

**DRAFT FACT SHEET  
AND SUPPLEMENTARY INFORMATION  
FOR DRAFT GENERAL PERMIT ARR000000**

For renewal of the General Permit for Industrial Facilities located within the State of Arkansas, Permit Number ARR000000.

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**1 Background**

Under 40 C.F.R. § 122.28, general permits may be issued to cover categories of point sources having common elements, such as facilities that involve the same or substantially similar types of operations, that discharge the same types of wastes, or that are more appropriately regulated by a general permit. Given the number of industrial facility discharges requiring NPDES permit coverage, DEQ has elected to renew the ARR000000 General Permit for Industrial Facilities located within the State of Arkansas.

As required by 40 C.F.R. § 122.46(a), DEQ reissues NPDES permits every 5 years. The current permit became effective on July 1, 2019, and will expire on June 30, 2024.

**2 Significant Changes**

This general permit has been reorganized in the following manner:

- Part 1** Describes facilities that can become covered under this general permit and those that are excluded from coverage. Describes how permittees can acquire, modify, and terminate coverage;
- Part 2** Describes control measures and best management practices. Numeric effluents limits and benchmark concentrations are applicable based on the individual facility sector;
- Part 3** Describes routine facility inspections and monitoring of discharge points and corrective action requirements in case of exceedances;
- Part 4** Describes the content of the SWPPP and when the SWPPP must be updated;

**Part 5** Describes additional requirements including Stormwater Annual Reports;

**Part 6** Describes toxicity testing requirements;

**Part 7** Describes standard conditions that apply to all facilities; and

**Part 8** Definitions of words or phrases used in this general permit.

- 2.1 The cover page was updated to be more consistent with other general permits, and to clarify that the permittee must have an active notice of coverage (NOC) to be covered by this permit.
- 2.2 Parts 1.1 and 1.3 of the previous permit have been combined into one condition under Part 1.1 of the permit to better describe which facilities are eligible for coverage under the permit.
- 2.3 Part 1.8, limitations on coverage (exclusions), of the previous permit has been moved to Part 1.2 of the permit.
- 2.4 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 now be excluded from obtaining coverage under the permit.
- 2.5 Part 1.2, availability of permit, forms, and other information, of the previous permit has been removed. A copy of the permit, forms, and other information is still available on the stormwater webpage of the DEQ website, but the link is not included in the permit due to the possibility of website or phone number changes during the permit term.
- 2.6 Parts 1.4, 1.5, and 1.6 of the previous permit have been combined into one section describing the type of discharge authorized under this permit in Part 1.3.
- 2.7 All Solid Waste Management Facilities 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 can now be covered under Sub-Sector L2.
- 2.8 The list of stormwater discharges excluded from coverage under this general permit has been moved from Part 1.6 to Part 1.2.
- 2.9 Instructions on how to obtain authorization have been moved from Part 2 of the previous permit to Part 1. The requirement to obtain authorization through electronic portal (ePortal) is based on the EPA's electronic reporting rule.
- 2.10 The schedule for submission to obtain permit coverage has been updated in Part 1 and is described in Table 1-3.
- 2.11 The notification requirement to notify operators of an MS4 in Part 2.5 of the previous permit is now located at Part 1.6 of the permit.
- 2.12 Waivers to electronic reporting can be granted in certain circumstances. See Part 1.10 of the permit for additional information.
- 2.13 Part 2.6, Change of Facility Name, Ownership, or Authorization, of the previous permit has been moved to Part 1.8 of the permit.
- 2.14 Part 2.7, Terminating Coverage, of the previous permit has been moved to Part 1.9 of the permit. The permit now requires termination requests to be submitted through ePortal.
- 2.15 Part 1.7, Modifying Permit Coverage, has been included in the permit to require modification of the Notice of Coverage when the outfall location or primary industrial activity changes.
- 2.16 Parts 2.3 and 2.4 of the previous permit have been removed from the permit. The Notice of Intent has been developed by DEQ and is available on ePortal.
- 2.17 Footnote regarding airport deicing in the previous permit has been revised to clarify that 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).
- 2.18 Footnote regarding airport deicing sources that meet the New Source Performance Standards listed in 40 C.F.R. § 449.11(a)(1) to collect at least 60 percent of available aircraft deicing fluid has been removed as aircraft deicing activity is not covered under this general permit.
- 2.19 Part 3 of the previous permit has been revised and moved to Part 2 of the permit. The Best Management Practices examples of the previous permit have been revised to remove specific examples of BMPs as the permit is not a comprehensive stormwater management guide.

- 2.20 The employee training requirement has been revised to specify the types of personnel who require training and areas of required training. See Part 2.1.8 of the permit for additional information.
- 2.21 Parts 3.5 through 3.11 of the previous permit have been moved to Parts 3 and 4 of the permit.
- 2.22 Part 5.1, routine and comprehensive inspection types, of the previous permit have been consolidated into one routine inspection type to be conducted quarterly. See Part 3 of the permit for additional information.
- 2.23 Routine inspection requirements have been revised to specify who, where, and when inspections must occur and what has to be monitored.
- 2.24 Routine inspection frequency may be changed based on a site-specific basis and will be made after considering risks associated as described in Part 3.1.4.2 of the permit.
- 2.25 Part 3.1.5 of the permit has been included for inactive and unstaffed facilities. Facilities that acquire an “Inactive and Unstaffed Facility Waiver” are eligible for a reduced requirement to perform routine facility inspections on an annual basis.
- 2.26 Part 4.2.4.4, non-stormwater discharge, has been revised to be more explicit on what must be documented during the evaluation. The non-stormwater discharge evaluation was in the previous permit but was revised to be more explicit on what must be documented.
- 2.27 For monitoring conducted for benchmarks, the permit has been revised to specify the recordkeeping requirements. The requirement to maintain the sampling result is the same as previous permit, but is more explicit. See Part 3.2 of the permit for additional information.
- 2.28 Effluent limit exceedances at facilities that have effluent limits based on an ELG, must be reported in a SWAR submittal to the Enforcement Branch. See Parts 5.2.2 of the permit for additional information.
- 2.29 Dischargers excluded from coverage under Part 1.2 may acquire coverage with additional requirements. Additional requirements from Part 4.2.7 of the previous permit have been revised and reorganized and are discussed in Part 5.4 of the permit.
- 2.30 Facilities that are covered under the No-Exposure Exclusion Certification (NEC) must now complete the stormwater annual report (SWAR) once per year and retain the SWAR on site. This is a new requirement that is needed in response to a large fraction of numerous NEC inspections documenting operations that have lapsed in their ability to continue compliance with NEC. Often facility personnel change and the new staff are not aware of the NEC status; having the SWAR each year will more quickly bring NEC compliance to the attention of the facility personnel.
- 2.31 Part 7, Standard Conditions has been reorganized.
- 2.32 Words and terms not used in the permit have been removed from Part 8 of the permit.

### 3 Permit Coverage

This general permit authorizes discharges from facilities composed of stormwater associated with industrial activity, as defined in Part 8.30 of the permit, where those discharges enter Waters of the State or a Municipal Separate Storm Sewer System (MS4) leading to Waters of the State, and are subject to the conditions set forth in the permit. The goal of the permit is to minimize the discharge of stormwater pollutants from industrial activity.

### 4 Monitoring Requirements

The requirements for sampling frequency have been changed for those facilities that discharge into an impaired stream, a stream with a TMDL, and Outstanding Resource Waters. Facilities that are subject to one of the effluent limitations guidelines also have a new sampling frequency.

A new condition was added as Part 5.4 of the permit to specify the new monitoring frequency.

## 5 Other Conditions

### 5.1 Modifying Notice of Coverage

Requests for changing the coverage shall be submitted as follows:

**5.1.1** For a change in the discharge point, an outfall modification form;

**5.1.2** For a change in primary industrial activity, a letter stating a brief description of previous and current primary industrial activity.

### 5.2 Transferring the Coverage

When a change in ownership or name change occurs at a covered facility, a complete permit transfer form must be submitted.

## 6 Development and Basis for Permit Conditions

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

### 6.1 Water Quality Requirements

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

**6.1.1** Discharges to waters for which there is a total maximum daily load (TMDL) are not eligible for coverage under this permit unless additional requirements in Part 5.4 of the permit are incorporated in the SWPPP.

**6.1.2** Discharges that the Division determines will cause have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard must meet additional requirements or seek alternate coverage through an individual permit. A facility may still be covered by this permit by incorporating the additional requirements in Part 5.4 into the SWPPP.

### 6.2 Technology Requirements (Best Conventional Pollutant Control Technology (BCT) and Best Available Technology Economically Achievable (BAT))

Two types of technology-based effluent limitations must be included in the permit. With regard to conventional pollutants, i.e., pH, BOD, oil and grease, TSS, and fecal coliform bacteria, CWA section 301 (b)(1)(E) requires effluent limitations based on “best conventional pollution control technology” (BCT). With regard to non-conventional and toxic pollutants, CWA sections 301(b)(2)(A), (C), and (D) require effluent limitations based on “best available pollution control technology economically achievable” (BAT), a standard which generally represents the best performing existing technology in an industrial category or subcategory. BAT and BCT effluent limitations may never be less stringent

than corresponding effluent limitations based on best practicable control technology (BPT), a standard applicable to similar discharges prior to March 31, 1989 under CWA 301(b)(1)(A).

Frequently, EPA adopts nationally applicable guidelines identifying the BPT, BCT, and BAT standards to which specific industrial categories and subcategories are subject. Until such guidelines are published, however, CWA section 402(a)(1) requires that EPA determine appropriate BCT and BAT effluent limitations in its NPDES permitting actions on the basis of its best professional judgment.

This general permit includes coverage for industries that have stormwater specific national effluent guidelines. The standards have been listed in Table 2-1 of the general permit for the following regulated activities:

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

Effluent Limitations Guideline for Wet Deck Operations (40 C.F.R. Part 429) and Hazardous Waste Landfills (40 C.F.R. Part 445) were not included for coverage under this general permit. Discharges from these types of facilities in Arkansas are covered under NPDES Individual Permits, which may contain more stringent water quality-based limits.

Due to the nature of stormwater, DEQ believes numerical limits are not feasible at this time for discharges not listed in the table above because no effluent limitation guidelines (ELG) based on BPT, BCT and BAT standards have been promulgated for stormwater discharges from the other regulated industrial activities. Therefore, in accordance with 40 C.F.R. § 122.44(k)(3), requirements for the development, implementation, and compliance of a Stormwater Pollution Prevention Plan (SWPPP) in the form of Best Management Practices (BMPs) implementing the required elements of the SWPPP in lieu of numerical limitations is considered to be technology-based limits and will comply with 40 C.F.R. § 122.44(d).

## 6.3 Permit Limits and Basis

National guidelines establishing BPT, BCT, and BAT standards have been promulgated for stormwater discharges for the following industrial source categories, which have been imposed in Part 2 of the general permit in accordance with the below referenced federal regulations.

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	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 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	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 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 <sup>1</sup>	N/A	50 mg/L
		pH	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.
Mine dewatering discharges at crushed stone and construction sand & gravel facilities <sup>2</sup>	Part 436, Subpart B or C	pH	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.
Runoff from asphalt emulsion facilities	Part 443, Subpart A	TSS	15.0 mg/L	23.0 mg/L
		pH	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 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 <sup>3</sup>	Part 449	Ammonia as Nitrogen	N/A	14.7 mg/L

<sup>1</sup> 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.

<sup>2</sup> 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 Part 8.19) are not subject to the ELG-based limits.

<sup>3</sup> 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).

## **6.4 Monitoring Requirements and Basis for the Monitoring Parameters**

Monitoring and reporting requirements, except as noted in Section 4 of this Fact Sheet, have not changed from the previous permit.

The benchmark concentrations are not effluent limitations: a benchmark exceedance, therefore, is not a permit violation. Benchmark monitoring data are primarily used to determine the overall effectiveness of control measures and BMPs in controlling the discharge of pollutants to the environment and to assist the facility in knowing when additional corrective action(s) may be necessary.

The benchmark concentrations have not changed from the previous permit.

## **6.5 Parts 2 through 7**

Conditions in Parts 2 through 7 are self-explanatory and are incorporated in the permit based on 40 C.F.R. § 122.41, 40 C.F.R. § 122.43, 40 C.F.R. § 122.62, 40 C.F.R. § 124.5, 40 C.F.R. Part 136, 40 C.F.R. § 122.44(d), and Appendix D of the Continuing Planning Process (CPP) in order to provide and ensure compliance with all applicable requirements of the CWA and regulations.

## **6.6 Part 8**

Definitions in Part 8 are self-explanatory, and have been included in the permit in order to provide and ensure compliance with all applicable requirements of the CWA and regulations, and to provide clarity for the permit conditions.

## **7 Contact Information**

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

Via mail at:

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

Via phone at: (501) 682-0650; or

Via email at: [water-draft-permit-comment@adeq.state.ar.us](mailto:water-draft-permit-comment@adeq.state.ar.us)

## **8 Economic Impact**

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

The permit fee of \$200 is allowed by APC&EC Rule No. 9.

There will be initial additional costs for entities discharging into receiving streams that are impaired, have a TMDL, or designated as an Outstanding Resource Water, due to increased sampling frequency from once per year to four per year. Upon demonstration of compliance through successful monitoring results, the Division has provided an option to reduce this monitoring frequency to return to once per year, as it was in the previous permit versions. Any additional BMPs required to be implemented at the facility as a result of monitoring results were already required by previous permits to protect or improve the waters in these designated classes; therefore, the cost of implementing any additional BMPs are not considered an additional cost burden on facilities affected by these water body designations.

## **9 Public Notice**

The public notice describes the procedures for the formulation of final determinations and shall provide for a public comment period of 30 days. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permitting decision. A request for a public hearing shall be in writing and shall state the nature of the issue(s) proposed to be raised in the hearing.

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

## **10 Sources**

The following sources were used to draft this permit:

- 2.1** 40 C.F.R. Part 122
- 2.2** 40 C.F.R. Part 436
- 2.3** APC&EC Rule 2
- 2.4** APC&EC Rule 6
- 2.5** APC&EC Rule 9
- 2.6** APC&EC Rule 15
- 2.7** 2021 EPA NPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity and Fact Sheet