

**PART III**  
**STANDARD CONDITIONS FOR OPDES INDUSTRIAL USER DISCHARGE PERMITS**

**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" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §1251 et seq., or the Oklahoma Pollutant Discharge Elimination System (OPDES) Act, as appropriate.
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 the Oklahoma Water Quality Standards.
4. "Approval authority" means the Oklahoma Department of Environmental Quality.
5. "Authorized representative of the user" means:
  - a. if the user is a corporation:
    - (1) The president, secretary, treasurer, or a 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
    - (2) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - b. if the user is a partnership or sole proprietorship, a general partner or proprietor, respectively.
  - c. if the user is a Federal, State, or local governmental facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
  - d. a designee of any of the individuals described in subparagraphs (a) through (c), of this definition. The individual may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the DEQ and the POTW.
6. "Average limitations" shall be calculated as follows:
  - 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" or "weekly 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" or "monthly average" for coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar month.
7. "Average loading" shall be determined by the summation of all the calculated loadings for the calendar month divided by the number of samples analyzed during the calendar month.
8. "Background level concentrations" means concentrations of pollutants, expressed in mg/L, assumed to be present in a POTW influent due to natural background sources, nonpoint sources, and discharges from users determined to be not significant, as established during the POTW's development of technically based local limits and as approved by the Approval Authority.

9. "Biochemical oxygen demand" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/L).
10. "Bypass" means the intentional or unintentional diversion of waste streams from any portion of a treatment, disposal or collection facility.
11. "Categorical pretreatment standard" or "Categorical standard" means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act [33 U.S.C. § 1317(b) and (c)] which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
12. "City" means the City named in Part I of this permit.
13. "Composite Sample" means a sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The sample may be composited either as a time composite sample: composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of stream flow; or as a flow proportional composite sample: collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots.
14. "Control authority" means the Oklahoma Department of Environmental Quality.
15. "Daily average discharge" shall be determined by calculating the total discharge by weight during a calendar month divided by the number of days in the month that the production or commercial facility was operating. Where less than daily sampling is required by the permit, the "daily average discharge" shall be determined by the summation of all the measured "daily discharge(s)" by weight divided by the number of days during the calendar month when the measurements were made.
16. "Daily average discharge limitation" means the highest allowable average of "daily discharge(s)" measured during a calendar month divided by the number of "daily discharge(s)" measured during that month. When the permit establishes daily average concentration effluent limitations or conditions, the daily average concentration means the arithmetic average (weighted by flow) of all "daily discharge(s)" of concentration determined during the calendar month where C = daily concentration, F = daily flow and n = number of daily samples; daily average discharge =
$$\frac{C_1F_1 + C_2F_2 + \dots + C_nF_n}{F_1 + F_2 + \dots + F_n}$$
17. "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.
18. "Daily maximum discharge limitation" means the highest allowable "daily discharge" during the calendar month.
19. "Department" or "DEQ" means the Oklahoma Department of Environmental Quality.
20. "Director" or "Executive Director" means the Executive Director of the Oklahoma Department of Environmental Quality.
21. "Discharge" means the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.
22. "Discharge Monitoring Report" or "DMR" means the EPA uniform national form, including any subsequent additions, revisions or modifications for the reporting of self-monitoring results by permittees.
23. "Disposal system" means a system for disposing of wastewater, including treatment systems.
24. "Environmental Protection Agency" or "EPA" means the U.S. Environmental Protection Agency.
25. "Grab sample" means a sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

26. "Indirect discharge" means the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.
27. "Industrial User" or "User" means a source of indirect discharge.
28. "Instantaneous Maximum Concentration" means the maximum concentration allowed in any single grab sample.
29. "Interference" means a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's OPDES permit (including an increase in magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
30. "Loading" (in lbs/day) shall be calculated by multiplying each sample concentration (in mg/l) by the simultaneous effluent flow rate (in MGD) with a conversion factor of 8.34.
31. "Loading capacity" means the amount of loading of a pollutant that a POTW can receive without risk of pass-through or interference.
32. "Maximum Allowable Headworks Loadings" means the loading capacity of the POTW for pollutants, expressed in lbs/day, minus allocations for background level concentrations and a safety factor.
33. "Maximum loading" means the highest single loading for all samples analyzed during the month.
34. "Medical waste" means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
35. "Municipality" means a city, town, county, district, association, or other public body created by or under State law.
36. "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.
37. "OPDES Act" means the Oklahoma Pollutant Discharge Elimination System Act, 27 O.S. § 2-6-201, et seq.
38. "Pass through" means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's OPDES permit, including an increase in the magnitude or duration of a violation.
39. "Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, public trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
40. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained:
- by physical, chemical, or biological processes;
  - by process changes; or
  - by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
41. "Pretreatment requirements" means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
42. "Pretreatment standards" means prohibited discharge standards, categorical pretreatment standards, and local limits.
43. "Prohibited discharge standards" or "Prohibited discharges" means absolute prohibitions against the discharge of certain substances; these prohibitions appear in Part I of this permit.
44. "Publicly owned treatment works" means a "treatment works," as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.
45. "Sample" has one of the following meanings, as appropriate:
- For coliform bacteria, a sample consists of one effluent grab portion collected during a 24-hour period at peak loads.
  - "Grab sample" means an individual sample collected in less than 15 minutes.
  - "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.
  - "12-hour composite sample" consists of a minimum of six effluent portions collected at equal time intervals over the 24-hour period and composited according to flow. The daily sampling intervals shall include the highest flow periods.
  - "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.
  - "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.
46. "Septic tank waste" means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
47. "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.
48. "Sewage" means human excrement and gray water (household showers, dishwashing operations, etc.).
44. "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.
49. "Significant industrial user"
- "Significant industrial user" means
    - a user subject to categorical pretreatment standards; or
    - a user that:
      - discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
      - contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
      - is designated as such by the DEQ on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
  - Upon a finding that a user meeting the criteria in ~~Unit (A)(ii)~~ of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the DEQ may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR § 403.8(f)(6), determine that such user should not be considered a significant industrial user.
50. "Slug" or "slug load" means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.
51. "Storm water" means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
52. "Surface impoundment" means an excavated soil or lined basin either below or above ground level which is designed, maintained and/or operated to store, recycle, treat and/or dispose of industrial wastewater or storm water, and shall include but is not limited to natural and man-made topographic depressions, excavations, basins, diked areas, lagoons, pits and ponds.
4753. "System" means pipelines or conduits, pumping stations and force mains, and all other construction, devices, appurtenances and facilities used for collecting, conducting, or disposing of water or wastewater, including disposal systems and treatment systems or treatment works.
4854. "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.

55. "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.
56. "Wastewater" means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
57. "Wastewater treatment plant" or "Treatment plant" means that portion of the POTW that is designed to provide treatment of municipal sewage and industrial waste.
58. "Lbs/day" means pounds per day.
59. "MGD" means million gallons per day.
60. "mg/l" means milligrams per liter or parts per million (ppm).
61. "µg/l" means micrograms per liter or parts per billion (ppb).

## SECTION B. GENERAL CONDITIONS

### 1. Duty to Comply

- a. All authorized discharges shall comply with the rules of the DEQ, which are hereby incorporated by reference; the Federal Clean Water 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 the applicable federal and state laws, including the Federal Clean Water Act, the OPDES Act and 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.

### 2. Toxic Pollutants

- a. Notwithstanding Section III.B.5 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 shall comply with effluent standards or prohibitions established under of the Act for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

### 3. Duty to Reapply

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. The Executive Director 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.

### 4. Permit Modification

The DEQ may modify this permit for good cause, including, but not limited to, the following reasons:

- a. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- b. To address significant alterations or additions to the permittee's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- c. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- d. Information indicating that the permitted discharge poses a threat to the POTW or DEQ personnel or the receiving waters;

- e. Violation of any terms or conditions of this permit;
- f. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- g. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR § 403.13;
- h. To correct typographical or other errors in this permit;
- i. To reflect a transfer of the facility ownership or operation to a new owner or operator;
- j. Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

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.

### 5. Permit Revocation and Reissuance or Termination

The DEQ may revoke and reissue or terminate this permit for good cause, including, but not limited to, the following reasons:

- a. Failure to notify the DEQ of significant changes to the wastewater prior to the changed discharge;
- b. Failure to provide prior notification to the DEQ of changed conditions;
- c. Misrepresentation or failure to fully disclose all relevant facts in the permit application;
- d. Falsifying self-monitoring reports;
- e. Tampering with monitoring equipment;
- f. Refusing to allow the DEQ or the City timely access to the facility premises and records;
- g. Failure to meet effluent limitations;
- h. Failure to pay fines;
- i. Failure to pay sewer charges;
- j. Failure to meet compliance schedules;
- k. Failure to complete a wastewater survey or the wastewater discharge permit application;
- l. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- m. Violation of any pretreatment standard or requirement, or any terms of this wastewater discharge permit.

### 7. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege, nor does it authorize any injury to private property or any invasion of personal rights, nor any violation of Federal, State or local laws or regulations.

### 8. Duty to Provide Information

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

### 9. Criminal, Civil and Administrative Liability

Except as provided in permit conditions on "bypassing" and "upsets," nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. 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.

### 10. 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 Act.

### 11. State Laws

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 law or regulation under authority preserved by Section 510 of the Act.

12. 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.

SECTION C. PROPER OPERATION AND MAINTENANCE1. Duty to Halt or Reduce Activity

- a. Upon reduction of efficiency of operation, or loss or failure of all or part of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with this permit, control its production or discharges (or both) until operation of the treatment facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced.
- b. 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.

2. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the POTW or the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

3. Proper Operation and Maintenance

- a. The permittee shall provide and operate wastewater treatment as necessary to comply with this permit and shall achieve compliance with all categorical pretreatment standards, and local limits within the time limitations specified by EPA or the DEQ, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the permittee's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the City and the DEQ for review, and shall be acceptable to the DEQ before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the permittee from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the DEQ.
- b. 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 the 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.
- c. 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.

4. Dilution

The permittee shall not increase the use of potable or process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation or any limitation contained in this permit unless expressly authorized by an applicable pretreatment standard or requirement.

5. Bypass of Treatment Facilities

- a. Bypass Not Exceeding Limitations. The permittee may allow any bypass to occur which does not cause pretreatment standards or 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 Parts III.C.5.b and 5.c.

b. Notice

- (1) Anticipated Bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the DEQ and the City, if possible at least ten days before the date of the bypass.
- (2) Unanticipated Bypass. The permittee shall, within 24 hours, submit notice of an unanticipated bypass to the DEQ and the City as required in Part III.E.7.

c. Prohibition of Bypass

- (1) Bypass is prohibited, and the Executive Director 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 required by Part III.C.5.b.
- (2) The Executive Director may allow an anticipated bypass after considering its adverse effects, if the Executive Director determines that it will meet the three conditions listed at Part III.C.5.c.(1).

6. Upset Conditions

- a. 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 Part III.B.3.b 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.
- b. Conditions Necessary for 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 specific cause(s) of the upset;
  - (2) The permitted facility was at the time being properly operated;
  - (3) The permittee submitted notice of the upset to the DEQ and the City as required in Part III.E.7. of this permit; and
  - (4) The permittee complied with any remedial measures under Part III.C.2.
- c. Burden of Proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

7. Removed Substances

- a. Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a state-approved industrial waste disposal site or to a company for recycling. Disposal shall be in a manner such as to prevent any pollutant from such materials from entering waters of the state and in compliance with applicable rules of the DEQ. If any such industrial wastes are removed from the facility, the permittee shall keep accurate records which include the following information:
  - (1) Name and address of company hauling waste.
  - (2) The type and amount of waste hauled.
  - (3) The final disposal site of waste hauled.
- b. Upon request, the records required in Part III.C.7.a shall be made available to DEQ and City staff for review.

SECTION D. MONITORING AND RECORDS1. Inspection and Entry

The permittee shall allow the DEQ, City and/or EPA, upon presentation of credentials and such other documents as may be required by the 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, 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 purposes of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.
2. Representative Sampling  
Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water or substance. Monitoring points shall not be changed without notification to and the approval of the DEQ.
3. Retention of Records  
Except for records of monitoring information required by this permit related to the permittee's sludge use and disposal activities, which shall be retained for a period of at least five years, 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 (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.
4. Record Contents  
Records of monitoring information shall include:
- a. The date, exact place, and time of sampling or measurements;
  - b. The individual(s) who performed the sampling or measurements;
  - c. The date(s) and time(s) analyses were performed;
  - d. The individual(s) who performed the analyses;
  - e. The analytical techniques or methods used; and
  - f. The results of such analyses.
5. Monitoring Procedures
- a. Monitoring must be conducted according to test procedures approved under 40 CFR, Part 136 or, in the case of sludge use or disposal, approved under 40 CFR, Part 136 unless otherwise specified in 40 CFR, Part 503, unless other test procedures have been specified in the permit.
  - b. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to insure accuracy of measurements and shall maintain appropriate accuracy of measurements and shall maintain an appropriate records of such activities.
  - c. An adequate analytical quality control program, including the analyses of sufficient standards, spikes and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory.
6. 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 volumes.
- b. The DEQ may issue a wastewater discharge permit or modify this permit in response to changed conditions or anticipated changed conditions;
  - c. For purposes of this Section, significant changes include, but are not limited to, increases or decreases of twenty percent (20%) or greater in flow or quantity of pollutants, addition of new direct or indirect discharges, discharges of any previously unreported pollutants, and changes in the permittee's sludge use or disposal practices; and
  - d. If a change requires a new permit or permit modification, the permittee may not implement the change until the new permit or modified permit is issued.
2. Anticipated Noncompliance  
The permittee shall give advance notice to the DEQ and the City of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
3. Transfers  
This permit is not transferable to any person except after notice to the DEQ and the City.
- a. In the event the permittee wishes to transfer this permit to a new owner or operator, it must give at least 30 days advance notice to the DEQ and the City. The notice to the DEQ must include a written certification by the new owner or operator which:
    - (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
    - (2) Identifies the specific date on which the transfer is to occur;
    - (3) Acknowledges that the new owner and/or operator has received a copy of the permit; and
    - (4) Acknowledges full responsibility for complying with this permit.
  - b. The permittee must obtain written approval from the DEQ prior to transferring the permit. The DEQ 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.
  - c. Failure to provide advance notice of a transfer or obtain DEQ approval renders this permit void as of the date of the facility transfer.
4. Periodic Reports on Continued Compliance, Discharge Monitoring Reports and Other Reports  
Any Industrial User subject to a categorical Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the control authority during the months of June and December, unless required more frequently, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards. In addition this report shall include a record of measured or estimated average and maximum daily flows for the reporting period. Monitoring results may be reported on a Discharge Monitoring Report (DMR) Form EPA No. 3320-1 or an approved equivalent form, or forms provided or specified by the Executive Director for reporting results of monitoring of sludge use or disposal practices. Reporting periods shall end on the last day of the month. Monitoring reports shall be prepared monthly and the original and one copy shall be submitted to the Oklahoma Department of Environmental Quality at the address shown below no later than the fifteenth (15th) day of the following month. An original shall be submitted simultaneously to the City at the address specified in Part I. A copy shall also be submitted simultaneously to the appropriate County DEQ office. All operating records and reports shall comply with the OPDES Act, the Oklahoma Environmental Quality Code and the requirements of 40 CFR § 403.12.

## SECTION E. REPORTING REQUIREMENTS

1. Planned Changes  
The permittee must notify the DEQ and the City in writing of any planned significant changes to the permittee's operations or system which might alter the nature, quality, or volume of its wastewater at least 60 days before the change.
- a. The DEQ may require the permittee to submit such information as may be deemed necessary to evaluate the changed condition,
- Water Quality Division  
Oklahoma Department of Environmental Quality  
P.O. Box 1677  
Oklahoma City, OK 73101-1677
5. 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, in the case of sludge use or disposal, approved under 40 CFR, Part 136 unless

otherwise specified in 40 CFR, Part 503, 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 periodic report, Discharge Monitoring Report (DMR) or sludge reporting form specified by the Executive Director. Such increased monitoring frequency shall also be indicated on the DMR.

6. Averaging of Measurements

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

7. Twenty-four Hour Reporting

a. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally to the DEQ and the City within 24 hours from the time the permittee becomes aware of the circumstances. DEQ shall be notified by calling 1-800-256-2365 for around-the-clock reporting. The City shall be notified by calling the phone number specified in Part I. A written submission to the DEQ and the City shall be provided within five days of the time the permittee becomes aware of the circumstances. The report shall contain the following information:

- (1) A description of the noncompliance and its cause;
- (2) 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,
- (3) Steps taken to reduce, eliminate, and prevent reoccurrence of the noncomplying discharge.

b. The following shall be included as information which must be reported within 24 hours:

- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
- (2) Any upset which exceeds any effluent limitation in the permit; and,
- (3) Any violation of pretreatment standards or effluent limitations, upon becoming aware of the violation.

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

8. Baseline Monitoring Reports.

a. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard applicable to the permittee, or the final administrative decision on a category determination under 40 CFR § 403.6(a)(4) affecting the permittee, whichever is later, the permittee shall submit to the DEQ and the City a report which contains the information listed in subsection b., below. At least ninety (90) days prior to commencement of a discharge which would subject the permittee to an existing categorical standard, the permittee shall submit to the DEQ a report which contains the information listed in subsection b., below. If the permittee's proposed discharge is a new source, it shall report the method of pretreatment it intends to use to meet applicable categorical standards and also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

b. If the permittee is subject to this baseline monitoring requirement, it shall submit the information set forth below.

- (1) Identifying information. The name and address of the facility, including the name of the operator and owner, must be submitted.
- (2) Environmental permits. A list of any environmental control permits held by or for the facility must be submitted.
- (3) Description of operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out, or proposed to be carried out, by such permittee must be submitted. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
- (4) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR § 403.6(e) must be submitted.
- (5) Measurement of pollutants.
  - (a) The categorical pretreatment standards applicable to each regulated process must be submitted.

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the DEQ, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in this permit.

(c) Sampling must be performed in accordance with procedures set out in this permit.

(6) Certification. A statement, reviewed by the permittee's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements must be submitted.

(7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the permittee will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in subsection 2, below.

(8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with and the requirements of this permit.

9. Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by paragraph (7) of subsection b., above.

a. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the permittee to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

b. No increment referred to in subsection a., above, shall exceed nine (9) months;

c. The permittee shall submit a progress report to the DEQ no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the permittee to return to the established schedule; and

d. In no event shall more than nine (9) months elapse between such progress reports.

10. Reports on Compliance with Categorical Pretreatment Standard Deadline.

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the City's POTW, if the permittee is subject to such pretreatment standards and requirements, it shall submit to the DEQ and the City a report containing the information described in 40 CFR § 403.12(c). If the permittee is subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR § 403.6(c), this report shall contain a reasonable measure of the permittee's long-term production rate. If the permittee is subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the permittee's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with this permit.

11. Reports of Potential Problems

a. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the permittee shall immediately telephone and notify the DEQ and the City of the incident. This

notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the permittee.

- b. Within five (5) days following such discharge, the permittee shall submit to the DEQ and the City a detailed written report describing the cause(s) of the discharge and the measures to be taken by the permittee to prevent similar future occurrences.
- c. Such notification shall not relieve the permittee of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the permittee of any fines, penalties, or other liability which may be imposed pursuant to this permit.
- d. A notice shall be permanently posted on the permittee's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subsection a., above, of this subsection. The permittee shall ensure that all employees, who may cause or discover such a discharge to occur, are advised of the emergency notification procedure.

#### 12. Repeat Sampling and Reporting

If sampling performed by the permittee indicates a violation, the permittee must notify the DEQ and the City within twenty-four (24) hours of becoming aware of the violation, in accordance with Part III.E.7. For parameters where the permit specifies monitoring less frequently than 1/month, the permittee shall also repeat the sampling and analysis within thirty (30) days after becoming aware of the violation and submit the results of the repeat analysis to the DEQ and the City on the next periodic report or monthly DMR form. For parameters where the permit specifies monitoring at 1/month or more frequently, the routine sampling conducted under the permit shall fulfill the repeat sampling requirement.

#### 13. Notification of the Discharge of Hazardous Waste

- a. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this permit, or any applicable Federal or State law.
- b. If the permittee commences the discharge of hazardous waste, it shall notify the DEQ, the City, and the EPA Regional Waste Management Division Director, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR, Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR, Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the permittee discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the permittee: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, this notification does not relieve the permittee of its obligation to file a report of changed conditions pursuant to this permit. The notification requirement does not apply to pollutants already reported by the permittee subject to categorical pretreatment standards under the self-monitoring requirements of this permit.
- c. The permittee is exempt from the requirements of a. of this subsection, during a calendar month in which it discharges no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR §§ 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR §§ 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the permittee discharges more than such quantities of any hazardous waste do not require additional notification.
- d. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing

any additional substance as a hazardous waste, the permittee must notify the DEQ, the City, and the EPA Regional Waste Management Division Director, of the discharge of such substance within ninety (90) days of the effective date of such regulations.

- e. In the case of any notification made under this section, the permittee shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
14. Other Noncompliance  
The permittee shall report all instances of noncompliance not reported under Parts III.E.2, E.4, E.7, E.12 and Part I. at the time monitoring reports are submitted. The reports shall contain the information listed at Part III.E.7.
  15. 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 the DEQ and/or the City, it shall promptly submit such facts or information to the DEQ and the City.
  16. 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."

17. Availability of Reports

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. If no claim is made at the time of submission, information may be made available to the public without further notice.