

# FACT SHEET

FOR THE MODIFICATION OF OPDES STORMWATER CONSTRUCTION GENERAL PERMIT OKR05 FOR STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY WITHIN THE STATE OF OKLAHOMA.

OPDES Permit Number: OKR05

Issuing Office: Oklahoma Department of Environmental Quality  
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The Oklahoma Department of Environmental Quality (DEQ) has made a tentative determination to modify its general permit for stormwater discharges associated with industrial activity (OKR05) for the remainder of its five-year term. DEQ is the permitting authority, and this permit will be enforceable under both federal and state laws, rules, and regulations. Permit requirements are based on NPDES regulations, 40 C.F.R. § 122.26, *et seq.*, and the Oklahoma Pollutant Discharge Elimination System Act (OPDES Act), 27A O.S. § 2-6-201, *et seq.*, and the rules of DEQ adopted thereunder at OAC 252:606.

**MODIFICATION OF GENERAL PERMIT OKR05  
FOR STORMWATER DISCHARGES FROM INDUSTRIAL ACTIVITY  
WITHIN THE STATE OF OKLAHOMA**

The Oklahoma Department of Environmental Quality (DEQ) is modifying the “OPDES Multi-Sector General Permit for Stormwater Discharges from Industrial Activity Within the State of Oklahoma” (OKR05). This permit will supersede and replace the current OKR05 permit, which was issued on June 3, 2022. Both existing and new facilities must obtain coverage under this permit to discharge stormwater associated with industrial activities within the state of Oklahoma. Operators/permittees who obtained coverage under the 2022 OKR05 permit prior to the date of this modification remain covered under this modified permit and do not need to reapply for permit coverage.

**A. Permitting Background**

DEQ issued its current OKR05 on June 3, 2022, with an effective date of July 5, 2022, and expiration date of July 4, 2027. Currently, DEQ is proposing to modify the 2022 OKR05 permit for the remainder of its five-year term to remove the requirement for facilities to submit Annual Comprehensive Site Compliance Evaluation Reports (ACSCER) to DEQ; instead, facilities will maintain the ACSCERs with their SWP3s and make them available to DEQ upon request. The issuance procedure for the permit is based on the Oklahoma Environmental Quality Code found in Title 27A of the Oklahoma Statutes § 2-14-101, *et seq.*, and the rules found in Oklahoma Administrative Code (OAC) 252:4-7.<sup>1</sup>

Only those sections/requirements of the permit which are being modified are addressed in this fact sheet (and identified in redline/strikeout in the draft permit modification) and are subject to public comment. All other sections/requirements of the permit remain unchanged and in effect and are not subject to public comment.

**B. Eligibility**

No changes are proposed to permit eligibility.

**C. Effective Date of Permit Authorization**

No changes are proposed to the effective date of permit authorization.

**D. Summary Of Modifications to The Current Permit**

This proposed modified general permit will supersede and replace the current OKR05 general permit for the remainder of its five-year term. Following is a list of modifications in the proposed general permit as compared to the current OKR05 general permit.

**Part 6.3 SWP3 Availability**

This part is being modified to include completed ACSCERs as a part of the associated documents that must be maintained with the SWP3.

The reason for this change is to be consistent with the modifications to Part 7.3 Annual Reporting Requirements; see below for additional discussion.

**Part 7.3 Annual Reporting Requirement**

This part is being modified to remove the requirement for concrete or asphalt batch plants covered under this permit to remove the requirement for these sites/facilities to submit ACSCERs (using Form 606-005B)

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<sup>1</sup> OAC Title 252, Chapter 4, Rules of Practice and Procedure, Subchapter 7, Environmental Permit Process.  
<http://www.deq.state.ok.us/rules/004.pdf>

to DEQ each year. Instead, ACSCERs must be maintained with the SWP3 and made available to DEQ upon request. ACSCERs are only required to be submitted to DEQ if specifically requested. It is also being made explicit that failure to complete an ACSCER each year by March 1 will be considered a violation of the permit.

The reasons for this change are as follows:

- i. DEQ has no rules in OAC 252:606 "Oklahoma Pollutant Discharge Elimination System (OPDES) Standards," OAC 252:690 "Water Quality Standards Implementation," OAC 252:710 "Waterworks and Wastewater Works Operator Certification," or elsewhere that require submittal of ACSCERs;
- ii. After further review, DEQ has determined that it does not have sufficient resources to effectively process, track, and review all the ACSCERs submitted to DEQ by the permittees. Thus, the requirement for permittees to submit ACSCERs to DEQ does not provide any additional environmental benefits. Instead, all permittees must prepare the ACSCERs in accordance with the modified permit each year by March 1, maintain it with the SWP3, and make it available to DEQ upon request. Under the modified permit, permittees are no longer required to submit ACSCERs to DEQ, unless specifically requested.

#### **Part 7.6 Recordkeeping and Retention**

This part is being modified to include completed ACSCERs as a part of the documentation that must be retained for a period of at least three years from the date that coverage under this permit expires or is terminated. The reason for this change is to be consistent with the modifications to Part 7.3 Annual Recordkeeping Requirements.

#### **E. Review By Other Agencies and Final Determination**

A public notice that includes a link to the DEQ webpage where the draft permit may be viewed and that lays out procedures and deadlines for submitting public comments or requesting a public meeting will be sent to various federal and state agencies upon posting the draft permit to the DEQ webpage. If comments are received from these agencies or other state or federal agencies with jurisdiction over fish, wildlife, or public health, the permit may be denied, or additional conditions may be included in accordance with regulations promulgated at 40 C.F.R. § 124.59. The public notice describes the procedures for the formulation of final determinations.