



STEVEN A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

MARY FALLIN
Governor

January 31, 2011

Mr. Miguel I. Flores, Director
Water Quality Protection Division
United States Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

Re: Water Quality Certification for General Permit for Point Source Discharges to Waters of the United States from the Application of Pesticides in Oklahoma (OKG87)

Dear Mr. Flores:

We have received your request for a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (Public Law P.L. 92-500), as amended by the Clean Water Act of 1977 (P.L. 95-217), for activities to be permitted under the EPA NPDES Pesticide General Permit (PGP) for Point Source Discharges to Waters of the United States from the application of pesticides in Oklahoma (OKG87). The Department of Environmental Quality rules governing 401 Water Quality Certification are contained in Oklahoma Administrative Code (OAC) 252:611-3-1 through 252:611-3-6 pursuant to 27A O.S. 2-6-103(C)(2). For copies of the Departments rules and regulations related to the 401 procedures, please contact the Customer Assistance Division at (405) 702-1000 or online at www.deq.state.ok.us/rules/2001-611.pdf.

We have reviewed the draft permit, fact sheet, and other relevant information while developing this certification.

Provided the conditions set forth below are followed, there is a reasonable assurance that the activities authorized by this permit will be conducted in a manner which will not violate applicable water quality standards.

Water quality certification of proposed NPDES permit number OKG87 is granted subject to the following conditions which are necessary to assure compliance with the applicable



provisions of Clean Water Act sections 208(e), 301, 302, 303, 306, and 307 and appropriate requirements of State law:

In accordance with Oklahoma's Water Quality Standards (OAC 785:45-5-25, OAC 785:46-13-4, and OAC 785:46-13-5), certification of the PGP is denied for specified discharges to the following areas:

- New discharges to any waterbody designated Scenic River or Outstanding Resource Waters (ORW) in Oklahoma's Water Quality Standards and all waters of the state located within their watersheds. ORWs are designated in Appendix A of the OWQS (July 10, 2009) and listed in Attachment 1 as Tier 3 Areas. Existing discharges as of June 11, 1989 are allowed provided there is no increased load of any pollutant discharged. Permittees that are existing dischargers must document their eligibility as an existing discharger and how they will comply with the no increased loading restriction. Prior to seeking coverage under the permit, this documentation must be submitted to the Oklahoma Department of Agriculture, Food and Forestry (ODAFF) for a determination that the discharge is eligible for coverage. This documentation and the ODAFF determination shall be maintained with the other records required to be kept by Part 7.0 of the permit and the Oklahoma Combined Pesticide Law, 2 O.S. § 3-83 and shall be available upon request to State and Federal inspectors. If the PGP requires the discharger to submit a Notice of Intent (NOI), a copy of the ODAFF determination shall be submitted with the NOI.
- New discharges to any waterbody or watershed designated High Quality Water (HQW) or Sensitive Public and Private Water Supply (SWS) in Oklahoma's Water Quality Standards. HQW and SWS waters and watersheds are designated in Appendix A of the OWQS (July 10, 2009) and listed in Attachment 1 as Tier 2 Areas. Provided, new discharges to Tier 2 Areas are allowed in those circumstances where the discharger demonstrates that the discharge will result in maintaining or improving water quality. Permittees must document their eligibility and demonstrate how their new discharge will maintain or improve water quality. Prior to seeking coverage under the permit, this documentation must be submitted to the Oklahoma Department of Agriculture, Food and Forestry (ODAFF) for a determination that the discharge is eligible for coverage. This documentation and the ODAFF determination shall be maintained with the other records required to be kept by Part 7.0 of the permit and the Oklahoma Combined Pesticide Law, 2 O.S. § 3-83 and shall be available upon request to State and Federal inspectors. If the PGP requires the discharger to submit a Notice of Intent (NOI), a copy of the ODAFF determination shall be submitted with the NOI. Existing discharges in Tier 2 Areas as of June 11, 1989 are allowed. Permittees that are existing dischargers must document their eligibility as an existing discharger. Prior to seeking coverage under the permit, this documentation must

be submitted to the Oklahoma Department of Agriculture, Food and Forestry (ODAFF) for a determination that the discharge is eligible for coverage. This documentation and the ODAFF determination shall be maintained with the other records required to be kept by Part 7.0 of the permit and the Oklahoma Combined Pesticide Law, 2 O.S. § 3-83 and shall be available upon request to State and Federal inspectors. If the PGP requires the discharger to submit a Notice of Intent (NOI), a copy of the ODAFF determination shall be submitted with the NOI.

- New discharges or increased pollutant loading from existing discharges as of June 11, 1989 to any waterbody located within the boundaries of an area listed in Table 1 of Appendix B in Oklahoma's Water Quality Standards are allowed only under such conditions that ensure that the recreational and ecological significance of these waters will be maintained. Appendix B Table 1 areas are listed in Attachment 1. Permittees must document their eligibility. Permittees that are new dischargers or existing dischargers proposing an increased pollutant loading must demonstrate how their new discharge or increased pollutant loading will ensure that the recreational and ecological significance of these waters will be maintained. Permittees that are existing dischargers must document their eligibility as an existing discharger. Prior to seeking coverage under the permit, this documentation must be submitted to the Oklahoma Department of Agriculture, Food and Forestry (ODAFF) for a determination that the discharge is eligible for coverage. This documentation and the ODAFF determination shall be maintained with the other records required to be kept by Part 7.0 of the permit and the Oklahoma Combined Pesticide Law, 2 O.S. § 3-83 and shall be available upon request to State and Federal inspectors. If the PGP requires the discharger to submit a Notice of Intent (NOI), a copy of the ODAFF determination shall be submitted with the NOI.
- This certification applies only to pesticide application activities required to be permitted by the PGP. Terrestrial applications of pesticides, even within Tier 2 or Tier 3 Areas (watersheds), are not affected by this permit or certification.
- The DEQ reserves the right to revoke or revise this certification pending the issuance of a final permit.

The contact person regarding eligibility determinations from ODAFF is:

Kenny Naylor, Assistant Director
Consumer Protection Service (CPS) Division
Oklahoma Department of Agriculture Food and Forestry
P.O. Box 528804, Oklahoma City, OK 73152
Phone: 405-522-5974
Email: kenny.naylor@oda.state.ok.us

To comply with Oklahoma Water Quality Standards, the current conditions in the draft permit other than those noted above must remain as stringent as they exist in the draft permit submitted to the Oklahoma Department of Environmental Quality (DEQ) on November 17, 2010.

Sincerely,

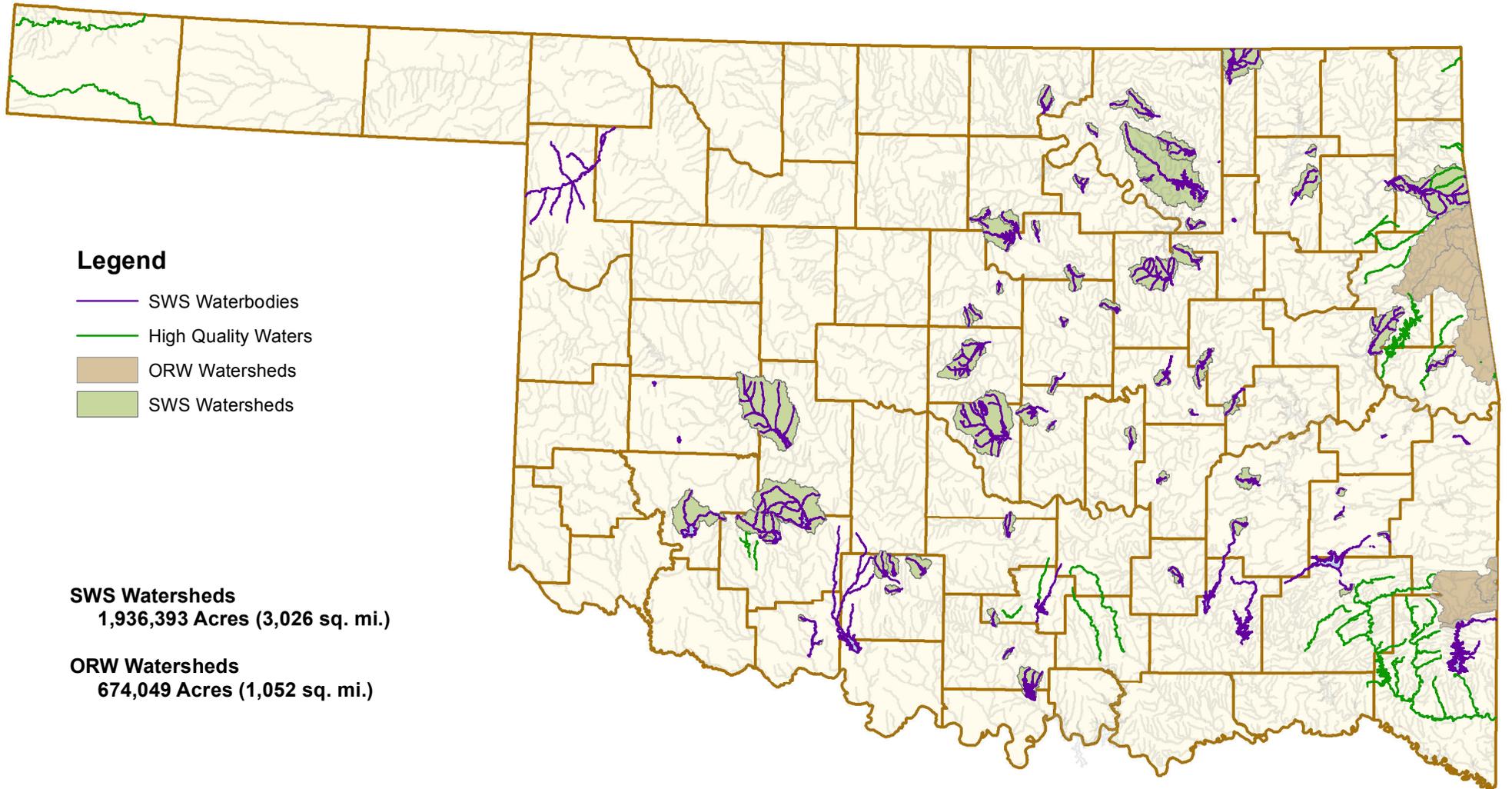


Mark Derichsweiler, P.E., Manager
Watershed Planning and Storm Water Permitting
Water Quality Division

copy: D.J. Parrish, Director, Agricultural Environmental Management Services, ODAFF
Director, Oklahoma Department of Wildlife Conservation
Director, U. S. Fish and Wildlife Service, Tulsa
Claudia Hosch, EPA Region 6
Chief, Environmental Protection Unit, Attorney General of Oklahoma

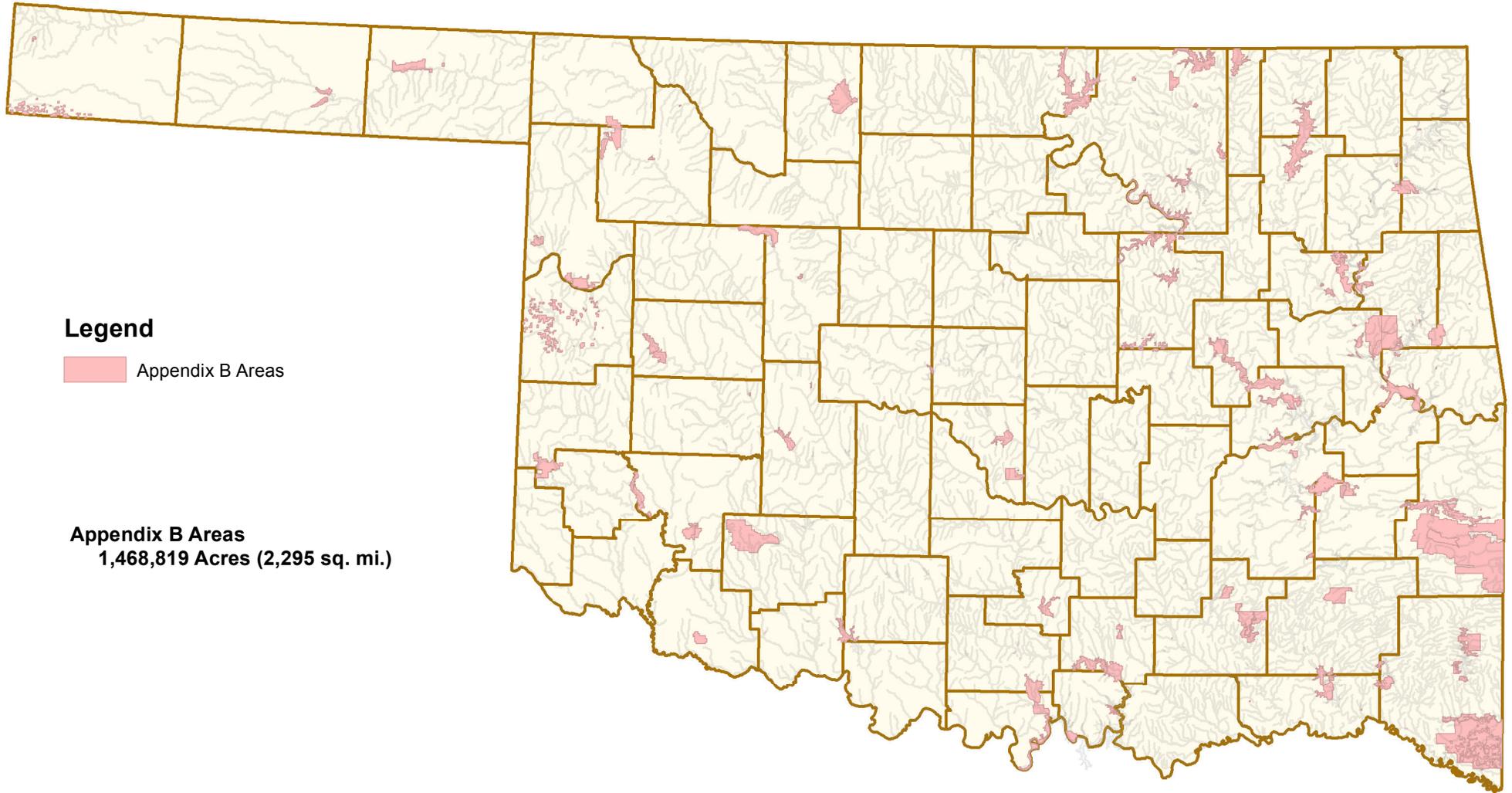
Tier 2 and Tier 3 Waterbodies

Outstanding Resource Waters, High Quality Waters, and Sensitive Water Supplies



Chapter 45 - Appendix B Areas

From Table 1 - National and State Parks, National Forests, Wildlife Areas, Wildlife Management Areas, and Wildlife Refuges



Legend

 Appendix B Areas

Appendix B Areas
1,468,819 Acres (2,295 sq. mi.)

ATTACHMENT 1

WATER QUALITY CERTIFICATION FOR GENERAL PERMIT FOR POINT SOURCE DISCHARGES TO WATERS OF THE UNITED STATES FROM THE APPLICATION OF PESTICIDES IN OKLAHOMA (OKG87)

List of Tier 3 (Outstanding Resource Waters) and Tier 2 waters (High Quality Water and Sensitive Public and Private Water Supply).

(From Appendix A of Oklahoma Water Quality Standards, OWRB, July 2009)

TIER 3 AREAS

Outstanding Resource Waters (ORW) include the following: Flint Creek (all) in Adair County and the following tributary: Sager Creek; (2) Illinois River upstream from the confluence of the Barren Fork east to the Arkansas State Line, and the following tributaries: Tahlequah Creek and Ballard Creek; (3) Barren (Baron) Fork River from its confluence with the Illinois River, upstream to the Arkansas State Line, and the following tributaries: Tyner Creek, Dennison Hollow, Peachater Creek, Scraper Hollow, England Hollow, Green Creek, Shell Branch, and Evansville Creek; (4) Lee Creek – upstream from the 420 feet above mean sea level (msl) elevation to the Arkansas State Line, and the following tributaries: Webbers Creek and Briar Creek (Bear Creek); (5) Little Lee Creek and the following tributary: Jenkins Creek; (4) Mountain Fork River upstream of the 600 feet above (msl) elevation to the Arkansas State Line, and the following tributaries: Boktuklo Creek, Blue Creek, Big Eagle Creek, Little Eagle Creek, Cucumber Creek, Beech (Beach) Creek, Cow Creek, and Panther Creek.

TIER 2 AREAS

High Quality Waters (HQW) include the following: (1) Water Quality Management Basin 1: Lower Illinois River from headwater of Robert S. Kerr Reservoir to Tenkiller Dam, Upper Illinois River from Tenkiller Dam upstream to Barren Fork confluence, Fourteen Mile Creek, Spring Creek, Snake Creek, Little Spring Creek, Brush Creek, Beaty Creek, Honey Creek, Cave Springs Branch, and Warren Branch; (2) Water Quality Management Basin 2: Lee Creek downstream from 420 feet msl to the Arkansas State Line, Black Fork upstream from Cedar Creek, Sallisaw Creek upstream from U.S. Route 64; (3) Water Quality Management Basin 3: Pennington Creek, Guy Sandy Creek, Honey Creek, Crater Creek, Panther Creek, and West Cache Creek upstream from Panther Creek; (4) Water Quality Management Basin 4: Little River from the Arkansas State Line to Pine Creek Dam, Mountain Fork River downstream from U.S. Highway 70 bridge to confluence with Little River, Mountain Fork River upstream from U.S. Highway 70 bridge to Broken Bow Dam, Lukfata Creek, Glover River, Cedar Creek above Glover River, Carter Creek, Pine Creek, West Fork of Glover River, Bluff Creek, East Fork of Glover River, Cypress Creek, Little River upstream from and including Pine Creek Reservoir, Pine Creek, Terrapin Creek, Houston Creek, Cloudy Creek, Jack Creek, Black Fork, Cedar Creek above Kiamichi River, and Blue River upstream from State Route 48A Bridge; (5) Water Quality Management Basin 7: North Canadian (Beaver) River upstream from Texas State Line to New Mexico State Line, and Cimarron River upstream from the Colorado State Line to the New Mexico State Line.

Sensitive Public and Private Water Supply (SWS) include the following waterbodies: (1) Water Quality Management Basin 1: Hominy Creek upstream from and including Skiatook Reservoir, Pecan Hollow Creek, Tributary of Birch Creek (Sec. 14, T24N, R9E, IM); (2) Water Quality Management Basin 2: Hoil-Tuska Creek including (New) Spiro Lake; (3) Water Quality Management Basin 3: Rock Creek including Arbuckle Reservoir, Lake Creek, Clinton Lake, Beaver Creek upstream from and including Waurika Reservoir, Walker Creek, Little Beaver Creek, Stage Stand Creek, Hell Creek, Glen Creek, and Hobart (Rocky Hobart) Lake; (4) Water Quality Management Basin 4: Upper Mountain Fork River from Broken Bow Dam including Broken Bow Reservoir to the 600 foot elevation level; Egypt Creek, Otter Creek, Buffalo Creek (OK410210060020), Jackfork Creek including Sardis Reservoir, Buffalo Creek (OK410310030030), McGee Creek including McGee Creek Reservoir, and North Boggy Creek upstream from and including Atoka Reservoir; (5) Water Quality Management Basin 7: Wolf Creek, Fort Supply Reservoir, Sixteenmile Creek, Little Wolf Creek, Buzzard Creek, Twentyfive mile Creek, Willow Creek, and Rock Creek. Waters designated SWS listed in Appendix A of the OWQS (July 10, 2009) include all

ATTACHMENT 1

Tier 2, Tier 3 Waters and Appendix B Table 1 Areas

waters of the State within the following watersheds: (1) Water Quality Management Basin 1: Greenleaf Creek including Greenleaf Lake and Watershed, Spavinaw Lake and watershed upstream of Spavinaw Lake dam, Eucha Lake and watershed; Lake Claremore and Watershed, Yahola Lake and Watershed, Hominy Municipal Lake and Watershed, Birch Reservoir and Watershed, Bluestem Lake and Watershed, Little Caney River including Copan Reservoir and Watershed, Spencer Creek including Chelsea Reservoir and Watershed, Sahoma Reservoir and Watershed, Heyburn Lake and Watershed, and Shell (Creek) Lake and Watershed; (2) Water Quality Management Basin 2: Wilburton City Lake (Lloyd Church Lake) and Watershed, Coon Creek Lake and Watershed, John Wells Reservoir and Watershed, Brushy (Creek) Lake and Watershed, McAlester Lake and Watershed, and Brown Lake and Watershed; (3) Water Quality Management Basin 3: SCS Site #18 Lake (Rock Creek) including Watershed, Mountain Lake and Watershed, Fuqua Reservoir and Watershed, Duncan Lake and Watershed, Clear Creek Lake and Watershed, Humphreys Lake and Watershed, Pauls Valley Reservoir and Watershed, Fort Cobb Lake and Watershed including Crowder Lake and watershed, Lake Murray and Watershed, Temple Lake (Mooney) and Watershed, Walters Lake (Dave Boyer Lake) and Watershed, Elmer Thomas Lake and Watershed, Lawtonka Lake and Watershed, Ellsworth Lake and Watershed, and Tom Steed Reservoir (Mountain Park) and Watershed; (4) Water Quality Management Basin 4: Clayton Lake and Watershed, Carl Albert Lake and Watershed, Talihina Lake and Watershed, and Coalgate Reservoir and Watershed; (5) Water Quality Management Basin 5: Henryetta Lake and Watershed, Okmulgee Lake and Watershed, Okemah Lake and Watershed, Stroud Lake and Watershed, Meeker Lake and Watershed, Chandler Lake and Watershed, Arcadia Reservoir and Watershed, Weleetka Lake and Watershed, Wewoka Lake and Watershed, Tecumseh Lake and Watershed, Shawnee Twin Lakes and Watershed, Holdenville Reservoir and Watershed, Thunderbird Lake and Watershed; (6) Water Quality Management Basin 6: Cushing Lake and Watershed, Boomer Lake and Watershed, McMurtry Lake and Watershed, Carl Blackwell Lake and Watershed, Langston Lake and Watershed, Guthrie Lake and Watershed, Liberty Lake and Watershed, Pawnee Lake and Watershed, Perry Lake and Watershed, Fairfax Lake and Watershed, Phillips Lake (Shidler) and Watershed, and Ponca Lake and Watershed.

Areas with Waters of Recreational and/or Ecological Significance

Table 1 - National and State Parks, National Forests, Wildlife Areas, Wildlife Management Areas, and Wildlife Refuges.

(From Appendix B of Oklahoma Water Quality Standards, OWRB, July 2009).

Protected area/water	Water Quality Management Segment
Adair State Park	121700
Alabaster Caverns State Park	620920
Altus-Lugert Wildlife Management Area	311510
Arrowhead State Park	220600
Atoka Wildlife Management Area	410400
Beaver River Wildlife Management Area	720500
Beaver State Park	720500
Beavers Bend Resort State Park	410200
Bernice State Park	121600
Black Kettle National Grasslands	310840
Black Kettle Wildlife Management Area	310840
Black Mesa State Park/Preserve	720900
Blue River Wildlife Management Area	310800
Boggy Depot State Park	410400
Boiling Springs State Park	720500
Boswell State Park	410400
Broken Bow Wildlife Management Area	410210
Canton Wildlife Management Area	720500
Cherokee State Parks I, II, III	121600
Cherokee Landing State Park	121700
Chickasaw National Recreation Area	310800

ATTACHMENT 1

Tier 2, Tier 3 Waters and Appendix B Table 1 Areas

Protected area/water	Water Quality Management Segment
Chickasaw Wildlife Management Area	310800
Chouteau Wildlife Management Area	121500
Clayton Lake State Park	410300
Cookson Hills Wildlife Management Area	220200
Cooper Wildlife Management Area	720500
Copan Wildlife Management Area	121400
Crowder Lake State Park	310830
Deep Fork National Wildlife Refuge	520700
Deep Fork Wildlife Management Area	520700
Dripping Springs State Park (Delaware)	121700
Dripping Springs State Park (Okmulgee)	520700
Ellis Co. Wildlife Management Area	520600
Eufaula Wildlife Management Area	520500 520700 220600
Five Civilized Tribes State Park	121600
Fobb Bottom Wildlife Management Area	311100
Fort Cobb State Park	310830
Fort Cobb Wildlife Management Area	310830
Fort Gibson Wildlife Management Area	121600
Fort Supply Wildlife Management Area	720500
Foss State Park	310830
Fountainhead State Park	520700
Gary Sherrer Wildlife Management Area	410310
Great Plains State Park	621010
Great Salt Plains State Park	621010
Greenleaf State Park	120400
Gruber/Cherokee Wildlife Management Area	120400
Hackberry Flat Wildlife Management Area	311310
Heavener Runestone State Park	220100
Heyburn Wildlife Management Area	120400
Hickory Creek Wildlife Management Area	311100
Hochatown State Park	410200
Honey Creek State Park	121600
Honobia Creek Wildlife Management Area	410210
Hugo Wildlife Management Area	410300
Hulah Wildlife Management Area	121400
James M. Collins Wildlife Management Area	220600
John Dahl Wildlife Management Area	621200
Kaw Wildlife Management Area	621210
Keystone State Park	620900
Keystone Wildlife Management Area	620900
	621200
Lake Eucha State Park	121600
Lake Murray State Park	311100
Lake Texoma Resort Park	310000
Lake Wister State Park	220100
Lexington Wildlife Management Area	520600
Little River National Wildlife Refuge	410200
Little River State Park	520810
Love Valley Wildlife Management Area	311100
McClellan-Kerr Wildlife Management Area	120400
McCurtain Co. Wilderness Area	410210
McGee Creek State Park	410400
McGee Creek Wildlife Management Area	410400

ATTACHMENT 1

Tier 2, Tier 3 Waters and Appendix B Table 1 Areas

Protected area/water	Water Quality Management Segment
Mountain Park Wildlife Management Area	311500
Okmulgee State Park	520700
Okmulgee Wildlife Management Area	520700
Oologah Wildlife Management Area	121510
Optima National Wildlife Refuge	720510
Optima Wildlife Management Area	720510
Osage Hills State Park	121400
Osage-Western Wall Rock Creek Wildlife Management Area	121400
Ouachita Wildlife Management Area	220100
Ozark Plateau Wildlife Management Area	220200
Ozark Plateau National Wildlife Refuge	220200
Packsaddle Wildlife Management Area	520620
Pine Creek Wildlife Management Area	410201
Pushmataha Wildlife Management Area	410300
Quartz Mountain State Resort Park	311510
Raymond Gary State Park	410300
Red Rock Canyon State Park	310830
Rebud Valley Conservancy Area	121300
Rita Blanca National Grasslands	720510
Robbers Cave State Park	220100
Robbers Cave Wildlife Management Area	220100
Robert S. Kerr State Wildlife Management Area	220200
Roman Nose State Park	620910
Sallisaw State Park	220200
Sandy Sanders Wildlife Management Area	311800
Sequoyah National Wildlife Refuge	220200
Sequoyah State Park/Western Hills Resort Park	121600
Sheppard Point Recreational Area	120400
Skiatook Wildlife Management Area	121300
Snowdale State Park	121600
Spavinaw State Park	121600
Spavinaw Hills Wildlife Management Area	121600
Spiro Mound State Park	220200
Stinchcomb Wildlife Refuge	520520
Stringtown Wildlife Management Area	410400
Sutton Wilderness Area	520810
Talimena State Park	410310
Tenkiller State Park	121700
Tenkiller Wildlife Management Area	121700
Texoma/Washita Arm Wildlife Management Area	310800
Tishomingo National Wildlife Refuge	310800
Tishomingo Wildlife Management Area	310800
Turkey Creek Recreational Area	410210
Twin Bridges State Park	121600
Wahshashe State Park	121400
Walnut Creek State Park	621200
Washita National Wildlife Refuge	310840
Waurika Wildlife Management Area	311210
Webbers Falls Wildlife Management Area	120400
Wichita Mountains National Wildlife Refuge	311310
	311500
Yourman Wildlife Management Area	220600