

**RESPONSE TO COMMENTS  
FINAL PERMITTING DECISION**

Permit No.: NPDES General Permit ARG160000  
Construction and Discharge of Uncontaminated Stormwater from Sanitary Landfill Sedimentation Ponds

Prepared By: Jessica Temple

The following are the responses to comments concerning the Draft Construction and Discharge of Uncontaminated Stormwater from Sanitary Landfill Sedimentation Ponds NPDES General Permit ARG160000, in accordance with regulations promulgated at 40 C.F.R. § 124.17 and Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation No. 8, Administrative Procedures. Public notice of the Draft Permit was published by the Arkansas Department of Environmental Quality (ADEQ) on June 26, 2014 and July 31, 2014.

This document contains a summary of the comments that the ADEQ received during the public comment period and the public hearing held on July 28, 2014. Where there were similar issues raised throughout the comments, they are combined with one response from the ADEQ. Page numbers and references are to the public notice of the draft permit, and may have changed in the final copy of the permit. A summary of the changes made to the permit in response to the public comments is available at the end of this document.

The following people or organizations submitted comments to the ADEQ during the 30-day public comment period and the public hearing. A total of three (3) issues (identified below as comments) were submitted by one commenter.

Commenter	Number of Comments Raised
1. Jennifer Harmon- Terracon Consultants, Inc.	3

**Comment 1:** Section 1.2.1.1- “Sedimentation ponds have been designed and constructed with a storage capacity to handle runoff from a 25-yr, 24-hr storm event.” We request a separate condition for ponds at a Class 4 landfill, which are only required to meet a 10-yr, 24-hr storm event per Regulation 22.612. [Regulation 22.614]

**Response:** The Department acknowledges this comment. Please note that the stormwater requirements are under Regulation 22.614 and require the pond to meet a 10-year, 24-hour storm event at a minimum. The Water Division believes that a 25-year, 24-hour storm pond is more protective of the Waters of the State and this requirement is carried over from the previous permit. Additionally, this is a statewide permit, and this requirement will remain in the permit to maintain consistency. An individual NPDES discharge permit may be obtained if the permittee would like to request specific requirements other than what is required in this general permit.

**Comment 2:** Section 1.3.2.2- “The sedimentation pond shall be protected from physical damage by the one hundred (100) year flood and should remain fully operational and accessible during the twenty-five (25) year flood.” Request clarification regarding the protection. The section should indicate that the flood plain is what should be evaluated during the

design of the pond.

**Response:** The intent of including this requirement in the permit is that the flood plain implications should be considered during the planning and designing stages of the sedimentation pond for new construction as well as major modifications of the pond. For the purpose of this general permit, protection means that the impoundment shall be designed to prevent failure during the 100 year flood and in a manner that will not restrict the flow of the base flood, reduce the temporary water storage capacity of the floodplain, or result in washout (Regulation 22.803). Additional requirements may be necessary to demonstrate protection, such as levee armament.

**Comment 3:** Section 1.3.2.4- “There should be a minimum separation of 10 feet between the pond bottom and any bedrock formation.” This requirement is more stringent than Regulation 22.431, which requires a minimum of 2 feet of separation between the top landfill liner and the top of bedrock. This requirement is sufficient for landfill waste placement and should be more than sufficient for a stormwater pond. The St. Joe and Boone formations are the two areas that would need a more stringent separation requirement. Can this be evaluated for a lower separation for the pond bottom and groundwater?

**Response:** The Department concurs with this comment. Proper pond design requires a separation between the bottom of the pond and the bedrock. However, a separation of two feet can be appropriate in most situations. Therefore, Section 1.3.2.4 has been changed to require a minimum of 2 feet of separation between the top landfill liner and the top of the bedrock, except in the areas of the St. Joe and Boone formations, where a minimum separation of 10 feet will still be required between the bottom liner and the highest point of the bedrock or pinnacles, as adapted from Regulation 22.425. A geologic map of the State of Arkansas will be placed in the General Permits table on the ADEQ website for convenience. This map can be used to determine if a facility is in the area of the Boone and St. Joe formation. The St. Joe formation is included in the Boone formation on this map, so it is not shown separately in the legend.

**ADEQ Changes to Draft ARG160000 Construction and Discharge of Uncontaminated Stormwater from Sanitary Landfill Sedimentation Ponds General Permit Based on Comments Received During the Public Comment Period**

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<b>Part</b>	<b>Draft Permit</b>	<b>Final Permit</b>	<b>Comment #</b>
<b>1.3.2.4</b>	There should be a minimum separation of 10 feet between the pond bottom and any bedrock formation in accordance with Section 93.23 of the Ten State Standards	There should be a minimum separation of 2 feet between the top liner and the top of the bedrock (as adapted from Regulation 22.431), except in the areas of the St. Joe and Boone formations, where a minimum separation of 10 feet will be required between the bottom liner and the highest point of the bedrock or pinnacles (as adapted from Regulation 22.425).	<b>3</b>