

**FACT SHEET
AND SUPPLEMENTARY INFORMATION
FOR GENERAL PERMIT ARG500000**

For renewal of the General Permit for Aggregate Facilities located within the State of Arkansas, Permit Number ARG500000.

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1 Background

Under 40 C.F.R. § 122.28, general permits may be written to cover categories of point sources having common elements, such as facilities that involve the same or substantially similar types of operations, that discharge the same types of wastes, or that are more appropriately regulated by a general permit. Given the number of aggregate facilities requiring NPDES permit coverage, DEQ has elected to renew the ARG500000 General Permit for Aggregate Facilities located within the State of Arkansas.

The previous permit became effective on February 1, 2021, and will expire on January 31, 2026.

2 Significant Changes

- 2.1 Concrete washout water has been included in the list of eligible discharges in Part 1.2.1. See Item 8 of this Fact Sheet for details.

- 2.2 Part 1.4 of the permit was revised to require electronic application unless an electronic reporting waiver is granted.
- 2.3 Part 1.5 was added regarding electronic reporting waivers.
- 2.4 Part 1 was reorganized to be consistent with other non-stormwater general permits.
- 2.5 References to “Outfall Type 101” were removed because there is only one type of outfall in this permit.
- 2.6 The eligibility narrative listed in Part 2.1 of the previous permit is now incorporated into Parts 1.2 and 1.3 of the permit.
- 2.7 Footnote #3 in Part 2 of the permit was updated to clarify the mechanism for allowing a limit exceedance during a 10-year 24-hour storm event.
- 2.8 The Standard Conditions in Parts 4 through 7 were updated.
- 2.9 Several definitions in Part 8 were updated for clarity, or for consistency with Section 502 of the Clean Water Act, 40 C.F.R. § 122.2, or APC&EC rules including:
 - 2.9.1 Concrete Washout Water (added);
 - 2.9.2 Daily Discharge (added);
 - 2.9.3 Dredging Water (replaces “Dredge”);
 - 2.9.4 NOI (added);
 - 2.9.5 Permittee (added);
 - 2.9.6 Pollutant(s) of Concern (added);
 - 2.9.7 Process water (updated);
 - 2.9.8 Total Suspended Solids (removed);
 - 2.9.9 Treatment works (added);
 - 2.9.10 Visible Sheen (added);
 - 2.9.11 Waters of the State (added); and
 - 2.9.12 When Discharging (removed)
- 2.10 Part 1.2.1.1 has been updated to remove “Crushed and Broken Limestone - Subpart B” and “Crushed and Broken Granite - Subpart B” as they are already covered under Crushed and Broken Stone – Subpart B.
- 2.11 Part 1.4.7.3.4 has been added to require the applicant to implement measures to minimize the risk of discharge from stored chemicals.
- 2.12 Part 1.9.4 has been added to require a closure plan for facilities fully ceasing operations.

3 Permit Coverage

This general permit authorizes facilities to discharge from proposed and existing aggregate facilities to Waters of the State, except facilities that are excluded in Part 1.3 of the permit. If a treatment system is proposed, the treatment system shall be constructed in accordance with Part 1.4.5 of the permit.

3.1 Notice of Intent (NOI)

Dischargers seeking to be covered by the general permit must submit a written Notice of Intent that meets the criteria in 40 C.F.R. § 122.21. All deadlines for submission have been established to provide staff with sufficient time to review and process all requests for coverage.

In accordance with the NPDES Electronic Reporting Rule, DEQ is now requiring electronic submission of permitting documents for this general permit. Permittees who are unable to submit documents electronically must apply for a waiver, as detailed in 40 C.F.R. §127.15 and Part 1.5 of the permit.

3.2 Construction Requirements

Any construction proposed under this general permit will require submission of DEQ Form 1, plans & specifications and design calculations signed and stamped by a Professional Engineer (P.E.) licensed in the State of Arkansas, and the construction permit fee specified by Rule 9.402(A).

Authorization to construct a treatment facility does not provide coverage for stormwater discharges related to construction activities subject to the requirements in 40 C.F.R. § 122.26. These activities must also meet the construction stormwater requirements referenced in Part 1.4.4.3 of the permit.

3.3 Water Quality Requirements

In accordance with 40 C.F.R. § 122.44(d) the permit is required to include any requirements necessary to achieve State Water Quality Standards as established under Section 303 of the Clean Water Act.

4 Monitoring Requirements

The requirements for sample type and sampling frequency have been based on the previous permit.

A sample must be obtained during the first discharge of each monitoring period to ensure that samples are obtained from facilities that discharge only during precipitation events. Facilities

that have a controlled or continuous discharge are exempted from this requirement.

All facilities operating under conditions of this general permit are required to monitor flow twice per week and all other parameters once per month. However, the permittee shall at all times properly operate and maintain the facilities to achieve compliance with the conditions of the permit, including additional sampling and testing as necessary to ensure that permit limitations are not exceeded at any time. Sampling and testing shall be conducted in accordance with 40 CFR Part 136.

Discharges resulting from a storm exceeding a 10-year, 24-hour precipitation event may be established as an upset in accordance with Part 5.5 of the permit.

5 Other Conditions

5.1 Geographic Area and Covered Facilities

The general permit authorizes discharges from aggregate facilities throughout the State of Arkansas. The permit will be applicable only to facilities which discharge to waters of the State and are, therefore, subject to the requirements of Section 301 and 402 of the Clean Water Act.

5.2 Timing of Requests

Requests for coverage shall be submitted as follows:

- 5.2.1 For new dischargers without construction expected, at least 30 days prior to the first proposed discharge;
- 5.2.2 For new dischargers with construction expected, at least 90 days prior to the first proposed discharge; or
- 5.2.3 For existing dischargers covered under ARG500000, no later than 30 days prior to the effective date of this permit.

5.3 Expiration Date

In accordance with 40 C.F.R. § 122.46(a), the general permit will expire five (5) years from the effective date of the permit. An expired permit will continue in effect until such time that the permit is renewed, or a new permit is issued.

5.4 Individual Permits

The Director of DEQ may require the issuance of individual permits according to the criteria in 40 C.F.R. § 122.28(b)(3).

6 Development and Basis for Permit Conditions

Conditions in Parts 2 through 7 are incorporated in the permit based on 40 C.F.R. § 122.41, 40 C.F.R. § 122.43, 40 C.F.R. § 122.62, 40 C.F.R. § 124.5, 40 C.F.R. § 136, 40 C.F.R. § 122.44(d), 40 C.F.R. § 122.44(l), Appendix D of the Continuing Planning Process (CPP), APC&EC Rule 2, APC&EC Rule 3, and APC&EC Rule 6 in order to provide and ensure compliance with all applicable requirements of the CWA, rules, and regulations.

The following is an explanation of the derivation of the conditions of the permit and the reasons for them.

6.1 Justification for Limitations and Conditions of the Permit

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Daily Max		
Flow (MGD)	Report	Report	twice/week	instantaneous
Total Suspended Solids (TSS)	35.0	52.5	once/month	grab
Oil and Grease (O&G)	10	15	once/month	grab
pH	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	once/month	grab
Total Dissolved Solids (TDS)	Report	Report	once/month	grab

6.1.1 Total Suspended Solids (TSS)

Solids are considered a “conventional pollutant” (as opposed to toxic). Suspended materials in water can cause turbidity, discoloration, interruption of light passage for aquatic growth, coating of fish gills, and sedimentation on stream bottoms interfering with egg laying and feeding. DEQ has determined that control of TSS in the waste streams from the dischargers covered by the general permit should be required, especially discharges from any sites involving construction or disruption of soils or sediments. The monthly average effluent limit of 35.0 mg/l is continued from the previously issued permit. This limitation is judged to represent the level of treatment attainable through the application of the best conventional pollutant control technology (BCT). Rainfall on barren soil could cause suspended solids to enter the pond or pit. The wet washing and sorting processes also have the potential to add TSS to the effluent. The TSS limit is included to protect the water quality of the receiving stream.

6.1.2 Oil and Grease (O&G)

The water quality-based limits for O&G are based on Rule 2.510 and are judged to represent the level of treatment attainable through the application of the best conventional pollutant control technology (BCT).

6.1.3 pH

The water quality-based limits for pH have been based on Rule 2.504 and are judged to represent the level of treatment attainable through the application of the best conventional pollutant control technology (BCT).

6.1.4 Total Dissolved Solids (TDS)

The previous permit included a reporting requirement for TDS to evaluate the potential contribution of dissolved solids from mining operations. According to EPA's Industrial Stormwater Fact Sheet Series, Mineral Mining and Processing Facilities (Sector J) involves multiple activities with the potential of producing TDS (e.g. site preparation, mineral processing, reclamation). From February of 2021 to May of 2024, 517 TDS samples were reported. The TDS values reported ranged from 2.0 mg/l to 3100 mg/l, with a geometric mean of 322 mg/l. Based on these results, there may be reasonable potential for a facility covered by this general permit to cause or contribute to a TDS impairment. Therefore, the monitoring requirement for TDS has been continued in this permit. If TDS standards are established for a receiving stream or a receiving stream becomes impaired for TDS, the Division may require site-specific limits for TDS or require a facility covered by this permit to obtain an individual NPDES permit.

The benchmark concentration of 500 mg/l was continued for TDS. This is not an effluent limitation; a benchmark exceedance is therefore not a permit violation. DEQ may request monitoring data in accordance with Part 7.9 of this permit to evaluate reasonable potential to exceed water quality standards. Due to the high variance in TDS data collected per facility, DEQ will analyze the potential of each facility to cause or contribute to a TDS impairment at the time of recertification.

6.2 Anti-backsliding

This permit is consistent with the requirements to meet Anti-backsliding provisions of the Clean Water Act (CWA), Section 402 (o) [40 C.F.R. § 122.44(l)]. The final effluent limitations for reissuance permits must be as stringent as those in the previous permit, unless the less stringent limitations can be justified using exceptions listed in CWA 402(o)(2), CWA 303(d)(4), or 40 C.F.R. § 122.44(l)(2)(i).

The permit meets or exceeds the requirements of the previous permit.

6.3 Limits Calculations

The daily maximum limit for TSS is based on Section 5.4.2 of the Technical Support Document for Water Quality-based Toxics Control:

$$\text{daily maximum limits} = \text{monthly average limits} \times 1.5$$

The daily maximum limit for O&G is based on Rule 2.510.

7 Dredging operations

Special conditions for dredging operations have been continued from the previous permit. As described below, any discharge from dredging operations is considered “mine dewatering” and is subject to the same effluent limits. These limits are more stringent than the requirements to discharge stormwater under the industrial stormwater general permit. Therefore, commingled stormwater and dredge water may be discharged from outfalls under this permit.

Wet weather and groundwater seepage overflows from sand and gravel dredging operations are subject to federal effluent limitation guidelines for “mine dewatering”. Additionally, any discharge of water caused by the mine operator from a dredge pit is also subject to federal effluent limitation guidelines for mine dewatering. Therefore, every active dredge pit needs to have a permitted outfall location to sample any “mine dewatering” which may occur. All surface discharges from a dredge pit must be monitored in accordance with Part 2 of the permit.

8 Concrete Washout

The Division has issued several individual NPDES permits for concrete washout. This activity is not typically subject to Effluent Limitation Guidelines and is expected to have similar pollutants of concern to aggregate facilities (pH, TSS, Oil and Grease). Therefore, the Division has issued this general permit to allow coverage of concrete washout water discharge under this general permit.

Because of the high pH of concrete, an impervious basin or a pond certified for chemical treatment will be required for concrete washout water covered by this general permit.

9 Wastewater Operator Requirements

A wastewater operator is required for any facility using a treatment system if that treatment system meets the definition of a “wastewater treatment plant” in APC&EC Rule 3. Such facilities require an operator with a Basic Industrial license at minimum. Facilities that discharge untreated water and facilities with treatment systems that do not meet the definition of a “wastewater treatment plant” in Rule 3 do not require a licensed operator.

10 Public Notice

The public notice of the draft general permit was published for public comment on January 26, 2025. The last day of the comment period was thirty (30) days after the publication date. No comments on the draft permit were received.

A copy of the permit and public notice was sent via email to the Corps of Engineers, the Regional Director of the U.S. Fish and Wildlife Service, the Arkansas Department of Parks, Heritage, and Tourism, the EPA, and the Arkansas Department of Health.

11 Economic Impact

This permit does not place any additional undue burden on any private business entity, large or small. It does not restrict any opportunities that are available to any small businesses. The inspection and control requirements are set at a level to protect water quality while minimizing the resources required for compliance.

The permit fee of \$200 is allowed by APC&EC Rule 9. If a construction authorization is also required under this permit, then an additional \$500 fee will be required based on APC&EC Rule 9.402(A). This permit incorporates construction requirements into the ARG500000. The construction requirements listed in Part 1.4.4 are consistent with the minimum requirements for a state construction permit and will not have any additional economic impact.

There may be minimal additional cost for commercial facilities to obtain a Certificate of Good Standing from the Secretary of State of any State other than Arkansas.

No significant changes were made to this permit that would cause additional economic impact to the facility.

12 Contact Information

For additional information regarding this permit, please contact the NPDES Permits Branch of the Office of Water Quality:

via mail at:

NPDES Permits Branch
Office of Water Quality
5301 Northshore Drive
North Little Rock, AR 72218-5317

via phone at: (501) 682-0656; or

via email at EE.WaterPermitApp@arkansas.gov

13 Sources

- 13.1 40 C.F.R. § 122
- 13.2 40 C.F.R. § 124
- 13.3 40 C.F.R. § 136
- 13.4 APC&EC Rule 2, now codified at 8 CAR Part 21.
- 13.5 APC&EC Rule 3, now codified at 8 CAR Part 22.
- 13.6 APC&EC Rule 6, now codified at 8 CAR Part 25.
- 13.7 APC&EC Rule 8, now codified at 8 CAR Part 11.
- 13.8 APC&EC Rule 9, now codified at 8 CAR Part 12.
- 13.9 ARG500000 existing permit
- 13.10 Discharge Monitoring Reports (DMRs) submitted by the facilities covered by the existing ARG500000 Permit.
- 13.11 Ark. Code Ann. § 8-4-203(m)
- 13.12 Clean Water Act
- 13.13 Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 *et seq.*).
- 13.14 Continuing Planning Process (CPP)
- 13.15 2014 Edition of Recommended Standards for Wastewater Facilities (10 States Standards).
- 13.16 Technical Support Document for Water Quality-based Toxic Control.
- 13.17 NPDES Electronic Reporting Rule (80 FR 64063).