

Comments submitted for Arkansas Canoe Club Re Stormwater General Permit 12/13/2013

We have some concerns about comments submitted from the Arkansas Electric Cooperative Corporation (AECC) We believe that materials which could damage water quality "must" be stored in safe and dry conditions. We disagree with AECC that the "must" statements be changed to should statements. We fail to see how this could cause an economic hardship.

In addition: ADEQ already is reducing the semi-annual sampling to annual sampling. ADEQ did not, however, allow for a waiver of the sampling requirement if there were four consecutive samples in compliance. ADEQ's position to not allow a waiver of the sampling requirement needs to be supported.

Comment 4 AECC

A sampling waiver for two consecutive years of sampling under the benchmark value should be included in the 2014 IGP.

Section 4.1.7 of the Fact Sheet states that the sampling waiver for four consecutive samples under the benchmark value was removed. ADEQ's justification for doing so is primarily based on the proposal to move from semi-annual sampling to annual sampling. Under the draft permit, it would take four years to get the four samples needed to request the waiver. Since the permit cycle is five years, ADEQ believes it's not beneficial to request a waiver for only one year.

AECC's questions to ADEQ are: What is the justification for requiring four samples to get a waiver? Why not allow a waiver after two samples just as ADEQ allowed for several years under IGPs prior to the 2009 IGP?

Most facilities covered by the IGP only began sampling under the 2009 IGP. However, AECC operates three facilities that were required to perform annual storm water sampling under IGPs prior to the 2009 IGP. Those prior IGPs allowed the permittee to request a sampling waiver after two consecutive samples met the benchmark parameter values. AECC was always granted the waiver when it was requested.

AECC believes that ADEQ is justifying requiring four samples before the waiver request simply due to how many samples were taken in two years under the 2009 IGP. However, in this case, it should be based on how many annual samples were taken just as it was in IGPs prior to the 2009 IGP. So, the waiver should be available after two years of sampling and not four

Secondly:

See recommendations 8 and 9 on page 6 of EPA's letter on the pre-draft permit. ADEQ did not include these recommendations regarding threatened and endangered species and historic preservation in the public notice draft permit. We feel that they should be included.

- 8) ***Historic Properties Preservation Requirement:*** ADEQ should comply with applicable State, Tribal and local laws concerning the protection of historic properties. EPA recommends including requirements under Part 1.4 Eligibility to preserve historic properties. The State should request MS4 operators to determine whether their MS4's storm water discharges, allowable non-storm water discharges, or construction of best management practices (BMPs) to control such discharges, have potential to affect a property that is either listed or eligible for listing on the National Register of Historic Places.
- 9) ***Endangered Species Act Requirement:*** To ensure actions required by this permit are not likely to jeopardize the continued existence of any currently listed as endangered or threatened species or adversely affect its critical habitat, EPA recommends include ESA requirement(s) under Part 1.4 Eligibility. The State should ensure regulated stormwater discharges are not likely to jeopardize the continued existence of any listed endangered or threatened species or adversely modify or destroy critical habitat of such species.

Thank you for this opportunity to comment

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