

Industrial Stormwater

2017 Multi-Sector General Permit OKR05 for Stormwater Discharges from Industrial Activity



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Outline

- 2017 OKR05 Permit Overview
- DEQ's Permit Administration
- NEC, SWP3, and NOI
- SWP3 Template and Completing Instructions
- Frequently Asked Questions
- Inspections and Enforcement
- OKC's Permit Administration
- Questions and Answers

2017 OKR05 Permit

- After receiving delegation from EPA in 1997, DEQ issued first industrial stormwater general permit effective on October 2, 2000
- Second and third permits were issued on May 3, 2006 and September 5, 2011
- Forth permit was issued on June 5, 2017, which became effective on July 5, 2017

Permit Components

- Eligibility and Coverage
- Notice of Intent Requirements
- Control Measures and Effluent Limits
- Stormwater Pollution Prevention Plan
- Inspections
- Corrective Actions
- Monitoring Requirements
- Reporting and Recordkeeping
- Standard Conditions
- Definitions
- Sector-Specific Requirements
- Appendices

Eligibility and Coverage

- Applies to industrial activities under 29 Sectors, as defined in 40 CFR § 122.26(b)(14)(i)-(xi), except (x)
- Defined by the Standard Industrial Classification (SIC) Codes or Industrial Activity Codes listed in Table 1-3 by Sectors, permit includes a link to cross-reference SIC code with NAICS code
- Located within the State boundary with the exception in Indian Country Land
- Oil & Gas Extraction and Agricultural Production and Services are not covered by OKR05 permit

Eligibility and Coverage

- Allowable Stormwater Discharges in Part 1.2
 - Stormwater discharges associated with industrial activity listed in Table 1-3
 - Stormwater discharges designated by DEQ as needing a stormwater permit
 - Stormwater discharges that are not otherwise required to obtain OPDES permit/authorization but are mixed with discharges that are authorized under this Permit
 - Stormwater discharges from facilities subject to any stormwater-specific effluent limitations guidelines listed in Table 1-1
- Allowable Non-Stormwater Discharges in Part 1.3
- Co-located Industrial Activities

Co-located Industrial Activities

- Described by secondary SIC code, listed in Table 1-3, same operator, sector-specific requirements apply, comingle discharges must meet all applicable numeric and non-numeric limits.
- Different operators, same locations, listed in Table 1-3, not a co-located industrial activity, need separate permit.



Limitations on Coverage

- Part 1.8.1 through Part 1.8.10 describe limitations on coverage
 - For discharges mixed with non-stormwater
 - For stormwater discharges associated with construction activity
 - For discharges currently or previously covered by another permit
 - For stormwater discharges subject to effluent limitation guidelines
 - For discharge compliance with water quality standards
 - For discharges to water quality-impaired waters
 - Endangered and threatened species and critical habitat protection
 - Stormwater discharges subject to antidegradation water quality standards
 - Dischargers notified of permit ineligibility
 - Historic properties preservation

Obtaining an Authorization

- Must be an operator of a primary industrial activity in a sector covered by this permit
- Meet the eligibility requirements in Part 1.2
- Develop and implement a stormwater pollution prevention plan (SWP3)
- Submit a complete and accurate NOI using the form in Appendix B
- Submit your SWP3 to DEQ for review if your facility is located in a sensitive watershed or in a watershed with an approved TMDL
- An operator under Sector J or Sector L, submit your SWP3 to DEQ for review along with the NOI
- Pay the application fee (\$100) and applicable annual permit fee (\$347.71)



Terminating an Authorization

- Notice of Termination (NOT) must be submitted within 30 days after one or more of the following conditions have been met:
 - A new owner or operator has assumed responsibility for the facility
 - Ceased operations at the facility and no longer discharges stormwater associated with industrial activity
 - Obtained coverage under an individual or alternative general permit for all the discharges
- DEQ may perform a site inspection, permit is not terminated until DEQ issues a termination letter

No Exposure Certification (NEC)

- No permit coverage needed due to existence of conditions of no exposure
- If your answer is No to ALL of the questions in Exposure checklist, then you can apply to DEQ for NEC
- Facility is subject to inspection, if you qualify, DEQ will issue certification, no SWP3 is required
- Available facility-wide, not for individual outfalls or for co-located facility/activity
- NEC form must be submitted to DEQ once every 5 years at the reissuance of OKR05 permit, no fees are required
- If the facility terminates operation, an NOT shall be submitted
- Conditional exclusion for No Exposure is not transferable



Transfer of Permit Coverage

- Coverage under this Permit is **not transferable** to any other person or entity
- Any change in ownership or operational control, NOT by current owner and NOI by new owner must be submitted to DEQ at least 30 days prior to take control of the facility
- Any change in ownership/operational control of a portion of the facility, new operator submits an NOI or an NEC and existing operator must revise its SWP3 and submit an NOI for modification
- Any change in the company name, operator must submit NOI for modification. Original permit number will be retained

Notice of Intent (NOI)

- A complete and accurate NOI must be submitted to DEQ for permit coverage. SWP3 must be prepared or updated consistent with Part 4
- All existing permittee's must reapply using the new 2-page NOI form
- Co-located industrial activities don't need a separate permit
- Submit NOIs within 90 days (by October 2, 2017) from the effective date of the permit
- Any discharge will be considered unauthorized, if you miss the deadline, DEQ may take enforcement action for an unpermitted discharge
- For new operator, must receive an authorization prior to commencing operation
- You are not considered covered until you receive an authorization from DEQ

Control Measures and Effluent Limits

- Stormwater control measures can be actions (processes, procedures, schedules of activities, prohibitions on practices and other management practices), structural, or installed devices to minimize or prevent water pollution
- Select, design, install, and implement to meet non-numeric technology-based effluent limits, applicable numeric effluent limits, and water quality-based effluent limits
- Selection, design, installation, and implementation of control measures must be based on good engineering practices and manufacturer's specifications
- Modify these control measures, if you find any ineffective control measures

Non-numeric Technology-Based Effluent Limits

- Comply with the following 10 non-numeric effluent limits and any sector-specific effluent limits in Part 11:
 - Minimize exposure
 - Good housekeeping
 - Preventive maintenance
 - Spills prevention and responses
 - Erosion and sediment controls
 - Runoff management
 - Salt storage piles or piles containing salt
 - Employee training
 - Non-stormwater discharges
 - Dust generation and vehicle tracking of industrial materials

Numeric Technology-Based Effluent Limits

- Sectors A, C, D, E, J, K, L, O, and S are subject to one of the effluent limitations guidelines in Table 3-1
- BPJ-based numeric effluent limitations for coal pile runoff

Water Quality-Based Effluent Limits

- Your discharge must not cause or contribute to an exceedance of applicable water quality standards
- Discharges to water quality-impaired waters
 - Considered discharge to an impaired water if your facility or discharge point is located within 1 mile of a receiving water body
 - Existing Discharger to an Impaired Water without an Established TMDL
 - Existing Discharger to an Impaired Water with an Established TMDL
 - New Discharger or New Source to an Impaired Water
- Antidegradation requirements
- Requirements relating to endangered species and historic properties

Stormwater Pollution Prevention Plan (SWP3)

- Requirements listed in Part 4 of OKR05
- Must be prepared or updated prior to submission of NOI
- SWP3 itself does not contain effluent limits; rather, it constitutes a tool to assist permittees, inspectors, and other authorities in ensuring and documenting that effluent limits are met
- SWP3 is to document the specific **control measures that** the permittee will use to meet the numeric and non-numeric effluent limits contained in the Permit along with other permit requirements
- Should be prepared in accordance with good engineering practices, licensed PE only required for those parts of SWP3 involving the practice of engineering

SWP3 Components

- Stormwater pollution prevention team
- Site description
- Summary of potential pollutant sources
- Sampling Data
- Description of control measures
- Schedules and procedures
- Documentation to support eligibility considerations
- Signature requirements
- SWP3 modifications as a result of corrective actions
- SWP3 availability
- Additional documentations

Inspections

- Routine facility inspection
 - At least quarterly (i.e., once each calendar quarter), or more frequently (monthly or weekly)
 - At least one inspection per year during a stormwater discharge
- Routine facility inspection documentation
- Exceptions to routine facility inspections for inactive and unstaffed sites
 - No industrial materials or activities exposed to stormwater
 - No industrial materials or activities exposed to stormwater is not applicable to Sector J
 - Must document in the SWP3
 - Conduct inspection once per year

Corrective Action

- Certain occurrences will require you to review and revise, as appropriate, your SWP3 to **eliminate problems**
 - An unauthorized release or discharge occurs at your facility
 - A discharge violates a numeric effluent limit
 - Your control measures are not stringent enough to meet applicable water quality standards or the non-numeric effluent limits
 - A required control measure was never installed, was installed incorrectly
 - Whenever a routine inspection, visual monitoring or annual comprehensive site evaluation shows evidence of stormwater pollution

Corrective Action

- Certain occurrences will require you to review your SWP3 to determine if **modifications** are necessary
 - Construction or a change in design, operation, or maintenance that significantly changes the nature of pollutants discharged in stormwater, or increases the quantity of pollutants discharged or
 - If the results of quarterly visual samples indicate that what you have observed would lead a reasonable person to believe that the stormwater was polluted
- Corrective Actions and Deadlines (Immediate & Subsequent)
- Corrective Action Report
- Substantially Identical Outfalls
 - Assess the need for corrective action for all related substantially identical outfalls

Monitoring Requirements

- Collect and analyze stormwater samples and document monitoring activities
- Applicable monitoring applies to each outfall, unless exempted from monitoring as a substantially identical outfall
- Substantially identical outfall designation is not applicable to any outfall with numeric effluent limitations
- All required monitoring must be performed on a measurable storm event (greater than 0.1 inch, may use on-site rain gauge)
- Minimum of 1 grab sample from a discharge resulting from a measurable storm event within first 30 minutes of a discharge, for applicable ELG monitoring, follow 40 CFR Part 136 requirements

Monitoring Requirements

- Monitoring requirements begin in the first full quarter following either October 1, 2017 or date of discharge authorization
- Monitor at least once in each quarter following 3-month intervals (January 1 – March 31; April 1 – June 30; July 1 – September 30; and October 1 – December 31)
- Yearly monitoring period is from January 1 to December 31
- Adverse weather conditions, take a substitute sample during the next qualifying storm event
- Monitoring data must be reported electronically using eDMR Tool that is available on DEQ's website

Monitoring Requirements

- Four types of required analytical monitoring, one or more of which may apply to your discharges:
 - Quarterly visual monitoring of stormwater discharges
 - Annual effluent limitations guidelines monitoring
 - Impaired waters monitoring
 - Other monitoring as required by DEQ
- When more than one type of monitoring for the same pollutant is required, use a single sample to satisfy both monitoring requirements
- Exceedance of an effluent limitation monitoring will require you to take corrective action and do additional monitoring

Quarterly Visual Monitoring

- Perform visual monitoring or assessment of stormwater discharges from each outfall with exception, no sampling for substantially identical outfalls
- Grab samples shall be collected, once per quarter per outfall, during a qualified storm event, 40 CFR Part 136 procedures don't apply
- Sample shall be collected in a clean, colorless glass or plastic container, and examined in a well-lit area **within 60 minutes** after collecting it
- Visually inspect/observe the sample for: Color, Odor, Clarity, Floating Solids, Settled Solids (after 60 minutes), Suspended Solids, Foam, Oil Sheen, and other obvious indicators of stormwater pollution
- Evidence of stormwater pollution, initiate corrective action procedures
- An automatic sampler is not recommended for collecting samples

Effluent Limitations Monitoring

- Sectors A, C, D, E, J, K, L, O, and S are subject to effluent limitation guidelines
- Monitor once per year (the yearly monitoring period is from January 1 to December 31) at each outfall
- Substantially identical outfall monitoring provisions are not available for numeric effluent limits monitoring
- Grab samples shall be collected during a qualified storm event, 40 CFR Part 136 procedures applies
- Conduct follow-up monitoring within 30 calendar days (or during the next qualifying runoff event, should none occur within 30 days) in case of exceedance, must submit an exceedance report to DEQ
- Continue to monitor, at least quarterly, until your discharge is in compliance with the effluent limit or until DEQ waives



Impaired Waters Monitoring

- Impaired waters without an established TMDL or watershed plan
 - Monitor all pollutants for which the waterbody is impaired once per year at each outfall, except for substantially identical outfall
 - No monitoring when a waterbody is impaired but no pollutant is specified as causing the impairment
 - Discontinue monitoring for that pollutant if non-detect or not expected to be present in your discharge or caused by natural background sources
 - You must notify DEQ regarding discontinuation of monitoring due to non-detection of a pollutant or caused solely by natural background sources
- Impaired waters with an established TMDL or watershed plan
 - Monitor for the pollutant that likely to be present in your discharge and have an allocation in the TMDL plan at a frequency established in the TMDL
 - Monitoring does not apply at a facility that is inactive and unstaffed
- Additional monitoring required by DEQ



Reporting and Recordkeeping

- All numeric monitoring data must be submitted to DEQ electronically using the eDMR tool
- Must be submitted by the 15th day of the month
- In case of no discharge, submit eDMRs to DEQ stating no discharge
- Submit signed copies of DMRs to MS4 operator if you discharge through a regulated MS4
- **Annual Reporting Requirement**
 - Submit an Annual Comprehensive Site Compliance Evaluation Report (ACSCER) using the Form 606-005 each year by March 1

Reporting and Recordkeeping

- **Exceedance Report for Numeric Effluent Limitations**
 - Submit an Exceedance Report to DEQ no later than 30 days
- **Additional Reporting**
 - Reportable quantity spills
 - Planned changes
 - Anticipated noncompliance
 - Compliance schedules
 - Other noncompliance; and
 - Other information
- **Record Retention**
 - Retain copies of your SWP3 (including any modifications) and all other reports required by this permit for a period of at least 3 years from the date that your coverage under this permit expires or is terminated



Remaining Components

- Standard Conditions
- Definitions
- Sector Specific Requirements
- Appendices
 - Oklahoma ORW, Sensitive Waters, and Procedures Related to Endangered Species Protection
 - Notice of Intent (NOI) Form
 - Notice of Termination (NOT) Form
 - No Exposure Certification (NEC) Form
 - Annual Comprehensive Site Compliance Evaluation Report (ACSCER) Form
 - Notice of Certification of Industrial Existence (NCIE) Form
 - Spill Prevention and Response Procedures Checklist

Questions & Answers

