City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Signature Copy

Resolution: R-EN-073-2019

File Number: RES-19:070 **Enactment Number: R-EN-073-2019**

A RESOLUTION TO RENEW THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) SMALL MS4 GENERAL PERMIT (ARR04000) WITH THE UPDATED STORMWATER MANAGEMENT PLAN

WHEREAS, the National Pollutant Discharge Elimination System (NPDES) Small MS4 General Permit (ARR04000) and the Stormwater Management Plan, which is a requirement of the General Permit, is required for the City of Jonesboro, Arkansas, under 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.*);

WHEREAS, the City of Jonesboro Engineering Department has updated the Stormwater Management Plan for the City of Jonesboro;

WHEREAS, the Stormwater Management Board (SWMB) has reviewed and endorsed the updated Stormwater Management Plan;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, THAT:

Section 1. The City of Jonesboro shall renew the NPDES Small MS4 General Permit (ARR04000) with the updated Stormwater Management Plan (attachments).

Section 2. The Mayor and the City Clerk are hereby authorized by the City Council for the City of Jonesboro to renew the NPDES Small MS4 General Permit (ARR04000) with the updated Stormwater Management Plan.

PASSED AND APPROVED this 18th day of June, 2019.

JONESBORO
ARKANSAS
People. Pride. Progress.

Stormwater Management Plan

Municipal Separate Storm Sewer System (MS4)
Storm Water Program

2019-2024

City of Jonesboro ▪ Engineering Department

P.O. Box 1845 ▪ 300 S. Church St. ▪ Jonesboro, AR 72403 ▪ 870.932.2438

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1.0 Introduction

This Storm Water Management Plan (SWMP) is required under the U.S. Environmental Protection Agency (EPA) Phase II storm water regulations, promulgated under the Federal Clean Water Act. These regulations require the City of Jonesboro to obtain permit authorization to discharge stormwater under the National Pollutant Discharge Elimination System (NPDES). The permit covers storm water discharges associated with the City of Jonesboro Municipal Separate Storm Sewer System (MS4) and requires the City of Jonesboro to develop a SWMP and report annually on the progress.

The Storm Water Phase II Rule extended the coverage of the NPDES storm water program to "small" MS4s and addresses storm water discharges from areas located within the boundaries of an urbanized area serving a population of 100,000 people or less.

Polluted storm water runoff can be transported to MS4s and ultimately discharged into local rivers and streams without treatment. EPA's Storm Water Phase II Rule establishes an MS4 SWMP that is intended to improve the Nation's waterways by reducing the quantity of pollutants that stormwater picks up and carries into storm sewer systems during storm events.

Common pollutants include oil and grease from roadways, pesticides from lawns, sediment from construction sites, and carelessly discarded trash, such as cigarette butts, paper wrappers, and plastic bottles. When deposited into nearby waterways through MS4 discharges, these pollutants can impair the waterways, thereby discouraging recreational use of the resource, contaminating drinking water supplies, and interfering with the habitat for fish, other aquatic organisms, and wildlife.

The Arkansas Department of Environmental Quality (ADEQ), in accordance with the provisions of the Arkansas Water and Air Pollution Control Act and the Clean Water Act, regulate small MS4s located within the State of Arkansas. ADEQ authorizes discharges to receiving waters of the United States under a National Pollutant Discharge Elimination System (NPDES) permit number ARR040000.

Program requirements for the City:

- Apply for National Pollutant Discharge Elimination System (NPDES) permit coverage under general permit number ARR040000. Jonesboro applied for its permit and ADEQ issued Jonesboro a regulated small MS4 general permit – ARR040033 effective June 03, 2004.
- Develop a stormwater management program, which includes the six minimum control measures.
- Implement the stormwater management program using appropriate storm water management controls, or "best management practices" (BMPs).
- Develop measurable goals for the program.
- Periodically evaluate effectiveness of the program.

The ultimate objective of this program is to protect water quality. Jonesboro recognizes the need and responsibility to implement a program that achieves the requirements mandated by NPDES Phase II Final Rule. However, due to limited assets and funding the city may at times not be able to meet all the annual goals set forth in this program due to unforeseen issues and budget restraints from other departments of the city.

The six (6) Minimum Control Measures:

1. **Public Education and Outreach**

   Distributing educational materials and performing outreach to inform citizens about the impacts polluted stormwater runoff discharges can have on water quality.

2. **Public Involvement/Participation**

   Providing opportunities for citizens to participate in program development and implementation, including effectively publicizing public hearings and/or encouraging citizen representatives on a stormwater management panel.

3. **Illicit Discharge Detection and Elimination**

   Implement and enforce a program to detect and eliminate illicit discharges into the storm sewer system.
   Maintain and update the storm sewer system map, showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls.

4. **Construction Site Storm Water Runoff Control**

   Enforce the program to reduce pollutants in any storm water runoff from construction activities that result in a land disturbance of greater than or equal to one acre, including construction activity disturbing less than one acre that is part of a larger common plan of development or sale.

5. **Post-Construction Storm Water Management in New Development & Redevelopment**

   Developing, Implementing and enforcing the program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale. The program must ensure that controls are in place that would prevent or minimize water quality impacts, which could include a combination of structural and/or non-structural controls.

6. **Pollution Prevention/Good Housekeeping - Municipal Operations**

   Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. The program to include employee training to prevent and reduce stormwater pollution from activities such as fleet and building maintenance, regular street sweeping, reduction in the use of fertilizers and street salt, new construction or land disturbances, and storm water system maintenance.

2.0 Public Education and Outreach

The City of Jonesboro's public education program is designed to promote, publicize, and facilitate education of encouraging the public to reduce the discharge of pollutants from entering our stormwater management system. The "public" is defined as all persons who potentially could affect the quality of storm water discharges, including, but not limited to, agricultural operations, businesses, construction operations, industries, residents, pet owners, public employees, etc. The BMPs outlined in this section have a high potential for reaching their target audience and were chosen to reach both the public at large as well as special interests groups that work and live within the city.

Best Management Practices (BMPs) are schedules of activities, prohibitions of practices, maintenance procedures, and other management practices designed to prevent or reduce the pollution of waters of the United States. 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 sewage. BMPs may include structural devices or nonstructural practices.

2.1 Stormwater Educational Materials

2.1.1 General Description

The City of Jonesboro will distribute booklets, pamphlets, fact sheets, and broadcast public service announcements with information on the impact of storm water discharges and the steps that the public can take to reduce pollutants in storm water runoff.

2.1.2 BMP Goals and Objectives

The main objective for distributing stormwater educational materials is to educate and inform the public of the city's Stormwater Management Program and ways to prevent storm water pollution. Educational materials will be distributed at special events, such as Earth Day, at public schools, by mail, by radio broadcast, through enforcement activities, and by request. The City will also air stormwater related information daily on local cable T.V. Channel 24, which reaches approximately 86% of Jonesboro's residents and businesses.

2.2 Website Information

2.2.1 General Description

The City of Jonesboro will maintain a website, https://www.jonesboro.org/139/Engineering , with information specifically on the city's MS4 program, and related Stormwater Management issues.

2.2.2 BMP Goals and Objectives

The main objective for providing a website under public outreach and education is to inform the public of all regulations, design procedures, and permit processes that the City of Jonesboro enforces to protect water quality and quantity. The website will also solicit public involvement and participation for any special event or meeting that will be scheduled at future times.

2.3 Youth Public Education and Outreach

2.3.1 General Description

The City of Jonesboro will coordinate with local schools in order to educate students on water pollution, its causes, and prevention techniques that affect the environment. Best management practices will also be demonstrated to show the steps that can be taken to help reduce the discharge of pollutants.

2.3.2 BMP Goals and Objectives

The main objective for youth public education and outreach is to educate students on the many sources of water pollution, how they affect water quality and the environment. The materials used will be pamphlets, slide presentations, movies, and/or an EnviroScape Watershed / Nonpoint source Model that graphically demonstrates stormwater runoff patterns. As funds permit, we will distribute promotional materials such as pencils, erasers, rulers, and bookmakers, bearing anti-pollution messages. The city's goal is to reach out to at least two (2) elementary or middle schools whose students live within the city limits yearly.

2.4 Land Development Education and Outreach

2.4.1 General Description

The City of Jonesboro will educate the local land development industry on all requirements of land development activities that impact stormwater. This program will target developers, builders, and engineers to engage their interest in new effective Best Management Practices and to improve their knowledge of stormwater management techniques and related issues.

2.4.2 BMP Goals and Objectives

The main objective for land development education and outreach is to educate the land development industry and related fields on all federal, state and local requirements that impact stormwater using slide presentations, videos, booklets, and handouts. The city's goal is to attend informal meetings with the Northeast Arkansas Homebuilders Association, local professional engineers, contractors, and / or other related people working in the construction industry yearly.

2.5 News Articles

2.5.1 General Description

The City of Jonesboro will strive to keep the overall public informed of the City's status and progress on drainage projects and storm water related issues and events through newspaper articles as well as television news interviews. Requests are routinely made of city staff to air and publish "hot topics" related to stormwater through local media sources.

2.5.2 BMP Goals and Objectives

The main objective for news article releases is to inform the public of storm water related issues and events. The local newspapers and television stations routinely conducts interviews, publish articles, report on current stormwater related projects, and upcoming meetings and events. In addition to these media publications, the City will use these media resources to announce and encourage community participation for all community involvement activities.

The City of Jonesboro Engineering Department is responsible for the overall management and implementation of all stormwater Public Education and Outreach activities. Information such as activity surveys will be gathered and evaluated for all applicable BMPs. All data and recommendations collected will be used to improve program effectiveness. Implementation of existing BMPs will be modified, as needed, and measurable goals will be adjusted accordingly. The basis of any changes will be reported in subsequent annual reports.

3.0 Public Involvement and Participation

Public involvement and participation play a major role in achieving and implementing goals of a community's SWMP. Community education and involvement allows for broader public support, and a broader base of expertise and economic benefit. In addition, it provides a conduit to other programs, as citizens involved in the stormwater program development process provide important cross-connections and relationships with other community and government programs. The Public Involvement and Participation BMPs outlined below were chosen to enable the public at large to participate in city policy development and assist in making the City of Jonesboro a safe and environmental friendly community.

3.1 Storm Water Website & Telephone Hotline

3.1.1 General Description

The City of Jonesboro will maintain a website that will provide users the ability to notify city engineering staff of any stormwater related issues at any address or parcel of land within the city limits. The website address is https://www.jonesboro.org/139/Engineering. The Engineering Department will maintain a dedicated telephone line that allows the public to address any complaints and/or concerns pertaining to stormwater management. All telephone complaints and concerns may be placed at 870-932-2438.

3.1.2 BMP Goals and Objectives

The main objective for providing a stormwater website and telephone hotline is to allow the public to report any non-emergency pollution issues and to enable the public to view the City of Jonesboro's vast and diverse stormwater management infrastructure.

3.2 Ad hoc Citizen Involvement

3.2.1 General Description

The City of Jonesboro will encourage youth groups, neighborhood associations, local environmental groups to organize, monitor, meet, report, and conduct special trash cleanup projects or other related activities that will protect or cleanup stormwater pollution. In addition, the city will host public meetings to allow citizens to discuss various viewpoints and provide input concerning appropriate storm water management policies and BMPs.

3.2.2 BMP Goals and Objectives

The main objective for ad hoc citizen involvement is to coordinate and share resources between the city and citizen involvement groups that want to promote a cleaner and safer environment. The city's goal is to provide the information and support to local groups to assist in projects and stormwater related activities.

3.3 Storm Drain Identification

3.3.1 General Description

The City will utilize a storm drain cover design for the marking of the city's storm drains. The City of Jonesboro Stormwater cover with the message "No Dumping, All Water Flows to Creek" will be utilized in construction projects throughout the city.

3.3.2 BMP Goals and Objectives

The main objective for using storm drain cover identification program is to encourage participation from all citizens in protecting and promoting a clean environment and to get involved with making the community a cleaner and safer place to live. The city's goal is to ensure that the storm drain covers are utilized during construction activities in all subdivisions.

3.4 Public Stormwater Management Board Meetings

3.4.1 General Description

The City of Jonesboro Stormwater Management Board (SWMB) will hold bi-monthly meetings to review storm water policy and implementation of its program and encourage involvement from the public on future policy changes. The SWMB is composed of local professional, contractors, and members of the public interested in stormwater related issues.

3.4.2 BMP Goals and Objectives

The main goal for forming a public stormwater management board and holding public stormwater meetings is to involve the public with current stormwater issues and allow public input and recommendations on city policy changes. The SWMB meets the third Wednesday of every odd month at 300 S. Church St., Jonesboro, Arkansas 72401.

The City of Jonesboro Engineering Department is responsible for the overall management and implementation of all Public Involvement and Participation activities listed above. Information gathered from each of the above activities will be reviewed and summarized in the city's annual report. Implementation of existing BMPs will be modified, as needed, and measurable goals will be adjusted as appropriate and the basis of any changes will be reported in subsequent annual reports. Feedback from the SWMB meetings and other sources will be used to improve implementation of all six minimum control measures.

4.0 Illicit Discharge Detection and Elimination

The term "illicit discharge" is defined in EPA's Phase II storm water regulations as "any discharge to a municipal separate storm sewer that is not composed entirely of storm water, except discharges pursuant to an NPDES permit and discharges resulting from fire-fighting activities." Illicit discharges can be categorized as either direct or indirect.

Examples of direct illicit discharges:

- sanitary wastewater piping that is directly connected from a home to the storm sewer
- materials (e.g., used motor oil) that have been dumped illegally into a storm drain catch basin
- a shop floor drain that is connected to the storm sewer
- a cross-connection between the municipal sewer and storm sewer systems.

Examples of indirect illicit discharges:

- an old and damaged sanitary sewer line that is leaking fluids into a cracked storm sewer line
- a failing septic system that is leaking into a cracked storm sewer line or causing surface discharge into the storm sewer.

The result of illicit discharges is contributor of high levels of pollutants, including heavy metals, toxics, oil and grease, solvents, nutrients, viruses and bacteria to receiving water bodies. Pollutant levels

from these illicit discharges have been verified in published studies to be high enough to significantly degrade receiving water quality and threaten aquatic, wildlife and human health. To prevent and detect possible illicit discharges the City of Jonesboro has implemented several BMPs, which are described below.

4.1 Illicit Discharge Detection and Elimination

4.1.1 General Description

The City of Jonesboro will implement and enforce a program to detect and eliminate illicit discharges into its MS4 by monitoring construction activity and performing dry weather screening of outfalls. The City performs random inspections on new development and remodeling activities to identify possible illicit connections to the storm sewer system and has adopted an ordinance that prohibits illicit discharges and connections to its stormwater management system. The City of Jonesboro will notify ADEQ of any violations that are discovered to insure compliance with its SWMP.

4.1.2 Procedures for Locating Priority Areas

The City of Jonesboro will train employees on the recognition and reporting of suspected problems, perform periodic visual screening during dry weather, perform follow-up inspections of suspect outfalls and require evaluation of samples from suspect outfalls and discharges from leaking septic systems. See Appendix C for Illicit Discharge Reporting & Response Charts.

4.1.3 BMP Goals and Objectives

The main objective for the illicit discharge detection program is to detect and eliminate non-stormwater discharges from entering the city's storm sewer system. This program will use volunteer monitoring and other city and community resources to identify suspicious discharges. In addition, during the dry weather periods, inspections of outfalls will be made. The city's goal will be to inspect all identified outfalls at least yearly.

4.2 GIS Stormwater Management System Mapping

4.2.1 General Description

The City of Jonesboro will maintain a GIS map of its stormwater management system showing all drainage channels, drainage pipes, drainage structures, and outfall locations. All GIS data was gathered by a local engineering and surveying firm, Associated Engineering and Testing, through grants made available by the Arkansas State Highway and Transportation Department.

4.2.2 BMP Goals and Objectives

The main objective for building a stormwater management system map is to help identify sources of pollution and where cleanup needs to occur if a contaminant enters our stormwater management system. The city's goal is to continuously update this map, by using as-built plan submittals supplied from local professionals that include any infrastructure that is located within city easements and/or street rights-of way.

4.3 Non-Stormwater Discharges and Illegal Dumping

4.3.1 General Description

Illegal dumping is the disposal of waste in an unpermitted area, such as the back area of a yard, a stream bank, or some other off road area. It can also be the disposing of liquid wastes and trash down storm drains. The City has adopted an ordinance that prohibits the illegal dumping of any waste or non-stormwater discharges that will impair water quality and the environment. With assistance of the Stormwater Inspector and Code Enforcement Officers, the City of Jonesboro will monitor all city infrastructures and handle complaints that are made known from the public or turned in by other city staff.

4.3.2 BMP Goals and Objectives

The main objective for the non-stormwater discharges and illegal dumping program is to detect and eliminate illegal dumping, safeguard the public, protect property, and prevent damage to the environment. High target areas such as ditches and other off road areas will be monitored regularly by Engineering Department inspectors and Street Department maintenance workers.

The City of Jonesboro Engineering Department is responsible for the overall management and implementation of all Illicit Discharge and Elimination activities. However, the Engineering Department will coordinate with the Code Enforcement and Street Departments daily to ensure that illicit discharges are detected and eliminated. The effectiveness of each BMP will be gauged and evaluated regularly and adjusted, as needed, and any changes will be included in the subsequent annual reports.

5.0 Construction Site Storm Water Runoff Control

Construction site storm water runoff has been the target of the two-tiered regulatory system mandated by the EPA. Under the NPDES Phase I storm water program, operators of construction activities that disturb five (5) or more acres are required to obtain coverage under a Construction Storm Water Permit. Pursuant to the NPDES Final Phase II storm water program for MS4s, the minimum area of construction sites required to obtain coverage under the construction storm water permit was reduced to one (1) acre.

The City has an established process to obtain grading permits and to develop and implement Storm Water Pollution Prevention Plans (SWPPPs) for each eligible construction site. The City requires a copy

of all ADEQ permits for construction activities in support of ADEQ's NPDES Phase II program, along with other submitted documents. Before and during construction, developers and builders are responsible for implementing the SWPPP and making changes as necessary to meet the requirements of the NPDES Phase II regulations. The City has implemented the below BMPS to control construction site stormwater runoff.

5.1 Erosion Control Manual

5.1.1 General Description

The City has developed and implemented an erosion control manual "Land Disturbance & Erosion and Sediment Control Standards" providing guidance to the proper installation and maintenance procedures for best management practices pertaining to erosion and sediment control.

5.1.2 BMP Goals and Objectives

The main objective for publishing an erosion control manual is to educate the construction industry on the proper installation and design of best management practices that will hopefully reduce erosion and prevent sediment from entering the City's stormwater management system.

5.2 Storm Water Drainage Design Manual

5.2.1 General Description

The City has developed and implemented Stormwater Regulations and a Storm Water Drainage Design Manual for guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs land within the City of Jonesboro. All regulations and design manuals may be viewed and downloaded at the following web-address, https://www.jonesboro.org/139/Engineering.

5.2.2 BMP Goals and Objectives

The main objective for publishing stormwater regulations and a stormwater drainage design manual is to ensure that all federal, state, and local water quality and water quantity standards are properly regulated and to keep environmental impacts caused from construction activities to a minimum.

5.3 Inspections

5.3.1 General Description

The City has a full-time Stormwater Inspector who performs random inspections of construction sites to gauge overall compliance with the local stormwater regulations.

5.3.2 BMP Goals and Objectives

The main objective for having a full time stormwater inspector is to ensure that local land development activities stay in compliance with all federal, state and local programs and regulations. Inspections are made daily on random active construction sites and additional inspections are scheduled when the public calls in complaints or concerns.

The City of Jonesboro Engineering Department is responsible for the overall management and implementation of all Construction Site Stormwater Runoff Control activities. The information gathered from each of the activities will be reviewed and summarized in the City's annual report. Implementation of existing BMPs will be modified, as needed, and measurable goals will be adjusted as appropriate and the basis of any changes will be reported in subsequent annual reports.

6.0 Post-Construction Storm Water Management in New Development & Redevelopment

In areas undergoing new development or redevelopment, post-construction stormwater management is necessary because runoff from these areas has been shown to significantly impact receiving water bodies. Many studies indicate that planning and design for the minimization of pollutants in post-construction storm water discharges is the most cost-effective approach to storm water quality management.

There are generally two forms of substantial impacts of post-construction runoff. The first is caused by an increase in the type and quantity of pollutants in storm water runoff. As runoff flows over areas altered by development, it conveys harmful sediment, detrimental chemicals such as oil and grease, pesticides, heavy metals, and nutrients (e.g., nitrogen and phosphorus). These pollutants often become mixed with runoff and are carried to receiving waters, such as lakes, ponds, and streams. Once deposited, these pollutants can enter food chains through small aquatic life, eventually entering the tissues of fish and humans.

The second type of post-construction runoff impact occurs by increasing the quantity of water delivered to the water body during storms. Increased impervious surfaces interrupt the cycle of gradual percolation of water through vegetation and soil. Instead, water is collected from surfaces such as asphalt and concrete and routed to drainage systems where large volumes of runoff quickly flow to the nearest receiving water. The effects of this process include stream bank scouring and downstream flooding, which often lead to a loss of aquatic life and damage to property. Outlined below are the city's BMPs for Post-Construction Storm Water Management in New Development & Redevelopment.

6.1 Storm Water Drainage Design Manual

6.1.1 General Description

The City has developed and implemented Stormwater Regulations and a Storm Water Drainage Design Manual for guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs land within the City of Jonesboro. All regulations and design manuals may be viewed and downloaded at the following web-address; https://www.jonesboro.org/139/Engineering .

6.1.2 BMP Goals and Objectives

The main objective for publishing stormwater regulations and a stormwater drainage design manual is to ensure that all federal, state, and local water quality and water quantity standards are properly controlled and to keep environmental impacts caused from construction activities to a minimum.

6.2 Long-term Operation and Maintenance of Stormwater Management Facilities

6.2.1 General Description

The City will ensure the long-term operation and maintenance of stormwater management facilities that contribute to water quantity and quality through a Stormwater Management Facility Agreement.

6.2.2 BMP Goals and Objectives

The main goal for having a Stormwater Management Facility Agreement is to ensure that stormwater management facilities and BMPs appropriately function and are properly maintained to adapt to changing demands upon stormwater quantity and quality.

6.3 Inspections

6.3.1 General Description

The City has a full-time Stormwater Inspector who performs random inspections of construction sites to gauge overall compliance with the local stormwater regulations.

6.3.2 BMP Goals and Objectives

The main objective for having a full time stormwater inspector is to ensure structural developments from land development activities stay in compliance with all federal, state and local programs and regulations. Inspections made randomly on all post-construction stormwater management facilities to make sure they are functioning properly. Special inspections made in response to public complaints, concerns and other stormwater issues.

The City of Jonesboro Engineering Department is responsible for the overall management and implementation of all Post-Construction Storm Water Management in New Development & Redevelopment activities. Information gathered from each of the activities will be reviewed and summarized in the city's annual report. Implementation of existing BMPs will be modified as needed and measurable goals will be adjusted as appropriate and the basis of any changes will be reported in the next annual report.

7.0 Pollution Prevention/Good Housekeeping for Municipal Operations

The Pollution Prevention/Good Housekeeping minimum control measure is a key element of the small MS4 Storm Water Management Program. This measure requires the small MS4 operator to examine and modify their own actions to help ensure a reduction in the amount and type of pollution that:

- Collects on streets, parking lots, open spaces, storage and vehicle maintenance areas and is discharged into local waterways; and

- Results from actions such as environmentally damaging land development and floodplain management practices or poor maintenance of storm sewer systems.

While this measure is meant primarily to accomplish the goal of improving or protecting the quality of receiving water by altering the performance of operations, it can also result in a cost savings for the City, since proper and timely maintenance of storm sewer systems can help avoid repair costs from damage caused from age and neglect. Below are BMPs the City has implemented for Pollution Prevention/Good Housekeeping for Municipal Operations.

7.1 Maintenance Program & Procedures Assessment

7.1.1 General Description

The City will implement an employee training program which addresses such areas as storm water management, pollution prevention, and pollution reduction from all municipal activities. Employees will be taught through:
1) Posters, employee meetings, courses, and bulletin boards about storm water management, potential contaminant sources, and prevention of contamination in surface water runoff,
2) Field training programs that show areas of potential storm water contamination and associated pollutants, followed by a discussion of site-specific BMPs by trained personnel, and other agencies about storm water management at various levels of government.

7.1.2 BMP Goals and Objectives

All training programs intend to help City staff realize how their work might impact our stormwater management systems. City staff will work together to improve and/or make changes to existing operations to limit stormwater pollution.

7.2 PHF Application and Storage

7.2.1 General Description

The City of Jonesboro will implement BMPs to reduce the discharge of pollutants related to the storage and application of pesticides, herbicides, and fertilizers (PHFs) applied in public right-of-ways and at municipal facilities. The City will use its public education program to promote the proper use, handling, storage, and disposal of PHFs. In addition, the City will apply only minimum PHF

application rates on public property and right-of-ways and will study current municipal PHF usage to determine the effectiveness and feasibility of using alternatives to PHFs.

7.2.2 BMP Goals and Objectives

The main goal of the PHF application and storage program is to reduce pollutants associated with the application of pesticides, herbicides, and fertilizer.

7.3 Municipal Outdoor Operations

7.3.1 General Description

The City will promote environmental welfare in connection with its various outdoor operations including storm drain cleaning, street maintenance, facilities management, ditch maintenance, solid waste pick-up, and recycling programs. The City will maintain and promote an unobstructed storm drain system and prevent sediment from entering a stream to the maximum extent practicable. The City will minimize pollutants, including sediment, debris, trash, and road salt from entering surface waters by maintaining a street sweeping program. The City also provides trash, green waste, and recycling pickup services.

7.3.2 BMP Goals and Objectives

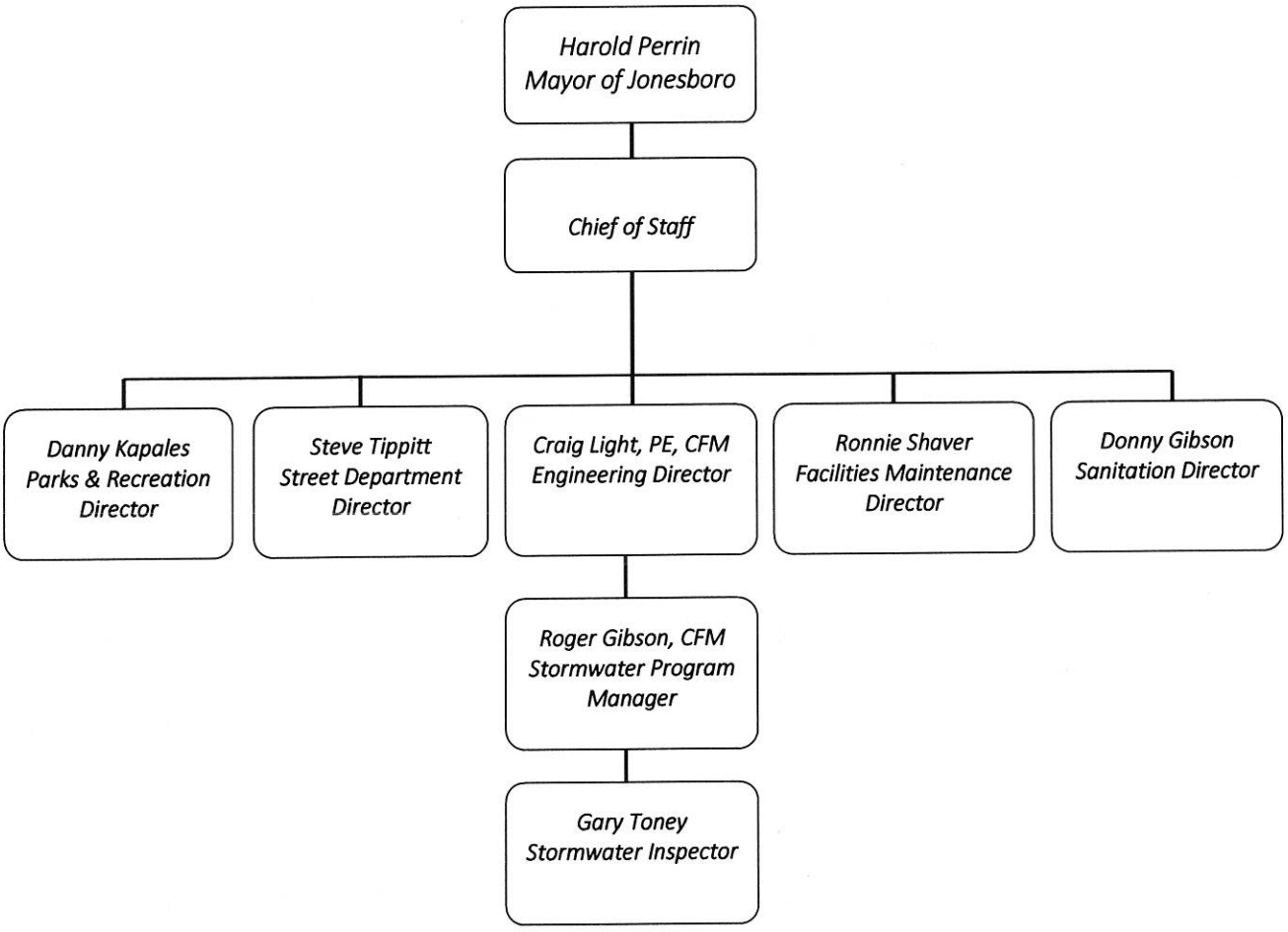
The main goal for providing outdoor operations is that they collect and remove significant quantities of pollutants that have the potential of entering storm sewer systems and harming the environment.

The City of Jonesboro Engineering Department is responsible for the overall management and implementation of all Pollution Prevention/Good Housekeeping for Municipal Operations activities listed. However, the Engineering Department coordinates heavily with the Street and Sanitation Departments to carry out daily activities.

The City of Jonesboro will regularly evaluate both current conditions and BMP effectiveness and may change BMPs and measurable goals for each minimum control measure to achieve the objective of reducing the discharge of stormwater pollutants to maximum extent practical. The city will update this SWMP according to the procedures outlined in the Arkansas General Permit No. ARR040000.

8.0 Appendices

8.1 Appendix A – City Organization Chart

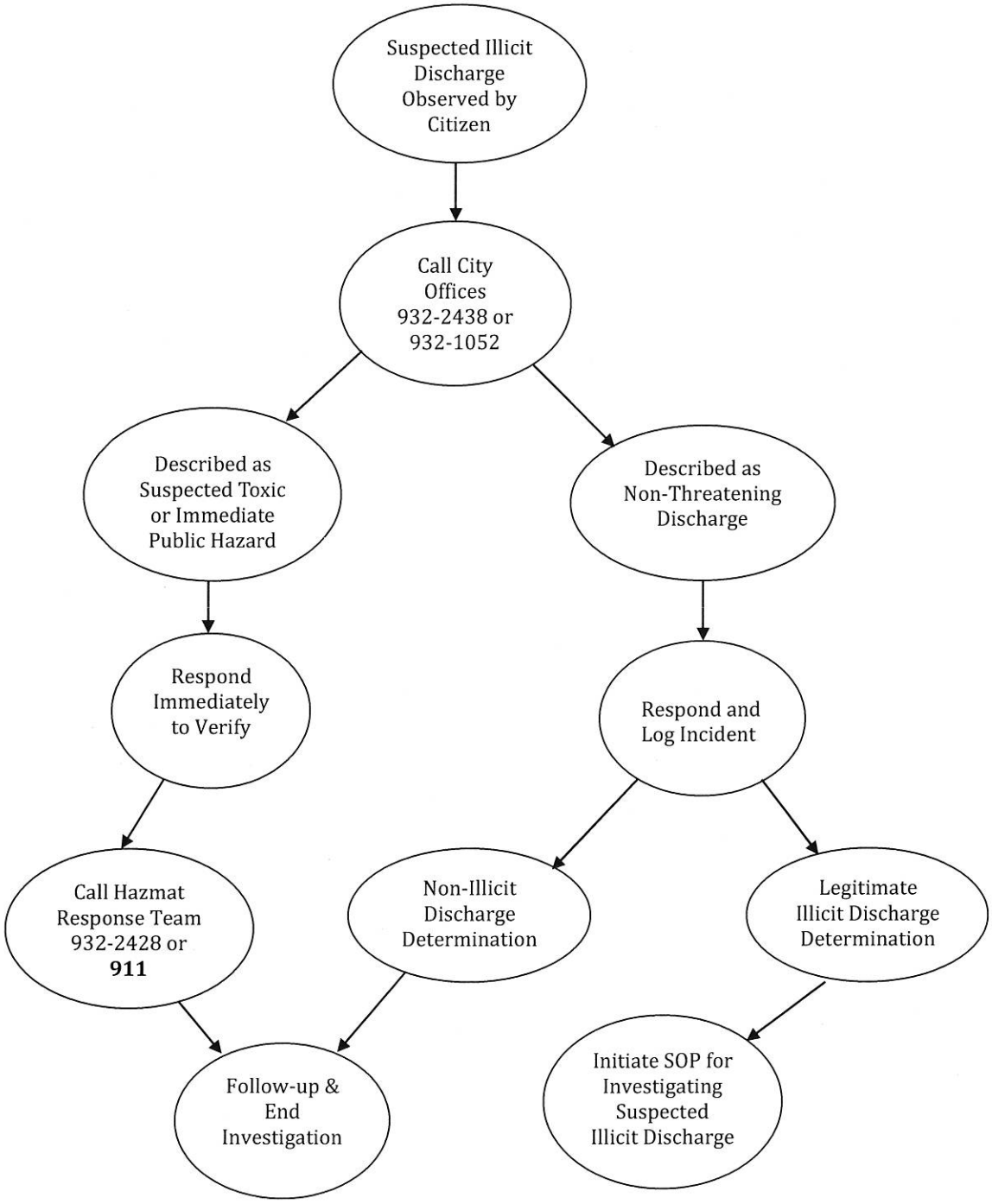


8.2 Appendix B – Stormwater Management Board

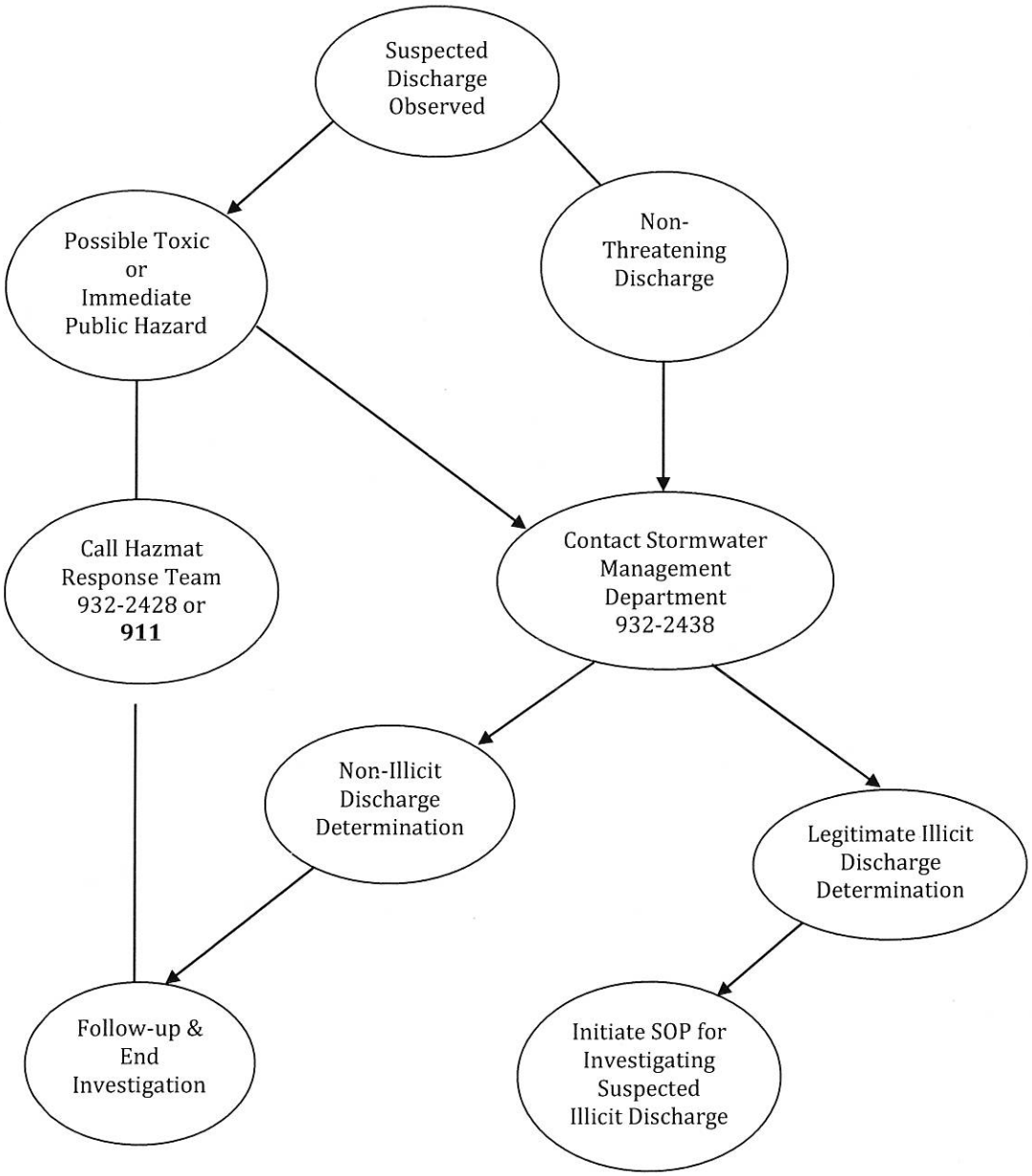
Board Members:

Brett Provost
Charles Coleman
Jeannie Gillis – Vice Chair
Jeremy Bevill
Jerry Farris
L.J. Bryant
Matt Taylor
President of NEAHBA
Rick Wyatt – Chairman
Susan Merideth
Woody Freeman

8.3 Appendix C – Illicit Discharge Reporting _ Citizen Generated



Appendix C – Illicit Discharge Reporting _ City Employee Generated



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

In accordance with the provisions of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended, Ark. Code Ann. 8-4-101 et seq.), and the Clean Water Act (33 U.S.C. 1251 et seq.),

Regulated Small Municipal Separate Storm Sewer Systems (MS4s) Located within the State of Arkansas

are authorized to discharge, in accordance with the requirements and other conditions set forth in this permit, to all receiving waters except as stated in Part 1.3 of this permit.

Only those operators of MS4s who submit the required Notice of Intent (NOI) in accordance with Parts 1.5 and 2 and Stormwater Management Program (SWMP) in accordance with Part 3 of this permit, and receive a Notice of Coverage (NOC) are authorized to discharge stormwater under the provisions of this general permit.

For facilities that are eligible for coverage under a general permit, the Department sends a cover letter (Notice of Coverage with a permit tracking number starting with ARR04) and a copy of the general permit to the facility. The cover letter includes the Department's determination that a facility is covered under the general permit and may specify alternate requirements outlined in the permit, such as modified sampling frequencies for certain parameters or the inclusion of monitoring for parameters in addition to those requiring regular monitoring.

Effective Date: August 1, 2019

Expiration Date: July 31, 2024

Caleb J. Osborne
Associate Director, Office of Water Quality

11.6.18
Issue Date

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PART 1 COVERAGE UNDER THIS PERMIT

NOTE: Only a select sub-set of small MS4s, referred to as ***regulated*** **small MS4s**, is covered by the Phase II requirements, either through automatic designation or designation on a case-by-case basis by the Department.

1.1 Permit Area

This permit covers the State of Arkansas.

1.2 Eligibility

1.2.1 All operators of small municipal separate storm sewer systems (MS4s) meeting the eligibility requirements of this permit are required to comply with permit terms unless the Director of the Arkansas Department of Environmental Quality (ADEQ, or the Department) has given written notification to an MS4 that coverage under this general permit is inappropriate. The operators described in the section below must submit a Notice of Intent (NOI) and Stormwater Management Program (SWMP) in accordance with Part 2 of this permit and will thereafter be authorized to discharge via a Notice of Coverage under the terms and conditions of this general permit.

1.2.1.1 **Operators of MS4s in urbanized areas (Automatic Designation)**: Pursuant to 40 CFR 122.32, all operators of small MS4s, including non-traditional MS4s, fully or partially located in an urbanized area as determined by the 2000, 2010, or 2020 Decennial Census by the Bureau of the Census must apply for permit coverage. Coverage area for the purposes of this permit is the urbanized area at minimum, or as specified by the SWMP.

1.2.1.2 **Operators of designated municipal MS4s**: Pursuant to 40 CFR 122.32, the Department has made the decision to set designation criteria for municipalities outside of designated urbanized areas to be covered under this permit. MS4s designated under this part shall use the city limits as the coverage area or a boundary delineated on maps contained in the SWMP approved by the Department. Municipalities with a population, according to the latest decennial census, of greater than 10,000 persons and with a population density of greater than 1,000 persons per square mile meeting one (1) of following criteria are required to obtain permit authorization:

(1) The MS4 directly discharges to a 303(d) listed Stream with pollutants of concern caused by stormwater, or stream with a completed TMDL citing stormwater as a cause of impairment; or

(2) The MS4 Directly discharges to an Extraordinary Resource Water (ERW), Ecologically Sensitive Waterbody (ESW), Natural and Scenic Waterway (NSW); or

(3) The MS4 has had a 50% population growth rate between the two (2) most recent decennial censuses.

1.2.1.3 **Operators of MS4s that are in an urbanized area and would otherwise qualify as a designated MS4 under the requirements of 1.2.1.2:** shall use the city limits as the coverage area for purposes of this permit.

1.2.1.4 **Operators Discharging to a Physically Interconnected Storm System:** Any small MS4 located outside of an urbanized area that contributes substantially to the pollutant loadings of a physically interconnected MS4 regulated by the NPDES stormwater program. Coverage area will be determined on a case-by-case basis based on area of MS4 control and potential to contribute contaminants and shall be established in the MS4's Stormwater Management Program.

1.2.1.5 **Operators of previously permitted small MS4s:** Operators of small MS4s which have previously been covered under a permit for discharge from their MS4 based on the 2000 or 2010 Censuses must reapply for permit coverage.

1.2.2 **The following are types of authorized discharges**:

1.2.2.1 *Stormwater discharges:* This permit authorizes stormwater discharges to surface waters of the State from the small MS4s identified in Part 1.2, except as excluded in Part 1.3.

1.2.2.2 *Non-stormwater discharges*: The MS4s are authorized to discharge the following non-stormwater sources, provided that ADEQ has not determined and notified the MS4 in writing that these sources are substantial contributors of pollutants to the MS4:

a. uncontaminated waterline flushing;
b. landscape irrigation;
c. rising ground waters;
d. uncontaminated ground water infiltration (infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.);
e. uncontaminated pumped ground water;
f. discharges from potable water sources;
g. uncontaminated foundation drains;
h. uncontaminated air conditioning condensate;
i. irrigation water;
j. springs;
k. water from crawl space pumps;

l. uncontaminated footing drains;
m. lawn watering;
n. individual residential car washing;
o. flows from riparian habitats and wetlands;
p. dechlorinated swimming pool discharges;
q. uncontaminated street wash water;
r. discharges or flows from emergency firefighting activities; and
s. unless otherwise permitted or regulated by ADEQ, discharges of gray water from municipal splash pads (also known as spray ponds or spray grounds), as defined in Part 6.35 of this permit, provided the discharges comply with all applicable municipal or county ordinances enacted or pursuant to law. Discharges from recirculating systems shall be de-chlorinated prior to discharge.

1.3 Limitations on Coverage:

This permit does not authorize:

1.3.1 Discharges that are mixed with sources of non-stormwater unless such non-stormwater discharges are:

1.3.1.1 In compliance with a separate National Pollutant Discharge Elimination System (NPDES) permit, or

1.3.1.2 Determined by the Department not to be a substantial contributor of pollutants to surface waters of the State.

1.3.2 Stormwater discharges associated with industrial activity as defined in 40 CFR 122.26(b)(14)(i)-(xi) that are not in compliance with a separate NPDES permit. This includes stormwater discharges associated with construction activity as defined in 40 122.26(b)(14)(x) or 40 CFR 122.26(b)(15).

1.3.3 Discharges that ADEQ, prior to authorization under this permit, determines will cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. Where such a determination is made prior to authorization, the Department may notify an MS4 that an alternative general permit or an individual permit application is necessary in accordance with Part 5.17. However, the Department may authorize coverage under this permit after the operator has included appropriate controls and implementation procedures in the SWMP designed to bring any discharges into compliance with water quality standards.

1.3.4 Discharges to impaired waters or waters with an approved TMDL: If an MS4 discharges to waters identified on the current list of impaired waters under Section 303(d) of the Clean Water Act, the operator must review whether changes may be warranted in the SWMP to reduce the impact of MS4 discharges *in accordance with the requirements of Part 3.4.5.* If

a TMDL has been approved for a waterbody, the operator must review the adequacy of the Stormwater Management Program to meet the TMDL's Waste Load Allocation (WLA) set for stormwater sources. If a TMDL assigns an individual WLA specifically for an MS4's stormwater discharges, the operator must include that WLA as a Measurable Goal for the SWMP. If the SWMP is not meeting the applicable requirements of the TMDL, the operator must modify the Stormwater Management Program accordingly prior to receiving coverage. If the SWMP of a regulated municipality does not adequately address the requirements and objectives of the TMDL, ADEQ may notify you that an alternative permit application is necessary in accordance with Part 5.17.

1.4 Waiver from coverage:

1.4.1 The following exclusion may be obtained:

1.4.1.1 The Department may waive permit coverage if an MS4 serves a population of less than 1,000 within the urbanized area and if the MS4 is meeting the following criteria:

1.4.1.1.1 The MS4 system is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the NPDES stormwater program (see 40 CFR § 123.35(b)(4)); and

1.4.1.1.2 The MS4 does not discharge any pollutant(s) that have been identified as a cause of impairment of any waterbody to which it directly discharges, and stormwater controls are not required based on wasteload allocations that are part of an EPA approved or established TMDL.

1.4.1.2 Any waiver provided by the Department pursuant to 1.4.1.1 may be reopened if:

1.4.1.2.1 The MS4 no longer meets the criteria established in 1.4.1.1, 1.4.1.1.1, or 1.4.1.1.2; or

1.4.1.2.2 Upon the renewal of this general permit.

1.5 Obtaining Authorization

1.5.1 To be authorized to discharge stormwater from small MS4s, the MS4 shall submit a completed NOI form, application fee (if new permittee only), and Stormwater Management Program (SWMP) in accordance with Part 3 and the deadlines presented in Part 2.1 of this permit. MS4s with existing permit coverage shall submit a completed NOI form and updated SWMP, but do not need to submit an application fee because they are already annually invoiced.

1.5.2 The NOI, to be completed on a form furnished by the Department, shall be signed and dated in accordance with Part 5.7 of this permit. The NOI shall contain the legal name and address of the MS4, the type of MS4, and the receiving stream(s) of discharges from the MS4.

1.5.3 Until notified in writing by the Department, dischargers who submit an NOI in accordance with the requirements of this permit are not covered by this permit. The Department may deny coverage under this permit and require submittal of an application for an individual NPDES permit or alternative general permit based on a review of the NOI or other information (see Part 5.17).

1.5.4 Where an operator is added, removed or transferred after submittal of an NOI under Part 2 of this permit, a permit transfer form shall be submitted prior to the change.

PART 2 AUTHORIZATION UNDER THIS PERMIT

2.1 Deadlines for Notification

2.1.1 *Renewal.* Existing MS4s must reapply for coverage no later than the effective date of this permit. To reapply, the MS4 shall submit a completed NOI form and SWMP in accordance with requirements in Part 3 of this permit to the Department. MS4s previously covered will receive notification of the renewal along with instructions for obtaining coverage under the renewal permit. MS4s previously covered will continue being covered by the previous permit until authorized by the Department to be covered by this renewed permit as long as they reapplied for coverage no later than thirty (30) days prior to the effective date of this permit.

2.1.2 *New designations.* If the MS4 is designated either by the 2020 census or meets the criteria of Part 1 after the census information has been reviewed, then the MS4 is required to submit an NOI, the SWMP and application fee to the Department within 180 days of notification from ADEQ that permit coverage is required.

2.1.3 *Submitting a Late NOI.* The MS4s are not prohibited from submitting an NOI after the dates provided in Part 2.1.1 or 2.1.2 of this permit. If a late NOI is submitted, the authorization is only for discharges that occur after permit coverage is granted. The Department reserves the right to take appropriate enforcement actions against MS4s that have not submitted a timely NOI.

2.2 Where to Submit

The permittee is to submit the NOI, permit fee (for new permittees only), and SWMP, signed in accordance with the signatory requirements of Part 5.7 of this permit, to ADEQ at the following address:

ADEQ
Office of Water Quality, General Permits
5301 Northshore Drive
North Little Rock, AR 72118

or via ePortal at the following web address: https://eportal.adeq.state.ar.us/

Alternatively, the operator may submit the required documents in electronic format (.pdf) at the following email address: Water-permit-application@adeq.state.ar.us

2.3 Co-Permittees Under a Single NOI

The MS4 may partner with other MS4s to develop and implement the SWMP. The MS4 may also jointly submit an NOI with one (1) or more MS4s. Their SWMP shall clearly describe which permittees are responsible for implementing each of the control measures.

2.4 Public Notification Requirements

After review of the required submitted documents for permit coverage, the Department will give the public access to the Notices of Intent and Stormwater Management Plan (SWMP) for a minimum of thirty (30) days. A link will be provided at the Department's MS4 webpage: https://www.adeq.state.ar.us/water/permits/npdes/stormwater/noi/ms4/p_arr040000.aspx

Public comment and requests for a public hearing will be accepted within a thirty (30) day period, with the end date as specified by the Department's webpage. Methods for submitting comments and requests for a public hearing to the Department will be included on this webpage.

On issues of public or ADEQ comment, the operator of the MS4 must, prior to permit coverage issuance:

2.4.1 Provide the MS4's responses to any unresolved public comments on the NOI and SWMP received either by the MS4 during local participation and involvement efforts, or by the Department during the Department's public participation process, to ADEQ within thirty (30) days of the Director's request. Responses provided by the MS4 will be considered as part of the Department's decision-making process.

2.4.2 Modify, or include a schedule to modify, the SWMP as necessary after consideration of the public comments on the NOI or as required by the Director in response to such comments.

2.5 Modification of the Permit

The permit may be reopened and modified, in accordance with 40 CFR §122.62, §122.63, and §124.5, during the life of the permit.

2.6 Terminating Coverage

To terminate permit coverage, the permittee must submit a written Notice of Termination that contains facts or reasons supporting the request. The permittee is responsible for meeting the terms of this permit until the acceptance of the termination of authorization by the Department. For example, a Notice of Termination should be submitted if the permittee ceases stormwater discharges from the MS4.

PART 3 STORMWATER MANAGEMENT PROGRAMS (SWMP)

NOTE: Existing permitted MS4 programs should already be in compliance with the majority of the following requirements unless the requirements were not covered under the previous permit. Permittees shall continue to implement the existing programs until the renewal is approved by the Department. The SWMP should be updated as necessary to comply with the new requirements of the permit. The SWMP is an integral and enforceable document. Permittees not meeting the requirements of the most currently approved SWMP will be considered in violation of this permit.

3.1 Requirements

3.1.1 The permittee shall develop, implement, and enforce a SWMP designed to reduce the discharge of pollutants from the small MS4, to protect water quality, and to satisfy the appropriate water quality requirements and the Clean Water Act. Permittees may use contracts, interagency agreements, or inter-jurisdictional agreements with other permittees to implement the SWMP based on the requirements outlined in Part 3.3. The SWMP should include management practices; control techniques and system, design, and engineering methods; and shall be modified to include provisions as the Department determines appropriate after its review of the program for the control of such pollutants. The SWMP shall include the following information for each of the six (6) minimum control measures described in Part 3.2 of this permit:

3.1.1.1 The best management practices (BMPs) that the MS4 or another entity will or already implements for each of the stormwater minimum control measures;

3.1.1.2 The measurable goals for each of the BMPs, the ones the MS4 has the authority to implement, including, as appropriate, the months and years in which the MS4 will undertake required actions, including interim milestones and the frequency of the action. At a minimum, measurable goals shall be implemented to satisfy this general permit's performance standards;

3.1.1.3 The person or persons, including position title or titles, or just the position title and contact information responsible for implementing or coordinating the BMPs for the SWMP. The SWMP shall include a Table of Organization, including a primary point of contact, which identifies how implementation across multiple positions, agencies and departments will occur; and

3.1.1.4 In addition to the requirements listed above, the permittee shall provide a rationale for how and why the permittee selected each of the BMPs and measurable goals for the SWMP. The MS4 shall develop and implement the program within five (5) years of initially being granted Small MS4 general permit coverage. If an MS4 initially had coverage under a previous version of this permit, then the MS4 shall revise the program and its implementation to satisfy this general permit's performance standards

within two (2) years of when the MS4 coverage under this general permit was granted.

3.1.1.5 BMPs shall be reevaluated in situations where an MS4 discharges to impaired waters or waters with an approved TMDL where the evaluation of the impairment has determined the MS4 is a contributor to the impairment, or waters designated as ERW, ESW, or NSW. The enhanced BMPs shall be specifically addressed within the SWMP.

3.2 Minimum Control Measures

The six (6) minimum control measures that shall be included in the SWMP are:

3.2.1 Public Education and Outreach on Stormwater Impacts

3.2.1.1 The permittee shall implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff. In the case of non-traditional MS4s (e.g., Arkansas Department of Transportation (ARDOT), universities, hospitals, prisons, military bases, and other government complexes), the permittee is only required to provide educational materials and outreach to the MS4 employees, on-site contractors, and individuals using the MS4's facilities.

3.2.1.2 *Decision process.* The permittee shall document the decision process for the development of a stormwater public education and outreach program. The rationale statement shall address both the overall public education program and the individual BMPs, measurable goals and responsible persons for the program. The rationale statement shall include the following information, at a minimum:

3.2.1.2.1 How the MS4 plans to inform individuals and households about the steps they can take to reduce stormwater pollution;

3.2.1.2.2 How the MS4 plans to inform individuals and groups on how to become involved in the stormwater program (with activities such as local stream and beach restoration activities);

3.2.1.2.3 The target audiences for the MS4's education program that are likely to have significant stormwater impacts (including commercial, industrial, and institutional entities) and why those target audiences were selected;

3.2.1.2.4 The target pollutant sources the MS4 public education program is designed to address;

3.2.1.2.5 The outreach strategy, including the mechanisms (e.g., printed brochures, newspapers, media, social media, workshops, etc.) the MS4 will use to reach the target audiences, and how many people does the MS4 expect to reach by the outreach strategy over the permit term;

3.2.1.2.6 Who (person or department) is responsible for overall management and implementation of the stormwater public education and outreach program and, if different, who is responsible for each of the BMPs identified for this program; and

3.2.1.2.7 How the MS4 will evaluate the success of this minimum measure, including how the measurable goals were selected for each BMP.

3.2.1.3 *Performance Standards*. The stormwater public education and outreach program shall include more than one (1) mechanism and target at least five (5) different stormwater themes or messages over the permit term. At a minimum, at least one (1) theme or message shall be targeted to the land development community. For non-traditional MS4s, the land development community refers to landscaping and construction contractors working within its boundaries. The stormwater public education and outreach program shall reach at least fifty (50) percent of the population over the permit term.

3.2.1.4 *Annual Reporting*. The annual report shall identify each mechanism used, including each stormwater theme, audience targeted and an estimate of how many people were reached by each mechanism.

3.2.2 Public Involvement/Participation

3.2.2.1 The permittee shall at a minimum, comply with State and local public notice requirements when implementing a public involvement/participation program. In the case of non-traditional MS4s (e.g., ARDOT, universities, hospitals, prisons, military bases, and other government complexes), the MS4 is required to involve employees, on-site contractors, and individuals using the MS4 facilities.

3.2.2.2 *Decision process.* The permittee shall document the decision process for the development of a stormwater public involvement/participation program. The rationale statement shall address the overall public involvement/participation program and the individual BMPs, measurable goals, and responsible persons for the program. The rationale statement shall include the following information, at a minimum:

3.2.2.2.1 Has the permittee involved the public in the development and submittal of the NOI and SWMP description;

3.2.2.2.2 The MS4's plan to actively involve the public in the development and implementation of the program;

3.2.2.2.3 The target audiences for the public involvement program, including a description of the types of ethnic and economic groups engaged. The MS4 is encouraged to actively involve all potentially affected stakeholder groups, including commercial and industrial businesses, trade associations, environmental groups, homeowners associations, and educational organizations, among others;

3.2.2.2.4 The types of public involvement activities included in the program. Where appropriate, consider the following types of public involvement activities: citizen representatives on a stormwater management panel, public hearings, working with citizen volunteers willing to educate others about the program, volunteer monitoring or stream/beach clean-up activities;

3.2.2.2.5 Who (person or department) is responsible for the overall management and implementation of the stormwater public involvement/participation program and, if different, who is responsible for each of the BMPs identified for this program, and;

3.2.2.2.6 How the MS4 will evaluate the success of this minimum measure, including how the MS4 selected the measurable goals for each of the BMPs.

3.2.2.3 *Performance Standards*. The stormwater public involvement/participation program shall include at least five (5) public involvement activities over the permit term.

3.2.2.4 *Annual Reporting*. The annual report shall identify each public involvement/participation activity conducted, including a brief description of activity and include an estimate of how many people participated.

3.2.3 Illicit Discharge Detection and Elimination

3.2.3.1 The permittee shall develop, implement and enforce a program to detect and eliminate illicit discharges, as defined in Part 6 of this permit, into the small MS4 (for illicit discharges to the MS4 via an adjacent, outside of the MS4's jurisdiction, interconnected MS4, the MS4 are only required to inform the neighboring MS4 and the Department in the annual report submission, of their existence);

3.2.3.2 New permittees shall develop a storm sewer system map, showing the location of all outfalls and the names and location of all surface waters of the State that receive discharges from those outfalls. Within five years of when the coverage under this general permit was granted, the storm sewer system map shall also include the entire MS4 system, including catch basins, pipes, ditches and public and private stormwater facilities. MS4s with coverage area increases resulting from the 2020 census must update their storm sewer system maps by the expiration of this permit. MS4s that are required to update storm sewer system maps due to Part 1.2.1.3 of the permit must update their storm sewer system maps within three (3) years of the effective date of this permit;

3.2.3.3 The permittee shall to the extent allowable under State or local law, effectively prohibit, through ordinance or other regulatory mechanism, illicit discharges into the storm sewer system and implement appropriate enforcement procedures and actions;

3.2.3.4 The permittee shall develop and implement a plan to detect and eliminate non-stormwater discharges, including illegal dumping, to the system. See 3.2.3.6 for exceptions to this requirement.

3.2.3.5 The permittee shall inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste; and

3.2.3.6 The permittee shall address the following categories of non-stormwater discharges or flows (i.e., illicit discharges) only if the MS4 identifies them as significant contributors of pollutants to the small MS4: uncontaminated water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, uncontaminated foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, uncontaminated footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, uncontaminated street wash water, and discharges or flows from emergency fire fighting activities (by definition, not an illicit discharge), and splash pads.

3.2.3.7 The permittee may also develop a list of other similar occasional incidental non-stormwater discharges (e.g., non-commercial or charity car washes, etc.) that will not be addressed as illicit discharges. These non-stormwater discharges must not be reasonably expected (based on information available to the permittees) to be significant sources of pollutants to the MS4, because of either the nature of the discharges or conditions the MS4 have established for allowing these discharges to the MS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to waters such as impaired waters, waters with an applicable TMDL, ERWs, ESWs, or NSWs, BMPs on the wash water, etc.). The MS4 must document in the SWMP any local controls or conditions placed on the discharges. The MS4 must include a provision prohibiting any individual non-stormwater discharge that is determined to be contributing significant amounts of pollutants to the MS4.

3.2.3.8 *Decision process.* The permittee shall document the decision process for the development of a stormwater illicit discharge detection and elimination program. The rationale statement shall address both the overall illicit discharge detection and elimination program and the individual BMPs, measurable goals, and responsible persons for the program. The rationale statement shall include the following information, at a minimum:

3.2.3.8.1 How the MS4 will develop a storm sewer system map showing the location of all outfalls and the names and location of all receiving waters. Describe the sources of information used for the storm sewer system maps and the plan to verify the outfall locations with field surveys. If already completed, describe

how the map was developed. Also, describe how the storm sewer system map will be regularly updated;

3.2.3.8.2 The mechanism (ordinance or other regulatory mechanism) the MS4 will use to effectively prohibit illicit discharges into the MS4 and why the MS4 chose that mechanism. If this mechanism needs to be developed, then describe in the plan and a schedule to do so. If an ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with the program;

3.2.3.8.3 The plan to ensure through appropriate enforcement procedures and actions that the illicit discharge ordinance (or other regulatory mechanism) is implemented;

3.2.3.8.4 The plan to detect and address illicit discharges to the MS4 system, including discharges from illegal dumping and spills. The plan shall include dry weather field screening for non-stormwater flows, and ADEQ recommends field tests of selected chemical parameters as indicators of discharge sources. The description shall address the following, at a minimum:

3.2.3.8.4.1 Procedures for locating priority areas which include areas with higher likelihood of illicit connections (e.g., areas with older sanitary sewer lines) or ambient sampling to locate impacted reaches;

3.2.3.8.4.2 Procedures for tracing the source of an illicit discharge, including the specific techniques that will be used to detect the location of the source;

3.2.3.8.4.3 Procedures for removing the source of the illicit discharge; and

3.2.3.8.4.4 Procedures for program evaluation and assessment.

3.2.3.8.5 How the MS4 plans to inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste. Include in the description how this plan will coordinate with the public education minimum measure and the pollution prevention/good housekeeping minimum measure programs;

3.2.3.8.6 Who is responsible for overall management and implementation of the stormwater illicit discharge detection and elimination program and, if different, who is responsible for each of the BMPs identified for this program, and;

3.2.3.8.7 How the MS4 will evaluate the success of this minimum measure, including how the MS4 selected the measurable goals for each of the BMPs.

3.2.3.9 *Performance Standards*. The stormwater illicit discharge detection and elimination program shall include dry-weather screening of all stormwater outfalls located in the MS4's coverage area at the time of this permit coverage over the permit term. Only those outfalls draining undeveloped watersheds do not need to be screened for illicit discharges. The storm sewer system map shall be updated annually as needed for changes occurring in the MS4's coverage area boundaries at the time of permit coverage.

3.2.3.10 *Annual Reporting*. The annual report shall document the following: (1) number of outfalls dry-weather screened, (2) number of dry-weather flows identified, (3) number of illicit discharges identified, (4) number of illicit discharges eliminated, (5) provide schedules for elimination of illicit connections that have been identified but have yet to be eliminated and (6) a summary of any storm sewer system mapping updates.

3.2.4 Construction Site Stormwater Runoff Control

3.2.4.1 The permittee shall develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one ($\geq$1) acre. Reduction of pollutants in stormwater discharges from construction activity disturbing less than one (<1) acre shall be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one ($\geq$1) acre or more. If the Department waives requirements for stormwater discharges associated with small construction from a specific site(s), the permittee is not required to enforce the program to reduce pollutant discharges from such site(s). The program shall include the development and implementation of, at a minimum:

3.2.4.1.1 An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State or local law. The ordinance or other regulatory mechanism shall be at least as stringent and not conflicting with the criteria set forth in the current ADEQ NPDES General Stormwater Permit for Construction Activities applicable for the permit area. If the ADEQ NPDES General Stormwater Permit for Construction Activities is renewed during the duration of this permit, the permittee shall update ordinances or other regulatory mechanisms as needed within two years of the renewal of the ADEQ NPDES General Stormwater Permit for Construction Activities. If initial coverage for this permit was under a previous version of this permit, then the ordinance or other regulatory mechanism, if needed, shall be revised within two years of coverage under this general permit was granted;

3.2.4.1.2 Requirements for construction site operators to implement appropriate erosion and sediment control BMPs;

3.2.4.1.3 Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;

3.2.4.1.4 Procedures for site plan review which incorporate consideration of potential water quality impacts;

3.2.4.1.5 Procedures for receipt and consideration of information submitted by the public; and

3.2.4.1.6 Procedures for site inspection and enforcement of control measures.

3.2.4.2 *Decision process.* The permittee shall document the decision process for the development of a construction site stormwater control program. The rationale statement shall address both the overall construction site stormwater control program and the individual BMPs, measurable goals, and responsible persons for the program. The rationale statement shall include the following information, at a minimum:

3.2.4.2.1 The mechanism (ordinance or other regulatory mechanism) that will be used to require erosion and sediment controls at construction sites and why the MS4 chose that mechanism. If it is needed to develop this mechanism, describe the plan and a schedule to do so. If the ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with the SWMP description;

3.2.4.2.2 The plan to ensure compliance with the erosion and sediment control regulatory mechanism, including the sanctions and enforcement mechanisms that will be used to ensure compliance. Describe the procedures for when certain sanctions will be used. Possible sanctions include non-monetary penalties (such as a stop work orders), fines, bonding requirements, and/or permit denials for non-compliance;

3.2.4.2.3 The requirements for construction site operators to implement appropriate erosion and sediment control BMPs and control waste at construction sites that may cause adverse impacts to water quality. Such waste includes discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste;

3.2.4.2.4 The procedures for site plan review, including the review of pre-construction site plans, which incorporate consideration of potential water quality impacts. Describe the procedures and the rationale for how certain sites will be identified for site plan review, if not all plans are reviewed. Describe the estimated number and percentage of sites that will have pre-construction site plans reviewed;

3.2.4.2.5 The procedures for receipt and consideration of information submitted by the public. Consider coordinating this requirement with the public education program;

3.2.4.2.6 The procedures for site inspection and enforcement of control measures, including how sites are prioritized for inspection;

3.2.4.2.7 Who is responsible for overall management and implementation of the construction site stormwater control program and, if different, who is responsible for each of the BMPs identified for this program; and

3.2.4.2.8 Describe how the MS4 will evaluate the success of this minimum measure, including how the measurable goals were selected for each of the BMPs.

3.2.4.3 *Performance Standards.* The construction site stormwater control program shall include pre-construction site plan reviews (reviews of construction site Stormwater Pollution Prevention Plans) of 100 percent of projects from construction activities that

result in a land disturbance of greater than or equal to one (≥1) acre. These applicable sites shall be inspected at least on a monthly basis to ensure compliance.

3.2.4.4 *Annual Reporting.* The annual report shall document the following: (1) number of applicable sites in the MS4's jurisdiction, (2) number of pre-construction site plan reviews performed, (3) number and frequency of site inspections, (4) number of violation letters issued, (5) number of enforcement actions taken and (6) number of complaints received and number followed up on.

3.2.5 **Post-Construction Stormwater Management in New Development and Redevelopment**

3.2.5.1 The permittee shall develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one (≥1) acre, including projects less than one (<1) acre that are part of a larger common plan of development or sale, that discharge into a small MS4. The program shall ensure that controls are in place that will prevent or minimize water quality impacts;

3.2.5.2 The permittee shall develop and implement strategies which include a combination of structural and/or non-structural BMPs appropriate for the community;

3.2.5.3 The permittee shall use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law. The ordinance or other regulatory mechanism shall be at least as stringent as the criteria set forth in the current, at time of issuance of this permit, ADEQ NPDES General Stormwater Permit for Construction Activities applicable for a permitted area. Of specific note is that a goal of at least 80% removal of total suspended solids from these flows which exceed predevelopment levels should be used in designing and installing stormwater management controls. If initial coverage was under a previous version of this permit, then the ordinance or other regulatory mechanism, if needed, shall be revised within two years of when coverage under this general permit was granted; and

3.2.5.4 The permittee shall ensure adequate long-term operation and maintenance of BMPs.

3.2.5.5 *Decision process.* The permittee shall document the decision process for the development of a post-construction SWMP. The rationale statement shall address both the overall post-construction SWMP and the individual BMPs, measurable goals, and responsible persons for the program. The rationale statement shall include the following information, at a minimum:

3.2.5.5.1 A program to address stormwater runoff from new development and redevelopment projects. Include in this description any specific priority areas for this program;

3.2.5.5.2 How the program will be specifically tailored for a local community, minimize water quality impacts, and attempt to maintain pre-development runoff conditions;

3.2.5.5.3 Any non-structural BMPs in the program, including, as appropriate: policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along impaired waters, waters with applicable TMDLs, ERWs, ESWs, and NSWs, minimize impervious surfaces, and minimize disturbance of soils and vegetation; policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure; education programs for developers and the public about project designs that minimize water quality impacts; and other measures such as minimization of the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source control measures often thought of as good housekeeping, preventive maintenance and spill prevention;

3.2.5.5.4 Any structural BMPs in the program, including, as appropriate: storage practices such as wet ponds and extended-detention outlet structures; filtration practices such as grassed swales, bio-retention cells, sand filters and filter strips; and infiltration practices such as infiltration basins and infiltration trenches;

3.2.5.5.5 The mechanisms (ordinance or other regulatory mechanisms) used to address post-construction runoff from new developments and redevelopments and why they were chosen. If a mechanism needs to be developed, then describe a plan and a schedule to do so. If an ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with the program;

3.2.5.5.6 How the permittee will ensure the long-term operation and maintenance (O&M) of the selected BMPs. Options to help ensure that future O&M responsibilities are clearly identified include an agreement between the permittee and another party such as the post-development landowners or regional authorities;

3.2.5.5.7 Who is responsible for overall management and implementation of the post-construction SWMP and, if different, who is responsible for each of the BMPs identified for this program; and

3.2.5.5.8 How the MS4 will evaluate the success of this minimum measure, including how the MS4 selected the measurable goals for each of the BMPs.

3.2.5.6 *Performance Standards*. The post-construction SWMP shall include pre-construction site plan review (for compliance with local requirements for post-construction management of stormwater) of 100 percent of projects from construction activities that result in a land disturbance of greater than or equal to one ($\geq$1) acre to ensure that required controls are designed per requirements. These applicable sites shall be inspected to ensure that controls are installed per requirements. The program shall

also ensure that long-term operation and maintenance (O&M) plans are developed and agreements are in place for all applicable sites.

3.2.5.7 *Annual Reporting.* The MS4 annual report shall document the following: (1) number of applicable sites in the jurisdiction requiring post-construction controls, (2) number of pre-construction site plan reviews performed, (3) number of inspections performed to ensure as built per requirements, (4) compliance rates with MS4 requirements, and (5) number of long-term operation and maintenance (O&M) plans developed and agreements in place.

3.2.5.8 *Low Impact Development.* The Department recommends that MS4s evaluate their existing codes and planning procedures to remove impediments to low impact development and green infrastructure. The Department also encourages municipalities to evaluate proposed developments using green infrastructure for waivers from local requirements in their community planning process. The operator must include information on efforts to identify and remove impediments to LID in the post-construction program element of the Annual Report covering the 4th year of this renewal permit term.

3.2.6 **Pollution Prevention/Good Housekeeping for Municipal Operations**

3.2.6.1 The permittee shall develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations; and

3.2.6.2 Using training materials that are available from EPA, ADEQ, other organizations, or developed in-house, the program shall include employee training to prevent and reduce stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance; and

The permittee shall include a list of industrial facilities owned or operated by the MS4 that are subject to ADEQ's Industrial Stormwater General Permit or individual NPDES permits for discharges of stormwater associated with industrial activity that ultimately discharge to the MS4. Include the ADEQ permit number or a copy of the NOC for each facility.

3.2.6.3 *Decision process.* The permittee shall document the decision process for the development of a pollution prevention/good housekeeping program for municipal operations. The rationale statement shall address both the overall pollution prevention/good housekeeping program and the individual BMPs, measurable goals, and responsible persons for the program. The rationale statement shall include the following information, at a minimum:

3.2.6.3.1 The operation and maintenance program to prevent or reduce pollutant runoff from the municipal operations. The program shall specifically list the municipal operations that are impacted by this operation and maintenance program;

3.2.6.3.2 Any government employee training program that will be used to prevent and reduce stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance. Describe any existing, available materials planned for use. Describe how this training program will be coordinated with the outreach programs developed for the public information minimum measure and the illicit discharge minimum measure;

3.2.6.3.3 The program description shall specifically address the following areas:

3.2.6.3.3.1 Maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants to the MS4;

3.2.6.3.3.2 Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt/sand storage locations and snow disposal areas the permittee operates;

3.2.6.3.3.3 Procedures for the proper disposal of waste removed from the MS4 and the municipal operations, including dredge spoil, accumulated sediments, floatables, and other debris; and

3.2.6.3.3.4 Procedures to ensure that new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices.

3.2.6.3.4 Who is responsible for overall management and implementation of the pollution prevention/good housekeeping program and, if different, who is responsible for each of the BMPs identified for this program; and

3.2.6.3.5 How will the MS4 evaluate the success of this minimum measure, including how the MS4 selected the measurable goals for each of the BMPs.

3.2.6.4 *Performance Standards*. The pollution prevention/good housekeeping program shall include, at a minimum, an annual employee training for all eligible employees. An eligible employee is a new or veteran employee whose day-to-day work activities have the potential to impact stormwater quality. MS4s shall evaluate all current municipal-owned facilities to ensure that industrial general stormwater permit coverage (ARR000000), if needed, is obtained. This evaluation shall be included in the first annual report. Annual inspections for all municipal facilities not requiring industrial stormwater permit coverage are required for municipal facilities performing maintenance activities on mechanical equipment, facilities with fueling stations, facilities involved in waste storage, transfer or recycling, facilities with material

stockpiles, and facilities storing fertilizers or pesticides. The operation and maintenance program shall include appropriate procedures, controls, maintenance schedules and recordkeeping to address Part 3.2.6.3.3 of this permit.

3.2.6.5 *Annual Reporting.* The annual report shall document the following: (1) a summary of employee training program(s) implemented with the number of employees that attended and (2) a summary of activities and procedures implemented for the operation and maintenance program.

3.3 Sharing Responsibility

Implementation of one (1) or more of the minimum measures may be shared with another entity, or the entity may fully take over the measure. The permittee may rely on another entity only if:

3.3.1 The other entity, in fact, implements all or part of the control measure;

3.3.2 The particular control measure, or component of that measure, is at least as stringent as the corresponding permit requirement; and

3.3.3 The other entity agrees to implement the control measure on the permittee's behalf. There shall be written acceptance of this obligation. This obligation shall be maintained as part of their SWMP. If the other entity agrees to report on the minimum measure, the permittee shall supply the other entity with the reporting requirements contained in Part 4.3 of this permit. If the other entity fails to implement the control measure, then the permittee remains responsible for failing to implement the control measure.

3.4 Reviewing and Updating Stormwater Management Programs

3.4.1 *SWMP Review:* The permittee shall do an annual review of the SWMP in conjunction with preparation of the annual report required under Part 4.3 of this permit.

3.4.2 *SWMP Update:* The permittee may change the SWMP during the life of the permit in accordance with the following procedures:

3.4.2.1 Changes adding (but not subtracting or replacing) components, controls, or requirements to the SWMP may be made at any time upon written notification to the Department. This includes any changes that affect the signatory authority of the permit. These changes will be considered a minor modification and are not subject to the public notice requirements in Part 2.4. This does not include changes adding a new BMP based on a newly applicable condition, such as BMPs required by Part 3.4.5 due to a newly impaired waterbody designation. Such changes will be considered a major modification to the SWMP and are required to undergo the process under Part 3.4.2.2.

3.4.2.2 Changes replacing an ineffective or infeasible BMP specifically identified in the SWMP with an alternate BMP may be requested at any time. These changes may be considered a major modification to the SWMP and be subject to the public notice process outlined in Part 2.4. The Department will review and provide a written decision within sixty (60) days of the request. The Department may approve with additional specific additional requirements. The permittee shall implement the revised BMPs immediately upon approval or within the timeframe specified by the approval. If the request is denied, the Department will send a written response giving a reason for the decision. The modification requests shall include the following:

3.4.2.2.1 An analysis of why the BMP is ineffective or infeasible (including cost prohibitive);
3.4.2.2.2 Expectations on the effectiveness of the replacement BMP; and
3.4.2.2.3 An analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.

3.4.2.3 Changes applicable to Parts 3.1.1.3 and 3.1.1.4 are considered minor modifications and do not require any notification to ADEQ.

3.4.2.4 Change requests or notifications shall be made in writing and signed in accordance with Part 5.7 of this permit.

3.4.3 *SWMP Updates Required by ADEQ*: The Department may require changes to the SWMP as needed to:

3.4.3.1 Address impacts on receiving water quality caused, or contributed to, by discharges from the MS4;

3.4.3.2 Include more stringent requirements necessary to comply with new Federal statutory or regulatory requirements; or

3.4.3.3 Include such other conditions deemed necessary by the Department to comply with the goals of the Clean Water Act.

3.4.3.4 Changes requested by the Department will be made in writing, set forth the time schedule to develop the changes, offer the opportunity to propose alternative program changes to meet the objective of the requested modification, and discuss whether the changes are subject to the public notification requirements in Part 2.4.

3.4.4 *Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation:* The permittee shall implement the SWMP on all new areas added to a portion of the MS4 (or for which the permittee becomes responsible for implementation of stormwater quality controls) as expeditiously as practicable, but not later than one (1) year

from the addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.

3.4.4.1 Within thirty (30) days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, the permittee shall have a plan for implementing a SWMP on all affected areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the SWMP shall be included in the annual report. ADEQ must be notified of permit transfer within thirty (30) days of change of ownership, operational authority or responsibility for SWMP implementation.

3.4.5 **Discharges to Impaired Waters with and without approved TMDLs, as well as waters that are attaining Water Quality Standards, but have an approved TMDL**

a. Discharges of pollutant(s) of concern to water bodies for which there is an approved total maximum daily load (TMDL) are not eligible for this general permit unless they are consistent with the approved TMDL.

b. The permittee shall control the discharges of pollutant(s) of concern to impaired waters and waterbodies with approved TMDLs as provided below, and shall assess the success in controlling those pollutants.

3.4.5.1 Discharges to Waters with an Approved TMDL

If the permittee discharges to an impaired water body with an approved TMDL, the permittee must comply with the WLA in the final permit in accordance with 40 CFR 122.44(d)(1)(vii)(1)(B) and will have three (3) years to comply with the TMDL in accordance with Reg. 2.104. However, until the effective date of the WLA, the permittee shall control the discharges of pollutant(s) of concern to impaired waters and waters with approved TMDLs and shall assess the success in controlling those pollutants.

3.4.5.2 Discharges Directly to Water Quality Impaired Waters or Waters with an approved TMDL(see Part 1.3.4)

3.4.5.2.1 Where the impairment is for a nutrient constituent (e.g. nitrogen or phosphorus), the operator must, at a minimum:

3.4.5.2.1.1 Within one (1) year of the date of permit coverage or new impairment or TMDL for an existing MS4, identify potential significant sources of the pollutant of concern entering the MS4;

3.4.5.2.1.2 Within two (2) years of the date of permit coverage or new impairment or TMDL for an existing MS4, develop (or modify an existing program as necessary) and implement a public education program to reduce the discharge of the pollutant of

concern in municipal storm water contributed by residential and commercial use of fertilizers;

3.4.5.2.1.3 Within two (2) years of the date of permit coverage or new impairment for an existing MS4, develop (or modify an existing program as necessary) and implement a program to reduce the discharge of the pollutant of concern in municipal storm water contributed by fertilizer use at municipal operations (e.g., parks, roadways, municipal facilities);

3.4.5.2.1.4 Within two (2) years of the date of permit coverage or new impairment for an existing MS4, develop (or modify an existing program as necessary) and implement a program to reduce the discharge of the pollutant of concern in municipal storm water contributed by municipal and private golf courses within your jurisdiction;

3.4.5.2.1.5 Within three (3) years of the date of permit coverage or new impairment for an existing MS4, develop (or modify an existing program as necessary) and implement a program to reduce the discharge of the pollutant of concern in municipal storm water contributed by any other significant source identified in the source identification evaluation; and

3.4.5.2.1.6 Include the progress on program implementation, reducing the discharge of the nutrient pollutant(s) of concern into impaired waters or waters with an approved TMDL, and updates to measurable goals for nutrient reduction program elements in the annual reports.

3.4.5.2.1.7 The timelines for Parts 3.4.5.2.1.1 – 3.4.5.2.1.5 are not applicable for permittees that had coverage under the previous ARR0400000 permit that expired July 31, 2019, and discharge into water bodies listed as impaired as of the 2016 303(d) list of impaired waterbodies. Instead, these requirements should be completed by the effective date of this permit.

3.4.5.2.2 Where the impairment is for bacteria, the operator must, at a minimum:

3.4.5.2.2.1 Within one (1) year of the date of permit coverage or new impairment for an existing MS4, identify potential significant sources of bacteria entering the MS4;

3.4.5.2.2.2 Within two (2) years of the date of permit coverage or new impairment for an existing MS4, develop (or modify an existing program as necessary) and implement a public education program to reduce the discharge of bacteria in municipal stormwater contributed (if applicable) by pets, recreational and exhibition livestock, and zoos;

3.4.5.2.2.3 Within two (2) years of the date of permit coverage or new

impairment for an existing MS4, develop (or modify an existing program as necessary) and implement a program to reduce the discharge of the bacteria in municipal storm water contributed by areas within the MS4 served by on-site wastewater treatment systems;

3.4.5.2.2.4 Within two (2) years of the date of permit coverage or new impairment for an existing MS4, review results to date from your Illicit Discharge Detection and Elimination program and modify as necessary to prioritize the detection and elimination of discharges contributing bacteria to the MS4;

3.4.5.2.2.5 Within three (3) years of the date of permit coverage or new impairment for an existing MS4, develop (or modify an existing program as necessary) and implement a program to reduce the discharge of the pollutant of concern in municipal storm water contributed by any other significant source identified in the source identification evaluation; and

3.4.5.2.2.6 Include the progress on program implementation, reducing the discharge of bacteria into impaired waters or waters with an approved TMDL, and updates to measurable goals for bacteria reduction program elements in the annual reports.

3.4.5.2.2.7 The timelines for Parts 3.4.5.2.2.1 – 3.4.5.2.2.5 are not applicable for permittees that had coverage under the previous ARR0400000 permit that expired July 31, 2019, and discharge into water bodies listed as impaired as of the 2016 303(d) list of impaired waterbodies. Instead, these requirements should be completed by the effective date of this permit.

3.4.5.2.3 Where the impairment is for turbidity, the operator must, at a minimum:

3.4.5.2.3.1 Within one (1) year of the date of permit coverage or new impairment for an existing MS4, identify potential significant sources of turbidity entering the MS4;

3.4.5.2.3.2 Within two (2) years of the date of permit coverage or new impairment for an existing MS4, develop (or modify an existing program as necessary) and implement a public education program to reduce the discharge of turbidity contributed by construction activities, bare ground, failing stream banks, and other areas;

3.4.5.2.3.3 Within two (2) years of the date of permit coverage or new impairment for an existing MS4, develop (or modify an existing program as necessary) and implement a program to reduce the discharge of turbidity in municipal stormwater contributed by areas within the MS4 served by on-site wastewater treatment systems;

3.4.5.2.3.4 Within two (2) years of the date of permit coverage or new

impairment for an existing MS4, review results to date from the Illicit Discharge Detection and Elimination program and modify as necessary to prioritize the detection and elimination of discharges contributing turbidity to the MS4;

3.4.5.2.3.5 Within three (3) years of the date of permit coverage or new impairment for an existing MS4, develop (or modify an existing program as necessary) and implement a program to reduce the discharge of turbidity in municipal stormwater contributed by any other significant source identified in the source identification evaluation; and

3.4.5.2.3.6 Include the progress on program implementation, reducing the turbidity of impaired waters or waters with an approved TMDL, and updates to measurable goals for turbidity reduction program elements in the annual reports.

3.4.5.2.4 Where the impairment is for any pollutant other than nutrients, turbidity, or bacteria, the operator must, at a minimum:

3.4.5.2.4.1 Within one (1) year of the date of permit coverage or new impairment for an existing MS4, identify potential significant sources of the pollutant of concern entering the MS4;

3.4.5.2.4.2 Within three (3) years of the date of permit coverage or new impairment for an existing MS4, develop (or modify an existing program as necessary) and implement a program(s) to reduce the discharge of the pollutant(s) of concern in municipal storm water contributed by any significant source identified in the source identification evaluation; and

3.4.5.2.4.3 Include the progress on program implementation, reducing the discharge of pollutant(s) of concern into impaired waters or waters with an approved TMDL and updates to measurable goals for the pollutant of concern reduction program elements.

3.4.5.2.2.4 The timelines for Parts 3.4.5.2.4.1 and 3.4.5.2.4.2 are not applicable for permittees that had coverage under the previous ARR0400000 permit that expired July 31, 2019, and discharge into water bodies listed as impaired as of the 2016 303(d) list of impaired waterbodies. Instead, these requirements should be completed by the effective date of this permit.

3.5 Monitoring

3.5.1 *Discharges into waters identified on the 303(d) list or waters with an approved TMDL.* The permittee must evaluate program compliance, the appropriateness of identified best management practices, and progress toward achieving identified measurable goals. If the permittee discharges to waters for which a TMDL and implementation plan has been

established, then the permittee must monitor to determine if the stormwater controls are adequate to maintain compliance with the MS4's wasteload allocation. The monitoring program should be designed to assess the effectiveness of the permittee's stormwater management program, assess the impacts to receiving waters resulting from stormwater discharges, identify sources of elevated pollutant loads and specific pollutants, and detect and eliminate illicit discharges and illegal connections to the MS4. This monitoring must include quarterly grab samples for the pollutant(s) listed in the TMDL.

3.5.2 For MS4s discharging into 303(d) listed streams with an impairment identified as caused by stormwater, monitoring must include quarterly grab samples for the pollutant(s) listed in the 303(d) listing. The MS4 must develop a sampling plan which, over time, will help to identify those outfalls responsible for the discharge of the pollutant(s). The initial outfall(s) to be sampled shall be representative of the varying land uses of the MS4. Based upon initial results of sampling, the MS4 may revise its sampling plan as appropriate. The initial sampling plan must be submitted to the Department for review. All sampling results must be submitted with the MS4's annual report.

3.5.3 When additional information is required in the determination of the cause or status of a stream impairment, in the development or implementation of a TMDL, or in the development or implementation of a comprehensive watershed management plan, the Department may require an MS4 to develop and submit a sampling plan development timeline for review. The Department will notify the MS4 of the decision in writing regarding the proposed action items and schedule for deliverables. Upon notification, the MS4 will be required to develop a monitoring plan and submit it to the Department according to an agreed schedule, generally within ninety (90) days. Upon Departmental approval of a monitoring plan, the MS4 must take samples for the pollutant(s) in accordance with the approved plan. Based upon initial results of sampling, the MS4 may submit a revised sampling plan to the Department for approval. The monitoring plan and schedule shall be followed to maintain compliance as it is considered an integral part of the SWMP upon approval. All sampling results must be submitted with the MS4's annual report.

3.5.4 *Analytical Methods.* Analysis and collection of samples should be done in accordance with the methods specified at 40 CFR §136. Where an approved 40 CFR §136 method does not exist, any available method may be used unless a particular method or criteria for method selection (such as sensitivity) has been specified in the permit. Screening level tests may utilize less expensive "field test kits" using test methods not approved by EPA under 40 CFR 136, provided the manufacturers published detection ranges are adequate for the illicit discharge detection purposes.

3.5.5 The addition of a new sampling plan, as required by Parts 3.5.1, 3.5.2, or 3.5.3, will be considered a major modification to the SWMP and will be required to follow the public notice procedures laid out in Part 2.4 of the permit. Changes to an existing sampling plan may constitute a major modification to the SWMP. If, in the Department review, it is

determined that the changes to the sampling plan are considered a major modification, the changes will have to undergo the public notice procedures laid out in Part 2.4 of this permit.

PART 4 EVALUATING, RECORD KEEPING AND REPORTING

4.1 Evaluating

The permittee shall evaluate program compliance with the terms and conditions of the permit and SWMP, the appropriateness of identified BMPs, and progress toward achieving identified measurable goals and satisfying performance standards.

4.2 Recordkeeping

4.2.1 The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart or other recordings for continuous monitoring instrumentation, copies of all reports required by this permit, a copy of the NPDES permit, and records of all data used to complete the application (NOI) for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application, or for the term of this permit, whichever is longer. This period may be extended by request of the permitting authority at any time.

4.2.2 The permittee shall submit any records to the permitting authority upon request. The permittee must retain the SWMP required by this permit (including a copy of the permit language) at a location accessible to the permitting authority. The permittee must make all records, including the notice of intent (NOI) and the description of the SWMP, available to the public if requested in writing.

4.3 Reporting

4.3.1 New permittees must submit annual reports to the Department for each year of the permit term. The first report is due fifteen (15) months from the effective date of the permit, covering the activities of the permittee during the twelve (12) month period beginning on the effective date of the permit for the permittee. Subsequent annual reports are due on the same date for each of the following years during the remainder of the permit term (and continuing into any administrative continuance of the permit, should it not be reissued prior to expiration). Prior to submitting annual reports to the Department, MS4s must make a good faith effort to allow their citizens an opportunity for involvement and input. MS4s shall include a copy of the annual report in electronic format on their websites and at local centers of information, i.e. public libraries, city halls, county courthouses, community centers, etc. Existing permittees must submit their annual reports, which covers the previous twelve (12) months from January 1st to December 31st of a calendar year, no later than March 31st of the following year (i.e. 2019 report would be due no later than March 31, 2020). Annual reports will be publicly available on ADEQ's website. The report must include:

4.3.1.1 The status of compliance with permit conditions, an assessment of the appropriateness of the identified best management practices, and the progress towards achieving the

measurable goals for each of the minimum control measures;

4.3.1.2 Results of information collected and analyzed, if any, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants;

4.3.1.3 A summary of the stormwater activities the permittee plans to undertake during the next reporting cycle (including an implementation schedule);

4.3.1.4 Proposed changes to the stormwater management program, including changes to any BMPs or any identified measurable goals that apply to the program elements;

4.3.1.5 Description and schedule for implementation of additional BMPs that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs and implementation plans; and

4.3.1.6 Notice that the permittee is relying on another government entity to satisfy some of the permit obligations (if applicable).

4.3.1.7 Reports must be submitted using the appropriate ADEQ reporting forms.

4.3.2 Where to Submit. Annual reports shall be submitted to the Department at the following address:

ADEQ
Office of Water Quality, General Permits
5301 Northshore Drive
North Little Rock, AR 72118

Alternatively, the MS4 may submit the required documents in electronic format (.pdf) at the following email address: Water-permit-application@adeq.state.ar.us

or via ePortal at the following web address: https://eportal.adeq.state.ar.us/

All annual reports must be submitted through ePortal at the following web address after December 20, 2021: https://eportal.adeq.state.ar.us/

PART 5 GENERAL CONDITIONS

5.1 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; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

5.2 Continuation of the Expired General Permit. An expired general permit continues in force and effect until a renewal general permit is issued. If this permit is not re-issued or replaced prior to the expiration date, it will be administratively continued in accordance with the A.C.A. 8-4-203(m) and remain in force and effect. If permit coverage is granted prior to the expiration date, the MS4 will automatically remain covered by the continued permit until the earliest of:

5.2.1 Re-issuance or replacement of this permit, at which time the permittee must comply with the conditions of the new permit and submit a renewal NOI and SWMP no later than thirty (30) days prior to the effective date of this renewal permit to maintain authorization to discharge; or

5.2.2 Submittal of a Notice of Termination and approval by the Department; or

5.2.3 Issuance of an individual permit for the MS4's discharges; or

5.2.4 When a formal permit decision by ADEQ to not re-issue this general permit, and the permittee seeks and obtains an individual permit.

5.3 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.

5.4 Duty to Mitigate. The permittee must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

5.5 Duty to Provide Information. The permittee must furnish to the permitting authority any information that is requested to determine compliance with this permit or other information.

5.6 Other Information. If the permittee becomes aware that the permittee has failed to submit any relevant facts or submitted incorrect information in the Notice of Intent, Stormwater Management Plan, annual reports, or in any other report to the permitting authority, the permittee must promptly submit such facts or information.

5.7 Signatory Requirements. All Notices of Intent, Notices of Termination, reports, certifications, or information submitted to the permitting authority, or that this permit requires be maintained by the permittee shall be signed and certified as follows:

5.7.1 All Notices of Intent must be signed and certified as follows:

5.7.1.1 For a corporation: By a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means:

5.7.1.1.1 A president, secretary, 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

5.7.1.1.2 The manager of one (1) 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 assure 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.

5.7.1.2 For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

5.7.1.3 For a Municipality, County, State, Federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a Federal agency includes

5.7.1.3.1 The chief executive officer of the agency, or

5.7.1.3.2 A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

5.7.2 All NOTs, SWMPs, reports, certifications, or other information required by this permit must be signed by a person described in Part 5.7.1 above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

5.7.2.1 The authorization is made in writing by a person described in Part 5.7.1;

5.7.2.2 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, position of equivalent responsibility, or an individual or position having overall responsibility for

environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

5.7.2.3 The signed and dated written authorization is included in the SWMP. A copy must be submitted to the Department, if requested.

5.7.3 Changes to Authorization. If an authorization is no longer accurate because a different operator has the responsibility for the overall operation of the MS4, a new authorization satisfying the requirement of Part 5.7.1 above must be completed prior to or together with any reports, information, or notices of intent to be signed by an authorized representative.

5.7.4 Any person signing documents under the terms of this permit 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 gathered and evaluated 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.

5.7.5 Falsification

Arkansas law imposes penalties and fines for persons who knowingly make false statements or knowingly swear or affirm the truth of a false statement previously made.

5.8 Local, State, and Federal Laws. 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 established pursuant to any applicable local, state, or federal law or regulation, or any applicable State law or regulation under authority preserved by section 510 of the Act.

No condition of this permit releases the permittee from any responsibility or requirements under other environmental statutes or regulations.

5.9 Property Rights. The issuance of this permit does not convey any property rights of any sort, nor any exclusive privilege, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

5.10 Proper Operation and Maintenance. The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of this permit and with the conditions of the permittee's stormwater management program. Proper operation and maintenance also

includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed only when the operation is necessary to achieve compliance with the conditions of the permit.

5.11 Inspection and Entry. The permittee shall allow the Department or an authorized representative upon the presentation of credentials and other documents as may be required by law, to do any of the following:

5.11.1 Enter the premises at reasonable times where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

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

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

5.11.4 Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

5.12 Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

5.13 Anticipated Noncompliance. The permittee shall give advance notice to the Department of any planned changes in the permitted small MS4 or activity which may result in noncompliance with this permit.

5.14 Reserved.

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

5.16 Procedures for Modification or Revocation. Permit modification or revocation will be conducted according to 40 CFR 122.62, 122.63, 122.64 and 124.5.

5.17 Requiring an Individual Permit or an Alternative General Permit

5.17.1 *Request by permitting authority:* The Department may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or coverage under an alternative NPDES general permit. Any interested person may petition the Department

to take action under this paragraph. Where the Department requires the permittee to apply for an individual NPDES permit or coverage under an alternative NPDES general permit, the Department will notify the permittee in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for to file the application, and a statement that on the effective date of issuance or denial of the individual NPDES permit or the alternative NPDES general permit coverage as it applies to the individual permittee, coverage under this general permit shall automatically terminate. ADEQ may grant additional time to submit the application upon request of the applicant. If the MS4 fails to submit in a timely manner an individual NPDES permit application or an NOI for coverage under an alternative NPDES general permit as required by the Department under this paragraph, then the applicability of this permit is terminated at the end of the day specified by the Department.

5.17.2 *Request by permittee:* Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual NPDES permit with reasons supporting the request. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by are adequate to support the request.

5.17.3 *General permit termination.* When an individual NPDES permit is issued to a discharger otherwise subject to this permit, or the permittee is authorized to discharge under an alternative NPDES general permit, the applicability of this permit to the MS4 is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an operator otherwise subject to this permit, or the operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the MS4 is automatically terminated on the date of such denial, unless otherwise specified by the Department.

5.18 Re-opener Clause. In accordance with 40 CFR Part 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.

PART 6 DEFINITIONS

All definitions contained in Section 502 of the Act and 40 CFR 122 shall apply to this permit and are incorporated herein by reference. For convenience, simplified explanations of some regulatory/statutory definitions have been provided, but in the event of a conflict, the definition found in the Statute or Regulation takes precedence.

6.1 **"ADEQ"** is referencing the Arkansas Department of Environmental Quality. The Department is the governing authority for the National Pollutant Discharge Elimination System program in the state of Arkansas.

6.2 **"Best Management Practices (BMPs)"** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. 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.

6.3 **"Control Measure"** as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States.

6.4 **"Coverage area"** is the area for which the permittee must implement the requirements for this permit.

6.5 **"CWA"** means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq.

6.6 **"Department"** is referencing the Arkansas Department of Environmental Quality. The Department is the governing authority for the National Pollutant Discharge Elimination System program in the state of Arkansas.

6.7 **"Director"** means the Director, Arkansas Department of Environmental Quality, or a designated representative.

6.8 **"Discharge"** when used without qualification means the "discharge of a pollutant."

6.9 **"Discharge of Stormwater Associated with Construction Activity"** as used in this permit, refers to a discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

6.10 **"Discharge-related activities"** include: activities which cause, contribute to, or result in stormwater point source pollutant discharges; and measures to control stormwater discharges, including the siting, construction and operation of best management practices (BMPs) to control, reduce or prevent stormwater pollution.

6.11 **"Eligible"** means qualified for authorization to discharge stormwater under this general permit.

6.12 **"Facility" or "Activity"** means any NPDES "point source" or any other facility (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

6.13 **"Illicit Connection"** means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

6.14 **"Illicit discharge"** means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than the

NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from emergency fire fighting activities.

6.15 **"Impaired waters"** are waters that have been identified pursuant to Section 303(d) of the Clean Water Act as not meeting applicable surface water quality standards. This may include both waters with approved Total Maximum Daily Loads (TMDLs) and those for which a TMDL has not yet been approved.

6.16 **"Large Municipal Separate Storm Sewer System"** means all municipal separate storm sewer systems that are either:

6.16.1 Located in an incorporated place with a population of 250,000 or more as determined by the latest Decennial Census by the Bureau of Census: or

6.16.2 Located in the counties with unincorporated urbanized populations of 250,000 or more, except municipal, separate storm sewers that are located in the incorporated places, townships or towns within such counties; or

6.16.3 Owned or operated by a municipality other than those described in paragraphs 6.12.1 or 6.12.2 and that are designated by the Director as part of the large or medium municipal separate storm sewer system.

6.17 **"Measurable Goal"** means a quantitative measure of progress in implementing a component of a stormwater management program.

6.18 **"Medium Municipal Separate Storm Sewer System"** means all municipal separate storm sewer systems that are either:

6.18.1 Located in an incorporated place with a population of more than 100,000 but less than 250,000 as determined by the latest Decennial Census by the Bureau of Census: or

6.18.2 Located in the counties with unincorporated urbanized populations of more than 100,000 but less than 250,000, except municipal, separate storm sewers that are located in the incorporated places, townships or towns within such counties; or

6.18.3 Owned or operated by a municipality other than those described in paragraphs 6.15.1 or 6.15.2 and that are designated by the Director as part of the large or medium municipal separate storm sewer system.

6.19 **"MS4"** means Municipal Separate Storm Sewer System.

6.20 **"Municipal Separate Storm Sewer"** means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, and storm drains):

6.20.1 Owned or operated by a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the Clean Water Act (33 U.S.C. 1288) that discharges to waters of the United States;

6.20.2 Designed or used for collecting or conveying stormwater;

6.20.3 That is not a combined sewer; and

6.20.4 That is not part of a publicly owned treatment works.

6.21 **"NOI"** means Notice of Intent to be covered by this permit.

6.22 **"NOT"** means Notice of Termination.

6.23 **"Non-Traditional MS4"** means systems similar to separate storm sewer systems in

municipalities, such as systems at military bases, hospitals, public universities or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewer systems in very discrete areas such as individual buildings.

6.24 **"Off-Lot Home Sewage Treatment System (HSTS)"** means a system designed to treat home sewage on-site and discharges treated wastewater off-lot.

6.25 **"On-Lot Home Sewage Treatment System (HSTS)"** means a system designed to treat home sewage on-lot with no discharges leaving the lot.

6.26 **"Outfall"** means a point source as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and that are used to convey waters of the United States.

6.27 **"Owner or operator"** means the owner or operator of any "facility or activity" subject to regulation under the NPDES program.

6.28 **"Permitting Authority"** means the Arkansas Department of Environmental Quality.

6.29 **"Physically Interconnected"** means that one municipal separate storm sewer system is connected to a second municipal separate storm sewer system in such a way that it allows for direct discharges into the second system.

6.30 **"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.

6.31 **"Pollutant"** is defined at 40 CFR 122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste.

6.32 **"Qualified personnel"** means staff knowledgeable in the operation and maintenance of Municipal Separate Storm Sewer Systems (MS4) and possessing the skills necessary to gather and evaluate information regarding an MS4 program.

6.33 **"Significant contributors of pollutants"** means any discharge that causes or could cause or contribute to a violation of surface water quality standards.

6.34 **"Small MS4"** means any MS4 not already covered by the Phase I stormwater program.

6.35 **"Splash Pad"** refers to an outdoor recreational bathing area with sprinklers, fountains, nozzles, and other devices or structures that spray water.

6.36 **"Total Maximum Daily Load (TMDL)"** the sum of individual wasteload allocations (WLAs) for point sources, load allocations (LA's) for non-point sources, and natural background levels.

6.37 **"Uncontaminated"** means that the water will not exceed the water quality standards as set forth in APC&EC Regulation 2; also not containing a harmful quantity of any substance.