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Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

Mary Fallin
Governor

PUBLIC NOTICE

June 29, 2012

The Oklahoma Department of Environmental Quality Announces That The General Permit OKR10 For Stormwater Discharges From Construction Activities Within The State Of Oklahoma is Available for Review

A 30-day Comment Period is Open

A Public Meeting to Discuss the Construction General Permit is Scheduled

Public Comment Period Begins: Friday, June 29, 2012

Public Meeting: 2pm on Monday, July 30, 2012

Public Comment Period Ends: Tuesday, July 31, 2012

The [Oklahoma Department of Environmental Quality](#) (DEQ) has issued the "General Permit OKR10 for Stormwater Discharges from Construction Activities within the State Of Oklahoma" (CGP). This permit will replace general permit OKR10, which will expire on September 12, 2012. Both new operators and existing permittees must obtain coverage under this new permit in order to discharge stormwater from construction activities.

The CGP permit authorizes any stormwater discharges associated with construction activities that result in land disturbance of equal to or greater than one (1) acre, or less than one (1) acre if they are part of a larger common plan of development or sale that totals at least one (1) acre. The permit also authorizes any stormwater discharges from support activities (e.g. concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, and borrow areas) that are directly related to a construction site that is required to have permit coverage, and is not a commercial operation serving unrelated different sites.

However, DEQ's approved program does not include the discharges from construction activity which are located on Indian Country¹ lands, or related to construction activity for oil & gas extraction and agricultural purposes.

The CGP permit does not authorize any stormwater discharges from support activities within the Outstanding Resource Waters (ORW) as defined in Oklahoma Water Quality Standards (see OAC 785:45-5-25).² If stormwater runoff from your construction site discharges into an ORW, you must specify the receiving water as an ORW in the [Storm Water Pollution Prevention Plan \(SWP3\)](#) and submit a copy of the completed SWP3 to DEQ for review. You must also submit a copy of your SWP3

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

² Title 785, Chapter 45 Oklahoma's Water Quality Standards: http://www.owrb.ok.gov/util/rules/pdf_rul/RulesCurrent2011/Ch45-Current2011.pdf

for DEQ to review if your stormwater runoff discharges into an Aquatic Resource of Concern (ARC) as identified by the U.S. Fish and Wildlife Service (found in Addendum A, Part A of the CGP) and the Oklahoma Department of Wildlife Conservation (found in Addendum A, Part B of the CGP). The SWP3 must be submitted to DEQ for review for all projects 40 acres or more.

You must receive an authorization to discharge from DEQ prior to beginning any construction activities with stormwater discharges. In order to receive this authorization, you must file a Notice of Intent (NOI) with DEQ and pay the applicable application fee³ and annual permit fee⁴. Also, you **must** develop and implement a [storm water pollution prevention plan \(SWP3\)](#) according to the requirements of this permit.

Copies of the draft CG Permit, [Notice of Intent \(NOI\)](#), Notice of Termination (NOT), and supporting documents are available on the DEQ web site: <http://www.deq.state.ok.us/WQDnew/stormwater/>. Written copies of the CGP can be viewed or picked up in person by contacting [Ms. Robin Bankhead](#) at the [DEQ office at 707 North Robinson in Oklahoma City](#) from 9:00am - 5:00pm. However, a nominal copying fee may apply.⁵ She can be reached at (405) 702-8189. **The permit is too large to fax.**

The comment period will be open for 30 days. If you have any concerns regarding these proposed limits, please submit your comments in writing by the end of the day on **July 31, 2012** to:

Karen Kaihua Milford
Water Quality Division
Oklahoma Department of Environmental Quality
P.O. Box 1677
Oklahoma City, OK 73101-1677
(405) 702-8191
E-mail: Water.Comments@deq.ok.gov

DEQ will be conducting a public meeting which will consist of a short presentation to help foster understanding of the proposed changes to the Construction General Permit. This will be followed by an informal question and answer session with DEQ staff then an opportunity for the public to make formal public comments. The public meeting will be held:

2:00 P.M., Monday, July 30, 2012
Department of Environmental Quality
1st Floor Multipurpose Room
707 North Robinson
Oklahoma City, OK

Directions to DEQ can be found online at: <http://www.deq.state.ok.us/mainlinks/map2deq.pdf>

After evaluating comments received and making any necessary changes, a Responsiveness Summary will be prepared, and the final permit will be issued.



You are receiving this notice because you are either on DEQ's list to receive all public notices or you requested notices about stormwater activities in Oklahoma. **This notice is for informational purposes only; it is not to be published in the legal section of newspapers.**

If you are receiving this notice in error, are getting multiple notices, or do not want to receive future notices, please let us know. If you are receiving this in paper form, please help save money and the environment by receiving the notice in PDF format via e-mail. Just send your e-mail address to Karen.Miles@deq.ok.gov.

³ See OAC 252:606-3-4(d)(1) - Stormwater application fee: <http://www.deq.state.ok.us/WQDnew/rules/252-606-TXT.pdf>

⁴ See OAC 252:606, Appendix D(A)(1): Fees for Stormwater Permits and Other General Permits (New)

⁵ See OAC 252:4-1-6: Administrative fees: <http://www.deq.state.ok.us/rules/004.pdf>