

FACT SHEET

FOR THE MODIFICATION OF OPDES STORMWATER CONSTRUCTION GENERAL PERMIT OKR10 FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY WITHIN THE STATE OF OKLAHOMA.

DEQ Permit Number: OKR10

Issuing Office: Oklahoma Department of Environmental Quality (DEQ)
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The State of Oklahoma DEQ has made a tentative determination to modify its general permit for the discharge of stormwater from construction activities (OKR10) for the remainder of its five-year term. DEQ is the permitting authority, and this permit will be enforceable under both federal and state laws, rules, and regulations. Permit requirements are based on NPDES regulations, 40 C.F.R. § 122.26 *et seq.*, and the Oklahoma Pollutant Discharge Elimination System Act (OPDES Act), 27A O.S. § 2-6-201 *et seq.*, and the rules of DEQ adopted thereunder at OAC 252:606.

MODIFICATION OF GENERAL PERMIT OKR10 FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES WITHIN THE STATE OF OKLAHOMA

The Oklahoma Department of Environmental Quality (DEQ) is modifying the “General Permit OKR10 for Stormwater Discharges from Construction Activities within the State of Oklahoma” (OKR10). This permit will supersede and replace the current OKR10 permit, which was issued on October 18, 2022, and modified on April 1, 2023. Both new operators and existing operators/permittees must obtain coverage under this permit to discharge stormwater from construction activities within the state of Oklahoma. Operators/permittees who obtained coverage under the 2022 OKR10 permit prior to the date of this modification remain covered under this modified permit and do not need to reapply for permit coverage.

A. PERMITTING BACKGROUND

DEQ issued its current OKR10 on September 16, 2022, with an effective date of October 18, 2022, and expiration date of October 17, 2027. This permit was subsequently modified on March 31, 2023, with an effective date of April 1, 2023. Currently, DEQ is proposing to again modify the 2022 OKR10 permit for the remainder of its five-year term to remove the requirement for concrete and asphalt batch plants to submit Annual Comprehensive Site Compliance Evaluation Reports (ACSCERs) to DEQ; instead, these facilities will maintain the ACSCERs with their SWP3s and make them available to DEQ upon request. The issuance procedure for the permit is based on the Oklahoma Environmental Quality Code found in Title 27A of the Oklahoma Statutes § 2-14-101, *et seq.*, and the rules found in Oklahoma Administrative Code (OAC) 252:4-7.¹

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

B. ELIGIBILITY

No changes are proposed to permit eligibility.

C. EFFECTIVE DATE OF PERMIT AUTHORIZATION

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

D. SUMMARY OF MODIFICATIONS TO THE CURRENT PERMIT

This proposed modified general permit will supersede and replace the current OKR10 general permit for the remainder of its five-year term. Following is a list of modifications in the proposed general permit as compared to the current OKR10 general permit.

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

Part 5.3. Contents of the SWP3

Part 5.3.M Inspections is being modified to require concrete or asphalt batch plants covered under this permit to include completed ACSCERs with their SWP3s.

The reason for this change is to be consistent with the modifications to Appendix C – Additional Requirements for Construction Support Activities; see below for additional discussion.

Appendix C. Additional Requirements for Construction Support Activities

- a. Appendix C, Part C.2 Comprehensive Site Compliance Evaluation. This part is being modified to remove the requirement for concrete or asphalt batch plants covered under this permit to submit ACSCERs (using Form 606-005B) to DEQ each year. Instead, ACSCERs must be maintained with the SWP3 and made available to DEQ upon request. ACSCERs are only required to be submitted to DEQ if specifically requested.

The reasons for this change are as follows:

DEQ has no rules in OAC 252:606 “Oklahoma Pollutant Discharge Elimination System (OPDES) Standards,” OAC 252:690 “Water Quality Standards Implementation,” OAC 252:710 “Waterworks and Wastewater Works Operator Certification,” or elsewhere that require submittal of ACSCERs;

- ii. After further review, DEQ has determined that it does not have sufficient resources to effectively process, track, and review all the ACSCERs submitted to DEQ by the permittees. Thus, the requirement for permittees to submit ACSCERs to DEQ does not provide any additional environmental benefits. Instead, all permittees must prepare the ACSCER in accordance with the modified permit each year by March 1, maintain it with the SWP3, and make it available to DEQ upon request. Under the modified permit, permittees are no longer required to submit ACSCERs to DEQ, unless specifically requested.

Appendix C, Part C.4 Reporting. This part is being modified to be consistent with the modified requirements of Appendix C, Part C.2. In addition, it is being made explicit that failure to complete an ACSCER each year by March 1 will be considered a violation of the permit.

E. REVIEW BY OTHER AGENCIES AND FINAL DETERMINATION

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