



Stormwater Regulations





“The Solution to Pollution is Dilution”

The Clean Water Act

1972, 1977

The cornerstone of surface water quality protection in the United States ...



... gave EPA the authority to implement pollution control programs *and*

... established the basic structure for regulating discharges of pollutants into the waters of the United States

National Pollutant Discharge Elimination System



NPDES Permit:
A permit issued by EPA (ADEQ) that authorizes the discharge of pollutants to the waters of the United States



Phase I Storm Water Regulations

In 1990, EPA's **Storm Water Phase I** program addressed storm water runoff from:

➤ **Ten categories of industrial activity:**

Manufacturing facilities, mining operations, disposal sites, recycling yards, transportation facilities, etc.

Category Nine (ix): Treatment works treating domestic sewage with a design flow of 1 million gallons a day or more

Phase I Storm Water Regulations

In 1990, EPA's **Storm Water Phase I** program addressed storm water runoff from:

- Ten categories of industrial activity
- “Medium” and “large” municipal separate storm sewer systems (MS4s) generally serving a population of 100,000 or more



Phase I Storm Water Regulations

In 1990, EPA's **Storm Water Phase I** program addressed storm water runoff from:

- Ten categories of industrial activity
- “Medium” and “large” municipal separate storm sewer systems (MS4s) generally serving a population of 100,000 or more
- **Construction activity disturbing 5 acres of land or greater**

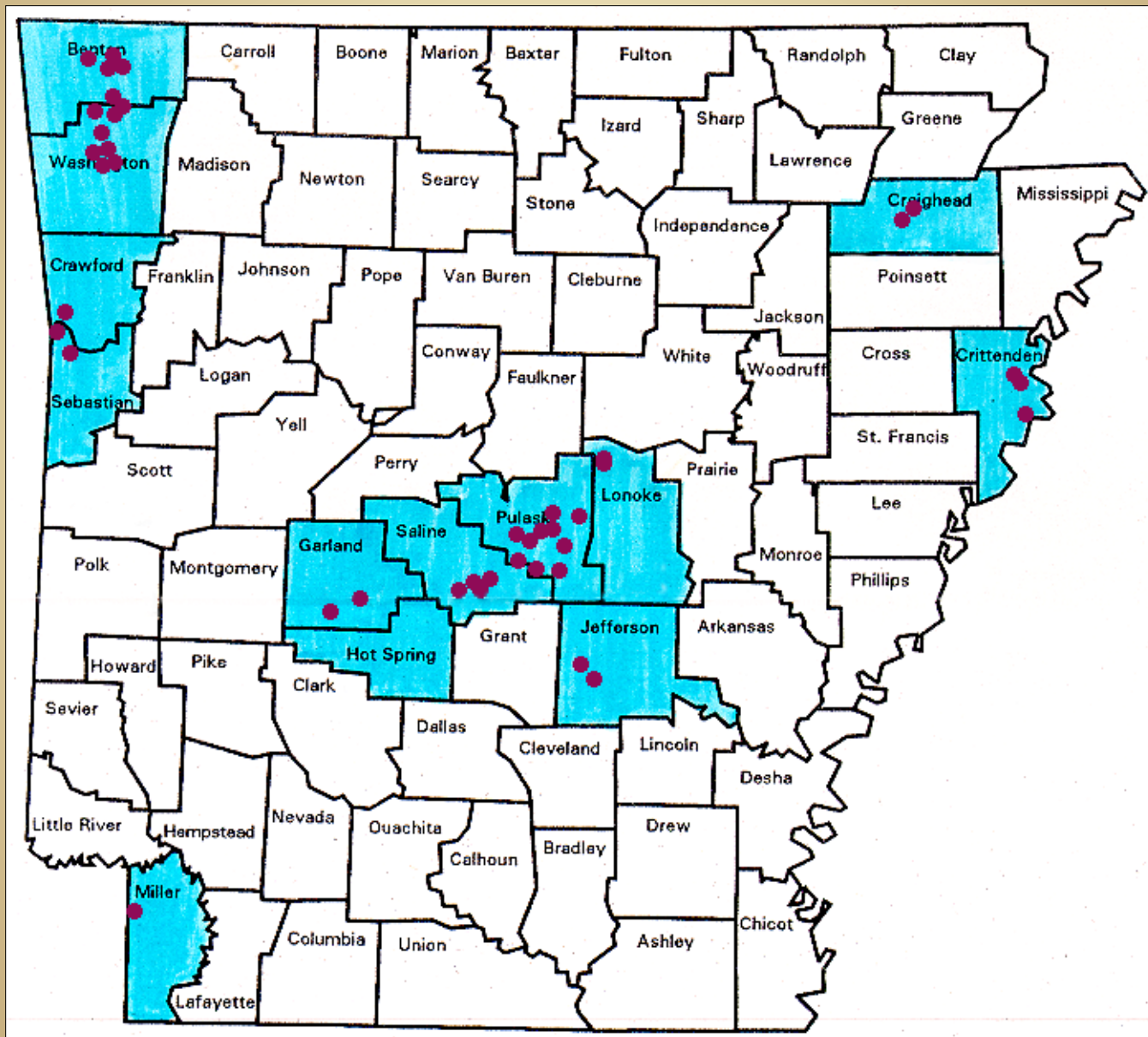


Phase II Storm Water Regulations

In 2003, EPA's **Storm Water Phase II** program expanded the Phase I program by addressing stormwater runoff from:

- **“Small” municipal separate storm sewer systems (MS4s) generally serving a population of 10,000 or more or “urbanized areas”**

Arkansas MS4 Cities and Counties



Phase II Storm Water Regulations

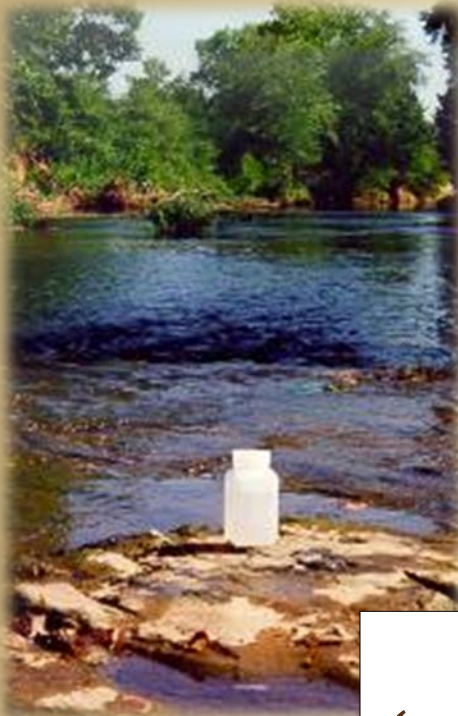
In 2003, EPA's **Storm Water Phase II** program expanded the Phase I program by addressing stormwater runoff from:

- “Small” municipal separate storm sewer systems (MS4s) generally serving a population of 10,000 or more or “urbanized areas”
- **Construction activity disturbing 1-5 acres of land or greater**

Linear Construction Projects



Regulatory Authority Hierarchy



Clean Water Act
(Congress)

Code of Federal Regulations
(EPA)

NPDES Permits
(Arkansas Department of Environmental Quality)

Policy and Guidance
(local ordinances)

Remind me again...

***What does this have
to do with me?!?***

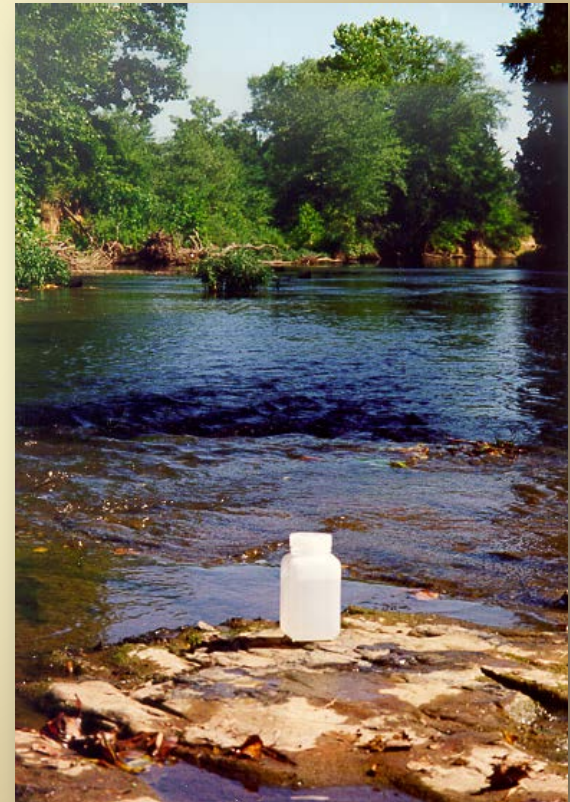
You are a member of a community that depends on shared water resources



***Stormwater management is required
by federal and state laws***

Stormwater Program

**City Water & Light has a
federally mandated stormwater
NPDES permit that outlines how
it will manage its stormwater
runoff at the Jonesboro
Westside Wastewater
Treatment Plant**



Failure to comply is a violation of the Clean Water Act

**Each violation of a particular requirement
can be the subject of a separate penalty**

**These can include civil and criminal penalties,
punishable by fine and/or incarceration**

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***Ultimately, you could be liable
in a 3rd party lawsuit***



*Now a bit more about
industrial stormwater
management...*





Industrial Stormwater Permitting

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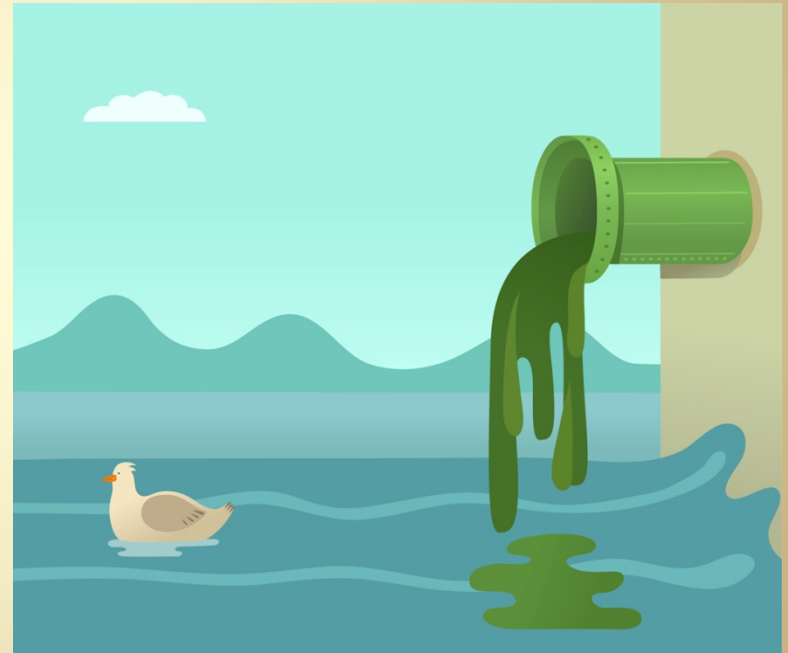
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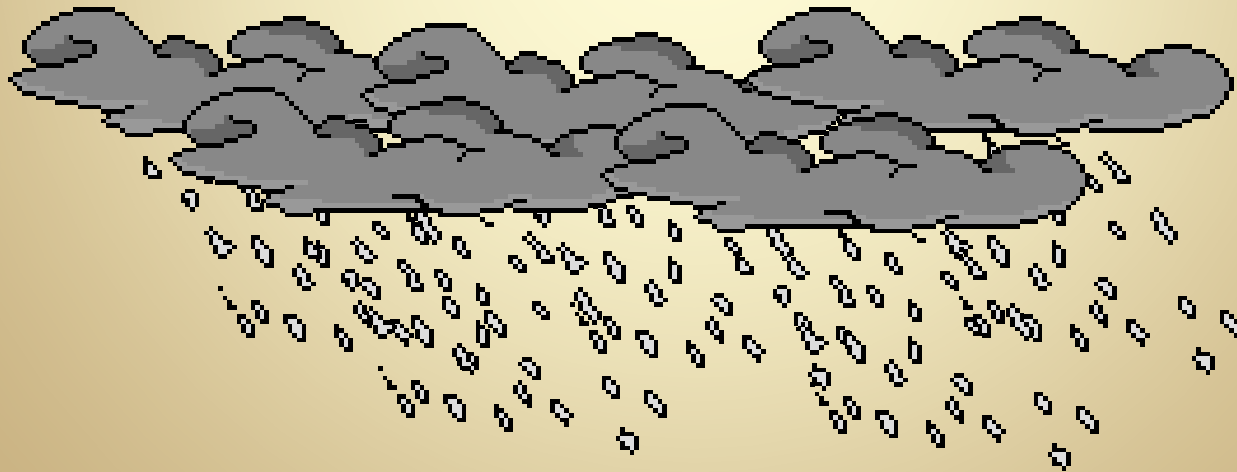


Stormwater Discharges Associated With Industrial Activity

Stormwater discharges associated with an industrial activity as defined in 40 CFR 122.26(b)(14)(i) – (xi) are required to obtain coverage under the Industrial Stormwater General Permit ARR000000.



General Requirements of the Industrial Stormwater General Permit



Who is Covered???

Breaks down industries into sectors that are based on Standards Industrial Classification (SIC) code or by industry activity category...

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

What does stormwater pollution management mean for Jonesboro City Water & Light?



CWL

Stormwater Program Requirements

- Apply for NPDES permit coverage
- Develop a Stormwater Pollution Prevention Plan (SWPPP)
- Implement the SWPPP using appropriate Best Management Practices (BMPs)
- Develop measurable goals for the program
- Evaluate and report effectiveness of the program

No Exposure Exclusion

Exists at an industrial facility when all industrial materials and activities are protected from exposure to rain and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products.

Scrap areas must either be cleaned up or covered.



Here is an option for cover



Dumpsters must either be covered or drain back to treatment

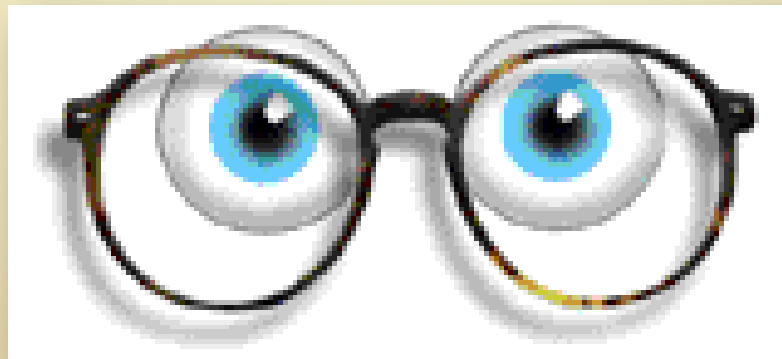


This dumpster drains back to treatment



Inspections

Perform comprehensive site evaluation and site inspection annually





Looking Forward...

The Department will notify all existing permittees via correspondence when the appeal has been resolved.

Current Permit

- Current Industrial General Permit (IGP) Expired March 31, 2009
- The Renewal Permit was issued June 30, 2009 with an effective date of July 1, 2009
- The Renewal Permit was appealed by the Arkansas Environmental Federation on July 29, 2009 and thus stayed

Current Permit *cont'd...*

- On March 26, 2010, the APCEC lifted the stay on the IGP per a Minute Order until a final decision was made on the appeal (*62-page AR000000 permit and minute order.pdf*)
- The 2009 IGP became effective immediately, except for those sections that are the subject of the appeal
- Alternative terms and conditions were applied in the place of the sections that remained stayed

Obtaining Renewal Permit Coverage for Existing Permittees

Within 180 days of the effective date of the Minute Order – **September 26th, 2010:**

- Submit completed NOI
and
- Update SWPPP, as necessary, to comply with the requirements of renewal permit (do NOT submit SWPPP)

Stormwater Pollution Prevention Plan (SWPPP)

- **SWPPP must match the renewal permit**
- **SWPPP Changes:**
 - Facility Information
 - New Control Measure - Minimize Exposure
 - Sara Title 313 section has been removed
 - Format has been rearranged

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ADEQ State of Arkansas
Department of Environmental Quality
"To protect, enhance and restore the natural environment for the well-being of all Arkansans."

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StormWater Program
Water Division - Permits Branch
Mo Shafii, Assistant Chief - (501) 682-0616

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StormWater Program

Storm water discharges are generated by runoff from paved surfaces including streets, parking lots, and other impervious areas (e.g., buildings) during rainfall and snow events, which often contain pollutants in quantities that could adversely affect water quality. Most storm water discharges are considered point sources and therefore require coverage by a NPDES permit. The primary method to control storm water discharges is through the use of best management practices.

Requirements for the storm water control in Arkansas come from three different permits: The [Industrial Permit](#), [Construction Permit](#), and Municipal Separate Storm Sewer System ([MS4](#)) Permit. Under the terms of the Federal Clean Water Act and amendments as found in 40 CFR 122.26, operators of a wide range of construction and industrial activities must obtain NPDES permits for non-point source discharges of storm water. Conditions in the permit typically require the creation of a storm water pollution prevention plan (SWPPP), designed to control and reduce pollutants in storm water from these sites.

StormWater Regulations:

The Federal Code of Regulations Title 40 – Protection of the Environment, Chapter 1 – Environmental Protection Agency, 40 CFR 122.26:

- [PDF file](#)

For more information, go to:

Find the NOI and other forms in the Water Division web pages

Questions?



Where to Submit

- **By snail mail to:**

General Permits Section
Water Division
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118

- **or by electronic mail**

Complete documents must be submitted in Adobe Acrobat .pdf to: Water-permit-application@adeq.state.ar.us

ADEQ

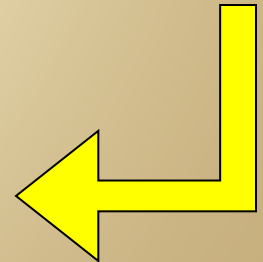
ARKANSAS
Department of Environmental Quality

Effluent Limitations Guidelines (ELGs) for Stormwater

Additional facilities under the following ELG's are now allowed to discharge under the Industrial Stormwater Permit

Regulated Discharge	40 CFR Section
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, byproducts or waste products (SIC 2874)	Part 418, Subpart A
Runoff from coal storage piles at steam electric generating facilities	Part 423
Runoff from asphalt emulsion facilities	Part 443, Subpart A

**Only one
in
previous
permit**



Effluent Limitations Guidelines (ELGs) for Stormwater

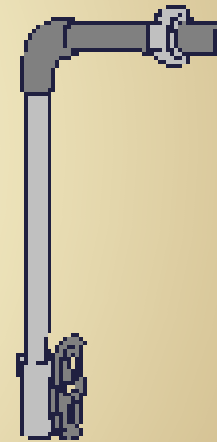
- Not all ELG's for Stormwater are included
- Grab Sample – Annual Sampling
- Permit Limitations – are enforceable

Parameter Benchmark Monitoring Requirements

- Stormwater Sampling for 12 monitoring categories of industries.
 - SARA Title III
 - Primary Metals
 - Wood Treatment, etc.
- Monitoring Frequency:
Annually for Monitoring Categories 1-12
- Reporting Period:
January 1 - December 31 of a calendar year.

Similar Outfall

- What is a similar outfall?
 - similar effluents based on a consideration of industrial activity, significant materials and management practices, and activities within the area drained by the outfall.
- The permittee may sample only the discharge point (outfall) with the highest concentration of pollutants, but must include documentation in SWPPP.



Sampling Procedures

- Measurable Storm Events - a storm event that results in an actual discharge from the site that follows the preceding measurable storm event by at least 72 hours (3 days).
- Grab Sample – must be taken within the first 30 minutes of a discharge resulting from a measurable storm event. If it is not possible to collect the sample within the first 30 minutes of a measurable storm event, the sample must be collected as soon as practicable.

Adverse Weather Conditions

When adverse weather conditions prevent the collection of samples according to the relevant monitoring schedule, a sample can be taken during the next qualifying storm event.



Parameter Benchmark Values

- Same as previous permit
- Except for 6 Metals

Cadmium

Copper

Lead

Nickel

Silver

Zinc

Discharge Monitoring Reports

- **Submit monitoring results obtained from the previous twelve (12) months on Discharge Monitoring Report (DMR) Forms**
- **Reports are due by the 31st day of January each year for the previous January – December reporting period (i.e. January 31, 2011 for Year 2010)**
- **Make sure DMR's are signed by the proper official**