

**GENERAL PERMIT  
OKR10**

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

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

**September 13, 2007**





# Storm Water General Permit for Construction Activities

## Permit No. OKR10

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

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

This permit is a reissuance by the Department of Environmental Quality (DEQ) and shall become effective on September 13, 2007. This permit replaces the permit issued on September 13, 2002. This permit and the authorization shall expire at midnight, September 12, 2012.

Signed:

\_\_\_/Jon L Craig/\_\_\_

Jon L. Craig, Director  
Water Quality Division

\_\_\_\_\_/Mark Derichsweiler/\_\_\_\_\_

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

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## OPDES General Permit for Storm Water Discharges From Construction Activities

### Part 1. Coverage Under This Permit

#### 1.1 Introduction

Under the authority of the Oklahoma Pollutant Discharge Elimination System Act (OPDES), the Oklahoma Department of Environmental Quality (DEQ) is issuing the general permit OKR10, which authorizes discharges of storm water associated with construction activity. This is a reissuance of the general permit for large and small construction activities and replaces the current permit issued on September 13, 2002.

#### 1.2 Permit Area

Under EPA’s approval of the OPDES program, the DEQ has had storm water permitting and enforcement responsibility for large and small construction activities since November 19, 1996, except for construction activities associated with oil & gas extraction and agricultural activity, or those construction activities located on Indian Country Lands<sup>1</sup>.

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

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

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

For an electronic Notice of Intent (eNOI): <http://cfpub1.epa.gov/npdes/stormwater/enoi.cfm>

Or

For a paper Notice of Intent (NOI): Storm Water Notice of Intent (4203M)

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

US EPA  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

## 1.3 Eligibility

### 1.3.1 Authorized Discharges

- A. Permittees are authorized to discharge pollutants in storm water runoff associated with construction activities as defined in 40 CFR 122.26 (b)(14)(x) for construction sites of five or more acres, and 40 CFR 122.26 (b)(15)(i) for construction sites of more than one acre but less than five acres, including the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb land equal to or greater than one acre, and those construction site discharges designated by the Director as needing a storm water permit under 40 CFR 122.26 (a)(1)(v), or under 122.26 (a)(9) and 122.26 (g)(1)(i). Discharges identified under Part 1.3.2 are excluded from coverage. Any discharge authorized by a different OPDES permit may be commingled with discharges authorized by this permit.
- B. This permit also authorizes storm water discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, and borrow areas) provided:
1. The support activity is directly related to a construction site that is required to have OPDES permit coverage for discharges of storm water associated with construction activity;
  2. The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and
  3. Appropriate controls and measures are identified in a Storm Water Pollution Prevention Plan (SWP3) covering the discharges from the support activity areas.
  4. The support activity is not located within the watershed of an Outstanding Resource Water (see Part 9 Definition and Addendum F Outstanding Resource Waters)
- C. The following allowable non- stormwater discharges are authorized by this permit:
1. Fire hydrant flushings;
  2. Waters used to wash vehicles where detergents are not used;
  3. Water used to control dust in accordance with Part 4.5.2.C.2;
  4. Potable water, including waterline flushing and initial pressure tests of newly constructed piping where the piping is clean and chemical agents have not been added to the test water or applied to the pipes;
  5. Routine external building wash down which does not use detergents;
  6. 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;
  7. Uncontaminated air conditioning or compressor condensate;
  8. Uncontaminated ground water or spring water;
  9. Foundation or footing drains where flows are not contaminated with process materials such as solvents;
  10. Landscape irrigation;

11. Discharge or flows from emergency fire fighting activities;
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. These controls must be included in your SWP3.

### 1.3.2 Limitations on Coverage

- A. *Post Construction Discharges*: This permit does not authorize storm water discharges that originate from the site after construction activities have been completed and the site, including any temporary support activity site, has undergone final stabilization. Industrial post-construction storm water discharges may need to be covered by a separate OPDES permit.
- B. *Discharges Mixed With Non-Storm Water*: This permit does not authorize discharges that are mixed with sources of non-storm water, other than those discharges that are identified in Part 1.3.1.C (Exceptions to prohibition on non-storm water discharges) and are in compliance with Part 4.5.9. (non-storm water discharges).
- C. *Discharges Covered by Another Permit*: This permit does not authorize storm water discharges associated with construction activity that have been covered under an individual permit or which require coverage under an alternative general permit in accordance with Part 6.12.
- D. *Discharges Threatening Water Quality*: This permit does not authorize storm water discharges from construction sites that the Director determines will cause, or have reasonable potential to cause or contribute to violations of water quality standards, including anti-degradation policy. Where such determinations have been made, the Director may notify the operator(s) that an individual permit application is necessary in accordance with Part 6.12. However, the Director may authorize coverage under this permit after appropriate controls and implementation procedures designed to bring the discharges into compliance with water quality standards have been included in the SWP3.
- E. *Discharges Not Protective of Listed Endangered Species*: This permit does not authorize storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities that are not protective of Federal and State listed endangered and threatened species or designated critical habitat. See Part 11 for more information.
  1. For the purposes of complying with Part 1.3. eligibility requirements, storm water discharge-related activities include:
    - a. Activities that cause, contribute to, or result in point source storm water pollutant discharges, including but not limited to excavation, site development, grading, and other land disturbing activities; and
    - b. Measures to control storm water including the siting, construction, and operation of best management practices (BMPs) to control, reduce, or prevent storm water pollution.
  2. Coverage under this permit is available only if the applicant certifies that it meets at least one of the criteria in paragraphs a, b, c, d, or e below. Failure to continue to meet one of these criteria during the term of the permit will render an applicant ineligible for coverage under this permit.

- a. The proposed construction site or land disturbing activity is not located within any of the corridors of the Federal or State identified sensitive waters or watersheds, 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 sensitive water or watershed (Addendum A). The SWP3 describes this area in relation to the identified water or watershed and specifies the measures to be employed to protect the endangered or threatened species or their critical habitat.
  - c. If applicant's storm water discharges and storm water discharge-related activities meet the criteria under Part 1.3.2.E.2.a, b, d, or e, there is no need to contact the U.S. Fish and Wildlife Service (USFWS) for Federal sensitive waters and watersheds, or the Oklahoma Department of Wildlife Conservation (ODWC) for State sensitive waters (see Part 11). If one of those eligibility criteria cannot be met, applicants may contact those agencies to evaluate the effects on listed species and critical habitat of the applicant's storm water discharges and storm water discharge-related activities, resulting in either a no jeopardy or a written concurrence by the agency on a finding that the applicant's storm water discharges and storm water discharge-related activities are not likely to adversely affect listed species or critical habitat; or
  - d. The applicant's construction activities are authorized by the appropriate Federal or State agency and that authorization addresses the incidental taking of listed species by the applicant's storm water discharge or storm water discharge-related activities; or
  - e. The applicant's storm water discharges and storm water discharge-related activities were already addressed in another operator's certification of eligibility under Part 1.3.2.E.2.a, b, c, or d. that included the applicant's project area. By certifying eligibility under Part 1.3.2.E.2.e, the applicant agrees to comply with applicable measures or controls upon which the other operator's certification under Part 1.3.2.E.2.a, b, c, or d. was based.
3. The applicant must comply with any applicable terms, conditions, or other requirements developed in the process of meeting the eligibility requirements of Part 1.3.2.E.2.a, b, c, d, or e. above to remain eligible for coverage under this permit. Such terms and conditions must be incorporated in the applicant's SWP3.
  4. Applicants who choose to meet the eligibility requirements of Part 1.3.2.E.2.c. must submit a copy of the wildlife agency's report of findings to the DEQ Storm Water Section.
  5. This permit does not authorize any storm water discharges where the discharges or storm water discharge-related activities cause a prohibited "take" (as defined in Part 9) of endangered or threatened species.
  6. This permit does not authorize any storm water discharges where the discharges or storm water discharge-related activities are likely to jeopardize the continued existence of any species that are listed or proposed to be listed as endangered or threatened or result in the adverse modification or destruction of habitat that is designated or proposed to be designated as critical.
- F. *Construction on Indian Country Land*: This permit does not authorize storm water discharges that originate from construction activities on Indian Country Lands. Such discharges are regulated by the EPA Region 6 offices located in Dallas, Texas.

- G. *Construction Activities for Oil and Gas Operations and Pipelines*: The Energy Policy Act of 2005 amends the Clean Water Act with regard to oil and gas exploration, production, processing, and treatment activities. The June 12, 2006 final rule exempts the oil and gas industry, including associated construction activities, from NPDES storm water permits. Therefore, Facilities that are currently regulated under the DEQ’s permit, such as Natural Gas Liquid Extraction Plants (NAICS 211112, CIS 1321) and Oil and Gas Field Services for Company Base Operating Stations (NAICS 213112, SIC 1389), are not required to obtain permit coverage. However, Facilities that have a discharge of a reportable quantity release or that contribute pollutants (other than non-contaminated sediment) to a violation of a water quality standard are required to obtain and maintain OPDES permit coverage for storm water for the entire operating life of the facility. The Director may authorize coverage under this permit for any construction activities within those facilities after appropriate controls and implementation procedures designed to bring the discharge into compliance with water quality standards unless and/or until termination requirements are met.
- H. *Construction Activities Related to Agriculture*: This permit does not authorize storm water discharges that originate from construction activities related to Agriculture, that are under the jurisdiction of the Oklahoma Department of Agriculture, Food, and Forestry. Such discharges are regulated by the EPA Region 6 offices located in Dallas, Texas.
- I. New sources or new discharges of constituents of concern to impaired waters are not authorized by this permit unless otherwise allowable under OAC 252:606 and applicable state law. Impaired waters are those that do not meet applicable water quality standards and are listed on the Clean Water Act Section 303(d) list. Pollutants of concern are those constituents for which the water body is listed as impaired. Oklahoma State 303(d) water body lists can be obtained from the Integrated Water Quality Assessment Report on the DEQ web site at [http://www.deq.state.ok.us/WQDnew/305b\\_303d/index.html](http://www.deq.state.ok.us/WQDnew/305b_303d/index.html), or the DEQ GIS Map and Data Viewer at [http://maps.scigis.com/deq\\_wq/](http://maps.scigis.com/deq_wq/).

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

## **1.4 Obtaining Authorization**

- 1.4.1. In order for storm water discharges from construction activities to be authorized under this general permit, an owner/operator must:
- A. Meet the Part 1.2. eligibility requirements;
  - B. Except as provided in Part 2.1.4, develop a Storm Water Pollution Prevention Plan (SWP3) covering either the entire site or all portions of the site where they are operators (see definition in Part 9) according to the requirements in Part 4.1 A “joint” SWP3 may be

developed and implemented as a cooperative effort where there is more than one operator at a site; and

- C. Submit a Notice of Intent (NOI) in accordance with the requirements of Part 2, using an NOI form provided by the Director in Addendum B (or a photocopy thereof) and also available at <http://www.deq.state.ok.us/WQDnew/stormwater/index.html>. Only one NOI need be submitted to cover all of the owner/operator's activities on a common plan of development or sale (e.g., you do not need to submit a separate NOI for each separate lot in a residential subdivision or for two separate buildings being constructed at a manufacturing facility, provided the SWP3 covers each area for which you are an operator). The SWP3 must be implemented upon commencement of construction activities.
  - D. Develop and implement a storm water pollution prevention plan (SWP3) according to the requirements in Part 4 of this permit. You are required to submit a copy of your complete SWP3 to the DEQ for review if your discharges meet the special conditions listed in Part 2.5 of the permit. If your discharges do not meet the special conditions listed in Part 2.5 of the permit, you are not required to submit a copy of the SWP3 when you submit your NOI.
  - E. Pay the applicable annual permit fee established in OAC 252:606 Appendix D. If not included with the NOI, a statement of the fee due will be sent to the applicant. The fee must be received before the authorization will be issued.
  - F. Receive an authorization from the DEQ.
- 1.4.2. Any new operator on site, including those who replace an operator who has previously obtained permit coverage, must submit an NOI to obtain permit coverage.
  - 1.4.3. Once authorization is issued by the DEQ, dischargers who submit an NOI in accordance with the requirements of this permit are authorized to discharge storm water from construction activities under the terms and conditions of this permit. The DEQ may deny coverage under this permit and require submittal of an application for an individual OPDES permit based on a review of the NOI or other information (see Part 6.12 of this permit).

### **1.5.Terminating Coverage**

- 1.5.1. Permittees wishing to terminate coverage under this permit must submit a Notice of Termination (NOT) in accordance with Part 8 of this permit., using an NOT form provided by the Director and found in Addendum C of the permit (or a photocopy thereof), and available at <http://www.deq.state.ok.us/WQDnew/stormwater/index.html>. Compliance with this permit is required until an NOT is submitted. The permittee's authorization to discharge under this permit terminates at midnight of the day the NOT is signed.
- 1.5.2. All permittees must submit an NOT within thirty (30) days after one or more of the following conditions have been met:
  - A. Final stabilization (see definition Part 9) has been achieved on all portions of the site for which the permittee is responsible (including, if applicable, returning agricultural land to its pre-construction agricultural use);
  - B. For residential construction only: temporary stabilization has been completed and the residence has been transferred to the homeowner;
  - C. When another owner/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 owner/operator's NOI;

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

## **Part 2. Notice of Intent Requirements**

### **2.1. Deadlines for Notification**

- 2.1.1. Parties defined as owners/operators (see definition in Part 9) due to their operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications and/or owners/operators with day-to-day operational control over construction activities at a project, which are necessary to ensure compliance with a storm water pollution prevention plan or other permit conditions must receive authorization from the DEQ (after submitting an NOI in accordance with the requirements) prior to the commencement of construction activities (i.e., the initial disturbance of soils associated with clearing, grading, excavation activities, or other construction activities).
- 2.1.2. For storm water discharges from construction projects where the operator changes, including instances where an operator is added after an NOI has been submitted under Part 2.1.1, the new operator must submit an NOI at least two (2) days before assuming operational control over site specifications or commencing work on-site.
- 2.1.3. Owners/operators are not prohibited from submitting late NOIs. When a late NOI is submitted, authorization is only for discharges that occur after permit coverage is granted. The Department reserves the right to take appropriate enforcement for any unpermitted activities that may have occurred between the time construction commenced and authorization of future discharges is granted.
- 2.1.4. Owners/operators of on-going construction projects as of the effective date of this permit that received authorization for storm water discharges under the DEQ General Permit OKR10 For Storm Water Discharges From Construction Activities Within the State of Oklahoma, issued September 13, 2002, 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. Owners/Operators must remain in compliance with existing requirements of General Permit OKR10, issued September 13, 2002, until a new authorization is received or an NOT is submitted.
  - B. Update the SWP3 to comply with the requirements of Part 4 within 90 days after the effective date of this permit.
- 2.1.5. Owners/operators of on-going construction projects as of the effective date of this permit that did not receive authorization to discharge under the DEQ General Permit OKR10 issued September 13, 2002, who wish to discharge under this permit, must submit an NOI and obtain

authorization under this permit. A SWP3 must be developed to comply with the requirements of Part 4.

## **2.2.Contents of Notice of Intent (NOI)**

Use of Revised NOI Form. The NOI form shall include the following information:

- 2.2.1. Indication of whether you are modifying your NOI;
- 2.2.2. The name, address, E-mail address, and telephone number of the owner/operator filing the NOI for permit coverage;
- 2.2.3. Indication of whether you are a Federal, State, Tribal, private, or other public entity;
- 2.2.4. The name (or other identifier), address, county, and latitude/longitude of the construction project or site;
- 2.2.5. Indication of whether the project or site is located on Indian Country lands. Note: Construction projects requiring permit coverage that are located on federally recognized Indian Country lands in Oklahoma are permitted by the U.S. EPA Region 6 Office located in Dallas, Texas (see Part 1.2 of the permit);
- 2.2.6. Confirmation that an SWP3 has been developed, and that the SWP3 will be compliant with any applicable local sediment and erosion control plans. Do not submit a copy of your SWP3 unless required by Part 2.5;
- 2.2.7. Availability of your SWP3 for viewing, the location where the SWP3 may be viewed, and the name and telephone number of a contact person for scheduling viewing times;
- 2.2.8. The name of the receiving water(s);
- 2.2.10. Indication of whether your receiving water is included on the DEQ's 303(d) list of impaired waters;
- 2.2.11. Indication of whether your discharge will be consistent with the conditions and requirements of EPA approved or established TMDLs or watershed plans;
- 2.2.12. Estimates of project start and completion dates, and estimates of the number of acres of the site on which soil will be disturbed;
- 2.2.13. Based on the instructions in Part 11 and Addendum A, determination of whether the proposed construction site or land disturbing activity is within the specified corridor of a Federal or State sensitive water or watershed
- 2.2.14. The applicant shall certify permit eligibility, in Endangered Species areas, by selecting a, b, c, d, or e of Part 1.3.2.E.2.

## **2.3.Where To Submit**

NOIs must be signed in accordance with Part 6.7., and sent to the following address: Department of Environmental Quality, Environmental Complaints and Local Services, Storm Water Unit, P.O. Box 1677, Oklahoma City, OK 73101-1677, or Fax to (405) 702-6223.

## **2.4. Modification of an NOI**

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

that the amended NOI has been received. Permittees must update their SWP3s to reflect the modification.

## **2.5. SWP3 Submittal**

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

- 2.5.1. Any area of your construction site is located within the watershed of an Outstanding Resource Water (see definition in Part 9 and Addendum F Outstanding Resource Waters);
- 2.5.2. Any area of your construction site is located within a sensitive water and watershed identified in Addendum A;
- 2.5.3. The area to be disturbed on your construction site is forty (40) acres or more.

## **Part 3. Special Conditions, Management Practices, and Other Non-Numeric Limitations**

### **3.1. Prohibition on Non-Storm Water Discharges**

- 3.1.1. Except as provided in Parts 1.3.1.B or 1.3.2 and 3.1.2 or 3.1.3, all discharges covered by this permit shall be composed entirely of storm water associated with construction activity;
- 3.1.2. Discharges of material other than storm water that are in compliance with an OPDES permit (other than this permit) issued for that discharge may be discharged or mixed with discharges authorized by this permit.
- 3.1.3. The non-storm water discharges listed in Part 1.3.1.C. of the permit are authorized by this permit provided the non-storm water component of the discharge is in compliance with Part 4.5.9 (non-storm water discharges).

### **3.2. Releases in Excess of Reportable Quantities**

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

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

- 3.2.1. *Reporting a Reportable Spill:* The permittee is required to notify the National Response Center (NRC) (800-424-8802 in Washington, DC) in accordance with the requirements of 40 CFR 110, 40 CFR 117 and 40 CFR 302, and the DEQ Hotline (800-522-0206 statewide) as soon as the discharge is discovered.
- 3.2.2. *Storm Water Pollution Prevention Plan Requirements:* The SWP3 required under Part 4 of 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. Spills**

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

### **3.4. Discharge Compliance with Water Quality Standards**

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

- 3.4.1. Develop a supplemental BMP action plan describing SWP3 modifications in accordance with Part 4.4 to address adequately the identified water quality concerns;
- 3.4.2. 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
- 3.4.3. Cease discharges of pollutants from construction activity and submit an alternative general permit or individual permit application.

### **3.5. Responsibilities of Owner/Operators**

Permittees may meet one or both of the operational control components in the definition of “owner/operator” found in Part 9. Either Parts 3.5.1 or 3.5.2 or both will apply depending on the type of operational control exerted by an individual permittee.

- 3.5.1. If you have operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications (e.g., developer, owner, or operator), you must ensure that:
  - A. The project specifications meet the minimum requirements of Part 4 (Storm Water Pollution Prevention Plans), and all other applicable permit conditions;
  - B. The SWP3 indicates the areas of the project where you have operational control over project specifications (including the ability to make modifications in specifications), and ensure all other permittees implementing portions of the SWP3 who may be impacted by any changes to the plan are notified of such modifications in a timely manner; and
  - C. The SWP3 for portions of the project where you are the operator indicates the name and DEQ permit number for parties with day-to-day operational control of those activities necessary to ensure compliance with the SWP3 or other permit conditions. If these parties have not been identified at the time the SWP3 is initially developed, the permittee with operational control over project specifications shall be considered to be the responsible party until such time as the authority is transferred to another party (e.g., general contractor) and the plan updated.
- 3.5.2. If you have operational control over day-to-day activities, you must ensure that:
  - A. The SWP3 for portions of the project where you are the operator meets the minimum requirements of Part 4 (SWP3) and identifies the parties responsible for implementation of control measures identified in the plan.

- B. The SWP3 indicates areas of the project where you have operational control over day-to-day activities.
  - C. The SWP3 for portions of the project where you are the operator indicates the name and OPDES permit number of the party(ies) with operational control over project specifications (including the ability to make modifications in specifications).
- 3.5.3. If you have operational control over a portion of a larger construction project (e.g., a utility contractor or one of four homebuilders in a subdivision), you are responsible for compliance with all applicable terms and conditions of this permit as it relates to your activities on your portion of the construction site, including protection of endangered species, implementation of BMPs, and other controls required by the SWP3. You must ensure either directly or through coordination with other permittees, that your activities do not render another party's pollution controls ineffective. You must either implement your portions of a common SWP3 or develop and implement your own SWP3.
- 3.5.4. 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 not meeting the definition of “owner/operator” (see Part 3.5.1, 2 and 3), you are not required to submit an NOI for the permit coverage. You may be covered by a “contractor certification” or similar arrangement (see Addendum D of the permit).

#### **Part 4. Storm Water Pollution Prevention Plans (SWP3)**

##### **4.1 Storm Water Pollution Prevention Plan (SWP3)**

- 4.1.1. An SWP3 must be prepared prior to submission of an NOI as required in Part 2 of the permit. At least one SWP3 must be developed for each construction project or site covered by this permit. For more effective coordination of BMPs and opportunities for cost sharing, a cooperative effort by the different operators at a site to prepare and participate in a comprehensive SWP3 is encouraged. Individual operators at a site may, but are not required to, develop separate SWP3s that cover only their portion of the project provided reference is made to other operators at the site. In instances where there is more than one SWP3 for a site, coordination must be conducted between the permittees to ensure the storm water discharge controls and other measures are consistent with one another (e.g., provisions to protect listed species and critical habitat).
- 4.1.2. SWP3s shall be prepared in accordance with good engineering practices. The SWP3 shall identify potential sources of pollution that may reasonably be expected to affect the quality of storm water discharges from the construction site. The SWP3 shall describe and ensure the implementation of practices that will be used to reduce the pollutants in storm water discharges associated with construction activity at the construction site and assure compliance with the terms and conditions of this permit.
- 4.1.3. When developing SWP3s, applicants must follow the procedures in Part 11 of this permit to determine whether listed endangered or threatened species or critical habitat would be affected by the applicant's storm water discharges or storm water discharge-related activities. Any information on whether listed species or critical habitats are found in proximity to the construction site must be included in the SWP3. Any terms or conditions that are imposed

under the eligibility requirements of Part 1.3.2.E. and Part 11 of this permit to protect listed species or critical habitat from storm water discharges or storm water discharge-related activity must be incorporated into the SWP3. Permittees must implement the applicable provisions of the SWP3 required under this part as a condition of this permit.

- 4.1.4. If your construction site discharges into a receiving water which has been listed on the Clean Water Act 303(d) list of impaired waters, and your discharges contain the pollutant(s) for which the waterbody is impaired, you must document in your SWP3 how the BMPs and other controls selected for your site will control the discharge of the pollutant(s) of concern.

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

A list of 303(d) listed streams can be obtained from the Integrated Water Quality Assessment Report on the DEQ webpage at [http://www.deq.state.ok.us/WQDnew/305b\\_303d/index.html](http://www.deq.state.ok.us/WQDnew/305b_303d/index.html), or the DEQ GIS Map and Data Viewer at [http://maps.scigis.com/deq\\_wq/](http://maps.scigis.com/deq_wq/).

An approved TMDL report or watershed plan can be downloaded from the DEQ website at <http://www.deq.state.ok.us/WQDnew/tmdl/index.html>.

## 4.2 Deadlines for Plan Preparation and Compliance

The SWP3 shall:

- 4.2.1. Be completed prior to commencing construction to be covered under this permit (except as provided in Parts 2.1.4) and updated as appropriate.
- 4.2.2. Provide for compliance with the terms and schedule of the SWP3 beginning with the initiation of construction activities.

## 4.3. Signature, Plan Review and Making Plans Available

- 4.3.1 The SWP3 shall be signed in accordance with Part 6.7, and be retained on-site at the facility that generates the storm water discharge in accordance with Part 5 (Retention of Records) of this permit.
- 4.3.2. The permittee shall post a notice near the main entrance of the construction site with the following information:
- A. The OPDES permit number for the project or a copy of the NOI if a permit number has not yet been assigned;
  - B. The name and telephone number of a local contact person;
  - C. A brief description of the project; and
  - D. The location of the SWP3 if the site is inactive or does not have an on-site location to store the plan.

If posting this information near a main entrance is infeasible due to safety concerns, the notice shall be posted in a local public building. If the construction project is a linear construction project (e.g., pipeline, highway, etc.), the notice must be placed in a publicly accessible location near where construction is actively underway and moved as necessary. This permit

does not provide the public with any right to trespass on a construction site for any reason, including inspection of a site; nor does this permit require that permittees allow members of the public access to a construction site.

- 4.3.3. The permittee shall make SWP3s available upon request to: the Director of the DEQ and/or any State, Federal, or local agency approving sediment and erosion plans, grading plans, or storm water management plans; the U.S. Fish and Wildlife Service or the Oklahoma Department of Wildlife Conservation; local government officials; or the operator of a municipal separate storm sewer receiving discharges from the site. The copy of the SWP3 that is required to be kept on-site or locally available must be made available to the Director for review at the time of an on-site inspection. Also, in the interest of public involvement, the DEQ encourages permittees to make their SWP3s available to the public for viewing during normal business hours.
- 4.3.4. The Director may notify the permittee at any time that the SWP3 does not meet one or more of the minimum requirements of this Part. Such notification shall identify those provisions of this permit that are not being met by the SWP3 as well as those requiring modification in order to meet the minimum requirements of this Part. Within seven (7) calendar days of receipt of such notification from the Director (or as otherwise provided by the Director), the permittee shall make the required changes to the SWP3 and shall submit to the Director a written certification that the requested changes have been made. The Director may take appropriate enforcement action for the period of time the permittee was operating under a plan that did not meet the minimum requirements of this permit.

#### **4.4 Keeping Plans Current**

The permittee must amend the SWP3 whenever:

- 4.4.1. There is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to the waters of the State that has not been addressed in the SWP3; or
- 4.4.2. Inspections or investigations by site operators, local, State or Federal officials indicate the SWP3 is proving ineffective in eliminating or significantly minimizing pollutants from sources identified under Part 4.5.1.B of this permit, or is otherwise not achieving the general objectives of controlling pollutants in storm water discharges associated with construction activity.

#### **4.5 Contents of Plan**

The SWP3 shall include the following items:

##### **4.5.1. Site and Activity Description**

Each SWP3 shall provide a description of potential pollutant sources and other information as indicated below:

- A. A description of the nature of the construction activity (e.g., low density residential, shopping mall, highway, etc.);
- B. A description of the intended sequence of major activities that disturb soils for major portions of the site (e.g., grubbing, excavation, grading, utilities, and infrastructure installation);
- C. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities including off-site borrow and fill areas;

- D. An estimate of the runoff coefficient of the site for both the pre-construction and post-construction conditions and data describing the soil or the quality of any discharge from the site;
- E. A general location map (e.g., USGS quadrangle map, or a portion of a city or county map) with enough detail to identify the location of your construction site and the receiving waters within one mile of the site;
- F. A legible site map, showing the entire site, indicating the following: drainage patterns and approximate slopes anticipated after major grading activities; areas of soil disturbance; areas that will not be disturbed; locations of major structural and nonstructural controls identified in the SWP3; locations where stabilization practices are expected to occur; locations of off-site material, waste, borrow, or equipment storage areas; location of all surface waters (including wetlands); locations where storm water discharges to a surface water; and areas where final stabilization has been accomplished and no further construction-phase permit requirements apply;
- G. Location and description of any discharge associated with industrial activity other than construction at the site, including storm water discharges from dedicated asphalt plants and dedicated concrete plants, that are covered by this permit;
- H. The name of the receiving water(s) and the areal extent and description of wetlands or other special aquatic sites (as defined by 40 CFR 230.3(q-1)) at or near the site that will be disturbed or that will receive discharges from disturbed areas of the project;

#### **4.5.2 A copy of the permit requirements**

A copy of this permit and of the signed NOI that was submitted to the DEQ must be included in your SWP3.

#### **4.5.3 Documentation of measures to protect endangered or threatened species**

The SWP3 must include information on whether listed endangered or threatened species or critical habitat are found in proximity to the construction activity, and whether such species may be affected by the applicant's storm water discharges or storm water discharge-related activities. You must describe and implement the measures necessary to protect these endangered species and threatened habitat in the SWP3, including any conditions included in correspondence between the USFWS, ODWC or others (see Part 11).

#### **4.5.4 Documentation of Federal, State or local historic preservation laws**

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

#### **4.5.5 Documentation of Water Quality-Impaired Waters**

The SWP3 must include information on whether storm water discharges or storm water discharge-related activities would have an affect 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. The permittee must describe and implement any measures necessary to meet the requirements of an approved TMDL or watershed plan and/or associated implementation schedule established

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

#### **4.5.6 Controls to Reduce Pollutants**

Each SWP3 shall include a description of appropriate control measures (i.e., BMPs) that will be implemented as part of the construction activity to control pollutants in storm water discharges. The SWP3 must clearly describe for each major activity identified in Part 4.5.1: appropriate control measures and the general timing (or sequence) during the construction process that the measures will be implemented; and which permittee is responsible for implementation (e.g., perimeter controls for one portion of the site will be installed by Contractor A after the clearing and grubbing necessary for installation of the pollution prevention measure, but before the clearing and grubbing for the remaining portions of the site; and perimeter controls will be actively maintained by Contractor B until final stabilization of those portions of the site up-gradient of the perimeter control; and temporary perimeter controls will be removed by the permittee after final stabilization). The description and implementation of control measures shall address the following minimum components.

##### **A. Erosion and Sediment Controls.**

1. *Short and Long Term Goals and Criteria:*
  - a. The construction-phase erosion and sediment controls should be designed to retain sediment on site to the extent practicable.
  - b. All control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the permittee must replace or modify the control for site situations.
  - c. If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize offsite impact (e.g., fugitive sediment in street could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets).
  - d. Sediment must be removed from sediment traps or sedimentation ponds when design capacity has been reduced by 50%.
  - e. Litter, construction debris, and construction chemicals exposed to storm water shall be prevented from becoming a pollutant source for storm water discharges (e.g. screening outfalls or picked up daily).
  - f. Offsite material storage areas (also including overburden and stockpiles of dirt, borrow areas, etc.) used solely by the permitted project are considered a part of the project and shall be addressed in the SWP3.
2. *Stabilization Practices:* The SWP3 must include a description of interim and permanent stabilization practices for the site, including a schedule of when the practices will be implemented. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include but are not limited to: establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Use of impervious surfaces for stabilization should be avoided.

The following records shall be maintained and attached to the SWP3: the dates when major grading activities occur; the dates when construction activities temporarily or permanently cease on a portion of the site; and the dates when stabilization measures are initiated.

Except as provided in Parts 4.5.6.A.2.a, b, and c below, stabilization measures shall be initiated within 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.

- a. Where the initiation of stabilization measures by the 14th day after construction activity temporary or permanently ceased is precluded by adverse climatological conditions (i.e. snow, ice, heavy rains, or drought) stabilization measures shall be initiated as soon as practicable.
  - b. Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 21 days, temporary stabilization measures do not have to be initiated on that portion of the site.
  - c. In arid areas (areas with an average annual rainfall of 0 to 10 inches), semiarid areas (areas with an average annual rainfall of 10 to 20 inches), and areas experiencing droughts where the initiation of stabilization measures by the 14<sup>th</sup> day after construction activity has temporarily or permanently ceased is precluded by seasonably arid conditions, stabilization measures shall be initiated as soon as practicable.
3. *Structural Practices:* The SWP3 must include a description of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Structural practices may include but are not limited to: silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Placement of structural practices in floodplains should be avoided to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA.
- a. For common drainage locations that serve an area with ten (10) or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from a 2 year, 24 hour storm from each disturbed acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. When computing the number of acres draining into a common location, it is not necessary to include flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin.

In determining whether installing a sediment basin is attainable, the permittee may consider factors such as site soils, slope, available area on site, etc. In any event, the permittee must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls shall be used where site limitations would preclude a safe design. For drainage locations that serve ten (10) or

more disturbed acres at one time and where a temporary sediment basin or equivalent controls is not attainable, smaller sediment basins and/or sediment traps should be used. Where neither the sediment basin nor equivalent controls are attainable due to site limitations, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area and for those side slope boundaries deemed appropriate as dictated by individual site conditions. The DEQ encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.

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

## **B. Storm Water Management**

A description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed must be included in the SWP3. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may also require a separate permit under Section 404 of the CWA. Permittees are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges associated with construction activity have been eliminated from the site. However, post-construction storm water BMPs that discharge pollutants from point sources once construction is completed, may in themselves need authorization under a separate OPDES permit.

1. Such practices may include but are not limited to: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (that combine several practices). The SWP3 shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed predevelopment levels.
2. 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).

## **C. Other Controls**

1. No solid materials, including building materials, shall be discharged to waters of the State, except as authorized by a permit issued under Section 404 of the CWA.
2. Off-site vehicle tracking of sediments and the generation of dust shall be minimized.
3. The SWP3 shall be consistent with applicable State and/or local waste disposal, sanitary sewer, or septic system regulations to the extent these are located within the permitted area.

4. The SWP3 shall include a description of construction and waste materials expected to be stored on-site with updates as appropriate. The SWP3 shall also include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to storm water, and spill prevention and response.
5. The SWP3 shall include a description of pollutant sources from areas other than construction (including storm water discharges from dedicated asphalt plants and dedicated concrete plants), and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.
6. The SWP3 shall include a description of measures necessary to protect listed endangered or threatened species or critical habitat, including any terms or conditions that are imposed under the eligibility requirements of Part 1.3.2.E.2 of this permit, unless a determination indicated that no impact is imminent. Failure to describe and implement such measures will result in storm water discharges from construction activities that are ineligible for coverage under this permit.

#### **D. Approved State or Local Plans**

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

#### **4.5.7. Maintenance**

All erosion and sediment control measures and other protective measures identified in the SWP3 must be maintained in effective operating condition. If site inspections required by Part 4.5.8 identify BMPs that are not operating effectively, maintenance shall be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of storm water controls. If existing BMPs need to be modified or if additional BMPs are necessary for any reason, implementation must be completed before the next storm event whenever practicable. If maintenance prior to the next anticipated storm event is impracticable, the situation must be documented in the SWP3 and maintenance must be scheduled and accomplished as soon as possible.

#### **4.5.8. Inspections**

Qualified personnel (provided by the permittee or cooperatively by multiple permittees) shall inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site, at least once every fourteen (14) calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.

Where sites have been finally or temporarily stabilized, runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or frozen ground exists), or during seasonal arid periods in arid areas (areas with an average annual rainfall of 0 to 10 inches) and semi-arid areas (areas with an average annual rainfall of 10 to 20 inches) such inspections shall be conducted at least once every month until the permit has been terminated.

Inspections should at a minimum consist of the following items:

- A. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Sediment and erosion control measures identified in the SWP3 shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations shall be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site sediment tracking.
- B. Based on the results of the inspection, the SWP3 shall be modified as necessary (e.g., show additional controls on map required by Part 4.5.1; revise description of controls required by Part 4.5.6) to include additional or modified BMPs designed to correct problems identified. Revisions to the SWP3 shall be completed within 7 calendar days following the inspection. If existing BMPs need to be modified or if additional BMPs are necessary, implementation shall be completed before the next anticipated storm event. If implementation before the next anticipated storm event is impracticable, they shall be implemented as soon as practicable.
- C. A report summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, and major observations relating to the implementation of the SWP3 shall be made and retained as part of the SWP3 for at least 3 years from the date that the site is finally stabilized. Major observations should include: the location(s) of discharges of sediment or other pollutants from the site; location(s) of BMPs that need to be maintained; location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location; and location(s) where additional BMPs are needed that did not exist at the time of inspection. Actions taken in accordance with Part 4.5.8.B of this permit shall be made and retained as part of the SWP3 for at least three (3) years from the date that the site is finally stabilized. Such reports shall identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report shall contain a certification that the facility is in compliance with the SWP3 and this permit. The report shall be signed in accordance with Part 6.7 of this permit.

#### **4.5.9. Non-Storm Water Discharges**

Non-storm waters listed in Part 1.3.1.C of this permit that are combined with storm water discharges associated with construction activity must be identified in the SWP3. The SWP3 shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

#### **4.6. Contractor Certifications**

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

- 4.6.1. Contractors, subcontractors, builders, installers, regular suppliers, support service companies or others who are not the permittee (hereinafter referred to in Part 4.5. 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 Construction General Permit (Permit) are protective of endangered and threatened species and critical habitat according to Part 11.

- 4.6.2. Contractors must be thoroughly familiar with and adhere to the NOI, the SWP3, and BMPs. The SWP3 should clearly identify, for each control measure identified in the plan, the party which will implement the measure. The Permittee(s) should ensure that all contractors or others involved in construction activity are identified in the plan as being responsible for implementing storm water control measures, and sign a copy of the contractor certification, before performing any work in the area covered by the SWP3. All contractor certifications should be included with the SWP3.
- 4.6.3. The Contractor Certification should include the name and title of the person providing the signature, the name, address, and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made. An example of certification can be found in Addendum D of the permit.

## **Part 5 Retention of Records**

### **5.1. Documents**

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

### **5.2. Accessibility**

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

### **5.3. Addresses**

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

## **Part 6 Standard Permit Conditions**

### **6.1. Duty to Comply**

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

#### **6.1.1. Criminal**

- A. *Negligent Violations*: The OPDES Act provides that any person who negligently violates permit conditions is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both (27A O.S. § 2-6-206 (G) (1)).
  - B. *Knowing Violations*: The OPDES Act provides that any person who knowingly violates permit conditions is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both (27A O.S. § 2-6-206 (G) (2)).
  - C. *Knowing Endangerment*: The OPDES Act provides that any person who knowingly violates permit conditions, and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury, is subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both (27A O.S. § 2-6-206 (G) (3)).
  - D. *False Statement*: The OPDES Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the OPDES, or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the OPDES, shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or by both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or by both (27A O.S. § 2-6-206 (G) (4)).
- 6.1.2. Civil Penalties: The OPDES Act provides that any person who violates a permit condition is subject to a civil penalty not to exceed \$10,000 per day for each violation (27A O.S. § 2-6-206 (F)).
  - 6.1.3. Administrative Penalties: The OPDES Act provides that any person who violates a permit condition is subject to an administrative penalty, not to exceed \$10,000 per violation nor shall the maximum amount exceed \$125,000 (27A O.S. § 2-6-206 (E)).

## **6.2. Continuation of the Expired General Permit**

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

- 6.2.1. Reissue or replacement of this permit, at which time the permittee must comply with the Notice of Intent conditions of the new permit to maintain the authorization to discharge; or
- 6.2.2. The permittee's submittal of a Notice of Termination; or
- 6.2.3. Issuance of an individual permit for the permittee's discharges; or
- 6.2.4. A formal permit decision by the Director not to reissue this general permit, at which time the permittee must seek coverage under an alternative general permit or an individual permit.

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

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

## **6.4. Duty to Mitigate**

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

## 6.5. Duty to Provide Information

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

## 6.6. Other Information

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

## 6.7. Signatory Requirements

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

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

- A. For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or their designee, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- B. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
- C. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this Section, a principal executive officer of a Federal agency includes (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g. Regional Administrator of the EPA).

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

- A. The authorization is made in writing by a person described above and submitted to the Director;
- B. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

- C. The signed and dated written authorization must be included in the SWP3.
- 6.7.3 Changes to Authorization: If an authorization under Part 2.2 is no longer accurate because a different operator has responsibility for the overall operation of the construction site, a new NOI satisfying the requirements of Part 2.2 must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative. The change in authorization must be submitted within the time frame specified in Part 2.1.2 and sent to the address specified in Part 2.3.
- 6.7.4 Any person signing documents under Part 6.7 shall make the following certification:

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*“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.”*

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## **6.8 Penalties for Falsification of Reports**

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

## **6.9 Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act (CWA) or Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”) of 1980, 42 USC § 9601 et. seq.

## **6.10 Property Rights**

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

## **6.11 Severability**

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

## **6.12 Requiring an Individual Permit or an Alternative General Permit**

- A. The Director may require any person authorized by this permit to apply for and/or obtain either an individual OPDES permit or an alternative OPDES general permit. Any interested person may petition the Director to take action under this paragraph. Where the Director requires a permittee authorized to discharge under this permit to apply for an individual OPDES permit, the Director

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

- B. Any permittee authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee shall submit an individual application in accordance with the requirements of 40 CFR 122.26 (c) (1) (ii), with reasons supporting the request, to the Director at the address in Part 2.3 of this permit. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by the permittee are adequate to support the request.
- C. When an individual OPDES permit is issued to a permittee otherwise subject to this permit, or the permittee is authorized to discharge under an alternative OPDES general permit, the applicability of this permit to the individual OPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual OPDES permit is denied to an operator otherwise subject to this permit, or the owner/operator is denied coverage under an alternative OPDES general permit, the applicability of this permit to the individual OPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Director.

### **6.13. State/Tribal Environmental Laws**

- 6.13.1. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State/Tribal law or regulation under authority preserved by Section 510 of the Clean Water Act.
- 6.13.2. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.
- 6.13.3. Construction activities on Indian Country Lands are regulated by the EPA Region 6 offices located in Dallas, Texas. Applicants seeking coverage for construction or surface disturbing activities located on Indian Country land should contact the EPA Region 6 office.

### **6.14. Proper Operation and Maintenance**

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

## **6.15. Inspection and Entry**

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

- 6.15.1 Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
- 6.15.2 Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and
- 6.15.3 Inspect at reasonable times any facilities or equipment (including monitoring and control equipment).

## **6.16 Permit Actions**

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

## **Part 7 Re-opener Clause**

### **7.1 Potential to Cause or Contribute to a Violation**

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

### **7.2 Permit Modification or Revocation**

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

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

## **Part 8 Termination of Coverage**

### **8.1 Notice of Termination (NOT)**

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

- 8.1.1 The Notice of Termination shall include the following information:
  - A. The OPDES permit number for the storm water discharge identified by the NOT;
  - B. An indication of whether the storm water discharges associated with construction activity have been eliminated (i.e., regulated discharges of storm water are being terminated) or the permittee is no longer an operator at the site;

- C. The name, address, and telephone number of the permittee submitting the NOT;
- D. The name of the project and street address (or a description of location if no street address is available) of the construction site for which the notification is submitted;
- E. The latitude and longitude of the construction site.
- F. The information pertaining to the new operator if you are no longer an operator of the site, including the name, address, and phone number, and
- G. The following certification, signed in accordance with Part 6.7 (signatory requirements) of this permit. For construction projects with more than one permittee and/or operator, the permittee need only make this certification for those portions of the construction site where the permittee was authorized under this permit and not for areas where the permittee was not an operator:

—————

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

—————

### 8.1.2 Elimination of Storm Water Discharged

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

### 8.1.3 Address

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

## Part 9 Definitions

1. **Applicant** means any person who is contemplating or planning to submit an NOI for approval, or has submitted an NOI for approval and is waiting for authorization to discharge storm water under the provisions of this permit.
2. **Best Management Practices (BMPs)** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the State. BMPs also include treatment requirements, operating procedures,

and practice to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

3. **Commencement of Construction** means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.
4. **Control Measure** as used in this permit, refers to any BMP or other method used to prevent or reduce the discharge of pollutants to waters of the State.
5. **CWA** means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. Section 1251 et seq.
6. **Dewatering Activities** means the discharge of water generated from the lowering of the groundwater table, the pumping of accumulated storm water from an excavation, or the pumping of surface water from a cofferdam.
7. **Director** means the Executive Director or chief administrator of the DEQ or an authorized representative.
8. **Discharge** when used without qualification means the “discharge of a pollutant.”
9. **Discharge of Storm Water Associated with Construction Activity** as used in this permit, refers to a discharge of pollutants in storm water runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling), or other industrial storm water directly related to the construction process (e.g., concrete or asphalt batch plants) are located.
10. **Ephemeral Stream** means an entire stream which flows only during or immediately after a rainfall event, and contains no refuge pools capable of sustaining a viable community of aquatic organisms.
11. **Facility or Activity** means any OPDES “point source” or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the OPDES program.
12. **Final Stabilization** means that:
  - 12.1. All soil disturbing activities at the site have been completed and either of the two following criteria is met:
    - A. A uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or
    - B. Equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

When background native vegetation covers less than 100% of the ground (e.g., arid areas, and beaches), establishing at least 70% of the natural cover of the native vegetation meets the vegetative cover criteria for final stabilization (e.g., if the native vegetation covers 50% of the ground, 70% of 50% would require 35% total cover for final stabilization. On a beach with no natural vegetation, no vegetation is required.
  - 12.2. For individual lots in residential construction, either of the following criteria is met:
    - A. The homebuilder has completed final stabilization as specified above; or
    - B. The homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing 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

- 12.3. 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 United States,” and areas that are not being returned to their pre-construction agricultural use must meet the final stabilization criteria 12.1 or 12.2 above.

**13. Municipal Separate Storm Sewer System or MS4** is defined at 40 CFR §122.26(b)(8) to mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- 13.1. Owned and operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- 13.2. Designed or used for collecting or conveying storm water;
- 13.3. Which is not a combined sewer; and
- 13.4. Which is not part of a Public Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

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

**14. NOI** means Notice of Intent, (DEQ Form 605-002A, see Part 2 of this permit.)

**15. NOT** means Notice of Termination (DEQ Form 605-003, see Part 8 of this permit).

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

- 16.1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
- 16.2. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with a Storm Water Pollution Prevention Plan 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).

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

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

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

- 19. Permit** means the General Permit OKR10 for Storm Water Discharges from Construction Activities Within the State of Oklahoma.
- 20. Permittee** means a person who has submitted an NOI and has received authorization to discharge storm water from construction or land disturbing activities under this permit.
- 21. Point Source** means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, landfill leachate collection system, or vessel or other floating craft, from which pollutants or wastes are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.
- 22. Pollutant** means any material, substance, or property which may cause pollution (e.g., dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste).
- 23. Runoff coefficient** means the fraction of total rainfall that will appear at the conveyance as runoff.
- 24. Storm Water** means rainwater runoff, snowmelt runoff, and surface runoff and drainage.
- 25. Storm Water Associated with Industrial Activity** is defined at 40 CFR 122.26 (b) (14) & (15) and incorporated here by reference. Most relevant to this permit is 40 CFR 122.26 (b) (14) (x) and 40 CFR 122.26 (b) (15) (i), that relates to construction activity including clearing, grading, and excavation activities that result in the disturbance of one or more acres of total land area, or are part of a larger common plan of development or sale.
- 26. Storm Water Discharge-Related Activity** is defined as disturbance activities that cause, contribute to, or result in point source storm water pollutant discharges, including but not limited to excavation, site development, grading, and other land disturbing activities; and control measures to control storm water discharges including the siting, construction, and operation of best management practices (BMPs) to control, reduce, or prevent storm water pollution.
- 27. 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.
- 28. Total Maximum Daily Load or TMDL** means the sum of the individual wasteload allocations (WLAs) for point sources, safety, reserves, and loads from nonpoint sources and natural background.
- 29. 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. (27A O.S. §1-1-201).

## Part 10. Historic Preservation

The Environmental Protection Agency has determined that the Oklahoma Department of Environmental Quality’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  
 2401 North Laird Avenue  
 Oklahoma City, OK 73105  
 (405)521-6249  
[www.okhistory.org/shpo/shpom.htm](http://www.okhistory.org/shpo/shpom.htm)

Oklahoma Archeological Survey  
 111 East Chesapeake  
 Norman, OK 73019  
 405/325-7211  
[www.ou.edu/cas/archsur](http://www.ou.edu/cas/archsur)

## **Part 11 Endangered Species**

Addendum A is a registry of Federal identified sensitive waters and watersheds and State identified sensitive waters and watersheds.

### **11.1 Background**

The DEQ is seeking to ensure the activities regulated by the Permit are protective of endangered and threatened species and critical habitat. To ensure that those goals are met, owners/operators seeking Permit coverage are required under Part 1.3.2.E to assess the impacts of their storm water discharges and storm water discharge-related activities on identified endangered and threatened species and designated critical habitat. This may be accomplished by following Steps 1 and 2 listed below. It is not necessary to contact the appropriate wildlife agency if you can comply with the provisions listed in Step 2. The DEQ strongly recommends that applicants follow these steps at the earliest possible stage to ensure that measures to protect identified species are incorporated early in the planning process. At minimum, the procedures should be followed when developing the SWP3.

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

This permit provides for the possibility of multiple owners/operators and contractors at a construction site. Applicants should be aware that in some cases they may meet the permit eligibility requirements by relying on another permittee’s certification of eligibility under Part 1.3.2.E.2.a., b., c., d. or e. This

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

## **11.2 Procedures**

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

### **Step 1: Determine Whether The Project Area Drains To Sensitive Waters Or Watersheds.**

1. Refer to Addendum A, that lists all of the waters of Oklahoma which the U.S. Fish and Wildlife Service and the Oklahoma Department of Wildlife Conservation consider to be sensitive because they harbor populations of federal or state listed species or their designated critical habitat.
2. If the applicant's proposed construction site is not located within any of these areas, the proposed construction storm water discharge or storm water discharge related activities are not likely to significantly affect endangered and threatened species. The applicant may then skip Step 2 and further investigation is unnecessary.
3. If the applicant's proposed construction site is located within the corridor of any sensitive waters or watersheds, the applicant must continue on to step 2.

### **Step 2: Implementation of Storm Water Control Measures to Protect Endangered and Threatened Species in Sensitive Rivers:**

1. Applicants whose proposed construction site is located within a sensitive water or watershed must incorporate the following measures into the SWP3 for this site. Other pollutants such as, but not limited to, oil, grease, solid waste (i.e. building material scrap, and trash), and human and hazardous waste, (e.g., paint and solvents), are not authorized for discharge under this permit. These potential pollutants must be properly managed and their contact with storm water minimized or eliminated to the greatest extent practicable.
  - a. Consistent with Part 4.5.6.A.1, sediment must be retained on site to the greatest extent practicable; all sediment, solid waste, and human waste control measures must be properly installed and maintained at all times; and off-site accumulations of any escaped sediment must be removed.
  - b. A vegetated buffer zone of at least 100 feet must be retained or successfully established/planted between the area disturbed during construction and all perennial or intermittent streams on or adjacent to the construction site. A vegetated buffer zone at least 50 feet wide must be retained or

successfully established/planted between the areas disturbed during construction and all ephemeral streams or drainages. Buffer zones shall be measured from the top of the first defined bank of the stream and shown on the site map in the SWP3.

- c. Consistent with Part 4.5.6.A.2, 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.
  - d. Consistent with Part 4.5.6.A.3, structural BMPs must be successfully implemented to divert uphill storm water flows from crossing disturbed areas, to store flows (e.g., retention ponds) or to otherwise control runoff from disturbed areas during construction. At a minimum this must include silt fencing and vegetated buffer strips on all down slope boundaries of the area disturbed during construction. The construction of temporary or permanent storm water detention or retention structures (e.g., ponds) is preferred, but these should not be constructed within intermittent or perennial stream channels or within floodplains.
  - e. Consistent with Part 4.5.6.B.2, velocity dissipation devices must be incorporated into the design of outfall channels and discharge locations. Outfalls must be screened to prevent the discharge of solid materials with storm water runoff.
  - f. Hazardous construction materials and waste must be stored in a manner that minimizes their contact with storm water. An emergency response plan must be included which addresses the handling of accidental spills.
2. The applicant must comply with any terms and conditions imposed under the eligibility requirements of Part 1.3.2.E.2 a, b, c, d, or e to ensure that its storm water discharges and storm water discharge-related activities are protective of listed species and/or critical habitat. Such terms and conditions must be incorporated in the project's SWP3. If the eligibility requirements of Part 1.3.2.E.2 a, b, c, d, or e cannot be met, the applicant may seek relief from the appropriate service in the form of an approved take. As an alternative, the applicant may seek coverage under a DEQ individual permit.

**Addresses:**

U. S. Fish and Wildlife Service  
 9014 East 21<sup>st</sup> Street  
 Tulsa, OK 74129  
 (918) 581-7458

Oklahoma Department of Wildlife Conservation  
 1801 North Lincoln Blvd.  
 Oklahoma City, OK 73105  
 (405) 521-3851

Oklahoma Natural Heritage Inventory  
 111 East Chesapeake  
 Norman, OK 73019  
 (405) 325-1985

The Oklahoma Natural Heritage Inventory has a very comprehensive database of endangered and threatened species locations. They can provide valuable information to help you in making determinations, but they have no authority to issue authorizations.

## **ADDENDUM A – Oklahoma Sensitive Waters and Watersheds Harboring Endangered and Threatened Species and Their Critical Habitat of Concern**

### **A. Sensitive waters and watersheds for federal listed species, as identified by the U.S. Fish & Wildlife Service for the DEQ construction storm water general permit.**

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

Arkansas River - A two-mile corridor (one mile from each bank) of the main stem of the Arkansas River between the Oklahoma/Arkansas state line and the Kaw Reservoir dam (excluding the flood pool of Keystone Reservoir). Includes portions of Sequoyah, Haskell, LeFlore, Wagner, Muskogee, Tulsa, Osage, Pawnee, and Noble and Kay Counties.

Cimarron River - A two-mile corridor (one mile from each bank) of the main stem of the Cimarron River from the flood pool of the Keystone Reservoir upstream to and including Beaver County. Includes portions of Creek, Payne, 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 confluence with the Arkansas River (excluding the Eufaula Reservoir flood pool upstream to the Texas state line, and the river segment in Haskell, McIntosh, Pittsburg, Hughes, Pontotoc, Seminole, Pottawatomie, McClain, Cleveland, Canadian, Grady, Caddo, Blaine, Custer, Dewey, Ellis, and Roger Mills 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.

Red River - A one-mile corridor (one mile from the north bank) along the main stem of the Red River except the Texhoma Reservoir. Includes portions of McCurtain, Choctaw, Bryan, Love, Jefferson, Cotton, Tillman, Jackson, and Harmon Counties.

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

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

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

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

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

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

**B. Sensitive waters and watersheds for State listed species, as identified by the Oklahoma Department of Wildlife Conservation for the DEQ construction storm water general permit.**

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

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

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



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**ADDENDUM B –NOTICE OF INTENT**

See Reverse Side for Instructions

**DEQ FORM**  
**605-002A**  
September 13, 2007



**Oklahoma Department of Environmental Quality**  
**Notice of Intent (NOI) for Storm Water Discharges Associated with**  
**CONSTRUCTION ACTIVITY on Sites of One Acres or More Acres**  
**Under the OPDES General Permit OKR10**

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

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

**NEW APPLICATION**       **MODIFICATION OF CURRENT PERMIT** Enter Authorization Number: **OKR10** \_\_\_\_\_

**I. Facility Owner/Operator Information**

**If you are a Co-permittee, check this box**

Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_  
Address: \_\_\_\_\_ Status of Owner/Operator: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

**II. Site Information**

Name of the project: \_\_\_\_\_ Address: \_\_\_\_\_  
City: \_\_\_\_\_ County: \_\_\_\_\_ ZIP Code: \_\_\_\_\_  
Telephone No. (\_\_\_\_) \_\_\_\_\_ **Location:** Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_

Has a Storm Water Pollution Prevention Plan (SWP3) been developed?  Yes  No  
Address of location of SWP3 for viewing:  Address in I. Above.  Address in II. Above.  Other, please specify below.  
Address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_  
City: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Name of Receiving Water Body: \_\_\_\_\_  
Is the Receiving Water Body on the DEQ 303(d) list?  Yes  No    Is this facility/site on Indian Country land?  Yes  No (See Instructions)  
Is there an approved TMDL or watershed plan applicable to this site?  Yes  No  
Is this site a part of the common plan of development or sale?  Yes  No      Estimated area to be disturbed (to nearest acre): \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Month    Day    Year  
Construction Start Date

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Month    Day    Year  
Estimated Completion Date

Is the Storm Water Pollution Prevention Plan in compliance with all Applicable local sediment and erosion plans?  Yes  No  None

**ENDANGERED SPECIES**

Based on the instructions provided in Part 11 and Addendum A of the permit, is the proposed construction or land disturbing activity within the corridor of any of the listed sensitive waters or watersheds?  
 Yes  No

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

**III. Certification**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage this system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

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

Name (Please Print): \_\_\_\_\_ Date: \_\_\_\_\_

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

For DEQ use only: Assigned Authorization Number: OKR10 \_\_\_\_\_



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

### Who Must File A Notice Of Intent Form

Under the provisions of the Clean Water Act, as amended, (33 U.S. 1251 et.seq....the Act), Oklahoma Environmental Code, Title 27A of the Oklahoma Statutes, Section 2-14-101 et. seq. and the rules OAC 252:004-15, discharge of storm water from construction activities is prohibited without an Oklahoma Pollutant Discharge Elimination System Permit. The operator of a construction site that has such a storm water discharge must submit an NOI to obtain coverage under an OPDES Storm Water General Permit (OKR10). If you have questions about whether you need a permit under the OPDES Storm Water program, or if you need information, write to the address listed below or telephone the Environmental Complaints and Local Services Division, Department of Environmental Quality (DEQ), at (405) 702-6100 and ask for the Storm Water Unit.

#### Where to File an NOI Form:

#### DEQ/Environmental Complaints and Local Services (ECLS)

##### Storm Water Unit

P.O. Box 1677

Oklahoma City, OK 73101-1677

FAX (405) 702-6223

**Note: do not submit an SWP3 with the NOI, unless the project is located (1) within outstanding resource waters, or (2) within Federal and State sensitive waters and watersheds, or (3) within a larger site which is disturbing land of 40 or more acre.**

### Completing The Form

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

#### Section I. Facility Owner/Operator Information

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

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

#### Section II. Site Information

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

The latitude and longitude of your facility can be located on USGS quadrangle maps. The quadrangle maps may be obtained at 1-800-USA MAPS. Longitude and latitude may also be obtained at the Census Bureau Internet site: <http://www.census.gov/cgi-bin/gazetteer>. Only one location description is needed: address; section, township, and range; or latitude and longitude.

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

Enter the name of the receiving water body, the closest predominant receiving water body. The Oklahoma 303(d) list can be found online at [http://www.deq.state.ok.us/WQDnew/305b\\_303d/index.html](http://www.deq.state.ok.us/WQDnew/305b_303d/index.html) or the DEQ GIS Map and Data Viewer at [http://maps.scigis.com/deq\\_wq/](http://maps.scigis.com/deq_wq/)

If your facility or site is on Indian Country land, do not complete this form. File your NOI with the EPA using EPA Form 3510-9.

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

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

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

Enter the construction start and estimated completion date using four digits for the year.

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

- a The proposed construction site or land disturbing activity is not located within any of the corridors of the Federal or State identified sensitive waters or watersheds, and further investigation is not required.
- b The proposed construction site or land disturbing activity is located within a corridor of a Federally or State identified sensitive water or watershed (Addendum A). The SWP3 describes this area in relation to the listed water or watershed and specifies the measures to be employed to protect the endangered or threatened species or their critical habitat.
- c If applicant's storm water discharges and storm water discharge-related activities meet the criteria under Part 1.3.2.E.2 a, b, d, or e, there is no need to contact the U.S. Fish and Wildlife Service (USFWS) for Federal sensitive waters and watersheds or the Oklahoma Department of Wildlife Conservation (ODWC) for State sensitive waters (see Part 11). If one of those eligibility criteria cannot be met, applicants may contact those agencies for either a no jeopardy opinion or a finding that the storm water discharges are not likely to adversely affect listed species or critical habitat; or
- d The applicant's construction activities are authorized by the appropriate Federal or State agency and that authorization addresses the incidental taking of listed species by the applicant's storm water discharge or storm water discharge-related activities; or
- e The applicant's storm water discharges and storm water discharge-related activities were already addressed in another operator's certification of eligibility under Part 1.3.2.E.2 a, b, c, or d that included the applicant's project area. By certifying eligibility under Part 1.3.2.E.2 f, the applicant agrees to comply with applicable measures or controls upon which the other operator's certification under Part 1.3.2.E.2 a, b, c or d was based.

Indicate if the SWP3 is in compliance with all other applicable local sediment and erosion plans.

#### Section III. Certification

Federal Statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:

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

For a partnership or sole proprietorship: by a general partner of the proprietor, or; For a municipality, state, Federal, or other public agency: by either a principal executive or ranking elected official.

**ADDENDUM C – NOTICE OF TERMINATION**

<p><b>DEQ FORM 605-003</b> Feb 23, 2009</p>		<p><b>OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY NOTICE OF TERMINATION (NOT) FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL OR CONSTRUCTION ACTIVITY UNDER AN OPDES GENERAL PERMIT</b></p>
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Submission of this Notice of Termination constitutes notice that the party identified in Section I of this form is no longer authorized to discharge storm water associated with industrial or construction activities under the OPDES program.

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

<p><b>I. Permit Information:</b> OPDES Storm Water General Permit Authorization Number: _____</p>	<p>Check here if you are no longer the operator of the facility/site: <input type="checkbox"/></p>	<p>Check here if the storm water construction or industrial discharge is being terminated: <input type="checkbox"/></p>
---	--	---

**II. Facility/Site Owner/Operator Information:**  
Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**III. Facility/Site Location:**  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ County: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_

**IV. New Facility/Site Information:**  
If you are no longer the operator of the facility/site, provide the following information pertaining to the new operator at the facility/site:  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

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

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature: \_\_\_\_\_ Title: \_\_\_\_\_



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

### When To File an NOT Form:

Permittees who are presently covered under an issued NPDES or OPDES general permit for storm water discharges associated with industrial/construction activity may submit a **Notice of Termination (NOT)** form when their facilities no longer have any storm water discharges associated with industrial/construction activity as defined in the storm water regulations at 40 CFR 122.26(b)(14), or when they are no longer the operator of the facilities. For a construction site, when the site has been finally stabilized (i.e., a uniform perennial vegetative cover with a density of at least 70% of the native background cover has been established for all unpaved areas and areas not covered by permanent structures or where equivalent permanent stabilization measures such as riprap or gabions have been used), and all storm water discharges from construction activities that are authorized by general permit (OKR10) are eliminated, or they are no longer the operator of the facility, an NOT must be submitted that is signed in accordance with Part 4.5 of the general permit. If you need assistance or have questions, contact the Storm Water Unit of the Environmental Complaints and Local Services at (405) 702-6100.

### Section I: Permit Information:

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

### Section II: Facility Operator Information:

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

### Section III: Facility/Site Location Information:

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

### Section IV: New Owner/Operator Information:

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

### Section V: Certification:

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

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

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

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

### Where to File an NOT form:

NOTs must be sent to the following address:

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

**ADDENDUM D - CONTRACTOR CERTIFICATION**

(Optional; sample format)

\_\_\_\_\_  
(Name of Owner/Operator)\_\_\_\_\_  
(Project Name)

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

1. Contractor company name: \_\_\_\_\_

2. Contractor address: \_\_\_\_\_

3. Project locations: \_\_\_\_\_

\_\_\_\_\_  
(For additional addresses, attach list to this form)

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

\_\_\_\_\_ with the Oklahoma Department of Environmental Quality.

(Owner/Operator Name)

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

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

**Certification**

I certify that I understand the terms and conditions of the Oklahoma Pollutant Discharge Elimination System Act (OPDES) General Permit that authorizes storm water discharges associated with construction activity from the construction site identified as part of this certification. I have read and understand the Owner/Operators Notice of Intent and Part 1.3 eligibility requirements for coverage under the general permit for storm water discharges from construction activities, including those requirements published in the modified OPDES General Permit OKR10 of Month Date, 2007, and the SWP3 and BMP described pertaining to the project locations in Item 3 above. I agree that as a contractor, builder, regular supplier, or a support service company, I am responsible for installing and/or maintaining the appropriate pollution prevention measures that I am responsible for according to the agreement I have with the permittee.

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

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

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

## ADDENDUM E – INSPECTION REQUEST

<p><b>DEQ FORM 605-008</b> September 13, 2007</p>		<p><b>OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY INSPECTION REQUEST FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY UNDER AN OPDES GENERAL PERMIT</b></p>
<p><b>All Requested Information <u>Must</u> Be Provided On This Form. See Instructions On The Back Of Form.</b></p>		
<p><b>I. Permit Information:</b> OPDES Storm Water General Permit Authorization Number: _____</p>	<p>Check here if you are no longer the operator of the facility/site: <input type="checkbox"/></p>	<p>Check here if the storm water construction or industrial discharge is being terminated: <input type="checkbox"/></p>
<p><b>II. Facility/Site Owner/Operator Information:</b> Name: _____ Phone: _____ Address: _____ City: _____ County: _____ Zip Code: _____</p>		
<p><b>III. Facility/Site Location:</b> Name: _____ Address: _____ City: _____ County: _____ Zip Code: _____ Latitude: _____ Longitude: _____</p>		
<p><b>IV. New Facility/Site Information:</b> If you are no longer the operator of the facility/site, provide the following information pertaining to the new operator at the facility/site: Name: _____ Address: _____ City: _____ County: _____ Zip Code: _____</p>		
<p><b>V. Owner/Operator's Signature:</b> Print Name: _____ Date: _____ Signature: _____ Title: _____</p>		



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

### When To File an Inspection Request Form:

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

### Section I: Permit Information:

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

### Section II: Facility Operator Information:

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

### Section III: Facility/Site Location Information:

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

### Section IV New Owner/Operator Information

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

### Section V: Certification

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

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

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

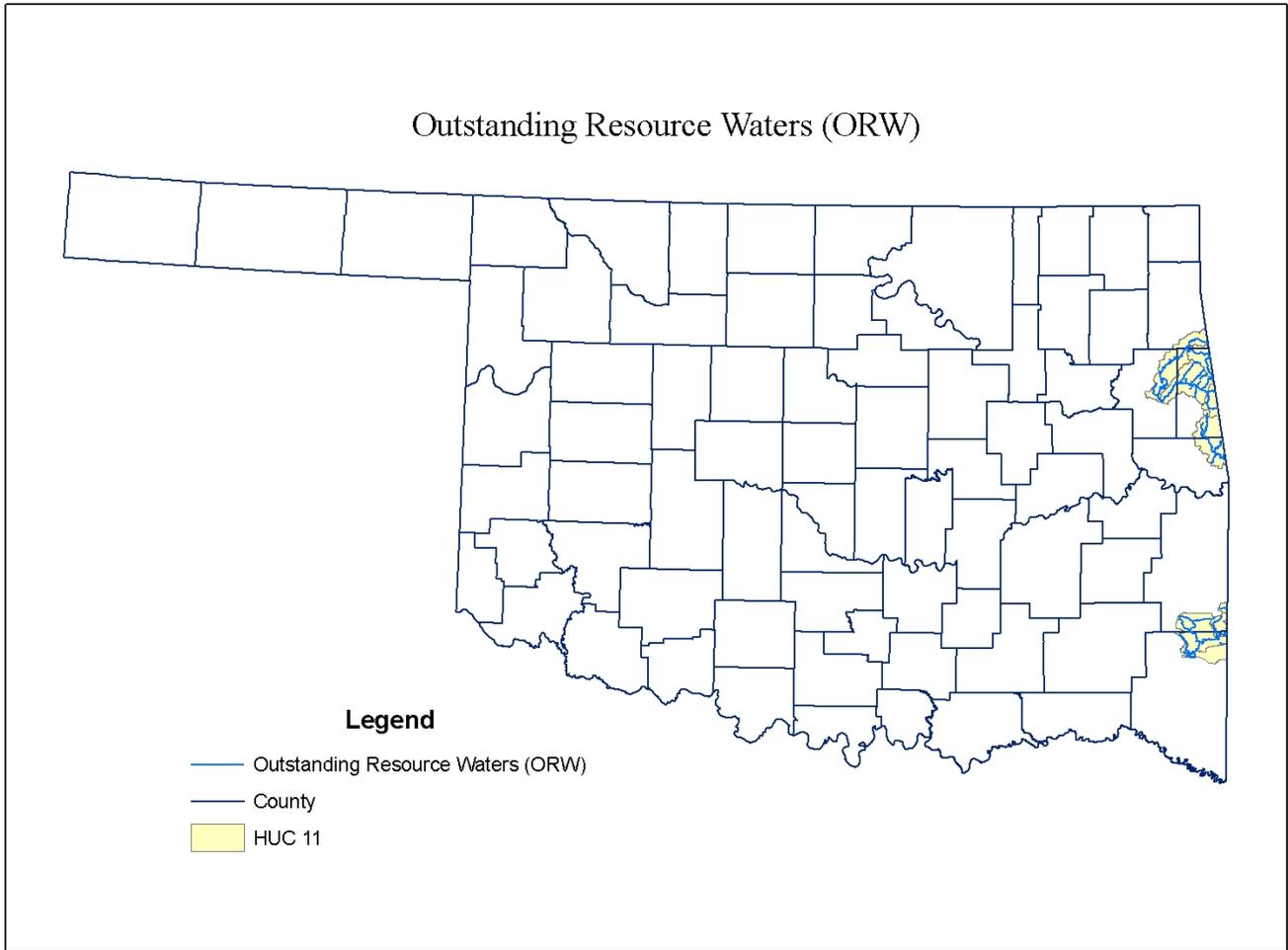
For a municipality, state, Federal, or other public agency: by either principal executive officer or ranking elected official.

### Where to File an Inspection Request form:

Inspection Requests must be sent to the following address:

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

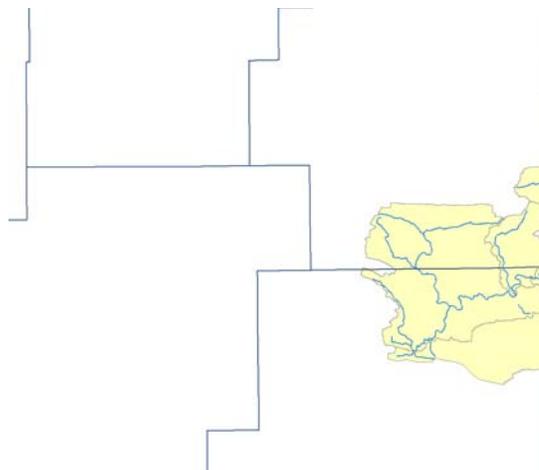
# ADDENDUM F – OUTSTANDING RESOURCE WATERS (ORW)



## Outstanding Resource Waters Details



**Illinois River & Lee Creek Watersheds**



**Mountain Fork River Watershed**