

AUTHORIZATION TO DISCHARGE
OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM
Permit Number OKS000101

In compliance with the Oklahoma Pollutant Discharge Elimination System Act (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) adopting 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), the

City of Oklahoma City
420 West Main
Oklahoma City, OK 73102

Oklahoma Turnpike Authority
(OTA)
P.O. Box 11357
Oklahoma City, OK 73136

**Oklahoma Department of
Transportation (ODOT)**
200 N.E. 21st Street
Oklahoma City, OK 73105

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

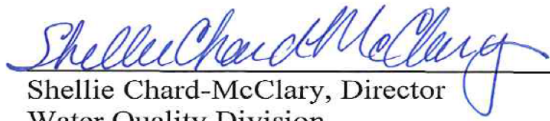
Canadian River, Oklahoma River, Coon Creek, Deep Fork of the Canadian River, Deer Creek, Hefner Lake, Hog Creek, North Canadian River, Overholser Lake, Pecan Creek, Stanley Draper Lake, and Little River

In accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, III, IV, V, VI, VII, and VIII hereof.

This permit shall become effective on March 15, 2013. It will replace and/or supersede the permit issued on January 19, 2007.

This permit and the authorization to discharge shall expire at midnight on March 14, 2018.

For the Oklahoma Department of Environmental Quality



Shellie Chard-McClary, Director
Water Quality Division



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

OKLAHOMA CITY MUNICIPAL SEPARATE STORM SEWER SYSTEM
OPDES DRAFT PERMIT NO. OKS000101
March 15, 2013

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PART I. DISCHARGES AUTHORIZED UNDER THIS PERMIT

A. Permit Area

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

B. Authorized Discharges

Except as specified in Part I.B.1.a, this permit authorizes all existing or new storm water point source discharges to waters of the United States from those portions of the Municipal Separate Storm Sewer System (MS4) owned or operated by the permittee(s).

1. The following discharges, whether discharged separately or commingled with municipal storm water, are not authorized by this permit:
 - a. Non-storm Water and Industrial Storm Water: Storm Water Discharges Associated with Industrial Activity; other storm water discharges required by the Director to be covered under an OPDES permit; and discharges of non-storm water, except where such discharges are identified by and in compliance with Part II.A.6.a.
 - b. Discharges Of Material Resulting From Spills: Where discharge of material resulting from a spill is necessary to prevent loss of life, personal injury, or severe property damage, the permittee(s) shall take, or ensure the party responsible for the spill takes, all reasonable steps to minimize or prevent any adverse effects to human health or the environment (See also Part II.A.7 and Part VI.E.). This permit does not transfer liability for a spill itself from the party(ies) responsible for the spill to the permittee(s) nor relieve the party(ies) 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 (also refer to Part III A.)

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. SWMP update revisions on portions of the MS4 where the permittee is the operator;
 - c. Compliance with annual reporting requirements as specified in Part V.D.
 - d. Collection of representative wet weather monitoring data required by Part V.B according to such agreements as may be established between permittees; and
 - e. A plan of action to assume responsibility for updating revisions 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 toxics in toxic amounts.
2. No discharge of pollutants in quantities that would cause a violation of Oklahoma 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 I.B.1.a.).
5. No degradation or loss of State-designated beneficial uses of receiving waters as a result of storm water discharges from the Municipal Separate Storm Sewer (unless authorized by the State in accordance with the State's Anti-degradation Policy).
6. Reduction of pollutants discharged to the Maximum Extent practicable (MEP).

PART II. STORM WATER MANAGEMENT PROGRAM (SWMP)

Each permittee shall continue implementing and updating, as necessary, the comprehensive SWMP including pollution prevention measures, treatment or removal techniques, storm water monitoring, use of legal authority, and other appropriate means to control the quality of storm water discharged from the MS4. The 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 Maximum Extent Practicable (MEP).

The SWMP shall cover the term of the 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 Parts II.G, and III of the permit. Compliance with the SWMP and any schedules in Part III shall be deemed compliant with Parts 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 revised and updated 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. Provide a description of maintenance activities and a maintenance schedule for structural controls to reduce pollutants in discharges from MS4.
2. Areas of New Development and Significant Redevelopment: Provide a description of the areas of new development and significant redevelopment program. Continue to implement and enforce, updating as necessary, the comprehensive master planning process (or equivalent) to develop, implement, and enforce controls to minimize the discharge of 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, and;
 - b. Re-development - reducing the discharge of pollutants in storm water.
 - 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. Provide a description of your Roadway program, including practices for operating and maintaining public streets, roads and highways and procedures for reducing impacts on receiving waters of discharges from your MS4.
4. Flood Control Projects: Provide a description of the Flood Control Program. Impacts on receiving water quality shall continue to 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 continue to be evaluated.
5. Pesticide, Herbicide, and Fertilizer Application: Provide a description of the Pesticide, Herbicide & Fertilizer Application Program. Each permittee shall continue to update controls to reduce the discharge of pollutants related to the storage and application of pesticides, herbicides, and fertilizers applied, by the permittee's employees or contractors, to public rights of way, parks, and other municipal property. Permittee(s) with jurisdiction over lands not directly owned by that entity (e.g. an incorporated city) shall continue to update and revise programs to reduce the discharge of pollutants related to commercial application and distribution of pesticides, herbicides, and fertilizers. The use, storage, disposal, and transportation of pesticides, herbicides, fertilizers and their containers must be in compliance with the regulations of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (40 CFR Parts 150-189).
6. Illicit Discharges and Improper Disposal: Provide a description of the Illicit Discharges and Improper Disposal Program. Each permittee shall update the illicit discharges and improper disposal program. Non-storm water discharges to the MS4 shall continue to 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 continue to 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). Discharges 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 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.
- (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 United States, 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 continue to prevent (or require the operator of the sanitary sewer system 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 continue to update and revise the 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, household hazardous wastes, grass clippings, leaf litter, and animal wastes into separate storm sewers shall continue to be prohibited. The permittee(s) shall ensure the program continue to be implemented, revised and updated as necessary, 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 continue to be revised, updated, then implemented. This program shall include dry weather

screening activities to locate portions of the MS4 with suspected illicit discharges and improper disposal (described in Part II.A.11.a.). 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 during the permit term. 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 continue to 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(s) 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 continue to maintain, and update as necessary, a list of discharges to municipal separate storm sewers that have been issued an OPDES permit. The list shall include the name, location and OPDES permit number of the discharger.
7. Spill Prevention and Response: Provide a description of the Spill Prevention and Response Program. A program to prevent, contain, and respond to spills that may discharge into the MS4 shall continue to be implemented, revised and updated as necessary. The spill response program may include a combination of spill response actions by the permittee(s) (and/or other public or private entities), and legal requirements for private entities within the permittee's municipal jurisdiction.
 8. Industrial and 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 continue to be implemented, revised and updated, as necessary. The program shall include:
 - a. Priorities and procedures for inspections and establishing and implementing control measures for such discharges;
 - b. A monitoring program (Part II.A.13.d.); and
 - c. A list of industrial storm water sources discharging to the MS4 which shall be maintained and updated as necessary.
 9. Construction Site Runoff: The program to reduce the discharge of pollutants from construction sites shall continue to be revised and updated as necessary. This program shall include:
 - a. Requirements for the use and maintenance of appropriate structural and nonstructural best management practices to reduce pollutants discharged to the MS4 during the time construction is 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 that has been successful in the past shall be revised, updated, and shall include the following elements:
- a. A written description of how you plan to inform individuals and households about the steps they can take to reduce storm water pollution;
 - b. A written description of how you plan to inform individuals and groups on how to become involved in the storm water program (with activities such as local stream restoration activities);
 - c. Your outreach strategy, including the mechanisms (e.g., printed brochures, newspapers, media, workshops, etc.) you will use to reach your target audiences, and how many people you expect to reach by your outreach strategy over the term of the permit;
 - d. 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;
 - e. A program to promote, publicize, and facilitate the proper management and disposal of used motor vehicle fluids and household hazardous wastes; and
 - f. 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. Your program must include employee training to prevent and reduce storm water pollution from MS4 activities. your program must address public space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance; and
 - b. A program to educate employees and 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. Public Participation and Involvement: Permittees shall continue to implement, revise and update a plan to encourage public involvement and participation in the implementation of your SWMP, including opportunities for the public to participate in developing, implementing and updating your SWMP. You must comply with State and local public notice requirements when implementing your public involvement/participation program.
13. Monitoring Programs: The following monitoring programs shall continue to be implemented, revised and updated as necessary, to implement the monitoring required by Part V:
- a. The Dry Weather Screening Program 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).

- b. Wet Weather Screening 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 wet weather screening 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 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 illicit connection or improper disposal practice should conform to the requirements of OAC 252:606-1-3(b)(7).
- c. The Priority Based Monitoring Program¹: The program shall consist of monitoring stream segments to determine watershed priority areas. Two monitoring levels have been established using water quality standards violations rates to categorize the applicable stream segments. Segments which exhibited a violation rate of < 15% are considered Level I and segments which exhibited a violation rate of $\geq 15\%$ are categorized as a Level II stream segments. Level I stations will be established to confirm/refute the historical monitoring data in relation to State Water Quality Standards violations detected during the Watershed Characterization Program. Level I segments will typically consist of monitoring select parameters at the original monitoring station established within the applicable watershed which will generally be the original station monitored during the Watershed Characterization Program. Stream data collected for Level I monitoring efforts will be utilized to refute/confirm previous evaluations, however if Water Quality Standards violations are confirmed, the stream segment may be remanded to a Level II monitoring effort. Level II segments will be monitored at several stations within the watershed to acquire information on select parameters at multiple stations throughout the watershed. This information will be used to assist in the identification of priority areas within the watershed. Each monitoring level (I and Level II) will consist of directed monitoring of onsite field chemistry, laboratory samples or biological collections, when applicable. Each monitoring effort may require different levels of data generation.

¹ The Priority Based Monitoring Program was established based on the results of Oklahoma City's Watershed Characterization Program. Information collected during the Watershed Characterization Program was utilized to determine stream segment compliance with water quality standards and to direct additional monitoring needs. Those stream segments which exhibited water quality violations were selected for inclusion in the Priority Based Monitoring Program. Stream segments identified by other monitoring organizations as impaired (or stream segments which have an active TMDL) were added for additional stream monitoring. The Priority based Monitoring Program is a directed monitoring effort which will utilize specific field chemistry, laboratory analysis and in some cases biological community information to analyze the current water quality status, clearly describe to water quality problems and target/prioritize sub-watershed areas. Stream segments will be monitored for approximately 15 months and are grouped geographically for efficiency purposes. Stream segments were categorized into monitoring levels based on Water Quality Standards violation rates. Level I & Level II streams is a simple means of differentiating between a single station representing the basin versus a full watershed assessment with multiple monitoring stations.

The permittee(s) shall obtain all necessary aquatic wildlife collection permits from appropriate Federal and/or State agencies (e.g. U.S. Fish and Wildlife Service, Oklahoma Department of Wildlife Conservation). When applicable, these collections will be conducted at a representative 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 coincident with the water quality monitoring.

- d. The Industrial and High Risk Runoff Monitoring Program shall continue to 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 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 continue to 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)(vi) and (vii).

Data collected by the industrial facility to satisfy the monitoring requirements of an OPDES or NPDES 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(s) 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 facility's "no exposure" exemption.

B. Area-specific SWMP Requirements**1. 303(d) listed Impaired Streams**

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 in your receiving waters will, in future discharges, not cause, have the reasonable potential to cause, or contribute to an in-stream exceedance of water quality standards. You must consider the following in revising your SWMP:

- a. Your outreach programs must be directed toward targeted groups of commercial, industrial and institutional entities likely to have significant storm water impacts on your impaired waters;
- b. You must identify and propose controls for any non-storm water discharges that contribute significant pollutants to your impaired water;
- c. 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;
- d. You must include any operation and maintenance procedures for structural and non-structural storm water 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; and
- e. You must choose BMPs from EPA's menu or select others that can be used for managing the identified pollutants in your discharges. The details of the BMPs can be viewed from EPA's website at <http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm>.

2. Total Maximum Daily Load (TMDL) Allocations

- a. 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 the DEQ or EPA is prohibited, unless your discharge is consistent with that TMDL or watershed plan. You must incorporate any limitations, conditions, monitoring and other requirements applicable to your discharges into your SWMP to ensure that the waste load allocation, load allocation and/or the TMDLs associated implementation plan will be met within any timeframes established in the TMDL or watershed plan. You must adopt any WLAs assigned to your discharges specified in the TMDL as measurable goals within the permit.
- b. 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 your permit becomes effective, 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 TMDLs 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 as measurable goals within the permit.

C. Deadlines for Program Implementation

Except as provided in Part III, full implementation of the revised and updated 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 inspection, surveillance, enforcement 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 V.D.
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., c., or d.
 - 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 immediately upon issuance of the permit. Such requests shall 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.

Changes resulting from schedules contained in Part III may be requested following completion of an interim task or final deadline. Unless denied by the Director, proposed changes meeting the criteria contained in the applicable Part III schedule shall be deemed approved and may be implemented by the permittee(s) within 60 days from the submittal date.

- d. Changes made under Part II.B that are necessary to comply with the requirements of a TMDL.
 - e. Change requests or notifications shall be made in writing, signed in accordance with Part VI.H. by all directly affected permittees, and include a certification that all permittees were given an opportunity to comment on proposed changes prior to submittal to the Director.
3. SWMP Updates Required by the Director: The Director 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; or
 - c. Include such other conditions deemed necessary by the Director to comply with the goals and requirements of the Clean Water Act.

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 OAC 252:606-1-3(b)(4)(D) adopting and incorporating by reference 40 CFR 124.5, OAC 252:606-1-3(b)(3)(GG) adopting and incorporating by reference 40 CFR 122.62, or as appropriate OAC 252:606-1-3(b)(3)(HH) adopting and incorporating by reference 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 (3) 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.

Prior to land annexation, the permittee(s) shall include a schedule for extending the SWMP to the annexed areas in the SWMP. At least 30 days prior to transfer of operational authority or responsibility for SWMP implementation, all parties shall prepare a schedule for transfer of responsibility for SWMP implementation on the affected portions of the MS4.

H. Retention of SWMP Records

The permittee(s) shall retain the SWMP developed in accordance with Parts II and III for at least three (3) years after coverage under this permit terminates. A photostatic copy, photograph, microphotograph, photographic film or optical disk of the original records will be acceptable.

PART III. SCHEDULES FOR IMPLEMENTATION AND COMPLIANCE

The Permittee(s) shall comply with the following schedules for SWMP implementation and augmentation, and permit compliance.

A. Implementation and Augmentation of SWMP(s)

SWMP COMPONENT	ACTIVITY	RESPONSIBLE PERMITTEE(S)	DATE DUE/ FREQUENCY
1. SWMP Document	a. Review and update the SWMP annually as needed.	All ²	Annually ³
	b. Revise the SWMP as necessary to reflect final permit.	All	6 months from effective date of the permit
2. New and Re-Development	a. Examine all construction projects submitted for plan review. Require all plans to contain a site plan indicating Best Management Practices for sediment and erosion controls and require a DEQ Storm Water Discharge Permit (OKR10) to be obtained before receiving final approval.	Oklahoma City	Annually
	b. Continue to partner with the Development Services Department, Development Center in requiring Storm Water Quality's final inspection before a Certificate of Occupancy is issued.	Oklahoma City	Annually
	c. Review local ordinances or regulations: Identify any legal regulatory barriers which prohibit alternative storm water management design practices [e.g., Low Impact Development (LID)] which function as infiltration, pollutant removal, storage, evapotranspiration or alternative conveyance practices.	All	12 months from effective date of the permit

²Refer to Oklahoma City, Oklahoma Department of Transportation (ODOT) and Oklahoma Turnpike Authority (OTA)

³Items with a frequency of "annually" shall be discussed and addressed in the Annual Report required by Part V.D of this permit

SWMP COMPONENT	ACTIVITY	RESPONSIBLE PERMITTEE(S)	DATE DUE/ FREQUENCY
2. New and Re-Development (continued)	d. Develop an educational program which provides information regarding alternative storm water management practices to City staff, engineers, the development community and other stakeholders.	All	24 months from effective date of the permit
	e. Conduct educational events which include information regarding LID, pollutant removal, storage and other alternative storm water management processes. controls	All	Annually
	f. Work with the development community, other stakeholders and City staff to propose updates to Municipal Code with regard to remove any legal and regulatory barriers ⁴ identified in activity 2.c above and allow alternative storm water management practices.	Oklahoma City	24 months from effective date of the permit
	g. Update SWMP as necessary to include criteria and procedures for determining requirements for structural and non-structural controls on new and significant re-construction of roads and highways.	All	Annually
	h. Update construction Best Management Practices Manual as necessary for use by the regulated development/construction community.	All	Annually
3. Flood Control Projects and Structural Controls	a. Update Capital Improvement Program list for the City of Oklahoma City proposed General Obligation Bond authorization for 2007.	Oklahoma City	April 1, 2013

⁴Refer to “Barriers and gateways to Green Infrastructure” developed by Clean Water America Alliance and can be downloaded at <http://www.cleanwateramericaalliance.org/pdfs/gireport.pdf>

SWMP COMPONENT	ACTIVITY	RESPONSIBLE PERMITTEE(S)	DATE DUE/ FREQUENCY
3. Flood Control Projects and Structural Controls (continued)	b. Submit a list of active Drainage and Paving Improvement projects and the status of each project.	Oklahoma City	Annually
	c. Continue the Drainage Maintenance Program related to repair of drainage structures and creek channel cleaning.	All	Annually
	d. Continue to review plans for the development of retention/detention ponds for compliance with Oklahoma City Drainage and Flood Control Ordinance.	Oklahoma City	Annually
	e. Continue to evaluate, prioritize, and install structural controls on developed areas or retrofitting of existing structures.	Oklahoma City	Annually
4. Construction Site Runoff	a. Continue the construction site runoff pollution prevention program, through permitting, inspections, and investigations.	All	Annually
	b. Continue the construction site runoff pollution prevention program by regulating runoff from construction sites, including necessary modifications to local ordinances for enforcement.	All	Annually
	c. Continue the construction site runoff pollution prevention program through public outreach and annual workshops.	All	Annually
5. Industrial and High Risk Runoff	a. Continue the Industrial Program to identify, monitor, and control pollutants from targeted facilities.	Oklahoma City	Annually
	b. Continue the Industrial Program through inspection of facilities	Oklahoma City	Annually

SWMP COMPONENT	ACTIVITY	RESPONSIBLE PERMITTEE(S)	DATE DUE/ FREQUENCY
5. Industrial and High Risk Runoff (continued)	c. Continue to develop and implement the Industrial Program through auditing Cosmetic Cleaners for compliance with city ordinance.	Oklahoma City	Annually
	d. Continue the Industrial Program through public outreach and annual workshops.	Oklahoma City	Annually
6. Household Hazardous Wastes / Used Motor Vehicle Fluids	a. Provide summary of evaluation and assessment of results from various collection /recycling/safe disposal events.	All	Annually
	b. Continue the Household Hazardous Waste Collection program, which includes a drop off location that provides for convenient hours of operation.	Oklahoma City	Annually
	c. Continue the Household Hazardous Waste Collection program, through Neighborhood collection events.	Oklahoma City	Annually
	d. Continue the Household Hazardous Waste Collection program through memoranda of understanding with surrounding Phase II cities.	Oklahoma City	Annually
7. Public Outreach	a. Continue public outreach program through other agencies and associations, business schools, and the general public.	All	Annually
	b. Install an average of 500 curb markers annually using volunteers and City employees.	Oklahoma City	Annually
8. Roadway Operation and Maintenance	a. Continue the Roadway and Maintenance Program through panning crews, curb inlet cleaning, and the street sweeping contract.	All	Annually
	b. Update the SWMP to include any roadway operation and management changes.	All	Annually
	c. Provide a summary of activities from the Roadway and Maintenance Program annually	All	Annually

SWMP COMPONENT	ACTIVITY	RESPONSIBLE PERMITTEE(S)	DATE DUE/ FREQUENCY
9. Pesticide, Herbicide, and Fertilizer Application	a. Continue annual training/education/certification classes on pesticide and fertilizer management techniques.	All	Annually
	b. Include appropriate references to the Pesticide General Permit Management Plan in the SWMP	All	Annually
	c. Develop and implement training for integrated pest management	All	Annually
10. Pollution Complaint and Spills Response Program	a. Continue to respond to citizen complaints of pollution.	All	Annually
	b. Continue to respond as technical support for the City of Oklahoma City Hazardous Materials Unit on hazardous material incidents.	All	Annually
	c. Provide a summary of pollution complaints and spill responses annually.	All	Annually
11. Floatables	a. Update the study targeting structural controls for floatables, including an update in annual report..	All	April 1, 2013
	b. Continue floatable debris monitoring program for capture and categorization at twenty-one (21) monitoring locations and continued maintenance at a frequency necessary for maintenance of the removal structures.	All	Annually
	c. Report all floatable debris removal quantities in cubic yards and include categorization of constituents for the permit year in the Annual Report.	All	Annually

SWMP COMPONENT	ACTIVITY	RESPONSIBLE PERMITTEE(S)	DATE DUE/ FREQUENCY
12. Wet Weather Analytical	a. Submit a revised monitoring list of three (3) representative monitoring locations.	All	Annually
	b. Conduct monitoring to characterize storm water discharges at three (3) representative monitoring locations at a frequency of two (2) times per permit year.	All	Annually
	c. Submit, in the annual report, analytical summary reports detailing constituent loadings from representative storm events during the permit year.	All	Annually
13. Priority Based Monitoring Program	a. Update the SWMP to include the Priority Based Monitoring Program	All	6 months from effective date of the permit
	b. Submit a schedule for completion of each major monitoring milestone	All	6 months from effective date of the permit
	c. Complete Part 1 monitoring requirement	All	June 1, 2013
	d. Complete Part 2 monitoring requirement	All	September 1, 2014
	e. Complete Part 3 monitoring requirements	All	December 1, 2015 Annually
	f. Complete Part 4 monitoring requirements	All	March 1, 2017
	g. Provide a comprehensive compilation of relevant biological collections and water quality information, if applicable, collected for each permit year.	All	Annually

SWMP COMPONENT	ACTIVITY	RESPONSIBLE PERMITTEE(S)	DATE DUE/ FREQUENCY
13. Priority Based Monitoring Program (continued)	h. Based on results of the Priority Based Monitoring Program, submit a list of monitoring locations, collected information, summary data sheets and assessments regarding the status of the assessed reaches within the scope of relevant criteria for data collected through April 30 of odd -numbered years.	All	Every two (2) years starting September, 2013
14. Illicit Discharge Detection and Elimination Program	a. Complete field screening, 100% of the selected 554 monitoring locations.	All	December 1, 2013
	b. Complete field screening, cumulative 33% of the selected 554 monitoring locations (Year 2).	All	December 1, 2014
	c. Complete field screening, cumulative 33% of the selected 554 monitoring locations (Year 3).	All	December 1, 2015
	d. Complete field screening, cumulative 33% of the selected 554 monitoring locations (Year 4).	All	December 1, 2016
	e. Complete field screening, cumulative 100% of the selected 554 monitoring locations.	All	December 1, 2017
	f. Submit field screening summaries including follow-up reports and summary statistics in the Annual Report.	All	Annually
15. Supporting Permit Conditions, Monitoring Programs, and Documents	a. Submit completed interjurisdictional agreements (s) between permittees.	All	3 months from effective date of the permit

B. Compliance With Effluent Limitations (Reserved)

C. Updating SWMP

The permittee(s) shall update the SWMP(s) as appropriate, in response to changes required by Part III A. Such updates shall be made in accordance with Part II G.2

PART IV. DISCHARGE LIMITATIONS

A. Discharge Limitations. (Reserved)

PART V. MONITORING AND REPORTING REQUIREMENTS

A. Priority Based Monitoring Program

1. Level 1 monitoring shall include those stream segments or MS4 stations which displayed Water Quality Standards violation rate of $< 15\%$. These violations established the stream segment as non-attainment with regard to State Water Quality Standards. However, additional information is required to insure that water quality impacts are occurring with the stream segment. Level 1 monitoring will consist of conducting 30 monitoring visits over a period of 15 months at the original monitoring station. If those additional data indicate the stream segment is meeting State Water Quality Standards, those data will be submitted to the State for 303(d) list removal consideration (when applicable). If those data indicate the stream segment is not meeting State Water Quality Standards, the monitoring location will be remanded to the Level 2 monitoring strategy.
2. Level 2 monitoring shall include those stream segments where sufficient information has been collected and analyzed which indicates the stream system has a water quality standards violation rate of $\geq 15\%$. Level 2 monitoring strategy will include the monitoring of several stations selected within the subject watershed and will include both onsite and laboratory based water quality measurements. These stations will be selected, when possible, in areas to identify contributing sources. Specialized efforts may be necessary to monitor outside of a standardized fixed interval monitoring program. These efforts may include diurnal⁵, wet weather or dry weather targeted studies⁶. Minimum data acquisition shall include 30 data collection events each site over 15 month period.
3. Biological Monitoring may be required at some Level 2 monitoring stations.
 - 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 at appropriate Level 2 monitoring station(s) and will be conducted at representative in-stream locations. Protocols contained in Oklahoma's Standardized Bioassessment Protocol (SBP) will be utilized. The biological collections will include aquatic habitat surveys and assessments of the benthic macroinvertebrate and fish communities. All biological collections will coincide with the water quality collection activities.

⁵ "Diurnal" is referred to in State Water Quality Standards (785:46-15-5. Assessment of Fish and Wildlife Propagation Support), however, it is not defined. Diurnal refers to any pattern that recurs daily; a daily cycle. In the case of the diurnal dissolved oxygen studies, the intent is to target a stable hydrologic 24-hour period of time to measure dissolved oxygen concentrations at a specified interval and associated critical high/low points within a day/nighttime cycle. This effort would provide additional dissolved oxygen data to resolve an "undecided" outcome of routine dissolved oxygen monitoring strategies. In addition, the information may provide insight towards the driving forces of dissolved oxygen concentration between monitoring stations.

⁶ "Dry Weather Studies" include monitoring objectives which require little or no additional discharge to a stream system from precipitation events which would influence the outcome of the targeted study through dilution, water clarity, turbulence, etc. Typically dry weather may be defined as no significant precipitation within 72 hours. However, in certain situations, that timeframe may be decreased or increased as dictated by the individual watershed.

- c. A minimum of three (3) reference streams within the permit area will be identified. Additional stations may be selected as positive or negative reference stations as biological analysis is completed. A fish collection will be conducted every two-years at each reference monitoring location if conditions exist for the collection activities.

B. Wet Weather Analytical Monitoring Requirements

1. Monitoring shall be conducted at in-stream monitoring locations within selected micro-watersheds in Oklahoma City Corporate Boundaries to characterize the mass loadings originating from the various land use classifications that are drained by the City's MS4. Analytical monitoring requirements are detailed in Table V.B. Analytical monitoring shall be conducted at a frequency of two (2) times each permit year. Three (3) representative monitoring locations will be selected in the micro-watersheds Within Oklahoma City Corporate Boundaries.
2. 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.
3. Composite Samples: Flow-weighted composite samples shall be collected as follows:
 - a. Composite Method - Flow-weighted composite samples may be collected manually or automatically. For both methods, equal volume aliquots may be collected at the time of sampling and then flow-proportioned and composited in the laboratory or the aliquot volume may be collected based on discharge or stage at the time of sample collection and composited in the field.
 - b. Sampling Duration - Samples shall be collected for at least the first three (3) hours of discharge. Where the discharge lasts less than three (3) hours, the entire discharge must be sampled.
 - c. Aliquot Collection - A minimum of three aliquots per hour, separated by at least fifteen (15) minutes, shall be collected. Where more than three aliquots per hour are collected, comparable intervals between aliquots shall be maintained (e.g. six (6) aliquots per hour, at least seven (7) minute intervals).
 - d. Grab Samples: Grab samples shall be taken during the first two hours of discharge.
 - e. Representative Storm Events: Samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The required 72 hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge. The required 72 hour storm event interval is also waived where the permittee(s) documents that less than a 72 hour interval is representative for local storm events during the season when sampling is being conducted.
 - f. Analytical Methods: Analysis and collection of samples shall be done in accordance with the methods specified at OAC 252.606-1-3(b)(7) adopting and incorporating by reference 40 CFR Part 136. Where an approved Part 136 method does not exist, any available method may be used unless a particular method or criteria for method selection (such as sensitivity) has been specified in the permit.

Table V.B - Analytical Monitoring Requirements:

PARAMETER(S) ⁷	REPORT FOR EACH MONITORING PERIOD (each sample type)			SAMPLE TYPE(S)	
	Min	Ave.	Max	Grab	Composite
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 (µg/L) (MQL 1 µg/L) ¹		Yes	Yes		Yes
Total Copper (µg/L) (MQL 10 µg/L) ¹		Yes	Yes		Yes
Total Lead (µg/L) (MQL 5 µg/L) ¹		Yes	Yes		Yes
Total Zinc (µg/L) (MQL 20 µg/L) ¹		Yes	Yes		Yes
E. coli (colonies/100 ml)		Yes	Yes	Yes	
pH (S.U.)	Yes		Yes	Yes	
Hardness (as CaCO ₃) (mg/L)	Yes	Yes	Yes	Yes	Yes
Water Temperature (°C)	Yes	Yes	Yes	Yes	
Total Mercury (µg/L) (MQL 0.2 µg/L) ¹		Yes	Yes		Yes
Total Thallium (µg/L) (MQL 10 µg/L) ¹		Yes	Yes		Yes

C. Floatables Monitoring

The permittee(s) shall establish twenty-one (21) monitoring locations for removal of floatable material in discharges to or from the MS4. Floatable material shall be collected at a 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 and shall be reported in the Annual Report required by Part V.D.

⁷ 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.

D. Annual Report and Comprehensive Assessment of the Priority Based Monitoring Program

1. Annual Report: Each permittee shall contribute to the preparation of an annual system-wide report to be submitted no later than April 1st. The first report shall be due April 1, 2013. Subsequent annual reports shall cover the period from January 1 through December 31 and will be due April 1 of each year. Each annual report shall include the following separate sections, with an overview for the entire MS4 and subsections for each permittee:
 - a. The status of implementing the storm water management program(s) (status of compliance with any schedules established under this permit shall be included in this section);
 - b. Proposed changes to the SWMP(s);
 - c. Revisions, if necessary, to the assessments 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);
 - d. A summary of the data, including monitoring data, that is accumulated throughout the reporting year;
 - e. 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;
 - f. A summary describing the number and nature of enforcement actions, inspections, and public education programs; and
 - g. Identification of water quality impacts.
 - h. Any other items identified in Part III.A
 - i. If a TMDL or watershed plan in lieu of a TMDL has been approved for any water body into which you discharge, include a TMDL implementation report which includes the status and actions taken to implement any applicable TMDL and the status of any applicable TMDL implementation schedule milestones.
2. Comprehensive Assessment of Priority Based Monitoring Program: By April 1, 2017, permittee must submit a comprehensive assessment of the Priority Based Monitoring Program. This assessment should include the findings and impacts identified, responses taken, and any modifications recommended to enhance the usefulness or efficiency of the Project.

Preparation and submittal of a system-wide annual report or watershed based comprehensive assessment shall be coordinated by the City of Oklahoma City. The annual report shall indicate which, if any, permittee(s) have failed to provide required information on the portions of the MS4 for which they are responsible to the City of Oklahoma City by sixty (60) days prior to the report due date. Joint responsibility for annual 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.

E. 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 VI.H.

F. Reporting: Where and When to Submit

1. Representative monitoring results (Part V.B.) obtained during the reporting period specified in Part V.D shall be submitted along with the annual report required by Part V.D. (due April 1st).
2. Signed copies required under Part V., the Annual Report required by Part V.D., and all other reports required herein, as well as updates, shall be submitted to:

Oklahoma Department of Environmental Quality
Water Quality Division
P.O. Box 1677
Oklahoma City, Oklahoma 73101-1677

PART VI. 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 reissuance, or modification; or for denial of a permit renewal application.

B. Penalties for Violations of Permit Conditions

1. 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 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.

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. Administrative Penalties

The Act provides that any person who violates a permit condition 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.

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 OAC 252.606-1-3(b)(3)(F) adopting and incorporating by reference 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 all required records kept by the permittee(s).

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, 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. For a municipality, State, or other public agency: by either a principal executive officer or ranking elected official; 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 for the company. 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 which the permittee is or may be subject under Section 311 of 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 V.F. 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 the coverage of this permit 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 V.F. 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 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 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 three (3) years from the date of the sample, measurement, report, or application. A photostatic copy, photograph, microphotograph, photographic film or optical disk of the original records will be acceptable. 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 reissuance, 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 may be included in the calculation and reporting of the data submitted.

U. Archeological and Historical Sites (Reserved)

PART VII. 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 State or Federal statutes or regulations;
3. Any additional provisions necessary to comply with requirements of an approved TMDL.
4. Add a new permittee who is the owner or operator of a portion of the MS4;
5. Changes in portions of the SWMP that are considered permit conditions; or
6. Other modifications deemed necessary by the Director to meet the requirements of the Act.

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 CFR 122.62, 122.63, and 124.5.

B. Termination of Coverage for a Single Permittee

Permit coverage may be terminated, in accordance with the provisions of OAC 252.606-1-3(b)(3)(II) incorporating by reference 40 CFR 122.64 and OAC 252.606-1-3(b)(4)(D) adopting and incorporating by reference 40 CFR 124.5, for a single permittee without terminating coverage for other permittees.

C. Modification of SWMP(s)

Only those portions of the SWMPs 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 VIII. DEFINITIONS

All definitions contained in Section 502 of the Act shall apply to this permit and are incorporated herein by reference. Unless otherwise specified, additional definitions of words or phrases used in this permit are as follows:

- 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 United States. 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 Oklahoma Administrative Code (OAC) 252.606-1-3(b)(3)(L) adopting and incorporating by reference 40 Code of Federal Regulations (CFR) 122.26(b)(1).
- D. **"Core Municipality"** means, for the purpose of this permit, the municipality whose corporate boundary (unincorporated area for counties and parishes) defines the Municipal Separate Storm Sewer System. (ex. City of Oklahoma City for the Oklahoma City Municipal Separate Storm Sewer System, Oklahoma County for unincorporated Oklahoma County).
- E. **"Director"** means the Executive Director of the DEQ or an authorized representative.
- F. **"Discharge"** for the purpose of this permit, unless indicated otherwise, refers to discharges from the Municipal Separate Storm Sewer System (MS4).
- G. **"Flow-Weighted Composite Sample"** means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.
- H. **"Illicit Connection"** is defined at OAC 252.606-1-3(b)(3)(L) adopting and incorporating by reference 40 CFR 122.26(b)(2) and means any human-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.
- I. **"Individual Residence"** refers, for the purposes of this permit, to single or multi-family residences. (e.g. single family homes and duplexes, town homes, apartments, etc.)
- J. **"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.
- K. **"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.
- L. **"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).
- M. **"MEP"** is an acronym for "Maximum Extent Practicable," the technology-based discharge standard for MS4s established by CWA §402(p).

- N. **"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 Oklahoma City MS4"). It is also defined at OAC 252.606-1-3(b)(3)(L) adopting and incorporating by reference 40 CFR 122.26(b)(8).
- O. **"Part ' # ' "** refers, unless otherwise indicated, to Part " # " of this permit (e.g. Part V.F.2.).
- P. **"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 United States.
- Q. **"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.
- R. **"Storm Sewer"**, unless otherwise indicated, refers to a municipal separate storm sewer.
- S. **"Storm Water"** means storm water runoff, snowmelt runoff, and surface runoff and drainage.
- T. **"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).
- U. **"SWMP"** refers to a comprehensive program to manage the quality of storm water discharged from the MS4. For the purposes of this permit, the SWMP is considered a single document, but may actually consist of separate programs (e.g. "chapters") for each permittee.
- V. **"Time-weighted Composite"** means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.
- W. **"Total Maximum Daily Loads" (TMDLs)** is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges; load allocations (LAs) for nonpoint sources and/or natural background, and must include a margin of safety (MOS) and account for seasonal variations. (See Section 303(d) of the Clean Water Act and 40 CFR 130.2 and 130.7).
- 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 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]