

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF:
CITY OF LITTLE ROCK,
ARKANSAS MS4

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DOCKET NO. 2020-001-P

LIS 20-154

PERMIT APPEAL RESOLUTION

This Permit Appeal Resolution (herein after "PAR") is issued to resolve this matter pursuant to the authority of the Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-101 *et seq.*, and the rules promulgated thereunder. The issues herein having been settled by the agreement of the City of Little Rock, Arkansas ("City") and the Director of the Division of Environmental Quality ("DEQ"), it is hereby agreed and stipulated that the following Findings of Fact and Order and Agreement be entered.

FINDINGS OF FACT

1. DEQ issued National Pollutant Discharge Elimination System ("NPDES") Permit No. ARS000002 ("Permit") to co-permittees City and Arkansas Department of Transportation on December 17, 2019, with an effective date of January 1, 2020, and an expiration date of December 31, 2024. The Permit authorizes the discharge of stormwater from all portions of the municipal separate storm sewer system ("MS4") located within the city boundaries of Little Rock, Arkansas, and owned or operated by any co-permittee listed in the permit.
2. The City timely filed a Request for Commission Review and Adjudicatory Hearing ("Appeal") regarding the final permitting decision by DEQ that renewed the Permit.
3. This PAR identifies the issues raised in the Appeal and resolved by agreement of DEQ and the City.

ORDER AND AGREEMENT

Therefore, the City of Little Rock and DEQ do hereby stipulate and agree as follows:

1. Section 3.14 of the Permit will remain unchanged.
2. Section 3.16 of the Permit will be amended to include the following additional sentence:

The co-permittees are allowed to use a third-party laboratory that meets these requirements.

3. Section 3.18 of the Permit will be amended to include additional language as underlined:

Other Information

If a co-permittee becomes aware of a failure to submit any relevant facts in the permit application or that incorrect information was submitted in the permit application or in any other report to the permitting authority, the co-permittee must promptly notify the permitting authority and submit such facts or information in its possession.

4. Section 6.1.3 of the Permit will be amended to include additional language as underlined:

Each co-permittee shall ensure the establishment of a program, including structural controls where determined by the co-permittees to be necessary, to reduce the discharge of floatables to the maximum extent practicable (MEP). The City of Little Rock shall implement a public education and outreach program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies. The program shall include more than one mechanism and target at least three (3) different stormwater themes or messages annually. The stormwater public education and outreach program shall be calculated to reach at least 50 percent of the population of the City of Little Rock over the permit term.

5. Section 6.2.8.1 of the Permit will remain unchanged.

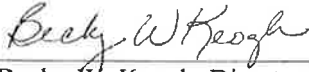
6. Section 6.2.8.3 of the Permit will be amended to include additional language as underlined:

Inspection of construction sites and enforcement of control measures. The City of Little Rock will develop an inspection program that will include, at minimum, monthly inspections of construction sites that disturb equal to or greater than one (1) acre of land. The inspection shall document that the site is in compliance with all City of Little Rock permit(s) and construction stormwater requirements and that stormwater controls are in place and effective in minimizing pollutant discharges. If the construction site is out of compliance with the conditions of the City of Little Rock grading permit or other construction stormwater requirements, a report describing the violation(s) and deadlines to correct the violation(s) shall be provided to the construction site permittee;

7. Section 6.2.9.2(c) and (d) of the Permit will remain unchanged.
8. The modifications to the Permit will be issued through a permitting decision, as required by APC&EC Rule 8.615(D).
9. This PAR shall in no way limit the rights of the City of Little Rock to comment on or appeal the terms of the modified permit issued pursuant to the PAR, if the modified permit differs in any respect from the agreed terms and conditions set forth in this PAR.
10. This PAR and modified permit are subject to public review and comment. DEQ retains the right and discretion to set aside this PAR based on comments received within the thirty (30) day public comment period. If the PAR is set aside, the Appeal shall be simultaneously reinstated. Subject to the foregoing, and in accordance with APC&EC Rule 8.615(A), the Request for Commission Review and Adjudicatory Hearing in this matter is hereby withdrawn.

11. The PAR and the resulting permit modifications are contingent upon final approval from the United States Environmental Protection Agency Region 6 ("EPA"). If the EPA does not approve the PAR and the resulting permit modifications, the Appeal shall be simultaneously reinstated.

ENTERED into this 15th day of June, 2020.



Becky W. Keogh, Director
Arkansas Department of Energy and Environment
Division of Environmental Quality

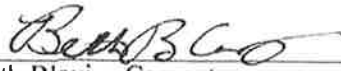
APPROVED AS TO FORM AND CONTENT:



Bruce T. Moore
City Manager
City of Little Rock, Arkansas

APPROVED AS TO LEGAL FORM:

Thomas M. Carpenter, City Attorney



Beth Blevins Carpenter
Deputy City Attorney