

From: [Randy Solomon](#)
To: [Water Draft Permit Comments](#)
Cc: [Bruce W. Moore](#)
Subject: AEP/SWEPCO Comments Regarding the Draft MSGP for Industrial Discharges
Date: Monday, December 09, 2013 4:00:51 PM
Attachments: [AEP SWEPCO Comments Regarding 2013 Draft MSGP.pdf](#)

Should you have any questions regarding our comments, please let me know.

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December 9, 2013

Electronic Mail

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

RE: Comments Regarding Proposed Modifications General Permit ARR000000, Facilities Discharging Stormwater Associated with Industrial Activity.

Dear Mr. Solaimanian:

Southwestern Electric Power Company and American Electric Power (AEP/SWEPCO) appreciate the opportunity to submit comments regarding proposed modifications to General Permit ARR000000, Facilities Discharging Stormwater Associated with Industrial Activity. Our comments follow:

Section 1.8.7 Direct Discharges into an Extraordinary Resource Waters (ERW), Natural and Scenic Water Ways (NSW), or Ecological Sensitive Waterbodies (ESW)

Proposed language in this section states the DEQ will require the use of "additional BMPs needed to the maximum extent possible" to minimize potential stormwater pollutants to Extraordinary Resource Waters, Natural and Scenic Water Ways, or Ecological Sensitive Waterbodies. AEP/SWEPCO is opposed to the use of the words, "... to the maximum extent possible..." because this can be construed to mean that cost is not a concern. AEP/SWEPCO requests this language be modified to state:

"...the permittee develop and incorporate into the SWPPP any reasonable steps needed to minimize possible pollutant exposure to stormwater to sufficiently protect water quality..."

Section 1.8.8 Discharges determined will cause impairment or have reason to believe will compromise Water Quality Standards

Proposed language in this section states the DEQ will require the use of "additional BMPs needed to the maximum extent possible" to minimize potential stormwater pollutants if ADEQ believes the stormwater discharges compromise Water Quality Standards. AEP/SWEPCO is opposed to the use of the words, "... to the maximum extent possible..." because this can be construed to mean that cost is not a concern. AEP/SWEPCO requests this language be modified to state:

"...the permittee develop and incorporate into the SWPPP any reasonable steps needed to minimize possible pollutant exposure to stormwater to sufficiently protect water quality..."

Section 3.1.1 Minimize Exposure

Proposed language in this section states:

"The operator must minimize the exposure of manufacturing processing, and material storage areas...to rain, snow, snowmelt, and runoff by either locating these industrial materials and activities inside or protecting them with storm resistant coverings..."

AEP/SWEPCO is opposed to the change in this language which previously stated the facility should minimize these activities to stormwater. AEP/SWEPCO conducts many outdoor-related activities and may on occasion, temporarily store quantities of materials outdoors where it is not economically practical to store them under cover. AEP/SWEPCO requests this language be changes to:

"The operator should minimize the exposure of manufacturing processing, and material storage areas...to rain, snow, snowmelt, and runoff by either locating these industrial materials and activities inside or protecting them with storm resistant coverings..."

Section 3.1.3 Maintenance

Proposed language in this section states:

"The operator must regularly inspect, test, and repair all industrial equipment and systems to avoid situations that may result in leaks, spills, and other releases..."

AEP/SWEPCO is opposed to this language and requests it be changed to:

"The operator should regularly inspect, test, and repair all industrial equipment and systems to avoid situations that may result in leaks, spills, and other releases..."

Additional language states:

"...Nonstructural control measures must also be diligently maintained (e.g., spill response supplies available..."

AEP/SWEPCO is opposed to this language because it is far too restrictive and should be modified to state:

"...Nonstructural control measures should be maintained (e.g., spill response supplies available..."

Section 3.1.4 Spill Prevention and Response Procedures

Language in this section states:

"The operator must minimize the potential for leak, spills and other releases that may be exposed to stormwater..."

AEP/SWEPCO is opposed to this language and requests this language be modified to:

"The operator should minimize the potential for leak, spills and other releases that may be exposed to stormwater..."

Section 3.1.11 Dust Generation and Vehicle Tracking of Industrial Materials

Proposed language in this section states:

"The operator must minimize generation of dust and off-site tracking of raw, final, or waste materials."

AEP/SWEPCO is opposed to this more restrictive language because our facilities take appropriate measures to minimize off-site tracking of materials. Additionally, generation of dust is regulated by the facility's air permit issued by the ADEQ Air Division, and AEP/SWEPCO is opposed to additional vague dust-related regulations being required by the Water Division. Therefore, this should be revised to state:

"The operator should minimize generation of off-site tracking of raw, final, or waste materials."

Section 3.8.1 - Similar Outfalls

Proposed language in this section states regarding stormwater sampling of similar outfalls:

"... The permittee must get approval of the similar outfall designation from the Department prior to monitoring. This provision is not available for discharges subject to the Effluent Limitations Guidelines in Part 1.4.3..."

AEP/SWEPCO is opposed to these changes to this section. AEP/SWEPCO believes it is more familiar with the potential pollutants and industrial activities at its facilities than ADEQ, and should be allowed to sample the single outfall that would have the highest potential for a discharge of pollutants exposed to stormwater. Therefore, AEP/SWEPCO requests this proposed language be deleted from this section.

Section 3.12.1 Data Exceeding Benchmarks

New language in this section states that if a facility exceeds a benchmark, the facility will:

"...immediately initiate taking all reasonable steps necessary to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational..."

AEP/SWEPCO is opposed to this language because it is contradictory to the existing language which states the facility, "...shall investigate the cause and/or source of the elevated pollutant levels, ..." The purpose of this section is for a facility to identify the cause of the pollutant problem; a BMP cannot be immediately implemented if facility management is trying to identify the source of the problem. Therefore, AEP/SWEPCO requests the proposed language be deleted from the permit.

Section 4.2.6.4 Recordkeeping and Internal Reporting Procedures

Proposed language in this section states that records of maintenance activities shall be incorporated in the permit. AEP/SWEPCO requests deletion of the term, "maintenance activities" from this section of the permit. The term, "maintenance activities" is a very vague term and could include a very large number of maintenance activities and supporting documentation for our facilities that are not directly related to stormwater pollution prevention.

Section 4.2.7.1 Documentation of Permit Eligibility to the 303(d) list (Impaired Water Bodies) and Total Maximum Daily Loads (TMDL)

Proposed language in Section 4.2.7.1.2 states that a facility must:

"...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..."

AEP/SWEPCO is opposed to the use of the words, "... to the maximum extent possible..." because this can be construed to mean that cost is not a concern. AEP/SWEPCO requests this language be modified to state:

"...incorporate into the SWPPP any reasonable steps needed to minimize possible pollutant exposure to stormwater for which the waterbody is impaired and to sufficiently protect water quality..."

Section 4.2.7.2 Direct Discharges into an Extraordinary Resource Waters (ERW), Natural and Scenic Water Ways (NSW), or Ecological Sensitive Waterbodies (ESW)

Section 4.2.7.2.2 states that a facility must:

"...incorporate into the SWPPP additional BMPs needed to prevent to the maximum extent possible exposure to stormwater of the pollutants that could potentially affect water quality..."

AEP/SWEPCO is opposed to the use of the words, "... to the maximum extent possible..." because this can be construed to mean that cost is not a concern. AEP/SWEPCO requests this language be modified to state:

"...incorporate into the SWPPP any reasonable steps needed to minimize possible pollutant exposure to stormwater to sufficiently protect water quality..."

Section 4.5 SWPPP Updates

Proposed language in Section 4.5.4 indicates the SWPPP must be reviewed when a BMP was either not installed or is not working properly. Section 4.5.5 also states the SWPPP is to be reviewed if a visual assessment of a stormwater sample shows signs of potential pollution. AEP/SWEPCO requests this language be deleted from the permit because there can be extenuating circumstances whereby a BMP was damaged or pollutants occurred one time in the stormwater sample. For example, a 25 year 24-hour storm event can damage BMPs or sediment to be in a stormwater sample. This does not necessarily indicate the SWPPP needs to be reviewed.

Section 5.2.4 Stormwater Annual Report (SWAR) Requirements

Language in this section indicates the facility is to document additional information regarding inspection, monitoring and other items. AEP/SWEPCO is opposed to facilities having to complete another form after performing the Annual Compliance Inspection that documents very similar information, and requests either the Annual Compliance Inspection or the proposed SWAR language be deleted from the proposed permit. Completing both forms presents an unnecessary burden on the management of industrial facilities. If ADEQ wished to keep the SWAR in lieu of the Annual Compliance Inspection Report, AEP/SWEPCO is asking ADEQ publish a copy of the SWAR for comment.

Should you have any questions regarding our comments, please call me at 214-777-1043.

Respectively,



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Air and Water Quality Services

C: Bruce Moore, P.E.