

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

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

**Operator of Facilities with Stormwater Discharges Associated with Construction Activity**

is authorized to discharge to all receiving waters except as stated in Part I.B.11 (Exclusions).

For large construction sites that are eligible for coverage under this Construction General Permit (CGP), the Arkansas Department of Energy and Environment - Division of Environmental Quality (DEQ), Office of Water Quality will provide a Notice of Coverage (NOC) with a tracking permit number that starts with ARR15 and a copy of the permit to the facility. The cover letter includes DEQ's determination that a facility is covered under the CGP and may specify alternate requirements outlined in the permit.

Small construction sites eligible for coverage under this CGP will be considered to have automatic coverage under this CGP and shall follow the permit requirements outlined in Part I.B.6.

Effective Date: November 1, 2026

Expiration Date: October 31, 2031



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Division of Environmental Quality

January 6, 2026  
Issue Date

## **PART I PERMIT REQUIREMENTS**

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## SECTION A: DEFINITIONS WITH INCLUDED COMMENTARY

1. **“PC&EC”** means the Arkansas Pollution Control and Ecology Commission.
2. **“Automatic Coverage”** means the method of coverage for a small construction site.
3. **“Best Management Practices (BMPs)”** means the schedules of activities, prohibitions of practices, maintenance procedures, and other management practices aimed at preventing or reducing the discharge of pollutants into waters of the state. BMPs also include treatment requirements, operational procedures, and measures designed to control construction site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas. According to the EPA BMP manual, the use of hay bales in concentrated flow areas is not recommended as a BMP.
4. **“Cognizant Official”** means a duly authorized representative, as defined in Part II.B.9.B.
5. **“Commencement of Construction Activities”** means the initial disturbance of soils (or breaking ground) associated with clearing, grading, excavating, or other construction-related activities (e.g., grubbing, stockpiling of fill material or placement of raw materials on-site).
6. **“Contaminant”** means a substance that, when entering an MS4, waters of the state, or waters of the United States, may cause or contribute to a violation of Arkansas water quality standards.
7. **“Construction Activities”** means the earth-disturbing activities, such as clearing, grading, and excavation of land, along with other construction-related activities (e.g., stockpiling of fill material or placement of raw materials on-site) that could lead to the generation of pollutants.
8. **“Construction Site”** means the area where one or more land-disturbing construction activities occur that, in total, will disturb one (1) acre or more of land. This includes areas that are part of a larger common plan of development or sale, where smaller areas of less than one acre may have multiple, separate, and distinct land-disturbing construction activities occurring at different times and on different schedules, but under one plan, such that the total disturbed area is one (1) acre or more.
9. **“Construction Support Activity”** means construction-related activity that directly supports the construction activity and involves earth disturbance of pollutant-generating activities of its own. This can include, but is not limited to, activities associated with concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated material disposal areas, and borrow areas.
10. **“CWA”** means the Clean Water Act or the Federal Water Pollution Control Act.
11. **“Department”** means the Arkansas Department of Energy and Environment.
12. **“DEQ”** or **“Division”** means the Arkansas Department of Energy and Environment – Division of Environmental Quality. The Division is the governing authority for the National Pollutant Discharge Elimination System (NPDES) program in the state of Arkansas.

13. **“Detention Basin”** means an area where excess stormwater is temporarily stored or held and then slowly drains as water levels in the receiving channel recede. In essence, the water in a detention basin is detained until there is sufficient capacity in the receiving channel.
14. **“Director”** means the Director of the Division of Environmental Quality, or a designated representative.
15. **“Discharge”** when used without qualification, means the “discharge of a pollutant”.
16. **“Disturbed Area”** means the total area of the site where any construction activity is expected to disturb the ground surface. This includes any activity that could increase the rate of erosion, such as clearing, grubbing, grading, excavation, demolition activities, haul roads, or areas used for staging. Also included are stockpiles of topsoil, fill material, and any other stockpiles with the potential to create additional runoff.
17. **“Drainageway”** means an open linear depression, either constructed or natural, that functions to collect and drain surface water.
18. **“Duly Authorized Representative”** means a representative of the Responsible Official meeting the requirements specified in Part II.B.9.B.
19. **“Eligible”** means meeting the necessary qualifications to receive authorization for stormwater discharge under this general permit.
20. **“Erosion”** means the process by which the land’s surface is worn away by the action of wind, water, ice, or gravity.
21. **“ERW”** means Extraordinary Resource Water, in accordance with PC&EC Rule 2, now codified at 8 CAR Part 21.
22. **“ESW”** means Ecologically Sensitive Waterbodies, in accordance with PC&EC Rule 2, now codified at 8 CAR Part 21.
23. **“Facility”** or **“Activity”** means any NPDES “point source” or any other facility or activity (including land and appurtenances) that is subject to regulation under the NPDES program.
24. **“Final Stabilization”** means
- A. All soil-disturbing activities at the site have been completed, and one of the following criteria is met:
    - 1) A uniform perennial vegetative cover (i.e., evenly distributed and without large bare areas) with a density of 80% or more of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or
    - 2) Equivalent permanent stabilization measures (e.g., riprap or gabions) have been employed.
  - B. When background native vegetation covers less than 100% of the ground (e.g., in arid areas or on beaches),

the 80% coverage criteria is adjusted as follows: if the native vegetation covers 50% of the ground, then 80% of 50% ( $0.80 \times 0.50 = 0.40$ ) would require a total cover of 40% final stabilization. In the case of a beach with no natural vegetation, no stabilization is required.

C. For individual lots in residential construction, final stabilization means that either:

- 1) The homebuilder has completed final stabilization as specified above, or
- 2) The homebuilder has established temporary stabilization, including perimeter controls for an individual lot, prior to occupation of the home by the homeowner and has informed the homeowner of the need for, and benefits of, final stabilization.

D. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or rangeland, or staging areas for highway construction), final stabilization may be achieved by returning the disturbed land to its pre-construction agricultural use. Areas that were disturbed and not previously used for agricultural activities, such as buffer strips immediately adjacent to “waters of the state,” and areas which are otherwise not being returned to their pre-construction agricultural use, shall meet the final stabilization criteria in A, B, or C above.

**25. “Grading Activities”** as used in this CGP, means actions that disturb the surface layer of the ground to change the contour, surface drainage pattern, or any other slope characteristics of the land without significantly adding or removing on-site rock, soil, or other materials. This can include demolition, excavation, and filling.

**26. “Impaired Water”** means a waterbody listed in the current, approved Arkansas 303(d) list.

**27. “Infrastructure”** means streets, drainage systems, curbs, utilities, and related facilities.

**28. “Landscaping”** means the enhancement of the natural beauty of a piece of land (e.g., the entrance to a subdivision) through plantings or alterations to the contours of the ground.

**29. “Large Construction Site”** means a construction site where activities such as clearing, grading, and excavation occur, and the total land disturbance is five (5) or more acres. Large construction activity also includes disturbances of less than five (5) acres that are part of a larger common plan of development or sale, where the larger plan will ultimately disturb five (5) or more acres. See Part I.B.15 for partial waivers.

**30. “Larger Common Plan of Development or Sale”** means a contiguous area (sharing a boundary or edge; adjacent; touching) where multiple distinct construction activities may occur at different times and on different schedules under one (1) plan. Such a plan might consist of many small projects (e.g., a common plan for a residential subdivision that lays out streets, house lots, and areas for parks, schools, and commercial development that the developer plans to build or sell to others for development). All these areas remain part of the common plan of development or sale.

The following items can be used as guidance for determining what may or may not be considered a “Common Plan of Development or Sale.” The “plan” in a common plan of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary

signs, lot stakes, surveyor markings, etc.) indicating that construction activities may occur on a specific plot. The applicant shall still meet the definition of operator to be required to obtain permit coverage, regardless of the acreage personally disturbed.

If a smaller project (i.e., less than 1 acre) is part of a larger common plan of development or sale (e.g., building a residential home on a ½-acre lot in a 40-acre subdivision or establishing a fast-food restaurant on a ¾-acre pad that is part of a 20-acre retail center), permit coverage is required.

**31. “Losing Stream Segment”** means a stream segment that begins at the point of existing or proposed discharge and extends two (2) miles downstream, contributing thirty percent (30%) or more of its flow at a 7Q10 flow or one (1) cfs, whichever is greater, through natural processes such as permeable subsoil or cavernous bedrock into an aquifer.

**32. “Natural Buffer”** means an area of undisturbed natural cover surrounding waters of the state, for purposes of this permit. Natural cover includes vegetation, exposed rock, or barren ground that exists prior to the commencement of construction activities at the site.

**33. “NOC”** means Notice of Coverage.

**34. “NOI”** means a Notice of Intent to be covered by this permit.

**35. “NOT”** means a Notice of Termination.

**36. “NSW”** means a Natural and Scenic Waterways, in accordance with PC&EC Rule 2, now codified at 8 CAR Part 21.

**37. “Operator/Permittee”** for the purpose of this CGP and in the context of stormwater associated with construction activity, means any person(s), an individual, association, partnership, corporation, municipality, state or federal agency, associated with a construction project that has financial and operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; additionally, the Division may require any person(s), an individual, association, partnership, corporation, municipality, state or federal agency, associated with a construction project that has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions to be named as a co-permittee.

In addition, for purposes of this CGP and determining who is an operator, “owner” refers to the party that owns the structure being built. Ownership of the land where construction is occurring does not necessarily imply the property owner is an operator (e.g., a landowner whose property is being disturbed by construction of a gas pipeline or a landowner who allows a mining company to remove dirt, shale, clay, sand, gravel, etc. from a portion of his property). Likewise, if the erection of a structure has been contracted for, but possession of the title or lease to the land or structure is not to occur until after construction, the would-be owner may not be considered an operator (e.g., having a house built by a residential homebuilder).

**38. “Outfall”** means a point source where stormwater leaves the construction site.

**39. “Owner”** means the owner or operator of any “facility or activity” subject to regulation under the NPDES program. For the purposes of this CGP and determining who is an operator, “owner” also refers to the party that owns the structure being built. Ownership of the land where construction is occurring does not necessarily imply that the property owner is an operator (e.g., a landowner whose property is being disturbed by the construction of a gas pipeline). Likewise, if the erection of a structure has been contracted, but possession of the title or lease to the land or structure is not to occur until after construction, the prospective owner may not be considered an operator (e.g., having a house built by a residential homebuilder).

**40. “Physically Interconnected”** means that one municipal separate storm sewer system (MS4) is connected to a second municipal separate storm sewer system in a manner that allows for direct discharges into the second system.

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

**42. “Qualifying Local Program”** means a municipal program for stormwater discharges associated with construction sites that has formally been approved by DEQ.

**43. “Qualified Personnel”** means a person knowledgeable in the principles and practice of erosion and sediment controls, possessing the skills to assess conditions at the construction site that could impact stormwater quality and evaluate the effectiveness of any sediment and erosion Best Management Practices implemented to manage the quality of stormwater discharges from the construction activity.

**44. “Regulated Small Municipal Separate Storm Sewer Systems”** means all municipal separate storm sewer systems (MS4s) that are either:

- A. Located within the boundaries of an urban area with a population of 50,000 or more as determined by the 2000 through the latest Decennial Census by the Bureau of Census; or
- B. Owned or operated by a municipality other than those described in paragraph A that serve a jurisdiction with a population, according to the latest decennial census, of at least 10,000 persons and with a population density of at least 1,000 people per square mile meeting one (1) of the criteria as listed in ARR040000 Part I.2.A.b(1) – (3); or
- C. Owned or operated by a municipality other than those described in paragraphs A and B that contributes substantially to the pollutant loadings of a “physically interconnected” MS4;
- D. Operators of small MS4s which have previously been covered under a permit for discharge from their MS4 based on the 2000 through the latest Censuses shall reapply for permit coverage.

Please see Part I.2.A.a. – e. [Regulated Small Municipal Separate Storm Sewer Systems General Permit](#) for the complete list of eligible MS4 operators.

**45. “Responsible Official”** means the authorized representative, as defined in Part II.B.9.A.

46. **“Retention Basin”** means a basin designed to hold stormwater from a rain event, allowing the water to infiltrate through the bottom of the basin. A retention basin stores stormwater on a more permanent basis; in fact, water often remains in a retention basin indefinitely, except for the volume lost to evaporation and the volume absorbed into the soil. This differs significantly from a detention basin, which typically drains after the peak of the storm flow has passed, sometimes while it is still raining.
47. **“Runoff Coefficient”** means the fraction of total rainfall that will appear at the conveyance as runoff.
48. **“Sediment”** means the material that settles to the bottom of a liquid.
49. **“Sediment Basin”** means a basin designed to retain water from a 10-year, 24-hour storm event for a minimum of 24 hours, allowing sediment to settle out of the water.
50. **“Small Construction Site”** means a construction site where activities, including clearing, grading, and excavating, result in the disturbance of one (1) or more acres but less than five (5) acres of land. Small construction activity also includes disturbances of less than one (1) acre that are part of a larger common plan of development or sale, where the larger plan will ultimately disturb between one (1) and five (5) acres. Small construction activity does not include routine maintenance performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.
51. **“Stormwater”** means runoff from rainfall, snowmelt, surface runoff, and drainage.
52. **“Stormwater Discharge Associated with Construction Activity”** means the discharge of runoff from any conveyance used for collecting and conveying stormwater that is directly related to construction activity.
53. **“Stormwater Pollution Prevention Plan (SWPPP or SWP3)”** means a plan that includes site map(s), an identification of construction/contractor, the stormwater team, activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants.
54. **“Stormwater Team”** means the group of individuals responsible for overseeing the development and modification of the SWPPP, as well as ensuring compliance with all permit requirements. All members of the Stormwater Team must be identified in the SWPPP.
55. **“Temporary Sediment Controls”** means the controls installed to manage sediment runoff from a site during construction activities. These may include silt fencing, rock check dams, and similar controls.
56. **“Total Maximum Daily Load”** or **“TMDL”** means the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for non-point sources and natural background. If the receiving water has only one point source discharger, the TMDL is the sum of that point source’s WLA, plus the LAs for any non-point sources of pollution and natural background sources, including tributaries or adjacent segments. TMDLs can be expressed in terms of mass per time, toxicity, or other appropriate measures.
57. **“Uncontaminated”** means that the water does not exceed the water quality standards set forth in PC&EC Rule 2, now codified at 8 CAR Part 21, and does not contain a harmful quantity of any substance.

**58. “Waters of the State”** means all streams, lakes, marshes, ponds, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion of the state.

## SECTION B: COVERAGE UNDER THIS CGP

### Introduction

This CGP authorizes stormwater discharges from both large and small construction activities that result in a total land disturbance of equal to one (1) acre or more, as well as from activities that disturb less than one (1) acre when they are part of a larger common plan of development or sale that will ultimately disturb one (1) acre or more. Additionally, this CGP authorizes stormwater discharges from any other construction activities designated by DEQ, based on their potential to contribute to violations of water quality standards or significantly contribute pollutants to waters of the state.

This CGP replaces the permit issued in 2021. The goal of this CGP is to minimize the discharge of stormwater pollutants from construction activities into waters of the state. Operators are required to read and understand the conditions of the CGP. A copy of the CGP is available on DEQ website at <https://www.adeg.state.ar.us/water/permits/npdes/stormwater/>. A hard copy can also be obtained by contacting DEQ's General Stormwater Permits Section at 501-683-0962.

1. **Permitted Area.** If a large or small construction activity is located within the State of Arkansas, the operator may be eligible to obtain coverage under this CGP.
2. **Eligibility.** CGP eligibility is limited to authorized discharges from large and small construction activities, or as otherwise designated by DEQ. This CGP includes eligibility restrictions, as well as conditions and requirements. Operators shall meet the requirements of either Part I.B.6.A or Part I.B.6.B to be eligible for coverage under this CGP. In such cases, operators shall continue to satisfy these eligibility provisions to maintain permit authorization. If operators fail to meet the requirements for eligibility, any resulting discharges will be considered unpermitted. Conversely, if operators are eligible for coverage under this CGP but do not comply with the requirements, they will be in violation of the CGP for otherwise eligible discharges and in violation of the CWA provision to obtain permit coverage to discharge pollutants in waters of the state.
  - A. This CGP authorizes discharges from 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)), in accordance with the Construction and Development Effluent Limitation Guidelines at 40 C.F.R. Part 450.
  - B. This CGP also authorizes stormwater discharges from construction support activities (e.g., concrete or asphalt batch plants, concrete truck washout (in accordance with Part I.B.13.E.1), equipment staging yards, materials storage areas, excavated material disposal areas, or stockpiles of topsoil, borrow areas), provided:
    - 1) The construction support activity is directly related to a specific construction site that is required to have NPDES permit coverage for discharges of stormwater associated with construction activity.
    - 2) The construction support activity is not a commercial operation, does not serve multiple unrelated construction projects, and does not continue to operate beyond the completion of the construction activity it supports.

- 3) Pollutant discharges from construction support activity areas are minimized in compliance with the conditions of this CGP.
- 4) Discharges from the construction support activity areas are identified in a Stormwater Pollution Prevention Plan (SWPPP) that outlines appropriate controls and measures for the off-site construction areas.

C. Other activities may be considered for this CGP at the discretion of the Director as defined in 40 C.F.R. § 122.26(b)(15)(ii).

**3. Responsibilities of the Operator.** All Permittees with financial and operational control (see Part I.A.37) are responsible for compliance with all applicable terms and conditions of this CGP as they relate to their activities on the construction site, including off-site construction support activities. This includes the protection of endangered species and the implementation of BMPs and other controls required by the SWPPP. Receipt of this CGP does not relieve any operator of the responsibility to comply with any other applicable federal, state, or local statutes, ordinances, rules, or regulations.

**4. Where to Submit.** The operator shall submit a complete and signed Notice of Intent (NOI) and SWPPP to DEQ through SEEK, which can be found on the following website: <https://seek.ee.arkansas.gov/ext/ncore/external/home>.

A. The operator shall submit the application fee to DEQ through SEEK or mail the SEEK payment voucher with a check (ensure the SEEK Submission ID is listed on the check) to the following address:

Division of Environmental Quality  
ATTN: Fiscal  
5301 Northshore Drive  
North Little Rock, AR 72118-5317

**Note:** A Notice of Coverage (NOC) CANNOT be issued until payment is received by DEQ.

B. Waivers from electronic reporting may be granted based on one of the following conditions:

- 1) The operational headquarters are located in a geographic area (e.g., zip code or census tract) identified as underserved for broadband internet access in the most recent report from the Federal Communications Commission;
- 2) Available computer access or capability is limited; or
- 3) The operator is a member of a religious community that chooses not to use certain modern technologies, as per 40 C.F.R. § 127.15(c)(1).

C. To apply for a waiver from electronic reporting, the operator shall submit the required information outlined in 40 C.F.R. § 127.15(b)(2). A waiver for electronic submission can be obtained by contacting DEQ at 501-682-5876.

D. If DEQ grants a waiver to use a paper NOI and the operator chooses to use it, the operator **shall** use the forms approved by DEQ.

5. **Requirements for Qualifying Local Program (QLP).** DEQ reviews and approves QLPs to ensure they meet or exceed both state and federal requirements outlined in this CGP and 40 C.F.R. § 122.44(s). DEQ will review each QLP at least every five (5) years for recertification. If DEQ approves a QLP, its requirements shall, at the minimum, meet DEQ's standards, including all templates and forms. This CGP may be modified to add new QLPs or modify existing ones at DEQ's discretion. Any public notice or other costs incurred by the permit modification for adding or modifying a QLP will be paid by the QLP.

If a small construction site falls within the jurisdiction of a QLP, the operator is authorized to discharge stormwater associated with construction activity under the QLP's permit requirements only.

6. **Requirements for Coverage.**

- A. *Small Construction Sites.* An operator of a small construction site is considered to have automatic coverage under this CGP and may discharge without submitting to DEQ an NOI, SWPPP, or fee, provided the following conditions are met:

- 1) A completed Notice of Coverage (NOC) shall be posted at the site prior to the commencement of construction and shall remain posted until final stabilization is achieved;
- 2) A SWPPP shall be prepared in accordance with this permit and good engineering practices, as described in PC&EC Rule 6.203(B), now codified at 8 CAR § 25-203(2). The SWPPP shall be completed prior to posting the NOC, implemented upon commencement of construction activities, and the most recent version shall be maintained at the construction site;
- 3) All conditions set forth in this CGP shall be followed; and
- 4) The operator is responsible for ensuring the site remains in compliance with any updates or changes to this CGP by either contacting DEQ or reviewing DEQ website:

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

- B. *Large Construction Sites.* An operator of a large construction site discharging under this CGP shall submit the following items at least ten (10) business days before the commencement of construction activities:

- 1) A complete NOI in accordance with the requirements of Part I.B.7 of this permit.
- 2) A complete SWPPP in accordance with the requirements of Part II.A of this permit.
- 3) An initial permit fee shall accompany the NOI, as required under the provisions of PC&EC Rule 9, now codified in 8 CAR Part 12. Subsequent annual fees will be billed by DEQ until the operator submits a Notice of Termination (NOT) to request termination of coverage and DEQ approves the NOT. Failure to remit the required initial permit fee is grounds for the Director to deny coverage under this CGP. Failure to remit the required annual fees is grounds for the Director to revoke coverage under this CGP.

- C. *Modification of CGP Coverage to Include Additional Acreage.* Any request to increase the total acreage of a construction site shall be accompanied by a \$200 permit modification fee and an updated SWPPP. However, if the request is only to increase the disturbed acreage without changing the total site acreage, the request shall be accompanied by an updated SWPPP, and a \$200 permit modification fee is not

required. The operator shall submit a Modification Form to DEQ through SEEK, which can be accessed at the following website:

<https://seek.ee.arkansas.gov/ext/ncore/external/home>

**Note:** Each newly disturbed area shall obtain new permit coverage or be added to an existing permit through an additional acreage request. Coverage for disturbed acreage does not automatically transfer to different areas of the property.

- D. **Recertifications.** Permittees wishing to continue coverage under this general permit shall submit a Recertification NOI (see Part I.B.4 for where to submit) up to one hundred eighty (180) days prior to the expiration date, but no later than thirty (30) days prior to the expiration date. No additional fee is required to be submitted along with the Recertification NOI. Permittees covered under the prior CGP shall update their SWPPP to align with Part II.A.4 by the effective date of this CGP and maintain a current SWPPP on site as required by Part II.A.3.

## 7. **Notice of Intent (NOI) Requirements.**

- A. ***NOI Form.*** Operators of large construction sites who intend to seek coverage for stormwater discharges under this CGP shall submit a complete and accurate NOI form through the SEEK system (at <https://seek.ee.arkansas.gov/ext/ncore/external/home>) at least ten (10) business days prior to the desired coverage date. If a waiver is granted in accordance with Part I.B.4.D, the requirement for electronic submission may be lifted.

If the NOI is incomplete, DEQ will notify the applicant of the deficiencies via email or phone within ten (10) business days of receiving the NOI. If no notification of deficiencies is received within ten (10) business days, the NOI is considered complete. If the applicant does not provide the required information within the deadline set by DEQ, the NOI, fee, and SWPPP will be returned to the applicant.

B. Contents of the NOI. The NOI form shall include, at a minimum, the following information:

- 1) Operator (Permittee) Information: Name, mailing address, telephone number, and email address.
- 2) Entity Type: Specify if the operator is a federal, state, private, public, corporate, or other type of entity.
- 3) Invoice Mailing Information: Name, mailing address, and telephone for billing purposes.
- 4) Project Construction Site Information:
  - a. Project name;
  - b. County;
  - c. Site address;
  - d. Contact person;
  - e. Directions to the site;
  - f. Latitude and longitude for the entrance of the site (or endpoints for a linear project, in decimal degrees);
  - g. Estimated construction start and completion dates, including the final stabilization date;
  - h. Total project acreage and the acreage to be disturbed by the operator submitting the NOI;
  - i. Project type (e.g., subdivision, shopping center, or school);
  - j. Whether the project is part of a larger common plan of development or sale; and
  - k. Whether the submittal is in response to an inspection.
- 5) Discharge Information: Name of the receiving stream, ultimate receiving stream, and name of the MS4 (if applicable).
- 6) Certification Statement: A signed certification by a qualified signatory person in accordance with 40 C.F.R. § 122.22, as referenced in PC&EC Rule 6.104, now codified at 8 CAR § 25-104.
- 7) Certificate of Good Standing: A Certificate of Good Standing from the Arkansas Secretary of State and from the state of origin if the corporation is registered in Arkansas as a foreign entity.
- 8) Stormwater Pollution Prevention Plan (SWPPP) Location: The location where the SWPPP will be maintained.
- 9) NAICS and SIC Codes: The North American Industry Classification System (NAICS) and Standard Industrial Classification (SIC) codes for the operator.

C. Notice of Coverage (NOC). Unless notified otherwise by the Director, operators who submit a complete NOI and SWPPP in accordance with this CGP are authorized to discharge stormwater from the construction sites under the terms and conditions of this permit, beginning ten (10) business days after the date the NOI is deemed complete by DEQ. **This date may differ from the original submission date if revisions or additional information are required.**

If the NOC has not been received by the permittee after ten (10) business days from the date the NOI is deemed complete by DEQ, the NOI may be posted at the site in place of the NOC until the NOC is received. Upon review of the NOI and other available information, the Director may deny coverage under this CGP and require the submittal of an application for an individual NPDES permit.

## 8. Posting Notice of Coverage (NOC).

A. Automatic Coverage Sites. The NOC for small construction sites, as defined in Part I.A.50, shall be obtained from DEQ's Stormwater website:

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

The NOC shall be posted at the site before construction begins. Additionally, a copy of the latest signed and certified SWPPP shall be available at the construction site in accordance with Part II.A.2.A and Part II.A.2.D before construction begins.

- B. *NOC Posting Requirements for Large Construction Sites.* For large construction sites, the NOC shall be obtained from DEQ only after the permittee has submitted a complete NOI, paid the permit fee, and provided a complete SWPPP to DEQ for review and coverage approval. The NOC must be posted at the construction site prior to the beginning of construction activities.
- C. *Linear Projects.* For linear construction projects (e.g., pipelines or highways), the notice shall be posted in a publicly accessible location near the area where construction is actively underway. The posting shall be moved as necessary to remain near active construction zones.

Please note that this CGP does not grant the public any right to enter or trespass on a construction site for any reason, including for inspection purposes, nor does it require the permittee to allow public access to the site.

9. **Applicable Federal, State or Local Requirements.** The operator shall ensure that all stormwater controls implemented at the site comply with all applicable federal, state, and local requirements. Additionally, any operator following approved local erosion and sediment control plans, grading plans, local stormwater permits, or stormwater management plans shall submit signed copies of the NOI to the relevant local agency or authority upon request.

10. **Allowable Non-Stormwater Discharges.**

- A. The following non-stormwater discharges associated with construction activities may be authorized under this CGP, provided they are appropriately managed. All non-stormwater discharges shall be addressed in the SWPPP, and measures to minimize or eliminate these discharges should be taken where reasonably possible:
- 1) Emergency Fire-fighting activities;
  - 2) Fire hydrant flushing;
  - 3) Water used for vehicle and equipment washing (where no detergents, soaps, solvents, or other chemicals are used) or dust control BMPs in accordance with Part II.A.4.J.2;
  - 4) Potable water, including uncontaminated waterline flushing;
  - 5) Uncontaminated landscape irrigation;
  - 6) Uncontaminated routine building external wash-down without detergents, soaps, solvents, or other chemicals;
  - 7) Uncontaminated pavement wash water where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled materials have been cleaned up) with no detergents, soaps, solvents, or other chemicals;
  - 8) Uncontaminated air conditioning or compressor condensate;
  - 9) Uncontaminated spring water, excavation dewatering, and uncontaminated groundwater (in accordance with Part I.B.13.C of this permit);

10) Foundation or footing drains, where flows are not contaminated with process materials such as solvents or contaminated groundwater (in accordance with Part I.B.13.C of this permit).

#### **11. Limitations on Coverage (Exclusions).**

*General Applicability.* The following conditions apply to all discharges evaluated under this section. A discharge is considered to occur into a waterbody when stormwater runoff from the permitted site, either directly or through a conveyance system such as a ditch, swale, or storm drain, ultimately flows to that waterbody under normal hydrologic conditions. For discharges that enter a storm sewer system prior to leaving the site, the discharge point is where the stormwater from that system first enters a receiving waterbody.

For purposes of evaluating potential impacts, DEQ identifies the first receiving waterbody and reviews all waters within one (1) mile, or more on a case-by-case basis, downstream of the stormwater discharge points to determine whether any are listed as impaired (303(d)), designated as Sensitive Waters, or subject to a Total Maximum Daily Load (TMDL) or similar water quality programs. The one-mile distance is measured along the receiving stream's flow path under normal conditions.

**Stormwater discharges from construction activities are not covered by this CGP when any of the following conditions apply:**

- A. *Post-Construction Discharge.* Stormwater discharges from construction sites or off-site construction support activities that occur after the completion of construction, once the site has reached final stabilization and the permit is terminated.
- B. *Discharges Mixed with Non-Stormwater.* Stormwater discharges combined with non-stormwater sources, except those allowed in Part I.B.10 and listed in the SWPPP with appropriate controls.
- C. *Discharges Covered by Another Permit.* Construction stormwater discharges already covered by another active permit. Upon expiration of an individual or alternative general permit, this CGP may apply if there were no numeric effluent limitations for such discharges.
- D. *Discharges into Receiving Waters with an Approved TMDL.* Discharges into receiving waters with an EPA-approved Total Maximum Daily Load (TMDL) allocation are ineligible for this CGP unless the permittee develops and certifies a SWPPP consistent with the TMDL assumptions and requirements. To qualify for permit coverage, operators shall:
  - 1) Incorporate applicable conditions into their SWPPP for their discharge to ensure all assumptions and requirements in the TMDL are addressed in the SWPPP within established timelines.
  - 2) Incorporate specific numeric allocations established in the TMDL into their SWPPP with required steps taken to achieve compliance and implement necessary steps to meet the numeric allocations.
  - 3) Incorporate quarterly monitoring if the facility is assigned specific numeric limits. Quarterly monitoring data shall be submitted to DEQ to show compliance with the Waste Load Allocation established in the TMDL.

DEQ will review the SWPPP for consistency with the TMDL, and additional BMPs may be required if

the project discharges into a TMDL-assigned receiving stream. For information on final TMDLs issued by DEQ, visit the following website: <https://www.adeg.state.ar.us/water/planning/integrated/tmdl/>.

- E. Discharges into Impaired Receiving Waters (303(d) List). For stormwater discharges into waters listed as impaired under Section 303(d) of the Clean Water Act, permittees shall incorporate additional BMPs into their SWPPP to protect water quality. DEQ will review the SWPPP, and if the project discharges into an impaired waterbody, DEQ may require additional BMPs. For information on impaired waters (303(d) List), visit the following website: <https://www.adeg.state.ar.us/water/planning/integrated/>.
- F. Discharges into an Extraordinary Resource Water (ERW), Natural and Scenic Waterway (NSW), or Ecologically Sensitive Waterbody (ESW). Construction site discharges located within the watershed of an Outstanding Resource Water, as defined by PC&EC Rule 2.203, now codified in 8 CAR Part 21-203, including ERWs, NSWs, or ESWs, are not eligible for coverage under this CGP unless the permittee develops and certifies a SWPPP that includes additional BMPs to prevent, to the maximum extent possible, exposure of pollutants to precipitation and stormwater that could impact water quality. For this CGP, an Outstanding Resource Water's watershed will be identified by the United States Geological Survey's twelve (12)-digit Hydrological Unit Code (HUC). DEQ will review this information and, if the site discharges to an ERW, NSW, or ESW, may impose additional requirements.
- G. Discharges into Areas of the State with Potential Losing Stream and/or Sensitive Aquatic Species. Discharges from construction sites located within the watershed of a potential losing stream and/or sensitive aquatic species native to the area are ineligible for permit coverage unless the permittee develops and certifies a SWPPP with additional BMPs to prevent, to the maximum extent possible, exposure of pollutants to precipitation and stormwater that could impact water quality. In accordance with Part I.B.3, the permittee is responsible for avoiding activities which may harm endangered species or create risks to their habitats. DEQ will review this information and, if the site discharges to an area with potential losing stream or sensitive aquatic species, may impose additional requirements.

**12. Short Term Activity Authorization (STAA).** A Short Term Activity Authorization (STAA) from DEQ is required for any work conducted in waters of the state under Rule 2.305, now codified in 8 CAR Part 21-305. This authorization applies to in-stream activities with potential to exceed water quality standards, including but not limited to gravel removal, bridge or crossing repair/maintenance, bank stabilization, debris removal, culvert replacement, flood control projects, and stream relocation. Activities in Waters of the United States may also require a Section 404 permit from the U.S. Army Corps of Engineers. This CGP does not authorize any activity under a STAA, Individual 401 Certification, or Section 404 permit. Applications for a STAA or Individual 401 Certification should be submitted through SEEK (or successor system) at: <https://seek.ee.arkansas.gov/ext/ncore/external/home> or in the form and manner prescribed by DEQ.

Questions regarding the applicability of a STAA or Individual 401 Certification can be directed to DEQ's NPDES Permits line at (501) 682-5876.

The SWPPP shall be updated to include a copy of the STAA letter (and Individual 401 Certification, if needed) upon receipt. Re-submission of the SWPPP is not required unless specifically requested by DEQ.

**13. Effluent Limitation Guidelines (ELG).** Except as provided in 40 CFR 125.30 through 125.32, any point source subject to this ELG shall, at a minimum, achieve the following effluent limitations representing the degree of reduction attainable through application of the best practicable control technology currently available (BPT):

A. Erosion and Sediment Controls. Permittees shall design, install, and maintain effective erosion and sediment controls to minimize pollutant discharges. At a minimum, these controls shall:

- 1) Control stormwater volume and velocity to minimize soil erosion and pollutant discharges;
- 2) Control stormwater discharges, including peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points;
- 3) Minimize the amount of soil exposed during construction activities;
- 4) Minimize disturbances of steep slopes;
- 5) Minimize sediment discharges from the site. The design, installation, and maintenance of erosion and sediment controls shall consider factors such as the amount, frequency, intensity, and duration of precipitation; the nature of resulting stormwater runoff; and the range of soil characteristics, including the range of soil particle size expected on the site;
- 6) Establish and maintain natural buffers around waters of the state, direct stormwater to vegetated areas, and maximize stormwater infiltration to lower pollutant discharges, unless infeasible;
- 7) Minimize soil compaction; however, soil compaction is permissible where the intended function of a specific area of the site necessitates it be compacted; and
- 8) Preserve topsoil, unless it is infeasible, or the intended function of a specific area requires disturbing or removing it.

B. Soil Stabilization. Stabilization of disturbed areas shall be initiated immediately, unless weather conditions prevent such action, whenever any clearing, grading, excavating, or other earth-disturbing activities have permanently ceased on any portion of the site, or temporarily ceased and will not resume for more than fourteen (14) calendar days.

In arid, semiarid, and drought-stricken areas where immediate vegetative stabilization is infeasible, alternative stabilization measures shall be employed as specified by the permitting authority. Stabilization shall be completed within fourteen (14) calendar days.

In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remains disturbed.

C. Dewatering. Discharges from dewatering activities, including those from dewatering of trenches and excavations, are prohibited unless managed with appropriate controls. These discharges must be free of visible turbidity and managed to minimize the discharge of pollutants to waters of the state. If trench or groundwater contains sediment, it shall pass through a sediment settling pond or another equally effective sediment control device before being discharged from the construction site.

Alternatively, sediment may be removed through settling in place or by dewatering into a sump pit, filter bag, or comparable practice. Avoid placing dewatering controls, such as pumped water filter bags, on steep slopes, as they may not function effectively and could cause erosion or instability. Groundwater

dewatering that does not contain sediment or other pollutants is not required to be treated before discharge. However, care shall be taken to ensure that groundwater does not become pollutant-laden by traversing over disturbed soils or other sources of pollutants.

- 1) Turbidity Benchmark Monitoring for Dewatering Discharges into Impaired or Sensitive Waters: For construction sites discharging dewatering water into receiving waters impaired by sediment or sediment-related parameters, the following turbidity benchmark monitoring requirements shall be followed. All compliance measures shall be documented in the SWPPP.

The turbidity benchmark threshold is an indicator that dewatering controls may require adjustments to maintain water quality. Exceeding this benchmark does not constitute a permit violation. However, failure to implement corrective actions in response to exceedances may result in a permit violation.

**Note:** If multiple permittees are present on a single site, they may coordinate monitoring efforts to avoid duplicate sampling. Any such arrangements shall be clearly described in the SWPPP. Despite these coordinated efforts, each permittee is individually responsible for ensuring compliance.

- a. Turbidity Monitoring Requirements

- i. Sampling Frequency: Collect at least one turbidity sample from each dewatering discharge on any day a discharge occurs.
- ii. Sampling Location: Samples shall be taken at each discharge point, after water has been treated by installed controls and before discharging offsite.
- iii. Representative Sampling: Samples shall accurately represent the daily dewatering discharge. For purposes of this general permit, this means that samples are collected under normal operating conditions.
- iv. Test Methods: An approved method listed in 40 C.F.R. Part 136 shall be used. Use a turbidity meter approved and calibrated to measure in nephelometric turbidity units (NTUs). The turbidity meter shall be calibrated daily according to the manufacturer's instructions.

- b. Turbidity Benchmark

- i. Benchmark Threshold: The turbidity benchmark for this permit is 50 NTUs (referred to as the "standard 50 NTU benchmark"). However, the permittee may request an alternate benchmark, if needed.
- ii. Requesting an Alternate Benchmark: If the turbidity standard for the receiving water exceeds 50 NTUs, the permittee may request a higher benchmark threshold by submitting the following to the Director:
  - *Current Standard:* Include the turbidity water quality standard for your receiving water, along with the relevant source or citation.
  - *Natural/Background Levels:* If required, provide data on natural or background turbidity levels for your receiving water, using reliable sources (e.g., federal, state, tribal, or local government data) and any site-specific data collected.

DEQ will review alternate benchmark requests. DEQ may approve, deny, or extend the review period to examine additional supporting data. Until approval is granted, the standard 50 NTU benchmark remains in effect, and corrective actions are required for any exceedances.

D. Pollution Prevention Measures. Permittees shall design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, these measures shall:

- 1) Minimize pollutant discharges from equipment, vehicle washing, wheel wash water, and other wash waters. Wash waters shall be treated in a sediment basin or other BMPs that provide equivalent or better treatment before discharge.
- 2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other onsite materials to precipitation and stormwater. Exposure minimization is not required in cases where such exposure will not result in a discharge of pollutants or where the specific material or product poses little risk of stormwater contamination (e.g., final products and materials intended for outdoor use).
- 3) Minimize pollutant discharges from spills and leaks and implement effective chemical spill and leak prevention and response procedures.

E. Prohibited discharges. The following discharges are strictly prohibited:

- 1) Concrete Washout Wastewater: Wastewater resulting from the washout of concrete, unless managed by appropriate controls.
- 2) Construction Material Wastewater: Wastewater from the washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials.
- 3) Pollutants from Vehicle and Equipment Maintenance: Fuels, oils, or other pollutants used in the operation and maintenance of vehicles and equipment.
- 4) Washing Agents: Soaps, solvents, or detergents used for vehicle washing, equipment washing, or external building washdowns.
- 5) Toxic or Hazardous Substances: Any toxic or hazardous substances resulting from a spill or release.

F. Surface Outlets. When discharging water from basins and impoundments, use outlet structures that withdraw water from the surface, unless it is infeasible to do so.

**14. Natural Buffer Zones**. A natural buffer zone, as described below, shall be maintained at all times to direct stormwater to vegetated areas to maximize infiltration and reduce pollutant discharges, unless infeasible. Exceptions from this requirement for areas such as water crossings, limited water access, and restoration of the buffer are allowed if the permittee fully documents in the SWPPP the circumstances and reasons for the buffer zone encroachment. Additionally, this requirement is not intended to interfere with any other ordinance, rule or regulation, statute or other provision of law.

A. For construction projects involving construction activities or construction support activities, the SWPPP shall establish a natural buffer zone of at least twenty-five (25) feet, measured horizontally from the top of the bank to the disturbed area, from any waters of the state.

B. DEQ will require a natural buffer zone of at least fifty (50) feet, measured horizontally from the top of the bank to the disturbed area, from established TMDL waterbodies, streams listed on the 303(d) list, Extraordinary Resource Waters (ERWs), Ecologically Sensitive Waterbodies (ESWs), Natural and Scenic

Waterways (NSWs), or any other areas as determined by the Director.

- C. Linear projects will be evaluated individually by DEQ to determine appropriate natural buffer zone setbacks.

**15. Waivers from Permit Coverage.** The Director may waive the applicable requirements of this CGP for stormwater discharges from construction activities under the terms and conditions specified in this section.

- A. **Waiver Applicability and Coverage.** In accordance with 40 C.F.R. § 122.26(b)(15)(i), operators of small construction activities may apply for and receive a waiver from the requirements to obtain this CGP.
- B. **No Stormwater Leaving the Site.** A permit is not required if all stormwater generated by the construction activity is fully captured on-site during any storm event, from initiation of construction activities until final stabilization, and is either allowed to evaporate, infiltrate into the ground, or be used for irrigation. Any discharge of stormwater from a small or large construction site without permit coverage is a violation of the CWA's prohibition against discharging pollutants to waters of the state without a permit.
- C. **TMDL Waivers.** This waiver is available for small construction activities with automatic coverage if DEQ has established or approved a TMDL that addresses the pollutants of concern. DEQ must determine that additional controls on stormwater discharges from small construction activities are not required to protect water quality. The pollutants of concern include sediment (such as total suspended solids, turbidity, or siltation) and any other pollutants identified as causes of impairment for any waterbody receiving discharges from the construction activity. The operator shall certify to the Director that construction activity will occur and that stormwater discharges take place within the drainage area covered by the TMDL or an equivalent analysis. Information on approved TMDLs is available on DEQ's website:

<https://www.adeg.state.ar.us/water/planning/integrated/tmdl/>

**16. Notice of Termination (NOT).** When all construction activities that disturbed soil are complete and the site has reached final stabilization (defined as 100% stabilization with a density of 80% or greater, or as defined in Part I.A.24.B for sites where background native vegetation covers less than 100% of the ground), the operator may submit a complete Notice of Termination (NOT) to the Director through SEEK. Final stabilization, elimination of stormwater discharges associated with construction activity, and removal and proper disposal of all temporary sediment controls shall also be achieved for all construction support activities authorized under this CGP. This submission is permitted only if all stormwater discharges from both construction activities and construction support activities authorized by this CGP have been eliminated, and all temporary sediment controls have been removed and properly disposed. Along with the NOT, the operator shall submit photographs that represent the entire site for review.

Final stabilization is not required if the land is returned to its pre-construction agriculture use. Supporting photos documenting this condition shall be submitted with the NOT. Operators of small construction sites are not required to submit NOTs. However, final stabilization is still required on all sites. If an NOT is not submitted upon project completion, the operator will be responsible for annual fees in accordance with Part I.B.6.B.3.

**Note:** While geotextile mesh can be used in the final stabilization process, it does not constitute final stabilization.

**17. Responsibilities of the Operator of a Larger Common Plan of Development or Sale.**

- A. The operator is ultimately responsible for managing runoff from the perimeter of the entire development. Regardless of the cause of the runoff, the operator shall ensure that adequate overall controls are implemented throughout the development.
- B. The operator shall not terminate the permit coverage until the following conditions have been met:
  - 1) All construction activities, including landscaping and lot development, have been completed; and
  - 2) All lots are sold and developed.

The following exceptions to this requirement may apply:

- a. At the discretion of the Director, coverage may be terminated if less than 100% of the lots are sold and developed;
  - b. Coverage may be terminated if twenty-four (24) months have passed without any construction activity, separating it from the larger common plan; or
  - c. Coverage may be terminated if all lots are developed and there are no temporary common controls for subdivision outfalls (e.g., sediment basins, large sediment traps, or check dams).
- 3) If lots are sold and subsequently re-sold to a third party, each operator shall obtain permit coverage while they own the lots. The second owner is responsible for obtaining the same certification from the third owner (i.e., the certification will pass from owner to owner).
- C. The operator shall not terminate permit coverage until all individual lot operators within the larger common plan of development or sale have been notified of their permitting requirements under this CGP. In this case, signed certification statements from each individual lot operator shall be maintained in the SWPPP for the larger common plan. A copy of these signed certifications shall be submitted to DEQ along with the NOT. The certification shall be as follows:

“I, \_\_\_\_\_, operator of an individual lot # \_\_\_\_\_, block # \_\_\_\_\_ of \_\_\_\_\_ subdivision, certify under penalty of law that I was notified by the operator of the larger common plan of the stormwater permitting requirements for my construction site(s). I understand prior to commencement of any construction activity I shall prepare and comply with a SWPPP and post the Construction Site Notice. I understand that prior to the sale of this lot to another party; I shall notify the new owner of DEQ requirements and obtain this certification from the new owner.”

Signature \_\_\_\_\_

- D. The following examples are provided for clarification:

- 1) **Evaluation of Remaining Acreage:** If a small portion of the original common plan of development remains undeveloped and there has been a period of more than 24 months without ongoing construction activities (i.e., all areas are either undisturbed or have been finally stabilized), operators may re-evaluate the original project based on the remaining acreage. If between one (1) and five (5) acres remain for the original common plan, coverage under the large permit may not be required, but operators shall comply with the terms and conditions for Small Construction Sites in the CGP. If less than one (1) acre remains, the individual project may be treated as less than one-acre development, and no permit would be required.
- 2) **Long-Range Master Plans:** If operators have a long-range master plan where some portions are conceptual rather than specific, and future construction activities will occur over an extended period (i.e., more than 24 months), operators may consider the conceptual phases as separate common plans, provided the construction periods for physically interconnected phases do not overlap.
- 3) **Discrete Construction Projects:** Where discrete construction projects within a larger common plan are located  $\frac{1}{4}$  mile or more apart, and the area between the projects remains undisturbed, each individual project can be treated as a separate plan of development or sale. However, any interconnecting road, pipeline, or utility project that is part of the same common plan cannot be concurrently disturbed. For example, if an interconnecting access road or pipeline is under construction simultaneously, they would generally be considered part of a single common plan for permitting purposes.
- 4) **Selling Lots to Multi-Lot Builders:** If the operator sells all the lots in the subdivision to one or more multi-lot builders, CGP coverage shall be obtained through one of the following options:
  - a. Transfer the permit from the original operator to the new operator.
  - b. Obtain a new, separate CGP coverage by the new operator.

**Note:** If a new CGP coverage is required, it shall be obtained before terminating the original permit.

- 5) **Retaining Ownership of Lots:** If the operator retains ownership of any lots in the subdivision, they shall maintain permit coverage for those lots under the original permit. The operator shall modify the SWPPP to indicate which lots are owned and mark them on the site map. If one (1) or two (2) lots remain and the total acreage is less than five (5) acres, the original permit coverage may be terminated, and those lots could be covered as a small site.

**18. Change in Operator.** For stormwater discharges from large construction sites, when the operator changes – including instances where a new operator is added after the initial NOI has been submitted – the new operator shall ensure that a permit transfer form is submitted to DEQ at least two (2) weeks before beginning work at the site.

**19. Late Notifications.** A discharger shall still submit a NOI in accordance with this part, even after the deadlines specified in Part I.B.7 of this CGP. However, in such cases, the Director may initiate enforcement actions for failure to submit the NOI on time or for any unauthorized stormwater discharges associated with construction activity that occurred on or after the specified dates in this CGP.

**20. Failure to Notify.** An operator of a construction site who does not notify the Director of their intent to be covered under this CGP and who potentially discharges pollutants (sediment, debris, etc.) into waters of the state without an NPDES permit is in violation of the Arkansas Water and Air Pollution Control Act.

**21. Maintenance.** The determination of disturbance acreage typically excludes routine maintenance activities on existing roads, provided that the original line and grade, hydraulic capacity, or intended purpose of the road remains unchanged. Additionally, the paving of existing roads is not included in the disturbance calculation. Maintenance activities that return conditions to their original state are not regulated under this CGP, unless they involve clearing, grading, or excavating one or more acres of underlying or surrounding soil.

**22. Attainment of Water Quality Standards After Authorization**

- A. The permittee shall select, install, implement, and maintain BMPs at the construction site and at the construction support activities off site that minimize pollutants in the discharge as necessary to meet applicable water quality standards. In general, except in situations explained below, the SWPPP shall be developed, implemented, and updated to be considered as stringent as necessary to ensure that the discharges do not cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard.
- B. At any time after authorization, DEQ may determine that the stormwater discharges may cause, have reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. If such a determination is made, DEQ will require the permittee to:
  - 1) Develop a supplemental BMP action plan describing SWPPP modifications to adequately address the identified water quality concerns and submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or
  - 2) Cease discharges of pollutants from construction activity and submit an individual permit application.
- C. All written responses required under this part shall include a signed certification (Part II.B.10).

**23. Releases in Excess of Reportable Quantities.**

- A. Hazardous substances or oil discharges in stormwater from a facility shall be prevented or minimized in accordance with the facility's SWPPP. This CGP does not waive reporting obligations as required under 40 C.F.R. Part 110, 40 C.F.R. Part 117 and 40 C.F.R. Part 302. If a release of hazardous substances or oil equal to or exceeding reporting quantities established under either 40 C.F.R. Part 110, 40 C.F.R. Part 117, or 40 C.F.R. Part 302, occurs within a twenty-four (24) hour period, the following actions are required:
  - 1) Immediate Notification: The person in charge of the facility shall notify the National Response Center (NRC) at 800-424-8802 in line with 40 C.F.R. Part 110, 40 C.F.R. Part 117, or 40 C.F.R. Part 302 upon learning of the discharge.
  - 2) Written Report: Within five (5) calendar days of discovering the release, the operator shall submit a written report to DEQ, including a description of the release (type, estimated amount), the release date, and the circumstances leading to it, along with actions being taken as specified in Part II.B.6 of this CGP.

- 3) SWPPP Update: The SWPPP shall be updated within fourteen (14) calendar days of the release to include:
  - a. A description and circumstances of the release; and
  - b. The date of the release.
- 4) Preventative Review: The SWPPP shall be reviewed and modified, if necessary, to identify measures to prevent and respond to future releases.

B. *Spills*. This CGP does not allow for the discharge of hazardous substances or oil resulting from any on-site spills.

#### **24. Requiring an Individual Permit.**

The Director has the authority to require any entity eligible for CGP coverage to apply for an individual permit. Additionally, interested parties may request individual permit consideration, based on criteria in 40 C.F.R. § 122.28(b)(3).

If an operator does not promptly respond to requests for information or fails to engage in the permitting process, DEQ may terminate CGP coverage.

Operators currently covered by the CGP may choose to apply for an NPDES individual permit. To do so, they shall submit an application to DEQ with supporting reasons. Once a final individual NPDES permit is issued, the operator shall submit an NOT to request termination of the CGP coverage. Termination of coverage will occur no earlier than the effective date of the individual permit. Until then, the CGP remains fully applicable to the facility.

## **PART II STANDARD CONDITIONS**

Information in **Part II** is organized as follows:

**Section A:** Stormwater Pollution Prevention Plans (SWPPP):

1. Deadlines for Plan Preparation and Compliance
2. Signature, SWPPP, Inspection Reports, and Notice of Coverage (NOC)
3. Keeping SWPPP Current
4. Contents of the Stormwater Pollution Prevention Plan
5. Plan Certification

**Section B:** Standard Permit Conditions:

1. Retention of Records
2. Duty to Comply
3. Penalties for Violations of Permit Conditions
4. Continuance of the General Permit
5. Need to Halt or Reduce Activity Not a Defense
6. Duty to Mitigate
7. Duty to Provide Information
8. Other Information
9. Signatory Requirements
10. Certification
11. Penalties for Falsification of Reports
12. Penalties for Tampering
13. Oil and Hazardous Substance Liability
14. Property Rights
15. Severability
16. Transfers
17. Proper Operation and Maintenance
18. Inspection and Entry
19. Permit Actions
20. Re-Opener Clause
21. Local Requirements
22. Applicable Federal, State Requirements

## **SECTION A: STORMWATER POLLUTION PREVENTION PLANS (SWPPP)**

Before obtaining CGP coverage, the operator shall develop a SWPPP following the order outlined in Part II.A.4 and Part II.A.5. The standard DEQ format is available on DEQ's website: <https://www.adeg.state.ar.us/water/permits/npdes/stormwater/>. Other formats may be used if pre-approved by DEQ. The SWPPP shall be implemented from the start of construction activities until final stabilization is complete, with updates as determined necessary by the operator or regulatory officials. The SWPPP shall be prepared by qualified personnel using sound engineering practices and shall:

- Identify potential pollution sources that could impact stormwater quality from the construction site and off-site construction support activities;
- Identify, describe, and ensure implementation of BMPs focused on initial site stabilization to reduce pollutants in stormwater discharges from the construction site and off-site construction support activities;
- Be specific to the construction site's activities;
- Ensure compliance with permit conditions; and
- Identify the Stormwater Team responsible for overseeing and managing SWPPP implementation.

### **1. Deadlines for Plan Preparation and Compliance.**

#### *A. Automatic Coverage Sites.*

- 1) The SWPPP shall be completed before obtaining CGP coverage and beginning construction activities, with updates as needed. Submittal of the NOI, permit fee, and SWPPP is not required for automatic coverage sites.
- 2) All conditions in Part II.A shall be adhered to, and the NOC shall be posted on-site before beginning construction activities.
- 3) A copy of the SWPPP shall be accessible at the construction site as outlined in Part II.A.2 prior to beginning construction activities.

#### *B. Large Construction Sites.*

- 1) The SWPPP, along with an NOI and the initial permit fee, shall be completed and submitted for review at least ten (10) business days before construction activities begin.
- 2) Updates to the SWPPP during construction are required as outlined in Part I.B.6.C or as directed by the Director.

#### *C. Existing Permittees.*

Permittees covered under the prior CGP shall update their SWPPP to align with Part II.A.4 by the effective date of this CGP.

### **2. Signature, SWPPP, Inspection Reports and Notice of Coverage (NOC).**

- A. The SWPPP and all inspection reports shall be signed by the responsible official or a duly authorized representative as specified in Part II.B.9. A physical copy of the SWPPP shall be maintained on-site during regular business hours (8:00 A.M. – 5:00 P.M.) and made readily available to site personnel and inspectors. Inspection reports may be prepared, signed, and retained electronically, rather than in paper form, provided

the records are:

- 1) In a format that can be read in a similar manner as a paper record;
- 2) Legally dependable with no less evidentiary value than their paper equivalent; and
- 3) Immediately accessible to the inspector during an on-site inspection to the same extent as a paper copy stored at the site would be.

Inspections shall be conducted as outlined in Part II.A.4.N.

- B. Upon request, the operator shall provide the SWPPP and inspection reports to the Director, EPA, or relevant state or local agencies reviewing sediment control, erosion, grading, or stormwater management plans. For stormwater discharges into an MS4 under an NPDES permit, these documents shall also be made available to the municipal operator, defined as the city, town, county, or other public entity that owns or operates the MS4 receiving the discharge. For purposes of this paragraph, local agencies refer to state, county, or municipal departments or commissions that have regulatory or review authority related to sediment control, erosion, grading, or stormwater management.
  - C. The Director or their authorized representative may inform the operator if the SWPPP does not meet one or more minimum permit requirements. Within seven (7) business days of receiving such notice (or as otherwise specified by the Director or authorized representative), the operator shall implement the necessary changes to the SWPPP and submit written certification confirming the updates. DEQ may request re-submittal of the SWPPP to ensure compliance and may take enforcement action for periods during which the operator was operating under a non-compliant SWPPP.
  - D. The NOC shall be posted near the main entrance of the construction site where it is visible to the public and shall indicate the SWPPP location. If the SWPPP location changes, the NOC shall be updated to reflect the new SWPPP location.
- 3. Keeping the SWPPP Current.** The operator shall update the SWPPP within seven (7) business days whenever there is a change in site design, construction, operation, or maintenance that may significantly impact the potential for pollutant discharge to waters of the state, if not previously covered in the SWPPP. Additionally, modifications to the SWPPP are required if inspections, monitoring (if required), or investigations by the operator, or any local, state, or federal officials reveal that discharges are contributing to water quality violations or if the SWPPP is found to be ineffective in eliminating or significantly minimizing pollutants from stormwater discharges. These modifications to the SWPPP shall be done within seven (7) business days.
- 4. Contents of the SWPPP.** The SWPPP shall include the following items:
- A. *Site Description.*
    - 1) Project Overview: Describe the type of construction activity and intended post-construction use (e.g., residential subdivision, shopping mall).
    - 2) Sequence of Activity: Outline the planned sequence of major soil-disturbing activities (e.g., grubbing, excavation, grading, infrastructure installation).
    - 3) Area Estimates: Provide total site area, including off-site borrow/fill areas, and estimate area expected to be disturbed by excavation, grading or similar activities.
    - 4) Runoff and Soil Data: Include pre- and post-construction runoff coefficients and any existing soil or

discharge quality data.

- B. Stormwater Team. The SWPPP shall identify all parties (e.g., general contractors, landscapers, project designers, inspectors) responsible for overseeing and managing all activities related to stormwater management and compliance, as detailed in this CGP. The Stormwater Team shall consist of personnel assigned to specific responsibilities critical to the effective design, installation, maintenance, and repair of stormwater controls, including pollution prevention measures that help mitigate environmental impacts.

The Stormwater Team shall include the following key personnel:

- 1) Design Personnel: Those responsible for the design of stormwater controls (including pollution prevention controls).
- 2) Chemical Handling Personnel: Personnel handling the application and storage of treatment chemicals (if applicable).
- 3) Inspection Personnel: Personnel designated to perform inspections, as required in Part II.A.4.N of this CGP.
- 4) Maintenance and Corrective Action Personnel: Team members responsible for the installation, maintenance, repair, and implementation of corrective actions related to stormwater controls, as outlined in Part II.A.3.

The SWPPP shall identify all Stormwater Team personnel and areas of responsibility for each.

- C. Receiving Waters. The SWPPP shall provide a clear description of the nearest receiving water(s). If the discharge is to an MS4, include the name of the operator of the MS4. The SWPPP shall identify the ultimate receiving water(s).

- D. Documentation of Permit Eligibility Related to the 303(d) list and Total Maximum Daily Loads (TMDL). The SWPPP shall include information on whether stormwater discharges from the site enter a waterbody listed on the most recent 303(d) list, or one with an approved TMDL, or both. If applicable, the SWPPP shall address the following:

- 1) Identification of Pollutants: Specify the pollutants addressed by the 303(d) list or TMDL, particularly noting if sediment or related parameters (e.g., total suspended solids, turbidity, or siltation) are included.
- 2) Operator Discharge Identification: Clarify whether the operator's discharge is specifically or generally identified on the 303(d) list or related assumptions and allocations identified in the TMDL.
- 3) Consistency Measures: Detail the measures taken by the operator to ensure that pollutant discharges from the site align with the assumptions and allocations of the TMDL.

If DEQ identifies during the review process that the proposed project will discharge to a receiving water that is on the most recent 303(d) list or with an approved TMDL, DEQ may request the applicant to incorporate additional BMPs into the SWPPP.

- E. Documentation of Permit Eligibility Related to Discharges into an ERW, NSW, or ESW. The SWPPP shall include information on whether the construction site is located within a watershed of an ERW, ESW, or NSW. If the site is located within such a watershed, the SWPPP may need to implement additional BMPs for these areas. These practices shall be considered during site activities and incorporated into the construction site SWPPP to ensure ongoing protection of water resources.

- F. Documentation of Permit Eligibility Related to Potential Losing Stream and/or Sensitive Aquatic Species Native to These Areas. The SWPPP shall document whether the construction site is located within the watershed of a potential losing stream or an area with sensitive aquatic species native to such environments. If the site is within a watershed of a potential losing stream and/or an area with sensitive aquatic species, the SWPPP may need to incorporate BMPs specific for these areas. These practices shall be applied and reviewed throughout site activities with SWPPP updates made as necessary to protect water resources effectively.
- G. Attainment of Water Quality Standards After Authorization.
- 1) The permittee shall comply with Part I.B.22; and
  - 2) The SWPPP shall include a signed certification (Part II.B.10) for attainment of water quality standards after authorization.
- H. Site Map Requirements. The SWPPP shall include a legible, to-scale site map (or multiple maps, as needed) that identifies the following details at a minimum for effective stormwater and pollution control:
- 1) Pre-construction Topography: Show a topographic view of the site before construction begins.
  - 2) Stormwater Flow Direction: Use arrows to indicate stormwater flow direction, including approximate slopes anticipated after grading.
  - 3) Areas of Soil Disturbance: Delineate areas of soil disturbance and areas that will not be disturbed with regards to construction activities and construction off-site support activities covered by the permit.
  - 4) BMPs: Indicate the locations of all major structural and nonstructural controls identified in the SWPPP.
  - 5) Construction Entrance and Exits: Indicate the location of the main entrance and exit of the construction site.
  - 6) Stabilization Locations: Identify areas expected for stabilization practices.
  - 7) Construction Support Areas: Show locations for off-site construction support activities (e.g., materials, waste, borrow areas, and equipment storage areas).
  - 8) Concrete Wash-out Areas: Indicate the location of concrete wash-out areas on the site.
  - 9) Waters of the State and Buffers: Identify the location(s) of waters of the state, associated natural buffer boundaries, and available floodplain and floodway boundaries located onsite or directly adjacent to the project area.
  - 10) Stormwater Discharge Points: Identify the locations where stormwater is discharged into waters of the state or a MS4.
  - 11) Off-site Stormwater Discharges: Continuously update locations where stormwater is discharged off-site.
  - 12) Final Stabilization Areas: Indicate areas where final stabilization is complete and no further construction-phase permit requirements are needed.
  - 13) Map Legend: Include a legend to clarify symbols and labels used for erosion and sediment BMPs on the site map or detail sheet.
  - 14) Storm Drain Inlet Locations: Mark any storm drain inlets on-site and in the immediate site vicinity.
- I. Stormwater Controls. Each SWPPP shall include a comprehensive description of the stormwater controls and measures to be installed and managed at the construction site. The plan shall clearly identify each construction activity as described in the project description, the specific BMPs associated with these activities, and the schedule for implementing each measure during the construction process. Install

perimeter controls after the initial clearing and grubbing required for their placement but before further clearing and grubbing of remaining site areas. Perimeter controls shall be actively maintained until final stabilization of all site areas above them is complete. All temporary controls shall be removed and disposed of properly once final stabilization is achieved.

The SWPPP shall address the following minimum components for control implementation:

- 1) Initial Site Stabilization, Erosion and Sediment Controls, and BMPs: The permittee shall design, install, implement, and maintain effective erosion and sediment controls to minimize pollutant discharge. At a minimum, the SWPPP shall address the following controls and BMPs:
  - a. Disturbance Limitations: For larger common plans of development or sale, only areas needed for initial street, drainage, and utility construction (such as borrow pits or parking areas) may be disturbed initially. Further areas may only be disturbed once initial areas are stabilized.
  - b. Retention of Sediment On-Site: Erosion and sediment controls, such as site stabilization and check dams, shall be designed to retain sediment on-site to the extent practicable.
  - c. Proper Installation and Maintenance: All BMPs shall be properly selected, installed, and maintained in accordance with the manufacturer's specifications, good engineering practices, and construction practices. If inspections or other information indicates a control is ineffective or improperly used, the permittee shall modify or replace the control as needed.
  - d. Removal of Off-Site Sediment: Any sediment that escapes the construction site shall be removed before the next business day to minimize off-site impacts (e.g., sediment in the street could enter storm sewers with the next rain or pose a safety hazard to public street users). This permit does not give the authority to trespass onto other property; therefore, the permittee shall obtain permission from neighboring landowners for off-site sediment removal.
  - e. Sediment Trap/Pond Maintenance: Remove sediment from sediment traps or sedimentation ponds when design capacity is reduced by 50%.
  - f. Pollutant Source Prevention: Construction debris, litter, and chemicals exposed to precipitation and stormwater shall be prevented from becoming pollutant sources (e.g., screened outfalls should be cleaned daily).
  - g. Off-Site Support Activity Compliance: Construction support activities (e.g., material storage areas, soil stockpiles, borrow areas) used exclusively by the permitted project are part of the project and shall be addressed in the SWPPP.
- 2) Stabilization Practices: The SWPPP shall include at least the following information on stabilization practices:
  - a. Description and Schedule: Provide a description of initial, interim, and permanent stabilization practices, along with a schedule specific to the site for implementing these practices. The plan shall ensure that existing vegetation is preserved where attainable and that disturbed areas are stabilized promptly. Stabilization practices may include methods such as mulching, temporary and permanent seeding, geotextiles, sod stabilization, natural buffer strips, tree protection, preservation of mature vegetation, or other suitable measures.
  - b. Natural Buffer Areas: DEQ requires a natural buffer zone between the top of the stream bank and any disturbed areas. The SWPPP shall describe the approach to maintaining this buffer. For construction sites involving clearing and grading, at least a twenty-five (25) foot natural buffer from any named or unnamed streams, creeks, rivers, lakes, or other water bodies is required. A

minimum fifty (50) foot buffer is required for TMDL waterbodies, 303(d)-listed waters, ERWs, ESWs, NSWs, or as specified by the Director. If work shall occur within the recommended buffer, documentation shall be provided in the SWPPP, including alternate methods used to reduce pollutant discharges, and the SWPPP shall include documentation that the area was stabilized as soon as possible. Exceptions for water crossings, limited water access, or buffer restoration are allowed but shall be documented in the SWPPP, including reasoning for encroachment. Above-grade clearing without soil disturbance in the buffer zone does not need to meet buffer zone requirements.

**Note:** This requirement is not intended to interfere with any other ordinance, rule, regulation, statute, or other provision of law.

- c. **Records of Stabilization:** A record of the dates when grading activities, temporary or permanent cessation of construction activities in specific site areas, and the initiation of stabilization measures shall be included in the plan.
  - d. **Stabilization Deadlines After Temporary Cessation:** Stabilization measures shall be initiated as soon as practicable in site areas where construction activities have temporarily ceased but shall be initiated within fourteen (14) calendar days. Exceptions are:
    - (1) When snow cover prevents stabilization, measures shall begin as soon as practicable.
    - (2) In arid, semiarid, and drought-affected areas where vegetative stabilization is infeasible, alternative stabilization methods shall be used as specified by the permitting authority.
  - e. **Stabilization Deadline After Permanent Cessation:** Stabilization shall begin immediately in areas where construction activities have permanently ceased. Exceptions are:
    - (1) If snow cover prevents immediate stabilization, measures should begin as soon as conditions allow.
    - (2) In arid, semiarid, and drought-affected areas, alternative stabilization measures shall be employed if vegetative stabilization is impractical, as directed by the permitting authority.
- 3) **Structural Practices:** The SWPPP shall include a description of structural practices aimed at diverting flows from exposed soils, storing flows, or otherwise limiting runoff and the discharge of pollutants from exposed areas. Structural practices should be placed on upland soils to the extent feasible, and their installation may be subject to Section 404 of the Clean Water Act. Common practices may include:
- Silt fences (installed and maintained)
  - Earthen dikes (to prevent run-on)
  - Drainage swales (to prevent run-on)
  - Check dams
  - Subsurface drains
  - Pipe slope drains
  - Storm drain inlet protection
  - Rock outlet protection

- Sediment traps
- Reinforced soil retaining systems
- Gabions
- Temporary or permanent sediment basins

**Note:** A combination of erosion and sediment BMPs is recommended to maximize pollutant removal. Check dams, sediment traps, and sediment basins shall have adequate spillway cross-sectional area and reinforcement.

a. Sediment Basins:

(1) For Common Drainage Locations of Ten (10) Acres or More:

- (a) A temporary or permanent sediment basin shall be provided where attainable to serve areas draining ten (10) or more acres to a common point. The basin's storage capacity shall be the smaller of:
  - (i) 3,600 cubic feet per acre, or
  - (ii) A volume based on the runoff from a 10-year, 24-hour storm.
- (b) The basin's outlet shall be designed to drain within twenty-four (24) to seventy-two (72) hours, with twenty-four (24) hours providing adequate settling and seventy-two (72) hours mitigating vector control concerns. As a rule of thumb, design one square foot per acre for a spillway. If a pipe outlet is used, an emergency spillway is required.
- (c) In evaluating attainability to install a sediment basin, factors such as soil conditions, slope, and available area should be considered. If a sediment basin is unattainable, provide an explanation in the SWPPP, and use smaller sediment basins, sediment traps, natural buffer strips, or other effective controls as required for all side and downslope boundaries.
- (d) The SWPPP shall include plans for sediment basin removal or final use.

(2) For areas draining less than ten (10) acres, sediment traps, silt fences, or similar sediment controls are required for side and downslope boundaries unless a sediment basin is provided in accordance with Part II.A.4.I.3.a(1)(a)(i) and (ii). The basin's outlet should be designed to drain within twenty-four (24) to seventy-two (72) hours, with twenty-four (24) hours providing adequate settling and seventy-two (72) hours mitigating vector control concerns. As a rule of thumb, design one square foot per acre for a spillway. If a pipe outlet is used, an emergency spillway is required. The Director may require a sediment basin at their discretion to protect state waters.

b. Velocity Dissipation Devices:

Velocity dissipation devices (e.g., rip rap or check dams) shall be installed at discharge points, within concentrated flow areas serving two (2) or more acres, and along any outfall channel. These controls reduce flow velocity to prevent erosion, protecting the natural physical and biological characteristics of the receiving water.

**Note:** Avoid using hay bales in concentrated flow areas, as they are ineffective for this purpose.

J. Other Controls.

- 1) **Prohibition on Discharges:** No solid materials, including building materials, shall be discharged to waters of the state or off-site areas, in accordance with Part I.B.13.D.2 of the CGP.
- 2) **Minimizing Off-Site Vehicle Tracking and Dust:** Operators shall minimize off-site vehicle tracking of sediment as well as dust generation throughout the construction site and from all on-site and off-site construction support activities. This may be achieved through measures such as stabilized construction entrances and exits, vehicle tire washing, regular sweeping of paved surfaces, and other appropriate dust control practices.
- 3) **Alternative for Small Lots:** For lots smaller than one (1) acre, additional measures, such as daily street sweeping, may be used alongside a stabilized construction entrance. This may allow for a shorter construction entrance.
- 4) **Compliance with Waste Disposal Regulations:** The SWPPP shall ensure compliance with all applicable state or local regulations regarding waste disposal, as well as temporary and permanent sanitary sewer or septic systems.
- 5) **Concrete Waste Control:** Discharge of liquid concrete waste to waters of the state is prohibited. If on-site concrete washout occurs, controls shall be in place to prevent discharge of concrete washout waters.
- 6) **Contaminant Control from Storage Areas:** Discharge of contaminants from fuel storage, hazardous waste storage, or truck wash areas to waters of the state or off-site is prohibited. Methods for protecting these areas shall be identified and implemented, and these areas shall not be located near any waterbody on or near the project.

K. Non-Stormwater Discharges. Sources of non-stormwater, as listed in Part I.B.10 of this CGP, that combine with stormwater discharges associated with construction activity shall be identified in the SWPPP. This list shall detail site-specific non-stormwater discharge sources.

L. Post-Construction Stormwater Management. The operator shall provide a description of measures to be installed during construction to control pollutants in stormwater discharges occurring after construction is complete. Structural measures shall be placed on upland soils to the degree practicable. The installation of these devices may be subject to Section 404 of the Clean Water Act. This CGP addresses only the installation of stormwater management measures, not the ongoing operation or maintenance of these structures post-construction, after the site has reached final stabilization.

However, post-construction stormwater BMPs that discharge pollutants from a point source upon construction completion may require authorization under a separate DEQ NPDES permit. Potential practices include but are not limited to:

- Onsite infiltration of runoff
- Flow attenuation using open vegetated swales and natural depressions
- Stormwater retention structures
- Stormwater detention structures (e.g., wet ponds)
- Sequential systems combining several of these practices

Where feasible, stormwater management controls should be designed and installed to achieve at least eighty percent (80%) removal of total suspended solids from post-construction flows exceeding

predevelopment levels. If this goal cannot be met, the operator shall provide justification for excluding each listed practice based on site-specific conditions.

- M. *Applicable State or Local Programs*. The SWPPP shall be updated as necessary to incorporate any revisions to applicable federal, state, or local regulations that impact the stormwater controls implemented at the site.
- N. *Inspections*. Inspections shall be conducted by qualified personnel designated by the operator. These inspections shall cover all areas of the site disturbed by construction activities, as well as any off-site construction support activities exposed to precipitation and stormwater. Inspectors are responsible for identifying evidence of pollutants entering the stormwater conveyance system or potential risks thereof. All stormwater BMPs shall be observed to verify proper installation, operation, and maintenance. Inspectors shall evaluate discharge locations to determine the effectiveness of stormwater BMPs in preventing significant impacts to waters of the state or off-site, where accessible. If discharge locations are inaccessible, nearby downstream locations should be inspected as practicable. Areas where vehicles enter or exit the site shall be inspected for evidence of off-site sediment tracking.

Inspections may not be required if the remaining lot(s) within a larger common plan of development or sale disturb less than one acre of land. Furthermore, inspections may not be required for a completed section of a linear project if final stabilization has been achieved for that section.

The operator may reduce the frequency of inspections to twice per month, with no more than 14 calendar days between inspections, for the first month following completion of final stabilization in any portion of the site. After this initial month, inspections for that portion of the site may be further reduced to once per month until permit coverage is terminated. If construction activity resumes in any portion of the site where inspection frequency has been reduced, the inspection schedule shall immediately revert to the frequency required under this section. The operator must document in the SWPPP the beginning and ending dates of each period when the reduced inspection frequency applies.

Stabilized areas of the project shall be documented in the SWPPP and site map, including the date of stabilization. The operator shall ensure that no sediment leaves the stabilized lot(s). If this assurance cannot be provided, inspections shall continue.

- 1) Inspection Frequency: Inspections shall be conducted according to one of the following schedules, which shall be specified in the SWPPP:
  - a. At least once every seven (7) calendar days, or
  - b. At least once every fourteen (14) calendar days and within twenty-four (24) hours of the end of a storm event of 0.25 inches or greater. The operator shall measure rainfall by either a properly maintained rain gauge installed on-site, a weather station located within one (1) mile of the site, or a weather reporting system that provides site-specific rainfall data from radar summaries. For any 24-hour period during which 0.25 inches or more of rainfall occurs, the total rainfall measured or reported shall be recorded in accordance with the inspection requirements. The location of the rain gauge, address of the weather station, or weather reporting system used shall be included with the SWPPP.

- 2) **Inspection Form:** The DEQ inspection form should be used for all inspections. The inspection form shall include all stormwater controls being implemented onsite, as well as those related to construction support activities off-site. The DEQ inspection form can be found on DEQ website: <https://www.adeg.state.ar.us/water/permits/npdes/stormwater/>. The inspection form shall be completed within 24 hours of the inspection.

If a different form is used, it shall contain, at a minimum, the following information:

- a. Inspector Name and Title
- b. Date of Inspection
- c. Amount of Rainfall and Days Since Last Rain Event (only applicable to Part II.A.4.N.1.b)
- d. Approximate Beginning and Duration of the Storm Event
- e. Description of Any Discharges Observed During Inspection
- f. Locations of Discharges of Sediment or Other Pollutants
- g. Locations of BMPs Needing Maintenance or Where Maintenance Was Performed
- h. Condition of BMPs (indicating if they are in working order, whether maintenance is required, including scheduled and completed dates)
- i. Locations Requiring Additional Controls
- j. Location and Dates of Major Construction Activities (beginning, occurring, or ceasing)
- k. Signature of the responsible official or duly authorized representative (in accordance with Part II.B.9)

Additional information may be added to the inspection report at the permittee's discretion.

- 3) **Inspection Records:** Each inspection report shall be retained as part of the SWPPP for a minimum of three (3) years from the date the NOT letter is signed by DEQ. Each report shall be signed and include a certification statement in accordance with Part II.B.9 and Part II.B.10.
  - 4) **Winter Conditions:** Inspections are not required at construction sites or construction support activities located off-site when snow cover exists over the entire site for an extended period, and melting conditions are absent. However, if runoff occurs from the site during this time, melting conditions will be considered present, and the inspection waiver will not apply. Regular inspections, as specified in this CGP, are required at all other times. If winter conditions hinder compliance with the permit, documentation of the start and end dates of these conditions shall be included in the SWPPP.
  - 5) **Adverse Weather Conditions:** Adverse weather conditions are those that pose danger or create inaccessibility for personnel, such as local flooding, high winds, electrical storms, or extended frozen conditions. When such conditions prevent site inspections, they shall be conducted as soon as it is safe and feasible to do so. If these conditions hinder compliance with the permit, documentation of the start and end dates of the adverse weather shall be included in the SWPPP.
- O. **Maintenance.** The SWPPP shall include a description of procedures to maintain vegetation, erosion and sediment BMPs, and other protective measures in good and effective operating condition. Any necessary repairs identified during inspections shall be completed, when practicable, before the next storm event and no later than three (3) business days from the time of discovery, unless otherwise directed by state or local officials. If it is infeasible to complete the installation or repair within the 3-day timeframe, you must document in your records the reason for the delay, along with a schedule for completing the work and making the stormwater control(s) operational as soon as feasible. Where these actions result in changes to

any stormwater controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly. If conditions do not allow for the use of large equipment, a longer timeframe may be permitted, provided that the delay is thoroughly documented on the inspection form.

Maintenance for manufactured controls shall adhere to the manufacturer's specifications. For non-manufactured controls (e.g., check dams and sediment traps), maintenance is required when 50% of the treatment capacity remains.

P. *Training Requirements.*

- 1) Stormwater Team Training: Before construction activities begin, all stormwater team members shall ensure they understand the permit requirements and their specific responsibilities. These responsibilities include the elements and requirements of the SWPPP and the general permit, including:
  - a. CGP requirements and deadlines for installing, maintaining, and removing stormwater controls, including site stabilization.
  - b. Onsite locations of all stormwater controls and proper methods for maintaining these controls.
  - c. Site-specific pollution prevention procedures required by the permit.
  - d. Inspection protocols, detailing when and how inspections should be conducted, how to record findings, and the appropriate corrective actions to address any deficiencies.

Applicable training shall be led by a knowledgeable and qualified trainer. While formal training sessions provided by universities or third-party organizations are optional, they are recommended for qualified trainers. The permittee is ultimately responsible for verifying that the training content is comprehensive and enables personnel to effectively implement the permit requirements.

The SWPPP shall identify periodic dates for such training for all personnel, and records of training shall be maintained with the SWPPP. Training records that are maintained electronically (e.g., database or digital recordkeeping system) do not need to be physically included with the SWPPP but shall be readily accessible upon request.

- 2) Inspector Training: Personnel responsible for conducting site inspections shall meet at least one of the specific qualifications to be recognized as a "qualified person." The qualification requirements are as follows:
  - a. EPA Training Completion: Individuals shall successfully complete the EPA construction inspection course specifically developed for EPA's 2022 CGP and pass the associated exam to obtain an understanding of the key areas identified at 2.b. below. This course can be taken online on the EPA's website at <https://www.epa.gov/npdes/construction-inspection-training-course> .
  - b. Valid Construction Inspection Certification: Alternatively, individuals may hold a current construction inspection certification or license from an accredited program covering the following key areas:
    - i. Erosion and Sediment Control: Core principles and practices for managing erosion, sediment control, and pollution prevention at construction sites.

- ii. Installation and Maintenance: Proper methods for installing and maintaining erosion and sediment controls and pollution prevention measures.
- iii. Inspection Procedures: Standard procedures for conducting inspections and completing required reports and documentation.

**Note:** If any of these topics are not covered in a non-EPA certification program, supplementary training with the EPA course is recommended to ensure comprehensive coverage.

5. **Plan Certification.** The SWPPP Certification shall be signed by either the responsible official or the duly authorized representative identified on the NOI. All documents required by the permit and any additional information requested by the Director shall also be signed by the operator or a duly authorized representative of the operator (refer to Part II.B.10 below for certification details).

## SECTION B: STANDARD PERMIT CONDITIONS

### 1. Retention of Records.

- A. The operator shall retain records of all Stormwater Pollution Prevention Plans, all inspection reports required by this permit, and records of all data used to complete the NOI to be covered by this permit for a period of at least three (3) years from the date the NOT letter is signed by DEQ. This period may be extended by request of the Director at any time.
- B. The operator shall retain a signed copy of the SWPPP and inspection reports required by this permit at the construction site from the date of project initiation to the date of final stabilization.

### 2. Duty to Comply. The operator shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Water Act and the Arkansas Water and Air Pollution Control Act and is grounds for: enforcement action; permit termination, revocation and re-issuance, or modification; or denial of a permit renewal application.

### 3. Penalties for Violations of Permit Conditions. The Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 et seq.) provides that any person who violates any provisions of a permit issued under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year, or a criminal penalty of not more than twenty-five thousand dollars (\$25,000) or by both such fine and imprisonment for each day of such violation. Any person who violates any provision of a permit issued under the Act may also be subject to civil penalty in such amount as the court shall find appropriate, not to exceed ten thousand dollars (\$10,000) for each day of such violation. The fact that any such violation may constitute a misdemeanor shall not be a bar to the maintenance of such civil action. Any person that purposely, knowingly, or recklessly causes pollution of the water of the state in a manner not otherwise permitted by law and thereby places another person in imminent danger of death or serious bodily injury shall be guilty of a felony and shall be subject to imprisonment, a fine not more than two hundred fifty thousand dollars (\$250,000), or both such fine and imprisonment.

### 4. Continuance of the General Permit. Permittees wishing to continue coverage under this general permit shall submit a Renewal NOI (see Part I.B.4 for where to submit documentation) up to one hundred eighty (180) days prior to the expiration date, but no later than thirty (30) days prior to the expiration date. No additional fee is required to be submitted along with the Renewal NOI.

An expired general permit continues in force and effect until a new general permit is issued. If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with Ark. Code Ann. § 8-4-203(m) and remain in force and effect. If a permittee was granted permit coverage prior to the expiration date, the permittee will remain covered by the continued permit until the earliest of:

- A. The effective date of the re-issuance or replacement of this permit and a timely submittal of a renewal NOI by the operator; or
- B. The operator's submittal and DEQ approval of a NOT; or
- C. Issuance and effectiveness of an individual permit for the project's discharges and completion of item B of this section (see Part I.B.24); or

D. A formal permit decision by DEQ to not reissue this general permit, at which time operators shall seek coverage under an alternative permit (see Part I.B.24).

Small site operators are responsible for ensuring that the site is in compliance with any changes or updates of this general permit by reviewing DEQ's website at:

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

Small site operators shall update their SWPPP by the effective date of this CGP and maintain a current SWPPP on site as required by Part II.A.3.

5. **Need to Halt or Reduce Activity Not a Defense.** It shall not be a defense for an operator in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
6. **Duty to Mitigate.** The operator shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
7. **Duty to Provide Information.** The operator shall furnish to the Director, an authorized representative of the Director, the EPA, a State, or local agency reviewing sediment and erosion plans, grading plans, or stormwater management plans, or in the case of a stormwater discharge associated with industrial activity which discharges through an MS4 with an NPDES permit, to the municipal operator of the system, within a reasonable time, any information which is requested to determine compliance with this permit.
8. **Other Information.** When the operator becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the NOI or in any other report to the Director, he or she shall promptly submit such facts or information.
9. **Signatory Requirements.** All NOIs, reports, or information submitted to the Director shall be signed and certified by the operator.

A. All NOIs shall be signed as follows:

- 1) **For a corporation:** by a responsible corporate officer. For purposes of this section, a responsible corporate officer means:
  - a. A president, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
  - b. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to ensure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or

delegated to the manager in accordance with corporate procedures.

- 2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
- 3) For a municipality, state, federal or other public agency: by either a principal executive or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:
  - a. The chief executive officer of the agency; or
  - b. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

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 and submitted to the Director;
- 2) The authorization specifies either an individual or a person having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility, or position of equivalent responsibility for environmental matters for the company (a duly authorized representative may thus be either a named individual or any individual occupying a named position); and
- 3) Changes to authorization. If an authorization under this Part is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the above requirements shall be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

**10. 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 such as Inspection Form were prepared under my direction or supervision in accordance with a system designed to ensure 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.”

**Note:** For this permit only, “this document” refers to the Stormwater Pollution Prevention Plan, “attachments” refers to the site map and inspection forms, and “system” is referencing the project site.

**11. Penalties for Falsification of Reports.** The Arkansas Water and Air Pollution Control Act provides that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained under this permit shall be subject to civil penalties as specified in Part II.B.3 of this permit and/or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 et seq.).

- 12. Penalties for Tampering.** The Arkansas Water and Air Pollution Control Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under the Act shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to imprisonment for not more than one (1) year or a fine of not more than twenty-five thousand dollars (\$25,000), or by both such fine and imprisonment.
- 13. Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties to which the operator is or may be subject under Section 311 of the Clean Water Act or Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).
- 14. Property Rights.** The issuance of this permit does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property, any invasion of personal rights, or any infringement of federal, state, or local laws or regulations.
- 15. Severability.** The provisions of this permit are severable. If any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provisions to other circumstances and the remainder of this permit shall not be affected thereby.
- 16. Transfers.** This permit is not transferable to any person except after notice to the Director. A transfer form shall be submitted to DEQ as required by this permit.
- 17. Proper Operation and Maintenance.** The operator shall, at all times:
- A. Properly operate and maintain all systems of treatment and control (and related appurtenances) that are installed or used by the operator to achieve compliance with the conditions of this permit. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by an operator only when the operation is necessary to achieve compliance with the conditions of the permit.
  - B. Provide an adequate operating staff that is duly qualified to carry out operation, inspection, maintenance, and testing functions required to ensure compliance with the conditions of this permit.
- 18. Inspection and Entry.** The operator shall allow the Director, the EPA, or an authorized representative, or, in the case of a construction site that discharges to a municipal separate storm sewer, an authorized representative of the municipal operator of the separate sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:
- A. Enter upon the operator's premises where a regulated facility or activity is located or conducted, or where records shall be kept under the conditions of this permit;
  - B. Have access to and copy, at reasonable times, any records that shall be kept under the conditions of this permit;
  - C. Inspect at reasonable times any facilities or equipment, including monitoring and control equipment and practices or operations regulated or required by the permit;
  - D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location on the permitted property.
- 19. Permit Actions.** This permit may be modified, revoked, and reissued, or terminated for any cause including, but not limited to, the following:

- A. Violation of any terms or conditions of this permit;
- B. Obtaining this permit by misrepresentation or failure to fully disclose all relevant facts;
- C. A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- 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 operator to comply with the provisions of PC&EC Rule 9 (Fee Rule), now codified at 8 CAR Part 12. 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 C.F.R. § 122.64 and § 124.5(d), as adopted by reference in PC&EC Rule 6, and the provisions of PC&EC Rule 8, now codified at 8 CAR Parts 25 and 11, respectively.

**20. Re-Opener Clause.**

- A. If there is evidence indicating potential or realized impacts on water quality due to any stormwater discharge associated with industrial activity covered by this permit, the operator of such discharge may be required to obtain an individual permit or an alternative general permit in accordance with Part I.B.24 of this permit, or the permit may be modified to include different limitations and/or requirements.
- B. Permit modification or revocation will be conducted in accordance with the provisions of 40 C.F.R. § 122.62, § 122.63, § 122.64 and § 124.5, as adopted by reference in PC&EC Rule 6, now codified in 8 CAR Part 25.

**21. Local Requirements.** All dischargers shall comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding any discharges of stormwater to storm drain systems or other water sources under their jurisdiction, including applicable requirements in municipal stormwater management programs developed to comply with DEQ permits. Dischargers shall comply with local stormwater management requirements, policies, or guidelines including erosion and sediment control.

**22. Applicable Federal, State, or local Requirements.** Permittees are responsible for compliance with all applicable terms and conditions of this permit. Receipt of this permit does not relieve any operator of the responsibility to comply with any other applicable federal, state or local statute, ordinance policy, or regulation. Nothing in this permit shall be construed to preclude the institution of any legal or enforcement actions or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable federal, state, or local law, rule, or regulation.

**23. Monitoring and Reporting.** Samples and measurements collected for monitoring purposes shall be representative of the volume and characteristics of the monitored discharge activity. Permittees shall retain all monitoring information for a minimum of three (3) years from the date the permittee's authorization under this permit is terminated. This retention period may be extended upon request of the Director at any time.

Records of monitoring information must include, at a minimum:

- 1) Name and model of equipment;
- 2) Calibration date and time;
- 3) The individual who performed the calibration(s);
- 4) The date, exact place, time, and methods of sampling or measurements;
- 5) The individual(s) who performed the sampling or measurements;

- 6) The date(s) analyses were performed;
- 7) The individual(s) who performed the analyses;
- 8) The analytical techniques or methods used;
- 9) The measurements and results of such analyses; and
- 10) The chain of custody that records the sequence of custody, control, transfer, analysis, and measurement of the analyses.

Operators shall also retain all calibration and maintenance records for monitoring equipment, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and any records or data used to prepare the NOI or other permit application materials.