UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE
DALLAS, TEXAS 75202-2733

OCT 24 2013

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (7010 2780 0002 4353 8758)

Mr. Morteza Shafii
Assistant Chief, Water Division
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Re: Interim Objection to Draft Permit and Request for Additional Information
General Permit for Industrial Stormwater
NPDES Permit No. ARR000000

Dear Mr. Shafii:

We have reviewed the draft general permit for Industrial Stormwater, which we received electronically on July 24, 2013. Based on our initial review, we believe additional information is needed to determine whether the draft permit meets all of the requirements of the Clean Water Act (CWA) and applicable federal National Pollutant Discharge Elimination System (NPDES) permitting regulations. Please see the enclosed attachment.

Issuance of this permit is contingent upon the resolution of the issues outlined in the attachment. We would be happy to work with you and your staff to clarify or resolve these issues. If we may be of any assistance, please call me at (214) 665-7170, or have your staff contact Mike Tillman at (214) 665-7531. Alternatively, Mike can be reached via email at: tillman.michael@epa.gov.

Sincerely,

for Claudia V. Hosch
Associate Director
Water Quality Protection Division
NPDES Permits and TMDLs Branch

Enclosure

cc: John Bailey, Permits Branch Manager, Water Division, ADEQ

EPA Specific Comments – NPDES Permit No ARR000000

Major Comments

(1) ***Part 1.4 Eligibility:*** The State must include in Part 1.4 eligibility requirements based on Water Quality Standards. New dischargers should not be eligible for coverage under this permit when the State determines stormwater discharges will not meet any applicable water quality standards. (40 CFR 122.4(a) and (d)).

(2) ***Part 1.4.3 National Stormwater-specific Effluent Limitations Guidelines (ELG)***: EPA notes that according to Part 1.8 the following ELG discharges are not eligible for your General Industrial Stormwater permit. Do the wastewater permits for those facilities cover their Industrial stormwater?

Table 1 ***National Stormwater-specific Effluent Limitations Guidelines***

Regulated Discharge	**40 CFR Section**	**Industrial Sector**
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I	A
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, and D	J
Runoff from hazardous waste and non-hazardous waste landfills	Part 445, Subparts A and B	K.L
Existing and new primary airports with 1,000 or more annual jet departures that discharge wastewater associated with airfield pavement deicing that contains urea commingled with stormwater	Part 449	S

(3) ***Continuation of Coverage for Existing Permittees After the Permit Expires***: In accordance with 40 CFR 122.6(d), the State should include a requirement to automatically administratively continue the permit in the case the permit is not reissued or replaced prior to the expiration date, until the new permit is effective. The expired permit should remain in force and effect for discharges that were covered prior to expiration.

(4) ***Part 3.1 Non-Numeric Technology-Based Effluent Limits***: Part 3.1 must clearly indicate that the permittees must select, design, install, and implement control measures (including best management practices as required in 3.1.1 thru 3.1.11) to meet the non-numeric effluent limits in Part 3.1, the limits contained in applicable effluent limitations guidelines in Part 3.3, and meet the water quality-based effluent limitations in Part 3.2.

(5) **Part 3.3 Numeric Effluent Limitations based on Effluent Limitations Guidelines**: If the ELG regulated discharges (listed in Table 1 of this letter) are covered under this permit, the State must include in Part 3.3 the following specific numeric effluent limitations based on the referenced Effluent Limitations Guidelines:

Table 2 Numeric Effluent Limitations based on Effluent Limitations Guidelines

Regulated Activity	**40 CFR Part/Subpart**	**Industrial Activity**	**Effluent Limit**[1]	
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I	Sector A	pH	6.0 - 9.0 s.u
			Debris (woody material such as bark, twigs, branches, heartwood, or sapwood)	No discharge of debris that will not pass through a 2.54-cm (1-in.) diameter round opening
Runoff from asphalt emulsion facilities	Part 443, Subpart A	Sector D	Total Suspended Solids (TSS)	23.0 mg/L, daily maximum 15.0 mg/L, 30-day avg.
			pH	6.0 - 9.0 s.u.
			Oil and Grease	- 15.0 mg/L, daily maximum - 10 mg/L 30-day avg.
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, or D	Sector J Mine dewatering discharges at crushed stone mining facilities (SIC 1422 - 1429)	pH	6.0 - 9.0
		Sector J Mine dewatering discharges at construction sand and gravel mining facilities (SIC 1442)	pH	6.0 - 9.0
		Sector J Mine dewatering discharges at industrial sand	Total Suspended Solids (TSS)	25 mg/L, monthly avg.
				45 mg/L, daily maximum

		mining facilities (SIC 1446)	pH	6.0 - 9.0
Runoff from hazardous waste landfills	Part 445, Subpart A	Sector K	See Table 3 below	See Table 3 below
Existing and new primary airports with 1,000 or more annual jet departures that discharge wastewater associated with airfield pavement deicing that contains urea commingled with stormwater [2]	Part 449	Sector S	Ammonia as Nitrogen [2]	14.7 mg/L, daily maximum [2]

[1] Permittees should sample annually by grab sampling.

[2] *Airfield Pavement Deicing.* Existing and new primary airports with 1,000 or more annual jet departures ("non-propeller aircraft") that discharge wastewater associated with airfield pavement deicing commingled with stormwater must either use non-urea-containing deicers or meet the effluent limit in this Table. See also comments No (14) and (15) below.

Please note that compliance with these effluent limits is to be determined based on discharges from these industrial activities referenced in Table 2 above independent of commingling with any other waste streams that may be covered under the permit.

Table 3 Runoff from Hazardous Waste Landfills – Sector K – Effluent Limits [1]

Industrial Activity	Parameter	Effluent
Sector K Discharges from hazardous waste landfills subject to effluent limitations in 40 CFR Part 445 Subpart A (see footnote).	Biochemical Oxygen Demand (BOD5)	220 mg/L, daily maximum
		56 mg/L, monthly avg. maximum
	Total Suspended Solids	88 mg/L, daily maximum
		27 mg/L, monthly avg. maximum
	Ammonia	10 mg/L, daily maximum
		4.9 mg/L, monthly avg. maximum
	Alpha Terpineol	0.042 mg/L, daily maximum
		0.019 mg/L, monthly avg. maximum
	Aniline	0.024 mg/L, daily maximum
		0.015 mg/L, monthly avg. maximum
	Benzoic Acid	0.119 mg/L, daily maximum
		0.073 mg/L, monthly avg. maximum
	Naphthalene	0.059 mg/L, daily maximum
		0.022 mg/L, monthly avg. maximum
	p-Cresol	0.024 mg/L, daily maximum
		0.015 mg/L, monthly avg. maximum
	Phenol	0.048 mg/L, daily maximum

		0.029 mg/L, monthly avg. maximum
	Pyridine	0.072 mg/L, daily maximum
		0.025 mg/L, monthly avg. maximum
	Total Arsenic	1.1 mg/L, daily maximum
		0.54 mg/L, monthly avg. maximum
	Total Chromium	1.1 mg/L, daily maximum
		0.46 mg/L, monthly avg. maximum
	Total Zinc	0.535 mg/L, daily maximum
		0.296 mg/L, monthly avg. maximum
	pH	Within the range of 6-9 standard pH units (s.u.)

[1] Monitor annually. As set forth at 40 CFR Part 445 Subpart A, these numeric limitations apply to contaminated stormwater discharges from hazardous waste landfills subject to the provisions of RCRA Subtitle C at 40 CFR Parts 264 (Subpart N) and 265 (Subpart N) except for any of the following facilities:

(a) landfills operated in conjunction with other industrial or commercial operations when the landfill receives only wastes generated by the industrial or commercial operation directly associated with the landfill;

(b) landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes generated by the industrial or commercial operation directly associated with the landfill and also receives other wastes, provided that the other wastes received for disposal are generated by a facility that is subject to the same provisions in 40 CFR Subchapter N as the industrial or commercial operation or that the other wastes received are of similar nature to the wastes generated by the industrial or commercial operation;

(c) landfills operated in conjunction with Centralized Waste Treatment (CWT) facilities subject to 40 CFR Part 437, so long as the CWT facility commingles the landfill wastewater with other non-landfill wastewater for discharge. A landfill directly associated with a CWT facility is subject to this part if the CWT facility discharges landfill wastewater separately from other CWT wastewater or commingles the wastewater from its landfill only with wastewater from other landfills; or

(d) landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes from public service activities, so long as the company owning the landfill does not receive a fee or other remuneration for the disposal service.

*(6) **Effluent Limitations Based on Effluent Limitations Guidelines – Industrial Facilities in Sector S Aircraft Deicing:*** If covered under this permit (see comments 2 and 5), airports meeting the definition of a new source ("new airports") with 10,000 annual departures located in cold climate zones must collect 60 percent of aircraft deicing fluid after deicing. See 40 CFR 449.11 for the Airport Effluent Limitation Guidelines requirements for this new source category. Discharges of the collected aircraft deicing fluid directly to waters of the U.S should not be eligible for coverage under this permit.

*(7) **Monitoring, Reporting and Recordkeeping - Industrial facilities in Sector S Aircraft Deicing:*** If covered, for new airports subject to the effluent limitations referenced in comments No 2 and 5 the State must require the permittees comply with the monitoring, reporting and recordkeeping requirements outlined in 40 CFR 449.20(a)(1) and (2).

Recommendations

(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.

(10) ***Part 1.7 Conditional "No Exposure" Exclusion***: The last paragraph of Part 1.7 indicates that facilities operating under a No Exposure Exclusion must submit a recertification Notice of Intent (NOI) under Part 2.2. However, in Part 2.2 entitled Notice of Intent (NOI) Deadlines, the State requests the permittee to submit an "Exclusion Certification Form". Please revise Part 1.7 and the Table in Part 2.2 to reflect the same required forms to apply for a "No Exposure Exclusion" under 40 CFR 122.26(g).

(11) Part 1.8.5.1 Discharges into Impaired Receiving Waters- 303(d) List: Add the words "stormwater discharge(s)" as indicated below:

,,,, the permittee documents that the pollutant(s) for which the waterbody is impaired is not present in the facility's stormwater discharge(s) and retain documentation of the finding with the Stormwater Pollution Prevention Plan (SWPPP);

(12) ***Part 2.7 Termination Coverage***: The permittee cannot submit a NOT until the following conditions have been met:

- The permittee has already implemented necessary sediment and erosion controls as required in Part 3.1.5 to stabilize exposed soils at the facility and has placed flow velocity dissipation devices at discharge locations. The permitte must also use structural and non-structural control measures to prevent the discharge of sediment.

- The permittee is a Sector G, H, or J facility which is released from applicable state or federal reclamation requirements under 40 CFR 122.26(b)(14)(iii).

(13) ***Corrective Actions***: In addition to review the SWPPP when sampling result for any parameter exceeds the parameter benchmark value (Part 3.4) or investigate sources to reduce or eliminate the toxicity of stormwater discharges (Part 6.2.2), the permittee must review their SWPPP when any of the following conditions occur or are detected during an inspection, monitoring or other means:

- An unauthorized release or discharge (e.g., spill, leak, or discharge of non-stormwater not authorized by this or another NPDES permit) occurs at the facility
- A discharge violates a numeric effluent limit.

- Proposed control measures are not stringent enough for the discharge to meet applicable water quality standards or the non-numeric effluent limits in this permit.
- A required control measure was never installed, was installed incorrectly, or is not being properly operated or maintained.
- Visual assessments indicate obvious signs of stormwater pollution (e.g., color, odor, floating solids, settled solids, suspended solids, foam).
- Construction or a change in design, operation, or maintenance at the facility that significantly changes the nature of pollutants discharged in stormwater from your facility, or significantly increases the quantity of pollutants discharged

The State should require the permittees to review their SWPPP (e.g., sources of pollution, spill and leak procedures, non-stormwater discharges, selection, design, installation and implementation of your control measures) to determine if and where revisions may need to be made to eliminate the condition, prevent its reoccurrence, and ensure that effluent limits are met.

(14) Part 3.12.1 indicates that the permittee must document the date that corrective actions are initiated and are completed or expected to be completed. The permit must include the datelines to implement the corrective actions. For example, the permitee must immediately take all reasonable steps necessary 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.

(15) ***Part 3.8.1 Similar Outfa***lls: Applicable monitoring requirements should apply to each similar outfall with numeric effluent limitations established in Part 3.3 of the permit including the missing effluent limits referenced in comments No (13) and (14) of this letter.

(16) ***Part 3.8.2 Sampling Procedures***: The State should note in Part 3.8.2 instances when authorized stormwater discharged comingles with unauthorized discharges. If discharges authorized by this permit commingle with discharges not authorized under this permit, any required sampling of the authorized discharges must be performed at a point before they mix with other waste streams, to the extent practicable.

(17) Part 3.8.2.2 Measurable Storm Events: In the case of snowmelt, the monitoring required in Part 3.8.2.2 must be performed at a time when a measurable discharge occurs at the site.

(18) ***Follow-up Actions if Discharge Exceeds Numeric Effluent Limit.*** The State should request the permittee to conduct follow-up monitoring within a time frame not exceeding 30 calendar days (or during the next qualifying runoff event, should none occur within 30 days) of implementing corrective action(s) in response to an exceedance of a numeric effluent limit contained in the permit. Monitoring must be performed for any pollutant(s) that exceeds the effluent limit. If this follow-up monitoring exceeds the applicable effluent limitation, EPA recommends the permittees to monitor, at least quarterly, until the discharge is in compliance with the effluent limit or until the State waives the requirement for additional monitoring.