August 3, 1994

TULSA MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT
FACT SHEET

BACKGROUND

In the 1987 amendments to the Clean Water Act, Congress directed EPA to develop a phased approach to controlling storm water discharges under the National Pollutant Discharge Elimination System (NPDES) program. This action was based, in part, on growing evidence of the impacts storm water discharges have on water quality. According to the 1988 National Water Quality Inventory (a biannual report to Congress), roughly 1/3 of the Nation's waters were unable to fully support their designated beneficial uses (e.g. fishable, swimmable, etc.). The information provided by the States for the 1992 National Water Quality Inventory indicates that 38% of the Nation's rivers, 44% of lakes, and 32% of estuaries and coastal waters are water quality impaired. Of these impaired waterbodies, urban runoff was identified as a leading source of impairment for 11% of rivers, 24% of lakes, and 43% of estuaries and coastal waters.

On November 16, 1990, EPA published the final regulations establishing permit application requirements for municipal separate storm sewer system (MS4) serving a population of 100,000 or greater. The MS4 is required to have a comprehensive Storm Water Management Program to effectively prohibit the discharge of non-storm water (e.g. process waste water, sanitary sewage, wash waters, dumped oil and household hazardous wastes, etc.) to the MS4 and to reduce pollutants in discharges from the MS4 to the maximum extent practicable (MEP). In Region 6 there are 27 municipalities which require an MS4 permit, one of which is the city of Tulsa. The city of Tulsa submitted their municipal separate storm sewer system (MS4) application in November, 1992. The decision to proceed with the Tulsa permit first was based, in part, on the City's historical commitment to improving storm water quality and expectation that there would be few, if any, controversial issues on this particular permit.

DISCUSSION

EPA had several meetings with the 27 municipalities and the States to develop a working partnership to aide in the development of this new NPDES permit program for MS4s. The municipalities and States were very active in the development of a model permit to be utilized in this Region. On October 9, 1993, EPA public noticed a draft MS4 permit for Tulsa, based on the model permit. The draft permit included a requirement to implement the City's proposed Storm Water Management Program (SWMP).

Only Tulsa, Dallas, and Fort Worth commented on the draft permit. We carefully evaluated all the comments and addressed all issues raised. The major issues involved the implementation of the

various components of the Storm Water Management Program and required enhancements. Specially, the issues were: (1) the cost associated with a curb side household hazardous waste and used motor fluid program; (2) the elimination of overflows from sanitary sewers and other sources of non-storm water entering the storm sewer system; and (3) the ability to control commercial and wholesale distributors and applicators of pesticides, herbicides and fertilizers.

The final permit incorporates the City's proposed alternative of semi-annual household hazardous waste collection events and allows a three year period to develop a permanent, readily available household hazardous waste program. As required by statute, the permit retains the requirement to prevent sanitary overflows and limit infiltration of seepage from sanitary sewers into the MS4. The regulations allow an exception to the prohibition on non-storm water for a limited class of discharges (e.g. landscape irrigation, uncontaminated ground water, air conditioning condensate, etc.), provided the municipality determines they would not be a significant source of pollutants. The Region has taken a more liberal interpretation of the "allowable" non-storm water discharges that will give the City additional flexibility to conditionally allow certain non-storm water discharges such as charity car washes and pavement cleaning without cleaning chemicals. The final permit also gives the city of Tulsa a year to establish their proposed alternative to require that commercial pesticide applicators be licensed under the Oklahoma Pesticide Applicators Law.

A public hearing was not held nor requested on this permit due in part to the extensive "upfront" coordination with municipalities in drafting the model permit. Several Cities, but not Tulsa, have had public interest groups involved with the application process. We understand Tulsa is anxious to receive a final permit so implementation of several components of their SWMP can begin.

EPA has been keeping Oklahoma Department of Environmental Quality (ODEQ) informed on the MS4 permitting status. ODEQ participated in development of the Region 6 model MS4 permit. ODEQ was invited to several meetings with Tulsa, and had provided input during some of these meetings. ODEQ did comment on the model permit but choose not to provide formal comments on the draft Tulsa permit. They have waived certification on the permit by not responding during the public notice period.

The final permit has changed from the proposed permit published in October, 1993. Some of the permit language changed to improve the clarity and organization of the permit. Discharge goals have been established for the Municipal Separate Storm Sewer System rather than setting numeric effluent limits. The overall goals of the representative monitoring program of the permit are: 1) estimation of quantities of pollutants discharged for the entire municipal separate storm sewer system on a seasonal and annual basis, and 2) providing permit accountability through a means to demonstrate improvement in storm water discharge quality. Rapid Bioassessment Option has been added to the final permit because biological monitoring of receiving waters or the separate storm sewer system has the potential to offer important information on the effects of storm water discharges on the receiving water. Tulsa has been fully informed of these changes and has seen a copy of the final version of the

permit. As a result of our coordination with Tulsa during the permit finalization process, we do not expect any permit challenges from the City.

RECOMMENDATION

EPA and the city of Tulsa have resolved all outstanding issues raised to date. The city of Tulsa is looking forward to the issuance of this MS4 permit. Tulsa has developed its program and is waiting for final issuance of this permit to commence implementation of its Storm Water Management Program. The Agency should proceed with permit issuance.

August 3, 1994

QUESTIONS AND ANSWERS REGARDING THE CITY OF TULSA MUNICIPAL SEPARATE STORM WATER (MS4) PERMIT

What geographic areas does this permit cover?

This permit covers all portions of the Tulsa Municipal Separate Storm Sewer System (MS4) owned or operated by the city of Tulsa that are located within the corporate boundary of Tulsa.

When must the City be in compliance with the permit's requirements?

The City must be in compliance with this permit 90 days from the effective date of the permit, except as provided in compliance schedules.

What are the key requirements of the city of Tulsa permit?

The key requirement of the city of Tulsa permit is to reduce the amount of pollutants discharged from the MS4 to the maximum extent practicable through the implementation of a storm water management program. The City is required to perform monitoring to estimate the quantity of pollutants discharged from the entire MS4, which will be used to demonstrate improvement in storm water discharge quality.

What is a Storm Water Management Program ?

A Storm Water Management Program is a MS4 specific comprehensive program to:

Reduce discharge of pollutants from the MS4 to the maximum extent practicable (MEP); Operate and maintain any storm water structure controls;

Develop, implement, and enforce controls to minimize pollutants from construction activities;

Operate and maintain public streets, roads, & highways;

Insure any flood management projects assesses impacts on water quality;

Reduce discharges of pollutants from pesticides, herbicides and

fertilizers applications;

Detect and remove illicit discharges and improper disposal into the storm sewer;

Prevent, contain & respond to spills that may discharge into MS4;

Monitor and control pollutants in storm water discharges from industrial and high risk facilities (such as municipal landfills, hazardous waste treatment, storage, disposal and recovery facilities and facilities subject to Superfund Reauthorization Act (SARA) Title III, Section 313); and

Implement a public education program regarding storm water management program, recycling programs, household hazardous waste and proper disposal.

What is the importance of a Storm Water Management Program?

The Storm Water Management Program is a written document/program a City has committed to in order to satisfy the statutory requirements of the Clean Water Act (CWA). The Storm Water Management Program is incorporated by referenced into the permit. Consequently, when the program is fully implemented, a City will be in compliance with the primary control mechanism of their NDPES permit for the MS4.

What are the pollution prevention requirements in the permit?

The permit contains pollution prevention requirements for:

Development (both new and re-development)

Used motor fluids (oil and antifreeze)

Household hazardous waste materials - Interim semi-annual collection - 3 years to develop readily available "year round" opportunities for residents

Floatables control

Why does a storm water permit contains household hazardous waste requirements?

A storm water discharge permit contains household hazardous waste requirements because of

the CWA requires an effective prohibition on non-storm water discharges from MS4s.

According to King County Solid Waste Division, it is estimated that 15% to 20% of household hazardous wastes end up in storm drains or runoff ("Local Hazardous Waste Management Plan for Seattle-King County: Final Plan and Environmental Impact Statement for the management of Small Quantities of Hazardous Waste in the Seattle-King County Region" 1990). In addition EPA estimates that 40% (80 million gallons per year) of "Do-it-yourself oil changers" pour onto roads, driveways, or yards or into storm sewers ("How to Set Up a Local Program to Recycle Used Oil" EPA/530-SW-89-039A). Consequently, hundreds of municipalities across the nation have voluntarily developed household hazardous waste collection programs. In 1991, there were 802 household hazardous water collection programs in the United States ("Household Hazardous Waste Management - A Manual for One-Day Collection Programs" EPA530-R-92-026).

Virtually all municipalities provide, either directly or indirectly (e.g. through contractors), for residential collection of sanitary waste water, garbage, and storm water. These services have been historically regarded as an inherent function of municipal government. The word municipality itself comes from the latin *munus* - duty, service + *capere* - to take; or literally - "undertaker of duties." Therefore, it is only appropriate that municipalities take a leadership role in ensuring residents have the opportunity to properly dispose of household hazardous wastes and used motor vehicle fluids in an environmentally responsible manner. Public education can reduce the amount of waste material produced and inform residents regarding improper disposal methods. However, municipalities must then have a response to the question: "Where <u>can</u> I dispose of my household hazardous wastes and used motor vehicle fluids?"

How does the city of Tulsa plan to address the household hazardous waste permit requirements?

The city of Tulsa's will implement biannual collection events at a centralized location located within five miles from most parts of the City. The City will have until August 1, 1996, to complete further evaluation of long term program options, and until August 1, 1997, to implement the selected program.

The long term program will include periodic collection events and should ensure a publicly available "drop-off" location (not necessarily owned or operated by the permittee) is available on a more regular basis and at hours where working people can to drop off waste (ie: occasional long weekday hours, or weekends). The long term program could incorporate programs, or program components, run by the private and/or public sectors (e.g. automobile parts, discount stores with auto-centers accepting used oil from do-it-yourself oil changers, etc.)

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PRESS RELEASE

The United Stated Environmental Protection Agency, Region 6 Office in Dallas, Texas will be public notice their First Municipal Separate Storm Sewer System (MS4) Permit on _____ for the city of Tulsa, Department of Public Works. This will be the first EPA issued permit for a MS4. The permit requires pollution prevention measures in the City's Storm Water Management Program (SWMP). The SWMP requires the City to: reduce discharge of pollutants from the MS4 to the maximum extent practicable; operate and maintain any storm water structure controls; develop, implement, and enforce controls to minimize pollutants from construction activities; operate and maintain public streets, roads, and highways; insure any flood management projects assesses impacts on water quality; reduce discharges of pollutants from pesticides, herbicides and fertilizers applications; detect and remove illicit discharges and improper disposal into the storm sewer; prevent, contain & respond to spills that may discharge into MS4; monitor and control pollutants in storm water discharges from industrial and high risk facilities (such as municipal landfills, hazardous waste treatment, storage, disposal and recovery facilities and facilities subject to EPCRA Title III, Section 313); and implement a public education program regarding storm water management program, recycling programs, household hazardous waste and proper disposal. The city of Tulsa is required to monitor in wet weather three times a year and screen the system in dry weather to locate illicit discharges. The permit requires the submission of a detailed annual report of all the activities in the SWMP.

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TULSA MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT COMMUNICATION STRATEGY

1) CAST

- Patricia Eaton, Oklahoma's Secretary of Environment
  - Jane Saginaw

- Susan Savage, Mayor, City of Tulsa - Jane Saginaw

- Congress - Barbara Goetz & Jane Saginaw

- John Craig, Oklahoma Department of Environmental Quality
  - Jack Ferguson

- Bob Poole, Department of Public Works, City of Tulsa
  - Monica Burrell

- Gary Hudiburgh, EPA Headquarters - Jack Ferguson

- Press - David Bary

- Local Environmental Groups, U.S. Fish & Wildlife, State Historical Preservation Office, and other Stakeholders
  - Permits Branch Staff

2) MONITORING STRATEGY

- ** Group

- Get Documents to RA before telephone calls

- Feedback on intial communications from RA-

  (go- no go on Communication Strategy)

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** Group to work on monitoring

Greenfield
Goetz
Bary
Knudson
Kirkpatrick
Ferguson
Benthul
Crouther
Burrell
Larsen