



Oklahoma Department of Agriculture, Food, and Forestry

General Permit OKR140000 Fact Sheet

Fact Sheet for the Draft Oklahoma Agricultural Pollutant Discharge Elimination System (AgPDES) General Permit for Discharges from Construction Activities

Agency: Oklahoma Department of Agriculture, Food, and Forestry
Agricultural Environmental Management Services Division

Action: Notice of Draft AgPDES General Permit

Date:

I. Summary

The Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) is proposing a renewal of the AgPDES Construction General Permit (OKR140000) which authorizes stormwater discharges from construction sites into surface waters within the borders of the state of Oklahoma. The general permit specifies who must obtain a permit, who is eligible for a waiver, the effluent limitations associated with the permit, and the responsibilities of the operator covered by the permit. The general permit outlines the requirement to develop and implement a SWPPP for construction projects covered by the permit, unless a waiver is obtained. The general permit allows for the authorization of projects who meet the definition of a “small construction activity” (greater than 1 acre and less than 5 acres) that have met certain requirements and have obtained a small construction waiver, as outlined in Appendix B.

II. Permit Rationale

1. How to Obtain Permit Coverage under the CGP – ODAFF’s permit has eligibility conditions similar to EPA’s CGP. Generally, the eligibility conditions required of all projects consist of the following: the applicant is an “operator” of the construction project; the project will disturb 1 acre or more; your project falls under the authority of ODAFF and not the authority of Oklahoma Department of Environmental Quality (ODEQ); the discharge is not already or in the process of being covered by an AgPDES permit for the same discharge; the applicant is able to meet one of the criteria listed in Appendix D; and the applicant has completed the screening process in Appendix E.

The permit also requires additional eligibility conditions for specific project types. The project types include: emergency-related construction activities, new sources, new sources that discharge to waters designated as High Quality Waters (HQW), and projects that use cationic treatment chemicals. The

eligibility conditions for each type of project are similar to those required by EPA's CGP.

This part also addresses discharge activities covered by the permit, which remains unchanged from the previous permit. It also addresses the requirement to submit a Notice of Intent (NOI), denial of coverage, end date of coverage, and continuation of this permit.

2. Effluent Limitations Applicable to all Discharges from Construction Sites – Part 2 of the permit addresses effluent limitations. The limitations described in this part are the same or similar to those contained in EPA's permit.
3. Water Quality-Based Effluent Limitations – Part 3 of the permit addresses water quality-based effluent limitations. The permit requires that an operator note on their NOI any Outstanding Resource Waters (ORW), HQW, or Sensitive Public and Private Water Supply (SWS) waters that the project will discharge to. New projects that discharge to ORW, HQW, or SWS waters must comply with Parts 4.1.3 and 2.2.1.3(c), as well as any additional permit conditions that ODAFF determines necessary for antidegradation requirements.
4. Inspections – Part 4 of the permit provides the inspection requirements for projects covered under this permit. The inspection requirements remain unchanged from the previous permit.
5. Corrective Actions – Part 5 of the permit requires that the operator take corrective actions that may include: repair, modification, or replacement of any stormwater controls used at the site; the cleanup and proper disposal of spills, releases, or other deposits; or the remedy of any permit violations. ODAFF may require corrective actions as a result of permit violations found during inspection. The requirements of this section are similar to those required by EPA's permit.
6. Staff Training Requirements – Part 6 provides the staff training requirements of the operator. These requirements remain unchanged from the previous permit.
7. Stormwater Pollution Prevention Plan (SWPPP) – Part 7 requires that all operators create and implement a SWPPP. The requirements of the SWPPP contents and implementation are similar to those required by EPA's permit.
8. How to Terminate Coverage – Part 8 provides for a way for the operator to terminate coverage by submitting a Notice of Termination (NOT). The requirement and procedures for submitting an NOT remain unchanged from the previous permit.

III. Activities Covered

The purpose of this AgPDES general permit is to authorize discharges from stormwater runoff associated with small and large agricultural construction sites to surface waters within the borders of the state of Oklahoma. The general permit specifies which operators may be authorized under this general permit, which operators are eligible for a waiver, and which operators may be required to obtain authorization under an individual permit.

The general permit shall apply to all stormwater discharges (i.e., stormwater runoff, snowmelt runoff, and surface runoff and drainage) associated with construction activity as well as activities which directly support the construction activity so long as the supporting activities meet the conditions given in 1.3.c of the general permit.

The general permit does not authorize the discharge of process wastewater or non-stormwater discharges,

except those related to the construction activity, such as, but not limited to:

1. discharges from emergency fire-fighting activities;
2. fire hydrant flushings;
3. landscape irrigation;
4. water used to wash vehicles and equipment (excluding discharge of soaps, solvents, or detergents);
5. water used to control dust;
6. potable water including uncontaminated water line flushings;
7. routine external building washdown that does not use detergents;
8. pavement wash waters provided spills or leaks of toxic or hazardous materials have not occurred, no detergents have been used, and pavement wash waters are not directed into any surface water, storm drain, or other stormwater conveyance unless the conveyance is connected to a sediment basin, sediment trap, or similar control mechanism;
9. uncontaminated air conditioning or compressor condensate;
10. uncontaminated, non-turbid discharges of ground water or spring water;
11. foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated groundwater; and
12. construction dewatering water that has been treated by an appropriate control under Part 2.1.34;

The general permit also covers discharges of stormwater listed in Part 1.3(a-c) of the general permit or authorized non-stormwater discharges listed in Part 1.3(d) of the general permit, commingled with a discharge authorized by a different AgPDES permit and/or discharges that do not require AgPDES authorization.

IV. Effluent Limitations

The Oklahoma Administrative Code (OAC) 35:44-3-5 states that EPA effluent guidelines are adopted and incorporated by reference in OAC 35:44-1-2. Therefore, effluent guidelines contained in Title 40 Chapter I Subchapter N Part 450 are incorporated into Oklahoma's rules. Part 2 of ODAFF's CGP fulfills the requirements in the regulations stated above. General requirements of Part 2 include erosion and sediment control, stabilization requirements, and pollution prevention requirements. The requirements in Part 2 of the permit are similar to those required by EPA's permit and remain essentially unchanged from the previous permit.

Additionally, this permit does not allow for departures from application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label.

V. Water Quality-Based Effluent Limitations

The AgPDES Director has made the determination that discharges from construction sites in accordance with this general permit will comply with Oklahoma Water Quality Standards (OAC 785:45). However, any discharge from a construction site which results in a long-term or permanent impact on a designated water use will be subject to enforcement action and/or individual permit action under the Oklahoma Water Quality Standards.

VI. Inspections

Operators are required to have a “qualified person” conduct inspections in accordance with either 4.1.2.1 or 4.1.2.2, unless the operator is subject to Part 4.1.3 or Part 4.1.4. The person may either be a person on your staff or a third party. Unless an operator is subject to the requirements of Part 4.1.3 or Part 4.1.4, inspections must take place at least once every 7 days *or* once every 14 calendar days and within 24 hours of a rainfall event of .25 inches or greater.

If an operator discharges to sensitive waters (ORW, HQW, OR SWS waters), the operator must perform inspections according to Part 4.1.3. The operator may also qualify for a reduction in inspection frequency under Part 4.1.4.

This part of the general permit also describes areas to be inspected, requirements for inspections, inspection reports, and the rights of ODAFF to perform inspections. The requirements of this part remain essentially unchanged from the previous permit.

VII. Corrective Actions

Part 5 of the permit requires the operator to perform any necessary corrective actions as described in Part 5. Corrective actions may include: repair, modification, or replacement of any stormwater controls used at the site; the cleanup and proper disposal of spills, releases, or other deposits; or the remedy of any permit violations. The requirements and deadlines for corrective actions to be taken have not changed from the previous permit and can be found in 5.2.1. The SWPPP must be updated within 7 days if any corrective actions involve a change of stormwater controls.

Operators are also required to comply with all corrective actions required by ODAFF. Corrective action reports must be completed and maintained in the operator’s records, but are not required to be submitted to ODAFF. The deadlines and items required for corrective action reports can be found in Parts 5.4.1 and 5.4.2. These reports must be signed in accordance with 5.4.3 and the reports must be retained for at least 3 years from permit expiration or termination.

VIII. Staff Training Requirements

Operators are required to insure personnel described in Part 6 of this permit understand their responsibilities in relation to the requirements of this permit. Personnel must be trained to understand that which is related to their particular duties, which may include: location of all stormwater controls on the site required by the permit and how they are to be maintained; proper procedures to follow according to the SWPPP requirements; and when and how to conduct inspections, record applicable findings, and take corrective actions. The requirements of this part remain unchanged from the previous permit.

IX. Stormwater Pollution Prevention Plan

Part 7 of the permit requires operators to develop a SWPPP prior to submitting an NMP. Part 7.2 describes the required contents of the SWPPP. Other items may be required as described elsewhere in the permit. Those operators who have developed a SWPPP for a previous version of this AgPDES permit must review and update the SWPPP to meet the requirements of this general permit.

To fulfill the requirements of the SWPPP, the operator(s) must designate a “stormwater team” responsible for developing and updating the SWPPP. This team must be identified by name or position and each

corresponding responsibility. The operator is also required to include a list of all other operators who may be involved with the construction activities.

The SWPPP must include a description of the nature of the construction activities, as described in 7.2.2. Special provisions are provided for emergency related projects in Part 1.2. In these cases, the cause of the public emergency, information substantiating the occurrence, and a description of the construction activities must be recorded.

The SWPPP must include a schedule of construction activities, generally including: when stormwater controls will be installed and operated, commencement of construction activities, any temporary or permanent cessation of construction activities, dates of final or temporary stabilization, and removal of temporary stormwater conveyance channels, construction vehicles, and cessation of any pollutant generating activities.

The site map included with the SWPPP must include all boundaries and locations described in Part 7.2.6 along with a description of pollutant generating activities at your site and an inventory of the pollutants associated with the activity (Parts 7.2.7.1 and 7.2.7.2). Part 7 also requires the operator to identify all allowable non-stormwater discharges. Those operators required to comply with Part 2.1.2.1 must describe which compliance alternative they have selected.

Stormwater control measures described in 7.2.10 have remained unchanged from those described in the previous permit. Also, items not changed are the spill prevention and response procedures as well as the waste management procedures described in 7.2.11. Part 7 also describes the procedures for inspection, maintenance, corrective action, staff training, SWPPP certification, and post-authorization additions to the SWPPP. Part 7.4 describes the post-authorization required SWPPP modifications.

X. How to Terminate Coverage

Part 8 ODAFF's CGP describes the steps and minimum information required to submit an NOT. Conditions given in 8.2 must be met for a permit to be terminated. Otherwise, the operator is required to comply with all conditions and effluent limitations required by the permit. The NOT must be submitted within 30 calendar days after any triggering event listed in Part 8.2.

XI. Public Notices

Upon publication of the public notice of the general permit, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested person may submit written comments on the permit. Any interested person may also submit a written request for clarification of issues related to the content of the general permit or the permit issuance process. Interested persons may also submit written requests for notification of the final permit decision or to request a public hearing to clarify issues involved in the permit decision. A request for a public hearing shall state the nature of the issues proposed to be raised in the hearing. The public notice specifies that written comments and/or written requests shall be submitted to ODAFF Agricultural Environmental Management Services (AEMS) Division and that written comments and/or written requests must be received by ODAFF by a specific deadline.

Public notice will be published in:

The Oklahoman

ODAFF AEMS Division web page at <http://www.oda.state.ok.us/aems/agpdes.htm>

The draft permit and fact sheet will be available for review at ODAFF AEMS Division, 2800 N Lincoln Blvd, Oklahoma City, OK 73105 from 8:00 a.m. to 4:30 p.m., Monday through Friday (except holidays).

The AEMS division will send notification of the final permit decision to each person who has submitted written comments or a written request for notification of the final decision.

XII. Schedule of Compliance

Dischargers shall be in compliance with the permit limitations and conditions as of the date of coverage under the general permit.

XIII. Final Determination

On the basis of preliminary staff review, the Oklahoma Department of Agriculture, Food, and Forestry has made a tentative determination to issue the permit for the discharges described in the general permit OKR140000.