ADEQ
ARKANSAS
Department of Environmental Quality

Permit Tracking Number: **ARR00B454**
AFIN: **72-00234**

NOTICE OF COVERAGE (NOC)
INDUSTRIAL STORMWATER GENERAL PERMIT ARR000000

Attn: Kenneth D. Sandlin, Director EHS
George's, Inc.
P.O. Drawer 2030
Springdale, AR 72765-2030

The Recertification Notice of Intent (NOI) for coverage under the renewal Industrial Stormwater General Permit (effective July 1, 2019) was received on April 24, 2019, and has been reviewed. The facility will continue coverage under the previously assigned permit tracking number and AFIN noted below. Any permit-related correspondence must include these numbers. This NOC is issued in reliance upon the statements and representations made in the submittal for the following facility:

Permittee (Legal Name):	George's, Inc.
Facility Name:	George's Main Complex
Permit Tracking No.:	ARR00B454
AFIN:	72-00234
Industrial Sector:	U3
Facility Address:	402 West Robinson Ave, Springdale, AR 72764 in Washington County
Facility Coordinates:	Latitude: 36° 10’ 9.17” N; Longitude 94° 08’ 11.79” W

The Department has no responsibility for adequacy or proper function of the Best Management Practices (BMPs) implemented under the terms of this permit. Compliance with all conditions and limitations of the renewal general permit is required. Please be advised that the renewal permit contains monitoring requirements. Under the renewal general permit, you must keep the Stormwater Annual Report (SWAR) Form at the facility (submittal to the Department is not required) and make it available to ADEQ staff upon request. The renewal general permit and Stormwater Annual Report Form to be used effective July 1, 2019 are available on the Department’s website at the address below:

https://www.adeq.state.ar.us/water/permits/npdes/stormwater/

Discharges allowed by the permit shall only occur at the following outfalls:

Outfall 001: Latitude 36° 10’ 8.92” N, Longitude 94° 08’ 7.75” W
Outfall 002: Latitude 36° 10’ 11” N, Longitude 94° 08’ 15.92” W
Outfall 003: Latitude 36° 10’ 2.25” N, Longitude 94° 08’ 11.60” W
Outfall 004: Latitude 36° 10’ 8.76” N, Longitude 94° 08’ 20.65” W

Renewal Coverage Effective Date: July 1, 2019
Expiration Date: June 30, 2024

Bryan Leamons

Bryan Leamons, P.E.
Senior Operations Manager, Office of Water Quality

6/27/2019
Issue Date

AUTHORIZATION TO DISCHARGE STORMWATER UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM AND THE ARKANSAS WATER AND AIR POLLUTION CONTROL ACT

In accordance with the provisions of the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 et seq.), and the Clean Water Act (33 § U.S.C. 1251 et seq.),

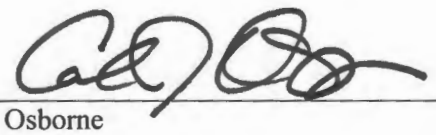
Facilities Discharging Stormwater Associated With Industrial Activity

are authorized to discharge to all receiving waters except as stated in Part 1.8 (Limitations on Coverage) in accordance with eligibility requirements, Notice of Intent (NOI) requirements, Stormwater Pollution Prevention Plan (SWPPP) requirements, effluent limitations, monitoring requirements, and other conditions set forth in this permit.

For facilities that are eligible for coverage under this Stormwater Industrial General Permit (IGP), the Department sends a Notice of Coverage (NOC) with tracking permit number starting with ARR00 to the facility. The NOC includes the Department's determination that a facility is covered under this permit, and may specify alternate requirements outlined in the permit.

Effective Date: 07/01/2019

Expiration Date: 06/30/2024



Caleb J. Osborne
Associate Director
Office of Water Quality
Arkansas Department of Environmental Quality

11.6.18
Issuance Date

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ABBREVIATIONS

APC&EC - Arkansas Pollution Control and Ecology Commission
BAT - best available technology economically achievable
BCT - best conventional pollutant control technology
BMP - best management practice
BOD_5 - five-day biochemical oxygen demand
BPT - best practicable control technology currently available
CFR - Code of Federal Regulations
COD - chemical oxygen demand
CPP - continuing planning process
CWA - Clean Water Act
DO - dissolved oxygen
ELG - effluent limitation guidelines
EPA - United States Environmental Protection Agency
ESA - Endangered Species Act
FCB - fecal coliform bacteria
IGP - Stormwater Industrial General Permit ARR000000
MQL - minimum quantification level
NAICS - North American Industry Classification System
NPDES - National Pollutant Discharge Elimination System
O&G - oil and grease
Reg. 2 - APC&EC Regulation No. 2
Reg. 6 - APC&EC Regulation No. 6
Reg. 8 - APC&EC Regulation No. 8
Reg. 9 - APC&EC Regulation No. 9
SIC - standard industrial classification
SWPPP – stormwater pollution prevention plan
TMDL - total maximum daily load
TP - total phosphorus
TSS - total suspended solids
USF&WS - United States Fish and Wildlife Service
USGS - United States Geological Survey
WET - whole effluent toxicity
WQS - water quality standards

PART 1: PERMIT REQUIREMENTS

1.1 **Coverage Under This Permit.** This Stormwater Industrial General Permit (IGP) authorizes discharges from facilities composed of stormwater associated with industrial activity, as defined in Part 8.33, where those discharges enter waters of the State, or a Municipal Separate Storm Sewer System (MS4) leading to waters of the State. The purpose of this permit is to minimize the discharge of stormwater pollutants from industrial activity. The operator shall read and understand the conditions of the permit.

1.2 **Availability of Permit, Forms, and Information.** A copy of this general permit, forms, reference materials, and other information is available on the Stormwater webpage of the ADEQ web site:

https://www.adeq.state.ar.us/water/permits/npdes/stormwater/ .

Hard copies may also be obtained by contacting the General Permits Section of the Office of Water Quality at (501) 682-0623 or by writing to:

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

1.3 **Permit Area**. This permit includes all areas within the State of Arkansas.

1.4 **Eligibility.** The following stormwater discharges are eligible for coverage under this permit, unless otherwise made ineligible under Part 1.8:

1.4.1 All new and existing discharges composed entirely of stormwater associated with industrial activity from the facility's primary industrial activity, as defined in Part 8.33, and provided the primary industrial activity is included in Part 1.5.

1.4.2 Discharges designated by the Department as needing a stormwater permit. The Department may notify a facility that a stormwater permit is needed. Any such notice will briefly state the reason for such a decision.

1.4.3 Discharges subject to any of the national stormwater-specific effluent limitations guidelines listed below.

Regulated Discharge	40 CFR Section
Runoff from material storage piles at cement manufacturing facilities	Part 411 Subpart C
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, byproducts or waste products (SIC 2874)	Part 418, Subpart A
Runoff from coal storage piles at steam electric generating facilities	Part 423
Runoff from asphalt emulsion facilities	Part 443 Subpart A
Runoff from airport deicing at primary airports	Part 449 Subpart A
Mine dewatering	Part 436 Subparts B and C

1.5 **Categories of Facilities Covered by this Permit**: This permit is available for stormwater discharges from the following sectors of industrial activities, as well as any discharge not covered under the general sectors that has been identified by the Department as appropriate for coverage. The sector descriptions below are based on Standard Industrial Classification (SIC) Codes and Industrial Activity Codes consistent with the definition of stormwater discharge associated with industrial activity at 40 CFR 122.26(b)(14)(i-ix, xi). Some Industrial Sectors have additional eligibility requirements that must be met before permit coverage is required. Please refer to 40 CFR 122.26(b)(14)(i-ix, xi) for full sector activity descriptions. The sectors are listed in the following table:

Sectors of Industrial Activity Covered by This Permit		
Sector and Sub-sector	SIC Code or Activity Code	Activity Represented
SECTOR A: TIMBER PRODUCTS		
A1	2421	General Sawmills and Planing Mills
A2	2491	Wood Preserving
A3	2411	Log Storage and Handling
A4	2426	Hardwood Dimension and Flooring Mills
	2429	Special Product Sawmills, Not Elsewhere Classified
	2431-2439 (except 2434)	Millwork, Veneer, Plywood, and Structural Wood (see Sector W)
	2448	Wood Pallets and Skids
	2449	Wood Containers, Not Elsewhere Classified
	2451, 2452	Wood Buildings and Mobile Homes
	2493	Reconstituted Wood Products
	2499	Wood Products, Not Elsewhere Classified
A5	2441	Nailed and Lock Corner Wood Boxes and Shook
SECTOR B: PAPER AND ALLIED PRODUCTS		
B1	2631	Paperboard Mills
B2	2611	Pulp Mills
	2621	Paper Mills
	2652-2657	Paperboard Containers and Boxes
	2671-2679	Converted Paper and Paperboard Products, Except Containers and Boxes
SECTOR C: CHEMICALS AND ALLIED PRODUCTS		
C1	2873-2879	Agricultural Chemicals
C2	2812-2819	Industrial Inorganic Chemicals
C3	2841-2844	Soaps, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and Other Toilet Preparations
C4	2821-2824	Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic and Other Manmade Fibers Except Glass
C5	2833-2836	Medicinal Chemicals and Botanical Products; Pharmaceutical Preparations; in vitro and in vivo Diagnostic Substances; and Biological Products, Except Diagnostic Substances
	2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products
	2861-2869	Industrial Organic Chemicals
	2891-2899	Miscellaneous Chemical Products
	3952 (limited to list of inks and paints)	Inks and Paints, Including China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting, Artist's Paints and Artist's Watercolors
	2911	Petroleum Refining
SECTOR D: ASPHALT PAVING AND ROOFING MATERIALS AND LUBRICANTS		
D1	2951, 2952	Asphalt Paving and Roofing Materials
D2	2992, 2999	Miscellaneous Products of Petroleum and Coal

Sectors of Industrial Activity Covered by This Permit		
Sector and Sub-sector	SIC Code or Activity Code	Activity Represented
SECTOR E: GLASS, CLAY, CEMENT, CONCRETE, AND GYPSUM PRODUCTS		
E1	3251-3259	Structural Clay Products
	3261-3269	Pottery and Related Products
E2	3271-3275	Concrete, Gypsum, and Plaster Products
E3	3211	Flat Glass
	3221, 3229	Glass and Glassware, Pressed or Blown
	3231	Glass Products Made of Purchased Glass
	3241	Hydraulic Cement
	3281	Cut Stone and Stone Products
	3291-3299	Abrasive, Asbestos, and Miscellaneous Nonmetallic Mineral Products
SECTOR F: PRIMARY METALS		
F1	3312-3317	Steel Works, Blast Furnaces, and Rolling and Finishing Mills
F2	3321-3325	Iron and Steel Foundries
F3	3351-3357	Rolling, Drawing, and Extruding of Nonferrous Metals
F4	3363-3369	Nonferrous Foundries (Castings)
F5	3331-3339	Primary Smelting and Refining of Nonferrous Metals
	3341	Secondary Smelting and Refining of Nonferrous Metals
	3398, 3399	Miscellaneous Primary Metal Products
SECTOR G: METAL MINING (ORE MINING AND DRESSING)		
G1	1021	Copper Ore and Mining Dressing Facilities
G2	1011	Iron Ores
	1021	Copper Ores
	1031	Lead and Zinc Ores
	1041, 1044	Gold and Silver Ores
	1061	Ferroalloy Ores, Except Vanadium
	1081	Metal Mining Services
	1094, 1099	Miscellaneous Metal Ores
SECTOR H: COAL MINES AND COAL MINING-RELATED FACILITIES		
H1	1221-1241	Coal Mines and Coal Mining-Related Facilities
SECTOR I: OIL AND GAS EXTRACTION AND REFINING		
I1	1311	Crude Petroleum and Natural Gas
	1321	Natural Gas Liquids
	1381-1389	Oil and Gas Field Services
SECTOR J: MINERAL MINING AND DRESSING		
J1	1442	Construction Sand and Gravel
	1446	Industrial Sand
J2	1411	Dimension Stone
	1422-1429	Crushed and Broken Stone, Including Rip Rap
	1481	Nonmetallic Minerals Services, Except Fuels
	1499	Miscellaneous Nonmetallic Minerals, Except Fuels

Sectors of Industrial Activity Covered by This Permit		
Sector and Sub-sector	SIC Code or Activity Code	Activity Represented
J3	1455, 1459	Clay, Ceramic, and Refractory Materials
	1474-1479	Chemical and Fertilizer Mineral Mining
SECTOR K: HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES		
K1	HZ	Hazardous Waste Treatment, Storage, or Disposal Facilities, including those that are operating under interim status or a permit under subtitle C of RCRA
SECTOR L: LANDFILLS, LAND APPLICATION SITES, AND OPEN DUMPS		
L1	LF	Municipal Solid Waste Landfill (MSWLF) Areas Closed in Accordance with 40 CFR 258.60
L2	LF	All Landfill, Land Application Sites and Open Dumps, except Municipal Solid Waste Landfill (MSWLF) Areas Closed in Accordance with 40 CFR 258.60
SECTOR M: AUTOMOBILE SALVAGE YARDS		
M1	5015	Automobile Salvage Yards
SECTOR N: SCRAP RECYCLING FACILITIES		
N1	5093	Scrap Recycling and Waste Recycling Facilities except Source-Separated Recycling
N2	5093	Source-separated Recycling Facility
SECTOR O: STEAM ELECTRIC GENERATING FACILITIES		
O1	SE	Steam Electric Generating Facilities, including coal handling sites
SECTOR P: LAND TRANSPORTATION AND WAREHOUSING		
P1	4011, 4013	Railroad Transportation
	4111-4173	Local and Highway Passenger Transportation
	4212-4231	Motor Freight Transportation and Warehousing
	4311	United States Postal Service
	5171	Petroleum Bulk Stations and Terminals
SECTOR Q: WATER TRANSPORTATION		
Q1	4412-4499	Water Transportation Facilities
SECTOR R: SHIP AND BOAT BUILDING AND REPAIRING YARDS		
R1	3731, 3732	Ship and Boat Building or Repairing Yards
SECTOR S: AIR TRANSPORTATION FACILITIES		
S1	4512-4581	Air Transportation Facilities
SECTOR T: TREATMENT WORKS		
T1	TW	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 Part 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 section 405 of the CWA.

Sectors of Industrial Activity Covered by This Permit		
Sector and Sub-sector	SIC Code or Activity Code	Activity Represented
SECTOR U: FOOD AND KINDRED PRODUCTS		
U1	2041-2048	Grain Mill Products
U2	2074-2079	Fats and Oils Products
U3	2011-2015	Meat Products
	2021-2026	Dairy Products
	2032-2038	Canned, Frozen, and Preserved Fruits, Vegetables, and Food Specialties
	2051-2053	Bakery Products
	2061-2068	Sugar and Confectionery Products
	2082-2087	Beverages
	2091-2099	Miscellaneous Food Preparations and Kindred Products
	2111-2141	Tobacco Products
SECTOR V: TEXTILE MILLS, APPAREL, AND OTHER FABRIC PRODUCT MANUFACTURING; LEATHER AND LEATHER PRODUCTS		
V1	2211-2299	Textile Mill Products
	2311-2399	Apparel and Other Finished Products Made from Fabrics and Similar Materials
	3131-3199	Leather and Leather Products (note: see Sector Z1 for Leather Tanning and Finishing)
SECTOR W: FURNITURE AND FIXTURES		
W1	2434	Wood Kitchen Cabinets
	2511-2599	Furniture and Fixtures
SECTOR X: PRINTING AND PUBLISHING		
X1	2711-2796	Printing, Publishing, and Allied Industries
SECTOR Y: RUBBER, MISCELLANEOUS PLASTIC PRODUCTS, AND MISCELLANEOUS MANUFACTURING INDUSTRIES		
Y1	3011	Tires and Inner Tubes
	3021	Rubber and Plastics Footwear
	3052, 3053	Gaskets, Packing and Sealing Devices, and Rubber and Plastic Hoses and Belting
	3061, 3069	Fabricated Rubber Products, Not Elsewhere Classified
Y2	3081-3089	Miscellaneous Plastics Products
	3931	Musical Instruments
	3942-3949	Dolls, Toys, Games, and Sporting and Athletic Goods
	3951-3955 (except 3952 – see Sector C)	Pens, Pencils, and Other Artists' Materials
	3961, 3965	Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal
	3991-3999	Miscellaneous Manufacturing Industries
SECTOR Z: LEATHER TANNING AND FINISHING		
Z1	3111	Leather Tanning and Finishing

Sectors of Industrial Activity Covered by This Permit		
Sector and Sub-sector	SIC Code or Activity Code	Activity Represented
SECTOR AA: FABRICATED METAL PRODUCTS		
AA1	3411-3499 (except 3479)	Fabricated Metal Products, Except Machinery and Transportation Equipment, and Coating, Engraving, and Allied Services.
	3911-3915	Jewelry, Silverware, and Plated Ware
AA2	3479	Fabricated Metal Coating and Engraving
SECTOR AB: TRANSPORTATION EQUIPMENT, INDUSTRIAL OR COMMERCIAL MACHINERY		
AB1	3511-3599 (except 3571-3579)	Industrial and Commercial Machinery, Except Computer and Office Equipment (see Sector AC)
	3711-3799 (except 3731, 3732)	Transportation Equipment Except Ship and Boat Building and Repairing (see Sector R)
SECTOR AC: ELECTRONIC, ELECTRICAL, PHOTOGRAPHIC, AND OPTICAL GOODS		
AC1	3571-3579	Computer and Office Equipment
	3812-3873	Measuring, Analyzing, and Controlling Instruments; Photographic and Optical Goods, Watches, and Clocks
	3612-3699	Electronic and Electrical Equipment and Components, Except Computer Equipment
SECTOR AD: NON-CLASSIFIED FACILITIES		
AD1	Other stormwater discharges designated by the Director as needing a permit (see 40 CFR 122.26(a)(9)(i)(C) & (D)) or any facility discharging stormwater associated with industrial activity not described by any of Sectors A-AC. NOTE: Facilities may not elect to be covered under Sector AD. Only the Director may assign a facility to Sector AD.	

1.6 **Allowable Non-stormwater Discharges.** The following non-stormwater discharges are authorized by this permit:

1.6.1 discharges from emergency firefighting activities;
1.6.2 fire hydrant flushings;
1.6.3 potable water sources including waterline flushings;
1.6.4 runoff from irrigation using non-process water;
1.6.5 landscape watering provided all pesticides, herbicides, and fertilizers have been applied in accordance with the approved labeling;
1.6.6 uncontaminated routine external building washdown which does not use detergents;
1.6.7 uncontaminated pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;
1.6.8 air compressor condensate;
1.6.9 steam condensate;
1.6.10 uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids (such as the discharge of thawed condensate from the surface of liquid nitrogen tanks stored outdoors);
1.6.11 incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains);
1.6.12 uncontaminated ground water or spring water (See Note Below);
1.6.13 foundation or footing drains where flows are not contaminated with process materials such as solvents, or other toxic or hazardous material (see Note below);
1.6.14 excavation dewatering (see Note below and the definition in Part 8.11); and
1.6.15 non-process water used for dust suppression on uncontaminated roads.

NOTE: There shall be no turbid discharges to surface waters of the state resulting from dewatering activities. If trench or ground waters contain sediment, it must pass through a sediment settling pond or other equally effective sediment control device, prior to being discharged. Alternatively, sediment may be removed by settling in place or by dewatering into a sump pit, filter bag, or comparable practice. Ground water dewatering which does not contain sediment or other pollutants is not required to be treated prior to discharge. However, care must be taken when discharging ground water to ensure that it does not become pollutant-laden by traversing over disturbed soils or other pollutant sources.

1.7 **Conditional No Exposure Exclusion.** In accordance with 40 CFR 122.26(g), a No Exposure Exclusion is a conditional exclusion applicable to all categories of industrial activity (except construction activity) with no exposure of industrial materials and activities to stormwater. All facilities with point source discharges composed entirely of stormwater associated with industrial activity that satisfy criteria of no exposure and complete the No Exposure Exclusion Certification Form will be able to obtain exclusion from this general permit. The Exclusion is available on a facility-wide basis only, not for individual outfalls. If any industrial activities or materials are or will be exposed to precipitation, the facility is not eligible for the No Exposure Exclusion. To apply for a No Exposure Exclusion, a complete and accurate No Exposure Exclusion Certification Form and an initial permit fee as required under the provisions of Reg. 9 should be submitted. Subsequent annual fees will be billed by the Department. Facilities operating under a 2014 Industrial Stormwater General Permit No Exposure Exclusion must submit a Recertification NOI under Part 2.2, assuming the facility still qualifies for the exclusion.

1.8 **Limitations on Coverage (Exclusions).** The following stormwater discharges associated with industrial activity are not covered by this permit:

1.8.1 **Discharges Mixed with Non-Stormwater.** Stormwater discharges associated with industrial activity that are mixed with sources of non-stormwater, except for non-stormwater discharges that are identified by and in compliance with Part 1.6 of the permit.

1.8.2 Stormwater Discharges Associated with Construction Activity. Stormwater discharges associated with construction activity disturbing one acre or more are not eligible for coverage under this permit, even if a permittee currently has coverage under this permit.

1.8.3 Discharges Currently Covered by Another Permit. A facility is not eligible for coverage under this permit unless stormwater requirements from the individual permit can be transferred to this general permit. In order to avoid conflict with the "anti-backsliding" provisions of the Clean Water Act (CWA), a permit transfer will only be allowed where the outfall in the individual permit did not contain numeric water quality-based limitations with an exception of pH. A pH range limit would not necessarily 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 could also be criteria for eligibility to transfer from an individual permit to the general permit.

1.8.4 Discharges Subject to Effluent Guidelines. Stormwater discharges associated with industrial activity from facilities which are subject to existing effluent guideline limitations addressing stormwater with the exception of those listed in Part 1.4.3.

1.8.5 Discharges into Impaired Receiving Waters (303(d) List). Discharges from a facility into receiving waters listed as impaired under Section 303(d) of the Clean Water Act are not eligible for coverage under this permit, unless the permittee:

1.8.5.1 documents that the pollutant(s) for which the waterbody is impaired is not present in the facility's stormwater discharge(s) and retain documentation of the finding with the SWPPP; or
1.8.5.2 incorporate into the SWPPP any additional BMPs needed:
1.8.5.2.1 to prevent to the maximum extent practicable exposure of pollutants to stormwater for which the waterbody is impaired; and
1.8.5.2.2 to sufficiently protect water quality.

Please note that the Department will review this information. If it is determined that the facility will discharge to an impaired water body, then the Department may include additional requirements.

1.8.6 Discharges into Receiving Waters with an Approved TMDL. Discharges from a facility into receiving waters for which there is an established Total Maximum Daily Load (TMDL) allocation are not eligible for coverage under this permit unless:

1.8.6.1 the permittee develops and certifies a SWPPP that is consistent with the assumptions and requirements in the approved TMDL; and
1.8.6.2 if a specific numeric wasteload allocation has been established that would apply to the facility's discharges, the operator must incorporate that allocation into its SWPPP and implement necessary steps to meet that allocation.

Please note that the Department will be reviewing this information. If it is determined that the facility will discharge to receiving waters with an approved TMDL, then the Department may require additional BMPs.

1.8.7 Direct Discharges into an Extraordinary Resource Water (ERW), Natural and Scenic Waterway (NSW), or Ecologically Sensitive Waterbody (ESW). Discharges from a facility directly into receiving waters which are listed as an ERW, NSW, or ESW under the authority of Reg. 2 are not eligible for coverage under this permit unless:

1.8.7.1 the permittee develops and certifies a SWPPP that includes additional BMPs needed to prevent to the maximum extent practicable exposure of pollutants to stormwater that could potentially impact water quality.

Please note that the Department will review this information. If it is determined that the facility will discharge to an ERW, NSW, or ESW, then the Department may require additional BMPs.

1.8.8 Discharges that the Department has determined will cause impairment or has reason to believe will compromise Water Quality Standards. Discharges from a facility into receiving waters which the Department has determined will cause an impairment, or has reason to believe will compromise Water Quality Standards, are not eligible for coverage under this permit unless:

1.8.8.1 the permittee develops and certifies a SWPPP that includes additional BMPs needed to prevent to the maximum extent practicable exposure of pollutants to stormwater that could potentially impact water quality.

Please note that the Department will review this information. If it is determined that the facility will cause an impairment, or will compromise Water Quality Standards, then the Department may require additional requirements.

1.8.9 Discharges containing polychlorinated biphenyls (PCBs). Discharges of stormwater known to contain PCBs are not eligible for coverage under this permit. Stormwater discharges containing PCBs must be covered under a separate NPDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or disposed of otherwise in accordance with applicable law.

PART 2: AUTHORIZATION UNDER THIS PERMIT

2.1 **How to Obtain Authorization.** To obtain authorization under this permit, one must:

2.1.1 Meet the Part 1.4 eligibility requirements.

2.1.2 Develop a SWPPP according to the requirements in Part 4 of the permit and select, design, install, and implement control measures to meet effluent limitations, water quality standards, and parameter benchmark values.

2.1.3 Submit a complete and accurate Application Package in accordance with Part 2.2, and an initial permit fee as required under the provisions of Reg. 9. Subsequent annual fees will be billed by the Department.

Timeframes for discharge authorization are contained in the table below. Unless notified by the Director to the contrary, Operators who submit such notifications are authorized to discharge stormwater associated with industrial activity under the terms and conditions of this permit after receipt of the Stormwater Industrial General Permit (IGP) Notice of Coverage (NOC).

2.2 **Notice of Intent (NOI) Deadlines.** Facilities that intend to obtain coverage for stormwater discharges from industrial activity under this general permit or have received authorization to discharge under a previously issued industrial general permit must submit an Application Package and perform additional actions in accordance with the following:

Category	Deadline for Submittal	Application Package	Other Required Actions
New dischargers	Minimum thirty (30) days prior to commencement of stormwater discharge from the facility.	1. Completed NOI 2. SWPPP [1] 3. Permit Fee	NONE
Existing dischargers under 2014 IGP	The effective date of this permit.	1. Completed Recertification NOI	Update SWPPP, as necessary, to comply with the requirements of Part 4 by the effective date of this permit (Submittal of updated SWPPP is not required.)
New dischargers – No Exposure	Minimum thirty (30) days prior to commencement of stormwater discharge from the facility.	1. Completed No Exposure Exclusion Certification Form 2. Permit Fee	NONE
Existing dischargers under 2014 IGP with No Exposure Exclusion	The effective date of this permit.	1. Completed Recertification NOI	NONE
Existing dischargers with No Exposure Exclusion who no longer qualify for Exclusion	Maximum thirty (30) days after knowledge of disqualification from No Exposure Exclusion.	1. Completed NOI 2. SWPPP[1]	NONE

[1] The Department understands that the SWPPP is a living document and the version submitted with an initial NOI may have portions that are not finalized. All required SWPPP sections must be included in the SWPPP submitted with the application package (even if they are not finalized), and the SWPPP must be certified as required under Part 7.8.

2.3 **Contents of the Notice of Intent.** The Notice of Intent includes, at a minimum, the following:

2.3.1 Permittee Name (Legal Applicant), Permittee, Address, Type, and Telephone Number
2.3.2 Invoice Contact Person, Mailing Information, and Telephone Number
2.3.3 Facility Name, Mailing Address, Location, Latitude, Longitude, SIC Codes, Description of Business/Process
2.3.4 Facility Contact Person and Phone Number
2.3.5 Outfall information specific to each and every outfall, including outfall name or number as indicated on site map(s) in the SWPPP, latitude, longitude, and receiving waterbody information.
2.3.6 Similar outfall information
2.3.7 Other information (i.e. Consulting Name, Address, and Telephone Number)
2.3.8 Certification and Signature of Permittee
2.3.9 Cognizant Official

2.4 **Where to Submit.** A complete package should be submitted to the Department at the following address:

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

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

or by email to: Water-permit-application@adeq.state.ar.us. Complete documents (NOI, Recertification NOI, No Exposure Exclusion Certification Form, or SWPPP) must be submitted in Adobe Acrobat (.pdf) format.

Unless otherwise specified by the Department, the above mailing address should be used for all correspondence.

NOTE: A Notice of Coverage (NOC) will not be issued until payment has been received by the Department.

2.5 **Additional Notification.** Facilities which discharge stormwater associated with industrial activity to a small, medium, or large Municipal Separate Storm Sewer System (MS4), as defined in Parts 8.17 and 8.28 of this permit, must submit a copy of the Notice of Intent to the operator of the MS4 within the deadlines provided in Part 2.2 of this permit.

2.6 **Change of Facility Name, Ownership, or Authorization.**

Facilities that are authorized under this permit, which undergo a change in ownership, facility name, or signatory authorization (i.e., a new cognizant official, responsible person, etc.), must submit a Permit Transfer form to the Department. A Permit Transfer form can be obtained from the General Permits Section of the Office of Water Quality of the ADEQ website at: www.adeq.state.ar.us. For an ownership change, the permit transfer form must be submitted a minimum of 30 days prior to the date the transfer to the new operator will take place. The new owner must comply with the existing permit for the facility during the interim period.

2.7 **Terminating Coverage.**

2.7.1 **Submitting a Notice of Termination.** To terminate permit coverage, the permittee must submit a complete and accurate Notice of Termination (NOT). A Notice of Termination form may be obtained from the ADEQ website at: www.adeq.state.ar.us. The permittee is responsible for meeting the terms of this permit until the acceptance of the termination of authorization by the Department.

2.7.2 When to Submit a Notice of Termination.

The permittee must submit a Notice of Termination after:

2.7.2.1 The facility has ceased operations, stabilized exposed soils related to industrial activities that have the potential to cause a discharge of sediment, and there are not or no longer will be discharges of stormwater associated with industrial activity from the facility; or

2.7.2.2 The facility has obtained coverage under an individual or alternative general permit for all discharges required to be covered by an NPDES permit.

PART 3: BEST MANAGEMENT PRACTICES, LIMITATIONS AND MONITORING REQUIREMENTS

3.1. Best Management Practices. All facilities must comply with the following BMPs. Parts 3.1.1 through 3.1.11 are considered part of every facility's SWPPP unless the permittee has incorporated into the SWPPP adequate justification or data indicating why the BMP does not apply to the facility or the facility's stormwater discharges. BMPs are primarily to be used by the facility as the factors to consider when attempting to prevent pollutants from leaving the facility via stormwater exposed to industrial activities.

3.1.1. Minimize Exposure. The operator must take actions as appropriate to minimize the exposure of potential sources of pollutants in the manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff 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, the operator should pay particular attention to the following:

- use grading, berms, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
- 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);
- clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;
- use drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible;
- use spill/overflow protection equipment;
- drain fluids from equipment and vehicles prior to on-site storage or disposal;
- perform all cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray; and
- ensure that all washwater drains to a proper collection system (i.e., not the stormwater drainage system).

The discharge of vehicle and equipment washwater, including tank cleaning operations, is not authorized by this permit. These wastewaters must be covered under a separate NPDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or disposed of otherwise in accordance with applicable law.

Note: Industrial materials do not need to be enclosed or covered if stormwater runoff from affected areas will not be discharged to receiving waters or if discharges are authorized under another NPDES permit.

3.1.2. Good Housekeeping. The operator must incorporate good housekeeping practices in an effort to keep clean all exposed areas that are potential sources of pollutants, using measures including, but not limited to, sweeping at regular intervals, keeping materials orderly and labeled, and storing materials in appropriate containers.

3.1.3. Maintenance. The operator must regularly inspect, test, maintain, and repair all industrial equipment and systems to avoid situations that may result in leaks, spills, and other releases of pollutants in stormwater discharged to receiving waters. The operator must maintain all control measures that are used in the implementation of the Best Management Practices or to achieve the effluent limits required by this permit in effective operating condition. Nonstructural control measures must also be diligently maintained (e.g., spill response supplies available, personnel appropriately trained). If the operator finds that the control measures need to be replaced or repaired, the operator must make the necessary repairs or modifications as expeditiously as practicable.

3.1.4. Spill Prevention and Response Procedures. The operator 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. At a minimum, the operator must implement:

- 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;
- Preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;
- 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 (see Part 4.2.2); and
- Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory 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, the operator 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 the operator has knowledge of the discharge. Local requirements may necessitate reporting spills or discharges to local emergency response, public health, or drinking water supply agencies. **Contact information must be in locations that are readily accessible and available.**

3.1.5. Erosion and Sediment Controls. The operator must stabilize exposed areas and control runoff using structural or non-structural control measures to minimize onsite erosion and sedimentation, and the resulting discharge of pollutants. Among other actions the operator must take to meet this limit, the operator must place flow velocity dissipation devices at discharge locations and within outfall channels where necessary to reduce erosion or settle out pollutants. In selecting, designing, installing, and implementing appropriate control measures, the operator is encouraged to consult with EPA's web-based resources relating to BMPs for erosion and sedimentation, including the sector-specific *Industrial Stormwater Fact Sheet Series* (https://www.epa.gov/npdes/industrial-stormwater-fact-sheet-series), *National Menu of Best Management Practices (BMPs) for Stormwater* (https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater#edu), and Urban Runoff: *National Management Measures* (https://www.epa.gov/nps/urban-runoff-national-management-measures), and any similar publications.

3.1.6. Management of Runoff. The operator must implement appropriate measures to manage the runoff from the property in such a manner as to minimize the pollutants in the discharge. These measures may include, but are not limited to, the diversion of the runoff away from areas where pollutants may be present or the reuse of stormwater runoff where practicable, by the use of measures that divert the runoff, contain the runoff, or allow for reuse of the runoff. In selecting, designing, installing, and implementing appropriate control measures, the operator is encouraged to consult with EPA's web-based resources relating to runoff management, including the sector-specific *Industrial Stormwater Fact Sheet Series* (https://www.epa.gov/npdes/industrial-stormwater-fact-sheet-series), *National Menu of Best Management Practices (BMPs) for Stormwater* (https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater#edu), and Urban Runoff: *National Management Measures* (https://www.epa.gov/nps/urban-runoff-national-management-measures), and any similar publications.

3.1.7. Salt Storage Piles or Piles Containing Salt. The operator must enclose or cover storage piles of salt, or piles containing salt, used for deicing or other commercial or industrial purposes, including maintenance of paved surfaces. The operator must implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. Piles do not need to be enclosed or covered if stormwater runoff from the piles is not discharged or if discharges from the piles are authorized under another NPDES permit.

3.1.8. **Employee Training.** The operator must train all employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspectors, maintenance personnel), including all members of the Pollution Prevention Team. Training for employees whose job duties include implementation of pollution prevention measures or Stormwater Pollution Prevention Team members must cover both the specific control measures used in the implementation of the BMPs in this Part, and monitoring, inspection, planning, reporting, and documentation requirements in other parts of this permit. Training for employees who work in areas where industrial materials or activities are exposed to stormwater, but whose job duties do not include implementation of pollution prevention measures should cover the specific control measures and BMPs used in the facility area in which they work. The Department recommends training be conducted at least annually (or more often if employee turnover is high).

3.1.9. **Non-Stormwater Discharges.** The operator must eliminate non-stormwater discharges not authorized by an NPDES permit. See Part 1.6 for a list of non-stormwater discharges authorized by this permit.

3.1.10. **Waste, Garbage and Floatable Debris.** The operator must take actions as appropriate to ensure that waste, garbage, and floatable debris are not discharged to receiving waters by keeping exposed areas free of such materials or by intercepting them before they are discharged.

3.1.11. **Dust Generation and Vehicle Tracking of Industrial Materials.** The operator must take actions as appropriate to minimize generation of dust and off-site tracking of raw, final, or waste materials.

3.2. **Water Quality Standards.** Any discharge of stormwater associated with industrial activity must be controlled as necessary to meet applicable water quality standards. New discharges or increased loadings from existing discharges must be consistent with the Arkansas Anti-Degradation Policy in Reg. 2. The Department expects that compliance with the other conditions in this permit will control discharges as necessary to meet applicable water quality standards. If at any time the facility becomes aware, or the Department determines, that the facility's discharge causes or contributes to an exceedance of applicable water quality standards, the permittee must take corrective action as required, document the corrective actions as required, and report the corrective actions to the Department.

3.3. **Numeric Effluent Limitations based on Effluent Limitations Guidelines.** Permittees subject to one of the Effluent Limitation Guidelines identified in Part 1.4.3 must comply with the following limits:

3.3.1. The effluent limits referenced in the table below must be met, based on whether a facility has stormwater associated with the industrial activities listed below:

CFR Industry		Parameter	Limitation	Monitoring Requirements	
Category	Subcategory			Frequency	Sample Type
Cement Manufacturing 40 CFR 411	Runoff from material storage piles	pH	6.0-9.0 s.u.	once/year	grab
		Total Suspended Solids (TSS)	50 mg/l (Daily Max)	once/year	grab
Fertilizer Manufacturing 40 CFR 418	Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, byproducts or waste products	pH	6.0-9.0 s.u.	once/year	grab
		Total Phosphorus	105 mg/l (Daily Max)	once/year	grab
			35 mg/l (30-day Avg)	once/year	grab
		Fluoride	75 mg/l (Daily Max)	once/year	grab
			25 mg/l (30-day Avg)	once/year	grab

CFR Industry		Parameter	Limitation	Monitoring Requirements	
Category	Subcategory			Frequency	Sample Type
Steam powered electric power generating 40 CFR 423	Runoff from coal piles	pH	6.0-9.0 s.u.	once/year	grab
		TSS[1]	50 mg/l (Daily Max)	once/year	grab
Paving and roofing materials (tars and asphalt) 40 CFR 443	Runoff from manufacturing of asphalt paving or roofing emulsion	TSS	23 mg/l (Daily Max)	once/year	grab
			15.mg/l (30-day Avg)	once/year	grab
		pH	6.0-9.0 s.u.	once/year	grab
		Oil & Grease	15 mg/l (Daily Max)	once/year	grab
			10 mg/l (30-day Avg)	once/year	grab
Airport Deicing 40 CFR 449	Airport Deicing at Primary Airports[2,3]	Ammonia as Nitrogen	14.7 mg/L (Daily Max)	once/year	grab
Mineral Mining and Processing 40 CFR 436	Mine dewatering from crushed stone and construction sand & gravel facilities[4]	pH	6.0-9.0 s.u.	once/year	grab

[1] Coal pile runoff shall not be diluted with other stormwater or other flows in order to meet the TSS limitations. Any untreated overflow from facilities designed, constructed and operated to treat the volume of coal pile runoff which is associated with a 10-year, 24-hour rainfall event shall not be subject to the 50 mg/l Total Suspended Solids limitations.

[2] Existing and new primary airports with 1,000 or more annual jet departures ("non-propeller aircraft") that discharge wastewater associated with airfield pavement deicing commingled with stormwater must either use non-urea-containing deicers or meet the effluent limit provided.

[3] New airport deicing sources must meet the New Source Performance Standards (NSPS) listed in 40 CFR 449.11, including the requirement of 40 CFR 449.11(a)(1) to collect at least 60 percent of available Aircraft Deicing Fluid.

[4] Only mine dewatering from surface mining activities for crushed stone, and construction sand and gravel, are subject to the ELG-based limits. Mine dewatering from other surface mining activities (as noted in the definition in Part 8.20) are not subject to the ELG-based limits.

3.3.2. The facility must monitor each outfall discharging stormwater from any of the regulated activities described in the above table. The similar outfall monitoring provision as described in Part 3.8.1 is not available for numeric effluent limits monitoring.

3.4. **Parameter Benchmark Monitoring.** All facilities covered under this general permit are authorized to discharge from all permitted stormwater outfalls. All facilities are required to conduct monitoring and sampling of stormwater at each outfall as specified below. The benchmark concentrations are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. Benchmark monitoring data are primarily to be used by the facility staff 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.

Effluent Characteristics	Parameter Benchmark Value		Monitoring Requirements	
	Maximum Concentration		Frequency	Sample Type
pH	Minimum 6.0 S.U.	Maximum 9.0 S.U.	once/year	grab
Total Suspended Solids (TSS)	100 mg/L		once/year	grab

In addition to the above effluent characteristics, the following effluent characteristics, which are based on the Industrial Sub-Sectors as defined in Part 1.5, must also be monitored. (Please note that not all Sub-Sectors listed in Part 1.5 have additional characteristics. If the Industrial Sub-Sector is not listed below, only the above effluent characteristics are required.)

Industrial Sub-Sector	Effluent Characteristics	Parameter Benchmark Value Maximum Concentration	Monitoring Requirements	
			Frequency	Sample Type
A1	COD	120 mg/L	once/year	grab
	O&G	15 mg/L	once/year	grab
	Total Zinc	0.684 mg/L	once/year	grab
A2	COD	120 mg/L	once/year	grab
	O&G	15 mg/L	once/year	grab
	Total Arsenic	0.169 mg/L	once/year	grab
	Total Copper	0.0756 mg/L	once/year	grab
A3	COD	120 mg/L	once/year	grab
	O&G	15 mg/L	once/year	grab
A4	COD	120 mg/L	once/year	grab
	O&G	15 mg/L	once/year	grab
A5	COD	120 mg/L	once/year	grab
	O&G	15 mg/L	once/year	grab
B1	COD	120 mg/L	once/year	grab
B2	COD	120 mg/L	once/year	grab
C1	COD	120 mg/L	once/year	grab
	Nitrate plus Nitrite Nitrogen	0.68 mg/L	once/year	grab
	Total Lead	0.519 mg/L	once/year	grab
	Total Iron	1.0 mg/L	once/year	grab
	Total Zinc	0.684 mg/L	once/year	grab
	Total Phosphorus	2.0 mg/L	once/year	grab
C2	COD	120 mg/L	once/year	grab
	Total Aluminum	0.75 mg/ L	once/year	grab
	Total Iron	1.0 mg/L	once/year	grab
	Nitrate plus Nitrite Nitrogen	0.68 mg/L	once/year	grab
C3	COD	120 mg/L	once/year	grab
	Nitrate plus Nitrite Nitrogen	0.68 mg/L	once/year	grab
	Total Zinc	0.684 mg/L	once/year	grab
C4	COD	120 mg/L	once/year	grab
	Total Zinc	0.684 mg/L	once/year	grab
C5	COD	120 mg/L	once/year	grab
D1	O&G	15 mg/L	once/year	grab
D2	O&G	15 mg/L	once/year	grab
E1	Total Aluminum	0.75 mg/L	once/year	grab
E2	Total Iron	1.0 mg/L	once/year	grab
F1	Total Aluminum	0.75 mg/L	once/year	grab
	Total Zinc	0.684 mg/L	once/year	grab

Industrial Sub-Sector	Effluent Characteristics	Parameter Benchmark Value Maximum Concentration	Monitoring Requirements	
			Frequency	Sample Type
F2	Total Aluminum	0.75 mg/L	once/year	grab
	Total Copper	0.0756 mg/L	once/year	grab
	Total Iron	1.0 mg/L	once/year	grab
	Total Zinc	0.684 mg/L	once/year	grab
F3	Total Copper	0.0756 mg/L	once/year	grab
	Total Zinc	0.684 mg/L	once/year	grab
F4	Total Copper	0.0756 mg/L	once/year	grab
	Total Zinc	0.684 mg/L	once/year	grab
G1	Nitrate plus Nitrite Nitrogen	0.68 mg/L	once/year	grab
G2	Total Antimony	0.636 mg/L	once/year	grab
	Total Arsenic	0.169 mg/ L	once/year	grab
	Total Beryllium	0.13 mg/L	once/year	grab
	Total Cadmium	0.0118 mg/L	once/year	grab
	Total Copper	0.0756 mg/L	once/year	grab
	Total Iron	1.0 mg/L	once/year	grab
	Total Lead	0.519 mg/L	once/year	grab
	Total Mercury	0.0024 mg/L	once/year	grab
	Total Nickel	6.43 mg/L	once/year	grab
	Total Selenium	0.020 mg/L	once/year	grab
	Total Silver	0.0107 mg/L	once/year	grab
	Total Zinc	0.684 mg/L	once/year	grab
H1	Total Aluminum	0.75 mg/L	once/year	grab
	Total Iron	1.0 mg/L	once/year	grab
I1	COD	120 mg/L	once/year	grab
J1	Nitrate plus Nitrite Nitrogen	0.68 mg/L	once/year	grab
K1	Ammonia	19 mg/L	once/year	grab
	Total Magnesium	0.0636 mg/L	once/year	grab
	Total Arsenic	0.169 mg/L	once/year	grab
	Total Cadmium	0.0118 mg/L	once/year	grab
	Total Cyanide	0.0224 mg/ L	once/year	grab
	Total Lead	0.519 mg/L	once/year	grab
	Total Mercury	0.0024 mg/ L	once/year	grab
	Total Selenium	0.020 mg/L	once/year	grab
	Total Silver	0.0107 mg/L	once/year	grab
L1	COD	120 mg/L	once/year	grab
L2	COD	120 mg/L	once/year	grab
	Total Iron	1.0 mg/L	once/year	grab
M1	COD	120 mg/L	once/year	grab
	Total Aluminum	0.75 mg/L	once/year	grab
	Total Iron	1.0 mg/L	once/year	grab
	Total Lead	0.519 mg/L	once/year	grab

Industrial Sub-Sector	Effluent Characteristics	Parameter Benchmark Value Maximum Concentration	Monitoring Requirements	
			Frequency	Sample Type
N1	COD	120 mg/L	once/year	grab
	O&G	15 mg/L	once/year	grab
	Total Aluminum	0.75 mg/L	once/year	grab
	Total Copper	0.0756 mg/L	once/year	grab
	Total Iron	1.0 mg/L	once/year	grab
	Total Lead	0.519 mg/L	once/year	grab
	Total Zinc	0.684 mg/L	once/year	grab
N2	COD	120 mg/L	once/year	grab
	O&G	15 mg/L	once/year	grab
O1	Total Iron	1.0 mg/L	once/year	grab
P1	COD	120 mg/L	once/year	grab
	O&G	15 mg/L	once/year	grab
Q1	COD	120 mg/L	once/year	grab
	Total Aluminum	0.75 mg/L	once/year	grab
	Total Iron	1.0 mg/L	once/year	grab
	Total Lead	0.519 mg/L	once/year	grab
	Total Zinc	0.684 mg/L	once/year	grab
S1	Ammonia[1]	19 mg/L	once/year	grab
T1	COD	120 mg/L	once/year	grab
U1	COD	120 mg/L	once/year	grab
	O&G	15 mg/L	once/year	grab
U2	Nitrate plus Nitrite Nitrogen	0.68 mg/L	once/year	grab
	COD	120 mg/L	once/year	grab
	O&G	15 mg/L	once/year	grab
U3	COD	120 mg/L	once/year	grab
	O&G	15 mg/L	once/year	grab
Y1	Total Zinc	0.684 mg/L	once/year	grab
AA1	O&G	15 mg/L	once/year	grab
	Total Aluminum	0.75 mg/L	once/year	grab
	Total Iron	1.0 mg/L	once/year	grab
	Total Zinc	0.684 mg/L	once/year	grab
	Nitrate plus Nitrite Nitrogen	0.68 mg/L	once/year	grab
AA2	O&G	15 mg/L	once/year	grab
	Total Zinc	0.684 mg/L	once/year	grab
	Nitrate plus Nitrite Nitrogen	0.68 mg/L	once/year	grab
AB1	O&G	15 mg/L	once/year	grab
AD1	COD	120 mg/L	once/year	grab

[1] For airports where a single permittee or a combination of permitted facilities use more than 100,000 gallons of glycol-based deicing chemicals or 100 tons or more of urea on an average annual basis, monitor all parameters in ONLY those outfalls that collect runoff from areas where deicing activities occur. Monitoring is not required for facilities with deicing activities that do not meet the above thresholds.

3.5. **Additional Monitoring Required by The Department.** The Department may notify the facility of additional discharge monitoring requirements. Any such notice will briefly state the reasons for the monitoring, locations, and parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements. If a facility discharges to an impaired water with a Department approved or established TMDL, the Department will inform the facility if any additional monitoring requirements or controls are necessary for the discharge to be consistent with the assumptions of any available wasteload allocation in the TMDL.

3.6. **Monitoring Period.** The monitoring period is from January 1 to December 31 of a calendar year. The facility must monitor at least once within a calendar year.

Monitoring requirements in this permit begin on the effective date of the permit.

3.7. **Monitoring Location**. All samples must be taken at monitoring points specified in the NOI and SWPPP before the stormwater joins or is influenced by any other waste stream, or waterbody, unless otherwise approved in writing by the Department.

3.8. **Sampling Associated with Monitoring Requirements.** Sampling shall be conducted to capture stormwater with the greatest exposure to significant sources of pollution. Each stormwater outfall must be sampled and analyzed separately unless an outfall has been determined to be similar in accordance with Part 3.8.1 below.

3.8.1. **Similar Outfalls.** When a stormwater outfall may be similar to another outfall at the facility, i.e., similar effluents based on a consideration of industrial activity, significant materials and management practices, and activities within the area drained by the outfall, the permittee may sample only the discharge point with the highest concentration of pollutants. The permittee must get approval of the similar outfall designation from the Department prior to monitoring. This provision is not available for discharges subject to the Effluent Limitations Guidelines in Part 1.4.3. The SWPPP must include documentation on how these determinations were made and the description of each point of discharge. The documentation should include the following information:

3.8.1.1. Location (latitude and longitude) of each of the similar outfalls;
3.8.1.2. Description of the general industrial activities conducted in the drainage area of each outfall;
3.8.1.3. Description of the control measures implemented in the drainage area of each outfall;
3.8.1.4. Description of the exposed materials located in the drainage area of each outfall that are likely to be significant contributors of pollutants to stormwater discharges; and
3.8.1.5. Why the outfalls are expected to discharge similar effluents.

3.8.2. **Sampling Procedures.** Samples and measurements taken as required shall be representative of the volume and nature of the monitored discharge. Stormwater must be sampled according to requirements below unless the Permittee submits an alternative plan as a modification of coverage and it is approved by the Department. Any approved alternative plan should be included in the SWPPP. If a Permittee is unable to sample during a monitoring period, they must document a justification in the Stormwater Annual Report for that period.

Sampling requirements and instructions are as follows:

3.8.2.1. Grab Sample. A minimum of one grab sample must be taken from each outfall within the first 30 minutes of a discharge resulting from a measurable storm event, as described in Part 3.8.2.2, or within the first 30 minutes of a discharge from holding ponds or basins, as described in Part 3.8.2.3. If it is not possible to collect the sample within the first 30 minutes of a discharge, the sample must be collected as soon as practical, and documentation must be kept with the SWPPP explaining why it was not possible to take samples within the first 30 minutes.

3.8.2.2. Measurable Storm Events. All required monitoring must be performed on a storm event that results in an actual discharge from the site ("measurable storm event") that follows the preceding measurable storm event by at least 72 hours (3 days). The 72-hour (3-day) storm interval does not apply if the facility is able to document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period. In the case of frozen precipitation, the measureable storm event begins when melting produces a measurable discharge at the facility and ends when measurable discharge ceases at the facility.

3.8.2.3. Holding Ponds and Basins. Discharges from stormwater holding ponds and basins may be unrelated to the occurrence of a measurable storm event, as described in Part 3.8.2.2. Samples must be taken within the first 30 minutes of a discharge from holding ponds and basins, regardless of the occurrence of a measurable storm event. Both controlled and uncontrolled discharges are acceptable for sampling.

3.8.2.4. Adverse Weather Conditions. Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, electrical storms, or situations that otherwise make sampling impractical, such as drought or extended frozen conditions. When adverse weather conditions prevent the collection of samples according to the relevant monitoring schedule, a substitute sample must be taken during the subsequent qualifying storm event. The facility must document any failure to monitor as indicating the basis for not sampling during the usual reporting period.

3.8.2.5. Sampling Method. Analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department provided that such otherwise approved analytical method is the equivalent of that found in the guidance cited in this section or will result in more accurate analytical results or will have a lower detection limit. Note that 40 CFR Part 136 and *Standard Methods for the Examination of Waste and Wastewater* establish the maximum holding times for each parameter which must be met for sampling results to be considered valid. Some parameters have short holding times, such as pH, which should be analyzed immediately to be considered valid.

3.8.2.6. Records. For each sampling event, except for sampling from holding ponds and basins, the permittee shall record the date of the storm event 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. The above information does not need to be recorded for sampling events for discharges from holding ponds and basins.

3.9. Exceptions to Monitoring Requirements.

3.9.1. Inactive and Unstaffed Facilities. Facilities that are inactive and unstaffed during an entire monitoring period will not be required to monitor during the inactive and unstaffed period. To be eligible for an inactive and unstaffed facility waiver, the permittee must certify the site is unstaffed and inactive and the pollutant generating activities are not occurring at the site. The certification must be signed in accordance with signatory requirements of Part 7.8 and kept with the Stormwater Pollution Prevention Plan. Unstaffed is defined as no staff assigned to the industrial or pollutant generating activities. A site may be "unstaffed" even when security personnel are present, provided that pollutant generating activities are not included in their duties.

3.9.2. Sampling Waiver. If a parameter is assigned to the facility per Part 3.4, the permittee may request in writing for sampling for that parameter to be waived. Adequate justification or data must be provided to the Department indicating as to why the assigned characteristic is not present at levels that would adversely affect the environment. The Department will review the request and all available information and provide a decision via correspondence.

3.10. Alternatives to Parameter Benchmark Values. The permittee may develop alternatives to the parameter benchmark values, as follows.

3.10.1. The SWPPP must contain a full and complete description of the alternative(s) to the established parameter benchmark values listed in this permit, along with the justification for the selected alternative(s), why the alternative(s) is considered equivalent to the listed parameter benchmark value in protecting water quality (if the permittee is establishing a different value than the established parameter benchmark value), how the alternative(s) will be evaluated to determine equivalency with the established parameter benchmark value, and documenting on an annual basis the permittee's ability to successfully achieve the alternative(s) to the established parameter benchmark values.

3.10.2. The permittee shall submit the section of the SWPPP with the alternative(s) and the rationale to the Department for review. The Department shall review the alternatives and notify the facility of such a decision in writing within 60 days of receipt of the request. The permittee shall use the parameter benchmark values provided in Part 3.4 until written approval by the Department of the alternative benchmark value(s) is received.

3.11. Response to Monitoring Results Above Parameter Benchmark Values. This permit stipulates parameter benchmark value concentrations that may be applicable to a facility's discharge. The benchmark concentrations are not effluent limitations. Therefore, a benchmark exceedance is not a permit violation. Benchmark monitoring data are primarily for the facility to use for determining the overall effectiveness of control measures and to assist in knowing when additional corrective action(s) may be necessary to comply with permit requirements.

3.11.1. Data exceeding benchmarks: If a sampling result for any parameter exceeds the parameter benchmark value, the facility shall investigate the cause or source of the elevated pollutant levels, review the 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 while immediately taking all readily apparent, reasonable steps necessary to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational, including cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events.

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 with milestone dates and 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. This documentation must be included in an annual report and a copy retained onsite with the SWPPP.

3.11.2. Natural background pollutant level: If the permittee determines, and the Department acknowledges, that the exceedances of a benchmark value is attributable solely to the presence of that pollutant in the natural background, the permittee is not required to perform corrective actions or additional benchmark monitoring, provided that the following are met:

3.11.2.1. The concentration of the benchmark monitoring results is less than or equal to the concentration of that pollutant in the natural background (data from previous monitoring may be used if it is less than 5 years old);

3.11.2.2. The permittee documents and maintains with the SWPPP the supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. This must include in the supporting rationale any site specific data previously collected by the facility or others (including literature studies) that describe the levels of natural background pollutants in the stormwater discharge; and

3.11.2.3. The Department must be notified that the benchmark exceedances are attributable solely to natural background pollutant levels. Natural background pollutants include those substances that are naturally occurring in soils or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity on-site or pollutants in run-on from neighboring sources which are not naturally occurring.

Compliance with the requirements of the above conditions does not relieve the permittee of the duty to comply with any other applicable conditions of this permit

PART 4: STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

Each facility covered by this permit shall develop, implement, and comply with a SWPPP. The SWPPP shall be prepared in accordance with commonly accepted engineering practices. The SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges associated with industrial activity from the facility. Required elements of the SWPPP, implemented in the form of BMPs in lieu of numerical limitations, are considered to be technology-based non-numeric limits based on 40 CFR 122.44(k)(3). The permittee must select, design, install, and implement control measures to comply with the Best Management Practices in Part 3.1, to meet the water quality-based effluent limitations in Part 3.2, and meet the limits contained in applicable Effluent Limitations Guidelines in Part 3.3; the SWPPP is the documentation of this process. The SWPPP must also include any additional BMPs as necessary to comply with state water quality standards and parameter benchmark values. New facilities must have a SWPPP developed and implemented before beginning operation. However, some components of a SWPPP are added over time (e.g. results of dry and wet weather inspections) and cannot be included in the first SWPPP. The Permittee must update the SWPPP as required by permit conditions. Facilities must implement the provisions of the SWPPP required under conditions of this permit.

4.1 Deadlines for SWPPP Preparation and Compliance. Deadlines for SWPPP preparation and compliance for stormwater discharge associated with industrial activity are as follows. Upon a showing of good cause, the Director may establish a later date in writing for preparing and coming into compliance with a SWPPP for a stormwater discharge associated with industrial activity that submits an NOI in accordance with requirements of this permit.

Category	Completion or Updating of SWPPP
New Dischargers	Shall be developed and then submitted to the Department with the Application Package
Existing Dischargers Authorized Under 2014 IGP	Shall be updated by the effective date of this permit. Submittal is not required.

4.2 Contents of SWPPP.

For coverage under this permit, the SWPPP shall include, at a minimum, the following elements:

- Facility information (see Part 4.2.1)
- Stormwater pollution prevention team (see Part 4.2.2);
- Facility description (see Part 4.2.3);
- Description of potential pollutant sources (see Part 4.2.4);
- Measures and controls (see Part 4.2.5);
- Schedules and procedures (see Part 4.2.6);
- Additional requirements (see Part 4.2.7) and
- Signature requirements (see Part 4.2.8).

4.2.1 Facility Information. Each SWPPP shall include the facility name, general permit tracking number, facility physical address, and the facility's SIC and NAICS codes.

4.2.2 Stormwater Pollution Prevention Team. Each SWPPP shall identify a specific individual or position within the facility 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 individual's name must be listed.

4.2.3 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). As part of the facility description, a site map should be provided showing the following, as applicable:

4.2.3.1 the size of the property in acres;
4.2.3.2 the location and extent of significant structures and impervious surfaces;
4.2.3.3 directions of stormwater flow (use arrows);
4.2.3.4 locations of all existing structural control measures;
4.2.3.5 locations of all receiving waters in the immediate vicinity of the facility,
4.2.3.6 locations of all stormwater conveyances including ditches, pipes, and swales;
4.2.3.7 locations of potential pollutant sources;
4.2.3.8 locations of all stormwater monitoring points;
4.2.3.9 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;
4.2.3.10 municipal separate storm sewer systems (MS4), where the stormwater discharges to them (if applicable);
4.2.3.11 locations and descriptions of all non-stormwater discharges identified;
4.2.3.12 locations of the following activities where such activities are exposed to precipitation: fueling stations; vehicle and equipment maintenance 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
4.2.3.13 locations and sources of run-on to the site from adjacent property that contains significant quantities of pollutants.

4.2.4 Description of potential pollutant sources. The SWPPP must document the areas at the facility where industrial materials or activities are exposed to stormwater and from which allowable non-stormwater discharges are released. For the definition of "industrial materials or activities," see Part 8.13. For each area identified, the description must include:

4.2.4.1 Industrial Activities in the area. A list of the industrial activities exposed to stormwater (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams).

4.2.4.2 Pollutants. A list of the pollutant(s) or pollutant constituents (e.g., crankcase oil, zinc, sulfuric acid, and cleaning solvents) associated with each identified activity. The pollutant list must include all significant materials that have been handled, treated, stored, or disposed, and that have been exposed to stormwater in the 3 years prior to the date the SWPPP is prepared or amended.

4.2.4.3 Spills and Leaks. The SWPPP must document where potential spills and leaks could occur that could contribute pollutants to stormwater discharges, and the corresponding outfall(s) that would be affected by such 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 in the three years prior to the date the SWPPP was prepared or amended. This list shall be updated as appropriate during the term of the permit.

4.2.4.4 Non-Stormwater Discharges. The SWPPP shall include measures to identify and eliminate the discharge of process wastewater, domestic wastewater, non-contact cooling water, and other illicit discharges to stormwater systems or to waters of the State. The SWPPP shall identify and ensure the implementation of appropriate pollution prevention measures for non-stormwater component(s) of the discharge allowed by Part 1.6.

The SWPPP shall also include a certification that the discharge has been tested or evaluated for the presence of illicit non-stormwater discharges and that all identified unauthorized discharges have been eliminated. The certification shall include the identification of potential significant sources of non-stormwater at the site, a description of the results of any test or evaluation for the presence of non-stormwater discharges, the evaluation criteria and testing method used, the date of any testing or evaluation, and the on-site drainage points that were directly observed during a test. Certifications shall be signed in accordance with Part 7.8 of this permit. Such certification may not be feasible if the facility operating the stormwater discharge associated with industrial activity does not have access to an outfall, manhole or other point of access to the ultimate conduit which receives the discharge. In such cases, the source identification section of the SWPPP shall indicate why the certification required by this part was not feasible, along with the identification of potential significant sources of non-stormwater at the site.

4.2.4.5 Salt Storage. The SWPPP must document the location of any storage piles containing salt used for deicing or other commercial or industrial purposes.

4.2.4.6 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.

4.2.5 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:

4.2.5.1 preventing stormwater from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from stormwater;
4.2.5.2 using control measures in combination is more effective than using control measures in isolation for minimizing pollutants in stormwater discharges;
4.2.5.3 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;
4.2.5.4 minimizing impervious areas at the facility and infiltrating runoff onsite (including bioretention 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;
4.2.5.5 attenuating flow using open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;
4.2.5.6 conserving or restoring of riparian buffers will help protect streams from stormwater runoff and improve water quality; and

4.2.5.7 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: (https://www.epa.gov/npdes/stormwater-discharges-industrial-activities#msgpdocuments). The description of stormwater management controls in the SWPPP shall address the following minimum components, including a schedule for implementation:

4.2.6 Schedules and Procedures.

4.2.6.1 **Documentation of Control Measures Used to Comply with the Best Management Practices in Part 3.** The following must be documented in the SWPPP:

4.2.6.1.1 Good Housekeeping (See Part 3.1.2) – A schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers;

4.2.6.1.2 Maintenance (See Part 3.1.3) – Preventative maintenance procedures, including regular inspections, testing, maintenance, and repair of all industrial equipment and systems, and control measures, to avoid situations that may result in leaks, spills, and other releases, and any back-up practices in place should a runoff event occur while a control measure is off-line;

4.2.6.1.3 Spill Prevention and Response Procedures (See Part 3.1.4) – Procedures for preventing and responding to spills and leaks. The procedures may reference the existence of other plans for Spill Prevention Control and Countermeasure (SPCC) developed for the facility under Section 311 of the CWA or BMP programs otherwise required by an NPDES permit for the facility, provided that a copy of that other plan is kept onsite and made available for review consistent with Part 5.2; and

4.2.6.1.4 Employee Training (Part 3.1.8) – A schedule for all types of necessary training.

4.2.6.2 **Documentation of Monitoring.**

4.2.6.2.1 The operator must document in the SWPPP the procedures for conducting the analytical monitoring specified by this permit, where applicable to the facility, including:

4.2.6.2.1.1 Benchmark monitoring (see Part 3.4);
4.2.6.2.1.2 Effluent limitations guidelines monitoring (see Part 3.3); and
4.2.6.2.1.3 Other monitoring as required by the Department.

4.2.6.2.2 For each type of monitoring, the SWPPP must document:

4.2.6.2.2.1 Locations where samples are collected, including any determination (and supporting documentation) that two or more outfalls are substantially identical;
4.2.6.2.2.2 Parameters for sampling and the frequency of sampling for each parameter;
4.2.6.2.2.3 Any numeric control values (benchmarks, effluent limitations guidelines, TMDL-related requirements, or other requirements) applicable to discharges from each outfall; and
4.2.6.2.2.4 Procedures (e.g., responsible staff, logistics, laboratory to be used, etc.) for gathering storm event data, as specified in Part 3.8.2.

4.2.6.3 **Documentation of Inspections.** The operator must document in the SWPPP the procedures for performing, as appropriate, the inspections specified by this permit, including:

- Routine facility inspections (see Part 5.1.1);
- Comprehensive site inspections (see Part 5.1.2).

For each type of inspection performed, the SWPPP must identify:

4.2.6.3.1 Person(s) or positions of person(s) responsible for inspection;
4.2.6.3.2 Schedules for conducting inspections; and
4.2.6.3.3 Specific items to be covered by the inspection, including schedules for specific outfalls.

4.2.6.4 **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, employee training, and maintenance activities performed on control measures that are used in the implementation of the Best Management Practices or to achieve the effluent limits required by this permit shall be documented and records of such activities shall be incorporated into the SWPPP.

4.2.7 Additional Requirements.

4.2.7.1 **Documentation of Permit Eligibility Related to the 303(d) list (Impaired Water Bodies) and Total Maximum Daily Loads (TMDL).** The SWPPP should include information on whether or not the stormwater discharge from the facility enters a water body that is on the most recently approved 303(d) list, or has an approved TMDL. If the stormwater discharge does enter a water body that is on the most recently approved 303(d) list, or has an approved TMDL, then the SWPPP should address the following items below:

4.2.7.1.1 document that the pollutant(s) for which the waterbody is impaired is not present at the facility, and retain documentation of the finding with the SWPPP; or
4.2.7.1.2 incorporate into the SWPPP any additional BMPs needed to prevent to the maximum extent practicable exposure of pollutants to stormwater for which the waterbody is impaired and to sufficiently protect water quality. The Department will review this information; or
4.2.7.1.3 identification of measures taken by the facility to ensure that its discharge of pollutants from the site is consistent with the assumptions and allocations of the TMDL; and
4.2.7.1.4 If a specific numeric wasteload allocation has been established that would apply to the facility's discharges, the operator must incorporate that allocation into its SWPPP and implement necessary steps to meet that allocation and implement necessary steps to meet that allocation. The Department will review this information.

If the Department determines during the review process that the facility will be discharging to a receiving water that is on the most recently approved 303(d) list, or has an approved TMDL, then the Department may require the applicant to include additional BMPs in the SWPPP.

4.2.7.2 **Direct Discharges into an Extraordinary Resource Water (ERW), Natural and Scenic Waterway (NSW), or Ecologically Sensitive Waterbody (ESW).** The SWPPP should include information on whether or not the stormwater discharges from the facility enters a water body that is listed as an ERW, NSW, or ESW. If the stormwater discharge does enter a waterbody that is listed as an ERW, NSW, or ESW, then the SWPPP should address the following items:

4.2.7.2.1 document the name of the listed waterbody and the approximate distance between the outfall and the listed waterbody; and

4.2.7.2.2 incorporate into the SWPPP additional BMPs needed to prevent to the maximum extent practicable exposure of pollutants to stormwater that could potentially impact water quality.

If the Department determines during the review process that the facility will be discharging to a receiving water listed as an ERW, NSW, or ESW, then the Department will notify the applicant to include additional Best Management Practices in the SWPPP.

4.2.7.3 **Attainment of Water Quality Standards After Authorization.** The permittee must select, install, implement and maintain BMPs that will minimize or eliminate pollutants in the discharge as necessary to meet applicable water quality standards. At any time after authorization, the Department may determine that the stormwater discharges may cause, have reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. If such a determination is made, the Department will require the permittee to:

4.2.7.3.1 Develop a supplemental BMP action plan describing SWPPP modifications to address adequately the identified water quality concerns;
4.2.7.3.2 Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or
4.2.7.3.3 Cease discharges of pollutants from the facility and submit an individual permit application according to Part 7.22.
4.2.7.3.4 All written responses required under this part must include a signed certification consistent with Parts 7.8 and 7.9.

4.2.7.4 **Enhanced/Additional 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 the Department, 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. The Department 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 ensure compliance with standards. The Permittee shall modify the SWPPP and the BMPs to correct the deficiencies identified in the notice. The Department 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.

4.2.8 Certification. All SWPPP must contain a certification, per Part 7.9 of this permit, and must be signed in accordance with the provisions of 40 CFR 122.22, as adopted by reference in Reg. 6, and Part 7.8 of this permit.

4.3 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.

4.4 SWPPP Availability. The permittee must retain a copy of the current SWPPP required by this permit at the facility, and it must be immediately available to the Department, the operator of an MS4 receiving discharges from the site; and representatives of the USF&WS at the time of an onsite inspection or upon request. The Department may provide access to portions of a facility's SWPPP to a member of the public upon request.

4.5 SWPPP Updates. The permittee must review the SWPPP when any of the following conditions occur or are detected during an inspection, monitoring, or other means:

4.5.1 An unauthorized release or discharge (e.g., spill, leak, or discharge of non-stormwater not authorized by this or another NPDES permit) occurs at the facility

4.5.2 A discharge violates a numeric effluent limit

4.5.3 Proposed control measures are not stringent enough for the discharge to meet applicable water quality standards

4.5.4 A required control measure was never installed, was installed incorrectly, or is not being properly operated or maintained

4.5.5 Visual assessments indicate obvious signs of stormwater pollution (e.g., color, odor, floating solids, settled solids, suspended solids, foam)

4.5.6 Construction or a change in design, operation, or maintenance at the facility that significantly changes the nature of pollutants discharged in stormwater from your facility, or significantly increases the quantity of pollutants discharged

The permittee's review of the SWPPP is to determine if and where revisions may be needed to eliminate the condition, prevent its reoccurrence, and ensure that effluent limitations are met.

PART 5: EVALUATIONS AND RECORDKEEPING REQUIREMENTS

5.1 Evaluations and Inspections.

5.1.1 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 the Department 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.

Inactive and Unstaffed Sites: The requirement to conduct visual site inspections on a quarterly basis does not apply at a facility that is inactive and unstaffed in accordance with Part 3.9.1, as long as there are no industrial materials or activities exposed to stormwater. Such a facility is only required to conduct an annual comprehensive site inspection in accordance with the requirements of Part 5.1.2.

5.1.2 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.

5.1.2.1 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.

5.1.2.2 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 (Part 4.2.4) and pollution prevention measures identified in the SWPPP in accordance with Measures and Controls of this permit (Part 4.2.5) 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.

5.1.2.3 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 5.2.1. The report shall be signed in accordance with Part 7.8 of this permit.

5.1.2.4 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.

5.2 Recordkeeping Requirements.

5.2.1 Records. The Permittee shall retain records of all monitoring information, inspection reports, SWPPP, NOI, and any other documentation of compliance with permit requirements for a period of at least three (3) years from the date of termination. Such information shall include all calibration and maintenance records and all original 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. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Department. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit. These records can be kept electronically if all permit recordkeeping requirements are met, such as record retention, availability of records, and signatory requirements. If electronic records are kept, information regarding where the records can be accessed must be included in the facility's SWPPP.

5.2.2 Records Contents. For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

5.2.3 Airport Deicing at Primary Airports – Records. Facilities subject to the Effluent Limitations Guideline for Airport Deicing (40 CFR 449) shall comply with the monitoring, reporting, and recordkeeping requirements in 40 CFR 449.20(a)(1) and (2).

5.2.4 Stormwater Annual Report (SWAR) Requirements. The SWAR covers the previous 12 month January – December calendar year and is to be incorporated as part of the SWPPP no later than the 31st day of January of the following year (i.e., January 31, 2020 for year 2019). The first SWAR may include less than 12 months of information. The SWAR form is available on the Department's website: www.adeq.state.ar.us .

The Department's SWAR form must be used and the following information must be included in the SWAR:

5.2.4.1 Monitoring results obtained from stormwater sampling, unless waived;
5.2.4.2 Justification for why samples were not taken, if applicable (explanation of why there was no discharge, adverse weather conditions, etc.);
5.2.4.3 Significant findings from the comprehensive site evaluation and site inspections (including visual monitoring of outfalls);
5.2.4.4 A summary of any corrective action plans written under Part 3.11.1, including the status of any corrective actions not yet completed at the time of submittal of the SWAR; and
5.2.4.5 The SWAR must be signed in accordance with Part 7.8.

The SWAR is not required to be submitted to the Department, except upon request. If requested, the SWAR must be received by the Department within five (5) business days of the request, unless another deadline is specified.

5.2.5 Additional Monitoring by the Permittee. If the permittee monitors any pollutant at any outfall more frequently than required by this permit using test procedures specified in this permit, then the results of this monitoring shall be included in the permittee's SWAR.

PART 6: TOXICITY TESTING

6.1 Toxicity Testing Requirements. The determination as to which facilities will be required to perform toxicity testing will be made on a case-by-case basis based on available information and monitoring data. The permittee will be provided written notice by the Department if toxicity testing is required.

6.2 Acute Whole Effluent Toxicity Limits

LETHAL LIMIT 100%

6.2.1 Scope, Frequency and Methodology

6.2.1.1 The provisions of this section are applicable to discharges authorized in Parts 1.1 and 6.1 above for whole effluent toxicity.

6.2.1.2 The permittee shall test the effluent for toxicity in accordance with the provisions in this section. This testing will determine if an effluent sample adversely affects the survival of the test organisms. The permittee shall submit the results of these tests to the Department for review to the following email address: Water-Permit-Application@adeq.state.ar.us.

6.2.1.3 The permittee shall implement all toxicity tests utilizing the test organisms, procedures, and quality assurance requirements specified in this section of the permit and in accordance with the EPA manual, "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms", EPA-821-R-02-012, or the latest update thereof. The permittee shall repeat a test, including the control and 100% effluent dilution, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied. A repeat test shall be conducted within the required reporting period of any test determined to be invalid.

6.2.1.4 Test Acceptance. The permittee shall repeat a test, including the control and 100% effluent, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied, including the following additional criteria:

6.2.1.4.1 Each toxicity test control (0% effluent) must have a survival equal to or greater than 90%.

6.2.1.4.2 The percent coefficient of variation between replicates shall be 40% or less in the control (0% effluent) for: Daphnia pulex survival test; and Fathead minnow survival test.

6.2.1.4.3 The percent coefficient of variation between replicates shall be 40% or less in the critical dilution (100% effluent), unless significant lethal effects are exhibited for: Daphnia pulex survival test; and Fathead minnow survival test.

6.2.1.4.4 If a test passes, yet the percent coefficient of variation between replicates is greater than 40% in the control (0% effluent) and/or in the critical dilution (100% effluent) for: the survival in the Daphnia pulex survival test or the survival endpoint of the Fathead minnow test, the test is determined to be invalid. A repeat test shall be conducted within the required reporting period of any test determined to be invalid.

6.2.1.4.5 If a test fails, test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%.

6.2.1.5 Daphnia pulex acute static renewal 48-hour definitive toxicity test using EPA-821-R-02-012, or the latest update thereof. A minimum of five (5) replicates with eight (8) organisms per replicate must be used in the control and in each effluent dilution of this test.

Pimephales promelas (Fathead minnow) acute static renewal 48-hour definitive toxicity test using EPA-821-R-02-012, or the latest update thereof. A minimum of five (5) replicates with eight (8) organisms per replicate must be used in the control and in each effluent dilution of this test.

The permittee shall conduct the Fathead minnow and the Daphnia pulex toxicity tests at a frequency of once per year.

Permittees that are required to conduct Whole Effluent Toxicity testing must continue to monitor for acute Whole Effluent Toxicity unless testing is no longer required per the provisions of Part 6.2.3.

6.2.1.6 The permittee shall use 100% effluent dilution concentration in addition to a control (0% effluent) in each toxicity test. The low-flow effluent concentration (critical dilution) is defined as 100% effluent.

6.2.1.7 The conditions of this item are effective beginning with the effective date of the WET limit. When the effluent fails the survival endpoint at the critical dilution, the permittee shall be considered in violation of this permit limit

6.2.2 Required Toxicity Testing Conditions

6.2.2.1 Samples: The permittee shall collect grab samples for test initiation and 24-hour renewal in accordance with Section 8 of EPA-821-R-02-012. The permittee must have initiated the toxicity test within 36 hours after the collection of the grab sample. Samples shall be chilled to between 0 and 6 degrees Centigrade during collection, shipping, and/or storage.

6.2.2.2 Dilution Water: The synthetic dilution water (control) shall have a pH, hardness and alkalinity similar to that of the receiving water, provided the magnitude of these parameters will not cause toxicity in the synthetic dilution water. Section 7 of EPA-821-R-02-012 provides additional instructions.

6.2.2.3 Statistical Interpretation: For the Fathead minnow and the Daphnia pulex survival tests, the statistical analyses used shall be in accordance with the methods for determining Pass/Fail for Single-Concentration Tests as described in the EPA manual, "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms", EPA-821-R-02-012, or the most recent update thereof.

6.2.3 Persistent Lethality

If acute Whole Effluent Toxicity (statistically significant difference between the 100% effluent and the control) is detected in stormwater discharges in tests required to be conducted, the permittee shall review the SWPPP and make appropriate modifications to assist in identifying the source(s) of toxicity and to reduce or eliminate the toxicity of their stormwater discharges. A summary of the review and the resulting modifications shall be documented in the plan.

6.2.4 Reporting

6.2.4.1 The permittee shall prepare a full report of the results of all tests conducted pursuant to this Part in accordance with the Report Preparation Section of, "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms", EPA-821-R-02-012, for every valid or invalid toxicity test initiated, whether carried to completion or not. The permittee shall submit full reports, to the Department.

6.2.4.2 All test results shall be reported on "Summary Reports" (provided by the Department) and submitted to the following email address: Water-Permit-Application@adeq.state.ar.us

6.2.4.3 The facility may request in writing for testing for acute Whole Effluent Toxicity to be deleted as a requirement after passing two (2) consecutive annual testing periods. The Department will provide a decision in writing. If a facility has fails two (2) testing periods (annually), quarterly testing for Acute Whole Effluent Toxicity will be required until the facility has passed two consecutive quarterly tests. After two consecutive quarterly periods in which tests on both toxicity test species have passed, the facility shall resume annual testing. If, during the first year of quarterly testing a facility fails all four quarterly testing periods for Acute Whole Effluent Toxicity, the facility will be required to increase monitoring or improve BMPs and obtain an Individual permit.

PART 7: STANDARD PERMIT CONDITIONS

7.1 **Duty to Comply.** The operator 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; permit termination, revocation and re-issuance, or modification; requiring a permittee to apply for an individual NPDES permit; or denial of a permit renewal application.

7.2 **Penalties for Violations of Permit Conditions.** The Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 et seq.) provides that any person who violates any provisions of a permit issued under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year, or a criminal penalty of not more than twenty five thousand dollars ($25,000) or by both such fine and imprisonment for each day of such violation. Any person who violates any provision of a permit issued under the Act may also be subject to civil penalty in such amount as the court shall find appropriate, not to exceed ten thousand dollars ($10,000) for each day of such violation. The fact that any such violation may constitute a misdemeanor shall not be a bar to the maintenance of such civil action.

7.3 **Continuance of the Expired General Permit.** An expired general permit, including no exposure certification, continues in force and effect until a new general permit is issued. If this permit is not re-issued or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedure Act and remain in force and effect. If permit coverage was granted prior to the expiration date, permit coverage is automatically continued until the earliest of:

7.3.1 Reissuance or replacement of this permit, at which time the operator must comply with the conditions of the new permit to maintain authorization to discharge and, the operator is required to notify the Department of his/her intent to be covered under this permit by the effective date of the renewal permit; or

7.3.2 Submittal of a Notice of Termination; or

7.3.3 Issuance of an individual permit for the facility's discharges; or

7.3.4 A formal permit decision by the Department to not re-issue this general permit, at which time the facility must seek coverage under an individual NPDES permit or other alternate permits.

7.4 **Need to Halt or Reduce Activity Not a Defense.** It shall not be a defense for an operator in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

7.5 **Duty to Mitigate.** The operator shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has reasonable likelihood of adversely affecting human health or the environment.

7.6 **Duty to Provide Information.** The operator shall furnish to the Director, an authorized representative of the Director, the EPA, a State or local agency reviewing sediment and erosion plans, grading plans, or stormwater management plans, or in the case of a stormwater discharge associated with industrial activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system, within a reasonable time, any information which is requested to determine compliance with this permit.

7.7 **Other Information.** When the operator becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Director, he or she shall promptly submit such facts or information.

7.8 **Signatory Requirements.** All Notices of Intent, reports, or information submitted to the Director shall be signed and certified as follows:

7.8.1 **For a corporation:** by a responsible corporate officer. For purposes of this section, a responsible corporate officer means:

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

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

7.8.2 **For a partnership or sole proprietorship:** by a general partner or the proprietor, respectively;

7.8.3 **For a municipality, State, Federal or other public agency:** By either a principal executive or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

7.8.3.1 The chief executive officer of the agency; or

7.8.3.2 A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

7.8.4 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:

7.8.4.1 The authorization is made in writing by a person described above and submitted to the Director;

7.8.4.2 The authorization specifies either an individual or a person having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility, or position of equivalent responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

7.8.4.3 Changes to authorization. If an authorization under this Part is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the above requirements must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

7.8.5 If required by the operator of a small, medium, or large MS4, the permittee shall provide all submissions signed and certified in accordance with the requirements of this section (7.8).

7.9 **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."

7.10 **Penalties for Falsification of Reports.** The Arkansas Water and Air Pollution Control Act provides that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained under this permit shall be subject to civil penalties or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 et seq.).

7.11 **Penalties for Tampering.** The Arkansas Water and Air Pollution Control act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year or a fine of not more than twenty five thousand dollars ($25,000) or by both such fine and imprisonment.

7.12 **Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties to which the operator is or may be subject under Section 311 of the Clean Water Act or Section 106 of CERCLA.

7.13 **Local, State and Federal Laws.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable local, state, or federal law or regulation.

7.14 **Property Rights.** The issuance of this permit does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property, any invasion of personal rights, or any infringement of Federal, State, or local laws or regulations.

7.15 **Severability.** The provisions of this permit are severable. If any provisions of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provisions to other circumstances and the remainder of this permit shall not be affected thereby.

7.16 **Transfers.** This permit is not transferable to any person except after notice to the Director. A transfer form must be submitted to the Department as required by this permit.

7.17 **Proper Operation and Maintenance.** The operator shall at all times:

7.17.1 Properly operate and maintain all controls (and related appurtenances) which are installed or used by the operator to achieve compliance with the conditions of this permit. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by an operator only when the operation is necessary to achieve compliance with the conditions of the permit.

7.17.2 Provide an adequate operating staff which is duly qualified to carry out operation, inspection, maintenance, and testing functions required to ensure compliance with the conditions of this permit.

7.18 **Inspection and Entry.** The operator shall allow the Director, the EPA, or an authorized representative, or, in the case of a facility which discharges to a municipal separate storm sewer, an authorized representative of the municipal operator of the separate sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

7.18.1 Enter upon the operator's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
7.18.2 Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
7.18.3 Inspect at reasonable times any facilities or equipment (including monitoring and control equipment).

7.19 **Permit Actions.** This permit coverage may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

7.19.1 Violation of any terms or conditions of this permit;
7.19.2 Obtaining this permit by misrepresentation or failure to fully disclose all relevant facts;
7.19.3 A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge;
7.19.4 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; or
7.19.5 Failure of the operator to comply with the provisions of Reg. 9 (Fee Regulation). Failure to promptly remit all required fees shall be grounds for the Director to initiate action to terminate this permit under the provisions of 40 CFR 122.64 and 124.5(d), as adopted by reference in Reg. 6, and the provisions of Reg. 8.

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

7.21 **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.

7.22 **Requiring an Individual NPDES Permit or an Alternative General Permit.**

7.22.1 At the discretion of the Director, he/she may require any operator covered under this general permit to apply for and obtain an individual NPDES permit for reasons that include but are not limited to the following:

7.22.1.1 The discharger is a significant contributor of pollution;
7.22.1.2 The discharger is not in compliance with the conditions of the general permit;
7.22.1.3 Conditions or standards have changed so that the discharger no longer qualifies for a general permit;
7.22.1.4 Discharges into 303(d) listed stream segments is prohibited if the impairment was caused by any of the pollutants listed in the permit; and
7.22.1.5 If the total maximum daily load (TMDL) requirement is more stringent than this permit then permittee shall apply for an individual permit.

7.22.2 The operator must be notified in writing that an application for an individual permit is required. When an individual NPDES permit is issued to an owner or operator otherwise covered under this general permit, the applicability of the general permit to that owner or operator automatically terminates upon the effective date of the individual NPDES permit.

7.22.3 Any operator covered by this General Permit may request to be excluded from the coverage by applying for an individual NPDES permit.

7.23 **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:

7.23.1 Take immediate action to minimize potential contamination or otherwise stop the noncompliance and correct the problem;
7.23.2 Immediately notify the Department of the failure to comply; and
7.23.3 Submit a detailed written report to the Department within thirty (30) days unless the Department 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.

PART 8: DEFINITIONS

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

8.2 **"Arkansas Pollution Control and Ecology Commission"** shall be referred to as APC&EC throughout this permit.

8.3 **"Best Management Practices (BMPs)"** means 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.

8.4 **"Coal Pile Runoff"** means the rainfall runoff from or through any coal storage area.

8.5 **"Contaminated"** means 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 or the quality of the water.

8.6 **"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.

8.7 **"CWA"** means the Clean Water Act or the Federal Water Pollution Control Act.

8.8 **"Director"** means the Director, Arkansas Department of Environmental Quality, or a designated representative.

8.9 **"Discharge"** when used without qualification means the "discharge of a pollutant".

8.10 **"Eligible"** qualified for authorization to discharge stormwater under this general permit.

8.11 **"Excavation dewatering"** means removal of **uncontaminated** (e.g. groundwater) that accumulates in an excavation that is being performed for the purpose of construction (e.g., building foundations or installation of equipment below grade). "Excavation dewatering" may include the removal of accumulated stormwater or groundwater. See also, the definition of "Mine dewatering" in Part 8.20.

8.12 **"Impaired Water"** a water body listed in the current, approved Arkansas 303(d) list.

8.13 **"Industrial materials or activities"** include, but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; and intermediate products, by-products, final products, and waste products.

8.14 **"Harmful quantity"** means 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.

8.15 **"Land Application Unit"** means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.

8.16 **"Landfill"** means 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"** means all municipal separate storm sewer systems that are either:

a. Located in an incorporated place with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of the Census (Appendix G of 40 CFR Part 122.26); or

b. 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

c. 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 **"Material handling activities"** include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product.

8.19 **"Minimize"** means to reduce or eliminate to the extent achievable using control measures (including Best Management Practices) that are technologically available and economically practicable and achievable in light of best industry practice.

8.20 **"Mine dewatering"** means removal of water from areas where surface mining or quarrying activities are being conducted. These mining activities include: a) the surface extraction of clay, bauxite, sand, gravel, soil, shale or other materials for commercial purposes; b) removing the materials over a coal seam, before recovering the coal; c) removing of stone from an open pit or quarry.

8.21 **"NOI"** means Notice of Intent to be covered by this permit.

8.22 **"NOT"** means Notice of Termination.

8.23 **"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.

8.24 **"Outfall"** means a point source where stormwater leaves the site.

8.25 **"Permittee"** for the purpose of this permit is any entity which has obtained coverage under the Industrial Stormwater General Permit.

8.26 **"Physically Interconnected"** means that one municipal separate storm sewer system is connected to a second municipal separate storm sewer system in such a way that it allows for direct discharges into the second system.

8.27 **"Point Source"** means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

8.28 **"Small Municipal Separate Storm Sewer System"** means all municipal separate storm sewer systems that are either:

a. 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.

b. 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.

c. 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.

8.29 **"Runoff Coefficient"** means the fraction of total rainfall that will appear at the conveyance as runoff.

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"** means stormwater runoff, snow melt runoff, and surface runoff and drainage.

8.33 **"Stormwater Associated with Industrial Activity"** means 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.

(x) 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;

NOTE: See exclusion under Part 1.8.2.

(xi) 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 **"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.

8.36 **"Uncontaminated"** means that the water will not exceed the water quality standards as set forth in Reg. 2; also not containing a harmful quantity of any substance.

8.37 **"Urbanized Area"** means 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.

8.38 **"Waste Pile"** means any non-containerized accumulation of solid, non-flowing waste that is used for treatment or storage.

8.39 **"10-year, 24-hour Precipitation Event"** means 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.