

Storm Water Quality (SWQ) Construction/Land Disturbance Plan Review and Permitting

2018
Oklahoma City
Construction
Workshop



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www.okc.gov/swq

WHY DO YOU NEED TO PERMIT?



It's the law!

Federal, State, and City

Oklahoma City Municipal Code – Chapter 48 Article II. Grading, Erosion and Sediment Control

Chapter 48-16 (a) *Land Disturbing Activities – Requiring a permit.*

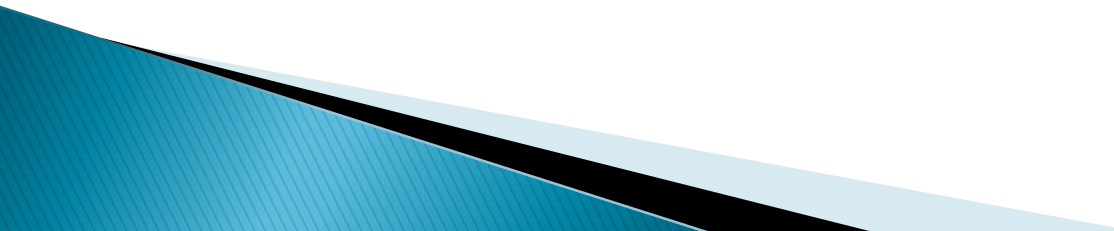
No person may perform **any land disturbing** activity, or cause or allow any land disturbing activities on land owned or controlled by such person without first obtaining a valid site-specific permit.

ITEMS NEEDED FOR A PERMIT

1. **Notice of Intent (NOI)**

- Sites under one acre of disturbance use form OKC-SWQ C-1
- Sites over one acre of disturbance use ODEQ form 605-002A
- NOI must be signed by the owner/operator

2. **Storm Water Pollution Prevention Plan (SWPPP)**

- Sites under one acre use the City of Oklahoma City's SWPPP
 - Sites over one acre use the EPA SWPPP Template
 - NOI and SWPPP must be signed by the owner/operator
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ITEMS NEEDED FOR A PERMIT

3. Erosion Control Site Plan

- Must show entire site to be disturbed
- Must show the direction water flows on the property.
- Must identify all storm water outfalls
- Must show placement of all best management practices on site.

4. Jurisdictional Determination/Oklahoma Corps of Engineers

If the USGS 7.5 Minute Quadrangle maps indicate that “Waters of the United States” and “Wetlands” exist within this project the applicant is required to submit documentation from the COE showing approval for the proposed work.


ITEMS NEEDED FOR A PERMIT

5. **Permit fees** must be submitted to the Oklahoma City Treasures Office before the permit is issued.



Notice of Intent

- The initial form that notifies the permitting authority of your intent to disturb soil within their jurisdiction.
- City NOI – Projects under One (1) Acre
- ODEQ NOI – Projects over One (1) Acre
- Key items:
 - Purpose of project
 - Total area of project
 - Location
 - Contact info
 - Impervious surface before/after
 - Signature of person responsible
 - Receiving waterbody

DEQ Form 606-002A Oct 18, 2017	 DEPARTMENT OF ENVIRONMENTAL QUALITY	Oklahoma Department of Environmental Quality Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity under the OPDES Construction General Permit OKR10
<small>Submission of this NOI constitutes notice that the party identified in Section I of this form intends to be authorized by DEQ for stormwater discharges associated with construction activity on land disturbance of equal to or greater than 1 or more acres, or less than 1 acre of total land area that is part of a larger common plan of development or sale in the State of Oklahoma. Becoming a permittee obligates such discharger to comply with the terms and conditions of the OKR10 permit. To obtain an authorization from DEQ, this form must be complete with all the pertinent information. All associated fees must be submitted with this NOI. See instructions for completing the NOI on pages 3 and 4 of this form.</small>		
<input type="checkbox"/> NEW APPLICATION, <input type="checkbox"/> MODIFICATION or <input type="checkbox"/> RENEWAL of current permit, enter the authorization number: OKR10		
I. Operator Information		
Operator Name: _____ Phone: _____		
Mailing Address: _____		
City: _____ State: _____ Zip Code: _____		
Operator's Point of Contact: _____ Title: _____		
Phone: _____ E-mail: _____		
II. Site/Project Information		
Site/Project Name: _____ Phone: _____		
Site/Project Address: _____		
City: _____ County: _____ State: _____ Zip Code: _____		
Site/Project's Point of Contact: _____ Title: _____		
Phone: _____ E-mail: _____		
Site/Project's purpose: <input type="checkbox"/> Road/Bridge <input type="checkbox"/> Wind Farm <input type="checkbox"/> Residential Subdivision <input type="checkbox"/> Commercial Building <input type="checkbox"/> Others		
Latitude: _____ Longitude: _____ at the center of the Site/Project or starting and ending points for Linear Project		
Latitude: _____ Longitude: _____		
Estimated construction start date: _____ Estimated construction end date: _____		
Total area of the construction site: _____ (acres) Estimated area to be disturbed: _____ (acres)		
Current total impervious area: _____ (acres) Post-construction total impervious area: _____ (acres)		
Post-construction runoff coefficient of the site: _____ Soil and fill material description: _____		
Is this site part of the common plan of development or sales? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Endangered Species Eligibility		
a. <input type="checkbox"/> My site/project is not located within any of the corridors of Federal and State identified Aquatic Resources of Concern (ARC);		
b. <input type="checkbox"/> My site/project is located within a corridor of Federal and State identified ARC and I agree to implement the control measures specified in Step 2 of Part 10.2 of the OKR10 permit;		
c. <input type="checkbox"/> If one of eligibility criteria cannot be met, I may use Addendum H for equivalent sediment controls or contact DEQ at (405)702-8100 for further assistance;		
d. <input type="checkbox"/> I am required to have an Endangered Species Act Section 7 consultation process and		
e. <input type="checkbox"/> I am relying on another permittee's certification of eligibility and agree to comply with the conditions of that certification.		

STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

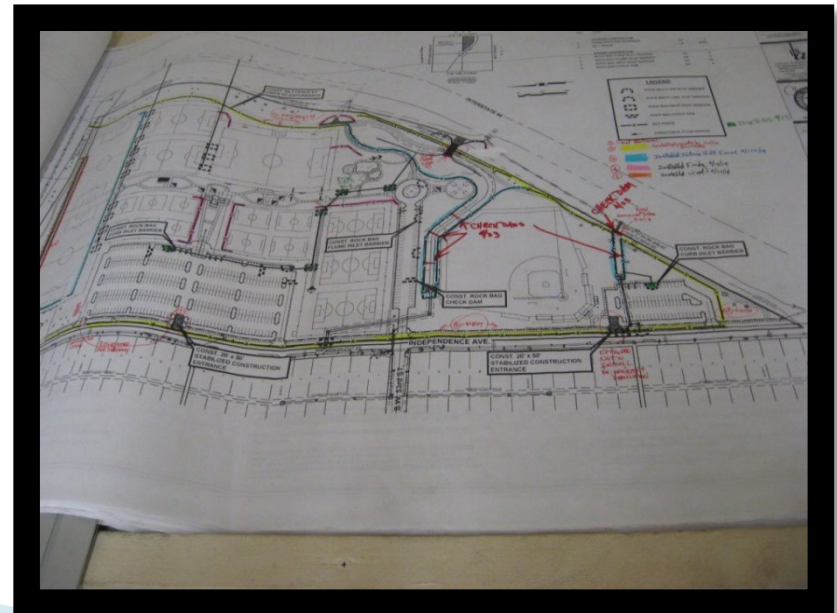
A Storm Water Pollution Prevention Plan (SWPPP) is a written document that identifies structural and non-structural Best Management Practices (BMP's) that will be installed to minimize negative impacts, caused by offsite storm water discharges, to the environment.*

***The SWPPP is considered a
“Living Document”**



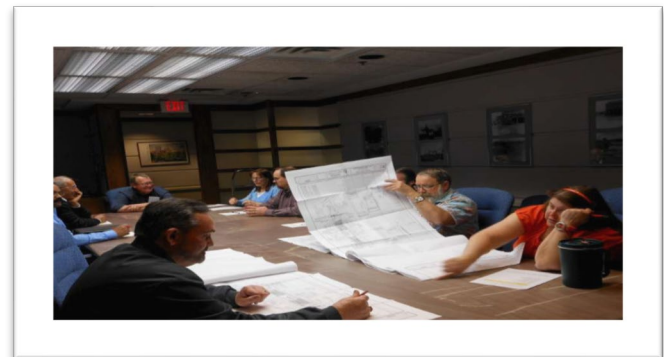
SITE MAP

- Site map should be modified if control measures do not meet the goals of the plan, or if directed by the State or City officials.
 - *Site map also a “Living Document”
- Site map must be modified as phases of the project are completed.*



SWQ Plan Review Process

- ▶ SWQ is part of the Public Works Department's permitting program which requires a plan review process on all plans submitted to the City. During this process, Check Prints are sent to City departments for their review.
- ▶ SWQ requires that all plans to have an Erosion Control Site Plan and Detail Sheet, and the proper noting on the plans.
- ▶ SWQ is responsible for floodplains maps compliance on 404 permitting with the US Army Corps of Engineers.
- ▶ Every site plan is reviewed to ensure proper Best Management Practices (BMP's) are used to help reduce the pollution of water of the US.
- ▶ After each department has completed their review and an SWQ permit is obtained, a meeting with the engineer of record is set and City personnel go over all remarks with the engineer. The engineer then submits the final set of plans with all the required changes for review.



IMPORTANT NOTE

Note: Construction activity that results in land disturbance of equal to or greater than one (1) acre, or less than one (1) if they are a part of a larger common plan of development or sale that totals at least one (1) acre, must also obtain a permit from ODEQ for Storm Water Discharges from Construction Activities.*

**This means that land disturbance of one (1) acre or more must permit with both the ODEQ and the City of Oklahoma City.*



Plan Review for City Projects

- ▶ City owned improvement projects (PC, DC, WC, SC, Maps, Project 180, police and fire stations ...etc.) the contractor who is awarded the project is responsible for the storm water permitting process.
- ▶ The contractor will be responsible for the installation of all erosion controls before land disturbance activities begin. The contractor will also be responsible for the repair and/or replacement of all erosion control best management practices damaged during construction.

City Owned
Soccer Fields




Closing your SWQ permit

- ▶ Submit a Notice of Termination if, and when:
 - ▶ “All construction activities have been completed and met all other requirements under OKR10 including final stabilization on all portion of the site”

Or

- ▶ “A new owner or operator has taken over responsibility for the facility/site/project and has submitted an NOI for permit coverage”

DEQ Form 606-003

DEQ Form 606-003 July 5, 2017		Oklahoma Department of Environmental Quality Notice of Termination (NOT) for Stormwater Discharges Associated with Industrial Activity or Construction Activity under an OPDES General Permit
Submission of this NOT form constitutes notice that the operator identified in Section II of this form no longer intends to be authorized to discharge stormwater associated with industrial or construction activity under an OPDES Stormwater General Permit. Authorization is not terminated until you are notified that all termination requirements have been met and your complete NOT has been processed by DEQ. All necessary information must be provided on this form. See completing instructions on the back of this form.		
I. Permit Information		
DEQ Authorization Number: OKR _____ Reason for Termination (check one only): <input type="checkbox"/> A new owner or operator has taken over responsibility for the facility/site/project and has submitted an NOI for permit coverage. <input type="checkbox"/> Stormwater discharge from industrial activity is being terminated under OKR05 permit. <input type="checkbox"/> All construction activities have been completed and met all other requirements under OKR10 permit including final stabilization on all portion of the site. <input type="checkbox"/> You obtained coverage under an individual or alternative general permit for all stormwater discharges.		
II. Operator Information		
Operator Name: _____ Phone: _____ Mailing Address: _____ City: _____ County: _____ State: _____ Zip Code: _____ E-mail: _____		
III. Facility/Site/Project Information		
Facility or Site Name: _____ Address: _____ City: _____ County: _____ State: _____ Zip Code: _____ Latitude: _____ Longitude: _____ at the entrance of the facility or center of the site <i>(Note: You must include an updated facility map or site map that shows all the completed activities.)</i>		
IV. New Operator Information		
New Operator Name: _____ Phone: _____ Address: _____ City: _____ County: _____ State: _____ Zip Code: _____ E-mail: _____ <i>(Note: Use additional sheets of paper if necessary. Permittee is required to prepare a Notification of Change of Ownership for each new operator)</i>		
V. Certification		
<i>I certify under penalty of law that all stormwater discharges associated with industrial or construction activity from the identified facility that were authorized by a general permit have been eliminated or that I am no longer the operator of the facility or construction site. I understand that by submitting this NOT form and upon receiving the termination letter from DEQ that the all termination requirements have been met and the complete NOT has been processed, I am no longer authorized to discharge stormwater associated with industrial or construction activity under the General Permit OKR05 or OKR10 to waters of the State. It is unlawful under the Clean Water Act and OAC 252:606-1-3(b)(3)(L) where the discharge is not authorized by an OPDES permit. I also understand that the submittal of this NOT form does not release me as operator from liability for any violations of this Permit or the Clean Water Act.</i>		
Print Name: _____ Title: _____ Signature: _____ Date: _____		

Final Inspection

- ▶ *A Storm Water Construction Inspector will inspect the site to determine if the following conditions for the N.O.T. have been met:*

The site has been stabilized with a density of at least 70% of the original native vegetation, **REGARDLESS of PROPERTY LINES**. All bare areas disturbed during construction must be re-vegetated or stabilized.

OR

“A new owner or operator has taken over responsibility for the facility/site/project and has submitted an NOI for permit coverage”

Re-inspection Fees

- ▶ If any of the requirements of the Notice of Termination are not met, a Re-Inspection fee of \$35 dollars will be applied to the SWQ permit.
- ▶ This fee will have to be paid before a Notice of Termination is accepted or a final is done on Commercial buildings.

ENFORCEMENT

► Inspection Report:

Normal, day-to-day corrections noted. Minor repairs needed.



05/30/2012 12:10

Notice of Violation

Major Corrections needed. A date for corrections made is given.



Cease and Desist

Used when the site is in desperate need of immediate action.



Affidavit of Probable Cause

- ▶ Issued if the corrections noted in the Notice of Violation are not met.

Municipal Ordinances

- ▶ “Each permittee shall ensure legal authority to control discharge to and from those portions of the MS4 over which it has jurisdiction”



Municipal Penalties

Municipal Court

First offense--\$200 (Class A)

Second offense--\$1,000 (Class B)



State Penalties

State Fines

\$10,000 per day per violation



Federal Penalties

- ▶ **Negligent Violations**--\$2,500-\$25,000 per day
2nd offense= \$50,000 per day + prison
- ▶ **Knowing Violation**--\$5,000-\$50,000 per day
2nd violation= \$100,000 per day + prison
- ▶ **Knowing Endangerment**--\$250,000 or 15 years prison
2nd violation= \$500,000 or 30 years prison
- ▶ **False Statement**--\$10,000 fine or 2 years prison
2nd violation= \$20,000 fine or 4 years prison

Questions???



Thank You

Scott Cox

City of Oklahoma City

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www.okc.gov/swq