

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, 2022



## 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 2017 OKR05 permit that expires on July 4, 2022. All existing and new facilities must obtain an authorization under this new 2022 OKR05 permit to discharge stormwater associated with industrial activity.

Under Section 402(p) of the Federal Clean Water Act (CWA), the US Environmental Protection Agency (EPA) promulgated regulations (40 C.F.R. § 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 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 Plans (SWP3s). In addition, the OKR05 permit included a 30<sup>th</sup> sector, available for DEQ to permit additional industrial activities that DEQ determines require permit coverage for industrial stormwater discharges not included in the other 29 industrial sectors. Currently, an estimated 1,662 facilities are authorized to discharge (or are covered) by the 2017 OKR05 permit. The industrial sectors are listed in the following table:

**Table 1: List of Industrial Sectors Covered under this Permit**

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

DEQ proposes the reissuance of the OKR05 permit for stormwater discharges associated with industrial activity to replace the 2017 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 DEQ.

The proposed permit will have a 5-year term from the effective date. If you had coverage for your facility under the 2017 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 by this permit until you receive an authorization from DEQ.

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, DEQ 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 6 of the 2022 OKR05 permit prior to submitting your Notice of Intent (NOI, DEQ Form 606-002B) for coverage under this permit. After preparing a SWP3 for your facility, you must submit an NOI, general location map, site map(s) of your facility, application fee and annual permit fee to DEQ to obtain an authorization under this permit. You do not need to submit a copy of the SWP3 to DEQ for review unless requested by DEQ.

## Summary of Changes from the 2017 OKR05 Permit

The proposed 2022 OKR05 permit includes a number of new or modified requirements, and thus differs from the 2017 OKR05 permit in various ways. The following list summarizes the more significant changes to the 2017 OKR05 permit.

1. **Streamlining the permit:** DEQ made several structural changes in the proposed 2022 OKR05 permit. DEQ is separating all the required forms such as Notice of Intent (NOI, DEQ Form 606-002B), Notice of Termination (NOT, DEQ Form 606-003), No Exposure Certification (NEC, DEQ Form 606-004), Annual Comprehensive Site Compliance Evaluation Report (ACSCER, DEQ Form 606-005), Notice of Certification of Industrial Existence (NCIE, DEQ Form 606-006).

In addition, DEQ made changes in the permit format. As proposed, Part 2 (Notice of Intent Requirements) of the previous permit is merged with Part 1 (new title is Eligibility, Coverage, and Application instead of previous title - Eligibility and Coverage), proposed Part 2 (Control Measures and Effluent Limits) was previously Part 3; proposed Part 3 (Inspection Requirements) was previously Part 5; proposed Part 4 (Monitoring Requirements) was previously Part 7; proposed Part 5 (Corrective Actions) was previously Part 6; proposed Part 6 (Stormwater Pollution Prevention Plan) was previously Part 4; proposed Part 7 (Reporting and Recordkeeping) was previously Part 8; proposed Part 8 (Standard Permit Conditions) was previously Part 9; proposed Part 9 (Definitions) was previously Part 10; and proposed Part 10 (Sector Specific Requirements for Industrial Activity) was previously Part 11.

Furthermore, DEQ revised the wording of many eligibility requirements to be an affirmative expression of the requirement and to change passive voice to active voice (e.g., "Samples must be collected..." now reads "You must collect samples...") to make the permit requirements clearer and more specific.

2. **Allowable Non-stormwater Discharges (Part 1.3):** The description of allowable routine external building washdown/power wash water is expanded to implement appropriate control measures prior to discharge.

3. **Areas of Coverage (Part 1.5):** Where EPA or another agency is the permitting authority within the state of Oklahoma: description for coverage of the subset of SIC Code 1389 is revised to reflect which activity falls under the jurisdiction of DEQ as the permitting authority.
4. **Co-located Industrial Facilities (Part 1.8):** This part is added with a detailed description of whether an operator of a co-located facility needs permit coverage under the OKR05 permit if it meets eligibility requirements in Part 1.2.
5. **Obtaining an Authorization to Discharge (Part 1.10):** The entire sub-part on Obtaining an Authorization is revised to incorporate most of the description from Part 2 (Notice of Intent Requirements) of the 2017 OKR05 permit. All applicants must prepare a SWP3 in accordance with Part 6 of the 2022 OKR05 permit prior to submitting a Notice of Intent (NOI, DEQ Form 606-002B) to DEQ. All applicants must submit a complete NOI along with a general location map, site map(s) of the facility, and applicable fees at the same time for DEQ to process their application for authorization. Applicants have the option of submitting their NOI to DEQ either using a paper copy or electronically using DEQ's online NOI submission tool when it becomes available. Submittal of the SWP3 to DEQ is no longer required, unless specifically requested by DEQ.
6. **Signage Required (Part 1.19):** All permittees under the 2022 OKR05 permit must post a sign of the permit coverage at a safe, publicly accessible location in close proximity to the facility. This notice must include basic information about the facility (i.e., the OPDES permit number, facility contact name and phone number).
7. **Control Measure Selection and Design Considerations (Part 2.1.1):** Given the recent extreme storm events in Oklahoma, the 2022 OKR05 permit incorporates language to encourage permittees/industrial site operators to consider the risks to their industrial activities and the potential impact of pollutant discharges caused by stormwater discharges from major storm events that cause extreme flooding conditions.
8. **Management of Runoff (Part 2.1.2.6):** The requirements for runoff management are revised to include examples of different structural BMPs including green infrastructure (such as rainwater harvesting, rain garden, bioswales, permeable pavements, green streets, green parking, green roof, etc.). Green infrastructure can be a cost-effective, resilient approach to managing wet weather impacts that can provide many water quality benefits. DEQ encourages facilities to capture, contain, and reuse stormwater to reduce stormwater runoff and minimize discharge of pollutants.
9. **Employee Training (Part 2.1.2.10):** The scope of personnel training is revised to incorporate relevant items to cover most aspects of the SWP3 requirements.
10. **Routine Facility Inspections (Part 3.1):** The scope of the routine facility inspection requirement is revised to specify the potential sources of pollution that must be observed/inspected during a facility inspection.
11. **Monitoring Requirements (Part 4):** The sample type (Part 4.1.5) for all monitoring under the proposed OKR05 shall be grab samples, with the option to use auto-samplers or passive samplers if appropriate for the parameter and analytical method(s). Follow-up actions if discharge exceeds numeric effluent limitations (Part 4.2.3.3) are updated with corrective action requirements. Whenever the facility exceeds numeric effluent limits, the permittee must initiate the corrective action procedures. Impaired waters monitoring data (Part 4.2.3) is not required to be submitted to DEQ unless requested. It should be used by the permittee as screening data to evaluate BMP effectiveness.

12. **Corrective Actions (Part 5):** Immediate corrective action language is revised to require the permittee to investigate the cause(s) of the issue and take all reasonable steps necessary to minimize or prevent the discharge of pollutants.
13. **Stormwater Pollution Prevention Plan (SWP3):** Part 6 for SWP3 requirements is completely reorganized. The SWP3 must be prepared/developed by a qualified person as defined in Part 9 of the OKR05 permit. The following major changes have been made to the permit:
- a. Added a requirement that before developing a SWP3 or updating an existing SWP3, the preparer must read conduct a site visit. For new facilities, the SWP3 preparer must visit the site within one year after construction is completed and make any necessary updates to the SWP3.
  - b. Added a requirement for the permittee to include regular business hours and SWP3 preparer contact information in the SWP3 (see Part 6.2.1 of the permit).
  - c. Added additional features such as locations of potential soil erosion areas, stormwater drainage area(s) and associated outfall(s), and locations of stormwater inlets and outfalls with unique identifications (i.e., 001, 002 etc.). (See Part 6.2.2.2).
  - d. Expanded the description of industrial activities exposed to stormwater with examples (see Part 6.2.3.1).
  - e. Added a requirement for the permittee to conduct a survey or investigation of the entire facility for the presence of any unauthorized non-stormwater at the facility (see Part 6.2.3.5).
  - f. Added a separate Part (6.2.4) on “Substantially Identical Outfalls” for convenience. Previously, the description of substantially identical outfall was included under “Pertaining to Monitoring.”
  - g. Expanded the description of stormwater control measures to make the requirements more clear, specific and understandable to the permittees and other users. The 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 (see Part 6.2.5).
  - h. DEQ encourages permittees to use EPA guidance documents that are available on the EPA website and other guidance documents on industrial stormwater control measures/BMPs (see Part 6.2.5).
  - i. Expanded requirements for stormwater sampling and monitoring to include the person responsible for sampling, specific procedures for sample collection and handling, and procedures to follow when sending samples to a certified laboratory (see Part 6.2.6.4).
  - j. Permittee must develop a training program for employee(s) and provide training to all employees who are responsible for implementing or maintaining activities identified in the SWP3. In addition, permittee must train on the SWP3 requirements to outside contractors/sub-contractors who will come to the facility for services and may generate pollutions at the facility (see Part 6.2.6.6).

- k. Added an annual SWP3 review requirement. Permittees must review their SWP3 and make necessary modifications to it for any process changes at the facility or other changes listed in Part 6.3. Permittees must update site map(s) of their facility for any changes that occurred during the past year (see Part 6.3).
14. **Annual Reporting Requirement (Part 7.3):** All permittees must submit an Annual Comprehensive Site Compliance Evaluation Report (ACSCER) each year by March 1 deadline for the past calendar year of permit coverage, containing information generated during the past calendar year using DEQ Form 606-005 available on the DEQ website. The ACSCER form is revised to incorporate requirements in the 2022 OKR05 permit.
15. **Definitions:** Three new definitions are added. These are Base Flood Elevation, Co-located Facilities, and Green Infrastructure.
16. **Sector-Specific Requirements:** The specific requirements are reorganized slightly; no major changes have been made in the sector-specific requirements.
17. **Appendices:** Sensitive Waters and Watersheds and procedures for eligibility determination for Endangered Species, Spill Response Checklist, and example signage are included in Appendices A through C. NOI, NOT and all other forms are separated from the proposed permit and these forms will be available on DEQ's website.

## Summary of the 2022 OKR05 Permit

### Part 1: Eligibility, Coverage, and Application

Part 1 of the permit explains the eligibility, coverage, and application 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 2022 OKR05 permit. If they do not meet all the eligibility requirements, operators must not submit an NOI to DEQ to obtain coverage under the 2022 OKR05 permit. Instead, they must obtain authorization for those discharges under another permit; if they do not, 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 lists all the allowable/authorized non-stormwater discharges along with authorized non-stormwater discharges for Sector A and for earth-disturbing activities conducted prior to active mining activities for Sector J.

The 2022 OKR05 permit is available for stormwater discharges from 29 sectors of industrial activity (Sector A – Sector AC), as well as any stormwater 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 C.F.R. §§ 122.26(b)(14)(i)-(ix), (xi). Part 1.9 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 § 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 an authorization to discharge (see Part 1.10) under the 2022 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 or discharge to waters of the state; meet the Part 1.2 eligibility requirements; develop a SWP3 according to the requirements of Part 6 of the permit or update the existing SWP3 consistent

with Part 6 prior to submitting the NOI for permit coverage; select, design, install, and implement control measures in accordance with Parts 2.1 and 2.2 to meet numeric and non-numeric effluent limits; and submit a complete and accurate NOI, general location map, site map(s) of the facility, and applicable fees. Part 1.10 also includes NOI requirements, certification requirement, and information on where to submit a completed NOI, general location map, site map(s) of the facility, and required application and annual permit fees.

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with 40 C.F.R. § 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 2017 OKR05 permit loses its authorization; or 3) a permittee requests to be covered under an alternative permit.

To terminate permit coverage, a permittee must submit a complete and accurate NOT. A permittee's 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 the permittee must continue to comply with the conditions of the permit.

By submitting an NEC form and receiving confirmation from DEQ, a permittee is 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 1.19 requires that all permittees under 2022 OKR05 permit must post a sign of permit coverage at a safe, publicly accessible location in close proximity to the facility. This notice must include basic information about the facility (i.e., the OPDES permit number, facility contact name and phone number).

## **Part 2: Control Measures and Effluent Limits**

Part 2 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 C.F.R. § 122.44(k)(4). This permit contains effluent limits that correspond to required levels of technology-based controls. Where an Effluent Limitations Guideline (ELG) or New Source Performance Standard (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 10 of this permit. Where EPA has not yet issued an 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 C.F.R. § 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 § 301(b)(1)(C) and 40 C.F.R. § 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 and water quality-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 2 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 10. 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 2.1.2 and Part 2.1.3 and the water quality-based effluent limitations in Part 2.2.

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.

Green infrastructure (such as rainwater harvesting, rain garden, bioswales, permeable pavements, green streets, green parking, green roof, etc.) can be a cost-effective, resilient approach to managing wet weather impacts that can provide many water quality benefits. DEQ encourages the permittees to use green infrastructure including other structural and non-structural BMPs to manage runoff from their facilities to reduce stormwater runoff and minimize the effect of pollutants in the state's water quality (see Part 2.1.2.6).

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, permittees must implement controls that will minimize the potential for leaked or spilled material from storage tanks to be discharged into receiving waterbodies.

OKR05 permittees with material storage tanks, especially those with chemical storage tanks, are required 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. Such valves or other devices 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, spills or other contamination 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 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 2.1.2.9 requires that all wash water, with the exception of discharges from pavement wash water and routine building washdown per Part 1.3, drain to a sanitary sewer, sump or other appropriate collection system (i.e., not to 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 otherwise disposed of in accordance with applicable law. Common solutions to unauthorized discharges include, but are not limited to: 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 3: Inspections**

Part 3 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 three 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, who are familiar with the industrial activities performed at the facility, must conduct the routine facility inspections, with at least one member of the stormwater pollution prevention team participating.

### **Part 4: Monitoring Requirements**

Part 4 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 or passive 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 or passive sampler cannot collect visual observations. In case of unsafe sampling conditions, or a facility with several sampling locations, automatic samplers or passive samplers may be used to collect grab samples within the first 30 minutes, triggered by the measurable storm event. Use of such devices must be documented in the SWP3.

Numeric effluent limitations have been included in previous versions of the OKR05 permit based on national ELGs for certain industry-specific discharges. Consistent with minimum monitoring requirements for NPDES permit limits established at 40 C.F.R. § 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 10. Monitoring for all parameters must be conducted according to the procedures in Part 4.1 unless otherwise noted. "Follow-up Actions if Discharge Exceeds Numeric Effluent Limitations" (Part 4.2.3.3) is updated with corrective action requirements. Whenever the facility exceeds numeric effluent limits, the permittee must initiate the corrective action procedures.

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 once per year, unless an established TMDL or watershed plan in lieu of a TMDL requires more frequent monitoring for the pollutant in the impaired water.

Impaired waters monitoring data is not required to be submitted to DEQ unless requested, but shall be used by the permittee as screening data to evaluate BMP effectiveness. DEQ may also use the data to demonstrate the facility's noncompliance with implementing effective BMPs, noncompliance with WLAs or LAs established in TMDLs or watershed plans, or contribution to the impaired waters. However, monitoring data will not be used by DEQ for stream assessment or TMDL purposes.

If the pollutant of concern is not detected or 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 due to its detection being 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 the 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, the permittee must document and maintain with the SWP3, as required by Part 6.6:

- 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 the 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 facility's SWP3 (see Part 6.6 of OKR05) and made available to DEQ on request. DEQ may review the permittee's determination that the source of pollutant of concern is solely based on natural background concentrations and disallow the exception if DEQ finds the documentation is inadequate, in which case the facility will need to continue to monitor in accordance with Part 4.2.3.1.

In case of non-availability of data on natural background, the permittee may perform/conduct monitoring of 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 5: Corrective Actions**

Part 5 describes the requirements and conditions that may trigger corrective actions. If operators find that any of the conditions in Part 5.1 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 5.2 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 6: Stormwater Pollution Prevention Plan**

Part 6 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 2022 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 2 and Part 10 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, inspections, monitoring, corrective action, reporting, and sector-specific requirements.

The operator may develop their own format or use DEQ's SWP3 Template to prepare their SWP3. If using DEQ's SWP3 template, the operator may edit it or include additional content as necessary to make their SWP3 site specific.

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 8.16. Before developing a SWP3 or updating an existing SWP3, the SWP3 preparer must read Parts 1 through 8, and applicable Section in Part 10 of the 2022 OKR05 permit and conduct a site visit (see Part 6.1). For new facilities, the SWP3 preparer must visit the site within one year after construction is completed and make any necessary updates to the SWP3.

The SWP3 must clearly describe the responsibilities of each stormwater pollution prevention team member to ensure that each aspect of the plan is covered. The operator must describe in their SWP3 the control measures implemented at their site to achieve each of the effluent limits in Parts 2.1.2, 2.1.3, 2.2, 2.3, and 10 (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 2.1.1 selection and design considerations were followed, and how they address the pollutant sources in Part 6.2.3.

The SWP3 must include information such as the 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 the 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 8.16 (a standard permit condition for signatory requirements, pursuant to 40 C.F.R. § 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 7: Reporting and Recordkeeping**

Part 7 describes that the permittees must comply with a number of different reporting requirements in the permit. Permittees must submit an Annual Comprehensive Site Compliance Evaluation Report (ACSCER) to DEQ. The ACSCER 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.

The 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 to document compliance with permit conditions. These requirements are consistent with federal regulations at 40 C.F.R. § 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 three years from the date that the permittees' coverage under the permit expires or is terminated.

### **Part 8: Standard Permit Conditions**

This part includes standard permit conditions applicable to all permittees consistent with federal regulations at 40 C.F.R. § 122.41, the OPDES Act, Oklahoma Uniform Environmental Permitting Act, and the rules of the DEQ. A signatory requirement for a limited liability company (LLC) is included in the 2022 OKR05 for simplicity where one of the members, managing or otherwise, of the company, can sign an NOI and all required reports.

### **Part 9: Definitions**

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

### **Part 10: Sector-Specific Requirements**

Part 10 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 – C include maps for sensitive waters and watersheds and procedures for eligibility determination for endangered species, spill response checklist, and example signage.