



GCSA FACT SHEET
OKR05 REQUIREMENTS ON RE-APPLYING FOR COVERAGE
Prepared by INCOG, June 2013

INCOG NOTE: Many GCSA members have OKR05 permit coverage for one or more “industrial activities”, mostly as wastewater treatment plants (WWTPs) and airports. OKR05 is ODEQ’s stormwater general permit for industrial activities. **All OKR05 permittees had 90 days from date of OKR05 reauthorization (September 5, 2011) to re-apply for coverage** if you already had OKR05 coverage to discharge stormwater. However, many OKR05 permittees have not yet submitted their Notice of Intent (NOI) and associated attachments, nor updated their Stormwater Pollution Prevention Plan (SWP3) to address the new OKR05 requirements. **ODEQ is now sending out letters to OKR05 permittees stating that they must re-apply and modify their SWP3 or face possible enforcement action.** This Fact Sheet summarizes the process and requirements for re-applying for OKR05 coverage. It cites verbatim quotes from OKR05 with critical text highlighted, and INCOG has inserted comments (in blue text).

PART 1:

1.2.5 Limitations on Coverage

7. Discharges to Water Quality-Impaired or Water Quality-Limited Receiving Waters.

- B. You are not authorized to discharge any pollutant into any water for which a Total Maximum Daily Load (TMDL) has been either established or approved by the EPA unless your discharge is consistent with that TMDL. This provision applies only to discharges containing the pollutant(s) for which the water body is impaired.
 - a. If a TMDL is established for any water body into which you discharge prior to the date that you submit a NOI, and if that TMDL includes a waste load allocation or load allocation for a parameter likely to be discharged by the facility, your discharges must meet the requirements of the TMDL and/or its associated implementation plan within any timeframes established in the TMDL. Monitoring and reporting of the discharges may also be required as appropriate to ensure compliance with the TMDL.
 - b. If a TMDL is approved for any water body into which you discharge after the date that you submit a NOI, you must incorporate any limitations, conditions, and requirements applicable to your discharges into your SWP3 to ensure that the waste load allocation, load allocation and/or the TMDLs associated implementation plan will be met within any timeframes established in the TMDL. Monitoring and reporting of the discharges may also be required as appropriate to ensure compliance with the TMDL.

If you discharge to impaired waters without a completed TMDL, you must take all necessary actions to ensure that future discharges do not cause or contribute to an stream exceedance of a water quality standard and must document these actions in your SWP3.

1.3.3 Maintaining the Coverage of this Permit

1. If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued and remain in force and effect. If you were authorized to discharge under this permit prior to the expiration date, any discharges authorized under this permit will automatically remain covered by this permit until the earliest of:
 - A. Your authorization for coverage under a reissued permit or a replacement of this permit following your timely and appropriate submittal of a complete NOI requesting authorization to discharge under the new permit and compliance with the requirements of the new permit; or
 - B. Your submittal of a Notice of Termination; or
 - C. Issuance or denial of an individual permit; or
 - D. A formal permit decision by the DEQ not to reissue this general permit, at which time the DEQ will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease at the end of this time period.
2. If you currently maintain coverage of this permit, you must pay the annual permit fee in according to OAC 252:606; you must continually update and implement your SWP3 and BMPs for your facility to comply with the requirements of this permit, including submittals of Annual Comprehensive Site Compliance Evaluation Report (ACSCER) and Discharge Monitoring Report (DMR).

PART 2:

2.1.1 When is Your Authorization to Discharge Effective?

For new industrial facilities that are not currently covered by a multi-sector industrial permit, you are not considered covered until you receive authorization from the DEQ. For industrial facilities that are currently covered under the DEQ general permit OKR05 of May 3, 2006, you must submit a new NOI Form 605-002B within 90 days of the effective date of the permit and receive authorization. [INCOG NOTE: 90 days from September 5, 2011 is December 4, 2011]

2.1.2 Submitting a Late NOI

You are not prohibited from submitting an NOI after the deadlines provided in Table 2-1. If a late NOI is submitted, your authorization is only for discharges that occur after you receive authorization. The DEQ reserves the right to take appropriate enforcement actions for any unpermitted discharges. [INCOG NOTE: "unpermitted discharges" would be any discharges not covered by OKR04 from December 4, 2011 to the time when the permittee received authorization after re-applying = submitting a new NOI and attachments]

2.1.3 Permit Coverage for MSGP 2006 Permittees

1. If you had coverage for your facility under the MSGP 2006, and an authorization was issued by the DEQ, you must reapply to the DEQ for any new authorization under this permit. The purpose for reapplying is for the owner/operator to certify that they understand any new requirements of this permit and will comply. Authorization under the MSGP 2006 will be administratively extended for a period not to exceed 90 days from the effective date of this permit. [INCOG NOTE: technically, all existing OKR05 coverage terminated after December 4, 2011 unless the permittee re-applied for coverage]
2. If you currently have coverage for your industrial facility authorized by the DEQ under the MSGP 2006, you do not have to file a Notice of Termination with the DEQ. Your authorization will automatically expire on May 2, 2011, and although you will be covered during an interim period of up to 90 days you must apply for coverage under this permit using the DEQ Form 605-002B. You must review and update your SWP3 and BMPs within 90 days of the effective date of this permit for your facility to comply with the requirements of this permit.

2.2 Contents of Notice of Intent (NOI) Exhibit 2

Your NOI for coverage under this permit must include the following information:

2.2.1 Facility Owner/Operator

1. Name of the owner/operator and phone number
2. Mailing address, including the City, State, and ZIP code
3. Status of Owner/Operator
F = Federal; S = State; M = Municipal; P = Private

2.2.2 Site Information

1. Name of the facility
2. The physical address or description of the location
3. City, State, ZIP code
4. Latitude and longitude
5. The name of the county in which your facility is located

2.2.3 Facility activity

1. The name of the Municipal Separate Storm Sewer System (MS4) operator in which your facility is located, regardless of its population.
2. The name of the closest receiving water body.
3. Your primary and secondary SIC codes or two letter activity code (e.g. HZ, SE, LF and TW).
4. The SIC Codes or activity codes that best represent the principal product produced or services rendered by your facility, and major co-located activities should be listed on the NOI.

5. Is your facility required to submit annual numeric effluent limitation monitoring reports?
6. Is your SWP3 developed?
7. Other operational OPDES permit numbers.
8. Complete the section for Endangered Species. See Exhibit 1.
9. Enter the Sector applicable to your industrial facility according to Table 1-2 found in Part 1.2.1. Sector codes range from "A" to "AD". You must have a copy of the sector specific permit information.

2.2.4 Certification

Read the certification on the NOI carefully, then print your name, title, date, and sign your name. There are substantial penalties for certifying false information.

2.2.5 Eligibility Screening

Based on the instructions in Exhibit 1, determine if your facility is located near a sensitive water or watershed. It is very important that you perform all necessary research to determine whether you are actually within any of these areas. You can use a topographic or quadrangle map or DEQ Data Viewer at http://maps.deq.ok.gov/deq_wq to confirm your facility is inside or outside these areas. The DEQ will confirm whether your response is correct or not.

A certification must be signed and dated by an authorized representative of your facility as detailed in Part 8.7, which states the following:

"I certify under penalty of law that I have read and understand Part 1.2 of the permit eligibility requirements for coverage under the Storm Water Multi-Sector Industrial General Permit, including those requirements relating to the protection of endangered or threatened species or critical habitat, Exhibit 1. Furthermore, this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I understand that continued coverage under the Storm Water Multi-Sector Industrial General Permit is contingent upon maintaining eligibility as provided for in Part 1.2"

2.3 Use of the NOI Form

You must submit the information required under Part 2.2 on the latest version of the NOI form (or photocopy thereof) contained in Exhibit 2. Your NOI must be signed and dated in accordance with Part 8.7 of this permit.

2.4 Where to Submit

Your NOI must be submitted to the DEQ, Storm Water Program at the following address:
DEQ - ECLS

Storm Water Program
P.O. Box 1677
Oklahoma City, OK 73101-1677
or faxed to 405-702-6226.

2.5 Additional Notification

If your facility discharges through a Municipal Separate Storm Sewer System (MS4), or into a MS4 that has been designated by the permitting authority, you must also submit a signed copy of the NOI to the MS4 upon request by the MS4 operator.