

ADEQ

ARKANSAS
Department of Environmental Quality

JUN 28 2019

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (9489 0090 0027 6060 6332 77)

Jon F. Honeywell
City of Little Rock
701 West Markham Street
Little Rock, AR 72201

RE: Discharge Permit Number ARS000002, AFIN 60-00408

Dear Mr. Honeywell:

Enclosed are the public notice, a copy of the draft permit, and Fact Sheet which the Arkansas Department of Environmental Quality (ADEQ) has prepared and mailed to you on the above date under the authority of the National Pollutant Discharge Elimination System (NPDES) and the Arkansas Water and Air Pollution Control Act. A copy of the final permit will be mailed to you when the Department has made a final permitting decision.

In accordance with Reg. 8.207, the enclosed public notice will be or has been published by ADEQ in a newspaper of general circulation of your facility for one (1) day only. An invoice for the cost of publishing the public notice and proof of publication will be sent to you by the advertising newspaper. The permittee must send proof of publication and proof of payment to the address at the bottom of this letter as soon as possible but no later than 30 days from the above date. Until this Department receives proof of publication of the public notice and payment of all permit fees, no further action will be taken on the issuance of your discharge permit.

For a list of changes, please see Section 5 of the enclosed Fact Sheet. Comments must be received at ADEQ prior to the close of the public comment period as described in the enclosed public notice. Once a final permit is issued by the Director and becomes effective, the permittee must comply with all terms and conditions of the permit, or be subject to enforcement actions for any instances of noncompliance during the duration of the permit, usually five (5) years. Consequently, it is imperative that you, as the applicant, thoroughly review the enclosed documentation for accuracy, applicability, and your ability to comply with all conditions therein.

Should you have any questions concerning any part of the draft permit, please contact Terry Liu at (501) 682-0653.

Sincerely,



Caleb J. Osborne
Associate Director, Office of Water Quality

CJO:tl

Enclosure

ADEQ

ARKANSAS
Department of Environmental Quality

JUN 28 2019

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (9489 0090 0027 6060 6332 84)

Mark Headley
Arkansas Department of Transportation
8900 Mabelvale Pike
Little Rock, AR 72219

RE: Discharge Permit Number ARS000002, AFIN 60-00408

Dear Mr. Headley:

Enclosed are the public notice, a copy of the draft permit, and Fact Sheet which the Arkansas Department of Environmental Quality (ADEQ) has prepared and mailed to you on the above date under the authority of the National Pollutant Discharge Elimination System (NPDES) and the Arkansas Water and Air Pollution Control Act. A copy of the final permit will be mailed to you when the Department has made a final permitting decision.

In accordance with Reg. 8.207, the enclosed public notice will be or has been published by ADEQ in a newspaper of general circulation of your facility for one (1) day only. An invoice for the cost of publishing the public notice and proof of publication will be sent to you by the advertising newspaper. The permittee must send proof of publication and proof of payment to the address at the bottom of this letter as soon as possible but no later than 30 days from the above date. Until this Department receives proof of publication of the public notice and payment of all permit fees, no further action will be taken on the issuance of your discharge permit.

For a list of changes, please see Section 5 of the enclosed Fact Sheet. Comments must be received at ADEQ prior to the close of the public comment period as described in the enclosed public notice. Once a final permit is issued by the Director and becomes effective, the permittee must comply with all terms and conditions of the permit, or be subject to enforcement actions for any instances of noncompliance during the duration of the permit, usually five (5) years. Consequently, it is imperative that you, as the applicant, thoroughly review the enclosed documentation for accuracy, applicability, and your ability to comply with all conditions therein.

Should you have any questions concerning any part of the draft permit, please contact Terry Liu at (501) 682-0653.

Sincerely,



Caleb J. Osborne
Associate Director, Office of Water Quality

CJO: tl

Enclosure

PUBLIC NOTICE OF DRAFT DISCHARGE PERMIT
PERMIT NUMBER ARS000002, AFIN 60-00408

In accordance with Ark. Code Ann. § 8-4-203(e), the Arkansas Department of Environmental Quality (ADEQ), Office of Water Quality, gives the following notice:

The City of Little Rock and Arkansas Department of Transportation operate within the City of Little Rock in Pulaski County. The facility is currently permitted to discharge storm water runoff into various tributaries, thence to the Arkansas River in Segment 3C of the Arkansas River Basin. City of Little Rock and Arkansas Department of Transportation submitted an application on September 14, 2016 for the renewal of NPDES Permit No. ARS000002. The application has been reviewed by the ADEQ's Office of Water Quality and has received tentative approval subject to the terms of this notice.

Citizens wishing to examine or obtain copies of the permit application, the draft permitting decision, or the Fact Sheet may do so at the ADEQ headquarters located at 5301 Northshore Drive, North Little Rock, AR 72118-5317. To request a hard copy of one or more of the documents to be mailed, please call (501) 682-0623. For those with Internet access, a copy of the proposed draft permit as well as the publication date may be found on the ADEQ's website at: https://www.adeq.state.ar.us/water/permits/drafts_pn.aspx

Comments on the draft renewal will be accepted in accordance with Arkansas Pollution Control and Ecology Commission Reg. 8.208. ADEQ's contact person for submitting written comments on the draft permit, or requesting a public hearing on the draft permit, is Terry Liu at the above address and telephone number or by email at Water-Draft-Permit-Comment@adeq.state.ar.us.

The period for submitting comments on the draft permit and for requesting a public hearing shall begin on the date of publication of the public notice and end at 4:30 P.M. (Central Time) on the 30th day after the publication date. If the last day of the comment period is a Saturday, Sunday, or legal holiday, the public comment period shall expire on the next day that is not a Saturday, Sunday, or legal holiday. For information regarding the actual publication date along with the actual date and time the comment period will end, please contact Terry Liu at the above address and telephone number or by email at Water-Draft-Permit-Comment@adeq.state.ar.us. Public notice, comments, and hearings will be conducted in accordance with Regulation 6.104(A)(5) [40 CFR Parts 124.10 through 124.12 by reference] and Regulation 8.207 through 8.210 (Administrative Procedures). All persons, including the permittee, who wish to comment on ADEQ's draft permitting decision must submit written comments to ADEQ, along with their name and mailing address. A Public Hearing will be held when ADEQ finds a significant degree of public interest. After the public comment period, ADEQ will issue a final permitting decision. ADEQ will notify the applicant and each person who has submitted written comments or requested notice of the final permitting decision. Any interested person who has submitted comments may appeal a final decision by ADEQ in accordance with the APC&EC Regulation No. 8.603.

AUTHORIZATION TO DISCHARGE 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.),

City of Little Rock
701 West Markham
Little Rock, AR 72201

Arkansas Department of Transportation
P.O. Box 2261
Little Rock, AR 72203

are authorized to discharge

From all portions of the municipal separate storm sewer system (MS4) within the city boundaries of Little Rock, Arkansas, and owned or operated by any co-permittee listed above.

to receiving waters named:

various tributaries, thence to the Arkansas River in segment 3C of the Arkansas River Basin.

The representative outfalls for sampling purposes are located at the following coordinates:

Outfall 001: Latitude: 34° 44' 40"; Longitude: 92° 20' 35"

Outfall 002: Latitude: 34° 43' 23"; Longitude: 92° 21' 38"

Outfall 003: Latitude: 34° 45' 11"; Longitude: 92° 25' 54"

Outfall 005: Latitude: 34° 44' 03"; Longitude: 92° 14' 51"

Outfall 006: Latitude: 34° 42' 03"; Longitude: 92° 15' 33"

in accordance with monitoring requirements and other conditions set forth in this permit.

Effective Date:

Expiration Date:

Caleb J. Osborne
Associate Director, Office of Water Quality
Arkansas Department of Environmental Quality

Issue Date

PART 1
 PERMIT REQUIREMENTS

SECTION A: PARAMETERS AND MONITORING REQUIREMENTS: OUTFALL 001- stormwater runoff

During the period beginning on the effective date and lasting through date of expiration, the co-permittees shall monitor discharges from outfall serial number 001. Such discharges shall be monitored by the co-permittees as specified below:

Parameters	Limitations		Monitoring Requirement	
	Average	Maximum	Sample Type	Monitoring Frequency
Flow (MGD)	REPORT	REPORT	Calculated ²	Quarterly ¹
Biochemical Oxygen Demand (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Suspended Solids (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Dissolved Solids (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Nitrate+Nitrite Nitrogen (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Dissolved Phosphorus (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Oil & Grease (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Cadmium (ug/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Copper (ug/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Lead (ug/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Zinc (ug/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Silver (ug/l)	REPORT	REPORT	Grab	Quarterly ¹
Hardness (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
E. Coli Bacteria (colonies/100 ml)	REPORT	REPORT	Grab	Quarterly ¹
pH (s.u.)	6.0 Minimum	9.0 Maximum	Grab	Quarterly ¹

1 Quarterly Monitoring periods are June 1-August 31, September 1-November 30, December 1-February 28, and March 1-May 31.

2 Calculate Flow: the flow is calculated using the cross sectional area multiplied by the velocity of the water.

 Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at outfall 001 (monitoring location at University Ave. and I-630).

PART I
 PERMIT REQUIREMENTS

SECTION A: PARAMETERS AND MONITORING REQUIREMENTS: OUTFALL 002- stormwater runoff

During the period beginning on the effective date and lasting through date of expiration, the co-permittees shall monitor discharges from outfall serial number 002. Such discharges shall be monitored by the co-permittees as specified below:

Parameters	Limitations		Monitoring Requirement	
	Average	Maximum	Sample Type	Monitoring Frequency
Flow (MGD)	REPORT	REPORT	Calculated ²	Quarterly ¹
Biochemical Oxygen Demand (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Suspended Solids (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Dissolved Solids (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Nitrate+Nitrite Nitrogen (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Dissolved Phosphorus (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Oil & Grease (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Cadmium (ug/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Copper (ug/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Lead (ug/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Zinc (ug/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Silver (ug/l)	REPORT	REPORT	Grab	Quarterly ¹
Hardness (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
E. Coli Bacteria (colonies/100 ml)	REPORT	REPORT	Grab	Quarterly ¹
pH (s.u.)	6.0 Minimum	9.0 Maximum	Grab	Quarterly ¹

¹ Quarterly Monitoring periods are June 1-August 31, September 1-November 30, December 1-February 28, and March 1-May 31.

² Calculate Flow: the flow is calculated using the cross sectional area multiplied by the velocity of the water.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at outfall 002 (monitoring location at 33rd Street and Whitfield Street).

PART I
 PERMIT REQUIREMENTS

SECTION A: PARAMETERS AND MONITORING REQUIREMENTS: OUTFALL 003- stormwater runoff

During the period beginning on the effective date and lasting through date of expiration, the co-permittees shall monitor discharges from outfall serial number 003. Such discharges shall be monitored by the co-permittees as specified below:

Parameters	Limitations		Monitoring Requirement	
	Average	Maximum	Sample Type	Monitoring Frequency
Flow (MGD)	REPORT	REPORT	Calculated ²	Quarterly ¹
Biochemical Oxygen Demand (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Suspended Solids (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Dissolved Solids (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Nitrate+Nitrite Nitrogen (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Dissolved Phosphorus (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Oil & Grease (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Cadmium (ug/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Copper (ug/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Lead (ug/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Zinc (ug/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Silver (ug/l)	REPORT	REPORT	Grab	Quarterly ¹
Hardness (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
E. Coli Bacteria (colonies/100 ml)	REPORT	REPORT	Grab	Quarterly ¹
pH (s.u.)	6.0 Minimum	9.0 Maximum	Grab	Quarterly ¹

¹ Quarterly Monitoring periods are June 1-August 31, September 1-November 30, December 1-February 28, and March 1-May 31.

² Calculate Flow: the flow is calculated using the cross sectional area multiplied by the velocity of the water.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at the outfall 003 (monitoring location at Chenal Parkway and Oak Meadow Dr.).

PART I
 PERMIT REQUIREMENTS

SECTION A: PARAMETERS AND MONITORING REQUIREMENTS: OUTFALL 005- stormwater runoff

During the period beginning on the effective date and lasting through date of expiration, the co-permittees shall monitor discharges from outfall serial number 005. Such discharges shall be limited and monitored by the co-permittees as specified below:

Parameters	Limitations		Monitoring Requirement	
	Average	Maximum	Sample Type	Monitoring Frequency
Flow (MGD)	REPORT	REPORT	Calculated ²	Quarterly ¹
Biochemical Oxygen Demand (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Suspended Solids (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Dissolved Solids (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Nitrate+Nitrite Nitrogen (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Dissolved Phosphorus (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Oil & Grease (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Cadmium (ug/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Copper (ug/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Lead (ug/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Zinc (ug/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Silver (ug/l)	REPORT	REPORT	Grab	Quarterly ¹
Hardness (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
E. Coli Bacteria (colonies/100 ml)	REPORT	REPORT	Grab	Quarterly ¹
pH (s.u.)	6.0 Minimum	9.0 Maximum	Grab	Quarterly ¹

1 Quarterly Monitoring periods are June 1-August 31, September 1-November 30, December 1-February 28, and March 1-May 31.

2 Calculate Flow: the flow is calculated using the cross sectional area multiplied by the velocity of the water.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at the outfall 005 (monitoring location at 14th Street and Bond Street).

PART I
 PERMIT REQUIREMENTS

SECTION A: PARAMETERS AND MONITORING REQUIREMENTS: OUTFALL 006- stormwater runoff

During the period beginning on the effective date and lasting through date of expiration, the co-permittees shall monitor discharges from outfall serial number 006. Such discharges shall be limited and monitored by the co-permittees as specified below:

Parameters	Limitations		Monitoring Requirement	
	Average	Maximum	Sample Type	Monitoring Frequency
Flow (MGD)	REPORT	REPORT	Calculated ²	Quarterly ¹
Biochemical Oxygen Demand (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Suspended Solids (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Dissolved Solids (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Nitrate+Nitrite Nitrogen (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Dissolved Phosphorus (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Oil & Grease (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Cadmium (ug/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Copper (ug/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Lead (ug/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Zinc (ug/l)	REPORT	REPORT	Grab	Quarterly ¹
Total Silver (ug/l)	REPORT	REPORT	Grab	Quarterly ¹
Hardness (mg/l)	REPORT	REPORT	Grab	Quarterly ¹
E. Coli Bacteria (colonies/100 ml)	REPORT	REPORT	Grab	Quarterly ¹
pH (s.u.)	6.0 Minimum	9.0 Maximum	Grab	Quarterly ¹

¹ Quarterly Monitoring periods are June 1-August 31, September 1-November 30, December 1-February 28, and March 1-May 31.

² Calculate Flow: the flow is calculated using the cross sectional area multiplied by the velocity of the water.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at the outfall 006 (monitoring location at Gillam Park Road).

Part 2
Schedule of Compliance

The co-permittees must review and revise the SWQMP sections regarding construction site runoff, public education, and industrial runoff to meet the new requirements of the permit. The co-permittees shall submit to ADEQ their suggested revisions to the SWQMP within eighteen (18) months following the effective date of the permit. The co-permittees have up to the duration of this permit to implement new policies and ordinances as outlined in the approved SWQMP.

All information required by this compliance schedule shall be submitted to the Department within the time period specified above. Reports must be submitted to the following address:

Arkansas Department of Environmental Quality
Enforcement Branch, Office of Water Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317
water-enforcement-report@adeq.state.ar.us

Part 3

General Conditions

3.1 Duty to Comply

The co-permittees 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; for permit termination, revocation and re-issuance, or modification; or for denial of a permit renewal application. **Any values reported in the required Discharge Monitoring Report which are in excess of an effluent limitation specified in Part 1 shall constitute evidence of violation of such effluent limitation and of this permit.**

3.2 Penalties for Violations of Permit Conditions

The Arkansas Water and Air Pollution Control Act 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 fine 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.

3.3 Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to the following:

- 3.3.1 Violation of any terms or conditions of this permit; or
- 3.3.2 Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- 3.3.3 A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
- 3.3.4 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.
- 3.3.5 Failure of the co-permittees to comply with the provisions of APCEC Regulation No. 9 (Permit fees) as required by condition 3.9 herein.

The filing of a request by the co-permittees for a permit modification, revocation and re-issuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

3.4 Toxic Pollutants

Notwithstanding Part 3.3, if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Regulation No. 2, as amended, (regulation establishing water quality standards for surface waters of the State of Arkansas) or

Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitations on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standards or prohibition and the co-permittees so notified.

The co-permittees shall comply with effluent standards, narrative criteria, or prohibitions established under Regulation No. 2 (Arkansas Water Quality Standards), as amended, or Section 307 (a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

3.5 **Civil and Criminal Liability**

Nothing in this permit shall be construed to relieve the co-permittees from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of this permit or applicable state and federal statutes or regulations which defeats the regulatory purposes of the permit may subject the co-permittees to criminal enforcement pursuant to the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

3.6 **Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the co-permittees from any responsibilities, liabilities, or penalties to which the co-permittees are or may be subject under Section 311 of the Clean Water Act.

3.7 **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 exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

3.8 **Severability**

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

3.9 **Permit Fees**

The co-permittees shall comply with all applicable permit fee requirements for stormwater discharge permits as described in APCEC Regulation No. 9 (Regulation for the Fee System for Environmental Permits). 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 in APCEC Regulation No. 6 and the provisions of APCEC Regulation No. 8.

3.10 **Removed Substances**

Solids or other pollutants removed by stormwater controls shall be disposed of in a manner such as to prevent any pollutant from such materials from entering the waters of the state. Disposal must be in accordance with the stormwater quality management program.

3.11 **Applicable Federal, State & Local Requirements**

Permittees are responsible for compliance with all applicable terms and conditions of this permit. Receipt of this permit does not relieve any operator of the responsibility to comply with any other applicable federal such as endangered species, state or local statute, ordinance or regulation.

3.13 **Reopen Permit**

Pursuant to 40 C.F.R. §§ 122.62, 122.64, and 124.5, this permit may be reopened for modification or revocation and/or reissuance.

3.14 **Duty to Mitigate**

The permittee must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

3.15 **Local, State, and Federal Laws**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the co-permittees from any responsibilities, liabilities, or penalties established pursuant to any applicable local, state, or federal law or regulation, or any applicable State Law or regulation under authority preserved by section 510 of the Act.

No condition of this permit releases the co-permittees from any responsibility or requirements under other environmental statutes or regulations.

3.16 **Proper Operation and Maintenance**

The co-permittees must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of this permit and with the conditions of the permittee's stormwater management program. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed only when the operation is necessary to achieve compliance with

the conditions of the permit.

3.17 **Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for a co-permittee 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.

3.18 **Other Information**

If a co-permittee becomes aware of a failure to submit any relevant facts in the permit application or that incorrect information was submitted in the permit application or in any other report to the permitting authority, the co-permittee must promptly submit such facts or information.

DRAFT

Part 4 Monitoring and Records

4.1 Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Director. Intermittent discharges shall be monitored.

4.2 Calculated Flow Measurement

Appropriate flow measurement devices and/or methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be calibrated and maintained to ensure the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than +/- 10% from true discharge rates throughout the range of expected discharge volumes and shall be installed at the monitoring point of the discharge. The devices and/or methods used to measure the flow must be included in detail in the permittee's Management Plan.

4.3 Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. The co-permittees shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals frequent enough to ensure accuracy of measurements and shall ensure that both calibration and maintenance activities will be conducted. An adequate analytical quality control program, including the analysis of sufficient standards, spikes, and duplicate samples to ensure the accuracy of all required analytical results shall be maintained by the co-permittees or designated commercial laboratory. At a minimum, spikes and duplicate samples are to be analyzed on 10% of the samples.

4.4 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 ten thousand dollars (\$10,000) or by both such fine and imprisonment.

4.5 **Reporting of Monitoring Results**

40 CFR 127.11 (a)(1) and 40 CFR 127.16 (a) require that monitoring reports must be reported on a Discharge Monitoring Reports (DMR) and filed electronically. Signatory Authorities must initially request access for a NetDMR account. Once a NetDMR account is established, access to electronic filing should use the following link <https://cdx.epa.gov>. Permittees who are unable to file electronically may request a waiver from the Director in accordance with 40 CFR 127.15. Monitoring results obtained during the previous monitoring period shall be summarized and reported on a DMR dated and submitted no later than the 25th day of the month, following the completed reporting period beginning on the effective date of the permit.

4.6 **Additional Monitoring by the Co-permittees**

If the co-permittees monitor any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated on the DMR.

4.7 **Retention of Records**

The co-permittees shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart 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 for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

4.8 **Record Contents**

Records and monitoring information shall include:

- 4.8.1 The date, exact place, time and methods of sampling or measurements, and preservatives used, if any;
- 4.8.2 The individuals(s) who performed the sampling or measurements;
- 4.8.3 The date(s) analyses were formed;
- 4.8.4 The individual(s) who performed the analyses;
- 4.8.5 The analytical techniques or methods used; and
- 4.8.6 The measurements and results of such analyses.

4.9 **Inspection and Entry**

The co-permittees shall allow the Director, or an authorized representative, upon the presentation of

credentials and other documents as may be required by law, to:

- 4.9.1. Enter upon the co-permittees' premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- 4.9.2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- 4.9.3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, and
- 4.9.4. Sample, inspect or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

Part 5 Reporting Requirements

5.1 Anticipated Noncompliance

The co-permittees shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

5.2 Transfers

The permit is nontransferable to any person except after notice to the Director. The Director may require modification or revocation and re-issuance of the permit to change the name of the co-permittees and incorporate such other requirements as may be necessary under the Act.

5.3 Monitoring Reports

Monitoring results shall be reported at the intervals and in the form specified in Part 4.5 (Reporting). **Discharge Monitoring Reports must be submitted even when no discharge occurs during the reporting period.**

5.4 Twenty-four Hour Report

5.4.1 The co-permittees shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the co-permittees becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the co-permittees becomes aware of the circumstances. The written submission shall contain the following information:

- 5.4.1.1 a description of the noncompliance and its cause;
- 5.4.1.2 the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- 5.4.1.3 steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.

5.4.2 The following shall be included as information which must be reported within 24 hours: Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part I of the permit to be reported within 24 hours.

5.4.3 The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

5.5 Other Noncompliance

The co-permittees shall report all instances of noncompliance not reported under Part 5.3 and 5.4 at the time monitoring reports are submitted. The reports shall contain the information listed at Part 5.4.

5.6 **Duty to Provide Information**

The co-permittees shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The co-permittees shall also furnish to the Director, upon request, copies of records required to be kept by this permit. Information shall be submitted in the form, manner and time frame requested by the Director.

5.7 **Duty to reapply**

If the co-permittees wish to continue an activity regulated by this permit after the expiration date of this permit, the co-permittees must apply for and obtain a new permit. The complete application shall be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated in APCEC Regulation No. 6.

5.8 **Signatory Requirements**

All applications, reports or information submitted to the Director shall be signed and certified.

5.8.1 All permit applications shall be signed as follows:

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

5.8.1.1 The chief executive officer of the agency, or

5.8.1.2 A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

5.8.2 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:

5.8.2.1 The authorization is made in writing by a person described above.

5.8.2.2 The authorization specified either an individual or a position 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. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

5.8.2.3 The written authorization is submitted to the Director.

5.8.3 Changes to Authorization. If an authorization is no longer accurate because a different operator has the responsibility for the overall operation of the MS4, a new authorization satisfying the requirement of Part 5.8.2 above must be completed prior to or together with any reports, information, or notices of intent to be signed by an authorized representative.

5.8.4 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.”

5.9 **Availability of Reports**

Except for data determined to be confidential under 40 CFR Part 2 and Regulation 6, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department of Environmental Quality. As required by the Regulations, the name and address of any permit applicant or co-permittee, permit applications, permits and effluent data shall not be considered confidential.

5.10 **Penalties for Falsification of Reports**

The Arkansas Air and Water 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 specified in Part 3.2 and/or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

Part 6 Other Conditions

- 6.1 Pollution Prevention Requirements - The co-permittees shall develop, implement, and maintain a Stormwater Quality Management Program (SWQMP) and incorporate the following pollution prevention measures (PPMs):
- 6.1.1 The co-permittees shall ensure the establishment or availability of a program to collect used motor vehicle fluids for recycling or proper disposal. The program will identify locations where used vehicle fluids may be taken for recycling or disposal in accordance with state requirements. The City of Little Rock will publicize materials which can be recycled or disposed, times available to the public for using the facilities, and locations. The annual report shall include the amount of materials collected (weight or volume), the amount of money used for advertising, the method of advertising used to inform the public, and the overall cost of the program.
 - 6.1.2 The City of Little Rock shall ensure the establishment or availability of a program to collect household hazardous waste materials for recycling, reuse, or proper disposal. The amount of materials collected (weight or volume), the amount of money used for advertising, the method of advertising used to inform the public, and the overall cost of the program will be included in the annual report.
 - 6.1.3 Each co-permittee shall ensure the establishment of a program, including structural controls where determined by the co-permittees to be necessary, to reduce the discharge of floatables to the maximum extent practicable (MEP). The City of Little Rock shall implement a public education and outreach program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies. The program shall include more than one mechanism and target at least three different stormwater themes or messages annually. The stormwater public education and outreach program shall reach at least 50 percent of the population over of the permit term.
- 6.2 SWQMP System-Wide Requirements. The co-permittees shall operate a SWQMP in accordance with Section 402 (p)(3)(B) of the Clean Water Act, the Stormwater Regulations (40 CFR Part 122.26) and the approved SWQMPs submitted by the co-permittees. Controls and activities identified in the SWQMPs shall clearly identify areas of applicability on a system, jurisdiction, or specific area basis. The SWQMP shall include controls necessary to reduce the discharge of pollutants from the MS4 to the Maximum Extent Practicable (MEP) and protect water quality. Controls may consist of a combination of best management practices, control techniques, system design and engineering methods, and such other provisions as the co-permittees or the State determines appropriate. The SWQMP shall be updated as necessary to ensure conformance with this statutory requirement of Clean Water Act 402 (p)(3)(B). The SWQMP, and all approved updates, are hereby incorporated by reference and shall be implemented in a manner consistent with the following requirements:
- 6.2.1 Structural Controls: Each co-permittee shall operate and maintain any stormwater structural controls over which it has jurisdiction, in a manner so as to reduce the discharge of pollutants to the MEP. The co-permittees shall inspect the drainage system by the following schedule:

- 6.2.1.1 Arkansas Department of Transportation will inspect the drainage system for which it is responsible at least once/month. The inspections should include a schedule of maintenance for correcting deficiencies in the system.
- 6.2.1.2 The City of Little Rock will inspect 20 percent of the drainage system each year. The drainage system consists of curb and guttering, piping, and open ditches in the City of Little Rock right-of-way and public easements. Areas with recurring drainage problems shall be inspected more frequently. The City of Little Rock will also maintain and clean the ponds along Coleman Creek and within War Memorial Park. These ponds should be inspected twice per year.
- 6.2.2 Areas of New Development: Each co-permittee shall utilize a comprehensive master planning process to develop, implement, and enforce controls which will reduce, to the MEP, the discharge of pollutants from areas of new development and significant redevelopment after construction is completed. The City of Little Rock will require permanent controls, as required by the Little Rock Code of Ordinances, to be implemented at newly developed areas to control the increased volume of water that will be discharged.
- The City of Little Rock shall notify construction sites disturbing (clearing, grading, or other construction activities) 1 or more acres within their MS4 boundary of the requirement to contact the Arkansas Department of Environmental Quality (ADEQ), Office of Water Quality, about the stormwater regulations and how to obtain coverage under NPDES Construction Stormwater General Permit (ARR150000). The City of Little Rock shall also notify sites of the need to develop a Stormwater Pollution Prevention Plan (SWPPP) and to install and maintain erosion and sediment control for the site prior to the start of construction. The City of Little Rock shall also notify sites that are 5 acres or greater within their MS4 boundary of the requirement that they must submit a Notice of Intent (NOI), permit fee, and SWPPP to the Arkansas Department of Environmental Quality to obtain coverage under NPDES Construction Stormwater General Permit prior to the start of construction.
- 6.2.3 Roadways: Each co-permittee shall operate and maintain public streets, roads, and highways for which they are responsible in a manner so as to reduce, to the Maximum Extent Practicable (MEP), the discharge of pollutants. The Arkansas Department of Transportation will sweep all State Highway routes within the City of Little Rock on which curbs and barrier walls are provided once per month. The City of Little Rock will sweep the Central Business District three times a week, one hundred fifty (150) miles of arterial street on which curbs and barrier walls are provided once per week, and the balance of the arterial streets on a monthly basis. Each co-permittee will keep records which will include the number of sweeper units used, amount of debris collected (weight or volume), and problem areas which contribute the highest volume of debris. The annual report shall contain the above information.
- 6.2.4 Flood Control Projects: Each co-permittee shall ensure any flood control project it undertakes assesses, and minimizes to the MEP, the impacts on water quality of receiving waters. All flood control projects will be reviewed by the City of Little Rock. The annual report shall contain a summary of any flood control projects that were reviewed during the reporting period.
- 6.2.5 Pesticide, Herbicide, and Fertilizer Application: The co-permittees shall implement BMPs to

reduce to the maximum extent practicable pollutants in discharges from the co-permittees' respective municipal separate storm sewers associated with the application, storage and disposal of pesticides, herbicides and fertilizer. Such BMPs shall include, at a minimum: (1) educational activities, permits, certifications and other measures for municipal applicators and distributors; (2) integrated pest management measures that rely on non-chemical solutions; (3) the use of native vegetation; (4) schedules for irrigation and chemical application; and (5) the collection and proper disposal of unused pesticides, herbicides, and fertilizers. All commercial applicators of pesticides, herbicides, and fertilizers under contract with each co-permittee within the City of Little Rock must be licensed by the Arkansas State Plant Board. The proper utilization of pesticides, herbicides and fertilizers is addressed in the City of Little Rock Vegetative Management Plan. The annual report shall contain a summary of any activities associated with pesticide, herbicide and fertilizer application.

6.2.6 Illicit Discharges and Improper Disposal: The City of Little Rock shall implement an ongoing program to detect and remove illicit discharges and improper disposal into the storm sewer. The City of Little Rock will continue to monitor for dry weather flows. The type of monitoring and findings shall be included in the annual report submitted to the Department.

6.2.6.1 The following categories of non-stormwater discharges are not prohibited unless the City of Little Rock or the Department identifies the discharge category as a significant source of pollutants to Waters of the State. For such a discharge category, the City of Little Rock shall either prohibit the discharge category or develop and implement appropriate control measures to reduce the discharge of pollutants to the Maximum Extent Practicable (MEP) and report to the Department.

- a. water line flushing;
- b. landscape irrigation;
- c. diverted stream flows;
- d. rising ground waters;
- e. uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)) to separate storm sewers;
- f. uncontaminated pumped ground water;
- g. discharges from potable water sources;
- h. foundation drains;
- i. air conditioning condensate;
- j. irrigation water;
- k. springs;
- l. water from crawl space pumps;
- m. footing drains;
- n. lawn watering;
- o. individual residential car washing;
- p. flows from riparian habitats and wetlands;
- q. dechlorinated swimming pool discharges;
- r. street wash waters;
- s. Unless otherwise permitted or regulated by ADEQ, discharges of gray water from municipal splash pads (also known as spray ponds or spray grounds), provided the discharges comply with all applicable municipal or county ordinances enacted or

pursuant to law. Discharges from recirculating systems shall be dechlorinated prior to discharge.

Emergency fire-fighting flows (i.e., flows necessary for the protection of life or property) do not require BMPs. Each co-permittee shall address discharges or flows from fire-fighting only where such discharges or flows are identified as significant sources of pollutants to waters of the United States.

6.2.6.2 The co-permittees shall effectively prohibit illicit discharges not otherwise allowed pursuant to **Section 6.2.6.1** (non-stormwater).

- a. The City of Little Rock shall require the operator of the sanitary sewer system to eliminate unpermitted discharges of dry and wet weather overflows from sanitary sewers into the MS4.
- b. The City of Little Rock shall require the operator of the sanitary sewer system to limit the infiltration from sanitary sewers into the MS4.
- c. The City of Little Rock shall prohibit the discharge of all used motor vehicle fluids and household hazardous waste into separate storm sewers.

6.2.6.3 The annual report shall include a list of illicit discharges that were found during the reporting period. This list shall include the following information at a minimum:

- a. the number of discharges;
- b. the nature of the discharge; and
- c. the outcome

6.2.7 Spill Prevention and Response: Each co-permittee shall implement a program to prevent, contain, and respond to spills that may discharge into the MS4. The co-permittees will have supervisory personnel trained for methods of containing spills. The Arkansas Department of Environmental Quality is to be notified immediately after a spill occurs. The criteria for containing and controlling a spill shall be addressed in the Stormwater Quality Management Program. The annual report shall include a summary of any spills and their appropriate responses that occurred within the reporting period.

6.2.8 Construction Site Runoff: Each co-permittee shall continue to implement and enforce a program to reduce, to the MEP, the discharge of pollutants from construction sites, including:

- 6.2.8.1 requirements for the use and maintenance of appropriate structural and nonstructural best management practices to minimize pollutant discharges to the MS4 during the time construction is underway. All construction stormwater requirements and regulations must not be less stringent than the ADEQ construction stormwater general permits;
- 6.2.8.2 procedures for site planning which incorporate considerations for potential short and long term water quality impacts and minimizes, to the MEP, these impacts;
- 6.2.8.3 inspection of construction sites and enforcement of control measures. The City of Little Rock will develop an inspection program which will include, at minimum, monthly inspections of construction sites which disturb equal to or greater than one acre of land.

- The inspection shall ensure that the site is in compliance with all permit requirements and that stormwater controls are in place and effective in minimizing pollutant discharges. If the construction site is out of compliance with the conditions of the City of Little Rock grading permit or other construction stormwater requirements, a report describing the violation(s) and deadlines to correct the violation(s) shall be provided to the construction site permittee;
- 6.2.8.4 notification to building permit applicants of the NPDES permitting program for construction site runoff;
- 6.2.8.5 all new development meeting the threshold requirements of Chapter 29 of the Little Rock Code of Ordinances will obtain a grading permit from the City of Little Rock. Grading permit applicants shall demonstrate that best management practices and controls will be implemented at proposed development sites to limit potential soil loss to no more than 5 tons per acre per year.
- 6.2.8.6 The annual report will include the number of permits issued, the total permitted acres of disturbed soil, and management practices which were used to achieve compliance with the 5 tons per acre per year soil loss tolerance. In addition, ARDOT will continue to develop and make available standard details, specifications, and/or manuals identifying acceptable Best Management Practices that must be used on ARDOT projects at construction sites which have more than one acre of disturbed soil, and the City of Little Rock will continue to develop and make available standard details, specifications, and/or manuals identifying acceptable Best Management Practices that must be used at construction sites in accordance with the requirements of Chapter 29 of the Little Rock Code of Ordinance.
- 6.2.8.7 The annual report will include the number of construction sites which disturb over five acres of land. In addition, the report will include the number of construction sites which disturb less than five acres of land, but equal to or greater than one acre of land.
- 6.2.9 Industrial Runoff: The City of Little Rock shall develop and implement a program to control pollutants in stormwater discharges to the MS4 from industrial facilities through ordinance, permit contract, order or similar means, in accordance with 40 CFR 122.26(d)(2)(i)(A). This program shall include, at minimum:
- 6.2.9.1 maintaining an inventory of industrial facilities in the MS4 area consisting of:
- facilities that meet the definition provided in 40 CFR 122.26(b)(14) and which the City of Little Rock has determined are contributing a substantial pollutant load to the MS4;
 - facilities subject to Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA);
 - operating or closed municipal landfills;
 - treatment, storage, or disposal facilities for municipal waste;
 - hazardous waste treatment facilities;
- 6.2.9.2 a plan to inspect industrial facilities identified in accordance with Section 6.2.9.1. The inspections shall, at a minimum, consist of the following criteria:
- conduct a visual observation for evidence of illicit discharges and the potential discharge of pollutants to stormwater;
 - determine whether the facility has coverage under the NPDES Industrial Stormwater general permit

- c. require the facilities to implement and maintain stormwater control measures as necessary to minimize stormwater pollution;
- d. if required, determine whether facility has performed analytical monitoring;
- e. documentation of the inspection.

6.2.9.3 an enforcement program to ensure all violations found during inspections are corrected.

6.2.9.4 a monitoring program associated with facilities included in Section 6.2.9.1 of this permit, that includes stormwater sampling for the following parameters:

- a. any pollutants limited in the effluent limitations guidelines for the subcategory of the industry;
- b. any pollutant that is listed in an existing NPDES discharge permit for the facility;
- c. oil and grease;
- d. COD;
- e. pH;
- f. BOD₅;
- g. TSS;
- h. Total Phosphorus;
- i. Total Kjeldahl nitrogen;
- j. Nitrate plus nitrite nitrogen.
- k. Other pollutants specified by the City of Little Rock or required under 40 CFR 122.21(g)(7)(vi) and (vii)

6.3 Roles and Responsibilities. The SWQMP shall clearly identify the following roles and responsibilities of each co-permittee:

6.3.1 Operational jurisdiction over portions of the MS4;

6.3.2 Legal jurisdiction over areas contributing stormwater flows to the MS4;

6.3.3 Each co-permittee's responsibilities for ensuring implementation of SWQMP components.

6.4 Monitoring and Reporting Requirements

6.4.1 Representative Monitoring: Monitoring shall be conducted on representative outfalls, internal sampling stations, and/or in-stream monitoring locations to characterize the quality of stormwater discharges from the Municipal Separate Storm Sewer System.

6.4.1.1 Monitoring Requirements and Locations are described in Part 1 of the permit.

6.4.1.2 Alternate representative monitoring locations may be substituted for just cause during the term of the permit. Requests for approval of alternate monitoring locations shall be made to the Director in writing and include the rationale for the requested monitoring station relocation. Unless disapproved by the Director, use of the alternate monitoring location may commence 30 days from the date of the request.

6.4.2 Storm Event Data: Quantitative data shall be collected to estimate pollutant loadings and event mean concentrations for each parameter sampled. Records shall be maintained of all analytical results, the date and duration of the storm event sampled; rainfall measurements or estimates of the

storm event which generated the sampled runoff; the duration between storm events sampled and the end of the previous measurable storm event; and an estimate of the total volume of the discharge sampled.

6.4.3 Sample Type, Collection, and Analysis

6.4.3.1 Grab Samples: Grab Samples shall be taken during the first two hours of discharge.

6.4.3.2 Representative Storm Events: Samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable storm event.

6.4.4 Seasonal Loadings and Event Mean Concentrations: Data shall be maintained to provide estimates for each major outfall of seasonal pollutant loadings and event mean concentrations for a representative storm event for the parameters which the co-permittees must monitor. This information may be estimated from the monitoring results and shall take into consideration land uses and drainage areas for the outfall.

6.5 SWQMP Review and Modification

6.5.1 Program Review: The co-permittees shall participate in an annual review of the current SWQMP in conjunction with preparation of the annual report required under 6.9. This annual review shall include:

6.5.1.1 A review of the status of program implementation and compliance (or non-compliance) with all schedules of compliance contained in this permit;

6.5.1.2 An assessment of the effectiveness of controls established by the SWQMP;

6.5.1.3 A review of monitoring data and any trends in estimated cumulative annual pollutant loadings; and

6.5.1.4 An assessment of any SWQMP modifications needed to comply with the CWA 402 (p)(3)(B)(iii) requirement to reduce the discharge of pollutant to the Maximum Extent Practicable (MEP).

6.6 Implementation Process. As part of the SWQMP, each co-permittee shall implement a process to verify compliance with SWQMP requirements. The process shall include identification of the roles and responsibilities of various municipal departments in implementing the SWQMP requirements, as well as any other measures necessary for the implementation of SWQMP requirements.

6.7 Program Modification: The approved SWQMP shall not be modified by the co-permittees without the prior approval of the Director, unless in accordance with the items below:

6.7.1 Portions of the SWQMP not specifically required by 6.2 may be modified upon written notification to the permitting authority.

6.7.2 Modifications adding (but not subtracting or replacing) components, controls, or requirements to the approved SWQMP may be made by the co-permittees at any time upon written notification to the permitting authority.

6.7.3 Modifications made under this paragraph shall not become enforceable permit conditions until

such time as the modifications are formally approved.

- 6.7.4 Modification requests and notifications shall be signed and shall include a certification that the co-permittees were given an opportunity to comment on proposed changes.

6.8 Modifications Required by the Permitting Authority:

- 6.8.1 The co-permittees must review and revise the SWQMP sections regarding construction site runoff, public education, and industrial runoff to meet the new requirements of the permit. The co-permittees shall submit to ADEQ their suggested revisions to the SWQMP within eighteen (18) months following the effective date of the permit. The co-permittees have up to the duration of this permit to implement new policies and ordinances as outlined in the approved SWQMP.

- 6.8.2 The permitting authority may require the co-permittees to modify the SWQMP as needed to:

- 6.8.2.1 Address contributions by the MS4 discharges to impacts on receiving water quality;
- 6.8.2.2 Include more stringent requirements necessary to comply with new State or Federal statutory or regulatory requirements; or
- 6.8.2.3 Include such other conditions deemed necessary by the Director to comply with the goals and requirements of the Clean Water Act.

- 6.8.3 Modifications requested by the Director shall be made in writing, set forth the time schedule for the co-permittees to develop the modification(s), and offer the co-permittees the opportunity to propose alternative program modifications to meet the objective of the requested modification.

- 6.9 Annual Report - Each co-permittee shall contribute to the preparation of an annual system-wide report to be submitted by April 1 of each year between the effective date of the permit and the date of expiration. The report shall be in the form as outlined in the SWQMP and shall include the following separate sections, with an overview for the entire MS4 and subsections for the co-permittees where applicable. At minimum, the report should include:

- 6.9.1 Proposed changes to the stormwater quality management programs that are established as permit conditions, including an update on areas added to the MS4 due to annexation or other legal means;
- 6.9.2 Revisions, if necessary, to the assessments of controls and the fiscal analysis reported in the permit application under 40 CFR 122.26 (d)(2)(v) and 40 CFR 122.26 (d)(2)(vi);
- 6.9.3 A summary of the data, including monitoring data, that is accumulated throughout the reporting year;
- 6.9.4 Estimated annual expenditures and projected budget for the year following each annual report.
- 6.9.5 A summary describing the number and nature of enforcement actions, inspections, and public education programs; and
- 6.9.6 Identification of water quality improvements or degradation.

Preparation and submittal of a system-wide annual report shall be conducted by the co-permittees. The report shall indicate if the co-permittees have failed to provide required information on the portions of the MS4 for which they are responsible. The co-permittees shall be responsible for timely submittal of the system-wide report. Each co-permittee shall be responsible for content of the report relating to the portions of the MS4 for which it is responsible, and for failure to provide information for the system-

wide annual report. Each co-permittee shall sign and certify their portion of the annual report which shall, at minimum, include:

- 6.9.7 The annual information required by 6.1.1 and 6.1.2;
- 6.9.8 Information for Structural Controls as required by 6.2.1;
- 6.9.9 Information for Areas of New Development as required by 6.2.2;
- 6.9.10 Information for Roadways as required by 6.2.3;
- 6.9.11 Information for Flood Control Projects as required by 6.2.4;
- 6.9.12 Information for Spill Prevention and Response as required by 6.2.7;
- 6.9.13 Information for Construction Site Runoff as required by 6.2.8;
- 6.9.14 An update on Roles and Responsibility if applicable;
- 6.9.15 Monitoring and Reporting Requirements as required by 6.4;
- 6.9.16 An update on Legal Authority if applicable;
- 6.9.17 An update on SWQMP Resources if applicable; and
- 6.9.18 An update on SWQMP Review per 6.5.

6.10 Limitations on Coverage. The following discharges are not authorized by this permit:

6.10.1 Non-stormwater: stormwater discharges that are mixed with non-stormwater or stormwater associated with industrial activity except where such discharges are:

- 6.10.1.1 in compliance with a separate NPDES permit;
- 6.10.1.2 or identified by and in compliance with 6.2.6 of this permit.

6.10.2 Stormwater discharges whose direct, indirect, interrelated, interconnected, or interdependent impacts would adversely impact, but not jeopardize, a listed or proposed endangered or threatened species may be authorized under this permit provided the co-permittees are in compliance with an incidental take permit issued by the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service pursuant to Section 10(a) of the Endangered Species Act.

6.10.3 Stormwater discharges, or the construction or implementation of stormwater management controls, which adversely affect properties listed or eligible for listing in the National Register of Historic Places, unless the co-permittees are in compliance with requirements of the National Historic Preservation Act and have coordinated any necessary activities to avoid or minimize impacts with the Arkansas State Historic Preservation Program.

Part 7 Definitions

All definitions contained in Section 502 of the Clean Water Act shall apply to this permit and are incorporated herein by reference. Additional definitions of words or phrases used in this permit are as follows:

- 7.1 **“Act”** means the Clean Water Act, Public Law 95-217 (33.U.S.C. 1251 et seq.) as amended.
- 7.2 **“Administrator”** means the Administrator of the U.S. Environmental Protection Agency.
- 7.3 **“Applicable effluent standards and limitations”** means all State and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, and pretreatment standards.
- 7.4 **“Applicable water quality standards”** means all water quality standards to which a discharge is subject under the federal Clean Water Act and which has been (a) approved or permitted to remain in effect by the Administrator following submission to the Administrator pursuant to Section 303 (a) of the Act, or (b) promulgated by the Director pursuant to Section 303(b) or 303(c) of the Act, and standards promulgated under regulation No. 2, as amended, (regulation establishing water quality standards for surface waters of the State of Arkansas.)
- 7.5 **“Appropriateness”** means how appropriate the Best Management Practices (BMPs) were in addressing the pollutants in the stormwater discharges.
- 7.6 **“ADEQ”** means the Arkansas Department of Environmental Quality.
- 7.7 **“Best-Management Practices”** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMP’s also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- 7.8 **“Co-permittee”** is defined as a permittee to a NPDES permit that is only responsible for permit conditions relating to the discharge for which it is operator.
- 7.9 **“Department”** means the Arkansas Department of Environmental Quality (ADEQ).
- 7.10 **“Director”** means the Administrator of the U.S. Environmental Protection Agency and/or the Director of the Arkansas Department of Environmental Quality.
- 7.11 **“Discharge”** refers to discharges from the Municipal Separate Storm Sewer System (MS4) located within the boundaries of the city of Little Rock, Arkansas.
- 7.12 **“Flow-weighted composite sample”** means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.
- 7.13 **“Grab sample”** means an individual sample collected in less than 15 minutes in conjunction with an instantaneous flow measurement.
- 7.14 **“Illicit connection”** means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.
- 7.15 **“Illicit discharge”** is defined as any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES permit and discharges listed in part 6.2.6.1 of the permit.

- 7.16 **“Large or medium municipal separate storm sewer system”** is defined at 40 CFR 122.26(b)(4)&(7).
- 7.17 **“Maximum Extent Practicable” or “MEP”** is the technology-based discharge standard for Municipal Separate Storm Sewer Systems established by CWA 402(p).
- 7.18 **“Monitoring and Reporting”** When a permit becomes effective, monitoring requirements are of the immediate period of the permit effective date. Where the monitoring requirement for an effluent characteristic is Monthly or more frequently, the Discharge Monitoring Report shall be submitted by the 25th of the month following the sampling. Where the monitoring requirement for an effluent characteristic is Quarterly, Semi-Annual, Annual, or Yearly, the Discharge Monitoring report shall be submitted by the 25th of the month following the monitoring period end date.
- 7.19 **“MONTHLY”** is defined as a calendar month or any portion of a calendar month for monitoring requirement frequency of once/month or more frequently.
- 7.20 **“MS4”** is an acronym for “Municipal Separate Storm Sewer System” and is used to refer to the Storm Sewer System located within the boundaries of the city of Little Rock, Arkansas.
- 7.21 **“Municipal”** means of or pertaining to areas, activities and facilities owned or operated by a municipality
- 7.22 **“Municipality”** means a city, town, borough, county, parish, district, association, or other public body created by or under State law and having jurisdiction over an MS4.
- 7.23 **“National Pollutant Discharge Elimination System”** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318 and 405 of the Clean Water Act.
- 7.24 **“Point Source”** means any discernable, 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.
- 7.25 **“Proper disposal”** disposal of wastes in a manner which does not violate a federal, state, or local requirement.
- 7.26 **“Quarter”** means a three month calendar period (January-March, April-June, July-September, October-December).
- 7.27 **“QUARTERLY”** (1) is defined as a fixed calendar quarter or any part of the fixed calendar quarter for a non-seasonal effluent characteristic with a measurement frequency of once/quarter. Fixed calendar quarters are: January through March, April through June, July through September, and October through December; or (2) is defined as a fixed three month period (or any part of the fixed three month period) of or dependent upon the seasons specified in the permit for a seasonal effluent characteristic with a monitoring requirement frequency of once/quarter that does not does not coincide with the fixed calendar quarter. Seasonal calendar quarters May through July, August through October, November through January, and February through April.
- 7.28 **“SEMI-ANNUAL”** is defined as the fixed time periods January through June, and July through December (or any portion thereof) for an effluent characteristic with a measurement frequency of once/6 months or twice/year.
- 7.29 **“Significant contributor of pollutants”** means any discharge that causes or could cause or contribute to a violation of surface water quality standards.
- 7.30 **“Storm Sewer”** refers to a municipal separate storm sewer.

- 7.31 **“Stormwater”** means stormwater runoff, snow melt runoff, and surface runoff and drainage.
- 7.32 **“Stormwater Quality Management Program” or “Program”** refers to a comprehensive program to manage the quality of stormwater discharged from the municipal separate storm sewer system.
- 7.33 **“The term “MGD”** shall mean million gallons per day.
- 7.34 **“The term “mg/l”** shall mean milligrams per liter or parts million (ppm).
- 7.35 **“The term “µg/l”** shall mean micrograms per liter or parts per billion (ppb).
- 7.36 **“The term “cfs”** shall mean cubic feet per second.
- 7.37 **“The term “ppm”** shall mean part per million.
- 7.38 **“The term “s.u.”** shall mean standard units.
- 7.39 **“Yearly or Annual”** is defined as a fixed calendar year or any portion of the fixed calendar year for an effluent characteristic or parameter with a measurement frequency of once/year. A calendar year is January through December, or any portion thereof.