

9/19/24

# Request For Proposal 25-902

## Addendum #1

Please note the following changes which have been made for clarification to this Request for Proposal. **This addendum must be listed as Addendum #1 on the ACKNOWLEDGMENT OF RECEIPT OF ADDENDA/AMENDMENTS** of the bid package as verification that you have received and are aware of the information contained herein.

### QUESTIONS/CLARIFICATION/CHANGES:

#### QUESTIONS:

1. Has the funding for this project been approved? **YES** Can you share the budget for years one, two, and three? **\$30,000 was budgeted for startup with slightly less for annual maintenance. The Stormwater Quality Group believes this is more than adequate funding for startup and maintenance for this software.**
2. Could you provide additional details about the historical data mentioned in the RFP? **Mainly SQL but this information should be in the RFP.** Specifically, is this data available in digital format, and which format would be most convenient for you to share it in? **It is all digital.**
3. In addition to the stormwater team, do any other stakeholders contribute to, modify, or update stormwater-related features/data in your ArcGIS database? If so, please provide a brief description of their roles. **The stormwater GIS team are the only ones that modify the data. Other contracted entities submit requested changes via a variety of channels, including as GIS data. But our team is the only team permitted to make changes to the system-of-record GIS data.**
4. The RFP specifies that submissions must be both printed and delivered, along with an electronic copy. Can we share the digital submission via a secure cloud service like Google Drive or Microsoft OneDrive? **NO**
5. Aside from ArcGIS, are there any other systems or databases this stormwater solution needs to integrate or interoperate with? **Please refer to the RFP. Must interoperate with Windows operating system. Also, we expect this software to work with both IOS and android environment (mobile/tablets) cellphones, etc.**
6. The RFP does not list requirements for Post-Construction Stormwater Management for New Development and Redevelopment. Does the City use separate software for this requirement, or will it need to be included in this project? **YES. This is an area that we traditionally did not use software to track the implementation and effectiveness of post construction stormwater control measures. But we anticipate this area to be growing, especially with the new TMDL requirements in the recently received MS4 permit.**
7. Was a consultant involved in writing the RFP? If so, will the consultant be involved in the decision-making process? **Several consultants were interviewed and prior to the drafting of the RFP. But the RFP was drafted solely by city staff. No consultant will be involved with the selection process.**

# Request for Proposal

## 25-902

**Professional Services for:**  
Stormwater Quality Compliance and Enforcement Software

**Department:** Public Works

**NIGP Commodity Code(s):** 208-11, 208-36, 208-88

### RFP Schedule

EVENT	DATE
RFP Issue Date	9/04/2024
Pre-Proposal Conference Virtual TEAMS Meeting	Thursday, September 12, 2024 1:00pm – 2:00pm
Deadline for Questions <i>Submit to assigned buyer via email.</i>	9/16/2024 <i>10 Days prior to RFP due date</i>
Proposal Due Date <i>Mail or deliver to City Clerk address. Proposals are open the day after the due date.</i>	9/25/2024

If You have any questions or need additional information, contact the Assigned Buyer:

Donny Tiemann | dtiemann@cityoftulsa.org

*All questions should be emailed with the RFP 25-902 in the subject line.*

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**Submit proposals (sealed) to:**

Office of the City Clerk  
City of Tulsa  
175 E. 2<sup>ND</sup> St.  
Suite 260  
Tulsa, OK 74103



**I. OVERVIEW AND GOALS:**

With this Request for Proposal (RFP), the City is soliciting proposals to secure professional services to provide a cloud based software platform that supports all common stormwater requirements, including; inspections, illicit discharge detection & elimination, outfall monitoring, water sampling, public education tracking, annual reporting, provide for status reports, schedule work and implement and track enforcement actions to help reduce cost and maximize efficiency.

We enthusiastically look forward to receiving your proposal.

**II. BACKGROUND:**

The City of Tulsa’s Public Works Department Stormwater Maintenance and Operations Division is responsible for effectively and efficiently operating the storm sewer system to ensure compliance with Tulsa’s Municipal Separate Storm Sewer System (MS4) Permit #OKS000201. This requires the collection, processing, and reporting of up to 50 records per day gathered daily from numerous sources.

**III. TIMELINE:**

The schedule below provides estimated dates for the RFP and contracting process. The City of Tulsa may adjust this schedule as needed.

<b>EVENT</b>	<b>DATE</b>
RFP Issue Date	9/04/2024
Pre-Proposal Conference	09/12/2024
Deadline for Questions	9/16/2024
<b>PROPOSAL DUE DATE</b>	<b>9/25/2024</b>
Begin proposal evaluations	9/26/2024
Interviews with Respondents (anticipated)	10/04/2024
Negotiations with apparent successful Respondent begin (anticipated)	10/10/2024
Execute contract (anticipated)	10/17/2024
Begin service delivery (anticipated)	11/01/2024

#### **IV. SCOPE OF WORK:**

Respondent shall provide comprehensive stormwater quality management software that:

- Software is easily usable for staff in the field and office for construction and industrial stormwater quality inspections and investigations.
  - Time, Inspector, Location, Photos, Comments, Categorization
- Field inspection results trigger enforcement actions (Notices of Violation or Consent orders or Administrative Orders) within the software
  - Software should automatically populate an editable document that largely completes our Notice Of Violation orders.
- Track educational/outreach activities and water quality monitoring results.
- ESRI GIS/mapping interface capable of both reading a geodatabase map image and feature layers. Software should be able to edit feature layers by adding geofences and points of interest. The City of Tulsa is currently utilizing version 11.1 of ESRI ArcGIS Enterprise and 3.1.5 of ArcGIS Pro.
- Capable of easily attaching documents and photos for all activities and natively capturing photos from within the software.
- Software should have pre-developed reporting functions for daily progress reports or high quality compliance reports with any combination of data.
  - Software should have the ability to create customized reports as needed by the users.
- Software must have a Service Level Agreement that provides timely support (within 48 hours) and the ability to answer questions or address needs quickly and effectively.
- Software must be simultaneously useable by up to 15 internal users with no perceived lag time or decreased performance.
- Software Respondent will be provided with a copy of the historical data and will be required to import that into this new software.

Additional details and specifics below:

The City of Tulsa's Authorization to Discharge under the Oklahoma Pollutant Discharge Elimination System - Permit Number OKS000201 (Attachment B) has been included in this solicitation for review by the Respondents.

##### **1. Mapping**

a. Provide ability to interact and display City of Tulsa ESRI GIS geodatabases, inspection forms, associated photos, and other web maps for analysis or export vendor dataset to GIS feature layers for view/analysis.

##### **2. Public Education and Outreach**

a. Provide the ability to track education and training activities to include the number of events, the topic or permit required content, children's events, type of outreach (e.g. radio, TV, billboard, print ads, face to face), location, training material presented, promotional items given out, and attendance sheets.

### **3. Illicit Discharge Detection and Elimination (Investigations):**

- a. Provide the ability to trace an illicit discharge using GIS atlas, topography and stormwater data.
- b. Provide the ability to geo-locate or attach latitude/longitude coordinates to the source of an illicit discharge;
- c. Ability to document inspection results (including photos) in the field using a tablet or phone, including while offline.
- d. Ability to email completed inspection reports while in the field. If device is offline, reports and information will be available once connectivity is re-established.
- e. Generate and track enforcement of illicit discharge, including auto calendar population and reminder emails / notifications for re-inspection or fine payment and schedule follow up actions (e.g., inspection and enforcement escalation).
- f. Provide the ability to produce individual and summary reports by specific timeframe (week, month, year, etc.) inspector, permit holder and location, including based on a polygon or geofence.
- g. Provide the ability to complete illicit discharge investigation, then copy basic info into other appropriate databases in Respondent software (i.e. construction or industrial, etc.) for additional follow ups / inspections.
- h. Must be able to make some fields of investigation forms mandatory to complete before saving form.
- i. Function of filtering and exporting all or some data to Excel, Comma Separated Variables, and PDF.
- j. Provide the ability to upload documents (Word, PDF, Excel) to specific record or report.

### **4. Construction:**

- a. Provide the ability to track permits by location, ownership, permit holder, and watershed and within specified timeframe (usually rolling year)
- b. Provide the ability to associate permit, inspections and enforcement actions by permit holder.
- c. Provide the ability to document inspection results (including photos) in the field using a Tablet or phone, including while offline. If device is offline, reports and information will be available once connectivity is re-established.
- d. Provide the ability to integrate real-time and historic weather information into an inspection report.
- e. Provide the ability to auto or pre-populate permit ownership and site information into an inspection report.
- f. Schedule follow up actions (e.g., inspection and enforcement escalation) including some form of reminder email or notification for past due sites.
- g. Provide the ability to email completed inspection reports while in the field. If device is offline, reports and information will be available once connectivity is re-established.
- h. Provide the ability to produce individual and summary reports by year, inspector, permit holder and location.
- i. Must be able to make some fields of investigation forms mandatory to complete before saving form. Provide the ability to generate enforcement actions off of inspections including pre-populating enforcement letters and tracking re-inspection dates and fine deadlines.
- j. Function of filtering and exporting all or some data to Excel, Comma Separated Variable, and PDF.

- k. Ability for Supervisor to approve or review and sign-off on inspections.
- l. Provide the ability to upload documents (Word, PDF, Excel) to specific record or report.

**5. Industrial Inspections:**

- a. Provide the ability to create and manage an inventory of industrial facilities including by SIC code, Category 1-6, NEC, OKR05 Permit, etc.
- b. Provide the ability to generate enforcement actions off of inspection including pre-populating enforcement letters and tracking re-inspection dates and fine deadlines.
- c. Provide the ability to document inspection results (including photos) in the field using a Tablet or phone, including while offline. If device is offline, reports and information will be available once connectivity is re-established.
- d. Provide the ability to auto or pre-populate facility/permit ownership and site information into an inspection report.
- e. Provide the ability to email completed inspection reports while in the field. If device is offline, reports and information will be available once connectivity is re-established.
- f. Provide the ability to produce individual facility and summary reports by timeframe (year, week, month, etc.) inspector; permit holder, facility, and location (watershed)
- g. Must be able to make some fields of inspection form mandatory to complete before saving form
- h. Function of filtering and exporting all or some data to Excel, Comma Separated Variable, and PDF.
- i. Some form of reminder email or notification for past due site inspections
- j. Ability for Supervisor to approve or review and sign-off on inspections
- k. Some industrial facilities are required to conduct stormwater monitoring therefore some way to view, store, and analyze this data within the industrial inspections is important.
- l. Provide the ability to upload documents (Word, PDF, Excel) to specific record or report.

**6. Municipal Facility Pollution Prevention and Good Housekeeping:**

- a. Track and maintain Facility Runoff Control Plans and Standard Operating Procedures by facility location and name.
- b. Provide the ability to document inspection results (including photos) in the field using a Tablet or phone, including while offline. If device is offline, reports and information will be available once connectivity is re-established.
- c. Provide the ability to auto/pre-populate facility contact and other basic site information into a new inspection form.
- d. Provide the ability to email completed inspection reports while in the field
- e. Provide the ability to produce individual and summary reports by timeframe (year, month, week, etc.) inspector; watershed and location.
- f. Provide the ability to track employee training on Standard Operating Procedures and Facility Runoff Control Plan requirements. Must be able to track training event, training materials and attendance list.
- g. Function of filtering and exporting all or some data to Excel, Comma Separated Variable, and PDF
- h. Ability for Supervisor to approve or review and sign-off on inspections.
- i. Provide the ability to upload documents (Word, PDF, Excel) to specific record or report.

## **7. Dashboard – Database Interface**

The data must be easily accessed using an easy to read and use dashboard or other interface, by all users. Aspects of the dashboard must include but are not limited to: Name, location, date(s), watershed, inspection/investigation status, enforcement status, sites requiring follow-up, Inspector/City Representative.

## **8. Support Services**

The Respondent shall provide support for all functions of the software during normal business hours (7:00 AM to 5:00 PM Central Standard Time, Monday through Friday). Respondent response must be within 1 hour of the time the assistance was requested. The Respondent will provide a contact phone and email address.

All software updates must be made outside the normal business hours so as not to disrupt operations.

## **9. Pollution Reduction Percent**

Provide the ability to perform analytics for various datasets, including but not limited to providing pollutant reduction rates based on field verification, work completed and BMPs implemented for a delineated area.

## **V. DELIVERABLES:**

The products, reports, and plans to be delivered to the City will include:

- 1) Licenses for up to 10 employees able to enter data into data base (normal user)
- 2) 5 licenses that allow users to edit database (administrators)
- 3) City of Tulsa shall own the data, have a copy of the database and are able to do analytics on that copy.

## **VI. PERFORMANCE METRICS AND CONTRACT MANAGEMENT:**

### **Performance Metrics**

The City will develop performance metrics with the selected Respondent. These performance metrics will highlight key priorities that will be analyzed with the selected Respondent collaboratively during the life of the contract. The City looks forward to working with selected Respondent to define these important performance metrics during contract negotiations. The final set of performance metrics and frequency of collection will be negotiated by the City and selected Respondent prior to the finalization of an agreement between parties and may be adjusted over time as needed.



Performance Metric	Data Source	Data Collection Frequency	Data Collection Responsibility
Does database work efficiently during each employee's use ?	Prefer SQL	Multiple per Hour	CoT Water Quality Group
Are edits by Respondent turned around in a timely manner?	Prefer under 24 hours	---	---
Are changes to system format and function effectively communicated ?	Prefer Notice Ahead of Time with Demonstration in Test Environment	---	---
Is it easy to attach pictures and documents to files ?	Prefer Yes	Multiple per Hour	Cot Water Quality Group
Ease at which data can be entered and retrieved	Evaluation of GUI and Reporting	---	---

**Contract Performance Monitoring**

As part of the City of Tulsa’s commitment to becoming more outcomes-oriented, we seek to actively and regularly collaborate with awarded Respondents to enhance contract management, improve results, and adjust service delivery based on learning what works. Reliable and relevant data is necessary to drive service improvements, ensure compliance, inform trends to be monitored, and evaluate results and performance. During the regular meetings that occur throughout the term of the contract, it is anticipated that the following topics will be regularly discussed:

- Current status of performance metrics
- Topics of interest or concern to the Respondent
- Discussion and troubleshooting of challenges
- Review of activities on the horizon
- Review of budget and spending this year-to-date

**VII. INSTRUCTIONS FOR SUBMITTING A PROPOSAL:**

**A. Proposals must be received by 5:00 p.m. on Wednesday, September 25, 2024, Central Daylight Time.** Please place proposals in a sealed envelope or box clearly labeled “RFP 25-902, Stormwater Quality Compliance & Enforcement Software”.

**Proposals received late will be returned unopened.**

**B. Interested Respondents should submit:**

One (1) unbound original and three (3) bound copies of the proposal plus one (1) digital copy (compact disc or USB drive).



**C.** Proposals shall be delivered and sealed to:

Deputy City Clerk  
City of Tulsa  
175 E. 2<sup>nd</sup> St.  
Suite 260  
Tulsa, OK 74103

- D.** All interested Respondents (Sellers) are required to register with the Buyer in order to receive updates, addenda or any additional information required. You can learn more about the registration process on the following website:  
<https://www.cityoftulsa.org/government/departments/finance/selling-to-the-city/register-as-a-vendor/>.

The City is not responsible for any failure to register.

- E.** Inquiries or questions to the Buyer requesting clarification regarding the Request for Proposal must be made via e-mail and must be received prior to the end of the business day on **Monday, Sept. 16, 2024**.

**Donny Tiemann, Project Buyer**  
[dtiemann@cityoftulsa.org](mailto:dtiemann@cityoftulsa.org)

Any questions regarding this RFP will be handled as promptly and as directly as possible. If a question requires only minor clarification of instructions or specifications, it will be handled via e-mail. If any question results in a substantive change or addition to the RFP, the change or addition will be forwarded to all registered Respondents as quickly as possible by addendum.

- F.** Respondents shall provide three (3) references by completing Attachment A in its entirety. Company name, address, contact, phone number and email address along with responses to each question will be required.
- G.** Proposals will be opened on the morning after the due date, at 8:30am, at the:

**Standards, Specifications, and Awards Committee Meeting**  
**175 East 2<sup>nd</sup> Street, 2<sup>nd</sup> Floor**  
**City Council Chamber**

## **VIII. RESPONSE QUESTIONS AND PROPOSAL REQUIREMENTS**

To be considered, interested Respondents should submit or address the following questions or information requests:

## Product Functionality

- a) How will the software you are proposing meet the requirements of Part IV. SCOPE OF WORK? Specifically:
- 1) How does your software track time for inspections and investigations?
  - 2) How does your software track the inspector for inspections and investigations?
  - 3) How does your software track location for inspections and investigations?
  - 4) How does your software track photos for inspections and investigations?
  - 5) How does your software track comments for inspections and investigations?
  - 6) How does your software track categorization for inspections and investigations?
  - 7) How will your software meet the “Field inspection results trigger enforcement actions (Notices of Violation or Consent orders or Administrative Orders) within the software” requirement?
  - 8) How will your software meet the “Track educational/outreach activities and water quality monitoring results.”, requirement?
  - 9) How will your software meet the “ESRI GIS/mapping interface capable of both reading a geodatabase map image and feature layers requirements? Software should be able to edit feature layers by adding geofences and points of interest.”
  - 10) Will your software meet the “Capable of easily attaching photos for all activities and natively capturing photos from within the software.”, requirement?
  - 11) Will your software allow for the creation of customized reports as needed by the users? Please explain.
  - 12) Will your software have pre-developed reporting functions for daily progress reports or high-quality compliance reports with any combination of data? Please explain.
  - 13) Will your software be simultaneously useable by up to 15 internal users with no perceived lag time or decreased performance? Please explain.
- b) Are you capable of importing historical data into this new software, typically known as data integration? Please explain.
- c) Define the Service Level Agreement (SLA) typical to municipal agreements. Specifically, will you provide timely support (within 48 hours) and provide answers to questions or address needs quickly and effectively? Provide details.

## Technical Requirements

- a) Availability
- i) Does the proposed product offering provide Client SQL database access 24 hours a day, 7 days a week subject to scheduled maintenance downtime and any emergency force majeure events?
  - ii) What are the offered contractual availability levels?
  - iii) Is there a daily, weekly or monthly outage window required for the system or parts of system functionality? If yes, when, how long, and are outages full or partial?

- iv) Are there full or partial outages for patching or upgrades? If yes, what is the frequency, duration, and ability to schedule those outages?
- b) Data Security
  - i) Does your software maintain Client data to include daily back-ups of Client database on the Respondent's secure servers?
  - ii) Is server maintenance and server technical support related to the software available during regular business hours?
  - iii) Do you provide maintenance of software functionality and database physical integrity?
  - iv) Does the secure datacenter perform automatic program and related third-party software updates, enhancements, modifications, and improvements at no additional cost to Client?
  - v) When scheduling planned downtime, is there an interruption of the service during extended normal business hours and during potential peak demand periods?
  - vi) What level of administrative data access is provided with this product? Please describe. If based on package pricing or module please detail the cost for this level of access.
  - vii) What level of access does your software need into the Client data systems ( i.e. Admin, View-only)?
  - viii) What is the process and format for us to extract all data if we decide to terminate our subscription?
  - ix) Describe the audit trail functionality in the software.
- c) Compatibility
  - i) Is the proposed web-based application software compatible with multiple current internet browsers such as Safari, Chrome, Firefox, Edge, etc.?
  - ii) What does your company provide to better assist disabled users?
  - iii) What Is the import and export ability from the product?
  - iv) Does the software have a preferred browser? Such as Chrome, Firefox, IE?
  - v) Does your platform work on PC and Mac?
  - vi) Does your platform work on Android and iOS Devices? Is it a browser or App?
- d) Architecture
  - a. Describe your architecture in detail.
  - b. Describe your mobile architecture, with a focus on security: Do you push/force version upgrades and mobile app updates? How is 3rd party functionality and data presented?
    - i. Does the proposed solution provide a system with requisite firewalls, partitioning, and other features intended to protect against accidental or intentional mingling of Client and its contractors' data with any other clients using or having access to the application, hosting software, or equipment?
    - ii. What are your storage limitations?

- e) Data Retention
  - i) What is the expected recovery time?
  - ii) How frequently are exercises conducted?
  - iii) Is any manual intervention needed?
  - iv) Provide Recovery Point Objective/Recovery Time Objective details.
  - v) Please explain your backup and retention policies.
  - vi) What are your retention structures and policies?

## Services

- a) Implementation
  - i) How soon after contract signing can implementation begin?
  - ii) As risk is always a factor in software implementations, describe how your organization will ensure the proposed solution is implemented on time and to our satisfaction. If changes need to be made during implementation, how would you accommodate our request?
  - iii) How quickly can the complete system (including cost, schedule, document management, business process/workflow and reporting) be deployed?
  - iv) What is involved in / provided in implementation? Are there onsite visits during implementation, and if so, are those at a cost?
  - v) Do you set up a test site and production site for us to use? If not, how do you handle testing and training prior to go live?
- b) Training
  - i) What type of documentation is provided as part of the solution deployment?
  - ii) Describe your company's training program for our new employees.
  - iii) How many hours of user group instruction on the use of the system are included in the proposal?
  - iv) What training materials, either online or published, are included?
  - v) What training do you provide during implementation for each user level?
  - vi) Do you provide live, onsite training classes?
  - vii) Do you have an annual user conference?
  - viii) Do you provide an account manager after implementation? Is there an extra cost for this service?
- c) Support
  - i) Does the proposed solution provide post-implementation support from a program administrator readily available that will ensure that the first months' cycle runs smoothly? Will he or she provide long-term and follow-up training to Client staff as well as train a designated system management team on the use of the system to enable them to be the first line of troubleshooting any IT problems that might occur?
  - ii) How does the proposed vendor address issues that may arise for end users during regular business hours, e.g. help desk, support, or program functionality technical services? Please provide contact information. Does the proposed vendor have emergency support available after hours?
  - iii) What is the service level agreement for a plan of action to correct technical problems with appropriate response times from the time vendor becomes aware of the outage? Does the proposed support package provide regular notification and updates until known issues are corrected?
  - iv) How often do you upgrade and what is the process?

**IX. EVALUATION OF PROPOSALS:**

The approval of the selected Respondent will be subject to the final determination of the City and will be contingent on the successful completion of a contract between the City and the selected Respondent(s).

All Bids will be evaluated using the following criteria:

<b>Category</b>	<b>Total Points</b>	<b>What Would a Top Score Look Like?</b>
<b><i>Ability to delivery each Scope of Work item</i></b>	25	Respondent will demonstrate they are able to deliver on all items in project scope.
<b><i>Qualifications and Experience (including references)</i></b>	15	Respondent demonstrates extensive successful experience in this area. Include references with contact information
<b><i>Staff Capacity and Oversight</i></b>	10	Respondent will provide a list of key team members that would be working on this project.
<b><i>Service Delivery and Timeline</i></b>	20	Description of how soon Respondent could begin implementation, historic data transfer, and final start date.
<b><i>Pricing and Cost Proposal</i></b>	30	Total cost for all edit, view, and IT users annually.

The City of Tulsa also reserves the right to evaluate based on the full list of eligible criteria listed in [Title 6, Chapter 4](#) of the Tulsa Revised Ordinances (TRO): [https://library.municode.com/ok/tulsa/codes/code\\_of\\_ordinances](https://library.municode.com/ok/tulsa/codes/code_of_ordinances).

**X. MISCELLANEOUS**

- A. The City expects to enter into a written Agreement (the “Agreement”) with the chosen Respondent(s) that shall incorporate this RFP and your proposal. Further, Respondent(s) will be bound to comply with the provisions set forth in this RFP. In addition to any terms and conditions included in this RFP, the City may include in the Agreement other terms and conditions as deemed necessary. Your response to this RFP will be considered part of the Agreement if one is awarded to you.
- B. All data included in this RFP, as well as any attachments, are proprietary to the City.
- C. The City notifies all possible Respondents that no person shall be excluded from participation in, denied any benefits of, or otherwise discriminated against in connection with the award and performance of any contract on the basis of race, religious creed, color, national origin, ancestry, physical disability, sex, age, ethnicity, or on any other basis prohibited by law.
- D. All Respondents shall comply with all applicable laws regarding equal employment opportunity and nondiscrimination. They shall also comply with the Americans with Disabilities Act (ADA).

- E. The use of the City's name in any way as a potential customer or contractual partner is strictly prohibited except as authorized in writing by the City.
- F. The City assumes no responsibility or liability for any costs you may incur in responding to this RFP, including attending meetings or contract negotiations.
- G. The City is bound to comply with Oklahoma's Open Records Act, and information submitted with your proposal, with few exceptions, is a matter of public record. For specifics on the Oklahoma Open Records Act, see the link here: <https://libraries.ok.gov/law-legislative-reference/library-laws/statutes-open-records/>.

The City shall not be under any obligation to return any materials submitted in response to this RFP request.

- H. The City shall not infringe upon any intellectual property right of any Respondent but reserves the right to use any concept or methods contained in the proposal. Any desired restrictions on the use of information contained in the proposal should be clearly stated. Responses containing your proprietary data shall be safeguarded with the same degree of protection as the City's own proprietary data. All such proprietary data contained in your proposal must be clearly identified.
- I. The City also notifies all Respondents that the City has the right to modify the RFP and the requirements herein, to request modified proposals from Respondents, and to negotiate with the selected Respondent on price and other contract terms, as necessary to meet the City's Objectives.
- J. **Payment.** Invoices should be e-mailed to the City of Tulsa – Accounts Payable at: [apinvoices@cityoftulsa.org](mailto:apinvoices@cityoftulsa.org). Payment will be made net 30 days after receipt of a properly submitted invoice or the City's Acceptance of the Supplies or Services, whichever is later.

Each invoice must be fully itemized, identifying Supplies provided and/or Services performed, and must bear the purchase order number assigned by the City.

The purchase order number shall appear on all invoices, packing lists, packages, shipping notices, instruction manuals and other written documents relating to the Supplies or Services. Packing lists shall be enclosed in each and every box or package shipped pursuant to this Agreement, indicating the content therein.

- K. The selected Respondent "Seller" and its subcontractors must obtain at Seller's expense and keep in effect so long as City is purchasing Supplies or Services from Seller pursuant to this Bid, policies of insurance in the minimum amounts set forth below and Workers' Compensation and Employer's Liability insurance in the statutory limits required by law.

General Liability: personal injury and property damage, each occurrence	\$1,000,000.00
Auto Liability, each occurrence	\$1,000,000.00
Workers' Compensation	(Statutory limits)

**Seller's insurer must be authorized to transact business in the State of Oklahoma.**  
Seller will have 10 Days after notification that its Bid was Accepted by the City to provide proof of coverage

Seller shall not cause any required insurance policy to be cancelled nor permit it to lapse. Failure of the Seller to comply with the insurance requirements may be deemed a breach of the contract.

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## RESPONDENT INFORMATION SHEET

**Respondent's Legal Name:** \_\_\_\_\_  
(Must be Respondent's company name as reflected on its organizational documents, filed with the state in which Respondent is organized)

**State of Organization:** \_\_\_\_\_

**Respondent's Type of Legal Entity: (check one)**

- |  |  |
|--|--|
| <input type="checkbox"/> Sole Proprietorship       | <input type="checkbox"/> Limited Partnership                   |
| <input type="checkbox"/> Partnership               | <input type="checkbox"/> Limited Liability Partnership         |
| <input type="checkbox"/> Corporation               | <input type="checkbox"/> Limited Liability Limited Partnership |
| <input type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Other: _____                          |

**Respondent's Address:** \_\_\_\_\_  
Street City State Zip Code

**Respondent's Website Address:** \_\_\_\_\_

**Sales Contact:**

Name: \_\_\_\_\_  
Title/Position: \_\_\_\_\_  
Street: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

**Contact for Legal Notice:**

Name: \_\_\_\_\_  
Title/Position: \_\_\_\_\_  
Street: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

**How did you learn about this business opportunity with the City of Tulsa?**

- Email from Assigned Buyer
- City of Tulsa Website
- Tulsa World posting
- Purchasing search engine
- Industry colleague
- Other: Click or tap here to enter text.

## Price Sheet Summary

**Respondent's Legal Name:** \_\_\_\_\_  
(Must be Respondent's company name as reflected on its organizational documents, filed with the state in which Respondent is organized)

Please present a Fee Schedule for each year's services:

Year 1: \$ \_\_\_\_\_

Year 2: \$ \_\_\_\_\_

Year 3: \$ \_\_\_\_\_

Year 4: \$ \_\_\_\_\_

Year 5: \$ \_\_\_\_\_

Hourly Technical Assistance Cost \$ \_\_\_\_\_

Implementation Cost (including transferring historical data: \$ \_\_\_\_\_

<b>5-YEAR TOTAL</b>	<b>\$ _____</b>
---------------------	-----------------

By signing here, I affirm that these prices are my formal offer and agree to the inclusion of City of Tulsa's general contract terms and conditions as listed in Appendix A in any contract with the City of Tulsa.

Company Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name Printed: \_\_\_\_\_

Title: \_\_\_\_\_

# AFFIDAVIT

## NON-COLLUSION, INTEREST, AND CLAIMANT

STATE OF \_\_\_\_\_ )  
 )ss.  
COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, of lawful age, being first duly sworn, state that:  
**(Seller's Authorized Agent)**

1. I am the Authorized Agent of Seller herein for the purposes of certifying facts pertaining to the existence of collusion between and among Bidders and municipal officials or employees, as well as facts pertaining to the giving or offering of things of value to government personnel in return for special consideration in the letting of any contract pursuant to the proposal to which this statement is attached.
2. I am fully aware of the facts and circumstances surrounding the making of Seller's Bid to which this statement is attached, and I have been personally and directly involved in the proceedings leading to the submission of such Bid; and
3. Neither the Seller nor anyone subject to the Seller's direction or control has been a party:
  - a. to any collusion among Bidders in restraint of freedom of competition by agreement to respond at a fixed price or to refrain from responding,
  - b. to any collusion with any municipal official or employee as to quantity, quality, or price in the prospective contract, or as to any other terms of such prospective contract, nor
  - c. in any discussions between Bidders and any municipal official concerning exchange of money or other thing of value for special consideration in the letting of a contract.
4. No officer or employee of the City of Tulsa either directly or indirectly owns a five percent (5%) interest or more in the Bidders business or such a percentage that constitutes a controlling interest. Affiant further states that the following officers and/or employees of the City of Tulsa own an interest in the Bidders business, which is less than a controlling interest, either direct or indirect.
5. All invoices to be submitted pursuant to this agreement with the City of Tulsa will be true and correct.
6. That the work, services or material furnished will be completed or supplied in accordance with the plans, specifications, orders, requests or contract furnished or executed by the affiant. Affiant further states that (s)he has made no payment directly or indirectly to any elected official, officer or employee of the City of Tulsa, or of any public trust where the City of Tulsa is a beneficiary, of money or any other thing of value to obtain payment of the invoice or procure the contract or purchase order pursuant to which an invoice is submitted. Affiant further certifies that (s)he has complied with all applicable laws regarding equal employment opportunity.

By: \_\_\_\_\_

**Signature**

Title: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Notary Commission Number: \_\_\_\_\_

**The Affidavit must be signed by an authorized agent and notarized**

**ACKNOWLEDGMENT OF RECEIPT OF ADDENDA/AMENDMENTS**

I hereby acknowledge receipt of the following addenda or amendments and understand that such addenda or amendments are incorporated into the Proposal and will become a part of any resulting contract.

List Date and Title/Number of all addenda or amendments: (Write "None" if applicable).

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**Sign Here ►** \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**THE REST OF THIS PAGE LEFT INTENTIONALLY BLANK**

**APPENDIX A – City of Tulsa General Contract Terms**

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It is anticipated that the City of Tulsa will enter into an Agreement with the selected Respondent (“Seller”) for an initial term ending one (1) year from the date of its execution by the City’s Mayor, with four (4) one-year renewals available at the option of the City. Contracts entered into by the City of Tulsa generally include, but are not limited to, the following terms:

1. **Renewals.** Seller understands and acknowledges that any future contracts or renewals are neither automatic nor implied by this Agreement. The continuing purchase by City of the Services set forth in this Agreement is subject to City’s needs and to City’s annual appropriation of sufficient funds in City’s fiscal year (July 1<sup>st</sup> to June 30<sup>th</sup>) in which such Services are purchased. In the event City does not appropriate or budget sufficient funds to perform this Agreement, this Agreement shall be null and void without further action by City.
2. **No Indemnification or Arbitration by City.** Seller understands and acknowledges that City is a municipal corporation that is funded by its taxpayers to operate for the benefit of its citizens. Accordingly, and pursuant to Oklahoma law, City shall not indemnify nor hold Seller harmless for loss, damage, expense or liability arising from or related to this Agreement, including any attorneys’ fees and costs. In addition, Seller shall not limit its liability to City for actual loss or direct damages for any claim based on a breach of this Agreement and the documents incorporated herein. City reserves the right to pursue all legal and equitable remedies to which it may be entitled. City will not agree to binding arbitration of any disputes.
3. **Intellectual Property Indemnification by Seller.** Seller agrees to indemnify, defend, and save harmless City and its officers, employees and agents from all suits and actions of every nature brought against them due to the use of patented, trademarked or copyright-protected appliances, products, materials or processes provided by Seller hereunder. Seller shall pay all royalties and charges incident to such patents, trademarks or copyrights.
4. **General Liability and Indemnification.** Seller shall hold City harmless from any loss, damage or claims arising from or related to the performance of the Agreement herein. Seller must exercise all reasonable and customary precaution to prevent any harm or loss to all persons and property related to this Agreement. Seller agrees to indemnify and hold the City harmless from all claims, demands, causes of action or suits of whatever nature arising out of the services, labor, and material furnished by Seller or Seller’s subcontractors under the scope of this Agreement.
5. **Liens.** Pursuant to City’s Charter (Art. XII, §5), no lien of any kind shall exist against any property of City.
6. **No Confidentiality.** Seller understands and acknowledges that City is subject to the Oklahoma Open Records Act (51 O.S. §24A.1 *et seq.*) and therefore cannot assure the confidentiality of contract terms or other information provided by Seller pursuant to this Agreement that would be inconsistent with City’s compliance with its statutory requirements there under.
7. **Compliance with Laws.** Seller shall be responsible for complying with all applicable federal, state and local laws. Seller is responsible for any costs of such compliance. Seller shall take the necessary actions to ensure its operations in performance of this contract and employment practices are in compliance with the requirements of the Americans with Disabilities Act. Seller certifies that it and all of its subcontractors to be used in the performance of this agreement are in compliance with 25 O.S. Sec. 1313 and participate in the Status Verification System. The Status Verification System is defined in 25 O.S. Sec. 1313 and includes, but is not limited to, the free Employee Verification Program (E-Verify) available at [www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify).

8. **Right to Audit.** The parties agree that books, records, documents, accounting procedures, practices, price lists or any other items related to the Services provided hereunder are subject to inspection, examination, and copying by City or its designees. Seller shall retain all records related to this Agreement for the duration of the contract term and a period of three years following completion and/or termination of the contract. If an audit, litigation, or other action involving such records begins before the end of the three year period, the records shall be maintained for three years from the date that all issues arising out of the action are resolved or until the end of the three year retention period, whichever is later.
9. **Governing Law and Venue.** This Agreement is executed in and shall be governed by and construed in accordance with the laws of the State of Oklahoma without regard to its choice of law principles, which shall be the forum for any lawsuits arising under this Agreement or incident thereto. The parties stipulate that venue is proper in a court of competent jurisdiction in Tulsa County, Oklahoma and each party waives any objection to such venue.
10. **No Waiver.** A waiver of any breach of any provision of this Agreement shall not constitute or operate as a waiver of any other provision, nor shall any failure to enforce any provision hereof operate as a waiver of the enforcement of such provision or any other provision.
11. **Entire Agreement/No Assignment.** This Agreement and any documents incorporated herein constitute the entire agreement of the parties and supersede any and all prior agreements, oral or otherwise, relating to the subject matter of this Agreement. This Agreement may only be modified or amended in writing and signed by both parties. Notwithstanding anything to the contrary herein, the City does not agree to the terms of any future agreements, revisions or modifications that may be required under this Agreement unless such terms, revisions or modifications have been reduced to writing and signed by both parties. Seller may not assign this Agreement or use subcontractors to provide the Goods and/or Services without City's prior written consent. Seller shall not be entitled to any claim for extras of any kind or nature.
12. **Equal Employment Opportunity.** Seller shall comply with all applicable laws regarding equal employment opportunity and nondiscrimination.

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## ATTACHMENT A – REFERENCES

By submitting required references with a proposal, Respondents are confirming references are accurate and comprehensive, so that members of the evaluation committee will have the accurate information to contact such references. Any references found to be inaccurate or incomplete may result in proposal rejection.

### REFERENCE NUMBER 1

Company Name:	
Address (include City, State, and Zip):	
Contact person with the company:	
Telephone number for the person listed above:	
Email address for the contact person:	
<b>1) How long has this reference been your customer?</b>	
<b>2) What is the size of this customer’s annual capital program?</b>	
<b>3) What software did you provide this customer?</b>	
<b>4) What types of services did you provide for this customer?</b>	
<b>5) How long did the project take from notice to proceed to “go-live”?</b>	
<b>6) Describe the type of work provided for this reference.</b>	

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**REFERENCE NUMBER 2**

Company Name:	
Address (include City, State, and Zip):	
Contact person with the company:	
Telephone number for the person listed above:	
Email address for the contact person:	
<b>1) How long has this reference been your customer?</b>	
<b>2) What is the size of this customer’s annual capital program?</b>	
<b>3) What software did you provide this customer?</b>	
<b>4) What types of services did you provide for this customer?</b>	
<b>5) How long did the project take from notice to proceed to “go-live”?</b>	
<b>6) Describe the type of work provided for this reference.</b>	

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**REFERENCE NUMBER 3**

Company Name:	
Address (include City, State, and Zip):	
Contact person with the company:	
Telephone number for the person listed above:	
Email address for the contact person:	
<b>1) How long has this reference been your customer?</b>	
<b>2) What is the size of this customer’s annual capital program?</b>	
<b>3) What software did you provide this customer?</b>	
<b>4) What types of services did you provide for this customer?</b>	
<b>5) How long did the project take from notice to proceed to “go-live”?</b>	
<b>6) Describe the type of work provided for this reference.</b>	

## Attachment B

### **AUTHORIZATION TO DISCHARGE UNDER THE OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM Permit Number OKS000201**

In compliance with the Oklahoma Pollutant Discharge Elimination System (OPDES) Act, Title 27A O.S. § 2-6-201 *et seq.*; the Oklahoma Department of Environmental Quality (DEQ) rules promulgated under the Oklahoma Administrative Code (OAC) 252:606; the Federal Clean Water Act (CWA), Public Law 95-217 (33 U.S.C. § 1251 *et seq.*), Section 402 (33 U.S.C. § 1342); and the National Pollutant Discharge Elimination System (NPDES) regulations (40 C.F.R. Parts 122, 124, 136 and 403), the co-permittees

City of Tulsa  
4502 S. Galveston Ave.  
Tulsa, OK 74107

Oklahoma Turnpike Authority  
3500 N. Martin Luther King Ave.  
Oklahoma City, OK 73136-0357

Oklahoma Department of  
Transportation  
200 N.E. 21<sup>st</sup> Street  
Oklahoma City, OK 73105-3204

are hereby authorized to discharge stormwater from the Tulsa Municipal Separate Storm Sewer System (MS4) to the following receiving waters:

#### Arkansas River Basin

Arkansas River; Bigheart, Cherry, Redfork, Vensel, Crow, Downtown, Joe, Elm, Fred, Swan, Fry Ditch, Garden City, South Fork, Hager, Haikey, Harlow, Mooser, Parkview, Nickel, North Fork, Little Joe, Oak, Berryhill, and Little Haikey Creeks; South Tulsa Drainage Area, Lower Basin, and Perry Man Ditch

#### Verdigris River Basin

Verdigris River; Adams, Center-Rolling Hills, Bird, Coal, Cooley, Dirty Butter, Flat Rock, Mill, Tupelo, Lower Mingo, Douglas, Eagle, Reservoir, Spunky, Upper Mingo, Southpark, Sugar, Brookhollow, Quarry, Valley View, and Salt Creeks

and the tributaries thereto, in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I - VII of this permit.

This permit replaces and supersedes the previous permit issued on October 16, 2011.

The issuance date of this permit is December 5, 2023.

This permit shall become effective on February 1, 2024.

This permit and the authorization to discharge shall expire at midnight on January 31, 2029.

For Oklahoma DEQ:

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Shellie R. Chard, Director  
Water Quality Division

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Michael B. Moe, P.E., Engineering Manager  
Municipal Discharge & Stormwater Permits Section  
Water Quality Division

**TULSA MUNICIPAL SEPARATE STORM SEWER SYSTEM**

**OPDES PERMIT NO. OKS000201**

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**PART I. PERMIT AREA AND AUTHORIZED DISCHARGES**

A. Permit Area

This permit covers all areas located within the corporate boundary of the City of Tulsa that are served by or otherwise contributing to the MS4 owned or operated by the permittee(s).

B. Authorized Discharges

1. Except for discharges prohibited under Part I.C., this permit authorizes all existing or new stormwater point source discharges and certain non-stormwater discharges specified in paragraph 2 below to waters of the state from those portions of the MS4 owned or operated by the permittee(s).
2. Authorized non-stormwater discharges are
  - a. diverted stream flows;
  - b. uncontaminated discharges from riparian areas and wetlands;
  - c. uncontaminated groundwater or spring water;
  - d. residential building wash water that does not use detergents, solvents, and/or soaps;
  - e. uncontaminated pumped groundwater;
  - f. uncontaminated ground water infiltration;
  - g. uncontaminated and dechlorinated<sup>1</sup> discharges from potable water sources, including water line flushing and fire hydrant flushing;
  - h. foundation drains;
  - i. air conditioning condensate;
  - j. water from crawl space pumps;
  - k. footing drains;
  - l. residential, non-commercial, and charity car washing;
  - m. landscape irrigation and lawn watering, provided all pesticides, herbicides, and fertilizers have been applied in accordance with the approved manufacturers' instructions and/or labeling;
  - n. uncontaminated and dechlorinated<sup>1</sup> swimming pool discharges (excluding filter backwash or discharges associated with salt water pool systems);
  - o. street wash water, including wash water generated from the washing of other impervious surfaces such as sidewalks and parking lots, that does not use detergents, solvents, and/or soaps;
  - p. discharges in compliance with separate OPDES or NPDES permits;
  - q. discharges of gray water from municipal splash pads (aka, spray parks or spray grounds), as defined in Oklahoma Statutes 27A O.S. § 2-6-107, unless otherwise permitted or regulated by DEQ, provided the discharges comply with all applicable municipal and county ordinances enacted pursuant to law (discharges from

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<sup>1</sup> The discharge shall be considered dechlorinated when there is no measurable amount (defined as < 0.1 mg/L) of residual chlorine. See OAC 252:690-3-28.

recirculating systems shall be de-chlorinated); and

- r. discharges or flows from emergency firefighting activities or training activities that are not taking place at a permanent facility, that either do or do not involve per- and polyfluoroalkyl substances-(PFAS)-containing aqueous firefighting foams (AFFFs), and that are consistent with Part II.A.9. of this permit. Procedures shall be in place for the Incident Commander, Fire Chief, or other on-scene firefighting official in charge to make an evaluation regarding potential releases of pollutants from the scene.
  - i. Measures shall be taken to reduce any such pollutant releases to the Maximum Extent Practicable (MEP) subject to all appropriate actions necessary to avoid or minimize the impacts on water quality and to ensure public health and safety. After the emergency or training activity has ceased, non-stormwater discharges (e.g., discharges associated with clean-up) are prohibited. Determination of cessation of the emergency or training activity is at the discretion of the on-site coordinator.
  - ii. These procedures shall be documented in the SWMP.
3. Non-stormwater discharges are authorized only under the following conditions:
  - a. Discharges are insignificant sources of pollutants to the MS4 because of the nature of the discharges or because of the conditions the permittee(s) have established for allowing these discharges to occur (e.g., charity car washes with appropriate controls, proximity to sensitive waterbodies).
  - b. Documentation is included in the SWMP describing any local controls or conditions placed on such discharges.
  - c. A provision is included in the SWMP prohibiting any individual non-stormwater discharge that is determined to be contributing significant amounts of pollutants to the MS4.

#### **C. Limitations on Coverage**

1. Discharges mixed with non-stormwater are unauthorized unless such discharges are
  - a. in compliance with a separate OPDES or NPDES permit, or
  - b. determined not to be a substantial contributor of pollutants to waters of the state in accordance with Part I.B.2. of this permit.
2. Discharges associated with industrial activity, as defined in 40 C.F.R. § 122.26(b)(14), are unauthorized.
3. Stormwater discharges associated with construction activity, as defined in 40 C.F.R. § 122.26(b)(15), are unauthorized except as provided in Part II.A.5. of this permit.
4. Stormwater discharges currently covered under another permit are unauthorized.
5. Discharges exceeding WQS are unauthorized. The SWMP must include a description of all necessary Best Management Practices (BMPs) and other measures that the permittee(s) will be using to ensure that discharges will not cause, have the reasonable potential to cause, or contribute to an exceedance of WQS. DEQ may require corrective action if the MS4 is determined to cause, have the reasonable potential to cause, or contribute to an exceedance of WQS.
6. Discharges not consistent with a TMDL are unauthorized. Discharge of a pollutant into



any water for which a TMDL, or watershed plan in lieu of a TMDL, for that pollutant has been either established or approved by DEQ or U.S. Environmental Protection Agency (EPA) is prohibited, unless the permittee(s)' discharge is consistent with that TMDL or watershed plan. The permittee(s) must incorporate into the SWMP any conditions necessary to ensure discharges are consistent with the assumptions and requirements of any such TMDL or watershed plan in accordance with the schedules in Parts II.A. and III.A. If conditions change after the effective date of the permit, the permittee(s) may remain covered by the permit provided they comply with the applicable requirements of Part I.G. For discharges not eligible for coverage under this permit, the permittee(s) must apply for and obtain a separate individual permit

7. Discharges of materials resulting from a spill are unauthorized. If discharges from a spill are necessary to prevent imminent threat to human life, personal injury, or severe property damage, the permittees have the responsibility to ensure the party responsible for the spill takes reasonable and prudent measures to minimize the impact of discharges on human health and the environment. These responsibilities may be in the form of a spill prevention and response plan or through implementation and legal enforcement of BMPs developed to satisfy the requirements of Part II.A.4.f.
8. This permit does not transfer liability for discharging without, or in violation of, an OPDES or NPDES permit from the responsible party of the discharge to the permittee. The requirements in this permit must provide compliance with the WQS.

**D. Responsibilities of the Permittee(s)**

1. Each permittee is individually responsible for the following:
  - a. Compliance with permit conditions relating to discharges from portions of the MS4 where the permittee is the operator;
  - b. SWMP implementation on portions of the MS4 where the permittee is the operator;
  - c. Compliance with annual reporting requirements as specified in Part IV.C.;
  - d. Collection of representative monitoring data required by Part IV.A. according to such agreements as may be established between permittees; and
  - e. A plan of action to assume responsibility for implementation of stormwater management and monitoring programs on its portion of the MS4 should inter-jurisdictional agreements allocating responsibility between permittees be dissolved or in default.
2. Permittees are jointly responsible for permit compliance on portions of the MS4 where operational or SWMP implementation authority is shared or has been transferred from one permittee to another in accordance with legally binding agreements.

**E. Discharge Requirements**

The following requirements are established for discharges from the MS4:

1. No discharge of toxic pollutants in toxic amounts;
2. No discharge of pollutants in quantities that would cause, have the reasonable potential to cause, or contribute to a violation of WQS;
3. No discharge of floatable debris, oils, scum, foam, or grease in other than trace amounts;
4. No discharge of non-stormwater from the MS4 (except as provided in Part I.B.2.);
5. No impairment or loss of state-designated beneficial uses of receiving waters as a result of stormwater discharges from the MS4. No degradation of receiving waters as a result

of stormwater discharges from the MS4 except as authorized by the state in accordance with the state's Anti-degradation Policy (82 O.S. § 1085.30 (C)(1) and OAC 252:730-5-25); and

6. Reduction of pollutants discharged to the MEP, detailed in Part II.A. of this permit.

**F. Discharges to Impaired Waters**

1. If the permittee(s) discharge to receiving waters identified on the latest CWA. section 303(d) list of impaired waters, the permittee(s) must document in the SWMP, in accordance with the schedule in Part III.A.1.b., how they will comply with the following requirements.
  - a. Implement and maintain BMPs that will ensure the 303(d) impairment caused by identified pollutants (e.g., nitrogen, phosphorus, bacteria) in the receiving waters will not cause, have the reasonable potential to cause, or contribute to an in-stream exceedance of WQS. The permittee(s) must continue to provide the following information when revising the SWMP:
    - i. A plan that lists the BMPs the permittee(s) have implemented or will implement to reduce the pollutants of concern (POCs). The plan must describe how the permittee(s) expect the selected controls to reduce the POCs.
    - ii. Outreach programs that are directed toward targeted groups of commercial, industrial, and institutional entities likely to have significant stormwater impacts on the permittee(s)' impaired water(s).
    - iii. Identification of and proposed controls for any non-stormwater discharges that contribute significant pollutants to the permittee(s)' impaired water(s).
    - iv. Identification and location of those areas likely to have illicit discharges. The permittee(s) must conduct inspections based on the priority areas in the watershed of the impaired water(s).
    - v. Operation and maintenance procedures for any structural and non-structural stormwater controls to reduce pollutants discharged into the impaired water(s).
    - vi. A list of flood management projects and how each project assessed the impacts on water quality. The permittee(s) must ensure that new flood management projects assess the impacts on water quality and examine existing projects to determine if incorporating additional water quality protection devices and practices are necessary.
    - vii. BMPs chosen from EPA's menu or selected others that can be used for managing the identified pollutants in the permittee(s)' discharge(s). Information on such BMPs can be found on EPA's website.
    - viii. If the POC is bacteria, a list of identified BMPs addressing the areas below, as applicable, in the SWMP and appropriate implementation. The permittee(s) must include these BMPs under each associated control measure or activity under Part II.A. BMPs must address
      - (a) sanitary sewer systems by
        - (1) identifying and making improvements,
        - (2) identifying and correcting lift station inadequacies that have led or could lead to unpermitted discharges,
        - (3) making improvements in reporting violations, and

- (4) strengthening controls.
- (b) on-site sewage facilities by responding to complaints regarding private on-site sewage facilities that impact the MS4 and referring to the appropriate state agency, as necessary.
- (c) illicit discharges and dumping by placing additional efforts into reducing waste sources of bacteria (e.g., septic systems, grease traps, and grit traps).
- (d) animal sources by expanding existing programs to identify and target potential sources (e.g., zoos, pet waste, horse stables, and livestock sale barns).
- (e) residential education programs by increasing focus on
  - (1) bacteria discharging from residential sites either directly or during runoff events,
  - (2) fats, oils, and grease clogging sanitary sewer lines and resulting in overflows,
  - (3) decorative ponds, and
  - (4) pet waste.
- b. Where a discharge is already authorized under this permit and is later determined to cause, have the reasonable potential to cause, or contribute to the in-stream exceedance of an applicable water quality standard, DEQ will notify the permittee(s). The permittee(s) must take all necessary actions to ensure that their discharges do not cause, have the reasonable potential to cause, or contribute to in-stream exceedance of a water quality standard, and must document these actions in the SWMP. If an exceedance remains or recurs, DEQ may reopen and modify this permit to establish effluent limitations, monitoring requirements, controls, or activities.

#### **G. Established TMDL Allocations**

1. Discharge of a pollutant into any water for which a TMDL or watershed plan in lieu of a TMDL for that pollutant has been either established or approved by DEQ or the EPA is prohibited unless the discharge is consistent with that TMDL or watershed plan.
  - a. *SWMP Review and Modification.* The permittee(s) shall evaluate the existing SWMP in relation to the TMDL reduction goals. Any resulting modifications shall be implemented in accordance with the schedule in Part III.A.1.b. and then as needed. At a minimum, the permittee(s)' evaluation shall provide and identify each of the following items and information:
    - i. Provide a list of approved TMDLs or watershed plans applicable to the permittee(s)' discharge(s), as well as any associated implementation plans.
    - ii. Provide the WLA for each POC assigned to the permittee(s)' discharge(s), as well as any other TMDL limitations, conditions, monitoring, or other requirements applicable to the discharge(s).
    - iii. Identify potential significant sources of POCs entering the permittee(s)' discharge(s).
    - iv. Identify opportunities to address the POCs identified within the TMDL or watershed plan and implement those changes. A justification shall be provided

for any changes that are not made. At a minimum, the permittee(s) shall expand or modify the

- (a) existing public education programs to reduce the discharge of POCs,
  - (b) existing illicit discharge detection and elimination (IDDE) or dry weather field screening (DWFS) programs to specifically address the POCs, and
  - (c) existing ordinances or other regulatory mechanisms to require the reduction or control of POCs, enforcement procedures for noncompliance, and develop additional ordinances, or other regulatory mechanisms, as necessary.
- b. *TMDL Pollutant Reduction Plan.* The permittee(s) shall participate in a coordinated regional pollutant reduction plan or develop their own individual plans in accordance with the schedule in Part III.A.6.a. The plan must incorporate all approved TMDLs addressing the MS4's stormwater discharge(s) and place emphasis on all the POCs associated with impairments. At a minimum, the plan shall provide the following items:
- i. A specific list of BMPs, including alternative BMPs, to be used to meet the requirements of the TMDL, watershed plan, and/or associated implementation plan. Summary information on some BMPs that may be considered for pollutant reduction can be found in the TMDL reports referenced in Table I-1. The permittees(s) are not limited to BMPs listed in these TMDL reports and should select BMPs appropriate to the local community that are expected to result in progress toward meeting the reduction goals established in the TMDL.
  - ii. These BMPs shall be evaluated at least one (1) time per year to monitor or assess progress or effectiveness in reducing the discharge of POCs. The result of the evaluation, including recommended solutions if control actions do not achieve measurable goals, shall be included in the annual report.
  - iii. If a selected BMP does not achieve the measurable goal or reduce the discharge of POCs, an alternative BMP shall be implemented within three (3) years of determining a BMP is ineffective. A specific schedule for compliance with each TMDL or watershed plan to ensure that the WLA and/or associated implementation plan will be met within any timeframes established in the TMDL or watershed plan. The schedule shall specify annual pollutant load reductions and control actions to make progress toward and ultimately achieve the measurable goal. The schedule shall include interim milestones that shall be evaluated every three (3) years.
  - iv. If the POC is bacteria, the plan shall include BMPs that address all elements listed in Part I.F.1.a.viii.
  - v. If the permittee(s) achieve compliance with an assigned WLA, at a minimum, the permittee(s) must continue to implement BMPs that are equivalent to those in effect at the time of compliance.
  - vi. Plan updates for any new or revised TMDL or watershed plan approved for any receiving water into which the permittee(s) discharge after the date that the permit becomes effective. The permittee(s) shall update their plans within one (1) year of TMDL approval to incorporate any WLAs or other TMDL limitations, conditions, monitoring, or other requirements applicable to their discharges to ensure that the WLAs and/or associated implementation plan will

be met within any timeframes established in the TMDL or watershed plan. A summary of the revisions shall also be submitted in the regularly scheduled annual report.

- vii. An evaluation of the permittee(s)' pollutant load contributions and reductions to demonstrate consistency with all approved TMDLs and progress toward meeting any reduction goals established in the TMDLs. This evaluation shall be included in the permittee(s) fifth year annual report.
- c. *TMDL Pollutant Monitoring Plan.* Permittee(s) shall participate in a coordinated regional pollutant monitoring plan or each permittee shall develop its own individual plan. This plan may be developed as a separate plan or may be incorporated into the watershed characterization program described in Part II.A.8.b. in accordance with the schedule in Part III.A.6.b. The plan should be designed to establish the effectiveness of the selected BMPs and demonstrate progress toward achieving the reduction goals of the TMDLs or watershed plans, and eventual attainment of WQS.
- d. *Monitoring Requirements.* At a minimum, the monitoring plan(s) shall provide
  - i. a detailed description of the program goals, monitoring plan, and sampling and analytical methods,
  - ii. a list and map of the selected TMDL pollutant monitoring sites,
  - iii. the frequency of data collection to occur at each station or site,
  - iv. the parameters to be measured relevant to the TMDL(s),
  - v. the Quality Assurance Project Plan that complies with EPA requirements,<sup>2</sup> and
  - vi. records of samples that include the elements listed in Part IV.A.1.c.
- e. *Annual Reporting.* The permittee(s) shall include a TMDL implementation report as part of their annual report. The TMDL implementation report shall include the status and actions taken to implement the TMDL pollutant reduction plan and monitoring program. The TMDL implementation report shall provide
  - i. any relevant actions taken by the permittee that affect MS4 stormwater discharges to the waterbody segments that are the subject of the TMDL,
  - ii. the status of any applicable TMDL implementation schedule milestones,
  - iii. an evaluation of the effectiveness of the pollutant reduction plan and monitoring program to ensure progress toward attainment of WQS,
  - iv. an evaluation of the permittee(s)' pollutant load contributions and reductions to demonstrate consistency with all approved TMDLs and progress toward meeting any reduction goals established in the TMDLs,
  - v. an evaluation of the implemented BMPs to monitor or assess progress or effectiveness in reducing the discharge of POCs, and
  - vi. a summary of any revisions made to address applicable new or revised TMDLs or watershed plans that are approved after the effective date of this permit.
- f. *Existing Approved TMDLs.* Table I-1 lists existing approved TMDLs at the time of permit issuance, which are affected by the permittee(s)' discharges. This permit

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<sup>2</sup> EPA Requirements for Quality Assurance Project Plans (QA/R-5).

serves as notification that these TMDLs are considered effective upon the permit effective date and of the requirement to begin implementing these TMDLs for the applicable MS4 discharges.

**Table I-1. Existing Approved TMDLs Affected by Permittee(s)' Stormwater Discharges**

<b>Watershed Basin</b>	<b>TMDL Report</b>	<b>Applicable Stream Segments</b>	<b>Pollutant(s) of Concern</b>
Basin 1 Middle Arkansas-Verdigris- Neosho	Arkansas River and Haikey Creek Bacteria TMDLs - 2008 <sup>3</sup>	OK120420010010 (Arkansas River)	Bacteria
		OK120410010210 (Haikey Creek)	Bacteria
	Lower Bird Creek Watershed Bacteria TMDLs - 2011	OK121300010010 (Lower Bird Creek)	Bacteria
		OK121300010090 (Coal Creek)	Bacteria
	Arkansas River and Verdigris River Area – Bacteria and Turbidity TMDLs – 2012 <sup>3</sup>	OK120420010010 (Arkansas River near Bixby)	Bacteria

<sup>3</sup> Both the 2008 and 2012 TMDLs address bacteria impairments in WBID OK120420010010\_00. For this WBID, the bacteria reduction goals and requirements of the more recent 2012 TMDL shall be implemented.



## **PART II. STORMWATER MANAGEMENT PROGRAM (SWMP)**

Each permittee shall continue to contribute to the implementation and revision as necessary of the existing comprehensive SWMP, including descriptions of pollution prevention measures, treatment or removal techniques, monitoring, use of legal authority, and other appropriate means to control the quality of stormwater discharged from the MS4. The SWMP shall continue to be implemented in accordance with section 402(p)(3)(B) of the Act, and the stormwater rules in OAC 252.606-1-3(b)(3)(L) incorporating by reference 40 C.F.R. § 122.26.

Controls and activities in the SWMP shall identify areas of permittee responsibility on a jurisdictional, applicability, or specific area basis. The SWMP shall continue to include controls necessary to effectively prohibit the discharge of non-stormwater into municipal separate storm sewers and reduce the discharge of pollutants from the MS4 to the MEP, to protect water quality and to satisfy the appropriate water quality requirements of the CWA.

The permittee(s) must review the existing SWMP and, if necessary, revise and update existing and/or develop new BMPs and measurable goals in the SWMP to meet the requirements of this permit or as required by DEQ to ensure compliance with the statutory requirements of section 402(p)(3)(B) of the Act. Unless specified otherwise in Parts II.A. or III.A., modifications and updates shall be documented in the SWMP within one (1) year and implemented within two (2) years after the effective date of this permit, and then as needed. The SWMP shall cover the term of this permit and shall be kept up to date. Compliance with the SWMP and any schedules in Part III shall be deemed compliance with Parts II.A. and II.B.

Implementation of the SWMP may be achieved through participation with other permittees, public agencies, or private entities in cooperative efforts to satisfy the requirements of Part II in lieu of creating duplicate program elements for each individual permittee. The SWMP, taken as a whole, shall achieve the "effective prohibition on the discharge of non-stormwater" and "MEP" standards from section 402(p)(3)(B) of the Act.

### **A. SWMP Requirements**

1. *Public Education and Involvement.* The permittee(s) shall continue to implement and revise as necessary a program to distribute information and educational materials to the community and MS4 staff, or conduct equivalent outreach activities to promote behavior changes to reduce pollutants in stormwater runoff and eliminate illicit discharges. The activities shall occur at the frequencies specified in Part II.A.9. and shall be tailored using a mix of locally appropriate strategies to target specific audiences and communities served by the permittee(s), such as local developers, local businesses and industries, schools, public employees, and the public being served by the MS4. The Oklahoma Department of Transportation and Oklahoma Turnpike Authority shall address the communities working on and/or served by the transportation network within the MS4 including employees, contractors, and the public.
  - a. The program must describe educational and training activities, public information activities, and other appropriate activities to
    - i. promote, publicize, and facilitate implementation and maintenance of BMPs such as minimizing exposure, good housekeeping, preventive maintenance, spill preventions and response, and erosion and sediment controls at industrial facilities;
    - ii. promote, publicize, and facilitate public education on the hazards associated with illicit discharges and improper disposal of waste, as well as public



- reporting of the presence of illicit discharges or improper disposal of materials, including floatables, into the MS4, or water quality impacts associated with discharges from the MS4;
- iii. promote, publicize, and facilitate implementation and maintenance of erosion and sediment controls at construction sites;
  - iv. promote, publicize, and facilitate an education program to make developers and the public aware of project designs that minimize water quality impacts, including LID strategies;
  - v. promote, publicize, and facilitate the proper management and disposal of used oil and toxic materials, including motor vehicle fluids and household hazardous wastes;
  - vi. promote, publicize, and facilitate the proper use, application, spill prevention, and disposal of pesticides, herbicides, and fertilizers by the public, MS4 contractors, landscape specialists, other lawn care specialists, and commercial and private applicators and distributors;
  - vii. promote, publicize, and facilitate opportunities for public involvement and participation in the implementation of the SWMP, including opportunities for public participation in updating the SWMP. This shall include a process by which public comments on the SWMP are received and reviewed by the person(s) responsible for the SWMP. Permittees must comply with state and local public notice requirements when implementing their program; and
  - viii. assess changes in public awareness and behavior resulting from implementation of the program using mechanisms such as surveys, direct evaluations, interviews, or other mechanisms the permittee determines appropriate. Adjust educational materials and delivery of such materials as necessary to address any shortcomings found as a result of this assessment.
- b. If the permittee(s) discharge to waters identified on the latest 303(d) list of impaired waters, the permittee(s)' program must be directed towards targeted groups of commercial, industrial, and institutional entities likely to have significant stormwater impacts on the permittee(s)' impaired waters.
2. *Employee Education.* The permittee(s) shall continue to implement and revise as necessary a program to educate appropriate employees on internal policies and procedures, as well as operations, maintenance, inspections, and enforcement, including education for engineers, specialists, and inspectors on the rules and regulations for permit compliance and municipal ordinances. The program shall include municipal employee training that has the goal of preventing or reducing pollutant runoff from municipal operations. Training shall be performed at the frequencies specified in Part II.A.9. Using training materials that are available from EPA, the state, or other organizations, the program must include employee training to prevent and reduce stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance.
  3. *Industrial Stormwater Runoff Control.* The permittee(s) shall continue to implement, revise as necessary, and enforce a program to identify and prevent or reduce pollutants in stormwater discharges to the MS4 from municipal landfills; other

treatment, storage, or disposal facilities for municipal waste (e.g. transfer stations, incinerators, etc.); hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to the Emergency Planning and Community Right-to-know Act (EPCRA), Section 313;<sup>4</sup> and any other industrial or commercial discharges the permittee(s) determine are contributing a substantial pollutant loading to the MS4. At a minimum, the program requirements shall be consistent with the OKR05 General Permit. This program shall be described in the SWMP and shall include the following:

- a. A list of industrial facilities that are subject to the OKR05 General Permit and individual OPDES or NPDES permits for discharges of stormwater associated with industrial activity that ultimately discharge to the MS4. This list shall continue to be maintained and updated at least one (1) time per year.
  - b. Ordinances or other regulatory mechanisms, to the extent allowable under state and local law, to require BMPs that will minimize exposure, provide good housekeeping, preventive maintenance, spill prevention and response, and erosion and sediment controls, as well as sanctions to ensure compliance. Existing ordinances shall be reviewed and revised as necessary to meet the requirements of this permit.
  - c. Priorities and procedures for site inspection and enforcement of control measures, including enforcement escalation procedures for recalcitrant or repeat offenders. Prioritization shall consider the nature of the industrial activity, topography, and the characteristics of soils and receiving water quality. Inspection findings shall be documented and all necessary follow-up actions (i.e., re-inspection, enforcement) shall be taken to ensure site compliance. Site inspections shall be conducted at the frequencies specified in Part II.A.9.3.b.
  - d. Priorities and procedures for monitoring (see also Part II.A.8.c.) and continually establishing and implementing control measures for such discharges.
4. *Illicit Discharge Detection and Elimination.* Non-stormwater discharges to the MS4 shall continue to be effectively prohibited. Permittee(s) shall continue to implement, revise as necessary, and enforce the existing illicit discharge detection and elimination program, including illegal dumping and on-site sewage disposal systems, to detect and eliminate non-stormwater discharges to the MS4. The program must include DWFS, identify non-stormwater flows, and new elements should be developed and implemented, as necessary. Discharges regulated by a separate OPDES or NPDES permit, and non-stormwater discharges identified by the permittee as specified in item (a) below, need not be addressed as illicit discharges by the permittee(s) nor prohibited from entering the MS4.
- a. The permittee(s) shall identify in the SWMP any categories of non-stormwater sources that are not prohibited from being discharged into the MS4, in accordance with conditions described in Part I.B.
  - b. The permittee(s) shall continue to implement and revise as necessary the program to locate and eliminate illicit discharges and improper disposal into the MS4. At a minimum, this program must continue to implement and document the following procedures:

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<sup>4</sup> Authorized by Title III of the Superfund Amendments and Reauthorization Act (SARA), the Emergency Planning & Community Right-to-Know Act (EPCRA) was enacted by Congress as the national legislation on community safety. This law is designed to help local communities protect public health, safety, and the environment from chemical hazards. (42 U.S.C. §§ 11001 *et seq.*)

- i. Identify priority areas with a higher likelihood of illicit connections or discharges (e.g., areas with older sanitary sewer lines or with a history of sewer overflows or cross-connections; areas with older infrastructure that are more likely to have illicit connections; areas of industrial, commercial, or mixed use; areas with a history of past illicit discharges; areas with a history of illegal dumping or citizen complaints; and areas that discharge to Aquatic Resources of Concern [ARCs]). Update this priority area list to reflect changing priorities at least one (1) time per year.
  - ii. Conduct on-going field screening activities during the life of the permit. Identify areas or locations that will be evaluated by such field screens.
  - iii. Investigate portions of the separate storm sewer system that, based on the results of the field screening or other appropriate information, indicate a reasonable potential of containing illicit discharges or other sources of non-stormwater. Such procedures may include sampling procedures for constituents such as fecal coliform, fecal streptococcus, *E. coli*, surfactants (MBAS), residual chlorine, fluorides, and potassium; testing with fluorometric dyes; or conducting in-storm sewer inspections where safety and other considerations allow. Identify the locations of storm sewers that have been identified for such evaluation.
  - iv. Trace or investigate the source of the illicit discharge. The investigation shall take place within 72 hours of the receipt of any complaints, reports, field screening results, or monitoring information that indicates a potential illicit discharge. Describe the specific techniques used to detect the location of the source.
  - v. Remove the source of the illicit discharge.
  - vi. Identify problems using visual indicators and simple field test kits. Laboratory methods can be reserved for situations where a problem has been identified and there is a need to enforce on a suspected illicit discharge.
- c. Field screening activities shall continue to include DWFS to locate portions of the MS4 with suspected illicit discharges and improper disposal. Priorities shall continue to be established based on magnitude and nature of the suspected discharge; sensitivity of the receiving water; and/or other relevant factors, and schedules for screening areas of the MS4 at the frequencies specified in Part II.A.9.4.e. Permittee(s) shall continue to utilize a consistent method (e.g., by land area, by outfall, etc.) for determining the percentage of the MS4 that has been screened. Facility inspections may be carried out in conjunction with other municipal programs (e.g., pretreatment inspections of industrial users, health inspections, fire inspections, etc.), and may include random inspections for facilities not normally visited by the municipality.
  - d. Permittee(s) shall continue to implement and enforce an ordinance or other regulatory mechanism, to the extent allowable under state or local law, to effectively prohibit illicit discharges into the MS4, and continue to implement appropriate enforcement procedures and actions. Include a copy of the relevant sections or the ordinance or other regulatory mechanism with the illicit discharge detection and elimination program.
  - e. Permittee(s) shall continue to require the elimination of illicit discharges and improper disposal practices as expeditiously as reasonably possible. Where

elimination of an illicit discharge within 30 days is not possible, the permittee(s) shall require an expeditious schedule for removal of the discharge. In the interim, the permittee(s) shall require the operator of the illicit discharge to take all reasonable and prudent measures to minimize the discharge of pollutants to the MS4. Each permittee shall continue to prevent (or require the operator of the sanitary sewer to eliminate) unpermitted discharges of dry- and wet-weather overflows from sanitary sewers into the MS4. Each permittee shall continue to implement and revise as necessary controls to limit the infiltration or seepage from sanitary sewers into the MS4. A description of these controls shall be included in the SWMP.

- f. *Spill Prevention and Response.* Permittee(s) shall continue to implement and revise as necessary the program to prevent, contain, and respond to spills that may discharge into the MS4. Where discharge of material resulting from a spill is necessary to prevent loss of life, personal injury, or severe property damage, the permittee(s) shall take, or ensure the party responsible for the spill takes, all reasonable steps to minimize or prevent any adverse effects on human health or the environment. The spill response program shall continue to be described in the SWMP and include a combination of spill response actions by the permittee(s) (and/or another public or private entity), and legal requirements for private entities within the permittee's jurisdiction.
- g. The discharge or disposal of used motor vehicle fluids and household hazardous wastes and the intentional disposal of collected quantities of grass clippings, leaf litter, and animal wastes into storm sewers shall continue to be prohibited. The permittee(s) shall continue to ensure the implementation of programs to collect used motor vehicle fluids (at a minimum, oil and antifreeze) for recycle, reuse, or proper disposal and to collect household hazardous waste materials (including paint, solvents, pesticides, herbicides, and other hazardous materials) for recycle, reuse, or proper disposal. Such programs shall be readily available to the residential sector within the MS4 and to all qualifying Tulsa residents or residents from other communities with legal inter-jurisdictional agreements, and shall be publicized and promoted on a regular basis.
- h. The permittee(s) shall continue to implement and revise as necessary the floatables control program to identify sources and reduce the discharge of floatables (e.g., litter and other human-generated solid refuse). The floatables control program shall continue to include source controls and, where necessary, structural controls. A description of maintenance activities and a maintenance schedule for such structural controls shall be included in the SWMP.
- i. *Storm Sewer System Map.* Permittee(s) shall continue to maintain and regularly update a storm sewer system map, showing the locations of all outfalls and the names and locations of all waters of the state that receive discharges from those outfalls.
- j. The permittee(s) shall maintain and at least one (1) time per year update a list of discharges to MS4s that have been issued an OPDES or NPDES permit or authorization, and occasional incidental non-stormwater discharges or flows as allowed in Part I.B. The list shall include the name, location, and OPDES or NPDES permit/authorization number of the discharger if applicable.

5. *Construction Site Stormwater Runoff Controls.*

- a. Permittee(s) shall continue to implement, revise as necessary, and enforce the program to reduce pollutants in any stormwater runoff to the MS4 from construction activities. This program's requirements shall be at least as stringent as with the requirements of Part 4 (Effluent Limitations) and Part 5 (Stormwater Pollution Prevention Plan) of the OKR10 General Permit for Stormwater Discharges from Construction Activities (OKR10). This program shall be described in the SWMP and shall continue to include the following:
  - i. Ordinances or other regulatory mechanisms, to the extent allowable under state or local law, to require erosion and sediment controls as well as sanctions to ensure compliance. Existing ordinances shall be reviewed and revised as necessary to meet the requirements of this permit.
  - ii. Procedures for site plan review which incorporate consideration of potential water quality impacts, including erosion and sediment controls, controls of other wastes, and any other impacts that must be examined according to the requirements of the local ordinance or other regulatory mechanism.
  - iii. Requirements ensuring construction site operators continue to use and maintain appropriate structural and nonstructural BMPs to reduce pollutants discharged to the MS4 during the time construction is underway.
  - iv. Priorities and procedures for site inspection and enforcement of control measures, including enforcement escalation procedures for recalcitrant or repeat offenders. Prioritization shall consider the nature of the construction activity, topography, and the characteristics of soils and receiving water quality. Inspection findings shall be documented and all necessary follow-up actions (i.e., re-inspection, enforcement) shall be taken to ensure site compliance. Site inspections shall be conducted at the frequencies specified in Part II.A.9.5.
  - v. Where applicable, notification of building permit applicants of their responsibilities under the OPDES permitting program for construction site runoff.
- b. *Municipal Construction Activities.* Tulsa shall be authorized by this permit to discharge stormwater and certain non-stormwater from municipal construction activities where Tulsa is the construction site operator. This provision does not apply to OTA or ODOT, who are co-permittees. Tulsa shall include appropriate requirements associated with municipal construction activity in the SWMP and maintain compliance with the terms and conditions of the most recent OKR10 general permit, excluding NOI, NOT, and permit fee submittal requirements. The SWMP shall be updated to include
  - i. a description of how construction activities will generally be conducted by Tulsa, including local conditions and other site-specific considerations,
  - ii. a description of how Tulsa will implement the technology-based requirements to comply with Part 4 of the latest OKR10,
  - iii. a description of how Tulsa will ensure that the OKR10 Stormwater Pollution Prevention Plan (SWP3) requirements are properly implemented and maintained at municipal construction sites where Tulsa is the operator, and how Tulsa will ensure that its contractors obtain authorization under the latest

OKR10 from DEQ for stormwater discharges from municipal construction sites where contractors are the operators, and

- iv. the general SWP3 conditions and procedures to include site-specific BMPs to account for local considerations.
6. *Post-Construction Management in New Development and Redevelopment.* Permittee(s) shall continue to implement, revise as necessary, and enforce a comprehensive master planning process (or equivalent) to minimize the discharge of silt, scrap, litter, trash, and other pollutants from areas of new development and redevelopment projects that disturb greater than or equal to one (1) acre, including projects less than one (1) acre that are part of a larger common plan of development or sale, after construction is completed. This shall include updating the permittee(s)' Stormwater Criteria Manual at the frequencies in Part II.A.9.6.a. This program must maintain pre-development runoff conditions and ensure that controls are in place that would prevent or minimize water quality impacts. Permittee(s) shall continue to do the following:
- a. Implement and enforce ordinances or other regulatory mechanisms, to the extent allowable under state and local law, to require the use of BMPS, with highest preference given to LID and other green design strategies, to address post-construction runoff from new development and redevelopment projects.
  - b. Implement and enforce procedures, such as ordinances or other regulatory mechanisms, to ensure adequate long-term operation and maintenance of BMPs that are installed during and left in place after the completion of a construction project. Maintenance may be conducted by the MS4 or by the owner/operator of the BMP(s). For this part, owner/operator is the party with control over operational and maintenance activities of the BMP(s), including homeowner associations (HOAs), commercial and industrial entities. Owners of individual residential properties, which serve as the owner's primary residence, may be excluded.
  - c. Continue to review as necessary local ordinances, regulations, and engineering plans or specifications to identify any legal/regulatory barriers or impediments to LID as well as opportunities to promote LID at the frequency in Part II.A.9.6.b. Continue to maintain and update as necessary a schedule to remove those barriers and implement identified opportunities. If a barrier is not removed or an opportunity is not implemented, provide a justification.
  - d. Assess current street design, parking lot guidelines, and other requirements that affect the creation of impervious cover and implement additional guidelines or design standards to support LID design options. Provide a justification if additional guidelines are not implemented.
7. *Pollution Prevention/Good Housekeeping for MS4 Operations.* Permittee(s) shall continue to implement, update as necessary, and enforce an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from MS4 operations such as streets, roads, highways, parking lots, maintenance and storage yards, fueling areas, bulk fuel receiving areas, waste transfer stations, fleet or maintenance shops, salt/sand storage locations, and snow disposal areas. Permittee(s) shall do the following:
- a. *General Provisions.*
    - i. Maintain and at least one (1) time per year update an inventory of all MS4 operations that are impacted by this program.



- ii Maintain and at least one (1) time per year update a list of industrial facilities owned or operated by the permittee(s) that are subject to OKR05, or individual OPDES or NPDES permits for discharges of stormwater associated with industrial activity, that ultimately discharge to the MS4. The permit/authorization number or a copy of the industrial NOI form for each facility must be included.
- iii Implement and enforce procedures for controlling, reducing, or eliminating the discharge of pollutants. At a minimum, the program must
  - (a) require implementation of BMPs<sup>5</sup> including sediment and erosion controls during routine maintenance, water line breaks, and emergency repairs. After these activities have been completed, stabilization measures shall be implemented within 14 calendar days of completion.<sup>6</sup>
  - (b) ensure that vehicle wash waters are not discharged into the MS4 or waters of the state.
- b. *Structural and Non-Structural Controls and Stormwater Collection System Operation.* Operate and maintain the MS4 and any stormwater structural and non-structural controls in a manner to ensure that the discharge of pollutants is reduced to the MEP. Establish procedures for inspecting, cleaning, and repairing catch basins and detention ponds; and sweeping streets, sidewalks, and permittee-owned parking lots within the MS4. The SWMP shall include a description of maintenance activities and schedules for structural controls to reduce pollutants (including floatables) in discharges from the MS4.
- c. *Roadways.* Operate and maintain public streets, roads, and highways to minimize the discharge of pollutants, including those pollutants related to deicing or sanding activities and storm inlet/hood cleaning. Road maintenance and deicing contractors shall be familiar with MS4 regulations and requirements to prevent contamination of the waters of the state. Contracts shall include appropriate provisions to ensure compliance with the SWMP and this permit.
- d. *Flood Control Projects.* Implement procedures to ensure that new flood management projects are assessed for impacts on water quality. The feasibility of retrofitting existing structural flood control devices to provide additional pollutant removal from stormwater shall also continue to be evaluated. A list of flood management projects newly implemented or retrofitted during the reporting year, and how each project assessed the impacts on water quality, shall be included in the annual report.
- e. *Petroleum Products and Chemicals.* Implement and revise as necessary procedures for proper use, storage, and disposal of both petroleum and non-petroleum products at municipal offices, police and fire stations, pools, parking garages, and other permittee-owned or operated buildings or utilities. Continue to implement a Spill Prevention and Response Plan to ensure that appropriate actions will take place when a spill occurs at an MS4 facility.
- f. *PFAS Management.* Implement measures to minimize discharges of PFAS during emergency firefighting activities and post-emergency activities, including clean-up. Establish specific protocols for minimizing the resuspension,

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<sup>5</sup> Ensure appropriate actions are taken that may be necessary to ensure public health and safety.

<sup>6</sup> Complete the installation of stabilization measures as soon as practicable, but no later than 14 calendar days after stabilization measures have been initiated, or seven calendar days if the discharge is to an impaired/TMDL waterbody or ARC.

- conveyance, and discharge of PFAS in the MS4, both during normal operations and during all maintenance and remediation activities. Document all such activities undertaken in the SWMP and provide a summary in the annual report.
- g. *Pesticide, Herbicide, and Fertilizer Application.* Implement and revise as necessary a pesticide, herbicide, and fertilizer application program to reduce the discharge of pollutants related to the permittee's storage and application of pesticides, herbicides, and fertilizers to the MEP. The SWMP shall contain a description of this program that shall include, as necessary, controls such as educational activities, permits, certifications and other measures for commercial applicators and distributors, and controls for application in public rights-of-way and at municipal facilities. Permittee(s) with jurisdiction over lands not directly owned by that entity (e.g., an incorporated city with authority over activities occurring anywhere within their city limits) shall also continue to implement programs to reduce the discharge of pollutants related to commercial application and distribution of pesticides, herbicides, and fertilizers. The use, storage, disposal, and transportation of pesticides, herbicides, and fertilizers must comply with the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. § 136 *et seq.*) and 40 C.F.R. Parts 150-189.
  - h. *Contractor Maintenance.* Any contractors hired to perform maintenance activities on MS4 facilities must be contractually required to comply with all the permittee(s)' stormwater control measures, good housekeeping practices, and facility-specific stormwater management operating procedures. The permittee(s) shall provide oversight to ensure that these contractual obligations are met.
  - i. *BMP Inspection and Maintenance.* Implement and enforce procedures for inspection and maintenance of structural and non-structural BMPs, including maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants discharged to the MS4. Inspections shall be conducted at least one (1) time per quarter at MS4 facilities subject to OKR05 or individual OPDES or NPDES permits, or one (1) time per year at other MS4 facilities impacted by the program.
8. *Monitoring Programs.* The following monitoring programs shall continue to be implemented in addition to the monitoring required by Part IV.
- a. *Dry Weather Field Screening Program.* Permittee(s) shall continue ongoing efforts to detect the presence of illicit connections and improper discharges to the MS4. Areas of the MS4 must continue to be screened at the frequencies listed in Part II.A.9.4.e. during the permit term. The screening methodology may rely on visual indicators and simple field test kits for most work where the permittee(s) are looking for indications of a problem, may be modified based on experience gained during actual field screening activities, and need not conform to the protocol at OAC 252:606-1-3(b)(3)(L), incorporating by reference 40 C.F.R. § 122.26(d)(1)(iv)(D). However, where samples are taken to confirm a particular illicit connection or improper disposal practice (e.g., in support of possible enforcement or legal action), sample collection and analysis shall be performed in accordance with Part IV.A.1.d.(2). of the permit.
  - b. *Watershed Characterization Program*
    - i. *Analytical Monitoring Program.* Permittee(s) shall continue to identify, investigate, and address areas within their jurisdiction that may be contributing excessive levels of pollutants to the MS4. The monitoring program shall



continue to

- (a) screen the MS4, in accordance with the procedures specified in the SWMP, and
  - (b) specify the sampling and non-sampling techniques to be used for initial screening and follow-up purposes. Sample collection and analysis shall be performed in accordance with the data quality objectives established in an applicable Quality Assurance Project Plan (QAPP) and with Part IV.A.1.d.(2). of the permit.
- ii. *Biological Monitoring Program:* Permittee(s) shall update and implement the biological monitoring program by the target date in Part III.A.5.a. Permittee(s) shall identify in-stream locations that continuously support valid biological communities and conduct aquatic habitat surveys and assessments of the benthic macroinvertebrate and fish communities. A schedule shall continue to be maintained and revised as necessary for conducting biological monitoring during the water quality monitoring aspect of the overall watershed characterization program. Schedules shall be aligned to provide a complete assessment, where applicable, of the identified watersheds in the period of five (5) years. When impacts to a watershed are identified based on the results of the biological monitoring program, investigations shall be undertaken which include, but are not limited to, wet weather field investigation with a goal of determining the extent that stormwater discharges contribute to the impacts. The requirements of this program are specified in Part IV.A.2. of the permit.
- c. *Industrial Stormwater Runoff Monitoring Program:* The program shall continue to include monitoring for pollutants in stormwater discharges to the MS4 from municipal landfills; other treatment, storage, or disposal facilities for municipal waste (e.g. transfer stations, incinerators, etc.); hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to section 313 of EPCRA (Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986); and any other industrial or commercial discharge the permittee(s) determine are contributing a substantial pollutant loading to the MS4.
  - i. Except as provided in ii below, the monitoring program shall include the collection of quantitative data on the following constituents:
    - (a) Any pollutants with effluent limitations in an existing OPDES permit for a subject facility;
    - (b) Oil and grease;
    - (c) Chemical oxygen demand (COD);
    - (d) pH;
    - (e) Biochemical oxygen demand, five-day (BOD<sub>5</sub>);
    - (f) Total suspended solids (TSS);
    - (g) Total phosphorus;
    - (h) Total Kjeldahl nitrogen (TKN);
    - (i) Total nitrogen;
    - (j) Ammonia as nitrogen;
    - (k) Nitrate plus nitrite nitrogen; and
    - (l) Any information on discharges required under OAC 252:606-1-3(b)(3)(H), adopting and incorporating by reference 40 C.F.R. §§ 122.21(g)(7)(iii) and (iv).
  - ii. Data collected by an industrial facility to satisfy the monitoring requirements

of an OPDES or NPDES discharge permit may be used to satisfy this requirement. Permittee(s) may require the industrial facility to conduct self-monitoring to satisfy this requirement.

- iii. *Alternative Certification.* In lieu of monitoring during the certification period, the permittee(s) may accept a “no exposure” certification from any facility that is neither presently allowing, nor expecting to allow, stormwater to be exposed to
- (a) raw and waste materials,
  - (b) final and intermediate products,
  - (c) by-products,
  - (d) material handling equipment or activities,
  - (e) industrial machinery or operations, or
  - (f) other significant materials from industrial activity.

Where the permittee(s) accept a “no exposure” certification, the permittee(s) shall conduct at least one (1) site inspection of the facility every five (5) years to verify the “no exposure” certification.

9. *Measurable Goals for Major BMPs.* The permittee(s) shall continue to fully implement the following measurable goals for each BMP associated with the above-listed SWMP components/control measures (Parts II.A.1 – 8.), in accordance with the specified target dates or frequencies.

<b>SWMP COMPONENTS/ CONTROL MEASURES</b>	<b>BMP ACTIONS</b>	<b>RESPONSIBLE PERMITTEE(S)</b>	<b>MEASURABLE GOALS, TARGET DATES, or FREQUENCIES</b>
1. Public Education and Involvement	a. Continue public education program through other agencies and associations, local developers, local businesses and industries, schools, and the public. Include education and training activities focused on: <ul style="list-style-type: none"> <li>i. implementation and maintenance of BMPs at industrial facilities;</li> <li>ii. public education on the hazards associated with illicit discharges and improper disposal of waste;</li> <li>iii. implementation and maintenance of erosion and sediment controls at construction sites;</li> <li>iv. developer and public awareness of project designs that minimize water quality impacts, including LID strategies;</li> <li>v. proper management and disposal of used oil and toxic materials, including motor vehicle fluids and household hazardous wastes; and</li> <li>vi. proper use, application, and disposal of pesticides, herbicides, and fertilizers by the public and commercial and private applicators and distributors.</li> </ul>	All (Tulsa, ODOT, and OTA)	At least six (6) public education activities per year. Each activity listed in items i-vi. Distribute educational materials via brochures, utility bill inserts, media spots, etc., to reach 100% of customers each year.

2.	b. Promote the public reporting of illicit discharges and improper disposal of pollutants by distributing brochures or utility bill inserts and conducting presentations at public events.	All	At least two (2) activities per year. These activities may be combined with the public education activities in item a. above. Distribute educational materials via brochures, utility bill inserts, media spots, etc., to reach 100% of customers each year.
	c. Continue to publicize a hotline or have a mechanism in place to be used for reporting illicit connections, improper disposal of waste and water quality impacts due to MS4 pollutant discharges. Maintain a list of calls and reports with the SWMP.	Tulsa	Provide 24-hour-a-day, 365-day-a-year access for the public to report illicit discharges
	d. Promote the proper disposal of leaves, grass clippings, and animal wastes through utility bill inserts and youth-related educational events.	Tulsa	At least two (2) activities per year. These activities may be combined with the public education activities in item a. above. Distribute educational materials via brochures, utility bill inserts, media spots, etc., to reach 100% of customers each year.
	e. Continue participation in public events to target litter reduction using information brochures and displays.	All	At least two (2) activities per year. These activities may be combined with the public education activities in item a. above.
	f. Promote the proper use, application, and disposal of pesticides, herbicides, and fertilizers through the Master	Tulsa	At least two (2) activities per year. These activities may be combined with the

	Gardeners Program.		public education activities in item a. above.
	g. Continue opportunities for public involvement and participation in implementing and updating the SWMP, including compliance with state and local public meeting and notice requirements. Continue to create opportunities for citizens to participate in stormwater-related activities (e.g., stream cleanups, adopt-a-street, storm inlet stenciling/marketing).	All	At least two (2) activities per year. These activities may be combined with the public education activities in item a. above.
	h. Assess changes in public awareness and behavior resulting from the implementation of surveys, direct evaluations, interviews, or other mechanisms the permittee determines appropriate. Adjust educational materials and delivery of such materials as necessary to address any shortcomings identified as a result of this assessment.	Tulsa	At least one (1) time per year.
	i. Continue to create stewardship opportunities and/or partner with existing organizations to encourage residents to participate in activities such as stream teams, storm inlet marking, volunteer monitoring, riparian planting, and other education activities	All	At least two (2) public activities per year. These activities shall be in addition to the public education activities in item a. above.
	j. Continue to install embossed storm inlets/hoods with the slogan, "Dump No Waste, Drains to River," as part of operations and maintenance. Tulsa may reduce the number of installations once all storm inlets and hoods are marked.	Tulsa	An average of 200 embossed storm inlets/hoods per year.
3. Employee Education	a. Continue mandatory employee stormwater training, including internal policies and procedures for engineers, specialists, inspectors, and contractors.	All	At least two (2) activities per year.
	b. Continue to mail or email educational material to Tulsa's staff and contractor pesticide, herbicide, and fertilizer	Tulsa	At least one (1) mailing/email per quarter.

	applicators.		
	c. Continue training/education/certification classes for Tulsa’s staff and contractor pesticide, herbicide, and fertilizer applicators.	Tulsa	At least two (2) classes per year.
4. Industrial Stormwater Runoff Control	a. Continue the industrial stormwater runoff control program through identifying, inspecting, and controlling pollutants from targeted facilities (see Parts II.A.3. and II.A.8.c.) that is consistent with the OKR05 General Permit for Stormwater Discharges Associated with Industrial Activity within the State of Oklahoma.	Tulsa	Update the list of facilities within 14 days of identifying a new facility.
	b. Continue the program to document monitoring, inspection, compliance, and enforcement actions for the targeted facilities.	Tulsa	Inspect at least 20% of facilities per year. Inspect 100% of facilities during the permit term.
5. Illicit Discharge Detection and Elimination	a. Identify priority areas including, but not limited to, areas with a higher likelihood of illicit connections or discharges and areas with a history of illegal dumping or citizen complaints.	Tulsa	Update the list at least one (1) time per year.
	b. Continue investigating reported illicit discharges and eliminating non-authorized non-stormwater discharges.	Tulsa	Investigate 100% of reported illicit discharges within 72 hours of being identified. Eliminate non-authorized non-stormwater discharges within 30 days.
	c. Conduct investigations of illegal dump sites to reduce chronic illegal dumping.	All	Investigate 100% of reported illegal dump sites within 72 hours of being identified. Clean up the sites within 180 days.
	d. Continue sanitary sewer system inspection, repair, and cleaning program to reduce the likelihood of backups and	Tulsa	Inspect at least 20% of the sanitary sewer system per

	sanitary sewer overflows.		year. Inspect 100% of the sanitary sewer system during the permit term. Initiate repairs or cleaning within 30 days of identifying the need
	e. Continue to conduct DWFS to identify non-stormwater flows.	All	Screen all MS4 outfalls in high priority areas at least one (1) time per year. Screen at least 40% of MS4 outfalls in other areas at least one (1) time per year. Screen all MS4 outfalls at least two (2) times during the permit term.
	f. <i>Spill Prevention and Response.</i> Continue to respond with technical support for the Tulsa Fire Department or other emergency responders on hazardous material spills and incidents that may cause or contribute to stormwater contamination.	All	Respond with support within 24 hours.
	g. Develop and maintain a summary of pollution complaints and spill responses.	All	Update the summary within 7 days of the response.
	h. Operate a permanent household pollutant collection facility to properly dispose of used motor vehicle fluids and household hazardous waste that is readily available to the residential sector within the MS4 and to qualifying Tulsa residents or residents from other communities with legal inter-jurisdictional agreements.	All	Operate the facility at least eight (8) hours per day on at least two (2) weekdays and at least three (3) hours per day on at least one (1) weekend day. Evaluate facility usage and capacity at least one (1) time per year to determine if additional hours/days of

			operation are warranted; include in annual report.
	i. Continue support of Tulsa’s recycling efforts through curbside recycling and other multi-family recycling collections.	All	Collect household recyclables from all qualifying residents at least one (1) time every two (2) weeks.
	j. Maintain floatable monitoring structures for capture and categorization of floatables at a minimum of five (5) monitoring locations and continue maintenance at a frequency necessary for the removal structures.	All	Remove floatable materials at least two (2) times per year.
	k. Report all floatable debris removal quantities in cubic yards and include categorization of constituents for the permit year in the annual report.	All	Update documentation of quantities and categorization within 30 days of removing floatable materials.
	l. <i>Storm Sewer System Map.</i> Continue updating a storm sewer system map that shows the location of all outfalls and the names of all waters of the state. See also Part III.A.2.b.	Tulsa	Update the map at least one (1) time per year.
	m. Maintain a list of dischargers with OPDES or NPDES permits/authorizations and occasional incidental non-stormwater discharges to the MS4.	All	Update the list at least one (1) time per year.
5. Construction Site Runoff	a. Continue the construction site runoff program through permitting, inspection, and enforcement that is consistent with the OKR10 General Permit for Construction Activities within the State of Oklahoma.	All	Inspect construction sites that disturb greater than 40 acres, discharge to an ARC, or are within one (1) mile of an impaired/TMDL waterbody, or have been identified as threats to water quality (e.g., sites with recalcitrant or repeat



			offenders) at least one (1) time per month. Inspect construction sites that disturb greater than or equal to one acre, or are part of a larger common plan of development or sale, at least one (1) time per quarter.
	b. Continue the program for site plan review that incorporates consideration of potential water quality impacts, including erosion and sediment control.	All	Review all site plans within 30 days of submittal.
	c. Continue the program to document monitoring, inspections, compliance, and enforcement actions for construction sites.	All	Complete inspection reports within 14 days of performing inspections. Update an inventory of compliance and enforcement actions at least one (1) time per month.
6. New Development and Re-Development	a. Update Stormwater Criteria Manual.	Tulsa	Review at least one (1) time every two (2) years and update as needed.
	b. Review Tulsa’s subdivision regulations to identify impediments to Low Impact Development (LID) and propose updates to remove those impediments.	Tulsa	Complete review within 12 months after the effective date of the permit. Complete updates within 18 months after the effective date of the permit.
7. Pollution Prevention/Good Housekeeping for MS4 Operations	a. <i>General Provisions</i>		
	i. Continue to implement, update as necessary, and enforce an O&M program with the goal of preventing or reducing pollutant runoff from MS4 operations.	All	Review O&M program at least one (1) time per year and update SWMP as needed.

	<p>ii. Maintain an inventory of all MS4 operations impacted by this program and all industrial facilities owned or operated by the MS4 that discharge to the MS4.</p>	<p>All</p>	<p>Update the inventory at least one (1) time per year.</p>
	<p>iii. Implement BMPs, including sediment and erosion controls, during routine maintenance, water line breaks and emergency repairs, and after these activities are completed.</p>	<p>All</p>	<p>Complete the installation of final stabilization measures within 14 days of project completion. Complete the installation of final stabilization measures within 7 days of project completion for projects that disturb greater than 40 acres, discharge to an ARC or are within one (1) mile of an impaired/TMDL waterbody.</p>
<p>b. <i>Structural Controls and Collection System Operations</i></p>			
	<p>i. Maintain and update a list of active drainage and structural control projects and the status of each project.</p>	<p>Tulsa</p>	<p>Update the project list, including project status, at least one (1) time per year.</p>
	<p>ii. Continue the maintenance program of both above- and below-ground structural stormwater controls, including inspection, repair and clean-up for detention ponds, roadside ditches, storm sewer pipes, catch basins, inlets, culverts, and pump stations.</p>	<p>All<sup>1</sup></p>	<p>Update records of maintenance activities at least one (1) time per month.</p>

<i>c. Roadways</i>			
	i. Continue to evaluate and rate the City’s Roadway Sweeping Program, which includes frequency, timing, and efficiency, arterial areas, residential areas, and spot areas as necessary. Street sweeping frequency shall be based on land use, trash, and stormwater pollutant levels generated.	All	Update street sweeping records, including volume of material removed, at least one (1) time per month. Evaluate and rate the program at least one (1) time per year.
	ii. Continue to use controls for deicing and sanding activities that includes storage facilities, and truck washing facilities.	All	Update records of storage volumes of deicing/sanding materials at least two (2) times per year and after each heavy snow/ice event where materials are used. Update records of volumes used and locations where applied within 14 days of application.
<i>d. Flood Control Projects</i>			
	i. Review Flood Management Project Designs for compliance with the City’s Stormwater Criteria Manual.	Tulsa	Review all project designs compliance with the Manual within 30 days of proposal.
	ii. Continue to evaluate the feasibility of retrofitting existing structural flood control devices to provide additional pollutant removal from stormwater.	Tulsa	Conduct an evaluation at least one (1) time per year.

<i>e. Petroleum and Non-Petroleum Products</i>			
	i. Continue to implement and revise, as necessary, procedures for proper use, storage, and disposal of both petroleum and non-petroleum products at municipal offices, police and fire stations, pools, parking garages, and other permittee-owned or operated buildings or utilities.	All	Review and update procedures at least one (1) time per year.
	ii. Continue to implement and revise, as necessary, Spill Prevention and Response procedures to ensure that appropriate actions will take place when a spill occurs at an MS4 facility. Spill kits shall be maintained and accessible in highly visible locations at appropriate facilities.	All	Review and update procedures at least one (1) time per year.
<i>f. PFAS Management</i>			
	i. Implement measures to minimize discharges of PFAS during emergency firefighting activities and post-emergency activities, including clean-up.	All	Review and update procedures at least one (1) time per year.
	ii. Establish specific protocols for minimizing the resuspension, conveyance, and discharge of PFAS, both during normal operations and during all maintenance and remediation activities.	All	Review and update procedures at least one (1) time per year.
<i>g. Pesticides, Herbicides and Fertilizers Application</i>			
	i. Continue to implement and revise, as necessary, a program to reduce discharge of pollutants related to the MS4's storage and application of pesticides, herbicides, and fertilizers.	All	Review and update procedures at least one (1) time per year.

	ii. Continue to maintain and update Tulsa’s Pesticide General Permit and report this information in the annual report.	All	Timely (as specified in the permit) apply for permit renewal every five (5) years. Review and summarize permit compliance at least one (1) time per year.
	h. <i>Contractor Maintenance</i>		
	i. Contractually require contractors hired to perform maintenance activities on MS4 facilities to comply with all the permittee(s)’ stormwater control measures, good housekeeping practices, and facility-specific stormwater management operating procedures.	All	Review and update contract language at least one (1) time per two (2) years.
	i. <i>BMP Inspection and Maintenance</i>		
	i. Implement and enforce procedures for inspection and maintenance of structural and non-structural BMPs, including maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants discharged to the MS4.	All	Conduct inspections at least one (1) time per quarter at MS4 facilities subject to OKR05 or individual OPDES or NPDES permits, or one (1) time per year at other MS4 facilities impacted by the program.
8. Monitoring Programs -- Watershed Characterization Program	a. <i>Watershed Characterization</i>		
	i. Submit a monitoring schedule for all sub-basins within the system that will result in characterization of all sub-basins within the five-year term of the permit.	All	Within six months after the effective date of the permit.
	ii. Conduct monitoring to characterize stormwater discharges in accordance with the above schedule at representative monitoring locations in accordance with approved QAPP.	All	Review and summarize analytical results at least one (1) time per month.

	<p>iii. Compile analytical data collected from the watershed characterization program during the permit year and summarize results and overall condition of the targeted watersheds. This includes, but is not limited to, stream health, pollutant concentrations, loadings, and potential impacts.</p>	<p>All</p>	<p>At least one (1) time per year.</p>
	<p>b. <i>Biological Monitoring</i></p>		
	<p>i. Complete aquatic habitat surveys in accordance with the above schedule at representative locations, including four (4) macroinvertebrate collections and one (1) fish collection for each permit year.</p>	<p>All</p>	<p>See Part III.A.5.a.</p>
	<p>ii. Develop and submit a summary of relevant biological collections and water quality information, if applicable, collected during the permit year.</p>	<p>All</p>	<p>At least one (1) time per year.</p>
	<p>c. <i>Comprehensive Program Assessment.</i> Based on the results of the watershed characterization program, produce an assessment that includes the findings, impacts identified, responses taken, and any modifications recommended to enhance the usefulness or efficiency of the program.</p>	<p>All</p>	<p>Complete assessment before the expiration date of the permit. Include in 5<sup>th</sup> annual report.</p>

## **B. Deadlines for Program Implementation**

Except as provided in Part III.A., full implementation of the SWMP shall begin on the effective date of the permit.

## **C. Roles and Responsibilities of Permittee(s)**

The SWMP, together with any attached interagency agreements, shall clearly identify the roles and responsibilities of each permittee.

## **D. Legal Authority**

Each permittee shall continue to ensure legal authority to control discharges to and from those portions of the MS4 over which it has jurisdiction. This legal authority may be a combination of statute, ordinance, permit, contract, order, or inter-jurisdictional agreements with permittees with existing legal authority:

1. Control the contribution of pollutants to the MS4 by Stormwater Discharges Associated with Industrial Activity and the quality of stormwater discharged from sites of industrial activity;
2. Prohibit illicit discharges to the MS4;
3. Control the discharge of spills and the dumping or disposal of materials other than stormwater (e.g. industrial and commercial wastes, litter, trash, used motor vehicle fluids, leaf litter, grass clippings, animal wastes, etc.) into the MS4;
4. Control through interagency or inter-jurisdictional agreements among permittees the contribution of pollutants from one portion of the MS4 to another;
5. Require compliance with conditions in ordinances, permits, contracts, or orders; and
6. Carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance with permit conditions.

## **E. SWMP Resources**

Each permittee shall provide adequate finances, staff, equipment, and support capabilities to implement their activities under the SWMP.

## **E. SWMP Evaluation and Update**

1. *SWMP Evaluation.* All permittees shall participate in an evaluation of the current SWMP, at least one (1) time per year, in conjunction with preparation of the annual report required under Part IV.C. Permittees must evaluate program compliance, the appropriateness of the BMPs, and progress towards achieving the measurable goals identified in Part II.A.9. of the permit.
2. *SWMP Update.* Permittee(s) shall review the SWMP at least one (1) time per year and update the SWMP as needed, and as otherwise needed during the life of the permit.
3. *BMP Replacement.* BMP(s) determined to be ineffective or infeasible must be replaced with one or more alternative BMP(s). The SWMP update shall provide the following:
  - a. An analysis of why the existing BMP(s) are technically or economically infeasible;
  - b. A description of the permittee(s)' expectations for the effectiveness of the replacement BMP(s); and

- c. An analysis of why the replacement BMP(s) are expected to achieve the goals of the BMP(s) being replaced.
4. *Updates Required by the Permitting Authority.* The permitting authority may require changes to the SWMP when it is determined necessary to do the following:
  - a. Address impacts on receiving water to ensure that stormwater discharges will not cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard, including state narrative criteria for water quality;
  - b. Include more stringent requirements necessary to comply with new state or federal statutory or regulatory requirements;
  - c. Include such other conditions deemed necessary by DEQ to comply with the goals and requirements of the CWA;
  - d. Update and implement changes required by any approved TMDL that addresses stormwater pollutants; or
  - e. Include requirements based on information obtained by DEQ during routine MS4 evaluations, annual report reviews, or as otherwise determined by DEQ.Changes requested by DEQ shall be made in writing, set forth the time schedule for the permittee(s) to develop the changes, and offer the permittee(s) the opportunity to propose alternative SWMP changes to meet the objective of the requested modification. Within the schedule provided by DEQ, the permittee(s) must submit a copy of the revisions made to the SWMP.
5. *Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation.* The permittee(s) shall implement the SWMP on all new areas added to their portion of the MS4 (or for which they become responsible for implementation of stormwater quality controls) as soon as possible, but not later than one (1) year from the addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.  
Within 90 days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, the permittee(s) shall have a plan for implementing the SWMP on all affected areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the SWMP shall be submitted in the annual report.

**G. Retention of Stormwater Management Program Records**

Permittee(s) shall retain the SWMP developed in accordance with Parts II and III for at least three (3) years after coverage under this permit terminates. The permittee(s) shall make records, including the permit application and a written description of the SWMP, available to the public at reasonable times during regular business hours (see OAC 252:606-1-3(b)(3)(G) adopting and incorporating by reference 40 C.F.R. § 122.7 for confidentiality provisions). Permittees may assess a reasonable charge for copying and may require members of the public to provide advance notice.



**PART III. SCHEDULES FOR IMPLEMENTATION AND COMPLIANCE**

**A. Implementation and Augmentation of SWMP**

The permittee(s) shall comply with the following schedules:

SWMP COMPONENTS/ CONTROL MEASURES	TASKS	RESPONSIBLE PERMITTEE(S)	TARGET DATES
1. Revise SWMP as necessary	a. Revise and update current SWMP to reflect any new permit requirements.	All	Within one (1) year after the effective date of the permit.
	b. Evaluate the existing SWMP in relation to discharges to 303(d) impaired water(s) and TMDL reduction goals, and update as necessary	All	Within one (1) year after the effective date of the permit.
2. Illicit Discharge Detection and Elimination	a. Review the structural controls in the SWMP and implement or update a program, including adequate staffing, to investigate and eliminate littering and illegal disposal sites of trash (floatables).	Tulsa	Within 24 months after the effective date of the permit.
	b. <i>Storm Sewer System Map.</i> Expand the storm sewer system map to include all known elements of the storm sewer network that constitute the MS4, including catch basins, pipes, ditches, flood control facilities (retention/detention ponds), and post-construction water quality BMPs that have been installed to satisfy local post-construction water quality BMP requirements.	Tulsa	Within 36 months after the effective date of the permit.
	c. Identify all splash pads that discharge to the MS4 that do not de-chlorinate. Determine the best course of action for compliance.	Tulsa	Within 12 months after the effective date of the permit.

	d. Implement a plan to correct deficiencies resulting in the compliance of all City-operated splash pads, including enacting or revising municipal ordinances, as necessary. These actions will also result in compliance of future splash pads.	Tulsa	Within 24 months after the effective date of the permit.
3. New Development and Redevelopment	a. Create and implement an LID Design Criteria Manual. This may be incorporated into the Stormwater Criteria Manual or may be a separate manual.	Tulsa	Within 24 months after the effective date of the permit.
	b. Develop an incentive program to promote LID. This may include, but is not limited to, reducing the stormwater utility fee or streamlining permitting fees (in lieu of detention credits) for LID projects, or by incorporating LID into at least two (2) Tulsa projects.	Tulsa	Within 36 months after the effective date of the permit.
4. <a href="#">Pollution Prevention/Good Housekeeping for MS4 Operations</a>	a. <a href="#">PFAS Management. Implement measures to minimize discharges of PFAS during emergency firefighting activities and post-emergency activities, including clean-up. Establish specific protocols for minimizing the resuspension, conveyance, and discharge of PFAS, during normal operations, maintenance, and remediation activities.</a>	<a href="#">All</a>	<a href="#">Within 12 months after the effective date of the permit.</a>
5. Monitoring Programs	a. <i>Biological Monitoring Program.</i> Update and implement a program to include four (4) macroinvertebrate collections and one (1) fish collection, and submit it to DEQ for review, which includes a QAPP.	Tulsa	Within 12 months after the effective date of the permit.
6. TMDL Pollutant Reduction and Monitoring Plans	a. Prepare an approvable TMDL Pollutant Reduction Plan in accordance with Part I.G.1.b. for the stream segments with existing approved TMDLs (see the table under Part I.G.1.f.).	Tulsa	Within 18 months after the effective date of the permit.

	<p>b. Prepare either a TMDL Pollutant Monitoring Plan or a commitment to participate in a coordinated regional TMDL Pollutant Monitoring Plan, in accordance with the requirements of Parts I.G.1.c. and d.</p>	<p>Tulsa</p>	<p>Within 24 months after the effective date of the permit.</p>
	<p>c. Develop a format/template for a TMDL implementation report in accordance with the requirements of Part I.G.1.e. to be included as part of future annual reports. The report shall include the status and actions taken by the permittee to implement the TMDL Pollutant Reduction and Monitoring Plans.</p>	<p>Tulsa</p>	<p>By October 15, 2024.</p>

**B. Compliance with Effluent Limitations (Reserved)**

**C. Updating the SWMP**

Permittee(s) shall update the SWMP as appropriate, in response to changes required by Part III.A.

## **PART IV. MONITORING AND REPORTING REQUIREMENTS**

### **A. Watershed Characterization Program**

Within the Tulsa area, 30 watersheds have been identified which all will continue to be assessed within the term of the permit in accordance with the schedule developed under Part II.A.8. The Watershed Characterization Program will allow a comprehensive assessment of each watershed to be completed on a rotating basis. Habitat and biological components are also included.

1. *Analytical Monitoring Program.* Monitoring shall continue to be conducted on representative outfalls, internal sampling stations, and/or in-stream monitoring locations to characterize the water quality of receiving streams from the MS4.
  - a. Analytical monitoring shall be conducted at least one (1) time per month each permit year, with the exception of bacteria samples which should be collected in sufficient quantity and season to make a determination of Water Quality Standard support/impairment. A minimum of one (1) monitoring location shall be selected within each identified watershed.
  - b. *Representative Outfalls.* If the permittee has two (2) or more outfalls that the permittee believes discharge substantially identical effluents, based on similarities of the industrial activities, significant materials or stormwater management practices occurring within the outfalls' drainage areas, the permittee may examine the effluent of just one (1) of the outfalls and report that the examination also applies to the substantially identical outfall(s). The permittee must describe the following in the SWMP: locations of the outfalls, why the outfalls are expected to discharge substantially identical effluents and estimates of the size of the drainage area for each of the outfalls.
  - c. Quantitative data shall be collected to estimate average and maximum values for each parameter sampled. Records shall be maintained of all analytical results.
  - d. Parameters and the types of samples are listed in Table IV.1. The analytical monitoring requirements include the following:
    - i. Grab samples shall be used for the analysis as specified in Table IV.1 and records of samples shall include:
      - (a) The date, exact place, and time of sampling or measurements;
      - (b) The name(s) of the individual(s) who performed the sampling or measurements;
      - (c) The date(s) analyses were performed;
      - (d) The names of the individual(s) who performed the analyses;
      - (e) The analytical techniques or methods used; and
      - (f) The results or observations of such analyses.
    - ii. Monitoring for compliance with WQS must be conducted in accordance with test procedures approved in 40 C.F.R. Part 136, and samples must be analyzed by an accredited laboratory in accordance with OAC 252:301 using sufficiently sensitive test procedures in accordance OAC 252:606-1-3(b)(3)(Z), adopting and incorporating by reference 40 C.F.R. 122.44(i)(1)(iv). Test procedures are considered sufficiently sensitive if they meet the minimum quantification levels (MQLs) established in Appendix B of OAC 252:690 or, where an MQL has not been established in Appendix B of OAC 252:690, to quantify the amount of pollutant present at or below the level of the water quality standard.

**Table IV.1 - Analytical Monitoring Requirements:**

PARAMETER(S) <sup>1</sup>	REPORT FOR EACH MONITORING PERIOD (each sample type)			SAMPLE TYPE(S)	
	Min.	Avg.	Max.	Visual	Grab
Five-Day Biochemical Oxygen Demand (BOD <sub>5</sub> ) (mg/L)	--	Yes	Yes	--	Yes
Chemical Oxygen Demand (COD) (mg/L)	--	Yes	Yes	--	Yes
Oil and Grease (mg/L)	--	Yes	Yes	Yes	--
Total Suspended Solids (TSS) (mg/L)	--	Yes	Yes	--	Yes
Total Dissolved Solids (TDS) (mg/L)	--	Yes	Yes	--	Yes
Total Nitrogen (mg/L)	--	Yes	Yes	--	Yes
Total Kjeldahl Nitrogen (TKN) (mg/L)	--	Yes	Yes	--	Yes
Total Phosphorus (mg/L)	--	Yes	Yes	--	Yes
Dissolved Phosphorus (mg/L)	--	Yes	Yes	--	Yes
Total Cadmium (ug/L) (MQL 1 ug/L) <sup>1</sup>	--	Yes	Yes	--	Yes
Total Copper (ug/L) (MQL 1 ug/L) <sup>1</sup>	--	Yes	Yes	--	Yes
Total Lead (ug/L) (MQL 0.5 ug/L) <sup>1</sup>	--	Yes	Yes	--	Yes
Total Zinc (ug/L) (MQL 20 ug/L) <sup>1</sup>	--	Yes	Yes	--	Yes
<i>E. coli</i> (colonies/100ml)	--	Yes	Yes	--	Yes
pH (S.U.)	Yes	--	Yes	--	Yes
Hardness (as CaCO <sub>3</sub> ) (mg/L)	Yes	Yes	Yes	--	Yes
Turbidity (NTU)	Yes	Yes	Yes	--	Yes
Conductivity mS/cm	Yes	Yes	Yes	--	Yes
Temperature (°C)	Yes	Yes	Yes	--	Yes
Dissolved Oxygen (mg/L)	Yes	Yes	Yes	--	Yes

<sup>1</sup> If any individual analytical test result is less than the Minimum Quantification Level (MQL) listed in for that parameter, then a value of zero may be used for that test result for the calculation and reporting requirements.

2. Biological Monitoring Requirements

- a. The permittee(s) shall obtain all necessary aquatic wildlife collection permits from appropriate state and/or federal agencies (e.g., U.S. Fish and Wildlife Service, Oklahoma Department of Wildlife Conservation).
- b. The biological monitoring component shall be implemented in the identified watersheds that continuously support valid biological communities. These collections shall be conducted at an in-stream location within the watershed. Procedures contained in Oklahoma's Standardized Bioassessment Protocol (SBP) shall be utilized. The biological aspect shall consist of aquatic habitat surveys and assessments of the benthic macroinvertebrate and fish communities. Biological monitoring shall be conducted according to a schedule of the water quality monitoring aspect of the overall Watershed Characterization Program. Schedules shall be aligned to provide a complete assessment, where applicable, of the identified watersheds for a one-year period. Monitoring locations shall be selected to include all watersheds within Tulsa.

- c. Each monitoring location shall be monitored at least one (1) time during the permit term. As more information becomes available through data analysis, more locations shall be selected within the permit area. At least one (1) fish collection and four (4) macroinvertebrate collections shall be conducted at each location if conditions exist for the collection activities. A summary data sheet shall be developed for each monitoring location.
- d. When impacts to a watershed are identified based on the results of the biological monitoring program, a wet weather field investigation shall be undertaken with a goal of determining the extent that stormwater discharges contribute to the impacts. The program can use field sampling for the situations where permittees have identified a problem and are looking for further investigation. The program shall
  - i. screen the MS4, in accordance with the procedures specified in the SWMP;
  - ii. specify the sampling and non-sampling techniques to be used for initial screening and follow-up purpose. Sample collection and analysis need not conform to the requirements of 40 C.F.R. Part 136. However, samples taken to confirm (e.g., in support of possible legal action) a particular illicit discharge or improper disposal practice should conform to the requirements of 40 C.F.R. Part 136; and
  - iii. collect quantitative data to estimate pollutant loadings and event mean concentrations for each parameter sampled. Records shall be maintained of all analytical results; the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff; the duration (in hours) between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled. The estimates of pollutant loadings of the watersheds characterized shall be included in the annual report.

## **B. Floatables Monitoring**

Permittee(s) shall continue to maintain a minimum of five (5) monitoring locations for removal of floatable material in discharges to or from the MS4. Floatable material shall continue to be collected at the frequency necessary for maintenance of the removal devices, but not less than two (2) times per year. The amount of material collected shall be estimated in cubic yards.

## **C. Annual Report/Comprehensive Assessment of the Watershed Characterization Program**

Each permittee shall contribute to the preparation of an annual system-wide report to be submitted no later than October 15, 2023, and annually thereafter in accordance with this permit. The report shall cover the previous year from July 1<sup>st</sup> to June 30<sup>th</sup> and include the following separate sections, with an overview of the entire MS4 and subsections for each permittee:

1. The status of implementing the SWMP and status of compliance with permit conditions and any schedules established under this permit, including an assessment of the progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP.
2. For each BMP identified in the SWMP, include an assessment of the
  - a. progress towards achieving each measurable goal, and
  - b. the appropriateness of the BMP.
3. An evaluation of the household pollutant collection facility usage and capacity and whether additional hours/days of operation are proposed (including an implementation schedule).
4. A summary of the covered municipal construction activities, including the number of active construction sites currently covered, number of construction projects started during the reporting period, number of construction projects completed during the reporting period, number of construction projects that have achieved final stabilization, and number of construction inspections

that were conducted.

5. A summary of the stormwater activities the permittee(s) plan to undertake during the next reporting cycle (including an implementation schedule).
6. Proposed changes to the SWMP, including changes to any BMPs or any identified measurable goals that apply to the SWMP elements/control measures.
7. A description and schedule for implementation of any additional BMPs or monitoring that may be necessary to reduce/eliminate the discharge of pollutant(s) of concern into impaired waters on the latest 303(d) list or to ensure compliance with any applicable TMDL or watershed plan in lieu of a TMDL.
8. Revisions, if necessary, to the assessment of controls and the fiscal analysis reported in the permit application under OAC 252.606-1-3(b)(3)(L) incorporating by reference 40 C.F.R. §§ 122.26(d)(2)(v) and (d)(2)(vi).
9. A summary of information collected and analyzed, if any, during the reporting period, including monitoring data, used to assess the success of the SWMP at reducing the discharge of pollutants to the MEP.
10. Annual expenditures for the reporting period, with a breakdown for the major elements of the SWMP, and the budget for the year following each annual report.
11. A summary describing the number and nature of enforcement actions, inspections, and public education programs.
12. Identification of any water quality improvements or degradation.
13. By October 15, 2027, the permittee(s) must submit a comprehensive assessment of the Watershed Characterization Program. The assessment shall include a summary of the Watershed Characterization Program, the findings and impacts, responses taken, and any modifications recommended to enhance the usefulness or efficiency of the program.

Preparation and submittal of the system-wide annual report shall be coordinated by the City of Tulsa. The report shall indicate which, if any, permittees have failed to provide required information on the portions of the MS4 for which they are responsible to the core municipality, the City of Tulsa, 45 days prior to the report due date. Joint responsibility for report submission shall be limited to participation in preparation of the overview for the entire system and inclusion of the identity of any permittee who failed to provide input to the annual report. Each individual permittee shall be individually responsible for content of the report relating to the portions of the MS4 for which they are responsible and for failure to provide information for the system-wide annual report in a timely manner. Each permittee shall sign and certify the annual report in accordance with Part V.K. and include a statement or resolution that the permittee's governing body or agency (or delegated representative) has reviewed or been informed of the content of the annual report.

#### **D. Certification and Signature of Reports**

All reports required by the permit and other information requested by DEQ shall be signed and certified in accordance with Part V.K.

#### **E. Reporting: Where and When to Submit**

Signed copies of the annual report required by Part IV.C., and all other reports and notifications required herein, shall be submitted to:

Oklahoma Department of Environmental Quality  
Water Quality Division  
707 North Robinson Ave., P.O. Box 1677  
Oklahoma City, OK 73101-1677

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## **PART V. STANDARD PERMIT CONDITIONS**

### **A. Duty to Comply**

The permittee(s) must comply with all conditions of this permit insofar as those conditions are applicable to each permittee, either individually or jointly. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, for permit termination, revocation and reissue, or modification, or for denial of a permit renewal application.

### **B. Anticipated Noncompliance**

Permittees shall give advance notice to DEQ of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

### **C. Penalties for Violations of Permit Conditions**

OPDES permit violations are subject to the enforcement provisions of 27A O.S. § 2-6-206 which include, but are not limited to, administrative penalties of \$10,000 per day, for each day during which the violations continue.

### **D. Duty to Reapply**

If the permittee wishes to continue an activity regulated by this permit after the permit expiration date, the permittee must apply for and obtain a new permit. The application shall be submitted at least 180 days prior to expiration of this permit. DEQ may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated at 40 C.F.R. § 122.6 and any subsequent amendments.

### **E. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

### **F. Duty to Mitigate**

The permittee(s) shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

### **G. Duty to Provide Information**

The permittee(s) shall furnish to DEQ, within a time specified by DEQ, any information that DEQ may request to determine compliance with this permit. The permittee(s) shall also furnish to DEQ upon request copies of records required to be kept by this permit.

### **H. Noncompliance Reports**

#### **1. Twenty-four Hour Reporting**

Permittees shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. DEQ shall be notified by calling 1-800-256-2365. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The report shall contain the following information:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and,
- c. Steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

#### **2. The following shall be included as information that must be reported within 24 hours:**

- a. Any unanticipated bypass that exceeds any effluent limitation in the permit;
- b. Any upset that exceeds any effluent limitation in the permit;
- c. Any violation of a maximum daily discharge limit for any of the pollutants listed by DEQ in Part I.B. or E.; and,

- d. Any bypass in the collection system (sanitary sewer overflow (SSO)).
- 3. DEQ may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- 4. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Parts V.H.1 – 3. or the reporting requirements at Part IV of this permit

**I. Upsets and Bypasses**

- 1. Upsets
  - a. An upset constitutes an affirmative defense to an enforcement action brought for noncompliance with technology-based permit effluent limitations if the following requirements are met. A permittee who wishes to establish the affirmative defense of upset shall demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence that the
    - i. upset occurred and that the permittee can identify the specific cause(s) of the upset;
    - ii. permitted facility was at the time being properly operated;
    - iii. permittee submitted notice of the upset as required in Part V.H.1. of this permit; and
    - iv. permittee complied with any remedial measures under Part V.F. of this permit.
  - b. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- 2. Bypasses
  - a. If the permittee anticipates in advance of the need for a bypass, it shall submit prior notice, if possible, at least 10 days before the date of the bypass.
    - i. The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the reporting requirements of Part V.I.2.a. and b. of this permit.
    - ii. Bypass exceeding limitations is prohibited, and DEQ may take enforcement action against a permittee for bypass, unless
      - (a) bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
      - (b) there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass that occurred during normal periods of requirement downtime or preventive maintenance; and
      - (c) the permittee submitted notices as required by Part V.I.2.a. of this permit.
    - iii. DEQ may allow an anticipated bypass that exceeds limitations after considering its adverse effects, if it determines that it will meet the three (3) conditions listed in Part V.I.a.ii. of this permit.
  - b. The permittee shall, within 24 hours, submit notice of an unanticipated bypass as required in Part V.H.1. of this permit.

**J. Other Information**

When the permittee becomes aware that it failed to submit any relevant facts or submitted incorrect information in any report to DEQ, it shall promptly submit such facts or information.

**K. Signatory Requirements**

All Discharge Monitoring Reports, SWMPs, SWP3, reports, certifications, or information either submitted to DEQ or that this permit requires to be maintained by the permittee(s), shall be signed by

1. a principal executive officer or ranking elected official of a municipality, state, other public agency, or by either a principal executive officer or a duly authorized representative of that person.
  - a. A person is a duly authorized representative only if the authorization
    - i is made in writing by a person described above and submitted to DEQ; and
    - ii specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters. A duly authorized representative may thus be either a named individual or any individual occupying a named position;
2. Any person signing documents under this section shall make the following certification:  
*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

**L. Penalties for Falsification of Monitoring Systems**

Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall be subject to the enforcement provisions of 27A O.S. § 2-6-206.

**M. Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to the Act or section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

**N. Property Rights**

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

**O. Severability**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

**P. Requiring a Separate Permit**

1. DEQ may require any co-permittee authorized by this permit to obtain a separate OPDES permit. Any interested person may petition DEQ to take action under this paragraph. DEQ may require any co-permittee authorized to discharge under this permit to apply for a separate OPDES permit only if the co-permittee has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form (as necessary), a statement setting a deadline for the co-permittee to file the application, and a statement that on the effective date of the separate OPDES permit, coverage under this permit shall automatically terminate. Separate permit applications shall be submitted to the address shown in Part IV.E. DEQ

may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner a separate OPDES permit application as required by DEQ, then the applicability of this permit to the co-permittee is automatically terminated at the end of the day specified for application submittal.

2. Any co-permittee authorized by this permit may request to be excluded from coverage by applying for a separate permit. The co-permittee shall submit a separate application as specified by OAC 252.606-1-3(b)(3)(L) adopting and incorporating by reference 40 C.F.R. § 122.26(d) with reasons supporting the request to DEQ. The request may be granted by the issuance of a separate permit if the reasons cited by the co-permittee are adequate to support the request.

Q. State Environmental Authority

1. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under the authority preserved by section 510 of the Act.
2. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

R. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of the SWMPs. Proper operation and maintenance also include adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance require the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

S. Monitoring and Records

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. The permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of DEQ at any time.
3. Records of monitoring information shall include the following:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The initials or name(s) of the individual(s) who performed the sampling or measurements;
  - c. The date(s) analyses were performed;
  - d. The time(s) analyses were initiated;
  - e. The initials or name(s) of the individual(s) who performed the analyses;
  - f. References and written procedures, when available, for the analytical techniques or methods used; and
  - g. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

T. Monitoring Methods

Monitoring shall be conducted according to test procedures approved under OAC 252:606-1-3(b)(7) incorporating by reference 40 C.F.R. Part 136, unless other test procedures have been specified in this permit. Measurable levels for effluent and background data shall be less than or equal to the MQLs established in Appendix B of OAC 252:690.

U. Inspection and Entry

The permittee shall allow DEQ, an authorized representative of the EPA, or the state, upon the presentation of credentials and other documents as may be required by law, to

1. enter the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
3. inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substance or parameter at any location.

V. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and re issuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

W. Additional Monitoring by the Permittee

If the permittee monitors more frequently than required by this permit, using test procedures approved under 40 C.F.R. Part 136 or as specified in this permit, the results of this monitoring shall be included in the annual report.

X. Archeological and Historical Sites (**Reserved**)

## PART VI. PERMIT MODIFICATION

### A. Modification of the Permit

The permit may be reopened and modified during the life of the permit to address

1. changes in the state's Water Quality Management Plan, including WQS;
2. changes in the state or federal statutes or regulations;
3. addition of a new permittee who is the owner or operator of a portion of the MS4;
4. changes in portions of the SWMP that are considered permit conditions;
5. other modifications deemed necessary by DEQ to meet the requirements of the Clean Water Act; or
6. Any additional provisions necessary to comply with requirements of an approved TMDL.

All modifications to the permit will be made in accordance with OAC 252:606-1-3(b)(3)(GG), (HH) and (4)(D), adopting and incorporating by reference 40 C.F.R. § 122.26, as amended, 40 C.F.R. §§ 122.62, 122.63, and 124.5.

### B. Termination of Coverage for a Single Permittee

Permit coverage may be terminated, in accordance with OAC 252.606-1-3(b)(3)(II), adopting and incorporating by reference 40 C.F.R. § 122.64, and OAC 252.606-1-3(b)(3)(E), adopting and incorporating by reference 40 C.F.R. § 122.5, for a single permittee without terminating coverage for other permittees.

## PART VII. DEFINITIONS

- A. All Reasonable Steps** – when the permittee has undertaken initial actions to assess and address the condition requiring the corrective action, including, for example, cleaning up any exposed materials that may be discharged in a storm event (e.g., through sweeping, vacuuming) or making arrangements (i.e., scheduling) for a new BMP to be installed at a later date.
- B. Best Management Practices (BMPs)** – the schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- C. Control Measure** – any stormwater control or other method (including narrative effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the state. Stormwater control measures can be actions (including processes, procedures, schedules of activities, prohibitions on practices and other management practices), or structural or installed devices to minimize or prevent water pollution.
- D. Conveyance** –includes any means for conveying a stormwater discharge, such as a drainage system, ditch, swale, pipe, sewer, or MS4. Conveyance also includes any natural channels or tributaries that carry stormwater runoff through and off a facility's property.
- E. Co-permittee** – an owner or operator of a MS4 that is in a cooperative agreement with at least one (1) other applicant for coverage under this permit. A co-permittee is an owner or operator of a regulated MS4 located within or in proximity to another regulated MS4. A co-permittee is only responsible for permit conditions relating to

the discharges from the MS4 the co-permittee owns or operates. See also 40 C.F.R. § 122.26(b)(1).

- F. Discharge** – when used without a qualifier, refers to “discharge of a pollutant” (as defined at 40 C.F.R. § 122.2) from the MS4.
- G. Discharge Point or Outfall** –a point or location where an MS4 discharges to waters of the state, and does not include a conveyance that connects two (2) municipal separate storm sewers.
- H. Effective Operating Condition** –a stormwater control is kept in effective operating condition if it has been implemented and maintained in such a manner that it is working as designed to minimize pollutant discharges.
- I. Event mean concentration (EMC)** – a key analytical parameter, which refers to a flow-weighted average concentration over the whole duration of a rainfall-runoff event (defined as the total pollution load mass divided by the total runoff volume) and which can be used to evaluate the effects of rainfall runoff on the water quality of the receiving waters.
- J. Feasible** –technologically possible and economically practicable and achievable in light of best industry practices.
- K. Flow-Weighted Composite Sample** – a composite sample consisting of a mixture of aliquots collected at a constant time or volume interval, where the volume of each aliquot is proportional to the flow rate of the discharge or a constant volume is used and collected after a pre-determined discharge rate has been measured.
- L. Grab Sample** – a water sample that is collected at once, in a clean and clear glass or plastic container, from the specific water/stormwater source (from the facility’s stormwater outfall(s)/discharge point(s)).
- M. Illicit connection** – means any human-made conveyance connecting an illicit discharge directly to an MS4.
- N. Illicit discharge** – is defined at 40 C.F.R. § 122.26(b)(2) and refers to any discharge to a municipal separate storm sewer that is not composed entirely of stormwater, except discharges authorized under an OPDES or NPDES permit (other than the OPDES permit for discharges from the MS4) and discharges resulting from firefighting activities.
- O. Impaired Water** – a water that does not meet one (1) or more of its beneficial uses due to not attaining applicable narrative or numeric WQS. Impaired waters are identified in the CWA. section 303(d) listing from Appendix C of the most recent Integrated Report. Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established.
- P. Large Common Plan of Development or Sale** – an area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one (1) proposed plan. This plan consists of many small construction projects that collectively add up to one (1) or more acres of total disturbed land. For example, an original common plan of development of a residential subdivision might lay out the streets, house lots, and areas for parks, schools, and commercial development that the developer plans to build or sell to others for

development. All these areas would remain part of the common plan of development or sale until the intended construction is completed.

- Q. Low Impact Development (LID)** – an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.
- R. Maximum Extent Practicable (MEP)** – the technology-based discharge standard for MS4s to reduce pollutants in stormwater discharges that was established by section 402(p) of the CWA., 33 U.S.C. § 1342. Maximum extent practicable for this permit is detailed in Part II.A.
- S. MQL** – minimum quantifiable level.
- T. Municipal Separate Storm Sewer System (MS4)** – a Large, Medium, or Small Municipal Separate Storm Sewer System (e.g., “the City of Tulsa MS4”). The term is used to refer to either the system operated by a single entity or a group of systems within an area that are operated by multiple entities (.e.g., the Tulsa MS4 includes MS4s operated by the City of Tulsa, the Oklahoma Turnpike Authority, and the Oklahoma Department of Transportation). The term MS4 is defined at 40 C.F.R. § 122.26(b)(8) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm inlets) that is/are
1. owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA. that discharges to waters of the state;
  2. designed or used for conveying or collecting stormwater;
  3. not a combined sewer; and
  4. not part of a Publicly Owned Treatment Works (POTW) as defined at OAC 252:606, adopting and incorporating by reference 40 C.F.R. § 403.3(q).
- V. Point Source** -- any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.
- W. Pollutant of Concern (POC)** – a pollutant that causes or contributes to a violation of a water quality standard, including a pollutant which is identified as causing an impairment in the latest 303(d) list, a TMDL report, or watershed plan.



- X. Quality Assurance Project Plan (QAPP)** – a document that outlines the procedures that those who conduct a monitoring project will take to ensure that the data they collect and analyze meets project requirements.
- Y. Stabilization** – the process of covering exposed ground surfaces with vegetative or non-vegetative practices that reduce erosion and prevent sediment discharge from occurring.
- Z. Stormwater** – is defined at OAC 252:606-1-3(b)(3)(L) adopting and incorporating by reference 40 C.F.R. § 122.26(b)(13) and means stormwater runoff, snow melt runoff, and surface runoff and drainage.
- AA. Stormwater Management Program (SWMP)** – a comprehensive program to manage the quality of stormwater discharged from the municipal separate storm sewer system. For the purpose of this permit, the Stormwater Management Program is considered a single document, but may actually consist of separate programs (e.g., "chapters") for each co-permittee.
- AB. Total Maximum Daily Load (TMDL)** – the sum of the individual wasteload allocations (WLAs) for point sources, margin of safety, reserves, and load allocations for nonpoint sources and natural background. A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet WQS, and an allocation of that amount to the pollutant's sources.
- AC. Wasteload Allocation (WLA)** – the fraction of the total pollutant load apportioned to all point sources and includes stormwater discharges regulated as point sources which are identified in the TMDL as WLA\_MS4. WLAs establish water quality-based effluent limits for point source discharges.
- AD. Waters of the State** – all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, storm sewers, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through or border upon this state or any portion thereof, and shall include under all circumstances the waters of the United States, which are contained within the boundaries of, flow through or border upon this state or any portion thereof. Provided waste treatment systems, including treatment ponds or lagoons designed to meet federal and state requirements, other than cooling ponds as defined in the Clean Water Act or rules promulgated thereto, and prior converted cropland are not waters of the state (27A O.S. § 1-1

## RESPONDENT CHECKLIST

Use this checklist to ensure You have properly read and completed all documents listed below. This document (the RFP) contains all the following materials, which must be completed and returned to the City of Tulsa Clerk's Office. We recommend You include this checklist with Your proposal.

Proposer's Name: \_\_\_\_\_

<b>RESPONDENT CHECKLIST</b>	
<b>RESPONDENT DOCUMENTS</b>	<b>INCLUDED?</b>
Cover Letter	
Proposal Narrative (To Include Requirements as listed on page 3-8)	
Respondent Information Sheet <b>(required form)</b>	
Price Sheet Summary <b>(required form)</b>	
Affidavit (Non-Collusion, Interest & Claimant) <b>(required form)</b>	
Acknowledgement of Receipt of Addenda <b>(required form)</b>	
Additional Information (Optional)	

**Please Return Entire RFP Packet**

## PACKING LABEL

**FROM: [Name]**

[Respondent's legal name]

[Street Address]

[City, State, Zip Code]

**City of Tulsa - City Clerk's Office**

175 East 2<sup>nd</sup> Street, Suite 260

Tulsa, OK, 74103

**Respondent Submission For:**

RFP# 25 - 902

RFP DESCRIPTION: Stormwater Quality Compliance and Enforcement  
Software

This label ensures that Your proposal will be sent to the correct office (City Clerk's) and that it is associated with the correct Solicitation (indicated by the RFP number).  
Proposals must be sealed and either mailed or delivered to the City Clerk's Office.  
Proposals must also be received no later than 5:00 PM (CST) on date listed on the first page of the RFP.