

MS4/NPDES Permit: City of Little Rock and Arkansas Department of Energy and Environment - Division of Environmental Quality Enter into Permit Appeal Resolution



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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and City of Little Rock (“Little Rock”) entered into a June 19th Permit Appeal Resolution (“PAR”) addressing a previously filed Request for Commission Review and Adjudicatory Hearing (“Request”) before the Arkansas Pollution Control and Ecology Commission (“Commission”). See Docket No. 2010-001-P.

Pursuant to the Request, Little Rock challenged a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit issued by DEQ.

The Request challenged certain conditions in the renewed NPDES permit addressing Little Rock’s Municipal Separate Storm Sewer System (“MS4”).

An MS4 is defined by the United States Environmental Protection Agency (“EPA”) as a conveyance:

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

Sections of the NPDES permit addressed by the Request included:

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

By way of summary, the Order and Agreement section of the PAR provides that DEQ and Little Rock agree to address the following sections of the permit:

1. Section 3.14 (Unchanged)
2. Section 3.16 (amended to include additional language)
3. Section 3.18 (amended to include additional language)
4. Section 6.1.3 (amended to include additional language)
5. Section 6.1.8.1 (Unchanged)
6. Section 6.2.8.3. (Amended to include additional language)
7. Section 6.2.9.2(c) and (d) (Unchanged)

The previously referenced modifications to the NPDES permit will be issued through a permitting decision. This is required by Arkansas Pollution Control and Ecology Commission Rule 8.615(D). Further, both the PAR and modified permit are subject to public review and comment.

In addition, the PAR and subsequent permit modifications are noted to be contingent upon final approval by EPA.

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