

**AUTHORIZATION TO DISCHARGE STORMWATER FROM INDUSTRIAL ACTIVITIES
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.),

The applicant's facility and mailing address is:

Caterpillar Inc.
North American Motor Grader Facility
9201 Faulkner Lake Road
North Little Rock, AR 72117

is authorized to discharge from a facility located as follows: in Pulaski County, Arkansas.

Latitude: 34° 44' 51.64"; Longitude: 92° 9' 36.05"

to receiving waters named:

unnamed ditch, thence into Faulkner Lake, thence into Plum Bayou, thence into the Arkansas River in Segment 3C of the Arkansas River Basin.

The outfalls are located at the following coordinates:

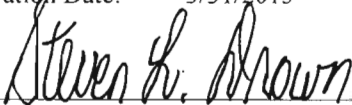
Outfall 001: Latitude: 34° 45' 13.10"; Longitude: 92° 9' 41.23"
Outfall 002: Latitude: 34° 45' 14.64"; Longitude: 92° 9' 37.59"
Outfall 003: Latitude: 34° 45' 15.50"; Longitude: 92° 9' 35.65"
Outfall 004: Latitude: 34° 45' 16.86"; Longitude: 92° 9' 32.82"
Outfall 005: Latitude: 34° 45' 18.53"; Longitude: 92° 9' 29.94"
Outfall 006: Latitude: 34° 45' 20.79"; Longitude: 92° 9' 24.55"
Outfall 007: Latitude: 34° 45' 20.82"; Longitude: 92° 9' 25.62"

Discharge shall be in accordance with effluent limitations, monitoring requirements, and other conditions set forth in the permit.

Issue Date: 3/31/2010

Effective Date: 4/1/2010

Expiration Date: 3/31/2015



Steven L. Drown
Chief, Water Division
Arkansas Department of Environmental Quality

PART 1 PERMIT REQUIREMENTS

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 001 – stormwater associated with industrial activity³.

During the period beginning on the effective date and lasting until the date of expiration, the permittee is authorized to discharge from Outfall 001. Such discharges shall be limited and monitored by the permittee as specified below.

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	Daily Max Concentration (mg/l, unless otherwise specified)		Frequency ²	Sample Type ¹
Chemical Oxygen Demand (COD)	Report		Once/6 Months	Grab
Total Suspended Solids (TSS)	Report		Once/6 Months	Grab
Oil & Grease	Report		Once/6 Months	Grab
pH	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	Once/6 Months	Grab

- 1 The grab sample must be taken from each outfall within the first 30 minutes of a discharge resulting from a measurable storm event (see Part 8.18) that follows the preceding measurable storm event by at least 72 hours (3 days). If it is not possible to collect the sample within the first 30 minutes of a measurable storm event, the sample must be collected as soon as practicable after the first 30 minutes and documentation must be kept with the SWPPP explaining why it was not possible to take samples within the first 30 minutes.
- 2 For each monitoring event, the permittee shall record and report the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; and the duration between the storm event sampled and the end of the previous measurable storm event of the discharge sampled shall be provided.
- 3 See Part 8.33 for definition of stormwater related to an industrial activity.

There shall be no discharge of distinctly visible solids, scum, or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits, or sludge banks. There shall be no visible sheen due to the presence of oil (Sheen means an iridescent appearance on the surface of the water).

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. All samples must be taken at Outfall 001 before the stormwater joins or is diluted by any other waste stream.

PART 1 PERMIT REQUIREMENTS

SECTION B EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 002 – stormwater associated with industrial activity³.

During the period beginning on the effective date and lasting until the date of expiration, the permittee is authorized to discharge from Outfall 002. Such discharges shall be limited and monitored by the permittee as specified below.

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	Daily Max Concentration (mg/l, unless otherwise specified)		Frequency ²	Sample Type ¹
Chemical Oxygen Demand (COD)	Report		Once/6 Months	Grab
Total Suspended Solids (TSS)	Report		Once/6 Months	Grab
Oil & Grease	Report		Once/6 Months	Grab
pH	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	Once/6 Months	Grab

- 1 The grab sample must be taken from each outfall within the first 30 minutes of a discharge resulting from a measurable storm event (see Part 8.18) that follows the preceding measurable storm event by at least 72 hours (3 days). If it is not possible to collect the sample within the first 30 minutes of a measurable storm event, the sample must be collected as soon as practicable after the first 30 minutes and documentation must be kept with the SWPPP explaining why it was not possible to take samples within the first 30 minutes.
- 2 For each monitoring event, the permittee shall record and report the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; and the duration between the storm event sampled and the end of the previous measurable storm event of the discharge sampled shall be provided.
- 3 See Part 8.33 for definition of stormwater related to an industrial activity.

There shall be no discharge of distinctly visible solids, scum, or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits, or sludge banks. There shall be no visible sheen due to the presence of oil (Sheen means an iridescent appearance on the surface of the water).

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. All samples must be taken at Outfall 002 before the stormwater joins or is diluted by any other waste stream.

SECTION C. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 003 – stormwater associated with industrial activity³.

During the period beginning on the effective date and lasting until the date of expiration, the permittee is authorized to discharge from Outfall 003. Such discharges shall be limited and monitored by the permittee as specified below.

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	Daily Max Concentration (mg/l, unless otherwise specified)		Frequency ²	Sample Type ¹
Chemical Oxygen Demand (COD)	Report		Once/6 Months	Grab
Total Suspended Solids (TSS)	Report		Once/6 Months	Grab
Oil & Grease	Report		Once/6 Months	Grab
pH	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	Once/6 Months	Grab

- 1 The grab sample must be taken from each outfall within the first 30 minutes of a discharge resulting from a measurable storm event (see Part 8.18) that follows the preceding measurable storm event by at least 72 hours (3 days). If it is not possible to collect the sample within the first 30 minutes of a measurable storm event, the sample must be collected as soon as practicable after the first 30 minutes and documentation must be kept with the SWPPP explaining why it was not possible to take samples within the first 30 minutes.
- 2 For each monitoring event, the permittee shall record and report the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; and the duration between the storm event sampled and the end of the previous measurable storm event of the discharge sampled shall be provided.
- 3 See Part 8.33 for definition of stormwater related to an industrial activity.

There shall be no discharge of distinctly visible solids, scum, or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits, or sludge banks. There shall be no visible sheen due to the presence of oil (Sheen means an iridescent appearance on the surface of the water).

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. All samples must be taken at Outfall 003 before the stormwater joins or is diluted by any other waste stream.

SECTION D. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 004 – stormwater associated with industrial activity³.

During the period beginning on the effective date and lasting until the date of expiration, the permittee is authorized to discharge from Outfall 004. Such discharges shall be limited and monitored by the permittee as specified below.

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	Daily Max Concentration (mg/l, unless otherwise specified)		Frequency ²	Sample Type ¹
Chemical Oxygen Demand (COD)	Report		Once/6 Months	Grab
Total Suspended Solids (TSS)	Report		Once/6 Months	Grab
Oil & Grease	Report		Once/6 Months	Grab
pH	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	Once/6 Months	Grab

- 1 The grab sample must be taken from each outfall within the first 30 minutes of a discharge resulting from a measurable storm event (see Part 8.18) that follows the preceding measurable storm event by at least 72 hours (3 days). If it is not possible to collect the sample within the first 30 minutes of a measurable storm event, the sample must be collected as soon as practicable after the first 30 minutes and documentation must be kept with the SWPPP explaining why it was not possible to take samples within the first 30 minutes.
- 2 For each monitoring event, the permittee shall record and report the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; and the duration between the storm event sampled and the end of the previous measurable storm event of the discharge sampled shall be provided.
- 3 See Part 8.33 for definition of stormwater related to an industrial activity.

There shall be no discharge of distinctly visible solids, scum, or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits, or sludge banks. There shall be no visible sheen due to the presence of oil (Sheen means an iridescent appearance on the surface of the water).

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. All samples must be taken at Outfall 004 before the stormwater joins or is diluted by any other waste stream.

SECTION E. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 005 – stormwater associated with industrial activity³.

During the period beginning on the effective date and lasting until the date of expiration, the permittee is authorized to discharge from Outfall 005. Such discharges shall be limited and monitored by the permittee as specified below.

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	Daily Max Concentration (mg/l, unless otherwise specified)		Frequency ²	Sample Type ¹
Chemical Oxygen Demand (COD)	Report		Once/6 Months	Grab
Total Suspended Solids (TSS)	Report		Once/6 Months	Grab
Oil & Grease	Report		Once/6 Months	Grab
pH	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	Once/6 Months	Grab

- 1 The grab sample must be taken from each outfall within the first 30 minutes of a discharge resulting from a measurable storm event (see Part 8.18) that follows the preceding measurable storm event by at least 72 hours (3 days). If it is not possible to collect the sample within the first 30 minutes of a measurable storm event, the sample must be collected as soon as practicable after the first 30 minutes and documentation must be kept with the SWPPP explaining why it was not possible to take samples within the first 30 minutes.
- 2 For each monitoring event, the permittee shall record and report the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; and the duration between the storm event sampled and the end of the previous measurable storm event of the discharge sampled shall be provided.
- 3 See Part 8.33 for definition of stormwater related to an industrial activity.

There shall be no discharge of distinctly visible solids, scum, or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits, or sludge banks. There shall be no visible sheen due to the presence of oil (Sheen means an iridescent appearance on the surface of the water).

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. All samples must be taken at Outfall 005 before the stormwater joins or is diluted by any other waste stream.

SECTION F. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 006 – stormwater associated with industrial activity³.

During the period beginning on the effective date and lasting until the date of expiration, the permittee is authorized to discharge from Outfall 006. Such discharges shall be limited and monitored by the permittee as specified below.

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	Daily Max Concentration (mg/l, unless otherwise specified)		Frequency ²	Sample Type ¹
Chemical Oxygen Demand (COD)	Report		Once/6 Months	Grab
Total Suspended Solids (TSS)	Report		Once/6 Months	Grab
Oil & Grease	Report		Once/6 Months	Grab
pH	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	Once/6 Months	Grab

- 1 The grab sample must be taken from each outfall within the first 30 minutes of a discharge resulting from a measurable storm event (see Part 8.18) that follows the preceding measurable storm event by at least 72 hours (3 days). If it is not possible to collect the sample within the first 30 minutes of a measurable storm event, the sample must be collected as soon as practicable after the first 30 minutes and documentation must be kept with the SWPPP explaining why it was not possible to take samples within the first 30 minutes.
- 2 For each monitoring event, the permittee shall record and report the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; and the duration between the storm event sampled and the end of the previous measurable storm event of the discharge sampled shall be provided.
- 3 See Part 8.33 for definition of stormwater related to an industrial activity.

There shall be no discharge of distinctly visible solids, scum, or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits, or sludge banks. There shall be no visible sheen due to the presence of oil (Sheen means an iridescent appearance on the surface of the water).

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. All samples must be taken at Outfall 006 before the stormwater joins or is diluted by any other waste stream.

SECTION G. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 007 – stormwater associated with industrial activity³.

During the period beginning on the effective date and lasting until the date of expiration, the permittee is authorized to discharge from Outfall 007. Such discharges shall be limited and monitored by the permittee as specified below.

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	Daily Max Concentration (mg/l, unless otherwise specified)		Frequency ²	Sample Type ¹
Chemical Oxygen Demand (COD)	Report		Once/6 Months	Grab
Total Suspended Solids (TSS)	Report		Once/6 Months	Grab
Oil & Grease	Report		Once/6 Months	Grab
pH	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	Once/6 Months	Grab

- 1 The grab sample must be taken from each outfall within the first 30 minutes of a discharge resulting from a measurable storm event (see Part 8.18) that follows the preceding measurable storm event by at least 72 hours (3 days). If it is not possible to collect the sample within the first 30 minutes of a measurable storm event, the sample must be collected as soon as practicable after the first 30 minutes and documentation must be kept with the SWPPP explaining why it was not possible to take samples within the first 30 minutes.
- 2 For each monitoring event, the permittee shall record and report the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; and the duration between the storm event sampled and the end of the previous measurable storm event of the discharge sampled shall be provided.
- 3 See Part 8.33 for definition of stormwater related to an industrial activity.

There shall be no discharge of distinctly visible solids, scum, or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits, or sludge banks. There shall be no visible sheen due to the presence of oil (Sheen means an iridescent appearance on the surface of the water).

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. All samples must be taken at Outfall 007 before the stormwater joins or is diluted by any other waste stream.

**PART 2
OTHER CONDITIONS**

- 2.1 In accordance with 40 CFR Parts 122.62 (a)(2) and 124.5, this permit may be reopened for modification or revocation and/or reissuance to require additional monitoring and/or effluent limitations when new information is received that actual or potential exceedance of State water quality criteria and/or narrative criteria are determined to be the result of the permittee's discharge(s) to a relevant water body, or a Total Maximum Daily Load (TMDL) is established or revised for the water body that was not available at the time of the permit issuance that would have justified the application of different permit conditions at the time of permit issuance.
- 2.2 Parameter Benchmark Values:

<u>Effluent Characteristics</u>	<u>Parameter Benchmark Value</u>
	Concentration (mg/l, unless otherwise specified)
Chemical Oxygen Demand (COD)	120
Total Suspended Solids (TSS)	100
Oil and Grease (O&G)	15

If the monitoring results from Part 1 exceeds the parameter benchmark value for any of the effluent characteristics listed above, the facility shall investigate the cause and/or source of the elevated pollutant levels, review the Stormwater Pollution Prevention Plan (SWPPP), and determine and document a corrective action plan to address the benchmark exceedance. The facility shall commence with the above process within 30 calendar days of the exceedance.

The Corrective Action Plan must contain the following: the results of the review; the corrective actions the permittee will take to address the benchmark excursion, including whether a SWPPP modification is necessary; and an implementation schedule including alternative methods for implementing existing site controls or methods for implementing additional effective site controls, if the site controls have not already been implemented.

The permittee must document the date that corrective actions are initiated and are completed or expected to be completed. A copy should be retained onsite with the SWPPP.

- 2.3 Annual Report. The permittee must submit an annual report to the Department that includes the summary of findings from the comprehensive site evaluation (See Part 3.5.8.2) and site inspections (See Part 3.5.8.1) and any corrective action plans written under Part 2.2. The permittee must include the status of any corrective actions not yet completed at the time of submission of this annual report.

The annual report shall also include the following: Facility name, Permit number, Facility physical address, and Contact person name, title, and phone number.

Reports are due by the 31st day of January each year for the previous January – December reporting period. The first report may be for a period that is less than a year. All annual reports must be signed in accordance with the provisions of 40 CFR 122.22, as adopted by reference in APCEC Regulation No. 6, and Part 7.6 of this permit.

- 2.4 The facility may obtain coverage under the Industrial Stormwater General Permit (ARR000000) when the general permit becomes available. If the general permit is not available during this permit term, the permittee must reapply in accordance with Part 7.5.

In order to avoid conflict with the “anti-backsliding” provisions of the Clean Water Act (CWA), a permit transfer will be allowed only if the individual permit does not contain numeric water quality-based limitations for the discharge. Note that a simple pH range limit would not necessarily have to be considered a water-quality based limit unless developed to address known discharge problems at a particular facility. Compliance with the numeric limitations under the individual permit may also be criteria for eligibility to transfer from an individual NPDES permit to the General Permit.

- 2.5 The permittee may apply in writing for a waiver for any effluent characteristic in Part 1, except for effluent limitation guidelines, upon the successful completion of four consecutive sampling periods with no exceedances of the parameter benchmark values in Part 2.2. The request may be sent to the Permits Branch of the Water Division to the address specified in Part 6.4 Upon review and acceptance of this information, the Department will issue a letter of confirmation of minor modification of the waiver. A copy of the letter will be forwarded to the Permit Compliance System section to update the permit reporting requirements.

PART 3
STORMWATER POLLUTION PREVENTION PLANS (SWPPP)

- 3.1 The facility shall prepare a SWPPP for your facility within 60 days of the effective date of this permit. The SWPPP must:
- a. Identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges from your facility;
 - b. Describe and ensure implementation of practices which you will use to reduce the pollutants in stormwater discharges from the facility; and
 - c. Assure compliance with the terms and conditions of this permit.

The Permittee must update the SWPPP as necessary in order to maintain compliance with permit conditions.

- 3.3 **Enhanced/Additional Best Management Practices (BMPs):** The Permittee shall provide a schedule in the SWPPP for implementation of any additional or enhanced BMPs that are necessary because of a notice from ADEQ, facility changes, or self-inspection. Complying with this provision does not limit the potential liability for enforcement action where the Permittee has failed to implement required BMPs or where stormwater discharges violate water quality standards. ADEQ may issue a notice to the Permittee when the SWPPP does not meet one or more of the minimum requirements of the permit or when it is not adequate to assure compliance with water quality standards. The Permittee shall modify the SWPPP and the BMPs to correct the deficiencies identified in the notice. ADEQ may require additional BMPs where the Permittee exceeds benchmark values for required sampling. The Permittee shall modify the SWPPP whenever there is a change in design, construction, operation or maintenance of any BMP which cause(s) the SWPPP to be less effective in controlling the pollutants.
- 3.4 **Other Pollution Control Plans:** The Permittee may incorporate by reference applicable portions of plans prepared for other purposes at their facility. Plans or portions of plans incorporated into a SWPPP become enforceable requirements of this permit if the other plans are not regulated through other programs and must meet the availability requirements of the SWPPP.
- 3.5 **Contents of SWPPP.** The SWPPP shall include, at a minimum, the following elements:
- 3.5.1 **Facility Information.** Each SWPPP shall include the facility name, permit number, facility physical address, and the facility's SIC and NAICS codes.
 - 3.5.2 **Stormwater Pollution Prevention Team.** Each SWPPP shall identify a specific

individual or position within the facility's organization as members of a Stormwater Pollution Prevention Team that are responsible for developing the SWPPP and assisting the facility or plant manager in its implementation, maintenance, and revision. The SWPPP shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's SWPPP.

Please note that common positions (i.e. secretary, operator, etc) may not be used. A specific position or individuals name must be listed.

3.5.3 **Facility Description:** The facility description will describe the industrial activities conducted at the site (detailed process description), the general layout of the facility including buildings and storage of raw materials, and the flow of goods and materials through the facility. It should include seasonal variations including peaks in production and any changes in work based on season or weather (e.g. moving work outdoors on dry days).

3.5.4 **Site map.** Provide a map showing the following as necessary:

- a. the size of the property in acres;
- b. the location and extent of significant structures and impervious surfaces;
- c. directions of stormwater flow (use arrows);
- d. locations of all existing structural control measures;
- e. locations of all receiving waters in the immediate vicinity of the facility;
- f. locations of all stormwater conveyances including ditches, pipes, and swales;
- g. locations of potential pollutant sources;
- h. locations of all stormwater monitoring points;
- i. locations of stormwater inlets and outfalls, with a unique identification code for each outfall, indicating if one or more outfalls is being treated as "substantially identical", and an approximate outline of the areas draining to each outfall;
- j. Municipal Separate Storm Sewer Systems (MS4), where the stormwater discharges to them (if applicable);
- k. locations and descriptions of all non-stormwater discharges identified;
- l. locations of the following activities where such activities are exposed to precipitation: fueling stations; vehicle and equipment maintenance and/or cleaning areas; loading/unloading areas; locations used for the treatment, storage, or disposal of wastes; liquid storage tanks; processing and storage areas; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; transfer areas for substances in bulk; and machinery; and
- m. locations and sources of run-on to the site from adjacent property that contains significant quantities of pollutants.

3.5.5 **Description of potential pollutant sources.** Each SWPPP shall provide a description of potential sources which may be reasonably expected to add significant amounts of pollutants to stormwater discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each SWPPP shall identify all activities and significant materials which may potentially be significant pollutant sources. Each SWPPP shall include, at a minimum;

3.5.5.1 **Industrial Activities.** The inventory of industrial activities will identify all areas associated with industrial activities which have been or may potentially be sources of significant amounts of pollutants, including the following:

- a. Loading and unloading of dry bulk materials or liquids;
- b. Outdoor storage of materials or products;
- c. Outdoor manufacturing and processing;
- d. Dust or particulate generating processes;
- e. Roofs or other surfaces exposed to air emissions from a manufacturing building or a process area;
- f. On-site waste treatment, storage or disposal;
- g. Vehicle and equipment fueling, maintenance and/or cleaning (includes washing); and
- h. Roofs or other surfaces composed of materials that may be mobilized by stormwater (e.g. galvanized or copper roofs).

3.5.5.2 **Inventory of Exposed Materials.** An inventory of the types of materials handled at the site that potentially may be exposed to precipitation shall be provided. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored, or disposed of in a manner to allow exposure to stormwater after the date of three years prior to the effective date of this permit, method and location of on-site storage and disposal; materials management practices employed to minimize contact of these materials with stormwater runoff between the time of three years prior to the effective date of this permit and the present; the location and a description of existing structural and nonstructural control measures to reduce pollutants in stormwater runoff; and a description of any treatment the stormwater receives.

3.5.5.3 **Spills and Leaks.** A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas exposed to precipitation or that otherwise drain to a stormwater conveyance at the facility after the date of three years prior to the effective date of this permit. This list shall be updated as appropriate during the term of the permit.

3.5.5.4 **Sampling Data.** A summary of existing discharge sampling data

describing pollutants in stormwater discharges from the facility, including a summary of sampling data collected during the term of this permit.

3.5.5.5 **Risk Identification and Summary of Potential Pollutant Sources.** A narrative description of the potential pollutant sources at the following areas: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and on-site waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g. biochemical oxygen demand, etc.) of concern shall be identified.

3.5.6 **Measures and Controls.** Each facility covered by this permit shall develop a description of stormwater management controls appropriate for the facility and implement such controls. The appropriateness and priorities of controls in the SWPPP shall reflect identified potential sources of pollutants at the facility. The selection, design, installation, and implementation of these control measures must be in accordance with good engineering practices and manufacturer's specifications. Note that a permittee may deviate from such manufacturer's specifications where justification is provided for such deviation and include documentation of the rationale in the part of the SWPPP that describes the control measures. If control measures are found not to be achieving their intended effect of minimizing pollutant discharges, the control measures must be modified as expeditiously as practicable.

The following should be considered when selecting and designing control measures:

- a. preventing stormwater from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from stormwater;
- b. using control measures in combination is more effective than using control measures in isolation for minimizing pollutants in stormwater discharges;
- c. assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures that will achieve the limits in this permit;
- d. minimizing impervious areas at the facility and infiltrating runoff onsite (including bio-retention cells, green roofs, and pervious pavement, among other approaches) can reduce runoff and improve groundwater recharge and stream base flows in local streams, although care must be taken to avoid ground water contamination;
- e. attenuating flow using open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;
- f. conserving and/or restoring of riparian buffers will help protect streams from stormwater runoff and improve water quality; and

- g. using treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.

For Guidance on potential pollutant sources and controls that should be considered in development of the SWPPP for a specific type of industry, refer to EPA's Multi-Sector General Permit (available online via link at (<http://www.epa.gov/region6/6wq/npdes/sw/industry/index.htm>)). The description of stormwater management controls shall address the following minimum components, including a schedule for implementation.

3.5.6.1 **Best Management Practices (BMPs)**. The SWPPP must include a description of the best management practices (BMPs) that are used by the facility to eliminate or reduce the potential to contaminate stormwater. BMPs must also be considered to regulate peak flow and volume of stormwater discharge.

3.5.6.2 **Minimize Exposure**. Exposure of potential pollutant sources in manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff should be minimized by either locating these industrial materials and activities inside or protecting them with storm resistant coverings (although significant enlargement of impervious surface area is not recommended). In minimizing exposure, one should pay particular attention to the following:

- a. use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
- b. locate materials, equipment, and activities so that leaks are contained in existing containment and diversion systems (confine the storage of leaky or leak-prone vehicles and equipment awaiting maintenance to protected areas);
- c. clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;
- d. use drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible;
- e. use spill/overflow protection equipment;
- f. drain fluids from equipment and vehicles prior to on-site storage or disposal;
- g. perform all cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray; and
- h. ensure that all washwater drains to a proper collection system (i.e., not the stormwater drainage system).

3.5.6.3 **Good Housekeeping**. Good housekeeping requires exposed areas that are potential sources of pollutants in stormwater discharges in a clean, orderly manner.

3.5.6.4 **Preventive Maintenance.** A preventive maintenance program shall involve inspection and maintenance of stormwater management devices (cleaning oil/water separators, catch basins, etc.) as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to waters, and ensuring appropriate maintenance of such equipment and systems.

3.5.6.5 **Spill Prevention and Response Procedures.** The facility must minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop plans for effective response to such spills if or when they occur. Areas where potential spills can occur that can contribute pollutants to stormwater discharges and their accompanying drainage points shall be identified clearly in the SWPPP. At a minimum, the following should be implemented:

- a. Procedures for plainly labeling containers (e.g., “Used Oil,” “Spent Solvents,” “Fertilizers and Pesticides,” etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
- b. Preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;
- c. Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of the stormwater pollution prevention team; and
- d. Procedures for notification of appropriate facility personnel and emergency response agencies. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period, one must notify the National Response Center (NRC) at (800) 424-8802 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 as soon as their is knowledge of the discharge. Contact information must be in locations that are readily accessible and available.

3.5.6.6 **Employee Training.** Employee training programs shall inform personnel responsible for implementing activities identified in the stormwater pollution prevention plan or otherwise responsible for stormwater

management at all levels of responsibility of the components and goals of the SWPPP. Training should address topics such as spill response, good housekeeping, and material management practices. The SWPPP shall identify periodic dates for such training and records of training must 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 must be accessible upon request.

3.5.6.7 **Erosion and Sediment Control.** The SWPPP shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion.

3.5.6.8 **Management of Run-on and Runoff.** The SWPPP shall contain a narrative consideration of the appropriateness of traditional stormwater management practices (practices other than those which control the source of pollutants) used to divert, infiltrate, reuse, or otherwise manage stormwater runoff in a manner that reduces pollutants in stormwater discharges from the site. The SWPPP shall provide that measures determined to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to stormwater discharges associated with industrial activity shall be considered when determining reasonable and appropriate measures. Appropriate measures may include but are not limited to: vegetative swales and practices reuse of collected stormwater (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices.

3.5.7 **Authorized Non-Stormwater Discharges.** Except for flows from sources of non-stormwater listed in this permit that are combined with stormwater discharges associated with industrial activity must be identified in the SWPPP. The SWPPP shall identify and ensure the implementation of appropriate pollution prevention measures for the non-stormwater component(s) of the discharge.

3.5.8 **Evaluations and Inspections.**

3.5.8.1 **Visual Site Inspections.** Qualified facility personnel shall be identified to conduct routine facility inspections of all areas of the facility where industrial materials or activities are exposed to stormwater, all stormwater control measures used to comply with this permit, and stormwater outfalls (if accessible) for the presence of floating materials, visible sheen, discoloration, turbidity, odor, etc. Inspections should be performed not less than four (4) times a year.

At least one of the four required inspections must be conducted during a period when a stormwater discharge is occurring.

One inspection shall check for the presence of non-stormwater discharges, such as domestic wastewater, non-contact cooling water, or process wastewater (including leachate), to the stormwater drainage system that are not authorized under this general permit. This shall be done preferably during dry weather, when it is easier to find non-stormwater discharges. If a non-stormwater discharge is discovered, the Permittee shall notify ADEQ and eliminate the illicit discharge within 30 days.

The permittee must document the findings of each visual inspection performed and maintain this documentation onsite with the SWPPP. At a minimum, documentation of each site inspection must include: date of inspection, personnel making the inspection, major observations, and a summary of actions that need to be taken as a result of the inspection.

3.5.8.2 **Comprehensive Site Compliance Evaluation.** Qualified personnel shall conduct site compliance evaluations at appropriate intervals specified in the SWPPP, in no case less than once per year.

- a. Areas contributing to a stormwater discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit and SWPPP, or whether additional control measures are needed. Structural stormwater management measures, sediment and control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are properly maintained and operated correctly. A visual inspection of equipment needed to implement the spill response shall be conducted.
- b. Based on the results of the inspection, the description of potential pollutant sources identified in the SWPPP in accordance with Description of Potential Pollutant Sources of this permit and pollution prevention measures identified in the SWPPP in accordance with Measures and Controls of this permit shall be revised as appropriate within 30 days of such inspection. Implementation of any changes to the SWPPP made shall be performed in a timely manner, but in no case more than 90 days from the inspection.
- c. A report summarizing the scope of the inspection, personnel making the inspection, date(s) of the inspection, major observations relating to the implementation of the SWPPP, and actions taken shall be made and retained as part of the SWPPP in accordance with Part 3.12.1. The

report shall be signed in accordance with Part 7.6 of this permit.

- d. The annual comprehensive site compliance evaluation may also be used as one of the routine inspections, as long as all requirements of both types of inspections are have been fulfilled.

- 3.5.9 **Recordkeeping and Internal Reporting Procedures.** A description of incidents such as spills or other discharges, along with other information describing the quality and quantity of stormwater discharges shall be included in the SWPPP required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the SWPPP.
- 3.5.10 **Certification.** All SWPPP must contain a certification per Part 7.6.3. of this permit and must be signed in accordance with the provisions of 40 CFR 122.22, as adopted by reference in APCEC Regulation No. 6, and Part 7.6 of this permit.

PART 4 STANDARD CONDITIONS

4.1 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; and/or for denial of a permit renewal application.

4.2 Penalties for Violations of Permit Conditions

The Arkansas Water and Air Pollution Control Act 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 fine 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.

4.3 Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to the following:

- 4.3.1. Violation of any terms or conditions of this permit; or
- 4.3.2. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- 4.3.3. A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
- 4.3.4. 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.
- 4.3.5. Failure of the permittee to comply with the provisions of APCEC Regulation No. 9 (Permit fees) as required by Part 4.9 herein.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

4.4 Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of this permit or applicable state and federal statutes or regulations which defeats the regulatory purposes of the permit may subject the permittee to criminal enforcement pursuant to the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

4.5 Oil and Hazardous Substance Liability

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 to which the permittee is or may be subject to under Section 311 of the Clean Water Act.

4.6 State 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 State law or regulation under authority preserved by Section 510 of the Clean Water Act.

4.7 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 exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

4.8 Severability

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

4.9 Permit Fees

The permittee shall comply with all applicable permit fee requirements for discharge permits as described in APCEC Regulation No. 9 (Regulation for the Fee System for Environmental Permits). 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 Parts 122.64 and 124.5 (d), as adopted in APCEC Regulation No. 6 and the provisions of APCEC Regulation No. 8.

4.10 **Local Requirements.**

All dischargers must 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 must comply with local stormwater management requirements, policies, or guidelines including erosion and sediment control.

4.11 **Inspection and Entry**

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- 4.11.1 Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- 4.11.2 Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- 4.11.3 Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, and
- 4.11.4 Sample, inspect, or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

4.12 **Applicable Federal, State or Local 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.

PART 5
OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

5.1 Proper Operation and Maintenance

5.1.1. The permittee shall at all times properly operate and maintain all controls (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

5.1.2. The permittee shall provide an adequate operating staff which is duly qualified to carryout operation, maintenance, and testing functions required to insure compliance with the conditions of this permit.

5.2 Need to Halt or Reduce 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. Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production or discharges or both until the facility is restored or an alternative method of treatment is provided.

5.3 Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment or the water receiving the discharge.

PART 6 MONITORING AND RECORDS

6.1 Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Director. Intermittent discharges shall be monitored.

6.2 Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals frequent enough to insure accuracy of measurements and shall insure that both calibration and maintenance activities will be conducted. An adequate analytical quality control program, including the analysis of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory. At a minimum, spikes and duplicate samples are to be analyzed on 10% of the samples.

6.3 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 ten thousand dollars (\$10,000) or by both such fine and imprisonment.

6.4 Reporting of Monitoring Results

Monitoring results must be reported on a Discharge Monitoring Report (DMR) form. Permittees are required to use preprinted DMR forms provided by ADEQ, unless specific written authorization to use other reporting forms is obtained from ADEQ. Monitoring results obtained during the monitoring period shall be summarized and reported on a DMR form postmarked no later than the 25th day of the month following the completed reporting period to begin on the effective date of the permit. Duplicate copies of DMR forms signed and certified as required by Part 7.6. and all other reports required by Part 7.6.2., shall be submitted to the Director at the following address:

Permits Enforcement Branch
Water Division
Arkansas Department of Environmental Quality

5301 Northshore Drive
North Little Rock, AR 72118-5317

If permittee uses outside laboratory facilities for sampling and/or analysis, the name and address of the contract laboratory shall be included on the DMR.

6.5 **Additional Monitoring by the Permittee**

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated on the DMR.

6.6 **Retention of Records**

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the Director at any time.

6.7 **Record Contents**

Records and monitoring information shall include:

- 6.7.1. The date, exact place, time and methods of sampling or measurements, and preservatives used, if any;
- 6.7.2. The individuals(s) who performed the sampling or measurements;
- 6.7.3. The date(s) and time analyses were performed;
- 6.7.4. The individual(s) who performed the analyses;
- 6.7.5. The analytical techniques or methods used; and
- 6.7.6. The measurements and results of such analyses.

PART 7 REPORTING REQUIREMENTS

7.1 Transfers

The permit is nontransferable to any person except after notice to the Director within 30 days of the transaction. In accordance with 40 CFR 122.63, the Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

7.2 Monitoring Reports

Monitoring results shall be reported at the intervals and in the form specified in Part 6.4. **Discharge Monitoring Reports must be submitted even when no discharge occurs during the reporting period.**

7.3 Non-Compliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit that could result in the discharge of pollutants in a significant amount, the Permittee shall:

7.3.1 Take immediate action to minimize potential contamination or otherwise stop the noncompliance and correct the problem;

7.3.2 Immediately notify ADEQ of the failure to comply; and

7.3.3 Submit a detailed written report to ADEQ within thirty [30] days unless ADEQ requests an earlier submission.

The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

7.4 Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit. Information shall be submitted in the form, manner and time frame requested by the Director.

7.5 **Duty to Reapply**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The complete application shall be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated in APCEC Regulation No. 6.

7.6 **Signatory Requirements**

All applications, reports, or information submitted to the Director shall be signed and certified as follows:

7.6.1 All **permit applications** shall be signed as follows:

7.6.1.1 For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

- a. 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
- b. The manager of one or more manufacturing, production, or operation 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.

7.6.1.2 For a partnership or sole proprietorship: by a general partner or proprietor, respectively; or

7.6.1.3 For a municipality, State, Federal, or other public agency, by either a principal executive officer 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.

7.6.2 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:

7.6.2.1 The authorization is made in writing by a person described above.

7.6.2.2 The authorization specified 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, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

7.6.2.3 The written authorization is submitted to the Director.

7.6.3 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 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.”

7.7 **Availability of Reports**

Except for data determined to be confidential under 40 CFR Part 2 and APCEC Regulation No. 6, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department of Environmental Quality. As required by the Regulations, the name and address of any permit applicant or permittee, permit applications, permits, and effluent data shall not be considered confidential.

7.8 **Penalties for Falsification of Reports**

The Arkansas Air and Water 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 III.A.2. and/or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

PART 8 DEFINITIONS

All definitions contained in Section 502 of the Clean Water Act shall apply to this permit and are incorporated herein by reference. Additional definitions of words or phrases used in this permit are as follows:

- 8.1 "**Act**": the Clean Water Act, Public Law 95-217 (33.U.S.C. 1251 et seq.) as amended.
- 8.2 "**Administrator**": the Administrator of the U.S. Environmental Protection Agency.
- 8.3 "**ADEQ**": 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.
- 8.4 "**Applicable water quality standards**": all water quality standards to which a discharge is subject under the federal Clean Water Act and which has been (a) approved or permitted to remain in effect by the Administrator following submission to the Administrator pursuant to Section 303(a) of the Act, or (b) promulgated by the Director pursuant to Section 303(b) or 303(c) of the Act, and standards promulgated under (APCEC) Regulation No. 2, as amended.
- 8.5 "**APCEC**": the Arkansas Pollution Control and Ecology Commission.
- 8.6 "**Best Management Practices (BMPs)**": schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of Waters of the State. 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.
- 8.7 "**Contaminated**": the presence of or entry into the MS4, Waters of the State, or Waters of the United States of any substance which may be harmful to the public health and/or the quality of the water.
- 8.8 "**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.
- 8.9 "**CWA**": the Clean Water Act or the Federal Water Pollution Control Act.
- 8.10 "**Department**": the Arkansas Department of Environmental Quality (ADEQ).
- 8.11 "**Director**": the Director of the Arkansas Department of Environmental Quality., or a designated representative.
- 8.12 "**Discharge**": when used without qualification means the "discharge of a pollutant".
- 8.13 "**Grab sample**": an individual sample collected in less than 15 minutes in conjunction with an instantaneous flow measurement.
- 8.14 "**Impaired Water**": a water body listed in the current, approved Arkansas 303(d) list.
- 8.15 "**Harmful quantity**": the amount of any substance that will cause pollution of Waters in the State, Waters of the United States, or that will cause lethal or sub-lethal adverse effects on representative, sensitive aquatic monitoring organisms, upon their exposure to samples of any discharge into Waters in the State, Waters of the United States, or the MS4.
- 8.16 "**Landfill**": an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.
- 8.17 "**Large and Medium Municipal Separate Storm Sewer System**": all municipal separate storm sewer systems that are either:

- 8.17.1 Located in an incorporated place with a population of 100,000 or more as determined by the 1990 Decennial Census by the Bureau of the Census (Appendix F of 40 CFR Part 122.26); or
- 8.17.2 Located in the counties listed in Appendix H of 40 CFR 122.26, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties; or
- 8.17.3 Owned or operated by a municipality other than those described in paragraph (b)(4)(i) or (ii) of 40 CFR 122.26 and that are designated by the Director as part of the large or medium municipal separate storm sewer system due to the interrelationship between the discharges of the designated storm sewer and the discharges from municipal separate storm sewers described under paragraph (b)(4)(i) or (ii) of 40 CFR 122.26.
- 8.18 "**Measurable Storm Events**": a storm event that results in an actual discharge from the site.
- 8.19 **The term "µg/l"**: micrograms per liter or parts per billion (ppb).
- 8.20 **The term "mg/l"**: milligrams per liter or parts per million (ppm).
- 8.21 "**National Pollutant Discharge Elimination System**": the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under Sections 307, 402, 318, and 405 of the Clean Water Act.
- 8.22 "**Operator**": for the purpose of this permit and in the context of stormwater associated with industrial 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.
- 8.23 "**Outfall**": a point source where stormwater leaves the site.
- 8.24 "**Physically Interconnected**": 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.
- 8.25 **The term "ppm"**: parts per million.
- 8.26 "**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.
- 8.27 "**POTW**": a Publicly Owned Treatment Works.
- 8.28 "**Severe property damage**": substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in products.
- 8.29 "**Small Municipal Separate Storm Sewer System**": all municipal separate storm sewer systems that are either:
- 8.29.1 Owned or operated by the United States, 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 district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to Waters of the United States.

- 8.29.2 Not defined as “large” or “medium” municipal separate storm sewer systems pursuant to paragraphs (b)(4) and (b)(7) 40 CFR 122.26, or designated under paragraph (a)(1)(v) of 40 CFR 122.26.
- 8.29.3 This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.
- 8.30 "**Significant Materials**": includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of CERCLA; any chemical the facility is required to report pursuant to Section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.
- 8.31 "**Significant Spills**": includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (see 40 CFR 110.10 and 40 CFR 117.21) or Section 102 of CERCLA (see 40 CFR 302.4).
- 8.32 "**Stormwater**": stormwater runoff, snow melt runoff, and surface runoff and drainage.
- 8.33 "**Stormwater Associated with Industrial Activity**": the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program. For the categories of industries identified in subparagraphs (i) through (xi) of this definition, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product, or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described, regulated areas. Industrial facilities (including industrial facilities that are Federally, State or municipally owned or operated that meet the description of the facilities listed in paragraphs (i) - (xi))

include those facilities designated under 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this subsection:

- (i) Facilities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (xi) of this paragraph; "Note that the phrase 'toxic pollutant effluent standards' refers to standards codified at 40 CFR 129 which applies only to manufacturers of 6 specific pesticide products that are defined as toxic pollutants. The phrase does not apply to facilities subject to effluent limitation guidelines for toxics under 40 CFR Subchapter N.")
- (ii) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373;
- (iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations meeting the definition of a reclamation area under 40 CFR 434.11(l)) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge stormwater contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, by-products, or waste products located on the site of such operations; inactive mining operations are mining sites that are not being actively mined, but which have an identifiable Operator;
- (iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;
- (v) Landfills, land application sites, and open dumps that have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to Subtitle D of RCRA;
- (vi) Facilities involved in the recycling of materials, including junkyards, battery reclaimers, salvage yards, and automobile junkyards, including but not limited to those classified as Standard Industrial Classification 5015 and 5093;
- (vii) Steam electric power generating facilities, including coal handling sites;
- (viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-4225), 43, 44, 45 and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (i) -(vii) or (ix) - (xi) of this subsection are associated with industrial activity;
- (ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 MGD or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens, or lands used for sludge management where sludge is beneficially reused and which

are not physically located in the confines of the facility, or areas that are in compliance with 40 CFR 405.

- (xi) 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 or more (This part of the definition is not covered under this permit. Stormwater from Construction activities is covered under ARR150000);
 - (xii) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285,30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221 -4225.
- 8.34 **"Stormwater Pollution Prevention Plan (SWPPP or SWP3)":** a plan that includes site map(s), an identification of facility, activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants (BMPs).
- 8.35 **The term "s.u.":** standard units.
- 8.36 **"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 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 either mass per time, toxicity, or other appropriate measure.
- 8.37 **"Uncontaminated":** the water will not exceed the water quality standards as set forth in APCEC Regulation 2; also not containing a harmful quantity of any substance.
- 8.38 **"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.
- 8.39 **"Waste Pile":** any non-containerized accumulation of solid, non-flowing waste that is used for treatment or storage.
- 8.40 **"10-year, 24-hour Precipitation Event":** the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40", May 1961 and "NOAA Atlas 2", 1973 for the 11 Western States, and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U. S. Department of Commerce.
- 8.41 **"Composite sample"** is a mixture of grab samples collected at the same sampling point at different times, formed either by continuous sampling or by mixing a minimum of four discrete samples. May be "time-composite"(collected at constant time intervals) or "flow proportional"(collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increased while maintaining a constant time interval between the aliquots).
- 8.42 **Monitoring and Reporting:**

When a permit becomes effective, monitoring requirements are of the immediate period of the permit effective date. Where the monitoring requirement for an effluent characteristic is monthly or more frequently, the Discharge Monitoring Report (DMR) shall be submitted by the 25th of the month following the sampling. Where the monitoring requirement for an effluent characteristic is Quarterly, Semi-Annual, Annual, or Yearly, the DMR shall be submitted by the 25th of the month following the monitoring period end date.

MONTHLY:

is defined as a calendar month or any portion of a calendar month for monitoring requirement frequency of once/month or more frequently.

SEMI-ANNUAL:

is defined as the fixed time periods January through June, and July through December (or any portion thereof) for an effluent characteristic with a measurement frequency of once/6 months or twice/year.

ANNUAL or YEARLY:

is defined as a fixed calendar year or any portion of the fixed calendar year for an effluent characteristic or parameter with a measurement frequency of once/year. A calendar year is January through December, or any portion thereof.

Statement of Basis

This Statement of Basis is for information and justification of the permit conditions only and is not enforceable.

For issuance of the discharge Permit Number AR0051454 with AFIN 60-01529 to discharge to Waters of the State

1 PERMITTING AUTHORITY.

The issuing office is:

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

2 APPLICANT.

The applicant's facility and mailing address is:

Caterpillar Inc.
North American Motor Grader Facility
9201 Faulkner Lake Road
North Little Rock, AR 72117

3 PREPARED BY.

The permit was prepared by:

Jennifer Harmon
Staff Engineer
Permits Branch, Water Division
(501) 682-0627
E-Mail: harmonj@adeq.state.ar.us

4 PERMIT ACTIVITY.

The permittee submitted an application for a new permit on 12/14/2009, with additional information received 12/29/2009. This discharge permit is issued for a 5-year term in accordance with regulations promulgated at 40 CFR Part 122.46(a).

5 RECEIVING STREAM SEGMENT AND DISCHARGE LOCATION.

The outfalls are located at the following coordinates based on Google Earth using WGS84:

Outfall 001: Latitude: 34° 45' 13.10"; Longitude: 92° 9' 41.23"

Outfall 002: Latitude: 34° 45' 14.64"; Longitude: 92° 9' 37.59"
Outfall 003: Latitude: 34° 45' 15.50"; Longitude: 92° 9' 35.65"
Outfall 004: Latitude: 34° 45' 16.86"; Longitude: 92° 9' 32.82"
Outfall 005: Latitude: 34° 45' 18.53"; Longitude: 92° 9' 29.94"
Outfall 006: Latitude: 34° 45' 20.79"; Longitude: 92° 9' 24.55"
Outfall 007: Latitude: 34° 45' 20.82"; Longitude: 92° 9' 25.62"

The receiving waters named:

unnamed ditch, thence into Faulkner Lake, thence into Plum Bayou, thence into the Arkansas River in Segment 3C of the Arkansas River Basin.

6 **303(d) LIST AND ENDANGERED SPECIES CONSIDERATIONS.**

a. **303(d) List:**

The receiving stream is not listed on the 303(d) list. Therefore no permit action is needed.

b. **Endangered Species:**

ADEQ has concluded that issuance of this discharge permit will have no effect on any endangered or candidate species or the critical habitat. A complete copy of the application has been sent to USF&WS for review. No comments were received from the U.S. Fish and Wildlife Service (USF&WS).

7 **OUTFALL AND TREATMENT PROCESS DESCRIPTION.**

The following is a description of the facility described in the application:

Discharge Description: stormwater associated with an industrial activity. This permit does not authorize the discharge of process water or stormwater commingled with process water.

Facility Status: This facility was evaluated using the NPDES Permit Rating Worksheet (MRAT) to determine the correct permitting status. Since the facility's MRAT score of 10 is less than 80, this facility is classified as a Minor industrial.

8 **APPLICANT ACTIVITY.**

Under the Standard Industrial Classification (SIC) code of 3531 or North American Industry Classification System (NAICS) code of 333120, the applicant's activities are the operation of Construction Machinery Manufacturing. The permit is for stormwater discharges from the above described industrial activity.

9 PERMIT CONDITIONS FOR OUTFALLS 001-007.

The Arkansas Department of Environmental Quality has made a determination to issue a permit for the discharge described in the application. Permit requirements are based on federal regulations (40 CFR Parts 122, 124, and Subchapter N) and regulations promulgated pursuant to the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended, Ark. Code Ann. 8-4-101 et. seq.).

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	Daily Max Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
Chemical Oxygen Demand (COD)	Report		Once/6 Months	Grab
Total Suspended Solids (TSS)	Report		Once/6 Months	Grab
Oil & Grease	Report		Once/6 Months	Grab
pH	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	Once/6 Months	Grab

10 BASIS FOR PERMIT CONDITIONS.

10.1 Technology Requirements (Best Conventional Pollutant Control Technology (BCT) and Best Available Technology Economically Achievable (BAT))

The following is an explanation of the derivation of the conditions of the permit and the reasons for the decisions as required under 40 CFR Part 124.7 (48 FR 1413, April 1, 1983).

Two types of technology-based effluent limitations must be included in the permits. With regard to conventional pollutants, i.e., pH, BOD, oil and grease, TSS and fecal coliform, CWA section 301 (b)(1)(E) requires effluent limitations based on "best conventional pollution control technology" (BCT). With regard to non-conventional 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.

No effluent limitation guidelines (ELG) based on BPT, BCT, and BAT standards have been promulgated for stormwater discharges from the regulated industrial activity. Therefore, in accordance with 40 CFR 122.44(k)(3) requirements for the development, implementation, and compliance of a Stormwater Pollution Prevention Plans (SWPPPs) in form of the Best Management Practices (BMPs) implementing the required elements of the SWPPP in lieu of numerical limitations are considered to be technology-based limits and it will comply with 40 CFR 122.44(d).

In order to determine the overall effectiveness of BMPs and control measures in controlling the discharge of pollutants to the environment and to assist the facility in knowing when additional corrective action(s) may be necessary, monitoring for Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), and Oil and Grease (O&G) have been included in the permit.

Each parameter has a Parameter Benchmark Value (contained in Part 2.3 of the permit). This value provides a threshold to where that parameter may indicate a problem on-site. Due to the nature of stormwater discharges (sporadic, un-predictable timing, and variable flow), Parameter Benchmark Values are for indication purposes and not a numerical limit. Below is the reasoning for the choice for the chosen parameters as well as the associated benchmark values.

Chemical Oxygen Demand (COD): Chemical Oxygen Demand is the most representative measure of oxygen demand for stormwater. This test can readily indicate the presence of spilled oils and fuels, from vehicles and equipment, and also of organic matter, which may be found in stormwater discharges. There are no water quality standards for COD. Therefore the parameter benchmark value is based on the 2004 Industrial Stormwater General Permit.

Total Suspended Solids (TSS): Many raw and finished materials are stored outside at an industrial facility and have the potential to be exposed to stormwater. Suspended solids carried by stormwater from an industrial facility can contain metals and other pollutants. Total Suspended Solids is an adequate measure to ensure the above narrative is complied with and to ensure the effectiveness of any BMP's on-site. There are no water quality standards for TSS. Therefore the parameter benchmark value is based on the 2004 Industrial Stormwater General Permit.

Oil and Grease: Various types of oil and grease can be present at industrial facilities from raw materials, spills or leaks from equipment or vehicles and from by-products, which can be picked up by stormwater at the site. Reg. 2.510 provides a numeric water quality standards for Oil and Grease of 10 mg/l average or 15 mg/l maximum

Based on the best engineering judgment of the permit writer, the numeric values identified in Reg. 2.510 are not necessary at this time. In lieu of numerical limitations, BMP's will be sufficient to control O&G in stormwater runoff.

Benchmark values are established as a tool for permittees to determine whether BMPs are properly functioning; however, the levels must be established with consideration given to applicable water quality standards. The Parameter Benchmark Value for O&G is consistent with the guidelines in Reg 2.510 and thus would be protective of the intended uses of the receiving stream.

Since benchmark values are for indication purposes, an exceedance of a benchmark value would not be considered a violation of water quality standards or the permit. The facility still has the option to transfer coverage for industrial stormwater discharges to a general permit in accordance with Part 2.4 and would not be considered backsliding.

However, if a review of the DMR's shows BMPs are insufficient (for example: 4 exceedances in a row or 5 out of 10), the permit may be revised to include numerical limitations for O&G.

10.2 Water Quality Based

pH: is a measure of acidity and alkalinity in a solution. Measurement of pH helps to ensure that the receiving stream and its intended uses are protected. pH is based on Reg. 2.504.

10.3 Anti-backsliding

This is a new permit.

11 SAMPLE TYPE AND FREQUENCY.

Regulations promulgated at 40 CFR Part 122.44(i) (1) require the permit to establish monitoring requirements which assure compliance with permit requirements.

The sample type and sample frequency are based on best engineering judgment of the permit writer. The sampling of once/six months will provide facility's with a better measure of the effectiveness of their SWPPP and BMP's.

12 MONITORING AND REPORTING.

The applicant is at all times required to monitor the discharge on a regular basis; and report the results. The monitoring results will be available to the public.

13 SOURCES.

The following sources were used to draft the permit:

- a. Application No. AR0051454 received 12/14/2009.
- b. APCEC Regulation No. 2.
- c. APCEC Regulation No. 6.
- d. 40 CFR Parts 122 and 125.
- e. Discharge permit file AR0051454.
- f. "Arkansas Water Quality Inventory Report 2004 (305B)", ADEQ.
- g. "Identification and Classification of Perennial Streams of Arkansas", Arkansas Geological Commission.
- h. Continuing Planning Process (CPP).
- i. EPA 2008 Multi-Sector General Permit for Industrial Stormwater.
- j. 2004 Industrial Stormwater General Permit.

14 POINT OF CONTACT.

For additional information, contact:

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