

**FACT SHEET
FOR INDUSTRIAL STORMWATER GENERAL PERMIT ARR000000
IN ARKANSAS**

1. Background.

A general permit is designed to provide coverage for a group of related facilities or operations of a specific industry type or group of industries. It is appropriate when the discharge characteristics are sufficiently similar and a standard set of permit requirements can effectively provide environmental protection and comply with water quality standards for discharges. In most cases the proposed general permit will provide sufficient and appropriate stormwater management requirements for discharges of stormwater from industrial sites.

As required by 40 CFR 122.46(a), ADEQ reissues NPDES permits every 5 years. The Department is beginning the process to update and reissue the Stormwater Industrial General Permit ARR000000. The current permit was issued on March 31, 2004 and subsequently modified with an effective date of February 1, 2005. The permit will expire on March 31, 2009. The renewal permit has been reformatted and information moved around with the intent to make the permit easier to read and understand.

The proposed permit offers several changes from the 2004 Industrial General Permit, including:

- Industry types have been broken down into sectors to match 2008 MSGP.
- Stormwater Pollution Prevention Plans (SWPPP) must be submitted with the Notice of Intent for New Dischargers.
- Existing Discharges have 180 days from the effective date of the renewal permit to submit a renewal Notice of Intent and a site map.
- Additional requirements have been added for facilities that discharge into an impaired receiving stream that is on the 303(d) list or for which a TMDL has been completed.
- Facilities may submit NOI's, DMR's, Annual Reports, and other documents electronically.
- A permit transfer form must be submitted for a change in ownership, facility name, and/or authorization.
- The list of allowed non-stormwater discharges has been revised.
- The monitoring categories have been replaced with industrial sectors to match EPA 2008 MSGP.
- All facilities will be required to monitor stormwater discharges for four basic parameters (pH, COD, TSS, and Oil & Grease) along with additional parameters based on the facility's industrial sectors.
- The change in monitoring frequency from annually to twice per year (January-June and July-December).
- Waiver-If a facility has four consecutive monitoring periods where the sample results for a parameter are below the parameter benchmark value, the facility may request for monitoring requirements to be waived for the remainder of the permit cycle for that parameter.
- The inclusion of additional industry types and their associated effluent limitations guidelines. This allows those facilities to obtain coverage under the Industrial General Permit in lieu of an individual permit.
- The change of the monitoring period to January 1st to December 31st.
- All reports must be submitted by January 31st each year for the previous monitoring period (i.e. January 31, 2011 for Year 2010).
- Facilities can now sample during a measurable storm event which is defined as a rain event that results in a discharge from the facility. The previous permit required sampling to be performed after a 0.1 rain event.
- Records must be maintained for five years instead of three years.
- Response to exceedances of parameter benchmark values have changed. If a benchmark value is exceeded, the facility must investigate the source or cause of the exceedance, review the SWPPP for potential changes, and develop an action plan.
- Facilities must submit an annual report that includes the findings from the comprehensive site evaluation and site inspections (including visual monitoring of outfalls), any corrective action plans written under Part 3.11.2 of the general permit, and a summary of changes made to the facility's SWPPP during the reporting period.
- Exception to Monitoring Requirements for In-active and Un-staffed facilities has been added.

- SWPPP has changed. Facility information and minimize exposure sections have been added. Special Requirements for stormwater discharges associated with SARA Title 313 Requirements have been removed.
- A minimum of four inspections must be performed per year.
- The definitions section was revised to add more definitions.
- The parameter benchmark values for Cadmium, Copper, Lead, Nickel, Silver, and Zinc have changed.

2. **Permit Coverage.**

2.1 Stormwater discharged from an industrial activity as defined in Part 7.27 has the potential to be exposed to industrial processes, material handling activities, material storage, etc. The exposed stormwater may be composed of various pollutants due to the industrial activity. The stormwater is then discharged to creeks, rivers, lakes, ponds, municipal stormwater drainage systems, etc. The federal stormwater regulations contained in 40 CFR 122.26 require NPDES stormwater permit coverage for 11 categories of industrial activity. This industrial stormwater general permit is a statewide permit that provides coverage for these discharges within the State of Arkansas. In general, coverage is required for industrial facilities that discharge stormwater to surface water or to a stormwater conveyance system that discharges to surface water unless the facility can demonstrate “no exposure” of industrial activities to stormwater. Also, certain non-stormwater discharges as listed in Part 1.7 are authorized by the general permit.

2.2 Exclusions. The following stormwater discharges associated with industrial activity are not covered by this permit:

- Discharges that are mixed with sources of non-stormwater.
- Discharges that are covered by another permit.
- Discharges that are subject to effluent guideline with the exception of those listed in Part 1.6.3.
- Discharges which are not in compliance with the Endangered Species Act (ESA).
- Discharges to receiving waters listed as impaired on the 303(d) list or has an approved TMDL, of which the SWPPP and selected BMPs do not sufficiently protect water quality.
- Stormwater discharges from a facility that the Director has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard.

2.3 Notice of Intent (NOI). Facilities that intend to obtain coverage for stormwater discharges from industrial activity under this general permit or have received authorization to discharge under a previously issued industrial general permit must submit a NOI and perform additional actions in accordance with the following:

| Category | Deadline for Submittal | Package Submittal | Other Required Actions |
|---|---|--|--|
| New Discharges | Minimum thirty (30) days prior to commencement of stormwater discharge from the facility. | 1. Completed NOI 2. Stormwater Pollution Prevention Plan (SWPPP) 3. Permit Fee | NONE |
| Existing Dischargers in operation & authorized coverage under the 2004 IGP. | One Hundred and Eighty (180) days following the effective date of this permit. | 1. Completed NOI 2. Detailed Site Map (Part 4.6.4) | Update SWPPP, as necessary, to comply with the requirements of Part 4 within 180 days of the effective date of this permit (Submittal of updated SWPPP is not required.) |

2.4 Individual Permit. The ADEQ may consider the issuance of individual permits according to the criteria in 40 CFR 122.28(b)(3). These criteria include:

- b. The discharger is a significant contributor of pollution;
- c. The discharger is not in compliance with the conditions of the general permit;
- d. Conditions or standards have changed so that the discharger no longer qualifies for a general permit;
- e. Discharges into 303(d) listed stream segments is prohibited if the impairment was caused by any of the pollutants listed in the permit; and
- f. If the total maximum daily load (TMDL) requirement is more stringent than this permit then permittee shall apply for an individual permit.

3. Permit Limitations and Monitoring Requirements.

3.1 Water Quality Requirements. In accordance with 40 CFR 122.44(d), the Department is required to include any requirements necessary to achieve State Water Quality Standards as established under Section 303 of the Clean Water Act. Discussed below is the requirements based on State Water Quality Standards.

- a. Discharges to waters for which there is a total maximum daily load (TMDL) allocation are not eligible for coverage under this permit unless a stormwater pollution prevention plan (SWPPP) is developed and certified that it is consistent with the assumptions and requirements in the approved TMDL. To be eligible for coverage under this general permit, operators must incorporate into their SWPPP any conditions applicable to their discharges necessary for consistency with the assumptions and requirements of the TMDL within any timeframes established in the TMDL. If a specific numeric wasteload allocation has been established that would apply to the facility's discharge, the operator must incorporate that allocation into its SWPPP and implement necessary steps to meet that allocation.
- b. Discharges that the Department, prior to authorization under this permit, determines will cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. Where such a determination is made prior to authorization, the Department may notify the facility that an individual permit application is necessary in accordance with Part 6.22. However, the Department may authorize coverage under this permit after inclusion of appropriate controls and implementation procedures in the SWPPP designed to bring the discharge into compliance with water quality standards.

3.2 Technology Requirements (Best Conventional Pollutant Control Technology (BCT) and Best Available Technology Economically Achievable (BAT)). Two types of technology-based effluent limitations must be included in the permits proposed here. With regard to conventional pollutants, i.e., pH, BOD, oil and grease, TSS and fecal coliform, CWA section 301 (b)(1)(E) requires effluent limitations based on "best conventional pollution control technology" (BCT). With regard to non-conventional and toxic pollutants, CWA section 301(b)(2)(A), (C), and (D) require effluent limitations based on "best available pollution control technology economically achievable" (BAT), a standard which generally represents the best performing existing technology in an industrial category or subcategory. BAT and BCT effluent limitations may never be less stringent than corresponding effluent limitations based on best practicable control technology (BPT), a standard applicable to similar discharges prior to March 31, 1989 under CWA 301(b)(1)(A).

Frequently, EPA adopts nationally applicable guidelines identifying the BPT, BCT, and BAT standards to which specific industrial categories and subcategories are subject. Until such guidelines are published, however, CWA section 402(a)(1) requires that EPA determine appropriate BCT and BAT effluent limitations in its NPDES permitting actions on the basis of its best professional judgment.

This General Permit includes coverage for industries that have stormwater specific national effluent guidelines. Standards have been imposed in Part 3.1 of the general permit for the following regulated industrial activities:

| Regulated Discharge | 40 CFR Section |
|---|-----------------------|
| Runoff from material storage piles at cement manufacturing facilities | Part 411, Subpart C |
| Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, byproducts or waste products (SIC 2874) | Part 418, Subpart A |
| Runoff from coal storage piles at steam electric generating facilities | Part 423 |
| Runoff from asphalt emulsion facilities | Part 443, Subpart A |

Effluent Limitations Guideline for Wet Deck Operations (40 CFR 429) and Hazardous Waste Landfills (40 CFR Part 445) were not included for coverage under this general permit. Discharges from these types of facilities are covered under NPDES Individual Permits, which contain more stringent water quality based limits.

Due to the nature of stormwater, ADEQ believes numerical limits are not feasible at this time for discharges not listed in the table above because no effluent limitation guidelines (ELG) based on BPT; BCT and BAT standards have been promulgated for stormwater discharges from the other regulated industrial activities. Therefore, in accordance with 40 CFR 122.44(k)(3) requirements for the development, implementation, and compliance of a Stormwater Pollution Prevention Plans (SWPPPs) in form of the Best Management Practices (BMPs) implementing the required elements of the SWPPP in lieu of numerical limitations is are considered to be technology-based limits and it will comply with 40 CFR 122.44(d).

3.3 Permit Limits and Basis. National guidelines establishing BPT, BCT, and BAT standards have been promulgated for stormwater discharges for the following industrial source categories, which have been imposed in Part 3.1 of the general permit in accordance with the below referenced federal regulations. In addition, a Water Quality Based Standard (WQS) for discharges to all surface waters in the state has been established for the following: in Reg. 2.504 limiting the pH range to between 6.0 and 9.0 s.u. and in Section 2.510 limiting Oil and Grease to 10.0 mg/l Monthly Average and 15.0 mg/l Daily Maximum. The sample type and sample frequency is based on the previous permit.

| 40 CFR Industry | | Basis: Technology or Water Quality | Parameter | Limitation | Monitoring Requirements | |
|--|--|---|--|----------------------------------|----------------------------|----------------|
| Category | Subcategory | | | | Frequency | Sample Type |
| Cement Manufacturing (40 CFR 411.32) | Material Storage Piles Runoff. | Water Quality | pH | 6.0-9.0 s.u. | once/year | grab |
| | | BPT | Total Suspended Solids (TSS) | 50 mg/l (Daily Maximum) | once/year | grab |
| Fertilizer Manufacturing (40 CFR 418.12 (d)) | Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, byproducts or waste products | BPT | Total Phosphorus (As P) | 105.0 mg/l (Daily Maximum) | once/year | grab |
| | | | | 35 mg/l (30- day Average) | once/year | grab |
| | | BPT | Fluoride | 75.0 mg/l (Daily Maximum) | once/year | grab |
| | | | | 25.0 mg/l (30-day Average) | once/year | grab |
| Steam powered electric power generating (40 CFR 423.12(b)(2) and (9)) | Coal Pile Runoff* | Water Quality | pH | 6.0-9.0 s.u. | once/year | grab |
| | | BPT | Total Suspended Solids* (TSS) | 50 mg/l (Daily Maximum) | once/year | grab |
| Paving and roofing materials (tars and asphalt) (40 CFR 443.13) | Runoff from manufacturing of asphalt emulsion facilities. | BAT | Total Suspended Solids (TSS) | 23.0 mg/l (Daily Maximum) | once/year | grab |
| | | | | 15.0 mg/l (30-day Average) | once/year | grab |
| | | Water Quality | pH | 6.0-9.0 s.u. | once/year | grab |
| | | Water Quality | Oil and Grease | 15.0 mg/l (Daily Maximum) | once/year | grab |
| | | | | 10.0 mg/l (30-day Average) | once/year | grab |

- * Coal pile runoff shall not be diluted with other stormwater or other flows in order to meet the TSS limitations. Any untreated overflow from facilities designed, constructed and operated to treat the volume of coal pile runoff which is associated with a 10-year, 24-hour rainfall event shall not be subject to the 50 mg/l Total Suspended Solids limitations.

3.4 Monitoring Requirements.

Monitoring categories contained in the previous permit have revised with the industrial sectors below. All facilities covered under the general permit are now required to monitor for pH, COD, TSS, and O&G. Additional parameters may be applicable based on the facility's industrial sector as defined in Part 1.5 of the general permit.

The benchmark concentrations are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. Benchmark monitoring data are primarily used to determine the overall effectiveness of BMPs and control measures in controlling the discharge of pollutants to the environment and to assist the facility in knowing when additional corrective action(s) may be necessary. The following table outlines the monitoring requirements for all facilities.

| <u>Effluent Characteristics</u> | <u>Parameter Benchmark Value</u> | | |
|---|--|----------------------------------|----------------------------------|
| | Concentration (mg/l, unless otherwise specified) | | |
| | Maximum | | |
| pH | <u>Minimum</u> 6.0 s.u. | <u>Maximum</u> 9.0 s.u. | |
| Chemical Oxygen Demand (COD) | 120 | | |
| Total Suspended Solids (TSS) | 100 | | |
| Oil & Grease | 15 | | |
| In addition to the above effluent characteristics , the following Effluent Characteristics, which are based on Industrial Sectors as defined in Part 1.5, must also be monitored. (Please note that not all sectors listed in Part 1.5 have additional characateristics.) | | | |
| <u>Sector</u> | <u>Sector Description</u> | <u>Effluent Characteristics</u> | <u>Parameter Benchmark Value</u> |
| A1 | General Sawmills and Planing Mills (SIC 2421) | Total Zinc | 0.684 mg/L |
| A2 | Wood Preserving (SIC 2491) | Total Arsenic | 0.169 mg/L |
| | | Total Copper | 0.0756 mg/L |
| C1 | Agricultural Chemicals (SIC 2873-2879) | Nitrate plus Nitrite Nitrogen | 0.68 mg/L |
| | | Total Lead | 0.519 mg/L |
| | | Total Iron | 1.0 mg/L |
| | | Total Zinc | 0.684 mg/L |
| | | Phosphorus | 2.0 mg/L |
| C2 | Industrial Inorganic Chemicals (SIC 2812-2819) | Total Aluminum | 0.75 mg/ L |
| | | Total Iron | 1.0 mg/L |
| | | Nitrate plus Nitrite Nitrogen | 0.68 mg/L |

| <u>Sector</u> | <u>Sector Description</u> | <u>Effluent Characteristics</u> | <u>Parameter Benchmark Value</u> |
|---------------|---|---------------------------------|----------------------------------|
| C3 | Soaps, Detergents, Cosmetics, and Perfumes (SIC 2841-2844) | Nitrate plus Nitrite Nitrogen | 0.68 mg/L |
| | | Total Zinc | 0.684 mg/L |
| C4 | Plastics, Synthetics, and Resins (SIC 2821-2824) | Total Zinc | 0.684 mg/L |
| E1 | Clay Product Manufacturers (SIC 3251-3259, 3261-3269) | Total Aluminum | 0.75 mg/L |
| E2 | Concrete and Gypsum Product Manufacturers (SIC 3271-3275) | Total Iron | 1.0 mg/L |
| F1 | Steel Works, Blast Furnaces, and Rolling and Finishing Mills (SIC 3312-3317) | Total Aluminum | 0.75 mg/L |
| | | Total Zinc | 0.684 mg/L |
| F2 | Iron and Steel Foundries (SIC 3321-3325) | Total Aluminum | 0.75 mg/L |
| | | Total Copper | 0.0756 mg/L |
| | | Total Iron | 1.0 mg/L |
| | | Total Zinc | 0.684 mg/L |
| F3 | Rolling, Drawing, and Extruding of Nonferrous Metals (SIC 3351-3357) | Total Copper | 0.0756 mg/L |
| | | Total Zinc | 0.684 mg/L |
| F4 | Nonferrous Foundries (SIC 3363-3369) | Total Copper | 0.0756 mg/L |
| | | Total Zinc | 0.684 mg/L |
| G1 | Active Copper Ore Mining and Dressing Facilities (SIC 1021) | Nitrate plus Nitrite Nitrogen | 0.68 mg/L |
| G2 | Iron Ores; Copper Ores; Lead and Zinc Ores; Gold and Silver Ores; Ferroalloy Ores, Except Vanadium; and Miscellaneous Metal Ores (SIC Codes 1011, 1021, 1031, 1041, 1044, 1061, 1081, 1094, 1099) (Note: when analyzing hardness for a suite of metals, it is more cost effective to add analysis of calcium and magnesium, and have hardness calculated than to require hardness analysis separately) | Total Antimony | 0.636 mg/L |
| | | Total Arsenic | 0.169 mg/L |
| | | Total Beryllium | 0.13 mg/L |
| | | Total Cadmium | 0.0118 mg/L |
| | | Total Copper | 0.0756 mg/L |
| | | Total Iron | 1.0 mg/L |
| | | Total Lead | 0.519 mg/L |
| | | Total Mercury | 0.0024 mg/L |
| | | Total Nickel | 6.43 mg/L |
| | | Total Selenium | 0.239mg/L |
| | | Total Silver | 0.0107 mg/L |
| | | Total Zinc | 0.684 mg/L |

| <u>Sector</u> | <u>Sector Description</u> | <u>Effluent Characteristics</u> | <u>Parameter Benchmark Value</u> |
|---------------|---|----------------------------------|----------------------------------|
| H1 | Coal Mines and Related Areas (SIC 1221-1241) | Total Aluminum | 0.75 mg/L |
| | | Total Iron | 1.0 mg/L |
| J1 | Sand and Gravel Mining (SIC 1442, 1446) | Nitrate plus Nitrite Nitrogen | 0.68 mg/L |
| K1 | ALL - Industrial Activity Code "HZ" (Note: permit coverage limited in some States). Benchmarks only applicable to discharges not subject to effluent limitations in 40 CFR Part 445 Subpart A (see below). | Ammonia | 19 mg/L |
| | | Total Magnesium | 0.0636 mg/L |
| | | Total Arsenic | 0.169 mg/L |
| | | Total Cadmium | 0.0118 mg/L |
| | | Total Cyanide | 0.0636 mg/ L |
| | | Total Lead | 0.519 mg/L |
| | | Total Mercury | 0.0024 mg/ L |
| | | Total Selenium | 0.239 mg/L |
| | | Total Silver | 0.0107 mg/L |
| L2 | All Landfill, Land Application Sites and Open Dumps, except Municipal Solid Waste Landfill (MSWLF) Areas Closed in Accordance with 40 CFR 258.60 (Industrial Activity Code "LF") ¹ Benchmark monitoring required only for discharges not subject to effluent limitations in 40 CFR Part 445 Subpart B (see Table L-2 above). | Total Iron | 1.0 mg/L |
| M1 | Automobile Salvage Yards (SIC 5015) | Total Aluminum | 0.75 mg/L |
| | | Total Iron | 1.0 mg/L |
| | | Total Lead | 0.519 mg/L |
| N1 | Scrap Recycling and Waste Recycling Facilities except Source-Separated Recycling (SIC 5093) | Total Aluminum | 0.75 mg/L |
| | | Total Copper | 0.0756 mg/L |
| | | Total Iron | 1.0 mg/L |
| | | Total Lead | 0.519 mg/L |
| O1 | Steam Electric Generating Facilities (Industrial Activity Code "SE") | Total Zinc | 0.684 mg/L |
| | | Total Iron | 1.0 mg/L |
| Q1 | Water Transportation Facilities (SIC 4412-4499) | Total Aluminum | 0.75 mg/L |
| | | Total Iron | 1.0 mg/L |
| | | Total Lead | 0.519 mg/L |
| | | Total Zinc | 0.684 mg/L |

| <u>Sector</u> | <u>Sector Description</u> | <u>Effluent Characteristics</u> | <u>Parameter Benchmark Value</u> |
|---------------|---|---------------------------------|----------------------------------|
| S1 | For airports where a single permittee, or a combination of permitted facilities use more than 100,000 gallons of glycol-based deicing chemicals and/or 100 tons or more of urea on an average annual basis, monitor the first four parameters in ONLY those outfalls that collect runoff from areas where deicing activities occur (SIC 4512-4581). | Ammonia | 19 mg/L |
| U2 | Fats and Oils Products (SIC 2074-2079) | Nitrate plus Nitrite Nitrogen | 0.68 mg/L |
| Y1 | Rubber Products Manufacturing (SIC 3011, 3021, 3052, 3053, 3061, 3069) | Total Zinc | 0.684 mg/L |
| AA1 | Fabricated Metal Products, except Coating (SIC 3411-3499; 3911-3915) | Total Aluminum | 0.75 mg/L |
| | | Total Iron | 1.0 mg/L |
| | | Total Zinc | 0.684 mg/L |
| | | Nitrate plus Nitrite Nitrogen | 0.68 mg/L |
| AA2 | Fabricated Metal Coating and Engraving (SIC 3479) | Total Zinc | 0.684 mg/L |
| | | Nitrate plus Nitrite Nitrogen | 0.68 mg/L |

The monitoring of the following parameters for discharges of stormwater runoff has been proposed in the renewal permit: Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), Oil and Grease (O&G), and pH. These pollutants are of the most concern of the EPA's multi-sector permit for stormwater discharges associated with industrial activity. The Department believes that the proposed monitoring provides an adequate method to determine if the Stormwater Pollution Prevention Plan and Best Management Practices that are being used are effective in controlling the discharge of pollutants in stormwater. Also, this would allow the Department to collect seasonal monitoring data on a variety of different industry types so that the information can be used at the next permit renewal to adjust the monitoring requirements and parameter benchmark values if needed.

If a permittee can demonstrate that monitoring results for any parameter from four consecutive monitoring periods are below the parameter benchmark value as specified in Part 3.9 of the general permit, the facility may request in writing that the monitoring requirements for that parameter to be waived for the remainder of the permit cycle.

3.4.1 Basis for the Monitoring Parameters:

- a. pH: is a measure of acidity and alkalinity in a solution. Regulation 2.504 provides a pH water quality standard of 6.0-9.0 s.u. Measurement of pH helps to ensure that the receiving stream and its intended uses are protected.

- b. Chemical Oxygen Demand (COD): based on the parameter benchmark values in Part 3.9 of the general permit. Chemical Oxygen Demand is the most representative measure of oxygen demand for stormwater. This test can readily indicate the presence of spilled oils and fuels, from vehicles and equipment, and also of organic matter, which may be found in stormwater discharges.
- c. Total Suspended Solids (TSS): and the parameter benchmark values in Part 3.9 of the general permit. Regulation 2.408 states that there shall not be any formation of slime, bottom deposits, or sludge banks. Many raw and finished materials are stored outside at an industrial facility and have the potential to be exposed to stormwater. Suspended solids carried by stormwater from an industrial facility can contain metals and other pollutants. Total Suspended Solids is an adequate measure to ensure the above narrative is complied with and to ensure the effectiveness of any BMP's on-site.
- d. Oil and Grease: Oil and Grease is based on Reg. 2.510 and the parameter benchmark values in Part 3.9 of the general permit. Oil and grease in some form are present at industrial facilities (i.e. raw material, spill or leak from equipment or vehicles, by-product, etc). Measurement of Oil and Grease helps to ensure that the receiving stream and its intended uses are protected.
- e. Additional Effluent Characteristics Based on Industrial Sector: Additional effluent characteristics have been added to the permit based on the industrial sector of the facility as defined in Part 1.5. These additional parameters are based on the 2008 EPA Multi-Sector Industrial Permit.
- f. Parameter Benchmark Values: The parameter benchmark values for Cadmium, Copper, Lead, Nickel, Silver, and Zinc have changed. These metals are water hardness dependent. To ensure that water quality criteria are still maintained, the benchmark values for the above metals were evaluated using a baseline water hardness of 100 mg/L. Reg. 2.508 and 40 CFR 131.36 (b) provides the equations for establishing the dissolved water quality criteria for the above metals. To be consistent with 2008 Multi-Sector General Permit and the 2004 Industrial General Permit, ADEQ made the decision to convert the dissolved metals to total metals parameter benchmark values. Section 5.25 of the 2009 Arkansas CPP provides the methodology used in the conversion. This methodology requires the use of Total Suspended Solids (TSS) in order to convert from dissolved to total. ADEQ used the parameter benchmark value for TSS with a value of 100 mg/L.

The water quality criteria for the above metals as specified in APCEC Regulation No. 2 contain chronic and acute criteria. In general, the freshwater acute criteria are less restrictive than chronic water quality criteria. Because of the intermittent nature of wet weather discharges and the high ambient flows that generally result from precipitation events, ADEQ views acute criteria as generally more appropriate than chronic criteria.

If a facility wants to obtain a site-specific parameter benchmark value for metals, information (TSS and Water Hardness of the Receiving Stream) specific to the site may be submitted along with a written request to the Department.

3.4.2 Monitoring Period and Monitoring Frequency: The monitoring period was changed from July 1st in a calendar year to June 30th of the next calendar year to January 1st to December 31st of the same calendar year. The new monitoring period makes monitoring and submitting DMR's less confusing.

The sample frequency was changed from annually (once/year) to twice/year. One sample must be taken in each of the following time frames:

- January-June
- July-December

The annual sample frequency did not provide representative data for all seasons within the year. Bi-annual sampling will provide facility's with better measure of the effectiveness of their SWPPP and BMP's and provide the Department with seasonal data that can be used at the next permit renewal to adjust the monitoring requirements and parameter benchmark values as necessary.

3.4.3 Sampling Procedures: The previous permit, all grab samples had to be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude. This requirement has been removed and replaced with a measurable storm event. A measurable storm event is a storm event that results in an actual discharge from the facility's site. By defining a storm event as one that *results in discharge*, rather than prescribing a minimum magnitude as the permit did in prior version, it affords the permittee flexibility to sample during any storm event that produces a discharge, rather than having to ensure that minimum magnitude is reached. This permit retains the same requirements as the previous permit regarding the interval between qualified rain events (72 hours).

3.4.4 Sampling Waiver. Sampling may be suspended for one or more parameters based on one of the following. However, a facility that conducts a significant process change must continue monitoring and may not use previous monitoring to demonstrate consistent attainment.

3.4.4.1 Consistent attainment of benchmark values as described in Part 3.11.

3.4.4.2 A facility that conducted monitoring under the previous 2003 permit may request in writing to have monitoring requirements waived for any of the effluent characteristics that the facility is required to test under Section 3.3. The permittee must submit sufficient data with the request indicating that the facility has not exceeded parameter benchmark values. The data must also be certified to be representative of the stormwater discharge from the site. The Department will provide a decision via correspondence.

3.4.4.3 If a parameter is assigned to the facility per Part 3.3, the permittee may request in writing for sampling for that parameter to be waived. Adequate justification and/or data must be provided to the Department indicating as to why the assigned characteristic is not present at levels that would adversely affect the environment. The Department will review the request and all available information and provide a decision via correspondence.

3.4.5 Toxicity Testing Requirements. The requirements for sample type and sampling frequency have been based on the current NPDES general permit.

3.5 Reporting Requirements.

- a. In order to simplify the reporting requirements, the monitoring period to the calendar year, i.e., January 1st through December 31st of each year and require the submittal of all Discharge Monitoring Reports (DMRs) on or before the 31st day of January of the following year (i.e. January 31st, 2011 for year 2010) for all facilities. The previous general permit required the facilities to submit DMRs by the 25th day of July each year for the monitoring period from July 1st through June 30th of each year.

- b. The permittee is now required to submit an annual report to the Department that includes the findings from the comprehensive site evaluation and site inspections (including visual monitoring of outfalls), any corrective action plans written under Part 3.11.2, and a summary of changes made to the facility's SWPPP during the reporting period. The permittee must include the status of any corrective actions not yet completed at the time of submission of this annual report. Reports are due by the 31st day of January each year for the previous January – December reporting period. All annual reports must be signed in accordance with the provisions of 40 CFR 122.22, as adopted by reference in APCEC Regulation No. 6, and Part 6.9 of this permit. Facilities should submit their annual report with any Discharge Monitoring Reports (if applicable).

4. Stormwater Pollution Prevention Plan (SWPPP).

The following information has been added to the SWPPP requirements:

- i. Facility Information. Each SWPPP shall include the facility name, general permit tracking number, facility physical address, the facility's SIC code, a detailed processed description, and a list of raw materials on-site.
 - ii. Minimize Exposure: Exposure of potential pollutant sources in manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff should be minimized by either locating these industrial materials and activities inside or protecting them with storm resistant coverings (although significant enlargement of impervious surface area is not recommended).
- b. The following requirements regarding inspections have been added or changed:
- i. A minimum of four visual inspections per year should be performed by the facility. The previous permit allowed the facility to set a frequency based on the facility.

5. "No Exposure" Exclusion Certification.

No Exposure Exclusions may be obtained for discharges composed entirely of stormwater associated with industrial activity in lieu of this general permit as long as all of the required conditions for applicability can be certified. These required conditions and all other applicability and procedural requirements can be found in the 40 CFR 122.26(g). A Notice of Intent form can be obtained from the General Permits Section of the Water Division. If a No Exposure Exclusion is granted by ADEQ, an annual permit fee in accordance with APCEC Regulation No. 9 will continue to be billed by the Department annually. The No Exposure Exclusion Certification must be renewed 120 days after the effective date the renewal permit.

6. Other Conditions.

- 6.1 Geographic Area and Covered Facilities.** The general permit, when issued, will authorize stormwater discharges from regulated industrial activities throughout the State of Arkansas to all receiving waters. The permit will be applicable only to facilities which have discharges to Waters of the State and are therefore subject to the requirements of Section 301 and 402 of the Clean Water Act.
- 6.2 Eligibility and Authorization.** Facilities engaged in a regulated industrial activity in the State of Arkansas as defined in Part 7.27 and meet the eligibility requirements contained in Part 1 of the general permit may obtain coverage under this general permit.

6.3 Expiration Date. This general permit will expire 5 years from the effective date of the permit.

6.4 Reaffirmation of Permit Coverage. Any permittee with coverage under this general permit including no exposure certifications at the time of expiration will continue to have coverage until a renewal general permit is effective. Upon issuance of a new or different general permit for all of the stormwater discharges covered by this permit, the permittee is required to notify the Department of their intent to be covered under this new permit within 120 days after the effective date. All permittees must submit a new NOI after the renewal permit effective date, even if the Department has an existing NOI on file for the discharge.

7. Sources.

The following sources were used to draft this permit:

- a. 40 CFRs 122 and 125.
- b. APCEC Regulation No. 2.
- c. APCEC Regulation No. 6.
- d. APCEC Regulation No. 8.
- e. APCEC Regulation No. 9.
- f. EPA 2008 Multi-Sector General Permit for Industrial Stormwater.
- g. State of Oregon NPDES General Permit No. 1200-Z.
- h. State of Oklahoma NPDES General Permit No. OFR05.
- i. Meetings between ADEQ and the Arkansas Environmental Federation (AEF)