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Columbia County, Arkansas Lumber/Chip Mill Files Request for Review By the Arkansas Commission on Pollution Control and Ecology Challenging Certain Conditions in Clean Water Act National Pollution Discharge Elimination System Permit Renewal

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Deltic Timber Company ("Deltic") filed a March 23rd Request for Adjudicatory Hearing and Commission Review ("Request") challenging certain conditions in a Clean Water Act National Pollution Discharge Elimination System ("NPDES") permit that the Arkansas Department of Environmental Quality ("ADEQ") issued to a lumber and chip mill it owns and operates in Waldo, Arkansas.

Deltic states that ADEQ issued a renewal of the facility's NPDES permit on February 29th.

The Request describes in some detail permit conditions associated with stormwater in both its prior 2010 NPDES permit and the renewed NPDES permit issued on February 29th. This discussion includes issues associated with "allowable non-stormwater discharges" and the role of the separate ADEQ industrial stormwater permit.

A particular focus of Deltic's challenge is an argument that a similar issue raised by a Nucor-Yamato steel company comment was addressed differently by ADEQ when a similar comment was made by Deltic. The company argues in paragraph 19 of the Request:

19. When Deltic provided the same comment on the draft of the 2016 Permit, the comment was rejected by ADEQ, for the following stated reason:

The permittee stated that they have received coverage under the general permit for stormwater associated with industrial activity for those stormwater streams which are not routed to the pond system associated with Outfall 001. As language pertaining to stormwater discharges has been removed from the permit covering Outfall 001, the permittee request that "allowable non-stormwater discharges" be added to the authorized discharges section of the individual permit. Allowable non-stormwater discharges include:

(List of Allowable Non-Stormwater Discharges)

All other discharges may be covered under the general permit for stormwater runoff associated with industrial activity (IGP). Streams listed as “allowable nonstormwater discharges” in Part 1.6 of the IGP qualify for coverage under the IGP.

The facility already has coverage under the IGP. (See tracking number ARR000744.) Therefore, unless the listed streams are discharged through Outfall 001, the permittee will only need to revise their SWPPP to have coverage for these discharges. If the facility wishes to discharge any of the streams listed in Comment 2, they will need to modify their individual permit.

As a result, the company argues in summary:

20. Deltic did not describe the Allowable Non-Stormwater Discharges as operations contributing flow on EPA Form 2C because those sources had been included as operations that may contribute flow to Outfall 001 in the SWPPP, as required by the 2010 Permit, and now the 2016 Permit. ADEQ’s new interpretation and apparent new “policy,” as described in its response to Comment 2 on the Draft Permit, is contrary to law, contrary to the terms of the permits issued for this facility, and contrary to past practice. ADEQ’s decision to reject Comment No. 2 should be reversed and ADEQ’s response to Comment No. 2 should be rejected because the term “stormwater,” as that term is used to describe an approved influent source for Outfall 001, includes runoff from any source listed in the SWPPP, which specifically includes all of the 15 categories of Approved Non-Stormwater Discharges. Alternatively, the 2016 Permit should be reversed and remanded to ADEQ, with instructions to modify Permit No. **AR0047953**, as requested by Comment No. 2, to specifically include the 15 categories of Approved Non-Stormwater Discharges as described in the SWPPP for discharge through Outfall 001.

[Click here to download a copy of the Request \(exhibits not included\).](#)