



## 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

April 3, 2006

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 GP-00-01, which expired on September 28, 2005. 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 Country<sup>1</sup> lands, facilities which serve agricultural purposes, or facilities/industrial activities which are associated with oil and gas exploration. 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 their MSGP for Industrial Activities (OKR05) to replace the expired MSGP GP-00-01. 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) 252:004-7.

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 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.

<sup>1</sup> 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.

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 applicable permit fee of \$254.21 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 GP-00-01**

This proposed general permit will replace the MSGP GP-00-01, which expired on September 28, 2005. Following is a list of changes in the proposed permit as compared to the previous MSGP GP-00-01.

1. *Areas of the Permit Coverage.* The DEQ added the missing areas where the EPA maintains permitting authority in Table 1-1. These changes are consistent with the latest version of Memorandum of Agreement (MOA) between the DEQ and the EPA (Region 6), dated November 19, 1996, as revised August 4, 1997.
2. *Activities Covered Under This Permit.* The permit covers storm water discharges associated with industrial activity to the State water bodies including municipal separate storm sewer systems (MS4). The permit is intended to cover discharges from the industrial sectors/activities listed in Table 1-2. Those industrial activities that are considered to be co-located activities are also authorized by this permit. The following changes have been made to the permit:
  - a. Updated SIC codes for Sector A – Wood Containers from 2448, 2449 to 2441, 2448 and 2449.
  - b. Removed SIC codes for facilities that make fertilizer solely from leather scraps and leather dust. SIC code 2873 has been included under the Agricultural Chemicals sub-sector of Sector C.
  - c. Updated SIC codes for Sector E – Abrasive, Asbestos, and Miscellaneous Nonmetallic Mineral Products from 3291-3292 to 3291-3299. Also removed SIC codes for “Minerals and Earth’s, Ground or Otherwise Treated, Mineral Wool” and “Non-Clay Refractories”, which are included under SIC codes for “Abrasive, Asbestos, Miscellaneous Nonmetallic Mineral Products ”
  - d. Clarified Sector K facilities to include those that are operating under interim status or have a permit under subtitle C of RCRA.
  - e. Clarified Sector L facilities as those facilities that receive or have received any industrial wastes, including those that are subject to regulation under subtitle D of RCRA.
  - f. Clarified Sector O facilities to include coal handling sites.
  - g. Clarified Sector T facilities and described what facilities are not included, such as farm lands and domestic gardens used for sludge management, where sludge is beneficially reused, and which are not physically located within the confines of the facility.
  - h. Updated SIC codes for the Canned, Frozen, and Preserved Fruits, Vegetables, and Food Specialties sub-sector of Sector U from 2032 to 2032-2038.
  - i. Updated SIC codes for the Measuring, Analyzing, and Controlling Instruments; Photographic and Optical Goods, Watches and Clocks sub-sector of Sector AC from 3812 to 3812-3873.
3. *Allowable Non-storm Water Discharges.* Added a special condition to the discharges or flows from emergency fire fighting activities in order for them to be allowed. This condition requires

the operator/owner to take necessary appropriate actions to reduce such pollutant release to avoid or minimize impacts on water quality and ensure public health and safety if the incident occurs (Part 1.2.4). Also additional requirements for this special condition are added in your SWP3 (Part 4.2.11). Operators/Owners must document an evaluation regarding potential releases of pollutants from the scene, as well as control measures that you have taken to reduce the pollutant releases in your SWP3.

4. *Protection of Endangered and Threatened Species.* To avoid possible confusion of different terms, replaced “Aquatic Resources of Concern” with “Federal and State sensitive waters and watersheds”. Updated the existing list and map of Federal and State sensitive waters and watersheds as a result of the U.S. Fish and Wildlife Service comments. A new list and map has been provided in this permit. Added a new step to require submittal of a copy of SWP3 as a part of the NOI submittal.
5. *Conditional Exclusion for No Discharge.* Added a waiver for an industrial facility to file an Affidavit of No Discharge (AND) and be excused from the permitting requirements (Part 1.4.5). You must understand there is no exclusion for your discharges associated with industrial activities which occur under any unusual circumstances, even if an AND has been filed. You must obtain an authorization to discharge before any discharge does occur beyond the boundaries of your facility. Any discharge without a permit under any condition, even if an AND has been filed, would be an unauthorized discharge and would be a violation under the Clean Water Act and subject to enforcement action.
6. *Special Conditions.* Modified special conditions to be consistent with Oklahoma water quality standards (OAC 785:45-5-25). This special condition prohibits any new storm water discharges or increased discharges located within the entire watershed of any water body designated an Outstanding Resource Water (See Part 3.4). You must submit a Notice of Certification of Industrial Existence (Form 605-005) to certify whether a facility located within the watershed of a water body designated an Outstanding Resource Water is considered an “existing” facility. Also, you must submit your SWP3 to the DEQ for review with your NOI form.
7. *Storm Water Pollution Prevention Plan (SWP3).* Reorganized the SWP3 requirements slightly, and modified them to be consistent with the EPA’s MSGP 2000. The requirements include the evaluation of a plan for emergency fire fighting activities (Part 4.2.11), and an implementation plan for Total Maximum Daily Loads (TMDL) in Part 4.2.13.
8. *Monitoring Requirements.* Reorganized the requirements slightly, and eliminated two (2) repetitious paragraphs entitled “Representative Outfalls – Substantially Identical Discharge” on page 35 and page 37 of the permit. Identical language on page 39 of the permit remains. Also changed the monitoring periods for collecting and analyzing your grab samples to be from January 1<sup>st</sup> to December 31<sup>st</sup> instead of from October 2<sup>nd</sup> to October 1<sup>st</sup>.
9. *Reporting.* Clarified the schedule to submit your monitoring results by March 1<sup>st</sup> of the year following the monitoring period.
10. *Transfer or Termination of Coverage.* The requirements for a Notice of Termination (NOT) and Certification of Affidavit of No Discharge (AND) have been added as below:
  - a. For filing a NOT, you must provide additional information, such as the name, address,

- and phone number of the new facility operator/owner.
- b. For filing an AND, you must sign an AND to certify that you have read and understand the eligibility requirements for claiming a condition of no discharge and obtaining an exclusion from the OPDES storm water permitting. An example of certification has been provided in Part 10.5.1.
11. *Definitions*. Added a definition for “No Discharge”, and removed definition for “Large and Medium Municipal Separate Storm Sewer System” because this definition no longer applies to the permit. Also, modified the definition for “Waters of the State” to be consistent with the latest version of Oklahoma Statutes, which became effective on April 22, 2003 (27 A O.S. §1-1-201).
  12. *Exhibits*. For Exhibit 1 Endangered Species – Added a new sentence with reference to the list of Federal and State sensitive waters and watersheds, and the map of listed waters and watersheds: “The list of Federal and Oklahoma Sensitive waters and watersheds, which are harboring endangered and threatened species and their critical habitat of concern, can be found in Addendum A. A map is included showing the general location of these waters and watersheds.” Also added a new SWP3 submittal requirement for review if the facilities are located within Federal and State sensitive waters and watersheds. Replaced the existing list of “Aquatic Resources of Concern for the MSGP” with “ADDENDUM A – Oklahoma Sensitive Waters and Watersheds Harboring Endangered and Threatened Species and Their Critical Habitat”, which has been modified as a result of the comments from the U.S. Fish and Wildlife Service. For Exhibit 2, Notice of Intent (NOI), added a “previous permit authorization number” information requirement and a requirement that operators/owners must identify any listed DEQ 303(d) impaired water that applies to their facilities. For Exhibit 3, Notice of Termination (NOT), added a “new facility /site information” requirement and check boxes to identify if you are no longer the operator or if the construction /discharge is being terminated. Added two new exhibits, Exhibit 6 - Notice of Certification of Industrial Existence and Exhibit 7 - Affidavit of No Discharge (AND), in order to certify both the existing discharge and no discharge waiver for this permit requirement.
  13. *Sector Specific Requirements*. The specific requirements have been reorganized slightly. The addition and modifications are listed as below:
    - c. Modified the pH range from 6.0-9.0 to 6.5-9.0 for the Numeric Effluent Limitation Monitoring in all sectors. This modification will allow this pH limitation to be consistent with current Oklahoma water quality standards.
    - d. In Part C.5, The monitoring parameter for Fluoride has been modified from 105 mg/l, daily maximum to 75 mg/l, daily maximum. This modification was made to be consistent with the EPA’s MSGP 2000.
    - e. In Part D.5.2, added a specific requirement of final stabilization for Portable Asphalt Plants. Operators/Owners must establish at least 70% of the natural cover for stabilizing the site in order to reduce the impacts of storm water runoff on receiving water.
    - f. In Part E.4.3.B, added a specific requirement of final stabilization for Mobile Concrete Batch Plans. Operators/Owners must establish at least 70% of the natural cover for stabilizing the site in order to reduce impacts of storm water runoff on receiving water.
    - g. In Part G.5, Clarified the requirement pertaining to disturbing land for clearing, grading, and excavation activities. Operators/Owners must apply for the DEQ general

permit (OKR10) for storm water discharges associated with construction activities if the area of disturbance during the initial phase is one (1) or more acres. On-going clearing, grading, and excavation during the active mining phase may be covered under this permit.

- h. In Part I.1, clarified covered storm water discharges to state that the operator is required to obtain a permit under either the EPA's or DEQ's jurisdiction.
- i. In Part J.5, Clarified the requirement pertaining to disturbing land for clearing, grading, and excavation activities. Operators/Owners must apply for the DEQ general permit (OKR10) for storm water discharges associated with construction activities if the area of disturbance during the initial phase is one (1) or more acres. On-going clearing, grading, and excavation during the active mining phase may be covered under this permit.
- j. In Part K.5, added four (4) missing monitoring parameters to be consistent with the numeric limitation in the EPA's MSGP 2000. The parameters are listed as below:
  - i. BOD5 – 220 mg/l daily max., 56 mg/l monthly avg. max.;
  - ii. TSS – 88 mg/l daily max., 27mg/l monthly avg. max.;
  - iii. Ammonia – 10 mg/l daily max., 4.9 mg/l monthly avg. max.;
  - iv. Chromium (Total) – 1.1 mg/l daily max., 0.46 mg/l monthly avg. max.These parameters were not previously included in Table K-1 of the previous DEQ MSGP.
- k. In Part L.6, modified the following monitoring parameters to be consistent with the numeric limitation in the EPA's MSGP 2000:
  - i. BOD5 – 140 mg/l daily max., 37 mg/l monthly avg. max.;
  - ii. TSS – 88 mg/l daily max., 27mg/l monthly avg. max.;
  - iii. Ammonia – 10 mg/l daily max., 4.9 mg/l monthly avg. max.;
  - iv. Zinc (Total) – 0.2 mg/l daily max., 0.11 mg/l monthly avg. max.;
  - v. Alpha Terpineol – 0.033 mg/l daily max., 0.016 mg/l monthly avg. max.;
  - vi. Benzoic Acid – 0.12 mg/l daily max., 0.071 mg/l monthly avg. max.;
  - vii. p-Cresol – 0.025 mg/l daily max., 0.014 mg/l monthly avg. max.;
  - viii. Phenol – 0.026 mg/l daily max., 0.015 mg/l monthly avg. max.
- j. In Part M.1, Clarified covered storm water discharges that apply to certain automobile salvage operations.
- k. In Part O.5, Added Table O-1 Sector Specific Numeric Effluent Limits. The operator/owner must be in compliance with these monitoring requirements. The Table O-1 was not previously included in Part O.5 but instead in Table 5-2 of Part 5.2.1 of the previous DEQ MSGP 2000.
- l. In Part S.6, Added Table S-1 Sector Specific Numeric Effluent Limits. The operator/owner must be in compliance with these monitoring requirements, which are consistent with the EPA's MSGP 2000. This monitoring requirement was not previously included in the previous DEQ MSGP 2000.

## **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 Country<sup>1</sup> 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.

### **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
- p. Sector P – Land transportation and warehousing
- q. Sector Q – Water transportation
- r. Sector R – Ship and Boat building and 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

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<sup>1</sup> 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.

- 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, and 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” or “No Discharge Exclusion”.

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

You must complete all of the blanks on the form (OPDES Form 605-002B). If you file a 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 a 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 a 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](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 an 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 reporting 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 apply for an “Affidavit of No Discharge”?**

You may be eligible for an “Exclusion for No Discharge” if all storm water associated with industrial activity from your facility is retained on the site and there are no discharges to any state waters, including any municipal separate storm sewer systems (MS4s) (See the definition of “No Discharge”). If you are covered by this permit, or have a new industrial facility, and you have filed an “Affidavit of No Discharge” (Exhibit 7), then you are no longer authorized nor required to comply with this permit, as long as the conditions allowing the exclusion remain. If you are not required to have permit coverage due to “no discharge exclusion”, you are not required to submit a NOT. You must understand there is no exclusion for any discharges associated with industrial activity which occur under any unusual circumstances, even if an AND has been filed. You must obtain a permit authorization to discharge before any discharge does occur beyond the boundaries of your facility. Any discharge without a permit under any condition, even if an AND has been filed, would be an unauthorized discharge and would be a violation under the Clean Water Act and subject to enforcement action.

By filing an “Affidavit of No Discharge” Form 605-007, you are not required to obtain permit authorization for storm water discharges associated with industrial activity. The affidavit must be signed and dated by the owner/operator or authorized representative.

#### **15. 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 transfer of 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 and receive authorization from the DEQ 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 of 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

**16. 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.

- 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 (1<sup>st</sup>) 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.

**17. 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 1<sup>st</sup> 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

**18. 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 the EPA's guidance to help you to develop your best management practices (BMPs). The permit relies on the SWP3 and BMPs in lieu of numeric limitations consistent with EPA guidance. [ see (1) "Interim Permitting Approach for Water Quality-Based Effluent Limitations in Stormwater Permits" (EPA-833-D-96-00, Date published: 09/01/1996), and (2) "Memorandum from Robert Wayland, Director of OWOW and James Hanlon, Director of OWM to Regional Water Division Directors: Establishing Total Maximum Daily Load (TMDL) Wasteload Allocations" (Date published: 11/22/2002)].

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. The general location of these waters and watersheds are included as follows:

- a. Sensitive waters and watersheds for Federally listed species, as defined by the U.S. Fish & Wildlife Service for the DEQ industrial storm water permit

*Grand (Neosho) River* - A two-mile corridor (one mile from each bank) of the main stem above its confluence with Tar Creek and below this confluence, the east side of the watershed upstream of and including Spavinaw Creek and its watershed.

*Arkansas River* - A two-mile corridor (one mile from each bank) of the main stem of the Arkansas River between Webber's Falls and the Kaw Reservoir dam. Includes portions of Wagner, Muskogee, Tulsa, Osage, Pawnee, Noble and Kay Counties.

*Cimarron River* - A two-mile corridor (one mile from each bank) of the main stem of the Cimarron River from the flood pool of Keystone Reservoir upstream to and including Beaver County. Includes portions of Creek, Payne, Logan, Kingfisher, Major, Woods, Woodward, Harper, and Beaver Counties.

*South Canadian River* - A two-mile corridor (one mile from each bank) of the main stem of the Eufaula Reservoir flood pool upstream to the Texas state line, and the river segment in Haskell, McIntosh, Pittsburg, Hughes, Pontotoc, Seminole, Pottawatomie, McClain, Cleveland, Canadian, Grady, Caddo, Blaine, Custer, Dewey, Ellis, and Roger Mills Counties.

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

*Kiamichi River* – The watershed of the Kiamichi River upstream from Hugo Reservoir. Includes portions of Pushmataha, Atoka, Pittsburg, Latimer, and Leflore Counties.

*Red River* - A one-mile corridor (one mile from the north bank) along the main stem of the Red River except Texhoma Reservoir. Includes portions of McCurtain, Choctaw, Bryan, Love, Jefferson, Cotton, Tillman, Jackson, and Harmon Counties.

*Little River* – The watershed of the Little River. Includes portions of LeFlore, Pushmataha and McCurtain Counties.

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

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

*Poteau River* – Eastern Oklahoma excluding Lake Wister – A two-mile corridor (one mile from each bank).

*Salt Plains National Wildlife Refuge* – All areas within one mile of the refuge.

- b. Sensitive waters and watersheds for State listed species, as defined by the Oklahoma Department of Wildlife Conservation for the DEQ industrial storm water permit

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

*Lee and Little Lee Creeks* – The watershed of Lee Creek and Little Lee Creek. Includes portions of Sequoyah and Adair Counties.

If facilities are not located within any corridor or area of the above listing or a scenic river watershed, the facilities are not required to submit their SWP3 for review unless they are requested to do so by the DEQ. When your SWP3 is reviewed by the DEQ, the DEQ can require you to amend the plan if it does not meet the minimum permit requirements.

The SWP3 requirements in this general permit are intended to facilitate a process whereas the owner/operator of the industrial facility evaluates potential pollution sources at the site, and selects and implements appropriate measures designed to prevent or control the discharge or pollutant in storm water runoff. The process involves following four (4) steps: (a) formation of a pollution prevention team, which is responsible for assisting the plant manager in developing, implementing, maintaining, and revising the SWP3; (b) site description and assessment of potential sources of pollution; (c) selection and implementation of appropriate practices and controls; (d) evaluation of the effectiveness of the SWP3 to prevent storm water pollution and comply with the terms and conditions of this general permit.

The permit describes the SWP3 requirements in Part 4 (storm water pollution prevention plans) and in Part 12 (sector- specific requirements). The SWP3 generally must include the following elements:

- a. Activities at facilities
- b. Receiving waters and wetlands
- c. Summary of potential pollutant sources
- d. Spills and leaks
- e. Sampling data
- f. Storm water controls
- g. BMP types to be considered (non-structural and structural BMPs)
- h. Maintenance
- i. Allowable non-storm water discharges (Certification of discharges)
- j. Documentation of permit eligibility related to TMDL
- k. Documentation of permit eligibility related to endangered species
- l. Comprehensive site compliance evaluation