

December 9, 2013

Water Division
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Subject: Comments on Draft Permit Renewal
NPDES General Permit ARR000000
Facilities Discharging Stormwater Associated with Industrial Activity

The Arkansas Environmental Federation is submitting the following comments on the Draft IGP permit with proposed effective date of 7/01/2014. The comments are listed by the proposed section as it appears in the draft permit.

Part 1.6; Allowable Non-Stormwater Discharges: This section states that the following non-stormwater discharges may be authorized by this permit. To be more clear, this statement should be definitive and indicate that these discharges are authorized under this permit. The caveat that the “non-stormwater component of the discharge must meet all requirements of the permit” tends to negate the authorization, especially in circumstances when the non-stormwater portion cannot be physically separated or discerned from the stormwater portion.

Part 1.8.5.2; second line; replace “possible” with “practicable”. Many things are possible given enough time and money but may not be at all practicable nor have any adverse impact on the environment.

Part 1.8.5.2; line 1; for clarity: Suggest adding a) after “(BMPs) needed to” and in line 3 add b) after “impaired and”

Part 1.8.8 currently reads “**Discharges determined will cause impairment or have reason to believe will compromise Water Quality Standards.** Discharges from a facility into receiving waters which the Department has determined will cause an impairment or has reason to believe will compromise Water Quality Standards are not eligible for coverage under this permit unless:” Suggest changing heading to read “**Discharges determined to cause impairment or will compromise Water Quality Standards.**”

Part 3.1; The AEF is adamantly opposed to the inclusion of BMP’s as non-numeric permit conditions. Including BMP’s as permit conditions creates very subjective permit requirements that:

1. May or may not be applicable to every given situation;
2. Are open to different interpretations by the permittee, the permitting authority, and the inspector;
3. Creates an un-reasonable standard for regulated community by mandating such

things as “all” exposed areas, “all” industrial equipment, “all” control measures, and “must” take all manner of actions.

4. Removes any discretion by the permittee to select the most practical, cost effective steps to consider, construct, and/or implement to control stormwater from any facility covered by this permit.

In addition, it is suggested that the following changes be made to the non-numerical components to make them more consistent with consideration for inclusion in a SWPPP:

Part 3.1.1; after “The operator must” consider adding “take actions as appropriate in an effort to”

Part 3.1.2; consider striking “all” in first sentence

Part 3.1.3; consider striking “all” in first and third sentences

Part 3.1.5 & 3.1.6

“In selecting, designing, installing, and implementing appropriate control measures, the operator is encouraged to consult with EPA’s internet-based resources relating to runoff management, including the sector-specific Industrial Stormwater Fact Sheet Series, (www.epa.gov/npdes/stormwater/msgp), National Menu of Stormwater BMPs (www.epa.gov/npdes/stormwater/menuofbmps), and National Management Measures to Control Nonpoint Source Pollution from Urban Areas (www.epa.gov/owow/nps/urbanmm/index.html), and any similar publications.”

The proposed language requires “any similar publications” to be included for BMPs. The regulated community needs specifics, while this rule is open-ended and allows for continual changes without any notification. Changes to BMPs, if not on specific websites documented in the permit, should be cause to notify permit holders. Additionally, “any similar publications” could be interpreted broadly to mean any BMP published on the entire Internet. We do not believe the Department intends for the entire Internet to be our permits, but that could certainly be the end result. We believe that tighter language should be used to give permit holders a clear picture of requirements placed on them according to BMPs.

Part 3.1.10; after “The operator must” consider adding “take actions as appropriate in an effort to”

Part 3.1.11; after “The operator must” consider adding “take actions as appropriate in an effort to”

Part 3.10 “sources”; consider repairing numbering system at items 1, 2, 3, and 12.

Part 4 of the draft permit which deals with SWPPP’s conflicts with the requirements in Section 3.1 that makes BMP’s mandatory.

Sincerely,

Charles Miller
Executive Director