GENERAL PERMIT
OKR10

FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES WITHIN THE STATE OF OKLAHOMA

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY DIVISION

OCTOBER 18, 2022

Stormwater General Permit for Construction Activities within the State of Oklahoma

Permit No. OKR10

Authorization to Discharge Under the Oklahoma Pollutant Discharge Elimination System (OPDES) Act

In compliance with the Clean Water Act, as amended, (33 U.S.C. § 1251 *et seq.*) and the provisions in 40 Code of Federal Regulations (C.F.R.) § 122.26, adopted and incorporated by reference in Oklahoma Administrative Code (OAC) 252:606-1-3(b)(3)(L), and under the OPDES Act, 27A O.S. § 2-6-201 *et seq.*, as amended, except as provided in Part 2.3 of this permit, Operators of stormwater discharges from construction activities (as defined in Part 1 of this permit), located in an area specified in Part 2.1, are authorized to discharge in accordance with the conditions and requirements set forth herein. Only those Operators of stormwater discharges from construction activities in the general permit area who submit a Notice of Intent (NOI) and receive an authorization to discharge in accordance with Part 3 of this permit are authorized under this permit.

The Oklahoma State Legislature has voted to move Water Quality Standards (WQS) from the Oklahoma Water Resources Board (OWRB) to the Oklahoma Department of Environmental Quality (DEQ). OAC 785:45 will be re-written as OAC 252:730 and OAC 785:46 will be re-written as OAC 252:740. OAC 252:690 will be incorporated into OAC 252:740 upon completion of permanent rulemaking by DEQ for WQS.

This permit is a reissuance by the Oklahoma Department of Environmental Quality (DEQ) and shall become effective on October 18, 2022. This permit replaces the permit issued on October 18, 2017. This permit and the authorizations issued under the permit shall expire at midnight, October 17, 2027.

Signed and issued this 16th day of September, 2022.

Shellie R. Chard, Director
Water Quality Division

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

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PART 1 DEFINITIONS AND ACRONYMS

A. **Applicant** means any person who is contemplating or planning to submit an NOI for approval or has submitted an NOI for approval and is waiting for authorization to discharge stormwater under the provisions of this permit.

B. **Aquatic Resource of Concern ("ARC")** means a waterbody corridor which contains habitat (including critical habitat) for federally listed (by the U.S. Fish and Wildlife Service) or state listed (by the Oklahoma Department of Wildlife Conservation) endangered or threatened aquatic species.

C. **Best Management Practice ("BMP")** means a schedule of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the state. BMPs also include treatment requirements, operating procedures, and practice to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

D. **Clean Water Act ("CWA")** [33 U.S.C. § 1251 *et seq.*] (formerly referred to as the Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended, Pub. L. 95-211, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117.

E. **Commencement of Construction** means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.

F. **Control Measure** as used in this permit refers to any BMP or other method used to prevent or reduce the discharge of pollutants to waters of the state.

G. **Construction Activities** means earth-disturbing activities, such as the clearing, grading, excavation of land, or other construction-related activities (e.g., stockpiling of fill material; placement of raw materials at the site) that could lead to the generation of pollutants. This does not include the linear opening of soil in a single line of two feet or less in width, on sites that have not been previously disturbed, utilizing equipment that immediately closes the opening as part of the equipment's normal operation by the closure of the sidewalls to their original configuration after passage. Some of the types of pollutants that are typically found at construction sites are sediment, nutrients, heavy metals, pesticides and herbicides, oil and grease, bacteria and viruses, trash, debris, and solids, treatment polymers or any other toxic chemicals.

H. **Construction Site or Site or Development or Project or Construction** means the land or water area where construction activities will occur and where stormwater controls will be installed and maintained. The construction site or development or project includes construction support activities, which may be located at a different part of the property from where the primary construction activity will take place, or on a different piece of property altogether.

I. **Construction Support Activity** means a construction-related activity that specifically supports the construction activity and involves earth disturbance or pollutant-generating activities of its own, and can include activities associated with concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, and borrow areas.

J. **Corrective Actions** are actions that permittees take in compliance with this permit to:
   a. Repair, modify, or replace any stormwater control used at the site;
   b. Clean up and dispose of spills, releases, or other deposits; or
   c. Remedy a permit violation.

K. **Dewatering Activities** means the act of draining rainwater and/or ground water from building foundations, vaults, trenches and other construction structures.

L. **Discharge** when used without qualification means the "discharge of a pollutant."

M. **Discharge of Stormwater Associated with Construction Activity** as used in this permit, refers to a discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

N. **Ephemeral Stream** means an entire stream which flows only during or immediately after a rainfall event, and contains no refuge pools capable of sustaining a viable community of aquatic organisms.

O. **Facility or Activity** means any OPDES "point source" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the OPDES program.

P. **Hazardous Substances or Hazardous or Toxic Waste** means any liquid, solid, or contained gas that contain properties that are dangerous or potentially harmful to human health or the environment. See also 40 C.F.R. § 261.3.

Q. **Immediately** means as soon as practicable but no later than the end of the next work day.

R. **Impaired Water (or Water Quality Impaired Water)** is the water identified by the state, or EPA as not meeting applicable state water quality standards and (1) requires development of a TMDLs (pursuant to Section 303(d) of the CWA; or (2) is addressed by an EPA/state approved or established TMDL; (3) is not in either of the above categories but the waterbody is covered by a pollution control program that meets the requirements of 40 C.F.R. § 130.7(b)(1).

S. **Large Common Plan of Development or Sale** means an area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. This plan consists of many small construction projects that collectively add up to one or more acres of total disturbed land. For example, an original common plan of development of a residential subdivision might lay out the streets, house lots, and areas for parks, schools and commercial development that the developer plans to build or sell to others for development. All these areas would remain part of the common plan of development or sale until the intended construction is completed.

T. **Leachable Hazardous Substance** refers that those hazardous substances are naturally extracted from material during rain or routine external building wash events.

U. **Municipal Separate Storm Sewer System ("MS4")** is defined at 40 C.F.R. § 122.26(b)(8) to mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

a. Owned and operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;

b. Designed or used for collecting or conveying stormwater;

c. Which is not a combined sewer; and

d. Which is not part of a Public Owned Treatment Works ("POTW") as defined at 40 C.F.R. § 122.2.

e. Note: A Phase II MS4 can also be owned or operated by federal and state government, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. [see 40 C.F.R. § 122.26(b)(16)]

V. **Non-Process Water** means utility wastewaters (e.g., water treatment residuals, boiler blowdown, and air pollution control wastewaters from heat recovery equipment); treated or untreated wastewaters from groundwater remediation systems; dewatering water for building foundations; and other wastewater streams not associated with a production process.

W. **Notice of Intent ("NOI")** means Notice of Intent (DEQ Form 606-002A).

X. **Notice of Termination ("NOT")** means Notice of Termination (DEQ Form 606-003).

Y. **Operator** for the purpose of this permit and in the context of stormwater associated with construction activity, means any party associated with a construction project that meets either of the following two criteria:

a. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications (in most cases this is the owner of the site); or

b. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with a Stormwater Pollution Prevention Plan ("SWP3") for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities specified by the SWP3 or comply with other permit conditions; in most cases this is the general contractor of the project).

In addition, ''owner'' refers to the party that owns the structure being built. Ownership of the land where construction is occurring does not necessarily imply the property owner is an operator (e.g., a landowner whose property is being disturbed by construction of a gas pipeline or a landowner who allows a mining company to remove dirt, shale, clay, sand, gravel, etc. from a portion of his property). This definition is provided to inform permittees of DEQ's interpretation of how the regulatory definitions of "operator" and "facility or activity" are applied to discharges of stormwater associated with construction activity.

Z. **OPDES** means the Oklahoma Pollutant Discharge Elimination System.

AA. **Outstanding Resource Waters ("ORW")** means those waters of the state which are designated as such in Oklahoma's Water Quality Standards OAC 785:45-5-25, Addendum A.

BB. **Permit** means the General Permit OKR10 for Stormwater Discharges from Construction Activities within the State of Oklahoma.

CC. **Permittee** means a person who has submitted an NOI and has received authorization to discharge stormwater from construction or land disturbing activities under this permit.

DD. **Point Source** means any discernible, confined, and discrete conveyance, including but are not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, landfill leachate collection system, or vessel or other floating craft, from which pollutants or wastes are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

EE. **Pollutant** means any material, substance, or property which may cause pollution (e.g., dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste).

FF. **Qualified Person or Qualified Personnel** means those (either the operator's employees or outside personnel) who are knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, the skills and training to assess conditions at the construction site that could impact stormwater quality, and the skills and training to assess the effectiveness of any control measures selected to control the quality of stormwater discharges from the construction activity. Beginning April 16, 2023, for inspections that are required in accordance with Part 5.4 and Addendum C, a qualified person or qualified personnel means those (either the operator's employees or outside personnel) who, at a minimum, possess a valid construction inspection certification or license from a program (such as the EPA construction inspection training course) that, at a minimum, covers principles and practices of erosion control and pollution prevention practices at construction sites; proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites; and performance of inspections, including the proper completion of required reports and documentation, consistent with Part 5.4.

GG. **Runoff Coefficient** means the fraction of total rainfall that will appear at the conveyance as runoff.

HH. **Stabilization** is the process of covering exposed ground surfaces with vegetative or non-vegetative practices that reduce erosion and prevent sediment discharge from occurring.

II. **Stormwater** means rainwater runoff, snowmelt runoff, and surface runoff and drainage.

JJ. **Stormwater Associated with Industrial Activity** is defined at 40 C.F.R. §§ 122.26 (b) (14) & (15) and incorporated here by reference. Most relevant to this permit is 40 C.F.R. § 122.26 (b) (14) (x) and 40 C.F.R. § 122.26 (b) (15) (i), that relates to construction activity including clearing, grading, and excavation activities that result in the disturbance of one or more acres of total land area, or less than one acre if part of a larger common plan of development or sale.

KK. **Stormwater Discharge-Related Activity** is defined as disturbance activities that cause, contribute to, or result in point source stormwater pollutant discharges, including but are not limited to excavation, site development, grading, and other land disturbing activities; and control measures to control stormwater discharges including the siting, construction, and operation of BMPs to control, reduce, or prevent stormwater pollution.

LL. **Stormwater Pollution Prevention Plan ("SWP3")** See Part 5.

MM. **Takes or Taking** means any action that would "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any threatened or endangered species. Harm may include significant habitat modification that actually injures a species.

NN. **Total Maximum Daily Load ("TMDL")** means the sum of the individual waste load allocations ("WLAs") for point sources, safety, reserves, and loads from nonpoint sources and natural background.

OO. **Waters of the State** means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, storm sewers and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof, and shall include under all circumstances the waters of the United States which are contained within the boundaries of, flow through, or border upon this state or any portion thereof. Provided, waste treatment systems, including treatment ponds or lagoons designed to meet federal and state requirement other than cooling ponds as defined in the Clean Water Act or rules promulgated thereto and prior converted cropland are not waters of the state. (as defined in Oklahoma Statutes 27A O.S. § 1-1-201).

PART 2 COVERAGE UNDER THIS PERMIT

2.1 Eligibility

A. Area of Coverage where DEQ is the Permitting Authority
This permit authorizes discharges of stormwater and certain non-stormwater discharges from construction activities. All operators of construction activities meeting any of the requirements below are required to comply with this permit:
1. Construction sites that are greater than, or equal to, one acre[1].
2. Construction sites that are less than one acre if it is part of a larger common plan of development or sale which will ultimately disturb land equal to or greater than one acre[1].

B. Area of Coverage where Another Agency is the Permitting Authority
Under the Environmental Protection Agency's ("EPA's") approval of the Oklahoma Pollutant Discharge Elimination System ("OPDES") program, DEQ has had stormwater permitting and enforcement responsibility for large and small construction activities since November 19, 1996, except for construction activities below:
1. Any construction activity on Indian country lands in Oklahoma.
2. Construction activity associated with oil and gas extraction[2] under the Standard Industrial Classification ("SIC") Group 13[3], crude petroleum and refined petroleum products pipelines under SIC Group 46[4], and natural gas transmission under SIC Group 492[5].
3. Construction activities associated with agricultural production and services[6] under SIC Groups 01, 02 and 07; forestry under SIC Group 08; and fishing, hunting and trapping under SIC Group 09[7].

2.2 Types of Authorized Discharges

A. Authorized Stormwater Discharges
1. This permit authorizes discharges associated with construction activities from sites meeting the requirements in Part 2.1.A.
2. This permit authorizes discharges associated with construction support activities (e.g., concrete or asphalt batch plants[8], equipment staging yards, material storage areas, excavated material disposal areas, and borrow areas) provided:
   a. The construction support activity is directly related to a construction site that is required to have this permit coverage for discharges of stormwater associated with construction activity.
   b. The construction support activity is not a commercial operation, does not serve multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports.

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[1] As defined in 40 C.F.R. § 122.26 (b)(14)(x) for construction sites of five or more acres, and 40 C.F.R. § 122.26 (b)(15)(i) for construction sites of more than one acre but less than five acres, including the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb land equal to or greater than one acre, and those construction site discharges designated by DEQ as needing a stormwater permit under 40 C.F.R. § 122.26 (a)(1)(v), or under § 122.26 (a)(9) and § 122.26 (g)(1)(i).

[2] An authorization to discharge stormwater from a construction activity associated with oil and gas extraction under the SIC Group 13, or pipelines under SIC Group 46, or natural gas transmission under SIC Group 492, may be obtained through the EPA National Pollutant Discharge Elimination System ("NPDES") eReporting Tool for its Construction General Permit ("CGP").

[3] DEQ shall have jurisdiction over natural gas liquid extraction plants under SIC 1321 and service company base operating stations under SIC 1389.

[4] Except pipelines within certain facilities regulated by DEQ.

[5] DEQ shall have jurisdiction over natural gas liquid extraction plants under SIC 1321.

[6] An authorization to discharge stormwater from construction activities associated with agricultural and forestry, fishing production and services under SIC groups 01, 02, 07, 08 and 09, may be obtained by contacting the Oklahoma Department of Agriculture, Food & Forestry's Agriculture Pollutant Discharge Program at (405)522-5493.

[7] DEQ shall have jurisdiction over SIC group 092 (fish hatcheries and preserves).

[8] These discharges are subject to numeric effluent limitation guidelines in Part 4.5 "Numeric Technology-Based Effluent Limitations" and Addendum C.

c. Appropriate controls and measures must be identified in the Notice of Intent ("NOI") and the facility's Stormwater Pollution Prevention Plan ("SWP3") covering the discharges from the construction support activity areas.
d. The construction support activity is not located within the watershed of an Outstanding Resource Water ("ORW").

B. Authorized non-stormwater discharges are
1. potable water, including uncontaminated waterline and fire hydrant flushing;
2. landscape irrigation water provided all pesticides, herbicides, and fertilizers have been applied in accordance with the approved manufacturers' instructions and/or labeling;
3. water used to control dust;
4. uncontaminated air conditioning or compressor condensate;
5. uncontaminated groundwater or spring water;
6. waters used to wash vehicles and equipment where soaps, solvents or detergents are not used;
7. routine external building wash-down that does not use soaps, solvents and/or detergents and/or building wash-down from external surfaces that does not contain leachable hazardous substances (e.g., paint or caulk containing polychlorinated biphenyls ("PCBs"));
8. pavement washing waters provided spills or leaks of toxic or hazardous substances have not occurred (unless all spilled material has been removed) and where soaps, solvents and detergents are not used;
9. foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated ground water;
10. discharges or flows from emergency firefighting activities that either: a) do not involve per- and polyfluoroalkyl substances (PFAS)-containing aquatic firefighting foams (AFFFs), or b) involve PFAS-containing AFFFs and are consistent with Part 4.4.F of this permit. Measures shall be taken by the permittee or site/facility, as soon as practicable, to reduce any such pollutant releases to avoid or minimize the impacts on water quality and to ensure public health and safety. After the emergency has ceased, non-stormwater discharges (e.g., discharges associated with clean-up) are prohibited. Determination of cessation of the emergency is at the discretion of the emergency on-site coordinator; and
11. uncontaminated flows from dewatering activities, including dewatering of trenches and excavations, will be allowed if operational and structural controls are used to reduce any pollutant releases to avoid or minimize the impacts on water quality (see Part 4.2.M). These controls must be included in your SWP3.

C. Non-stormwater discharges are authorized only under the following conditions:
1. Document in your SWP3 which authorized non-stormwater discharges will be present on your site and where they will be discharged.
2. If necessary, ensure these discharges are directed to vegetated areas, existing controls, or implement additional controls to minimize the discharge of pollutants.

2.3 Limitations on Coverage

A. This permit does not authorize stormwater discharges that originate from the site after construction activities have been completed and the site, including any temporary construction support activity site, has undergone final stabilization and has an approved Notice of Termination ("NOT"). Industrial post-construction stormwater discharges may need to be covered by a separate OPDES permit.

B. This permit does not authorize discharges that are mixed with sources of non-stormwater, other than those discharges that are identified in Part 2.2.B and are in compliance with this permit or with a separate OPDES or NPDES permit.

C. This permit does not authorize stormwater discharges associated with construction and/or construction support activity that have been covered under an individual permit or which require coverage under an alternative general permit in accordance with Part 7.10, except stormwater discharges from concrete and asphalt batch plants specified in Part 2.2.A.2.

D. This permit does not authorize stormwater discharges from construction sites that DEQ determines will cause, have reasonable potential to cause, or contribute to violations of water quality standards, including anti-degradation policy. Where such determinations have been made, DEQ may notify the operator(s) that an individual permit application is necessary in accordance with Part 7.10. However, DEQ may

authorize coverage under this permit after appropriate controls and implementation procedures designed to bring the discharges into compliance with water quality standards have been included in the SWP3.

E. This permit does not authorize stormwater discharges, allowable non-stormwater discharges, and stormwater discharge-related activities that
   1. are not protective of federal and state listed endangered and threatened species or designated critical habitat.
   2. are likely to jeopardize the continued existence of any species that are listed or proposed to be listed as endangered or threatened or result in the adverse modification or destruction of habitat that is designated or proposed to be designated as critical.
   3. may cause a prohibited "take" of endangered or threatened species, including significant habitat modification that actually injures a species.

F. This permit does not authorize new sources or new discharges of constituents of concern to impaired waters unless otherwise allowable under OAC 252:606 and applicable state law. Impaired waters are those that do not meet applicable water quality standards and are listed on the latest approved Clean Water Act ("CWA") Section 303(d) list. Pollutants of concern are those constituents for which the waterbody is listed as impaired. The 303(d) list of impaired waters can be found in Appendix C of Oklahoma's Integrated Report on the DEQ web site at https://www.deq.ok.gov/water-quality-division/watershed-planning/integrated-report/, or the DEQ GIS Map and Data Viewer at https://gis.deq.ok.gov/maps/.

G. This permit does not authorize discharges of pollutants of concern to impaired waterbodies for which there is an approved total maximum daily load ("TMDL") or a watershed plan incorporated in Oklahoma's Water Quality Management Plan in lieu of a TMDL unless they are consistent with the approved TMDL or watershed plan or local compliance plan. Applicants must comply with the requirements in Part 5.1.F.

H. This permit does not authorize the discharge of toxic or hazardous substances or oil resulting from a spill or other release.

I. This permit does not authorize the discharge of wastewater from the washout or cleanout of concrete, unless managed by an appropriate control as described in Part 4.4.G.

J. This permit does not authorize the discharge of wastewater from the washout or cleanout of stucco, paint, form release oils, curing compounds, and other construction materials.

K. This permit does not authorize the discharge of fuels, oils, or other pollutants used in vehicle operation and maintenance.

L. This permit does not authorize the discharge of soaps, detergents or solvents used in vehicle and equipment washing.

2.4 Historic Preservation

The EPA has determined that DEQ's NPDES permitting activities are not federal undertakings and, therefore, are not subject to review under Section 106 of the National Historic Preservation Act. However, applicants and permittees must comply with the State Antiquities Act (Title 53, Chapter 20, Section 361) where applicable and the Burial Desecration Law (Title 21, Chapter 47, Section 1168.0-1168.6), as well as with any applicable local laws concerning the identification and protection of historic properties.

Applicants and permittees who may receive federal funding or other federal assistance in the completion of their projects must be aware that compliance with Section 106 of the Act may apply. For information about

the Section 106 review process in Oklahoma, Oklahoma properties listed on or eligible for the National Register of Historic Places, and related topics, contact:

State Historic Preservation Office
Oklahoma Historical Society
800 Nazih Zuhdi Drive
Oklahoma City, OK 73105
(405)521-6249
https://www.okhistory.org/shpo/index

Oklahoma Archeological Survey
111 East Chesapeake
Norman, OK 73019
405/325-7211
https://www.ou.edu/archsurvey

2.5 Meeting Eligibility Requirements for Endangered Species

A. Eligibility Criteria
   1. Activities authorized by this permit must avoid unacceptable effects to federal and state listed endangered or threatened (listed) species or designated critical habitats. Direct and indirect effects must be considered. Coverage under this permit is available only if your stormwater discharges, allowable non-stormwater discharges, and discharge-related activities are not likely to
      a. jeopardize the continued existence of any listed species or result in the adverse modification or destruction of critical habitat, or
      b. cause a prohibited "take" of endangered or threatened species, including significant habitat modification that actually injures a species, unless such "take" is authorized under Sections 7 or 10 of the Endangered Species Act ("ESA").
   2. Discharge-related activities authorized by this permit include
      a. activities that cause, contribute to, or result in point source stormwater pollutant discharges, including but not limited to excavation, site development, grading, and other land disturbing activities, and
      b. measures to control stormwater including the siting, construction, and operation of BMPs to control, reduce, or prevent stormwater pollution.

B. Eligibility Certification
   1. You must certify that you have met eligibility criteria for protection of threatened or endangered species and their critical habitat. Your signed NOI will constitute your certification of eligibility. If the eligibility requirements cannot be met, you may seek coverage under a DEQ individual permit. This eligibility must be evaluated before the NOI is submitted. DEQ strongly recommends that you conduct this evaluation at the earliest possible stage to ensure that measures to protect listed species are incorporated early in the planning process.
   2. You must state on the NOI which of the criteria listed in Part 2.5.B.3 you are relying upon for meeting the endangered species eligibility.
   3. You must meet one or more of the criteria below for the entire term of coverage under this permit. Failure to continue to meet one of these criteria during the term of the permit will render an applicant ineligible for coverage under this permit. If you are located partially or wholly in an area described in Addendum A then you must meet criterion B, C, D, or E for the term of this permit. If you are not located in the shaded area or watersheds listed in Exhibit I, then you meet the terms of criterion A. The information used to make the eligibility determination must be documented and included as part of the SWP3.
      a. Criterion A requires that proposed construction site or land disturbing activity is not located within any of the corridors of the federal or state identified aquatic resource of concern ("ARC"), and further investigation is not required.
      b. Criterion B requires that the proposed construction site or land disturbing activity is located within a corridor of a federal or state identified ARC. Operators must provide and implement

measures to protect the endangered or threatened species or their critical habitat; these measures must be identified in the NOI and described in the facility's SWP3.

c. Criterion C requires that the applicant use Addendum D to evaluate alternatives of buffer requirements and select equivalent sediment controls or contact DEQ for further consultation if one of those eligibility criteria under Part 2.5.B.3.b, d, or e cannot be met.
d. Criterion D requires that the applicant's federally approved construction activities are authorized by the appropriate federal or state agency and that authorization addresses the Endangered Species Act Section 7 consultation for the stormwater discharge or stormwater discharge-related activities. Applicants selecting option d must include documentation from U.S. Fish and Wildlife Service ("USFWS") or a qualified biologist that demonstrates Section 7 consultation has been completed. The SWP3 must comply with and be updated to include any conditions resulting from that consultation.
e. Criterion E requires that the applicant's stormwater discharges and stormwater discharge-related activities are already addressed in another operator's certification of eligibility that includes the applicant's project area. By certifying eligibility under this part, the applicant agrees to comply with applicable measures or controls upon which the other operator's certification was based.

PART 3 AUTHORIZATION UNDER THIS PERMIT

3.1 Responsibilities of Operators

Permittees may meet one or both of the operational control components in the definition of "operator" found in Part 1.Y. The criteria within the definition of "operator" may allow for more than one entity to be considered an "operator" at a construction site. Where it is determined to be more efficient or desirable, this permit allows for all construction activities at a site to be covered under a single authorization and a single SWP3 held by a "primary operator."

A. Types of Operators

1. A primary operator is
   a. the sole operator at a construction site,
   b. an operator who has obtained permit coverage for discharges over which it has operational control of construction plans and specifications and/or day-to-day construction activities, or
   c. the operator who has chosen to obtain permit coverage for all discharges from all earth-disturbing activities at a construction site, even if such discharges originate from portions of the site operated by another entity (e.g., secondary operators).
2. A secondary operator, for a construction project that has multiple operators, is an operator who has elected to have the discharges from earth-disturbing activities on a construction site to which he/she has operational control covered by the authorization and SWP3 held by the primary operator rather than obtaining separate permit coverage for those discharges. If the primary operator chooses not to cover the secondary operator's construction activities or the secondary operator elects not to have their discharges from earth-disturbing activities covered by the primary operator's authorization, this secondary operator must develop a separate SWP3, submit a separate NOI and obtain separate permit coverage, and comply with all primary operator permit requirements for the portion(s) of the site over which it has operational control.
3. A utility installation operator is an operator who only has operational control over utility installation (e.g., telephone, electric, gas, cable TV, etc.) and who has elected to have the discharges from earth-disturbing activities on a construction site to which he/she has operational control covered by the authorization and SWP3 held by the primary operator rather than obtaining separate permit coverage for those discharges. If the primary operator chooses not to cover the utility installation operator's construction activities or the utility installation operator elects not to have their discharges from earth-disturbing activities covered by the primary operator's authorization, this utility installation operator must develop a separate SWP3, submit a separate NOI and obtain separate permit coverage, and comply with all primary operator permit requirements for the portion(s) of the site over which it has operational control.

B. Responsibilities of a Primary Operator

The primary operator is ultimately responsible for the runoff from the perimeter of the area(s) over which their authorization covers. Regardless of the reason for the runoff, the primary operator is responsible for ensuring sufficient overall controls for this area.

1. General Responsibilities

   The primary operator must
   a. develop an SWP3 (prior to submitting an NOI), obtain permit authorization, implement and maintain control measures, and maintain and update the SWP3 for all area(s) of activity covered by the authorization,
   b. be thoroughly familiar with and adhere to provisions of the permit, the NOI, the SWP3 and all BMPs and control measures which apply to all areas of activity covered by the authorization, and
   c. must avoid damaging or interfering with the effectiveness of any BMPs and/or control measures on the site.
2. Responsibilities Based on Operational Control
   a. Operational Control over Constructions Plans and Specifications

      Primary operators with control over construction plans and specifications, including the ability to make modifications to those plans and specifications (e.g., developer, owner, or operator), must ensure that:

i. The project plans and specifications meet the minimum requirements of this permit.
ii. The SWP3 indicates the areas of the project where this operator has control over project plans and specifications (including the ability to make modifications in plans and specifications), and ensure all other operators implementing portions of the SWP3 who may be impacted by any changes to the SWP3 are notified of such modifications in a timely manner and receive a copy of the updated SWP3.
iii. The SWP3 indicates the name(s) and authorization number(s) of the parties (primary, secondary, and/or utility installation operators) with operational control over day-to-day activities necessary to ensure compliance with the SWP3 and permit conditions for portions of the project where these parties have control. If these parties have not been identified and do not have a DEQ authorization at the time the SWP3 is initially developed, the permittee with operational control over project plans and specifications shall be the responsible party until such time as the operational control is transferred to another party, the SWP3 is updated, and this new party obtains permit coverage.

b. Operational Control Over Day-to-Day Activities
Primary operators with control over day-to-day activities must ensure that:
i. The SWP3, for all portions of the project where they have control, meets the minimum requirements of this permit and identifies the parties (primary, secondary, and utility installation operators) responsible for implementation of control measures.
ii. The SWP3 indicates all areas of the project where they have control over day-to-day activities.
iii. The SWP3 for all areas where they have control indicates the name(s) and authorization number(s) of the parties with operational control over project plans and specifications (including the ability to make modifications in plans and specifications), if different than the primary operator with control over day-to-day activities.

3. Responsibilities Regarding Secondary Operators
The primary operator must
a. identify all secondary operators in the SWP3 and identify the specific areas of the site where they will be active,
b. require that secondary operators provide notification to the primary operator and execute any written notification required by the primary operator prior to beginning any earth-disturbing activity, and
c. ensure that secondary operators are familiar with and adhere to provisions of the permit, the NOI, the SWP3, and all BMPs and other control measures that apply to their operations through contractor certifications or similar documentation.
d. require that secondary operators avoid damaging or interfering with the effectiveness of any control measure on the construction site or notify the primary operator if such occurs.

4. Responsibilities Regarding Utility Installation Operators
The primary operator must ensure that entities with control over utility installation, including utility companies and their subcontractors,
a. are covered under the primary operator's NOI, authorization, and SWP3, or have their own separate authorization and SWP3,
b. implement BMPs, including those that are protective of endangered species, and
c. implement final stabilization requirements.

5. Responsibilities Regarding Terminations
The primary operator shall not terminate permit coverage until at least one of the following conditions has been met:
a. All construction, including landscaping and lot development, has been completed, and final stabilization has been achieved.
b. All lots are sold and developed, and there are no temporary common controls for subdivision outfalls.
c. All construction activity by the primary operator is completed, final stabilization has been achieved on all areas under the control of the primary operator, the remaining undeveloped lots

have been sold to a new operator(s), and a Notification of Change of Ownership (NCO) form(s) for the new operator(s) has been prepared and signed.

d. A new operator has obtained permit coverage which will include all areas currently covered by the primary operator's authorization.

3.2 Obtaining Authorization

A. Develop a new SWP3[9] or update an existing SWP3 as necessary prior to submitting an NOI to DEQ. A copy of the SWP3 does not have to be submitted to DEQ unless specifically requested by DEQ. However, DEQ may require submittal of a copy of the SWP3 for review at any time. An updated version of the SWP3 must be submitted within 14 days of such a request.

B. Submit an official NOI (**DEQ Form 606-002A**) in accordance with the applicable deadline specified in Part 3.5. The NOI must be complete and accurate with all required information and supporting documentation. Only one NOI needs to be submitted to cover all of the operator's activities on a common plan of development or sale (e.g., a separate NOI does not need to be submitted for each separate lot in a residential subdivision or for two separate buildings being constructed at a manufacturing facility, provided the NOI and SWP3 covers each area where the primary operator has operational control). The SWP3 must be implemented upon commencement of construction activities.

C. Submit the applicable application fee and annual permit fee established in OAC 252:606 OPDES Standards. An invoice of the permit fee due will be sent if the fee is not included with the NOI or upon request.

D. Upon receipt of the properly completed NOI and application/permit fees, DEQ will process the information and provide an authorization certificate accompanied by a letter of notification. The applicant/primary operator (as well as any secondary or utility installation operators, if applicable) is not authorized to commence earth-disturbing activities or discharge stormwater from construction activities under the terms and conditions of this permit until an authorization covering their construction activities is received from DEQ. DEQ may deny coverage under this permit based on a review of the NOI or other information and require submittal of an application for an individual OPDES permit (see Part 7.10 of this permit).

E. After issuance of an authorization, an amended NOI shall be submitted by a permittee if circumstances change. When there is a change to the site's primary operator, the new primary operator must submit a new NOI, and the previous primary operator must submit an NOT form as specified in Part 3.5.
The following modifications to an NOI form will result in a 14-day review process:

1. Changes to the name of the primary operator, or addition of an operator (including a secondary or utility installation operator);
2. Election by the primary operator to no longer cover secondary or utility installation operators under it authorization and SWP3;
3. Changes to the project or site name;
4. Increases to the estimated area to be disturbed;
5. Changes to the name of the receiving water, or additions to the applicable receiving waters;
6. Changes to eligibility information related to endangered species protection or historic preservation;
7. Changes to information provided related to the use of chemical treatment at your site

The amended NOI must be submitted at least two days prior to the change or addition and shall include the facility's assigned permit number and a description of the requested change(s). For stormwater discharges from construction projects where the primary operator changes, including instances where an operator (including a secondary or utility installation operator) is added after an authorization has been issued, the new primary operator must submit an NOI at least two days before assuming operational control over site specifications or commencing work on-site. DEQ will provide an acknowledgement by mail or email that the amended NOI has been received and processed. During the 14-day review process, the operator(s) (including secondary and utility installation operators) may continue to operate based on the information provided in the original NOI, but must wait until the review period has ended before

[9] The SWP3 shall cover either the entire site or all portions of the site where the applicant has operational control. A "joint" SWP3 may be developed and implemented as a cooperative effort where there is more than one operator at a site.

commencing or continuing activities on any portion of the site that would be affected by the changes, unless DEQ notifies them that the authorization is delayed or denied.

F. Permittees must update their SWP3s within seven calendar days to reflect the change(s). An amended NOI cannot be used to:
   1. Decrease the total project area (e.g., area to be disturbed has decreased from 40 acres to 20 acres).
   2. Transfer authorization to another operator.

G. In the event that a primary operator elects to no longer cover a secondary or utility installation operator's construction activities or a secondary or utility installation operator elects to no longer have their discharges from earth-disturbing activities covered by the primary operator's authorization, the secondary or utility installation operator is no longer authorized to discharge under this permit, and must discontinue its construction activities and discharges until it has developed its own separate SWP3 and obtained separate authorization in accordance with the requirements of Parts 3.2.A-D and the deadline for NOI submittal of Part 3.4.A. In the former case, the primary operator must submit an amended NOI to DEQ as specified in Part 3.2.E, as well as providing written notification to all secondary and utility operators at least two days prior to making the change. In the latter case, the secondary or utility installation operator must provide written notification to DEQ and the primary operator at least two days prior to making the change, and must develop a separate SWP3, submit a separate NOI, and obtain separate permit coverage, and comply with all primary operator permit requirements for the portion(s) of the site over which it has operational control.

3.3 Contents of the NOI

The NOI form shall include the following information:

A. Indicate whether this is a new application, or amendment/modification or renewal of an existing NOI, including your authorization number if this is an amendment/modification or renewal;
B. Provide the legal name, mailing address, phone number, and email address of the company/firm, public organization, or any other entity operator filing the NOI for permit coverage;
C. Indicate whether the operator has operational control over plans and specifications and/or day-to-day construction activities;
D. Provide name, title, phone number, and email address for the operator's point of contact;
E. Provide the site/project's official name, phone number and street address or general location information (e.g., intersection of State Highway 61 and 34), and SIC Code(s);
F. Provide the name, title, phone number, and email address for the site/project's point of contact;
G. Provide the name, title, phone number, and email address for the site/project's consultant, if any;
H. Provide description of the activity/purpose of the project (i.e., residential subdivision, commercial building, road and/or bridges, wind farm, etc.);
I. Provide latitude and longitude of the construction project/site at the center of the site (or latitude and longitude at the starting and ending points if it is a linear construction site). Latitude and longitude can be obtained from DEQ's and USGS's websites or other mapping tools;
J. Provide estimated construction project starting date and ending date. The dates must be provided in MM-DD-YYYY where MM is the month, DD is the date and YYYY is the year;
K. Provide total area of construction site and estimated area to be disturbed in acres;
L. Provide total impervious area (pre-construction) and total impervious area construction completed (post-construction) in acres;
M. Provide post-construction runoff coefficient of the site. The operator may use recommended runoff coefficients in Addendum E of this permit. Average coefficients for composite areas may be calculated on an area-weighted basis from $C=\sum C_i A_i / \sum A_i$, where C_i is the coefficient applicable to the area A_i;
N. Describe the nature of fill material and existing data describing soils (i.e., coarse-grained soils: gravels, sands, or fine-grained soils: silts and clays, silts and clays, and highly organic soils etc.) Operator may use soil classification chart in Attachment A of Addendum D to determine the types of the soils on the site;
O. Indicate whether this site/project is part of common plan of development or sale;
P. Indicate whether there are other operators associated with this site/project and, if so, whether: a) all operators will be covered under this authorization; b) all, or some, operators will be obtaining separate authorizations and will be documented in the SWP3; and/or, c) new owner/operators will be obtaining

a separate authorization and will be documented using Form 605-NCO Notification of Change of Ownership (NCO) which will be kept with the SWP3.

Q. Indicate whether the site/project discharges stormwater to a Municipal Separate Storm Sewer System (MS4);

R. Identify all the receiving waterbodies from the sites that receive stormwater discharges, including names of the waterbodies;

S. Indicate whether the receiving waterbodies are included on DEQ's latest approved 303(d) list of impaired waterbodies, including the pollutant(s) for which the waterbody is impaired;

T. Indicate whether the stormwater discharges drain to a waterbody or watershed with an approved or established TMDL, watershed plan in lieu of a TMDL, or local compliance plan. Additional site-specific requirements may be applicable if the site is located in such waterbody or watershed;

U. Indicate endangered species eligibility by identifying whether or not the construction site or land-disturbing activity is within the specified corridor of a federal or state ARC; whether Addendum D will be used to develop equivalent sediment controls; whether you are required to have an Endangered Species Act Section 7 consultation process; and/or whether you are relying on another permittee's certification of eligibility and are agreeing to comply with the conditions of that certification.

V. Confirm that the SWP3 has been prepared and is available on-site for review;

W. Indicate whether this operator is registered with the Secretary of State of Oklahoma;

X. Indicate whether this site or project will have construction support activities;

Y. Describe the proposed measures, including BMPs, to control pollutants in stormwater discharges during construction, including a brief description of applicable erosion and sediment control requirements; and

Z. Describe the proposed measures to control pollutants in stormwater discharges that will occur after construction operations have been completed, including a brief description of applicable erosion and sediment control requirements.

AA. Attach a legible site map showing your facility location and boundaries, including support activities, and all waters of the state within one mile of the site, and indicate whether the application fee ($100.00) and first-year permit fee ($347.71) are attached or have already been paid.

AB. Complete the certification/signature block.

3.4 High Priority Construction Sites

This permit identifies high priority construction sites based on total acreage and receiving waters. High priority construction sites are sites that

A. are 40 acres or greater, or

B. discharge within one mile of a receiving waterbody which is identified by DEQ on the latest Section 303(d) list as impaired (i.e., not meeting water quality standards) for sediment and/or turbidity, or

C. are located within an ARC, ORW, or waterbody with a TMDL or watershed plan[10].

For discharges that enter a separate storm sewer system prior to discharge, the first water of the state to which you discharge is the waterbody that receives the water from the storm sewer system. In such a case, you are considered to discharge to the impaired water if your site is located within one mile of the separate storm sewer system outfall that discharges to the impaired water. Separate storm sewer systems include both MS4s and non-MS4s. Separate storm sewers do not include combined sewer systems or sanitary sewer systems.

You are not considered to discharge to an impaired water if your site or discharge point is located within one mile of an impaired receiving waterbody, but the point of discharge (or the separate storm sewer outfall if discharging to a separate storm sewer system) is outside the watershed of this waterbody.

3.5 Deadlines for NOI Submittal

A. Operators of new construction projects/activities that commence after the effective date of this permit must submit an NOI at least 14 days prior to commencing construction activities.

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[10] This refers to TMDLs or watershed plans that assign specific requirements to stormwater discharges associated with construction activities (e.g. Lake Thunderbird Report for Nutrient, Turbidity and Dissolved Oxygen TMDLs).

B. Existing operators of on-going construction projects/activities that have active authorizations for coverage under the 2017 CGP coverage upon its expiration must submit an NOI within 90 days of the effective date of this permit. Authorization under the 2017 permit will be administratively extended for a period not to exceed 90 days from the effective date of this permit. The existing SWP3 must be updated to comply with this permit prior to the NOI submittal. If the permittee is eligible to submit an NOT (e.g., construction is finished and final stabilization has been achieved) before the 90th day, a new NOI is not required to be submitted. Operators must remain in compliance with the requirements of the 2017 permit until a new authorization is received or an NOT is submitted and accepted by DEQ.

C. Operators of on-going construction projects/activities as of the effective date of this permit that did not receive authorization to discharge under the 2017 permit are not authorized to discharge and are in violation of this permit upon its effective date. They must discontinue construction activities and discharges until they have submitted an NOI and obtained coverage under this permit. Prior to NOI submittal, an SWP3 must be developed and implemented to comply with the requirements of this permit. DEQ reserves the right to take appropriate enforcement action for any unpermitted activities or discharges that may have occurred between the time construction commenced and the authorization is granted.

3.6 Terminating Coverage

A. A complete NOT (**DEQ Form 606-003**) must be submitted to DEQ within 30 days if one or more of the following conditions have been met:
   1. All soil disturbing activities have been completed, final stabilization has been achieved on all portions of the site for which the permittee is responsible (including, if applicable, returning agricultural land to its pre-construction agricultural use) and all temporary erosion and sediment control measures have been removed.
   2. For residential subdivisions only: all soil disturbing activities have been completed, final stabilization has been completed, the ownership of all lots or sections has been transferred to new owners, the permittee is no longer responsible for continuing construction activities for the subdivision, and all temporary erosion and sediment control measures have been removed. The permittee shall not terminate their permit coverage until the new owners/operators of the individual lots within the larger common plan of development or sale are notified of their permitting requirements. The permittee must complete an NCO which shall be signed by both the permittee and new owner and documented in the permittee's SWP3.
   3. Another primary operator has assumed control over all areas of the site that have not been finally stabilized. The NOT must be submitted with the new operator's NOI.

B. DEQ will review the NOT for completeness and accuracy and may, at its discretion, inspect the site for which the NOT was submitted within 30 days of receipt of the NOT. Upon completing such inspection, DEQ will notify the permittee of any needed changes to the site conditions, or that the site has met the termination requirements under this permit. The permittee is responsible for meeting the terms of this permit until DEQ's termination letter has been issued. Only one NOT form can be submitted to DEQ by the same owner/operator within a 90-day period. Additional compliance inspections may occur within this 90-day period at the discretion of DEQ.

3.7 Contents of the NOT

A. Identify the OKR10 permit number for the stormwater discharge on the site;

B. Indicate whether termination is being requested because: a) a new owner or operator has taken over responsibility for the facility/site/project and has submitted an NOI for permit coverage; b) all construction activities have been completed and met all other requirements under OKR10 permit, including final stabilization, on all portions of the site; or c) you have obtained coverage under an individual or alternative general permit for all stormwater discharges.

C. Provide the legal name, mailing address, phone number, and email address of the operator submitting the NOT;

D. Indicate whether, if DEQ elects to perform a termination inspection, you wish to be notified when the inspection occurs and, if so, provide contact information;

E. Provide the legal name of the site or project and address (or a description of the general location if no street address is available) of the construction site/project;
F. Provide latitude and longitude of the entrance to the construction site/project. Latitude and longitude can be obtained online at DEQ's, or USGS's websites or from other mapping tools;
G. If applicable, provide the legal name, mailing address, phone number, and email address of the new operator.
H. Include a copy of the updated site map showing all completed and final plans and projects (i.e., aerial images or general site maps with project extents marked, including stabilized areas of concrete or asphalt batch plants, equipment staging yards, stockpile, borrow areas, wash-out areas, previously disturbed areas, etc.); and
I. If applicable, provide a copy of the NCO form (see Part 3.6.A.2) for each new owner/operator to whom you have sold a portion of the site. Where indicated on your NOT and NCO forms, you must include the new OKR10 owner/operator's contact information, including their name, street address, phone number and email address. Each new owner/operator is also required to prepare and submit an NOI to DEQ for review. If applicable, you must submit all NCOs to DEQ prior to submittal of the NOT or submit the NOT along with all NCOs that have been prepared during the ownership transition; and
J. Complete the certification/signature block.

3.8 Where to Submit

All written correspondence concerning this permit, including the submittal of NOIs and NOTs, shall be sent to the following address, fax or email:

Stormwater Unit of Environmental Complaints and Local Services ("ECLS")
Department of Environmental Quality ("DEQ")
707 North Robinson Ave., P.O. Box 1677
Oklahoma City, OK 73101-1677

(fax) to (405) 702-6226

(email) to ECLS-StormwaterPermitting@deq.ok.gov

Once DEQ's online NOI submission tool is made available, NOIs may be completed and submitted electronically using that tool.

All documents shall be submitted in accordance with all state and federal reporting requirements.

PART 4 EFFLUENT LIMITATIONS

The stormwater control requirements in this part apply to all discharges from construction sites, including construction support activities (e.g., concrete or asphalt batch plants), eligible for coverage under this permit. These requirements apply the national effluent limitations guidelines and new source performance standards found at 40 C.F.R. §§ 450.21 – 450.24.

4.1 Design, Installation, Implementation and Maintenance Requirements

You must design, install, implement, and maintain effective BMPs as required in Parts 4.2, 4.3 and 4.4 that minimize the discharge of pollutants from construction activities.

A. Design Requirements

You must address the following factors in designing your stormwater controls:

1. The expected amount, frequency, intensity, and duration of precipitation.
2. Stormwater volume and velocity must be controlled to minimize soil erosion and pollutant discharges.
3. The amount of soil exposed must be minimized during construction activity to minimize soil erosion and pollutant discharges.
4. The nature of stormwater runoff and run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features. You must design stormwater controls to control both peak flowrates and total stormwater volume to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.
5. Soil characteristics, including the range of soil particle sizes expected to be present on the site.

B. Installation Requirements

You must ensure that all BMPs are installed in accordance with the manufacturer's recommendations or good engineering practices.

C. Maintenance Requirements

You must ensure that all BMPs, equipment, and systems remain in effective operating condition and are protected from activities that would reduce their effectiveness. This can be accomplished by conducting routine inspection, testing, maintenance, and corrective action/repair as required by Parts 5.4 and 5.5 to avoid breakdowns or failures that may result in discharges of pollutants to surface waters. Routine maintenance, work that does not require significant repair or replacement, must be initiated immediately after discovering the problem, and completed by the close of the next work day.

4.2 Sediment and Erosion Controls

A. Direct Discharges from Stormwater Controls to Vegetated Areas

Direct discharges from your stormwater controls to vegetated areas of your site to increase sediment removal and maximize stormwater infiltration to reduce pollutant discharges, including any natural buffers established under Parts 4.2.B and 4.6.B, unless infeasible. Use velocity dissipation devices if necessary to prevent erosion when directing stormwater to vegetated areas.

B. Provide and Maintain Natural Buffers and Equivalent Erosion and Sediment Controls

When any waters of the state are located on or immediately adjacent to the site (refer to Addendum D, Figure D-1), you must maintain a natural buffer zone or equivalent erosion and sediment controls from any named or unnamed receiving streams, creeks, rivers, lakes or other water bodies. The minimum width of the buffer is outlined in Table 4-1. If only a portion of the natural buffer is less than the minimum required width, you are only required to implement erosion and sediment controls that achieve the sediment load reduction equivalent to the portion that is not retained (refer to Addendum D, Figure D-2).

Table 4-1 Minimum Required Natural Buffer Widths

Type of Receiving Water	Type of Construction Site	
	Standard	High Priority
Perennial or intermittent streams, creeks, rivers or lakes	50 feet	100 feet
Ephemeral streams or drainages	50 feet	50 feet
Road ditches, county ditches, stormwater conveyance channels, storm drain inlets or sediment basins/impoundments	None	None

To ensure that the water quality protection benefits of the buffer are retained during construction, you must retain as much natural buffer as possible and you are prohibited from conducting any earth-disturbing activities within the buffer during permit coverage. You must ensure that all discharges from the area of earth disturbance to the natural buffer are first treated by the site's erosion and sediment controls and, if necessary to prevent erosion caused by stormwater flows within the buffer, you must use velocity dissipation devices.

1. To comply with this requirement you must provide or implement and maintain one of the following:
   a. A 100-foot or 50-foot undisturbed natural buffer.
   b. An undisturbed natural buffer that is less than 100-feet or 50-feet and is supplemented by additional erosion and sediment controls that achieve the sediment load reduction equivalent to the amount of undisturbed buffer which cannot be maintained. A description of why it is infeasible to provide and maintain the full 100-foot or 50-foot undisturbed natural buffer must be included in your SWP3.
   c. Erosion and sediment controls that achieve the sediment load reduction equivalent to a 100-foot or 50-foot undisturbed natural buffer. A description of why it is infeasible to provide and maintain an undisturbed natural buffer of any size must be included in your SWP3.
2. Where you are retaining a buffer of any size, the buffer should be measured perpendicularly from one of the following points, whichever is further landward from the water:
   a. The ordinary high water mark of the water body (refer to Addendum D, Figure D-3), defined as the line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, and/or the presence of litter and debris; or
   b. The edge of the stream or river bank, bluff, or cliff, whichever is applicable (refer to Addendum D, Figure D-4).
3. In order to select controls that provide equivalent sediment removal rates you may complete your own calculations[11] or follow the steps outlined in Addendum D.
4. You are not required to comply with the requirements of Part 4.2.B if your site meets one of the following:
   a. Dredge and fill activity authorized under a current CWA Section 404 permit.
   b. Construction of water-dependent structure or water access area (e.g., pier, boat ramp, trail).
   c. There is no discharge of stormwater to waters of the state through the area between the disturbed portions of the site and any waters of the state located within 100-feet or 50-feet of the site.
   d. Where no natural buffer exists due to preexisting development disturbances (e.g., structures, impervious surfaces) that occurred prior to the initiation of planning for the current development of the site, unless you will remove portions of the preexisting development.

   This exemption only applies to the area where the qualifying construction activity is taking place or where the preexisting development is located and does not apply to the construction site in its entirety.

The requirement to provide and maintain a natural buffer or its equivalent is independent of (and does not substitute for) the requirement to install perimeter controls along areas of the site that will receive stormwater discharges. Additionally, this requirement is not intended to interfere with any other ordinance, regulation, statute or other provision of the law.

[11] There are a variety of models available that can be used to support your calculation, including USDA's RUSLE-series programs and the WEPP erosion model, SEDCAD, SEDIMOT, or other models.

C. Install Perimeter Controls

Install sediment controls along those perimeter areas of your site that will receive stormwater from earth-disturbing activities. For linear construction sites where perimeter controls are infeasible (e.g., due to limited or restricted rights-of-way), you must maximize the use of other controls as necessary to minimize pollutant discharges to perimeter areas of the site and document in your SWP3 why it is impracticable in other areas of the project. Routine maintenance includes removing sediment before it has accumulated to one-half of the above-ground height of any perimeter control.

D. Minimize Sediment Track-Out

You must minimize the sediment track-out onto streets, other paved areas, and sidewalks from vehicles exiting your construction site. To comply with this requirement, you must:

1. Restrict vehicle use to properly designated exit points.
2. Use appropriate stabilization techniques at all points that exit onto paved roads.
3. Implement additional track-out controls as necessary to ensure that sediment removal occurs prior to vehicle exit.
4. Where sediment has been tracked-out from your site onto the surface of paved streets, sidewalks or other paved areas outside of your site, you must remove the deposited sediment by the end of the same work day in which the track-out occurs or by the end of the next work day if track-out occurs on a non-work day. You must remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out sediment into any stormwater conveyance (unless it is connected to a sediment basin, sediment trap, or similarly effective control), storm drain inlet, or surface waters of the state.

Stabilization is not required for exit points at linear utility construction sites if other controls at the exit point are provided to minimize sediment track-out. Examples of other exit controls include, but are not limited to, preventing the use of exit points during wet periods; minimizing exit point use by keeping vehicles on site to the extent possible; limiting exit size to the width needed for vehicle and equipment usage; and avoiding establishing exit points in environmentally sensitive areas.

E. Control Discharges from Stockpiled Sediment or Soil

For any stockpiles or land clearing debris composed in whole of sediment or soil, you must comply with the following requirements:

1. Locate the piles outside of any natural buffers established under Parts 4.2.B and 4.6.B and physically separated from any stormwater conveyances, drain inlets, and area where stormwater flow is concentrated.
2. Install a sediment barrier along all down-gradient perimeter areas.
3. Provide cover or appropriate temporary stabilization to avoid direct contact with precipitation or to minimize sediment discharge in accordance with Part 4.3.
4. Do not hose down or sweep soil or sediment accumulated on pavement or other impervious surfaces into any stormwater conveyance (unless connected to a sediment basin, sediment trap, or similarly effective control), storm drain inlet, or surface water.
5. Unless infeasible, contain and securely protect from wind.

F. Minimize Dust

In order to avoid pollutants from being discharged into surface waters, to the extent feasible, you must minimize the generation of dust through the appropriate application of water or other dust suppression techniques.

G. Minimize the Disturbance of Steep Slopes

You must minimize the disturbance of steep slopes (i.e., slopes of 40% or greater). If it is not feasible to avoid disturbance of steep slopes, you must:

1. Divert concentrated or channelized flows of stormwater away from and around areas of disturbance on steep slopes.
2. Use specialized erosion and sediment controls for steep slopes.
3. Use stabilization practices designed to be used on steep slopes. You must comply with the stabilization requirements as required in Part 4.3.

H. Preserve Topsoil

You must preserve native topsoil on your site, unless infeasible; you must stockpile and reuse it in areas that will be stabilized with vegetation if applicable.

I. Minimize Soil Compaction

In areas of your site where final vegetative stabilization will occur or where infiltration practices will be installed, you must either

1. restrict vehicle and equipment use in these locations to avoid soil compaction; or
2. prior to seeding or planting areas of exposed soil that have been compacted, use techniques that condition the soils to support vegetative growth, if necessary.

J. Protect Storm Drain Inlets

If you discharge to any storm drain inlet that carries stormwater flow from your site directly to surface water (and it is not first directed to a sediment basin, sediment trap, or similarly effective control), and you have the authority to access the storm drain inlet, you must comply with the following requirements:

1. Install inlet protection measures that remove sediment from your discharge prior to entry into the storm drain inlet.
2. Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, you must remove the deposited sediment by the end of the same work day in which it is found or by the end of the following work day if removal by the same work day is not feasible.

K. Constructed Stormwater Conveyance Channels

Design channels to avoid unstabilized areas on the site and to reduce erosion, unless infeasible, and minimize erosion of channels and their embankments, outlets, adjacent streambanks, slopes, and downstream waters during discharge conditions through the use of erosion controls and velocity dissipation devices within and along the length of any constructed stormwater conveyance channel, and at any outlet to provide a non-erosive flow velocity.

L. Install Sediment Basins/Impoundments

Sediment basins may also be referred to as sediment ponds or impoundments, but will be referred to hereafter as sediment basins.

1. Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel to provide a non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g., no significant changes in the hydrological regime of the receiving water).
2. For common drainage locations[12] that serve an area with 10 or more acres disturbed at one time (or five acres if you discharge from a high priority construction site), temporary (or permanent) sediment basin(s) must be implemented where feasible.
   a. The sediment basin(s) must comply with the following:
      i. Sediment basin(s) must provide storage for either the calculated volume of runoff from a two-year, 24-hour storm, or 3,600 cubic feet per disturbed acre drained, whichever is greater.
      ii. When discharging from sediment basin(s), utilize outlet structures that withdraw water from the surface, unless infeasible, to minimize the discharge of pollutants.
      iii. Prevent erosion of the sediment basin and the inlet/outlet structures using erosion controls and velocity dissipation devices.
      iv. Sediment basins must be situated outside of surface waters and any natural buffers established under Parts 4.2.B and 4.6.A.
      v. Remove accumulated sediment to maintain at least 1/2 the design capacity and conduct all other appropriate maintenance to ensure the sediment basin remains in effective operating condition.
   b. When determining whether installing sediment basin(s) is feasible, you may consider factors such as site soils, slope, available area on site, etc. In any event, you must consider public safety,

[12] When computing the number of acres draining into a common location, it is not necessary to include flows from off-site areas, or flows from onsite areas that are either undisturbed or have undergone final stabilization.

especially as it relates to children, as a design factor for the sediment basin(s) and alternative sediment controls shall be used where site limitations would preclude a safe design. For drainage locations that serve 10 or more disturbed acres at one time and where temporary sediment basin(s) or equivalent controls are not attainable, smaller sediment basins and/or sediment traps should be used. Where neither sediment basin(s) nor equivalent controls are attainable due to site limitations, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down-slope boundaries of the construction area and for those side-slope boundaries deemed appropriate as dictated by individual site conditions. DEQ encourages the use of a combination of sediment and erosion control measures to achieve maximum pollutant removal.

3. For common drainage locations[12] serving less than 10 acres disturbed at one time (or five acres if you discharge from a high priority construction site), smaller sediment basins and/or sediment traps should be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down-slope boundaries (and for those side-slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless sediment basin(s) providing overall storage for a calculated volume of runoff from a two-year, 24-hour storm or 3,600 cubic feet of storage per acre drained, whichever is greater, is provided. DEQ encourages the use of a combination of sediment and erosion control measures to achieve maximum pollutant removal.

M. Dewatering Practices

You are prohibited from discharging groundwater, spring water or accumulated stormwater that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation associated with a construction activity, unless such waters are first effectively managed by appropriate controls. Uncontaminated clear dewatering water can be discharged without being routed to a control. You must also meet the following requirements for dewatering activities:

1. Do not discharge visible floating solids or foam.
2. Use an oil-water separator or suitable filtration device that is designed to remove oil, grease, or other products if dewatering wastewater is found to contain these materials.
3. To the extent feasible, utilize vegetated, upland areas of the site to infiltrate dewatering water before discharge. In no case shall surface waters be considered part of the treatment area.
4. At all points where dewatering water is discharged, comply with the velocity dissipation requirements of Part 4.2.K.
5. With backwash water, either haul away for disposal or return it to the beginning of the treatment process.
6. Replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications.

4.3 Stabilization

"Temporary stabilization" refers to the stabilization of exposed portions of the site to provide temporary cover during the establishment and growth of vegetation, and/or in areas where earth-disturbing activities will occur again in the future. "Final stabilization" refers to the stabilization of exposed portions of the site using practices that provide permanent cover and qualify the permittee for permit termination. Temporary and permanent stabilization must be implemented in accordance with this part.

A. Stabilization Deadlines

1. Initiate the installation of stabilization measures immediately in any disturbed areas on any portion of the site where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days[13].
2. Complete the installation of stabilization measures as soon as practicable, but no later than 14 calendar days after stabilization measures have been initiated, or seven calendar days if you discharge from a high priority construction site.
3. If using vegetative stabilization, immediately after seeding or planting the area to be stabilized, you must install stabilization measures to provide effective cover to the area while vegetation is becoming established.

[13] For concrete and/or asphalt batch plants, final stabilization must be initiated upon the completion of all industrial activities.

4. If using non-vegetative stabilization, you must install or apply all such measures to provide effective cover for such exposed portions of your site.

B. Stabilization Criteria

1. If using vegetative stabilization, temporary and final stabilization measures must provide uniform (i.e., evenly distributed without large bare areas[14]) cover that provides 70% or more of the cover that is provided by vegetation native to the site[15]. When background vegetation covered less than 100% of the ground prior to commencing earth-disturbing activities, the 70% coverage criteria is adjusted as in following example: if vegetation covered 50% of the ground prior to construction, then the requirement would be to provide a total cover at final stabilization of 70% of 50% (0.70 X 0.50 = 0.35), or 35% of the site. If using vegetative stabilization, final stabilization occurs when vegetation has been established and rooted or anchored in place.
2. If using non-vegetative controls (e.g., hydro-mulch, erosion control blankets, riprap, geotextiles, and gabions) to stabilize exposed portions of your site, or if using such controls to temporarily protect areas that are being seeded and planted, you must provide equivalent non-vegetative stabilization measures to provide effective cover for such exposed portions of your site.
3. Final stabilization in residential construction, final stabilization occurs when either of the following criteria is met:
   a. The homebuilder has completed final stabilization as specified above; or
   b. The homebuilder has established temporary stabilization for an individual lot prior to occupation of the home by the homeowner and informed the homeowner of the need for, and benefits of, final stabilization.
4. Final stabilization in construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land) may be accomplished by returning the disturbed land to its pre-construction agricultural use. This does not apply to disturbed areas that were not previously used for agricultural activities, such as buffer strips immediately adjacent to waters of the state and areas that are not being returned to their pre-construction agricultural use.

4.4 Pollution Prevention

A. General Pollution Prevention Requirements
Implement procedures as required by Part 4.1 to minimize exposure to precipitation and stormwater and to prevent litter, construction material and chemicals from becoming a pollutant source for stormwater discharges. This applies to the storage, handling, application and disposal of chemicals and materials such as:

- Soaps, detergents and solvents.
- Pesticides, herbicides, insecticides and fertilizers.
- Diesel fuel, oil, hydraulic fluid and other petroleum products.
- Hazardous or toxic waste.
- Stucco, paint, concrete, form release oils, curing compounds and other chemicals.
- Construction and landscape materials.
- Construction and domestic waste such as building materials and products, packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, and concrete.
- Sanitary waste.

B. Implement procedures to prevent litter, construction material and chemicals from becoming a pollutant source for stormwater discharges.

1. Spill Prevention and Response
   Implement preventive measures such as barriers between material storage and vehicle/equipment traffic areas. Implement procedures for expeditiously stopping, containing, and cleaning up leaks, spills and other releases, including fuels, oils and other pollutants used for equipment and vehicle

[14] Large bare area is defined as an area with 10 ft^2 or more with no perennial vegetative cover established.

[15] If the site has been disturbed from previous development, or preconstruction conditions were not documented, the cover provided by vegetation native to local undisturbed areas will be used. If undisturbed areas cannot be identified, the existing surrounding conditions will be evaluated (e.g., landscaping or impervious surfaces).

operation and maintenance. Use drip pans and absorbents under or around leaky vehicles. Ensure adequate supplies are available at all times to handle spills, leaks and disposal of any chemicals or materials. Clean up leaks, spills and contaminated surfaces immediately using dry clean-up methods and dispose of used materials properly. Do not clean surfaces or spills by hosing the area down. Eliminate the source of the leak or spill to prevent a discharge or a furtherance of an ongoing discharge.

2. Emergency Spill Notification
   You are prohibited from discharging a toxic or hazardous substance or oil from a spill or other release, consistent with Part 2.3.I of this part. This permit does not relieve the permittee of the reporting requirements of 40 C.F.R. Parts 110, 117 and 302. Where a leak, spill, or other release containing a toxic or hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 C.F.R. Parts 110, 117, or 302 occurs during a 24-hour period, you must notify the NRC at (800) 424-8802 or, in the areas of Oklahoma, call the DEQ's Hotline at (800)522-0206 as soon as you have knowledge of the discharge. You must also, within seven calendar days of knowledge of the release, provide a description of the release, the circumstances leading to the release, and the date of the release. Local requirements may necessitate additional reporting of spills or discharges to local emergency response, public health, or drinking water supply agencies.
3. Minimize Exposure
   Store chemicals in water-tight containers. Provide cover to prevent chemical containers and materials from coming into contact with precipitation and stormwater, or provide secondary containment or a similarly effective means to prevent the discharge of pollutants.
4. Good Housekeeping
   During each workday, clean up and dispose of waste in designated waste containers. Provide waste containers (e.g., dumpster or trash receptacle) of sufficient size and number to contain construction and domestic wastes. Keep waste container lids closed during precipitation events when not in use, when there is a significant chance of precipitation (forecasted), and/or the site is inactive or work is not in progress. Waste containers must be covered at the end of daily work shifts and when workers are not present. For waste containers that do not have lids and could leak, provide cover to minimize exposure of wastes to precipitation or a similarly effective means designed to minimize the discharge of pollutants. Clean up immediately if containers overflow.
5. Chemical Applications
   Comply with all application and disposal requirements on the pesticide, herbicide, insecticide, fertilizer, or other chemical manufacturer's label.

C. Equipment and Vehicle Washing
   Provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters prior to discharges. Ensure there is no discharge of soaps, detergents, or solvents in equipment and vehicle wash water.

D. Fertilizers Containing Nitrogen or Phosphorus
   Minimize discharges of fertilizers containing nitrogen or phosphorus by complying with the following requirements:
   1. Apply at a rate and in amounts consistent with manufacturer's specifications.
   2. Apply at the appropriate time of year for your location, and preferably timed to coincide as closely as possible to the period of maximum vegetation uptake and growth.
   3. Avoid applying before heavy rains that could cause excess nutrients to be discharged.
   4. Never apply to frozen ground.
   5. Never apply to stormwater conveyance channels with standing or flowing water.
   6. Follow all other federal, state, tribal and local requirements regarding fertilizer application.

E. Hazardous or Toxic Waste or Oil
   1. Separate hazardous or toxic waste or oil from construction and domestic waste.
   2. Store waste in sealed containers which are constructed of suitable materials to prevent leakage and corrosion, and which are labeled in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable federal, state, or local requirements.

3. Provide appropriately-sized secondary containment for all containers that will be stored outside to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas.
4. Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended methods of disposal and in compliance with federal, state, and local requirements.

F. PFAS Management
1. Implement measures to minimize discharges of PFAS during emergency firefighting activities and post-emergency activities, including clean-up.
2. Establish specific protocols for minimizing the resuspension, conveyance, and discharge of PFAS, both during normal operations and during all maintenance and remediation activities.
3. Document all activities undertaken in fulfillment of Parts 4.4.F.1-2 in the SWP3.

G. Sanitary Waste
Position portable toilets so that they are secure and will not be tipped or knocked over, and are located away from waters of the state and stormwater inlets or conveyances including streets and roadways.

H. Washing of Applicators and Containers
This requirement applies to stucco, paint, concrete, form release oils, curing compounds, and other chemicals.
1. Direct all wash water into a leak-proof container or leak-proof pit. The container or pit must be designed so that no overflows can occur due to inadequate sizing or precipitation.
2. Do not dump liquid wastes in storm sewers.
3. Dispose of liquid wastes in accordance with applicable requirements in Part 4.4.B or E.
4. Remove and dispose of hardened concrete waste consistent with your handling of other construction wastes in Part 4.4.B.
5. Clean up immediately if there is an overflow or if a discharge occurs outside of the leak-proof container or pit.
6. Locate any washout or cleanout activities as far away as possible from surface waters and stormwater inlets or conveyances, and, to the extent practicable, designate areas to be used for these activities and conduct such activities only in these areas.

4.5 Numeric Technology-Based Effluent Limitations

If you have discharges of stormwater from asphalt batch plants, you must comply with the limitations and monitoring requirements required in Addendum C. The numeric effluent limitations in the following Table 4-2 apply to stormwater discharges associated with any activities for asphalt batch plants, but not to concrete batch plants.

Table 4-2 Numeric Effluent Limitations for Asphalt Batch Plants

Effluent Characteristic	Discharge Limitations		Monitoring Requirements	
	Concentration (mg/l unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Daily Max.		
Total Suspended Solids (TSS) [00530]	15	23	1/year	Grab
Oil and Grease	10	15	1/year	Grab
pH (standard units) [00400]	6.5-9.0		1/year	Grab

If the project lasts less than one year, you must collect at least one sample. Also, you must comply with quarterly visual monitoring and annual numeric effluent limitation monitoring, and document those results as specified in your SWP3 (see Addendum C).

Monitoring for compliance with the above numeric effluent limitations must be conducted in accordance with test procedures approved under 40 C.F.R. Part 136, including holding time and documentation requirements, and samples must be analyzed by an accredited laboratory in accordance with OAC 252:301. Where more than one test procedure is approved for the analysis of a pollutant or pollutant parameter, the

test procedure must be sufficiently sensitive to meet the minimum quantification levels (MQLs) established in OAC 252:690 or, where an MQL has not been established in OAC 252:690, to quantify the amount of pollutant present at or below the level of the above numeric effluent limitations.

4.6 Water-Quality Based Effluent Limitations for High Priority Construction Sites

A. If your construction site is considered a high priority construction site, your stormwater discharges must be controlled as necessary to meet applicable water quality standards. Operators seeking coverage under this permit shall not cause, have the reasonable potential to cause, or contribute to a violation of a water quality standard. Where a discharge is already authorized under this permit and is later determined to cause, have the reasonable potential to cause, or contribute to the violation of an applicable water quality standard, DEQ will notify the operator of such violation(s). The permittee shall take all necessary actions to ensure future discharges do not cause, have the reasonable potential to cause, or contribute to the violation of a water quality standard, and document these actions in the SWP3. If violations remain or re-occur, then coverage under this permit may be terminated by DEQ, and an alternative general permit or individual permit may be issued. Compliance with this requirement does not preclude any enforcement activity as provided by the CWA for the underlying violation. If such violation is determined, DEQ may require you to:
   1. Develop a supplemental BMP action plan describing SWP3 modifications to address adequately the identified water quality concerns;
   2. Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or
   3. Cease discharges of pollutants from construction activity and submit an alternative general permit or individual permit application.

B. All high priority construction sites must comply with the following:
   1. Natural Buffer Requirements
      You must ensure that a vegetated buffer zone of at least 100 feet is retained or successfully established/planted between the area disturbed and all perennial or intermittent streams. A vegetated buffer zone of at least 50 feet must be retained or successfully established/planted between the areas disturbed during construction and all ephemeral streams or drainages. If the nature of the construction activity or the construction site makes a buffer impossible, you must provide equivalent controls. See Addendum D for information to assist you in developing equivalent controls.
   2. Sediment Basin Requirements
      You are required to comply with the requirements as specified in Parts 4.2.L for drainage locations serving five or more acres disturbed at one time.
   3. Stabilization Requirements
      You are required to comply with the stabilization requirements as specified in Part 4.3 within seven calendar days after the temporary or permanent cessation of earth-disturbing activities.
   4. Site Inspection Requirements
      You must conduct site inspections once every seven calendar days at a minimum, and within 24 hours of a storm event of 0.5 inches or greater or within 24 hours of a discharge caused by snowmelt.
   5. Corrective Actions
      If the inspection or visual examination results indicate any permit violations, you must implement the corrective actions required in Part 5.5.

PART 5 STORMWATER POLLUTION PREVENTION PLAN (SWP3)

5.1 General Requirements

A. An SWP3 must be prepared prior to submission of an NOI. The SWP3 must be kept up-to-date throughout coverage under this permit. If an SWP3 was prepared under the previous permit, the operator must review and update the SWP3 to ensure that requirements of this permit are addressed prior to submitting an NOI for coverage under this permit.

B. SWP3s shall be prepared by a qualified person and in accordance with good engineering practices. Use of a licensed professional engineer ("PE") for SWP3 preparation is not required by the permit. However, if any part of the SWP3 involves the practice of engineering[16], then those engineering practices and designs are required to be prepared by a licensed professional engineer. The SWP3 shall identify potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges from the construction site. The SWP3 shall describe and ensure the implementation of practices that will be used to reduce the pollutants in stormwater discharges associated with construction activity at the construction site and assure compliance with the terms and conditions of this permit.

C. When developing SWP3s, applicants must follow the procedures in Part 2.5 to determine whether listed endangered or threatened species or critical habitat would be affected by the applicant's stormwater discharges or stormwater discharge-related activities. Any information on whether listed species or critical habitats are found in proximity to the construction site must be included in the SWP3. The SWP3 must also include documentation required to support your eligibility with regard to the protection of historic properties. Any terms or conditions that are imposed under the eligibility requirements of Parts 2.1 and 2.5 or the water quality-based effluent limitations of Part 4.6 to protect listed species or critical habitat from stormwater discharges or stormwater discharge-related activities must be incorporated into the SWP3. Permittees must implement the applicable provisions of the SWP3 required under this part as a condition of this permit.

D. If multiple primary operators are associated with the same site, a single "joint SWP3" may be developed covering all operators at the site. However, each operator is responsible for compliance and updates of the SWP3 and each must have access to the most updated SWP3. Operators must also ensure directly or through coordination with other operators, that their activities do not compromise any other operators' controls and/or any shared controls.

E. If your construction site discharges within one stream mile into a receiving water which has been listed on the Clean Water Act 303(d) list of impaired waters, and your discharges contain the pollutant(s) for which the waterbody is impaired, you must document in your SWP3 how the BMPs and other controls selected for your site will control the discharge of the pollutant(s) of concern. If Part 4.6 applies to your discharge, you must include in your SWP3 the additional requirements specified in that part. The 303(d) list of Impaired Waters in Oklahoma can be found in Appendix C of the Integrated Report on the DEQ's webpage at http://www.deq.state.ok.us/WQDnew/305b_303d/index.html, or the DEQ GIS Map and Data Viewer at http://deq.maps.arcgis.com/home/index.html

F. If a TMDL or watershed plan or local compliance plan has been approved for the waterbody, you must also describe how your SWP3 is consistent with any TMDL or watershed plan or local compliance plan applicable to your discharge. Permittees must incorporate any limitations, conditions, or requirements applicable to their discharges into the SWP3 to ensure that the waste load allocations ("WLAs") or load.

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[16] Statutes and Rules of Oklahoma State Board of Licensure for Professional Engineers & Land Surveyors, Section 472.2 "Definitions" states "practice of engineering means any service or creative work, the adequate performance of which requires engineering education, training and experience in the application of special knowledge of the mathematical, physical and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, planning the engineering use of land and water, teaching of advanced engineering subjects or courses related thereto, engineering research, engineering surveys, engineering studies, and the inspection or review of construction for the purposes of assuring compliance with drawings and specifications; any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, chemical, environmental, hydraulic, pneumatic or thermal nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the design review and integration of a multidiscipline work, planning, progress and completion of any engineering services."

allocations ("Las") and/or the TMDL's associated implementation plan will be met within any timeframe established in the TMDL report or watershed plan. Monitoring and reporting of the discharges may also be required as appropriate to ensure compliance with the TMDL or watershed plan.

G. If the industrial activities associated with a concrete or asphalt batch plant are directly related to your construction site and are covered under this permit, those activities are considered part of your construction site and must be considered when developing your SWP3. You must also include the additional requirements outlined in Addendum C.

5.2 Signature, Posting a Notice, Making Plans Available, and DEQ's Notification

A. The SWP3 shall be signed and be retained on-site or at an easily accessible location in accordance with Part 6, and shall include a copy of this permit. An easily accessible location can include electronic availability, provided that the SWP3 is still readily available in a form and location that can be accessed by a reasonable person.).

B. The permittee shall post a notice near the main entrance of the construction site with the following information:
   1. The OPDES permit number for the project or a copy of the NOI if a permit number has not yet been assigned;
   2. The name and telephone number of a local contact person;
   3. A brief description of the project; and
   4. The location of the SWP3 if the site is inactive or does not have an on-site location to store the plan. If posting this information near a main entrance is infeasible due to safety concerns, the notice shall be posted in a local public building. If the construction project is a linear construction project (e.g., pipeline, highway, etc.), the notice must be placed in a publicly accessible location near where construction is actively underway and moved as necessary. This permit does not provide the public with any right to trespass on a construction site for any reason, including inspection of a site; nor does this permit require that permittees allow members of the public access to a construction site.

C. The permittee shall make SWP3s available upon request to: DEQ and/or any state, federal, or local agency approving sediment and erosion plans, grading plans or stormwater management plans; the U.S. Fish and Wildlife Service or the Oklahoma Department of Wildlife Conservation; local government officials; or the operator of a municipal separate storm sewer system receiving discharges from the site. The copy of the SWP3 that is required to be kept on-site or at an easily accessible location must be made available to DEQ for review at the time of an on-site inspection. An easily accessible location can include electronic availability, provided that the SWP3 is still readily available in a form and location that can be accessed by a reasonable person. Also, in the interest of public involvement, DEQ encourages permittees to make their SWP3s available to the public for viewing during normal business hours.

D. DEQ may notify the permittee at any time that the SWP3 does not meet one or more of the minimum requirements of this Part. Such notification shall identify those provisions of this permit that are not being met by the SWP3, as well as those requiring modification to meet the minimum requirements of this Part. Within seven calendar days of receipt of such notification from DEQ (or as otherwise provided by DEQ), the permittee shall make the required changes to the SWP3 and shall submit to DEQ a written certification that the requested changes have been made. DEQ may take appropriate enforcement action for the period of time the permittee was operating under a plan that did not meet the minimum requirements of this permit.

5.3 Contents of the SWP3

The SWP3 must include the following information, at a minimum:

A. Stormwater Team

Identify the personnel (by name or position) who are part of the stormwater team, as well as their individual responsibilities, including which members are responsible for implementation of the SWP3 and compliance with permit requirements, including Addendum C. Each member of the stormwater team must have ready access to an electronic or paper copy of applicable portions of this permit, the most updated copy of your SWP3, and other relevant documents or information that must be kept with the SWP3.

B. Nature of Activities
Describe the nature of the construction activity, including the size of the property in acres (or length in miles if it is a linear construction site), latitude and longitude at the center of construction site (latitude and longitude at the starting and ending points if it is a linear construction site), the total area expected to be disturbed by the construction activities (in acres), on-site and off-site construction support activities covered by this permit, post-construction runoff coefficient, pre-construction and post-construction total impervious area (in acres), the maximum area expected to be disturbed at any one time and types of soil and fill materials. If your site will utilize construction support activities (e.g., concrete or asphalt batch plants), describe the nature of the industrial activities at your site. The SWP3 must also indicate business days and hours of operation.

C. Other Site Operators
Include a list of all other operators who will be engaged in construction activities at your site, and the areas of the site over which each operator has control. The list should specify whether these operators have obtained a separate authorization or will be operating under your authorization.

D. Contractor Certifications
This procedure is initiated only at the discretion of the permittee/primary operator with the cooperation and agreement of the contractor. The contractor certification form should be rewritten by the permittee to fit their specific objectives. Contractor certification is recommended but is not a requirement of this permit.

1. Contractors, subcontractors, builders, installers, regular suppliers, support service companies or others who are not the permittee/primary operator (hereinafter referred as "contractor") but are involved in construction activity, and have not been issued an OKR10 authorization, should execute a contractor certification, at the discretion of the permittee, which places the responsibility of implementing and complying with the permittee's/primary operator's SWP3, including BMPs and other controls, with the contractor for work performed under the authority and direction of the contractor. Contractors must ensure that activities performed under the SWP3 are protective of high priority sites according to Part 4.6.
2. Contractors must ensure that any additional SWP3 terms and conditions implementing approved TMDL reports, watershed plans or local TMDL compliance plans are applied to the sites (also see Part 5.1.F).
3. Contractors must be thoroughly familiar with and adhere to the NOI, SWP3, BMPs, and other control measures. The SWP3 must clearly identify, for each control measure identified in the plan, the party which will implement the measure. The permittee/primary operator must ensure that all contractors or others involved in construction activity are identified in the plan as being responsible for implementing stormwater control measures, and sign a copy of the contractor certification, before performing any work in the area covered by the SWP3. All contractor certifications must be included with the SWP3.
4. The contractor certification must include the name and title of the person providing the signature, the name, address, and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

E. Sequence and Estimated Schedule of Construction Activities
The SWP3 must include a description of the intended sequence of major construction activities, including a schedule of the estimated start dates and the duration of the activity, for the following:

1. Installation of stormwater control measures, and when they will be made operational, including an explanation of how the sequence and schedule for installation of stormwater control measures complies with Part 4 and of any departures from manufacturer specifications.
2. Commencement and duration of earth-disturbing activities in each portion of the site, including clearing and grubbing, mass grading, site preparation (i.e., excavating, cutting and filling), final grading, and creation of soil and vegetation stockpiles requiring stabilization.
3. Temporary or permanent cessation of construction activities in each portion of the site.
4. Temporary or final stabilization of disturbed areas for each portion of the site.
5. Removal of temporary stormwater control measures and construction equipment or vehicles, and the cessation of construction-related pollutant-generating activities.

6. Installation, operation, and closure of construction support activities (e.g., concrete or asphalt batch plants).

F. Site Map

Include a legible map, or series of maps, showing the following features of your site:

1. Boundaries of the property.
2. Locations where construction activities will occur, including
   a. locations where earth-disturbing activities will occur, noting any phasing of construction activities;
   b. approximate slopes, noting areas of steep slopes (i.e., greater than 40 percent), before and after major grading activities;
   c. locations where sediment, soil, or other construction materials will be stockpiled;
   d. locations of crossings of any waters of the state;
   e. designated points where vehicles will exit onto paved roads;
   f. locations of structures and other impervious surfaces upon completion of construction;
   g. locations of on-site or off-site construction support activity covered by this permit; and
   h. locations where polymers, flocculants, or other treatment chemicals will be used and stored.
3. Locations of all waters of the state within one mile of the site, including wetlands that exist within or in the immediate vicinity of the site. Indicate which waterbodies are listed as impaired, which lie within a watershed with an approved TMDL, and which are identified by the state as ARC or ORW.
4. Type and extent of pre-construction cover on the site (e.g., vegetative cover, forest, pasture, pavement, and structures).
5. Drainage pattern(s) of stormwater run-on or runoff and authorized non-stormwater before and after major grading activities.
6. Stormwater and allowable non-stormwater discharge point locations, including
   a. locations where stormwater and/or allowable non-stormwater will be discharged to storm drain inlets on the site and in the immediate vicinity of the site; and
   b. locations where stormwater or allowable non-stormwater will be discharged directly to waters of the state on or near the site.
7. Locations of all potential pollutant-generating activities identified in Part 5.3.G.
8. Locations of stormwater control measures, including natural buffer areas required by Parts 4.2.B and/or 4.6.
9. If your site will utilize construction support activities (e.g., concrete or asphalt batch plants, etc.), you must also specify the boundaries of these activities, significant structures and impervious area, and the location of visual monitoring location(s). Indicate which visual monitoring locations are considered "substantially identical," if any. If applicable, specify the location of numeric effluent limitations monitoring ("NELM") sampling location(s).

G. Summary of Potential Pollutant Sources

Identify and list all pollutants and all pollutant-generating activities associated with those pollutants. You must take into account where potential spills and leaks could occur that would contribute pollutants to stormwater discharges, and any known hazardous or toxic substances, such as PCBs and asbestos, which will be disturbed or removed during construction. If your site will utilize construction support activities (e.g., concrete or asphalt batch plants), you must also document the area at your facility where industrial materials or activities are exposed to stormwater. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product.

H. A Copy of Permit Requirements

Include a copy of this permit (an electronic copy easily available to the stormwater team is also acceptable) and signed NOI in your SWP3.

I. Measures to Protect High Priority Sites

If you discharge to a high priority site, you must describe and implement any measures necessary to meet the requirements of Part 4.6. You must also include the following documentation as applicable:

1. Information on whether listed endangered or threatened species or critical habitat are found in proximity to the construction activity, and whether such species may be affected by the stormwater discharges or stormwater discharge-related activities (see Addendum A and Part 2.5). You must describe and implement the measures specified in Part 4.6 to protect these endangered species and threatened habitat and resource waters in the SWP3, including any equivalent sediment controls specified in Addendum D.
2. Information on whether stormwater is discharged to waters identified as ORW (see Addendum B).
3. Information on whether stormwater is discharged within one stream mile of a waterbody listed on the latest approved Clean Water Act 303(d) list as impaired. Include information on whether stormwater discharges or stormwater discharge-related activities would have an effect on water quality of the receiving waters. Describe how the BMPs and other controls selected for the site will reduce and avoid the discharges of the pollutant(s) of concern, including requirements of 2.3.F.
4. Information on whether stormwater is discharged into a waterbody with an approved TMDL or watershed plan. You must describe and implement any measures necessary to meet the requirements of the approved TMDL or watershed plan and/or associated implementation schedule established in the TMDL or watershed plan. Monitoring and reporting of discharge quality may also be required if necessary to ensure compliance with an approved TMDL or watershed plan.

J. Federal, State or Local Historic Properties
Include documentation required in Part 2.4.

K. Stormwater Control Description
Include a description of all control measures required in Part 4. The description and implementation of control measures must include the following:

1. Erosion and Sediment Controls
   a. Utilize EPA's national BMP menu and/or other references to select appropriate control measures and provide the descriptions of the selected control measures for your site. The selected control measures must meet the following requirements, as well as being in compliance with state and local regulations for your site, including:
      i. The construction-phase erosion and sediment controls should be designed to retain sediment on site to the extent practicable;
      ii. All control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the permittee must replace or modify the control for site situations;
      iii. If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impact (e.g., fugitive sediment in streets could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets);
      iv. Sediment must be removed from sediment traps or sedimentation ponds when design capacity has been reduced by 50%;
      v. Litter, construction debris, and construction chemicals (e.g., fuel, hydraulic fluids, etc.) exposed to stormwater shall be prevented from becoming a pollutant source for stormwater discharges (e.g., by screening outfalls or picking up daily);
      vi. Off-site construction storage areas (also including overburden and stockpiles of dirt, borrow areas, etc.) used solely by the permitted project are considered a part of the project and shall be addressed in the SWP3; and
      vii. Many applications of straw and hay bales for erosion and sediment control have proven ineffective, maintenance-intensive and expensive. Therefore, straw or hay bales as BMP controls within the state are not allowed. Alternatives to straw or hay bales can be silt fence, rock check dams, fiber rolls, geotextiles, compost blankets, filter fabric, gravel bags and other designs.
   b. Include natural buffers and/or equivalent sediment controls required in Parts 4.2.B or 4.6.
   c. Describe the specific vegetative and/or non-vegetative stabilization practices that will be used to achieve temporary and final stabilization on the exposed portions of your site as required in Part

4.3. Record any unforeseen circumstances that cause delays in initiation and/or completion of vegetative stabilization, with the schedule for initiating and completing stabilization.

d. Include a description of structural controls to divert flows from exposed soils, retain flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Structural controls may include but are not limited to: silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet structure protection, rock outlet structure protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins (also see Part 4.4.A). Placement of structural controls in floodplains should be avoided to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA.

e. Include sediment basin(s) required in Part 4.2.L. Include supporting documentation such as drainage pattern(s), storage calculation(s), and building specification(s).

2. Pollution Prevention

a. Describe procedures that you will follow to prevent and respond to spills and leaks (also see Part 4.4.B.1), including:

i. Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. Identify the name or position of the employee(s) responsible for the detection and response to spills or leaks; and

ii. Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity consistent with Part 4.4.B.2 and established under either 40 C.F.R. Parts 110, 117, or 302, occurs during a 24-hour period. Contact information must be in locations that are readily accessible and available.

iii. You may also reference the existence of Spill Prevention Control and Countermeasure (SPCC) plans developed for the construction activity under Part 311 of the CWA, or spill control programs otherwise required by an OPDES permit for the construction activity, provided that you keep a copy of that other plan on site.

iv. Describe waste management procedures for how you will handle and dispose of all wastes generated at your site, including, but not limited to, clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste.

v. For application of fertilizers, document any departures from the manufacturer specifications where appropriate (see Parts 4.4.B.4 and 4.4.D).

vi. Identify and document where potential spills and leaks could occur that would contribute pollutants to stormwater discharges and corresponding outfall(s) that can be affected by such spills and leaks. You must also describe the procedures that will be followed for cleaning up spills or leaks.

b. Monitoring (if applicable)

If the discharges from the facilities are subject to the visual monitoring and/or numeric limitations in Part 4.5 and Addendum C, the SWP3 must document the procedures you will follow for taking samples or observations consistent with Addendum C, including:

i. Person(s) or position(s) of person(s) responsible for conducting stormwater monitoring.

ii. Locations where samples will be collected.

iii. Documentation regarding substantially identical outfalls as specified in Addendum C.3.A.4, if applicable.

iv. Parameters for sampling and the frequency of sampling for each parameter, if applicable.

v. Procedures for sample collection, handling and analysis, including equipment to be used.

vi. Procedures for sending samples to a certified laboratory (including identifying the laboratory or laboratories to be used).

vii. Schedules for monitoring at the site.

viii. Any numeric control values, e.g., effluent limitations guidelines, TMDL or watershed plan-related requirements, or other requirements, applicable to discharges from each outfall.

ix. The normal working hours associated with the project.

x. Procedures for notifying and activating your sampling team when a discharge is occurring or is expected to occur, and to ensure that samples are taken.

c. Approved Local Plans

Permittees which discharge stormwater associated with construction activities must ensure their SWP3 is consistent with requirements specified in applicable sediment and erosion site plans of site permits, or stormwater management site plans, or site permits approved by local officials. The SWP3 must be updated as necessary to remain consistent with any changes applicable to protecting surface water resources in sediment erosion site plans or site permits, or stormwater management site plans or site permits approved by local officials from whom the permittee receives written notice.

L. Maintenance

All erosion and sediment control measures and other protective measures, including site routine maintenance specifications, identified in the SWP3 must be maintained in effective operating condition. If site inspections required by Part 4.1 identify BMPs that are not operating effectively, maintenance shall be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of stormwater controls. If existing BMPs need to be modified or if additional BMPs are necessary for any reason, implementation must be completed before the next storm event whenever practicable. If maintenance prior to the next anticipated storm event is impracticable, the situation must be documented in the SWP3 and maintenance must be scheduled and accomplished as soon as possible. Any maintenance checklists or other forms that will be used must be included in the SWP3.

M. Inspections

Include all information specified in Part 5.4.

N. Correction Actions

Include all information specified in Part 5.5.

O. Non-Stormwater Discharges

Identify all allowable non-stormwater discharges in Part 2.2 that will or may occur. You must document in your SWP3 all non-stormwater discharges from the site.

P. Staff Training Requirements

You must describe a stormwater employee training program and identify periodic dates (e.g., every six months[17]) for such training.

1. Prior to the commencement of earth-disturbing activities or pollutant-generating activities, whichever occurs first, the permittee must ensure that the following personnel understand the requirements of this permit and their specific responsibilities with respect to those requirements:
   a. Personnel who are responsible for the design, installation, maintenance, and/or repair of stormwater controls, including pollution prevention measures.
   b. Personnel responsible for the application and storage of chemicals (if applicable).
   c. Personnel responsible for inspections as required in Part 5.4. Such personnel must be a "qualified person," including meeting the training requirements for inspections, as defined in Part 1.FF."
   d. Personnel who are responsible for taking corrective actions as required in Part 5.5.
   e. Personnel who are responsible for operating and/or maintaining construction support activities (e.g., concrete or asphalt batch plants), if applicable.
2. At a minimum, personnel must be trained to understand the following if related to the scope of their job duties (e.g., only personnel responsible for conducting inspections need to understand how to conduct inspections):
   a. The location of all stormwater controls on the site required by this permit, and how they are to be maintained;
   b. The proper procedures to follow with respect to the permit's pollution prevention requirements; and
   c. When and how to conduct inspections, record applicable findings, and take corrective actions.

Q. NCOs for Individual Lots in Residential Subdivisions

[17] For construction support activities (e.g. concrete or asphalt batch plants), employee training shall be conducted at least once per year (and more often if employee turnover is high).

The permittee shall not terminate their permit coverage until they have notified the new owners/operators of the individual lots within the larger common plan of development of their permitting requirements. The permittee must complete and sign an NCO in accordance with Part 7.7, submit it to DEQ, and include copies of all NCOs in the SWP3 (see Part 3.5.A). The original or transferring owner(s)/operator(s) must also notify the new owner(s)/operator(s) of their responsibility to obtain their own permit coverage with DEQ prior to commencement of construction activities.

R. SWP3 Certification
The SWP3 must be certified, signed and dated in accordance with Part 7.7.

S. SWP3 Modification
1. Modify the SWP3, including the site map(s), within seven calendar days of any of the following conditions:
   a. Whenever new operators become active in construction activities on the site, or the construction plans, stormwater controls, or other activities have been changed at the site that are no longer accurately reflected in the SWP3, including the changes in Part 5.3.N;
   b. To reflect areas on the site map where operational control has been transferred since initiating permit coverage;
   c. If inspections or investigations determine that SWP3 modifications are necessary for compliance with this permit;
   d. Where an inspector or investigator determines it is necessary to install and/or implement additional controls at the site to meet the requirements of this permit (e.g., an approved TMDL report applies to the site); or
   e. To reflect any revision to applicable federal, state and local requirements that affect the stormwater controls implemented at the site.
2. Maintain records showing the dates of all SWP3 modifications, including the name and title of the person authorizing each change; and
3. Upon determining that a modification to the SWP3 is required, if there are multiple operators (or subcontractors) covered under this permit, the permittee must immediately notify any operators who may be impacted by the change to the SWP3.

T. On-Site Availability of SWP3
A current copy of the SWP3 must be kept on-site or at an easily accessible location so that it can be made available at the time of an on-site inspection or upon request by DEQ. An easily accessible location can include electronic availability, provided that the SWP3 is still readily available in a form and location that can be accessed by a reasonable person.

5.4 Inspection Requirements

A. Person(s) Responsible for Inspecting Site
The person(s) inspecting your site may be a person on your staff or a third party you hire to conduct such inspections. If you hire a third party to conduct inspections, and that party cannot implement corrective actions without prior approval, at least one member of your stormwater team must be present during inspections[18]. You are responsible for ensuring that the person who conducts inspections is a "qualified person" as defined in Part 1.FF. An inspection form shall be developed and included in your SWP3.

[18] If a member of the stormwater team cannot be present during the inspection, the report must be signed by a member of the stormwater team within 24 hours of receiving the completed report.

Table 5-1 Minimum Inspection Frequencies

Minimum Inspection Frequency	Type of Construction Site	
	Standard	High Priority
Routine Inspection Frequency	You must conduct a site inspection when discharge is occurring • once every 14 calendar days, and • within 24 hours of the end of a storm event of 0.5 inches or greater, and • within 24 hours of a discharge generated by snowmelt.	You must conduct a site inspection when discharge is occurring • once every seven calendar days, and • within 24 hours of the end of a storm event of 0.5 inches or greater, and • within 24 hours of a discharge generated by snowmelt.
Reduced Inspection Frequency	You must conduct a site inspection once per month.	

B. Frequency of Inspections
At a minimum, you must conduct a site inspection once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater and within 24 hours of a discharge generated by snowmelt, unless you are discharging from a high priority site subject to Part 4.6.B.4. If a storm event of 0.5 inches or greater, or snowmelt, causes your site to discharge, within 24 hours of the end of the storm event or the beginning of the snowmelt discharge you must conduct a site inspection when the discharge is occurring.[19] Minimum inspection frequencies are outlined in Table 5-1.

C. Reductions in Inspection Frequency
You may reduce the frequency of inspections to once per month in areas of your site where you have initiated vegetative stabilization that meets the criteria in Part 4.3, once you have completed the initial seeding or planting, and provided protection with non-vegetative cover pursuant to Part 4.3, or you have installed temporary, non-vegetative stabilization that meet the criteria in Part 4.3. If construction activity resumes at a later date, the inspection frequency shall immediately increase to that required in Part 5.4.B. Reduced inspection frequencies are outlined in Table 5-1.

D. Areas That Need to be Inspected
During your site inspection, you must at a minimum inspect the following areas of your site:
1. All areas that have been cleared, graded, or excavated and that have not yet completed stabilization consistent with Part 4.3;
2. All stormwater controls or management devices (including pollution prevention measures) installed at the site to comply with this permit;
3. Material, waste, borrow, or equipment storage and maintenance areas that are covered by this permit;
4. All areas where stormwater typically flows within the site, including drainage ways designed to divert, convey, and/or treat stormwater;
5. All points of discharge from the site, including exit points where sediment could be tracked out from the site; and
6. All locations where stabilization measures have been implemented.
7. All areas where construction support activities (e.g., concrete or asphalt batch plants) will be taking place, if applicable.

E. Requirements for Inspections
During your site inspection, you must at a minimum:

[19] Inspections are only required during the site's normal working hours. For the purposes of the inspection requirements in this Part, conducting an inspection "within 24 hours" means that once the conditions in Part 5.4.B are met, you have 24 hours from that time to conduct an inspection. For clarification, the 24 hours is counted as a continuous passage of time, and not counted by business hours (e.g., three business days of eight hours each). When the 24-hour inspection time frame occurs entirely outside of normal working hours, you must conduct an inspection by no later than the end of the next business day.

1. Check whether all erosion, sediment, and pollution prevention controls are properly installed, appear to be operational, and are working as intended to minimize pollutant discharges. Determine if any controls need to be replaced, repaired, or maintained in accordance with Part 5.3.L;
2. Check for the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site;
3. Identify any locations where new or modified stormwater controls are necessary to meet the requirements of Parts 4.2, 4.3, and/or 4.4 (if applicable);
4. Check the points of discharge and, if applicable, the banks of any surface waters flowing within your property boundaries or immediately adjacent to your property, for signs of visible erosion and sedimentation (i.e., sediment deposits) that have occurred and are attributable to your discharge. If not accessible, nearby downstream locations must be inspected to the extent practicable;
5. Identify any incidents of noncompliance observed;
6. If a discharge is occurring during your inspection, you are required to:
   a. Identify all points of the property from which there is a discharge.
   b. Observe and document the visual quality of the discharge and take note of the characteristics of the stormwater discharge, including color, odor, floating, settled, or suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollutants.
   c. Document whether your stormwater controls are operating effectively and describe any such controls that are clearly not operating as intended or are in need of maintenance.
7. Based on the results of your inspection and necessary maintenance initiate corrective action under Part 5.5.

F. Inspection Report
   1. You must complete an inspection report within 24 hours of completing any site inspection. Each inspection report must include the
      a. inspection date;
      b. names and titles of personnel making the inspection;
      c. summary of your inspection findings, covering at a minimum the observations you made in accordance with Part 5.4.D;
      d. the applicable rain gauge or weather station readings that triggered the inspection if you conducted an inspection because of rainfall measuring 0.5 inches or greater; and
      e. the description or reason you found any portion of your site, including the specific location, to be unsafe if you are unable to complete a site inspection due to safety concerns.
   2. Each inspection report must be signed in accordance with Part 7.7.

G. Record Keeping Requirements

   You are required to keep copies of all inspection reports on-site or at an easily accessible location, so that they can be made available at the time of an on-site inspection or upon request by DEQ. An easily accessible location can include electronic availability, provided that the SWP3 is still readily available in a form and location that can be accessed by a reasonable person.

5.5 Corrective Action Requirements

A. Requirements for Taking Corrective Action

   You must complete the following corrective actions in accordance with Part 1.8. In all circumstances, you must immediately take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational, including cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events. Failure to implement the required corrective action constitutes a permit violation under Part 7.1.

   1. For any of the following conditions on your site, you must review and revise the selection, design, installation, and implementation of your control measure(s) to ensure that the condition is eliminated and will not be repeated in the future. You must install a new or modified control and make it operational, or complete the repair, by no later than seven calendar days from the time of discovery. If it is infeasible to complete the installation or repair within seven calendar days, you must document in your records why it is infeasible to complete the installation or repair within the seven calendar-day timeframe and document your schedule for installing the stormwater controls and making it operational as soon as practicable after the seven calendar-day timeframe. Where your corrective

actions result in changes to any of the stormwater controls or procedures documented in your SWP3, you must modify your SWP3 accordingly within seven calendar days of completing corrective action work.

a. A required stormwater control was never installed, was installed incorrectly or not in accordance with the requirements in Parts 4 and/or 5.
b. A stormwater control needs to be repaired or replaced (beyond routine maintenance required in Part 5.3.M).
c. You become aware, or DEQ determines, that the controls you have installed and are maintaining are not effective enough for the discharge to meet applicable water quality standards or applicable requirements in Part 4.
d. An unauthorized release or discharge (e.g., spill, leak, or discharge of non-stormwater not authorized by this or another ODPES permit) has occurred.
e. If you are subject to the monitoring requirements in Part 4.5 and Addendum C, samples indicate that you have a discharge that exceeds the applicable effluent limitation.

B. Corrective Action Report

1. Within 24 hours of discovering the occurrence of one of the triggering conditions in Part 5.5.A.1 at your site, you must provide a record of the following:
   a. Which triggering condition was identified at your site.
   b. The nature of the condition identified.
   c. The date and time of the condition identified and how it was identified.
2. Within seven calendar days of discovering the occurrence of one of the triggering conditions in Part 5.5.A.1 at your site, you must complete a record of the following:
   a. Any follow-up actions taken to review the design, installation, and maintenance of stormwater controls, including the dates such actions occurred.
   b. A summary of stormwater control modifications taken or to be taken, including a schedule of activities necessary to implement changes, and the date the modifications are completed or expected to be completed.
   c. Notice of whether SWP3 modifications are required as a result of the condition identified or corrective action.
3. Each corrective action report must be signed in accordance with Part 7.7.

C. Recordkeeping Requirements

You are required to keep current copies of all corrective action reports on-site or at an easily accessible location, so that they can be made available at the time of an on-site inspection or upon request by DEQ. An easily accessible location can include electronic availability, provided that the SWP3 is still readily available in a form and location that can be accessed by a reasonable person.

PART 6 RETENTION OF RECORDS

6.1 Documents

The permittee shall retain copies of the SWP3 and all reports required by this permit, and records of all data used to complete the NOI to be covered by this permit, for a period of at least three years from the date that the site is finally stabilized. This period may be extended by request of DEQ at any time.

6.2 Accessibility

The permittee shall retain a copy of the SWP3 required by this permit (including a copy of the permit language) at the construction site (or other local location accessible to DEQ; a state or local agency approving sediment and erosion plans, grading plans, or stormwater management plans; local government officials; or the operator of a municipal separate storm sewer receiving discharges from the site) from the date of project initiation to the date of final stabilization. Permittees with day-to-day operational control over SWP3 implementation shall have a copy of the latest SWP3 available at a central location on-site for the use of all operators and those identified as having responsibilities under the SWP3 whenever they are on the construction site.

6.3 Addresses

All written correspondence concerning this permit, including the submittal of NOIs and NOTs, shall be sent to DEQ at the address, fax or email in Part 3.6.
All documents shall be submitted in accordance with all state and federal reporting requirements.

Part 7 Standard Permit Conditions

7.1 Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the C.W.A. within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement. Penalties for violations of permit conditions are provided below:

A. Criminal Penalties
   1. Negligent Violations.
      The OPDES Act provides that any person who negligently violates permit conditions is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than one year, or both (27A O.S. § 2-6-206 (G) (1)).
   2. Knowing Violations.
      The OPDES Act provides that any person who knowingly violates permit conditions is subject to a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than three years, or both (27A O.S. § 2-6-206 (G) (2)).
   3. Knowing Endangerment.
      The OPDES Act provides that any person who knowingly violates permit conditions, and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury, is subject to a fine of not more than $250,000, or by imprisonment for not more than 15 years, or both (27A O.S. § 2-6-206 (G)(3)).
   4. False Statement.
      The OPDES Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the OPDES, or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the OPDES, shall upon conviction, be punished by a fine of not more than $10,000 or by imprisonment for not more than two years, or by both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four years, or by both (27A O.S. § 2-6-206 (G)(4)).

B. Civil Penalties.
   The OPDES Act provides that any person who violates a permit condition is subject to a civil penalty not to exceed $10,000 per day for each violation (27A O.S. § 2-6-206 (F)).

C. Administrative Penalties.
   The OPDES Act provides that any person who violates a permit condition is subject to an administrative penalty, not to exceed $10,000 per day of violation nor shall the maximum amount exceed $125,000 per violation [see 27A O.S. § 2-6-206 (E)].

7.2 Continuation of the Expired General Permit

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued and remain in full force and effect. Any permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

A. Reissuance or replacement of this permit, at which time the permittee must comply with the NOI conditions of the new permit to maintain the authorization to discharge; or
B. The permittee's submittal of an NOT; or
C. Issuance of an individual permit for the permittee's discharges; or
D. A formal permit decision by DEQ not to reissue this general permit, at which time the permittee must seek coverage under an alternative general permit or an individual permit.

Any new applicant who applies for coverage after the expiration date of this general permit will not be granted permit coverage until this general permit is reissued.

7.3 Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

7.4 Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

7.5 Duty to Provide Information

The permittee shall furnish to DEQ, or an authorized representative of DEQ, within a reasonable time, any information which DEQ may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to DEQ upon request, copies of records required to be kept by this permit.

7.6 Signatory Requirements

All NOIs, NOTs, reports, certifications (except the contractor certification under Part 5.3.D) or information either submitted to DEQ or the operator of an MS4, or that this permit requires be maintained by the permittee, shall be signed as follows:

A. All NOIs and NOTs shall be signed as follows.
   1. For a corporation - by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means:
      (a) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
      (b) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
   2. For a Limited Liability Company (LLC) - by a member, managing or otherwise; or
   3. For a partnership - by a general partner; or
   4. For a sole proprietorship - by the proprietor (owner); or
   5. For a municipality, state, federal, or other public agency - by either a principal executive officer or ranking elected official. For purposes of this Section, a principal executive officer of a federal agency includes:
      (a) The chief executive officer of the agency; or
      (b) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of the EPA).

B. All reports required by this permit and other information requested by DEQ or authorized representative of DEQ shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
   1. The authorization is made in writing by a person described above and submitted to DEQ;
   2. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
   3. The signed and dated written authorization must be included in the SWP3.

C. Changes to Authorization.
If an authorization under Part 3.1 is no longer accurate because a different operator has responsibility for the overall operation of the construction site, a new NOI satisfying the requirements of Part 3.1 must be submitted to DEQ prior to or together with any reports, information, or applications to be signed by an authorized representative. The change in authorization must be submitted within the time frame specified in Part 3.5 and sent to the address specified in Part 3.6.

D. Any person signing documents under Part 7.7 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage this system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

7.7 Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the CWA or Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") of 1980, 42 U.S.C. § 9601 *et seq.*

7.8 Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

7.9 Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

7.10 Requiring an Individual Permit or an Alternative General Permit

A. DEQ may require any person authorized by this permit to apply for and/or obtain either an individual OPDES permit or an alternative OPDES general permit. Any interested person may petition DEQ to take action under this paragraph. Where DEQ requires a permittee authorized to discharge under this permit to apply for an individual OPDES permit, DEQ shall notify the permittee in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the permittee to file the application, and a statement that on the effective date of issuance or denial of the individual OPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Applications shall be submitted to the address in Part 3.6. DEQ may grant additional time to submit the application upon request of the applicant. If a permittee fails to submit in a timely manner an individual OPDES permit application as required by DEQ under this paragraph, then the applicability of this permit to the individual OPDES permittee is automatically terminated at the end of the day specified by DEQ for application submittal.

B. Any permittee authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee shall submit an individual permit application in accordance with the requirements of 40 C.F.R. § 122.26 (c) (1) (ii), with reasons supporting the request, to DEQ at the address in Part 3.6 of this permit. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by the permittee are adequate to support the request.

C. When an individual OPDES permit is issued to a permittee otherwise subject to this permit, or the permittee is authorized to discharge under an alternative OPDES general permit, the applicability of this permit to the individual OPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual OPDES permit is denied to an operator otherwise subject to this permit or the operator is denied coverage under an alternative OPDES general permit, the applicability of this permit to the individual OPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by DEQ.

7.11 State/Tribal Environmental Laws

A. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state/tribal law or regulation under authority preserved by Section 510 of the Clean Water Act.
B. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.
C. Construction activities on Indian Country lands are regulated by the EPA Region 6 office located in Dallas, Texas. Applicants seeking coverage for construction or surface disturbing activities located on Indian Country land should contact the EPA Region 6 office.

7.12 Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions and requirements of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when necessary to achieve compliance with the conditions of this permit.

7.13 Inspection and Entry

The permittee shall allow DEQ or an authorized representative of DEQ, or in the case of a construction site that discharges through a municipal separate storm sewer, an authorized representative of the municipal operator of the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

A. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
B. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and
C. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment).
D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

7.14 Monitoring and Records

A. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
B. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 C.F.R Part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of DEQ at any time.
C. Records of monitoring information shall include:
    1. The date, exact place, and time of sampling or measurements;
    2. The individual(s) who performed the sampling or measurements;

3. The date(s) analyses were performed;
4. The individual(s) who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of such analyses.

D. Monitoring must be conducted according to test procedures approved under 40 C.F.R Part 136 unless another method is required under 40 C.F.R subchapters N or O.

E. The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four years, or both.

7.15 Reporting Requirements

A. Planned changes.
The permittee shall give notice to DEQ as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in § 122.29(b); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under § 122.42(a)(1).
3. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;

B. Anticipated noncompliance.
The permittee shall give advance notice to DEQ of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

C. Transfers.
This permit is not transferable.

D. Monitoring reports.
Monitoring results shall be reported at the intervals specified elsewhere in this permit.
1. Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by DEQ for reporting results of monitoring of sludge use or disposal practices. As of December 21, 2016, all reports and forms submitted in compliance with this section must be submitted electronically by the permittee to DEQ or initial recipient, as defined in 40 C.F.R 127.2(b), in compliance with this section and 40 C.F.R Part 3 (including, in all cases, Subpart D to Part 3), § 122.22, and 40 C.F.R Part 127. Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of Part 127, permittees may be required to report electronically if specified by a particular permit or if required to do so by state law.
2. If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 C.F.R Part 136, or another method required for an industry-specific waste stream under 40 C.F.R subchapters N or O, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by DEQ.
3. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by DEQ in the permit.

E. Compliance schedules.
Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Twenty-four hour reporting.

1, The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A report shall also be provided within five days of the time the permittee becomes aware of the circumstances. The report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times), and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described above (with the exception of time of discovery) as well as the type of event (combined sewer overflows, sanitary sewer overflows, or bypass events), type of sewer overflow structure (*e.g.,* manhole, combine sewer overflow outfall), discharge volumes untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the sewer overflow event, and whether the noncompliance was related to wet weather. As of December 21, 2025 or an EPA-approved alternative date (*see* 40 C.F.R 127.24(e) or (f)), all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events submitted in compliance with this section must be submitted electronically by the permittee to DEQ or initial recipient, as defined in 40 C.F.R 127.2(b), in compliance with this section and 40 C.F.R Part 3 (including, in all cases, Subpart D to Part 3), § 122.22, and 40 C.F.R Part 127. 40 C.F.R Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of 40 C.F.R Part 127, permittees may be required to electronically submit reports related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section by a particular permit or if required to do so by state law. DEQ may also require permittees to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section.

2. The following shall be included as information which must be reported within 24 hours under this paragraph.
   a. Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 C.F.R. § 122.41(g).
   b. Any upset which exceeds any effluent limitation in the permit.
   c. Violation of a maximum daily discharge limitation for any of the pollutants listed by DEQ in the permit to be reported within 24 hours. (See 40 C.F.R. § 122.44(g).)
3. DEQ may waive the written report on a case-by-case basis for reports under paragraph 7.15.F.2 of this section if the oral report has been received within 24 hours.

G. Other noncompliance.

The permittee shall report all instances of noncompliance not reported under paragraphs 7.15.D - F of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph 7.15.F. For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports shall contain the information described in paragraph 7.15.F and the applicable required data in appendix A to 40 C.F.R Part 127. As of December 21, 2025 or an EPA-approved alternative date (see 40 C.F.R 127.24(e) or (f)), all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events submitted in compliance with this section must be submitted electronically by the permittee to DEQ or initial recipient, as defined in 40 C.F.R 127.2(b), in compliance with this section and 40 C.F.R Part 3 (including, in all cases, Subpart D to Part 3), § 122.22, and 40 C.F.R Part 127. 40 C.F.R Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of 40 C.F.R Part 127, permittees may be required to electronically submit reports related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section by a particular permit or if required to do so by state law. DEQ may also require permittees to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section.

H. Other information.

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to DEQ, it shall promptly submit such facts or information.

I. Identification of the initial recipient for NPDES electronic reporting data.
The owner, operator, or the duly authorized representative of an NPDES-regulated entity is required to electronically submit the required NPDES information (as specified in appendix A to 40 C.F.R Part 127) to the appropriate initial recipient, as determined by EPA, and as defined in 40 C.F.R. § 127.2(b). EPA will identify and publish the list of initial recipients on its web site and in the Federal Register, by state and by NPDES data group [see 40 C.F.R. § 127.2(c). EPA will update and maintain this listing.

7.16 Bypass

A. Definitions.
1. **Bypass** means the intentional diversion of waste streams from any portion of a treatment facility.
2. **Severe property damage** means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. Bypass not exceeding limitations.
The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 7.16.C and D of this section.

C. Notice.
1. Anticipated bypass.
If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least 10 days before the date of the bypass. As of December 21, 2025 or an EPA-approved alternative date (see 40 C.F.R. 127.24(e) or (f)), all notices submitted in compliance with this section must be submitted electronically by the permittee to DEQ or initial recipient, as defined in 40 C.F.R. 127.2(b), in compliance with this section and 40 C.F.R. Part 3 (including, in all cases, Subpart D to Part 3), § 122.22, and 40 C.F.R. Part 127. 40 C.F.R. Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of 40 C.F.R. Part 127, permittees may be required to report electronically if specified by a particular permit or if required to do so by state law.
2. Unanticipated bypass.
The permittee shall submit notice of an unanticipated bypass as required in paragraph 7.15.F of this section (24-hour notice). As of December 21, 2025 or an EPA-approved alternative date (see 40 C.F.R. 127.24(e) or (f)), all notices submitted in compliance with this section must be submitted electronically by the permittee to DEQ or initial recipient, as defined in 40 C.F.R. 127.2(b), in compliance with this section and 40 C.F.R. Part 3 (including, in all cases, Subpart D to Part 3), § 122.22, and 40 C.F.R. Part 127. 40 C.F.R. Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of 40 C.F.R. Part 127, permittees may be required to report electronically if specified by a particular permit or if required to do so by state law.

D. Prohibition of bypass.
1. Bypass is prohibited, and DEQ may take enforcement action against a permittee for bypass, unless:
   a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
   b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
   c. The permittee submitted notices as required under paragraph 7.16.C of this section.
2. DEQ may approve an anticipated bypass, after considering its adverse effects, if DEQ determines that it will meet the three conditions listed above in paragraph 7.16.D.1 of this section.

7.17 **Upset** -

A. Definition.
Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. Effect of an upset.
An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph 7.17.C of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

C. Conditions necessary for a demonstration of upset.
A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
1. An upset occurred and that the permittee can identify the cause(s) of the upset;
2. The permitted facility was at the time being properly operated; and
3. The permittee submitted notice of the upset as required in paragraph 7.15.F.2.a of this section (24 hour notice).
4. The permittee complied with any remedial measures required under paragraph 7.4 of this section.

D. Burden of proof.
In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

7.18 Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Part 8 Re-opener Clause

8.1 Potential to Cause or Contribute to a Violation

If there is evidence indicating that the stormwater discharges authorized by this permit cause, have the reasonable potential to cause, or contribute to a violation of a water quality standard, the permittee may be required to obtain an individual permit or an alternative general permit in accordance with Part 7.10, or the permit may be modified to include different limitations and/or requirements.

8.2 Permit Modification or Revocation

Permit modification will be conducted according to the Oklahoma Uniform Environmental Permitting Act at Oklahoma Statutes, Title 27A, O.S., § 2-14-101 *et seq.*, OAC, 252:4-7 and 252:606, and 40 C.F.R. §§ 122.62, 122.63, 122.64, and 124.5, incorporated and adopted by reference in OAC 252:606-1-3(b).

ADDENDUM A – OKLAHOMA AQUATIC RESOURCES OF CONCERN (ARC)

A. Sensitive waters and watersheds for federally listed species, as defined by the U.S. Fish and Wildlife Service for the OPDES OKR10 Construction General Permit (CGP) for stormwater discharges from construction activity

Grand (Neosho) River - A two-mile corridor (one mile from each bank) of the main stem of the Grand (Neosho) River above its confluence with Tar Creek. This corridor includes portions of Ottawa and Craig Counties.

Cimarron River - A two-mile corridor (one mile from each bank) of the main stem of the Cimarron River from the US Hwy-77 Bridge in Logan County upstream to and including Beaver County. This corridor includes river segments in Beaver, Harper, Kingfisher, Logan, Major, Woods, and Woodward counties.

South Canadian River - A two-mile corridor (one mile from each bank) of the main stem from the Eufaula Reservoir flood pool upstream to the northern border of Custer County. This corridor includes river segments in Blaine, Caddo, Canadian, Cleveland, Custer, Grady, Hughes, McClain, McIntosh, Pittsburg, Pontotoc, Pottawatomie, and Seminole counties.

Muddy Boggy River - A two-mile corridor (one mile from each bank) of the main stem of the Muddy Boggy River which includes portions of Choctaw, Atoka, and Coal Counties.

Kiamichi River – The watershed of the Kiamichi River is upstream from the Hugo Reservoir. This watershed includes portions of Choctaw, Pushmataha, Atoka, Pittsburg, Latimer, and Leflore Counties.

Little River – The watershed of the Little River includes portions of Choctaw, LeFlore, Pushmataha and McCurtain Counties.

Glover River – The watershed of the Glover River includes portions of Pushmataha and McCurtain Counties.

Mountain Fork River – The watershed of the Mountain Fork River is above Broken Bow Reservoir and includes portions of Leflore and McCurtain Counties.

Northeast HUC-11 Watersheds – The watersheds are identified by the following 11-digit Hydrologic Unit Codes: 11070206030, 11070206060, 11070207190, 11070208070, 11070209020, 11070209030, 11070209040, 11070209050, 11070209060*, 11070209070, 11070209100, 11070209110 and 11070209120. These watersheds include portions of Ottawa, Craig, Delaware, and Mayes Counties.

* *This HUC does not contain a known Ozark cavefish cave. It was included because it is entirely surrounded by 11 digit HUCs with known Ozark cavefish caves; therefore, we assume that Ozark cavefishes likely occupy this portion of the watershed as well.*

Elk River – A two-mile corridor (one mile from each bank) of the Elk River which includes portions of Delaware County.

Spring River – A two-mile corridor (one mile from each bank) of the Spring River which includes portions of Ottawa County.

Verdigris River – A two-mile corridor of the main stem from the dam of Lake Oologah to the confluence of the Arkansas River which includes river segments in Rogers, Wagoner, and Muskogee counties.

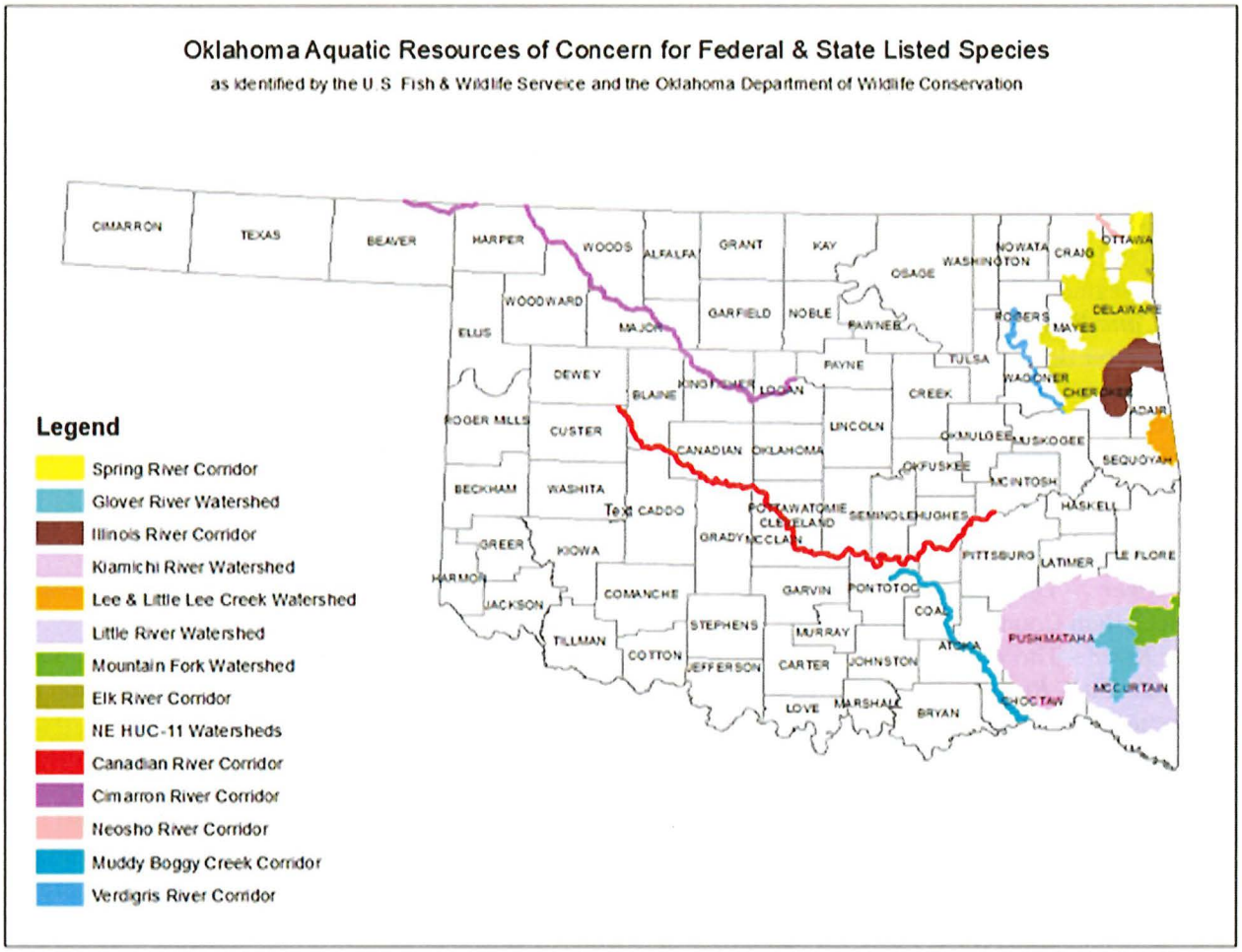
B. Sensitive waters and watersheds for state listed species, as defined by the Oklahoma Department of Wildlife Conservation for the OPDES OKR10 Construction General Permit (CGP) for stormwater discharges from construction activity

Illinois River – A 10-mile corridor (five miles from each bank within the watershed) of the main stem of the Illinois River above Tenkiller Reservoir. This corridor includes portions of Cherokee, Delaware, and Mayes Counties.

Lee and Little Lee Creeks – The watershed of Lee Creek and Little Lee Creek which includes portions of Sequoyah and Adair Counties.

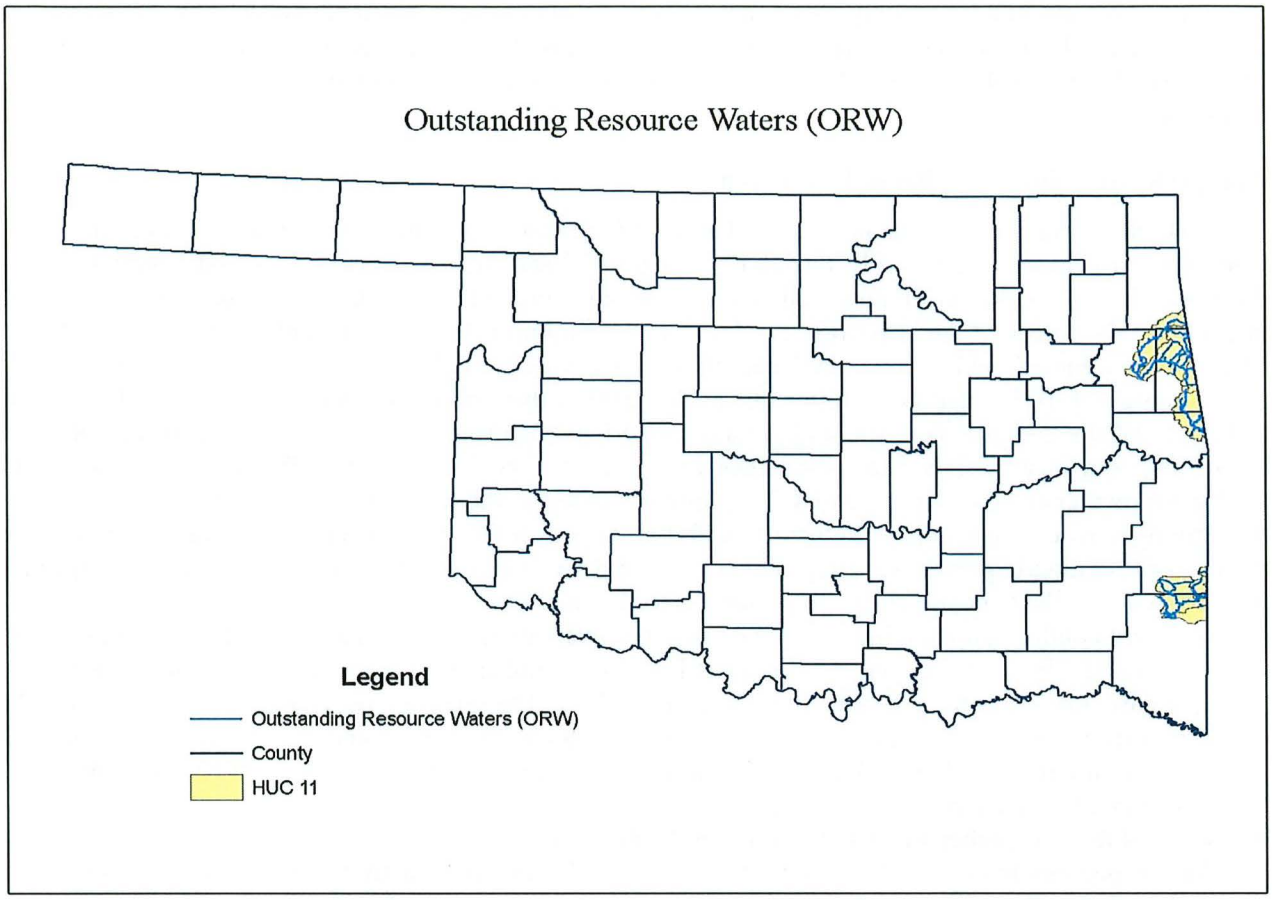
Note: *No stormwater discharge-sensitive endangered or threatened species occur in the following counties: Alfalfa, Beckham, Carter, Cimarron, Comanche, Garfield, Garvin, Grant, Greer, Johnston, Kiowa, Lincoln, Murray, Nowata, Okfuskee, Oklahoma, Okmulgee, Rogers, Stephens, Texas, Washington, or Washita.*

Figure A- 1 Oklahoma Aquatic Resources of Concern for Federal & State Listed Species



ADDENDUM B – OUTSTANDING RESOURCE WATERS (ORW)

Figure B- 1 Outstanding Resource Waters Statewide Map



Outstanding Resource Waters Details

Figure B- 2 Illinois River & Lee Creek Watersheds

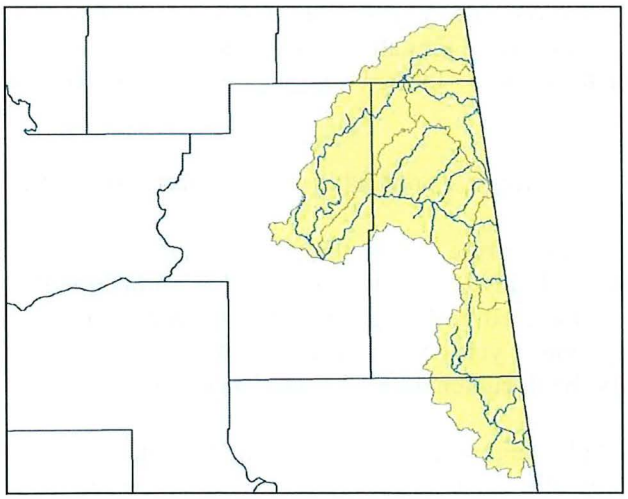
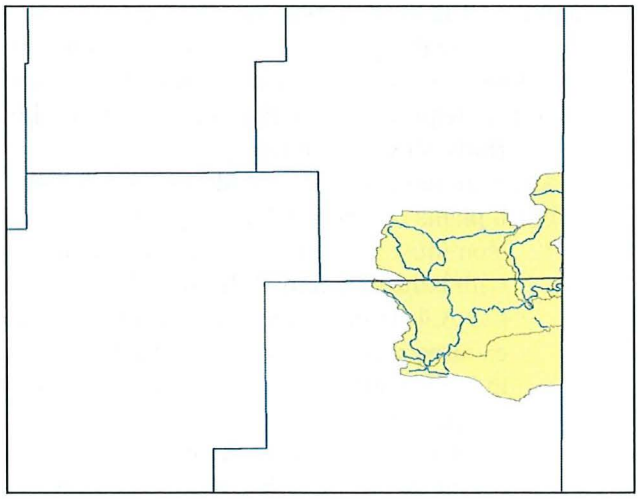


Figure B- 3 Mountain Fork River Watershed



ADDENDUM C – ADDITIONAL REQUIREMENTS FOR CONSTRUCTION SUPPORT ACTIVITIES

C.1. Sampling Data

Provide a summary of any existing stormwater discharge sampling data taken at your facility. All stormwater sampling data collected during the term of this permit must also be summarized and included in this part of the SWP3. The SWP3 shall document the procedures for conducting the types of analytical monitoring specified by this permit.

C.2 Comprehensive Site Compliance Evaluation

The concrete or asphalt batch plant(s) covered under this permit must conduct an Annual Comprehensive Site Compliance Evaluation ("ACSCER") using Form 606-005B and submit a copy to DEQ. At a minimum, your documentation of the ACSCER must include the scope of the inspections, the name(s) of personnel making the inspections, the date(s) of the inspections, and major observations relating to the implementation of the SWP3. Major observations should include: the location(s) of discharges of pollutants from the site;, BMPs that need to be maintained; BMPs that failed to operate as designed or that proved inadequate for a particular location; additional BMPs that are needed to address any conditions requiring corrective action identified during the inspection; previously unidentified discharges from the site; previously unidentified pollutants in existing discharges; evidence of, or the potential for, pollutants entering the drainage system; evidence of pollutants discharging to receiving waters at all facility outfall(s); the condition of and around the outfall, including flow dissipation measures to prevent scouring; and any required revisions to the SWP3 resulting from the inspection.

A. Frequency of the Comprehensive Site Compliance Evaluation
   You must conduct a comprehensive site compliance evaluation at least once a year. The inspections must be conducted by qualified personnel with at least one member of your stormwater pollution prevention team participating in the comprehensive site inspections. The qualified personnel you use may be either your own employees or outside consultants that you have hired, provided they meet the requirements specified in Part 1.31. If you decide to conduct more frequent inspections, your SWP3 must specify the frequency of inspections.
B. Scope of the Comprehensive Site Compliance Evaluation
   Your inspections must include all areas where industrial materials or activities are exposed to stormwater, as identified in Parts F.1 and areas where spills and leaks have occurred within the past three years.

C.3 Monitoring Requirements

All concrete and asphalt batch plants covered under this permit will be subject to quarterly visual monitoring. Numeric effluent limitation monitoring ("NELM") is required once per year if your asphalt batch plant(s) is covered under this permit. These specific monitoring requirements and limitations are applied to the discharge at facilities with co-located activities. Where stormwater from the co-located activities is commingled, the monitoring requirements and limitations are additive.

A. Quarterly Visual Monitoring
   The requirements and procedures for quarterly visual monitoring are applicable to all concrete and asphalt batch plants covered under this permit.
   1. You must perform and document a quarterly visual monitoring of a stormwater discharge associated with industrial activity from each outfall, unless the outfall is substantially identical as outlined in Part C.3.A.4. If no storm event resulted in runoff from the facility during a monitoring quarter, you are excused from visual monitoring for that quarter provided you document in your monitoring records that no runoff occurred. You must sign and certify the documentation in accordance with Part 7.7 of the permit.
   2. Your visual examination must be made during daylight hours (e.g., normal working hours). The visual examinations must be made of samples collected within the first 30 minutes of when the runoff or snowmelt begins discharging from your facility. The examination must document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution. The examination must be conducted in a well-lighted area. No analytical tests are required to be performed on the samples. All such samples must be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs

at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Where practicable, the same individual should carry out the collection and examination of discharges for the entire permit term.

The following table is an example of what you should look for in a visual monitoring sample.

Table C-1 Visual Monitoring of Stormwater Discharges

Parameter	Method	Results
Color and Extent	Visual	Clear, yellow, red, blue, green, brown, black, milky, etc.
Odor	Smell	None, earthy, sewage, musky, rotten eggs, petroleum, etc.
Clarity or Turbidity	Come up with your own test such as: clean off the label from a one-liter or similar size clear plastic or glass bottle, fill the bottle with the sample, and try to see things through it.	1) can't see through the bottle 2) can see through but could not read newsprint 3) can see through and can read newsprint 4) pretty clear, but not as clear as bottled water 5) as clear as bottled water
Floating solids	Visual	Yes/no - describe what they are.
Settled solids	Use same one-liter or similar size plastic or glass bottle	Tablespoons or cups of material or millimeters of solids on bottom after at least 60 minutes
Suspended solids	Look through the container.	Describe what do you see?
Foam	Visual	Yes - how thick is the foam? How much of the surface does it cover? What color is the foam? Or No
Oil sheen	Visual	Color and extent
Other obvious indicators of stormwater pollution	Indicate what you observed that would lead a reasonable person to believe that the stormwater was polluted.	Describe what do you see?

3. You must maintain your visual examination reports onsite with the SWP3. At a minimum, the report must include the examination date and time, locations, personnel, the nature of the discharge (i.e., runoff or snow melt), results of observations of the stormwater discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution), and probable sources of any observed stormwater contamination. If applicable, the report shall include why it was not possible to take samples within the first 30 minutes. The report must be signed in accordance with Part 7.7.
4. If your facility has two or more outfalls that you believe discharge substantially identical effluents, based on similarities of the industrial activities and control measures, exposed materials that may significantly contribute pollutants to stormwater, and runoff coefficients of the outfalls' drainage areas, you may visually monitor the effluent of just one of the outfalls and report that the results also apply to the substantially identical outfall(s). You may monitor selected substantially identical outfall(s) on a rotating basis. For this to be permissible, you must describe each outfall authorized by this permit and the rationale for any substantially identical outfall determinations, including the locations of the outfalls, why the outfalls are expected to discharge substantially identical effluents, estimates of the size of the drainage area (in square feet) for each of the outfalls, and an estimate of the runoff coefficient of the drainage areas (low: under 40 percent; medium: 40 to 65 percent; high: above 65 percent).

B. Numeric Effluent Limitation Monitoring ("NELM")

If your facility has discharges of stormwater from an asphalt batch plant, you must comply with the limitations and monitoring requirements of Part 4.5 (also see Table 4-2) for all discharges containing asphalt batch plant runoff.

1. Monitoring Periods
   If the project takes less than one year to complete, you shall collect at least one sample. Otherwise, you must start to collect your grab samples and analyze the samples annually within the following time periods:
   The yearly monitoring periods are from January 1st to December 31st.
2. Collection and Analysis of Samples
   You must assess your sampling requirements on an outfall-by-outfall basis.
   a. All required monitoring must be performed on a measurable storm event (defined as a storm that is greater than 0.1 inch in magnitude) that results in an actual discharge from your site and that follows the preceding measurable storm event by at least 72 hours. The 72-hour storm interval does not apply if you are able to document that less than a 72-hour interval is representative for local storm events during the sampling period.
   b. Take a minimum of one grab sample within the first 30 minutes of the discharge resulting from a measurable storm event. If it is not practicable to take the sample during the first 30 minutes, the sample must be collected as soon as practicable after the first 30 minutes. You must document in your SWP3 why it was not possible to take samples within 30 minutes. If the sampled discharge commingles with process or non-process wastewater, attempt to sample the stormwater discharge before it mixes with the non-stormwater.
   c. In the case of snowmelt, samples must be taken during a period with a measurable discharge.
   d. Auto-samplers or passive samplers may be used to collect grab samples. If auto-samplers or passive samplers are used, samples must still be taken in accordance with paragraphs a-c above.
3. Storm Event Data
   For each monitoring event, except snowmelt monitoring, you must provide the date and duration (in hours) of the storm event(s); rainfall measurements or estimates (in inches) of the storm event; time (in days) since the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sample. For snowmelt monitoring, you must identify the date of the sampling event.
4. Follow-up Monitoring Requirements if Discharge Exceeds Numeric Effluent Limit
   You must conduct follow-up monitoring within 30 calendar days (or during the next qualifying runoff event should none occur within 30 days) of implementing corrective action(s) taken pursuant to Part 5.5 in response to an exceedance of a numeric effluent limit contained in this permit. Monitoring must be performed for any pollutant(s) that exceeds the effluent limit. You must continue to monitor, at least quarterly, until your discharge is in compliance with the effluent limit or until DEQ waives the requirement for additional monitoring. You must include the results of follow-up monitoring in the corrective action report.

C.4 Reporting

A. Reporting Results of NELM
   1. Submit analytical monitoring results by March 1st of the year following the monitoring period.
   2. If required, you must submit NELM results obtained from each outfall associated with industrial activity via the electronic Discharge Monitoring Report (eDMR). Instructions on how to register as a Preparer or Signatory for eDMR, as well as how to prepare and submit eDMR, can be found on DEQ website at https://www.deq.ok.gov/water-quality-division/electronic-reporting/. Assistance is also available by contacting DEQ at (405)702-8100 or deqreporting@deq.ok.gov .

B. Annual Comprehensive Site Compliance Evaluation Reporting Requirement
   1. An ACSCER using Form 606-005B must be filed each year. The report must be filed by March 1st of each year beginning the year after the effective date of this permit. If your permit becomes effective less than one month from the end of the yearly monitoring period, your first monitoring period starts with the next respective annual monitoring period.
   2. The report must include requirements specified in Part C.2 of this Addendum and be certified by an authorized representative of your facility (see Part 7.7)

C. Visual monitoring results, employee training, inspector certifications/licenses, routine facility inspections and other supporting documentation must be retained with the SWP3. Do not submit unless requested to do so by the Executive Director.

ADDENDUM D – BUFFER REQUIREMENTS

The purpose of this Addendum is to assist you in complying with the requirements of this permit regarding the establishment of natural buffers or equivalent sediment controls.

Step 1.

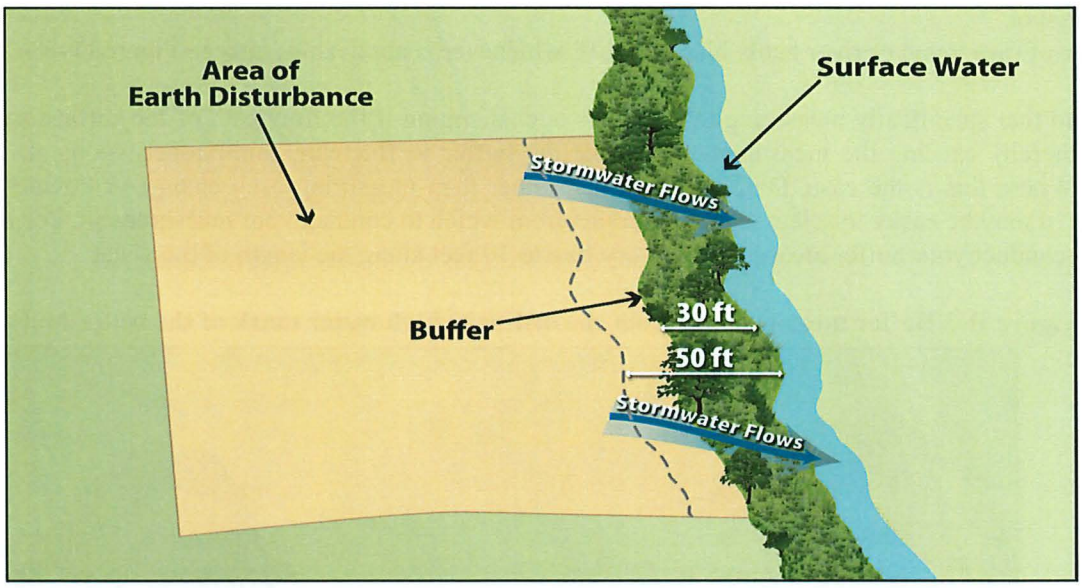
Determine the total width of natural buffer required.

When any waters of the state are located on or immediately adjacent to the site (refer to Figure D-1), you must maintain a natural buffer zone or equivalent erosion and sediment controls from any named or unnamed receiving streams, creeks, rivers, lakes or other water bodies. The minimum width of the buffer is outlined in Table 4-1. If only a portion of the natural buffer is less than the minimum required width, you are only required to implement erosion and sediment controls that achieve the sediment load reduction equivalent to the portion that is not retained (refer to Figure D - 2).

Table 4-1 Minimum Required Natural Buffer Widths[20]

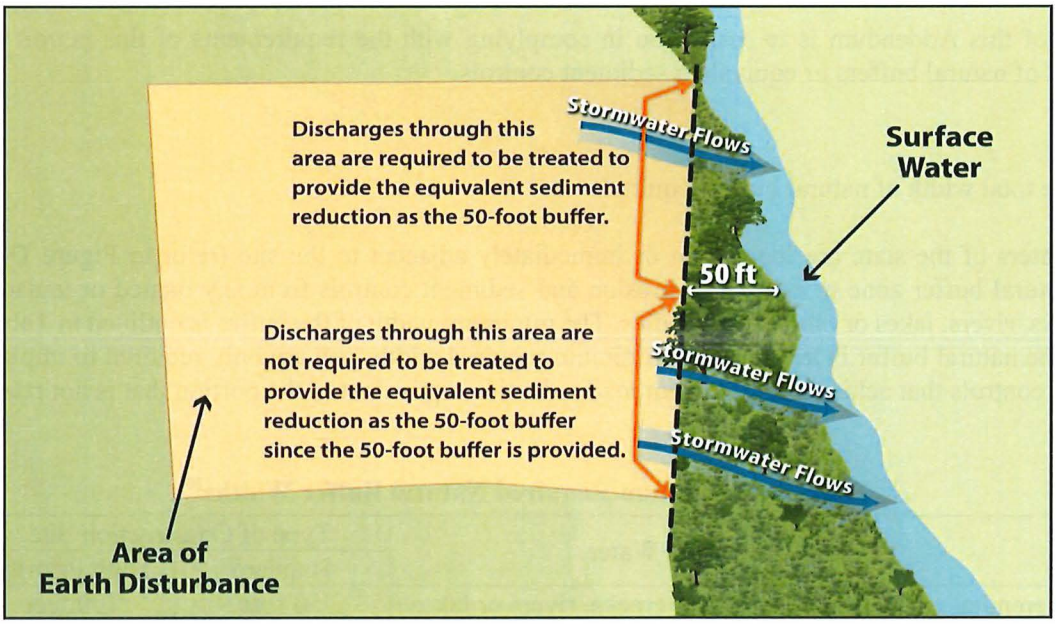
Type of Receiving Water	Type of Construction Site	
	Standard	High Priority
Perennial or intermittent streams, creeks, rivers or lakes	50 feet	100 feet
Ephemeral streams or drainages	50 feet	50 feet
Road ditches, county ditches, stormwater conveyance channels, storm drain inlets or sediment basins/impoundments	None	None

Figure D-1 Example of Earth-Disturbing Activities within 50 feet of surface water.



[20] Table 4-1. from Part 4.2.B has been duplicated here for reference.

Figure D-2 Example of how to comply with buffer requirements.



Where you are retaining a buffer of any size, the buffer should be measured perpendicularly from one of the following points, whichever is further landward from the water:

1. The ordinary high-water mark of the water body (refer to Figure D - 3), defined as the line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, and/or the presence of litter and debris; or
2. The edge of the stream or river bank, bluff, or cliff, whichever is applicable (refer to Figure D - 4).

You may find that specifically measuring these points is challenging if the flow path of the surface water changes frequently, thereby causing the measurement line for the buffer to fluctuate continuously along the path of the waterbody. Where this is the case, DEQ suggests that rather than measuring each change or deviation along the water's edge, it may be easier to select regular intervals from which to conduct your measurement. For instance, you may elect to conduct your buffer measurement every five to 10 feet along the length of the water.

Figure D-3 Buffer measurement from the ordinary high water mark of the water body.

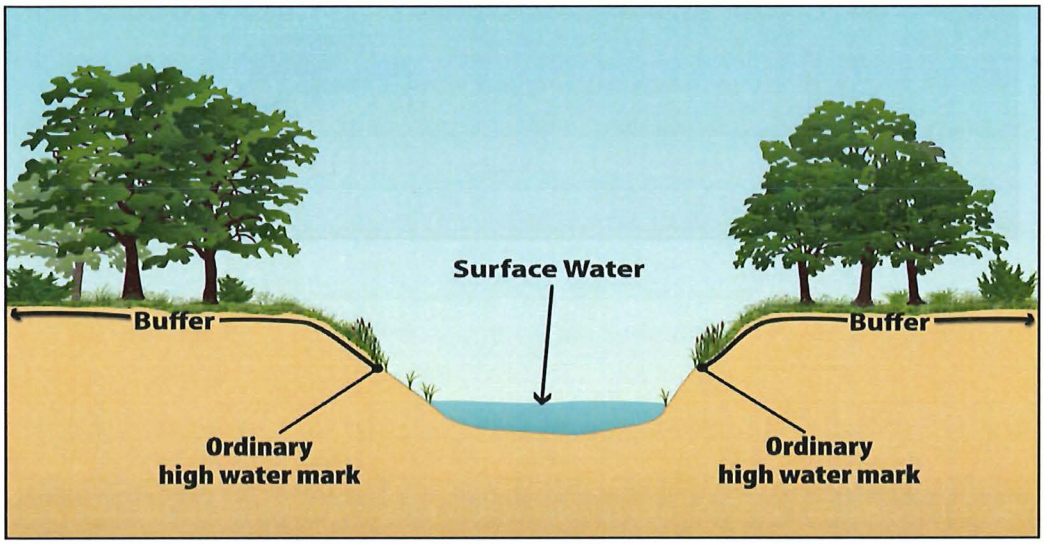
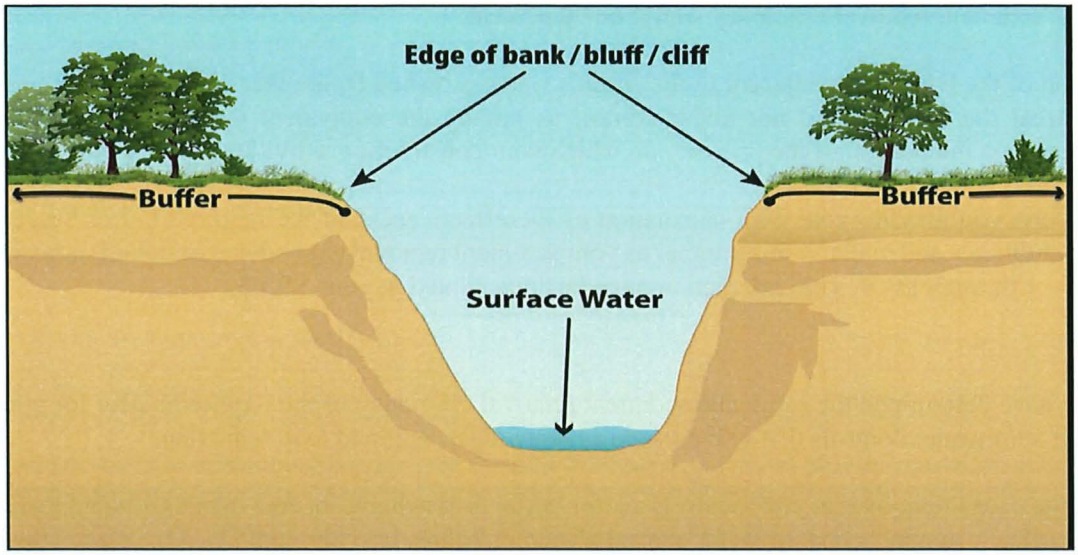


Figure D-4 Buffer measurement from the edge of the bank, bluff, or cliff.



Step 2.

Determine the amount of natural buffer equivalent required.

If you are retaining a buffer of less than 100 feet or 50 feet, you may take credit for the removal that will occur from the reduced buffer and only need to provide additional controls to make up the difference between the removal efficiency of a 100-foot or 50-foot buffer and the removal efficiency of the narrower buffer. For example, if you are retaining a 30-foot buffer, you can account for the sediment removal provided by the 30-foot buffer retained, and you will only need to design controls to make up for the additional removal provided by the 20-foot of buffer that is not being provided. To do this, you would plug the width of the buffer that is retained into RUSLE or another model, along with other stormwater controls that will together achieve a sediment reduction equivalent to a natural 50-foot buffer.

The amount of natural buffer equivalent required shall be rounded up to the nearest integer of 50 if utilizing the sediment removal efficiency rates in Tables H-1 through H-4.

$$\text{Buffer}_{\text{total}} - \text{Buffer}_{\text{retained}} = \text{Buffer}_{\text{equivalent}}$$

Step 3.

Determine the existing sediment removal efficiency of the site.

The sediment removal efficiencies of natural buffers vary according to a number of site-specific factors, including precipitation, soil type, land cover, slope length, width, steepness, and the types of sediment controls used to reduce the discharge of sediment prior to the buffer. DEQ has simplified this calculation by developing buffer performance tables covering a range of vegetation and soil types for the areas covered by the permit. See Attachment 1, Tables D - 1 through D - 4. Alternatively, you may do your own calculation of the effectiveness of the natural buffer based upon your site-specific conditions and may use this number as your sediment removal equivalency standard to meet instead of using Tables D – 1 through D - 4. This calculation must be documented in your SWP3.

Note: buffer performance values in Tables D - 1 through D - 4 represent the percent of sediment captured through the use of perimeter controls (e.g., silt fences) and 100-foot or 50-foot buffers at disturbed sites of fixed proportions and slopes. Using Tables D - 1 through D - 4 (see Attachment 1), you can determine the sediment removal efficiency of a 100-foot or 50-foot buffer for your geographic area by matching the vegetative cover type and the type of soils

that predominate at your site. For example, if your site is located in Oklahoma City (see Table D - 1), and your buffer vegetation corresponds most closely with that of fescue grass, and the soil type at your site is best typified as sand, your site's sediment removal efficiency would be 90 percent.

If a portion of the buffer area adjacent to the surface water is owned by another party and is not under your control, you can treat the area of land not under control as having the equivalent vegetative cover and soil type that predominates on the portion of the property on which your construction activities are occurring.

Alternatively, you may do your own calculation of the effectiveness of the required buffer based upon your site-specific conditions, and may use this number as your sediment removal equivalency standard to meet instead of using Tables D – 1 through D - 4. This calculation must be documented in your SWP3.

Step 4.

Once you have determined the estimated sediment removal efficiency of the required buffer for your site, you must next select stormwater controls that will provide an equivalent sediment load reduction.

To make the determination that your controls and/or buffer area achieve an equivalent sediment load reduction as the required buffer, you may use stormwater controls listed in Tables D -1 through D - 4 to select a designed control(s) or use a model or other type of calculator. There are a variety of models available that can be used to support your calculation, including USDA's RUSLE-series programs and the WEPP erosion model, SEDCAD, SEDIMOT, or other models.

Step 5.

Calculate total sediment removal rate efficiency of the selected BMPs. When more than one alternative BMP must be used to compensate for the loss of the buffer strip, this amount should be calculated using the following formula:

$$Removal\ Rate_1 + (1 - Removal\ Rate_1)(Removal\ Rate_2) = Removal\ Rate_{total}$$

For example, if we are installing two BMPs that both have a 70% removal rate, the total removal rate is:

$$0.70 + (1 - 0.70)(0.70) = 0.91 = 91\%$$

Step 6.

Compare sediment removal efficiency rates to determine compliance. The equivalent sediment removal efficiency rate (Step 5) must be greater than or equal to the existing sediment removal efficiency rate (Step 3). The final step is to document in your SWP3 the information you relied on to calculate the equivalent sediment reduction as an undisturbed natural buffer. DEQ will consider your documentation to be sufficient if it generally meets the following:

For Step 3: refer to the Table in Attachment 1 that you used to derive your estimated buffer sediment removal efficiency performance. Include information about the buffer vegetation and soil type that predominate at your site, which you used to select the sediment load reduction value in Tables D - 1 through D - 4. Or, if you conducted a site-specific calculation for sediment removal efficiency, provide the specific removal efficiency, and the information you relied on to make your site-specific calculation.

For Steps 4-5: (1) Specify a single designed stormwater control (see Table D - 1 – D - 4) or other stormwater controls that you used to estimate sediment load reductions from your site. Specify a model or other type of calculator that you used to support your calculation if any; and (2) the results of calculations showing how your controls will meet or exceed the sediment removal efficiency from Step 3.

ATTACHMENT 1

Sediment Removal Efficiency Tables: Percent of sediment removal was calculated for a 200-foot runoff area with a 100-foot buffer, and a 100-foot runoff area with a 50-foot buffer. DEQ recognizes that very high removal efficiencies, even where theoretically achievable by a 50-foot or 100-foot buffer, may be very difficult to achieve in practice using alternative controls. Therefore in the tables below, DEQ has limited the removal efficiencies to a maximum of 90%. Efficiencies that were calculated at greater than 90% are shown as 90%, and this is the minimum percent removal that must be achieved by alternative controls.

Best Management Practices Defined:

- Fescue: Buffer strip (100 feet or 50 feet) at the end of the overland flow path of Fescue grass, the area has not been grazed
- Grama Grass: Buffer strip (100 feet or 50 feet) at the end of the overland flow path of Grama grass, at least the third year after seeding
- Range Grass: Buffer zone (100 feet or 50 feet) at the end of the overland flow path of a generic low production range grass
- Weeds: Buffer zone (100 feet or 50 feet) at the end of the overland flow path of at least five years of growth of generic weeds started from volunteer germination
- 12" Wattle: 12-inch straw sock or wattle installed at the base of the runoff area
- 6" Wattle: Six-inch straw sock or wattle installed at the end of the overland flow path
- Roll Material: Erosion control blanket placed over the disturbed area
- Silt Fence: Full retardance fabric silt fence installed at the end of the overland flow path
- Straw Mulch: Straw mulch applied over the disturbed area, 4,000 lbs/acre
- Gravel Berm: Gravel bag berm installed on a level contour to intercept sheet flows.

Figure D-5 Soils Defined

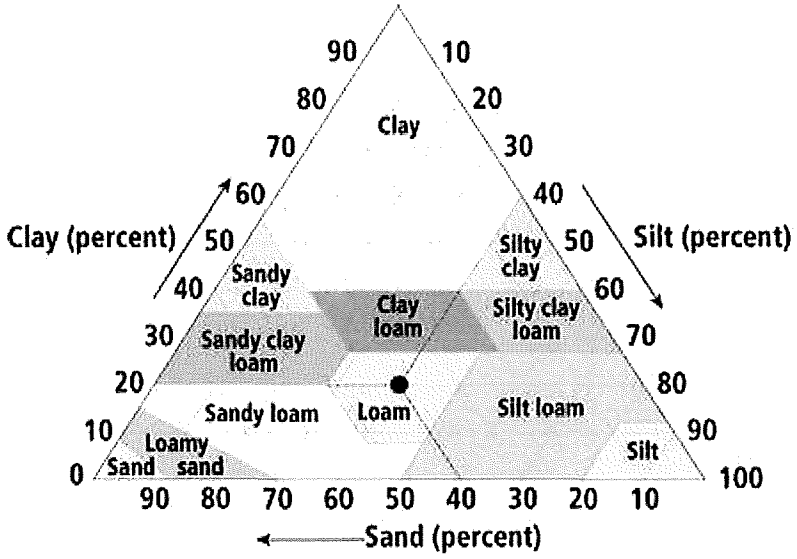


Table D- 1 Estimated Buffer Performance of Blade Fill in Oklahoma County, Oklahoma

Best Management Practices**	Estimated % Sediment Removal *										
	Clay	Silty Clay	Silty Clay Loam	Clay Loam	Silt Loam	Loam	Sandy Loam	Silt	Sandy Clay Loam	Loamy Sand	Sand
Fescue (100' Buffer)	90	90	90	90	90	90	90	90	90	90	90
Fescue (50' Buffer)	90	90	90	90	90	90	90	90	90	90	90
Grama Grass (100' Buffer)	80	83	81	82	81	81	80	79	82	85	87
Grama Grass (50' Buffer)	79	79	82	80	81	80	80	79	80	83	76
Range Grass (100' Buffer)	89	87	90	90	90	90	90	90	90	90	89
Range Grass (50' Buffer)	88	86	90	90	90	90	90	90	90	98	87
Weeds (100' Buffer)	68	67	70	71	71	72	73	72	73	73	63
Weeds (50' Buffer)	67	65	69	68	70	71	71	70	72	67	53
12" Wattle	71	61	56	67	45	57	70	20	76	82	73
6" Wattle	61	52	48	59	41	52	68	20	73	66	29
Roll Material	90	90	90	90	90	90	90	90	90	90	90
Silt Fence	61	52	48	59	41	52	68	20	73	66	66
Straw Mulch	76	75	77	73	78	75	77	81	76	77	88
Gravel Bag Berm	80	68	64	75	50	62	74	27	80	84	86

* Applicable for sites less than nine percent slope

** Characterization focuses on the under-story vegetation

Table D- 2 Estimated Buffer Performance of Blade Cut in Oklahoma County, Oklahoma

Best Management Practices**	Estimated % Sediment Removal *										
	Clay	Silty Clay	Silty Clay Loam	Clay Loam	Silt Loam	Loam	Sandy Loam	Silt	Sandy Clay Loam	Loamy Sand	Sand
Fescue (100' Buffer)	90	90	90	90	90	90	90	90	90	90	90
Fescue (50' Buffer)	90	90	90	90	90	90	90	90	90	90	90
Grama Grass (100' Buffer)	60	58	74	69	78	77	73	74	72	57	16
Grama Grass (50' Buffer)	59	53	67	62	74	30	69	74	70	38	11
Range Grass (100' Buffer)	87	85	89	90	90	90	90	89	89	86	86
Range Grass (50' Buffer)	85	84	88	89	90	90	90	89	87	84	84
Weeds (100' Buffer)	57	52	62	63	64	64	66	62	26	52	43
Weeds (50' Buffer)	53	51	58	58	62	64	66	62	58	46	39
12" Wattle	63	53	55	65	46	62	75	20	77	54	11
6" Wattle	28	26	45	46	42	58	63	17	38	7	1
Roll Material	83	84	85	83	86	85	85	90	85	86	86
Silt Fence	28	26	45	46	42	58	63	17	38	7	1
Straw Mulch	44	42	45	42	46	44	46	55	43	48	47
Gravel Bag Berm	76	65	61	72	48	62	73	22	77	82	82

* Applicable for sites less than nine percent slope

** Characterization focuses on the under-story vegetation

Table D- 3 Estimated Buffer Performance of Blade Fill Tulsa County, Oklahoma

Best Management Practices**	Estimated % Sediment Removal *										
	Clay	Silty Clay	Silty Clay Loam	Clay Loam	Silt Loam	Loam	Sandy Loam	Silt	Sandy Clay Loam	Loamy Sand	Sand
Fescue (100' Buffer)	90	90	90	90	90	90	90	90	90	90	90
Fescue (50' Buffer)	90	90	90	90	90	90	90	90	90	90	90
Grama Grass (100' Buffer)	81	82	82	82	81	81	80	79	82	85	87
Grama Grass (50' Buffer)	79	80	82	82	81	81	80	78	80	84	76
Range Grass (100' Buffer)	90	87	90	90	90	90	90	89	90	90	89
Range Grass (50' Buffer)	88	86	89	90	90	90	90	90	90	88	86
Weeds (100' Buffer)	50	50	48	51	50	50	49	47	51	51	48
Weeds (50' Buffer)	43	48	47	49	48	47	49	45	49	44	40
12" Wattle	68	60	53	65	44	57	69	18	73	80	71
6" Wattle	57	50	47	58	40	53	66	18	71	62	30
Roll Material	90	90	90	90	90	90	90	90	90	90	90
Silt Fence	57	50	47	58	40	53	66	18	71	62	30
Straw Mulch	72	75	75	73	76	74	74	79	92	75	76
Gravel Bag Berm	77	66	60	71	49	62	72	24	77	82	84

* Applicable for sites less than nine percent slope

** Characterization focuses on the under-story vegetation

Table D- 4 Estimated Buffer Performance of Blade Cut in Tulsa County, Oklahoma

Best Management Practices**	Estimated % Sediment Removal *										
	Clay	Silty Clay	Silty Clay Loam	Clay Loam	Silt Loam	Loam	Sandy Loam	Silt	Sandy Clay Loam	Loamy Sand	Sand
Fescue (100' Buffer)	90	90	90	90	90	90	90	90	90	90	90
Fescue (50' Buffer)	90	89	90	90	90	90	90	90	90	90	90
Grama Grass (100' Buffer)	60	59	73	68	78	77	73	88	72	56	13
Grama Grass (50' Buffer)	58	55	68	63	76	75	70	73	69	39	11
Range Grass (100' Buffer)	87	85	89	90	90	90	90	87	90	86	85
Range Grass (50' Buffer)	85	84	88	89	90	90	90	88	87	84	84
Weeds (100' Buffer)	52	50	58	59	63	64	66	63	56	42	40
Weeds (50' Buffer)	49	45	45	56	59	61	59	56	49	41	36
12" Wattle	62	55	55	63	45	61	75	20	77	55	8
6" Wattle	25	27	45	50	41	57	63	18	38	6	1
Roll Material	82	83	84	80	86	90	85	90	84	86	86
Silt Fence	40	27	45	50	74	57	63	18	38	6	1
Straw Mulch	35	41	42	27	43	39	40	51	42	43	44
Gravel Bag Berm	73	63	58	69	47	61	70	20	74	79	82

* Applicable for sites less than nine percent slope

** Characterization focuses on the under-story vegetation

ADDENDUM E – STORMWATER RUNOFF COEFFICIENTS

Table E- 1 Typical Runoff Coefficients for 5- to 10-year Frequency Design

	Description of Area	**Runoff Coefficients**
	Business	
1	Downtown areas	0.70-0.95
2	Neighborhood areas	0.50-0.70
	Residential	
3	Single-family areas	0.30-0.50
4	Multiunits, detached	0.40-0.60
5	Multiunits, attached	0.60-0.75
6	Residential (suburban)	0.25-0.40
7	Apartment dwelling areas	0.50-0.70
	Industrial	
8	Light areas	0.50-0.80
9	Heavy areas	0.60-0.90
10	Parks, cemeteries	0.10-0.23
11	Playgrounds	0.20-0.35
12	Railroad yard areas	0.20-0.40
13	Unimproved areas	0.10-0.30
	Streets	
14	Asphalt	0.70-0.95
15	Concrete	0.80-0.95
16	Brick	0.70-0.85
17	Drives and walks	0.75-0.85
18	Roofs	0.75-0.95
	Lawns, Sandy soil	
19	Flat, 2%	0.05-0.10
20	Average, 2-7%	0.10-0.15
21	Steep, 7%	0.15-0.20
	Lawns, Heavy soil	
22	Flat, 2%	0.13-0.17
23	Average, 2-7%	0.18-0.22
24	Steep, 7%	0.25-0.35

Viessman, W., Jr., G. L. Lewis, J. W. Knapp, 1989, *Introduction to Hydrology,* 3rd ed., Harper and Row, New York.

ADDENDUM F – EFFLUENT LIMITATIONS SUMMARY

Table F- 1 Effluent Limitations Summary

General Requirement	Standard Site	High Priority Site
Part 4.1 Design, Installation and Maintenance Requirements		
Design	Design, install, implement, and maintain effective BMPs that minimize the discharge of pollutants from construction activities by addressing the following while designing your stormwater controls: -precipitation -stormwater volume and velocity -minimizing exposed soil -nature of stormwater runoff and run-on -soil characteristics	
Installation	Ensure that all BMPs are installed in accordance with the manufacture's recommendations or good engineering practices.	
Maintenance	Ensure that all BMPs remain in effective operating condition and are protected from activities that would reduce their effectiveness. Conduct routine inspection, testing, maintenance, and corrective action/repair to avoid breakdowns or failures that may result in discharge of pollutants. Routine maintenance must be completed by the close of the next work day.	
Part 4.2 Sediment and Erosion Controls		
Direct discharges from your stormwater controls to vegetated areas.	Direct discharges from your stormwater controls to vegetated areas of your site and use velocity dissipation devices to prevent erosion.	
Provide and maintain natural buffers and equivalent erosion and sediment controls.	Standard	High Priority
	When any waters of the state are located on or immediately adjacent to the site, you must leave at least 50 feet of natural buffer zone, as measured from the top of the bank to disturbed portions of your site, from any receiving waters.	Buffer must be at least 100 feet for discharges to perennial or intermittent streams, creeks, rivers, or lakes; or at least 50 feet from ephemeral streams and drainages.
	No natural buffer zone is required for discharges to road ditches, county ditches, stormwater conveyance channels, storm drain inlets, or sediment basins/impoundments.	
Install perimeter controls.	Install sediment controls along those perimeter areas of your site that will receive stormwater from earth-disturbing activities.	
Minimize sediment track-out.	You must minimize the sediment track-out onto streets, other paved areas, and sidewalks from vehicles exiting your construction site. To comply with this requirement, you must: 1. Restrict vehicle use to properly designated exit points. 2. Use appropriate stabilization techniques at all points that exit onto paved roads. Implement additional track-out controls as necessary. 3. Where sediment has been tracked-out from your site, you must remove the deposited sediment by the end of the same work day in which the track-out occurs or by the end of the next work day if track-out occurs on a non-work day.	
Control discharges from stockpiled sediment or soil.	For any stockpiles or land clearing debris composed in whole of sediment or soil, you must comply with the following requirements:	

	1. Locate the piles outside of any natural buffers and physically separated from any stormwater conveyances, drain inlets, or areas where stormwater flow is concentrated. 2. Install a sediment barrier along all down-gradient perimeter areas. 3. Provide cover or appropriate temporary stabilization to avoid direct contact with precipitation or to minimize sediment discharge. 4. Do not hose down or sweep soil or sediment accumulated on pavement or other impervious surfaces into any stormwater conveyance, storm drain inlet, or surface water. 5. Unless infeasible, contain and securely protect from wind.
Minimize dust.	Minimize the generation of dust through the appropriate application of water or other dust suppression techniques.
Minimize the disturbance of steep slopes.	You must minimize the disturbance of steep slopes (i.e., slopes of 40% or greater). If it is not feasible to avoid disturbance of steep slopes, you must: 1. Divert concentrated or channelized flows of stormwater away from and around areas of disturbance on steep slopes. 2. Use specialized erosion and sediment controls for steep slopes. 3. Use stabilization practices designed to be used on steep slopes.
Preserve topsoil.	You must preserve native topsoil on your site, unless infeasible; you must stockpile and reuse it in areas that will be stabilized with vegetation if applicable.
Minimize soil compaction.	In areas of your site where final vegetative stabilization will occur or where infiltration practices will be installed, you must either: 1. Restrict vehicle and equipment use in these locations to avoid soil compaction. 2. Prior to seeding or planting areas of exposed soil that have been compacted, use techniques that condition the soils to support vegetative growth, if necessary.
Protect storm drain inlets.	If you discharge to any storm drain inlet that carries stormwater flow from your site directly to surface water you must comply with the following requirements: 1. Install inlet protection measures that remove sediment from your discharge prior to entry into the storm drain inlet. 2. Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, you must remove the deposited sediment by the end of the same work day in which it is found or by the end of the following work day if removal by the same work day is not feasible.
Constructed stormwater conveyance channels.	Design channels to avoid unstabilized areas on the site and minimize erosion of channels and their embankments, discharge points, adjacent streambanks, slopes, and downstream waters during discharge conditions through the use of erosion controls and velocity dissipation devices within and along the length of any constructed stormwater conveyance channel, and at any discharge point to provide a non-erosive flow velocity.
Install sediment basins/impoundments.	If you install a sediment basin, you must comply with the following: 1. Place velocity dissipation devices at discharge locations and along the length of any outfall channl. 2. Provide storage for either the calculated volume of runoff from a two-year, 24-hour storm, or 3,600 cubic feet per acre drained, whichever is greater. 3. When discharging from the sediment basin, utilize outlet structures that withdraw water from the surface, unless infeasible. 4. Prevent erosion of the sediment basin and the inlet/outlet structures. 5. Situate the sediment basin outside of surface waters and any natural buffers. 6. Remove accumulated sediment to maintain at least 1/2 the design capacity and conduct all other appropriate maintenance to ensure the sediment basin remains in effective operating condition.

	A sediment basin is required if 10 or more disturbed acres drain to one common point.	A sediment basin is required if five or more disturbed acres drain to one common point.
Dewatering practices.	You are prohibited from discharging groundwater, spring water or accumulated stormwater that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation associated with a construction activity, unless such waters are first effectively managed by appropriate controls. You must also meet the following requirements for dewatering activities: 1. Do not discharge visible floating solids or foam. 2. Use an oil-water separator or suitable filtration device that is designed to remove oil, grease, or other products if dewatering wastewater is found to contain these materials. 3. Utilize vegetated, upland areas of the site to infiltrate dewatering water before discharge. 4. At all points where dewatering water is discharged implement velocity dissipation 5. With backwash water, either haul away for disposal or return it to the beginning of the treatment process. 6. Replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications.	
Part 4.3 Stabilization		
Stabilization deadlines.	Initiate the installation of vegetative or equivalent non-vegetative stabilization measures immediately in any disturbed areas where construction activities have permanently ceased on any portion of the site or will be temporarily inactive for 14 or more calendar days.	
	Complete the installation of stabilization measures as soon as practicable, but no later than 14 calendar days after stabilization measures has been initiated.	Complete the installation of stabilization measures as soon as practicable, but no later than seven calendar days after stabilization measures has been initiated.
Stabilization criteria.	1. Vegetative stabilization measures must provide uniform cover that provides 70% or more of the cover that is provided by vegetation native to local undisturbed areas. Vegetative stabilization is considered final when vegetation has been established and rooted or anchored in place. 2. Equivalent non-vegetative stabilization must provide effective cover for exposed areas of the site. 3. For residential construction, final stabilization occurs when: (a) the homebuilder has completed final stabilization, or (b) the homebuilder has provided temporary stabilization for an individual lot prior to occupation of the home by the homeowner and informed the homeowner of the need for, and benefits of, final stabilization. 4. Final stabilization in construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land) may be accomplished by returning the disturbed land to its pre-construction agricultural use.	
Part 4.4 Pollution Prevention Requirements		
Spill prevention and response.	Implement preventive measures such as barriers between material storage and traffic areas. Implement procedures for expeditiously stopping, containing, and cleaning up leaks, spills and other releases. Use drip pans and absorbents under or around leaky vehicles. Ensure adequate supplies are available at all times to handle spills, leaks and disposal of any chemicals or materials. Clean up spills immediately using dry clean-up methods and dispose of used materials properly. Do not clean surfaces or spills by hosing the area down. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.	
Emergency Spill Notification	Discharge of a toxic or hazardous substance or oil from a spill or other release is prohibited. Where a leak, spill, or other release containing a toxic or hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 C.F.R. Parts 110, 117, or 302 occurs during a 24-hour period, you must notify the NRC at (800) 424-8802 or, in the areas of Oklahoma, call the DEQ's Hotline at (800)522-0206 as soon as you have knowledge of the discharge. You must also, within seven	

	calendar days of knowledge of the release, provide a description of the release, the circumstances leading to the release, and the date of the release. Local requirements may necessitate additional reporting of spills or discharges to local emergency response, public health, or drinking water supply agencies
Minimize exposure.	Store chemicals in water-tight containers. Provide cover to prevent chemical containers and materials from coming into contact with precipitation and stormwater or provide secondary containment or a similarly effective means to prevent the discharge of pollutants.
Good housekeeping.	During each workday, clean up and dispose of waste in designated waste containers. Provide waste containers of sufficient size and number to contain construction and domestic wastes. Waste containers must be covered at the end of daily work shifts and when workers are not present. Clean up immediately if containers overflow.
Chemical applications.	Comply with all application and disposal requirements on the pesticide, herbicide, insecticide, fertilizer, or other chemical manufacturer's label.
Equipment and vehicle washing.	Provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters prior to discharges. Ensure there is no discharge of soaps, detergents, or solvents in equipment and vehicle wash water.
Fertilizers containing nitrogen or phosphorus.	Minimize discharges of fertilizers containing nitrogen or phosphorus by complying with the following requirements: 1. Apply at a rate and in amounts consistent with manufacturer's specifications. 2. Apply at the appropriate time of year for your location, and preferably timed to coincide as closely as possible to the period of maximum vegetation uptake and growth. 3. Avoid applying before heavy rains that could cause excess nutrients to be discharged. 4. Never apply to frozen ground. 5. Never apply to stormwater conveyance channels with standing or flowing water. 6. Follow all other federal, state, tribal and local requirements regarding fertilizer application.
Hazardous or toxic waste.	Separate hazardous or toxic waste from construction and domestic waste and store in sealed containers constructed of suitable materials to prevent leakage and corrosion and which are labeled in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable federal, state, or local requirements. Provide secondary containment for containers that will be stored outside or provide a similarly effective means to prevent discharge of pollutants from these areas. Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended methods of disposal and in compliance with federal, state, and local requirements.
PFAS Management	1. Implement measures to minimize discharges of PFAS during emergency firefighting activities and post-emergency activities, including clean-up. 2. Establish specific protocols for minimizing the resuspension, conveyance, and discharge of PFAS, both during normal operations and during all maintenance and remediation activities. 3. Document all activities undertaken in fulfillment of 1 and 2 above in the SWP3.
Sanitary waste.	Position portable toilets so that they are secure and will not be tipped or knocked over and are located away from water of the state and stormwater inlets or conveyances including streets and roadways.
Washing of applicators and containers.	This applies to stucco, paint, concrete, form release oils, curing compounds, and other chemicals. 1. Direct all wash water into a leak-proof container or leak-proof pit. The container or pit must be designed so that no overflows can occur due to inadequate sizing or precipitation.

	2. Do not dump liquid wastes in storm sewers. Dispose of liquid wastes consistent with your handling of leaks or spills and, for hazardous or toxic waste or oil, in accordance with manufacturer's recommended methods of disposal and in compliance with federal, state, and local requirements.. 3. Remove and dispose of hardened concrete waste consistent with your handling of other construction wasters. 4. Clean up immediately if there is an overflow or if a discharge occurs outside of the leak-proof container or pit. 5. Locate any washout or cleanout activities as far away as possible from surface waters and stormwater inlets or conveyances, and, to the extent practicable, designate areas to be used for these activities and conduct such activities only in these areas.