

**OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT OKG59  
TO DISCHARGE WASTEWATER FROM SPLASH PADS**

**GENERAL PROVISIONS**

As provided by Title 27A O.S. §2-6-201 *et seq.* as amended, and the Rules of the Department of Environmental Quality (DEQ), operators of splash pads (also known as spray grounds, spray parks, spray pools, or spray pads) will be authorized to discharge wastewater within the boundaries of the State of Oklahoma in accordance with requirements and other conditions set forth in Parts I, II, and III hereof.

Each municipality or other operator is required to obtain an authorization to discharge wastewater (authorization) from the Executive Director of the DEQ to discharge splash pad wastewater. Owners or operators of discharging splash pads located within the boundaries of the State of Oklahoma must make a written request to the DEQ that they be authorized to discharge wastewater under this general permit and receive an authorization prior to commencing such discharge. Owners or operators of splash pads within the scope of this general permit who fail to make a written request to the DEQ are not authorized to discharge wastewater under this general permit.

This general permit covers splash pads (also known as spray grounds, spray parks, spray pools, or spray pads) that discharge to waters of the state. This permit does not cover splash pad discharges that are already covered by the Small MS4 Stormwater General Permit OKR04 or other OPDES permit.

Existing splash pads covered under the 2015 permit shall apply for renewal of coverage under this general permit, or apply for an individual permit, within 90 days of the effective date of this permit. Authorization under the 2015 permit will be administratively extended for a period not to exceed 90 days from the effective date of this permit.

Existing splash pads that are not currently permitted by the DEQ through individual wastewater discharge permits or the Small MS4 Stormwater General Permit shall apply for coverage under this general permit, or apply for an individual OPDES discharge permit, within 90 days of the effective date of this permit. New splash pads shall apply for coverage and obtain an authorization prior to conducting any of the activities regulated by this general permit.

The written request for an authorization shall include the name and legal address of the owner or operator. For each splash pad to be included in the authorization, the written request shall also include the location of the splash pad, the location of the point of discharge (outfall), the type of splash pad (flow-through or recirculating), along with any other information specified in the application form 2MG59.

Requirements contained in Part I hereof will apply to discharges of wastewater from splash pads. At no time shall the effluent cause a violation of Oklahoma's Water Quality Standards in the receiving stream. Splash pad discharges are considered to be non-significant sources of pollution until determined otherwise. Determination of substantial contribution may be through monitoring, complaints, or fish kills. If a discharge authorized under this permit is shown to be a significant contributor of pollution or to violate water quality standards protective of the designated beneficial uses of the receiving water, the authorization will be revoked and an individual permit will be required.

The permittee shall comply with all provisions of this general permit and any authorization issued pursuant to it.

Issuance of this general permit in no way or in any respect affects the permittee's civil or criminal responsibility regarding disposal of wastewater and/or residuals (sludge), except with respect to the permittee's legal responsibility under 27A O.S. §2-6-201 *et seq.* and DEQ Rules to obtain an authorization under this general permit.

This general permit supersedes and replaces the previous permit issued on October 5, 2015.

This general permit shall become effective on January 1, 2021.

This general permit and any authorizations issued under it shall expire at midnight, on December 31, 2025.

This is to certify that the wastewater discharges set forth in this general permit comply with the requirements of Oklahoma's Water Quality Standards, as amended, provided that the permittee maintains compliance with the conditions set forth in this permit and each splash pad is not determined to be a significant source of pollution.

Issued this 7<sup>th</sup> day of *December, 2020*.

For Oklahoma Department of Environmental Quality

*for* *Karen Stule*  
Michael B. Moe, P.E., Engineering Manager  
Municipal Wastewater & Stormwater Permits Section  
Water Quality Division

*Shellie R. Chard*  
Shellie R. Chard, Director  
Water Quality Division

**PART I  
PERMIT CONDITIONS AND REQUIREMENTS**

**Permit Conditions and Requirements**

During the period beginning the effective date and lasting through the expiration date of this general permit, the permittee is authorized to discharge from all outfalls as described in the authorization. Wastewater discharges regulated by this general permit are wastewater from splash pads.

**Other Year Round Requirements**

- Discharges from recirculating splash pads must be dechlorinated prior to discharge.
- Permittee shall develop and maintain a pollution prevention and good housekeeping plan for each splash pad authorized to discharge under this general permit. Plan shall be made available to DEQ upon request.

Plan Recommendations:

- A. Post signs at the splash pad. For example, "No Dumping. Drains to Streams" for flow-through splash pads or "No Dumping. Recirculating System" for recirculating splash pads.
- B. Seek enactment of an ordinance or resolution prohibiting illicit discharges at splash pads. Develop a plan to detect and address illicit discharges.
- C. Seek enactment of an ordinance or resolution that governs the operation of splash pads that is protective of public health.
- D. Develop splash pad operation and maintenance (O&M) procedures. Procedures may address:
  1. Routine maintenance while in operation
  2. Cleaning schedules and waste disposal
  3. Opening procedures at the start of the season
  4. Closing procedures at the end of the season
  5. On-site chemical storage
  6. Water usage monitoring and record keeping

**NOTE: See Parts II and III for Additional Requirements.**

**PART II  
OTHER PERMIT REQUIREMENTS**

**A. Applicable Laws and Rules**

The DEQ Rules, as amended, are applicable to and are incorporated by reference into this general permit and any authorizations under it. The permittee is hereby given notice that this general permit is in all respects subject to compliance with and actions under any and all applicable and relevant terms, conditions, provisions and requirements and all amendments of the laws of the State of Oklahoma, the Department of Environmental Quality Rules, and Oklahoma's Water Quality Standards. The absence of any express reference within this general permit to any particular statutory requirement, rule(s), regulation(s), or standard(s) shall in no respect be deemed or construed to exempt or preclude the application of such requirement, rule(s), regulation(s), or standard(s) to this general permit of the permittee. By DEQ approval, grant and issuance of this general permit, permittee acknowledges responsibility to obtain correct and current copies of applicable DEQ Rules (as amended), provided, however, that permittee further acknowledges that any and all amendments thereto shall become a part of this general permit.

- B.** This general permit does not convey any exclusive privileges or authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations nor does it obviate the requirement to obtain permission from any landowners whose property will be affected by this general permit.
- C.** If DEQ determines that a splash pad is a significant contributor of pollution, authorization under this permit will be revoked, and an individual permit will be required.

**D. Re-Opener Clause**

The permit and any authorizations issued under this permit may be re-opened for modification or revocation and reissuance to require additional monitoring and/or effluent limitations where actual or potential exceedances of State water quality criteria are determined to be the result of the permittee's discharge to the receiving water, or a revised Total Maximum Daily Load (TMDL) is established for the receiving water, or when required as technology. Modification or revocation and reissuance of the permit shall follow regulations listed at 40 CFR Part 124.5.

**AUTHORIZATION TO DISCHARGE WASTEWATER FROM SPLASH PADS  
UNDER THE OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM  
GENERAL PERMIT OKG59**

<b>AUTHORIZATION NUMBER: OKG590000</b> <b>PERMITTEE ID NUMBER: S-00000</b>
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In compliance with the Oklahoma Pollutant Discharge Elimination System Act (OPDES Act), Title 27A O.S. § 2-6-201 *et seq.*, and the rules of the State of Oklahoma Department of Environmental Quality (DEQ) adopted thereunder {See OAC 252:606}; the Federal Clean Water Act, Public Law 95-217 (33 U.S.C. 1251 *et seq.*), Section 402; and OPDES Regulations (40 CFR Parts 122, 124 and 403),

ABC Utilities Authority  
000 East 0th Street  
Oklahoma City, OK 73000

is hereby authorized to discharge splash pad wastewater from the following splash pad facilities:

Splash Pad <sup>a</sup>	Splash Pad Legal Location and Street Address	Point of Discharge Latitude and Longitude	Receiving Water Waterbody ID Number
FSP01	SW¼, NE¼, NW¼, Section 12, T28N, R23EIM, Ottawa County, Oklahoma or at 1234 Main Street, Tulsa, OK 73101	N 35° 35' 49.480" W 97° 18' 46.417" (GPS: 1983 NAD)	Big River WBID: 100200300400_00
FSP02	SW¼, NE¼, NW¼, Section 12, T28N, R23EIM, Ottawa County, Oklahoma or at 1234 Main Street, Tulsa, OK 73101	N 35° 35' 49.480" W 97° 18' 46.417" (GPS: 1983 NAD)	Little Creek WBID: 100200300400_00
RSP03	SW¼, NE¼, NW¼, Section 12, T28N, R23EIM, Ottawa County, Oklahoma or at 1234 Main Street, Tulsa, OK 73101	N 35° 35' 49.480" W 97° 18' 46.417" (GPS: 1983 NAD)	Big River WBID: 100200300400_00

<sup>a</sup> Designation FSP refers to a flow-through splash pad.  
Designation RSP refers to a recirculating splash pad.

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, and III hereof.

Issuance of this authorization in no way or in any respect affects the permittee's civil or criminal responsibility regarding disposal of wastewater, except with respect to the permittee's legal responsibility under the OPDES Act and DEQ Rules.

This authorization is non-transferable and is granted summarily by and at the discretion of the Executive Director in accordance with applicable DEQ Rules and provisions of the above-referenced permit.

This authorization supersedes and replaces the previous authorization issued on \_\_\_\_\_. / This is a new authorization.

This authorization shall become effective on January 1, 2021.

This authorization shall expire at midnight December 30, 2025.

This is to certify that the proposed wastewater discharges set forth in this authorization meet the requirements of the Oklahoma Water Quality Standards and the DEQ Rules, provided the permittee maintains compliance with the conditions set forth in this permit and each splash pad is not determined to be a significant source of pollution.

Issued this 7<sup>th</sup> day of December, 2020.

For the Oklahoma Department of Environmental Quality:

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Michael B. Moe, P.E., Engineering Manager  
Municipal Wastewater & Stormwater Permitting Section  
Water Quality Division

**PART I****Permit Conditions and Requirements**

During the period beginning the effective date and lasting through the expiration date of this general permit, the permittee is authorized to discharge from all outfalls as described above. Wastewater discharges regulated by this general permit are wastewater from splash pads.

**Other Year Round Requirements**

- Discharges from recirculating splash pads must be de-chlorinated prior to discharge.
- Permittee shall develop and maintain a pollution prevention and good housekeeping plan for each splash pad authorized to discharge under this general permit. Plan shall be made available to DEQ upon request.

**Plan Recommendations:**

- A. Post signs at the splash pad. For example, "No Dumping. Drains to Streams" for flow-through splash pads or "No Dumping. Recirculating System" for recirculating splash pads.
- B. Seek enactment of an ordinance or resolution prohibiting illicit discharges at splash pads. Develop a plan to detect and address illicit discharges.
- C. Seek enactment of an ordinance or resolution that governs the operation of splash pads that is protective of public health.
- D. Develop splash pad operation and maintenance (O&M) procedures. Procedures may address:
  1. Routine maintenance while in operation
  2. Cleaning schedules and waste disposal
  3. Opening procedures at the start of the season
  4. Closing procedures at the end of the season
  5. On-site chemical storage
  6. Water usage monitoring and record keeping

**PART II  
OTHER PERMIT REQUIREMENTS**

**A. Applicable Laws and Rules**

The DEQ Rules, as amended, are applicable to and are incorporated by reference into this general permit and any authorizations under it. The permittee is hereby given notice that this general permit is in all respects subject to compliance with and actions under any and all applicable and relevant terms, conditions, provisions and requirements and all amendments of the laws of the State of Oklahoma, the Department of Environmental Quality Rules, and Oklahoma's Water Quality Standards. The absence of any express reference within this general permit to any particular statutory requirement, rule(s), regulation(s), or standard(s) shall in no respect be deemed or construed to exempt or preclude the application of such requirement, rule(s), regulation(s), or standard(s) to this general permit of the permittee. By DEQ approval, grant and issuance of this general permit, permittee acknowledges responsibility to obtain correct and current copies of applicable DEQ Rules (as amended), provided, however, that permittee further acknowledges that any and all amendments thereto shall become a part of this general permit.

- B.** This general permit does not convey any exclusive privileges or authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations nor does it obviate the requirement to obtain permission from any landowners whose property will be affected by this general permit.
- C.** If DEQ determines that a splash pad is a significant contributor of pollution, authorization under this permit will be revoked, and an individual permit will be required.

**D. Re-Opener Clause**

The permit and this authorization may be re-opened for modification or revocation and reissuance to require additional monitoring and/or effluent limitations where actual or potential exceedances of State water quality criteria are determined to be the result of the permittee's discharge to the receiving water, or a revised Total Maximum Daily Load (TMDL) is established for the receiving water, or when required as technology. Modification or revocation and reissuance of the permit shall follow regulations listed at 40 CFR Part 124.5.

## FACT SHEET

FOR THE GENERAL PERMIT TO DISCHARGE WASTEWATER FROM SPLASH PADS  
LOCATED OUTSIDE OF MS4 BOUNDARIES TO WATERS OF THE UNITED STATES UNDER  
THE OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES)

DEQ Permit Number: OKG59

Applicant: Owners/Operators of Splash Pads located in the State of Oklahoma

Prepared and Issued By: Municipal Permits Section  
Water Quality Division  
Department of Environmental Quality  
707 N. Robinson Ave  
P.O. Box 1677  
Oklahoma City, OK 73101-1677

Date Prepared: April 20, 2020

Permit Action: Reissue a general permit for the discharge of wastewater resulting from splash pads (also known as spray parks, spray grounds, spray pools, or spray pads) that are not covered by the Small MS4 Stormwater General Permit OKR04 or other OPDES permit.

The State of Oklahoma Department of Environmental Quality (DEQ) has made a tentative determination to reissue the general permit for the discharge from splash pads. DEQ is the permitting authority and this general permit will be enforceable under both federal and state laws, rules and regulations. Permit requirements are based on NPDES regulations (40 CFR, Parts 122, 124, and 136) and the Oklahoma Pollutant Discharge Elimination System Act (OPDES Act), Title 27A, O.S., § 2-6-201 *et seq.* and the rules of DEQ adopted there under {See OAC 252:515, 606, 616, and 626}.

## I. PERMITTING BACKGROUND

### A. CHRONOLOGY OF PERMITTING ACTIVITIES

The following is a chronology of permitting activities for issuance of this general permit.

September 25, 2020: Newspaper publication of public notice.  
September 10, 2020: Received EPA approval.  
June 15, 2020: Draft general permit and fact sheet sent to EPA for review.

### B. PROPOSED PERMITTING ACTION

It is proposed that General Permit No. OKG59 be reissued for a five-year term in accordance with regulations promulgated at 40 CFR 122.46(a) and OAC 252:606-1-3(b).

## II. PURPOSE AND SCOPE

### A. GENERAL

The purpose of this general permit is to expedite the permitting process for splash pads (also known as spray grounds, spray parks, spray pools, or spray pads) that discharge to waters of the state and that are not currently permitted to discharge under the Small MS4 Stormwater General Permit OKR04 or other OPDES permit. These dischargers have a relatively low risk for causing water quality degradation to the receiving streams. The general permit provides a uniform measure of environmental protection consistent with all the laws, rules and regulations of the Oklahoma Department of Environmental Quality (DEQ) and the Environmental Protection Agency (EPA). This general permit is written to reflect the requirements on municipalities that are authorized to discharge municipal splash pad wastewater as an allowable non-stormwater discharge under the Small MS4 Stormwater General Permit OKR04.

Splash pad discharges are considered to be non-significant sources of pollution until determined otherwise. Determination of substantial contribution may be through monitoring, complaints, or fish kills. Authorization under this permit allows splash pads that are within the jurisdictional boundaries of a municipality and/or county to discharge to waters of the State. Authorization under this permit will record who owns and operates the splash pad, where the splash pad is located, and where the point of discharge is located.

If a splash pad is determined to be a significant contributor of pollutants, authorization under this permit will be revoked, and an individual permit will be required.

### B. WASTEWATER GENERATION AND CHARACTERISTICS

Water supply for splash pads must be a potable water source. Discharge may be from either a flow-through or recirculating system. However, discharges from recirculating systems shall be de-chlorinated prior to discharge. Splash pad discharges are considered to be non-significant sources of pollution until determined otherwise.

### C. QUALIFYING REQUIREMENTS FOR SPLASH PADS

The general permit covers splash pads (also known as spray grounds, spray parks, spray pools, or spray pads) that discharge to waters of the state. This permit does not cover splash pad discharges that are already covered by the Small MS4 Stormwater General Permit OKR04 or other OPDES permit. Splash pad discharges occurring in Indian Country lands (as defined in 18 U.S.C. Section 1151) are not under the authority of DEQ and are not eligible for coverage under this permit; permit coverage must be sought from EPA.

**D. RESTRICTIONS FOR RECEIVING WATERS**

There are no restrictions on receiving waters because splash pad discharges are not considered to be significant contributors of pollutants unless shown otherwise. Determination of substantial contribution may be through monitoring, complaints, or fish kills.

**1. Designated Beneficial Uses**

Facilities covered by this Permit will be discharging to various water of the State. These waters will have various beneficial uses as designated by the Oklahoma Water Quality Standards (OWQS). This Permit will cover discharges to waters of the State with any or all designated beneficial uses.

Splash pad discharges are not considered to be a significant contributor of pollution unless shown otherwise. If a discharge authorized under this permit is shown to be a significant contributor of pollution or to violate water quality standards protective of the designated beneficial uses of the receiving water, the authorization will be revoked and an individual permit will be required.

**2. Antidegradation Provisions**

The discharge is not considered to be a significant contributor of pollution. Therefore, this permit is not likely to adversely affect any areas with water of recreational and/or ecological significance. Nor is it likely to adversely affect waters designated as an Outstanding Resource Water (ORW), High Quality Water (HWQ), or Sensitive Water Supply (SWS). If any discharge authorized under this permit is shown to adversely affect any of the above-mentioned waters, the authorization will be revoked and an individual permit will be required. Depending on the additional limitations applicable, facilities located along these receiving waters may be prohibited from any new point source discharge in accordance with Oklahoma's implementation policies for the antidegradation policy statement (OAC 785:45-5-25).

**3. Protection of Endangered Species and Threatened Species and Critical Habitat**

The discharge is not considered to be a significant contributor of pollution. For that reason, DEQ has concluded that issuance of this permit is not likely to adversely affect a federally listed species or a designated critical habitat. Therefore, formal notification to the U.S. Fish and Wildlife Service (USFWS) is not necessary. However, as noted in Section VII below, a copy of the draft permit, fact sheet, and draft public notice will be provided to the regional Director of USFWS upon publication of that notice. In addition, if any discharge authorized under this permit is shown to adversely affect an endangered or candidate species or critical habitat, the authorization under this permit may be revoked and an individual permit will be required.

#### 4. 303(d) List Assessment

The discharge is not considered to be a significant contributor of pollution. Therefore, it is not expected to contribute to any 303(d) listed impairments. If any discharge authorized under this permit is shown to contribute to an impairment of the receiving water, the authorization will be revoked and an individual permit will be required.

#### 5. Re-opener Clause

A re-opener clause is included in this permit so that if a TMDL establishes a WLA or other requirement for this discharge, this permit and any authorizations issued under this permit can be re-opened to include the TMDL requirements.

### III. BASIS FOR PERMIT CONDITIONS AND REQUIREMENTS

General permits rely on permittees to certify that they meet the eligibility conditions and implement requirements that will ensure compliance with the conditions of the permit. The permit requirements of Part I and Part II are intended to ensure that those seeking coverage under this general permit establish and implement a pollution prevention and good housekeeping plan that will reduce the discharge of pollutants to the maximum extent practicable and will be adequate and sufficient to meet water quality standards for all pollutants of concern.

No numeric limits are proposed at this time. In accordance with OPDES regulations OAC 252:606-1-3(b)(3), adopting and incorporating by reference 40 CFR 122.44(k), DEQ has required Best Management Practices (BMPs) in the form of a pollution prevention and good housekeeping plan in lieu of numeric effluent limitations.

### IV. PERMIT CONDITIONS AND REQUIREMENTS

Discharges from recirculating splash pads must be de-chlorinated prior to discharge. This requirement is consistent with the Small MS4 OKR04 Stormwater General Permit.

Develop a pollution prevention and good housekeeping plan for each splash pad authorized in this permit. The plan shall be maintained by the permittee and made available to DEQ upon request. DEQ suggests that the plan contain the following recommendations.

#### Recommendations:

- A. Post signs at the splash pad. For example, "No Dumping. Drains to Streams" for flow-through splash pads or "No Dumping. Recirculating System" for recirculating splash pads.
- B. Seek enactment of an ordinance or resolution prohibiting illicit discharges at splash pads. Develop a plan to detect and address illicit discharges.
- C. Seek enactment of an ordinance or resolution that governs the operation of splash pads that is protective of public health.
- D. Develop splash pad operation and maintenance (O&M) procedures. Procedures may address:
  1. Routine maintenance while in operation
  2. Cleaning schedules and waste disposal
  3. Opening procedures at the start of the season
  4. Closing procedures at the end of the season
  5. On-site chemical storage
  6. Water usage monitoring and record keeping

## V. SUMMARY OF PROPOSED PERMIT REQUIREMENTS

- Development of a Pollution Prevention and Good Housekeeping Plan.
- Recirculating splash pad wastewater must be de-chlorinated prior to discharge.

## VI. CHANGES FROM PREVIOUS PERMIT

None. This is a renewal permit.

## VII. REVIEW BY OTHER AGENCIES AND FINAL DETERMINATION

A public notice which includes a link to the DEQ webpage where the draft permit may be viewed will be sent to various Federal and State agencies upon posting the draft permit in the DEQ webpage. If comments are reviewed 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 CFR 124.59.

The public notice describes the procedures for the formulation of final determinations.

## VIII. ADMINISTRATIVE RECORD

The following sources were used to prepare this general permit and constitute a part of the administrative record for this general permit:

### A. DEQ RECORDS

- Permit files containing permits, applications and monitoring data for splash pads.
- Fact Sheets from individual permits previously issued by DEQ.

### B. FEDERAL WATER POLLUTION CONTROL ACT (CLEAN WATER ACT), 33 U.S.C. 1251 ET. SEQ.

- Section 301, 303 and 402(a).

### C. FEDERAL RULES AND REGULATIONS

- 40 CFR Parts 122, 124, and 136.

### D. STATE LAW, STANDARDS, AND RULES AND REGULATIONS

- Oklahoma Pollutant Discharge Elimination System (OPDES) Act, 27A O.S. 2-6-201 et. seq.
- OAC 252:515, OAC 252:606, OAC 252:616, OAC 252:626, and OAC 252:690.
- OAC 785:45 and OAC 785:46.
- Oklahoma's Water Quality Standards, as amended.
- Oklahoma Continuing Planning Process Document (CPP).
- Title 27A O.S. 2-6-107.
- Small MS4 Stormwater General Permit OKR04.