Recertification Notice of Intent (NOI)

Regulated Small Municipal Separate Storm Sewer Systems (MS4's) General Permit ARR040000

You must **complete, certify, and sign this Recertification Notice of Intent (NOI) form** and return it along with the **updated Stormwater Management Program (SWMP)** to the Department in order to continue permit coverage under the General Permit ARR040000. You must submit this form **no later than July 1, 2019.** Please keep a copy of this form for your records once completed and signed.

Permittee Name	Permit Tracking Number	AFIN
North Little Rock	ARR040046	88-00927

If any changes or additions need to be made to the information shown below, please update the new information in the corrections section below and/or attach documentation.

	Current Information in ADEQ's database	Corrections/Additions, If Needed
Small MS4 Physical Address	500 West 13th Street	
County	Pulaski	
Urbanized/Core Areas	North Little Rock	
Receiving Stream	Five Mile Creek, Miles Creek, Shilcotts Bayou, Spring Creek, White Oak Bayou, Woodruff Creek	
Ultimate Receiving Stream	Arkansas River	
Contact Person & Title	Michael Klamm, City Engineer, Floodplain/Stormwater Manager	
Telephone Number	(501) 371-8334	
Cognizant Official & Title	Joe A. Smith, Mayor	
Responsible Official & Title	Joe A. Smith, Mayor	

Are the mailing and invoice addresses the same?
(Yes) or No* *If "No," please provide invoice address: _____

Additional Comments: _____

"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."

I certify that I have read and will comply with all the requirements of the Regulated Small Municipal Separate Storm Sewer Systems (MS4's) General Permit ARR040000.

Responsible Official Name: Joe A. Smith
Responsible Official Title: Mayor
Responsible Official Signature: _____
Date: 5/15/19

Return the NOI form to the address below or send it electronically to: water.permit.application@adeq.state.ar.us
or via ePortal at the following web address: https://eportal.adeq.state.ar.us/

NPDES Permits Section, Office of Water Quality
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

North Little Rock
Stormwater Management Program

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II. INTRODUCTION

Under the National Pollutant Discharge Elimination System (NPDES) stormwater program, operators of large, medium and regulated small municipal separate storm sewer systems (MS4s) require authorization to discharge pollutants under a NPDES permit. The Phase II Final Rule, published in the Federal Register on December 8, 1999, requires NPDES coverage for stormwater discharges from certain regulated small municipal separate storm sewer systems (MS4s). By Arkansas Department of Environmental Quality (ADEQ) letter dated April 25, 2019, the City of North Little Rock is responsible for full implementation of the Six Minimum Control Measures required for MS4s to include enforcement within the jurisdictional city boundaries.

PROGRAM OVERVIEW

Polluted stormwater runoff is often transported to municipal separate storm sewer systems (MS4s) and ultimately discharged into local rivers and streams without treatment. EPA's Stormwater Phase II Rule establishes an MS4 stormwater management program that is intended to improve the Nation's waterways by reducing the quantity of pollutants that stormwater picks up and carries into storm sewer systems during storm events. Common pollutants include oil and grease from roadways, pesticides from lawns, sediment from construction sites, and carelessly discarded trash, such as cigarette butts, paper wrappers, and plastic bottles. When deposited into nearby waterways through MS4 discharges, these pollutants can impair the waterways, thereby discouraging recreational use of the resource, contaminating drinking water supplies, and interfering with the habitat for fish, other aquatic organisms, and wildlife. The objective of the North Little Rock Stormwater Management Program is to improve the water quality of City watersheds to the maximum extent possible.

PROGRAM COMPONENTS

1. Governmental Coordination. Extensive coordination is required among all agencies and departments having purview over stormwater-related issues. The Public Works Department is the central coordinating office appointed by the Mayor to manage this program. Extensive coordination is required with other state, county, city and local agencies and planning groups to adequately implement this program. Some of these groups include ADEQ, Pulaski County, Cities of Little Rock, Sherwood and Maumelle, as well as METROPLAN and local neighborhood planning groups within the city.

2. Legal Authority and Comprehensive Planning. The City of North Little Rock uses the legal authorities of new and existing programs and ordinances, zoning rules and the site plan review process to ensure water quality concerns are addressed in new development and redevelopment. The City's Stormwater Management Ordinance shown was originally passed on September 21, 2007. It established the City Stormwater Permit Program and penalties for violations. Extensive coordination was made with developers, engineering firms, general public, and planners prior to implementation of the program. Appendix 2 shows the latest amended Stormwater Management Ordinance. Prior to that, City Regulations to Control Development and Subdivision of Land were passed on May 29, 2007 which greatly emphasized requirements to protect water quality from city authorized activities. The regulations also require stormwater detention to predevelopment conditions for the 25 year frequency storm which further enhances stormwater quality. Zoning regulations and land use planning likewise support the Stormwater Management Program.

3. Funding and Staffing. Present funding for stormwater resources is from existing operating budgets. Limited funds are received from Stormwater Permit Fees which are inadequate to completely fund the program. These fees are placed in the General Fund as they are collected. Responsibilities for the program are spread through several departments with Public Works being the lead department. The primary point of contact under the Public Works Department is the City /Environmental Engineer. Enforcement of the Stormwater Ordinance is spread among Engineering, Safety, Code Enforcement and Building Inspector Personnel. All have been authorized to issue tickets under the Stormwater Ordinance. Community Planning, Legal Department, Street Department and Parks Department share major responsibilities in implementation of the program.

4. Public Education and Participation. The general public, land developers and local engineering firms were allowed to participate in the development of the City's Stormwater Management Program through a series of public hearings before the Planning Commission and City Council Meetings which were televised on local access channels and reported in local news media. This process went smoothly with nearly unanimous support for the program. Some minor changes were made to reflect changes desired by the public concerning swimming pools, car washes and fee schedules. Other activities have been implemented as discussed later in sections for the Minimum Control Measures for Public Education and Outreach and Public Involvement/Participation.

5. **Best Management Practices (BMP's) Selection.** This Program addresses 6 Minimum Control Measures identified in Federal/State Regulations. This Program was fully implemented on February 1, 2009, and will be continually improved and/or modified to safeguard water quality of receiving streams as well as the health, welfare and quality of life for residents of this City. Goals and objectives are more specifically addressed below.

6. **Operations and Maintenance.** All Departments and entities under the Mayor are responsible for proper operations and maintenance that address all aspects of the Stormwater Management Program. Best Management Practices are to be fully implemented where appropriate to meet water quality objectives. Several operations and maintenance programs have been implemented by city forces to enhance water quality improvements and are discussed under Minimum Control Measures.

7. **Self-Evaluation.** Self-Evaluation using EPA Self Audit Checklists will be conducted annually on or about February 1st of each succeeding year by the Public Works Department. A copy of the checklist is shown in Append ix 5. Analysis may be required initially to identify program shortfalls. Improvements and changes to the program will be immediately made as needs are identified.

SIX MINIMUM CONTROL MEASURES

The Phase II Rule outlines a small MS4 stormwater management program comprising six required program elements that, when implemented, are expected to result in significant reductions of pollutants discharged into receiving waterbodies. These six elements, termed "minimum control measures", are:

1. **Public Education and Outreach**
   Distributing educational materials and performing outreach to inform citizens about the impacts polluted stormwater runoff discharges can have on water quality.

2. **Public Participation/Involvement**
   Providing opportunities for citizens to participate in program development

and implementation, including effectively publicizing public hearings and/or encouraging citizen representatives on a stormwater management panel.

3. Illicit Discharge Detection and Elimination

Developing and implementing a plan to detect and eliminate illicit discharges to the storm sewer system (includes developing a system map and informing the community about hazards associated with illegal discharges and improper disposal of waste).

4. Construction Site Runoff Control

Developing, implementing, and enforcing an erosion and sediment control program for construction activities that disturb 1 or more acres of land (controls could include for example, silt fences and temporary stormwater detention ponds). The City uses 4,000 square feet as the minimum size disturbance for permitting.

5. Post-Construction Runoff Control

Developing, implementing, and enforcing a program to address discharges of post-construction stormwater runoff from new development and redevelopment areas. Applicable controls could include preventative actions such as protecting sensitive areas (e.g., wetland s) or the use of structural BMPs such as grassed swales or porous pavement.

6. Pollution Prevention/Good Housekeeping

Developing and implementing a program with the goal of preventing or reducing pollutant runoff from municipal operations. The program must include municipal staff training on pollution prevention measures and techniques (e.g., regular street sweeping, reduction in the use of pesticides or street salt, or frequent catch-basin cleaning).

BEST MANAGEMENT PRACTICES (BMP's)

Best Management Practices (BMPs) are schedules of activities, prohibitions of practices, maintenance procedures, and other management practices designed to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw sewage. BMPs may include structural devices or nonstructural practices.

The EPA has composed a National Menu of Best Management Practices (BMP's) for Stormwater Phase II. The menu is intended to provide guidance to regulated small MS4s as to the types of practices they could use to develop and implement their stormwater management programs. The menu is intended as guidance only. The menu of BMPs is based on Phase II's six minimum control measures.

Additional Sources of Information:

- Stormwater Phase II Compliance Assistance Guide (EPA)
- Small Construction Activities (EPA)
- www.bmpdataba se.org
- www.stormwatercenter.org
- Center for Watershed Protection

Key points of contact:

Environmental Protection Agency – Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733
1-800-887-6063
1-214-665-7523 (office)
1-2 14-665-2191 (fax)

U.S. Army Corps of Engineers-Little Rock District
Regulatory Branch 700 W. Capitol
Little Rock, Arkansas 72203
501-324-5295 (office)
501-324-6013 (fax)

U.S. Department of Agriculture Service Center
NBA Building, 4000 McCain Boulevard
North Little Rock, Arkansas 72116
501-758-2544 (office)
501-758-7052 (fax)

Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118
501-682-0744 (office)

Arkansas Natural Resources Commission
101 East Capitol, Suite 350
North Little Rock, Arkansas 72201
501-682-1611 (office)
501-682-3991 (fax)

North Little Rock Public Works Department
Attn: Michael Klamm, City Engineer
500 West 13th Street
North Little Rock, Arkansas 72114
501-371-8334 (office)
501-371-8348 (fax)

III. PUBLIC EDUCATION AND OUTREACH

North Little Rock believes an informed and knowledgeable community is crucial to the success of a stormwater management program since it helps to ensure the following:

- Greater support for the program as the public gains a greater understanding of the reason why it is necessary and important. Public support is particularly beneficial when the City attempts to institute new funding initiatives for the program or seek volunteers to help implement the program.
- Greater compliance with the program as the public becomes aware of the personal responsibilities expected of them and others in the community, including the individual actions they can take to protect or improve the quality of area waters.

North Little Rock will continue a public education program to distribute educational materials to the community, or conduct equivalent outreach activities about the impacts of stormwater discharges on local waterbodies and the steps that can be taken to reduce stormwater pollution. North Little Rock has determined the appropriate best management practices (BMPs) and measurable goals for this minimum control measure.

IMPLEMENTATION

North Little Rock recognizes three main action areas as important for successful implementation of a public education and outreach program. Those three areas are:

1. Forming Partnerships. North Little Rock entered into partnerships with various entities that include City Planning Commission, City Council, local engineering firms, contractors, and local neighborhood associations to develop a regional Stormwater Management Program.

North Little Rock will continue to seek assistance from non-governmental organizations (eg. environmental, industrial organizations), since many already have educational materials and perform outreach activities.

2. Using Educational Materials and Strategies. North Little Rock will continue to develop educational materials and activities that are relevant to local situations and issues, and incorporate a variety of strategies to ensure maximum coverage. North Little Rock's goal is to utilize the following strategies:
    - Brochures or fact sheets
    - Recreational guides
    - Alternative information sources
    - A library of educational materials
    - Volunteer citizen educators
    - Event participation
    - Educational programs
    - Storm drain stenciling
    - Stormwater hotline
    - Tributary signage

3. Reaching Diverse Audiences. The public education program uses a mix of appropriate local strategies to address the viewpoints and concerns of a variety of audiences and communities, including minority and disadvantaged communities, as well as children. North Little Rock will print posters and brochures and post large warning signs (e.g., cautioning against fishing or swimming) near storm sewer outfalls in order to reach audiences less likely to read standard materials. North Little Rock directs materials and outreach programs toward specific groups of commercial, industrial, and institutional entities likely to have significant stormwater impacts.

MEASURABLE GOALS

North Little Rock will continue to address the requirements and intent of the Public Education and Outreach Minimum Control Measure. The following BMP's have been implemented to meet the requirement s of the Stormwater Program. Others will be added as funding allows and improvements are made to the technology available.

BMP/Measurable Goal/Justification

BMP: Create an online "Report and Repair" application on the City's website.
Measurable Goal: A "Report and Repair" application was created on the City's website to collect residential complaints and concerns. All complaints/concerns are fully investigated and actions taken. The system is set up to immediately notify the appropriate City contacts by email. Serious incidents are handled after hours through the 911 Center when immediate response is required.
Justification: North Little Rock is too large an area for City personnel to police. Informed citizens around the City need a means of reporting potential stormwater violations to the City. The "Report and Repair" application provides this means.

BMP: Develop a household hazardous waste collection and disposal program.
Measurable Goal: North Little Rock has developed a Household Chemical Waste Collection Facility at 12th and Willow Streets. It is operated every Tuesday and 3rd Saturday of each month. Information is available from the recycling hotline at 501-340-8790.
Justification: Due to the ever increasing number of household hazardous waste materials, it is necessary that the public be made aware of the hazards they present and how they should be properly stored and disposed of.

BMP: Identify existing stormwater educational programs.
Measurable Goal: North Little Rock contacts other cities, county and state offices in order to acquire existing stormwater educational programs. Training is attended with the City of Little Rock and Cities of Northwest Arkansas. Information is also obtained from the City of Hot Springs to assist with in-house training.
Justification: The use of existing stormwater training programs in other Cities modified to meet North Little Rock's needs is a very efficient and cost effective means of enhancing the program.

BMP: Develop a program to train stormwater educators.
Measurable Goal: North Little Rock has developed a program, which combines Audio-Visual capabilities and presentation materials for the purpose of training stormwater educators. Training has been provided to in-house personnel and the program has been expanded to both public and private groups.
Justification: North Little Rock must train City personnel along with volunteer instructors in order to educate the citizens of North Little Rock about NPDES Phase II regulations and the City stormwater management program. Informed citizens are a vital key to the success of the program. The greater the number of qualified instructors the more effective the program becomes.

BMP: Develop informational pamphlets that describe NPDES Phase II regulations.
Measurable Goal: North Little Rock uses pre-developed information from EPA and ADEQ to explain the NPDES Phase II regulations. Further development of a City Pamphlet using familiar scenes has been developed.
Justification: North Little Rock uses pamphlets describing the NPDES Phase II regulations to educate the public. Informed citizens are a vital key to the success of the program.

BMP: Network with other governmental and private agencies in order to determine and monitor potential pollutant sources.
Measurable Goal: North Little Rock coordinates with other governmental agencies in determining and monitoring potential pollutant sources to include US Army Corps of Engineers, ADEQ, Pulaski County, adjoining municipalities, Central Arkansas Water and North Little Rock Wastewater Utility. Efforts are made to immediately address stormwater issues as they are identified.
Justification: To avoid duplication of efforts and to maximize resources, North Little Rock coordinates with other governmental agencies at the Federal, State and Local level.

BMP: Conduct /attend educational conferences and training seminars.
Measurable Goal: North Little Rock personnel attend and conduct training seminars and conferences to better educate themselves as well as the general public. Educational seminars combine audio-visual capabilities and presentation materials that provide the latest most up-to-date training available for stormwater management
Justification: North Little Rock must provide educational seminars utilizing both volunteer and City instructors to educate citizens and employees about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff. Informed citizens are a vital key to the success of the program. The stormwater management program gains strength as the number of informed citizens increases.

BMP: Direct the public to resources that address various types of pollution and prevention measures.
Measurable Goal: North Little Rock's goal is to publish local pamphlets and booklets that address various types of pollution and prevention measures. North Little Rock can issue these materials or direct to the proper resources when requested
Justification: North Little Rock combines traditional methods of education with alternative methods in order to inform as many citizens as possible about the impacts of stormwater pollutants. Printed media or information on the internet is an effective method for communicating to citizens that may otherwise not be active in seminars and other organized efforts.

BMP: Create a North Little Rock stormwater management information website.
Measurable Goal: North Little Rock has made available stormwater management information on the City website. Further information will be added as it becomes available.
Justification: A website is accessible to the citizens 24 hours a day. It contains information about the key aspects of the stormwater management program and it provides

an effective means of communication between the public and the City. Additionally, the internet is an effective means for communicating to citizens that may otherwise be unable to participate in public events and activities.

BMP: Develop an educational display booth for the purpose of promoting the stormwater management program.
Measurable Goal: North Little Rock has the goal to regularly use an educational display booth in order to promote the stormwater management program. This goal will help educate the public and children, in particular, about the importance of stormwater protection.
Justification: An educational display booth will allow City personnel and volunteers the ability to gain exposure, distribute information, and further promote the stormwater management program.

BMP: Develop school programs on stormwater education.
Measurable Goal: North Little Rock works closely with school districts within the City for special awareness activities that promote water quality protection.
Justification: Educating school children on stormwater and water quality practices, including water conservation measures and litter control, will help promote better public awareness.

BMP: Create public service announcements for media distribution on stormwater management.
Measurable Goal: North Little Rock has the goal to produce public service announcements on stormwater through the High School which has multimedia capabilities.
Justification: North Little Rock utilizes various forms of media to communicate to the public about the impacts of stormwater pollutants. The media is an effective method for communicating to citizens.

BMP: Develop a trash management program.
Measurable Goal: North Little Rock has an extensive trash management program that produces a significantly reduced level of trash entering the waterways. This program includes daily operation of three street sweepers, weekly household trash pickup, weekly pickup of yard wastes, curbside recycling pickup, daily patrol of street right-of-ways by litter crews, constant patrolling by code enforcement personnel and focus area neighborhood cleanups, as well as an annual city wide cleanup.
Justification: Trash management increases the aesthetic quality of the landscape and decreases health and safety threats to both wildlife and humans. In addition, less litter from individuals saves the City money in terms of structural runoff control maintenance.

BMP: Develop and conduct seminars to educate the public concerning lawn and garden pollutants in order to reduce their effects on water quality.
Measurable Goal: North Little Rock's goal is to regularly conduct seminars concerning lawn and garden pollutants.
Justification: By performing a soil analysis, selecting native species and choosing proper

grasses, many pesticides and fertilizers can be reduced or eliminated, thereby reducing pollutants in the waterways.

BMP: Encourage and educate the public concerning water conservation practices.
Measurable Goal: North Little Rock and the Central Arkansas Water Utility have raised public awareness about the importance of water conservation for household uses and lawn watering.
Justification: A reduction in the amount of water consumed can reduce the amount of sewage introduced into the sewer or septic system and reduce the amount of excess watering activities that go into the storm drains.

BMP: Educate the public concerning pet waste management.
Measurable Goal: North Little Rock has posted signs and other information on pedestrian trails and in city parks concerning pet waste management. Bags are furnished in some areas and barrels are provided for proper disposal of pet wastes. Nuisance pet wastes are addressed by Code Enforcement on a complaint basis.
Justification: Pet waste management provides cleaner neighborhoods, walking trails, and park areas which results in improved water quality by reducing unwanted foreign material to water bodies.

IV. PUBLIC PARTICIPATION/INVOLVEMENT

North Little Rock believes that the public can provide valuable input and assistance to a regulated small MS4 municipal stormwater management program. Therefore, the City desires that the public be given opportunities to play an active role in both the development and implementation of the program. An active and involved community is crucial to the success of a stormwater management program because it allows for:

- Broader public support since citizens who participate in the development and decision making process are partially responsible for the program. This makes the public less likely to raise legal challenges to the program and more likely to take an active role in its implementation.
- Shorter implementation schedules due to fewer obstacles in the form of public and legal challenges and increased sources in the form of citizen volunteers.
- A broader base of expertise and economic benefits since the community can be a valuable, free and intellectual resource.
- A conduit to other programs as citizens involved in the stormwater program development provide important cross-connections and relationships with other community and government programs. This benefit is particularly valuable when trying to implement a stormwater program on a watershed basis, as encouraged by EPA.

North Little Rock complies with applicable State and local public notice requirements in the execution of this minimum control measure. North Little Rock determines the appropriate best management practices (BMPs) and measurable goals for this minimum control measure. Implementation, BMPs and measurable goals are described below.

North Little Rock included the public in developing, implementing, and reviewing its stormwater management program. The public participation

process made every effort to reach out and engage all economic and ethnic groups.

IMPLEMENTATION

The best way to handle common notification and recruitment challenges is to know the audience and think creatively about how to gain its attention and interest. Therefore, North Little Rock combines traditional methods of soliciting public input with alternative advertising methods. Newspaper, radio and television have played an important role in developing the City stormwater program. Public meetings, televised public hearings, neighborhood newsletters, and other civic meetings have assisted in public participation in the planning and implementation processes.

North Little Rock's notification program has targeted specific population sectors, including ethnic, minority, low-income communities, academia institutions, educational institutions, neighborhood groups, community groups, outdoor-recreation groups, businesses, and industry. The ultimate goal was to involve a diverse cross-section of people who were able to offer concerns, ideas and connections during the program development process.

MEASURABLE GOALS

North Little Rock has implemented the requirements and intent of the Public Participation/ Involvement Minimum Control Measure as shown i n the following BMP's and measurable goals.

BMP/Measurable Goal/Justification

BMP: Establish a NPDES stormwater advisory panel.
Measurable Goal: A NPDES stormwater advisory panel was established which consists of the Public Works Director, City Engineer, Street Department Director, Safety Officer, Parks Department Director, and City Council members.
Justification: Involving management and citizens in the stormwater management program improves managerial and political support needed for effectiveness of the program.

BMP: Create an online "Report and Repair" application on the City's website.
Measurable Goal: A "Report and Repair" application was created on the City's website to collect residential complaints and concerns. All complaints/concerns are fully investigated and actions taken. The system is set up to immediately notify the appropriate City contacts by email. Serious incidents are handled after hours through the 911 Center when immediate response is required.
Justification: North Little Rock is too large an area for City personnel to police. Informed citizens around the City need a means of reporting potential stormwater violations to the City. The "Report and Repair" application provides this means.

BMP: Develop a household hazardous waste collection and disposal program.
Measurable Goal: North Little Rock has developed a Household Chemical Waste Collection Facility at 12th and Willow Streets. It is operated every Tuesday and 3rd Saturday of each month. Information is available from the recycling hotline at 501-340-8790.
Justification: Due to the ever increasing number of household hazardous waste materials, it is necessary that the public be made aware of the hazards they present and how they should be properly stored and disposed.

BMP: Notify the public of meetings and activities through media outlets.
Measurable Goal: North Little Rock makes public announcements through media outlets concerning meetings and activities on the City's stormwater management program.
Justification: North Little Rock utilizes various forms of media to communicate to the public about opportunities to participate in the stormwater management program. The media is an effective method for communicating to citizens.

BMP: Organize and execute a storm sewer and stream cleanup and monitoring program.
Measurable Goal: North Little Rock has organized an annual city-wide clean up that includes all watersheds in the city. Volunteers from youth organizations, businesses, churches, neighborhood groups, and civic organizations participate. This greatly supplements city drainage crews which cleanout storm sewers and streams on a daily basis. Many citizens located next to city streams perform routine cleanups and notify the city of illicit discharges.
Justification: Cleanup and monitoring efforts involving the public benefit both the water body and the community. These efforts help citizens feel more involved in their community and foster a sense of responsibility for the water resources within them.

BMP: Organize and execute marking of stormwater structures.
Measurable Goal: North Little Rock has initiated marking of storm drains with aluminum decals that say "no dumping, drains to river."
Justification: Storm drain marking projects offer an excellent opportunity to educate the public about the link between the storm drain system and water quality.

BMP: Initiate a reforestation program.
Measurable Goal: North Little Rock has initiated a reforestation program along streams within the city using Boy Scouts, Audubon Society, and other civic groups.
Justification: Pollutants can freely flow into valuable natural resources without a vegetative buffer along stream corridors and lakeshores. Trees and forested areas reduce runoff through interception and by increasing surface storage and infiltration.

BMP: Develop a display booth to educate the public about the City's stormwater management program.
Measurable Goal: North Little Rock has the goal to regularly use a display booth at conferences and other public meetings which allows volunteers to educate the public on the stormwater management program.
Justification: An educational display booth allows volunteers to display and distribute

materials related to the City's stormwater management program. This is a two-fold benefit in that it allows both public participation and education.

BMP: North Little Rock encourages local residents to assist in monitoring local streams and storm sewers.
Measurable Goal: North Little Rock works with local citizens in monitoring activities that occur around streams. Meetings occur throughout each year which promote this activity.
Justification: The effectiveness of the stormwater management program is best assessed through monitoring activities around streams. Informed citizens are a key asset in protecting the water quality of streams.

BMP: Consider a plan to initiate an "Adopt-A-Stream" program.
Measurable Goal: North Little Rock has considered developing an "Adopt-A-Stream" program. Although not formalized, local community groups report adverse activities which are investigated and resolved.
Justification: Participants of the program help make areas in their watershed more visually attractive and improve habitat for wildlife, thus saving and restoring natural resources, in addition to regular stream monitoring.

V. ILLICIT DISCHARGE DETECTION AND ELIMINATION

Federal regulations define an illicit discharge as "... any discharge to an MS4 that is not composed entirely of stormwater…" with some exceptions. These exceptions include discharges from NPDES-permitted industrial sources and discharges from fire-fighting activities. Illicit discharges are considered "illicit" because MS4s are not designed to accept, process, or discharge such non-stormwater wastes. Sources of illicit discharges may be sanitary wastewater, effluent from septic tanks, car wash wastewaters, improper oil disposal, radiator flushing disposal, laundry wastewaters, spills from roadway accidents and improper disposal of auto and household toxics.

Discharges from MS4's often include wastes and wastewater from non-storm sources. A study conducted in 1987 in Sacramento, California found that almost one-half of the water discharged from a local MS4 was not directly attributable to precipitation runoff. A significant portion of these dry weather flows was from illicit and/or inappropriate discharges and connections to the MS4.

Illicit discharges enter the system through either direct connections (e.g., wastewater piping either mistakenly or deliberately connected to the storm drains) or indirect connections (e.g., infiltration into the MS4 from cracked sanitary systems, spills collected by drain outlets, or paint or used oil dumped directly into a drain). The result is untreated discharges that contribute high levels of pollutants , including heavy metals, toxics, oil and grease, solvents, nutrients, viruses, and bacteria to receiving waterbodies. Pollutant levels from these illicit discharges have been shown in EPA studies to be high enough to significantly degrade receiving water quality and threaten aquatic wildlife as well as other wildlife and human health.

North Little Rock recognizes the adverse effects illicit discharges have on receiving waters, therefore the City has implemented and enforces an illicit discharge detection and elimination program, which includes:

- A storm sewer system map, showing the location of major outfall s and the names and location of waters of the United States that receive discharges from those outfalls.
- An ordinance on non-storm water discharges into the MS4, and appropriate procedures and actions.
- A plan to detect and address non-stormwater discharges, including illegal dumping, into the MS4.
- The education of public employees, businesses, and the general public about the hazards associated with illegal discharges and improper disposal of waste.
- Appropriate best management practices (BMPs) and measurable goals for this minimum control measure.

North Little Rock's illicit discharge detection and elimination program will not address the following categories of non-stormwater discharges or flows:

- Water line flushing
- Firefighting activities
- Landscape irrigation
- Diverted stream flows
- Rising ground waters
- Uncontaminated ground water infiltration
- Uncontaminated pumped ground water
- Discharges from potable water sources
- Foundation drains
- Air conditioning condensation
- Irrigation water
- Springs
- Water from crawl space pumps
- Footing drains
- Lawn watering
- Individual residential car washing
- Flows from riparian habitats and wetlands
- Dechlorinated swimming pool discharges

IMPLEMENTATION

North Little Rock's illicit discharge detection and elimination program is to gain a thorough knowledge of its system in order to determine the types and sources of illicit discharges entering the system and establish the legal,

technical and educational means needed to eliminate these discharges. The City uses the general guidance described below in order to meet its objectives.

Maps

Storm sewer system mapping and drainage analysis demonstrate a basic awareness of the intake and discharge areas of the system. The extent of discharged dry weather flows, the possible sources of the dry weather flows, and the particular water bodies these flows may be affecting can all be taken into account using updated maps. North Little Rock collects existing information on outfall locations and conducts field surveys to verify locations. This requires walking the stream banks and shorelines for visual observation. The City continually updates map information using PAGIS and GIS information as it becomes available.

Legal Prohibition and Enforcement

North Little Rock has established and enforces an ordinance, which includes prohibition of illicit discharges. City Stormwater Ordinance is shown in Appendix 2.

Plan Procedures

Detection and stopping illicit discharges is the central component of the City's illicit discharge detection and elimination program. The following four steps are used:

1. Locate problem areas. North Little Rock identifies priority areas for detailed screening of the system based on the likelihood of illicit connections. The City uses various methods such as public complaints, visual screening, and observation of outfalls during dry weather to locate problem areas.
2. Find the source. Additional efforts usually are necessary to determine the source of the problem once a problem area or discharge is found. North Little Rock may utilize various methods such as dye-testing buildings, dye/smoke testing buildings at the time of sale, tracing discharge upstream in the storm sewer, and using video to inspect the storm sewers to find the source of illicit discharge.
3. Remove/correct illicit connections. North Little Rock notifies and directs the offending discharger to correct the problem. North Little Rock utilizes both education efforts and working with the discharger in resolving the problem before taking legal action.
4. Document actions taken. North Little Rock documents actions taken in order to manage and illustrate that progress is being made to eliminate illicit connections and discharges.

Education and Outreach

North Little Rock recognizes the importance of continued educational outreach to public employees, businesses, property owners, the general community and elected officials regarding ways to detect and eliminate illicit discharges as an integral part of the City's

illicit discharge detection and elimination program. This action helps gain support for the City's stormwater program. The City executes various outreach efforts such as developing informative brochures, developing school curricula, designing a program to publicize and facilitate public reporting of illicit discharges, coordinating volunteers for locating outfalls, and initiating recycling programs.

MEASURABLE GOALS

North Little Rock uses an integrated approach to address the requirements and intent of the Illicit Discharge Detection and Elimination Minimum Control Measure.

BMP/Measurable Goal/Justification

BMP: Create an online "Report and Repair" application on the City's website.
Measurable Goal: A "Report and Repair" application was created on the City's website to collect residential complaints and concerns. All complaints/concerns are fully investigated and actions taken. The system is set up to immediately notify the appropriate City contacts by email. Serious incidents are handled after hours through the 911 Center when immediate response is required.
Justification: North Little Rock is too large an area for City personnel to police. Informed citizens around the City need a means of reporting potential stormwater violations to the City. The "Report and Repair" application provides this means.

BMP: Develop a household hazardous waste collection and disposal program.
Measurable Goal: North Little Rock operates a household hazardous waste collection and disposal program which eliminates many sources of illicit discharges.
Justification: Due to the ever increasing number of household hazardous waste materials that may be dumped into the City's water bodies, it is necessary that the public be made aware of the hazards they present and how they should be properly disposed.

BMP: Create and adopt a stormwater management ordinance.
Measurable Goal: North Little Rock adopted a stormwater management ordinance that prohibits illicit discharges.
Justification: The stormwater management ordinance establishes guidelines and regulations that are necessary to comply with NPDES Phase II Final Rule. This mechanism provides the City with the tool to manage and enforce its stormwater management program.

BMP: Develop a map of the major watersheds throughout North Little Rock.
Measurable Goal: North Little Rock is continually developing and updating watershed maps showing drainage features and MS4 facilities using GIS technology. Drainage analyses have been performed by Consultants hired by the City.
Justification: A map is necessary to demonstrate a basic awareness of the intake and discharge areas of the basin and to assist in determining the types and sources of illicit

discharges affecting a watershed. Watershed maps serve as a tracking, scheduling, and record keeping mechanism. Mapping is an ongoing process to initially prepare and continually update changes.

BMP: Develop pamphlets and booklets that address various types of illicit discharges and prevention measures.
Measurable Goal: North Little Rock's goal is to continually develop pamphlets and booklets that address various types of illicit discharges and prevention measures.
Justification: North Little Rock combines traditional methods of education with alternative methods in order to inform as many citizens as possible about the impacts of stormwater pollutants. When educated, the public will become aware of how to identify potential illicit discharges, of the impact they can have on stormwater management, and of reporting procedures of illicit discharges and how they can be avoided or mitigated. Printed media is an effective method for communicating to citizens that may otherwise not be active in seminars and other organized efforts.

BMP: Map the major storm drainage structures within a sub-watershed.
Measurable Goal: North Little Rock will continue to map the major storm drainage structures within a sub-watershed to address any issues within that area. As new subdivisions are developed, drainage will be a key area of review.
Justification: North Little Rock recognizes the need to include the major storm drainage structures within a sub-watershed in order to adequately depict it. A map is necessary to demonstrate a basic awareness of the intake and discharge areas of the basin and to assist in determining the types and sources of illicit discharges affecting a watershed. Mapping will be an ongoing process to initially prepare and continually update changes.

BMP: Develop and implement a training program to educate City personnel and volunteers on identifying illicit discharges and connections.
Measurable Goal: North Little Rock trains City personnel and volunteers on identifying illicit discharges and connections. Stream monitoring and maintenance activities are conducted daily by a Drainage Crew assigned to the Street Department. Code Enforcement personnel patrol the City daily and assist in stopping illicit discharges.
Justification: Illicit discharges into the water bodies of North Little Rock can carry raw sewage, heavy metals, oil and grease, solids, detergents, chlorine, potassium, ammonia, and nutrients, which can cause bacterial contamination, the spread of disease and close waters to fishing and recreation. Heavy metals are also known to be toxic to aquatic organisms. The stormwater management program will train City personnel and volunteers on recognition, reporting procedures and corrective actions related to illicit discharges and connections. This program will reduce the effects of illicit discharges and connections on water bodies of the City.

BMP: Develop procedures to detect and eliminate illicit discharges in industrial and commercial connections.

Measurable Goal: North Little Rock through its Wastewater Utility and Code Enforcement Office detect and eliminate illicit discharges in industrial and commercial connections. A program to plug floor drains going into storm and sanitary sewers has been implemented.
Justification: Cross connections can occur inadvertently or intentionally. An illicit cross connection can introduce such contaminants as heavy metals, oil and grease, nutrients or raw sewage into the stormwater system. North Little Rock's procedures enlighten its citizens on the adverse consequences, how to identify, test, monitor, avoid and mitigate illicit discharges and connections.

BMP: Develop a recycling program.
Measurable Goal: North Little Rock has developed a recycling program with curbside pickup that allows utilization of many unused materials. This reduces the sources of many possible illicit discharges.
Justification: Many potential contaminants can be recycled that otherwise may become pollutants into the City's water bodies. Contaminants such as oil, plastics, batteries, tires and metals are recyclable wastes. When improperly disposed, these items can migrate into surface and ground water. A recycling program allows a simple and effective way of disposal, reducing landfill waste and preserving resources.

BMP: Develop a program to reduce the amount of illegal dumping through public education and development of a citizen-reporting program.
Measurable Goal: North Little Rock has a program to reduce the amount of illegal dumping through public education, citizen reporting, and patrolling by law enforcement and code enforcement officers.
Justification: Illegal dumping of wastes, whether solids or liquids, can impair water quality, particularly surface water and wells. Substances disposed of directly into storm drains can also lead to water quality impairment. North Little Rock's program combines citizen awareness, citizen reporting, clean-up activities and enforcement to reduce the effects of illegal dumping.

BMP: Develop a program to reduce the number of failing septic systems.
Measurable Goal: North Little Rock has a program to reduce the number of failing septic systems by addressing complaints, patrolling of problem areas and requiring connection to the City Wastewater Utility where available.
Justification: An improperly functioning septic system allows sewage to migrate to the ground surface and into the water bodies of the City. These failures introduce pollutants such as nitrogen and micro-biological pathogens, which contain viruses and bacteria that present health problems for humans, animals and aquatic organisms. Since the Arkansas Department of Health is the agency responsible for septic tank systems, the City takes an active role in coordinating efforts to identify and mitigate failing systems in the City.

VI. CONSTRUCTION SITE RUNOFF CONTROL

Polluted stormwater runoff from construction sites often flows into MS4s and ultimately is discharged into local rivers and streams. Pollutants commonly discharged from construction sites include sediment, solid/sanitary wastes, phosphorous (fertilizer), nitrogen (fertilizer), pesticides, oil/grease, concrete truck washout, construction chemicals, and construction debris. Sediment is usually the main pollutant of concern. Sediment runoff rates from construction sites are typically 10 to 20 times greater than those of agricultural lands, and 1,000 to 2,000 times greater than those of forestlands. During a short period of time, construction sites can contribute more sediment to streams than can be deposited naturally during several decades. The resulting siltation, and the contribution of other pollutants from construction sites, can cause physical, chemical, and biological harm to our nation's waters. For example, excess sediment can quickly fill rivers and lakes, requiring dredging and destroying aquatic habitats.

North Little Rock recognizes the adverse effects of construction site runoff and has developed, implemented, and enforces a program to reduce pollutants in stormwater runoff to their MS4 from construction activities that result in a land disturbance of 4,000 square feet or greater. North Little Rock has:

- An ordinance requiring the implementation of proper erosion and sediment controls, and controls for other wastes, on applicable construction sites.
- Procedures for site plan review of construction plans that consider potential water quality impacts.
- Procedures for site inspection and enforcement of control measures.
- Sanctions to ensure compliance, which are established within the ordinance.
- Procedures for the receipt and consideration of information submitted by the public.
- Determined and approves the appropriate best management practices (BMPs) and measurable goals for this minimum control measure.

IMPLEMENTATION

North Little Rock's construction site runoff program's objective is to reduce pollutants in stormwater runoff. The City uses the general guidance described below in order to meet its objective.

Regulatory Mechanism

North Little Rock has established a construction stormwater permit program through the development of an ordinance that controls polluted runoff from construction sites with a land disturbance of 4,000 square feet or greater. This is accomplished to the maximum extent practicable and allowable under law. This permit program does not supersede the state construction permit program but is more restrictive for smaller sites under one acre.

Site Plan Review

North Little Rock's construction stormwater permit program includes requirements for the implementation of appropriate BMPs on construction sites to control erosion and sediment and other waste at the site. North Little Rock reviews the site plans submitted by the owner before ground is disturbed to determine if a construction site is in compliance with the requirements.

Site plan reviews aid in compliance and enforcement efforts since it alerts the City early in the process to the planned use or non-use of proper BMPs and provides a way to track new construction activities. The tracking of sites is useful not only for the City's record keeping and reporting purposes, which are required under the NPDES stormwater permit, but also for members of the public interested in ensuring that the sites are in compliance.

Inspections and Penalties

The City's enforcement activities begin once construction commences to insure BMPs are in place. The City performs site inspect ions and enforcement of control measures to deter infractions. Inspection procedures include priority site inspections based upon the construction activity, topography and soils characteristics. The inspection process also gives the City the opportunity to provide additional guidance and education, and issue warnings or assess penalties. City Engineer, Code Enforcement Officers, Building Inspectors, and Safety personnel assist in monitoring these activities.

Information Submitted by the Public

North Little Rock's construction program also has procedures for the receipt and consideration of public inquiries, concerns, and information submitted regarding local construction activities. This further reinforces the public participation component of the City's stormwater program and recognizes the crucial role that the public plays in identifying instances of noncompliance. The City considers all information submitted and determines the appropriate follow-up action or response. The City demonstrates acknowledgement and consideration of information submitted. A tracking process in which submitted public information, both written and verbal, is recorded and then given to the appropriate inspector for follow-up.

Phase I NPDES

Phase I NPDES stormwater program requires operators of construction activities that disturb five or more acres to obtain an NPDES construction stormwater permit from ADEQ. General permit requirements include the submission of a Notice of Intent (NOI) and the development of a stormwater pollution prevention plan (SWPPP). The SWPPP must include a site description as well as measures and controls to prevent or minimize pollutants in stormwater discharges. The Phase II Final Rule similarly regulates discharges from smaller construction sites disturbing equal to or greater than one acre and less than five acres.

Even though all construction sites that disturb more than one acre are covered nationally by an NPDES stormwater permit, the construction site runoff control minimum measure for the City program is needed to induce more localized site regulation and enforcement efforts. It enables the City to more effectively control construction site discharges into its MS4s. Regulation of sites of 4,000 square feet or greater was required because of the problems caused by single family dwelling construction which was not previously covered by stormwater regulations.

MEASURABLE G O A L S

North Little Rock utilizes an integrated approach to address the requirements and intent of the Construction Site Runoff Minimum Control Measure.

BMP/Measurable Goal/Justification

BMP: Create an online "Report and Repair" application on the City's website.
Measurable Goal: A "Report and Repair" application was created on the City's website to collect residential complaints and concerns. All complaints/concerns are fully investigated and actions taken. The system is set up to immediately notify the appropriate City contacts by email. Serious incidents are handled after hours through the 911 Center when immediate response is required.
Justification: North Little Rock is too large an area for City personnel to police. Informed citizens around the City need a means of reporting potential stormwater violations to the

City. The "Report and Repair" application provides this means.

BMP: Develop and implement procedures for site plan submittal and review.
Measurable Goal: North Little Rock has developed and implemented procedures for site plan submittal and review before Construction Permits are issued through "Regulations to Control Development and Subdivision of Land." All Stormwater Permits are required before Construction is allowed to commence.
Justification: North Little Rock recognizes that erosion and sedimentation from construction sites lead to reduced water quality and other environmental degradation. Ordinances promote the public welfare by guiding, regulating, and controlling the design, construction, use and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land. Land Development ordinances consist of permit application and review, and further require that all necessary erosion and sediment control permits and procedures are followed. A site plan submittal and review process assures the City that developers design and implement appropriate erosion and sediment controls, as well as other BMP's related to construction sites.

BMP: Develop a construction site inspection/enforcement program.
Measurable Goal: North Little Rock has developed a construction site Inspection/enforcement program using City Engineering, Code Enforcement, Building Inspection, and Safety personnel.
Justification: To insure that BMPs are properly installed, it is necessary to have procedures for site inspection and enforcement of control measures to deter infractions. Inspector training programs also help enforce compliance by limiting the burden of inspection by regulatory agencies.

BMP: Develop a stormwater BMP drainage manual.
Measurable Goal: North Little Rock has developed a stormwater BMP drainage manual. Occasional updates to the manual are necessary because of increased technology and law changes.
Justification: Siltation and the contribution of other pollutants from construction sites cause physical, chemical, and biological harm to our nation's waters. A stormwater BMP drainage manual is necessary to provide guidelines and regulations to the citizens of North Little Rock, particularly design and construction professionals. This manual provides a tool for the City to reduce pollutants from construction site runoff entering the water bodies in the City.

BMP: Create and adopt a construction stormwater permit ordinance.
Measurable Goal: North Little Rock created and adopted a stormwater management ordinance that requires a city permit for any activity that disturbs 4,000 square feet or more. This ordinance does not replace but supplements ADEQ Permit requirements.
Justification: Siltation and the contribution of other pollutants from construction sites can cause physical, chemical, and biological harm to our nation's waters. A stormwater management ordinance establishes the guidelines and regulations that are necessary to

comply with NPDES Phase II Final Rule. This mechanism provides the City with the tool to manage and enforce its stormwater management program.

BMP: Develop an erosion and sediment control plan requirement.
Measurable Goal: North Little Rock requires an erosion and sediment control plan for all new construction projects before a building permit is issued. The plan is to be submitted and reviewed before any site work is started.
Justification: North Little Rock recognizes that erosion and sedimentation from construction sites lead to reduced water quality and other environmental degradation. Ordinances promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land

BMP: Establish procedures for receipt and consideration of information submitted by the public.
Measurable Goal: North Little Rock has established procedures for receipt and consideration of information submitted by the public and other agencies. When complaints are filed, they are investigated and appropriate course of action taken. Complaints are taken by phone, personal contact, electronic mail, and regular mail.
Justification: In order to provide a link between the citizens and North Little Rock's government, it is necessary to establish methods in which contact is available. The primary method for reporting water quality violations is hotline for citizens to report by telephone. The City's mailing address is listed on brochures, which provide an additional means for citizens to contact the City. North Little Rock's intent is to ensure all reports are investigated promptly and thoroughly in order to support the efforts of the citizens therefore ensuring success of the program.

VII. POST-CONSTRUCTION RUNOFF CONTROL

Post-construction stormwater management in areas undergoing new development or redevelopment is necessary because runoff from these areas has been shown to significantly affect receiving water bodies. Many studies indicate that prior planning and design for the minimization of pollutants in post-construction stormwater discharges is the most cost-effective approach to stormwater quality management.

There are generally two forms of substantial impacts of post-construction runoff. The first is caused by an increase in the type and quantity of pollutants in stormwater runoff. As runoff flows over areas altered by development, it picks up harmful sediment and chemicals such as oil and grease, pesticides, heavy metals, and nutrients (e.g., nitrogen and phosphorus). These pollutants often become suspended in runoff and are carried to receiving waters, such as lakes, ponds, and streams. Once deposited, these pollutants can enter the food chain through small aquatic life, eventually entering the tissues of fish and humans. The second kind of post-construction runoff impact occurs by increasing the quantity of water delivered to the water body during storms. Increased impervious surfaces interrupt the natural cycle of gradual percolation of water through vegetation and soil. Instead, water is collected from surfaces such as asphalt and concrete and routed to drainage systems where large volumes of runoff quickly flow to the nearest receiving water. The effects of this process include stream bank scouring and downstream flooding, which often lead to a loss of aquatic life and damage to property.

North Little Rock’s post-construction runoff program's objective is to reduce pollutants in post construction runoff from new development and redevelopment projects that result in any land disturbance. The City's program consists of the following items in support of this objective:

- Require any development to implement strategies, which include a combination of structural and/or non-structural best management practices (BMPs).

- Execute ordinances and regulations requiring the implementation of post-construction runoff controls to the maximum extent allowable under local law.
- Ensure adequate long-term operation and maintenance of controls.
- Determine the appropriate best management practices (BMPs) and measurable goals for this minimum control measure.

Redevelopment Project Definition

The term "redevelopment" refers to alterations of a property that change the "footprint" of a site or building in such a way that there is a disturbance of one acre or greater of land. The term does not include such activities as exterior remodeling. Because redevelopment projects may have site constraints not found on new development sites, the rule provides flexibility for implementing post-construction controls on redevelopment sites that consider these constraints.

IMPLEMENTATION

North Little Rock's post-construction runoff program's objectives are met through a combination of both structural and non-structural BMPS. The post- construction program is very similar to the construction site runoff program and therefore is developed in tandem.

Non-Structural BMPs

Planning and Procedures. Runoff problems are addressed efficiently with sound planning procedures. Master plans, comprehensive plans, and zoning ordinances promote improved water quality by guiding the growth of a community away from sensitive areas and by restricting certain types of growth to areas than can support it without compromising water quality. Low impact development is encouraged.

Site-Based Local Controls. These controls include buffer strip and riparian zone preservation, minimization of disturbance and imperviousness, and maximization of open space.

Structural BMPs

Storage Practices. Storage or detention BMPs control stormwater by gathering runoff in wet ponds, dry basins, or multi-chamber catch basins and slowly releasing it to receiving waters or drainage systems. These practices both control stormwater volume and settle out particulates for pollutant removal.

Infiltration Practices. Infiltration BMPs are designed to facilitate the percolation of runoff through the soil to groundwater, and thereby resulting

in reduced stormwater quantity and reduced mobilization of pollutants. Examples include infiltration basins/trenches, dry wells, and porous pavement.

Vegetative Practices. Vegetative BMPs are landscaping features that, with optimal design and good soil conditions, enhance pollutant removal, maintain/improve natural site hydrology, promote healthier habitats, and increase aesthetic appeal. Examples include grassy swales, filter strips, artificial wetlands, and rain gardens. These practices are required as part of approving any new development.

MEASURABLE GOALS

North Little Rock utilizes an integrated approach to address the requirements and intent of the Post-Construction Runoff Control Minimum Control Measure.

BMP/Measurable Goal/Justification

BMP: Develop a program that ensures adequate long-term operation and maintenance of controls.
Measurable Goal: North Little Rock ensures adequate long-term operation and maintenance of controls through its Planning review process. All development sites are required to have permanent stabilization before occupancy permits are issued. Sites are reviewed to ensure all safeguards and stabilization procedures are in place. In many instances, performance bonds and maintenance bonds are required for two years.
Justification: In order to ensure that long-term operation and maintenance of controls are met, the City enforces its stormwater ordinance and drainage manual requirements.

BMP: Develop and implement a stormwater design manual, which includes a combination of structural and/or non-structural BMPs.
Measurable Goal: North Little Rock intends to complete a stormwater design manual, which includes a combination of structural and/or non-structural BMPs that would be a compilation of procedures used by the Cities of Little Rock and Hot Springs.
Justification: Siltation and the contribution of other pollutants from post-construction sites can cause physical, chemical, and biological harm to our nation's waters. A stormwater drainage manual that includes structural and non-structural BMPs would provide guidelines and regulations to the citizens of North Little Rock, particularly design and construction professionals. The non-structural and structural BMPs would be accomplished through a combination of planning review and approvals, site-based local controls, and vegetative practices.

BMP: Develop an ordinance that includes post-construction runoff control.
Measurable Goal: North Little Rock has developed several ordinances and regulations that include post-construction runoff control. The North Little Rock Zoning Ordinance, Regulations to Control Development and Subdivision of Land and the Stormwater Management Ordinance are examples of this.

Justification: Siltation and the contribution of other pollutants from construction sites cause physical, chemical, and biological harm to our nation's waters. Ordinances and approved procedures must address both construction and post-construction runoff control in order to comply with NPDES Phase II Final Rule. These mechanisms provide the City with the tools to manage and enforce the stormwater management program.

BMP: Establish procedures for receipt and consideration of information submitted by the public.

Measurable Goal: North Little Rock has established procedures for receipt and consideration of information submitted by the public. Complaints are recorded, investigated, and appropriate action taken.

Justification: In order to provide a link between the citizens and North Little Rock's government, it is necessary to establish methods in which contact is available. The primary method for reporting water quality violations is a call to Public Works using normal business lines and the hotline for citizens reporting by telephone. The City's mailing address is listed on City website and brochures, which provide an additional means for citizens to contact the City. North Little Rock has established internal procedures that ensure responsiveness to citizen reports. North Little Rock's intent is to ensure all reports are investigated promptly and thoroughly in order to support the efforts of the citizens, therefore ensuring success of the program.

VIII. POLLUTION PREVENTION/GOOD HOUSEKEEPING

North Little Rock recognizes that pollution prevention /good housekeeping for City operations is a key element of its stormwater management program. This measure will require the City to examine and subsequently alter their own actions to help ensure a reduction in the amount and type of pollution that:

- Collects on streets, parking lots, open spaces, storage areas and vehicle maintenance areas, and is discharged into local waterways.
- Results from actions such as environmentally-damaging land development and poor flood management practices such as poor maintenance of storm sewer systems.

While this measure is meant primarily to improve or protect receiving water quality by altering City or facility operations, it also can result in cost savings for the City since proper and timely maintenance of storm sewer systems can help avoid repair costs from damage caused by age and neglect.

North Little Rock recognizes the benefits of pollution prevention practices and has developed strategies consisting of the following:

- Implementing an operation and maintenance program that prevents or reduces pollutant runoff from City operations into the storm sewer system.
- Training employees on how to incorporate pollution prevention/good housekeeping techniques into City operations such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance.
- Determining the appropriate best management practices (BMPs) and measurable goals for this minimum control measure.

IMPLEMENTATION

North Little Rock's objective in maintaining a pollution prevention/good housekeeping program is to ensure that existing City, state or federal operations are performed in ways that will minimize contamination of stormwater discharges. North Little Rock uses the general guidance described below in order to meet its objectives:

- Maintenance activities, maintenance schedules, and long-term inspection procedures for structural and non-structural controls to reduce floatables and other pollutants discharged from the separate storm sewers.
- Controls for reducing or eliminating the discharge of pollutants from areas such as roads and parking lots, maintenance and storage yards and waste transfer stations. These controls include programs that promote recycling, minimizing pesticide use and ensuring the proper disposal of animal waste.
- Procedures for the proper disposal of waste removed from separate storm sewer systems and areas listed in the above, including dredge spoil, accumulated sediments, floatables, and other debris.
- Ways to ensure that new projects do not adversely impact water quality and to examine existing projects for incorporation of additional water quality protection devices or practices.

The effective performance of this control measure hinges on the proper maintenance of the BMPs used. For example, structural controls, such as grates on outfalls to capture floatables, need regular cleaning, while non-structural controls, such as training materials and recycling programs, need periodic updating.

MEASURABLE GOALS

North Little Rock utilizes an integrated approach to address the requirements and intent of the Pollution Prevention /Good Housekeeping Minimum Control Measure. This approach includes the following measurable goals:

BMP: Develop and implement an operations and maintenance program.
Measurable Goal: North Little Rock has developed comprehensive maintenance programs that practice good housekeeping and pollution prevention on a daily basis through the various departments that include Street, Sanitation, Electric, Vehicle Maintenance, Parks, Traffic, Wastewater, and Code Enforcement.
Justification: Many potential contaminants can enter the waterbodies of the City without proper operations and maintenance procedures. North Little Rock's operations and maintenance programs emphasize preventing or reducing pollutant runoff from City operations into the storm sewer system.

BMP: Implement a used oil-recycling program.
Measurable Goal: North Little Rock conducts a used oil-recycling program through the Vehicle Maintenance shop. All used oil is properly stored and disposed through commercial recycling.
Justification: Many potential contaminants can be recycled that otherwise may become pollutants into the City's water bodies. Oil is a potential contaminant that is recyclable. When improperly disposed of, oil can migrate into surface and ground water. A recycling program allows a simple and effective way of oil disposal.

BMP: Develop a materials management program.
Measurable Goal: North Little Rock conducts proper materials management by storing most materials like fertilizers, solvents, paints, petroleum products, herbicides, insecticides, consumables, and equipment under covered storage or in a warehouse. Most materials are stored in limited quantities and are restocked as needed.
Justification: Responsibly managing common chemicals and materials can significantly prevent polluted runoff.

BMP: Implement covering of raw materials.
Measurable Goal: North Little Rock has implemented covering of raw materials like salt, cement, asphalt and sand. Small amounts of road sand and gravel are stored in an open area that is not subject to heavy rainfall runoff. These quantities have been greatly reduced to limit adverse runoff quality.
Justification: When raw materials are exposed to rain and/or runoff they have the potential to contaminate stormwater. The use of tarpaulins, plastic sheeting, roofs, buildings and other enclosures are good and inexpensive methods for covering raw materials.

BMP: Conduct employee training on the stormwater management program.
Measurable Goal: North Little Rock conducts employee training on the stormwater management program. Inspectors, maintenance employees and supervisors are trained in proper stormwater management procedures and responsibilities.
Justification: In-house employee training programs are established to teach employees about stormwater management, potential sources of contaminants, and best management practices. Employee training programs help instill in all personnel a thorough understanding of the City's stormwater pollution prevention plan, including BMPs, processes and materials they are working with, safety hazards, practices for preventing discharges, and procedures for responding quickly and properly to toxic and hazardous material incidents.

BMP: Implement procedures for proper storage of hazardous materials.
Measurable Goal: North Little Rock employees are required to properly store all hazardous materials. City Safety Officer and department supervisors monitor this effort.
Justification: The practice of covering and properly storing hazardous chemicals impact stormwater quality. Hazardous chemicals are to be properly labeled, stored, inventoried and periodically inspected for leaks and signs of corrosion as part of the City's hazardous materials storage program.

BMP: Develop a program to control and reduce illegal dumping through public education and to report these incidents in addition to daily monitoring by Code Enforcement and Street Department personnel.
Measurable Goal: North Little Rock has an effective program that reduces the amount of illegal dumping through public education and reporting as well as daily monitoring by city forces. Illegal dumps are quickly cleaned up to discourage continued dumping.
Justification: Illegal dumping of wastes, whether solids or liquids, impair water quality, particularly surface water and wells. Substances disposed of directly into storm drains also lead to water quality impairment. North Little Rock's program combines citizen awareness, citizen reporting, clean-up activities, and enforcement to reduce the effects of illegal dumping.

BMP: Develop a spill response and prevention program.
Measurable Goal: North Little Rock has a spill response and prevention program. Education, proper storage of chemicals, supply of response materials, and reporting procedures are in place to contain and clean up possible spills.
Justification: Spills can occur at any place and time. A pre-planned response is the most effective way to reduce the potential impacts. North Little Rock's spill response and prevention procedures are in place to stop the source of a spill, contain the spill, clean up the spill, properly dispose of contaminated materials, and to train personnel to prevent and control future spills.

BMP: Develop a roadway, bridge, ditch, and storm sewer maintenance program.
Measurable Goal: North Little Rock has developed a program to maintain and keep clean roadways, bridges, ditches and storm sewers in the city. A drainage crew is responsible for cleaning out storm drains and ditches, while litter crews and three street sweepers perform daily cleanup within the City right-of-way. For example, when salt and sand are placed on key highway routes during ice storms, the residue is immediately swept up after the event and disposed of in a sanitary landfill.
Justification: Roadways and bridges contribute pollutants such as heavy metals, hydrocarbons, sediment and debris to stormwater runoff. North Little Rock's operation and maintenance program includes daily sweeping of streets on set schedules as well as special cleanups, daily patrolling, and cleanup of street right-of-ways by litter crews which reduces pollutant loads from existing road surfaces and bridges.

BMP: Develop a landscaping and lawn care program.
Measurable Goal: North Little Rock enforces a lawn care program which is facilitated by weekly pickup of yard wastes by the Sanitation Department. Vacant lots and uncared for areas are mowed or cleaned up and charged back to the owner by Code Enforcement.
Justification: If lawns were classified as a crop, they would rank as the fifth largest in the country on the basis of area after corn, soy beans, wheat, and hay. An effective landscaping and lawn care program helps maintain good grass cover which reduces the amount of runoff and erosion from stormwater events.

BMP: Develop an herbicide and pesticide control program.
Measurable Goal: North Little Rock encourages proper pesticide and herbicide use by public education, recycling of unused materials, and monitoring of public and in-house uses.
Justification: Herbicides and pesticides can produce adverse impacts on the health of humans, animals, and aquatic organisms. North Little Rock's program promotes the reduction of herbicide and pesticide usage through non-chemical methods such as biological, cultural, and mechanical means.

Appendix 1 - Glossary

Appendix 2 - Stormwater Ordinance

Appendix 3 - MS4 General Permit

Appendix 4 - Construction General Permit

Appendix 5 - Audit Checklist

Appendix 6 - Maps

IX. APPENDIX 1 – GLOSSARY

Aluminum - Aluminum is a lightweight, silver-white, metallic element that makes up approximately 7 percent of the Earth's crust. Aluminum is mined in the form of bauxite ore where it exists primarily in combination with oxygen as alumina. Aluminum is used in a variety of ways, but perhaps most familiarly in the manufacture of soft drink cans.

Aquatic Life -any indigenous species of plants or animals living in water.

Aquifer -an underground geological formation or group of formations containing usable amounts of groundwater that can supply wells and springs; an underground bed or stratum of sand, gravel, or rock that stores or conveys water below the surface of the soil.

Bacteria – single-celled microorganisms that lack chlorophyll. Some bacteria are capable of causing human, animal or plant diseases; others are essential in pollution control because they break down organic matter in the air and in the water.

Best Management Practice (BMP) -means any program, technology, process, siting criteria, operational methods or measures, engineered systems, or practice or combination of practices determined to be the best known or most practicable means of preventing, controlling, or reducing pollution to a level compatible with water quality goals.

Clean Water Act (CWA) – federal Water Pollution Control Act enacted in 1972 and amended by the Water Quality Act of 1987. The Clean Water Act prohibits the discharge of pollutants to waters of the United States unless the discharge is in accordance with an NPDES permit. The 1987 amendment requires that municipalities regulate industrial and construction stormwater discharges and those stemming from development.

Close the Loop - A term used to describe the last, and most important, step in the recycling process. It refers to the point when a consumer buys a recycled product after it has been put into a recycling program and reprocessed into a new item.

Coliforms -any of a number of organisms common to the intestinal tract of animals, the presence in water of which is an indicator of pollution and of potentially dangerous bacterial contamination.

Commercial Development -means any development that is not heavy industrial or residential. The category includes, but is not limited to: hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, multi-apartment buildings, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes.

Compost - Composting is Nature's way of recycling. Composting refers to a solid waste management technique that uses natural processes to convert organic materials to humus through the action of microorganisms. Compost is a mixture that consists largely of decayed organic matter and is used for fertilizing and conditioning land.

Conservation - Conservation is the wise use of natural resources (nutrients, minerals, water, plants, animals, etc.). Planned action or non-action to preserve or protect living and non-living resources.

Constructed Wetlands -an artificial wetland system designed to mitigate the impacts of urban runoff.

Control – means to minimize, reduce, eliminate, or prohibit by technological, legal, contractual or other means, the discharge of pollutants from an activity or activities.

Designated Uses **–** those water uses identified in state water quality standards that must be achieved and maintained as required under the Clean Water Act. Uses can include cold water fisheries, public water supply, agriculture, etc.

Development -means any construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity. Or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

Discharge -the volume of water that passes through a given cross section of a channel or sewage outfall during a unit of time.

Discharging Directly – means outflow from a drainage conveyance system that is composed entirely or predominantly of flows from the subject, property, development, subdivision, or industrial facility, and not commingled with the flows from adjacent lands.

Dissolved Oxygen (DO) - the amount of free (not chemically combined) oxygen in water; the concentration of oxygen held in solution in water, which is vital to fish and other aquatic organisms and for the prevention of odors. It usually measures in mg/L

or is expressed as a percentage of the saturation value for a given water temperature and atmospheric pressure. In general, oxygen levels decline as pollution increases.

Dissolved Solids – the total amount of dissolved material, organic and inorganic, contained in water or wastes; excessive dissolved solids make water unpalatable for drinking and unsuitable for industrial uses.

Disturbed Area – means an area that is altered as a result of clearing, grading, and/or excavation.

Effluent – a discharge of pollutants (usually in liquid form) into the environment, partially or completely treated or in its natural state; generally used in regard to discharges into waters; liquid flowing out of a system, such as discharge of stormwater from an urban outfall, liquid waste from a factory, or water leaving a sewage treatment plant.

Erosion – the wearing away of land surfaces by the action of wind or water.

Filtration -in stormwater treatment, a common process that removes particulate matter by separating water from solid material, usually by passing it through sand.

Fossil Fuels - Fossil fuels are the remains of plant and animal life that are used to provide energy by combustion; coal, oil, natural gas.

Glass - Glass is a hard, brittle, generally transparent or translucent material typically formed from the rapid cooling of liquefied minerals. Most commercial glass is made from a molten mixture of soda ash, sand, and lime.

Good Housekeeping Practice – a common practice related to the storage, use, or cleanup of materials performed in a manner that minimizes the discharge of pollutants. Examples include cleaning up spills and leaks and storing materials in a manner that will contain any leaks and spills.

HDPE - High density polyethylene. A type of plastic that is commonly used in milk and water jugs.

Hazardous Material – a material that is easily ignitable under ordinary temperature and pressure; readily supplies oxygen or reactive gas to a fire; is corrosive (highly acidic or caustic); is explosive or generates toxic gas; is acutely toxic to animals if it comes into contact with skin or is inhaled, eaten or drunk; or contains toxic chemicals that can be dissolved in an acidic environment, such as a landfill.

Heavy Metals – metals with high molecular weights that are of concern because they are generally toxic to animal life and health if naturally occurring concentrations are exceeded. Examples include arsenic, chromium, lead, and mercury.

Hillside – means property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is twenty-five percent or greater and where grading contemplates cut or fill slopes.

Household Hazardous Waste - A product that is discarded from a home or a similar source that is either ignitable, corrosive, reactive, or toxic (e.g. used motor oil, oil-based paint, auto batteries, gasoline, pesticides, etc.).

Impervious -a hard surface (such as a parking lot), which prevents or retards the entry of water into the soil, thus causing water to run off the surface in greater quantities and at an increased flow rate.

Industrial/Commercial Facility – a facility involved and/or used in the production, manufacture, storage, transportation, distribution, exchange or sale of goods and/or commodities, and any facility involved and/or used in providing professional and non--professional services.

Infiltration – means the downward entry of water into the surface of the soil or the flow of a fluid through pores or small openings, commonly used in hydrology to denote the flow of water into soil material.

Legal Authority – defined as the ability to impose and enforce statues, ordinances, and regulations to require control of pollutant sources and regulate the discharge of pollutants to the storm drain system, and to enter into interagency agreements, contracts, and memorandums of understanding.

Litter - Waste that is improperly disposed of on the street, sidewalk, lakes and other bodies of water, and in the general environment.

Maximum Extent Practicable (MEP) -standard for implementation of stormwater management programs to reduce pollutants in stormwater. MEP refers to stormwater management programs taken as a whole. It is the maximum extent possible taking to account equitable consideration and competing facts, including but not limited to: the gravity of the problem, public health risk, societal concern, environmental benefits, pollutant removal effectiveness, regulatory compliance, public acceptance, implementability, cost, and technical feasibility. Section 402(p)(3)(B)(iii) of the Clean Water Act requires that municipal permits shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and systems, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants.

Municipal Separate Storm Sewer System (MS4) -conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law

such as a sewer district, flood control or drainage district, similar entity, and Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act that discharges to water of the United States.

Municipal Solid Waste - Garbage or refuse that is generated by households, commercial establishments, industrial offices or lunchrooms and sludges not regulated as a residual or hazardous waste. This does not include source-separated recyclables.

New Development – means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision.

Non-point Source Pollution -water pollution caused by rainfall moving over and through ground which carries pollutants.

Non-Renewable Resource - A resource that is NOT capable of being naturally restored or replenished; a resource that is exhausted because it has not been replaced (e.g. copper) or because it is used faster than it can be replaced (e.g. oil, coal [what we call fossil fuels]). Their use as material and energy sources leads to depletion of the Earth's reserves and are characterized as such as they do not renew in human relevant periods (They are not being replenished or formed at any significant rate on a human time scale).

Non-structural BMP – a best management practice that does not require construction of a facility to control urban runoff.

NPDES -National Pollutant Discharge Elimination System initiated in 1972 by the amendments to the Federal Water Pollution Control Act (the Clean Water Act or CWA) to address the discharge of pollutants to navigable waters from point sources unless the discharge is authorized by an NPDES permit. The Water Quality Act of 1987 added section 402(p) to the CWA establishing phased and tiered requirements for stormwater discharge under the NPDES program. This manual serves to assist in meeting the requirements of the NPDES Permit.

Organic - A term that refers to molecules made up of two or more atoms of carbon, generally pertains to compounds formed by living organisms.

Organism -any living plant or animal; a living body made up of cells, tissues and organs.

Packaging - The wrapping material around a consumer item that serves to contain, identify, describe, protect, display, promote, and otherwise make the product marketable and keep it clean.

Paper - A thin material made of pulp from wood, rags, or other fibrous materials and used for writing, printing, or wrapping.

Pet Waste - Use designated dog runs for pets. Use disposable bags for clean up after pets.

Pathogen -disease-causing organisms.

Point Source -pollution arising from a well-defined origin, such as a discharge from an industrial plant.

Pollutant – any introduced gas, liquid, or solid that makes a resource unfit for a specific purpose. A substance that pollutes air, water or land. They are defined in Section (502) of the federal Clean Water Act (33 U.S.C. ' 1362(6)), or are incorporated into the California Water Code ' 13373. Specifically, pollutants that are carried by runoff from rainstorms or other watering activities. Examples of pollutants include but are not limited to the following:

- Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge);
- Metals such as cadmium, lead, zinc, copper, silver, nickel, and chromium; and non-metals such as phosphorus and arsenic;
- Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants, and grease);
- Excessive eroded soils, sediment, and particulate materials in amounts which may adversely affect the beneficial use of the receiving waters, flora, or fauna;
- Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities);
- Substances having characteristics such as pH less than 6 or greater than 9, unusual coloration or turbidity, excessive levels of fecal coliform, fecal streptococcus, or enterococcus.

Pollutant Loading -the quantity of a pollutant found in stormwater and/or urban runoff expressed in mass per unit of time. Pollutant loadings are commonly expressed in units of tons/year or pounds/year.

Pollution Prevention – eliminating or reducing at the source the use, generation, or release of toxic pollutants, hazardous substances, and hazardous wastes.

Polyethylene terephthalate - A type of plastic used to make soft drink bottles and other kinds of food containers. PET is also used to make fabric.

Receiving Water -rivers, lakes, oceans, or other bodies that receive runoff.

Redevelopment – land-disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site. Where redevelopment results in an alteration to more than fifty percent of impervious surfaces of a previously existing development, and the existing

development was not subject to post development stormwater quality control requirements, the entire project must be mitigated. Where Redevelopment results in an alteration to less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post development stormwater quality control requirements, only the alteration must be mitigated, and not the entire development. Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Existing single family structures are exempt from the redevelopment requirements.

Runoff – the portion of rainfall or irrigation water and other watering activities also known as dry-weather flows that flow across the ground surface and eventually to receiving waters. Runoff can pick up pollutants from the air or the land and carry them to receiving waters.

Sedimentation – in stormwater treatment, the settling out of solids by gravity; the addition of soils to lakes, a part of the natural aging process, making lakes shallower. The process can be greatly accelerated by human activities.

Source Control BMP -means any schedules of activities, prohibitions of practices, maintenance procedures, managerial practices or operational practices that aim to prevent stormwater pollution by reducing the potential for contamination at the source of pollution.

Storm Drain System -any pipe or conduit used to collect and carry away stormwater runoff from the generating source to receiving streams. A sewer that conveys household and commercial sewage is called a sanitary sewer. A storm drain transports runoff from rain or snow.

Storm Event – means a rainfall event that produces more than 0.1 inch of precipitation and that, which is separated from the previous storm event by at least 72 hours of dry weather.

Stormwater – water which originates from atmospheric moisture (rainfall or snowmelt) and falls onto land, water, or other surfaces.

Stormwater Management Program (SWMP) – North Little Rock's all-encompassing program to meet the requirements of NPDES Phase II Final Rule.

Stormwater Pollution Prevention Plan (SWPPP) – A plan designed to eliminate or reduce at the source the use, generation, or release of toxic pollutants, hazardous substances, and hazardous wastes from entering stormwaters.

Structural BMP – a best management practice that involves design and construction of a facility to mitigate the adverse impact of urban runoff. The structures often require maintenance.

Surface Water -water on the earth's surface exposed to the atmosphere such as rivers, lakes, streams, and the oceans.

Suspended Solids -small particles that hang suspended in the water column and create turbid, or cloudy, conditions.

Toxicity – the quality or degree of being poisonous or harmful to plant or animal life.

Treatment -means the application of engineered systems that use physical, chemical, or biological processes to remove pollutants. Such processes include, but are not limited to, filtration, gravity settling, media adsorption, biodegradation, biological uptake, chemical oxidation, and UV radiation.

Treatment Control BMP -means any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or any other physical, biological, or chemical process.

Urban Runoff -stormwater from city streets and gutters that usually contains a great deal of litter and organic and bacterial wastes.

USEPA – United States Environmental Protection Agency, the federal agency that enforces federal regulations and administers federal programs such as the NPDES program. These regulations require the discharges from defined municipal separate storm drain systems, industrial facilities, and construction activities to comply with the NPDES permit conditions intended to reduce or eliminate the discharge of pollutants from stormwater drainage systems. In California, the USEPA has delegated its authority to issue NPDES permits to the State Water Resource Control Board and the nine Regional Water Quality Control Boards.

Water Pollution -the addition of sewage, industrial wastes, or other harmful or objectionable material to water in sufficient quantities or concentrations to result in measurable degradation of water quality.

Water Quality Criteria – the levels of pollutants that affect the suitability of water for a given use. Generally, water use classifications include public water supply, recreation, propagation of fish and other aquatic life, agricultural use, and industrial use.

Water Quality Standard -acceptable limits on water quality parameters-those criteria set by the State of California, for instance, with review by the EPA, so that when Enforced, they will meet the goals of the Clean Water Act.

Watershed -area drained by a given stream; an area bounded peripherally by a water divide

and draining to a particular water course or body of water. Topography is the primary determinant of watershed boundaries.

Wetland – swamps or marshes, especially areas preserved for wildlife. Wetlands are crucial wildlife habitats and are important for flood control and maintaining the health of surrounding ecosystems.

Wet Pond -pond for urban runoff management that is designed to detain urban runoff and always contain water.

X. APPENDIX 2 – STORMWATER ORDINANCE

NORTH LITTLE ROCK, ARKANSAS
MUNICIPAL CODE

Chapter 14

STORMWATER MANAGEMENT

Adopted 06-13-16 – Ordinance No. 8816

Table of Contents

ARTICLE ONE
GENERAL PROVISIONS

Section 1
IN GENERAL

1.1.1. Introduction and Findings.
The City finds that uncontrolled stormwater runoff adversely affects the public health, safety and welfare because:

(A) Impervious surfaces increase the quantity and velocity of surface runoff, which increases erosion and flooding;

(B) Improper stormwater collection and conveyance adversely affects property and increases the incidence and severity of flooding;

(C) Increased erosion leads to sedimentation in drainage systems, which decreases the system's capacity; and

(D) Many future problems can be avoided if land is developed with sound stormwater runoff management practices.

1.1.2. Purpose.

(A) The purpose of this chapter is to set forth minimum requirements for construction site erosion control and stormwater management for both future land development and existing developed land within the city. These requirements will establish performance standards that:

(1) Protect public and private property from damage resulting from runoff or erosion and increased flooding;

(2) Ensure the annual runoff rates and volumes from post development site conditions mimic the annual runoff rates and volumes from predevelopment site conditions;

(3) Provide a single, consistent set of performance standards that apply to all developments;

(4) Protect water quality from nutrients, pathogens, toxic matter, debris and other contaminants;

(5) Promote infiltration and groundwater recharge;

(6) Protect functional values of natural water courses and wetlands;

(7) Provide plant and animal habitat and support riparian ecosystems;

(8) Require implementation of Best Management Practices to minimize the discharge of chemicals and other illicit discharges and pollutants, either directly or indirectly into the streams, rivers, lakes and other bodies of water; and into the city's drainage infrastructure; and

(9) Assuring the City of North Little Rock is and will remain in compliance with federal and state law.

(B) The application hereof and the provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by state statute. In addition, if site characteristics indicate that complying with these minimum requirements will not provide protection for property or residents, it is the designer's responsibility to exceed the minimum requirements as needed.

(C) Enforcement and administration of the sections of this chapter shall be the responsibility of such office(s) or officer(s) as designated by the North Little Rock Mayor, and is hereinafter termed **Administrative Authority**. The Administrative Authority may appoint such inspectors and assistants as necessary to assist in the performance of these duties. The Administrative Authority shall also be responsible to address other stormwater issues as they relate to the City's compliance with its Small MS4 Storm Water Permit as issued by ADEQ to the City of North Little Rock.

1.1.3. Definitions.

As used in the Stormwater Management regulations, the following words and phrases shall have the following meanings:

Best Management Practices (BMPs) - Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, engineered systems, programs and other management practices published by state or designated area-wide planning agencies.

City Engineer – The civil engineer in Public Works Department responsible for directing the Stormwater Management Program.

Collector and Arterial Streets and Highways – These are certain streets as depicted on the latest City of North Little Rock Master Street Plan Map for a particular design capacity and purpose.

Commercial Development – Any development that is not heavy industrial or residential. The category includes, but is not limited to: hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, multi-apartment buildings, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes.

Common Plan of Development - A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.

Constructed Wetlands – An artificial wetland system designed to mitigate the impacts of urban runoff.

Construction Site Erosion Control - Preventing or reducing soil erosion and sedimentation from land disturbing activity.

Debris – Any material including floating woody materials and other trash, suspended sediment, or bed load, moved by a flowing stream.

Detention - The temporary detaining or storage of floodwater in reservoirs, on parking lots, on rooftops and other areas under predetermined and controlled conditions and accompanied by controlled release of the stored water.

Detention Basin – An open excavation or depression in the ground surface used for temporary storage of stormwater prior to release downstream.

Detention Pond - A stormwater detention facility which maintains a fixed minimum water elevation between runoff events except for the lowering resulting from losses of water due to infiltration or evaporation.

Developer – Any person or entity proposing building or land improvements.

Development – Any construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity. Or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

Disturbed Area – An area that is altered as a result of clearing, grading, and/or excavation.

Drainage Area – All land area that contributes runoff to the same discharge point.

Drainage Basin – All land area contributing to a given discharge point in terms of drainage.

Drainage Easement - Authorization by a property owner for use by another party or parties for all or any portion of his/her land for a drainage and adjoining utility purposes. Easements shall be dedicated to the city when required or approved by the Administrative Authority.

Drainage Pipe – Drainage conduit, which carries stormwater flows in either a closed storm water sewer system or culverts. RCP, CMP & HDPE are some common drainage pipes used throughout the state.

Easement - A grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.

Elevation or Elevations – All required elevations shall be based on mean sea level datum.

Emergency Flood Insurance Program or emergency program - The program as implemented on an emergency basis in accordance with the National Flood Insurance Program. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial Flood Insurance Rate Map.

Engineer of Record - A registered professional engineer in Arkansas. This engineer shall supervise the design and construction of the development project and shall be acceptable to the City Engineer.

Erosion – The wearing away of land surfaces by the action of wind or water.

Erosion Prevention - Measures employed to prevent erosion including but not limited to: soil stabilization practices, limited grading, mulch, temporary or permanent cover and construction phasing.

Excavation - Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the resulting conditions.

Fill - Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved to a new location and shall include the resulting conditions.

Final Stabilization - means that either:

(1) All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, or geotextiles) have been employed; or

(2) For individual lots in residential construction by either: (1) The homebuilder completing **final stabilization** as specified above, or (2) the homebuilder establishing temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, **final stabilization**. (Homeowners typically have an incentive to put in the landscaping functionally equivalent to **final stabilization** as quick as possible to keep mud out of their homes and off sidewalks and driveways.); or (3) For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land) **final stabilization** may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to **surface waters** and drainage systems, and areas which are not being returned to their preconstruction agricultural use must meet the **final stabilization** criteria.

Good Housekeeping Practice – A common practice related to the storage, use, or cleanup of materials performed in a manner that minimizes the discharge of pollutants. Examples include cleaning up spills and leaks and storing materials in a manner that will contain any leaks and spills.

Grading - Excavating, filling, or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.

Illegal Discharge - Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in this Ordinance.

Illegal/Illicit Connections - An illicit connection is defined as either of the following:

(1) Any drain or conveyance, whether on the surface of subsurface, which allows illegal discharge to enter the storm drain system including, but not limited to, any conveyances which allow any non-storm water discharge including, sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been

previously allowed, permitted, or approved by an authorized enforcement agency or,

(2) Any drain or conveyance connected from and commercial or industrial land use to the storm drain system which has not been documented in plans, maps or equivalent records and approved by an authorized enforcement agency.

Impervious – A hard surface (such as a parking lot), which prevents or retards the entry of water into the soil, thus causing water to run off the surface in greater quantities and at an increased flow rate. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

Infiltration – The downward entry of water into the surface of the soil or the flow of a fluid through pores or small openings, commonly used in hydrology to denote the flow of water into soil material.

Municipal Separate Storm Sewer System (MS4) – Conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned or operated by a state, city, town, county, district, association or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control or drainage district, similar entity, and Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act that discharges to water of the United States.

Natural Waterways - Waterways that are part of the natural topography. They usually maintain a continuous or seasonal flow during the year and are characterized as being irregular in cross-section with a meandering course. Construction channels such as drainage ditches shall not be considered natural waterways.

New Structure – Structures for which the start of construction commences on or after the effective date of these regulations.

Non-Storm Water Discharge - Any discharge to the storm drain system that is not composed entirely of storm water.

Non-structural BMP – A best management practice that does not require construction of a facility to control urban runoff.

Notice of Intent (NOI) - Application form for obtaining coverage under a General Storm Water Permit for construction activities that disturbs one or more acres or for industrial activities.

Notice of Termination – A notice to terminate coverage under this permit after construction is complete, the site has undergone final stabilization, and maintenance

agreements for all permanent facilities have been established, in accordance with all applicable conditions of this permit.

NPDES – National Pollutant Discharge Elimination System initiated in 1972 by the amendments to the Federal Water Pollution Control Act (the Clean Water Act or CWA) to address the discharge of pollutants to navigable waters from point sources unless the discharge is authorized by an NPDES permit. The Water Quality Act of 1987 added section 402(p) to the CWA establishing phased and tiered requirements for stormwater discharge under the NPDES program.

Owner - The person or party possessing the title of the land on which the construction activities will occur; or if the construction activity is for a lease holder, the party or individual identified as the lease holder; or the contracting government agency responsible for the construction activity.

Permittee – *Either***,** a person, partnership or corporation to whom a permit is granted *or* a person or persons, firm, or governmental agency or other institution that signs the application submitted to City/AEDQ and is responsible for compliance with the terms and conditions of this permit.

Person Responsible for the Land Disturbing Activity - The person who has or represents having financial or operational control over the land disturbing activity; and/or the landowner or person in possession or control of the land who directly or indirectly allowed the land disturbing activity or has benefited from it or who has failed to comply with any provision of this ordinance.

Point Source – Pollution from a well-defined origin, such as, an industrial plant.

Pollutant – Any introduced gas, liquid, or solid that makes a resource unfit for a specific purpose. A substance that pollutes air, water or land. They are defined in Section (502) of the Federal Clean Water Act (33 U.S.C. ‘ 1362(6)). Specifically, pollutants that are carried by runoff from rainstorms or other watering activities. Examples of pollutants include but are not limited to the following:

(1) Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge);

(2) Metals such as cadmium, lead, zinc, copper, silver, nickel, and chromium; and non-metals such as phosphorus and arsenic;

(3) Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants, and grease);

(4) Excessive eroded soils, sediment, and particulate materials in amounts which may adversely affect the beneficial use of the receiving waters, flora, or fauna;

(5) Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities);

(6) Substances having characteristics such as pH less than 6 or greater than 9, unusual coloration or turbidity, excessive levels of fecal coliform, fecal streptococcus, or enterococcus.

Post-Development - Refers to the extent and distribution of land cover types anticipated to occur under conditions of full development of the submitted plan. This term is used to match pre- and post-development stormwater peak flows as required by the ordinance.

Pre-Developed Conditions - Those land use conditions that existed prior to the initiation of the land disturbing activity in terms of topography, vegetation, or land use and rate, volume, or direction of stormwater runoff.

Pre-Development - Refers to the extent and distribution of land cover types present before the initiation of land development activity, assuming that all land uses prior to land disturbing activity and in "good" condition as described in the Natural Resources Conservation Service Technical Release 55, Urban Hydrology for Small Watersheds" (commonly known as TR-55). This term is used to match pre- and post-development stormwater peak flows as required by the ordinance. In a situation where cumulative impervious surface created after the adoption of this ordinance exceeds the 20,000 sq. ft. threshold, the pre-development conditions shall be those prior to any land disturbance.

Receiving Water – Rivers, lakes, oceans, or other bodies that receive runoff.

Registered Landscape Architect - A landscape architect properly registered and licensed to conduct work within the State of Arkansas.

Registered Land Surveyor - A land surveyor properly registered and licensed to conduct work within the State of Arkansas.

Registered Professional Engineer - A professional engineer properly registered and licensed to conduct work within the State of Arkansas.

Regulatory Floodway – The floodplain area that is reserved in an open manner by Federal, State of local requirements, i.e., unconfined or unobstructed either horizontally or vertically, to provide for the discharge of the base flood so that the cumulative increase in water surface elevation is no more than a designated amount (not to exceed 1 foot as established by the Federal Emergency Management Agency (FEMA) for administering the National Flood Insurance Program).

Runoff – The portion of rainfall or other watering activities also known as dry-weather flows that flow across the ground surface and eventually to receiving waters. Runoff can pick up pollutants from the air or the land and carry them to receiving waters.

Sediment - Solid earth material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity or ice, and has come to rest on the earth's surface at a different site.

Sediment Control - Methods employed to prevent sediment from leaving the site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.

Stormwater – Water which originates from atmospheric moisture (rainfall or snowmelt) and falls onto land, water, or other surfaces.

Stormwater Management Plan - The set of drawings and other documents that comprise all of the information and specifications for the drainage systems, structures, concepts and techniques that will be used to control stormwater as required by this Ordinance and the Stormwater Management Manual. Also included are the supporting engineering calculations and results of any computer analysis.

Stormwater Management Manual - The set of drainage policies, analysis methods, design charts, stormwater runoff methods, and design standards used by the City as the official design guidelines for drainage improvements consistent with this Ordinance. Any modifications will be made by the Administrative Authority consistent with the
stated policies and intent of the Ordinance.

Stormwater Pollution Prevention Plan (SWPPP) – A plan designed to eliminate or reduce at the source the use, generation, or release of silts, toxic pollutants, hazardous substances, and hazardous wastes from entering storm waters.

Stormwater Runoff - Water that results from precipitation which is not absorbed by the soil, evaporated into the atmosphere or entrapped by ground surface depressions and vegetation, which flows over the ground surface.

Reference – Ord. 7952 (NLRMC Sec. 51-1 thru 51-3), adopted 06-25-07.

ARTICLE TWO
STORMWATER CONCEPT AND PLAN

Section 1
STANDARD AND DESIGN

2.1.1 Performance Standards and Design Criteria.

(A) The City of North Little Rock Stormwater Management Manual, as adopted by ordinance, shall be the source for design criteria and performance standards with respect to stormwater management.

(B) Professional registration requirements. Stormwater management plans and design reports that are incidental to the overall or ongoing site design shall be prepared, certified, and stamped/sealed by a Professional Engineer licensed in the State of Arkansas. In addition, the engineer must verify that the plans have been designed in accordance with the standards and criteria stated or referred to in this chapter.

(C) Engineer of Record. Should the original Engineer of Record be prevented from completing the project, the Permittee shall employ another qualified engineer and notify the City Engineer immediately.

Section 2
PERMITS AND SUBMITTALS

2.2.1 Stormwater Management Permit.

(A) A Stormwater Management Permit will be required for construction site activities and those activities associated with excavation, filling, grading and removal of trees or surface vegetation for areas greater than 4,000 square feet unless otherwise exempt by this chapter. The permit application and required submittal documents, when applicable, shall include a copy of the Notice of Intent (NOI) that is (or will be) filed with the Arkansas Department of Environmental Quality (ADEQ). Approvals shall be secured per size of development from the City of North Little Rock and ADEQ, as applicable prior to starting any clearing or earth work. It is the developer's responsibility to determine if other permits are required and to secure them.

(B) Permit requirements. The following permit requirements must be met:

(1) No final occupancy permit shall be issued without the following:

a. Recorded easements for stormwater management facilities, if required.
b. Receipt of an as-built plan certified by a registered professional engineer.

(2) No site grading permit shall be issued or modified without an approved stormwater management plan.

(C) The approved stormwater management plan shall contain certification by the applicant that all land clearing, construction, development and drainage will be done according to the stormwater management plan or previously approved revisions. Any and all site grading permits may be revoked at any time if the construction of stormwater management facilities is not in accordance with approved plans. Major field changes shall be coordinated with the permitting authority and marked on plan located on site.

(D) In addition to the plans and permits required from the city, applicants shall obtain all state and federal permits for the proposed development. The applicant shall also be responsible for determining the existence and limits of any wetlands and/or floodways as may be applicable, and be responsible for securing permits and approvals from the U.S. Army Corps of Engineers and Federal Emergency Management Agency as required.

(E) The stormwater management permit does not authorize:

(1) Discharges mixed with sources of non-stormwater unless the non-stormwater discharges are determined not to be a significant contributor of pollutants as defined in Part VII of the Arkansas General Permit No. ARR040000 to waters of the United States;

(2) Stormwater discharges associated with industrial activity as defined in 40 CFR 122.26(b)(14)(I)-(ix) and (xi), except as allowed under Part I.B.2.b;

(3) Stormwater discharges associated with construction activity as defined in 40 CFR 122.26(b)(14)(x) or 40 CFR 122.26(b)(15), except as allowed under Part I.B.2.a;

(4) Stormwater discharges currently covered under an individual or other general NPDES permit;

(5) Stormwater discharges whose direct, indirect, interrelated, interconnected, or interdependent impacts would jeopardize a listed endangered or threatened species or adversely modify designated critical habitat as defined by the U.S. Fish & Wildlife Services (USF&WS), **http://endangered.fws.gov**;

(6) Stormwater discharges or implementation of the stormwater management plan, which adversely affect properties listed or eligible for listing in the National Register of Historic Places, unless you are in compliance with requirements of the National Historic Preservation Act and have coordinated any necessary activities to avoid or minimize impacts with the appropriate State Historic Preservation Officer;

(7) Stormwater discharges that will cause or contribute to non-attainment of water quality standards, including failure to protect and maintain existing designated uses of receiving waters. ADEQ may require an application for an individual NPDES permit to authorize discharges of stormwater from any activity that ADEQ determines to cause or makes a contribution to exceed a water quality standard or that ADEQ determines to cause or contribute to the loss of a designated use of receiving waters;

(8) Discharges to waters for which there is an approved Total Maximum Daily Load and/or implementation plan (TMDL/IP) addressing discharges of stormwater associated with MS4s, unless the MS4 operator develops and certifies a SWMP that is consistent with the assumptions and allocations in the approved TMDL/IP; and

(9) Stormwater discharges which are prohibited for permitting in 40 CFR 122.4 of the federal regulation.

2.2.2. Stormwater Submittal Requirements.

(A) Large, Medium, and Small Construction Sites as described below are required to submit Stormwater Inventory/Data Maintenance as described in the City of North Little Regulations to Control Development and Subdivision of Land, and required to submit a Stormwater Plan which includes the following documents prior to any earth moving activities: (1) Stormwater Pollution Prevention Plan (SWPPP) (2) Stormwater Detention Plan (3) A copy of the approved ADEQ NPDES permit, if required.

(B) Special Construction Sites as described below are required to submit the following documents prior to any earth moving activities: (1) Develop Stormwater Pollution Prevention Plan (SWPPP) (2) Submit copy of SWPPP to Public Works Department prior to construction for review. (3) Use Best Management Practices (BMPs) to reduce runoff. (4) Maintain SWPPP on-site and inspect stormwater controls biweekly. (5) Remove all unnecessary BMPs after final stabilization.

(C) Construction sites are defined as follows:

(1) Large Construction Sites include any construction sites that will result in the disturbance (e.g., clearing, grading, excavating, etc.) of ten (10) or more acres of total land area or less than ten (10) acres of total land area that is part of a larger common plan of development if the larger common plan will ultimately disturb ten (10) acres or more.

(2) Medium Construction Sites include any construction activity that will result in the disturbance (e.g., clearing, grading, excavating, etc.) of greater than five (5) acres and less than ten (10) acres of total land area or is less than five (5) acres of total land area that is part of a larger common plan of development if the larger common plan will ultimately disturb five (5) acres or more, but less than ten (10) acres.

(3) Small Construction Sites include any construction activity that will result in the disturbance (e.g., clearing, grading, excavating, etc.) of greater than or equal to one (1) acre and less than five (5) acres of total land area or less than one (1) acre of total land area that is part of a larger common plan of development if the larger common plan will ultimately disturb one (1) acre or more, but less than five (5) acres.

(4) Special Construction Sites: Any construction activity that meets the following definition:

a. Any construction activity (e.g., clearing, grading, excavating, etc.) greater than 4,000 square feet and less than 1 acre of land.

b. Road, pipeline, and utility maintenance activities are not regulated under this permit unless one or more acres of underlying and/or surrounding soil are cleared, graded or excavated as part of the operation.

c. Road, pipeline and utility maintenance activities are regulated when bordering lakes or streams under either the small, medium or large construction site category.

2.2.3. Stormwater and Urban Runoff Pollution Control.

(A) Illegal dumping/disposal. No person shall throw, deposit, place, leave, maintain, or keep or permit to be thrown, placed, left, maintained or kept, any refuse, rubbish, garbage, or any other discarded or abandoned objects,

articles, or accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or drainage structure, business place, or upon any public or private plot of land in the city, so that the same might be or become a pollutant, except in containers, recycling bags, or other lawfully established waste disposal facility.

(B) Disposal in storm sewer. No person shall intentionally dispose of grass, leaves, dirt, or other landscape debris into a water resource buffer, street, road, alley, catch basin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal, storm drain or any fabricated natural conveyance.

(C) Illicit discharges and connections. No person shall cause any illicit discharge to enter the municipal stormwater system unless such discharge: (1) consists of non-stormwater that is authorized by an NPDES point source permit; or (2) is associated with firefighting activities.

(D) Storage of materials, machinery and equipment. Objects, such as motor vehicles including parts, containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials, shall not be stored in areas susceptible to runoff as is prohibited in areas identified by FEMA as designated floodplain areas identified as shown on current FEMA FIRM maps. Any machinery or equipment that is to be repaired or maintained in areas susceptible to runoff shall be placed in a confined area to contain leaks, spills or discharges.

(E) Removal of debris and residue. Debris and residue shall be removed, as noted below:

(1) All motor vehicle parking lots shall be swept, at a minimum of twice a year to remove debris. Such debris shall be collected and properly disposed.

(2) Fuel and chemical residue or other types of potentially harmful material, such as animal waste, garbage or batteries, which are located in an area susceptible to runoff, shall be removed as soon as possible and disposed of properly. Household hazardous waste may be disposed of through city collection programs or at any other appropriate disposal site and shall not be placed in a trash container.

(F) Non-stormwater discharges. All discharges covered by this permit shall be composed entirely of stormwater except the following non-stormwater discharges that are combined with stormwater may be authorized by this permit:

(1) Discharges from firefighting activities; fire hydrant flushing; water used to wash vehicles (where detergents are not used) or control dust; potable water sources including uncontaminated waterline flushing; irrigation drainage; routine external building wash down which does not use detergents; pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled materials have been removed) and where detergents are not used; uncontaminated air conditioning or compressor condensate; uncontaminated springs; uncontaminated ground water; foundation or footing drains where flows are not contaminated with process materials such as solvents; and uncontaminated excavations dewatering.

(2) Except as described in (f)(1) above, discharges of material other than stormwater must be in compliance with an individual NPDES permit issued for the discharge.

(G) Good housekeeping provisions. Any owner or occupant of property within the city shall comply with the following good housekeeping requirements:

(1) Discharges. No person shall leave, deposit, discharge, dump, or otherwise expose any chemical or septic waste in an area where discharge to streets or storm drain system may occur. This section shall apply to both actual and potential discharges.

(2) All large, medium, small and special construction sites must have solid waste dumpsters located at the site to properly dispose of building materials and solid waste.

(H) Construction site stormwater runoff control. Any owner, developer or occupant of property within the city shall install and maintain erosion and sediment controls during land disturbing activities in order to reduce pollutants from stormwater from entering waterways.

(I) Post-construction stormwater runoff control. Any owner, developer or occupant of property within the city shall install and maintain erosion and sediment controls during land disturbing activities from new development and redevelopment projects in order to reduce pollutants from stormwater from entering waterways.

(J) Runoff. Runoff of water from residential property shall be minimized to the maximum extent practicable. Runoff of water from the washing down of paved areas in commercial or industrial property is prohibited unless necessary for health or safety purposes and not in violation of any other provisions in community codes.

2.2.4. Stormwater Management Manual.

(A) Stormwater Management Manual. To assist in the design and evaluation of stormwater management facilities in the City of North Little Rock, a Stormwater Management Manual will be developed by the Public Works Department. This manual contains the submittal requirements and necessary forms for development within the City of North Little Rock. The required submittal documents prior to earthmoving activities within the City of North Little Rock, which are addressed in the manual, are:

(1) Stormwater Management Plan

(2) Stormwater Pollution Prevention Plan

(3) Detention Plan

(B) Design. The City of North Little Rock will allow the use of the following software for the analysis of stormwater detention facilities: Pond 2, HEC-1, HEC-HMS or an acceptable equal approved by the Administrative Authority. The Rational Method may be use for watersheds up to 200 acres.

(C) Hydraulic design data. Stormwater detention pond outlets shall be designed to limit the peak stormwater discharge rates of the 25-year storm frequencies after development to pre-development rates. The principal outlet and all drainage structures will be designed to safely convey the runoff resulting from a 25-year event chance storm except in the Central Business District, where a one in fifty (50) year rainfall design will be used.

(D) All private systems must be designed to discharge at pre-developed rates unless approved by the Administrative Authority. New stormwater drainage systems cannot tie into existing systems of lesser capacity. In other words, a larger pipe cannot discharge into a smaller pipe of lesser capacity.

2.2.5. Permit Fees Required.

Permit fees will be required. The permit and rates associated with the implementation of this ordinance will be based on the disturbance for more than 4,000 square feet of land as stated in this chapter. Such fees shall be established by the City Council.

Exemptions:

(A) Any land disturbing activity greater than 4,000 square feet is not exempt from this chapter unless stated below.

(B) The following activities are exempt from requirements of this chapter:

(1) Land use for agricultural purpose.

(2) Land where timber extraction takes place, provided that it is to be reseeded as timber land or other proper vegetation.

(3) Earthwork on an area less than 4,000 square feet.

(4) One single family residence or duplex covered by subdivision permit unless bordered by lake or stream.

(5) One commercial or industrial project built on an individual lot that is part of a larger subdivision that has been issued an approved drainage control permit when the proposed project is demonstrated to be in compliance with the overall subdivision drainage permit.

(6) Existing commercial and industrial structures where additional structural improvements are less than 3500 square feet.

(7) Maintenance or clearing activity that does not change or affect the quality, rate, volume, or location of stormwater flows on the site, or runoff from the site.

(8) Any activity directly related to the planting, growing and harvesting of agricultural crops to include gardening.

(9) Action taken under emergency conditions, either to prevent imminent harm or danger to persons, or to protect property from imminent danger of fire, violent storms or other hazards.

2.2.6. Permit Conditions, Application and Processing.

(A) Permit conditions - Each permit issued shall be subject to the following conditions:

(1) Area. The development, including associated construction, shall be conducted only within the area specified in the approved permit.

(2) Execution. Activities requiring a stormwater management permit shall not commence until the permit is in the possession of the permittee. The approved permit shall be on file with the Administrative Authority and a copy on file with the contractor at the project site, and available for review and inspection upon request.

a. The plan shall be implemented prior to the start of any land disturbing activity and shall be maintained over the duration

of the project. Proper stormwater management shall continue after construction is complete.

b. The permittee is responsible for successful completion of the erosion control plan and the stormwater management plan. The permittee shall be liable for all costs incurred, including environmental restoration costs, resulting from noncompliance with an approved plan.

c. Application for a permit shall constitute express permission by the permittee and landowner for the local approval authority to enter the property in their presence for purposes of inspection. The application form shall contain a prominent provision advising the applicant and landowner of this requirement.

d. All incidental mud-tracking off-site onto adjacent thoroughfares shall be cleaned up and removed by the end of each working day or sooner if requested using proper disposal methods.

(3) Inspections. A schedule of self-inspections will be carried out during the construction phase of permitting as established by the Administrative Authority as a condition to the permit.

a. Application for a permit hereunder shall constitute permission by the applicant and landowner for the local approval authority to enter upon the property and inspect as necessary to confirm compliance with the requirements hereof.

b. The Administrative Authority shall determine the minimum number of inspections required to assure compliance.

c. Within 10 days after installation of all controls in an approved erosion control plan and achievement of soil stabilization, the permittee shall notify the Administrative Authority.

(4) Duration. Unless revoked or otherwise modified, the duration of a permit issued pursuant to this chapter shall be for one (1) year.

(5) Maintenance. Maintenance activities, as specified, in the approved maintenance plan, shall be executed routinely, with specified scheduled reporting documents kept current, stored on the project site, and available for review and inspection upon request.

(6) Modifications. If the activity authorized by the permit is not completed according to the approved schedule and permit conditions, the Administrative Authority shall be notified. All changes must be posted to the SWPPP at the site.

(7) Transfer. No transfer, assignment or sale of the rights granted by virtue of an approved permit shall be made without prior written approval from the Administrative Authority.

(8) Special. Any additional special conditions, as deemed appropriate by the Administrative Authority, shall be established to address specific project needs or circumstances.

(B) Permit application. A storm water permit application shall be submitted to the Administrative Authority using appropriate forms as provided. A permit application shall contain sufficient information and plans to allow the Administrative Authority to determine whether the project complies with the requirements hereof. The specific items to be submitted for a permit application shall be in the form and follow the procedures as described in the Stormwater Management Manual and this chapter.

(C) Approval process.

(1) The Administrative Authority shall verify that the permit application is complete and in accordance herewith.

(2) Within the time frame set by the Administrative Authority, plan review staff shall either approve the submitted plan or notify the applicant of any deficiencies.

(3) The Administrative Authority shall notify the applicant in writing of any deficiency in the proposed plan and the applicant shall be given an opportunity to correct any deficiency.

(4) Upon approval of the Administrative Authority, the stormwater management permit shall be issued by the Administrative Authority after the applicant has met all other requirements hereof.

Reference – Ord. 7952 (NLRMC Sec. 51-4 thru 51-10), adopted 06-25-07.

ARTICLE THREE
MAINTENANCE, CONSTRUCTION AND INSPECTION

Section 1
PUBLIC AND PRIVATE MAINTENANCE RESPONSIBILITIES

3.1.1. Public and Private Maintenance Responsibilities Under the Stormwater Management System.

(A) Owner/Developer inspections and maintenance. The owner/developer or his designee shall be responsible for inspections and maintenance on the site.

(1) Inspections and maintenance must be documented and readily available for review. Inspections are required as follows:

a. Once every 14 days on exposed soil areas.

b. Within 24 hours after a one-half inch rain event over 24 hours.

c. Once every 30 days on stabilized areas.

d. As soon as runoff occurs or prior to resuming construction on frozen ground.

(2) Maintenance is required as follows:

a. When sediment reaches 1/3 the height of the BMP on perimeter control devices, sediment must be removed within 24 hours.

b. If the perimeter control device is not functional it must be repaired or replaced within 24 hours.

c. Temporary sediment basins shall be maintained when sediment reaches ½ the basin storage volume. Basin must be drained or sediment removed within 72 hours.

d. Construction site vehicle entrance and exit locations sediment must be removed from paved surfaces within 24 hours of discovery.

(B) Public responsibilities:

(1) Administration - Administration of these regulations shall be by the Administrative Authority, who shall review to determine approval, disapproval or modification of stormwater management plans as provided herein.

(2) All areas and/or structures to be dedicated to the city must be dedicated by plat or separate instrument and accepted by the Administrative Authority.

(3) Operation and maintenance of publicly-owned facilities – The Administrative Authority shall be responsible after written approval and acceptance for the operation and maintenance of all drainage structures and improved courses which are part of the drainage structures and improved courses which are part of the stormwater runoff management system under public ownership and which are not constructed and maintained by or under the jurisdiction of any state or federal agency.

(C) Private responsibilities:

(1) Each developer of land within the corporate limits of the city has a responsibility to provide on the developer's property all approved stormwater runoff management facilities to ensure the adequate drainage and control of stormwater on the developer's property both during and after construction of such facilities.

(2) Each developer, owner or property owners association has a responsibility and duty before and after construction to properly operate and maintain any on-site stormwater runoff control facility which has not been accepted for maintenance by the public. Such responsibility is to be transmitted to subsequent owners through appropriate covenants.

(3) All private systems not dedicated to the city shall have adequate easement to permit the Administrative Authority to inspect and, if necessary, to take corrective action should the responsible entity fail to properly maintain the system.

(4) All private stormwater facilities shall be maintained in proper condition consistent with the performance standards for which they were originally designed.

(5) All private systems must be designed to discharge at pre-developed rates unless approved by the Administrative Authority. New stormwater drainage systems cannot tie into existing systems of

lesser capacity. In other words, a larger pipe cannot discharge into a smaller pipe of lesser capacity.

(D) Maintenance Agreement (privately-owned facilities only):

(1) A proposed inspection and maintenance agreement shall be submitted to the Administrative Authority for all private on-site stormwater discharge control facilities prior to the approval of the stormwater management plan. Such agreement shall be in a form and content acceptable to the Administrative Authority and shall be the responsibility of the private owner. Such agreement shall provide for access to the facility by virtue of a non-exclusive perpetual easement in favor of the city at reasonable times for regular inspection by the Administrative Authority. This agreement will identify who will have the maintenance responsibility. Possible arrangements for this maintenance responsibility might include the following:

a. Use of homeowner associations;

b. Arrangements to pay the city for maintenance;

c. Private maintenance by development owner(s), or

d. Contracts with private maintenance companies.

(2) All maintenance agreements shall contain or uphold, without limitation, the following provisions:

a. A description of the property on which the stormwater management facility is located and all easements from the site to the facility;

b. Size and configuration of the facility;

c. A statement that properties which will be served by the facility are granted rights to construct, use, reconstruct, repair and maintain access to the facility;

d. All stormwater facilities must be designed to minimize the need for maintenance, to provide easy vehicle and personnel access for maintenance purposes, and be structurally sound. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the facilities for inspection or maintenance;

e. All settled materials from ponds, sumps, grit chambers and other devices, including settled solids, shall be removed and properly disposed of as needed to insure the proper functioning of the stormwater facility as per its design capacity.

3.1.2. Inspection Authority.

Inspections will be performed by the Administrative Authority on a regular basis during construction to ensure that the stormwater management plan measures are properly installed and maintained. The Administrative Authority shall inspect all stormwater facilities during the first year of operation, and at least once every five years thereafter. In all cases the inspectors will attempt to work with the applicant or developer to maintain proper stormwater management.

3.1.3. Bonds, Maintenance Assurances and Final Approval.

(A) Maintenance agreement. A maintenance agreement approved by the Administrative Authority assuring perpetual maintenance of stormwater management improvements shall be agreed upon by the Administrative Authority and the applicant.

(B) Maintenance of detention ponds (wet type) shall be the responsibility of the owner of record and/or the property owners' association.

(C) Maintenance of detention basins (dry type) shall be the responsibility of the owner of record and/or property owners' association. The owner of record and/or property owners' association shall be responsible for all other maintenance, plantings, reseeding, or resodding.

(D) Maintenance bond. A two year maintenance bond against defects in workmanship shall be required by the Administrative Authority for any portion of the stormwater management improvements dedicated to the public, said maintenance bond to be provided by cashier's check, irrevocable letter of credit or acceptable surety authorized to do business in the State of Arkansas. All forms of maintenance bonds shall be subject to approval by the Administrative Authority and the City Attorney. The value of bond shall be an amount equal to 50% of the value of the stormwater system improvements.

Reference – Ord. 7952 (NLRMC Sec. 51-11 thru 51-13), adopted 06-25-07.

ARTICLE FOUR
MISCELLANEOUS PROVISIONS

Section 1
VARIANCES AND APPEALS

4.1.1 Variances.

Variances from requirements:

(A) The Administrative Authority may grant on a case-by-case basis a variance from the requirements of this chapter if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of the ordinance will result in unnecessary hardship and not fulfill the intent hereof.

(B) An applicant may include in the application a request for a variance. No variance shall be granted unless applicant demonstrates and the Administrative Authority finds that all of the following conditions are present:

(1) Enforcement of the standards set forth herein will result in unnecessary hardship to the landowner.

(2) The hardship is due to exceptional physical conditions unique to the property.

(3) Granting the variance will not adversely affect the public health, safety or welfare, nor be contrary to the spirit, purpose and intent hereof.

(4) The project will have no adverse impact upon any of the stated purposes of this chapter.

(5) The applicant has proposed an alternative to the requirement from which the variance is sought that will provide equivalent protection of the public health, safety and welfare, the environment and public and private property.

(6) The net cumulative effect of the variance will not impact downstream conditions.

(7) Existing regional facilities are shown to meet the performance standards of this chapter.

(C) If all of the conditions of paragraph (B) are met, a variance may only be granted to the minimum extent necessary to afford relief from the unnecessary hardship with primary consideration given to water quality.

(D) The content of a variance shall be specific and shall not affect other approved provisions of a SWPPP.

(E) Economic hardship is not sufficient reason for granting a variance.

(F) A written request for a variance shall be required and shall state the specific variance sought and the reasons, with supporting data, for the granting. The request shall include descriptions, drawings, calculations and any other information that is necessary to evaluate the proposed variance.

4.1.2. Appeals.

(A) Any person aggrieved by a decision of the Administrative Authority (including any decision with reference to the granting or denial of a variance from the terms hereof) may appeal same by filing a written notice of appeal with the Administrative Authority within thirty (30) calendar days of the issuance of said decision by the Administrative Authority. The Administrative Authority can then reverse his/her decision or send this notice to the City Council with comments. A notice of appeal shall state the specific reasons why the decision should be reconsidered. The Administrative Authority shall prepare and send to the City Council and the Appellant, within fifteen (15) days of receipt of the notice of appeal, a written response to said notice of appeal.

(B) All such appeals shall be heard by the City Council which is hereby granted specific authority to hear and determine such appeals in a quasi-judicial capacity. Said appeal shall be heard by the City Council at its next regularly scheduled meeting date, not to exceed thirty (30) days after receipt of the notice of appeal, or at such other time as may be mutually agreed upon in writing by the Appellant and the Chairperson of the City Council. The City Council will then render a decision within fifteen (15) days after the appeal has been heard.

(C) The City Council may, in conformity with the provisions hereof, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and shall have all the powers of the officer from whom the appeal is taken.

(D) The concurring vote of a majority of the City Council shall be necessary to reverse the decision of the Administrative Authority.

(E) Each party to the appeal shall be entitled to a hearing before the City Council under judicial forms of procedure, at which hearing each party shall have the right to present evidence and sworn testimony of witnesses, to cross-examine witnesses, and to cause a transcription of the proceeding to be prepared.

(F) Should either party be dissatisfied with the decision of the City Council, any appeal of said decision may be appealed to a court of competent jurisdiction in accordance with the laws of Pulaski County and the State of Arkansas.

4.1.3. Alternative Methods.

(A) Alternatives to on-site detention. Where on-site detention is deemed inappropriate due to local topographical or other physical conditions, alternate methods for accommodating increases in stormwater runoff may at the Administrative Authority's discretion be considered. The methods may include:

(1) Off-site detention or comparable drainage improvements.

(2) In-lieu monetary contributions to be specifically used for channel or drainage system improvements, or off-site detention improvements by the city within the same watershed. Channel improvements shall only be used if they are an integral part of a detailed watershed study.

(B) In-lieu contributions to regional or sub-regional detention. An owner or developer may contribute to the construction of a regional or sub-regional detention site constructed or to be constructed in lieu of constructing on-site detention if approved by the Planning Commission. No in-lieu contributions are allowed when existing flooding occurs downstream from the development, or if the development will cause downstream flooding.

(C) In-lieu fees. The in-lieu fee contribution called stormwater impact fee shall be based upon an amount of $5,000 per-acre for commercial and $500 per acre for residential development.

(D) Watershed facility improvement funds. In-lieu contributions paid to the city shall be budgeted by contributing to a "Watershed Facility Improvement Fund." Said funds shall be appropriated only for planning, design and construction for correction of existent drainage problems within the watershed from which the contribution is generated.

(E) Regional or sub-regional detention sites. The acquisition of regional or sub-regional detention sites and construction of facilities thereon will be financed by the city. Monies contributed by the owners as above provided shall be used for regional and sub-regional detention site studies, land acquisition and facility construction thereof in the watershed in which the development is located.

(F) Watershed boundaries. The boundaries of watersheds and priority in construction of detention facilities and drainage improvement construction shall be as established by the Administrative Authority and approved by the City Council.

Section 2
VIOLATIONS, PENALTIES & RESOLUTIONS

4.2.1. Violations.

(A) Violations and penalties. A site grading permit may be suspended or revoked by the Administrative Authority if one or more of the following violations have been committed:

(1) Violation(s) of the conditions of the stormwater management plan approval.

(2) Construction not in accordance with the intent of the approved plans.

(3) Non-compliance with correction notice(s) or stop work order(s).

(4) The existence of an immediate danger in a downstream area in the judgment of the Administrative Authority.

(B) If one or more of these conditions is found, a written notice of violation(s) shall be served upon the owner or authorized representative and an immediate stop-work order may be issued. The notice shall set forth the measures necessary to achieve compliance with the plan. Correction of these violations must be started immediately and completed within 7 working days of original notification or the owner shall be deemed in violation of these regulations.

(C) The City Attorney may institute injunctive, mandamus, or other action or proceedings at law or equity for the enforcement of these regulations or to correct violations of these regulations, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

(D) It shall be the duty of the Administrative Authority to bring to the attention of the City Attorney any violation or failure to fully comply with the terms of these regulations that results in the issuance of a stop work order.

(E) Enforcement/Stop Work Order. Whenever the Administrative Authority finds any noncompliance with the provisions hereof, he/she attempt to communicate with the owner or person performing the work to obtain immediate and voluntary compliance if such person is readily available. If they are not readily available or if the responsible person refuses to voluntarily comply immediately or the noncompliance presents an imminent danger or will cause or threatens to cause bodily injury or damage to off-site property including, but not limited to, off-site runoff, the Administrative Authority shall post in a conspicuous place on the premises, a stop work order which shall cause all activity not necessary to correct the noncompliance to cease until noncompliance is corrected.

(F) The stop work order shall provide the following information: Date of issuance, project name and permit number and reason for issuance and the signature of the inspector that issues the order.

(G) It shall be a violation hereof for the unauthorized removal of the stop work order from the premises when posted on the project site.

(H) In addition to posting a stop work order, the local approval authority shall provide notification to the owner or contractor by personal service, written notice by certified mail, or facsimile transmission. The permittee, landowner and contractor shall have 72 hours from the time and date of notification by the Administrative Authority to correct any noncompliance with the plan or as otherwise approved.

(I) Inspection. The Administrative Authority shall be responsible for determining whether the stormwater management plan is in conformance with the requirements specified by the City's Stormwater Management Manual. Also, the Administrative Authority shall be responsible for determining whether the development site is proceeding in accordance with the approved drainage plan. Periodic inspection of the development site shall be made the Administrative Authority. Through such periodic inspections, the Administrative Authority shall ensure that the stormwater management plan is properly implemented and that the improvements are maintained.

(J) Remedial work. If it is determined through inspection that the development is not proceeding in accordance with the approved stormwater management plan and drainage and/or building permit, the Administrative Authority shall immediately issue written notice to the permittee

concerning the alleged noncompliance, accompanied by documentary evidence demonstrating noncompliance and specifying what remedial work is necessary to bring the project into compliance. The permittee, upon notification, shall immediately, unless weather conditions or other factors beyond the control of the permittee prevent immediate remedial action, commence the recommended remedial action and shall complete the remedial work within 72 hours or within a reasonable time as determined in advance by the Administrative Authority. Upon satisfactory completion of remedial work, the Administrative Authority shall issue a notice of compliance and the development may proceed.

(K) Enforcement fee. Where code enforcement action is needed to bring a site into compliance with the Clean Water Act, fees will be charged to the permit holder and or the property owner. The enforcement fee shall be established by resolution of the City Council.

4.2.2. Penalty.

The penalty for violation of this chapter shall, upon conviction in the District Court, or any other court of competent jurisdiction, be such fines and penalties as established by the general penalty clause for the North Little Rock Code of Ordinances as may now or hereafter be enacted by the North Little Rock City Council.

4.2.3. Conflict Resolution and Interpretation.

(A) Interpretation. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

(B) Conflict with other laws. Whenever the provisions hereof impose more restrictive standards than are required in or under any other ordinance, the regulations herein contained shall prevail. Whenever the provisions of any other ordinance require more restrictive standards than are required herein, the requirements of such shall prevail.

Reference – Ord. 7952 (Sec. 51-14 thru 51-18), adopted 06-25-07.

Section 3
OTHER

4.3.1. Disclaimer of Liability.

(A) The performance standards and design criteria set forth herein and in the Stormwater Management Manual establish minimum requirements which must be implemented with good engineering practice and workmanship. Use of the requirements contained herein shall not constitute a representation, guarantee or warranty of any kind by the city or its officers and employees of the adequacy or safety of any stormwater management

structure or use of the land. Nor shall the approval of the stormwater management plan imply that the land uses that are permitted will be free from damages caused by stormwater runoff. The degree of protection required by these regulations is considered reasonable for regulatory purposes and is based on historical records, engineering and scientific methods of study. Larger storms may occur or stormwater runoff heights may be increased by man-made or natural causes. These regulations, therefore, shall not create liability on the part of the city or any officer or employee with respect to any legislative or administrative decision lawfully made hereunder.

(B) Neither approval of a plan under the provisions of this ordinance nor the compliance with the provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law.

4.3.2. Amendments.

For the purpose of providing for the public health, safety and general welfare, the City Council may, from time to time, amend the provisions of these regulations. This ordinance may be amended in the manner as prescribed by law for its original adoption. Before the City Council considers an amendment hereto, it must seek the advice of the Administrative Authority who will make a recommendation for each amendment within thirty (30) days of the request. The Administrative Authority has the responsibility for recommending updates and changes in the Stormwater Management Manual to the City Council.

4.3.3. Fee Schedule.

(A) *Permit Fees (land disturbance of 4,000 square feet or more):*

Single family dwelling	$ 25.00
Multiple family dwelling (2 units or more)	$ 50.00
Commercial & industrial buildings (4,000 sq. ft. – 9,999 sq. ft.)	$100.00
Commercial & industrial buildings (10,000 sq. ft. or larger)	$150.00
Commercial & industrial building additions (4,000 sq. ft. – 9,000 sq. ft.)	$ 50.00
Commercial & industrial building additions (10,000 or larger)	$100.00
Parking lots (4,000 sq. ft. – 9,999 sq. ft.)	$ 25.00
Parking lots (10,000 sq. ft. or more)	$ 50.00
Subdivisions (up to 5 lots)	$ 50.00

Subdivisions (6 or more lots)	$100.00
Other activities that disturb between 4,000 sq. ft. and 3 acres	$ 50.00
Other activities that disturb more than 3 acres	$100.00

(B) *Enforcement Fees.*

Enforcement Fee after Notice of Violation issued	$100.00/day until compliance
Program Administrator fee for monitoring and processing violation compliance (1 hr. minimum)	$ 50.00/hr.
Street Sweeper or other equipment at costs (minimum)	$100.00 plus costs if greater

Reference – Ord. 7953 (NLRMC adopted 06/25/07.

A copy of this permit is required to be at the job site at all times

City of North Little Rock
Engineering Department
Stormwater Permit Application # _____

Applicant's Name: _____ Phone: _____
Address: _____
_____
Contractor's Name: _____ Phone: _____
Address: _____
_____
Permit Address: _____
_____

☐ Level Lot ☐ Sloped Lot
☐ Drainage Channels near Site
☐ Drainage Easements Near
☐ Site in Flood Plain

Project Description and **Commercial Business Name**: _____
_____

All Commercial Projects must submit plans for City Engineer's review and approval

Permit Type	Fee
____Single Family Dwelling	$35.00
____Multi-Family Dwelling (2 or more units)	$50.00
____Commercial and Industrial Buildings (less than a 1/4 acre)	$125.00
____Commercial and Industrial Buildings (1/4 to 1 acre)	$150.00
____Commercial and Industrial Buildings (more than 1 acre)	$200.00
____Commercial and Industrial Building Additions (less than 1 acre)	$75.00
____Commercial and Industrial Building Additions (1 acre or more)	$150.00
____Parking Lots (less than 1/4 acre)	$35.00
____Parking Lots (1/4 to 1 acre)	$75.00
____Parking Lots (more than 1 acre)	$100.00
____Subdivisions (up to 5 lots)	$75.00
____Subdivisions (6 – 20 lots)	$125.00
____Subdivisions (21 lots or more)	$150.00
____Other Activities that disturb less than or equal to 3 acres	$75.00
____Other Activities that disturb more than 3 acres	$125.00

Non-Compliance per day after Notice of Violation	$100.00
Program Administrator Processing Fee per hour	$50.00
Emergency Response for manpower and equipment cost	$100.00 min.

Estimated Construction Duration: _____ Area of Disturbance_____

Applicant's Signature_____ Approving Official's Signature_____

Dated Signed_____ **Permit Expiration Date** _____

Revised 10/2017

XI. APPENDIX 3 – MS4 GENERAL PERMIT

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.),

Regulated Small Municipal Separate Storm Sewer Systems (MS4s) Located within the State of Arkansas

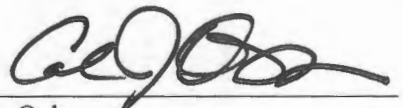
are authorized to discharge, in accordance with the requirements and other conditions set forth in this permit, to all receiving waters except as stated in Part 1.3 of this permit.

Only those operators of MS4s who submit the required Notice of Intent (NOI) in accordance with Parts 1.5 and 2 and Stormwater Management Program (SWMP) in accordance with Part 3 of this permit, and receive a Notice of Coverage (NOC) are authorized to discharge stormwater under the provisions of this general permit.

For facilities that are eligible for coverage under a general permit, the Department sends a cover letter (Notice of Coverage with a permit tracking number starting with ARR04) and a copy of the general permit to the facility. The cover letter includes the Department's determination that a facility is covered under the general permit and may specify alternate requirements outlined in the permit, such as modified sampling frequencies for certain parameters or the inclusion of monitoring for parameters in addition to those requiring regular monitoring.

Effective Date: August 1, 2019

Expiration Date: July 31, 2024



Caleb J. Osborne
Associate Director, Office of Water Quality

11.6.18
Issue Date

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PART 1 COVERAGE UNDER THIS PERMIT

NOTE: Only a select sub-set of small MS4s, referred to as ***regulated* small MS4s**, is covered by the Phase II requirements, either through automatic designation or designation on a case-by-case basis by the Department.

1.1 Permit Area

This permit covers the State of Arkansas.

1.2 Eligibility

1.2.1 All operators of small municipal separate storm sewer systems (MS4s) meeting the eligibility requirements of this permit are required to comply with permit terms unless the Director of the Arkansas Department of Environmental Quality (ADEQ, or the Department) has given written notification to an MS4 that coverage under this general permit is inappropriate. The operators described in the section below must submit a Notice of Intent (NOI) and Stormwater Management Program (SWMP) in accordance with Part 2 of this permit and will thereafter be authorized to discharge via a Notice of Coverage under the terms and conditions of this general permit.

1.2.1.1 **Operators of MS4s in urbanized areas (Automatic Designation)**: Pursuant to 40 CFR 122.32, all operators of small MS4s, including non-traditional MS4s, fully or partially located in an urbanized area as determined by the 2000, 2010, or 2020 Decennial Census by the Bureau of the Census must apply for permit coverage. Coverage area for the purposes of this permit is the urbanized area at minimum, or as specified by the SWMP.

1.2.1.2 **Operators of designated municipal MS4s**: Pursuant to 40 CFR 122.32, the Department has made the decision to set designation criteria for municipalities outside of designated urbanized areas to be covered under this permit. MS4s designated under this part shall use the city limits as the coverage area or a boundary delineated on maps contained in the SWMP approved by the Department. Municipalities with a population, according to the latest decennial census, of greater than 10,000 persons and with a population density of greater than 1,000 persons per square mile meeting one (1) of following criteria are required to obtain permit authorization:

(1) The MS4 directly discharges to a 303(d) listed Stream with pollutants of concern caused by stormwater, or stream with a completed TMDL citing stormwater as a cause of impairment; or

(2) The MS4 Directly discharges to an Extraordinary Resource Water (ERW), Ecologically Sensitive Waterbody (ESW), Natural and Scenic Waterway (NSW); or

(3) The MS4 has had a 50% population growth rate between the two (2) most recent decennial censuses.

1.2.1.3 **Operators of MS4s that are in an urbanized area and would otherwise qualify as a designated MS4 under the requirements of 1.2.1.2:** shall use the city limits as the coverage area for purposes of this permit.

1.2.1.4 **Operators Discharging to a Physically Interconnected Storm System:** Any small MS4 located outside of an urbanized area that contributes substantially to the pollutant loadings of a physically interconnected MS4 regulated by the NPDES stormwater program. Coverage area will be determined on a case-by-case basis based on area of MS4 control and potential to contribute contaminants and shall be established in the MS4's Stormwater Management Program.

1.2.1.5 **Operators of previously permitted small MS4s:** Operators of small MS4s which have previously been covered under a permit for discharge from their MS4 based on the 2000 or 2010 Censuses must reapply for permit coverage.

1.2.2 **The following are types of authorized discharges**:

1.2.2.1 *Stormwater discharges:* This permit authorizes stormwater discharges to surface waters of the State from the small MS4s identified in Part 1.2, except as excluded in Part 1.3.

1.2.2.2 *Non-stormwater discharges*: The MS4s are authorized to discharge the following non-stormwater sources, provided that ADEQ has not determined and notified the MS4 in writing that these sources are substantial contributors of pollutants to the MS4:

a. uncontaminated waterline flushing;
b. landscape irrigation;
c. rising ground waters;
d. uncontaminated ground water infiltration (infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.);
e. uncontaminated pumped ground water;
f. discharges from potable water sources;
g. uncontaminated foundation drains;
h. uncontaminated air conditioning condensate;
i. irrigation water;
j. springs;
k. water from crawl space pumps;

l. uncontaminated footing drains;
m. lawn watering;
n. individual residential car washing;
o. flows from riparian habitats and wetlands;
p. dechlorinated swimming pool discharges;
q. uncontaminated street wash water;
r. discharges or flows from emergency firefighting activities; and
s. unless otherwise permitted or regulated by ADEQ, discharges of gray water from municipal splash pads (also known as spray ponds or spray grounds), as defined in Part 6.35 of this permit, provided the discharges comply with all applicable municipal or county ordinances enacted or pursuant to law. Discharges from recirculating systems shall be de-chlorinated prior to discharge.

1.3 Limitations on Coverage:

This permit does not authorize:

1.3.1 Discharges that are mixed with sources of non-stormwater unless such non-stormwater discharges are:

1.3.1.1 In compliance with a separate National Pollutant Discharge Elimination System (NPDES) permit, or

1.3.1.2 Determined by the Department not to be a substantial contributor of pollutants to surface waters of the State.

1.3.2 Stormwater discharges associated with industrial activity as defined in 40 CFR 122.26(b)(14)(i)-(xi) that are not in compliance with a separate NPDES permit. This includes stormwater discharges associated with construction activity as defined in 40 122.26(b)(14)(x) or 40 CFR 122.26(b)(15).

1.3.3 Discharges that ADEQ, prior to authorization under this permit, determines will cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. Where such a determination is made prior to authorization, the Department may notify an MS4 that an alternative general permit or an individual permit application is necessary in accordance with Part 5.17. However, the Department may authorize coverage under this permit after the operator has included appropriate controls and implementation procedures in the SWMP designed to bring any discharges into compliance with water quality standards.

1.3.4 Discharges to impaired waters or waters with an approved TMDL: If an MS4 discharges to waters identified on the current list of impaired waters under Section 303(d) of the Clean Water Act, the operator must review whether changes may be warranted in the SWMP to reduce the impact of MS4 discharges *in accordance with the requirements of Part 3.4.5.* If

a TMDL has been approved for a waterbody, the operator must review the adequacy of the Stormwater Management Program to meet the TMDL's Waste Load Allocation (WLA) set for stormwater sources. If a TMDL assigns an individual WLA specifically for an MS4's stormwater discharges, the operator must include that WLA as a Measurable Goal for the SWMP. If the SWMP is not meeting the applicable requirements of the TMDL, the operator must modify the Stormwater Management Program accordingly prior to receiving coverage. If the SWMP of a regulated municipality does not adequately address the requirements and objectives of the TMDL, ADEQ may notify you that an alternative permit application is necessary in accordance with Part 5.17.

1.4 Waiver from coverage:

1.4.1 The following exclusion may be obtained:

1.4.1.1 The Department may waive permit coverage if an MS4 serves a population of less than 1,000 within the urbanized area and if the MS4 is meeting the following criteria:

1.4.1.1.1 The MS4 system is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the NPDES stormwater program (see 40 CFR § 123.35(b)(4)); and

1.4.1.1.2 The MS4 does not discharge any pollutant(s) that have been identified as a cause of impairment of any waterbody to which it directly discharges, and stormwater controls are not required based on wasteload allocations that are part of an EPA approved or established TMDL.

1.4.1.2 Any waiver provided by the Department pursuant to 1.4.1.1 may be reopened if:

1.4.1.2.1 The MS4 no longer meets the criteria established in 1.4.1.1, 1.4.1.1.1, or 1.4.1.1.2; or

1.4.1.2.2 Upon the renewal of this general permit.

1.5 Obtaining Authorization

1.5.1 To be authorized to discharge stormwater from small MS4s, the MS4 shall submit a completed NOI form, application fee (if new permittee only), and Stormwater Management Program (SWMP) in accordance with Part 3 and the deadlines presented in Part 2.1 of this permit. MS4s with existing permit coverage shall submit a completed NOI form and updated SWMP, but do not need to submit an application fee because they are already annually invoiced.

1.5.2 The NOI, to be completed on a form furnished by the Department, shall be signed and dated in accordance with Part 5.7 of this permit. The NOI shall contain the legal name and address of the MS4, the type of MS4, and the receiving stream(s) of discharges from the MS4.

1.5.3 Until notified in writing by the Department, dischargers who submit an NOI in accordance with the requirements of this permit are not covered by this permit. The Department may deny coverage under this permit and require submittal of an application for an individual NPDES permit or alternative general permit based on a review of the NOI or other information (see Part 5.17).

1.5.4 Where an operator is added, removed or transferred after submittal of an NOI under Part 2 of this permit, a permit transfer form shall be submitted prior to the change.

PART 2 AUTHORIZATION UNDER THIS PERMIT

2.1 Deadlines for Notification

2.1.1 *Renewal*. Existing MS4s must reapply for coverage no later than the effective date of this permit. To reapply, the MS4 shall submit a completed NOI form and SWMP in accordance with requirements in Part 3 of this permit to the Department. MS4s previously covered will receive notification of the renewal along with instructions for obtaining coverage under the renewal permit. MS4s previously covered will continue being covered by the previous permit until authorized by the Department to be covered by this renewed permit as long as they reapplied for coverage no later than thirty (30) days prior to the effective date of this permit.

2.1.2 *New designations.* If the MS4 is designated either by the 2020 census or meets the criteria of Part 1 after the census information has been reviewed, then the MS4 is required to submit an NOI, the SWMP and application fee to the Department within 180 days of notification from ADEQ that permit coverage is required.

2.1.3 *Submitting a Late NOI*. The MS4s are not prohibited from submitting an NOI after the dates provided in Part 2.1.1 or 2.1.2 of this permit. If a late NOI is submitted, the authorization is only for discharges that occur after permit coverage is granted. The Department reserves the right to take appropriate enforcement actions against MS4s that have not submitted a timely NOI.

2.2 Where to Submit

The permittee is to submit the NOI, permit fee (for new permittees only), and SWMP, signed in accordance with the signatory requirements of Part 5.7 of this permit, to ADEQ at the following address:

ADEQ
Office of Water Quality, General Permits
5301 Northshore Drive
North Little Rock, AR 72118

or via ePortal at the following web address: https://eportal.adeq.state.ar.us/

Alternatively, the operator may submit the required documents in electronic format (.pdf) at the following email address: Water-permit-application@adeq.state.ar.us

2.3 Co-Permittees Under a Single NOI

The MS4 may partner with other MS4s to develop and implement the SWMP. The MS4 may also jointly submit an NOI with one (1) or more MS4s. Their SWMP shall clearly describe which permittees are responsible for implementing each of the control measures.

2.4 Public Notification Requirements

After review of the required submitted documents for permit coverage, the Department will give the public access to the Notices of Intent and Stormwater Management Plan (SWMP) for a minimum of thirty (30) days. A link will be provided at the Department's MS4 webpage: https://www.adeq.state.ar.us/water/permits/npdes/stormwater/noi/ms4/p_arr040000.aspx

Public comment and requests for a public hearing will be accepted within a thirty (30) day period, with the end date as specified by the Department's webpage. Methods for submitting comments and requests for a public hearing to the Department will be included on this webpage.

On issues of public or ADEQ comment, the operator of the MS4 must, prior to permit coverage issuance:

2.4.1 Provide the MS4's responses to any unresolved public comments on the NOI and SWMP received either by the MS4 during local participation and involvement efforts, or by the Department during the Department's public participation process, to ADEQ within thirty (30) days of the Director's request. Responses provided by the MS4 will be considered as part of the Department's decision-making process.

2.4.2 Modify, or include a schedule to modify, the SWMP as necessary after consideration of the public comments on the NOI or as required by the Director in response to such comments.

2.5 Modification of the Permit

The permit may be reopened and modified, in accordance with 40 CFR §122.62, §122.63, and §124.5, during the life of the permit.

2.6 Terminating Coverage

To terminate permit coverage, the permittee must submit a written Notice of Termination that contains facts or reasons supporting the request. The permittee is responsible for meeting the terms of this permit until the acceptance of the termination of authorization by the Department. For example, a Notice of Termination should be submitted if the permittee ceases stormwater discharges from the MS4.

PART 3 STORMWATER MANAGEMENT PROGRAMS (SWMP)

NOTE: Existing permitted MS4 programs should already be in compliance with the majority of the following requirements unless the requirements were not covered under the previous permit. Permittees shall continue to implement the existing programs until the renewal is approved by the Department. The SWMP should be updated as necessary to comply with the new requirements of the permit. The SWMP is an integral and enforceable document. Permittees not meeting the requirements of the most currently approved SWMP will be considered in violation of this permit.

3.1 Requirements

3.1.1 The permittee shall develop, implement, and enforce a SWMP designed to reduce the discharge of pollutants from the small MS4, to protect water quality, and to satisfy the appropriate water quality requirements and the Clean Water Act. Permittees may use contracts, interagency agreements, or inter-jurisdictional agreements with other permittees to implement the SWMP based on the requirements outlined in Part 3.3. The SWMP should include management practices; control techniques and system, design, and engineering methods; and shall be modified to include provisions as the Department determines appropriate after its review of the program for the control of such pollutants. The SWMP shall include the following information for each of the six (6) minimum control measures described in Part 3.2 of this permit:

3.1.1.1 The best management practices (BMPs) that the MS4 or another entity will or already implements for each of the stormwater minimum control measures;

3.1.1.2 The measurable goals for each of the BMPs, the ones the MS4 has the authority to implement, including, as appropriate, the months and years in which the MS4 will undertake required actions, including interim milestones and the frequency of the action. At a minimum, measurable goals shall be implemented to satisfy this general permit's performance standards;

3.1.1.3 The person or persons, including position title or titles, or just the position title and contact information responsible for implementing or coordinating the BMPs for the SWMP. The SWMP shall include a Table of Organization, including a primary point of contact, which identifies how implementation across multiple positions, agencies and departments will occur; and

3.1.1.4 In addition to the requirements listed above, the permittee shall provide a rationale for how and why the permittee selected each of the BMPs and measurable goals for the SWMP. The MS4 shall develop and implement the program within five (5) years of initially being granted Small MS4 general permit coverage. If an MS4 initially had coverage under a previous version of this permit, then the MS4 shall revise the program and its implementation to satisfy this general permit's performance standards

within two (2) years of when the MS4 coverage under this general permit was granted.

3.1.1.5 BMPs shall be reevaluated in situations where an MS4 discharges to impaired waters or waters with an approved TMDL where the evaluation of the impairment has determined the MS4 is a contributor to the impairment, or waters designated as ERW, ESW, or NSW. The enhanced BMPs shall be specifically addressed within the SWMP.

3.2 Minimum Control Measures

The six (6) minimum control measures that shall be included in the SWMP are:

3.2.1 Public Education and Outreach on Stormwater Impacts

3.2.1.1 The permittee shall implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff. In the case of non-traditional MS4s (e.g., Arkansas Department of Transportation (ARDOT), universities, hospitals, prisons, military bases, and other government complexes), the permittee is only required to provide educational materials and outreach to the MS4 employees, on-site contractors, and individuals using the MS4's facilities.

3.2.1.2 *Decision process.* The permittee shall document the decision process for the development of a stormwater public education and outreach program. The rationale statement shall address both the overall public education program and the individual BMPs, measurable goals and responsible persons for the program. The rationale statement shall include the following information, at a minimum:

3.2.1.2.1 How the MS4 plans to inform individuals and households about the steps they can take to reduce stormwater pollution;
3.2.1.2.2 How the MS4 plans to inform individuals and groups on how to become involved in the stormwater program (with activities such as local stream and beach restoration activities);
3.2.1.2.3 The target audiences for the MS4's education program that are likely to have significant stormwater impacts (including commercial, industrial, and institutional entities) and why those target audiences were selected;
3.2.1.2.4 The target pollutant sources the MS4 public education program is designed to address;
3.2.1.2.5 The outreach strategy, including the mechanisms (e.g., printed brochures, newspapers, media, social media, workshops, etc.) the MS4 will use to reach the target audiences, and how many people does the MS4 expect to reach by the outreach strategy over the permit term;

3.2.1.2.6 Who (person or department) is responsible for overall management and implementation of the stormwater public education and outreach program and, if different, who is responsible for each of the BMPs identified for this program; and

3.2.1.2.7 How the MS4 will evaluate the success of this minimum measure, including how the measurable goals were selected for each BMP.

3.2.1.3 *Performance Standards*. The stormwater public education and outreach program shall include more than one (1) mechanism and target at least five (5) different stormwater themes or messages over the permit term. At a minimum, at least one (1) theme or message shall be targeted to the land development community. For non-traditional MS4s, the land development community refers to landscaping and construction contractors working within its boundaries. The stormwater public education and outreach program shall reach at least fifty (50) percent of the population over the permit term.

3.2.1.4 *Annual Reporting*. The annual report shall identify each mechanism used, including each stormwater theme, audience targeted and an estimate of how many people were reached by each mechanism.

3.2.2 **Public Involvement/Participation**

3.2.2.1 The permittee shall at a minimum, comply with State and local public notice requirements when implementing a public involvement/participation program. In the case of non-traditional MS4s (e.g., ARDOT, universities, hospitals, prisons, military bases, and other government complexes), the MS4 is required to involve employees, on-site contractors, and individuals using the MS4 facilities.

3.2.2.2 *Decision process.* The permittee shall document the decision process for the development of a stormwater public involvement/participation program. The rationale statement shall address the overall public involvement/participation program and the individual BMPs, measurable goals, and responsible persons for the program. The rationale statement shall include the following information, at a minimum:

3.2.2.2.1 Has the permittee involved the public in the development and submittal of the NOI and SWMP description;

3.2.2.2.2 The MS4's plan to actively involve the public in the development and implementation of the program;

3.2.2.2.3 The target audiences for the public involvement program, including a description of the types of ethnic and economic groups engaged. The MS4 is encouraged to actively involve all potentially affected stakeholder groups, including commercial and industrial businesses, trade associations, environmental groups, homeowners associations, and educational organizations, among others;

3.2.2.2.4 The types of public involvement activities included in the program. Where appropriate, consider the following types of public involvement activities: citizen representatives on a stormwater management panel, public hearings, working with citizen volunteers willing to educate others about the program, volunteer monitoring or stream/beach clean-up activities;

3.2.2.2.5 Who (person or department) is responsible for the overall management and implementation of the stormwater public involvement/participation program and, if different, who is responsible for each of the BMPs identified for this program, and;

3.2.2.2.6 How the MS4 will evaluate the success of this minimum measure, including how the MS4 selected the measurable goals for each of the BMPs.

3.2.2.3 *Performance Standards*. The stormwater public involvement/participation program shall include at least five (5) public involvement activities over the permit term.

3.2.2.4 *Annual Reporting*. The annual report shall identify each public involvement/participation activity conducted, including a brief description of activity and include an estimate of how many people participated.

3.2.3 **Illicit Discharge Detection and Elimination**

3.2.3.1 The permittee shall develop, implement and enforce a program to detect and eliminate illicit discharges, as defined in Part 6 of this permit, into the small MS4 (for illicit discharges to the MS4 via an adjacent, outside of the MS4's jurisdiction, interconnected MS4, the MS4 are only required to inform the neighboring MS4 and the Department in the annual report submission, of their existence);

3.2.3.2 New permittees shall develop a storm sewer system map, showing the location of all outfalls and the names and location of all surface waters of the State that receive discharges from those outfalls. Within five years of when the coverage under this general permit was granted, the storm sewer system map shall also include the entire MS4 system, including catch basins, pipes, ditches and public and private stormwater facilities. MS4s with coverage area increases resulting from the 2020 census must update their storm sewer system maps by the expiration of this permit. MS4s that are required to update storm sewer system maps due to Part 1.2.1.3 of the permit must update their storm sewer system maps within three (3) years of the effective date of this permit;

3.2.3.3 The permittee shall to the extent allowable under State or local law, effectively prohibit, through ordinance or other regulatory mechanism, illicit discharges into the storm sewer system and implement appropriate enforcement procedures and actions;

3.2.3.4 The permittee shall develop and implement a plan to detect and eliminate non-stormwater discharges, including illegal dumping, to the system. See 3.2.3.6 for exceptions to this requirement.

3.2.3.5 The permittee shall inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste; and

3.2.3.6 The permittee shall address the following categories of non-stormwater discharges or flows (i.e., illicit discharges) only if the MS4 identifies them as significant contributors of pollutants to the small MS4: uncontaminated water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, uncontaminated foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, uncontaminated footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, uncontaminated street wash water, and discharges or flows from emergency fire fighting activities (by definition, not an illicit discharge), and splash pads.

3.2.3.7 The permittee may also develop a list of other similar occasional incidental non-stormwater discharges (e.g., non-commercial or charity car washes, etc.) that will not be addressed as illicit discharges. These non-stormwater discharges must not be reasonably expected (based on information available to the permittees) to be significant sources of pollutants to the MS4, because of either the nature of the discharges or conditions the MS4 have established for allowing these discharges to the MS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to waters such as impaired waters, waters with an applicable TMDL, ERWs, ESWs, or NSWs, BMPs on the wash water, etc.). The MS4 must document in the SWMP any local controls or conditions placed on the discharges. The MS4 must include a provision prohibiting any individual non-stormwater discharge that is determined to be contributing significant amounts of pollutants to the MS4.

3.2.3.8 *Decision process.* The permittee shall document the decision process for the development of a stormwater illicit discharge detection and elimination program. The rationale statement shall address both the overall illicit discharge detection and elimination program and the individual BMPs, measurable goals, and responsible persons for the program. The rationale statement shall include the following information, at a minimum:

3.2.3.8.1 How the MS4 will develop a storm sewer system map showing the location of all outfalls and the names and location of all receiving waters. Describe the sources of information used for the storm sewer system maps and the plan to verify the outfall locations with field surveys. If already completed, describe

how the map was developed. Also, describe how the storm sewer system map will be regularly updated;

3.2.3.8.2 The mechanism (ordinance or other regulatory mechanism) the MS4 will use to effectively prohibit illicit discharges into the MS4 and why the MS4 chose that mechanism. If this mechanism needs to be developed, then describe in the plan and a schedule to do so. If an ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with the program;

3.2.3.8.3 The plan to ensure through appropriate enforcement procedures and actions that the illicit discharge ordinance (or other regulatory mechanism) is implemented;

3.2.3.8.4 The plan to detect and address illicit discharges to the MS4 system, including discharges from illegal dumping and spills. The plan shall include dry weather field screening for non-stormwater flows, and ADEQ recommends field tests of selected chemical parameters as indicators of discharge sources. The description shall address the following, at a minimum:

3.2.3.8.4.1 Procedures for locating priority areas which include areas with higher likelihood of illicit connections (e.g., areas with older sanitary sewer lines) or ambient sampling to locate impacted reaches;

3.2.3.8.4.2 Procedures for tracing the source of an illicit discharge, including the specific techniques that will be used to detect the location of the source;

3.2.3.8.4.3 Procedures for removing the source of the illicit discharge; and

3.2.3.8.4.4 Procedures for program evaluation and assessment.

3.2.3.8.5 How the MS4 plans to inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste. Include in the description how this plan will coordinate with the public education minimum measure and the pollution prevention/good housekeeping minimum measure programs;

3.2.3.8.6 Who is responsible for overall management and implementation of the stormwater illicit discharge detection and elimination program and, if different, who is responsible for each of the BMPs identified for this program, and;

3.2.3.8.7 How the MS4 will evaluate the success of this minimum measure, including how the MS4 selected the measurable goals for each of the BMPs.

3.2.3.9 *Performance Standards*. The stormwater illicit discharge detection and elimination program shall include dry-weather screening of all stormwater outfalls located in the MS4's coverage area at the time of this permit coverage over the permit term. Only those outfalls draining undeveloped watersheds do not need to be screened for illicit discharges. The storm sewer system map shall be updated annually as needed for changes occurring in the MS4's coverage area boundaries at the time of permit coverage.

3.2.3.10 *Annual Reporting*. The annual report shall document the following: (1) number of outfalls dry-weather screened, (2) number of dry-weather flows identified, (3) number of illicit discharges identified, (4) number of illicit discharges eliminated, (5) provide schedules for elimination of illicit connections that have been identified but have yet to be eliminated and (6) a summary of any storm sewer system mapping updates.

3.2.4 **Construction Site Stormwater Runoff Control**

3.2.4.1 The permittee shall develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one (≥1) acre. Reduction of pollutants in stormwater discharges from construction activity disturbing less than one (<1) acre shall be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one (≥1) acre or more. If the Department waives requirements for stormwater discharges associated with small construction from a specific site(s), the permittee is not required to enforce the program to reduce pollutant discharges from such site(s). The program shall include the development and implementation of, at a minimum:

3.2.4.1.1 An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State or local law. The ordinance or other regulatory mechanism shall be at least as stringent and not conflicting with the criteria set forth in the current ADEQ NPDES General Stormwater Permit for Construction Activities applicable for the permit area. If the ADEQ NPDES General Stormwater Permit for Construction Activities is renewed during the duration of this permit, the permittee shall update ordinances or other regulatory mechanisms as needed within two years of the renewal of the ADEQ NPDES General Stormwater Permit for Construction Activities. If initial coverage for this permit was under a previous version of this permit, then the ordinance or other regulatory mechanism, if needed, shall be revised within two years of coverage under this general permit was granted;

3.2.4.1.2 Requirements for construction site operators to implement appropriate erosion and sediment control BMPs;

3.2.4.1.3 Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;

3.2.4.1.4 Procedures for site plan review which incorporate consideration of potential water quality impacts;

3.2.4.1.5 Procedures for receipt and consideration of information submitted by the public; and

3.2.4.1.6 Procedures for site inspection and enforcement of control measures.

3.2.4.2 *Decision process.* The permittee shall document the decision process for the development of a construction site stormwater control program. The rationale statement shall address both the overall construction site stormwater control program and the individual BMPs, measurable goals, and responsible persons for the program. The rationale statement shall include the following information, at a minimum:

3.2.4.2.1 The mechanism (ordinance or other regulatory mechanism) that will be used to require erosion and sediment controls at construction sites and why the MS4 chose that mechanism. If it is needed to develop this mechanism, describe the plan and a schedule to do so. If the ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with the SWMP description;

3.2.4.2.2 The plan to ensure compliance with the erosion and sediment control regulatory mechanism, including the sanctions and enforcement mechanisms that will be used to ensure compliance. Describe the procedures for when certain sanctions will be used. Possible sanctions include non-monetary penalties (such as a stop work orders), fines, bonding requirements, and/or permit denials for non-compliance;

3.2.4.2.3 The requirements for construction site operators to implement appropriate erosion and sediment control BMPs and control waste at construction sites that may cause adverse impacts to water quality. Such waste includes discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste;

3.2.4.2.4 The procedures for site plan review, including the review of pre-construction site plans, which incorporate consideration of potential water quality impacts. Describe the procedures and the rationale for how certain sites will be identified for site plan review, if not all plans are reviewed. Describe the estimated number and percentage of sites that will have pre-construction site plans reviewed;

3.2.4.2.5 The procedures for receipt and consideration of information submitted by the public. Consider coordinating this requirement with the public education program;

3.2.4.2.6 The procedures for site inspection and enforcement of control measures, including how sites are prioritized for inspection;

3.2.4.2.7 Who is responsible for overall management and implementation of the construction site stormwater control program and, if different, who is responsible for each of the BMPs identified for this program; and

3.2.4.2.8 Describe how the MS4 will evaluate the success of this minimum measure, including how the measurable goals were selected for each of the BMPs.

3.2.4.3 *Performance Standards*. The construction site stormwater control program shall include pre-construction site plan reviews (reviews of construction site Stormwater Pollution Prevention Plans) of 100 percent of projects from construction activities that

result in a land disturbance of greater than or equal to one (≥1) acre. These applicable sites shall be inspected at least on a monthly basis to ensure compliance.

3.2.4.4 *Annual Reporting*. The annual report shall document the following: (1) number of applicable sites in the MS4's jurisdiction, (2) number of pre-construction site plan reviews performed, (3) number and frequency of site inspections, (4) number of violation letters issued, (5) number of enforcement actions taken and (6) number of complaints received and number followed up on.

3.2.5 **Post-Construction Stormwater Management in New Development and Redevelopment**

3.2.5.1 The permittee shall develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one (≥1) acre, including projects less than one (<1) acre that are part of a larger common plan of development or sale, that discharge into a small MS4. The program shall ensure that controls are in place that will prevent or minimize water quality impacts;

3.2.5.2 The permittee shall develop and implement strategies which include a combination of structural and/or non-structural BMPs appropriate for the community;

3.2.5.3 The permittee shall use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law. The ordinance or other regulatory mechanism shall be at least as stringent as the criteria set forth in the current, at time of issuance of this permit, ADEQ NPDES General Stormwater Permit for Construction Activities applicable for a permitted area. Of specific note is that a goal of at least 80% removal of total suspended solids from these flows which exceed predevelopment levels should be used in designing and installing stormwater management controls. If initial coverage was under a previous version of this permit, then the ordinance or other regulatory mechanism, if needed, shall be revised within two years of when coverage under this general permit was granted; and

3.2.5.4 The permittee shall ensure adequate long-term operation and maintenance of BMPs.

3.2.5.5 *Decision process.* The permittee shall document the decision process for the development of a post-construction SWMP. The rationale statement shall address both the overall post-construction SWMP and the individual BMPs, measurable goals, and responsible persons for the program. The rationale statement shall include the following information, at a minimum:

3.2.5.5.1 A program to address stormwater runoff from new development and redevelopment projects. Include in this description any specific priority areas for this program;

3.2.5.5.2 How the program will be specifically tailored for a local community, minimize water quality impacts, and attempt to maintain pre-development runoff conditions;

3.2.5.5.3 Any non-structural BMPs in the program, including, as appropriate: policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along impaired waters, waters with applicable TMDLs, ERWs, ESWs, and NSWs, minimize impervious surfaces, and minimize disturbance of soils and vegetation; policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure; education programs for developers and the public about project designs that minimize water quality impacts; and other measures such as minimization of the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source control measures often thought of as good housekeeping, preventive maintenance and spill prevention;

3.2.5.5.4 Any structural BMPs in the program, including, as appropriate: storage practices such as wet ponds and extended-detention outlet structures; filtration practices such as grassed swales, bio-retention cells, sand filters and filter strips; and infiltration practices such as infiltration basins and infiltration trenches;

3.2.5.5.5 The mechanisms (ordinance or other regulatory mechanisms) used to address post-construction runoff from new developments and redevelopments and why they were chosen. If a mechanism needs to be developed, then describe a plan and a schedule to do so. If an ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with the program;

3.2.5.5.6 How the permittee will ensure the long-term operation and maintenance (O&M) of the selected BMPs. Options to help ensure that future O&M responsibilities are clearly identified include an agreement between the permittee and another party such as the post-development landowners or regional authorities;

3.2.5.5.7 Who is responsible for overall management and implementation of the post-construction SWMP and, if different, who is responsible for each of the BMPs identified for this program; and

3.2.5.5.8 How the MS4 will evaluate the success of this minimum measure, including how the MS4 selected the measurable goals for each of the BMPs.

3.2.5.6 *Performance Standards*. The post-construction SWMP shall include pre-construction site plan review (for compliance with local requirements for post-construction management of stormwater) of 100 percent of projects from construction activities that result in a land disturbance of greater than or equal to one (≥1) acre to ensure that required controls are designed per requirements. These applicable sites shall be inspected to ensure that controls are installed per requirements. The program shall

also ensure that long-term operation and maintenance (O&M) plans are developed and agreements are in place for all applicable sites.

3.2.5.7 *Annual Reporting*. The MS4 annual report shall document the following: (1) number of applicable sites in the jurisdiction requiring post-construction controls, (2) number of pre-construction site plan reviews performed, (3) number of inspections performed to ensure as built per requirements, (4) compliance rates with MS4 requirements, and (5) number of long-term operation and maintenance (O&M) plans developed and agreements in place.

3.2.5.8 *Low Impact Development*. The Department recommends that MS4s evaluate their existing codes and planning procedures to remove impediments to low impact development and green infrastructure. The Department also encourages municipalities to evaluate proposed developments using green infrastructure for waivers from local requirements in their community planning process. The operator must include information on efforts to identify and remove impediments to LID in the post-construction program element of the Annual Report covering the 4th year of this renewal permit term.

3.2.6 **Pollution Prevention/Good Housekeeping for Municipal Operations**

3.2.6.1 The permittee shall develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations; and

3.2.6.2 Using training materials that are available from EPA, ADEQ, other organizations, or developed in-house, the program shall include employee training to prevent and reduce stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance; and

The permittee shall include a list of industrial facilities owned or operated by the MS4 that are subject to ADEQ's Industrial Stormwater General Permit or individual NPDES permits for discharges of stormwater associated with industrial activity that ultimately discharge to the MS4. Include the ADEQ permit number or a copy of the NOC for each facility.

3.2.6.3 *Decision process.* The permittee shall document the decision process for the development of a pollution prevention/good housekeeping program for municipal operations. The rationale statement shall address both the overall pollution prevention/good housekeeping program and the individual BMPs, measurable goals, and responsible persons for the program. The rationale statement shall include the following information, at a minimum:

3.2.6.3.1 The operation and maintenance program to prevent or reduce pollutant runoff from the municipal operations. The program shall specifically list the municipal operations that are impacted by this operation and maintenance program;

3.2.6.3.2 Any government employee training program that will be used to prevent and reduce stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance. Describe any existing, available materials planned for use. Describe how this training program will be coordinated with the outreach programs developed for the public information minimum measure and the illicit discharge minimum measure;

3.2.6.3.3 The program description shall specifically address the following areas:

3.2.6.3.3.1 Maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants to the MS4;

3.2.6.3.3.2 Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt/sand storage locations and snow disposal areas the permittee operates;

3.2.6.3.3.3 Procedures for the proper disposal of waste removed from the MS4 and the municipal operations, including dredge spoil, accumulated sediments, floatables, and other debris; and

3.2.6.3.3.4 Procedures to ensure that new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices.

3.2.6.3.4 Who is responsible for overall management and implementation of the pollution prevention/good housekeeping program and, if different, who is responsible for each of the BMPs identified for this program; and

3.2.6.3.5 How will the MS4 evaluate the success of this minimum measure, including how the MS4 selected the measurable goals for each of the BMPs.

3.2.6.4 *Performance Standards*. The pollution prevention/good housekeeping program shall include, at a minimum, an annual employee training for all eligible employees. An eligible employee is a new or veteran employee whose day-to-day work activities have the potential to impact stormwater quality. MS4s shall evaluate all current municipal-owned facilities to ensure that industrial general stormwater permit coverage (ARR000000), if needed, is obtained. This evaluation shall be included in the first annual report. Annual inspections for all municipal facilities not requiring industrial stormwater permit coverage are required for municipal facilities performing maintenance activities on mechanical equipment, facilities with fueling stations, facilities involved in waste storage, transfer or recycling, facilities with material

stockpiles, and facilities storing fertilizers or pesticides. The operation and maintenance program shall include appropriate procedures, controls, maintenance schedules and recordkeeping to address Part 3.2.6.3.3 of this permit.

3.2.6.5 *Annual Reporting*. The annual report shall document the following: (1) a summary of employee training program(s) implemented with the number of employees that attended and (2) a summary of activities and procedures implemented for the operation and maintenance program.

3.3 Sharing Responsibility

Implementation of one (1) or more of the minimum measures may be shared with another entity, or the entity may fully take over the measure. The permittee may rely on another entity only if:

3.3.1 The other entity, in fact, implements all or part of the control measure;

3.3.2 The particular control measure, or component of that measure, is at least as stringent as the corresponding permit requirement; and

3.3.3 The other entity agrees to implement the control measure on the permittee's behalf. There shall be written acceptance of this obligation. This obligation shall be maintained as part of their SWMP. If the other entity agrees to report on the minimum measure, the permittee shall supply the other entity with the reporting requirements contained in Part 4.3 of this permit. If the other entity fails to implement the control measure, then the permittee remains responsible for failing to implement the control measure.

3.4 Reviewing and Updating Stormwater Management Programs

3.4.1 *SWMP Review:* The permittee shall do an annual review of the SWMP in conjunction with preparation of the annual report required under Part 4.3 of this permit.

3.4.2 *SWMP Update:* The permittee may change the SWMP during the life of the permit in accordance with the following procedures:

3.4.2.1 Changes adding (but not subtracting or replacing) components, controls, or requirements to the SWMP may be made at any time upon written notification to the Department. This includes any changes that affect the signatory authority of the permit. These changes will be considered a minor modification and are not subject to the public notice requirements in Part 2.4. This does not include changes adding a new BMP based on a newly applicable condition, such as BMPs required by Part 3.4.5 due to a newly impaired waterbody designation. Such changes will be considered a major modification to the SWMP and are required to undergo the process under Part 3.4.2.2.

3.4.2.2 Changes replacing an ineffective or infeasible BMP specifically identified in the SWMP with an alternate BMP may be requested at any time. These changes may be considered a major modification to the SWMP and be subject to the public notice process outlined in Part 2.4. The Department will review and provide a written decision within sixty (60) days of the request. The Department may approve with additional specific additional requirements. The permittee shall implement the revised BMPs immediately upon approval or within the timeframe specified by the approval. If the request is denied, the Department will send a written response giving a reason for the decision. The modification requests shall include the following:

3.4.2.2.1 An analysis of why the BMP is ineffective or infeasible (including cost prohibitive);
3.4.2.2.2 Expectations on the effectiveness of the replacement BMP; and
3.4.2.2.3 An analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.

3.4.2.3 Changes applicable to Parts 3.1.1.3 and 3.1.1.4 are considered minor modifications and do not require any notification to ADEQ.

3.4.2.4 Change requests or notifications shall be made in writing and signed in accordance with Part 5.7 of this permit.

3.4.3 *SWMP Updates Required by ADEQ*: The Department may require changes to the SWMP as needed to:

3.4.3.1 Address impacts on receiving water quality caused, or contributed to, by discharges from the MS4;

3.4.3.2 Include more stringent requirements necessary to comply with new Federal statutory or regulatory requirements; or

3.4.3.3 Include such other conditions deemed necessary by the Department to comply with the goals of the Clean Water Act.

3.4.3.4 Changes requested by the Department will be made in writing, set forth the time schedule to develop the changes, offer the opportunity to propose alternative program changes to meet the objective of the requested modification, and discuss whether the changes are subject to the public notification requirements in Part 2.4.

3.4.4 *Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation:* The permittee shall implement the SWMP on all new areas added to a portion of the MS4 (or for which the permittee becomes responsible for implementation of stormwater quality controls) as expeditiously as practicable, but not later than one (1) year

from the addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.

3.4.4.1 Within thirty (30) days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, the permittee shall have a plan for implementing a SWMP on all affected areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the SWMP shall be included in the annual report. ADEQ must be notified of permit transfer within thirty (30) days of change of ownership, operational authority or responsibility for SWMP implementation.

3.4.5 **Discharges to Impaired Waters with and without approved TMDLs, as well as waters that are attaining Water Quality Standards, but have an approved TMDL**

a. Discharges of pollutant(s) of concern to water bodies for which there is an approved total maximum daily load (TMDL) are not eligible for this general permit unless they are consistent with the approved TMDL.

b. The permittee shall control the discharges of pollutant(s) of concern to impaired waters and waterbodies with approved TMDLs as provided below, and shall assess the success in controlling those pollutants.

3.4.5.1 Discharges to Waters with an Approved TMDL

If the permittee discharges to an impaired water body with an approved TMDL, the permittee must comply with the WLA in the final permit in accordance with 40 CFR 122.44(d)(1)(vii)(1)(B) and will have three (3) years to comply with the TMDL in accordance with Reg. 2.104. However, until the effective date of the WLA, the permittee shall control the discharges of pollutant(s) of concern to impaired waters and waters with approved TMDLs and shall assess the success in controlling those pollutants.

3.4.5.2 Discharges Directly to Water Quality Impaired Waters or Waters with an approved TMDL(see Part 1.3.4)

3.4.5.2.1 Where the impairment is for a nutrient constituent (e.g. nitrogen or phosphorus), the operator must, at a minimum:

3.4.5.2.1.1 Within one (1) year of the date of permit coverage or new impairment or TMDL for an existing MS4, identify potential significant sources of the pollutant of concern entering the MS4;

3.4.5.2.1.2 Within two (2) years of the date of permit coverage or new impairment or TMDL for an existing MS4, develop (or modify an existing program as necessary) and implement a public education program to reduce the discharge of the pollutant of

concern in municipal storm water contributed by residential and commercial use of fertilizers;

3.4.5.2.1.3 Within two (2) years of the date of permit coverage or new impairment for an existing MS4, develop (or modify an existing program as necessary) and implement a program to reduce the discharge of the pollutant of concern in municipal storm water contributed by fertilizer use at municipal operations (e.g., parks, roadways, municipal facilities);

3.4.5.2.1.4 Within two (2) years of the date of permit coverage or new impairment for an existing MS4, develop (or modify an existing program as necessary) and implement a program to reduce the discharge of the pollutant of concern in municipal storm water contributed by municipal and private golf courses within your jurisdiction;

3.4.5.2.1.5 Within three (3) years of the date of permit coverage or new impairment for an existing MS4, develop (or modify an existing program as necessary) and implement a program to reduce the discharge of the pollutant of concern in municipal storm water contributed by any other significant source identified in the source identification evaluation; and

3.4.5.2.1.6 Include the progress on program implementation, reducing the discharge of the nutrient pollutant(s) of concern into impaired waters or waters with an approved TMDL, and updates to measurable goals for nutrient reduction program elements in the annual reports.

3.4.5.2.1.7 The timelines for Parts 3.4.5.2.1.1 – 3.4.5.2.1.5 are not applicable for permittees that had coverage under the previous ARR0400000 permit that expired July 31, 2019, and discharge into water bodies listed as impaired as of the 2016 303(d) list of impaired waterbodies. Instead, these requirements should be completed by the effective date of this permit.

3.4.5.2.2 Where the impairment is for bacteria, the operator must, at a minimum:

3.4.5.2.2.1 Within one (1) year of the date of permit coverage or new impairment for an existing MS4, identify potential significant sources of bacteria entering the MS4;

3.4.5.2.2.2 Within two (2) years of the date of permit coverage or new impairment for an existing MS4, develop (or modify an existing program as necessary) and implement a public education program to reduce the discharge of bacteria in municipal stormwater contributed (if applicable) by pets, recreational and exhibition livestock, and zoos;

3.4.5.2.2.3 Within two (2) years of the date of permit coverage or new

impairment for an existing MS4, develop (or modify an existing program as necessary) and implement a program to reduce the discharge of the bacteria in municipal storm water contributed by areas within the MS4 served by on-site wastewater treatment systems;

3.4.5.2.2.4 Within two (2) years of the date of permit coverage or new impairment for an existing MS4, review results to date from your Illicit Discharge Detection and Elimination program and modify as necessary to prioritize the detection and elimination of discharges contributing bacteria to the MS4;

3.4.5.2.2.5 Within three (3) years of the date of permit coverage or new impairment for an existing MS4, develop (or modify an existing program as necessary) and implement a program to reduce the discharge of the pollutant of concern in municipal storm water contributed by any other significant source identified in the source identification evaluation; and

3.4.5.2.2.6 Include the progress on program implementation, reducing the discharge of bacteria into impaired waters or waters with an approved TMDL, and updates to measurable goals for bacteria reduction program elements in the annual reports.

3.4.5.2.2.7 The timelines for Parts 3.4.5.2.2.1 – 3.4.5.2.2.5 are not applicable for permittees that had coverage under the previous ARR0400000 permit that expired July 31, 2019, and discharge into water bodies listed as impaired as of the 2016 303(d) list of impaired waterbodies. Instead, these requirements should be completed by the effective date of this permit.

3.4.5.2.3 Where the impairment is for turbidity, the operator must, at a minimum:

3.4.5.2.3.1 Within one (1) year of the date of permit coverage or new impairment for an existing MS4, identify potential significant sources of turbidity entering the MS4;

3.4.5.2.3.2 Within two (2) years of the date of permit coverage or new impairment for an existing MS4, develop (or modify an existing program as necessary) and implement a public education program to reduce the discharge of turbidity contributed by construction activities, bare ground, failing stream banks, and other areas;

3.4.5.2.3.3 Within two (2) years of the date of permit coverage or new impairment for an existing MS4, develop (or modify an existing program as necessary) and implement a program to reduce the discharge of turbidity in municipal stormwater contributed by areas within the MS4 served by on-site wastewater treatment systems;

3.4.5.2.3.4 Within two (2) years of the date of permit coverage or new

impairment for an existing MS4, review results to date from the Illicit Discharge Detection and Elimination program and modify as necessary to prioritize the detection and elimination of discharges contributing turbidity to the MS4;

3.4.5.2.3.5 Within three (3) years of the date of permit coverage or new impairment for an existing MS4, develop (or modify an existing program as necessary) and implement a program to reduce the discharge of turbidity in municipal stormwater contributed by any other significant source identified in the source identification evaluation; and

3.4.5.2.3.6 Include the progress on program implementation, reducing the turbidity of impaired waters or waters with an approved TMDL, and updates to measurable goals for turbidity reduction program elements in the annual reports.

3.4.5.2.4 Where the impairment is for any pollutant other than nutrients, turbidity, or bacteria, the operator must, at a minimum:

3.4.5.2.4.1 Within one (1) year of the date of permit coverage or new impairment for an existing MS4, identify potential significant sources of the pollutant of concern entering the MS4;

3.4.5.2.4.2 Within three (3) years of the date of permit coverage or new impairment for an existing MS4, develop (or modify an existing program as necessary) and implement a program(s) to reduce the discharge of the pollutant(s) of concern in municipal storm water contributed by any significant source identified in the source identification evaluation; and

3.4.5.2.4.3 Include the progress on program implementation, reducing the discharge of pollutant(s) of concern into impaired waters or waters with an approved TMDL and updates to measurable goals for the pollutant of concern reduction program elements.

3.4.5.2.2.4 The timelines for Parts 3.4.5.2.4.1 and 3.4.5.2.4.2 are not applicable for permittees that had coverage under the previous ARR0400000 permit that expired July 31, 2019, and discharge into water bodies listed as impaired as of the 2016 303(d) list of impaired waterbodies. Instead, these requirements should be completed by the effective date of this permit.

3.5 Monitoring

3.5.1 *Discharges into waters identified on the 303(d) list or waters with an approved TMDL.* The permittee must evaluate program compliance, the appropriateness of identified best management practices, and progress toward achieving identified measurable goals. If the permittee discharges to waters for which a TMDL and implementation plan has been

established, then the permittee must monitor to determine if the stormwater controls are adequate to maintain compliance with the MS4's wasteload allocation. The monitoring program should be designed to assess the effectiveness of the permittee's stormwater management program, assess the impacts to receiving waters resulting from stormwater discharges, identify sources of elevated pollutant loads and specific pollutants, and detect and eliminate illicit discharges and illegal connections to the MS4. This monitoring must include quarterly grab samples for the pollutant(s) listed in the TMDL.

3.5.2 For MS4s discharging into 303(d) listed streams with an impairment identified as caused by stormwater, monitoring must include quarterly grab samples for the pollutant(s) listed in the 303(d) listing. The MS4 must develop a sampling plan which, over time, will help to identify those outfalls responsible for the discharge of the pollutant(s). The initial outfall(s) to be sampled shall be representative of the varying land uses of the MS4. Based upon initial results of sampling, the MS4 may revise its sampling plan as appropriate. The initial sampling plan must be submitted to the Department for review. All sampling results must be submitted with the MS4's annual report.

3.5.3 When additional information is required in the determination of the cause or status of a stream impairment, in the development or implementation of a TMDL, or in the development or implementation of a comprehensive watershed management plan, the Department may require an MS4 to develop and submit a sampling plan development timeline for review. The Department will notify the MS4 of the decision in writing regarding the proposed action items and schedule for deliverables. Upon notification, the MS4 will be required to develop a monitoring plan and submit it to the Department according to an agreed schedule, generally within ninety (90) days. Upon Departmental approval of a monitoring plan, the MS4 must take samples for the pollutant(s) in accordance with the approved plan. Based upon initial results of sampling, the MS4 may submit a revised sampling plan to the Department for approval. The monitoring plan and schedule shall be followed to maintain compliance as it is considered an integral part of the SWMP upon approval. All sampling results must be submitted with the MS4's annual report.

3.5.4 *Analytical Methods.* Analysis and collection of samples should be done in accordance with the methods specified at 40 CFR §136. Where an approved 40 CFR §136 method does not exist, any available method may be used unless a particular method or criteria for method selection (such as sensitivity) has been specified in the permit. Screening level tests may utilize less expensive "field test kits" using test methods not approved by EPA under 40 CFR 136, provided the manufacturers published detection ranges are adequate for the illicit discharge detection purposes.

3.5.5 The addition of a new sampling plan, as required by Parts 3.5.1, 3.5.2, or 3.5.3, will be considered a major modification to the SWMP and will be required to follow the public notice procedures laid out in Part 2.4 of the permit. Changes to an existing sampling plan may constitute a major modification to the SWMP. If, in the Department review, it is

determined that the changes to the sampling plan are considered a major modification, the changes will have to undergo the public notice procedures laid out in Part 2.4 of this permit.

PART 4 EVALUATING, RECORD KEEPING AND REPORTING

4.1 Evaluating

The permittee shall evaluate program compliance with the terms and conditions of the permit and SWMP, the appropriateness of identified BMPs, and progress toward achieving identified measurable goals and satisfying performance standards.

4.2 Recordkeeping

4.2.1 The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart or other recordings for continuous monitoring instrumentation, copies of all reports required by this permit, a copy of the NPDES permit, and records of all data used to complete the application (NOI) for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application, or for the term of this permit, whichever is longer. This period may be extended by request of the permitting authority at any time.

4.2.2 The permittee shall submit any records to the permitting authority upon request. The permittee must retain the SWMP required by this permit (including a copy of the permit language) at a location accessible to the permitting authority. The permittee must make all records, including the notice of intent (NOI) and the description of the SWMP, available to the public if requested in writing.

4.3 Reporting

4.3.1 New permittees must submit annual reports to the Department for each year of the permit term. The first report is due fifteen (15) months from the effective date of the permit, covering the activities of the permittee during the twelve (12) month period beginning on the effective date of the permit for the permittee. Subsequent annual reports are due on the same date for each of the following years during the remainder of the permit term (and continuing into any administrative continuance of the permit, should it not be reissued prior to expiration). Prior to submitting annual reports to the Department, MS4s must make a good faith effort to allow their citizens an opportunity for involvement and input. MS4s shall include a copy of the annual report in electronic format on their websites and at local centers of information, i.e. public libraries, city halls, county courthouses, community centers, etc. Existing permittees must submit their annual reports, which covers the previous twelve (12) months from January 1st to December 31st of a calendar year, no later than March 31st of the following year (i.e. 2019 report would be due no later than March 31, 2020). Annual reports will be publicly available on ADEQ's website. The report must include:

4.3.1.1 The status of compliance with permit conditions, an assessment of the appropriateness of the identified best management practices, and the progress towards achieving the

measurable goals for each of the minimum control measures;

4.3.1.2 Results of information collected and analyzed, if any, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants;

4.3.1.3 A summary of the stormwater activities the permittee plans to undertake during the next reporting cycle (including an implementation schedule);

4.3.1.4 Proposed changes to the stormwater management program, including changes to any BMPs or any identified measurable goals that apply to the program elements;

4.3.1.5 Description and schedule for implementation of additional BMPs that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs and implementation plans; and

4.3.1.6 Notice that the permittee is relying on another government entity to satisfy some of the permit obligations (if applicable).

4.3.1.7 Reports must be submitted using the appropriate ADEQ reporting forms.

4.3.2 Where to Submit. Annual reports shall be submitted to the Department at the following address:

ADEQ
Office of Water Quality, General Permits
5301 Northshore Drive
North Little Rock, AR 72118

Alternatively, the MS4 may submit the required documents in electronic format (.pdf) at the following email address: Water-permit-application@adeq.state.ar.us

or via ePortal at the following web address: https://eportal.adeq.state.ar.us/

All annual reports must be submitted through ePortal at the following web address after December 20, 2021: https://eportal.adeq.state.ar.us/

PART 5 GENERAL CONDITIONS

5.1 Duty to Comply. The permittee 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 reissuance, or modification; or for denial of a permit renewal application.

5.2 Continuation of the Expired General Permit. An expired general permit continues in force and effect until a renewal general permit is issued. If this permit is not re-issued or replaced prior to the expiration date, it will be administratively continued in accordance with the A.C.A. 8-4-203(m) and remain in force and effect. If permit coverage is granted prior to the expiration date, the MS4 will automatically remain covered by the continued permit until the earliest of:

5.2.1 Re-issuance or replacement of this permit, at which time the permittee must comply with the conditions of the new permit and submit a renewal NOI and SWMP no later than thirty (30) days prior to the effective date of this renewal permit to maintain authorization to discharge; or

5.2.2 Submittal of a Notice of Termination and approval by the Department; or

5.2.3 Issuance of an individual permit for the MS4's discharges; or

5.2.4 When a formal permit decision by ADEQ to not re-issue this general permit, and the permittee seeks and obtains an individual permit.

5.3 Need to Halt or Reduce Activity Not a Defense. It shall not be a defense for a 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.

5.4 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.

5.5 Duty to Provide Information. The permittee must furnish to the permitting authority any information that is requested to determine compliance with this permit or other information.

5.6 Other Information. If the permittee becomes aware that the permittee has failed to submit any relevant facts or submitted incorrect information in the Notice of Intent, Stormwater Management Plan, annual reports, or in any other report to the permitting authority, the permittee must promptly submit such facts or information.

5.7 Signatory Requirements. All Notices of Intent, Notices of Termination, reports, certifications, or information submitted to the permitting authority, or that this permit requires be maintained by the permittee shall be signed and certified as follows:

5.7.1 All Notices of Intent must be signed and certified as follows:

5.7.1.1 For a corporation: By a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means:

5.7.1.1.1 A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or

5.7.1.1.2 The manager of one (1) or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

5.7.1.2 For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

5.7.1.3 For a Municipality, County, State, Federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a Federal agency includes

5.7.1.3.1 The chief executive officer of the agency, or

5.7.1.3.2 A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

5.7.2 All NOTs, SWMPs, reports, certifications, or other information required by this permit must be signed by a person described in Part 5.7.1 above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

5.7.2.1 The authorization is made in writing by a person described in Part 5.7.1;

5.7.2.2 The authorization specifies 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, position of equivalent responsibility, or an individual or position having overall responsibility for

environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

5.7.2.3 The signed and dated written authorization is included in the SWMP. A copy must be submitted to the Department, if requested.

5.7.3 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 5.7.1 above must be completed prior to or together with any reports, information, or notices of intent to be signed by an authorized representative.

5.7.4 Any person signing documents under the terms of this permit 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 gathered and evaluated 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.

5.7.5 Falsification

Arkansas law imposes penalties and fines for persons who knowingly make false statements or knowingly swear or affirm the truth of a false statement previously made.

5.8 Local, State, and Federal Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee 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 permittee from any responsibility or requirements under other environmental statutes or regulations.

5.9 Property Rights. The issuance of this permit does not convey any property rights of any sort, nor any exclusive privilege, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

5.10 Proper Operation and Maintenance. The permittee 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.

5.11 Inspection and Entry. The permittee shall allow the Department or an authorized representative upon the presentation of credentials and other documents as may be required by law, to do any of the following:

5.11.1 Enter the premises at reasonable times where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

5.11.2 Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;

5.11.3 Inspect at reasonable times any facilities or equipment (including monitoring and control equipment) practices, or operations regulated or required under this permit; and

5.11.4 Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

5.12 Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

5.13 Anticipated Noncompliance. The permittee shall give advance notice to the Department of any planned changes in the permitted small MS4 or activity which may result in noncompliance with this permit.

5.14 Reserved.

5.15 Severability. The provisions of this permit are severable, and if any provision of this permit or the application of any provision 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.

5.16 Procedures for Modification or Revocation. Permit modification or revocation will be conducted according to 40 CFR 122.62, 122.63, 122.64 and 124.5.

5.17 Requiring an Individual Permit or an Alternative General Permit

5.17.1 *Request by permitting authority:* The Department may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or coverage under an alternative NPDES general permit. Any interested person may petition the Department

to take action under this paragraph. Where the Department requires the permittee to apply for an individual NPDES permit or coverage under an alternative NPDES general permit, the Department will notify the permittee in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for to file the application, and a statement that on the effective date of issuance or denial of the individual NPDES permit or the alternative NPDES general permit coverage as it applies to the individual permittee, coverage under this general permit shall automatically terminate. ADEQ may grant additional time to submit the application upon request of the applicant. If the MS4 fails to submit in a timely manner an individual NPDES permit application or an NOI for coverage under an alternative NPDES general permit as required by the Department under this paragraph, then the applicability of this permit is terminated at the end of the day specified by the Department.

5.17.2 *Request by permittee:* Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual NPDES permit with reasons supporting the request. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by are adequate to support the request.

5.17.3 *General permit termination*. When an individual NPDES permit is issued to a discharger otherwise subject to this permit, or the permittee is authorized to discharge under an alternative NPDES general permit, the applicability of this permit to the MS4 is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an operator otherwise subject to this permit, or the operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the MS4 is automatically terminated on the date of such denial, unless otherwise specified by the Department.

5.18 Re-opener Clause. In accordance with 40 CFR Part 122.62(a)(2), the permit may be modified, or alternatively, revoked and reissued, if new information is received that was not available at the time of permit issuance that would have justified the application of different permit conditions at the time of permit issuance.

PART 6 DEFINITIONS

All definitions contained in Section 502 of the Act and 40 CFR 122 shall apply to this permit and are incorporated herein by reference. For convenience, simplified explanations of some regulatory/statutory definitions have been provided, but in the event of a conflict, the definition found in the Statute or Regulation takes precedence.

6.1 **"ADEQ"** is referencing the Arkansas Department of Environmental Quality. The Department is the governing authority for the National Pollutant Discharge Elimination System program in the state of Arkansas.

6.2 **"Best Management Practices (BMPs)"** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

6.3 **"Control Measure"** as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States.

6.4 **"Coverage area"** is the area for which the permittee must implement the requirements for this permit.

6.5 **"CWA"** means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq.

6.6 **"Department"** is referencing the Arkansas Department of Environmental Quality. The Department is the governing authority for the National Pollutant Discharge Elimination System program in the state of Arkansas.

6.7 **"Director"** means the Director, Arkansas Department of Environmental Quality, or a designated representative.

6.8 **"Discharge"** when used without qualification means the "discharge of a pollutant."

6.9 **"Discharge of Stormwater Associated with Construction Activity"** as used in this permit, refers to a discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

6.10 **"Discharge-related activities"** include: activities which cause, contribute to, or result in stormwater point source pollutant discharges; and measures to control stormwater discharges, including the siting, construction and operation of best management practices (BMPs) to control, reduce or prevent stormwater pollution.

6.11 **"Eligible"** means qualified for authorization to discharge stormwater under this general permit.

6.12 **"Facility" or "Activity"** means any NPDES "point source" or any other facility (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

6.13 **"Illicit Connection"** means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

6.14 **"Illicit discharge"** means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than the

NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from emergency fire fighting activities.

6.15 **"Impaired waters"** are waters that have been identified pursuant to Section 303(d) of the Clean Water Act as not meeting applicable surface water quality standards. This may include both waters with approved Total Maximum Daily Loads (TMDLs) and those for which a TMDL has not yet been approved.

6.16 **"Large Municipal Separate Storm Sewer System"** means all municipal separate storm sewer systems that are either:

6.16.1 Located in an incorporated place with a population of 250,000 or more as determined by the latest Decennial Census by the Bureau of Census: or

6.16.2 Located in the counties with unincorporated urbanized populations of 250,000 or more, except municipal, separate storm sewers that are located in the incorporated places, townships or towns within such counties; or

6.16.3 Owned or operated by a municipality other than those described in paragraphs 6.12.1 or 6.12.2 and that are designated by the Director as part of the large or medium municipal separate storm sewer system.

6.17 **"Measurable Goal"** means a quantitative measure of progress in implementing a component of a stormwater management program.

6.18 **"Medium Municipal Separate Storm Sewer System"** means all municipal separate storm sewer systems that are either:

6.18.1 Located in an incorporated place with a population of more than 100,000 but less than 250,000 as determined by the latest Decennial Census by the Bureau of Census: or

6.18.2 Located in the counties with unincorporated urbanized populations of more than 100,000 but less than 250,000, except municipal, separate storm sewers that are located in the incorporated places, townships or towns within such counties; or

6.18.3 Owned or operated by a municipality other than those described in paragraphs 6.15.1 or 6.15.2 and that are designated by the Director as part of the large or medium municipal separate storm sewer system.

6.19 **"MS4"** means Municipal Separate Storm Sewer System.

6.20 **"Municipal Separate Storm Sewer"** means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, and storm drains):

6.20.1 Owned or operated by a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the Clean Water Act (33 U.S.C. 1288) that discharges to waters of the United States;

6.20.2 Designed or used for collecting or conveying stormwater;

6.20.3 That is not a combined sewer; and

6.20.4 That is not part of a publicly owned treatment works.

6.21 **"NOI"** means Notice of Intent to be covered by this permit.

6.22 **"NOT"** means Notice of Termination.

6.23 **"Non-Traditional MS4"** means systems similar to separate storm sewer systems in

municipalities, such as systems at military bases, hospitals, public universities or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewer systems in very discrete areas such as individual buildings.

6.24 **"Off-Lot Home Sewage Treatment System (HSTS)"** means a system designed to treat home sewage on-site and discharges treated wastewater off-lot.

6.25 **"On-Lot Home Sewage Treatment System (HSTS)"** means a system designed to treat home sewage on-lot with no discharges leaving the lot.

6.26 **"Outfall"** means a point source as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and that are used to convey waters of the United States.

6.27 **"Owner or operator"** means the owner or operator of any "facility or activity" subject to regulation under the NPDES program.

6.28 **"Permitting Authority"** means the Arkansas Department of Environmental Quality.

6.29 **"Physically Interconnected"** means that one municipal separate storm sewer system is connected to a second municipal separate storm sewer system in such a way that it allows for direct discharges into the second system.

6.30 **"Point Source"** means any discernible, 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. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

6.31 **"Pollutant"** is defined at 40 CFR 122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste.

6.32 **"Qualified personnel"** means staff knowledgeable in the operation and maintenance of Municipal Separate Storm Sewer Systems (MS4) and possessing the skills necessary to gather and evaluate information regarding an MS4 program.

6.33 **"Significant contributors of pollutants"** means any discharge that causes or could cause or contribute to a violation of surface water quality standards.

6.34 **"Small MS4"** means any MS4 not already covered by the Phase I stormwater program.

6.35 **"Splash Pad"** refers to an outdoor recreational bathing area with sprinklers, fountains, nozzles, and other devices or structures that spray water.

6.36 **"Total Maximum Daily Load (TMDL)"** the sum of individual wasteload allocations (WLAs) for point sources, load allocations (LA's) for non-point sources, and natural background levels.

6.37 **"Uncontaminated"** means that the water will not exceed the water quality standards as set forth in APC&EC Regulation 2; also not containing a harmful quantity of any substance.

RESPONSE TO COMMENTS
FINAL PERMITTING DECISION

Permit No.: ARR040000

Prepared by: Terry Liu

The following are responses to comments received regarding the draft Regulated Small Municipal Separate Storm Sewer Systems (MS4s) General Permit ARR040000 and are developed in accordance with regulations promulgated at 40 C.F.R. §124.17, APC&EC Regulation No. 8 Administrative Procedures, and A.C.A. §8-4-203(e)(2).

Introduction

The above permit was submitted for public comment on July 23, 2018. The public comment period ended on August 22, 2018.

This document contains a summary of the comments that the ADEQ received during the public comment period. A summary of the changes to the NPDES Permit can be found on the last page of this document. There were several similar issues raised throughout the comments; those are grouped together, with one response from the ADEQ.

The following people or organizations sent comments to the ADEQ during the public notice. A total of thirteen (13) comments were raised by four (4) separate commenters.

	Commenter	Number of Comments Raised
1.	Danny Carder, Stormwater Manager, City of Hot Springs - Public Works	2
2.	Alan Pugh and Chris Brown, City Engineer, City of Fayetteville	8
3.	Janet Paith, Stormwater Coordinator, City of Bentonville	1
4.	John Fleming, Environmental Division Head, Arkansas Department of Transportation	2

Comment 1 Was it intentional to remove MEP (Maximum Extent Practicable) from the definitions section?

Response: EPA has intentionally not provided a precise definition of MEP to allow maximum flexibility in MS4 permitting. Part VI.B of the Remand Rule and 40 CFR § 122.34(a) emphasize that the permit requirements must be expressed in clear, specific, and measurable terms. Therefore, the term of MEP has been removed from the previous permit.

Comment 2 Recommend that Non-Point Source be included into the definitions section since we do have a Point Source definition included.

Response: The Department notes that this permit has included the definition of Point Source. The term of Nonpoint Source is defined to mean any source of water pollution that does not meet the definition of Point Source based on the Clean Water Act.

Comment 3 Section 1.2.1.2: The coverage area for the permit has been revised to the City Limits. While in general the City of Fayetteville enforces most ordinances city wide, our concern is that it may drastically impact the number of individuals we are required to reach through our education program and in turn drastically impact the cost of that program. Other smaller communities that have very small urbanized areas may also be negatively impacted. This combined with the new requirement, discussed further below, of being required to update things such as the mapping of the system within the first year of the new permit may be financially devastating and unattainable for some communities. Do you also intend to clarify the extent of coverage of the Counties and other non-municipal government entities which could be impacted by such a regulation?

Response: Section 1.2.1.2 states that MS4s designated under this part shall use the city limits as the coverage area or a boundary delineated on maps contained in the SWMP approved by the Department. Therefore, an MS4 operator is allowed to submit the boundary of a proposed coverage area for approval by the Department instead of the city limits.

Comment 4 Section 1.2.2.2: uncontaminated has been added as a clarifier to many of the allowed non-stormwater discharges. Would the City or other entity now be required to sample the runoff, such as street wash water, to ensure it meets the requirements of SPC&EC Regulation 2. It seems a definition, including the language of also not containing a harmful quantity of any substance, would be too broad if the intent were to require sampling. It would not be financially feasible to sample for all possible constituents. If no sampling is required, how is fact the runoff is uncontaminated determined.

Response: Please see the response to comment 5 below.

Comment 5 Section 3.2.3.6: see the previous comments regarding the use of uncontaminated as a clarifier to many of the non-stormwater discharges.

Response: Uncontaminated runoff means that the water will not exceed the water quality standards as set forth in APC&EC Regulation 2; also not containing a harmful quantity of any substance.

This permit has included the term of Uncontaminated, defined in Part 6.37, to reflect the requirement to protect water quality standards by the Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation 2. The permit authorizes non-stormwater discharges to the MS4 in accordance with the non-stormwater discharge list provided in 40 CFR 122.26(d)(2)(iv)(B)(1), based on an authorization under applicable federal or state regulation. In making a determination of acceptability of a discharge of non-stormwater to waters of the state, the permittee shall apply generally accepted scientific principles to the knowledge of the process from which the process water was originated. Monitoring is not required by the referenced sections because it is understood by the general nature of the exempted processes that reasonable potential does not exist for the exempted process water discharges to significantly contribute contaminants or threaten to cause exceedances of water quality criteria. However, if an operator has knowledge or reason to believe that an exceedance may occur due to unexpected conditions in a process, such as a leak, spill, malfunction, or upset condition, then it is the duty of MS4 operator to investigate through inspection or monitoring to determine if a threat to water quality standards exists. MS4s are authorized to enter and inspect facilities in their jurisdictional boundaries to ensure protection of water quality standards. According to section 3.2.3.4, the Department expects the permittee will use a variety of sources of information to determine if a non-stormwater discharge is a significant source of pollutants.

Comment 6 Section 3.1.1: The language of maximum extent practicable (MEP) has been removed. The City agrees with this revision and has been concerned for some time that this language was too broad and ambiguous.

Response: Please see the response to comment 1.

Comment 7 Section 3.2.3.2: The time period to update maps based on a revision to the coverage area has been shortened to one year. This does not allow enough time, in our opinion, for a municipality or other entity to plan, budget and implement updates for areas that may be included within annexations or a redefinition of the coverage area. Please consider revising the time period back to the expiration date of the permit. If that is not acceptable we would recommend at least a 3-year time

period. This would allow for the proper planning and potential spreading of the cost over a few budget cycles give time for entities to budget appropriately for the additional work.

Response: Please see the response to comment 8 below.

Comment 8 Section 3.2.3.2, Illicit Discharge Detection and Elimination. MS4s that are required to update storm sewer system maps due to Part 1.2.1.3. of the permit must update their storm sewer system maps within one year of the effective date of this permit. This requirement is not feasible for ARDOT. It is requested current permit language is maintained.

Response: The Department acknowledges these comments and understands that the MS4 permittees may have difficulty updating the maps in one year, which may not allow time for proper planning and budget allocation. Therefore, the Department adopts the recommendation to revise section 3.2.3.2 that the map shall be completed within three (3) years of the effective date of this permit for existing MS4 permittees.

Comment 9 Section 3.4.5: It appears that language has been removed regarding an impaired waterway being listed on the 303d list, however, the definition of impaired waterway is included in the definition section. Can you confirm that the process for determining impairment will be the same as the current permit? If not, can you indicate what process for impairment determination will be followed?

Response: Section 303(d) of the Clean Water Act is still being used to identify the impaired waterbodies. The language regarding impaired waterbodies on the 2016 303(d) list has been incorporated into section 3.4.5.2.

Comment 10 Section 3.4.5.2.3: Why was the decision made to specifically call out turbidity and have differing requirements for that impairment? What is the intent for the inclusion of failing stream banks? Would a permitted entity then become responsible for repairing all of the stream banks that contribute to the turbidity? As you are aware, this could become extremely burdensome from a financial standpoint as streambank erosion is very expensive to solve sustainably. This may in turn force entities to find cheaper, less environmentally desirable ways to deal with the erosion simply to try and meet a number which could be an unintended consequence of such a requirement.

Response: High turbidity lowers the water quality of a surface water by blocking sunlight for the plants and makes food harder for the fish to find and may be an indication of a higher amounts of other pollution in the water. High turbidity can be caused by insufficient erosion control in construction activities, failing septic systems, decaying plants or animals, and excessive algae growth.

Streams in urbanized areas, particularly areas where little if any stormwater management infrastructure is present, have developed steep, high channel banks as high volumes and rates of urban runoff cause these natural waterways to run full more frequently and at higher velocities than before their watersheds became urbanized. This bed and bank erosion is a significant source of sedimentation and siltation of downstream waterways as well as a cause of property loss and damages to those properties through which these impaired streams pass.

As defined by Section 3.4.5.2.3, the MS4 permittees are responsible for reducing the discharge of turbidity into Water Quality Impaired Waters or Waters with an approved TMDL that identifies municipal stormwater runoff as a source. However, it doesn't mean that the permittees must physically implement and financially fund the work if there are other responsible parties. The permittees can enforce their stormwater management programs (SWMP) by prioritizing projects and initiating local changes, such as developing and implementing BMPs, to reduce the discharge of turbidity contributed by any other significant source identified in the source identification evaluation. The structural BMPs may include engineered and constructed stormwater management means, such as infiltration basins, detention ponds, rain gardens, bioswales, permeable pavement, green roofs, as well as streambank stabilization. Non-structural BMPs include operations and maintenance practices such as street sweeping, inlet and storm pipe cleaning, fixing and stabilizing roadside swales, grounds maintenance, policies for application of chemicals or stockpiling of material, tree planting and establishment of riparian buffers along stream banks. If erosion from construction activities is determined to be a substantial contributor to the impairment, the MS4 permittees can provide a more robust program for stormwater permitting, inspection, and enforcement.

Comment 11 Section 3.5.3: The development and submittal of a sampling program within 90 days appears unreasonable for budgetary purposes. Is the intent that the plan would be ready to implement within 90 days or simply that the sampling constituents and frequency will be identified? If not already in place, a permitted entity that contracts this out would need more than 90 days to go through the procurement process to even begin discussions about what the program may entail. The appeal process for this determination by the department should also be outlined. There may be instances where the permitted entity may disagree with the requirement of the sampling plan.

Response: Section 3.5.3 indicates the MS4 will be required to develop a monitoring plan development timeline and submit it to the Department according to an agreed schedule, generally within ninety (90) days. The permittee is expected to develop and submit a monitoring plan, describing action items and a schedule for deliverables, to the Department for review in 90 days. Upon Departmental approval of a monitoring plan, the MS4 must take samples for the pollutant(s) in accordance with the approved plan.

The initial monitoring plan is not set out to be a permanent document. Based upon initial results of sampling or changing local conditions, the MS4 may submit a revised sampling plan to the Department for approval. If an extension would be needed to achieve compliance with the sampling requirements, the permittee shall promptly submit such request with facts or information in writing to the Department. Upon a showing of good cause, the Department may establish alternative schedule approvals.

Comment 12 Please add the following definitions: a. Define Waters of the State; b. Define street wash waters; c. Define outfall more clearly; d. Define redevelopment.

Response: Waters of the State can be found under Arkansas Code Annotated (ACA) Title § 8-4-102. The definition of Outfall in the permit is referred to the regulatory definition by 40 CFR 122.26(b)(9). The Department believes the terms street wash waters and redevelopment are generally unambiguous as understood by most MS4 operators and thus the creation of a new set of definitions specific to this permit is unnecessary.

Comment 13 Section 4.3.1, Reporting. Existing permittees must submit their annual reports no later than March 31st of the following year (i.e. 2019 report would be due no later than March 31, 2020). The draft language moves the annual report date to March 31st from June 1st to allow the MS4 three months to create the annual report as stated on the Fact Sheet. This implies the annual report should be based on a calendar year. If the effective date of the permit is August 1, the annual reporting period should be based on the permit year cycle i.e. August 1-July 31 with the annual report due October 31st. As the permit is currently written the first annual report would only contain data collected August 1 through December 31st. Clarification is requested regarding what constitutes a permit year and how it relates to the five year permit cycle.

Response: The Department expects the existing permittee to continue the implementation of the reporting requirements of the existing SWMP until the renewal is approved in 2019. Once the renewal permit is effective, the permittees should meet the requirements of the most currently approved SWMP and the new permit. The 2019 annual reporting period will start January 1, 2019 and end December 31, 2019. The permittees will have three (3) months to create and submit the annual report to the Department since the due date is on March 31 of each year. Section 4.3.1 of the permit has been updated to clearly define the annual report requirements for the existing permittees. The permit renewal effective date does not relate to the reporting cycles as effective dates could change in future renewals.

Summary of Changes to the permit				
Part	Draft Permit	Final Permit	Reason	Comment #
3.2.3.2	MS4s that are required to update storm sewer system maps due to Part 1.2.1.3 of the permit must update their storm sewer system maps within one (1) year of the effective date of this permit	MS4s that are required to update storm sewer system maps due to Part 1.2.1.3 of the permit must update their storm sewer system maps within three (3) years of the effective date of this permit	This will allow enough time for the permittees to update the map.	7 and 8
3.5.3	When additional information is required in the determination of the cause or status of a stream impairment, in the development or implementation of a TMDL, or in the development or implementation of a comprehensive watershed management plan, the Department may require an MS4 to develop and submit a sampling plan for review. The Department will notify the MS4 in writing, describing what areas and parameters are to be sampled and requested frequency. Upon notification, the MS4 will be required to develop a monitoring plan and submit it to the Department according to an agreed schedule, generally within ninety (90) days. Upon Departmental approval of a monitoring plan, the MS4 must take samples for the pollutant(s) in accordance with the approved plan. Based upon initial results of sampling, the MS4 may submit a revised sampling plan to the Department for approval. All sampling results must be submitted with the MS4's annual report.	When additional information is required in the determination of the cause or status of a stream impairment, in the development or implementation of a TMDL, or in the development or implementation of a comprehensive watershed management plan, the Department may require an MS4 to develop and submit a sampling plan development timeline for review. The Department will notify the MS4 of the decision in writing, regarding the proposed action items and schedule for deliverables. Upon notification, the MS4 will be required to develop a monitoring plan and submit it to the Department according to an agreed schedule, generally within ninety (90) days. Upon Departmental approval of a monitoring plan, the MS4 must take samples for the pollutant(s) in accordance with the approved plan. Based upon initial results of sampling, the MS4 may submit a revised sampling plan to the Department for approval. The monitoring plan and schedule shall be followed to maintain compliance as it is considered an integral part of the SWMP upon approval. All sampling results must be submitted with the MS4's annual report.	Clarification of the monitoring plan requirements	11
4.3.1	Existing permittees must submit their annual reports no later than March 31st of the following year (i.e. 2019 report would be due no later than March 31, 2020).	Existing permittees must submit their annual reports, which covers the previous twelve (12) months from January 1st to December 31st of a calendar year, no later than March 31st of the following year (i.e. 2019 report would be due no later than March 31, 2020).	Clarification of the annual report period for the existing permittees.	13

FACT SHEET
AND SUPPLEMENTARY INFORMATION
FOR GENERAL PERMIT ARR040000
REGULATED SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4)
IN ARKANSAS

Information in this part is organized as follows:

1.1. Background

The current General Stormwater Permit No. ARR040000 for MS4s became effective on August 1, 2014 with an expiration date of July 31, 2019. The Arkansas Department of Environmental Quality is proposing to issue a five-year permit in order to renew general permit coverage for Phase II MS4s.

This is a renewal of the General Municipal Separate Storm Sewer System (MS4) Stormwater permit. As in the case of individual permits, violation of any condition of a general permit constitutes a violation of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended) and subjects the discharger to the penalties specified therein. Upon promulgation of the final general permit for this type of discharge, operators qualified for coverage must follow the following notification requirements:

1.1.1. Operators of currently permitted MS4s are required to submit an NOI and the

Stormwater Management Program (SWMP) or apply for an individual NPDES permit no later than thirty (30) days prior to the effective date of the permit.

1.1.2. Operators of MS4s newly designated for permit coverage are required to submit a complete NOI and SWMP within 180 days of notice of designation.

1.2. Legal Basis

Section 301(a) of the Clean Water Act (CWA or the Act), 33 U.S.C. 1311(a), makes it unlawful to discharge pollutants to waters of the United States in the absence of authorizing permits. CWA section 402, 33 U.S.C. 1342, authorizes EPA to issue National Discharge Elimination System (NPDES) permits allowing discharges on condition they will meet certain requirements, including CWA sections 301, 304, and 401 (33 U.S.C. 1331, 1314 and 1341). Those statutory provisions state that NPDES permits must include effluent limitations requiring authorized discharges to: (1) meet standards reflecting levels of technological capability, (2) comply with EPA-approved state water quality standards, and (3) comply with other state requirements adopted under authority retained by states under CWA 510, 33 U.S.C. 1370. The State of Arkansas has been authorized by the U. S. Environmental Protection Agency to administer the National Pollutant Discharge Elimination System (NPDES) Program in Arkansas, including the issuance of general permits to categories of dischargers under the provisions of 40 CFR 122.28, as adopted by reference in the Arkansas Pollution Control & Ecology Commission's (APC&EC) Regulation No. 6.

The Agency may issue "general permits" applicable to a class of similar dischargers within a discreet geographical area. See NRDC v. Costle, 568 F.2d 1369 (D.C. Cir. 1977) and 40 CFR 122.28. Issuance of such permits is not controlled by the procedural rules EPA uses for individual permits, but is instead subject to section 4 of the Administrative Procedure Act (APA), 5 U.S.C. 553, as supplemented by EPA regulations; e.g., 40 CFR 124.58. EPA must, however, comply with the substantive requirements of the CWA without regard to whether it is issuing an individual or general NPDES permit.

Water Quality Standards guiding permitting decisions may be found in APC&EC's Regulation No. 2. Administrative procedures may be found in APC&EC's Regulation No. 8. Information on applicable permit fees may be found in APC&EC's Regulation No. 9.

1.3. Regulatory Background

NPDES permit coverage for small MS4s is required by the federal stormwater regulations contained in 40 CFR 122.26 and 40 CFR 122.30 through 122.37.

1.4. Permit Condition Justification

1.4.1. Conditions in Parts 2 through 5 are self-explanatory and are incorporated in the permit based on 40 CFR 122.41, 40 CFR 122.43, 40 CFR 122.62, 40 CFR 124.5, 40 CFR 136, 40 CFR 122.44(d), best permitting judgement, and Appendix D of the Continuing Planning Process (CPP) in order to provide and ensure compliance with all applicable requirements of the CWA and regulations.

1.4.2. Definitions in Part 6 are self-explanatory and have been included in the permit in order to provide and assure compliance with all applicable requirements of the CWA and regulations.

1.5. Permit Coverage

Facilities covered by this general permit include small MS4s within designated urbanized areas, as described at 40 CFR 122.32.

1.5.1 This general permit shall not apply to:

1.5.1.1 Discharges mixed with sources of non-stormwater unless the non-stormwater discharges are determined not to be a significant contributor of pollutants as defined in Part 6 of the permit to waters of the United States;

1.5.1.2 Stormwater discharges associated with industrial activity as defined in 40 CFR 122.26(b)(14)(i)-(x) and (xi);

1.5.1.3 Stormwater discharges associated with construction activity as defined in 40 CFR 122.26(b)(14)(x) or 40 CFR 122.26(b)(15);

1.5.1.4 Stormwater discharges currently covered under an individual or other general NPDES permit;

1.5.1.5 Stormwater discharges that will cause or contribute to non-attainment of water quality standards, including failure to protect and maintain existing designated uses of receiving waters.

1.5.2 Notice of Intent (NOI) to be Covered

1.5.2.1 An MS4 operator seeking authorization to discharge under this general permit shall submit to the Department a completed Notice of Intent (NOI) form and completed Stormwater Management Program (SWMP) covering all applicable requirements of Part 3, in accordance with the deadlines listed in Part 2.1 of this permit. The NOI form, obtained from the Department, includes the information and attachments required in Part 2.2 of this permit. The NOI must be signed and dated in accordance with Part 5.7 of this permit. An initial permit fee of $200.00 must accompany the NOI under the provisions of ADEQ Regulation No. 9, and an invoice will be sent to the Permittee for the annual fee each year.

1.5.2.2 A new discharger, who meets the eligibility requirements in Part 1 of this permit, and submits a complete NOI by following the information and attachment inclusions as outlined in Part 2.2, submits a complete SWMP, covering the requirements in Part 3 of this permit, submits a payment of $200.00, and completes the public notification process outlined in Part 2.4 of the permit is authorized to discharge stormwater from a small MS4 under the terms and conditions of this general permit once the Department has issued a letter of coverage for the MS4. Upon review of the NOI, SWMP, and other available information, the Director may deny coverage under this permit and require submittal of an application for an individual NPDES permit.

1.5.2.3 A current discharger, who meets the eligibility requirements of Part 1 of this permit, seeking to renew coverage under this general permit, shall submit a complete NOI by following the information and attachment inclusions as outlined in Part 2.2, who submits a complete SWMP, covering the requirements in Part 3 of this permit, and completes the public notification process outlined in Part 2.4 of the permit is authorized to discharge stormwater from a small MS4 under the terms and conditions of this general permit once the Department has issued a Notice of Coverage (NOC) for the MS4. Upon review of the NOI, SWMP, and other available information, the Director may deny coverage under this permit and require submittal of an application for an individual NPDES permit.

1.5.3 Per 40 CFR 122.32, the Department has allowed waivers for the following:

1.5.3.1 MS4s serving a population of less than 1,000 and

1.5.3.1.1 are not contributing to pollutant loadings of an interconnected MS4, or

1.5.3.1.2 any pollutant that is discharged does not require additional controls per a wasteload allocation

1.6. Discharge Characterization

1.6.1 Stormwater Discharge from a regulated small MS4

Stormwater discharged from a small MS4 has the potential to be composed of various constituents due to contact with streets, buildings, vehicles, lawns, etc. This runoff is then discharged to creeks, rivers, lakes, ponds, municipal stormwater drainage systems, etc. without treatment or cleaning.

1.6.2 Allowable Non-Stormwater Discharge from an MS4

In accordance with 40 CFR 122.34(b)(3), non-stormwater discharges may be discharged unless they are identified as significant contributors of pollutants to or from the MS4. Please refer to the permit in Part 1.2.2 for a complete listing of these non-stormwater discharges. Splash pads have been added to the list of

approved discharges. Splash pads are not considered to be significant sources of pollution until determined otherwise by ADEQ.

1.7. Best Conventional Pollutant Control Technology (BCT) and Best Available Technology Economically Achievable (BAT)

National guidelines establishing BPT, BCT and BAT standards have not been promulgated for stormwater discharges from small MS4s. In accordance with 40 CFR 122.34, the general permit includes requirements to reduce the discharge of pollutants, to protect water quality, to satisfy the appropriate water quality requirements of the Clean Water Act, and the development and implementation of Stormwater Management Plans (SWMPs) to address each of the required Six Minimum Control Measures for small MS4s.

1.8. Water Quality Requirements

In accordance with 40 CFR 122.44(d), the general permit must include any requirements necessary to achieve State Water Quality Standards as established under Section 303 of the Clean Water Act. Discussed below are the requirements based on State Water Quality Standards.

1.8.1 The Department may require an application for an individual NPDES permit to authorize discharges of stormwater from any activity that the Department determines to cause or makes a contribution to exceed a water quality standard or that the Department determines to cause or contribute to the loss of a designated use of receiving waters. These criteria include:

1.8.1.1 the discharge(s) is a significant contributor of pollution,
1.8.1.2 the discharger is not in compliance with the terms and conditions of the general permit,
1.8.1.3 a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source,
1.8.1.4 effluent limitation guidelines are subsequently promulgated for the point sources covered by the general permit,
1.8.1.5 a Water Quality Management Plan containing requirements applicable to such point sources is approved, or
1.8.1.6 the requirements listed in 40 CFR 122.28(a) for general permits and identified in the previous paragraphs are not met.

1.8.2 The regulations specify that if a TMDL has assigned a WLA to a facility, the issuance of coverage must be consistent with the assumptions and requirements of the WLA in TMDL (40 CFR 122.44(d)(1)(vii)(B)). Therefore, during the NOI review/approval process for MS4s seeking coverage under this permit, the assigned WLA in TMDL will be included as a limit in the permit coverage

(NOC). The MS4 operator has three years in accordance with Reg. 2.104 to comply with the limits. In the interim, the MS4 operator must comply with SWMP.

If the WLA has not been disaggregated, the Department will disaggregate the aggregate WLA for MS4s seeking coverage under this permit. Disaggregated WLAs will be assigned during the NOI review/approval process so that the WLAs can be adopted as measurable goals. Disaggregated WLAs will be determined proportionately based on each MS4's area within the watershed in accordance with information in TMDL.

Information regarding existing and proposed TMDLs can be obtained from the Water Quality Section of the ADEQ Office of Water Quality at (501) 682-0660 or from the ADEQ website at the following address:

https://www.adeq.state.ar.us/water/planning/integrated/tmdl/.

Please see Part 3.4.5 of the general permit for specific details on the requirements for these discharges.

1.9. Remand Rule and Modifications to the SWMP

1.9.1 ADEQ has implemented a two-phase permit in order to be compliant with the remand rule. This makes the SWMP an integral and enforceable part of the permit.

1.9.2 In order to be compliant with the Remand Rule, Major Modifications to the SWMP will be required to be publicly noticed through the procedures laid out in Part 2.4 of the permit.

1.9.3 Where a permittee proposes to change a BMP that it is implementing, and the change does not require enforceable permit conditions to be changed in any way, but rather offers an alternative means of complying with the same permit conditions, ADEQ would not consider this to be a major modification. For instance, Condition 3.2.3.9 requires that dry weather screenings of all stormwater outfalls located in the MS4's coverage area be completed over the permit term. If the permittee changes its method of conducting such screenings described in its SWMP document, even though a revision to the SWMP document maintained by the permittee may be necessary, no major modification to the SWMP would be necessary because the requirement to inspect all stormwater outfalls is still in effect. By contrast, where a permittee proposes to substitute one of its BMPs for another one, and that change would alter the compliance expectations defined in the permit, the permittee will need to notify the Department before proceeding to determine if a permit modification is necessary. For example if the permittee's requirements specify in precise detail what screening methodology utilized for its outfalls, and the permittee indicates that it no longer intends to use this approach, this proposed change will need to

be evaluated by the Department to determine if a major modification to the SWMP is necessary.

1.10. Description of Permit Conditions and Changes from the Previous Permit

1.10.1 This renewal permit contains the same basic framework of requirements as the previous general permit and includes some formatting changes and updates for clarity.

1.10.2 The terms "ADEQ," "coverage area," "Department," "Impaired waters," "Splash pad," "Total Maximum Daily Load (TMDL)," and "uncontaminated" have been added to the definitions in Part 6.

1.10.3 All language involving the census has been updated to include the results of the 2020 census where appropriate.

1.10.4 The terms "coverage area," "Department," "operator," "MS4," and "impaired waters" have replaced some other terms in the permit to provide consistency.

1.10.5 A Stormwater Management Program has been included as a required item to be submitted as part of an application in Part 1.2.1 and 1.5.1.

1.10.6 In order to give the Department time to review NOIs and SWMPs, MS4s must submit the NOI and SWMP thirty days prior to the effective date.

1.10.7 Parts 1.2.1.1, 1.2.1.2, and 1.2.1.4 have been updated to define the coverage areas for each type of MS4.

1.10.8 The urbanized areas outlined in Part 1.2.1.1 have been changed from the 2000 and 2010 Decennial Census to the 2000, 2010, or 2020 Decennial Census.

1.10.9 "Or waters with completed TMDL" has been added to Part 1.2.1.2(1) and Part 3.5.1 to because although a stream may have a TMDL, it may not be listed on the 303(d) list of impaired waterbodies.

1.10.10 ESW and NSW have been added to Part 1.2.1.2(2).

1.10.11 Part 1.2.1.3 has been added to clarify the coverage area for MS4 entity for those who meet the requirements in both 1.2.1.1 and 1.2.1.2.

1.10.12 To be protective of water quality and to provide clarity, the term "uncontaminated" has been added to Part 1.2.2 subheadings a, g, l, and q and Part 3.2.3.6.

1.10.13 De-chlorinated discharges from splash pads have been added to the list of authorized non-stormwater discharges in part 1.2.2. Additionally these discharges have been as an item to be addressed in Part 3.2.3.6. See Section 1.6.2 of this Fact Sheet for details.

1.10.14 Part 1.4.1.2 was added to allow the Department to reopen a waiver to the permit.

1.10.15 Language has been added to Part 1.5.2 to be more specific about what information must be included in the Notice of Intent.

1.10.16 In order to be compliant with the Final MS4 Remand Rule, as incorporated into 40 CFR 122, the Stormwater Management Program (SWMP) has been added to the list of items to be publicly noticed listed in Part 2.4. Language has been clarified to include requests for a public hearing.

1.10.17 In order to be compliant with the Remand Rule, language has been added to

specify that the SWMP is an enforceable document.

1.10.18 In Part 3.1.1.5, “impaired waters or waters with an approved TMDL” has replaced “impaired waterbody,” and ERW, ESW, and NSW have been added to applicable waters for the condition.

1.10.19 Part 3.1.1.6 has been removed due to redundancies with Part 3.1.1.5.

1.10.20 Part 3.2.3.2 has been updated to include time for permittees with expanded coverage area due to the addition of Part 1.2.1.3.

1.10.21 Parts 3.4.2.1, 3.4.2.2, 3.4.3.4, and 3.4.4.2 have been updated to include guidelines on what constitutes a minor modification or major modification to the SWMP and therefore may be required to publicly notice changes to the SWMP in accordance with Part 2.4, accordingly with the Final MS4 General Permit Remand Rule, as incorporated into 40 CFR 122.

1.10.22 Part 3.4.2.3 was added to give examples of changes to the SWMP that qualify as minor modifications.

1.10.23 The phrase “without an approved TMDL” has been removed from Part 3.4.5.2 to ensure that requirements for impaired waters with an approved TMDL have requirements as least as stringent as impaired waters without an approved TMDL.

1.10.24 A clause in Part 3.2.3.2 has been added in order to give the permittee time to update the storm sewer system map as a result in change of coverage area.

1.10.25 For clarity, the term sensitive water bodies has been removed and replaced with “waters such as impaired waters, waters with an applicable TMDL, ERWs, ESWs, or NSWs” in Parts 3.2.3.7 and 3.2.5.5.3.

1.10.26 Language in 3.4.5 and 3.5.1 has been altered to include waters that are attaining water quality standards, but have an approved TMDL.

1.10.27 Language has been added to many conditions within Part 3.4.5.2 to allow time for the permittee to meet the requirements if it is a new permittee for which the condition is applicable, or upon release of an update to the 303(d) list or finalization of a new TMDL. Conditions 3.4.5.2.1.7, 3.1.5.2.2.7, and 3.4.5.2.2.4 have been added to clarify that permittees currently covered under this general permit should already be meeting the requirement based on the previous permit and will not be allowed additional time to implement the required BMPs.

1.10.28 Part 3.4.5.2.3 has been added to create more specific guidelines for an MS4 that discharges into waters impaired for turbidity.

1.10.29 In order to be compliant with the Remand Rule, Part 3.5.5 has been added to specify what changes to the SWMP involving sampling plans constitutes a major modification.

1.10.30 The language “with the terms and conditions of the permit and SWMP” has been added to Part 4.1 to specify how the permittee shall evaluate program compliance.

1.10.31 In order to be compliant with the NPDES Electronic Reporting Rule, Part 4.3.2 has been amended to include the requirement for annual reports to be submitted through ePortal after December 21, 2020.

1.10.32 Part 3.5.3 has been added to allow the Department to discretionarily require an MS4 to develop and implement a sampling plan. This has been done so that the

Department may gather data to determine causes of impairment or for the creation of a TMDL.

1.10.33 In Part 4.3.1, the annual report due date has been moved to March 31 of each year. For clarification, existing permittees must submit their annual reports to cover the previous twelve (12) months from January 1st to December 31st of a calendar year. This allows the permittee three months to create the annual report and allows the MS4 to receive feedback with enough time to begin implementing changes, as necessary, in the same year.

1.10.34 Parts 5.8 and 5.14 were combined.

1.11. Monitoring

Monitoring requirements in this general permit are in accordance with the stormwater federal regulations contained in 40 CFR 122.26 and 40 CFR 122.30 through 122.37. This includes the method update rule, as established in 40 CFR 122.36 on September 27, 2017. No monitoring is required for outfalls discharging to waters not listed as impaired or without an approved TMDL. However, monitoring is required for outfalls discharging to 303(d) listed streams with stormwater as the cause of the impairment or streams with an approved TMDL. Additionally, monitoring may be requested by the Department for data gathering purposes. Monitoring results shall be submitted with the annual report. See Part 3.5 of the general permit for specific details.

1.12. Other Conditions

1.11.1 Expiration Date. This general permit will expire 5 years from the effective date of the permit.

1.11.2 Continuation of Expired Permit. If this general permit expires prior to a renewal permit being issued, then MS4s covered under the expired general permit will remain under the expired general permit until such time that a new or renewal permit is issued.

1.13. Contact Information & Permit Preparer

For additional information regarding this permit, please contact the General Permits Section of the Office of Water Quality:

Office of Water Quality
5301 Northshore Drive
North Little Rock, AR 72218-5317
(501) 682-0623
water-permit-application@adeq.state.ar.us

The permit was prepared by:

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1.14. Economic Impact

The permit fee of $200 is allowed by Arkansas Pollution Control and Ecology Commission Regulation No. 9, and is continued from the previous permit.

There are no new requirements in the proposed permit that will have an additional economic impact.

1.15. Public Notice

The public notice of the draft permit was published for public comment on July 23, 2018. The last day of the comment period was thirty (30) days after the publication date. A summary of the comments that the ADEQ received during the public comment period can be found beginning on the last page of this document. The response to comments and any substantial changes from the draft permit are included.

A copy of the permit and public notice were sent via email to the Corps of Engineers, the Regional Director of the U.S. Fish and Wildlife Service, the Department of Arkansas Heritage, the EPA, and the Arkansas Department of Health prior to the publication of that notice.

Additionally, upon renewal of this permit, each small MS4 covered under this permit will have to go through a 30 day public notice process for their NOI and SWMP. This public notice will be posted at the following website:

https://www.adeq.state.ar.us/water/permits/npdes/stormwater/noi/ms4/p_arr040000_renewal.aspx

1.16. Sources

1.16.1 ARR040000, previous permit.
1.16.2 APCEC Regulation No. 2.
1.16.3 APCEC Regulation No. 6.
1.16.4 APCEC Regulation No. 8.
1.16.5 APCEC Regulation No. 9.
1.16.6 40 CFR Parts 122 and 124.

XII. APPENDIX 4 – CONSTRUCTION GENERAL PERMIT

AUTHORIZATION TO DISCHARGE STORMWATER 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 (Ark. Code Ann. 8-4-101 et seq.), and the Clean Water Act (33 U.S.C. 1251 et seq.), an

Operator of Facilities with Stormwater Discharges Associated with Construction Activity

is authorized to discharge to all receiving waters except as stated in Part I.B.11 (Exclusions).

For facilities that are eligible for coverage under this General Permit (GP), the Department sends a cover letter (Notice of Coverage with tracking permit number which starts with ARR15) and a copy of the permit to the facility. The cover letter includes the Department's determination that a facility is covered under the GP and may specify alternate requirements outlined in the permit.

Effective Date: November 1, 2016

Expiration Date: October 31, 2021

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

5/4/16
Issue Date

PART I
PERMIT REQUIREMENTS

Information in **Part I** is organized as follows:

Section A: Definitions with Included Commentary
Section B: Coverage Under this Permit:

1. Permitted Area
2. Eligibility
3. Responsibilities of the Operator
4. Where to Submit
5. Requirements for Qualifying Local Program (QLP)
6. Requirements for Coverage
7. Notice of Intent (NOI) Requirements
8. Posting Notice of Coverage (NOC)
9. Applicable Federal, State or Local Requirements
10. Allowable Non-Stormwater Discharges
11. Limitations on Coverage (Exclusions)
12. Short Term Activity Authorization (STAA)
13. Effluent Limitation Guidelines (ELG)
14. Natural Buffer Zones
15. Waivers from Permit Coverage
16. Notice of Termination (NOT)
17. Responsibilities of the Operator of a Larger Common Plan of Development for a Subdivision
18. Change in Operator
19. Late Notifications
20. Failure to Notify
21. Maintenance
22. Releases in Excess of Reportable Quantities
23. Attainment of Water Quality Standards
24. Requiring an Individual Permit

SECTION A: DEFINITIONS WITH INCLUDED COMMENTARY

1. **"ADEQ"** or **"Department"** is referencing the Arkansas Department of Environmental Quality. The Department is the governing authority for the National Pollutant Discharge Elimination System program in the state of Arkansas.

2. **"Arkansas Pollution Control and Ecology Commission"** shall be referred to as APCEC throughout this permit.

3. **"Automatic Coverage"** is for those sites that are defined as a small construction site.

4. **"Best Management Practices (BMPs)"** schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to Waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control construction site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. According to the EPA BMP manual, the use of hay-bales in concentrated flow areas is not recommended as a best management practice.

5. **"Cognizant Official"** a duly authorized representative, as defined in Part II.B.9.B.

6. **"Commencement of Construction"** the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction-related activities.

7. **"Contaminated"** means a substance the entry of which into the MS4, Waters of the State, or Waters of the United States may cause or contribute to a violation of Arkansas water quality standards.

8. **"Control Measure"** as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to Waters of the State.

9. **"Construction Site"** an area upon which one or more land disturbing construction activities occur that in total will disturb one acre or more of land, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan such that the total disturbed area is one acre or more.

10. **"CWA"** the Clean Water Act or the Federal Water Pollution Control Act.

11. **"Dedicated Portable Asphalt Plant"** a portable asphalt plant that is located on or contiguous to a construction site that provides asphalt only to the construction site on which the plant is located or adjacent to. The term does not include facilities that are subject to the asphalt emulsion effluent guideline limitations at 40 CFR Part 443.

12. **"Dedicated Portable Concrete Plant"** a portable concrete plant that is located on or contiguous to a construction site and that provides concrete only to the construction site on which the plant is located on or adjacent to.

13. **"Detention Basin"** a detention basin is an area where excess stormwater is stored or held temporarily and then slowly drains when water levels in the receiving channel recede. In essence, the water in a detention basin is temporarily detained until additional room becomes available in the receiving channel.

14. **"Director"** the Director, Arkansas Department of Environmental Quality, or a designated representative.

15. **"Discharge"** when used without qualification means the "discharge of a pollutant".

16. "Discharge of Stormwater Associated with Construction Activity" as used in this permit, refers to a discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

17. "Discharge-Related Activities" as used in this permit, include: activities that cause, contribute to, or result in stormwater point source pollutant discharges, including but not limited to: excavation, site development, grading and other surface disturbance activities; management of solid waste and debris; and measures to control stormwater including the construction and operation of BMPs to control, reduce or prevent stormwater pollution.

18. "Disturbed area" the total area of the site where any construction activity is expected to disturb the ground surface. This includes any activity that could increase the rate of erosion, including, but not limited to, clearing, grubbing, grading, excavation, demolition activities, haul roads, and areas used for staging. Also included are stockpiles of topsoil, fill material and any other stockpiles with a potential to create additional runoff.

19. "Drainageway" an open linear depression, whether constructed or natural, that functions for the collection and drainage of surface water.

20. "Duly Authorized Representative" a representative of the Responsible Official meeting the requirements specified in Part II.B.9.B.

21. "Eligible" qualified for authorization to discharge stormwater under this general permit.

22. "Erosion" the process by which the land's surface is worn away by the action of wind, water, ice or gravity.

23. "ERW" Extraordinary Resource Water, in accordance with Regulation 2.

24. "ESW" Ecologically Sensitive Waterbodies, in accordance with Regulation 2.

25. "Facility" or "Activity" any NPDES "point source" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

26. "Final Stabilization":

A. All soil disturbing activities at the site have been completed and either of the two following criteria are met:

   1) A uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 80% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or
   2) Equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

B. When background native vegetation will cover less than 100% of the ground (e.g., arid areas, beaches), the 80% coverage criteria is adjusted as follows: if the native vegetation covers 50% of the ground, 80% of 50% (0.80 x 0.50 = 0.40) would require 40% total cover for final stabilization. On a beach with no natural vegetation, no stabilization is required.

C. For individual lots in residential construction, final stabilization means that either:

1) The homebuilder has completed final stabilization as specified above, or
2) The homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization.

D. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land, staging areas for highway construction, etc.), final stabilization may be accomplished by returning the disturbed land to its pre-construction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to "Waters of the State", and areas which are not being returned to their pre-construction agricultural use shall meet the final stabilization criteria in A, B**,** or C above.

27. "Grading Activities" as used in this permit are those actions that disturb the surface layer of the ground to change the contouring, surface drainage pattern, or any other slope characteristics of the land without significantly adding or removing on-site rock, soil, and other materials. This can include demolition, excavation, and filling.

28. "Infrastructure" streets, drainage, curbs, utilities, etc.

29. "Impaired Water" a waterbody listed in the current, approved Arkansas 303(d) list.

30. "Landscaping" improving the natural beauty of a piece of land (i.e. entrance of subdivision) through plantings or altering the contours of the ground.

31. "Large and Medium Municipal Separate Storm Sewer System" all municipal separate storm sewer systems that are either:

A. Located in an incorporated place with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census: or
B. Located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal, separate storm sewers that are located in the incorporated places, townships or towns within such counties; or
C. Owned or operated by a municipality other than those described in paragraphs A or B and that are designated by the Director as part of the large or medium municipal separate storm sewer system.

32. "Large Construction Site" construction activity including clearing, grading and excavation, **except** operations that result in the disturbance of less than five acres of total land area. Construction activity also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres. (Please see Part I.B.15 for partial waivers.)

33. "Larger Common Plan of Development" a contiguous (sharing a boundary or edge; adjacent; touching) area where multiple and distinct construction activities may be taking place at different times on different schedules under one plan. Such a plan might consist of many small projects (e.g. a common plan of development for a residential subdivision might lay out the streets, house lots, and areas for parks, schools and commercial development that the developer plans to build or sell to others for development). All these areas would remain part of the common plan of development or sale. The following items can be used as guidance for deciding what might or might not be considered a "Common Plan of Development or Sale." The ''plan'' in a common plan of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. The applicant shall still meet the definition of operator in order to be required to get permit coverage,

regardless of the acreage that is personally disturbed.

If a smaller project (i.e., less than 1 acre) is part of a large common plan of development or sale (e.g., you are building a residential home on a ½ acre lot in a 40 acre subdivision or are putting in a fast food restaurant on a ¾ acre pad that is part of a 20 acre retail center), permit coverage is required. Under 40 CFR 122.26(b)(2)(vi), smaller parts of a larger common plan of development are automatically authorized under this general permit and should follow the conditions of a site with automatic coverage set forth in this permit (see Part I.B.6.A).

34. "Natural Buffer" for purposes of this permit, an area of undisturbed natural cover surrounding surface waters. Natural cover includes vegetation, exposed rock, or barren ground that exists prior to commencement of construction activities at the site.

35. "NOC" Notice of Coverage.

36. "NOI" Notice of Intent to be covered by this permit.

37. "NOT" Notice of Termination.

38. "NSW" Natural and Scenic Waterways, in accordance with Regulation 2.

39. "Operator"/ "Permittee" for the purpose of this permit and in the context of stormwater associated with construction activity, means any person (an individual, association, partnership, corporation, municipality, state or federal agency) who has the primary management and ultimate decision-making responsibility over the operation of a facility or activity. The operator is responsible for ensuring compliance with all applicable environmental regulations and conditions.

In addition, for purposes of this permit and determining who is an operator, ''owner'' refers to the party that owns the structure being built. Ownership of the land where construction is occurring does not necessarily imply the property owner is an operator (e.g., a landowner whose property is being disturbed by construction of a gas pipeline or a landowner who allows a mining company to remove dirt, shale, clay, sand, gravel, etc. from a portion of his property). Likewise, if the erection of a structure has been contracted for, but possession of the title or lease to the land or structure is not to occur until after construction, the would-be owner may not be considered an operator (e.g., having a house built by a residential homebuilder).

40. "Outfall" a point source where stormwater leaves the construction site.

41. "Owner" the owner or operator of any "facility or activity" subject to regulation under the NPDES program. In addition, for purposes of this permit and determining who is an operator, ''owner'' refers to the party that owns the structure being built. Ownership of the land where construction is occurring does not necessarily imply the property owner is an operator (e.g., a landowner whose property is being disturbed by construction of a gas pipeline). Likewise, if the erection of a structure has been contracted for, but possession of the title or lease to the land or structure is not to occur until after construction, the would-be owner may not be considered an operator (e.g. having a house built by a residential homebuilder).

42. "Physically Interconnected" means that one municipal separate storm sewer system is connected to a second municipal separate storm sewer system in such a way that it allows for direct discharges into the second system.

43. "Point Source" any discernible, 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. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

44. "Qualified Local Program" is a municipal program for stormwater discharges associated with construction sites that has been formally approved by the Department.

45. "Qualified personnel" a person knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact stormwater quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of stormwater discharges from the construction activity.

46. "Regulated Small Municipal Separate Storm Sewer System" all municipal separate storm sewer systems that are either:

A. Located within the boundaries of an "urbanized area" with a population of 50,000 or more as determined by the latest Decennial Census by the Bureau of Census; or
B. Owned or operated by a municipality other than those described in paragraph A and that serve a jurisdiction with a population of at least 10,000 and a population density of at least 1,000 people per square mile; or
C. Owned or operated by a municipality other than those described in paragraphs A and B and that contributes substantially to the pollutant loadings of a "physically interconnected" municipal separate storm sewer system.

47. "Retention Basin" a basin that is designed to hold the stormwater from a rain event and allow the water to infiltrate through the bottom of the basin. A retention basin also stores stormwater, but the storage of the stormwater would be on a more permanent basis. In fact, water often remains in a retention basin indefinitely, with the exception of the volume lost to evaporation and the volume absorbed into the soils. This differs greatly from a detention basin, which typically drains after the peak of the storm flow has passed, sometimes while it is still raining.

48. "Runoff Coefficient" the fraction of total rainfall that will appear at the conveyance as runoff.

49. "Sediment" material that settles to the bottom of a liquid.

50. "Sediment Basin" a basin that is designed to maintain a 10 year-24 hour storm event for a minimum of 24-hours in order to allow sediment to settle out of the water.

51. "Small Construction Site" construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance.

52. "Stormwater" stormwater runoff from rainfall, snow melt runoff, and surface runoff and drainage.

53. "Stormwater Associated with Construction Activity" the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to construction activity.

54. "Stormwater Pollution Prevention Plan (SWPPP or SWP3)" a plan that includes site map(s), an identification of construction/contractor, activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants (BMPs).

55. "Temporary Sediment Controls" controls that are installed to control sediment runoff from the site. These could be silt fencing, rock check dams, etc.

56. "Total Maximum Daily Load" or "TMDL" the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for non-point sources and natural background. If the receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any non-point sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of mass per time, toxicity, or other appropriate measure.

57. "Uncontaminated" cannot exceed the water quality standards as set forth in APCEC Regulation 2.

58. "Urbanized Area" the areas of urban population density delineated by the Bureau of the Census for statistical purposes and generally consisting of the land area comprising one or more central place(s) and the adjacent densely settled surrounding area that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile as determined by the latest Decennial Census by the Bureau of Census.

59. "Waters of the State" Waters of the State means all streams, lakes, marshes, ponds, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion of the state.

SECTION B: COVERAGE UNDER THIS PERMIT

Introduction

This Construction General Permit (CGP) authorizes stormwater discharges from large and small construction activities that result in a total land disturbance of equal to or greater than one acre. This GP also authorizes discharges from construction activities that result in a total land disturbance of less than five acres where the construction activity is included in a larger common plan, where those discharges enter surface Waters of the State or a Municipal Separate Storm Sewer System (MS4) leading to surface Waters of the State subject to the conditions set forth in this permit. This permit also authorizes stormwater discharges from any other construction activity designated by ADEQ where ADEQ makes that designation based on the potential for contribution to an excursion of a water quality standard or for significant contribution of pollutants to Waters of the State. This permit replaces the permit issued in 2011. The goal of this permit is to minimize the discharge of stormwater pollutants from construction activity. The Operator should make sure to read and understand the conditions of the permit. A copy of the General Stormwater Construction Permit is available on the ADEQ web site at https://www.adeq.state.ar.us/water/permits/npdes/stormwater/ . You may also obtain a hard copy by contacting the ADEQ's General Permits Section at (501) 682-0623.

1. **Permitted Area.** If a large or small construction activity is located within the State of Arkansas, the operator may be eligible to obtain coverage under this permit.

2. **Eligibility.** Permit eligibility is limited to discharges from "large" and "small" construction activity, or as otherwise designated by ADEQ. This general permit contains eligibility restrictions, as well as permit conditions and requirements. Operators may have to take certain actions to be eligible for coverage under this permit. In such cases, operators shall continue to satisfy those eligibility provisions to maintain permit authorization. If operators do not meet the requirements that are a pre-condition to eligibility, then resulting discharges constitute unpermitted discharges. By contrast, if operators are eligible for coverage under this permit and do not comply with the requirements of the general permit, they may be in violation of the general permit for otherwise eligible discharges.

A. This general permit authorizes discharges from construction activities as defined in 40 CFR 122.26(a), 40 CFR 122.26(b)(14)(x), 40 CFR 122.26(b)(15)(i) and 40 CFR Part 450.

B. This permit also authorizes stormwater discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated material disposal areas, borrow areas) provided:

1) The support activity is directly related to a specific construction site that is required to have NPDES permit coverage for discharges of stormwater associated with the construction activity;
2) The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports;
3) Pollutant discharges from support activity areas are minimized in compliance with conditions of this permit; and
4) Discharges from the support activity areas shall be identified in a Stormwater Pollution Prevention Plan (SWPPP) stating appropriate controls and measures for the area.

C. Other activities may be considered for this permit at the discretion of the Director as defined in 40 CFR 122.26(b)(15)(ii).

3. **Responsibilities of the Operator.** Permittees with operational control are responsible for compliance with all applicable

terms and conditions of this permit as it relates to their activities on the construction site, including protection of endangered species and implementation of BMPs and other controls required by the SWPPP. Receipt of this general permit does not relieve any operator of the responsibility to comply with any other applicable federal, state or local statute, ordinance or regulation.

4. **Where to Submit.** The operator shall submit a complete and signed Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), and application fee to the Department at the following address:

Arkansas Department of Environmental Quality
Discharge Permits Section
5301 Northshore Drive
North Little Rock, AR 72118-5317

Or by electronic mail (Complete documents (NOI and SWPPP) must be submitted in PDF format) to:

Water-permit-application@adeq.state.ar.us ;

Or through the ADEQ ePortal site which can be found at the following link:

https://eportal.adeq.state.ar.us/

NOTE: Notice of Coverage (NOC) will **NOT** be issued until payment has been received by ADEQ.

5. **Requirements for Qualifying Local Program (QLP).** The Department reviews and approves the QLPs to ensure that they meet or supersede both state and federal requirements outlined in this permit and 40 CFR 122.44(s). ADEQ will review the QLP at least every 5 years for recertification. If the Department approves a QLP, then the QLP requirements shall at the minimum meet the Department's requirements. This would include all templates and forms. This permit may be modified to add new QLPs or modify existing QLPs at the Department's discretion. All public notice and other applicable costs incurred by the modification of the permit for the addition or modification of a QLP will be paid by the QLP.

If a small construction site is within the jurisdiction of a QLP, the operator of the small construction site is authorized to discharge stormwater associated with construction activity under QLP permit requirements only.

At the time of issuance of this permit, only the City of Hot Springs is meeting the ADEQ minimum requirements.

6. **Requirements for Coverage.**

A. *Small Construction Sites.* An operator of a small construction site will be considered to have automatic coverage under this general permit and may discharge without submitting to the Department a Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP) or fee if the following conditions are met:

1) A completed Notice of Coverage (NOC) must be posted at the site prior to commencing construction;
2) A Stormwater Pollution Prevention Plan must be prepared in accordance with good engineering practice as described in Reg.6.203(B), and a copy must be maintained at the construction site;
3) All permit conditions set forth in this general permit must be followed; and
4) The operator is responsible for ensuring that the site is in compliance with any changes or updates of this general permit, by either contacting ADEQ or reviewing the ADEQ website:

https://www.adeq.state.ar.us/water/permits/npdes/stormwater/

B. *Large Construction Sites.* An operator of a large construction site discharging under this general permit shall submit the following items at least 10 business days prior to the commencement of construction:

1) An NOI in accordance with the requirements of Part I.B.7 of this permit.
2) A complete SWPPP in accordance with the requirements of Part II.A of this permit.
3) An initial permit fee shall accompany the NOI under the provisions of APCEC Regulation No. 9. Subsequent annual fees will be billed by the Department until the operator has requested a termination of coverage by submitting a Notice of Termination (NOT). Failure to remit the required initial permit fee shall be grounds for the Director to deny coverage under this general permit. Failure to remit the required annual fees shall be grounds for the Director to revoke coverage under this permit.

C. Modification of Permit Coverage to Include Additional Acreage. Any request to increase the total acreage of a construction site shall be accompanied by a $200 permit modification fee and an updated SWPPP. Any request to only increase the disturbed acreage without changing the total acreage shall be accompanied by an updated SWPPP. A $200 permit modification fee is not required with an increase in disturbed acreage. The Additional Acreage Request Form can be found at the following link:

https://www.adeq.state.ar.us/water/permits/npdes/stormwater/

7. Notice of Intent (NOI) Requirements.

A. *NOI Form*. Large construction site operators who intend to seek coverage for a stormwater discharge under this general permit shall submit a complete and accurate ADEQ NOI form to the Department (through hard copy, electronic mail at Water-permit-application@adeq.state.ar.us , or the ADEQ ePortal system at https://eportal.adeq.state.ar.us/) at least 10 business days prior to the date coverage under this permit is desired. The NOI form **must** be the current version obtained from the stormwater webpage indicated above in Part I.B.

If the NOI is deemed incomplete, the Department will notify the applicant with regard to the deficiencies by a letter, email, or phone within ten (10) business days of the receipt of the NOI. If the operator does not receive a notification of deficiencies from ADEQ's receipt of the NOI, the NOI is deemed complete. If the applicant does not provide the Department with the requested deficiencies within the deadline set by the Department, then the Department will return the NOI, fee and SWPPP back to the applicant.

B. *Contents of the NOI.* The NOI form contains, at a minimum, the following information:

1) Operator (Permittee) information (name, address, telephone and fax numbers, E-mail address)
2) Whether the operator is a federal, state, private, public, corporation, or other entity
3) Application Type: New or renewal
4) Invoice mailing information (name, address, and telephone and fax numbers)
5) Project Construction site information (name, county, address, contact person, directions to the site, latitude and longitude for the entrance of the site or the endpoints for linear project (in degrees, minutes, and seconds), estimated construction start date and completion date through site final stabilization, estimate of the total project acreage and the acreage to be disturbed by the operator submitting the NOI, type of the project (subdivision, school, etc), whether the project is part of a larger common plan of development.)

6) Discharge information (name of the receiving stream, ultimate receiving stream, name of municipal storm sewer system)
7) List of current permits
8) The Certification statement and signature of a qualified signatory person in accordance with 40 CFR 122.22, as adopted by reference in APCEC Regulation No. 6
9) The certification of the facility corporation
10) Other information (location of the SWPPP)
11) And the SIC Code.

C. *Notice of Coverage (NOC).* Unless notified by the Director to the contrary, dischargers who submit a complete NOI and SWPPP in accordance with the requirements of this permit are authorized to discharge stormwater from construction sites under the terms and conditions of this permit 10 business days after the date the NOI is deemed complete (which may not be the original submission date if revisions or additions were necessary) by ADEQ. If the NOC has not been received by the permittee 10 business days after the date the NOI is deemed complete by ADEQ, the NOI should be posted until the NOC is received. Upon review of the NOI and other available information, the Director may deny coverage under this permit and require submittal of an application for an individual NPDES permit.

8. Posting Notice of Coverage (NOC).

A. *Automatic Coverage Sites.* The NOC for small sites, as defined in Part I.A.51, can be obtained from the Water Division's Stormwater webpage at:

https://www.adeq.state.ar.us/water/permits/npdes/stormwater/ .

The NOC must be posted at the site prior to commencing construction. In addition, a copy of the SWPPP must be available at the construction site in accordance with Part II.A.2.B and D prior to commencing construction.

B. *Large Sites: NOC Posting for Large Construction Sites.* The posting for large construction sites shall be obtained from the Department only after the permittee has submitted the required NOI, permit fee and complete SWPPP to the Department for the coverage.

C. *Linear Projects.* If the construction project is a linear construction project (e.g., pipeline, highway, etc.), the notice shall be placed in a publicly accessible location near where construction is actively underway and moved as necessary.

Please note, this permit does not provide the public with any right to trespass on a construction site for any reason, including inspection of a site; nor does this permit require that the permittee allow members of the public access to a construction site.

9. Applicable Federal, State or Local Requirements. The operator shall ensure that the stormwater controls implemented at the site are consistent with all applicable federal, state, or local requirements. Additionally, an operator who is operating under approved local erosion and sediment plans, grading plans, local stormwater permits, or stormwater management plans shall submit signed copies of the Notice of Intent (NOI) to the local agency (or authority) upon the local agency's request.

10. Allowable Non-Stormwater Discharges.

A. The following non-stormwater discharges as part of the construction permit activity may be authorized by this permit through appropriate controls. Non-stormwater discharges shall be addressed in the stormwater pollution prevention plan and measures to minimize or eliminate non-stormwater discharge should be taken if reasonably possible.
1) Fire fighting activities;
2) Fire hydrant flushings;

3) Water used to wash vehicles (where detergents or other chemicals are not used) or to control dust in accordance with Part II.A.4.H.2;
4) Potable water sources including uncontaminated waterline flushings;
5) Landscape Irrigation;
6) Routine external building wash down which does not use detergents or other chemicals;
7) Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled materials have been removed) and where detergents or other chemicals are not used;
8) Uncontaminated air conditioning compressor condensate (See Part I.B.13.C of this permit);
9) Uncontaminated springs, excavation dewatering and groundwater (See Part I.B.13.C of this permit);
10) Foundation or footing drains where flows are not contaminated with process materials such as solvents (See Part I.B.13.C of this permit).

11. Limitations on Coverage (Exclusions). The following stormwater discharges associated with construction activity are not covered by this permit:

A. *Post Construction Discharge*. Stormwater discharges associated with construction activities that originate from the site after construction activities have been completed, the site has undergone final stabilization, and the permit has been terminated.

B. *Discharges Mixed with Non-Stormwater*. Stormwater discharges that are mixed with sources of non-stormwater other than those identified in Part I.B.10.

C. *Discharges Covered by another Permit*. Stormwater discharges associated with construction activity that are covered under an individual or an alternative general permit may be authorized by this permit after an existing permit expires, provided the expired permit did not establish numeric effluent limitations for such discharges.

D. *Discharges into Receiving Waters with an Approved TMDL*. Discharges from a site into receiving waters for which there is an established total maximum daily load (TMDL) allocation (https://www.adeq.state.ar.us/water/planning/integrated/tmdl/) are not eligible for coverage under this permit unless the permittee develops and certifies a stormwater pollution prevention plan (SWPPP) that is consistent with the assumptions and requirements in the approved TMDL. To be eligible for coverage under this general permit, operators shall incorporate into their SWPPP any conditions applicable to their discharges necessary for consistency with the assumptions and requirements of the TMDL within any timeframes established in the TMDL. If a specific numeric allocation has been established that would apply to the project's discharges, the operator shall incorporate that allocation into its SWPPP and implement necessary steps to meet that allocation. If a numeric limit has been assigned to the facility, quarterly monitoring shall be submitted to the Department demonstrating compliance with the assigned Waste Load Allocation established in the TMDL. Please note that the Department will be reviewing this information. If it is determined that the project will discharge into a receiving stream with a TMDL, then the Department may require additional BMPs.

E. *Discharges into Impaired Receiving Waters (303(d) List)*. If stormwater discharges from a site enter a receiving water listed as impaired under Section 303(d) of the Clean Water Act (https://www.adeq.state.ar.us/water/planning/integrated/), the permittee shall incorporate into the SWPPP any additional BMPs needed to sufficiently protect water quality. Please note that the Department will be reviewing this information. If it is determined that the project will discharge to an impaired water body, then the Department may require additional BMPs.

F. Discharges into an Extraordinary Resource Water (ERW), Natural and Scenic Waterway (NSW), or Ecologically Sensitive Waterbody (ESW). Discharges from a construction site located within the watershed of any water body or

waterway designated as an Outstanding Resource Water as defined in the APC&EC Regulation No. 2.203, including ERWs, NSWs, or ESWs are not eligible for coverage under this permit unless the permittee develops and certifies a SWPPP that includes additional BMPs needed to prevent to the maximum extent possible exposure to stormwater of pollutants that could potentially impact water quality. For the purposes of this permit, the watershed of an Outstanding Resource Water will be identified by the United States Geological Survey's twelve (12) digit Hydrological Unit Code (HUC). Please note that the Department will be reviewing this information. If the site will discharge to an ERW, NSW, or ESW, then the Department may determine that additional requirements are necessary.

12. **Short Term Activity Authorization (STAA).** Any work being conducted in Waters of the State will require a Short Term Activity Authorization (STAA) from ADEQ in accordance with Regulation 2.305. An STAA is necessary for any in-stream activity that has the potential to exceed the water quality standards, including, but not limited to: gravel removal, bridge or crossing repair/maintenance, bank stabilization, debris removal, culvert replacement, flood control projects, and stream relocation. Any work being conducted in Waters of the United States may require a Section 404 permit from the U.S. Army Corps of Engineers. This permit does not authorize any activity under an STAA or Section 404 permit. The necessary forms to apply for coverage under an STAA can be found at the following link:

    https://www.adeq.state.ar.us/water/planning/instream/

    The SWPPP shall be updated to include a copy of the Short Term Activity Authorization letter upon receipt. Re-submittal of the SWPPP is not required unless specifically requested by the Department.

13. **Effluent Limitation Guidelines (ELG).** All permittees shall comply with the following effluent limits:

    A. *Erosion and Sediment Controls*. Design, install, and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls shall be designed, installed and maintained to:

        1) Control stormwater volume and velocity to minimize soil erosion in order to minimize pollutant discharges;
        2) Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points;
        3) Minimize the amount of soil exposed during construction activity;
        4) Minimize the disturbance of steep slopes;
        5) Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls shall address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;
        6) Provide and maintain natural buffers around Waters of the State, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce pollutant discharges, unless infeasible;
        7) Minimize soil compaction. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted; and
        8) Unless infeasible, preserve topsoil. Preserving topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed.

    B. *Soil Stabilization*. Stabilization of disturbed areas must, at a minimum, be initiated immediately (unless weather conditions do not allow immediate initiation) whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permitting authority. Stabilization must be completed within a period of time determined by the

permitting authority. In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed.

C. *Dewatering.* Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls. There shall be no turbid discharges to Waters of the State resulting from dewatering activities. If trench or ground waters contain sediment, it shall pass through a sediment settling pond or other equally effective sediment control device, prior to being discharged from the construction site. Alternatively, sediment may be removed by settling in place or by dewatering into a sump pit, filter bag, or comparable practice. Ground water dewatering which does not contain sediment or other pollutants is not required to be treated prior to discharge. However, care shall be taken when discharging ground water to ensure that it does not become pollutant-laden by traversing over disturbed soils or other pollutant sources.

D. *Pollution Prevention Measures.* Design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures shall be designed, installed, implemented and maintained to:

1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters shall be treated in a sediment basin or BMP control that provides equivalent or better treatment prior to discharge;
2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use); and
3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

E. *Prohibited discharges.* The following discharges are prohibited:

1) Wastewater from washout of concrete, unless managed by an appropriate control;
2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
4) Soaps or solvents used in vehicle and equipment washing.

F. *Surface Outlets.* When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface, unless infeasible.

14. Natural Buffer Zones. A natural buffer zone as stated below shall be maintained at all times. Exceptions from this requirement for areas such as water crossings, limited water access, and restoration of the buffer are allowed if the permittee fully documents in the SWPPP the circumstances and reasons for the buffer zone encroachment. Additionally, this requirement is not intended to interfere with any other ordinance, rule or regulation, statute or other provision of law.

A. For construction projects where clearing and grading activities will occur, the SWPPP shall provide at least twenty-five (25) feet of natural buffer zone, as measured horizontally from the top of the bank to the disturbed area, from any Waters of the State.

B. The Department may also require up to fifty (50) feet of natural buffer zone, as measured from the top of the bank to the disturbed area, from established TMDL water bodies, streams listed on the 303(d) list, an Extraordinary Resource

Water (ERW), Ecologically Sensitive Waterbody (ESW), Natural and Scenic Waterway (NSW), or any other uses at the discretion of the Director.

C. Linear projects will be evaluated individually by the Department to determine natural buffer zone setbacks.

15. Waivers from Permit Coverage. The Director may waive the otherwise applicable requirements of this general permit for stormwater discharges from construction activities under the terms and conditions described in this section.

A. *Waiver Applicability and Coverage*. Based upon 40 CFR 122.26.b.15.i.A, operators of small construction activities may apply for and receive a waiver from the requirements to obtain this permit.

B. *No Stormwater Leaving the Site*. If all of the stormwater from the construction activity is captured on-site under any size storm event and allowed to evaporate, soak into the ground on-site, or is used for irrigation, a permit is not needed.

C. *TMDL Waivers*. This waiver is available for sites with automatic coverage if the ADEQ has established or approved a TMDL that addresses the pollutant(s) of concern and has determined that controls on stormwater discharges from small construction activity are not needed to protect water quality. The pollutant(s) of concern include sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity. Information on TMDLs that have been established or approved by ADEQ is available from ADEQ online at

https://www.adeq.state.ar.us/water/planning/integrated/tmdl/.

16. Notice of Termination (NOT). When all construction activities that disturbed soil are complete, the site has reached final stabilization (100% stabilization with 80% density, or as defined in Part I.A.26.B for sites where background native vegetation will cover less than 100% of the ground), all stormwater discharges from construction activities authorized by this permit are eliminated and all temporary sediment controls are removed and properly disposed, the operator of the facility may submit a complete Notice of Termination (NOT) to the Director. Along with the NOT, pictures that represent the entire site should be submitted for review. Final stabilization is not required if the land is returned to its pre-construction agriculture use. Operators of small construction sites are not required to submit NOTs for their construction sites. However, final stabilization is required on all sites. If a Notice of Termination is not submitted when the project is completed, the operator will be responsible for annual fees.

17. Responsibilities of the Operator of a Larger Common Plan of Development for a Subdivision.

A. The operator is ultimately responsible for the runoff from the perimeter of the entire development. Regardless of the reason for the runoff, the operator is responsible for ensuring sufficient overall controls of the development.

B. The operator shall not terminate the permit coverage until the following conditions have been met:

1) After all construction including landscaping and lot development has been completed; and
2) All lots are sold and developed.

The following exceptions to this requirement can apply:

a. less than 100% sold and developed at the discretion of the Director, or
b. Separation of the larger common plan if twenty-four (24) months have passed with no construction activity, or
c. All lots are developed and there are no temporary common controls for subdivision outfalls, i.e. sediment

basins, large sediment traps, check dams, etc.

3) If lots are sold and then re-sold to a third party, permit coverage should be obtained by each of the operators while they have ownership of the lots. The second owner is responsible for obtaining the same certification from the third owner, i.e. the certification shall pass from owner to owner.

C. The operator shall not terminate permit coverage until the operators of all of the individual lots within the larger common plan are notified of their permitting requirements under this general permit. In this case, the signed certification statements from each operator of individual lots shall be maintained in the stormwater pollution prevention plan for the large common plan. A copy of the signed certifications shall be submitted to ADEQ with the NOT. The certification shall be as follows:

"I, _____, operator of an individual lot #_____, block #_____ of _____ subdivision, certify under penalty of law that I was notified by the operator of the larger common plan of the stormwater permitting requirements for my construction site(s). I understand prior to commencement of any construction activity I have to prepare and comply with a SWPPP and post the Construction Site Notice. I understand that prior to the sale of this lot to another party; I must notify the new owner of ADEQ requirements and obtain this certification from the new owner."

Signature _____

D. The following examples are provided as clarification:

1) If a small portion of the original common plan of development remains undeveloped and there has been a period of time (i.e., more than 24 months) where there are no ongoing construction activities (i.e., all areas are either undisturbed or have been finally stabilized), operators may re-evaluate the original project based on the acreage remaining from the original "common plan." If less than five but more than one acre remains to build out the original "common plan", coverage under the large permit may not be required. However, operators will need to comply with the terms and conditions for Small Construction Sites in the Construction General Permit. If less than one acre remains of the original common plan, the individual project may be treated as a part of a less than one acre development and no permit would be required.
2) If operators have a long-range master plan of development where some portions of the master plan are conceptual rather than a specific plan of future development and the future construction activities would, if they occur at all, happen over an extended period of time (i.e., more than 24 months), operators may consider the "conceptual" phases of development to be separate "common plans" provided the periods of construction for the physically interconnected phases will not overlap.
3) Where discrete construction projects within a larger common plan of development or sale are located ¼ mile or more apart and the area between the projects is not being disturbed, each individual project can be treated as a separate plan of development or sale provided any interconnecting road, pipeline or utility project that is part of the same "common plan" is not concurrently being disturbed. For example, an interconnecting access road or pipeline were under construction at the same time, they would generally be considered as a part of a single "common plan" for permitting purposes.
4) If the operator sells all the lots in the subdivision to one or more multi-lot homebuilder(s), provisions shall be made to obtain stormwater permit coverage by one of the following options:
   a. The permit may be transferred from the first "operator" to the new/second "operator".
   b. A new, separate permit may be obtained by the second "operator".
   NOTE: If a new permit is to be obtained, then it shall be obtained before the first/original permit is terminated.
5) If the operator retains ownership of any lots in the subdivision, the operator shall maintain permit coverage for those lots under the original permit. The operator shall modify the Stormwater Pollution Prevention Plan (SWPPP)

by stating which lots are owned and marking the lots on the site map. If there are one (1) or two (2) lots remaining and the total acreage is less than five (5) acres, the original permit could be terminated and those lots could be covered as a small site.

18. Change in Operator. For stormwater discharges from large construction sites where the operator changes, including instances where an operator is added after the initial NOI has been submitted, the new operator shall ensure that a permit transfer form is received by the Department at least two (2) weeks prior to the operator beginning work at the site.

19. Late Notifications. A discharger is not precluded from submitting an NOI in accordance with the requirements of this part after the dates provided in Part I.B.7 of this permit. In such instances, the Director may bring an enforcement action for failure to submit an NOI in a timely manner or for any unauthorized discharges of stormwater associated with construction activity that have occurred on or after the dates specified in this permit.

20. Failure to Notify. The operator of a construction site who fails to notify the Director of their intent to be covered under this permit, and who potentially discharges pollutants (sediment, debris, etc.) to Waters of the State without an NPDES permit, is in violation of the Arkansas Water and Air Pollution Control Act.

21. Maintenance. Determination of the acreage of disturbance does not typically include disturbance for routine maintenance activities on existing roads where the line and grade of the road is not being altered, nor does it include the paving of existing roads. Maintenance activities (returning to original conditions) are not regulated under this permit unless one or more acres of underlying or surrounding soil are cleared, graded, or excavated as part of the operation.

22. Releases in Excess of Reportable Quantities.

A. The discharge of hazardous substances or oil in the stormwater discharge(s) from a facility shall be prevented or minimized in accordance with the applicable stormwater pollution prevention plan for the facility. This permit does not relieve the operator of the reporting requirements of 40 CFR Parts 110, 117 and 302. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reporting quantity established under either 40 CFR 110, 40 CFR 117, or 40 CFR 302, occurs during a 24-hour period, the following action shall be taken:

1) Any person in charge of the facility is required to notify the National Response Center (NRC) (800-424-8802) in accordance with the requirements of 40 CFR 110, 40 CFR 117, or 40 CFR 302 as soon as he/she has knowledge of the discharge;
2) The operator shall submit within five (5) calendar days of knowledge of the release a written description of the release (including the type and estimate of the amount of material released), the date that such release occurred, and the circumstances leading to the release, and steps to be taken in accordance with Part II.B.13 of this permit to the ADEQ.
3) The Stormwater Pollution Prevention Plan (SWPPP) described in Part II.A of this permit shall be modified within fourteen (14) calendar days of knowledge of the release to:

   a. Provide a description of the release and the circumstances leading to the release; and
   b. The date of the release;

4) Additionally, the SWPPP shall be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan shall be modified where appropriate.

B. *Spills*. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

23. Attainment of Water Quality Standards.

The operator shall select, install, implement and maintain control measures at the construction site that minimize the discharge of pollutants for which a stream is impaired at the discretion of the Director as necessary to protect water quality. In general, except in situations explained in below, the stormwater controls developed, implemented, and updated to be considered stringent enough to ensure that discharges do not cause or contribute to an excursion above any applicable water quality standard.

At any time after authorization, the ADEQ may determine that the stormwater discharges may cause, have reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. If such a determination is made, ADEQ will require the permittee to:

A. Develop a supplemental BMP action plan describing SWPPP modifications to address adequately the identified water quality concerns and submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or

B. Cease discharges of pollutants from construction activity and submit an individual permit application.

All written responses required under this part shall include a signed certification consistent with Part II.B.9.

24. Requiring an Individual Permit

The Director may require any person eligible for coverage under the general permit to apply for and obtain an individual permit. In addition, any interested person(s) may submit an application for an individual permit. The Director may consider the issuance of individual permits according to the criteria in 40 CFR 122.28(b)(3).

Coverage of the facility under this general permit is automatically terminated when: (1) the operator fails to submit the required individual NPDES permit application within the defined time frame; or (2) the individual NPDES permit is issued by ADEQ and effective.

Any operator covered under this general permit may request to be excluded from the coverage of this permit by applying for an APC&EC Regulation 6 individual permit. The operator shall submit an application for an individual permit with the reasons supporting the application to ADEQ. If a final, individual NPDES permit is issued to an operator otherwise subject to this general permit, the applicability of this general permit to the facility is automatically terminated on the effective date of the individual NPDES permit. Otherwise, the applicability of this general permit to the facility remains in full force and effect.

PART II
STANDARD CONDITIONS

Information in **Part II** is organized as follows:

Section A: Stormwater Pollution Prevention Plans (SWPPP):

1. Deadlines for Plan Preparation and Compliance
2. Signature, SWPPP, Inspection Reports, and Notice of Coverage (NOC)
3. Keeping SWPPP Current
4. Contents of the Stormwater Pollution Prevention Plan
5. Plan Certification

Section B: Standard Permit Conditions:

1. Retention of Records
2. Duty to Comply
3. Penalties for Violations of Permit Conditions
4. Continuance of the General Permit
5. Need to Halt or Reduce Activity Not a Defense
6. Duty to Mitigate
7. Duty to Provide Information
8. Other Information
9. Signatory Requirements
10. Certification
11. Penalties for Falsification of Reports
12. Penalties for Tampering
13. Oil and Hazardous Substance Liability
14. Property Rights
15. Severability
16. Transfers
17. Proper Operation and Maintenance
18. Inspection and Entry
19. Permit Actions
20. Re-Opener Clause
21. Local Requirements
22. Applicable Federal, State Requirements

SECTION A: STORMWATER POLLUTION PREVENTION PLANS (SWPPP)

The operator shall prepare a Stormwater Pollution Prevention Plan (the plan/SWPPP) before permit coverage. At least one SWPPP shall be developed for each construction project or site covered by this permit. The SWPPP shall follow the order outlined in Part II.A.4 & 5 below. This basic ADEQ format is available through the Department's website https://www.adeq.state.ar.us/water/permits/npdes/stormwater/ . Other formats may be used at the discretion of the Director **if** the format has been approved by the Department prior to use. The operator shall implement the SWPPP as written from initial commencement of construction activity until final stabilization is complete, with changes being made as deemed necessary by the permittee, local, state or federal officials. The plan shall be prepared in accordance with good engineering practices, by qualified personnel and shall:

- Identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges from the construction;
- Identify, describe and ensure the implementation of Best Management Practices (BMPs), with emphasis on initial site stabilization, which are to be used to reduce pollutants in stormwater discharges from the construction site;
- Be site specific to what is taking place on a particular construction site;
- Ensure compliance with the terms and conditions of this permit; and
- Identify the responsible party for on-site SWPPP implementation.

1. Deadlines for Plan Preparation and Compliance.

A. *Automatic Coverage Sites.*

The plan shall be completed prior to the commencement of construction activities and updated as appropriate. Submittal of the NOI, permit fee and SWPPP is not required. All conditions set forth in Part II.A must be followed, and the NOC must be posted at the site prior to commencing construction. In addition, a copy of the SWPPP must be available at the construction site in accordance with Part II.2.B and D prior to commencing construction.

B. *Large Construction Sites.*

The plan shall be completed and submitted for review, along with an NOI and initial permit fee 14 business days prior to the commencement of construction activities. Submittals of updates to the plan during the construction process are required only if requested by the Director.

C. *Existing Permittees.*

Existing permittees that were permitted prior to the issuance of this renewal permit are required to update their plan as appropriate to come into compliance with the requirements contained in Part II.A.4 by the effective date of this permit.

2. Signature, Stormwater Pollution Prevention Plan (SWPPP), Inspection Reports and Notice of Coverage (NOC).

A. The SWPPP and inspection reports shall be signed by the operator (or cognizant official) in accordance with Part II.B.9 and be retained at the construction site during normal business hours (8:00 A.M. – 5:00 P.M.).

B. The operator shall make SWPPP and inspection reports available, upon request, to the Director, the EPA, or a State or local agency reviewing sediment and erosion plans, grading plans, or stormwater management plans, or, in the case of a stormwater discharge associated with construction activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system.

C. The Director, or authorized representative, may notify the operator at any time that the plan does not meet one or more of the minimum requirements of this Part. Within seven (7) business days of such notification from the Director (or as otherwise provided by the Director) or authorized representative, the operator shall make the required changes to the

plan and submit to the Director a written certification that the requested changes have been made. The Department may request re-submittal of the SWPPP to confirm that all deficiencies have been adequately addressed. The Department may also take appropriate enforcement action for the period of time the operator was operating under SWPPP that did not meet the minimum requirements of this permit.

D. The operator shall post the NOC near the main entrance of the construction site and visible to the public. The NOC will indicate the location of the SWPPP. If the SWPPP location is changed from the initial location, the NOC shall be updated to reflect the correct location of the SWPPP.

3. Keeping SWPPP Current. The operator shall amend the SWPPP within seven (7) business days or whenever there is a change in design, construction, operation, or maintenance at the construction site which has or could have a significant effect on the potential for the discharge of pollutants to the Waters of the State that has not been previously addressed in the SWPPP. The SWPPP should also be modified if a determination has been made through inspections, monitoring (if required), ***or*** investigation by the operator, local, state, or federal officials that the discharges are causing or contributing to water quality violation or the plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified in stormwater discharges from the construction site.

4. Contents of the Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall include the following items:

A. *Site Description*. SWPPP shall provide a description of the following:

1) A description of the nature of the construction activity and its intended use after the Notice of Intent (NOI) is filed (i.e., residential subdivision, shopping mall, etc.);
2) A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g. grubbing, excavation, grading, infrastructure installation, etc.);
3) Estimates of the total area of the site (including off-site borrow and fill areas) and the total area of the site that is expected to be disturbed by excavation, grading or other activities; and
4) An estimate of the runoff coefficient of the site for pre- and post-construction activities and existing data describing the soil or the quality of any discharge from the site.

B. *Responsible Parties*. The SWPPP shall identify (as soon as this information is known) all parties (i.e., General Contractors, Landscapers, Project Designers, and Inspectors) responsible for particular services they provide to the operator to comply with the requirements of the SWPPP for the project site, and areas over which each party has control. If these parties change over the life of the permit, or new parties are added, the SWPPP should be updated to reflect these changes.

C. *Receiving Waters*. The SWPPP shall include a clear description of the nearest receiving water(s), or if the discharge is to a municipal separate storm sewer, the name of the operator of the municipal system, and the ultimate receiving water(s).

D. *Documentation of Permit Eligibility Related to the 303(d) list and Total Maximum Daily Loads (TMDL)*. The SWPPP should include information on whether or not the stormwater discharges from the site enter a water body that is on the most recent 303(d) list or with an approved TMDL. If the stormwater discharge does enter a water body that is on the most recent 303(d) list or with an approved TMDL, then the SWPPP should address the following items:

1) Identification of the pollutants that the 303(d) list or TMDL addresses, specifically whether the 303(d) list or TMDL addresses sediment or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation);
2) Identification of whether the operator's discharge is identified, either specifically or generally, on the 303(d) list or any associated assumptions and allocations identified in the TMDL for the discharge; and
3) Measures taken by the operator to ensure that its discharge of pollutants from the site is consistent with the assumptions and allocations of the TMDL.

If the Department determines during the review process that the proposed project will be discharging to a receiving water that is on the most recent 303(d) list or with an approved TMDL, then the Department will notify the applicant to include additional Best Management Practices in the SWPPP.

E. *Attainment of Water Quality Standards After Authorization*.

1) The permittee shall select, install, implement, and maintain BMPs at the construction site that minimize pollutants in the discharge as necessary to meet applicable water quality standards. In general, except in situations explained below, the SWPPP shall be developed, implemented, and updated to be considered as stringent as necessary to ensure that the discharges do not cause or contribute to an excursion above any applicable water quality standard.

2) At any time after authorization, the Department may determine that the stormwater discharges may cause, have reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. If such a determination is made, the Department will require the permittee to:

   a. Develop a supplemental BMP action plan describing SWPPP modifications to adequately address the identified water quality concerns and submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or

   b. Cease discharges of pollutants from construction activity and submit an individual permit application.

3) All written responses required under this part shall include a signed certification (Part II.B.9)

F. *Site Map*. The SWPPP shall contain a legible site map (or multiple maps, if necessary) complete to scale, showing the entire site, that identifies, at a minimum, the following:

1) Pre-construction topographic view;
2) Direction of stormwater flow (i.e., use arrows to show which direction stormwater will flow) and approximate slopes anticipated after grading activities;
3) Delineate on the site map areas of soil disturbance and areas that will not be disturbed under the coverage of this permit;
4) Location of major structural and nonstructural controls identified in the plan;
5) Location of main construction entrance and exit;
6) Location where stabilization practices are expected to occur;
7) Locations of off-site materials, waste, borrow area, or equipment storage area;
8) Location of areas used for concrete wash-out;
9) Location of all Waters of the State with associated natural buffer boundary lines. Identify floodplain and floodway boundaries, if available;
10) Locations where stormwater is discharged to Waters of the State or a municipal separate storm sewer system if applicable,
11) Locations where stormwater is discharged off-site (should be continuously updated);
12) Areas where final stabilization has been accomplished and no further construction phase permit requirements apply;
13) A legend that clearly specifies any erosion and sediment control measure symbols/labels used in the site map and/or detail sheet; and
14) Locations of any storm drain inlets on the site and in the immediate vicinity of the site.

G. *Stormwater Controls*. Each plan shall include a description of appropriate controls and measures that will be implemented at the construction site. The plan will clearly describe for each activity identified in the project description control measures associated with the activity and the schedule during the construction process that the measures will be implemented. Perimeter controls for the site shall be installed after the clearing and grubbing necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site. Perimeter controls shall be actively maintained until final stabilization of those portions of the site upward of the

perimeter control. Temporary controls shall be removed after final stabilization and properly disposed. The description and implementation of controls shall address the following minimum components:

1) Initial Site Stabilization, Erosion, and Sediment Controls and Best Management Practices. Design, install, implement and maintain effective erosion and sediment controls to minimize the discharge of pollutants. At a minimum the following controls and Best Management Practices (BMPs) shall be designed, installed, implemented and maintained. Therefore, the SWPPP shall address, at a minimum, the following:

   a. For larger common plans, only streets, drainage, utility areas, areas needed for initial construction of streets (e.g., borrow pits, parking areas, etc.) and areas needed for stormwater structures may be disturbed initially. Upon stabilization of the initial areas, additional areas may be disturbed.
   b. The construction-phase erosion (such as site stabilization) and sediment controls (such as check dams) should be designed to retain sediment on-site to the extent practicable.
   c. All control measures shall be properly selected, installed, and maintained in accordance with the manufacturer's specifications, good engineering, and construction practices. If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the permittee shall replace or modify the control for site situations.
   d. If sediment escapes the construction site, off-site accumulations of sediment shall be removed at a frequency sufficient to minimize off-site impacts (e.g., fugitive sediment in a street could be washed into storm sewers by the next rain or pose a safety hazard to users of public streets). This permit does not give the authority to trespass onto other property; therefore this condition should be carried out along with the permission of neighboring land owners to remove sediment.
   e. Sediment shall be removed from sediment traps (if used, please specify what type) or sedimentation ponds when design capacity has been reduced by 50%.
   f. Litter, construction debris, and construction chemicals exposed to stormwater shall be prevented from becoming a pollutant source for stormwater discharges (e.g., screening outfalls picked up daily).
   g. Off-site material storage areas (also including overburden and stockpiles of dirt, borrow areas, etc.) used solely by the permitted project are considered a part of the project and shall be addressed in the SWPPP.

2) Stabilization practices. The SWPPP shall include, at a minimum, the following information:

   a. Description and Schedule: A description of initial, interim, and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed areas are stabilized. Stabilization practices may include: mulching, temporary seeding, permanent seeding, geotextiles, sod stabilization, natural buffer strips, protection of trees, and preservation of mature vegetation and other appropriate measures.

   b. Description of natural buffer areas: The Department requires that a natural buffer zone be established between the top of stream bank and the disturbed area. The SWPPP shall contain a description of how the site will maintain natural buffer zones. For construction projects where clearing and grading activities will occur, SWPPP shall provide at least twenty-five (25) feet of natural buffer zone from any named or unnamed streams, creeks, rivers, lakes or other water bodies. The plan shall also provide at least fifty (50) feet of natural buffer zone from established TMDL water bodies, streams listed on the 303(d) list, an Extraordinary Resource Water (ERW), Ecologically Sensitive Waterbody (ESW), Natural and Scenic Waterway (NSW), or other uses at the discretion of the Director. If the site will be disturbed within the recommended buffer zone, then the buffer zone area shall be stabilized as soon as possible. Exceptions from this requirement for areas such as water crossings, limited water access, and restoration of the buffer are allowed if the permittee fully documents in the SWPPP the circumstances and reasons for the buffer zone encroachment. Additionally, this requirement is not intended to interfere with any other ordinance, rule or regulation, statute or other provision of law. Please note that above-grade clearing that does not disturb the soil in the buffer zone area does not have to comply with buffer zone requirements.

   c. Records of Stabilization: A record of the dates when grading activities occur, when construction activities

temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be included in the plan.

d. Deadlines for Stabilization After Construction Activity Temporarily Ceases: Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily ceased, but in no case more than fourteen (14) days after the construction activity in that portion of the site has temporarily ceased, except:

(1) Where the initiation of stabilization measures by the fourteenth (14^{th}) day after construction activity temporarily ceases is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.

(2) In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures shall be employed as specified by the permitting authority.

e. Deadline for Stabilization After Construction Activity Permanently Ceases: Stabilization measures shall be initiated immediately in portions of the site where construction activities have permanently ceased, except:

(1) Where the initiation of stabilization measures immediately after construction activity permanently ceases is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.

(2) In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures shall be employed as specified by the permitting authority.

3) Structural Practices. A description of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Structural practices should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the Clean Water Act. Such practices may include but are not limited to:

- silt fences (installed and maintained)
- earthen dikes to prevent run-on
- drainage swales to prevent run-on
- check dams
- subsurface drains
- pipe slope drains
- storm drain inlet protection
- rock outlet protection
- sediment traps
- reinforced soil retaining systems
- gabions
- temporary or permanent sediment basins.

A combination of erosion and sediment control measures is encouraged to achieve maximum pollutant removal. Adequate spillway cross-sectional area and re-enforcement shall be provided for check dams, sediment traps, and sediment basins.

a. Sediment Basins:

(1) For common drainage locations that serve an area with ten (10) or more acres (including run-on from other areas) draining to a common point, a temporary or permanent sediment basin that provides storage based on either the smaller of 3600 cubic feet per acre, or a size based on the runoff volume of a 10 year, 24 hour storm, shall be provided where attainable (so as not to adversely impact water quality) until final stabilization of the site. In determining whether installing a sediment basin is attainable, the operator may

consider factors such as site soils, slope, available area on site, etc. Proper hydraulic design of the outlet is critical to achieving the desired performance of the basin. The outlet should be designed to drain the basin within twenty-four (24) to seventy-two (72) hours. (A rule of thumb is one square foot per acre for a spillway design.) The 24-hour limit is specified to provide adequate settling time; the seventy-two (72) hour limit is specified to mitigate vector control concerns. If a pipe outlet design is chosen for the outfall, then an emergency spillway is required. If "non-attainability" is claimed, then an explanation of non-attainability shall be included in the SWPPP**.** Where a sediment basin is not attainable, smaller sediment basins or sediment traps shall be used. Where a sediment basin is un-attainable, natural buffer strips or other suitable controls which are effective are required for all side slopes and down slope boundaries of the construction area. The plans for removal of the sediment basin should also be included with the description of the basin in the SWPPP.

(2) For drainage locations serving an area less than ten (10) acres, sediment traps, silt fences, or equivalent sediment controls are required for all side slope and down slope boundaries of the construction area unless a sediment basin providing storage based on either the smaller of 3600 cubic feet per acre, or a size based on the run off volume of a 10 year, 24 hour storm is provided. (A rule of thumb is one square foot per acre for a spillway.) However, in order to protect the Waters of the State, the Director, at their discretion, may require a sediment basin for any drainage areas draining to a common point.

b. Velocity Dissipation Devices:

Velocity dissipation devices shall be placed at discharge locations, within concentrated flow areas serving two or more acres, and along the length of any outfall channel to provide a non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (i.e., no significant changes in the hydrological regime of the receiving water). Please note that the use of hay-bales is not recommended in areas of concentrated flow.

H. *Other Controls*.

1) No solid materials, including building materials, shall be discharged to Waters of the State or offsite.
2) Off-site vehicle tracking of sediments and the generation of dust shall be minimized through the use of a stabilized construction entrance and exit or vehicle tire washing.
3) For lots that are less than one (1) acre in size an alternative method may be used in addition to a stabilized construction entrance. An example of an alternative method could be daily street sweeping. This could allow for the shortening of the construction entrance.
4) The plan shall ensure and demonstrate compliance with applicable State or local waste disposal, temporary and permanent sanitary sewer or septic system regulations.
5) No liquid concrete waste shall be discharged to Waters of the State. Appropriate controls to prevent the discharge of concrete washout waters shall be implemented if concrete washout will occur on-site.
6) No contaminants from fuel storage areas, hazardous waste storage and truck wash areas shall be discharged to waters of the State or offsite. Methods for protecting these areas shall be identified and implemented. These areas should not be located near a water body, if there is a water body on or near the project.

I. *Non-stormwater discharges*. Sources of non-stormwater listed in Part I.B.10 of this permit that are combined with stormwater discharges associated with construction activity shall be identified in the plan. This list should be site specific non-stormwater discharges.

J. *Post-Construction Stormwater Management*. The operator is required to provide a description of measures that will be installed during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 (Corps of Engineers) of the Clean Water Act. This permit only addresses the installation of stormwater management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization.

However, post-construction stormwater BMPs that discharge pollutants from a point source once construction is completed may need authorization under a separate ADEQ NPDES permit. Such practices may include but are not limited to:

- infiltration of runoff onsite
- flow attenuation by use of open vegetated swales and natural depressions
- stormwater retention structures
- stormwater detention structures (including wet ponds)
- sequential systems, which combine several practices

A goal of at least 80 % removal of total suspended solids from these flows which exceed predevelopment levels should be used in designing and installing stormwater management controls (where practicable). Where this goal is not met, the operator shall provide justification for rejecting each practice listed above based on site conditions.

K. *Applicable State or Local Programs*. The SWPPP shall be updated as necessary to reflect any revisions to applicable federal, state, or local requirements that affect the stormwater controls implemented at the site.

L. *Inspections*. Inspections should conducted by qualified personnel (provided by the operator). Inspections shall include all areas of the site disturbed by construction activity and areas used for storage of materials that are exposed to precipitation. Inspectors shall look for evidence of, or the potential for, pollutants entering the stormwater conveyance system. Erosion and sedimentation control measures shall be observed to ensure proper operation. Discharge locations shall be inspected to determine whether erosion control measures are effective in preventing significant impacts to Waters of the State or offsite, where accessible. Where discharge locations are inaccessible, nearby downstream locations shall be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site sediment tracking. Inspections may not be required if the lot(s) within a larger common plan is/are sufficiently stabilized. In addition, inspections may not be required on a completed section of a linear project if that section has been sufficiently stabilized. Stabilized areas of the project should be indicated in the SWPPP and site map and show what date they were stabilized. The operator shall ensure that no sediment will leave the lot(s) that are stabilized. These lots shall be identified within the SWPPP and show what date they were stabilized. If the operator is unable to ensure this, then inspections shall continue.

1) Inspection Frequency. Inspections shall be conducted in accordance with one of the following schedules listed below. The schedule **must be specified** in the Stormwater Pollution Prevention Plan (SWPPP).

   a. At least once every 7 calendar days, or
   b. At least once every 14 calendar days and within 24 hours of the end of a storm event of 0.25 inches or greater (a rain gauge must be maintained on-site).

2) Inspection Form. The ADEQ inspection form should be used for all inspections. The inspection form should include any erosion/sediment controls that are being used on the site. The form is available on the Department's website www.adeq.state.ar.us. If a different form is used, it shall at a minimum contain the following information:

   a. Inspector Name and Title
   b. Date of Inspection
   c. Amount of Rainfall and Days Since Last Rain Event (only applicable to Part II.A.4.L.1.b)
   d. Approximate beginning and duration of the storm event
   e. Description of any discharges during inspection
   f. Locations of discharges of sediment/other pollutants
   g. Locations of BMPs in need of maintenance or where maintenance was performed
   h. If the BMPs are in working order and if maintenance is required (including when scheduled and completed)
   i. Locations that are in need of additional controls
   j. Location and Dates When Major Construction Activities Begin, Occur or Cease
   k. Signature of qualified signatory official, in accordance with Part II.B.9

Additional information may be added to the inspection report at the permittee's discretion.

3) Inspection Records. The report shall be retained as part of the SWPPP for at least three (3) years from the date the site is finally stabilized. The report shall be signed and have a certification statement in accordance with the requirements of this permit.

4) Winter Conditions. Inspections will not be required at construction sites where snow cover exists over the entire site for an extended period, and melting conditions do not exist. If there is any runoff from the site at any time during snow cover, melting conditions would be considered to be existent at the site and this inspection waiver would not apply. Regular inspections, as required by this permit, are required at all other times as specified in this permit. If winter conditions prevent compliance with the permit, documentation of the beginning and ending date of winter conditions should be included in the SWPPP.

5) Adverse Weather Conditions. Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or electrical storms, or situations that otherwise make inspections impractical, such as extended frozen conditions. When adverse weather conditions prevent the inspection of the site, an inspection should be completed as soon as is safe and feasible. If adverse weather conditions prevent compliance with the permit, documentation of the beginning and ending date of adverse weather conditions should be included in the SWPPP.

M. *Maintenance*. A description of procedures to maintain vegetation, erosion and sediment control measures and other protective measures in good, effective operating condition shall be outlined in the plan. Any repairs that are needed based on an inspection shall be completed, when practicable, before the next storm event, but not to exceed a period of three (3) business days of discovery, or as otherwise directed by state or local officials. However, if conditions do not permit large equipment to be used, a longer time frame is allowed if the condition is thoroughly documented on the inspection form. Maintenance for manufactured controls shall be done at a minimum of the manufacturer's specifications. Maintenance for non-manufactured controls, i.e. check dams and sediment traps, shall be done upon 50% capacity.

N. *Employee Training*. The permittee/operator is responsible for training personnel who are responsible for implementing activities identified in the SWPPP on the components and goals of the SWPPP and the requirements of the general permit. This includes contractors and subcontractors. Training should be given by a knowledgeable and qualified trainer. The SWPPP shall identify periodic dates for such training and records of training shall be maintained with the SWPPP. Training records that are maintained electronically (i.e. database, etc.) do not need to be maintained with the SWPPP, but shall be accessible upon request. Formal training classes given by Universities or other third-party organizations are not required but recommended for qualified trainers; the permittee is responsible for the content of the training being adequate for personnel to implement the requirements of the permit.

5. Plan Certification. The SWPPP Certification shall be signed by either the operator or the cognizant official identified on the Notice of Intent. All documents required by the permit and other information requested by the Director shall be signed by operator or by a duly authorized representative of the operator (Please see Part II.B.10 below for certification).

SECTION B: STANDARD PERMIT CONDITIONS

1. Retention of Records.

A. The operator shall retain records of all Stormwater Pollution Prevention Plans, all inspection reports required by this permit, and records of all data used to complete the Notice of Intent (NOI) to be covered by this permit for a period of at least three years from the date the Notice of Termination letter is signed by the Department. This period may be extended by request of the Director at any time.

B. The operator shall retain a signed copy of the Stormwater Pollution Prevention Plan (SWPPP) and inspection reports required by this permit at the construction site from the date of project initiation to the date of final stabilization.

2. Duty to Comply. The operator shall 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; permit termination, revocation and re-issuance, or modification; or denial of a permit renewal application.

3. Penalties for Violations of Permit Conditions. The Arkansas Water and Air Pollution Control Act (Ark. Code Ann. 8-4-101 et seq.) 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 criminal penalty 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.

4. Continuance of the General Permit. Permittees wishing to continue coverage under this general permit shall submit a Renewal NOI (see Part I.B.4 for where to submit documentation) up to 180 days prior to the expiration date, but no later than 30 days prior to the expiration date. No additional fee is required to be submitted along with the Renewal NOI.

An expired general permit continues in force and effect until a new general permit is issued. If this permit is not re-issued or replaced prior to the expiration date, it will be administratively continued in accordance with Ark. Code Ann. § 8-4-203(m) and remain in force and effect. If a permittee was granted permit coverage prior to the expiration date, the permittee will automatically remain covered by the continued permit until the earliest of:

A. The effective date of the re-issuance or replacement of this permit and a timely submittal of a renewal NOI by the operator; or

B. The operator's submittal of a Notice of Termination (NOT); or

C. Issuance of an individual permit for the project's discharges (see Part I.B.24); or

D. A formal permit decision by the ADEQ to not re-issue this general permit, at which time operators must seek coverage under an alternative permit (see Part I.B.24).

Small site operators are responsible for ensuring that the site is in compliance with any changes or updates of this general permit by reviewing the ADEQ website at:

https://www.adeq.state.ar.us/water/permits/npdes/stormwater/

5. **Need to Halt or Reduce Activity Not a Defense.** It shall not be a defense for an operator 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.

6. **Duty to Mitigate.** The operator shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has reasonable likelihood of adversely affecting human health or the environment.

7. **Duty to Provide Information.** The operator shall furnish to the Director, an authorized representative of the Director, the EPA, a State or local agency reviewing sediment and erosion plans, grading plans, or stormwater management plans, or in the case of a stormwater discharge associated with industrial activity which discharges through a Municipal Separate Storm Sewer System (MS4) with an NPDES permit, to the municipal operator of the system, within a reasonable time, any information which is requested to determine compliance with this permit.

8. **Other Information.** When the operator becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Director, he or she shall promptly submit such facts or information.

9. **Signatory Requirements.** All Notices of Intent (NOIs), reports, or information submitted to the Director shall be signed and certified by the operator.

   A. All Notices of Intent shall be signed as follows:

      1) For a corporation: by a responsible corporate officer. For purposes of this section, a responsible corporate officer means:

         a. A president, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

         b. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to ensure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

      2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;

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

         a. The chief executive officer of the agency; or

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

   B. 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:

      1) The authorization is made in writing by a person described above and submitted to the Director;

      2) The authorization specifies either an individual or a person 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, or position of equivalent responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

3) Changes to authorization. If an authorization under this Part is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the above requirements shall be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

10. 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 such as Inspection Form were prepared under my direction or supervision in accordance with a system designed to ensure 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."

Note: For this permit only, "this document" refers to the Stormwater Pollution Prevention Plan, "attachments" refers to the site map and inspection forms, and "system" is referencing the project site.

11. Penalties for Falsification of Reports. The Arkansas Water and Air 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 II.B.3 of this permit and/or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. 8-4-101 et seq.).

12. 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 twenty five thousand dollars ($25,000) or by both such fine and imprisonment.

13. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties to which the operator is or may be subject under Section 311 of the Clean Water Act or Section 106 of CERCLA.

14. 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 injury to private property, any invasion of personal rights, or any infringement of Federal, State, or local laws or regulations.

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

16. Transfers. This permit is not transferable to any person except after notice to the Director. A transfer form shall be submitted to the ADEQ as required by this permit.

17. Proper Operation and Maintenance. The operator shall at all times:

A. Properly operate and maintain all systems of treatment and control (and related appurtenances) which are installed or used by the operator to achieve compliance with the conditions of this permit. This provision requires the operation of

backup or auxiliary facilities or similar systems which are installed by an operator only when the operation is necessary to achieve compliance with the conditions of the permit.

B. Provide an adequate operating staff which is duly qualified to carry out operation, inspection, maintenance, and testing functions required to ensure compliance with the conditions of this permit.

18. Inspection and Entry. The operator shall allow the Director, the EPA, or an authorized representative, or, in the case of a construction site which discharges to a municipal separate storm sewer, an authorized representative of the municipal operator of the separate sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

A. Enter upon the operator's premises where a regulated facility or activity is located or conducted, or where records shall be kept under the conditions of this permit;
B. Have access to and copy, at reasonable times, any records that shall be kept under the conditions of this permit;
C. Inspect at reasonable times any facilities or equipment, including monitoring and control equipment and practices or operations regulated or required by the permit;
D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location on the permitted property.

19. Permit Actions. This permit may be modified, revoked and reissued, or terminated for any cause including, but not limited to, the following;

A. Violation of any terms or conditions of this permit;
B. Obtaining this permit by misrepresentation or failure to fully disclose all relevant facts;
C. A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge;
D. 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; or
E. Failure of the operator to comply with the provisions of ADEQ Regulation No. 9 (Fee Regulation). 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 by reference in ADEQ Regulation No. 6, and the provisions of ADEQ Regulation No. 8.

20. Re-Opener Clause.

A. If there is evidence indicating potential or realized impacts on water quality due to any stormwater discharge associated with industrial activity covered by this permit, the operator of such discharge may be required to obtain an individual permit or an alternative general permit in accordance with Part I.B.23 of this permit, or the permit may be modified to include different limitations and/or requirements.

B. Permit modification or revocation will be conducted in accordance with the provisions of 40 CFR 122.62, 122.63, 122.64 and 124.5, as adopted by reference in ADEQ Regulation No. 6.

21. Local Requirements. All dischargers shall comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding any discharges of stormwater to storm drain systems or other water sources under their jurisdiction, including applicable requirements in municipal stormwater management programs developed to comply with the ADEQ permits. Dischargers shall comply with local stormwater management requirements, policies, or guidelines including erosion and sediment control.

22. Applicable Federal, State 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, state or local statute, ordinance policy, or regulation.

RESPONSE TO COMMENTS
FINAL PERMITTING DECISION

Permit No.: ARR150000

Prepared by: Jessica Temple

The following are responses to comments received regarding the draft permit number above and are developed in accordance with regulations promulgated at 40 C.F.R. §124.17, APCEC Regulation No. 8 Administrative Procedures, and A.C.A. §8-4-203 e(2).

Introduction

The above permit was submitted for public comment on March 24, 2016. The public comment period ended on April 25, 2016.

This document contains a summary of the comments that the ADEQ received during the public comment period. A summary of the changes to the NPDES Permit can be found on the last page of this document.

The following people or organizations sent comments to the ADEQ during the public notice. A total of 68 comments were raised by 7 separate commenters.

	Commenter	Number of Comments Raised
1.	Kevin Thornton, Assistant Chief Engineer- Planning, Arkansas State Highway and Transportation Department	3
2.	Brian McMillian, P.E., McGeorge Contracting Co., Inc.	2
3.	Charles M. Miller, Executive Director, Arkansas Environmental Federation	7
4.	Randy Solomon, Principal Environmental Specialist, Southwestern Electric Power Company and American Electric Power	1
5.	Janet Paith, CPESC, CPSWQ, CESSWI, CPMSM, CFM	41
6.	Josh Fluger, Environmental Scientist, GBMc & Associates	7
7.	Colene Gaston, Staff Attorney, Beaver Water District	7

Comment 1 Part I, Section B, Paragraphs 11.D and 11.E. "Discharges into Receiving Waters with an Approved TMDL" and "Discharges into Impaired Receiving Waters (303(d)) List":

a. The phrase "Discharge into Receiving Waters" in these two paragraphs remains a source of confusion. For projects bordering an impaired stream the answer is obvious; however, for discharges to tributaries of these streams, the distance given verbally over the years by ADEQ has varied from a radius of two to five miles between the project and the actual impaired waterbody. Request definitive, written guidance be added to the permit on what constitutes a discharge into an impaired stream.

b. In the current version of the permit, the requirements contained in these paragraphs only apply to streams which are impaired for "…turbidity, oil & grease, and/or other pollutants at the discretion of the Director." The draft permit omits the reference to specific pollutants in these paragraphs but retains the language in Part 1, Paragraph 23, "Attainment of Water Quality Standards." Since construction site pollution control measures are not designed to eliminate impairments such as pathogens, dissolved solids, ammonia, metals, etc., AHTD believes this proposed change places an unattainable burden on the permittees. Request the original language limiting the requirement to turbidity, oil and grease, or other specific pollutants required by the Director be maintained.

Response: (a) Any discharge to an impaired receiving water or its tributary within 1 mile of the construction site should be included in the Stormwater Pollution Prevention Plan and will be considered a discharge into an impaired stream for notification purposes. The Department will review the conditions applicable to each site on a case-by-case basis. There may be construction sites that require further consideration downstream or additional BMPs based on the activity occurring at the site. The Department will contact the Permittee in these cases.

(b) Part I.B.23 has been changed to remove the specific reference to turbidity and oil and grease. The references to turbidity and oil and grease were removed from Parts I.B.11.D and I.B.11.E based upon a recommendation of the EPA to include all parameters for which a TMDL identifies construction type discharges as a contributor to the impairment. It is unlikely that a specific construction site would be mentioned in a TMDL, and less likely that the construction site would be given a waste load allocation for the impairments mentioned above. However, if a construction site was contributing to an impairment, it would be necessary for appropriate controls to be put in place and for all requirements of the TMDL to be followed. This will be evaluated on a case-by-case basis.

Comment 2 Part I, Section B, Paragraph D. "Discharges into Receiving Waters with an Approved TMDL"

a. This paragraph states "If a numeric limit has been assigned to the facility, quarterly monitoring shall be submitted to the Department demonstrating compliance with the assigned Waste Load Allocation established in the TMDL." Since this permit applies to construction projects, the need for this statement is unclear. TMDL documents normally identify fixed facilities such as wastewater treatment plants or industrial facilities as point-source waste load contributors. Since construction projects are temporary in nature, a specific construction project would not be mentioned in a TMDL document as a waste load source. Please clarify the intent of this statement for construction projects.

b. The "quarterly monitoring" language is so vague AHTD has no idea what is required. Please consider expanding this section so permittees will understand the intent of the requirement and the specific report requirements and procedures.

c. What is the relationship between the reports requiring turbidity testing for Short Term Activity Authorizations (STAAs) and the reports required by this paragraph?

Response: (a) The commenter is correct that it is unlikely that a construction site will be mentioned in a TMDL. However, it is not impossible for a construction site to be given a waste load allocation. As a result, this general permit must ensure that any applicable TMDL requirements are followed.

(b) If there is an applicable TMDL, the TMDL document will specify the requirements for the site. Quarterly monitoring has been included in the permit so that the Department can ensure that the permittee is meeting the requirements of the TMDL.

(c) The quarterly monitoring mentioned in this permit would be based on any TMDL requirements, not on an STAA. STAAs have their own requirements, which are unrelated to this quarterly monitoring. STAA reporting requirements are outside the scope of this permit.

Comment 3 Part I, Section B, Paragraph 14.B. "Natural Buffer Zones"

The language in this paragraph says the fifty foot buffer will apply "….from the top of the bank to the disturbed area, from established TMDL water bodies, stream listed on the 303(d) list, an Extraordinary Resource Water (ERW), Ecologically Sensitive Waterbody (ESW) or any other uses at the discretion of the Director." The intent of this language as we interpret it would require the buffer for such streams which are actually on or adjacent to the project. ADEQ has informally required a fifty foot buffer on tributaries of these streams within five miles of their confluence with the receiving stream. Request a clarification of this

requirement.

Response: The interpretation above is generally correct. This general permit requires a 25-foot buffer zone for all water bodies. The 50-foot buffer zone is for the water bodies specified in Part I.B.14.B of this general permit. However, Part I.B.14.B does include a requirement for a 50-foot buffer zone for any uses at the discretion of the Director, which would be determined on a case-by-case basis.

Comment 4 Parts I.B.6.B and Part I.B.7.A, where the change to require that the NOI, SWPPP, and permit fee must be submitted to the Department 30 calendar days prior to the date coverage desired is problematic due to the fact that many projects require less than 10 days to begin work once a work order is issued. In this case, the beginning of a project could be delayed by a month or more depending on if the NOI and SWPPP is deemed sufficient by the Department, then the delay could be 60+ days. With understanding of the extensive review time by the Department concerning all the applicable information with the permitting process, we respectfully request to leave the review time at 14 calendar days.

Response: The Department acknowledges this comment and will change the review time back to 10 business days. The Department will continue to issue permit coverage as quickly as possible to try to prevent any delays due to permit review procedures.

Comment 5 Part I.B.11.D has been changed to include that a quarterly report be submitted to the Department if a numeric limit has been assigned to the facility based on an approved TMDL. Understanding the nature of receiving waters with TMDL, these limits are more for long-term monitoring. Since this is a General Stormwater Permit that typically involves relatively short-term activities, we feel the reporting is unnecessary for this permit. This will put an undue burden on the operators of these short-term projects.

Response: It is unlikely that a construction site will be assigned a waste load allocation in a TMDL. However, the Department must have a procedure in place, should the situation arise. If a receiving stream is impaired and the construction site has been identified as contributing the impairment, the permittee must take steps to prevent further impairment, even if the activity is short-term.

Comment 6 Page 11 of Part I, Section B.7.C addresses the requirements for the Notice of Coverage.

Part 1, Section B.7.C states that dischargers who submit a complete NOI and SWPPP are authorized to discharge stormwater from construction activities under the terms and conditions of this permit thirty days after the NOI is deemed complete by ADEQ.

Per the Fact Sheet, the timeframe was changed from two weeks to 30 days due to the extensive review time necessary for the Department to make a determination of eligibility.

The 30 day timeframe is the time for ADEQ to issue the Notice of Coverage after the NOI and SWPPP have been deemed complete. An NOI is not deemed complete until an "extensive review" of the NOI and SWPPP has been completed to ensure that permit requirements have been met. Following the deeming of a complete NOI and SWPPP, the current two week time frame to issue an NOC should be sufficient for ADEQ and the permittee should not be penalized for an ADEQ 30 day processing timeframe.

Thus, we request that the NOC issuance timeframe remain at two weeks as listed in the current permit.

Response: The Department agrees to change Part I.B.7.C from a 30-day timeframe to 10 business days. Additionally, please see response 4.

Comment 7 Page 13 of Part I, Section B.13.E addresses prohibited discharges via ELGs.

For Section B.13.E.1 Wastewater from washout of concrete; the phrase "unless managed by an appropriate control" was removed from this guideline. With the removal of this phrase, the draft permit is neither consistent with 40 CFR 450.21 nor consistent with the terminology in Part II, Section A. 4.H.5.

We request that the phrase be placed back into the final permit.

Response: The Department agrees. This phrase has been placed back into the final permit as requested.

Comment 8 Page 15 of Part I, Section B.16 addresses Notice of Termination (NOT).

The first sentence states "When all construction activities that disturbed soil are complete, the site has reached final effective stabilization (100% stabilization with 80% density)…". Is "final effective stabilization" the same as "Final Stabilization"? The term "Final Stabilization" as defined in Part 1.A.24 provides for different stabilization requirements (coverage and density requirements) based on site conditions or location. If the two above referenced terms are intended to mean the same, AEF request that the phrase "100% stabilization with 80 % density" be replaced with the phrase "as defined in Part 1.A.24" or something similar that references the definition for "Final Stabilization".

If the two above referenced terms do not mean the same, we request that the definition for "Final Effective Stabilization" be added to Part 1.A of the permit.

Response: The word "effective" has been removed from Part I.B.16 and the requested reference to the definition has been added.

Comment 9 Page 6 of Part II, Section A.4.G.2.d addresses deadlines for stabilization.

The section requires that stabilization measures be initiated by the fourteenth day after construction activity temporarily or permanently ceases. This is in contradiction with Page 13 of Part 1, Section B.13.B – Effluent Limitation Guideline Soil Stabilization which requires stabilization of disturbed areas be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site. We request clarification on the deadline for stabilization for sites where construction has been permanently ceased.

Please note that the same comment was made during the public notice period for the 2011 CGP. Per the ADEQ response to comments, changes were going to be made to clarify the deadline for stabilization. However, it appears that the changes were never incorporated into the final permit.

Response: Stabilization measures shall be initiated immediately after the construction activity permanently ceases, unless weather conditions outside of the permittee's control prevent immediate action. Parts II.A.4.G.2.d and II.A.4.G.2.e have been updated to clarify the requirements in the general permit for deadlines for stabilization both after construction activity temporarily ceases and permanently ceases.

Comment 10 Page 1 of the Fact Sheet, Section 1 addresses changes made in the draft permit.

Section 1.C states that Part I.B.6.D has been added to include requirements for the permittee to submit a $200 permit modification fee… The draft permit does not contain Part 1.B.6.D. Part 1.B.6.C discusses modification of permit coverage to include additional acreage. We believes that Part 1.B.6.C is the correct reference.

Response: The Department agrees. The requested change has been made in the Fact Sheet.

Comment 11 Throughout permit – web link.

The web links provided in the draft permit appear to be outdated. The ADEQ website has changed since the draft permit was public noticed thus the links need to be updated to match the new website.

Response: The Department agrees. The ADEQ website has changed since the permit was publicly noticed, and all website links have been updated.

Comment 12 Page 13 of Part I address Short Term Activity Authorization.

Part 1 Section B.12 states "Any work being conducted in wetted areas will require an STAA from ADEQ in accordance with Regulation 2.305….An STAA is necessary for any in-stream activity that has potential to exceed the water quality standards…"

We request clarification of "wetted areas vs. in-stream".

Response: Wetted area means the area where land and water meet at the perimeter of a lake or stream, and includes plant species, insects, and animals that are specialists for this ecosystem type. For clarification, this section will be changed to specify any work being conducted in Waters of the State will require an STAA.

Comment 13 Part I, Section B.7- Notice of Intent (NOI) Requirements

AEP/SWEPCO requests the Department add language to this section stating the applicant will be notified when the Notice of Intent (NOI) has been deemed complete. This date is needed by the applicant to determine when soil disturbance activities can be initiated.

Language in Section B.7.C states:

"…If the NOC has not been received by the permittee thirty days after the NOI is deemed complete by ADEQ, the NOI should be posted until the NOC is received…"

The Fact Sheet states the permittee must request the Department provide the administrative completeness date. AEP/SWEPCO believes the Department should provide this notification immediately to the applicant."

Response: The Department disagrees. The application must be reviewed by all necessary sections within the Office of Water Quality, and additional information may be required at varying times throughout the review process. The timeframe from completeness to issuance of the Notice of Coverage is very short for this general permit. A required notification to every permittee creates unnecessary additional work for Department personnel. Additionally, see responses 4 and 6.

Comment 14 Part 1. A. Define SWPPP boundary. It is different than disturbed area. It includes the construction trailer, parking, staging, concrete mixer, off-site material storage area, borrow and fill etc. State, "All BMPs must be inside the SWPPP boundary." The BMPs are part of construction activity.

Response: "SWPPP boundary" is not a term used in this general permit. The items mentioned above are included in Part I.B.2.B. of the permit, which states that this general permit authorizes stormwater discharges from support activities

provided that these areas are included in the SWPPP and have appropriate controls for the area. Property boundaries should be included on the site map, because Part II.A.4.F requires the entire site to be identified on the site map.

Comment 15 Part 1. A. 4. Add to end of first sentence. "…Waters of the State and outside of SWPPP boundary." Part 1. A. 8 add to end … and outside of SWPPP boundary. I realize there may not be regulatory authority to add this part, but it is trying to address deposition of pollution onto neighboring properties from runoff. See Part II A. 4. G. 1. d. Perhaps this issue is trying to be addressed under the new Waters of the State definition that includes drainage system. Does a drainage system include a generally dry ravine? Please define drainage system used in Waters of the State definition.

Response: "…Waters of the State and outside of SWPPP boundary" will not be added to the current definition of Best Management Practices or Control Measure. This is already addressed in the permit in Parts II.A.4.G.1.b. and II.A.4.G.1.d, which are to prevent sediment from leaving the site, and then to remove any escaped sediment as needed to minimize the off-site impacts. Additionally, the term "SWPPP boundary" is not used in this permit. Please see response 14 above. A definition for "drainageway" has been added to Part I.A. based on the EPA construction general permit. If a generally dry ravine functions for the collection and drainage of surface water, then it would be considered to be a drainage way.

Comment 16 Part I. A. 36. Adjust the definition of Operator to include EPA CGP definition. Add, 1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or 2. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the permit).

Response: The Department disagrees. The current definition is adequate and is based on and consistent with Regulation 6.103(B).

Comment 17 Part I. A. Define natural buffer zones.

Response: A definition of natural buffer has been added to Part I.A. based on the EPA Construction General Permit, and it states that a natural buffer is "for purposes of this permit, an area of undisturbed natural cover surrounding surface waters. Natural cover includes vegetation, exposed rock, or barren ground that exists prior to commencement of construction activities at the site."

Comment 18 Part I. A. Define construction activity per EPA permit requirements. It is referred to many times.

Response: This is unnecessary because construction activity is defined in the definitions for both "Large Construction Site" and "Small Construction Site," which covers all construction sites.

Comment 19 Part I. A. Define duly authorized representative.

Response: A definition for duly authorized representative has been included in Part I.A.20. The requirements of a duly authorized representative are defined in Part II.B.9.B, and also the definition of Cognizant Official references this section.

Comment 20 Part I. A. Define permittee or change to "Operator or duly authorized representative" throughout permit document and on NOI.

Response: The terms permittee and operator are interchangeable based on Department terminology. Part I.A.38 has been changed to be the definition of "Operator"/ "Permittee."

Comment 21 Part I. A. Define Responsible Parties. It is referenced in the permit and in the SWPPP.

Response: A definition of Responsible Parties will not be added to the permit. The Department believes this to be self-explanatory. Responsible Parties are those parties/employees/people who are responsible for carrying out specific job related duties as related to the permit requirements.

Comment 22 Part I. A. Define an unnamed stream. Who determines what is or what is not a stream or unnamed stream in Part I. B. 14. A?

Response: The Department typically uses USGS maps, which contain streams which both have names (named streams) and streams which do not have names (unnamed streams). An named stream is simply a stream that has not been given a name. It has no less protection than any other Water of the State as defined in definition 59 and in the Ark. Code Ann. §8-4-102(10).

Comment 23 Part I. B. Introduction. The EPA CGP requires a permit when 1 or more acres is disturbed. The first sentence does not say that. It says 5 acres. The second sentence reads that 1-5 acres has to take place under Larger common plan. This is not true. Change back to the existing permit language.

Response: The Department has revised Part I.B. to state that "This Construction General Permit (CGP) authorizes stormwater discharges from large and small construction activities that result in a total land disturbance of equal to or greater than one acre."

Comment 24 Part I. B. 6. B. 4. Add a Permit revocation clause. "Automatic permit revocation upon non-payment of renewal fee within 90 days. Accrue set daily fines until the

renewal fee is paid or until NOT conditions are met and approved."

Response: The Department disagrees. This will not be added to the general permit. Enforcement actions are handled by the Enforcement Branch of the Office of Water Quality based on specific site conditions and criteria.

Comment 25 Part I B. 13. C. Change surface waters to Waters of the State in the second sentence.

Response: The Department agrees. The requested change has been made.

Comment 26 Part I B. 12. Define wetted areas. Should that be Waters of the State?

Response: This section has been changed to reference Waters of the State. Please see response 12.

Comment 27 Part I B. 13.B. Please clarify the EPA circumstances for last sentence relative to AR.

Response: There are no specified circumstances in which stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed. This is evaluated on a case-by-case basis.

Comment 28 Part I. B. 14. A. Change to, "…. disturbed area, from any Waters of the State, wetlands, named or unnamed streams, ….."

Response: All mentioned water bodies are considered Waters of the State, including wetlands. Part I.B.14.A has been changed to state that a 25-foot buffer zone is required from all Waters of the State.

Comment 29 Part II. A. 3. Add this statement to begin the paragraph. "Follow the approved SWPPP. "

Response: This is unnecessary. Part I.B.3. of the permit already specifies that the operator is responsible for compliance with all conditions of the permit including following the SWPPP.

Comment 30 Part II. A. 3. Add to end of paragraph. "If BMP specification detail fails, then obtain SWPPP designer BMP change approval."

Response: The distribution of responsibilities between parties at the site is not the Department's responsibility. The operator is responsible for making sure that the appropriate changes are made to the SWPPP to reflect accurate site conditions. Any job duties and responsibilities related to BMP change approval are left up to the permittee.

Comment 31 Part II. A. 4. F. 3. Add, "State existing vegetative cover."

Response: The Department disagrees. Surfaces other than vegetation can be disturbed. This will not be added to the permit.

Comment 32 Part II. A. 4. F. 3. 5 Add, "Delineate SWPPP boundary."

Response: This is unnecessary. Part II.A.4.F already requires all areas that will be disturbed and property boundaries that are not disturbed under coverage of this permit be shown on the site map.

Comment 33 Part II. A. 4. F. 9 Add, "and Waters of the State with associated natural buffer boundary lines. Delineate, and clearly mark off with flags, tape, or similar marking device all natural buffer areas."

Response: Part II.A.4.F contains the requirements for the site map, and marking of the buffer areas with a marking device is not appropriate to require on the site map. However, Part II.A.4.F.9 has been changed to require the inclusion of any natural buffer boundary lines.

Comment 34 Part II. A. 4. F. 9. Add, "Identify floodplain and floodway boundaries."

Response: The Department agrees to make this addition. The Department will use FEMA maps, if available, to determine if any additional BMPs are necessary on a case by case basis.

Comment 35 Part II. A. 4. F. 10. Add, "discharged to Waters of the State" and surface water….

Response: Part II.A.4.F.10 was changed to add Waters of the State, and remove surface waters, as this is covered under Waters of the State.

Comment 36 Part II. A. 4. F. 13. Add, "Match Erosion and Sediment Control measures symbol/label to legend and detail sheet."

Response: The Department agrees. Part II.A.4.F.13 has been added to require the inclusion of a legend to clearly specify any symbols or labels used in the site map and/or detail sheet.

Comment 37 Part II. A. 4. F. 14. Add per EPA CGP, "Locations of any storm drain inlets on the site and in the immediate vicinity of the site."

Response: The Department agrees. Part II.A.4.F.14 has been added to require the inclusion of the location of storm drain inlets on the site map.

Comment 38 Part II. A. 4. G. Add after first sentence, "All BMPs shall be inside the SWPPP boundary."

Response: The Department disagrees because this is a self-explanatory condition. Part II.A.4.F requires the site map to include the entire construction site and property boundaries of the site. Additionally, the term "SWPPP boundary" is not a term used in the general permit.

Comment 39 Part II. A. 4. G. 1. Add after first sentence per EPA CGP, "The SWPPP must include a description of the intended sequence of construction activities. Complete installation of stormwater controls by the time each phase of construction has begun, unless infeasible. The stormwater drainage systems must be installed as soon as feasible in the construction sequence, at least before impervious surfaces."

Response: The Department disagrees. Part II.A.4.A.2 already requires that the SWPPP include a description of the intended sequence of major activities. The permittee is required at all times to maintain adequate controls at the construction site. The stormwater drainage systems are based on local requirements, and not this general permit.

Comment 40 Part II. A. 4. G. 1. h. Add per EPA CGP, "If you are using polymers, flocculants, or other treatment chemicals at your site, you must comply with the following minimum requirements: Use conventional erosion and sediment controls prior to and after the application of treatment chemicals, Select appropriate treatment chemicals, minimize discharge risk from stored chemicals, use per manufacturer specification, and ensure proper use training."

Response: The Department disagrees. Part I.B.13.D already requires permittees to implement chemical spill and leak prevention and response procedures. Polymer and flocculant usage is not discussed in this general permit. However, permittees are required under this general permit to implement appropriate BMPs based on the specific site characteristics, regardless of any polymer or flocculant usage and the site.

Comment 41 Part II. A. 4. G. 3. a. 2 Change to 10 to 5 acres.

Response: The Department disagrees. Part II.A.4.G.3.a.1 states the requirements for any site with 10 or more acres draining to a common point, and Part II.A.4.G.3.a.2 states the requirements for any site with less than 10 acres draining to a common point.

Comment 42 Part II. A. 4. H. 1. Add to end of sentence, or outside of SWPPP boundary.

Response: The phrase "or offsite" has been added to this section of the permit to clarify that solid materials should not leave the construction site.

Comment 43 Part II. A. 4. H. 5 Add to end of paragraph, "Direct all concrete washwater into a

leak-proof container or leak-proof pit. The container or pit must be designed so that no overflows can occur due to inadequate sizing or precipitation."

Response: The Department disagrees. This is covered in the current language, which requires the permittee to take appropriate controls to prevent the discharge of concrete washout waters.

Comment 44 Part II. A. 4. H. 6 Add to end of first sentence, "….Waters of the state or outside of SWPPP boundary."

Response: The phrase "or offsite" has been added to Part II.A.4.H.6.

Comment 45 Develop the Pollution Prevention Section under Part II. A. 4. H. for SWPPP per EPA CGP Section 2.3. For instance add, "If you conduct fueling and/or maintenance of equipment or vehicles at your site, you must provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuel, from the area where these activities will take place If applicable, comply with the Spill Prevention Control and Countermeasures (SPCC) requirements in 40 CFR 112 and Section 311 of the CWA. Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids. Use drip pans and absorbents under or around leaky vehicles. Dispose of or recycle oil and oily wastes in accordance with other federal, state, tribal, or local requirements. Clean up spills or contaminated surfaces immediately, using dry clean up measures where possible, and eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge. Do not clean surfaces by hosing the area down. Cover building materials, pesticides, herbicides, insecticides, fertilizers, and landscape materials: with plastic sheeting or temporary roofs to prevent these chemicals from coming into contact with rainwater, or a similarly effective means designed to prevent the discharge of pollutants from these areas. Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. Do not clean surfaces or spills by hosing the area down. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge."

Response: The Department disagrees. The current language is adequate and forbids the discharge of contaminants from fuel storage areas, hazardous waste storage and truck wash areas.

Comment 46 Part II. A. 4. L. 1. b. To comply with EPA CGP permit 4.1.2.2, change to "within 24hrs of the end of a storm event of .25 inches or greater…."

Response: The Department agrees. The requested change has been incorporated into Part II.A.4.L.1.b.

Comment 47 Part II. A. 4. L. Add to "….Waters of the State or outside of SWPPP boundary, where accessible."

Response: The phrase "or offsite" has been added to this section.

Comment 48 Part II. A. 4. M. Add at end of paragraph, "Do not hose down or sweep soil or sediment accumulated on pavement or other impervious surfaces into any stormwater conveyance (unless connected to a sediment basin, sediment trap, or similarly effective control), storm drain inlet, or surface water."

Response: The Department expects a trained stormwater operator will have a certain level of knowledge of proper and improper actions at a construction site. Every possible situation cannot be specified in the general permit. It is the responsibility of the permittee to make sure all personnel who are working on the construction site are knowledgeable of the goals of the SWPPP and the requirements of the general permit.

Comment 49 Part II. A. 4. N. Change "Permittee" word to "Operator or duly authorized representative".

Response: This part of the permit has been changed to reference the permittee/operator, as the terms are considered by the Department to be interchangeable. See also response 20.

Comment 50 Part II. B. 8. Add, "At such time the approved SWPPP boundary limits are proposed to be exceeded by more than 1 acre, submit a revised SWPPP to the Director for approval."

Response: SWPPPs are not required to be submitted to the Department unless a site is disturbing five acres or more, or part of a larger common plan. The SWPPP of a small construction site should be updated to reflect any changes in the site conditions. The Department believes that the current language in this part of the general permit is adequate.

Comment 51 Part II. B. 9. Clearly define each qualified signatory. The terms Cognizant Official, duly authorized representative, Permittee, Responsible Parties, Responsible Official, Operator, and owner are all used. The glossary definition of cognizant official is the duly authorized representative. Part II B. 9. says signatory is the entity who signs the NOI or a duly authorized representative, but the NOI paperwork has signature lines labelled Responsible Official and Cognizant Official. Please change to label NOI signature lines as Operator and duly authorized representative. Reference Part II. A. 2. A.. Please be consistent naming the signatories in the permit and associated reports. Use one or the other to reduce confusion or clarify. The Inspection Form signature line says Responsible or Cognizant Official. It should say the Operator or duly authorized representative can sign Inspection forms. Whoever signs the NOI shall delegate the Inspection Reports signatory in writing. The delegated entity may sign the reports for the Operator. Part II. A. 4. B. references Responsible Parties. Please

clarify each term.

Response: The terms Responsible Official and Cognizant Official are standard terms used in all permits from the Office of Water Quality. A clarification of the term Responsible Parties can be found in Response 21. Operator/Permittee is defined in Part I.A.38. The term owner is also defined in Part I.A.38. The Responsible Official is the individual who must sign the NOI, and the requirements are found in Part II.B.9.A. The cognizant official is an individual who has been authorized by the Responsible Official to sign reports required by the permit and other information requested by the Director, and the requirements are in Part II.B.9.B.

Comment 52 Provide a formal delegation letter template.

Response: A formal delegation letter template is not necessary. The NOI has a designated place for the permittee to provide both the Responsible Official and the Cognizant Official at the time of application for permit coverage. A Change of Authorization form is available on the Department's website if the information that was provided at the time of application becomes no longer valid.

Comment 53 Provide user friendly Stormwater inspection form.

Response: ADEQ's inspection form is provided to permittees on the ADEQ website (https://www.adeq.state.ar.us/water/permits/npdes/stormwater/) for convenience. It is not required that a permittee use the ADEQ provided inspection form. It is acceptable for a permittee to use a different inspection form, as long as all requirements in Part II.A.4.L.2 are satisfied.

Comment 54 It is recognized the 30-day SWPPP submittal review period will have a negative economic impact to the growing Northwest Arkansas area. The EPA CGP has a 14 calendar day NOI submittal requirement.

Response: Please see response 4.

Comment 55 Page 11 of Part I, Section B.7.C addresses the requirements for the Notice of Coverage.

Part 1, Section B.7.C. states that dischargers who submit a complete NOI and SWPPP are authorized to discharge stormwater from construction activities under the terms and conditions of this permit thirty days after the NOI is deemed complete by ADEQ.

Per the Fact Sheet, the timeframe was changed from two weeks to 30 days due to the extensive review time necessary for the Department to make a determination of eligibility.

The 30 day timeframe is the time for ADEQ to issue the Notice of Coverage after the NOI and SWPPP have been deemed complete. However, as it is drafted in Part 1, Section B.7.A of the draft permit, there is already an additional 20 days to review the NOI and make a completeness determination. An NOI is not deemed complete until an "extensive review" of the NOI and SWPPP has been completed to ensure that permit requirements have been met. Following the deeming of a complete NOI and SWPPP, the current two week timeframe to issue an NOC should be sufficient for ADEQ and the permittee should not be penalized for and ADEQ 30 day processing timeframe.

Thus, GBMc request that the NOC issuance timeframe remain at two weeks as listed in the current permit.

Response: Please see response 6.

Comment 56 Page 13 of Part I, Section B.12 addresses Short Term Activity Authorization.

Part 1, Section B.12 states "Any work being conducted in wetted areas will require an STAA from ADEQ in accordance with Regulation 2.305… An STAA is necessary for any in-stream activity that has potential to exceed the water quality standards…"

GBMc requests clarification of "wetted areas vs. in-stream".

Response: Please see response 12.

Comment 57 Page 13 of Part I, Section B.13.E addresses prohibited discharges via ELGs.

For Part 1, Section B.13.E.1 Wastewater from washout of concrete; the phrase "unless managed by an appropriate control" was removed from this guideline. With the removal of this phrase, the draft permit is neither consistent with 40 CFR 450.21 nor consistent with the terminology in Part II, Section A.4.H.5.

GBMc requests that the phrase be placed back into the final permit.

Response: Please see response 7.

Comment 58 Page 15 of Part I, Section B.16 addresses Notice of Termination (NOT).

The first sentence states "When all construction activities that disturbed soil are complete, the site has reached final effective stabilization (100% stabilization with 80% density)…". Is "final effective stabilization" the same as "Final Stabilization"? The term "Final Stabilization" as defined in Part 1, Section A.24 provides for different stabilization requirements (coverage and density requirements) based on site conditions or location. If the two above referenced terms are intended to mean the same, GBMc request that the phrase "100%

stabilization with 80 % density" be replaced with the phrase "as defined in Part 1, Section A.24" or something similar that references the definition for "Final Stabilization".

If the two above referenced terms do not mean the same, GBMc requests that the definition for "Final Effective Stabilization" be added to Part 1. Section A of the permit.

Response: Please see response 8.

Comment 59 Page 6 of Part II, Section A.4.G.2.d addresses deadlines for stabilization

The section requires that stabilization measures be initiated by the fourteenth day after construction activity temporarily or permanently ceases. This is in contradiction with Page 13 of Part 1, Section B.13.B – Effluent Limitation Guideline Soil Stabilization which requires stabilization of disturbed areas be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site. We request clarification on the deadline for stabilization for sites where construction has been permanently ceased.

Please note that the same comment was made during the public notice period for the 2011 CGP. Per the ADEQ response to comments, changes were going to be made to clarify the deadline for stabilization. However, it appears that the changes were never incorporated into the final permit.

Response: Please see response 9.

Comment 60 Page 1 of the Fact Sheet, Section 1 addresses changes made in the draft permit.

Fact Sheet Section 1.C states that Part I.B.6.D has been added to include requirements for the permittee to submit a $200 permit modification fee… The draft permit does not contain Part 1.B.6.D. Part 1.B.6.C discusses modification of permit coverage to include additional acreage. GBMc believes that Part 1.B.6.C is the correct reference.

Response: Please see response 10.

Comment 61 Throughout permit – web link.

The web links provided in the draft permit appear to be outdated. The ADEQ website has changed since the draft permit was public noticed thus the links need to be updated to match the new website.

Response: Please see response 11.

Comment 62 Regarding Lack of Public Hearing: BWD questions why a public hearing was not held on this important and widely-utilized Draft Permit. It appears to BWD that little was done to inform and engage the general public regarding this Draft Permit. A public hearing and prominent notice of such on ADEQ's homepage seems warranted and still could be provided pursuant to Arkansas Pollution Control and Ecology Commission Regulation 8.208(F).

Response: A letter was sent to each of the 1153 permittees covered under this general permit regarding the public notice, which provided the timeline for submitting public comments and a copy of the public notice that was published in the Arkansas Democrat Gazette. Regulation 8.208(F) does not require a public hearing, but allows the Department to use its discretion to determine if a public hearing is necessary. A public hearing was held at the time of the previous permit renewal because there were significant changes to the general permit. The Department has determined that the 30-day public comment period is adequate for this general permit renewal.

Comment 63 Regarding Draft Permit Part I.A., Definitions: The provisions in this section are not strictly limited to definitions (see, e.g., Part I.A.4, Best Management Practices (BMPs), which includes the sentence that, "According to the EPA BMP Manual, the use of hay-bales in concentrated flow areas is not recommended as a best management practice."). BWD finds the additional commentary to be beneficial and does not suggest that it be removed. We do think, however, that the heading for Part I.A should be changed to something along the lines of "Definitions with Included Commentary."

Response: The requested change has been made to Part I.A.

Comment 64 Regarding Draft Permit Part I.A.24.D, Definition regarding Final Stabilization: This definition contains a reference to "buffer strips immediately adjacent to 'Water of the United States.' " BWD assumes that leaving the "s" off of "Water" was just a typographical error. More substantively, however, BWD requests that this phrase be revised as follows: " . . . buffer strips immediately adjacent to 'Waters of the United States' and 'Waters of the State,' . . . shall meet the final stabilization criteria in A, B, or C, above." This change will avoid the implication that buffer strips immediately adjacent to waterbodies that qualify as Waters of the State but not as Waters of the United States need not meet the final stabilization criteria specified.

Response: Part I.A.26.D has been updated to change the term "Waters of the United States" to "Waters of the State." Waterbodies designated as a "Water of the United States" will also be covered under "Waters of the State."

Comment 65 Regarding Draft Permit Part I.A.24.D, Definition of Sediment Basin: The efficiency of a settling basin is determined by surface area rather than by volume. Why, then, is the design standard based on volume?

Response: The definition of sediment basin is found in Part I.A.50. The area which drains to the pond is used in the calculation of the necessary volume required to be held in the pond. The most conservative runoff coefficient was used to determine the most conservative situation because this is a general permit and must apply to many different situations and site conditions.

Comment 66 Regarding Draft Permit Part I.B.5, Requirements for Qualifying Local Program (QLP): It is possible that QLPs other than the City of Hot Springs will be approved during the term of this permit. BWD suggests that the last sentence in Part I.B.5 be revised as follows: "At the time of issuance of this permit, ..."

Response: No cities are currently expressing interest to the ADEQ in becoming a QLP. However, the requested language has been added to Part I.B.5.

Comment 67 Regarding Draft Permit Part I.B.11, Limitations on Coverage (Exclusions): BWD requests that restrictions similar to those in Draft Permit Parts I.B.11.E and F, which apply, respectively, to discharges into impaired receiving waters (i.e., waterbodies on the 303(d) List) and to discharges into Extraordinary Resource Waters, Natural and Scenic Waterways, or Ecologically Sensitive Waterbodies also apply to discharges into existing, public drinking water sources. It is just as important, if not more so, that the State's drinking water sources receive this added level of protection.

Response: According to Regulation 2.302(G), domestic water supply is listed as a designated use for all waters within the State of Arkansas, unless that specific waterbody has this designated use removed. Drinking water intake structure locations are not publicly available. However, the Department reviews the NOI, SWPPP, and any other applicable information to ensure that all designated uses are protected.

Comment 68 Regarding Draft Permit Part I.B.13.A.6, regarding Erosion and Sediment Controls: BWD requests that this phrase be revised as follows: "Provide and maintain natural buffers around Waters of the United States and Waters of the State . . . ." This change will avoid the implication that buffer strips are not required around waterbodies that qualify as Waters of the State but not as Waters of the United States.

Response: Part I.B.13.A.6 has been changed to reference Waters of the State instead of Waters of the United States, which will still include Waters of the United States.

Summary of Changes to the permit				
Part	Draft Permit	Final Permit	Reason	Comment #
I.B.23	The operator shall select, install, implement and maintain control measures at the construction site that minimize the discharge of turbidity, oil and grease, and other pollutants at the discretion of the Director as necessary to protect water quality.	The operator shall select, install, implement and maintain control measures at the construction site that minimize the discharge of pollutants for which a stream is impaired at the discretion of the Director as necessary to protect water quality.	To clarify that the all applicable water quality standards should be considered, not just turbidity and oil and grease	1(b)
I.B.6.B	An operator of a large construction site discharging under this general permit shall submit the following items at least thirty days prior to the commencement of construction	An operator of a large construction site discharging under this general permit shall submit the following items at least 10 business days prior to the commencement of construction	To change the submittal deadline to at least 10 business days prior to construction	4
I.B.7.A	Large construction site operators who intend to seek coverage for a stormwater discharge under this general permit shall submit a complete and accurate ADEQ NOI form to the Department (through hard copy, electronic mail at Water-permit-application@adeq.state.ar.us , or the ADEQ ePortal system at https://eportal.adeq.state.ar.us/) at least thirty days prior to the date coverage under this permit is desired. The NOI form must be the current version obtained from the stormwater webpage indicated above in Part I.B. If the NOI is deemed incomplete, the Department will notify the applicant with regard to the deficiencies by a letter, email, or phone within 30 calendar days of the receipt of the NOI.	Large construction site operators who intend to seek coverage for a stormwater discharge under this general permit shall submit a complete and accurate ADEQ NOI form to the Department (through hard copy, electronic mail at Water-permit-application@adeq.state.ar.us , or the ADEQ ePortal system at https://eportal.adeq.state.ar.us/) at least 10 business days prior to the date coverage under this permit is desired. The NOI form must be the current version obtained from the stormwater webpage indicated above in Part I.B. If the NOI is deemed incomplete, the Department will notify the applicant with regard to the deficiencies by a letter, email, or phone within ten (10) business days of the receipt of the NOI.	To change the submittal deadline from 30 calendar days to 10 business days prior to construction	4
I.B.7.C	Unless notified by the Director to the contrary, dischargers who submit a complete NOI and SWPPP in accordance with the requirements of this permit are authorized to discharge stormwater from construction sites under the terms and conditions of this permit thirty days after the date the NOI is deemed complete (which may not be the original submission date if revisions or	Unless notified by the Director to the contrary, dischargers who submit a complete NOI and SWPPP in accordance with the requirements of this permit are authorized to discharge stormwater from construction sites under the terms and conditions of this permit 10 business days after the date the NOI is deemed complete (which may not be the original submission date if revisions or	To change the timeframe from 30 days to 10 business days	6

	additions were necessary) by ADEQ. If the NOC has not been received by the permittee thirty days after the date the NOI is deemed complete by ADEQ, the NOI should be posted until the NOC is received. Upon review of the NOI and other available information, the Director may deny coverage under this permit and require submittal of an application for an individual NPDES permit.	additions were necessary) by ADEQ. If the NOC has not been received by the permittee 10 business days after the date the NOI is deemed complete by ADEQ, the NOI should be posted until the NOC is received. Upon review of the NOI and other available information, the Director may deny coverage under this permit and require submittal of an application for an individual NPDES permit.		
I.B.13.E.1	Wastewater from washout of concrete	Wastewater from washout of concrete, unless managed by an appropriate control;	To be consistent with the language in 40 CFR 450.21	7
I.B.16	When all construction activities that disturbed soil are complete, the site has reached final effective stabilization (100% stabilization with 80% density), all stormwater discharges from construction activities authorized by this permit are eliminated and all temporary sediment controls are removed and properly disposed, the operator of the facility may submit a complete Notice of Termination (NOT) to the Director.	When all construction activities that disturbed soil are complete, the site has reached final stabilization (100% stabilization with 80% density, or as defined in Part I.A.25.B for sites where background native vegetation will cover less than 100% of the ground), all stormwater discharges from construction activities authorized by this permit are eliminated and all temporary sediment controls are removed and properly disposed, the operator of the facility may submit a complete Notice of Termination (NOT) to the Director.	To be consistent with the definition in Part I.A.24	8
I.B.13.B	Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days.	Stabilization of disturbed areas must, at a minimum, be initiated immediately (unless weather conditions do not allow immediate initiation) whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days.	To clarify that stabilization does not have to be initiated immediately if the weather conditions do not allow immediate action.	9
II.A.4.G.2.d	Deadlines for Stabilization: Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily ceased, but in no case more than fourteen (14) days after the construction activity in that portion of the site has temporarily or permanently ceased, except:	d. Deadlines for Stabilization After Construction Activity Temporarily Ceases: Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily ceased, but in no case more than fourteen (14) days after the construction activity in that portion of the site has	To clarify that stabilization should be initiated immediately after construction has permanently ceased	9

	(1)Where the initiation of stabilization measures by the fourteenth (14th) day after construction activity temporarily ceases is precluded by snow cover, stabilization measures shall be initiated as soon as practicable. (2)In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures shall be employed as specified by the permitting authority.	temporarily ceased, except: (1)Where the initiation of stabilization measures by the fourteenth (14th) day after construction activity temporarily ceases is precluded by snow cover, stabilization measures shall be initiated as soon as practicable. (2)In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures shall be employed as specified by the permitting authority. e. Deadline for Stabilization After Construction Activity Permanently Ceases: Stabilization measures shall be initiated immediately in portions of the site where construction activities have permanently ceased, except: (1)Where the initiation of stabilization measures immediately after construction activity permanently ceases is precluded by snow cover, stabilization measures shall be initiated as soon as practicable. (2)In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures shall be employed as specified by the permitting authority.		
I.B. Introduction; I.B.6.A.4; I.B.6.C, I.B.8.A; II.A Introduction; II.B.4.D	http://www2.adeq.state.ar.us/water/branch_permits/general_permits/stormwater/default.htm	https://www.adeq.state.ar.us/water/permits/npdes/stormwater/	ADEQ website has been updated	11
I.B.11.D; I.B.15.C	www.adeq.state.ar.us/water/branch_planning/default.htm	https://www.adeq.state.ar.us/water/planning/integrated/tmdl/	ADEQ website has been updated	11
I.B.11.E	www.adeq.state.ar.us/water/branch_planning/default.htm	https://www.adeq.state.ar.us/water/planning/integrated/	ADEQ website has been updated	11
I.B.12	http://www2.adeq.state.ar.us/water/forms_inst.htm	https://www.adeq.state.ar.us/water/planning/instream/	ADEQ website has been updated	11

I.B.12	Any work being conducted in wetted areas will require a Short Term Activity Authorization (STAA) from ADEQ in accordance with Regulation 2.305.	Any work being conducted in Waters of the State will require a Short Term Activity Authorization (STAA) from ADEQ in accordance with Regulation 2.305.	To remove confusion regarding wetted areas	12
I.A.34	N/A	**"Natural Buffer"** for purposes of this permit, an area of undisturbed natural cover surrounding surface waters within which construction activities are restricted. Natural cover includes vegetation, exposed rock, or barren ground that exists prior to commencement of construction activities at the site.	To add a definition of Natural Buffer	17
I.A.39	**"Operator"**	**"Operator"/ "Permittee"**	To show that the terms operator and permittee are interchangable	20
I.B. Introduction	This Construction General Permit (CGP) authorizes stormwater discharges from large and small construction activities that result in a total land disturbance of equal to or greater than five acres.	This Construction General Permit (CGP) authorizes stormwater discharges from large and small construction activities that result in a total land disturbance of equal to or greater than one acre.	To clarify that this permit is for construction sites disturbing one acre or more	23
I.B.13.C	There shall be no turbid discharges to surface waters of the state resulting from dewatering activities.	There shall be no turbid discharges to Waters of the State resulting from dewatering activities.	To clarify that turbid discharges from dewatering activities are not allowed into any Waters of the State	25
I.B.14.A	For construction projects where clearing and grading activities will occur, the SWPPP shall provide at least twenty-five (25) feet of natural buffer zone, as measured horizontally from the top of the bank to the disturbed area, from any named or unnamed streams, creeks, rivers, lakes or other water bodies.	For construction projects where clearing and grading activities will occur, the SWPPP shall provide at least twenty-five (25) feet of natural buffer zone, as measured horizontally from the top of the bank to the disturbed area, from any Waters of the State.	To clarify that the 25 foot buffer applies to all Waters of the State	28
II.A.4.F.9	Location of all surface water bodies (including wetlands)	Location of all Waters of the State with associated natural buffer boundary lines	To require the site map to include buffer zone boundary lines	33
II.A.4.F.9	Location of all Waters of the State with associated natural buffer boundary lines;	Location of all Waters of the State with associated natural buffer boundary lines. Identify floodplain and floodway boundaries, if available;	To include floodplain and floodway boundaries in the site map requirements	34
II.A.4.F.10	Locations where stormwater is discharged to a surface water or municipal separate storm sewer system if applicable,	Locations where stormwater is discharged to Waters of the State or a municipal separate storm sewer system if applicable,	To clarify that the location of a discharge to any Waters of the State	35

			should be identified on the site map	
II.A.4.F.13	N/A	A legend that clearly specifies any erosion and sediment control measure symbols/labels used in the site map and/or detail sheet.	To require a legend to specify any symbols used on the site map, for clarification	36
II.A.4.F.14	N/A	Locations of any storm drain inlets on the site and in the immediate vicinity of the site	To require the inclusion of storm drain inlets on the site map	37
II.A.4.H.1	No solid materials, including building materials, shall be discharged to Waters of the State.	No solid materials, including building materials, shall be discharged to Waters of the State or offsite.	To clarify that solid materials should not leave the construction site	42
II.A.4.H.6	No contaminants from fuel storage areas, hazardous waste storage and truck wash areas shall be discharged to waters of the State.	No contaminants from fuel storage areas, hazardous waste storage and truck wash areas shall be discharged to waters of the State or offsite.	To clarify that contaminants should not leave the construction site	44
II.A.4.L.1.b	Inspection Frequency. Inspections shall be conducted in accordance with one of the following schedules listed below. The schedule must be specified in the Stormwater Pollution Prevention Plan (SWPPP). a. At least once every 7 calendar days, or b. At least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater (a rain gauge must be maintained on-site	Inspection Frequency. Inspections shall be conducted in accordance with one of the following schedules listed below. The schedule must be specified in the Stormwater Pollution Prevention Plan (SWPPP). a. At least once every 7 calendar days, or b. At least once every 14 calendar days and within 24 hours of the end of a storm event of 0.25 inches or greater (a rain gauge must be maintained on-site	To be consistent with the inspection requirements in the EPA Construction General Permit requiring an inspection either every 7 calendar days, or at least every 14 calendar days and within 24 hours of the end of a storm event of 0.25 inches or greater	46
II.A.4.L.	Discharge locations shall be inspected to determine whether erosion control measures are effective in preventing significant impacts to Waters of the State, where accessible.	Discharge locations shall be inspected to determine whether erosion control measures are effective in preventing significant impacts to Waters of the State or offsite, where accessible.	To clarify that inspectors shall also check for offsite impacts at the discharge points of the site	47
II.A.4.N	The permittee is responsible for training personnel who are responsible for implementing activities identified in the SWPPP on the components and goals of the SWPPP and the requirements of the general permit.	The permittee/operator is responsible for training personnel who are responsible for implementing activities identified in the SWPPP on the components and goals of the SWPPP and the requirements of the general permit.	To clarify that the permittee and operator are interchangeable terms for purposes of this section	49
I.A	SECTION A: DEFINITIONS	SECTION A: DEFINITIONS WITH INCLUDED COMMENTARY	To clarify that Part I.A also includes commentary, not solely definitions	63
I.A.26.D	Areas disturbed that were not previously used for	Areas disturbed that were not previously used for	To update the language to	64

	agricultural activities, such as buffer strips immediately adjacent to "Water of the United States", and areas which are not being returned to their pre-construction agricultural use shall meet the final stabilization criteria in A, B**,** or C above.	agricultural activities, such as buffer strips immediately adjacent to "Waters of the State", and areas which are not being returned to their pre-construction agricultural use shall meet the final stabilization criteria in A, B**,** or C above	include Waters of the State, which also includes Waters of the United States	
I.B.5	At this time, only the City of Hot Springs is meeting the ADEQ minimum requirements.	At the time of issuance of this permit, only the City of Hot Springs is meeting the ADEQ minimum requirements	Because it is possible that other QLPs may be approved during the permit term	66
I.B.13.A.6	Provide and maintain natural buffers around waters of the United States, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce pollutant discharges, unless infeasible	Provide and maintain natural buffers around Waters of the State, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce pollutant discharges, unless infeasible	To update the ELG language to include Waters of the State, which also includes Waters of the United States	68
I.B.8.A	The NOC for small sites, as defined in Part I.A.48, can be obtained from the Water Division's Stormwater webpage	The NOC for small sites, as defined in Part I.A.50, can be obtained from the Water Division's Stormwater webpage	To correct the reference as the addition of a definition changed the numbering	N/A

FACT SHEET
AND SUPPLEMENTARY INFORMATION
FOR GENERAL PERMIT ARR150000
STORMWATER RUNOFF ASSOCIATED WITH CONSTRUCTION SITES
IN ARKANSAS

Information in this part is organized as follows:

1. Background and Changes

The ADEQ is reissuing a general permit for Stormwater Discharges Associated with Construction Activity which became effective on November 1, 2011 and will expire on October 31, 2016.

This is a renewal of the General Construction Stormwater permit. Upon renewal, the Department decided to add additional permit requirements and clarify the overall permit. The proposed major changes are as follows:

A. Definitions for ERW, ESW, NSW, Waters of the State, Drainageway, Duly Authorized Representative, and Natural Buffer have been added to Part I.A.
B. Part I.B.6.C has been added to include the requirement for the permittee to submit a $200 permit modification fee and updated SWPPP with any request to increase the total acreage of a construction site. An updated SWPPP should be submitted with any request to increase the disturbed acreage of a construction site (no permit modification fee is required unless there is a change in the total acreage of the site).
C. Part I.B.11.D. has been changed to include that a quarterly report shall be submitted to the Department if a numeric limit has been assigned to the facility based on an approved TMDL.
D. Part I.B.11.F. has been added to exclude construction sites from coverage under this general permit if the site discharges directly into an Extraordinary Resource Water (ERW), Natural and Scenic Waterways (NSW), or Ecologically Sensitive Waterbodies (ESW), unless proper BMPs are in place to prevent possible exposure to stormwater of pollutants that could potentially impact water quality.
E. Part I.B.12. has been added to clarify that this general permit does not authorize any activity under a Short Term Activity Authorization (STAA) or Section 404 permit.
F. Part II.A.1.C. has been changed to require the permittee to update the SWPPP to meet any new requirements of this renewal permit by the effective date of the permit. The permit will be issued at least six months before the effective date of the permit, which the Department believes to be sufficient time to update the SWPPP.
G. Part II.B.4 has been changed to clarify the deadline for submittal of the Renewal NOI after issuance of the renewed permit. The Renewal NOI should be submitted to the Department up to 180 days prior to the expiration date, but no later than 30 days prior to the expiration date. This is because the renewed permit will be issued at

least six months prior to the effective date of the permit, which allows the permittee sufficient time to submit the required Renewal NOI to the Department. The Renewal NOI is due to the Department no later than 30 days prior to the expiration date in order to allow sufficient time for processing due to the large number of construction sites covered under this general permit.

H. Parts I.B.13.A.1, 2, 6, and 7, Part I.B.13.B, and Part I.B.13.D.2 have been updated to reflect the 2014 updates to the Effluent Limitations, Guidelines and Standards: Construction and Development Point Source Category found in 40 CFR 450.21.

I. Part I.A.26.D has been changed to reference Waters of the State, instead of Waters of the United States.

J. Part II.A.4.F.9 has been changed to require that the site map show all Waters of the State and the associated natural buffer boundary lines, and to identify floodplain and floodway boundaries, if available.

K. Parts II.A.4.F.13 and II.A.4.F.14 have been added to require that the site map include a legend to clearly specify any symbols used in the site map, and the location of any storm drain inlets.

L. Part II.A.4.G.2.d has been changed to specify the deadlines for stabilization only after construction activity temporarily ceases.

M. Part II.A.4.G.2.e has been added to specify the deadlines for stabilization after construction permanently ceases.

N. Parts II.A.4.H.1 and II.A.4.H.6 have been updated to specify that contaminants should also not be discharged offsite.

O. Part II.A.4.L has been updated to clarify that inspections should include determining if the erosion control measures are effective in preventing significant offsite impacts, in addition to significant impacts to Waters of the State.

P. Part II.A.4.L.1.b has been changed to require an inspection at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.25 inches or greater, if the 7 calendar day inspection frequency is not chosen.

2. Regulatory Background

The federal stormwater regulations contained in 40 CFR 122.26 require NPDES permit coverage for small (disturbing one acre or more and less than five acres) and large (disturbing 5 acres or more) construction sites.

3. Permit Coverage

Facilities covered by this general permit include those facilities which engage in construction activities greater than one (1) acre in size or less than one (1) acre that is part of a larger common plan in accordance with 40 CFR Part 122.28(a)(2)(i). The Department has excluded certain activity in accordance with 40 CFR Part 122.28(a)(2)(ii) and 40 CFR 450.

A. *Notice of Intent (NOI)*

1) Large Construction Sites (greater than or equal to 5 acres)

Written notification from new dischargers shall be submitted to the Department at least ten business days prior to the proposed discharge. Unless the applicant is notified otherwise (by phone, email, or letter) by the Director within ten business days of the notification being deemed complete, authority to discharge under this general permit will become effective. In addition, a Stormwater Pollution Prevention Plan (SWPPP) and permit fee must be submitted along with the NOI for large sites.

2) Sites with Automatic Coverage

Sites that are more than once acre but less than five acres are automatically covered under the provisions of this general permit. All conditions set forth in Part II.A should be followed and Notice of Coverage (NOC) must be posted at the construction site and a copy of the SWPPP must be kept at the site.

3) The Notice of Intent (NOI) must contain at the minimum the information required by 40 CFR Part 122.28(b)(2)(ii).

B. *Termination of a Qualifying Local Program*.

1) Termination Approval**.** A Qualifying Local Program may be terminated by either the Department or the municipality. Upon termination of Department approval of a Qualifying Local Program, any construction site must meet the requirements of this permit.

2) Expiration Approval. Department approval of a Qualifying Local Program will expire with this general permit. Any municipality desiring to continue Department approval of their program must reapply by 6 weeks after the effective date of the permit. The Division will determine if the program may continue as an approved Qualifying Local Program.

C. *Individual Permits*

The ADEQ may consider the issuance of individual permits according to the criteria in 40 CFR 122.28(b)(3).

4. Technology-Based versus Water Quality-Based Effluent Limitations and Conditions

Following regulations promulgated at 40 CFR Part 122.44(1)(2)(ii), the permit limits are based on either technology-based effluent limits pursuant to 40 CFR Part 122.44(a) or on State water quality standards and requirements pursuant to 40 CFR Part 122.44(d), whichever are more stringent as follows.

5. Best Conventional Pollutant Control Technology (BCT) and Best Available Technology Economically Achievable (BAT)

Two types of technology-based effluent limitations must be included in the permits proposed here. With regard to conventional pollutants, i.e., pH, CWA section 301 (b)(1)(E) requires effluent limitations based on "best conventional pollution control technology" (BCT). With regard to nonconventional and toxic pollutants, CWA section 301(b)(2)(A), (C), and (D) require effluent limitations based on "best available pollution control technology economically achievable" (BAT), a standard which generally represents the best performing existing technology in an industrial category or subcategory. BAT and BCT effluent limitations may never be less stringent than corresponding effluent limitations based on best practicable control technology (BPT), a standard applicable to similar discharges prior to March 31, 1989 under CWA 301(b)(1)(A).

Frequently, EPA adopts nationally applicable guidelines identifying the BPT, BCT, and BAT standards to which specific industrial categories and subcategories are subject. Until such guidelines are published, however, CWA section 402(a)(1) requires that EPA determine appropriate BCT and BAT effluent limitations in its NPDES permitting actions on the basis of its best professional judgment. This permit has included permit effluent limits (Part II.B.12) based on 40 CFR 450.

6. Water Quality Requirements

In accordance with 40 CFR 122.44(d), the general permit must include any requirements necessary to achieve State Water Quality Standards as established under Section 303 of the Clean Water Act.

7. BMP Requirements and Basis

Numeric discharge limits are not imposed by this general permit at this time. The permit language is included to ensure that those seeking coverage under this general permit will select, install, implement, and maintain BMPs at their construction site that will be adequate and sufficient to meet water quality standards for all pollutants of concern. The ADEQ has determined that BMPs, when properly selected, installed, implemented, and maintained do provide

effluent quality that can meet WQS based on 40 CFR 122.44(k).

8. Other Conditions

A. *Eligibility and Authorization*

An operator engaged in construction activity greater than or equal to 1 acre in size in the State of Arkansas is eligible for coverage under this general permit.

B. *Expiration Date*

This general permit will expire five (5) years from the effective date of the permit.

9. Public Notice and Public Hearing.

The public notice describes the procedures for the formulation of final determinations and shall provide for a public comment period of 30 days. During this period, any interested persons may submit written comments on the permit and may request a public hearing to clarify issues involved in the permitting decision. A copy of the permit and public notice were sent via email to the Corps of Engineers, the Regional Director of the U.S. Fish and Wildlife Service, the Department of Arkansas Heritage, the EPA, and the Arkansas Department of Health.

The public comment period began on the date of publication, Thursday, March 24, 2016 and ended on April 25, 2016 at 4:30 p.m. (Central Time).

10. Renewal of Permit Coverage.

The renewal general permit will be issued at least six months prior to the expiration date, at which time facilities can submit the Renewal NOI to the Department. The Renewal NOI shall be submitted to the Department no later than 30 days prior to the expiration date to allow sufficient time for processing and review. This will also allow time for the Renewal Notice of Coverage to be provided to the permittee as close to the effective date of the renewal general permit as possible.

11. Sources.

The following sources were used to draft this permit:
A. 40 CFRs 122, 125. 450, as adopted by APCEC Regulation No. 6.
B. APCEC Regulation No. 2.
C. APCEC Regulation No. 6.
D. APCEC Regulation No. 8.
E. APCEC Regulation No. 9.
F. U.S. EPA Stormwater web page.
G. Ark. Code Ann. § 8-4-203(m)

11. Economic Impact

The Arkansas Construction Stormwater General Permit ARR150000 incorporates the Effluent limitation based on 40 CFR 450. The permit is also in compliance with state-level regulations (APCEC Regulation No. 2, 5, 6, 8, and 9) concerning the permitting process.

Most of the requirements in this general permit were in the previous permit. The changes listed in section 1 of this Fact Sheet will not have an economic impact, except the requirement for an additional fee for permit modifications to add total acreage to the permitted area. The permit modification fee can be avoided by providing the Department with

the accurate total acreage on the originally submitted Notice of Intent. Therefore, this permit does not place any additional undue burden on any private business entity, large or small. It does not restrict any opportunities that are available to any small businesses. The inspection and control requirements are set at a level to protect water quality while minimizing the resources required for compliance.

The permit fee of $200 is allowed by Arkansas Pollution Control and Ecology Commission Regulation No. 9.

XIII. APPENDIX 5 – AUDIT CHECKLIST

NPDES Stormwater Requirements
for Small Municipal Separate Storm Sewer Systems

Note: The requirements for small municipal separate storm sewer systems (MS4s) are based on the model small MS4 general permit. Refer to the applicable state-specific small MS4 permit for any additional state-specific requirements. Language will vary depending on if permit is state-wide, watershed specific, etc. The corresponding permit section number and/or regulation citation is found after the section title or the requirement text.

This checklist is based on the assumption that the permitting authority has determined the eligibility of the operator and has reviewed the NOI/application for completeness. Consequently, these items are not discussed in depth below. Additionally, it is important to note that operators of small MS4s have until the end of the first permit term (typically five years) to fully implement the stormwater management program.

Compliance Category: Stormwater Management for Small MS4s			
Regulatory Requirement or Management Practice:	**Reviewer Checks**	**Reviewer Completed**	**Reviewer Notes**
9.0 Applicability			
The operator of a small MS4s is required to obtain permit coverage, unless qualifying for a waiver. This includes, but is not limited to, federal, state, tribal, or local governments (including state departments of transportation). (40 CFR 122.32(a)) AND Small MS4s located in an urbanized area, as determined by the latest Decennial Census by the Bureau of the Census. [40 CFR 122.26(a)(1)] OR The operator is designated by the permitting authority [40 CFR 122.26(b)]	Verify the MS4 meets the regulatory definition of a small MS4 and satisfies the requirements in 40 CFR 122.32 (see Key Terms and Definitions).	☐	
10.0 Limitations on Coverage (MS4 - 1.3)			
The permit does not authorize: • Discharges or discharge-related activities that are likely to jeopardize the continued existence of any species that are listed as endangered or threatened under the ESA or result in the adverse modification or destruction of habitat that is designated as critical under the ESA. • Discharges and discharge-	Verify the operator has determined the location of outfalls into receiving waters to determine where discharges occur and what may be impacted *(ALSO SEE 12.3 Illicit Discharge Detection and Elimination [122.34(b)(3)] (MS4 - 4.2.3)*]. Verify if the Stormwater Management Program (SWMP) has indicated any additional discharge points/related activities. If so, verify if these points/related	☐ ☐	

Compliance Category: Stormwater Management for Small MS4s			
Regulatory Requirement or Management Practice:	**Reviewer Checks**	**Reviewer Completed**	**Reviewer Notes**
related activities with unconsidered adverse effects on historic properties. • Discharges to territorial seas, the contiguous zone, and the oceans unless such discharges are in compliance with the ocean discharge criteria of 40 CFR 125, Subpart M. • Discharges that would cause or contribute to instream exceedances of water quality standards. • Discharges that do not comply with the state or tribe's anti-degredation policy for water quality standards. Note: Both at the time the NOI/application is filed and throughout the implementation of the SWMP the operator must identify the location of discharge points as well as determine if any existing or new discharges or discharge related activities will have any impact on the above.	activities impact endangered species, historic properties, etc., limiting permit coverage and this has been communicated with the permitting authority.	☐	
11.0 Discharges to Water Quality Impaired Waters (MS4 - 3.1)			
The operator must comply with any more stringent effluent limitations in the permit, including permit requirements that modify, or are in addition to, the minimum control measures based on an approved total maximum daily load (TMDL) or equivalent analysis. [40 CFR 122.34(e)(1)]	Determine if a waterbody to which the MS4 discharges has been designated as a 303(d) listed water or a TMDL has been developed for the waterbody. If discharging to an impaired water, verify the SWMP discusses: • How discharges of pollutants of concern will be controlled • How the operator will ensure discharges will not cause or contribute to exceedances of water quality standards • Measures and BMPs that will control these discharges If a TMDL has been developed for the waterbody(s), verify the operator has determined the applicability of the MS4s discharges to the TMDL	☐ ☐ ☐ ☐	

Compliance Category: Stormwater Management for Small MS4s			
Regulatory Requirement or Management Practice:	**Reviewer Checks**	**Reviewer Completed**	**Reviewer Notes**
	including: • If the TMDL is for a pollutant likely to be in stormwater discharges • If the TMDL has WLAs or other performance requirement for the MS4 • If the TMDL addresses a flow regime likely to occur in periods of stormwater discharge from MS4 If the MS4 must implement WLA provisions of the TMDL, verify that the operator has assessed if WLAs are being met through existing stormwater control measures. Verify documentation of all current or planned control measures and the schedule for planned measures. Documentation must include the calculations/evidence showing WLAs will be met. Verify documentation of a monitoring program showing controls are adequate to meet the WLAs. If additional/modified controls are necessary, verify the type and schedule for additional controls has been described in the SWMP. Note: Two continuous monitoring cycles must show that the WLAs or water quality standards are being met.	☐ ☐ ☐ ☐ ☐ ☐	
12.0 Stormwater Management Programs - Requirements [40 CFR 122.34(a)] (MS4 - 4.1 and 4.3)			
The operator must, at a minimum, develop, implement, and enforce a SWMP designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. [40 CFR 122.34(a)] If an existing qualifying local	Verify the operator has developed, implemented, and is enforcing a SWMP. Verify the SWMP includes the following minimum control measures: • Public education and outreach • Public involvement/participation • Illicit discharge detection and	☐ ☐ ☐ ☐	

Compliance Category: Stormwater Management for Small MS4s			
Regulatory Requirement or Management Practice:	**Reviewer Checks**	**Reviewer Completed**	**Reviewer Notes**
program requires the operator to implement one or more of the minimum control measures, the NPDES permitting authority may include conditions in the NPDES permit that may direct the operator to follow that program's requirements rather than the requirements described under 40 CFR 122.34(b). [40 CFR 122.34(c)]	elimination • Construction site stormwater runoff control • Post-construction stormwater management in new development and redevelopment • Pollution prevention/good housekeeping. Verify the SWMP includes the BMPs that the operator or another entity will use to address each of these control measures including: • Measurable goals for each BMP • Time required to undertake BMP, including interim milestones and frequency of the action • Person(s) responsible for implementing/coordinating BMP • Rationale for selection of BMPs and measurable goals If a qualifying local program is requiring the operator to implement a control measure(s), verify that this has been discussed in the SWMP. Note: If the operator is meeting the requirements of a qualifying local program, the operator may not be required to submit information on the other minimum measures discussed below.	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	
12.1 Public Education and Outreach on Stormwater Impacts [122.34(b)(1)] (MS4 - 4.2.1)			
The operator must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff. [40 CFR 122.34(b)(1)]	Verify the SWMP describes the decision process for program development including: • Plans to inform individuals/ households about reducing stormwater pollution • Plans to inform individuals/groups about involvement with the stormwater program • The target audiences and why they are selected • The targeted pollutant sources • The outreach strategy and methods that will be used to	☐ ☐ ☐ ☐ ☐ ☐	

Compliance Category: Stormwater Management for Small MS4s			
Regulatory Requirement or Management Practice:	**Reviewer Checks**	**Reviewer Completed**	**Reviewer Notes**
	reach targeted audiences • The number of people expected to be reached by the strategy in permit term • Who is responsible for management and implementation of the program/BMPs • How the success of the minimum measure will be evaluated • How the measurable goals were selected Verify the BMPs and measurable goals outlined in the plan have been met by the schedule in the SWMP.	☐ ☐ ☐ ☐ ☐	
12.2 Public Involvement/Participation [122.34(b)(2)] (MS4 - 4.2.2)			

The operator must, at a minimum, comply with state, tribal and local public notice requirements when implementing a public involvement/ participation program. [122.34(b)(2)]	Verify the SWMP describes the decision process for program development including:
	
	• How the public was involved in NOI submittal and SWMP development
	• The plan for public involvement in program development and implementation
	• The target audiences for the involvement program including ethnic and economic groups
	• Person(s) responsible for the management and implementation of the program/elements
	• The types of public involvement activities including, where appropriate:
	  • Citizen representatives on a local stormwater management panel
	  • Public hearings
	  • Citizen volunteers to educate other individuals about the program
	  • Volunteer monitoring
	• How success of minimum measures are evaluated
	• How measurable goals were selected
	
	Verify the SWMP describes how the
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Compliance Category: Stormwater Management for Small MS4s			
Regulatory Requirement or Management Practice:	**Reviewer Checks**	**Reviewer Completed**	**Reviewer Notes**
	public involvement/ participation program complies with state, Tribal, and local public notice requirements. Verify the BMPs and measurable goals outlined in the plan have been met by the schedule set forth in the SWMP.	☐ ☐	
12.3 Illicit Discharge Detection and Elimination [122.34(b)(3)] (MS4 - 4.2.3)			

The operator must develop, implement and enforce a program to detect and eliminate illicit discharges (as defined at 122.26(b)(2)). [122.34(b)(3)]	Verify a storm sewer map has been developed indicating location of outfalls and receiving waters.
	
	Verify the SWMP describes the decision process for program development including:
	
	• How a storm sewer map is or will be developed and how it will be updated
	• The regulatory mechanism that will be used to prohibit discharges (i.e., ordinance) including:
	  • Why the mechanism was chosen
	  • A description of the plan to develop the mechanism or copy of relevant sections if already developed
	  • A description of the plan to ensure compliance of this regulatory mechanism through enforcement procedures and actions
	• A plan to detect and address illicit discharges including:
	  • Dry weather screening for non stormwater flows
	  • Field tests of selected chemical parameters
	  • A mechanism to address on-site sewage disposal systems that flow into the storm drainage system
	and procedures for:
	  • Locating priority areas
	  • Tracing source o f discharges (including techniques)
	  • Removing the source of the
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Compliance Category: Stormwater Management for Small MS4s			
Regulatory Requirement or Management Practice:	**Reviewer Checks**	**Reviewer Completed**	**Reviewer Notes**
	illicit discharges ☐ • Program evaluation and assessment ☐ • A plan to inform public employees, businesses, and the general public of the hazards of illegal discharges and improper disposal (including how this will coordinate with public education, pollution prevention/ good housekeeping) ☐ • Person(s) responsible for management and implementation of the program/BMPs ☐ • How success of minimum measures are evaluated ☐ • How measurable goals were selected ☐ If already developed, verify the storm sewer map shows the location of the outfalls and names and location of receiving waters. ☐ Verify the BMPs and measurable goals outlined in the plan have been met by the schedule set forth in the SWMP.		
12.4 Construction Site Stormwater Runoff Control ([22.34(b)(4)] (MS4 - 4.2.4)			
The operator must develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of stormwater discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. (122.34(b)(4))	Verify the SWMP describes the decision process for program development including: ☐ • The regulatory mechanism that will be used to require erosion and sediment controls at construction sites (i.e., ordinance) including: ☐ • Why this mechanism was chosen ☐ • A description of plan to develop the mechanism or copy of relevant sections if already developed ☐ • A description of the plan to ensure compliance of this regulatory mechanism through sanctions and enforcement ☐ • Description of procedures for when certain sanctions are used ☐		

Compliance Category: Stormwater Management for Small MS4s			
Regulatory Requirement or Management Practice:	**Reviewer Checks**	**Reviewer Completed**	**Reviewer Notes**

	• Requirements for operators to implement erosion and sediment control BMPs and control waste at construction sites that may impact water quality (concrete truck washout, chemicals, litter, etc.)
	• Procedures for site plan review incorporating consideration of potential water quality impacts including:
	  • Description of procedures and rationale for identifying sites for plan review (if not all reviewed)
	  • Estimated number and percentage of sites with plan review
	• Procedures for receipt and consideration of information submitted by the public
	• Procedures for site inspection and enforcement of control measures including prioritization of sites for inspection
	• Person(s) responsible for management and implementation of the program/BMPs
	• How success of minimum measures are evaluated
	• How measurable goals were selected
	
	Verify the BMPs and measurable goals outlined in the plan have been met by the schedule set forth in the SWMP.
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12.5 Post-Construction Stormwater Management in New Development and Redevelopment [122.34(b)(5)] (MS4 - 4.2.5)			
The operator must develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the small MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts.	Verify the SWMP describes the process for program development including: • Specific priority areas to be addressed in the program • How program is specifically tailored to the local community (minimize water quality impacts, maintain pre-development conditions) • Structural (wet ponds, filtration practices, infiltration practices,	☐ ☐ ☐	

Compliance Category: Stormwater Management for Small MS4s			
Regulatory Requirement or Management Practice:	**Reviewer Checks**	**Reviewer Completed**	**Reviewer Notes**

[122.34(b)(5)]	etc.) and non-structural (policies or ordinances, educational programs, etc.) BMPs included in the program
	• The mechanism that will be used to address post-construction runoff (i.e., ordinance)
	  • Why the mechanism was chosen
	  • A description of plan to develop the mechanism or copy of relevant sections if already developed
	• How the long-term operation and maintenance (O&M) of BMPs will be ensured
	• Person(s) responsible for management and implementation of the program/BMPs
	• How success of minimum measures are evaluated
	• How measurable goals were selected
	
	Verify the BMPs and measurable goals outlined in the plan have been met by the schedule set forth in the SWMP.
	
	Verify that proposed BMP maintenance activities are being performed.
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12.6 Pollution Prevention/Good Housekeeping for Municipal Operations [122.34(b)(6)] (MS4 - 4.2.6)			

The operator must develop and implement an operation and maintenance (O&M) program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. [122.34(b)(6)]	Verify the SWMP describes the process for program development including:
	
	• A description of the O&M program to prevent or reduce pollutant runoff from municipal operations including:
	  • Municipal operations impacted by the O&M program
	  • A list of municipally-owned industrial facilities discharging to the MS4 that are subject to industrial stormwater permitting (including permit number or industrial NOI)
	• Any government employee
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Compliance Category: Stormwater Management for Small MS4s			
Regulatory Requirement or Management Practice:	**Reviewer Checks**	**Reviewer Completed**	**Reviewer Notes**
	training program used to prevent/reduce stormwater pollution from municipal activities including: • A description of exiting materials used • Description of how the training program is coordinated with public information and illicit discharge minimum measures • A program description addressing: • Maintenance activities, schedules, and long-term inspection procedures for controls to reduce floatables/ pollutants to the MS4 • Controls for reducing or eliminating discharges from streets, parking lots, storage yards, etc. • Procedures for proper disposal of waste removed from MS4 and municipal operations • Procedures ensure flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection • Person(s) responsible for management and implementation of the program/BMPs • How success of minimum measures are evaluated • How measurable goals were selected Verify the training program for the municipal staff achieves the intended goal of educating staff associated with reducing pollutant runoff from municipal operations. Verify that proposed maintenance activities are performed. Verify the BMPs and measurable goals outlined in the plan have been met by the schedule set forth in the SWMP.	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	

Compliance Category: Stormwater Management for Small MS4s			
Regulatory Requirement or Management Practice:	**Reviewer Checks**	**Reviewer Completed**	**Reviewer Notes**
13.0 Sharing Responsibility (40 CFR 122.35) (***MS4 - 4.4)***			
The operator may rely on another entity to satisfy the operator's NPDES permit obligation to implement a minimum control measure (40 CFR 122.35).	If an entity other than the MS4 is implementing part or all of a minimum control measure, verify the operator: • Has actually implemented the measure • Has implemented a control measure or component of the control measure that is at least as stringent as the corresponding permit requirements • Has agreed to implement the control measure on the municipality's behalf and that this obligation is maintained as part of the description of the stormwater management program (in the form of a Memorandum of Agreement, etc.)	☐ ☐ ☐	
14.0 Reviewing and Updating Stormwater Management Programs [40 CFR 122.34(g)] (***MS4 - 4.5***)			
The operator must evaluate program compliance, the appropriateness of the identified best management practices, and progress towards achieving the identified measurable goals. [40 CFR 122.34(g)] Permits... may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the Director's initiative. However, permits may only be modified, revoked and reissued, or terminated for the reasons specified in §122.62 or §122.64... All requests shall be in writing and shall contain facts or reasons supporting the request. [40 CFR 124.5]	Verify the operator has performed an annual review of the SWMP in conjunction with the annual report. If modifications have been made to the SWMP, verify a record of written notification of proposed change including: • An analysis of why the BMP is ineffective or infeasible • Expectations of the effectiveness of the replacement BMP • The analysis of why the replacement BMP is expected to achieve goals of replaced BMP • Any modifications to the SWMP are approved by the regulating agency are implemented according to schedule If additional areas have been added to the MS4, verify: • A plan for implementation of the SWMP has been be developed for the area	☐ ☐ ☐ ☐ ☐ ☐ ☐	

Compliance Category: Stormwater Management for Small MS4s			
Regulatory Requirement or Management Practice:	**Reviewer Checks**	**Reviewer Completed**	**Reviewer Notes**
	• The SWMP has been implemented no longer than one year after the addition of the area Note: Only those portions of SWMP required as permit conditions are subject to 4o CFR 1224.5. Modifications of BMPs are considered minor changes and not modifications to the permit.	☐	
15.0 Monitoring (MS4 5.1)			

The operator must evaluate the program compliance, the appropriateness of identified BMPs, and progress towards achieving identified measurable goals. [40 CFR 122.34(g)]
 	
Note: The NPDES permitting authority may determine monitoring requirements for the operator in accordance with state/Tribal monitoring plans appropriate to the watershed. [40 CFR 122.34(g)(1)]
	When monitoring is conducted, verify in records:
	
	• Representative samples and measurements have been taken
	• It is conducted according to the test procedures approved under 40 CFR 136
	• Records include:
	  • Date, location, time of sampling
	  • Name of those performing sampling
	  • Date of analyses
	  • Name of those performing analyses
	  • Analytical techniques or methods used
	  • Results of analyses
	
	Verify monitoring results are reported on a Discharge Monitoring Report (DMR).
	
	If the MS4 discharges to a water for which a TMDL was approved, verify that any additional monitoring requirements were performed.
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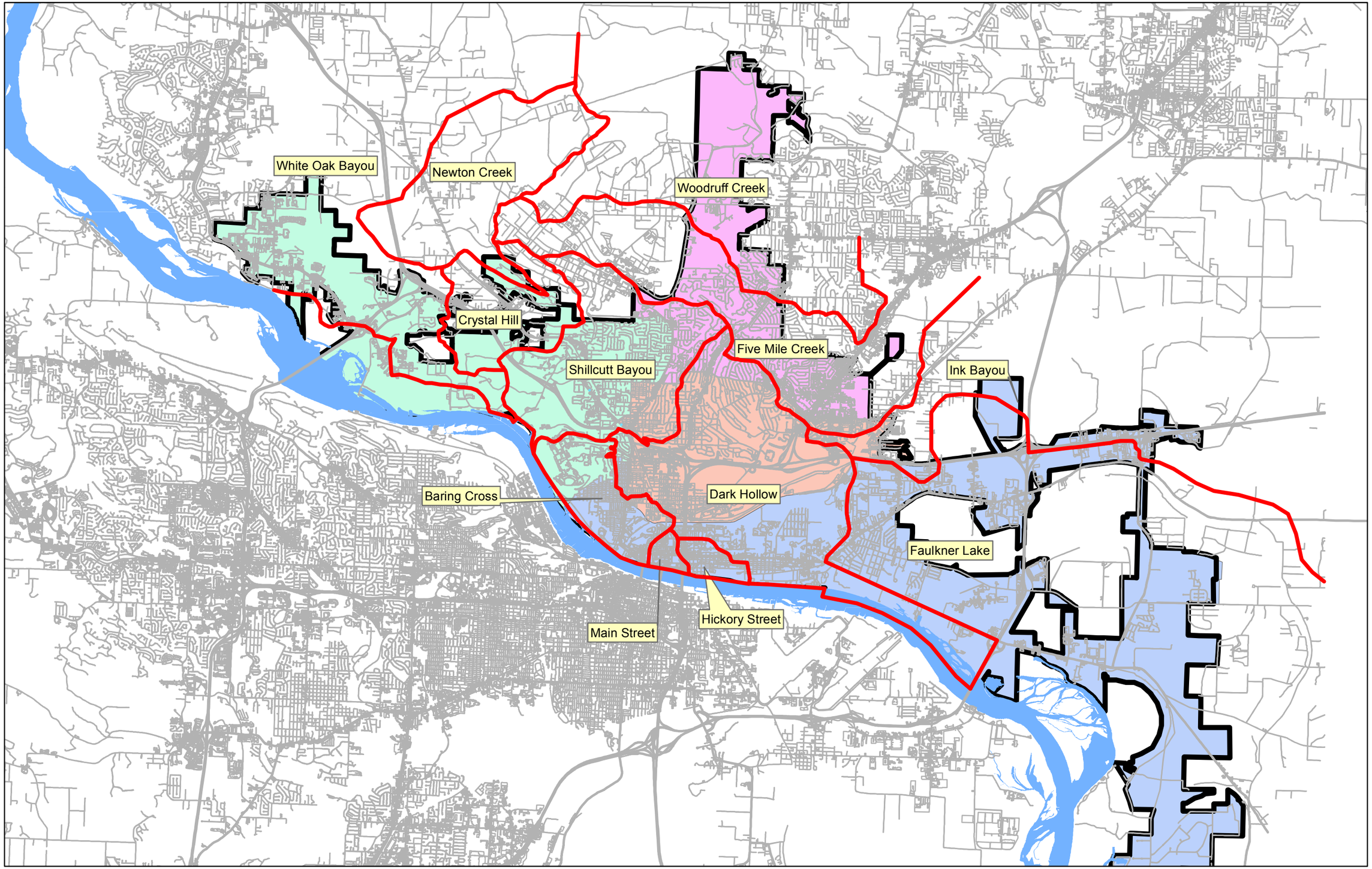
16.0 Recordkeeping (***MS4 - 5.2***)			
The operator must keep records required by the NPDES permit for at least three years. The operator must submit records to the NPDES permitting authority only when specifically asked to do so. The operator must make records, including a description of the	Verify the following are maintained on file: • Records of all monitoring information required in the permit (i.e., calibration and maintenance records, original strip chart recordings for	☐	

Compliance Category: Stormwater Management for Small MS4s			
Regulatory Requirement or Management Practice:	**Reviewer Checks**	**Reviewer Completed**	**Reviewer Notes**
SWMP, available to the public at reasonable times during regular business hours. [40 CFR 122.35(g)(2)]	continuous monitoring instrumentation, analytical laboratory reports) ☐ • Copies of all reports required in permit ☐ ☐ • DMRs ☐ • A copy of the permit • Records of all data used to complete the application (NOI) ☐ Verify a description of the SWMP has been retained in an accessible location for the permitting authority and that records are available to the public.		
17.0 Reporting* (*MS4 - 5.3)			
Unless the operator is relying on another entity to satisfy the NPDES permit obligations under §122.35(a), the operator must submit annual reports to the NPDES permitting authority for the first permit term. For subsequent permit terms, the operator must submit reports in year two and four unless the NPDES permitting authority requires more frequent reports. [40 CFR 122.35 (g)(3)]	Verify an annual report has been submitted as required and includes: ☐ • The status of compliance with permit conditions ☐ • An assessment of the appropriateness of BMPs ☐ • The progress towards achieving the goal of reducing the discharge of pollutants to the MEP ☐ • The measurable goals for each minimum control measure ☐ • The results of information collected and analyzed (if any), including monitoring data used to assess the success of the program ☐ • A summary of stormwater activities planned in the next reporting cycle and schedule ☐ • Any proposed changes to SWMP (including to BMPs and measurable goals) ☐ • Notice that the operator is relying on another entity for permit obligations ☐ Verify that stormwater activities reported in the annual report are being undertaken by the permittee or other entity. ☐		

XIV. APPENDIX 6 – MAPS

NLR DRAINAGE BASINS



1 inch = 8,000 feet

NLR FLOOD HAZARD MAP

Legend

FLD_ZONE, FLOODWAY

- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD,
- A,
- AE,
- AE, FLOODWAY
- AH,
- X PROTECTED BY LEVEE,
- X,

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1 inch = 8,000 feet