

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

For the issuance of the new General Permit for Aggregate Facilities located within the State of Arkansas, Permit Number ARG500000:

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**1 Background**

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

The previous permit took effect on February 1, 2016 and expires on January 31, 2021.

**2 Changes**

The permittee is responsible for carefully reading the permit in detail and becoming familiar with all of the requirements therein. The following changes were made to the previously issued permit:

- 2.1 The language on the cover page and in Part 1.2.1.2 of the permit was updated to clarify that quarry and mine dewatering water is not considered process water.
- 2.2 The language on the cover page was updated to no longer explicitly state that applicants must make a written request to be covered by this permit. The requirements for obtaining coverage are detailed in Part 1 of the permit.

- 2.3 The Table of Contents was expanded to the corresponding Parts of the permit.
- 2.4 Multiple web links were updated to stay consistent with DEQ website changes.
- 2.5 The term “Operator”, which was previously used with regards to a person with primary management and ultimate decision-making responsibility of the facility, has been changed to “permittee” or “applicant” to clarify the difference between a permittee or applicant and a licensed wastewater operator.
- 2.6 The exclusion of certain receiving streams from the permit area was removed from Part 1.1. These exclusions are already addressed in Part 1.3 of the permit.
- 2.7 Pond construction requirements were standardized for new and existing ponds. The applicable Ten State Standards requirements are now listed in Part 1.2.2 and 1.2.3 of the permit.
- 2.8 Part 1.2.4.1 of the permit now requires certification of existing process water ponds.
- 2.9 Parts 1.2.4.2, 1.2.5.6, and 2.3 of the permit were updated to clarify that a licensed wastewater treatment operator is not required for facilities with process ponds that only use sedimentation with no chemical addition. See Section 9 of this Fact Sheet for additional information.
- 2.10 The reference to the DEQ Pond Requirements Policy in Parts 1.2.2.3.1 and 1.2.4.1.3 of the previous permit was removed. This policy does not currently exist.
- 2.11 Part 1.2.8.6 now requires the type of wastewater to be submitted on the notice of intent (e.g. process water or mine dewatering water).
- 2.12 A new condition was added as Part 1.2.13.1.2 to conditionally require the certification of previously covered process ponds based on a review of the facility records, compliance history, inspection reports, and public complaints.
- 2.13 Part 1.2.13.6 has been updated to require electronic submission of documents through ePortal, in accordance with the NPDES Electronic Reporting Rule (80 FR 64063).
- 2.14 The exclusion of facilities that discharge to reservoirs was removed from Part 1.3.1. APC&EC Rule No. 6.401 only specifies limits for facilities receiving domestic waste that discharge to reservoirs. Facilities that propose to discharge to a reservoir will be considered on a case-by-case basis.
- 2.15 The exclusion of facilities that discharge to losing stream segments in Part 1.3.8 no longer applies to currently permitted facilities and facilities that demonstrate that the pollutant limits and requirements of the permit are adequate to provide sufficient reduction of all pollutants of concern and protection of the designated uses of the receiving waters. APC&EC Rule No. 6.301 specifies additional effluent limitations only for facilities receiving domestic waste. Facilities proposing to discharge to a potentially losing stream segment may be required to submit additional documentation as part of the demonstration that the pollutant limits and requirements of the permit are adequate to protect the receiving waters.

- 2.16 Part 1.5.1 now includes a timeliness condition if coverage is required under an individual permit.
- 2.17 A new section regarding terminating coverage was added as Part 1.6.
- 2.18 The Reopener Clause was moved from Part 1.6 of the previous permit to Part 3.12 of the current permit to be consistent with the general conditions of other general permits.
- 2.19 Monitoring Requirements for Mine Pits were removed from Part 2. See Section 6.1.3 of this Fact Sheet for details.
- 2.20 Part 2.1 was updated to clarify that mine dewatering is covered under Outfall Type 101.
- 2.21 Part 2.1 was updated to include soaps and other cleaning agents in the types of washing that are not covered by this permit.
- 2.22 The effluent limitations table in Part 2.1 was updated with column labels for “Discharge Limitations” and “Monitoring Requirements”.
- 2.23 The Daily Maximum Total Suspended Solids limitation was updated from 53.0 mg/l to 52.5 mg/l. See Section 6.1.1 of this Fact Sheet for additional information.
- 2.24 A footnote was added to the limitations table in Part 2.1 specifying that pH shall be measured within 15 minutes of sampling, in accordance with 40 CFR 136.3 Table II.
- 2.25 A footnote in the limitations table in Part 2.1 was updated to require that the first discharge of each monitoring period be sampled. See Section 4 of this Fact Sheet for additional information.
- 2.26 The solids and sheen conditions of Part 2.1 were updated to specify that the facility activities shall not cause or contribute to the presence of the listed substances in the receiving waters.
- 2.27 Part 2.2 was updated to allow stormwater to flow into dredge pits.
- 2.28 Part 2.2 was updated to consistently refer to dredge pits as “pits” rather than “ponds”. The term “ponds” is used for process water ponds in this permit.
- 2.29 Part 2.2.5 now specifies that equipment shall be maintained to prevent the discharge of hydraulic fluids and other contaminants from leaks or malfunctions, in addition to the discharge of petroleum products.
- 2.30 Part 2.3 was updated to better clarify that an advanced industrial license is only required for chemical sedimentation and add examples of the types of chemicals that this may include.
- 2.31 Part 3.1 was updated to state that any permit noncompliance is grounds for requiring a permittee to apply for an individual NPDES permit.
- 2.32 The Duty to Reapply condition that was Part 6.7 of the previous permit has been replaced by the Continuance of the Expired General Permit condition in Part 3.13 of this permit.

- 2.33 The removed substances condition in Part 4.6 of this permit was updated.
- 2.34 Part 5.5 of this permit now requires reporting of monitoring results through NetDMR.
- 2.35 Part 5.8 was updated to include the equipment information and calibration records in the required record contents.
- 2.36 Part 6.2 was updated to clarify that a permit transfer may not be required for a change in signatory authorization. A new section was added as Part 6.8.3 to specify the requirements for a change in signatory authorization.
- 2.37 Part 6.2 was updated to clarify that a disclosure statement is required for the new owner unless exempted by Arkansas Code Annotated § 8-1-106(b).
- 2.38 The language in Part 6.8 was updated to match the language in 40 CFR 122.22.
- 2.39 The definitions in Part 7 were alphabetized. Several definitions were updated for clarity, or for consistency with 40 CFR 122.2 and 40 CFR 436, including:
  - 2.39.1 10-year, 24-hour precipitation event;
  - 2.39.2 Administrator;
  - 2.39.3 APC&EC;
  - 2.39.4 Bypass;
  - 2.39.5 Department;
  - 2.39.6 Director;
  - 2.39.7 Instantaneous flow measurement;
  - 2.39.8 Monitoring and reporting;
  - 2.39.9 Operator
  - 2.39.10 Point source;
  - 2.39.11 Quarry or Mine;
  - 2.39.12 Quarry dewatering or Mine dewatering;
  - 2.39.13 Total maximum daily load; and
  - 2.39.14 Units of measure
- 2.40 A footnote regarding TDS benchmark concentrations was added to the limitations table in Part 2.1.

### **3 Permit Coverage**

This general permit covers discharges from both proposed and existing aggregate facilities, except facilities which are excluded in Part 1.3 of the general permit. Process water ponds shall be constructed in accordance with Part 1.2.5 of the general permit, which includes requirements that process water ponds be designed and constructed in accordance with the latest edition of the Ten State Standards. Dredging operations shall meet the additional conditions specified in Part 2.2 of the general permit.

#### **4 Monitoring Requirements**

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

An additional requirement was added that a sample be obtained during the first discharge of each monitoring period to ensure that samples are obtained from facilities that discharge only during precipitation events. Facilities that have a controlled or continuous discharge are exempted from this requirement.

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

Discharges resulting from a storm exceeding a 10-year, 24-hour precipitation event may be exempted from the effluent limitations of this general permit, provided the following conditions are met:

- 4.1 The pit or pond is designed, constructed, and maintained to contain the volume of water resulting from a 10-year, 24-hour or greater precipitation event; and
- 4.2 The permittee submits proof, along with a DMR, to the Division that the facility meets the above requirements.

The permittee has the burden of proof for demonstrating the above conditions.

#### **5 Other Conditions**

##### **5.1 Geographic Area and Covered Facilities**

The general permit, when issued, will authorize discharges from aggregate facilities throughout the State of Arkansas. The permit will be applicable only to facilities which discharge to waters of the State and are, therefore, subject to the requirements of Section 301 and 402 of the Clean Water Act and the Arkansas Water Pollution Control Act (Act 472 of 1949, as amended, Ark. Code Ann. 8-4-101 et seq.).

##### **5.2 Timing of Requests**

Requests for coverage shall be submitted as follows:

- 5.2.1 For new dischargers without construction expected, at least 30 days prior to the first proposed discharge;
- 5.2.2 For new dischargers with construction expected, at least 90 days prior to the first proposed discharge; or
- 5.2.3 For existing dischargers, no later than January 31, 2021.

##### **5.3 Expiration Date**

In accordance with 40 CFR 46(a), the general permit will expire five (5) years from the effective date of the permit. An expired permit will continue in effect until such time that the permit is renewed or a new permit is issued.

5.4 Individual Permits

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

**6 Development and Basis for Permit Conditions**

Conditions in Parts 2 through 4 are incorporated in the permit based on 40 CFR 122.41, 40 CFR 122.43, 40 CFR 122.62, 40 CFR 124.5, 40 CFR 136, 40 CFR 122.44(d), 40 CFR 122.44(l), Appendix D of the Continuing Planning Process (CPP), APC&EC Rule No. 2, and APC&EC Rule No. 3 in order to provide and ensure compliance with all applicable requirements of the CWA, rules, and regulations.

The following is an explanation of the derivation of the conditions of the permit and the reasons for them, or in cases of notices of intent to deny or terminate, reasons suggesting the decisions as required under 40 CFR Part 124.7.

6.1 Justification for Limitations and Conditions of the Final Permit

| <u>Effluent Characteristics</u> | <u>Monitoring Requirements</u>                      |                            |            |               |
|---------------------------------|---|----------------------------|------------|---------------|
|                                 | Concentration<br>(mg/l, unless otherwise specified) |                            | Frequency  | Sample Type   |
|                                 | Monthly Avg.  | Daily Max                  |            |               |
| Flow                            | Report  | Report                     | twice/week | Instantaneous |
| Total Suspended Solids (TSS)    | 35.0  | 52.5                       | once/month | grab          |
| Oil and Grease (O&G)            | 10.0  | 15.0                       | once/month | grab          |
| pH                              | <u>Minimum</u><br>6.0 s.u.                          | <u>Maximum</u><br>9.0 s.u. | once/month | grab          |
| Total Dissolved Solids (TDS)    | Report  | Report                     | once/month | grab          |

6.1.1 Total Suspended Solids (TSS)

Solids are considered a “conventional pollutant” (as opposed to toxic). Suspended materials in water can cause turbidity, discoloration, interruption of light passage for aquatic growth, coating of fish gills, and sedimentation on stream bottoms interfering with egg laying and feeding. DEQ has determined that control of TSS in the waste streams from the dischargers covered by the general permit should be required, especially discharges from any sites involving construction or disruption of soils or sediments. The monthly average effluent limit of 35.0 mg/l for Outfall Type 101 is continued from the previously issued permit. This limitation is judged to represent the level of treatment attainable through the application of the best conventional pollutant control technology (BCT). Rainfall on barren soil could cause suspended solids to enter the pond or pit. The wet washing and sorting processes also have the potential to add TSS to the effluent. The TSS limit is included to protect the water quality of the receiving stream.

The daily maximum limit for Outfall Type 101 has been corrected from 53.0 mg/l to 52.5 mg/l. This is equal to 1.5 times the monthly average limit when reported to the tenths digit.

#### 6.1.2 Oil and Grease (O&G)

The water quality-based limit for Oil and Grease has been based on the Arkansas Water Quality Standards (AWQS), Rule No. 2, Section 2.510. This limitation is judged to represent the level of treatment attainable through the application of the best conventional pollutant control technology (BCT). Measurement of Oil and Grease helps to ensure that the receiving stream and its intended uses are protected. This has been carried forward from the previous permit for Outfall Type 101.

#### 6.1.3 pH

The water quality-based limits for pH have been based on the Arkansas Water Quality Standards (AWQS), Rule No. 2, Section 2.504. Additionally, this same pH limitation is found in 40 CFR 436.22 for the crushed stone subcategory covering process water and mine dewatering, and 40 CFR 436.32 for the construction sand and gravel subcategory for process wastewater and mine dewatering discharges. This limit has been continued from the previous permit for Outfall Type 101.

The previous permit included a requirement that all mines, mine pits, and unlined process water ponds be monitored for pH every six months, even if they did not discharge. From February of 2016 to April of 2019, 114 mine pit pH samples were reported. All of the reported samples were within a pH range of 6.0 to 9.0, with the exception of one sample from each of two pits, which was reported at a pH of 5.32. Based on these results, the types of mine pits covered by this permit do not have reasonable potential to cause groundwater pollution through acidification or basification. Therefore, the monitoring requirements for mine pits were removed from this permit.

#### 6.1.4 Total Dissolved Solids (TDS)

The previous permit included a reporting requirement for TDS to evaluate the potential contribution of dissolved solids from mining operations. According to EPA's Industrial Stormwater Fact Sheet Series, Mineral Mining and Processing Facilities (Sector J) involves multiple activities with the potential of producing TDS (e.g. site preparation, mineral processing, reclamation). From February of 2016 to April of 2019, 396 TDS samples were reported. The TDS values reported ranged from 2.5 mg/l to 3150 mg/l, with a geometric mean of 345 mg/l. Based on these results, there is reasonable potential for a facility covered by this general permit to cause or contribute to a TDS impairment. Therefore, the monitoring requirement for TDS has been continued in this permit. If TDS standards are established for a receiving stream or a receiving stream becomes impaired for TDS, the Division may require site-specific limits for TDS or require a facility covered by this permit to obtain an individual NPDES permit.

A benchmark concentration of 500 mg/l was established for TDS. This is not an effluent limitation; a benchmark exceedance is therefore not a permit violation. DEQ may request monitoring data in accordance with Part 6.7 of this permit to evaluate reasonable potential to exceed water quality standards.

## 6.2 Anti-backsliding

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

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

## 6.3 Limits Calculations

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

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

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

## 7 Dredging Operations

Special conditions for dredging operations have been continued from the previous permit. These conditions have been modified to allow stormwater to flow into the dredge pit. As described below, any discharge from dredging operations is considered “mine dewatering” and is subject to the same effluent limits. These limits are more stringent than the requirements to discharge stormwater under the industrial stormwater general permit. Therefore, commingled stormwater and dredge water may be discharged from Outfall Type 101 under this permit.

Wet weather and groundwater seepage overflows from sand and gravel dredging operations are subject to federal effluent limitation guidelines for “mine dewatering”. Additionally, any discharge of water caused by the mine operator from a dredge pit is also subject to federal effluent limitation guidelines for mine dewatering. Therefore, every active dredge pit needs to have a permitted outfall location to sample any “mine dewatering” which may occur. All surface discharges from a dredge pit must be monitored in accordance with Outfall Type 101.

## 8 Wastewater Operator Requirements

The wastewater operator requirements have been updated to be consistent with the November 29, 2010 memo from Mo Shaffii to Steven Drown regarding Operator Licensing Requirements. This memo clarifies that APC&EC Rule No. 3 does not require a licensed operator for facilities using sedimentation with no added chemicals. Facilities that only discharge mine dewatering water and/or



process water that is not treated through chemical or biological processes do not require a licensed operator.

## **9 Public Notice**

The public notice of the draft permit was published for public comment on January 19, 2020. The last day of the comment period was February 18, 2020.

A summary of the comments received by the ADEQ during the public comment period and response to the comments are included with this permit decision. The response to comments also includes a discussion of any substantial changes from the draft permit.

Copies of the draft permit and public notice were sent via email to the Corps of Engineers, the Regional Director of the U.S. Fish and Wildlife Service, the Department of Arkansas Heritage, the EPA, and the Arkansas Department of Health.

## **10 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 for commercial facilities. If a construction authorization is also required under this permit, then an additional \$500 fee will be required based on APC&EC Rule No. 9.402(A). This permit incorporates construction requirements into the ARG500000. The construction requirements listed in Part 1.2.5 are consistent with the minimum requirements for a state construction permit and will not have any additional economic impact.

No significant changes were made to this permit. Therefore, there is no economic impact to the facility. There may be minimal additional cost for commercial facilities to obtain a Certificate of Good Standing from the Secretary of State of any State other than Arkansas.

## **11 Contact Information**

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

via mail at:

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

via phone at: (501) 682-0623; or

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

## 12 Sources

- 12.1 APC&EC Rule No. 2.
- 12.2 APC&EC Rule No. 3.
- 12.3 APC&EC Rule No. 6 which includes Title 40 Code of Federal Regulations adapted verbatim by DEQ in Rule 6.104.
- 12.4 APC&EC Rule No. 8.
- 12.5 APC&EC Rule No. 9.
- 12.6 2014 Edition of Recommended Standards for Wastewater Facilities (10 State Standards).
- 12.7 Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 *et seq.*).
- 12.8 40 CFR 122.
- 12.9 40 CFR 124.
- 12.10 40 CFR 136.
- 12.11 40 CFR 436.
- 12.12 ARG500000 existing permit.
- 12.13 Continuous Planning Process.
- 12.14 EPA's "Industrial Stormwater Fact Sheet Series; Sector J: Mineral Mining and Processing Facilities".
- 12.15 Technical Support Document for Water Quality-based Toxics Control, [TSD (EPA-505-2-90-001, March 1991)].
- 12.16 NPDES Electronic Reporting Rule (80 FR 64063).
- 12.17 Memo from Mo Shaffii to Steven Drown regarding Operator Licensing Requirements, dated November 29, 2010.