

**GENERAL PERMIT  
OKR10**

**FOR STORM WATER DISCHARGES  
FROM CONSTRUCTION ACTIVITIES  
WITHIN THE STATE OF OKLAHOMA**

**OKLAHOMA DEPARTMENT OF  
ENVIRONMENTAL QUALITY**

**WATER QUALITY DIVISION**

**SEPTEMBER 13, 2002**



## Storm Water General Permit for Construction Activities

Cover Page

Permit No. OKR10

### Authorization to Discharge Under the Oklahoma Pollutant Discharge Elimination System Act (OPDES)

In compliance with the provisions under the OPDES, 27A O.S. 2-6-201 et seq., as amended, except as provided in Part I. B. 3 of this permit, owners/operators of storm water discharges from construction activities, located in an area specified in Part I. A. are authorized to discharge in accordance with the conditions and requirements set forth herein. Only those owners/operators of storm water discharges from construction activities in the general permit area who submit a Notice of Intent in accordance with Part II of this permit are authorized under this general permit.

This permit shall become effective on September 13, 2002.

This permit and the authorization shall expire at midnight, September 12, 2007.

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Jon Craig, Director  
Water Quality Division

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Carl Parrott, P.E.  
Water Quality Division Engineer

**General Permit OKR10 for Storm Water Discharges  
From Construction Activities Within the State of Oklahoma**

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# OPDES General Permit for Storm Water Discharges From Construction Activities

## Part I. Coverage Under This Permit

### A. Introduction

Under the authority of the Oklahoma Pollutant Discharge Elimination System Act (OPDES), the Oklahoma Department of Environmental Quality (DEQ) is issuing the general permit OKR10, which authorizes discharges of storm water, associated with construction activity. The current permit, GP-005 was issued on September 8, 1997, amended on February 1, 1999, and expires on September 7, 2002.

### 1. Permit Area

The Oklahoma Department of Environmental Quality (DEQ) is the Permitting Authority for the majority of discharges. The EPA retains jurisdiction over construction sites on Indian Country lands and those that include oil and gas exploration, drilling, operations, and pipelines, that include SIC codes 1311, 1381, 1382, 1389, and 5171 and point source construction activity discharges associated with agricultural production, services, and silviculture.

### 2. Facilities Covered

Your permit eligibility is limited to discharges from large construction activities as defined in OAC 252:605-1-5(b)(3)(L) adopted and incorporated by reference 40 CFR 122.26(b)(14)(x) and small construction activities as defined in 40 CFR 122.26(b)(15)(i). Definitions of large construction activity and small construction activity are given in Part IX.

### B. Eligibility

1. Permittees are authorized to discharge pollutants in storm water runoff associated with construction activities as defined in 40 CFR 122.26 (b)(14)(x) and 40 CFR 122.26 (b) (15)(i) 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). Discharges identified under Part I. B. 3 are excluded from coverage. Any discharge authorized by a different OPDES permit may be commingled with discharges authorized by this permit.
2. 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:
  - a. 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;
  - b. 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

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

### 3. Limitations on Coverage

#### a. Post Construction Discharges

This permit does not authorize storm water discharges that originate from the site after construction activities have been completed and the site, including any temporary support activity site, 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 that are identified in Part III. A. 2. or 3. (Exceptions to prohibition on non-storm water discharges) and are in compliance with Part IV. E. 5. (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 in accordance with Part VI. L.

#### 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. L. 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. Discharges Not Protective of Listed Endangered Species

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 X for more information.

- (1) For the purposes of complying with the Part I. B. eligibility requirements, “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; and;
  - (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) Coverage under this permit is available only if the applicant certifies that it meets at least one of the criteria in paragraphs (a), (b), (c), (d), or (e) below. Failure to continue to meet one of these criteria during the term of the permit will render an applicant ineligible for coverage under this permit.

- (a) The proposed construction site or land disturbing activity is not located within any of the corridors of the Federal or State listed sensitive waters or watersheds, and further investigation is not required.
  - (b) The proposed construction site or land disturbing activity is located within a corridor of a Federally or State listed sensitive water or watershed (Addendum A). The SWP3 describes this area in relation to the listed water or watershed and specifies the measures to be employed to protect the endangered or threatened species or their critical habitat.
  - (c) Consultation with the USFWS for Federal listed sensitive waters and watersheds or the ODWC for State listed sensitive waters, (see Part X.) has concluded that the effects on listed species and critical habitat of the applicant's storm water discharges and storm water discharge-related activities, results in either a no jeopardy opinion or a written concurrence by the agency on a finding that the applicant's storm water discharges and storm water discharge-related activities are not likely to adversely affect listed species or critical habitat; or
  - (d) The applicant's construction activities are authorized by the appropriate Federal or State agency and that authorization addresses the incidental taking of listed species by the applicant's storm water discharge or storm water discharge-related activities; or
  - (e) The applicant's storm water discharges and storm water discharge-related activities were already addressed in another operator's certification of eligibility under Part I. B. 3. e. (2) (a), (b), (c), or (d) that included the applicant's project area. By certifying eligibility under Part I. B. 3. e. (2) (e), the applicant agrees to comply with applicable measures or controls upon which the other operator's certification under Part I. B. 3. e. (2) (a), (b), (c) or (d) was based.
- (3) The applicant must comply with any applicable terms, conditions or other requirements developed in the process of meeting eligibility requirements of Part I. B. 3. e. (2). (a), (b), (c), (d) or (e) above to remain eligible for coverage under this permit. Such terms and conditions must be incorporated in the applicant's Storm Water Pollution Prevention Plan.
- (4) Applicants who choose to conduct consultation to meet the eligibility requirements of Part I. B. 3. e. (2) (c) must submit a copy of the wildlife agency's report of findings to the DEQ Storm Water Section.
- (5) This permit does not authorize any storm water discharges where the discharges or storm water discharge-related activities cause a prohibited "take" (as defined in Part IX) of endangered or threatened species.
- (6) 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.

f. 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.

g. Construction Activities for Oil and Gas Operations and Pipelines

This permit does not authorize storm water discharges that originate from construction activities occurring at oil and gas exploration and production related industries and pipeline operations that are under the jurisdiction of the Oklahoma Corporation Commission. Such discharges are regulated by the EPA Region 6 offices located in Dallas, Texas.

h. Construction Activities related to Agriculture

This permit does not authorize storm water discharges that originate from construction activities related to Agriculture, that are under the jurisdiction of the Oklahoma Department of Agriculture, Food, and Forestry. Such discharges are regulated by the EPA Region 6 offices located in Dallas, Texas.

4. New sources or new discharges of constituents of concern to impaired waters are not authorized by this permit unless otherwise allowable under OAC 252:605 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.

### C. Obtaining Authorization

1. In order for storm water discharges from construction activities to be authorized under this general permit, an operator must:
  - a. Meet the Part I. B. eligibility requirements;
  - b. Except as provided in Part II. A. 4, develop a Storm Water Pollution Prevention Plan (SWP3) covering either the entire site or all portions of the site where they are operators (see definition in Part IX) according to the requirements in Part IV. A “joint” SWP3 may be developed and implemented as a cooperative effort where there is more than one operator at a site; and
  - c. Submit a Notice of Intent (NOI) in accordance with the requirements of Part II, using an NOI form provided by the Director (or a photocopy thereof). Only one NOI need be submitted to cover all of the owner/operator's activities on the common plan of development or sale (e.g., you do not need to submit a separate NOI for each separate lot in a residential subdivision or for two separate buildings being constructed at a manufacturing facility, provided the SWP3 covers each area for



which you are an operator). The SWP3 must be implemented upon commencement of construction activities.

- d. After the NOI is received by the DEQ, a statement of the fee due will be sent to the applicant. When the fee is submitted an authorization will be mailed to the permittee.
2. Any new operator on site, including those who replace an operator who has previously obtained permit coverage, must submit an NOI to obtain permit coverage.
3. Once authorization is issued by the DEQ, dischargers who submit an NOI in accordance with the requirements of this permit are authorized to discharge storm water from construction activities under the terms and conditions of this permit. DEQ may deny coverage under this permit and require submittal of an application for an individual OPDES permit based on a review of the NOI or other information (see Part VI. L of this permit).

#### **D. Terminating Coverage**

1. Permittees wishing to terminate coverage under this permit must submit a Notice of Termination (NOT) in accordance with Part VIII of this permit, using an NOT form provided by the Director (or a photocopy thereof). Compliance with this permit is required until a NOT is submitted. The permittee's authorization to discharge under this permit terminates at midnight of the day the NOT is signed.
2. All permittees must submit an NOT within thirty (30) days after one or more of the following conditions have been met:
  - a. Final stabilization (see definition Part IX) has been achieved on all portions of the site for which the permittee is responsible (including if applicable, returning agricultural land to its pre-construction agricultural use).
  - b. For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner.
3. When another owner/operator has assumed control according to Part VI. G. 2. c. over all areas of the site that have not been finally stabilized the NOT must be submitted with the new owner/operator NOI.

Enforcement actions may be taken if a permittee submits a NOT without meeting one or more of these conditions.

## **Part II. Notice of Intent Requirements**

### **A. Deadlines for Notification**

1. Parties defined as owners/operators (see definition in Part IX) due to their operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications and/or owners/operators with day-to-day operational control over construction activities at a project, which are necessary to ensure compliance with a storm water pollution prevention plan or other permit conditions must receive authorization from the DEQ (after submitting an NOI in accordance with the requirements) prior to the commencement of construction activities (i.e., the initial disturbance of soils associated with clearing, grading, excavation activities, or other construction activities).
2. For storm water discharges from construction projects where the operator changes, including, instances where an operator is added after a NOI has been submitted under

Part II.A.1, the new operator must submit a NOI at least two (2) days before assuming operational control over site specifications or commencing work on-site.

3. Owners/operators are not prohibited from submitting late NOIs. When a late NOI is submitted, authorization is only for discharges that occur after permit coverage is granted. The Department reserves the right to take appropriate enforcement for any unpermitted activities that may have occurred between the time construction commenced and authorization of future discharges is granted.
4. Owners/operators of on-going construction projects as of the effective date of this permit that received authorization for storm water discharges under the DEQ General Permit GP-005 For Storm Water Discharges From Construction Activities Within the State of Oklahoma, issued September 8, 1997 must:
  - a. Submit a NOI according to Part II. B. within 90 days of the effective date of this permit. If the permittee is eligible to submit a Notice of Termination (e.g., construction is finished and final stabilization has been achieved) before the 90th day, a new NOI is not required to be submitted and remain in compliance with GP-005A until new authorization is received.
  - b. Update their Storm Water Pollution Prevention Plan to comply with the requirements of Part IV within 90 days after the effective date of this permit.
5. Owners/operators of on-going construction projects as of the effective date of this permit that **did not** receive authorization to discharge under the DEQ's construction general permit GP005A must obtain authorization under DEQ construction general permit OKR10.
6. Owners/operators of small construction sites (those sites which comprise of disturbing 1 to 5 acres, either individually or as part of a larger common plan of development that will disturb between 1 and 5 acres) shall not be required to submit an NOI before March 10, 2003. Those Owners/operators of small construction sites that wish to be permitted under OKR10 before March 10, 2003 may submit an NOI and obtain authorization.

## **B. Contents of Notice of Intent (NOI)**

### **1. Use of Revised NOI Form**

The revised NOI form shall be signed in accordance with Part VI. G of this permit and shall include the following information:

- a. Indicate if your construction site is between one and five acres, or is five acres or more.
- b. The name, address, and telephone number of the operator filing the NOI for permit coverage.
- c. An indication of whether the operator is a Federal, State, Tribal, private, or other public entity;
- d. The name (or other identifier), address, county, and latitude/longitude of the construction project or site;
- e. An indication of whether the project or site is located on Indian Country lands. Note: Construction projects requiring permit coverage that are located on federally recognized Indian Country lands in Oklahoma are permitted by U.S. EPA Region 6 Office located in Dallas, Texas;

- f. Confirmation that a Storm Water Pollution Prevention Plan (SWP3) has been developed or will be developed prior to commencing construction activities, and that the SWP3 will be compliant with any applicable local sediment and erosion control plans. Submitting copies of the SWP3 with the NOI is not required unless the construction activities are occurring in a Federal or State designated sensitive area or watershed and is not in compliance with Part I. B. 3. e. (2). (c) or (d) of this permit;
- g. Availability of SWP3 for viewing, the location where the SWP3 may be viewed and the name and telephone number of a contact person for scheduling viewing times;
- h. The name of the receiving water(s);
- i. Estimates of project start and completion dates, and estimates of the number of acres of the site on which soil will be distributed;
- j. Based on the instructions in Part X and Addendum A, is the proposed construction site or land disturbing activity within the specified corridor of a Federal or State listed sensitive water or watershed.
- k. The applicant shall certify permit eligibility, in Endangered Species areas, by selecting (a), (b), (c), (d), or (e) of Part 1. B. 3. e. (2).

### **C. Where To Submit**

NOIs must be signed in accordance with Part VI. G., and sent to the following address: Department of Environmental Quality, Environmental Complaints and Local Services, Storm Water Unit, P.O. Box 1677, Oklahoma City, OK 73101-1677, or FAX to (405) 702-6223.

## **Part III. Special Conditions, Management Practices, and Other Non-Numeric Limitations**

### **A. Prohibition on Non-Storm Water Discharges**

1. Except as provided in Parts I. B. 2 or 3 and III. A. 2 or 3, all discharges covered by this permit shall be composed entirely of storm water associated with construction activity.
2. Discharges of material other than storm water that are in compliance with an OPDES permit (other than this 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 IV. E. 5 (non-storm water discharges): discharges from fire fighting activities; fire hydrant flushings; waters used to wash vehicles where detergents are not used; water used to control dust in accordance with Part IV. E. 2. c. (2); 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; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

## **B. Releases in Excess of Reportable Quantities**

The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable Storm Water Pollution Prevention Plan for the facility. 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:

### **1. 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.

### **2. Storm Water Pollution Plan Requirements**

The Storm Water Pollution Prevention Plan required under Part IV of this permit must be modified within 14 calendar days of knowledge of the release to:

- a. provide a description of the release
- b. the circumstances leading to the release
- c. 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.

## **C. Spills**

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

## **D. 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.

## **E. Responsibilities of Owner/Operators**

Permittees may meet one or both of the operational control components in the definition of "owner/operator" found in Part IX. Either Parts III. E. 1 or III. E. 2 or both will apply depending on the type of operational control exerted by an individual permittee.

## **1. Permittees with Operational Control**

If you have control over construction plans and specifications, including the ability to make modifications to those plans and specifications (e.g., developer, owner, or operator), must:

- a. Ensure the project specifications that they develop meet the minimum requirements of Part IV, Pollution Prevention Plans, and all other applicable conditions;
- b. Ensure that the SWP3 indicates the areas of the project where they 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 they make to the plan are notified of such modifications in a timely manner; and
- c. Ensure that the SWP3 for portions of the project where they are operators 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.

## **2. 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:

- a. Ensure that the SWP3 for portions of the project where they are operators meets the minimum requirements of Part IV (Storm Water Pollution Prevention Plan) and identifies the parties responsible for implementation of control measures identified in the plan.
- b. Ensure that the SWP3 indicates areas of the project where they have operational control over day-to-day activities.
- c. 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).

## **3. 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.

## **Part IV. Storm Water Pollution Prevention Plans**

### **A. Storm Water Pollution Prevention Plan (SWP3)**

1. 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, applicants must follow the procedures in Part X. of this permit to determine whether listed endangered or threatened species or critical habitat would be affected by the applicant's 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 the eligibility requirements of Part I. B. 3. e. and Part X. 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.

2. 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 waterbody 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 waterbody, 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 I. B 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 in the Water Quality Division's portion of the DEQ webpage. The DEQ webpage can be found at [www.deq.state.ok.us](http://www.deq.state.ok.us).

## **B. Deadlines for Plan Preparation and Compliance**

The Storm Water Pollution Prevention Plan shall:

1. Be completed prior to the commencing construction to be covered under this permit (except as provided in Parts II.A.4) and updated as appropriate. If the project is located in sensitive waters, the SWP3 must be submitted along with the NOI unless the owner/operator certifies compliance with Part I. B. 3. e. (2), (c) or (d) of this permit; and
2. Provide for compliance with the terms and schedule of the SWP3 beginning with the initiation of construction activities.

## **C. Signature, Plan Review and Making Plans Available**

### **1. The SWP3 Shall Be Signed**

Sign the SWP3 in accordance with Part VI. G, and be retained on-site at the facility that generates the storm water discharge in accordance with Part V (Retention of Records) of this permit.

### **2. Post Notice**

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

- a. The OPDES permit number for the project or a copy of the NOI if a permit number has not yet been assigned;
- b. The name and telephone number of a local contact person;
- c. A brief description of the project; and
- d. 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.

### **3. 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 plans; 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.

#### **4. 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 this Part. 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.

#### **D. Keeping Plans Current**

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

1. 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
2. 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 IV. E. 1. b of this permit, or is otherwise not achieving the general objectives of controlling pollutants in storm water discharges associated with construction activity.

#### **E. Contents of Plan**

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

##### **1. Site Description**

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

- a. A description of the nature of the construction activity;
- b. 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);
- c. 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;
- d. 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;
- e. 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;

- f. 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;
- g. The name of the receiving water(s) and the areal 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;
- h. A copy of the permit requirements (attaching a copy of this permit is acceptable);
- i. 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
- j. 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 (Part XI) to mitigate those effects.

## **2. 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 IV. E. 1. b: 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.

### **a. Erosion and Sediment Controls.**

#### **(1) Short and Long Term Goals and Criteria.**

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

- (d) Sediment must be removed from sediment traps or sedimentation ponds when design capacity has been reduced by 50%.
  - (e) 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).
  - (f) 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.
- (2) 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 Parts IV. E. 2. a. (2) (a), (b), and (c) 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.

- (a) 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.
  - (b) 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.
  - (c) 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<sup>th</sup> day after construction activity has temporarily or permanently ceased is precluded by seasonably arid conditions, stabilization measures shall be initiated as soon as practicable.
- (3) 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.

- (a) 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.

- (b) 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.

#### **b. 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.

Permittees 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.

- (1) 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.
- (2) 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).

**c. Other Controls.**

- (1) 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.
- (2) Off-site vehicle tracking of sediments and the generation of dust shall be minimized.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) The SWP3 shall include a description of measures necessary to protect listed endangered or threatened species, or critical habitat, including any terms or conditions that are imposed under the eligibility requirements of Part I. B. 3. e. (2) of this permit, unless a determination indicated that no impact is imminent. Failure to describe and implement such measures will result in storm water discharges from construction activities that are ineligible for coverage under this permit.

**d. Approved State or Local Plans.**

- (1) 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.
- (2) 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.

**3. 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 IV. E. 4. 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.

**4. Inspections**

Qualified personnel (provided by the permittee or cooperatively by multiple permittees) 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:

- a. 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.

- b. Based on the results of the inspection, the SWP3 shall be modified as necessary (e.g., show additional controls on map required by Part IV. D. 1; revise description of controls required by Part IV. E. 2) 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.
- c. 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. Actions taken in accordance with Part IV. E. 4. b of this permit shall be made and 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. The report shall be signed in accordance with Part VI. G of this permit.

## **5. Non-Storm Water Discharges**

Except for flows from fire fighting activities, sources of non-storm water listed in Part III. A. 2 or 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.

## **F. Contractor Certifications**

This procedure is initiated only at the discretion of the permittee with the cooperation and agreement of the contractor. The Contractor Certification form, Addendum D should be rewritten by the permittee to fit their specific objectives. Contractor Certification is recommended but is not a requirement of the DEQ.

1. Contractors, subcontractors, builders, installers, regular suppliers, support service companies or others who are not the permittee (hereinafter referred to in Part IV. E. as “contractor”) involved in construction activity, and have not been issued construction general permit authorization, should execute a Contractor Certification, at the discretion of the permittee, which places the responsibility of complying with and abiding by the intent and purpose of the permit with the contractor for work performed under the authority and direction of the contractor. Contractors must ensure that activities regulated by the Construction General Permit (Permit) are protective of endangered and threatened species and critical habitat according to Part X.

2. Contractors must be thoroughly familiar with and adhere to the Notice of Intent (NOI), the SWP3, and Best Management Practices (BMP). The SWP3 should clearly identify, for each control measure identified in the plan, the party, which will implement the measure. The Permittee(s) should insure that all contractors or others involved in construction activity identified in the plan as being responsible for implementing storm water control measures, and sign a copy of the contractor certification, before performing any work in the area covered by the Storm Water Pollution Prevention Plan. All contractor certifications should be included with the Storm Water Pollution Prevention Plan.
3. The Contractor Certification should include the name and title of the person providing the signature, the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made. An example of an assignment of certification can be found in Addendum D.

## **Part V. Retention of Records**

### **A. Documents**

The permittee shall retain copies of the SWP3 and all reports required by this permit, and records of all data used to complete the Notice of Intent to be covered by this permit, for a period of at least three years from the date that the site is finally stabilized. This period may be extended by request of the Director at any time.

### **B. Accessibility**

The permittee shall retain a copy of the Storm Water Pollution Prevention Plan required by this permit (including a copy of the permit language) at the construction site (or other local location accessible to the Director; a State or local agency approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; or the operator of a municipal separate storm sewer receiving discharges from the site) from the date of project initiation to the date of final stabilization. Permittees with day-to-day operational control over SWP3 implementation shall have a copy of the SWP3 available at a central location on-site for the use of all operators and those identified as having responsibilities under the SWP3 whenever they are on the construction site.

### **C. Addresses**

All written correspondence concerning this permit, including the submittal of NOIs and NOTs (see Parts II. C and VIII. A. 3, respectively), shall be sent to the following address: Department of Environmental Quality, Environmental Complaints and Local Services, Storm Water Unit, P.O. Box 1677, Oklahoma City, OK 73101-1677

## Part VI. Standard Permit Conditions

### A. Duty to Comply

The Permittee Must Comply With All Conditions of This Permit.

1. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissue, or modification, or for denial of a permit renewal application.

#### a. Penalties for Violations of Permit Conditions

##### (1).Criminal

- (a) Negligent Violations: The OPDES Act provides that any person who negligently violates permit conditions is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both (27A O.S. § 2-6-206 (G) (1)).
  - (b) Knowing Violations: The OPDES Act provides that any person who knowingly violates permit conditions is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both (27A O.S. § 2-6-206 (G) (2)).
  - (c) Knowing Endangerment: The OPDES Act provides that any person who knowingly violates permit conditions and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both (27A O.S. § 2-6-206 (G) (3)).
  - (d) False Statement: The OPDES Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the OPDES or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the OPDES, shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or by both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or by both (27A O.S. § 2-6-206 (G) (4)).
- (2). Civil Penalties: The OPDES Act provides that any person who violates a permit condition is subject to a civil penalty not to exceed \$10,000 per day for each violation (27A O.S. § 2-6-206 (F)).
  - (3) Administrative Penalties: The OPDES Act provides that any person who violates a permit condition is subject to an administrative penalty, not to exceed \$10,000 per violation nor shall the maximum amount exceed \$125,000 (27A O.S. § 2-6-206 (E)).

### B. Continuation of the Expired General Permit

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued and remain in full 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. Reissue or replacement of this permit, at which time the permittee must comply with the Notice of Intent conditions of the new permit to maintain authorization to discharge; or
2. The permittee's submittal of a Notice of Termination; or
3. Issuance of an individual permit for the permittee's discharges; or
4. A formal permit decision by the Director not to reissue this general permit, at which time the permittee must seek coverage under an alternative general permit or an individual permit.

### **C. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

### **D. Duty to Mitigate**

The permittee shall 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.

### **E. Duty to Provide Information**

The permittee shall furnish to the Director or an authorized representative of the Director any information that is requested to determine compliance with this permit or other information.

### **F. Other Information**

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Director, he or she shall promptly submit such facts or information.

### **G. Signatory Requirements**

All Notices of Intent, Notices of Termination, reports, certifications (except Contractor Certification under Part IV. E.) or information either submitted to the Director or the operator of a large or medium municipal separate storm sewer system, or that this permit requires be maintained by the permittee, shall be signed as follows:

1. All Notices of Intent and Notices of Termination shall be signed as follows:
  - a. For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or their designee, or any other person who performs similar policy or decision-making functions for the corporation or an authorized designee; or the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars) if 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; or

- c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this Section, a principal executive officer of a Federal agency includes
  - (1) The chief executive officer of the agency, or
  - (2) Senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
2. All reports required by this permit and other information requested by the Director or authorized representative of the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described above and submitted to the Director.
  - b. The authorization specifies either an individual or 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 or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).
  - c. Changes to Authorization: If an authorization under Part II. B. is no longer accurate because a different operator has responsibility for the overall operation of the construction site, a new Notice of Intent satisfying the requirements of Part II. B must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative. The change in authorization must be submitted within the time frame specified in Part II. A. 2, and sent to the address specified in Part II. C.
  - d. Certification: Any person signing documents under Part VI. G shall make the following certification:

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***“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 this 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.”***

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#### **H. Penalties for Falsification of Reports**

Section 27A O.S. § 2-6-206 G. 4. provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or by both.

## **I. Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act or Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”) of 1980, 42 USC § 9601 et. seq.

## **J. Property Rights**

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, 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.

## **K. 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.

## **L. Requiring an Individual Permit or an Alternative General Permit**

1. The Director may require any person 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 Director to take action under this paragraph. Where the Director requires a permittee authorized to discharge under this permit to apply for an individual OPDES permit, the Director shall notify the permittee 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 the permittee 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. Applications shall be submitted to the address in Part II. C of this permit. The Director may grant additional time to submit the application upon request of the applicant. If a permittee fails to submit in a timely manner an individual OPDES permit application as required by the Director under this paragraph, then the applicability of this permit to the individual OPDES permittee is automatically terminated at the end of the day specified by the Director for application submittal.
2. Any permittee authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee shall submit an individual application in accordance with the requirements of 40 CFR 122.26 (c) (1) (ii), with reasons supporting the request, to the Director at the address in Part II. C of this permit. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by the permittee are adequate to support the request.
3. When an individual OPDES permit is issued to a permittee otherwise subject to this permit, or the permittee is 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

owner/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.

#### **M. State/Tribal Environmental Laws**

1. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State/Tribal law or regulation under authority preserved by Section 510 of the Clean Water Act.
2. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.
3. Construction activities on Indian Country Lands are regulated by the EPA Region 6 offices located in Dallas, Texas. Applicants seeking coverage for construction or surface disturbing activities located on Indian Country land should contact the EPA Region 6 office.

#### **N. Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions and requirements of this permit. 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 a permittee only when necessary to achieve compliance with the conditions of this permit.

#### **O. Inspection and Entry**

The permittee shall allow the Director or an authorized representative of DEQ, or in the case of a construction site that discharges through a municipal separate storm sewer, an authorized representative of the municipal owner/operator of the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment).

#### **P. Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and re issuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

## Part VII. Re-opener Clause

### A. Potential To Cause or Contribute to a Violation

If there is evidence indicating that the storm water discharges authorized by this permit cause have the reasonable potential to cause, or contribute to, a violation of a water quality standard, the permittee may be required to obtain an individual permit or an alternative general permit in accordance with Part VI. L of this permit, or the permit may be modified to include different limitations and/or requirements.

### B. Permit Modification or Revocation

Permit modification will be conducted according to the Oklahoma Uniform Environmental Permitting Act at Oklahoma Statutes, Title 27A, Section 2-14-101 et. seq., the Oklahoma Administrative Code “OAC”, 252:4-7 and 252:605 incorporating by reference Federal Regulations at 40 CFR 122.62, 122.63, 122.64, and 124.5.

The DEQ may propose a modification to this permit after further discussions between the Department and the Oklahoma Historical Society for the protection of historic properties.

## Part VIII. Termination of Coverage

### A. Notice of Termination

Permittees must submit a completed Notice of Termination (NOT) that is signed in accordance with Part VI. G of this permit when one or more of the conditions contained in Part I. D. 2. (Terminating Coverage) have been met at a construction project. The NOT form found in Addendum C will be used unless it has been replaced with a revised version by the Director.

#### 1. The Notice of Termination shall include the following information

- a. The OPDES permit number for the storm water discharge identified by the Notice of Termination;
- b. An indication of whether the storm water discharges associated with construction activity have been eliminated (i.e., regulated discharges of storm water are being terminated) or the permittee is no longer an operator at the site;
- c. The name, address, and telephone number of the permittee submitting the Notice of Termination;
- d. The name of the project and street address (or a description of location if no street address is available) of the construction site for which the notification is submitted;
- d. The latitude and longitude of the construction site.
- e. The following certification, signed in accordance with Part VI. G (signatory requirements) of this permit. For construction projects with more than one permittee and/or operator, the permittee need only make this certification for those portions of the construction site where the permittee was authorized under this permit and not for areas where the permittee was not an operator:

—◆—

***“I certify under penalty of law that all storm water discharges associated with construction activity from the identified facility that was authorized by a general permit have been eliminated or that I am no longer the operator of the construction site. I understand that by submitting this notice of termination, I am no longer***

***authorized to discharge storm water associated with construction activity under this general permit and that discharging pollutants in storm water associated with construction activity to waters of the State of Oklahoma is unlawful under the Oklahoma Pollutant Discharge Elimination System Act where the discharge is not authorized by a OPDES permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of this permit or OPDES Act, rules and procedures.”***

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## **2. Elimination of Storm Water Discharged**

For the purposes of this certification, elimination of storm water discharges associated with construction activity means that all disturbed soils at the portion of the construction site where the operator had control have been finally stabilized (as defined in Part IX) and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time to ensure final stabilization is maintained, or that all storm water discharges associated with construction activities from the identified site that are authorized by a OPDES general permit have otherwise been eliminated from the portion of the construction site where the operator had control.

## **3. Address**

All Notices of termination (NOT), signed in accordance with Part VI. G of this permit, are to be submitted using the form provided by the Director (or a photocopy thereof), to the address found in V. C.

## **Part IX. Definitions**

- A. Applicant** means any person who is planning or contemplating to submit an NOI for approval or has submitted an NOI for approval and is waiting for authorization to discharge storm water under the provisions of this permit.
- B. Best Management Practices (BMPs)** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the State. BMPs also include treatment requirements, operating procedures, and practice to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- C. Control Measure** as used in this permit, refers to any BMP or other method used to prevent or reduce the discharge of pollutants to waters of the State.
- D. Commencement of Construction** means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.
- E. CWA** means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. Section 1251 et seq.
- F. Director** means the Executive Director or chief administrator of the Department of Environmental Quality or an authorized representative.
- G. Discharge** when used without qualification means the “discharge of a pollutant.”
- H. Discharge of Storm Water Associated with Construction Activity** as used in this permit, refers to a discharge of pollutants in storm water runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling), or

other industrial storm water directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

**I. Facility or Activity** means any OPDES “point source” or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the OPDES program.

**J. Final Stabilization** means that either

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); or

2. For individual lots in residential construction by either:

(a) The homebuilder completing final stabilization as specified above, or

(b) The homebuilder establishing temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization. (Homeowners typically have an incentive to put in the landscaping functionally equivalent to final stabilization as quick as possible to keep mud out of their homes and off sidewalks and driveways.); or

3. 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 J. 1. or J. 2. above.

**K. Large and Medium Municipal Separate Storm Sewer System** means all municipal separate storm sewers that are either:

1. Located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of 40 CFR 122); or

2. Located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of 40 CFR 122); or

3. Owned or operated by a municipality other than those described in paragraph (1) and (2) and that are designated by the Director as part of the large or medium municipal separate storm sewer system.

**L. NOI** means Notice of Intent, (DEQ Form 605-002A, see Part II of this permit.)

- M. NOT** means Notice of Termination (DEQ Form 640-572, see Part VIII of this permit).
- N. Owner/Operator** for the purpose of this permit and in the context of storm water associated with construction activity, means any party defined in N. 1. or 2., associated with a construction project that meets either of the following two criteria:
1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
  2. The party 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).
- This definition is provided to inform permittees of DEQ's interpretation of how the regulatory definitions of "owner or operator" and "facility or activity" are applied to discharges of storm water associated with construction activity.
- O. OPDES** means the Oklahoma Pollutant Discharge Elimination System Act.
- P. Permit** means the General Permit GP-005A for Storm Water Discharges From Construction Activities Within the State of Oklahoma.
- Q. Permittee** means a person who has submitted a NOI and has received authorization to discharge storm water from construction or land disturbing activities under this permit.
- R. Point Source** means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, landfill leachate collection system, or vessel or other floating craft, from which pollutants or wastes are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.
- S. Pollutant** means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal, and agribusiness waste discharged into waters of the state. A partial listing from this definition includes dredged spoil, solid waste, sewage, garbage, sewage sludge, and chemical wastes.
- T. Runoff coefficient** means the fraction of total rainfall that will appear at the conveyance as runoff.
- U. Storm Water** means rainwater runoff, snowmelt runoff, and surface runoff and drainage.
- V. Storm Water Associated with Industrial Activity** is defined at 40 CFR 122.26 (b) (14) & (15) and incorporated here by reference. Most relevant to this permit is 40 CFR 122.26 (b) (14) (x) and 40 CFR 122.26 (b) (15) (i), that relates to construction activity including clearing, grading and excavation activities that result in the disturbance of one or more acres of total land area, or are part of a larger common plan of development or sale.
- W. Storm Water Discharge-Related Activity** is defined as disturbance 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; and control measures to control storm water discharges including the siting, construction, and operation of best management practices (BMPs) to control, reduce or prevent storm water pollution.



**X. Takes or Taking** means any action that would “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect” any threatened or endangered species. Harm may include significant habitat modification that actually injures a species.

**Y. Waters of the State** means:

1. All streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, storm sewers and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof, and shall include under all circumstances the waters of the United States which are contained within the boundaries of, flow through or border upon this state or any portion thereof.
2. Also, waters such as rivers, streams (including intermittent streams), mudflat, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect commerce with adjoining states including any such waters, which are currently used, were used in the past, or may be susceptible to use in interstate or intra state commerce:
  - a. Which are or could be used for recreational or other purposes;
  - b. From which fish or shellfish are or could be taken and sold; or
  - c. Which are used or could be used for industrial purposes by industries in interstate, or intrastate commerce;
3. All impoundments of waters otherwise defined as waters of the State under this definition;
4. Tributaries of waters identified in paragraphs (1) through (3) of this definition;
5. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraph 1. through 4. of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirement of the OPDES Act (other than cooling ponds for steam electric generation stations that also meet the criteria of this definition) are not waters of the State. Waters of the State do not include prior converted cropland.

Notwithstanding the determination of an area's status as prior converted cropland by any other agency, for the purposes of the OPDES Act, the final authority regarding OPDES Act jurisdiction remains with DEQ.

**Z. Ephemeral Stream** is a term used in describing the cyclic nature of a seasonal or intermittent stream. It implies that the stream is transitory or short-lived. Often such a stream can rise to high levels during a heavy rain event causing the stream to flood without warning.

## **Part X. Endangered Species**

Addendum A is a registry of Federally listed sensitive waters and watersheds and State listed sensitive waters and watersheds.

### **A. Background**

The DEQ is seeking to ensure the activities regulated by the Permit are protective of endangered and threatened species and critical habitat. To ensure that those goals are met, owners/operators seeking Permit coverage are required under Part I. B. 3. e. to assess the

impacts of their storm water discharges and storm water discharge-related activities on listed endangered and threatened species and designated critical habitat. This may be accomplished by following Steps One and Two listed below or by consulting with the appropriate wildlife agency. DEQ strongly recommends that applicants follow these steps at the earliest possible stage to ensure that measures to protect listed species are incorporated early in the planning process. At minimum, the procedures should be followed when developing the Storm Water Pollution Prevention Plan.

Permittees and contractors have an independent obligation to ensure that their activities do not result in any prohibited “takes” of listed species. Many of the measures required in the Permit and in these instructions to protect listed species may also assist owners/operators in ensuring that their construction or land disturbing activities do not result in a prohibited take of a species. Owners/operators who plan construction or land disturbing activities within the corridor of a Federally listed sensitive water, Addendum A, may conduct consultation with the U. S. Fish and Wildlife Service or meet the requirements of Step 2. Applicants who plan construction or land disturbing activities within the corridor of a State listed sensitive water may conduct consultation with the Oklahoma Department of Wildlife Conservation or meet the requirements of Step 2.

This permit provides for the possibility of multiple owners/operators and contractors at a construction site. Applicants should be aware that in some cases they may meet the permit eligibility requirements by relying on another permittee’s certification of eligibility under Part I. B. 3. e. (2) (a), (b), (c), (d) or (e). This is allowed under Part I. B. 3. e. (2). (e) of the permit, however, the other permittee's certification must apply to the contractor’s project area and must address the effects from the Contractor's storm water discharges and storm water discharge-related activities on listed species and critical habitat. By certifying eligibility under Part I. B. 3. e. (2). (e) the applicant agrees to comply with any measures or controls upon which the other operator's certification under Part I. B. 3. e. (2) (a), (b), (c), (d) or (e) was based. This situation will typically occur where a developer or primary contractor, such as one for construction of a subdivision or industrial park, conducts a comprehensive assessment of effects on listed species for the entire construction project, certifies eligibility under Part I. B. 3. e. (2) (a), (b), (c), (d) or (e) and that certification is relied upon by other operators (i.e., contractors) at the site. However, applicants that consider relying on another operator's certification should carefully review that certification along with any supporting information. If an applicant does not believe that the operator's certification provides adequate coverage for the applicant's storm water discharges and storm water discharge-related activities or for the applicant's particular project area, the applicant should provide its own independent certification under Part I. B. 3. e. (2). (a), (b), (c), (d) or (e).

## **B. Procedures**

To receive coverage under the Construction General Permit, applicants must assess the potential effects of their storm water discharges and storm water discharge-related activities on listed species. To make this assessment, applicants must follow the steps outlined below or consult with the appropriate wildlife agency prior to completing and submitting a Notice of Intent (NOI) form, Addendum B.

**Step 1: Determine Whether The Project Area Drains To Sensitive Rivers Or Watersheds Harboring Listed Species or Their Critical Habitat.**

1. Refer to Addendum A, that lists 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 because they harbor populations of federal or state listed species or their designated critical habitat.
2. If the applicant's 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. The applicant may then skip Step 2 and further investigation is unnecessary.
3. If the applicant's proposed construction site is located within the corridor of any sensitive waters or watersheds, the applicant must continue on to step 2.

**Step 2. Implementation of Storm Water Control Measures to Protect Endangered and Threatened Species in Sensitive Rivers:**

1. Applicants whose proposed construction site is located within a sensitive water or watershed must incorporate the following measures into the SWP3 for this site. Other pollutants such as, but not limited to, oil, grease, solid waste (i.e. building material scrap, trash), human waste, hazardous (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.
  - a. Consistent with Part IV. E. 2. a. (1), 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. 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.
  - c. Consistent with Part IV. E. 2. a. (2), 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.
  - d. Consistent with Part IV. E. 2. a. (3), structural BMP 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.
  - e. Consistent with Part IV. E. 2. b, 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.

- f. 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.
2. The applicant must comply with any terms and conditions imposed under the eligibility requirements of Part I. B. 3. e. (2). (a), (b), (c), (d) or (e) to ensure that its storm water discharges and storm water discharge-related activities are protective of listed species and/or critical habitat. Such terms and conditions must be incorporated in the project's SWP3. If the eligibility requirements of Part I. B. 3. e. (2). (a), (b), (c), (d) or (e) cannot be met, the applicant may seek relief from the appropriate service (see C. below) in the form of an approved take. The alternative is, the applicant may seek coverage under a DEQ individual permit.

**Addresses:**

U. S. Fish and Wildlife Service  
 222 South Houston, Suite A  
 Tulsa, Oklahoma 74127-8909  
 (918) 581-7458, Ext. 234

Oklahoma Department of Wildlife Conservation  
 1801 North Lincoln Blvd.  
 Oklahoma City, OK 73105  
 (405) 521-3851

Oklahoma Natural Heritage Inventory  
 111 East Chesapeake  
 Norman, Ok 73019  
 (405) 325-1985

The Oklahoma Natural Heritage Inventory has a very comprehensive list and location of endangered and threatened species. They can provide valuable information to help you in making determinations but they have no authority to issue authorization.

**Part XI. Historic Preservation**

The Environmental Protection Agency has determined that the Oklahoma Department of Environmental Quality's NPDES 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 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 (Sheppard Mall)  
Oklahoma City, OK 73107  
405/521-6249  
[www.ok-history.mus.ok.us](http://www.ok-history.mus.ok.us) (click on Preservation)

Oklahoma Archeological Survey  
111 East Chesapeake  
Norman, OK 73019  
405/325-7211  
[www.ou.edu/cas/archsur](http://www.ou.edu/cas/archsur)

## **Part XII. Explanation of Addenda**

### **A. Endangered Species**

The list of Oklahoma Sensitive waters and watersheds harboring endangered and threatened species and their critical habitat of concern with regard to storm water discharges from construction activities can be found in Addendum A. Also, a map of Oklahoma is included showing the general location of these waters and watersheds.

### **B. Notice of Intent**

The Notice of Intent Form OPDES 605-002A (Addendum B) replaces the Notice of Intent issued with the permit published on September 8, 1997. From the effective date of this permit, applicants are to use the revised Notice of Intent form DEQ Form 605-002A, dated September 8, 2002, to obtain permit coverage. According to the provisions in Part II. B. 1 of this permit, applicants are reminded that they are certifying that they meet all eligibility requirements of Part I. B. of this permit and are informing the Director of their intent to be covered by, and comply with, those terms and conditions. These conditions include certifications that the applicant's storm water discharges and storm water-related discharge activities will not adversely affect listed endangered or threatened species, their critical habitat or State historic properties.

### **C. Notice of Termination Form**

From the effective date of this permit, permittees are to use the revised Notice of Termination form DEQ Form 640-572 (Addendum C), dated September 8, 2002, to terminate permit coverage. Permittees are to complete, sign and submit the form in accordance with Part VIII of the permit when terminating permit coverage at a construction project when one or more of the conditions contained in Part 1. D. 2 have been met.

### **D. Contractor Certification**

Contractors, builders, regular suppliers or others involved in construction activity who are not the permittee, developer, or general contractor, and have not been issued the construction general permit authorization, should execute an Contractor Certification (Addendum D), which places the responsibility of complying with and abiding by the intent and purpose of the permit with the assignee for any activity conducted under the direction of the assignee.

**Note: This form is only a suggestion for the owners/operators use. It is highly recommended that the permittee consult their attorney for appropriate language to apply to this form for their own particular or individual company business.**

## ADDENDUM A – ENDANGERED SPECIES

### 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.**

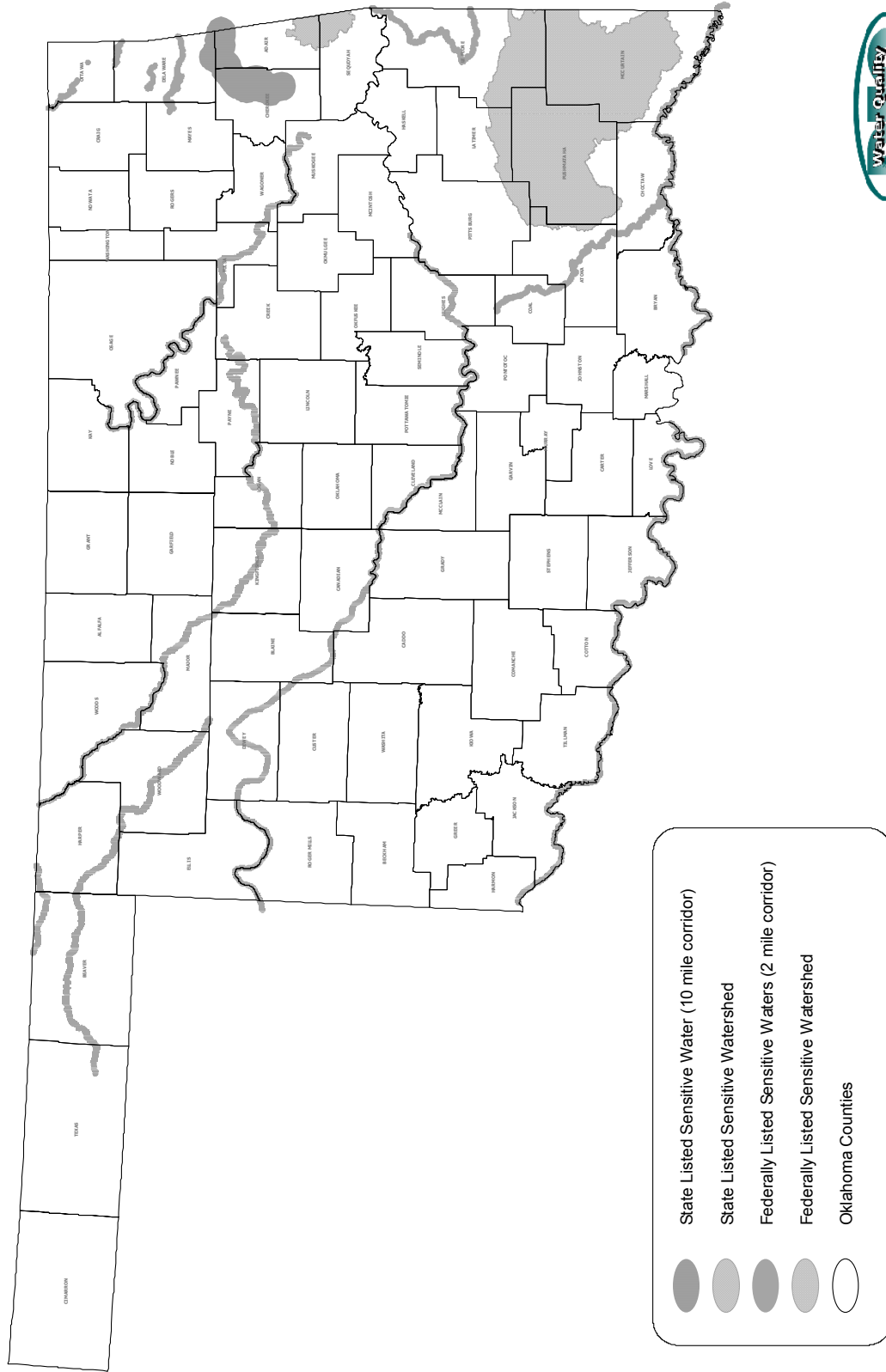
Illinois River – A ten-mile corridor (five miles from each bank) of the main stem of the Illinois River above Tenkiller Reservoir. Includes portions of Cherokee, Delaware and Mays Counties.

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, Beckhan, 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)



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**ADDENDUM B –NOTICE OF INTENT**

See Reverse Side for Instructions

**DEQ FORM**  
**605-002A**  
 September 13,  
 2002



**Oklahoma Department of Environmental Quality**  
**Notice of Intent (NOI) for Storm Water Discharges Associated with**  
**CONSTRUCTION ACTIVITY on Sites of One to Five Acres and Sites of**  
**Five or More Acres Under the OPDES General Permit OKR10**

SUBMISSION OF THIS NOTICE OF INTENT CONSTITUTES NOTICE THAT THE PARTY IDENTIFIED IN Part I OF THIS FORM INTENDS TO BE AUTHORIZED BY AN OPDES PERMIT ISSUED FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY IN THE STATE OF OKLAHOMA. BECOMING A PERMITTEE OBLIGATES SUCH DISCHARGER TO COMPLY WITH THE TERMS AND CONDITIONS OF THE PERMIT. IN ORDER TO OBTAIN AUTHORIZATION, ALL REQUESTED INFORMATION MUST BE PROVIDED ON THIS FORM. SEE INSTRUCTIONS ON BACK OF FORM.

**IF YOUR FACILITY OR SITE IS ON INDIAN COUNTRY LAND, FILE YOUR NOI WITH THE EPA, USING EPA FORM 3510-9.**

**I. Facility Owner/Operator Information (If you are a Co-permittee check this box)**

Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_  
 Address: \_\_\_\_\_ Status of Owner/Operator: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

**II. Site Information**

Name of the project \_\_\_\_\_ Address: \_\_\_\_\_

City \_\_\_\_\_ County: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Telephone No. (\_\_\_\_) \_\_\_\_\_ **Location:** Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_

Is the construction site within any of the corridors of the listed sensitive waters or watersheds (Addendum A)? Federal \_\_\_\_ State \_\_\_\_ (Yes or No)

Has Storm Water Pollution Prevention Plan (SWP3) been developed?  Yes  No Is SWP3 implemented?  Yes  No

Address of location of SWP3 for viewing:  Address in I. Above.  Address in II. Above.  Other, please specify below.

Address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Other Operational OPDES Number: \_\_\_\_\_ or NPDES Number: \_\_\_\_\_

Name of Receiving Water Body: \_\_\_\_\_

Is the Receiving Water Body on the DEQ 303(d) list?  No  Yes Is this facility/site on Indian Country land?  No  Yes (See Instructions)

**Indicate the common plan construction size: Between one and five acres \_\_\_\_\_ Five or More acres \_\_\_\_\_**

Estimated area to be disturbed (to nearest acre): \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
 Month / Day / Year  
 Construction Start Date

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
 Month / Day / Year  
 Estimated Completion Date

Will construction (land disturbing activities) be conducted for Storm water control?  Yes  No

Is the Storm Water Pollution Prevention Plan in compliance with all Applicable local sediment and erosion plans?  Yes  No  None

**ENDANGERED SPECIES**

Based on the instructions provided in Part X and Addendum A of the permit, is the proposed construction or land disturbing activity within the corridor of any of the listed sensitive waters or watersheds?

Yes  No

If the answer is yes, please refer to Part X. B. Step 2.

All permit eligibility requirements with regard to protection of endangered species through the indicated Section of Part I.B.3.e.(2) of the permit have been complied with. (check one or more boxes):

(a)  (b)  (c)  (d)  (e)

**III. Certification**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage this 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.

I understand that continued coverage under this permit is contingent upon maintaining eligibility as provided for in Part I. B.

Name (Please Print): \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Title \_\_\_\_\_

**For DEQ use only: Assigned Authorization Number: OKR10 \_\_\_\_\_**



## Instructions – DEQ Notice of Intent (NOI) for Storm Water Discharges (SWD) Associated with Construction Activity to be Covered Under the OPDES Permit OKR10

### Who Must File A Notice Of Intent Form

Under the provisions of the Clean Water Act, as amended, (33 U.S. 1251 et. seq....the Act), Oklahoma Environmental Code, Title 27A of the Oklahoma Statutes, Section 2-14-101 et. seq. and the rules OAC 252:004-15, discharge of storm water from construction activities is prohibited without an Oklahoma Pollutant Discharge Elimination System Permit. The operator of a construction site that has such a storm water discharge (SWD) must submit a NOI to obtain coverage under an OPDES Storm Water General Permit (OKR10). If you have questions about whether you need a permit under the OPDES Storm Water program, or if you need information, write to the address listed below or telephone the Environmental Complaints and Local Services Division, Department of Environmental Quality (DEQ), at (405) 702-6100 and ask for the Storm Water Unit.

#### Where to File NOI Form

**DEQ**  
**Environmental Complaints and Local Services**  
**Storm Water Unit**  
**P.O. Box 1677**  
**Oklahoma City, OK 73101-1677**

#### FAX (405) 702-6223

**Note: do not submit SWP3 with the NOI, unless the project is located within an aquatic resource of concern and the owner/operator has not certified option (c) or (d).**

#### Completing The Form

You must type or print, using upper-case letters, in the appropriate areas only. If you have any questions on this form, call DEQ-ECLS at (405) 702-6100 and ask for the Storm Water Unit.

#### Section I. Facility Owner/Operator Information

Provide the legal name, mailing address, and telephone number of the person, firm, public organization, or any other entity that either individually or together meet either of the following two criteria: (1) have operational control over the site specifications (including the ability to make modifications in specifications); and (2) have the day-to-day operational control of those activities at the site necessary to ensure compliance with plan requirements and permit conditions. If you are a Co-Permittee, check the appropriate box. Do not use a colloquial name.

Enter the appropriate letter to indicate the legal status of the operator of the facility: F = Federal; S = State; M = Public (other than Federal or State); P = Private.

#### Section II. Site Information

Enter the Project's official or legal name and complete street address, including city, county, state, ZIP code and phone number. If the site lacks a street address, indicate with a general statement the location of the site (e.g., Intersection of State Highways 61 and 34). The applicant must also provide the latitude and longitude of the facility in degrees, minutes, and seconds to the nearest 15 seconds ( $45^{\circ} 7' 24'' = 45.1234$  decimal latitude) of the approximate center of the site.

The latitude and longitude of your facility can be located on USGS quadrangle maps. The quadrangle maps may be obtained at 1-800-USA MAPS. Longitude and latitude may also be obtained at the Census Bureau Internet site: <http://www.census.gov/cgi-bin/gazetteer>. Only one location description is needed: address; section, township, and range; or latitude and longitude.

Indicate if the Pollution Prevention Plan (SWP3) has been developed.

Indicate if the SWP3 has been implemented. Refer to Part IV of the General Permit for Information on SWP3s. 'Yes' means the SWP3 is ready to be implemented upon notification of coverage or that the SWP3 is ready to be implemented at the time the NOI form is submitted.

Provide the address and phone number where the SWP3 may be viewed, if different from address previously given. Check appropriate box.

Are other OPDES or NPDES permit numbers assigned to this site?

Enter the name of the receiving water body, the closest predominant receiving water body. The Oklahoma 303(d) list can be found online at [www.deq.state.ok.us/WQDnew/index.htm](http://www.deq.state.ok.us/WQDnew/index.htm)

If your facility or site is on Indian Country land, do not complete this form. File your NOI with the EPA using EPA Form 3510-9.

Indicate the common plan construction site is between 1 and 5 acres or more than 5 acres.

Enter the estimated area to be disturbed including but not limited to: grubbing, excavation, grading, and utilities and infrastructure installation. Indicate to the nearest acre.

Enter the construction start and estimated completion date using four digits for the year.

Indicate if the proposed construction site or land disturbing activity is within the corridor of a listed sensitive water or watershed, Addendum A of the General Permit and associated with the discharges and requirements to be covered by this permit as follows, Part I.B.3.e.(2):

- (a) The proposed construction site or land disturbing activity is not located within any of the corridors of the Federal or State listed sensitive waters or watersheds, and further investigation is not required.
- (b) The proposed construction site or land disturbing activity is located within a corridor of a Federally or State listed sensitive water or watershed (Addendum A). The SWP3 describes this area in relation to the listed water or watershed and specifies the measures to be employed to protect the endangered or threatened species or their critical habitat.
- (c) Consultation with the USFWS for Federal listed sensitive waters and watersheds or the ODWC for State listed sensitive waters, (see Part X.) has concluded that the effects on listed species and critical habitat of the applicant's storm water discharges and storm water discharge-related activities, results in either a no jeopardy opinion or a written concurrence by the agency on a finding that the applicant's storm water discharges and storm water discharge-related activities are not likely to adversely affect listed species or critical habitat; or
- (d) The applicant's construction activities are authorized by the appropriate Federal or State agency and that authorization addresses the incidental taking of listed species by the applicant's storm water discharge or storm water discharge-related activities; or
- (e) The applicant's storm water discharges and storm water discharge-related activities were already addressed in another operator's certification of eligibility under Part I. B. 3. e. (2) (a), (b), (c), or (d) that included the applicant's project area. By certifying eligibility under Part I. B. 3. e. (2) (f), the applicant agrees to comply with applicable measures or controls upon which the other operator's certification under Part I. B. 3. e. (2) (a), (b), (c) or (d) was based.

Indicate if land-disturbing activities will be conducted for the construction of storm water control.

Indicate if the SWP3 is in compliance with all other applicable local sediment and erosion plans.

#### Section III. Certification


Federal Statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means:

- (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or
- (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign had been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: by a general partner of the proprietor, or; For a municipality, state, Federal, or other public facility: by either a principal executive or ranking elected official.

**ADDENDUM C – NOTICE OF TERMINATION**

<b>DEQ FORM 640-572</b> Sept. 13, 2002		<b>OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY NOTICE OF TERMINATION (NOT) FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL OR CONSTRUCTION ACTIVITY UNDER AN OPDES GENERAL PERMIT</b>
Submission of this Notice of Termination constitutes notice that the party identified in Section I of this form is no longer authorized to discharge storm water associated with industrial or construction activities under the OPDES program.		
<b>All Requested Information <u>Must</u> Be Provided On This Form. See Instructions On The Back Of Form.</b>		
<b>Permit Information: OPDES/NPDES Storm Water General Permit Number:</b> _____	<b>Check here if the storm water construction/industrial discharge(s) is being terminated:</b> <input type="checkbox"/>	<b>Check here if the facility is changing ownership:</b> <input type="checkbox"/>
<b>I. Facility Operator Information:</b> Name: _____ Phone: _____ Address: _____ City: _____ County: _____ Zip Code: _____		
<b>II. Facility/Site Location:</b> Name: _____ Address: _____ City: _____ County: _____ Zip Code: _____ Latitude: _____ Longitude: _____ Quarter: _____ Section: _____ Township: _____ Range: _____		
<b>III. Certification</b> I certify under penalty of law that all storm water discharges associated with industrial/construction activity from the identified facility that are authorized by an OPDES general permit have been eliminated or that I am no longer the owner or operator of the facility or the industrial facility or construction site. I understand that by submitting this notice of termination, I am no longer authorized to discharge storm water associated with industrial or construction activity under this general permit, and that discharging pollutants in storm water associated with industrial or construction activity to waters of the State is unlawful under OPDES regulations where the discharge is not authorized by an OPDES permit. I also understand that the submittal of this notice of termination does not release an operator from liability for any violations of this permit or OPDES rules and procedures.		
Print Name: _____ Date: _____ Signature: _____ Title: _____		



## Instructions for Completing Notice of Termination (NOT) for Storm Water Discharges Associated with Construction Activity

### When To File NOT Form:

Permittees who are presently covered under an issued NPDES or OPDES general permit for storm water discharges associated with industrial activity may submit a **Notice of Termination (NOT)** form when their facilities no longer have any storm water discharges associated with industrial activity as defined in the storm water regulations at 40 CFR 122.26(b)(14), or when they are no longer the operator of the facilities. For a construction site, when the site has been finally stabilized (i.e., a uniform perennial vegetative cover with a density of at least 70% of the native background cover has been established for all unpaved areas and areas not covered by permanent structures or where equivalent permanent stabilization measures such as riprap or gabions have been used), and all storm water discharges from construction activities that are authorized by general permit (OKR10) are eliminated, or they are no longer the operator of the facility, a NOT must be submitted that is signed in accordance with part VI. G of the general permit. If you need assistance or have questions, contact the Storm Water Unit of the Water Quality Division of the DEQ at (405) 702-6100.

### Section I: Permit Information:

Enter the existing NPDES or OPDES General Storm Water Permit number assigned to the facility or site identified in Section II.

### Section II. Facility Operator Information:

Give the legal name of the person, firm, public organization or any other entity that operates the facility or site described in this application. The name of the operator may or may not be the same name as the facility. The operator of the facility is the legal entity that controls the facility's operation, rather than the plant or site manager.

### Section III: Facility/Site Location Information:

Enter the facility's or site's official or legal name and complete address, including city, state, and ZIP code. If the facility lacks a street address, indicate the latitude and longitude of the facility to the nearest 15 seconds, or the quarter, section, township, and range of the approximate center of the site.

### Section IV: Certification

The NOT form must be signed by a responsible party as follow:

For a Corporation: by a responsible officer, which means: (1) president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; (2) the manager of one or more manufacturing, production, or operating facilities employing 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: by a general partner or the proprietor.

For a municipality, state, Federal, or other public facility: by either principal executive officer or ranking elected official.

### Where to File a NOT form:

NOTs must be sent to the following address:

**DEQ**

**Storm Water Unit**

**Environmental Complaints and Local Services**

**P.O. Box 1677**

**Oklahoma City, Oklahoma 73101-1677**

**ADDENDUM D - CONTRACTOR CERTIFICATION**

(Optional; sample format)

\_\_\_\_\_  
(Name of Owner/Operator)

\_\_\_\_\_  
(Project Name)

Contractors, builders, regular suppliers or others (contractors) involved in construction activity who are not the owner/operator, developer, or general contractor, and have not been issued the Storm Water Construction General Permit (Permit) authorization, execute this Contractor Certification which places the responsibility of complying with and abiding by the intent and purpose of the permit with the contractor for any and all work performed under the authority and direction of the contractor. Furthermore, the contractor assumes responsibility to avoid or eliminate any actual or potential adverse effects upon the environment according to the Storm Water Pollution Prevention Plan (SWP3), during all phases of building, construction, or delivery activity on any and all construction sites under the control and responsibility of the contractor as described in the SWP3.

- 1. Contractor company name: \_\_\_\_\_
- 2. Contractor address: \_\_\_\_\_
- 3. Project locations: \_\_\_\_\_

(For additional addresses, attach list to this form)

4. Contractor must be thoroughly familiar with the original Notice of Intent (NOI) filed by \_\_\_\_\_ with the Oklahoma Department of Environmental Quality.

(Owner/Operator Name)

Contractor must also be thoroughly familiar with, and adhere to, the Storm Water Pollution Prevention Plan (SWP3) and the Best Management Practices (BMP) on file at the following location; \_\_\_\_\_

\_\_\_\_\_. The Contractor is certifying below that they assume all physical responsibility for any and all construction activities performed by the Contractor or under the direction and control of the Contractor, to avoid or eliminate any actual or potential adverse effects upon the environment pertaining to the properties listed in Item 3 above.

**Certification**

I certify that I understand the terms and conditions of the Oklahoma Pollutant Discharge Elimination System Act (OPDES) General Permit that authorizes storm water discharges associated with construction activity from the construction site identified as part of this certification. I have read and understand the Owner/Operators Notice of Intent and Part I. B. eligibility requirements for coverage under the general permit for storm water discharges from construction activities, including those requirements published in the modified OPDES General Permit OKR10 of September 8, 2002, and the Storm Water Pollution Prevention Plan (SWP3) and Best Management Practices (BMP) described in Item 3 above. I agree that as a contractor, builder, regular supplier, or a support service company, I am responsible for installing and/or maintaining the appropriate pollution prevention measures that I am responsible for according to the agreement I have with the permittee.

I understand that continued coverage under this permit is contingent upon maintaining eligibility as provided for in Part I. B of the permit.

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_