



**OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM
PERMIT NUMBER OKS000101**

RESPONSE TO COMMENTS

The Department of Environmental Quality (DEQ), Water Quality Division received written comments from the Central Oklahoma Master Conservancy District (COMCD) concerning the draft Oklahoma Pollutant Discharge Elimination System (OPDES) permit OKS000101 for storm water discharges from Oklahoma City Municipal Separate Storm Sewer System (MS4).

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

The permit will become effective on March 15, 2013. This is the DEQ's final permit decision. A summary of the comments received, and DEQ's responses are listed as follows:

**Comments Received Pertaining to OPDES Permit OKS000101 and
DEQ's Responses**

- A. *Beginning on page 10 of 33 of the draft permit there is a section related to the SWMP requirements relative to 303(d) listed receiving water bodies and TMDL allocations. Item B.2.b on this page requires the permittee to incorporate into the SWMP any limitations, conditions, and requirements applicable to the discharges from the MS4 to the TMDL water body. The permit states that this is to ensure that the waste load allocations under the TMDL will be met within any time frames set in the TMDL.*

The problem with the provision is that the permit does not actually state when the permittee must achieve the incorporation of new provisions into the SWMP. The TMDL report for the Lake Thunderbird basin in Appendix E provides an overall timeframe for achieving changes to the SWMP (24 months), but there are no interim schedule requirements to show progress and to make sure the 24 months schedule will actually be achieved. This is a weakness in both the draft permit and in the TMDL. We request that interim milestones be included in the requirement.

DEQ Response: The established policy of the State is to place detailed TMDL requirements related to storm water discharges in the TMDL document. The permit then includes language requiring compliance with the TMDL provisions. Please see



Part II.B.2.b. This is standard language that has been developed for all Oklahoma storm water permits. It is intended to require compliance with any TMDL requirements that may apply to the permitted discharges without having to reopen and modify the permit. This standard language requires permittees to incorporate any TMDL requirements that are specified in the approved TMDL into the City's SWMP.

Additionally, the Lake Thunderbird TMDL is not final and has not been approved. It would be premature to incorporate any provisions of the draft TMDL into this permit. No changes have been made as a result of this comment.

- B.** *Beginning on Page 13 of 33 of the draft permit, Part III includes schedules for implementation and compliance for the MS4 permit. COMCD requests the following language addition to the table beginning on this page:*

SWMP COMPONENT	ACTIVITY	RESPONSIBLE PERMITTEE(S)	DATE DUE/FREQUENCY
1) SWMP Document	<p><i>c. If, during the term of this permit, any TMDL is adopted for a water body into or above which the MS4 discharges, submit to ODEQ a document detailing the following:</i></p> <p><i>1). An evaluation to identify potential significant sources of pollutants of concern identified in the TMDL</i></p> <p><i>2). A general strategy for meeting the waste load allocations assigned to the permittees.</i></p> <p><i>3). A schedule with appropriate interim milestones for achieving compliance with the TMDL</i></p>	All	6 months from the adoption of the TMDL

This addition would be made to the first entry in the schedule, on page 13 of 33.

DEQ Response: Please see the response to Comment A above. No changes have been made as a result of this comment.

- C.** *If the above requirements are added, there should also be a reporting requirement to address progress with implementation of the SWMP changes (and implementation of any provisions of the new TMDL requirements). Reporting could be incorporated into the Annual Report that is required in the permit. The following additional language in the permit is recommended to be added to Part V.D - Annual Report and*



Comprehensive Assessment of the Priority based Monitoring Program (found on page 24 of 33):

1.i. A summary of progress during the previous year on the implementation of changes to the SWMP required as a result of a TMDL adopted for a water body into or above which the MS4 discharges, and to the implementation of provisions in the SWMP relating to any such TMDL.

DEQ Response: The following language has been added in Part V.D.1 of the draft permit as a result of this comment:

- i. If a TMDL or watershed plan in lieu of a TMDL has been approved for any water body into which you discharge, include a TMDL implementation report which includes the status and actions taken to implement any applicable TMDL and the status of any applicable TMDL implementation schedule milestones.

D. Page 4 of 33 includes a paragraph on fertilizer application management. The SWMP is very vague on exactly what is done to control nutrients into waterways.

DEQ Response: DEQ disagrees with this opinion. This provision is similar to other provisions of Part II.A. No changes have been made as result of this comment.

E. The SWMP for the Oklahoma City MS4 is generally very non-specific. This could be a problem for trying to ensure compliance is maintained.

DEQ Response: DEQ disagrees with this opinion. No changes have been made as result of this comment.

F. Because the TMDL was just recently submitted to EPA for consideration, the District requests that the Oklahoma City MS4 permit be issued with a termination date two years after issuance, so that once the TMDL is approved by EPA a new permit can be issued that will include provisions implementing the TMDL with respect to this discharge. Waste load allocations and any other terms necessary for the discharge to comply with the TMDL could then be incorporated into the permit, which could then be reissued to the permittees as a standard (5) five-year permit.

DEQ Response: The permit is structured so that it is not necessary to modify it in order to implement any applicable TMDL. Thus, limiting the permit term to two years in order to incorporate TMDL requirements in a new permit is not necessary. Also, please see the response to Comment A above. No changes have been made as result of this comment.