



*association of central oklahoma governments  
Garber-Wellington Association*

Chair Marsha Jefferson  
Spencer Mayor

Vice-Chair Saundra Gragg Naifeh  
Edmond Mayor

Secretary/Treasurer John Brown  
Piedmont Councilmember

Executive Director  
Zach D. Taylor

## AGENDA

### GARBER-WELLINGTON ASSOCIATION

#### STORMWATER TECHNICAL COMMITTEE

**May 13, 2005 (Friday) 10:00 A.M.**

ACOG CONFERENCE ROOM

21 EAST MAIN, SUITE 100, OKLAHOMA CITY, OKLAHOMA

- I. CALL TO ORDER - Roll Call
- II. INTRODUCTION OF GUESTS
- III. APPROVAL OF MINUTES ([Attachment III](#))

**Action Requested:** Motion to approve minutes of the March 11, 2005 meeting.

- IV. STAFF REPORT – ACOG Stormwater Education

An update by Jerry Church on the ACOG Regional Stormwater Public Education. We will then open discussion on other stormwater projects that can be regional.

**Action Requested:** None, for information only

- V. PROGRESS REPORT ([Attachment V](#))
- VI. NEW BUSINESS
- VII. ADJOURNMENT

MINUTES

GARBER-WELLINGTON ASSOCIATION  
TECHNICAL COMMITTEE MEETING

March 11, 2005

The first regularly scheduled meeting of the Garber-Wellington Association Technical Committee was convened on March 11, 2005 in the Association of Central Oklahoma Governments (ACOG) Board Room, 21 E. Main Street, Suite 100, Oklahoma City, Oklahoma. The meeting was held as indicated by advance notice filed with the Oklahoma County Clerk and by notice posted at the ACOG offices at least twenty-four (24) hours prior to the meeting.

PRESIDING

John M. Harrington

Division Director, Water Resources

TECHNICAL COMMITTEE MEMBERS PRESENT

Bernard Nauheimer

City of Choctaw

Nancy Kennedy

City of Edmond

William Janacek

City of Midwest City

Robert Streets

City of Midwest City

Charles Hooper

City of Nichols Hills

Bud Green

City of Nicoma Park

Erik Brandt

Oklahoma County

Ruth Walters

Oklahoma County

Mitchell Hort

City of Yukon

Anna Waggoner

City of Yukon

ACOG STAFF PRESENT

Ellen Owens

Division Secretary, Water Resources

I. CALL ORDER

John Harrington called the meeting to order at 10:05 p.m.

II. INTRODUCTION OF GUESTS

Karen Milford of the Oklahoma Department of Environmental Quality was a guest at the meeting.

III. APPROVAL OF MINUTES – December 10 and December 17, 2004.

Nancy Kennedy requested amending the December 10, 2004 minutes. She referred to the last paragraph in Section A, on Page III-A-3. She said the correct wording should be “there was a list of allowable non-stormwater discharges in the 2002 draft permit and that list is not in the final permit”. The Committee approved the amendment. Ms. Kennedy made a motion to approve the minutes, including the amendment. Charles Hooper seconded the motion and the motion carried.

Ms. Kennedy made a motion to approve the minutes of the December 17, 2004 meeting. Mr. Green seconded the motion and the motion carried.

IV. STAFF REPORT

John Harrington referred Committee members to the Oklahoma Department of Environmental Quality (ODEQ) Stormwater Notice of Intent (NOI). He said it his understanding that ODEQ would want communities to submit in Table 1, which is the listing of the Best Management Practices (BMP), who will be responsible for the BMP's. BMP's, can be correlated with one of the six minimum control measures and can be modified to fit each community. Mr. Harrington said that Table 2 is a suggested activity schedule and commented that most of the communities represented here today are already working on Phase II. He said that ODEQ does not necessarily want to see the Stormwater Management Plan attached to your NOI, but it must be on file.

Mr. Harrington then went over the sections of the NOI. He made reference to Section 2 – Co-Permittee. He said that as the Stormwater program evolves, communities may decide to have a co-permittee, but the program can be modified for that.

Mr. Harrington referred to Section 3 – Receiving waters for discharges of storm water from the MS4. He said you will need to name your water bodies, determine if they are impaired, and determine the source of impairment. Four or five years ago, the Environmental Protection Agency (EPA) asked the state of Oklahoma to submit lists of impaired waters in the state. Oklahoma created what is called a 303(d) list. Also, under another part of the Clean Water Act, the state had to submit a 305(b) list. Mr. Harrington said that in 2002, both lists were combined into an integrated water body report, in which the water bodies were ranked. We are concerned with Category 5 water bodies with impairments needing a Total Maximum Daily Load (TMDL) analysis. Those are the things that need to be put down under Water Bodies on the NOI. Mr. Harrington accessed the ODEQ web site and displayed the Oklahoma Monitoring Data web page. He said when the 303(d) list and the integrated water body report is done, you will get a map. He called attention to a segment of the N. Canadian River in Yukon where it is impaired commenting that the data can be downloaded from the ODEQ web site. He said this data lists the source of impairment and, more than likely, the impairment will be pathogens,

turbidity, or both. He said the 303(d) was put together because the Office of the Secretary of the Environment wanted a list of impaired water bodies. Some of these water bodies were put in without a lot of substantive information. Getting them off the 303(d) list is a difficult process.

Bill Janacek indicated that on the N. Canadian River, the only place to find historical data is on the El Reno side of the River. Mr. Harrington said that there was more data besides the El Reno data, but when looking at where the latitudes and longitudes were, they weren't even close to the North Canadian River. Mr. Janacek said a lot of that data came from wasteload allocation of 1973 and Mr. Harrington commented that some of that data needs to be verified because it could be quite old. Most of the El Reno data is from the 1980's. He also mentioned that just because a water body is on the 303(d) list does not mean the data is current. Mr. Janacek said also that the data may be based on one sample, and trying to find that sample, which agency and the Quality Assurance Quality Control (QAQC) report on it is difficult. Mr. Harrington said some of the work done in the 1980's may have no QAQC.

Robert Streets commented that just because they are on the 303(d) list does not mean they will be there forever. Mr. Harrington agreed saying that sampling may show why it shouldn't be on that list.

Mr. Harrington referred to Section 4 – Location map and Boundaries and said if a city has no location map, he would make one available to whichever city needs one.

Mr. Harrington went on to discuss Section 6 – Outline of Measurable Goals and BMP's. He said that this section covers the six minimum control measures, which ones you will do, and the person responsible for each. Ms. Kennedy said she thought it would be the person at the city directly assigned to performing or supervising each task. Mr. Harrington said they don't want the signature of the person actually performing the task, but the person that is in charge of the particular aspect or the person expending resources. Karen Milford said it was her understanding that ODEQ would like to see the person supervising the specific task.

Mr. Janacek said he thought that originally, the legal aspect was a spin-off from the NPDES permit and it was stated that the signatory authority for signing the discharge monitoring reports was the person held accountable. Mr. Harrington agreed and said if we go with whoever has the authority to write off other discharge permits that would make the most sense. He said that this should be part of the permit. Ms. Kennedy commented that she thought that whoever would be signing off on the signature page of the stormwater management plan would be the person responsible. Ms. Milford said the signature for the NOI and the signature for the responsible person for each BMP is not the same. The NOI has to be signed by the Mayor or the City Manager. She said that if ODEQ has a question about the annual report for a particular BMP, they would call the person

actually responsible for the outreach program, or the responsible person in charge. Mr. Harrington then said that Ms. Kennedy's name, for instance, may be under the mapping, but she may have designated someone to do the public education for it. Ms. Kennedy said there will be one person in charge of making sure the SWMP is done and that the BMP's are being done, and that would be the person that would go on Table 1. The signatory party on the stormwater management plan, as well as on the NOI, needs to be a higher up employee of the city.

Mr. Streets asked Ms. Milford if she had a chance to review the BMP list. He said that because it potentially is going to be submitted for a large number of government entities, will there be a minimum of what has to be done. Ms. Milford said no, that basically ODEQ just wants to know what you will be doing for each year and a description of the BMP. Mr. Streets then asked, if it is going to be the minimum, does that mean at the end of the year in the annual report, will any community not doing the minimum be required to do whatever you ask them to do? Ms. Milford said that everything that comes from ODEQ is not mandatory. She made the comment that the six minimum controls measures are still very subjective and that ODEQ will look at each entity's outline to see if it is reasonable. She said she feels the program is self-regulated; each entity will set goals for themselves.

Ms. Kennedy asked if Table 2, which is prepared by INCOG and is quite aggressive, would be considered an acceptable program for ODEQ for the INCOG communities to do. In other words, is this the type of program that ODEQ would set as a minimum and where is the benchmark? She commented that in order to accomplish this program, it will take a lot of time and resources and most of the communities in this area would not have the resources to perform all the activities on this list. She asked if ODEQ is expecting this type of aggressive program from all the communities in this area of Oklahoma. Ms. Milford said she was told that this is a decision to be made by each city, but you will not be expected to perform all the activities on the schedule. Mr. Harrington said his understanding is that ODEQ would like to see at least one minimum control measure done in each of the five years and not do everything in year five.

Mr. Streets indicated that he felt as though a benchmark should be set; otherwise, there will be communities doing everything in the fifth year. The municipalities will be the ones making the decisions, but they will still be held accountable by ODEQ and EPA. Ms. Milford said there are five years to implement the program, but ODEQ will not allow communities to do everything in the last year. She said there will need to be something done in each year so that ODEQ can see you are willing to do your best to implement the program. Mr. Streets said the issue is that there may be communities that may not even do the bare minimum. Ms. Milford said she could not say that the INCOG list covers all the BMP's and that you may see a BMP that fits into your community that you are willing to do that is not on the list. She said that ODEQ does not expect one size to fit all. Mr. Streets said he would like some clarification as to whether or not this is the direction ODEQ want us to go.

Mr. Janacek asked if, when ODEQ reviews it, there be a process to contact the city and say they are not committing to enough. Ms. Milford said each community will be setting the measurable goal, and you will inform ODEQ if there will be any changes.

Nancy Kennedy said the NOI is due on May 8<sup>th</sup>, then ODEQ will review it for thirty days, and then there will be a public comment period of thirty days. By July 8, we should know whether or not ODEQ feels that the program we have submitted is sufficient.

Mr. Harrington said that from a budgetary standpoint, each entity will have to decide what in the program they can afford to do. Ms. Milford said each community will know what they want to accomplish and implement, so they will have to look at the program to determine what BMP they will use and what measurable goal they are looking for in each year.

Mr. Streets asked, if at the end of the five year period, and if there has been an attempt by ODEQ to help that community come into compliance, will there be consequences if they don't comply? Ms. Milford said yes.

Ms. Kennedy said the table also requires that we state the month as well as year in which these activities are going to be performed and asked where the year clock starts. She asked how long it would take for ODEQ to issue the permits that you feel are sufficient. Ms. Milford said it would be in July.

Ms. Milford said that in the permit on Page 6, it makes reference to the fact that if you have discharges to the 303(d) waters, along with the outline of the BMP measurable goal, ODEQ would like to see some type of signed certification along with it. Ms. Kennedy said she would be hesitant to sign such a certification without some sort of guidance. She commented that she may feel reasonably sure that she has a good program, but certifying that it would not be impairing or adding to the impairment of a Category 5 stream is worrying. Mr. Harrington said we have already discussed the 303(d) list and the lack of data supporting it. We can't give evidence of an impaired stream if there is no supporting data. Mitchell Hort said it almost forces us to do testing to make sure it is correct. Mr. Harrington said that certification could end up being problematic. Ms. Milford commented that she thinks it is a good document because it will show your commitment to implement the program and protect the water body. Ms. Kennedy asked of ODEQ is looking for a statement indicating that we are aware, for example, that we are discharging into Chilsolm Creek or Spring Creek, and we have developed a program that we feel will reduce the potential to cause or contribute to a violation of water quality standards.. Ms. Milford said ODEQ wants something that will show your commitment.

Mr. Streets said we will still be enforced upon and face the consequences that ODEQ puts on us. This may be self-regulatory, but the issue is that, in the long term, ODEQ will enforce penalties. Mr. Nauheimer agreed, saying that there are heavy penalty clauses in



the rules and regulations that go against the person responsible. Mr. Streets said he understands that ODEQ wants us to self-regulate and that we will be accountable to our own standards, but in the end, we are still accountable to DEQ, not just to ourselves.

Mr. Harrington pointed out Section 7 – Endangered Species. He displayed a watershed map with the cities indicated. He said that all affected communities will need to have certification of compliance regarding endangered species and Ms. Milford called attention to Page 4 of the permit, referring to that section. Mr. Harrington said that Edmond, the Village, Warr Acres, Bethany, Mustang, Moore, and Norman are in the wildlife area, so there are a significant number of communities represented here that will be checking Yes on Section 7.

Mr. Harrington briefly discussed Section 8 – Construction by the Permitted Municipality and said that all represented communities, except Oklahoma County, should check Yes on the NOI

In Section 9 – Certification of Permittee, Ms. Milford said your Mayor and City Manger can be designated as the signor of Certification.

V. PROGRESS REPORT

There was no discussion of the Progress Report.

VI. NEW BUSINESS

There was no new business discussed at the meeting.

VII. ADJOURNMENT

Ruth Walters made a motion to adjourn the meeting. Mr. Nauheimer seconded the motion and the meeting adjourned at 11:25 a.m.



**MEMORANDUM**

**TO:** Garber Wellington Technical Committee  
**FROM:** John M. Harrington  
**DATE:** May 6, 2005  
**SUBJECT:** Progress Report

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Arsenic mapping project final report sent to EPA.

A geochemical model for a North Canadian DO model is currently in preparation. Draft TMDL report due out late May.

Contracts with OSE have been signed for the ACOG pathogen study next summer project. Turbidity meter and YSI probe purchased and delivered. Staff is researching methodology for generating frequency curves in non-gauged streams.

Contracts for purchasing earth resistivity imaging system are in review.

The Oklahoma Department of Environmental Quality (ODEQ) has issued the final Phase II stormwater permit. Notices of Intent (NOI) must be filed with DEQ by May 8, 2005.