BURNS McDONNELL

# Stormwater Pollution Prevention Plan

## Cimarron Environmental Response Trust

**Groundwater Remediation Project**
**Project No. 96785**

**November 2017**

# Stormwater Pollution Prevention Plan

prepared for

**Cimarron Environmental Response Trust**
**Groundwater Remediation Project**
**Logan County, Oklahoma**

**Project No. 96785**

**November 2017**

prepared by

**Burns & McDonnell Engineering Company, Inc.**
**Dallas, Texas**

## OWNER'S CERTIFICATION
## CERT Groundwater Remediation Project

*"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 on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

Bill Halliburton
Authorized Official

Administrator
Title


Signature

11/9/2017
Date

Not individually but solely in his representative capacity as Administrator of the Cimarron Environmental Response Trust

# CONTRACTOR CERTIFICATION

Burns & McDonnell
(Name of Operator)

Cimarron Environmental Response Trust Site in Logan County, Oklahoma
Burns & McDonnell Project No. 72454
~~USFWS Consultation Code: 02EKOK00-2015-SLI-1367~~
(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 Stormwater Construction General Permit (Permit) authorization to discharge, 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 Stormwater 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: REMEDIATION SERVICES, INC

2. Contractor address: PO BOX 587 INDEPENDENCE, KS

3. Project locations: 100 HWY 74 GUTHRIE, OK

(For additional addresses, attach list to this form)

4. Contractor must be thoroughly familiar with the original Notice of Intent (NOI) filed by Burns & McDonnell (Operator Name) with the Oklahoma Department of Environmental Quality.

Contractor must also be thoroughly familiar with, and adhere to, the SWP3 and the Best Management Practices (BMPs) on file at the following location; CERT Project Office

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 stormwater discharges associated with construction activity from the construction site identified as part of this certification. I have read and understand the Operator's NOI and Part 1.2 for coverage under the General Permit for stormwater discharges from construction activities, including those requirements published in the modified OPDES General Permit[1] OKR10 of September 13, 2017, and the SWP3 and BMPs 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 Part 1.2 of the permit.

Signature: _____ Title: H+S

Print Name: JOHNNY GILLMAN Date: 11.6.17

[1] General Permit (OKR10) viewing- http://www.deq.state.ok.us/wqdnew/stormwater/construction/2017/Final%20CGP%202017.pdf

# TABLE OF CONTENTS

**Page No.**

# LIST OF TABLES

**Page No.**

# LIST OF ABBREVIATIONS

| Abbreviation | Term/Phrase/Name |
|---|---|
| ARC | Aquatic Resources of Concern |
| BMPs | best management practices |
| Burns & McDonnell | Burns & McDonnell Engineering Company, Inc. |
| CFR | Code of Federal Regulations |
| CERT | Cimarron Environmental Response Trust |
| ECB | erosion control blanket |
| EPA | U.S. Environmental Protection Agency |
| ESC Plan | Erosion and Sediment Control Plan |
| NOI | Notice of Intent |
| NOT | Notice of Termination |
| NPDES | National Pollutant Discharge Elimination System |
| Oklahoma DEQ | Oklahoma Department of Environmental Quality |
| Permit | Oklahoma DEQ General Permit OKR10 |
| Project | Groundwater Remediation Project |
| SDS | Safety Data Sheet |
| SPCC Plan | Spill Prevention, Control, and Countermeasure Plan |
| SWP3 | Stormwater Pollution Prevention Plan |
| USFWS | U.S. Fish and Wildlife Service |

# 1.0 INTRODUCTION

The U.S. Environmental Protection Agency (EPA) requires a National Pollutant Discharge Elimination System (NPDES) Permit for stormwater discharges from construction activities that disturb 1 or more acres of land or from smaller sites that are part of a larger, common plan of development or sale which will disturb a cumulative total of 1 or more acres. For the purpose of the NPDES program, construction activities are defined as clearing, grading, excavation, and other construction-related activities (e.g., stockpiling of fill material, placement of raw materials at the site).

In the State of Oklahoma, the NPDES program has been delegated to the Water Quality Division of the Oklahoma Department of Environmental Quality (Oklahoma DEQ). Construction projects that will disturb greater than 1 acre of land are issued a certificate of permit coverage under Oklahoma DEQ General Permit OKR10 (Permit), which authorizes the discharge of stormwater associated with construction activities into State waters. Coverage under the Permit is obtained by developing a Stormwater Pollution Prevention Plan (SWP3) and submitting a Notice of Intent (NOI) to the Oklahoma DEQ. The SWP3 must be developed prior to NOI submittal.

Stormwater discharges from construction activities associated with the Groundwater Remediation Project (Project) for Cimarron Environmental Response Trust (CERT) are authorized under the Permit; copies of the Permit and NOI are provided in Appendix A and Appendix B, respectively. The Permit authorization will be included in Appendix B once received.

The SWP3 described herein establishes a plan to manage the quality of stormwater runoff from construction activities associated with the Project and was developed in accordance with the requirements and guidelines specified in the Permit. The SWP3 was also written with the assistance of and information from the EPA's 2007 *Developing Your Stormwater Pollution Prevention Plan: A Guide for Construction Sites*.

This SWP3 must be used by onsite construction personnel to reduce soil erosion and to minimize the potential for sediment and other onsite pollutants to leave the Project site and enter waters of the State of Oklahoma. The SWP3 identifies a set of best management practices (BMPs) to be implemented on the Project site; however, BMPs may need to be moved, added, or redesigned to control erosion and sedimentation to the extent practicable. The SWP3 must be updated and revised when stormwater control measures are modified due to a change in design, construction method, operation, maintenance procedure, etc.

## 1.1 Project Owner and Operator

The contact information for CERT, the Project owner, is provided below:

Cimarron Environmental Response Trust
9400 Ward Parkway
Kansas City, MO 64114
Phone: (816) 333-9400

Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell), the operator, will have day-to-day operational control over the site and will be responsible for completing the Project. Onsite responsibilities include implementing the SWP3, directing the installation and maintenance of BMPs, inspecting the Project site, implementing and supervising housekeeping, documenting changes to the SWP3, keeping records of inspections and other activities, providing staff training, communicating changes in the SWP3 to onsite personnel, and periodic evaluation of the SWP3 provisions onsite. Below is the contact information for Burns & McDonnell:

Burns & McDonnell Engineering Company, Inc.
9400 Ward Parkway
Kansas City, MO 64114
Phone: (816) 333-9400

The operator's point of contact for the Project is Mr. John Hesemann, Project Manager, who can be contacted via email at jhesemann@burnsmcd.com or by telephone at (314) 682-1560.

The Project's point of contact for the Project is Mr. Jeff Lux, Project Manager with Environmental Properties Management, LLC, who can be contacted via email at jlux@envpm.com or by telephone at (405) 642-5152. Below is the contact information for Environmental Properties Management, LLC:

Environmental Properties Management, LLC
615 North Hudson, Suite 200
Oklahoma City, OK 73102
Phone: (405) 642-5152

## 1.2 Stormwater Team

The parties responsible for implementing each pollution control measure in the SWP3, along with who is responsible during construction, who will be responsible once the Project is complete, and contact information is provided in Table 1-1. This table will be updated as additional personnel are identified, and a copy will be kept onsite.

**Table 1-1: Stormwater Team**

| Name/Title | Project Role | Company | Phone Number |
|---|---|---|---|
| Bill Halliburton, Trustee | Trustee | Cimarron Environmental Response Trust | (816) 822-3545 |
| John Hesemann, Regional Manager | Project Manager | Burns & McDonnell Engineering Company, Inc. | (314) 682-1560 |
| Jeff Lux, Project Manager | Facility Contact | Environmental Properties Management, LLC | (405) 642-5152 |
| Doug Cox, Site Superintendent | Contractor Site Foreman | Remediation Services, Inc. | (918) 688-9617 |
| Ken Gouvion, Staff Environmental Scientist | SWP3 Author | Burns & McDonnell Engineering Company, Inc. | (816) 605-7821 |
| Johnny Gillman, Site Safety | SWP3 Maintenance | Remediation Services, Inc. | (620) 252-9918 |
| Johnny Gillman, Site Safety | SWP3 Trainer | Remediation Services, Inc. | (620) 252-9918 |
| Jody Weikart, Staff Geologist | SWP3 Inspector | Burns & McDonnell Engineering Company, Inc. | (513) 490-5331 |
| Doug Cox, Site Superintendent | BMP Installation and Maintenance Foreman | Remediation Services, Inc. | (918) 688-9617 |
| | | | |
| | | | |

## 1.3 Standard Permit Conditions

This section discusses State and Federal penalties for noncompliance with the Permit, as well as standard Permit conditions. The staff responsible for implementation of the SWP3 must be familiar with the requirements of the SWP3 and the Permit.

### 1.3.1 Duty to Comply with Permit Conditions

The Oklahoma DEQ and EPA have substantial penalties for noncompliance with the Permit. Burns & McDonnell has a duty to comply with Permit conditions. Failure to comply with Permit conditions is a violation of the Permit and statutes under which it was issued and is grounds for enforcement action including terminating Permit coverage, modification of Permit coverage, or denial of the Permit renewal application, as well as potential criminal, civil, and administrative penalties.

### 1.3.2 Notice of Intent

The Oklahoma DEQ requires all projects that disturb more than 1 acre to submit a NOI and develop a SWP3. A copy of this SWP3 will be kept for public inspection in the site manager's truck.

If a modification to the NOI is necessary, due to changes to the Project (e.g., the extent of disturbance has increased), an amended NOI must be submitted to the Oklahoma DEQ. However, an amended NOI should not be submitted if the extant of the disturbance has decreased. The amendment must include the Project's assigned Permit number and the requested change. The SWP3 must be updated to reflect the modifications.

### 1.3.3 Site Notice Posting Requirements

A copy of the NOI and a Construction Site Notice (Appendix C) must be posted at the entrance to the Project site so it is visible from a public road. At a minimum, the Construction Site Notice must include the Project description, the NPDES Permit tracking number, and a contact name and phone number for obtaining additional Project information.

### 1.3.4 SWP3 Modification

The SWP3 must be modified, including site map(s), within 7 calendar days for any of the following conditions:

- A new operator becomes active on Project site
- Construction plans, erosion or sediment control BMPs, or other construction activities have changed and are no longer accurately reflected in the SWP3
- Operational control of a portion of the Project site has change
- Site inspections or investigations by Oklahoma DEQ have determined that modifications are necessary
- Oklahoma DEQ determines it necessary to installed and/or implement additional controls to meet the requirements of the Permit (e.g., an approved Total Maximum Daily Load report applies to the site)
- A revision to local, State, or Federal regulations affect the erosion and sediment control BMPs implemented onsite

SWP3 modifications shall also include the date and the name of the person authorizing the modification. If there are multiple operators (or subcontractors) impacted by the modifications, the permittee must immediately notify them of the modifications.

### 1.3.5 Notice of Termination

Permit coverage is terminated by submitting a Notice of Termination (NOT) to the Oklahoma DEQ within 30 days of final stabilization and completion of the Project. Authorization to discharge will be

terminated when DEQ issues a termination letter to the permittee indicating that all termination requirements have been met and their completed NOT has been processed. A copy of the NOT form is included in Appendix D.

### 1.3.6 Retention of Records

A copy of the SWP3 must be maintained onsite (e.g., construction office, site manager's truck) from the date of Project initiation to the date of Project completion. Records must be maintained for dates when clearing occurs, construction activities temporarily or permanently cease, stabilization measures are initiated, and final stabilization is achieved. Burns & McDonnell must retain copies of the SWP3, reports required by the Permit, and records of data used to complete the NOI for a period of at least 3 years from the date that the Project site is finally stabilized and the NOT submittal date. The time period may be extended at the request of the Director of the Oklahoma DEQ at any time.

## 1.4 SWP3 Certification

CERT must certify the SWP3 by signing the Owner's Certification form (located at the front of this document). This form must also be attached to any Project-related document identified by Part 6.7 of the Permit. By signing the Contractor Certification form (also located near the front of this document, copy as needed), contractors and subcontractors signify that they have read, understand, and will adhere to the SWP3 before conducting construction work that involves soil disturbance. The signed certification confirms that CERT has notified the contractor or subcontractor that a SWP3 has been prepared for the Project and that it will perform the necessary actions identified to comply with the SWP3 and the Permit.

# 2.0 CONSTRUCTION ACTIVITIES AND SITE DESCRIPTION

The following sections include a description of the construction activities that will take place for the Project as well as information regarding the natural resources in and adjacent to the Project site.

## 2.1 Nature of Construction Activity

The Project will construct four injection trenches and one extraction trench in Logan County, Oklahoma (35°53'00.84"N, 97°34'34.03"W) to test the groundwater injection and extraction efficiency as part of final design for a groundwater remediation project. The goal of the groundwater remediation project is to reduce the concentration of contaminates (e.g., uranium, nitrates, and fluorides) in the groundwater to levels that will allow unrestricted release of the site and license termination from the U.S. Nuclear Regulatory Commission and the Oklahoma DEQ. Major soil-disturbing activities associated with the Project include trenching, excavation, backfilling, and vehicular traffic. The Project site is approximately 665 acres, of which an estimated 1 acre will be disturbed. Construction is scheduled to begin on September 18, 2017, with an estimated completion date of January 15, 2018. This SWP3 has been developed to address all construction activities associated with the Project.

## 2.2 Planned Sequence of Major Construction Activities

The following is a chronological list of the planned sequence of activities and implementation of temporary BMPs for Project construction:

1. Install erosion and sediment control BMPs, including silt fence, prior to any earth-disturbing activities (September 2017).
2. Strip and stockpile topsoil (September 2017).
3. Excavate the test trenches to the specified depth and dimensions (September to November 2017).
4. Clean and scour the sidewalls of the trenches (October to November 2017).
5. Install groundwater injection/extraction well piping and risers (October to November 2017).
6. Backfill trenches with aggregate to prescribed depth and cover with geotextile (October to November 2017).
7. Backfill trench to existing grade with trenching spoils (October to November 2017).
8. Re-establish topsoil and vegetative soil cover (November to December 2017).
9. Upon achievement of final stabilization, remove temporary erosion and sediment control BMPs.
10. Submit the NOT to Oklahoma DEQ.

## 2.3 Site Maps

The General Vicinity Map, Detailed Water Resources Map, and Soils Map are provided in Appendix E.

## 2.4 Soils

According to the U.S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey of Logan County, Oklahoma, 23 soil types are found on the Project site. These soil types are detailed in Table 2-1 and depicted on the Soils Map. The erosion factor K, with possible values ranging from 0.02 to 0.69, signifies how susceptible a soil is to sheet and rill erosion by water. The larger the K value, the more susceptible the soil is to erosion. The upper horizons of the soil within the Project site have a low to moderately high susceptibility to erosion by water, with erosion K factors between 0.05 and 0.49.

**Table 2-1: Soils within the Project Site in Logan County, Oklahoma**

| Soil Type | Map Symbol | Soil Description | Erosion K Factor | Hydrologic Soil Group[a] |
|---|---|---|---|---|
| Coyle-Ashport-Ironmound complex, 1 to 8 percent slopes | CAID | Shallow to very deep and well drained with moderate to high permeability | 0.43 | C |
| Coyle-Ironmound complex, 3 to 5 percent slopes, eroded | CoIC2 | Shallow to moderately deep and well drained with moderately high to high permeability | 0.32 | C |
| Darsil-Rock outcrop complex, 15 to 45 percent slopes | DiRG | Shallow and excessively drained with rock outcrops | 0.28 | D |
| Easpur loam, 0 to 1 percent slopes, occasionally flooded | EasA | Very deep and well drained with moderate permeability | 0.28 | B |
| Gaddy loamy fine sand, 0 to 1 percent slopes, occasionally flooded | GadA | Very deep and somewhat excessively drained with moderately rapid to very rapid permeability | 0.17 | A |
| Gaddy-Gracemore complex, 0 to 1 percent slopes, frequently flooded | GaGA | Very deep and somewhat poorly to excessively drained with moderately rapid to very rapid permeability | 0.20 | A |
| Goodnight loamy fine sand, 5 to 15 percent slopes | GohE | Very deep and excessively drained with rapid permeability | 0.17 | A |
| Goodnight fine sand, 1 to 15 percent slopes | GooE | Very deep and excessively drained with rapid permeability | 0.05 | A |
| Grainola silty clay loam, 3 to 5 percent slopes | GraC | Moderately deep and well drained with slow permeability | 0.43 | D |

| Soil Type | Map Symbol | Soil Description | Erosion K Factor | Hydrologic Soil Group[a] |
|---|---|---|---|---|
| Ironmound-Coyle complex, 5 to 15 percent slopes | IrCE | Shallow to moderately deep and well drained with moderately high to high permeability | 0.37 | D |
| Ironmound loam, 3 to 5 percent slopes, eroded | IroC2 | Shallow and well drained with high permeability | 0.32 | D |
| Lebron clay, 0 to 1 percent slopes, occasionally flooded | LerA | Very deep and very poorly drained with very slow permeability | 0.24 | D |
| Mulhall loam, 3 to 5 percent slopes | MulC | Very deep and well drained | 0.24 | B |
| Pits | PIT | NA | NA | D |
| Renfrow silt loam, 3 to 5 percent slopes | RenC | Very deep and well drained with very slow permeability | 0.49 | D |
| Renthin silt loam, 1 to 3 percent slopes | RinB | Deep and well drained with very slow permeability | 0.43 | D |
| Renthin silty clay loam, 3 to 5 percent slopes, eroded | RnnC2 | Deep and well drained with very slow permeability | 0.37 | D |
| Urban land | URB | NA | NA | D |
| Yahola loam, 0 to 1 percent slopes, occasionally flooded | YaaA | Very deep and well drained with moderately rapid permeability | 0.32 | A |
| Yahola fine sandy loam, 0 to 1 percent slopes, occasionally flooded | YahA | Very deep and well drained with moderately rapid permeability | 0.20 | A |
| Zaneis loam, 1 to 3 percent slopes | ZanB | Deep and well drained with moderate permeability | 0.37 | B |
| Zaneis loam, 3 to 5 percent slopes | ZanC | Deep and well drained with moderate permeability | 0.37 | B |
| Zaneis loam, 3 to 5 percent slopes, eroded | ZanC2 | Deep and well drained with moderate permeability | 0.37 | B |

Source: U.S. Department of Agriculture, Natural Resources Conservation Service *Web Soil Survey*. Accessed January 17, 2017, at *http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx*.
(a) Hydrologic soil group indicates the infiltration rate of the soil: Group A at > 0.30 inch/hour, Group B at 0.15-0.30 inch/hour, Group C at 0.05-0.15 inch/hour, and Group D at 0.00-0.05 inch/hour.

## 2.5 Estimate of Runoff Coefficient

The runoff coefficient "C" is the ratio of the volume of stormwater runoff from a site compared to the total volume of precipitation that falls on the site. Major variables affecting "C" are rainfall intensity and duration. For a given terrain, the ratio of runoff to rainfall is expected to increase as storm intensity or duration increase. An estimate of "C" is needed for runoff conditions on the Project site before construction activities commence and after the area is stabilized. Based on site evaluations and available

soils data, the pre-construction "C" value for the Project site is 0.22. Because no additional impervious surfaces are being added to the site, the post-construction "C" value is anticipated to be 0.22. The "C" value was determined using the 1992 Rational Method from *Design and Construction of Urban Storm Water Management Systems*, published by the American Society of Civil Engineers (Appendix E).

## 2.6 Potential Pollutants

The primary pollutant sources on the Project site will be disturbed soils and subsequent stormwater runoff caused by grading and site excavation operations, vehicle tracking, and soil stockpiling. BMPs must be used on the Project site to control erosion and minimize sedimentation of disturbed soils. Other potential pollutants that may be present onsite are included in Table 2-2.

**Table 2-2: Potential Project-Related Pollutants**

| Material/Chemical | Physical Description | Stormwater Pollutants | Location |
|---|---|---|---|
| Antifreeze/coolant | Clear green/yellow liquid | Ethylene glycol, propylene glycol, heavy metals (copper, lead, zinc) | Leaks or broken hoses from equipment |
| Diesel fuel | Clear, blue-green to yellow liquid | Petroleum distillate, oil & grease, naphthalene, and xylenes | Staging area |
| Fertilizer | Liquid or solid grains | Nitrogen and phosphorous | Newly seeded areas |
| Gasoline | Colorless, pale brown, or pink petroleum hydrocarbon | Benzene, ethyl benzene, toluene, xylene, and methyl tertiary butyl ether | Staging area |
| Hydraulic oil/fluids | Brown oily petroleum hydrocarbon | Mineral oil | Leaks or broken hoses from equipment |
| Sanitary toilets | Various colored liquid | Bacteria, parasites, and viruses | Portable, on Project site |

Non-stormwater discharges from active construction sites are authorized if the discharge complies with Part 1.2.1.C of the Permit. During Project construction, the following discharges may occur:

- Water used to wash vehicles where detergents are not used
- Water used to control dust in accordance with Part 3.3.1.F of OKR10
- Uncontaminated ground water or spring water
- Flows from emergency firefighting activities, if measures are taken by permittee or site/facility, as soon as practicable, to reduce any such pollutant releases, minimizing impacts on water quality and ensuring public health and safety

- Uncontaminated flows from excavation dewatering activities, if operational and structural controls are used to reduce pollutant releases in order to avoid or minimize the impacts on water quality in accordance with Part 3.3.1.M of OKR10; these structural controls must be included in the SWP3.
- Uncontaminated air conditioning or compressor condensate
- Landscape irrigation
- Potable water, including uncontaminated waterline flushing

The following discharges will not be associated with the Project.

- Fire hydrant flushings
- Foundation or footing drains where flows are not contaminated with process materials such as solvents.
- Routine external building wash down that does not use detergents and/or the external surfaces do not contain leachable hazardous substances (e.g., paint or caulk containing polychlorinated biphenyls).
- Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used.

## 2.7 Threatened and Endangered Species

According to the Oklahoma Department of Wildlife Conservation, no State-listed threatened or endangered species are known to occur in Logan County, Oklahoma. According to the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Conservation, two federally listed endangered species and three threatened species are listed as potentially occurring in Logan County, Oklahoma. These species and their respective status are listed in Table 2-3.

**Table 2-3: Federally Listed Species in Logan County, Oklahoma**

| Common Name | Scientific Name | Federal Status |
|---|---|---|
| Arkansas River shiner | *Notropis girardi* | Threatened |
| Least tern | *Sterna antillarum* | Endangered |
| Piping plover | *Charadrius melodus* | Threatened |
| Red knot | *Calidris canutus rufa* | Threatened |
| Whooping crane | *Grus americana* | Endangered |

Source: U.S. Fish and Wildlife Service, *Information for Planning and Conservation.* Accessed January 18, 2017, at https://ecos.fws.gov/ipac/.

Critical habitat for the Arkansas River shiner is located adjacent to the Project site. However, it has been determined that Project activities are "not likely to adversely affect" the listed species or critical habitat. The USFWS concurrence letter is provided in Appendix F.

## 2.8 Cultural Resources

According to the National Register of Historic Places and the Oklahoma State Historic Preservation Office, no historic properties are located on or near the Project site. Additionally, no architectural properties are listed on or nominated for inclusion in the National Register of Historic Places. While cultural resources are not anticipated in the area of disturbance, workers must stop work immediately and notify Burns & McDonnell and the construction office upon discovery of items with potential historical significance, including but not limited to: arrowheads, bones, old bottles or building materials, building foundations, and suspected gravesites. If human remains are unearthed during excavation work, then the area must be secured, and the local law enforcement agency must be contacted immediately.

## 2.9 Water Quality and Impaired Waters

According to the U.S. Geological Survey topographic map of the Project site, the first receiving waters are the Cimarron River (OK620910010010_10) and its unnamed tributaries, as depicted on the Detailed Water Resources Map provided in Appendix E. This segment of the Cimarron River is not listed as impaired on the 2014 *Oklahoma Section 303(d) List of Impaired Waters*. The Project will maintain a natural vegetated buffer (refer to Section 4.1) along all streams and will use BMPs (Chapter 3.0 and Chapter 4.0) as depicted on the Erosion and Sediment Control Plan (ESC Plan) in Appendix G to retain sediment onsite during construction. Project activities are not anticipated to adversely impact the receiving waters.

The Oklahoma DEQ has identified certain waterbodies and watersheds as Outstanding Resource Waters or Aquatic Resources of Concern (ARC) based on water quality or species habitat. In order to minimize sediment impacts, additional controls are required on projects that discharge to these sensitive waterbodies. No Outstanding Resource Waters are located on or adjacent to the Project site; however the Cimarron River has been designated as an ARC. According to Addendum A of the Permit, a 2-mile corridor (1 mile from each bank) must be established along the Cimarron River and is depicted on the General Vicinity Map, Detailed Water Resources Map, and ESC Plan. The additional requirements outlined in Part 3.3.2.A.2, Part 3.5.2, and Part 10.2 of the Permit (refer to Chapter 5.0 and Chapter 6.0) will be adhered to in the ARC corridor due to this designation.

## 2.10 Floodplain Development Impacts

The Project is partially located within the 100-year floodplain in Logan County according to the Federal Emergency Management Agency. The Project will use appropriate construction means and methods within the 100-year floodplain. No structures will be constructed with the floodplain, and the Project site will be restored to the original contours. A floodplain permit application has been submitted to Logan County and is provided in Appendix F. The approved permit authorization is included in Appendix F, once received.

# 3.0 CONTROLS - STRUCTURAL PRACTICES

The following sections detail the structural erosion and sediment control BMPs and practices that must be implemented prior to the start of major earth-disturbing activities on the Project site.

## 3.1 Temporary Erosion and Sediment Control Practices

Erosion and sediment control BMPs must be in place prior to soil-disturbing activities and must be maintained throughout construction. To limit the potential of sediment leaving the Project site, erosion and sediment control BMPs may be required in other locations of the Project site as work progresses. These BMPs must be evaluated by the contractor/owner's representative in the field; if measures are changed, then the SWP3 must be modified in accordance with Chapter 6.0 of this document. The minimum temporary erosion and sediment control BMPs that will be used for the Project are discussed in the following subsections.

### 3.1.1 Street Sweeping

Construction equipment and vehicles will use an existing aggregate access road to gain access to the site. Soil and sediment tracked off the Project site and onto the surface of a public roadway, paved area, or sidewalk must be removed by sweeping and/or shoveling the roadway, paved area, or sidewalk surfaces, or by using other similarly effective means of sediment removal. Tracked-out soil and sediment must not be hosed or swept into any stormwater conveyance (unless it is connected to a sediment basin, sediment trap, or similarly effective control), storm drain inlet, or surface water. Tracked-out soil and sediment must be removed by the end of the same work day in which the track-out occurs or by the end of the next work day if track-out occurs on a non-work day.

### 3.1.2 Silt Fence

Silt fence will be used to intercept and retain sediment carried by sheet flow from disturbed areas and to limit sediment-laden runoff from leaving the Project site during construction. Silt fence should be placed perpendicular to the direction of water flow and as close to the topographic contours as possible, with the ends extending upslope. Silt fence should also be placed downslope of disturbed areas where sheet or rill erosion would occur and around soil stockpiles. Silt fence must be inspected and maintained on a regular basis, and sediment buildup must be removed when sediment reaches 50 percent of the height of the barrier. Silt fence may be installed with an additional wire backing to provide extra strength in locations that may receive higher stormwater runoff volumes. Locations requiring silt fence are indicated on the ESC Plan in Appendix G, and installation details for silt fence can be found in Appendix H.

### 3.1.3 Dewatering

If dewatering becomes necessary, then the contractor will submit to Burns & McDonnel a dewatering plan, including appropriate BMPs, prior to any dewatering activities. Dewatering must be completed in such a way as to limit turbidity, including the use of filter bags or other appropriate measures. Dewatering waters will not be discharged to any wetlands, within natural vegetative buffers, or in a way that could cause erosion or scouring. Intakes shall draw from the top of the water column to the extent practicable to limit sediment and suspended solids from being pumped. Dewatering will not be allowed without Burns & McDonnell's approval. The ESC Plan (Appendix G) indicates the location specified for dewatering activity discharges, and filter bag details are provided in Appendix H.

### 3.1.4 Soil Stockpiles

Soil stockpiles must be located outside of any natural buffers and the 100-year floodplain, and they must be protected with silt fence. All inactive soil stockpiles, that will not be used for 14 or more days, shall be covered or temporarily stabilized to avoid direct contact with precipitation, limit sediment discharge, and control the generation of dust (OKR10 Parts 3.3.1.E and 3.3.2). Topsoil will be stockpiled separate from subsoil to preserve the seed bank and aid in restoration. Any excess subsoil, displaced by the aggregate fill, will be tested for contamination. Subsoil that is found to be contaminated will be disposed of in a manner consistent with State and Federal regulations. Subsoil that is not contaminated will be spread in a thin layer, outside of any natural buffers and the 100-year floodplain, and stabilized onsite. Soil stockpile locations are indicated on the ESC Plan in Appendix G.

### 3.1.5 Material Storage and Equipment Staging Area

There will be no dedicated onsite material storage areas or equipment and construction staging areas on this Project. Construction equipment will be staged overnight at the trench location, within the silt fence perimeter. For the trenches that are located within the 100-year floodplain, the equipment will be staged overnight at the soil stockpile location, within the silt fence perimeter.

## 3.2 Permanent Stormwater Control Practices

Permanent stormwater control BMPs are those that will be left in place after construction is finished and the site is stabilized to manage stormwater flow and quality. These BMPs must be in place prior to completion of the Project and before submitting the NOT. No permanent stormwater control BMPs are anticipated for this Project. If it is determined by the contractor/owner's representative in the field that permanent stormwater control BMPs need to be installed, then the SWP3 must be modified in accordance with Chapter 6.0 of this document.

# 4.0 CONTROLS - STABILIZATION PRACTICES

The following sections detail the stabilization practices to be implemented during and after Project construction activities.

## 4.1 Stabilization

Stabilization measures must be initiated immediately whenever earth-disturbing activities have permanently or temporarily ceased on any portion of the Project site and will not resume for a period exceeding 7 calendar days. Temporary and permanent stabilization activities must be completed as soon as practicable, but no later than 7 calendar days after the initiation of stabilization.

As soon as practicable, but no later than 7 calendar days after the initiation of soil stabilization measures, the contractor is required to have completed:

1. For vegetative stabilization, all activities necessary to initially seed or plant the area to be stabilized; and/or
2. For non-vegetative stabilization, the installation or application of all such non-vegetative measures.

## 4.2 Temporary Stabilization

If earth-disturbing activities cease for a period exceeding 7 calendar days, on a portion of the project, and temporary stabilization becomes necessary, an annual grass (e.g., wheat, rye) will be planted in accordance with specifications outlined in Appendix H.

If seeding alone is not sufficient to control for erosion, then an erosion control blankets (ECB) may be used as a structural control. Staples, pins, or stakes must be used to limit movement or displacement of the ECB. ECBs should consist of natural fibers or be UV-degradable over time and should be used with caution in certain areas because the blanket netting may pose a threat to certain wildlife species if they become entangled in the netting matrix. Installation and maintenance details for ECBs are provided in Appendix H.

## 4.3 Final Stabilization

The Project is considered finally stabilized when all soil-disturbing activities have been completed and a uniform (i.e., evenly distributed, without large bare areas of 10 square feet or greater) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been

established on all unpaved areas. For those areas not covered by permanent vegetation control measures, an equivalent permanent stabilization measure (e.g., riprap, gabions, or geotextiles) must be used.

## 4.4 Permanent Vegetative Cover

Permanent sodding, or seeding and mulching, will occur on disturbed areas within the Project site where construction has terminated. The contractor must submit its seeding plan and mixture to Burns & McDonnell for approval prior to restoration activities. Burns & McDonnell is specifying that the contractor apply the seed in accordance with Oklahoma Department of Transportation Commission specifications.

Areas of soil disturbance may need supplementation from fertilizer prior to establishing vegetative cover. Soil tests may be necessary to determine the most appropriate fertilizer for each location. Fertilizer must be applied in amounts consistent with manufacturer's specifications, Any departures from the specifications must be documented. Fertilizer shall be applied at the appropriate time of the year and timed to coincide as closely as possible with the period of maximum vegetation uptake and growth. Fertilizer shall not be applied before heavy rains, in stormwater conveyance channels, or on frozen ground. All local, State, and Federal requirements regarding fertilizer application shall be followed.

# 5.0 OTHER CONTROLS

The following sections detail other controls to be implemented during the Project construction activities to limit the potential for pollutants and sediment to reach waters of the State.

## 5.1 Natural Vegetated Buffer

When land-disturbing activities will occur within an ARC corridor, a natural vegetated buffer of at least 100 feet is required along all perennial and intermittent streams; a 50-foot vegetated buffer is required along all ephemeral streams and drainages. No disturbance is expected to take place within the vegetated buffers established in the ARC corridor, and erosion and sediment control BMPs (Chapter 3.0) will be implemented to limit sedimentation in the Cimarron River.

## 5.2 Dust Control

Preventative measures will be taken during times of extreme drought or heavy winds when exposed soil is susceptible to wind erosion. In areas where bare soil is exposed, water or other approved and acceptable dust palliatives will be applied to the soil to limit wind erosion. Precautions should be taken not to over-water and erode soils. In addition, appropriate speed limits will be established within the Project site to limit the generation of dust. Spoil piles should be temporarily stabilized or covered to limit wind erosion.

## 5.3 Waste Materials

Solid and liquid waste (including sediment, asphalt, concrete millings, floating debris, paper, plastic, fabric, and construction and demolition debris) must be disposed of in accordance with applicable disposal requirements and regulations. Solid or liquid wastes must not be disposed of onsite (e.g., buried or poured), but must be taken offsite for proper disposal. Waste container lids must be closed during precipitation events when not in use, when there is a significant chance of precipitation, and/or when the site is inactive or work is not in progress. If the waste container does not have a lid or could leak, other means to limit discharge of pollutants are required (e.g., cover with a tarp, place under a temporary roof, provide secondary containment). Waste containers must be inspected regularly, and waste stored onsite will be kept from contacting stormwater to the extent practicable.

## 5.4 Sanitary Waste

Contractors and subcontractors must comply with local and State portable toilet regulations. Each contractor or subcontractor must provide sanitary facilities for its crews on the Project site for the duration of construction activities. These must not be placed in low-lying areas or near a waterbody and must be

positioned so they are secure and cannot be tipped over. Sanitary facilities should be used by construction personnel and must be serviced regularly by a licensed contractor.

## 5.5 Hazardous Waste

Hazardous or toxic waste must be separated from construction and domestic waste and must be stored in sealed containers constructed of suitable materials to prevent leakage or corrosion. These containers should be stored within appropriately sized secondary containment. Hazardous waste material must be disposed of in the manner specified by the manufacturer and by local, State, and Federal regulations. Spills must be cleaned up immediately and in accordance with protocols outlined in Chapter 7.0. Site personnel must be made aware of these requirements.

# 6.0 MAINTENANCE AND INSPECTION

Routine maintenance and inspection of BMPs is essential to minimizing erosion and sedimentation on the Project site and protecting the water quality of receiving streams.

## 6.1 Inspection Procedures

A qualified person knowledgeable in the principles and practice of erosion and sediment control BMPs and pollution prevention, and who possesses the skills to assess construction site conditions that could impact water quality, is responsible for conducting regular inspections. Table 6-1 will identify personnel responsible for performing inspections prior to the start of construction, and a copy will be kept onsite. The Project site must be inspected at a minimum, once every 7 calendar days, within 24 hours of the end of a storm event 0.5-inch or greater, and within 24 hours of a discharge generated by snowmelt.

**Table 6-1: Stormwater Inspector Identification List**

| Personnel | Title | Contact | Responsibility |
|---|---|---|---|
| Jody Weikart | Staff Geologist | (513) 490-5331 | Lead Inspector |
| Eric Dulle | Senior Environmental Engineer | (314) 682-1657 | Back-up Inspector |
| | | | |
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### 6.1.1 Areas Requiring Inspection

The following areas must be routinely inspected:

- Areas that have been cleared, graded, or excavated and have not yet achieved final stabilization
- Stormwater controls, including pollution prevention measures
- Material, waste, borrow, or equipment storage and maintenance areas
- Areas where stormwater typically flows within the site, including drainages designed to divert, convey, and/or treat stormwater.
- Points of discharge
- Locations where stabilization measures have been implemented

### 6.1.2 Inspection Requirements

During site inspections, the inspector must complete the following actions:

- Check whether all erosion and sediment controls and pollution prevention controls are installed and operational, and determine if controls require replacement, repair, or maintenance.
- Check for the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants.
- Identify locations where new or modified stormwater controls are necessary to meet the requirements of Parts 3.3 and 3.4 of the Permit.
- Check discharge points and banks of any surface waters flowing within the Project boundaries or adjacent areas for signs of visible erosion and sedimentation that are attributable to site discharge; if discharge points are not accessible, check nearby downstream locations to the extent practicable.
- Identify incidents of noncompliance.
- If discharge is occurring at the time of an inspection:
  - Identify all points of the property from which a discharge occurs.
  - Observe and document the visual quality of the discharge (color, odor, oils, suspended solids, and other stormwater pollutants).
  - Document whether stormwater controls are operating effectively and note controls that are not operating effectively.
- Inspect locations where vehicles enter or exit the Project site for evidence of offsite sediment tracking along public paved roadways.

In areas of the Project site where construction activities have permanently or temporarily ceased and will not resume for a period exceeding 7 calendar days, stabilization measures must be initiated immediately. The inspection frequency may be reduced to once per month in areas where seeding has been completed, appropriate non-vegetative cover (e.g., hydromulch, erosion control blankets) has been provided, or temporary, non-vegetative stabilization (e.g., riprap, geotextiles, gabions) has been installed. Inspections shall immediately increase to the standard frequency if construction activities resume.

### 6.1.3 Inspection Report

A report summarizing each inspection must be prepared including:

- Inspection date
- Name and title of the person making the inspection
- Summary of inspection findings
- Rain gauge or weather station precipitation

- Description of site location if an inspection cannot be completed due to unsafe conditions
- Failures of stormwater controls and documenting photographs

Inspection reports and records must be maintained onsite until the Project is complete and stabilized. Reports must be maintained for a minimum period of 3 years from the date the Project site is finally stabilized. A copy of the Inspection and Maintenance Report Form is provided in Appendix I.

Each inspection record must be signed in accordance with OKR10 Part 6.7.2 and must be filed and made available onsite.

## 6.2 SWP3 Staff Training

SWP3 staff training will be conducted by Mr. Lux or his designee prior to the start of earth-disturbing activities. Personnel with the following responsibilities must be trained to understand the requirements of this SWP3:

- Design, installation, and maintenance/repair of stormwater controls
- Application and storage of chemicals
- Taking corrective actions

Personnel must also be trained to understand:

- The location and the maintenance requirements for each stormwater control
- The pollution prevention requirements outlined in this SWP3
- How to conduct inspections, record applicable findings, and take necessary corrective actions

## 6.3 Corrective Action

In all circumstances, reasonable methods must be implemented immediately to minimize or limit the discharge of pollutants until a permanent solution is installed and made operational. This includes repairing, modifying, or replacing any stormwater control used on the Project site and the cleanup and disposal of spills and releases. For any of the following conditions, a new or modified control must be installed no later than 7 calendar days from the discovery of any of the following:

- A required stormwater control was never installed or was installed incorrectly.
- A stormwater control is not effective enough for the discharge to meet applicable water quality standards.
- A prohibited discharge (OKR10 Parts 3.1 and 3.3.3.A) is occurring or has occurred.

If it is infeasible to complete the repair or installation within 7 calendar days, then documentation must be provided as to why it was infeasible during the 7-day timeframe.

For each corrective action taken, a corrective action report must be completed and filed within 24 hours. The corrective action report must include:

- Condition
- Nature of the condition
- Date and time at which the condition was found

Within 7 calendar days of discovering the occurrence, a secondary written record must be completed that includes:

- Follow up actions
- A summary of modifications that were taken or need to be taken
- Notice of whether SWP3 modifications are necessary

If inspection results indicate a need to modify the SWP3, the plan will be revised and implemented, as appropriate, within 7 calendar days following the inspection. Modifications must be noted on the Record of Revision form and the Corrective Action Log form located in Appendix I. The inspection reports must identify incidents of noncompliance with the Permit.

## 6.4 Distribution List

When revisions to the SWP3 are made, they must be noted on the Record of Revisions form and distributed to the individuals listed in Table 6-2 so that all copies of the SWP3 are up-to-date. Table 6-2 will be completed as individuals are identified.

**Table 6-2: Distribution List**

| Name | Company |
|---|---|
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# 7.0 SPILL PREVENTION AND CONTROL

This chapter describes measures to prevent, control, and minimize impacts from a spill of a hazardous, toxic, or petroleum substance during construction of the Project. It also describes the transport, storage, and disposal procedures for the potentially hazardous materials to be used on the Project site and outlines the procedures to be followed in the event of a spill of a contaminating or toxic substance.

As per 40 Code of Federal Regulations (CFR) 112, a Spill Prevention, Control, and Countermeasure Plan (SPCC Plan) must be prepared if the Project site will have 1,320 gallons or more of petroleum storage capacity in 55-gallon-sized or larger containers. This includes temporary tanks or fueling trucks used to "store" petroleum onsite. The truck would be subject to the SPCC Plan rules when parked on the construction site and used for "storage."

If the cumulative petroleum quantity stored onsite by a contractor or subcontractor exceeds 1,320 gallons, then the contractor or subcontractor must maintain a certified SPCC Plan in accordance with 40 CFR 112.

## 7.1 Materials Management Practices

The proper use and storage of materials and equipment greatly reduce the potential for contaminating stormwater runoff. The following list of good housekeeping practices should be implemented during the Project:

- Hazardous materials, chemicals, fuels, and oils should not be stored within 100 feet of a stream bank, wetland, water supply well, spring, or other waterbody.
- Fueling of construction equipment should not be conducted within 100 feet of a stream bank, wetland, water supply well, spring, or other waterbody.
- The minimum amount of hazardous or toxic materials should be stored onsite.
- Onsite materials should be stored in a neat, orderly manner, in appropriate containers, and under a roof or other enclosure.
- Products should be kept in original containers with the original manufacturer's label.
- Substances should not be mixed with one another unless recommended by the manufacturer.
- Whenever possible, a container's contents should be used completely prior to container disposal.
- If surplus product must be disposed of, then the manufacturers' and local- and State-recommended methods for proper disposal should be followed.

### 7.1.1 Non-Petroleum Products

Due to the chemical makeup of specific products, certain handling and storage procedures are required to promote the safety of handlers and limit the possibility of pollution. Care should be taken to follow directions and warnings for products used on the Project site. Pertinent information can be found on the Safety Data Sheet (SDS) for each product. The SDS must be kept onsite.

### 7.1.2 Petroleum Products

Onsite vehicles should be monitored for leaks and receive regular maintenance to reduce the chance of leakage. Inspections for leaks or spillage must occur during the inspection of BMPs. Petroleum products must be stored in tightly sealed, clearly labeled containers. If feasible, the containers should be stored in a covered truck or trailer that provides secondary containment.

Bulk storage tanks with a capacity of greater than 55 gallons must have secondary containment. Containment can be provided by temporary earthen berms lined with plastic sheeting or other means approved by Burns & McDonnell. After each rainfall event, the site inspector must inspect the contents of the secondary containment area for excess water. If no sheen is visible, then the collected water can be pumped to the ground in a manner that does not cause scouring. If sheen is present, then the water must be treated prior to discharge or must be transported and disposed of offsite in accordance with local, State, and Federal requirements.

Bulk fuel or lubricating oil dispensers should not have a self-locking mechanism that allows for unsupervised fueling. Fueling operations should be observed to immediately detect and contain spills.

No waste oil or other petroleum-based products will be disposed of onsite (e.g., buried or poured), but must be taken offsite for proper disposal.

## 7.2 Spill Response

In addition to the material management practices discussed previously, the following spill control and cleanup practices must be used to limit stormwater pollution in the event of a spill.

- Contractors and subcontractors must make onsite personnel aware of cleanup procedures and the location of spill equipment.
- Spills must be contained and cleaned up immediately after discovery.
- Manufacturer's methods for spill cleanup of a material must be followed, as described on the material's SDS.

- Materials and equipment needed for cleanup procedures must be kept readily available onsite, either at an equipment storage area or on contractors' or subcontractors' trucks; equipment to be kept onsite will include, but not be limited to, brooms, dust pans, shovels, granular absorbents, sand, sawdust, absorbent pads and booms, plastic and metal trash containers, gloves, and goggles.
- Toxic, hazardous, or petroleum product spills, required by regulation to be reported, must be documented to the appropriate Federal, State, and local agencies.
- Spills must be documented, and a record of spills must be kept with this SWP3.

The Federal reportable spill quantities for hazardous materials are listed in 40 CFR Part 302.4, *List of Hazardous Substances and Reportable Quantities*. A procedure for determining a reportable spill is included in Appendix J of this SWP3, along with a copy of the Spill Report Form to be completed in the event of a reportable spill. The reportable spill quantities for hazardous materials in the State of Oklahoma follow the Federal reportable quantities listed in 40 CFR Part 302.4.

If a spill occurs onsite, then the contractor's or subcontractor's superintendent must initiate initial spill response, including measures to localize the spill impact via containment. The contractor's or subcontractor's superintendent must notify Mr. Lux (Table 1-1), within 15 minutes of discovering a spill. Mr. Lux will coordinate spill response procedures to document the spill and provide the contractor guidance and support necessary to remediate the spill. Mr. Lux will then contact the following authorities, as necessary:

- Federal
  - National Response Center: (800) 424-8802 or (202) 267-2675
  - EPA (Region 6) 24-hour Emergency Response Center: (866) 372-7745
- State
  - Oklahoma DEQ, Environmental Complaints Program: (800) 522-0206

Additionally, a written description of the release must be submitted to the permitting authorities within 7 calendar days of knowledge of the release. The written description must include:

- Description of the release, including the date of the release, the type of material, and the estimated quantity of the spill.
- Circumstances leading up to the release
- Description of the steps taken to prevent and control future releases

# APPENDIX A - GENERAL PERMIT

# GENERAL PERMIT
# OKR10

## FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES WITHIN THE STATE OF OKLAHOMA

**OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY**
**WATER QUALITY DIVISION**

**October 18, 2017**

# Stormwater General Permit for Construction Activities within the State of Oklahoma

## Permit No. OKR10

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

In compliance with the Clean Water Act, as amended, (33 U.S.C. §1251 *et. seq.*) and the provisions in 40 Code of Federal Regulations (CFR) § 122.26, adopted and incorporated by reference in Oklahoma Administrative Code (OAC) 252:606-1-3(b)(3)(L), and under the OPDES Act, 27A O.S. 2-6-201 *et seq.*, as amended, except as provided in Part 1.2.2 of this permit, Operators of stormwater discharges from construction activities (as defined in Part 8 of this permit), located in an area specified in Part 1.1, are authorized to discharge in accordance with the conditions and requirements set forth herein. Only those Operators of stormwater 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 permit.

This permit is a reissuance by the Oklahoma Department of Environmental Quality (DEQ) and shall become effective on October 18, 2017. This Permit replaces the Permit issued on September 11, 2012. This permit and the authorizations issued under the permit shall expire at midnight, October 17, 2022.

Signed and issued this 18th day of September, 2017

Terence Lyhane

for Shellie R. Chard, Director
Water Quality Division

Micheal Jordan, P.E, Engineering Manager
Water Quality Division

# GENERAL PERMIT OKR10 FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES WITHIN THE STATE OF OKLAHOMA

## Table of Contents

# Part 1 Coverage Under This Permit

## 1.1 Permitting Authority

Under the Environmental Protection Agency (EPA)'s approval of the OPDES program, DEQ has had stormwater 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.

1.1.1 Area of Coverage where EPA or Another Agency is the Permitting Authority:

A. Any Construction Activity on Indian Country Lands in Oklahoma;

B. Construction activity associated with oil and gas extraction under the Standard Industrial Classification (SIC) Group 13, (Note: The DEQ has authority over the natural gas liquid extraction plants identified under SIC code 1321, and service company base operating stations identified under SIC code 1389. Any construction activities associated with facilities identified under SIC codes 1321 and 1389 are required to be covered under this permit); Pipelines under SIC Group 46, except pipelines within certain facilities regulated by DEQ; Natural gas transmission under SIC Group 492, except that the DEQ has jurisdiction over natural gas liquid extraction plants; and

C. 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 DEQ shall have jurisdiction over industry group number 092 (fish hatcheries and preserves).

1.1.2 EPA & Oklahoma Department of Agriculture, Food & Forestry (ODAFF) are the Permitting Authorities:

A. If you[1] desire an authorization to discharge stormwater from a construction activity associated with oil and gas extraction under the SIC Group 13, or pipelines under SIC Group 46, or natural gas transmission under SIC Group 492, you must apply for a permit through the EPA National Pollutant Discharge Elimination System (NPDES) eReporting Tool for its Construction General Permit (CGP); and

B. If you are looking for permit coverage from construction activities associated with Agricultural and Forestry, Fishing production and services under SIC Groups 01, 02, 07, 08 and 09, you must contact ODAFF at (405)522-5493 and ask for AgPDES programs.

## 1.2 Authorized Discharges

1.2.1 Authorized Discharges

A. Permittees are authorized to discharge pollutants in stormwater runoff associated with construction activities as defined in 40 CFR § 122.26 (b)(14)(x) for construction sites of 5 or more acres, and 40 CFR §122.26 (b)(15)(i) for construction sites of more than one acre but less than 5 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 DEQ as needing a stormwater 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 1.2.2 are excluded from coverage. Any discharge authorized by a different OPDES permit may be commingled with discharges authorized by this permit.

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[1] Terms like "you and/or "your" are used in this permit to refer to the party or parties that are facility, site or project owners/operators, applicants, Permittees, etc.

B. This permit also authorizes stormwater discharges from construction support activities (e.g., concrete or asphalt batch plants[2], 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 this permit coverage for discharges of stormwater 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;
3. Appropriate controls and measures are identified in a Stormwater Pollution Prevention Plan (SWP3) covering the discharges from the support activity areas; and
4. The support activity is not located within the watershed of an Outstanding Resource Water (as defined in Part 8.25 and Addendum E of this permit).

C. The following allowable non-stormwater discharges associated with construction activity are authorized by this permit:

1. Fire hydrant flushing;
2. Waters used to wash vehicles and equipment where soaps, solvents or detergents are not used;
3. Water used to control dust;
4. Potable water, including uncontaminated waterline flushing;
5. Routine external building wash-down that does not use soaps, solvents and/or detergents and/or building wash-down from external surfaces that does not contain leachable hazardous substances (e.g., paint or caulk containing polychlorinated biphenyls (PCBs));
6. Pavement washing waters, provided spills or leaks of toxic or hazardous substances, have not occurred (unless all spilled material has been removed) and where soaps, solvents and 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 or contaminated ground water;
10. Landscape irrigation;
11. Discharge or flows from emergency firefighting activities will be allowed. Measures shall be taken by the permittee or site/facility, as soon as practicable, to reduce any such pollutant releases to avoid or minimize the impacts on water quality and to ensure public health and safety;
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.M of this permit). These controls must be included in your SWP3.

D. This permit authorizes stormwater discharges associated with any construction activities from the facilities that are currently regulated under OPDES Act, such as Natural Gas Liquid Extraction Plans (SIC code 1321) and Oil and Gas Field Services for Company Base Operating Stations (SIC code 1389).

1.2.2 Limitations on Coverage

A. *Post Construction Discharges*: This permit does not authorize stormwater 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 and has an approved NOT. Industrial post-construction stormwater discharges may need to be covered by a separate OPDES permit.

B. *Discharges Mixed with Non-Stormwater*: This permit does not authorize discharges that are mixed with sources of non-stormwater, other than those discharges that are identified in Part 1.2.1.C and are in compliance with Part 4.3.15 of this permit.

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[2] Discharges subject to a numeric effluent limitation guideline in Part 3.4 "Numeric Limitation and Sampling Requirements" and Addendum F "Additional Requirements for Concrete and Asphalt Batch Plants" of this permit.

C. *Discharges Covered by Another Permit*: This permit does not authorize stormwater discharges associated with construction and/or construction support activity that have been covered under an individual permit or which require coverage under an alternative general permit in accordance with Part 6.11, except stormwater discharges from concrete and asphalt batch plants specified in Part 1.2.1.B of this permit.

D. *Discharges Threatening Water Quality*: This permit does not authorize stormwater discharges from construction sites that DEQ 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, DEQ may notify the operator(s) that an individual permit application is necessary in accordance with Part 6.11. However, DEQ 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 stormwater discharges, allowable non-stormwater discharges, and stormwater discharge-related activities that are not protective of Federal and State listed endangered and threatened species or designated critical habitat. See Part 10 for more information.

1. For the purposes of complying with Part 1.2.1.B, stormwater discharge-related activities (as defined in Part 8.34 of this permit) include:

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

   b. Measures to control stormwater including the siting, construction, and operation of Best Management Practices (BMPs) to control, reduce, or prevent stormwater 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 (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. Operators must implement an SWP3 that specifies the measures to be employed to protect the endangered or threatened species or their critical habitat (see Parts 3.5.2 and 10.2 Step 2).

   c. If one of those eligibility criteria under part 1.2.2.E.2.b, d, or e cannot be met, applicants may use Addendum H of this permit 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 stormwater discharge or stormwater discharge-related activities. Applicants selecting option d must include documentation from U.S. Fish and Wildlife Service (USFWS) 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 stormwater discharges and stormwater discharge-related activities were already addressed in another operator's certification of eligibility under Part 1.2.2.E.2.b, c, or d. that included the applicant's project area. By certifying eligibility under Part 1.2.2.E.2.e, the applicant agrees to comply with applicable measures or controls upon which the other operator's certification under Part 1.2.2.E.2.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 requirements of Part 1.2.2.E.2.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 stormwater discharges where the discharges or stormwater discharge-related activities cause a prohibited "take" (as defined in Part 8.35) of endangered or threatened species.

5. This permit does not authorize any stormwater discharges where the discharges or stormwater 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. *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 waterbody 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://deq.maps.arcgis.com/home/index.html.

G. *Discharges to Total Maximum Daily Load (TMDL) Watersheds:* Discharges of pollutants of concern to impaired waterbodies for which there is an approved 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 or local compliance plan. Applicants must comply with the requirements in Part 4.1.5 of this permit.

## 1.3 Obtaining Authorization

1.3.1 In order for stormwater discharges from construction activities to be authorized under this permit, an operator must:

A. Meet the authorized discharge requirements in Part 1.2 of this permit;

B. Except as provided in Part 2.1.4 of this permit, prior to NOI submittal, develop a SWP3 covering either the entire site or all portions of the site where they are operators (as defined in Part 8.23) 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. You are required to submit a copy of your complete SWP3 to DEQ for review if your discharges meet the special conditions listed in Part 2.4 of the permit. If your discharges do not meet the special conditions listed in Part 2.4 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.

C. Submit a Notice of Intent (NOI) available in Addendum B of this permit. 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. Pay the applicable application fee and annual permit fee established in OAC 252:606 OPDES Standards. An invoice of the permit fee due will be sent to you if the fee is not included with the NOI or upon your request.

E. Receive an authorization from DEQ. The fee must be received before the Operator's authorization can be issued.

1.3.2 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.

1.3.3 Once authorization is issued by DEQ, you are authorized to discharge stormwater from construction activities under the terms and conditions of this permit. DEQ may deny coverage under this permit and requires submittal of an application for an individual OPDES permit based on a review of the NOI or other information (see Part 6.11 of this permit).

### 1.4 Terminating Coverage

1.4.1 Permittees wishing to terminate coverage under this permit must submit a Notice of Termination (NOT) available in Addendum C of the permit. The permittee's authorization to discharge under this permit will be terminated when DEQ's termination letter has been issued. (see Part 2.2 of the Permit)

1.4.2 All permittees must submit an NOT within 30 days after one or more of the following conditions have been met:

A. Final stabilization (as defined in Part 8.31 of this Permit) 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 subdivision only: final stabilization has been completed and the ownership of all lots has been transferred to new owners and the permittee is no longer responsible for the construction activities for the subdivision. A Notification of Change of Ownership (NCO) has been signed, and included in the SWP3 (see also Parts 2.2 of this Permit); and

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;

1.4.3 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.

Upon completing the inspection, 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 NOT Form can be submitted to DEQ within a 90-day period. Additional compliance inspections may occur within this 90-day period at the discretion of DEQ.

## Part 2 NOI and NOT Requirements

### 2.1 NOI Requirements

2.1.1 Operators

Parties defined as operators (as defined in Part 8.23 of this Permit) 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, must ensure that they are in compliance with all permit conditions, including their SWP3s and receive authorization from DEQ 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 Operator changed

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

2.1.3 Late NOIs

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. DEQ 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

Operators of on-going construction projects as of the effective date of this permit that received authorization for stormwater discharges under the CGP OKR10 issued on September 13, 2012, 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 the requirements of the CGP OKR10, issued on September 13, 2012, until a new authorization is received or an NOT is submitted;

B. Update the SWP3 to comply and implement with the requirements of this permit prior to NOI submittal within 90 days after the effective date of this permit; and

C. Pay the applicable application fee and annual permit fee established in OAC 252:606 (also see Part 1.3.1.D of this permit).

2.1.5 Operators without the permitting coverage under the CGP issued on September 13, 2012

Operators of on-going construction projects as of the effective date of this permit that did not receive authorization to discharge under the CGP issued on September 13, 2012, who wish to discharge under this permit, must submit an NOI and obtain authorization under this permit. Prior to NOI submittal, an SWP3 must be developed and implemented to comply with the requirements of this permit. However, DEQ 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.

2.1.6 Contents of NOI

The NOI form shall include the following information:

A. Indicate whether this is a new application or modification or renewal of your NOI, including your authorization number if this is a modification or renewal;

B. Provide the legal name, mailing address, and phone number of the company/firm, public organization, or any other entity operator filing the NOI for permit coverage;

C. Provide name, title, phone number and email address for the Operator's point of contact;

D. Provide the site/project's official name, phone number and street address or general location information (e.g., intersection of State Highway 61 and 34);

E. Provide the name, title, phone number, and email address for the site/project's point of contact;

F. Indicate the purpose of the project (i.e. residential subdivision, commercial building, road and/or bridges, wind farm, etc.);

G. Provide Latitude and Longitude of the construction project or site at the center of the site (or latitude and longitude at the starting and ending points if it is a linear construction site). Latitude and longitude can be obtained from DEQ, and USGS's websites or other mapping tools;

H. Provide estimated construction project starting date and ending date. The dates must be provided in MM-DD-YYYY where MM is the month, DD is the date and YYYY is the year;

I. Provide total area of construction site and estimated area to be disturbed in acres;

J. Provide total impervious area (pre-construction) and total impervious area construction completed (post-construction) in acres;

K. Provide post-construction runoff coefficient of the site. Operator may use recommended runoff coefficients in Addendum I of this permit. Average coefficients for composites area may be calculated on an area weighted basis from $C=\sum CiAi/\sum Ai$ where Ci is the coefficient applicable to the area Ai;

L. Describe the nature of fill material and existing data describing soils (i.e., coarse-grained soils: gravels, sands, or fine-grained soils: silts and clays, silts and clays, and highly organic soils etc.) Operator may use soil classification chart in Attachment A of Addendum H to determine the types of the soils on the site;

M. Indicate whether this site/project is part of common plan of development or sale;

N. Based on the instructions in Part 10 and Addendum A of this permit, operators must determine whether the construction site or land disturbing activity is within the specified corridor of a Federal or State ARC by selecting a, b, c, d, or e of Part 1.2.2.E.2;

O. Indicate whether the site/project discharges stormwater to a Municipal Separate Storm Sewer System (MS4);

P. Identify all the receiving waterbodies from the sites that discharge stormwater, including names of the waterbodies;

Q. Indicate whether the receiving waterbodies are included on DEQ's 303(d) list of impaired waterbodies, including the pollutant(s) for which the waterbody is impaired;

R. Indicate whether the stormwater discharges drain to a waterbody or watershed with an approved or established TMDLs, or watershed plan, or local compliance plan. Additional site specific requirements may be applicable if the site is located in such waterbody or watershed;

S. Indicate whether the SWP3 has been prepared and is available on site;

T. Indicate whether this operator is registered with the Secretary of State of Oklahoma;

U. Describe the proposed measures, including BMPs, to control pollutants in stormwater discharges during construction, including a brief description of applicable erosion and sediment control requirements; and

V. Describe the proposed measures to control pollutants in stormwater discharges that will occur after construction operations have been completed, including a brief description of applicable erosion and sediment control requirements.

2.1.7 Modification of an NOI

After issuance of an authorization, an amended NOI shall be submitted by a permittee if circumstances change (e.g. the area to be disturbed has increased from 20 acres to 40 acres). However, an amended NOI should not be submitted if the area to be disturbed has decreased (e.g., changed from 40 acres to 20 acres). The amended NOI shall include the facility's assigned permit number and a description of the requested change.

The original authorization number will be retained. DEQ will provide an acknowledgement by mail or email that the amended NOI has been received and processed. Permittees must update their SWP3s to reflect the modification.

## 2.2 NOT Requirements

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 1.4.2 of this permit have been met at a construction site. The permittee must use the NOT form found in Addendum C of this permit.

2.2.1 Contents of NOT

A. Identify the OKR10 permit number for the stormwater discharge on the site;

B. Indicate whether the construction activities on the site have been terminated and final stabilization has been completed or the permittee is no longer an operator at the site;

C. Provide the legal name, mailing address, phone number and email address of the operator submitting the NOT;

D. Provide the legal name of the site or project and address (or a description of the general location if no street address is available) of the construction site;

E. Provide latitude and longitude of the construction site (at center of the site). Latitude and longitude can be obtained online at DEQ's, and/or USGS's websites and/or from other mapping tools;

F. Include a copy of the updated site map showing all completed and final plans and projects (i.e., aerial images or general site maps with project extents marked, including stabilized areas of concrete or asphalt batch plants, equipment staging yards, stockpile, borrow areas, wash-out areas, previously disturbed areas, etc.); and

G. Provide a copy of NCO (see Part 2.2.3 of this permit) for each new owner/operator to whom you have sold a portion of the site. Where indicated on your NOT and NCO forms, you must include the new

owner/operator's contact information, including their name, street address, phone number and email address. Each new owner/operator is also required to prepare and submit an NOI to DEQ for review. If applicable, you must submit all NCOs to DEQ prior to submittal of the NOT or submit the NOT along with all NCOs that have been prepared during the ownership transition.

2.2.2 Elimination of Stormwater Discharged

Elimination of stormwater 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 8.31 of this permit) and temporary erosion and sediment control measures have been removed, or that all stormwater discharges associated with construction activities from the identified site that are authorized by this permit have otherwise been eliminated from the portion of the construction site where the operator had control.

2.2.3 Notification of Change of Ownership (NCO)

The permittee shall not terminate their permit coverage until the new owners/operators of the individual lots within the larger common plan of development or sale are notified of their permitting requirements. The permittee must sign a NCO in Addendum J of this permit. The signed NCO shall be documented in the permittee's SWP3 and submitted to DEQ in accordance with Part 2.2.1.G of this permit.

### 2.3 Where to Submit

All NOI, NOTs, and other documents required by this permit must be signed in accordance with Part 6.7, and sent to the following address: Stormwater Unit of Environmental Complaints and Local Services (ECLS), Department of Environmental Quality (DEQ), 707 North Robinson Ave., P.O. Box 1677, Oklahoma City, OK 73101-1677, or Fax them to (405) 702-6226, or email them to ECLS-StormwaterPermitting@deq.ok.gov.

### 2.4 SWP3 Submittal

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

2.4.1 Any area of your construction site or support activity is located within the watershed of an Outstanding Resource Water (as defined in Part 8.25 and Addendum E of this permit);

2.4.2 Any area of your construction site or support activity is located within an ARC area identified in Addendum A of this permit;

2.4.3 The area which is subject to approved TMDL or watershed plan or local compliance plan. For example, construction activities authorized after EPA approval of the TMDL which are located in the Lake Thunderbird watershed and required to (1) comply with any additional pollutant prevention of discharge monitoring requirements established by the local MS4 municipalities; (2) submit to the DEQ all Stormwater Pollution Prevention Plans (SWP3) for sites of 5 acres or larger.

2.4.4 The area to be disturbed in your construction site is 40 acres or more.

### 2.5 Electronic Reporting Deadline

Commencing December 21, 2020, NOI/SWP3 and other documents must be electronically submitted to DEQ. Instructions on how to access and use the appropriate electronic reporting tool will be made available on DEQ's website prior to the December 21, 2020 compliance deadline.

## Part 3 Special Conditions and Effluent Limitations

### 3.1 Non-Stormwater Discharges

3.1.1. Except as provided in Parts 1.2.1.B and C or 1.3.2 and 3.1.2 or 3.1.3, all discharges covered by this permit shall be composed entirely of stormwater associated with construction activity;

3.1.2 Discharges of material other than stormwater 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-stormwater discharges listed in Part 1.2.1.C of the permit are authorized by this permit provided the non-stormwater component of the discharge is in compliance with Part 3.15 of this permit.

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 stormwater 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 Parts 110, 117 and 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 Parts 110, 117 or 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) at 800-424-8802 in accordance with the requirements of 40 CFR Parts 110, 117 and 302, and the DEQ Hotline at 800-522-0206 as soon as the discharge is discovered.

3.2.2 SWP3 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 stormwater control requirements in this part are the non-numeric 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 450.21

3.3.1 Erosion and Sediment Control Requirements

You must design, install and maintain effective erosion and sediment controls that minimize the discharge of pollutants from construction activities. To meet this requirement, you must comply with the following requirements:

- *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 of this permit.
- *Design Requirements*. You must address the following factors in designing your stormwater controls:
  - i. The expected amount, frequency, intensity, and duration of precipitation;
  - ii. Stormwater volume and velocity must be controlled to minimize soil erosion and pollutant discharges;
  - iii. 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. You must design stormwater controls to control both peak flowrates and total stormwater volume to minimize channel and streambank erosion and scour in the immediate vicinity of outlets; and
  - iv. Soil characteristics, including the range of soil particle sizes expected to be present on the site.

You must also meet the following requirements of erosion and sediment controls:

A. *Direct discharges from your stormwater controls to vegetated areas*. Direct discharges from your stormwater controls to vegetated areas of your site to increase sediment removal and maximize stormwater

infiltration to reduce pollutant discharges, including any natural buffers established under Parts 1.2.2.E and 3.3.1.B, unless infeasible. Use velocity dissipation devices if necessary to prevent erosion when directing stormwater to vegetated areas.

B. *Provide and Maintain Natural Buffers and Equivalent Erosion and Sediment Controls.* When any waters of the State are located on or immediately adjacent to the site, you must maintain at least 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 1.2.2.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 (for exceptions also see Part H.3 of Addendum H).

   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 H for sediment control alternatives. Additionally, this requirement is not intended to interfere with any other ordinance, or regulation, statute or other provision of the law.

C. *Install Perimeter Controls*. Install sediment controls along those perimeter areas of your site that will receive stormwater from earth-disturbing activities. Examples of perimeter controls include, but are not limited to filter berms, silt fences, fiber rolls, compost socks, silt dikes, vegetative strips and temporary diversion dikes.

   For linear construction sites where perimeter controls are infeasible (e.g., due to a limited or restricted rights-of-way), you must maximize the use of other controls as necessary to minimize pollutant discharges to perimeter areas of the site and document in your SWP3 why it is impracticable in other areas of the project.

   Remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control.

D. *Minimize Sediment Track-Out.* You must minimize the sediment track-out onto 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. Example of appropriate stabilization techniques include, but are not limited to, use of aggregate stone with an underlying geotextile or non-woven filter fabric, and turf mats.
   3. Stabilization is not required for exit points at linear utility construction sites if other controls at the exit point are provided to minimize sediment track-out. Example of other exit controls include, but are not limited to, preventing the use of exit points during wet periods; minimizing exit point use by keeping vehicles on site to the extent possible; limiting exit size to the width needed for vehicle and equipment usage; using scarifying and compaction techniques on the soil; and avoiding establishing exit points in environmentally sensitive areas;
   4. Implement additional track-out controls as necessary to ensure that sediment removal occurs prior to vehicle exit; examples of additional track-out controls include, but are not limited to, use of wheel washing, rumble strips, and rattle plates and
   5. Where sediment has been tracked-out from your site onto the surface of paved street, sidewalks or other paved areas outside of your site, you must remove the deposited sediment by the end of the same work day in which the track-out 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 tracked-out sediment into any stormwater conveyance (unless it is connected to a sediment basin, sediment trap, or similarly effective control), storm drain inlet, or surface waters of the State.

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

1. Locate the piles outside of any natural buffers established under Parts 1.2.2.E or 3.3.1.B and physically separated from any stormwater conveyances, drain inlets, and area where stormwater flow is concentrated;
2. Install a sediment barrier along all downgradient perimeter areas. Examples of sediment barriers include, but are not limited to, berms, dikes, fiber rolls, silt fences, sandbags, and gravel bags;
3. Provide cover or appropriate temporary stabilization to avoid direct contact with precipitation or to minimize sediment discharge in accordance with Part 3.3.2 of this permit. Examples of cover include tarps, blown straw and hydro-seeding;
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.

F. *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.

G. *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 of this permit.

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

I. *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 and equipment use in these locations to avoid soil compaction; or
2. 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.

J. *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. Install inlet protection measures that remove sediment from your discharge prior to entry into the storm drain inlet.
2. 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.

K. *Constructed Stormwater Conveyance Channels*. Design channels to avoid unstabilized areas on the site and to reduce erosion, unless infeasible, and 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. Examples of velocity dissipation devices include, but are not limited to, silt dikes, check dams, gravel bags, sediment traps, riprap, and grouted riprap at outlets.

L. *Installed sediment basins.* If you install a sediment basin, you must comply with the following:

1. 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 and impoundment, utilize outlet structures that withdraw water from the surface of the sediment basins 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;
4. Sediment basins must be situated outside of surface waters and any natural buffers established under Parts 1.2.2.E and 3.3.1.B and
5. Remove accumulated sediment to maintain at least 1/2 the design capacity and conduct all other appropriate maintenance to ensure the basin or impoundment remains in effective operating condition.

M. *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. Examples of appropriate controls include, but are not limited to, sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, filtration systems (e.g., bag or sand filters), and passive treatment systems that are designed to remove sediment. Appropriate controls to use downstream of dewatering controls to minimize erosion include, but are not limited to, vegetated buffers, check dams, riprap, and grouted riprap at outlets. Uncontaminated clear 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 Part 3.3.1.K;
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

Implement and maintain stabilization measures to minimize erosion from exposed portions of your site in accordance with Part 3.3.2.A of this part.

A. Stabilization Deadlines

1. Initiate the installation of stabilization measures immediately in any disturbed areas where construction activities have permanently ceased on any portion of the site or will be temporarily inactive for 14 or more calendar days on any portion of the site.

   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. Complete the installation of stabilization measures as soon as practicable, but no later than 14 calendar days after stabilization measures has been initiated, or 7 calendar days if you discharge to an impaired water, or ORW, or ARC (see Part 3.3.2.A.2.c.):

   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 to provide effective cover.

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

B. Stabilization Criteria

1. If you use vegetative cover to stabilize an exposed portion of your site for temporary and final stabilization (also see Part 8.31 Definitions of Temporary and Final Stabilization), you must comply with one of the following criteria:

   a. Established uniform perennial vegetation (i.e., evenly distributed without large bare areas[3]), that provides 70% or more of the cover that is provided by vegetation native to local undisturbed areas. 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 stabilized, to the extent necessary to prevent erosion on the seeded or planted area, you must select, design, and install non-vegetative stabilization measures to provide effective cover to the area while vegetation is becoming established. Examples of non-vegetative stabilization measures include, but are not limited to riprap and gravel.

2. If you are using non-vegetative controls (e.g., hydro-mulch, 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 seeded and planted, you must provide effective non-vegetative cover to stabilize 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 must:

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

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;

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[3] Large bare area is defined as an area with 10 $ft^2$ or more with no perennial vegetative cover established

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; and
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 (see Part 4.3.13.B) and document your findings in accordance with Part 4.3.13.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 prior to discharges. Examples of "effective means" include, but are not limited to, locating activities away from waters of the State and stormwater inlets or conveyances and directing wash waters to a sediment basin or sediment trap, using filtration devices, such as filter bags or sand filters, or using other similarly effective controls;
   b. Ensure there is no discharge of soaps, detergents, or solvents in equipment and vehicle wash water. For storage of soaps, detergents or solvents, you must provide either cover (e.g., plastic sheeting or temporary roofs) to prevent these materials 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 precipitation and 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, caulks, sealants, fluorescent light ballasts, solvents, petroleum-based products, wood preservatives, additives, curing compounds, and 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) Keep waste container lids closed during precipitation event when not in use, when there is a significant chance of precipitation (forecasted), and/or the site is inactive or work is not in progress. Waste containers must be covered at the end of daily work shifts and when workers are not present. For waste containers that do not have lids and could leak, provide either (a) cover (e.g., a tarp, plastic sheeting, temporary roof) to minimize exposure of wastes to precipitation, or (b) a similarly effective means designed to minimize the discharge of pollutants (e.g., secondary containment);

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

(3) 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 and located away from water of the State and stormwater inlets or conveyances.

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 wash water 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;

(4) Clean up immediately if there is an overflow or if a discharge occurs outside of the leak-proof container or pit; 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 of this part. 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 Parts 110, 117, or 302 occurs during a 24-hour period, you must notify the NRC at (800) 424-8802 or, in the areas of Oklahoma, call the DEQ's Hotline at (800)522-0206 as soon as you have knowledge of the discharge. You must also, within 7 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's 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 standing or flowing water; and
6. Follow all other federal, state, tribal and local requirements regarding fertilizer application.

## 3.4 Numeric Technology-Based Effluent Limitation

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 requirements required in Addendum F of this permit. The numeric effluent limitations in following Table 3.1 apply to stormwater 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 (TSS) | 23 mg/l, daily max.<br>15 mg/l, 30-day avg. | 1/year | Grab |
| Oil and Grease | 15 mg/l, daily max.<br>10 mg/l, 30-day avg. | 1/year | Grab |
| pH | 6.5-9.0 s.u. | 1/year | Grab |

If the project lasts less than one year, you must 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 F of this permit).

Monitoring for compliance with the above numeric effluent limitations must be conducted in accordance with test procedures approved in 40 CFR Part 136, and samples must be analyzed by an accredited laboratory in accordance with OAC 252:301. Where more than one test procedure is approved for the analysis of a pollutant or pollutant parameter, the test procedure must be sufficiently sensitive to meet the minimum quantification levels (MQLs) established in OAC 252:690 or, where an MQL has not been established in OAC 252:690, to quantify the amount of pollutant present at or below the level of the above numeric effluent limitations.

## 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 cause 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, DEQ will notify the operator of such violation(s). The permittee shall take all necessary actions to ensure future discharges do not cause, have the reasonable potential to 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 DEQ, 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, DEQ may require you to:

- Develop a supplemental BMP action plan describing SWP3 modifications in accordance with Part 4.1.4 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 impaired water that is impaired for Sediment and/or Turbidity within 1 mile, you are required to comply with the additional requirements in this part.

A. *Identify whether you discharge to one or more waterbodies impaired for sediment and/or turbidity.* If you discharge to impaired waters, you must indicate so in your NOI and comply with the following requirements in Parts 3.5.1.B, C. and D of this part. If you indicate in your NOI that you do not discharge to 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 4.3.14. 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 F of this permit. If your sample results indicate that you have exceeded the numeric limit, you must implement the corrective actions according to Part 4.3.14.

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 Parts 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 ORW or ARC

If you discharge to waters identified as ORW (see Addendum E of this permit) or your sites are located within areas identified as an ARC and you are relying on option b in Part 1.2.2.E.2 (see Part 10 and Addendum A of this permit), you must implement inspections, corrective actions and stabilization requirements provided in Part 3.5.1 above. 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. See Addendum H of this permit for information to assist you in developing equivalent controls.

B. For drainage locations serving 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 ORW or ARC. You may use the information in Parts 3.3.1.L and 4.3.11.A.4 to assist you in complying with this requirement.

   For common drainage locations that serve an area with 5 or more acres disturbed at one time, a temporary (or permanent) sediment basin(s) that provides overall 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(s) providing overall storage of 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 off-site 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(s).

   In determining whether installing a sediment basin(s) 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(s) and alternative sediment controls shall be used where site limitations would preclude a safe design. For drainage locations that serve 5 or more disturbed acres at one time and where a temporary sediment basin(s) or equivalent controls are not attainable, smaller sediment basins and/or sediment traps should be used. Where neither the sediment basin(s) 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 4.3.13.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 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 8.23 of this permit. Either Parts 3.6.1 or 2 or both will apply depending on the type of operational controls 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 and all other applicable permit conditions of this permit;

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 of this permit and identifies the parties responsible for implementation of control measures;

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 names and their permit numbers of the parties 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 4.4 of this permit) 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 other new operator(s) and NCOs (see Part 2.2.3 of this permit) for the new operator(s) have been prepared and signed, or to operators that have obtained separate permit coverage.

*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 8.23 of this permit), you are not required to submit an NOI for the Permit coverage. You may be covered as specified under Part 3.6.3, by a "contractor certification" or similar arrangement (see Addendum D of this permit).

# Part 4 Stormwater Pollution Prevention Plans (SWP3)

## 4.1 General Requirements

4.1.1 An SWP3 must be prepared according to the requirements in Part 4 prior to submission of an NOI. The SWP3 must be kept up-to-date throughout coverage under this permit.

If a SWP3 was prepared under the 2012 permit, operator must review and update the SWP3 to ensure that requirements of this permit are addressed prior to submitting an NOI for coverage under this permit.

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[4], 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 stormwater discharges from the construction site. The SWP3 shall describe and ensure the implementation of practices that will be used to reduce the pollutants in stormwater 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 10 of this permit to determine whether listed endangered or threatened species or critical habitat would be affected by the applicant's stormwater discharges or stormwater 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

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[4] 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."

or conditions that are imposed under the eligibility requirements of Parts 1.2.2.E, 3.5.2 and 10 of this permit to protect listed species or critical habitat from stormwater discharges or stormwater 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.

4.1.4 If your construction site discharges into a receiving water (within 1 mile) 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 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.

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

4.1.5 If a TMDL or watershed plan or local compliance plan has been approved for the waterbody, you must also describe how your SWP3 is consistent with any TMDL or watershed plan or local compliance plan applicable to your discharge. Permittees must incorporate any limitations, conditions, or requirements applicable to their discharges into the SWP3 to ensure that the waste load allocations (WLAs) or load allocations (LAs) and/or the TMDL's associated implementation plan will be met within any timeframe established in the TMDL report or watershed plan. Monitoring and reporting of the discharges may also be required as appropriate to ensure compliance with the TMDL or watershed plan.

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

4.1.6 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 F of this permit.

## 4.2 Signature, Posting a Notice, Making Plans Available, and DEQ's Notification

4.2.1 The SWP3 shall be signed in accordance with Part 6.7, and be retained on-site in accordance with Part 5 of this permit.

4.2.2 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.

4.2.3 The permittee shall make SWP3s available upon request to: DEQ and/or any State, Federal, or local agency approving sediment and erosion plans, grading plans or stormwater 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 DEQ for review at the time of an on-site inspection. Also, in the interest of public involvement, DEQ encourages permittees to make their SWP3s available to the public for viewing during normal business hours.

4.2.4 DEQ 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 7 calendar days of receipt of such notification from DEQ (or as otherwise provided by DEQ), the permittee shall make the required changes to the SWP3 and shall submit to DEQ a written certification that the requested changes have been made. DEQ 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.

## 4.3 Contents of SWP3

The SWP3 must include the following information, at a minimum:

4.3.1 Stormwater Team

Identify the personnel (by name or position) that are part of the stormwater team, as well as their individual responsibilities, including which members are responsible for implementation of the SWP3 and compliance with permit requirements. 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.

4.3.2 Nature of Construction Activities

Describe the nature of the construction activity, including the size of the property in acres (or length in miles if it is a linear construction sit), latitude and longitude at the center of construction site (latitude and longitude at the starting and ending points if it is a linear construction site), the total area expected to be disturbed by the construction activities (in acres), on-site and off-site construction support activities covered by this permit, post-construction runoff coefficient, pre-construction and post-construction total impervious area (in acres), the maximum area expected to be disturbed at any one time and types of soil and fill materials.

4.3.3 Other Site Operators

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.

4.3.4 Sequence and Estimated schedule 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 3.3.3 and of any departures from manufacturer specifications;

B. Commencement and duration of earth-disturbing activities in each portion of the site, 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. Temporary or permanent cessation of construction activities in each portions of the site;

D. Temporary or final stabilization of disturbed areas for each portion of the site; and

E. Removal of temporary stormwater control measures and construction equipment or vehicles, and the cessation of construction-related pollutant-generating activities.

4.3.5 Site Map

Include a legible map, or series of maps showing the following features of your site:

A. Boundaries of the property;

B. 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 percent);
3. Locations where sediment, soil, or other construction materials will be stockpiled;
4. Locations of crossings of any waters of the State;
5. Designated points where vehicles will exit onto paved roads;
6. Locations of structures and other impervious surfaces upon completion of construction; and
7. Locations of on-site or off-site construction support activity areas covered by this permit.

C. Locations of all waters of the State within and one mile of the site, including wetlands that exist within or in the immediate vicinity of the site. Indicate which waterbodies are listed as impaired, which lie within a watershed with approved TMDL, and which are identified by the State as ARC or ORW;

D. Type and extent of pre-construction cover on the site (e.g., vegetative cover, forest, pasture, pavement, and structures);

E. Drainage pattern(s) of stormwater run-on or runoff and authorized non-stormwater before and after major grading activities;

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

1. Locations where stormwater and/or allowable non-stormwater will be discharged to 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 directly to waters of the State on or near the site.

G. Locations of all potential pollutant-generating activities identified in Part 4.3.6 below;

H. Locations of stormwater control measures, including natural buffer areas (i.e., either the 100 feet or 50 feet buffer retained on site to be consistent with Parts 3.3.1.A and 3.5.2.A); and

I. If applicable, sampling locations if the project is subject to the Part 3.4.1 numeric technology-based limitations for asphalt batch plants. Also indicate the sampling location(s) and all discharge points, and indicate which discharge points are considered "substantially identical".

4.3.6 Construction Site Pollutants

Identify and list all pollutants (e.g., sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels) and all pollutant-generating activities associated with those pollutants. You must take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges, and any known hazardous or toxic substances, such as PCBs and asbestos, which will be disturbed or removed during construction.

4.3.7 A Copy of the Permit Requirements

Include a copy of this permit and signed NOI in your SWP3. Do not submit it to DEQ if you are required to submit your SWP3 for DEQ's review (see Part 2.4 of this permit).

4.3.8 Measures to Protect ARC and ORW

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 stormwater discharges or stormwater discharge-related activities (see Addendum A and Parts 1.2.2.E and 10 of this permit) and on whether discharge to waters identified as ORW (see Addendum E). If your site discharges into the area identified as ARC and ORW, you must describe and implement the measures specified in Part 3.5.2 necessary to protect these endangered species and threatened habitat and resource waters in the SWP3, including any equivalent sediment controls specified in Addendum H (Buffer Requirements).

4.3.9 Federal, State or Local Historic Properties

Include documentation required in Part 9 of this permit.

4.3.10 Water Quality Impaired Water and TMDL Requirements

Include information on whether stormwater discharges or stormwater 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 Parts 4.1.4 and 3.5.1 of this permit. 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 (see Part 4.1.5 of this permit).

4.3.11 Stormwater Controls Description

Include a description of all control measures (i.e., structural and non-structural BMPs) required in Parts 3.3, 3.4 (if applicable) and 3.5 of this permit. The description and implementation of control measures must include the following:

A. Erosion and Sediment Controls

1. Utilize EPA's national BMP menu and/or other references to select appropriate control measures, and provide the descriptions of the selected control measures for your site. The selected control measures must meet the following requirements, as well as being in compliance with state and local regulations for your site, including:

   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 off-site impact (e.g., fugitive sediment in streets 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 stormwater shall be prevented from becoming a pollutant source for stormwater discharges (e.g., by screening outfalls or picking up daily);

   f. Off-site construction 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; and

   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 silt fence, rock check dams, fiber rolls, geotextiles, compost blankets, filter fabric, gravel bags and other designs.

2. Include natural buffers and/or equivalent sediment controls required in Part 3.3.1.B of this permit.

3. 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 of this permit.

4. 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 (also see Part 3.3.1.L of this permit). 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. If you install a sediment basin or similar impoundment, you must meet the following requirements:

a. For common drainage locations that serve an area with 10 or more acres disturbed at one time (or 5 acres if required by Part 3.5.2), a temporary (or permanent) sediment basin(s) that provides overall 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(s) providing 3,600 cubic feet of overall 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 off-site 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 sediment basin(s) 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(s) and alternative sediment controls shall be used where site limitations would preclude a safe design. For drainage locations that serve 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. 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 sediment basin(s) providing overall 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. 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 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. Describe procedures that you will follow to prevent and respond to spills and leaks (also see Parts 3.2.2 and 3.3.3.C of this permit), 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 Parts 110, 117, or 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. Describe waste management procedures for how you will handle and dispose of all wastes generated at your site, including, but are not limited to, clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste.
3. For application of fertilizers, document any departures from the manufacturer specifications where appropriate (also see Part 3.3.3.D of this permit).

C. Monitoring (if applicable)

If the discharges from the facilities are subject to the numeric limitations in Part 3.4.1 and Addendum F of this permit, the SWP3 must document the procedures you will follow for taking samples or observation consistent with Addendum F, 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 F of this permit);
4. Equipment to be used for taking samples and for analysis;
5. Procedures to be followed for ensuring that samples are taken (see Addendum F of this permit); and
6. Procedures for notifying and activating your sampling team when a discharge is occurring or is expected to occur.

D. Approved Local Plans

Permittees which discharge stormwater associated with construction activities must ensure their SWP3 is consistent with requirements specified in applicable sediment and erosion site plans of site permits, or stormwater 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 stormwater management site plans or site permits approved by local officials for whom the Permittee receives written notice.

4.3.12 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 4.2.13 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 stormwater 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. Any maintenance checklists or other forms that will be used must be included in the SWP3.

4.3.13 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 4.3.13.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 4.3.13.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 drainage ways designed to divert, convey, and/or treat stormwater;

   e. All points of discharge from the site, including exit points that sediment that has been tracked out 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 properly 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 4.3.12;

   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 (if applicable);

   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;

   e. Identify any incidents of noncompliance observed;

   f. If a discharge is occurring during your inspection, you are required, in addition to Part 4.3.13.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 and necessary maintenance required in Part 4.3.12 initiate corrective action under Part 4.3.14 of this permit.

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 4.3.13.D;

   d. If you are inspecting your site at the frequency specified in Parts 4.3.13.B, C 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 to which this condition applies.

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

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

4.3.14 Corrective Actions

A. Requirements for Taking Corrective Action

You must complete the following corrective actions in accordance with Part 8.8 of this permit. 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 7 calendar days from the time of discovery. If it is infeasible to complete the installation or repair within 7 calendar days, you must document in your records why it is infeasible to complete the installation or repair within the 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. A stormwater controls needs to be repaired or replaced (beyond routine maintenance required in Part 4.3.12 of this permit); or

   c. You become aware that the 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; or

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

   e. If you are subject to the monitoring requirements in Part 3.4.1 and Addendum F of this permit, 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 7 calendar days of completing corrective action work.

B. Corrective Action Report

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 4.3.14.A.1 at your site, you must provide a record of the following:
   a. Which triggering condition 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 4.3.14.A.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;
   c. Notice of whether SWP3 modifications are required as a result of the condition identified or corrective action; and
   d. Signed in accordance with Part 6.7 of this permit.

C. Recordkeeping Requirements

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

4.3.15 Non-Stormwater Discharges

Identify all allowable non-stormwater discharges in Part 1.2.1.C that will or may occur. You must document in your SWP3 of all non-stormwater discharges from the site.

4.3.16 Staff Training Requirements

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

1. Personnel who are responsible for the design, installation, maintenance, and/or repair of stormwater controls, including pollution prevention measures;
2. Personnel responsible for the application and storage of chemicals (if applicable);
3. Personnel responsible for the inspection as required in Part4.3.13 of this permit; and
4. Personnel who are responsible for taking corrective actions as required in Part 4.3.14 of this permit.

B. 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):

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

4.3.17 NCOs for Individual Lots

You must document in the SWP3 if any lots are sold and transfer to other new owners. Copies of NCOs for Individual Lots shall be included in the SWP3 (also see Part 2.2.3 of this permit).

4.3.18 SWP3 Certification

The SWP3 must be signed and dated in accordance with Part 6.7 of this permit.

4.3.19 SWP3 Modification

A. Modify the SWP3, including the site map(s), within 7 days of any of the following conditions:

1. Whenever new operators become active in construction activities on the site, or the construction plans, stormwater controls, or other activities have been changed at the site that are no longer accurately reflected in the SWP3, including the changes in Part 4.3.14 of this permit;
2. To reflect areas on the site map where operational control has been transferred since initiating permit coverage;
3. If inspections or investigations determines that SWP3 modifications are necessary for compliance with this permit;
4. Where an inspector or investigator determines it is necessary to install and/or implement additional controls at the site in order to meet the requirements of this permit (e.g., an approved TMDL report applies to the site);
5. To reflect any revision to applicable federal, state and local requirements that affect the stormwater controls implemented at the site; or

B. Maintain records showing the dates of all SWP3 modifications, including the name of person authorizing each change; and

C. Upon determining that a modification to the SWP3 is required, if there are multiple Operators (or subcontractors) covered under this permit, the Permittee must immediately notify any operators who may be impacted by the change to the SWP3.

4.3.20 On-Site Availability of the SWP3

A current copy of the SWP3 must be kept at the site or at an easily accessible location so that it can be made available at the time of an on-site inspection or upon request by DEQ.

## 4.4 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 of this permit should be rewritten by the permittee to fit their specific objectives. Contractor Certification is recommended but is not a requirement of DEQ.

4.4.1 Contractors, subcontractors, builders, installers, regular suppliers, support service companies or others who are not the permittee (hereinafter referred as "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 CGP are protective of endangered and threatened species and critical habitat according to Part 10 of this permit.

4.4.2 Contractors must ensure that any additional regulations and requirements specified by approved TMDL reports, watershed plans or local TMDL compliance plans applied to the sites (also see Part 4.1.5 of this permit).

4.4.3 Contractors must be thoroughly familiar with and adhere to NOI, SWP3, and BMPs. The SWP3 must clearly identify, for each control measure identified in the plan, the party which will implement the measure. The Permittee(s) must ensure that all contractors or others involved in construction activity are identified in the plan as being responsible for implementing stormwater control measures, and sign a copy of the Contractor

Certification, before performing any work in the area covered by the SWP3. All Contractor Certifications must be included with the SWP3.

4.4.4 The Contractor Certification must 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 Contractor 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 DEQ 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 DEQ; a State or local agency approving sediment and erosion plans, grading plans, or stormwater 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, and SWPs shall be sent to the following address: Stormwater Unit of Environmental Complaints and Local Services (ECLS), Department of Environmental Quality (DEQ), 707 North Robinson Ave., P.O. Box 1677, Oklahoma City, OK 73101-1677 or email to ECLS-StormwaterPermitting@deq.ok.gov .

# 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 day of violation nor shall the maximum amount exceed $125,000 per violation [see 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 DEQ not to reissue this general permit, at which time the permittee must seek coverage under an alternative general permit or an individual permit.

Any new applicant who applies for coverage after the expiration date of this general permit will not be granted permit coverage until this general permit is reissued.

## 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 DEQ, or an authorized representative of DEQ, 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 DEQ, 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 DEQ 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 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 (For Limited Liability Company (LLC): by one of its owners, called managing members/partners of the LLC); 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 DEQ or authorized representative of DEQ 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 DEQ;

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 2.1 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 2.1 must be submitted to DEQ 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 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.

## 6.9 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.

## 6.10 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.

## 6.11 Requiring an Individual Permit or an Alternative General Permit

6.11.1 DEQ 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 DEQ to take action under this paragraph. Where DEQ requires a permittee authorized to discharge under this permit to apply for an individual OPDES permit, DEQ 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. DEQ 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 DEQ 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 DEQ for application submittal.

6.11.2 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 DEQ 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.

6.11.3 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 DEQ.

## 6.12 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.

### 6.13 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.

### 6.14 Inspection and Entry

The permittee shall allow DEQ 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).

### 6.15 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 stormwater 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 6.11 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, O.S., 2-14-101 et. seq., OAC, 252:4-7 and 252:606, and 40 CFR 122.62, 122.63, 122.64, and 124.5, incorporated and adopted reference in OAC 252:606-1-3(b).

## Part 8 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 stormwater 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. **Construction Activities** means earth-disturbing activities, such as the clearing, grading, and excavation of land, and other construction-related activities (e.g., stockpiling of fill material; placement of raw materials at the site) that could lead to the generation of pollutants. Some of the types of pollutants that are typically found at construction sites are:

   a. Sediment;

   b. Nutrients;

   c. Heavy metals;

   d. Pesticides and herbicides;

   e. Oil and grease;

   f. Bacteria and viruses;

   g. Trash, debris, and solids;

   h. Treatment polymers; or

   i. Any other toxic chemicals.

6. **Construction Site or Site or Development or Project or Construction** means the land or water area where construction activities will occur and where stormwater controls will be installed and maintained. The construction site or development or project includes construction support activities, which may be located at a different part of the property from where the primary construction activity will take place, or on a different piece of property altogether.

7. **Construction Support Activity** means a construction-related activity that specifically supports the construction activity and involves earth disturbance or pollutant-generating activities of its own, and can include activities associated with concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated material disposal areas, and borrow areas.

8. **Corrective Actions** are actions that Permittees take in compliance with this permit to:

   a. Repair, modify, or replace any stormwater control used at the site;

   b. Clean up and dispose of spills, releases, or other deposits; or

   c. Remedy a permit violation.

9. **CWA** means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. Section 1251 et seq.

10. **Dewatering Activities** means the act of draining rainwater and/or ground water from building foundations, vaults, trenches and other construction structures.

11. **Discharge** when used without qualification means the "discharge of a pollutant."

12. **Discharge of Stormwater Associated with Construction Activity** as used in this permit, refers to a discharge of pollutants in stormwater 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 stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

13. **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.

14. **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.

15. **Hazardous Substances or Hazardous or Toxic Waste** means any liquid, solid, or contained gas that contain properties that are dangerous or potentially harmful to human health or the environment. See also 40 CFR §261.3.

16. **Impaired Water (or Water Quality Impaired Water)** is the water identified by the State, or EPA as not meeting applicable State water quality standards and (1) requires development of a TMDLs (pursuant to Section 303(d) of the CWA; or (2) is addressed by an EPA/State approved or established TMDL; (3) is not in either of the above categories but the waterbody is covered by a pollution control program that meets the requirements of 40 CFR 130.7(b)(1).

17. **Large Common Plan of Development or Sale** means an area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. This plan consists of many small construction projects that collectively add up to one or more acres of total disturbed land. For example, an original common plan of development of a residential subdivision might lay out the streets, house lots, and areas for parks, schools and commercial development that the developer plans to build or sell to others for development. All these areas would remain part of the common plan of development or sale until the intended construction is completed.

18. **Leachable Hazardous Substance** refers that those hazardous substances are naturally extracted from material during rain or routine external building wash events.

19. **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):

    a. 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, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;

    b. Designed or used for collecting or conveying stormwater;

    c. Which is not a combined sewer; and

    d. 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)]

20. **Non-Process Water** means utility wastewaters (e.g., water treatment residuals, boiler blowdown, and air pollution control wastewaters from heat recovery equipment); treated or untreated wastewaters from groundwater remediation systems; dewatering water for building foundations; and other wastewater streams not associated with a production process.

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

22. **NOT** means Notice of Termination (DEQ Form 606-003, and see Part 2 of this permit).

23. **Operator** for the purpose of this permit and in the context of stormwater associated with construction activity, means any party defined in 20.a or b, associated with a construction project that meets either of the following two criteria:

    a. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications (e.g. in most cases this is the owner of the site); or

    b. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with a Stormwater 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 most cases this is the general contractor of the project).

    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 stormwater associated with construction activity.

24. **OPDES** means the Oklahoma Pollutant Discharge Elimination System.

25. **Outstanding Resource Waters** means those waters of the State which are designated as such in Oklahoma's Water Quality Standards OAC 785:45-5-25, Addendum A of this permit.

26. **Permit** means the General Permit OKR10 for Stormwater Discharges from Construction Activities within the State of Oklahoma.

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

28. **Point Source** means any discernible, confined, and discrete conveyance, including but are 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 stormwater runoff.

29. **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).

30. **Runoff Coefficient** means the fraction of total rainfall that will appear at the conveyance as runoff.

31. **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.

30.1. 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[5]) perennial vegetative cover with a 70% or more of the cover that is provided by vegetation native to local undisturbed areas; and/or

B. Equivalent permanent non-vegetative stabilization measures to provide effective cover (such as the use of riprap and gravel).

30.2. 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 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

30.3. 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 30.1 or 2 above.

32. **Stormwater** means rainwater runoff, snowmelt runoff, and surface runoff and drainage.

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[5] Large bare area is defined as an area with 10 $ft^2$ or more with no perennial vegetative cover established

33. **Stormwater 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 part of a larger common plan of development or sale.

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

35. **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.

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

37. **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 thereof, and shall include under all circumstances the waters of the United States which are contained within the boundaries of, flow through, or border upon this state or any portion thereof. Provided, waste treatment systems, including treatment ponds or lagoons designed to meet federal and state 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. (as defined in Oklahoma Statutes § 27A O.S. §1-1-201).

## Part 9 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 10 Endangered Species

Addendum A is a Registry of Federally Identified Aquatic Resources of Concern (ARC) and State Identified ARC.

## 10.1 Background

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 1.2.2.E to assess the impacts of their stormwater discharges and stormwater 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 in Part 10.2. It is not necessary to contact DEQ if you can comply with the provisions listed in Step 2. 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 1.2.2.E.2.a, b, c, or d. This is allowed under Part 1.2.2.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 stormwater discharges and stormwater discharge-related activities on listed species and critical habitat. By certifying eligibility under Part 1.2.2.E.2.e, the applicant agrees to comply with any measures or controls upon which the other operator's certification under Part 1.2.2.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 1.2.2.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 stormwater discharges and stormwater discharge-related activities or for the applicant's particular project area, the applicant should provide its own independent certification under Part 1.2.2.E.2.a, b, c, or d.

## 10.2 Procedures

To receive coverage under the CGP, applicants must assess the potential effects of their stormwater discharges and stormwater discharge-related activities on listed species. To make this assessment, applicants must follow the steps outlined below prior to completing and submitting a NOI form (see Addendum B of this permit).

**Step 1: Determine Whether the Project Area Drains to ARC**

A. Refer to Addendum A of this permit, 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 stormwater discharge or stormwater 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 Stormwater 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 1.2.2.E.2.d or e. Other pollutants such as, but are 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 stormwater minimized or eliminated to the greatest extent practicable.

1. Consistent with Parts 3.3 and 3.5 of this permit, sediment, solid waste and human waste must be retained on site to the greatest extent practicable; all 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 or 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 or 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 H (Buffer Requirements) 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.

4. 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 disturbed areas of the buffer where earth-disturbing activities have permanently or temporarily ceased on any portion of the site, and will not resume for a period exceeding 7 calendar days. For the purposes of this permit, earth-disturbing activities have temporarily ceased when all construction activities 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 4.3.13.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 4.3.11, structural BMPs must be successfully implemented to divert uphill stormwater 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 stormwater detention or retention structures (e.g., ponds) is preferred, but these must not be constructed within intermittent or perennial stream channels or within floodplains.

D. Consistent with Part 3.3.1.K and 4.5.11.A.4.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 stormwater runoff.

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

F. The applicant must comply with any terms and conditions imposed under the eligibility requirements of Part 1.2.2.E.2 a, b, c, d, or e to ensure that its stormwater discharges and stormwater 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 1.2.2.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)

### A. Aquatic Resources of Concern (ARC) for Federally Listed Species, as Identified by the U.S. Fish & Wildlife Service for the DEQ CGP

*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. 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. 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** identified by the following 11-digit Hydrologic Unit Codes: 11070207190, 11070206060, 11070209030, 11070209050, 11070209060*, 11070209040, 11070209070, 1107020206030, 11070208070, 11070209020, 11070209100, 11070209110 and 11070209120. Includes 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.

*Verdigris River* – A two-mile corridor of the main stem from the dam of Lake Oologah to the confluence of the Arkansas River. Includes river segments in Rogers, Wagoner and Muskogee counties.

**B. ARC for State Listed Species, as Identified by the Oklahoma Department of Wildlife Conservation for the DEQ CGP.**

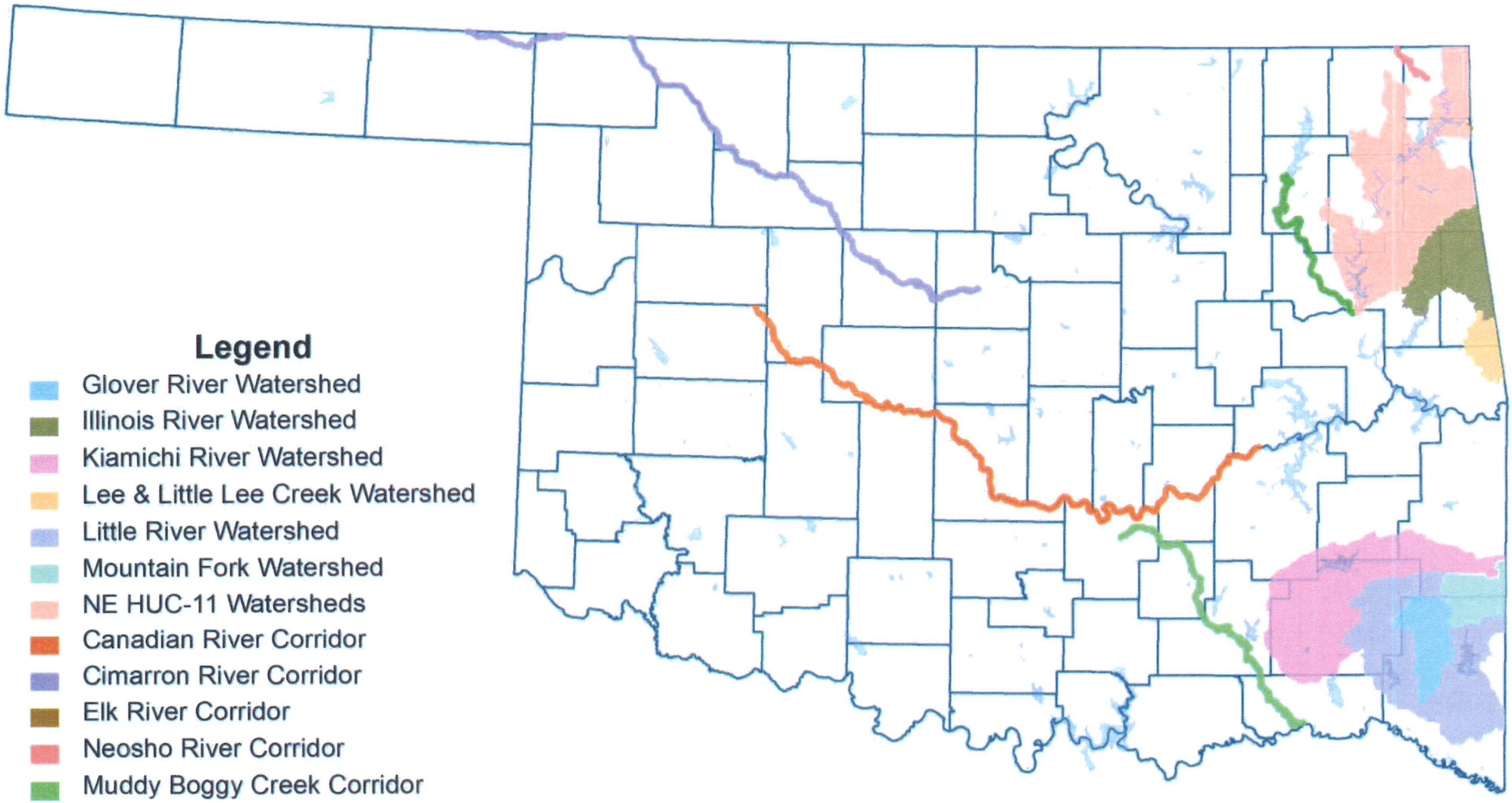
*Illinois River* – A **ten-mile** corridor (five miles from each bank within the watershed) of the main stem of the Illinois River above the Tenkiller Reservoir. Includes portions of Cherokee, Delaware and Mayes Counties.

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

Note: No stormwater 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

**DEQ Form 606-002A Oct. 18, 2017**

# Oklahoma Department of Environmental Quality
## Notice of Intent (NOI)
### for Stormwater Discharges Associated with Construction Activity under the OPDES Construction General Permit OKR10

Submission of this NOI constitutes notice that the party identified in Section I of this form intends to be authorized by DEQ for stormwater discharges associated with construction activity on land disturbance of equal to or greater than 1 or more acres, or less than 1 acre of total land area that is part of a larger common plan of development or sale in the State of Oklahoma. Becoming a permittee obligates such discharger to comply with the terms and conditions of this permit. To obtain an authorization from DEQ, this form must be complete with all the pertinent information.

**All associated fees must be submitted with this NOI. See instructions for completing the NOI on pages 3 and 4 of this form.**

☐ NEW APPLICATION, ☐ MODIFICATION or ☐ RENEWAL of current permit, enter the authorization number: OKR10_____

## I. Operator Information

Operator Name: _____ Phone: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Operator's Point of Contact : _____ Title: _____

Phone: _____ E-mail: _____

## II. Site/Project Information

Site/Project Name: _____ Phone: _____

Site/Project Address: _____

City: _____ County: _____ State: _____ Zip Code: _____

Site/Project's Point of Contact : _____ Title: _____

Phone: _____ E-mail: _____

Site/Project's purpose: ☐Road/Bridge ☐Wind Farm ☐Residential Subdivision ☐Commercial Building ☐ Others

Latitude: _____ Longitude: _____ at the center of the Site/Project

(or starting and ending points for linear project)

Estimated construction start date: _____ Estimated construction end date: _____

Total area of the construction site: _____ (acres) Estimated area to be disturbed: _____ (acres)

Current total impervious area: _____ (acres) Post-construction total impervious area: _____ (acres)

Post –construction runoff coefficient of the site: _____ Soil and fill material description: _____

Is this site part of the common plan of development or sales? ☐ Yes ☐ No

### Endangered Species Eligibility

a.☐ My site/project is not located within any of the corridors of Federal and State identified Aquatic Resources of Concern (ARC);

b.☐ My site/project is located within a corridor of Federal and State identified ARC and I agree to implement the control measures specified in Step 2 of Part 10.2 of this OKR10 Permit;

c.☐ If one of eligibility criteria cannot be met, I may use Addendum H for equivalent sediment controls or contact DEQ at (405)702-8100 for further assistance;

d.☐ I am required to have an Endangered Species Act Section 7 consultation process; or

e.☐ I am relying on another permittee's certification of eligibility and agree to comply with the conditions of that certification.

## III. Site/Project Discharge Information

Does the facility discharge stormwater into a MS4? ☐ Yes ☐ No, If yes, name of the MS4 Operator: _____

**Receiving Water Information** Note: use additional sheet of paper if necessary.

| Name of the Receiving Waterbody | Is this waterbody impaired? If so, what are its impairments? | Is there a TMDL for that impairment? |
|---|---|---|
| | ☐ Yes ☐ No | ☐ Yes ☐ No |
| | ☐ Yes ☐ No | ☐ Yes ☐ No |
| | ☐ Yes ☐ No | ☐ Yes ☐ No |
| | ☐ Yes ☐ No | ☐ Yes ☐ No |

## IV. Stormwater Pollution Prevention Plan (SWP3) Information

Has the SWP3 been prepared and available on site? ☐ Yes ☐ No

Is the operator registered for construction activities with the Secretary of State of Oklahoma? ☐ Yes ☐ No

**Proposed Best Management Practices to control pollution in the stormwater discharges, check all that apply:**

| | | | |
|---|---|---|---|
| ☐ Construction phased | ☐ Sediment basin/Trap | ☐ Mulching/Seeding/sodding | ☐ Vegetated Buffer |
| ☐ Vehicle/Concrete wash-out | ☐ Site inspection | ☐ Diversion dikes | ☐ Inlet Protection |
| ☐ Construction entrances | ☐ Silt fence | ☐ Waste management | ☐ Stream Crossings |
| ☐ Spill prevention/cleanup | ☐ Employee Training | ☐ Compost blanket/geotextiles | ☐ Check dams |
| ☐ Construction sequencing | ☐ Riprap | ☐ Gradient terraces | ☐ Silt dikes |

Other BMPs: _____

**Post-construction Best Management Practices for construction activities, Check all that apply:**

| | | | |
|---|---|---|---|
| ☐ Narrow street /turnaround | ☐ Wet/dry pond | ☐ Protected natural features | ☐ Vegetated filter trips |
| ☐ Eliminated curbs & gutters | ☐ Wetland | ☐ Infiltration basin/trench | ☐ Porous pavement |
| ☐ Bio-retention/rain gardens | ☐ Riparian | ☐ Redevelopment/retrofit | ☐ Grassed swales |
| ☐ Low impact development | ☐ Green designs | ☐ Conservation easements | ☐ Retrofit |

Other BMPs: _____

## V. 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 gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than 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."*

Print Name: _____ Title: _____

Signature: _____ Date: _____

For DEQ use only: Assigned Authorization Number: OKR10_____

# Instructions for Completing NOI Form 606-002A for Stormwater Discharges Associated with Construction Activities on Sites of One or more acres under the OPDES Construction General Permit OKR10

## Who Must File an NOI Form

Under Section 402(p) of the Clean Water Act and regulation at 40 CFR § 122.26, adopted and incorporated by reference in Oklahoma Administrative Code (OAC) 252:606-1-3(b)(3)(L), stormwater discharges associated with construction activities are prohibited to waters of Oklahoma State unless authorized under an Oklahoma Pollutant Discharge Elimination System (OPDES) permit from Oklahoma Department of Environmental Quality (DEQ). Operators of construction sites where one or more acres are disturbed, smaller sites that are part of a larger common plan of development or sale where there is a cumulative disturbance of at least one acre must obtain coverage under the OPDES Construction General Permit (CGP) OKR10 by submitting a completed NOI to DEQ. If you have questions regarding permit coverage under the Stormwater Program, you may call the Stormwater Unit of Environmental Complaints and Local Services (ECLS) of DEQ at (405) 702-6100 or email to ecls-stormwaterpermitting@deq.ok.gov.

## Completing the NOI Form

To complete an NOI form, type or print in all the appropriate places of the form. Check the appropriate box whether you are filing for a new application or modification or renewal of your current permit. Enter your current authorization number, if you are applying for permit modification or renewal.

## Section I. Operator Information

Provide the legal name, mailing address and telephone number of the company/firm, public organization, or any other entity that either individually or together meets the following two criteria: (1) have operational control over construction plans and specifications, including that the ability to make modifications to those plans and specifications (e.g., in most cases this is the owner of the site); and/or (2) have the day-to-day operational control of those activities at the site necessary to ensure compliance with Stormwater Pollution Prevention Plan (SWP3) and/or other permit conditions (e.g., they are authorized to direct worker at a site to carry out activities required by the permit; in most cases this the general contractor of the project).

Also enter the name, title, phone number, and email address for the operator's point of contact.

## Section II. Site/Project Information

Provide the site/project's official or legal name, phone number and street address or general location information (e.g., Intersection of State Highways 61 and 34). Also provide the name, title, phone number, and email address for the site/project's point of contact.

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

Provide Latitude and Longitude of the construction project or site (at the center of the site). Latitude and Longitude can be obtained online at DEQ and USGS's websites or other mapping tools.

Provide the estimated starting and ending dates of the construction or site or project. The date must be provided in DD-MM-YYYY where MM is the month, DD is the date and YYYY is the year.

Provide total area of construction site, and estimated area to be disturbed in acres.

Provide total impervious area (pre-construction) and total impervious area construction completed (post-construction) in acres.

Provide post-construction runoff coefficient of the site after the construction addressed in the NOI is completed. Operator may use recommended runoff coefficients in Addendum I of this permit. Average coefficients for composite area may be calculated on an area weighted basis from $C=\sum CiAi/\sum Ai$ Where Ci is the coefficient applicable to the area Ai

Descript the nature of fill material and existing soil data describing soils (i.e., coarse-grained soils: gravels, sands, or fine-grained soils: silts and clays, silts and clays, and highly organic soils etc.). Operator may use soil classification chart in Attachment 1 of Addendum H to determine the types of the soils on the sites.

Indicate whether this is the site of the common plan of development or sale.

Complete the section on Endangered Species Eligibility by checking the appropriate box: (a) the site/project is not located within any of the corridors of the Federal or State identified Aquatic Resources of Concern (ARC) and further investigation is not required; or (b) the site/project is located within a corridor of a Federal or State identified ARC. Operator agrees to implement the control measures specified in Step 2 of Part 10.2 of this permit; or (c) If one of those eligibility criteria under Part 1.2.2.E.2.b, d, or e cannot be met, operator may use Addendum H Buffer Requirements to evaluate alternatives of buffer requirements and select equivalent sediment controls or contact DEQ for further consultation; or (d) operator'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 operator's stormwater discharge or stormwater-related activities. Operator selecting option d must include documentation from US Fish and Wildlife Service (USFWS) or a qualified biologist that demonstrates Section 7 consultation has been completed. The SWP3 must include any conditions resulting from that consultation; or (e) operator's stormwater discharges and stormwater-related activities were already addressed in another operator's certification of eligibility under Part 1.3.2E.2.d that included the proposed site/project area. Operator agrees to comply with any conditions attached to that certification.

## Section III. Site/Project Discharge Information

Indicate whether the site/project discharges stormwater to a Municipal Separate Storm Sewer System (MS4), if yes; enter the name of the MS4 operator. A MS4 is defined as a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains that are owned or operated by a state, city, town, borough, parish, district, association, or other public body which is designed or used for collecting or conveying stormwater.

Identify all the receiving waterbodies from the sites that discharge stormwater, including names of those waterbodies. Check appropriate box if the receiving waterbody is listed in DEQ 303(d) impaired waterbodies or drained to the watershed with approved Total Maximum Daily Loads (TMDL) report. Identified the pollutant(s) for which the waterbody is impaired.

# Instructions for Completing NOI Form 606-002A for Stormwater Discharges Associated with Activity of One or More Acres under the OPDES Construction General Permit OKR10

## Section IV. Stormwater Pollution Prevention Plan (SWP3) Information

All site/projects eligible for coverage under the CGP OKR10 permit must prepare a SWP3 prior to submitting the NOI to DEQ. The SWP3 is intended to document the selection, design, and installation of different control measures to meet the permit's non-numeric technology based effluent limitations, if applicable, numeric effluent limitations, and water quality based effluent limitations contained in Part 3 of the Permit as well as to document compliance with other permit requirements. The SWP3 must be prepared in accordance with good engineering practices and to industry standards.

Check appropriate box whether the SWP3 has been prepared and is available on site.

Check appropriate box if the operator has registered for construction activities with the Secretary of State of Oklahoma.

List all the proposed Best Management Practices (BMPs) for construction activities. Operator must describe the proposed measures, including BMPs to control pollutants in stormwater discharges during construction. Specify any BMPs to be used if additional erosion and sediment controls are required by local government or due to specific site conditions.

List all the post-construction proposed Best Management Practices (BMPs) for construction activities. Operator must describe the proposed measures to be used to control pollutants in stormwater discharges that will occur after construction operations have been complete, including any BMPs to be used if additional erosion and sediment controls are required by local government or due to specific site conditions.

## Section V. Certification

Federal regulations require all permit applications and report shall be signed as follows:

For a corporation: by a responsible corporate officer, which means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, 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 law 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 had been assigned or delegated to the manager in accordance with corporate procedures;
For a partnership or sole proprietorship: by a general partner or the proprietors, respectively (*Note: for limited liability company (LLC) - by one of its owners, called managing members/partners of the company*); or

For a municipality, state, Federal, or other public facility: by either a principal executive or ranking elected official.

## Modifying Existing Notice Of Intent (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 been changed from 20 acres to 40 acres). However, the modification of an NOI cannot be used if the area to be disturbed has been changed from 40 acres to 20 acres. The amended NOI shall include the operator's assigned authorization number and request a change.

The original authorization number will be retained. DEQ will provide an acknowledgement by either mail or email that the amended NOI has been received and processed. Permittees must update their SWP3 to reflect the modification.

## Submitting Your NOI Form

Completed NOI form must be submitted to the following address:

Stormwater Unit of ECLS
Oklahoma DEQ
P.O. Box 1677, Oklahoma City, OK 73101-1677
or fax it to: (405)702-6226
or email it to: ecls-stormwaterpermitting@deq.ok.gov

All applicable fees must be submitted with this NOI, including:

- Renewal NOI - $100 application fee
- New NOI - $447.71 ($100 application fee and $347.71 annual permit fee)

*Note: Commencing December 21, 2020, NOI must be electronically submitted to DEQ. Instructions on how to access and use the appropriate electronic reporting tool will be made available on DEQ's website prior to the December 21, 2020 compliance deadline.*

*Do not submit an SWP3 with the NOI unless the site/project is located (1) within Outstanding Resource Waters (ORW), or (2) within a Federal and State ARC, or (3) within a Watershed that is subject to an approved TMDL, and/or watershed plan and/or local compliance plan and such site to be disturbed is about 5 acres or more, or (4) within a larger site which is disturbing land of 40 or more acres.*

## ADDENDUM C – NOTICE OF TERMINATION

| DEQ Form 606-003 Oct. 18, 2017 | OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY | **Oklahoma Department of Environmental Quality**<br>**Notice of Termination (NOT)**<br>**for Stormwater Discharges Associated with Industrial or Construction Activity under an OPDES Stormwater General Permit** |
|---|---|---|

Submission of this NOT form constitutes notice that the operator identified in Section II of this form no longer intends to be authorized to discharge stormwater associated with industrial or construction activity under an OPDES Stormwater General Permit. Authorization to discharge is not terminated until you are notified that all termination requirements have been met and your complete NOT has been processed by DEQ.
**All necessary information must be provided on this form. See completing instructions on the back of this form.**

### I. Permit Information

**DEQ Authorization Number: OKR**_____

Reason for Termination (check one only):

- ☐ A new owner or operator has taken over responsibility for the facility/site/project and has submitted an NOI for permit coverage.
- ☐ Stormwater discharge from industrial activity is being terminated under OKR05 permit.
- ☐ All construction activities have been completed and met all other requirements under OKR10 permit, including final stabilization, on all portion of the site.
- ☐ You obtained coverage under an individual or alternative general permit for all stormwater discharges.

### II. Operator Information

Operator Name: _____ Phone: _____

Mailing Address: _____ City: _____

County: _____ State: _____ Zip Code: _____ E-mail: _____

### III. Facility/Site/Project Information

Facility/Site/Project Name: _____

Address: _____

City: _____ County: _____ State: _____ Zip Code: _____

Latitude: _____ Longitude: _____ at the entrance of the Facility/Site/Project

*(Note: You must include an updated facility map or site map that shows all final plans have been completed with this form.)*

### IV. New Operator Information

New Operator Name: _____ Phone: _____

Address: _____ City: _____

County: _____ State: _____ Zip Code: _____ E-mail: _____

*(Note: Use additional sheets of paper if necessary. Permittee is required to prepare a Notification of Change of Ownership (NCO) for each new operator and submit it to DEQ at the change of ownership or with the NOT (see also Part 2.2.3 of this permit).*

### V. Certification

*I certify under penalty of law that all stormwater discharges associated with industrial or construction activity from the identified facility that was authorized by a general permit have been eliminated or that I am no longer the operator of the facility or construction site. I understand that by submitting this NOT form and upon receiving termination letter from DEQ that the all termination requirements have been met and the complete NOT has been processed, I am no longer authorized to discharge stormwater associated with industrial or construction activity under the General Permit OKR05 or OKR10 to waters of the State. It 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 NOT form does not release me as operator from liability for any violations of this Permit or the Clean Water Act.*

Print Name: _____ Title: _____

Signature: _____ Date: _____

# Instructions for Completing NOT Form 606-003 for Stormwater Discharges Associated with Industrial or Construction Activity

### Who May File a Notice of Termination Form

The Permittee currently covered by the OKR05 (Industrial) or OKR10 (Construction) General Permit for stormwater discharges associated with industrial or construction activity must submit a Notice of Termination (NOT) within 30 days after one or more of the following conditions have been met:

- A new owner or operator has taken over responsibility for the facility or site or project, and has submitted an NOI for permit coverage.
- Stormwater discharge from industrial activity is being terminated under the OKR05 permit.
- All construction activities have completed and met all other requirements under the OKR10 permit, including final stabilization, on all portions of the site (See Part 3.3.2.B of the OKR10 permit for specific requirement on final stabilization).
- You obtained coverage under an individual or alternative general permit for all discharges.

You must meet all of the termination requirements of the general permit prior to submitting the NOT.

### Section I. Permit Information

Provide the current OPDES General Permit number assigned to the facility or the site identified in Section II. Indicate your Reason for submitting this NOT by checking the appropriate box.

### Section II. Operator Information

Provide the legal name of the company, firm, public organization or any other entity that operates the facility or site described in this NOT. Provide the operator's phone number, mailing address, and email address.

### Section III. Facility/Site/Project Information

Provide the legal name of the facility or site or project and complete street address, including city, county, state, and ZIP code of the facility or site. If the facility or site lacks a street address, indicate the general location of the facility (e.g., Intersection of State Highways 74 and 34).

Provide the latitude and longitude at the entrance of the facility or the center of site, or the general location information of the facility or site (e.g., Intersection of State Highways 74 and 34). Latitude and Longitude can be obtained online at DEQ and USGS and other mapping tools.

You must also include an updated facility map or site map that shows all disturbed areas over the course of your construction/project (i.e., aerial images or general site maps with project extents marked, including stabilized areas of concrete or asphalt batch plants, equipment staging yards, stockpile, borrow areas, wash-out area, previously disturbed areas etc.) with this form.

### Section IV. New Operator Information

If applicable, provide the legal name of the company, firm, public organization or any other entity that has assumed ownership for the facility or site described in this NOT.

Provide phone number, complete physical address including city, state, ZIP code, and email address. If there is more than one new operator, use additional sheet(s) to include all the new operators' information.

Permittee is required to prepare and submit a Notification of Change of Ownership (NCO) form for each new owner(s) (see Part 2.3.3 of OKR10 for change of ownership requirement). NCO forms may be submitted at the change of ownership or with the NOT.

### Section V. Certification

The NOT form must be signed as follows:

***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 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, respectively *(**Note:** for limited liability company (LLC) - by one of its owners, called managing members/partners of the company)*;

***For a municipality, state, Federal, or other public facility:*** by either a principal executive officer or ranking elected official.

Include the name and title of the person signing the form and the date of signing.

**An unsigned or undated NOT form will not be processed for termination of permit coverage.**

*If you have questions*, contact the Stormwater Unit of Environmental Complaints and Local Services Division (ECLS) of DEQ at (405) 702-6100 or email to

ecls-stormwaterpermitting@deq.ok.gov

**Where to File an NOT form:**

Completed NOT must be submitted to the following address:

Stormwater Unit of ECLS, Oklahoma DEQ
P.O. Box 1677
Oklahoma City, Oklahoma 73101-1677

or fax it to: (405)702-6226

or email it to: ecls-stormwaterpermitting@deq.ok.gov

*Note: Commencing December 21, 2020, all NOTs will be required to be submitted electronically to DEQ. Instructions on how to access and use the appropriate electronic reporting tool will be made available prior to the December 21, 2020 compliance deadline.*

## 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 Stormwater Construction General Permit's (CGP) authorization to discharge, 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 Stormwater 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 (DEQ).

(Operator Name)

Contractor must also be thoroughly familiar with, and adhere to, the Stormwater 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**

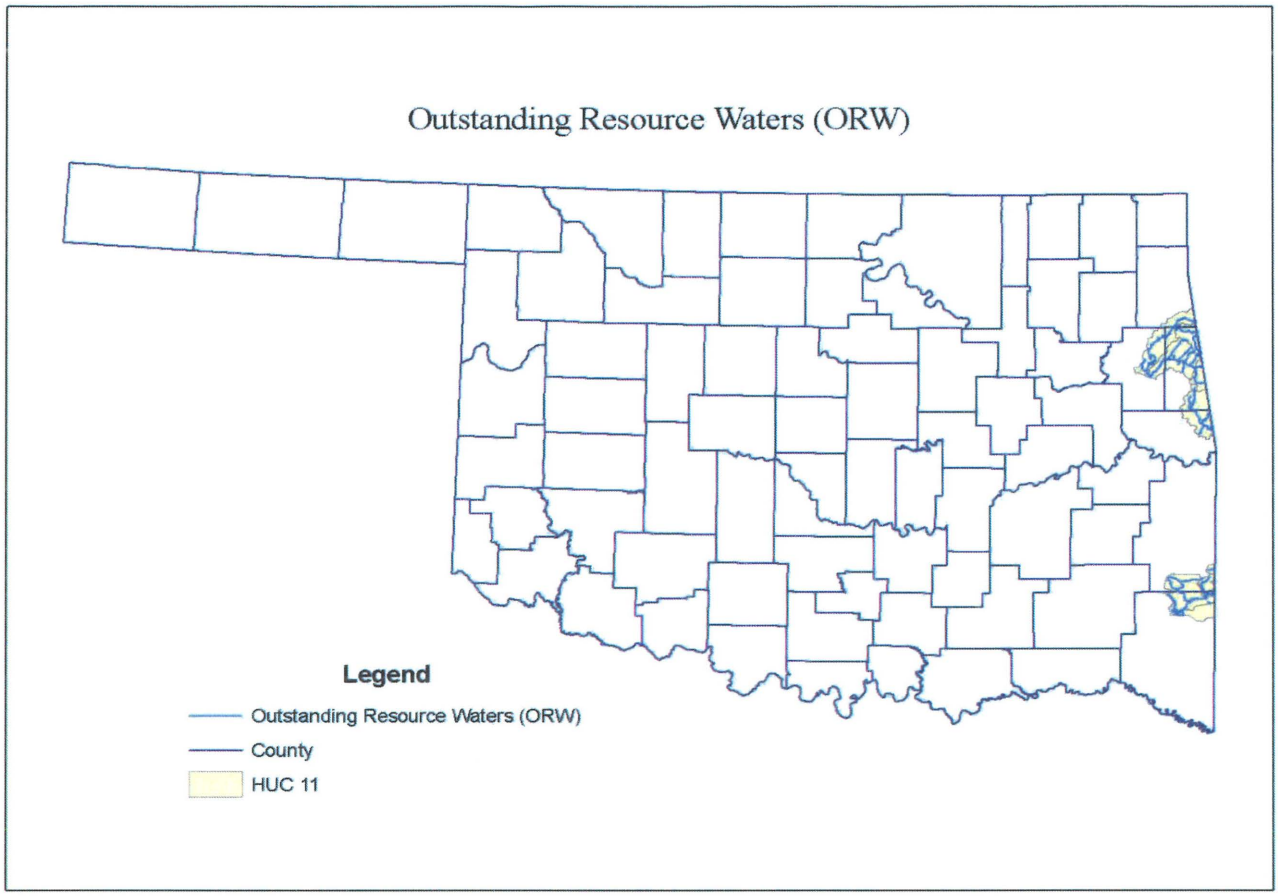
I certify that I understand the terms and conditions of the Oklahoma Pollutant Discharge Elimination System Act (OPDES) General Permit that authorizes stormwater discharges associated with construction activity from the construction site identified as part of this certification. I have read and understand the Operator's NOI and Part 1.2 for coverage under the General Permit for stormwater discharges from construction activities, including those requirements published in the modified OPDES General Permit OKR10 of September 13, 2017, 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 Part 1.2 of the permit.

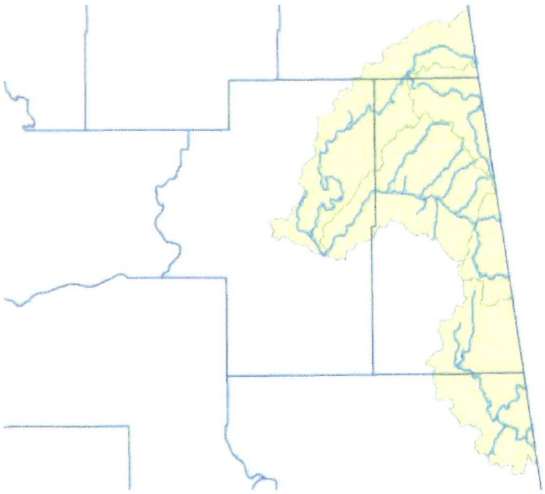
Signature: _____ Title: _____

Print Name: _____ Date: _____

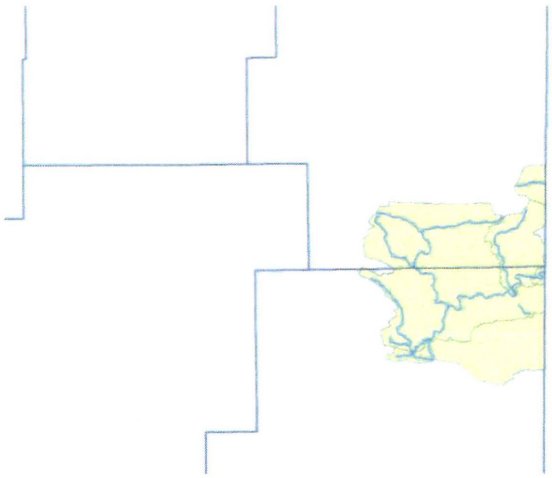
## ADDENDUM E – OUTSTANDING RESOURCE WATERS (ORW)




### Outstanding Resource Waters Details



**Illinois River & Lee Creek Watersheds**



**Mountain Fork River Watershed**

## ADDENDUM F – ADDITIONAL REQUIREMENTS FOR CONCRETE AND ASPHALT BATCH PLANTS

### F.1 Site Description

Describe the nature of industrial activities at your facility and include a site map. The site map shall specify boundaries of the facility, significant structures and impervious area, the locations of all stormwater monitoring points, if any.

### F.2. Summary of Potential Pollutant Sources

Document the area at your facility where industrial materials or activities are exposed to stormwater. 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 4.3.6).

### F.3. Sampling Data

Provide a summary of any existing stormwater discharge sampling data taken at your facility. All stormwater 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.

### F.4. Stormwater 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 stormwater. For areas where BMPs are not currently in place, describe appropriate BMPs that you will use to control pollutants in stormwater 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 stormwater 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 stormwater 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 (also see Part 4.3.13 of this permit): 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 stormwater. You shall develop the routine facility inspection procedures and document the evaluation of existing stormwater 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 and include an inspection form in your SWP3.

5. Corrective Action

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:

a. 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;

b. A discharge violates a numeric effluent limit;

c. You become aware, or DEQ determines, that your control measures are not stringent enough for the discharge to meet applicable water quality standards;

d. 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

e. 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.

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.

6. Final Stabilization

You must ensure in compliance with final stabilization requirements specified in Part 3.3.2 of the permit. All industrial activities at the mobile concrete batch plant or/and portable asphalt plant have been completed and a uniform (e.g., evenly distributed, without large bare areas[6]) perennial vegetative cover with a 70% or more of the cover that was provided by vegetation to all undisturbed areas or equivalent permanent stabilization measures (such as the use of riprap and gravel) have been employed.

7. 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.

8. Spill Prevention

You must identify and document where potential spills and leaks could occur that contribute pollutants to stormwater discharges and corresponding outfall(s) that can be affected by such spills and leaks. Also you must describe the procedures that will be followed for cleaning up spills or leaks.

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: stormwater detention structures (including wet ponds); stormwater retention structures; flow attenuation by use of open vegetated swales and natural

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[6] Large bare area is defined as an area with 10 $ft^2$ or more with no perennial vegetative cover established

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 stormwater controls.

**F.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 G ACSCER). 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 of the Comprehensive Site Compliance Evaluation

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 stormwater 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 stormwater 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 stormwater, as identified in Parts F.1 and areas where spills and leaks have occurred within the past three (3) years.

**F.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.

**F.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 stormwater 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 stormwater 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 of the permit.

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 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 stormwater 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 F-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 1 liter or similar size clear plastic or glass bottle, fill the bottle with the sample, and try to see things through it. | 1) can't see through the bottle<br>2) can see through but could not read newsprint<br>3) can see through and can read newsprint<br>4) pretty clear, but not as clear as bottled water<br>5) as clear as bottled water |
| Floating solids | Visual | Yes/no - describe what they are. |
| Settled solids | Use same 1 liter or similar size plastic or glass bottle | Tablespoons or cups of material or millimeters of solids on bottom after at least 60 minutes |
| Suspended solids | Look through the container. | Describe what do you see? |
| Foam | Visual | Yes - how thick is the foam? How much of the surface does it cover? What color is the foam?<br>Or No |
| Oil sheen | Visual | Color and extent |
| Other obvious indicators of stormwater pollution | Indicate what you observed that would lead a reasonable person to believe that the stormwater was polluted. | Describe what do you see? |

3. You must maintain your visual examination reports onsite with the SWP3. At a minimum, the report must include the examination date and time, locations, personnel, the nature of the discharge

(i.e., runoff or snow melt), results of observations of the stormwater discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution), and probable sources of any observed stormwater contamination. If applicable, the report shall include why it was not possible to take samples within the first 30 minutes and signed in accordance with Part 6.7.

B. Numeric Effluent Limitation Monitoring (NELM)

1. If your facility has discharges of stormwater from an asphalt batch plant, you must comply with the limitations and monitoring requirements of Part 3.4.1(also see Table 3.1) for all discharges containing asphalt batch plant runoff, regardless of your industrial activities.

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 stormwater 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. You must document in your SWP3 why it was not possible to take samples within 30 minutes. If the sampled discharge commingles with process or non-process water, attempt to sample the stormwater discharge before it mixes with the non-stormwater. In the case of snowmelt, samples must be taken during a period with a measurable discharge.

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 4.5.14 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 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 F.7.B.1).

**F.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 with electronic Discharge Monitoring Report (eDMR) that started on December 21, 2016. Instructions on how to register as a Preparer or Signatory for eDMR, as well as how to prepare and submit eDMR, can be found on DEQ website at http://www.deq.state.ok.us/wqdnew/ereporting/index.html . Assistance is also available by contacting DEQ at (405)702-8100 or deqreporting@deq.ok.gov .

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 be filed by March 1st of each year beginning in 2018. If your permit becomes effective less than 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 requirements specified in Part F.5 of this Addendum and certified by an authorized representative of your facility (see Part 6.7 of this permit)

## ADDENDUM G – ANNUAL COMPREHENSIVE SITE COMPLIANCE EVALUATION REPORT

| DEQ Form 606-005B Oct. 18, 2017 | Oklahoma Department of Environmental Quality<br>Annual Comprehensive Site Compliance Evaluation Report (ACSCER) for Stormwater Discharges Associated with Construction Supporting Activity under the OPDES General Permit OKR10 |
|---|---|

Submission of this ACSCER form is required in ADDENDUM G of this permit for Concrete and Asphalt Plants.

All requested information must be provided on this form. See instructions on Page 5 of this form

**DEQ Authorization Number: OKR10**_____

**Part A: Operator Information and Certification**

**Section I. Operator Information**

Operator Name: _____

Mailing Address: _____ City: _____

County: _____ State: _____ Zip Code: _____

Operator's Point of Contact : _____ Title: _____

Phone: _____ Email: _____

**Section II. Facility Information**

Facility Name: _____ Phone: _____

Address: _____

City: _____ County: _____ State: _____ Zip Code: _____

Latitude: _____ Longitude: _____

Facility's Point of Contact : _____ Title: _____

Phone: _____ E-mail: _____

**Section III. Certification**

*I certify under penalty of law that I have read and understand the requirements for filing this Annual Comprehensive Site Compliance Evaluation Report, which is to be filed by March 1st of each year beginning in 2018.*

*This report is also to be retained as part of the Stormwater 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 Addendum F of this Permit as part of the SWP3 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: _____ Title: _____

Signature: _____ Date: _____

**Part B: Annual Comprehensive Site Compliance Evaluation**

**Reporting period:** _____

1. Number of routine facility inspections you performed during the reporting period: _____

2. Dates of the Inspection performed: _____

3. 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

4. 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

5. 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

6. Were there additional BMPs needed to address any conditions requiring corrective action?

☐ Yes ☐ No

7. If one or more BMPs were not being implemented, were corrective actions taken after the first inspection to eliminate the problem?

☐ Yes ☐ No ☐ All BMPs were being implemented

8. 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

9. Document any deficiencies identified and any corrective actions implemented to remove the original violation below. Use additional sheets if necessary.

| Date | Deficiencies | Corrected | | Date of Correction |
|---|---|---|---|---|
| | | ☐ Yes | ☐ No | |
| | | ☐ Yes | ☐ No | |
| | | ☐ Yes | ☐ No | |
| | | ☐ Yes | ☐ No | |

10. What must you do to correct the deficiencies that remain uncorrected?

_____

_____

11. Did any conditions require SWP3 review and revision to eliminate design, selection, installation, and/or implementation problem during the past year? If yes, describe the conditions in brief:

☐ No ☐ Yes

| | |
|---|---|
| 12. | At any time during the reporting period, did you discover any previously unidentified unauthorized non-stormwater discharges from your facility or previously unidentified pollutants in the existing discharges?<br>☐ Yes ☐ No |
| 13. | Have all unauthorized non-stormwater discharges (including any discovered in previous years) been eliminated or permitted?<br>☐ Yes ☐ No ☐ Permit applied for ☐ No unauthorized discharges |
| 14. | Have any significant spills or leaks occurred at your facility during the reporting period?<br>☐ Yes ☐ No |
| 15. | 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 stormwater (as opposed to the spilled material being washed away by stormwater?)<br>☐ Yes ☐ No |
| 16. | If any significant spills or leaks occurred, did they result in more than the minimum amounts of material being discharged in stormwater? 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.<br>☐ Yes ☐ No ☐ No spills or leaks occurred |
| 17. | Have all known spills or leaks been cleaned up or otherwise prevented from contaminating stormwater that would be discharged under the authority of this permit?<br>☐ Yes ☐ No ☐ No spills or leaks occurred |
| 18. | How many times did you visually monitor all of your stormwater discharges at all the outfalls during the reporting year?<br>_____ |
| 19. | Would the results of your visual monitoring indicate that there are pollutants in your stormwater discharges that are not adequately controlled by your current BMPs?<br>☐ Yes ☐ No |
| 20. | If the results of your visual monitoring indicated a potential problem, was it due to one or more of the following?<br>☐ New pollutant source (including exposure of previously unexposed material)<br>☐ Failure to implement or maintain an existing BMP<br>☐ Less than expected performance from a BMP<br>☐ No BMP was selected to deal with that problem<br>☐ N/A (No problems identified) |
| 21. | If your visual monitoring indicated a potential problem, what have you done to resolve the problem?<br>☐ Eliminated exposure or pollutant source ☐ Modified existing BMPs |

| | |
|---|---|
| | ☐ Added a new BMP ☐ Plan to address problem by end of current reporting year<br>☐ Nothing planned ☐ N/A (No problems identified) |
| 22. | Did any monitoring results exceed a numeric effluent limitation contained in Parts 3.4.1 and F.7.B during the past discharge monitoring period?<br>☐ Yes ☐ No |
| 23. | If your answer to the previous question was **Yes**, list the dates, name of the pollutants and the test results that exceeded numeric effluent limitations. Use additional sheets if necessary. |

| Date | Pollutants | Test Results | Date | Pollutants | Test Results |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |

| | |
|---|---|
| 24. | Were there any incidents of noncompliance in the past year or any noncompliance that is currently ongoing?<br>☐ Yes ☐ No ☐ Compliant with the Permit |
| 25. | Were there any required revisions to the SWP3 resulting from the inspection and/or monitoring?<br>☐ Yes ☐ No |
| 26. | If your answer to the previous question was **Yes**, list the dates, reason for revision and brief description of the revision. Use additional sheets if necessary. |

| Date | Reason for Revision | Description of Revision |
|---|---|---|
| | | |
| | | |
| | | |

# Instructions for Completing the Annual Comprehensive Site Compliance Evaluation Report (ACSCER) Form 606-005B for Stormwater Discharges Associated with Construction supporting Activity for Concrete or Asphalt Batch Plants

**When to File an ACSCER Form**

Permittees who are presently covered under OPDES construction general permit OKR10 for stormwater discharges associated with construction supporting activity for concrete or asphalt batch plants must submit an Annual Comprehensive Site Compliance Evaluation Report (ACSCER) form to DEQ by March 1 of each year beginning in 2018. If your authorization becomes effective less than 1 month from the end of the yearly monitoring period, your first monitoring period starts with the next annual monitoring period.

**Completing the Form**

To complete this form, type or print in the appropriate areas only.

**Permit Information**

Enter the existing DEQ Authorization assigned to the facility identified in Section I for stormwater discharges from industrial activity.

**Part A: Operator Information and Certification**

**Section I. Operator Information**

Provide the legal name of the person, firm, public organization or any other commercial 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. An operator is the legal entity that controls the facility's operation, rather than the plant or site manager. Provide complete mailing address including city, county, state, and ZIP code. Include operator's point of contact name, title, telephone number and a valid email address.

**Section II. Facility Information**:

Enter the facility's official or legal name and complete physical address including city, county, state, and ZIP code. Include facility's point of contact name, telephone number and email address. Indicate the latitude and longitude of the facility to the nearest 15 seconds. . Include facility's point of contact name, title, telephone number and a valid email address.

**Section III. Certification**

The ACSCER form must be signed by a responsible party - for corporation: by a responsible corporate official, such as: president, vice president, secretary, and treasurer either for a corporation or company; for a partnership or sole proprietorship: by a general partner or the proprietor, respectively. (Note: for limited liability company (LLC): by one of its owners, called managing members/partners of the company); for a municipality, state, Federal, or other public facility: by either a principal executive or ranking elected official.

**Part B: Annual Comprehensive Site Compliance Evaluation Report**

1. A summary of your past year's routine facility inspection documentation such as control measures' maintenance, repair and/or replacement, any additional control measures needed to comply with the permits;
2. The location(s) of discharges of pollutants from the site, evidence of pollutants discharging to receiving waters at all facility outfall(s), and the condition of and around the outfall(s);
3. A summary of your past year's corrective action documentation;
4. A summary of your past year's quarterly visual monitoring documentation;
5. A summary of your past year's effluent limitation violations if applicable; and
6. Describe any incidents of noncompliance in the past year or currently ongoing, or if none, provide a statement that you are in compliance with the Permit.

**Note:** *Please see Part F.5 of CGP OKR10 for detailed scope of Annual Comprehensive Site Compliance Evaluation*

Completed ACSCER form must be submitted to DEQ by March 1 of each year beginning in 2018.

If you need any assistance or have any question, contact the Stormwater Unit of Environmental Complaints and Local Services (ECLS) of DEQ at (405) 702-6100 or email to: ecls-stormwaterpermitting@deq.ok.gov

**Where to file an ACSCER Form**

Completed ACSCER form must be submitted to the following address:

Stormwater Unit of ECLS
Oklahoma DEQ
P.O. Box 1677
Oklahoma City, OK 73101-1677

or fax it to: (405)702-6226

or email it to: ecls-stormwaterpermitting@deq.ok.gov

*Commencing **December 21, 2020**, NECs must be electronically submitted to DEQ. Instructions on how to access and use the appropriate electronic reporting tool will be made available on DEQ's website prior to the December 21, 2020 compliance deadline.*

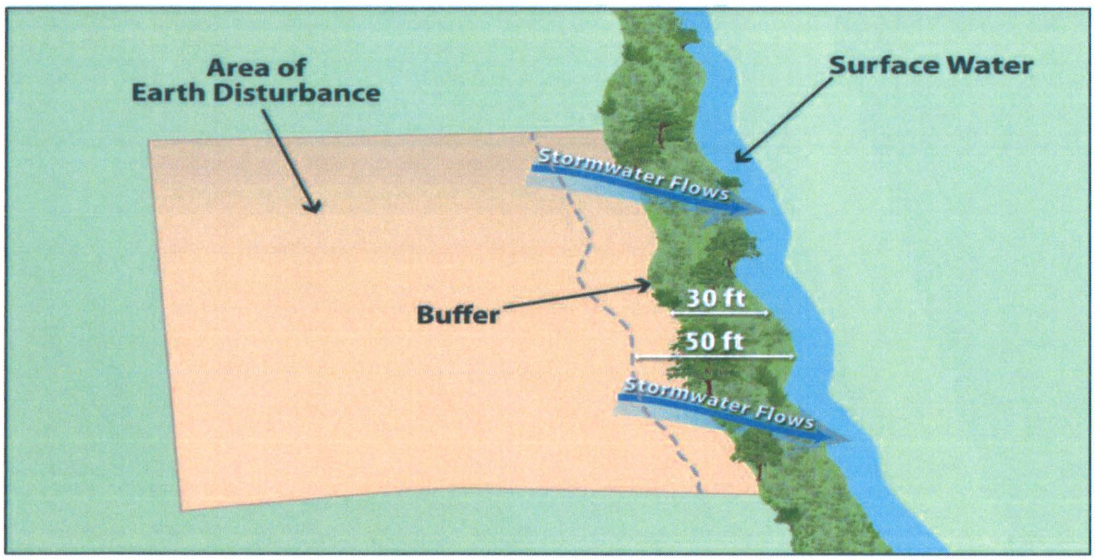
## ADDENDUM H – BUFFER REQUIRMENTS

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

### H.1 Sites that are required to provide and maintain natural buffers and/or equivalent erosion and sediment controls

If the land disturbing activities will occur within the Aquatic Resources of Concern (ARC) 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 H – 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 Part H. 2 of this Addendum.

**Figure H - 1. Example of Earth-Disturbing Activities within 50 feet of surface water.**




### H.2 Compliance Alternatives to the Buffer Requirements

The following are 3 compliance alternatives from which permittees can choose, unless you qualify for any of the exceptions in Part H.3 of the Addendum:

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

The compliance alternative selected must be maintained throughout the duration of permit coverage.

### H.3 Exceptions to the Compliance Alternatives

The following exceptions apply to the requirement of Parts 3.3.1.B and 3.5.2.A

- Construction approved under a CWA Section 404 permit; or
- Construction of a water-dependent structure or water access areas (e.g., pier, boat ramp, trail); or
- If there is no discharge of stormwater to waters of the State through the area between the disturbed portions of the site and any waters of the State located within 100-feet or 50-feet of the site; or
- 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 must document in your SWP3 if any disturbances related to any of the above exceptions occurs within the buffer area on your site.

**H.4 Requirements for Providing and Maintaining Natural Buffers**

This part of the Addendum applies to you if you choose either Compliance Alternative 1 (100-foot or 50-foot buffer) or Compliance 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 H-2 and Figure H-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 H - 2 Buffer measurements 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.**

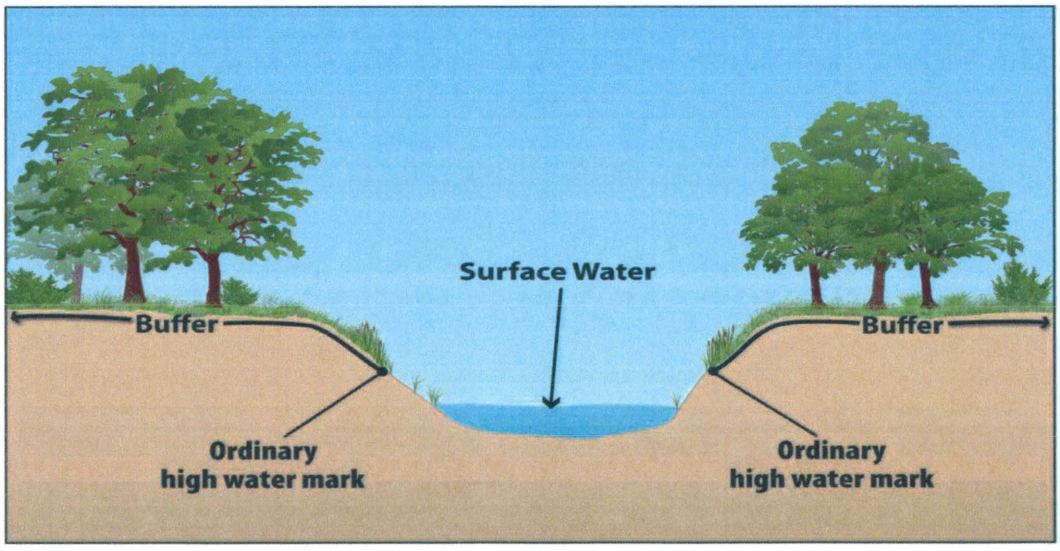
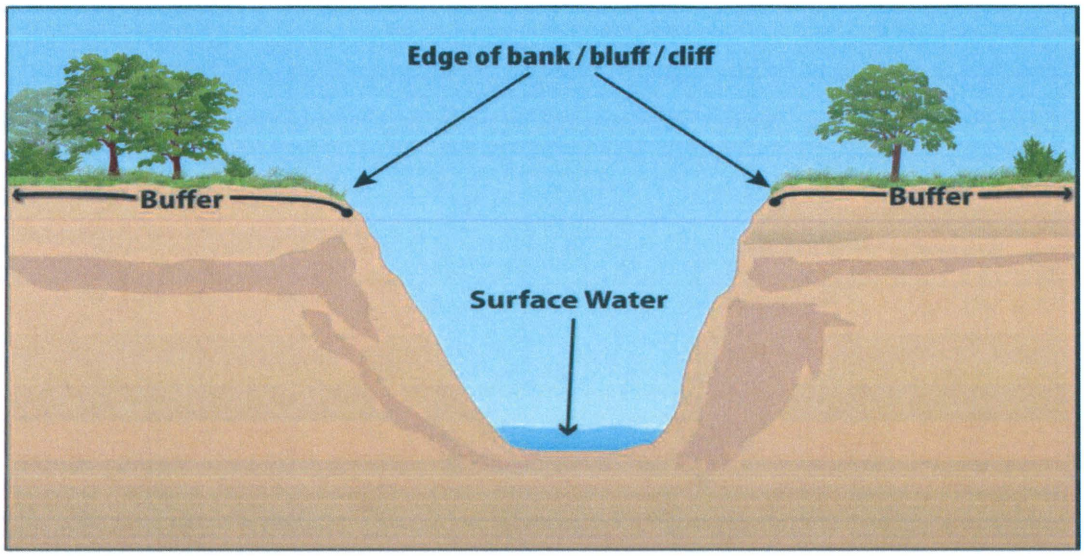


**Figure H - 3 Buffer measurements from the edge of the bank, bluff, or cliff, whichever is applicable.**




B. Limits to Disturbance within the Buffer

You are considered to be in compliance with this requirement to provide and maintain a natural buffer 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 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.C requirement to establish sediment controls along any perimeter areas of the site that will receive pollutant discharges*), and if necessary to prevent erosion caused by stormwater flows within the buffer, you must use velocity dissipation devices.

D. SWP3 Documentation

You are required to document in your SWP3 the natural buffer width that is retained. For example, if you are complying with Compliance Alternative 1, you must specify in your SWP3 that you are providing a 100-foot or 50-foot buffer. Or, if you will complying with Compliance Alternative 2, you must document the reduced width of the buffer you will retaining (and you must also describe the erosion and sediment controls you will use to achieve an equivalent sediment reduction, as required in Part H.5 below. Note that you must also show any buffers on your site map in your SWP3. Additionally, if any disturbances related to the exceptions in Part H occur within the buffer area, you must document this in the SWP3.

**H.5 Guidance for Providing the Equivalent Sediment Reduction as the 100-foot or 50-foot Buffer**

If you are selecting Compliance Alternative 2 (provide and maintain a buffer that is less than 100 feet or 50 feet that is supplemented by erosion and sediment controls that achieve the sediment load reduction equivalent to a 100-foot or 50-foot buffer) or Compliance Alternative 3 (implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 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 H.3), 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.

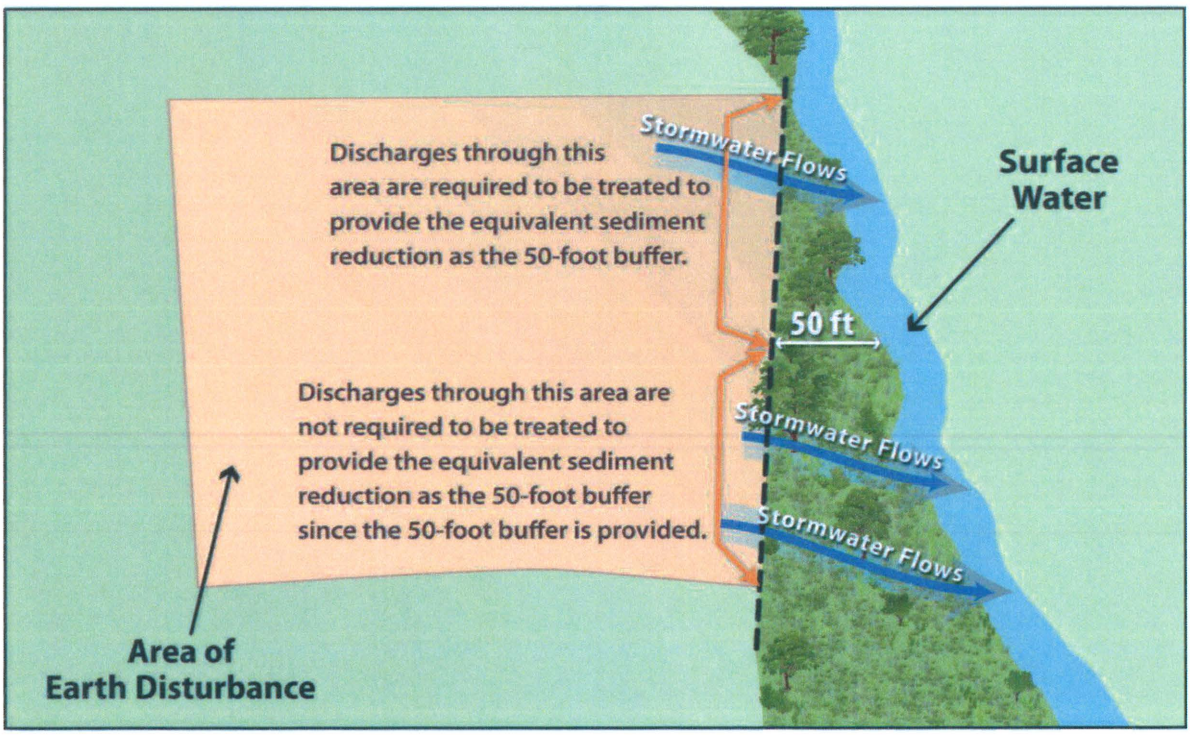
Therefore, you should choose Compliance Alternative 2 if it is feasible for you to retain some natural buffer on your site. (Note: For any buffer width retained, you are required to comply with the requirements in Part H.4, above, concerning the retention of vegetation and restricting earth disturbances.) Similarly, if you determine that it is infeasible to provide a natural buffer of any size during construction, you should choose Compliance Alternative 3.

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 that alone, or in combination with any retained natural buffer, 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 50-foot buffer for discharges through that area. You would not be required to provide additional treatment of stormwater discharges that flow through 50 feet or more of natural buffer. See Figure H - 4.

**Figure H - 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 50 feet.**




Steps to help you meet Compliance Alternative 2 and 3 requirements are provided below:

**Step 1 -** Estimate the Sediment Reduction from the 100-foot or 50-foot 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 H - 1 through H - 4.

Note: buffer performance values in Tables H - 1 through H - 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 H - 1 through H - 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 H - 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 that 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 H – 1 through H - 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 must next 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 H-1 through H-4 to select a single designed control, such as 12" or 6" wattle, roll material, silt fence or straw mulch or gravel bag berm (see Attachment 1), or you will 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 H - 1 through H - 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 within 30 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 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 H - 1 through H - 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 H-1 – H-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 Compliance 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. When more than one alternative BMP must be used to compensate for the loss of the buffer strip, this amount should be calculated using the following formula:

$$Removal\ Rate_{total} = Removal\ Rate_1 + (1 - Removal\ Rate_1)(Removal\ Rate_2)$$

For example, if we are installing two BMPs that both have a 70% removal rate, the total removal rate is:

$$0.70 + (1 - 0.70)(0.70) = 0.91 = 91\%$$

**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
- 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" Wattle: 12 inch straw sock or wattle installed at the base of the runoff area
- 6" Wattle: 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
- Gravel Berm: Gravel bag berm installed on a level contour to intercept sheet flows.

**Soils Defined:**

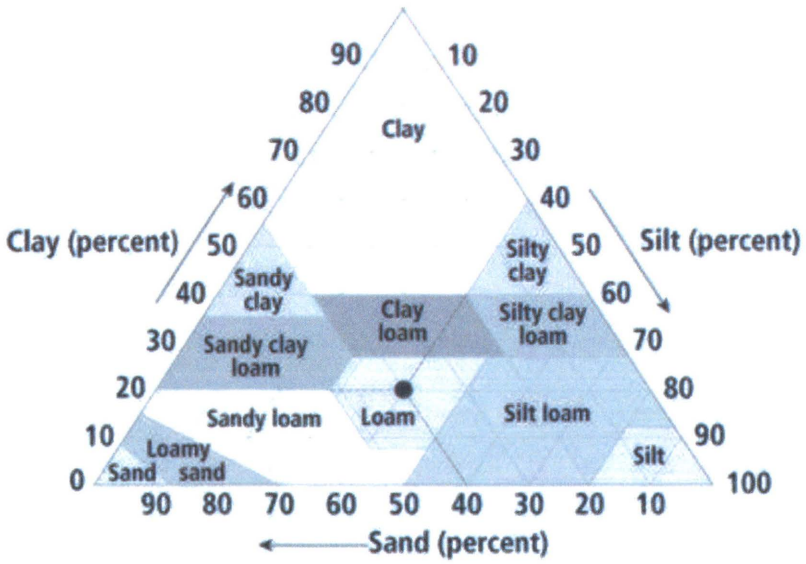


**Table H-1 Estimated Buffer Performance of Blade Fill in Oklahoma County, Oklahoma ***

| 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) | 80 | 83 | 81 | 82 | 81 | 81 | 80 | 79 | 82 | 85 | 87 |
| Grama Grass (50' Buffer) | 79 | 79 | 82 | 80 | 81 | 80 | 80 | 79 | 80 | 83 | 76 |
| Range Grass (100' Buffer) | 89 | 87 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 89 |
| Range Grass (50' Buffer) | 88 | 86 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 98 | 87 |
| Weeds (100' Buffer) | 68 | 67 | 70 | 71 | 71 | 72 | 73 | 72 | 73 | 73 | 63 |
| Weeds (50' Buffer) | 67 | 65 | 69 | 68 | 70 | 71 | 71 | 70 | 72 | 67 | 53 |
| 12" Wattle | 71 | 61 | 56 | 67 | 45 | 57 | 70 | 20 | 76 | 82 | 73 |
| 6" Wattle | 61 | 52 | 48 | 59 | 41 | 52 | 68 | 20 | 73 | 66 | 29 |
| Roll Material | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 |
| Silt Fence | 61 | 52 | 48 | 59 | 41 | 52 | 68 | 20 | 73 | 66 | 66 |
| Straw Mulch | 76 | 75 | 77 | 73 | 78 | 75 | 77 | 81 | 76 | 77 | 88 |
| Gravel Bag Berm | 80 | 68 | 64 | 75 | 50 | 62 | 74 | 27 | 80 | 84 | 86 |

* Applicable for sites less than nine percent slope

** Characterization focuses on the under-story vegetation

**Table H-2 Estimated Buffer Performance of Blade Cut in Oklahoma County, 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) | 60 | 58 | 74 | 69 | 78 | 77 | 73 | 74 | 72 | 57 | 16 |
| Grama Grass (50' Buffer) | 59 | 53 | 67 | 62 | 74 | 30 | 69 | 74 | 70 | 38 | 11 |
| Range Grass (100' Buffer) | 87 | 85 | 89 | 90 | 90 | 90 | 90 | 89 | 89 | 86 | 86 |
| Range Grass (50' Buffer) | 85 | 84 | 88 | 89 | 90 | 90 | 90 | 89 | 87 | 84 | 84 |
| Weeds (100' Buffer) | 57 | 52 | 62 | 63 | 64 | 64 | 66 | 62 | 26 | 52 | 43 |
| Weeds (50' Buffer) | 53 | 51 | 58 | 58 | 62 | 64 | 66 | 62 | 58 | 46 | 39 |
| 12" Wattle | 63 | 53 | 55 | 65 | 46 | 62 | 75 | 20 | 77 | 54 | 11 |
| 6" Wattle | 28 | 26 | 45 | 46 | 42 | 58 | 63 | 17 | 38 | 7 | 1 |
| Roll Material | 83 | 84 | 85 | 83 | 86 | 85 | 85 | 90 | 85 | 86 | 86 |
| Silt Fence | 28 | 26 | 45 | 46 | 42 | 58 | 63 | 17 | 38 | 7 | 1 |
| Straw Mulch | 44 | 42 | 45 | 42 | 46 | 44 | 46 | 55 | 43 | 48 | 47 |
| Gravel Bag Berm | 76 | 65 | 61 | 72 | 48 | 62 | 73 | 22 | 77 | 82 | 82 |

* Applicable for sites less than nine percent slope

** Characterization focuses on the under-story vegetation

**Table H-3 Estimated Buffer Performance of Blade Fill Tulsa County, 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) | 81 | 82 | 82 | 82 | 81 | 81 | 80 | 79 | 82 | 85 | 87 |
| Grama Grass (50' Buffer) | 79 | 80 | 82 | 82 | 81 | 81 | 80 | 78 | 80 | 84 | 76 |
| Range Grass (100' Buffer) | 90 | 87 | 90 | 90 | 90 | 90 | 90 | 89 | 90 | 90 | 89 |
| Range Grass (50' Buffer) | 88 | 86 | 89 | 90 | 90 | 90 | 90 | 90 | 90 | 88 | 86 |
| 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" Wattle | 68 | 60 | 53 | 658 | 44 | 57 | 69 | 18 | 73 | 80 | 71 |
| 6" Wattle | 57 | 50 | 47 | 58 | 40 | 53 | 66 | 18 | 71 | 62 | 30 |
| Roll Material | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 |
| Silt Fence | 57 | 50 | 47 | 58 | 40 | 53 | 66 | 18 | 71 | 62 | 30 |
| Straw Mulch | 72 | 75 | 75 | 73 | 76 | 74 | 74 | 79 | 92 | 75 | 76 |
| Gravel Bag Berm | 77 | 66 | 60 | 71 | 49 | 62 | 72 | 24 | 77 | 82 | 84 |

* Applicable for sites less than nine percent slope

** Characterization focuses on the under-story vegetation

**Table H-4 Estimated Buffer Performance of Blade Cut in Tulsa County, 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 | 89 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 |
| Grama Grass (100' Buffer) | 60 | 59 | 73 | 68 | 78 | 77 | 73 | 88 | 72 | 56 | 13 |
| Grama Grass (50' Buffer) | 58 | 55 | 68 | 63 | 76 | 75 | 70 | 73 | 69 | 39 | 11 |
| Range Grass (100' Buffer) | 87 | 85 | 89 | 90 | 90 | 90 | 90 | 87 | 90 | 86 | 85 |
| Range Grass (50' Buffer) | 85 | 84 | 88 | 89 | 90 | 90 | 90 | 88 | 87 | 84 | 84 |
| Weeds (100' Buffer) | 52 | 50 | 58 | 59 | 63 | 64 | 66 | 63 | 56 | 42 | 40 |
| Weeds (50' Buffer) | 49 | 45 | 45 | 56 | 59 | 61 | 59 | 56 | 49 | 41 | 36 |
| 12" Wattle | 62 | 55 | 55 | 63 | 45 | 61 | 75 | 20 | 77 | 55 | 8 |
| 6" Wattle | 25 | 27 | 45 | 50 | 41 | 57 | 63 | 198 | 38 | 6 | 1 |
| Roll Material | 82 | 83 | 84 | 80 | 86 | 90 | 85 | 90 | 84 | 86 | 86 |
| Silt Fence | 40 | 27 | 45 | 50 | 74 | 57 | 63 | 18 | 38 | 6 | 1 |
| Straw Mulch | 35 | 41 | 42 | 27 | 43 | 39 | 40 | 51 | 42 | 43 | 44 |
| Gravel Bag Berm | 73 | 63 | 58 | 69 | 47 | 61 | 70 | 20 | 74 | 79 | 82 |

* Applicable for sites less than nine percent slope

** Characterization focuses on the under-story vegetation

## ADDENDUM I – STORMWATER RUNOFF COEFFICIENTS

Typical Runoff Coefficients for 5 to 10 year Frequency Design*

| | Description of Area | Runoff Coefficients |
|---|---|---|
| | Business | |
| 1 | Downtown areas | 0.70-0.95 |
| 2 | Neighborhood areas | 0.50-0.70 |
| | Residential | |
| 3 | Single-family areas | 0.30-0.50 |
| 4 | Multi-units, detached | 0.40-0.60 |
| 5 | Multi-units, attached | 0.60-0.75 |
| 6 | Residential (suburban) | 0.25-0.40 |
| 7 | Apartment dwelling areas | 0.50-0.70 |
| | Industrial | |
| 8 | Light areas | 0.50-0.80 |
| 9 | Heavy areas | 0.60-0.90 |
| 10 | Parks, cemeteries | 0.10-0.23 |
| 11 | Playgrounds | 0.20-0.35 |
| 12 | Railroad yard areas | 0.20-0.40 |
| 13 | Unimproved areas | 0.10-0.30 |
| | Streets | |
| 14 | Asphalt | 0.70-0.95 |
| 15 | Concrete | 0.80-0.95 |
| 16 | Brick | 0.70-0.85 |
| 17 | Drives and walks | 0.75-0.85 |
| 18 | Roofs | 0.75-0.95 |
| | Lawns, Sandy soil | |
| 19 | Flat, 2% | 0.05-0.10 |
| 20 | Average, 2-7% | 0.10-0.15 |
| 21 | Steep, 7% | 0.15-0.20 |
| | Lawns, Heavy soil | |
| 22 | Flat, 2% | 0.13-0.17 |
| 23 | Average, 2-7% | 0.18-0.22 |
| 24 | Steep, 7% | 0.25-0.35 |

*Viessman, W., Jr., G. L. Lewis, J. W. Knapp, 1989, *Introduction to Hydrology,* 3rd ed., Harper and Row, New York.

## ADDENDUM J – NOTIFICATIO OF CHANGE OF OWNERSHIP

_____

(Project Name and permit authorization number #)

I, _____, operator of a larger common plan of development or sale,
(Name of Permittee)

located at _____ and authorized under DEQ's Construction
(Subdivision Name)

General Permit (CGP) OKR10, have notified the new owner/operator, _____,
(Name of New Owner/Operator)

who can be reached at _____ and _____,
(Phone Number) (Email Address)

of an individual lot # _____, Block #_____ of_____,
(Lot Number) (Block Number) (Subdivision Name)

of the stormwater permitting requirements for his/her construction site(s).

DEQ CGP OKR10 requires this new owner/operator to submit a NOI and prepare a SWP3 prior to commencement of any construction activity for this lot(s). I understand that with the sale of this lot to the new owner(s)/operator(s); I must notify the new owner(s)/operator(s) of their obligation to obtain their own permit coverage with DEQ prior to commencement of construction activity.

Signature:_____Title:_____

Print Name:_____Date:_____