

Anti-Backsliding in Arkansas

Real World Examples



ADEQ
ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

Examples List

- Industrial
 - Paper Mill – AOX and Dieldrin
 - Chemical Manufacturer – Nitrates and Metals
 - Mining Reclamation – Cadmium
- Municipal and Domestic Wastewater Dischargers
 - FCB
 - WET
- Individual Permit to General Permit
 - Gasket Manufacturer
 - Quarry

Paper Mill



- Located in southern Arkansas.
- Manufactures tissue and paper.
- 40 CFR Part 430, Subpart B - The Pulp, Paper, and Paperboard Point Source Category, Bleached Papergrade Kraft and Soda Subcategory

Paper Mill - AOX

- Facility was subject to an ELG which required the inclusion of a production based limit for AOX (Adsorbable Organic Halides).
- When the draft renewal permit was sent to public notice, the AOX limit had increased due to an increase in production. The higher limit did not violate the anti-backsliding standards since it was based on new information (40 CFR 122.44(l)(2)(i)(B)(1))
- Public comments objecting to the higher limit were received during the comment period and at the public hearing.
- Although the higher AOX limit was allowable and had been accepted by EPA Region VI, the permittee voluntarily retained the old AOX limit.

Paper Mill - Dieldrin

- Additional public comments were received stating that the permit was allowing more Dieldrin to be discharged than in the previous permit and was therefore in violation of the anti-backsliding standards.
- The previous permit did not contain a limit for Dieldrin.
- Addition of a parameter does not violate anti-backsliding standards in 40 CFR 122.44(l) or the CWA § 402(o).

Chemical Manufacturer



- Facility mainly manufactures Ammonium Nitrate and Nitric Acid fertilizers.
- Subject to 40 CFR Part 418, Subpart D and Subpart E.

Chemical Manufacturer

- During the most recent permit renewal, Nitrates concentration limits were removed since the drinking water use was removed from the receiving stream through a 3rd party rulemaking process. Nitrates mass limits remained in the permit due to the applicable ELG.
- Metals limits at two stormwater only outfalls were adjusted or removed due to implementation of a background flow study.
- Selenium and Zinc limits were removed from several non-stormwater outfalls. This was due to a change in the source of the cooling water and the process water.

Mining Reclamation Site



- During the last permit renewal, Facility requested removal of Total Rec. Cadmium limit. Limit was placed in permit due to demonstration of RP.
- ADEQ denied the request. Meeting a permit limit is not a permissible reason under the anti-backsliding regulations for removal of a permit limit.

Municipality



- Major municipal discharger with a lagoon system followed by a DAF unit.
- In the 2002 permit renewal, WET limits were placed in the permit in lieu of EPA's toxicity-based $\text{NH}_3\text{-N}$ criteria of 4 mg/l.

Municipality

- During a permit renewal about 10 years later, the facility requested that the WET limits be removed due to lack of RP.
- The WET limits were removed during the later permit renewal. The permit instead contained $\text{NH}_3\text{-N}$ limits based on the toxicity criteria in Reg. 2.512.
- The change was not considered backsliding since an “equivalent” limit was included in the permit.

Fecal Coliform Bacteria

- Reg. 2.507 requires FCB limits as follows for dischargers to receiving streams classified for both primary and secondary contact recreation:

Time Frame	Average Monthly Limit, col/100 ml	Daily Maximum Limit, col/100 ml
May – September	200	400
October - April	1000	2000

- April was previously included with the May through September time frame. This is being corrected as permits are coming up for renewal. It's important to note that the standards are not changing – only which standards are applicable in April.
- Receiving stream designations are taken into account when correcting the primary season limits.

Fecal Coliform Bacteria

- The final effluent limitations for FCB in the previous permit were not consistent with current State WQS found in Chapter 5, Section 2.507 of Regulation No. 2. The WQS have been updated since that time. This permit allows relaxation in the secondary contact season limitations. This relaxation in limitations does not constitute backsliding, based on CWA Sections 402(o) and 303(d)(4). The revised limitations continue to maintain the state anti-degradation policy by meeting the primary and secondary contact season standards of Reg. 2.507, and maintaining the existing uses of the receiving stream.

Gasket Manufacturer

- A facility discharging only boiler blowdown had an individual permit when the general permit for boiler blowdown, ARG250000 was first issued.
- At the time of permit renewal in 2010, the facility was asked if they wanted to maintain individual permit coverage or switch to the general permit.
- The limits which would have been placed in the individual permit were identical to the limits in the general permit.

Quarry



- Located in central Arkansas.
- Facility requested to change from an individual permit to the industrial stormwater general permit (IGP).

Quarry

Outfall 001 Effluent

- Non-contact cooling water
- Clean-up water
- Truck wash water
- Stormwater
- Based on types of effluent, this outfall is not eligible for coverage under IGP.

Outfall 002 Effluent

- Mine dewatering.
- This type of effluent is eligible for coverage under the IGP.

Quarry

- The permit contains a limit for Total Recoverable Cyanide because the permittee demonstrated RP.
- The Cyanide limit is more stringent than the benchmark contained in the IGP.
- The request for IGP coverage for Outfall 002 was denied as it was deemed backsliding.
- Facility will need to make material and substantial changes responsible for lowering the Total Recoverable Cyanide effluent levels in order for Outfall 002 to be eligible for coverage under the IGP.

QUESTIONS?



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