Permit No. ARG500000

Authorization to Discharge under
The National Pollutant Discharge Elimination System and
The Arkansas Water Pollution Control Act

In accordance with the provisions of the Arkansas Water Pollution Control Act (Act 472 of 1949, as amended, Ark. Code Ann. 8-4-101 et seq.), and the Clean Water Act (33 U.S.C. 1251 et seq.),

Sand and Gravel and Rock Quarry Facilities

are authorized to discharge to all receiving waters except those receiving streams which are excluded in Part I, Section A.3 of the permit

in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I and II hereof.

This permit shall become effective on .

This permit and the authorization to discharge shall expire at midnight

operators within the State of Arkansas who fail to make a written request to the Director to be covered by this general permit are not authorized to discharge under the general permit.

Signed this day of

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Martin Maner, P.E.
Chief, Water Division
Arkansas Department of Environmental Quality

PART I
PERMIT REQUIREMENTS

SECTION A: COVERAGE UNDER THIS PERMIT

1. **Permit Area**: The area covered by this permit includes all areas within the State of Arkansas except those receiving streams which are excluded in Part I, Section A.3 of the permit.

2. **Eligibility and Authorization**

   A. This general permit covers discharges from Sand and Gravel and Rock Quarry facilities that conduct activities designated by one or more of the following Standard Industrial Classification (SIC) codes:

SIC Code	40 CFR 436
1411	Dimension Stone-Subpart A
1422	Crushed and Broken Limestone-Subpart B
1423	Crushed and Broken Granite-Subpart B
1429	Crushed and Broken Stone-Subpart B
1442	Construction Sand and Gravel-Subpart C

   B. Any facility that discharges stormwater commingled with process wastewater, quarry dewatering water, or process water to surface waters of the State from 10 year 24 hour storage pond..

   C. Operators of Sand and Gravel and Rock Quarry facilities located within the state of Arkansas must submit a notice of intent (NOI):

      1. New dischargers shall be submitted NOI to the Department at least 30 days prior to the proposed discharge.

      2. Existing dischargers with an NPDES permit shall be submitted to the Department within 90 days of the effective date of the permit.

   D. Written notification of intent shall include the name and legal address of the operator/owner; the facility location (street address or legal description); name and telephone number of the facility contact; number and location of outfalls, facility SIC; type of Business; name of receiving stream; actual or projected wastewater flow; construction permit number; list of other NPDES permits, and Disclosure Form. All notices of intent for coverage under this general permit must be signed and certified in accordance with the provisions of 40 CFR 122.22, as adopted by reference in Regulation No. 6.

E. Operators shall notify the Director in writing upon permanent termination of discharge from their facilities.

F. Facilities within the State of Arkansas discharging from outfall as described in this permit, must be authorized to discharge by either this general permit or an individual NPDES permit.

G. In addition to the activities designated by the above SIC codes (2.A. above), related activities may be considered for coverage under this general permit when ADEQ determines that discharge characteristics are similar and the permit conditions satisfy applicable state and federal requirements.

This office reserves the right to issue an individual NPDES permit with more appropriate limitations and conditions.

3. **Facilities EXCLUDED From Coverage Under This Permit**:

A. ADEQ will not provide coverage under this general permit for :

i. The facility discharges process water to a water body with control plans (e.g., a new source or new discharge) if the discharges would cause or contribute to the water quality impairment

ii. Any facility that discharges process water to a water body listed pursuant to Section 303(d) of the Clean Water Act where the pollutant is present at levels of concern and the requirements of the permit are inadequate to provide sufficient reduction of the listed pollutant (e.g., a new source or new discharge if the discharges would cause or contribute to the water quality impairment).

iii. Any facility that would impair adjacent water rights as a result of pit operations lowering the water table.

iv. Any facility that discharges process water to Extraordinary Resource Water.

v. Facilities not in compliance with a previously issued individual permit and/or in violation of state water quality regulations.

vi. Any facility covered under a National Pollutant Discharge Elimination System (NPDES) permit or state waste discharge individual permit that includes requirements for process water and/or stormwater management, treatment, or monitoring that are more stringent than the requirements in this general permit.

Any facility excluded from coverage under this condition shall apply for an individual discharge permit unless the activity is regulated under permit requirements of another section of the Federal Clean Water Act.

4. **Impoundment Required**

This permit prohibits the direct discharge of process water from facilities without impoundment, including any wastewater from truck washout areas. The impoundment shall have adequate design to protect liner integrity for sludge removal and shall be maintained to prevent any discharge to ground. After treatment the wastewater may be discharged subject to the permit limits. At a minimum, the impoundment shall be constructed of:

A. Synthetic or flexible membrane material that shall not react with the discharge; or
B. Concrete with a minimum thickness of 6 inches; or
C. Asphalt with a minimum thickness of 6 inches; or
D. Steel-walled containment tank; or
E. Any other impoundment structure or technique approved by ADEQ to meet the intention of this section.

This lined impoundment must also be designed, constructed, and maintained to contain or treat the volume of water which would result from a 10-year, 24-hour storm event in addition to the normal daily volume of water used in day to day operations.

PERMIT REQUIREMENTS

SECTION B: EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The following effluent limitations are applicable to discharge from Sand and Gravel and Rock Quarry facilities.

Effluent Characteristics	Discharge Limitations				Monitoring Requirements	
	Mass (lbs/day, unless otherwise specified)		Concentration (mg/l, unless otherwise specified)[2]		Frequency	Sample Type
	Monthly Avg.	Daily Max	Monthly Avg.	Daily Max		
Flow[1]	N/A	N/A	N/A	N/A	two/week	instantaneous
Total Suspended Solids (TSS)	N/A	N/A	35	53	once/month	grab
Oil and Grease (O & G)	N/A	N/A	10	15	once/month	grab
pH	N/A	N/A	Minimum 6.0 s.u.	Maximum 9.0 s.u.	once/month	grab

1. Report Monthly Average and Daily Maximum as MGD.
2. Any discharges from facilities covered under this general permit shall not be subject to the limits in the above table if the facility in question has been designed, constructed, and maintained to contain or treat the volume of water which would result from a 10-year, 24-hour storm event in addition to the normal daily volume of water used in day to day operations. However, the permittee must submit a DMR to the Department. The permittee shall have the burden of proof (a) that the facility was properly designed, constructed, and maintained; and (b) that the discharge was the result of a storm event exceeding the pond's capacity in order to qualify for this exemption.

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

Samples taken in compliance with the monitoring requirements specified above shall be taken at the discharge from the final treatment unit.

PART II
STANDARD CONDITIONS

SECTION A – GENERAL CONDITIONS

1. Storm Water Pollution Prevention Plan Requirements

A. General

(1) If your facility already has a storm water pollution prevention plan (SWPPP) in place, then you shall continue the implementation of this SWPPP. If you do not have a SWPPP, then you shall prepare a SWPPP for your facility within 60 days of the effective starting date of this permit. Your SWPPP must be prepared in accordance with good engineering practices. Your SWPPP must:

(a) Identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from your facility;

(b) Describe and ensure implementation of practices which you will use to reduce the pollutants in storm water discharges from the facility; and

(c) Assure compliance with the terms and conditions of this permit.

(2) No Exposure Exclusions, as allowed by 40 CFR 122.26(g), can be obtained for the storm water discharges from the facility as long as all of the required conditions for applicability can be certified. These required conditions can be found in the federal regulation. The No Exposure Exclusion application form can be obtained from the Storm Water section of the ADEQ. Application for this exclusion must be made on the form obtained from the ADEQ.

B. Contents of Plan

(1) **Pollution Prevention Team**

(a) You must identify the staff individual(s) (by name or title) that comprise the facility's storm water Pollution Prevention Team. Your Pollution Prevention Team is responsible for assisting the facility/plant manager in developing, implementing, maintaining and revising the facility's SWPPP. Responsibilities of each staff individual on the team must be listed.

(2) **Site Description**

(a) Your SWPPP must include the following:

i. *Activities at Facility.* Description of the nature of the industrial activity(ies) at your facility;

ii. *General Location Map.* A general location map (e.g., U.S.G.S. quadrangle, or other map) with enough detail to identify the location of your facility and the receiving waters within one mile of the facility;

iii. A legible site map identifying the following:

(a) Directions of storm water flow (e.g., use arrows to show which ways storm water will flow);

(b) Locations of all existing structural BMPs;

(c) Locations of all surface water bodies;

(d) Locations of potential pollutant sources identified under Section B(4)(a) of this Part and where significant materials are exposed to precipitation;

(e) Location where major spills or leaks identified under Section B(5) of this Part have occurred;

(f) Locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes, and liquid storage tanks;

(g) Locations of storm water outfalls and an approximate outline of the area draining to each outfall;

(h) Location and description of non-storm water discharges;

(i) Locations of the following activities where such activities are exposed to precipitation: processing and storage areas; access roads, rail cars and tracks; the location of transfer of substance in bulk; and machinery;

(j) Location and source of runoff from adjacent property containing significant quantities of pollutants of concern to the facility (an evaluation of how the quality of the runoff impacts your storm water discharges may be included).

(3) **Receiving Waters and Wetlands**

(a) You must provide the name of the nearest receiving water(s), including intermittent streams, dry sloughs, arroyos and the areal extent and description of wetland or other special aquatic sites that may receive discharges from your facility.

(4) **Summary of Potential Pollutant Source**

(a) You must identify each separate area at your facility where industrial materials or activities are exposed to storm water. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading/unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. For each separate area identified, the description must include:

i. *Activities in Area.* A list of the activities (e.g., material storage, equipment fueling and cleaning, cutting steel beams); and

ii. *Pollutants.* A list of the associated pollutant(s) or pollutant parameter(s) (e.g., crankcase oil, iron, biochemical oxygen demand, pH, etc.) for each activity. The pollutant list must include all significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water .

(5) **Spills and Leaks**

(a) You must clearly identify areas where potential spills and leaks, which can contribute pollutants to storm water discharges, can occur, and their accompanying drainage points. For areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility to be covered under this permit, you must provide a list of significant spills and leaks of toxic or hazardous pollutants that occurred during the three (3) year period prior to the starting date of this permit. Your list must be updated

if significant spills or leaks occur in exposed areas of your facility during the time you are covered by the permit.

(b) Significant spills and leaks include, but are not limited to releases of oil or hazardous substances in excess of quantities that are reportable under CWA 311 (see 40 CFR 110.10 AND 40 CFR 117.21) or section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Significant spills may also include releases of oil or hazardous substances that are not in excess of reporting requirements.

(6) **Sampling Data**

(a) You must provide a summary of existing storm water discharge sampling data taken at your facility. All storm water sampling data collected during the term of this permit must also be summarized and included in this part of the SWPPP.

(7) **Storm Water Controls**

(a) Description of Existing and Planned BMPs. Describe the type and location of existing non-structural and structural best management practices (BMPs) selected for each of the areas where industrial materials or activities are exposed to storm water. All the areas identified in Section B(4)(a) of this Part should have a BMP(s) identified for the areas discharges. For areas where BMPs are not currently in place, describe appropriate BMPs that you will use to control pollutants in storm water discharges. Selection of BMPs should take into consideration:

i. The quantity and nature of the pollutants, and their potential to impact the water quality of receiving waters;

ii. Opportunities to combine the dual purposes of water quality protection and local flood control benefits (including physical impacts of high flows on streams - e.g., bank erosion, impairment of aquatic habitat, etc.);

iii. Opportunities to offset the impact impervious areas of the facility on ground water recharge and base flows in local streams (taking into account the potential for ground water contamination.)

(b) BMP Types to be considered. The following types of structural, non-structural and other BMPs must be considered for implementation at your facility. Describe how each is, or will be,

implemented. This requirement may have been fulfilled with area-specific BMPs identified under Section B(7)(a) of this Part, in which case the previous descriptions are sufficient. However, many of the following BMPs may be more generalized or non site-specific and therefore not previously considered. If you determine that any of these BMPs are not appropriate for your facility, you must include an explanation of why they are not appropriate. The BMP examples listed below are not intended to be an exclusive list of BMPs that you may use. You are encouraged to keep abreast of new BMPs or new applications of existing BMPs to find the most cost effective means of permit compliance for your facility. If BMPs are being used or planned at the facility which are not listed here (e.g., replacing a chemical with a less toxic alternative, adopting a new or innovative BMP, etc.), include descriptions of them in this section of the SWPPP.

(c) Non-Structural BMPs

i. *Good Housekeeping:* You must keep all exposed areas of the facility in a clean, orderly manner where such exposed areas could contribute pollutants to storm water discharges. Common problem areas include: around trash containers, storage areas and loading docks. Measures must also include: a schedule for regular pickup and disposal of garbage and waste materials; routine inspections for leaks and conditions of drums, tanks and containers.

ii. *Minimizing Exposure:* Where practicable, industrial materials and activities should be protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, or runoff.

iii. *Preventive Maintenance:* You must have a preventive maintenance program which includes timely inspection and maintenance of storm water management devices, (e.g., cleaning oil/water separators, catch basins) as well as inspecting, testing, maintaining and repairing facility equipment and systems to avoid breakdowns or failures that may result in discharges of pollutants to surface waters.

iv. *Spill Prevention and Response Procedures:* You must describe the procedures which will be followed for cleaning up spills or leaks. Those procedures, and necessary spill response equipment, must be made available to those employees that may cause or detect a spill or leak. Where appropriate, you must explain existing or planned material

handling procedures, storage requirements, secondary containment, and equipment (e.g., diversion valves), which are intended to minimize spills or leaks at the facility. Measures for cleaning up hazardous material spills or leaks must be consistent with applicable RCRA regulations at 40 CFR Part 264 and 40 CFR Part 265.

v. *Routine Facility Inspections:* In addition to or as part of the comprehensive site evaluation required under Section G of this Part, you must have qualified facility personnel inspect all areas of the facility where industrial materials or activities are exposed to storm water. The inspections must include an evaluation of existing storm water BMPs. Your SWPPP must identify how often these inspections will be conducted. You must correct any deficiencies you find as soon as practicable, but no later than 14 days from the date of the inspection. You must document in your SWPPP the results of your inspections and the corrective actions you took in response to any deficiencies or opportunities for improvement that you identify.

vi. *Employee Training:* You must describe the storm water employee training program for the facility. The description should include the topics to be covered, such as spill response, good housekeeping, and material management practices, and must identify periodic dates (e.g., every 6 months during the months of July and January) for such training. You must provide employee training for all employees that work in areas where industrial materials or activities are exposed to storm water, and for employees that are responsible for implementing activities identified in the SWPPP (e.g., inspectors, maintenance people). The employee training should inform them of the components and goals of your SWPPP.

(d) Structural BMPs

i. *Sediment and Erosion Control:* You must identify the areas at your facility which, due to topography, land disturbance (e.g., construction), or other factors, have a potential for significant soil erosion. You must describe the structural, vegetative, and/or stabilization BMPs that you will be implementing to limit erosion.

ii. *Management of Runoff:* You must describe the traditional storm water management practices (permanent structural

BMPs other than those which control the generation or source(s) of pollutants) that currently exist or that are planned for your facility. These types of BMPs typically are used to divert, infiltrate, reuse, or otherwise reduce pollutants in storm water discharges from the site. Factors to consider when you are selecting appropriate BMPs should include: 1) the industrial materials and activities that are exposed to storm water, and the associated pollutant potential of those materials and activities; and 2) the beneficial and potential detrimental effects on surface water quality, ground water quality, receiving water base flow (dry weather stream flow), and physical integrity of receiving waters. Structural measures should be placed on upland soils, avoiding wetlands and flood plains, if possible. Structural BMPs may require a separate permit under section 404 of the CWA before installation begins.

iii. *Example BMPs:* BMPs you could use include but are not limited to: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices).

(e) Other Controls

i. No solid materials, including floatable debris, may be discharged to waters of the United States, except as authorized by a permit issued under section 404 of the CWA. Off-site vehicle tracking of raw, final, or waste materials or sediments, and the generation of dust must be minimized. Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas must be minimized. Velocity dissipation devices must be placed at discharge locations and along the length of any outfall channel to provide a non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g., no significant changes in the hydrological regime of the receiving water).

C. **Maintenance**

(1) All BMPs you identify in your SWPPP must be maintained in effective operating condition. If site inspections required by Section B(7)(c)(v) of this Part identify BMPs that are not operating effectively, maintenance must be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of storm water controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable. In the case of non-structural BMPs, the effectiveness of the BMP must be maintained by appropriate means (e.g., spill response supplies available and personnel trained, etc.).

D. **Non-Storm Water Discharges**

(1) **Certification of Non-Storm Water Discharges**

(a) Your SWPPP must include a certification that all discharges (i.e., outfalls) have been tested or evaluated for the presence of non-storm water. The certification must be signed in accordance with Part II Section D.11 of this general permit, and include:

i. The date of any testing and/or evaluation;

ii. Identification of potential significant sources of non-storm water at the site;

iii. A description of the results of any test and/or evaluation for the presence of non-storm water discharges;

iv. A description of the evaluation criteria or testing method used; and

v. A list of the outfalls or onsite drainage points that were directly observed during the test.

vi. If you are unable to provide the certification required (testing for non-storm water discharges), you must notify the Director 180 days after the effective starting date of this permit to be covered by this permit. If the failure to certify is caused by the inability to perform adequate tests or evaluations, such notification must describe:

vii. The reason(s) why certification was not possible;

viii. The procedure of any test attempted;

ix. The results of such test or other relevant observations; and

x. Potential sources of non-storm water discharges to the storm sewer.

xi. A copy of the notification must be included in the SWPPP at the facility. Non-storm water discharges to waters of the United States which are not authorized by an NPDES permit are unlawful, and must be terminated.

E. **Allowable Non-storm Water Discharges**

(1) Certain sources of non-storm water are allowable under this permit. In order for these discharges to be allowed, your SWPPP must include:

(a) An identification of each allowable non-storm water source;

(b) The location where it is likely to be discharged; and

(c) Descriptions of appropriate BMPs for each source.

(d) Except for flows from fire fighting activities, you must identify in your SWPPP all sources of allowable non-storm water that are discharged under the authority of this permit.

(e) If you include mist blown from cooling towers amongst your allowable non-storm water discharges, you must specifically evaluate the potential for the discharges to be contaminated by chemicals used in the cooling tower and determined that the levels of such chemicals in the discharges would not cause or contribute to a violation of an applicable water quality standard after implementation of the BMPs you have selected to control such discharges.

(2) The following non-storm water discharges may be authorized by this permit provided the non-storm water component of the discharge is in compliance with the terms of this permit: discharges from emergency fire fighting activities; fire hydrant flushings; potable water sources including waterline flushings; irrigation drainage; lawn watering; routine external building washdown which does not use detergents; pavement washwaters 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; uncontaminated air conditioning or compressor, and other uncontaminated condensate resulting from the condensing of atmospheric moisture onto cool or cold surfaces (such as the discharge of thawed condensate from the surface of liquid nitrogen tanks stored outdoors)

where no detergents or other cleaners are used; air compressor condensate; steam condensate; uncontaminated non-contact once-through cooling water; 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); springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

F. **Comprehensive Site Compliance Evaluation**

(1) **Frequency and Inspectors**

(a) You must conduct facility inspections at least once a year. The inspections must be done by qualified personnel provided by you. The qualified personnel you use may be either your own employees or outside consultants that you have hired, provided they are knowledgeable and possess the skills to assess conditions at your facility that could impact storm water quality and assess the effectiveness of the BMPs you have chosen to use to control the quality of your storm water discharges. If you decide to conduct more frequent inspections, your SWPPP must specify the frequency of inspections.

(2) **Scope of the Compliance Evaluation**

(a) Your inspections must include all areas where industrial materials or activities are exposed to storm water, as identified in Section B(4)(a) of this Part, and areas where spills and leaks have occurred within the past 3 years. Inspectors should look for: a) industrial materials, residue, or trash on the ground that could contaminate or be washed away in storm water; b) leaks or spills from industrial equipment, drums, barrels, tanks, or similar containers; c) offsite tracking of industrial materials or sediment where vehicles enter or exit the site; d) tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas; and e) for evidence of, or the potential for, pollutants entering the drainage system. Storm water BMPs identified in your SWPPP must be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they must be inspected to see whether BMPs are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations must be inspected if possible.

(3) **Follow-up Actions**

(a) Based on the results of the inspections, you must modify your SWPPP as necessary (e.g., show additional controls on the map required by Section B(2)(a)(iii) of this Part and revise the description of controls required by Section B(7)(a) of this Part to include additional or modified BMPs designed to correct the problems identified. You must complete revisions to the SWPPP within 14 calendar days following the inspection. If existing BMPs need to be modified or if additional BMPs are necessary, implementation must be completed before the next anticipated storm event. If implementation before the next anticipated storm event is impracticable, they must be implemented as soon as practicable.

(4) **Compliance Evaluation Report**

(a) You must insure a report summarizing the scope of the inspection, name(s) of personnel making the inspection, the date(s) of the inspection, and major observations relating to the implementation of the SWPPP is completed and retained as part of the SWPPP for at least three years from the date permit coverage expires or is terminated. Major observations should include: the location(s) of discharges of pollutants from the site; and location(s) of BMPs that need to be maintained; location(s) where additional BMPs are needed that did not exist at the time of inspection. You must retain a record of actions taken in accordance with Part II Section C (Retention of Records) of this permit as part of the storm water pollution prevention plan for at least three years from the date that permit coverage expires or is terminated. The inspection reports must identify any incidents of non-compliance.

(5) **Credit As a Routine Facility Inspection**

(a) Where compliance evaluation schedules overlap with inspections required under Section B(7)(c)(v) of this Part, your annual compliance evaluation may also be used as one of the Section B(7)(c)(v) of this Part , routine inspections.

G. **Maintaining Updated SWPPP**

(1) You must amend the storm water pollution prevention plan whenever:

(a) There is a change in design, construction, operation, or maintenance at your facility which has a significant effect on the discharge, or potential for discharge, of pollutants from your facility;

(b) During inspections or investigations by you or by local, State, Tribal or Federal officials it is determined the SWPPP is ineffective in eliminating or significantly minimizing pollutants from sources identified under Section B(4) of this Part, or is otherwise not achieving the general objectives of controlling pollutants in discharges from your facility.

H. **Signature, Plan Review and Making Plans Available**

(1) You must sign your SWPPP in accordance with Part II Section D.11 of this general permit, and retain the plan on-site at the facility covered by this permit (see Part II Section C.7 for records retention requirements).

(2) You must keep a copy of the SWPPP on-site or locally available to the Director for review at the time of an on-site inspection. You must make your SWPPP available upon request to the Director, a State, Tribal or local agency approving storm water management plans, or the operator of a municipal separate storm sewer receiving discharge from the site. Also, in the interest of public involvement, EPA encourages you to make your SWPPPs available to the public for viewing during normal business hours.

(3) The Director may notify you at any time that your SWPPP does not meet one or more of the minimum requirements of this permit. The notification will identify provisions of this permit which are not being met, as well as the required modifications. Within sixty (60) calendar days of receipt of such notification, you must make the required changes to the SWPPP and submit to the Director a written certification that the requested changes have been made.

(4) You must make the SWPPP available to the USFWS or NMFS upon request.

I. **Additional Requirements for Storm Water Discharges Associated With Industrial Activity From Facilities Subject to SARA Section 313 Reporting Requirements.**

(1) Potential pollutant sources for which you have reporting requirements under SARA 313 must be identified in your summary of potential pollutant sources as per Section B(4) of this Part. Note this additional requirement only applies to you if you are subject to reporting requirements under SARA 313.

2. **Duty to Comply**

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Water Act and the Arkansas Water and Air Pollution Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. **Any values reported in the required Discharge Monitoring Report which are in excess of an effluent limitation specified in Part I shall constitute evidence of violation of such effluent limitation and of this permit.**

3. **Penalties for Violations of Permit Conditions**

The Arkansas Water and Air Pollution Control Act provides that any person who violates any provisions of a permit issued under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year, or a fine of not more than ten thousand dollars ($10,000) or by both such fine and imprisonment for each day of such violation. Any person who violates any provision of a permit issued under the Act may also be subject to civil penalty in such amount as the court shall find appropriate, not to exceed ten thousand dollars ($10,000) for each day of such violation. The fact that any such violation may constitute a misdemeanor shall not be a bar to the maintenance of such civil action.

4. **Permit Actions**

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

A. Violation of any terms or conditions of this permit; or

B. Obtaining coverage under this permit by misrepresentation or failure to disclose fully all relevant facts; or

C. A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge; or

D. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or

E. Failure of the permittee to comply with the provisions of APCEC Regulation No. 9 (Permit fees) as required by condition II A.10 herein.

5. **Toxic Pollutants**

Notwithstanding Part II. A.3., if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under APCEC Regulation No. 2, as amended, (regulation establishing water quality standards for surface waters of the State of Arkansas) or Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitations on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standards or prohibition and the permittee so notified.

The permittee shall comply with effluent standards or prohibitions established under APCEC Regulation No. 2 (Arkansas Water Quality Standards), as amended, or Section 307 (a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

6. **Civil and Criminal Liability**

Except as provided in permit conditions on "Bypassing" (Part II.B.4.a.), and "Upsets" (Part II.B.5.b), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of this permit or applicable state and federal statues or regulations which defeats the regulatory purposes of the permit may be subject the permittee to criminal enforcement pursuant to the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

7. **Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

8. **State Laws**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties established pursuant

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

9. **Property Rights**

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

10. **Severability**

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

11. **Permit Fees**

The permittee shall comply with all applicable permit fee requirements for wastewater discharge permits as described in APCEC Regulation No. 9 (Regulation for the Fee System for Environmental Permits). Failure to promptly remit all required fees shall be grounds for the Director to initiate action to terminate this permit under the provisions of 40 CFR 122.64 and 124.5 (d), as adopted in APCEC Regulation No. 6 and the provisions of APCEC Regulation No. 8.

SECTION B – OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. **Proper Operation and Maintenance**

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

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

2. **Need to Halt or Reduce not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production or discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power for the treatment facility is reduced, is lost, or alternate power supply fails.

3. **Duty to Mitigate**

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

4. **Bypass of Treatment Facilities**

A. **Bypass not exceeding limitation.** The permitee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Part II.B 4.b.and 4 c.

B. **Notice**

(1) **Anticipated bypass.** If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(2) **Unanticipated bypass.** The permittee shall submit notice of an unanticipated bypass as required in part II.D.6 (24-hour notice).

C. **Prohibition of bypass**

(1) Bypass is prohibited and the Director may take enforcement action against a permittee for bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal or preventive maintenance; and

(c) The permittee submitted notices as required by Part II.B.4.b.

(2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in Part II.B.4.c(1).

5. **Upset Conditions**

A. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology base permit effluent limitations if the requirements of Part II.B.5.b of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

B. Conditions necessary for demonstration of upset. A permitee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the specific cause(s) of the upset;

(2) The permitted facility was at the time being properly operated;

(3) The permittee submitted notice of the upset as required by Part II.D.6.; and

(4) The permittee complied with any remedial measures required by Part II.B.3.

C. Burden or proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. **Removed Substances**

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of waste waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering the waters of the State.

7. **Power Failure**

The permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failure either by means of alternate power sources, standby generators, or retention of inadequately treated effluent.

SECTION C: MONITORING AND RECORDS

1. **Representative Sampling**

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

2. **Flow Measurement**

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to insure the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than +/- 10% from true discharge rates throughout the range of expected discharge volumes and shall be installed at the monitoring point of the discharge.

3. **Monitoring Procedures**

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

4. **Penalties for Tampering**

The Arkansas Water and Air Pollution Control Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year or a fine of not more than ten thousand dollars ($10,000) or by both such fine and imprisonment.

5. **Reporting of Monitoring Results**

Monitoring results must be reported on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1). Permittees are required to use preprinted DMR forms provided by ADEQ, unless specific written authorization to use other reporting forms is obtained from ADEQ. Monitoring results obtained during the previous calendar month shall be summarized and reported on a DMR form postmarked no later than the 25th day of the month, following the completed reporting period to begin on the effective date of the permit. Duplicate copies of DMR's signed and certified as required by Part II.d.11 and all other reports required by Part II.D. (Reporting Requirements), shall be submitted to the Director at the following address:

NPDES Enforcement Section
Water Division
Arkansas Department of Environmental Quality
8001 National Drive
P.O. Box 8913
Little Rock, AR 72219-8913

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

6. **Additional Monitoring by the Permittee**

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

7. **Retention of Records**

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

8. **Record Contents**

Records and monitoring information shall include:

A. The date, exact place, time and methods of sampling or measurements, and preservatives used, if any;

B. The individuals(s) who performed the sampling or measurements;
C. The date(s) analyses were formed;
D. The individual(s) who performed the analyses;
E. The analytical techniques or methods used; and
F. The measurements and results of such analyses.

9. **Inspection and Entry**

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

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

SECTION D – REPORTING REQUIREMENTS

1. **Planned Changes**

The permittee shall give notice and provide plans and specification to the Director for review and approval prior to any planned physical alterations or additions to the permitted facility. Notice is required only when:

A. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR Part122.29(b).
B. The alternation or addition could significantly change the nature or increase the quality of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40CRF Part 122.42 (a)(1).

2. **Anticipated Noncompliance**

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. **Transfers**

Coverage under this permit is nontransferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

4. **Monitoring Reports**

Monitoring results shall be reported at the intervals and in the form specified in Part II.C.5. (Reporting). Discharge Monitoring Reports must be submitted even when no discharge occurs during the reporting period.

5. **Compliance Schedule**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

6. **Twenty-four Hour Report**

A. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain the following information:

(1) A description of the noncompliance and its cause;

(2) The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and

(3) Steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.

B. The following shall be included as information which must be reported within 24 hours:

(1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
(2) Any upset which exceeds any effluent limitation in the permit; and
(3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part III of the permit to be reported within 24 hours.

C. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

7. **Other Noncompliance**

The permittee shall report all instances of noncompliance not reported under Part II.D.4,5 and 6, at the time monitoring reports are submitted. The reports shall contain the information listed at Part II.D.6.

8. **Changes in Discharge of Toxic Substances for Industrial Dischargers**

The permittee shall notify the Director as soon as he/she knows or has reason to believe:

A. That any activity has occurred or will occur which would result in the discharge, in a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" described in 40 CFR Part 122.42(a)(2)48 FR 14153, April 1983, as amended at 49

FR 38046, September 26, 1984).

B. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit if that discharge will exceed the highest of the "notification levels" described in 40 CFR Part 122.42(a)(2)(48 FR 14153, April 1, 1983, as amended at 49 FR 38046, September 26, 1984).

9. **Duty to Provide Information**

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

10. **Duty to reapply**

Permittee must comply with expired permit until the new permit re-issue. Upon re-issuance of a new general permit, the owner or operator must notify the Director of his/her intent to be covered by the new general permit in the following manner.

For existing facilities which have a valid NPDES permit, submit an NOI consistent with the new general permit requirements **no later than 90 days** following the effective date of the general permit.

11. **Signatory Requirements**

All applications, reports or information submitted to the Director shall be signed and certified.

A. All permit applications shall be signed as follows:

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

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

(ii) The manager of one or more manufacturing, production, or operation facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making

major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) For a partnership or sole proprietorship: by a general partner or proprietor, respectively; or

(3) For a municipality, State, Federal, or other public agency; by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

(i) The chief executive officer of the agency, or

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

B. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described above.

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

(3) The written authorization is submitted to the Director.

C. 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."

12. **Availability of Reports**

Except for data determined to be confidential under 40 CFR Part 2 and APCEC Regulation 6, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department of Pollution and Ecology. As required by the Regulations, the name and address of any permit applicant or permittee, permit applications, permits and effluent data shall not be considered confidential.

13. **Penalties for Falsification of Reports**

The Arkansas Air and Water Pollution Control Act provides that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained under this permit shall be subject to civil penalties specified in Part II.A.2. and/or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

SECTION E - DEFINITIONS

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

1. **"Act"** means the Clean Water Act, Public Law 95-217 (33.U.S.C. 1251 et seq.) as amended.

2. **"Administrator"** means the Administrator of the U.S. Environmental Protection Agency.

3. **"Applicable effluent standards and limitations"** means all State and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, and pretreatment standards.

4. **"Applicable water quality standards"** means all water quality standards to which a discharge is subject under the federal Clean Water Act and which has been (a) approved or permitted to remain in effect by the Administrator following submission to the Administrator pursuant to Section 303 (a) of the Act, or (b) promulgated by the Director pursuant to Section 303(b) or 303(c) of the Act, and standards promulgated under APCEC Regulation No. 2, as amended, (regulation establishing water quality standards for surface waters of the State of Arkansas.)

5. **"Bypass"** means the intentional diversion of waste streams from any portion of a treatment facility.

6. **"Daily Discharge"** means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. *Mass Calculations:* For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of pollutant discharged over the sampling day. *Concentration Calculations*: For pollutants with limitations expressed in other units of measurement, determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be the arithmetic average (weighted by flow value) of all the samples collected during that sampling day by using the following formula: where C= daily concentration, F=daily flow and n=number of daily samples; daily average discharge

$$\frac{C_1F_1 + C_2F_2 + \cdots C_nF_n}{F_1 + F_2 + \cdots F_n}$$

7. **Monthly average**: means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. For Fecal Coliform Bacteria (FCB) report the monthly average see 30-day average below.

8. **"Daily Maximum"** discharge limitation means the highest allowable "daily discharge" during the calendar month. For Fecal Coliform Bacteria (FCB) report the daily maximum as a 7-day geometric mean in colonies per 100 ml.

9. **"Department"** means the Arkansas Department of Environmental Quality (**ADEQ**).

10. **"Director"** means the Administrator of the U.S. Environmental Protection Agency and/or the Director of the Arkansas Department of Environmental Quality.

11. **"Grab sample"** means an individual sample collected in less than 15 minutes in conjunction with an instantaneous flow measurement.

12. **"Industrial User"** means a nondomestic discharger, as identified in 40 CFR 403, introducing pollutants to a publicly-owned treatment works.

13. **"National Pollutant Discharge Elimination System"** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318 and 405 of the Clean Water Act.

14. **"POTW"** means a Publicly Owned Treatment Works.

15. **"Severe property damage"** means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in products.

16. **"APCEC"** means the Arkansas Pollution Control and Ecology Commission.

17. **"Sewage sludge"** means the solids, residues, and precipitate separated from or created in sewage by the unit processes a publicly-owned treatment works. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and storm water runoff that are discharged to or otherwise enter a publicly-owned treatment works.

18. **"7-day average"** discharge limitation, other than for fecal coliform bacteria, is the highest allowable arithmetic means of the values for all effluent samples collected during the calendar week. The 7-day average for fecal coliform bacteria is the geometric mean

of the values of all effluent samples collected during the calendar week. The DMR should report the highest 7-day average obtained during the calendar month. For reporting purposes, the 7-day average values should be reported as occurring in the month in which the Saturday of the calendar week falls in.

19. **"30-day average"**, other than for fecal coliform bacteria, is the arithmetic mean of the daily values for all effluent samples collected during a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. The 30-day average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar month.

20. **"24-hour composite sample"** consists of a minimum of 12 effluent portions collected at equal time intervals over the 24-hour period and combined proportional to flow or a sample collected at frequent intervals proportional to flow over the 24-hour period.

21. **"12-hour composite sample"** consists of 12 effluent portions, collected no closer together than one hour and composited according to flow. The daily sampling intervals shall include the highest flow periods.

22. **"6-hour composite sample"** consists of six effluent portions collected no closer together than one hour(with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.

23. **"3-hour composite sample"** consists of three effluent portions collected no closer together than one hour(with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.

24. **"Treatment works"** means any devices and systems used in storage, treatment, recycling, and reclamation of municipal sewage and industrial wastes, of a liquid nature to implement section 201 of the Act, or necessary to recycle reuse water at the most economic cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities, and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

25. **"Upset"** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. Any upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack or preventive maintenance, or careless of improper operations.

26. A **"Fecal Coliform Bacteria"** sample consists of one effluent grab portion collected during a 24-hour period at peak loads.

27. **"Dissolved oxygen"** limits shall be defined as follows:

    A. When limited in the permit as a monthly minimum, shall mean the lowest acceptable monthly average value, determined by averaging all samples taken during the calendar month; or

    B. When limited in the permit as an instantaneous minimum value, shall mean that no value measured during the reporting period may fall below the stated value.

28. **The term "MGD"** shall mean million gallons per day.

29. **The term "mg/l "** shall mean milligrams per liter or parts million (ppm).

30. **The term "µg/l"** shall mean micrograms per liter or parts per billion (ppb).

31. **The term "cfs"** shall mean cubic feet per second.

32. **The term "ppm"** shall mean part per million.

33. **The term "s.u."** shall mean standard units.

34. **The term "10-year, 24-hour precipitation event"** means the maximum 24-hour precipitation event with a probable recurrence interval of once in ten years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, or equivalent regional or rainfall probability information developed there from.

    The applicant is required to maintain adequate storage capacity for a storm event up to 10-year, 24-hour storm event. This capacity must exclude 2.0 feet freeboard which must exist above the total volume required for normal operation plus the required storm surge capacity.

35. **Monitoring and Reporting** :

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

MONTHLY:

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

QUARTERLY:

(1) is defined as a fixed calendar quarter or any part of the fixed calendar quarter for a non-seasonal effluent characteristic with a measurement frequency of Once/quarter. Fixed calendar quarters are: January through March, April through June, July through September, and October through December; or

(2) is defined as a fixed three month period (or any part of the fixed three month period) of or dependent upon the seasons specified in the permit for a seasonal effluent characteristic with a monitoring requirement frequency of Once/quarter that does not does not coincide with the fixed calendar quarter Seasonal calendar quarters May through July, August through October, November through January, and February through April.

SEMI-ANNUAL:

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

ANNUAL or YEARLY :

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

36. **Process water**: any water which during manufacturing or processing, comes into contact with or results from the production of any raw material, intermediate product, finished product, by product or waste product. This definition includes mine drainage.

37. **Outfall**: a point source at the point where process wastewater and/or stormwater leaves the pond which equipped with measuring device and discharges to a receiving water.

38. **Point source**: any discernible, confined and discrete conveyance from which pollutants are or may be discharged. Point source discharges of stormwater result from structures which increase the imperviousness of the ground which acts to collect runoff, with runoff being conveyed along the resulting drainage or grading pattern.

SECTION F – OTHER CONDITIONS

1. Any sludge generated from the treatment process shall be stored and/or disposed of in a manner approved by this Department, and in accordance with Part II B6 herein. Written authorization for land application from the facility or facilities where sludge is to be disposed must accompany each request for Department approval.

2. Monitoring shall be conducted according to analytical, apparatus and materials, sample collection, preservation, handling, etc., procedures listed at 40 CFR Part 136. Amendments to 40 CFR Part 136 promulgated after the effective date of this permit shall supersede these requirements as applicable.

3. Noncompliance reporting for upsets and bypasses shall be made within 24 hours to ADEQ followed by a written report in five days.

4. **Requiring an Individual NPDES Permit**

   A. At the discretion of the Director, he/she may require any owner or 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:

      (1) The discharger is a significant contributor of pollution;
      (2) The discharger is not in compliance with the conditions of the general permit;
      (3) Conditions or standards have changed so that the discharger no longer qualifies for a general permit.

   B. The owner or 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.

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

6. **Requesting General Permit Coverage**

   The owner or operator excluded from coverage by this general Permit solely because the facility already has an individual permit may request that the individual permit be terminated and that it be covered by this General Permit. However; 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 following conditions are met; if the individual permit did not contain numeric water quality-based limitations for the discharge (Note that a simple pH range limit would not necessarily have to be considered a water-quality

based limit unless developed to address known discharge problems at a particular facility. Compliance with the numeric limitations under the individual permit could also be a criteria for eligibility to transfer from an individual permit to the general permit.); this request may be granted.

7. **Best Management Practices**

A. Spills of fluids other than those associated with normal car or truck washing activities shall be cleaned up expeditiously and not allowed to enter the waste treatment system.
B. Changing of engine oil, radiator or transmission fluids, chassis lubrication etc., shall not be performed on site.
C. Where activities ancillary to the car or truck washing activities are performed on site, such as automotive maintenance activities, they shall be performed in a manner to prevent pollutants from entering the waste treatment system.

8. **REPONER CLAUSE**

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

FACT SHEET
AND SUPPLEMENTARY INFORMATION
FOR DRAFT GENERAL PERMIT DISCHARGES FROM
SAND AND GRAVEL AND ROCK QUARRYFACILITIES

Information in this part is organized as follows:

1. **BACKGROUND**

The State of Arkansas has been authorized by the U.S. Environmental Protection Agency to administer the National Pollutant Discharge Elimination System (NPDES) Program in Arkansas, including the issuance of general permits to categories of dischargers under the provisions of 40 CFR 122.28, as adopted by reference in Arkansas Pollution Control and Ecology Commission Regulation No. 6. Under this authority, ADEQ may issue a single general permit to a category of point sources located within the same geographic area where discharges warrant similar pollution control measures. Specifically, ADEQ is authorized to issue a general NPDES permit if there are a number of point sources operating in a geographic area that:

1. involve the same or substantially similar types of operations;
2. discharge the same types of wastes;
3. require the same effluent limitations or operating conditions;
4. require the same or similar monitoring requirements; and
5. in the opinion of the Director, are more appropriately controlled under a general permit than under individual permits.

As in the case of individual permits, violation of any condition of a general permit constitutes a violation of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended) and subjects the discharger to the penalties specified therein, revocation of the general permit and coverage under an individual NPDES permit. Upon promulgation of the final general permit for this type discharge, operators considered qualified for coverage under this general permit must submit a written notice of intent to the Director for coverage under the general permit. Unless otherwise notified in writing by the Director within 30 days after submission of the above notification, owners/operators are authorized to discharge under this general permit. This general permit does not apply to dischargers with current (i.e. not expired) individual NPDES permits until the individual permit is terminated in accordance with 40 CFR 122.28(b)(2)(v) and 124.5. Any owner or operator authorized by a final general permit may be excluded from coverage by applying for an individual NPDES permit.

2. **Legal Basis**

Section 301(a) of the Clean Water Act (CWA or the Act), 33 U.S.C. 1311(a), makes it unlawful to discharge pollutants to waters of the United States in the absence of authorizing permits. CWA section 402, 33 U.S.C. 1342, authorizes EPA to issue National Discharge Elimination System (NPDES) permits allowing discharges on condition they will meet certain requirements, including CWA Sections 301, 304, and 401 (33 U.S.C. 1331, 1314 and 1341). Those statutory provisions state that NPDES permits must include effluent limitations requiring authorized discharges to: (1) meet standards reflecting levels of technological capability, (2) comply with EPA-approved state water quality standards and (3) comply with other state requirements adopted under authority retained by states under CWA 510, 33 U.S.C. 1370.

The Agency may issue "general permits" applicable to a class of similar dischargers

within a discreet geographical area. See NRDC v. Costle, 568 F.2d 1369 (D.C. Cir. 1977) and 40 CFR 122.28. Issuance of such permits is not controlled by the procedural rules EPA uses for individual permits, but is instead subject to section 4 of the Administrative Procedure Act (APA), 5 U.S.C. 553, as supplemented by EPA regulations; e.g., 40 CFR 124.58. EPA must, however, comply with the substantive requirements of the CWA without regard to whether it is issuing an individual or general NPDES permit. National guidelines establishing BPT, BCT and BAT standards have not been promulgated for discharges from sand and gravel facilities. The BCT and BAT requirements for these discharges have been established using best professional judgement, as required by CWA Section 402(a)(1).

3. **Permit Coverage**

The proposed permit provides coverage for discharges of process water, storm water, and mine dewatering water associated with sand and gravel operations and rock quarries. It also provides coverage for other concrete operations which meet the eligibility requirements of this general permit. Operations covered under this permit are authorized to discharge wastewater to waters of the State of Arkansas subject to the conditions contained in the proposed permit. This fact sheet explains the nature of the discharges, ADEQ's decisions on limiting the pollutants in the wastewater, and the regulatory and technical bases for those decisions. The proposed general permit provides protection of ground water and surface water, by limiting the discharge of pollutants in process water, quarry dewatering water, and storm water. The pollutants that are limited in this proposed general permit result from the processing of excavated material, the manufacture of concrete and storm water runoff, quarry dewatering, and from equipment and materials associated with this industry group. Chemical or physical treatment of the wastewater may be necessary to comply with the conditions and limits in this permit. All sites must implement Best Management Practices (BMPs) as required by Part II, Paragraph 1.B.7 of the permit to control storm water and minimize soil erosion on site. Storm water may also require treatment before discharge to waters of the state. This proposed general permit limits the discharge of pollutants to surface waters under the authority of the Federal Water Pollution Control Act and limits the discharge of pollutants to surface and ground water.

The sand and gravel and rock quarry general permit provides coverage for discharges of process water, quarry dewatering water, and storm water associated with certain types of mining operations, and/or concrete production. A general permit is designed to provide coverage for a group of related facilities or operations of a specific industry type or group of industries. It is appropriate when the discharge characteristics are similar and a standard set of permit requirements can effectively provide environmental protection and comply with water quality standards for discharges to surface water or ground water. Coverage under this general permit for discharges to surface water or discharges to ground water will typically be appropriate. Those facilities with activities designated by the following Standard Industrial Classification (SIC) codes are subject to coverage under the sand and gravel general permit:

1411 Dimension Stone

1422 Crushed and Broken Limestone
1423 Crushed and Broken Granite
1429 Crushed and Broken Stone
1442 Construction Sand and Gravel

The types of facilities included are sand and gravel mines and rock quarries plants. Some facilities eligible for coverage under this general permit may require coverage only for industrial storm water. The criteria for coverage under the proposed general permit are listed in Part I of Permit Coverage. All facilities identified by the SIC Codes listed above and which meet the criteria of Part I of the permit must apply for and be covered by the proposed general permit or an individual NPDES permit, even if the only discharge is storm water. In addition to these activities, related activities may be considered for coverage under this general permit. Coverage may be offered when ADEQ determines that discharge characteristics are similar and the permit conditions satisfy applicable state and federal requirements. Since a general permit is designed to provide environmental protection under conditions typical for the covered industry group, it will not be appropriate for every situation. Environmental protection can not always be assured when site specific conditions at a facility are not typical of the industry group or are beyond the scope of the proposed general permit. Part I of the permit identifies specific situations where facilities are excluded from coverage under the proposed general permit and may require coverage under an individual permit.

A. DESCRIPTION OF THE INDUSTRY GROUP MINING ACTIVITIES

QUARRY ACTIVITIES

The coverage of this proposed general permit is not restricted on the basis of disturbed acreage. The intent of this proposed general permit is to require effective and enforceable water quality management practices. Potential adverse water quality impacts from these operations are independent of the size of the facility. Thus, this proposed general permit does not set an exclusion based on disturbed acreage. Mining activities typically begin by removal of the overburden to expose the desired material. Removing topsoil and disturbing the land surface has a number of consequences that increase the potential for adverse consequences to surface and ground water quality. Removing the vegetative cover and disturbing the soil makes the area more susceptible to erosion. Storm water will readily suspend the exposed soil and carry it to nearby surface water. Sediment can be very harmful to the health of aquatic life and surface water bodies. Vegetation and soil also serve to protect ground water from pollutants. They provide filtration, chemical and physical reactions, and biological activity that often will remove pollutants before they can enter ground water. Therefore mining activities which remove vegetation and topsoil will typically make underlying ground water more vulnerable to pollution.

QUARRY PROCESS WATER

Some use of water is necessary at most mining-related facilities. In mining

operations, water may be used in the mining, processing, handling, or transporting of the mined material. This water is categorized as process water. **Most process water results from dust control or washing and screening mined rock products**. Water may also be used to clean truck tires and wheels and prevent tracking of mud and dirt onto public paved roads. In addition to these easily identified sources of wastewater, many other activities at a mining facility can impact ground water and surface water quality and will be considered in this proposed general permit. These activities include wastewater from concrete truck cleanup, equipment maintenance, and spills or leaks from tanks and equipment. Facilities at which many activities take place, from mining through batch plant operations, generate the greatest volume of wastewater and have the most varied sources of potential water contamination. Rock crushers are often used in the mining process to provide material that meets job specifications. Processing the material may also include washing. While rock crushers are often a permanent component of a site, there are portable facilities that move from location to location. There is often very little lead-time before these portables must begin operation at a site and they are typically only at the site for a short period. The short notice and transient nature of these facilities create different permitting considerations for these facilities but they must still be able to assure compliance with permit conditions. Whether permanent or portable, rock crushers may generate process water and require best management practices for storm water management.

QUARRY DEWATERING WATER

Quarry dewatering water is a type of wastewater generated at some mining facilities which is not a direct result of using water to accomplish a processing function. This water is incidental to the mining operation and includes water that seeps into the quarry or accumulates due to precipitation into the quarry. Suspended solids may be the only contaminant requiring treatment in these circumstances. Water entering the quarry site and subsequently becoming commingled with process water becomes process water and is subject to process water requirements.

LINED IMPOUNDMENTS

Many facilities now totally reuse their process water after treating it to settle or separate out solids. The gravel and fines from the settled solids can be reused. Facilities that discharge process water typically must treat it to adjust pH before discharge. Lined ponds must also be cleaned out and maintained periodically in order to maintain the capability of holding the storm water runoff from a 10-year, 24-hour storm event in addition to the volume of water needed for a typical operating day. There is a potential problem with facilities that deposit the sludge from these ponds on the ground without cover and without containment of leachate. The leachate from the sludge may have a high pH and constitute a violation of the permit. In addition to good housekeeping and best management practices to minimize spills and leaks, facilities often channel wash water and storm water to avoid contamination or remove oil by skimming it off the surface or through use of oil/water separators.

STORM WATER

In all areas of the state, storm water is a significant source of water at a facility. All parts of the state will occasionally receive significant rainfall events. Implementation of best management practices (BMPs) for storm water management is required by the proposed permit. The most important BMP that relates to storm water is minimization of the amount of storm water which contacts products and raw materials or flows or falls into an area of active processing or process water storage. Storm water falling on a site may become polluted by dissolving or eroding material it contacts. Three types of storm water have been defined for this proposed general permit. Segregation of storm water types is essential in minimizing treatment requirements. Two types of storm water require no treatment while another type may require treatment. BMPs directly or indirectly apply to all three types.

Type 1 Storm Water: Storm water falling on undisturbed, natural areas, or completely reclaimed areas should remain clean and require no treatment. So long as this storm water reaches waters of the state without contacting any machinery, product or raw material piles or other water which has contacted such material, the storm water is not considered to be associated with industrial activity. This

type of storm water is classified as Type 1 storm water for this proposed general permit. This type of storm water does not require permit coverage.

Type 2 Storm Water: Storm water on a portion of a site that has been disturbed, as for example land cleared in preparation for mining or other industrial activity, is classified as Type 2 storm water until industrial activity such as mining, processing or manufacturing occurs. BMPs addressing erosion and sediment control are required in the proposed permit. A general storm water permit for construction may be obtained from ADEQ.

Type 3 Storm Water: Storm water falling on the part of a site where manufacturing, processing, active storage, or mining takes place is classified as Type 3 storm water. Type 3 storm water is virtually the same as the federally defined "storm water associated with industrial activity." This type of storm water has the greatest potential to become **contaminated** prior to discharge to waters of the state. BMPs to prevent contamination of storm water by industrial pollutants are required in the proposed permit.

Discharge Characteristics

The wastewater discharges from the facilities covered under this general permit are almost always intermittent or batch discharges. The size of facility covered will range from facilities discharging only as a result of precipitation to large integrated sand and gravel quarries with associated manufacture of concrete discharging on a daily basis. There is a high variation of wastewater generation from site to site. The total quantity of effluent discharged is substantially reduced when settled water is reused for processing and washing. Potential adverse water quality impacts can be caused by processes or conditions that result from a facility discharging water containing or characterized by some combination of the following: elevated pH; excessive suspended solids; elevated dissolved solids; petroleum products; or elevated biochemical oxygen demand (BOD). The table below summarizes pollutants that may be present in the water discharged from various on-site sources:

CONTAMINANT SOURCE	SOURCE
Oil and Grease	Spills or leaks from equipment and storage tanks, Delivery truck and equipment washing, release agent application
Turbidity and Suspended Solids	Process wastes; Storm water run on and run off from disturbed areas; Washing, screening, or crushing rock; Runoff from overburden, waste piles and stockpiles; Dust suppression; and Vehicle washing

	and cleanout
Alkalinity (high pH)	Concrete truck wash water plant water

Most of the listed contaminants have sources common to all the activities covered under the proposed permit. All the covered activities have storm water discharge, many also have process water discharge, and a few have quarry dewatering water discharge. It is important for the permittee to recognize the sources of contaminants and implement specific treatment technologies and BMPs for the type of discharge. Segregating process water from storm water and relatively clean quarry dewatering water, for example, can reduce the volume of water that requires treatment before discharge. Likewise, source control BMPs such as covered storage areas can reduce treatment requirements by preventing contamination.

SELECTION OF POLLUTANT PARAMETERS

The individual permit included limits for pH, total suspended solids, and oil and grease. Therefore; these limits are included in this general permit.

pH extremes are toxic to fish and unsuitable for ground water used as a drinking water source. Values up to 12.5 pH units are reported in the literature. Low pH water can result from rain water interacting with exposed surfaces in some hard rock quarries. The data demonstrate that within the activities covered under this permit, both high and low pH extremes do occur on occasion. All discharges will require monitoring for pH.

Total Suspended Solids (TSS) include organic and inorganic materials present in wastewater from sand, cement, and fines as a result of water used to sort and wash materials. These materials include sand, silt, and clay. Storm water may also contain significant levels of TSS. These solids may settle out rapidly or be suspended in water for a time. While in suspension, TSS increases the turbidity of the water, reduces light penetration and impairs the photosynthetic activity of aquatic plants, thereby contributing to oxygen depletion. TSS can kill fish and shellfish through abrasive injury or clogging of gills and respiratory passages. Excessive TSS can destroy aquatic habitats by coating the bottom with sediment. Because TSS is a known and common pollutant in discharges associated with the industries covered under this general permit, it was selected as a parameter of concern. All surface water dischargers are required to monitor for TSS.

Oil and grease includes thousands of organic compounds with varying physical and chemical properties. Oil and grease exhibit an oxygen demand. Oil may adhere to fish gills or coat and destroy algae or other plankton. Oil will also taint the flesh of fish and shellfish. Some types of oils have been found to be toxic to aquatic organisms at concentrations as low as 0.1 mg/l. This permit does emphasize best management practices to prevent oil and grease from becoming

part of any wastewater discharge. The permit also requires visual monitoring for the presence of an oil sheen as well as all discharges will require monitoring for oil and grease.

B. NOTICE OF INTENT (NOI) to be Covered

Owners and operators of sand and gravel facilities in the State of Arkansas must give notice of intent to discharge under the general permit, and shall submit the following information to the Director by certified letter:

1. name and legal address of the owner or operator;
2. facility location (street address or legal description);
3. name and telephone number of facility contact;
4. number and type of outfall, including facility SIC and type of business;
5. actual or projected wastewater flow in MGD;
6. name of receiving stream;
7. construction permit number;
8. Disclosure Form

All notices of intent for coverage under this general permit must be signed and certified in accordance with the provisions of 40 CFR 122.22, as adopted by reference in Arkansas Pollution Control and Ecology Commission Regulation No. 6.

C. TIMING OF REQUEST

Requests for coverage shall be submitted as follows:

1. for existing dischargers operating under individual NPDES permits, or non - NPDES permits issued by ADEQ, as soon as possible but no later than 90 days after the effective date of this permit.
2. for new dischargers, 30 days prior to commencement of discharge within the permit area.

D. INDIVIDUAL PERMIT

The Director may require any person authorized by the final general permit to apply for and obtain an individual permit. In addition, any interested person(s) may petition the Director to take this action. However, an individual permit will not be issued for a point source covered by a general permit unless it can be clearly demonstrated that inclusion under a general permit is inappropriate. The Director may consider the issuance of individual permits according to the criteria in 40 CFR 122.28(b)(2). These criteria include;

1. the discharge(s) is a significant contributor of pollution;
2. the discharger is not in compliance with the terms and conditions of the general permit;

3. a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
4. effluent limitations guidelines are subsequently promulgated for the point sources covered by the general permit;
5. a Water Quality Management Plan containing requirements applicable to such point sources is approved; or
6. the requirements listed in 40 CFR 122.28(a) and identified in the previous paragraphs are not met.

4. **Best Conventional Pollutant Control Technology (BCT) and Best Available Technology Economically Achievable (BAT)**

Two types of technology-based effluent limitations must be included in the permits proposed here. With regard to conventional pollutants, i.e., pH, BOD, oil and grease, TSS and fecal coliform, CWA Section 301 (b)(1)(E) requires effluent limitations based on "best conventional pollution control technology" (BCT). With regard to nonconventional and toxic pollutants, CWA Section 301(b)(2)(A), (C), and (D) require effluent limitations based on "best available pollution control technology economically achievable" (BAT), a standard which generally represents the best performing existing technology in an industrial category or subcategory. BAT and BCT effluent limitations may never be less stringent than corresponding effluent limitations based on best practicable control technology (BPT), a standard applicable to similar discharges prior to March 31, 1989 under CWA Section 301(b)(1)(A). Frequently, EPA adopts nationally applicable guidelines identifying the BPT, BCT, and BAT standards to which specific industrial categories and subcategories are subject. Until such guidelines are published, however, CWA Section 402(a)(1) requires that EPA determine appropriate BCT and BAT effluent limitations in its NPDES permitting actions on the basis of its best professional judgment.

The federal government evaluated many categories of dischargers as a result of the directives of the CWA. Section 301(b) requires the achievement of effluent limitations for point sources which are based on the application of the best practicable control technology currently available (BPT) and the best available demonstrated control technology (BCT) which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants. The results of the evaluations for the categories covered by this general permit were published by USEPA as "Final Development Document for Effluent Limitations Guidelines and Standards for the Mineral Mining and Processing Industry" (July, 1979), "Guidance Development Document Effluent Limitations Guidelines and New Source Performance Standards for Concrete Products Point Source Category" (February, 1978), and a related category "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Cement Manufacturing Point Source Category" (August, 1973). The information contained in these documents, the federal requirements for the Mineral Mining Category, Suspended Solids Removal in the Crushed Stone Industry (August, 1982) form the basis for the technology-based effluent limits of this proposed general permit. The proposed permit limitations on TSS in process water and quarry

water are based on BPJ. Monthly average limits and daily maximum limits are constructed that alert the facility and ADEQ to instances where pollution prevention has failed. The limits recognize that occasional excursions in excess of the average can occur. ADEQ, consistent with federal policy and regulation, has chosen to specify limits that define the limit of performance that can reliably be achieved. EPA BPT limitations are imposed on pH in process and dewatering discharges.

The limitation on discharges of total suspended solids (TSS) is derived from the requirement to recycle wastewater from the federal effluent guidelines 40 CFR Part 436, Mineral Mining and Processing Point Source Category and the report Suspended Solids Removal in the Crushed Stone Industry. The BPT requirement to recycle wastewater necessitates a system to direct wastewater to a common area in order to prepare the water for reuse. The water must be treated to remove the solids which would otherwise clog piping, damage pumping equipment, and contaminate the product.

The coverage provided in this general permit is limited to the specific facilities identified within the Standard Industrial Classification (SIC) Codes, the cited Subparts of 40 CFR Part 436, Mineral Mining and Processing Point Source Category.

SIC Code 1411 Dimension Stone
40 CFR Part 436 Subpart A--Dimension Stone Subcategory

Coverage is provided for mining and quarrying of dimension stone, including rough blocks and slabs. The types of mines or quarries covered in this general permit are: dolomite, dolomitic marble, flagstone, granite, limestone, marble, quartzite, sandstone, and slate.

SIC Code 1422 Crushed and Broken Limestone
SIC Code 1423 Crushed and Broken Granite
SIC Code 1429 Crushed and Broken Stone, Not Elsewhere Classified
40 CFR Part 436 Subpart B--Crushed Stone Subcategory

Coverage is provided for mining, quarrying, and onsite processing of crushed and broken stone or riprap. The types of mines or quarries included in this category for this permit are: dolomite, dolomitic marble, granite, limestone, marble, quartzite, sandstone, and traprock. Processing means washing, screening, crushing, or otherwise preparing rock material for use.

SIC Code 1442 Construction Sand and Gravel
40 CFR Part 436 Subpart C--Construction Sand and Gravel Subcategory

Coverage is provided for mining and onsite processing of sand and gravel for construction or fill purposes. Processing means washing, screening, crushing, or otherwise preparing sand and gravel for construction uses.

5. **Water Quality Requirements**

In accordance with 40 CFR 122.44(d) is required to include any requirements necessary to achieve State Water Quality Standards as established under Section 303 of the Clean Water Act. Discussed below is the requirements based on State Water Quality Standards.

6. **Permit Limits and Basis**

The wastewater from sand and gravel may contain a variety of pollutants due to accumulations of dirt; oil and grease; contamination caused by cargo leakage, etc, which cover or adhere to the vehicles exterior. During washing, the accumulated pollutants, in addition to any detergents used in the cleaning process, are collected and treated prior to discharge. Limitations have been placed on the following pollutants when present in discharges from sand and gravel:

Pollutants	**Effluent Limitations**	
	Monthly Avg	Daily Max
Total Suspended Solids (TSS)	35 mg/l	53 mg/l
Oil and Grease (O&G)	10 mg/l	15 mg/l
pH	6.0 - 9.0 S.U. at all times.	

Oil and Grease

The water quality-based limit for oil and grease has been based on the Arkansas Water Quality Standards (AWQS), Regulation No. 2, Section 2.510. This limitation is judged to represent the level of treatment attainable through the application of the best conventional pollutant control technology (BCT).

TSS

The technology-based (BPJ) limit for TSS has been based on the individual NPDES permit. This limitation is judged to represent the level of treatment attainable through the application of the best conventional pollutant control technology (BCT).

pH

The water quality-based limits for pH have been based on the Arkansas Water Quality Standards (AWQS), Regulation No. 2, Section 2.504. These limitations are judged to represent the level of treatment attainable through the application of the best conventional pollutant control technology (BCT).

7. **Monitoring**

The monitoring requirements for the aforementioned pollutants have been set at

once/month except flow twice/week. The Department considers this frequency to be adequate since all eligible sand and gravel were designed and constructed to provide adequate treatment and were issued a construction permit by ADEQ after approval of plans and specifications.

In the event a discharge occurs as a result of precipitation greater than the 10-year, 24-hour storm event the discharge is not required to comply with the effluent limitations of this general permit. However, the permittee must submit a DMR to the Department and shall have the burden of proof that discharge was caused by such a precipitation event attach to the DMR.

8. **Other Conditions In The General Permit**

A. Geographic Area and Covered Facilities

The general permit, when issued, will authorize discharges from sand and gravel and rock quarry throughout the State of Arkansas to all receiving waters except those receiving stream which are excluded in Section A the Paragraph 3 of Part I. The permit will be applicable only to facilities which have direct discharges to Waters of The United States as defined in 40 CFR 122.2 and are therefore subject to the requirements of Sections 301 and 402 of the Clean Water Act. Additionally, the facility is required to be in receipt of a state construction permit issued by this Department.

B. Expiration Date

The general permit will expire 5 years from the effective date of the permit. Permittee must comply with the expired permit until the new general permit re-issue. Permittee must submit a complete NOI or certification of no changes 90 days after effective date of the permit.

C. Standard Conditions

The conditions applicable to all NPDES permits under the provisions of 40 CFR 122.41 have been included in this general permit, as appropriate.

D. Monitoring and Reporting Requirements

Permittees are required to report on a monthly, quarterly, and annually basis the results of sampling and analysis on a Discharge Monitoring Report (EPA Form 3320-1). Reports are required to be submitted by the 25th day of the month following the reporting period. The first report will be due at the end of the reporting period following the date this general permit becomes applicable to the permittee. Oral 24-hour reporting is required for any by-pass or upset or any noncompliance which may endanger health or the environment. Unless specifically waived by the Director, written reports must also be provided within 5 days of the above occurrences.

E. Storm Water Discharge Conditions

The TSS in Storm Water from these facilities must be controlled by BMPs and by any other means necessary so that discharges from the facility meet the conditions of this general permit. As with all wastewater discharges, the technology-based requirements and water quality-based requirements must be satisfied. The BMPs such as detention and housekeeping are based on the federal determination that such BMPs constitute BAT/BCT for storm water at this time (FR 40974, August 16, 1991). If permittees are unable to separate storm water from process water, such commingled water will be **considered process water**. The proposed general permit requires permittees to identify and control pollution sources that may affect storm water by development and implementation of a **Storm Water Pollution Prevention Plan**. The pollutant control, inspections, and standard provisions of this proposed general permit include specific requirements, as well as references to technical guidance. Each discharger will be able to select BMPs best suited for reducing the pollutants in its storm water on the basis of site-specific conditions.

F. Design Storm

The proposed permit requires that all control measures are designed to manage the volume of water associated with the design storm. The design storm means the maximum volume of water resulting from the 10 year 24 hour precipitation event. The term "10 year 24 hour precipitation event" is the maximum 24 hour precipitation event with a probable reoccurrence interval of once in 10 years. The maximum volume of water is the total from all areas contributing runoff to the individual treatment facility without consideration of loss of water from processes such as infiltration. In addition to designing for the volume of water associated with the design storm, other treatment options, such as the use of settling aides may be necessary. The intent, however, is that control measures must be designed so that they are not overwhelmed by the volume of water from a storm event equal to the design storm. Problems that might result from too much water for control measures to handle should be very infrequent; certainly no more frequent then the occurrence of the design storm.

G. Storm water Pollution Prevention Plan

All facilities must have a completed Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must be retained on-site or within reasonable access to the site and available, upon request, to ADEQ. The SWPPP must be developed and implemented to identify and control storm water pollution by industrial activities. The objectives include: elimination of commingling of process water and storm water, implementation of best management practices (BMPs), and the prevention of the violation of water quality standards. The proposed permit requires ongoing wet and dry season investigations to determine if there is commingling of storm water with process water. Best Management Practices (BMPs) are a very

significant part of complying with permit conditions.

9. **Public Comment Period**

The Director of ADEQ has tentatively decided to issue a general NPDES permit for discharges from sand and gravel, and rock quarry plant facilities subject to certain effluent limitations, standards, prohibitions and other conditions necessary to carry out the provisions of federal and state laws. The draft general permit ARG500000 covers facilities located in the state of Arkansas. The draft general permit is based on the administrative record. Among other documents, the administrative record consists of the draft general permit, a fact sheet describing the reasons for the conditions of the draft general permit, and a Notice of Intent (NOI).

The administrative record is on file at the NPDES Branch, Arkansas Department of Environmental Quality, 8001 National Drive, Little Rock, Arkansas 72209, and may be inspected and copied at any time between 8:00 a.m. and 4:30 p.m., Monday through Friday. Copies of the draft general permit and other available information may be obtained by contacting ADEQ. There is a charge of $0.20 per copy sheet.

Interested persons may submit comments on the draft general permit and administrative record to the Director at the above address no later than **4:30 pm on January 17, 2005** . The purpose of this Public Notice is to receive comments from interested persons on this draft general permit. All persons who believe that any of the conditions of the draft general permit is not appropriate, or that the tentative decision to issue the draft general permit is not appropriate, have an obligation to raise all reasonably ascertainable issues and submit all arguments and factual grounds supporting their position, including all supporting material, by the close of the comment period. All supporting material shall be included in full any may not be incorporated by reference, unless they are already a part of the administrative record or consist of State or Federal regulations, EPA documents of general applicability, or other generally available reference materials.

During the public comment period, any interested person may request a public hearing. A request for a public hearing shall be in writing and shall state the nature of the issue proposed to be raised in the hearing.

The Director will consider the issuance of the final general permit following any public hearing and the close of the comment period. All comments timely submitted by interested persons in response to this notice and statements and other evidence properly submitted at any public hearings, will be considered by the Director in his final decision.

Any person who submits timely written comments will receive notice of the Director's final decision. Further information concerning the Department's permitting procedures may be found in 40 CFR Part 124, as adopted by reference in Arkansas Pollution Control and Ecology Commission Regulation No. 6, and other provisions of Regulation No. 6.

10. **SOURCES**

1. Arkansas Pollution Control and Ecology Commission Regulation No. 2.
2. 40 CFR 122, 124, 436, 443.
3. Arkansas Pollution Control and Ecology Commission Regulation No. 6.
4. Arkansas General Storm Water Permit.
5. United States Environmental Protection Agency:
   Development Document for Effluent Limitations Guidelines and Standards, Mineral Mining and Processing Industry, Point Source Category, USEPA Document 440/1- 76/059b, July 1979
   Guidance Development Document Effluent Limitations Guidelines and New Source Performance Standards for Concrete Products, Point Source Category. USEPA Document 440/1-78/090, February 1978.
   1979. Development Document for Effluent Limitations Guidelines and Standards for the Mineral Mining and Processing Industry. EPA 440/1-76/059b.
   1991. Technical Support Document for Water Quality-based Toxics Control. EPA/505/2- 90-001.
6. Washington State Department of Ecology General Permit for Sand and Gravel.