HEARING DATE: 03/16/2021 1:30 PM

APPLICANT: Tanner Bemies

ACTION REQUESTED: Special Exception to permit Use Unit 24, Mining and Mineral Processing (Section 1224), to extend the time limit to allow native soils to be mined in an AG District (Section 310, Table 1).

LOCATION: 10335 E 161 ST S

ZONED: AG

FENCeline: Bixby

PRESENT USE: Mining and Mineral Processing

TRACT SIZE: 68.99 acres

LEGAL DESCRIPTION: E/2 SW LESS BEG 378.63N SECR SW TH SW42.76 SW114.71 SW357.80 SW366.16 W298.35 NW244.12 N285.31 E120.93 SE164.88 SE113.29 ELY117.49 NE124.84 NE62.80 E105.02 NE547.81 NLY483.99 NE25.40 S833.78 TO POB SEC 19 17 14 68.990ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CBOA-2786 January 2020: The Board approved a Special Exception to permit Use Unit 24, Mining & Mineral Processing, to allow native soils to be mined (Section 1224) in an AG District (Section 310, Table 1), subject to conceptual plan 2.36 of the agenda packet. The approval is contingent with the written policy that was supplied by the applicant and there is to be a one-year time limit: January 2021, at which time the case is to be reviewed by the Board of Adjustment, on property located at 10335 East 161st Street South.

Surrounding Property:

CBOA-2424 May 2012: The Board approved a Special Exception to permit sand extraction within Use Unit 24, Mining & Mineral Processing, in an AG district (Section 310) with the following conditions:

- Statements contained in the letter from Mr. Frazier dated April 25, 2012 will be applicable. (See Exhibit A, pages 3.5 and 3.6.)
- No more than 100 loads of sand to be exported from this mining operation per year.
- The applicant will ensure that the road used to access the property, 151st Street, shall be maintained, whether it is through private efforts or through efforts with Tulsa County, for reasonable and appropriate use for truck and suitable for standard automobile traffic.
- This special exception will have a time limit of one year from today's date, May 15, 2012.
- The debris on the property is to be depleted or removed.

on property located at the southeast corner of 151st Street South and South Mingo Road.

**CBOA-2273 July 2007:** The Board approved a *Special Exception* to permit sand and gravel mining in the AG district (Section 301), with the following conditions:
- As submitted by the applicant, in accordance with the data submitted, and the plan of operation
- Subject to all of the permitting required, including environmental and quality, mining
- Hours of operation: truck traffic and pit operations from 7:00 a.m. to 7:00 p.m. and dredging as needed
- With conditions provided by the applicant to stay away from the banks in excavation
- To take necessary steps to minimize erosion, specifically, dredging no closer than 50 ft. from the shore except when the equipment is moved to the working site
- Placement of rip rap in areas that appear to be adversely affected from erosion by the operation
- The applicant to contribute to the cost and upkeep of Garnett Road South to Highway 164
- A watering plan that is consistently administered, authored by the applicant and posted for the inspector should they wish to see it
- The applicant to provide a $250,000 bond to be posted in the event that certain remedial cure to public works is deemed necessary by the inspector's office for actions inconsistent with various permits on property located southeast of 161st Street and South Garnett Road.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located in an agricultural area just west of the Arkansas River. The abutting property to the west appears to be a sod farm. There are limited residential uses on nearby properties. Bixby Creek runs through the property on the south side which separates the parcel. The City of Bixby manages Bixby Creek.

**STAFF COMMENTS:**

The meeting on 2/16/2021 was cancelled due to weather. The case was re-noticed.

The applicant is before the Board requesting a Special Exception to permit Use Unit 24, Mining and Mineral Processing (Section 1224), to extend the time limit to allow native soils to be mined in an AG District (Section 310, Table 1).

In January of 2020, the Board approved a Special Exception for this use. As a condition of the approval, the applicant was required to come before the Board in one year to review the case. As there was a lapse getting the application in for the January meeting, the Board will review the case in February of 2021 to vote on the Special Exception.

A special exception is required as the proposed soil mining operation is a use which is not permitted by right in the AG district because of potential adverse affect, but which if controlled in the particular instance
as to its relationship to the surrounding area and to the general welfare, may be permitted. The use must be found to be compatible with the surrounding area.

The applicant contacted the City of Bixby in 2019 and included a statement from Jason C Mohler, P.E., Development Services Director, in the application. In summary, the statement says “The existing low water crossing provides access (to) the agricultural land north of the creek. I am not aware of any limitations on that access.”

The Tulsa County Land Use Plan and the Bixby Comprehensive Plan designate this area as Rural Residential. Rural Residential is defined below:

The Rural Agriculture designation denotes areas within the City of Bixby’s fenceline, but not within the City limits, that have large tracts of land for agricultural purposes. Agricultural uses may also include large-lot detached residential, accessory agricultural uses and structures to support agricultural uses. Improvements in this designation should be low impact and retain the rural character of the area.

The portion of the parcel north of Bixby Creek is located in the 100 Year Floodplain.

The Board of Adjustment, in granting a mining and mineral processing use by Special Exception, should consider potential environment influences, such as dust and vibration. If inclined to approve, the Board may consider establishing appropriate protective conditions such as setbacks, screening, and hours of operation, as will mitigate the adverse affect on proximate land uses.

The applicant will be required to obtain all relevant permits including those from the Tulsa County Inspectors Office/Building Permits Department and the Oklahoma Department of Mines.

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure the proposed soil mining operation is compatible with and non-injurious to the surrounding area.

Sample Motion:

“Move to ________ (approve/deny) a Special Exception to permit Use Unit 24, Mining and Mineral Processing (Section 1224), to extend the time limit to allow native soils to be mined in an AG District (Section 310, Table 1).

Approved per conceptual plan on page(s) ______ of the agenda packet.

Subject to the following condition(s) (if any): ________.

Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.”
UNFINISHED BUSINESS

**2786—Tanner Bemies**

**Action Requested:**
Special Exception to permit Use Unit 24, Mining and Mineral Processing, to allow native soils to be mined (Section 1224) in an AG District (Section 310, Table 1).

**LOCATION:** East of the NE/c of East 161st Street South & South Mingo Road

**Presentation:**

Joseph Watt, Sisemore and Associates, 6111 East 32nd Place, Tulsa, OK; stated that a copy of the operations manual on the good neighbor policy that was put together for his client, Mr. Tanner Bemies. The manual addresses all the concerns from the citizens that were at the December meeting. Mr. Watt stated there is a map in the manual showing the site’s relationship to the school districts, the zoning classifications, the road conditions, the traffic counts and where alternate routing will be during school.

Mr. Charney asked Mr. Watt if there had been a meeting with any of the interested parties from the December meeting. Mr. Watt deferred to Mr. Bemies.

Tanner Bemies, 25185 South Glenwood Drive, Claremore, OK; stated that after the December meeting he met with the interested parties in the hallway. After meeting with the interested parties, it was evident to him that there was not much he could say to them that would change their minds. After receiving the meeting minutes, celebrating the birth of his first child and the busyness of the holidays time was not made to go outside and meet with the interested parties in any sort of capacity. All he had was addresses and he did not feel it would have been kind to knock on doors.

Mr. Charney asked Mr. Watt if he could briefly summarize what is contained in the manual for the interested parties, because if the Board were inclined to approve the application, the Board could grant it contingent upon certain operating conditions. It is important to hear what the commitments are, and the interested parties want to hear those.

Mr. Watt stated the highlights of the good neighbor policy. The hours of operation will be from 7:00 A.M. to 5:00 P.M. for sales, allowing trucks in and out of the site to receive material. The work facility could be from 6:00 A.M. to 6:00 P.M. to have additional hours of the day to prepare to load trucks with material. The map shows routes of the trucks. It would be mandated that all traffic be maintained on South 161st West to Memorial before turning north; Memorial is an improved section line arterial roadway and all the intersections are traffic lighted as opposed to four-way stop signs. This would minimize any disturbance to the public schools. There is on site dust control which was a concern; during the times of operation and the times of dry periods there will be water trucks and/or an irrigation system that will be present to minimize the dust created. There will be two state agencies that will be checking the operation periodically; one is the Oklahoma...
Department of Mines and the other is the Oklahoma Department of Environmental Quality of which the project will file a stormwater pollution prevention plan. The operation will be governed to the letter of the law to maintain the SWP3 in Engineering. The operation will also be bound by all the covenants in the Department of Mines regarding the upkeep of the site. Mr. Watt stated there will be an entrance constructed out of heavy stone that has been found to be very effective during wet periods to knock off mud from the tires of any truck entering or exiting. If mud and debris is taken into the street, the operation will immediately clean the street with either mechanical brooms or shovels, whatever is required, to maintain the protection of the street. There were concerns about long-term reclamation and one option would be to keep the area lowered to the point where it could receive runoff from the upstream properties and serve as a compensatory storage facility to reduce the amounts of stormwater entering the Arkansas River. The area could also be used for soccer fields or other sports. Each and every trucking company that enters into an agreement to purchase materials from the site will be entering into an agreement of which is being drafted currently that stipulates the truckers will adhere to traffic routes, times, events, keeping the truck clean, the prohibition of jake braking inside any municipality, etc. Mr. Watt stated this is a professional venture so his client can make a fair and reasonable profit and minimize the impact to the neighbors and the schools and the City of Bixby.

Mr. Bemies came forward and stated he agrees fully with Mr. Watt’s plan. He has worked very closely with Mr. Watts to make sure that he will be a good neighbor.

Mr. Charney asked Mr. Bemies if it were critical to the Board’s decision that the policies that have been outlined in the document and summarized by Mr. Watt, that the policy be followed to the “T” will that commitment be made? Mr. Bemies answered affirmatively.

Mr. Dillard asked staff if the good neighbor policy could be filed of record at the County Clerk’s office as a stipulation that would attach to the property? Ms. Miller stated the good neighbor policy would be a condition of the approval of this action. Mr. Dillard stated that he sees the avoidance of the owner not wanting to speak with the residents because he saw they were disgruntled and did not follow through as the Board coached him to do, so can this policy be put as a legal document of record on the property? Ms. Tosh stated that since the building permit will be ongoing and will have to be reapplied for annually as a development permit, the permit can be made contingent on these requirements. The County will be the establishment that receives complaints if the requirements are not followed and that might trigger not receiving the next development permit.

Interested Parties:
Jan Bartlett, 3773 Chesapeake Street, Springdale, AR; stated she grew up on the Bolton farm which is adjacent to the proposed mine, and she is also here today on behalf of Mr. Rick Nelson who spoke with the Board before; he is a property owner across the street of the subject site. Ms. Bartlett read a letter that was written by Mr. Nelson regarding his concerns.
Wayne Mark, 3118 East 146th Street South, Bixby, OK; stated he is a cyclist and he uses the roads for cycling. Those streets are the only way to get farther out of the City and the problem he sees is the amount of dump truck traffic that will be on the streets. Not only will they tear up the roads, because they are only chip and seal roads, but from his personal experience it does not make a difference what the drivers are told to do they will drive the roads as fast as they possibly can and will not give an inch to a cyclist. Mr. Mark stated he is concerned about future safety.

Gary Pereschuk, 13315 South 90th East Avenue, Bixby, OK; stated his concern is also as a cyclist; he has lived in the area for about 25 years. He used to ride at 141st and 129th but there is a sand mining operation there now, and with the speed and the flow of the dump trucks he no longer rides there so his only option is go across the pedestrian bridge at Bixby, which is now closed. His concern would be the additional amount of dump trucks that drive on the proposed route. Having seen what happens at the sand operation at 141st and 129th, the trucks are backed up at 6:00 A.M. because they want to be the first in line. He is also afraid this will happen around the Bixby school area. The traffic is horrendous so imagine what is going to happen with another 100 dump trucks. He knows everyone will not be in the area at the same time, but those trucks want to be in line early and that will be another pressure on the bridge; that is the only arterial direction to go north. If something happens on the bridge that will lock traffic up because there is no other way out. Mr. Pereschuk stated that Bixby has done a lot of flood control work, but the water backs up from the Arkansas River through a canal that is on Mingo and it goes back through the neighborhoods, and the River was up 20 feet this spring. There are many new houses being built on 131st and Memorial with future projection of other residences being built. The water will back up if there is another event like 2019.

Laura Bolton, 10910 East 161st Street South, Bixby, OK; stated she lives east of the subject property. Ms. Bolton is concerned about the hours of operation; today the hours are going to be 6:00 A.M. to 6:00 P.M. without any days of the week specified, but when he spoke at last meeting the hours were going to be 8:00 A.M. to 5:00 P.M., Monday through Saturday. This sounds like the hours and days have already extended more than what was proposed previously. It was said the trucks would go straight east off 161st to Memorial, that passes a school. Ms. Bolton stated that she knows the Board of Adjustment does not have the authority to police this, and she does know there has been discussion about reviewing this request on a yearly basis, but her concern is how will this be policed? How will Mr. Bemies make the trucks go the direction he is promising?

Mr. Charney stated the information the Board has before them regarding the hours of operation is Monday through Friday, and sometimes Saturday. The working hours of the facility, as far as sales, it states 7:00 A.M. to 5:00 P.M. The work on the site could begin at 6:00 A.M. Ms. Bolton stated that means the equipment would be running at 6:00 A.M.

Rebuttal:
Tanner Bemies came forward and deferred to Mr. Joseph Watt.
Joseph Watt came forward and stated the amount of soil in the 60 acres, there was no reason to spend a lot of money testing, drilling and boring prior to the Special Exception being approved. If the Special Exception is not approved, he has saved his client that money. There was initial digging done with an excavator; went down 10 feet and there was still good soil with no evidence of water percolating up through the ground. He thinks a generalized map has been put together of how the site will be dug, so that trucks can be stacked on site while they are waiting to be loaded and not backing them onto 161st. In May a stacking lane was started around the perimeter so that not one truck will be waiting on 161st and interfering with the bicyclists or the morning traffic that utilizes the east-west direction. The trucks will pass a school, Bixby Central Intermediate School, and hopefully if the Special Exception is approved the client will be able to work out with the school an alternate route during the peak times of school use which would minimize the disturbance to the school traffic, their children and their operation. In regard to flood control and flood draining, there is nothing being put in, but the client is taking out giving more area for storm water to store itself. Most of the area is under the 500-year flood plain, under the 100-year flood plain, under the 50-year flood plain, and most of it is under the 25-year flood plain. There is not going to be any acceptable use of the property unless it is agricultural or mining because it floods. When his client first came to the Board there was nothing on paper regarding the hours of operation, and now the hours are on paper. Mr. Watt hopes this will help relieve the concerns of the residents, because a great deal of steps have been taken to make this a positive operation.

Comments and Questions:
Mr. Charney stated this application is not for a change in zoning, it is for the approval of a Special Exception to do something special on the subject site and the Board can place a time limit on that approval and has done it in the past.

Mr. Johnston stated that with a time limit placed on the approval, he could support this request. He is concerned about enforcement.

Mr. Hutchinson he can support the request with the stipulation that Tulsa County looks at this on an annual basis.

Mr. Charney agreed with Mr. Hutchinson. He stated this site is not in the City of Bixby, but it is within their fence line. It is not binding but he thinks it is relevant that it is recognized as being within the Tulsa County jurisdiction and the City of Bixby has no objections of the underlying use.

Mr. Dillard stated he is very impressed with the Architect, the Engineers but he is not sure that Mr. Bemies realizes what he is getting in to, because when there was a little bit of consternation he backed off, that is why he wanted to know if the policy could be filed of record. He can support the request if there is a one-year time limit providing the policy is kept on the record, and the applicant complies with everything in the policy.
Board Action:
On MOTION of HUTCHINSON, the Board voted 4-0-0 (Charney, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; Crall "absent") to APPROVE the request for a Special Exception to permit Use Unit 24, Mining and Mineral Processing, to allow native soils to be mined (Section 1224) in an AG District (Section 310, Table 1), subject to conceptual plan 2.36 of the agenda packet. The approval is contingent with the written policy that was supplied by the applicant and there is to be a one-year time limit; January 2021, at which time the case is to be reviewed by the Board of Adjustment. Finding the Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

E/2 SW LESS BEG 378.83N SECR SW TH SW42.76 SW114.71 SW357.80 SW366.16 W298.35 NW244.12 N285.31 E120.93 SE164.88 SE113.29 ELY117.49 NE124.84 NE62.80 E105.02 NE547.81 NLY483.99 NE25.40 S833.78 TO POB SEC 19 17 14 68.990ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

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NEW APPLICATIONS

2789—Michael Abboud

Action Requested:
Use Variance to allow an overnight campground for recreational vehicles, Use Unit 17, in an AG District (Section 310); Variance from the all-weather parking surface requirement (Section 1340.D). LOCATION: 19301 West Wekiwa Rd

Presentation:
Michael Abboud, 19301 West Wekiwa Road, Tulsa, OK; stated he would like to have an RV campsite on 1 or 2 acres of the overall tract. The primary use of the property is agricultural and have cattle on the property and will still be used for agricultural purposes. He wants to preserve the existing wildlife habitat, and this is his home.

Mr. Charney asked Mr. Abboud if he lives on the subject tract. Mr. Abboud stated that he does not, but his parents live on it.

Mr. Charney asked Mr. Abboud about the request covering the 35-acre tract. Mr. Abboud stated that he intends only to use the 1 to 3 acres on the western property line; the property starts at 193rd and goes to 196th.

Mr. Charney asked Mr. Abboud if he was speaking of the most westerly long narrow piece of land. Mr. Charney stated that it is a strip of land in the southwest corner of the subject tract. Mr. Abboud answered affirmatively.
Comments and Questions:
None.

Board Action:
On MOTION of CHARNEY, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE the request for a Variance to allow more than one dwelling unit on a single lot of record (Section 208) in an AG-R District, subject to conceptual plan submitted today. There are to be no more than three bedrooms in the detached building, the rooms are to be used by family members only, there is to be no commercial use, and the existing building is to be razed. The Board finds the hardship to be the unusual configuration of the land being a long and narrow lot that would easily accommodate the building in conjunction with the double wide mobile home that exists. The detached building must meet all health department and utility requirements. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

E/2 E/2 NW SW SW SEC 5 22 14 2.50 ACS, NORTH MEADOWS II, OF TULSA COUNTY, STATE OF OKLAHOMA

2786—Tanner Bemies

Action Requested:
Special Exception to permit Use Unit 24, Mining and Mineral Processing, to allow native soils to be mined (Section 1224) in an AG District (Section 310, Table 1).

LOCATION: East of the NE/c of East 161st Street South & South Mingo Road

Presentation:
Tanner Bemies, 21585 South Glenwood Drive, Claremore, OK; stated the plan is to excavate as deep as the water table will allow, and the soil will be processed and used for the construction of new houses or existing projects.

Mr. Charney asked Mr. Bemies if he did any business with Capital Homes or Owasso Land Trust. Mr. Bemies stated he works with his father and they have done a little work with Owasso Land Trust for cleanup and hauling off debris, but they are currently not doing any work for Owasso Land Trust. Mr. Bemies stated he has never met Mr. Charney. Mr. Charney stated he has no pecuniary interest in this and does not know Mr. Bemies, he does not think there is a duty to recuse himself in this case.

Mr. Bemies stated that he has met with a professional engineering firm and had soil tests performed to determine the soil is good to be harvested.
Mr. Hutchinson asked Mr. Bemies if he wanted to excavate all 60.899 acres. Mr. Bemies stated that all the acreage would not be accessible due to the creek that was built by the U. S. Corp of Engineers, and the City of Bixby maintains the creek. Mr. Bemies stated that he has met with the Bixby City Engineer over the phone and through e-mail; the front ten acres will not have enough room for him to excavate so it will be the back 50 or so acres that will be excavated. Mr. Bemies stated that he has also met with the Department of Mines in Oklahoma City to make sure he meets and follows all Codes and guidelines.

Mr. Hutchinson asked Mr. Bemies if the property could be used for anything else. Mr. Bemies stated currently it is being used for growing soybeans, and at the moment he plans to reclaim the land for growing or converting the land to soccer fields in the future.

Mr. Crall asked Mr. Bemies if he had access to the land. Mr. Bemies stated currently there is a low water access that has been put in place by the U. S. Army Corp of Engineers. He has permission from the City of Bixby to drive through that access. Any maintenance or upgrades required to be done on the low water access would be done by him and U. S. Army Corp of Engineers.

Mr. Crall asked if there was any easement or access to Mingo. Mr. Bemies stated that there is only access to 161st Street. Mr. Bemies answered affirmatively.

Mr. Charney asked Mr. Bemies if he was aware of the requirements for truck ingress and egress to 161st to make certain there is no inappropriate mud tracked into the street. Mr. Bemies deferred to his engineer.

Interested Parties:
Joseph Watt, Sizemore Weisz and Associates, 6111 South 32nd Place, Tulsa, OK; stated the entrance to the site will be maintained so that it will have a construction type entrance and a wash area for trucks during the rain periods. The trucks will be cleaned so that any dirt or mud will be minimized going onto 161st.

Mr. Charney asked Mr. Watt if there would be a pad-based construction entrance that would allow cleaner ingress and egress. Mr. Watt answered affirmatively; there will be a 3" style dimensional rock that will be the initial surface to remove the larger chunks of dirt and mud off the truck tires before driving onto the pavement, and that will be maintained throughout the life of the mining.

Mr. Hutchinson asked how many loads are anticipated in a day, month or year. Mr. Bemies came forward and stated that initially it is anticipated there will be two or three loads a day.

Mr. Crall asked Mr. Bemies if he had said he has agreed with the City of Bixby that he will repair any of the roads. Mr. Bemies stated his agreement was regarding the low water crossing that is located in the middle of the property. Mr. Crall read a short
paragraph from an agreement that states the damages caused to city street caused by
the mining operation must be repaired by the applicant. Mr. Crall asked Mr. Bemies if
he had agreed to that. Mr. Bemies stated that he did not agree to that statement.

Mr. Johnston asked Mr. Bemies if he would like to start out with two or three loads a day
what would be his dream maximum number of loads a day. Mr. Bemies stated the
dream would be to have around 2,000 loads a month if possible, roughly 50 loads a
day.

Mr. Dillard asked Mr. Bemies what his hours of operation would be. Mr. Bemies stated
the proposed hours would be regular business hours, 8:00 A.M. to 4:30 P.M., Saturdays
would be 8:00 A.M. to 5:00 P.M. and closed on Sunday.

Rob Miller, Superintendent of Bixby Public Schools, 109 North Armstrong, Bixby, OK;
stated he has concerns not necessarily with what is going on at the property but the
potential impact on some of the schools that are located within a mile of the subject site.
There is Central Intermediate School which is located on 161st between Riverview and
Mingo about ½ mile to the west of the subject site, there is Bixby Middle School which is
located on Mingo between 151st and 161st, and there is also access to the high school,
transportation, the AG Department off Mingo between 151st and 161st. His primary
concern from a school district perspective is the potential impact on traffic patterns,
intermingling of class traffic with truck traffic especially if there are 50 trucks a day, and
the already congested two lane roads in the area. Mr. Miller asked the Board to please
consider the traffic concerns when reviewing the application. Secondly would be the
potential impact of noise of truck traffic in the course of a day because there are two
schools within 50 yards of 161st or Mingo.

Mr. Johnston asked Mr. Miller if he has any experience with other trucks traveling those
roads. Mr. Miller stated he does with the northeast campus which is on 131st Street and
Garnett. On 129th there has been construction going on, and in the morning hours
especially the trucks impede the normal flow of traffic significantly.

Mr. Hutchinson asked Mr. Miller what the hours of the busiest times of the schools are.
Mr. Miller stated it is about 7:30 A.M. to 9:00 A.M. and about 2:00 P.M. until 3:30 P.M.
for the elementary schools. At the middle school it is about 8:30 A.M. to 9:30 A.M. and
3:15 P.M. to 4:00 P.M.

Mr. Miller stated that he is also here today to represent some of the patrons who have
reached out to him and asked that he advocate on their behalf, but primarily his role is
as Superintendent of the school district. If the trucks do not travel near the schools,
then the concern would go away.

Rick Nelson, 3120 East 71st Street, Tulsa, OK; stated he owns the 80-acre property
just to the south of the subject site. Mr. Nelson asked if Mr. Bemies is going to bring fill
back in after the hole is dug? Mr. Nelson stated that he is in the sod business and he
had a piece of property at 131st and Sheridan that he leased. Dirt was harvested there
for about five years and then it was turned into a landfill and it was unregulated. That is not something a person wants to see, and he thinks this will be a negative for the water quality. The closer a person gets to the water table the less filtration there is for runoff and potential pollution to the water supply. He is concerned about what will be used as backfill for the subject site once the excavation is done. Who is responsible for checking to see what comes back in as fill? Who will be responsible for the roads and how long will it be before they start repairing the roads once they are damaged? These are some of his concerns, but to him the water quality is of the utmost importance.

Helen Bolton, 10547 East 161st Street South, Bixby, OK; stated she is extremely concerned about the possible rezoning from agriculture to allow mining. Ms. Bolton stated her house and farm are adjacent to the subject property with an adjoining west fence line. She is a farmer and rancher and has lived on her property for 58 years. Her house is located ¼ mile from the designated entrance and exit. In making the property next to her available for dirt mining she feels it will be detrimental to her property and the surrounding properties and community. She sees a decline in land value, noise from the continuous running of heavy equipment, dust and traffic issues. As a former school board member for the Bixby public schools, she served 30 years, she is a devoted member of the Bixby community and the school and its welfare. Ms. Bolton stated that a major concern is what will be done with the land after the mining is complete. She sincerely believes that the quality of life for herself, her children, and her grandchildren will be ruined.

Steve Owens, 10820 East 161st Street, Bixby, OK; stated his family property is southeast and across the street from the subject site. His concern is property value. He is also a teacher of 29 years and this does not seem to be a good place to mine. There is a low water area that must be gone through which is wet and it will become more difficult to keep the roads clean. Mr. Owens stated he is also concerned about the air quality.

Ernest Holland, 15605 South Mingo, Bixby, OK; stated his property backs up to the far north side of the subject site. He would like to reiterate all the objections that have been made. He would like to know what kind of equipment would be used in the excavation. He also has concerns about the trucks not using 161st but using Mingo as a route. When the sod farms excavate the soil is replenished and they do not go down to the water table and there was no issue with dust.

Laura Bolton, 10910 East 161st Street South, Bixby, OK; stated her concern is the good neighbor and good trucking policy. It has been stated that the owner put it in writing and sign it, but how will it be enforced? Will he sit there 8:00 to 5:00 every day and make sure the trucks comply? Let's be realistic. We all know how trucks work. She is guessing they get paid by load. How will it be enforced?

Rebuttal:
Tanner Bemies came forward and stated it is required to have a reclamation plan to get a permit and deferred to Mr. Watt.
Joseph Watt came forward and stated per the Oklahoma Department of Mines and the Oklahoma Department of Environmental Quality a stormwater pollution plan that is approved and reviewed by them must be kept on site. After each rainstorm, if any part of the stormwater pollution plan has failed the owner will be required to repair it within 24 hours and file a DEQ inspection at that point in time. The actual reclamation plan, there are options the Oklahoma Department of Mines gives the owner, and it is consistent with the Oklahoma Department of Environmental Quality, the first option is to have overburdened topsoil areas designated for each area that is being mined. When that area is not being mined any longer that topsoil would be placed back on it and reclaimed and seeded with Bermuda, Fescue and other native grasses. As that is moved from pit to pit, when the whole site is done and leaving a 50-foot wide strip all the way around the property that is not touched, the owner would receive every bit of water as it drains across the property, store that water and release it at a rate that is less than what it releases at this time thus reducing the flood plain in the area. At no time has there ever been a discussion of bringing in unregulated fill material, garbage, trash, asphalt, concrete, or anything like to fill in the site. The regulations for that are extreme and expensive because that creates a landfill and that is not the intent. The main intent is to use the land as a recreation area when the excavation is complete because there will be nice flat fields with good topsoil sustaining good quality grass. Or the site could be used as a compensatory storage facility so that stormwater can stay in the pit for awhile thus helping the overall system of the time of concentration runoff thus preventing flooding.

Mr. Charney asked Mr. Watt if the topsoil would be stored on the site. Mr. Watt answered affirmatively. Mr. Charney asked Mr. Watt if he would be excavating a hole and when through with that hole that hole would be covered with topsoil to permit growth. Mr. Watt answered affirmatively. Mr. Charney asked Mr. Watt if the holes would remain with no commitment to bring the land back to level. Mr. Watt answered affirmatively.

Mr. Charney asked Mr. Watt if there were any plans to constructing outflow structure from the pits? Mr. Watt stated there are no plans have been considered in putting outflow structures on the site, but various scenarios are being studied.

Mr. Hutchinson asked Mr. Watt if a hydrology study had been done. Mr. Watt stated that is being worked on, and he will advise his client accordingly. Mr. Hutchinson asked Mr. Watt if the Department of Mines required that. Mr. Watt answered no.

Mr. Charney asked Mr. Bemies to describe the equipment that will be on site. Mr. Bemies stated that he plans to use crawlers that range from 20-Tons to 40-Tons. Additionally, there will be a front loader which would hold about four cubic yards of material at a time and it would be used for loading the trucks. There would also be a small dozer to push off the topsoil.
Mr. Hutchinson asked Mr. Bemies what the hours would be to allow the trucks to line up for loading. Mr. Bemies said that in order to be a good neighbor he would have a good neighbor policy with all truck companies.

Mr. Charney asked Mr. Watt if all the property was in the 100-year flood plain north of the drainage way. Mr. Watt answered affirmatively.

Mr. Charney asked Mr. Watt what will be done to control the dust and maintain good air quality. Mr. Watt stated that there will be a watering program to mitigate the dust and minimize it to the best of everyone’s ability.

Mr. Johnston asked what the duration of the operation would be. Mr. Watt stated that based on preliminary numbers, it would probably be seven to twelve years dependent on sales. If the number of houses being built in Tulsa and Creek Counties continue at the rate of the last five years, it would be about seven to twelve years.

Mr. Johnston asked how far down from the surface is the water table? Mr. Watt stated that it has not been found, but that is the next thing to be identified. Based on previous projects that he has done in the Bixby area he thinks it is between 17 and 22 feet.

**Comments and Questions:**
Mr. Charney stated this Board has a history of granting Special Exceptions with conditions, and sometimes the Board denies Special Exceptions regardless of conditions. This is one he does not think he feels comfortable with, with this many loose ends.

Mr. Dillard suggested the request be tabled until next month to allow the applicant to provide the Board with a written list of what the good neighbor policy is going to be; what excavating machines will be there. Right now all the Board has is words, and words are hard to enforce unless there is a written document behind the words.

Mr. Hutchinson agreed with Mr. Dillard. The times the Board has tabled requests in the past has always seemed to help. Mr. Hutchinson suggested the requested be tabled for 30 or 60 days to see what the applicant provides and then base the decision off of that.

Mr. Charney asked the applicant if he would prefer the 30 days or the 60 days; would 30 days be enough time to get everything pulled together? Mr. Bemies stated that 30 days would be fine.

**Board Action:**
On MOTION of DILLARD, the Board voted 5-0-0 (Charney, Crall, Dillard, Hutchinson, Johnston “aye”; no “nays”; no “abstentions”; none “absent”) to **CONTINUE** the request for a Special Exception to permit Use Unit 24, Mining and Mineral Processing, to allow native soils to be mined (Section 1224) in an AG District (Section 310, Table 1) to the January 21, 2020 Board of Adjustment meeting to allow the applicant to submit a
thorough set of comments, conditions, and how this will be accomplished; for the following property:

E/2 SW LESS BEG 378.63N SECR SW TH SW42.76 SW114.71 SW357.80 SW366.16 W298.35 NW244.12 N285.31 E120.93 SE164.88 SE113.29 ELY117.49 NE124.84 NE62.80 E105.02 NE547.81 NLY483.99 NE25.40 S833.78 TO POB SEC 19 17 14 68.9904CS, OF TULSA COUNTY, STATE OF OKLAHOMA

Ms. Jones stated that in January the meeting will be held in the St. Francis Conference Room in the Williams Tower I located at 1 West 3rd Street at 1:30 P.M.

**2787—Eller & Detrich — Lou Reynolds**

**Action Requested:**
Special Exception to permit Use Unit 24, Mining and Mineral Processing, to allow soil mining (Section 1224) in an IM District (Section 910, Table 1). **LOCATION:** 4802 South 49th West Avenue

**Presentation:**
Lou Reynolds, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; stated that from 41st Street South to 51st Street the area was one large hill, and now there is only one small part of the hill remaining. Eagle Redi-Mix Concrete is to the north and there is a mini storage to the south; some of these storage buildings have been condemned by the State for the widening of the Gilcrease Expressway. The primary purpose of this application is to use the dirt for the Turnpike Authority. Mr. Reynolds used pictures to explain the layout of the area as it exists. Mr. Reynolds stated that the neighbors are happy about the proposed project.

Mr. Charney stated that as a point of information, juxtapose to the previous application that was seeking a Special Exception in an AG District, this application is in an IM District.

Mr. Reynolds stated that for the IM District to exist the hill had to be taken out. The Turnpike Authority is going to build a road across the subject property to do construction and based on the relocation of the turnpike, they will be building a cul-de-sac which will be developed into an industrial park on the north side of the mini storage. The reclamation plan has been filed and approved by the State of Oklahoma. The stormwater patterns are not being changed. This basically finishes what everyone started ½ mile north of the subject site and this has been approved by the State pending receiving the Board of Adjustment’s approval.
December 10, 2019

Robi Jones
Tulsa County
Board of Adjustment
rjones@incog.org

RE: Case Number CBOA-2786

Board of Adjustment:

The City of Bixby has received the Notice of Hearing for Tulsa County Board of Adjustment Case Number CBOA-2786. We recognize that regulation of the allowable uses for that property lies with Tulsa County and do not object to the proposed Special Exception allowing Use Unit 24.

With that said, access to the property is somewhat unique. The US Army Corp of Engineers constructed the Bixby Creek Local Flood Protection Project and the City owns and maintains the completed project. A portion of the Special Exception property is south of Bixby Creek with the remainder being north of Bixby Creek. The Corp constructed a low water crossing for access to the north side of Bixby Creek. The City is not opposed to use of the low water crossing as part of the mining operation with an understanding that the Applicant is responsible of any crossing upgrades necessary to handling loading in excess of the original design and must repair any damages to the low water crossing resulting from the proposed Use.

Additionally, the City is concerned that the proposed Use may generate significant truck traffic on County and City streets. Damages to City streets caused by the mining operation must be repaired by the Applicant.

If you have any questions or need additional information, please reach out to me at 918-366-0417 or jmohler@bixbyok.gov. Thank you in advance for including this letter in the Case file for CBOA-2786.

Regards,

Jason C. Mohler, P.E.
Development Services Director

CC: Jared Cottle, City Manager
   Marcie Hilton, City Planner
protect the animals that are around the property. The track is for everyone, and if they want to play on the track they must sign a waiver. It was designed for everyone to have a safe place to play. There is nothing in Sperry for the children to do other than sports and not all children are interested in sports.

Mr. Draper stated that according to the plan that was presented to the Board, there is a general admission parking area with an overflow parking area designated. What is the count for these proposed areas? Ms. Weathers stated there is plenty of pasture to park in. There is ten acres and the track utilizes about a quarter of an acre. Mr. Draper asked how many vehicles is the general admission parking designed to hold. Ms. Weathers stated that parking would hold about 100 vehicles but there would probably only be about 50 vehicles in the lot. Ms. Weathers stated that she has no intention of making the area a concrete world. Once the club house is built it would only be used as a concession with bathrooms for participants.

Mr. Draper asked how many people were anticipated in the four hour racing window. Mr. Huff stated there would probably be about 75 people, because it depends on people’s schedules. Sometimes there would a few more, other times a few less.

Comments and Questions:
Mr. Charney stated that he respects and appreciates the alternative means to get children off the couch and away from the video games. He thinks that the entire Board is respectful of the mission of Ms. Weathers and Mr. Huff for young people. However, the Board’s focus is confined to land use planning. Whether the request is of the most noble of causes or a cause the Board may not agree with, the Board must determine and analyze the request in terms of land usage. The Board must determine that there is no adverse or injurious effect to the neighborhood.

Board Action:
On MOTION of WALKER, the Board voted 5-0-0 (Charney, Dillard, Draper, Osborne, Walker “aye”; no “nays”; no “abstentions”) to DENY the request for a Special Exception to permit a Go-Kart Track within Use Unit 20 in an AG district, finding that the proposed use does not fit into the agricultural zoning. The use would not be harmony and spirit of the code, and it would be injurious and detrimental to the neighborhood; for the following property:

TR BEG SEC SE TH W326.7 N333.5 W229.2 N TO PT ON NL S/2 SE SE E555.9
S POB SEC 17 21 13 6.668ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

Case No. 2424—Phil Frazier

Action Requested:
Special Exception to permit sand extraction within Use Unit 24 - Mining & Mineral Processing - in an AG District (Section 310). Location: SE/c of 151st Street South and South Mingo Road

FILE COPY

05/15/2012/#384 (S)
Mr. Sansone stated that this case is a continuation from the last Board of Adjustment meeting on April 17th. Since that continuation a letter has been received from the applicant that changes the operation. In the letter it was stated that there is not enough sand located in the river at the point of extraction to allow the sale of the sand to the public. The applicant will address this change today.

**Presentation:**

**Phil Frazier,** 1424 Terrace Drive, Tulsa, OK; after the hearing on the 17th of April there were four issues that the protesters raised and that the Board had questions about. The original application was filed to extract sand, and at that time he had advised the Board that the sand is a special type of sand; there are only a few places where this type of sand can be found. The sand is used in the growing and the placement of sod. The Easton family has operated the sod farm for the past 35 years, and since they have been growing the Patriot Sod they have been buying their sand. The purchase of that sand meant there were trucks hauling in sand and leaving empty, thus increasing traffic on the road. Since the last meeting it has been discovered that there is not the depth of sand that was anticipated, so no sand will be sold to public entities. The only sand trucks hauling sand will be when the sand is being hauled out because it is required for a specific job.

Mr. Frazier went on to address issues that were raised in the last meeting. As to the road condition, Mr. Easton has already improved the road by installing an asphalt composition on the road. As to the traffic and dust, the asphalt composition will curtail the dust significantly. The traffic will be reduced because there will no longer be trucks hauling in sand nor will there be commercial sand trucks leaving. Noise was also a concern raised at the last meeting. The reduction of traffic will reduce the noise, and there will not be diesel powered barge equipment used for the sand extraction as planned. There will be a drag and the drag line will be used when the river is low; when the river is up there will be no mining. In regards to the debris, Mr. Easton allowed the City of Tulsa and Tulsa County to dump massive amounts tree limbs that had been broken out of trees during the ice storm a few years ago. Most of the tree debris will be ground up or burned, but most of it will be ground into mulch. Mr. Easton will continue to deplete the tree debris regardless of the decision on his application. Mr. Frazier believes this operation will enhance the neighborhood, as opposed to the last previous plan presented, with less truck traffic, the road improvements, and debris removal.

**John Easton,** 11225 South 90th East Avenue, Bixby, OK; stated that is not that sand will be hauled out to other projects; this business venture is getting into athletic turf business. Athletic turf fields have sub-drains installed underneath the fields and they want a sand based sod. He will be building sand based fields and growing the sod on that field. There will be a few instances where the sand will be required to be brought in, because some people like to keep the sand the same as what was originally installed, and he does not anticipate but 100 loads or less a year leaving his property. This process is done a football field at a time.
Mr. Draper asked Mr. Frazier if the applicant was proposing to improve the road with the same type of materials as it is currently built with. Mr. Frazier stated the road is an asphalt composition.

Mr. Osborne asked what an asphalt composition consisted of, i.e., black top, granular, or something else. Mr. Easton stated that the composition was made from asphalt that has recycled. Most of the road had an asphalt surface but there was an area that the road had eroded and it was gravel. But he has taken the recycled asphalt, rolled it, and blended it in to the existing road and looks good. There is no dust.

Interested Parties:
Gloria Cravens, 9723 East 151st Street South, Bixby, OK; stated she lives at the corner of 151st Street and Mingo about 50 feet from the road. The road has large black top composition clumps right up to her yard. She believes that Mr. Easton will be using the road for more than he is saying today; for example, when the elementary school was built he supplied sand to the contractors for the school. Then Mr. Easton allows dumping on his land; for example, when the tennis court was taken out the tennis court debris was hauled onto his land by large trucks. All of those trucks were using that road. Today the traffic has been reduced but she does not believe it will last.

Mr. Charney stated that there are a couple of things the interested parties and the Board need to keep in mind with this case. What is being examined today is a request to mine sand from the river, and that is the special exception that is before the Board today. There are means by which an interested party can complain about wrongful uses or for noxious activity on a piece of property, and that is to contact the County. Today the Board is here to only examine the ability to extract sand from the river, and the sand that will be exported. Some of the complaints in this case cannot be addressed by this Board.

Ms. Cravens stated that the residents of the area have tried. There have been calls to the County and even calls to the EPA. There is nothing done.

Mr. Walker asked Ms. Cravens about the trucks she has seen hauling sand out, where does she think the sand is coming from since Mr. Easton has stated that he does not have enough sand. Ms. Cravens stated that she assumed it was coming from the river because that is the direction the trucks are coming from when they are using that road.

Mr. Frazier asked Ms. Cravens if she understood that Mr. Easton could haul out sod from his property if he chose to do so. Ms. Cravens nodded in affirmation, and stated that the trucking of sod is fine.

Mr. Osborne asked Ms. Cravens if she had seen sand trucks coming into the property and leaving the property. Are they loaded when they are coming in or going out? Ms. Cravens stated that the trucks are usually loaded with junk or trash when they are coming in. Mr. Osborne asked if she had seen sand being brought into the property.
Ms. Cravens stated that she had not seen sand brought in lately, but the sand is leaving the property.

Rebuttal:
Mr. Frazier came forward for a rebuttal.

Mr. Charney stated that the Board has heard some concern that there has been a fair amount of sand extraction thus far and that is the current operation. Mr. Charney asked Mr. Frazier to present his client’s prospective on that view. Mr. Frazier stated that there has been one instance where there was a composite of sand that was removed from the property, not the river. That composite was not mined, there was a hole dug and the composite was hauled out. In regards to the debris from the elementary school, that was a one-time episode and that was in conjunction with the composite material. The rock was brought in and it was used for riffraff along the riverbank to keep the bank from washing away. The EPA did come to investigate that incident, and they gave Mr. Easton a "clean bill of health".

Mr. Charney stated that if the Board were to approve this less intrusive mining application, if volume were an important factor in that decision and based on the roadway that exists, would his client understand a restriction on the volume of sand extraction. Mr. Easton stood and stated that he did not have a problem with a volume restriction because there is not enough sand available at his spot on the river to operate a commercial business.

Mr. Draper asked staff if the proposals being voted on today need to have criteria added to them by the Board, i.e., limiting it to what has been presented today or has the application been revised. Mr. Alberty stated that when a presentation has been made, and an applicant offers conditions, if the Board agrees to those conditions they need to be stated in the motion. Of course, there is always the possibility of making the motion more restrictive or adjust the conditions to the Board’s motion. Mr. Draper asked if the application before the Board is based on Mr. Frazier’s last letter, the letter contents should be included in the motion. Mr. Alberty gave affirmation.

Comments and Questions:
Mr. Walker stated that he is pleased with the reduced intensity of the application. He believes Mr. Easton has shown good faith by attempting to address some of the complaints prior to this meeting.

Board Action:
On MOTION of CHARNEY, the Board voted 5-0-0 (Charney, Dillard, Draper, Osborne, Walker “aye”; no “nays”; no “abstentions”) to APPROVE the request for a Special Exception to permit sand extraction within Use Unit 24 – Mining & Mineral Processing – in an AG District (Section 310), with the following conditions. Statements contained in the letter from Mr. Frazier dated April 25, 2012 will be applicable, see attached Exhibit A, pages 3.5 and 3.6. No more than 100 loads of sand to be exported from this mining operation per year. The applicant will ensure the road that is used to access the
property, 151st Street, shall be maintained, whether it is through private efforts or
through efforts with Tulsa County, for reasonable and appropriate use for truck and
suitable for standard automobile traffic. This special exception will have a time limit of
one year from today’s date, May 15, 2012. The debris on the property is to be depleted
or removed. Finding that the approval of the special exception, the Special Exception
will be in harmony with the spirit and intent of the Code, and will not be injurious to the
neighborhood or otherwise detrimental to the public welfare; for the following property:

GOV LTS 3 4 6 & 8 & 27AC ACCRETED LAND LESS BEG SWC GOV LT 4 TH
N466.69 E466.69 S466.69 W466.69 POB & LESS BEG 1322.52N & 92.15E SWC SE
TH NE103.37 NE163.69 E280.39 E501.27 ELY72.66 SE157.78 S154.42
W1991.50 TO POB SEC 19 17 14 119.08ACS, OF TULSA COUNTY, STATE OF
OKLAHOMA

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NEW APPLICATIONS

Case No. 2429—Ronnie VanLandingham

Action Requested:
Variance to permit a detached accessory structure in an RS District larger than 750
square feet (Section 240.2.E); Variance to permit a detached accessory structure
in the side yard (Section 420.2.A.s). Location: 1325 South 214th West Avenue

Presentation:
Ronnie VanLandingham, 1325 South 214th West Avenue, Sand Springs, OK; stated
he has joined two lots together. He has visited with all the neighbors and explained to
them what he wants to do and why he wants to do it. The side yard variance request is
because he has a GRDA non-active power line in the back yard with a 145'-0"
easement so he cannot build anything in the back yard. The reason he wants to build a
larger building, larger than 750 square feet, the building will have the appearance of a
house in the middle of the lot instead of a small out-building in the middle of the lot. The
building will be a steel building on a steel frame, with a four foot brick wall around three
sides. There will also be vinyl siding across the front of the building. Eleven out of the
twelve neighbors within the 300'-0" radius are in favor of his request being approved,
and the twelfth neighbor lives about 250'-0" away from the subject property. The home
owners association has also seen his proposed plan and they have given their approval
for the building pending the approval from the Board of Adjustment.

Mr. Walker asked what Mr. VanLandingham planned to do with the carport and the
additional storage building in the backyard. Mr. VanLandingham stated that he had
installed the carport to protect his boat but they are still deteriorating, and that is one of
the reasons for the proposed building. The additional storage building was on the
property when he purchased the house and he plans to demolish that building.
**Case No. 2424—Phil Frazier**

**UNFINISHED BUSINESS**

**Action Requested:**
Special Exception to permit sand extraction within Use Unit 24 – Mining & Mineral Processing – in an AG District (Section 310). **Location:** SE/c of 151st Street South and South Mingo Road

**Presentation:**
Phil Frazier, Attorney, 1424 Terrace Drive, Tulsa, OK; stated he represents Mr. John Easton, the property owner. The property is bounded on the north side by 151st Street, bounded on the south side by 161st Street, bounded on the east side by the Arkansas River, and bounded on the west side by Mingo Road. The location is approximately a half mile from East 151st Street, approximately a half mile from 161st Street and a half mile east of Mingo Road. The interest in this special exception is that Easton Sod is a sod farm that has been on this land for years. In recent years they have developed a particular type of sod which is called Patriot Sod. Easton Sod is one of five sod companies in the world that has developed this particular sod and producing this sod, thus creating a commercial necessity to continue with the operation. Patriot sod requires a five to six inch sand base. Up to this point the sand has been purchased to produce this sod. Mr. Easton would like to utilize his property on the river, which is presently a sod farm, to mine his own sand and use it in his sod farm operation. This is the basis for the special exception request before the Board of Adjustment today.

Mr. Charney stated that there have been several letters received from surrounding people of the neighborhood stating that if the request were approved, it would be injurious to the neighborhood and not consistent with the agricultural use. They see the sand extraction and mining as a different venue from the sod farming. Mr. Frazier was asked to express his thoughts on that matter and whether he thought there was a distinction between sand extraction and sod farming.

Mr. Frazier stated there is no distinction because it is two different operations but the sand is used as a part of the agricultural use of the sod farming. Sod farming is an agricultural use and the sand is utilized in the production of the sod. This operation will be at least a half mile from any residence. Any reference to the detriment of the neighborhood would not be accelerated because the requirements the sand extraction will have placed upon them will be far more stringent than what exists today. There are several licensing authorities that would be involved, and their regulations are very strict. The roadway would be the only contact with the neighborhood, and there are only a couple of houses in the immediate vicinity. There would be no dust raised from the obtaining of the sand from the river because the sand would be wet. Mr. Frazier stated that he believed there would no adverse effect on the neighborhood.
Mr. Walker asked Mr. Frazier if the half mile distance was measured from the dredging point. Mr. Frazier stated the operation would be a half mile from the residences, because the closest residences are on 151st Street and Mingo. The operation is half mile away from 151st Street and a half mile away from Mingo Road.

Mr. Osborne asked Mr. Frazier if the subject tract was owned by the same person who wants to operate and utilize the sand extraction. Mr. Frazier confirmed that statement. Mr. Osborne asked if the sand would be dredged from the river and taken to the sod plot locations. Mr. Frazier confirmed that was exactly what would happen in the operation.

Mr. Charney stated that he understood the sand extraction operation would be largely in the center of the section, half mile from 151st and 161st Streets, and he wanted to know if the dredging process limited the operation to that particular area or if it will be a broader application allowing it anywhere along the property. Mr. Charney also asked if the Board were inclined to approve this request if the client would be willing to limit the dredging operation to center section not allowing the operation to spread. Mr. Frazier stated that if the Board were to approve this request his client would certainly be willing to operate under the limitation that the operation would be in that particular area, because he does not want to be farther away from the river than necessary. The closer the operation can stay the better, and it will also be necessary to receive approval by the Bureau of Mines and the Corp of Engineers.

Mr. Charney stated that the Board has been provided many pieces of information from the opponents of the application. There was significant theme among the many objections and that is the poor condition of the roadway of 151st Street along where the trucks will need to exit in front of the homes. Even though the mining operation will be a half mile away from homes the truck traffic will be increased significantly, and the already decimated road will have even more traffic. That traffic is what the neighbors are saying would be detrimental to the neighborhood.

Mr. Frazier stated there would be more traffic but not much more, than and not as many as the sod farm has because there will not be very much sand trucked off the property. Mr. Frazier showed Mr. Charney on a case map where a road could be located. It would be a road that would turn west out of the property and located farther south than 151st Street by a few hundred feet. This proposed road would not impact East 151st Street residences. Mr. Frazier stated that in the one mile section of Mingo Road between 151st and 161st Streets there is only one residence and one office.

Mr. Charney asked Mr. Frazier if there was activity on the property today, i.e., dumping or other non-agricultural uses. Mr. Frazier stated that over the years that his client's father has left broken down equipment on the property. The client is working with his father to clear the property of the useless equipment. Also there has been top soil sold from the property.
Interested Parties:

Yolanda Hiatt, 9723 East 151st Street South, Bixby, OK; stated she lives on the corner of 151st Street and Mingo Road. She is opposed to the special exception request because of the heavy traffic that currently exists. The truck traffic delivers a variety of items to the area and has been heavy for approximately the last five years. The 151st road was once paved and now it is pothole infested due to the heavy traffic. The traffic also creates a large amount of dust. The trucks start at 7:00 A.M., especially the construction trucks for the Bixby Public Schools. Ms. Hiatt stated that recently the truck traffic has been so heavy that her in-ground pool has started cracking. A few years ago a horse was hit by a truck and had to be euthanized because the truck was traveling so fast that it could not stop for the animal. All the trucks travel faster than they should, and this is a dead end street. Ms. Hiatt does not want to have this request approved.

Melinda Stone, 9909 East 151st Street South, Bixby, OK; stated that she is strongly opposed to this request. Ms. Stone stated that she lives in the very last house on a dead end street. Mr. Charney asked Ms. Stone to come forward and point out her house on the case map provided the Board in their agenda packet. She is not against the sod trucks or the sod farm because it is agriculture, but this is more than a sod farm. Since the ice storm of 2007, when the destroyed trees were being hauled away in Tulsa, those trees were dumped on Mr. Easton's property. The large trucks drove up and down the street, 24 hours a day, two and a half minutes apart; she stated timed the trucks. For three weeks the dust was horrendous and they sped up and down the road. The drivers did not care if they hit a pothole. There are pets and children in the area. Ms. Stone stated that she stopped many of the truck drivers and asked them to slow down, and when she did not receive any help from the drivers she called several supervisors to no avail. There are several acres of tree debris, still today, and those huge tree debris mounds catch fire due to instantaneous combustion. They are smoldering today. Last year the fire spread toward her property line, and she was prepared to evacuate her home because the fire was up to her property line. It was that close. Ms. Stone stated that her husband is in very poor health. She also stated that because of the smoldering fires he has developed emphysema, which she can document with medical records. If this request is approved the residents of the neighborhood will not be able to spend time outside and they won't be able to open the windows of their homes due to the dust. She does not object to the sod farm because she enjoys agriculture, but what is proposed today is not agriculture. There is more than tree debris dumped on Mr. Easton's property, and that is his business, but the truck traffic is horrific. Also no one wants to repair the road, not the city, not the county and not Mr. Easton. Ms. Stone stated that if the sand extraction is allowed to go in, the property values will plummet, because no one wants to buy a house across the street from a sandpit. The other sand extraction companies in the area do not have anyone living close to the operation, i.e., Holiday Sand.

Gloria Cravens, 9723 East 151st Street South, Bixby, OK; stated that she opposes the approval of this special exception. There is sand in the air all the time, because once the wet sand extracted it dries out and blows in the wind. The cement is breaking off her house and around her pool because of the shaking the truck traffic causes. She
has been awakened early in the morning because her house is shaking so much from the uncovered dump trucks going up and down the street so fast. A supervisor from one of the trucking companies came to speak to her about her complaints and he told her to call her county commissioner. The reason she bought her home is because it is located on a dead-end road in what used to be a peaceful area.

Mr. Osborne asked Ms. Cravens to describe what type of trucks leaving the area other than the empty dump trucks. For the past two years there have been trucks with sand using the road to leave. Mr. Osborne asked Ms. Cravens where the blowing sand that has been referred to be coming from; he wanted to know, in particular, if the blowing sand was coming from the sod farm. Ms. Cravens stated that the sand was not coming from the sod farm because they water the sod to keep it moist so it will grow. The blowing sand is coming from the road that the uncovered dump trucks, the cars, and the pickup pulling trailers that are speeding up and down the road.

Rebuttal:
Mr. Frazier stated that the opponents are correct, in that there have been some fires in the area. The City of Bixby, the City of Tulsa, and the County of Tulsa did not have enough space to dispose of all the tree debris from the 2007 ice storm, and Mr. Easton allowed them bring the debris to his property and dump it. Most of the debris has been burned and has burned over the years. There are still some times when the debris mounds flare up, and Mr. Easton is in the process of extinguishing or smothering the fires as best as he can. Mr. Easton intends to grind the debris into mulch to use in his agricultural use. As to the concrete, there have been loads of broken concrete brought in which has been used along the river to alleviate the erosion. As to the dust, it is coming from the river. Because of the extremely dry year last year, the wind picked up dry sand and dirt distributing it everywhere. As to the road repair, Mr. Easton has brought in gravel for the road in an attempt to fix the pothole problem because the city nor the county would do anything about the road. Mr. Easton is willing to move the road down and away from 151st Street in order to receive approval for his special exception request.

John Easton, 11225 South 90th East Avenue, Bixby, OK; stated that if he is allowed to have his mining operation it will be mandated by the State of Oklahoma. The road in front of the homes used to be a good road until the massive amount of timber was hauled in by the City of Tulsa. There was so much timber hauled in that it covered 16 acres and was approximately eight feet deep. Mr. Easton stated that one of the reasons he allowed the tree debris to be dumped on his property was because he wanted the debris to create compost, mix that with sand creating top soil. That was a long-term goal. The people who were hauling in the timber were contracted to repair the road after they were done, but it was not done. Spontaneous combustion does start fires in the area, and there is a man constantly digging out the fires and dousing them with water, especially in the summer.

Mr. Charney asked Mr. Easton if the Board decided it was important to provide an ingress and egress point from his property to the south, would he be willing to provide
that. Also, if the Board decided that it was important to have the area watered for dust control, as part of the mining operation program, would he be willing to do that. Mr. Easton stated that he would, and that it would be mandated by the state.

Mr. Charney stated that it would be important for Mr. Easton and his counsel to hear the Board's standard of review. In granting such an operation, or use by special exception, the Board should consider the environmental influences, such as dust or vibration. The Board should establish, when appropriate, protective conditions such as setbacks, screening, dust control as will mitigate the adverse effects of the nearby uses. This is something the Board is charged to do at this level, given that the roadway operation is one of significant truck traffic immediately in front of their homes is an adverse use.

Mr. Walker asked Mr. Easton about his plans for the mulch or tree limbs. Mr. Easton stated there were a couple of ideas that he would like to implement. One is the mulch that has been composted. He wants to manufacture that and bag it. His business is drifting more into the athletic field with the sod, and it requires 75% to 90% sand base. There is a small amount of mulch mixed with the sand base to grow this specific athletic grass on clay or anything else. Mr. Easton stated that if he cannot grow and harvest his own sod he finds it necessary to bring in sand from an outside supplier. Mr. Walker asked Mr. Easton where the burning tree debris was located and how close it is to the neighbor's property. Mr. Easton stated that he thought there was a portion of the debris that does touch a neighbor's property on one end at the north, but most of the debris is in the center. The drivers who were dumping the debris extended a little beyond their parameters, and it was hard to control because there were approximately 50 trucks an hour coming and going.

Mr. Charney called each of the opponents to the head table to ask them a question. Ms. Melinda Stone was called forward. Mr. Charney stated that currently the egress for the truck traffic is right in front of her home. There has been an offer made to move the egress about a quarter mile to the south. Mr. Charney asked if she would see that as having less of a negative impact on her home. Ms. Stone the proposed egress site is not a quarter of a mile away, and there are several houses in the immediate area of the proposed site. Ms. Yolanda Hiatt and Ms. Gloria Cravens were called forward and asked the same question as was asked of Ms. Stone regarding the proposed egress site. Ms. Hiatt stated there are at least six houses in the immediate vicinity of the egress site, and Ms. Craven concurred.

Mr. Charney asked Mr. Easton to come forward. Mr. Charney stated that the Board has been looking at the case map provided them, and have asked the opponents to locate their properties and explain the area around the proposed egress site. The Board has now been told there are several houses in the proposal site. Mr. Easton stated that he knew there were several houses in the proposed area but the house that would be right on the corner of Mingo is not protesting the project. There are five houses within an eighth of a mile south of the proposed site. The proposed egress site would be closer to one house and about the same distance as it is to the opponent's houses.
Comments and Questions:
Mr. Ron Walker stated that he could support the special exception request if there could be a good relocation of the ingress and egress to the sod farm. If he were to make a motion it would be contingent upon the restoration of 151st Street and the moving of the tree debris away from the neighboring property.

Mr. Gene Dillard stated that Mr. Easton should have been building a relationship with his neighbors before he appeared before the Board, but he could support this request with the condition that the land be cleaned of the “collectibles” that have been allowed to lay deteriorating for years.

Mr. Osborne stated that this is a very difficult case, because he likes to be and wants to be an advocate for the individual to use their property as they wish. But when the individual fails to be a good neighbor that is when it becomes an issue. The Board is being asked if sand extraction is a good use and permitted by-right in an AG district because of potential adverse effect. If the sand extraction is controlled, it is one thing, but when it is not controlled then the sand extraction affects the general welfare; that is something that no longer follows the guidelines of being a good use, and falls outside the spirit of the code. That is why the code exists. Mr. Osborne stated that today he could not support this request because he sees it is a detriment by Mr. Easton’s actions.

Mr. Charney stated that the increased truck traffic makes this a difficult request to consider. Mr. Charney stated that he would like to find a way for the land owner to do with their land within the spirit of co-operative efforts, but he does not see a way of arriving to that conclusion so he could not support an approval of this request.

Mr. Charney asked staff if it would be wise to ask the applicant and his counsel to bring the Board a plan on the location of the ingress and egress point, and continue this case to the next meeting in May. There are various issues to be considered in this case. Those issues are past actions, clean up, the mulch that is still burning, and the ingress and egress; but if there were a plan brought to the Board to address those issues a motion could be made to continue this case.

Mr. Alberty agreed with Mr. Charney. There has been a lot of abstract discussion today. Typically whenever there is a request of this magnitude before the Board, there are more specifics presented, not only specifics on how the sand operation is going to operate, but is the sand operation only going to provide sand for Mr. Easton’s use or will it be sold and trucked out. The Board can make a motion on one or the other, if the motion for support the Board can list a series of conditions that Mr. Easton would need to comply with. Mr. Alberty thinks Mr. Easton would be better served, because he heard concerns of nearby neighbors and the Board, if the applicant were allowed to come back with a specific plan. The plan should stipulate how the issues will be addressed. If the applicant is not willing to come back then the Board can definitely take action today.
Mr. Walker stated that he could support the sand operation because it will not be a problem on the river; the problem is the trucking. That is why he would like to see the ingress and egress moved and 151st Street be restored. Mr. Easton is in the business so he will be trucking the sand in from an outside entity, so by granting the use of his own sand plant it helps the situation by possibly lowering the truck traffic.

Mr. Charney asked Mr. Frazier if he would like to continue this matter to the meeting in May, as opposed to taking a vote today. Mr. Frazier stated that he has not heard anyone complain about the mining proposition but has heard many complaints about the truck traffic. Mr. Frazier welcomed the opportunity to present an alternative to the Board in regards to the truck traffic, but he does have concerns over the conversation regarding restoring 151st Street to its original condition. That street was not in very good condition prior to this, and Mr. Easton has attempted to fix the road a couple of times but it still keeps deteriorating. Mr. Easton would be glad to help in some of the restoration of 151st Street.

**Board Action:**
On MOTION of CHARNEY, the Board voted 4-0-0 (Charney, Dillard, Osborne, Walker "aye"; no "nays"; no "abstentions") to CONTINUE the request for a Special Exception to permit sand extraction within Use Unit 24 – Mining & Mineral Processing – in an AG District (Section 310), to the meeting of May 15, 2012; for the following property:

GOV LTS 3 4 6 & 8 & 27AC ACCRETED LAND LESS BEG SWC GOV LT 4 TH
N466.69 E466.69 S466.69 W466.69 POB & LESS BEG 1322.52N & 92.15E SWC SE TH NE103.37 NE163.69 E280.39 E255.57 E501.27 ELY572.66 SE157.78 S154.42 W1991.50 TO POB SEC 19 17 14 119.08ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

***************

NEW APPLICATIONS

**Case No. 2428—Billy Frazier**

**Action Requested:**
Special Exception to permit dirt extraction (borrow fill pit) within Use Unit 24 – Mining & Mineral Processing – in an AG District. **Location:** South of the SE/c of West 51st Street South & South 85th West Avenue

**Presentation:**
Billy Frazier, 7798 West 51st Street, Tulsa, OK; stated he wants to develop the property; this is not just a mining proposition. Mr. Frazier stated that he had a meeting with Mr. Terry West about two years ago, because Mr. West had seen him digging out an existing pond to make it deeper and working on the property. At that time Mr. West informed Mr. Frazier that he needed to obtain a development permit, which Mr. Frazier
Mr. Walker explained to the applicants that there were only three board members present at this meeting, and if an applicant would like to postpone his or her hearing until the next meeting he or she could do so. If the applicant wanted to proceed with the hearing today it would be necessary for him to receive an affirmative vote from all three board members to constitute a majority and if one board member voted no today the application would be denied. Mr. Walker asked the applicants if they understood and asked the applicants what they would like to do. Two of the applicants stated that they would like to continue their cases to another meeting.

NEW APPLICATIONS

Case No. 2425—Zelda Weathers

Action Requested:
Special Exception to permit a Go-Kart Track within Use Unit 20 in an AG District.
Location: 9600 North Harvard Avenue

Presentation:
Zelda Weathers, 10210 North Harvard, Sperry, OK; requested to have her hearing rescheduled to the May 15th meeting.

Interested Parties:
There was one interested party present; he agreed to the rescheduling of the hearing.

Comments and Questions:
None.

Board Action:
On MOTION of DILLARD, the Board voted 3-0-0 (Dillard, Osborne, Walker “aye”; no “nays”; no “abstentions”) to CONTINUE the request for a Special Exception to permit a Go-Kart Track within Use Unit 20 in an AG District, to the meeting of May 15, 2012; for the following property:

TR BEG SECR SE SE TH W326.7 N333.5 W229.2 N TO PT ON NL S2 SE SE E555.9
SPOB SEC 17 21 13 6.668ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

Case No. 2424—Phil Frazier

Action Requested:
Special Exception to permit sand extraction within Use Unit 24 - Mining & Mineral Processing - in an AG District (Section 310). Location: SE of the SE/c 151st Street South and South Mingo Road

03/20/2012/#382 (2)
Presentation:
Phil Frazier, 1424 Terrace Drive, Tulsa, OK; requested to have his hearing rescheduled to the April 17, 2012 meeting.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of Dillard, the Board voted 3-0-0 (Dillard, Osborne, Walker “aye”; no “nays”; no “abstentions”) to CONTINUE the request for a Special Exception to permit sand extraction within Use Unit 24 - Mining & Mineral Processing - in an AG District (Section 310), to the meeting of April 17, 2012; for the following property:

GOV LTS 3 4 6 & 8 & 27AC ACCRETED LAND LESS BEG SWC GOV LT 4 TH N466.69 E466.69 S466.69 W466.69 POB & LESS BEG 1322.52N & 92.15E SWC SE TH NE103.37 NE163.69 E280.39 E255.57 E501.27 ELY572.66 SE157.78 S154.42 W1991.50 TO POB SEC 19 17 14 119.08ACS, OF TULSA COUNTY, STATE OF OKLAHOMA

Case No. 2416—Ronald L. Hall

Action Requested:
Variance to permit a second dwelling unit on one lot of record (Section 208); and a Variance of the minimum required land area per dwelling unit (Section 330).

Location: 12612 North 143rd Avenue East

Presentation:
Ronald L. Hall, 12612 North 143rd East Avenue, Collinsville, OK; would like to move a second mobile home onto his acreage for his step-daughter to live in. There have been two mobile homes on the land since 1973 until March 2010, when the second mobile home was removed. The new mobile home will have a separate legal address, its own private utilities, and a separate septic system.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.
Case No. 2273

Action Requested:
Special Exception to permit sand and gravel mining in the AG district (Section 301), located: Southeast of 161st Street and South Garnett Road.

Presentation:
Mike O'Dell, 9660 Lakewood Road, Lenexa, Kansas, submitted applicant exhibits (Exhibit B-1). They proposed to mine sand and gravel from the Arkansas river and the adjacent floodplain at the location indicated by the submitted plans. He informed the Board that the demand is growing and the local supply has diminished. The site has not been earmarked for any development in the county land use plan; it has been identified as an agricultural reserve.

Comments and Questions:
Mr. Charney asked for clarification of Mr. O'Dell's last statement. Mr. Cuthbertson responded that he is probably referring to the Arkansas River Corridor Master Plan, which was provided to the Board. He added it covers the river from the Keystone Dam all the way to Wagner County.

Mr. O'Dell continued, stating the site is close to the existing users, within a mile to the main haul-route, Highway 64 to the south on Garnett Road. They have a written agreement and some verbal agreements with the County that Holliday Sand & Gravel would supply the materials and the County would supply the labor. It would be a cost share for the Garnett Road widening and improvements. He explained that the property cannot be developed for other uses than AG because the bulk of the property is in the floodplain. There would be a minimal clearing of habitat vegetation. They propose the operation to run from 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 12:00 p.m. on Saturdays, mainly during construction season. The projected life of the project is 15 years. Environmental impacts are supplied in the exhibits. There are about five homes nearby, one within ¼ mile west of the Garnett frontage of the subject property and four within ½ mile west off of 161st Street. There are approximately another 24 residences about one mile away. Local schools are 1 ½ to 2 miles away and not on the haul-route. They estimate 100 trucks per day but there could be up to 200 trucks per day equaling 400 trips per day. They would contract for a traffic study. They are planning for dust control of the plant roads with recycled asphalt. The primary operation would be river dredging on approximately 105 acres. They would use silencers on the dredgers. Mr. O'Dell stated the plant would be on twelve acres in the northwest corner and screened to the east and south by the treed corridors on Snake Creek and Snake Creek tributary. They would agree to plant evergreens along Garnett. He submitted photographs (Exhibit B-2). They talked with the neighbor across the street and he did not have any objection. They would direct
lighting down. They plan for a hydrology study for the project and permits. The sand pond and pit is on about eighty-three acres.

Mr. Hutson asked how many permits they must obtain before they build a plant and begin operations. Mr. O'Dell estimated there are about six permits from DEQ, State of Oklahoma, the County, and Corp of Engineers. Mr. Hutson wanted the interested parties to understand they have to meet many requirements for these permits. Mr. Cuthbertson also mentioned that once this project is over it does not open up the way for commercial development, as the land is zoned agricultural.

Interested Parties:

Joe Davidson, P.O. Box 686, Bixby, Oklahoma, stated his land adjoins on the east side along Snake Creek. He owns 50 acres with a residence. He asked if the trucks run seven to seven or are those hours for the dredging or is that 24 hours per day. He expressed concern about the widening of Garnett and the bridge as a big project. He added this is a school bus route. Mr. Davidson stated he made phone calls randomly to 15 of the 27 sand supply companies listed in the phonebook and everyone of them informed him they had excess capacity in sand at that time. He indicated that the Department of Mining does not do a lot of engineering review once the County gives approval. The Army Corp of Engineers informed him today that because of a Supreme Court ruling they no longer have authority to issue a 404 Permit.

Teresa McLain, 16614 South 128th East Avenue, stated a family member owns property on east Snake Creek. She opposed because before the 1986 flood the creek was cutting off the family property. She informed the Board that it the flow of the river is changed it would take out a small wood culvert at 129th that would cut off eight people from their properties. She also asked if the culvert washes out, who would they call. She asked if they planned to use the cutterhead in the river or on the banks.

Jerry Martin, 12926 East 161st Street South, expressed concern of the river washing out the banks and culvert. He complained of dust and truck traffic from such a plant.

George Roberts, P.O. Box 905, Bixby, Oklahoma, stated he owns property east of the subject property. He was concerned that not all of the neighbors were notified of this case. He also mentioned that it would devalue their property.

Glenn Koenig, 16312 South 128th East Avenue, stated opposition of such a project on the river that could cause loss of land.

Ray Bowen, Mayor of the City of Bixby, stated that Holliday Sand and Gravel has been a good corporate citizen.
(name inaudible), 12925 East 161st Street South, opposed the application for the noise of the proposed plant.

Teresa McLain-Bean, asked if this plant would mine silica sand, which is a very fine sand.

Applicant Rebuttal:
Mr. O'Dell stated that Holliday Sand and Gravel is an employee-owned property. He responded to neighbor's concerns that they plan to do a hydrology study. They will not proceed if they believe it will do damage to streets or anyone's property downstream. Mr. Charney asked about the hours of operation mentioned, if that was for the trucking and/or the mining. Mr. O'Dell replied that the hours of seven to seven would be the hours they would be open, loading trucks. He added there will be times when they would need to dredge 24 hours per day. Mr. Charney asked if they could agree to the Board imposing certain hours of operation. He replied that they could if they built a larger production rate plan. Mr. Hutson assumed that would mean more noise and larger equipment. Mr. O'Dell replied that he did not know that it would be noisier, but a little more of a presence. He stated they are aware a bus goes by the proposed plant, but the trucks would not haul past the school or residential streets. He informed the Board that river dredging is not regulated if there is only incidental fall-back into the river, with an EPA 404 permit. The Corp of Engineers are very involved with this site and have jurisdiction there. He commented that the dredge is about 20 ft. x 40 ft. in size and might be used in the pit if there was enough water. The cutter-head is about 24 inches in diameter and is like a rotating head with teeth on it that loosens the sand. They would not want to dredge within 50-100 ft. of the bank and cave the bank, They could post a quarter million dollar bond payable to a homeowners' association or the county, in the case of unforeseen erosion. Mr. Charney asked if other Departments and/or agencies that do more technical studies and reviews after a Board of Adjustment approval.

Janet Meshack, with Meshack Associates, replied that Holliday Sand and Gravel contacted them in advance to see if this was even possible. It is nearly all in a floodway. She stated Snake Creek actually overflows around 181st Street. They advised the Holliday company that they would have to lower some of the areas affected in order to have compensatory floodplain storage and conveyance not to cause any rise in the water surface or floodway. Mr. Charney asked if there is a process to follow to prevent erosion of the bank. She did not think there was any real process that would eliminate the possibility of erosion. The Keystone Dam has a big impact on the water level.

Mr. Hutson asked how they selected this site. Mr. O'Dell replied they selected this site because it is convenient, close to the market. Less transportation time decreases the cost of delivery. The distance from residential homes makes this a good site and they will not be hauling past houses.
David Iski, Assistant District Attorney, encouraged the Board to address the concerns within Section 1224.3 and Section 1680.3 in their findings.

In discussion, Mr. Walker had concerns for possible occurrences of erosion. Mr. Charney was relieved to know that the dredging site, which might be around the clock, is farther away from residences. Mr. Hutson noted that sod farms are all over the area and recognized dust as a characteristic of a farming area during certain seasons. Mr. Tyndall found the proposal to be appropriate subject to the hours and road usage. Mr. Charney stated the Board has considered dust, vibration, traffic and the applicant’s offer to do watering to control dust. They road improvement plan would assist the vibration. The haul route seems to be the best and shortest distance to users. The applicant would have significant setbacks and berming. They have addressed the hours of operations.

Board Action:
On Motion of Hutson, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to permit sand and gravel mining in the AG district (Section 301), as submitted by the applicant, in accordance with the data submitted and the plan of operation, subject to all of the permitting required, including environmental and quality, mining; hours of operation: truck traffic and pit operations from 7:00 a.m. to 7:00 p.m. and dredging as needed; with conditions provided by the applicant to stay away from the banks in excavation; to take necessary steps to minimize erosion, specifically dredging no closer than 50 ft. from the shore, except when the equipment is moved to the working site; placement of rip rap in areas that appear to be adversely affected from erosion by the operation; the applicant to contribute to the cost and upkeep of Garnett Road south to Highway 164; a watering plan that is consistently administered, authored by the applicant and posted for the inspector should they wish to see it; and the applicant to provide a $250,000 bond to be posted in the event that certain remedial cure to public works is deemed necessary by the Inspector’s office for actions inconsistent with various permits; finding it will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; finding the Board has made an effort to address the issues raised in Section 1608; on the following described property:

"That portion of the Arkansas River lying South of the centerline, upstream of the confluence of Snake Creek, in the South ½ of Section 20, and in the North ½ of Section 29 all in Township 17N, Range 14E of the Indian Base and Meridian, in Tulsa County, Oklahoma, and more particularly the South half of the Arkansas River, beginning at the extension of S. Garnett Road, easterly and downstream along the south bank of the Arkansas River approximately 4600 feet to the mouth of Snake Creek, containing 105 acres more or less; AND certain real property in Tulsa County, Oklahoma, in the North ½ of Section 29, Township 17 North, Range 14 East of the Indian Base and Meridian and lying north of Little Snake..."
Creek, less the south 1000 feet (containing 23.6 acres), containing 160 acres, more or less."

NEW BUSINESS

There was no new business.

OTHER BUSINESS

Interpretation of the Zoning Code to determine the classification of a pond in a platted residential district.

BOARD ACTION:

On Motion of Charney, the Board voted 5-0-0 (Walker, Tyndall, Dillard, Hutson, Charney "aye"; no "nays"; no "abstentions"; no "absences") to CONTINUE this business to the meeting on August 21, 2007.

*******

There being no further business, the meeting adjourned at 3:49 p.m.

Date approved: 8/21/07

[Signature]
Chair
CBOA-2878

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018
Looking north into entrance from East 161st Street South

Looking west down East 161st Street South from the subject property
Looking east down East 161st Street South from the subject property
February 12, 2020

Tulsa County Board of Adjustment
C/o INCOG
2 West 2nd Street, Ste 800
Tulsa, Oklahoma 74103

RE: Case No. CBOA-2878 / Tanner Bemies

To whom it may concern:

The City of Bixby objects to the Special Exception to permit Use Unit 24, Mining and Mineral Processing (Section 1224), which extends the time limit to allow native soils to be mined in an AG District (Section 310, Table 1) for the location of 10335 E. 161st Street S Bixby, Oklahoma.

The reason for this objection is:

- The site proximity to the Arkansas River and low water crossing access through Bixby Creek without a complete Stormwater Management Plan provided to the City of Bixby as a receiving MS4.
- Mr. Bemies has provided the City of Bixby with a Stormwater Pollution Prevention Plan (SWP3), however, the plan is incomplete/incorrect.

Should you have any questions, please feel free to contact our office.

Regards,

[Signature]
Bea Aamodt, P.E.
Public Works Director
City of Bixby
August 19, 2020

Tanner Bemies, Owner
Tanner Bemies Mining Operations
21585 S. Glenwood Dr.
Claremore, OK 74019

Re: Authorization to Discharge Stormwater from Construction or Land Disturbing Activity
DEQ Authorization Number: OKR1031396

Dear Mr. Bemies:

The new Notice of Intent for the facility listed below was received on August 17, 2020 and processed by the Oklahoma Department of Environmental Quality (DEQ). Enclosed is an authorization allowing you to discharge stormwater associated with construction or land disturbing activities under the terms and conditions of OPDES Construction General Permit OKR10 for stormwater discharges from construction activities from the following site located in Tulsa County.

Facility:
Tanner Bemies Mining Operations
East ½, SW ¼, Section 19, Township 17 North, Range 14 East
Bixby, OK 74008

All applicable fees associated with this authorization have been paid. Site that remains active one year from the effective date of the authorization will be invoiced for the next full permit year. Once this project is completed and stabilized, you must submit a Notice of Termination (NOT) form to DEQ to terminate this authorization.

If you have any question regarding this Authorization or the Stormwater Program, please call me at (405) 702-8196.

Sincerely,

Kimberly Carkin, Permit Writer
Municipal Discharge and Stormwater Permits Section
Water Quality Division

MBM/KC/JP/JH/cp
Oklahoma Department of Environmental Quality
Authorization to Discharge Stormwater under the OPDES Construction General Permit OKR10

AUTHORIZATION NO. OKR1031396

In compliance with the Oklahoma Pollution Discharge Elimination System (OPDES) Act, 27A O.S. §2-6-201, the Rules of the Department of Environmental Quality (DEQ), and in reliance on the certified statements and representations heretofore made in its application,

Tanner Bemies
21585 S. Glenwood Dr.
Claremore, OK 74019

is authorized to discharge stormwater from a construction site located in Tulsa County at

Tanner Bemies Mining Operations
East ½, SW ¼, Section 19, Township 17 North, Range 14 East
Bixby, OK 74008

The receiving body of water is the Arkansas River. This facility discharges into a 303(d) listed stream.

The OPDES permit requires permittee to have a Stormwater Pollution Prevention Plan (SWP3) which includes a description of appropriate sediment control measures. These are applicable to your construction site, which is subject to inspection.

Proof of this authorization must be available at the construction site.

The authorization shall become effective August 19, 2020 and will expire at midnight October 17, 2022.

All terms and conditions of the OPDES Construction General Permit OKR10 that became effective on October 18, 2017, shall apply to the recipient of this authorization.

Michael B. Moe, P.E., Engineering Manager
Municipal Discharge and Stormwater Permits Section
Water Quality Division
Stormwater Pollution Prevention Plan (SWP3)
Authorization No. OKR10####$

For Construction Activities At:
Tanner Bemies Mining Operations
Part of the East ½, SW/4 of Sec. 19, T17N, R14E
Tulsa County, OK 74117

SWP3 Prepared For:
Tanner Bemies
21585 S. Glenwood dr.
Claremore OK 74019
918-688-2058
tbemies@gmail.com

SWP3 Prepared By:
Sisemore & Associates.
C. Joseph Watt, P.E.
6111 East 32nd Place
Tulsa, OK 74135
918-665-3600

SWP3 Preparation Date:
04/09/2020

Estimated Project Dates:
Project Start Date: 5/2020
Project Completion Date: Life of the Reserves
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     5.3.1 Perimeter Control ............................................................................................5
     5.3.2 Sediment Track-Out .......................................................................................5
     5.3.3 Stockpiled Sediment or Soil .........................................................................6
     5.3.4 Minimize Dust ...............................................................................................6
     5.3.5 Minimize the Disturbance of Steep Slopes ....................................................6
     5.3.6 Preserve Topsoil ............................................................................................7
     5.3.7 Minimize Soil Compaction ...........................................................................7
     5.3.8 Protection of Storm Drain Inlets ...................................................................7
     5.3.9 Constructed Stormwater Conveyance Channels .........................................8
     5.3.10 Sediment Basins ..........................................................................................8
     5.3.11 Dewatering Practices ...................................................................................9
     5.3.12 Other Stormwater Controls .......................................................................9
Section 6: Pollution Prevention Controls

6.1 Spill Prevention and Responses

6.2 Waste Management Procedures

6.3 Prohibited Discharges

Section 7: Procedures and Documentations

7.1 Maintenance and Repair

7.2 Approval from Local Office

7.3 Inspections

7.4 Corrective Action

7.5 Employee Training

7.6 Notification of Change of Ownership (NCO) for Individual Lots

7.7 Sub-contractor Certifications

7.8 Record Keeping and Record Retention

7.9 Posting a Notice

Section 8: Additional Monitoring (if applicable)

8.1 Support Activity Covered by this Plan

8.2 Representative Outfall(s)

8.3 Structural & Non-Structural BMPs

8.4 Quarterly Visual Monitoring

8.5 Comprehensive Site Compliance Evaluation

8.6 Numeric Effluent Limitation Monitoring for Asphalt Plant

8.7 Additional Procedures for Concrete Batch Plant

Section 9: SWP3 Certification

Section 10: SWP3 Modifications

Section 11: SWP3 Attachments & Additional Documentation
## Section 1: Stormwater Team and Project/Site Information

### 1.1 Stormwater Team

Stormwater team is responsible for overseeing development of the SWP3, making any modifications to it, implementing and maintaining control measures, taking corrective actions when required, performing site inspection and monitoring, supervising pollution prevention and waste management activities, providing staff training, and communicating changes in the SWP3 to the people working on the site. The following personnel, along with their role and responsibility, will be part of the stormwater team for my construction site:

<table>
<thead>
<tr>
<th>Team Leader (Name/Title/Telephone)</th>
<th>Roles &amp; Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tanner Bemies Owner/Developer</td>
<td>Overseeing Contractor</td>
</tr>
<tr>
<td>918-430-8018</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Team Member # 1 (Name/Title/Telephone)</th>
<th>Roles &amp; Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>C. Joseph Watt, P.E. Civil Engineer</td>
<td>Responding to RFI’s and periodic Inspections</td>
</tr>
<tr>
<td>918-384-8086</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Team Member # 2 (Name/Title/Telephone)</th>
<th>Roles &amp; Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Team Member # 3 (Name/Title/Telephone)</th>
<th>Roles &amp; Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Team Member # 4 (Name/Title/Telephone)</th>
<th>Roles &amp; Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

[Repeat as necessary]
1.2 Nature of Construction Activity and Project Information

<table>
<thead>
<tr>
<th>Project/Site Name and Address</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Project/Site Name:</strong> Tanner Bemies Mining Operations</td>
</tr>
<tr>
<td><strong>Project/Site Street/Location:</strong> E. 161st St. S. &amp; S. Mingo Road</td>
</tr>
<tr>
<td><strong>City:</strong> Tulsa</td>
</tr>
<tr>
<td><strong>State:</strong> OK</td>
</tr>
</tbody>
</table>

**General Description of the Project/Site:** This is a 70 acre site that currently is grassed and has the topography to drain east into the Arkansas river. It is composed of soils in the hydrological category of C and D. These soils will be mined and removed to supply fill material to the surrounding construction activities in the Tulsa metropolitan area.

<table>
<thead>
<tr>
<th>Estimated project start date:</th>
<th>11-2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated project end date:</td>
<td>Life of the Reserves</td>
</tr>
<tr>
<td>Total area of the construction site</td>
<td>70 (acres)</td>
</tr>
<tr>
<td>Estimated area to be disturbed:</td>
<td>62.1 (acres)</td>
</tr>
<tr>
<td>Estimated current impervious area at the site:</td>
<td>0.0 (acres)</td>
</tr>
<tr>
<td>Estimated impervious area after construction:</td>
<td>0.0 (acres)</td>
</tr>
<tr>
<td>Pre-construction runoff coefficient of the site:</td>
<td>c = .35 (Mannings)</td>
</tr>
<tr>
<td>Post-construction runoff coefficient of the site:</td>
<td>c = .35 (Mannings)</td>
</tr>
<tr>
<td>Purpose of the Construction Project/Site:</td>
<td>□ Residential  □ Commercial  □ Wind Farm  □ Road/Bridge</td>
</tr>
</tbody>
</table>
Project Latitude/Longitude (for linear project, include latitude/longitude of start and end points)

<table>
<thead>
<tr>
<th>Latitude:</th>
<th>Longitude:</th>
</tr>
</thead>
<tbody>
<tr>
<td>___° ___’ ___” N (degrees minutes, seconds)</td>
<td>1. ___° ___’ ___” W (Degrees, minutes, seconds)</td>
</tr>
<tr>
<td>2. 36.9422° N (decimal)</td>
<td>2. -95.6957° W (decimal)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Method for determining latitude/longitude:</th>
</tr>
</thead>
<tbody>
<tr>
<td>X DEQ Flex-viewer</td>
</tr>
</tbody>
</table>

Description of soil type(s) and fill materials: 6-8 inches topsoil over lean to fat clays

Description of slopes (describe existing slopes and note any changes due to grading or fill activities): The site slopes gradually (+/- 1%) form the west to the east.

Description of drainage patterns (describe existing drainage patterns and note any changes due to grading or fill activities): There is one main flow paths of the subject site both flowing from the NW to the SE and draining off to and east. Theses are characterized as sheet flows. The eastern side of the property drains into the Arkansas River Tributary for Bixby drainage Channel.

Description of existing or baseline vegetation on or immediately surrounding the project area: Most of the vegetation is pasture type grasses with little trees and brush mainlt on both sides of the drainage way.

Climate/Rainfall Patterns - check the box that applies:

□ (0-20” annual rainfall) □ (20”-30” annual rainfall)
□ (30”-40” annual rainfall) □ (40”-50” annual rainfall)

(Note: Annual rainfall data can be found at the following link: https://www.mesonet.org/index.php/weather/category/rainfall)
1.3 Operators and Contractor's Contact Information

**Operator(s) Information:**

<table>
<thead>
<tr>
<th>Name:</th>
<th>Tanner Bemies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>21585 S. Glenwood Dr.</td>
</tr>
<tr>
<td>City:</td>
<td>Claremore</td>
</tr>
<tr>
<td>State:</td>
<td>OK</td>
</tr>
<tr>
<td>Zip Code:</td>
<td>74019</td>
</tr>
<tr>
<td>Operator’s Point of Contact:</td>
<td>Tanner Bemies</td>
</tr>
<tr>
<td>Telephone Number:</td>
<td>918-688-2058</td>
</tr>
<tr>
<td>Email address:</td>
<td><a href="mailto:tbemies@gamil.com">tbemies@gamil.com</a></td>
</tr>
</tbody>
</table>

(Repeat for multiple operators by copying and pasting the above rows)

**Contractor’s Information:**

<table>
<thead>
<tr>
<th>Name:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td></td>
</tr>
<tr>
<td>City:</td>
<td></td>
</tr>
<tr>
<td>State:</td>
<td></td>
</tr>
<tr>
<td>Zip Code:</td>
<td></td>
</tr>
<tr>
<td>Telephone Number:</td>
<td></td>
</tr>
<tr>
<td>Email address:</td>
<td></td>
</tr>
<tr>
<td>Fax number:</td>
<td></td>
</tr>
</tbody>
</table>

(If owner is a separate entity)

**Sub-Contractor’s Information:**

<table>
<thead>
<tr>
<th>Name:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td></td>
</tr>
<tr>
<td>City:</td>
<td></td>
</tr>
<tr>
<td>State:</td>
<td></td>
</tr>
<tr>
<td>Zip Code:</td>
<td></td>
</tr>
<tr>
<td>Telephone Number:</td>
<td></td>
</tr>
<tr>
<td>Email address:</td>
<td></td>
</tr>
<tr>
<td>Fax number:</td>
<td></td>
</tr>
</tbody>
</table>
SWP3 Contact(s):

<table>
<thead>
<tr>
<th>SWP3 Contact Name (Primary): C. Joseph Watt, P.E.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone number: 918-665-3600</td>
<td></td>
</tr>
<tr>
<td>Email address: <a href="mailto:jwatt@sw-assoc.com">jwatt@sw-assoc.com</a></td>
<td>Fax number: 918-665-8668</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SWP3 Contact Name (Backup):</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone number:</td>
<td></td>
</tr>
<tr>
<td>Email address:</td>
<td>Fax number:</td>
</tr>
</tbody>
</table>

1.4 Construction Support Activities (if applicable)

List of construction support activities that will be available at the construction project/site:

<table>
<thead>
<tr>
<th>Type of Construction Support Activities</th>
<th>Will be Present at the Construction Site?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equipment Staging Yards</td>
<td>X Yes □ No</td>
</tr>
<tr>
<td>Material Storage Areas</td>
<td>X Yes □ No</td>
</tr>
<tr>
<td>Excavated Material Disposal Areas</td>
<td>□ Yes X No</td>
</tr>
<tr>
<td>Borrow Areas</td>
<td>X Yes □ No</td>
</tr>
<tr>
<td>Concrete Batch Plant</td>
<td>□ Yes X No</td>
</tr>
<tr>
<td>Asphalt Plant</td>
<td>□ Yes X No</td>
</tr>
</tbody>
</table>

(Note-1: Locate all the construction support activities on the site map. Appropriate/additional controls & measures are required for construction support activities. Support activities should not be located within the watershed of an Outstanding Resources Water (ORW).

Note-2: Include Section 8 if you have Concrete Batch Plant and/or Asphalt Plant as construction support activities at your construction site. Exclude/delete Section 8 if you don't have Concrete Batch Plant and/or Asphalt Plant at your construction site.)
### 1.5 Sequence of Construction Activities

(Note: You may edit sequence of construction activities in the following table to reflect your project’s sequences along with estimated start date and duration)

<table>
<thead>
<tr>
<th>No.</th>
<th>Sequence of Construction Activities</th>
<th>Estimated Start Date</th>
<th>Duration (in Days)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Construction access/entrance to site, construction routes, areas designated for equipment parking/staging area</td>
<td>5/01/20</td>
<td>2</td>
</tr>
<tr>
<td>2.</td>
<td>Silt fences, berm or similar control measures as perimeter control</td>
<td>5/03/20</td>
<td>2</td>
</tr>
<tr>
<td>3.</td>
<td>Land clearing and grading, site preparation (cutting, filling, and grading, sediment traps, barriers, diversions, drains, surface roughening)</td>
<td>5/05/20</td>
<td>14</td>
</tr>
<tr>
<td>4.</td>
<td>Excavation Fill Material</td>
<td>5/19/20</td>
<td>LOR</td>
</tr>
<tr>
<td>5.</td>
<td>LOR = Life of Reserves</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 1.6 Allowable Non-Stormwater Discharges
List of allowable non-stormwater discharges that will be present at the construction site:

<table>
<thead>
<tr>
<th>No.</th>
<th>Type of Allowable Non-Stormwater Discharge</th>
<th>Likely to be Present at Construction Site?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Fire hydrant flushing</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>2.</td>
<td>Waters used to wash vehicles and equipment</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>3.</td>
<td>Water used to control dust</td>
<td>☑ Yes □ No</td>
</tr>
<tr>
<td>4.</td>
<td>Potable water including uncontaminated water line flushing</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>5.</td>
<td>Routine external building wash down</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>6.</td>
<td>Pavement washing waters</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>7.</td>
<td>Uncontaminated air conditioning or compressor condensate</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>8.</td>
<td>Uncontaminated, non-turbid discharges of ground water or spring water</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>9.</td>
<td>Foundation or footing drains</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>10.</td>
<td>Landscape Irrigation</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>11.</td>
<td>Discharges from emergency fire-fighting activities</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>12.</td>
<td>Uncontaminated construction dewatering water</td>
<td>□ Yes □ No</td>
</tr>
</tbody>
</table>

(Note: You are required to identify the likely locations of these allowable non-stormwater discharges on your site maps.)
Section 2: Site Description and Site Map

2.1 Receiving Waters/Discharge Information

Receiving Water body's Information: Stormwater discharges from this construction project will flow to the following receiving water body(ies).

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of the Receiving Waters</th>
<th>Is this surface water listed as impaired?</th>
<th>Cause of Impairment ¹</th>
<th>Has a TMDL been completed?</th>
<th>TMDL Pollutant(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Arkansas River</td>
<td>Yes [x] No</td>
<td></td>
<td>Yes [x] No</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td>Yes</td>
<td></td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td>Yes</td>
<td></td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td>Yes</td>
<td></td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td>Yes</td>
<td></td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

(Note: Name of the receiving waters can be found at the DEQ website using the following link: http://gis.deq.ok.gov/flexviewer. Cause of impairment and TMDL information can be found at the DEQ website using the following link: http://www.deq.state.ok.us/WQDnew/wqprograms.html)

¹ If you discharge to impaired water that is impaired for Sediment and/or Turbidity and located within 1 mile, you are required to comply with the additional requirements in Part 3.5.1 of OKR10 permit.

² Total Maximum Daily Load (TMDL)

Does the project/site discharge stormwater to an Aquatic Resource of Concern (ARC) or an Outstanding Resource Water (ORW)?

☐ Yes [x] No, If yes, I must comply with specific buffer requirements (see Part 3.5.2 of OKR10 permit) and stabilization deadlines requirements (see Part 3.5.2 of OKR10 permit).

Does the project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)?

☐ Yes [x] No

If yes, what is the name of the MS4 operator? ________________________________

Note: See Table R-5 in the MS4 Permit's Factsheet for the MS4s information.
2.2 General Location Map

Provide a general location map (e.g., DEQ GIS Data Viewer or U.S. Geological Survey (USGS) quadrangle map or aerial image from the internet) with enough detail to identify the location of your facility and all receiving waters for your stormwater discharges within one mile of the construction site (see Part 4.3.5.D of the OKR10 permit).

A general location map is included in Attachment A of this SWP3.

2.3 Site Map

SWP3 includes a legible site map or series of site maps/erosion and sediment control plans showing all the features (see also Part 4.3.5 of OKR10 permit) listed below:

- Pre-construction topographic view including vegetation, showing the location of
  - all surface water bodies within one mile of the site (including wetlands); and
  - direction of stormwater flow across the construction site (i.e., use arrows to show which direction stormwater will flow);
- Boundaries of property and identify the location(s) of:
  - Earth-disturbing activities;
  - boundary lines of any natural buffers;
  - approximate slopes before and after major grading activities,
  - areas of steep slopes, surface water crossings, Structures and other impervious surfaces upon completion of construction
- Locations of all structural and nonstructural controls/BMPs identified in the plan including showing the location of:
  - construction entrance/exit,
  - concrete wash-out area,
  - construction support activity areas such as locations of off-site materials, waste, borrow area, or equipment storage area;
  - stockpiled materials (sediment, topsoil, etc.), and
  - locations of all potential pollutant-generating activities;
- Locations where stormwater and allowable non-stormwater will be discharged off-site (should be continuously updated); sampling locations if project is subject to numeric limitations due to presence of an asphalt batch plant;
- Location where stabilization practices are expected to occur; Areas where final stabilization will be accomplished and no further construction phase permit requirements apply.

The site map or series of maps for this facility can be found in Attachment B of this SWP3 showing all the above-mentioned features in Part 2.3 of this SWP3.
Section 3: Construction Site Pollutants

3.1 Pollutant-Generating Activities

Potential sources of sediment to stormwater runoff:
- Clearing and grubbing operations, grading and site excavation operations, vehicle tracking, topsoil stripping and stockpiling, landscaping operations

Potential sources of pollutants, other than sediment, to stormwater runoff:
- Combined Staging Area - small fueling activities, minor equipment maintenance, sanitary facilities, and hazardous waste storage.
- Materials Storage Area - general building materials, solvents, adhesives, paving materials, paints, aggregates, trash, etc.
- Construction Activity - paving, curb/gutter installation, concrete pouring/mortar/stucco, and building construction
- Concrete Washout Area

3.2 List of Potential Pollutants

List of Pollutants that can be present at the construction site:
(Note: Check all the boxes applicable to your project site; include additional pollutants, if necessary, in the space below)

<table>
<thead>
<tr>
<th>Check</th>
<th>Materials/Chemicals</th>
<th>Stormwater Pollutants</th>
<th>Location at the Site</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Dirt from land disturbed area</td>
<td>Sediment</td>
<td>Over the entire tract</td>
</tr>
<tr>
<td></td>
<td>Pesticides (insecticides, fungicides, herbicides, rodenticides)</td>
<td>Chlorinated hydrocarbons, organophosphates, carbonates, arsenic</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fertilizer and dirt/soil</td>
<td>Nitrogen, phosphorous</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Plaster</td>
<td>Calcium sulphate, calcium carbonate, sulfuric acid</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cleaning solvents</td>
<td>Perchloroethylene, methylene chloride, trichloroethylene, petroleum distillates</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Asphalt</td>
<td>Oil, petroleum distillates</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Concrete</td>
<td>Limestone, sand, pH, chromium</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Glue, adhesives</td>
<td>Polymers, epoxies</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Paints</td>
<td>Metal oxides, Stoddard solvent, talc, calcium carbonate, arsenic</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Curing compounds</td>
<td>Naphtha</td>
<td></td>
</tr>
<tr>
<td>Material Type</td>
<td>Hazardous Substance(s)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------------------</td>
<td>----------------------------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wood preservatives</td>
<td>Stoddard solvent, petroleum distillates, arsenic, copper, chromium</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hydraulic oil/fluids</td>
<td>Mineral oil</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gasoline</td>
<td>Benzene, ethyl benzene, toluene, xylene, MTBE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Diesel Fuel</td>
<td>Petroleum distillate, oil &amp; grease, naphthalene, xylenes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Antifreeze/coolant</td>
<td>Ethylene glycol, propylene glycol, heavy metals (copper, lead, zinc)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sanitary toilets</td>
<td>Bacteria, parasites, and viruses</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

*Stoddard solvent, petroleum distillates, arsenic, copper, chromium*

*Mineral oil*

*Benzene, ethyl benzene, toluene, xylene, MTBE*

*Petroleum distillate, oil & grease, naphthalene, xylenes*

*Ethylene glycol, propylene glycol, heavy metals (copper, lead, zinc)*

*Bacteria, parasites, and viruses*
Section 4: Compliance with Federal and State Requirements

4.1 Endangered or Threatened Species Protection

Eligibility Criterion
Under which criterion listed in NOI is the construction project/site eligible for coverage under the OKR10 permit?

X A □ B □ C □ D □ E

For reference purposes, the eligibility criteria listed in Part 1.2.2.E.2 of OKR10 permit are as follows:

Criterion A. The proposed construction site or land disturbing activity is not located within any of the corridors of the Federal or State identified Aquatic Resources of Concern, and further investigation is not required.

Criterion B. The proposed construction site or land disturbing activity is located within a corridor of a Federal or State identified Aquatic Resources of Concern. The SWP3 describes this area in relation to the identified water or watershed and specifies the measures to be employed to protect the endangered or threatened species or their critical habitat (see Parts 3.5.2 and 10 and Addendum A).

Criterion C. If one of those eligibility criteria under Part 1.2.2.E.2.b, d, or e cannot be met, applicants may use Addendum I Buffer Guidance to evaluate alternatives of buffer requirements and select equivalent sediment controls or contact DEQ for further consultation.

Criterion D. The applicant’s federally approved construction activities are authorized by the appropriate Federal or State agency and that authorization addresses the Endangered Species Act Section 7 consultation for the applicant’s stormwater discharge or stormwater discharge-related activities. Applicants selecting option d must include documentation from USFWS (U.S. Fish and Wildlife Service) or a qualified biologist that demonstrates Section 7 consultation has been completed. The SWP3 must comply with any conditions resulting from that consultation.

Criterion E. The applicant’s stormwater discharges and stormwater discharge-related activities were already addressed in another operator’s certification of eligibility under Part 1.2.2.E.2.a, b, c, or d. that included the applicant’s project area. By certifying eligibility under Part 1.2.2.E.2.e, the applicant agrees to comply with applicable measures or controls upon which the other operator’s certification under Part 1.2.2.E.2.b, c. or d. was based.

Note: For Criterion B, C, D, or E, you may subject to comply with additional requirements.
4.2 Federal, State, or Local Historic Preservation Laws

Will stormwater discharges or stormwater discharge-related activities (e.g., catch basin, pond, culver, etc.) affect a property that is protected by Federal, State, or local historic preservation laws? □ Yes X No

If yes, describe any actions taken to mitigate those effects: Click here to enter text.

Describe how this determination was made: Click here to enter text.

4.3 TMDL Requirements

If a TMDL or watershed plan or local compliance plan has been approved for the waterbody, SWP3 must include all the applicable requirements in consistent with the TMDL or watershed plan or local compliance plan that are applicable to the stormwater discharges from the construction site.

Does the construction project/site discharge stormwater into a receiving stream that has an approved TMDL or watershed plan or local compliance plan? □ Yes X No

If yes, is there any waste load allocations (WLAs) and/or the TMDL’s associated implementation plan requirements applicable to stormwater discharges from the construction activity? □ Yes □ No

If yes, SWP3 must incorporate any limitations, conditions, or requirements applicable to permittee’s discharges to ensure that the waste load allocations (WLAs) and/or the TMDL’s associated implementation plan will be met within any timeframe established in the TMDL report or watershed plan. Monitoring and reporting of the discharges may also be required as appropriate to ensure compliance with the TMDL or watershed plan.

Note: Approved TMDL reports or watershed plans can be downloaded from DEQ’s website at http://www.deq.state.ok.us/wqdnew/tmdl/index.html
Does the construction project/site discharge stormwater to the Lake Thunderbird watershed?

☐ Yes  X No

If yes, the following control measures will be used to meet the Lake Thunderbird TMDL requirements:

☐ Additional Pollutant Prevention or Discharge Monitoring - You must comply with any additional requirements established by the local MS4 municipalities;

☐ Sites of Five Acres or Larger - You must submit a copy of SWP3 to DEQ for review;

☐ Vegetated Buffer - You must ensure that a vegetated buffer of at least 100 feet is retained or successfully established or planted between the area disturbed and all receiving streams. If the nature of the construction activity or the construction site makes a buffer impossible, you must provide equivalent controls. There are exceptions from this requirement for water crossings, limited water access, and stream restoration authorized under a CWA Section 404 permit;

☐ Sediment Basins - For all drainage locations serving 5 or more acres disturbed at one time, you must use a temporary or permanent sediment basin and/or sediment traps to minimize sediment discharges;

☐ Site Inspection - You must conduct site inspections once every 7 calendar days at a minimum, and within 24 hours of a storm event of 0.5 inches or greater and within 24 hours of a discharge caused by snowmelt;

☐ Corrective Actions - You must implement corrective actions (e.g., repair, modify, or replace any stormwater control used at the site, clean up and dispose of spills, releases, or other deposits, or remedy a permit violation) by no later than 7 calendar days from the time of discovery. If it is infeasible to complete the installation or repair within 7 calendar days, you must document in your records why it is infeasible to complete the installation or repair within the 7 calendar days timeframe and document your schedule for installing the stormwater controls and making them operational as soon as practicable after the 7 days timeframe;

☐ Stabilization - You must initiate stabilization measures immediately whenever earth-disturbing activities have permanently or temporary ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. You are required to complete the stabilization activities within 7 calendar days after the permanent or temporary cessation;

☐ Soil Nutrient Testing - You are required to conduct a soil nutrient test to determine actual nutrient needs before applying fertilizer on your site. Fertilizer application must be limited to that necessary to meet actual needs on the site.

☐ Describe any additional measures or controls you will implement to comply with the Lake Thunderbird TMDL requirements: Click here to enter text.
Section 5: Stormwater Control Measures

The purpose of the implementation of different stormwater pollution controls is to reduce pollutants in the stormwater and the volume of stormwater leaving the construction site. All pollution control measures will be selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices.

5.1 Stabilization Practices

Type of Site Stabilization Practice(s) that will be implementing at the construction project/site (select all that apply):

- X Temporary
- X Permanent
- X Vegetative
- X Non-Vegetative

Deadline to Initiate Stabilization: I shall initiate stabilization measures immediately whenever earth-disturbing activities have permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days.

Deadline to Complete Stabilization:

- X I shall complete stabilization measures as soon as practicable but no later than 14 calendar days after the initiation of soil stabilization.
- My project/site is located in ARC/discharge to ORW; I shall complete stabilization measures as soon as practicable but no later than 7 calendar days after the initiation of soil stabilization.

Temporary Non-Vegetative Stabilization: The following non-vegetative controls/BMPs will be used to temporarily stabilize exposed portions of the construction site (select all that apply):

- X Rolled erosion control products such as geotextiles, blankets or plastic cover
- □ Soil binders
- □ Straw mulch
- □ Wood mulch
- □ Compost Blanket
- □ Other, ______________________

If any of the above-referenced controls is used to temporarily protect areas that are being vegetative stabilized, one of the effective non-vegetative cover will be used to stabilize any such exposed portions of our site.

Temporary Vegetative Stabilization: The following vegetative controls will be used to temporarily stabilize the exposed portions of the construction site (select all that apply):

- □ Hydroteering with mulch
- □ Sod
- X Other, Silt Fencing and rolled vegetative barriers

Permanent Vegetative Stabilization: The following vegetative controls will be used to permanently stabilize the exposed portions of the construction site (select all that apply):

- X Hydroteering with mulch
- □ Sod
- □ Planted vegetation
- □ Other, ______________________

One of the following criteria will be used for vegetative cover:

- Provide a vegetative cover which covers 70% or more of the vegetation prior to commencing earth-disturbing activities and no large bare areas (10 square feet).
• Immediately after seeding, you must select, design, and install non-vegetative erosion controls that provide cover (such as straw mulch, jute matting, and straw blankets) to the area while vegetation is being established.

Stabilization Practices Record: A record of the dates when grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be included with the plan.  

X Yes □ No

If No, explain: ____________________________________________________________

A record of the dates when grading activities occur will be documented using the Grading & Stabilization Activity logs in Attachment-1 of this SWP3.

5.2 Natural Buffers and/or Equivalent Sediment Controls

Buffer Compliance Alternatives

Are there any waters of the State that are located within 50 feet (or 100 feet if the construction site is located in ARC or ORW or Lake Thunderbird Watershed) of your construction disturbances as measured from the top of the bank to the disturbed portions of your site?  

□ Yes X No

(Note: Waters of the State means all named/unnamed stream, creeks, rivers, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, storm sewers and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private located within the boundary of Oklahoma State.)

Construction Project/Site Location (check one only):

□ X My construction project/site isn’t located in ARC or discharge to ORW
□ My construction project/site is located in ARC or ORW
□ My construction project/site is located in Lake Thunderbird Watershed or in a watershed with established TMDL that has Wasteload Allocation (WLA) for Construction Project

Check the compliance alternative that you have chosen:

□ I will provide and maintain a 50 feet (or 100 feet if the construction site is located in ARC or ORW or Lake Thunderbird Watershed) undisturbed natural buffer.

(Note 1): You must show the boundary line of the natural buffer on your site map.)

(Note 2): You must show on your site map how all discharges from your construction disturbances through the natural buffer area will first be treated by the site’s erosion and sediment controls.)

□ I will provide and maintain an undisturbed natural buffer that is less than 50 feet (or 100 feet if the construction site is located in ARC or ORW or Lake Thunderbird Watershed) and is supplemented by additional erosion and sediment controls, which in combination achieves the sediment load reduction equivalent to required undisturbed natural buffer.

(Note 1): You must show the boundary line of the natural buffer on your site map.)

(Note 2): You must show on your site map how all discharges from your construction disturbances through the natural buffer area will first be treated by the site’s erosion and sediment controls.)

i. Width of natural buffer to be retained: ____________________________

ii. Method used to determine equivalent sediment load reduction:
Addendum-I: Buffer Guidance in OKR10 permit
   a. Soil Type: _________________________________
   b. Buffer Vegetation: _________________________________
   OR

Site-specific calculation
   a. Model or other tool used to estimate sediment load reductions:
      _________________________________
   b. Results of calculations: _________________________________
   c. Description of additional erosion and sediment controls used:
      _________________________________

It is infeasible to provide and maintain an undisturbed natural buffer of any size; therefore, I will implement erosion and sediment controls that will achieve the sediment load reduction equivalent to a 50 feet (or 100 feet if the construction site is located in ARC or ORW or Lake Thunderbird Watershed) undisturbed natural buffer.

   i. Rationale for concluding that it is infeasible to provide and maintain a natural buffer of any size:
      _________________________________

   ii. Method used to determine equivalent sediment load reduction:
      Addendum-I: Buffer Guidance in OKR10 permit
         a. Soil Type: _________________________________
         b. Buffer Vegetation: _________________________________
         OR
      Site-specific calculation
         a. Model or other tool used to estimate sediment load reductions:
            _________________________________
         b. Results of calculations: _________________________________
         c. Description of additional erosion and sediment controls used:
            _________________________________

I qualify for one of the following exceptions (select one that applies to your project/site):

   □ There is no discharge of stormwater to the surface water that is located 50 feet from my construction disturbances.
   □ No natural buffer exists due to preexisting development disturbances that occurred prior to the initiation of planning for this project.
   □ Buffer disturbances are authorized under a CWA Section 404 permit.
   □ Buffer disturbances will occur for the construction of a water-dependent structure or water access area (e.g., pier, boat ramp, and trail).
### 5.3 Structural Controls/Best Management Practices (BMPs)

The table below listed Structural and Non-Structural Stormwater Controls/Best Management Practices (BMPs) that should be considered for every construction project/site to meet the non-numeric technology-based effluent limitations, water-based effluent limitations and applicable numeric technology-based effluent limitations.

The following BMPs will be used or implemented at the construction project/site (*select all that apply*):

<table>
<thead>
<tr>
<th>Erosion Controls</th>
<th>Sediment Controls</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Preservation of Existing Vegetation</td>
<td>□ Silt Fence</td>
</tr>
<tr>
<td>□ Vegetative Swales</td>
<td>□ Silt Dikes</td>
</tr>
<tr>
<td>X Hydroseeding with Mulch</td>
<td>□ Compost Sock</td>
</tr>
<tr>
<td>□ Hydraulic Mulch</td>
<td>X Check Dam</td>
</tr>
<tr>
<td>□ Wood Mulching</td>
<td>X Fiber Rolls</td>
</tr>
<tr>
<td>□ Straw Mulching</td>
<td>X Storm Drain Inlet Protection</td>
</tr>
<tr>
<td>□ Compost Blankets</td>
<td>X Outlet Protection/Velocity Dissipation Devices</td>
</tr>
<tr>
<td>□ Soil Binders</td>
<td>X Earth Berms and Drainage Swales</td>
</tr>
<tr>
<td>□ Geotextiles and Mats</td>
<td>□ Sand Bag Barrier</td>
</tr>
<tr>
<td>□ Soil Preparation/Roughening</td>
<td>□ Gravel Bag Berm/Barrier</td>
</tr>
<tr>
<td>X Sod</td>
<td>X Sediment Basin</td>
</tr>
<tr>
<td>□ Streambank Stabilization</td>
<td>□ Sediment Trap</td>
</tr>
<tr>
<td>X Stabilized Construction Entrance/Exit</td>
<td>□ Rip-rap</td>
</tr>
<tr>
<td>□ Stabilized Construction Roadway</td>
<td>X Gabions</td>
</tr>
<tr>
<td>X Entrance/Exit Tire Wash</td>
<td>□ Phasing and Scheduling</td>
</tr>
<tr>
<td>X Street Sweeping and Vacuuming</td>
<td>X Dust Suppression</td>
</tr>
<tr>
<td>□ Other Structural Controls</td>
<td>X Dust Suppression</td>
</tr>
<tr>
<td>X Vegetative Buffers</td>
<td>X Good Housekeeping</td>
</tr>
<tr>
<td>□ Non-Vegetative Stabilization</td>
<td>□ Preventive Maintenance</td>
</tr>
<tr>
<td>X Concrete Waste Management</td>
<td>X Preservation of Top Soil</td>
</tr>
<tr>
<td>X Dewatering Controls</td>
<td>□ Minimizing Soil Compaction</td>
</tr>
<tr>
<td>□ Sod</td>
<td>□ Fertilizer Application Management</td>
</tr>
<tr>
<td>□ Streambank Stabilization</td>
<td></td>
</tr>
<tr>
<td>□ Stabilized Construction Entrance/Exit</td>
<td></td>
</tr>
<tr>
<td>□ Stabilized Construction Roadway</td>
<td></td>
</tr>
<tr>
<td>□ Entrance/Exit Tire Wash</td>
<td></td>
</tr>
<tr>
<td>X Street Sweeping and Vacuuming</td>
<td></td>
</tr>
</tbody>
</table>

Did you **include specifications** of all the selected structural BMPs with the SWP3?

X Yes □ No, if no, explain the reason: [Click here to enter text].
5.3.1 Perimeter Control

Permit requirement: You must install controls along the perimeter of your site that will receive stormwater from your construction activities. (Examples of perimeter controls include, but are not limited to, silt fences, fiber rolls, filter berms, and temporary diversion dikes.)

To comply with Part 3.3.1.C of OKR10 permit, I shall use the following type of perimeter control(s) at my construction site:

Perimeter Control Description: Silt Fencing, Inlet Sediment traps, on site sedimentation traps

<table>
<thead>
<tr>
<th>Installation Date(s):</th>
</tr>
</thead>
<tbody>
<tr>
<td>To be determined upon approval of plans</td>
</tr>
</tbody>
</table>

Maintenance Requirements: I shall remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control. Silt fence will be inspected for rips or tears in the fabric, areas where the fence has been knocked down and areas where the fence has been undermined.

5.3.2 Sediment Track-Out

Permit requirement: You must minimize the track-out of sediment onto off-site streets, other paved areas, and sidewalks from vehicles exiting your construction site. (Note: you may use most recent ODOT or OKC specifications for construction entrance/exit - use of aggregate stone with an underlying geotextile or non-woven filter fabric, or turf mats.)

To comply with the Part 3.3.1.D of OKR10 permit, I shall use the following type of sediment track-out control at my construction site:

Track-Out Control/Construction Entrance/Exit Description: Aggregate Stone Construction entrance and Exit

| Installation Date(s): |

Maintenance Requirements: I shall minimize the track-out of sediment onto off-site streets, other paved areas, and sidewalks from vehicles exiting our construction site.

Track-out Removal/Cleaning:

X I shall remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal.

X I shall remove the deposited sediment by the end of the same work day in which the track-out occurs or by the end of the next work day if track-out occurs on a non-work day when sediment has been tracked-out from my construction site onto the surface of off-site streets, other paved areas, and sidewalks.

X I am prohibited from hosing or sweeping tracked-out sediment into any stormwater conveyance (unless it is connected to a sediment basin, sediment trap, or similarly effective control).
5.3.3 Stockpiled Sediment or Soil

Permit requirement: You must control discharge of stormwater from Stockpiled Sediment or Soil.

To comply with the Part 3.3.1E of OKR10 permit, I shall use temporary perimeter sediment barrier such as berms, dikes, fiber rolls, silt fences, sandbag, or gravel bags to protect from contact with stormwater (including run-on).

I shall use appropriate cover or temporary stabilization such as mulching or hydro-mulching to avoid direct contact with precipitation or to minimize sediment discharge.

Installation Date(s): The same day that said stockpile is made

Maintenance Requirements: I shall not hose down or sweep soil or sediment accumulated on pavement or other impervious surfaces into any stormwater conveyance (unless connected to a sediment basin, sediment trap, or similarly effective control), storm drain inlet, and/or surface water.

5.3.4 Minimize Dust

Permit requirement: You must minimize the generation of dust to avoid pollutant discharges to the extent feasible through application of water or other dust suppression techniques.

Dust Control Description: To comply with the permit requirement and to avoid any pollutants, particularly soil/sediment, from being discharged into surface waters, I shall apply/spray water using spray truck or sprinklers to minimize the generation of dust from my construction site.

5.3.5 Minimize the Disturbance of Steep Slopes

Permit requirement: You must minimize the disturbance of steep slopes (i.e., slopes of 40% or greater).

Steep Slope Control Description: There are no steep slopes other than those of the detention facility which will be sodded

Installation Date(s): upon completion of the detention facility grading

Maintenance Requirements: Maintain smooth surfaces on embankments and sod as soon as practical
5.3.6 Preserve Topsoil

**Permit requirement:** You must preserve native topsoil on your site, unless infeasible; you must stockpile and reuse it in areas that will be stabilized with vegetation.

**Topsoil Control Description:** I shall preserve native topsoil on our site as much as possible and practicable.

**Maintenance Requirements:** I shall stockpile and reuse preserved topsoil in areas that will be stabilized with vegetation.

5.3.7 Minimize Soil Compaction

**Permit requirement:** In areas of your site where final vegetative stabilization will occur or where infiltration practices will be installed, you must minimize soil compaction.

**Soil Compaction Control Description:** In areas of your site where final vegetative stabilization will occur or where infiltration practices will be installed, I shall restrict vehicle and/or equipment use in these areas to avoid or minimize soil compaction.

5.3.8 Protection of Storm Drain Inlets

**Permit requirement:** If you discharge to a storm drain inlet that you have access to, you must install protection measures that remove sediment from your stormwater discharge. (Examples of inlet protection measures include fabric filters, sandbags, or gravel barriers -- Install inlet protection measures that remove sediment from your discharge prior to entry into the storm drain inlet.)

**Storm Drain Inlet Control Description:** Use fiber logs around new inlets until permanent stabilization of drainage is complete.

**Installation Date(s):** After each inlet is set in place.

**Maintenance Requirements:** I shall clean, or remove and replace the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, I shall remove the deposited sediment by the end of the same work day in which it is found or by the end of the following work day if removal by the same work day is not feasible.
5.3.9 Constructed Stormwater Conveyance Channels

(Note: Examples of velocity dissipation devices include check dams, sediment traps, riprap, or grouted riprap at outlets, include design specifications)

Stormwater Conveyance Channel Control Description: Velocities will be controlled via check dams until the pipe is installed.

If silt dikes/check dams are used in series, I shall space them at appropriate interval so that the base of the upstream dike is at the same elevation as the top of the next downstream dike. Spacing of silt dikes/check dams is indicated on the site plans of SWP3.

Installation Date(s): after each channel has been cut

Maintenance Requirements: all check dams/rip-rap will be inspected during facility inspection for erosion, undermining or breeches. Any damage will be repaired immediately.

5.3.10 Sediment Basins

Permit requirement: For common drainage locations that serve an area of 10 or more acres disturbed at one time (or 5 acres if it is located in ARC), a temporary (or permanent) sediment basin shall be provided where attainable until final stabilization of the site.

Are 10 or more (or 5 or more if site discharges to an ORW/ARC) acres draining to a common point?

X Yes ☐ No

Is a sediment basin included in the project? Y Yes ☐ No

If yes, what is the designed capacity for the storage?

☐ 3600 cubic feet per acre: ____________________________

OR

X 2-year, 24 hour storm: __100 year storm ____________

OR

☐ Other criteria were used to design basin: ____________________________

If no, explain why no sedimentation basin was included and describe required natural buffer areas and other controls implemented instead: ____________________________

Maintenance Requirements: I shall keep the sediment basin in effective operating condition and remove accumulated sediment to maintain at least ⅔ of the design capacity of the sediment basin at all times.
5.3.11 Dewatering Practices

Permit requirement: You are prohibited from discharging stormwater that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation associated with a construction activity, unless such waters are first effectively managed by appropriate controls.

Dewatering Practice Description: Evaporation and percolation.

Installation Date(s): As needed throughout project

Maintenance Requirements: After each rain event

5.3.12 Other Stormwater Controls

Stormwater Control Practice # 1

Description: Silt Fencing. Rolled vegetative barriers. Inlet protection

Installation Date(s): As needed throughout project

Maintenance Requirements: Click here to enter text.

Stormwater Control Practice # 2

Description: Click here to enter text.

Installation Date(s): 

Maintenance Requirements: Click here to enter text.
Section 6: Pollution Prevention Controls

6.1 Spill Prevention and Responses

Spill Prevention

Is there an existing Spill Prevention Control and Countermeasure (SPCC) plan developed for the site?

☐ Yes  ☒ No, if yes, keep a copy of the SPCC plan onsite with this SWP3.

If No, describe procedures for quickly stopping, containing, and cleaning up spills, leaks, and other releases:


Emergency Spill Notification

<table>
<thead>
<tr>
<th>In case of a toxic or hazardous material spill, notify:</th>
<th>Phone Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Manager/Team Leader</td>
<td>Tanner Bemies</td>
</tr>
<tr>
<td>Emergency – Fire, Police</td>
<td>911</td>
</tr>
<tr>
<td>County Local Emergency Planning Committee (LEPC)</td>
<td></td>
</tr>
<tr>
<td>DEQ Spill Reporting Hotline (24-hr)</td>
<td>800-522-0206</td>
</tr>
<tr>
<td>NRC (National Response Center)</td>
<td>800-424-8802</td>
</tr>
</tbody>
</table>

6.2 Waste Management Procedures

All wastes generated at the construction site, including, but not limited to, clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste, shall be prevented from being discharged to Waters of the State. The following BMP measures will be used to handle trash disposal, hazardous or toxic waste, sanitary waste, recycling, and proper material handling:

☒ Trash Dumpsters: dumpsters will have a secure watertight lid, will be closed during precipitation or not in use, and will be placed away from stormwater conveyances and drains, and meet all federal, state, and municipal regulations. Only trash and construction debris from the site will be deposited in the dumpster. No construction materials will be buried on site.

☒ Hazardous Waste Containment: hazardous waste materials will be stored in appropriate and clearly marked containers and segregated from other non-waste materials.
X **Portable Toilets:** portable toilets will be secured to prevent tipping, located away from stormwater inlets and conveyances. These toilets will be anchored with the ground to prevent any tipped or knocked over and/or sand bags around to ensure wastewater doesn’t mix with the stormwater.

X **Recycling Bins/Dumpsters:** wood pallets, cardboard boxes, and other recyclable construction scraps will be disposed of in a designated dumpster for recycling. The dumpster will have a secure watertight lid, will be closed during precipitation or not in use, and will be placed away from stormwater conveyances and drains and meet all local and state solid-waste management regulations.

X **Proper Material Handling:** containers will be tightly sealed when not in use, and excess paint shall be disposed of according to Oklahoma requirements and manufacturer’s recommendations. Minimum amounts of fertilizer, as recommended by the manufacturer, will be used. Upon application the fertilizer will be worked into the soil to limit exposure to stormwater. Contents of partially used bags will be transferred to a sealable plastic bin, and then stored in a covered area.

X **Good housekeeping:** construction debris, trash, and other floatable material will be collected and prevented from becoming a pollutant source on the following schedule: All home builders will be required to police each of their site on a daily basis for trash, scrap material, etc. and disposed of properly.

X **Minimizing exposure:** construction products, materials, chemicals, and wastes will be stored in such a way that they are prevented from coming into contact with stormwater (e.g., plastic sheeting or temporary roofs).

X **Designated concrete washout:** all concrete washwater will be directed into a leak-proof container or pit. The container or pit will be designed so that no overflows can occur due to inadequate sizing or precipitation and located as far away as possible from surface waters and stormwater inlets or conveyances. I shall use *compacted clay liner, 20 mil synthetic liners or similar equivalent liners* to make the pit leak proof.

☐ **Other:** Click here to enter text.
6.3 Prohibited Discharges

The following discharges from the construction project/site are prohibited under the permit, and are considered a violation should any occur.

- Wastewater from the washout of concrete, unless managed by an appropriate control as described in Part 3.3.3.8.4 of OKR10 permit;
- Wastewater from the washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials, unless managed by an appropriate control as described in Part 3.3.3.8.4 of OKR10 permit;
- Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
- Soaps, detergents or solvents used in vehicle and equipment washing; and
- Toxic or hazardous substances from a spill or other release.

In the event that one of these above-mentioned discharges occurs, I will take corrective action consistent with Part 7.4 of this SWP3.
Section 7: Procedures and Documentations

7.1 Maintenance and Repair

I shall ensure that all pollution prevention controls installed in accordance with the requirements of OPDES Construction General Permit OKR10 and remain in effective operating condition and are protected from activities that would reduce their effectiveness. All structural BMPs (i.e. all the Erosion & Sediment Controls) that require a repair of any kind (due to normal wear and tear, or as a result of damage) or require maintenance in order for the control to continue operating effectively shall be required/maintained in accordance with the OPDES Construction General Permit requirements. At a minimum, maintenance will be performed in the following specific instances:

- **X** for perimeter controls, whenever sediment has accumulated to ½ or more the above-ground height of the control (Part 3.3.1.C of OKR10 permit);
- **X** where sediment has been tracked-out onto the surface of off-site streets or other paved areas (Part 3.3.1.D of OKR10 permit);
- **X** for inlet protection measures, when sediment accumulates, the filter becomes clogged, and/or performance is compromised (Part 3.3.1.J of OKR10 permit); and
- **☐** for sediment basins, as necessary to maintain at least ½ of the design capacity of the basin (Part 3.3.1.L of OKR10 permit).
- **X** for all structural BMPs, repair of any kind (due to normal wear and tear, or as a result of damage) or maintenance will be performed in order for the BMPs to continue operating effectively.

7.2 Approval from Local Office

- **X** I shall check/already checked local offices (city and county offices) to ensure SWP3 for my construction activities is consistent with requirements of the City and/or County Offices.
- **X** I shall update the SWP3, if necessary, to make consistent with any changes applicable to protecting surface water resources in sediment erosion site plans or site permits, or stormwater management site plans or site permits approved by local officials for which I received written notice.
7.3 Inspections

(Note: An inspector must be knowledgeable in the principles and practices of erosion and sediment controls and pollution prevention to assess conditions at the construction site that could impact stormwater quality, and the effectiveness of any stormwater controls.)

Person Responsible for Inspections: Tanner Bemies, Owner or C. Joseph Watt, P.E. Engineer

General Procedures: During each inspection, the following areas of the construction site will be inspected:

- Cleared, graded, or excavated areas of the site;
- Stormwater controls (e.g., perimeter controls, silt dykes, check dams, sediment basins, inlets, exit points etc.) and pollution prevention practices (e.g., pollution prevention practices for vehicle fueling/maintenance and washing, construction product storage, handling, and disposal, etc.) at the site;
- Material, waste, or borrow areas covered by the permit, and equipment storage and maintenance areas;
- Evidence of a spill, leak, or other type of pollutant discharge, or failure to have properly cleaned up a previous spill, leak, or other type of pollutant discharge;
- Areas where stormwater flows within the site, stormwater discharge points;
- Identify any other incidents of non-compliances observed; and
- Areas where stabilization has been implemented.

Inspection Frequency:

- Once every 7 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater, since my project is located in ARC or discharge to an impaired water.
- Once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.

Reductions in Inspection Frequency (if applicable):

- For the reduction in inspections resulting from stabilization: Once per month for the portion of the site that was stabilized per Part 3.3.2 of OKR10 permit.

Rain Gauge to Measure Qualified Storm Event of 0.5 inches or greater:

Location of the Rain Gauge: Click here to enter text.

Inspection Report Forms:

Inspection Report Form has been prepared in accordance with the requirements of Part 4.3.13 of OKR10 permit. A copy of the Inspection Report Form that will be used during construction of this project included in Attachment E of this SWP3.
7.4 Corrective Action

General: Corrective actions are actions taken to modify, replace, or reinstall any stormwater control used at the site; clean up and dispose of spills, releases, or other deposits; or remedy a permit violation.

Corrective actions are triggered only for specific, more serious conditions. For any of the following conditions, a new or modified control shall be installed no later than 7 calendar days from the discovery:

- A required stormwater control was never installed or was installed incorrectly, or not in accordance with the corresponding OKR10 permit requirement;
- A stormwater control needs to be repaired or replaced (beyond routine maintenance required in Part 4.3.12 of OKR10 permit);
- A stormwater control is not effective enough for the discharge to meet applicable water quality standards;
- A prohibited discharge (Parts 3.1 and 3.3.3.4 of OKR10 permit) is occurring or has occurred; or
- DEQ or MS4 Operator requires corrective action as a result of permit violations found during a inspection.

X I shall immediately take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational, including cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events. I shall conduct corrective action(s) for each of the above-mentioned triggering conditions should they occur at my construction site.

Person Responsible for Corrective Actions: Tanner Bemies.

Corrective Action Schedule/Specific Action Frequency:

X I shall perform all Corrective Actions (modify, replace, or reinstall), if identified, no later than 7 calendar days from the time of discovery.

Corrective Action Forms:

Corrective Action Report Form has been prepared in accordance with the requirements of Part 4.3.14 of OKR10 permit. A copy of the Corrective Action Report Form that will be used during construction of this project included in Attachment F of this SWP3.
7.5 Employee Training

Person Responsible for Staff Training

Name: Tanner Bemies  Title: Owner

Staff Training Requirements

Prior to the start of earth-disturbing activities, personal with the following responsibilities shall be trained to understand all the requirements of this SWP3:

- Proper design, installation, and maintenance/repair of stormwater controls.
- The proper application and storage of chemicals.
- Proper inspection and corrective actions.

At minimum, all Personnel must be trained to understand:

- The location of all stormwater controls and the maintenance requirements for each of the control.
- The pollution prevention requirements outlined in this SWP3.
- When and how to conduct inspections, record applicable findings and take necessary corrective actions.

Frequency/Schedule of Employee Training: At the Beginning of the project

(Note: Employee training shall be conducted at least annually or more often if employee turnover is high).

Employee training records and documentations shall be maintained using the Employee Training Report located in Attachment G of this SWP3.

7.6 Notification of Change of Ownership (NCO) for Individual Lots

☐ SWP3 will include documents if lots are sold and transfer to other new operator(s), (see Part 2.2.3 of OKR10 permit). Documents will be included under Attachment M of this SWP3.

X NCO is not applicable to my project/site.

7.7 Sub-contractor Certifications

☐ Sub-contractor certification forms will not be used for this project.

X DEQ's sub-contractor certification form (Attachment M) will be used and kept onsite with the SWP3.

☐ A form other than DEQ's form will be used and kept onsite with the SWP3.
7.8 Record Keeping and Record Retention

X I shall retain copies of the SWP3 and all reports required by the 2017 OKR10 permit, and records of all data used to complete the NOI to be covered by this permit, for a period of at least 3 years from the date that the site is finally stabilized.

7.9 Posting a Notice

X I shall post a notice near the main entrance of the construction site with the following information:

- The OPDES permit number for the project or a copy of the NOI if a permit number has not yet been assigned;
- The name and telephone number of a local contact person;
- A brief description of the project; and
- Location of the SWP3

A sample copy of the Notice is included in Attachment M of this SWP3.
Section 8: Additional Monitoring (if applicable)

(Note: Only applicable if you have Concrete Batch Plant and/or Asphalt Plant that is covered under your OKR10 authorization)

8.1 Support Activity Covered by this Plan

☐ Concrete Batch Plant  ☐ Asphalt Plant  ☐ Both  ☒ Not Applicable

8.2 Representative Outfall(s)

Are there substantially identical outfalls?  ☐ Yes  ☒ No

If yes, which outfalls are substantially identical?  

Which outfall(s) will be sampled?  

8.3 Structural & Non-Structural BMPs

Perimeter control and retention/detention pond will be installed. All exposed areas will be kept clean and orderly manner to minimize exposure. Structural controls will be maintained to keep these effective and operational.

8.4 Quarterly Visual Monitoring

In addition to routine site inspection, quarterly visual monitoring, qualified facility inspector will perform quarterly visual monitoring:

1. Quarterly visual monitoring assessments will be conducted using the form in Attachment J of this SWP3. Each drainage point will be visually inspected on a quarterly basis. If no qualifying storm event occurs during a monitoring quarter, this will be noted on the quarterly visual monitoring report for that quarter.

2. Samples will be collected from each outfall, will be examined and documented observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution using the quarterly visual monitoring form and will occur during daylight hours (e.g., normal working hours).

3. Completed quarterly visual monitoring forms will be kept with the SWP3.

8.5 Comprehensive Site Compliance Evaluation

1. A comprehensive site compliance evaluation will be conducted at least once annually. If the project is less than one year, at least one inspection will be conducted, which will include all areas where industrial materials or activities are exposed to stormwater and areas where spills and leaks have occurred within the past 3 years.
2. A report resulting from this inspection will be submitted to DEQ by March 1 of the year following the monitoring period using the form in Attachment K of this SWP3.

8.6 Numeric Effluent Limitation Monitoring for Asphalt Plant

1. Stormwater discharges from asphalt plants must comply with the limitations and monitoring requirements listed below.

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Limitation</th>
<th>Monitoring Frequency</th>
<th>Sample Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Suspended Solids</td>
<td>23 mg/L, daily max. 15 mg/L, 30-day avg.</td>
<td>1/year</td>
<td>Grab</td>
</tr>
<tr>
<td>Oil and Grease</td>
<td>15 mg/L, daily max. 10 mg/L, 30-day avg.</td>
<td>1/year</td>
<td>Grab</td>
</tr>
<tr>
<td>pH</td>
<td>6.5 - 9.0, min. and max.</td>
<td>1/year</td>
<td>Grab</td>
</tr>
</tbody>
</table>

2. Annual monitoring period is from January 1 to December 31. If the project is less than one year, at least one sample must be collected.

3. Laboratory analyses for the parameters specified above must be performed by a laboratory certified by DEQ for those parameters.

4. Monitoring will be performed on a storm event that results in an actual discharge from the construction site (at least 0.1 inch of stormwater event defined as a measurable storm event) that follows the preceding measurable storm event by at least 72 hours (3 days).

5. A minimum of one grab sample will be collected within the first 30 minutes of the discharge resulting from a measurable storm event. If it is not practicable to take the sample during the first 30 minutes, the sample must be collected as soon as practicable after the first 30 minutes and document why it was not possible to take samples within 30 minutes.

6. Monitoring information will be submitted on a discharge monitoring report (DMR) form (see Attachment L) by March 1 of the year following the monitoring period.

7. If an exceedance of a numeric effluent limit occurs, follow-up monitoring will be conducted within 30 calendar days, or during the next qualifying storm event, of implementing corrective actions.

Person(s) and positions of person(s) responsible for monitoring: Click here to enter text.

Sample location(s): Click here to enter text.
8.7 Additional Procedures for Concrete Batch Plant

Is there a mobile batch plant associated with this construction project/site?

- X No
- ☐ Yes, If yes, permit number: OKG11

How long will the batch plant be utilized?

- ☐ Less than 180 days
- ☐ Greater than 180 days

Will wastewater be used for dust suppression?

- X No
- ☐ Yes, If yes, the following requirements must be met:
  
a. The wastewater to be land applied shall be free from visible sheen of oil or globules of oil or grease and shall have a pH of between 6.5 s.u. and 9.0 s.u.
  
b. The wastewater to be land applied for dust suppression shall be visually inspected prior to land application. An inspection log shall be maintained at the site and made available to DEQ personnel upon request.
  
c. There shall be no land application of wastewater in areas where the depth to maximum seasonal groundwater level is less than 2 feet in accordance with OAC 252:616-5-1(b)(2)(E).
  
d. There shall be no land application of wastewater during periods of precipitation or when soil is saturated or frozen.
  
e. There shall be no runoff of wastewater from the land application site(s).
  
f. The permittee shall keep a logbook which records the time and date, the source and the volume of wastewater used, and the area to which the wastewater.

Describe the liner used for any surface impoundments: The liner for the Concrete wash out will be 14 mil plastic.

Is the bottom of all surface impoundments at least 15 feet above groundwater levels?

- ☐ No
- X Yes

The following berm/dike slope requirement will be followed:

- ☐ For sites utilized less than 180 days, a 1:2 (1 vertical to 2 horizontal) slope
- X For sites utilized more than 180 days, a 1:3 (1 vertical to 3 horizontal) slope
Section 9: SWP3 Certification

I certify under penalty of law that 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.

Name: Tanner Bemies Title: Managing member

Signature: ___________________________ Date: ___________________________
ENGINEERS CERTIFICATION

I certify under penalty of law that 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 this 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 or imprisonment for knowing violations.

Signature: ____________________________ Date: __03 April 2020________________
Section 10: SWP3 Attachments & Additional Documentation

The following documentations are attached to the SWP3:

**Attachment A – General Location Map**
A copy of general location map is included in Attachment A.

**Attachment B – Site Map(s)**
Copy of the site map(s) is/are included in Attachment B.

**Attachment C – 2017 OKR10**
Note: it is helpful to keep a printed-out copy of the 2017 OKR10 so that it is accessible to you for easy reference. However, you do not need to formally incorporate the entire 2017 OKR10 into your SWP3. As an alternative, you can include a reference to the permit and where it is kept at the site.

**Attachment D – Notice of Intent (NOI)**
A copy of your NOI is included in Attachment D.

**Attachment E – Inspection Report**
A copy of the Routine Facility Inspection Report Form is included in Attachment E.

**Attachment F – Corrective Action Report**
A copy of Corrective Action Report Form is included in Attachment F.

**Attachment G – Employee Training Report**
A copy of Employee Training Log is included in Attachment G.

**Attachment H – SWP3 Modifications Log**
A copy of Report on SWP3 Modifications/Amendments Log is included in Attachment H.

**Attachment I – Site Stabilization Log**
A copy of Site Stabilization Log is included in Attachment I.

**Attachment J – Quarterly Visual Monitoring Report**
A copy of Quarterly Visual Monitoring Report Form is included in Attachment J.

**Attachment K – Annual Site Evaluation Report**
A copy of Annual Comprehensive Site Compliance Evaluation Report (ACSCER) form is included in Attachment K.

**Attachment L – Discharge Monitoring Report (DMR)**
A copy of Discharge Monitoring Report (DMR) is included in Attachment L.
Attachment A – General Location Map

A copy of general location map is included in Attachment A.
Attachment B – Site Map(s)

Copy of the site map(s) is/are included in Attachment B.
Attachment C – 2017 OKR10

Note: it is helpful to keep a printed-out copy of the 2017 OKR10 so that it is accessible to you for easy reference. However, you do not need to formally incorporate the entire 2017 OKR10 into your SWP3. As an alternative, you can include a reference to the permit and where it is kept at the site.

Attachment D – Notice of Intent (NOI)

A copy of your NOI is included in Attachment D.
Site Inspection Report

Inspection Date: ________________

<table>
<thead>
<tr>
<th>General Information (OKR10 Part 4.3.13.E)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Project:</td>
</tr>
<tr>
<td>Inspector Name:</td>
</tr>
<tr>
<td>Inspector's Contact Information:</td>
</tr>
<tr>
<td>Inspection Frequency:</td>
</tr>
<tr>
<td>Standard Frequency:</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Reduced Frequency:</td>
</tr>
<tr>
<td>Weather at the time of this inspection:</td>
</tr>
<tr>
<td>Was this inspection after a 0.50&quot; storm event?</td>
</tr>
<tr>
<td>Are there any discharges at the time of inspection?</td>
</tr>
</tbody>
</table>

List all areas where soil stabilization is required to begin because construction work in that area has permanently or temporarily stopped and all areas where stabilization has been implemented:

<table>
<thead>
<tr>
<th>Stabilization of Exposed Soil (OKR10 Part 4.3.13.D)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stabilization Area</td>
</tr>
<tr>
<td>---------------------</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

DEQ Template on Site Inspection Report, V.1
Provide a list/description of all structural and non-structural BMPs that your SWP3 indicates will be installed and implemented at your site. You must separately identify the location of each control. During inspection, identify whether they are installed and operating properly, or any corrective action is necessary. Provide the date on which the condition that triggered the need for maintenance or corrective action was first identified. In the notes section you must describe the specifics about the problem you observed.

### Condition and Effectiveness of BMP Controls & Pollution Prevention (OKR10 Part 3.3, 4 & 5)

<table>
<thead>
<tr>
<th>BMP Description &amp; Location</th>
<th>Whether Installed &amp; Operating Properly?</th>
<th>Corrective Action (CA) Required?</th>
<th>On Which Maintenance or CA First Identified?</th>
<th>Notes (describe if you observed any problem)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Silt Fence/Fiber Rolls/Berm/Wattles</td>
<td>Yes □ No</td>
<td>Yes □ No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Silt Dikes/Check Dams/Rock Dams</td>
<td>Yes □ No</td>
<td>Yes □ No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stabilized Construction Entrance/Exit</td>
<td>Yes □ No</td>
<td>Yes □ No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inlet Protection on all storm drain</td>
<td>Yes □ No</td>
<td>Yes □ No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sand Bag Barrier/Gravel Bag Barrier</td>
<td>Yes □ No</td>
<td>Yes □ No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vegetated Swales</td>
<td>Yes □ No</td>
<td>Yes □ No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location:</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Compost Blankets/Geotextiles/Mats</td>
<td>Yes ☐ No</td>
<td>Yes ☐ No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vegetative Buffers</td>
<td>Yes ☐ No</td>
<td>Yes ☐ No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sediment Trap/ Sediment Basin</td>
<td>Yes ☐ No</td>
<td>Yes ☐ No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Concrete Washout Pit</td>
<td>Yes ☐ No</td>
<td>Yes ☐ No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dust Control/Prevention</td>
<td>Yes ☐ No</td>
<td>Yes ☐ No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Yes ☐ No</td>
<td>Yes ☐ No</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Yes ☐ No</td>
<td>Yes ☐ No</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Yes ☐ No</td>
<td>Yes ☐ No</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Yes ☐ No</td>
<td>Yes ☐ No</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Yes ☐ No</td>
<td>Yes ☐ No</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Note: The permit differentiates between conditions requiring repairs and maintenance, and those requiring corrective action. The permit requires maintenance in order to keep controls in effective operating condition and requires repairs if controls are not operating as intended. Corrective actions are triggered only for specific, more serious conditions – whether a required stormwater control was never installed, or was installed incorrectly, or not installed in accordance with the requirements of OKR10)

### Pollution Prevention and Waste Management (OKR10 Part 3.3.3)

<table>
<thead>
<tr>
<th>Items of Inspection</th>
<th>Response &amp; Reason</th>
<th>Action(s) Needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the site free of floatables, litter, and construction debris?</td>
<td>☐ Yes ☐ No If no, reason:</td>
<td></td>
</tr>
<tr>
<td>Are material storage and handling areas, including fueling areas, free of spills and leaks?</td>
<td>☐ Yes ☐ No If no, reason:</td>
<td></td>
</tr>
</tbody>
</table>
Are spill kits available where spills and leaks are likely to occur? [ ] Yes  [ ] No. If no, reason:

Are dumpsters and waste receptacles covered when not in use? [ ] Yes  [ ] No. If no, reason:

Has preventative maintenance been conducted on equipment and machinery? [ ] Yes  [ ] No. If no, reason:

Are material stockpiles sufficiently contained? [ ] Yes  [ ] No. If no, reason:

Has there been any sediment tracked-out from the site onto the surface of paved street, sidewalks or other paved areas outside of the site? [ ] Yes  [ ] No. If no, reason:

Is the project free from visible erosion and/or sedimentation? [ ] Yes  [ ] No. If no, reason:

Complete the following section if a discharge is occurring at the time of inspection:

### Description of Discharges (OKR10 Part 4.3.13.D.2.f)

Was a stormwater discharge or other discharge occurring from any part of your site at the time of the inspection?  [ ] Yes  [ ] No. If yes, provide the following information for each point of discharge:

<table>
<thead>
<tr>
<th>Specify Discharge Location</th>
<th>Observations (Visual Quality of the Discharge)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Describe the discharge (color, odor, floating, settled/suspended solids, foam, &amp; oil sheen):</td>
</tr>
<tr>
<td></td>
<td>Are there any visible signs of erosion and/or sediment accumulation that can be attributed to your discharge?  [ ] Yes  [ ] No. If yes, describe what you see, specify the location(s) where these conditions were found, and indicate whether modification, maintenance, or corrective action is needed to resolve the issue:</td>
</tr>
<tr>
<td>2.</td>
<td>Describe the discharge (color, odor, floating, settled/suspended solids, foam, &amp; oil sheen):</td>
</tr>
<tr>
<td></td>
<td>Are there any visible signs of erosion and/or sediment accumulation that can be attributed to your discharge?  [ ] Yes  [ ] No. If yes, describe what you see, specify the location(s) where these conditions were found, and indicate whether modification, maintenance, or corrective action is needed to resolve the issue:</td>
</tr>
</tbody>
</table>

**Contractor or Subcontractor Certification and Signature:**

I certify under penalty of law that 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

DEQ Construction SWP3 Template, November 2017, V.1.1
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.

Signature: ____________________________  Date: ____________________________

Print Name: ____________________________  Affiliation: ____________________________
Corrective Action Report

Today's Date: _______________________

(You are only required to fill out this form if any of the corrective action triggering conditions occurs on your site. Routine maintenance and repairs are generally not considered to be a corrective action triggering condition.)

### Section A: Initial Report (Part 4.3.14.B.1 of OKR10)

***(Complete this section within 24 hours of discovering the condition that triggered corrective action)***

<table>
<thead>
<tr>
<th>Name of Project:</th>
<th>Permit No.: OKR10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Problem First Discovered:</td>
<td>Time Problem First Discovered:</td>
</tr>
</tbody>
</table>

**Name & Contact Information of the Individual:**

**What site conditions triggered the requirement to conduct corrective action (check the box that applies):**

- [ ] A required stormwater control was never installed or was installed incorrectly, or not in accordance with the corresponding OKR10 permit requirement
- [ ] A stormwater control is not effective enough for the discharge to meet applicable water quality standards
- [ ] A prohibited discharge (OKR10 Parts 3.1 and 3.3.3.4) is occurring or has occurred.
- [ ] DEQ requires corrective action as a result of permit violations found during an DEQ inspection

**Provide a description of the problem:**

**Deadline for completing corrective action:**

| not more than 7 calendar days after the date you discovered the problem |

**Section B: Corrective Action Progress (Part 4.3.14.B.2 of OKR10)**

***(Complete this section no later than 7 calendar days after discovering the condition that triggered corrective action)***

<table>
<thead>
<tr>
<th>Section B.1: Why the Problem Occurred</th>
<th>Cause(s) of Problem</th>
<th>How It Was Determined &amp; Date of Determining the Cause</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td>1.</td>
</tr>
</tbody>
</table>

DEQ Template on Corrective Action Report, V.1
### Section B.2: Stormwater Control Modifications to be Implemented to Correct the Problem

<table>
<thead>
<tr>
<th>Stormwater Control Modification(s) Needed to Correct Problem</th>
<th>Date of Completion</th>
<th>SWP3 Update Necessary?</th>
<th>SWP3 Modifications Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
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<td>□ Yes □ No, If yes, provide date SWP3 modified:</td>
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<td>2.</td>
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<td>□ Yes □ No, If yes, provide date SWP3 modified:</td>
<td></td>
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</tbody>
</table>

### Section C: Certification and Signature by Permittee

I certify under penalty of law that 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.

Name: ___________________________________________ Title: ___________________________________________

Signature: ________________________________________ Date: ________________________________________
SWP3 Employee Training Report

Project Name: __________________________________________ DEQ Authorization No. OKR10

Instructor’s Name: ___________________________ Instructor’s Title: ___________________________

Course Location: ___________________________ Date: ______________

Course Length (hours): ___________________________

Stormwater Training Topic: (check as appropriate)

☐ Overview of SWP3

☐ Temporary & Permanent Stabilization

☐ Erosion & Sediment Controls Installation

☐ Good Housekeeping

☐ Erosion & Sediment Controls Maintenance

☐ Inspections and Corrective Actions

☐ Spill Prevention & Response

☐ Emergency Procedures

Specific Training Objective: ___________________________

Attendee Roster: (attach additional pages as necessary)

DEQ Template on Employee Training Report, V.1
<table>
<thead>
<tr>
<th>No.</th>
<th>Name of Attendee</th>
<th>Signature of the Attendees</th>
<th>Date</th>
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</table>
### Grading and Stabilization Activities Log

<table>
<thead>
<tr>
<th>Date Grading Initiated</th>
<th>Description of Grading Activity</th>
<th>Description of Stabilization Measure and Location</th>
<th>Date Grading Activity Ceased (temporary or Permanent)</th>
<th>Date When Stabilization Initiated</th>
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DEQ Template on Grading and Stabilization Log, V.1
<table>
<thead>
<tr>
<th>Date Grading Initiated</th>
<th>Description of Grading Activity</th>
<th>Description of Stabilization Measure and Location</th>
<th>Date Grading Activity Ceased</th>
<th>Date When Stabilization Initiated</th>
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</table>

DEQ Template on Grading and Stabilization Log, V.1
## SWP3 Modification Log

<table>
<thead>
<tr>
<th>No.</th>
<th>Description of the Modification</th>
<th>Date of Modification</th>
<th>Modification Prepared by [Name(s) and Title]</th>
<th>Signature by Designated Corporate Official</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
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</table>

DEQ Template on SWP3 Modification Log, V.1
<table>
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<tr>
<th>No.</th>
<th>Description of the Modification</th>
<th>Date of Modification</th>
<th>Modification Prepared by [Name(s) and Title]</th>
<th>Signature by Designated Corporate Official</th>
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</tbody>
</table>
Quarterly Visual Monitoring Report

(Complete a separate form for each outfall you assess)

<table>
<thead>
<tr>
<th>Facility Name:</th>
<th>DEQ Authorization No.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Outfall Id.:</th>
<th>Initially Identical Outfall?</th>
<th>Yes</th>
<th>No</th>
<th>(identify substantially identical outfalls)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date &amp; Time Discharge Began:</td>
<td>Date &amp; Time Sample Collected:</td>
<td>Date &amp; Time Sample Examined:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Substitute Sample?</td>
<td>No</td>
<td>(identify quarter/year when sample was originally scheduled to be collected)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Person's Name/Title collecting sample: |
| Person's Name/Title examining sample: |

Nature of Discharge: □ Rainfall, □ if rainfall: Rainfall Amount: inches □ Snowmelt

Parameters & Observation Results

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Method</th>
<th>Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>Color</td>
<td>Visual</td>
<td>□ Clear □ Green □ Yellow □ Brown □ Red □ Black □ Blue □ Milky □ Other (Describe)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Odor</td>
<td>Smell</td>
<td>□ None □ Musky □ Earthy □ Rotten Eggs □ Sewage □ Petroleum □ Other (Describe)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clarity or Turbidity</td>
<td>Visual (see through clear container)</td>
<td>□ Can’t see through bottle, □ Can see through but can’t read newsprint, □ Can see through and read newsprint, □ Clear, but not as clear as bottled water, □ As clear as bottled water</td>
</tr>
<tr>
<td>Floating Solids</td>
<td>Visual (level of water in container)</td>
<td>□ Yes (Describe) □ No</td>
</tr>
<tr>
<td></td>
<td>Visual</td>
<td>□ ___ Tablespoons, or</td>
</tr>
</tbody>
</table>

DEQ Template on Quarterly Visual Monitoring Report, V.1
### Stormwater Pollution Prevention Plan (SWP3)

**Tanner Benes Mining, Tulsa County, April 2020**

<table>
<thead>
<tr>
<th>Settled Solids</th>
<th>(bottom of container)</th>
<th>□ _____ Cups of solids on bottom after 24-hr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suspended Solids</td>
<td>Visual</td>
<td>Describe Observations. ______________________________</td>
</tr>
<tr>
<td>Foam</td>
<td>Visual</td>
<td>□ No □ Yes, if yes, Thickness ________ Color ________</td>
</tr>
<tr>
<td>Oil Sheen</td>
<td>Visual</td>
<td>□ No □ Yes, if yes, Color ________ Extent ________</td>
</tr>
</tbody>
</table>

**Probable Sources of any Observed Stormwater Contamination:**

Describe:

I certify under penalty of law that 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.

[Signature]

[Date]

DEQ Template on Quarterly Visual Monitoring Report, V.1
# Stormwater Pollution Prevention Plan

**Tanner Berries Mining, Tulsa County, April 2020**

**Oklahoma Department of Environmental Quality**

Annual Comprehensive Site Compliance Evaluation Report (ACSCER)

Submission of this ACSCER form is required in ADDENDUM G of OKR10 permit for Concrete and Asphalt Plants only. All requested information must be provided on this form. See instructions on Page 5 of this form.

## DEQ Authorization Number: OKR10

### Part A: Operator Information and Certification

#### Section I. Operator Information

- **Operator Name:**
- **Mailing Address:**
  - **City:**
- **County:**
  - **State:**
  - **Zip Code:**
- **Operator's Point of Contact:**
  - **Phone:**
  - **Title:**
  - **Email:**

#### Section II. Facility Information

- **Facility Name:**
- **Address:**
  - **City:**
  - **County:**
  - **State:**
  - **Zip Code:**
- **Latitude:**
  - **Longitude:**
- **Facility's Point of Contact:**
  - **Phone:**
  - **E-mail:**

#### Section III. Certification

I certify under penalty of law that I have read and understand the requirements for filing this Annual Comprehensive Site Compliance Evaluation Report, which is to be filed by March 1 of each year beginning in 2018.

This report is also to be retained as part of the Stormwater Pollution Prevention Plan (SWP3) for at least 3 years from the date permit coverage expires or is terminated and will be made available to any State or Federal Inspector visiting this facility. All records of actions taken in accordance with Addendum F of this Permit as part of the SWP3 will be retained for at least 3 years from the date permit coverage expires or is terminated. I certify under penalty of law that 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 upon my inquiry of the person or persons who manage the system, or those persons directly involved in gathering

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DEQ Template on Quarterly Visual Monitoring Report, V.1

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9.103
Stormwater Pollution Prevention Plan (SWP3)  
Tanner Berries Mining, Tulsa County, April 2020

the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Print Name: ___________________________ Title: ___________________________

Signature: ___________________________ Date: ___________________________

Part B: Comprehensive Site Compliance Evaluation

<table>
<thead>
<tr>
<th>Question</th>
<th>Response</th>
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<tbody>
<tr>
<td>Reporting Period:</td>
<td></td>
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<tr>
<td>1. Number of routine facility inspections you performed during the reporting period:</td>
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<tr>
<td>2. Dates of the Inspection performed:</td>
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<tr>
<td>3. Did any of your routine facility inspections find that one or more of your BMPs was not effective in controlling the pollutant source for which it was designed?</td>
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<tr>
<td>Yes  No  All BMPs were effective</td>
<td></td>
</tr>
<tr>
<td>4. Were all BMPs you indicated you would be using in your SWP3, including good housekeeping practices, actually being implemented at the time of the Annual Comprehensive Site Compliance Evaluation?</td>
<td></td>
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<tr>
<td>Yes  No</td>
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<tr>
<td>5. If you found one or more ineffective BMPs, have they all been replaced with an alternative or modified BMP?</td>
<td></td>
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<tr>
<td>Yes  No  All BMPs were being effective</td>
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<tr>
<td>6. Were there additional BMPs needed to address any conditions requiring corrective action?</td>
<td></td>
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<tr>
<td>Yes  No</td>
<td></td>
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<tr>
<td>7. If one or more BMPs were not being implemented, were corrective actions taken after the first inspection to eliminate the problem?</td>
<td></td>
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<tr>
<td>Yes  No  All BMPs were being implemented</td>
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<tr>
<td>8. Was/were the same failure(s) to implement a BMP deficiency(ies) noted in more than one inspection?</td>
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</tbody>
</table>

DEQ Template on Quarterly Visual Monitoring Report, V.1
9. Document any deficiencies identified and any corrective actions implemented to remove the original violation below. Use additional sheets if necessary.

<table>
<thead>
<tr>
<th>Date</th>
<th>Deficiencies</th>
<th>Corrected</th>
<th>Date of Correction</th>
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10. What must you do to correct the deficiencies that remain uncorrected?

__________________________________________________________________________
__________________________________________________________________________

11. Did any conditions require SWP3 review and revision to eliminate design, selection, installation, and/or implementation problem during the past year? If yes, describe the conditions in brief:

☐ No       ☐ Yes

__________________________________________________________________________

12. At any time during the reporting period, did you discover any previously unidentified unauthorized non-stormwater discharges from your facility or previously unidentified pollutants in the existing discharges?

☐ Yes      ☐ No

13. Have all unauthorized non-stormwater discharges (including any discovered in previous years) been eliminated or permitted?

DEQ Template on Quarterly Visual Monitoring Report, V.1
14. Have any significant spills or leaks occurred at your facility during the reporting period?
   - Yes   - No

15. If any significant spills or leaks occurred, did they result in either a dry weather discharge or an actual discharge of the spilled or leaked material commingled with stormwater (as opposed to the spilled material being washed away by stormwater)?
   - Yes   - No

16. If any significant spills or leaks occurred, did they result in more than the minimum amounts of material being discharged in stormwater? Base your answer on your knowledge of the material you spilled or that leaked. The minimum amounts could vary with the nature (toxicity, oxygen demand, pH, etc.) of the spilled or leaked material from amounts left after normal sweeping type cleanup to the point at which even trace amounts left after cleanup could cause an environmental problem.
   - Yes   - No   - No spills or leaks occurred

17. Have all known spills or leaks been cleaned up or otherwise prevented from contaminating stormwater that would be discharged under the authority of this permit?
   - Yes   - No   - No spills or leaks occurred

18. How many times did you visually monitor all of your stormwater discharges at all the outfalls during the reporting year?

19. Would the results of your visual monitoring indicate that there are pollutants in your stormwater discharges that are not adequately controlled by your current BMPs?
   - Yes   - No

20. If the results of your visual monitoring indicated a potential problem, was it due to one or more of the following?
   - New pollutant source (including exposure of previously unexposed material)
   - Failure to implement or maintain an existing BMP
   - Less than expected performance from a BMP
   - No BMP was selected to deal with that problem
   - N/A (No problems identified)

21. If your visual monitoring indicated a potential problem, what have you done to resolve the problem?
   - Eliminated exposure or pollutant source   - Modified existing BMPs

DEQ Template on Quarterly Visual Monitoring Report, V.1
Stormwater Pollution Prevention Plan (SWEP)
Tanner Berries Mining, Tulsa County, April 2020

22. Did any monitoring results exceed a numeric effluent limitation contained in Part 3.4.1 and Part F.7.B during the past discharge monitoring period?
- Yes
- No

23. If your answer to the previous question was Yes, list the dates, name of the pollutants and the test results that exceeded numeric effluent limitations. Use additional sheets if necessary.

<table>
<thead>
<tr>
<th>Date</th>
<th>Pollutants</th>
<th>Test Results</th>
<th>Date</th>
<th>Pollutants</th>
<th>Test Results</th>
</tr>
</thead>
<tbody>
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24. Were there any incidents of noncompliance in the past year or any non-compliance that is currently ongoing?
- Yes
- No
- Compliant with the Permit

25. Were there any required revisions to the SWP3 resulting from the inspection and/or monitoring?
- Yes
- No

26. If your answer to the previous question was Yes, list the dates, reason for revision and brief description of the revision. Use additional sheets if necessary.

<table>
<thead>
<tr>
<th>Date</th>
<th>Reason for Revision</th>
<th>Description of Revision</th>
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Instructions for Completing
the Annual Comprehensive Site Compliance Evaluation Report (ACSCER)
When to File an ACSCER Form
Permittees who are presently covered under OPDES General Permit OKR10 for stormwater discharges associated with construction activity must submit an ACSCER form to DEQ by March 1 of each year beginning in 2018. If your authorization becomes effective less than one month from the end of the yearly monitoring period, your first monitoring period starts with the next annual monitoring period.

Completing the Form
To complete this form, type or print in the appropriate areas only.

Permit Information
Enter the existing DEQ Authorization assigned to the facility identified in Section I for stormwater discharges from industrial activity.

Part A: Operator Information and Certification
Section I. Operator Information
Provide the legal name of the person, firm, public organization or any other commercial entity that owns or operates the facility described in this application. The name of the operator may or may not be the same name as the facility. An operator is the legal entity that controls the facility’s operation, rather than the plant or site manager. Provide complete mailing address including city, county, state, and ZIP code. Include operator’s point of contact name, title, telephone number and a valid email address.

Section II. Facility Information
Enter the facility’s official or legal name and complete physical address including city, county, state, and ZIP code. Include facility’s point of contact name, telephone number and email address. Indicate the latitude and longitude of the facility to the nearest 15 seconds. Include facility’s point of contact name, title, telephone number and a valid email address.

Section III. Certification
The ACSCER form must be signed by a responsible party - *for corporation*: by a responsible corporate official, such as president, vice president, secretary, and treasurer either for a corporation or company; *for partnership or sole proprietorship*: by a general partner or the proprietor, respectively. (Note: *for limited liability company (LLC)*: by one of its owners, called managing members/partners of the company); *for a municipality, state, Federal, or other public facility*: by either a principal executive or ranking elected official.

Part B: Annual Comprehensive Site Compliance Evaluation Report
1. A summary of your past year’s routine facility inspection documentation such as control measures’ maintenance, repair and/or replacement, any additional control measures needed to comply with the permits;
2. The location(s) of discharges of pollutants from the site, evidence of pollutants discharging to receiving waters at all facility outfall(s), and the condition of and around the outfall(s);
3. A summary of your past year’s corrective action documentation;
4. A summary of your past year’s quarterly visual monitoring documentation;
5. A summary of your past year’s effluent limitation violations if applicable; and
6. Describe any incidents of noncompliance in the past year or currently ongoing, or if none, provide a statement that you are in compliance with the Permit.

Note: Please see Part F.5 of OKR10 for detailed scope of Annual Comprehensive Site Compliance Evaluation.

Completed ACSCER form must be submitted to DEQ by March 1 of each year beginning in 2018.

If you need any assistance or have any question, contact the Stormwater Unit of Environmental Complaints and Local Services (ECLS) of DEQ at (405) 702-6100 or email to:

email: ecls-stormwaterpermitting@deq.ok.gov

Where to file an ACSCER Form
Completed ACSCER form must be submitted to the following address:

Stormwater Unit of ECLS

Oklahoma DEQ

3. Box 1677

Oklahoma City, OK 73101-1677

Fax it to: (405)702-6226

e-mail it to: ecls-stormwaterpermitting@deq.ok.gov

Commencing December 21, 2020, ACSCERs must be electronically submitted to DEQ. Instructions on how to access and use the appropriate electronic reporting tool will be made available on DEQ’s website prior to the December 21, 2020 compliance deadline.
Any other Documentation required by this Permit is included in Attachment M.
Bermies Mining Project

Existing Zoning

DATE PREPARED: JANUARY, 2020

Exhibit "A"
Operations and Friendly Neighbor Manual

Tanner Bemies Mining

Tulsa County BOA CBOA-2786

East ½ of the SW Quarter of Section 17, T-14-N, R-19-E

Prepared by:

SISEMORE & ASSOCIATES

C. Joseph Watt, P.E.
6111 East 32nd Place
Tulsa, OK 74135
918-665-3600
Tanner Bemies Mining Operations Manual

I. Location Map and Surrounding Zoning

II. Adjacent Schools

III. Hours of Operation

IV. Traffic Routes

V. On Site Dust Control
   a. Prevailing winds
   b. Annual rainfall
   c. Periods of drought

VI. Internal Site Control

VII. Public Street Protection

VIII. Policy on Public Street Cleaning

IX. Long Term Plan on Reclamation Options

X. Participating Companies Agreement
Location Map and Surrounding Zoning

I. The proposed operation is located along East 161st Street South just east of South Mingo road. It is in an AG district and surrounded by "AG" districts. Exhibit "A" shows the surrounding zoning of the areas.

Adjacent Schools
II. The site is located within ¼ of a mile to the following Bixby public schools:
   b. Bixby Middle School
   c. Bixby High School
   d. Bixby Central Elementary

Hours of Operations
The normal working hours for the facility will be from 7:00 am to 4:00 p.m. for sales. Work at the facility shall be from 6:00 am to 6:00 p.m.

Traffic Routes
During those times the schools are beginning and ending, alternative routes for all trucks will be mandated to not be allowed to go north on S. Mingo or North on South Riverview Drive but instead proceed west to South Memorial and then proceed north. Exhibit "B" shows the relationship of the location of the Bixby Schools to the Project Site.

Exhibit "C" shows that traffic lighted intersections on Memorial will better help traffic movement than the "STOP" intersections at Mingo or Riverside and East 151st Street South.

Exhibit "D" shows that the recent traffic counts on Memorial, Riverside, Mingo as well as 151st and 161st. Even though more traffic exists Memorial, it is also the only fully expanded 5 lane arterial in the area and therefore is more accommodating to this type of trucking.

On Site Dust Control
During the times of the year that activities would create dust on site water trucks will be used to control the dust. If the prevailing winds and periods of drought are such that excessive dust would be generated then more than one water truck system will be put into action.

Internal Site Control and Public Street Protection
Weekly routine measures on the site will be the collection of any trash and debris and that shall be disposed of properly. There will be a section of the entrance and exit drive that will constructed of 3-6" rock that will allow mud to be removed from the tires of trucks leaving the site.
Public Street Cleaning and Protection
If any undesirable amount of mud does get East 161st St. South then power brooms will be used to routinely clean the street of the all mud and or debris.

Long Term Plan on Reclamation Options
There are two options that can be incorporated into the finished site. 1) the area can be left lowered and used as compensatory storage for the storm water runoff from the upstream rain storms. 2) If desired by some organization, the fields which will be left could be used for outdoor sporting events like what Tulsa did with its storage facilities in the Mongo Creek basin. At the very least the topsoil will be returned and sustainable grasses will be planted to provide a protection against erosion.

Participating Companies Agreement
Each and every trucking organization that wishes to do business with the mine will have to agree and sign into effect a contract that will bind all drivers to the routes and times established by the owners of this mine.
Bemies Mining Project
Surrounding Areas

DATE PREPARED: JANUARY, 2020

Exhibit "B"
Bemies Mining Project
Streets

DATE PREPARED: JANUARY, 2020
Exhibit "C"