

**FACT SHEET
AND SUPPLEMENTARY INFORMATION
FOR GENERAL PERMIT ARR150000
STORMWATER RUNOFF ASSOCIATED WITH CONSTRUCTION SITES
IN ARKANSAS**

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1. **Background and Changes**

DEQ is reissuing a general permit for Stormwater Discharges Associated with Construction Activity to be effective on November 1, 2026, and expiring on October 31, 2031.

This is a renewal of the General Construction Stormwater permit. The proposed major changes are as follows:

- A. The definition for “Stormwater Pollution Prevention Plan (SWPPP or SWP3)” has been updated in Part I.A.53 for inclusion of the new term “Stormwater Team.”
- B. A new definition for “Stormwater Team” was added to Part I.A.54.
- C. The definition for “Control Measure” has been removed from Part I.A, as the duplicative term has been removed from the permit.
- D. Part I.B.6.C has been updated to have the operator submit the Modification Form to DEQ through SEEK. In addition, a note has been added to clarify that newly disturbed acreage does not automatically transfer around the property.
- E. Part I.B.7.A and Part I.B.4 have been updated to require submittal of the Notice of Intent to DEQ through SEEK.
- F. Part I.B.12 has been updated to require the submittal of Short Term Activity Authorizations to DEQ through SEEK and providing contact information.
- G. Part I.B.13.C.1 has been added to address new turbidity benchmark monitoring for dewatering discharges into impaired or sensitive waters.
- H. Part I.B.16 was updated to include requirements for supporting photographs be provided with NOT for lands returned to pre-construction agricultural use.
- I. Part II.A.2 was updated to allow for electronic preparation, signing, and retaining of inspection reports.
- J. Part II.A.4.B was updated to include the term “Stormwater Team.”
- K. Part II.A.4.N was updated to include an allowance for reduced inspections for areas that have reached final stabilization and rainfall measurement for inspection schedules

- L. Part II.A.4.O has been updated to elaborate on requirements for documenting when delays in installation or repair of BMPs.
- M. Part II.A.4.P has been updated to include training requirements for inspectors.

2. Regulatory Background

The federal stormwater regulations require NPDES permit coverage for large construction activities as defined in Part I.A.29 (40 C.F.R. § 122.26(b)(14)(x)) and small construction activities as defined in Part I.A.50 (40 C.F.R. § 122.26(b)(15)(i)-(ii)).

3. Permit Coverage

Facilities covered by this general permit include those engaging in construction activities disturbing one (1) acre or more, or less than one (1) acre if part of a larger common plan of development or sale, in accordance with 40 C.F.R. § 122.28(a)(2)(i). In accordance with 40 C.F.R. § 122.28(a)(4)(ii), DEQ may exclude specific dischargers or categories of dischargers from coverage under this general permit if it determines that individual NPDES permit coverage is more appropriate. All construction activities subject to the effluent limitation guidelines in 40 C.F.R. Part 450 shall maintain permit coverage. 40 C.F.R. Part 450 does not authorize an exemption from NPDES permitting requirements.

A. Notice of Intent (NOI)

1) Large Construction Sites (greater than or equal to 5 acres)

Written notification from new dischargers shall be submitted to DEQ at least ten (10) business days prior to commencing construction activities that result in the proposed discharge. Unless the applicant is notified otherwise (by phone, email, or letter) by the Director within ten (10) business days of the notification being deemed complete, authority to discharge under this general permit will become effective. In addition, a completed Stormwater Pollution Prevention Plan (SWPPP) compliant with all permit requirements and conditions and permit fee shall be submitted along with the NOI for large sites.

2) Sites with Automatic Coverage

Sites that disturb more than one (1) acre or more but less than five (5) acres, as well as sites with land disturbances less than one (1) acre that are part of a larger common plan of development or sale ultimately disturbing greater than one (1) acre but less than five (5) acres, are automatically covered under the provisions of this general permit without submission of an NOI, in accordance with 40 C.F.R. § 122.28(b)(2)(v). All conditions set forth in Part II.A shall be followed, and a Notice of Coverage (NOC) shall be posted at the construction site, and a copy of the completed SWPPP shall be kept at the site. The operator is responsible for ensuring the site remains in compliance with any updates or changes to the CGP by either contacting DEQ or reviewing the DEQ website:

<https://www.adeg.state.ar.us/water/permits/npdes/stormwater/>

- 3) The Notice of Intent (NOI) shall contain, at the minimum, the information required by 40 C.F.R. § 122.28(b)(2)(ii).

B. Termination of a Qualifying Local Program

- 1) Termination Approval. A Qualifying Local Program may be terminated by either DEQ or the municipality. Upon termination of DEQ approval of a Qualifying Local Program, any construction site shall meet the requirements of this permit.
- 2) Expiration Approval. DEQ approval of a Qualifying Local Program will expire with this general permit. Any

municipality desiring to continue DEQ approval of their program shall reapply by 6 weeks after the effective date of the permit. DEQ will determine if the program may continue as an approved Qualifying Local Program.

C. Individual Permits

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

4. **Technology-Based versus Water Quality-Based Effluent Limitations and Conditions**

In accordance with 40 C.F.R. § 122.44, the permit includes conditions to ensure that discharges do not cause or contribute to violations of applicable water quality standards. Specifically, permit limitations and conditions are based on either technology-based effluent limitations (TBELs) pursuant to 40 C.F.R. § 122.44(a), or water quality-based effluent limitations (WQBELs) established pursuant to 40 C.F.R. § 122.44(d), whichever are more stringent. Water quality-based requirements in this permit include provisions requiring the development and implementation of a SWPPP with site-specific BMPs designed to control pollutants in stormwater discharges as necessary to meet state water quality standards. Additionally, the permit prohibits discharges that cause or contribute to an excursion above any applicable water quality standard, consistent with the requirements of 40 C.F.R. § 122.44(d)(1).

Turbidity benchmark monitoring is required for dewatering discharges into impaired or sensitive waters, with a benchmark set at 50 NTUs to align with the EPA 2022 Construction General Permit and to ensure protection of water clarity and designated uses.

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

Two types of technology-based effluent limitations shall be included in the permits proposed here. With regard to conventional pollutants, e.g., pH, CWA section 301 (b)(1)(E) requires effluent limitations based on “best conventional pollution control technology” (BCT). With regard to nonconventional and toxic pollutants, CWA section 301(b)(2)(A), (C), and (D) require effluent limitations based on “best available pollution control technology economically achievable” (BAT), a standard which generally represents the best performing existing technology in an industrial category or subcategory. BAT and BCT effluent limitations may never be less stringent than corresponding effluent limitations based on best practicable control technology (BPT), a standard applicable to similar discharges prior to March 31, 1989, under CWA § 301(b)(1)(A).

Frequently, EPA adopts nationally applicable guidelines identifying the BPT, BCT, and BAT standards to which specific industrial categories and subcategories are subject. Until such guidelines are published, however, CWA section 402(a)(1) requires that EPA determine appropriate BCT and BAT effluent limitations in its NPDES permitting actions on the basis of its best professional judgment. This permit has included permit effluent limits (Part I.B.13) based on 40 C.F.R. § 450.21.

6. **Water Quality Requirements**

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

7. **BMP Requirements and Basis**

Numeric discharge limits are not currently imposed by this general permit. The permit language is included to ensure that those seeking coverage under this general permit will select, install, implement, and maintain BMPs at their construction site and construction support activities located off-site that will be adequate and sufficient to meet water quality standards for all pollutants of concern. DEQ has determined that BMPs, when properly selected, installed, implemented, and maintained, do provide effluent quality that can meet WQS based on 40 C.F.R. §122.44(k).

8. Waiver for Oil and Gas Construction Activities

The 1987 Water Quality Act introduced Section 402(l)(2) to the CWA, which specifies that neither the EPA nor states shall require NPDES permits for uncontaminated stormwater discharges from oil and gas exploration, production, processing, or treatment operations, or from transmission facilities. This exclusion currently covers construction of drilling sites, waste management pits, access roads, and associated transportation and treatment infrastructure, including pipelines, natural gas treatment plants, natural gas pipeline compressor stations, and crude oil pumping stations. However, construction activities that result in a reportable quantity release or contribute pollutants (other than uncontaminated sediments) in violation of water quality standards remain subject to permit coverage.

9. Other Conditions

A. Eligibility and Authorization

An operator engaged in construction activity greater than or equal to one (1) acre in size, and less than one (1) acre if part of a larger common plan of development or sale, in the State of Arkansas, is eligible for coverage under this general permit.

B. Turbidity Benchmark Monitoring

The permit requires turbidity benchmark monitoring associated with dewatering discharges into impaired or sensitive waters. At least one turbidity sample is required from each dewatering discharge on any day that a discharge occurs. Samples shall be taken at each discharge point, after treatment and prior to discharge. Sampling shall be representative of the daily discharge. An approved method listed in 40 C.F.R. Part 136 shall be used.

The turbidity benchmark for this permit is set at 50 NTUs to align with the EPA 2022 Construction General Permit (Part 3.3.2.a), which establishes 50 NTUs as a protective and achievable benchmark for dewatering discharges. Rule 2.503, now codified at 8 CAR § 21-503, prohibits activities from causing distinctly visible increases in turbidity of the receiving waters.

An alternative benchmark may be requested as specified in the permit.

C. Expiration Date

This general permit will expire five (5) years from the effective date of the permit.

10. Public Notice and Public Hearing.

The public notice describes the procedures for the formulation of final determinations and shall provide for a public comment period of thirty (30) days. During this period, any interested persons may submit written comments on the permit and may request a public hearing to clarify issues involved in the permitting decision. DEQ will notify via an e-mail public notice of the permit to the Corps of Engineers, the U.S. Fish and Wildlife Service, the Arkansas Game and Fish, the Department of Parks, Heritage, and Tourism, the EPA, and the Department of Health for review and comments.

The public comment period began on the date of publication, Sunday, August 10, 2025, and ended on Tuesday, September 9, 2025, at 4:30 p.m. (Central Time).

11. Renewal of Permit Coverage.

The renewal general permit will be issued at least six (6) months prior to the October 31, 2026 expiration date of the current 2021 CGP. Operators of existing construction activities that will not achieve final stabilization prior to the expiration date of the 2021 CGP shall renew their permit coverage under the new 2026 CGP to prevent any lapse in authorization to discharge. To renew coverage, operators shall develop or update their SWPPP to comply with the

requirements of the new 2026 CGP and submit a Renewal NOI to DEQ. The Renewal NOI shall be submitted to DEQ no later than thirty (30) days prior to the expiration date of the 2021 CGP to allow sufficient time for DEQ's processing and review. This ensures that DEQ can provide a Renewal Notice of Coverage to the Permittee as close as possible to the effective date of the 2026 CGP. Additional information regarding the renewal procedures can be found in Part I.B.6.D of the permit.

12. Modification of CGP Coverage

Requests to increase the total acreage of a construction site under this permit shall be submitted to DEQ via a modification form through the SEEK system. The modification form must include an updated SWPPP. A \$200 permit modification fee is required for increases to total site acreage but is not required if the request is solely to increase disturbed acreage without changing the total site acreage.

Note: Changes to receiving waters, implementation of new TMDLs or WLAs, or a change in the entity with operational control of the permitted construction activity may require different notification or modification procedures. Operators shall consult relevant sections of the permit or contact DEQ to determine required forms and processes for such changes.

13. Sources

The following sources were used to draft this permit:

- A. 40 C.F.R. Parts 122, 125, and 450, as adopted by PC&EC Rule 6, now codified in 8 CAR Part 25.
- B. PC&EC Rule 2, now codified at 8 CAR Part 21.
- C. PC&EC Rule 6, now codified at 8 CAR Part 25.
- D. PC&EC Rule 8, now codified at 8 CAR Part 11.
- E. PC&EC Rule 9, now codified at 8 CAR Part 12.
- F. [U.S. EPA Stormwater web page](https://www.epa.gov/npdes/npdes-stormwater-program). [https://www.epa.gov/npdes/npdes-stormwater-program]
- G. Ark. Code Ann. § 8-4-203(m).

13. Economic Impact

The Arkansas Construction Stormwater General Permit ARR150000 incorporates the Effluent limitation based on 40 C.F.R. § 450.21. The permit is also in compliance with state-level rules (PC&EC Rules 2, 5, 6, 8, and 9) concerning the permitting process.

There will be initial costs associated with turbidity benchmark monitoring associated with dewatering discharges into impaired or sensitive water. Turbidity metering equipment can be purchased at a range of costs, from \$500 and up. Costs associated with turbidity testing by accredited laboratories will depend on the testing provider but are relatively inexpensive.

Most of the requirements in this general permit were in the previous permit. The changes listed in Section 1 of this Fact Sheet will not have an economic impact. Therefore, this permit does not place any additional undue burden on any private business entity, large or small. It does not restrict any opportunities that are available to any small businesses. The inspection and control requirements are set at a level to protect water quality while minimizing the resources required for compliance.

The permit fee of \$200 is authorized by PC&EC Rule 9, now codified in 8 CAR Part 12.