Authorization to Discharge 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.),

Facilities Discharging Stormwater Associated With Industrial Activity

are authorized to operate and discharge stormwater associated with industrial activity to the Waters of the State in accordance with the eligibility and Notice of Intent (NOI) requirements, Stormwater Pollution Prevention Plan (SWPPP) requirements, effluent limitations, monitoring requirements, and other conditions set forth in this permit.

After properly filing a Notice of Intent (NOI) under Part 1.4, facilities that are eligible for coverage under this general permit will receive a Notice of Coverage (NOC), with a tracking number starting with ARR00, and a copy of this permit. The NOC includes the Division's determination that a facility is covered under this general permit and may specify alternate requirements outlined in the permit, such as modified sampling frequencies for certain parameters, the inclusion of monitoring for parameters in addition to those requiring regular monitoring, additional record-keeping, or reporting requirements.

Effective Date: July 1, 2024

Expiration Date: June 30, 2029

Digitally signed by Stacie R. Wassell
DN: cn=Stacie R. Wassell, o=Division of Environmental Quality, ou=Office of Water Quality, email=stacie.wassell@adeq.state.ar.us, c=US
Date: 2023.12.13 18:34:48 -06'00'

Stacie R. Wassell
Associate Director, Office of Water Quality
Arkansas Department of Energy and Environment
Division of Environmental Quality

December 14, 2023
Issue Date:

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Part 1 Coverage Under this Permit

To be covered under this permit, the facility must meet all the eligibility conditions and follow the requirements for obtaining permit coverage under this Part. The operator shall read and understand the conditions of this permit.

1.1 Eligibility Conditions

1.1.1 The facility is located within the State of Arkansas; and

1.1.2 The facility must have an authorized stormwater discharge associated with industrial activity (as defined in Part 8) or an authorized discharge per Part 1.3 or have been notified by DEQ that the facility is eligible for coverage under Sector AD.

1.2 Exclusions on Coverage

This general permit does **not** cover the following types of discharges unless additional requirements set in Part 5.4 are addressed in the SWPPP. Other permits such as an individual permit, an alternate general permit, or other approval from the Division may be obtained for the following, if applicable:

1.2.1 Stormwater discharges mixed with non-stormwater except for non-stormwater discharges that are authorized under Part 1.3.2;

1.2.2 Stormwater discharges associated with construction activity disturbing one acre or more, or that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more;

1.2.3 Any facility covered under an individual permit or other general permits, and the issuance of this permit would violate the anti-backsliding requirements of 40 C.F.R. § 122.44(l), unless the outfall covered by other permits did not contain numeric water quality based limitations with an exception of pH;

1.2.4 Stormwater discharges subject to effluent guideline limitations addressing stormwater, with the exception of those listed in Part 1.3.1.4;

1.2.5 Stormwater discharges into a water body listed pursuant to Section 303(d) of the Clean Water Act where the pollutant of concern is present in the discharge and the requirements of the permit are inadequate to provide sufficient reduction of the listed pollutant (e.g. a new source or new discharge if the discharges would cause or contribute to the water quality impairment);

1.2.6 Stormwater discharges into an Extraordinary Resource Water (ERW), Ecologically Sensitive Waterbody (ESW), or Natural and Scenic Waterway (NSW), as defined in APC&EC Rule No. 2 unless the facility develops and certifies a SWPPP that includes additional BMPs needed to prevent, to the maximum extent practicable, exposure of stormwater to pollutants that could potentially impact water quality;

1.2.7 Stormwater discharges into a receiving waters for which there is an established Total Maximum Daily Load (TMDL) and Waste Load Allocation (WLA) for a pollutant that is monitored in this permit, unless the permittee develops and certifies a SWPPP containing additional control measures needed to meet the allocation;

1.2.8 Stormwater discharges that the Division has determined to or which may reasonably be expected to contribute to a violation of a water quality standard, unless the permittee develops and certifies a SWPPP containing additional BMPs needed to prevent, to the maximum extent practicable, exposure of stormwater to pollutants that could potentially impact water quality;

1.2.9 Any facility, applicant, or permittee with records of non-compliance with a previously issued individual or general permit and/or in violation of state water quality regulations may be excluded from coverage; and

1.2.10 Stormwater discharges known to contain polychlorinated biphenyls (PCBs).

1.3 Types of Discharges Authorized Under the IGP

1.3.1 Authorized Stormwater Discharges

If all eligibility criteria in Part 1.1 are met, then the following discharges are authorized under this permit:

1.3.1.1 Stormwater discharges associated with industrial activity for any "primary industrial activities" and "co-located industrial activities" as defined in Part 8, provided the primary activity is included in Table 1-2;

1.3.1.2 Discharges that the DEQ has designated as needing a stormwater permit, as provided in Sector AD;

1.3.1.3 Discharges that are not otherwise required to obtain NPDES permit authorization but are mixed with discharges that are authorized under this permit; and

1.3.1.4 Stormwater discharges from facilities subject to any of the national stormwater-specific effluent limitations guidelines listed in Table 1-1.

Table 1-1. Stormwater-Specific Effluent Limitations Guidelines

Regulated Discharge	40 C.F.R. Section	Industrial Sector
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C	E
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Part 418, Subpart A	C
Runoff from coal storage piles at steam electric generating facilities	Part 423	O
Mine dewatering discharges at crushed stone, construction sand and gravel mining facilities	Part 436, Subparts B and C	J
Runoff from asphalt emulsion facilities	Part 443, Subpart A	D
Runoff containing urea from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non-propeller aircraft departures	Part 449	S

Tale 1-2. Sectors of Industrial Activity Covered by This Permit

Sub-sector (May be subject to more than one)	SIC Code or Activity Code[1]	Activity Represented
SECTOR A: TIMBER PRODUCTS		
A1	2421	General Sawmills and Planing Mills
A2	2491	Wood Preserving
A3	2411	Log Storage and Handling
A4	2426	Hardwood Dimension and Flooring Mills
	2429	Special Product Sawmills, Not Elsewhere Classified
	2431-2439 (except 2434)	Millwork, Veneer, Plywood, and Structural Wood (see Sector W)
	2448	Wood Pallets and Skids
	2449	Wood Containers, Not Elsewhere Classified
	2451, 2452	Wood Buildings and Mobile Homes
	2493	Reconstituted Wood Products
	2499	Wood Products, Not Elsewhere Classified
A5	2441	Nailed and Lock Corner Wood Boxes and Shook
SECTOR B: PAPER AND ALLIED PRODUCTS		
B1	2631	Paperboard Mills
B2	2611	Pulp Mills
	2621	Paper Mills
	2652-2657	Paperboard Containers and Boxes
	2671-2679	Converted Paper and Paperboard Products, Except Containers and Boxes
SECTOR C: CHEMICALS AND ALLIED PRODUCTS		
C1	2873-2879	Agricultural Chemicals
C2	2812-2819	Industrial Inorganic Chemicals
C3	2841-2844	Soaps, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and Other Toilet Preparations
C4	2821-2824	Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic and Other Manmade Fibers Except Glass
C5	2833-2836	Medicinal Chemicals and Botanical Products; Pharmaceutical Preparations; in vitro and in vivo Diagnostic Substances; and Biological Products, Except Diagnostic Substances
	2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products
	2861-2869	Industrial Organic Chemicals
	2891-2899	Miscellaneous Chemical Products

[1] A complete list of SIC Codes (and conversions from the newer North American Industrial Classification System (NAICS)) can be obtained from the Internet at www.census.gov/naics/ or in paper form from various locations in the document titled Handbook of Standard Industrial Classifications, Office of Management and Budge, 1987.

Sub-sector (May be subject to more than one)	SIC Code or Activity Code[1]	Activity Represented
	3952 (limited to list of inks and paints)	Inks and Paints, Including China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting, Artist's Paints and Artist's Watercolors
	2911	Petroleum Refining
SECTOR D: ASPHALT PAVING AND ROOFING MATERIALS AND LUBRICANTS		
D1	2951, 2952	Asphalt Paving and Roofing Materials
D2	2992, 2999	Miscellaneous Products of Petroleum and Coal
SECTOR E: GLASS, CLAY, CEMENT, CONCRETE, AND GYPSUM PRODUCTS		
E1	3251-3259	Structural Clay Products
	3261-3269	Pottery and Related Products
E2	3271-3275	Concrete, Gypsum, and Plaster Products
E3	3211	Flat Glass
	3221, 3229	Glass and Glassware, Pressed or Blown
	3231	Glass Products Made of Purchased Glass
	3241	Hydraulic Cement
	3281	Cut Stone and Stone Products
	3291-3299	Abrasive, Asbestos, and Miscellaneous Nonmetallic Mineral Products
SECTOR F: PRIMARY METALS		
F1	3312-3317	Steel Works, Blast Furnaces, and Rolling and Finishing Mills
F2	3321-3325	Iron and Steel Foundries
F3	3351-3357	Rolling, Drawing, and Extruding of Nonferrous Metals
F4	3363-3369	Nonferrous Foundries (Castings)
F5	3331-3339	Primary Smelting and Refining of Nonferrous Metals
	3341	Secondary Smelting and Refining of Nonferrous Metals
	3398, 3399	Miscellaneous Primary Metal Products
SECTOR G: METAL MINING (ORE MINING AND DRESSING)		
G1	1021	Copper Ore and Mining Dressing Facilities
G2	1011	Iron Ores
	1021	Copper Ores
	1031	Lead and Zinc Ores
	1041, 1044	Gold and Silver Ores
	1061	Ferroalloy Ores, Except Vanadium
	1081	Metal Mining Services
	1094, 1099	Miscellaneous Metal Ores
SECTOR H: COAL MINES AND COAL MINING-RELATED FACILITIES		
H1	1221-1241	Coal Mines and Coal Mining-Related Facilities
SECTOR I: OIL AND GAS EXTRACTION AND REFINING		
I1	1311	Crude Petroleum and Natural Gas
	1321	Natural Gas Liquids

Sub-sector (May be subject to more than one)	SIC Code or Activity Code[1]	Activity Represented
	1381-1389	Oil and Gas Field Services
SECTOR J: MINERAL MINING AND DRESSING		
J1	1442	Construction Sand and Gravel
	1446	Industrial Sand
J2	1411	Dimension Stone
	1422-1429	Crushed and Broken Stone, Including Rip Rap
	1481	Nonmetallic Minerals Services, Except Fuels
	1499	Miscellaneous Nonmetallic Minerals, Except Fuels
J3	1455, 1459	Clay, Ceramic, and Refractory Materials
	1474-1479	Chemical and Fertilizer Mineral Mining
SECTOR K: HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES		
K1	HZ	Hazardous Waste Treatment, Storage, or Disposal Facilities, including those that are operating under interim status or a permit under subtitle C of RCRA
SECTOR L: LANDFILLS, LAND APPLICATION SITES, AND OPEN DUMPS		
L1	LF	Municipal Solid Waste Landfill (MSWLF) Areas Closed in Accordance with 40 CFR 258.60
L2	LF	All Landfill, Land Application Sites and Open Dumps, except Municipal Solid Waste Landfill (MSWLF) Areas Closed in Accordance with 40 CFR 258.60 All other Solid Waste Management Facilities[2] that are required to maintain an incinerator air permit under the Arkansas Water and Air Pollution Control Act or any solid waste permit under the Arkansas Solid Waste Management Act.
SECTOR M: AUTOMOBILE SALVAGE YARDS		
M1	5015	Automobile Salvage Yards
SECTOR N: SCRAP RECYCLING FACILITIES		
N1	5093	Scrap Recycling and Waste Recycling Facilities except Source-Separated Recycling
N2	5093	Source-separated Recycling Facility
SECTOR O: STEAM ELECTRIC GENERATING FACILITIES		
O1	SE	Steam Electric Generating Facilities, including coal handling sites
SECTOR P: LAND TRANSPORTATION AND WAREHOUSING		
P1	4011, 4013	Railroad Transportation
	4111-4173	Local and Highway Passenger Transportation
	4212-4231	Motor Freight Transportation and Warehousing
	4311	United States Postal Service

[2] Solid Waste Management Facilities may be covered by Sector L2 of this permit or another more appropriate Sector. Site specific consideration of waste types and facility operations may warrant additional benchmark parameters to be specified in the Notice of Coverage (NOC).

Sub-sector (May be subject to more than one)	SIC Code or Activity Code[1]	Activity Represented
	5171	Petroleum Bulk Stations and Terminals
SECTOR Q: WATER TRANSPORTATION		
Q1	4412-4499	Water Transportation Facilities
SECTOR R: SHIP AND BOAT BUILDING AND REPAIRING YARDS		
R1	3731, 3732	Ship and Boat Building or Repairing Yards
SECTOR S: AIR TRANSPORTATION FACILITIES		
S1	4512-4581	Air Transportation Facilities
SECTOR T: TREATMENT WORKS		
T1	TW	Treatment Works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 MGD or more, or required to have an approved pretreatment program under 40 CFR Part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the CWA.
SECTOR U: FOOD AND KINDRED PRODUCTS		
U1	2041-2048	Grain Mill Products
U2	2074-2079	Fats and Oils Products
U3	2011-2015	Meat Products
	2021-2026	Dairy Products
	2032-2038	Canned, Frozen, and Preserved Fruits, Vegetables, and Food Specialties
	2051-2053	Bakery Products
	2061-2068	Sugar and Confectionery Products
	2082-2087	Beverages
	2091-2099	Miscellaneous Food Preparations and Kindred Products
	2111-2141	Tobacco Products
SECTOR V: TEXTILE MILLS, APPAREL, AND OTHER FABRIC PRODUCT MANUFACTURING; LEATHER AND LEATHER PRODUCTS		
V1	2211-2299	Textile Mill Products
	2311-2399	Apparel and Other Finished Products Made from Fabrics and Similar Materials
	3131-3199	Leather and Leather Products (note: see Sector Z1 for Leather Tanning and Finishing)
SECTOR W: FURNITURE AND FIXTURES		
W1	2434	Wood Kitchen Cabinets
	2511-2599	Furniture and Fixtures

Sub-sector (May be subject to more than one)	SIC Code or Activity Code[1]	Activity Represented
SECTOR X: PRINTING AND PUBLISHING		
X1	2711-2796	Printing, Publishing, and Allied Industries
SECTOR Y: RUBBER, MISCELLANEOUS PLASTIC PRODUCTS, AND MISCELLANEOUS MANUFACTURING INDUSTRIES		
Y1	3011	Tires and Inner Tubes
	3021	Rubber and Plastics Footwear
	3052, 3053	Gaskets, Packing and Sealing Devices, and Rubber and Plastic Hoses and Belting
	3061, 3069	Fabricated Rubber Products, Not Elsewhere Classified
Y2	3081-3089	Miscellaneous Plastics Products
	3931	Musical Instruments
	3942-3949	Dolls, Toys, Games, and Sporting and Athletic Goods
	3951-3955 (except 3952 – see Sector C)	Pens, Pencils, and Other Artists' Materials
	3961, 3965	Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal
	3991-3999	Miscellaneous Manufacturing Industries
SECTOR Z: LEATHER TANNING AND FINISHING		
Z1	3111	Leather Tanning and Finishing
SECTOR AA: FABRICATED METAL PRODUCTS		
AA1	3411-3499 (except 3479)	Fabricated Metal Products, Except Machinery and Transportation Equipment, and Coating, Engraving, and Allied Services.
	3911-3915	Jewelry, Silverware, and Plated Ware
AA2	3479	Fabricated Metal Coating and Engraving
SECTOR AB: TRANSPORTATION EQUIPMENT, INDUSTRIAL OR COMMERCIAL MACHINERY		
AB1	3511-3599 (except 3571-3579)	Industrial and Commercial Machinery, Except Computer and Office Equipment (see Sector AC)
	3711-3799 (except 3731, 3732)	Transportation Equipment Except Ship and Boat Building and Repairing (see Sector R)
SECTOR AC: ELECTRONIC, ELECTRICAL, PHOTOGRAPHIC, AND OPTICAL GOODS		
AC1	3571-3579	Computer and Office Equipment
	3812-3873	Measuring, Analyzing, and Controlling Instruments; Photographic and Optical Goods, Watches, and Clocks
	3612-3699	Electronic and Electrical Equipment and Components, Except Computer Equipment

Sub-sector (May be subject to more than one)	SIC Code or Activity Code[1]	Activity Represented
SECTOR AD: NON-CLASSIFIED FACILITIES		
AD1	Other stormwater discharges designated by the Director as needing a permit (see 40 C.F.R. § 122.26(a)(9)(i)(C) & (D)) or any facility discharging stormwater associated with industrial activity not described by any of Sectors A-AC. NOTE: Facilities may not elect to be covered under Sector AD. Only the Director may assign a facility to Sector AD.	

1.3.2 Authorized Non-Stormwater Discharges

Below is the list of non-stormwater discharges authorized under this permit. Unless specifically listed in this Part, this permit does not authorize any other non-stormwater discharges and these discharges must either be eliminated or covered under another permit.

a. Discharges from emergency firefighting activities;
b. Fire hydrant flushings;
c. Potable water sources including uncontaminated water line flushings;
d. Runoff from irrigation using non-process water;
e. Landscape watering, provided all pesticides, herbicides, and fertilizers have been applied in accordance with the approved labeling;
f. Uncontaminated routine external building washdown which does not use detergents;
g. Uncontaminated pavement wash waters, where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;
h. Air compressor condensate;
i. Steam condensate;
j. Uncontaminated condensate from air conditioners, coolers, and other compressors, and from the outside storage of refrigerated gases or liquids (such as the discharge of thawed condensate from the surface of liquid nitrogen tanks stored outdoors);
k. Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains);
l. Uncontaminated ground water or spring water (See Note Below);
m. Foundation or footing drains, where flows are not contaminated with process materials such as solvents or other toxic or hazardous material (see Note below);
n. Excavation dewatering (see Note below and the definition in Part 8.13); and
o. Non-process water used for dust suppression on uncontaminated roads.

Note: There shall be no turbid discharges to surface Waters of the State resulting from dewatering activities. Ground water dewatering which does not contain sediment or other pollutants is not required to be treated prior to discharge. However, care must be taken when discharging ground water to ensure that it does not become pollutant laden by traversing over disturbed solids or other pollutant sources.

1.4 Obtaining Authorization to Discharge

There are two types of authorization under this general permit.

1.4.1 Regular NOC with Stormwater Pollution Prevention Plan (SWPPP)

Develop a SWPPP or update an existing SWPPP per Part 4 prior to submitting a NOI for coverage under this permit, per Part 1.5 below;

1.4.2 Conditional No Exposure Exclusion NOC

Must submit a No Exposure Certification (NEC) form, if eligible for a "no exposure" exclusion under 40 C.F.R. § 122.26(g). All facilities that qualify for NEC are exempt from Part 4 requirements but are subject to Part 5.7 of this general permit. The exclusion is available on a facility-wide basis only and not for individual outfalls.

1.5 Schedule of Submission to Obtain Permit Coverage

Use the DEQ's electronic portal (ePortal or any successor system) to electronically prepare and submit to DEQ a complete and accurate NOI by the applicable deadline in Table 1-3. The NOI certifies to DEQ that eligibility criteria according to Part 1.1 is met and provides information on industrial activities and related discharges. Per Part 7.7, the NOI must be submitted electronically via ePortal (or any successor system) unless a waiver described in Part 1.10 is granted. To access ePortal, go to https://eportal.adeq.state.ar.us/. Table 1-3 provides the deadlines for submitting the NOI and the official start date of permit coverage.

Table 1-3. NOI Submittal Deadlines and Discharge Authorization Dates

Category of Facility	NOI Submission Deadline	Application Package
New facility without IGP coverage. Facility's industrial activities that will commence discharging after June 30, 2024.	At least thirty (30) days prior to commencement of discharge.	1. Complete and accurate NOI; 2. SWPPP[3]; and 3. Permit Fee
New facility without IGP coverage which qualifies for No Exposure Exclusion. Facility's industrial activities will commence discharging after June 30, 2024, and qualifies for conditional No Exposure Exclusion	At least thirty (30) days prior to commencement of discharge.	1. Complete and accurate NOI; and 2. Permit Fee
Existing facility under 2019 IGP coverage. Facility's industrial activities whose stormwater discharges were covered under the 2019 IGP	The effective date of this permit.	1. Complete and accurate Recertification NOI
Existing facility under 2019 IGP coverage which qualifies for No Exposure Exclusion. Facility's industrial activities whose stormwater discharges were covered under the 2019 IGP and qualified for conditional No Exposure Exclusion	The effective date of this permit.	1. Complete and accurate Recertification NOI; and 2. No Exposure Certification
Existing facility covered under an alternative permit. Facilities seeking coverage for stormwater discharges previously covered under an individual permit or an alternative general permit.	At least thirty (30) days prior to commencement of discharge.	1. Complete and accurate NOI; 2. SWPPP; and 3. Permit Fee

1.6 Notifying Municipal Separate Storm Sewer System (MS4)

[3] The Division understands that the SWPPP is a living document and the version submitted with an initial NOI may have portions that are not finalized. All required SWPPP sections must be included in the SWPPP submitted with the application package (even if they are not finalized), and the SWPPP must be certified as required under Part 7.9.4.

If a facility discharges to a MS4 system, a notification must be sent to the operator of the MS4 within the deadlines provided in Table 1-3.

1.7 Modifying Permit Coverage

If a facility undergoes the following changes, the following must be submitted:

1.7.1 For Changes to the Outfall

a. An Outfall Modification Form can be obtained from the General Permits Section of the Office of Water Quality at the following website: https://www.adeq.state.ar.us/water/permits/npdes/stormwater/; or
b. An Outfall Modification Request through DEQ electronic portal (ePortal, or any successor system) to electronically prepare and submit to DEQ a complete and accurate Outfall Modification Request unless a waiver described in Part 1.10 is granted. To access ePortal, go to https://eportal.adeq.state.ar.us/

1.7.2 For Changes to the Primary Industrial Activity

A letter stating a brief description of the previous and current primary industrial activity along with a statement certifying that the SWPPP has been updated. The updated SWPPP shall be provided to DEQ upon request.

1.8 Transferring Permit Coverage

Facilities authorized under this permit that undergo a change in ownership or name must submit a Permit Transfer Form to the DEQ. The Permit Transfer Form can be obtained from the General Permits Section of the Office of Water Quality at the following website:

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

1.9 Terminating Permit Coverage

1.9.1 How to Submit a Notice of Termination (NOT) to Terminate Permit Coverage

To terminate permit coverage, use the DEQ's electronic portal (ePortal, or any successor system) to electronically prepare and submit a complete and accurate NOT unless a waiver described in Part 1.10 is granted. To access ePortal, go to https://eportal.adeq.state.ar.us/

1.9.2 When to Submit NOT

a. When operations at the facility have ceased and there is no longer a discharge of stormwater associated with industrial activity from the facility, and have already implemented necessary sediment and erosion controls per Part 2.1.5; or
b. The facility is covered under an individual or alternative general permit for all discharges required to be covered by an NPDES permit.

1.10 Electronic Waivers

1.10.1 Obtaining Waivers from Electronic Reporting

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

a. If the operational headquarters is physically located in a geographic area (i.e. zip code or census tract) that is identified as under-served for broadcast internet access in the most recent report from the Federal

Communications Commission;
b. If available computer access or computer capability is limited; or
c. If the operator is a religious community that chooses not to use certain modern technologies.

1.10.2 The Operator must Submit the Following

In order to gain a waiver from the electronic reporting, the operator must submit the required information outlined below:

a. Facility name;
b. Permit number, if applicable;
c. Facility address;
d. Name, address, and contact information for the operator;
e. Brief written statement regarding the basis for claiming a waiver; and
f. Any other information required.

Waivers from electronic reporting shall be mailed to the following address:

Division of Environmental Quality
Attn: Office of Water Quality – NPDES Permits Section
5301 Northshore Drive
North Little Rock, AR 72118-5317

1.10.3 Approved Forms

If DEQ grants a waiver from electronic reporting, and the operator elects to use it, the operator must use the approved form developed by DEQ.

Part 2 Control Measures and Benchmark

Stormwater control measures must be selected, designed, installed, and implemented, including best management practices (BMPs), to minimize pollutant discharges. These measures must be selected in order to meet the Stormwater Control Measures and BMPs in Part 2.1, meet limits contained in applicable effluent limitations guidelines in Part 2.2, and meet the benchmark parameters in Part 2.4.

2.1 Stormwater Control Measures and BMPs

All facilities must address Parts 2.1.1 through 2.1.11 in the SWPPP unless the SWPPP incorporates adequate justification or data indicating why the control measures do not apply to the facility or the facility's stormwater discharges. Consult with EPA's web-based resources relating to sector-specific *Industrial Stormwater Fact Sheet Series* (https://www.epa.gov/npdes/industrial-stormwater-fact-sheet-series) and any similar resources for control measures and BMPs to select, design, install, and implement at the facility.

2.1.1 Minimize Exposure

Minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and stormwater in order to minimize pollutant discharges by either locating these industrial materials and activities inside or protecting them with storm resistant coverings.

Note: Industrial materials do not need to be enclosed or covered if stormwater from affected areas does not discharge pollutant to Waters of the State, or if discharges are authorized under another NPDES permit.

2.1.2 Good Housekeeping

Keep clean all exposed areas that are potential sources of pollutants. The permittee must perform good housekeeping measures in order to minimize pollutant discharges:

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

2.1.3 Maintenance

Maintain all control measures that are used to achieve the benchmark values in this permit in effective operating condition, as well as all industrial equipment and systems, in order to minimize pollutant discharges.

If the control measures need to be replaced or repaired, the necessary repairs must be conducted immediately in order to minimize the discharge of pollutants. In this context, the term "immediately" means that on the day the permittee identifies that a control measure needs to be maintained, repaired, or replaced, the permittee must take all reasonable steps to minimize or prevent the discharge of pollutants until the permittee can implement a permanent solution. However, if the problem was identified too late in the work day to initiate action, the permittee must perform the action the following work day morning. "All reasonable steps" means the permittee must respond to the conditions triggering the action, such as, cleaning up any exposed materials that may be discharged in a storm event (e.g., through sweeping, vacuuming) or making arrangements (i.e., scheduling) for a stormwater control measure to be installed.

2.1.4 Spill Prevention and Response

Minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop

plans for effective response to such spills if or when they occur in order to minimize pollutant discharges. The SWPPP must include spill prevention and response procedures.

Where a leak, spill or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 C.F.R. Part 110, 40 C.F.R. Part 117, or 40 C.F.R. Part 302, occurs during a 24-hour period, the permittee must notify the national Response Center (NRC) at (800) 424-8802 in accordance with the requirements of 40 C.F.R. Part 110, 40 C.F.R. Part 117, and 40 C.F.R. Part 302 as soon as the permittee have knowledge of the discharge. State or local requirements may necessitate reporting spills or discharges to local emergency response, public health, or drinking water supply agencies. Contact information must be in locations that are readily accessible and available.

2.1.5 Erosion and Sediment Controls

Minimize pollutant discharges in stormwater from erosion by stabilizing exposed soils at the facility, and by placing flow velocity dissipation devices at the outfall as needed to minimize channel and streambank erosion or scour in the immediate vicinity of outfalls. The facility must also use structural and non-structural control measures to minimize the discharge of sediment. There are many resources available to help select appropriate stormwater control measures for erosion and sediment control, including EPA's Stormwater Discharge from Construction Activities website at: https://www.epa.gov/npdes/stormwater-discharges-construction-activities

2.1.6 Management of Stormwater

Divert, infiltrate, reuse, contain, or otherwise reduce stormwater discharges to minimize pollutants leaving the facility.

Note: Discharge resulting from the reuse of stormwater in some cases is not authorized by this permit. Those wastewaters must be covered under another NPDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or disposed of otherwise in accordance with applicable law.

2.1.7 Salt Storage Piles or Piles Containing Salt

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

2.1.8 Employee Training

a. Types of Personnel Who Require Training

Train all employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to comply with this permit (e.g., inspectors, maintenance personnel), including all members of the stormwater pollution prevention team. Ensure the following personnel understand the requirements of this permit and their specific responsibilities with respect to those requirements:

i. Personnel who are responsible for the design, installation, maintenance, and/or repair of controls (including pollution prevention measures);
ii. Personnel responsible for the storage and handling of chemicals and materials that could become pollutant discharge via stormwater;

iii. Personnel who are responsible for conducting and documenting inspections and monitoring as required in Part 3 and 4; and
iv. Personnel who are responsible for taking and documenting corrective actions as required in Part 3.3.

b. Areas of Required Training

Personnel must be trained in at least the following if related to the scope of their job duties (e.g., only personnel responsible for conducting inspections need to understand how to conduct inspections):

i. An overview of what is in the SWPPP;
ii. Spill response procedures, good housekeeping, maintenance requirements, and material management practices;
iii. The location of all the controls required by this permit, and how they are to be maintained;
iv. The location of all sampling locations and sampling procedures;
v. The proper procedures to follow with respect to the permit's pollution prevention requirements;
vi. When and how to conduct inspections, record applicable findings, and take corrective actions; and
vii. The facility's emergency procedures, if applicable.

2.1.9 Non-Stormwater Discharges

Evaluate the presence of non-stormwater discharges. The permittee must eliminate any non-stormwater discharges not explicitly authorized in Part 1.3.2 or covered by another NPDES permit, including vehicle and equipment/tank wash water. If not covered under a separate NPDES permit, wastewater, wash water and any other unauthorized non-stormwater must be discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or otherwise disposed of appropriately.

2.1.10 Waste, Garbage and Floatable Debris

Take actions as appropriate to ensure that waste, garbage, and floatable debris are not discharged to receiving waters by keeping exposed areas free of such materials or by intercepting them before they are discharged.

2.1.11 Dust Generation and Vehicle Tracking of Industrial Materials

Minimize generation of dust and off-site tracking of raw, final, or waste materials in order to minimize pollutants discharged via stormwater.

2.2 Numeric Effluent Limitations Based on Effluent Limitations Guidelines

If the permittee is subject to one of the effluent limitations guidelines identified in Table 2-1 below, the permittee is subject to the requirements in Part 5.4.1.

Table 2-1. Applicable Effluent Limitations Guidelines

Regulated Activity	40 C.F.R. Section	Parameter	Effluent Limit	
			30-day Avg.	Daily Max.
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C	TSS	N/A	50 mg/L
		pH	Minimum 6.0 s.u.	Maximum 9.0 s.u.
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Part 418, Subpart A	pH	Minimum 6.0 s.u.	Maximum 9.0 s.u.
		Total phosphorus (as P)	35 mg/L	105 mg/L
		Fluoride	25 mg/L	75 mg/L
Runoff from coal piles at steam electric generating facilities	Part 423	TSS[4]	N/A	50 mg/L
		pH	Minimum 6.0 s.u.	Maximum 9.0 s.u.
Mine dewatering discharges at crushed stone and construction sand & gravel facilities[5]	Part 436, Subpart B or C	pH	Minimum 6.0 s.u.	Maximum 9.0 s.u.
Runoff from asphalt emulsion facilities	Part 443, Subpart A	TSS	15.0 mg/L	23.0 mg/L
		pH	Minimum 6.0 s.u.	Maximum 9.0 s.u.
		O&G	10 mg/L	15.0 mg/L
Runoff containing urea from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non-propeller aircraft departures[6, 7]	Part 449	Ammonia as Nitrogen	N/A	14.7 mg/L

2.3 Water Quality Standards

Any discharge of stormwater associated with industrial activity must be controlled as necessary to meet applicable water quality standards. New discharges or increased loadings from existing discharges must be consistent with the Arkansas Anti-Degradation Policy in Rule 2. The Division expects that compliance with the other conditions in this permit will control discharges as necessary to meet applicable water quality standards. If at any time the facility

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

[5] Only mine dewatering from surface mining activities for crushed stone, and construction sand and gravel, are subject to the ELG-based limits. Natural overflow from ponds for mine dewatering, are subject to the ELG-based limits. Mine dewatering from other surface mining activities (as noted in the definition in Part 8.19) are not subject to the ELG-based limits.

[6] Facilities subject to the Effluent Limitations Guideline for Airport Deicing (40 C.F.R. Part 449) shall comply with the monitoring, reporting, and recordkeeping requirements in 40 C.F.R. § 449.20(b) and (c).

[7] Airports that are both "primary airports" (as defined at 40 C.F.R. § 449.2) and new sources ("new airports") with 1,000 or more annual non-propeller aircraft departures must meet the applicable requirements for aircraft deicing at 40 C.F.R. § 449.11(a). Discharges of the collected aircraft deicing fluid directly to Waters of the State are not eligible for coverage under this permit.

becomes aware, or the Division determines, that the facility's discharge causes or contributes to an exceedance of applicable water quality standards, the permittee must take corrective action as required, document the corrective actions as required, and report the corrective actions to the Division.

2.4 Parameter Benchmark Monitoring

All facilities covered under this general permit are required to conduct monitoring and sampling of stormwater at each outfall as identified in Table 2-2, unless a no exposure exclusion has been approved. The benchmark concentrations are not effluent limitations, therefore, a benchmark exceedance is not a permit violation. Benchmark monitoring data is intended primarily for the facility to use to determine the overall effectiveness of control measures and to assist the facility in knowing when additional corrective action(s) are necessary.

Table 2-2. Benchmarks for All Industrial Sectors

Effluent Characteristics	Benchmark Value Max. Concentration		Monitoring Requirements	
			Frequency	Sample Type
pH	Minimum 6.0 s.u.	Maximum 9.0 s.u.	once/year	grab
TSS	100 mg/L		once/year	grab

In addition to the parameters above, Industrial Sub-Sectors identified in Appendix A must also monitor each outfall as identified in Table 2-3, unless a no exposure exclusion has been approved. Please note that not all Sub-Sectors are listed. If the Industrial Sub-Sector is not listed below, only the parameters listed in Table 2-2 are required.

Table 2-3. Benchmarks for Select Industrial Sub-Sectors

Industrial Sub-Sector	Parameter	Benchmark Value Max. Concentration	Monitoring Requirements	
			Frequency	Sample Type
A1	COD	120 mg/L	once/year	grab
	O&G	15 mg/L	once/year	grab
	Total Zinc	0.684 mg/L	once/year	grab
A2	COD	120 mg/L	once/year	grab
	O&G	15 mg/L	once/year	grab
	Total Arsenic	0.169 mg/L	once/year	grab
	Total Copper	0.0756 mg/L	once/year	grab
A3	COD	120 mg/L	once/year	grab
	O&G	15 mg/L	once/year	grab
A4	COD	120 mg/L	once/year	grab
	O&G	15 mg/L	once/year	grab
A5	COD	120 mg/L	once/year	grab
	O&G	15 mg/L	once/year	grab
B1	COD	120 mg/L	once/year	grab
B2	COD	120 mg/L	once/year	grab
C1	COD	120 mg/L	once/year	grab
	Nitrate plus Nitrite Nitrogen	0.68 mg/L	once/year	grab
	Total Lead	0.519 mg/L	once/year	grab
	Total Zinc	0.684 mg/L	once/year	grab
	Total Phosphorus	2.0 mg/L	once/year	grab

Industrial Sub-Sector	Parameter	Benchmark Value Max. Concentration	Monitoring Requirements	
			Frequency	Sample Type
C2	COD	120 mg/L	once/year	grab
	Total Aluminum	0.75 mg/ L	once/year	grab
	Nitrate plus Nitrite Nitrogen	0.68 mg/L	once/year	grab
C3	COD	120 mg/L	once/year	grab
	Nitrate plus Nitrite Nitrogen	0.68 mg/L	once/year	grab
	Total Zinc	0.684 mg/L	once/year	grab
C4	COD	120 mg/L	once/year	grab
	Total Zinc	0.684 mg/L	once/year	grab
C5	COD	120 mg/L	once/year	grab
D1	O&G	15 mg/L	once/year	grab
D2	O&G	15 mg/L	once/year	grab
E1	Total Aluminum	0.75 mg/L	once/year	grab
F1	Total Aluminum	0.75 mg/L	once/year	grab
	Total Zinc	0.684 mg/L	once/year	grab
F2	Total Aluminum	0.75 mg/L	once/year	grab
	Total Copper	0.0756 mg/L	once/year	grab
	Total Zinc	0.684 mg/L	once/year	grab
F3	Total Copper	0.0756 mg/L	once/year	grab
	Total Zinc	0.684 mg/L	once/year	grab
F4	Total Copper	0.0756 mg/L	once/year	grab
	Total Zinc	0.684 mg/L	once/year	grab
G1	Nitrate plus Nitrite Nitrogen	0.68 mg/L	once/year	grab
G2	Total Antimony	0.636 mg/L	once/year	grab
	Total Arsenic	0.169 mg/ L	once/year	grab
	Total Beryllium	0.13 mg/L	once/year	grab
	Total Cadmium	0.0118 mg/L	once/year	grab
	Total Copper	0.0756 mg/L	once/year	grab
	Total Lead	0.519 mg/L	once/year	grab
	Total Mercury	0.0024 mg/L	once/year	grab
	Total Nickel	6.43 mg/L	once/year	grab
	Total Selenium	0.020 mg/L	once/year	grab
	Total Silver	0.0107 mg/L	once/year	grab
	Total Zinc	0.684 mg/L	once/year	grab
H1	Total Aluminum	0.75 mg/L	once/year	grab
I1	COD	120 mg/L	once/year	grab
J1	Nitrate plus Nitrite Nitrogen	0.68 mg/L	once/year	grab
K1	Ammonia	19 mg/L	once/year	grab
	Total Arsenic	0.169 mg/L	once/year	grab
	Total Cadmium	0.0118 mg/L	once/year	grab
	Total Cyanide	0.0224 mg/ L	once/year	grab
	Total Lead	0.519 mg/L	once/year	grab

Industrial Sub-Sector	Parameter	Benchmark Value Max. Concentration	Monitoring Requirements	
			Frequency	Sample Type
	Total Mercury	0.0024 mg/ L	once/year	grab
	Total Selenium	0.020 mg/L	once/year	grab
	Total Silver	0.0107 mg/L	once/year	grab
L1	COD	120 mg/L	once/year	grab
L2	COD	120 mg/L	once/year	grab
M1	COD	120 mg/L	once/year	grab
	Total Aluminum	0.75 mg/L	once/year	grab
	Total Lead	0.519 mg/L	once/year	grab
N1	COD	120 mg/L	once/year	grab
	O&G	15 mg/L	once/year	grab
	Total Aluminum	0.75 mg/L	once/year	grab
	Total Copper	0.0756 mg/L	once/year	grab
	Total Lead	0.519 mg/L	once/year	grab
	Total Zinc	0.684 mg/L	once/year	grab
N2	COD	120 mg/L	once/year	grab
	O&G	15 mg/L	once/year	grab
P1	COD	120 mg/L	once/year	grab
	O&G	15 mg/L	once/year	grab
Q1	COD	120 mg/L	once/year	grab
	Total Aluminum	0.75 mg/L	once/year	grab
	Total Lead	0.519 mg/L	once/year	grab
	Total Zinc	0.684 mg/L	once/year	grab
S1	Ammonia[8]	19 mg/L	once/year	grab
T1	COD	120 mg/L	once/year	grab
U1	COD	120 mg/L	once/year	grab
	O&G	15 mg/L	once/year	grab
U2	COD	120 mg/L	once/year	grab
	O&G	15 mg/L	once/year	grab
	Nitrate plus Nitrite Nitrogen	0.68 mg/L	once/year	grab
U3	COD	120 mg/L	once/year	grab
	O&G	15 mg/L	once/year	grab
Y1	Total Zinc	0.684 mg/L	once/year	grab
AA1	O&G	15 mg/L	once/year	grab
	Total Zinc	0.684 mg/L	once/year	grab
	Nitrate plus Nitrite Nitrogen	0.68 mg/L	once/year	grab
	Total Aluminum	0.75 mg/L	once/year	grab
AA2	O&G	15 mg/L	once/year	grab
	Total Zinc	0.684 mg/L	once/year	grab

[8] For airports where a single permittee, or a combination of permitted facilities use more than 100,000 gallons of pure glycol in glycol-based deicing fluids and/or 100 tons or more of urea on an average annual basis. ONLY those outfalls that collect stormwater from areas where deicing activities occur (SIC 4512-4581).

Industrial Sub-Sector	Parameter	Benchmark Value Max. Concentration	Monitoring Requirements	
			Frequency	Sample Type
	Nitrate plus Nitrite Nitrogen	0.68 mg/L	once/year	grab
AB1	O&G	15 mg/L	once/year	grab
AD1	COD	120 mg/L	once/year	grab

Part 3 Inspections and Monitoring Requirements

3.1 Routine Facility Inspection

The facility must be inspected as described below:

3.1.1 Inspection Personnel

Qualified personnel must perform the inspections. The qualified personnel may be a member of the stormwater pollution prevention team, or if the qualified personnel is a third-party hire (i.e., a contractor), at least one member of the stormwater pollution prevention team must participate in the inspection.

3.1.2 Areas That Must Be Inspected

During normal facility operating hours, qualified personnel must conduct inspections of areas of the facility covered by the requirements in this permit, including, but not limited to, the following:

a. Areas where industrial materials or activities are exposed to stormwater;
b. Areas identified in the SWPPP and those that are potential pollutant sources (see Part 4.2.4);
c. Areas where spills and leaks have occurred in the past three years;
d. Outfalls; and
e. Control measures used to comply with this permit.

3.1.3 What Must Be Evaluated During Inspection

During the inspection, the qualified personnel must examine or look out for, including, but not limited to, the following:

a. Industrial materials, residue or trash that may have or could come into contact with stormwater;
b. Leaks or spills from industrial equipment, drums, tanks and other containers;
c. Offsite tracking of industrial or waste materials from areas of no exposure to exposed areas;
d. Erosion of soils at the facility, channel and streambank erosion and scour in the immediate vicinity of outfalls, per Part 2.1.5;
e. Presence of non-authorized non-stormwater discharges, per Part 2.1.9;
f. Control measures needing replacement, maintenance or repair; and
g. During an inspection occurring during a stormwater event or stormwater discharge, observe control measures implemented to comply with the benchmark value to ensure they are functioning correctly. Must also observe outfalls during the inspection. If such outfall is inaccessible, inspect nearby downstream locations.

3.1.4 Inspection Frequency

3.1.4.1 The qualified personnel must conduct inspections at least quarterly (i.e., once each calendar quarter). At least one routine inspection must be conducted during a period when a stormwater discharge is occurring.

3.1.4.2 At any time, DEQ may specify an increased minimum frequency for inspections including monthly or weekly frequency. Determinations will be made on a site-specific basis and will be made after considering risks associated with:

a. Any outfall's proximity to or potential to contribute pollutants to the waterbodies identified in Part 1.2.5 – 1.2.8; or
b. Based on continued exceedances in benchmark sampling or effluent limit results; or
c. Based on site operations which have resulted in non-compliance with any terms or conditions of this permit.

DEQ notification of increased inspection frequency will be made in writing to the permittee, and will provide the new minimum frequency required, and will state the basis for the required change.

3.1.5 Exceptions for Routine Facility Inspections for Inactive and Unstaffed Facilities

Facilities that are inactive and unstaffed during an entire monitoring period are eligible for an "Inactive and Unstaffed Facility Waiver." The permittee must certify that the facility is inactive and unstaffed and the pollutant generating activities are not occurring. The certification must be signed by an individual that meets the signatory requirements of Part 7.9 and kept with the SWPPP. Unstaffed is defined as no staff assigned to the industrial or pollutant generating activities. A facility may be "unstaffed" even when security personnel are present, provided that pollutant generating activities are not included in their duties.

Facilities that acquired an "Inactive and Unstaffed Facility Waiver" will not be required to conduct annual stormwater monitoring. Facilities that acquired an "Inactive and Unstaffed Facility Waiver" will be eligible for a reduced requirement to perform routine facility inspections on an annual basis.

Inactive mining facilities that have not completed reclamation are not eligible for an "Inactive and Unstaffed Facility Waiver."

3.1.6 Routine Facility Inspection Documentation

The permittee must document the findings of the facility inspections and maintain the report with the SWPPP as required in Part 4.2.6. The permittee must conduct any corrective action required as a result of a routine facility inspection consistent with Part 3.3.

Do not submit the routine facility inspection reports to the Division, unless specifically requested to do so. However, the permittee must summarize the findings in the Annual Report per Part 5.2. Document all findings, including but not limited to, the following:

- **a.** The inspection date and time;
- **b.** The name(s) and signature(s) of the inspector(s);
- **c.** Weather information;
- **d.** All observations relating to the implementation of stormwater control measures at the facility, including;
  - **i.** A description of any stormwater discharges occurring at the time of the inspection;
  - **ii.** Any previously unidentified stormwater discharges from and/or pollutants at the facility;
  - **iii.** Any evidence of, or the potential for, pollutants, entering the stormwater drainage system;
  - **iv.** Observations regarding the physical condition of and around all stormwater outfalls, including any flow dissipation devices, and evidence of pollutants in discharges and/or the receiving water;
  - **v.** Any stormwater control measures needing maintenance, repairs, or replacement;
- **e.** Any additional stormwater control measures needed to comply with the permit requirements;
- **f.** Any incidents of noncompliance; and
- **g.** A statement signed and certified in accordance with Part 7.9.4.

3.2 Monitoring

The permittee must collect and analyze stormwater samples and document monitoring activities consistent with the procedures described below:

3.2.1 Monitoring Stormwater Outfall(s)

Each outfall authorized by this permit must be sampled and analyzed separately unless an outfall has been determined to be a "similar outfall" in accordance with Part 3.2.2. The allowance for similar outfall is not

applicable to any outfalls subject to the Effluent Limitation Guidelines in Part 2.2.

3.2.2 Similar Outfall(s)

If the facility has two or more outfalls that discharge substantially identical stormwater effluents, the permittee may monitor the effluent of just one of the outfalls and report that the results also apply to the similar outfall(s). An approval of the similar outfall designation is granted by the Division and must be received prior to monitoring by providing the following documentation in the SWPPP:

a. Location (latitude and longitude) of each of the similar outfall;
b. Description of the general industrial activities conducted in the drainage area of each outfall;
c. Description of the control measures implemented in the drainage area of each outfall; and
d. Description of exposed materials located in the drainage area of each outfall that are likely to contribute pollutants to stormwater discharges.

3.2.3 Monitoring Frequency

The facility must monitor at least once within a calendar year unless the discharge is excluded from coverage under Part 1.2. If the discharge is excluded from coverage under Part 1.2, the facility must follow additional monitoring requirements described in Part 5.4.

3.2.4 Monitoring Procedures

All samples must be taken at the monitoring points specified in the NOC before the stormwater commingles or is influenced by any other waste streams, or waterbody, unless otherwise approved in writing by the Division. Samples taken shall be representative of the volume and nature of the discharge. Stormwater must be sampled according to requirements below unless an alternative plan is submitted as a modification of coverage and it is approved by the Division. Any approved alternative plan should be included in the SWPPP. If unable to sample during the monitoring period, the reasoning in the Stormwater Annual Report for that monitoring period must be documented.

Sampling requirements and instructions are as follows:

3.2.4.1 Measurable Storm Events

Conduct all required monitoring on a storm event that results in an actual discharge from the outfall ("measurable storm event") that follows storm event by at least 72 hours (3 days). The 72-hour (3-day) storm interval does not apply if the facility is able to document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period. In the case of snowmelt, conduct monitoring at a time when a measurable discharge occurs.

3.2.4.2 Grab Sample

Take a minimum of one grab sample from a discharge resulting from a measurable storm event as described in Part 3.2.4.1. Collect samples within the first 30 minutes of a measurable storm event or within the first 30 minutes of a discharge from holding ponds or basins, as described in Part 3.2.4.3. If it is not possible to collect the sample within the first 30 minutes of a measurable storm event, collect the sample as soon as possible after the first 30 minutes and keep documentation with Stormwater Annual Report why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, take samples during a period with a measurable discharge.

3.2.4.3 Holding Ponds and Basins

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

3.2.4.4 Adverse Weather Conditions

Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, electrical storms, or situations that otherwise make sampling impractical, such as drought or extended frozen conditions. When adverse weather conditions prevent the collection of samples according to the relevant monitoring schedule, a substitute sample must be taken during the subsequent qualifying storm event. Adverse weather does not exempt the permittee from having to complete a stormwater annual report in accordance with the sampling schedule.

3.2.4.5 Sampling Method

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

3.2.4.6 Storm Event Records

For each sampling event, except for sampling from snowmelt and holding ponds and basins discharge, record the following:

a. Date of measurable storm event;
b. Duration (in hours) of measurable storm event;
c. Rainfall total (in inches); and
d. Time (in days) since the previous measurable storm event.

For snowmelt and holding ponds and basins discharge, document the date of the sampling event.

3.3 Evaluations

Compare the result of the stormwater sample to the benchmark values in this permit. The benchmark values are not effluent limitations. Therefore, a benchmark exceedance is not a permit violation. Benchmark values are primarily for the facility to use for determining the overall effectiveness of the control measures implemented on the facility and to assist in knowing when additional control measure(s) may be necessary.

3.3.1 Data Exceeding Benchmark Values and Effluent Limits

If any of the sampling results exceed the parameter benchmark values or effluent limits, investigate the cause or source of the elevated pollutant levels, review the SWPPP, and determine and document a Corrective Action Plan

to address the exceedance. Commence with the above process within thirty (30) calendar days of the exceedance while immediately taking all readily apparent, reasonable steps necessary to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational, including cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events.

3.3.1.1 Corrective Action Plan

The corrective action plan must contain the following:

a. The review of the sampling results;
b. Actions that will be taken to address the benchmark excursion; and
c. An implementation schedule with milestone dates.

Documentation of the date that corrective actions are initiated and are completed must be retained onsite with the SWPPP.

3.3.1.2 Natural Background Pollutant Level

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

a. The concentration of the benchmark monitoring results is less than or equal to the concentration of that pollutant in the natural background (data from previous monitoring may be used if it is less than 5 years old);
b. The permittee documents and maintains with the SWPPP the supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. This must include in the supporting rationale any site specific data previously collected by the facility or others (including literature studies) that describe the levels of natural background pollutants in the stormwater discharge; and
c. The Division must be notified that the benchmark exceedances are attributable solely to natural background pollutant levels. Natural background pollutants include those substances that are naturally occurring in soils or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity on-site or pollutants in run-on from neighboring sources which are not naturally occurring.

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

Part 4 Stormwater Pollution Prevention Plan (SWPPP)

The SWPPP is intended to document the selection, design, and installation of stormwater control measures to meet the effluent limits and benchmark concentrations.

4.1 Preparing the SWPPP

Prepare the SWPPP in accordance with good engineering practices and to industry standards. The SWPPP may be developed by either a person on the staff or a third party hired by the permittee and must be certified per the signature requirements in Part 7.9.4.

4.2 Contents of SWPPP

The SWPPP must contain all of the following elements:

- Facility information (see Part 4.2.1);
- Stormwater pollution prevention team (see Part 4.2.2);
- Facility description (see Part 4.2.3);
- Description of potential pollutant sources (see Part 4.2.4);
- Description of stormwater control measures (see Part 4.2.5);
- Schedules and procedures (see Part 4.2.6);
- Receiving Stream (see Part 4.2.7); and
- Certification (see Part 4.2.8).

Where the SWPPP refers to procedures in other facility documents, such as a Spill Prevention, Control and Countermeasure (SPCC) Plan or an Environmental Management System (EMS), copies of the relevant portions of those documents must be kept onsite and made available for review.

4.2.1 Facility Information

The following facility information shall be identified:

a. Facility Name;
b. General permit tracking number;
c. Facility physical address;
d. Standard industrial Code (SIC); and
e. North America Industry Classification System (NAICS).

4.2.2 Stormwater Pollution Prevention Team

Identify the staff members (by name or title) that comprise the facility's stormwater pollution prevention team, as well as their individual responsibilities. The stormwater pollution prevention team is responsible for overseeing development of the SWPPP, any modification to it, and for implementing and maintaining control measures and taking corrective actions when required. Each member of the stormwater pollution prevention team must have ready access to either an electronic or paper copy of applicable portions of this permit, the most updated copy of the SWPPP, and other relevant documents or information that must be kept with the SWPPP.

4.2.3 Facility Description

The description must include the following:

4.2.3.1 Activities at the Facility

Provide a description of the nature of the industrial activities at the facility.

4.2.3.2 General Location map

Provide a general location map with enough detail to identify the location of the facility and all receiving waters for the stormwater discharges.

4.2.3.3 Site Map

Provide a map showing:

- **a.** Boundaries of the property and the size of the property in acres;
- **b.** Location and extent of significant structures and impervious surfaces;
- **c.** Directions of stormwater flow (use arrows);
- **d.** Location of all receiving waters in the immediate vicinity of the facility;
- **e.** Location of all stormwater control measures;
- **f.** Locations of all stormwater conveyances including ditches, pipes, and swales;
- **g.** Locations of potential pollutant sources identified under Part 4.2.4;
- **h.** Locations of all stormwater monitoring points;
- **i.** Locations of stormwater inlets and outfalls, with a unique identification code for each outfall (e.g., 001, 002), indicating if one or more outfalls are treated as "similar outfall" under Part 3.2.2, and an approximate outline of the areas draining to each outfall;
- **j.** If applicable, municipal separate storm sewer systems (MS4s) and where the stormwater discharges to them; and
- **k.** Locations of the following activities where such activities are exposed to precipitation:
  - **i.** Fueling stations;
  - **ii.** Vehicle and equipment maintenance and/or cleaning areas;
  - **iii.** Loading/unloading areas;
  - **iv.** Locations used for the treatment, storage, or disposal of wastes;
  - **v.** Liquid storage tanks;
  - **vi.** Processing and storage areas;
  - **vii.** Immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste materials, or by-products used or created by the facility;
  - **viii.** Transfer areas for substances in bulk;
  - **ix.** Machinery; and
  - **x.** Locations and sources of run-on to the site from adjacent property that contains significant quantities of pollutants.

4.2.4 Description of Potential Pollutant Sources

Describe in the SWPPP areas at the facility where industrial materials or activities are exposed to stormwater or from which authorized non-stormwater discharges originate. For the full definition of "industrial materials or activities," see Part 8. For each area identified, the description must include:

4.2.4.1 Activities in the Area

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

4.2.4.2 Pollutants

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

4.2.4.3 Spills and Leaks

Document where potential spills and leaks could occur that could contribute pollutants to stormwater discharges, and the corresponding outfall(s) that would be affected by such spills and leaks. Document all significant spills and leaks of oil or toxic or hazardous substances that actually occurred at exposed areas, or that drained to a stormwater conveyance, in the three (3) years prior to the date the SWPPP is prepared or amend.

4.2.4.4 Unauthorized Non-Stormwater Discharges Evaluation

Inspect and document all outfalls at the facility as part of the SWPPP. Documentation of the evaluation must include:

a. The date of the evaluation;
b. A description of the evaluation criteria used;
c. A list of outfalls or onsite drainage points that were directly observed during the evaluation;
d. If there are any unauthorized non-stormwater discharges (see Part 1.3.2 for the exclusive list of authorized non-stormwater discharges under this permit), immediately take action(s), such as implementing control measures, to eliminate those discharges or seek an individual NPDES discharge permit and document that the permit was obtained (for example, a floor drain was sealed, a sink drain was re-routed to the sanitary sewer, an NPDES permit application was submitted for an authorized cooling water discharge);
e. An explanation of everything that was done to immediately eliminate the unauthorized discharge per Part 3.3.1.1 Corrective Action Plan; and
f. Signed by individual who meets the requirements of Part 7.9 of this permit.

4.2.4.5 Salt Storage

Document the location of any storage piles containing salt used for deicing or other commercial or industrial purposes.

4.2.4.6 Sampling Data

Existing permitted facilities must summarize all stormwater discharge sampling data collected at the facility during the previous permit term. New dischargers and new sources must provide a summary of any available stormwater data they may have.

4.2.5 Description of Stormwater Control Measures

Document the location and type of stormwater control measures that have specifically been chosen and/or

designed to comply with:

a. Part 2.2: Applicable numeric effluent limitations guidelines-based limits;
b. Part 2.4: Parameter benchmark concentrations; and
c. Regarding the control measures, document, as appropriate:
  i. The process for the selection and design considerations to meet the requirements of Part 2.1;
  ii. How the selected control measures address the pollutant sources identified in Part 4.2.4.

4.2.6 Schedules and Procedures

4.2.6.1 Documentation of Stormwater Control Measures Used to Comply with Effluent limits and Benchmark Values in Part 2

Document the following in the SWPPP:

a. Good Housekeeping (see Part 2.1.2) – A schedule or convention used for determining when pickup and disposal of waste materials occurs. Also provide a schedule for routine inspections for leaks and conditions of drums, tanks and containers;
b. Maintenance (see Part 2.1.3) – Preventative maintenance procedures, including regular inspections, testing, maintenance, and repair of all industrial equipment and systems, and control measures to avoid situations that may result in leaks, spills, and other releases, and any back-up practices in place should a storm event resulting in a stormwater discharge occur while a control measure is off-line. The SWPPP shall include the schedule or frequency for maintaining all control measures used to comply with the requirements in Part 2.2;
c. Spill Prevention and Response Procedures (see Part 2.1.4) – Procedures for preventing and responding to spills and leaks, including notification procedures. For preventing spills, include in the SWPPP the stormwater control measures for material handling and storage, and the procedures for preventing spills that can contaminate stormwater. Also specify cleanup equipment, procedures and spill logs, as appropriate, in the event of spills. Referencing the existence of other plans for Spill Prevention, Control and Countermeasure (SPCC) developed for the facility under Section 311 of the CWA or BMP programs otherwise required by an NPDES permit for the facility is acceptable, provided that a copy of that other plan is kept onsite and made available for review consistent with Part 5.1;
d. Erosion and Sediment Controls (see Part 2.1.5) – If polymers and/or other chemical treatments are used as part of the erosion and sediment controls, identify the polymers and/or chemicals used and the purpose; and
e. Employee Training (see Part 2.1.8) – The element of the employee training plan shall include all, but not necessarily limited to the requirements set forth in Part 2.1.8, and also the following:

  i. The content of the training;
  ii. The frequency/schedule of training for employees who work in areas where industrial materials or activities takes place; and
  iii. A log of the dates on which specific employees received training.

  Training shall be conducted at least annually (or more often if employee turnover is high).

4.2.6.2 Inspection Documentation

Document in the SWPPP the procedures for performing the inspections and monitoring required by this permit:

a. Person(s) or positions responsible for the inspection;
b. Schedules for conducting the inspections; and

c. Specific items to be covered by the inspections, including schedules for specific outfalls.

If invoking the exception for inactive and unstaffed facilities for routine facility inspections, include in the SWPPP the information to support this claim as required by Part 3.1.5, including a copy of the most recent approval letter from DEQ approving this waiver.

4.2.6.3 Pertaining to Monitoring.

a. Procedures for Each Type of Monitoring

Document in the SWPPP the procedures for conducting the analytical stormwater discharge monitoring specified by this permit, where applicable to the facility, including:

i. Benchmark monitoring (see Part 2.4);
ii. Numeric effluent limitations guidelines monitoring (see Part 2.2); and
iii. Other monitoring as required by the Division.

b. Documentation for Each Type of Monitoring

For each type of stormwater discharge monitoring, document in the SWPPP:

i. Locations where samples are collected, including any determination (and supporting documentation) that two or more outfalls are substantially identical;
ii. Parameters for sampling and the frequency of sampling for each parameter;
iii. Schedules for monitoring at the facility;
iv. Any numeric control values (benchmark values, effluent limitations guidelines, TMDL-related requirements, or other requirements) applicable to stormwater discharges from each outfall; and
v. Procedures (e.g., responsible staff, logistics, laboratory to be used) for gathering storm event data, as specified in Part 5.2.

c. Exception for Inactive and Unstaffed Facilities

If invoking the exception for inactive and unstaffed facilities for benchmark monitoring, include in the SWPPP the information to support this claim as required by Part 3.1.5.

4.2.6.4 Pertaining to Reporting

Document the sampling as specified in Part 5.2.

4.2.7 Receiving Stream

Document in the SWPPP whether or not within five (5) stream miles of the outfall flows enter the following waterbodies:

a. An impaired waterbody (303(d) listed stream);
b. Waterbody with a Total Maximum Daily Loads (TMDL);
c. An Extraordinary Resource Water (ERW);
d. Natural and Scenic Waterway (NSW); and
e. Ecologically Sensitive Waterbody (ESW).

Facilities discharging into waterbodies classified above are required to comply with additional requirements described in Part 5.4.

4.2.8 Certification

The SWPPP must contain a certification statement, per Part 7.9.4 of this permit, and must be signed in accordance with the provisions of 40 C.F.R. § 122.22, as adopted by reference in Rule 6, and Part 7.9 of this permit.

4.3 Updating the SWPPP

The SWPPP is a living document and must be kept up-to-date at all times, such as making revisions and improvements to the stormwater control measures based on new information and experiences with major storm events. At a minimum, review the SWPPP when any of the following conditions occur:

4.3.1 An unauthorized non-stormwater discharge (e.g., spill, leak, or discharge of non-stormwater not authorized by this or another NPDES permit);
4.3.2 A discharge exceeds a numeric effluent limit;
4.3.3 A control measure was never installed, was installed incorrectly, or is not being properly operated or maintained;
4.3.4 Visual assessments indicate obvious signs of stormwater pollution (e.g., color, odor, floating solids, settled solids, suspended solids, foam); or
4.3.5 Construction or a change in design, operation, or maintenance at the facility that significantly changes the nature of pollutants discharged in stormwater from the facility, or significantly increases the quantity of pollutants discharged.

4.4 SWPPP Availability

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

Part 5 Additional Requirements

5.1 Record Retention

Retain records of the SWPPP (including any modifications made during the term of this permit), as well as any additional documentation requirements pursuant to Part 5, documentation related to any corrective actions taken pursuant to Part 3.3 all reports and certifications required by this permit, monitoring data, 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 that the coverage under this permit expires or is terminated. Such information includes all calibration and maintenance records and all original recordings for continuous monitoring instrumentation. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants or when requested by the Division. The falsification of information submitted to the Division shall constitute a violation of the terms and conditions of this permit.

5.2 Monitoring Records Contents

For each measurement or sample taken, record the information on the Stormwater Annual Report (SWAR). The Division's SWAR Form must be used and the SWAR covers the previous 12 month (January – December) calendar year and is to be incorporated as part of the SWPPP no later than the 31st day of January of the following year (i.e., January 31, 2023 for year 2022). The first year of coverage may include less than 12 months of information. The SWAR Form is available on the Division's website: www.adeq.state.ar.us.

The Division's SWAR Form must be used and the following information must be included in the SWAR:

a. The date sample(s) were taken;
b. The location of where sample(s) were taken;
c. The method used for measurement or sampling;
d. The individual who performed the measurement or sampling;
e. The dates the analyses were performed;
f. The individual who performed the analyses;
g. The analytical techniques or methods used;
h. The results of all analyses;
i. A summary of any corrective action plans written under Part 3.3.1.1, including the status of any corrective actions not yet completed; and
j. Signed in accordance with Part 7.9.4.

5.2.1 For Benchmarks Only

For benchmark monitoring required under Part 2.1, the SWAR is not required to be submitted to the Division, except upon request. If requested, the SWAR must be received by the Division within five (5) business days of the request, unless another deadline is specified.

5.2.2 For Effluent Limits

For effluent limit monitoring required by Part 2.2, the SWAR is not required to be submitted to the Division, except for years where a limit was exceeded. For years with a limit exceedance, the SWAR is required to be submitted to the Division no later than the 31st day of January of the following year (i.e., January 31, 2023 for year 2022). The SWAR must be submitted to Division at the following address:

Enforcement Branch
Office of Water Quality
Division of Environmental Quality
5301 Northshore Drive, North Little Rock, AR 72118-5317

Information can also be submitted electronically via email at water-enforcement-report@adeq.state.ar.us.

5.3 Record Availability

Make documentation used to comply with this permit immediately available to the Division, the operator of an MS4 that receives discharges from the site, and representatives of the USF&WS at the time of an onsite inspection or upon request. In this case, "immediately" is within five (5) business days of the request, unless another deadline is specified.

5.4 Dischargers Excluded from Coverage under Part 1.2

If the discharge is excluded from coverage under this permit, the facility may still be eligible if the following additional requirements are addressed in the SWPPP:

5.4.1 Dischargers listed on Table 2-1

If subject to one of the effluent limitation guidelines identified in Table 2-1, the permittee must document measures taken to prevent, to the maximum extent practicable, the introduction of pollutants to stormwater in excess of the numeric effluent limits.

5.4.1.1 Additional Requirement- Quarterly Monitoring Required

New and existing permittees shall monitor numeric effluent limits once per quarter until a reduced frequency is approved by the Division.

5.4.1.2 Reduced Frequency

At any time during the permit term, a new or existing permittee may request reduction in monitoring frequency from quarterly to annual. The Division may approve frequency reduction from quarterly to annual following a qualifying request and written confirmation by the Division.

5.4.1.3 Qualifying Requests for Reduced Frequency to Annual Monitoring

A qualifying request for reduced frequency shall include the four (4) most recent monitoring results for the pollutant and outfall pertaining to the request. These four most recent monitoring results must comply with the limits provided by the ELG in Table 2-1. Qualifying data must not exceed 4.5 years prior to the date they are submitted for consideration. Data evaluations will be performed on a case-specific basis, generally to be considered pollutant by pollutant and outfall by outfall, unless it is determined that individual pollutant results at specific outfalls are not independent of each other. The written confirmation from the Division will begin the frequency reduction to annual.

5.4.2 Dischargers into an Impaired Waterbody and Total Maximum Daily Loads

If the discharge enters a waterbody that is on the most recently approved 303(d) list, or has a TMDL, then comply with the following:

5.4.2.1 Additional Requirements- Quarterly Monitoring Required

a. New and existing permittees shall monitor for pollutant(s) for which the waterbody is impaired or that contribute to the impairment once per quarter until a reduced frequency is approved by the Division;
b. Document measures taken by the facility to ensure that the discharge from the site is consistent

with the assumptions of the TMDL;

c. If a wasteload allocation has been assigned to the facility, document the allocation in the SWPPP and implement necessary steps to meet that allocation; and

d. In lieu of a. through c. of this subsection, the permittee may document that the pollutant(s) for which the waterbody is impaired or that contribute to the impairment are not present at the facility.

5.4.2.2 Reduced Frequency

At any time during the permit term, a new or existing permittee may request reduction in monitoring frequency from quarterly to annual. The Division may approve frequency reduction from quarterly to annual following a qualifying request and written confirmation by the Division.

5.4.2.3 Qualifying Requests for Reduced Frequency to Annual Monitoring

A qualifying request for reduced frequency shall include the four (4) most recent monitoring results for the pollutant and outfall pertaining to the request. These four most recent monitoring results must comply with the water quality standards. Qualifying data must not exceed 4.5 years prior to the date they are submitted for consideration. Data evaluations will be performed on a case-specific basis, generally to be considered pollutant by pollutant and outfall by outfall, unless it is it is determined that individual pollutant results at specific outfalls are not independent of each other. The written confirmation from the Division will begin the frequency reduction to annual.

5.4.3 Discharges into an ERW, NSW, or ESW

If the discharge enters a waterbody that is classified as an ERW, NSW, or ESW in the APC&EC Rule 2, facility must document measures taken to prevent, to the maximum extent practicable, exposure of pollutants to stormwater that could potentially impact water quality.

5.4.3.1 Additional Requirements- Quarterly Monitoring Required

a. New and existing permittees shall monitor benchmark parameters once per quarter until a reduced frequency is approved by the Division; and

b. Perform other pollutant monitoring specified by the NOC, once per quarter, until a reduced frequency is approved by the Division.

5.4.3.2 Reduced Frequency

At any time during the permit term, a new or existing permittee may request reduction in monitoring frequency from quarterly to annual. The Division may approve frequency reduction from quarterly to annual following a qualifying request and written confirmation by the Division.

5.4.3.3 Qualifying Request for Reduced Frequency to Annual Monitoring

A qualifying request for reduced frequency shall include the four (4) most recent monitoring results for the pollutants and outfall pertaining to the request. These four most recent monitoring results must comply with the benchmark values provided in Table 2-2 and Table 2-3, if applicable. Qualifying data must not exceed 4.5 years prior to the date they are submitted for consideration. Data evaluations will be performed on a case-specific basis, generally to be considered pollutant by pollutant and outfall by outfall, unless it is determined that individual pollutant results at specific outfalls are not independent of each other. The written confirmation from the Division will begin the frequency reduction to annual.

5.4.4 Discharges that Contribute to a Violation of a Water Quality Standard

If the Division determines that the stormwater discharge from the facility may cause, have reasonable potential to cause, or contribute to an excursion above any applicable water quality standard.

5.4.4.1 Additional Requirements- Quarterly Monitoring Required

a. New and existing permittees shall monitor benchmark parameters once per quarter until a reduced frequency is approved by the Division;
b. Perform other pollutant monitoring specified by the NOC, once per quarter, until a reduced frequency is approved by the Division; and
c. Document measures taken by the facility to prevent to the maximum extent practicable exposure of pollutants identified by the Division.

5.4.4.2 Reduced Frequency

At any time during the permit term, a new or existing permittee may request reduction in monitoring frequency from quarterly to annual. The Division may approve frequency reduction from quarterly to annual following a qualifying request and written confirmation by the Division.

5.4.4.3 Qualifying Request for Reduced Frequency to Annual Monitoring

A qualifying request for reduced frequency shall include the four (4) most recent monitoring results for the pollutants and outfall pertaining to the request. These four most recent monitoring results must comply with the benchmark values provided in Table 2-2 and Table 2-3, if applicable. Qualifying data must not exceed 4.5 years prior to the date they are submitted for consideration. Data evaluations will be performed on a case-specific basis, generally to be considered pollutant by pollutant and outfall by outfall, unless it is determined that individual pollutant results at specific outfalls are not independent of each other. The written confirmation from the Division will begin the frequency reduction to annual

5.5 Attainment of Water Quality Standards After Authorization

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

5.5.1 Develop a supplemental BMP action plan describing SWPPP modifications to address adequately the identified water quality concerns;

5.5.2 Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or

5.5.3 Cease discharges of pollutants from the facility and submit and individual permit application according to Part 7.21.

5.5.4 All written responses required under this part must include a signed certification consistent with Part 7.9

5.6 Additional Monitoring Performed

If the permittee monitors any pollutant at any outfall more frequently than required by this permit using test procedures

specified in this permit, then the results of that monitoring shall be included in the SWAR.

5.7 Facilities that Qualify for No Exposure Exclusion

If the facility qualifies for the no exposure exclusion, the permittee is required to complete the SWAR once per year and retain the SWAR on site. If at any time, the facility no longer qualifies for no exposure exclusion, the permittee must notify the Division and submit an application to modify the coverage or modify the facility layout in order to re-qualify for no exposure exclusion.

Part 6 Toxicity Testing

6.1 Toxicity Testing Requirements

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

6.2 Acute Whole Effluent Toxicity Limits

LETHAL LIMIT 100%

6.2.1 Scope, Frequency and Methodology

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

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

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

6.2.1.4 Test Acceptance

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

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

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

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

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

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

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

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

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

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

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

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

6.2.2 Required Toxicity Testing Conditions

6.2.2.1 Samples

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

6.2.2.2 Dilution Water

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

6.2.2.3 Statistical Interpretation

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

6.2.3 Persistent Lethality

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

6.2.4 Reporting

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

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

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

Part 7 Standard Conditions

7.1 Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Federal Clean Water Act and the Arkansas Water and Air Pollution Control Act and is grounds for enforcement action; permit termination, revocation and re-issuance, or modification; requiring a permittee to apply for an individual NPDES permit; or denial of a permit renewal application.

7.2 Penalties for Violations of Permit Conditions

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

7.3 Permit Actions

This general permit may be modified, revoked and reissued, or terminated for cause in accordance with the requirements of the National Pollutant Discharge Elimination System (NPDES) Permit Program Regulations at 40 C.F.R. §§ 122 and 124, as adopted by reference in APC&EC Rule 6. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

7.4 Continuance of the Expired General Permit

If this general permit is not re-issued 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 permit coverage was granted prior to the expiration date, the permittee will automatically remain covered by the continued permit until the earliest of:

7.4.1 Re-issuance or replacement of this permit, at which time the permittee must comply with the conditions of the new permit to maintain authorization to discharge;

7.4.2 Submittal of a Notice of Termination by the permittee, and confirmation of termination by DEQ;

7.4.3 Issuance of an individual permit, or other general permit, for the facility's discharges;

7.4.4 A formal permit decision by DEQ to not re-issue this general permit, at which time the permittee must seek coverage under an individual permit or other general permits, if available.; or

7.4.5 Notification from DEQ that the permittee is no longer covered under this permit.

7.5 Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

7.6 Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which

has reasonable likelihood of adversely affecting human health or the environment or the water receiving the discharge.

7.7 Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit. In this case, "reasonable time" means five (5) business days.

7.8 Other Information

Where the permittee becomes aware that they failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

7.9 Signatory Requirements

All applications, reports, or information submitted to the Director shall be signed and certified as follows:

7.9.1 All permit applications shall be signed as follows:

7.9.1.1 **For a corporation:** by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

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

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

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

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

7.9.1.3.1 The chief executive officer of the agency; or

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

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

7.9.2.1 The authorization is made in writing by a person described above;

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

7.9.2.3 The written authorization is submitted to the Director.

7.9.3 Changes to authorization

If an authorization under Part 7.9.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part 7.9.2 of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

7.9.4 Certification

Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

7.10 Transfers

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

7.11 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 or criminal penalties specified in Part 7.2 under the authority of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

7.12 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.

7.13 Oil and Hazardous Substance Liability

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

7.14 Property Rights

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

7.15 Severability

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

7.16 Proper Operation and Maintenance

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

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

7.17 Inspection and Entry

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

7.17.1 Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

7.17.2 Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

7.17.3 Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

7.17.4 Sample, inspect or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and/or Arkansas Water and Air Pollution Control Act, any substances or parameters at any location.

7.18 Re-opener Clause

In accordance with 40 C.F.R. § 122.62(a)(2), the permit may be modified, or alternatively, revoked and reissued, if new information is received that was not available at the time of permit issuance that would have justified the application of different permit conditions at the time of permit issuance.

7.19 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, rule, or regulation.

7.20 Permit Fees

The permittee shall comply with all applicable permit fee requirements (i.e., including annual permit fees following the initial permit fee that will be invoiced every year the permit is active) for this permit as described in APC&EC Rule No. 9 (Regulation for the Fee System for Environmental Permits). Failure to promptly remit all required fees shall be grounds for the Director to initiate action to terminate this permit under the provisions of 40 C.F.R. § 122.64 and 124.59d), as adopted in APC&EC Rule No. 6 and the provisions of APC&EC Rule No. 8.

7.21 Requiring an Individual NPDES Permit or an Alternative General Permit

7.21.1 At the discretion of the Director, the Division may require any permittee covered under this general permit to apply for and obtain an individual NPDES permit for reasons that include but are not limited to the following:

7.21.1.1 The discharger is not in compliance with the conditions of the general permit;

7.21.1.2 Conditions or standards have changed so that the discharger no longer qualifies for a general permit;

7.21.1.3 The Division does not renew this general permit;

7.21.1.4 Effluent limitation guidelines (ELGs) are promulgated for point sources covered by the general permit and requirements of the general permit are inadequate to provide compliance with the ELG;

7.21.1.5 A Water Quality Management Plan (WQMP) containing requirements applicable to such point sources is approved and the requirements of the general permit are inadequate to provide compliance with these requirements; or

7.21.1.6 The discharge(s) is a significant contributor of pollutants. In making this determination, the Director may consider the following factors:

a. The location of the discharge with respect to Waters of the State;
b. The size of the discharge;
c. The quantity and nature of the pollutants discharged to Waters of the State; and
d. Other relevant factors.

7.21.2 The permittee will be notified in writing that an application for an individual permit is required. When an individual NPDES discharge permit is issued to a permittee otherwise covered under this general permit, the permittee is required to submit a Notice of Termination (NOT). Coverage under the general permit will then be terminated no earlier than the effective date of the individual NPDES permit.

Timeliness: Should DEQ determine at any point that the permittee has not submitted or responded to the permitting process or requests for information in a timely manner, DEQ will provide a final notice in writing setting a reasonable time/period for the permittee to complete the necessary application(s) or supplementary material to complete processing. After that time DEQ may terminate the continued coverage and may terminate the review of any incomplete permit application in accordance with permitting procedures identified by APC&EC Rule No.8.

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

7.22 Non-compliance Notification

In the event the facility is unable to comply with any of the terms and conditions of this permit that could result in the discharge of pollutants in a significant amount, the facility shall:

7.22.1 Take immediate action to minimize potential contamination or otherwise stop the noncompliance and correct the problem;
7.22.2 Immediately notify the Division of the failure to comply; and
7.22.3 Submit a detailed written containing the following within thirty (30) days to the Division, unless the Division requests an earlier submission.

- **a.** Exact dates and times;
- **b.** If the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- **c.** Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance;

Compliance with these requirements does not relieve the permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

Part 8 Definitions

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

8.1 **"Act" or "CWA"** means the Clean Water Act, Public Law 95-217 (33.U.S.C.1251et seq.) as amended.
8.2 **"Administrator"** means the Administrator of the U.S. Environmental Protection Agency.
8.3 **"APC&EC"** means the Arkansas Pollution Control and Ecology Commission.
8.4 **"Best Management Practices (BMPs)"** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of Waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
8.5 **"Coal pile runoff"** means the rainfall runoff from or through any coal storage area.
8.6 **"Co-located Industrial Activities"** means any industrial activities, excluding your primary industrial activity(ies), located on-site that are defined by the stormwater regulations at 122.26(b)(14)(i) and (xi). An activity at a facility is not considered co-located if the activity, when considered separately, does not meet the description of a category of industrial activity covered by the stormwater regulations or identified by the SIC code list in Appendix A.
8.7 **"Contaminated"** means the presence of or entry into the MS4, Waters of the State, or Waters of the United States of any substance which may be harmful to the public health or the quality of the water.
8.8 **"Control measure"** means any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to Waters of the State.
8.9 **"DEQ" or "Division"** means the Arkansas Department of Energy and Environment – Division of Environmental Quality.
8.10 **"Director"** means the Director of the Division of Environmental Quality.
8.11 **"Discharge"** means the "discharge of a pollutant".
8.12 **"Eligible"** means qualified for authorization to discharge stormwater under this general permit.
8.13 **"Excavation dewatering"** means removal of **uncontaminated** water (e.g. groundwater) that accumulates in an excavation that is being performed for the purpose of construction (e.g., building foundations or installation of equipment below grade). "Excavation dewatering" may include the removal of accumulated stormwater or groundwater. See also, the definition of "Mine dewatering" in Part 8.19.
8.14 **"Harmful quantity"** means the amount of any substance that will cause pollution of waters in the State, waters of the United States, or that will cause lethal or sub-lethal adverse effects on representative, sensitive aquatic monitoring organisms, upon their exposure to samples of any discharge into waters in the State, Waters of the United States, or the MS4.
8.15 **"Impaired water"** means a water body listed in the current, approved Arkansas 303(d) list.
8.16 **"Industrial materials or activities"** include, but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; and intermediate products, by-products, final products, and waste products.
8.17 **"Landfill"** means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.
8.18 **"Material handling activities"** include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product.
8.19 **"Mine dewatering"** means removal of water from areas where surface mining or quarrying activities are being conducted. These mining activities include: a) the surface extraction of clay, bauxite, sand, gravel, soil, shale or other materials for commercial purposes; b) removing the materials over a coal seam, before recovering the coal; c) removing of stone from an open pit or quarry.
8.20 **"Minimize"** means to reduce or eliminate to the extent achievable using control measures (including Best Management Practices) that are technologically available and economically practicable and achievable in light of best industry practice.
8.21 **"NOI"** means Notice of Intent.
8.22 **"NOT"** means Notice of Termination.
8.23 **"Operator"** for the purpose of this permit and in the context of stormwater associated with industrial activity, means any person (an individual, association, partnership, corporation, municipality, state or federal agency) who has the

primary management and ultimate decision-making responsibility over the operation of a facility or activity. The operator is responsible for ensuring compliance with all applicable environmental regulations and conditions.

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

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

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

8.27 **"Significant materials"** includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of CERCLA; any chemical the facility is required to report pursuant to Section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.

8.28 **"Significant spills"** includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (see 40 CFR 110.10 and 40 CFR 117.21) or Section 102 of CERCLA (see 40 C.F.R. § 302.4).

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

8.30 **"Stormwater associated with industrial activity"** means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program. For the categories of industries identified in subparagraphs (i) through (xi) of this definition, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product, or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described, regulated areas. Industrial facilities (including industrial facilities that are Federally, State or municipally owned or operated that meet the description of the facilities listed in paragraphs (i) - (xi)) include those facilities designated under 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this subsection:

(i) Facilities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (xi) of this paragraph; "Note that the phrase 'toxic pollutant effluent standards' refers to standards codified at 40 CFR 129 which applies only to manufacturers of 6 specific pesticide products that are defined as toxic pollutants. The phrase does not apply to facilities subject to effluent limitation guidelines for toxics under 40 CFR Subchapter N."

(ii) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373;

(iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations meeting the definition of a reclamation area under 40 CFR 434.11(l)) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge stormwater contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, by-products, or waste products

located on the site of such operations; inactive mining operations are mining sites that are not being actively mined, but which have an identifiable Operator;

(iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;

(v) Landfills, land application sites, and open dumps that have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to Subtitle D of RCRA;

(vi) Facilities involved in the recycling of materials, including junkyards, battery reclaimers, salvage yards, and automobile junkyards, including but not limited to those classified as Standard Industrial Classification 5015 and 5093;

(vii) Steam electric power generating facilities, including coal handling sites;

(viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-4225), 43, 44, 45 and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (i) -(vii) or (ix) - (xi) of this subsection are associated with industrial activity;

(ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 MGD or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens, or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with 40 CFR 405.

(x) Construction activity including clearing, grading and excavation, except operations that result in the disturbance of less than five acres of total land area. Construction activity also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more;

NOTE: See exclusion under Part 1.2.2.

(xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-4225.

8.31 "Stormwater Pollution Prevention Plan (SWPPP)" a plan that includes site map(s), an identification of facility activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants (BMPs).

8.32 "Total Maximum Daily Load" or "TMDL" the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for non-point sources and natural background. If a receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any non-point sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure.

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

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

8.35 "10-year, 24-hour Precipitation Event" means the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 10 years. This information is available in "Weather Bureau Technical Paper No. 40", May 1961 and "NOAA Atlas 2", 1973 for the 11 Western States, and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U. S. Department of Commerce.