

# OKR04 Organization, Requirements vs. Recommendations, Parts

## GCSA Employee Training

Tulsa Mohawk Education Auditorium

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Richard Smith, INCOG Contractor

# OKR04 Parts (Sections)

- Part I: Coverage Under This Permit.
- Part II: Notice of Intent (NOI) Requirements.
- Part III: Special Conditions.
- Part IV: Stormwater Management Program (SWMP).
- Part V: Monitoring, Record Keeping and Reporting.
- Part VI: Standard Permit Conditions.
- Part VII: Definitions.
- Part VIII: Optional Permit Requirements for Municipal Construction Activities.

# OKR04 Exhibits (Appendices)

- Exhibit 1: Endangered and Threatened Species and Their Critical Habitat of Concern.
- Exhibit 2: Notice of Intent (NOI) Form.
- Exhibit 3: Notice of Termination (NOT) Form.
- Exhibit 4: Buffer Guidance.

The Buffer Guidance in Exhibit 4 is taken verbatim from the OKR10 construction general permit. It applies to the “Optional 7<sup>th</sup> MCM” covered in OKR04’s Part VIII.

# OKR04's Core SWMP-Related Parts

- Part III: Special Conditions.
  - Covers 303(d), water quality standards, TMDLs and ORWs.
- Part IV: Stormwater Management Program (SWMP).
  - By far, the most important part of OKR04.
  - Covers requirements for all 6 Minimum Control Measures.
- Part VIII: Optional Permit Requirements for Municipal Construction Activities.
  - This part only applies to those permitted MS4s that select the “Optional 7<sup>th</sup> MCM” on the NOI form.

# Requirements vs. Recommendations

- Part IV of the 2005 OKR04 permit was divided into 3 sections: required, recommended and rationale.
- The “Rationale” sections had suggestions that were not explained as either requirements or recommendations.
- The 2015 OKR04 permit deleted the “Rationale” sections and moved the suggestions to either Required or Recommendations.
- Part IV.C states: *“You are encouraged to consider the information included in “Recommendations” and incorporate them as appropriate, but “Recommendations” are not requirements.”*

# Requirements vs. Recommendations

- Having said this, it does not mean that all Recommendations can be ignored.
- ODEQ intends for each permittee to use some of the Recommendations, or elect to use similar activities.
- There is no guidance or “Rule of Thumb” on which Recommendations ODEQ will want you to select.
- ODEQ expects that local conditions and circumstances will affect how the permittee selects Recommendations or similar BMPs.
- This is part of the customizing of each permit to local conditions and needs.

# Finding Topics and Issues in OKR04

- While the reorganization of OKR04 is much improved over 2005, unfortunately OKR04 has to address many technical issues in more than one Part.
- Consequently to find out, for example, what OKR04 requires for addressing 303(d) impairments, a “word search” must be done of the entire document.
- Word search results then must be compiled and examined for particular requirements or looked at as a whole.
- INCOG has prepared many GCSA Fact Sheets on issues of importance; more will follow as needed.

# Part I – Key Elements

- I.B – Authorized Discharges.
  - Lists types of discharges you may allow; must put determination documentation in your SWMP.
  - Firefighting activities may require negotiations with fire department and city management.
- I.E – Eligibility Criteria for Endangered Species.
  - Must select 1 of 5 Criteria and document justification in your SWMP.
- I.F – Obtaining Authorization.
  - NOI filing basics and permit fees.



# Part II – Key Elements

- II.A – NOI Notification Deadlines.
  - The 90 day and 180 day filing deadlines for new and existing.
  - Also includes information on SWMP changes and Summary Status report.
- II.B – NOI Contents.
  - Descriptions of each section on the NOI form.
- II.C – NOI Submittal Address.
- II.D – Co-Permittee.
  - Basic Information for this permitting option.

# Part III – Key Elements

- III.A.1 – 303(d) impairments.
  - Lists how to address 303(d), especially bacteria.
- III.A.2 – Water Quality Standard (WQS) protection.
  - Only applies if ODEQ notifies permittee of a WQS exceedance.
- III.B – TMDL or watershed plan compliance.
  - Covers TMDLs established before and after filing NOI.
- III.C – Outstanding Resource Waters (ORW).
  - ORWs are “Oklahoma Scenic Rivers” and their tributaries.
  - Only applies to Tahlequah.

# Part IV – Key Elements

- IV.A – SWMP Requirements.
  - Detailed requirements for new and existing permittees.
- IV.A.5 – Sharing Responsibility (with another governmental entity).
- IV.B – Required SWMP Updates (if notified by ODEQ).
- **IV.C – Minimum Control Measures** (detailed technical requirements; this is the heart of the permit).
- IV.D – Reviewing and Updating the SWMP.
- IV.E – Transfer of Ownership or Operational Authority.
  - Must implement SWMP to new areas in MS4.

# Part V – Key Elements

- V.A – Monitoring.
  - Pertains to any sampling and/or measurements you may do.
  - Requires 40 CFR Part 136 laboratory methods.
- V.B – Record Keeping.
  - Requires keeping records for at least 3 years.
- V.C – Annual Reports.
  - Contents and descriptions of information to be submitted.
  - EPA’s recent “e-Reporting Rule” will affect how AR’s are prepared and submitted. ODEQ will advise in 2016.

# Part VI – Key Elements

- VI.A – Duty to Comply – penalties for non-compliance.
- VI.C – Continuation of the Expired General Permit.
- VI.H – Signatory Requirements – and certification text.
- VI.K – Inspection and Entry – must allow ODEQ access.
- VI.T – 24 Hour Reporting of non-compliance.
  - Applies to “upsets” and “bypasses”, not to Measurable Goals.
  - Added by EPA to be consistent with WWTP rules.

# Part VII – Key Definitions

- Best Management Practices (BMPs).
- Construction site operator.
- Illicit discharge.
- Maximum Extent Practicable (MEP) – technology limit.
- Municipal Separate Storm Sewer System (MS4).
- Outstanding Resource Water (ORW).
- Small MS4.
- Stabilization – temporary and final.
- Stormwater.
- Total Maximum Daily Load (TMDL).
- Waters of the State.

# Part VIII – Key Elements

- VIII.A – Optional for Small MS4s – includes SWMP requirements.
- VIII.B.1 – Eligibility – types of construction activities covered.
- VIII.B.2 – Authorized Non-Stormwater Discharges.
- VIII.B.3 – Non-Numeric Technology Based Effluent Limitations.
  - Clarifies these are technology-based limits, not WQ-based.
    - a. Erosion and sediment control requirements.
    - b. Stabilization requirements.
    - c. Pollution prevention measures.

# Part VIII – Key Elements

- VIII.B.4 – WQ Based Effluent Limitations (WQBELS).
  - Must protect Water Quality Standards; ODEQ will notify.
    - a. Covers discharges to 303(d) waters.
    - b. Covers discharges to ORW and ARC areas.
- VIII.B.5 – Endangered Species.
  - a. First determine ARC location.
  - b. Implement control measures including buffers.
- VIII.B.6 – SWP3 Requirements.
- VIII.B.7 – Contents of the SWP3 (10 pages).



# Thank you.

## Any Questions ?



Richard B. Smith

INCOG

(918) 579-9450

[rsmith@incog.org](mailto:rsmith@incog.org)

