



Permitting for Environmental Results (PER)

NPDES Profile: Oklahoma and Indian Country

PROGRAM RESPONSIBILITY

State of Oklahoma: NPDES authority for base program, general permitting, federal facilities, pretreatment, and biosolids

EPA Region 6: NPDES authority for concentrated animal feeding operations, oil and gas facilities.

EPA Region 6: NPDES authority for all facilities in Indian Country

Program Integrity Profile

This profile characterizes key components of the National Pollutant Discharge Elimination System (NPDES) program, including program administration and implementation, environmental outcomes, enforcement, and compliance. EPA considers profiles to be an initial screen of NPDES permitting, water quality, enforcement, and compliance programs based on self-evaluations by the States and a review of national data. EPA will use the profiles to identify program strengths and opportunities for enhancements. For more information, please contact David Pruitt, Oklahoma Department of Environmental Quality, (405) 702-8100, Mike Tillman, EPA Region 6 (Permits), (214) 665-7531, or Charles Faultry, EPA Region 6 (Enforcement), (214) 665-6475.

Section I. Program Administration

1. Resources and Overall Program Management

The State of Oklahoma:

The NPDES program was authorized to the Oklahoma Department of Environmental Quality (ODEQ) on November 19, 1996, (61 Code of Federal Regulations (CFR) 65047, December 10, 1996) and is administered under the Oklahoma Discharge Elimination System (OPDES). The ODEQ has Clean Water Act (CWA) authority for point source discharges of pollutants to waters of the State which originate from municipal, industrial, commercial, mining, transportation and utilities, construction, trade, real estate and finance, services, public administration, manufacturing, and other sources, facilities, and activities. The exceptions to ODEQ's authorized program are: point source discharges of pollutants in Indian Country¹ (as defined at 18 United States Code (U.S.C.) 1151) in Oklahoma; point source discharges involved in oil and gas exploration/production/pipelines; and the agriculture sector including concentrated animal feeding operations (CAFOs) for both production runoff or discharge and

¹ Under EPA's 1996 approval of the State of Oklahoma's permitting program, the State was not authorized to issue NPDES permits under the federal Clean Water Act in areas of Indian country, as defined in 18 U.S.C. § 1151, within the State. 61 Fed. Reg. 65047, 65049 (December 10, 1996). However, section 10211(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005 ("SAFETEA"), Public Law 109-59, 119 Stat. 1144 (August 10, 2005), provides the State the opportunity to request approval from EPA to administer federal environmental regulatory programs, including the Clean Water Act NPDES program, in Indian country areas of the State.

construction of facilities. Discharges in those excepted categories are the responsibility of EPA. The original memorandum of agreement (MOA) between EPA and ODEQ was modified on August 4, 1997. In June 2003, the ODEQ submitted draft updated (1) program description, (2) MOA, and (3) Attorney General Statement documents. Comments on these documents have been submitted by EPA Region 6, and the issuance of final versions is expected in 2006.

Based on Permit Compliance System (PCS) data dated September 4, 2004, there are 244 industrial and 282 publically owned treatment works (POTWs) covered by individual permits².

The table below shows the permitting universe for Oklahoma.

Table 1: ODEQ NPDES Universe in Oklahoma

July 2004	Major Facilities	Minor Facilities	Minor Facilities w/General Permits	SIUs* & CIUs **
No. of Sources	98	426	235	314
% of National Universe	1.4%	1.0%	0.43%	1.0%

* SIUs - Significant Industrial Users

** CIUs - Categorical Industrial Users

The State is currently funded through State appropriations, permit application fees, and grants awarded by EPA under CWA section 106. In Oklahoma fiscal year (FY) 2003 (July 1, 2002, through June 30, 2003), approximately 74 full-time equivalents (FTEs) were authorized to administer the NPDES program (including permitting, compliance, enforcement, technical assistance, fish kill and compliance investigations, data entry, monitoring, and legal costs). The Municipal Permits Section with 6 permit writers has had little turn-over in staff in the last two years, and most of the staff in this section have between 2 and 10 years of experience. The Industrial Permits Section, with 9 permit writers, has experienced some turnover, but turnover has stabilized recently. One third of the staff in the Industrial Permits Section have more than 10 years experience; one third of the staff has between 2 and 10 years experience, with the remaining third having less than 2 years experience. The Watershed Planning and Stormwater Permitting Section with 10 staff members is responsible for development of total maximum daily loads (TMDLs), Municipal separate stormwater sewer systems (MS4) permits, and the Construction General Permit for activities disturbing one acre or more. The Water Quality Division of the Oklahoma Water Resources Board (OWRB), a separate State agency, is responsible for the development of water quality standards. Organizational charts for the Water Quality Divisions of ODEQ and OWRB follow at the end of this profile.

² The National Data Sources column of the Management Report, measures #6 and #7, show 128 industrial facilities and 36 POTWs, respectively. These values are based on Permit Compliance System (PCS) data, using the EPST field to determine permitting authority. The values above used the Region's NPDES Information Tracking Application to determine permitting authority. EPA will work with ODEQ to update the EPST field.

The budget for the NPDES program in FY2003 was \$6.7 million. In 1996 (the year the program was authorized), the State had 59 FTEs and a budget of \$2.8 million to administer the program. The NPDES authorized program includes municipal/industrial, sewage sludge, sanitary sewer overflow (SSO) program, stormwater, and pretreatment programs. Historically, all CWA section 106 grant funds (minus 5% for program coordination to the Secretary of the Environment) have been directed to ODEQ for use in the base program and the TMDL program, with State appropriations and fees offsetting the remainder of the cost. State appropriations and specific grants (CWA sections 319 and 104(b)(3) grants) have also been utilized to support TMDLs. State appropriations and specific grants under CWA sections 604(b) and 104(b)(3) support Standards and implementation rule development.

Table 2: Funding information State FY2003 (July 1, 2002, through June 30, 2003):

<u>SOURCE</u>	<u>AMOUNT</u>
Federal Grants *	\$3,663,393
State Appropriations	\$1,555,638
Fees	\$1,532,758
TOTAL	\$6,751,789

*Includes base program funds, increase, carryover, and Clean Water Action Plan.

The State has developed a training program for permit writers and inspectors that includes an orientation course, on the job training, mentoring by experienced co-workers, and an annual workshop. All staff attend EPA's Permit Writers' Training Course as soon as practical, and some attend EPA's Water Quality Standards Academy. Additionally, permit writers participate in weekly technical training sessions in which senior staff make presentations on various permitting issues to help educate and assist the less experienced staff. For all engineering staff, the ODEQ provides quarterly training that focuses on the most pressing environmental issues for each program media. All industrial inspectors attend the annual EPA NPDES Inspector Training Workshop and are cross-trained in stormwater inspection and enforcement.

EPA Region 6:

EPA Region 6 administers the NPDES program in the State of Oklahoma for all point source discharges of pollutants not within the scope of ODEQ's authorized program, including those in Indian Country, oil and gas exploration/production/pipelines, and the agriculture sector including CAFOs for both production runoff or discharge and construction of facilities.

For the federal FY2004 (October 1, 2003, through September 30, 2004), there were 3 FTEs associated with the administration of the NPDES program in Oklahoma (1.5 FTE for the NPDES Permits Branch; 0.2 FTE for the Customer Service Branch; and 1.0 FTE for the Water Enforcement Branch). The NPDES Permits Branch, Water Quality Protection Division (WQPD), with 9 permit writers to cover permit issuance and issues in the whole Region has experienced a loss of about 30 % of the personnel resources in the last 4 years, generally due to transfers to other priority programs as permit backlogs were reduced. Forty percent (40%) of the permit writers have more than 10 years experience; 40% have between 5 to 10 years experience; and remaining 20% have more than 2 years experience. Within the NPDES Permits Branch are program specialists in: stormwater, CAFOs, endangered species,

environmental justice, oil and gas, mining, TMDLs, biosolids, and other related programs. The Branch is also staffed with whole effluent toxicity (WET), stormwater, and pretreatment national experts to support the permitting efforts. While new permit writers do attend EPA's Permit Writers' Training Course, training of new staff members is largely conducted by mentoring with senior Branch staff. Staff participation in national EPA workgroups such as effluent guideline development increases the NPDES program expertise within the Branch. More resources will be needed for the Water Enforcement Branch, Compliance Assurance and Enforcement Division (CAED), to support implementation of the new CAFO general permit to be issued in 2006. For example, there is a need to develop and implement an electronic system to handle and process CAFO permit applications. The table below shows EPA's NPDES permitting universe in Oklahoma.

Table 3: EPA NPDES Universe in Oklahoma

July 2004	Major Facilities	Minor Facilities	Minor Facilities w/ General Permits
No. of Sources	0	6	246 ³
% of National Universe	N/A	<0.1%	<0.1%

All six facilities covered by individual permits are industrials; there are no POTWs covered by EPA-issued individual permits.⁴

2. State Program Assistance

EPA Region 6:

In July and September 2004, EPA Region 6 staff met with representatives of the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) to discuss the State's desire to pursue authorization of the NPDES CAFO program. A tentative time-line was developed for the revisions to State statutes and submittal of the required program documents. ODAFF staff formerly worked at ODEQ where they were closely involved in the program authorization application process.

EPA staff advised ODAFF representatives of the regulatory application requirements of 40 CFR 123, furnished copies of program authorization guidance, and formed a regional authorization workgroup to coordinate with the State agency.

³ The National Data Sources column of the Management Report, measure #3, shows 0 facilities covered by EPA-issued general permits in Oklahoma. The ePIFT data that served as the source for the National Data Sources column for this measure included only aggregated data for Region 6, rather than data broken down by State.

⁴ The National Data Sources column of the Management Report, measures #6 and #7, show 123 industrial facilities and 242 POTWs with individual permits issued by EPA. These values are based on Permit Compliance System (PCS) data, using the EPST field to determine permitting authority. The values above used the Region's NPDES Information Tracking Application to determine permitting authority. EPA will work with ODEQ to update the EPST field.

3. EPA Activities in Indian Country

EPA Region 6:

EPA Region 6 has assigned a Tribal Coordinator in the NPDES Permits Branch to coordinate cross media issues with other Regional Tribal representatives on issues, meeting schedules and appointments, outreach, and other requested assistance from the Tribes. Tribal representatives are encouraged to contact the Region with any issues, concerns, or questions dealing with the NPDES program. To date, the Region has issued one minor individual discharge permit and two general stormwater permits. No Tribes in Oklahoma have applied for authorization to administer the NPDES program.

4. Legal Authorities

EPA is conducting a comprehensive review of the State's legal authorities. This review has not yet been completed. As a result, EPA is reserving this section of the profile; when the legal reviews are complete, EPA will update profiles to include the results of the reviews.

5. Public Participation

An evaluation of the State's legal authorities regarding public participation will be included in the legal authority review. As noted above, the legal authority review section of this profile is reserved pending completion of the legal authority review.

The State of Oklahoma:

The term "public" is not defined in the ODEQ's regulations; however, it is implicit in State regulations that it includes all citizens of the State. In the Oklahoma Administrative Code (OAC) 252:605, the ODEQ adopts by reference the public participation procedures as contained in 40 CFR 124. Oklahoma's public participation procedures include the use of public notice in newspapers, procedures for public comments, public meetings, and administrative hearings. In addition, members of the public can ask for an administrative hearing to contest a permit. The formal procedures for public participation in permitting activities are listed at Title 252 of the Oklahoma Administrative Code (OAC), Chapter 002: Procedures of the ODEQ. The public is able to access information on the OPDES program at: <http://www.deq.state.ok.us/WQDnew/index.htm>.

This Web site provides information on persons to contact, permit application forms, water quality standards, rules and regulations, and publications including the Oklahoma Water Quality Assessment Report and the Continuing Planning Process (CPP) document. The public can access proposed and issued general permits on the Internet. Individual permits, however, are not currently available on the State's Web site. Those permits are stored in the ODEQ's central files and are available for public viewing. In addition, citizens can contact their local ODEQ field office or the central office and request copies of permits. Some individual NPDES permits and fact sheets issued by the State are available via EPA's Web site. Instructions for accessing these documents are available at: <http://www.epa.gov/npdes/permitdocuments>.

ODEQ has a Web site that contains site locations and some real time data. This can be accessed through the ODEQ Web page (<http://www.deq.state.ok.us/>) by the public free of charge. Additionally, the ODEQ

lists contact people for specific program issues, record reviews, etc. The public can review any document available under the Freedom of Information Act (FOIA) or the State equivalent Open Records Act, free of charge. Copies of records can be purchased for \$0.25/page. All individuals desiring to review records must submit a written request to the legal staff identifying the specific records to be viewed and the reason for such review. There are no barriers except that records are only available for review during business hours and an appointment (24-hour notice when possible) is necessary. This is required so that staff can pull all files and make them available. In some cases it may be necessary to retrieve a file from a staff person who is actively working with a facility. This eliminates unnecessary waiting times and repeated visits by the public.

The State's policy is to publish two notices of each draft discharge permit. One notice is done by the applicant in a newspaper local to the area impacted by the discharge. The other notice is a statewide notice done by the ODEQ. The public has thirty days to submit comments on the permit once the notices are made. A copy of the permit is available to review locally during that 30-day period. If a significant number of people ask for a public meeting, a meeting may be held. A public notice must be made in that case that indicates the day, time, and location of the meeting. At the end of the thirty days, the ODEQ reviews the comments received in writing (or during the public meeting if one is held) and prepares a response to comments and final permits decision. Once a permit is issued, members of the public can ask for an administrative hearing to contest the permit. This policy is based on 40 CFR 124.11, 40 CFR 124.57, 40 CFR 124.7, and 40 CFR 124.74, all incorporated by reference in OAC 252:605-1-5(b).

EPA Region 6:

EPA Region 6 follows the public participation procedures outlined in 40 CFR Part 124, Subpart A, which includes the following:

- Direct mailing of public notice packages to permittees, interested stakeholders, and Tribes on a public notice mailing list maintained by WQPD. Any interested party may request addition of their name to the mailing list and it will remain on that list until the party requests their name be removed. Additionally, WQPD adds attendants to EPA sponsored meetings on permits in Oklahoma to the mailing list.
- Publishing public notices in closest local newspapers for major permit actions.
- A draft permit is publicly noticed for a minimum 30-day comment period with a fact sheet or statement of basis.
- A public hearing on the draft permit is held if there is sufficient public interest.
- Responses to comments are prepared as part of the final permit decision and mailed to the those who submitted comments.
- The final permit decision may be additionally public noticed if the final permit includes substantial changes from the originally proposed permit.

The Region also fulfills requests to meet with the affected public and has often met with local, State, Tribal, and federal agencies to address issues associated with pending permit actions. Public notices, fact

sheets and draft permits are generally made available electronically via the EPA Region 6 WQPD Web site under the heading “National Pollution Discharge Elimination System (NPDES) Permits - Public Notices” at: <http://www.epa.gov/region6/water>.

Due to increased demand, all currently produced draft permit packages are being placed on this Web site. Final permits are not yet available, but may be posted on the Web site in the future, depending on public interest.

Public access to facility compliance history is available through the Internet using the Enforcement Compliance History Online (ECHO) Web site at: <http://www.epa.gov/echo/>. Compliance history and enforcement information is extracted from the Permit Compliance System (PCS) for ECHO. There are online error correction features and procedures in place for the public to notify Region 6 of any concerns they may have with the data accuracy. Supplemental copies are also provided to interested parties as requested. Permit actions are coordinated with local, State, Tribal, and federal agencies such as facility operators, municipalities, Tribes, the State Historic Preservation Office (SHPO), the U.S. Army Corps of Engineers (USACE) and the U.S. Fish and Wildlife Service (USFWS), as appropriate for the permit action.

Outreach activities are performed where appropriate to educate the general public and affected regulated sector on permitting, compliance and enforcement issues. The Region holds educational workshops and various guidance documents, compliance guides, and educational materials are provided to the public and regulated communities and are often available through the Regional Web page. The Region coordinates, attends, and provides overall administrative assistance with public hearings and public meetings. Activities include:

- Reserving meeting rooms for appropriate date, time and location near permitted facility.
- Complying with Agency policies and guidelines and assuring that procurement is cost effective.
- Providing administrative assistance and information to EPA staff, elected officials, private citizens and/or environmental interest groups in relationship to subject of hearing or meeting.
- Sending confirmation letters, procurement requests and hearing officer requests within 72 hours after basic arrangements are made.
- Coordinating meeting dates to availability of Regional Hearing Officer, Permits Section Chief, and permit writer.

6. Permit Issuance Management Strategy

The State of Oklahoma:

In 2002, 92.7% of permits for major facilities in Oklahoma were current - meeting the national current permit goal (90%) for major facilities and exceeding the national average (83%). For minor facilities, 88.1% of permits were current, which was slightly higher than the national current permit average (85%) in 2002. Based on the July 9, 2004 Management Report the percentages of major and minor facilities covered by current individual or general permits are 79.6% and 89%, respectively.

The following priorities are observed by the ODEQ in allocating resources for issuance, reissuance, and modification of NPDES permits: (1) permits for major dischargers; (2) issuance or modification of permits for minor dischargers in order to address toxicity or toxic pollutants; (3) minor industrial dischargers with expired First Round NPDES permits; (4) permits for all other minor dischargers; (5) stormwater permits; (6) other general permits.

Oklahoma does not use a watershed approach when issuing permits. Instead, the State's regulations require issuance or reissuance of all permits within 180 days after receipt of the application. The permits are issued according to a prescribed time line (ranging from 30 - 180 days depending on the type of permit) to protect all water bodies. Under the State's Uniform Permitting Act, permits are classified as Tier I, II, or III. Tier III permits are considered a higher priority while Tier I permits are a lower priority, and each of these Tiers requires varying levels of public participation. The definitions of these tiers can be found at OAC Title 27A 252:004 Rules of Practice and Procedure located at: <http://www.deq.state.ok.us/rules/004.pdf>.

ODEQ is in the process of working with other State agencies and EPA Region 6 to reallocate resources to focus TMDL efforts and subsequent permitting efforts in those water bodies that are a higher priority according to the recently approved CWA sections 303(d) and 305(b) Integrated Report. This process will likely be a part of upcoming CWA section 106 grant applications.

Oklahoma is responsible for issuing 524 individual permits. Of these, 19 minor facility permit applications appear to be awaiting initial permit issuance (July 9, 2004 Management Report). There are no major facilities with permits that have expired over ten (10) years. However, there are two major permits and 33 minor permits have been expired over 2 years. In 2002, the ODEQ issued a total of 105 individual permits.

Four years permit issuance trend data is provided below:

Table 4: Percentage of Facilities Covered by Current Permits in Oklahoma
(State-issued permits)

	2000	Nat'l Avg.	2001	Nat'l Avg.	2002	Nat'l Avg.	2003	Nat'l Avg.
Major Facilities	74.7%	74%	85.6%	76%	92.7%	83%	86.7%	84%
Minor Facilities Covered by Individual Permits	73.7%	69%	77%	73%	81.8%	79%	83.4%	81%
Minor Facilities Covered by Individual or Non-Stormwater General Permits	NA	NA	NA	NA	88.1%	85%	89.2%	86%

Source: PCS, 12/31/00; 12/31/01; 12/31/02; 12/31/03. (The values in the National Data Sources column of the Management Report, measures #19 and #20, are PCS data as of 6/30/04.)

EPA Region 6:

EPA is responsible for issuance of the following permits in the State of Oklahoma:

- Otoe Missouria Tribe of Oklahoma (OK0044695)
- Industrial Stormwater Multi-Sector General Permits for Tribal facilities in Oklahoma (OKR05000I)
- Construction Stormwater General Permits for Tribal facilities in Oklahoma (OKR15000I)
- CAFO General Permit (OKG010000)
- Egg Production Operations General Permit (OKG800000)
- Individual Oil and Gas extraction and transportation (pipeline) related facilities (SIC Code 4613, Total of 4 individually permitted facilities)
- Petroleum Storage/Transfer General Permit (OKG340000)
- Industrial Stormwater Multi-Sector General Permit for facilities not within the scope of ODEQ's program (OKR05000F)
- Construction Stormwater General Permit for facilities not within the scope of ODEQ's program (OKR15000F)

Regional Prioritization: The Region has recently completed a Strategic Plan for FY2004 to FY2008. It sets out environmental priorities, the strategies which will be used to achieve specific goals, and a plan for monitoring performance and ensuring results. The CAFO general permit issuance is a high priority. Generally, the Region's practice has been to issue permits based upon expiration dates. However, other concerns such as potential environmental impacts and State, public or permittee interest are considered when allocating resources towards permit issuance.

EPA Region 6 will be evaluating permit prioritization as related to recent EPA Office of Wastewater Management initiatives on priority permits. In order to track program progress and accomplishment and to address permit issuance, the Region utilizes PCS and other data tracking mechanisms such as the NPDES Information Tracking Application (NITA), a locally developed Oracle database.

In an effort to better serve the regulated community with prompt NPDES permit issuance and to streamline the NPDES permitting process through better resource management, EPA Region 6 has developed and implemented the following strategies and approaches:

- Post Third Round Permitting Policy, Strategy and Guidance to address toxicity in permits.
- Permit tools such as several standardized fact sheet and statement of basis rationale languages for permitting to impaired waters and permitting post-TMDL.

- General information to be used in development of rationale for gas plant permits, SIC codes 1311, 1321, 1381, 1382, 1389, 4922, and 4925 used in fact sheets and statements of basis.

Efforts to identify existing facilities and clean up the permit tracking databases at the National, Regional, and State levels to accurately reflect those facilities has contributed to both permit backlog reductions and efficient permit issuance strategies.

Permit Backlog Reduction/Quality: To help maintain permit quality while reducing permit backlogs, EPA Region 6 has successfully implemented a peer review system within the NPDES Permits Section. These efforts have been integral in permit backlog reduction and development of quality permits.

Permit Coordination: The Region coordinates all appropriate permitting activities with the ODEQ, ODAFF, Oklahoma Corporation Commission for oil and gas extraction, Tribes, local authorities, and other State and federal agencies.

Endangered Species Act (ESA): Region 6 routinely consults under ESA section 7(a)(2) with both the Fish and Wildlife Service and National Marine Fisheries Service for all NPDES discharge permits authored by EPA in the Region. The Permits Section of the NPDES Permits Branch has one staff member assigned to most of ESA work to streamline and standardize consultation and coordination. This methodology was established prior to finalization of the ESA MOA and has been effective for resolving consultation concerns. Region 6 and the Services have infrequently utilized the MOA elevation procedures and have typically resolved differences by ongoing email, telephone, or personal communications.

National Historic Preservation Act (NHPA): The NHPA consultation process mimics the experiences the Permits Section has had with ESA, but NHPA consultations are significantly fewer in number. State Historic Preservation Offices typically transmit permit concerns for EPA-authored permits during public notice periods. Telephone conferences, emails, and letters have generally resolved concerns between EPA and the SHPOs.

Four years current permit level trend data is provided below:

Table 5: Percentage of Facilities Covered by Current Permits in Oklahoma
(EPA-issued permits)

	2000	Nat'l Avg.	2001	Nat'l Avg.	2002	Nat'l Avg.	2003	Nat'l Avg.
Major Facilities	NA	74%	NA	76%	NA	83%	NA	84%
Minor Facilities Covered by Individual Permits	NA	69%	NA	73%	NA	79%	83%	81%
Minor Facilities Covered by Individual or Non-Stormwater General Permits	NA	NA	NA	NA	NA	85%	2%	86%

Source: PCS, 12/31/00; 12/31/01; 12/31/02; 12/31/03. (The values in the National Data Sources column of the Management Report, measures #19 and #20, are PCS data as of 6/30/04.)

The 2% current for minor facilities covered by general permits reflects the situation that EPA's CAFO general permit expired February 1998 and has not been reissued to date. New source CAFO facilities were unable to obtain coverage under the general permit in 2003, consequently they applied for coverage under the NPDES program as individual minor facilities.

7. Data Management

The State of Oklahoma:

PCS is the primary data system that ODEQ uses to manage their NPDES program including pretreatment and biosolids. The permit, enforcement, and inspection data for all major facilities are entered into PCS. Information for minor facilities and State-only permits are not routinely entered into PCS. Oklahoma has additional Access and Excel databases used to compliment PCS such as tracking stormwater or permit application data. Oklahoma enters Water Enforcement National Database (WENDB) data elements, in particular those used for assessing compliance. The State's rate for entering Discharge Monitoring Report (DMR) data into PCS is 99%, which is above the national average of 95%. Oklahoma has entered 59% of the outfall latitude and longitude data which is above the national average of 46%. Oklahoma is undertaking an effort to enter all latitude and longitude data into a State database. Global Positioning System (GPS) readings are being taken at each facility to verify the data. When these data are complete, Oklahoma will upload them to the PCS database.

Data are entered into PCS by the data entry operators. The lead data entry operator performs a quality assurance/quality control (QA/QC) check on 100% of each data batch. Once the 100% has been checked and corrected, another 5% is checked by the PCS Coordinator. If errors found in this 5%, an additional 5% is checked. If there are errors in the second 5%, the entire batch is checked again.

Data entered into "PCS-only" includes the pipe fate since that is included within the permit. However, additional data are being collected and housed within the State geographic information systems (GIS) database. ODEQ currently has GPS locations within 1-5 meter accuracy for most end-of-pipe discharges

and is actively collecting data on new or missed discharges. In addition, ODEQ is currently in the process of determining locations for all wastewater facilities.

According to the March 2004 PCS clean-up progress report, Oklahoma is missing 13% to 25% of the data in the facility address fields (street address, city, State and zip) for minor facilities. Also, 5% (about 20 permit records) of the record for minor facility permits do not have issuance or expiration dates. Processes are underway to fill in missing PCS data. With the recent turn-over of data entry staff, ODEQ reorganized priorities to other areas. However, it is anticipated the clean-up process will be completed once all staff is trained and priority items have been addressed. While latitude and longitude data is relatively complete for pipes (about 60% overall) according to the March 2004 PCS clean-up progress report, most of these data do not have any metadata other than accuracy. The other metadata can be made available, but it is uncertain whether ODEQ is committed through any type of requirement to enter this data into PCS.

While Oklahoma currently does not do electronic transfer of DMR data, extensive computer system upgrades are being implemented at this time. The State's intent is to receive network readiness and information exchange grants to complete the system upgrades. Their new system will link many of their existing databases to PCS when the upgrade is completed. These databases include their biosolids inventory, fish kills, and sanitary sewer overflow databases. As much as possible, fields in modernized PCS will be populated with this information. Their new upgrades will also allow facilities to electronically submit DMR data to the State and EPA. Region 6 and the State will be meeting later this year to discuss modernized PCS and the proposed State system to identify compatibilities and any concerns with merging data from the two systems.

EPA Region 6:

Primary Data System: The EPA Region 6 WQPD and CAED enter and maintain all PCS information to manage the portions of the NPDES program not authorized to ODEQ.

Data Elements: EPA Region 6 enters WENDB data elements in compliance with the PCS Policy Statement requirements for the permit and compliance and enforcement programs. The Region enters the latitude and longitude data for each outfall into PCS from the pipe level latitude and longitude data provided on the permit applications. Since NPDES permit applications do not require latitude and longitude to be reported at the facility level, the EPA Region 6 WQPD has always entered the pipe level latitude and longitude data for the first outfall in lieu of facility level latitude and longitude.

The EPA Region 6 WQPD relies primarily on PCS and the NPDES Information Tracking Application (NITA), an in-house permit tracking database which interfaces with PCS data (see further discussion on NITA under Ancillary and Support Data Systems below) to maintain an inventory of regulated sources. Priority permits and priority segments have historically been tracked and maintained utilizing in-house spreadsheets. The WQPD has initiated an effort to enter water body information including listing as impaired under CWA section 303(d) and TMDL status into NITA to better track and evaluate priority segments.

Ancillary or Support Data Systems: In order to track program progress and accomplishment and to address permit issuance, EPA Region 6 utilizes PCS and other data tracking mechanisms such as NITA which interfaces with PCS data. NITA is an Oracle database that utilizes PCS data along with additional

program data entered at the local level not recorded in PCS. This tool allows Region 6 NPDES permit writers and managers to readily and easily generate standard and custom reports related to program measures such as permit backlog, issuance rates, and general permit authorizations.

Quality Assurance/Quality Control: As individuals utilize the data maintained on regulated sources in NITA and inaccuracies are identified, corrective action is taken as appropriate to update the information in PCS. The Region closely coordinates with State agencies and strives to maintain a complete and accurate list of permitted facilities including information on priority areas identified within the State.

To date, inventory information available in an automated data system to track priority segments is limited. It is anticipated that additional information to track priority permits would be available in the future via an automated data system. However, it continues to be the intent of Region 6 to track all permits, not just priority segments, in an effort to eliminate the backlog of all permits.

Section II. Program Implementation

1. Permit Quality

The State of Oklahoma:

To improve permit efficiency and quality, the State has increased the use of general permits, the use of a spreadsheet program for water quality screens, and the use of standard templates for statements of basis and fact sheet documents. The spreadsheet program used by the ODEQ allows the permit writer to enter in relevant flow data, beneficial use information, concentrations of pollutants, and other information needed to perform the calculations. The templates contain boiler plate language that can be used for all permits and are especially useful to less experienced permit writers. All ODEQ permit writers are either registered Professional Engineers (P.E.) or Engineers in Training (E.I.T.).

The ODEQ currently administers 10 general permits for non-stormwater discharges and 2 general permits for stormwater discharges. Authorizations under these general permits can be issued in less time than individual permits, enabling the State to spend more time on the more complex permits. For example, Municipal POTWs and Domestic Wastewater Lagoons treatment systems currently represent approximately 25% (120 facilities) of the minor individual permit universe. In June 2002, the total number of these facilities authorized for general permit coverage reached 2550, an increase of 28% over 2000 levels.

For all permits for which EPA has not waived review, ODEQ transmits copies of draft permits, permit applications, fact sheets or statements of basis, and supplemental information to EPA for review. EPA reviews the draft permits to ensure consistency with NPDES requirements and the Clean Water Act, and provides comments and suggestions within a given time frame. Any concerns raised by EPA were resolved or addressed through informal as well as formal coordination between EPA and ODEQ staff. EPA appreciates ODEQ's efforts in the development of high quality draft permits.

Since authorization, the State has gained substantial experience and expertise in administration of the national program. Because of the progress made by the States in Region 6 and due to shifting priorities, EPA Region 6 developed "The Region 6 NPDES Permits State Oversight Streamlining Procedure" to improve and streamline EPA oversight of State NPDES programs. The streamlining procedure provides differential oversight based upon the health of a State's program. EPA conducts real time reviews on a select sample of permits drafted by each State prior to permit issuance. However, EPA continues to conduct real time review of all permits that fall under critical categories. Region 6 implemented this procedure in October 2003. Region 6 currently conducts reduced oversight for the State of Oklahoma.

In Oklahoma FY2003, EPA reviewed all 23 preliminary draft permits that were issued for major facilities and spot checked 20 permits for minor facilities after they were issued. EPA found that the fact sheets were generally of high quality with the permit conditions clearly stated and the technical, policy, and regulatory rationale clearly expressed in the fact sheets. EPA filed eleven comments on the major permits, all requests for additional information or requested clarifications of the fact sheet wording, and found no errors in the minor permits.

As part of its oversight role, EPA conducts periodic program reviews of the OPDES permitting program. As part of these audits, EPA reviews OPDES permits and related materials. EPA's role is to ensure that conditions required by the Clean Water Act are in all OPDES permits. In addition, EPA conducts reviews of the OPDES enforcement activities.

The State does not have a water quality based trading program and has no plans to develop a program in the immediate future.

The State implements the WET program to meet the requirements established by EPA Region 6 and the State of Oklahoma. NPDES permits issued by the ODEQ require life of the permit WET monitoring, including requirements to perform a toxicity reduction evaluation (TRE) where significant lethal effects (as compared to a control group) are demonstrated in two out of three tests performed over a 90 day period. Failure to perform either the WET monitoring or a required TRE is a violation of the permit. Where significant sub-lethal toxic effects (e.g., significantly impaired growth or reproduction) are demonstrated over a period of time, the ODEQ may require a TRE. Based on the TRE study results, a WET limit may be required for lethal effects. To date, ODEQ, following EPA Region 6 standard practices, has not required WET limits for sub-lethal effects.

The State requires enforcement for missed testing events. To ensure that water quality standards for the protection of aquatic life are met, the State has designated a person to track violations and initiate enforcement on WET-related violations. This person is responsible for the entire State of Oklahoma which includes tracking WET test results for facilities, TRE studies, notice of violations (NOVs) related to WET, and public education. The State has also designated a person to track all new and renewed permits to ensure the proper WET language is included in the permit. This person also addresses issues such as frequency of testing, use of proper species, and other requirements that may apply. These individuals work together closely to ensure that all WET limits, compliance schedules, and concurrent testing requirements are addressed.

All permits for major dischargers contain "life-of-the-permit" monitoring requirements for WET, including monitoring for both lethal and sub-lethal effects upon two species (a vertebrate and an invertebrate). If no lethal or sub-lethal effects are demonstrated at or below the critical low flow dilution in any of the first four quarterly tests, the permittee may apply for a reduction in frequency to once per six months for the more sensitive species and once per year for the less sensitive species. This frequency applies until the permit expiration date or until a test fails for the lethality endpoint. If a test failure for lethality occurs, two retests are required during the next two months, and the facility must return to quarterly testing for the life of the permit for the affected test species. If sub-lethal effects are demonstrated during the first four quarterly tests, the facility must continue testing until they pass both the survival and sub-lethal test endpoints for four consecutive quarters.

While Region 6 and its States do not have a schedule to begin requiring TREs and WET limits for sub-lethal effects, all permits now include a notice that the permitting authority may require a sub-lethal TRE if sub-lethal effects are demonstrated at a magnitude and frequency which indicate that a successful TRE can be performed.

WET limits for lethal effects are required on the basis of multiple test failures at or below the critical low flow dilution. A failure for lethality in a scheduled test and either of the two required retests triggers

a 28 month TRE study, which is then followed by a compliance schedule, usually of 36 months duration. If the TRE successfully identifies and confirms a particular toxicant, the permit may be modified to continue WET monitoring and incorporate a chemical specific limit. If the toxicant is not clearly identified, confirmed and an appropriate control found during the TRE, a WET limit is normally incorporated into the permit.

In cooperation with Region 6, ODEQ has presented comprehensive WET training to staff and treatment plant operators for each of the past three years. The ODEQ recently used WET data to demonstrate the need for more stringent NPDES permit limits on ammonia to preclude ambient toxicity in waters of the State resulting in a significant improvement in the protection afforded to aquatic life on a statewide basis.

EPA Region 6:

Permit Quality Innovations: EPA Region 6 has utilized a number of methods to improve permitting efficiency and quality. In addition to tools such as permit and fact sheet checklists and spreadsheets to calculate water quality based limitations and ensure uniformity of permits and consistency with State water quality standards, several permit and fact sheet templates have been developed to prepare standard permitting language. The templates address various permitting requirements related to areas such as toxicity testing, pretreatment, overflow reporting, pollution prevention, water quality screening, TMDL implementation, and CWA section 303(d) listed receiving streams. The Region has developed a standardized Best Professional Judgment (BPJ) fact sheet rationale for natural gas processing or storage plants to establish technology-based limits to these type facilities in the State of Oklahoma which further establishes consistent permitting approaches to oil and gas extraction and related transportation facilities. The Region has also developed a decision flow chart for establishing water quality-based permit limitations. The decision flow chart is a widely used tool which is helpful in developing permit requirements. The templates and associated standardized formats also facilitate peer and management review of permits.

State Coordination: Permits are developed using the State or other appropriate downstream standards. Issues related to standards or implementation of the standards are coordinated with ODEQ.

Peer Review: All permits drafted by Region 6 are reviewed by a peer at the staff level prior to management review. This review has proven highly effective at reducing errors and increasing permit quality and consistency.

Current Permit Levels: Individual current permit levels increased from 2% in 2001 to more than 86% in 2003.

WET Program: EPA Region 6 NPDES permits implement the State's WET program to meet the requirements established by EPA Region 6. Currently, there are no major NPDES permits under EPA authority in Oklahoma. Minor and general NPDES permits issued by EPA comply with federal regulations, State water quality standards, and WET implementation procedures.

To date, EPA Region 6 and its States have not required a predictive reasonable potential assessment for WET during permit development, nor have they required WET limits to protect against sub-lethal effects such as significant impairment to growth or reproductive ability. In 1990-91, the Region was concerned

that toxicant identification procedures were not adequately refined to result in successfully completing sub-lethal TREs on a consistent basis. Over time, significant advances in toxicant identification have improved success in this area. Region 6 has recently concurred on EPA draft national guidance documents which will establish a predictive reasonable potential (RP) approach and WET limits for sub-lethal effects. EPA Region 6 is currently developing a draft strategy to phase in implementation of these significant permitting changes. The final strategy will be developed in coordination between ODEQ and EPA Region 6.

2. Pretreatment

The State of Oklahoma:

Oklahoma's authority to administer the NPDES pretreatment program was approved on November 19, 1996. Currently, there are 28 cities with approved pretreatment programs in the State. This represents all of the cities with a population of over 13,000 that have their own sewage treatment plants and have a sufficient number of SIUs to warrant them developing and implementing a pretreatment program. It also includes a State owned regional wastewater treatment authority that has an approved program. The 28 approved pretreatment programs in Oklahoma control 314 SIUs of which 142 are CIUs. All SIUs are covered by control mechanisms. Currently there are 41 SIUs that are discharging to POTWs where approved pretreatment programs are not required. The ODEQ plans to issue permits to all SIUs in non-pretreatment cities.

The ODEQ has conducted pretreatment program audits and municipal pollution prevention assessments for 10 cities in the last two years. ODEQ performs annual pretreatment compliance inspections (PCIs) of all approved pretreatment programs and conducts annual pretreatment audits of at least 20% of the programs. Over a 5-year period, 100% of the pretreatment programs are inspected/audited.⁵ ODEQ has consistently conducted either audits or PCIs on all of the approved pretreatment programs each year.

ODEQ effectively identifies and controls SIUs and CIUs. In early 2001 ODEQ created a listing of over 700 potential SIUs (including CIUs) that might be discharging process wastewater to POTWs where approved pretreatment programs are not required. ODEQ mailed out questionnaires and descriptive information to those listed and asked them to reply as to their appropriate status. Additionally, in March 2001 ODEQ held afternoon and evening stakeholder meetings in three cities geographically dispersed around the State. The purpose of the meetings was not only to provide information to the potential SIUs about the rules and regulations that might apply to them, but also provided them with other information about other regulatory programs. Since that time, ODEQ staff have met with numerous cities and businesses to discuss the regulations and to identify which businesses need to be regulated. The initial list has been reduced to 41 currently identified SIUs (including CIUs) that are discharging process wastewater to POTWs where approved pretreatment programs are not required. As previously stated, 26 of the SIUs have already been issued permits. This is certainly not the norm for States around the country, and Oklahoma is setting a great example of what needs to be done in this area.

⁵ The National Data Sources column of the Management Report, measure #23, shows 96.4% of pretreatment programs inspected/audited during a 5 year period, covering July 1, 1998 to December 31, 2003. One program was not inspected during that time frame, but was audited on June 15, 2004. Over the period from May 1, 2002 to June 15, 2004, all programs were inspected and/or audited.

ODEQ reviews the need to consider whether a POTW should conduct an industrial user survey as the beginning item in possibly developing a pretreatment program with each OPDES permit being reissued for POTWs that do not already have an approved pretreatment program. This is exactly the same process used both by Region 6 and the other NPDES authorized Region 6 States in making this assessment. This has resulted in having four new pretreatment programs being developed in Oklahoma during the last 5 year period.

ODEQ reviews the annual pretreatment reports submitted and sends a comment letter on each one. If there are problems in the annual report, this is discussed in the letter and requires appropriate actions to be taken. ODEQ reports quarterly pretreatment activities to the Region and includes those annual reports that were received and reviewed as part of that report.

EPA Region 6:

Currently, there are no POTWs under EPA authority in Oklahoma required to have pretreatment programs.

3. Concentrated Animal Feeding Operations

The State of Oklahoma:

The CAFO Program in Oklahoma is administered by EPA. The ODAFF is working with EPA Region 6 to develop authority to administer the NPDES program in the agricultural sector. A tentative time-line was established for the revisions to State statutes and submittal of the required program documents [See section I.2. State Program Assistance].

EPA Region 6:

The CAFO program in Oklahoma is administered by EPA. The existing CAFO General Permit, which expired in 1998, covers 183 facilities. The Region estimates that there are approximately 473 non-poultry CAFOs and 153 dry manure-handling poultry CAFOs that will require permit coverage by 2006.⁶ Under the new CAFO regulations, Nutrient Management Plans (NMPs) are not required to be implemented until December 31, 2006. However, the CAFOs covered by the 1993 general permit for Oklahoma were required to implement a pollution prevention plan which contains many of the elements of the NMP as defined in the new CAFO regulations. When the Region 6 CAFO General Permit for Oklahoma is reissued, the new general permit will address all of the CAFO regulations including the requirement to develop and implement an NMP and will include the nine minimum standards of the CAFO regulation. These NMPs will be a key component of the EPA Region 6 CAFO General Permit. EPA plans to measure and evaluate the quality and effectiveness of NMPs through inspections. Soil and wastewater monitoring data will be used to evaluate whether CAFO operators are properly and effectively implementing NMPs.

⁶ The National Data Sources column of the Management Report, measure #11, shows an estimated 365 CAFOs requiring permit coverage by 2006. This value was based on information as of March 2004 and did not include dry manure-handling poultry facilities. The estimate was revised to the total of 626 mentioned above as of December 2004. This new estimate also affects the universe for measure #26, "Percent CAFOs covered by NPDES permits", for which the National Data Sources column shows 50%. With the new, larger universe, the correct percentage is 29%.

4. Stormwater

The State of Oklahoma:

The ODEQ has four permit types in place to cover stormwater discharges in the State; (1) the Multi-Sector General Permit (MSGP) related to industrial activities; (2) the Phase I MS4 permits for the cities Oklahoma City and Tulsa; (3) the Construction General Permit for activities disturbing one acre or more, and (4) the Phase II Small MS4. All permits are current.⁷

The ODEQ's MSGP covers 29 industrial sectors, 8 of which require numerical effluent monitoring and limits for some or all of the industries in those sectors. The sectors that are required to perform effluent monitoring and/or reporting are: (1) timber products; (2) chemical and allied products; (3) asphalt paving and roofing materials and lubricants; (4) glass, clay, cement, concrete, and gypsum products; (5) mineral mining and dressing; (6) hazardous waste treatment, storage, or disposal facilities; (7) landfills and land application sites; and (8) steam electric generating facilities. Many individual wastewater permits also address stormwater discharges.

Construction-related stormwater runoff and the accompanying sediment discharge is the State's most significant stormwater related environmental problem. Under ODEQ's Construction General Permit issued in September 2002 (which covers both large and small construction activities), construction site operators are not required to perform effluent monitoring and/or reporting, but they are required to perform routine inspections of their implemented Best Management Practices (BMPs).

ODEQ maintains a Microsoft Access Database which includes all relevant information for each notice of intent (NOI) filed including termination date. The public can access the NOIs just as all other records are accessed - submitting a written request, scheduling an appointment, and coming to the ODEQ office to view the records.

EPA Region 6:

EPA Region 6 issues general permits for stormwater discharges not under ODEQ's permitting authority. There are currently no Phase I MS4 or Phase II Small MS4 permits under EPA authority in Oklahoma. Construction and industrial stormwater discharges are being addressed with general permits, and all construction and industrial activity general permits under the Region's jurisdiction are current. The entire application process for construction general permit coverage where EPA is the permitting authority can be filed electronically via the electronic NOI (eNOI) system at: <http://cfpub.epa.gov/npdes/stormwater/enoi.cfm>. The status of NOI applications is available in the searchable eNOI database at: <http://cfpub.epa.gov/npdes/stormwater/noi/noisearch.cfm>.

5. Combined Sewer Overflows/Sanitary Sewer Overflows

The State of Oklahoma:

There are no combined sewer overflows (CSOs) (sewer collection systems which combine sanitary wastes and stormwater) in Oklahoma. The ODEQ requires facilities to properly operate and maintain

⁷ The National Data Sources column of the Management Report, measure #30, shows that the Phase II stormwater small MS4 permit is not current. This permit was issued on February 8, 2005, while the national data for this measure were as of July 1, 2004.

collection systems and to reduce inflow and infiltration. The ODEQ has maintained an electronic database to track SSOs since 1993. State law requires that ODEQ take enforcement actions against any discharge of wastewater to waters of the State without a permit including SSOs. Each SSO event is addressed on a case-by-case basis. All SSOs are required to be reported immediately or within 24 hours. There is an additional hotline that is answered 24 hours each day that facilities can call in the case of a large overflow that is likely to have an impact. The Division Engineer for Water Quality Division and/or the Engineering Manager works with facilities to determine who should be notified and under what circumstances. For example, in the case of a city that had repeated overflows to a water body that flowed into a drinking water reservoir of a downstream city, a condition was placed in the enforcement order that the downstream city had to be notified immediately so that the gate could be closed to divert the water around the reservoir. When it is deemed necessary to notify the general public, news releases are issued, handbills are delivered, or signs are posted.

In 2002, the ODEQ conducted workshops in four locations across the State about the impacts of SSOs and the State requirements. As a result of this outreach effort, there was a 14% increase in facilities reporting SSOs and a reduction of 12% in the total number of SSOs reported based on Oklahoma's SSO electronic data tracking system used to provide input for the 2003 CSO/SSO Report to Congress.

EPA Region 6:

There are no sewer collection systems in Oklahoma which combine sanitary wastes and stormwater.

As part of the standard NPDES permit requirements for all permits, one minor EPA-issued permit for a facility operated by a Tribe requires the reporting of SSOs on the DMR submittals. The reports are summarized and reported in tabular format and include the (1) date; (2) time; (3) duration; (4) location; (5) estimated volume; (6) cause of the overflow; (7) observed environmental impacts from the overflow; (8) actions taken to address the overflow; and (9) ultimate discharge location if not contained (e.g., storm sewer system, ditch, tributary). Overflows which endanger health or the environment are orally reported to EPA and the State within 24 hours from the time the permittee becomes aware of the circumstance. A written report of overflows which endanger health or the environment is to be provided within 5 days of the time the permittee becomes aware of the circumstance. Additional notification requirements are to be included in permits when appropriate such as notices to Tribal agencies and notices to the U.S. Fish and Wildlife Service (USFWS).

6. Biosolids

The State of Oklahoma:

In 1996, the ODEQ was authorized to administer the State's biosolids (sludge) program and is one of only five States in the nation to administer the biosolids program. Over 75% of biosolids generated by major facilities in Oklahoma have been reused/land applied each year since program authorization. Major facilities are regulated through individual permits. Minor facilities are regulated through a general permit which is current. The ODEQ's Biosolids Program includes review of Sludge Management Plans, issuance of Sludge Management Permits, and individual site approvals for proposed biosolids land application sites. All facilities involved in producing, treating, and/or land applying biosolids or sludge are inspected annually by local ODEQ personnel. Major facilities receive an annual compliance evaluation inspection (CEI) which includes a review of the facility's biosolids/sludge program and the facility's Sludge Discharge Monitoring Report. The ODEQ also implements a septage hauler and

pumper licensing program to control the disposal of domestic septage regulated by 40 CFR part 503. Facility compliance is tracked through PCS.

All facilities in Oklahoma must satisfy the requirements of 40 CFR part 503 and the more stringent State requirements. For State FY2003, 100% of facilities required to submit sludge DMR were in compliance. The State has an additional requirement that applies to total retention facilities. This requires the submittal of "Sludge Management Plans" and includes the requirements for properly managing sludge and removing sludge at specified intervals to ensure proper operation. These facilities also report to the State when cleaning, land filling, or land application occurs.

The ODEQ is a nationally recognized leader in the biosolids program, sharing information on successful biosolids management at numerous national biosolids conferences and workshops. As a result of the ODEQ's leadership, the City of Norman was given an award for Environmental Excellence by EPA in 2002 for the city's composting program which utilized biosolids. In 2003, the ODEQ continued to demonstrate its commitment to excellence in biosolids management by soliciting funding from EPA to examine the effectiveness of Sludge Management Plans in Category 1 (highest restoration priority) watersheds.

EPA Region 6:

The biosolids program regulations promulgated in 40 CFR Part 503 are self-implementing and have been included by the Region in permit conditions for the one individual municipal permit for a facility operated by a Tribe in Oklahoma.

Section III. NPDES Compliance Monitoring and Enforcement Response

In a separate initiative, EPA's Office of Enforcement and Compliance Assurance (OECA), EPA Regions, and the Environmental Council of the States have developed a tool for assessing State performance in enforcement and compliance assurance to ensure that States meet agreed-upon minimum performance levels and provide a consistent level of environmental and public health protection nationwide. OECA will use the State profiles to focus these efforts and identify areas needing further discussion and evaluation.

1. Enforcement Program

The State of Oklahoma:

ODEQ identifies and addresses all significant noncompliance (SNC) violations using federal criteria as outlined in their program authorization documents. They review effluent data, schedules, inspection and pretreatment reports, sludge/biosolids, stormwater, and SSO violations, correspondence, files, and enforcement actions. In addition, ODEQ also applies the federal SNC criteria to minor facilities and has developed additional State criteria for SNC for SSOs and stormwater violations. They include these criteria in their enforcement management system (EMS) which is consistent with EPA's EMS.

To ensure that corrective measures are taken to address noncompliance problems causing environmental/human health impacts, all violations are tracked through State databases as well as PCS. Both formal and informal enforcement actions are issued and tracked. To ensure that enforcement actions are timely, appropriate to the violation, appropriately escalated, and penalties adequately assessed, a State database is used and a listing for review purposes is issued on a monthly basis. At monthly meetings, the appropriate technical and legal staffs report to their manager, the Division Engineer, and Assistant Division Director, to discuss those facilities under enforcement orders and to determine whether deadlines for tasks or return to compliance have been met. If any task is overdue, the appropriate course of action is determined. If there is a justifiable reason that a task was not met (weather impact on construction, etc.), the order may be amended.

When ODEQ places a facility on a long term schedule to return to compliance, the facility may continue to violate its permit limits until the corrective actions identified in the schedule are completed. ODEQ does not generally issue additional enforcement actions against the facility if it is compliant with the corrective action schedule contained in a still-active enforcement order and is practicing good operation and maintenance. New violations not related to the original enforcement action are addressed with a new action. At the end of FY2003, the SNC rate for Oklahoma was 10.75%.⁸

Enforcement is prioritized, with top priority given to major facilities, non-major facilities with SNC violations, fish kill incidences, and complaints called into the Environmental Complaints Hotline. The second priority is sludge/biosolids, pretreatment, minor dischargers, and SSOs at State-only facilities.

⁸ Management Report measure #34 reflects major facilities that were in SNC at any time during FY2003. The Management Report percentage is higher than the end-of-year percentage because facilities that were in SNC at some point during the year were removed from SNC before the end of the year.

The third priority is State-only violations and total retention facilities. ODEQ also utilizes the quarterly noncompliance report (QNCR) and the exceptions list to further prioritize violating facilities. ODEQ has designated a person to track violations and initiate enforcement against facilities violating their whole effluent toxicity/biomonitoring requirements.

ODEQ uses EPA's penalty policy and benefits computer model (BEN) for calculating penalties. BEN calculates a violator's economic benefits gained from delaying or avoiding pollution control expenditures. ODEQ's data show a significant increase in the amount of penalties collected from \$140,000 in FY2001 to \$525,000 in FY2003.

ODEQ's identification and enforcement of stormwater violations are case-by-case and complaint driven. EPA is encouraged that ODEQ began conducting routine stormwater inspections as of July 1, 2003. In cases where stormwater violations are discovered, the criteria detailed in the EMS of the authorization document are followed to issue the appropriate enforcement action. In FY2003, ODEQ initiated 34 stormwater enforcement actions, up from 19 actions in FY2001. ODEQ collected \$30,000 in cash penalties and \$60,000 in supplemental environmental projects (SEPs) for FY2003.

The Region acknowledges that the ODEQ program documents only require that ODEQ enter enforcement actions on major facilities and 92-500 minor facilities into PCS in accordance with the PCS Policy Statement. (Minor facilities designated as 92-500 received federal construction grants under the original CWA, Public Law 92-500.) Therefore, the numbers provided in the self assessment reflect all actions taken by the State, while PCS does not. In FY2003, ODEQ issued 301 enforcement actions against minor facilities, up from 276 actions in FY2001.⁹ ODEQ issued 31 formal actions against major facilities in FY2003, up from 25 actions in FY2001.¹⁰

ODEQ tracks all SSO events in their SSO database. One hundred Enforcement Orders on SSO events have been issued during the last 3-5 years (60 were on major facilities). ODEQ constantly tracks minor facilities and is issuing NOV's as well as consent orders regardless of the size of the community. While many of these actions are for wet weather overflows, they also address dry weather overflows when identified. As part of their program, the enforcement order stays open until all milestones are accomplished. ODEQ has actually developed and is implementing a "pseudo" Capacity, Management, Operation, and Maintenance (CMOM) program in their State. ODEQ continues to increase their enforcement presence throughout the State in all sectors.

EPA Region 6:

The NPDES CAFO enforcement program in Oklahoma is directly implemented by EPA Region 6. However, the State of Oklahoma also implements a CAFO licensing program in accordance with State law. EPA Region 6 has had an effective coordination agreement in place with the ODAFF for more than 5 years. This relationship maximizes utilization of resources by both agencies. EPA Region 6 and

⁹ The National Data Sources column of the Management Report, measure #38, shows 1 formal enforcement action taken by the State against a minor facility. This is based on PCS data, and the State does not routinely enter enforcement actions at minor facilities into PCS. The data are maintained in a State database.

¹⁰ The National Data Sources column of the Management Report, measure #37, shows 29 formal enforcement actions against major facilities taken by the State. The 31 mentioned above includes two administrative penalty orders that were not included in the original count.

ODAFF have developed a joint EPA/ODAFF CAFO inspection form for use by the ODAFF inspectors. The State routinely conducts CAFO inspections on behalf of the Region to determine compliance with both the NPDES CAFO permit and the Oklahoma CAFO licensing program. A copy of the inspection report is then sent to EPA. An EPA Enforcement Officer reviews the inspection report and initiates appropriate enforcement actions. Enforcement actions and settlements are closely coordinated between ODAFF and EPA. EPA and ODAFF may conduct independent inspections when needed but each party is always informed of the others activities. The result is more uniform and consistent treatment of the regulated public and better utilization of resources by both agencies. Currently, there about 183 CAFOs with permit coverage under the expired EPA Region 6 CAFO general permit issued in 1993. EPA has taken 36 enforcement actions against CAFOs in Oklahoma since 1997. EPA and ODAFF conducted over 700 CAFO inspections between 2000 and 2003 (201 inspections in 2000, 220 inspections in 2001, 162 inspections in 2002, and 131 inspections in 2003).

EPA Region 6 uses inspections and citizen complaints to identify and prioritize corrective actions to address noncompliance problems causing environmental/human health impacts. EPA works very closely with ODAFF to target inspections in order to maximize field presence and environmental outcomes. ODAFF conducts inspections of the targeted CAFOs and provides EPA with inspection reports. EPA initiates enforcement actions based on the gravity of the violations specified in the inspection reports.

EPA Region 6 uses a formal enforcement escalation process specifically designed to ensure that all enforcement actions and responses are timely and appropriate in relation to the nature and severity of the violation and the overall degree of noncompliance. Penalties are assessed based on the EPA penalty calculation policy. When making determinations on the level of enforcement response, the technical and legal staff consider the degree of variance from the permit condition or legal requirement, the duration of the violation, previous enforcement actions taken against the violator and the deterrent effect of the response on the regulated community.

For each administrative penalty order (APO) issued by EPA Region 6, an appropriate administrative order (consent agreement and final order or CAFO) is also issued requiring the facility to come into compliance within a time-frame specified in the CAFO. The specific remedial actions needed to come into compliance are also specified in the CAFO. The CAFO also requires the facility to submit quarterly progress reports. A final report with certification signed by a professional engineer must be submitted to EPA indicating that all provisions contained in the enforcement action, including injunctive relief and supplemental environmental projects are completed as required. Repeat violators are subject to higher penalties consistent with the CWA penalty policy.

2. Record Keeping and Reporting

The State of Oklahoma:

The discussion of ODEQ's record keeping and reporting activities is included under a broader discussion in Data Management (section I.7 of this document).

EPA Region 6:

The discussion of ODEQ's record keeping and reporting activities is included under a broader discussion in Data Management (section I.7 of this document).

3. Inspections

The State of Oklahoma:

The ODEQ self-assessment states “ODEQ performs compliance evaluation inspections at 100% of all major wastewater dischargers, both municipal and industrial.”¹¹ ODEQ enters minor facility inspection data into PCS for 92-500 minor facility inspections only in accordance with the program authorization documents. ODEQ attempts to inspect all wastewater facilities at least once each year to verify compliance with State regulations and to protect the health and well-being of the affected public. Based on the volume of wastewater generated and the type of treatment used, an inspection strategy is developed which includes 4 inspections per year of dischargers with mechanical treatment plants, 2 inspections per year of discharging lagoons/surface impoundments or land application systems, and 1 inspection per year of other facilities. Additionally, each major facility receives one CEI or compliance sampling inspection (CSI) each year. If complaints are received on a particular facility or if the facility is experiencing noncompliance, additional inspections are conducted. This allows the staff to be familiar with the facility and any site-specific issues. The frequent visits allow for more cooperation between the facility and ODEQ and a better understanding of what is required for compliance. All inspections are keyed into ODEQ’s State inspection database which shows that 2,388 minor facility inspections and 876 stormwater inspections were conducted in FY2003. Using these inspection numbers, 97% of ODEQ’s inspections were conducted at minor facilities.¹²

ODEQ does not routinely provide compliance assistance during an inspection. However, inspectors do provide information on upcoming training and workshops. Inspectors explain rules and how they apply to the particular facility. Inspectors do not make recommendations or detail a solution of what will resolve a problem at the treatment facility for liability reasons. There are other Agency staff that offer compliance assistance services (Customer Services Division), including training, materials, and resources to aid in overall compliance.

EPA Region 6:

Targeting of CAFO inspections is based primarily on facility population density, proximity to surface water or the potential to impact surface water, and citizen complaints. More inspections are conducted where there is a large population of CAFOs and when such a population of CAFOs is likely to impact surface or ground water. Permitted CAFOs in Oklahoma are inspected at least once every year.

4. Compliance Assistance

The State of Oklahoma:

ODEQ conducts outreach activities on a regular basis. The frequency, topic, and location is determined based on needs. In recent years, the focus has been on industry sectors with expiring general permits or the issuing of a general permit for the first time and on other issues of concern. For the industry sectors,

¹¹ The National Data Sources column of the Management Report, measure #32, shows 86% of major facilities inspected. The discrepancy between this value and the 100% cited above is primarily due to facilities that changed status from major to minor or vice versa. The 100% is based on a universe set in June 2002, excluding one facility that ceased operations and discharge.

¹² The National Data Sources column of the Management Report, measure #33, shows 56% of ODEQ inspections conducted at minor facilities. This is based on PCS data, which show only 110 inspections at minor facilities.

the Concrete Ready Mix plants are a good example. Based on compliance issues, criminal enforcement against these facilities by law enforcement and the discovery of many unpermitted sites, letters were sent to all the permitted facilities, as well as the Concrete Ready Mix Association and other stakeholders. These letters invited the facilities to come to one of five meetings where the regulations would be explained and the conditions in the new general permit would be discussed. Any facility attending would then be granted a six month "immunity" period to come into compliance. Inspections were performed at the facilities and deficiencies identified. The facilities then had six months to submit a permit application or make upgrades to facilities. The result of this outreach was approximately 200 individuals from 115 companies representing 270 facilities attended. Approximately 70-80 permit applications were received from plant locations that were previously not permitted.

Another area that has been targeted for compliance assistance is those facilities that have biomonitoring requirements. On a yearly basis, a workshop is held in central Oklahoma. The focus is on understanding monitoring requirements and testing methods. Letters are sent to all facilities with biomonitoring requirements, facilities that are likely to have the requirements added in the next permitting cycle, consulting engineers, and laboratories. ODEQ NPDES and State environmental lab staff along with EPA Region 6 experts make presentations and explain requirements. Then facilities are provided the opportunity to address specific issues that apply to their facility. Typical attendance has been between 75 and 120 individuals.

For the last eight years, workshops have been held in various locations around the State to address the issue of sanitary sewer overflows. Locations such as Oklahoma City and Tulsa were chosen in some years based on accessibility to the most facilities. In other years, the location was chosen based on the total number of SSOs and/or the total number of facilities reporting SSOs in priority watersheds. The outreach included presentations on what current State regulations require and what the pending CMOM regulations could likely require. Technical experts made presentations on monitoring and evaluation techniques. Fact sheets were developed and distributed to those requesting the information. Finally, ODEQ purchased and distributed flyers that were produced through the EPA/Water Environment Federation (WEF) Cooperative Workgroup on SSOs. Each of these sessions has been attended by 50-150 individuals.

In addition to the specific outreach activities, staff experts routinely conduct education seminars or workshops through the Operator Certification Program and other organizations such as the Oklahoma National Rural Water Association, the Oklahoma Water Environment Association, and the Environment Federation of Oklahoma. These efforts are very effective and useful to the regulated community based on the feedback that is received from participants.

EPA Region 6:

EPA Region 6 is planning to reissue the expired NPDES CAFO general permit. The new permit will implement the new CAFO rule which became effective on April 14, 2003, and expands the universe of the regulated facilities. The new CAFO permit will for the first time regulate poultry operations along the Oklahoma/Arkansas border. EPA will need to conduct extensive outreach activities to explain the requirements of the new permit and how these requirements will be enforced. Special outreach effort will be needed to assist the newly regulated dry litter operations to comply with the permit. These measures will be developed by EPA in coordination with ODAFF as the new CAFO permit is drafted and proposed.

Section IV. Related Water Programs and Environmental Outcomes

1. Monitoring

The State of Oklahoma:

The State of Oklahoma recently submitted a comprehensive water quality monitoring strategy that generally addressed all 10 elements of the EPA guidance. The State's monitoring strategy should effectively improve the number of State waters assessed and enhance the understanding and characterization of surface water quality throughout the State. Region 6 is continuing to work with the State to develop details about missing monitoring program components and schedules for implementation. Several needed components of the monitoring program are described only as budget line items without supporting details about what would be done if requested resources became available. Also, schedules for implementation were not included because the State took the position that additional components would be implemented as additional resources become available. The strategy will be included in the continuing planning process through the FOCUS document (Oklahoma's detailed CWA section 106 grant workplan) update submitted to EPA Region 6 prior to July 1 of each year.

During the summer of 2004, the State began to implement one major component of the strategy, a state-wide assessment of biological integrity in streams and rivers based on a probabilistic selection of 210 sites sampled over a five year period. Combined funding from Region 6 and the EPA Office of Research and Development Regional Environmental Monitoring and Assessment Program (REMAP) will support the OWRB and Oklahoma Conservation Commission (OCC) efforts to conduct fieldwork covering approximately two-thirds of the State over the next three years. Although funding to complete the State coverage remains uncertain, State funding and grant funding are potential sources.

The State follows a rotating basin approach to water quality management, although ongoing water quality monitoring programs are not tightly tied to the basin cycle. The geographic areas of planning basins are used in the design of monitoring programs and studies, such as the State-wide assessment described above. However, other monitoring programs are ongoing throughout the State.

The existing monitoring strategy does not explicitly address the need to collect instream data for permit background calculations and calibration of wasteload allocation models. The State currently uses default values for these purposes where site specific information is not available. Several ongoing programs or studies will address this data need by providing either site-specific data or regionalized expectations. The OWRB maintains ongoing water quality monitoring at over 100 fixed monitoring stations for the purpose of determining whether water quality is adequate to support designated uses, and to evaluate long-term trends in water quality at individual sites. The OWRB also conducts short-term projects related to TMDL development and segments listed as impaired in Oklahoma's CWA section 303(d) report. In addition, the OWRB conducts quarterly monitoring on over 130 lakes every other year. The OCC recently initiated a census assessment of water quality and ecological conditions in streams at the outlets of all 11-digit hydrological unit (HUs). In addition, the OCC is currently finalizing field work conducted to develop and refine regionalized expectations for water quality and biological conditions to better assess the extent and effects of nonpoint sources of pollution, based on the most extensive

screening and most comprehensive characterization of reference streams undertaken by any EPA Region 6 State, including least impaired reference sites, as well as habitat and water quality limited sites. These studies will yield current water quality data from more than 600 sites over the next five years based on a minimum of monthly water column monitoring conducted over a two-year period. Several Oklahoma agencies have also been active participants in the Region 6 ambient toxicity monitoring program to identify waters that are potentially affected by toxicants. Oklahoma agencies have collected water and sediment samples for submittal to the Region 6 Houston laboratory for testing. Typically, they nominate more water bodies for testing than our resources allow.

Use Support Assessment Protocols (USAP) as reflected in OAC 785:46-15 are rules for the assessment of ambient data for determination of monitor the attainments/maintenance of designated uses. Self-monitoring is the primary mechanism for determining permit compliance with the NPDES regulations. Other ambient monitoring programs such as those run by the OCC and OWRB help reveal long-term impacts of discharges. Ambient monitoring data is combined with PCS self-monitoring data to provide a foundation for TMDL modeling. Where NPDES-regulated dischargers are the source of impairment, the ambient monitoring data are used to establish permit limits, usually via the TMDL program or similar water-quality modeling efforts. Regarding tracking of TMDLs, the ODEQ does not track permits implementing results of TMDLs any differently than other permits. The permittees must meet limits in the time frames required by the permit.

EPA Region 6:

Not applicable. Monitoring of State waters is performed by State environmental agencies.

2. Environmental Outcomes

The State of Oklahoma:

Total waters for the State of Oklahoma include 78,788 river and stream miles and 1,041,884 lake acres. The percentages of river/stream miles assessed for recreation and aquatic life are 7.5% and 7.0% respectively. In addition, 22.1% of lake acres were assessed for aquatic life. In Oklahoma FY2000, 53% of the assessed river miles had good water quality that fully supported fishable goals and over 80% of the assessed miles supported swimming goals. Fifty nine percent of the assessed lake acres fully supported fishable goals and 67% supported swimming goals. The number of river miles assessed has generally increased since 1996. While general trends from the 1996 to 2000 data show slight increases in the percent of impaired waters for rivers, differences in annual percentages are more indicative of changes in monitoring from year to year than actual changes in water quality.

The most common pollutants found in Oklahoma lakes, rivers, and streams are sediment-siltation, nutrients, and fecal coliform. Agriculture (including animal feeding operations) is the leading source of pollution in the State's rivers and streams, followed by hydrologic modification, resource extraction, and urban runoff. Several lakes are impacted by acid mine drainage, including the Gaines Creek arm of Lake Eufaula and the Lake O' the Cherokees. See below for information on Fish and Wildlife Consumption Advisories.

Table 6: Fish and Wildlife Consumption Advisories in Oklahoma

Number of Fish & Wildlife Consumption Advisories in Oklahoma	1996	1998	2000	2002
	1	2	2	1

EPA Region 6:

Not applicable. State surface water quality is under the jurisdiction of environmental agencies of the State of Oklahoma.

3. Water Quality StandardsThe State of Oklahoma:

The OWRB is the State agency responsible for developing water quality standards and criteria for State waters, as well as general water quality standards implementation rules. OWRB coordinates workgroups consisting of other State environmental agencies and interested parties to develop water quality standards and general implementation rules. The OWRB proposes and adopts water quality standards revisions annually or every three years at a minimum. Use attainability analyses (UAAs) as well as water effects ratios (WERs) are used in establishing appropriate water quality standards. OWRB staff keep a timely schedule with updates/revisions to meet the triennial review requirements. There are informal public informational meetings from August through October. The new and revised standards are formally proposed in November. The 45 day public comment ends with a public hearing held in January. The OWRB votes to approve the standards for adoption in February/March. EPA Region 6 has declined to approve one standards revision. OWRB will be responding to Region 6's concerns by proposing revised definitions.

Provisions for implementation and compliance schedules are included in a separate section of the State's regulations: Chapter 46 - Implementation of Oklahoma's water quality standards. The State adopted a phosphorus criterion for six scenic rivers which was approved by EPA Region 6 on December 29, 2003. A criterion for E. coli has been in place for several years. However, no sunset language is in place for fecal coliform criteria. If a discharger chooses not to change to E. coli, they can keep fecal coliform for as long as the permit is active. There are no specific criteria that are particularly troublesome to implement, although in general narrative criteria are difficult to implement. There is a need for the State to develop quantitative endpoints for these particular standards (i.e. nutrient criteria).

4. Total Maximum Daily LoadsThe State of Oklahoma:

The State is a composite 4.9 years ahead of the 13-year schedule for the 1996, 1998, and 2002 TMDL schedules. As of the end of FY2003, there were 1,430 TMDLs in the docket. A cumulative number of 30 TMDLs were completed through FY2003, including nine with at least one point source waste load allocation (WLA). Additional items were resolved by means other than the formal TMDL document approval process. Oklahoma committed to complete twenty-three (23) TMDLs in FY2003, however no TMDLs were completed in FY2003. The State has a number of TMDLs that are past the draft stage but have not yet been submitted to EPA for final approval. Most of the TMDLs underway involve non-point

sources. A number of factors have affected the drafting of TMDLs, including personnel turnover and resources being moved to prepare the integrated report on State waters under CWA sections 303(d) and 305(b).

The Region has worked closely with the State to improve the quality and the presentation of the draft TMDLs submitted. The Region has a project underway to develop a pathogen tool, which will address the number one pollutant on the 2002 list. The ODEQ addresses permitting in impaired water bodies by following the water quality permitting flow chart developed by EPA Region 6.

The strategy to facilitate coordination between permits and TMDL development is to include the water quality-based effluent limit (WQBEL) permit limits in the standard TMDL template, causing them to be considered each time a TMDL is developed. The State has a State Uniform Permitting Act that requires a timely issuance of permits. The original permits were not issued on the basis of basins, so the renewal and amendments are not received and issued in a basin method. A TMDL that identifies point sources would indicate the WLA required.

TMDL specified WLAs are submitted by the State as updates to the Water Quality Management Plan, which controls the permit issuing process. The State has an electronic system to record WLA and other information.

If the State determines that WQBELs are required by applying OAC Title 785 Chapter 46, then the water quality standards Implementation in OAC Title 252 Chapter 690 provides instructions. The State accounts for ambient background with customary values or site-specific data when available. The State uses the Water Quality Permitting Decision Flow Chart developed by EPA Region 6 to determine WQBELs when a TMDL has not been established for an impaired water. To ensure that water quality standards and designated uses are implemented, each State agency is required to promulgate a Water Quality Standards Implementation Plan. For ODEQ, those rules are found in OAC 252:690.

Oklahoma water quality standards allow for a temporary variance at OAC 785:45-5-4 (e). Rules governing implementation or compliance schedules are not established in the Oklahoma water quality standards. That authority is given to appropriate State environmental agencies in implementing their respective duties to abate and prevent pollution to waters of the State (see OAC 785:45-1-3). As an exception, the State of Oklahoma promulgated in the Oklahoma water quality standards a phosphorus criterion for its scenic rivers aesthetics beneficial use, modified by a provision allowing compliance schedules of up to ten years, and was approved by EPA Region 6 on December 29, 2003. Provisions for implementation and compliance schedules are included in the following sections of the DEQ's regulations: 252:4-7-71, 252:4-7-10, 252:4-7-11, and 252:4-9-2.

Oklahoma has met the required Oklahoma water quality standards triennial revision schedule. Above and beyond that requirement, Oklahoma has accommodated needs of the State with almost annual interim revisions, including, stream beneficial use designation following UAAs, narrative toxicity language revisions, and site-specific criteria. Each triennial revision of the Oklahoma water quality standards is initiated with a request for input and suggested topics from the public and State environmental agencies.

EPA Region 6:

EPA Region 6 provides technical assistance as requested on TMDLs prepared by the State. The Region has developed an internal TMDL review process for NPDES implementation of TMDLs.

5. Safe Drinking Water ActThe State of Oklahoma:

Public and private drinking water is a designated beneficial use in water quality standards. Therefore, drinking water sources are considered during the ODEQ NPDES permitting process. Drinking water intakes are considered in the development of standards, WLA, and water quality-based effluent limitations. When conducting an UAA for specific water bodies, drinking water intakes and water rights in use are checked. These are considered existing uses and are identified in Appendix A of the Oklahoma water quality standards. There are 617 water bodies listed as public and private water supplies with associated criteria in the standards. There are also 69 Emergency Water Supply listings.

Section V. Other Program Highlights

The State of Oklahoma:

The public can call and report any environmental complaint to a 24-hour a day complaint hotline. All complaints receive a site visit and letter within seven days. All complaints are either resolved, a formal enforcement order issued, or referred for criminal investigation within 90 days.

The OPDES program also includes traditional EPA unregulated activities including permitting, compliance and enforcement programs for total retention and land application facilities. These permits are issued according to the State Tier rules and face similar public participation requirements as discharge permits. By issuing these permits, facilities are required to report any overflows, unpermitted discharges, etc. These programs are supported by fees paid by those facilities and State appropriated funds. Although these programs are traditionally unregulated by EPA, State statutes have required their regulation prior to 1950.

The ODEQ has worked closely with EPA and environmental groups to help develop environmental guidance documents, policies, and regulations. These activities have included piloting the NPDES Program Integrity Self Assessment Guide; CMOM; blending guidance; the chlorine Reregistration Eligibility Decision (RED); the TMDL rule; and many others. Additionally, several staff members hold positions in national organizations including: Environmental Council of the States (ECOS), WEF, Association of State and Interstate Water Pollution Control Administrators (ASIWPCA), Association of Boards of Certification (ABC), and others. This has allowed ODEQ to stay ahead of the curve in addressing new and proposed regulations.

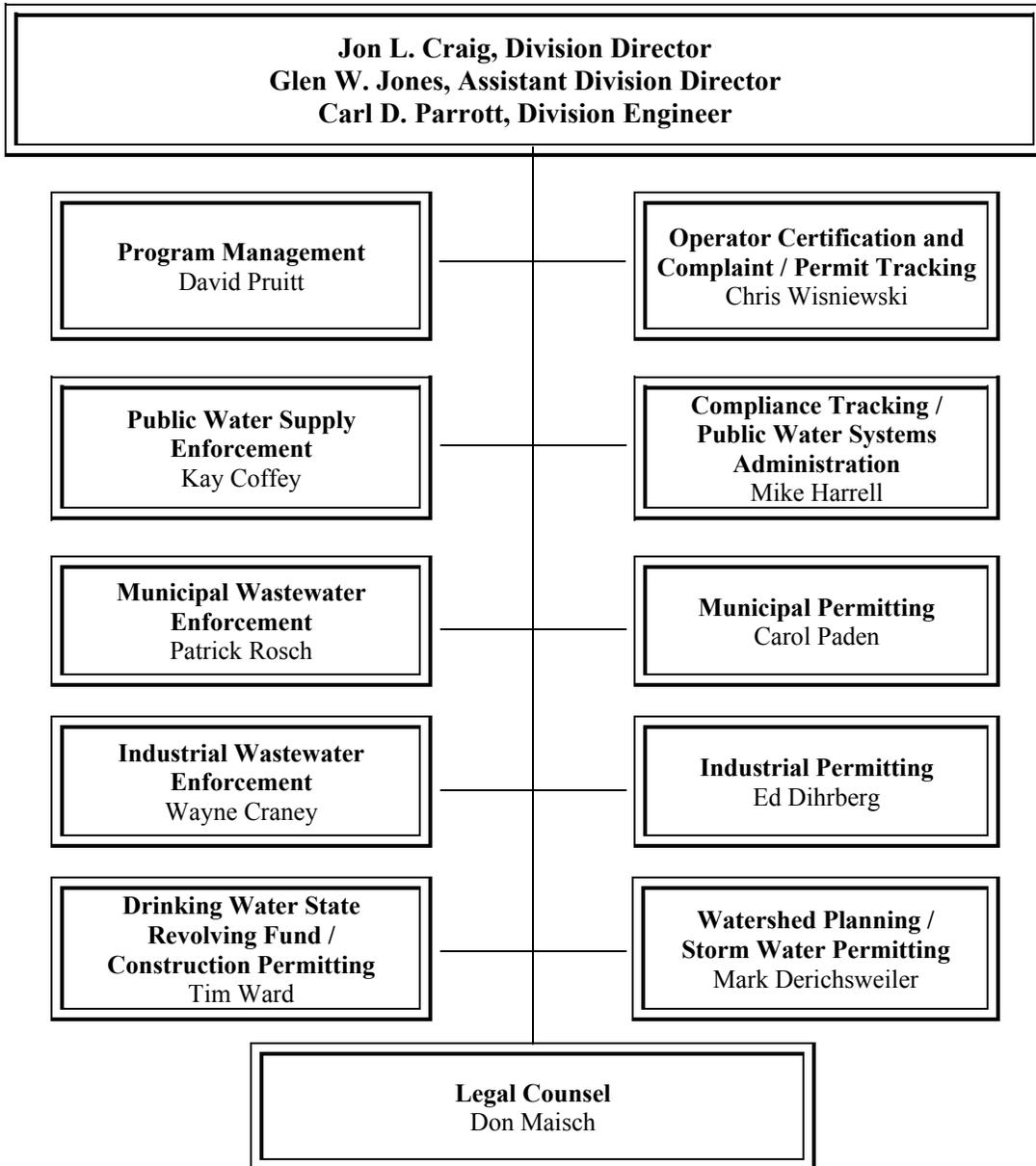
EPA Region 6:

Agency Goals: Region 6 is committed to development and issuance of high quality permits to all active agriculture related facilities, oil and gas extraction and related transportation facilities, and other dischargers not regulated under ODEQ's approved CWA programs within the State of Oklahoma. Most of the supporting tools developed and used are Regional innovative approaches to help improve the efficiency and quality of these discharge permits. These innovations have been instrumental in achievement of the goals of the EPA.

Watershed Permitting and Effluent Trading: The Region is investigating opportunities for watershed permitting and effluent trading in EPA authored NPDES permits.

PASS (Permit Application Software System): The PASS electronic application developed by EPA Office of Wastewater Management is available at the Region and has been utilized by a limited number of permittees for the generation of permit applications. Efforts are being made to better promote greater use of PASS by the regulated community.

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NPDES Management Report, Summer 2005

Oklahoma

			Profile Section	GPRA Goal	Nat. Avg.	National Data Sources		Additional Data	
						State Activities	EPA Activities	State Activities	EPA Activities
NPDES Progress									
Universe	1	# major facilities (6,690 total)	I.1		n/a	98	0		
	2	# minor facilities covered by individual permits (42,057 total)	I.1		n/a	426	6		
	3	# minor facilities covered by non-storm water general permits (39,183 total)	I.1		n/a	235	0		246
	4	# priority permits (TBD)	I.6			--	--		
	5	# pipes at facilities covered by individual permits (142,761 total)	I.7		n/a	1,342	--		
	6	# industrial facilities covered by individual permits (32,505 total)	I.1		n/a	128	123	244	6
	7	# POTWs covered by individual permits (15,197 total)	I.1		n/a	36	242	282	0
	8	# pretreatment programs (1,482 total)	II.2		n/a	28	--		
	9	# Significant Industrial Users (SIUs) discharging to pretreatment programs (22,158 total)	II.2		n/a	314	--		
	10	# Combined Sewer Overflow (CSO) permittees (831 total)	II.5		n/a	0	--		
	11	# CAFOs (current and est. future) (17,672 total)	II.3		n/a	n/a	365		626
	12	# biosolids facilities (TBD '05)	II.6			--	--		
NPDES Program Administration	13	State or Region assessment of State NPDES program (none (N)/assessment (A)/profile (P))	I.1	50 states 2004	n/a	A, P	P		
	14	% pipes at facilities covered by individual permits w/ lat/long in PCS	I.7		46.3%	59.0%	--		
	15	State CAFO legal authority expected (mo/yr)	II.3	2005	n/a	n/a	n/a		
	16	# Withdrawal petitions/legal challenges (22 total)	I.4		n/a	0	n/a		
	17	DMR data entry rate	I.7		95%	99%	--		
	18	# permit applications pending (1,011 total)	I.6		n/a	19	--		
NPDES Program Implementation	19	% major facilities covered by current permits	I.6	90%	83.7%	79.6%	n/a		
	20	% minor facilities covered by current individual or non-storm water general permits	I.6	90% 12/04	87.0%	89.0%	83.3%		
	21	# major facilities w/permits expired >10 yrs. (56 total)	I.6		n/a	0	0		
	22	% priority permits issued as scheduled (TBD '05)	I.6	95% 2005		--	--		
	23	% pretreatment programs inspected/audited during 5 yr. inspection period	II.2		85.3%	96.4%	--	100.0%	
	24	% SIUs w/control mechanisms	II.2		99.2%	100.0%	--		
	25	% of CSO permittees with long-term control plans developed or required	II.5	75% 2008	82.2%	n/a	--		
	26	% CAFOs covered by NPDES permits	II.3		35%	n/a	50%		29%
	27	% biosolids facilities that have satisfied part 503 requirements (TBD '05)	II.6			--	--		
	28	# Phase I storm water permits issued but not current (76 total)	II.4		n/a	0	0		
	29	# Phase I storm water permits not yet issued (5 total)	II.4		n/a	0	0		
	30	Phase II storm water small MS4 permits current (Y/N/D (draft) (35 States)	II.4	100% states 2008	n/a	N	n/a	Y	
	31	Phase II storm water construction permit current (Y/N/D (draft) (49 States)	II.4	100% states 2008	n/a	Y	Y		
NPDES Compliance Monitoring and Enforcement Response	32	% major facilities inspected	III.3		71%	86%	0%	100%	
	33	(inspections at minors) / (total inspections at majors and minors)	III.3		76%	56%	13%	97%	
	34	% major facilities in significant non-compliance (SNC)	III.1		20%	32%	--		
	35	% SNCs addressed by formal enforcement action (FEA)	III.1		14%	19%	--		
	36	% SNCs returned to compliance w/o FEA	III.1		70%	74%	--		
	37	# FEAs at major facilities (666 total)	III.1		n/a	29	3	31	
	38	# FEAs at minor facilities (1,660 total)	III.1		n/a	1	35	301	

Explanation of Column Headers:

Profile Section: For each measure, this column lists the section of the profile where the program area (including any additional data for the measure) is discussed.

National Data Sources: The information in these two columns is drawn from two types of sources:

(1) EPA-managed databases of record for the national water program, such as PCS, the National Assessment Database, and the National TMDL Tracking System. NPDES authorities are responsible for populating PCS with required data elements and for assuring the quality of the data. EPA is working to phase in full use of NAD and NTTs as national databases.

(2) Other tracking information maintained by EPA Headquarters for program areas such as CAFOs, CSOs, and storm water.

The [definitions document](#) accompanying this Management Report provides a detailed definition of each data element in the National Data Sources columns.

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State Activities: Information in these columns reflects activities conducted by the State program. (Shaded cells in these columns indicate that the work may not be entirely the State's responsibility, but a breakdown of the data into EPA and State responsibilities is unavailable.)

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NPDES Management Report, Summer 2005

Oklahoma

		Profile Section	GPRA Goal	Nat. Avg.	National Data Sources		Additional Data		
					State Activities	EPA Activities	State Activities	EPA Activities	
Water Quality Progress									
Universe	39	River/stream miles (3,419,857 total)	IV.2		n/a	78,788	n/a		
	40	Lake acres (27,775,301 total)	IV.2		n/a	1,041,884	n/a		
	41	Total # TMDLs in docket at end of FY 2003 (52,795 total)	IV.4		n/a	1,430	--		
	42	# TMDLs committed to in FY 2003 management agreement (2,435 total)	IV.4		n/a	23	--		
	43	# Watersheds (2,341 total)	IV.2		n/a	--	--		
Water Quality Administration	44	On-time Water Quality Standards (WQS) triennial review completed (42 States)	IV.3		n/a	Y	n/a		
	45	# WQS submissions that have not been fully acted on after 90 days (32 total)	IV.3	<25% submissions	n/a	n/a	1		
Water Quality Implementation	46	State is implementing a comprehensive monitoring strategy (Y/N) (TBD)	IV.1	all states 2005	--	--	--		
	47	% river/stream miles assessed for recreation	IV.2		13.8%	7.5%	n/a		
	48	% river/stream miles assessed for aquatic life	IV.2		22.0%	7.0%	n/a		
	49	% lake acres assessed for recreation	IV.2		49.4%	0.0%	n/a		
	50	% lake acres assessed for aquatic life	IV.2		48.5%	22.1%	n/a		
	51	# outstanding WQS disapprovals (23 total)	IV.3		n/a	1	n/a		
	52	WQS for E. coli or enterococci for coastal recreational waters (12 States)	IV.3	35 states 2008	n/a	n/a	n/a		
	53	WQS for nutrients or Nutrient Criteria Plan in place (13 States)	IV.3	25 states 2008	n/a	N	n/a		
	54	Cumulative # TMDLs completed through FY 2003 (10,807 total)	IV.4		n/a	30	--		
	55	# TMDLs completed in FY 2003 (2,929 total)	IV.4		n/a	0	0		
Environmental Outcomes	56	# TMDLs completed through FY 2003 that include at least one point source WLA (5,036 total)	IV.4		n/a	9	--		
	57	% Assessed river/stream miles impaired for swimming in 2000	IV.2		--	14.0%	n/a		
	58	% Assessed lake acres impaired for swimming in 2000	IV.2		--	33.0%	n/a		
	59	# Watersheds in which at least 20% of the water segments have been assessed and, of those assessed, 80% or more are meeting WQS (440 total)	IV.2	600 2008	n/a	--	--		

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