

**RESPONSE TO COMMENTS  
FINAL PERMITTING DECISION**

Permit No.: NPDES General Permit ARG500000  
Aggregate Facilities

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The following are the responses to comments concerning the Aggregate Facility NPDES General Permit ARG500000, 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 July 1, 2015 and closed on July 31, 2015 at 4:30 pm.

This document contains a summary of the comments that the ADEQ received during the public comment period. 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.

Commenter	Number of Comments Raised
1. Wendell Smith- US Lime & Mineral	9

**Comment 1:** Section 1.2.1.2.: Eligibility and Authorization

According to 40 CFR 436.21(b) (definitions), the term “mine dewatering” is not process wastewater unless it is commingled with process wastewater. Because often times, mine water is exclusively groundwater and/or stormwater, it is not process water (also refer to Comment #21 in May 2010 comments), request the following change be made.

*Section 1.2.1.2: This general permit covers various discharges of ~~process~~ water (sand and gravel washing water, quarry dewatering water and mine dewatering water), dredging water, and commingled stormwater. Stormwater discharge commingled with process, dewatering, and dredging water is authorized by this permit subject to the applicable pollutant limits. Stormwater only outfalls are not authorized by this permit and must be covered by a separate permit.*

**Response:** The Department agrees that mine dewatering is not a process water in accordance with 40 CFR 436.21(b) without commingling with other process water. Section 1.2.1.2 is defining process water under this permit to include mine dewatering. Therefore, no changes will be made.

**Comment 2:** Section 1.2.2.2.: Eligibility and Authorization

According to the Wastewater Operator Requirements in section 2.4 of this permit, only facilities that treat their process water require a “Basic Industrial” operator license, not all process water ponds. Request the following change be made.

*Section 1.2.2.2 (for those facilities that are treating process water): The facility has a wastewater treatment operator certified as a “Basic Industrial” operator in accordance with Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation No. 3. Facilities have six months from the Notice of Coverage to meet this requirement.*

**Response:** The Department does not agree. APC&EC Regulation 3 defines when an operator license is necessary. Section 2.4 of the permit goes on to say that when a licensed operator is required for permit coverage APC&EC Regulation 3 will be referenced. Therefore, Section 1.2.2.2 regarding the need for a licensed operator applies as is. However, the Department wants to clarify that the six months deadline is in reference to APC&EC Reg. 3.304(A)(1) in which an “Apprentice” license is provided until a “Basic Industrial” license can be obtained.

**Comment 3:** Section 1.2.3.1; Eligibility and Authorization  
For clarity, request the minor change below be made:

*Section 1.2.3.1: Dredging operations may operate upon receipt of a Notice of Coverage. ~~Any~~ Discharge of stormwater associated with industrial activity to an existing or abandoned dredge pond must be permitted under a separate NPDES permit. The Department acknowledges that minor quantities of stormwater associated with industrial activity will inevitably be discharged to a dredge pond from the operations and maintenance of dredge equipment. If this is the only stormwater associated with industrial activity discharging to the dredge pond, separate NPDES permit coverage is not required; or*

**Response:** The Department does not agree. The statement is clearer as drafted.

**Comment 4:** Section 1.3.9; Facilities EXCLUDED From Coverage Under This Permit  
The way the ARG permit is written, most if not all mining facilities will require 2 permits. As explained throughout the “2010 Response to Comments”, it is next to impossible not to have “Stormwater associated with industrial activity” at a mine/quarry/dredging site. Thus, mines will require two permits (Multi-sector and ARG permit). Facilities that principally have dewatering and/or dredging activities should be allowed to permit a stormwater outfall without having to apply for 2 permits. This onerous requirement can be alleviated by allowing minor stormwater discharges associated with industrial activity to be permitted under this ARG permit.

**Response:** The Department does not agree. The facility may request to apply for an Individual NPDES Discharge Permit with which they can cover all discharges, including stormwater.

**Comment 5:** Section 2.1; Monitoring Requirements for Mine Pits  
Request sampling requirements for Mine Pit water be removed. Mine water is already regulated and sampled (see Section 2.2), and thus, sampling the mine water is an additional requirement that is onerous and provides no value. It’s already being sampled during the mine dewater process. Sampling ponded water in discrete depth locations has no relevancy and provides no value, especially when most of these ponds only contain groundwater and/or stormwater.

**Response:** The Department does not agree. Monitoring requirements for mine pits are intended for those mines, mine pits, or unlined process water ponds that do not discharge

on a regular basis. If a discharge occurs, the facility must monitor in accordance with Outfall type 101 and those results would satisfy monitoring requirements for Mine Pits. However, if a discharge does not occur for six months, the operator would be required to monitor and report pH levels in the water column. Only mines, mine pits, and unlined process water ponds are required to monitor for pH through the entire water column. Typically, mine pits are not lined, so the monitoring requirements for the pits exist to ensure the process wastewater is not causing a problem with the groundwater.

**Comment 6:** Section 2.1; Monitoring Requirements for Mine Pits

Section 2.1 implies that ponded water in a quarry be sampled twice (once at discrete depth locations and once at the Outfall). However, ponded groundwater that is already being sampled at the Outfall location, should not have to be sampled again as implied in Section 2.1. Please request the following change be made.

*2.1 Monitoring Requirements for Mine Pits (for those ponds that are not being discharged into an Outfall).*

**Response:** See Response to Comment 5.

**Comment 7:** Section 2.2; Monitoring Requirements And Effluent Limitations

According to 40 CFR 436.21(b) (definitions), the term “mine dewatering” is not process wastewater unless it is commingled with process wastewater. Because often times, mine water is exclusively groundwater and/or stormwater and is not process wastewater according to this definition (also refer to Comment #21 in May 2010 comments), request the following change be made.

*“The following types of ~~wastewater~~ are authorized for discharge under this outfall type:*

- Process water from washing of rock or construction sand (without detergents) and
- Mine dewatering water

Reference from “Response to Comments; May 2010)

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“Dredge water is not process water unless commingled with process water.”

**Response:** The Department does not agree. Please see Response to Comment 1 above.

**Comment 8:** Section 5.5. Reporting of Monitoring Results

Reporting monthly DMRs quarterly is onerous and confusing. To facilitate and save resources to both the State and to businesses, request to emulate the “Industrial Stormwater General Permit” and submit once per year.

**Response:** The Department does not agree. Reducing the DMR reporting frequency, not to be confused with the monitoring frequency, to annually would reduce the Department’s response time to potential effluent violations.

**Comment 9:** 5.2. Flow Measurement

This section indicates that flow meters are required to be installed for measuring any type of flow. Request the following change:

*5.2. Flow Measurement: Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated*

*and maintained to insure the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than +/- 10% from true discharge rates throughout the range of expected discharge volumes and shall be installed at the monitoring point of the discharge. However, flow can be measured using other means than measurement devices (e.g., runoff coefficients, engineering calculations, etc.).*

**Response:** The Department does not agree. The requested flow measurement methods do not meet the definition listed above of a maximum deviation of less than +/- 10%.