

From: [Pennye Bray](#)
To: [Water Draft Permit Comments](#)
Subject: Comments
Date: Thursday, December 05, 2013 2:54:36 PM
Attachments: [2013 Draft Permit Comments.pdf](#)

To Whom It May Concern,

Attached you will find comments on the 2103 Draft General Stormwater Permit for Industrial Activity. Thank you for your consideration of these issues.

Sincerely,

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

To Whom It May Concern,

I would like to submit the following comments regarding the Draft NPDES General Permit ARR000000 for Facilities Discharging Stormwater Associated with Industrial Activity located within the State of Arkansas.

1. Section 1.7 (Conditional No Exposure Exclusion) and 2.2 (Notice of Intent (NOI) Deadlines)

Section 1.7 states, "Facilities operating under a 2009 Industrial Stormwater General Permit No Exposure Exclusion must submit a Recertification NOI under Part 2.2, assuming the facility still qualifies for the exclusion."

The table describes the requirements for New Dischargers applying for No Exposure as "Completed No Exposure Exclusion Certification Form and Permit Fee". However, for existing dischargers under the 2009 IGP with a No exposure Exclusion the requirements are listed as "Completed Recertification NOI".

If facilities with a current No Exposure Certification are required to submit a Recertification NOI "if the certification still applies", how does the Department plan to differentiate between those facilities where the exclusion still applies and those where it doesn't since facilities that no longer qualify for the exclusion would also be required to submit an NOI. I believe it would be more appropriate to have facilities with a current no exposure certification complete a "Recertification No Exposure Exclusion". This would minimize the potential for confusion regarding who is actually applying for renewal of the permit coverage and renewal of a no exposure certification.

2. Section 3.1.5 – Erosion and Sedimentation Controls

Section 3.1.5 states, “The operator must stabilize exposed areas and contain runoff using structural and non-structural control measures to minimize the onsite erosion and sedimentation, and the resulting discharge of pollutants.”

The use of the word “contain” implies that facilities with exposed areas must create a retention basin or other measure to contain the runoff onsite. While I don’t believe the intent is to require retention basins in order to avoid confusion regarding the intent the sentence should be reworded to read;

“The operator must stabilize exposed areas and control the runoff using structural and/or nonstructural control measure to minimize onsite erosion and sedimentation and the resulting discharge of pollutants”.

3. Section 3.1.6 – Management of Runoff

Section 3.1.6 states, “The operator must divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff, to minimize pollutants in the discharge.”

The requirement that a facility must reuse, divert, contain or otherwise reduce the runoff from a facility is not a practical alternative for most existing facilities. While this is a good idea for the construction of new facilities, the drainage patterns and direction of runoff is well established for most existing facilities. As a result, the “reduction” of runoff from the facility is not something that could be accomplished without significant changes to the facility outdoors areas. The section should be modified to read;

“The operator must implement appropriate measures to management the runoff from the property in such a manner as to minimize the pollutants in the discharge. These measures may include the diversion of the runoff away from areas where pollutants may be present or the reuse of stormwater runoff where practical. New facilities should be constructed such that the runoff from the facility is reduced, to the extent practicable, by the use of measures that divert the runoff, contain the runoff or allow for reuse of the runoff. “

4. Section 3.4 – Parameter Benchmark Values

The third and fourth sentences read, “The benchmark concentrations are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. Benchmark monitoring data are primarily used to determine the overall effectiveness of BMPs and control measures in controlling the discharge of pollutants to the environment and to assist the facility in knowing when additional corrective action (s) may be necessary.”

The sentence states that the benchmark concentrations are not effluent limitations and an exceedance of the benchmark is not a permit violation. However, the fourth sentence indicates that that the data will be used to determine the overall effectiveness of the BMPs and control measures.

The Draft permit has established the BMPs previously required for implementation in SWPPP as “Non-Numeric Technology-based Effluent Limits”

Consequently, the language above will provide a mechanism to use an exceedance of the benchmark concentrations to indicate a permit violation of the "Non-numeric Technology Based Limits".

Clarification should be provided to indicate that an exceedance of the parameter benchmark values will not result in immediate enforcement action for violating the Non-Numeric Effluent Limits.

5. Section 3.8.1- Similar Outfalls

The second sentence states. "The permittee must get approval of the similar outfall designation from the Department prior to monitoring."

Will the Department issue a letter separate from the Permit Coverage notification indicating approval? Is the information submitted on the NOI sufficient to request approval or is a separate request required?

6. Section 3.12 Response to Data Above/Below Parameter Benchmark Values

There is no response to data below parameter benchmark values in this section as implied by the section title.

We request Section 3.12.2 be added to the permit allowing permittees that effectively demonstrate compliance with the parameter benchmark values for any parameter for two consecutive years to request in writing, authorization to forego further sampling for said parameter for the duration of the permit term. This provision is similar to Section 3.11.1 in the 2009 permit.

Thank you for your consideration of each of these comments.

Sincerely,



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