

## PART III. STANDARD CONDITIONS FOR OPDES MUNICIPAL/DOMESTIC PERMIT

### SECTION A. Definitions

In addition to the definitions included in the Oklahoma Pollutant Discharge Elimination System Act (OPDES Act), Title 27 O.S. § 2-6-201 *et seq.*, and the rules of the State of Oklahoma Department of Environmental Quality (DEQ) adopted thereunder {See OAC 252:606}; the following definitions shall apply to this permit:

1. "Act" means the OPDES Act as amended.
2. "Applicable effluent standards and limitations" means all state and federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, and pretreatment standards.
3. "Applicable water quality standards" means all water quality standards to which a discharge is subject under the Act.
4. "Average limitations"
  - a. "7-day average" (or weekly average), other than for coliform bacteria, is the arithmetic mean of the daily values for all effluent samples collected during a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week. The "7-day average" for coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.
  - b. "30-day average" (or monthly average), other than for coliform bacteria, is the arithmetic mean of the daily values for all effluent samples collected during a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. The "30-day average" for coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar month.
5. "Bypass" means the diversion, whether intentional or unintentional, of waste streams from any portion of the collection system or treatment facility.
6. "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the sampling day. "Daily discharge" determination of concentrations made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during that sampling day.
7. "Daily maximum" discharge limitation means the highest allowable "daily discharge" during the calendar month.
8. "Environmental Protection Agency" (EPA) means the U.S. Environmental Protection Agency.
9. "Executive Director" means the Executive Director of the State of Oklahoma Department of Environmental Quality (DEQ) or his/her authorized representative(s).
10. "Industrial user" means a nondomestic discharger, as identified in 40 CFR, Part 403, introducing pollutants to a publicly owned treatment works.
11. "Oklahoma Pollutant Discharge Elimination System" (OPDES) means the state program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under the Act.
12. "Oklahoma Department of Environmental Quality" also known as (DEQ), means the State of Oklahoma Department of Environmental Quality.
13. "OPDES Act" means the Oklahoma Pollutant Discharge Elimination System Act, Title 27 O.S. § 2-6-201 *et seq.*
14. "Samples"
  - a. For coliform bacteria, a sample consists of one effluent grab portion collected during a 24-hour period at peak loads.
  - b. "Grab sample" means an individual sample collected in less than 15 minutes.
  - c. "SBR (sequential batch reactor) sample and the various composite samples" are as defined in the OPDES Act, the Oklahoma Environmental Quality Code, rules transferred to or promulgated thereunder by DEQ.

SBR Composite Sample:

SBR Sample

A minimum of three aliquots collected from the discharge of a reactor. The first aliquot must be collected no later than ¼ time, the second approximately ½ time, and the third no earlier than ¾ time from the initiation of a discharge cycle to the stoppage of the discharge cycle. The three aliquots shall consist of equal portions unless the rate of discharge from the reactor varies significantly

during the cycle, in which case the measurement of the flow occurring at the time of their collection.

**Single Composite SBR Sample**

One SBR sample collected from each reactor during one discharge cycle and composited proportional to the volume discharged from each of the reactors. The sample from at least one of the reactors shall represent the expected period of peak influent organic loading.

**Two-Cycle Composite SBR Sample**

One SBR sample collected from two consecutive discharge cycles of each reactor and composited proportional to the volume discharged during each cycle of each reactor. The sample from at least one cycle shall represent the expected period of peak influent organic loading.

**Three-Cycle Composite SBR Sample**

One SBR sample collected from three consecutive discharge cycles of each reactor and composited proportional to the volume discharged during each cycle of each reactor. The sample from at least one cycle shall represent the expected period of peak influent organic loading.

- d. "24-hour composite sample" consists of a minimum of 12 effluent portions collected at equal time intervals over the 24-hour period and combined proportional to flow or a sample collected at frequent intervals proportional to flow over the 24-hour period.
  - e. "12-hour composite sample" consists of 12 effluent portions collected no closer together than one hour and composited according to flow. The daily sampling intervals shall include the highest flow periods.
  - f. "6-hour composite sample" consists of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.
  - g. "3-hour composite sample" consists of three effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.
- 15. "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.
  - 16. "Sewage sludge" means the solids, residues and precipitates separated from or created in sewage by the unit processes of a publicly owned treatment works. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and storm water runoff, that are discharged to or otherwise enter a publicly owned treatment works.
  - 17. "Treatment works" means any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and industrial wastes of a liquid nature to implement the Act, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and their appurtenances, extension, improvement, remodeling, additions, and alterations thereof.
  - 18. "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.
  - 19. "MGD" means million gallons per day.
  - 20. "mg/l" means milligrams per liter or parts per million (ppm).
  - 21. "ug/l" means micrograms per liter or parts per billion (ppb).

**SECTION B. Monitoring, Record Keeping, Reporting and Liabilities**

1. Monitoring

a. Site and Frequency

All monitoring undertaken in compliance with the terms of this permit shall be conducted at the frequency and sample site specified in Part I, Section A of this permit and in accordance with the OPDES Act and the Oklahoma Environmental Quality Code.

b. Representative Samples

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

c. Averaging of Measurements

Calculations of all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Executive Director in the permit.

d. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR, Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report (DMR). Such increased monitoring frequency shall also be indicated on the DMR.

2. Testing Requirements

a. Methods

All sampling and analytical methods used to meet monitoring requirements specified above shall conform to the Act, 40 CFR, Part 136, and DEQ rules and regulations.

b. Maintenance and Calibration

The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to ensure accuracy of measurements and shall maintain appropriate records of such activities.

c. Quality Control

An adequate analytical quality control program, including the analyses of sufficient standards, spikes, and duplicate samples to insure the accuracy to all required analytical results shall be maintained by the permittee or designated commercial laboratory.

3. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge rates.

4. Records

a. Contents

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) and time(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.

b. Retention

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original 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 (3) years from the date of the sample, measurement, report, or application. This period may be extended by request of the Executive Director at any time.

5. Discharge Monitoring Reports (DMRs)

All monitoring information required in Part I, Section A of this permit shall be included on DMRs (EPA form 3320-1). Reporting periods shall end on the last day of the month. The reports shall be prepared monthly. The original and one copy shall be submitted to the Oklahoma Department of Environmental Quality at the address shown below no later than the tenth (10th) day of the following month. A copy shall also be submitted simultaneously to the appropriate local DEQ office. All operating records and reports shall comply with the OPDES Act, the Oklahoma Environmental Quality Code, and the requirements of 40 CFR § 122.41(j).

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## 6. Noncompliance Reports

## a. 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. The DEQ shall be notified by calling 1-800-256-2365 or 702-8290 (Oklahoma City Metropolitan Area). A written submission shall be provided within five (5) days of the time the permittee becomes aware of the circumstances. The report shall contain the following information:

- (a) A description of the noncompliance and its cause;
- (b) 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,
- (c) Steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

(2) The following shall be included as information which must be reported within 24 hours:

- (a) Any unanticipated bypass which exceeds any effluent limitation in the permit;
- (b) Any upset which exceeds any effluent limitation in the permit;
- (c) Any violation of a maximum daily discharge limit for any of the pollutants listed by the Executive Director in Part I, Section A; and,
- (d) Any bypass in the collection system [sanitary sewer overflow (SSO)].

(3) The Executive Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

## b. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Part III, Sections B.5 and B.6.a or the reporting requirements of any Schedule of Compliance included in Part I, Section B at the time monitoring reports are submitted. The reports shall contain the information listed at Part III, Section B.6.a.

## 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 the Act.

## 8. Criminal, Civil and Administrative Penalties

Violations of the permit conditions contained in this permit may subject the permittee to state administrative, civil or criminal penalties as set forth in 27A O.S. § 2-6-206 and/or federal penalties as provided for in Title 18 of the United States Code, and regulations promulgated thereto. Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

**SECTION C. Other Conditions**

## 1. Permit Application

## a. Timely Application

Upon timely application for a permit, any prior permit remains in effect until a new one is issued.

## b. Date of Application

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application shall be submitted at least 180 days before the expiration date of this permit unless otherwise authorized by the Executive Director. He or she may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated at 40 CFR § 122.6 and any subsequent amendments.

## c. Relevant Facts

When 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 the Executive Director, it shall promptly submit such facts or information.

## 2. Changes

## a. Change in discharge

(1) Anticipated Noncompliance

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

(2) Municipal Permits

Any change in the facility discharge (including the introduction of any new source or significant discharge or significant changes in the quantity or quality of existing discharges to the treatment system that may result in new or increased discharges of pollutants) must be reported to the permitting authorities. In no case are any new connections, increased flows, or significant changes in influent quality permitted that will cause violations or add to existing violations of the effluent limitations specified herein.

(3) Other Permits

The permittee shall give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- (a) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR § 122.29(b); or,
- (b) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to all pollutants whether or not they are subject to effluent limitations in the permit.

b. Transfer of Ownership or Control

This permit is not transferable to any person except after notice to the Executive Director. The Executive Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as necessary under the Act.

3. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

4. Duty to Comply

- a. All authorized discharges shall comply with the rules of the DEQ, which are hereby incorporated by reference: the Act and OPDES Regulations, and all provisions, conditions, and requirements included in this permit.
- b. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of applicable state and federal laws and the Act, the Oklahoma Environmental Quality Code and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- c. The permittee shall comply with effluent standards or prohibitions established under the Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Duty to Mitigate

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

6. Duty to Halt or Reduce Activity

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. Duty to Provide Information

The permittee shall furnish within a reasonable time, any information which the Executive Director 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, upon request, copies of records required to be kept by this permit.

8. Permit Modification, Suspension and Revocation

After notice and opportunity for a hearing, as is required by law, this permit may be modified, suspended, revoked and reissued, or terminated during its term in accordance with 40 CFR §§ 122.62 and 122.64; and Title 27 O.S. § 2-6-201 *et seq.*, and the rules of the State of Oklahoma Department of Environmental Quality (DEQ) adopted thereunder {See OAC 252:606}. The filing of a request for a permit modification or reissuance, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

9. Proper Operation and Maintenance

- a. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by permittee as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants and will achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this permit.
- b. The permittee shall provide an adequate operating staff which is duly qualified to carry out operation, maintenance and testing functions required to insure compliance with the conditions of this permit.
- c. Collected screenings, slurries, sludges and other solids shall be disposed of in accordance with the Oklahoma Solid Waste Management Act and in such a manner as to prevent entry of those wastes (or runoff from the wastes) into waters of the state and in compliance with applicable rules of the DEQ.

#### 10. Power Failure

The permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures either by means of alternative power sources, standby generators, or retention of inadequately treated effluent.

#### 11. Upsets and Bypasses

##### a. Upsets

- (1) An upset constitutes an affirmative defense to an enforcement action brought for noncompliance with technology-based permit effluent limitations if the following requirements are met. A permittee who wishes to establish the affirmative defense of upset shall demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (a) An upset occurred and that the permittee can identify the specific cause(s) of the upset;
  - (b) The permitted facility was at the time being properly operated;
  - (c) The permittee submitted notice of the upset as required in Part III, Section B.6 of this permit;
  - (d) The permittee complied with any remedial measures under Part III, Section C.5.
- (2) Burden of Proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

##### b. Bypasses

- (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
  - (a) 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 reporting requirements of Part III, Sections C.11.b(1) and (2).
  - (b) Bypass exceeding limitations is prohibited, and the Executive Director may take enforcement action against a permittee for bypass, unless:
    - i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - ii. 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 judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,
    - iii. The permittee submitted notices required by Part III, Section B.6.
  - (c) The Executive Director may allow an anticipated bypass that exceeds limitations after considering its adverse effects, if he/she determines that it will meet the three conditions listed at Part III, Section C.11.b.(1)(b).
- (2) Unanticipated bypass. The permittee shall, within 24 hours, submit notice of an unanticipated bypass as required in Part III, Section B.6.

#### 12. Percent Removal

For publicly owned treatment works, the 30-day average (or monthly average) percent removal for Biochemical Oxygen Demand (BOD) and

Total Suspended Solids (TSS) shall not be less than 85 percent unless otherwise authorized by the permitting authority in accordance with 40 CFR § 133.103. This requirement may be waived in permits containing mass loading limits for BOD and TSS.

### 13. Right of Entry

The permittee shall allow the Executive Director, and/or his/her authorized representative(s), upon presentation of credentials and such other documents as may be required by the law to:

- a. Enter upon the permittee's premises or other premises under the control of the permittee, where an effluent source is located or may be located or in which any records are required to be kept under the terms and conditions of this permit;
- b. Have access to and copy at reasonable times any records required to be kept under the terms and conditions of this permit, or the Act or DEQ rules;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), maintenance, practices or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

### 14. Toxic Effluent Standards

- a. Notwithstanding Section III.C.8 of this permit, if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under the Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition.
- b. The permittee is prohibited from discharging any toxic substance in a toxic amount.

### 15. Signatory Requirements

All applications, reports, or information submitted to the Executive Director shall be signed and certified.

- a. All permit applications 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 employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - (2) For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
  - (3) 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.
- b. All reports required by the permit and other information requested by the Executive Director 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;
  - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, 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 an individual occupying a named position; and,
  - (3) The written authorization is submitted to the Executive Director.
- c. Certification. Any person signing a document under this section 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 the 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."

16. Confidentiality

Except for applications, effluent data, permits, and other data specified in 40 CFR § 122.7, any information submitted pursuant to this permit may be claimed as confidential by the submitter. The Executive Director will rule upon such claim in accordance with the Act. If no claim is made at the time of submission, information may be made available to the public without further notice.