OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY WATER QUALITY DIVISION

GENERAL PERMIT
OKR04

PHASE II SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM DISCHARGES WITHIN THE STATE OF OKLAHOMA

February 8, 2005

GENERAL PERMIT FOR STORM WATER DISCHARGES

ASSOCIATED WITH MUNICIPAL SEPARATE STORM SEWER SYSTEMS IN SMALL CITIES, URBANIZED AREAS, AND OTHER COUNTY AREAS IN THE STATE OF OKLAHOMA

AUTHORIZATION TO DISCHARGE UNDER THE OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et. seq.) as required under Section 122.34(d)(2) of the Storm Water Phase II Rule, and with the provisions under the Oklahoma Pollutant Discharge Elimination System, OAC 252:606-1-3(b)(3) incorporating by reference 40 CFR §122.26 and 122.30 through 122.35, operators of Small Municipal Separate Storm Sewer Systems (SMS4s) are authorized to discharge in accordance with the conditions and requirements set forth herein. The Phase II regulations issued by the EPA can be found in FR Vol. 64 No. 235, December 8, 1999, beginning on page 68722, and became effective on February 7, 2000. This permit is a new issue by the Department of Environmental Quality and shall become effective on February 8, 2005. This permit and the authorization to discharge shall expire at midnight February 7, 2010. As provided in this permit, operators of Small Municipal Separate Storm Sewer Systems, located in an area specified herein and who submit a Notice of Intent and a storm water management program in accordance with PART IV of the general permit are authorized to discharge pollutants to waters of the State in accordance with the conditions and requirements set forth herein.
Signed and issued this 8th day of February, 2005.

Jon Craig, Director
Water Quality Division

Mark Derichsweiler P.E., Engineering Manager
Water Quality Division

Table of Contents

PART I. COVERAGE UNDER THIS PERMIT

PART I.A ELIGIBILITY - WHO IS AUTHORIZED TO DISCHARGE?

This permit authorizes discharges of storm water and certain non-storm water discharges from Small Municipal Separate Storm Sewer Systems (SMS4s), as defined in OAC 252:606-1-3(b)(3) incorporating by reference 40 CFR §122.26(b)(16). This includes MS4s designated under 40 CFR §122.32(a)(1) and 40 CFR §122.32(a)(2) that describes the referenced area with a population of at least 10,000 but not exceeding 100,000, and SMS4s located in urbanized areas (UA). Operators of SMS4s located outside of a UA may be designated as a regulated MS4. Storm water discharges associated with construction activities are allowed within the boundaries of your local authority in compliance with PART VIII.A.

You are authorized to discharge under the terms and conditions of this general permit if you:

1. Operate a small MS4 within the permit area described below:
2. Are not a “large” or “medium” MS4 pursuant to 40 CFR §122.26(b)(4) and (b)(7) or designated under 40 CFR §122.26(a)(1)(v);
3. Submit a Notice of Intent (NOI) in accordance with PART II. of this permit, submit your Storm Water Management Plan (SWMP), obtain authorization; and
4. Are located fully or partially within an urbanized area as determined by the latest Decennial Census by the Bureau of Census, or are designated for permit coverage by the DEQ pursuant to OAC 252.606 1-3(b)(3) adopting and incorporating by reference 40 CFR §122.32.

PART I.B TYPES OF AUTHORIZED DISCHARGES

1. Storm Water Discharges

This permit authorizes discharges from small MS4s to waters of the State except as listed in PART I.C.

2. Authorized Non-Storm Water Discharges

You are authorized to discharge the following non-storm water sources provided you have not determined these sources to be substantial contributors of pollutants to your SMS4. Your list of allowable non-storm water discharges and determination documentation must be included in your SWMP.

a. Water line flushing
b. Landscape irrigation
c. Diverted stream flows
d. Rising ground waters
e. Residential building wash water without detergents
f. Uncontaminated pumped ground water
g. Uncontaminated ground water infiltration
h. Discharges from potable water sources
i. Foundation drains
j. Air conditioning condensate
k. Irrigation water

l. Springs

m. Water from crawl space pumps

n. Footing drains

o. Lawn watering

p. Individual residential car washing

q. De-chlorinated swimming pool discharges

r. Street wash water

s. Fire hydrant flushings

t. Non-commercial or charity car washes

u. Discharges from riparian areas and wetlands

v. Discharges in compliance with a separate Oklahoma Pollutant Discharge Elimination System **(**OPDES) or National Pollutant Discharge Elimination System (NPDES) NPDES permit.

w. Discharges or flows from emergency fire fighting activities provided procedures are in place for the Incident Commander, Fire Chief or other on-scene fire fighting official in charge to make an evaluation regarding potential releases of pollutants from the scene. Measures must be taken to reduce any such pollutant releases to the maximum extent practicable subject to all appropriate actions necessary to ensure public health and safety. These procedures must be documented in your SWMP. Discharges or flows from fire fighting training activities are not authorized by this permit.

PART I.C LIMITATIONS ON COVERAGE

This permit does not authorize:

1. Discharges Mixed with Non-Storm Water

Unless such discharges are:

a. In compliance with a separate OPDES or NPDES permit, or

b. Determined not to be a substantial contributor of pollutants to waters of the State in accordance with PART I.B.2. of this permit.

2. Storm Water Discharges Associated with Industrial Activity

As defined in OAC 252.606-1-3 (b)(3) adopting and incorporating by reference 40 CFR §122.26(b)(14)(i)-(ix) and (xi).

3. Storm Water Discharges Associated with Construction Activity

As defined in OAC 252.606- 1-3 (b)(3) adopting and incorporating by reference 40 CFR §122.26(b)(14)(x) or 40 CFR §122.26(b)(15), except as provided by PART VIII.

4. Storm Water Discharges Currently Covered under Another Permit

5. Discharges Exceeding Water Quality Standards

Your storm water management program must include a description of the Best Management Practices (BMPs) and other measures that you will be using to ensure that discharges that would cause or contribute to any water quality standards exceedance will not occur. The DEQ may require corrective action or an application for an individual permit or alternative general permit if an SMS4 is determined to cause or contribute to an exceedance of water quality standards.

6. Discharges not consistent with a Total Maximum Daily Load (TMDL)

Discharge of a pollutant into any water for which a Total Maximum Daily Load (TMDL) for that pollutant has been either established or approved by the DEQ or EPA is prohibited, unless your discharge is consistent with that TMDL. You must incorporate into your SWMP any conditions necessary to ensure discharges are consistent with the assumptions and requirements of any such TMDL. This eligibility condition applies at the time you submit a Notice of Intent for coverage.

If conditions change after you have permit coverage, you may remain covered by the permit provided you comply with the applicable requirements of PART III. For discharges not eligible for coverage under this permit, you must apply for and receive an individual or other applicable general OPDES permit.

7. Discharges Originating on Indian Country Lands

Storm water discharges from MS4s or construction activities occurring on Indian Country lands (as defined in 18 USC Section 1151) are not under the authority of the DEQ and are not eligible for coverage under this permit. If discharges of storm water require authorization under federal NPDES regulations, a permit for these discharges must be obtained from the U.S. Environmental Protection Agency (EPA).

PART I.D HISTORIC PRESERVATION

The Oklahoma Department of Environmental Quality's OPDES permitting activities are not Federal undertakings and, therefore, are not subject to review under Section 106 of the National Historic Preservation Act. However, applicants and permittees must comply with the State Antiquities Act (Title 53, Chapter 20, Section 361) where applicable and the Burial Disturbance Law (Title 21, Chapter 47, Section 1168.0-1168.6), as well as with any applicable local laws concerning the identification and protection of historic properties.

Applicants and permittees who may receive Federal funding or other Federal assistance in the completion of their projects must be aware that compliance with Section 106 of the Historic Preservation Act may apply. For information about the Section 106 review process in Oklahoma, Oklahoma properties listed on or eligible for the National Register of Historic Places, and related topics, contact**:**

State Historic Preservation Office
Oklahoma Historical Society
2704 Villa Prom (Shepard Mall)
Oklahoma City, OK 73107
405/521-6249

To identify historic properties, examine the following web site:
www.ok-history.mus.ok.us and click on "National Register of Historic Places", then "Oklahoma Properties Listed in the National Register".

Archeological sites can be researched by contacting**:**
Oklahoma Archeological Survey
111 East Chesapeake
Norman, OK 73019
405/325-7211
Research the following web site:
http://www.ou.edu/cas/archsur/

PART I.E MEETING ELIGIBILITY CRITERIA FOR ENDANGERED SPECIES

1. Eligibility Criteria

a. Activities authorized by this permit must avoid unacceptable effects to Federally and State listed endangered or threatened ("listed") species or designated critical habitats. Direct and indirect effects must be considered. Coverage under this permit is available only if your storm water discharges, allowable non-storm water discharges, and discharge related activities are not likely to:

(1) Jeopardize the continued existence of any listed species or result in the adverse modification or destruction of critical habitat; or

(2) Cause a prohibited "take" of endangered or threatened species (as defined under Section 3 of the Endangered Species Act and 50 CFR 17.3), unless such takes are authorized under sections 7 or 10 of the Endangered Species Act (ESA).

b. "Discharge-related activities" include: activities which cause, contribute to, or result in storm water point source pollutant discharges; and measures to control storm water discharges including the construction and operation of best management practices (BMPs) to control, reduce or prevent storm water pollution.

2. Eligibility Certification

a. You must certify that you have met eligibility criteria for protection of threatened or endangered species and their critical habitat. Your signed Notice of Intent (NOI) will constitute your certification of eligibility. If the eligibility requirements cannot be met, you may seek coverage under a DEQ individual permit. This eligibility must be evaluated before the NOI is submitted. DEQ strongly recommends that you conduct this evaluation at the earliest possible stage to ensure that measures to protect listed species are incorporated early in the planning process.

b. You must state on the NOI which of the criteria listed in PART I.E.2.d. you are relying upon for meeting the Endangered Species eligibility.

c. Refer to Exhibit 1 for the map and list of Aquatic Resources of Concern for this permit. The shaded regions of the map are considered to be Aquatic Resources of Concern.

d. You must meet one or more of the criteria below for the entire term of coverage under the permit. If you are located partially or wholly in a shaded region of the map or in an area described in Exhibit I, then you must meet criterion B, C, D, or E for the term of the permit. If you are not located in the shaded area or watersheds listed in Exhibit I, then you meet the terms of criterion A. The information used to make the eligibility determination must be documented and included as part of the SWMP.

Criterion A: No endangered or threatened species or critical habitats are in proximity to the SMS4. The point where authorized discharges reach waters of the State is not located within an area shown as an Aquatic Resource of Concern.

Criterion B: In the course of a separate federal action involving the SMS4, formal or informal consultation with the Fish and Wildlife Service (FWS) under Section 7 of the ESA has been concluded and that consultation:

- Addressed the effects of the storm water discharges, allowable non-storm water discharges, and discharge related activities on listed species and critical habitat; and
- The consultation resulted in either a no jeopardy opinion or a written concurrence by the FWS on a finding that the storm water discharges, allowable non-storm water discharges, and discharge related activities are not likely to adversely affect listed species or critical habitat;

You must submit a copy of the FWS determination with your NOI.

Criterion C: The activities of the SMS4 are authorized under Section 10 of the ESA and that authorization addresses the effects of the storm water discharges, allowable non-storm water discharges, and discharge related activities on listed species and critical habitat. You must submit a copy of the authorization with your NOI.

Criterion D: The applicant has evaluated, using best judgment and available scientific and commercial data, the effects of the storm water discharges, allowable non-storm water discharges, and discharge related activities on listed species and critical habitat. Based on the evaluation, the permittee has determined that there is no reason to believe the discharge and discharge related activities are likely to adversely affect any listed species or result in the adverse modification or destruction of critical habitat. Any measures necessary to maintain eligibility under this criterion must be documented in the SWMP.

Criterion E: The storm water discharges, allowable non-storm water discharges, and discharge related activities were already addressed in another operator's certification of eligibility under PART I. E. which includes the SMS4 activities. By certifying eligibility under this criterion, the applicant agrees to comply with any measures or controls upon which the other operator's certification was based. Your SWMP must identify the operator upon whom you are relying.

PART I.F OBTAINING AUTHORIZATION

1. Submit a Notice of Intent

To receive authorization to discharge storm water from a SMS4, you must submit an official Notice of Intent (NOI) and a description of your storm water management program in accordance with the schedule in PART II. A.

2. Use of an Official Notice of Intent

An official NOI can be obtained from the DEQ web site or you can request a form from the DEQ Storm Water Section at 405-702-8100. The NOI you submit must be complete with all required information according to PART II.B.

3. Authorized Start Date

Dischargers who submit a NOI in accordance with the requirements of this permit are not authorized to discharge storm water from MS4s under the terms and conditions of this permit until an authorization is received from the DEQ.

Upon receipt of your properly completed NOI and annual permit fee the DEQ will process the information and notify you by return mail with an authorization certificate accompanied by a letter of notification.

4. Annual Permit Fee

There is an annual fee for this permit. An invoice will be sent upon receipt of the NOI. The authorization will not be processed until the fee is paid. Continued coverage under this permit is contingent on timely payment of the fee.

5. Certification of the NOI

Your NOI must be signed and certified in accordance with PART VI.H of this permit.

6. Change of Operator

Where the operator changes, or where a new operator is added after submittal of a NOI under PART II, a new NOI must be submitted in accordance with PART II prior to the change or addition.

PART II. NOTICE OF INTENT REQUIREMENTS

PART II.A DEADLINES FOR NOTIFICATION

1. Application Deadline

As an operator of a regulated Small MS4, you must apply for coverage by submitting a Notice of Intent (NOI) and a description of your storm water management program or apply for an individual permit within ninety days of the effective date of this permit.

2. Designations After the Date of Permit Issuance

If you are designated to obtain permit coverage by the DEQ after the date of permit issuance, then you are required to submit a NOI and a description of your storm water management program to DEQ within 180 days of notice unless the notice specifies a different deadline.

3. Submitting a Late NOI

You are not prohibited from submitting a NOI after the dates provided above. If a late NOI is submitted, your authorization is only for discharges that occur after permit coverage is granted. The Director reserves the right to take appropriate enforcement actions for any unpermitted discharges

PART II.B CONTENTS OF THE NOTICE OF INTENT

The Notice of Intent must be signed in accordance with PART VI.H of this permit and must include the following information:

1. Information about the Permittee

a. The name of your municipal entity, state agency or federal agency, the mailing address, telephone number, and name and title of storm water program manager.

b. An indication of whether you are a Federal, State, or other public entity.

2. Information on the Municipal Separate Storm Sewer System

a. The Urbanized Area or Core Municipality (if you are not located in an Urbanized Area) where your system is located; the name of your organization, county(ies) where your MS4 is located, and the latitude and longitude of an approximate center of your MS4.

b. A description or map that defines the boundary or extent of your MS4 jurisdiction.

c. The name of the major receiving water(s) and an indication of whether any of your receiving waters are on the latest CWA §303(d) list of impaired waters. If you have discharges to 303(d) waters, a certification that your Storm Water Management Program complies with the requirements of PART III. A.

d. Indication of your decision to implement the optional permit requirements for municipal construction activities.

e. Indication of which criterion the SMS4 is relying upon to meet the endangered species eligibility requirements listed in PART I.E.2.

3. Relying on another Government Entity

Indicate if you are relying on another government entity already regulated under the storm water regulations (40 CFR § 122.26 and 122.23) to satisfy one or more of your obligations. Identify that entity and the element(s) of the storm water management program they will be implementing in your behalf (see PART IV.A.5.).

4. Best Management Practices (BMPs)

Provide information on your chosen best management practices and the measurable goals for each of the storm water minimum control measures in PART IV.C. of this permit. For each minimum control measure, include:

a. Description of BMPs that will be implemented for compliance with each minimum control measure.

b. Implementation schedule for each BMP including months and years that you will undertake required actions.

c. Measurable goals for each BMP including, as appropriate, interim milestones and frequency of occurrence.

d. The person or persons responsible for implementing or coordinating your Storm Water Management Program.

PART II.C WHERE TO SUBMIT

Submit your NOI, signed in accordance with the signatory requirements of PART VI. H of this permit, along with supporting materials to the DEQ at the following address:

DEQ Storm Water Unit, 8th Floor
PO Box 1677
Oklahoma City, OK 73101-1677

PART II.D CO-PERMITTEES

You may partner with other MS4s to develop and implement your storm water management program. Each co-permittee must complete the NOI form. The description of your storm water management program must clearly describe which permittees are responsible for implementing each of the control measures.

PART II.E TERMINATING COVERAGE

1. A permittee may terminate coverage under this general permit by submitting a notice of termination (NOT). Authorization to discharge terminates at midnight on the day the NOT is signed.
2. A permittee must submit a NOT to DEQ within 30 days after the permittee:
   a. Ceases discharging storm water from the MS4;
   b. Ceases operations at the MS4; or
   c. Transfers ownership or responsibility for the facility to another operator.
3. The NOT will consist of a letter to DEQ and must include the following information:
   a. Name, mailing address, and location of the MS4 for which the notification is submitted;
   b. The name, address, and telephone number of the operator addressed by the NOT;
   c. The OPDES Phase II SMS4 permit number for the MS4;
   d. An indication of whether another operator has assumed responsibility for the MS4, the discharger has ceased operations at the MS4, or the storm water discharges have been eliminated; and
   e. The following certification:

I certify under penalty of law that all storm water discharges from the identified MS4 that are authorized by an OPDES general permit have been eliminated, or that I am no longer the operator of the MS4, or that I have ceased operations at the MS4. I understand that by submitting this Notice of Termination I am no longer authorized to discharge storm water under this general permit, and that discharging pollutants in storm water to waters of the State is unlawful under the Clean Water Act and OAC 252:606-1-3(b)(3) where the discharge is not authorized by an OPDES permit. I also understand that the submission of this Notice of Termination does not release an operator from liability for any violations of this permit, the Clean Water Act, and the Oklahoma Pollution Discharge Elimination Act.

4. The NOT must be signed in accordance with PART VI.H. of this permit and must be submitted to the address listed in PART II.C.

PART III. SPECIAL CONDITIONS

Part III.A COMPLIANCE WITH WATER QUALITY STANDARDS

1. Operators seeking coverage under this permit shall not be causing or have the reasonable potential to cause or contribute to a violation of a water quality standard. If you have discharges to receiving waters included on the latest CWA § 303(d) list of impaired waters, you must document in your SWMP how you will comply with this requirement.
2. Where a discharge is already authorized under this general permit and is later determined to cause or contribute to the in-stream exceedance of an applicable water quality standard, DEQ will notify you. You must take all necessary actions to ensure that future discharges do not cause or contribute to in-stream exceedance of a water quality standard and must document these actions in the SWMP. If an exceedance remains or recurs, the coverage under this general permit may be terminated by the DEQ and the DEQ may require an application for coverage under an alternative general permit or an individual permit.
3. Compliance with this requirement does not preclude any enforcement activity as provided by the Clean Water Act for the underlying violation.

PART III.B ESTABLISHED TOTAL MAXIMUM DAILY LOAD ALLOCATIONS

1. If a TMDL is established for any water body into which you discharge prior to the date that you submit a NOI, and if that TMDL includes a waste load allocation or load allocation for a parameter likely to be discharged by the MS4, your discharges must meet the requirements of the TMDL and/or its associated implementation plan within any timeframes established in the TMDL. Monitoring and reporting of the discharges may also be required as appropriate to ensure compliance with the TMDL.
2. If a TMDL is approved for any water body into which you discharge after the date that you submit a NOI, you must incorporate any limitations, conditions, and requirements applicable to your discharges into your SWMP to ensure that the waste load allocation, load allocation and/or the TMDLs associated implementation plan will be met within any timeframes established in the TMDL. Monitoring and reporting of the discharges may also be required as appropriate to ensure compliance with the TMDL.

PART III.C DISCHARGES TO OUTSTANDING RESOURCE WATERS

Except for discharges of storm water from temporary construction activities, new discharges located within the watershed of any waterbody designated Outstanding Resource Water (ORW) in Oklahoma's Water Quality Standards are not allowed and are not authorized by this permit. Discharges to ORW waters from municipal separate storm sewer systems existing as of June 25, 1992 are allowed but such storm water discharges are prohibited

from increased load of any pollutant. If any part of your MS4 discharges to an ORW waterbody, you must document in your SWMP how you will comply with this prohibition.

PART III.D SITE SPECIFIC REQUIREMENTS (RESERVED)

PART IV. STORM WATER MANAGEMENT PROGRAM

PART IV.A REQUIREMENTS

You must develop, implement, and enforce a storm water management program designed to reduce the discharge of pollutants from your MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. The storm water management program should include management practices; control techniques and system, design, and engineering methods; and such other provisions as the Director determines appropriate for the control of such pollutants. You must fully implement your SWMP, including its measurable goals, no later than five years from the effective date of this permit unless the director specifies a different deadline. Your storm water management program must include the following information for each of the six minimum control measures described in PART IV.C.

1. Best Management Practices (BMPs)

List and define the BMPs that you or another entity will implement for each of the storm water minimum control measures listed in PART IV.C.

2. Measurable Goals For Each BMP

Include, as appropriate, the months and years in which you will undertake required actions, including interim milestones and the frequency of the action. Program development and implementation schedules must provide for full implementation of the complete SWMP as soon as practicable, but no later than five years from the effective date of the permit unless the director specifies a different deadline. Credible interim progress in developing and implementing program elements must be made over the term of the permit.

3. Responsible Person or Persons

Identify who will be responsible for implementing or coordinating the BMPs for your storm water management program.

4. Rationale

Provide a rationale for how and why you selected each of the BMPs and measurable goals for your storm water management program. The information required for such a rationale is given in PART IV.C. for each minimum measure.

5. Sharing Responsibility

Implementation of one or more of your storm water minimum control measures may be shared with another government entity or may be fully implemented by another government entity. You may rely on another government entity only if:

a. The other government entity implements the control measure;

b. The particular control measure, or component of that measure, is at least as stringent as the corresponding permit requirement;

c. The other government entity agrees to implement the control measure on your behalf. Written acceptance of this obligation is required. This obligation must be maintained as part of the description of your storm water management program. If the other government entity agrees to report on the minimum measure, you must supply the

other government entity with the reporting requirements contained in PART V.C. If the other government entity fails to implement the control measure on your behalf, then you remain responsible for compliance with permit obligations.

PART IV.B REQUIRED STORM WATER MANAGEMENT PROGRAM UPDATES

DEQ may notify you that changes to your SWMP are necessary:

1. To address impacts on receiving water quality caused, or contributed to, by discharges from the Municipal Separate Storm Sewer System;
2. To include more stringent requirements necessary to comply with new Federal statutory or regulatory requirements;
3. To include such other conditions deemed necessary by the Director to comply with the goals and requirements of the Clean Water Act; or
4. If at any time the director determines that your SWMP does not meet permit requirements.

Changes requested by the Director must be made in writing, set forth the time schedule for you to develop the changes, and offer you the opportunity to propose alternative program changes to meet the objective of the requested modification. Within the time schedule provided, you must submit a copy of the revisions made to the SWMP.

PART IV.C MINIMUM CONTROL MEASURES

The six minimum control measures that must be included in your storm water management program are listed below. A seventh optional control measure is described in PART VIII**.**

1. Public Education and Outreach Program

a. Permit Requirements

You must develop and implement a public education and outreach program to distribute information and educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.

(1) Traditional municipalities such as cities, counties, etc. must address the general public being served by the MS4.

(2) Non-traditional municipalities such as universities, hospital complexes, prisons, special districts, etc. and federal facilities must address the community served by the MS4. For example, at a university it would be the faculty, other staff, students, and visitors, while at a military base, it would include military personnel (and dependents) contractors, employees, tenants, visitors, etc.

(3) Departments of transportation must address the community working on or served by the transportation network within the MS4 including employees, contractors, and the general public.

b. Rationale

You must develop and document a storm water public education and outreach program to address both your overall public education program and the individual BMPs and measurable goals, identifying the responsible people for your program. The rationale must include the following information, at a minimum:

(1) How you plan to inform individuals and households about the steps they can take to reduce storm water pollution;

(2) How you plan to inform individuals and groups on how to become involved in the storm water program with activities such as local stream and beach restoration activities;

(3) The target audiences for your education program that are likely to have significant storm water impacts (including commercial, industrial and institutional entities) and why those target audiences were selected;

(4) The target pollutant sources your public education program is designed to address;

(5) Your outreach strategy, including the mechanisms (e.g., printed brochures, newspapers, media, workshops, etc.) you will use to reach your target audiences, and how many people you expect to reach by your outreach strategy over the permit term;

(6) Identify who is responsible for overall management and implementation of your storm water public education and outreach program and, if different, who is responsible for each of the BMPs identified for this program;

(7) How you will evaluate the success of this minimum measure, including how you selected the measurable goals and target dates for each of the BMPs.

2. Public Participation and Involvement

a. Permit requirement

(1) Develop and implement a plan to encourage public involvement and participation in the development and implementation of the SWMP.
(2) Develop and implement a process by which public comments on the SWMP are received and reviewed by the person(s) responsible for the SWMP.
(3) Make the SWMP and NOI available to the public.
(4) You must comply with State and local public notice requirements when implementing your public involvement/participation program.

b. Rationale

You must document your decision process for the development of a storm water public involvement and participation program. Your rationale must address your overall public participation and involvement program, and the individual BMPs and measurable goals. List the names of the responsible persons for your program. The rationale must include the following information, at a minimum:

(1) How you will receive and review public comments on your SWMP and document responses to issues raised;

(2) How you will involve the public in the development and submittal of your NOI and storm water management program. How the public can access your NOI and SWMP;

(3) Your plan to actively involve the public in the development and implementation of your program;

(4) The target audiences for your public involvement program, including a description of the types of ethnic and economic groups engaged. You are encouraged to actively involve all potentially affected stakeholder groups, including commercial and industrial businesses, trade associations, environmental groups, homeowners associations, and educational organizations, among others, to ensure a balanced consideration all viewpoints;

(5) The types of public involvement activities included in your program. Where appropriate, consider the following types of public involvement activities:

(a) Citizen representatives on a storm water management panel

(b) Public hearings and public meetings

(c) Working with citizen volunteers willing to educate others about the program

(d) Volunteer monitoring or stream clean-up activities

(6) Identify who is responsible for the overall management and implementation of your storm water public involvement/participation program and, if different, who is responsible for each of the BMPs identified for this program;

(7) How you will evaluate the success of this minimum measure, including how you selected the measurable goals and target dates for each of the BMPs.

3. Illicit Discharge Detection and Elimination

a. Permit Requirements

(1) Develop, implement and enforce a program to detect and eliminate illicit discharges into your SMS4, including a dry weather field screening program to identify non-storm water flows.

(2) Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the state that receive discharges from those outfalls.

(3) To the extent allowable under State or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into your storm sewer system and implement appropriate enforcement procedures and actions. Where the permittee lacks legal authority for direct enforcement action, the program must include procedures to notify the DEQ when a party fails to comply with procedures or policies established by the permittee. The permittee may rely on the DEQ for assistance in enforcement of this provision of the permit in these cases.

(4) Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to your system;

(5) Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste;

(6) Develop a list of occasional incidental non-storm water discharges or flows as allowed in PART I.B.2. that will not be addressed as illicit discharges. These non-storm water discharges must not be reasonably expected (based on information available to the permittee) to be significant sources of pollutants to the SMS4, because of either the nature of the discharges or conditions you have established for allowing these discharges to your SMS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to sensitive water bodies, BMPs on the wash water, etc.). You must document in your SWMP any local controls or conditions placed on the discharges. You must include a provision prohibiting any individual non-storm water discharge that is determined to be contributing significant amounts of pollutants to your MS4.

b. Rationale

You must document your decision process for the development of a storm water illicit discharge detection and elimination program. Your rationale must address your overall illicit discharge detection and elimination program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale must include the following information, at a minimum:

(1) How you will develop a storm sewer map showing the location of all outfalls and the names and location of all receiving waters. Describe the sources of information you

will use for the maps and how you plan to verify the outfall locations with field surveys. If already completed, describe how you developed this map. Describe how your map will be regularly updated.

(2) Describe the mechanism (ordinance or other regulatory mechanism) you will use to effectively prohibit illicit discharges into the SMS4 and why you chose that mechanism. If you need to develop this mechanism, describe your plan and a schedule to do so. If your ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your program.

(3) Describe your plan to ensure through appropriate enforcement procedures and actions that your illicit discharge ordinance (or other regulatory mechanism) is implemented.

(4) Describe your plan to detect and address illicit discharges to your system, including discharges from illegal dumping and spills. Your dry weather field screening plan to detect illicit discharges can rely on visual indicators and simple field test kits for most work where you are looking for indications of a problem. Laboratory methods could be reserved for situations where you have identified a problem and need to prove that you have traced the problem to a particular illicit discharger. Your description must address the following, at a minimum:

(a) Procedures for locating priority areas which includes areas with higher likelihood of illicit connections (e.g., areas with older sanitary sewer lines, for example) or ambient sampling to locate impacted reaches.

(b) Procedures to address on-site sewage disposal systems that flow into your storm drainage system.

(c) Procedures for tracing the source of an illicit discharge, including the specific techniques you will use to detect the location of the source.

(d) Procedures for removing the source of the illicit discharge.

(e) Procedures for program evaluation and assessment.

(5) Describe how you plan to inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste. Include in your description how this plan will coordinate with your public education minimum measure and your pollution prevention/good housekeeping minimum measure programs.

(6) Identify who is responsible for overall management and implementation of your storm water illicit discharge detection and elimination program and, if different, who is responsible for each of the BMPs identified for this program.

(7) How you will evaluate the success of this minimum measure, including how you selected the measurable goals and target dates for each of the BMPs.

4. Construction Site Storm Water Runoff Control

a. Permit Requirements

You must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to your MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. Your program must include the development and implementation of, at a minimum:

(1) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State or local law;

(2) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;

(3) Requirements for construction site operators to control waste at the construction site that may cause adverse impacts to water quality such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste;

(4) Procedures for site plan review which incorporate consideration of potential water quality impacts including erosion and sediment control, control of other wastes, and any other impacts that must be examined according to the requirements of the local ordinance or other regulatory mechanism;

(5) Procedures for receipt and consideration of information submitted by the public;

(6) Procedures for site inspection and enforcement of control measures including enforcement escalation procedures for recalcitrant or repeat offenders. Where the permittee lacks legal authority for direct enforcement action, the program must include procedures to notify the DEQ if a construction site operator fails to comply with procedures or policies established by the permittee. The permittee may rely on DEQ for assistance in enforcement of this provision of the permit in these cases.

b. Rationale

You must document your decision process for the development of a construction site storm water control program. Your rationale must address your overall construction site storm water control program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale must include the following information, at a minimum:

(1) Describe the mechanism (ordinance or other regulatory mechanism) you will use to require erosion and sediment controls at construction sites and why you chose that mechanism. If you need to develop this mechanism, describe your plan and a schedule to do so. If your ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your storm water management program description.

(2) Your plan to ensure compliance with your erosion and sediment control regulatory mechanism, including the sanctions and enforcement mechanisms you will use to ensure compliance. Describe your procedures for when you will use certain sanctions. Possible sanctions include non-monetary penalties (such as stop work orders), fines, bonding requirements, legal action, and/or permit denials for non-compliance.

(3) Your requirements for construction site operators to implement appropriate erosion and sediment control BMPs and control waste at construction sites that may cause adverse impacts to water quality. Such waste includes discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste.

(4) Your procedures for site plan review, including the review of pre-construction site plans, which incorporate consideration of potential water quality impacts.

(5) Your procedures for receipt and consideration of information submitted by the public. Consider coordinating this requirement with your public education and public participation programs.

(6) Your procedures for site inspection and enforcement of control measures, including notification of DEQ if you lack legal authority for direct enforcement.

(7) Identify who is responsible for overall management and implementation of your construction site storm water control program and, if different, who is responsible for each of the BMPs identified for this program.

(8) How you will evaluate the success of this minimum measure, including how you selected the measurable goals and target dates for each of the BMPs.

5. Post-Construction Management in New Development and Redevelopment

a. Permit Requirements

(1) Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into your SMS4. Your program must ensure that controls are in place that would prevent or minimize water quality impacts;

(2) Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for your community;

(3) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law;

(4) Ensure adequate long-term operation and maintenance of BMPs.

b. Rationale

You must document your decision process for the development of a post-construction storm water management program. Your rationale must address your overall post-construction storm water management program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale must include the following information, at a minimum:

(1) A description of your program to address storm water runoff from new development and redevelopment projects. Include in this description any specific priority areas for this program.

(2) How your program will be specifically tailored for your local community, minimize water quality impacts, and attempt to maintain pre-development runoff conditions?

(3) Any non-structural BMPs in your program, including, as appropriate:

(a) Policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation;

(b) Policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure;

(c) Education programs for developers and the public about project designs that minimize water quality impacts; and

(d) Other measures such as minimization of the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source control measures often thought of as good housekeeping, preventive

maintenance and spill prevention.

(4) Any structural BMPs in your program, including, as appropriate:

(a) Storage practices such as wet ponds and extended-detention outlet structures;

(b) Filtration practices such as grassed swales, bioretention cells, sand filters and filter strips;

(c) Infiltration practices such as infiltration basins and infiltration trenches

(5) Describe the mechanisms (ordinance or other regulatory mechanism) you will use to address post-construction runoff from new developments and redevelopments and why you chose that mechanism. If you need to develop a mechanism, describe your plan and a schedule to do so. If your ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your program.

(6) How you will ensure the long-term operation and maintenance (O&M) of your selected BMPs. Options to help ensure that future O&M responsibilities are clearly identified include any agreement between you and another party such as the post-development landowners or regional authorities.

(7) Identify who is responsible for overall management and implementation of your post-construction storm water management program and, if different, who is responsible for each of the BMPs identified for this program.

(8) How you will evaluate the success of this minimum measure, including how you selected the measurable goals and target dates for each of the BMPs.

6. Pollution Prevention/Good Housekeeping For MS4 Operations

a. Permit Requirements

(1) Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from MS4 operations;

(2) Using training materials that you develop or that are available from EPA, the DEQ, or other organizations, your program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.

b. Rationale

You must document your decision process for the development of a pollution prevention/good housekeeping program for MS4 operations. Your rationale must address your overall pollution prevention/good housekeeping program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale must include the following information, at a minimum:

(1) Describe your operation and maintenance program to prevent or reduce pollutant runoff from your MS4 operations. You must specifically list the MS4 operations that are impacted by this program.

(2) Provide a list of industrial facilities you own or operate that are subject to the DEQ Multi-Sector General Permit or individual OPDES or NPDES permits for discharges of storm water associated with industrial activity that ultimately discharge to your SMS4. Include the authorization number or a copy of the Industrial NOI form for each facility.

(3) Describe the employee training program you will use to prevent and reduce storm water pollution from MS4 activities. Describe any existing, available materials you plan to use. Describe how this training program will be coordinated with the outreach programs developed for the public information minimum measure and the illicit discharge minimum measure.

(4) Your program description must specifically address the following areas:

(a) Maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants to your SMS4.

(b) Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt/sand storage locations and snow disposal areas you operate.

(c) Procedures for the proper disposal of waste removed from your MS4 and your MS4 operations, including dredge spoil, accumulated sediments, floatables, and other debris.

(d) Procedures to ensure that new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices.

(5) Identify who is responsible for overall management and implementation of your pollution prevention/good housekeeping program and, if different, who is responsible for each of the BMPs identified for this program.

(6) How you will evaluate the success of this minimum measure, including how you selected the measurable goals and target dates for each of the BMPs.

PART IV.D REVIEWING AND UPDATING THE STORM WATER MANAGEMENT PROGRAM

1. Storm Water Management Program Review

You must conduct an annual review of your Storm Water Management Program in conjunction with preparation of the annual report required under PART V.C.

2. Storm Water Management Program Update

You may change your Storm Water Management Program during the life of the permit in accordance with the following procedures:

a. Changes adding (but not subtracting or replacing) components, controls, or requirements to the Storm Water Management Program may be made at any time upon written notification to the Director.

b. Changes replacing an ineffective or unfeasible BMP specifically identified in the Storm Water Management Program with one or more alternate BMP(s) may be requested at any time. Unless denied by the Director, changes proposed in accordance with the criteria below shall be deemed approved and may be implemented 60 days from submittal of the request. If your request is denied, the Director will send you a written response giving a reason for the decision. Your modification requests must include the following:

(1) An analysis of why the BMP is ineffective or infeasible (including cost prohibitive)

(2) Expectations on the effectiveness of the replacement BMP

(3) An analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.

c. Change requests or notifications must be made in writing and signed in accordance with PART VI.H.

PART IV.E TRANSFER OF OWNERSHIP OR OPERATIONAL AUTHORITY

The entity responsible for storm water management program implementation must implement the Storm Water Management Program on all new areas added to your portion of the municipal separate storm sewer system (or for which you become responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than one year from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.

Within 90 days of a transfer of ownership, operational authority, or responsibility for storm water management program implementation, you must have a plan for implementing your Storm Water Management Program on all affected areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the Storm Water Management Program must be included in the annual report.

PART IV.F MINOR PERMIT MODIFICATION

Only those portions of the Storm Water Management Program specifically required as permit conditions shall be subject to the modification requirements of OAC 252:606-1-3(b)(4) adopting and incorporating by reference 40 CFR §124.5. Addition of components, controls, or requirements by the permittee(s) and replacement of an ineffective or infeasible BMP implementing a required component of the Storm Water Management Program with an alternate BMP expected to achieve the goals of the original BMP shall be considered minor changes to the Storm Water Management Program and not modifications to the permit.

PART V. MONITORING, RECORD KEEPING, AND REPORTING

PART V.A MONITORING

1. Designing Your Monitoring Program

You must evaluate program compliance, the appropriateness of identified best management practices, and progress toward achieving identified measurable goals. If you discharge to a water of the state for which a TMDL has been approved, you may have additional monitoring requirements under PART III of this permit.

2. Conducting Monitoring

If you plan to conduct monitoring, you are required to comply with the following:

a. Representative monitoring

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

b. Laboratory Methods

If laboratory analysis is conducted it must be conducted according to test procedures approved under 40 CFR part 136.

3. Records Of Monitoring nformation

Monitoring records must include:

a. The date, exact place, and time of sampling or measurements;

b. The names(s) of the individual(s) who performed the sampling or measurements;

c. The date(s) analysis were performed;

d. The names of the individuals who performed the analyses;

e. The analytical techniques or methods used; and

f. The results or observations of such analyses.

4. Discharge Monitoring Report

The reporting of monitoring results may be required, by the Executive Director, to be submitted on a Discharge Monitoring Report (DMR).

PART V.B RECORD KEEPING

1. Retain Records Of All Monitoring Information

Include all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of Discharge Monitoring Reports (DMRs), a copy of the OPDES permit, and records of all data used to complete the NOI for this permit, for a period of at least three years from the date of the sample, measurement, report or application, or for the term of this permit, whichever is longer. This period may be extended by request of the Director at any time.

2. Submit Your Records

Mail your completed DMR reports, if required, to the DEQ along with your annual report. You must retain a description of the Storm Water Management Program required by this permit (including a copy of the permit language) at a location accessible to the Director. You must make your records, including the NOI and the description of the storm water management program, available to the public.

PART V.C ANNUAL REPORTS

1. You must submit an annual report for each permit year to the Director of the DEQ. Mail your report to the address specified in PART II.C. Your annual report must be received within (60) days after the anniversary date of your permit. The anniversary date of your permit is the effective date of the authorization to discharge, which you receive from DEQ. Each report must contain information regarding activities of the previous permit year. Each report must include**:**

   a. The status of your compliance with permit conditions, an assessment of the appropriateness of the identified best management practices, progress towards achieving the statutory goal of reducing the discharge of pollutants to the Maximum Extent Practicable (MEP), and progress toward achieving the measurable goals for each of the minimum control measures;

   b. Results of information collected and analyzed, if any, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP;

   c. A summary of the storm water activities you plan to undertake during the next reporting cycle (including an implementation schedule);

   d. Proposed changes to your storm water management program, including changes to any BMPs or any identified measurable goals that apply to the program elements;

   e. Description and schedule for implementation of any additional BMPs or monitoring that may be necessary to ensure compliance with any applicable TMDL;

f. Notice that you are relying on another government entity to satisfy some of your permit obligations (if applicable) and a copy of the written agreement with that entity.

2. If the optional permit requirement is elected you must also include in your Annual Report a progress report concerning the elected optional permit requirements. At a minimum this must include:

   a. The number of your active construction sites that are currently covered under the elected optional permit requirement;

   b. The number of construction projects that were started during the reporting period;

   c. The number of construction projects that were completed during the reporting period;

   d. The number of construction sites that were covered under the elected optional permit requirement that have reached final stabilization.

PART VI. STANDARD PERMIT CONDITIONS

PART VI.A DUTY TO COMPLY

You must comply with all conditions of this permit insofar as those conditions are applicable to each permittee, either individually or jointly. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

1. Penalties for Violations of Permit Conditions

a. Permit violations are subject to the fines and penalties according to 27A O.S. § 2-6-206.

b. Administrative penalties may be assessed up to $10,000 per day per violation for each day during which the violations continue with a $125,000 per violation maximum.

c. Civil penalties may be assessed up to $10,000 per day per violation.

d. Criminal penalties may range from the minimum of $2,500 to the maximum of $2,000,000 with a maximum jail time of 30 years in the state penitentiary.

e. Penalties for permit fraud are subject to a maximum if $20,000 and a maximum of 4 years in prison.

PART VI.B DUTY TO RE-APPLY

If you wish to continue an activity regulated by this permit after the expiration date of this permit, you must apply for and obtain a new permit.

PART VI.C CONTINUATION OF THE EXPIRED GENERAL PERMIT

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedures Act and remain in force and effect. Any permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

1. Reissuance or replacement of this permit at which time you must comply with the Notice of Intent conditions of the new permit to maintain authorization to discharge; or

2. Issuance of an individual permit for your discharges; or

3. A formal permit decision by the permitting authority not to reissue this general permit, at which time you must seek coverage under an alternative general permit or individual permit.

PART VI.D NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for you 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.

PART VI.E DUTY TO MITIGATE

You must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

PART VI.F DUTY TO PROVIDE INFORMATION

You must furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating this permit or to determine compliance with this permit. You must also furnish to the Director, upon request, copies of records required to be kept by this permit.

PART VI.G OTHER INFORMATION

If you become aware that you have failed to submit any relevant facts in your Notice of Intent or submitted incorrect information in the Notice of Intent or in any other report to the Director, you must promptly submit such facts or information.

PART VI.H SIGNATORY REQUIREMENTS

1. Notices of Intent

All Notices of Intent must be signed and certified as follows:

a. For a corporation: By a responsible corporate officer. For the purpose of this PART, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person that performs similar policy decision making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively;

c. For a municipality, State, Federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this PART, a principal executive officer of a Federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

2. Reports and Other Information

All NOTs (Notice of Termination), SWMP, SWP3s, reports, certifications or other

information required by the permit and other information requested by the Director or authorized representative of the Director shall be signed by a person described in PART VI.H.1. or by a duly authorized representative of that person. A person is a duly authorized representative if:

a. The authorization is made in writing by a person described in PART VI.H.1, and submitted to the Director.

b. 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 manager, operator, superintendent, or position of equivalent responsibility for environmental matters for the regulated entity.

c. The signed and dated written authorization is included in the SWMP. A copy must be submitted to the Director.

3. Changes to Authorization

If an authorization is no longer accurate because a different operator has the responsibility for the overall operation of the MS4, a new authorization satisfying the requirement of PART VI.H.2. above must be submitted to the Director prior to or together with any reports, information, or notices of termination to be signed by an authorized representative.

4. Certification

Any person signing documents under terms of this permit 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 gathered and evaluated 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."

PART VI.I PROPERTY RIGHTS

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

PART VI.J PROPER OPERATION AND MAINTANENCE

You must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by you to achieve compliance with the conditions of this permit and with the conditions of your storm water management program. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by you only when the operation is necessary to achieve compliance with the conditions of the permit.

PART VI.K INSPECTION AND ENTRY

You must allow the Director or an authorized representative (including an authorized contractor acting as a representative of the Director) upon the presentation of credentials and other documents as may be required by law, to do any of the following:

1. Enter the premises where a regulated facility or activity is located or conducted or where

records must be kept under the conditions of this permit;

2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment) practices, or operations regulated or required under this permit; and
4. Sample or monitor any substances or parameters at any location at reasonable times for the purposes of assuring permit compliance or as otherwise authorized by the CWA.

PART VI.L PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated for cause. Your filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

PART VI.M PERMIT TRANSFERS

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

PART VI.N ANTICIPATED NONCOMPLIANCE

You must give advance notice to the Director of any planned changes in the permitted small MS4 or activity that may result in noncompliance with this permit.

PART VI.O STATE ENVIRONMENTAL LAWS

1. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve you from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by section 510 of the Act.
2. No condition of this permit releases you from any responsibility or requirements under other environmental statutes or regulations.

PART VI.P 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.

PART VI.Q PROCEDURES FOR MODIFICATION OR REVOCATION

Permit modification or revocation will be conducted according to OAC 252.606-1-3(b)(3) and (4) adopting and incorporating by reference 40 CFR § 122.62, 122.63, 122.64, and 124.5.

PART VI.R REQUIRING AN INDIVIDUAL PERMIT OR ALTERNATIVE GENERAL PERMIT

1. Request by Director

The DEQ may require any person seeking authority under or authorized by this permit to apply for and/or obtain either an individual OPDES permit or an alternative OPDES general permit. Any interested person may petition the DEQ to take action under this paragraph. Where the DEQ requires you to apply for an individual OPDES permit, the DEQ will notify you in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for you to file the application, and a statement that on the effective date of

issuance or denial of the individual OPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. The DEQ may grant additional time to submit the application upon request of the applicant. If you fail to submit an individual OPDES permit application in a timely manner as required by the DEQ under this paragraph, then the applicability of this general permit to you is automatically terminated at the end of the day specified by the DEQ for application submittal. This paragraph does not apply to any person whom the Director determines was never eligible under PART I.A. The Director may also notify a discharger to file for an individual permit prior to submission of a NOI.

2. Request by Permittee.

Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, you must submit an individual application in accordance with the requirements of 40 CFR §122.33(b)(2), with reasons supporting the request, to the Director of the DEQ. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by you are adequate to support the request.

3. General Permit Termination

When an individual OPDES permit is issued to a discharger otherwise subject to this permit, or you are authorized to discharge under an alternative OPDES general permit, the applicability of this permit to the individual OPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual OPDES permit is denied to an operator otherwise subject to this permit, or the operator is denied for coverage under an alternative OPDES general permit, the applicability of this permit to the individual OPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Director.

PART VII. DEFINITIONS

All definitions contained in Section 502 of the Act and 40 CFR §122 shall apply to this permit and are incorporated herein by reference. For convenience, simplified explanations of some regulatory/statutory definitions have been provided, but in the event of a conflict, the definition found in the Statute or Regulation takes precedence.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Construction Site Operator means the party or parties that meet one or more of the following descriptions:

(1) Has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications or;

(2) Has day-to-day operational control of those activities at a project that are necessary to ensure compliance with a Storm Water Pollution Prevention Plan for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

Control Measure as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the State.

CWA or The Act means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 *et.seq.*

Director means the Executive Director or chief administrator of the Department of Environmental Quality or an authorized representative.

Discharge, when used without a qualifier, refers to "discharge of a pollutant" as defined at 40 CFR §122.2.

Illicit Connection means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

Illicit Discharge is defined at 40 CFR §122.26(b)(2) and refers to any discharge to a municipal separate storm sewer that is not entirely composed of storm water, except discharges authorized under an OPDES or NPDES permit (other than the OPDES permit for discharges from the MS4) and discharges resulting from fire fighting activities.

MEP is an acronym for "Maximum Extent Practicable," the technology-based discharge standard for Municipal Separate Storm Sewer Systems to reduce pollutants in storm water discharges that was established by CWA §402(p). A discussion of MEP as it applies to MS4s is found at 40 CFR § 122.34.

MS4 is an acronym for "Municipal Separate Storm Sewer System" and is used to refer to either a Large, Medium, or Small Municipal Separate Storm Sewer System. The term is used to refer to either the system operated by a single entity or a group of systems within an area that are operated by multiple entities (e.g., the Oklahoma City MS4 includes MS4s operated by Oklahoma City, the Oklahoma Department of Transportation, and others).

Municipal Separate Storm Sewer System is defined at 40 CFR § 122.26(b)(8) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

NOI is an acronym for "Notice of Intent" to be covered by this permit and is the mechanism used to "register" for coverage under a general permit.

Small Municipal Separate Storm Sewer System is defined at 40 CFR §122.26(b)(16) and refers to all separate storm sewers that are owned or operated by the United States, a state, city, town, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the State, but is not defined as "large"' or "medium" municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large

hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

Storm Water is defined at 40 CFR §122.26(b)(13) and means storm water runoff, snow melt runoff, and surface runoff and drainage.

Storm Water Management Program (SWMP) refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system.

SWMP is an acronym for "Storm Water Management Program."

"You" and "Your" as used in this permit is intended to refer to the permittee, the operator, or the discharger as the context indicates and that party's responsibilities (e.g., the city, the country, the flood control district, the U.S. Air Force, etc.).

PART VIII. OPTIONAL PERMIT REQUIREMENTS FOR MUNICIPAL CONSTRUCTION ACTIVITIES

PART VIII.A OPTIONAL FOR SMALL MS4s SEEKING COVERAGE FOR MUNICIPAL CONSTRUCTION ACTIVITIES UNDER THIS PERMIT

The development of this optional permit requirement for municipal construction activities is an alternative for the SMS4 operator seeking coverage under this permit. Additionally, contractors working for the SMS4 operator are not required to obtain separate authorization as long as the contractor does not meet the definition of "construction site operator", but does remain compliant with the conditions of this permit. Permittees that choose to develop this option will be authorized by this permit to discharge storm water and certain non-storm water from construction activities where the permittee can meet the definition of "construction site operator". For permittees that choose to develop this measure, it shall be part of the SWMP submitted with the initial NOI. You must comply with the requirements in PART VIII.B.

If you choose not to develop this optional measure, then you must submit a NOI and seek coverage under the DEQ general permit for storm water discharges from construction activities, which require permit coverage.

1. Electing The Optional Permit Requirements

If this optional permit requirement is elected you must include in your SWMP:

a. Description of how construction activities will generally be conducted by the permittee. Local conditions and other site specific considerations must be included in the description;

b. Map or description of the geographical boundaries where the construction activities will take place and be covered under this optional permit requirement. Local government entities are allowed use of PART VIII of this permit for storm water discharges related to construction activities within the boundaries of your legal authority;

c. Description of how the permittee will ensure that the SWP3 requirements are properly implemented and maintained at the construction site; or how the permittee will ensure that the contractors obtain a separate authorization for storm water discharges from the DEQ for each project;

d. General SWP3 conditions and a procedure to include site specific BMPs to account for local considerations.

PART VIII.B REQUIREMENTS FOR SMALL MS4s THAT ELECT TO ADOPT THE OPTIONAL PERMIT REQUIREMENTS FOR MUNICIPAL CONSTRUCTION ACTIVITIES

1. Eligibility

a. Permittees are authorized to discharge pollutants in storm water runoff associated with construction activities as defined in 40 CFR 122.26 (b)(14)(x) for construction site of five or more acres, CFR 122.26 (b)(15)(i) for construction sites of more than one acre but less than five acres**,** and those construction site discharges designated by the Director as needing a storm water permit under 122.26 (a)(1)(v), or under 122.26 (a)(9) and 122.26 (g)(1)(i). Any discharge authorized by a different OPDES or NPDES permit may be commingled with discharges authorized by this permit.

b. This permit also authorizes storm water discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided:

(1) Concrete or asphalt batch plant activity is not located in the watershed of an Outstanding Resource Water as defined in the Oklahoma Water Quality Standards;

(2) The support activity is directly related to a construction site that is required to have OPDES permit coverage for discharges of storm water associated with construction activity;

(3) The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and

(4) Appropriate controls and measures are identified in a Storm Water Pollution Prevention Plan (SWP3) covering the discharges from the support activity areas.

2. Limitations On Coverage

a. Post Construction Discharges

This permit does not authorize any storm water discharges associated with industrial activities that originate from the site after construction activities have been completed and the site, including any temporary support activity, has undergone final stabilization. Industrial post-construction storm water discharges may need to be covered by a separate OPDES permit.

b. Discharges Mixed With Non-Storm Water

This permit does not authorize discharges that are mixed with sources of non-storm water, other than those discharges what are identified in PART VIII.B.3. (Exceptions to prohibition on non-storm water discharges and are in compliance with PART VIII.B.13.e. (non-storm water discharges).

c. Discharges Covered by Another Permit

This permit does not authorize storm water discharges associated with construction activity that have been covered under an individual permit or required to obtain coverage under an alternative general permit.

d. Discharges Threatening Water Quality

This permit does not authorize storm water discharges from construction sites that the Director determines will cause, or have reasonable potential to cause or contribute to violations of water quality standards. Where such determinations have been made, the Director may notify the operator(s) that an individual permit application is necessary in accordance with PART VI.R. However, the Director may authorize coverage under this permit after appropriate controls and implementation procedures designed to bring the discharges into compliance with water quality standards has been included in the Storm Water Pollution Prevention Plan.

e. New sources or new discharges of constituents of concern to impaired waters are not authorized by this permit unless otherwise allowable under OAC 252:606 and applicable state law. Impaired waters are those that do not meet applicable water quality standards and are listed on the Clean Water Act Section 303(d) list. Pollutants of concern are those constituents for which the water body is listed as impaired. Discharges of pollutants of concern to impaired water bodies for which there is an approved total maximum daily load (TMDL) are not eligible for coverage under this permit unless they are consistent with the approved TMDL. Within six months of the TMDL approval, permittees must incorporate any limitations, conditions, or requirements applicable to their discharges necessary for compliance with the TMDL, including any monitoring or reporting required by DEQ rules, into their storm water pollution prevention plan in order to be eligible for coverage under this general permit.

f. Discharges Not Protective of Listed Endangered Species

This permit does not authorize storm water discharges and storm water discharge-related activities that are not protective of Federally and State listed endangered and threatened species or designated critical habitat. See PART VIII.B.12. for more information.

(1) For the purposes of complying with this permit, “storm water discharge-related activities” include:

(a) Activities that cause, contribute to, or result in point source storm water pollutant discharges, including but not limited to excavation, site development, grading and other land disturbing activities;

(b) Measures to control storm water including the siting, construction and operation of best management practices (BMPs) to control, reduce or prevent storm water pollution.

(2) This permit does not authorize any storm water discharges where the discharges or storm water discharge-related activities cause a prohibited “take” of endangered or threatened species.

(3) This permit does not authorize any storm water discharges where the discharges or storm water discharge-related activities are likely to jeopardize the continued existence of any species that are listed or proposed to be listed as endangered or threatened or result in the adverse modification or destruction of habitat that is designated or proposed to be designated as critical.

g. Construction on Indian Country Land

This permit does not authorize storm water discharges that originate from construction activities on Indian Country Lands. Such discharges are regulated by the EPA Region 6 offices located in Dallas, Texas.

3. Special Conditions, Management Practices, and Other Non-Numeric Limitations

a. Prohibition on Non-Storm Water Discharges

(1) All discharges covered by this optional permit requirement shall be composed entirely of storm water associated with construction activity except as provided in PART VIII.B.3.a.(3) of this permit.

(2) Discharges of material other than storm water that are in compliance with another OPDES permit issued for that discharge may be discharged or mixed with discharges authorized by this permit.

(3) The following non-storm water discharges from active construction sites are

authorized by this permit provided the non-storm water component of the discharge is in compliance with PART VIII. B. 13. e.: fire hydrant flushings; waters used to wash vehicles where detergents are not used; water used to control dust; potable water sources including waterline flushing and initial pressure test of newly constructed piping where the piping is clean and chemical agents have not been added to the test water or applied to the pipes; routine external building wash down which does not use detergents; pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; uncontaminated ground water or spring water; foundation or footing drains where flows are not contaminated with process materials such as solvents; uncontaminated excavation dewatering; and discharges or flows from emergency fire fighting activities provided procedures are in place for the Incident Commander, Fire Chief or other on-scene fire fighting official in charge to make an evaluation regarding potential releases of pollutants from the scene. Measures must be taken to reduce any such pollutant releases to the maximum extent practicable subject to all appropriate actions necessary to ensure public health and safety. These procedures must be documented in your SWMP. Discharges or flows from fire fighting training activities are not authorized by this permit.

4. Releases in Excess of Reportable Quantities

The discharge of hazardous substances or oil in the storm water discharge(s) from a construction site shall be prevented or minimized in accordance with the applicable Storm Water Pollution Prevention Plan for the site. This permit does not relieve the permittee of the reporting requirements of 40 CFR 110, 40 CFR 117 and 40 CFR 302.

Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110, 40 CFR 117 or 40 CFR 302, occurs during a 24 hour period:

a. Reporting a Reportable Spill

The permittee is required to notify the National Response Center (NRC) (800-424-8802 in Washington, DC) in accordance with the requirements of 40 CFR 110, 40 CFR 117 and 40 CFR 302, and the DEQ Hotline (800-522-0206 Statewide) as soon as the discharge is discovered.

b. Storm Water Pollution Prevention Plan Requirements
The Storm Water Pollution Prevention Plan requirements, required under PART VIII.B.13 must be modified within 14 calendar days of knowledge of the release to provide**:**

(1) A description of the release;

(2) A description of the circumstances leading to the release; and

(3) The date of the release.

In addition, the plan must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

5. Spills

This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

6. Discharge Compliance with Water Quality Standards

Operators seeking coverage under this permit shall not be causing or have the reasonable potential to cause or contribute to a violation of a water quality standard. Where a discharge is already authorized under this permit and is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard, the Director will notify the operator of such violation(s). The permittee shall take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and document these actions in the Storm Water Pollution Prevention Plan. If violations remain or re-occur, then coverage under this permit may be terminated by the Director, and an alternative general permit or individual permit may be issued. Compliance with this requirement does not preclude any enforcement activity as provided by the Clean Water Act (CWA) for the underlying violation.

7. Responsibilities of Owner / Operators

Permittees may meet one or both of the operational control components in the definition of owner/operator. Either PART VIII.B.7.a. or PART VIII.B.7.b. or both will apply depending on the type of operational control exerted by an individual permittee.

a. Permittees with Operational Control

If you have control over construction plans and specifications, including the ability to make modifications to those plans and specifications, you must:

(1) Ensure the project specifications meet the minimum requirements of PART VIII.B.13. and all other applicable conditions;

(2) Ensure that the SWP3 indicates the areas of the project where you have operational control over project specifications (including the ability to make modifications in specifications), and ensure all other permittees implementing portions of the SWP3 impacted by any changes made to the plan are notified of such modifications in a timely manner; and

(3) Ensure that the SWP3 for portions of the project, where you are the operator, indicates the name and DEQ permit number for parties with day-to-day operational control of those activities necessary to ensure compliance with the SWP3 or other permit conditions. If these parties have not been identified at the time the SWP3 is initially developed, the permittee with operational control over project specifications shall be considered to be the responsible party until such time as the authority is transferred to another party (e.g., general contractor) and the plan updated.

b. Permittees with Day to Day Operational Control

Permittee(s) with day-to-day operational control of those activities at a project that are necessary to ensure compliance with a SWP3 for the site or other permit conditions (e.g., general contractor) must:

(1) Ensure that the SWP3 for portions of the project where they are operators meets the minimum requirements of PART VIII.B.8. (Storm Water Pollution Prevention Plan) and identifies the parties responsible for implementation of control measures identified in the plan.

(2) Ensure that the SWP3 indicates areas of the project where they have operational control over day-to-day activities.

(3) Ensure that the SWP3 for portions of the project where they are operators indicates the name and OPDES permit number of the party(ies) with operational control over project specifications (including the ability to make modifications in specifications).

c. Permittees with Control Over a Portion of a Larger Construction Project

Permittees with control over a portion of a larger construction project (e.g., one of four homebuilders in a subdivision) are responsible for compliance with all applicable terms and conditions of this permit as it relates to their activities on their portion of the construction site, including protection of endangered species and implementation of BMPs and other controls required by the SWP3. Permittees shall ensure either directly or through coordination with other permittees, that their activities do not render another party's pollution control ineffective. Permittees must either implement their portions of a common SWP3 or develop and implement their own SWP3.

8. Storm Water Pollution Prevention Plans

a. An SWP3 shall be developed for each construction project or site covered by this permit. For more effective coordination of BMPs and opportunities for cost sharing, a cooperative effort by the different operators at a site to prepare and participate in a comprehensive SWP3 is encouraged. Individual operators at a site may, but are not required to, develop separate SWP3s that cover only their portion of the project provided reference is made to other operators at the site. In instances where there is more than one SWP3 for a site, coordination must be conducted between the permittees to ensure the storm water discharge controls and other measures are consistent with one another (e.g., provisions to protect listed species and critical habitat).

Storm Water Pollution Prevention Plans shall be prepared in accordance with good engineering practices. The SWP3 shall identify potential sources of pollution that may reasonably be expected to affect the quality of storm water discharges from the construction site. The SWP3 shall describe and ensure the implementation of practices that will be used to reduce the pollutants in storm water discharges associated with construction activity at the construction site and assure compliance with the terms and conditions of this permit.

When developing SWP3s, you must determine whether listed endangered or threatened species or critical habitat would be affected by your storm water discharges or storm water discharge-related activities. Any information on whether listed species or critical habitats are found in proximity to the construction site must be included in the SWP3. Any terms or conditions that are imposed under PART III. of this permit to protect listed species or critical habitat from storm water discharges or storm water discharge-related activity must be incorporated into the SWP3. Permittees must implement the applicable provisions of the SWP3 required under this part as a condition of this permit.

b. If your construction site discharges into a receiving water which has been listed on the Clean Water Act 303(d) list of impaired waters, and your discharges contain the pollutant(s) for which the water body is impaired, you must document in your SWP3 how the BMPs and other controls selected for your site will control the discharge of the pollutant(s) of concern.

If a TMDL has been approved for the water body, you must also describe how your SWP3 is consistent with any TMDL requirements applicable to your discharge. If a TMDL has not yet been approved and the proposed discharge meets the eligibility requirements of Part III and PART VIII. you must describe how the BMPs and other controls selected for your SWP3 will reduce the discharge of the pollutant(s) of concern.

A list of 303(d) listed streams can be obtained as Category 5 of the Integrated Water Quality Assessment. The integrated report can be found at: http://www.deq.state.ok.us/WQDnew/305b_303d/index.html .

9. Deadlines for Plan Preparation and Compliance

The Storm Water Pollution Prevention Plan shall:

a. Be completed prior to commencing construction to be covered under this permit and updated as appropriate.

b. Provide for compliance with the terms and schedule of the SWP3 beginning with the initiation of construction activities.

10. Signature, Plan Review and Making Plans Available

a. The SWP3 Shall Be Signed

Sign the SWP3 in accordance with PART VI.H. and retain a copy on the site of the facility that generates the storm water discharge

b. Post Notice

The permittee shall post a notice near the main entrance of the construction site with the following information:

(1) Project name and/or number;

(2) The name and telephone number of a local contact person;

(3) A brief description of the project; and

(4) The location of the SWP3 if the site is inactive or does not have an on-site location to store the plan.

If posting this information near a main entrance is infeasible due to safety concerns, the notice shall be posted in a local public building. If the construction project is a linear construction project (e.g., pipeline, highway, etc.), the notice must be placed in a publicly accessible location near where construction is actively underway and moved as necessary. This permit does not provide the public with any right to trespass on a construction site for any reason, including inspection of a site; nor does this permit require that permittees allow members of the public access to a construction site.

c. Make SWP3 Available

The permittee shall make SWP3s available upon request to**:** the Director of the DEQ and/or any state, Federal or local agency approving sediment and erosion plans, grading plans, or storm water management programs; the U.S. Fish and Wildlife Service or the Oklahoma Department of Wildlife Conservation; local government officials; or the operator of a municipal separate storm sewer receiving discharges from the site. The copy of the SWP3 that is required to be kept on-site or locally available must be made available to the Director for review at the time of an on-site inspection. Also, in the interest of public involvement, DEQ encourages permittees to make their SWP3s available to the public for viewing during normal business hours.

d. SWP3 Not Meeting the Requirements

The Director may notify the permittee at any time that the SWP3 does not meet one or more of the minimum requirements of this PART. Such notification shall identify those provision of this permit that are not being met by the SWP3 as well as those requiring modification in order to meet the minimum requirements of PART VIII. Within seven (7) calendar days of receipt of such notification from the Director (or as otherwise provided by the Director), the permittee shall make the required changes to the SWP3 and shall submit to the Director a written certification that the requested changes have been made. The Director may take appropriate enforcement action for the period of time the permittee was operating under a plan that did not meet the minimum requirements of

this permit.

11. Keeping Plans Current

The permittee must amend the Storm Water Pollution Prevention Plan whenever:

a. There is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to the waters of the State that has not been addressed in the SWP3; or

b. Inspections or investigations by site operators, local, State or Federal officials indicate the SWP3 is proving ineffective in eliminating or significantly minimizing pollutants from sources identified under PART VIII.B.13., or is otherwise not achieving the general objectives of controlling pollutants in storm water discharges associated with construction activity.

12. Endangered Species

a. Determine whether the project area drains to aquatic resources of concern for construction activities.

(1) Refer to Exhibit 2, a map and list all of the waters of Oklahoma which the U.S. Fish and Wildlife Service and the Oklahoma Department of Wildlife Conservation consider to be sensitive, *for construction activities*, because they harbor populations of federal or state listed species or their designated critical habitat.

(2) If your proposed construction site is not located within any of these areas, the proposed construction storm water discharge or storm water discharge related activities are not likely to significantly affect endangered and threatened species.

(3) If your proposed construction site is located within the corridor of any sensitive waters or watersheds, you must comply with PART VIII.B.12.b.

b. Implementation of storm water control measures to protect endangered and threatened species in aquatic resources of concern:

(1) If your proposed construction site is located within a sensitive water or watershed you must incorporate the following measures into the SWP3 for the site:

(a) Consistent with PART VIII.B.13., sediment must be retained on site to the greatest extent practicable, all sediment, solid waste, and human waste control measures must be properly installed and maintained at all times, and off-site accumulations of any escaped sediment must be removed.

(b) Other pollutants such as, but not limited to, oil, grease, solid waste (i.e. building material scrap, trash), human waste, hazardous waste (e.g. paint and solvents) are not authorized for discharge under this permit. These potential pollutants must be properly managed and their contact with storm water minimized or eliminated to the greatest extent practicable.

(c) A vegetated buffer zone of at least 100 feet must be retained or successfully established/planted between the area disturbed during construction and all perennial or intermittent streams on or adjacent to the construction site. A vegetated buffer zone at least 50 feet wide must be retained or successfully established/planted between the area disturbed during construction and all ephemeral streams or drainages.

(d) Consistent with PART VIII.B.13., an implementation schedule must be included which describes the stabilization practices that will be used to control erosion during construction and when construction has permanently ceased. The preservation of mature vegetation on-site is preferred.

(e) Consistent with PART VIII.B.13., structural BMPs must be successfully implemented to divert uphill storm water flows from crossing disturbed areas, to store flows (e.g. retention ponds) or to otherwise control runoff from disturbed areas during construction. At a minimum this must include silt fencing and vegetated buffer strips on all down slope boundaries of the area disturbed during construction. The construction of temporary or permanent storm water detention or retention structures (e.g. ponds) is preferred, but these should not be constructed within intermittent or perennial stream channels nor within floodplains.

(f) Consistent with PART VIII.B.13., velocity dissipation devices must be incorporated into the design of outfall channels and discharge locations. Outfalls must be screened to prevent the discharge of solid materials with storm water runoff.

(g) Hazardous construction materials and waste must be stored in a manner that minimizes their contact with storm water. An emergency response plan must be included which addresses the handling of accidental spills.

13. Contents of Plan

The Storm Water Pollution Prevention Plan (SWP3) shall include the following items

a. Site Description

Each SWP3 shall provide a description of potential pollutant sources and other information as indicated below:

(1) A description of the nature of the construction activity;

(2) A description of the intended sequence of major activities that disturb soils for major portions of the site (e.g., grubbing, excavation, grading, utilities and infrastructure installation);

(3) Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities including off-site borrow and fill areas;

(4) An estimate of the runoff coefficient of the site for both the pre-construction and post-construction conditions and data describing the soil or the quality of any discharge from the site;

(5) A general location map (e.g., USGS quadrangle map, a portion of a city or county map) with enough detail to identify the location of your construction site and the receiving waters within one mile of the site and a site map indicating the following: drainage patterns and approximate slopes anticipated after major grading activities; areas of soil disturbance; areas that will not be disturbed; locations of major structural and nonstructural controls identified in the SWP3; locations where stabilization practices are expected to occur; locations of off-site material, waste, borrow or equipment storage areas; surface waters (including wetlands); and locations where storm water discharges to a surface water;

(6) Location and description of any discharge associated with industrial activity other than construction, including storm water discharges from dedicated asphalt plants and dedicated concrete plants, that is covered by this permit;

(7) The name of the receiving water(s) and the aerial extent and description of wetlands or other special aquatic sites (as defined by 40 CFR 230.3(q-1)) at or near the site that will be disturbed or that will receive discharges from disturbed areas of the project;

(8) A copy of the permit requirements (attaching a copy of PART VIII. is acceptable);

(9) Information on whether listed endangered or threatened species, or critical habitat, are found in proximity to the construction activity and whether such species may be affected by the applicant's storm water discharges or storm water discharge-related activities; and

(10) Information on whether storm water discharges or storm water discharge-related activities would have an affect on a property that is protected by Federal, State or local historic preservation laws along with any written agreements reached with the State services to mitigate those effects.

b. Controls

Each SWP3 shall include a description of appropriate control measures (i.e., BMPs) that will be implemented as part of the construction activity to control pollutants in storm water discharges. The SWP3 must clearly describe for each major activity identified in PART VIII.B.13. appropriate control measures and the general timing (or sequence) during the construction process that the measures will be implemented; and which permittee is responsible for implementation (e.g., perimeter controls for one portion of the site will be installed by Contractor A after the clearing and grubbing necessary for installation of the pollution prevention measure, but before the clearing and grubbing for the remaining portions of the site; and perimeter controls will be actively maintained by Contractor B until final stabilization of those portions of the site up-gradient of the perimeter control; and temporary perimeter controls will be removed by the permittee after final stabilization). The description and implementation of control measures shall address the following minimum components.

(1) Erosion and Sediment Controls.

(a) Short and Long Term Goals and Criteria.

(i) The construction-phase erosion and sediment controls should be designed to retain sediment on site to the extent practicable.

(ii) All control measures must be properly selected, installed, and maintained in accordance with the manufacturer’s specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately, or incorrectly, the permittee must replace or modify the control for site situations.

(iii) If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize offsite impact (e.g., fugitive sediment in street could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets).

(iv) Sediment must be removed from sediment traps or sedimentation ponds when design capacity has been reduced by 50%.

(v) Litter, construction debris, and construction chemicals exposed to storm water shall be prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, picked up daily).

(vi) Offsite material storage areas (also including overburden and stockpiles of dirt, borrow areas, etc.) used solely by the permitted project are considered a part of the project and shall be addressed in the SWP3.

(b) Stabilization Practices. The SWP3 must include a description of interim and permanent stabilization practices for the site, including a schedule of when the practices will be implemented. Site plans should ensure that existing vegetation

is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include but are not limited to: establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Use of impervious surfaces for stabilization should be avoided.

The following records shall be maintained and attached to the SWP3: the dates when major grading activities occur; the dates when construction activities temporarily or permanently cease on a portion of the site; and the dates when stabilization measures are initiated.

Except as provided in (i), (ii), and (iii) below, stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.

(i) Where the initiation of stabilization measures by the 14th day after construction activity temporary or permanently ceased is precluded by adverse climatological conditions (i.e. snow, ice, heavy rains, or drought) stabilization measures shall be initiated as soon as practicable.

(ii) Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 21 days, temporary stabilization measures do not have to be initiated on that portion of site.

(iii) In arid areas (areas with an average annual rainfall of 0 to 10 inches), semiarid areas (areas with an average annual rainfall of 10 to 20 inches), and areas experiencing droughts where the initiation of stabilization measures by the 14^{th} day after construction activity has temporarily or permanently ceased is precluded by seasonably arid conditions, stabilization measures shall be initiated as soon as practicable.

(c) Structural Practices. The SWP3 must include a description of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Structural practices may include but are not limited to: silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Placement of structural practices in floodplains should be avoided to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA.

(i) For common drainage locations that serve an area with ten (10) or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from a 2-year, 24-hour storm from each disturbed acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. When computing the number of acres draining into a common location it is not necessary to include flows from offsite areas and flows from onsite areas that are either undisturbed or have

undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin.

In determining whether installing a sediment basin is attainable, the permittee may consider factors such as site soils, slope, available area on site, etc. In any event, the permittee must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls shall be used where site limitations would preclude a safe design. For drainage locations that serve ten (10) or more disturbed acres at one time and where a temporary sediment basin or equivalent controls is not attainable, smaller sediment basins and/or sediment traps should be used. Where neither the sediment basin nor equivalent controls are attainable due to site limitations, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area and for those side slope boundaries deemed appropriate as dictated by individual site conditions. DEQ encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.

(ii) For drainage locations serving less than 10 acres, smaller sediment basins and/or sediment traps should be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin providing storage for a calculated volume of runoff from a 2-year, 24-hour storm or 3,600 cubic feet of storage per acre drained is provided. DEQ encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.

(2) Storm Water Management.

A description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed must be included in the SWP3. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may also require a separate permit under Section 404 of the CWA. You are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges associated with construction activity have been eliminated from the site. However, post-construction storm water BMPs that discharge pollutants from point sources once construction is completed, may in themselves, need authorization under a separate OPDES permit.

(a) Such practices may include but are not limited to: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (that combine several practices). The SWP3 shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed predevelopment levels.

(b) Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel to provide a non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g. no significant

changes in the hydrological regime of the receiving water).

(3) Other Controls.

(a) No solid materials, including building materials, shall be discharged to waters of the State, except as authorized by a permit issued under Section 404 of the CWA.

(b) Off-site vehicle tracking of sediments and the generation of dust shall be minimized.

(c) The SWP3 shall be consistent with applicable State and/or local waste disposal, sanitary sewer or septic system regulations to the extent these are located within the permitted area.

(d) The SWP3 shall include a description of construction and waste materials expected to be stored on-site with updates as appropriate. The SWP3 shall also include a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to storm water, and spill prevention and response.

(e) The SWP3 shall include a description of pollutant sources from areas other than construction (including storm water discharges from dedicated asphalt plants and dedicated concrete plants), and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.

(f) The SWP3 shall include a description of measures necessary to protect listed endangered or threatened species, or critical habitat. Failure to describe and implement such measures will result in storm water discharges from construction activities that are ineligible for coverage under this permit.

(4) Approved State or Local Plans.

(a) Permittees which discharge storm water associated with construction activities must ensure their Storm Water Pollution Prevention Plan is consistent with requirements specified in applicable sediment and erosion site plans of site permits, or storm water management site plans or site permits approved by State or local officials.

(b) Storm Water Pollution Prevention Plans must be updated as necessary to remain consistent with any changes applicable to protecting surface water resources in sediment erosion site plans or site permits, or storm water management site plans or site permits approved by State or local officials for which the permittee receives written notice.

c. Maintenance

All erosion and sediment control measures and other protective measures identified in the SWP3 must be maintained in effective operating condition. If site inspections required by PART VIII.B.13. identify BMPs that are not operating effectively, maintenance shall be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of storm water controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

d. Inspections

Qualified personnel (provided or approved by the permittee) shall inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and

locations where vehicles enter or exit the site, at least once every fourteen (14) calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.

Where sites have been finally or temporarily stabilized, runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or frozen ground exists), or during seasonal arid periods in arid areas (areas with an average annual rainfall of 0 to 10 inches) and semi-arid areas (areas with an average annual rainfall of 10 to 20 inches) such inspections shall be conducted at least once every month.

Inspections should at a minimum consist of the following items:

(1) Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Sediment and erosion control measures identified in the SWP3 shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations shall be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site sediment tracking.

(2) Based on the results of the inspection, the SWP3 shall be modified as necessary (e.g., show additional controls on required maps and revise description of required controls to include additional or modified BMPs designed to correct problems identified. Revisions to the SWP3 shall be completed within 7 calendar days following the inspection. If existing BMPs need to be modified or if additional BMPs are necessary, implementation shall be completed before the next anticipated storm event. If implementation before the next anticipated storm event is impracticable, they shall be implemented as soon as practicable.

(3) A report summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, and major observations relating to the implementation of the SWP3 shall be made and retained as part of the SWP3 for at least three years from the date that the site is finally stabilized. Major observations should include: the location(s) of discharges of sediment or other pollutants from the site; location(s) of BMPs that need to be maintained; location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location; and location(s) where additional BMPs are needed that did not exist at the time of inspection. Reports of actions taken as a result of an inspection shall be retained as part of the Storm Water Pollution Prevention Plan for at least three years from the date that the site is finally stabilized. Such reports shall identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report shall contain a certification that the facility is in compliance with the Storm Water Pollution Prevention Plan and this permit.

e. Non-Storm Water Discharges

Sources of non-storm water listed in PART VIII. B. 3 of this permit that are combined with storm water discharges associated with construction activity must be identified in the SWP3. The SWP3 shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

14. Final Stabilization

a. Compliance with PART VIII shall be maintained for each construction site covered under the optional MCM, until final stabilization is achieved.

b. Final stabilization means:

(1) All soil disturbing activities at the site have been completed and a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed. In such parts of the country, background native vegetation will cover less than 100% of the ground (e.g., arid areas, beaches). Establishing at least 70% of the natural cover of the native vegetation meets the vegetative cover criteria for final stabilization (e.g., if the native vegetation covers 50% of the ground, 70% of 50% would require 35% total cover for final stabilization; on a beach with no natural vegetation, no stabilization is required);

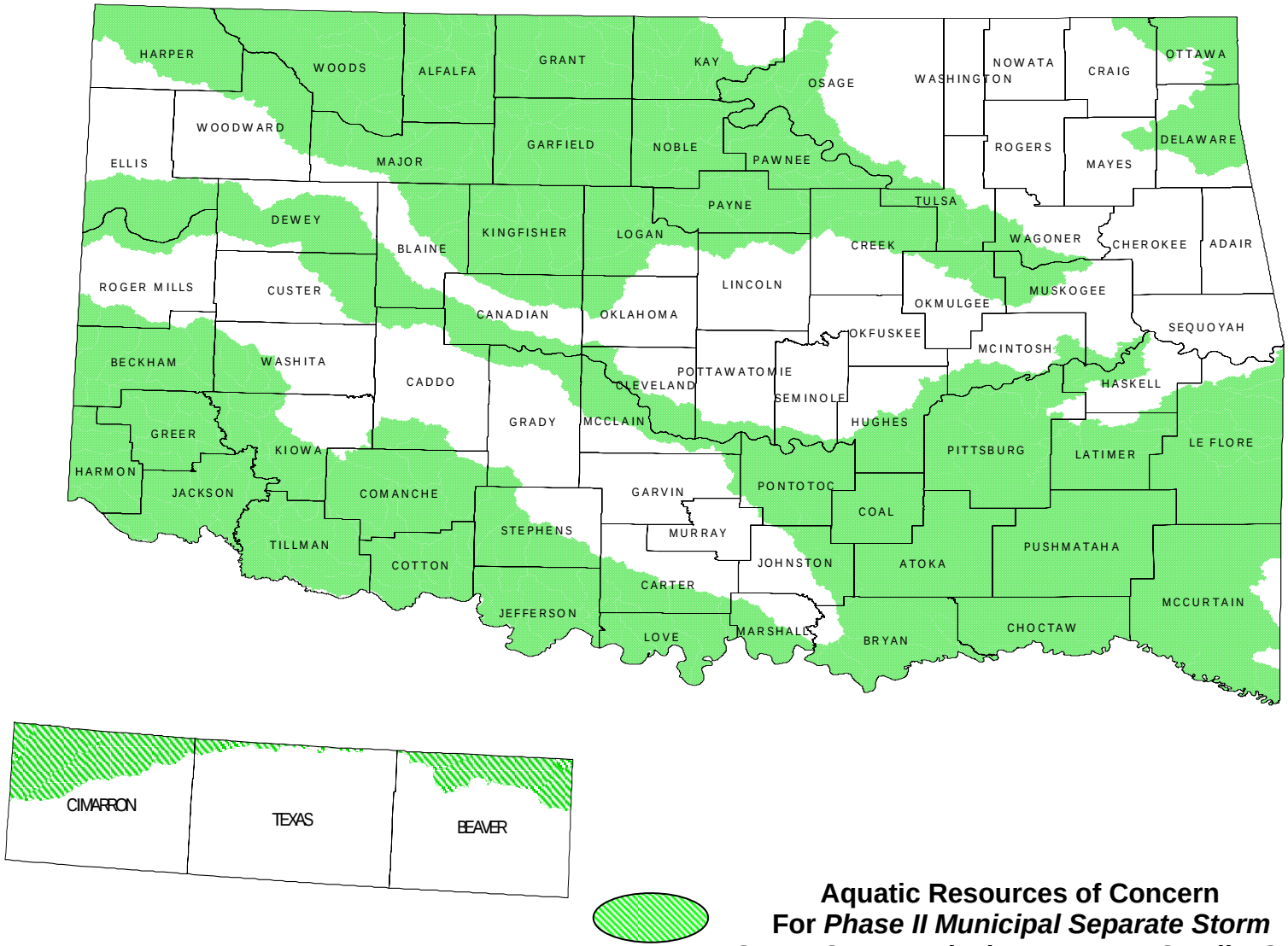
(2) For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its pre-construction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to “waters of the United States,” and areas that are not being returned to their pre-construction agricultural use must meet the final stabilization criteria in (1) above.

Exhibit 1. Endangered Species Aquatic Resources of Concern for Small Phase II MS4 Discharges.

Please refer to PART I.E of this permit for use and applicability of Exhibit 1 to your permit application.

Aquatic Resources of Concern For Small Phase II MS4s

Southeast Oklahoma,	**Little River** entire watershed **Glover River,** entire watershed **Mountain Fork River,** entire watershed **Muddy Boggy River,** entire watershed **Kiamichi River,** entire watershed
Northeast Oklahoma	**Grand (Neosho) River,** watershed above Tar Creek confluence **Grand (Neosho) River,** east side of the watershed upstream of and including Spavinaw creek and its watershed **Arkansas River,** watershed between Kaw Lake and the Verdigris river confluence (does not include the Verdigris River watershed. **Salt Fork of the Arkansas River,** Salt Plains National Wildlife Refuge in Alfalfa County, OK
Eastern Oklahoma	**Poteau River,** entire watershed
Northern Oklahoma	**Cimarron River Watershed,** entire watershed
Central Oklahoma	**Canadian River Watershed,** entire watershed, excluding the North Canadian River watershed.
Southern Oklahoma	**Red River,** entire watershed in Oklahoma, excluding the Washita River Watershed
Northwest Oklahoma	**Salt Plains National Wildlife Refuge**



Aquatic Resources of Concern
For *Phase II Municipal Separate Storm*
Sewer System Discharges From Small MS4s
Within the State of Oklahoma

Exhibit 2. Endangered Species Aquatic Resources of Concern For Construction Site Discharges.

Exhibit 2 only applies to construction site discharges from those entities electing the optional permit requirements. Please refer to PART VIII.B.12 of this permit for use and applicability of Exhibit 2 to your permit application.

Oklahoma Sensitive Waters and Watersheds -- Harboring Endangered and Threatened Species and Their Critical Habitat of Concern

A. Federally listed sensitive waters and watersheds under the jurisdiction of the U.S. Fish & Wildlife Service.

Grand (Neosho) River - A two-mile corridor (one mile from each bank) of the main stem of the Grand (Neosho) River above its confluence with Tar Creek. Includes portions of Ottawa and Craig Counties.

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, and 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.

North Canadian River – upstream of Highway 60/281 bridge to the Optima Reservoir Dam – A two-mile corridor (one mile from each bank).

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.

Spavinaw Creek – A two-mile corridor (one mile from each bank) of the main stem of the Spavinaw Creek. Includes portions of Delaware and Mays Counties.

Drowning Creek (aka Drowning Muskrat Hollow Creek) – a two-mile corridor (one mile from each bank) of Drowning Creek and the Drowning Creek Arm of Grand Lake. Includes portions of Delaware County.

Elk River – A two-mile corridor (one mile from each bank) of the Elk River. Includes portions of Delaware and Ottawa Counties.

Spring River – A two-mile corridor (one mile from each bank) of the Spring River. Includes portions of Ottawa County.

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

B. Oklahoma State sensitive waters and watersheds under the jurisdiction of the Oklahoma Department of Wildlife Conservation.

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

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

Note: No storm water discharge-sensitive endangered or threatened species occur in the following counties: Cimarron, Texas, Beckham, Greer, Washita, Kiowa, Alfalfa, Comanche, Grant, Garfield, Oklahoma, Garvin, Murray, Stephens, Carter, Lincoln, Johnston, Okfuskee, Okmulgee, Washington, Nowata and Rogers.

Aquatic Resources of Concern to Stormwater Construction Sites
as defined by U.S. Fish & Wildlife (Jul 2002)