



ARKANSAS
Department of Environmental Quality

Permit Tracking Number: ARR000955
AFIN: 30-00337

**NOTICE OF COVERAGE TO DISCHARGE STORMWATER UNDER
THE GENERAL STORMWATER PERMIT NUMBER ARR000000.**

The stormwater discharge shall be in accordance with all limitations, monitoring requirements, and other conditions set forth in the Industrial Stormwater General Permit ARR000000.

Arkansas Electric Cooperative Corporation
410 Henderson Rd
Malvern, AR 72104

is authorized to discharge uncontaminated stormwater from a facility located as follows: Magnet Cove Generating Station, 410 Henderson Rd, Malvern, in Hot Springs County, Arkansas. Discharges shall be in accordance with effluent limitations, monitoring requirements, and other conditions set forth in the Industrial Stormwater General Permit ARR000000 under Industrial Sector O1 for the following outfall:

Outfall 001: Latitude 34° 25' 45.76" Longitude 92° 49' 51.41"

Outfall 002: Latitude 34° 25' 45.96" Longitude 92° 49' 42"

Outfall 003: Latitude 34° 25' 45.93" Longitude 92° 50' 3.77"

Coverage Date: 05/21/2012

Modification Date: 12/12/2012

Expiration Date: 06/30/2014

Mo Shafii
Assistant Chief, Water Division
Arkansas Department of Environmental Quality
501-682-0616

ADEQ

ARKANSAS
Department of Environmental Quality

December 12, 2012

Mr. John Morgan
Arkansas Electric Cooperative Corporation
410 Henderson Rd
Malvern, AR 72104

RE: NPDES Industrial Stormwater Permit, Magnet Cove Generating Station in Malvern, AR
(Permit Tracking No. **ARR000955**, AFIN **30-00337**)

Dear Mr. Morgan:

This letter is written in response to the submittal of a Name Change form. The Department's records have been updated to reflect that Arkansas Electric Cooperative Corporation has changed its facility name from Hot Spring Generating Station to Magnet Cove Generating Station, a facility currently covered under the Arkansas General Industrial Stormwater Permit with the permit tracking number of **ARR000955**.

If you have any questions concerning this matter or need additional information, please feel free to contact the General Permits Section at (501) 682-0623.

Sincerely,



Mo Shafii
Assistant Chief
Water Division

MS: br

cc: Electronic Filing (ARR000955, w/ attachments)
Branch Manager, Field Services Branch
Craig Uyeda, Branch Manager, Enforcement Branch
Jim Purvis, Administrative Analyst, Fiscal Division
David Ramsey, Administrative Analyst, Enforcement Branch

**AUTHORIZATION TO DISCHARGE STORMWATER UNDER
THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM AND THE ARKANSAS
WATER AND AIR POLLUTION CONTROL ACT**

In accordance with the provisions of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended, Ark. Code Ann. 8-4-101 et seq.), and the Clean Water Act (33 U.S.C. 1251 et seq.),

Facilities Discharging Stormwater Associated With Industrial Activity

is authorized to discharge to all receiving waters except as stated in Part 1.9 (Limitations on Coverage) in accordance with eligibility requirements, notice of intent (NOI) requirements, Stormwater Pollution Prevention Plan (SWPPP) requirements, effluent limitations, monitoring requirements, and other conditions set forth in this permit.

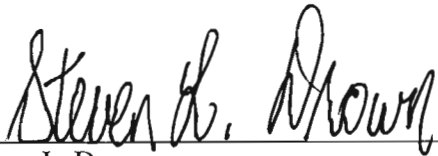
For facilities that are eligible for coverage under this Stormwater Industrial General Permit (IGP), the Department sends a cover letter (Notice of Coverage (NOC)) with tracking permit number starting with ARR00 and a copy of the permit as necessary to the facility. The cover letter includes the Department's determination that a facility is covered under the IGP and may specify alternate requirements outlined in the permit.

Response to Comments is contained in a separate document.

Issue Date: 06/30/2009

Effective Date: 07/01/2009

Expiration Date: 06/30/2014



Steven L. Drown
Chief, Water Division
Arkansas Department of Environmental Quality

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**PART 1
 PERMIT REQUIREMENTS**

1.1 Introduction. This Stormwater Industrial General Permit (IGP) authorizes discharges from facilities composed of stormwater associated with industrial activity as defined in Part 7.27, where those discharges enter Waters of the State or a municipal separate storm sewer system (MS4) leading to Waters of the State, are subject to the conditions set forth in this permit. This permit replaces the permit issued in 2004 with an expiration date of March 31, 2009. The goal of this permit is to minimize the discharge of stormwater pollutants from industrial activity. The Operator shall read and understand the conditions of the permit.

1.2 Availability of Permit, Forms, and Information. A copy of this general permit, forms, reference materials, and other information is available on the Stormwater Homepage of the ADEQ web site: <http://www.adeq.state.ar.us>.

Hard copies may also be obtained by contacting the General Permits Section of the Water Division at (501) 682-0623 or by writing to:

General Permits Section
 Water Division
 Arkansas Department of Environmental Quality
 5301 Northshore Drive
 North Little Rock, AR 72118

1.3 Permit Area. This permit includes all areas within the State of Arkansas.

1.4 Eligibility. To be eligible to discharge under this permit, the permittee must have a stormwater discharge associated with industrial activity from the facility's primary industrial activity, as defined in Part 7.27, provided the primary industrial activity is in the table below or be notified by ADEQ that a facility may obtain coverage under this permit.

1.5 Categories of Facilities Covered by this Permit: This permit is available for stormwater discharges from the following sectors of industrial activities, as well as any discharge not covered under the general sectors that has been identified by ADEQ as appropriate for coverage. The sector descriptions are based on Standard Industrial Classification (SIC) Codes and Industrial Activity Codes consistent with the definition of stormwater discharge associated with industrial activity at 40 CFR 122.26(b)(14)(i-ix, xi). The sectors are listed below:

Sectors of Industrial Activity Covered by This Permit		
Sector and Sub-sector	SIC Code or Activity Code¹	Activity Represented
SECTOR A: TIMBER PRODUCTS		
A1	2421	General Sawmills and Planing Mills
A2	2491	Wood Preserving
A3	2411	Log Storage and Handling
A4	2426	Hardwood Dimension and Flooring Mills
	2429	Special Product Sawmills, Not Elsewhere Classified
	2431-2439 (except 2434)	Millwork, Veneer, Plywood, and Structural Wood (see Sector W)
	2448	Wood Pallets and Skids
	2449	Wood Containers, Not Elsewhere Classified

Sectors of Industrial Activity Covered by This Permit		
Sector and Sub-sector	SIC Code or Activity Code¹	Activity Represented
A4 cont.	2451, 2452	Wood Buildings and Mobile Homes
	2493	Reconstituted Wood Products
	2499	Wood Products, Not Elsewhere Classified
A5	2441	Nailed and Lock Corner Wood Boxes and Shook
SECTOR B: PAPER AND ALLIED PRODUCTS		
B1	2631	Paperboard Mills
B2	2611	Pulp Mills
	2621	Paper Mills
	2652-2657	Paperboard Containers and Boxes
	2671-2679	Converted Paper and Paperboard Products, Except Containers and Boxes
SECTOR C: CHEMICALS AND ALLIED PRODUCTS		
C1	2873-2879	Agricultural Chemicals
C2	2812-2819	Industrial Inorganic Chemicals
C3	2841-2844	Soaps, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and Other Toilet Preparations
C4	2821-2824	Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic and Other Manmade Fibers Except Glass
C5	2833-2836	Medicinal Chemicals and Botanical Products; Pharmaceutical Preparations; in vitro and in vivo Diagnostic Substances; and Biological Products, Except Diagnostic Substances
	2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products
	2861-2869	Industrial Organic Chemicals
	2891-2899	Miscellaneous Chemical Products
	3952 (limited to list of inks and paints)	Inks and Paints, Including China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting, Artist's Paints and Artist's Watercolors
	2911	Petroleum Refining
SECTOR D: ASPHALT PAVING AND ROOFING MATERIALS AND LUBRICANTS		
D1	2951, 2952	Asphalt Paving and Roofing Materials
D2	2992, 2999	Miscellaneous Products of Petroleum and Coal
SECTOR E: GLASS, CLAY, CEMENT, CONCRETE, AND GYPSUM PRODUCTS		
E1	3251-3259	Structural Clay Products
	3261-3269	Pottery and Related Products
E2	3271-3275	Concrete, Gypsum, and Plaster Products
E3	3211	Flat Glass
	3221, 3229	Glass and Glassware, Pressed or Blown
	3231	Glass Products Made of Purchased Glass
	3241	Hydraulic Cement

Sectors of Industrial Activity Covered by This Permit		
Sector and Sub-sector	SIC Code or Activity Code¹	Activity Represented
E3 cont.	3281	Cut Stone and Stone Products
	3291-3299	Abrasive, Asbestos, and Miscellaneous Nonmetallic Mineral Products
SECTOR F: PRIMARY METALS		
F1	3312-3317	Steel Works, Blast Furnaces, and Rolling and Finishing Mills
F2	3321-3325	Iron and Steel Foundries
F3	3351-3357	Rolling, Drawing, and Extruding of Nonferrous Metals
F4	3363-3369	Nonferrous Foundries (Castings)
F5	3331-3339	Primary Smelting and Refining of Nonferrous Metals
	3341	Secondary Smelting and Refining of Nonferrous Metals
	3398, 3399	Miscellaneous Primary Metal Products
SECTOR G: METAL MINING (ORE MINING AND DRESSING)		
G1	1021	Copper Ore and Mining Dressing Facilities
G2	1011	Iron Ores
	1021	Copper Ores
	1031	Lead and Zinc Ores
	1041, 1044	Gold and Silver Ores
	1061	Ferroalloy Ores, Except Vanadium
	1081	Metal Mining Services
	1094, 1099	Miscellaneous Metal Ores
SECTOR H: COAL MINES AND COAL MINING-RELATED FACILITIES		
H1	1221-1241	Coal Mines and Coal Mining-Related Facilities
SECTOR I: OIL AND GAS EXTRACTION AND REFINING		
I1	1311	Crude Petroleum and Natural Gas
	1321	Natural Gas Liquids
	1381-1389	Oil and Gas Field Services
SECTOR J: MINERAL MINING AND DRESSING		
J1	1442	Construction Sand and Gravel
	1446	Industrial Sand
J2	1411	Dimension Stone
	1422-1429	Crushed and Broken Stone, Including Rip Rap
	1481	Nonmetallic Minerals Services, Except Fuels
	1499	Miscellaneous Nonmetallic Minerals, Except Fuels
J3	1455, 1459	Clay, Ceramic, and Refractory Materials
	1474-1479	Chemical and Fertilizer Mineral Mining
SECTOR K: HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES		
K1	HZ	Hazardous Waste Treatment, Storage, or Disposal Facilities,

Sectors of Industrial Activity Covered by This Permit		
Sector and Sub-sector	SIC Code or Activity Code¹	Activity Represented
		including those that are operating under interim status or a permit under subtitle C of RCRA
SECTOR L: LANDFILLS, LAND APPLICATION SITES, AND OPEN DUMPS		
L1	LF	All Landfill, Land Application Sites and Open Dumps
L2	LF	All Landfill, Land Application Sites and Open Dumps, except Municipal Solid Waste Landfill (MSWLF) Areas Closed in Accordance with 40 CFR 258.60
SECTOR M: AUTOMOBILE SALVAGE YARDS		
M1	5015	Automobile Salvage Yards
SECTOR N: SCRAP RECYCLING FACILITIES		
N1	5093	Scrap Recycling and Waste Recycling Facilities except Source-Separated Recycling
N2	5093	Source-separated Recycling Facility
SECTOR O: STEAM ELECTRIC GENERATING FACILITIES		
O1	SE	Steam Electric Generating Facilities, including coal handling sites
SECTOR P: LAND TRANSPORTATION AND WAREHOUSING		
P1	4011, 4013	Railroad Transportation
	4111-4173	Local and Highway Passenger Transportation
	4212-4231	Motor Freight Transportation and Warehousing
	4311	United States Postal Service
	5171	Petroleum Bulk Stations and Terminals
SECTOR Q: WATER TRANSPORTATION		
Q1	4412-4499	Water Transportation Facilities
SECTOR R: SHIP AND BOAT BUILDING AND REPAIRING YARDS		
R1	3731, 3732	Ship and Boat Building or Repairing Yards
SECTOR S: AIR TRANSPORTATION FACILITIES		
S1	4512-4581	Air Transportation Facilities
SECTOR T: TREATMENT WORKS		
T1	TW	Treatment Works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR Part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the CWA

Sectors of Industrial Activity Covered by This Permit		
Sector and Sub-sector	SIC Code or Activity Code¹	Activity Represented
SECTOR U: FOOD AND KINDRED PRODUCTS		
U1	2041-2048	Grain Mill Products
U2	2074-2079	Fats and Oils Products
U3	2011-2015	Meat Products
	2021-2026	Dairy Products
	2032-2038	Canned, Frozen, and Preserved Fruits, Vegetables, and Food Specialties
	2051-2053	Bakery Products
	2061-2068	Sugar and Confectionery Products
	2082-2087	Beverages
	2091-2099	Miscellaneous Food Preparations and Kindred Products
	2111-2141	Tobacco Products
SECTOR V: TEXTILE MILLS, APPAREL, AND OTHER FABRIC PRODUCT MANUFACTURING; LEATHER AND LEATHER PRODUCTS		
V1	2211-2299	Textile Mill Products
	2311-2399	Apparel and Other Finished Products Made from Fabrics and Similar Materials
	3131-3199	Leather and Leather Products (note: see Sector Z1 for Leather Tanning and Finishing)
SECTOR W: FURNITURE AND FIXTURES		
W1	2434	Wood Kitchen Cabinets
	2511-2599	Furniture and Fixtures
SECTOR X: PRINTING AND PUBLISHING		
X1	2711-2796	Printing, Publishing, and Allied Industries
SECTOR Y: RUBBER, MISCELLANEOUS PLASTIC PRODUCTS, AND MISCELLANEOUS MANUFACTURING INDUSTRIES		
Y1	3011	Tires and Inner Tubes
	3021	Rubber and Plastics Footwear
	3052, 3053	Gaskets, Packing and Sealing Devices, and Rubber and Plastic Hoses and Belting
	3061, 3069	Fabricated Rubber Products, Not Elsewhere Classified
Y2	3081-3089	Miscellaneous Plastics Products
	3931	Musical Instruments
	3942-3949	Dolls, Toys, Games, and Sporting and Athletic Goods
	3951-3955 (except 3952 – see Sector C)	Pens, Pencils, and Other Artists' Materials
	3961, 3965	Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal
	3991-3999	Miscellaneous Manufacturing Industries

Sectors of Industrial Activity Covered by This Permit		
Sector and Sub-sector	SIC Code or Activity Code¹	Activity Represented
SECTOR Z: LEATHER TANNING AND FINISHING		
Z1	3111	Leather Tanning and Finishing
SECTOR AA: FABRICATED METAL PRODUCTS		
AA1	3411-3499 (except 3479)	Fabricated Metal Products, Except Machinery and Transportation Equipment, and Coating, Engraving, and Allied Services.
	3911-3915	Jewelry, Silverware, and Plated Ware
AA2	3479	Fabricated Metal Coating and Engraving
SECTOR AB: TRANSPORTATION EQUIPMENT, INDUSTRIAL OR COMMERCIAL MACHINERY		
AB1	3511-3599 (except 3571-3579)	Industrial and Commercial Machinery, Except Computer and Office Equipment (see Sector AC)
	3711-3799 (except 3731, 3732)	Transportation Equipment Except Ship and Boat Building and Repairing (see Sector R)
SECTOR AC: ELECTRONIC, ELECTRICAL, PHOTOGRAPHIC, AND OPTICAL GOODS		
AC1	3571-3579	Computer and Office Equipment
	3812-3873	Measuring, Analyzing, and Controlling Instruments; Photographic and Optical Goods, Watches, and Clocks
	3612-3699	Electronic and Electrical Equipment and Components, Except Computer Equipment
SECTOR AD: NON-CLASSIFIED FACILITIES		
AD1	Other stormwater discharges designated by the Director as needing a permit (see 40 CFR 122.26(a)(9)(i)(C) & (D)) or any facility discharging stormwater associated with industrial activity not described by any of Sectors A-AC. NOTE: Facilities may not elect to be covered under Sector AD. Only the Director may assign a facility to Sector AD.	

1.6 Allowable Stormwater Discharges. Unless otherwise made ineligible under Part 1.9, the following stormwater discharges are eligible for coverage under this permit:

1.6.1 All new and existing discharges composed entirely of stormwater associated with industrial activity as defined in Part 7.27.

1.6.2 Discharges designated by ADEQ as needing stormwater permit as provided in Sector G. The Department may notify a facility that a stormwater permit is needed. Any such notice will briefly state the reason for such a decision.

1.6.3 Discharges subject to any of the national stormwater-specific effluent limitations guidelines listed below.

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

1.7 **Allowable Non-stormwater Discharges.** The following non-stormwater discharges may be authorized by this permit, provided the non-stormwater component of the discharge meets all requirements of this permit:

- a. discharges from emergency fire fighting activities;
- b. fire hydrant flushings;
- c. potable water sources including waterline flushings;
- d. runoff from irrigation using non-process water;
- e. landscape watering provided all pesticides, herbicides, and fertilizers have been applied in accordance with the approved labeling;
- f. routine external building washdown which does not use detergents;
- g. pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;
- h. air compressor condensate;
- i. steam condensate;
- j. uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids (such as the discharge of thawed condensate from the surface of liquid nitrogen tanks stored outdoors);
- k. incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g., “piped” cooling tower blowdown or drains);
- l. uncontaminated ground water or spring water (See Note Below);
- m. foundation or footing drains where flows are not contaminated with process materials such as solvents (See Note Below);
- n. excavation dewatering (See Note Below); and
- o. non-process water used for dust suppression on roads.

Note:

There shall be no turbid discharges to surface waters of the state resulting from dewatering activities. If trench or ground waters contain sediment, it must pass through a sediment settling pond or other equally effective sediment control device, prior to being discharged. Alternatively, sediment may be removed by settling in place or by dewatering into a sump pit, filter bag, or comparable practice. Ground water dewatering which does not contain sediment or other pollutants is not required to be treated prior to discharge. However, care must be taken when discharging ground water to ensure that it does not become pollutant-laden by traversing over disturbed soils or other pollutant sources.

- 1.8 Conditional “No Exposure” Certification.** In accordance with 40 CFR 122.26(g), a No Exposure Exclusion is a conditional exclusion applicable to all categories of industrial activity (except construction activity) with no exposure of industrial materials and activities to stormwater. All facilities with point source discharges composed entirely of stormwater associated with industrial activity that satisfy criteria of no exposure and complete the No Exposure Certification section of the Notice of Intent (NOI) will be able to obtain exclusion from this general permit. The Exclusion is available on a facility-wide basis only, not for individual outfalls. If any industrial activities or materials are or will be exposed to precipitation, the facility is not eligible for the No Exposure Exclusion. To apply for a No Exposure Exclusion, a complete and accurate Notice of Intent (NOI) and an initial permit fee as required under the provisions of APCEC Regulation No. 9 should be submitted in accordance with Part 2.4. Subsequent annual fees will be billed by the Department. No Exposure Certification renewals must be submitted under Part 2.2 assuming the facility still qualifies for the exemption.
- 1.9 Limitations on Coverage (Exclusion).** The following stormwater discharges associated with industrial activity are not covered by this permit:
- 1.9.1 Discharges Mixed with Non-Stormwater.** Stormwater discharges associated with industrial activity that are mixed with sources of non-stormwater, except for non-stormwater discharges that are identified by and in compliance with Part 1.7 of the permit.
- 1.9.2 Stormwater Discharges Associated with Construction Activity.** Stormwater discharges associated with construction activity disturbing one acre or more are not eligible for coverage under this permit even if a permittee currently has coverage under this permit.
- 1.9.3 Discharges Currently Covered by Another Permit.** A facility is not eligible for coverage under this permit unless stormwater requirements from the individual permit can be transferred to this general permit. In order to avoid conflict with the “anti-backsliding” provisions of the Clean Water Act (CWA), a permit transfer will only be allowed where the outfall in the individual permit did not contain numeric water quality-based limitations with an exception of pH. A simple pH range limit would not necessarily have to be considered a water-quality based limit unless developed to address known discharge problems at a particular facility. Compliance with the numeric limitations under the individual permit could also be criteria for eligibility to transfer from an individual permit to the general permit.
- 1.9.4 Discharges Subject to Effluent Guidelines.** Stormwater discharges associated with industrial activity from facilities which are subject to existing effluent guideline limitations addressing stormwater with the exception of those listed in Part 1.6.3.
- 1.9.5 Discharges into Impaired Receiving Waters (303(d) List).** “Discharges from a facility into a receiving waters listed as impaired under Section 303(d) of the Clean Water Act , unless the permittee:
- a. documents that the pollutant(s) for which the waterbody is impaired is not present at the facility, and retain documentation of the finding with the SWPPP; or
 - b. incorporate into the SWPPP any additional BMPs needed prevent to the maximum extent possible exposure to stormwater of the pollutants for which the waterbody is impaired and to sufficiently protect water quality. Please note that the Department will be reviewing this information. If it is determined that the facility will discharge to an impaired water body, then the Department may require additional requirements.”
- 1.9.6 Discharges into Receiving Waters with an Approved TMDL.** Discharges from a facility into receiving waters for which there is an established Total Maximum Daily Load (TMDL) allocation are not eligible for coverage under this permit unless:
- a. the permittee develops and certifies a stormwater pollution prevention plan (SWPPP) that is consistent

with the assumptions and requirements in the approved TMDL; and

- b. If a specific numeric wasteload allocation has been established that would apply to the facility's discharges, the operator must incorporate that allocation into its SWPPP and implement necessary steps to meet that allocation and implement necessary steps to meet that allocation. Please note that the Department will be reviewing this information. If it is determined that the project will discharge to a receiving water with an approved TMDL, then the Department may require additional BMPs.

1.9.7 Endangered and Threatened Species and Critical Habitat Protection. Stormwater discharges from facilities that are likely to adversely affect a listed endangered or threatened species or its critical habitat must contact the U.S. Fish and Wildlife Service (USFWS) at (501) 513-4470 or www.fws.gov/arkansas-es. Discharges which are not in compliance with the Endangered Species Act (ESA) can not be covered under this permit.

1.10 Permit Compliance. Any noncompliance with any of the requirements of this permit constitutes a violation of the Clean Water Act as well as the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

**PART 2
 AUTHORIZATION UNDER THIS PERMIT**

2.1 How to Obtain Authorization. To obtain authorization under this permit, one must:

- a. Meet the Part 1.4 eligibility requirements.
- b. Develop a SWPPP according to the requirements in Part 4 of the permit and select, design, install, and implement control measures to meet effluent limitations, water quality standards, and parameter benchmark values.
- c. Submit a complete and accurate Notice of Intent (NOI) Package in accordance with Part 2.2, and an initial permit fee as required under the provisions of APCEC Regulation No. 9. Subsequent annual fees will be billed by the Department.

Timeframes for discharge authorization are contained in the table below. Unless notified by the Director to the contrary, Operators who submit such notifications are authorized to discharge stormwater associated with industrial activity under the terms and conditions of this permit after receipt of the Stormwater Industrial General Permit Notice of Coverage (NOC) and a copy of this permit.

2.2 Notice of Intent (NOI) Deadlines. 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 ¹	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) ² 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.)

Notes:

1. No Exposure Exclusions: A SWPPP or site map is not required for a new application or renewal of a No Exposure Exclusion.
2. The Department understands that the SWPPP is a living document and the version submitted with an initial NOI may have portions that are not finalized.

2.3 Contents of the Notice of Intent. The Notice of Intent includes, at a minimum, the following:

- a. Permittee Name (Legal Applicant), Permittee, Address, Type, and Telephone Number
- b. Invoice Contact Person, Mailing Information, and Telephone Number
- c. Facility Name, Mailing Address, Location, Latitude, Longitude, SIC Codes, Description of Business/Process
- d. Facility Contact Person and Phone Number
- e. Outfall information specific to each and every outfall, including outfall name and/or number as indicated on site map(s) in the SWPPP, latitude, longitude, and receiving waterbody information.

- f. Other information (i.e. Consulting Name, Address, and Telephone Number)
- g. No Exposure Exclusion Requirements and Certification
- h. Certification and Signature of Permittee
- i. Cognizant Official
- j. Permit Requirement Verification

2.4 Where to Submit. A complete package should be submitted to the Department at the following address:

General Permits Section
Water Division
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118

or by electronic mail (Complete documents (NOI and/or SWPPP) must be submitted in Adobe Acrobat format (.pdf) to: Water-permit-application@adeq.state.ar.us.

NOTE: Notice of Coverage (NOC) will not be issued until payment has been received by ADEQ.

2.5 Additional Notification. Facilities which discharge stormwater associated with industrial activity to a small, medium, or large municipal separate storm sewer system (MS4), as defined in Parts 7.15 and 7.22 of this permit, must, in addition to filing a copy of the Notice of Intent, notify the Operator of the municipal separate storm sewer system (MS4) to which they discharge in accordance with the deadlines in Part 2.2 of this permit.

2.6 Change of Facility Name, Ownership, and/or Authorization.

Facilities that are authorized under this permit, which undergo a change in ownership, facility name, or signatory authorization (i.e., a new cognizant official, responsible person, etc.), must submit a Permit Transfer form to the Director. A Permit Transfer form can be obtained from the General Permits Section of the Water Division of the ADEQ website at: <http://www.adeq.state.ar.us/>. For an ownership change, the permit transfer form must be submitted a minimum of 30 days prior to the date the transfer to the new operator will take place. The new owner must comply with the existing permit for the facility during the interim period. A Disclosure Form may be required on a case-by-case basis.

2.7 Terminating Coverage.

2.7.1 Submitting a Notice of Termination. To terminate permit coverage, the permittee must submit a complete and accurate Notice of Termination (NOT). A Notice of Termination form may be obtained from the Stormwater Homepage of the ADEQ website at: www.adeq.state.ar.us. The permittee is responsible for meeting the terms of this permit until authorization is terminated.

2.7.2 When to Submit a Notice of Termination.

The permittee must submit a Notice of Termination after:

- a. The facility has ceased operations and there are not or no longer will be discharges of stormwater associated with industrial activity from the facility; or
- b. The facility has obtained coverage under an individual or alternative general permit for all discharges required to be covered by an NPDES permit.

PART 3
NUMERIC LIMITATIONS, MONITORING, AND REPORTING REQUIREMENTS

3.1 Numeric Effluent Limitations based on Effluent Limitations Guidelines.

3.1.1 If the facility is in an industrial category subject to one of the Effluent Limitations Guidelines (ELG) identified in Part 1.6.3, the effluent limits referenced in the table below must be met:

CFR Industry		Parameter	Limitation	Monitoring Requirements	
Category	Subcategory			Frequency	Sample Type
Cement Manufacturing (40 CFR 411)	Material Storage Piles Runoff.	pH	6.0-9.0 s.u.	once/year	grab
		Total Suspended Solids (TSS)	50 mg/l (Daily Maximum)	once/year	grab
Fertilizer Manufacturing (40 CFR 418)	Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, byproducts or waste products	pH	6.0-9.0 s.u.	once/year	grab
		Total Phosphorus (As P)	105.0 mg/l (Daily Maximum)	once/year	grab
			35 mg/l (30-day Average)	once/year	grab
		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)	Coal Pile Runoff	pH	6.0-9.0 s.u.	once/year	grab
		Total Suspended Solids* (TSS)	50 mg/l (Daily Maximum)	once/year	grab
Paving and roofing materials (tars and asphalt) (40 CFR 443)	Runoff from manufacturing of asphalt paving or roofing emulsion.	Total Suspended Solids (TSS)	23.0 mg/l (Daily Maximum)	once/year	grab
			15.0 mg/l (30-day Average)	once/year	grab
		pH	6.0-9.0 s.u.	once/year	grab
		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.

3.1.2 Sampling for the above effluent guideline limitations can not be waived as described in Part 3.8.2.

3.1.3 The facility must monitor each outfall discharging stormwater from any of the regulated activities described in the above table. The similar outfall monitoring provision as described in Part 3.7.1 is not available for numeric effluent limits monitoring.

3.2 Water Quality Standards. Any discharge of stormwater associated with industrial activity must be controlled as necessary to meet applicable water quality standards. New discharges or increased loadings from existing discharges must be consistent with the Arkansas Anti-Degradation Policy in APCEC Regulation No. 2. ADEQ expects that compliance with the other conditions in this permit will control discharges as necessary to meet applicable water quality standards. If at any time the facility becomes aware, or ADEQ determines, that the facility's discharge causes or contributes to an exceedance of applicable water quality standards, the permittee must take corrective action as required, document the corrective actions as required, and report the corrective actions to ADEQ.

3.3 Parameter Benchmark Monitoring. All facilities covered under this general permit are authorized to discharge from all permitted stormwater outfalls. All facilities are required to conduct monitoring and sampling of stormwater at each outfall as specified below. 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.

<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 characteristics.)			
<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	0.239 mg/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
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 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

3.4 Additional Monitoring Required by ADEQ. ADEQ may notify the facility of additional discharge monitoring requirements. Any such notice will briefly state the reasons for the monitoring, locations, and parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements. If a facility discharges to an impaired water with an ADEQ approved or established TMDL, ADEQ will inform the facility if any additional monitoring requirements or controls are necessary for the discharge to be consistent with the assumptions of any available wasteload allocation in the TMDL.

3.5 Monitoring Periods. A monitoring period is from January 1st to December 31st of a calendar year. The facility must monitor at least twice within a calendar year. One sample must be taken in each of the following time frames:

- January-June.
- July-December.

Monitoring requirements in this permit begin as follows:

Category of Discharger	
For New Dischargers:	Monitor under the terms and conditions of this general permit starting 180 days from the effective date of the permit but not before January 1, 2010.
For Existing Dischargers: originally authorized by the 2004 issued IGP	Continue to monitor and submit the required Discharge Monitoring Reports (Categories 1-12) as directed in the previous permit issued in 2004 for the 2008-2009 reporting year. The facilities will then monitor under the terms and conditions of this general permit starting 180 days from the effective date of the general permit but not before January 1, 2010.

3.6 Monitoring Location. All samples must be taken at monitoring points specified in the NOI and SWPPP before the stormwater joins or is diluted by any other waste stream, unless otherwise approved in writing by the Department.

3.7 Sampling Associated with Monitoring Requirements. Sampling conducted to capture stormwater with the greatest exposure to significant sources of pollution. Each stormwater outfall must be sampled and analyzed separately unless an outfall has been determined to be similar in accordance with Part 3.7.1 below.

3.7.1 Similar Outfalls. When a stormwater outfall may be similar to another outfall at the facility, i.e., similar effluents based on a consideration of industrial activity, significant materials and management practices, and activities within the area drained by the outfall, the permittee may sample only the discharge point with the highest concentration of pollutants. The SWPPP must include documentation on how these determinations were made and the description of each point of discharge; include the relative quantity (volume) of discharge and pollutants likely to be found. The documentation should include the following information:

- a. Location of each of the similar outfalls;
- b. Description of the general industrial activities conducted in the drainage area of each outfall;
- c. Description of the control measures implemented in the drainage area of each outfall;
- d. Description of the exposed materials located in the drainage area of each outfall that are likely to be significant contributors of pollutants to stormwater discharges;
- e. Why the outfalls are expected to discharge similar effluents.

3.7.2 Sampling Procedures. Samples and measurements taken as required shall be representative of the volume and nature of the monitored discharge. Stormwater must be sampled according to requirements below (a.-d.) unless the Permittee submits an alternative plan as a modification of coverage and it is approved by ADEQ. Any approved alternative plan should be included in the SWPPP. If a Permittee is unable to sample during a monitoring period, they must submit a justification with the Discharge Monitoring Report for that period.

Sampling requirements and instructions are as follows:

- a. **Grab Sample.** A minimum of one grab sample must be taken from each outfall within the first 30 minutes of a discharge resulting from a measurable storm event as described in Part 3.7.2.b. If it is not possible to collect the sample within the first 30 minutes of a measurable storm event, the sample must be collected as soon as practicable after the first 30 minutes and documentation must be kept with the SWPPP explaining why it was not possible to take samples within the first 30 minutes.

- b. Measurable Storm Events. All required monitoring must be performed on a storm event that results in an actual discharge from the site (“measurable storm event”) that follows the preceding measurable storm event by at least 72 hours (3 days). The 72-hour (3-day) storm interval does not apply if the facility is able to document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period. For each monitoring event, the date and duration (in hours) of the rainfall event, rainfall total (in inches) for that rainfall event, and time (in days) since the previous measurable storm event must be identified.
- c. Adverse Weather Conditions. Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or electrical storms, or situations that otherwise make sampling impractical, such as drought or extended frozen conditions. When adverse weather conditions prevent the collection of samples according to the relevant monitoring schedule, a substitute sample must be taken during the subsequent qualifying storm event. Adverse weather does not exempt the facility from having to file a discharge monitoring report in accordance with the sampling schedule. The facility must report any failure to monitor as indicating the basis for not sampling during the usual reporting period.
- d. Sampling Method. Analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department provided that such otherwise approved analytical method is the equivalent of that found in the guidance cited in this section or will result in more accurate analytical results or will have a lower detection limit.
- e. Records and Reporting. For each monitoring event, the permittee shall record and report the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; the duration between the storm event sampled and the end of the previous measurable storm event; and an estimate of the total volume (in gallons) of the discharge sampled shall be provided.

3.8 Exceptions to Monitoring Requirements.

3.8.1 Inactive and Un-staffed Facilities. Facilities that are inactive and unstaffed during an entire monitoring period must notify ADEQ at the beginning of the inactive period. Monitoring will not be required during the inactive and unstaffed period. To be eligible for a monitoring waiver at inactive and unstaffed sites, the permittee must certify the site is unstaffed and inactive and the pollutant generating activities are not occurring at the site. The certification must be signed in accordance with signatory requirements of Part 6.9. The signed certification must be sent to ADEQ with the notice. A copy of the certification must also be kept with the Stormwater Pollution Prevention Plan. Unstaffed is defined as no staff assigned to the industrial or pollutant generating activities. A site may be “unstaffed” even when security personnel are present, provided that pollutant generating activities are not included in their duties.

3.8.2 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.

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

3.8.2.2 A facility that conducted monitoring under the previous 2004 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.

- 3.8.2.3 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.

3.9 Parameter Benchmark Values. The section contains the parameter benchmark values that should be met in stormwater discharges as applicable. The benchmark concentrations are not effluent limitations. Therefore, a benchmark exceedance is not a permit violation.

PARAMETER BENCHMARK VALUES ⁺					
Parameter name	Benchmark level	Source	Parameter name	Benchmark level	Source
Biochemical Oxygen Demand (5)	30 mg/L	4	Fluoride	1.8 mg/L	6
Chemical Oxygen Demand	120 mg/L	5	Iron, Total	1.0 mg/L	12
Total Suspended Solids	100 mg/L	7	Lead, Total (H)	0.519 mg/L	14
Oil and Grease	15 mg/L	8	Magnesium, Total	0.0636 mg/L	9
Nitrate + Nitrite Nitrogen	0.68 mg/L	7	Manganese	1.0 mg/L	13
Total Phosphorus	2.0 mg/L	6	Mercury, Total	0.0024 mg/L	1
pH	6.0-9.0 s.u.	4	Nickel, Total (H)	6.43 mg/L	14
Acrylonitrile (c)	7.55 mg/L	2	PCB-1016 (c)	0.000127 mg/L	9
Aluminum, Total (pH 6.5-9)	0.75 mg/L	1	PCB-1221 (c)	0.10 mg/L	10
Ammonia	19 mg/L	1	PCB-1232 (c)	0.000318 mg/L	9
Antimony, Total	0.636 mg/L	9	PCB-1242 (c)	0.00020 mg/L	10
Arsenic, Total (c)	0.169 mg/L	9	PCB-1248 (c)	0.00255 mg/L	9
Benzene	0.01 mg/L	10	PCB-1254 (c)	0.10 mg/L	10
Beryllium, Total (c)	0.13 mg/L	2	PCB-1260 (c)	0.000477 mg/L	9
Butylbenzyl Phthalate	3 mg/L	3	Phenols, Total	1.0 mg/L	11
Cadmium, Total (H)	0.0118 mg/L	14	Pyrene (PAH) (PAH,c)	0.01 mg/L	10
Chloride	860 mg/L	1	Selenium, Total (*)	0.239 mg/L	9
Copper, Total (H)	0.0756 mg/L	14	Silver, Total (H)	0.0107 mg/l	14
Cyanide, Total	0.0636 mg/L	9	Toluene	10.0 mg/L	3
Dimethyl Phthalate	1.0 mg/L	11	Trichloroethylene (c)	0.0027 mg/L	3
Ethylbenzene	3.1 mg/L	3	Zinc, Total (H)	0.684 mg/L	14
Fluoranthene	0.042 mg/L	3			

Sources:

1. "EPA Recommended Ambient Water Quality Criteria." Acute Aquatic Life Freshwater.
2. "EPA Recommended Ambient Water Quality Criteria." Lowest Observed Effect Levels (LOEL) Acute Freshwater.
3. "EPA Recommended Ambient Water Quality Criteria." Human Health Criteria for Consumption of Water and Organisms.
4. Secondary Treatment Regulations (40 CFR 133).
5. Factor of 4 times BOD5 concentration - North Carolina benchmark.
6. North Carolina stormwater benchmark derived from NC Water Quality Standards.
7. National Urban Runoff Program (NURP) median concentration.
8. Median concentration of Stormwater Effluent Limitation Guideline (40 CFR Part 419)
9. Minimum Level (ML) based upon highest Method Detection Level (MDL) times a factor of 3.18.
10. Laboratory derived Minimum Level (ML).
11. Discharge limitations and compliance data.

12. "EPA Recommended Ambient Water Quality Criteria." Chronic Aquatic Life Freshwater.
13. Colorado - Chronic Aquatic Life Freshwater - Water Quality Criteria.
14. 2009 ADEQ CPP and APCEC Regulation No. 2

Notes:

(*) Limit established for oil and gas exploration and production facilities only.

(c) carcinogen.

(H) hardness dependent.

(PAH) Polynuclear Aromatic Hydrocarbon.

Assumptions:

Receiving water temperature - 20 °C.

Receiving water pH - 7.8.

Receiving water hardness (CaCO₃) - 100 mg/L.

Receiving water salinity - 20 g/kg.

Acute to Chronic Ratio (ACR) - 10.

Footnotes:

⁺ Federal Register; Monday, October 30, 2000; Volume 65, No. 210; page 64767.

- 3.10 Alternatives to Parameter Benchmark Values.** The permittee may develop alternatives to the parameter benchmark values, as follows.
- 3.10.1** The SWPPP must contain a full and complete description of the alternative(s) to the established parameter benchmark values listed in this permit, along with the justification for the selected alternative(s), why the alternative(s) is considered equivalent to the listed parameter benchmark value in protecting water quality (if the permittee is establishing a different value than the established parameter benchmark value), how the alternative(s) will be evaluated to determine equivalency with the established parameter benchmark value, and documenting on an annual basis the permittee's ability to successfully achieve the alternative(s) to the established parameter benchmark values.
- 3.10.2** The permittee shall submit the section of the SWPPP with the alternative(s) and the rationale to the Department for review. The Department shall review the alternatives and notify the facility of such a decision in writing. The Department shall have 60 days to review the alternatives. If, after 60 days, the Department has not notified the Operator of its review findings, the permittee may begin to use the alternative(s) to the established parameter benchmark values. If the Department does not approve the alternatives(s), the permittee shall use the parameter benchmark values provided in Part 3.9.
- 3.11 Response to Monitoring Results Above/Below Parameter Benchmark Values.** This permit stipulates parameter benchmark value concentrations that may be applicable to a facility's discharge. The benchmark concentrations are not effluent limitations. Therefore, a benchmark exceedance is not a permit violation. Benchmark monitoring data are primarily for the facility to use for determining the overall effectiveness of control measures and to assist in knowing when additional corrective action(s) may be necessary to comply with permit requirements.
- 3.11.1 Data not exceeding benchmarks:** When a facility can effectively demonstrate that the results from four (4) consecutive monitoring periods for any parameter that complies with the Parameter Benchmark Value specified in Part 3.9, the facility may request in writing to forego sampling requirements during the remainder of the permit term. The certification must be signed in accordance with signatory requirements of Part 6.9 and Part 6.10 and must include a projected start and end dates and all lab results. The request and signed certification must be sent to ADEQ with DMRs. A copy of the certification must also be kept with the Stormwater Pollution Prevention Plan. The Department may request additional information before a decision is made. Facilities will be notified by letter of the Department's decision. Until such time that a letter is received the Department, the facility must continue to sample in accordance with Part 3.3.
- 3.11.2 Data exceeding benchmarks:** If a sampling result for any parameter exceeds the parameter benchmark value, the facility shall investigate the cause and/or source of the elevated pollutant levels, review the SWPPP, and determine and document a corrective action plan to address the benchmark exceedance. The facility shall commence with the above process within 30 calendar days of the exceedance.

The Corrective Action Plan must contain the following: the results of the review; the corrective actions the permittee will take to address the benchmark excursion, including whether a SWPPP modification is necessary; and an implementation schedule including alternative methods for implementing existing site controls or methods for implementing additional effective site controls, if the site controls have not already been implemented.

The permittee must document the date that corrective actions are initiated and are completed or expected to be completed. This documentation must be included in an annual report and a copy retained onsite with the SWPPP. Once the corrective action plan has been determined, either

- a. Implement corrective action plan and make necessary modification, and then continue to perform monitoring until 4 additional monitoring periods for which the results do not exceed the benchmark has been completed.

Or

- b. If the facility is still exceeding parameter benchmark values after six (6) monitoring periods, the facility may request in writing to monitor annually in lieu of bi-annual monitoring. This may only be requested for after the permittee has made a determination that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice to meet the technology-based effluent limits or are necessary to meet the water-quality-based effluent limitations. The permittee must document the rationale/justification for concluding that no further pollutant reductions are achievable. This justification must be submitted along with the written request. Facilities will be notified of the Department's decision by letter. Until such time as the letter is received, the facility must continue to sample in accordance with Part 3.3. If annual monitoring is granted, the approval letter and justification must be retained with the SWPPP on-site.

3.11.3 Natural background pollutant level: If the permittee determines that the exceedances of the benchmark values is attributable solely to the presence of that pollutant in the natural background, the permittee is not required to perform corrective actions or additional benchmark monitoring. Provided that the following are met:

- a. The concentration of the benchmark monitoring results is less than or equal to the concentration of that pollutant in the natural background (data from previous monitoring may be used);
- b. The permittee documents and maintains with the SWPPP the supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. This must include in the supporting rationale any data previously collected by the facility or others (including literature studies) that describe the levels of natural background pollutants in the stormwater discharge; and
- c. The Department must be notified on the annual report that the benchmark exceedances are attributable solely to natural background pollutant levels. Natural background pollutants include those substances that are naturally occurring in soils or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity on-site, or pollutants in run-on from neighboring sources which are not naturally occurring.

Compliance with the requirements of the above conditions does not relieve the permittee of the duty to comply with any other applicable conditions of this permit.

3.12 Record and Reporting Requirements.

3.12.1 Records. The Permittee shall retain records of all monitoring information, inspection reports, SWPPP, NOI, and any other documentation of compliance with permit requirements for a period of at least 3 years from the date that coverage under this permit expires or is terminated. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by ADEQ. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

3.12.2 Records Contents. For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

3.12.3 Reporting.

- a. **Discharge Monitoring Reports:** Permittees must record the monitoring results obtained from monitoring during the previous twelve (12) months on Discharge Monitoring Report (DMR) Forms dated no later than the 31st day of the month following the completed period. Reports are due by the 31st day of January each year for the previous January – December reporting period (i.e. January 31, 2010 for Year 2009). The first report may include less than the 12 months of information. Signed copies of Discharge Monitoring Reports required above, and all other reports required herein, shall be submitted to the Department in accordance with Part 6.9.
- b. **Annual Report.** The permittee must submit an annual report to the Department, even if monitoring requirements has been waved, that includes the findings from the comprehensive site evaluation and site inspections (including visual monitoring of outfalls) and any corrective action plans written under Part 3.11.2. The permittee must include the status of any corrective actions not yet completed at the time of submission of this annual report.

The annual report should also include the following: Facility name, General permit tracking number, Facility physical address, and Contact person name, title, and phone number.

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).

3.12.4 Additional Monitoring by the Permittee. If the Permittee monitors any pollutant at any outfall more frequently than required by this permit using test procedures specified in this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

PART 4

STORMWATER POLLUTION PREVENTION PLANS (SWPPP)

A stormwater pollution prevention plan (SWPPP) shall be developed, implemented and complied with for each facility covered by this permit. SWPPPs shall be prepared in accordance with commonly accepted engineering practices. Required elements of the SWPPP, implemented in the form of Best Management Practices (BMPs) in lieu of numerical limitations, are considered to be technology-based non-numeric limits based on 40 CFR 122.44(K)(3). The SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce pollutants in stormwater discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit, fully implemented as directed by permit conditions, and updated as necessary to maintain compliance with permit conditions. It must also include any additional Best Management Practices (BMPs) as necessary to comply with state water quality standards and parameter benchmark values. New facilities must have a SWPPP developed and implemented before beginning operation. However, some components of a SWPPP are added over time (e.g. results of dry and wet weather inspections) and cannot be included in the first SWPPP. The Permittee must update the SWPPP as required by permit conditions. Facilities must implement the provisions of the SWPPP required under conditions of this permit.

- 4.1 Illicit Discharges.** The SWPPP shall include measures to identify and eliminate the discharge of process wastewater, domestic wastewater, non-contact cooling water, and other illicit discharges to stormwater drainage systems or to Waters of the State.
- 4.2 SWPPP Availability.** The permittee must retain a copy of the current SWPPP required by this permit at the facility, and it must be immediately available to ADEQ, the operator of an MS4 receiving discharges from the site; and representatives of the U.S. Fish and Wildlife Service (USFWS) at the time of an onsite inspection or upon request. ADEQ may provide access to portions of a facility's SWPPP to a member of the public upon request.

If requested, the Permittee must submit their SWPPP to ADEQ within one (1) week of receiving the request if a date or timeframe was not specified in the request.

- 4.3 Enhanced/Additional Best Management Practices (BMPs):** The Permittee shall provide a schedule in the SWPPP for implementation of any additional or enhanced BMPs that are necessary because of a notice from ADEQ, facility changes, or self-inspection. Complying with this provision does not limit the potential liability for enforcement action where the Permittee has failed to implement required BMPs or where stormwater discharges violate water quality standards. ADEQ may issue a notice to the Permittee when the SWPPP does not meet one or more of the minimum requirements of the permit or when it is not adequate to assure compliance with standards. The Permittee shall modify the SWPPP and the BMPs to correct the deficiencies identified in the notice. ADEQ may require additional BMPs where the Permittee exceeds benchmark values for required sampling. The Permittee shall modify the SWPPP whenever there is a change in design, construction, operation or maintenance of any BMP which cause(s) the SWPPP to be less effective in controlling the pollutants.
- 4.4 Other Pollution Control Plans:** The Permittee may incorporate by reference applicable portions of plans prepared for other purposes at their facility. Plans or portions of plans incorporated into a SWPPP become enforceable requirements of this permit if the other plans are not regulated through other programs and must meet the availability requirements of the SWPPP.

4.5 Deadlines for SWPPP Preparation and Compliance. Deadlines for SWPPP preparation and compliance for stormwater discharge associated with industrial activity are as follows. Upon a showing of good cause, the Director may establish a later date in writing for preparing and coming into compliance with a SWPPP for a stormwater discharge associated with industrial activity that submits an NOI in accordance with requirements of this permit.

Category	Completion or Updating of SWPPP
New Dischargers	Shall be developed and then submitted to the Department along with the Notice of Intent.
Existing Dischargers in operation & authorized coverage under the 2004 IGP.	Shall be updated within 180 days of the effective date of this permit. Submittal is not required.

4.6 Contents of SWPPP. The SWPPP shall include, at a minimum, the following elements:

4.6.1 Facility Information. Each SWPPP shall include the facility name, general permit tracking number, facility physical address, and the facility’s SIC and NAICS codes.

4.6.2 Stormwater Pollution Prevention Team. Each SWPPP shall identify a specific individual or position within the facility organization as members of a Stormwater Pollution Prevention Team that are responsible for developing the SWPPP and assisting the facility or plant manager in its implementation, maintenance, and revision. The SWPPP shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's SWPPP.

Please note that common positions (i.e. secretary, operator, etc) may not be used. A specific position or individuals name must be listed.

4.6.3 Facility Description: The facility description will describe the industrial activities conducted at the site (detailed process description), the general layout of the facility including buildings and storage of raw materials, and the flow of goods and materials through the facility. It should include seasonal variations including peaks in production and any changes in work based on season or weather (e.g. moving work outdoors on dry days).

4.6.4 Site map. Provide a map showing the following as necessary:

- a. the size of the property in acres;
- b. the location and extent of significant structures and impervious surfaces;
- c. directions of stormwater flow (use arrows);
- d. locations of all existing structural control measures;
- e. locations of all receiving waters in the immediate vicinity of the facility,
- f. locations of all stormwater conveyances including ditches, pipes, and swales;
- g. locations of potential pollutant sources;
- h. locations of all stormwater monitoring points;
- i. locations of stormwater inlets and outfalls, with a unique identification code for each outfall, indicating if one or more outfalls is being treated as “substantially identical” , and an approximate outline of the areas draining to each outfall;
- j. municipal separate storm sewer systems (MS4), where the stormwater discharges to them (if

- applicable);
- k. locations and descriptions of all non-stormwater discharges identified;
 - l. locations of the following activities where such activities are exposed to precipitation: fueling stations; vehicle and equipment maintenance and/or cleaning areas; loading/unloading areas; locations used for the treatment, storage, or disposal of wastes; liquid storage tanks; processing and storage areas; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; transfer areas for substances in bulk; and machinery; and
 - m. locations and sources of run-on to the site from adjacent property that contains significant quantities of pollutants.

4.6.5 Description of potential pollutant sources. Each SWPPP shall provide a description of potential sources which may be reasonably expected to add significant amounts of pollutants to stormwater discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each SWPPP shall identify all activities and significant materials which may potentially be significant pollutant sources. Each SWPPP shall include, at a minimum;

4.6.5.1 Industrial Activities. The inventory of industrial activities will identify all areas associated with industrial activities which have been or may potentially be sources of significant amounts of pollutants, including the following: i) Loading and unloading of dry bulk materials or liquids. ii) Outdoor storage of materials or products. iii) Outdoor manufacturing and processing. iv) Dust or particulate generating processes. v) Roofs or other surfaces exposed to air emissions from a manufacturing building or a process area. vi) On-site waste treatment, storage or disposal. vii) Vehicle and equipment fueling, maintenance and/or cleaning (includes washing). viii) Roofs or other surfaces composed of materials that may be mobilized by stormwater (e.g. galvanized or copper roofs).

4.6.5.2 Inventory of Exposed Materials. An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored, or disposed in a manner to allow exposure to stormwater between the time three years prior to the effective date of this permit and the present; method and location of on-site storage and disposal; materials management practices employed to minimize contact of these materials with stormwater runoff between the time of three years prior to the effective date of this permit and the present; the location and a description of existing structural and nonstructural control measures to reduce pollutants in stormwater runoff; and a description of any treatment the stormwater receives.

4.6.5.3 Spills and Leaks. A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas exposed to precipitation or that otherwise drain to a stormwater conveyance at the facility after the date of three years prior to the effective date of this permit. This list shall be updated as appropriate during the term of the permit.

4.6.5.4 Sampling Data. A summary of existing discharge sampling data describing pollutants in stormwater discharges from the facility, including a summary of sampling data collected during the term of this permit.

4.6.5.5 Risk Identification and Summary of Potential Pollutant Sources. A narrative description of the potential pollutant sources at the following areas: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and on-site waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g. biochemical oxygen demand, etc.) of concern shall be identified.

4.6.6 Measures and Controls. Each facility covered by this permit shall develop a description of stormwater management controls appropriate for the facility and implement such controls. The appropriateness and priorities of controls in the SWPPP shall reflect identified potential sources of pollutants at the facility. The selection, design, installation, and implementation of these control measures must be in accordance with good engineering practices and manufacturer's specifications. Note that a permittee may deviate from such manufacturer's specifications where justification is provided for such deviation and include documentation of the rationale in the part of the SWPPP that describes the control measures. If control measures are found not to be achieving their intended effect of minimizing pollutant discharges, the control measures must be modified as expeditiously as practicable.

The following should be considered when selecting and designing control measures:

- a. preventing stormwater from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from stormwater;
- b. using control measures in combination is more effective than using control measures in isolation for minimizing pollutants in stormwater discharges;
- c. assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures that will achieve the limits in this permit;
- d. minimizing impervious areas at the facility and infiltrating runoff onsite (including bioretention cells, green roofs, and pervious pavement, among other approaches) can reduce runoff and improve groundwater recharge and stream base flows in local streams, although care must be taken to avoid ground water contamination;
- e. attenuating flow using open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;
- f. conserving and/or restoring of riparian buffers will help protect streams from stormwater runoff and improve water quality; and
- g. using treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.

For Guidance on potential pollutant sources and controls that should be considered in development of the SWPPP for a specific type of industry, refer to EPA's Multi-Sector General Permit (available online via link at (<http://www.epa.gov/region6/6wq/npdes/sw/industry/index.htm>)). The description of stormwater management controls shall address the following minimum components, including a schedule for implementation.

4.6.6.1 Best Management Practices (BMPs). The SWPPP must include a description of the best management practices (BMPs) that are used by the facility to eliminate or reduce the potential to contaminate stormwater. BMPs must also be considered to regulate peak flow and volume of stormwater discharge.

4.6.6.2 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). In minimizing exposure, one should pay particular attention to the following:

- a. use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
- b. locate materials, equipment, and activities so that leaks are contained in existing containment and diversion systems (confine the storage of leaky or leak-prone vehicles and equipment awaiting maintenance to protected areas);
- c. clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;
- d. use drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible;
- e. use spill/overflow protection equipment;
- f. drain fluids from equipment and vehicles prior to on-site storage or disposal;
- g. perform all cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray; and
- h. ensure that all washwater drains to a proper collection system (i.e., not the stormwater drainage system).

4.6.6.3 Good Housekeeping. Good housekeeping requires exposed areas that are potential sources of pollutants in stormwater discharges in a clean, orderly manner.

4.6.6.4 Preventive Maintenance. A preventive maintenance program shall involve inspection and maintenance of stormwater management devices (cleaning oil/water separators, catch basins, etc.) as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to waters, and ensuring appropriate maintenance of such equipment and systems.

4.6.6.5 Spill Prevention and Response Procedures. The facility must minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop plans for effective response to such spills if or when they occur. Areas where potential spills can occur that can contribute pollutants to stormwater discharges and their accompanying drainage points shall be identified clearly in the SWPPP. At a minimum, the following should be implemented:

- a. Procedures for plainly labeling containers (e.g., “Used Oil,” “Spent Solvents,” “Fertilizers and Pesticides,” etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
- b. Preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;
- c. Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of the stormwater pollution prevention team; and

- d. Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period, one must notify the National Response Center (NRC) at (800) 424-8802 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 as soon as their is knowledge of the discharge. Contact information must be in locations that are readily accessible and available.

4.6.6.6 Employee Training. Employee training programs shall inform personnel responsible for implementing activities identified in the stormwater pollution prevention plan or otherwise responsible for stormwater management at all levels of responsibility of the components and goals of the SWPPP. Training should address topics such as spill response, good housekeeping, and material management practices. The SWPPP shall identify periodic dates for such training and records of training must be maintained with the SWPPP. Training records that are maintained electronically (i.e. database, etc) do not need to be maintained with the SWPPP, but must be accessible upon request.

4.6.6.7 Erosion and Sediment Control. The SWPPP shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion.

4.6.6.8 Management of Run-on and Runoff. The SWPPP shall contain a narrative consideration of the appropriateness of traditional stormwater management practices (practices other than those which control the source of pollutants) used to divert, infiltrate, reuse, or otherwise manage stormwater runoff in a manner that reduces pollutants in stormwater discharges from the site. The SWPPP shall provide that measures determined to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to stormwater discharges associated with industrial activity shall be considered when determining reasonable and appropriate measures. Appropriate measures may include but are not limited to: vegetative swales and practices reuse of collected stormwater (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices.

4.6.6.9 Additional requirements for salt storage. Storage piles of salt used for deicing or other commercial or industrial purposes and which generate a stormwater discharge associated with industrial activity which is discharged to Waters of the State shall be enclosed or covered to prevent exposure to precipitation, except for exposure resulting from adding or removing materials from the pile. Dischargers shall demonstrate compliance with this provision as expeditiously as practicable, but in no event later than three years after the effective date of this permit. Piles do not need to be enclosed or covered where storm water from the pile is not discharged to Waters of the State.

4.6.7 Authorized Non-Stormwater Discharges. Except for flows from sources of non-stormwater listed in this permit that are combined with stormwater discharges associated with industrial activity must be identified in the SWPPP. The SWPPP shall identify and ensure the implementation of appropriate pollution prevention measures for the non-stormwater component(s) of the discharge.

The SWPPP shall also include a certification that the discharge has been tested or evaluated for the presence of non-stormwater discharges. The certification shall include the identification of potential significant sources of non-stormwater at the site, a description of the results of any test and/or evaluation for the presence of non-stormwater discharges, the evaluation criteria and testing method used, the date of any testing and/or evaluation, and the on-site drainage points that were directly observed during a test. Certifications shall be signed in accordance with Part 6.9. of this permit. Such certification may not be feasible if the facility operating the stormwater discharge associated with industrial activity does not have access to an outfall, manhole or other point of access to the ultimate conduit which receives the discharge. In such cases, the source identification section of the SWPPP shall indicate why the certification required by this part was not feasible, along with the identification of potential significant sources of non-stormwater at the site.

4.6.8 Documentation of Permit Eligibility Related to the 303 (d) list (Impaired Water Bodies) and Total Maximum Daily Loads (TMDL). The SWPPP should include information on whether or not the stormwater discharges from the facility enters a water body that is on the most recent 303 (d) list or with an approved TMDL. If the stormwater discharge does enter a water body that is on the most recent 303(d) list or with an approved TMDL, then the SWPPP should address the following items below.

- a. document that the pollutant(s) for which the waterbody is impaired is not present at the facility, and retain documentation of the finding with the SWPPP; or
- b. incorporate into the SWPPP any additional BMPs needed to prevent to the maximum extent possible exposure to stormwater of the pollutants for which the waterbody is impaired and to sufficiently protect water quality. Please note that the Department will be reviewing this information. If it is determined that the facility will discharge to an impaired water body, then the Department may require additional requirements.” Or
- c. identification of measures taken by the facility to ensure that its discharge of pollutants from the site is consistent with the assumptions and allocations of the TMDL; and
- d. If a specific numeric wasteload allocation has been established that would apply to the facility’s discharges, the operator must incorporate that allocation into its SWPPP and implement necessary steps to meet that allocation and implement necessary steps to meet that allocation. Please note that the Department will be reviewing this information. If it is determined that the facility will discharge to a TMDL, then the Department may require additional BMPs.

If the Department determines during the review process that the facility will be discharging to a receiving water that is on the most recent 303 (d) list or with an approved TMDL, then the Department will notify the applicant to include additional Best Management Practices in the SWPPP.

4.6.9 Attainment of Water Quality Standards After Authorization. The permittee must select, install, implement and maintain BMPs that will minimize or eliminate pollutants in the discharge as necessary to meet applicable water quality standards. At any time after authorization, the Department may determine that the stormwater discharges may cause, have reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. If such a determination is made, the Department will require the permittee to:

- a. Develop a supplemental BMP action plan describing SWPPP modifications to address adequately the identified water quality concerns;

- b. Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or
- c. Cease discharges of pollutants from the facility and submit an individual permit application according to Part 6.22.
- d. All written responses required under this part must include a signed certification consistent with Part 6.10.

4.6.10 Evaluations and Inspections.

4.6.10.1 Visual Site Inspections. Qualified facility personnel shall be identified to conduct routine facility inspections of all areas of the facility where industrial materials or activities are exposed to stormwater, all stormwater control measures used to comply with this permit, and stormwater outfalls (if accessible) for the presence of floating materials, visible sheen, discoloration, turbidity, odor, etc. Inspections should be performed not less than four (4) times a year.

At least one of the four required inspections must be conducted during a period when a stormwater discharge is occurring.

One inspection shall check for the presence of non-stormwater discharges, such as domestic wastewater, non-contact cooling water, or process wastewater (including leachate), to the stormwater drainage system that are not authorized under this general permit. This shall be done preferably during dry weather, when it is easier to find non-stormwater discharges. If a non-stormwater discharge is discovered, the Permittee shall notify ADEQ and eliminate the illicit discharge within 30 days.

The permittee must document the findings of each visual inspection performed and maintain this documentation onsite with the SWPPP. At a minimum, documentation of each site inspection must include: date of inspection, personnel making the inspection, major observations, and a summary of actions that need to be taken as a result of the inspection.

Inactive and Un-staffed Sites: The requirement to conduct visual site inspections on a quarterly basis does not apply at a facility that is inactive and unstaffed in accordance with Part 3.8.1, as long as there are no industrial materials or activities exposed to stormwater. Such a facility is only required to conduct an annual comprehensive site inspection in accordance with the requirements of Part 4.6.10.2.

4.6.10.2 Comprehensive Site Compliance Evaluation. Qualified personnel shall conduct site compliance evaluations at appropriate intervals specified in the SWPPP, in no case less than once per year.

- a. Areas contributing to a stormwater discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit and SWPPP, or whether additional control measures are needed. Structural stormwater management measures, sediment and control measures, and other structural pollution

prevention measures identified in the plan shall be observed to ensure that they are properly maintained and operated correctly. A visual inspection of equipment needed to implement the spill response shall be conducted.

- b. Based on the results of the inspection, the description of potential pollutant sources identified in the SWPPP in accordance with Description of Potential Pollutant Sources of this permit and pollution prevention measures identified in the SWPPP in accordance with Measures and Controls of this permit shall be revised as appropriate within 30 days of such inspection. Implementation of any changes to the SWPPP made shall be performed in a timely manner, but in no case more than 90 days from the inspection.
- c. A report summarizing the scope of the inspection, personnel making the inspection, date(s) of the inspection, major observations relating to the implementation of the SWPPP, and actions taken shall be made and retained as part of the SWPPP in accordance with Part 3.12.1. The report shall be signed in accordance with Part 6.9 of this permit.
- d. The annual comprehensive site compliance evaluation may also be used as one of the routine inspections, as long as all requirements of both types of inspections are have been fulfilled.

4.6.11 Recordkeeping and Internal Reporting Procedures. A description of incidents such as spills or other discharges, along with other information describing the quality and quantity of stormwater discharges shall be included in the SWPPP required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the SWPPP.

4.6.12 Certification. All SWPPP must contain a certification per Part 6.10 of this permit and 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.

PART 5 ADDITIONAL CONDITIONS

- 5.1 Water Quality Standards.** The discharge of stormwater associated with industrial activity must be controlled as necessary to meet applicable water quality standards. The Department expects that compliance with the other conditions in this permit will control discharges as necessary to meet applicable water quality standards. If at any time the facility becomes aware or the Department determines that a stormwater discharge causes or contributes to an exceedance of applicable water quality standards, corrective action will be required.
- 5.2 Toxicity Testing Requirements.** The determination as to which facilities will be required to perform toxicity testing will be made on a case-by-case basis based on available information and monitoring data. The permittee will be provided written notice by the Department if toxicity testing is required.
- 5.3 Toxicity Testing Procedure.** Permittees that are required to conduct Whole Effluent Toxicity testing must continue to monitor for acute Whole Effluent Toxicity unless testing is no longer required per the provisions of Part 5.3.3.
- 5.3.1** The permittee shall conduct acute Whole Effluent Toxicity tests on appropriate test organisms in accordance with the provisions in this section. The following tests shall be used:
- Acute 24-hour static toxicity test using *Daphnia pulex*.
 - Acute 24-hour static toxicity test using the fathead minnow (*Pimephales promelas*).
 - All test organisms, procedures and quality assurance criteria used shall be in accordance with Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, EPA600/4-90/027F (August 1993) or the latest update thereof. Tests shall be conducted annually under this general permit. The first test shall be initiated in accordance with the schedule described above. Such tests shall be conducted on a grab sample of the discharge at 100% strength (no dilution). Synthetic (reconstituted) water should be used as control water in all cases, and should be similar to receiving water. (As a general rule, ADEQ advocates using moderately hard water as this approximates most of the water in the State). If 10% or more mortality occurs in the control, the test shall be repeated until the control mortality does not exceed 10%. Results of all tests conducted with any species shall be compiled according to EPA600/4-90/027F, Section 12, Report Preparation, and be retained on-site. Only sections 12.4 (Test Conditions), 12.6 (Quality Assurance) and 12.7 (Results) of the full report shall be submitted to ADEQ with the appropriate Discharge Monitoring Report. The permittee shall also complete and submit the ADEQ Toxicity Summary Report Forms included with the DMR forms and instructions for each monitoring category. A “passing” test is a test in which there is no statistically significant difference between the control mortality and the effluent mortality. A “failing” test is a test in which there is a statistically significant difference between the control mortality and the effluent mortality. The permittee's Discharge Monitoring Reports (DMRs) will report "0" if there is no statistical difference between the control mortality and the effluent mortality, and shall report "1" if a statistical difference exists.
- 5.3.2** If acute Whole Effluent Toxicity (statistically significant difference between the 100% effluent and the control) is detected in stormwater discharges in tests required to be conducted, the permittee shall review the stormwater pollution prevention plan and make appropriate modifications to assist in identifying the source(s) of toxicity and to reduce or eliminate the toxicity of their stormwater discharges. A summary of the review and the resulting modifications shall be documented in the plan.

5.3.3 The facility may request in writing for testing for acute Whole Effluent Toxicity to be deleted as a requirement after passing two (2) consecutive annual testing periods. The Department will provide a decision in writing. If a facility has fails two (2) testing periods (annually), quarterly testing for Acute Whole Effluent Toxicity will be required until the facility has passed two consecutive quarterly tests. After two consecutive quarterly periods in which tests on both toxicity test species have passed, the facility shall resume annual testing. If, during the first year of quarterly testing a facility fails all four quarterly testing periods for Acute Whole Effluent Toxicity, the facility will be required to increase monitoring or improve BMP's and obtain an Individual permit.

PART 6
STANDARD PERMIT CONDITIONS

6.1 Retention of Records.

The operator shall retain records of all stormwater pollution prevention plans, all inspection reports required by this permit, and records of all data used to complete the Notice of Intent to be covered by this permit for a period of at least three years from the date the Notice of Termination letter is signed by the Department. This period may be extended by request of the Director at any time.

6.2 Duty to Comply. The operator must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Water Act and the Arkansas Water and Air Pollution Control Act and is grounds for: enforcement action; permit termination, revocation and re-issuance, or modification; or denial of a permit renewal application.

6.3 Penalties for Violations of Permit Conditions. The Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended) provides that any person who violates any provisions of a permit issued under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year, or a criminal penalty of not more than twenty five thousand dollars (\$25,000) or by both such fine and imprisonment for each day of such violation. Any person who violates any provision of a permit issued under the Act may also be subject to civil penalty in such amount as the court shall find appropriate, not to exceed ten thousand dollars (\$10,000) for each day of such violation. The fact that any such violation may constitute a misdemeanor shall not be a bar to the maintenance of such civil action.

6.4 Continuance of the Expired General Permit. An expired general permit including no exposure certification continues in force and effect until a new general permit is issued. If this permit is not re-issued or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedure Act and remain in force and effect. If permit coverage was granted prior to the expiration date, permit coverage is automatically continued until the earliest of:

- a. Reissuance or replacement of this permit, at which time the operator must comply with the conditions of the new permit to maintain authorization to discharge and, the operator is required to notify the Department of his/her intent to be covered under this permit within 180 days after the effective date of the renewal permit ; or
- b. Submittal of a Notice of Termination; or
- c. Issuance of an individual permit for the facility's discharges; or
- d. A formal permit decision by the ADEQ to not re-issue this general permit, at which time the facility must seek coverage under an individual permit or other alternate permits.

6.5 Need to Halt or Reduce Activity Not a Defense. It shall not be a defense for an operator in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

6.6 Duty to Mitigate. The operator shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has reasonable likelihood of adversely affecting human health or the environment.

6.7 Duty to Provide Information. The operator shall furnish to the Director, an authorized representative of the Director, the EPA, a State or local agency reviewing sediment and erosion plans, grading plans, or stormwater management plans, or in the case of a stormwater discharge associated with industrial activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system, within a reasonable time, any information which is requested to determine compliance with this permit.

6.8 Other Information. When the operator becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Director, he or she shall promptly submit such facts or information.

6.9 Signatory Requirements. All Notices of Intent, reports, or information submitted to the Director or the operator of a regulated small, medium, or large municipal separate storm sewer system shall be signed and certified. All Notices of Intent shall be signed as follows:

6.9.1 For a corporation: by a responsible corporate officer. For purposes of this section, a responsible corporate officer means:

- a. A president, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
- b. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

6.9.2 For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;

6.9.3 For a municipality, State, Federal or other public agency: By either a principal executive or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

- a. The chief executive officer of the agency; or
- b. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

6.9.4 All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- a. The authorization is made in writing by a person described above and submitted to the Director;
- b. The authorization specifies either an individual or a person having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a

well or a well field, superintendent, or position of equivalent responsibility, or position of equivalent responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

- c. Changes to authorization. If an authorization under this Part is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the above requirements must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

6.10 Certification. Any person signing a document under this section shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

6.11 Penalties for Falsification of Reports. The Arkansas Water and Air Pollution Control Act provides that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained under this permit shall be subject to civil penalties and/or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

6.12 Penalties for Tampering. The Arkansas Water and Air Pollution Control act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year or a fine of not more than twenty five thousand dollars (\$25,000) or by both such fine and imprisonment.

6.13 Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties to which the operator is or may be subject under Section 311 of the Clean Water Act or Section 106 of CERCLA.

6.14 Property Rights. The issuance of this permit does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property, any invasion of personal rights, or any infringement of Federal, State, or local laws or regulations.

6.15 Severability. The provisions of this permit are severable. If any provisions of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provisions to other circumstances and the remainder of this permit shall not be affected thereby.

6.16 Transfers. This permit is not transferable to any person except after notice to the Director. A transfer form must be submitted to the ADEQ as required by this permit.

6.17 Proper Operation and Maintenance. The operator shall at all times:

- a. Properly operate and maintain all control (and related appurtenances) which are installed or used by the operator to achieve compliance with the conditions of this permit. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by an operator only when the operation is necessary to achieve compliance with the conditions of the permit.
- b. Provide an adequate operating staff which is duly qualified to carry out operation, inspection, maintenance, and testing functions required to insure compliance with the conditions of this permit.

6.18 Inspection and Entry. The operator shall allow the Director, the EPA, or an authorized representative, or, in the case of a facility which discharges to a municipal separate storm sewer, an authorized representative of the municipal operator of the separate sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the operator's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment).

6.19 Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following;

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to fully disclose all relevant facts;
- c. A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- d. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or
- e. Failure of the operator to comply with the provisions of ADEQ Regulation No. 9 (Fee Regulation). Failure to promptly remit all required fees shall be grounds for the Director to initiate action to terminate this permit under the provisions of 40 CFR 122.64 and 124.5(d), as adopted by reference in ADEQ Regulation No. 6, and the provisions of ADEQ Regulation No. 8.

6.20 Re-Opener Clause. If there is evidence indicating potential or realized impacts on water quality due to any stormwater discharge associated with industrial activity covered by this permit, the operator of such discharge may be required to obtain an individual permit or an alternative general permit in accordance with Part 6.22 of this permit, or the permit may be modified to include different limitations and/or requirements. Permit modification or revocation will be conducted in accordance with the provisions of 40 CFR 122.62, 122.63, 122.64 and 124.5, as adopted by reference in ADEQ Regulation No. 6.

6.21 Local Requirements. All dischargers must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding any discharges of stormwater to storm drain systems or other water sources under their jurisdiction, including applicable requirements in municipal stormwater management programs developed to comply with the ADEQ permits. Dischargers must comply with local stormwater management requirements, policies, or guidelines including erosion and sediment control.

6.22 Requiring an Individual NPDES Permit or an Alternative General Permit.

- a. At the discretion of the Director, he/she may require any operator covered under this general permit to apply for and obtain an individual NPDES permit for reasons that include but are not limited to the following:
 - i. The discharger is a significant contributor of pollution;
 - ii. The discharger is not in compliance with the conditions of the general permit;
 - iii. Conditions or standards have changed so that the discharger no longer qualifies for a general permit;
 - iv. Discharges into 303(d) listed stream segments is prohibited if the impairment was caused by any of the pollutants listed in the permit; and
 - v. If the total maximum daily load (TMDL) requirement is more stringent than this permit then permittee shall apply for an individual permit.
- b. The operator must be notified in writing that an application for an individual permit is required. When an individual NPDES permit is issued to an owner or operator otherwise covered under this general permit, the applicability of the general permit to that owner or operator automatically terminates upon the effective date of the individual NPDES permit.
- c. Any operator covered by this General Permit may request to be excluded from the coverage by applying for an individual NPDES permit.

6.23 Non-compliance Notification.

In the event the Permittee is unable to comply with any of the terms and conditions of this permit that could result in the discharge of pollutants in a significant amount, the Permittee shall:

- a. Take immediate action to minimize potential contamination or otherwise stop the noncompliance and correct the problem;
- b. Immediately notify ADEQ of the failure to comply; and
- c. Submit a detailed written report to ADEQ within thirty [30] days unless ADEQ requests an earlier submission.

The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

PART 7 DEFINITIONS

- 7.1 "**ADEQ**" or "**Department**" is referencing the Arkansas Department of Environmental Quality. The Department is the governing authority for the National Pollutant Discharge Elimination System program in the state of Arkansas.
- 7.2 "**Arkansas Pollution Control and Ecology Commission**" shall be referred to as APCEC throughout this permit.
- 7.3 "**Best Management Practices (BMPs)**" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of Waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- 7.4 "**Coal Pile Runoff**" means the rainfall runoff from or through any coal storage area.
- 7.5 "**Contaminated**" means the presence of or entry into the MS4, Waters of the State, or Waters of the United States of any substance which may be harmful to the public health and/or the quality of the water.
- 7.6 "**Control Measure**" as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to Waters of the State.
- 7.7 "**CWA**" means the Clean Water Act or the Federal Water Pollution Control Act.
- 7.8 "**Director**" means the Director, Arkansas Department of Environmental Quality, or a designated representative.
- 7.9 "**Discharge**" when used without qualification means the "discharge of a pollutant".
- 7.10 "**Eligible**" qualified for authorization to discharge stormwater under this general permit.
- 7.11 "**Impaired Water**" a water body listed in the current, approved Arkansas 303(d) list.
- 7.12 "**Harmful quantity**" means the amount of any substance that will cause pollution of Waters in the State, Waters of the United States, or that will cause lethal or sub-lethal adverse effects on representative, sensitive aquatic monitoring organisms, upon their exposure to samples of any discharge into Waters in the State, Waters of the United States, or the MS4.
- 7.13 "**Land Application Unit**" means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.
- 7.14 "**Landfill**" means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.
- 7.15 "**Large and Medium Municipal Separate Storm Sewer System**" means all municipal separate storm sewer systems that are either:
- a. Located in an incorporated place with a population of 100,000 or more as determined by the 1990 Decennial Census by the Bureau of the Census (Appendix F of 40 CFR Part 122.26); or
 - b. Located in the counties listed in Appendix H of 40 CFR 122.26, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties; or

- c. Owned or operated by a municipality other than those described in paragraph (b)(4) (i) or (ii) of 40 CFR 122.26 and that are designated by the Director as part of the large or medium municipal separate storm sewer system due to the interrelationship between the discharges of the designated storm sewer and the discharges from municipal separate storm sewers described under paragraph (b)(4)(i) or (ii) of 40 CFR 122.26.

7.16 "**NOI**" means Notice of Intent to be covered by this permit.

7.17 "**NOT**" means Notice of Termination.

7.18 "**Operator**" for the purpose of this permit and in the context of stormwater associated with industrial activity, means any person (an individual, association, partnership, corporation, municipality, state or federal agency) who has the primary management and ultimate decision-making responsibility over the operation of a facility or activity. The operator is responsible for ensuring compliance with all applicable environmental regulations and conditions.

7.19 "**Outfall**" means a point source where stormwater leaves the site.

7.20 "**Physically Interconnected**" means that one municipal separate storm sewer system is connected to a second municipal separate storm sewer system in such a way that it allows for direct discharges into the second system.

7.21 "**Point Source**" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

7.22 "**Small Municipal Separate Storm Sewer System**" means all municipal separate storm sewer systems that are either:

- a. Owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to Waters of the United States.
- b. Not defined as "large" or "medium" municipal separate storm sewer systems pursuant to paragraphs (b)(4) and (b)(7) 40 CFR 122.26, or designated under paragraph (a)(1)(v) of 40 CFR 122.26.
- c. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

7.23 "**Runoff Coefficient**" means the fraction of total rainfall that will appear at the conveyance as runoff.

7.24 "**Significant Materials**" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of CERCLA; any chemical the facility is required to report pursuant to Section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.

- 7.25 "**Significant Spills**" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (see 40 CFR 110.10 and 40 CFR 117.21) or Section 102 of CERCLA (see 40 CFR 302.4).
- 7.26 "**Stormwater**" means stormwater runoff, snow melt runoff, and surface runoff and drainage.
- 7.27 "**Stormwater Associated with Industrial Activity**" means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program. For the categories of industries identified in subparagraphs (i) through (xi) of this definition, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product, or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described, regulated areas. Industrial facilities (including industrial facilities that are Federally, State or municipally owned or operated that meet the description of the facilities listed in paragraphs (i) - (xi)) include those facilities designated under 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this subsection:
- (i) Facilities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (xi) of this paragraph; "Note that the phrase 'toxic pollutant effluent standards' refers to standards codified at 40 CFR 129 which applies only to manufacturers of 6 specific pesticide products that are defined as toxic pollutants. The phrase does not apply to facilities subject to effluent limitation guidelines for toxics under 40 CFR Subchapter N.")
 - (ii) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373;
 - (iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations meeting the definition of a reclamation area under 40 CFR 434.11(l)) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge stormwater contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, by-products, or waste products located on the site of such operations; inactive mining operations are mining sites that are not being actively mined, but which have an identifiable Operator;
 - (iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;
 - (v) Landfills, land application sites, and open dumps that have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to Subtitle D of RCRA;

- (vi) Facilities involved in the recycling of materials, including junkyards, battery reclaimers, salvage yards, and automobile junkyards, including but not limited to those classified as Standard Industrial Classification 5015 and 5093;
- (vii) Steam electric power generating facilities, including coal handling sites;
- (viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-4225), 43, 44, 45 and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (i) - (vii) or (ix) - (xi) of this subsection are associated with industrial activity;
- (ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 MGD or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens, or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with 40 CFR 405.
- (x) Construction activity including clearing, grading and excavation, except operations that result in the disturbance of less than five acres of total land area. Construction activity also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more;
- (xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285,30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221 -4225.

7.28 "Stormwater Pollution Prevention Plan (SWPPP or SWP3)" a plan that includes site map(s), an identification of facility, activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants (BMPs).

7.29 "Total Maximum Daily Load" or "TMDL" the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for non-point sources and natural background. If receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any non-point sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure.

7.30 "Uncontaminated" means that the water will not exceed the water quality standards as set forth in APCEC Regulation 2; also not containing a harmful quantity of any substance.

7.31 "Urbanized Area" means the areas of urban population density delineated by the Bureau of the Census for statistical purposes and generally consisting of the land area comprising one or more central place(s) and the adjacent densely settled surrounding area that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile as determined by the latest Decennial Census by the Bureau of Census.

7.32 "Waste Pile" means any non-containerized accumulation of solid, non-flowing waste that is used for treatment or storage.

7.33 **"10-year, 24-hour Precipitation Event"** means the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40", May 1961 and "NOAA Atlas 2", 1973 for the 11 Western States, and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U. S. Department of Commerce.