


From: [Stephen Cain](#)
To: [Water Draft Permit Comments](#)
Cc: [Curtis Warner](#); [Chris Hall](#)
Subject: Draft IGP Comments
Date: Monday, December 09, 2013 2:15:10 PM
Attachments: [AECC Comments on Draft 2014 IGP.pdf](#)

Please find attached AECC's comments on the draft general industrial storm water permit.

SDC



Arkansas Electric Cooperative Corporation

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Submitted to water-draft-permit-comment@adeq.state.ar.us on December 9, 2013

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

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

Below are Arkansas Electric Cooperative Corporation's (AECC) comments on the draft industrial general stormwater permit (IGP).

Comment 1

Additional time may be needed for permittees to come into compliance with the new permit.

ADEQ intends to issue the new permit on January 1, 2014 and the permit is to become effective July 1, 2014. However, if issuance of the new permit is delayed past April 1, 2014, then AECC believes that existing permittees should be given ninety days from the issuance of the permit to come into compliance with the permit. Among other things, this includes submittal of Notice of Intent and updating the storm water pollution prevention plan (SWPPP).

Comment 2

The Non-Numeric Effluent Limitations listed in Part 3.1 need to remain as mandatory sections of the SWPPP and not become permit limits.

ADEQ added several non-numeric effluent limits in Part 3.1 of the draft permit. Most of these items are incorporated as sections of a SWPPP in the current general permit (the 2009 IGP).

In the fact sheet, ADEQ states that by changing these sections to limits, the facilities will implement these practices more thoroughly. However, AECC believes that by changing

these best management practices to permit limitations, it opens the door for very subjective permit inspections, inconsistent permit inspections, and potential enforcement actions.

So, AECC believes that the non-numeric effluent limitations should not be listed as actual permit limits.

Comment 3

ADEQ needs to take into account active and unstaffed facilities in Section 3.9 Exceptions to Monitoring Requirements.

Inactive and unstaffed facilities are exempt from monitoring in the proposed permit (see Section 3.9.1). ADEQ needs to also include active and unstaffed facilities to this category.

AECC operates facilities that are active but unmanned. These facilities are designed to be operated remotely. Since they are unmanned, employees must be sent from a manned facility to take storm water samples.

The best example is AECC's Elkins Generating Station. This facility is operational but unstaffed and is permitted under the current IGP. In order to meet the monitoring requirements of the current IGP, AECC has to dispatch personnel from our Fitzhugh plant near Ozark, Arkansas to Elkins, Arkansas just to take a storm water sample.

The employee at Ozark must drive north for approximately 25 miles on Highway 23 – a very narrow and curvy road through the Ozark Mountains – and then 16 miles west on Highway 16 – another curvy road – to get to Elkins. Of course, since the sample must be taken during a storm water discharge event, it's very likely that this drive must be made during a rain event. AECC believes this is a very unnecessary safety risk just to take a storm water sample of a facility that has passive BMPs in place to prevent storm water pollution. (This facility has ditches that lead to a storm water retention pond.)

After the 2009 IGP became effective, AECC submitted a letter to ADEQ dated February 22, 2011 requesting that the Elkins plant be exempt from performing storm water sampling because it was unmanned. ADEQ responded in a letter dated February 28, 2011 that the exemption could not be granted because the plant was not both unmanned and inactive as it specifies in Section 3.8.1 of the 2009 IGP. (For convenience, copies of these letters are attached.)

So, AECC requests that ADEQ either adds a storm water monitoring exemption for active and unmanned facilities or that ADEQ simply exempts all unmanned facilities.

Comment 4

A sampling waiver for two consecutive years of sampling under the benchmark value should be included in the 2014 IGP.

Section 4.1.7 of the Fact Sheet states that the sampling waiver for four consecutive samples under the benchmark value was removed. ADEQ's justification for doing so is primarily based on the proposal to move from semi-annual sampling to annual sampling. Under the draft permit, it would take four years to get the four samples needed to request the waiver. Since the permit cycle is five years, ADEQ believes it's not beneficial to request a waiver for only one year.

AECC's questions to ADEQ are: What is the justification for requiring four samples to get a waiver? Why not allow a waiver after two samples just as ADEQ allowed for several years under IGPs prior to the 2009 IGP?

Most facilities covered by the IGP only began sampling under the 2009 IGP. However, AECC operates three facilities that were required to perform annual storm water sampling under IGPs prior to the 2009 IGP. Those prior IGPs allowed the permittee to request a sampling waiver after two consecutive samples met the benchmark parameter values. AECC was always granted the waiver when it was requested.

AECC believes that ADEQ is justifying requiring four samples before the waiver request simply due to how many samples were taken in two years under the 2009 IGP. However, in this case, it should be based on how many annual samples were taken just as it was in IGPs prior to the 2009 IGP. So, the waiver should be available after two years of sampling – and not four.

Comment 5

The benchmark parameter value for iron should be raised.

Iron is the 4th most abundant element in earth's crust – it's everywhere. So, it's hard to meet the iron benchmark value of 1.0 mg/l in storm water runoff.

This is demonstrated by the fact that in 2012, out of 627 iron storm water sample results submitted to ADEQ in 2012, 247 – or about 40% - were above the benchmark value. (This information was taken from ADEQ's IGP presentation at the AEF Water Seminar on May 15, 2013.)

EPA's *Quality Criteria for Water* (1976) explains that the 1.0 mg/l benchmark value is derived from impacts to aquatic life. It justifies the value due to iron being toxic to trout at certain levels. Trout are cold-water fish that are present in only select locations in

Arkansas. Trout are primarily stocked downstream of high-head dams where cold water is drawn off the deep, cold water of a lake (such as the Little Red River, and the Little Missouri River, and upper portions of the White River).

AECC requests that a higher iron benchmark be added to the IGP. The higher iron benchmark should be based on the data received by ADEQ – such as the 95th percentile or similar statistic.

This concludes AECC's comments.

Sincerely,

A handwritten signature in black ink that reads "Stephen Cain". The signature is written in a cursive style with a large, stylized 'S' and 'C'.

Stephen Cain
Manager – Environmental Compliance