
August 21, 2026

Chris Atwater, Safety Manager
Van Eaton Ready Mix
P.O. Box 1058
Shawnee, OK 74802

RE: DEQ Permit Issuance Application, Permit No. OK1000179
Van Eaton Ready Mix - Guthrie Sand Plant, Logan County, Oklahoma
Facility ID No. I-42000660

Dear Mr. Atwater:

The Oklahoma Department of Environmental Quality (DEQ) has been granted authority to issue permits for the disposal of pollutants in the State of Oklahoma subsequent to Public Notice. In accordance with 27A O.S. § 2-14-302, we are enclosing a draft Notice of Publication that the applicant must review for accuracy and publish in at least one daily or weekly newspaper local to the area affected by the proposed wastewater treatment/disposal facility.

We are also enclosing two copies of the draft permit and fact sheet. One set is for your inspection, and the other set must be placed in the Guthrie Public Library located at 201 N Division St, Guthrie, OK 73044. Hours of operation are Monday, Wednesday, Friday between 9:00 a.m. to 6:00 p.m., Tuesday and Thursday between 9:00 a.m. to 8:00 p.m., and Saturday between 9:00 a.m. to 1:00 p.m., for viewing by the general public. A copy of the application form you submitted and which was received by DEQ on May 26, 2026, must also be placed at the above location for viewing by the general public. If you need to obtain a copy of your application, please contact the Central Records Section of DEQ at (405) 702-1188.

The public comment period will end 30 days after the notice of draft permit is published in a newspaper local to the area where the facility is located or 30 days after DEQ publishes its statewide notice of draft permit, whichever occurs later. All comments and/or requests for a public meeting must be received by this date, unless extended for good cause by DEQ. If a request for a public meeting has been granted, the applicant will be notified and provided a copy of the request.

PLEASE HAVE THE NEWSPAPER FURNISH THIS OFFICE WITH A CERTIFIED NOTICE OF PUBLICATION. THIS NOTICE MUST BE PUBLISHED WITHIN TEN DAYS OF RECEIPT OF THIS LETTER.

If you have any questions concerning this matter, please contact Yaqeen Aldubaisi, Permit Writer, by phone at (405) 702-8209.

Sincerely,



Jason Ma, P.E., Manager
Industrial Permits Section
Water Quality Division

JM/YA/tlj

PL

Enclosure
Draft Notice of Publication/Draft Permit/Fact Sheet

NOTE TO PUBLISHERS (not part of Notice to be published): Oklahoma Department of Environmental Quality has no responsibility and assumes no responsibility for the cost of publishing this NOTICE BY PUBLICATION.

NOTICE OF ISSUANCE OF DRAFT TIER II PERMIT

POLLUTANT DISCHARGE APPLICATION NO. OK1000179

Notice is hereby given that the Oklahoma Department of Environmental Quality (DEQ), at the address listed below, has processed and issued a draft permit to **Van Eaton Ready Mix, Guthrie Sand Plant**, located at 7100 W Cooksey Rd, Guthrie, OK 73044. Based on a Tier II application filed on May 26, 2026, for a new permit with DEQ. A final permit, if issued, would allow Van Eaton Ready Mix - Guthrie Sand Plant to discharge industrial wastewater from their facility located in the SE ¼, of the SE ¼, of the SE ¼, of Section 33, Township 17 North, Range 3 West, in Logan County or at 7100 W Cooksey Rd. Van Eaton Ready Mix - Guthrie Sand Plant is in the business of sand and gravel dredging. The proposed discharge(s) consists of effluent from process water for sand and gravel dredging. The facility treats and disposes of wastewater using four (4) flow through impoundments (F01, F02, F03, and F04). The discharge(s) will be to the Cimarron River through Outfall 001 located at NW¼, SE¼, SE¼, Section 33, Township 17 North, Range 3 West Indian Meridian, Logan County, Oklahoma.

A copy of the draft permit, fact sheet, application, and other relevant documents may be reviewed at the Offices of DEQ, Water Quality Division, 707 N. Robinson, Oklahoma City, OK 73102, between the hours of 8:00 a.m. to 4:30 p.m. Monday – Friday. A copy of the draft permit, fact sheet, and application may be reviewed at the Guthrie Public Library located at 201 N Division St, Guthrie, OK 73044. Hours of operation are Monday, Wednesday, Friday between 9:00 a.m. to 6:00 p.m., Tuesday and Thursday between 9:00 a.m. to 8:00 p.m., and Saturday between 9:00 a.m. to 1:00 p.m. A copy of the draft permit may be reviewed on DEQ website at <https://oklahoma.gov/deq/permits/permit-assistance/permits-for-public-review.html>

Pursuant to 27A O.S. § 2-14-302, persons wishing to make comments concerning the draft permit may do so by sending the comments in writing to the contact person for DEQ, at the address listed below, within 30 days after the date of publication or mailing. Comments should include: (1) name and address of the interested person, (2) the application name to which the request relates, (3) the nature and basis of the interest of the person affected, and (4) a statement of the objection or comment, the basis of the objection or comment, and any requested action by DEQ.

The contact person for DEQ, to schedule a date and time to review the application at the offices of DEQ is:

Tammi L. Johnson
Oklahoma Department of Environmental Quality
P.O. Box 1677
707 N. Robinson, 8th Floor
Oklahoma City, OK 73101-1677
(405) 702-8170 or tammi.l.johnson@deq.ok.gov

The contact person for Van Eaton Ready Mix - Guthrie Sand Plant is:

Chris Atwater, Safety Manager
Van Eaton Ready Mix
P.O. BOX 1058
Shawnee, OK 74802
(405) 214-7450

Pursuant to 27A O.S. § 2-14-302, persons wishing to request a public meeting concerning the draft permit may do so by filing the request in writing to the contact person for DEQ, at the address listed above, within thirty (30) days after the date of publication or mailing. Requests for the public meeting should include: (1) name and address of the interested person, (2) the application name to which the request relates, (3) the nature and basis of the interest of the person affected, and (4) a statement of the objection or comment, the basis of the objection or comment, and any requested action by DEQ. A copy of the request must also be sent to the applicant, through the contact person listed above. A formal public meeting may be scheduled if there is a significant degree of public interest. Notice of the date, time, and place of the public meeting will be given to all parties of record. A request for a public meeting may be combined with a submission of written comments.

If a public meeting is held, oral or written comments will be accepted at the meeting. DEQ shall, within ninety (90) days of the date the public comment period closes (or longer if extended by the Executive Director of DEQ), issue responses to all public comments received.

**AUTHORIZATION TO DISCHARGE UNDER
THE OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM**

**PERMIT NUMBER: OK1000179
ID NUMBER: I-42000660**

In compliance with the Oklahoma Pollutant Discharge Elimination System (OPDES) Act, 27A Oklahoma Statutes (O.S.) § 2-6-201 *et seq.*, Oklahoma Uniform Environmental Permitting Act, 27A O.S. § 2-14-101 *et seq.*, and the rules of the Oklahoma Department of Environmental Quality (DEQ) promulgated thereunder,

Van Eaton Ready Mix, Guthrie Sand Plant
P.O. Box 1058
Shawnee, OK 74802

is authorized to discharge from their facility, located at:

SE¼, SE¼, SE¼, Section 33, Township 17 North
Range 3 West Indian Meridian
Logan County, Oklahoma
or at 7100 W Cooksey Rd, Guthrie, OK 73044

to receiving waters identified as: the Cimarron River, stream segment 620910, Water Body ID OK620910010010_10, in Logan County, Oklahoma

from: Outfall 001:

Latitude 35.9007° N, Longitude 97.5180° W (GPS: NAD83)
NW¼, SE¼, SE¼, Section 33, Township 17 North,
Range 3 West Indian Meridian,
Logan County, Oklahoma

in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, and III, hereof.

The above referenced facility is also authorized to retain wastewater in four flow through impoundments (F01, F02, F03, and F04), as described in the Appendix. Impoundments shall be maintained in accordance with Parts I, II, and IV, hereof.

Issuance of this permit in no way or in any respect affects the permittee's civil or criminal responsibility regarding disposal and/or discharges of wastewater, except with respect to the permittee's legal responsibility under the OPDES Act and Department Rules.

This is a new Permit.

The issuance date of this permit is Month Date Year.

This permit shall become effective Month Date Year.

This permit and authorization to discharge shall expire at midnight Month Date Year.

For the Oklahoma Department of Environmental Quality:

Jason Ma, P.E., Manager
Industrial Permits Section
Water Quality Division

George Russell IV, Director
Water Quality Division

PART I
EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall 001

Limitations, Reporting Requirements and Monitoring

During the period beginning on the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 001. The discharge will consist of mine dewatering wastewater from the mining area accumulated in impoundments F01, F02, F03, and F04.

Such discharge shall be limited and monitored by the permittee as specified below:

Effluent Limitations – Outfall 001

PARAMETERS	DISCHARGE LIMITATIONS			
	MASS LOADING LIMITS (lbs/day unless otherwise specified)		CONCENTRATION LIMITS (mg/L unless otherwise specified)	
	MONTHLY AVERAGE	DAILY MAXIMUM	MONTHLY AVERAGE	DAILY MAXIMUM
Flow STORET: 50050	Report (mgd) ⁽¹⁾	Report (mgd) ⁽¹⁾	--	--
Total Suspended Solid (TSS) STORET: 00530	--	--	--	45
pH STORET: 00400	N/A	N/A	between 6.5 and 9.0 s.u.	

⁽¹⁾ Million gallons per day.

Monitoring Requirements – Outfall 001

PARAMETERS	MEASUREMENT FREQUENCY *	SAMPLE TYPE
Flow	1/week	Estimate
Total Suspended Solids	1/month	Grab
pH	1/month	Grab

* When discharging.

NOTE: See Parts II and III for Additional Requirements.

There shall be no discharge of a visible sheen of oil or globules of oil or grease on or in the water. Oil and grease shall not be present in quantities that adhere to stream banks and coat bottoms of watercourses.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

The discharge shall not contain chemical, physical, or biological substances in concentrations that are irritating to skin or sense organs or are toxic or cause illness upon ingestion by human beings.

Samples for Outfall 001 taken in compliance with the monitoring requirements specified above shall be taken at the following location:

Outfall 001: Samples shall be taken at the outlet of impoundment F04, NW¼, SE¼, SE¼, Section 33, Township 17 North, Range 33 West Indian Meridian, Logan County, Oklahoma, or at Latitude 35.9026° N, Longitude 97.5180° W (GPS: NAD83).

SECTION B. SCHEDULE OF COMPLIANCE

The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule: None.

SECTION C. REPORTING OF MONITORING RESULTS

Monitoring results shall be reported in accordance with the provisions of Part III, Section E(4) of the permit. Monitoring results obtained during the previous month shall be summarized and electronically reported on an electronic Discharge Monitoring Report (eDMR) form due to the Oklahoma Department of Environmental Quality, Water Quality Division, Wastewater Compliance Tracking Section no later than the 15th day of the month following the completed monthly test. If no discharge occurs during the reporting period, an eDMR form stating "No Discharge" shall be electronically submitted according to the above schedule. Instructions on how to register as a "Preparer" or "Signatory" for eDMRs, as well as how to prepare and submit eDMRs, can be found on DEQ's website at <https://oklahoma.gov/deq/divisions/water-quality/wastewater-stormwater/electronic-reporting.html>. Assistance is also available by contacting DEQ at (405) 702-8100 or deqreporting@deq.ok.gov.

The first report is due on _____.

PART II OTHER PERMIT REQUIREMENTS

A. REGULATORY NOTICE

The permittee is hereby given notice that this permit is in all respects subject to compliance with and actions under any and all applicable and relevant terms, conditions, provisions and requirements, and any and all amendments of the laws of the state of Oklahoma, the rules of the Oklahoma Department of Environmental Quality, and Oklahoma's Water Quality Standards. The absence of any express reference within this permit of any particular statutory requirement, rule(s), regulation(s), or standard(s) shall in no respect be deemed or construed to exempt or preclude the application of such requirement, rule(s), regulation(s), or standard(s) to this permit or the permittee. By the Director's approval, grant and issuance of this permit, permittee acknowledges receipt of true, correct, and current copies of Oklahoma's Water Quality Standards, and the rules of the Oklahoma Department of Environmental Quality.

B. REOPENER CLAUSE

This permit may be reopened for modification or revocation and reissuance to require additional monitoring and/or effluent limitations where actual or potential exceedances of state water quality criteria are determined to be the result of the permittee's discharge to the receiving water(s), or a Total Maximum Daily Load is established for the receiving stream(s), or when required as technology advances. Modification or revocation and reissuance of the permit shall follow regulations listed at 40 Code of Federal Regulations (C.F.R.) § 124.5.

C. LABORATORY ACCREDITATION

All laboratory analyses for the parameters specified in this permit must be performed by a laboratory accredited by the Oklahoma Department of Environmental Quality for those parameters.

D. ANALYTICAL REQUIREMENTS

Unless otherwise specified in this permit, effluent and/or upstream monitoring shall be conducted according to analytical, apparatus and materials, sample collection, preservation, handling, etc., procedures listed in 40 C.F.R. Part 136. Appendices A, B, and C to 40 C.F.R. Part 136 are specifically referenced as part of this requirement. Amendments to 40 C.F.R. Part 136 promulgated and incorporated by reference in Oklahoma Administrative Code (OAC) 252:606-1-3(b)(7) after the effective date of this permit shall supersede these requirements as applicable.

E. MINIMUM QUANTIFICATION LEVEL (MQL)

If any individual analytical test result taken for compliance with this permit is a non-detect, then the detection limit shall be used for Discharge Monitoring Report (DMR) calculations. Any time a non-detect value is used for DMR calculations, the value reported on the DMR shall use the less than sign (<).

The concentration value on the DMR may be reported as zero (0) if all analytical test results taken for the parameters during the monitoring period were less than the corresponding minimum quantification level listed in OAC 252:606 Appendix H.

F. SURFACE IMPOUNDMENT REQUIREMENTS

A minimum freeboard of three (3) feet for impoundments F01, F02, F03, and F04 shall be maintained.

The permit may be reopened to implement and/or require impoundment modifications, additions, extensions, and/or operational changes; additional monitoring and reporting (including but not necessarily limited to soil sampling); reclassification of wastes; sludge management plans; best management practices; closure plans; remediation and/or remediation plans; monitoring wells and/or subsurface monitoring plans; and/or other appropriate actions.

At such time as impoundments F01, F02, F03, and/or F04 are to be permanently taken out of service or at such time as the contents of impoundments F01, F02, F03, and/or F04 pose a risk to the environment or waters of the state, the owner or operator of the facility shall follow all closure requirements contained in OAC 252:616-13.

In all other respects, impoundments F01, F02, F03, and F04 shall be subject to standard conditions for surface impoundment contained in OAC 252:616, Subchapters 5, 7, and 13, including but not limited to requirements for construction, operation, maintenance, monitoring, and closure.

G. LAND APPLICATION

Not Applicable

H. OTHER DISPOSAL METHODS

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewater shall be disposed of at a state approved industrial waste disposal site or to a company for recycling.

If any such industrial wastes are removed from the facility, the permittee shall keep accurate records which include the following information:

- a. Name and address of company hauling waste;
- b. The type and amount of waste hauled; and
- c. The final disposal site of waste hauled.

Upon request, the above records shall be made available to the staff of DEQ for inspection, review, and copying.

APPENDIX

Description of Wastewater Treatment/Disposal Surface Impoundments

Classification OAC 252:616-1-2		Liner Requirements OAC 252:616-7-2(b)	Holding Capacity and/or Dimensions OAC 252:616-7-1(6) ^b	Wastewater Destination
S.I. (*) ^a	Wastewater			
F01	Mine dewatering – Class III	Native soil	12,292,452 gallons 408'x518'x8'	F02
F02	Sand processing plant and Stormwater – Class III	Native soil	179,500 gallons 26'x192'x4'	F04
F03	Storage & Maintenance Area, and Stormwater – Class III	Native soil	190,740 gallons 22'x158'x5'	F04
F04	Process water and settling pond – Class III	Native soil	47,045,000 gallons 310'x1380'x17'	Outfall 001

^a Designation F refers to a flow-through surface impoundment (S.I.)

^b Based on information provided in application. Freeboard requirements in Part II.F. must be met.

Location of Surface Impoundments

S.I.	Legal Location	General Location and Description
F01	NW¼, SE¼, SE¼, Section 33, Township 17 North, Region 3 West Indian Meridian, Logan County, Oklahoma	North of the processing plant
F02	NE¼, SE¼, SE¼, Section 33, Township 17 North, Region 3 West Indian Meridian, Logan County, Oklahoma	Northeast of the processing plant
F03	NW¼, SE¼, SE¼, Section 33, Township 17 North, Region 3 West Indian Meridian, Logan County, Oklahoma	Southwest of the processing plant
F04	NW¼, SE¼, SE¼, Section 33, Township 17 North, Region 3 West Indian Meridian, Logan County, Oklahoma	Northwest of the processing plant & North of F03

APPENDIX

Map of Surface Impoundments



 APEX COMPANIES, LLC 6666 S Sheridan Rd. Ste 250 Tulsa, OK 74133 Phone: (918) 610-3543 Fax: (918) 610-3556 www.apexcos.com	 VAN EATON READY MIX	Figure 3 Facility Detail Map Van Eaton Sand Mine #1 Cimarron River Guthrie, Logan County, OK 35.8990, -97.5152	Legend  Sand Processing Area  Equipment Storage & Maintenance  Surface Impoundment  Stormwater Flow Direction  Underground Piping  Outfall  Diesel Tank
---	--	---	--

Fact Sheet

FOR THE DRAFT AUTHORIZATION TO DISCHARGE TO WATERS OF THE UNITED STATES UNDER THE OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES).

DEQ Permit No.: OK1000179

Facility ID No.: I-42000660

Applicant: Van Eaton Ready Mix, Guthrie Sand Plant
P.O. Box 1058
Shawnee, OK 74802

Issuing Office: Oklahoma Department of Environmental Quality (DEQ)
Water Quality Division
707 N. Robinson Ave
P.O. Box 1677
Oklahoma City, OK 73101-1677

Prepared By: Yaqeen Aldubaisi, Permit Writer
Industrial Permits Section

Date Prepared: June 9, 2026

Reviewed by: Jason Ma, P.E., Manager
Industrial Permits Section
Water Quality Division

Brian Clagg, P.E., Environmental Programs Manager
Industrial Wastewater Group
Water Quality Division

Permit Action: Issuance of a new OPDES Discharge Permit

In accordance with 40 Code of Federal Regulations (C.F.R.) §§ 124.8 and 124.56, this fact sheet describes the applicant's facility operation and sets forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit modification. Also set forth are any calculations or other necessary explanations of the derivation of specific effluent limitations and conditions, including a citation to applicable effluent limitation guidelines or performance standard provisions as required under 40 C.F.R. § 122.44. In accordance with 40 C.F.R. § 122.44(l), proposed permit limits for reissued permits are based on the more stringent of applicable technology-based limitations, applicable water quality-based limitations, or limitations in the previous permit.

Citations to 40 C.F.R. refer to promulgated regulations listed at Title 40, C.F.R. Citations to OAC 252 refer to promulgated regulations listed at Title 252, Oklahoma Administrative Code (OAC).

I. PERMITTING BACKGROUND

A. CHRONOLOGY OF PERMITTING ACTIVITIES

The following is a chronology of permitting activities leading up to the issuance of this permit

- 08/12/2026 No comments on draft permit email received
- 07/13/2026 Draft permit courtesy review sent
- 06/02/2026 Public notice of application received
- 05/26/2026 Receipt of a new individual application (OK1000179)
- 03/13/2026 Emails correspondence
- 05/26/2026
- 03/13/2026 2nd site visit
- 01/21/2026 Notice of Deficiency (NOD) letter sent (for construction)
- 01/15/2026 1st site visit
- 12/11/2025 Receipt of a new application (OKG950094)

B. PROPOSED PERMITTING ACTION

It is proposed that the OPDES Permit No. OK1000179 for which application for new issuance was received, be issued for a five year term in accordance with regulations promulgated at 40 C.F.R. § 122.46(a) and OAC 252:606-1-3(b)(3)(BB).

II. APPLICANT ACTIVITY

Van Eaton Ready Mix is a sand and gravel dredging facility (SIC Code 1442, NAICS 212321) located in the SE¼, SE¼, SE¼, Section 33, Township 17 North, Range 3 West Indian Meridian, Logan County, Oklahoma or at 7100 W Cooksey Rd, Guthrie, OK 73044.

Based on the application, the facility normally operates 10 hours/day, 5 days/week. The facility has been in operation since June 24, 2021.

III. DISCHARGE INFORMATION

A. DISCHARGE LOCATION

The discharge is to the Cimarron River, located in stream segment 620910 of the Upper Arkansas Basin. Based on the application, the facility has one outfall as summarized below:

Outfall	Location		Receiving Stream
	Legal Description	Latitude -Longitude	
001	NW¼, SE¼, SE¼, Section 33, Township 17 North, Range 3 West Indian Meridian, Logan County, Oklahoma	Latitude 35.9007° North, Longitude 97.5180° West (GPS: NAD83)	Cimarron River

B. DISCHARGE DESCRIPTION

Outfall 001: The discharge consists of wastewater from the sand dredging and mining operations.

C. DISCHARGE CHARACTERISTICS

Flow data in million gallons per day (mgd) for the facility's discharges from Outfall 001 is summarized in the following table. This is a new facility; therefore, the estimated flow was obtained from the permit application.

Outfall	Parameter	Daily Maximum
001	Flow	5 mgd
	Total Suspended Solids (TSS)	45 mg/L
	Dissolved Solids, Total (TDS)	45 mg/L
	pH	7.0 – 8.0 s.u.

IV. RATIONALE FOR DETERMINING DISCHARGE PERMIT LIMITS

The following sections set forth the principal facts and the significant factual, legal, methodological, and policy considered in preparing the draft permit. Also set forth are any calculations or other necessary explanations of the derivation of specific effluent limitations and conditions, including a citation to the applicable effluent limitation guideline or performance standard provisions as required under 40 C.F.R. § 122.44, and reasons why they are applicable or an explanation of how the alternative effluent limitations were developed.

In accordance with regulations promulgated at 40 C.F.R. § 122.44(l), the draft permit limits are based on the more stringent of technology-based limitations, applicable water quality-based limitations, or the previous permit limits.

A. TECHNOLOGY-BASED EFFLUENT LIMITATIONS AND CONDITIONS

1. General Comments

Regulations promulgated in 40 C.F.R. § 122.44(a) and OAC 252:606-5-2(a)(1) require technology-based effluent limitations to be placed in OPDES permits based on effluent limitations guidelines, where applicable, on Best Professional Judgment (BPJ) in the absence of guidelines, or on a combination of the two.

2. Applicable Effluent Limitations Guidelines

Discharges from this type of facility are covered under 40 C.F.R. Part 436 – Mineral Mining Point Source Category, Subpart C – Construction Sand and Gravel Subcategory.

Technology-based Effluent Limitations for Outfall 001

Pollutant	BPT Effluent Limitations	
	Daily Min.	Daily Max.
pH	6.0 s.u.	9.0 s.u.

3. Best Professional Judgment (BPJ) of the Permit Writer

The only BPJ parameter included for Outfall 001 is TSS. Permit limits for this parameter are established based on either best available technology economically achievable (BAT) or best conventional pollutant control technology (BCT) based on BPJ, using the previous State permit and permits for facilities with similar wastewater discharges and treatment systems as guidance. The BPJ-based effluent limitations for Outfall 001 for TSS are summarized in the following table:

Parameters	Concentration	
	Monthly Avg.	Daily Max.
TSS	--	45 mg/L

4. Variance Request

No requests for variances from effluent limitations promulgated under 40 C.F.R. have been received.

B. WATER-QUALITY-BASED EFFLUENT LIMITATIONS AND/OR CONDITIONS

1. General Comments

Clean Water Act (CWA) Section 101 (33 U.S.C. § 1251(a)(3)) states, "[I]t is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited[.]" A permit containing technology-based permit limitations alone may not adequately protect the quality of a specific receiving stream. Thus, additional water quality-based effluent limitations and/or conditions are considered in the draft permit using narrative and numerical standards contained in the Oklahoma Water Quality Standards (OWQS), as amended (OAC 252:730), and implementation criteria contained in OAC 252:740 and OAC 252:606, promulgated by DEQ. This is to ensure that no point-source discharge results in instream aquatic toxicity, a violation of applicable narrative or numerical state water quality standards, or aquatic bioaccumulation that threatens human health.

2. Receiving Stream Designated Uses and Antidegradation Provisions

a. Designated Beneficial Uses

The wastewater generated in this facility will be discharged to the Cimarron River (WBID 620910010010_10) in Stream Segment 620910 of the Upper Arkansas River. The receiving water has the following designated beneficial uses:

- Emergency Water Supply (OAC 252:730-5-11);
- Fish and Wildlife Propagation/Warm Water Aquatic Community (OAC 252:730-5-12(c));
- Agriculture (OAC 252:730-5-13);
- Primary Body Contact Recreation (OAC 252:730-5-16);
- Aesthetics (OAC 252:730-5-19); and
- Fish Consumption (OAC 252:730-5-20).

b. Antidegradation Provisions

The Cimarron River in this segment is not designated as an Outstanding Resource Water (ORW), High Quality Water (HQW), or Sensitive Water Supply (SWS) in Appendix A of the OWQS. Neither is it designated in Table 1 of Appendix B of the OWQS as an area of ecological and/or recreational significance. However, it is designated in Table 2 of Appendix B as an area containing federally listed endangered species.

3. Water Quality Standards Implementation Process

To achieve the objectives stated in Section IV.B.1 above, each pollutant present at measurable levels in the facility's effluent, for which there is one or more applicable numerical water quality criteria, is screened against the applicable criteria to determine whether the pollutant has reasonable potential (RP) to exceed any of the criteria. The screens are performed in accordance with the OWQS, OWQS implementation criteria in OAC 252:740 and OAC 252:606, and the Continuing Planning Process (CPP) document. In the RP screening process, the 95th percentile effluent concentration, or estimate thereof if the effluent data set is not sufficiently large to determine it directly, is used to compute an instream concentration according to the regulatory mixing zone equations defined in OAC 252:740. The computed instream concentrations are then compared with the applicable criteria to determine whether RP is exhibited. However, after reviewing the application for this facility, it was determined that there were no pollutants present at or above the applicable water quality criteria; therefore, RP calculations are not needed.

4. Water Quality-Based Requirements by Designated Use

a. Emergency Public and Private Water Supply

Emergency public and private water supply use is determined in accordance with OAC 252:730-5-11(a), which states, "During emergencies, those waters designated Emergency Public and Private Water Supplies may be put to use."

b. Fish and Wildlife Propagation/Warm Water Aquatic Community

(1) Dissolved Oxygen

Pursuant to OAC 252:730-5-12(f)(1)(A), dissolved oxygen (DO) criteria are designed to protect the diverse aquatic communities of Oklahoma. Based on the nature of the wastewater, the wastewater should not contain oxygen demanding substances at levels which would have RP to violate numerical criteria. Therefore, no permit limit or monitoring requirement is imposed for this criterion.

(2) Temperature

According to OAC 252:730-5-12(f)(2)(A), at no time shall heat be added to any surface water in excess of the amount that will raise the temperature of the receiving water more than 2.8°C at the edge of the mixing zone. Since heat is not added to the wastewater being discharged and discharge should essentially be at ambient temperature. Therefore, there is no RP to violate the temperature criterion and no permit limit or monitoring requirement is imposed for this criterion.

(3) pH

OAC 252:730-5-12(f)(3) states, "The pH values shall be between 6.5 and 9.0 in waters designated for fish and wildlife propagation; unless pH values outside that range are due to natural conditions." Therefore, the draft establishes a lower pH limit of 6.5 s.u. and an upper limit of 9.0 s.u.

(4) Oil and Grease

According to OAC 252:730-5-12(f)(4), "all waters having the designated beneficial use of any subcategory of Fish and Wildlife Propagation shall be maintained free of oil and grease to prevent a visible sheen of oil or globules of oil or grease on or in the water. Oil and grease shall not be present in quantities that adhere to stream banks and coat bottoms of watercourses or which cause deleterious effects to the biota." A narrative (water quality-based) condition requiring conformance to OAC 252:730-5-12(f)(4) is included in the draft permit.

The facility does not wash trucks or equipment. Therefore, the discharge is not expected to contain pollutants which would require numeric oil and grease limitations or monitoring.

(5) Biological Criteria

Pursuant to OAC 252:730-5-12(f)(5), "Aquatic life in all waterbodies with the beneficial use designation of Fish and Wildlife Propagation (excluding waters designated "Trout, put-and-take") shall not exhibit degraded conditions..." Based on the nature of the wastewater, the treated wastewater is not expected to degrade the diversity, similarity, community structure, species tolerance, trophic structure, dominant species, indices of biotic integrity, indices of well being, or other measures. Therefore, no permit limit or monitoring requirement is imposed for this criterion.

(6) Toxic Substances

Pursuant to OAC 252:730-5-12(f)(6)(A), "Surface waters of the state shall not exhibit acute toxicity and shall not exhibit chronic toxicity outside the chronic regulatory mixing zone..." Based on the permit application, the discharge does not contain toxic substances at levels that could result in acute or chronic toxicity to fish or wildlife. Since the facility is a minor discharger, whole effluent toxicity (WET) testing is not required.

(7) Turbidity

Pursuant to OAC 252:730-5-12(f)(7), "Turbidity from other than natural sources shall be restricted to not exceed [50 NTUs for surface waters that have a beneficial use of Warm Water Aquatic Community.]" The draft permit includes a technology-based limitation for TSS (a daily maximum limit of 45 mg/L) and a water quality-based narrative requirement for suspended solids. It is the BPJ of the permit writer that limitation on TSS should adequately control turbidity in the facility's discharge.

c. Protection of Agriculture Use

Per information provided in the permit application, the discharge does not contain chlorides, sulfates, or total dissolved solids at levels which would require water quality limitation and/or monitoring.

d. Primary Body Contact Recreation

Per information provided in the permit application, the discharge does not contain any sanitary waste. Therefore, coliform bacteria, escherichia coli (E. coli), and/or enterococci are not expected to be present at levels which would require water quality limitation and/or monitoring.

OAC 252:730-5-16(a) states, "The discharge shall not contain chemical, physical, or biological substances in concentrations that are irritating to skin or sense organs or are toxic or cause illness upon ingestion by human beings." The draft permit will contain a narrative stating the prohibition of these conditions for Outfall 001.

e. Protection of Aesthetics Use

Aesthetics use is determined in accordance with OAC 252:730-5-19, which states, "...the surface waters of the state must be free from floating materials and suspended substances that produce objectionable color and turbidity." A narrative requirement is established in the draft permit to prohibit the discharge of floating solids or visible foam in other than trace amounts. In addition, the technology-based numerical effluent limitations of a 45 mg/L daily maximum for TSS should also help to maintain the narrative water quality criteria for TSS.

f. Fish Consumption

Pursuant to OAC 252:730-5-20(a), "The Surface waters of the state shall be maintained so that toxicity does not inhibit ingestion of fish and shellfish by humans." Per information provided in the permit application, the discharge does not contain pollutants at levels which would require fish consumption water quality limitation and/or monitoring.

C. EFFLUENT MONITORING REQUIREMENTS

Since it was determined that there were no pollutants present for which RP calculations would be needed, further effluent monitoring is not justified.

D. 303(D) LISTING EVALUATION

This facility discharges into the Cimarron River in Stream Segment 620910 of the Upper Arkansas River. This segment is not listed on the 303(d) List as impaired. Therefore, it is BPJ of the permit writer that additional limits or monitoring requirements to protect against impairment are not required.

E. ANTIDEGRADATION REQUIREMENTS

As stated in Section V.B, no antidegradation restrictions apply to the segments of the Cimarron River. Implementation of the state's antidegradation policy, as described at OAC 252:740, Subchapter 13, requires no further protection beyond the Tier 1 level (maintenance and protection of designated uses) for these receiving waters.

F. PROTECTION OF ENDANGERED AND THREATENED SPECIES AND CRITICAL HABITAT

The receiving stream to which the facility discharges is not considered by the U.S. Fish and Wildlife Service (USFWS) to be a sensitive area for endangered or threatened species. Therefore, DEQ has concluded that notification of USFWS is not required, other than through the standard public notice process.

V. NON-DISCHARGE REQUIREMENTS

A. SURFACE IMPOUNDMENT

At the beginning of the mining process, stormwater runoff and process water will be stored in 4 surface impoundments F01, F02, F03, and F04 for settling of TSS before it is discharged to the Cimarron River through Outfall 001.

Description of Surface Impoundments (S.I.)

Classification OAC 252:616-1-2		Liner Requirements OAC 252:616-7-2(b)	Holding Capacity and/or Dimensions OAC 252:616-7-1(6)	Wastewater Destination
S.I. (*)	Wastewater			
F01	Mine dewatering – Class III	Native soil	12,292,452 gallons 408'x518'x8'	F02
F02	Sand processing plant and Stormwater – Class III	Native soil	179,500 gallons 26'x192'x4'	F04
F03	Storage & Maintenance Area, and Stormwater – Class III	Native soil	190,740 gallons 22'x158'x5'	F04
F04	Process water and settling pond – Class III	Native soil	47,045,000 gallons 310'x1380'x17'	Outfall 001

(*) Designation F refers to flow-through surface impoundment.

Location of S.I.

S.I.	Legal Location	General Location and Description
F01	NW¼, SE¼, SE¼, Section 33, Township 17 North, Region 3 West Indian Meridian, Logan County, Oklahoma	North of the processing plant
F02	NE¼, SE¼, SE¼, Section 33, Township 17 North, Region 3 West Indian Meridian, Logan County, Oklahoma	Northeast of the processing plant
F03	NW¼, SE¼, SE¼, Section 33, Township 17 North, Region 3 West Indian Meridian, Logan County, Oklahoma	Southwest of the processing plant
F04	NW¼, SE¼, SE¼, Section 33, Township 17 North, Region 3 West Indian Meridian, Logan County, Oklahoma	Northwest of the processing plant & North of F03

1. Freeboard Requirements (OAC 252:616-7-1(7))

A minimum freeboard of three (3) feet for impoundments F01, F02, F03, and F04 shall be maintained.

2. Depth to Groundwater (OAC 252:616-7-1(4)(B))

The application states that the groundwater depth is between 60 - 121 ft. This depth meets the requirements in OAC 252:616-7-1(4)(B).

3. Liner Requirements (OAC 252:616-7-2(b))

Surface impoundments F01, F02, F03, and F04 have a native soil liner. Since the wastewater being retained is Class III, it is BPJ that a native soil is an appropriate and compatible liner system in accordance with OAC 252:616-7-2(b).

4. Additional Requirements (OAC 252:616-11 or OAC 252:616-13)

The permit may be reopened to implement and/or require impoundment modifications, additions, extensions, and/or operational changes; monitoring and reporting; reclassification of wastes; sludge management plans; best management practices; closure plans; and/or other appropriate actions.

At such time as surface impoundments F01, F02, F03, and/or F04 to be permanently taken out of service or at such time as the contents of F01, F02, F03, and/or F04 pose a risk to the environment or waters of the State, the owner or operator of the facility shall follow all closure requirements contained in OAC 252:616-11 or OAC 252:616-13.

B. LAND APPLICATION

Not applicable.

VI. DRAFT PERMIT LIMITS AND OTHER REQUIREMENTS

A. EFFLUENT LIMITATIONS

Permit requirements are based on OPDES regulations (40 C.F.R. Parts 122, 124, and 136) and OAC 252:606.

Outfall 001

Parameters ^(a)	Technology-based		Water Quality-based		Previous Permit		Draft Permit	
	Monthly Average	Maximum Daily	Monthly Average	Maximum Daily	Monthly Average	Maximum Daily	Monthly Average	Maximum Daily
Flow	---	---	---	---	N/A	N/A	Report (mgd)	Report (mgd)
TSS	Report	45	---	---	N/A	N/A	---	45
pH	Between 6.0 – 9.0 s.u.		Between 6.5 - 9.0 s.u.		N/A		Between 6.5 - 9.0 s.u.	

^(a) Parameters are in mg/L unless otherwise specified.

Parameters	Draft Permit	
	Frequency	Sample Type
Flow	1/week	Estimated
TSS	1/month	Grab
pH	1/month	Grab

B. EVALUATION FOR PERFORMANCE-BASED MONITORING FREQUENCY REDUCTIONS

In accordance with OAC 252:606-6-91, since the permit does not contain any monthly average limits, performance-based monitoring frequency reductions are not applicable.

VII. SUMMARY OF CHANGES FROM PREVIOUS PERMIT

Not applicable.

VIII. ADMINISTRATIVE RECORD

The following sources were used to prepare this permit and constitute a part of the administrative record for this permit:

A. APPLICATIONS

OPDES Industrial Permit Application No. OK0045161 received May 27, 2026

B. CLEAN WATER ACT CITATIONS

Section 101, 301, 303(d), 402(a) and 402(o)

C. 40 C.F.R. CITATIONS

40 C.F.R., in particular, Parts 122, 124, 436

D. STATE LAW, STANDARDS, AND RULES AND REGULATIONS

- Oklahoma Pollutant Discharge Elimination System (OPDES) Act, 27A O.S., § 2-6-201 et seq.
- OAC 252:606 and 616
- Oklahoma's Water Quality Standards, as amended
- Oklahoma Continuing Planning Process Document (CPP)

E. MISCELLANEOUS

- 2024 303(d) list
- The permit file

IX. CERTIFICATION AND FINAL DETERMINATION

A public notice that includes a link to the DEQ webpage where the draft permit may be viewed will be sent to various federal and state agencies upon posting the draft permit on the DEQ webpage. If comments are received from these agencies or other state or federal agencies with jurisdiction over fish, wildlife, or public health, the permit may be denied or additional conditions may be included in accordance with regulations promulgated at 40 C.F.R. § 124.59.

The public notice describes the procedures for the formulation of final determinations.