

# MS4/NPDES Permit: City of Little Rock Request for Commission Review and Adjudicatory Hearing



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The City of Little Rock, Arkansas (“Little Rock”) filed a January 16th Request for Commission Review and Adjudicatory Hearing (“Request”) before the Arkansas Pollution Control and Ecology Commission (“Commission”) challenging a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit issued by the Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”). See Docket No. 20-001-P.

The Request challenges certain conditions in the renewed NPDES permit addressing Little Rock’s municipal separate storm sewer system (“MS4”).

An MS4 is defined by EPA as a conveyance:

- owned by a state, city, town, village, or other public entity that discharges to water of the U.S.,
- designed or used to collect or convey stormwater (e.g., storm drains, pipes, ditches),
- not a combined sewer, and
- not part of a sewage treatment plant, or publicly owned treatment works (POTW).

Little Rock owns and operates a MS4 within the boundaries of the city. The city is stated to be an EPA-designated “Phase I” MS4 operator because it is a medium MS4 located in an incorporated place with a population of 100,000 or more but less than 250,000. Its NPDES permit is stated to allow the discharge of stormwater from all portions of the City’s MS4 within the city boundaries.

The Request describes:

- Submission by Little Rock of an application for renewal of the NPDES permit
- DEQ issuance of draft renewal NPDES permit
- Submission by Little Rock of comments on the NPDES permit
- DEQ’s response to Little Rock’s comments
- Final renewal NPDES permit issued by DEQ on December 17, 2019

The Request states that DEQ rejected all of Little Rock’s comments regarding the draft renewal NPDES permit. Sections of the NPDES permit addressed by the Request include:

- Duty to Mitigate
- Proper Operation and Maintenance
- Other Information
- Discharge of floatables
- Provisions related to construction sites

- Provisions addressing certain industrial facilities

A copy of the Request can be downloaded [here](#).