coverage under this general permit select, implement, and maintain BMPs for their Storm Water Management Program that will reduce the discharge of pollutants to the Maximum Extent Practicable (MEP) and will be adequate and sufficient to meet water quality standards for all pollutants of concern.

The following goals apply to discharges from SMS4s and are considered in review of the SWMP and in preparation of the authorization. In implementing their SWMP, permittees are required to aspire to these goals. The goals are included to further define the intent of the permit, but are not to be directly interpreted as discharge limitations independent of the SWMP and any numeric or narrative limitations under Part III of the permit:

- (1) No discharge of toxic pollutants in toxic amounts. It is the national policy that the discharge of toxics in toxic amounts be prohibited according to Section 101 (a) of the Act. The Oklahoma Water Quality Standards (Section 785:45-5-12[f][6]) states, "Surface waters of the State shall not exhibit acute toxicity and shall not exhibit chronic toxicity outside the mixing zone."
- (2) No discharge of pollutants in quantities that would cause a violation of State water quality standards. Section 301 (b) of the Act and OPDES regulations OAC 252:606-1-3(b)(3) adopting and incorporating by reference 40 CFR 122.44 require that OPDES permits include "...any more stringent limitations, including those necessary to meet water quality standards, treatment standards, or schedule of compliance, established pursuant to State law or regulations..." Implementation of the SWMP is reasonably expected to provide for protection of State water quality standards.
- (3) No discharge of floatable debris, oils, scum, foam, or grease in other than trace amounts. The Oklahoma Water Quality Standards (OAC 785:45-5-9) require waters of the State to "...be maintained so as to be essentially free of floating debris, bottom deposits, scum, foam and other materials, including suspended substances of a persistent nature, from other than natural sources."
- (4) No discharge of non-storm water from the municipal separate storm sewer system, except in accordance with Part I.B. Permits issued to SMS4s are specifically required by Section 402(p) of the Act to "...include a requirement to effectively prohibit non-storm water discharges into the storm sewers..." The OPDES regulations OAC 252:606-1-3(b)(3) adopting and incorporating by reference 40 CFR 122.26 allow the permittee to accept certain non-storm water discharges, where they have not been identified as significant

sources of pollutants. Any discharge subject to its own OPDES or NPDES permit is not subject to the ban on non-storm water discharges.

- (5) No impairment of State-designated beneficial uses of receiving waters as a result of storm water discharges from the municipal separate storm sewer. The State of Oklahoma has adopted an Antidegradation Policy as part of the Water Quality Standards OAC 785:45-3-1. This Policy requires maintenance of existing or designated in stream water uses.

**b. Discharge Limitations**

All entities designated or potentially designated for coverage under this general permit discharged from the MS4 prior to August 13, 1979 and thus would not be considered new discharges under 40 CFR 122.2.

No numeric limitations are proposed at this time. In accordance with OPDES regulations OAC 252:606-1-3(b)(3), adopting and incorporating by reference 40 CFR 122.44, the DEQ has required a series of BMPs, in the form of a comprehensive SWMP, in lieu of numeric limitations.

**I. STORM WATER MANAGEMENT PROGRAM (SWMP)**

The following summarize the SWMP elements to be submitted by the permittee(s) to satisfy the requirements:

**1. Best Management Practices (BMPs)**

List and define the BMPs that you or another entity will implement for each of the storm water minimum control measures. See Part I.6 for explanation of the 6 Minimum Control Measures required for development in the SWMP.

**2. The Measurable Goals For Each BMP**

Include, as appropriate, the months and years in which you will undertake required actions, including interim milestones and the frequency of the action. Program development and implementation schedules must provide for full implementation of the complete SWMP as soon as practicable, but no later than five years from the effective date of the permit unless the director specifies a different deadline. Credible interim progress in developing and implementing program elements must be made over the term of the permit.

**3. The Responsible Person or Persons**

Identify who will be responsible for implementing or coordinating the BMPs for your storm water management program

**4. Rationale**

Provide a rationale for how and why you selected each of the BMPs and measurable goals for your storm water management program. The information required for such a rationale is given in Part IV. C. of the permit for each minimum measure.

**5. Sharing Responsibility**

Implementation of one or more of your storm water minimum control measures may be shared with another government entity or may be fully implemented by another government entity. You may rely on another government entity only if:

- a. The other government entity implements the control measure;
- b. The particular control measure, or component of that measure, is at least as stringent as the corresponding permit requirement;
- c. The other government entity agrees to implement the control measure on your behalf. Written acceptance of this obligation is required. This obligation must be maintained as part of the

description of your storm water management program. If the other government entity agrees to report on the minimum measure, you must supply the other government entity with the reporting requirements. If the other government entity fails to implement the control measure on your behalf, then you remain responsible for compliance with permit obligations.

## **6. Minimum Control Measures**

More information and assistance in understanding the 6 minimum control measures and development of measurable goals can be located on the web at <http://cfpub.epa.gov/npdes/stormwater/phase2.cfm>.

### **a. Public Education and Outreach Program**

#### **(1) Permit Requirements**

- (a) You must develop and implement a public education and outreach program to distribute information and educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.
- (b) Traditional municipalities such as cities, counties, etc. must address the general public being served by the MS4.
- (c) Non-traditional municipalities such as universities, hospital complexes, prisons, special districts, etc. and federal facilities must address the community served by the MS4. For example, at a university it would be the faculty, other staff, students, and visitors, while at a military base, it would include military personnel (and dependents) contractors, employees, tenants, visitors, etc.
- (d) Departments of transportation must address the community working on or served by the transportation network within the MS4 including employees, contractors, and the general public.

### **b. Public Participation and Involvement**

#### **(1) Permit requirements**

- (a) Develop and implement a plan to encourage public involvement and participation in the development and implementation of the SWMP.
- (b) Develop and implement a process by which the public comments to the plan are received and reviewed by the person(s) responsible for the SWMP;
- (c) Make the SWMP and NOI available to the public.

### **c. Illicit Discharge Detection and Elimination**

#### **(1) Permit Requirements**

- (a) Develop, implement and enforce a program to detect and eliminate illicit discharges into your MS4, including a dry weather field screening program to identify non-storm water flows;
- (b) Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the state that receive discharges from those outfalls;
- (c) To the extent allowable under State or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into your storm sewer system and implement appropriate enforcement procedures and actions. Where the permittee lacks legal authority for direct enforcement action, the program must include

procedures to notify the DEQ when a party fails to comply with procedures or policies established by the permittee (the permittee may rely on the DEQ for assistance in enforcement of this provision of the permit);

- (d) Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to your system;
- (e) Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste;
- (f) Develop a list of occasional incidental non-storm water discharges or flows that will not be addressed as illicit discharges. These non-storm water discharges must not be reasonably expected (based on information available to the permittee) to be significant sources of pollutants to the Municipal Separate Storm Sewer System, because of either the nature of the discharges or conditions you have established for allowing these discharges to your MS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to sensitive water bodies, BMPs on the wash water, etc.). You must document in your SWMP any local controls or conditions placed on the discharges. You must include a provision prohibiting any individual non-storm water discharge that is determined to be contributing significant amounts of pollutants to your MS4.

#### **d. Construction Site Storm Water Runoff Control**

##### **(1) Permit Requirements**

- (a) You must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to your MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. Your program must include the development and implementation of, at a minimum: An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State or local law;
- (b) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;
- (c) Requirements for construction site operators to control waste at the construction site that may cause adverse impacts to water quality as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste;
- (d) Procedures for site plan review which incorporate consideration of potential water quality impacts including erosion and sediment control, control of other wastes, and any other impacts that must be examined according to the requirements of the local ordinance or other regulatory mechanism;
- (e) Procedures for receipt and consideration of information submitted by the public;
- (f) Procedures for site inspection and enforcement of control measures (including enforcement escalation procedures for recalcitrant or repeat offenders). Where the permittee lacks legal authority for direct enforcement action, the program must include procedures to notify the DEQ if a construction site operator fails to comply with procedures or policies established by the permittee. The permittee may rely on DEQ for assistance in enforcement of this provision of the permit.

#### **e. Post-Construction Management in New Development and Redevelopment**

##### **(1) Permit requirements**

- (a) Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into your MS4. Your program must ensure that controls are in place that would prevent or minimize water quality impacts;
- (b) Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for your community;
- (c) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law;
- (d) Ensure adequate long-term operation and maintenance of BMPs.

**f. Pollution Prevention/Good Housekeeping for MS4 Operations**

(1) Permit Requirements

- (a) Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from MS4 operations;
- (b) Using training materials that you develop or that are available from EPA, the DEQ, or other organizations, your program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.

**7. Optional Permit Requirements For MS4 Construction Activities**

A permittee may elect to develop this optional permit requirement. Construction activities one acre or greater in size or part of a common plan of development that is one acre or greater in size are regulated under the storm water rules. This option will provide a mechanism for SMS4 regulated entities to remain in compliance with these rules through the incorporation of appropriate controls and procedures addressing MS4 construction activities into the SWMP developed for the SMS4 permit. The optional requirement will be applicable for construction activities where the SMS4 meets and maintains the status of “construction site operator”. Additionally, contractors working for the SMS4 operator may not be required to obtain separate authorization as long as the contractor does not meet the status of “construction site operator”, but does remain compliant with the conditions of this permit. Such discharges from MS4 construction activities are authorized under this permit. If SMS4s choose to develop this measure, it shall be part of the SWMP submitted with the initial NOI. Storm water discharges associated with construction activities are allowed within the boundaries of your local authority in compliance with PART VIII.A. of this permit.

**J. MENU OF BEST MANAGEMENT PRACTICES FOR STORM WATER PHASE II**

The Phase II Rules specified that the state should develop or adopt a menu of Best Management Practices (BMPs) to assist regulated SMS4s in implementing the general permit. The DEQ encourages regulated communities to develop their own BMPs for use in their SWMP, but has determined that the EPA menu of BMPs provides appropriate guidance for meeting the conditions of the general permit.

The EPA Menu of BMPs can be located on the DEQ web page [www.deq.state.ok.us](http://www.deq.state.ok.us) or on the EPA web page <http://cfpub.epa.gov/npdes/stormwater/menuofbmps/menu.cfm> .

**K. EXAMPLE SCHEDULE OF STORM WATER MANAGEMENT PROGRAM ELEMENTS**

The following is a partial list of example items that could be included in a Storm Water Management Program:

**1. First Year**

- Develop your storm water management program.
- Evaluate placement of structural controls and retrofitting of existing structures.
- Submit program, including priorities and schedules for street sweeping and creek or waterway or water body maintenance.
- List of allowable non-storm water discharges.
- Submit criteria & procedures for roads and highways.
- Make revisions to ordinances or rules for construction inspections.
- Develop master pollution prevention study.
- Floatables – implement education program.
- Floatables – install monitoring devices at selected locations.
- Implement illicit discharge education program.
- Implement pesticide training and education program.
- Submit annual report and every year hereafter.

**2. Second Year**

- Update SWMP to include follow-up activities and spill prevention response for HAZMAT and sanitary sewer leakage and overflow.
- Develop program for volunteer stream monitoring.
- Submit schedule for estimates of annual pollutant loading.
- Submit supplemental monitoring plan.

**3. Third Year**

- Complete revisions to ordinances.
- Develop or adopt erosion control manual for construction.
- Develop program for illicit discharge field screening.
- Industrial and high risk screening implementation.

**4. Fourth Year**

- Implement program for new/significant re-development.
- Construction site runoff program enhancements.
- Evaluation of hazardous waste program and need for collection and recyclable safe disposal.

## 5. Fifth Year

- Wet weather screening of all watersheds.
- Complete illicit discharge field screening.

## L. STORM WATER MANAGEMENT PROGRAM COMPLIANCE

Compliance with the Permit will be accomplished by the implementation of and compliance with the described activities in the various elements of the permittee's SWMP. Permittees must begin implementation the SWMP as defined by the permittee (which may initially include schedules for program development and implementation) on the effective date of the permit. All the required support and initiation procedures for the program elements should be established, and the activities performed as described and scheduled. The SWMP must be fully implemented within five years from the date of permit issuance.

### 1. Roles and Responsibilities of Permittees

The regulation OAC 252:606-1-3(b)(3) adopting and incorporating by reference 40 CFR 122.26 and 40 CFR 122.32-37 requires permittees to describe the roles and responsibilities of each entity applying for the permit to ensure effective coordination. Interagency Agreements may be utilized to implement portions of the SWMP and monitoring program. Permittees are accountable for understanding their role and responsibilities regarding permit conditions.

#### a. Permittees' Legal Authority

The permittees are required to successfully enforce, implement, and complete the various activities described in the permit and SWMP to the extent their legal authority allows. These activities include control of the contribution of pollutants to, and quality of storm water from industrial sites contributing to the storm sewer system; prohibit illicit discharges to the storm sewer system; control spills, dumping or improper disposal to the storm sewer system; control of the contribution of pollutants from one portion of the storm sewer system to the other; require compliance with ordinances; perform site inspections and monitoring. Failure to adopt rules, regulations, codes, or other forms of legal authority within your jurisdiction, does not constitute a lack of legal authority.

#### b. 303(d) List of Impaired Waters

Operators seeking coverage under this permit shall not be causing or have the reasonable potential to cause or contribute to a violation of a water quality standard. If you have discharges to receiving waters included on the latest CWA § 303(d) list of impaired waters, you must document in your SWMP how you will comply with this requirement.

Waterbodies have certain beneficial uses. These beneficial uses can become impaired or are unable to be achieved by the waterbody. Reasons for this impairment are pollutants. The amount, concentration, or loading of pollutants contribute to the significance or magnitude of impairment.

One of the main goals of the Clean Water Act (CWA) is to ensure that all waterbodies achieve their beneficial uses. When a waterbody becomes impaired, a Total Maximum Daily Loading (TMDL) study is performed to determine the amount of pollutants that can be discharged to the waterbody and still achieve the listed beneficial uses.

It is increasingly important to address 303(d) listing and TMDL issues. The permit addresses these concerns in Part III of the permit as follows.

- (1) If a TMDL is established for any water body into which you discharge prior to the date that you submit an NOI, and if that TMDL includes a wasteload allocation or load allocation for a parameter likely to be discharged by the MS4, your discharges must meet the requirements of the TMDL and/or its associated implementation plan within any

timeframes established in the TMDL. Monitoring and reporting of the discharges may also be required as appropriate to ensure compliance with the TMDL.

- (2) If a TMDL is approved for any water body into which you discharge after the date that you submit an NOI, you must incorporate any limitations, conditions, and requirements applicable to your discharges into your SWMP to ensure that the waste load allocation, load allocation and/or the TMDL's associated implementation plan will be met within any timeframes established in the TMDL. Monitoring and reporting of the discharges may also be required as appropriate to ensure compliance with the TMDL.

303(d) water bodies are listed as Category 5 waters in the DEQ Integrated Water Quality Assessment. Impaired water bodies that have had an EPA/DEQ approved TMDL developed are listed as Category 4 waters in the DEQ Integrated Water Quality Assessment.

The list of Category 4 (Impaired water bodies with an EPA/DEQ approved TMDL) and Category 5 (303(d) listed waters) are part of the Integrated Water Quality Assessment. The Integrated Water Quality Assessment can be obtained at:

[http://www.deq.state.ok.us/WQDnew/305b\\_303d/index.html](http://www.deq.state.ok.us/WQDnew/305b_303d/index.html)

This list of water bodies is updated biennially and contains information regarding the reason, or cause, for the impairment.

## 2. Reports Required

Permittees are required by OAC 252:606-1-3(b)(3) adopting and incorporating by reference 40 CFR 122.42 to prepare an annual system-wide report including the status of implementing the SWMP. The annual report must include:

- The status of your compliance with permit conditions, an assessment of the appropriateness of the identified best management practices, progress towards achieving the statutory goals of reducing the discharge of pollutants to the MEP and protection of water quality, and progress toward achieving the measurable goals for each of the minimum control measures;
- Results of information collected and analyzed, if any, during the reporting period, including monitoring data used to assess the success of the program; A summary of the storm water activities you plan to undertake during the next reporting cycle (including an implementation schedule);
- Proposed changes to your storm water management program, including changes to any BMPs or any identified measurable goals that apply to the program elements;
- Description and schedule for implementation of any additional BMPs or monitoring that may be necessary to ensure compliance with any applicable TMDL;
- Notice that you are relying on another government entity to satisfy some of your permit obligations (if applicable) and a copy of the written agreement with that entity.

## M. PERMIT MODIFICATIONS

### 1. Re-opener Clause

The DEQ may re-open and require modifications to the permit (including the SWMP) based on the following factors: changes in the State's Water Quality Management Plan and State or Federal requirements; adding co-permittees; SWMP changes impacting compliance with permit requirements; additional storm water controls identified in a TMDL that may be necessary to maintain applicable water quality standards; other modifications deemed necessary by the DEQ to adhere to the requirements of the Clean Water Act. These modifications comply with OAC 252.606-1-3(b)(3) adopting and incorporating by reference 40 CFR 122.63 which allows permits to be

modified to conform to changes in OAC 252.606-1-3(b)(3) adopting and incorporating by reference 40 CFR 122.41.

Implementation of the SWMP is expected to result in the protection of water quality standards. The permit does, however, contain a re-opener clause should new information indicate the discharges from the MS4 are causing, or significantly contributing to, a violation of the state's water quality standards.

## 2. Other Changes

The Storm Water Management Program is a document prepared by the permittees to address the regulatory application requirements. The document is intended as a functioning mechanism for the permittees' use. Therefore minor changes and adjustments to the various Storm Water Management Program elements are expected and desired. Incorporating this form of document into an OPDES permit has some inherent conflicts. The regulatory rules concerning permit changes and modifications do not easily translate to the minor changes that will be necessary to occur to the various elements during the permit term. The changes may be necessary to more successfully adhere to the true intent of the permit to reduce pollutants to the maximum extent practicable. The DEQ has determined that these minor changes that are specifically described in the permit shall not be considered permit modifications as defined in the regulations. The permit must address the following unique issues: the incorporation of the Storm Water Management Program; multiple entities as co-permittees; and the permit covering an entire municipality subject to changes in boundaries and responsibilities. The DEQ has attempted to develop permit language to clarify the permit requirements concerning possible changes to the Storm Water Management Program, permittees status, and other changes inherently caused by these unique issues.

The process for terminating coverage for an existing permittee shall adhere to the regulations OAC 252:606-1-3(b)(3) adopting and incorporating by reference 40 CFR 122.64. A notice to terminate will be issued in accordance with permit procedures.

It is the intent of the DEQ to allow the permittees to annex lands and accept the transfer of operational authority over portions of the SMS4 without mandating a permit modification. Implementation of appropriate SWMP elements for these additions (annexed land or transferred authority) is required. Upon notification of the additions in the annual report the DEQ may require a modification to the permit based on the new information.

## N. CONSIDERATIONS UNDER THE LAW

The discharge that is being controlled by the terms and conditions of this permit is the result of natural precipitation, and as such would continue to be discharged regardless of the DEQ action represented here. The terms of this permit require that the permittees minimize or reduce the pollutants in storm water discharges to the maximum extent practicable and effectively prohibit non-storm water discharges into the ms4.

## O. PUBLIC PARTICIPATION

April 16, 2004 EPA Headquarters released guidance in response to the U.S. 9<sup>th</sup> Circuit Court of Appeals decision pertaining to Phase II general permitting of small MS4s. The DEQ will implement the following procedures to address several court ordered issues:

- After receipt of a complete Notice of Intent for coverage under this permit, the DEQ will allow a 30-day public comment period for review of the application and comment by the public.
- A list of Notices of Intent received for coverage under this permit will be maintained on the DEQ webpage [www.deq.state.ok.us](http://www.deq.state.ok.us). The list will include:
  1. Applicant / Entity name
  2. Application received date.
  3. Application complete date.

#### 4. Public comment period closed date.

- Copies of the Notice of Intent and supporting documents will be available for review locally from the entity seeking coverage and at the DEQ central office.
- During the comment period, any interested person may submit written comments stating their issues and may request a public meeting. All comments should be made in accordance with PART G. of this Fact Sheet. If DEQ determines that a significant degree of public interest exists, the Department will schedule a public meeting in the area of concern. A public meeting may address more than one permit applicant. After evaluating comments received and making any necessary changes, the permit coverage will be issued or denied.

## **P. STORM WATER DESIGNATION CRITERIA**

December 8, 1999 EPA finalized the Storm Water Phase II regulations. In these regulations designated Small MS4s were required to apply for a permit and develop a Storm Water Management Program (SWMP). Small MS4s are defined as those towns located within an Urbanized Area or those towns with at least a 10,000 population and a minimum density of 1,000 people per square mile. The regulations created two methods to determine what Small MS4s need to be permitted. Those cities that are located within a US Census Bureau Urbanized Area are automatically designated and required to apply for a permit. The second method is for the Department of Environmental Quality (DEQ) to evaluate those Small MS4s that are located outside of an Urbanized Area.

In order to appropriately evaluate those cities that are not located in an Urbanized Area, but meet the population and density criteria of a Small MS4, the DEQ has evaluated information available and/or obtained from the city in question. The following factors were used to designate the potential Small MS4s: population, density, discharge to sensitive waters, high growth or growth potential, and contiguity to an Urbanized Area.

The DEQ employed a weighted value technique to rank the possible designees. This system allows the DEQ to determine those cities that have a high probability to significantly contribute to the State's storm water pollutant load.

## Small MS4 Grade Sheet

Population	(10)_____
Density	(10)_____
High Growth or High Growth Potential	
• Change from Previous Census	(10)_____
• Corporate Land Area	(10)_____
Contiguity to an Urbanized Area	(15)_____
Discharge or Potential Discharge to Sensitive Waters	
• 303(d) listed streams for Storm Water related pollutants	(20)_____
• HQW, ORW, Scenic River, SWS, or ORW/SWS Watersheds	(25)_____
<b>TOTAL:</b>	(100)_____

**Scoring:**

- Population – 1 point for every 10,000 people (rounded up to the nearest 10,000).
- Density – 1 point for every 100 density increase above 1,000 (rounded up to the nearest 100).
- Previous change (Percent) – 2 points for between 0 and 1 percent. 3 points for changes of 1-10%. 4 points for changes of 10-15%. 5 points for changes of 15-20%. 6 points for changes of 20-25%. 7 points for changes of 25-30%. 8 points for changes of 30-35%. 9 points for changes of 35-40%. 10 points for 40+%
- Land Size – 5 points if Corporate Land Area is 10-50% larger than what is necessary to obtain a 1,500 density. 10 points if Corporate Land Area is 50+% larger than what is necessary to obtain a 1,500 density.
- Contiguity to an Urbanized Area – 15 points if directly adjacent. 10 points if the city boundaries are within 2 miles of an UA. 5 points if the city boundaries are within 5 miles of an UA.
- 303(d) listed streams – 20 points if the town would directly discharge to the listed stream. 10 points if the town is within 5 miles of the listed stream.
- HQW, ORW, SWS, Scenic River or ORW/SWS watersheds – 20 points if the city would discharge directly to a HQW, SWS, or Scenic River. 20 points if the city is located within a SWS watershed. 25 points if the city would discharge directly to an ORW or is located within an ORW watershed.

**Q. STORM WATER: SMALL MS4 DESIGNATIONS**

Those Towns, Cities, State Agencies, Federal Agencies, and Counties that are partially or wholly located in an UA are:

- Arkoma
- Bethany
- Bixby
- Broken Arrow
- Catoosa
- Choctaw
- Cleveland County
- Comanche County
- Coweta
- Creek County
- Del City
- Edmond
- Forest Park
- Fort Sill AB
- Guthrie
- Hall Park
- Jenks
- Lawton
- Logan County
- Midwest City
- Moffett
- Moore
- Mustang
- Nichols Hills
- Nicoma Park
- Noble
- Norman
- Oakhurst
- Oklahoma County
- Oklahoma Department of Transportation (ODOT)
- Oklahoma Turnpike Authority (OTA)
- Pocola
- Rogers County
- Sand Springs
- Sapulpa
- Sequoyah County
- Smith Village
- Spencer
- Sperry
- The Village
- Tinker AFB
- Turley
- Tulsa County
- Valley Brook
- Wagoner County
- Warr Acres
- Woodlawn Park
- Yukon

Under Phase II guidelines, the following towns must be evaluated:

Town/City	Population	Density (Pop/Sq. Mi.)
• Altus	21,447	1222
• Bartlesville	34,748	1645
• Claremore	15,873	1272
• Guymon	10,472	1432
• McAlester	17,783	1079
• Miami	13,704	1399
• Muskogee	38,310	1001
• Okmulgee	13,022	1010
• Owasso	18,502	1754
• Ponca City	25,919	1340
• Stillwater	39,065	1371
• Tahlequah	14,458	1196

These towns/cities were evaluated on the following criteria:

1. If the MS4 has the potential to discharge into sensitive waters.
2. If the MS4 has a high population density.
3. If the MS4 has a high growth or growth potential.
4. The MS4's contiguity to an UA.
5. If the MS4 is a significant contributor of pollutants to waters of the United States.

**Final Scores:**

Using the grade sheet and scoring system described above, values were determined for each category. All scores were then summed to give a final total for each evaluated town. These scores are:

Town	Population	Density	Pop. Change	Corp. Area	Contiguity to an UA	303(d)	Watershed/Sensitive Waters	Total
Altus	3	3	0	5	0	20	0	31
Bartlesville	4	7	3	0	0	10	0	24
Claremore	2	3	5	5	0	20	20	55
Guymon	2	5	8	0	0	0	0	15
McAlester	2	1	3	5	0	20	0	31
Miami	2	4	3	0	0	20	0	29
Muskogee	4	1	3	5	0	20	0	33
Okmulgee	2	1	0	5	0	20	0	28
Owasso	2	8	10	0	5	10	0	35
Ponca City	3	4	0	5	0	10	20	42
Stillwater	4	4	3	0	0	20	20	51
Tahlequah	2	2	9	5	0	20	25	63

**Designated Towns/Entities:**

Those entities wholly or partially located in an UA are automatically designated. Also, the DEQ has determined that an evaluation score of 20 or below will provide reasonable certainty that the Small MS4 discharge will not significantly contribute to storm water pollutant loading.

A regulated entity must submit a complete Phase II Small MS4 application or a completed exemption qualification packet. A complete list of all regulated Phase II Small MS4s follows;

- Altus
- Arkoma
- Bartlesville
- Bethany
- Bixby
- Broken Arrow
- Catoosa
- Choctaw
- Claremore
- Cleveland County
- Comanche County
- Coweta
- Creek County
- Del City
- Edmond
- Forest Park
- Fort Sill AB
- Guthrie
- Hall Park
- Jenks
- Lawton
- Logan County
- McAlester
- Miami
- Midwest City
- Moffett
- Moore
- Muskogee
- Mustang
- Nichols Hills
- Nicoma Park
- Noble
- Norman
- Oklahoma County
- Oklahoma Department of Transportation (ODOT)
- Oklahoma Turnpike Authority (OTA)
- Okmulgee
- Owasso
- Pocola
- Ponca City
- Rogers County
- Sand Springs
- Sapulpa
- Sequoyah County
- Smith Village
- Spencer

- Sperry
- Stillwater
- Tahlequah
- The Village
- Tinker AFB
- Tulsa County
- Turley
- Valley Brook
- Wagoner County
- Warr Acres
- Woodlawn Park
- Yukon

## R. STORM WATER PHASE II SMALL MS4 WAIVERS

There were forty-eight (48) entities that were located wholly or partially within an UA. The automatic designation did not take into consideration the size of these entities or their potential to contribute significant pollutant loading. The rules allow some entities the opportunity to qualify for a waiver from permitting requirements. To qualify, these entities must have a population of less than 1,000 inside an UA and meet certain other criteria.

The rules contained two waiver procedures, which are listed under 40 CFR 122.32 (d) and (e), to remove non-significant storm water pollutant contributors from the permit requirement. These waivers remove the requirement of permitting the designated entity for five (5) years. The Storm Water Phase II rules require the DEQ to revisit the waiver designations every five (5) years.

These waivers are located in 40 CFR 123.32 (d) and (e) and are written as follows:

- d) The National Pollutant Discharge Elimination System (NPDES) permitting authority may waive permit coverage if your MS4 serves a population of less than 1,000 within the UA and you meet the following criteria:
  - a) Your system is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the NPDES storm water program (see Sec. 123.35(b)(4) of this chapter); and
  - b) If you discharge any pollutant(s) that have been identified as a cause of impairment of any water body to which you discharge, storm water controls are not needed based on wasteload allocations that are part of an EPA approved or established “total maximum daily load” (TMDL) that addresses the pollutant(s) of concern.
- e) The NPDES permitting authority may waive permit coverage if your MS4 serves a population of less than 10,000 within the UA and you meet the following criteria:
  - a) The permitting authority has evaluated all waters of the U.S., including small streams, tributaries, lakes, and ponds, that receive a discharge from your MS4;
  - b) For all such waters, the permitting authority has determined that storm water controls are not needed based on wasteload allocations that are part of an EPA approved or established TMDL that addresses the pollutant(s) of concern, or if a TMDL has not been developed or approved, an equivalent analysis that determines sources and allocations for the pollutant(s) of concern;
  - c) For the purpose of this paragraph (e), the pollutant(s) of concern include biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from your MS4; and
  - d) The permitting authority has determined that future discharges from your MS4 do not have the potential to result in exceedances of water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts.

No entities qualify for a waiver under 40 CFR 123.32(e).

DEQ granted a waiver from the Storm Water Phase II Small MS4 permitting requirements to the following cities, towns and counties under 40 CFR 123.32(d):

- Arkoma
- Cleveland County

- Forest Park
- Guthrie
- Le Flore County
- Logan County
- Moffett
- Pocola
- Sequoyah County
- Smith Village
- Sperry
- Valley Brook
- Woodlawn Park

**Summary of Waiver Criteria**

Name	Population: Under 1,000	Population in UA: Under 1,000	Listed Pollutants of Concern, if Discharging to a 303(d) Listed Stream						
			Interconnected	BOD	Sediment	TSS	Siltation	Oil and Grease	Turbidity
Arkoma		x							x
Cleveland County		x							
Forest Park		x	X						
Guthrie		x							
Le Flore County		x							x
Logan County		x							
Moffett	X	x							
Pocola		x							
Sequoyah County		x							
Smith Village	X	x	X						
Sperry		x							
Valley Brook	X	x	X						
Woodlawn Park	X	x	X						

**Justification for Phase II Small MS4 Waiver**

**Arkoma**

Total population of 2,180

The DEQ estimates that the Urbanized Area (UA) contains a population of 680. This is less than 1,000.

Arkoma’s MS4 is not interconnected with a regulated MS4.

Arkoma’s Small MS4 would discharge to the Poteau River. This segment of Poteau River is not listed on the 303(d) list for any pollutant.

Thus, the town of Arkoma qualifies for a waiver under 40 CFR 122.32 for the Storm Water Phase II Small MS4 permit requirements.

**Cleveland County**

Cleveland County contains only 0.10 square miles within a UA that are not located within a city limit. The DEQ estimates that a population of 62 exists in these areas. Thus, the county has a population of less than 1,000 for the purpose of the waiver.

The Cleveland County UA would discharge to the North Fork of the Little River. This stream is not listed on the 303(d) list for any pollutant.

Cleveland County Urbanized Area MS4 is not interconnected to any permitted or regulated MS4s.

Thus, Cleveland County qualifies for a waiver under 40 CFR 122.32 for the Storm Water Phase II Small MS4 permit requirements.

**Forest Park**

Total population 1,066

The City of Forest Park has a population of 356 inside an UA.

The City of Forest Park is interconnected to the City of Oklahoma City's MS4 and has been for over twenty (20) years. From history it is apparent that Forest Park does not significantly contribute to Oklahoma City's MS4. Oklahoma City has been under Phase I regulations for over ten (10) years and has not had a violation that could be in any way linked to Forest Park.

The City of Forest Park qualifies for a waiver under 40 CFR 122.32 for the Storm Water Phase II Small MS4 permit requirements.

**Guthrie**

Total population 9,925

The City of Guthrie was automatically designated due to a small right-of-way annexation completed in the 1970's. During this time, Oklahoma City was growing and incorporating large amounts of land. In order to protect the City of Guthrie from encroachment by Oklahoma City, a large right-of-way that extended south from the main city area to the Oklahoma City border and then back north was incorporated. The U.S. Census UA map overlapped a portion of this right-of-way.

Guthrie has 0.5 square miles of land within the UA. The DEQ estimates there to be a population of 100 in this area. Thus, the population of Guthrie in an UA is less than 1,000.

Guthrie's MS4 is not interconnected to any permitted or regulated MS4s.

The Guthrie UA would discharge to Liberty Lake Creek. This stream is not listed on the 303(d) list for any pollutant.

Thus, the city of Guthrie qualifies for a waiver under 40 CFR 122.32 for the Storm Water Phase II Small MS4 permit requirements.

**LeFlore County**

Le Flore County contains only a very small portion of land that is within an UA, and is not located in Arkoma or Pocola City limits. The DEQ estimates that LeFlore County has a population of 42 within an Urbanized Area. Thus it has a population of less than 1,000.

The MS4 operated by LeFlore County inside of the UA is not interconnected to any regulated MS4s.

The primary receiving stream for the LeFlore County MS4 inside the Urbanized Area is the Poteau River. This segment of Poteau River is not listed on the 303(d) list for any pollutant.

Thus, LeFlore County qualifies for a waiver under 40 CFR 122.32 for the Storm Water Phase II Small MS4 permit requirements.

**Logan County**

Logan County contains only 2.32 square miles within an UA that are not located in the Guthrie city limits. The DEQ estimates that a population of 600 exists in this area. Thus, the county has a population of less than 1,000.

The Logan County UA would discharge to Liberty Lake Creek. This stream is not listed on the 303(d) list for any pollutant.

Logan County Urbanized Area MS4 is not interconnected to any permitted or regulated MS4s.

Thus, Logan County qualifies for a waiver under 40 CFR 122.32 for the Storm Water Phase II Small MS4 permit requirements.

**Moffett**

Total Population of 179

Moffett's MS4 is not interconnected with a regulated MS4.

The town of Moffett discharges to the Arkansas River. This segment of Arkansas River is not listed on the 303(d) list for any pollutant.

Thus, the town of Moffett qualifies for a waiver under 40 CFR 122.32 for the Storm Water Phase II Small MS4 permit requirements.

**Pocola**

Total population of 3,994

The DEQ estimates that the UA contains a population of 38. This is less than 1,000

Pocola's MS4 is not interconnected with a regulated MS4.

Wells Creek is the primary receiving stream from Pocola. Wells creek is not listed on the 303(d) list for any pollutant.

Thus, the town of Pocola qualifies for a waiver under 40 CFR 122.32 for the Storm Water Phase II Small MS4 permit requirements.

### **Sequoyah County**

Sequoyah County covers only 0.16 square miles of an UA, that are not located in Moffett City limits. The DEQ estimates that this portion of the county has a population of 205. Thus the county has a population of less than 1,000.

The MS4 operated by Sequoyah County inside of the Urbanized Area is not interconnected to any regulated MS4s.

The Sequoyah County MS4 inside of the UA discharges to the Arkansas River. This segment of Arkansas River is not listed on the 303(d) list for any pollutant.

Thus, Sequoyah County qualifies for a waiver under 40 CFR 122.32 for the Storm Water Phase II Small MS4 permit requirements.

### **Smith Village**

Population 40

Smith Village has a population of less than 1,000 within the UA.

Smith Village has a corporate area of 0.029 square miles. This area is completely developed and surrounded on all sides by the City of Oklahoma City.

Smith Village is interconnected to the City of Oklahoma City's MS4 and has been for over 20 years. From history it is apparent that Smith Village does not significantly contribute to Oklahoma City's MS4. Oklahoma City has been under Phase I regulations for over 10 years and has not had a violation that could be in any way linked to Smith Village.

Thus, the City of Smith Village qualifies for a waiver under 40 CFR 122.32 for the Storm Water Phase II Small MS4 permit requirements.

### **Sperry**

Population 981

Sperry has a population of less than 1,000 in an Urbanized Area.

Sperry is not interconnected to any regulated MS4. It is an isolated system that discharges directly to Bird Creek and various tributaries to Hominy Creek. None of these waterbodies are listed on the 303(d) list for any pollutant.

The City of Sperry qualifies for a waiver under 40 CFR 122.32 for the Storm Water Phase II Small MS4 permit requirements.

**Valley Brook**

Population 847

Valley Brook has a population of less than 1,000 in an UA.

Valley Brook has a corporate area of less than 0.25 square miles. This area is completely developed and surrounded on all sides by the City of Oklahoma City.

Valley Brook is interconnected to the City of Oklahoma City's MS4 and has been for over 20 years. From history it is apparent that Valley Brook does not significantly contribute to Oklahoma City's MS4. Oklahoma City has been under Phase I regulations for over 10 years and has not had a violation that could be in any way linked to Valley Brook.

Thus, the City of Valley Brook qualifies for a waiver under 40 CFR 122.32 for the Storm Water Phase II Small MS4 permit requirements.

**Woodlawn Park**

Population 161

Woodlawn Park has a population of less than 1,000 in an UA.

Woodlawn Park has a corporate area of less than 0.1 square miles. This area is completely developed and surrounded on all sides by the City of Bethany.

Woodlawn Park is interconnected to the City of Oklahoma City's MS4, through the City of Bethany. From history it is apparent that Woodlawn Park does not significantly contribute to the City of Bethany or Oklahoma City's MS4. Oklahoma City has been under Phase I regulations for over 10 years and has not had a violation that could be in any way linked to Woodlawn Park.

Thus, the City of Woodlawn Park qualifies for a waiver under 40 CFR 122.32 for the Storm Water Phase II Small MS4 permit requirements

**S. Definitions**

All definitions contained in Section 502 of the Act and 40 CFR §122 shall apply to this Fact Sheet and are incorporated herein by reference. For convenience, simplified explanations of some regulatory/statutory definitions have been provided, but in the event of a conflict, the definition found in the Statute or Regulation takes precedence.

**Best Management Practices (BMPs)** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**Construction Site Operator** means the party, or parties, that have operational control over plans and specifications and/or day-to-day operational control over the construction site. Operational control over plans and specifications is the entity with control over construction plans and specifications, including the ability to make modifications to those plans and specifications to ensure compliance with a Storm Water Pollution Prevention Plan for the site or other permit conditions. Day-to-Day operational control is the entity that has control of those activities at a project that are necessary to ensure compliance with a SWP3 for the site or other permit conditions.

**Control Measure** as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the State.

**CWA or The Act** means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.

**Director** means the Executive Director or chief administrator of the Department of Environmental Quality or an authorized representative.

**Discharge**, when used without a qualifier, refers to “discharge of a pollutant” as defined at 40 CFR §122.2.

**Illicit Connection** means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

**Illicit Discharge** is defined at 40 CFR §122.26(b)(2) and refers to any discharge to a municipal separate storm sewer that is not entirely composed of storm water, except discharges authorized under an OPDES or NPDES permit (other than the OPDES permit for discharges from the MS4) and discharges resulting from fire fighting activities.

**MEP** is an acronym for "Maximum Extent Practicable," the technology-based discharge standard for Municipal Separate Storm Sewer Systems to reduce pollutants in storm water discharges that was established by CWA §402(p). A discussion of MEP as it applies to MS4s is found at 40 CFR § 122.34.

**MS4** is an acronym for "Municipal Separate Storm Sewer System" and is used to refer to either a Large, Medium, or Small Municipal Separate Storm Sewer System (e.g. "the Dallas MS4"). The term is used to refer to either the system operated by a single entity or a group of systems within an area that are operated by multiple entities (e.g., the Oklahoma City MS4 includes MS4s operated by Oklahoma City , the Oklahoma Department of Transportation, and others).

**Municipal Separate Storm Sewer System** is defined at 40 CFR § 122.26(b)(8) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.**NOI** is an acronym for “Notice of Intent” to be covered by this permit and is the mechanism used to “register” for coverage under a general permit.

**Small Municipal Separate Storm Sewer System** is defined at 40 CFR §122.26(b)(16) and refers to all separate storm sewers that are owned or operated by the United States, a State, city, town, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the State, but is not defined as “large” or “medium” municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

**Storm Water** is defined at 40 CFR §122.26(b)(13) and means storm water runoff, snow melt runoff, and surface runoff and drainage.

**Storm Water Management Program (SWMP)** refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system.

**SWMP** is an acronym for “Storm Water Management Program.”

**“You” and “Your”** as used in this fact sheet is intended to refer to the permittee, the operator, or the discharger as the context indicates and that party’s responsibilities (e.g., the city, the country, the flood control district, the U.S. Air Force, etc.).