Oklahoma Department of Environmental Quality Water Quality Division

General Permit OKR04

Phase II Small Municipal Separate Storm Sewer System Discharges Within the State of Oklahoma

Month Date, 2015

General Permit for Stormwater Discharges Associated with Municipal Separate Storm Sewer Systems in Small Cities, Urbanized Areas, and Other County Areas in the State of Oklahoma

AUTHORIZATION TO DISCHARGE UNDER THE

OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et. seq.) as required under Section 122.34(d)(2) of the Stormwater Phase II Rule, and with the provisions under the Oklahoma Pollutant Discharge Elimination System, OAC 252:606-1-3(b)(3) incorporating by reference 40 CFR §122.26 and 122.30 through 122.35, operators of Small Municipal Separate Storm Sewer Systems (MS4s) are authorized to discharge in accordance with the conditions and requirements set forth herein. The Phase II regulations issued by the EPA can be found in FR Vol. 64 No. 235, December 8, 1999, beginning on page 68722, and became effective on February 7, 2000.

This permit is a reissuance by the Department of Environmental Quality (DEQ) and shall become effective on Month Date, 2015. This permit and the authorization to discharge shall expire at midnight Month Date, 2020. As provided in this Permit, operators of Small MS4s, located in an area specified herein and who submit a Notice of Intent (NOI) and a description of Storm Water Management Program (SWMP) in accordance with PART IV of the general permit are authorized to discharge pollutants to waters of the State in accordance with the conditions and requirements set forth herein.

Signed and issued this Dateth day of Month, 2015.

Shellie Chard-McClary, Director
Water Quality Division

Michael B. Moe, P.E., Engineering Manager
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PART I: COVERAGE UNDER THIS PERMIT

I. A Eligibility

This permit authorizes discharges of stormwater and certain non-stormwater discharges from small Municipal Separate Storm Sewer Systems (MS4s), as defined in Oklahoma Administrative Code (OAC) 252:606-1-3(b)(3) incorporating by reference 40 CFR §122.26(b)(16). This includes MS4s designated under 40 CFR §122.32(a)(1) and 40 CFR §122.32(a)(2) that describes the referenced area with a population of at least 10,000 but not exceeding 100,000, and small MS4s located in urbanized areas (UA). Operators of small MS4s located outside of an UA may be designated as a regulated MS4. Stormwater discharges associated with construction activities are allowed within the boundaries of your local authority in compliance with Part VIII.

You are authorized to discharge under the terms and conditions of this General Permit if you operate a small MS4 within the permit area described below:

1. Are not a "large" or "medium" MS4 pursuant to 40 CFR §122.26(b)(4) and (b)(7) or designated under 40 CFR §122.26(a)(1)(v).
2. Submit a Notice of Intent (NOI) in accordance with Part II of this Permit, submit a description of your Storm Water Management Program (SWMP), and obtain authorization.
3. Are located fully or partially within an urbanized area as determined by the latest Decennial Census by the Bureau of Census, or are designated for permit coverage by the Department of Environmental Quality (DEQ) pursuant to OAC 252.606 1-3(b)(3) adopting and incorporating by reference 40 CFR §122.32.

I. B Types of Authorized Discharges

1. Stormwater Discharges: This permit authorizes discharges from small MS4s to waters of the State except as listed in Part I.C.

2. Authorized Non-Stormwater Discharges: You are authorized to discharge the following non-stormwater sources provided you have not determined these sources to be substantial contributors of pollutants to your small MS4. Your list of allowable non-stormwater discharges and determination documentation must be included in your SWMP:

   a. Water line flushing;

   b. Landscape irrigation;

   c. Diverted stream flows;

   d. Rising ground waters;

   e. Residential building wash water without detergents;

   f. Uncontaminated pumped ground water;

   g. Uncontaminated ground water infiltration;

h. Discharges from potable water sources;

i. Foundation drains;

j. Air conditioning condensate;

k. Irrigation water;

l. Springs;

m. Water from crawl space pumps;

n. Footing drains;

o. Lawn watering;

p. Individual residential car washing;

q. De-chlorinated swimming pool discharges;

r. Street wash water;

s. Fire hydrant flushing;

t. Non-commercial or charity car washes;

u. Discharges from riparian areas and wetlands;

v. Discharges in compliance with a separate Oklahoma Pollutant Discharge Elimination System (OPDES) or National Pollutant Discharge Elimination System (NPDES) permit;

w. Unless otherwise permitted or regulated by DEQ discharges of gray water from municipal splash pads (aka, spray parks or spray grounds) as defined in Oklahoma Statutes §27A-2-6-107 provided the discharges comply with all applicable municipal or county ordinances enacted pursuant to law, Discharges from recirculating systems shall be de-chlorinated prior to discharge; and

x. Discharges or flows from emergency firefighting activities provided procedures are in place for the Incident Commander, Fire Chief, or other on-scene firefighting official in charge to make an evaluation regarding potential releases of pollutants from the scene. Measures must be taken to reduce any such pollutant releases to the maximum extent practicable subject to all appropriate actions necessary to ensure public health and safety. These procedures must be documented in your SWMP. Discharges or flows from firefighting training activities are not authorized by this Permit.

I. C Limitations on Coverage

This permit does not authorize:

1. Discharges Mixed with Non-Stormwater Unless Such Discharges are:

   a. In compliance with a separate OPDES or NPDES permit, or

   b. Determined not to be a substantial contributor of pollutants to waters of the State in accordance with Parts I.B.2 of this Permit.

2. Stormwater Discharges Associated with Industrial Activity as defined in OAC 252.606-1-3(b)(3) adopting and incorporating by reference 40 CFR §122.26(b)(14)(i)-(ix) and (xi).

3. Stormwater Discharges Associated with Construction Activity as defined in OAC 252.606-1-3(b)(3) adopting and incorporating by reference 40 CFR §122.26(b)(14)(x) or 40 CFR §122.26(b)(15), except as provided by Part VIII.

4. Stormwater Discharges Currently Covered under another Permit.

5. Discharges Exceeding Water Quality Standards: Your SWMP must include a description of all necessary Best Management Practices (BMPs) and other measures that you will be using to ensure that discharges, or future discharges, will not cause, have the reasonable potential to cause, or contribute to an exceedance of water quality standards. DEQ may require corrective action or an application for an individual permit or alternative general permit if a small MS4 is determined to cause, have the reasonable potential to cause, or contribute to an exceedance of water quality standards.

6. Discharges not consistent with a Total Maximum Daily Load (TMDL): Discharge of a pollutant into any water for which a TMDL, or watershed plan in lieu of a TMDL, for that pollutant has been either established or approved by DEQ or U.S. Environmental Protection Agency (EPA) is prohibited, unless your discharge is consistent with that TMDL, or watershed plan. You must incorporate into your SWMP any conditions necessary to ensure discharges are consistent with the assumptions and requirements of any such TMDL, or watershed plan. This eligibility condition and compliance with Part III.B applies at the time you submit a Notice of Intent (NOI) (see Exhibit 2) for coverage.

   If conditions change after you have permit coverage, you may remain covered by the permit provided you comply with the applicable requirements of Part III. For discharges not eligible for coverage under this Permit, you must apply for and receive an individual or other applicable general OPDES permit.

7. Discharges Originating on Indian Country Lands: Stormwater discharges from MS4s or construction activities occurring on Indian Country lands (as defined in 18 US Code Section 1151) are not under the authority of DEQ and are not eligible for coverage under this Permit. If discharges of stormwater require authorization under federal NPDES regulations, a permit for these discharges must be obtained from the EPA.

I. D Historic Preservation

The Oklahoma DEQ's OPDES 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 Oklahoma State Register of Historic Places Act (53 O.S. § 361), where applicable, and the Burial Disturbance Law [21 Oklahoma Statutes (O.S.) §§ 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 Historic Preservation 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
Oklahoma History Center
800 Nazih Zuhdi Drive
Oklahoma City, OK 73105
Tel: (405) 521-6249
To identify historic properties, go to the following web site at
http://www.okhistory.org/index

Oklahoma Archeological Survey
111 East Chesapeake
Norman, OK 73019
Tel: (405) 325-7211
To identify archeological sites go to the following website at:
http://www.ou.edu/cas/archsur/

I. E Meeting Eligibility Criteria for Endangered Species

1. Eligibility Criteria

   a. Activities authorized by this Permit must avoid unacceptable effects to Federal and State listed endangered or threatened ("listed") species or designated critical habitats. Direct and indirect effects must be considered. Coverage under this Permit is available only if your stormwater discharges, allowable non-stormwater discharges, and discharge related activities are not likely to:

      (1) Jeopardize the continued existence of any listed species or result in the adverse modification or destruction of critical habitat; or

      (2) Cause a prohibited "take" of endangered or threatened species [as defined under Section 3 of the Endangered Species Act (ESA) and 50 CFR 17.3], unless such takes are authorized under sections 7 or 10 of the ESA.

   b. "Discharge-related activities" include: activities which cause, contribute to, or result in stormwater point source pollutant discharges; and measures to control stormwater discharges. These include the construction and operation of BMPs to control, reduce, or prevent stormwater pollution.

2. Eligibility Certification

   a. You must certify that you have met eligibility criteria for protection of threatened or endangered species and their critical habitat. Your signed NOI will constitute your certification of eligibility. If the eligibility requirements cannot be met, you may seek coverage under a DEQ individual permit. This eligibility must be evaluated

before the NOI is submitted. DEQ strongly recommends that you conduct this evaluation at the earliest possible stage to ensure that measures to protect listed species are incorporated early in the planning process.

b. You must state on the NOI which of the criteria listed in Part I.E.2.d that you are relying upon for meeting the Endangered Species eligibility.

c. Refer to Exhibit 1 for the map and list of *Aquatic Resources of Concern* for this Permit. The shaded regions of the map are considered to be *Aquatic Resources of Concern*.

d. You must meet one or more of the criteria below for the entire term of coverage under the permit. If you are located partially or wholly in a shaded region of the map or in an area described in Exhibit 1, then you must meet criterion B, C, D, or E for the term of the permit. If you are not located in the shaded area or watersheds listed in Exhibit 1, then you meet the terms of criterion A. The information used to make the eligibility determination must be documented and included as part of the SWMP.

Criterion A: No endangered or threatened species or critical habitats are in proximity to the small MS4. The point where authorized discharges reach waters of the State is not located within an area shown as an *Aquatic Resource of Concern*.

Criterion B: In the course of a separate federal action involving the small MS4, formal or informal consultation with the Fish and Wildlife Service (FWS) under Section 7 of the ESA has been concluded and that consultation:

(1) Addressed the effects of the stormwater discharges, allowable non-stormwater discharges, and discharge related activities on listed species and critical habitat; and

(2) The consultation resulted in either a no jeopardy opinion or a written concurrence by the FWS on a finding that the stormwater discharges, allowable non-stormwater discharges, and discharge related activities are not likely to adversely affect listed species or critical habitat. You must submit a copy of the FWS Determination with your NOI.

Criterion C: The activities of the small MS4 are authorized under Section 10 of the ESA and that authorization addresses the effects of the stormwater discharges, allowable non-stormwater discharges, and discharge related activities on listed species and critical habitat. You must submit a copy of the Authorization with your NOI.

Criterion D: The applicant has evaluated, using best judgment and available scientific and commercial data, the effects of the stormwater discharges, allowable non-stormwater discharges, and discharge related activities on listed species and critical habitat. Based on the evaluation, the permittee has determined that there is no reason to believe the discharge and discharge related activities are likely to adversely affect any listed species or result in the adverse modification or destruction of critical habitat. Any measures necessary to maintain eligibility under this criterion must be documented in the SWMP.

Criterion E: The stormwater discharges, allowable non-stormwater discharges, and discharge related activities were already addressed in another operator's certification of eligibility under Part I.E which includes the small MS4 activities. By certifying eligibility under this criterion, the applicant agrees to comply with any measures or controls upon which the other operator's certification was based. Your SWMP must identify the operator upon whom you are relying.

I. F Obtaining Authorization

1. Submit a Notice of Intent: To receive authorization to discharge stormwater from a small MS4, you must submit an official NOI (see Exhibit 2) and a description of your SWMP in accordance with the schedule in Part II. A.

2. Use of an Official Notice of Intent: An official NOI can be obtained from the DEQ web site at: http://www.deq.state.ok.us/wqdnew/stormwater/index.html or you can request a form from the DEQ Water Quality Division at 405-702-8100. The NOI you submit must be complete with all required information according to Part II.B.

3. Authorized Start Date: Dischargers who submit a NOI in accordance with the requirements of this Permit are not authorized to discharge stormwater from MS4s under the terms and conditions of this Permit until an authorization is received from DEQ.

   Upon receipt of your properly completed NOI and application/permit fees, DEQ will process the information and notify you by return mail with an authorization certificate accompanied by a letter of notification.

4. Application and Annual Permit Fees: There is an annual permit fee and an application fee for a renewal or new NOI. For new permittees, the first year's permit fee will be prorated and will cover the period beginning the issuance date of your authorization and ending June 30th of the coinciding fiscal year. The fee schedule is in Section 252:606-3-4(d) of Title 252, Chapter 606 (http://www.deq.state.ok.us/rules/606.pdf).

   An invoice will be sent upon receipt of the NOI. The authorization will not be processed until the fee is paid.

5. Certification of the NOI: Your NOI must be signed and certified in accordance with Part VI.H of this Permit.

6. Change of Operator: Where the operator changes, or where a new operator is added after submittal of a NOI under Part II, a new NOI must be submitted in accordance with Part II prior to the change or addition.

PART II: NOTICE OF INTENT (NOI) REQUIREMENTS

II. A Deadlines for Notification

1. Application Deadline

   a. Renewal Permittees: You must submit a new NOI (see Exhibit 2), a summary status of current Storm Water Management Program (SWMP) within the previous permit term, and an updated description of your current SWMP or apply for an individual permit within 90 days of the effective date of this Permit. Authorization under the 2005 Permit will be administratively extended for a period not to exceed 90 days from the effective date of this Permit.

   You must include a list of current measurable goals for all six(6) or seven(7) Minimum Control Measures (MCMs) and summary of all Best Management Practice (BMP) activities actually accomplished in your summary status of current SWMP. Also you must include the changes to any BMPs or any measurable goals that apply to your current program.

   You must update your existing SWMP according to this Permit and provide a description of your updated SWMP to DEQ. This description shall include a list of BMPs with measurable goals for each of the six(6) or seven(7) MCMs proposed for the new permit term under this Permit(see Part IV.C).

   b. Newly Regulated Small MS4s: You must submit an NOI and a description of your SWMP within 180 days of the effective date of this Permit.

   You must develop and implement a SWMP according to this Permit and provide a description of your SWMP. Your description shall include a list of the BMPs associated with measurable goals for each of the six MCMs. You are required to implement the SWMP during the first five (5) year permit term (see Part IV).

   c. Small MS4 Newly Designated after the Date of Permit Issuance: If you are designated to obtain permit coverage by DEQ after the date of permit issuance, then you are required to submit a NOI and a description of your SWMP to DEQ within 180 days of being notified by DEQ that you operate a regulated small MS4 unless the notice specifies a different deadline.

2. Submitting a Late NOI: You are not prohibited from submitting a NOI after the dates provided above. If a late NOI is submitted, your authorization is only for discharges that occur after permit coverage is granted. The Director reserves the right to take appropriate enforcement actions for any unpermitted discharges.

II. B Contents of the Notice of Intent

The Notice of Intent must be signed in accordance with Part VI.H of this Permit and must include the following information:

1. Information about the Permittee

a. The name of your MS4, the mailing address, telephone number, and the name and title of your stormwater program manager.

b. An indication of whether you are a federal, state, or other public entity.

2. Information on the Municipal Separate Storm Sewer System (MS4)

a. The Urbanized Area (UA) or Core Municipality (if you are not located in a UA) where your system is located; county(ies) where your MS4 is located; and the latitude and longitude of your City Hall or the approximate center of your MS4.

b. A description or map that defines the boundaries or extent of your MS4 jurisdiction. For those MS4 cities not located entirely within an UA, your jurisdiction shall cover the entire area within the corporate boundaries of the municipality.

c. The name(s) of the major receiving water(s) and an indication of whether any of your receiving waters are on the latest CWA §303(d) list of impaired waters, or are designated as Outstanding Resource Water (ORWs), or have a TMDL either established or approved by the DEQ or EPA. If you discharge into impaired waters on the 303(d) list, an ORW, or water with a TMDL, you must certify that your SWMP complies with the requirements of Part III.

d. Supporting documentation addressing the special conditions of the permit required by Part III.B and C, if applicable.

e. Indication of your decision to implement the optional permit requirements for municipal construction activities in Part VIII. If you choose to develop this optional measure, provide a description of the optional permit requirements or an outline of your MS4's stormwater pollution prevention plan (SWP3).

f. Indication of which criterion you are relying upon for your small MS4 to meet the endangered species eligibility requirements listed in Part I.E.2.

3. Relying on another Government Entity: Indicate if you are relying on another government entity already regulated under the stormwater regulations (40 CFR § 122.26 and 122.23) to satisfy one or more of your obligations. Identify that entity and the element(s) of the SWMP they will be implementing on your behalf (see Part IV.A.5).

4. Best Management Practices (BMPs): Provide information on your chosen BMPs and the measurable goals for each of the stormwater MCMs in Part IV.C of this Permit. For each of the six MCMs, include:

a. A description of BMPs that will be implemented for compliance with each MCM.

b. An implementation schedule for each BMP including months and years that you will undertake required actions.

c. Measurable goals for each BMP including, as appropriate, interim milestones and frequency of occurrence.

d. The name of the person or persons responsible for implementing or coordinating your SWMP.

II. C Where to Submit Your NOI

Submit your NOI, signed in accordance with the signatory requirements of Part VI.H of this Permit, along with supporting materials to DEQ at the following address:

DEQ/WQD, PO Box 1677, Oklahoma City, OK 73101-1677

II. D Co-Permittees

You may partner with other MS4s to develop and implement your SWMP. Each co-permittee must complete the NOI form. The description of your SWMP must clearly describe which permittees are responsible for implementing each of the control measures.

II. E Terminating Coverage

1. A permittee may terminate coverage under this general permit by submitting a notice of termination (NOT) (see Exhibit 3). Authorization to discharge terminates at midnight on the day the NOT is signed.

2. A permittee must submit a NOT to DEQ within 30 days after the permittee:

   a. Ceases discharging stormwater from the MS4.

   b. Ceases operations at the MS4.

   c. Transfers ownership or responsibility for the MS4 to another operator.

3. The NOT will consist of a letter to DEQ and must include the following information:

   a. Name, mailing address, and location of the MS4 for which the notification is submitted.

   b. The name, address, and telephone number of the operator addressed by the NOT.

   c. The OPDES small MS4 permit number for the MS4.

   d. An indication of whether another operator has assumed responsibility for the MS4, the discharger has ceased operations at the MS4, or the stormwater discharges have been eliminated.

   e. The following certification:

> *I certify under penalty of law that all stormwater discharges from the identified MS4 that are authorized by an OPDES general permit have been eliminated, or that I am no longer the operator of the MS4, or that I have ceased operations at the MS4. I understand that by submitting this Notice of Termination I am no longer authorized to discharge stormwater under this general permit, and that discharging pollutants in stormwater to waters of the State is unlawful under the Clean Water Act and OAC 252:606-1-3(b)(3) where the discharge is not authorized by an OPDES permit. I also understand that the submission of this Notice of Termination*

does not release an operator from liability for any violations of this Permit, the Clean Water Act, and the Oklahoma Pollution Discharge Elimination Act.

4. The NOT must be signed in accordance with Part VI.H of this Permit and must be submitted to the address listed in Part II.C.

PART III: SPECIAL CONDITIONS

III. A 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. If you have discharges to receiving waters included on the latest CWA §303(d) list of impaired waters, you must document in your SWMP how you will comply with the following requirements:

1. If you discharge to waters identified on the latest CWA § 303(d) list of impaired waters, you must include all necessary BMPs that will ensure that the impairment caused by identified pollutants (e.g, nitrogen or phosphorus, bacteria) in your receiving waters will, not cause, have the reasonable potential to cause, or contribute to an in-stream exceedance of water quality standards. You must include the following in development or revision of your SWMP:

    a. You must develop a plan which lists the BMPs you have implemented or will implement to reduce the pollutants of concern and describe how you expect the selected controls to reduce the pollutants of concern.

    b. Your outreach programs must be directed toward targeted groups of commercial, industrial and institutional entities likely to have significant stormwater impacts on your impaired waters.

    c. You must identify any non-stormwater discharges that contribute significant pollutants to your impaired waters.

    d. You must locate those areas likely to have illicit discharges and conduct inspections based on the priority areas in the watershed of your 303(d) listed water bodies.

    e. You must include any operation and maintenance procedures for structural and non-structural stormwater controls to reduce pollutants discharged into your impaired water. You must ensure that new flood management projects assess the impacts on water quality and examine existing projects to determine if incorporating additional water quality protection devices and practices are necessary.

    f. You must choose BMPs from EPA's menu or select others that can be used for managing the identified pollutants (e,g, nitrogen or phosphorus, bacteria) in your discharges. The details of the BMPs can be viewed from EPA's website at: http://water.epa.gov/polwaste/npdes/swbmp/index.cfm .

    g. If the pollutant of concern is bacteria, you must include a list of identified BMPs addressing the below areas, as applicable, in the SWMP and implement as appropriate. You may not exclude BMPs associated with the minimum control measures required under this permit (see Part IV.C). The Proposed BMPs will be required to be submitted to ODEQ for review.

        The BMPs shall, as appropriate, address the following:

        1) Sanitary Sewer Systems

(a) Make improvements to sanitary sewers;
(b) Address lift station inadequacies;
(c) Improve reporting of violations; and
(d) Strengthen controls.

2) On-site Sewage Facilities (for entities with appropriate jurisdiction)

(a) Identify and address failing systems; and
(b) Address inadequate maintenance of On-Site Sewage Facilities.

3) Illicit Discharges and Dumping

Place additional effort to reduce waste sources of bacteria; for example, from septic systems, grease traps, and grit traps;

4) Animal Sources

Expand existing management programs to identify and target animal sources such as zoos, pet waste, horse stables, and livestock sale barns.

5) Residential Education

Increase focus to educate residents on:

(a) Bacteria discharging from a residential site either during runoff events or directly;
(b) Fats, oils and grease clogging sanitary sewer lines and resulting overflows;
(c) Decorative ponds; and
(d) Pet waste.

2. Where a discharge is already authorized under this general permit and is later determined to cause, have the reasonable potential to cause, or contribute to the in-stream exceedance of an applicable water quality standard, DEQ will notify you. You must take all necessary actions to ensure that future discharges do not cause, have the reasonable potential to cause, or contribute to in-stream exceedance of a water quality standard and must document these actions in the SWMP. If an exceedance remains or recurs, the coverage under this general permit may be terminated by DEQ, and DEQ may require an application for coverage under an alternative general permit or an individual permit.

3. Compliance with this requirement does not preclude any enforcement activity as provided by the Clean Water Act for the underlying violation.

III. B Established Total Maximum Daily Load Allocations

1. If a Total Maximum Daily Load (TMDL) or watershed plan in lieu of a TMDL is established for any water body into which you discharge prior to the date that you submit a NOI, and if that TMDL includes a waste load allocation or load allocation for a parameter likely to be discharged by the MS4, your discharges must meet any limitations, conditions, or other requirements of the waste load allocation (WLA), load allocation and/or TMDLs associated implementation plan within any timeframes

established in the TMDL or watershed plan. Monitoring and reporting of the discharges may also be required as appropriate to ensure compliance with the TMDL, or watershed plan. You must adopt any WLAs assigned to your discharges specified in the TMDL, or similar targets in the watershed plan, as measurable goals in your SWMP. The SWMP must be modified to implement the TMDL within the timeframe established in the TMDL or as otherwise specified in watershed plan. You must comply with any additional annual reporting or evaluating progress requirements in the TMDL or watershed plan.

2. If a TMDL or watershed plan in lieu of a TMDL is approved for any water body into which you discharge after the date that you submit a NOI, you must incorporate any limitations, conditions, and requirements applicable to your discharges into your SWMP to ensure that the waste load allocation, load allocation, and/or the TMDL's associated implementation plan will be met within any timeframes established in the TMDL or watershed plan. Monitoring and reporting of the discharges may also be required as appropriate to ensure compliance with the TMDL or watershed plan. You must adopt any WLAs assigned to your discharges specified in the TMDL, or similar targets in the watershed plan, as measurable goals in your SWMP. The SWMP must be modified to implement the TMDL within the timeframe established in the TMDL or as otherwise specified in watered plan. You must comply with any additional annual reporting or evaluating progress requirements in the TMDL or watershed plan.

III. C Discharges to Outstanding Resource Waters

Except for discharges of stormwater from temporary construction activities, new discharges located within the watershed of any waterbody designated Outstanding Resource Water (ORW) in Oklahoma's Water Quality Standards are not allowed and are not authorized by this Permit. Discharges to ORW waters from MS4s existing as of June 25, 1992 are allowed but such stormwater discharges are prohibited from increased load of any pollutant. If any part of your MS4 discharges to an ORW waterbody, you must document in your SWMP how you will comply with this prohibition.

III. D Site Specific Requirements (Reserved)

PART IV: STORM WATER MANAGEMENT PROGRAM (SWMP)

IV. A Requirements

You must develop new elements, as needed, and continue to implement, and enforce a written SWMP designed to reduce the discharge of pollutants from your MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. The SWMP should include BMPs, control techniques and system, design and engineering methods, an enforcement component and such other provisions as the Director determines appropriate for the control of such pollutants.

1. Renewal Permittees: You must review the SWMP you developed under the 2005 Small MS4 General Permit, revise and update existing, and/or develop new BMPs and measurable goals in your SWMP, as needed, to meet the requirements of this permit, or as required by the Director to ensure compliance with the CWA. Modifications and updates shall be reflected in your SWMP and implemented within one (1) year of the effective date of this permit then as needed. You are required to keep the SWMP document up to date during the term of the permit. Compliance deadlines are not extended for small MS4s required to have obtained coverage under the 2005 Small MS4 General Permit.

2. Newly Regulated Small MS4s: You must develop a written SWMP according to this part and include all six (6) minimum control measure requirements. You must define and list the BMPs that you or another entity will implement for each of the minimum control measures listed in Part IV.C. You must provide program development, implementation schedules for full implementation of the complete SWMP as soon as practicable, but no later than five (5) years from the effective date of this permit. Credible interim progress in developing and implementing program elements must be made over the term of the permit.

3. Small MS4s Newly Designated after the Date of Permit Issuance: You must develop a written SWMP according to this part, and you must comply with the following:

   a. Include all six (6) minimum control measure requirements (MCMs);

   b. Define and list the BMPs that you or another entity will implement for each of the MCMs listed in Part IV.C;

   c. Provide program development, implementation and enforcement schedules for full implementation of the complete SWMP as soon as practicable, but no later than five (5) years from the effective date of this permit or according to the schedule that the Director specifies in the DEQ notification; and

   d. Make credible interim progress in developing and implementing program elements over the term of this Permit.

4. Measurable Goals for BMPs: You must list and define the BMPs that you or another entity are or will be implementing for each of the stormwater MCMs listed in Part IV.C. For each BMP, you must:

   a. Include measurable goals;

b. Include the months and years in which you will undertake required actions, including interim milestones and the frequencies of the actions; and

c. Identify who will be responsible for implementing or coordinating the BMPs for your SWMP.

You may use EPA's "*Measurable Goals Guidance for Phase II Small MS4s*" to develop new measurable goals or revise current ones. The guidance can be downloaded from EPA's website at http://www.epa.gov/npdes/pubs/measurablegoals.pdf. You must provide a rationale for how and why you selected each of the BMPs and measurable goals for your SWMP. The information required for such a rationale is given in Part IV.C for each minimum measure.

5. Sharing Responsibility: Implementation of one or more of your stormwater MCMs may be shared with another government entity or may be fully implemented by another government entity. You may rely on another government entity only if:

   a. The other government entity implements the control measure;

   b. The particular control measure, or component of that measure, is as least as stringent as the corresponding permit requirement; and

   c. The other government entity agrees to implement the control measure on your behalf. Written acceptance of this obligation is required. This obligation must be maintained as part of the description of your SWMP. If the other government entity agrees to report on the minimum measure, you must supply the other government entity with the reporting requirements contained in Part V.C. If the other government entity fails to implement the control measure on your behalf, then you remain responsible for compliance with permit obligations. You must modify your SWMP within one (1) year and comply with permit requirements.

IV. B Required SWMP Updates

DEQ may notify you that changes to your SWMP are necessary to:

1. Address adverse impacts on receiving water quality that discharges from your MS4 are or may have the reasonable potential to cause or contribute to;

2. Include more stringent requirements necessary to comply with new Federal statutory or regulatory requirements;

3. Include other conditions deemed necessary by the Director to comply with the goals and requirements of the Clean Water Act, including TMDL requirements;

   Or

4. Include any permit requirements that the Director determines that your SWMP does not meet.

Changes requested by the Director must be made in writing, set forth the time schedule for

you to develop the changes, and offer you the opportunity to propose alternative program changes to meet the objective of the requested modification. Within the time schedule provided, you must submit a copy of the revisions made to the SWMP.

IV. C Minimum Control Measures

The six (6) minimum control measures (MCMs) that must be included in your SWMP are listed below. A seventh optional control measure is described in Part VIII. Each MCM must comply with the items included in the "Permit Requirements" section. You are encouraged to consider the information included in "Recommendations" and incorporate them as appropriate, but "Recommendations" are not permit requirements. You must continue to implement your SWMP and revise your programs according to Part IV.D. If you are a newly regulated small MS4 or MS4 newly designated after the date of this Permit issuance, you are required to develop and implement and enforce the programs that specifically address each of six (6) MCMs, as soon as practicable, but no later than five (5) years from the effective date of this permit, or utilize the schedule that DEQ provides to you.

1. Public Education and Outreach Program

a. Permit Requirements

You must revise and update your existing public education and outreach program. The revision of the program shall be completed within the first year after effective date of this permit. You must continue to implement a public education and outreach program to distribute information and educational materials to the community or conduct equivalent outreach activities to promote behavior change by the public to reduce pollutants in stormwater runoff and eliminate illicit discharges. The public education or equivalent outreach activities shall be tailored, using a mix of locally appropriate strategies, to target specific audiences and communities. You must:

(1) Include education and outreach efforts for the following audiences:

(a) Traditional municipalities such as cities, counties, etc. must address the general public being served by the MS4;

(b) Non-traditional municipalities such as universities, hospital complexes, prisons, special districts, etc. and federal facilities must address the community served by the MS4. For example, at a university it would be the faculty, other staff, students, and visitors, while at a military base, it would include military personnel (and dependents) contractors, employees, tenants, visitors, etc.; and

(c) Departments of transportation must address the community working on or served by the transportation network within the MS4 including employees, contractors, and the general public.

(2) Establish or revise (as necessary) measurable goals for each BMP, including target milestones (month and year), frequency of action(s) and identify responsible persons.

(3) Assess your education and outreach program annually as required by Part V.C of this Permit.

b. Recommendations

(1) Use stormwater educational materials locally developed or provided by the EPA, States, MS4s and other organizations;

(2) Contact the Blue Thumb Program for assistance with your program, including storm drain marking, assistance with newsletters and brochures, planning of civic events, and borrowing Blue Thumb educational tools for local events. Their contact info is:

Oklahoma Conservation Commission, Statewide Blue Thumb Program,
128 East 3rd Ave.
Bristow, OK 74010

Telephone: (918) 398-1804 or E-mail:
Cheryl.Cheadle@conservation.ok.gov

The details of Blue Thumb Program can be founded from the website at http://www.ok.gov/conservation/Agency_Divisions/Water_Quality_Division/Blue_Thumb/index.html

(3) Distribute stormwater messages to the public by using locally available methods, such as brochures/factsheets, pamphlets, booklets, educational displays, bill inserts, promotional giveaways, workshops, and local cable access channels in TV;

(4) Provide information to homeowners on stormwater pollution prevention, topics such as trash and recycling, landscaping and lawn care, pest control, pet waste management, disposal of household hazardous wastes, residential car washing and water conservation;

(5) Provide information to businesses on stormwater pollution prevention topics such as automobile maintenance, chemical storage and disposal, illicit discharges and erosion/sediment controls, as well as promoting *Low Impact Development* (LID); and

(6) Evaluate the effectiveness of the education program by using methods tied to the identified measureable goals of the program and the overall objective of changes in behavior and knowledge. One method of evaluation of the program may be an evaluation of audience knowledge prior to commencement of the educational message followed by an evaluation after delivery of the message, such as a survey.

2. Public Participation and Involvement

The public can provide valuable input and assistance to a regulated small MS4's municipal SWMP so the public should be given opportunities to play an active role in both the development and implementation of the SWMP. An active and involved community is crucial to the success of a SWMP because it allows for:

- Broader public support since citizens who participate in the development and decision making process are partially responsible for the program and, therefore, may be less likely to raise legal challenges to the program and more likely to take an active role in its implementation.

- Shorter implementation schedules due to fewer obstacles in the form of public and legal challenges and increased sources in the form of citizen volunteers.

- A broader base of expertise and economic benefits since the community can be a valuable, and free, intellectual resource.

- A conduit to other programs as citizens involved in the stormwater program development process provides important cross-connections and relationships with other community and government programs. This benefit is particularly valuable when trying to implement a stormwater program on a watershed basis.

a. Permit requirements: Your public participation and involvement program must be reviewed and updated within the first year after the effective date of this initial permit then reviewed annually and revised, if necessary. This program must encourage public involvement and participation in the development and implementation of your SWMP. This must:

(1) Include a process by which public comments on the SWMP are received and reviewed by the person(s) responsible for the SWMP;

(2) Comply with State and local public notice requirements when implementing your public involvement/participation program.

(3) Establish or revise (as necessary) measurable goals for each BMP, including target milestones (month and year), frequency of action(s) and identify responsible persons; and

(4) Assess your public participation and involvement program annually as required by Part V.C of this Permit.

b. Recommendations: In the first minimum control measure, *Public Education and Outreach*, the goal of that element of your SWMP was to inform your community about reducing pollutants in stormwater runoff. The public, in that measure, is passively receiving information. But in the *Public Participation and Involvement* element of your SWMP, the goal is to get members of your community participating in activities that reduce pollutants in stormwater runoff. Community members are actively involved in working toward this goal. There are a variety of practices that could be incorporated into a public participation and involvement program. For example, you can:

(1) Establish a citizen advisory group or utilize existing citizen organizations to participate in the development, implementation and revision of your SWMP. Make an effort to reach out and engage all economic and ethnic groups by involving them with public activities in your program;

(2) Conduct public meetings/citizen panels to allow citizens to discuss various viewpoints and provide input concerning appropriate stormwater management policies and BMPs;

(3) Create opportunities for the public to participate in the implementation of stormwater controls. Examples of ways to include the public include:

(a) Encourage individuals or groups to conduct storm drain marking and/or participate in community programs such as "Adopt-A-Storm Drain". In this program, citizens keep storm drains free of debris and monitor what is entering local waterways through storm drains. These are important and simple activities that concerned citizens, especially students, can do;

(b) Organize community clean-ups along local waterbodies;

(c) Train citizen watch groups to aid local enforcement authorities in the identification of polluters; and

(d) Develop a volunteer monitoring program. Volunteer water quality monitoring gives citizens first-hand knowledge of the quality of local water bodies and provides a cost-effective means of collecting water quality data. Contact Blue Thumb for assistance with your program.

(4) Evaluate the effectiveness of the program by using methods tied to the identified measureable goals of the program and the overall objective of changes in behavior and knowledge.

3. Illicit Discharge Detection and Elimination

a. Permit Requirements

You must review and revise your existing illicit discharge detection and elimination program, as necessary. The revision of the program shall be completed within the first year after the effective date of this Permit then as needed. You must develop new elements, as necessary, and continue to implement and enforce the program to detect and eliminate illicit discharges into your small MS4, including a dry weather field screening program to identify non-stormwater flows. You must:

(1) Enforce ordinances or other regulatory mechanisms that you utilize to effectively prohibit illicit discharges into your small MS4. If your ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your program.

(2) Continue to implement a dry weather field screening plan to detect investigate, and eliminate illicit discharges. Rely on visual indicators and simple field test kits for most work where you are looking for indications of a problem. Laboratory methods can be reserved for situations where you have identified a problem and need to prove that you have traced the problem to a particular illicit discharger. Your field screening program must address the following, at a minimum:

(a) Procedures for locating priority areas within your MS4 likely to have illicit discharges (e.g., areas with older sanitary sewer lines), or ambient sampling to locate impacted reaches;

(b) Procedures to address on-site sewage disposal systems that may flow into your storm drainage system;

(c) Procedures for tracing the source of an illicit discharge, including the specific techniques you will use to detect the location of the source;

(d) Procedures for removing the source of the illicit discharge; and

(e) Procedures for program evaluation and assessment.

(3) Develop (if necessary), maintain and regularly update a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the State that receive discharges from those outfalls.

(4) To the extent allowable under State or local law, effectively prohibit, through ordinance or other regulatory mechanism, non-stormwater discharges into your storm sewer system and implement appropriate enforcement procedures and actions. If you lack legal authority for direct enforcement action, you must include procedures to notify DEQ when a party fails to comply with the requirements. You may rely on DEQ for assistance in enforcement of this provision of the permit in these cases.

(5) Develop (if necessary) and implement a plan to detect and address non-stormwater discharges, including illegal dumping to your system.

(6) Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste. Promote, publicize and facilitate the reporting of illicit discharges.

(7) Maintain a list of occasional incidental non-stormwater discharges or flows as allowed in Part I - B2 that will not be addressed as illicit discharges. These non-stormwater discharges must not be reasonably expected (based on information available to you) to be significant sources of pollutants to the small MS4, because of either the nature of the discharges or conditions you have established for allowing these discharges to your small MS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to sensitive water bodies, BMPs on the wash water, etc.). You must document in your SWMP any local controls or conditions placed on the discharges. You must include a provision prohibiting any individual non-stormwater discharge that is determined to be contributing significant amounts of pollutants to your MS4.

(8) Establish or revise (as necessary) measurable goals for each BMP, including target milestones (month and year), frequency of action(s) and identify responsible persons.

(9) Evaluate the appropriateness of your identified BMPs for this minimum control measure. Your evaluation shall verify compliance with permit requirements and more importantly, document that tangible efforts have been made towards achieving your identified measurable goals and reducing the

impacts of stormwater runoff from the small MS4. Document the evaluation of your illicit discharge detection elimination program annually as required by Part V.C of this Permit.

b. Recommendations

(1) Develop and implement a written spill response and prevention plan to ensure the appropriate actions that will take place when a spill occurs within your small MS4.

(2) Expand your plan to detect and address illicit discharges to your system, including illegal dumping control, sanitary sewer overflows, on-site sewage disposal, a used oil recycling program, trash and debris management. You may use EPA's illicit discharge detection and elimination manual to develop or revise your plan. You can download the document from EPA's website at http://cfpub.epa.gov/npdes/stormwater/idde.cfm.

(3) Identify priority areas which includes areas with higher likelihood of illicit connections (e.g., areas with older sanitary sewer lines or with a history of sewer overflows or cross-connections; areas with older infrastructure that are more likely to have illicit connections; areas of industrial, commercial, or mixed use; areas with a history of past illicit discharges; areas with a history of illegal dumping; areas with onsite sewage disposal systems, and areas of *Aquatic Resources of Concern*). Update this priority area list to reflect changing priorities annually.

(4) Educate and train the general public, employees, and businesses about the hazards associated with illegal discharges and improper disposal of waste. Set up a hotline for citizens to report violations. Coordinate the program with your public education MCM and your pollution prevention/good housekeeping MCM programs.

(5) Educate employees that have been working in the field, such as maintenance workers, building inspectors etc., to identify and report stormwater illicit discharges.

4. Construction Site Stormwater Runoff Control

a. Permit Requirements

You must review and revise your existing construction site stormwater runoff control program, as necessary. The revision shall be completed within the first year after the effective date of this permit then as needed. You must develop new elements, as necessary, and continue to implement and enforce the program to reduce pollutants in any stormwater runoff to your MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of stormwater discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. You must:

(1) Develop (if necessary), implement and enforce an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as

sanctions to ensure compliance, to the extent allowable under State or local law. Review and revise your existing ordinance to meet the permit requirements. If you lack legal authority for direct enforcement action, you must include procedures to notify DEQ if a construction site operator fails to comply with your program. You may rely on DEQ for assistance in enforcement of this provision of the permit in these cases;

(2) Develop (if necessary), implement and enforce requirements for construction site operators to implement appropriate BMPs for erosion and sediment control;

(3) Develop (if necessary), implement and enforce requirements for construction site operators to select and implement appropriate erosion and sediment control measures to reduce or eliminate the impacts to receiving waters, and control waste at the construction site that may cause adverse impacts to water quality such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste;

(4) Develop (if necessary), implement and enforce procedures for site plan review which incorporate consideration of potential water quality impacts including erosion and sediment controls, controls of other wastes, and any other impacts that must be examined according to the requirements of the local ordinance or other regulatory mechanism;

(5) Develop (if necessary), implement and enforce procedures for receipt and consideration of information submitted by the public;

(6) Develop (if necessary), implement and enforce procedures for site inspection and enforcement of control measures including enforcement escalation procedures for recalcitrant or repeat offenders. Document inspection findings and take all necessary follow-up actions (i.e., re-inspection, enforcement) to ensure site compliance;

(7) Establish or revise (as necessary) measurable goals for each BMP, including target milestones (month and year), frequency of action(s) and identify responsible persons; and

(8) Evaluate the appropriateness of your identified BMPs for this MCM. Your evaluation shall verify compliance with permit requirements and more importantly, documents that tangible efforts have been made towards achieving your identified measurable goals and reducing the impacts of stormwater runoff from the small MS4 (as required by Part V.C of this Permit).

b. <u>Recommendations</u>

(1) Use sanctions and enforcement mechanisms, including non-monetary penalties (such as stop work orders), fines, bonding requirements, legal action, and/or permit denials for non-compliance.

(2) Implement an outreach program for the local development community. Coordinate with your public education MCM and your pollution prevention and good housekeeping MCM programs.

(3) Conduct a staff training to address requirements for inspection and enforcement of erosion and sediment control measures once construction begins.

(4) Offer incentives for "green developers", such as expedited permit review, reduced application fees, and public recognition.

(5) Expand your procedures for site plan review, site inspection and enforcement to smaller sites.

5. Post-Construction Management in New Development and Redevelopment

a. Permit Requirements

You must review and revise your existing new development and redevelopment post-construction management program, as necessary. The revision shall be completed within the first year after the effective date of this permit then as needed. You must develop new elements, as necessary, and continue to implement and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one (1) acre that are part of a larger common plan of development or sale, that discharge into your small MS4. Your program must attempt to maintain pre-development runoff conditions and ensure that controls are in place that would prevent or minimize water quality impacts. You must:

(1) Develop (if necessary), implement and enforce strategies which include a combination of structural and/or non-structural BMPs appropriate for your community;

(2) Develop (if necessary), implement and enforce an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law;

(3) Review local ordinances and regulations, and identify any legal/regulatory barriers to Low Impact Development (LID). Develop a schedule to remove those barriers that prohibit LID practices selected by the MS4, or provide a justification for each barrier not removed;

(4) Develop (if necessary), implement and enforce procedures to ensure adequate long-term operation and maintenance of BMPs that are put in place after the completion of a construction project, including inspections of each BMP;

(5) Participate in an education program for developers and the public about project designs that minimize water quality impacts, including LID strategies. This would coordinate with your public education minimum control measure and your pollution prevention and good housekeeping minimum control measure programs;

(6) Establish or revise (as necessary) measurable goals for each BMP, including target milestones (month and year), frequency of action(s) and identify responsible persons; and

(7) Evaluate the appropriateness of your identified BMPs for this MCM. Your evaluation shall verify compliance with permit requirements and, more importantly, document that tangible efforts have been made towards achieving your identified measurable goals and reducing the impacts of stormwater runoff from the small MS4 (as required by Part V.C of this Permit).

b. Recommendations

(1) Promote non-structural/structural BMPs which are appropriate for the local community, minimize water quality impacts and attempt to maintain pre-development runoff conditions in your program. These BMPs include post-construction plan review, green roofs, green parking, narrower residential streets, open space design, protection of natural features, riparian/forested buffer, street design and patterns, grassed swales, infiltration basin/trench, porous pavement, bioretention/rain gardens, catch basin inserts, vegetated filters, and stormwater wetland/wet ponds.

(2) Consider requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition). Provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation. Encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure. Consider adopting and implementing low impact development (LID) practices through an ordinance or other regulatory mechanism.

(3) Assess current street design and parking lot guidelines and requirements that affect the creation of impervious cover. Determine if changes in standards for streets and parking lots can be modified to support LID design options.

(4) Complete an inventory of impervious areas (such as conventional pavements, sidewalks, driveways, roadways, parking lots and rooftops), and directly connected impervious areas (portion of impervious area with a direct hydraulic connection to the receiving waters via continuous paved surfaces, gutters, pipes and other impervious features). Based on the results of the inventory, determine the areas that may have the potential to be retrofitted with BMPs (such as LID) designed to reduce the frequency, volume and peak intensity of stormwater runoff to and from your MS4.

(5) Use measures such as minimization of the percentage of impervious area after development, minimization of directly connected impervious areas, and source control measures often thought of as good housekeeping, preventive maintenance and spill prevention.

(6) Use structural BMPs, including, as appropriate:

(a) Storage practices such as wet ponds and extended-detention outlet structures.

(b) Filtration practices such as grassed swales, bioretention cells, sand filters and filter strips.

(c) Infiltration practices such as infiltration basins and infiltration trenches.

(7) Within your required long-term operation and maintenance (O&M) program, consider including the following: pre-construction review of BMP designs, inspection during construction to verify BMPs are built as designed, and penalty provisions for noncompliance. Options to help ensure that future O&M responsibilities are clearly identified include an agreement between you and another party such as the post-development landowners or regional authorities.

(8) Use incentives to encourage interest in LID, such as increased densities, reduced review time/expedited review, tax incentive, reduced application fees, public recognition, dedicated review team, flexibility in design restrictions, adjustments to the required parking, lower stormwater fees, new fee structure, reduced conventional stormwater requirements.

6. Pollution Prevention/Good Housekeeping For MS4 Operations

a. Permit Requirements

You must review and revise your existing pollution prevention and good housekeeping program, as necessary. The revision shall be completed within the first year after the effective date of this Permit then as needed. You must develop new elements, as necessary, and continue to implement and enforce the operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from MS4 operations. You must:

(1) Use training materials that you develop or that are available from EPA, DEQ, or other reputable organizations. Your program must include employee training to prevent and reduce stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance;

(2) Implement a municipal employee training and education program that you will use to prevent and reduce stormwater pollution from MS4 activities. Describe any existing, available materials you plan to use. Describe how this training program will be coordinated with the outreach programs developed for the public information minimum measure and the illicit discharge MCM;

(3) Maintain a list of industrial facilities you own or operate that are subject to the DEQ Multi-Sector General Permit or individual OPDES or NPDES permits for discharges of stormwater associated with industrial activity that ultimately discharge to your small MS4. Include the authorization number or a copy of the Industrial NOI form for each facility. You must review this inventory annually and update as necessary;

(4) Implement procedures for controlling, reducing or eliminating the discharge of pollutants from streets, roads, highways, parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt/sand storage locations and snow disposal areas you operate;

(5) Implement procedures to ensure that new flood management projects are assessed for impacts on water quality;

(6) Implement inspection/maintenance for structural and non-structural BMPs, including maintenance activities, maintenance schedules and long term inspection procedures for controls to reduce floatables and other pollutants discharged to your small MS4;

(7) List and define the BMPs that you or another entity will implement in the program. You must include, as appropriate, the months and years in which you will undertake required actions, including interim milestones and the frequency of the action. Also you must identify who will be responsible for implementing or coordinating the BMPs in your program;

(8) Establish or revise (as necessary) measurable goals for each BMP, including target milestones (month and year), frequency of action(s) and identify responsible persons; and

(9) Evaluate the appropriateness of your identified BMPs for this MCM. Your evaluation shall verify compliance with permit requirements and more importantly, document that tangible efforts have been made towards achieving your identified measurable goals and reducing the impacts of stormwater runoff from the small MS4 (as required by Part V.C of this Permit).

b. Recommendations

(1) Develop an inventory of all your MS4 operations that are impacted by this program. Review this inventory annually and update as necessary.

(2) Establish procedures for proper use, storage, and disposal of both petroleum and non-petroleum products at schools, town offices, police and fire stations, pools, parking garages and other permittee-owned or operated buildings or utilities. Develop or continue to implement a Spill Response and Prevention Plan to ensure that appropriate actions will take place when a spill occurs within your small MS4.

(3) Establish procedures for the proper storage of permittee-owned vehicles and equipment, including fueling areas. Ensure that vehicle wash waters are not discharged to the small MS4. (4) Establish procedures for catch basin inspections, cleaning and repairs, and sweeping streets, sidewalks, and permittee-owned parking lots within your small MS4.

IV. D Reviewing and Updating the SWMP

1. SWMP Review: You must conduct an annual review of your SWMP in conjunction with preparation of the annual report required under Part V.C.

2. SWMP Update: Your SWMP shall be modified as needed during the life of the permit in accordance with the following procedures:

   a. Changes to comply with new requirements of this permit.

   b. Changes adding (but not subtracting or replacing) components, controls, or requirements to the SWMP may be made at any time upon written notification to the Director.

   c. Changes replacing an ineffective or unfeasible BMP specifically identified in the SWMP with one or more alternate BMP(s) may be requested at any time. Unless denied by the Director, changes proposed in accordance with the criteria below shall be deemed approved and may be implemented 60 days from submittal of the request. If your request is denied, the Director will send you a written response giving a reason for the decision. Your modification requests must include the following:

      (1) An analysis of why the BMP is ineffective or infeasible (including cost prohibitive);

      (2) Expectations on the effectiveness of the replacement BMP; and

      (3) An analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.

   d. Change requests or notifications must be made in writing and signed in accordance with Part VI.H.

IV. E Transfer of Ownership or Operational Authority

The entity responsible for SWMP implementation must implement the SWMP for all new areas added to your portion of the MS4 (or for which you become responsible for implementation of stormwater quality controls) as expeditiously as practicable, but not later than one year from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.

Within 90 days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, you must have a plan for implementing your SWMP on all affected areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the SWMP must be included in the annual report.

IV - F Minor Permit Modification

Only those portions of the SWMP specifically required as permit conditions shall be subject to the modification requirements of OAC 252:606-1-3(b)(4) adopting and incorporating by reference 40 CFR §124.5. Addition of components, controls, or requirements by the permittee(s) and replacement of an ineffective or infeasible BMP implementing a required component of the SWMP with an alternate BMP expected to achieve the goals of the

original BMP shall be considered minor changes to the SWMP and not modifications to the permit.

PART V: MONITORING, RECORD KEEPING, AND REPORTING

V. A Monitoring

1. Designing Your Monitoring Program: You must evaluate program compliance, the appropriateness of identified best management practices, and progress toward achieving identified measurable goals. If you discharge to a water of the State for which a TMDL has been approved, you may have additional monitoring requirements under Part III of this permit.

2. Conducting Monitoring: If you plan to conduct monitoring, you are required to comply with the following:

   a. Representative monitoring: Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

   b. Laboratory Methods

      If laboratory analysis is conducted it must be conducted according to test procedures approved under 40 CFR part 136.

3. Records of Monitoring Information: Monitoring records must include:

   a. The date, exact place, and time of sampling or measurements;

   b. The names(s) of the individual(s) who performed the sampling or measurements;

   c. The date(s) analysis were performed;

   d. The names of the individuals who performed the analyses;

   e. The analytical techniques or methods used; and

   f. The results or observations of such analyses.

4. Discharge Monitoring Report (DMR): The reporting of monitoring results may be required, by the Director, to be submitted on a Discharge Monitoring Report.

V. B Record Keeping

1. Retain Records of All Monitoring Information: Include all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, copies of DMRs, a copy of the OPDES permit, and records of all data used to complete the NOI for this Permit, for a period of at least three (3) years from the date of the sample, measurement, report or application, or for the term of this Permit, whichever is longer. This period may be extended by request of the Director at any time.

2. Submit Your Records: Mail your completed DMR reports, if required, to DEQ along with your annual report. You must retain a description of the SWMP required by this Permit (including a copy of the permit language) at a location accessible to the Director.

You must make your records, including the NOI and the description of the SWMP, available to the public.

V. C Annual Reports

1. You must submit an annual report for each permit year to the Director of DEQ. Mail your report to the address specified in PART II.C or e-mail to DEQ electronically. Your annual report must be received by March 1st of the year beginning in year 2016. Each report must contain information regarding activities of the previous permit year. Each report must include:

   a. The status of your compliance with permit conditions, an assessment of the appropriateness of the identified best management practices, progress towards achieving the statutory goal of reducing the discharge of pollutants to the Maximum Extent Practicable (MEP), and progress toward achieving the measurable goals for each of the minimum control measures;

   b. Results of information collected and analyzed, if any, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP;

   c. A summary of the stormwater activities you plan to undertake during the next reporting cycle (including an implementation schedule);

   d. Proposed changes to your SWMP, including changes to any BMPs or any identified measurable goals that apply to the program elements;

   e. Description and schedule for implementation of any additional BMPs or monitoring that may be necessary to reduce/eliminate the discharges of the pollutant of concern into impaired waters on the 303(d) list;

   f. Description and schedule for implementation of any additional BMPs or monitoring that may be necessary to ensure compliance with any applicable TMDL or watershed plan in lieu of a TMDL; and

   g. Notice that you are relying on another government entity to satisfy some of your permit obligations (if applicable) and a copy of the written agreement with that entity.

2. If the optional permit requirement for construction activities is elected you must also include in your Annual Report a progress report concerning the elected optional permit requirements. At a minimum this must include:

   a. The number of your active construction sites that are currently covered under the elected optional permit requirement;

   b. The number of construction projects that were started during the reporting period;

   c. The number of construction projects that were completed during the reporting period; and

d. The number of construction sites that were covered under the elected optional permit requirement that have reached final stabilization.

PART VI: STANDARD PERMIT CONDITIONS

VI. A Duty to Comply

You must comply with all conditions of this permit insofar as those conditions are applicable to each permittee, either individually or jointly. Any violation of this permit constitutes a violation of the Oklahoma Pollutant Discharge Elimination System Act, 27A O.S. § 2-6-206 et seq., and the Clean Water Act, and regulations promulagted thereto; and is grounds for the issuance of an enforcement action; for permit termination, revocation and reissuance, or modification; and/or for denial of a permit renewal application.

The OPDES Act and Clean Water Act also provide that any violation of this permit may subject the permittee to:

1. Administrative penalties may be assessed up to $10,000 per day per violation for each day during which the violations continue with a $125,000 per violation maximum;

2. Civil penalties may be assessed up to $10,000 per day per violation;

3. Criminal penalties may range from the minimum of $2,500 to the maximum of $2,000,000 with a maximum jail time of 30 years in the state penitentiary; and

4. Penalties for permit fraud are subject to a maximum of $20,000 and a maximum of 4 years in prison.

VI. B Duty to Re-Apply

If you wish to continue an activity regulated by this permit after the expiration date of this permit, you must apply for and obtain a new permit.

VI. C Continuation of the Expired General Permit

If this Permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedures Act and remain in 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:

1. Reissuance or replacement of this Permit, at which time you must comply with the Notice of Intent (NOI) conditions of the new permit to maintain authorization to discharge; or

2. Issuance of an individual permit for your discharges; or

3. A formal permit decision by the permitting authority not to reissue this general permit, at which time you must seek coverage under an alternative general permit or individual permit.

VI. D Need to Halt or Reduce Activity is not a Defense

It shall not be a defense for you 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.

VI. E Duty to Mitigate

You must 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.

VI. F Duty to Provide Information

You must furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating this permit or to determine compliance with this permit. You must also furnish to the Director, upon request, copies of records required to be kept by this permit.

VI. G Other Information

If you become aware that you have failed to submit any relevant facts in your Notice of Intent (NOI) or submitted incorrect information in the NOI or in any other report to the Director, you must promptly submit or correct such facts or information.

VI. H Signatory Requirements

1. Notices of Intent: All Notices of Intent must be signed and certified as follows:
   a. For a corporation the NOI must be signed and certified by a *responsible corporate officer*. For the purpose of this Part, a *responsible corporate officer* means:
      (1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person that performs similar policy decision making functions for the corporation, or
      (2) 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, the NOI must be signed and certified by a general partner or the proprietor, respectively.

c. For a municipality, State, Federal, or other public agency, the NOI must be signed and certified by either a *principal executive officer* or ranking elected official. For purposes of this Part, a *principal executive officer* of a Federal agency includes:

(1) The chief executive officer of the agency, or

(2) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

2. Reports and Other Information: All NOTs, SWMPs, SWP3s, reports, certifications or other information required by this permit and other information requested by the Director or authorized representative of the Director shall be signed by a person described in Part VI.H.1 or by a duly authorized representative of that person. A person is a duly authorized representative if:

a. The authorization is made in writing by a person described in Part VI.H.1, and submitted to the Director.

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility for environmental matters for the regulated entity.

c. The signed and dated written authorization is included in the SWMP. A copy must be submitted to the Director.

3. Changes to Authorization: If an authorization is no longer accurate because a different operator has the responsibility for the overall operation of the MS4, a new authorization satisfying the requirement of Part VI.H.2 above must be submitted to the Director prior to or together with any reports, information, or notices of termination to be signed by an authorized representative.

4. Certification: Any person signing documents under terms of this permit shall make the following certification:

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

VI. I Property Rights

The issuance of this Permit does not convey any property rights of any sort, or any exclusive privilege, 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.

VI. J Proper Operation and Maintenance

You must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by you to achieve compliance with the conditions of this permit and with the conditions of your stormwater management program. 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 you only when the operation is necessary to achieve compliance with the conditions of the permit.

VI. K Inspection and Entry

You must allow the Director or an authorized representative (including an authorized contractor acting as a representative of the Director) upon the presentation of credentials and other documents as may be required by law, to do any of the following:

1. Enter the premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit.

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

3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment) practices, or operations regulated or required under this permit.

4. Sample or monitor any substances or parameters at any location at reasonable times for the purposes of assuring permit compliance or as otherwise authorized by the CWA.

VI. L Permit Actions

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

VI. M Permit Transfers

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

VI. N Anticipated Noncompliance

You must give advance notice to the Director of any planned changes in the permitted small MS4 or activity that may result in noncompliance with this permit.

VI. O State Environmental Laws

1. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve you from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under the authority preserved by Section 510 of the Act.
2. No condition of this Permit releases you from any responsibility or requirements under other environmental statutes or regulations.

VI. P 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.

VI. Q Procedures for Modification or Revocation

Permit modification or revocation will be conducted according to OAC 252.606-1-3(b)(3) and (4) adopting and incorporating by reference 40 CFR § 122.62, 122.63, 122.64, and 124.5.

VI. R Requiring an Individual Permit or Alternative General Permit

1. Request by Director

   DEQ may require any person seeking authority under or authorized by this permit to apply for and/or obtain either an individual OPDES permit or an alternative OPDES general permit. Any interested person may petition DEQ to take action under this paragraph. Where DEQ requires you to apply for an individual OPDES permit, DEQ will notify you 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 you 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. DEQ may grant additional time to submit the application upon request of the applicant. If you fail to submit an individual OPDES permit application in a timely manner as required by DEQ under this paragraph, then the applicability of this general permit to you is automatically terminated at the end of the day specified by DEQ for application submittal. This paragraph does not apply to any person whom the Director determines was never eligible under Part I.A. The Director may also require a discharger to file for an individual permit prior to submission of a NOI.

2. Request by Permittee

   Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, you must submit an individual application in accordance with the requirements of 40 CFR §122.33(b)(2),

with reasons supporting the request, to the Director of DEQ. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by you are adequate to support the request.

3. General Permit Termination

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

VI. S Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

VI. T Twenty-Four (24) Hour Reporting

1. You shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time you become aware of the circumstances. A written submission shall also be provided within 5 days of the time you become aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance;
2. The following shall be included as information which must be reported within 24 hours: 1) Any unanticipated bypass which exceeds any effluent limitation in the permit; 2) Any upset which exceeds any effluent limitation in the permit; and 3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the DEQ in the permit to be reported within 24 hours; and
3. DEQ may waive the written report on a case-by-case basis for reports if the oral report has been received within 24 hours.

PART VII: DEFINITIONS

All definitions contained in Section 502 of the Act and 40 CFR §122 shall apply to this permit and are incorporated herein by reference. For convenience, simplified explanations of some regulatory/statutory definitions have been provided, but in the event of a conflict, the definition found in the Statute or Regulation takes precedence.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Construction Site Operator means the party or parties that meet one or more of the following descriptions:

1. Has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications or

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

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

This definition is provided to inform permittees of DEQ's interpretation of how the regulatory definitions of "operator" are applied to discharges of stormwater associated with construction activity.

Control Measure as used in this permit, refers to any Best Management Practice (BMP) or other method used to prevent or reduce the discharge of pollutants to waters of the State.

CWA or The Act means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.

Director means the Executive Director or chief administrator of the Department of Environmental Quality or an authorized representative.

Discharge, when used without a qualifier, refers to “discharge of a pollutant” as defined at 40 CFR §122.2.

Impaired Water (or Water Quality Impaired Water) is identified by a State, or EPA pursuant to Section 303(d) or the Clean Water Act as not meeting applicable State water quality standards. Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established.

Illicit Discharge is defined at 40 CFR §122.26(b)(2) and refers to any discharge to a municipal separate storm sewer that is not entirely composed of stormwater, except discharges authorized under an OPDES or NPDES permit (other than the OPDES permit for discharges from the MS4) and discharges resulting from firefighting activities.

LID is an acronym for "Low Impact Development," an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

MEP is an acronym for "Maximum Extent Practicable," the technology-based discharge standard for Municipal Separate Storm Sewer Systems (MS4s) to reduce pollutants in stormwater discharges that was established by CWA §402(p). A discussion of MEP as it applies to MS4s is found at 40 CFR § 122.34.

MS4 is an acronym for "Municipal Separate Storm Sewer System" and is used to refer to an either Large, Medium, or Small Municipal Separate Storm Sewer System. The term is used to refer to either the system operated by a single entity or a group of systems within an area that are operated by multiple entities (e.g., the Oklahoma City MS4 includes MS4s operated by Oklahoma City, the Oklahoma Department of Transportation, and others).

Municipal Separate Storm Sewer System is defined at 40 CFR § 122.26(b)(8) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

1. Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;

2. Designed or used for collecting or conveying stormwater;

3. Which is not a combined sewer; and

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

Newly Regulated Small MS4 refers to a small MS4 newly designated as a result of 2010 US census data or other new information, and required to be covered under an OPDES permit.

NOI is an acronym for "Notice of Intent" to be covered by this permit and is the mechanism used to "register" for coverage under a general permit.

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

Small Municipal Separate Storm Sewer System is defined at 40 CFR §122.26(b)(16) and refers to all separate storm sewers that are owned or operated by the United States, a state, city, town, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the State, but is not defined as a "large"' or "medium" municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

Small MS4 Newly Designated after the Date of Permit Issuance refers a small MS4 newly designated by EPA or DEQ after the date of this permit issuance.

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

- "**Temporary stabilization**" refers to the stabilization of exposed portions of the site in order to provide temporary cover (1) during the establishment and growth of vegetation, and/or (2) in areas where earth-disturbing activities will occur again in the future.

- "**Final stabilization**" refers to the stabilization of exposed portions of the site using practices that provide permanent cover and qualify the permittee for permit termination.

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

  1. 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

  2. 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.

Stormwater is defined at 40 CFR §122.26(b)(13) and means stormwater runoff, snow melt runoff, and surface runoff and drainage.

Storm Water Management Program (SWMP) refers to a comprehensive program to manage the quality of stormwater discharged from the municipal separate storm sewer system (MS4).

SWMP is an acronym for "Storm Water Management Program."

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

"You" and "Your" as used in this Permit is intended to refer to the permittee, the operator, or the discharger as the context indicates and that party's responsibilities (e.g., the city, the county, the flood control district, the U.S. Air Force, etc.).

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 VIII: OPTIONAL PERMIT REQUIREMENTS FOR MUNICIPAL CONSTRUCTION ACTIVITIES

VIII. A Optional for Small MS4s Seeking Coverage For Municipal Construction Activities Under This Permit

The development of this optional provision for municipal construction activities is an alternative for the small MS4 operator seeking coverage under this permit. This provision does not apply to Oklahoma Turnpike Authority (OTA) or Oklahoma Department of Transportation (ODOT), who are small MS4 operators. Additionally, contractors working for the small MS4 operator are not required to obtain separate authorization as long as the contractor does not meet the definition of "construction site operator", but does remain compliant with the conditions of this permit. Small MS4s that choose to develop this option will be authorized by this permit to discharge stormwater and certain non-stormwater from construction activities where the small MS4s are the "construction site operators". For small MS4s that choose to develop this measure, it shall be part of the SWMP submitted with the initial NOI. You must comply with the requirements in Part VIII.B.

If you choose not to develop this optional measure, then you must submit a NOI and seek coverage under the DEQ general permit (OKR10) for stormwater discharges from construction activities.

If this optional provision requirement is elected you must include the following in your SWMP:

1. Description of how construction activities will generally be conducted by the small MS4. Local conditions and other site specific considerations must be included in the description;
2. Description of how the small MS4 will implement the technology-based requirements to comply with Effluent Limitation Guidelines and Standards for the Construction and Development Point source Category (ELGs) under part 450 of 40 C.F.R., Effective February 1, 2010, in Part VIII.B.3 of the permit;
3. Description of how the small MS4 will ensure that the SWP3 requirements are properly implemented and maintained at the construction site; or how the small MS4 will ensure that the contractors obtain a separate authorization for stormwater discharges from DEQ for each project; and
4. General Storm Water Pollution Prevention Plan (SWP3) conditions and a procedure to include site specific BMPs to account for local considerations.

VIII. B Optional Permit Requirements for Municipal Construction Activities

1. Eligibility

a. This optional provision authorizes small Ms4s to discharge pollutants in stormwater runoff associated with municipal construction activities as defined in 40 CFR (Code of Federal Regulations) 122.26 (b)(14)(x) for construction sites of five or more acres, CFR 122.26 (b)(15)(i) for construction sites of more than one acre but less than five acres**,** and those construction site discharges designated by the Director as needing a stormwater permit under 122.26 (a)(1)(v), or under 122.26 (a)(9) and

122.26 (g)(1)(i). Any discharge authorized by a different OPDES or NPDES permit may be commingled with discharges authorized by this permit.

b. This provision also authorizes stormwater discharges from support activities[1] (e.g., concrete batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided:

(1) Concrete batch plant activity is not located in the watershed of an Outstanding Resource Water[2] as defined in the Oklahoma Water Quality Standards.

(2) The support activity is directly related to a construction site that is required to have OPDES permit coverage for discharges of stormwater associated with construction activity.

(3) 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.

(4) Appropriate controls and measures are identified in a SWP3 covering the discharges from the support activity areas.

2. Authorized Non-Stormwater Discharges

The following non-stormwater discharges from active construction sites are authorized by this provision:

a. Waters used to wash vehicles where detergents are not used;

b. Water used to control dust;

c. Routine external building wash down which does not use detergents;

d. 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; and

e. 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.

3. Non-Numeric Technology Based Effluent Limitations

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

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1 Discharges subject to a numeric effluent limitation guideline for Asphalt Batch Plants are not covered under this Permit and required to apply for permit coverage under stormwater multi-sector general permit OKR05.

2 See Part VII Definitions for details

a. Erosion and Sediment Control Requirements

You must design, install and maintain erosion and sediment that minimize the discharge of pollutants from earth-disturbing activities. You are required to minimize the amount of soil exposed during construction activities and also subject to the deadlines for temporarily and/or permanently stabilizing exposed portions of your site pursuant to Part VIII.B.3.b. You must account for the following factors in designing your stormwater controls:

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

You must direct discharges from your stormwater controls to vegetated areas of your site to increase sediment removal and maximize stormwater infiltration, including any natural buffers established under Parts VIII.B.3.a.(1) and VIII.B.5, unless infeasible. Use velocity dissipation devices if necessary to prevent erosion when directing stormwater to vegetated areas.

(1) Protection of surface water

In order to minimize sediment discharges, if any water of the State are located on or immediately adjacent to the site, you must maintain at least fifty (50) feet of natural buffer zone, as measured from the top of the bank to disturbed portions of your site, from any named or unnamed receiving streams, creeks, rivers, lakes or other water bodies unless 100 feet of natural buffer is required by Part VIII.B.4.b and VIII.B.5. There are exceptions from this requirement for water crossings, limited water access, and stream restoration authorized under a CWA Section 404 permit. Where no natural buffer exists due to preexisting development disturbances (e.g., structures, impervious surfaces) that occurred prior to the initiation of planning for the current development of the site, you are not required to comply with the requirements in this part, unless you will remove portions of the preexisting development. Where some natural buffer exists but portions of the area within 50 feet of the surface water are occupied by preexisting development disturbances, you may refer to Exhibit 4 (Buffer Guidance) for sediment control alternatives. Additionally, this requirement is not intended to interfere with any other ordinance, or regulation, statute or other provision of law.

(2) Install perimeter controls

You must install sediment controls along those perimeter areas of your site that will receive stormwater from earth-disturbing activities. For linear projects with rights-of-way that restrict or prevent the use of such perimeter

controls, you must maximize the use of these controls where practicable and document in your SWP3 why it is impracticable in other areas of the project. You must remove sediment before it has accumulated to one (1)-half of the above-ground height of any perimeter control.

(3) Minimize sediment track-out

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

(a). Restrict vehicle use to properly designated exit points.

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

(c). Where necessary, use additional controls to remove sediment from vehicle tires prior to exit.

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

(4) Control discharges from stockpiled sediment or soil

For any stockpiles or land clearing debris composed, in whole or in part, of sediment or soil, you must comply with the following requirements:

(a). Locate the piles outside of any natural buffers established under Parts VIII.B.3.a.(1) or VIII.B.4.b and physically separated from other stormwater controls implemented in accordance with Part VIII.B.3.a.

(b). Protect from contact with stormwater (including run-on) using a temporary perimeter sediment barrier.

(c). Where practicable, provide cover or appropriate temporary stabilization to avoid direct contact with precipitation or to minimize sediment discharge.

(d). Do not hose down or sweep soil or sediment accumulated on pavement or other impervious surfaces into any stormwater conveyance (unless connected to a sediment basin, sediment trap, or similarly effective control), storm drain inlet, or surface water.

(e). Unless infeasible, contain and securely protect from wind.

(5) Minimize Dust

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

(6) Minimize the Disturbance of Steep Slopes

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

(a). Divert concentrated or channelized flows of stormwater away from and around areas of disturbance on steep slopes.

(b). Use specialized erosion and sediment controls for steep slopes, such as temporary and permanent seeding with soil binders, erosion control blankets, surface roughening, reducing the continuous slope length with terracing or diversions, gradient terraces, interceptor dikes and swales, grass-lined channels, pipe slope drains, subsurface drains, level spreaders, check dams, seep berms, and triangular silt dikes.

(c). Use stabilization practices designed to be used on steep slopes. You must comply with the stabilization requirements as required in Part VIII.B.3.b.

(7) Preserve Topsoil

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

(8) Minimize Soil Compaction

In areas of your site where final vegetative stabilization will occur or where infiltration practices will be installed, you must either restrict vehicle and equipment use in these locations to avoid soil compaction, or use techniques that condition the soils to support vegetative growth if necessary, prior to seeding or planting areas of exposed soil that have been compacted.

(9) Protect Storm Drain Inlets

If you discharge to any storm drain inlet that carries stormwater flow from your site directly to surface water (and it is not first directed to a sediment basin, sediment trap, or similarly effective control), and you have the authority to access the storm drain inlet, you must install inlet protection measures that remove sediment from your discharge prior to entry into the storm drain inlet. You must clean, or remove and replace the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, you must remove the deposited sediment by the end of the same work day in which it is found or by the end of the following work day if removal by the same work day is not feasible.

(10) Constructed Stormwater Conveyance Channels

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

(11) Sediment Basins

If you install a sediment basin, you must comply with the following:

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

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

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

(d). Sediment basins must be situated outside of surface waters and any natural buffers established under Parts VIII.B.3.a.(1) and VIII.B.4.b.

(12) Dewatering Practices

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

(a). Do not discharge visible floating solids or foam.

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

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

(d). At all points where dewatering water is discharged, comply with the velocity dissipation requirements of Part VIII.B.3.a.(10).

(e). With backwash water, either haul away for disposal or return it to the beginning of the treatment process.

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

b. Stabilization Requirements

You are required to stabilize exposed portions of your site in accordance with the following requirements:

(1) Deadlines for Initiating and Completing Stabilization

You must initiate stabilization measures immediately[3] whenever earth-disturbing activities have permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. As soon as practicable, but no later than 14 calendar days after the initiation of soil stabilization measures, you are required to have completed:

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

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

If you discharge to an impaired water, or Outstanding Resource Water (ORW), or Aquatic Resource of Concern (ARC), you are required to complete the stabilization activities within seven (7) calendar days after the temporary or permanent cessation of earth-disturbing activities.

(2) Criteria for Stabilization

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

(a). For both temporary and final stabilization[4], if you are using vegetative cover to stabilize an exposed portion of your site, you must comply with one of the criteria:

(b). Provide an established uniform perennial vegetative cover (e.g., evenly distributed without large bare areas), which covers 70% or more of the density of coverage that was provided by vegetation prior to commencing earth-disturbing activities. When background vegetation covered less than 100% of the ground prior to commencing earth-disturbing activities, the 70% coverage criteria is adjusted as in following example:

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

4 Temporary and final stabilization in Part VII Definitions

If vegetation covered 50% of the ground prior to construction, then the requirement would be to provide a total vegetative cover at final stabilization of 70% of 50% (0.70 X 0.50 = 0.35), or 35% of the site.

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

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

c. Pollution Prevention Requirements

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

- Eliminate certain pollutant discharges from your site [see Part VIII.B.3.c.(1)].
- Properly maintain all pollution prevention controls [see Part VIII.B.3.c.(2)].
- Comply with pollution prevention standards for pollutant-generating activities that occur at your site [see Part VIII.B.3.c.(3)].

(1) Prohibited discharges

You are prohibited from discharging the following from your construction site:

(a) Wastewater from the washout of concrete, unless managed by an appropriate control as described in Part VIII.B.3.c.(2).(d).
(b) Wastewater from the washout and cleanout of stucco, paint, from release oils, curing compounds and other construction materials, unless managed by an appropriate control as described in Part VIII.B.3.c.(2).(d).
(c) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance.
(d) Soaps, detergents or solvents used in vehicle and equipment washing.
(e) Toxic or hazardous substances from a spill or other release.

(2) Maintenance requirements

You must ensure that all pollution prevention controls installed in accordance with this Part remain in effective operating condition and are protected from activities that would reduce their effectiveness. You must

inspect all pollutant-generating activities and pollution prevention controls in accordance with your inspection frequency requirements in Part VIII.B.7.m.(2) and document your findings in accordance with Part VIII.B.7.m.(5) if you find that controls need to be replaced, repaired, or maintained, you must make the necessary repairs or modifications in accordance with the following:

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

(b). Washing of Equipment or Vehicles: You must provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of washing. To comply with the prohibition in Part VIII.B.3.c.(1) for storage of soaps, detergents, or solvents, you must provide either cover (e.g., plastic sheeting or temporary roofs) to prevent these detergents from coming into contact with rainwater, or a similarly effective means designed to prevent the discharge of pollutants from these areas.

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

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

ii. For pesticides, herbicides, insecticides, fertilizers, and landscape materials in storage areas, you must provide either cover (e.g., plastic sheeting or temporary roofs) to prevent these chemicals from coming into contact with rainwater, or a similarly effective means designed to prevent the discharge of pollutants from these areas; and comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label.

iii. For diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals to comply with the prohibition in Part VIII.B.3.c.(1), you must store chemicals in water-tight containers, and provide either cover (e.g., plastic sheeting or temporary roofs) to prevent these containers from coming

into contact with rainwater, or a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., spill kits), or provide secondary containment (e.g., spill berms, decks, spill containment pallets); and clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. Do not clean surfaces or spills by hosing the area down. Eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge.

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

- Separate hazardous or toxic waste from construction and domestic waste, store waste in sealed containers, which are constructed of suitable materials to prevent leakage and corrosion, and which are labeled in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable federal, state, or local requirements,
- Store all containers that will be stored outside within appropriately-sized secondary containment (e.g., spill berms, decks, spill containment pallets) to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., storing chemicals in covered areas or having a spill kit available on site),
- Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended methods of disposal and in compliance with federal, state, and local requirements.
- Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. Do not clean surfaces or spills by hosing the area down. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.

v. For construction and domestic waste (e.g., packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, Styrofoam, concrete, and other trash or building materials), you must provide waste containers (e.g., dumpster or trash receptacle) of sufficient size and number to contain construction and domestic wastes. In addition, you must clean up and dispose of waste in designated waste containers on work days; and clean up immediately if containers overflow.

vi. For sanitary waste, you must position portable toilets so that they are secure and cannot be tipped or knocked over.

(d). Washing of Applicators and Containers Used for Paint, Concrete, or Other Materials

To comply with the prohibition in Parts VIII.B.3.c.(1) and (2), you must provide an effective means of eliminating the discharge of water from the washout and cleanout of stucco, paint, concrete, form release oils, curing compounds, and other construction materials. To comply with this requirement, you must:

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

ii. Handle washout or cleanout wastes as follows:

- Do not dump liquid wastes in storm sewers,
- Dispose of liquid wastes in accordance with applicable requirements in Part VIII.B.3.c.(2).(c).
- Remove and dispose of hardened concrete waste consistent with your handling of other construction wastes in Part VIII.B.3.c.(2).(c).
- Locate any washout or cleanout activities as far away as possible from surface waters and stormwater inlets or conveyances, and,
- To the extent practicable, designate areas to be used for these activities and conduct such activities only in these areas.

(3) Emergency Spill Notification

You are prohibited from discharging toxic or hazardous substances from a spill or other release, consistent with Part VIII.B.3.c.(1).(e). Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 or, in the areas of Oklahoma, call (800) 522-0206 as soon as you have knowledge of the discharge. You must also, within seven (7) calendar days of knowledge of the release, provide a description of the release, the circumstances leading to the release, and the date of the release. Local requirements may necessitate additional reporting of spills or discharges to local emergency response, public health, or drinking water supply agencies.

(4) Fertilizer Discharge Restrictions

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

(a). Apply at a rate and in amounts consistent with manufacturer's specifications, or document departures from the manufacturer specifications.

(b). Apply at the appropriate time of year for your location, and preferably timed to coincide as closely as possible to the period of maximum vegetation uptake and growth.

(c). Avoid applying before heavy rains that could cause excess nutrients to be discharged.

(d). Never apply to frozen ground.

(e). Never apply to stormwater conveyance channels with flowing water.

(f). Follow all other federal, state, tribal and local requirements regarding fertilizer application.

4. Water Quality Based Effluent Limitations

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

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

a. Discharges to Waters Identified as Impaired Waters

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

(1) Identify if you discharge to impaired waters: If you discharge to impaired waters, you must comply with the following requirements in Part VIII.B.4.a.(2), (3), and (4).

(2) Site inspection requirements: You must conduct site inspections once every seven (7) calendar days at a minimum, and within 24 hours of a storm event of 0.5 inches or greater or within 24 hours of a discharge caused by snowmelt.

(3) Corrective actions: If the inspection or visual examination results indicate any permit violations, you must implement the corrective actions required in Part VIII.B.7.n. However, a violation would result if you fail to implement the required corrective actions.

(4) Stabilization requirements: You are required to comply with the following modified stabilization requirements as specified in Part VIII.3.b within seven (7) calendar days after the temporary or permanent cessation of earth-disturbing activities.

b. Discharges to Waters Identified as an Outstanding Resource Water (ORW) or Aquatic Resource of Concern (ARC)

If you discharge to water identified as ORW or your sites are located within areas identified as an ARC you must implement inspection, corrective actions and stabilization requirements provided in Part VIII.B.3.b. Also you must comply with the following additional requirements:

(1) In order to minimize sediment discharges, if any ORW or ARC is located on or immediately adjacent to your site, you must ensure that a vegetated buffer zone of at least 100 feet is retained or successfully established/planted between the area disturbed and all perennial or intermittent streams. A vegetated buffer zone of at least 50 feet must be retained or successfully established/planted between the areas disturbed during construction and all ephemeral streams or drainages. If the nature of the construction activity or the construction site makes a buffer impossible, you must provide equivalent controls. Use Exhibit 4 (Buffer Guidance) for information to assist you in developing equivalent controls. There are exceptions from this requirement for water crossings, limited water access, and stream restoration authorized under a CWA Section 404 permit.

(2) For drainage locations serving five (5) or more acres disturbed at one time, a temporary (or permanent) sediment basin and/or sediment traps shall be used to minimize sediment discharges within the areas of the ORW or ARC. You may use the information in Part VIII.B.3.a.(11) and VIII.B.7.j.(3) to assist you in complying with this requirement.

(3) For any portion of the site that discharges to an ORW or ARC, instead of the inspection frequency specified in Part VIII.B.7.m.(2), you must conduct

inspections within seven (7) calendar days and within 24 hours of the occurrence of a storm event of 0.5 inches or greater.

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

5. <u>Endangered Species</u>

a. Determine whether the project area drains to ARC for construction activities

(1) Refer to Exhibit 1, a map, and a list of all the waters of Oklahoma which the U.S. Fish and Wildlife Service and the Oklahoma Department of Wildlife Conservation consider to be sensitive for construction activities, because they harbor populations of federal or State listed species or their designated critical habitat.

(2) If the proposed construction site is not located within any of these areas, the proposed construction stormwater discharge or stormwater discharge related activities are not likely to significantly affect endangered and threatened species.

(3) If the proposed construction site is located within the corridor of any ARC, you must comply with Part VIII.B.5.

b. Implementation of stormwater control measures to protect endangered and threatened species in ARC

(1) Applicants whose proposed construction site is located within an ARC must incorporate the following measures into the SWP3 for this site unless permit coverage is allowed under Parts I.E.2.d Criteria C, D and E. Other pollutants such as, but not limited to, oil, grease, solid waste (i.e. building material scrap, and trash), and human and hazardous waste, (e.g., paint and solvents), are not authorized for discharge under this Permit. These potential pollutants must be properly managed and their contact with stormwater minimized or eliminated to the greatest extent practicable.

(a). Consistent with Part VIII.B.3, 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.

If characteristics of the site or the project make it impossible to maintain the required buffer, refer to Exhibit 4 (Buffer Guidance) for information to assist you in developing equivalent sediment controls. You must maintain the buffer or selected alternative throughout your period of coverage under this Permit and no construction activities may be conducted in this area. All discharges through the buffer must be non-channelized or non-concentrated, and must first be treated by the site's sediment and erosion controls.

(c). Document in your SWP3 the following:

i. If the buffer is less than 100 or 50 feet, the width of the buffer vegetation to be retained.

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

(d). For any disturbances within the required 100 or 50-foot buffer area, you must comply with the following stabilization requirements, which replace the corresponding requirements in Part VIII.B.3.b:

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

ii. Within seven (7) calendar days of initiating stabilization, you are required to have completed all soil conditioning, seeding, watering, mulching, and any other required activities related to the planting and establishment of vegetation for vegetative cover; and/or the installation or application of all non-vegetative measures for non-vegetative cover.

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

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

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

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

(f). You must conduct inspections within 7 calendar days and within 24 hours of a storm event of 0.5 inches or greater instead of the inspection frequency specified in Part VIII.B.7.m.(2).

(g). You must meet any local requirements affecting construction in the buffer.

(2) Consistent with Parts VIII.B.3.b and VIII.B.4.b, 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.

(3) Consistent with Parts VIII.B.3.a and VIII.B.7.j, structural BMPs must be successfully implemented to divert uphill stormwater flows from crossing disturbed areas, to store flows (e.g., retention ponds) or to otherwise control runoff from disturbed areas during construction. At a minimum this must include silt fencing and vegetated buffer strips on all down slope boundaries of the area disturbed during construction. The construction of temporary or permanent stormwater detention or retention structures (e.g., ponds) is preferred, but these should not be constructed within intermittent or perennial stream channels or within floodplains.

(4) Consistent with Part VIII.B.3.a.(10) and VIII.B.7.j.(3).(c), velocity dissipation devices must be incorporated into the design of outfall channels and discharge locations. Outfalls must be screened to prevent the discharge of solid materials with stormwater runoff.

(5) Hazardous construction materials and waste must be stored in a manner that minimizes their contact with stormwater. An emergency response plan must be included which addresses the handling of accidental spills (see Part VIII.B.3.c).

(6) The applicant must comply with any terms and conditions imposed under the eligibility requirements of Part I.E.2 to ensure that its stormwater discharges and stormwater discharge-related activities are protective of listed species and/or critical habitat. Such terms and conditions must be incorporated in the project's SWP3. If the eligibility requirements of Part I.E.2 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.

6. <u>Storm Water Pollution Prevention Plans (SWP3s)</u>

a. You must develop a preliminary SWP3 template for all construction projects or sites covered by this provision. This SWP3 template represents both controls under common site conditions and needs for unique water quality prevention. You shall use or modify this SWP3 template based on individual sites when it starts a project which is covered under this provision.

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

c. When developing SWP3s, small MS4s must determine whether listed endangered or threatened species or critical habitat would be affected by your stormwater discharges or stormwater discharge-related activities. Any information on whether listed species or critical habitats are found in proximity to the construction site must be included in the SWP3. Any terms or conditions that are imposed under Part VIII.B.5 of this provision to protect listed species or critical habitat from stormwater discharges or stormwater discharge-related activity must be incorporated into the SWP3. Small MS4s must implement the applicable requirements of the SWP3 required under this provision. A list and map of "Oklahoma Sensitive Waters and Watersheds Harboring Endangered and Threatened Species and their Critical Habitat of Concern" has been included in Exhibit 1. This information can also be obtained from the DEQ's GIS mapping and Data Viewer at http://maps.deq.ok.gov/deq_wq/MapFrame.asp.

d. 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 water body is impaired, you must document in your SWP3 how the BMPs and other controls selected for your site will control the discharge of the pollutant(s) of concern. If Part VIII.B.4.a applies to your discharge you must include in your SWP3 the additional requirements specified in that part.

e. Keeping Plans Current! The small MS4s must amend the SWP3 whenever:

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

(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

(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 VIII.B.7.e, or is otherwise not achieving the general objectives of controlling pollutants in stormwater discharges associated with construction activity.

7. Contents of SWP3

The SWP3 shall include the following items:

a. Stormwater Team

Small MS4 must assemble a "stormwater team," which is responsible for overseeing the development of the SWP3, any later modifications to it, and for compliance with the requirements in this permit. The SWP3 must identify the personnel (by name or position) that are part of the stormwater team, as well as their individual responsibilities. Each member of the stormwater team must have ready access to an electronic or paper copy of applicable portions of this Permit, the most updated copy of your SWP3, and other relevant documents or information that must be kept with the SWP3.

b. Nature of Construction Activities

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

c. Sequence and Estimated Dates of Construction Activities

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

(1) Installation of stormwater control measures, and when they will be made operational, including an explanation of how the sequence and schedule for installation of stormwater control measures complies with Part VIII.B.3.a and of any departures from manufacturer specifications.

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

(3) Cessation, temporarily or permanently, of construction activities on the site, or in designated portions of the site.

(4) Final or temporary stabilization of areas of exposed soil. The dates for stabilization must reflect the applicable deadlines to which you are subject in Parts VIII.B.3.b and VIII.B.4.b and

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

d. Site Map

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

(1) Boundaries of the property and of the locations where construction activities will occur, including:

(a). Locations where earth-disturbing activities will occur, noting any phasing of construction activities.

(b). Approximate slopes before and after major grading activities. Note areas of steep slopes (i.e., greater than 40%).

(c). Locations where sediment, soil, or other construction materials will be stockpiled.

(d). Locations of any crossings of surface waters.

(e). Designated points on the site where vehicles will exit onto paved roads.

(f). Locations of structures and other impervious surfaces upon completion of construction.

(g). Locations of construction support activity areas covered by this permit.

(2) Locations of all waters of the State within one mile of the site, including wetlands that exist within or in the immediate vicinity of your site. Indicate which waterbodies are listed as impaired for sediment, and which are identified by the State as ARC or ORW.

(3) The boundary lines of any natural buffers (i.e., either the 100 foot or 50-foot buffer or other buffer areas retained on site) consistent with Parts VIII.B.3.a.(1), and VIII.B.4.b.

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

(5) Stormwater and allowable non-stormwater discharge locations, including:

(a). Locations of any storm drain inlets on the site and in the immediate vicinity of the site.

(b). Locations where stormwater or allowable non-stormwater will be discharged to waters of the State on or near the site.

(6) Locations of all potential pollutant-generating activities identified in Part VIII.B.7.e.(1). below.

(7) Locations of stormwater control measures.

e. Construction Site Pollutants

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

(1) Pollutant-generating activities at the site

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

(2) Pollutants

For each pollutant-generating activity, an inventory of pollutants or pollutant constituents (e.g., sediment, paints, solvents, fuels) associated with that activity, which could be exposed to rainfall, snowmelt, and could be discharged from your construction site. You must take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges. You must also document any departures form the manufacturer's specifications for applying fertilizers containing nitrogen and phosphorus as required in Part VIII.B.3.c.(4).

f. A copy of this Permit must be included in your SWP3

You may keep this Permit copy electronically and do not submit it to DEQ if you are required to submit your SWP3 for DEQ review.

g. 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 small MS4 stormwater discharges or stormwater discharge-related construction activities. You must describe and implement the measures necessary to protect theses endangered species and threatened habitat in the SWP3, including any equivalent sediment controls specified in Exhibit 4 Buffer Guidance or others.

h. Documentation of Federal, State or Local Historic Preservation Laws

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

i. Documentation of Water Quality Impaired Waters

The SWP3 must include information on whether stormwater discharges or stormwater discharge-related activities would have an effect on water quality impaired receiving waters. The permittee must describe how the BMPs and other controls selected for the site will reduce and avoid the discharges of pollutants of concern into any 303(d) impaired waters, including requirements of Part VIII.B.4.a. 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.

j. Stormwater Control Measures

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 stormwater discharges. The SWP3 must clearly describe for each major activity identified in Part VIII.B.6 appropriate control measures and the general timing (or sequence) during the construction process that the measures will be implemented.

(1) Control Measures to be used during construction activity

You may utilize a national BMP menu to select appropriate control measures for your site. The national menu of Stormwater Best Management Practices can be found on EPA's website at:
http://water.epa.gov/polwaste/npdes/swbmp/index.cfm

(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 small MS4 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 stormwater shall be prevented from becoming a pollutant source for stormwater discharges (e.g., screening outfalls, picked up daily).

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

(g). Many applications of straw and hay bales for erosion and sediment control are proving ineffective, maintenance-intensive and expensive. Therefore, straw or hay bales as BMP controls within the State are not allowed. Alternatives to straw or hay bales can be found on EPA's website at: http://water.epa.gov/polwaste/npdes/swbmp/Straw-or-Hay-Bales.cfm

(2) Stabilization Practice

The SWP3 must describe the specific vegetative and/or non-vegetative stabilization practices that will be used to achieve temporary and final stabilization on the exposed portions of your site as required in Part VIII.B.3.b.

(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 (or 5 acres if required by Part VIII.B.4.b), 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 small MS4s may consider factors such as site soils, slope, available area on site, etc. In any event, the small MS4s 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. 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. DEQ encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.

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

k. Pollution Prevention

(1) Spill Prevention and Response

The SWP3 must describe procedures that you will follow to prevent and respond to spills and leaks, including:

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

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

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

(2) Waste Management

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

l. 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 VIII.B.7.m identify BMPs that are not operating effectively, maintenance shall be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of stormwater controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

m. Inspections

(1) Person(s) responsible for Inspecting Site

The person(s) inspecting your site may be a person on your staff or a third party you hire to conduct such inspections. You are responsible for ensuring that the person who conducts inspections is a "qualified person[6]. An inspection form shall be developed and included in your SWP3.

(2) Frequency of Inspections

At a minimum, you must conduct a site inspection once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater and within 24 hours of a discharge generated by snowmelt, unless you are subject to Parts VIII.B.4.a or b. If a storm event of 0.5 inches or greater, or snowmelt, causes your site to discharge, within 24 hours of the end of the storm event or the beginning of the snowmelt discharge you must conduct a site inspection when the discharge is occurring and comply with the requirements of Part VIII.B.7.m.(4).

(3) Reductions in Inspection frequency

You may reduce the frequency of inspections to once per month in areas of your site where you have initiated vegetative stabilization that meets the criteria in Part VIII.B.3.b, once you have completed the initial seeding or planting, and provided protection with non-vegetative cover pursuant to Part VIII.B.3.b.(2).(b), or you have installed temporary, non-vegetative stabilization that meet the criteria in Part VIII.B.3.b.(2).(d). If construction

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6 A “qualified person” is a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the skills to assess conditions at the construction site that could impact stormwater quality, and the skills to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this Permit.

activity resumes at a later date, the inspection frequency shall immediately increase to that is required in Part VIII.B.7.m.(2).

(4) Requirements for Inspections

(a). Areas that need to be inspected

During your site inspection, you must at a minimum inspect the following areas of your site:

i. All areas that have been cleared, graded, or excavated and that have not yet completed stabilization consistent with Part VIII.B.3.b.

ii. All stormwater controls installed at the site to comply with this provision.

iii. Material/waste/borrow/equipment storage and maintenance areas that are covered by this Permit.

iv. All areas where stormwater typically flows within the site, including drainage ways designed to divert/convey/treat stormwater.

v. All points of discharge from the site.

vi. All locations where stabilization measures have been implemented.

(b). Inspection requirements

During your site inspection, you must:

i. Check whether all erosion and sediment controls and pollution prevention controls are installed, appear to be operational, and are working as intended to minimize pollutants discharges. Determine if any controls need to be replaced, repaired, or maintained in accordance with Part VIII.B.7.n.

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

iii. Identify any locations where new or modified stormwater controls are necessary to meet the requirements of Part VIII.B.3.

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

v. Identify any incidents of noncompliance observed.

vi. If a discharge is occurring during your inspection, you are required to identify all points of the property from which there is a discharge, and observe and document the visual quality of the discharge, and take note of the characteristics of the stormwater discharge, including color, odor, floating, settled, or suspended

solids, foam, oil sheen, and other obvious indicators of stormwater pollutants.

Also you are required to document whether your stormwater controls are operating effectively, and describe any such controls that are clearly not operating as intended or are in need of maintenance.

vii. Based on the results of your inspection, you must initiate corrective action under Part VIII.B.7.n.

(5) Inspection Report

(a). You must complete an inspection report within 24-hours of completing any site inspection. Each inspection report must include the following:

i. The inspection date.

ii. Names and titles of personnel making the inspection.

iii. A summary of your inspection finding, covering at a minimum the observations you made in accordance with Part VIII.B.7.m.(4).

iv. If you are inspecting your site at the frequency specified in Parts VIII.B.7.m.(2) and VIII.B.4.a.(2) and conducted an inspection because of rainfall measuring 0.5 inches or greater, you must include the applicable rain gauge or weather station readings that triggered the inspection.

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

(b). Signature Requirements: Each inspection record must be signed in accordance with Part VI.H.

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

n. Corrective Actions[7]

(1) Requirements for Taking Corrective Action

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

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7 Corrective actions are actions you take in compliance with this Part to (1) repair, modify, or replace any stormwater control used at the site; (2) clean up and dispose of spills, releases, or other deposits; or (3) remedy a permit violation.

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

i. A required stormwater control was never installed, was installed incorrectly or not in accordance with the requirements in Parts VIII.B.3 and/or VIII.B.6; or

ii. You become aware that the stormwater controls you have installed and are maintaining are not effective enough for the discharge to meet applicable water quality standards or applicable requirements in Part VIII.B.4; and

iii. One of the prohibited discharges in Parts I.C and VIII.B.3.c is occurring or has occurred.

(b). Where your corrective actions result in changes to any of the stormwater controls or procedures documented in your SWP3, you must modify your SWP3 accordingly within seven (7) calendar days of completing corrective action work.

(2) Corrective Action Records

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

(a). Within 24 hours of discovering the occurrence of one of the triggering conditions in Part VIII.B.7.n.(1).(a) at your site, you must provide a record of the following:

i. Which condition was identified at your site?

ii. The nature of the condition identified.

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

(b). Within seven (7) days of discovering the occurrence of one of the triggering conditions in Part VIII.B.7.n.(1).(a) at your site, you must complete a record of the following:

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

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

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

(3) Recordkeeping Requirements

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

o. Non-Stormwater Discharges

Sources of non-stormwater listed in Parts I.B.2 and VIII.B.2 of this Permit that are combined with stormwater 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-stormwater component(s) of the discharge.

Exhibit 1: Endangered and Threatened Species and Their Critical Habitat of Concern

A. Aquatic Resources of Concern (ARC) for Federally Listed Species, as Identified by the U.S. Fish & Wildlife Service for the DEQ Municipal Separate Storm Sewer Systems (MS4s) Stormwater 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. This corridor includes portions of Craig and Ottawa counties.

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

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

Kiamichi River: The **watershed** of the Kiamichi River is upstream from the Hugo Reservoir. This watershed includes portions of Atoka, Latimer, Leflore, Pittsburg, and Pushmataha counties.

Little River: The **watershed** of the Little River includes portions of LeFlore, McCurtain, and Pushmataha counties.

Glover River: The **watershed** of the Glover River includes portions of McCurtain and Pushmataha counties.

Mountain Fork River: The **watershed** of the Mountain Fork River is above the Broken Bow Reservoir and includes portions of Leflore and McCurtain counties.

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

Elk River: A two-mile corridor (one mile from each bank) of the Elk River includes portions of Delaware and Ottawa counties.

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

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

B. ARC for State Listed Species, as Identified by the Oklahoma Department of Wildlife Conservation for the DEQ Municipal Separate Storm Sewer Systems (MS4s) Stormwater General Permit.

Illinois River – A **ten-mile** corridor (five miles from each bank within the watershed) of the main stem of the Illinois River begins above the Tenkiller Reservoir. This corridor 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 Adair and Sequoyah counties.

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

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* 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.

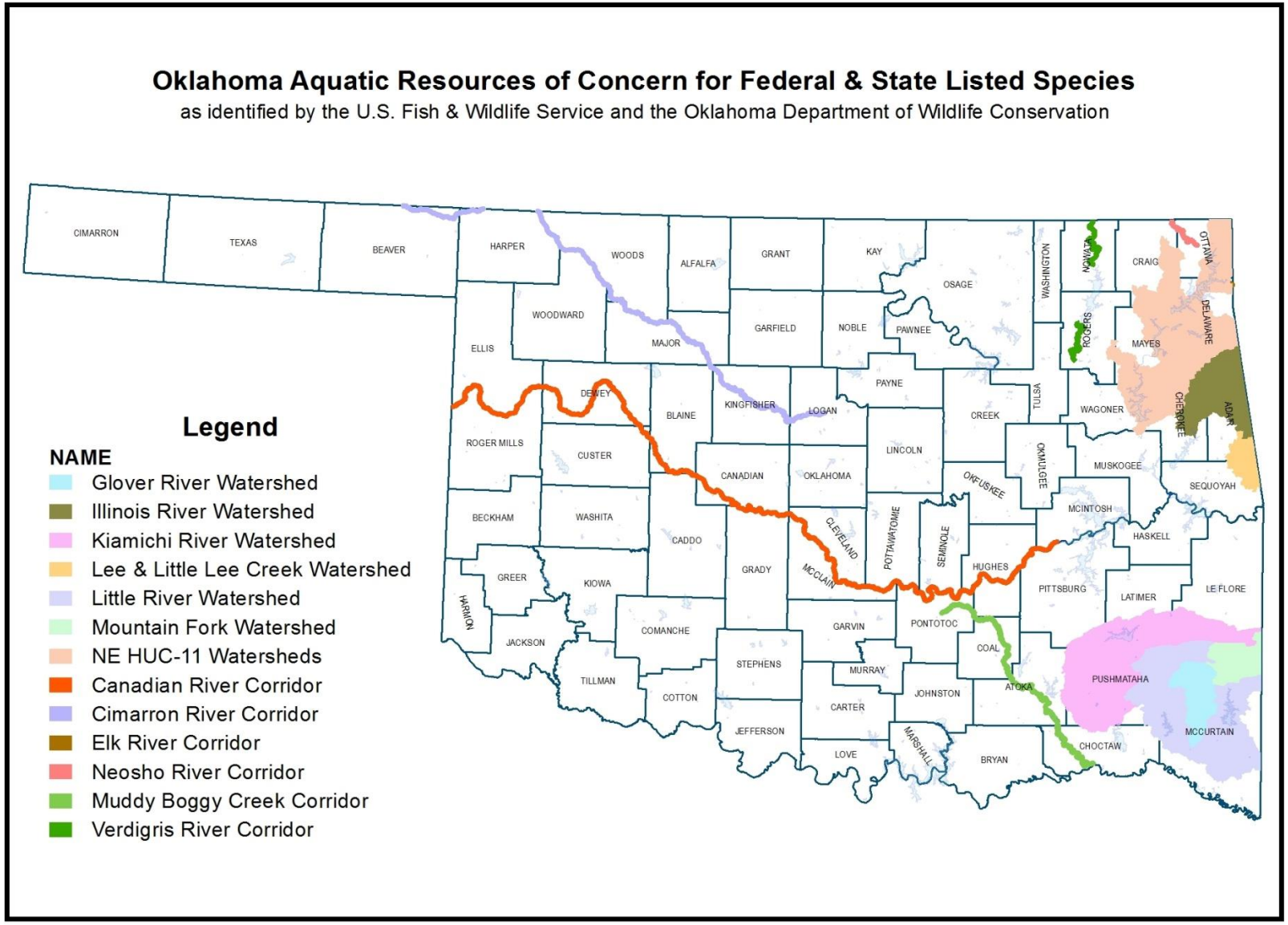

Oklahoma Aquatic Resources of Concern for Federal & State Listed Species
as identified by the U.S. Fish & Wildlife Service and the Oklahoma Department of Wildlife Conservation
Legend
NAME
Glover River Watershed
Illinois River Watershed
Kiamichi River Watershed
Lee & Little Lee Creek Watershed
Little River Watershed
Mountain Fork Watershed
NE HUC-11 Watersheds
Canadian River Corridor
Cimarron River Corridor
Elk River Corridor
Neosho River Corridor
Muddy Boggy Creek Corridor
Verdigris River Corridor
CIMARRON
TEXAS
BEAVER
HARPER
WOODS
ALFALFA
GRANT
KAY
OSAGE
WASHINGTON
NOWATA
CRAIG
OTTAWA
WOODWARD
GARFIELD
NOBLE
PAWNEE
ROGERS
MAYES
DELAWARE
ELLIS
MAJOR
DEWEY
BLAINE
KINGFISHER
LOGAN
PAYNE
CREEK
TULSA
WAGONER
CHEROKEE
ADAIR
ROGER MILLS
CUSTER
CANADIAN
OKLAHOMA
LINCOLN
OKFUSKEE
OKMULGEE
MUSKOGEE
SEQUOYAH
BECKHAM
WASHITA
CADDO
GRADY
CLEVELAND
MCCLAIN
POTTAWATOMIE
SEMINOLE
HUGHES
MCINTOSH
HASKELL
GREER
KIOWA
HARMON
JACKSON
COMANCHE
TILLMAN
COTTON
STEPHENS
GARVIN
MURRAY
CARTER
JEFFERSON
LOVE
MARSHALL
JOHNSTON
PONTOTOC
COAL
ATOKA
BRYAN
PITTSBURG
LATIMER
LE FLORE
PUSHMATAHA
CHOCTAW
MCCURTAIN

EXHIBIT 2: NOTICE OF INTENT

DEQ FORM 605-R04 Month Date, 2015		**Oklahoma Department of Environmental Quality** **Notice of Intent (NOI) for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) Under OPDES General Permit OKR04**

Please print or type: All items should be completed as accurately as possible and in their entirety. Please refer to Part 4 of the permit OKR04 for information about the required items. An original signature of the applicant is required according to PART VI.H in the permit OKR04. Use additional pages to fully describe your responses.

Note: Municipality is defined as a federal, state, city, town, county, district, association, or other public body (created by or pursuant to Oklahoma or Federal law), including special districts under State law such as a storm sewer district, flood control or drainage district, or similar entity, or a designated and approved management agency under Section 208 of the CWA.

1. Name and address of the permit applicant and local contact:

Name of the small MS4: _____

Address: _____

City: _____

County: _____ State:_____

Telephone Number: (_____)_____ E-mail Address: _____

Name and Title of Stormwater Management Program Manager: _____

Circle the appropriate letter to indicate the legal status of the operator of the facility:
F = Federal; **S** = State;
M = Municipal (public other than Federal or State, i.e. as city, county); **P** = Private

F S M P

ZIP Code: _____+_____

2. Co-permittee: Are you co-permitting with another entity? **Yes** ☐ **No** ☐ **If yes**, complete the following:

_____ _____
Name of the Co-permittee Name and Title of Stormwater Management Program Manager

_____ _____ _____
Mailing Address City ZIP

Telephone Number: (_____)_____ E-mail Address:_____

Circle the letter for type of facility: **F**ederal, **S**tate, **M**unicipal, **P**rivate **F S M P**

Certification by the co-permittee is required in Section 9.

Latitude: _____ Longitude: _____

3. Facility/Site Location: Attach a map showing your MS4 boundaries. Your MS4 jurisdiction shall cover the entire area within the corporate boundaries of the municipality if your city is not located entirely within an Urbanized Area.

Name of the small MS4: _____ County: _____

Street Address: _____ City: _____

Latitude: _____/Longitude:_____ Approximate area of the MS4:_____ square miles

Latitude/Longitude: If you do not have this information, go to the DEQ Flexviewer at http://gis.deq.ok.gov/flexviewer/.

4. Will another entity provide services to perform some portion or all of the Best Management Practices (BMPs) for the six minimum control measures (PART IV.C) **or TMDL supplemental conditions** (PART III.B)**?**

Yes ☐ No ☐ **If yes**, attach a statement listing their name and the service they will be providing.

5. Receiving waters for discharges of stormwater from your MS4: Use additional pages if needed.

Name of Waterbodies	Impaired?	Impairment	Source of Impairment
_____	Yes No	_____	_____
_____	Yes No	_____	_____
_____	Yes No	_____	_____

Do you discharge into waterbodies on the Oklahoma 303(d) list of impaired waters? Yes ☐ No ☐

If yes, you must ensure that impairment caused by identified pollutants in your receiving waters will, in future discharges, not cause, have the reasonable potential to cause, or contribute to an in-stream exceedance of WQ standards and comply with PART III.A.1

Do you discharge into receiving waterbodies with an established TMDL or watershed plan? Yes ☐ No ☐

If yes, you must adopt any Waste Load Allocation (WLA) assigned to your discharges specified in the TMDL as measurable goals and include any limitations, conditions, monitoring, and other requirements associated with a TMDL implementation plan within specified timeframes.

Do you discharge into an Outstanding Resource Water (ORW)? Yes ☐ No ☐

If yes, you must document in your SWMP how you will comply with WQ standard prohibitions (PART III.C).

6. Outline of Measurable Goals and BMPs

Attach an updated description of your stormwater management program (SWMP). You shall include details of BMPs that will be implemented and the measurable goals for each of the six stormwater minimum control measures, the month and year in which the MS4 operator will start and fully implement each of the control measures or the frequency of the action, and the name of the person(s) responsible for implementing or coordinating the SWMP.

7. Endangered Species

Based on the requirements of Part I. E and Exhibit 1, does your municipality discharge into an Aquatic Resource of Concern?

Yes ☐ No ☐ If yes, which criterion listed in Part I.E is your municipality using to meet eligibility requirements?

Criterion _____

Certification of this NOI will constitute your certification of compliance with the endangered species requirements of this permit.

8. Construction by the Permitted Municipality

You have the option to develop permit requirements (PART VIII) that allow the municipality to cover all municipalities owned and operated construction sites under this permit rather than filing a separate OKR10 NOI with the DEQ for each such project.

Will the municipality include the optional permit requirements into your SWMP and permit? Yes ☐ No ☐

9. Certification of Permittee

"I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information 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."

_____ _____
Signature of Applicant Date Signed

_____ _____
Name (printed) Title

Certification of Co-Permittee (if applicable)

_____ _____
Signature of Co-Permittee Date Signed

_____ _____
Name (printed) Title

EXHIBIT 3: NOTICE OF TERMINATION

DEQ FORM 605-R04B Month Date, 2015		**Oklahoma Department of Environmental QualityNotice of Termination (NOT) for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) Under OPDES General Permit OKR04**

Submission of this Notice of Termination constitutes notice that the party identified in Section I of this form is no longer authorized to discharge stormwater from the small MS4 under the OPDES program.

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

Permit Information: OPDES Stormwater General Permit Number: OKR04_____	**Check here if the stormwater MS4 discharge(s) is being terminated:** ☐	**Check here if the facility is changing ownership or the operator has ceased operations at the small MS4:** ☐

I. Facility Operator Information:

Name: _____ Phone_____

Address:_____

City: _____ County:_____ Zip Code_____

Email: _____

II. Facility/Site Location:

Name: _____ Phone_____

Address:_____

City: _____ County:_____ Zip Code_____

Latitude: _____ Longitude: _____

III. Certification:

I certify under penalty of law that all storm water discharges from the identified MS4 that are authorized by an OPDES general permit have been eliminated, or that I am no longer the operator of the MS4, or that I have ceased operations at the MS4. I understand that by submitting this Notice of Termination I am no longer authorized to discharge storm water under this general permit, and that discharging pollutants in storm water to waters of the State is unlawful under the Clean Water Act and OAC 252:606-1-3(b)(3) where the discharge is not authorized by an OPDES permit. I also understand that the submission of this Notice of Termination does not release an operator from liability for any violations of this permit, the Clean Water Act, and the Oklahoma Pollution Discharge Elimination Act.

Print Name: _____Date:_____

Signature:_____ Title_____

Instructions for Completing Notice of Termination (NOT) for Stormwater Discharges from Small MS4s Under OPDES General Permit OKR04

When To File NOT Form:

Permittees who are presently covered under an issued OPDES general permit for stormwater discharges from a Phase II MS4 must submit a **Notice of Termination (NOT)** to DEQ within 30 days when the permittee:

- Ceases discharging stormwater from the MS4,
- Ceases operations at the MS4, or
- Transfers ownership or responsibility for the facility to another operator.

An NOT terminates coverage under the general permit and must include the following information:

- Name, mailing address, and location of the MS4 for which the notification is submitted.
- The name, address, telephone number and email of the operator addressed by the NOT.
- The OPDES permit number for the Phase II MS4.
- An indication of whether another operator has assumed responsibility for the MS4, the discharger has ceased operations at the MS4, or the storm water discharges have been eliminated.
- The NOT must be signed in accordance with PART VI.H of this permit

Authorization to discharge terminates at midnight on the day the NOT is signed.

If you need assistance or have questions, contact the Watershed Planning and Stormwater Permitting Section of DEQ's Water Quality Division at (405) 702-8100.

Section I: Permit Information

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

Section II: Facility Operator Information

Give the legal name of the person, firm, public organization or any other entity that operates the MS4. The operator of the MS4 is the legal entity that controls the MS4's operation.

Section III: Facility/Site Location Information

Enter the MS4's official or legal name and complete address. This must include the MS4's city, county, and ZIP code. Indicate the latitude and longitude of the MS4's City Hall or approximately the geographical center of the MS4. For lat/long information, go to the DEQ Flexviewer at http://gis.deq.ok.gov/flexviewer/.

Section IV: Certification

The NOT form must be signed by a responsible party. For a municipality, State, Federal, or other public agency, a responsible party is 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 EPA).

Where to File a NOT form:

NOTs must be submitted to DEQ using one of the following methods:

Mailing address:

DEQ - Water Quality Division
P.O. Box 1677
Oklahoma City, Oklahoma 73101-1677

FAX:

405-702-8101
c/o Water Quality Division
Stormwater Permitting

Bring it physically to DEQ:

DEQ
707 North Robinson
Oklahoma City
Ask for Stormwater in the
Water Quality Division

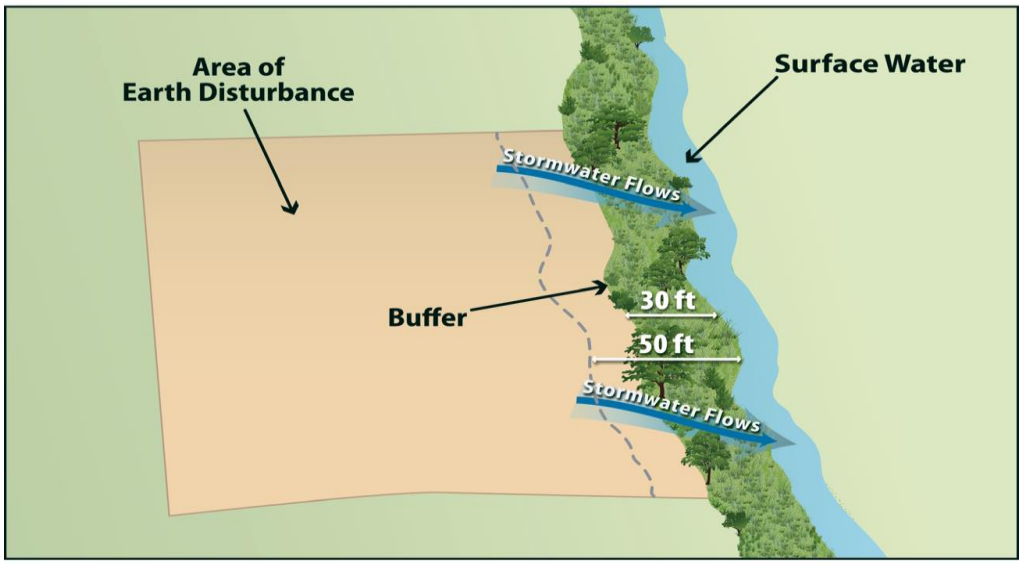
EXHIBIT 4: BUFFER GUIDANCE

The purpose of this guidance is to assist you in complying with the requirements in Parts VIII.B.3.a.(1) and VIII.B.4.b.(1) of this Permit regarding the establishment of natural buffers or equivalent sediment controls.

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

If your land disturbing activities will occur within the Aquatic Resources of Concern which are identified by USFWS and ODWC, a vegetated buffer of at least 100 feet is required between the area disturbed and all perennial or intermittent streams on or adjacent to the construction site, or a vegetated buffer of at least 50 feet is required between the area disturbed and all ephemeral streams. If your disturbing activities will be adjacent to the waters of the State, a vegetated buffer of at least 50 feet is required. Figure 4.1 illustrates when a site would be required to comply with the requirements in Part VIII.B.3.a.(1) due to their proximity to surface waters. If the surface water is not located within 50 feet of the earth-disturbing activities, Part VIII.B.3.a.(1) does not apply. If you determine that the buffer requirements apply to your site and those buffer requirements cannot be met, you may continue on to Step 2.

Figure 4.1: Example of Earth-Disturbing Activities within 50 feet of a Surface Water



Step 2 - Determine Compliance Alternatives to the Buffer Requirements

You have three compliance alternatives from which you can choose:

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

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

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

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

1. Guidance for Providing and Maintaining Natural Buffers

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

a. Buffer Width Measurement

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

(1) The ordinary high water mark of the water body, defined as the line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, and/or the presence of litter and debris; or

(2) The edge of the stream or river bank, bluff, or cliff, whichever is applicable.

Refer to Figure 4.2 and Figure 4.3. You may find that specifically measuring these points is challenging if the flow path of the surface water changes frequently, thereby causing the measurement line for the buffer to fluctuate continuously along the path of the waterbody. Where this is the case, DEQ suggests that rather than measuring each change or deviation along the water's edge, it may be easier to select regular intervals from which to conduct your measurement. For instance, you may elect to conduct your buffer measurement every 5 to 10 feet along the length of the water.

b. Limits to Disturbance within the Buffer

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

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

Figure 4.2

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

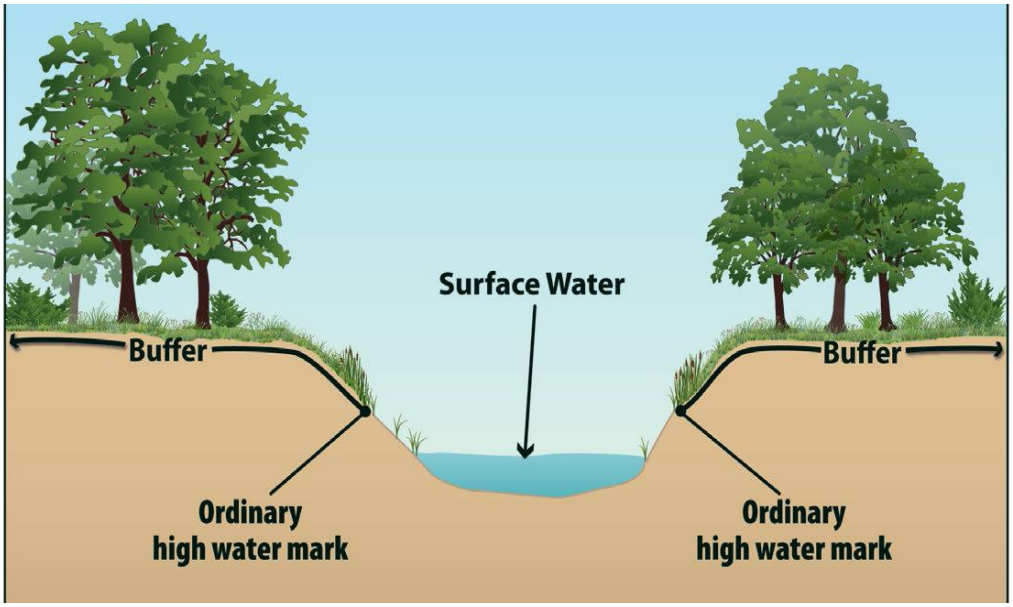
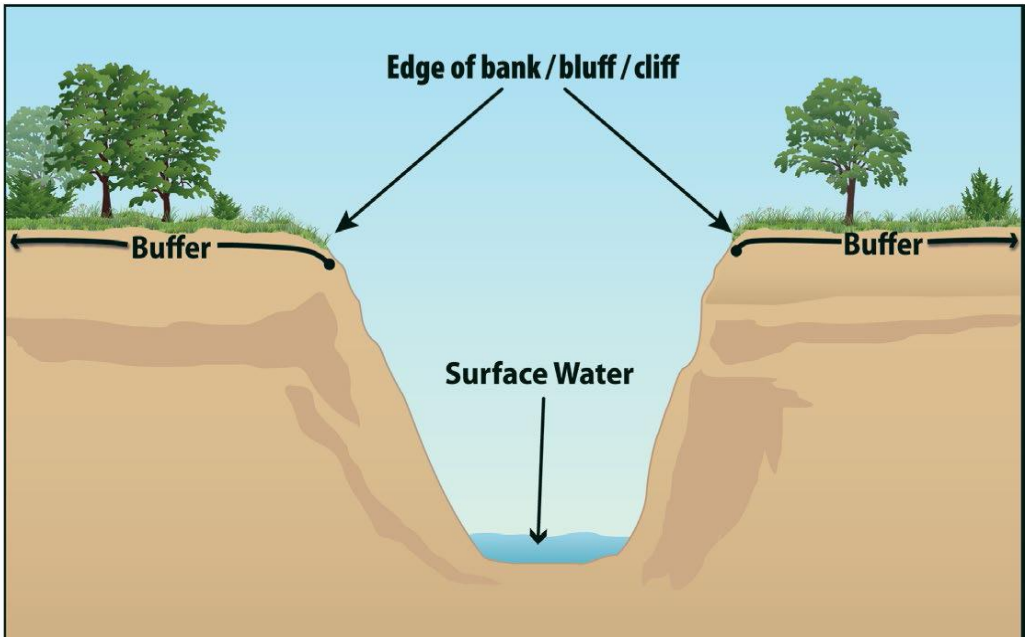


Figure 4.3

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



c. Discharges to the Buffer: You must ensure that all discharges from the area of earth disturbance to the natural buffer are first treated by the site's erosion and sediment controls (*for example, you must comply with the Part VIII.B.3.a.(6).(b) requirement to establish sediment controls around the downslope perimeter of your site disturbances*), and if necessary to prevent erosion caused by stormwater flows within the buffer, you must use velocity dissipation devices.

d. SWP3 Documentation: You must document the reduced width of the buffer you will be retaining and you must also describe the erosion and sediment controls you will use to achieve an equivalent sediment reduction, as described in Part 2 below. Note that you must also show any buffers on your site plan in your SWP3. Additionally, if any disturbances related to the exceptions in Part VIII.B.3.a.(1) occur within the buffer area, you must document this in the SWP3.

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

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

a. Determine Whether It Is Feasible to Provide a Reduced Buffer

DEQ recognizes that there will be a number of situations in which it will be infeasible to provide and maintain a buffer of any width. While some of these situations may exempt you from the buffer requirement entirely (See Part VIII.B.3.a.(1), if you do not qualify for one of these exemptions, there still may be conditions or circumstances at your site that make it infeasible to provide a natural buffer. For example, there may be sites where a significant portion of the property on which the earth-disturbing activities will occur is located within the buffer area, thereby precluding the retention of natural buffer areas. DEQ believes there are likely to be other examples of situations that make it infeasible to provide any buffer area.

Therefore, in choosing between the 2 different compliance alternatives (Alternative 2 or 3), you should only elect to comply with Alternative 2 if it is feasible for you to retain any natural buffer on your site. (Note: For any buffer width retained, you are required to comply with the requirements in Part 1, above, concerning the retention of vegetation and restricting earth disturbances.) Similarly, if you determine that it is infeasible to provide a natural buffer of any size during construction, you should elect to comply with Alternative 3. After making this determination, you should proceed to Part 2 to determine how to provide controls that, together with any buffer areas that is being retained, if applicable, will achieve an equivalent sediment load reduction as the 100-foot or 50-foot buffer. You must describe why it is infeasible to provide and maintain an undisturbed natural buffer of any size in the SWP3.

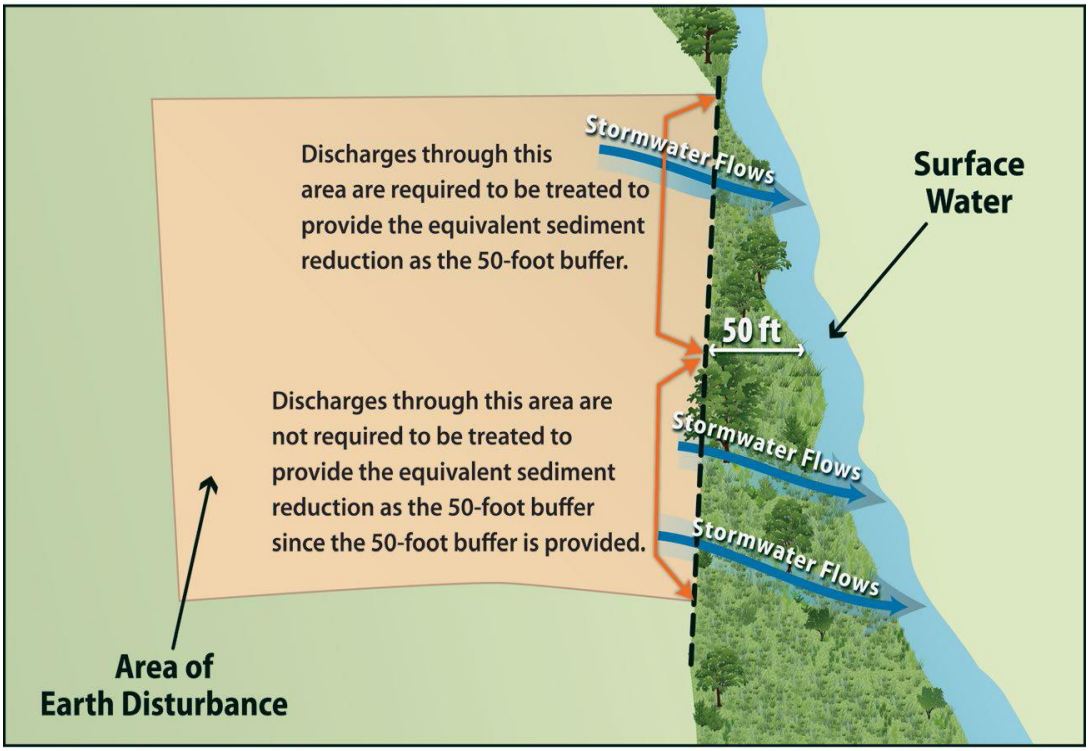
b. Design Controls That Provide Equivalent Sediment Reduction as 100-foot or 50-foot Buffer

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

Note that if only a portion of the natural buffer is less than 50 feet, you are only required to implement erosion and sediment controls that achieve the sediment load reduction equivalent to the 100-foot or 50-foot buffer for discharges through that area. You would not be required to provide treatment of stormwater discharges that flow through 100 feet 50 feet or more of natural buffer. See Figure 4.4.

Figure 4.4

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



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

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

In order to design controls that match the sediment removal efficiency of a 100-foot or 50- foot buffer, you first need to know what this efficiency is for your site. The sediment removal efficiencies of natural buffers vary according to a number of site-specific factors, including precipitation, soil type, land cover, slope length, width, steepness, and the types of sediment controls used to reduce the discharge of sediment prior to the buffer. DEQ has simplified this

calculation by developing buffer performance tables covering a range of vegetation and soil types for the areas covered by the permit. See Attachment 1, Tables 4.1 through 4.4.

Note: buffer performance values in Tables 4.1 through 4.4 represent the percent of sediment captured through the use of perimeter controls (e.g., silt fences) and 100-foot or 50-foot buffers at disturbed sites of fixed proportions and slopes. Using Tables 4.1 through 4.4 (see Attachment 1), you can determine the sediment removal efficiency of a 100-foot or 50-foot buffer for your geographic area by matching the vegetative cover type and the type of soils that predominate at your site. For example, if your site is located in Oklahoma City (see Table 4.1), and your buffer vegetation corresponds most closely with that of fescue grass, and the soil type at your site is best typified as sand, your site's sediment removal efficiency would be 90 percent.

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

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

Alternatively, you may do your own calculation of the effectiveness of the 50-foot buffer based upon your site-specific conditions, and may use this number as your sediment removal equivalency standard to meet instead of using Tables 4.1 through 4.4. This calculation must be documented in your SWP3.

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

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

To make the determination that your controls and/or buffer area achieve an equivalent sediment load reduction as the 100-foot or 50-foot buffer, you may use stormwater controls listed in Tables 4.1 through 4.4 to select a single

designed control, such as 12" or 6" waddle, roll material, silt fence or straw mulch (see Attachment 1), or you will need to use a model or other type of calculator. There are a variety of models available that can be used to support your calculation, including USDA's RUSLE-series programs and the WEPP erosion model, SEDCAD, SEDIMOT, or other models.

Alternatively, you may elect to install a combination of stormwater controls and to retain some amount of a buffer. Whichever control(s) you select, you must demonstrate in your SWP3 that the controls will provide at a minimum the same sediment removal capabilities as the 100-foot or 50-foot buffer (Step 1). You are allowed to take credit for the removal efficiencies of your required perimeter controls in your calculation of equivalency, because these were included in calculating the buffer removal efficiencies in Tables 4.1 through 4.4. (Note: You are reminded that the controls must be kept in effective operating condition until you have completed final stabilization on the disturbed portions of the site discharging to the surface water.)

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

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

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

In Steps 1 and 2, you determined both the expected sediment removal efficiency of a 100-foot or 50-foot buffer at your site, and you used this number as a performance standard to design controls to be installed at your site, which alone or in combination with any retained natural buffer, achieves the expected sediment removal efficiency of a 100-foot or 50-foot buffer at your site. The final step is to document in your SWP3 the information you relied on to

calculate the equivalent sediment reduction as an undisturbed natural buffer. DEQ will consider your documentation to be sufficient if it generally meets the following:

For Step 1: Refer to the Table in Attachment 1 that you used to derive your estimated 100-foot or 50-foot buffer sediment removal efficiency performance. Include information about the buffer vegetation and soil type that predominate at your site, which you used to select the sediment load reduction value in Tables 4.1 through 4.4. Or, if you conducted a site-specific calculation for sediment removal efficiency, provide the specific removal efficiency, and the information you relied on to make your site-specific calculation.

For Step 2: (1) Specify a single designed stormwater control (see Table 4.1 thru 4.4) or other stormwater controls that you used to estimate sediment load reductions from your site. Specify a model or other type of calculator that you used to support your calculation if any.

(2) The results of calculations showing how your controls will meet or exceed the sediment removal efficiency from Step 1. If you choose Alternative 3, you must also include in your SWP3 a description of why it is infeasible for you to provide and maintain an undisturbed natural buffer of any size.

ATTACHMENT 1

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

Best Management Practices Defined

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

Soils Defined

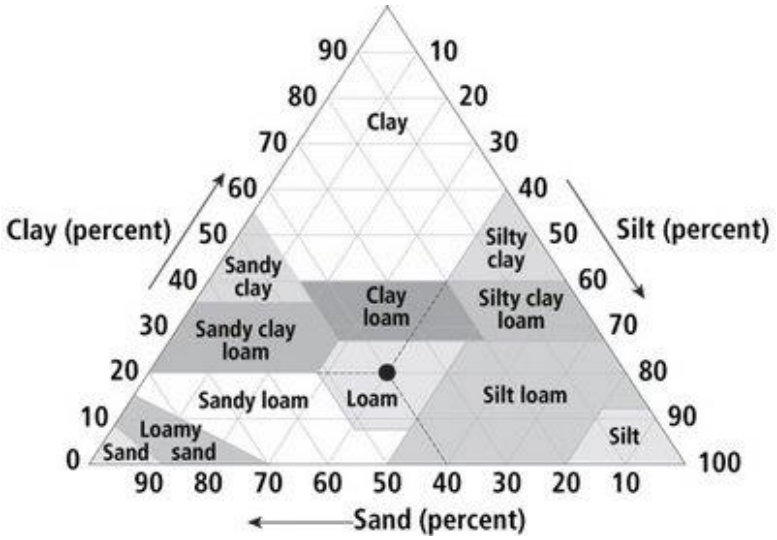


Table 4.1: Estimated Buffer Performance of Blade Fill in OKC, Oklahoma *

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

Table 4.2: Estimated Buffer Performance of Blade Cut in OKC, Oklahoma *

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

Table 4.3: Estimated Buffer Performance of Blade Fill Tulsa, Oklahoma *

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

Table 4.4 Estimated Buffer Performance of Blade Cut in Tulsa, Oklahoma *

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

* Applicable for sites less than nine percent slope

** Characterization focuses on the under-story vegetation