

INDUSTRIAL STORMWATER DISCHARGE MONITORING PROGRAM

ARS000002

Part 6.2.9

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CITY OF LITTLE ROCK NPDES PERMIT HISTORY

- City of Little Rock is regulated since 1997
- Individual stormwater discharge management permit holder
- ARS000002
- each issued permit is for a 5-year term
- Currently active MS4 permit is issued on January 1, 2020 modified on October 1, 2020



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NEW PERMIT REQUIREMENT: PART 6.2.9

The City of Little Rock shall **develop and implement a program** to control pollutants in stormwater discharges to the MS4 **from industrial facilities** through ordinance, permit contract, order or similar means, in accordance with 40 CFR Part 122.26(d)(2)(i)(A)



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WHAT DOES THE NEW PERMIT REQUIREMENT MEAN?

- NPDES permits for industrial activities (Industrial General Permit: IGP) are issued and compliance requirements enforced by DEQ (Division of Environmental Quality)
- Part 6.2.9 of the City's MS4 permit **does not impose additional permit compliance requirements on industrial facilities**
- The City of Little Rock is tasked with ensuring industrial facilities comply with their DEQ issued IGP requirements

This is not a City of Little Rock initiative



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INDUSTRIAL DISCHARGE MONITORING PROGRAM

- No other municipality in the State of Arkansas is required to monitor industrial discharges
- This program is the **first in the State**
- **currently under development**
- The City expects to roll out the program this year (2025)

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WHO DOES THE PROGRAM APPLY TO?

Part 6.2.9.1

a) Facilities that meet the definition of 40 CFR Part 122.26(b)(14)

“Stormwater Discharges associated with industrial activity”

(based on SIC code categories)

... and **which the City of Little Rock has determined are contributing a substantial pollutant load to the MS4**

b) facilities subject to Section 313 of Title III of the Superfund Amendments and Reauthorization Act (**SARA**);

c) operating or closed **municipal landfills**

d) treatment, storage, or disposal **facilities for municipal waste**; and

e) **hazardous waste treatment facilities**

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WHO CAN BE EXCLUDED?

- Facilities outside of the corporate limits of the City
- Closed / out of operation facilities
- Incorrect or duplicate record(s)
- Construction sites

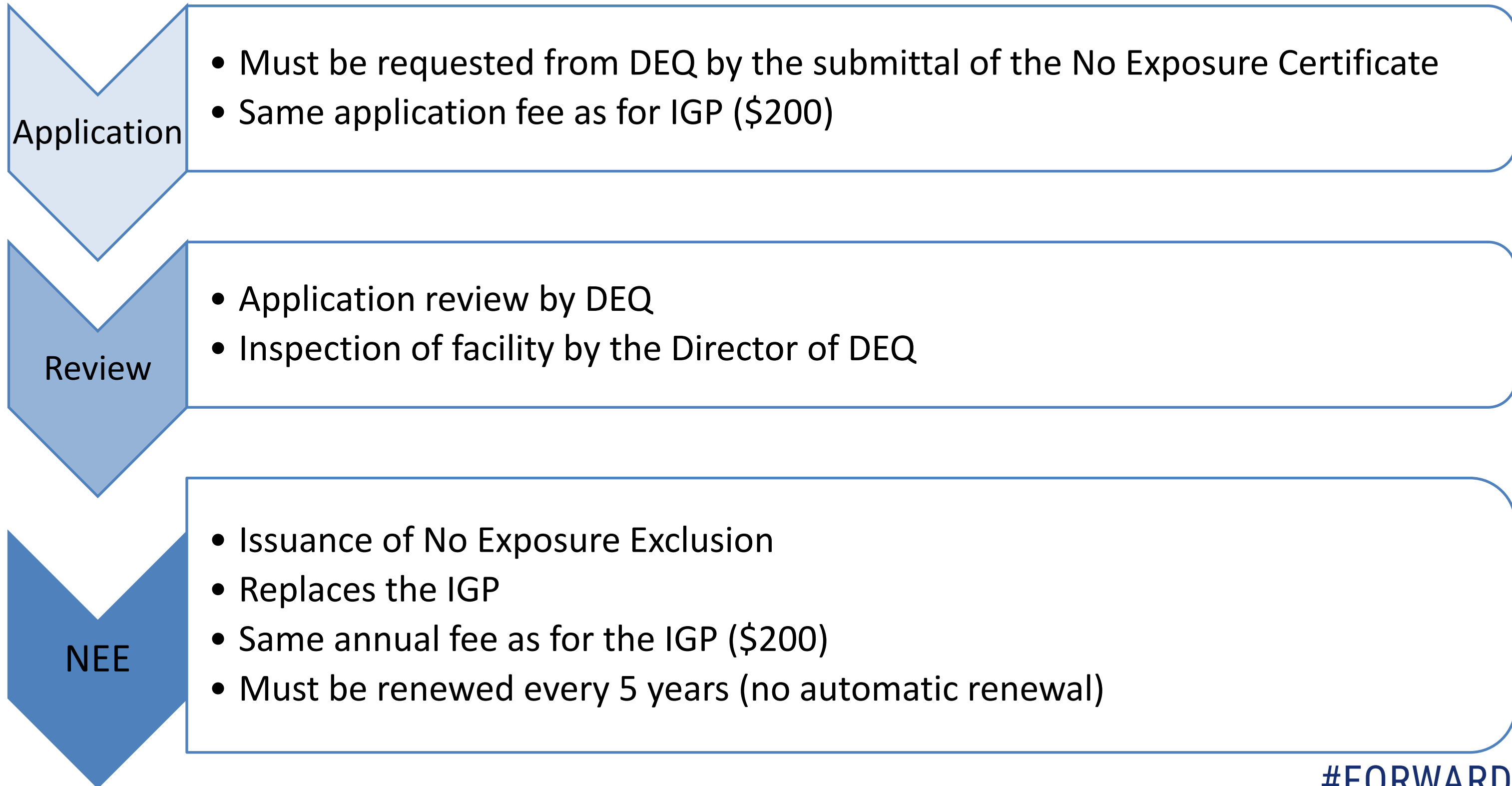


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NO EXPOSURE EXCLUSION - NEE



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WHY NEE FACILITIES BELONG IN THE PROGRAM

- The entire facility must comply
 - Cannot apply to part of the facility
 - Cannot apply to individual outfalls
- Facilities are required to self-report if their no exposure condition becomes void and notify DEQ
- NEE facilities must submit an Annual Report



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COMPONENT OF THE PROGRAM

1. City to maintain an **inventory** of facilities
2. **Inspection** of facilities
3. Non-compliance **enforcement**
4. **Parameter monitoring** verification



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A routine inspection has the following goals

- Establish communication between the industrial facility and City staff
- Verify the facility's IGP compliance status
- Verify the adequacy of information submitted to DEQ by the facility
- Ensure all of the facility's sampling and monitoring requirements are met
- Identify where possible corrective action plan must be implemented

INSPECTION FREQUENCY

The City must inspect all of the facilities in its inventory of the Industrial Stormwater Discharge Monitoring Program at least 1 time per the City's permit term (5 years).

The following factors will be considered in establishing inspection frequency for individual facilities:

- Distance to a waterbody
- Discharged pollutants of concern
- Special permit conditions
- Permit violation history

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INSPECTION FREQUENCY

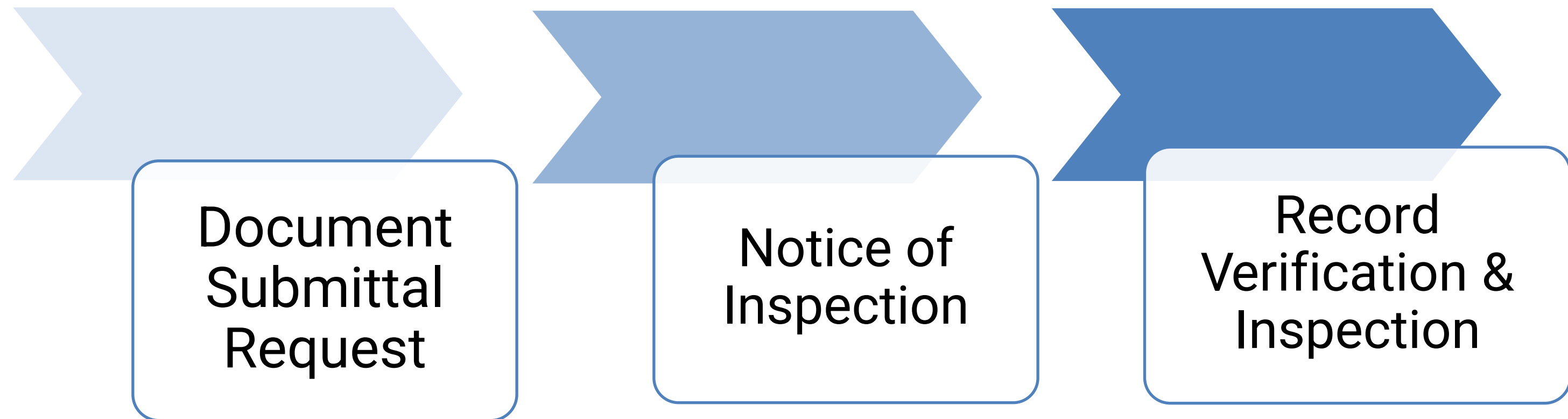
- Facilities will be assessed based on their conditions
- Awarded points will determine their inspection frequency
- 3 proposed categories:
 - **High** priority: inspected annually
 - **Medium** priority: inspected every 3 years (*)
 - **Low** priority: inspected once / permit term

- (*) Facilities in medium priority may move into low priority after the first inspection IF the following conditions apply:
- No discovered non-compliances or IGP violations AND
 - Benchmark and DMR monitorings are within limits

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INSPECTION PROCESS



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DOCUMENT SUBMITTAL REQUEST

- The City will notify facilities of its compliance verification records request
- All documents that are part of a facility's IGP compliance must be submitted to the City for review **in digital format**
- Facilities will have **30 calendar days** to submit all the requested information

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NOTICE OF INSPECTION

The City will notify facilities of its upcoming inspection at least **7 calendar days prior** of the scheduled inspection date

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RECORD VERIFICATION & INSPECTION

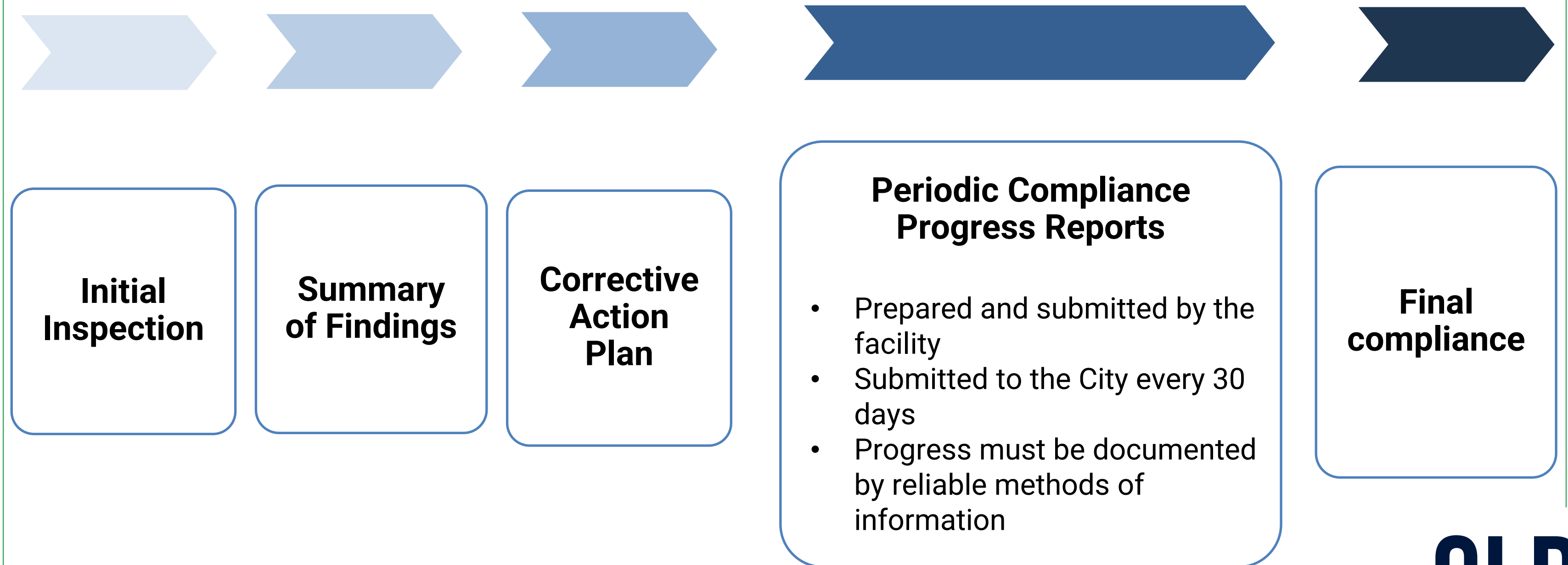
- The City shall verify all submitted information against IGP requirements
- Facility visit shall consist of
 - Walk-around facility inspection
 - On-site IGP compliance and records verification
 - Documentation of observed conditions
- The City will provide a conclusive report of its findings in the form of a **Summary of Findings**

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Part 6.2.9.3

ENFORCEMENT PROCESS



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SUMMARY OF FINDINGS

- Written summary
- Evaluation of the facility's IGP compliance status
- The Summary of Findings may require a facility to address discovered non-compliance findings by submitting its Corrective Action Plan (CAP) to the Director of Public Works

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CORRECTIVE ACTION PLAN

- Must be submitted to the City within 30 calendar days
- Detailed narrative of proposed action plan to address non-compliance findings
- Must be broken down to implementation increments with dates of completion for each increment
- Also identifies proposed corrective measures preventing non-compliance recurrence
- Must be
 - **Measurable**
 - **Timely**
 - **accountable**

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AUTHORITY FOR THE PROGRAM

The City has amended Chapter 29 of the Code of Ordinances, to include Article VII: **“Industrial Stormwater Discharge Monitoring Program”**

Ordinance No. 22,544

Approved by the City of Little Rock Board of Directors on November 4, 2024



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HOW DOES THE CITY FUND THE PROGRAM?

- DEQ does not provide funding to cover operative expenses of the program
- Public Works Department must self-fund its compliance with the new DEQ industrial monitoring requirement
- Current Public Works Department funding cannot legally be utilized to fund the program
- The City must establish a **fee system** to cover the operational expenses of the Industrial Stormwater Discharge Monitoring Program

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INDUSTRIAL DISCHARGE MONITORING FEE

The following factors shall be considered in creating an equitable fee system:

- Total area of the facility
- Facility's distance to a non-designated waterbody
- Facility's distance to a designated waterbody
- Number of outfalls
- Special permit conditions
- Facility's violation history

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FEE SYSTEM CONSIDERATIONS

- Each facility will be charged a fee suitable to its unique conditions
- Facilities will be evaluated and an equitable fee for each facility will be assessed
- Fees shall be collected annually
- Procedures are expected to be similar as of with business licenses

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QUESTIONS?



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