

FACT SHEET

FOR THE GENERAL PERMIT TO DISCHARGE WASTEWATER FROM SPLASH PADS LOCATED OUTSIDE OF MS4 BOUNDARIES TO WATERS OF THE UNITED STATES UNDER THE OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES)

DEQ Permit Number: OKG59

Applicant: Owners/Operators of Splash Pads located in the State of Oklahoma

Prepared and Issued By: Municipal Permits Section
 Water Quality Division
 Department of Environmental Quality
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Permit Action: Issue a new general permit for the discharge of wastewater resulting from splash pads (also known as spray parks, spray grounds, spray pools, or spray pads) that are not covered by the Small MS4 Stormwater General Permit OKR04 or other OPDES permit.

The State of Oklahoma Department of Environmental Quality (DEQ) has made a tentative determination to issue the general permit for the discharge from splash pads. DEQ is the permitting authority and this general permit will be enforceable under both federal and state laws, rules and regulations. Permit requirements are based on NPDES regulations (40 CFR, Parts 122, 124, and 136) and the Oklahoma Pollutant Discharge Elimination System Act (OPDES Act), Title 27A O.S., § 2-6-201 *et seq.* and the rules of DEQ adopted there under {See OAC 252:515, 606, 616, and 626}.

I. PERMITTING BACKGROUND

A. CHRONOLOGY OF PERMITTING ACTIVITIES

The following is a chronology of permitting activities for issuance of this general permit.

Month Day, Year:	Newspaper publication of public notice
Month Day, Year:	Received EPA approval.
June 17, 2015:	Draft general permit and fact sheet sent to EPA for review.

B. PROPOSED PERMITTING ACTION

It is proposed that General Permit No. OKG59 be issued for a five year term in accordance with regulations promulgated at 40 CFR 122.46(a) and OAC 252:606-1-3(b).

II. PURPOSE AND SCOPE

A. GENERAL

The purpose of this general permit is to expedite the permitting process for splash pads (also known as spray grounds, spray parks, spray pools, or spray pads) that discharge to waters of the state and that are not currently permitted to discharge under the Small MS4 Stormwater General Permit OKR04 or other OPDES permit. These dischargers have a relatively low risk for causing water quality degradation to the receiving streams. The general permit provides a uniform measure of environmental protection consistent with all the laws, rules and regulations of the Oklahoma Department of Environmental Quality (DEQ) and the Environmental Protection Agency (EPA). This general permit is written to reflect the requirements on municipalities that are authorized to discharge municipal splash pad wastewater as an allowable non-stormwater discharge under the Small MS4 Stormwater General Permit OKR04.

Splash pad discharges are considered to be non-significant sources of pollution until determined otherwise. Determination of substantial contribution may be through monitoring, complaints, or fish kills. Authorization under this permit allows splash pads that are within the jurisdictional boundaries of a municipality and/or county to discharge to waters of the State. Authorization under this permit will record who owns and operates the splash pad, where the splash pad is located, and where the point of discharge is located.

If a splash pad is determined to be a significant contributor of pollutants, authorization under this permit will be revoked, and an individual permit will be required.

B. WASTEWATER GENERATION AND CHARACTERISTICS

Water supply for splash pads must be a potable water source. Discharge may be from either a flow-through or recirculating system. However, discharges from recirculating systems shall be de-chlorinated prior to discharge. Splash pad discharges are considered to be non-significant sources of pollution until determined otherwise.

C. QUALIFYING REQUIREMENTS FOR SPLASH PADS

The general permit covers splash pads (also known as spray grounds, spray parks, spray pools, or spray pads) that discharge to waters of the state. This permit does not cover splash pad discharges that are already covered by the Small MS4 Stormwater General Permit OKR04 or other OPDES permit. Splash pad discharges occurring in Indian Country lands (as defined in 18 USC Section 1151) are not under the authority of DEQ and are not eligible for coverage under this permit; permit coverage must be sought from EPA.

D. RESTRICTIONS FOR RECEIVING WATERS

There are no restrictions on receiving waters because splash pad discharges are not considered to be significant contributors of pollutants unless shown otherwise. Determination of substantial contribution may be through monitoring, complaints, or fish kills.

1. Designated Beneficial Uses

Facilities covered by this Permit will be discharging to various water of the State. These waters will have various beneficial uses as designated by the Oklahoma Water Quality Standards (OWQS). This Permit will cover discharges to waters of the State with any or all designated beneficial uses.

Splash pad discharges are not considered to be a significant contributor of pollution unless shown otherwise. If a discharge authorized under this permit is shown to be a significant contributor of pollution or to violate water quality standards protective of the designated beneficial uses of the receiving water, the authorization will be revoked and an individual permit will be required.

2. Antidegradation Provisions

The discharge is not considered to be a significant contributor of pollution. Therefore, this permit is not likely to adversely affect any areas with water of recreation and/or ecological significance. Nor is it likely to adversely affect waters designated at an Outstanding Resource Water (ORW), High Quality Water (HWQ), or Sensitive Water Supply (SWS). If any discharge authorized under this permit is shown to adversely affect any of the above mentioned waters, the authorization will be revoked and an individual permit will be required. Depending on the additional limitations applicable, facilities located along these receiving waters may be prohibited from any new point source discharge in accordance with Oklahoma's implementation policies for the antidegradation policy statement (OAC 785:45-5-25).

3. Protection of Endangered Species and Threatened Species and Critical Habitat

The discharge is not considered to be a significant contributor of pollution. For that reason, DEQ has concluded that issuance of this permit is not likely to adversely affect a federally listed species or a designated critical habitat. Therefore, formal notification to the U.S. Fish and Wildlife Service (USFWS) is not necessary. However, as noted in Section VII below, a copy of the draft permit, fact sheet, and draft public notice will be provided to the regional Director of USFWS upon publication of that notice. In addition, if any discharge authorized under this permit is shown to adversely affect an endangered or candidate species or critical habitat, the authorization under this permit may be revoked and an individual permit will be required.

4. 303(d) List Assessment

The discharge is not considered to be a significant contributor of pollution. Therefore, it is not expected to contribute to any 303(d) List impairments. If any discharge authorized under this permit is shown to contribute to an impairment of the receiving water, the authorization will be revoked and an individual permit will be required.

5. Re-opener Clause

A re-opener clause is included in this permit so that if a TMDL establishes a WLA or other requirement for this discharge, this permit and any authorizations issued under this permit can be re-opened to include the TMDL requirements.

III. BASIS FOR PERMIT CONDITIONS AND REQUIREMENTS

General permits rely on permittees to certify that they meet the eligibility conditions and implement requirements that will ensure compliance with the conditions of the permit. The permit requirements of Part I and Part II are intended to ensure that those seeking coverage under this general permit establish and implement a pollution prevention and good housekeeping plan that will reduce the discharge of pollutants to the maximum extent practicable and will be adequate and sufficient to meet water quality standards for all pollutants of concern.

No numeric limits are proposed at this time. In accordance with OPDES regulations OAC 252:606-1-3(b)(3), adopting and incorporating by reference 40 CFR 122.44(k), DEQ has required Best Management Practices (BMPs) in the form of a pollution prevention and good housekeeping plan in lieu of numeric effluent limitations.

IV. PERMIT CONDITIONS AND REQUIREMENTS

Discharges from recirculating splash pads must be de-chlorinated prior to discharge. This requirement is consistent with the Small MS4 OKR04 Stormwater General Permit.

Develop a pollution prevention and good housekeeping plan for each splash pad authorized in this permit. The plan shall be maintained by the permittee and made available to DEQ upon request. DEQ suggests that the plan contain the following recommendations.

Recommendations:

- A. Post signs at the splash pad. For example, “No Dumping. Drains to Streams” for flow-through splash pads or “No Dumping. Recirculating System” for recirculating splash pads.
- B. Seek enactment of an ordinance or resolution prohibiting illicit discharges at splash pads. Develop a plan to detect and address illicit discharges.
- C. Seek enactment of an ordinance or resolution that governs the operation of splash pads that is protective of public health.
- D. Develop splash pad operation and maintenance (O&M) procedures. Procedures may address:
 1. Routine maintenance while in operation
 2. Cleaning schedules and waste disposal
 3. Opening procedures at the start of the season
 4. Closing procedures at the end of the season
 5. On-site chemical storage
 6. Water usage monitoring and record keeping

V. SUMMARY OF PROPOSED PERMIT REQUIREMENTS

- Development of a Pollution Prevention and Good Housekeeping Plan.
- Recirculating splash pad wastewater must be de-chlorinated prior to discharge.

VI. CHANGES FROM PREVIOUS PERMIT

This is a new permit.

VII. REVIEW BY OTHER AGENCIES AND FINAL DETERMINATION

A draft permit, fact sheet, and draft public notice will be sent to the District Engineer, Corps of Engineers, and to the Regional Director of the USFWS upon publication of that notice. If comments are received from these agencies, or other State or Federal agencies with jurisdiction over fish, wildlife or public health, additional conditions may be included in accordance with regulations promulgated under 40 CFR 124.59.

The public notice describes the procedures for the formulation of final determinations.

VIII. ADMINISTRATIVE RECORD

The following sources were used to prepare this general permit and constitute a part of the administrative record for this general permit:

A. DEQ RECORDS

- Permit files containing permits, applications and monitoring data for splash pads.
- Fact Sheets from individual permits previously issued by DEQ.

B. FEDERAL WATER POLLUTION CONTROL ACT (CLEAN WATER ACT), 33 U.S.C. 1251 ET. SEQ.

- Section 301, 303 and 402(a).

C. FEDERAL RULES AND REGULATIONS

- 40 CFR Parts 122, 124, and 136.

D. STATE LAW, STANDARDS, AND RULES AND REGULATIONS

- Oklahoma Pollutant Discharge Elimination System (OPDES) Act, 27A O.S. 2-6-201 et. seq.
- OAC 252:515, OAC 252:606, OAC 252:616, OAC 252:626, and OAC 252:690.
- OAC 785:45 and OAC 785:46.
- Oklahoma's Water Quality Standards, as amended.
- Oklahoma Continuing Planning Process Document (CPP).
- Title 27A O.S. 2-6-107.
- Small MS4 Stormwater General Permit OKR04.