GENERAL PERMIT
OKR10

FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES WITHIN THE STATE OF OKLAHOMA

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

WATER QUALITY DIVISION

September 13, 2012

Storm Water General Permit for Construction Activities within the State of Oklahoma

Permit No. OKR10

Authorization to Discharge Under the Oklahoma Pollutant Discharge Elimination System Act (OPDES)

In compliance with the provisions under the OPDES, 27A O.S. 2-6-201 et seq., as amended, except as provided in Part 1.3.2 of this permit, operators of storm water discharges from construction activities, located in an area specified in Part 1.2, are authorized to discharge in accordance with the conditions and requirements set forth herein. Only those operators of storm water discharges from construction activities in the general permit area who submit a Notice of Intent (NOI) and receive an authorization to discharge in accordance with Part 2 of this permit are authorized under this general permit.

This permit is a reissuance by the Department of Environmental Quality (DEQ) and shall become effective on September 13, 2012. This permit replaces the permit issued on September 13, 2007. This permit and the authorization shall expire at midnight, September 12, 2017.

Signed and issued this 13th day of August, 2012

for

Shellie Chard-McClary, Director
Water Quality Division

Mark Derichsweiler, P.E, Engineering Manager
Water Quality Division

GENERAL PERMIT OKR10 FOR STORM WATER DISCHARGES

FROM CONSTRUCTION ACTIVITIES WITHIN THE STATE OF OKLAHOMA

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Part 1 Coverage Under This Permit

1.1 Introduction

Under the authority of the Oklahoma Pollutant Discharge Elimination System Act (OPDES), the Oklahoma Department of Environmental Quality (DEQ) is issuing the general permit OKR10, which authorizes discharges of storm water associated with construction activity. This is a reissuance of the general permit for large and small construction activities and replaces the current permit issued on September 13, 2007.

1.2 Permit Area

Under the Environmental Protection Agency (EPA)'s approval of the OPDES program, the DEQ has had storm water permitting and enforcement responsibility for large and small construction activities since November 19, 1996, except for construction activities associated with oil & gas extraction and agricultural activity, or those construction activities located on Indian Country Lands[1].

Table 1-1 Areas of Coverage Where the EPA is the Permitting Authority Within the State of Oklahoma

Any Construction Activity on Indian Country Lands[1] in Oklahoma
Construction activity associated with Oil and gas extraction under SIC Group 13 (Note: The DEQ does have authority over the natural gas liquid extraction plants identified under SIC code 1321, and service company base operating stations identified under SIC 1389); Pipelines under SIC Group 46, except pipelines within certain facilities regulated by the DEQ; Natural gas transmission under SIC Group 492, except that the DEQ has jurisdiction over natural gas liquid extraction plants [2]
Construction activities associated with Agricultural production and services under SIC Groups 01, 02 and 07; Forestry under SIC Group 08; Fishing, hunting and trapping under SIC Group 09, except the DEQ shall have jurisdiction over industry group number 092 (fish hatcheries and preserves).

If you desire an authorization to discharge storm water from a construction activity listed in Table 1-1 above, you must apply to the EPA at the following addresses:

For an electronic Notice of Intent (eNOI): www.epa.gov/npdes/eNOI

Or For regular U.S. mail delivery: U.S. EPARegion 6

Stormwater Coordinator Compliance Assurance and Enforcement Division (6EN-WC)
EPA SWMGP
P.O. Box 50625
Dallas, TX 75205

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[1] Under EPA's 1996 approval of the State of Oklahoma's permitting program, the State was not authorized to issue NPDES permits under the federal Clean Water Act in areas of Indian country, as defined in 18 U.S.C. § 1151, within the State. 61 Fed. Reg. 65047, 65049 (December 10, 1996). Therefore, this permit does not apply to discharges of storm water in Indian country. However, section 10211(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005 ("SAFETEA"), Public Law 109-59, 119 Stat. 1144 (August 10, 2005), provides the State the opportunity to request approval from EPA to administer federal environmental regulatory programs, including the Clean Water Act NPDES program, in Indian country areas of the State. The submission, by the State, and review, by EPA, of this permit is without prejudice to the State's right to request such approval at any time.

[2] On May 23, 2008, the Ninth Circuit Court of Appeals issued an opinion in *National Resources Defense Council v. United States Environmental Protection Agency*, 526 F. 3d 591 (9th Cir. 2008), vacating EPA's 2006 oil and gas construction storm water regulation. Now the effective requirements are the regulations in place prior to the 2006 rule plus the additional Energy Policy Act clarification of the activities included in the CWA 402(*l*)(2) exemption..

1.3 Eligibility

1.3.1 Authorized Discharges

A. Permittees are authorized to discharge pollutants in storm water runoff associated with construction activities as defined in 40 CFR (Code of Federal Regulations) 122.26 (b)(14)(x) for construction sites of five or more acres, and 40 CFR 122.26 (b)(15)(i) for construction sites of more than one acre but less than five acres**,** including the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb land equal to or greater than one acre, and those construction site discharges designated by the Director as needing a storm water permit under 40 CFR 122.26 (a)(1)(v), or under 122.26 (a)(9) and 122.26 (g)(1)(i). Discharges identified under Part 1.3.2 are excluded from coverage. Any discharge authorized by a different OPDES permit may be commingled with discharges authorized by this permit.

B. This permit also authorizes storm water discharges from support activities (e.g., concrete or asphalt batch plants[3], equipment staging yards, material storage areas, excavated material disposal areas, and borrow areas) provided:

1. The support activity is directly related to a construction site that is required to have OPDES permit coverage for discharges of storm water associated with construction activity;
2. The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and
3. Appropriate controls and measures are identified in a Storm Water Pollution Prevention Plan (SWP3) covering the discharges from the support activity areas.
4. The support activity is not located within the watershed of an Outstanding Resource Water (see Part 9 Definition and Addendum F Outstanding Resource Waters)

C. The following allowable non- stormwater discharges are authorized by this permit:

1. Fire hydrant flushings;
2. Waters used to wash vehicles where detergents are not used;
3. Water used to control dust;
4. Potable water, including uncontaminated waterline flushing;
5. Routine external building wash down which does not use detergents;
6. Pavement wash waters provided spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;
7. Uncontaminated air conditioning or compressor condensate;
8. Uncontaminated ground water or spring water;
9. Foundation or footing drains where flows are not contaminated with process materials such as solvents;
10. Landscape irrigation;
11. Discharge or flows from emergency firefighting activities;

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[3] Discharges subject to a numeric effluent limitation guideline in Part 3.4 Numeric Limitation and Sampling Requirements and Addendum G Additional Requirements for Concrete and Asphalt Batch Plants

12. Uncontaminated flows from excavation dewatering activities will be allowed if operational and structural controls are used to reduce any pollutant releases in order to avoid or minimize the impacts on water quality (See Part 3.3.1.L). These controls must be included in your SWP3.

1.3.2 Limitations on Coverage

A. *Post Construction Discharges*: This permit does not authorize storm water discharges that originate from the site after construction activities have been completed and the site, including any temporary support activity site, has undergone final stabilization. Industrial post-construction storm water discharges may need to be covered by a separate OPDES permit.

B. *Discharges Mixed With Non-Storm Water*: This permit does not authorize discharges that are mixed with sources of non-storm water, other than those discharges that are identified in Part 1.3.1.C (Exceptions to prohibition on non-storm water discharges) and are in compliance with Part 4.5.16. (non-storm water discharges).

C. *Discharges Covered by Another Permit*: This permit does not authorize storm water discharges associated with construction/support activity that have been covered under an individual permit or which require coverage under an alternative general permit in accordance with Part 6.12,except storm water discharges from concrete and asphalt batch plants specified in Part 1.3.1.B.

D. *Discharges Threatening Water Quality*: This permit does not authorize storm water discharges from construction sites that the Director determines will cause, or have reasonable potential to cause or contribute to violations of water quality standards, including anti-degradation policy. Where such determinations have been made, the Director may notify the operator(s) that an individual permit application is necessary in accordance with Part 6.12. However, the Director may authorize coverage under this permit after appropriate controls and implementation procedures designed to bring the discharges into compliance with water quality standards have been included in the SWP3.

E. *Discharges Not Protective of Listed Endangered Species*: This permit does not authorize storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities that are not protective of Federal and State listed endangered and threatened species or designated critical habitat. See Part 11 for more information.

1. For the purposes of complying with Part 1.3 eligibility requirements, storm water discharge-related activities include:

   a. Activities that cause, contribute to, or result in point source storm water pollutant discharges, including but not limited to excavation, site development, grading, and other land disturbing activities; and

   b. Measures to control storm water including the siting, construction, and operation of best management practices (BMPs) to control, reduce, or prevent storm water pollution.

2. Coverage under this permit is available only if the applicant certifies that it meets at least one of the criteria in paragraphs a, b, c, d, or e below. Failure to continue to meet one of these criteria during the term of the permit will render an applicant ineligible for coverage under this permit.

   a. The proposed construction site or land disturbing activity is not located within any of the corridors of the Federal or State identified Aquatic Resources of Concern, and further investigation is not required.

   b. The proposed construction site or land disturbing activity is located within a corridor of a Federal or State identified Aquatic Resources of Concern . The SWP3 describes this area in relation to the identified water or watershed and specifies the measures to be employed to protect the endangered or threatened species or their critical habitat (see Part 3.5.2 and Addendum A).

c. If one of those eligibility criteria under part 1.3.2.E.2.a, b, d, or e cannot be met, applicants may use Addendum I Buffer Guidance to evaluate alternatives of buffer requirements and select equivalent sediment controls or contact DEQ for further consultation; or

d. The applicant's federally approved construction activities are authorized by the appropriate Federal or State agency and that authorization addresses the Endangered Species Act Section 7 consultation for the applicant's storm water discharge or storm water discharge-related activities. Applicants selecting option d must include documentation from USFWS (U.S. Fish and Wildlife Service) or a qualified biologist that demonstrates Section 7 consultation has been completed. The SWP3 must comply with any conditions resulting from that consultation.

e. The applicant's storm water discharges and storm water discharge-related activities were already addressed in another operator's certification of eligibility under Part 1.3.2.E.2.a, b, c, or d. that included the applicant's project area. By certifying eligibility under Part 1.3.2.E.2.e, the applicant agrees to comply with applicable measures or controls upon which the other operator's certification under Part 1.3.2.E.2.a, b, c. or d. was based.

3. The applicant must comply with any applicable terms, conditions, or other requirements developed in the process of meeting the eligibility requirements of Part 1.3.2.E.2.a, b, c, d, or e above to remain eligible for coverage under this permit. Such terms and conditions must be incorporated in the applicant's SWP3.

4. This permit does not authorize any storm water discharges where the discharges or storm water discharge-related activities cause a prohibited "take" (as defined in Part 9) of endangered or threatened species.

5. This permit does not authorize any storm water discharges where the discharges or storm water discharge-related activities are likely to jeopardize the continued existence of any species that are listed or proposed to be listed as endangered or threatened or result in the adverse modification or destruction of habitat that is designated or proposed to be designated as critical.

F. *Construction on Indian Country Land*: This permit does not authorize storm water discharges that originate from construction activities on Indian Country Lands. Such discharges are regulated by the EPA Region 6 offices located in Dallas, Texas (see Part 1.2).

G. *Construction Activities for Oil and Gas Operations and Pipelines*: The Energy Policy Act of 2005 amends the Clean Water Act (CWA) with regard to oil and gas exploration, production, processing, and treatment activities. The June 12, 2006 final rule exempts oil and gas exploration, production, processing, or treatment operations or transmission facility construction activities, from NPDES storm water permits for discharges of stormwater runoff composed entirely of flows from activities which are not contaminated by contact with or that has not come into contact with, any overburden, raw material, intermediate products, finished product, by product or waste products located on the site[4]. Therefore, Facilities that are currently regulated under the DEQ's permit, such as Natural Gas Liquid Extraction Plants (NAICS 211112, SIC 1321) and Oil and Gas Field Services for Company Base Operating Stations (NAICS 213112, SIC 1389), are not required to obtain permit coverage. However, Facilities that have a discharge of a reportable quantity release or that contribute pollutants (other than non-contaminated sediment) to a violation of a water quality standard are required to obtain and maintain OPDES permit coverage for storm water for the entire operating life of the facility. The Director may authorize coverage under this permit for any construction activities within those facilities after appropriate controls and implementation procedures designed to bring

[4] See 40 CFR 122.26(b)(14)(iii) for purposed of defining "contaminated stormwater" at facilities considered to be engaging in industrial activity.

the discharge into compliance with water quality standards unless and/or until termination requirements are met.

H. *Construction Activities Related to Agriculture*: This permit does not authorize storm water discharges that originate from construction activities related to Agriculture, that are under the jurisdiction of the Oklahoma Department of Agriculture, Food, and Forestry. Such discharges are regulated by the EPA Region 6 offices located in Dallas, Texas.

I. *New Sources or New Discharges*: New sources or new discharges of constituents of concern to impaired waters are not authorized by this permit unless otherwise allowable under OAC 252:606 and applicable state law. Impaired waters are those that do not meet applicable water quality standards and are listed on the Clean Water Act Section 303(d) list. Pollutants of concern are those constituents for which the water body is listed as impaired. The 303(d) list of Impaired Waters can be found in Appendix C of Oklahoma's Integrated Report on the DEQ web site at http://www.deq.state.ok.us/WQDnew/305b_303d/index.html, or the DEQ GIS Map and Data Viewer at http://maps.deq.ok.gov/deq_wq/.

Discharges of pollutants of concern to impaired water bodies for which there is an approved total maximum daily load (TMDL) or a watershed plan incorporated in Oklahoma's Water Quality Management Plan in lieu of a TMDL are not eligible for coverage under this permit unless they are consistent with the approved TMDL or watershed plan. Approved TMDL reports or watershed plans can be downloaded from the DEQ website at http://www.deq.state.ok.us/WQDnew/tmdl/index.html. Permittees must incorporate any limitations, conditions, or requirements applicable to their discharges necessary for compliance with the TMDL or watershed plan, including any monitoring or reporting required by the TMDL or watershed plan, into their SWP3 within the time specified in the TMDL or watershed plan in order to be eligible for coverage under this general permit

1.4 Obtaining Authorization

1.4.1. In order for storm water discharges from construction activities to be authorized under this general permit, an operator must:

A. Meet the Part 1.3 Eligibility requirements;

B. Except as provided in Part 2.1.4, develop a Storm Water Pollution Prevention Plan (SWP3) covering either the entire site or all portions of the site where they are operators (see definition in Part 9) according to the requirements in this permit. A "joint" SWP3 may be developed and implemented as a cooperative effort where there is more than one operator at a site; and

C. Submit a Notice of Intent (NOI) in accordance with the requirements of Part 2, using an NOI form provided by the Director in Addendum B (or a photocopy thereof) and also available athttp://www.deq.state.ok.us/eclsnew/sitestrm.htm. Only one NOI need be submitted to cover all of the operator's activities on a common plan of development or sale (e.g., you do not need to submit a separate NOI for each separate lot in a residential subdivision or for two separate buildings being constructed at a manufacturing facility, provided the SWP3 covers each area for which you are an operator). The SWP3 must be implemented upon commencement of construction activities.

D. Develop and implement a storm water pollution prevention plan (SWP3) according to the requirements in this permit. You are required to submit a copy of your complete SWP3 to the DEQ for review if your discharges meet the special conditions listed in Part 2.5 of the permit. If your discharges do not meet the special conditions listed in Part 2.5 of the permit, you are not required to submit a copy of the SWP3 when you submit your NOI. However, you may be required to submit an SWP3 for review upon request by DEQ.

E. Pay the applicable application fee and annual permit fee established in OAC 252:606-3-4(d)(1) and Appendix D (located on http://www.deq.state.ok.us/rules/606.pdf). If not included with the NOI, a statement of the fee due will be sent to the applicant. The fee must be received before the authorization will be issued.

F. Receive an authorization from the DEQ.

1.4.2. Any new operator on site, including those who replace an operator who has previously obtained permit coverage, must submit an NOI to obtain permit coverage.

1.4.3. Once authorization is issued by the DEQ, dischargers who submit an NOI in accordance with the requirements of this permit are authorized to discharge storm water from construction activities under the terms and conditions of this permit. The DEQ may deny coverage under this permit and require submittal of an application for an individual OPDES permit based on a review of the NOI or other information (see Part 6.12 of this permit).

1.5 Terminating Coverage

1.5.1. Permittees wishing to terminate coverage under this permit must submit a Notice of Termination (NOT) in accordance with Part 8 of this permit., using an NOT form provided by the Director and found in Addendum C of the permit (or a photocopy thereof), and available at http://www.deq.state.ok.us/WQDnew/stormwater/index.html. Compliance with this permit is required until an NOT is submitted. The permittee's authorization to discharge under this permit terminates at midnight of the day the NOT is signed.

1.5.2. All permittees must submit an NOT within thirty (30) days after one or more of the following conditions have been met:

A. Final stabilization (see definition Part 9) has been achieved on all portions of the site for which the permittee is responsible (including, if applicable, returning agricultural land to its pre-construction agricultural use);

B. For residential construction only: temporary stabilization has been completed and the residence has been transferred to the homeowner;

C. When another operator has assumed control according to Part 6.7.3. over all areas of the site that have not been finally stabilized. The NOT must be submitted with the new operator's NOI;

1.5.3. The DEQ will review NOTs for completeness and accuracy and inspect the site for which the NOT was submitted within 30 days of receipt of the NOT. Permittees can submit an Inspection Request Form (see Addendum E of the permit) to the DEQ for an inspection prior to submitting an NOT. The DEQ will schedule an inspection and provide any assistance necessary within 30 days of receipt of the written request. Upon completing the inspection, the DEQ will notify the permittee of any needed changes to the site conditions, or that the site has met the termination requirements under this permit. Only one Inspection Request Form can be submitted to the DEQ within a ninety (90) day period. Additional compliance inspections may occur within this 90 day period at the discretion of the DEQ. Enforcement actions may be taken if a permittee submits an NOT without meeting one or more of the conditions in Part 1.5.2.

Part 2 Notice of Intent Requirements

2.1 Deadlines for Notification

2.1.1. Parties defined as operators (see definition in Part 9) due to their operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications and/or operators with day-to-day operational control over construction activities at a project, which are necessary to ensure compliance with a storm water pollution prevention plan or other permit conditions must receive authorization from the DEQ (after submitting an NOI in accordance with the requirements) prior to the commencement of construction activities (i.e., the initial disturbance of soils associated with clearing, grading, excavation activities, or other construction activities).

2.1.2. For storm water discharges from construction projects where the operator changes, including, instances where an operator is added after an NOI has been submitted under Part 2.1.1, the new operator must submit an NOI at least two (2) days before assuming operational control over site specifications or commencing work on-site.

2.1.3. Operators are not prohibited from submitting late NOIs. When a late NOI is submitted, authorization is only for discharges that occur after permit coverage is granted. The Department reserves the right to take appropriate enforcement action for any unpermitted activities that may have occurred between the time construction commenced and authorization of future discharges is granted.

2.1.4. Operators of on-going construction projects as of the effective date of this permit that received authorization for storm water discharges under the DEQ General Permit OKR10 For Storm Water Discharges From Construction Activities Within the State of Oklahoma, issued September 13, 2007, must:

A. Submit an NOI within 90 days of the effective date of this permit. If the permittee is eligible to submit an NOT (e.g., construction is finished and final stabilization has been achieved) before the 90th day, a new NOI is not required to be submitted. Operators must remain in compliance with existing requirements of General Permit OKR10, issued September 13, 2007, until a new authorization is received or an NOT is submitted.

B. Update the SWP3 to comply with the requirements of this permit within 90 days after the effective date of this permit.

C. Pay the applicable application fee and annual permit fee established in OAC 252:606 (located on DEQ's website at http://www.deq.state.ok.us/rules/606.pdf).

2.1.5. Operators of on-going construction projects as of the effective date of this permit that did not receive authorization to discharge under the DEQ General Permit OKR10 issued September 13, 2007, who wish to discharge under this permit, must submit an NOI and obtain authorization under this permit. An SWP3 must be developed to comply with the requirements of this permit.

2.2 Contents of Notice of Intent (NOI)

The NOI form shall include the following information:

2.2.1. Indication of whether you are modifying or renewing your NOI;

2.2.2. The name, address, E-mail address, and telephone number of the operator filing the NOI for permit coverage;

2.2.3. The name (or other identifier), address, county, and latitude/longitude of the construction project or site;

2.2.4. The name of the receiving water(s);

2.2.5. Indication of whether your receiving water is included on the DEQ's 303(d) list of impaired waters;

2.2.6. Indication of whether your discharge will be consistent with the conditions and requirements of EPA approved or established TMDLs or watershed plans;

2.2.7. Brief description of the purpose of the project (i.e. residential subdivision, commercial building, road and/or bridges, wind farm, etc.).

2.2.8. Indication of whether your site is a part of a larger common plan of development or sale?

2.2.9. Estimates the number of acres of the site on which soil will be disturbed;

2.2.10. Based on the instructions in Part 11 and Addendum A, determination of whether the proposed construction site or land disturbing activity is within the specified corridor of a Federal or State Aquatic Resources of Concern. The applicant shall certify permit eligibility, in Endangered Species areas, by selecting a, b, c, d, or e of Part 1.3.2.E.2; and

2.2.11. The applicant shall certify if this company/corporation is registered with the Secretary of State of Oklahoma, and if an SWP3 has been prepared for this facility.

2.3 Where To Submit

NOIs must be signed in accordance with Part 6.7., and sent to the following address: Department of Environmental Quality, Environmental Complaints and Local Services, Storm Water Unit,707 North Robinson, P.O. Box 1677, Oklahoma City, OK 73101-1677, or Fax to (405) 702-6226.

2.4 Modification of an NOI

After issuance of an authorization, an amended NOI may be submitted by a permittee if circumstances change (e.g. the area to be disturbed has changed from 5 acres to 7 acres). The amended NOI shall include the facility's assigned permit number and request a change. The original authorization number will be retained. The DEQ will provide an acknowledgement by mail or e-mail that the amended NOI has been received. Permittees must update their SWP3s to reflect the modification.

2.5 SWP3 Submittal

You must submit a copy of your SWP3 along with your signed NOI if any of these conditions apply:

2.5.1. Any area of your construction site or support activity is located within the watershed of an Outstanding Resource Water (see definition in Part 9 and Addendum F Outstanding Resource Waters);

2.5.2. Any area of your construction site or support activity is located within an Aquatic Resources of Concern identified in Addendum A;

2.5.3. The area to be disturbed on your construction site is forty (40) acres or more.

Part 3 Special Conditions and Effluent Limitations

3.1 Prohibition on Non-Storm Water Discharges

3.1.1. Except as provided in Parts 1.3.1.B or 1.3.2 and 3.1.2 or 3.1.3, all discharges covered by this permit shall be composed entirely of storm water associated with construction activity;

3.1.2. Discharges of material other than storm water that are in compliance with an OPDES permit (other than this permit) issued for that discharge may be discharged or mixed with discharges authorized by this permit.

3.1.3. The non-storm water discharges listed in Part 1.3.1.C. of the permit are authorized by this permit provided the non-storm water component of the discharge is in compliance with Part 4.5.16 (non-storm water discharges).

3.1.4. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

3.2 Releases in Excess of Reportable Quantities

The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable SWP3 for the facility. This permit does not relieve the permittee of the reporting requirements of 40 CFR 110, 40 CFR 117 and 40 CFR 302.

Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110, 40 CFR 117 or 40 CFR 302, occurs during a 24 hour period:

3.2.1. *Reporting a Reportable Spill:* The permittee is required to notify the National Response Center (NRC) (800-424-8802 in Washington, DC) in accordance with the requirements of 40 CFR 110, 40 CFR 117 and 40 CFR 302, and the DEQ Hotline (800-522-0206 statewide) as soon as the discharge is discovered.

3.2.2. *Storm Water Pollution Prevention Plan Requirements*: The SWP3 required under this permit must be modified within 14 calendar days of knowledge of the release to provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the plan must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

3.3 Non Numeric Technology Based Effluent Limitations

The storm water control requirements in this part are the technology-based effluent limitations that apply to all discharges from construction sites eligible for coverage under this permit. These requirements apply the national effluent limitations guidelines and new source performance standards found at 40 CFR Part 450.

3.3.1. Erosion and Sediment Control Requirements

You must design, install and maintain erosion and sediment that minimize the discharge of pollutants from earth-disturbing activities. To meet this requirement, you must comply with the requirements in this Part.

- Area of Disturbance. You are required to minimize the amount of soil exposed during construction activities. You are also subject to the deadlines for temporarily and/or permanently stabilizing exposed portions of your site pursuant to Part 3.3.2.

- Design Requirements. You must account for the following factors in designing your stormwater controls:

  i. The expected amount, frequency, intensity, and duration of precipitation;

  ii. The nature of stormwater runoff and run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features. If any stormwater flow will be channelized at your site, you must design stormwater controls to control both peak flowrates and total stormwater volume to minimize erosion at outlets and to minimize downstream channel and streambank erosion; and

  iii. The range of soil particle sizes expected to be present on the site.

You must direct discharges from your stormwater controls to vegetated areas of your site to increase sediment removal and maximize stormwater infiltration, including any natural buffers established under Parts 1.3.2.E and 3.3.1.A, unless infeasible. Use velocity dissipation devices if necessary to prevent erosion when directing stormwater to vegetated areas.

A. *Protection of Surface Water*: Natural Buffers and Equivalent Sediment Controls.

In order to minimize sediment discharges, if any waters of the State are located on or immediately adjacent to your site, you must maintain at least fifty (50) feet of natural buffer zone, as measured from the top of the bank to disturbed portions of your site, from any named or unnamed receiving streams, creeks, rivers, lakes or other water bodies unless 100 feet of natural buffer is required by Part 1.3.2.E. There are exceptions from this requirement for water crossings, limited water access, and stream restoration authorized under a CWA Section 404 permit. Where no natural buffer exists due to preexisting development disturbances (e.g., structures, impervious surfaces) that occurred prior to the initiation of planning for the current development of the site, you are not required to comply with the requirements in this part, unless you will remove portions of the preexisting development.

Where some natural buffer exists but portions of the area within 50 feet of the surface water are occupied by preexisting development disturbances, you may refer to Addendum I (Buffer Guidance) for sediment control alternatives. Additionally, this requirement is not intended to interfere with any other ordinance, or regulation, statute or other provision of law.

B. *Install Perimeter Controls as following*:

1. Installation Requirements: You must install sediment controls along those perimeter areas of your site that will receive stormwater from earth-disturbing activities. For linear projects with rights-of- way that restrict or prevent the use of such perimeter controls, you must maximize the use of these controls where practicable and document in your SWP3 why it is impracticable in other areas of the project.

2. Maintenance Requirements: You must remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control.

C. *Minimize Sediment Track-Out*. You must minimize the track-out of sediment onto off-site streets, other paved areas, and sidewalks from vehicles exiting your construction site. To comply with this requirement, you must:

1. Restrict vehicle use to properly designated exit points;

2. Use appropriate stabilization techniques at all points that exit onto paved roads so that sediment removal occurs prior to vehicle exit;

3. Where necessary, use additional controls to remove sediment from vehicle tires prior to exit; and

4. Where sediment has been tracked-out from your site onto the surface of off-site streets, other paved areas, and sidewalks, you must remove the deposited sediment by the end of the same work day in which the trackout occurs or by the end of the next work day if track-out occurs on a non-work day. You must remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping trackedout sediment into any stormwater conveyance (unless it is connected to a sediment basin, sediment trap, or similarly effective control), storm drain inlet, or surface water.

D. *Control Discharges from Stockpiled Sediment or Soil*. For any stockpiles or land clearing debris composed, in whole or in part, of sediment or soil, you must comply with the following requirements:

1. Locate the piles outside of any natural buffers established under Parts 1.3.2.E or 3.3.1.A and physically separated from other stormwater controls implemented in accordance with Part 3.3.1;
2. Protect from contact with stormwater (including run-on) using a temporary perimeter sediment barrier;
3. Where practicable, provide cover or appropriate temporary stabilization to avoid direct contact with precipitation or to minimize sediment discharge;
4. Do not hose down or sweep soil or sediment accumulated on pavement or other impervious surfaces into any stormwater conveyance (unless connected to a sediment basin, sediment trap, or similarly effective control), storm drain inlet, or surface water; and
5. Unless infeasible, contain and securely protect from wind.

E. *Minimize Dust*. In order to avoid pollutants from being discharged into surface waters, to the extent feasible, you must minimize the generation of dust through the appropriate application of water or other dust suppression techniques.

F. *Minimize the Disturbance of Steep Slopes*. You must minimize the disturbance of steep slopes (i.e., slopes of 40% or greater). If it is not feasible to avoid disturbance of steep slopes, you must:

1. Divert concentrated or channelized flows of stormwater away from and around areas of disturbance on steep slopes;
2. Use specialized erosion and sediment controls for steep slopes, such as temporary and permanent seeding with soil binders, erosion control blankets, surface roughening, reducing the continuous slope length with terracing or diversions, gradient terraces, interceptor dikes and swales, grass-lined channels, pipe slope drains, subsurface drains, level spreaders, check dams, seep berms, and triangular silt dikes; and
3. Use stabilization practices designed to be used on steep slopes. You must comply with the stabilization requirements as required in Part 3.3.2.

G. *Preserve Topsoil*. You must preserve native topsoil on your site, unless infeasible; you should stockpile and reuse it in areas that will be stabilized with vegetation if applicable.

H. *Minimize Soil Compaction*. In areas of your site where final vegetative stabilization will occur or where infiltration practices will be installed, you must either:

1. Restrict vehicle/equipment use. Restrict vehicle and equipment use in these locations to avoid soil compaction; or
2. Use soil conditioning techniques. Prior to seeding or planting areas of exposed soil that have been compacted, use techniques that condition the soils to support vegetative growth, if necessary.

I. *Protect Storm Drain Inlets*. If you discharge to any storm drain inlet that carries stormwater flow from your site directly to surface water (and it is not first directed to a sediment basin, sediment trap, or similarly effective control), and you have the authority to access the storm drain inlet, you must comply with the following requirements:

1. Installation Requirements. Install inlet protection measures that remove sediment from your discharge prior to entry into the storm drain inlet.

2. Maintenance Requirements. Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, you must remove the deposited sediment by the end of the same work day in which it is found or by the end of the following work day if removal by the same work day is not feasible.

J. *Constructed Stormwater Conveyance Channels*: Design channels to avoid unstabilized areas on the site and to reduce erosion, unless infeasible. Minimize erosion of channels and their embankments, outlets, adjacent streambanks, slopes, and downstream waters during discharge conditions through the use of erosion controls and velocity dissipation devices within and along the length of any constructed stormwater conveyance channel, and at any outlet to provide a non-erosive flow velocity.

K. *Sediment Basins*. If you install a sediment basin, you must comply with the following:

1. Design requirements. Provide storage for either the calculated volume of runoff from a 2-year, 24-hour storm, or 3,600 cubic feet per acre drained;

2. When discharging from the sediment basin, utilize outlet structures that withdraw water from the surface in order to minimize the discharge of pollutants, unless infeasible;

3. Prevent erosion of the sediment basin using stabilization controls (e.g., erosion control blankets), and the inlet/outlet using erosion controls and velocity dissipation devices; and

4. Sediment basins must be situated outside of surface waters and any natural buffers established under Parts 1.3.2.E and 3.3.1.A.

L. *Dewatering Practices*. You are prohibited from discharging groundwater or accumulated stormwater that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation associated with a construction activity, unless such waters are first effectively managed by appropriate controls. Uncontaminated dewatering water can be discharged without being routed to a control. You must also meet the following requirements for dewatering activities:

1. Do not discharge visible floating solids or foam;

2. Use an oil-water separator or suitable filtration device (such as a cartridge filter) that is designed to remove oil, grease, or other products if dewatering wastewater is found to contain these materials;

3. To the extent feasible, utilize vegetated, upland areas of the site to infiltrate dewatering water before discharge. In no case will surface waters be considered part of the treatment area;

4. At all points where dewatering water is discharged, comply with the velocity dissipation requirements of Part3.3.1.J;

5. With backwash water, either haul away for disposal or return it to the beginning of the treatment process; and

6. Replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications.

3.3.2. Stabilization Requirements

You are required to stabilize exposed portions of your site in accordance with the requirements of this Part.

A. Deadlines for Initiating and Completing Stabilization.

1. Deadline to initiate stabilization. You must initiate stabilization measures immediately whenever earth-disturbing activities have permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days.

   The term "immediately" is used to define the deadline for initiating stabilization measures. In the context of this provision, "immediately" means as soon as practicable, but no later than the end of the next work day, following the day when the earth-disturbing activities have temporarily or permanently ceased.

2. Deadline to complete stabilization activities. As soon as practicable, but no later than 14 calendar days after the initiation of soil stabilization measures consistent with Part 3.3.2.A.1, you are required to have completed:

   a. For vegetative stabilization, all activities necessary to initially seed or plant the area to be stabilized; and/or

   b. For non-vegetative stabilization, the installation or application of all such non-vegetative measures.

   If you discharge to an impaired water, or Outstanding Resource Water (ORW), or Aquatic Resource of Concern (ARC), you are required to complete the stabilization activities specified in Part 3.3.2.A.2.a and b. within 7 calendar days after the temporary or permanent cessation of earth-disturbing activities.

B. *Criteria for Stabilization*. To be considered adequately stabilized, you must meet the criteria below depending on the type of cover you are using, either vegetative or non-vegetative.

1. Vegetative Stabilization. For both temporary and final stabilization, if you are using vegetative cover to stabilize an exposed portion of your site, you must comply with one of the following criteria:

   a. Provide an established uniform perennial vegetative cover (e.g., evenly distributed without large bare areas), which covers 70% or more of the density of coverage that was provided by vegetation prior to commencing earth-disturbing activities. When background vegetation covered less than 100% of the ground prior to commencing earth-disturbing activities, the 70% coverage criteria is adjusted as in following example: if vegetation covered 50% of the ground prior to construction, then the requirement would be to provide a total vegetative cover at final stabilization of 70% of 50% (0.70 X 0.50 = 0.35), or 35% of the site.

   b. Immediately after seeding or planting the area to be vegetative stabilized, to the extent necessary to prevent erosion on the seeded or planted area, you must select, design, and install non-vegetative erosion controls that provide cover (e.g., mulch, rolled erosion control products) to the area while vegetation is becoming established.

2. If you are using non-vegetative controls (e.g., hydromulch, erosion control blankets, riprap, geotextiles, and gabions) to stabilize exposed portions of your site, or if you are using such controls to temporarily protect areas that are being vegetatively stabilized, you must provide effective non-vegetative cover to stabilize any such exposed portions of your site.

3.3.3. Pollution Prevention Requirements

You are required to design, install, implement and maintain effective pollution prevention measures in order to minimize or prevent the discharge of pollutants. To meet this requirement, you are required to:

- Eliminate certain pollutant discharges from your site (see Part 3.3.3.A);
- Properly maintain all pollution prevention controls (see Part 3.3.3.B); and
- Comply with pollution prevention standards for pollutant-generating activities that occur at your site (see Part 3.3.3.B).

A. *Prohibited Discharges*. You are prohibited from discharging the following from your construction site:

1. Wastewater from the washout of concrete, unless managed by an appropriate control as described in Part 3.3.3.B.4;
2. Wastewater from the washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials, unless managed by an appropriate control as described in Part 3.3.3.B.4;
3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
4. Soaps, detergents or solvents used in vehicle and equipment washing;
5. Toxic or hazardous substances from a spill or other release.

B. *Maintenance Requirements.* You must ensure that all pollution prevention controls installed in accordance with this Part remain in effective operating condition and are protected from activities that would reduce their effectiveness. You must inspect all pollutant-generating activities and pollution prevention controls in accordance with your inspection frequency requirements in Part 4.5.13.B. and document your findings in accordance with Part 4.5.13.E. if you find that controls need to be replaced, repaired, or maintained, you must make the necessary repairs or modifications in accordance with the following:

1. General Maintenance Requirements. You must initiate work to fix the problem immediately after discovering the problem, and complete such work by the close of the next work day, if the problem does not require significant repair or replacement, or if the problem can be corrected through routine maintenance.

2. Washing of Equipment or Vehicles

a. You must provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of washing;

b. To comply with the prohibition in Part 3.3.3.A.4 for storage of soaps, detergents, or solvents, you must provide either cover (e.g., plastic sheeting or temporary roofs) to prevent these detergents from coming into contact with rainwater, or a similarly effective means designed to prevent the discharge of pollutants from these areas.

3. Storage, Handling, and Disposal of Construction Products, Materials and Wastes. You must minimize the exposure to stormwater of any of the products, materials, or wastes specified below that are present at your site by complying with the requirements in this Part. To ensure you meet this requirement, you must:

a. For building products: In storage areas, provide either cover (e.g., plastic sheeting or temporary roofs) to prevent these products from coming into contact with rainwater, or a similarly effective means designed to prevent the discharge of pollutants from these areas.

b. For pesticides, herbicides, insecticides, fertilizers, and landscape materials:

(1). In storage areas, provide either cover (e.g., plastic sheeting or temporary roofs) to prevent these chemicals from coming into contact with rainwater, or a similarly effective means designed to prevent the discharge of pollutants from these areas; and

(2). Comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label.

c. For diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals:

(1) To comply with the prohibition in Part 3.3.3.A.3 store chemicals in water-tight containers, and provide either cover (e.g., plastic sheeting or temporary roofs) to prevent these containers from coming into contact with rainwater, or a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., spill kits), or provide secondary containment (e.g., spill berms, decks, spill containment pallets); and

(2) Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. Do not clean surfaces or spills by hosing the area down. Eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge.

d. For hazardous or toxic waste (e.g., paints, solvents, petroleum-based products, wood preservatives, additives, curing compounds, acids):

(1). Separate hazardous or toxic waste from construction and domestic waste;

(2). Store waste in sealed containers, which are constructed of suitable materials to prevent leakage and corrosion, and which are labeled in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable federal, state, or local requirements;

(3). Store all containers that will be stored outside within appropriately-sized secondary containment (e.g., spill berms, decks, spill containment pallets) to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., storing chemicals in covered areas or having a spill kit available on site);

(4). Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended methods of disposal and in compliance with federal, state, and local requirements; and

(5). Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. Do not clean surfaces or spills by hosing the area down. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.

e. For construction and domestic waste (e.g., packaging materials, scrap construction materials , masonry products, timber, pipe and electrical cuttings, plastics, Styrofoam, concrete, and other trash or building materials): Provide waste containers (e.g., dumpster or trash receptacle) of sufficient size and number to contain construction and domestic wastes. In addition, you must:

(1). On work days, clean up and dispose of waste in designated waste containers; and

(2). Clean up immediately if containers overflow.

f. For sanitary waste: Position portable toilets so that they are secure and will not be tipped or knocked over.

4. Washing of Applicators and Containers Used for Paint, Concrete, or Other Materials.

To comply with the prohibition in Parts 3.3.3.A.1 and 2, you must provide an effective means of eliminating the discharge of water from the washout and cleanout of stucco, paint, concrete, form release oils, curing compounds, and other construction materials. To comply with this requirement, you must:

a. Direct all washwater into a leak-proof container or leak-proof pit. The container or pit must be designed so that no overflows can occur due to inadequate sizing or precipitation;

b. Handle washout or cleanout wastes as follows:

(1). Do not dump liquid wastes in storm sewers:

(2). Dispose of liquid wastes in accordance with applicable requirements in Part 3.3.3.B.3; and

(3). Remove and dispose of hardened concrete waste consistent with your handling of other construction wastes in Part 3.3.3.B.3; and

c. Locate any washout or cleanout activities as far away as possible from surface waters and stormwater inlets or conveyances, and, to the extent practicable, designate areas to be used for these activities and conduct such activities only in these areas.

C. Emergency Spill Notification. You are prohibited from discharging toxic or hazardous substances from a spill or other release, consistent with Part 3.3.3.A.5. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 or, in the areas of Oklahoma, call (800)522-0206 as soon as you have knowledge of the discharge. You must also, within seven calendar days of knowledge of the release, provide a description of the release, the circumstances leading to the release, and the date of the release. Local requirements may necessitate additional reporting of spills or discharges to local emergency response, public health, or drinking water supply agencies.

D. Fertilizer Discharge Restrictions. You are required to minimize discharges of fertilizers containing nitrogen or phosphorus. To meet this requirement, you must comply with the following requirements:

1. Apply at a rate and in amounts consistent with manufacturer's specifications, or document departures from the manufacturer specifications;
2. Apply at the appropriate time of year for your location, and preferably timed to coincide as closely as possible to the period of maximum vegetation uptake and growth;
3. Avoid applying before heavy rains that could cause excess nutrients to be discharged;
4. Never apply to frozen ground;
5. Never apply to stormwater conveyance channels with flowing water; and
6. Follow all other federal, state, tribal and local requirements regarding fertilizer application.

3.4 Numeric Limitation and Sampling requirements

3.4.1. Numeric Effluent Limitation and Monitoring Requirements for Asphalt Batch Plants

If you have discharges of stormwater from asphalt batch plants, you must comply with the limitations and monitoring requirement of the following Table 3.1. The numeric effluent limitations in Table 3.1 apply to storm water discharges associated with any activities for asphalt batch plants, not for concrete batch plants.

TABLE 3.1 NUMERIC EFFLUENT LIMITATIONS FOR ASPHALT BATCH PLANTS

Parameter	Limitation	Monitoring Frequency	Sample Type
Total Suspended Solids	23 mg/l, daily max. 15 mg/l, 30-day avg.	1/year	Grab

Oil and Grease	15 mg/l, daily max. 10 mg/l, 30-day avg.	1/year	Grab
pH	6.5-9.0, min. and max.	1/year	Grab

If the project is less than one year, you shall collect at least one sample. Also you must comply with quarterly visual monitoring and annual numeric effluent limitation monitoring and document those results as specified in your SWP3 (see Addendum G Additional Requirements for Concrete and Asphalt Batch Plant).

3.5 Water Quality Based Effluent Limitations

Your stormwater discharges must be controlled as necessary to meet applicable water quality standards. Operators seeking coverage under this permit shall not be causing or have the reasonable potential to cause or contribute to a violation of a water quality standard. Where a discharge is already authorized under this permit and is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard, the Director will notify the operator of such violation(s). The permittee shall take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and document these actions in the SWP3. If violations remain or re-occur, then coverage under this permit may be terminated by the Director, and an alternative general permit or individual permit may be issued. Compliance with this requirement does not preclude any enforcement activity as provided by the Clean Water Act (CWA) for the underlying violation. If such violation is determined, the Director may require you to:

- Develop a supplemental BMP action plan describing SWP3 modifications in accordance with Part 4.4 to address adequately the identified water quality concerns;
- Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or
- Cease discharges of pollutants from construction activity and submit an alternative general permit or individual permit application.

3.5.1. Discharges to Waters Identified as Impaired Waters

If you discharge to an impaired water that is impaired for sediment within one (1) stream mile, you are required to comply with the additional requirement in this part.

A. Identify if you discharge to impaired waters. If you discharge to impaired waters, you must indicate so in your NOI and comply with the following requirements in Part 3.5.1.B, C. and D. If you indicate in your NOI that you do not discharge to an impaired water, DEQ may determine, based on additional information, that you are considered to be discharging to an impaired water. If this is the case, you will be notified of DEQ's determination, and be provided with an opportunity to comply with additional requirements as a condition of your permit coverage, consistent with Part 3.5.1.

B. Site inspection requirements. You are required to comply with the following modified inspection requirements:

   You must conduct site inspections once every 7 calendar days at a minimum, and within 24 hours of a storm event of 0.5 inches or greater or within 24 hours of a discharge caused by snowmelt,

C. Corrective actions. If the inspection or visual examination results indicate any permit violations, you must implement the corrective actions required in Part 4.5.15. However, a violation would result if you fail to implement the required corrective actions. If you are subject to the numeric limit in Part 3.4 (Table 3.1 for asphalt batch plant) you must implement the monitoring requirement according to Addendum G of this permit. If your sample results indicate that you have exceeded the numeric limit, you must implement the corrective actions according to Part 4.5.15.

D. Stabilization requirements. You are required to comply with the following modified stabilization requirements:

You are required to comply with the stabilization requirements as specified in Part 3.3.2.A.1 and 2 within 7 calendar days after the temporary or permanent cessation of earth-disturbing activities.

3.5.2. Discharges to waters identified as an Outstanding Resource Water (ORW) or Aquatic Resource of Concern (ARC)

If you discharge to waters identified as outstanding resource water (see Addendum F of this permit) or your sites are located within areas identified as an aquatic resource of concern and you are relying on option b in Part 1.3.2.E.2 (see Part 11 and Addendum A of this permit), you must implement inspection, corrective actions and stabilization requirements provided in Part 3.5.1. Also you must comply with the following additional requirements:

A. In order to minimize sediment discharges, if any ORW or ARC is located on or immediately adjacent to your site, you must ensure that a vegetated buffer zone of at least 100 feet is retained or successfully established/planted between the area disturbed and all perennial or intermittent streams. A vegetated buffer zone of at least 50 feet must be retained or successfully established/planted between the areas disturbed during construction and all ephemeral streams or drainages. If the nature of the construction activity or the construction site makes a buffer impossible, you must provide equivalent controls. Use Addendum I (Buffer Guidance) for information to assist you in developing equivalent controls. There are exceptions from this requirement for water crossings, limited water access, and stream restoration authorized under a CWA Section 404 permit.

B. For drainage locations serving five (5) or more acres disturbed at one time, a temporary (or permanent) sediment basin and/or sediment traps shall be used to minimize sediment discharges within the areas of the Outstanding Resource Waters or Aquatic Resources of Concern. You may use the information in Part 3.3.1.K and 4.5.11.A.3 to assist you in complying with this requirement.

For common drainage locations that serve an area with five (5) or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from a 2 year, 24 hour storm from each disturbed acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. When computing the number of acres draining into a common location, it is not necessary to include flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin.

In determining whether installing a sediment basin is attainable, you may consider factors such as site soils, slope, available area on site, etc. In any event, you must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls shall be used where site limitations would preclude a safe design. For drainage locations that serve five (5) or more disturbed acres at one time and where a temporary sediment basin or equivalent controls is not attainable, smaller sediment basins and/or sediment traps should be used. Where neither the sediment basin nor equivalent controls are attainable due to site limitations, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area and for those side slope boundaries deemed appropriate as dictated by individual site conditions. DEQ encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.

C. For any portion of the site that discharges to an ORW or ARC, instead of the inspection frequency specified in Part 4.5.13.B, you must conduct inspections within 7 calendar days and within 24 hours of the occurrence of a storm event of 0.5 inches or greater.

D. For initiating and completing stabilization, you are required to complete the stabilization activities within seven (7) calendar days after the temporary or permanent cessation of earth-disturbing activities.

3.6 Responsibilities of Operators

Permittees may meet one or both of the operational control components in the definition of "operator" found in Part 9. Either Parts 3.6.1 or 3.6.2 or both will apply depending on the type of operational control exerted by an individual permittee.

3.6.1. Operational Control over Construction Plans and Specifications

If you have operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications (e.g., developer, owner, or operator), you must ensure that:

A. The project specifications meet the minimum requirements of Part 4 (Storm Water Pollution Prevention Plans), and all other applicable permit conditions;

B. The SWP3 indicates the areas of the project where you have operational control over project specifications (including the ability to make modifications in specifications), and ensure all other permittees implementing portions of the SWP3 who may be impacted by any changes to the plan are notified of such modifications in a timely manner; and

C. The SWP3 for portions of the project where you are the operator indicates the name and DEQ permit number for parties with day-to-day operational control of those activities necessary to ensure compliance with the SWP3 or other permit conditions. If these parties have not been identified at the time the SWP3 is initially developed, the permittee with operational control over project specifications shall be considered to be the responsible party until such time as the authority is transferred to another party (e.g., general contractor) and the plan updated.

3.6.2. Operational Control over Day-to-Day Activities

If you have operational control over day-to-day activities, you must ensure that:

A. The SWP3 for portions of the project where you are the operator meets the minimum requirements of Part 4 (SWP3) and identifies the parties responsible for implementation of control measures identified in the plan;

B. The SWP3 indicates areas of the project where you have operational control over day-to-day activities; and.

C. The SWP3 for portions of the project where you are the operator indicates the name and OPDES permit number of the party(ies) with operational control over project specifications (including the ability to make modifications in specifications).

3.6.3. Responsibilities of Operators at a Larger Common Plan of Development

The criteria within the definition of "Operator" allow for more than one entity to be active at a construction site that is considered a larger common plan of development. For example, the developer and one or more builders may be engaged in construction activity within a residential subdivision at the same time, and any or all may be considered operators as defined by this permit. Where it is determined to be more efficient or desirable, this permit allows for all construction activities at a larger common

plan of development to be covered by a single permit and the SWP3 held by a Primary Operator, usually the developer.

For the purposes of this provision, "Primary Operator" for a construction project that has more than one operator means an operator who has chosen to obtain coverage under this permit for all discharges from all earth-disturbing activities at a construction site that is considered to be a larger common plan of development even if such discharges originate from portions of the site operated by another entity, such as a builder or utility contractor.

For the purposes of this provision, "Secondary Operator" for a construction project that has more than one operator means an operator who has elected to have the discharges from earth-disturbing activities on a portion of a larger common plan of development to which he/she has operational control covered by the permit and SWP3 held by the Primary Operator rather than obtaining separate permit coverage for those discharges. If an operator who may be considered a Secondary Operator under this provision elects not to have their discharges from earth-disturbing activities covered by the Primary Operator's permit, this operator must obtain separate permit coverage.

A. Responsibilities of the Primary Operator

The Primary Operator is ultimately responsible for the runoff from the perimeter of the development. Regardless of the reason for the runoff, the Primary Operator is responsible for ensuring sufficient overall controls for the development. The Primary Operator is responsible for obtaining permit coverage for the development and for developing and maintaining an SWP3 for the development. The Primary Operator shall identify all Secondary Operators in the SWP3 and identify the specific areas of the development where they will be active. The Primary Operator shall ensure that Secondary Operators are aware of all SWP3 requirements, BMPs and other control measures that apply to their operations. Contractor Certifications (Part 4.6) or similar written instruments should be used to document this notification.

The Primary Operator shall not terminate permit coverage until at least one of the following conditions has been met:

1. All construction, including landscaping and lot development, has been completed, and final stabilization has been achieved.
2. All lots are sold and developed, and there are no temporary common controls for subdivision outfalls, i.e. sediment basins, large sediment traps, check dams, etc.
3. All construction activity by the Primary Operator is completed, final stabilization has been achieved on all areas under the control of the Primary Operator, and the remaining undeveloped lots have been sold to another operator or operators that have obtained separate permit coverage. Copies of the new NOIs for all remaining operators must be submitted with the NOT of the Primary Operator.

B. Responsibilities of Secondary Operators

Secondary Operators must be thoroughly familiar with and adhere to provisions of the permit, the NOI, the SWP3 and all BMPs and control measures which apply to their areas of activity. Secondary Operators must notify the Primary Operator prior to beginning any earth-disturbing activity and execute any written notification required by the Primary Operator. Secondary Operators must avoid damaging or interfering with the effectiveness of any control measure on the construction site or notify the Primary Operator if such occurs.

3.6.4 Responsibilities of the Operator of Utility Installation

If you have operational control over utility installation (e.g., telephone, electric, gas, cable TV, etc.), your activities must be covered under an SWP3, either a "joint SWP3" for the larger common plan of development or sale, or your own SWP3. You are responsible for maintenance of the SWP3 on the areas disturbed by your activities. You must ensure the protection of endangered species, implementation of BMPs, and final stabilization requirements. This applies to utility companies and their subcontractors. If you are a contractor and do not meet the definition of "operator" (see Part 9.16), you are not required to submit an NOI for the permit coverage. You may be covered as a secondary operator, by a "contractor certification" or similar arrangement (see Addendum D of the permit).

Part 4 Storm Water Pollution Prevention Plans (SWP3)

4.1 Storm Water Pollution Prevention Plan (SWP3)

4.1.1. An SWP3 must be prepared prior to submission of an NOI as required in Part 2 of the permit. At least one SWP3 must be developed for each construction project or site covered by this permit. For more effective coordination of BMPs and opportunities for cost sharing, a cooperative effort by the different operators at a site to prepare and participate in a comprehensive SWP3 is encouraged. Individual operators at a site may, but are not required to, develop separate SWP3s that cover only their portion of the project provided reference is made to other operators at the site. In instances where there is more than one SWP3 for a site, coordination must be conducted between the permittees to ensure the storm water discharge controls and other measures are consistent with one another (e.g., provisions to protect listed species and critical habitat).

4.1.2. SWP3s shall be prepared in accordance with good engineering practices. Use of a licensed professional engineer (PE) for SWP3 preparation is not required by the permit. However, if any part of the SWP3 involves the practice of engineering[5], then those engineering practices and designs are required to be prepared by a licensed professional engineer. The SWP3 shall identify potential sources of pollution that may reasonably be expected to affect the quality of storm water discharges from the construction site. The SWP3 shall describe and ensure the implementation of practices that will be used to reduce the pollutants in storm water discharges associated with construction activity at the construction site and assure compliance with the terms and conditions of this permit.

4.1.3. When developing SWP3s, applicants must follow the procedures in Part 11 of this permit to determine whether listed endangered or threatened species or critical habitat would be affected by the applicant's storm water discharges or storm water discharge-related activities. Any information on whether listed species or critical habitats are found in proximity to the construction site must be included in the SWP3. Any terms or conditions that are imposed under the eligibility requirements of Parts 1.3.2.E, 3.5.2. and 11 of this permit to protect listed species or critical habitat from storm water discharges or storm water discharge-related activity must be incorporated into the SWP3. Permittees must implement the applicable provisions of the SWP3 required under this part as a condition of this permit.

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[5] Statutes and Rules of Oklahoma State Board of Licensure for Professional Engineers & Land Surveyors, Section 472.2 "Definitions" states "practice of engineering means any service or creative work, the adequate performance of which requires engineering education, training and experience in the application of special knowledge of the mathematical, physical and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, planning the engineering use of land and water, teaching of advanced engineering subjects or courses related thereto, engineering research, engineering surveys, engineering studies, and the inspection or review of construction for the purposes of assuring compliance with drawings and specifications; any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, chemical, environmental, hydraulic, pneumatic or thermal nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the design review and integration of a multidiscipline work, planning, progress and completion of any engineering services."

4.1.4. If your construction site discharges into a receiving water which has been listed on the Clean Water Act 303(d) list of impaired waters, and your discharges contain the pollutant(s) for which the waterbody is impaired, you must document in your SWP3 how the best management practices (BMPs) and other controls selected for your site will control the discharge of the pollutant(s) of concern. If Part 3.5.1 applies to your discharge you must include in your SWP3 the additional requirements specified in that part.

If a TMDL or watershed plan has been approved for the waterbody, you must also describe how your SWP3 is consistent with any TMDL or watershed plan requirements applicable to your discharge. If a TMDL has not yet been approved and the proposed discharge meets the eligibility requirements of Part 1.3, you must describe how the BMPs and other controls selected for your SWP3 will reduce the discharge of the pollutant(s) of concern.

The 303(d) list of Impaired Waters in Oklhoma can be found in Appendix C of the Integrated Report on the DEQ webpage at http://www.deq.state.ok.us/WQDnew/305b_303d/index.html, or the DEQ GIS Map and Data Viewer at http://maps.scigis.com/deq_wq/.

Approved TMDL reports or watershed plans can be downloaded from the DEQ website at http://www.deq.state.ok.us/wqdnew/tmdl/index.html

4.1.5. If the industrial activities associated with a concrete or asphalt batch plant are directly related to your construction site and are covered under this permit, you must develop the SWP3 for such industrial activities according to Addendum G (Additional Requirements for Concrete and Asphalt Batch Plants) of this permit.

4.2 Deadlines for Plan Preparation and Compliance

The SWP3 shall:

4.2.1. Be completed prior to submitting your NOI. If necessary, you must update the SWP3 as appropriate during construction.

4.2.2. Provide for compliance with the terms and schedule of the SWP3 beginning with the initiation of construction activities.

4.3 Signature, Plan Review and Making Plans Available

4.3.1. The SWP3 shall be signed in accordance with Part 6.7, and be retained on-site at the facility that generates the storm water discharge in accordance with Part 5 (Retention of Records) of this permit.

4.3.2. The permittee shall post a notice near the main entrance of the construction site with the following information:

A. The OPDES permit number for the project or a copy of the NOI if a permit number has not yet been assigned;

B. The name and telephone number of a local contact person;

C. A brief description of the project; and

D. The location of the SWP3 if the site is inactive or does not have an on-site location to store the plan.

If posting this information near a main entrance is infeasible due to safety concerns, the notice shall be posted in a local public building. If the construction project is a linear construction project (e.g., pipeline, highway, etc.), the notice must be placed in a publicly accessible location near where construction is actively underway and moved as necessary. This permit does not provide the public with any right to trespass on a construction site for any reason, including inspection of a site; nor does this permit require that permittees allow members of the public access to a construction site.

4.3.3. The permittee shall make SWP3s available upon request to**:** the Director of the DEQ and/or any State, Federal, or local agency approving sediment and erosion plans, grading plans, or storm water management plans; the U.S. Fish and Wildlife Service or the Oklahoma Department of Wildlife Conservation; local government officials; or the operator of a municipal separate storm sewer receiving discharges from the site. The copy of the SWP3 that is required to be kept on-site or locally available must be made available to the Director for review at the time of an on-site inspection. Also, in the interest of public involvement, the DEQ encourages permittees to make their SWP3s available to the public for viewing during normal business hours.

4.3.4. The Director may notify the permittee at any time that the SWP3 does not meet one or more of the minimum requirements of this Part. Such notification shall identify those provisions of this permit that are not being met by the SWP3 as well as those requiring modification in order to meet the minimum requirements of this Part. Within seven (7) calendar days of receipt of such notification from the Director (or as otherwise provided by the Director), the permittee shall make the required changes to the SWP3 and shall submit to the Director a written certification that the requested changes have been made. The Director may take appropriate enforcement action for the period of time the permittee was operating under a plan that did not meet the minimum requirements of this permit.

4.4 Keeping Plans Current

The permittee must amend the SWP3 whenever:

4.4.1. There is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to the waters of the State that has not been addressed in the SWP3; or

4.4.2. Inspections or investigations by site operators, local, State or Federal officials indicate the SWP3 is proving ineffective in eliminating or significantly minimizing pollutants from sources identified under Part 4.5.6.B of this permit, or is otherwise not achieving the general objectives of controlling pollutants in storm water discharges associated with construction activity.

4.5 Contents of Plan

The SWP3 shall include the following information, at a minimum.

4.5.1. Stormwater Team

Each operator, or group of multiple operators, must assemble a “stormwater team,” which is responsible for overseeing the development of the SWP3, any later modifications to it, and for compliance with the requirements in this permit. The SWP3 must identify the personnel (by name or position) that are part of the stormwater team, as well as their individual responsibilities. Each member of the stormwater team must have ready access to an electronic or paper copy of applicable portions of this permit, the most updated copy of your SWP3, and other relevant documents or information that must be kept with the SWP3.

4.5.2. Nature of Construction Activities

The SWP3 must describe the nature of the construction activity, including the size of the property (in acres), the total area expected to be disturbed by the construction activities (in acres), construction support activity covered by this permit, and the maximum area expected to be disturbed at any one time.

4.5.3. Identification of Other Site Operators

The SWP3 must include a list of all other operators who will be engaged in construction activities at your site, and the areas of the site over which each operator has control.

4.5.4. Sequence and Estimated Dates of Construction Activities

The SWP3 must include a description of the intended sequence of major construction activities, including a schedule of the estimated start dates and the duration of the activity, for the following activities:

A. Installation of stormwater control measures, and when they will be made operational, including an explanation of how the sequence and schedule for installation of stormwater control measures complies with Part 3.3.1 and of any departures from manufacturer specifications;

B. Commencement and duration of earth-disturbing activities, including clearing and grubbing, mass grading, site preparation (i.e., excavating, cutting and filling), final grading, and creation of soil and vegetation stockpiles requiring stabilization;

C. Cessation, temporarily or permanently, of construction activities on the site, or in designated portions of the site;

D. Final or temporary stabilization of areas of exposed soil. The dates for stabilization must reflect the applicable deadlines to which you are subject in Parts 3.3.2 and 3.5.2.C; and

E. Removal of temporary stormwater conveyances/channels and other stormwater control measures, removal of construction equipment and vehicles, and cessation of any pollutant-generating activities.

4.5.5. Site Map

The SWP3 must contain a legible site map or series of maps showing the following features of your project:

A. Boundaries of the property and of the locations where construction activities will occur, including:

1. Locations where earth-disturbing activities will occur, noting any phasing of construction activities;
2. Approximate slopes before and after major grading activities. Note areas of steep slopes (i.e., greater than 40%);
3. Locations where sediment, soil, or other construction materials will be stockpiled;
4. Locations of any crossings of surface waters;
5. Designated points on the site where vehicles will exit onto paved roads;
6. Locations of structures and other impervious surfaces upon completion of construction; and
7. Locations of construction support activity areas covered by this permit.

B. Locations of all waters of the state within one mile of the site, including wetlands that exist within or in the immediate vicinity of your site. Indicate which waterbodies are listed as impaired for sediment, and which are identified by the state as Aquatic Resources of Concern or Outstanding Resource Water;

C. The boundary lines of any natural buffers (i.e., either the 100 foot or 50-foot buffer or other buffer areas retained on site) consistent with Parts 1.3.2.E, 3.3.1.A.and 3.5.2.A;

D. Topography of the site, existing vegetative cover (e.g., forest, pasture, pavement, structures)**,** and drainage pattern(s) of stormwater and authorized non-stormwater flow onto, over, and from the site property before and after major grading activities;

E. Stormwater and allowable non-stormwater discharge locations, including:

1. Locations of any storm drain inlets on the site and in the immediate vicinity of the site; and

2. Locations where stormwater or allowable non-stormwater will be discharged to waters of the state on or near the site.

F. Locations of all potential pollutant-generating activities identified in Part 4.5.6.A below;

G. Locations of stormwater control measures; and

H. If applicable, sampling locations if the project is subject to the Part 3.4.1 numeric limitation (for asphalt batch plant). Also indicate the sampling location(s) and all discharge points, and indicate which discharge points are considered "substantially identical".

4.5.6. Construction Site Pollutants

The SWP3 must identify all pollutants that you expect to be found at your site and that could be discharged from the site. The SWP3 must also list and describe the activities that are expected to generate these pollutants (or "pollutant-generating activities"). You must provide the following documentation in order to demonstrate your compliance with the permit requirements:

A. Pollutant-generating activities at the site. The SWP3 must include a list and description of all the pollutant-generating activities on your site. Examples of pollutant-generating activities include, but are not limited to; paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering operations.

B. Pollutants. For each pollutant-generating activity, an inventory of pollutants or pollutant constituents (e.g., sediment, paints, solvents, fuels) associated with that activity, which could be exposed to rainfall, snowmelt, and could be discharged from your construction site. You must take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges. You must also document any departures form the manufacturer's specifications for applying fertilizers containing nitrogen and phosphorus as required in Part 3.3.3.D.1..

4.5.7. A Copy of the Permit Requirements

A copy of this permit and of the signed NOI must be included in your SWP3. You may keep this permit copy electronically and do not submit it to DEQ if you are required to submit your SWP3 for DEQ review (see Part 2.5 SWP3 submittal).

4.5.8. Documentation of Measures to Protect Endangered or Threatened Species

The SWP3 must include information on whether listed endangered or threatened species or critical habitat are found in proximity to the construction activity, and whether such species may be affected by the applicant's storm water discharges or storm water discharge-related activities. You must describe and implement the measures necessary to protect these endangered species and threatened habitat in the SWP3, including any equivalent sediment controls specified in Addendum I (Buffer Guidance) or others (see Part 11).

4.5.9. Documentation of Federal, State or local historic preservation laws

The SWP3 must include information on whether storm water discharges or storm water discharge-related activities would have an effect on a property that is protected by Federal, State, or local historic preservation laws along with any written agreements reached with the State services (see Part 10) to mitigate those effects.

4.5.10. Documentation of Water Quality Impaired Waters

The SWP3 must include information on whether storm water discharges or storm water discharge-related activities would have an effect on water quality impaired receiving waters. The permittee must describe how the BMPs and other controls selected for the site will reduce and avoid the discharges of pollutants of concern into any 303(d) impaired waters, including requirements of Part 4.1.4. The permittee must describe and implement any measures necessary to meet the requirements of an

approved TMDL or watershed plan and/or associated implementation schedule established in the TMDL or watershed plan. Monitoring and reporting of discharge quality may also be required if necessary to ensure compliance with an approved TMDL or watershed plan.

4.5.11. Controls to Reduce Pollutants

Each SWP3 shall include a description of all control measures (i.e., structural and non-structural BMPs) that will be implemented as part of the construction activity to control pollutants in storm water discharges. The SWP3 must clearly describe for each major activity identified in Part 4.5.2: appropriate control measures and the general timing (or sequence) during the construction process that the measures will be implemented; and which permittee is responsible for implementation (e.g., perimeter controls for one portion of the site will be installed by Contractor A after the clearing and grubbing necessary for installation of the pollution prevention measure, but before the clearing and grubbing for the remaining portions of the site; and perimeter controls will be actively maintained by Contractor B until final stabilization of those portions of the site up-gradient of the perimeter control; and temporary perimeter controls will be removed by the permittee after final stabilization). The description and implementation of control measures shall address the following minimum components.

A. Stormwater Control Measures.

1. *Stormwater control measures to be used during construction activity.* You may utilize a national BMP menu to select appropriate control measures for your site. The national menu of Stormwater Best Management Practices can be found on EPA's website at http://cfpub.epa.gov/npdes/stormwater/menuofbmps

   a. The construction-phase erosion and sediment controls should be designed to retain sediment on site to the extent practicable.

   b. All control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the permittee must replace or modify the control for site situations.

   c. If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize offsite impact (e.g., fugitive sediment in street could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets).

   d. Sediment must be removed from sediment traps or sedimentation ponds when design capacity has been reduced by 50%.

   e. Litter, construction debris, and construction chemicals (e.g., fuel, hydraulic fluids, etc.) exposed to storm water shall be prevented from becoming a pollutant source for storm water discharges (e.g. screening outfalls or picked up daily).

   f. Offsite material storage areas (also including overburden and stockpiles of dirt, borrow areas, etc.) used solely by the permitted project are considered a part of the project and shall be addressed in the SWP3.

   g. Many applications of straw and hay bales for erosion and sediment control are proving ineffective, maintenance-intensive and expensive. Therefore, straw or hay bales as BMP controls within the State are not allowed. Alternatives to straw or hay bales can be found on EPA's website at http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=browse&Rbutton=detail&bmp=122&minmeasure=4

2. *Stabilization Practices:* The SWP3 must describe the specific vegetative and/or non-vegetative stabilization practices that will be used to achieve temporary and final stabilization on the exposed portions of your site as required in Part 3.3.2.

3. *Structural Practices:* The SWP3 must include a description of structural practices to divert flows from exposed soils, retain flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Structural practices may include but are not limited to: silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Placement of structural practices in floodplains should be avoided to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA.

   a. For common drainage locations that serve an area with ten (10) or more acres disturbed at one time (or 5 acres if required by Part 3.5.2), a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from a 2 year, 24 hour storm from each disturbed acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. When computing the number of acres draining into a common location, it is not necessary to include flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin.

      In determining whether installing a sediment basin is attainable, the permittee may consider factors such as site soils, slope, available area on site, etc. In any event, the permittee must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls shall be used where site limitations would preclude a safe design. For drainage locations that serve ten (10) or more disturbed acres at one time and where a temporary sediment basin or equivalent controls is not attainable, smaller sediment basins and/or sediment traps should be used. Where neither the sediment basin nor equivalent controls are attainable due to site limitations, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area and for those side slope boundaries deemed appropriate as dictated by individual site conditions. The DEQ encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.

   b. For drainage locations serving less than 10 acres, smaller sediment basins and/or sediment traps should be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin providing storage for a calculated volume of runoff from a 2 year, 24 hour storm or 3,600 cubic feet of storage per acre drained is provided. The DEQ encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.

   c. Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel when necessary to provide a non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g. no significant changes in the hydrological regime of the receiving water).

B. Pollution Prevention

1. *Spill Prevention and Response*. The SWP3 must describe procedures that you will follow to prevent and respond to spills and leaks, including:

   a. Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. Identify the name or position of the employee(s) responsible for the detection and response to spills or leaks; and

   b. Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity consistent with Part 3.2 and established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period. Contact information must be in locations that are readily accessible and available.

   You may also reference the existence of Spill Prevention Control and Countermeasure (SPCC) plans developed for the construction activity under Part 311 of the CWA, or spill control programs otherwise required by an OPDES permit for the construction activity, provided that you keep a copy of that other plan onsite.

2. *Waste Management*

   The SWP3 must describe procedures for how you will handle and dispose of all wastes generated at your site, including, but not limited to, clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste.

C. Inspection, Maintenance, Corrective Action

The SWP3 must describe the procedures you will follow for maintaining your stormwater control measures, conducting site inspections, where necessary, taking corrective actions, in accordance with Part 4.5.15 and the maintenance requirements in Part 4.5.12 of this permit. The following information must also be included in your SWP3:

1. Personnel responsible for conducting inspections;
2. The inspection schedules you will be following, which is based on whether your site is subject to Parts 4.5.13, including any higher frequency inspections for any discharges to impaired waters;
3. Any inspection or maintenance checklists or other forms that will be used; and
4. Specific procedures for taking corrective action in accordance with Part 4.5.15.

D. Monitoring (if applicable)

If the discharges from the project are subject to the numeric limitations in Part 3.4.1 (for asphalt batch plant) or Addendum G quarterly visual monitoring requirements, the SWP3 must document the procedures you will follow for taking samples or observation consistent with Addendum G, including:

1. Locations where samples will be collected. For linear projects, document which locations are considered substantially identical and why they are substantially identical;
2. Personnel responsible for taking and handling samples, analyzing samples, and recording the results;
3. The normal working hours associated with the project (see Addendum G);
4. Equipment to be used for taking samples and for analysis;
5. Procedures to be followed for ensuring that samples are taken (see Addendum G); and

6. Procedures for notifying and activating your sampling team when a discharge is occurring or is expected to occur.

E. ApprovedLocal Plans

Permittees which discharge storm water associated with construction activities must ensure their SWP3 is consistent with requirements specified in applicable sediment and erosion site plans of site permits, or storm water management site plans, or site permits approved by local officials. The SWP3 must be updated as necessary to remain consistent with any changes applicable to protecting surface water resources in sediment erosion site plans or site permits, or storm water management site plans or site permits approved by local officials for which the permittee receives written notice.

4.5.12. Maintenance

All erosion and sediment control measures and other protective measures identified in the SWP3 must be maintained in effective operating condition. If site inspections required by Part 4.5.13 identify BMPs that are not operating effectively, maintenance shall be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of storm water controls. If existing BMPs need to be modified or if additional BMPs are necessary for any reason, implementation must be completed before the next storm event whenever practicable. If maintenance prior to the next anticipated storm event is impracticable, the situation must be documented in the SWP3 and maintenance must be scheduled and accomplished as soon as possible.

4.5.13. Inspections

A. Person(s) Responsible for Inspecting Site

The person(s) inspecting your site may be a person on your staff or a third party you hire to conduct such inspections. You are responsible for ensuring that the person who conducts inspections is a "qualified person." A "qualified person" is a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the skills to assess conditions at the construction site that could impact stormwater quality, and the skills to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit. An inspection form shall be developed and included in your SWP3.

B. Frequency of Inspections

At a minimum, you must conduct a site inspection once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater and within 24 hours of a discharge generated by snowmelt, unless you are subject to Parts 3.5.1.B or 3.5.2.C. If a storm event of 0.5 inches or greater, or snowmelt, causes your site to discharge, within 24 hours of the end of the storm event or the beginning of the snowmelt discharge you must conduct a site inspection when the discharge is occurring and comply with the requirements of Part 4.5.13.D.

C. Reductions in Inspection Frequency.

You may reduce the frequency of inspections to once per month in areas of your site where you have initiated vegetative stabilization that meets the criteria in Part 3.3.2.A, once you have completed the initial seeding or planting, and provided protection with non-vegetative cover pursuant to Part 3.3.2.B.2, or you have installed temporary, non-vegetative stabilization that meet the criteria in Part 3.3.2.B.2. If construction activity resumes at a later date, the inspection frequency shall immediately increase to that is required in Part 4.5.13.B.

D. Requirements for Inspections.

1. Areas that need to be inspected. During your site inspection, you must at a minimum inspect the following areas of your site:

a. All areas that have been cleared, graded, or excavated and that have not yet completed stabilization consistent with Part 3.3.2;

b. All stormwater controls (including pollution prevention measures) installed at the site to comply with this permit;

c. Material, waste, borrow, or equipment storage and maintenance areas that are covered by this permit;

d. All areas where stormwater typically flows within the site, including drainageways designed to divert, convey, and/or treat stormwater;

e. All points of discharge from the site; and

f. All locations where stabilization measures have been implemented.

2. Inspection Requirements

During your site inspection, you must at a minimum:

a. Check whether all erosion and sediment controls and pollution prevention controls are installed, appear to be operational, and are working as intended to minimize pollutants discharges. Determine if any controls need to be replaced, repaired, or maintained in accordance with Part 4.5.15.B;

b. Check for the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site;

c. Identify any locations where new or modified stormwater controls are necessary to meet the requirements of Parts 3.3, and/or 3.4;

d. At point of discharge and, if applicable, the banks of any surface waters flowing within your property boundaries or immediately adjacent to your property, check for signs of visible erosion and sedimentation (i.e., sediment deposits) that have occurred and are attributable to your discharge. If not accessible, nearby downstream locations must be inspected to the extent practicable; and

e. Identify any incidents of noncompliance observed.

f. If a discharge is occurring during your inspection, you are required, in addition to Part 4.5.13.D.1 and 2 above, to:

(1). Identify all points of the property from which there is a discharge;

(2). Observe and document the visual quality of the discharge, and take note of the characteristics of the stormwater discharge, including color, odor, floating, settled, or suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollutants; and

(3). Document whether your stormwater controls are operating effectively, and describe any such controls that are clearly not operating as intended or are in need of maintenance.

g. Based on the results of your inspection, initiate corrective action under Part 4.5.15.

E. Inspection Report

1. Requirement to Complete Inspection Report. You must complete an inspection report within 24 hours of completing any site inspection. Each inspection report must include the following:

a. The inspection date;

b. Names and titles of personnel making the inspection;

c. A summary of your inspection findings, covering at a minimum the observations you made in accordance with Part 4.5.13.D;

d. If you are inspecting your site at the frequency specified in Parts 4.5.13.B and 3.5.1.B and conducted an inspection because of rainfall measuring 0.5 inches or greater, you must include the applicable rain gauge or weather station readings that triggered the inspection; and

e. If you have determined that it is unsafe to inspect a portion of your site, you must describe the reason you found it to be unsafe and specify the locations that this condition applied to.

2. *Signature Requirements.* Each inspection record must be signed in accordance with Part 6.7 of this permit.

3. *Recordkeeping Requirements.* You are required to keep a current, copy of all inspection reports at the site or at an easily accessible location, so that it can be made available at the time of an onsite inspection or upon request by DEQ.

4.5.14. Staff Training Requirements

Prior to the commencement of earth-disturbing activities or pollutant-generating activities, whichever occurs first, you must ensure that the following personnel understand the requirements of this permit and their specific responsibilities with respect to those requirements:

- Personnel who are responsible for the design, installation, maintenance, and/or repair of stormwater controls, including pollution prevention measures;
- Personnel responsible for the application and storage of chemicals (if applicable);
- Personnel who are responsible for taking corrective actions as required in Part 4.5.15.

At a minimum, personnel must be trained to understand the following if related to the scope of their job duties (e.g., only personnel responsible for conducting inspections need to understand how to conduct inspection):

- The location of all stormwater controls on the site required by this permit, and how they are to be maintained;
- The proper procedures to follow with respect to the permit's pollution prevention requirements; and
- When and how to conduct inspections, record applicable findings, and take corrective actions

4.5.15. Corrective Actions

A. "Corrective Actions" Defined

Corrective actions are actions you take in compliance with this Part to:

1. Repair, modify, or replace any stormwater control used at the site;
2. Clean up and dispose of spills, releases, or other deposits; or
3. Remedy a permit violation.

B. Requirements for Taking Corrective Action

You must complete the following corrective actions in accordance with the deadlines specified in this Part. In all circumstances, you must immediately take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational, including cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events.

1. For any of the following conditions on your site, you must install a new or modified control and make it operational, or complete the repair, by no later than seven (7) calendar days from the time of discovery. If it is infeasible to complete the installation or repair within seven (7) calendar days, you must document in your records why it is infeasible to complete the installation or repair within the seven (7) calendar day timeframe and document your schedule for installing the stormwater controls and making it operational as soon as practicable after the 7-day timeframe.

   a. A required stormwater control was never installed, was installed incorrectly or not in accordance with the requirements in Parts 3 and/or 4; or

   b. You become aware that the stormwater controls you have installed and are maintaining are not effective enough for the discharge to meet applicable water quality standards or applicable requirements in Part 3.5;

   c. One of the prohibited discharges in Parts 3.1 and 3.3.3.A is occurring or has occurred;

   d. If you are subject to the monitoring requirements in Addendum G, samples indicate that you have a discharge that exceeds the applicable effluent limitation.

2. Where your corrective actions result in changes to any of the stormwater controls or procedures documented in your SWP3, you must modify your SWP3 accordingly within seven calendar days of completing corrective action work.

C. Corrective Action Records.

For each corrective action taken in accordance with this Part, you must complete a corrective action report, which includes the applicable information in this Part.

1. Within 24 hours of discovering the occurrence of one of the triggering conditions in Part 4.5.15.B.1 at your site, you must provide a record of the following:

   a. Which condition was identified at your site;

   b. The nature of the condition identified; and

   c. The date and time of the condition identified and how it was identified.

2. Within 7 days of discovering the occurrence of one of the triggering conditions in Part 4.5.15.B.1 at your site, you must complete a record of the following:

   a. Any follow-up actions taken to review the design, installation, and maintenance of stormwater controls, including the dates such actions occurred;

   b. A summary of stormwater control modifications taken or to be taken, including a schedule of activities necessary to implement changes, and the date the modifications are completed or expected to be completed; and

   c. Notice of whether SWP3 modifications are required as a result of the condition identified or corrective action.

D. Recordkeeping Requirements

You are required to keep a current copy of all corrective action reports at the site or at an easily accessible location, so that it can be made available at the time of an onsite inspection or upon request by DEQ.

4.5.16. Non-Storm Water Discharges

Non-storm waters listed in Part 1.3.1.C of this permit that are combined with storm water discharges associated with construction activity must be identified in the SWP3. The SWP3 shall identify and

ensure the implementation of appropriate pollution prevention measures to reduce and/or eliminate the non-storm water component(s) of the discharge.

4.6 Contractor Certifications

This procedure is initiated only at the discretion of the permittee with the cooperation and agreement of the contractor. The Contractor Certification form, Addendum D should be rewritten by the permittee to fit their specific objectives. Contractor Certification is recommended but is not a requirement of the DEQ.

4.6.1. Contractors, subcontractors, builders, installers, regular suppliers, support service companies or others who are not the permittee (hereinafter referredas "contractor") but are involved in construction activity, and have not been issued a construction general permit authorization, should execute a Contractor Certification, at the discretion of the permittee, which places the responsibility of complying with and abiding by the intent and purpose of the permit with the contractor for work performed under the authority and direction of the contractor. Contractors must ensure that activities regulated by the Construction General Permit (Permit) are protective of endangered and threatened species and critical habitat according to Part 11.

4.6.2. Contractors must be thoroughly familiar with and adhere to the NOI, the SWP3, and BMPs. The SWP3 should clearly identify, for each control measure identified in the plan, the party which will implement the measure. The Permittee(s) should ensure that all contractors or others involved in construction activity are identified in the plan as being responsible for implementing storm water control measures, and sign a copy of the contractor certification, before performing any work in the area covered by the SWP3. All contractor certifications should be included with the SWP3.

4.6.3. The Contractor Certification should include the name and title of the person providing the signature, the name, address, and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made. An example of certification can be found in Addendum D of the permit.

Part 5 Retention of Records

5.1 Documents

The permittee shall retain copies of the SWP3 and all reports required by this permit, and records of all data used to complete the NOI to be covered by this permit, for a period of at least three years from the date that the site is finally stabilized. This period may be extended by request of the Director at any time.

5.2 Accessibility

The permittee shall retain a copy of the SWP3 required by this permit (including a copy of the permit language) at the construction site (or other local location accessible to the Director; a State or local agency approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; or the operator of a municipal separate storm sewer receiving discharges from the site) from the date of project initiation to the date of final stabilization. Permittees with day-to-day operational control over SWP3 implementation shall have a copy of the SWP3 available at a central location on-site for the use of all operators and those identified as having responsibilities under the SWP3 whenever they are on the construction site.

5.3 Addresses

All written correspondence concerning this permit, including the submittal of NOIs and NOTs, shall be sent to the following address: Department of Environmental Quality, Environmental Complaints and Local Services, Storm Water Unit, 707 North Robinson, P.O. Box 1677, Oklahoma City, OK 73101-1677.

Part 6 Standard Permit Conditions

6.1 Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissue, or modification, or for denial of a permit renewal application. Penalties for violations of permit conditions are provided below:

6.1.1. Criminal Penalties

A. *Negligent Violations*: The OPDES Act provides that any person who negligently violates permit conditions is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or both (27A O.S. § 2-6-206 (G) (1)).

B. *Knowing Violations*: The OPDES Act provides that any person who knowingly violates permit conditions is subject to a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than 3 years, or both (27A O.S. § 2-6-206 (G) (2)).

C. *Knowing Endangerment:* The OPDES Act provides that any person who knowingly violates permit conditions, and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury, is subject to a fine of not more than $250,000, or by imprisonment for not more than 15 years, or both (27A O.S. § 2-6-206 (G) (3)).

D. *False Statement:* The OPDES Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the OPDES, or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the OPDES, shall upon conviction, be punished by a fine of not more than $10,000 or by imprisonment for not more than two years, or by both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four years, or by both (27A O.S. § 2-6-206 (G) (4)).

6.1.2. Civil Penalties: The OPDES Act provides that any person who violates a permit condition is subject to a civil penalty not to exceed $10,000 per day for each violation (27A O.S. § 2-6-206 (F)).

6.1.3. Administrative Penalties: The OPDES Act provides that any person who violates a permit condition is subject to an administrative penalty, not to exceed $10,000 per violation nor shall the maximum amount exceed $125,000 (27A O.S. § 2-6-206 (E)).

6.2 Continuation of the Expired General Permit

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued and remain in full force and effect. Any permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

6.2.1. Reissue or replacement of this permit, at which time the permittee must comply with the Notice of Intent conditions of the new permit to maintain the authorization to discharge; or

6.2.2. The permittee's submittal of a Notice of Termination; or

6.2.3. Issuance of an individual permit for the permittee's discharges; or

6.2.4. A formal permit decision by the Director not to reissue this general permit, at which time the permittee must seek coverage under an alternative general permit or an individual permit.

6.3 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.

6.4 Duty to Mitigate

The permittee 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.

6.5 Duty to Provide Information

The permittee shall furnish to the Director, or an authorized representative of the Director, any information that is requested to determine compliance with this permit or other information.

6.6 Other Information

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the NOI or in any other report to the Director, he or she shall promptly submit such facts or information.

6.7 Signatory Requirements

All Notices of Intent, Notices of Termination, reports, certifications (except the Contractor Certification under Part 4.6.) or information either submitted to the Director or the operator of an MS4, or that this permit requires be maintained by the permittee, shall be signed as follows:

6.7.1. All Notices of Intent and Notices of Termination shall be signed as follows:

A. For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or their designee, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

B. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

C. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this Section, a principal executive officer of a Federal agency includes (i) The chief executive officer of the agency, or (ii) a senior executive officer

having responsibility for the overall operations of a principal geographic unit of the agency (e.g. Regional Administrator of the EPA).

6.7.2. All reports required by this permit and other information requested by the Director or authorized representative of the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

A. The authorization is made in writing by a person described above and submitted to the Director;

B. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

C. The signed and dated written authorization must be included in the SWP3.

6.7.3. Changes to Authorization: If an authorization under Part 2.2 is no longer accurate because a different operator has responsibility for the overall operation of the construction site, a new NOI satisfying the requirements of Part 2.2 must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative. The change in authorization must be submitted within the time frame specified in Part 2.1.2 and sent to the address specified in Part 2.3.

6.7.4. Any person signing documents under Part 6.7 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 this 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."

6.8 Penalties for Falsification of Reports

Section 27A O.S. § 2-6-206 G. 4. provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or by both.

6.9 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 which the permittee is or may be subject under Section 311 of the Clean Water Act (CWA) or Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") of 1980, 42 USC § 9601 et. seq.

6.10 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.

6.11 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.

6.12 Requiring an Individual Permit or an Alternative General Permit

A. The Director may require any person authorized by this permit to apply for and/or obtain either an individual OPDES permit or an alternative OPDES general permit. Any interested person may petition the Director to take action under this paragraph. Where the Director requires a permittee authorized to discharge under this permit to apply for an individual OPDES permit, the Director shall notify the permittee in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the permittee to file the application, and a statement that on the effective date of issuance or denial of the individual OPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Applications shall be submitted to the address in Part 2.3 of this permit. The Director may grant additional time to submit the application upon request of the applicant. If a permittee fails to submit in a timely manner an individual OPDES permit application as required by the Director under this paragraph, then the applicability of this permit to the individual OPDES permittee is automatically terminated at the end of the day specified by the Director for application submittal.

B. Any permittee authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee shall submit an individual application in accordance with the requirements of 40 CFR 122.26 (c) (1) (ii), with reasons supporting the request, to the Director at the address in Part 2.3 of this permit. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by the permittee are adequate to support the request.

C. When an individual OPDES permit is issued to a permittee otherwise subject to this permit, or the permittee is authorized to discharge under an alternative OPDES general permit, the applicability of this permit to the individual OPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual OPDES permit is denied to an operator otherwise subject to this permit, or the operator is denied coverage under an alternative OPDES general permit, the applicability of this permit to the individual OPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Director.

6.13 State/Tribal Environmental Laws

6.13.1. 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/Tribal law or regulation under authority preserved by Section 510 of the Clean Water Act.

6.13.2. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

6.13.3. Construction activities on Indian Country lands are regulated by the EPA Region 6 office located in Dallas, Texas. Applicants seeking coverage for construction or surface disturbing activities located on Indian Country land should contact the EPA Region 6 office.

6.14 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 and requirements of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of this permit.

6.15 Inspection and Entry

The permittee shall allow the Director or an authorized representative of DEQ, or in the case of a construction site that discharges through a municipal separate storm sewer, an authorized representative of the municipal operator of the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

6.15.1. Enter upon 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;

6.15.2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and

6.15.3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment).

6.16 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 reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Part 7 Re-opener Clause

7.1 Potential to Cause or Contribute to a Violation

If there is evidence indicating that the storm water discharges authorized by this permit cause, or have the reasonable potential to cause, or contribute to, a violation of a water quality standard, the permittee may be required to obtain an individual permit or an alternative general permit in accordance with Part 6.12 of this permit, or the permit may be modified to include different limitations and/or requirements.

7.2 Permit Modification or Revocation

Permit modification will be conducted according to the Oklahoma Uniform Environmental Permitting Act at Oklahoma Statutes, Title 27A, Section 2-14-101 et. seq., the Oklahoma Administrative Code (OAC), 252:4-7 and 252:606 incorporating by reference Federal Regulations at 40 CFR 122.62, 122.63, 122.64, and 124.5.

The DEQ may propose a modification to this permit after further discussions between the Department and the Oklahoma Historical Society for the protection of historic properties.

Part 8 Termination of Coverage

8.1 Notice of Termination (NOT)

Permittees must submit a completed NOT that is signed in accordance with Part 6.7 of this permit when one or more of the conditions contained in Part 1.5.2. (Terminating Coverage) have been met at a construction project. The NOT form found in Addendum C will be used unless it has been replaced with a revised version by the Director.

8.1.1. The Notice of Termination shall include the following information:

A. The OPDES permit number for the storm water discharge identified by the NOT;

B. An indication of whether the storm water discharges associated with construction activity have been eliminated (i.e., regulated discharges of storm water are being terminated) or the permittee is no longer an operator at the site;

C. The name, address, and telephone number of the permittee submitting the NOT;

D. The name of the project and street address (or a description of the location if no street address is available) of the construction site for which the notification is submitted;

E. The latitude and longitude of the construction site.

F. The information pertaining to the new operator if you are no longer an operator of the site, including the name, address, and phone number, and

G. The following certification, signed in accordance with Part 6.7 (signatory requirements) of this permit. For construction projects with more than one permittee and/or operator, the permittee need only make this certification for those portions of the construction site where the permittee was authorized under this permit and not for areas where the permittee was not an operator:

"I certify under penalty of law that all storm water discharges associated with industrial/construction activity from the identified facility/site that was authorized by a general permit have been eliminated or that I am no longer the operator of the facility/site. I understand that by submitting this notice of termination, I am no longer authorized to discharge storm water associated with industrial/construction activity under this general permit, and that discharging pollutants in storm water associated with industrial/construction activity to waters of the State of Oklahoma is unlawful under the Clean Water Act and OAC 252:606-1-3(b)(3)(L) where the discharge is not authorized by an OPDES permit. I also understand that the submittal of this Notice of Termination does not release me as an operator from liability for any violations of this permit or the Clean Water Act."

8.1.2 Elimination of Storm Water Discharged

For the purposes of this certification, elimination of storm water discharges associated with construction activity means that all disturbed soils at the portion of the construction site where the operator had control have been finally stabilized (as defined in Part 9) and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time to ensure final stabilization is maintained, or that all storm water discharges associated with construction activities from the identified site that are authorized by an OPDES general permit have otherwise been eliminated from the portion of the construction site where the operator had control.

8.1.3. Address

All NOTs signed in accordance with Part 6.7 of this permit are to be submitted using the form provided by the Director (or a photocopy thereof), to the address found in 5.3.

Part 9 Definitions

1. **Applicant** means any person who is contemplating or planning to submit an NOI for approval, or has submitted an NOI for approval and is waiting for authorization to discharge storm water under the provisions of this permit.
2. **Best Management Practices (BMPs)** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the State. BMPs also include treatment requirements, operating procedures, and practice to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
3. **Commencement of Construction** means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.
4. **Control Measure** as used in this permit refers to any BMP or other method used to prevent or reduce the discharge of pollutants to waters of the State.
5. **CWA** means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. Section 1251 et seq.
6. **Dewatering Activities** means the discharge of water generated from the lowering of the groundwater table, the pumping of accumulated storm water from an excavation, or the pumping of surface water from a cofferdam.
7. **Director** means the Executive Director or chief administrator of the DEQ or an authorized representative.
8. **Discharge** when used without qualification means the "discharge of a pollutant."
9. **Discharge of Storm Water Associated with Construction Activity** as used in this permit, refers to a discharge of pollutants in storm water runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling), or other industrial storm water directly related to the construction process (e.g., concrete or asphalt batch plants) are located.
10. **Ephemeral Stream** means an entire stream which flows only during or immediately after a rainfall event, and contains no refuge pools capable of sustaining a viable community of aquatic organisms.
11. **Facility or Activity** means any OPDES "point source" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the OPDES program.
12. **Impaired Water (or Water Quality Impaired Water)** is identified by a State, or EPA pursuant to Section 303(d) or the Clean Water Act as not meeting applicable State water quality standards. Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established.
13. **Municipal Separate Storm Sewer System or MS4** is defined at 40 CFR §122.26(b)(8) to mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

    13.1. Owned and 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, storm water, 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 United States;

13.2. Designed or used for collecting or conveying storm water;

13.3. Which is not a combined sewer; and

13.4. Which is not part of a Public Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

Note: A Phase II MS4 can also be owned or operated by Federal and State government, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. [see 40 CFR §122.26(b)(16)]

14. NOI means Notice of Intent, (DEQ Form 606-002A, and see Part 2 of this permit.)

15. NOT means Notice of Termination (DEQ Form 606-003, and see Part 8 of this permit).

16.Operator for the purpose of this permit and in the context of storm water associated with construction activity, means any party defined in 16.1 or 2, associated with a construction project that meets either of the following two criteria:

16.1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or

16.2. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with a Storm Water Pollution Prevention Plan (SWP3) for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

In addition, ‘‘owner’’ refers to the party that owns the structure being built. Ownership of the land where construction is occurring does not necessarily imply the property owner is an operator (e.g., a landowner whose property is being disturbed by construction of a gas pipeline or a landowner who allows a mining company to remove dirt, shale, clay, sand, gravel, etc. from a portion of his property).

This definition is provided to inform permittees of DEQ's interpretation of how the regulatory definitions of “operator” and “facility or activity” are applied to discharges of storm water associated with construction activity.

17. OPDES means the Oklahoma Pollutant Discharge Elimination System Act.

18. Outstanding Resource Waters means those waters of the State which are designated as such in Oklahoma’s Water Quality Standards OAC 785:45, Appendix A.

19. Permit means the General Permit OKR10 for Storm Water Discharges from Construction Activities within the State of Oklahoma.

20. Permittee means a person who has submitted an NOI and has received authorization to discharge storm water from construction or land disturbing activities under this permit.

21. Point Source means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, landfill leachate collection system, or vessel or other floating craft, from which pollutants or wastes are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

22. Pollutant means any material, substance, or property which may cause pollution (e.g., dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste).

23. Runoff coefficient means the fraction of total rainfall that will appear at the conveyance as runoff.

24. Stabilization is the process of covering exposed ground surfaces with vegetative or non-vegetative practices that reduce erosion and prevent sediment discharge from occurring.

- "Temporary stabilization" refers to the stabilization of exposed portions of the site in order to provide temporary cover (1) during the establishment and growth of vegetation, and/or (2) in areas where earth-disturbing activities will occur again in the future.
- "Final stabilization" refers to the stabilization of exposed portions of the site using practices that provide permanent cover and qualify the permittee for permit termination.

24.1. All soil disturbing activities at the site have been completed and either of the two following criteria is met:

A. A uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or

B. Equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

When background native vegetation covers less than 100% of the ground (e.g., arid areas, and beaches), establishing at least 70% of the natural cover of the native vegetation meets the vegetative cover criteria for final stabilization (e.g., if the native vegetation covers 50% of the ground, 70% of 50% would require 35% total cover for final stabilization. On a beach with no natural vegetation, no vegetation is required.

24.2. For individual lots in residential construction, either of the following criteria is met:

A. The homebuilder has completed final stabilization as specified above; or

B. The homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informed the homeowner of the need for, and benefits of, final stabilization. (Homeowners typically have an incentive to put in the landscaping functionally equivalent to final stabilization as quickly as possible to keep mud out of their homes and off sidewalks and driveways.); or

24.3. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its pre-construction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to "waters of the State," and areas that are not being returned to their pre-construction agricultural use must meet the final stabilization criteria 24.1 or 24.2 above.

25. Storm Water means rainwater runoff, snowmelt runoff, and surface runoff and drainage.

26. Storm Water Associated with Industrial Activity is defined at 40 CFR 122.26 (b) (14) & (15) and incorporated here by reference. Most relevant to this permit is 40 CFR 122.26 (b) (14) (x) and 40 CFR 122.26 (b) (15) (i), that relates to construction activity including clearing, grading, and excavation activities that result in the disturbance of one or more acres of total land area, or less than one acre if are part of a larger common plan of development or sale.

27. Storm Water Discharge-Related Activity is defined as disturbance activities that cause, contribute to, or result in point source storm water pollutant discharges, including but not limited to excavation, site development, grading, and other land disturbing activities; and control measures to control storm water discharges including the siting, construction, and operation of best management practices (BMPs) to control, reduce, or prevent storm water pollution.

28. **Takes or Taking** means any action that would "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any threatened or endangered species. Harm may include significant habitat modification that actually injures a species.

29. **Total Maximum Daily Load or TMDL** means the sum of the individual wasteload allocations (WLAs) for point sources, safety, reserves, and loads from nonpoint sources and natural background.

30. **Waters of the State** means 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 there of, 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 requirement 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. §1-1-201).

Part 10 Historic Preservation

The EPA has determined that DEQ's NPDES permitting activities are not Federal undertakings and, therefore, are not subject to review under Section 106 of the National Historic Preservation Act. However, applicants and permittees must comply with the State Antiquities Act (Title 53, Chapter 20, Section 361) where applicable and the Burial Desecration Law (Title 21, Chapter 47, Section 1168.0-1168.6), as well as with any applicable local laws concerning the identification and protection of historic properties.

Applicants and permittees who may receive Federal funding or other Federal assistance in the completion of their projects must be aware that compliance with Section 106 of the Act may apply. For information about the Section 106 review process in Oklahoma, Oklahoma properties listed on or eligible for the National Register of Historic Places, and related topics, contact:

State Historic Preservation Office
Oklahoma Historical Society
800 Nazih Zuhdi Drive
Oklahoma City, OK 73105
(405)521-6249
www.okhistory.org/shpo/shpom.htm

Oklahoma Archeological Survey
111 East Chesapeake
Norman, OK 73019
405/325-7211
www.ou.edu/cas/archsur

Part 11 Endangered Species

Addendum A is a registry of Federally identified Aquatic Resources of Concern (ARC) and State identified ARC.

11.1 Background

The DEQ is seeking to ensure the activities regulated by the Permit are protective of endangered and threatened species and critical habitat. To ensure that those goals are met, operators seeking permit coverage are required under Part 1.3.2.E to assess the impacts of their storm water discharges and storm water discharge-related activities on identified endangered and threatened species and designated critical

habitat. This may be accomplished by following Steps 1 and 2 listed below. It is not necessary to contact DEQ if you can comply with the provisions listed in Step 2. The DEQ strongly recommends that applicants follow these steps at the earliest possible stage to ensure that measures to protect identified species are incorporated early in the planning process. At minimum, the procedures should be followed when developing the SWP3.

Permittees and contractors have an independent obligation to ensure that their activities do not result in any prohibited "take" of identified species. Many of the measures required in the Permit and in these instructions to protect identified species may also assist operators in ensuring that their construction or land disturbing activities do not result in a prohibited take of a species. Operators who plan construction or land disturbing activities within the corridor of a Federally identified ARC or a State identified ARC, (see Addendum A), may meet the requirements of Step 2.

This permit provides for the possibility of multiple operators and contractors at a construction site. Applicants should be aware that in some cases they may meet the permit eligibility requirements by relying on another permittee's certification of eligibility under Part 1.3.2.E.2.a., b., c., or d. This is allowed under Part 1.3.2.E.2.e. of the permit, however, the other permittee's certification must apply to the contractor's project area and must address the effects from the Contractor's storm water discharges and storm water discharge-related activities on listed species and critical habitat. By certifying eligibility under Part 1.3.2.E.2.e the applicant agrees to comply with any measures or controls upon which the other operator's certification under Part 1.3.2.E.2.a., b., c., or d. was based. This situation will typically occur where a developer or primary contractor, such as one for construction of a subdivision or industrial park, conducts a comprehensive assessment of effects on listed species for the entire construction project, certifies eligibility under Part 1.3.2.E.2.a., b., c., or d. and that certification is relied upon by other operators (i.e., contractors) at the site. However, applicants that consider relying on another operator's certification should carefully review that certification along with any supporting information. If an applicant does not believe that the operator's certification provides adequate coverage for the applicant's storm water discharges and storm water discharge-related activities or for the applicant's particular project area, the applicant should provide its own independent certification under Part 1.3.2.E.2.a, b, c, or d.

11.2 Procedures

To receive coverage under the Construction General Permit, applicants must assess the potential effects of their storm water discharges and storm water discharge-related activities on listed species. To make this assessment, applicants must follow the steps outlined below prior to completing and submitting a Notice of Intent (NOI) form, Addendum B.

Step 1: Determine Whether the Project Area Drains to Aquatic Resources of Concern (ARC).

A. Refer to Addendum A, that lists all of the waters of Oklahoma which the U.S. Fish and Wildlife Service and the Oklahoma Department of Wildlife Conservation consider to be sensitive because they harbor populations of federal or state listed species or their designated critical habitat.

B. If the applicant's proposed construction site is not located within any of these areas, the proposed construction storm water discharge or storm water discharge related activities are not likely to significantly affect endangered and threatened species. The applicant may then skip Step 2 and further investigation is unnecessary.

C. If the applicant's proposed construction site is located within the corridor of any ARC, the applicant must continue on to Step 2.

Step 2: Implementation of Storm Water Control Measures to Protect Endangered and Threatened Species in ARC:

A. Applicants whose proposed construction site is located within an ARC must incorporate the following measures into the SWP3 for this site unless permit coverage is allowed under Parts 1.3.2.E.2.d or e.

Other pollutants such as, but not limited to, oil, grease, solid waste (i.e. building material scrap, and trash), and human and hazardous waste, (e.g., paint and solvents), are not authorized for discharge under this permit. These potential pollutants must be properly managed and their contact with storm water minimized or eliminated to the greatest extent practicable.

1. Consistent with Parts 3.3 and 3.5, sediment must be retained on site to the greatest extent practicable; all sediment, solid waste, and human waste control measures must be properly installed and maintained at all times; and off-site accumulations of any escaped sediment must be removed.

2. A vegetated buffer zone of at least 100 feet must be retained or successfully established/planted between the area disturbed during construction and all perennial or intermittent streams on or adjacent to the construction site. A vegetated buffer zone at least 50 feet wide must be retained or successfully established/planted between the areas disturbed during construction and all ephemeral streams or drainages. Buffer zones shall be measured from the top of the first defined bank of the stream and shown on the site map in the SWP3.

   If characteristics of the site or the project make it impossible to maintain the required buffer, refer to Addendum I (Buffer Guidance) for information to assist you in developing equivalent sediment controls. You must maintain the buffer or selected alternative throughout your period of coverage under this permit and no construction activities may be conducted in this area. All discharges through the buffer must be non-channelized or non-concentrated, and must first be treated by the site's sediment and erosion controls.

3. Document in your SWP3 the following:
   a. If the buffer is less than 100 or 50 feet, the width of the buffer vegetation to be retained; and

   b. Information you relied on to comply with the requirement to achieve the equivalent sediment load reduction as an undisturbed naturally vegetated 100 or 50-foot buffer.

4. For any disturbances within the required 100 or 50-foot buffer area, you must comply with the following stabilization requirements, which replace the corresponding requirements in Part 3.3.2:

   a. You must immediately initiate stabilization in any exposed areas of the buffer where earth-disturbing activities have permanently or temporarily ceased, and will not resume for a period exceeding 7 calendar days. For the purposes of this permit, earth-disturbing activities have temporarily ceased when clearing, grading, and excavation within any area of your construction site will not resume for a period of 14 or more days, and earth-disturbing activities have permanently ceased when clearing and excavation within any area of your construction site has been completed, and final grade has been reached.

   b. Within 7 calendar days of initiating stabilization, you are required to have completed:

      i. For vegetative cover, all soil conditioning, seeding, watering, mulching, and any other required activities related to the planting and establishment of vegetation; and/or

      ii. For non-vegetative cover, the installation or application of all non-vegetative measures.

5. You are not required to comply with this buffer requirement for the following types of construction projects, provided that you limit the area of disturbance to the minimum needed to complete the construction and to access the site, and that you retain the natural vegetation in the buffer outside this area:

   a. Construction of water crossings authorized under a CWA Section 404 permit (where required) for water lines, sewer lines, utility lines, and roadways;

   b. Construction of water-dependent structures and water access areas (piers, boat ramps, etc.) approved under a CWA Section 404 permit (where required); or

c. Development of a site where no naturally vegetated buffer area exists due to prior disturbances.

6. You must conduct inspections within 7 calendar days and within 24 hours of a storm event of 0.5 inches or greater instead of the inspection frequency specified in Part 4.5.13.B.

7. You must meet any local requirements affecting construction in the buffer.

B. Consistent with Parts 3.3.2 and 3.5.2.D, an implementation schedule must be included which describes the stabilization practices that will be used to control erosion during construction and when construction has permanently ceased. The preservation of mature vegetation on-site is preferred.

C. Consistent with Parts 3.3.1 and 4.5.11 , structural BMPs must be successfully implemented to divert uphill storm water flows from crossing disturbed areas, to store flows (e.g., retention ponds) or to otherwise control runoff from disturbed areas during construction. At a minimum this must include silt fencing and vegetated buffer strips on all down slope boundaries of the area disturbed during construction. The construction of temporary or permanent storm water detention or retention structures (e.g., ponds) is preferred, but these should not be constructed within intermittent or perennial stream channels or within floodplains.

D. Consistent with Part 3.3.1.J and 4.5.11.A.3.c, velocity dissipation devices must be incorporated into the design of outfall channels and discharge locations. Outfalls must be screened to prevent the discharge of solid materials with storm water runoff.

E. Hazardous construction materials and waste must be stored in a manner that minimizes their contact with storm water. An emergency response plan must be included which addresses the handling of accidental spills (see Part 3.3.3).

F. The applicant must comply with any terms and conditions imposed under the eligibility requirements of Part 1.3.2.E.2 a, b, c, d, or e to ensure that its storm water discharges and storm water discharge-related activities are protective of listed species and/or critical habitat. Such terms and conditions must be incorporated in the project's SWP3. If the eligibility requirements of Part 1.3.2.E.2 a, b, c, d, or e cannot be met, the applicant may seek relief from the appropriate service in the form of an approved take. As an alternative, the applicant may seek coverage under a DEQ individual permit.

ADDENDUM A – Oklahoma Aquatic Resources of Concern (ARC) Harboring Endangered and Threatened Species and Their Critical Habitat of Concern

A. Aquatic Resources of Concern (ARC) for Federally Listed Species, as Identified by the U.S. Fish & Wildlife Service for the DEQ Construction Storm Water General Permit

Grand (Neosho) River - A two-mile corridor (one mile from each bank) of the main stem of the Grand (Neosho) River above its confluence with Tar Creek. Includes portions of Ottawa and Craig Counties.

Cimarron River - A two-mile corridor (one mile from each bank) of the main stem of the Cimarron River from the US Hwy-77 bridge in Logan County upstream to and including Beaver County. This includes river segments in : Logan, Kingfisher, Major, Woods, Woodward, Harper, and Beaver Counties.

South Canadian River - A two-mile corridor (one mile from each bank) of the main stem from the Eufaula Reservoir flood pool upstream to the northern border of Custer County. This includes river segments in: McIntosh, Pittsburg, Hughes, Pontotoc, Seminole, Pottawatomie, McClain, Cleveland, Canadian, Grady, Caddo, Blaine, and Custer Counties.

Muddy Boggy River - A two-mile corridor (one mile from each bank) of the main stem of the Muddy Boggy River. Includes portions of Choctaw, Atoka, and Coal Counties.

Kiamichi River – The **watershed** of the Kiamichi River upstream from the Hugo Reservoir. Includes portions of Pushmataha, Atoka, Pittsburg, Latimer, and Leflore Counties.

Little River – The **watershed** of the Little River. Includes portions of LeFlore, Pushmataha and McCurtain Counties.

Glover River – The **watershed** of the Glover River. Includes portions of Pushmataha and McCurtain Counties.

Mountain Fork River – The **watershed** of the Mountain Fork River above Broken Bow Reservoir. Includes portions of Leflore and McCurtain Counties.

Northeast HUC-11 Watersheds – The **watersheds** are identified by the following 11-digit Hydrologic Unit Codes: 11070207190, 11070206060, 11070209030, 11070209050, 11070209060*, 11070209040, 11070209070, 1107020206030, 11070208070, 11070209020, 11070209100, 11070209110 and 11070209120. The watersheds include portions of Ottawa, Craig, Delaware, and Mayes Counties.

* This HUC does not contain a known Ozark cavefish cave. It was included because it is entirely surrounded by 11 digit HUCs with known Ozark cavefish caves, therefore we assume that Ozark cavefishes likely occupy this portion of the aquifer.

Elk River – A two-mile corridor (one mile from each bank) of the Elk River. Includes portions of Delaware and Ottawa Counties.

Spring River – A two-mile corridor (one mile from each bank) of the Spring River. Includes portions of Ottawa County.

B. ARC for State Listed Species, as Identified by the Oklahoma Department of Wildlife Conservation for the DEQ Construction Storm Water General Permit.

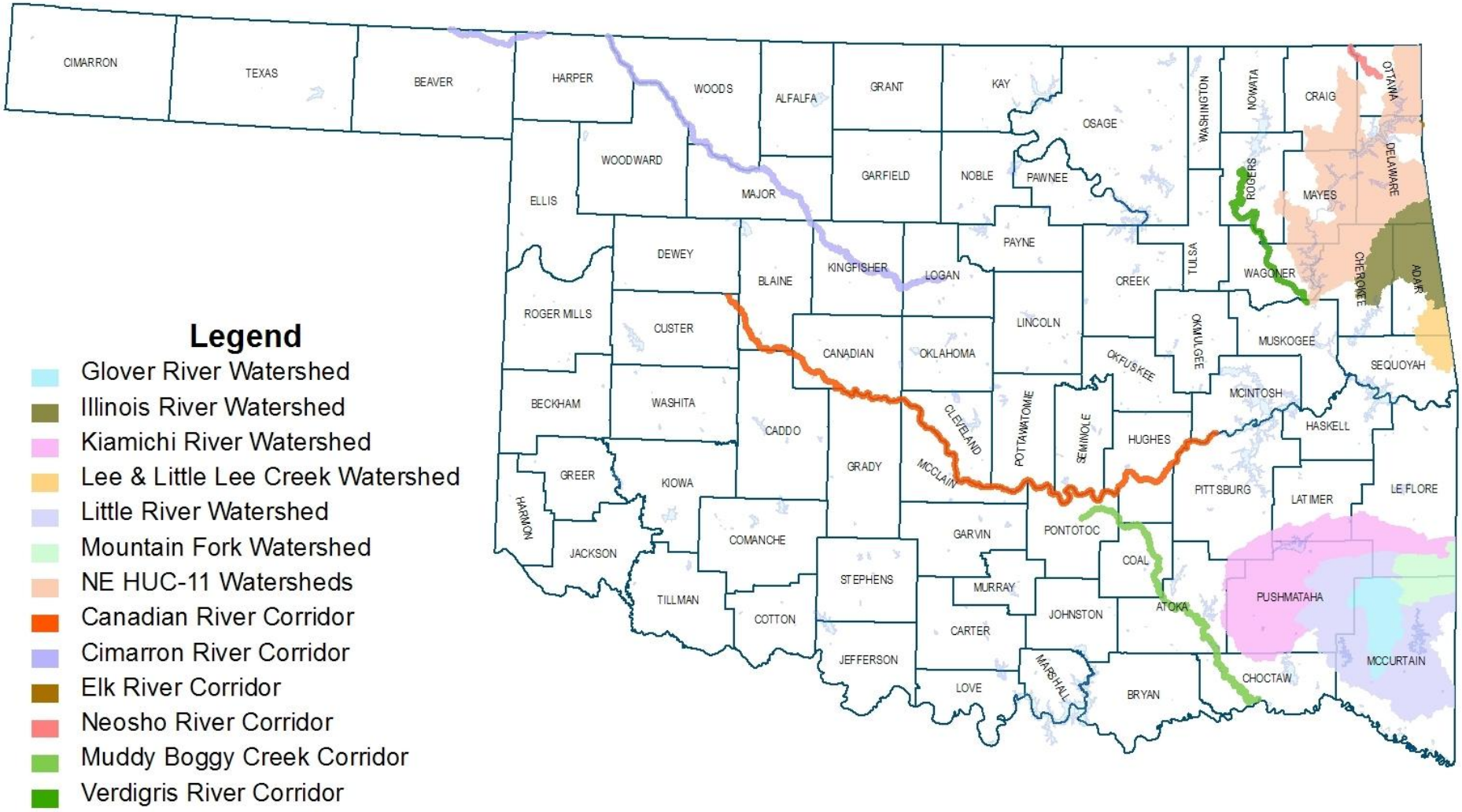
Illinois River – A **ten-mile** corridor (five miles from each bank within the watershed) of the main stem of the Illinois River above the Tenkiller Reservoir. Includes portions of Cherokee, Delaware and Mayes Counties.

Lee and Little Lee Creeks – The **watershed** of Lee Creek and Little Lee Creek. Includes portions of Sequoyah and Adair Counties.

Note: No storm water discharge-sensitive endangered or threatened species occur in the following counties: Cimarron, Texas, Beckham, Greer, Washita, Kiowa, Alfalfa, Comanche, Grant, Garfield, Oklahoma, Garvin, Murray, Stephens, Carter, Lincoln, Johnston, Okfuskee, Okmulgee, Washington, Nowata, and Rogers.

Oklahoma Aquatic Resources of Concern for Federal & State Listed Species

as identified by the U.S. Fish & Wildlife Service and the Oklahoma Department of Wildlife Conservation



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ADDENDUM B –NOTICE OF INTENT

See Reverse Side for Instructions

DEQ FORM 606-002A Sept, 13, 2012		**Oklahoma Department of Environmental Quality Notice of Intent (NOI) for Storm Water Discharges Associated with CONSTRUCTION ACTIVITY on Sites of One or More Acres Under the OPDES General Permit OKR10**

SUBMISSION OF THIS NOTICE OF INTENT CONSTITUTES NOTICE THAT THE PARTY IDENTIFIED IN Part I OF THIS FORM INTENDS TO BE AUTHORIZED BY AN OPDES PERMIT ISSUED FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY IN THE STATE OF OKLAHOMA. BECOMING A PERMITTEE OBLIGATES SUCH DISCHARGER TO COMPLY WITH THE TERMS AND CONDITIONS OF THE PERMIT. IN ORDER TO OBTAIN AUTHORIZATION, ALL REQUESTED INFORMATION MUST BE PROVIDED ON THIS FORM. SEE INSTRUCTIONS ON BACK OF FORM.

IF YOUR FACILITY OR SITE IS ON INDIAN COUNTRY LAND, FILE YOUR NOI WITH THE EPA, USING EPA FORM 3510-9.

☐ **NEW APPLICATION** ☐ **RENEWAL** ☐ **MODIFICATION Enter Authorization Number: OKR10_____**

I. Facility Operator Information

Name: _____Phone: (_____)_____ _____

Address: _____

City: _____ State: _____ Zip Code: _____ E-mail Address: _____

II. Site Information

Name of the project: _____Address: _____

City:_____ County: _____ ZIP Code: _____

Location: Latitude: _____ Longitude: _____

Name of Receiving Water Body: _____

Is the discharge to an impaired water body on the DEQ 303(d) list? ☐ Yes ☐ No

Is there an approved TMDL or watershed plan applicable to this site? ☐ Yes ☐ No Purpose of Project _____ (See Instructions)

Is this site a part of the common plan of development or sale? ☐ Yes ☐ No Estimated area to be disturbed (to nearest acre): _____

ENDANGERED SPECIES

Based on the instructions provided in Part 11 and Addendum A of the permit, is the proposed construction or land disturbing activity within the corridor of any of the listed Aquatic Resources of Concern (ARC)? ☐ Yes ☐ No

If the answer is yes, please refer to Part 11.2 Step 2.
All permit eligibility requirements with regard to protection of endangered species through the indicated Section of Part 1.3.2.E.2 of the permit have been complied with. (check one or more boxes):

a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

III. Certification

_____ (Initial) "I certify that this facility is registered with the Secretary of State of Oklahoma." Please provide the full name of company/corporation if different than that listed in Section I above.

_____ (Initial) "I certify that a Storm Water Pollution Prevention Plan (SWP3) has been prepared for this facility in accordance with Part 4.5 of this permit."

"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 this 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.
I understand that continued coverage under this permit is contingent upon maintaining eligibility as provided for in Part 1.3."

Name (Please Print):_____ Date: _____

Signature:_____ Title_____

For DEQ use only: Assigned Authorization Number: OKR10 _____

Instructions – DEQ Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activity to be Covered Under the OPDES General Permit OKR10

Who Must File a Notice of Intent Form

Under the provisions of the Clean Water Act, as amended, (33 U.S. 1251 et.seq.the Act), Oklahoma Environmental Code, Title 27A of the Oklahoma Statutes, Section 2-6-201 et. seq. and the rules OAC 252:606-1-3(b), discharge of storm water from construction activities is prohibited without an Oklahoma Pollutant Discharge Elimination System Permit. The operator of a construction site that has such a storm water discharge must submit an NOI to obtain coverage under an OPDES Storm Water General Permit (OKR10). If you have questions about whether you need a permit under the OPDES Storm Water program, or if you need information, write to the address listed below or telephone the Environmental Complaints and Local Services Division, Department of Environmental Quality (DEQ), at (405) 702-6100 and ask for the Storm Water Unit.

Where to File an NOI Form:

DEQ/Environmental Complaints and Local Services (ECLS)
Storm Water Unit
707 North Robinson, P.O. Box 1677
Oklahoma City, OK 73101-1677
FAX (405) 702-6226

Note: do not submit an SWP3 with the NOI, unless the project is located (1) within Outstanding Resource Waters, or (2) within a Federal and State ARC, or (3) within a larger site which is disturbing land of 40 or more acres.

Completing The Form

You must type or print, using upper-case letters, in the appropriate areas only. If you have any questions on this form, call DEQ-ECLS at (405) 702-6100 and ask for the Storm Water Unit.

Section I. Facility Operator Information
Provide the legal name, mailing address, and telephone number of the person, firm, public organization, or any other entity that either individually or together meet either of the following two criteria: (1) have operational control over the site specifications (including the ability to make modifications in specifications); and (2) have the day-to-day operational control of those activities at the site necessary to ensure compliance with plan requirements and permit conditions. If you are a Co-Permittee, check the appropriate box. Do not use a colloquial name.

Enter the appropriate letter to indicate the legal status of the operator of the facility: F = Federal; S = State; M = Public (other than Federal or State); P = Private.

Section II. Site Information
Enter the Project's official or legal name and complete street address, including city, county, state, ZIP code and phone number. If the site lacks a street address, indicate with a general statement the location of the site (e.g., Intersection of State Highways 61 and 34). The applicant must also provide the latitude and longitude of the facility in degrees, minutes, and seconds to the nearest 15 seconds (45° 7' 24" = 45.1234 decimal latitude) of the approximate center of the site.

The latitude and longitude of your facility can be located on USGS quadrangle maps. The quadrangle maps may be obtained at 1-888-ASK-USGS. Longitude and latitude may also be obtained at the Census Bureau Internet site: http://www.census.gov/cgi-bin/gazetteer. Only one location description is needed: address; section, township, and range; or latitude and longitude.

Provide the address and phone number where the SWP3 may be viewed, if different from the address previously given. Check the appropriate box.

Enter the name of the closest predominant receiving water body. The Oklahoma 303(d) list can be found online at
http://www.deq.state.ok.us/WQDnew/305b_303d/index.html or the DEQ GIS Map and Data Viewer at
http://maps.deq.ok.gov/deq_wq/
If your facility or site is on Indian Country land, do not complete this form. File your NOI with the EPA online at http://cfpub.epa.gov/npdes/stormwater/enoi.cfm

Enter the description of the purpose of your project, such as residential subdivision, commercial building, road and bridge, wind farm etc.

Indicate whether your discharge will be consistent with the conditions and requirements of EPA approved or established TMDLs. An approved TMDL report can be found online on the DEQ website at
http://www.deq.state.ok.us/WQDnew/tmdl/index.html

Indicate whether your site is a part of the common plan of development or sale, which is a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

Enter the estimated area to be disturbed including but not limited to: grubbing, excavation, grading, and utilities and infrastructure installation. Indicate to the nearest acre.

Indicate if the proposed construction site or land disturbing activity is within the corridor of a listed Aquatic Resource of Concern (ARC), Addendum A of the General Permit, and associated with the discharges and requirements to be covered by this permit as follows, Part 1.3.2.E.2:

a The proposed construction site or land disturbing activity is not located within any of the corridors of the Federal or State identified ARC, and further investigation is not required.

b The proposed construction site or land disturbing activity is located within a corridor of a Federal or State identified ARC (Addendum A). The SWP3 describes this area in relation to the listed water or watershed and specifies the measures to be employed to protect the endangered or threatened species or their critical habitat.

c If one of those eligibility criteria cannot be met, applicants may use Addendum I (Buffer Guidance) for equivalent sediment controls or contact DEQ for further assistance; or

d The applicant's federally approved activities are authorized by the appropriate Federal or State agency and that authorization addresses the Endangered Species Act Section 7 consultation for the applicant's storm water discharge or storm water discharge-related activities; or

e The applicant's storm water discharges and storm water discharge-related activities were already addressed in another operator's certification of eligibility under Part 1.3.2.E.2 a, b, c, or d that included the applicant's project area. By certifying eligibility under Part 1.3.2.E.2 e, the applicant agrees to comply with applicable measures or controls upon which the other operator's certification under Part 1.3.2.E.2 a, b, c or d was based.

Section III. Certification
Certify that this company/corporation is registered with the Secretary of State of Oklahoma;

Certify that a Storm Water Pollution Prevention Plan (SWP3) has been prepared for this facility in accordance with Part 4.5 of this permit;

Federal Statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:
For a corporation: by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or their designee, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign had been assigned or delegated to the manager in accordance with corporate procedures.
For a partnership or sole proprietorship: by a general partner of the proprietor, or; For a municipality, state, Federal, or other public agency: by either a principal executive or ranking elected official.

ADDENDUM C – NOTICE OF TERMINATION

DEQ FORM 606-003 Sept. 13, 2012		OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY NOTICE OF TERMINATION (NOT) FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL OR CONSTRUCTION ACTIVITY UNDER AN OPDES GENERAL PERMIT

Submission of this Notice of Termination constitutes notice that the party identified in Section I of this form is no longer authorized to discharge storm water associated with industrial or construction activities under the OPDES program.

All Requested Information Must Be Provided on This Form. See Instructions On The Back Of Form.

I. Permit Information: OPDES

Storm Water General Permit Authorization Number: _____

Check here if you are no longer the operator of the facility/site: ☐

Check here if the storm water construction or industrial discharge is being terminated: ☐

II. Facility/Site Operator Information:

Name: _____ Phone: _____

Address: _____

City: _____ State: _____ Zip Code: _____

III. Facility/Site Location:

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Latitude: _____ Longitude: _____

IV. New Facility/Site Information:

If you are no longer the operator of the facility/site, provide the following information pertaining to the new operator at the facility/site:

Name: _____

Address: _____

City: _____ County: _____ Zip Code: _____

V. Certification:

I certify under penalty of law that all storm water discharges associated with industrial/construction activity from the identified facility/site that were authorized by a general permit have been eliminated or that I am no longer the operator of the facility/site. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge storm water associated with industrial or construction activity under this general permit, and that discharging pollutants in storm water associated with industrial or construction activity to waters of the State is unlawful under the Clean Water Act and OAC 252:606-1-3(b)(3)(L) where the discharge is not authorized by an OPDES permit. I also understand that the submittal of this Notice of Termination does not release me as an operator from liability for any violations of this permit or the Clean Water Act.

Print Name: _____ Date: _____

Signature: _____ Title _____

Instructions for Completing Notice of Termination (NOT) for Storm Water Discharges Associated with Construction Activity

When To File an NOT Form:

Permittees who are presently covered under an issued NPDES or OPDES general permit for storm water discharges associated with industrial/construction activity may submit a **Notice of Termination** (NOT) form when their facilities no longer have any storm water discharges associated with industrial/construction activity as defined in the storm water regulations at 40 CFR 122.26(b)(14), or when they are no longer the operator of the facilities. For a construction site, when the site has been finally stabilized (i.e., a uniform perennial vegetative cover with a density of at least 70% of the native background cover has been established for all unpaved areas and areas not covered by permanent structures or where equivalent permanent stabilization measures such as riprap or gabions have been used), and all storm water discharges from construction activities that are authorized by general permit (OKR10) are eliminated, or they are no longer the operator of the facility, an NOT must be submitted that is signed in accordance with Part 6.7 of the general permit. If you need assistance or have questions, contact the Storm Water Unit of the Environmental Complaints and Local Services at (405) 702-6100.

Section I: Permit Information:

Enter the existing OPDES General Storm Water Permit number assigned to the facility or site identified in Section I.

Section II: Facility Operator Information:

Give the legal name of the person, firm, public organization or any other entity that operates the facility or site described in this application. The name of the operator may or may not be the same name as the facility. The operator of the facility is the legal entity that controls the facility's operation, rather than the plant or site manager.

Section III: Facility/Site Location Information:

Enter the facility's or site's official or legal name and complete address, including city, state, and ZIP code. If the facility lacks a street address, indicate the latitude and longitude of the facility to the nearest 15 seconds.

Section IV: New Operator Information

If you are no longer the operator of the facility/site, provide the information pertaining to the new operator at the facility/site, including the name and address of the new operator.

Section V: Certification

The NOT form must be signed by a responsible party as follows:

For a Corporation: by a responsible officer, which means: (i) president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; or their designee, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: by a general partner or the proprietor.

For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

Where to File an NOT form:

NOTs must be sent to the following address:

DEQ
Environmental Complaints and Local Services
Storm Water Unit
707 North Robinson, P.O. Box 1677
Oklahoma City, OK 73101-1677

ADDENDUM D - CONTRACTOR CERTIFICATION

(Optional; sample format)

_____

(Name of Operator)

_____

(Project Name)

Contractors, builders, regular suppliers or others (contractors) involved in construction activity who are not the operator, developer, or general contractor, and have not been issued the Storm Water Construction General Permit (Permit) authorization, execute this Contractor Certification which places the responsibility of complying with and abiding by the intent and purpose of the permit with the contractor for any and all work performed under the authority and direction of the contractor. Furthermore, the contractor assumes responsibility to avoid or eliminate any actual or potential adverse effects upon the environment according to the Storm Water Pollution Prevention Plan (SWP3), during all phases of building, construction, or delivery activity on any and all construction sites under the control and responsibility of the contractor as described in the SWP3.

1. Contractor company name: _____

2. Contractor address: _____

3. Project locations: _____

_____

(For additional addresses, attach list to this form)

4. Contractor must be thoroughly familiar with the original Notice of Intent (NOI) filed by _____

_____ with the Oklahoma Department of Environmental Quality.

(Operator Name)

Contractor must also be thoroughly familiar with, and adhere to, the Storm Water Pollution Prevention Plan (SWP3) and the Best Management Practices (BMP) on file at the following location; _____

The Contractor is certifying below that they assume all physical responsibility for any and all construction activities performed by the Contractor or under the direction and control of the Contractor, to avoid or eliminate any actual or potential adverse effects upon the environment pertaining to the properties listed in Item 3 above.

Certification

I certify that I understand the terms and conditions of the Oklahoma Pollutant Discharge Elimination System Act (OPDES) General Permit that authorizes storm water discharges associated with construction activity from the construction site identified as part of this certification. I have read and understand the Operators Notice of Intent and Part 1.3 eligibility requirements for coverage under the general permit for storm water discharges from construction activities, including those requirements published in the modified OPDES General Permit OKR10 of September 13, 2012, and the SWP3 and BMP described pertaining to the project locations in Item 3 above. I agree that as a contractor, builder, regular supplier, or a support service company, I am responsible for installing and/or maintaining the appropriate pollution prevention measures that I am responsible for according to the agreement I have with the permittee.

I understand that continued coverage under this permit is contingent upon maintaining eligibility as provided for in Part 1.3 of the permit.

Signature: _____ Title: _____

Print Name: _____ Date: _____

ADDENDUM E – INSPECTION REQUEST

DEQ FORM 606-009 Sept., 13, 2012		OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY INSPECTION REQUEST FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY UNDER AN OPDES GENERAL PERMIT

All Requested Information Must Be Provided on This Form. See Instructions on the Back of Form.

I. Permit Information: OPDES

Storm Water General Permit Authorization Number:_____

II. Facility/Site Operator Information:

Name: _____ Phone:_____

Address:_____

City: _____ State:_____ Zip Code:_____

III. Facility/Site Location:

Name:_____

Address: _____

City: _____ County: _____Zip Code:_____

Latitude: _____Longitude:_____

IV. New Facility/Site Information:

If you are no longer the operator of the facility/site, provide the following information pertaining to the new operator at the facility/site if any:

Name:_____

Address: _____

City: _____ State: _____ Zip Code:_____

V. Operator's Signature:

Print Name: _____ Date:_____

Signature:_____ Title:_____

Instructions for Completing an Inspection Request for Storm Water Discharges Associated with Construction Activity

When To File an Inspection Request Form:

Permittees who are presently covered under an issued NPDES or OPDES general permit for storm water discharges associated with construction activity may submit a **Inspection Request** (IR) form when their facilities are getting ready to file a Notice of Termination (NOT). For a construction site, when the site has been finally stabilized (i.e., a uniform perennial vegetative cover with a density of at least 70% of the native background cover has been established for all unpaved areas and areas not covered by permanent structures or where equivalent permanent stabilization measures such as riprap or gabions have been used), and all storm water discharges from construction activities that are authorized by general permit (OKR10) are eliminated, or they are no longer the operator of the facility, an NOT must be submitted that is signed in accordance with Part 4.5 of the general permit. If you submit this IR form to DEQ prior to termination of your current permit, the DEQ will conduct an inspection and provide any assistance necessary within 30 days of receipt of this form. Upon completing the inspection, the DEQ will notify you of any needed changes to the site conditions or that the site has met the final stabilization requirements under the permit. This Inspection Request form should not be substituted for an NOT. You must continue to meet the conditions and terms of the permit until you have filed the NOT. If you have questions, contact the Storm Water Unit of the Environmental Complaints and Local Services (405) 702-6100.

Section I: Permit Information:

Enter the existing OPDES General Storm Water Permit number assigned to the facility or site identified in Section I.

Section II: Facility Operator Information:

Give the legal name of the person, firm, public organization or any other entity that operates the facility or site described in this application. The name of the operator may or may not be the same name as the facility. The operator of the facility is the legal entity that controls the facility's operation, rather than the plant or site manager.

Section III: Facility/Site Location Information:

Enter the facility's or site's official or legal name and complete address, including city, state, and ZIP code. If the facility lacks a street address, indicate the latitude and longitude of the facility to the nearest 15 seconds.

Section IV New Operator Information

If you are no longer the operator of the facility/site, provide the information pertaining to the new operator at the facility/site, including the name and address of the new operator if any.

Section V: Certification

The Inspection Request form must be signed by a responsible party as follows:

For a Corporation: by a responsible officer, which means: (i) president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; or their designee, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

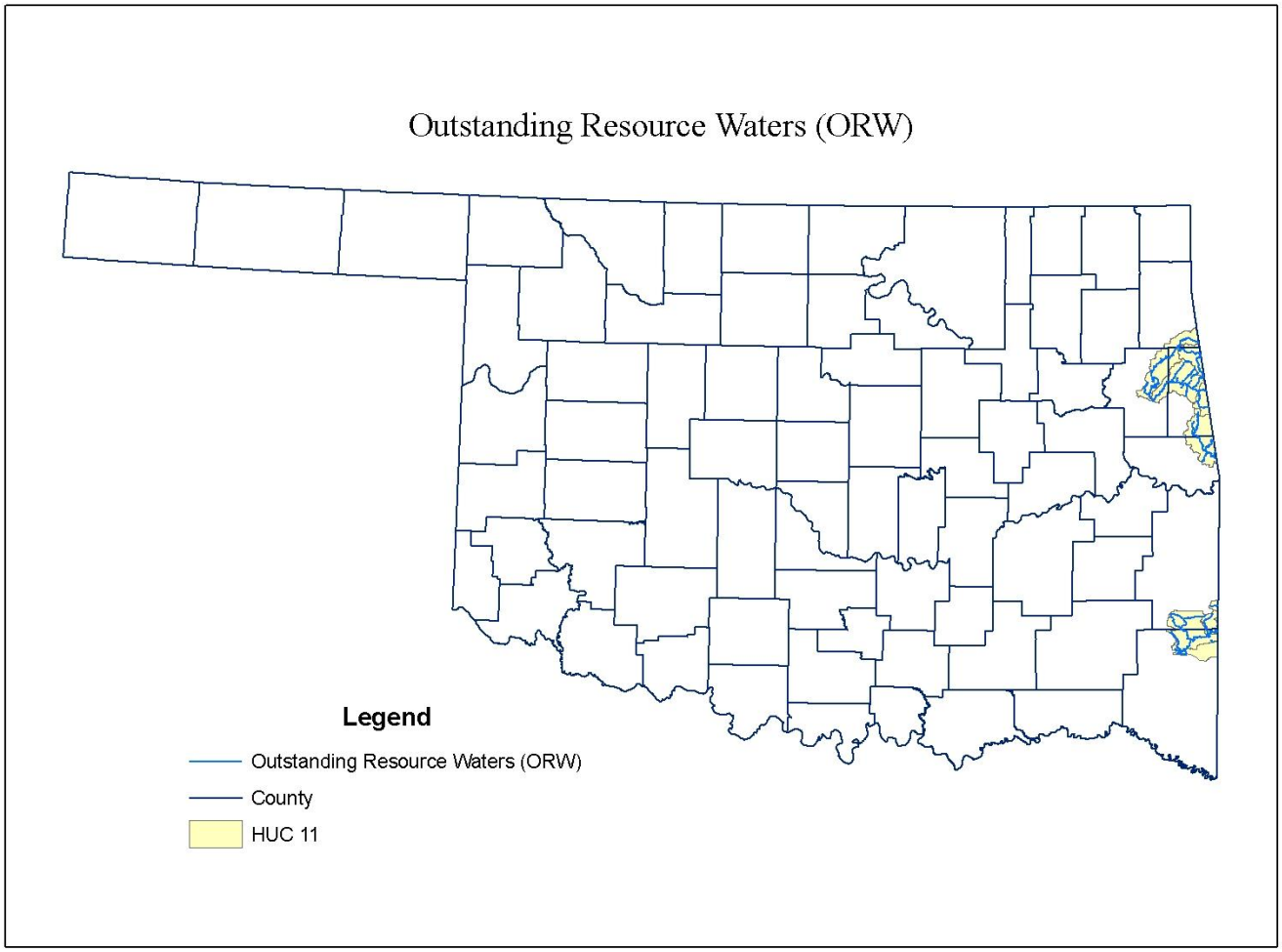
For a partnership or sole proprietorship: by a general partner or the proprietor.

For a municipality, state, federal, or other public agency: by either principal executive officer or ranking elected official.

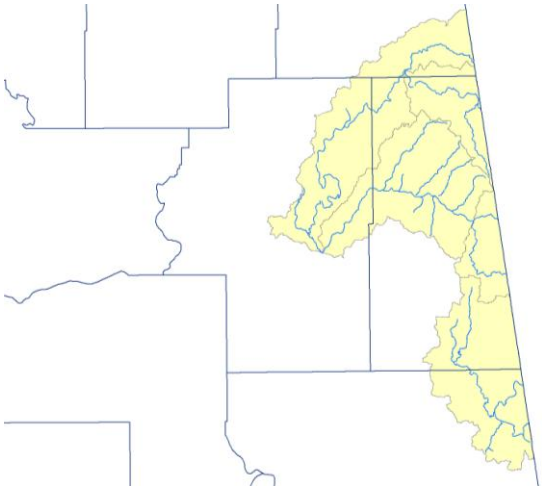
Inspection Requests must be sent to the following address:

DEQ
Environmental Complaints and Local Services
Storm Water Unit
707 North Robinson, P.O. Box 1677
Oklahoma City, OK 73101-1677

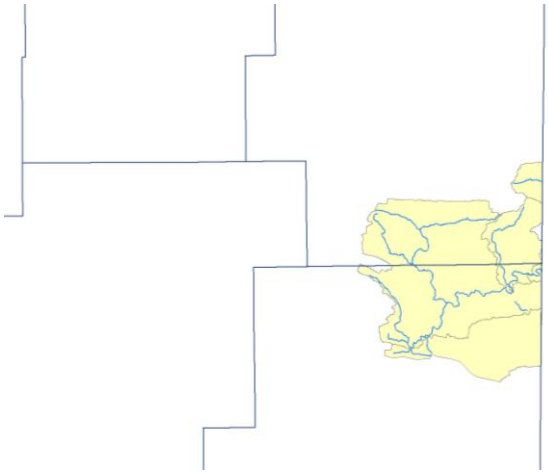
ADDENDUM F – OUTSTANDING RESOURCE WATERS (ORW)



Outstanding Resource Waters Details



Illinois River & Lee Creek Watersheds



Mountain Fork River Watershed

ADDENDUM G – ADDITIONAL REQUIREMENTS for CONCRETE and ASPHALT BATCH PLANTS

G.1 Additional SWP3 Requirements

Site Description: including the nature of industrial activities at your facility and a site map. The site map shall specify the locations of all storm water monitoring points, if any;

G.2. Summary of Potential Pollutant Sources

You must document the area at your facility where industrial materials or activities are exposed to storm water. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product (also see Part 4.5.6).

G.3.Sampling Data

You must provide a summary of any existing storm water discharge sampling data taken at your facility. All storm water sampling data collected during the term of this permit must also be summarized and included in this part of the SWP3. The SWP3 shall document the procedures for conducting the types of analytical monitoring specified by this permit.

G.4.Storm Water Controls

Describe the type and location of existing non-structural and structural BMPs selected for each of the areas where industrial materials or activities are exposed to storm water. For areas where BMPs are not currently in place, describe appropriate BMPs that you will use to control pollutants in storm water discharges. Selection of BMPs should take into consideration:

A. Non-Structural BMPs

1. Good Housekeeping: You must keep all exposed areas of the facility in a clean, orderly manner where such exposed areas could contribute pollutants to storm water discharges. Common problem areas include: around trash containers, storage areas and loading docks. Measures must also include: a schedule for regular pickup and disposal of garbage and waste materials, routine inspections for leaks and conditions of drums, tanks and containers.

2. Minimizing Exposure: You must minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff by either locating these industrial materials and activities inside or protecting them with storm resistant coverings (although significant enlargement of impervious surface area is not recommended).

3. Preventive Maintenance: You must have a preventive maintenance program which includes timely inspection and maintenance of storm water management devices, (e.g., cleaning oil/water separators, catch basins) as well as inspecting, testing, maintaining and repairing facility equipment, and systems to avoid breakdowns or failures that may result in discharges of pollutants to surface waters.

4. Routine Facility Inspections: In addition to, or as part of the Comprehensive Site Evaluation Report required, you must have qualified facility personnel inspect all areas of the facility where industrial materials or activities are exposed to storm water. You shall develop the routine facility inspection procedures and document the evaluation of existing storm water BMPs. You must correct any deficiencies in implementation of your SWP3 you find as soon as practicable, but not later than within 14 days of the inspection. You must document in your SWP3 the results of your inspections and the corrective actions you took in response to

any deficiencies or opportunities for improvement that you identify. You must develop an inspection form and include in your SWP3.

5. Employee Training: You must describe a stormwater employee training program for the facility, including spill response, good housekeeping and material management practices, and must identify periodic dates (e.g., every 6 months during the months of July and January) for such training.

B. Structural BMPs

You must comply with Part 3.3.1 for sediment and erosion control. .Also you could use the following BMPs, which include but are not limited to: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices). You must maintain all BMPs in effective operating condition. If site inspections indicate BMPs are not operating effectively, maintenance must be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of storm water controls.

G.5 Comprehensive Site Compliance Evaluation

The concrete or Asphalt batch plants covered under this permit must conduct an Annual Comprehensive Site Compliance Evaluation and file a report (see Addendum H). At a minimum, your documentation of the comprehensive site evaluation must include the scope of the inspections, the name(s) of personnel making the inspections, the date(s) of the inspections, and major observations relating to the implementation of the SWP3. Major observations should include, the location(s) of discharges of pollutants from the site, BMPs that need to be maintained;, BMPs that failed to operate as designed or that proved inadequate for a particular location, additional BMPs that are needed to address any conditions requiring corrective action identified during the inspection, previously unidentified discharges from the site, previously unidentified pollutants in existing discharges, evidence of, or the potential for, pollutants entering the drainage system, evidence of pollutants discharging to receiving waters at all facility outfall(s), and the condition of and around the outfall, including flow dissipation measures to prevent scouring; and any required revisions to the SWP3 resulting from the inspection.

A. Frequency and Inspectors

You must conduct a comprehensive site compliance evaluation at least once a year. The inspections must be conducted by qualified personnel with at least one member of your stormwater pollution prevention team participating in the comprehensive site inspections. The qualified personnel you use may be either your own employees or outside consultants that you have hired, provided they are knowledgeable and possess the skills to assess conditions at your facility that could impact storm water quality. They must also have the skills to assess the effectiveness of the BMPs you have chosen to use to control the quality of your storm water discharges. If you decide to conduct more frequent inspections, your SWP3 must specify the frequency of inspections.

B. Scope of the Comprehensive Site Compliance Evaluation

Your inspections must include all areas where industrial materials or activities are exposed to storm water, as identified in Part G.1 and areas where spills and leaks have occurred within the past three (3) years.

C. Corrective Actions

If any of the following conditions occur, you must review and revise the selection, design, installation, and implementation of your control measures to ensure that the condition is eliminated and will not be repeated in the future:

1. An unauthorized release or discharge (e.g., spill, leak, or discharge of non-stormwater not authorized by this or another OPDES permit) occurs at your facility;
2. A discharge violates a numeric effluent limit;
3. You become aware, or DEQ determines, that your control measures are not stringent enough for the discharge to meet applicable water quality standards;
4. An inspection or evaluation of your facility by a DEQ official, or local MS4, determines that modifications to the control measures are necessary to meet the non-numeric effluent limits in this permit; or
5. You find in your routine facility inspection, quarterly visual inspection, or comprehensive site inspection that your control measures are not being properly operated and maintained.

D. Corrective Action Report and Deadlines

Within 14 days of such discovery, you must document any corrective action(s) to be taken to eliminate or further investigate the deficiency, or if no corrective action is needed, the basis for that determination. If you determine that changes are necessary following your review, any modifications to your control measures must be made before the next storm event if possible, or as soon as practicable following that storm event. These time intervals are not grace periods, but are schedules considered reasonable for documenting your findings and for making repairs and improvements. They are included in this permit to ensure that the conditions prompting the need for these repairs and improvements are not allowed to persist indefinitely.

G.6 Maintaining Updated SWP3

A. Change in Your Physical Operation

You must amend the SWP3 whenever there is a change in design, construction, operation, or maintenance at your facility which has a significant effect on the discharge, or potential for discharge, of pollutants from your facility;

B. Maintaining Your SWP3

You must amend the SWP3 whenever during inspections or investigations by you or by local, State, or Federal officials it is determined the SWP3 is ineffective in eliminating or significantly minimizing pollutants from sources identified under the SWP3 or is otherwise not achieving the general objectives of controlling pollutants in discharges from your facility.

G.7 Monitoring Requirements

All facilities will be subject to quarterly visual monitoring. Also the Numeric Effluent Limitation Monitoring (NELM) is required once per year if your asphalt batch plants are covered under this permit. Also these specific monitoring requirements and limitations are applied to the discharge at facilities with co-located activities. Where storm water from the co-located activities is co-mingled, the monitoring requirements and limitations are additive.

A. Quarterly Visual Monitoring

The requirements and procedures for quarterly visual monitoring are applicable to all concrete and asphalt batch plants covered under this permit, regardless of your industrial activities.

1. You must perform and document a quarterly visual examination of a storm water discharge associated with industrial activity from each outfall, except discharges exempted below. If no storm event resulted in runoff from the facility during a monitoring quarter, you are excused from visual monitoring for that quarter provided you document in your monitoring records that no runoff occurred. You must sign and certify the documentation in accordance with Part 6.7.

2. Your visual examination must be made during daylight hours (e.g., normal working hours). The visual examinations must be made of samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed 1 hour) of when the runoff or snowmelt begins discharging from your facility. The examination must document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. The examination must be conducted in a well-lighted area. No analytical tests are required to be performed on the samples. All such samples must be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Where practicable, the same individual should carry out the collection and examination of discharges for the entire permit term.

The following Table is an example of what you should look for in a visual monitoring sample.

TABLE G-1 VISUAL MONITORING

Parameter	Method	Results
Color and Extent	Visual	Clear, yellow, red, blue, green, brown, black, milky, etc.
Odor	Smell	None, earthy, sewage, musky, rotten eggs, petroleum, etc.
Clarity or Turbidity	Come up with your own test such as: clean off the label from a 2 liter clear plastic bottle, fill the bottle with the sample, and try to see things through it.	1) can't see through the bottle 2) can see through but could not read newsprint 3) can see through and can read newsprint 4) pretty clear, but not as clear as bottled water 5) as clear as bottled water
Floating solids	Visual	Yes/no - describe what they are.
Settled solids	Use same 2 liter bottle	Tablespoons or cups of material or millimeters of solids on bottom after 24 hours
Suspended solids	Look through the container.	What do you see?
Foam	Visual	Yes/no - how thick is the foam? How much of the surface does it cover? What color is the foam?
Oil sheen	Visual	Color and extent

Parameter	Method	Results
Other obvious indicators of storm water pollution	Indicate what you observed that would lead a reasonable person to believe that the storm water was polluted.	Tell it like you see it.

3. You must maintain your visual examination reports onsite with the SWP3. At a minimum, the report must include the examination date and time, examination locations, examination personnel, the nature of the discharge (i.e., runoff or snow melt), results of observations of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination. If applicable, the report shall include why it was not possible to take samples within the first 30 minutes.

B. Numeric Effluent Limitation Monitoring (NELM)

1. *NELM for Asphalt Batch Plant*. If your facility has discharges of storm water from an asphalt batch plant, you must comply with the limitations and monitoring requirements of Table G-2 (also see Table 3.1) for all discharges containing asphalt batch plant runoff, regardless of your industrial activities.

TABLE G-2 NUMERIC EFFLUENT LIMITATIONS FOR ASPHALT BATCH PLANT

Parameter	Limitation	Monitoring Frequency	Sample Type
Total Suspended Solids	23 mg/l, daily max. 15 mg/l, 30-day avg.	1/year	Grab
Oil and Grease	15 mg/l, daily max. 10 mg/l, 30-day avg.	1/year	Grab
pH	6.5-9.0, min. and max.	1/year	Grab

2. *Monitoring Periods*. If the project takes less than one year to complete, you shall collect at least one sample. Otherwise, you must start to collect your grab samples and analyze the samples annually within the following time periods:

   The yearly monitoring periods are from January 1st to December 31st.

3. *Collection and Analysis of Samples*. You must assess your sampling requirements on an outfall by outfall basis.

   a. When and How to Sample. All required monitoring must be performed on a storm event that results in an actual discharge from your site (at least 0.1 inch of storm water event defined as a “measurable storm event”) that follows the preceding measurable storm event by at least 72 hours (3 days). The 72 hours (3 days) storm interval does not apply if you are able to document that less than a 72-hour (3 days) interval is representative for local storm events during the sampling period. In the case of snowmelt, the monitoring must be performed at a time when a measurable discharge occurs at your facility.

   b. Take a minimum of one grab sample within the first 30 minutes of the discharge resulting from a measurable storm event. If it is not practicable to take the sample during the first 30 minutes, the sample must be collected as soon as practicable after the first 30 minutes. Document in your SWP3 why it was not possible to take samples within 30 minutes. Submit this information on or with the Discharge Monitoring

Report (DMR) (See Part G.8). If the sampled discharge commingles with process or non-process water, attempt to sample the storm water discharge before it mixes with the non-storm water. In the case of snowmelt, samples must be taken during a period with a measurable discharge.

c. To get help with monitoring. Consult the EPA Industrial Stormwater Monitoring and Sampling Guidance that can be downloaded from the EPA Web Site at: http://www.epa.gov/npdes/pubs/msgp_monitoring_guide.pdf

4. *Storm Event Data.* For each monitoring event, except snowmelt monitoring, you must provide the date and duration (in hours) of the storm event(s); rainfall measurements or estimates (in inches) of the storm event; time (in days) since the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sample. For snowmelt monitoring, you must identify the date of the sampling event.

5. *Follow-up Monitoring Requirements if Discharge Exceeds Numeric Effluent Limit*

You must conduct follow-up monitoring within 30 calendar days, or during the next qualifying runoff event of implementing corrective action(s) taken pursuant to Part 4.5.15 in response to an exceedance of a numeric effluent limit contained in this permit.

Monitoring must be performed for any pollutant(s) that exceeds the effluent limit. You must continue to monitor, at least quarterly, until your discharge is in compliance with the effluent limit or until DEQ waivers the requirement for additional monitoring. You must include the results of follow-up monitoring in the report.

C. Representative Outfalls - Substantially Identical Discharges.

Applicable monitoring requirements apply to each outfall authorized by this permit, except as otherwise exempt from monitoring as a "substantially identical outfall." If your facility has two (2) or more outfalls that you believe discharge substantially identical effluents, based on similarities of the industrial activities and control measures, exposed materials that may significantly contribute pollutants to stormwater, and runoff coefficients of the outfalls' drainage areas, you may monitor the effluent of just one of the outfalls and report that the results also apply to the substantially identical outfall(s). You may monitor selected substantially identical outfall(s) on a rotating basis. For this to be permissible, you must describe each outfall authorized by this permit and rationale for any substantially identical outfall determinations, including the locations of the outfalls, why the outfalls are expected to discharge substantially identical effluents, estimates of the size of the drainage area (in square feet) for each of the outfalls; and an estimate of the runoff coefficient of the drainage areas (low: under 40 percent; medium: 40 to 65 percent; high: above 65 percent). The allowance for monitoring only one of the substantially identical outfalls is not applicable to any outfalls with numeric effluent limitations. You are required to monitor each outfall covered by a numeric effluent limit as identified in Part 3.4.1 (also see G.7.B).

D. Adverse Climatic Conditions Waiver

When adverse weather conditions prevent the collection of samples according to the relevant monitoring schedule, you must take a substitute sample during the next qualifying storm event. Adverse conditions (i.e., those which are dangerous or create inaccessibility for personnel) may include such things as local flooding, high winds, electrical storms, or situations which otherwise make sampling impracticable such as drought or extended frozen conditions. You must report any failure to monitor and indicate the basis for not sampling during the usual reporting period in your inspection report.

G.8 Reporting

A. Reporting Results of Numeric Effluent Limitation Monitoring (NELM)

You are required to submit the results of your NELM to the DEQ according to the following schedule:

1. Save and submit monitoring results by March 1st of the year following the monitoring period.
2. Visual monitoring results must be retained with the SWP3. Do not submit unless requested to do so by the Executive Director.
3. If required, you must submit NELM results obtained from each outfall associated with industrial activity (or an adverse climatic condition certification as per Part G.7.D) on a Discharge Monitoring Report (DMR) form. One form must be submitted for each storm event sampled. An example of a form can be obtained from the DEQ web site found at:

http://www.deq.state.ok.us/WQDnew/stormwater/dmr.pdf

The signed DMR must be sent to: DEQ – ECLS, P.O. Box 1677, Oklahoma City, OK 73101-1677

B. Annual Comprehensive Site Compliance Evaluation Reporting Requirement

1. An Annual Comprehensive Site Compliance Evaluation Report using Form 606-006 found in Addendum G must be filed each year. The report must include items specified in Part G.5. The report must be filed by March 1st of each year beginning in 2013.

   If your permit becomes effective less than one (1) month from the end of the yearly monitoring period, your first monitoring period starts with the next respective annual monitoring period.

2. The report must include a certification signed and dated by you or by an authorized representative of your facility (see Part 6.7) that states the following:

   I certify under penalty of law that I have read and understand the requirements for filing this Comprehensive Site Compliance Evaluation Report.

   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 gathered and evaluated the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly involved in gathering the information, the information submitted is to the best of my knowledge and belief true, accurate and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

ADDENDUM H – ANNUAL COMPREHENSIVE SITE COMPLIANCE EVALUATION REPORT FOR CONCRETE AND ASPHALT BATCH PLANTS

See Page 4 for Instructions

DEQ FORM 606-006 **Sept. 13, 2012**	OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY	**Oklahoma Department of Environmental Quality** **Annual Comprehensive Site Compliance Evaluation Report for Industrial Facilities (ACSCER)**

Submission of this Comprehensive Site Compliance Evaluation Report, Part B, provides notice that the party identified in Section I of this form is not required to conduct Benchmark Monitoring for storm water discharges associated with industrial activities under the OPDES program. This Annual Comprehensive Site Compliance Evaluation Report is required for all authorized industrial facilities.

All Requested Information Must Be Provided on This Form (Part A) and the ACSCER Form (Part B).

See Instructions on Page 4 of the Form.

Section I.

OPDES Permit Authorization Number: _____

Section II. Facility Operator Information

Name: _____ Phone:_____

Address:_____

City: _____ State:_____ Zip Code:_____

Section III. Facility Location

Name:_____ Phone:_____

Address: _____

City: _____ County: _____ Zip Code:_____

Latitude: _____ Longitude:_____

Section IV. Certification

I certify under penalty of law that I have read and understand the requirements for filing this Comprehensive Site Compliance Evaluation Report. This report is also to be retained as part of the Storm Water Pollution Prevention Plan (SWP3) for at least three (3) years from the date permit coverage expires or is terminated and will be made available to any state or federal inspector visiting this facility. All records of actions taken in accordance with G.8 of this permit as part of the SW P3 will be retained for at least three (3) years from the date permit coverage expires or is terminated. 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 gathered and evaluated the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly involved in gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Print Name: _____ Date:_____

Signature:_____ Title:_____

Annual Comprehensive Site Compliance Evaluation Report - Part B Page 1.

Reporting Period: _____.

- ✓ How many routine facility inspections did you perform during the reporting period? _____

- ✓ How many corrective actions to remove the original violation and document these actions according to corrective action deadlines?

Date	Deficiencies	Corrected (Y or N)	Date Corrected
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- ✓ What must you do to correct the deficiencies that remain uncorrected?

  _____

  _____

- ✓ Were all BMPs you indicated you would be using in your SWP3 including good housekeeping practices, actually being implemented at the time of the Annual Comprehensive Site Compliance Evaluation?
  Yes _____ No_____

- ✓ If one or more BMPs were not being implemented, were corrective actions taken after the FIRST inspection to find the problem?
  Yes _____ No_____ All BMPs were being implemented _____

- ✓ Was/were the same failure(s) to implement a BMP deficiency(ies) noted in more than one inspection?
  Yes _____ No_____ No deficiencies noted in any inspection _____

- ✓ Did any of your routine facility inspections find that one or more of your BMPs was not effective in controlling the pollutant source for which it was designed?
  Yes _____ No_____ All BMPs were effective _____

- ✓ If you found one or more ineffective BMPs, have they all been replaced with an alternative or modified BMP?
  Yes _____ No_____ All BMPs were being effective _____

- ✓ Are there additional BMPs needed to address any conditions requiring corrective action?
  Yes _____ No_____

- ✓ At any time during the reporting period, did you discover any previously unidentified illicit discharges from your facility or previously unidentified pollutants in the existing discharges?
  Yes _____ No_____

- ✓ Have all illicit discharges (including any discovered in previous years) been eliminated or permitted?
  Yes _____ No_____ Permit applied for _____ No known illicit discharges _____

- ✓ Have any significant spills or leaks occurred at your facility during the reporting period?
  Yes _____ No_____

- ✓ If any significant spills or leaks occurred, did they result in either a dry weather discharge or an actual discharge of the spilled or leaked material commingled with storm water (as opposed to the spilled material being washed away by storm water?)
  Yes _____ No_____

Part B. Page 2

- ✓ If any significant spills or leaks occurred, did they result in more than the minimum amounts of material being discharged in storm water? Base your answer on your knowledge of the material you spilled or that leaked. The minimum amounts could vary with the nature (toxicity, oxygen demand, pH, etc.) of the spilled or leaked material from amounts left after normal "sweeping" type cleanup to the point at which even trace amounts left after cleanup could cause an environmental problem.
  Yes _____ No_____ No spills or leaks occurred_____
- ✓ Have all known spills or leaks been cleaned up or otherwise prevented from contaminating storm water that would be discharged under the authority of this permit?
  Yes _____ No_____ No spills or leaks occurred_____
- ✓ How many times did you visually monitor all your storm water discharges at all the facility outfalls during the reporting year, and document the condition of and around the outfalls, including flow dissipation measures to prevent scouring? (Count only those done in accordance with the procedures at Part G.7.A Quarterly Visual Monitoring)
  Yes _____ No_____ Number of Visual Monitoring _____
- ✓ Would the results of your visual monitoring indicate that there are pollutants in your storm water discharges that are not adequately controlled by your current BMPs?
  Yes _____ No_____
- ✓ If the results of your visual monitoring indicated a potential problem, was it due to one or more of the following?

1. New pollutant source (including exposure of previously unexposed material).
2. Failure to implement or maintain an existing BMP.
3. Less than expected performance from a BMP.
4. No BMP was selected to deal with that problem.
5. N/A (No problems identified)

- ✓ If your visual monitoring indicated a potential problem, what have you done to resolve the problem?
  1. Eliminated exposure or pollutant source.
  2. Modified existing BMPs.
  3. Added a new BMP.
  4. Plan to address problem by end of current reporting year.
  5. Nothing planned.
  6. N/A (No problems identified).
- ✓ Did any analysis of any element tested during any previous discharge monitoring period exceed the numeric limitation value?
  Yes _____ No_____
- ✓ If your answer to the previous question was "Yes", please name the element and the test results.

Element	Test Results	Element	Test Results
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- ✓ Are there any required revisions to the SWP3 resulting from the inspection?
  Yes _____ No_____

ADDENDUM H Annual Comprehensive Site Compliance Evaluation Report - Instructions

Instructions for Completing the Annual Comprehensive Site Compliance Evaluation Report Form 606-006, Storm Water Discharges Associated with Industrial Activity

When to File an ACSCER Form:

Permittees who are presently covered under an issued OPDES general permit for storm water discharges associated with industrial activity must submit an Annual Comprehensive Site Compliance Evaluation Report by March 1st of each year, beginning in 2013. This is in lieu of filing analytical benchmark discharge monitoring reports. If you need assistance or have questions, contact the Storm Water Program of the Environmental Complaints & Local Services of the DEQ at (405) 702-6100.

Section I: Permit Information:

Enter the existing OPDES General Storm Water Construction Permit number assigned to the facility identified in Section II.

Section II. Facility Operator Information:

Give the legal name of the person, firm, public organization or any other entity that owns or operates the facility described in this application. The name of the operator may or may not be the same name as the facility. The operator of the facility is the legal entity that controls the facility's operation, rather than the plant or site manager.

Section III: Facility/Site Location Information:

Enter the facility's official or legal name and complete address, telephone, city, state, and ZIP code. If the facility lacks a street address, indicate the latitude and longitude of the facility to the nearest 15 seconds.

Section IV: Certification

The ACSCER form must be signed by a responsible party such as the owner or an officer, such as: president, vice president, secretary, and treasurer of either a corporation, company, trust, partnership, or sole proprietorship by a general partner or the proprietor. For a municipality, state, Federal, or other public facility: by either a principal executive officer or ranking elected official.

How to complete the Comprehensive Site Compliance Evaluation Report Part B

1. Inspect all areas where materials or activities are exposed to storm water, and areas where spills and leaks have occurred within the past 3 years.
2. Report industrial material, residue or trash on the ground that could contaminate or be washed away.
3. Prevent leaks or spills from industrial equipment, drums, barrels, tanks, etc.
4. Prevent offsite tracking of industrial material or sediment.
5. Prevent tracking or blowing of raw, final, or waste material from areas of no exposure to exposed areas.
6. Include evidence of, or potential for pollutants entering the drainage system.

Corrective Actions:

1. Review to determine if revisions/modifications are needed to eliminate problems or meet the effluent limits in this permit;
2. Document your discovery of any of the conditions listed in Part 4.5.15 and Addendum H within 24 hours and any corrective actions to be taken to eliminate or further investigate the deficiency within 14 days of such discovery.
3. Complete the corrective action report with the information included in your SWP3.

Reporting is required by March 1st of the year beginning in 2013.

Where to file an ACSCER :

DEQ - ECLS

Storm Water Program

P.O. Box 1677

Oklahoma City, Oklahoma 73101-1677

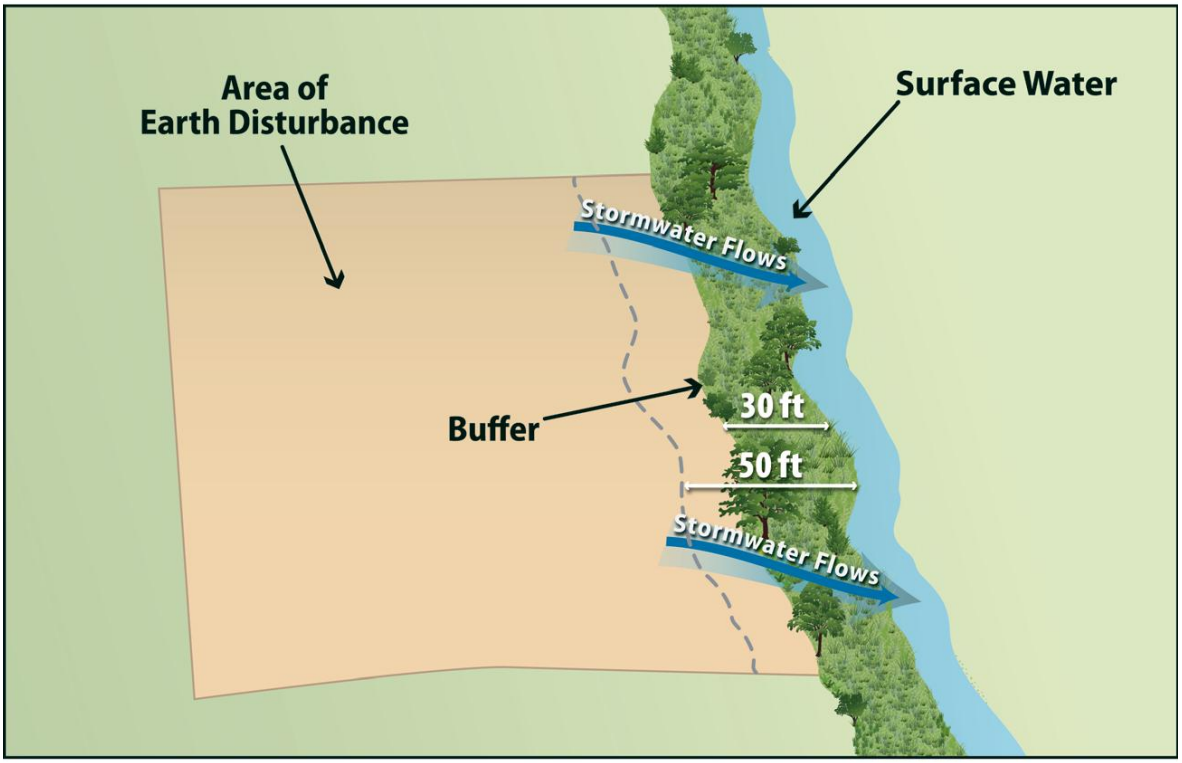
ADDENDUM I – BUFFER GUIDANCE

The purpose of this guidance is to assist you in complying with the requirements in Parts 3.3.1.A and 3.5.2.A of this permit regarding the establishment of natural buffers or equivalent sediment controls.

Step 1 - Determine Whether 100 Feet or 50 Feet of Natural Buffer Is Required

If your land disturbing activities will occur within the Aquatic Resources of Concern which are identified by USFWS and ODWC, a vegetated buffer of at least 100 feet is required between the area disturbed and all perennial or intermittent streams on or adjacent to the construction site, or a vegetated buffer of at least 50 feet is required between the area disturbed and all ephemeral streams. If your disturbing activities will be adjacent to the waters of the State, a vegetated buffer of at least 50 feet is required. Figure I – 1 illustrates when a site would be required to comply with the requirements in Part 3.3.1.D due to their proximity to surface waters. If the surface water is not located within 50 feet of the earth-disturbing activities, Part 3.3.1 does not apply. If you determine that the buffer requirements apply to your site and those buffer requirements cannot be met, you may continue on to Step 2.

Figure I - 1. Example of Earth-Disturbing Activities within 50 feet of a Surface Water.



Step 2 - Determine Compliance Alternatives to the Buffer Requirements

You have three compliance alternatives from which you can choose:

Alternative 1. Provide and maintain a 100-foot or 50-foot undisturbed natural buffer; or

Alternative 2. Provide and maintain an undisturbed natural buffer that is less than 100-feet or 50-feet and is supplemented by additional erosion and sediment controls, which in combination achieves the sediment load reduction equivalent to a 100-foot or 50-foot undisturbed natural buffer; or

Alternative 3. If it is infeasible to provide and maintain an undisturbed natural buffer of any size, you must implement erosion and sediment controls that achieve the sediment load reduction equivalent to a 100-foot or 50-foot undisturbed natural buffer.

The compliance alternative selected above must be maintained throughout the duration of permit coverage. The following provides detailed guidance for how you can comply with each of the compliance alternatives. Part I.1 below provides guidance on how to provide and maintain natural buffers consistent with the Alternatives 1 and 2. Part I.2 below provides guidance on how to comply with the requirement to provide a 100-foot or 50-foot buffer equivalent through erosion and sediment controls consistent with Alternative 2 and 3.

I.1 Guidance for Providing and Maintaining Natural Buffers

The following guidance is intended to assist you in complying with the requirements to provide and maintain a natural buffer during construction. This part of the guidance applies to you if you choose either Alternative 1 (100-foot or 50-foot buffer) or Alternative 2 (a buffer of < 100 feet or < 50 feet supplemented by additional erosion and sediment controls that achieve the equivalent sediment load reduction as the 100-foot or 50-foot buffer).

A. *Buffer Width Measurement*

Where you are retaining a buffer of any size, the buffer should be measured perpendicularly from any of the following points, whichever is further landward from the water:

1. The ordinary high water mark of the water body, defined as the line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, and/or the presence of litter and debris; or
2. The edge of the stream or river bank, bluff, or cliff, whichever is applicable.

Refer to Figure I – 2 and Figure I - 3. You may find that specifically measuring these points is challenging if the flow path of the surface water changes frequently, thereby causing the measurement line for the buffer to fluctuate continuously along the path of the waterbody. Where this is the case, DEQ suggests that rather than measuring each change or deviation along the water’s edge, it may be easier to select regular intervals from which to conduct your measurement. For instance, you may elect to conduct your buffer measurement every 5 to 10 feet along the length of the water.

Figure I - 2. This image shows buffer measurement from the ordinary high water mark of the water body, as indicated by a clear natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, and/or the presence of litter/debris.

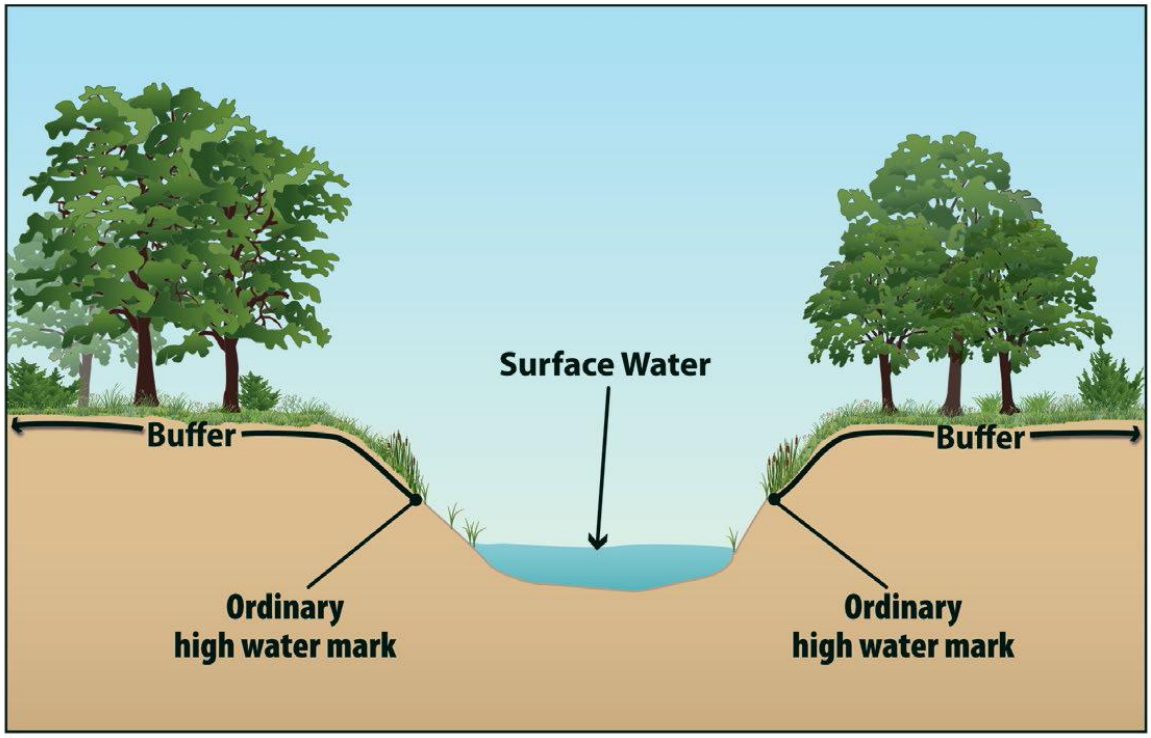
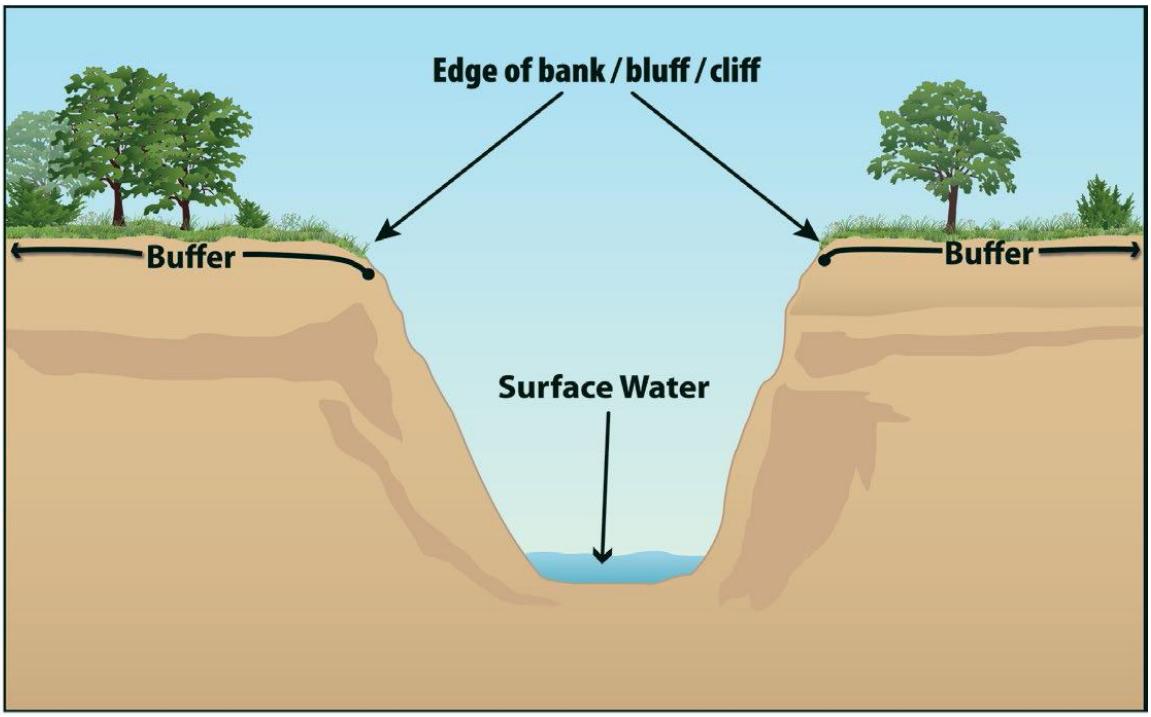


Figure I - 3. This image shows buffer measurement from the edge of the bank, bluff, or cliff, whichever is applicable.



B. ***Limits to Disturbance within the Buffer***

You are considered to be in compliance with this requirement if you retain and protect from construction activities the natural buffer that existed prior to the commencement of construction. If the buffer area contains no vegetation prior to the commencement of construction (e.g., sand or rocky surface), you are not required to plant any additional vegetation. As noted above, any preexisting structures or impervious surfaces are allowed in the buffer provided you retain and protect from disturbance the vegetation in the buffer outside the preexisting disturbance.

To ensure that the water quality protection benefits of the buffer are retained during construction, you are prohibited from conducting any earth-disturbing activities within the buffer during permit coverage.

C. ***Discharges to the Buffer***

You must ensure that all discharges from the area of earth disturbance to the natural buffer are first treated by the site's erosion and sediment controls (*for example, you must comply with the Part 3.3.1.F.2 requirement to establish sediment controls around the downslope perimeter of your site disturbances*), and if necessary to prevent erosion caused by stormwater flows within the buffer, you must use velocity dissipation devices.

D. ***SWP3 Documentation***

You must document the reduced width of the buffer you will be retaining and you must also describe the erosion and sediment controls you will use to achieve an equivalent sediment reduction, as described in Part I.2 below. Note that you must also show any buffers on your site plan in your SWP3. Additionally, if any disturbances related to the exceptions in Part 3.3.1.A (also see Step 2 of Part 11) occur within the buffer area, you must document this in the SWP3.

I.2 Guidance for Providing the Equivalent Sediment Reduction as the 100-foot or 50-foot Buffer

If you are selecting Alternative 2 (provide and maintain a buffer that is less than 100feet or 50 feet that is supplemented by additional erosion and sediment controls that, together, achieve the equivalent sediment load reduction as the 100-foot or 50-foot buffer) or Alternative 3 (implement erosion and sediment controls that achieve the equivalent sediment load reduction as the 100-foot or 50-foot buffer), the following guidance is intended to assist you in demonstrating that you will achieve the equivalent sediment reduction as the 100-foot or 50-foot buffer.

A ***Determine Whether It Is Feasible to Provide a Reduced Buffer***

DEQ recognizes that there will be a number of situations in which it will be infeasible to provide and maintain a buffer of any width. While some of these situations may exempt you from the buffer requirement entirely (See Part 3.3.1.A), if you do not qualify for one of these exemptions, there still may be conditions or circumstances at your site that make it infeasible to provide a natural buffer. For example, there may be sites where a significant portion of the property on which the earth-disturbing activities will occur is located within the buffer area, thereby precluding the retention of natural buffer areas. DEQ believes there are likely to be other examples of situations that make it infeasible to provide any buffer area.

Therefore, in choosing between the 2 different compliance alternatives (Alternative 2 or 3), you should only elect to comply with Alternative 2 if it is feasible for you to retain any natural buffer on your site. (Note: For any buffer width retained, you are required to comply with the requirements in Part I.1, above, concerning the retention of vegetation and restricting earth disturbances.) Similarly, if you determine that it is infeasible to provide a natural buffer of any size during construction, you should elect to comply with Alternative 3. After making this determination, you should proceed to Part I.2 to determine how to provide controls that, together

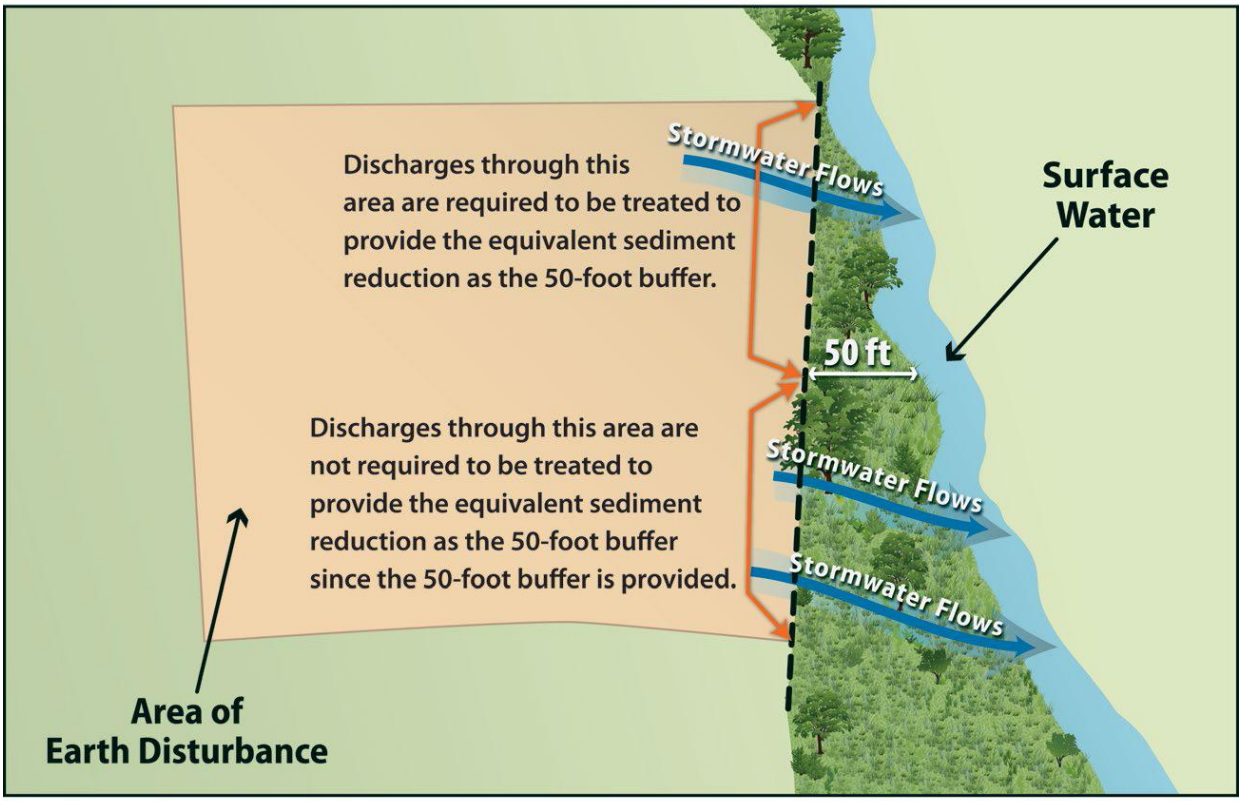
with any buffer areas that is being retained, if applicable, will achieve an equivalent sediment load reduction as the 100-foot or 50-foot buffer. You must describe why it is infeasible to provide and maintain an undisturbed natural buffer of any size in the SWP3.

B. ***Design Controls That Provide Equivalent Sediment Reduction as 100-foot or 50-foot Buffer***

You must next determine what additional controls must be implemented on your site alone or in combination with any retained natural buffer, to achieve a reduction in sediment equivalent to that achieved by a 100-foot or 50-foot buffer.

Note that if only a portion of the natural buffer is less than 50 feet, you are only required to implement erosion and sediment controls that achieve the sediment load reduction equivalent to the 100-foot or 50-foot buffer for discharges through that area. You would not be required to provide treatment of stormwater discharges that flow through 100 feet 50 feet or more of natural buffer. See Figure I - 4.

Figure I - 4 Example of how to comply with the requirement to provide the equivalent sediment reduction when only a portion of your earth-disturbances discharge to a buffer of less than 100 feet or 50 feet.



Guidelines to help you work through these requirements are provided below.

Step 1 - Estimate the Sediment Reduction from Your Site if You Had Retained a 100-foot or 50-foot Natural Buffer

In order to design controls that match the sediment removal efficiency of a 100-foot or 50- foot buffer, you first need to know what this efficiency is for your site. The sediment removal efficiencies of natural buffers vary according to a number of site-specific factors, including precipitation, soil type, land cover, slope length, width, steepness, and the types of sediment controls used to reduce the discharge of sediment prior to the buffer. DEQ has simplified this calculation by developing buffer performance tables covering a range of vegetation and soil types for the areas covered by the permit. See Attachment 1, Tables I - 1 through I - 4.

Note: buffer performance values in Tables I - 1 through I - 4 represent the percent of sediment captured through the use of perimeter controls (e.g., silt fences) and 100-foot or 50-foot buffers at disturbed sites of fixed proportions and slopes. Using Tables I - 1 through I - 4 (see Attachment 1), you can determine the sediment removal efficiency of a 100-foot or 50-foot buffer for your geographic area by matching the vegetative cover type and the type of soils that predominate at your site. For example, if your site is located in Oklahoma City (see Table I - 1), and your buffer vegetation corresponds most closely with that of fescue grass, and the soil type at your site is best typified as sand, your site's sediment removal efficiency would be 90 percent.

In this step, you should choose the vegetation type in the tables that most closely matches the vegetation that would exist naturally in the buffer area on your site regardless of the condition of the buffer. However, because you are not required to plant any additional vegetation in the buffer area, in determining what controls are necessary to meet this sediment removal equivalency in Step 2 below, you will be able to take credit for this area as a fully vegetated "natural buffer."

Similarly, if a portion of the buffer area adjacent to the surface water is owned by another party and is not under your control, you can treat the area of land not under control as having the equivalent vegetative cover and soil type that predominates on the portion of the property on which your construction activities are occurring. *For example, if your earth-disturbances occur within 50 feet of a surface water, but the 10 feet of land immediately adjacent to the surface water is owned by a different party than the land on which your construction activities are taking place and you do not have control over that land, you can treat the 10 foot area adjacent to the stream as having the equivalent soil and vegetation type as predominates in the 40 foot area under your control. You would then make the same assumption in Step 2 for purposes of determining the equivalent sediment removal.*

Alternatively, you may do your own calculation of the effectiveness of the 50-foot buffer based upon your site-specific conditions, and may use this number as your sediment removal equivalency standard to meet instead of using Tables I – 1 through I - 4. This calculation must be documented in your SWP3.

Step 2 - Design Controls That Match the Sediment Removal Efficiency of the 100-foot or 50-foot Buffer

Once you have determined the estimated sediment removal efficiency of a 100-foot or 50-foot buffer for your site in Step 1, you will be required to select stormwater controls that will provide an equivalent sediment load reductions.

To make the determination that your controls and/or buffer area achieve an equivalent sediment load reduction as the 100-foot or 50-foot buffer, you may use stormwater controls listed in Tables I-1 through I-4 to select a single designed control, such as 12" or 6" waddle, roll material, silt fence or straw mulch (see Attachment 1), or you will need to use a model or other type of calculator. There are a variety of models available that can be used to support your calculation, including USDA's RUSLE-series programs and the WEPP erosion model, SEDCAD, SEDIMOT, or other models.

Alternatively, you may elect to install a combination of stormwater controls and to retain some amount of a buffer. Whichever control(s) you select, you must demonstrate in your SWP3 that the controls will provide at a minimum the same sediment removal capabilities as the 100-foot or 50-foot buffer (Step 1). You are allowed to take credit for the removal efficiencies of your required perimeter controls in your calculation of equivalency, because these were included in calculating the buffer removal efficiencies in Tables I - 1 through I - 4. (Note: You are reminded that the controls must be kept in effective operating condition until you have completed final stabilization on the disturbed portions of the site discharging to the surface water.)

If you are retaining a buffer of less than 100 feet or 50 feet, you may take credit for the removal that will occur from the reduced buffer and only need to provide additional controls to make up the difference between the removal efficiency of a 100-foot or 50-foot buffer and the removal efficiency of the narrower buffer. For example, if you are retaining a 30 foot buffer, you can account for the sediment removal provided by the 30-foot buffer retained, and you will only need to design controls to make up for the additional removal provided by the 20-foot of buffer that is not being provided. To do this, you would plug the width of the buffer that is retained into RUSLE or another model, along with other stormwater controls that will together achieve a sediment reduction equivalent to a natural 50-foot buffer.

As described in Step 1 above, you can take credit for the area you have retained as a "natural buffer" as being fully vegetated, regardless of the condition of the buffer area. *For example, if your earth-disturbances occur 30 feet from a surface water, but the 10 feet of land immediately adjacent to the surface water is owned by a different party than the land on which your construction activities are taking place and you do not have control over that land, you can treat the 10-foot area as a natural buffer, regardless of the activities that are taking place in the area. Therefore, you can assume (for purposes of your equivalency calculation) that your site is providing the sediment removal equivalent of a 30-foot buffer, and you will only need to design controls to make up for the additional removal provided by the 20- foot of buffer that is not being provided.*

Step 3 - Document How Site-Specific Controls Will Achieve the Sediment Removal Efficiency of the 100-foot or 50-foot Buffer

In Steps 1 and 2, you determined both the expected sediment removal efficiency of a 100-foot or 50-foot buffer at your site, and you used this number as a performance standard to design controls to be installed at your site, which alone or in combination with any retained natural buffer, achieves the expected sediment removal efficiency of a 100-foot or 50-foot buffer at your site. The final step is to document in your SWP3 the information you relied on to calculate the equivalent sediment reduction as an undisturbed natural buffer. DEQ will consider your documentation to be sufficient if it generally meets the following:

For Step 1: refer to the Table in Attachment 1 that you used to derive your estimated 100-foot or 50-foot buffer sediment removal efficiency performance. Include information about the buffer vegetation and soil type that predominate at your site, which you used to select the sediment load reduction value in Tables I - 1 through I - 4. Or, if you conducted a site-specific calculation for sediment removal efficiency, provide the specific removal efficiency, and the information you relied on to make your site-specific calculation.

For Step 2: (1) Specify a single designed stormwater control (see Table I-1 thru I-4) or other stormwater controls that you used to estimate sediment load reductions from your site. Specify a model or other type of calculator that you used to support your calculation if any; and (2) the results of calculations showing how your controls will meet or exceed the sediment removal efficiency from Step 1. If you choose Alternative 3, you must also include in your SWP3 a description of why it is infeasible for you to provide and maintain an undisturbed natural buffer of any size.

ATTACHMENT 1

Sediment Removal Efficiency Tables: Percent of sediment removal was calculated for a 200-foot runoff area with a 100-foot buffer, and a 100-foot runoff area with a 50-foot buffer. DEQ recognizes that very high removal efficiencies, even where theoretically achievable by a 50-foot or 100-foot buffer, may be very difficult to achieve in practice using alternative controls. Therefore in the tables below, DEQ has limited the removal efficiencies to a maximum of 90%. Efficiencies that were

calculated at greater than 90% are shown as 90%, and this is the minimum percent removal that must be achieved by alternative controls.

Best Management Practices Defined

- Fescue: Buffer strip (100 feet or 50 feet) at the end of the overland flow path of Fescue grass, the area has not been grazed
- Grama Grass: Buffer strip (100 feet or 50 feet) at the end of the overland flow path of Grama grass, at least the third year after seeding
- Range Grass: Buffer zone (100 feet or 50 feet) at the end of the overland flow path of a generic low production range grass
- Switchgrass: Buffer zone (100 feet or 50 feet) at the end of the overland flow path of Switchgrass growth
- Weeds: Buffer zone (100 feet or 50 feet) at the end of the overland flow path of at least 5 years of growth of generic weeds started from volunteer germination
- 12” Waddle: 12 inch straw sock or wattle installed at the base of the runoff area
- 6” Waddle: 6 inch straw sock or wattle installed at the end of the overland flow path
- Roll Material: Erosion control blanket placed over the disturbed area
- Silt Fence: Full retardance fabric silt fence installed at the end of the overland flow path
- Straw Mulch: Straw mulch applied over the disturbed area, 4000 lbs/acre

Soils Defined

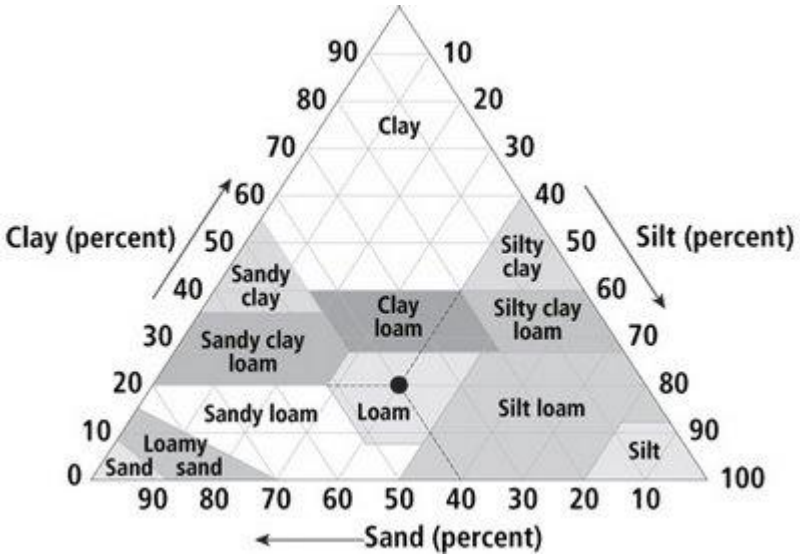


Table I-1 Estimated Estimated Buffer Performance of Blade Fill in Oklahoma City, Oklahoma *

Best Management Practices**	Estimated % Sediment Removal										
	Clay	Silty Clay	Silty Clay Loam	Clay Loam	Silt Loam	Loam	Sandy Loam	Silt	Sandy Clay Loam	Loamy Sand	Sand
Fescue (100' Buffer)	90	90	90	90	90	90	90	90	90	90	90
Fescue (50' Buffer)	90	90	90	90	90	90	90	90	90	90	90
Grama Grass (100' Buffer)	74	79	79	79	78	78	78	76	78	74	71
Grama Grass (50' Buffer)	65	77	78	78	78	78	77	76	74	67	50
Range Grass (100' Buffer)	89	90	92	90	90	90	90	90	90	90	90
Range Grass (50' Buffer)	89	90	90	90	90	90	90	90	90	90	89
Switchgrass (100' Buffer)	90	90	90	90	90	90	90	90	90	90	90
Switchgrass (50' Buffer)	90	90	90	90	90	90	90	90	90	90	90
Weeds (100' Buffer)	47	49	48	50	48	49	50	46	50	50	48
Weeds (50' Buffer)	42	47	47	48	47	49	48	46	48	45	41
12" Waddle	86	74	72	84	56	72	82	27	86	90	90
6" Waddle	38	58	56	67	45	62	69	20	62	55	24
Roll Material	90	90	90	90	90	90	90	90	90	90	90
Silt Fence	86	77	80	90	70	83	89	43	90	90	90
Straw Mulch	85	87	87	86	88	87	83	90	87	89	89

* Applicable for sites less than nine percent slope

** Characterization focuses on the under-story vegetation

Table I-2 Estimated Buffer Performance of Blade Cut in Oklahoma City, Oklahoma *

Best Management Practices**	Estimated % Sediment Removal										
	Clay	Silty Clay	Silty Clay Loam	Clay Loam	Silt Loam	Loam	Sandy Loam	Silt	Sandy Clay Loam	Loamy Sand	Sand
Fescue (100' Buffer)	88	90	90	90	90	90	90	90	90	90	88
Fescue (50' Buffer)	87	88	90	90	90	90	90	90	90	89	84
Grama Grass (100' Buffer)	24	52	70	63	74	72	70	71	48	33	11
Grama Grass (50' Buffer)	24	39	65	54	71	70	60	70	39	15	10
Range Grass (100' Buffer)	78	85	89	90	90	90	90	89	88	84	24
Range Grass (50' Buffer)	77	83	89	89	90	90	90	89	85	80	68
Switchgrass (100' Buffer)	86	89	90	90	90	90	90	90	90	90	85
Switchgrass (50' Buffer)	85	88	90	90	90	90	90	90	90	88	81
Weeds (100' Buffer)	18	26	33	31	33	34	35	28	26	22	15
Weeds (50' Buffer)	23	22	32	31	31	35	31	28	22	15	14
12" Waddle	80	72	71	81	55	70	80	25	84	83	73
6" Waddle	9	11	47	35	43	57	51	19	17	0	1
Roll Material	90	90	90	90	90	90	90	90	90	90	90
Silt Fence	86	76	80	90	69	82	88	40	90	90	90
Straw Mulch	90	90	90	90	90	90	90	90	90	90	90

* Applicable for sites less than nine percent slope

** Characterization focuses on the under-story vegetation

Table I-3 Estimated Buffer Performance of Blade Fill Tulsa, Oklahoma *

Best Management Practices**	Estimated % Sediment Removal										
	Clay	Silty Clay	Silty Clay Loam	Clay Loam	Silt Loam	Loam	Sandy Loam	Silt	Sandy Clay Loam	Loamy Sand	Sand
Fescue (100' Buffer)	90	90	90	90	90	90	90	90	90	90	90
Fescue (50' Buffer)	90	90	90	90	90	90	90	90	90	90	90
Grama Grass (100' Buffer)	74	80	79	79	78	78	77	76	79	76	69
Grama Grass (50' Buffer)	65	76	79	79	78	77	77	75	76	67	52
Range Grass (100' Buffer)	90	90	90	90	90	90	90	90	90	90	90
Range Grass (50' Buffer)	89	89	90	90	90	90	90	90	90	90	90
Switchgrass (100' Buffer)	90	90	90	90	90	90	90	90	90	90	90
Switchgrass (50' Buffer)	90	90	90	90	90	90	90	90	90	90	90
Weeds (100' Buffer)	50	50	48	51	50	50	49	47	51	51	48
Weeds (50' Buffer)	43	48	47	49	48	47	49	45	49	44	40
12" Waddle	86	74	71	83	55	70	81	24	86	90	90
6" Waddle	39	60	55	67	44	59	69	18	65	53	25
Roll Material	90	90	90	90	90	90	90	90	90	90	90
Silt Fence	86	76	79	90	69	82	89	41	90	90	90
Straw Mulch	84	86	87	86	87	86	86	89	86	87	88

* Applicable for sites less than nine percent slope

** Characterization focuses on the under-story vegetation

Table I-4 Estimated Buffer Performance of Blade Cut in Tulsa, Oklahoma *

Best Management Practices**	Estimated % Sediment Removal										
	Clay	Silty Clay	Silty Clay Loam	Clay Loam	Silt Loam	Loam	Sandy Loam	Silt	Sandy Clay Loam	Loamy Sand	Sand
Fescue (100' Buffer)	88	90	90	90	90	90	90	90	90	90	87
Fescue (50' Buffer)	87	89	90	90	90	90	90	90	90	90	83
Grama Grass (100' Buffer)	29	52	73	62	75	74	70	70	52	33	9
Grama Grass (50' Buffer)	18	45	64	57	73	72	63	70	38	25	10
Range Grass (100' Buffer)	79	85	89	90	90	90	90	87	89	85	72
Range Grass (50' Buffer)	76	84	88	90	90	90	90	88	86	81	69
Switchgrass (100' Buffer)	86	89	90	90	90	90	90	90	90	90	85
Switchgrass (50' Buffer)	84	88	90	90	90	90	90	90	90	89	81
Weeds (100' Buffer)	21	30	33	32	34	35	34	26	30	24	15
Weeds (50' Buffer)	19	27	31	30	33	34	32	28	24	19	14
12" Waddle	79	74	69	80	55	70	80	26	84	84	73
6" Waddle	0	18	46	37	43	58	54	19	14	6	0
Roll Material	90	90	90	90	90	90	90	90	90	90	90
Silt Fence	86	77	79	89	68	81	88	39	90	90	90
Straw Mulch	90	90	90	90	90	90	90	90	90	90	90

* Applicable for sites less than nine percent slope

** Characterization focuses on the under-story vegetation