



FACT SHEET

REISSUANCE OF GENERAL PERMIT FOR STORM WATER DISCHARGES FROM INDUSTRIAL ACTIVITIES UNDER THE MULTI-SECTOR INDUSTRIAL GENERAL PERMIT WITHIN THE STATE OF OKLAHOMA

August 5, 2011

The Oklahoma Department of Environmental Quality (DEQ) has issued the “Multi-sector General Permit OKR05 for Storm Water Discharges from Industrial Activities within the State of Oklahoma”. This permit replaces general permit OKR05, which expired on May 2, 2011. Either new facilities or existing facilities currently covered under this expired general permit must obtain coverage under this new permit in order to discharge storm water associated with industrial activities.

BACKGROUND

On November 19, 1996, EPA Region 6 approved the state of Oklahoma’s application for the DEQ to administer and enforce the National Pollutant Discharge Elimination System (NPDES) program for discharges of pollutants, including storm water discharges, within the state of Oklahoma. However, the DEQ’s approved program does not include the discharges from facilities which are located on Indian Country¹ lands, facilities which serve agricultural purposes, or facilities/industrial activities which are associated with oil and gas exploration². The DEQ issued its first Multi-Sector General Permit (MSGP) GP-00-01 on October 2, 2000. The permit was for discharges associated with industrial activities within 29 different sectors, each comprised of similar Standard Industrial Classification (SIC) Codes or activity codes (e.g. HZ, SE, LF, and TW). The DEQ is now proposing the reissuance of the MSGP OKR05 for Industrial Activities to replace the expired MSGP. The reissuance procedure for the permit is based on the Oklahoma Environmental Code found at Title 27A of the Oklahoma Statutes, Section 2-14-101, *et seq*, and rules found at Oklahoma Administrative Code (OAC) 252:4-7.

The proposed permit will have a fixed term of five (5) years from the effective date of DEQ issuance. Every authorization to discharge under this permit will expire at the same time, and all authorizations to discharge will be required to be renewed on the same date. Discharges will be covered under the general permit once the authorization to discharge is issued by the DEQ.

This general permit does not apply to any new discharge or increased discharge that will result in significant impacts to any water body designated Outstanding Resource Water. The determination is made

¹ Under EPA's 1996 approval of the State of Oklahoma's permitting program, the State was not authorized to issue NPDES permits under the federal Clean Water Act in areas of Indian country, as defined in 18 U.S.C. § 1151, within the State. 61 Fed. Reg. 65047, 65049 (December 10, 1996). Therefore, this permit does not apply to discharges of stormwater in Indian country. However, section 10211(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005 (“SAFETEA”), Public Law 109-59, 119 Stat. 1144 (August 10, 2005), provides the State the opportunity to request approval from EPA to administer federal environmental regulatory programs, including the Clean Water Act NPDES program, in Indian country areas of the State. The submission, by the State, and review, by EPA, of this permit is without prejudice to the State's right to request such approval at any time.

² On May 23, 2008, the Ninth Circuit Court of Appeals issued an opinion in *National Resources Defense Council v. United States Environmental Protection Agency*, 526 F. 3d 591 (9th Cir. 2008), vacating EPA’s 2006 oil and gas construction storm water regulation. Now the effective requirements are the regulations in place prior to the 2006 rule plus the additional Energy Policy Act clarification of the activities included in the CWA 402(l)(2) exemption.

in accordance with Oklahoma water quality standards, OAC 785:45-5-25. If your facility is located within the watershed of a water body designated Outstanding Resource Water, you must file a Notice of Certification of Industrial Existence (Form 605-005), and submit it to the DEQ.

You must receive an authorization to discharge from the DEQ prior to commencing the operation of the facility with storm water discharges. In order to receive this authorization from the DEQ, you must file a Notice of Intent (NOI) and pay the fees (application fee of \$100 and annual permit fee of \$330) to the DEQ. Also, you must develop and implement a storm water pollution prevention plan (SWP3) according to the requirements of this permit.

SUMMARY of CHANGES from PREVIOUS MSGP

This proposed general permit will replace the MSGP OKR05, which expired on May 2, 2011. Following is a list of changes in the proposed permit as compared to the previous MSGP.

1. *Eligibility for this Permit.* For clarification purpose, added the requirements for military installations and other state facilities.
2. *EPA Region 6 Authorization of Permitting Authority for Oklahoma.* Added a reference to Table 1-1 “Areas of Coverage Where the EPA Is the Permitting Authority within the State of Oklahoma” pertaining to the Ninth Circuit Court of Appeals opinion vacating EPA’s 2006 oil and gas construction storm water regulation.
3. *Facilities Covered.* Added a reference to the Table 1-2 “Sectors of Industrial Activity Covered by This Permit” pertaining to the Ninth Circuit Court of Appeals’s opinion vacating EPA’s 2006 oil and gas construction storm water regulation. Any discharges associated with industrial activities described by Sector I are currently exempted from coverage under this permit except industrial activity with SIC 2911.
4. *Authorized Discharges Covered.* Reorganized the Table 1-3 “Specific Effluent Limitation Guidelines” slightly, and updated the table to include the regulated storm water discharge associated with deicing/anti-icing activities at airports. This addition is consistent with the specific requirements for Sector J under the current expired MSGP.
5. *Limitations on Coverage.* The following changes have been made to the permit:
 - a. Clarified that discharges mixing with non-storm water are not covered under the permit unless those non-storm water discharges are listed in Part 1.2.4 of the permit;
 - b. Modified the storm water discharges associated with construction activity to exclude storm water discharges in conjunction with mining activities as specified in Part 12 Sector J of the permit;
 - c. Added a new provision to discharge any pollutant into any water for which a Total Maximum Daily Load (TMDL) has been either established or approved by the EPA.
6. *How to Obtain Authorization.* Added an ODEQ’s website reference for obtaining information about the fees (application fee and annual permit fee), and a statement saying that the first year fee for the facilities will be prorated and cover the period beginning the issuance date of the authorization and ending June 30th of the coinciding fiscal year.
7. *Maintaining the Coverage of This Permit.* Added a new provision to maintain this permit coverage if the permit is not reissued or replaced prior to the expiration date. This provision

also requires operators/owners to pay their annual permit fee while their permits will automatically continue in effect.

8. *Conditional Exclusion for No Discharge.* To avoid possible confusion caused by the phrase “No Discharge”, this conditional exclusion was eliminated. The elimination also includes Exhibit 7 “Affidavit of No Discharge” of the permit.
9. *Storm Water Pollution Prevention Plan (SWP3).* Reorganized the SWP3 requirements slightly, and modified them to be consistent with the EPA’s MSGP 2008. The following major changes have been made to the permit:
 - a. Added a clarification of “Practice of Engineering”. Those engineering practices and designs are required to be prepared by a registered professional engineer;
 - b. Added the requirement of “Pollution Prevention Team” to include new language to read “as well as maintaining control measures and taking corrective actions where required. Each member of the stormwater pollution prevention team must have ready access to either an electronic or paper copy of applicable portions of this permit and your SWP3”.
 - c. Updated the site description. The site map is required to include the size of the property, the location and extent of significant structures and impervious surfaces, the location of all storm water conveyances and the location of all storm water monitoring points. Also the map needs to include all MS4s, where the facility stormwater discharges to them;
 - d. Modified the non-structural BMPs of “Minimizing Exposure”, “Spill Preventive and Response Procedures”, “Routine Facility Inspection” and “Employee Training” to be consistent with EPA’s MSGP 2008;
 - e. Added the requirement of “storage stored salt” to be consistent with Part 3.2 Additional Requirements for Salt Storage of this permit. Also included a new language to read “You must document the location of any storage piles containing salt used for deicing or other commercial or industrial purposes”. In Part 4.2.9 Other Controls;
 - f. Added an additional clarification of “Certification of Non-Stormwater Discharges” to be consistent with EPA’s MSGP 2008;
 - g. Added a sentence to clarify the requirement of “Certification of SWP3” ;
 - h. Updated the comprehensive site compliance evaluation to be consistent with EPA’s MSGP 2008, including replaced the existing term “Follow-up Actions” with “Corrective actions”;
10. *Monitoring Requirements.* Reorganized the requirements slightly, and included additional requirements for representative outfalls – substantially identical discharges, snowmelt, and adverse climatic conditions. For the substantially identical discharges, operators are allowed to monitor selected outfalls on a rotating basis. In the case of snowmelt, the operators must identify the date of the sampling event and take samples during a period with a measurable discharge. Also Part 5.2.6 has been added to include a specific requirement of follow-up monitoring when previous NELM results indicate a discharge exceeds a numeric effluent limitation.
11. *Signatory Requirements.* Modified the definitions of responsible corporate officers to be consistent with EPA’s MSGP 2008.
12. *Definitions.* Added a definition for “Impaired Water”, “Total Maximum Daily Loads” and removed the definition for “No Discharge” because this definition no longer applies to the permit.

13. *Exhibits*. The addition and modifications are listed as below:
- a. Exhibit 1 - Endangered Species: Added a new requirement of monthly inspection for the areas of the facility with significant activities in Step 2 Implementation of Storm Water Control Measures to Protect Endangered and Threatened Species;
 - b. ADDENDUM A – Oklahoma Sensitive Waters and Watersheds Harboring Endangered and Threatened Species and Their Critical Habitat of Concern: Modified the existing list of “Sensitive Waters and Watersheds for Federally Listed Species” based on the results of the comments from the U.S. Fish and Wildlife Service. Also an updated map is included showing the general location of these waters and watersheds;
 - c. Exhibit 2 Notice of Intent (NOI). Added a question and new check box to identify if your SWP3 is developed. Included Email address information if any. Also included endangered species eligibility in the instructions, and modified the signatory requirement to be consistent with EPA’s MSGP 2008.
 - d. Exhibit 3 Notice of Termination (NOT). Modified the signatory requirement to be consistent with EPA’s MSGP 2008.
 - e. Exhibit 5 Annual Comprehensive Site Compliance Evaluation Report (ACSCER). Added a new question for the operator/owner to identify if any corrective actions to remove the original violation and document these actions according to corrective action deadlines have been taken. Also revised the instructions to reflect that addition.
 - f. Exhibit 7 Spill Prevention and Response Procedures Checklist. Added this new checklist to provide the details of the Spill Prevention and Response Procedures Plan according to EPA’s SWP3 guidance. Operators/owners should use the checklist to develop their spill plans or review their existing plans to ensure to include all necessary components.
 - g. ADDENDUM D Outstanding Resource Waters (ORW). Added this new map to be used to determine whether your facility is inside or outside the outstanding resource waters/watersheds.
14. *Sector Specific Requirements*. The specific requirements have been reorganized slightly. The major addition and modifications are listed as below:
- a. Sector G Metal Mining. Modified the covered storm water discharges to include (1) all storm water discharges from exploration of metal mining and/or ore dressing facilities; and (2) all storm water discharges from facilities undergoing reclamation. Also modified the definitions and eliminated a repetitious paragraph entitled “SWP3 Requirements for Inactive Metal Mining Facilities”. These modifications are consistent with the EPA’s current MSGP.
 - b. Sector H Coal Mines and Coal Mining Related Facilities. Added a new paragraph to define the terms “mining operation”, “exploration and construction phases”, “active phase”, “reclamation phase”, “active coal mining facility” and “final stabilization”. Also added a clarification for “clearing, grading and excavating activities” to be covered under the current ODEQ general permit (OKR10) for storm water discharges associated with construction activities or individual storm water permit.
 - c. Sector I Oil and Gas Extraction. Added a reference to the Ninth Circuit Court of Appeals’ opinion vacating EPA’s 2006 oil and gas construction storm water regulation.
 - d. Sector J Mineral Mining and Dressing. The major addition and modifications are included; (1) Modified the definitions to be consistent with EPA’s current MSGP; and (2) revised the requirements pertaining to clearing, grading and excavation activities to be covered under this permit. Operators/owners are required to select, design, install and implement BMPs and comply with effluent limitations guidelines and standards for the construction and

development under Part 450 of 40 CFR. .

- e. Sector K Hazardous Waste Treatment, Storage or Disposal Facilities. Modified the definitions and references to numeric limitations to be consistent with EPA's current MSGP.
- f. Sector M Automobile Salvage Yards. Added additional requirements that require operators/owners to conduct and document a final inspection of the facility within 30 days prior to filing an NOT. Also added inspecting and removing mercury switches as part of training and inspection requirements.
- g. Sector N Scrap Recycling and Waste Recycling Facilities. Added an education and good housekeeping BMP option on how to remove mercury switches from a vehicle and use of mercury spill kits for scrap and waste recycling facilities. Also added the additional requirement of having a maintenance schedule and procedures for the collection, handling and disposal or recycling of residual fluids.
- h. Sector O Steam Electric Generating Facilities. Modified "Limitations on Coverage" to include the following facilities that are not covered by this permit: (1) Gas turbine facilities (providing the facility is not a dual-fuel facility that includes a steam boiler), and combined-cycle facilities where no supplemental fuel oil is burned (and the facility is not a dual-fuel facility that includes a steam boiler); and (2) Cogeneration (combined heat and power) facilities utilizing a gas turbine.
- i. Sector P Land Transportation and Warehousing. Added a new paragraph of "Limitation on Coverage" to identify those prohibited discharges. Also added additional requirements to identify some specific areas in the site map.
- j. Sector S Air Transportation. Modified the requirements of source reduction for aircraft deicing operations to be consistent with EPA's current MSGP. Also additional requirement for "Deicing Season" is added.

QUESTIONS AND ANSWERS

1. Which of the areas covered under this Multi-Sector General Permit (MSGP) are under the DEQ's jurisdictions? Which are under the EPA's jurisdictions?

Currently, the DEQ is the permitting authority in the state of Oklahoma, except for the following: any industrial facilities which are located in Indian Country³ lands, certain industrial facilities/activities in oil and gas extraction under SIC Group 13, pipelines under SIC Group 46, natural gas transmission under SIC Group 492, agricultural production & services, forestry, fishing, hunting, and trapping. Table 1-1 of the proposed permit provides a list of industrial facilities/activities where the EPA is the permitting authority within the state of Oklahoma. Also, any construction activities related to these listed industrial facilities/activities under the EPA's jurisdiction are regulated by the EPA. However, any discharges associated with industrial activities described by Sector I are currently exempted from coverage under this permit except industrial activity with SIC 2911.⁴

2. What are the industrial activities regulated under this permit?

This MSGP is intended to cover storm water discharges from industrial activities listed in Table 1-2 of the permit. The industrial activities are categorized into 29 different sectors each comprised of similar standard Industrial Classification (SIC) codes and activity codes (e.g. HZ, SE, LF and TW). The industrial activities are represented in the following sectors:

- a. Sector A – Timber Products
- b. Sector B – Paper and Applied products
- c. Sector C – Chemical and applied products
- d. Sector D – Asphalt paving and roofing materials and lubricants
- e. Sector E – Glass, clay, cement, concrete, and gypsum products
- f. Sector F – Primary metals
- g. Sector G – Metal mining (Ore mining and dressing)
- h. Sector H – Coal mines and coal mining related facilities
- i. Sector I – Oil and gas extraction
- j. Sector J – Mineral mining and dressing
- k. Sector K – Hazardous waste treatment, storage, or disposal facilities
- l. Sector L – Landfills and land application sites
- m. Sector M – Automobile Salvage Yards
- n. Sector N – Scrap recycling facilities
- o. Sector O – Steam electric generating facilities

³ Under EPA's 1996 approval of the State of Oklahoma's permitting program, the State was not authorized to issue NPDES permits under the federal Clean Water Act in areas of Indian country, as defined in 18 U.S.C. § 1151, within the State. 61 Fed. Reg. 65047, 65049 (December 10, 1996). Therefore, this permit does not apply to discharges of storm water in Indian country. However, section 10211(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005 ("SAFETEA"), Public Law 109-59, 119 Stat. 1144 (August 10, 2005), provides the State the opportunity to request approval from EPA to administer federal environmental regulatory programs, including the Clean Water Act NPDES program, in Indian country areas of the State. The submission, by the State, and review, by EPA, of this permit is without prejudice to the State's right to request such approval at any time.

⁴ On May 23, 2008, the Ninth Circuit Court of Appeals issued an opinion in *National Resources Defense Council v. United States Environmental Protection Agency*, 526 F. 3d 591 (9th Cir. 2008), vacating EPA's 2006 oil and gas construction storm water regulation. Now the effective requirements are the regulations in place prior to the 2006 rule plus the additional Energy Policy Act clarification of the activities included in the CWA 402(l)(2) exemption. Industrial activities described by Sector I are currently exempted from coverage under this permit except industrial activity with SIC 2911.

- p. Sector P – Land transportation and warehousing
- q. Sector Q – Water transportation
- r. Sector R – Ship and Boat building or repairing yards
- s. Sector S – Air transportation
- t. Sector T – Treatment works
- u. Sector U – Food and kindred products
- v. Sector V – Textile mills, apparel, and other fabric product manufacturing; leather and leather products
- w. Sector W – Furniture and fixtures
- x. Sector X – Printing and publishing
- y. Sector Y – Rubber, miscellaneous plastic products, and miscellaneous manufacturing industries
- z. Sector Z – Leather tanning and finishing
- aa. Sector AA – Fabricated metal products
- bb. Sector AB – Transportation equipment, industrial or commercial machinery
- cc. Sector AC – Electronic, electrical, photographic, and optical goods
- dd. Sector AD – Non-classified facilities

3. How do I find out if I need a permit?

You must refer to the provision under the Oklahoma Pollutant Discharge Elimination System (OPDES), OAC 252:606-1-3(b)(3)(L) incorporating by reference 40 CFR 122.26 to determine whether you need a permit. The Standard Industrial Classification (SIC) codes or activity codes (e.g. HZ, SE, LF, TW) for regulated industrial activity are listed in Table 1-2 of the permit. You may utilize “The Standard Industrial Classification Manual of 1987”; or you may consult with your Certified Public Accountant or attorney; or you may refer to “1997 NAICS and 1987 SIC Correspondence Tables” on the U.S. Census Bureau website at: <http://www.census.gov/epcd/www/naicstab.htm>

You may review Table 1-2 to see if your industry and SIC code or activity code is listed. If you determine your industrial activities are listed in Table 1-2, you must submit a Notice of Intent (NOI) for this permit coverage unless you qualify for a “No Exposure Exclusion”.

4. How do I complete an NOI and where is it sent?

You must complete all of the blanks on the form (OPDES Form 605-002B). If you file an NOI for coverage under this permit after your facility has commenced operation, or you have exceeded the time limit for replacing your current DEQ authorization, you may still submit an NOI. However, you may be liable for any activity that has not been in compliance with this permit prior to your authorization. The address for submitting an NOI is found in the instruction portion of the NOI form and in Part 2 of this permit.

5. What happens when this permit expires?

This general permit will have a fixed term of five (5) years from the effective date of DEQ issuance. Every Authorization to Discharge under this permit will expire at the same time. If the permit is reissued or replaced with a new permit before the current permit expires, you will need to comply with whatever conditions the new permit requires. This may include submitting a new NOI. If the permit expires before a replacement permit can be issued, the permit will be administratively continued and remain in effect. You are automatically covered under the continued permit without needing to submit anything to the DEQ, until the earliest of:

- a. The permit being reissued or replaced;

- b. Issuance of an individual permit for your activity; or
- c. The Director issues a formal decision not to reissue the permit, at which time you must seek coverage under an alternative permit.

6. If I operate multiple regulated industrial facilities on my property (co-located) and am I obligated to file more than one NOI?

No. Co-located industrial activities occur when activities being conducted onsite fall into more than one of the categories of the industrial activities listed in Table 1-2 of this permit (e.g., a landfill at a wood treatment facility). If you operate facilities that have co-located industrial activities, you are only required to file a single NOI. An activity at a facility is not considered co-located if the activity, when considered separately, does not meet the description of a category of industrial activity covered by the storm water regulations, and identified by the SIC code (or activity codes) list in Table 1-2 of this permit.

If you have co-located industrial activities on-site that are described in a sector(s) other than your primary sector, you must comply with all other applicable sector-specific conditions found in Part 12 of this permit. Storm water runoff and allowable non-storm water discharges from the co-located industrial activities are authorized if your SWP3 and monitoring program address each co-located industrial activity.

However, you are not required to file an NOI under this permit if your primary activity doesn't fall into any category of the industrial activities listed in Table 1-2, even if certain limited activities are listed in Table 1-2 (e.g., minor vehicle maintenance activities at a college).

7. My industrial facility was designated by the Executive Director for permitting. What must I do to obtain permit coverage?

Sector AD is used to provide permit coverage for facilities designated by the Executive Director as needing a storm water permit, or any discharges of industrial activity that do not meet the description of an industrial activity covered by Sectors A-AC. Therefore, almost any type of storm water discharge could be covered under this sector. You must be assigned to Sector AD by the Executive Director and may not choose sector AD as the sector describing your activities on your own.

Because this Sector only covers discharges designated by the Executive Director under an atypical circumstance, you must obtain the Executive Director's written permission to use this permit prior to submitting a Notice of Intent (NOI). If you are authorized to use this permit, you will be required to ensure your discharges meet the basic eligibility provisions of this permit in Part 1.2.

The Executive Director will establish any additional storm water pollution prevention plan requirements for your facility at the time of accepting your NOI to be covered by this permit. Additional requirements would be based on the nature of activities at your facility and your storm water discharges.

The Executive Director will establish any additional monitoring and reporting requirements for your facility at the time of accepting your NOI to be covered by this permit. Additional requirements would be based on the nature of activities at your facility and your storm water discharges.

8. Are there non-storm water discharges to be allowed under this permit?

This permit authorizes the following non-storm water discharges to be in compliance with the permit requirement: Fire hydrant flushings; Potable water, including drinking fountain water and water line flushings; Uncontaminated air conditioning or compressor condensate; Irrigation drainage; Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with the manufacturer's instructions; Pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed); Routine external building wash down which does not use detergents; Uncontaminated ground water or spring water; Foundation or footing drains where flows are not contaminated with process materials such as solvents; Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but NOT intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains). Also, discharges or flows from emergency fire fighting activities will be allowed, if measures are taken to reduce any such pollutant releases to avoid or minimize impact on water quality and to ensure public health and safety.

All other non-storm water discharges, whether mixed with storm water or not, must be in compliance with an OPDES permit (other than this general permit) issued for the discharge.

9. Are there any restrictions on discharges associated with industrial activities under the coverage of this permit?

Several types of storm water discharges are not covered under this permit. Discharges into the State water when a discharge is restricted or prohibited by the water quality standards of the Oklahoma Water Resources Board are not authorized by this general permit. Storm water discharges subject to an existing individual OPDES permit are generally not covered under this permit. In most cases, these discharges are more appropriately covered under the terms and conditions of their existing permit. These discharges may be covered under this general permit only when the existing individual permit has expired, or has been terminated at the permittee's request, and only when the expired or terminated permit did not contain numeric effluent limitations more stringent than those in this permit. Construction activities are not eligible for coverage under this permit. Unless otherwise specified by the Executive Director, you are not authorized for discharges after you have been notified that you do not meet the eligibility conditions of this permit. Other discharges of storm water that are not authorized under this general permit are:

- a. Discharges that are not associated with the industrial activities identified in Table 1-2;
- b. Discharges that are mixed with sources of non-storm water unless the discharges of non-storm water are listed in Part 1.2.3 or are in compliance with pollution prevention plan requirements for authorized non-storm water discharges;
- c. Discharges that are located at a facility where an individual permit or an alternative general permit has expired or has been terminated at the request of the permittee;
- d. Discharges that the Executive Director has determined to be, or may reasonably be expected to be, contributing to a violation of a water quality standard; and
- e. Discharges subject to Numerical Effluent Limitation Guidelines that are not included in Table 1-3 of this permit.

10. If my receiving water body is on the DEQ 303(d) impaired water list, what must I do to obtain permit coverage?

You may obtain the Oklahoma State 303(d) impaired water body lists from the Integrated Water Quality Assessment Report on the DEQ website at: http://www.deq.state.ok.us/WQDnew/305b_303d/index.html . If you found your receiving water body on the DEQ 303(d) impaired water list, you must check the box next to "Yes" on the NOI under

Section III Facility Activity. You must take all measures and controls that ensure future discharges do not cause or contribute to the violation of a water quality standard, and you must document these measures and controls in your SWP3.

Also, if you discharge into impaired water for which a total maximum daily load (TMDL) allocation has been established by the DEQ and approved by the EPA, you must incorporate any limitations, conditions, and requirements applicable to your discharges into your SWP3. You must ensure that the waste load allocation, and/or the TMDL's associated implementation plan will be met within any timeframes established in the TMDL. Monitoring and reporting of the discharges may also be required to ensure compliance with the TMDL.

11. If my industrial facility is located within one of the listed Oklahoma Sensitive Waters and Watersheds, what must I do to obtain permit coverage?

The DEQ has developed a program for endangered and threatened species and their critical habitat with the cooperation of the U.S. Fish and Wildlife Service and the Oklahoma Department of Wildlife Conservation. This program lists Federal and State sensitive waters and watersheds for the Multi-sector General Permit. In order to receive coverage under this general permit, you must assess the potential effects of your storm water discharges and storm water discharge-related activities on listed species. To make this assessment, you must follow the steps outlined in Exhibit 1 of the general permit prior to completing and submitting a NOI.

You may check box "a" on the NOI under "ENDANGERED SPECIES ELIGIBILITY" if your facility is outside of the corridors/areas of Federal and State sensitive waters and watersheds. No further action or investigation is required. If your facility is located in a corridor/area of Federal and State sensitive waters and watersheds, you have two (2) options:

- a. You can either agree to implement the control measures specified in Step 2 of Exhibit 1, or;
- b. You may rely on another permittee's certification of eligibility and agree to comply with any conditions attached to that certification.

If the industrial facility lies within a corridor/area and you mark the appropriate box in the endangered species area of the NOI, the U.S. Fish and Wildlife Service then has the option of contacting you for additional information and reviewing your SWP3 and BMP documents. Also, you must include documentation supporting your determination of permit eligibility with regard to specific endangered species. You are required to submit a copy of your SWP3 to the DEQ with the NOI submittal.

12. Since the DEQ has eliminated requirements for conducting Benchmark (analytical) Monitoring, what am I supposed to do?

You must conduct an Annual Comprehensive Site Compliance Evaluation (ACSCE) and file a report. This report summarizes the scope of all the inspections, name(s) of personnel making the inspections, the date(s) of the inspections, and major observations relating to the implementation of the SWP3. These inspections must be under the supervision of the owner/operator and certified by that person. You must retain a record of actions taken in accordance with Part 4.7 of the permit as part of your SWP3 for at least three years from the date that permit coverage expires or is terminated.

The inspection reports must identify any incidents of non-compliance. Where an inspection report does not identify any incidents of non-compliance, the report must contain a certification that the

facility is in compliance with the SWP3 and the permit. Both the inspection report and any reports of follow-up actions must be signed in accordance with Part 6 of the permit.

13. How do I apply for a "No Exposure Certification"?

You meet the condition of no exposure at your facility when a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff protects all industrial materials and activities. In order to apply for a no exposure waiver, you must file a No Exposure Certification for each facility qualifying for the no exposure waiver.

By filing a "No Exposure Certification" (Form 605-004) you are automatically removed from permit coverage and a Notice of Termination (NOT) to terminate permit coverage is not required. The certification must be signed and dated by the owner/operator or authorized representative.

If you are currently covered by a no exposure waiver, you must resubmit a "No Exposure Certification" to the DEQ within 90 days from the effective date of this permit.

14. How do I transfer or terminate my coverage under this general permit?

Automatic transfers of permit coverage under 40 CFR 122.61(b) as adopted by reference in OAC 252:606-1-3 (b)(3)(FF) are not allowed for this general permit.

If you wish to transfer coverage from you to a new owner/operator (e.g., your facility is sold to a new company): the new owner/operator must complete and file an NOI in accordance with Part 2 at least 2 days prior to taking over operational control of the facility. You should file a NOT (Notice of Termination) following receipt of authorization by the new owner/operator.

Minor modification of the permittee (e.g., Company "A" changes name to "ABC, Inc."): A permittee may file an amended NOI referencing the facility's assigned permit number and requesting a change. The original authorization number will be retained.

If you wish to terminate coverage under this permit, you must submit a Notice of Termination (NOT) (Form 605-003). You must continue to comply with this permit until you submit a NOT. Your authorization to discharge under the permit terminates at midnight on the day the NOT is signed.

You must submit an NOT within thirty (30) days after one or more of the following conditions have been met:

- a. A new owner/operator has assumed responsibility for the facility;
- b. You have ceased operations at the facility and there no longer are discharges of storm water associated with industrial activity from the facility

15. Are there any permit effluent limitations and monitoring requirements in this permit?

This permit covers storm water discharge from a wide variety of industrial activities which affect the presence of pollutants. Therefore, the permit contains sector-specific requirements that describe the storm water pollution prevention plan requirements, and the numeric effluent limitation and monitoring requirements for each industry in Part 12 of the permit.

The permit contains two types of monitoring requirements: quarterly visual monitoring and numeric effluent limitation monitoring. There are minimum monitoring requirements and you may choose to conduct additional sampling in order to better ascertain the effectiveness of your SWP3.

- a. Each industrial sector is required to conduct a visual monitoring of storm water discharge from

each outfall at the facility, except substantially identical discharges exempted under representative outfalls. The visual monitoring of storm water discharges should include any observations of color, odor, clarity or turbidity, floating solids, settled solids, suspended solids, foam, oil sheen, or other obvious indicators of storm water pollution. No analytical tests are required to be performed on the collected samples. Your visual examination of the sample must be made during daylight hours (e.g. normal working hours). Grab samples for the visual examinations shall be collected within the first 30 minutes (when practicable, but not to exceed 1 hour) of when the runoff begins discharging.

While conducting the visual monitoring, you should constantly attempt to relate any contamination that is observed in the samples to the sources of pollutants on your site. When contamination is observed, you must evaluate whether additional BMPs should be implemented in your SWP3 to address that observed pollutant, and if BMPs have already been implemented, evaluate whether these are working correctly or need maintenance. You must conduct your visual examination at each outfall for the minimum frequency of each quarter. When adverse weather conditions prevent the collections of samples, you must take a substitute sample during the next qualifying storm event.

- b. Eight (8) types of storm water discharges subject to numeric effluent limitation monitoring are covered under this general permit. These discharges include contaminated storm water runoff from timber products facilities, phosphate fertilizer manufacturing facilities, asphalt emulsion facilities, runoff from material storage piles at cement manufacturing facilities, mine dewatering discharges at mining and dressing sites, contaminated runoff from municipal landfills and hazardous waste facilities, and coal pile runoff at steam electric generating facilities. The eight categories and specific SIC codes with effluent guidelines are listed in Table 1-3 of this general permit.

These effluent guidelines apply to the discharges that may be eligible for permit coverage and ensure that discharges subject to numeric effluent limitations under Table 1-3 are in compliance with those limitations. All samples are to be grab samples taken within the first 30 minutes of discharges, where practicable, but in no case later than the first (1st) hour of discharge. You must attempt to take a sample of storm water discharge before the runoff mixes with any non-storm water. A minimum of one (1) sample from a storm event with at least a 0.1 inch of rainfall estimates, and a 72 hour storm interval is required for each outfall. Discharges which are subject to the numeric effluent limitations are not eligible for the inactive and unstaffed certification waiver. However, adverse climatic condition, or representative outfall waiver provisions apply to those discharges with numeric effluent limitations.

For those facilities that are required to perform numerical effluent limitation monitoring, you may consult the EPA Guidance Manual for the Monitoring and Reporting Requirements of the NPDES MSGP, which can be downloaded from the EPA web site at: <http://cfpub1.epa.gov/npdes/stormwater/swppp-msgp.cfm>. It can also be ordered from the Water Resource Center by calling 202-566-1729 or 1-800-832-7828, or by email: center.water-resource@epa.gov. Please be aware that this EPA document includes analytical benchmark monitoring which is no longer a requirement under this permit.

16. Do I have to submit the monitoring results according to the permit requirement?

Following are the monitoring submissions required by the permit:

- a. For the visual examination, you must include the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination. You must maintain your visual examination reports with the SWP3. You are not required to submit reports of the visual monitoring of storm water discharges unless specifically asked to do so by the DEQ.
- b. For the numeric effluent limitation monitoring, you are required to submit monitoring results to the DEQ not later than March 1st of the year following the monitoring period. Monitoring results are to be submitted on a Discharge Monitoring Report (DMR) form. For each outfall, one (1) DMR form must be submitted per storm event sampled. You may obtain an example of the DMR form from the DEQ website at the following address: <http://www.deq.state.ok.us/WQDnew/stormwater/dmr.pdf>.

The signed DMR must be sent to:
DEQ
Environmental Complaints & Local Services
P.O. Box 1677
Oklahoma City, OK 73101-1677

17. How do I develop and implement storm water pollution prevention plans (SWP3)?

All facilities intending to be covered by this general permit must prepare and implement a storm water pollution prevention plan. Existing permit holders that are renewing coverage under this permit must update and implement any changes to their SWP3 within 90 days from the effective date of permit issuance. The SWP3 is the primary control mechanism for storm water discharge. You should use Part 4 Storm Water Pollution Prevention Plans of this permit and the EPA's guidance to help you to develop your SWP3. The MSGP OKR05 can be downloaded from ODEQ's website at <http://www.deq.state.ok.us/wqdnew/stormwater/msgp/index.html>. EPA's SWP3 guidance and template can be downloaded from EPA's website at <http://cfpub.epa.gov/npdes/stormwater/msgp.cfm>.

Facilities that are seeking new coverage under this general permit must develop and implement their SWP3 prior to submittal of an NOI. For those facilities located within the corridors/areas of Federal and State sensitive waters and watersheds, a copy of the SWP3 is required to be submitted to the DEQ with the NOI submittal. Facilities must include documentation supporting their determination of permit eligibility with regard to specific endangered species. The list of Federal and Oklahoma Sensitive Waters and Watersheds, which are harboring endangered and threatened species and their critical habitat, can be found in Addendum A of the permit.