

AUTHORIZATION TO DISCHARGE
OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM

Permit Number OKS000201

In compliance with the Oklahoma Pollutant Discharge Elimination System (OPDES) Act, Title 27A O.S. Supp.1999, § 2-6-201 *et seq.*, and the rules of the State of Oklahoma Department of Environmental Quality (DEQ) adopted hereunder {See OAC 252:606}; the Federal Clean Water Act, Public Law 95-217 (33 U.S.C. 1251 *et seq.*), Section 402; and NPDES Regulations (40 CFR Parts 122, 124, 136 and 403),

City of Tulsa
4818 S. Elwood
Tulsa, OK 74107

Oklahoma Turnpike Authority
3500 N. Martin Luther King Ave.
Oklahoma City, OK 73111-4295

Oklahoma Department of
Transportation
200 N.E. 21st Street
Oklahoma City, OK 73105

co-permittees are hereby authorized to discharge storm water from the Tulsa Municipal Separate Storm Sewer System (MS4) to receiving waters:

Arkansas River Basin

Bigheart Creek, Cherry-Red Fork Creek, Vensel Creek, Crow Creek, Downtown Creek, Upper Joe Creek, Elm Creek, Fred Creek, Swan Creek, Fry Ditch No. 2, Garden City, S. Fork, Little Joe Creek, Hager Creek, Haikey Creek, S. Tulsa Drainage Area, Harlow Creek, Lower Basin, Perry Man Ditch, Mooser Creek, Parkview Creek, Nickel Creek, N. Fork Little Joe, and Oak Creek.

Verdigris River Basin

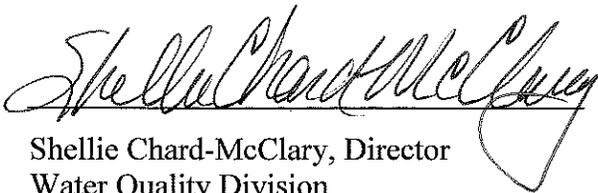
Adams Creek, Center-Rolling Hills Creek, Bird Creek, Coal Creek, Cooley Creek, Dirty Butter Creek, Flat Rock Creek, Lower Middle Mingo Creek, Mingo Creek, Lower Mingo Creek, Reservoir Creek, Spunky - Pond Creeks, Upper Mingo Creek, and Upper Middle Mingo Creek and Knudson Creek.

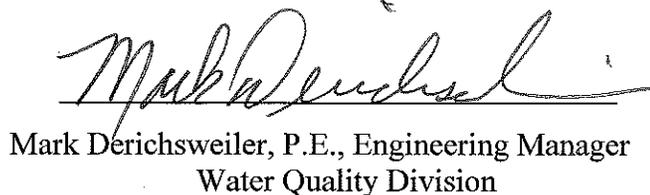
Also included are tributaries thereto, in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, III, IV, V, VI, and VII hereof.

This permit shall become effective on October 16, 2011. It will replace and/or supersede the permit issued on January 13, 2003.

This permit and the authorization to discharge shall expire at midnight on October 15, 2016.

For The Oklahoma Department of Environmental Quality:


Shellie Chard-McClary, Director
Water Quality Division


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

TULSA MUNICIPAL SEPARATE STORM SEWER SYSTEM

<u>PARAGRAPH</u>	<u>TABLE OF CONTENTS</u>	<u>PAGE</u>
PART I.	DISCHARGES AUTHORIZED UNDER THIS PERMIT	1
A.	Permit Area.....	1
B.	Authorized Discharges	1
C.	Permittee Responsibilities	1
D.	Discharge Goals.....	2
PART II.	STORM WATER MANAGEMENT PROGRAM	3
A.	SWMP Requirements	3
B.	Area-specific SWMP Requirements	14
C.	Deadlines for Program Implementation	14
D.	Roles and Responsibilities of Permittee(s)	14
E.	Legal Authority	14
F.	SWMP Resources	15
G.	SWMP Review and Update.....	15
H.	Retention of Storm Water Management Program Records	16
PART III.	SCHEDULES FOR IMPLEMENTATION AND COMPLIANCE.....	17
A.	Implementation and Augmentation of SWMP.....	17
C.	Compliance with Effluent Limitations (Reserved)	18
D.	Updating SWMP.....	18
PART IV.	MONITORING AND REPORTING REQUIREMENTS	19
A.	Watershed Characterization Program	19
B.	Floatables Monitoring	22
C.	Annual Report and Comprehensive Assessment of the Watershed Characterization Program	22
D.	Certification and Signature of Reports.....	23
E.	Reporting: Where and When to Submit	23
PART V.	STANDARD PERMIT CONDITIONS	24
A.	Duty to Comply	24
B.	Penalties for Violations of Permit Conditions.....	24
C.	Duty to Reapply.....	25
D.	Need to Halt or Reduce Activity Not a Defense.....	25
E.	Duty to Mitigate	25
F.	Duty to Provide Information	25

G.	Other Information	25
H.	Signatory Requirements.....	25
I.	Penalties for Falsification of Monitoring Systems.....	26
J.	Oil and Hazardous Substance Liability	26
K.	Property Rights.....	26
L.	Severability	26
M.	Requiring a Separate Permit.....	27
N.	State Environmental Laws	27
O.	Proper Operation and Maintenance	27
P.	Monitoring and Records	27
Q.	Monitoring Methods.....	28
R.	Inspection and Entry	28
S.	Permit Actions.....	28
T.	Additional Monitoring by the Permittee.....	29
U.	Archeological and Historical Sites (Reserved).....	29
PART VI.	Permit Modification	30
A.	Modification of the Permit	30
B.	Termination of Coverage for a Single Permittee	30
C.	Modification of the SWMP	30
D.	Changes in Monitoring Outfalls.....	30
PART VII.	Definitions.....	31

PART I. DISCHARGES AUTHORIZED UNDER THIS PERMIT

A. Permit Area

This permit covers all areas located within the corporate boundary of the City of Tulsa that are served by municipal separate storm sewers owned or operated by the permittee(s).

B. Authorized Discharges

1. Except for discharges prohibited under Part I.B.2, this permit authorizes all existing or new storm water point source discharges to waters of the State from those portions of the Municipal Separate Storm Sewer System (MS4) owned or operated by the permittee(s).
2. This permit does not authorize the following discharges, whether discharged separately or commingled with municipal storm water:
 - a. *Non-storm Water and Industrial Storm Water:* discharges of non-storm water, any Storm Water Discharge Associated with Industrial Activity, or other storm water discharges required by the Director to obtain an OPDES permit, except where such discharges are identified by and in compliance with Part II.A.6.a. This permit does not transfer liability for discharging without (or in violation of) an OPDES permit from the operator to the permittee(s).
 - b. *Discharges of material resulting from a spill:* This permit does not transfer liability for a spill itself from the party(s) responsible for the spill to the permittee(s), nor relieve the party(s) responsible for a spill from the reporting requirements OAC 252:606-1-3(b)(2) adopting and incorporating by reference 40 CFR Part 117 and OAC 252:606-1-3(b)(10) adopting and incorporating by reference 40 CFR Part 302.

C. Permittee Responsibilities

1. Each permittee is responsible for:
 - a. Compliance with permit conditions relating to discharges from portions of the MS4 where the permittee is the operator;
 - b. Storm Water Management Program (SWMP) implementation on portions of the MS4 where the permittee is the operator;
 - c. Compliance with annual reporting requirements as specified in Part IV.C;
 - d. Collection of representative monitoring data required by Part IV.A according to such agreements as may be established between permittees; and
 - e. A plan of action to assume responsibility for implementation of storm water management and monitoring programs on their portions of the MS4 should inter-jurisdictional agreements allocating responsibility between permittees be dissolved or in default.
2. Permittees are jointly responsible for permit compliance on portions of the MS4 where operational or SWMP implementation authority over portions of the MS4 is shared or has been transferred from one permittee to another in accordance with legally binding agreements.

D. Discharge Goals

The following goals are established for discharges from the MS4:

1. No discharge of toxic pollutants in toxic amounts;
2. No discharge of pollutants in quantities that would cause a violation of Oklahoma's Water Quality Standards;
3. No discharge of floatable debris, oils, scum, foam, or grease in other than trace amounts;
4. No discharge of non-storm water from the MS4 (except as provided in Part II.A.6.a);
5. No impairment or loss of State-designated beneficial uses of receiving waters as a result of storm water discharges from the municipal separate storm sewer. No degradation of receiving waters as a result of storm water discharges from the MS4 except as authorized by the State in accordance with the State's Antidegradation Policy [Title 82 O.S. § 1085.30 (C)(1) and OAC 785:45-5-25]; and
6. Reduction of pollutants discharged to the Maximum Extent Practicable (MEP).

PART II. STORM WATER MANAGEMENT PROGRAM

Each permittee shall contribute to the development, revision and implementation of a comprehensive SWMP, including pollution prevention measures, treatment or removal techniques, monitoring, use of legal authority, and other appropriate means to control the quality of storm water discharged from the Municipal Separate Storm Sewer System (MS4). The Storm Water Management Program (SWMP) shall be implemented in accordance with Section 402(p)(3)(B) of the Act, and the Storm Water Regulations OAC 252.606-1-3(b)(3)(L) adopting and incorporating by reference 40 CFR Part 122.26.

Controls and activities in the SWMP shall identify areas of permittee responsibility on a jurisdiction, applicability, or specific area basis. The SWMP shall include controls necessary to effectively prohibit the discharge of non-storm water into municipal separate storm sewers and reduce the discharge of pollutants from the MS4 to the MEP.

The SWMP shall cover the term of this permit and shall be updated as necessary, or as required by the Director, to ensure compliance with the statutory requirements of Section 402(p)(3)(B) of the Act. Modifications to the SWMP shall be made in accordance with Part II.G of the permit. Compliance with the SWMP and any schedules in Part III shall be deemed compliant with Part II.A and II.B. The SWMP, and all updates made in accordance with Part II.G are hereby incorporated by reference.

Implementation of the SWMP may be achieved through participation with other permittees, public agencies, or private entities in cooperative efforts to satisfy the requirements of Part II in lieu of creating duplicate program elements for each individual permittee. The SWMP, taken as a whole, shall achieve the "effective prohibition on the discharge of non-storm water" and "MEP" standards from Section 402(p)(3)(B) of the Act.

A. SWMP Requirements

1. *Structural Controls and Storm Water Collection System Operation:* The MS4 and any storm water structural controls shall be operated in a manner to reduce the discharge of pollutants to the MEP.
2. *Areas of New Development and Significant Redevelopment:* A comprehensive master planning process (or equivalent) to develop, implement, and enforce controls to minimize the discharge of silt, scrap, trash, and other pollutants from areas of new development and significant re-development after construction is completed shall be implemented. Permittee(s) shall promote low impact development (LID) and other green design strategies as an effective best management practice (BMP) to minimize the impact of urban runoff discharges from those areas on the receiving streams. LID and other green designs which use on-site natural features, such as filtration and infiltration can greatly reduce peak flow and pollutant loads of urban runoff. The goals of such controls shall be:
 - a. *New development:* limiting increases in the discharge of pollutants in storm water as a result of development;
 - b. *Re-development:* reducing the discharge of pollutants in storm water; and
 - c. *Post Construction Runoff Controls:* minimizing increases in the quantity of storm water and the discharge of pollutants in storm water discharges from post construction

runoff.

3. *Roadways:* Public streets, roads, and highways shall be operated and maintained in a manner to minimize discharge of pollutants, including those pollutants related to deicing or sanding activities. Road maintenance and deicing contractors shall be familiar with MS4 regulations and requirements to prevent contamination of the Waters of the State. Contracts shall include appropriate provisions to ensure compliance with the SWMP and this permit.
4. *Flood Control Projects:* Impacts on receiving water quality shall be assessed for all flood management projects. The feasibility of retrofitting existing structural flood control devices to provide additional pollutant removal from storm water shall be evaluated.
5. *Pesticide, Herbicide, and Fertilizer Application:* Each permittee shall implement controls to reduce the discharge of pollutants related to the permittee's storage and application of pesticides, herbicides, and fertilizers. Permittees with jurisdiction over lands not directly owned by that entity (e.g. an incorporated city with authority over activities occurring anywhere within their city limits) shall also implement programs to reduce the discharge of pollutants related to commercial application and distribution of pesticides, herbicides, and fertilizers.
6. *Illicit Discharges and Improper Disposal:* Non-storm water discharges to the MS4 shall be effectively prohibited. For the purpose of this permit, the following discharges need not be addressed as illicit discharges by the permittee(s) nor prohibited from entering the MS4: discharges regulated by a separate OPDES permit, and non-storm water discharges identified by the permittee as specified in item (a) below.
 - a. Permittee(s) shall identify in the SWMP any categories of non-storm water that are not prohibited from being discharged into the MS4, in accordance with conditions described in items (1) and (2) below.
 - (1) Categories of non-storm water discharges that the permittee(s) may exempt from the prohibition on non-storm water entering the MS4 include:
 - (a) Water line flushing;
 - (b) Landscape irrigation;
 - (c) Diverted stream flows;
 - (d) Rising ground waters;
 - (e) Uncontaminated ground water infiltration to separate storm sewers;
 - (f) Uncontaminated pumped ground water;
 - (g) Discharge from potable water sources;
 - (h) Foundation drains;
 - (i) Air conditioning condensation;
 - (j) Irrigation water;
 - (k) Springs;
 - (l) Water from crawl space pumps;

- (m) Footing drains;
 - (n) Lawn watering;
 - (o) Individual residential car washing;
 - (p) Flows from riparian habitats and wetlands;
 - (q) Dechlorinated swimming pool discharges;
 - (r) Street wash water;
 - (s) Discharges from emergency fire fighting activities provided procedures are in place for the Incident Commander, Fire Chief, or other on-scene fire fighting official in charge to make an evaluation regarding potential releases of pollutants from the scene. Measures must be taken to reduce any pollutant releases to the MEP subject to all appropriate actions necessary to ensure public health and safety. These procedures must be documented in the SWMP. Discharges or flows from fire fighting training activities are not authorized by this permit; and
 - (t) Other similar occasional incidental non-storm water discharges (e.g. non-commercial or charity car washes, etc.).
- (2) Categories of non-storm water discharges exempted from the prohibition on non-storm water must not be reasonably expected [based on information available to the permittee(s)] to be significant sources of pollutants to the waters of the State, because of either:
- (a) The nature of the discharges; or
 - (b) Conditions placed on the discharges by the permittee(s).

The SWMP shall describe any local controls or conditions placed on discharges exempted from the prohibition on non-storm water. Permittee(s) shall prohibit any individual non-storm water discharge otherwise exempted under this paragraph from the prohibition on non-storm water that is determined to be contributing significant amounts of pollutants to the MS4.

- b. Each permittee shall prevent (or require the operator of the sanitary sewer to eliminate) unpermitted discharges of dry and wet weather overflows from sanitary sewers into the MS4. Each permittee shall limit the infiltration or seepage from sanitary sewers into the MS4.
- c. The permittee(s) shall ensure the implementation of a program to reduce the discharge of floatables (e.g. litter and other human-generated solid refuse). The floatables control program shall include source controls and, where necessary, structural controls.
- d. The discharge or disposal of used motor vehicle fluids and household hazardous wastes and the intentional disposal of collected quantities of grass clippings, leaf litter, and animal wastes into storm sewers shall be prohibited. The permittee(s) shall ensure the implementation of programs to collect used motor vehicle fluids (at a minimum, oil and antifreeze) for recycle, reuse, or proper disposal and to collect household hazardous waste materials (including paint, solvents, pesticides, herbicides, and other hazardous

- materials) for recycle, reuse, or proper disposal. Such programs shall be readily available to all private residents and shall be publicized and promoted on a regular basis.
- e. A program to locate and eliminate illicit discharges and improper disposal into the MS4 shall be revised, updated as needed and implemented. This program shall include dry weather screening activities to locate portions of the MS4 with suspected illicit discharges and improper disposal. Follow-up activities to eliminate illicit discharges and improper disposal may be prioritized on the basis of magnitude and nature of the suspected discharge; sensitivity of the receiving water; and/or other relevant factors. This program shall establish priorities and schedules for screening the entire MS4 at least once per five years. The permittee(s) shall utilize a consistent method (e.g. by land area, by outfall, etc.) for determining the percentage of the MS4 that has been screened. Facility inspections may be carried out in conjunction with other municipal programs (e.g. pretreatment inspections of industrial users, health inspections, fire inspections, etc.), but must include random inspections for facilities not normally visited by the municipality.
 - f. Each permittee shall require the elimination of illicit discharges and improper disposal practices as expeditiously as reasonably possible. Where elimination of an illicit discharge within thirty (30) days is not possible, the permittee shall require an expeditious schedule for removal of the discharge. In the interim, the permittee shall require the operator of the illicit discharge to take all reasonable and prudent measures to minimize the discharge of pollutants to the MS4.
 - g. The permittee(s) shall maintain, and update as necessary, a list of discharges to municipal separate storm sewers that have been issued an OPDES permit or authorization. The list shall include the name, location and OPDES permit authorization number of the discharger.
7. *Spill Prevention and Response:* A program to prevent, contain, and respond to spills that may discharge into the MS4 shall be implemented. Where discharge of material resulting from a spill is necessary to prevent loss of life, personal injury, or severe property damage, the permittees shall take, or insure the party responsible for the spill takes, all reasonable steps to minimize or prevent any adverse effects on human health or the environment. The spill response program shall be made a part of the SWMP and include a combination of spill response actions by the permittee(s) (and/or another public or private entity), and legal requirements for private entities within the permittee's jurisdiction.
8. *Industrial & High Risk Runoff:* A program to identify and control pollutants in storm water discharges to the MS4 from municipal landfills; other treatment, storage, or disposal facilities for municipal waste (e.g. transfer stations, incinerators, etc.); hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to the Emergency Planning and Community Right-to-know Act (EPCRA) Title III, Section 313; and any other industrial or commercial discharge the permittee(s) determines are contributing a substantial pollutant loading to the MS4 shall be implemented. The program shall include:
- a. Priorities and procedures for inspections, monitoring (see also Part II.A.12.c.), and

- establishing and implementing control measures for such discharges; and
- b. A list of industrial storm water sources discharging to the MS4 that shall be maintained and updated as necessary.
9. *Construction Site Runoff:* A program to reduce the discharge of pollutants from construction sites shall be implemented. This program shall include:
 - a. Requirements for the use and maintenance of appropriate structural and nonstructural BMPs to reduce pollutants discharged to the MS4 during the time construction are underway;
 - b. Inspection of construction sites and enforcement of control measures (in accordance with priorities and procedures established in the SWMP);
 - c. Appropriate education and training measures for construction site operators; and
 - d. Notification of appropriate building permit applicants of their potential responsibilities under the OPDES permitting program for construction site runoff.
 10. *Public Education:* A public education program shall be revised and updated as needed, and shall include the following elements:
 - a. A program to promote, publicize, and facilitate public reporting of the presence of illicit discharges or improper disposal of materials, including floatables, into the MS4;
 - b. A program to promote, publicize, and facilitate the proper management and disposal of used motor vehicle fluids and household hazardous wastes; and
 - c. A program to promote, publicize, and facilitate the proper use, application, and disposal of pesticides, herbicides, and fertilizers by the public and commercial and private applicators and distributors.
 11. *Employee Education:* Permittees shall revise and update as needed a program to educate appropriate employees on internal policies and procedures, including education for engineers, specialists, and inspectors on the rules and regulations for permit compliance and municipal ordinances. A program to educate contractors responsible for herbicide, pesticide and fertilizer application, landscape specialists and other lawn care providers specifically on the proper use of chemicals, disposal thereof and spill prevention procedures shall be implemented.
 12. *Monitoring Programs:* The following monitoring programs shall be implemented in addition to the monitoring required by Part IV.
 - a. *Dry Weather Screening Program:* Permittees shall continue ongoing efforts to detect the presence of illicit connections and improper discharges to the MS4. All areas of the MS4 must be screened at least once during the permit term. Screening methodology may be modified based on experience gained during actual field screening activities and need not conform to the protocol at OAC 252:606-1-3(b)(3)(L) adopting and incorporating by reference 40 CFR 122.26(d)(1)(iv)(D). Sample collection and analysis need not conform to the requirements of OAC 252:606-1-3(b)(7) adopting and incorporating by reference 40 CFR Part 136.

However, samples taken to confirm (e.g. in support of possible legal action) a particular illicit connection or improper disposal practice should conform to the requirements of OAC 252:606-1-3(b)(7) [40 CFR Part 136].

- b. *Watershed Characterization Program*
 - (1) *Analytical Monitoring Program:* The permittee(s) shall identify, investigate, and address areas within their jurisdiction that may be contributing excessive levels of pollutants to the MS4. The monitoring program:
 - (a) Shall screen the MS4, in accordance with the procedures specified in the SWMP.
 - (b) Shall specify the sampling and non-sampling techniques to be used for initial screening and follow-up purposes. Sample collection and analysis need not conform to the requirements of OAC 252:606-1-3(b)(7) adopting and incorporating by reference 40 CFR Part 136. However, samples taken to confirm (e.g. in support of possible legal action) a particular discharger is a source of significant quantities of pollutants should conform to the requirements of OAC 252:606-1-3(b)(7) [40 CFR Part 136].
 - (2) *Biological Monitoring Program:* The permittee(s) shall identify in-stream locations that continuously support valid biological communities, and conduct aquatic habitat surveys and assessments of the benthic macroinvertebrate and fish communities. These collections will be conducted during a temporal timeframe of the water quality monitoring aspect of the overall watershed characterization program. Schedules will be aligned to provide a complete assessment, where applicable, of the identified watersheds in the period of five (5) years. When impacts to a watershed are indentified based on the results of the biological monitoring program, a wet weather field investigation shall be undertaken with a goal of determining the extent that stormwater discharges contribute to the impacts. The requirements of this program are specified in Part IV.A.2 of the permit.
- c. *Industrial and High Risk Runoff Monitoring Program:* The program shall include monitoring for pollutants in storm water discharges to the MS4 from municipal landfills; other treatment, storage, or disposal facilities for municipal waste (e.g. transfer stations, incinerators, etc.); hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to the Emergency Planning and Community Right-to-know Act (EPCRA) Title III, Section 313; and any other industrial or commercial discharge the permittee(s) determines are contributing a substantial pollutant loading to the MS4.
 - (1) Except as provided in (2) below, the monitoring program shall include the collection of quantitative data on the following constituents:
 - (a) Any pollutants limited in an existing OPDES permit for a subject facility;
 - (b) Oil and grease;
 - (c) Chemical oxygen demand (COD);

- (d) pH;
- (e) Biochemical oxygen demand, five-day (BOD₅);
- (f) Total suspended solids (TSS);
- (g) Total phosphorous;
- (h) Total Kjeldahl nitrogen (TKN);
- (i) Nitrate plus nitrite nitrogen; and
- (j) Any information on discharges required under OAC 252:606-1-3(b)(3)(H) adopting and incorporating by reference 40 CFR 122.21(g)(7)(iii) and (iv).

Data collected by the industrial facility to satisfy the monitoring requirements of an OPDES or State discharge permit may be used to satisfy this requirement. Permittee(s) may require the industrial facility to conduct self-monitoring to satisfy this requirement.

- (2) **Alternative Certification:** In lieu of monitoring, the permittee may accept a certification from a facility that raw and waste materials, final and intermediate products, by-products, material handling equipment or activities, industrial machinery or operations, or significant materials from past industrial activity are not presently exposed to storm water and are not expected to be exposed to storm water for the certification period. Where the permittee(s) accept a "no exposure" certification, the permittee(s) shall conduct at least one site inspection of the facility every five years to verify the "no exposure" certification.

13. *Measurable Goals for Major BMPs:* The permittee(s) will start and fully implement the following measurable goals for each BMP, or frequency of the actions:

SWMP's COMPONENTS	BMP ACTIONS	RESPONSIBLE PERSON(S)	TARGET DATES or FREQUENCY
1. Structural Controls and Collection System Operations	a. Maintain and update a list of active drainage and structural control projects and the status of each project	Tulsa	On going, include in annual report
	b. Continue the maintenance program of both above and below ground structural stormwater controls, including inspection, repair and clean-up for detention/roadside ditches/storm sewer pipe/catch basin/inlets/pump station.	All	On going, include in annual report
2. New Development and Significant Re-Development	a. Update Stormwater Criteria Manual.	Tulsa	12 months from effective date of the final permit
	b. Review Tulsa's development regulations to identify impediments and to Low Impact Development (LID).	All	6 months from effective date of the final permit
	c. Propose updates to remove those impediments.	Tulsa	12 months from effective date of the final permit
	d. Conduct public education, especially to developers/contractors, at least 3 events that promotes LID.	All	12 months from effective date of the final permit
3. Roadways	a. Continue the Roadway Sweeping Program through the street sweeping contract, including arterial areas, residential areas and spot areas (as needed).	Tulsa	On going, Include in annual report.
	b. Continue controls on deicing or sanding activities, including storage facilities, and truck washing facilities.	All	On going, include annual report
4. Flood Control Projects	a. Review Flood Management Project Designs for compliance with City's Stormwater Management Criteria Manual.	Tulsa	On going, include annual report
5. Pesticides, Herbicides and Fertilizers Application	a. Promote the proper use, application and disposal of pesticides, herbicides and fertilizers through the Master Gardeners Program annually.	Tulsa	Annually

SWMP's COMPONENTS	BMP ACTIONS	RESPONSIBLE PERSON(S)	TARGET DATES or FREQUENCY
	b. Continue mail outs to commercial applicators at least once per permit term.	Tulsa	Annually
	c. Continue annual training/education/certification classes for City's applicators	All	Annually
6. Illicit Discharges	a. Promote the proper disposal of leaves, grass clippings and animal wastes into the storm sewer through utility bill stuffer and children's education events	Tulsa	2 times/Year
	b. Promote the public reporting of illicit discharges or improper disposal of pollutants by distributing brochures and conducting presentations at public events.	All	Annually
	c. Co-sponsor storm sewer inlet placarding program. Stamp all new storm sewer inlets with "Don't Dump, Drains to River" or a similar message	Tulsa	On going, include annual report
	d. Continue investigation of 100% reported illicit discharges.	Tulsa	On going, include annual report
	e. Continue extensive sanitary sewer system inspection, repair and cleaning program to reduce the likelihood of backups and sanitary sewer overflows.	Tulsa	On going, include annual report
	f. Continue participation in public events to target litter reduction, including information brochures and displays	All	2 times/year
	g. Conduct Dry Weather Field Screening Program on 20% of the MS4 each fiscal year and the entire MS4 during permit term, and submit field screening summaries in the annual report.	All	Annually
	h. Install floatable monitoring structures for capture and categorization at five (5) monitoring locations and continue maintenance at a frequency necessary for the removal structures.	All	12 months from effective date of the final permit

SWMP's COMPONENTS	BMP ACTIONS	RESPONSIBLE PERSON(S)	TARGET DATES or FREQUENCY
	i. Report all floatable debris removal quantities in cubic yards and include categorization of constituents for the permit year in the annual report.	All	On going, include in annual report
	j. Continue Household Pollutants Collection thru partnership with the Metropolitan Environmental Trust (M.e.t.) by supporting the M.e.t. recycling depots throughout the Tulsa areas. Those depots are open 24 hours per day, seven days per week and are located in areas that are easily accessible to the public.	All	On going, include in annual report
7. Spill Prevention and Response	a. Continue to respond as technical support for the Tulsa Fire Department on hazardous material spills.	All	On going, include in annual report
	b. Provide a summary of pollution complaints and spill responses annually.	All	Include in annual report
8. Industrial and High Risk Runoff	a. Continue the program to identify, inspect and control pollutants from targeted facilities.	Tulsa	On going, include in annual report
	b. Continue the program to document monitoring, inspection, compliance and enforcement actions for the targeted facilities.	Tulsa	On going, include in annual report
9. Construction Site Runoff	a. Continue construction site runoff program through education, permitting, inspection and enforcement.	All	On going, include in annual report
	b. Continue the program of regulating runoff from construction sites greater than 1 acre	All	On going
	c. Continue the program through public outreach and workshops, at least 3 public outreach and workshops implemented.	All	Annually
10. Public Education	a. Continue public education program through other agencies and associations, businesses, schools, and the general public.	All	On going, include in annual report

SWMP's COMPONENTS	BMP ACTIONS	RESPONSIBLE PERSON(S)	TARGET DATES or FREQUENCY
11. Employee Education	Continue annual employee training, including internal policies and procedures for engineers, specialists, and inspectors.	All	Annually
12. Watershed Characterization – Analytical Monitoring Program	a. Submit a monitoring schedule for all sub-basins within the system that will result in characterization of all sub-basins within the 5 year term of the permit at least six (6) monitoring locations each year.	All	6 months of effective date of the final permit
	b. Conduct monitoring to characterize storm water discharges in accordance with the schedule in 12.a above at representative monitoring locations once per month during each permit year.	All	On going
	c. Submit, in the annual report, analytical summary reports detailing constituent loadings from representative storm events during the permit year.	All	Include in annual report
13. Watershed Characterization – Biological Monitoring Program	a. Complete aquatic habitat surveys in accordance with the schedule in 12.a above at representative locations, including the collections of macroinvertebrates two (2) times each permit year and fish collection once each permit year.	All	On going
	b. Provide a summary of relevant biological collections and water quality information, if applicable, collected for each permit year.	All	Include in annual report
14. Watershed Characterization -Comprehensive Assessment of the program	a. Based on results of the watershed characterization program, produce an assessment that includes the findings and impacts indentified, response taken , and any modifications recommended to enhance the usefulness or efficiency of the program	All	Include in 4 th annual report

¹ All – City OF Tulsa, ODOT, and OTA.

B. Area-specific SWMP Requirements

1. Receiving Water Limitations

- a. The discharges shall not cause or contribute to a violation of any State water quality standard (WQS) for receiving waters. If different applicable WQSs are approved after the effective date of this permit, the permittees shall revise and update their SWMP as appropriate.
- b. If permittees' discharge to receiving waters listed on the latest 303(d) impaired waters list, the permittee must document the BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce such pollutants in the SWMP.

2. Total Maximum Daily Load (TMDL) Allocations

- a. Discharge of a pollutant into any water for which a TMDL for that pollutant has been either established or approved by the DEQ or the EPA is prohibited, unless the discharges are consistent with that TMDL.
- b. If a TMDL is approved for any receiving water into which permittees discharge after the date that the permit becomes effective, permittees must incorporate any limitations, conditions, and requirements applicable to their discharges into the 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. Monitoring and reporting of the discharges may also be required as appropriate to ensure compliance with the TMDL.

C. Deadlines for Program Implementation

Except as provided in Part III, full implementation of the SWMP shall begin on the effective date of the permit.

D. Roles and Responsibilities of Permittee(s)

The SWMP, together with any attached interagency agreements, shall clearly identify the roles and responsibilities of each permittee.

E. Legal Authority

Each permittee shall ensure legal authority to control discharges to and from those portions of the MS4 over which it has jurisdiction. This legal authority may be a combination of statute, ordinance, permit, contract, order or inter-jurisdictional agreements with permittees with existing legal authority to:

1. Control the contribution of pollutants to the MS4 by Storm Water Discharges Associated with Industrial Activity and the quality of storm water discharged from sites of industrial activity;
2. Prohibit illicit discharges to the MS4;
3. Control the discharge of spills and the dumping or disposal of materials other than storm water (e.g. industrial and commercial wastes, trash, used motor vehicle fluids, leaf litter, grass clippings, animal wastes, etc.) into the MS4;

4. Control through interagency or inter-jurisdictional agreements among permittees the contribution of pollutants from one portion of the MS4 to another;
5. Require compliance with conditions in ordinances, permits, contracts or orders; and
6. Carry out all inspections, surveillance and monitoring procedures necessary to determine compliance with permit conditions.

F. SWMP Resources

Each permittee shall provide adequate finances, staff, equipment, and support capabilities to implement their activities under the SWMP.

G. SWMP Review and Update

1. *SWMP Review:* Each permittee shall participate in an annual review of the current SWMP in conjunction with preparation of the annual report required under Part IV.C.
2. *SWMP Update:* The permittee(s) may change the SWMP during the life of the permit in accordance with the following procedures:
 - a. The approved SWMP shall not be changed by the permittee(s) without the approval of the Director, unless in accordance with Parts II.G.2.b, or c.
 - b. Changes adding (but not subtracting or replacing) components, controls, or requirements to the SWMP may be made by the permittee(s) at any time upon written notification to the Director.
 - c. Changes replacing an ineffective or unfeasible BMP specifically identified in the SWMP with an alternate BMP 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 by the permittee(s) 60 days from submittal of the request. If request is denied, the Director will send the permittees a written response giving a reason for the decision. Such requests shall include the following:
 - (1) An analysis of why the BMP to be replaced is ineffective or infeasible (including cost prohibitive),
 - (2) Expectations on the effectiveness and feasibility 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 and/or notifications shall be made in writing, signed in accordance with Part V.H. by all directly affected permittees, and include a certification that all permittees were given an opportunity to comment on proposed changes.
3. *Updates Required by the Permitting Authority:* The permitting authority may require changes to the SWMP as needed to:
 - a. Address impacts on receiving water quality caused, or contributed to, by discharges from the MS4;
 - b. Include more stringent requirements necessary to comply with new State or Federal statutory or regulatory requirements;

- c. Include such other conditions deemed necessary by the Director to comply with the goals and requirements of the Act, and
- d. Update and implement changes required by any approved TMDL that addresses storm water pollutants.

Changes requested by the Director shall be made in writing, set forth the time schedule for the permittee(s) to develop the changes, and offer the permittee(s) the opportunity to propose alternative program changes to meet the objective of the requested modification. All changes required by the Director shall be made in accordance with 40 CFR 124.5, 40 CFR 122.62, or as appropriate 40 CFR 122.63.

- 4. *Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation:* The permittee(s) shall implement the SWMP on all new areas added to their portion of the MS4 (or for which they become responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than three years 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, the permittee(s) shall have a plan for implementation of the 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 shall be submitted in the annual report.

H. Retention of Storm Water Management Program Records

The permittee(s) shall retain the SWMP developed in accordance with Part II and III for at least 3 years after coverage under this permit terminates.

PART III. SCHEDULES FOR IMPLEMENTATION AND COMPLIANCE

A. Implementation and Augmentation of SWMP

The permittee(s) shall comply with the following schedules:

COMPONENTS	TASKS	RESPONSIBLE PERMITTEE(S)	TARGET DATE
1 Revised SWMP as needed	Revise and update current SWMP to reflect final permit	All	6 months of effective date of the final permit
2. New Development and Significant Re-Development	Provide education for key personnel to learn more about Low Impact Development (LID) and Establish a LID project by incorporating into an upcoming city's project.	All	2 years from effective date of the final permit
3. Watershed Characterization Program	Develop and implement a Watershed Characterization Program required by the final permit and submit it to the DEQ for review, including a Quality Assurance Project Plan (QAPP).	All	12 months from effective date of the final permit

¹ All – City of Tulsa, ODOT, and OTA.

C. Compliance with Effluent Limitations (Reserved)

D. Updating SWMP

The permittee(s) shall update the SWMP as appropriate, in response to changes required by Part III.A. Such updates shall be made in accordance with Part II.G.

PART IV. MONITORING AND REPORTING REQUIREMENTS

A. Watershed Characterization Program

Within the Tulsa area, thirty (30) watersheds have been identified. A minimum of six (6) identified watersheds will be selected and assessed each permit year in accordance with the schedule developed under Part II.A.13. The Watershed Characterization Project will allow a comprehensive assessment of each watershed to be completed on a rotating basis. Habitat and biological components are anticipated to be completed.

1. *Analytical Monitoring Program:* Monitoring shall be conducted on representative outfalls, internal sampling stations, and/or in-stream monitoring locations to characterize the water quality of receiving streams from the MS4.
 - a. Analytical monitoring shall be conducted once per month each permit year. A minimum of one (1) monitoring location shall be selected within each identified watershed.
 - b. **Representative Outfalls:** If permittee has two (2) or more outfalls that permittee believes discharge substantially identical effluents, based on similarities of the industrial activities, significant materials or storm water management practices occurring within the outfalls drainage areas, permittee may examine the effluent of just one of the outfalls and report that the examination also applies to the substantially identical outfall(s). Permittee must describe the following in the SWMP: locations of the outfalls, why the outfalls are expected to discharge substantially identical effluents and estimates of the size of the drainage area for each of the outfalls.
 - c. Quantitative data shall be collected to estimate average and maximum values for each parameter sampled. Records shall be maintained of all analytical results.
 - d. Parameters and the types of samples are listed in Table IV.1. The analytical monitoring requirements include the following:
 - (1) For discharges from holding ponds or other impoundments with a retention period greater than 24 hours, (estimated by dividing the volume of the detention pond by the estimated volume of water discharged during the 24 hours previous to the time that the sample is collected) a minimum of one grab sample may be taken.
 - (2) Grab samples shall be used for the analysis as specified in Table IV.1.

Table IV.1 - Analytical Monitoring Requirements:

PARAMETER(S) ¹	REPORT FOR EACH MONITORING PERIOD (each sample type)			SAMPLE TYPE(S)	
	Min.	Avg.	Max.		Grab
Biochemical Oxygen Demand (BOD ₅) (mg/L)		Yes	Yes		Yes
Chemical Oxygen Demand (COD) (mg/L)		Yes	Yes		Yes
Oil and Grease (mg/L)		Yes	Yes		Yes
Total Suspended Solids (TSS) (mg/L)		Yes	Yes		Yes
Total Dissolved Solids (TDS) (mg/L)		Yes	Yes		Yes
Total Nitrogen (mg/L)		Yes	Yes		Yes
Total Kjeldahl Nitrogen (TKN) (mg/L)		Yes	Yes		Yes
Total Phosphorus (mg/L)		Yes	Yes		Yes
Dissolved Phosphorus (mg/L)		Yes	Yes		Yes
Total Cadmium (ug/L) (MQL 1 ug/L) ¹		Yes	Yes		Yes
Total Copper (ug/L) (MQL 10 ug/L) ¹		Yes	Yes		Yes
Total Lead (ug/L) (MQL 5 ug/L) ¹		Yes	Yes		Yes
Total Zinc (ug/L) (MQL 20 ug/L) ¹		Yes	Yes		Yes
Fecal Coliform (colonies/100 ml)		Yes	Yes		Yes
E. Coli (colonies/100ml)		Yes	Yes		Yes
Diazinon		Yes	Yes		Yes
pH (S.U.)	Yes		Yes		Yes
Hardness (as CaCO ₃) (mg/L)	Yes	Yes	Yes		Yes
Temperature (°C)	Yes	Yes	Yes		Yes

¹ If any individual analytical test result is less than the minimum quantification level (MQL) listed for that parameter then a value of zero (0) may be used for that test result for the calculation and reporting requirements.

2. Biological Monitoring Requirements

- a. The permittee(s) shall obtain all necessary aquatic wildlife collection permits from appropriate State and/or Federal agencies (e.g. U.S. Fish and Wildlife Service, Oklahoma Department of Wildlife Conservation).

- b. The biological monitoring component will be implemented in the identified watersheds that continuously support valid biological communities. These collections will be conducted at an in-stream location within the watershed. Procedures contained in Oklahoma's Standardized Bioassessment Protocol (SBP) will be utilized. The biological aspect will consist of aquatic habitat surveys and assessments of the benthic macroinvertebrate and fish communities. Biological monitoring will be conducted during the temporal timeframe of the water quality monitoring aspect of the overall Watershed Characterization Program. Schedules will be aligned to provide a complete assessment, where applicable, of the identified watersheds for a one year period. Monitoring locations will be selected to include all watersheds within Tulsa.
- c. A minimum of thirty (30) locations within the permit area will be identified. Each monitoring location will be monitored at least once during the permit term at least six (6) locations will be monitored each year. As more information becomes available through data analysis, more locations will be selected within the permit area. A fish collection will be conducted once each year and benthic macroinvertebrates will be collected two (2) times each year at each location if conditions exist for the collection activities. A summary data sheet will be developed for each monitoring location.
- d. When impacts to a watershed are identified based on the results of the biological monitoring program, a wet weather field investigation shall be undertaken with a goal of determining the extent that stormwater discharges contribute to the impacts. The program can use field sampling for the situations where permittees have identified a problem, and are looking for further investigation. The program:
 - (1) Shall screen the MS4, in accordance with the procedures specified in the SWMP;
 - (2) Shall specify the sampling and non-sampling techniques to be used for initial screening and follow-up purpose. Sample collection and analysis need not conform to the requirements of OAC 252:606-1-3(b)(7) adopting and incorporating by reference 40 CFR Part 136. However, samples taken to confirm (e.g. in support of possible legal action) a particular illicit discharge or improper disposal practice should conform to the requirements of OAC 252:606-1-3(b)(7);
 - (3) Quantitative data shall be collected to estimate pollutant loadings and event mean concentrations for each parameter sampled. Records shall be maintained of all analytical results, the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; the duration (in hours) between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled. The estimates of pollutant loadings of the watersheds characterized shall be included in the Annual Report.

B. Floatables Monitoring

The permittees shall establish five (5) monitoring locations for removal of floatable material in discharges to or from the MS4. Floatable material shall be collected at the frequency necessary for maintenance of the removal devices, but not less than twice per year. The amount of material collected shall be estimated in cubic yards.

C. Annual Report and Comprehensive Assessment of the Watershed Characterization Program

Each permittee shall contribute to the preparation of an annual system-wide report to be submitted by no later than October 15, 2012 and annually thereafter in accordance with this permit. The report shall cover the previous year from July 1st to June 30th and include the following separate sections, with an overview for the entire MS4 and subsections for each permittee:

1. The status of implementing the SWMP and status of compliance with any schedules established under this permit shall be included in this section);
2. Proposed changes to the SWMP;
3. Revisions, if necessary, to the assessment of controls and the fiscal analysis reported in the permit application under OAC 252.606-1-3(b)(3)(L) adopting and incorporating by reference 40 CFR 122.26(d)(2)(iv) and (d)(2)(v);
4. A summary of the data, including monitoring data, which is accumulated throughout the reporting year;
5. Annual expenditures for the reporting period, with a breakdown for the major elements of the SWMP, and the budget for the year following each annual report;
6. A summary describing the number and nature of enforcement actions, inspections, and public education programs;
7. Identification of any identified water quality improvements or degradation.
8. By October 15, 2015, permittee(s) must submit a comprehensive assessment of the watershed characterization project. The assessment should include a summary of the watershed characterization program, the findings and impacts, responses taken, and any modifications recommended to enhance the usefulness or efficiency of the program.

Preparation and submittal of the system-wide annual report shall be coordinated by the City of Tulsa. The report shall indicate which, if any, permittees have failed to provide required information on the portions of the MS4 for which they are responsible to the core municipality, the City of Tulsa, 45 days prior to the report due date. Joint responsibility for report submission shall be limited to participation in preparation of the overview for the entire system and inclusion of the identity of any permittee who failed to provide input to the annual report. Each individual permittee shall be individually responsible for content of the report relating to the portions of the MS4 for which they are responsible and for failure to provide information for the system-wide annual report in a timely manner. Each permittee shall sign and certify the annual report in accordance with Part VI.H and include a statement or resolution that the permittee's governing body or agency (or delegated

representative) has reviewed or been appraised of the content of the Annual Report.

D. Certification and Signature of Reports

All reports required by the permit and other information requested by the Director shall be signed and certified in accordance with Part V.H.

E. Reporting: Where and When to Submit

Signed copies of the Annual Report required by Part IV.C., and all other reports and notifications required herein, shall be submitted to:

Oklahoma Department of Environmental Quality
Water Quality Division
707 North Robinson Ave., P.O. Box 1677
Oklahoma City, OK 73101-1677

PART V. STANDARD PERMIT CONDITIONS

A. Duty to Comply

The permittee(s) must comply with all conditions of this permit insofar as those conditions are applicable to each permittee, either individually or jointly. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissue, or modification; or for denial of a permit renewal application.

B. Penalties for Violations of Permit Conditions

Permit violations are subject to the fines and penalties in 27A O.S. § 2-6-206.

1. Administrative penalties

The Act provides that any person who violates a permit condition is subject to an Administrative penalty, as follows:

- a. Class I penalty: Not to exceed \$10,000 per violation nor shall the maximum amount exceed \$60,000.
- b. Class II penalty: Not to exceed \$10,000 per day for each day during which the violation continues nor shall the maximum amount exceed \$125,000.

2. Civil penalties

The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to Civil Penalties. The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed \$25,000 per day for each violation.

3. Criminal penalties

- a. Negligent Violations: The Act provides that any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.
- b. Knowing Violations: The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both.
- c. Knowing Endangerment: The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both.
- d. False Statement: The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who

Part V. Standard Permit Conditions.

knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than 2 years, or by both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or by both (See Section 309(c)(4) of the Act).

C. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the permit expiration date, the permittee must apply for and obtain a new permit. The application shall be submitted at least 180 days prior to expiration of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated at 40 CFR 122.6 and any subsequent amendments.

D. Need to Halt or Reduce Activity Not a Defense

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

E. Duty to Mitigate

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

F. Duty to Provide Information

The permittee(s) shall furnish to the Director, within a time specified by the Director, any information that the Director may request to determine compliance with this permit. The permittee(s) shall also furnish to the Director upon request copies of records required to be kept by this permit.

G. Other Information

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

H. Signatory Requirements

All Discharge Monitoring Reports, SWMPs, SWP3, reports, certifications or information either submitted to the Director or that this permit requires be maintained by the permittee(s), shall be signed by:

1. A principal executive officer or ranking elected official of a municipality, state, other public agency, or by either a principal executive officer; or
2. A duly authorized representative of that person. A person is a duly authorized

representative only if:

- a. The authorization is made in writing by a person described above and submitted to the Director;
 - b. The authorization specifies either an individual or 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 or an individual or position having overall responsibility for environmental matters. A duly authorized representative may thus be either a named individual or any individual occupying a named position;
 - c. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new written authorization satisfying the requirements of this paragraph must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
3. Certification: Any person signing documents under this section shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage 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."

I. Penalties for Falsification of Monitoring Systems

The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by fines and imprisonment described in Section 309 of the Act.

J. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to the Act or section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

K. Property Rights

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

L. 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.

M. Requiring a Separate Permit

1. The Director may require any co-permittee authorized by this permit to obtain a separate OPDES permit. Any interested person may petition the Director to take action under this paragraph. The Director may require any co-permittee authorized to discharge under this permit to apply for a separate OPDES permit only if the co-permittee has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form (as necessary), a statement setting a deadline for the co-permittee to file the application, and a statement that on the effective date of the separate OPDES permit, coverage under this permit shall automatically terminate. Separate permit applications shall be submitted to the address shown in Part IV.E. The Director may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner a separate OPDES permit application as required by the Director, then the applicability of this permit to the co-permittee is automatically terminated at the end of the day specified for application submittal.
2. Any co-permittee authorized by this permit may request to be excluded from coverage by applying for a separate permit. The co-permittee shall submit a separate application as specified by OAC 252.606-1-3(b)(3)(L) adopting and incorporating by reference 40 CFR 122.26(d) with reasons supporting the request to the Director. Separate permit applications shall be submitted to the address shown in Part IV.E. The request may be granted by the issuance of a separate permit if the reasons cited by the co-permittee are adequate to support the request.

N. State Environmental Laws

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

O. Proper Operation and Maintenance

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

P. Monitoring and Records

1. Samples and measurements taken for the purpose of monitoring shall be representative of

the monitored activity.

2. The permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
3. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The initials or name(s) of the individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The time(s) analyses were initiated;
 - e. The initials or name(s) of the individual(s) who performed the analyses;
 - f. References and written procedures, when available, for the analytical techniques or methods used; and
 - g. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

Q. Monitoring Methods

Monitoring must be conducted according to test procedures approved under OAC 252.606-1-3(b)(7) adopting and incorporating by reference 40 CFR Part 136, unless other test procedures have been specified in this permit.

R. Inspection and Entry

The permittee shall allow the Director or an authorized representative of the EPA, or the State, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
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, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substance or parameters at any location.

S. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and re issuance, or termination,

or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

T. Additional Monitoring by the Permittee

If the permittee monitors more frequently than required by this permit, using test procedures approved under OAC 252.606-1-3(b)(7) adopting and incorporating by reference 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the annual report.

U. Archeological and Historical Sites (Reserved)

PART VI. Permit Modification

A. Modification of the Permit

The permit may be reopened and modified during the life of the permit to address:

1. Changes in the State's Water Quality Management Plan, including Water Quality Standards;
2. Changes in the State or Federal statutes or regulations;
3. Addition of a new permittee who is the owner or operator of a portion of the MS4;
4. Changes in portions of the SWMP that are considered permit conditions;
5. Other modifications deemed necessary by the Director to meet the requirements of the Clean Water Act; or
6. Any additional provisions necessary to comply with requirements of an approved TMDL;

All modifications to the permit will be made in accordance with OAC 252:606-1-3(b)(3)(GG), (HH) and (4)(D) adopting and incorporating by reference 40 CFR 122.26, as amended 40 CFR 122.62, 122.63, and 124.5.

B. Termination of Coverage for a Single Permittee

Permit coverage may be terminated, in accordance with OAC 252.606-1-3(b)(3)(II), adopting and incorporating by reference 40 CFR 122.64 and OAC 252.606-1-3(b)(3)(E) adopting and incorporating by reference 40 CFR 122.5, for a single permittee without terminating coverage for other permittees.

C. Modification of the SWMP

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)(D) adopting and incorporating by reference 40 CFR 124.5. Addition of components, controls, or requirements by the permittee(s); 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; changes made under Part II.B that are necessary to comply with the requirements of a TMDL and changes required as a result of schedules contained in Part III shall be considered minor changes to the SWMP and not modifications to the permit. (See also Part II.G)

D. Changes in Monitoring Outfalls

Changes in monitoring outfalls, other than those with specific numeric effluent limitations, shall be considered minor modifications to the permit and will be made in accordance with the procedures at OAC 252:606-1-3(b)(3)(HH) adopting and incorporating by reference 40 CFR 122.63.

PART VII. Definitions

- A. "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 facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- B. "CWA" or "The Act"** means 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.
- C. "Co-permittee"** is defined at OAC 252.606-1-3(b)(3)(L) adopting and incorporating by reference 40 CFR 122.26 (b)(1).
- D. "Director"** means the Executive Director of the Oklahoma Department of Environmental Quality or an authorized representative.
- E. "Discharge"** for the purpose of this permit, unless indicated otherwise, refers to discharges from the Municipal Separate Storm Sewer System (MS4).
- F. "Illicit connection"** means any human-made conveyance connecting an illicit discharge directly to an MS4.
- G. "Illicit discharge"** is defined at OAC 252:606-1-3(b)(3)(L) adopting and incorporating by reference 40 CFR 122.26(b)(2).
- H. "Landfill"** means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.
- I. "Land application unit"** means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.
- J. "Large or medium Municipal Separate Storm Sewer System"** is defined at OAC 252.606-1-3(b)(3)(L) adopting and incorporating by reference 40 CFR 122.26(b)(4) & (7).
- K. "MEP"** is an acronym for "Maximum Extent Practicable," the technology-based discharge standard for MS4s established by CWA §402(p).
- L. "MS4"** is an acronym for "Municipal Separate Storm Sewer System" and is used to refer to either a large or medium Municipal Separate Storm Sewer System (e.g. "the City of Tulsa MS4"). And is also defined at OAC 252.606-1-3(b)(3)(L) adopting and incorporating by reference 40 CFR 122.26(b)(8).
- M. "Municipal Separate Storm Sewer System"** is defined at OAC 252.606-1-3(b)(3)(L) adopting and incorporating by reference 40 CFR 122.26(b)(8)
- N. "Permittee"** refers to any "person," as defined at OAC 252.606-1-3(b)(3)(B) adopting and incorporating by reference 40 CFR 122.2, authorized by this OPDES permit to discharge to Waters of the State.

Part VII. Definitions

- O. "Point Source"** means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.
- P. "Storm Sewer"**, unless otherwise indicated, refers to a municipal separate storm sewer.
- Q. "Storm Water"** means storm water runoff, snow melt runoff, and surface runoff and drainage.
- R. "Storm Water Discharge Associated with Industrial Activity"** is defined at OAC 252.606-1-3(b)(3)(L) adopting and incorporating by reference 40 CFR 122.26(b)(14).
- S. "Storm Water Management Program"** refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system. For the purposes of this permit, the Storm Water Management Program is considered a single document, but may actually consist of separate programs (e.g. "chapters") for each permittee.
- T. "SWMP"** is an acronym for "Storm Water Management Program."
- X. "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 requirements, 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)