

Oklahoma Department of Environmental Quality Water Quality Division

Reissuance of
OPDES Multi-Sector General Permit OKR05
for Stormwater Discharges Associated with Industrial Activity
within the State of Oklahoma

Fact Sheet

July 5, 2017



Introduction

The Oklahoma Department of Environmental Quality (DEQ) is reissuing the OPDES Multi-Sector General Permit (MSGP) OKR05 for stormwater discharges associated with industrial activity within the state of Oklahoma. This Permit will replace the 2011 OKR05 permit that expired on September 4, 2016. All existing and new facilities must obtain an Authorization under this new 2017 OKR05 permit in order to discharge stormwater associated with industrial activity.

Under Section 402(p) of the Clean Water Act (CWA), the US Environmental Protection Agency (EPA) promulgated regulations ([40 CFR § 122.26](#)), known as the **Phase I Stormwater Program**, that established permit requirements for stormwater discharges associated with industrial activity. On September 9, 1997, EPA delegated all the responsibility to DEQ to administer stormwater discharges associated with construction and industrial activities and from Municipal Separate Storm Sewer Systems (MS4s). This delegation excluded facilities located on Indian Land, Oil & Gas Exploration fields, and Agricultural Services & Forestry. DEQ issued its first MSGP GP-00-01 on October 2, 2000. This Permit included provisions that industrial facilities in 29 different industrial sectors implement control measures and prepare site-specific **Stormwater Pollution Prevention Plan (SWP3)**. In addition, the OKR05 permit included a 30th sector, available for DEQ to permit additional industrial activities that the DEQ determines require permit coverage for industrial stormwater discharges not included in the other 29 industrial sectors. Currently, an estimated 1,654 facilities are authorized to discharge (or are covered) by the 2011 OKR05 permit. The industrial sectors are listed in the following table:

Table 1: List of Industrial Sectors Covered under this Permit

Sector A – Timber Products	Sector P – Land Transportation
Sector B – Paper and Allied Products Manufacturing	Sector Q – Water Transportation
Sector C – Chemical and Allied Products Manufacturing	Sector R – Ship and Boat Building or Repairing Yards
Sector D – Asphalt Paving and Roofing Materials Manufactures and Lubricant Manufacturers	Sector S – Air Transportation Facilities
Sector E – Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing	Sector T – Treatment Works
Sector F – Primary Metals	Sector U – Food and Kindred Products
Sector G – Metal Mining (Ore Mining and Dressing)	Sector V – Textile Mills, Apparel, and other Fabric Products Manufacturing
Sector H – Coal Mines and Coal Mining-Related Facilities	Sector W – Furniture and Fixtures
Sector I – Oil and Gas Extraction	Sector X – Printing and Publishing
Sector J – Mineral Mining and Dressing	Sector Y – Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries
Sector K – Hazardous Waste Treatment Storage or Disposal	Sector Z – Leather Tanning and Finishing
Sector L – Landfills and Land Application Sites	Sector AA – Fabricated Metal Products
Sector M – Automobile Salvage Yards	Sector AB – Transportation Equipment, Industrial or Commercial Machinery
Sector N – Scrap Recycling Facilities	Sector AC – Electronic, Electrical, Photographic and Optical Goods
Sector O – Steam Electric Generating Facilities	Sector AD – Reserved for Facilities Not Covered Under Other Sectors and Designated by the Director

DEQ proposes the reissuance of the 2017 OKR05 for stormwater discharges associated with industrial activity to replace the 2011 OKR05 permit. The reissuance procedure for this Permit is based on the Oklahoma Pollutant Discharge Elimination System (OPDES) Act, Title [27A O.S. § 2-6-201](#) et seq., Oklahoma Uniform Environmental Permitting Act, Title [27A O.S. § 2-14-101](#) et seq., and the rules of the DEQ.

The proposed permit will have a 5-year term from the effective date. If you had coverage for your facility under the 2011 OKR05, and an authorization was issued by DEQ, you must reapply to DEQ for a new authorization under this Permit. You are not considered covered until you receive an authorization from DEQ. Pursuant to OAC 785:45-5-25, this general permit does not apply to any new discharge or increased discharge that will result in significant impacts to any water body designated Outstanding Resource Water. If your facility is located within the watershed of a water body designated as Outstanding Resource Water, you must submit a Notice of Certification of Industrial Existence (NCIE Form 606-006) to DEQ.

You must have an authorization from DEQ before you can discharge stormwater from your industrial activity. You must prepare and implement a new SWP3 or update your existing SWP3 consistent with Part 4 of 2017 OKR05 permit prior to submitting your Notice of Intent (NOI) for coverage under this Permit. After preparing a SWP3 for your facility, you must submit an NOI and application fee and annual permit fee to DEQ to obtain an authorization under this Permit. You may also need to submit a copy of the SWP3 for DEQ review depending on the location and/or type of your facility.

Summary of Changes from the 2011 OKR05

The 2017 OKR05 permit includes a number of new or modified requirements, and thus differs from the 2011 OKR05 permit in various ways. The following list summarizes the more significant changes to the 2011 OKR05 permit.

1. **Allowable Stormwater Discharges:** This sub-section is revised in-line with the new EPA MSGP and to eliminate redundancies.
2. **Allowable Non-stormwater Discharges:** The description of allowable pavement wash water is clarified to ensure use of hazardous cleaning products and contact of stormwater with other potential pollutants shall be avoided. Steam condensate that externally forms on steam lines is allowed as non-stormwater discharge.
3. **Requirements for Military Installations and Other State Facilities:** A separate subsection is added for Military Installations and Other State Facilities and clarified requirements for other state facilities.
4. **EPA Region 6 Authorization of Permitting Authority for Oklahoma:** Table 1-2 is revised to clarify Standard Industrial Classification (SIC) Codes and the areas of coverage where the EPA or other agencies are the permitting authority within the State of Oklahoma.
5. All third party web addresses are removed since addresses change frequently. Relevant web links will be available on the Stormwater page of DEQ's website which will be updated on an as-needed basis.
6. **Facilities and Activities Covered:** Table 1-3 is updated to include SIC Code 2911 - Petroleum Refineries under Sector C instead of Sector I. Sector I includes only SIC Code 1321 - Natural Gas Liquid Extraction Plants. Sector I also includes SIC Code 1389 since DEQ has the authority over ***Oil and Gas Field Service Maintenance Yards*** (a subset of the Oil and Gas Field Services, Not Elsewhere Classified sector identified under SIC Code 1389). SIC Codes 1311, 1381, 1382, and 5171 have been removed from Table 1-3 since EPA is the permitting authority for these SIC Codes.
7. **Limitations on Coverage:** The following changes are made to the permit:
 - a. Limitations on coverage are revised to clarify that stormwater discharges mixed with non-stormwater are not covered under the permit unless those non-stormwater discharges are

- listed in Part 1.3 of OKR05;
- b. Under Sector J, additional requirements are established for earth-disturbing activities conducted prior to active mining. Detailed description is specified in Part 11, Sector J of the Permit. Permittee must submit SWP3 to DEQ for review under Sector J.
 - c. Under Sector L, stormwater discharges from on-going expansion and closure of incremental landfill cells, as well as new cell construction, are authorized by this Permit. Detailed description is specified in Part 11, Sector L of the Permit. Permittee must submit SWP3 to DEQ for review under Sector L.
 - d. For Discharges to Water Quality-Impaired Waters: Requirements for stormwater discharges to water quality-impaired waters by new dischargers are revised to reflect the current requirements of the EPA MSGP.
 - e. The requirements for Stormwater Discharges Subject to Antidegradation Water Quality Standard are revised.
 - f. A new section is added for Historic Properties Preservation.
8. **Obtaining an Authorization:** Permittee is required to prepare and implement a Stormwater Pollution Prevention Plan (SWP3) according to the requirements in Part 4 of OKR05 before submitting an NOI to DEQ for authorization. This section is revised to clarify the steps for obtaining an authorization. Language is also added regarding electronic submittal of NOI in accordance with the federal eReporting Rule, commencing **December 21, 2020**.
 9. **Continuation of Coverage for Existing Permit:** A new provision is added regarding DEQ's right to modify or revoke and reissue this Permit and automatic termination of permit coverage if permittee fails to submit a timely NOI for coverage under the reissued or replacement permit.
 10. **Coverage under Alternative Permit:** Added a new section with the provisions and requirements of coverage under an alternative permit and removed Section 8.1: requiring coverage under an individual permit.
 11. **Terminating Permit Coverage:** This section is revised with the provisions that authorization is not terminated upon submittal of a Notice of Termination (NOT), but instead is terminated when DEQ issues a termination letter after receiving a complete and accurate NOT form. DEQ may permit a site inspection before issuing a termination letter. Language is also added regarding electronic submittal of NOT in accordance with the federal eReporting Rule, commencing December 21, 2020.
 12. **Transfer of Permit Coverage:** This section is revised with the requirements that the new Owner or Operator must submit a complete and accurate NOI along with a complete and accurate NOT form from the previous operator to DEQ at least 30 days prior to taking over operational control of the facility. If the operational control of a portion of a facility changes, the new operator shall submit an NOI or an NEC, and the existing operator shall revise its SWP3 and submit an NOI for modification.
 13. **Conditional Exclusion for No Exposure:** The provision that by filing a *Certification of No Exposure (NEC)*, you are automatically removed from permit coverage is removed. This section is revised with requirements of inspection by DEQ personnel to determine compliance with the **no exposure exclusion**. The exclusion is only available facility-wide and is not available for individual outfalls. DEQ will issue a written or electronic notification to the facility confirming that it has met the No Exposure exclusion requirements. The Permittee must notify the MS4 operator if the facility discharges to an MS4. An NOT is required if the facility operations terminate entirely.
 14. **Permit Compliance:** A new section is added on permit compliance consistent with the EPA MSGP.
 15. **NOI Requirements:** The description for submitting an NOI is revised to clarify how to submit an NOI and that a SWP3 must be prepared or revised before submitting an NOI to DEQ for an authorization. Table 2-1 is revised to require, for new dischargers or new owners/operators or changes of location of

a facility, that the NOI must be submitted to DEQ at least 14 days prior to operation, or at least 30 days prior to operation if the facility is located within a corridor/area of Federal and State sensitive waters and watersheds or located in a watershed with an approved TMDL report or watershed plan in lieu of a TMDL. Total area of the facility and estimated area of industrial activity at the facility exposed to stormwater in acres are included under **Facility Information**. Language is also added regarding electronic submittal of NOI in accordance with the federal eReporting Rule, commencing December 21, 2020.

16. **Control Measures and Effluent Limits:** The technology-based effluent limitations and the water quality-based limitations and associated control measures requirements were embedded under SWP3 requirements in the previous Permit. A new *Control Measures and Effluent Limits* section is created in line with the EPA MSGP and incorporates most of the requirements from the EPA MSGP. This section includes a greater level of specificity in order to make the requirements clearer and to enable permittees to better comply with the effluent limits. The effluent limits are clarified to include requirements for minimizing exposure, good housekeeping, maintenance, spill prevention and response procedures, and employee training. Seven criteria are included for selecting and designing control measures. New requirements for facilities handling pre-production plastic are included to eliminate discharge of plastic in stormwater.

Permittee must inspect and maintain bag-houses to prevent dust from escaping. Facilities with catch basins must clean out the catch basins when the depth of debris reaches half (1/2) the basin depth and must keep the debris surface at least 6 inches below the lowest outlet pipe. Permittee must conduct the necessary maintenance **immediately** in order to *minimize* pollutant discharges.

A separate sub-section is added for numeric effluent limitations based on effluent limitations guidelines. Best professional judgment (BPJ) based numeric effluent limitations for coal pile runoff is applicable to all facilities that have stormwater discharges from coal piles.

Water quality-based effluent limitations for stormwater discharges are included in a separate section 3.2 to meet the applicable water quality standards.

17. **Stormwater Pollution Prevention Plan (SWP3):** Part 4 for SWP3 requirements is completely reorganized. Control measures, structural and non-structural BMPs, inspections, corrective actions, monitoring and reporting requirements are described under separate sections and modified consistent with the EPA's 2015 MSGP. The following major changes have been made to the Permit:
- a. Role and responsibility of stormwater team members is added. Stormwater pollution prevention team is responsible for overseeing development of the SWP3, any modifications to it, and for implementing and maintaining control measures and taking corrective actions when required, supervising the housekeeping program, documenting changes to the SWP3, providing staff training and communicating changes in the SWP3 to the people working on the site.
 - b. Description of potential pollutant sources is updated. Structures located in areas of industrial activity can be a source of pollutants.
 - c. Spills and leaks, sources of allowable non-stormwater discharges, unauthorized non-stormwater discharges, salt storage and coal pile storage descriptions are now included under potential pollutant sources. A certification requirement for sources of allowable non-stormwater discharges is removed.
 - d. Permittee must document the evaluation for the presence of any unauthorized non-stormwater discharges and include a certification in the SWP3.
 - e. Permittee must describe the type and location of different control measures that have been specifically chosen, designed and/or implemented to comply with numeric and non-numeric

- technology-based effluent limits, water quality-based effluent limits, and any additional measures that formed the basis of eligibility regarding threatened and endangered species, and/or historic properties. Permittees are also required to document how they addressed the selection and design considerations regarding control measures.
- f. Permittee must document specific information in the SWP3 pertaining to the substantially identical outfall exception for quarterly visual monitoring requirements in Part 4.2.3 or impaired waters monitoring requirements in Part 7.2.1 and Part 7.2.4.1.
 - g. Additional Documentation Requirements section is added to clarify the types of documentation that must be included in the SWP3.
 - h. Language is also added regarding electronic submittal of NOI in accordance with the federal eReporting Rule, commencing December 21, 2020.
18. **Inspections:** Routine facility inspection requirement is revised to be consistent with the current EPA MSGP with respect to areas to be covered and items to be inspected. Exceptions to routine facility inspection for inactive and unstaffed sites were revised. To invoke this exception, Permittee must include a statement in the SWP3 per Part 9.16 indicating that the site is inactive and unstaffed, and that there are ***no industrial materials or activities exposed to stormwater***, in accordance with the substantive requirements in 40 CFR § 122.26(g)(4)(iii). The statement must be signed and certified in accordance with Part 9.16. Inactive and unstaffed facilities covered under Sector J are not required to meet the ***no industrial materials or activities exposed to stormwater***.
19. **Corrective Actions:** Corrective actions requirements are clarified to indicate which conditions and corrective actions require a SWP3 review, as well as the reporting requirements following corrective actions. If corrective action is needed, Permittee must ***immediately*** take ***all reasonable steps*** necessary to ***minimize*** or prevent the discharge of pollutants. Definitions of *immediately* and *all reasonable steps* are included to clarify the terms. *Subsequent actions must be taken within 14 days* from the time of discovery of the corrective action condition.
20. **Monitoring Requirements:** Monitoring requirements are reorganized consistent with the current EPA MSGP. Added specific dates for quarterly monitoring. Monitoring is categorized into four types. They are as follows: quarterly visual monitoring, annual effluent limitations guidelines monitoring, impaired waters monitoring, and other monitoring as required by DEQ. The latter two types are new and are consistent with the current EPA MSGP. Permittees are required to monitor discharges to impaired waters once per year. However, if the pollutant of concern is not detected and not expected to be present in the discharge, the Permittee may discontinue monitoring for that pollutant following the permit requirements. DEQ may establish and notify the Permittee for additional discharge monitoring requirements. Such notification will include the reasons for monitoring. Whenever the visual monitoring shows evidence of stormwater pollution, the Permittee must initiate the corrective action procedures in Part 6 of the Permit. Specific information requirement is added for visual monitoring in Part 7.2.2. Exceptions to the quarterly visual monitoring are included for *adverse weather or no rain conditions and substantially identical outfalls*.
21. **Reporting and Recordkeeping:** Discharge Monitoring Reports (DMRs) shall be submitted electronically to DEQ by no later than the 15th day of the following month after the end of the monitoring period. Information requirements for Annual Comprehensive Site Compliance Evaluation Report (ACSCER) are revised based on the requirement of the current Permit. Added reporting requirement for exceedance of Numeric Effluent Limitations, along with specific information to be reported. The Permittee is also required to submit additional reports on reportable quantity spills, planned changes, anticipated noncompliance, compliance schedules, other noncompliance, and other information. Language is also added regarding electronic submittal of NOIs, SWP3s and ACSCERs in accordance with the federal eReporting Rule, commencing December 21, 2020.

22. **Standard Permit Conditions:** Penalties for violations subsection is expanded in accordance with the OPDES Act. Duty to reapply requirements is added and inspection and entry requirements are revised to include sampling and monitoring at reasonable times. Reporting requirements are included for planned changes, anticipated noncompliance, compliance schedules, other noncompliance, and other information. The reopener clause is expanded to include timing of permit modification. Permittee must retain a complete copy of the current SWP3 and any other reports/documents, as required by this Permit, at the facility in any accessible format and make them available for review by regulatory agencies.
23. **Signatory Requirements:** A *note* is included for limited liability company (LLC) under Part 9.16.
24. **Definitions:** Several new definitions are added for different key terms/words that are used in the Permit.
25. **Sector Specific Requirements.** The specific requirements are reorganized slightly. The major additions and modifications are listed below:
- a. *Sector C Chemical and Allied Products Manufacturing:* Petroleum Refining under SIC Code 2911 was incorrectly included under Sector I. This SIC Code 2911 is supposed to be under Sector C. This inadvertent error is corrected. Petroleum Refining is now under Sector C instead of Sector I. Additional technology-based effluent limits subsection is included with the requirements for minimizing exposure, erosion and sediment control and runoff management.
 - b. *Sector D Asphalt Paving and Roofing Materials and Lubricant Manufacturers:* Limitations on coverage are revised consistent with the current EPA MSGP. Effluent limitations and monitoring are applicable to all facilities under this sector.
 - c. *Sector F Primary Metals:* Additional requirements for stabilization of unpaved areas are included under sector specific Additional Technology-based Effluent Limits consistent with the current EPA MSGP.
 - d. *Sector G Metal Mining (Ore Mining and Dressing):* Definition for *active mining activities* and the definition of the term *mining operation* are updated.
 - e. *Sector H Coal Mines:* Limitations of coverage are revised with the provision that stormwater discharges subject to an existing effluent limitation guideline at 40 CFR Part 434 are not authorized by this Permit. Definition for *active mining activities*, *earth-disturbing activities conducted prior to active mining activities*, *active mining areas* are added and the definition of the term *mining operation* is updated.
 - f. *Sector I Oil and Gas Extraction:* SIC codes are added to specify the types of facilities where DEQ has jurisdiction and where EPA has jurisdiction. Inspection frequency for erosion and sediment controls is included consistent with the current EPA MSGP. Sector I also includes SIC Code 1389 since DEQ has the authority over *Oil and Gas Services Maintenance Yards not elsewhere classified*, as identified under SIC Code 1389.
 - g. *Sector J Mineral Mining and Dressing:* Covered stormwater discharges are clarified to be consistent with EPA's current MSGP. Definition for *active mining activities*, *earth-disturbing activities conducted prior to active mining activities*, *active mining areas* are added and the definition of the term *mining operation* is updated. Requirements applicable to earth-disturbing activities conducted prior to active mining activities are revised consistent with the current EPA MSGP.
 - h. *Sector L Landfills and Land Application Sites:* A provision is added specifying that stormwater discharges from continued development or closure of incremental landfill cells, as well as new cell construction, are authorized under this Permit, since these are normal aspects of landfill operations. However, a *landfill is subject to the Construction General Permitting requirements during the time the landfill is initially constructed and prior to operation*. Stormwater discharges

from open dumps as defined under RCRA are also not authorized under this Permit. Requirements applicable to *new cell construction* conducted once landfill operations begin are included. Definition for *new cell construction conducted once landfill operations begin is added*. Additional technology-based erosion and sediment control requirements are included to minimize discharge of pollutants from the places where final vegetation has not yet been established.

- i. *Sector P Land Transportation and Warehousing*: SIC Code 5171 is excluded in this Permit since EPA has the permitting jurisdiction.
- j. *Sector S Air Transportation*: Industrial activities covered by Sector S are revised based on EPA Sector-Specific Factsheets. Management of runoff requirements under additional technology-based effluent limits are revised consistent with the current EPA MSGP. Effluent limits for Ammonia as Nitrogen are corrected based on Effluent Limitations Guidelines in 40 CFR Part 449. A note is included requiring compliance with the applicable monitoring, reporting and recordkeeping requirements outlined in 40 CFR § 449.20. 40 CFR Part 449 applies only to airports with 1,000 or more annual non-propeller aircraft departures. However, effluent limitation requirement is extended based on BPJ to all existing and new airports based on the 2011 OKR05 general permit and anti-backsliding provisions of 40 CFR § 122.44(l)(1).

26. **Appendices:** Sensitive Waters & Watersheds, procedures for eligibility determination for Endangered Species, NOI, NOT and all other forms are included in the different Appendices.

Summary of the 2017 OKR05 Permit

Part 1: Eligibility and Coverage

Part 1 of the Permit explains the eligibility and coverage requirements under this Permit. As with the previous permit, operators of industrial facilities must meet the eligibility provisions described in Part 1.2 of this Permit to be eligible for coverage under the 2017 OKR05 permit. If they do not meet all the eligibility requirements, operators must not submit a NOI to be covered by the 2017 OKR05 permit. And, unless they obtain coverage for those discharges under another permit, those discharges of stormwater associated with industrial activity needing permit coverage will be in violation of the CWA. If non-stormwater discharges requiring OPDES permit coverage other than those specifically authorized in Part 1.3 will be discharged, such non-stormwater discharges are not authorized by this Permit and must either be eliminated or covered under another OPDES permit. Part 1.3 also lists additional authorized non-stormwater discharges for Sector A and for earth-disturbing activities conducted prior to active mining activities for Sector J.

The 2017 OKR05 permit is available for stormwater discharges from 29 sectors of industrial activity (Sector A – Sector AC), as well as any discharge not covered under the 29 sectors (Sector AD) that has been identified by DEQ as appropriate for coverage. The sector descriptions are based on SIC Codes and Industrial Activity Codes consistent with the definition of stormwater discharge associated with industrial activity at 40 CFR § 122.26(b)(14)(i-ix, xi). Part 1.8 describes the limitations on what is covered under this Permit. Any discharges not expressly authorized under the OKR05 permit cannot become authorized or shielded from liability under CWA Section 402(k) by disclosure to DEQ, EPA, or local authorities after issuance of the OKR05 permit via any means, including the NOI to be covered by this Permit, the SWP3, or during an inspection.

To obtain authorization under the OKR05 permit, a discharger must be an operator of an industrial facility in a sector covered by the permit (see Table 1-3 of this Permit); be located within the boundary of the State; meet the Part 1.2 eligibility requirements; select, design, install, and implement control measures in accordance with Parts 3.1 and 3.2 to meet numeric and non-numeric effluent limits; develop a SWP3 according to the requirements of Part 4 of the Permit or update the existing SWP3 consistent with Part 4 prior to submitting the NOI for permit coverage; and submit a complete and accurate NOI and applicable fee.

If the Permit is not reissued or replaced prior to the expiration date, it will be administratively continued in

accordance with 40 CFR § 122.6 and remain in force and effect for discharges that were covered prior to its expiration. This Part also describes the procedures for obtaining an alternative permit. The following are scenarios in which an alternative permit may be required: 1) a new or previously permitted facility is denied coverage under the OKR05 permit; 2) an existing facility covered under the 2011 OKR05 permit loses their authorization; or 3) a permittee requests to be covered under an alternative permit.

To terminate the Permit coverage, permittees must submit a complete and accurate NOT, and their authorization to discharge terminates at midnight of the day that they are notified that their complete NOT has been processed. If DEQ determines that the NOT is incomplete or that permittees have not satisfied one of the termination conditions, then the NOT is not valid and permittees must continue to comply with the conditions of the Permit. By submitting a NEC form and receiving confirmation from DEQ permittees are no longer required to comply with the OKR05 permit (including the NOT requirements), provided the condition of **no exposure** (i.e., all industrial materials and operations are not exposed to stormwater) is maintained. A NEC must be submitted once every 5 years at the time of reissuance of the permit.

Part 2: NOI Requirements

Part 2 includes NOI requirements, content, certification requirement, and address to submit a completed NOI, and required application and annual permit fees. Part 2 also includes federal eReporting Rule requirements for electronic submittal of NOIs commencing December 21, 2020.

Part 3: Control Measures and Effluent Limits

Part 3 explains control measures and effluent limitation requirements under this Permit. Stormwater **control measures** can be *actions* (including processes, procedures, schedules of activities, prohibitions on practices and other management practices), or structural or installed devices to minimize or prevent water pollution. The permit's approach to control measures is consistent with the CWA and its implementing regulations at 40 CFR § 122.44(k)(4). This Permit contains effluent limits that correspond to required levels of technology-based controls. Where an ELG or NSPS applies to discharges authorized by this Permit, the requirement must be incorporated into the permit as an effluent limitation. These limits are included, as applicable, in the sector-specific requirements of Part 11 of this Permit. Where EPA has not yet issued an effluent limitation guideline (ELG), the appropriate technology-based level of controls was determined based on best professional judgment (BPJ) of the permit writer. Most of the non-numeric technology-based limits are developed using BPJ pursuant to 40 CFR § 122.44(k) because no ELG applies.

In addition to ELG-based effluent limits, this Permit also includes water quality-based effluent limits (WQBELs) to ensure that authorized discharges will be controlled as necessary to meet applicable water quality standards, pursuant to CWA section 301(b)(1)(C) and 40 CFR § 122.44(d)(1). The WQBELs included in the permit continue to be non-numeric.

There are many options to accomplish the objective of preventing pollutants from entering waters of the State, and of meeting applicable limits. Industrial facility operators are required to select, design, install and implement site-specific control measures to meet these limits. DEQ generally does not mandate the specific stormwater control measures that operators must select, design, install and implement to meet the technology-based effluent limits in the permit. This Permit provides operators the flexibility to determine their site-specific controls, taking into consideration what controls are most suited for their industry in terms of economic practicability and technology availability, and in some cases, considerations such as available space and safety.

The requirements in Part 3 are the effluent limits applicable to all discharges associated with industrial activity for all sectors, while additional sector-specific effluent limits are found in Part 11. Operators are required to select, design, install, and implement control measures, in accordance with good engineering practices and manufacturer's specifications, to meet the non-numeric and numeric technology-based effluent limits listed in

Part 3.1.2 and Part 3.1.3 and the water quality-based effluent limitations in Part 3.2. Operators must be aware that regulated stormwater discharges include stormwater run-on from outside sources that commingles with their own stormwater discharges associated with industrial activity, and they must account for the commingled runoff accordingly when selecting control measures. If operators find their stormwater control measures are not reducing pollutant discharges adequately, the control measures must be modified in accordance with the Part 5 corrective action requirements.

The permittees are required to include appropriate Spill Prevention and Response Procedures to minimize the potential for stormwater exposure from leaks, spills and other releases, which are major sources of stormwater pollution. In addition to implementing spill prevention and response measures to minimize stormwater contamination, DEQ encourages permittees to implement controls that will minimize the potential for leaked or spilled material from storage tanks to be discharged into receiving waterbodies.

DEQ encourages OKR05 permittees with material storage tanks, especially those with chemical storage tanks, to implement controls such as the following to both minimize the potential for stormwater contamination and to minimize the potential for direct discharges from storage tank spills or leaks:

- Secondary containment: For all chemical liquids and petroleum products that are held in a storage area, tank or other container, store the fluids within an impermeable secondary containment area with a retention capacity of at least 110% of the volume of the largest tank or container, or 10% of the total volume of all tanks and containers in the area, whichever is larger. There should be no overflow from the secondary containment area, which should be designed, constructed, operated and maintained so that the materials can be recovered and so that polluting materials cannot escape directly or indirectly to any public sewer system or to surface waters or ground water. Records should be maintained that document all such tanks and stored materials and their associated secondary containment area.
- Secondary containment valves: Secondary containment area valves that could provide stormwater and retained fluids access to a stormwater conveyance system should be controlled by manually activated valves or other similar devices (these should be secured and remain closed with a locking mechanism). Stormwater that accumulates in the containment area should be visually inspected to ensure no leaks or spills have occurred before release of the accumulated stormwater. Records should be maintained that document the individual making the observation, the description of the accumulated stormwater, and the date and time of the release.

Stormwater discharges are allowed from secondary containment when a **facility** or **operator** meets the above-mentioned requirements. This effluent limit also requires that all industrial equipment and systems be kept in effective operating condition in order to minimize pollutant discharges.

This part also specifies that the presence of non-stormwater discharges must be evaluated, and any non-stormwater discharges not explicitly authorized in Part 1.3 or covered by another OPDES permit must be eliminated. Other than the exclusive list of authorized non-stormwater discharges listed in Part 1.3 of this Permit, non-stormwater discharges requiring OPDES permit coverage are not authorized under this Permit. Additionally, Part 3.1.2.9 requires that all wash water, with the exception of discharges from pavement wash water and routine building wash-down per Part 1.3, drain to a sanitary sewer, sump or other appropriate collection system (i.e., not the stormwater drainage system). Additionally, the discharge of vehicle and equipment wash water, including tank cleaning operations, is not authorized by the permit. These wastewaters must be covered under a separate OPDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or disposed of otherwise in accordance with applicable law. Common unauthorized discharges and common resolutions include: re-routing sanitary wastes (e.g., sinks, drinking fountains, toilets) to sanitary sewer systems; obtaining an appropriate OPDES permit for cooling water or industrial process wastewater discharges; capping or plugging floor drains; and prohibiting practices such as paint brush washing or wash bucket dumping into storm drain inlets.

Part 4: Stormwater Pollution Prevention Plan

Part 4 describes the requirements and contents of the **SWP3**. To be covered under this Permit, operators must prepare a SWP3 prior to submitting an NOI for permit coverage (ongoing **permittees must update their existing SWP3 in accordance with the requirements of 2017 OKR05 permit**). The SWP3 itself does not contain effluent limits; rather, it constitutes a tool to assist permittees, inspectors, and other authorities in ensuring and documenting that effluent limits are met. Operators must develop a SWP3 to document the **specific control measures** they will use to meet the limits contained in Part 3 & Part 11 of this Permit, if applicable, as well as to document compliance with other permit requirements (e.g., inspection, corrective actions, monitoring, reporting, and recordkeeping). The SWP3 must be kept up-to-date (e.g., with inspection findings, after stormwater controls are modified). Failure to develop and maintain a current SWP3 is a recordkeeping violation of the permit, and is separate and distinct from a violation of any of the other substantive requirements in the permit, such as effluent limits, corrective action, inspections, monitoring, reporting, and sector-specific requirements.

The SWP3 must be prepared in accordance with good engineering practices and to industry standards. The SWP3 may be developed by either the facility itself or a contractor, but in all cases, the SWP3 preparer must be a qualified person, and the SWP3 must be certified per the signature requirements in Part 9.16. The SWP3 must clearly describe the responsibilities of each team member to ensure that each aspect of the plan is covered. Operators must describe in their SWP3 the **control measures** implemented at their site to achieve each of the effluent limits in Parts 3.1.2, 3.1.3, 3.2, 3.3, & 11 (if applicable), and to address any stormwater run-on that commingles with discharges covered under the permit. The description of the **control measures** must include the location and type of control implemented, including how the Part 3.1.1 selection and design considerations were followed, and how they address the pollutant sources in Part 4.2.3. The SWP3 must include information such as person(s) or position(s) performing the inspections and monitoring, the specific items to be covered by the inspections and monitoring, and the respective schedules. Permittees are required to document in a SWP3 the specific monitoring requirements and procedures that they will follow. Permittees must include information such as locations where samples are to be collected, person(s) or position(s) responsible for collecting samples, the frequency of sampling and the pollutants to be sampled, sampling protocols, natural background level information, if applicable, and procedures that will be followed to gather storm event data. Requiring this documentation helps ensure that operators know about their monitoring responsibilities and should improve facility compliance with the permit's requirements.

This Permit requires the permittee to sign and date the SWP3 consistent with procedures detailed in Part 9.16 (a standard permit condition for signatory requirements, pursuant to 40 CFR § 122.22). Permittees may appoint an authorized representative consistent with EPA regulations if they think it is more appropriate for someone else to sign the SWP3 certification, e.g., a member of the stormwater pollution prevention plan team. The signature requirement includes an acknowledgment that there are significant penalties for submitting false information. This Permit requires that a complete and current SWP3 be accessible in any format at the facility and must be immediately available to facility employees; DEQ, EPA, or the operator of an MS4 receiving discharges from the facility; and representatives of the US FWS at the time of a site inspection.

Part 5: Inspections

Part 5 includes inspection requirements under this Permit. All permittees covered under this Permit are required to conduct routine facility inspections at least quarterly in the following areas: areas where industrial materials or activities are exposed to stormwater; areas identified in the SWP3 that are potential pollutant sources; areas where spills and leaks have occurred in the past 3 years; discharge points; and control measures used to comply with the effluent limits contained in the permit. Increased frequency (i.e., more than quarterly) may be appropriate for some types of equipment, processes and stormwater control measures, or areas of the facility with significant activities and materials exposed to stormwater. Qualified personnel must conduct the routine facility inspections, with at least one member of the stormwater pollution prevention team

participating.

Part 6: Corrective Actions

Part 6 describes the requirements and conditions that may trigger corrective actions. If operators find that any of the conditions in Part 6.1 of the permit have occurred, they are required to review and revise their SWP3 to eliminate the condition so that the permit's effluent limits are met and pollutant discharges are minimized. The corrective action triggering conditions in Part 6.2 require a SWP3 review to determine if any modifications are necessary to meet the effluent limits in the permit. When conditions exist that trigger corrective action, permittees must take immediate action to minimize or prevent pollutant discharges until a permanent solution is implemented. For the purpose of this Permit, this includes any action taken, or required to be taken, to (1) repair, modify or replace any stormwater control used at the site; (2) clean up and dispose of spills, releases or other deposits found on the site; and (3) remedy a permit violation.

Part 7: Monitoring Requirements

Part 7 clarifies the procedures for monitoring requirements. This Permit requires that stormwater samples be collected, analyzed, and documented consistent with requirements of the permit. This Permit contains four types of monitoring requirements: quarterly visual monitoring; effluent limitations monitoring; impaired waters monitoring; and other monitoring required by DEQ.

Quarterly visual monitoring of stormwater discharges provides a useful and inexpensive means for permittees to evaluate the effectiveness of their control measures. Although the visual examination cannot assess the chemical properties of the stormwater discharged from the site, the examination will provide meaningful results upon which the permittee may act quickly. All industrial sectors covered by this Permit are required to conduct these visual examinations. The Permit requires that grab samples of stormwater discharges be collected and examined visually for the presence of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution. No analytical tests are required to be performed on these samples. The grab samples must be taken within the first 30 minutes or as soon as practicable after the occurrence of an actual discharge from the site (including documentation of why sampling was not practicable within the first 30 minutes, if applicable). If the visual monitoring shows any evidence of stormwater pollution, corrective action procedures must be initiated in accordance with Part 6 of the Permit.

An automatic sampler is not recommended for collecting samples for quarterly visual monitoring. That is because in addition to collecting the sample, it is important to make a note of anything you see at the discharge location that might influence the sample results. In addition, an automatic sampler cannot collect visual observations. In case of unsafe sampling conditions, or a facility with several sampling locations, automatic samplers may be used to collect samples within the first 30 minutes, triggered by the measurable storm event. Such must be documented in the SWP3.

Numeric effluent limitations have been included in previous versions of the OKR05 permit based on national effluent limitation guidelines for certain industry-specific discharges. Consistent with minimum monitoring requirements for NPDES permit limits established at 40 § CFR 122.44(i), monitoring for these parameters must be conducted at least once each year for the duration of permit coverage. Numeric effluent limitations are specified in the sector-specific requirements in Part 11. Monitoring for all parameters must be conducted according to the procedures in Part 7.1 unless otherwise noted.

This Permit also contains provisions for monitoring discharges to water quality impaired receiving waters. Operators must indicate in their NOI whether they discharge to an impaired water, and, if so, the pollutants causing the impairment, or any pollutants for which there is a TMDL or watershed plan in lieu of a TMDL. The appropriate impaired waters monitoring frequency is determined based on whether there is an established TMDL or watershed plan in lieu of a TMDL for the pollutant in the impaired water.

If the pollutant of concern is detected but the permittee has determined that its presence is caused solely by natural background sources, the permittee may discontinue monitoring for that pollutant after the first year. The permittee must notify DEQ regarding discontinuation of monitoring due to non-detection of a pollutant or caused solely by natural background sources.

Natural background pollutants include those that occur naturally as a result of native soils, vegetation, wildlife, and/or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity on permittee's site, or pollutants in run-on from neighboring sources that are not naturally occurring. The natural background exception applies to parameters such as metals derived from natural mineral deposits and nutrients attributable to background soil, vegetation, or wildlife sources. Natural background levels cannot be attributed to run-on from non-natural sources such as other industrial sites or roadways.

To support a determination that the pollutant's presence is caused solely by natural background sources, you must document and maintain with the SWP3, as required by Part 4.5:

- An explanation of why the presence of the pollutant of concern in the discharge is not related to the activities or materials at the facility; and
- Data and/or studies that tie the presence of the pollutant of concern in the discharge to natural background sources in the watershed.

This explanation must include any data previously collected that provides the levels of natural background pollutants in a reference site. The following is a list of the types of information that should be considered to support a rationale for the natural background exception:

- Map showing the reference site location in relation to facility along with available land cover information;
- Reference site and facility site elevation;
- Available geology and soil information for reference and facility sites;
- Photographs showing reference site vegetation;
- Reference site reconnaissance survey data regarding presence of roads, outfalls, or other human-made structures; and
- Records from relevant state or federal agencies indicating no known mining, forestry, or other human activities upstream of the reference site.

The background concentration of a pollutant in runoff from a non-human impacted reference site, located in the same watershed, should be determined by evaluating ambient monitoring data or by using information from a peer-reviewed publication or a local, state, or federal government publication specific to runoff or stormwater in the immediate region. Studies that are in other geographic areas, or are based on clearly different topographies or soils, are not appropriate. When no data are available, and there are no known sources of the pollutant, the background concentration should be assumed to be zero. In cases where historic monitoring data from a site are used for generating a natural background value, and the site is no longer accessible or able to meet reference site acceptability criteria, then there must be documentation (e.g., historic land use maps) that the site met reference site criteria (indicating absence of human activity) during the time data collection occurred.

The justification for this exception must be kept on-site with the facilities' SWP3 (see Part 4.5 of OKR05), and made available to DEQ on request. DEQ may review permittees' determinations that source of pollutant of concern is solely based on natural background concentrations, and disallow the exception if DEQ finds the documentation is inadequate and the facility will need to continue to monitor in accordance with Part 7.2.3.1.

In case of non-availability of data on natural background, the permittee may perform/conduct monitoring the natural background pollutant concentrations once per quarter from a non-human impacted reference site, located in the same watershed, concurrently with required impaired waters monitoring. After monitoring for four quarters and adequately determining that the source of pollutant are from the natural background (the

results must show that the average concentration of pollutants in the facility's discharge are less than or equal to the concentration of that pollutant in the natural background), permittees may discontinue further monitoring under the impaired water monitoring. Facilities must use the same sample collection, preservation and analysis methods for natural background monitoring as required for discharges to impaired waters monitoring.

DEQ may determine that additional discharge monitoring is necessary to meet the permit's effluent limits, specifically the permit's water quality-based effluent limits. In this case, DEQ will provide the facility with a brief description of why additional monitoring is needed, locations and parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.

Part 8: Reporting and Recordkeeping

Part 8 describes that permittees must comply with a number of different reporting requirements in the permit. Permittees must submit an annual comprehensive site compliance evaluation report (ACSCER)/Annual Report to DEQ. The annual report must include a summary of the routine site inspection and visual monitoring findings, corrective action documentation and any noncompliance observed, a summary of effluent limitation violations, if applicable, and a certification statement. Annual report must be submitted by March 1 for each previous year of permit coverage. This Permit also requires permittees to maintain certain records to help them assess performance of **control measures** and as a way to document compliance with permit conditions. These requirements are consistent with federal regulations at 40 CFR § 122.41(j), but have been tailored to more closely reflect requirements of the Permit. Permittees must retain copies of these documents for a period of at least 3 years from the date that permittees' coverage under the permit expires or is terminated.

Part 9: Standard Permit Conditions

This part includes special permit conditions consistent with federal regulations at 40 CFR § 122.41, the OPDES Act, Oklahoma Uniform Environmental Permitting Act, and the rules of the DEQ. Signatory requirement for a *limited liability company (LLC)* is included in the 2017 OKR05 for simplicity where one of the owners, called a managing member of the company, can sign an NOI and all required reports.

Part 10: Definitions

This part includes definitions for permit-specific terms that are used throughout the permit.

Part 11: Sector-Specific Requirements

Part 11 of the Permit contains sector-specific requirements. This Permit is applicable to stormwater discharges from the listed 29 sectors of industrial activity (Sector A – Sector AC), as well as any discharge not covered under the 29 sectors that has been identified by DEQ as appropriate for coverage (Sector AD).

Appendices

Appendices A – H includes maps for Sensitive Waters & Watersheds, procedures for eligibility determination for Endangered Species, NOI, NOT, NEC, and all other forms.