

Part III: Special Conditions (303d, WQS, TMDLs & ORW)

GCSA Employee Training

Tulsa Mohawk Education Auditorium

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Part III Overview

- Part III addresses “Special Conditions” – compliance with water quality standards, 303(d) protection, TMDLs and ORW protection.
- III.A.1 – **303(d)** Impairment
- III.A.2 – Water Quality Standards (**WQS**)
- III.2 – **TMDLs** or Watershed Plan
- III.C – Outstanding Resource Waters (**ORW**)

Outstanding Resource Waters (ORW) are Oklahoma Scenic Rivers and tributaries. Tahlequah is the only Phase II permittee that has to comply with ORW provisions at present.

Does Part III Require Sampling?

- 303(d):
 - “Sampling” is not specifically mentioned in Part III.A.1.
 - Must conduct inspections of likely sources.
 - Must identify pollutant sources.
 - Must “assess” new flood management projects for WQ impacts.
- TMDLs:
 - Must implement requirements in TMDL – see TMDL report.
 - Requires individual or participation in a regional sampling (“monitoring”) program.

Does Part III Require Sampling?

- WQS:
 - Part III.A.2 is triggered when it is determined an MS4 discharge caused, has the reasonable potential to cause, or contributed to an in-stream exceedance of a WQS.
 - ODEQ will notify the MS4 permittee in such an event.
 - “You must take all necessary actions to ensure that future discharges do not cause, ...”
- ORWs:
 - There are many site-specific requirements for ORW, but they only apply to Tahlequah at present.

Part III.A.1 (303d) Plans and Procedures

- III.A.1 requires a “plan” for 303(d) that lists your BMPs and describes how you expect the BMPs to reduce the 303(d) pollutants of concern.
- You must develop Operation and Maintenance (O&M) “procedures” for structural and non-structural controls to reduce 303(d) pollutants discharged from your MS4.
- Many other III.A.1 passages require you to “assess”, “determine”, “inspect”, “ensure”, “identify”, “examine”, etc.; most of these will benefit from some type of written *how to do* procedures or guidance.

Addressing Bacteria 303(d)

- EPA added very specific actions in Part III.A.1 to address bacteria 303(d).
- Part III.A.1.g – Actions to address Bacteria 303(d):
 1. Sanitary sewer systems
 2. On-site sewage facilities
 3. Illicit discharges and dumping
 4. Animal sources
 5. Residential education
- Must submit your proposed list of bacteria BMPs to ODEQ for review.

Part III.B Notification-TMDL Plans

- Each TMDL report that has permitted MS4s within the TMDL watershed has an appendix that specifies what actions the MS4 must take to comply with the TMDL.
- **“Notification TMDLs”** have a requirement to develop a “Pollutant Reduction Plan” – due within **12 months** of notification by ODEQ. Some key elements are:
 - Goals, BMPs to be relied upon, implementation schedules;
 - Changes to ordinances, education program and other SWMP activities;
 - Evaluation of program effectiveness.

Part III.B Notification-TMDL Sampling

- The Notification TMDL Appendix for MS4s also requires that a Pollutant Monitoring Program must be developed within **18 months** of notification. The plan must include:
 - Description of sampling goals, procedures, analytical methods.
 - Map and list of sampling sites.
 - Frequency of sampling at each site.
 - Parameters to be analyzed.
 - Quality Assurance Project Plan (QAPP) – must use EPA format.
 - Monitoring program shall be fully implemented in **3 years**.

Part III.B New “EPA-TMDL” Strategy

- From the November 2013 Lake Thunderbird TMDL on, all TMDLs will now have a new Appendix approach.
- Requirements for permitted MS4s are more detailed.
- MS4s no longer need any notification from ODEQ to “start the TMDL clock ticking”.
- All MS4s must begin complying with these new “EPA-TMDLs” immediately upon EPA approval.
- ODEQ will send each permitted MS4 TMDL information.
- All EPA-TMDLs will have individual MS4 loads.

Part III.B EPA-TMDL Compliance Plan

- Each permittee will develop a “TMDL Compliance Plan” and submit it to ODEQ within **24 months** of EPA approval.
 - Adopt the TMDLs’ calculated MS4 Wasteload Allocation (**WLA_MS4**) as a Measurable Goal in the SWMP.
 - Enhanced plan to detect and remediate illicit discharges and sources.
 - Have a General Strategy to demonstrate understanding of the TMDL and the MS4’s responsibilities.
 - Describe the BMP implementation approach to be taken.
 - Enhanced inspections and enforcement in the watershed.
 - Provide a schedule for achieving the WLA.

Part III.B EPA-TMDL Monitoring Program

- Develop or participate in a regional “Pollutant Monitoring and Tracking Program” and submit a draft Monitoring Plan to ODEQ within **24 months** of EPA approval.
- Most of the Notification TMDL’s Monitoring Plan elements are also to be included in these new Monitoring Plans.
- Additional sampling specifics will be included, such as sampling frequencies, types of sites to be sampled, etc.

E.g., from Lake Thunderbird TMDL: “at least one representative sample of a stormwater discharge from at least 50% of the major discharge points discharging directly to surface waters of the state within the portion of the TMDL watershed in the MS4 area. A major discharge point is a pipe or open conveyance measuring 36 inches or more at its widest cross section.”

Status of ODEQ Notifications

- ODEQ now has a rough draft Notification Letter.
- ODEQ favors partial roll-out of notices first to resource-rich permitted MS4s – test the waters.
- More notifications will follow pending how the first notified MS4s do with TMDL compliance.
- INCOG intends to provide much GCSA technical support:
 - Help preparing QAPPs, Plans and other required documents;
 - Regional sampling programs for Tulsa area GCSA members; and
 - Help with local sampling programs, data analysis and reporting.

Possible Regional Monitoring

- INCOG has completed two sampling projects to test regional monitoring for future TMDLs in the Tulsa area.
- Nearly all Oklahoma TMDL streams were listed, and the TMDL data came from, a single sampling site.
- INCOG's scope: add several more sites which increase the confidence of all data to make decisions about BMP effectiveness and attainment of WQS.
- ODEQ has recently expressed interest in this approach, and INCOG will work with ODEQ to refine a regional sampling scope.

Thank you. Any Questions ?



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