

**AUTHORIZATION TO DISCHARGE WASTEWATER UNDER  
THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM AND  
THE ARKANSAS WATER AND AIR POLLUTION CONTROL ACT**

In accordance with the provisions of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended, Ark. Code Ann. 8-4-101 et seq.), and the Clean Water Act (33 U.S.C. § 1251 et seq.),

The applicant's mailing address is:

Pine Bluff Wastewater Utility - Boyd Point Wastewater Treatment Facility  
1520 S. Ohio St.  
Pine Bluff, AR 71601

The facility address is:

Pine Bluff Wastewater Utility - Boyd Point Wastewater Treatment Facility  
900 Island Harbor Marina Road  
Pine Bluff, AR 71601

is authorized to discharge from a facility located as follows: 1.5 miles from Highway 79 on Island Harbor Marina Road in Jefferson County, Arkansas.

Latitude: 34° 16' 17.89"; Longitude: 91° 58' 21.17"

to receiving waters named:

The Arkansas River in Segment 3C of the Arkansas River Basin.

The outfall is located at the following coordinates:

Outfall 001: Latitude: 34° 16' 30"; Longitude: 91° 57' 59"

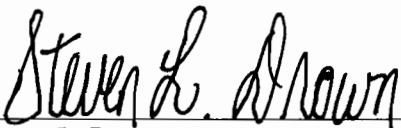
Discharge shall be in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, III, and IV hereof.

Response to Comments is attached.

Issue Date: 07/31/2009

Effective Date: 09/01/2009

Expiration Date: 08/31/2014



Steven L. Drown  
Chief, Water Division  
Arkansas Department of Environmental Quality

**SECTION A1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 001 (Upstream Flow < 5000 cfs)**  
- treated municipal wastewater.

During the period beginning on the effective date and lasting until the date of expiration, the permittee is authorized to discharge from Outfall 001. Such discharges shall be limited and monitored by the permittee as specified below from a treatment system consisting two parallel trains of one aerated lagoon, one primary pond, and one polishing pond and the trains combine for disinfection via chlorination (optional). The facility discharges via Hydrograph Control Release (HCR).

<u><b>Effluent Characteristics</b></u>	<u><b>Discharge Limitations</b></u>			<u><b>Monitoring Requirements</b></u>	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
		Monthly Avg.	Monthly Avg.		
Flow	N/A	Report, MGD	14 MGD (Daily Maximum)	once/day	totalizing meter
Upstream Flow <sup>3</sup>	N/A	Report, MGD	Report, MGD (Daily Maximum)	once/day	record
Carbonaceous Biochemical Oxygen Demand (CBOD5)					
(May-Oct)	N/A	25	37.5	five/week	24-hr composite
Biochemical Oxygen Demand (BOD5)					
(Nov-Apr)	N/A	30	45	five/week	24-hr composite
Total Suspended Solids (TSS)	N/A	90	135	five/week	24-hr composite
Ammonia Nitrogen (NH3-N)					
(May-Oct)	N/A	15	22.5	five/week	24-hr composite
Dissolved Oxygen	N/A	2.0 (Inst. Min.)		five/week	grab
Fecal Coliform Bacteria (FCB)		(colonies/100ml)			
(Apr-Sept)	N/A	200	400	five/week	grab
(Oct-Mar)	N/A	1000	2000	five/week	grab
Total Residual Chlorine (TRC) <sup>1</sup>	N/A	<0.1 mg/l (Inst. Max.)		five/week	grab
Total Phosphorus	N/A	Report	Report	once/month	grab
Nitrate + Nitrite Nitrogen	N/A	Report	Report	once/month	grab
pH	N/A	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 10.5 s.u.	once/day	grab
Chronic WET Testing <sup>2</sup>	N/A	Report		once/quarter	24-hr composite

<b>Effluent Characteristics</b>	<b>Discharge Limitations</b>			<b>Monitoring Requirements</b>	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
		Monthly Avg.	Monthly Avg.		
<b>Pimephales promelas (Chronic)<sup>2</sup></b> Pass/Fail Lethality (7-day NOEC) TLP6C Pass/Fail Growth (7-day NOEC) TGP6C Survival (7-day NOEC) TOP6C Coefficient of Variation (Growth) TQP6C Growth (7-day NOEC) TPP6C		<b>7-Day Average</b> Report (Pass=0/Fail=1) Report (Pass=0/Fail=1) Report % Report % Report %		once/quarter once/quarter once/quarter once/quarter once/quarter	24-hr composite 24-hr composite 24-hr composite 24-hr composite 24-hr composite
<b>Ceriodaphnia dubia (Chronic)<sup>2</sup></b> Pass/Fail Lethality (7-day NOEC) TLP3B Pass/Fail production (7-day NOEC) TGP3B Survival (7-day NOEC) TOP3B Coefficient of Variation (Reproduction) TQP3B Reproduction (7-day NOEC) TPP3B		<b>7-Day Average</b> Report (Pass=0/Fail=1) Report (Pass=0/Fail=1) Report % Report %  Report %		once/quarter once/quarter once/quarter once/quarter  once/quarter	24-hr composite 24-hr composite 24-hr composite 24-hr composite  24-hr composite

- 1 See Condition No. 9 of Part II. (TRC Condition). Permittee must sample for TRC **only** when chlorine is used for disinfection.
- 2 See Condition No. 16 of Part II (WET Testing Condition).
- 3 See Condition Nos. 10 and 11 of Part II. (Upstream Flow Reporting).

There shall be no discharge of distinctly visible solids, scum, or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits, or sludge banks. There shall be no visible sheen due to the presence of oil (Sheen means an iridescent appearance on the surface of the water).

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. Samples shall be taken after final treatment at the following monitoring coordinates: Latitude: 34° 16' 16.7"; Longitude: 91° 57' 55.4". Total Residual Chlorine (TRC) may also be sampled at the end of pipe at the Arkansas River.

**SECTION A2. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 001 (Upstream Flow  $\geq$  5000 cfs)**  
- treated municipal wastewater.

During the period beginning on the effective date and lasting until the date of expiration, the permittee is authorized to discharge from Outfall 001. Such discharges shall be limited and monitored by the permittee as specified below from a treatment system consisting two parallel trains of one aerated lagoon, one primary pond, and one polishing pond and the trains combine for disinfection via chlorination (optional). The facility discharges via Hydrograph Control Release (HCR).

<u><b>Effluent Characteristics</b></u>	<u><b>Discharge Limitations</b></u>			<u><b>Monitoring Requirements</b></u>	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
		Monthly Avg.	Monthly Avg.		
Flow	N/A	Report, MGD	30 MGD (Daily Maximum)	once/day	totalizing meter
Upstream Flow <sup>3</sup>	N/A	Report, MGD	Report, MGD (Daily Maximum)	once/day	record
Carbonaceous Biochemical Oxygen Demand (CBOD5) (May-Oct)	N/A	25	37.5	five/week	24-hr composite
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Total Suspended Solids (TSS)	N/A	90	135	five/week	24-hr composite
Ammonia Nitrogen (NH3-N) (May-Oct)	N/A	15	22.5	five/week	24-hr composite
Dissolved Oxygen	N/A	2.0 (Inst. Min.)		five/week	grab
Fecal Coliform Bacteria (FCB) (Apr-Sept)	N/A	200	400	five/week	grab
(Oct-Mar)	N/A	1000	2000	five/week	grab
Total Residual Chlorine (TRC) <sup>1</sup>	N/A	<0.1 mg/l (Inst. Max.)		five/week	grab
Total Phosphorus	N/A	Report	Report	once/month	grab
Nitrate + Nitrite Nitrogen	N/A	Report	Report	once/month	grab
pH	N/A	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 10.5 s.u.	once/day	grab
Chronic WET Testing <sup>2</sup>	N/A	Report		once/quarter	24-hr composite

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
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- 1 See Condition No. 9 of Part II. (TRC Condition). Permittee must sample for TRC only when chlorine is used for disinfection.
- 2 See Condition No. 16 of Part II (WET Testing Condition).
- 3 See Condition Nos. 10 and 11 of Part II. (Upstream Flow Reporting).

There shall be no discharge of distinctly visible solids, scum, or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits, or sludge banks. There shall be no visible sheen due to the presence of oil (Sheen means an iridescent appearance on the surface of the water).

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. Samples shall be taken after final treatment at the following monitoring coordinates: Latitude: 34° 16' 16.7"; Longitude: 91° 57' 55.4". Total Residual Chlorine (TRC) may also be sampled at the end of pipe at the Arkansas River.

## **SECTION B. PERMIT COMPLIANCE**

The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule:

1. Compliance is required on the effective date of the permit.
2. Pretreatment:
  - a. Submit proposed Pretreatment Program modification within 12 months of the permit effective date;
  - b. Submit certification/notification statement for technically based local limits (TBLL) within 60 days of the effective date;  
  
OR: If the TBLLs are revised, submit a revised sewer use ordinance within 12 months of the effective date;
  - c. An Annual Pretreatment Program Status Report is due during the month of March each year.

**PART II  
OTHER CONDITIONS**

1. The operator of this wastewater treatment facility shall be licensed as Class III by the State of Arkansas in accordance with Act 211 of 1971, Act 1103 of 1991, Act 556 of 1993, and APCEC Regulation No. 3, as amended.
2. For publicly owned treatment works, the 30-day average percent removal for Biochemical Oxygen Demand (BOD5) and/or Carbonaceous Biochemical Oxygen Demand (CBOD5) and Total Suspended Solids (TSS) shall not be less than 85 percent unless otherwise authorized by the permitting authority in accordance with 40 CFR Part 133.102, as adopted by reference in APCEC Regulation No. 6.
3. Produced sludge shall be disposed of by land application only when meeting the following criteria:
  - a. Sewage sludge from treatment works treating domestic sewage (TWTDS) must meet the applicable provisions of 40 CFR Part 503; and
  - b. The sewage sludge has not been classified as a hazardous waste under state or federal regulations.
4. The permittee shall give at least 120 days prior notice to the Director of any change planned in the permittee's sludge disposal practice or land use applications, including types of crops grown (if applicable).
5. The permittee shall report all overflows with the Discharge Monitoring Report (DMR) submittal. These reports shall be summarized and reported in tabular format. The summaries shall include: the date, time, duration, location, estimated volume, and cause of overflow; observed environmental impacts from the overflow; action taken to address the overflow; and ultimate discharge location if not contained (e.g., storm sewer system, ditch, tributary). All overflows which endanger health or the environment shall be orally reported to this department (Enforcement Section of the Water Division), within 24 hours from the time the permittee becomes aware of the circumstance. A written report of overflows which endanger health or the environment, shall be provided within 5 days of the time the permittee becomes aware of the circumstance.
6. In accordance with 40 CFR Parts 122.62 (a)(2) and 124.5, this permit may be reopened for modification or revocation and/or reissuance to require additional monitoring and/or effluent limitations when new information is received that actual or potential exceedance of State water quality criteria and/or narrative criteria are determined to be the result of the permittee's discharge(s) to a relevant water body or a Total Maximum Daily Load (TMDL) is established or revised for the water body that was not available at the time of the permit issuance that would have justified the application of different permit conditions at the time of permit issuance.

## 7. Other Specified Monitoring Requirements

The permittee may use alternative appropriate monitoring methods and analytical instruments other than as specified in Part I Section A of the permit without a major permit modification under the following conditions:

- The monitoring and analytical instruments are consistent with accepted scientific practices;
- The requests shall be submitted in writing to the Permits Section of the Water Division of the ADEQ for use of the alternate method or instrument.
- The method and/or instrument is in compliance with 40 CFR Part 136 or acceptable to the Director; and
- All associated devices are installed, calibrated, and maintained to insure the accuracy of the measurements and are consistent with the accepted capability of that type of device. The calibration and maintenance shall be performed as part of the permittee's laboratory Quality Control/Quality Assurance program.

Upon written approval of the alternative monitoring method and/or analytical instruments, these methods or instruments must be consistently utilized throughout the monitoring period. ADEQ must be notified in writing and the permittee must receive written approval from ADEQ if the permittee decides to return to the original permit monitoring requirements.

8. If TRC test results are less than Detection Level Achieved (DL), a value of zero (0) may be used for the Discharge Monitoring Report (DMR) calculations and reporting requirements.

Total residual chlorine (TRC) in the effluent composite sample shall be measured and reported both at the time of sample termination and at the time of toxicity test initiation. The permittee shall ensure that the effluent composite used in toxicity testing is representative of normal facility residual chlorine discharge concentration.

## 9. Upstream Flow Requirements:

The permittee must monitor the upstream flow. Receiving stream flow shall be obtained from the U.S. Corps of Engineers at Arkansas River Lock and Dam No. 5 by contacting the local Lock Master via telephone or using the U.S. Corp of Engineers website (<http://www.swl-wc.usace.army.mil/>). Records shall be kept and available for inspection upon request.

10. Discharge flow is restricted as follows:

### A. Upstream < 5,000 cfs

When the river flow (Upstream flow) is less than 5,000 cfs, the permittee can only discharge up to 14 MGD. The permittee shall report the number of days per month that the facility average discharge exceeds this condition.



**B. Upstream  $\geq$  5,000 cfs**

When the river flow (Upstream flow) is great than or equal to 5,000 cfs, the permittee can only discharge up to 30 MGD. The permittee shall report the number of days per month that the facility average discharge exceeds this condition.

**11. CONTRIBUTING INDUSTRIES AND PRETREATMENT REQUIREMENTS**

A. The permittee shall operate an industrial pretreatment program in accordance with Section 402(b)(8) of the Clean Water Act, the General Pretreatment Regulations (40 CFR Part 403) and the approved POTW pretreatment program submitted by the permittee. The pretreatment program was approved on **September 18, 1984** and modified on **September 8, 1992**. The Sewer Use Ordinance and the Pretreatment Program have not been modified to come into compliance with the current 40 CFR 403 regulations. The permittee shall submit all necessary proposed modifications to ADEQ within twelve (12) months of the effective date of this permit. The POTW pretreatment program is hereby incorporated by reference and shall be implemented in a manner consistent with the following requirements:

- (1) Industrial user information shall be updated at a frequency adequate to ensure that all IUs are properly characterized at all times;
- (2) The frequency and nature of industrial user compliance monitoring activities by the permittee shall be commensurate with the character, consistency and volume of waste. The permittee must inspect and sample the effluent from each Significant Industrial User in accordance with 40 CFR 403.8(f)(2)(v). This is in addition to any industrial self-monitoring activities;
- (3) The permittee shall enforce and obtain remedies for noncompliance by any industrial users with applicable pretreatment standards and requirements;
- (4) The permittee shall control through permit, order, or similar means, the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements. In the case of Industrial Users identified as significant under 40 CFR 403.3 (v), this control shall be achieved through individual or general control mechanisms, in accordance with 40 CFR 403.8(f)(1)(iii). Both individual and general control mechanisms must be enforceable and contain, at a minimum, the following conditions:
  - (a) Statement of duration (in no case more than five years);
  - (b) Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;

- (c) Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards, categorical Pretreatment Standards, local limits, and State and local law;
  - (d) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with § 403.12(e)(2), or a specific waiver for a pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in 40 CFR 403, categorical Pretreatment Standards, local limits, and State and local law;
  - (e) Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond federal deadlines; and Requirements to control slug discharges, if determined by the POTW to be necessary.
- (5) The permittee shall evaluate, whether each Significant Industrial User needs a plan or other action to control slug discharges, in accordance with 40 CFR 403.8(f)(2)(vi);
  - (6) The permittee shall provide adequate staff, equipment, and support capabilities to carry out all elements of the pretreatment program; and
  - (7) The approved program shall not be modified by the permittee without the prior approval of ADEQ.
- B. The permittee shall establish and enforce specific limits to implement the provisions of 40 CFR Parts 403.5(a) and (b), as required by 40 CFR Part 403.5(c). POTWs may develop Best Management Practices (BMPs) to implement paragraphs 40 CFR 403.5 (c)(1) and (c)(2). Such BMPs shall be considered local limits and Pretreatment Standards. Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and effectively enforce such limits.

The permittee shall submit, within sixty (60) days of the effective date of this permit, (1) a WRITTEN CERTIFICATION that a technical evaluation has demonstrated that the existing technically based local limits (TBLL) are based on current state water quality standards and are adequate to prevent pass through of pollutants, inhibition of or interference with the treatment facility, worker health and safety problems, and sludge contamination, OR (2) a WRITTEN NOTIFICATION that a technical evaluation revising the current TBLL and a draft sewer use ordinance which incorporates such revisions will be submitted within 12 months of the effective date of this permit.

All specific prohibitions or limits developed under this requirement are deemed to be conditions of this permit. The specific prohibitions set out in 40 CFR Part 403.5(b) shall be enforced by the permittee unless modified under this provision.

- C. The permittee shall analyze the treatment facility influent and effluent for the presence of the toxic pollutants listed in 40 CFR 122 Appendix D (NPDES Application Testing Requirements) Table II at least once/year and the toxic pollutants in Table III at least 4 times/year (quarterly). If, based upon information available to the permittee, there is reason to suspect the presence of any toxic or hazardous pollutant listed in Table V, or any other pollutant, known or suspected to adversely affect treatment plant operation, receiving water quality, or solids disposal procedures, analysis for those pollutants shall be performed at least 4 times/year (quarterly) on both the influent and the effluent.

The influent and effluent samples collected shall be composite samples consisting of at least 12 aliquots collected at approximately equal intervals over a representative 24 hour period and composited according to flow. Sampling and analytical procedures shall be in accordance with guidelines established in 40 CFR 136. Where composite samples are inappropriate, due to sampling, holding time, or analytical constraints, at least 4 grab samples, taken at equal intervals over a representative 24 hour period, shall be taken.

- D. The permittee shall prepare annually a list of Industrial Users which during the preceding twelve months were in significant noncompliance with applicable pretreatment requirements. For the purposes of this Part, significant noncompliance shall be determined based upon the more stringent of either criteria established at 40 CFR Part 403.8(f)(2)(viii) [rev. 10/14/05] or criteria established in the approved POTW pretreatment program. This list is to be published annually in the newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW during the month of **March**.

In addition, during the month of **March** the permittee shall submit an updated pretreatment program status report to the ADEQ containing the following information:

- (1) An updated list of all significant industrial users and identify which Industrial Users are Non-Significant Categorical Industrial Users (NSCIUs) or Middle Tier CIUs. The list must also identify:
  - (a) Industrial Users subject to categorical Pretreatment Standards that are subject to reduced monitoring and reporting requirements under 40 CFR 403.12(e)(2) & (3),
  - (b) Industrial Users subject to the following categorical Pretreatment Standards [Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF) (40 CFR Part 414), Petroleum Refining (40 CFR Part 419), and Pesticide Chemicals (40 CFR Part 455)] and for which the Control Authority has chosen to use the concentration-based standards rather than converting them to flow-based mass standards as allowed at 40 CFR 403.6(c)(6).

- (c) Categorical Industrial Users subject to concentration-based standards for which the Control Authority has chosen to convert the concentration-based standards to equivalent mass limits, as allowed at 40 CFR 403.6(c)(5).
  - (d) General Control Mechanisms used for similar groups of SIUs along with the substantially similar types of operations and the types of wastes that are the same, for each separate General Control Mechanism, as allowed at 40 CFR 403.8(f)(1)(iii).
  - (e) Best Management Practices or Pollution Prevention alternatives required by a categorical Pretreatment Standard or as a local limit requirement that are implemented and documentation to demonstrate compliance, as required at 40 CFR 403 (b), (e) and (h).
- (2) For each industrial user listed the following information shall be included:
- (a) Standard Industrial Classification (SIC) and NAICS code and categorical determination;
  - (b) Control document status. Whether the user has an effective control document, and the date such document was last issued, reissued, or modified, (indicate which industrial users were added to the system (or newly identified) within the previous 12 months);
  - (c) A summary of all monitoring activities performed within the previous 12 months. The following information shall be reported:
    - \* total number of inspections performed;
    - \* total number of sampling visits made;
  - (d) Status of compliance with both effluent limitations and reporting requirements. Compliance status shall be defined as follows:
    - \* Compliant (C) - no violations during the previous 12 month period;
    - \* Non-compliant (NC) - one or more violations during the previous 12 months but does not meet the criteria for significantly noncompliant industrial users;
    - \* Significant Noncompliance (SNC) - in accordance with requirements described in d. above; and
  - (e) For significantly noncompliant industrial users, indicate the nature of the violations, the type and number of actions taken (notice of violation, administrative order, criminal or civil suit, fines or penalties collected, etc.) and current compliance status. If ANY industrial user was on a schedule to attain compliance with effluent limits, indicate the date the schedule was issued and the date compliance is to be attained;

- (3) A list of all significant industrial users whose authorization to discharge was terminated or revoked during the preceding 12 month period and the reason for termination;
- (4) A report on any interference, pass through, upset or POTW permit violations known or suspected to be caused by industrial contributors and actions taken by the permittee in response;
- (5) The results of all influent and effluent analyses performed pursuant to paragraph (c) above;
- (6) A copy of the newspaper publication of the significantly noncompliant industrial users giving the name of the newspaper and the date published;
- (7) The information requested may be submitted in tabular form as per the example tables provided for your convenience (See Attachment A, B and C); and
- (8) The monthly average water quality based effluent concentration necessary to meet the state water quality standards as developed in the approved technically based local limits.

E. The permittee shall provide adequate notice of the following:

- (1) Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 and 306 of the Act if it were directly discharging those pollutants; and
- (2) Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.

Adequate notice shall include information on (i) the quality and quantity of effluent to be introduced into the treatment works, and (ii) any anticipated impact of the change on the quality or quantity of effluent to be discharged from the POTW.

12. Whole Effluent Toxicity Testing (7-Day Chronic NOEC Freshwater)

1. SCOPE AND METHODOLOGY

- a. The permittee shall test the effluent for toxicity in accordance with the provisions in this section.

APPLICABLE TO FINAL OUTFALL(S): 001

REPORTED ON DMR AS FINAL OUTFALL: 001

CRITICAL DILUTION (%):	9
EFFLUENT DILUTION SERIES (%):	4, 5, 7, 9, & 12
TESTING FREQUENCY	once/quarter
COMPOSITE SAMPLE TYPE:	Defined at PART I
TEST SPECIES/METHODS:	40 CFR Part 136

Ceriodaphnia dubia chronic static renewal survival and reproduction test, Method 1002.0, EPA-821-R-02-013, or the most recent update thereof. This test should be terminated when 60% of the surviving females in the control produce three broods or at the end of eight days, whichever comes first.

Pimephales promelas (Fathead minnow) chronic static renewal 7-day larval survival and growth test, Method 1000.0, EPA-821-R-02-013, or the most recent update thereof. A minimum of five (5) replicates with eight (8) organisms per replicate must be used in the control and in each effluent dilution of this test.

- b. The NOEC (No Observed Effect Concentration) is herein defined as the greatest effluent dilution at and below which toxicity (lethal or sub-lethal) that is statistically different from the control (0% effluent) at the 95% confidence level does not occur. Chronic lethal test failure is defined as a demonstration of a statistically significant lethal effect at test completion to a test species at or below the critical dilution. Chronic sub-lethal test failure is defined as a demonstration of a statistically significant sub-lethal effect (i.e., growth or reproduction) at test completion to a test species at or below the critical dilution.
- c. This permit may be reopened to require whole effluent toxicity limits, chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.

## 2. PERSISTENT LETHAL and/or SUB-LETHAL EFFECTS

The requirements of this subsection apply only when a toxicity test demonstrates significant lethal and/or sub-lethal effects at or below the critical dilution. The purpose of additional tests (also referred to as 'retests' or confirmation tests) is to determine the duration of a toxic event. A test that meets all test acceptability criteria and demonstrates significant toxic effects does not need additional confirmation. Such testing cannot confirm or disprove a previous test result.

If any valid test demonstrates significant lethal or sub-lethal effects to a test species at or below the critical dilution, the frequency of testing for that species is automatically increased to once per quarter for the life of the permit. In addition:

a. Part I Testing Frequency Other Than Monthly

- i. The permittee shall conduct a total of three (3) additional tests for any species that demonstrates significant toxic effects at or below the critical dilution. The additional tests shall be conducted monthly during the next three consecutive months. If testing on a quarterly basis, the permittee may substitute one of the additional tests in lieu of one routine toxicity test. A full report shall be prepared for each test required by this section in accordance with procedures outlined in Item 4 of this section and submitted with the period discharge monitoring report (DMR) to the permitting authority for review.
- ii. IF LETHAL EFFECTS HAVE BEEN DEMONSTRATED If any of the additional tests demonstrates significant lethal effects at or below the critical dilution, the permittee shall initiate Toxicity Reduction Evaluation (TRE) requirements as specified in Item 5 of this section. The permittee shall notify ADEQ in writing within 5 days of the failure of any retest, and the TRE initiation date will be the test completion date of the first failed retest. A TRE may also be required due to a demonstration of intermittent lethal effects at or below the critical dilution, or for failure to perform the required retests. A TRE required based on lethal effects should consider any sub-lethal effects as well.
- iii. IF SUB-LETHAL EFFECTS ONLY HAVE BEEN DEMONSTRATED If any two of the three additional tests demonstrates significant sub-lethal effects at 75% effluent or lower, the permittee shall initiate the Sub-Lethal Toxicity Reduction Evaluation (TRE<sub>SL</sub>) requirements as specified in Item 5 of this section. The permittee shall notify ADEQ in writing within 5 days of the failure of any retest, and the Sub-Lethal Effects TRE initiation date will be the test completion date of the first failed retest. A TRE may also be required for failure to perform the required retests.
- iv. The provisions of Item 2.a.i. are suspended upon submittal of the TRE Action Plan.

b. Part I Testing Frequency of Monthly

The permittee shall initiate the Toxicity Reduction Evaluation (TRE) requirements as specified in Item 5 of this section when any two of three consecutive monthly toxicity tests exhibit significant toxic effects at or below the critical dilution. A TRE may also be required due to a demonstration of intermittent lethal and/or sub-lethal effects at or below the critical dilution, or for failure to perform the required retests.

### 3. REQUIRED TOXICITY TESTING CONDITIONS

#### a. Test Acceptance

The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied, including the following additional criteria:

- i. The toxicity test control (0% effluent) must have survival equal to or greater than 80%.
- ii. The mean number of Ceriodaphnia dubia neonates produced per surviving female in the control (0% effluent) must be 15 or more.
- iii. 60% of the surviving control females must produce three broods. The mean dry weight of surviving Fathead minnow larvae at the end of the 7 days in the control (0% effluent) must be 0.25 mg per larva or greater.
- iv. The percent coefficient of variation between replicates shall be 40% or less in the control (0% effluent) for: the young of surviving females in the Ceriodaphnia dubia reproduction test; the growth and survival endpoints of the Fathead minnow test.
- v. The percent coefficient of variation between replicates shall be 40% or less in the critical dilution, unless significant lethal or sub-lethal effects are exhibited for: the young of surviving females in the Ceriodaphnia dubia reproduction test; the growth and survival endpoints of the Fathead minnow test.
- vi. If a test passes, yet the percent coefficient of variation between replicates is greater than 40% in the control and/or in the critical dilution (0% effluent) for: the young of surviving females in the Ceriodaphnia dubia reproduction test; the growth and survival endpoints of the Fathead minnow test, the test is determined to be invalid. A repeat test shall be conducted within the required reporting period of any test determined to be invalid.
- vii. If a test fails, test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%.
- viii. A Percent Minimum Significant Difference (PMSD) range of 13 - 47 for Ceriodaphnia dubia reproduction;
- ix. A PMSD range of 12 - 30 for Fathead minnow growth.



b. Statistical Interpretation

- i. For the Ceriodaphnia dubia survival test, the statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be Fisher's Exact Test as described in EPA/821/R-02-013 or the most recent update thereof.
- ii. For the Ceriodaphnia dubia reproduction test and the Fathead minnow larval survival and growth test, the statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be in accordance with the methods for determining the No Observed Effect Concentration (NOEC) as described in EPA/821/R-02-013 or the most recent update thereof.
- iii. If the conditions of Test Acceptability are met in Item 3.a above and the percent survival of the test organism is equal to or greater than 80% in the critical dilution concentration and all lower dilution concentrations, the test shall be considered to be a passing test, and the permittee shall report a survival NOEC of not less than the critical dilution for the DMR reporting requirements found in Item 4 below.

c. Dilution Water

- i. Dilution water used in the toxicity tests will be receiving water collected as close to the point of discharge as possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar pH, hardness, and alkalinity to the closest downstream perennial water for;
  - (A) toxicity tests conducted on effluent discharges to receiving water classified as intermittent streams; and
  - (B) toxicity tests conducted on effluent discharges where no receiving water is available due to zero flow conditions.
- ii. If the receiving water is unsatisfactory as a result of instream toxicity (fails to fulfill the test acceptance criteria of Item 3.a), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:
  - (A) a synthetic dilution water control which fulfills the test acceptance requirements of Item 3.a was run concurrently with the receiving water control;
  - (B) the test indicating receiving water toxicity has been carried out to completion (i.e., 7 days);

(C) the permittee includes all test results indicating receiving water toxicity with the full report and information required by Item 4 below; and

(D) the synthetic dilution water shall have a pH, hardness, and alkalinity similar to that of the receiving water or closest downstream perennial water not adversely affected by the discharge, provided the magnitude of these parameters will not cause toxicity in the synthetic dilution water.

d. Samples and Composites

- i. The permittee shall collect a minimum of three flow-weighted composite samples from the outfall(s) listed at Item 1.a above. Unless otherwise stated in this section, a composite sample for WET shall consist of 12 subsamples gathered at equal time intervals during a 24-hour period.
- ii. The permittee shall collect second and third composite samples for use during 24-hour renewals of each dilution concentration for each test. The permittee must collect the composite samples such that the effluent samples, on use, are representative of any periodic episode of chlorination, biocide usage or other potentially toxic substance discharged on a regular or intermittent basis.
- iii. The permittee must collect all three flow-weighted composite samples within the monitoring period. Second and/or third composite samples shall not be collected into the next monitoring period; such tests will be determined to be invalid. Monitoring period definitions are listed in Part IV.
- iv. The permittee must collect the composite samples so that the maximum holding time for any effluent sample shall not exceed 72 hours. The permittee must have initiated the toxicity test within 36 hours after the collection of the last portion of the first composite sample. Samples shall be chilled to 6 degrees Centigrade during collection, shipping, and/or storage.
- v. If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent portions and the sample holding time are waived during that sampling period. However, the permittee must have collected an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days if the discharge occurs over multiple days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in Item 4 of this section.
- vi. MULTIPLE OUTFALLS: If the provisions of this section are applicable to multiple outfalls, the permittee shall combine the composite effluent samples in

proportion to the average flow from the outfalls listed in item 1.a. above for the day the sample was collected. The permittee shall perform the toxicity test on the flow-weighted composite of the outfall samples.

- vii. The permittee shall not allow the sample to be dechlorinated at the laboratory. At the time of sample collection the permittee shall measure the TRC of the effluent. The measured concentration of TRC for each sample shall be included in the lab report submitted by the permittee.

#### 4. REPORTING

- a. The permittee shall prepare a full report of the results of all tests conducted pursuant to this section in accordance with the Report Preparation Section of EPA/821/R-02-013, or the most current publication, for every valid or invalid toxicity test initiated whether carried to completion or not. The permittee shall retain each full report pursuant to the provisions of PART III.C.3 of this permit. The permittee shall submit full reports. For any test which fails, is considered invalid or which is terminated early for any reason, the full report must be submitted for agency review.
- b. A valid test for each species must be reported on the DMR during each reporting period specified in PART I of this permit unless the permittee is performing a TRE which may increase the frequency of testing and reporting. Only ONE set of WET test data for each species is to be recorded on the DMR for each reporting period. The data submitted should reflect the LOWEST lethal and sub-lethal effects results for each species during the reporting period. The full reports for all invalid tests, repeat tests (for invalid tests), and retests (for tests previously failed) performed during the reporting period must be attached to the DMR for Agency review.
- c. The permittee shall submit the results of each valid toxicity test on the subsequent monthly DMR for that reporting period in accordance with PART III.D.4 of this permit, as follows below. Submit retest information clearly marked as such with the following month's DMR. Only results of valid tests are to be reported on the DMR.
- i. Pimephales promelas (Fathead minnow)
- (A) If the No Observed Effect Concentration (NOEC) for survival is less than the critical dilution, enter a '1'; otherwise, enter a '0' for Parameter No. TLP6C
- (B) Report the NOEC value for survival, Parameter No. TOP6C
- (C) Report the NOEC value for growth, Parameter No. TPP6C
- (D) If the NOEC for growth is less than the critical dilution, enter a '1'; otherwise, enter a '0' for Parameter No. TGP6C
- (E) Report the highest (critical dilution or control) Coefficient of Variation for

growth, Parameter No. TQP6C

ii. Ceriodaphnia dubia

- (A) If the NOEC for survival is less than the critical dilution, enter a '1'; otherwise, enter a '0' for Parameter No. TLP3B
- (B) Report the NOEC value for survival, Parameter No. TOP3B
- (C) Report the NOEC value for reproduction, Parameter No. TPP3B
- (D) If the NOEC for reproduction is less than the critical dilution, enter a '1'; otherwise, enter a '0' for Parameter No. TGP3B
- (E) Report the higher (critical dilution or control) Coefficient of Variation for reproduction, Parameter No. TQP3B

5. TOXICITY REDUCTION EVALUATIONS (TREs)

TREs for lethal and sub-lethal effects are performed in a very similar manner. EPA Region 6 is currently addressing TREs as follows: a sub-lethal TRE (TRE<sub>SL</sub>) is triggered based on three sub-lethal test failures while a lethal effects TRE (TRE<sub>L</sub>) is triggered based on only two test failures for lethality. In addition, EPA Region 6 will consider the magnitude of toxicity and use flexibility when considering a TRE<sub>SL</sub> where there are no effects at effluent dilutions of less than 76% effluent.

- a. Within ninety (90) days of confirming persistent toxicity, the permittee shall submit a Toxicity Reduction Evaluation (TRE) Action Plan and Schedule for conducting a TRE. The TRE Action Plan shall specify the approach and methodology to be used in performing the TRE. A Toxicity Reduction Evaluation is an investigation intended to determine those actions necessary to achieve compliance with water quality-based effluent limits by reducing an effluent's toxicity to an acceptable level. A TRE is defined as a step-wise process which combines toxicity testing and analyses of the physical and chemical characteristics of a toxic effluent to identify the constituents causing effluent toxicity and/or treatment methods which will reduce the effluent toxicity. The goal of the TRE is to maximally reduce the toxic effects of effluent at the critical dilution and includes the following:
  - i. Specific Activities. The plan shall detail the specific approach the permittee intends to utilize in conducting the TRE. The approach may include toxicity characterizations, identifications and confirmation activities, source evaluation, treatability studies, or alternative approaches. When the permittee conducts Toxicity Characterization Procedures the permittee shall perform multiple characterizations and follow the procedures specified in the documents 'Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization

Procedures' (EPA-600/6-91/003) and 'Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I' (EPA-600/6-91/005F), or alternate procedures. When the permittee conducts Toxicity Identification Evaluations and Confirmations, the permittee shall perform multiple identifications and follow the methods specified in the documents 'Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity' (EPA/600/R-92/080) and 'Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity' (EPA/600/R-92/081), as appropriate.

The documents referenced above may be obtained through the National Technical Information Service (NTIS) by phone at (703) 487-4650, or by writing:

U.S. Department of Commerce  
National Technical Information Service  
5285 Port Royal Road  
Springfield, VA 22161

- ii. Sampling Plan (e.g., locations, methods, holding times, chain of custody, preservation, etc.). The effluent sample volume collected for all tests shall be adequate to perform the toxicity test, toxicity characterization, identification and confirmation procedures, and conduct chemical specific analyses when a probable toxicant has been identified;  
  
Where the permittee has identified or suspects specific pollutant(s) and/or source(s) of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical specific analyses for the identified and/or suspected pollutant(s) and/or source(s) of effluent toxicity. Where lethality was demonstrated within 48 hours of test initiation, each composite sample shall be analyzed independently. Otherwise the permittee may substitute a composite sample, comprised of equal portions of the individual composite samples, for the chemical specific analysis;
  - iii. Quality Assurance Plan (e.g., QA/QC implementation, corrective actions, etc.);  
and
  - iv. Project Organization (e.g., project staff, project manager, consulting services, etc.).
- b. The permittee shall initiate the TRE Action Plan within thirty (30) days of plan and schedule submittal. The permittee shall assume all risks for failure to achieve the required toxicity reduction.
  - c. The permittee shall submit a quarterly TRE Activities Report, with the Discharge Monitoring Report in the months of January, April, July and October, containing information on toxicity reduction evaluation activities including:

any data and/or substantiating documentation which identifies the pollutant(s) and/or source(s) of effluent toxicity;

any studies/evaluations and results on the treatability of the facility's effluent toxicity;  
and

any data which identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to meet no significant toxicity at the critical dilution.

A copy of the TRE Activities Report shall also be submitted to the state agency.

- d. The permittee shall submit a Final Report on Toxicity Reduction Evaluation Activities no later than twenty-eight (28) months from confirming toxicity in the retests, which provides information pertaining to the specific control mechanism selected that will, when implemented, result in reduction of effluent toxicity to no significant toxicity at the critical dilution. The report will also provide a specific corrective action schedule for implementing the selected control mechanism.

A copy of the Final Report on Toxicity Reduction Evaluation Activities shall also be submitted to the state agency.

- e. Quarterly testing during the TRE is a minimum monitoring requirement. EPA recommends that permittees required to perform a TRE not rely on quarterly testing alone to ensure success in the TRE, and that additional screening tests be performed to capture toxic samples for identification of toxicants. Failure to identify the specific chemical compound causing toxicity test failure will normally result in a permit limit for whole effluent toxicity limits per federal regulations at 40 CFR 122.44(d)(1)(v).

## 6. MONITORING FREQUENCY REDUCTION

- a. The permittee may apply for a testing frequency reduction upon the successful completion of the first four consecutive quarters or first twelve consecutive months (in accordance with Item 1.a.) of testing for one or both test species, with no lethal or sub-lethal effects demonstrated at or below the critical dilution. If granted, the monitoring frequency for that test species may be reduced to not less than once per year for the less sensitive species (usually the Fathead minnow) and not less than twice per year for the more sensitive test species (usually the Ceriodaphnia dubia).
- b. CERTIFICATION - The permittee must certify in writing that no test failures have occurred and that all tests meet all test acceptability criteria in item 3.a. above. In addition the permittee must provide a list with each test performed including test initiation date, species, NOECs for lethal and sub-lethal effects and the maximum coefficient of variation for the controls. Upon review and acceptance of this information the agency will issue a letter of confirmation of the monitoring frequency

reduction. A copy of the letter will be forwarded to the agency's Permit Compliance System section to update the permit reporting requirements.

- c. SUB-LETHAL OR SURVIVAL FAILURES - If any test fails the survival or sub-lethal endpoint at any time during the life of this permit, three monthly retests are required and the monitoring frequency for the affected test species shall be increased to once per quarter until the permit is re-issued. Monthly retesting is not required if the permittee is performing a TRE.

Any monitoring frequency reduction granted applies only until the expiration date of this permit, at which time the monitoring frequency for both test species reverts to once per quarter until the permit is re-issued.

## PART III STANDARD CONDITIONS

### SECTION A – GENERAL CONDITIONS

#### 1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Water Act and the Arkansas Water and Air Pollution Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; and/or for denial of a permit renewal application. **Any values reported in the required Discharge Monitoring Report (DMR) which are in excess of an effluent limitation specified in Part I shall constitute evidence of violation of such effluent limitation and of this permit.**

#### 2. Penalties for Violations of Permit Conditions

The Arkansas Water and Air Pollution Control Act provides that any person who violates any provisions of a permit issued under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year, or a fine of not more than twenty-five thousand dollars (\$25,000) or by both such fine and imprisonment for each day of such violation. Any person who violates any provision of a permit issued under the Act may also be subject to civil penalty in such amount as the court shall find appropriate, not to exceed ten thousand dollars (\$10,000) for each day of such violation. The fact that any such violation may constitute a misdemeanor shall not be a bar to the maintenance of such civil action.

#### 3. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to the following:

- a. Violation of any terms or conditions of this permit; or
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
- d. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.
- e. Failure of the permittee to comply with the provisions of APCEC Regulation No. 9 (Permit fees) as required by Part III.A.10. herein.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.



**4. Toxic Pollutants**

Notwithstanding Part III.A.3., if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under APCEC Regulation No. 2, as amended, or Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitations on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standards or prohibition and the permittee so notified.

The permittee shall comply with effluent standards, narrative criteria, or prohibitions established under APCEC Regulation No. 2, as amended, or Section 307 (a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

**5. Civil and Criminal Liability**

Except as provided in permit conditions on “Bypassing” (Part III.B.4.a.), and “Upsets” (Part III.B.5.b), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of this permit or applicable state and federal statutes or regulations which defeats the regulatory purposes of the permit may subject the permittee to criminal enforcement pursuant to the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

**6. Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under Section 311 of the Clean Water Act.

**7. State Laws**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act.

**8. Property Rights**

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

## **9. Severability**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provisions of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

## **10. Permit Fees**

The permittee shall comply with all applicable permit fee requirements for wastewater discharge permits as described in APCEC Regulation No. 9 (Regulation for the Fee System for Environmental Permits). Failure to promptly remit all required fees shall be grounds for the Director to initiate action to terminate this permit under the provisions of 40 CFR Parts 122.64 and 124.5 (d), as adopted in APCEC Regulation No. 6 and the provisions of APCEC Regulation No. 8.

## **SECTION B – OPERATION AND MAINTENANCE OF POLLUTION CONTROLS**

### **1. Proper Operation and Maintenance**

- a. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- b. The permittee shall provide an adequate operating staff which is duly qualified to carryout operation, maintenance, and testing functions required to insure compliance with the conditions of this permit.

### **2. Need to Halt or Reduce not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production or discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power for the treatment facility is reduced, is lost, or alternate power supply fails.

### **3. Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment or the water receiving the discharge.

### **4. Bypass of Treatment Facilities**

#### **a. Bypass not exceeding limitation**

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II.B.4.b. and 4.c.

#### **b. Notice**

- (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
- (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part III.D.6. (24-hour notice).

#### **c. Prohibition of bypass**

- (1) Bypass is prohibited and the Director may take enforcement action against a permittee for bypass, unless:
  - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal or preventive maintenance; and
  - (c) The permittee submitted notices as required by Part III.B.4.b.
- (2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in Part III.B.4.c.(1).

### **5. Upset Conditions**

- a. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Part III.B.5.b. of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

- b. Conditions necessary for demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and that the permittee can identify the specific cause(s) of the upset;
  - (2) The permitted facility was at the time being properly operated.
  - (3) The permittee submitted notice of the upset as required by Part III.D.6.; and
  - (4) The permittee complied with any remedial measures required by Part III.B.3.
- c. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

## **6. Removed Substances**

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of waste waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering the waters of the State. Written approval must be obtained from the ADEQ for land application only.

## **7. Power Failure**

The permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failure either by means of alternate power sources, standby generators, or retention of inadequately treated effluent.

# **SECTION C – MONITORING AND RECORDS**

## **1. Representative Sampling**

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Director. Intermittent discharges shall be monitored.

## **2. Flow Measurement**

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than +/- 10% from true discharge rates throughout the range of expected discharge volumes and shall be installed at the monitoring point of the discharge.

**3. Monitoring Procedures**

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals frequent enough to insure accuracy of measurements and shall insure that both calibration and maintenance activities will be conducted. An adequate analytical quality control program, including the analysis of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory. At a minimum, spikes and duplicate samples are to be analyzed on 10% of the samples.

**4. Penalties for Tampering**

The Arkansas Water and Air Pollution Control Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year or a fine of not more than ten thousand dollars (\$10,000) or by both such fine and imprisonment.

**5. Reporting of Monitoring Results**

Monitoring results must be reported on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1 and other approved Form by ADEQ). Permittees are required to use preprinted DMR forms provided by ADEQ, unless specific written authorization to use other reporting forms is obtained from ADEQ. Monitoring results obtained during the previous calendar month shall be summarized and reported on a DMR form postmarked no later than the 25<sup>th</sup> day of the month following the completed reporting period to begin on the effective date of the permit. Duplicate copies of DMR forms signed and certified as required by Part III.D.11. and all other reports required by Part III.D., shall be submitted to the Director at the following address:

Permits Enforcement Branch  
Water Division  
Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, AR 72118-5317

If permittee uses outside laboratory facilities for sampling and/or analysis, the name and address of the contract laboratory shall be included on the DMR.

**6. Additional Monitoring by the Permittee**

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of

this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated on the DMR.

## **7. Retention of Records**

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the Director at any time.

## **8. Record Contents**

Records and monitoring information shall include:

- a. The date, exact place, time and methods of sampling or measurements, and preservatives used, if any;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) and time analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The measurements and results of such analyses.

## **9. Inspection and Entry**

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, and
- d. Sample, inspect, or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

## **SECTION D – REPORTING REQUIREMENTS**

### **1. Planned Changes**

The permittee shall give notice and provide plans and specification to the Director for review and approval prior to any planned physical alterations or additions to the permitted facility. Notice is required only when:

Any change in the facility discharge (including the introduction of any new source or significant discharge or significant changes in the quantity or quality of existing discharges of pollutants) must be reported to the permitting authority. In no case are any new connections, increased flows, or significant changes in influent quality permitted that cause violation of the effluent limitations specified herein.

## 2. **Anticipated Noncompliance**

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

## 3. **Transfers**

The permit is nontransferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

## 4. **Monitoring Reports**

Monitoring results shall be reported at the intervals and in the form specified in Part III.C.5. **Discharge Monitoring Reports must be submitted even when no discharge occurs during the reporting period.**

## 5. **Compliance Schedule**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

## 6. **Twenty-four Hour Report**

- a. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain the following information:
  - (1) a description of the noncompliance and its cause;
  - (2) the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
  - (3) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- b. The following shall be included as information which must be reported within 24 hours:
  - (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
  - (2) Any upset which exceeds any effluent limitation in the permit and

- (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part I of the permit to be reported within 24 hours to the Enforcement Section of the Water Division of the ADEQ.
- c. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours to the Enforcement Section of the Water Division of the ADEQ.

## **7. Other Noncompliance**

The permittee shall report all instances of noncompliance not reported under Parts II.D.4., 5., and 6., at the time monitoring reports are submitted. The reports shall contain the information listed at Part III.D.6.

## **8. Changes in Discharge of Toxic Substances for Industrial Dischargers**

The permittee shall notify the Director as soon as he/she knows or has reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" described in 40 CFR Part 122.42(a)(1); or
- b. That any activity has occurred or will occur which would result in any discharge on a non-routine or infrequent basis of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" described in 40 CFR Part 122.42(a)(2).

## **9. Duty to Provide Information**

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit. Information shall be submitted in the form, manner and time frame requested by the Director.

## **10. Duty to Reapply**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The complete application shall be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated in APCEC Regulation No. 6.



## 11. Signatory Requirements

All applications, reports, or information submitted to the Director shall be signed and certified as follows:

- a. All **permit applications** shall be signed as follows:
  - (1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
    - (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - (ii) The manager of one or more manufacturing, production, or operation facilities, provided: the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - (2) For a partnership or sole proprietorship: by a general partner or proprietor, respectively; or
  - (3) For a municipality, State, Federal, or other public agency, by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
    - (i) The chief executive officer of the agency, or
    - (ii) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- b. All **reports** required by the permit and **other information** requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - (1) The authorization is made in writing by a person described above.
  - (2) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
  - (3) The written authorization is submitted to the Director.
- c. Certification. Any person signing a document under this section shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my

inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

## **12. Availability of Reports**

Except for data determined to be confidential under 40 CFR Part 2 and APCEC Regulation No. 6, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department of Environmental Quality. As required by the Regulations, the name and address of any permit applicant or permittee, permit applications, permits, and effluent data shall not be considered confidential.

## **13. Penalties for Falsification of Reports**

The Arkansas Air and Water Pollution Control Act provides that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this permit shall be subject to civil penalties specified in Part III.A.2. and/or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

## PART IV DEFINITIONS

All definitions contained in Section 502 of the Clean Water Act shall apply to this permit and are incorporated herein by reference. Additional definitions of words or phrases used in this permit are as follows:

1. **“Act”** means the Clean Water Act, Public Law 95-217 (33.U.S.C. 1251 et seq.) as amended.
2. **“Administrator”** means the Administrator of the U.S. Environmental Protection Agency.
3. **“Applicable effluent standards and limitations”** means all State and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, and pretreatment standards.
4. **“Applicable water quality standards”** means all water quality standards to which a discharge is subject under the federal Clean Water Act and which has been (a) approved or permitted to remain in effect by the Administrator following submission to the Administrator pursuant to Section 303(a) of the Act, or (b) promulgated by the Director pursuant to Section 303(b) or 303(c) of the Act, and standards promulgated under (APCEC) Regulation No. 2, as amended.
5. **“Bypass”** means the intentional diversion of waste streams from any portion of a treatment facility.
6. **“Daily Discharge”** means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.  
*Mass Calculations:* For pollutants with limitations expressed in terms of mass, the “daily discharge” is calculated as the total mass of pollutant discharged over the sampling day.  
*Concentration Calculations:* For pollutants with limitations expressed in other units of measurement, determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the “daily discharge” determination of concentration shall be the arithmetic average (weighted by flow value) of all the samples collected during that sampling day by using the following formula: where C= daily concentration, F=daily flow and n=number of daily samples

$$\frac{C_1F_1 + C_2F_2 + \dots + C_nF_n}{F_1 + F_2 + \dots + F_n}$$

7. **“Monthly average”** means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month. For Fecal Coliform Bacteria (FCB) report the monthly average (see 30-day average below).
8. **“Daily Maximum”** discharge limitation means the highest allowable “daily discharge” during the calendar month. The 7-day average for Fecal Coliform Bacteria (FCB) is the geometric mean of the values of all effluent samples collected during the calendar week in colonies per 100 ml.

9. **“Department”** means the Arkansas Department of Environmental Quality (ADEQ).
10. **“Director”** means the Administrator of the U.S. Environmental Protection Agency and/or the Director of the Arkansas Department of Environmental Quality.
11. **“Grab sample”** means an individual sample collected in less than 15 minutes in conjunction with an instantaneous flow measurement.
12. **“Industrial User”** means a nondomestic discharger, as identified in 40 CFR Part 403, introducing pollutants to a POTW.
13. **“National Pollutant Discharge Elimination System”** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under Sections 307, 402, 318, and 405 of the Clean Water Act.
14. **“POTW”** means a Publicly Owned Treatment Works.
15. **“Severe property damage”** means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in products.
16. **“APCEC”** means the Arkansas Pollution Control and Ecology Commission.
17. **“Sewage sludge”** means the solids, residues, and precipitate separated from or created in sewage by the unit processes at a POTW. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and stormwater runoff that are discharged to or otherwise enter a POTW.
18. **“7-day average”** discharge limitation, other than for Fecal Coliform Bacteria (FCB), is the highest allowable arithmetic mean of the values for all effluent samples collected during the calendar week. The 7-day average for Fecal Coliform Bacteria (FCB) is the geometric mean of the values of all effluent samples collected during the calendar week in colonies/100 ml. The Discharge Monitoring Report should report the highest 7-day average obtained during the calendar month. For reporting purposes, the 7-day average values should be reported as occurring in the month in which the Saturday of the calendar week falls in.
19. **“30-day average”**, other than for Fecal Coliform Bacteria (FCB), is the arithmetic mean of the daily values for all effluent samples collected during a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. The 30-day average for Fecal Coliform Bacteria (FCB) is the geometric mean of the values for all effluent samples collected during a calendar month. For Fecal Coliform Bacteria (FCB), report the monthly average as a 30-day geometric mean in colonies per 100 ml.
20. **“24-hour composite sample”** consists of a minimum of 12 effluent portions collected at equal time intervals over the 24-hour period and combined proportional to flow or a sample collected at frequent intervals proportional to flow over the 24-hour period.
21. **“12-hour composite sample”** consists of 12 effluent portions, collected no closer together than one hour and composited according to flow. The daily sampling intervals shall include the highest flow periods.
22. **“6-hour composite sample”** consists of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited

- according to flow or a sample collected at frequent intervals proportional to flow over the 6-hour period.
23. **“3-hour composite sample”** consists of three effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow or a sample collected at frequent intervals proportional to flow over the 3-hour period.
24. **“Treatment works”** means any devices and systems used in storage, treatment, recycling, and reclamation of municipal sewage and industrial wastes, of a liquid nature to implement section 201 of the Act, or necessary to recycle reuse water at the most economic cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities, and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.
25. **“Upset”** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. Any upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventive maintenance, or carelessness of improper operations.
26. **“For Fecal Coliform Bacteria (FCB)”**, a sample consists of one effluent grab portion collected during a 24-hour period at peak loads. For Fecal Coliform Bacteria (FCB) report the monthly average as a 30-day geometric mean in colonies per 100 ml.
27. **“Dissolved oxygen limit”**, shall be defined as follows:
- When limited in the permit as a minimum monthly average, shall mean the lowest acceptable monthly average value, determined by averaging all samples taken during the calendar month;
  - When limited in the permit as an instantaneous minimum value, shall mean that no value measured during the reporting period may fall below the stated value.
28. **The term “MGD”** shall mean million gallons per day.
29. **The term “mg/l”** shall mean milligrams per liter or parts per million (ppm).
30. **The term “µg/l”** shall mean micrograms per liter or parts per billion (ppb).
31. **The term “cfs”** shall mean cubic feet per second.
32. **The term “ppm”** shall mean parts per million.
33. **The term “s.u.”** shall mean standard units.
34. **The term “Instantaneous Maximum”** when limited in the permit as an instantaneous maximum value, shall mean that no value measured during the reporting period may fall above the stated value.
35. **Monitoring and Reporting:**  
When a permit becomes effective, monitoring requirements are of the immediate period of the permit effective date. Where the monitoring requirement for an effluent characteristic is monthly or more frequently, the Discharge Monitoring Report (DMR) shall be submitted by the 25<sup>th</sup> of the month following the sampling. Where the monitoring requirement for an effluent characteristic is Quarterly, Semi-Annual, Annual,

or Yearly, the DMR shall be submitted by the 25<sup>th</sup> of the month following the monitoring period end date.

**MONTHLY:**

is defined as a calendar month or any portion of a calendar month for monitoring requirement frequency of once/month or more frequently.

**QUARTERLY:**

(1) is defined as a fixed calendar quarter or any part of the fixed calendar quarter for a non-seasonal effluent characteristic with a measurement frequency of once/quarter.

Fixed calendar quarters are: January through March, April through June, July through September, and October through December; or

(2) is defined as a fixed three month period (or any part of the fixed three month period) of or dependent upon the seasons specified in the permit for a seasonal effluent characteristic with a monitoring requirement frequency of once/quarter that does not coincide with the fixed calendar quarter. Seasonal calendar quarters are: May through July, August through October, November through January, and February through April.

**SEMI-ANNUAL:**

is defined as the fixed time periods January through June, and July through December (or any portion thereof) for an effluent characteristic with a measurement frequency of once/6 months or twice/year.

**ANNUAL or YEARLY:**

is defined as a fixed calendar year or any portion of the fixed calendar year for an effluent characteristic or parameter with a measurement frequency of once/year. A calendar year is January through December, or any portion thereof.

36. **The term “Weekday”** means Monday – Friday.

## Final Fact Sheet

for renewal of the discharge Permit Number AR0033316 and AFIN 35-00149 to discharge to Waters of the State

### 1. PERMITTING AUTHORITY.

The issuing office is:

Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, Arkansas 72118-5317

### 2. APPLICANT.

The applicant's mailing address is:

Pine Bluff Wastewater Utility - Boyd Point Wastewater Treatment Facility  
1520 S. Ohio St.  
Pine Bluff, AR 71601

The facility address is:

Pine Bluff Wastewater Utility - Boyd Point Wastewater Treatment Facility  
900 Island Harbor Marina Road  
Pine Bluff, AR 71601

### 3. PREPARED BY.

The permit was prepared by:

Amanda Gallagher  
Staff Engineer  
Discharge Permits Section, Water Division  
(501) 682-0621  
E-mail: [gallagher@adeq.state.ar.us](mailto:gallagher@adeq.state.ar.us)

### 4. PERMIT ACTIVITY.

Previous Permit Effective Date: 02/01/2004  
Previous Permit Expiration Date: 01/31/2009

The permittee submitted a permit renewal application on 6/30/2008. The current discharge permit will be reissued for a 5-year term in accordance with regulations promulgated at 40 CFR Part 122.46(a).

DMR Review:

The Discharge Monitoring Reports (DMR's) from the previous permit cycle were reviewed during the permit renewal process. Two violations for flow were noted with the last one dated 03/31/2008. After further review during a pretreatment audit, it was determined that the facility submitted the information on an incorrect form and there were no actual permit violations. Therefore, no further permit action is necessary at this time.

Legal Order Review:

There are currently no active Consent Administrative Orders (CAOs) or Notice of Violations (NOVs) for this facility.

**5. SIGNIFICANT CHANGES FROM THE PREVIOUSLY ISSUED PERMIT.**

The permittee is responsible for carefully reading the permit in detail and becoming familiar with all of the changes therein:

1. The facility coordinates have been updated.
2. The 7-day average concentration limit for BOD5 and NH3-N have changed due to rounding.
3. pH went from 6-10.5 s.u. to 6.0-10.5 s.u. for accuracy reporting purposes.
4. Total Phosphorus and Nitrate + Nitrite Nitrogen monitor and reporting were added.
5. A Dissolved Oxygen limit was added.
6. Interim limitations and schedule of compliance for TRC were removed.
7. Fecal Coliform condition was moved to Part IV.
8. The minimum wastewater operator classification has been specified as Class III in Part II.
9. Critical Dilution for Whole Effluent Toxicity Testing changed due to a change in the 7Q10.
10. Whole Effluent Toxicity Testing language in Part II has been revised.

**6. RECEIVING STREAM SEGMENT AND DISCHARGE LOCATION.**

The outfall is located at the following coordinates based on the permit application, site visit, and Google Earth using WGS84:

Latitude: 34° 16' 30" Longitude: 91° 57' 59"

The receiving waters named:

The Arkansas River in Segment 3C of the Arkansas River Basin. The receiving stream with USGS Hydrologic Unit Code (H.U.C) of 11110207 and reach # 005 is a Water of the State classified for primary contact recreation, raw water source for domestic (public and private), industrial, and agricultural water supplies, propagation of desirable species of fish and other aquatic life, and other compatible uses.



**7. 303(d) LIST AND ENDANGERED SPECIES CONSIDERATIONS.**

**a. 303(d) List:**

The receiving stream is not listed on the 2008 303(d) list. Therefore, no permit action is needed.

**b. Endangered Species:**

No comments on the application were received from the U.S. Fish and Wildlife Service (USF&WS). The draft permit and Fact Sheet was sent to the USF&WS for their review.

**8. OUTFALL AND TREATMENT PROCESS DESCRIPTION.**

The following is a description of the facility described in the application:

a. Design Flow: HCR (14 MGD)

b. Type of Treatment: two parallel trains of one aerated lagoon, one primary pond, and one polishing pond and the trains combine for disinfection via chlorination (optional).

c. Discharge Description: treated municipal wastewater

d. Facility Status: This facility is classified as a Major municipal since the design flow of the facility (14 MGD) is greater than 1.0 MGD.

**9. ACTIVITY.**

Under the Standard Industrial Classification (SIC) code of 4952 or North American Industry Classification System (NAICS) code of 22132, the applicant's activities are the operation of a sewage treatment plant.

**10. INDUSTRIAL WASTEWATER CONTRIBUTIONS.**

**INDUSTRIAL USERS**

This facility receives industrial process wastewater. Based on the applicant's effluent compliance history and the type of industrial contributions, standard Pretreatment Program implementation conditions are deemed appropriate at this time.

**11. SEWAGE SLUDGE PRACTICES.**

Sludge is accumulated in the bottom of the ponds on-site and will be removed as necessary.

**12. PERMIT CONDITIONS.**

The Arkansas Department of Environmental Quality has made a determination to issue a permit for the discharge described in the application. Permit requirements are based on federal regulations (40 CFR Parts 122, 124, and Subchapter N), the National Pretreatment Regulation in 40 CFR Part 403 and regulations promulgated pursuant to the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended, Ark. Code Ann. 8-4-101 et. seq.).

a. **Final Effluent Limitations with an Upstream Flow < 5000 cfs.**

Outfall 001- treated municipal wastewater

i. **Conventional and/or Toxic Pollutants**

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
		Monthly Avg.	Monthly Avg.		
Flow	N/A	Report, MGD	14 MGD (Daily Maximum)	once/day	totalizing meter
Upstream Flow	N/A	Report, MGD	Report, MGD (Daily Maximum)	once/day	record
Carbonaceous Biochemical Oxygen Demand (CBOD5) (May-Oct)	N/A	25	37.5	five/week	24-hr composite
Biochemical Oxygen Demand (BOD5) (Nov-Apr)	N/A	30	45	five/week	24-hr composite
Total Suspended Solids (TSS)	N/A	90	135	five/week	24-hr composite
Ammonia Nitrogen (NH3-N) (May-Oct)	N/A	15	22.5	five/week	24-hr composite
Dissolved Oxygen	N/A	2.0 (Inst. Min.)		five/week	grab
Fecal Coliform Bacteria (FCB)		(colonies/100ml)			
(Apr-Sept)	N/A	200	400	five/week	grab
(Oct-Mar)	N/A	1000	2000	five/week	grab
Total Residual Chlorine (TRC)	N/A	<0.1 mg/l (Inst. Max.)		five/week	grab
Total Phosphorus	N/A	Report	Report	once/month	grab
Nitrate + Nitrite Nitrogen	N/A	Report	Report	once/month	grab
pH	N/A	<u>Minimum</u>	<u>Maximum</u>	once/day	grab

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
		Monthly Avg.	Monthly Avg.		
		6.0 s.u.	10.5 s.u.		
Chronic WET Testing	N/A	Report		once/quarter	24-hr composite

- ii. **Solids, Foam, and Free Oil:** There shall be no discharge of distinctly visible solids, scum, or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits, or sludge banks. There shall be no visible sheen due to the presence of oil (Sheen means an iridescent appearance on the surface of the water).

**b. Final Effluent Limitations with an Upstream Flow > or = 5000 cfs.**

Outfall 001- treated municipal wastewater

**i. Conventional and/or Toxic Pollutants**

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
		Monthly Avg.	Monthly Avg.		
Flow	N/A	Report, MGD	30 MGD (Daily Maximum)	once/day	totalizing meter
Upstream Flow	N/A	Report, MGD	Report, MGD (Daily Maximum)	once/day	record
Carbonaceous Biochemical Oxygen Demand (CBOD5)					
(May-Oct)	N/A	25	37.5	five/week	24-hr composite
Biochemical Oxygen Demand (BOD5)					
(Nov-Apr)	N/A	30	45	five/week	24-hr composite
Total Suspended Solids (TSS)	N/A	90	135	five/week	24-hr composite
Ammonia Nitrogen (NH3-N)					
(May-Oct)	N/A	15	22.5	five/week	24-hr composite
Dissolved Oxygen	N/A	2.0 (Inst. Min.)		five/week	grab
Fecal Coliform Bacteria (FCB)		(colonies/100ml)			
(Apr-Sept)	N/A	200	400	five/week	grab
(Oct-Mar)	N/A	1000	2000	five/week	grab
Total Residual Chlorine (TRC)	N/A	<0.1 mg/l (Inst. Max.)		five/week	grab
Total Phosphorus	N/A	Report	Report	once/month	grab
Nitrate + Nitrite Nitrogen	N/A	Report	Report	once/month	grab
pH	N/A	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 10.5 s.u.	once/day	grab
Chronic WET Testing	N/A	Report		once/quarter	24-hr composite

ii. **Solids, Foam, and Free Oil:** There shall be no discharge of distinctly visible solids, scum, or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits, or sludge banks. There shall be no visible sheen due to the presence of oil (Sheen means an iridescent appearance on the surface of the water).

**13. BASIS FOR PERMIT CONDITIONS.**

The following is an explanation of the derivation of the conditions of the permit and the reasons for them or, in the case of notices of intent to deny or terminate, reasons suggesting the decisions as required under 40 CFR Part 124.7 (48 FR 1413, April 1, 1983).

**Technology-Based Versus Water Quality-Based Effluent Limitations And Conditions**

Following regulations promulgated at 40 CFR Part 122.44 (1)(2)(ii), the permit limits are based on either technology-based effluent limits pursuant to 40 CFR Part 122.44 (a) or on State water quality standards and requirements pursuant to 40 CFR Part 122.44 (d), whichever are more stringent as follows:

Parameter	Water Quality-Based		Technology-Based/BPJ		Previous Permit		Permit Limit	
	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l
CBOD5								
(May-Oct)	25	37.5	25	40	25	38	25	37.5
BOD5								
(Nov-Apr)	30	45	30	45	30	45	30	45
TSS	90	135	90	135	90	135	90	135
NH3-N								
(May-Oct)	15	22.5	N/A	N/A	15	23	15	22.5
Dissolved Oxygen	2.0 (Inst. Min.)		N/A		N/A		2.0 (Inst. Min.)	
FCB (col/100 ml)								
(Apr-Sept)	200	400	N/A	N/A	200	400	200	400
(Oct-Mar)	1000	2000	N/A	N/A	1000	2000	1000	2000
TRC (Inst. Max)	N/A		< 0.1 mg/l		<0.1 mg/l		<0.1 mg/l	
TP	N/A	N/A	Report	Report	N/A	N/A	Report	Report
NO <sub>3</sub> + NO <sub>2</sub> -N	N/A	N/A	Report	Report	N/A	N/A	Report	Report
pH	6.0-9.0s.u.		6.0-10.5 s.u.		6-10.5 s.u.		6.0-10.5 s.u.	

Parameter	Water Quality or Technology	Justification
CBOD5 and BOD5	Technology	Secondary Treatment Standards per 40 CFR 133.102
TSS	Technology	40 CFR 133.103(c), Memo from EPA Region 6: Guidance on Implementing Secondary Treatment Regulations
NH3-N	Water Quality	Reg. 2.512 / MultiSMP Model dated 01/15/2009
DO	Water Quality	Reg. 2.505
Fecal Coliform Bacteria	Water Quality	Reg. 2.507
Nitrate + Nitrite Nitrogen	Technology	CPP
pH	Water Quality	Previous permit and 40 CFR Part 133.102(c)
TRC	Technology	Previous Permit & 40 CFR Part 122.44(l)
Total Phosphorus	Technology	CPP

The BOD5, CBOD5, TSS, Fecal Coliform Bacteria, TRC, and NH3-N concentration limits remain unchanged from the previous permit. The 7-day average for CBOD5 and NH3-N concentration limits have been corrected to be exactly 1.5 times the monthly average limit.

The minimum required Dissolved Oxygen level has been included in the permit in order to ensure compliance with the requirements of Reg. 2.505.

Total Phosphorus and Nitrate +Nitrite Nitrogen monitor and reporting requirements have been added in order to establish a database of point source loadings of nutrients to waters of the state of Arkansas.

pH limits have been continued from the previous permit. 40 CFR Part 133.102(c) allows for a variance from the 6.0-9.0 s.u. range for effluents from POTW's that demonstrate that: (1) Inorganic chemicals are not added to the waste stream as part of the treatment process; and (2) contributions from industrial sources do not cause the pH of the effluent to be less than 6.0 or greater than 9.0.

The permittee has provided a letter re-certifying that no inorganic chemicals are added to the permittee's secondary treatment process and the permittee has no industrial users that would cause the pH of the effluent to be less than 6.0 s.u. or greater than 9.0 s.u. The Arkansas River is a large stream with a 7Q10 of 819 cfs. The permittee has a design flowrate of 14 MGD. This represents a very significant amount of dilution in the receiving stream. Based on the information provided and judgment of the permit writer, the higher pH (10.5 s.u.) would not have an adverse affect on the water quality in the receiving stream or cause the instream pH to fall outside the pH standards in APCEC Regulation 2.

a. **Anti-backsliding**

The permit is consistent with the requirements to meet Anti-backsliding provisions of the Clean Water Act (CWA), Section 402(o) [40 CFR 122.44(l)]. The final effluent limitations for reissuance permits must be as stringent as those in the previous permit, unless the less stringent limitations can be justified using exceptions listed in 40 CFR 122.44 (l)(2)(i).

The permit maintains the requirements of the previous permit.

b. **Limits Calculations**

i. Mass limits:

Mass limits are not included in this permit since the facility discharges via HCR.

ii. Daily Maximum Limits:

Daily Maximum limits = Monthly average limits X 1.5

iii. Ammonia-Nitrogen (NH<sub>3</sub>-N):

The water quality effluent limitations for Ammonia are based either on DO-based effluent limits or on toxicity-based standards, whichever are more stringent. The toxicity-based effluent limitations are based on Chapter 5, Section 2.512 of APCEC Regulation No. 2 and an ADEQ internal memo dated March 28, 2005. The following formula has been used to calculate toxicity based Ammonia limits:

$$C_d = (IWC(Q_d + Q_b) - C_b Q_b) / Q_d,$$

Where:

$C_d$  = effluent limit concentration

IWC = Ammonia toxicity standard for Ecoregion

$Q_d$  = design flow

$Q_b$  = Critical flow of the receiving stream. This flow is 25 percent of the 7-day, 10-year low-flow (7Q<sub>10</sub>) for the receiving stream.

$C_b$  = background concentration

c. **208 Plan (Water Quality Management Plan)**

The 208 Plan, developed by the ADEQ under provisions of Section 208 of the federal Clean Water Act, is a comprehensive program to work toward achieving federal water goals in Arkansas. The initial 208 Plan, adopted in 1979, provides for annual updates, but can be revised more often if necessary. The 208 Plan has been revised to add a year round Dissolved Oxygen limit of 2.0 mg/l to the existing water quality limitations.

d. **Toxics Pollutants**

i. Post Third Round Policy and Strategy

Section 101 of the Clean Water Act(CWA) states that "...it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited...". To insure that the CWA's prohibitions on toxic discharges are met, EPA has issued a "Policy for the Development of Water Quality-Based Permit Limitations by Toxic Pollutants"(49 FR 9016-9019,3/9/84). In support of the national policy, Region 6 adopted the "Policy for post Third Round Permitting" and the "Post Third Round Permit Implementation Strategy" on October 1, 1992. The Regional policy and strategy are designed to insure that no source will be allowed to discharge any wastewater which (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical State water quality standard resulting in non-conformance with the provisions of 40 CFR Part 122.44(d); (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation which threatens human health.

ii. Implementation

The State of Arkansas is currently implementing EPA's Post Third-Round Policy in conformance with the EPA Regional strategy. The 5-year discharge permits contain technology-based effluent limitations reflecting the best controls available. Where these technology-based permit limits do not protect water quality or the designated uses, or where there are no applicable technology-based limits, additional water quality-based effluent limitations and/or conditions are included in the discharge permits. State narrative and numerical water quality standards from Regulation No. 2 are used in conjunction with EPA criteria and other available toxicity information to determine the adequacy of technology-based permit limits and the need for additional water quality-based controls.

iii. Priority Pollutant Scan (PPS)

In accordance with the regional policy ADEQ has reviewed and evaluated the effluent in evaluating the potential toxicity of each analyzed pollutant:

- (a) The results were evaluated and compared to EPA's Minimum Quantification Levels (MQLs) to determine the potential presence of a respective toxic pollutant. Those pollutants which are greater than or equal to the MQLs are determined to be reasonably present in the effluent and an evaluation of their potential toxicity is necessary.
- (b) Those pollutants with one datum shown as "non-detect" (ND), providing the level of detection is equal to or lower than MQL are determined to be not potentially present in the effluent and eliminated from further evaluation.



- (c) Those pollutants with a detectable value even if below the MQL are determined to be reasonably present in the effluent and an evaluation of their potential toxicity is necessary.
- (d) For those pollutants with multiple data values and all values are determined to be non-detect, therefore no further evaluation is necessary. However, where data set includes some detectable concentrations and some values as ND, one-half of the detection level is used for those values below the level of detection to calculate the geometric mean of the data set.

The concentration of each pollutant after mixing with the receiving stream was compared to the applicable water quality standards as established in the Arkansas Water Quality Standards, Reg. No. 2 and with the aquatic toxicity, human health, and drinking water criteria obtained from the "Quality Criteria for Water, 1986 (Gold Book)". The following expression was used to calculate the pollutant instream waste concentration(IWC):

$$IWC = ((C_e \times Q_e) + (C_b \times Q_b)) / (Q_e + Q_b)$$

where:

IWC = instream concentration of pollutant after mixing with receiving stream ( $\mu\text{g/l}$ )

$C_e$  = pollutant concentration in effluent ( $\mu\text{g/l}$ )

$Q_e$  = effluent flow of facility (cfs)

$C_b$  = background concentration of pollutant in receiving stream ( $\mu\text{g/l}$ )

$Q_b$  = background flow of receiving stream (cfs)

The following values were used in the IWC calculations:

$C_e$  = varies with pollutant. A single value from the Priority Pollutant Screen (PPS) submitted by the permittee as part of the discharge permit application or the geometric mean of a group of data points (less than 20 data points) is multiplied by a factor of 2.13. This factor is based on EPA's Region VI procedure (See attachment IV of Continuing Planning Process(CPP)) to extrapolate limited data sets to better evaluate the potential toxicity for higher effluent concentrations to exceed water quality standards. This procedure employs a statistical approach which yields an estimate of a selected upper percentile value (the 95th percentile) of an effluent data set which would be expected to exceed 95% of effluent concentrations in a discharge. If 20 or more data points over the last two years are available, do not multiply by 2.13, but instead use the maximum value reported.

$Q_e$  = See Note.

NOTE: The facility discharges via Hydrograph controlled Release (HCR). When the upstream flow is less than 5000 cfs, the facility can discharge a maximum flow of

14 MGD (21.63 cfs). When the upstream flow is greater than or equal to 5000 cfs, the facility can discharge a maximum flow of 30 MGD (46.35 cfs). Thus, two PPS scans were ran to see if the potential existed to exceed water quality standards (One at 7Q10 and 14 MGD and another at 5000 cfs and 30 MGD).

$$C_b = 0 \mu\text{g/l}$$

$$Q_b = \text{(See below):}$$

### I. Aquatic Toxicity

Chronic Toxicity: Flow = 204.75 cfs, for comparison with chronic aquatic toxicity. This flow is 25 percent of the 7-day, 10-year low-flow (7Q10) for the receiving stream. The 7Q10 of 819 cfs is based on "Low-Flow Characteristics and Regionalization of Low-Flow Characteristics for Selected Arkansas Stream", USGS Scientific Investigations Report 2008-5065.

Acute Toxicity: Flow = 49.14 cfs, for comparison with acute aquatic toxicity. This flow is 6 percent of the 7Q10 for the receiving stream.

### II. Bioaccumulation

Flow = 2457 cfs, for comparison with bioaccumulation criteria. This flow is the long term average (LTA) of the receiving stream which is based on "Identification and Classification of Perennial Stream of Arkansas", Arkansas Geological Commission Map.

### III. Drinking Water

Flow = 819 cfs, for comparison with drinking water criteria. This flow is the 7Q10 for the receiving stream.

The following values were used to determine limits for the pollutants:

Hardness = 125 mg/l, based on Section 5.24.1 of the 2009 CPP.

TSS = 9 mg/l, based on Section 5.24.3 of the 2009 CPP.

pH = 7.71 s.u., based on compliance data from "Arkansas Water Quality Inventory Report" 305(b).

#### iv. Water Quality Standards for Metals and Cyanide

Standards for Chromium (VI), Mercury, Selenium, and Cyanide are expressed as a function of the pollutant's water-effect ratio (WER), while standards for cadmium, chromium (III), copper, lead, nickel, silver, and zinc are expressed as a function of the pollutant's water-effect ratio, and as a function of hardness.

The Water-effect ratio (WER) is assigned a value of 1.0 unless scientifically defensible study clearly demonstrates that a value less than 1.0 is necessary or a value greater than 1.0 is sufficient to fully protect the designated uses of the receiving stream from the toxic effects of the pollutant.

The WER approach compares bioavailability and toxicity of a specific pollutant in receiving water and in laboratory test water. It involves running toxicity tests for at least two species, measuring LC50 for the pollutant using the local receiving water collected from the site where the criterion is being implemented, and laboratory toxicity testing water made comparable to the site water in terms of chemical hardness. The ratio between site water and lab water LC50 is used to adjust the national acute and chronic criteria to site specific values.

v. Conversion of Dissolved Metals Criteria for Aquatic Life to Total Recoverable Metal

Metals criteria established in APCEC Regulation No. 2, Section 2.508 for aquatic life protection are based on dissolved metals concentrations and hardness values. However, Federal Regulations cited at 40 CFR Part 122.45(c) require that effluent limitations for metals in discharge permits be expressed as total recoverable based Section 5.25 of the 2009 CPP. Therefore a dissolved to the total recoverable metal conversion must be implemented. This involves determining a linear partition coefficient for the metal of concern and using this coefficient to determine the fraction of metal dissolved, so that the dissolved metal ambient criteria may be translated to a total effluent limit. The formula for converting dissolved metals to total recoverable metals for streams and lakes are provided in Section 5.25 of the 2009 CPP and Region 6 Implementation Guidance for Arkansas Water Quality Standards promulgated at 40 CFR Part 131.36.

vi. Comparison of the submitted information with the water quality standards and criteria

The following pollutants were determined to be present in the effluent for each pollutant as reported by the permittee.

Pollutant	Concentration Reported, $\mu\text{g/l}$	MQL, $\mu\text{g/l}$
Arsenic	1.3	0.5
Copper	5.5	0.5
Lead	0.71	0.5
Mercury	0.0062	0.0018
Acrylonitrile	50	20
2, 4-Dinitrophenol	84	50
Pentachlorophenol	7.2	5
Benzidine	88	50
Benzo(a)anthracene	10	5

Pollutant	Concentration Reported, $\mu\text{g/l}$	MQL, $\mu\text{g/l}$
Bis(2-chloroethoxy) methane	11	10
Bis(2-chloroethyl) ether	12	10
Bis(2-chloroisopropyl) ether	12	10
3,3'- Dichlorobenzidine	10	5
2,4-Dinitrotoluene	12	10
1,2-Diphenylhydrazine	22	20
Indeno (1,2,3-cd) pyrene	7.4	5
Phanthrene	11	10
Alpha-endosulfan	0.028	0.01
Endosulfan sulfate	0.028	0.01
Heprachlor epoxide	0.017	0.01

Toxaphene, PCB-1254, PCB-1221, and 4,4-DDT were also determined to be present in the effluent for each pollutant as reported by the permittee. The results were less than the method detection level for each of the parameters below. However, the method detection levels (MDLs) were above the required Minimum Quantification Level (MQL) in the first sample. The Department asked the facility to provide additional samples where the MDL is at or below the required MQL.

However, ADEQ has determined from the information submitted by the permittee that no water quality standards or Gold Book criteria are exceeded. Therefore, no permit action is necessary to maintain these standards or criteria (See Attachment 1.)

#### 14. TOTAL RESIDUAL CHLORINE (TRC) REQUIREMENTS.

Prior to final disposal, the effluent shall contain NO MEASURABLE TRC at any time. NO MEASURABLE will be defined as no detectable concentration of TRC as determined by any approved method established in 40 CFR Part 136 as less than 0.1 mg/l . Thus, the "no measurable TRC concentration" for chlorine becomes the permit limit. The effluent limitation for TRC is the instantaneous maximum and cannot be averaged for reporting purposes. TRC shall be measured with fifteen (15) minutes of sampling

#### 15. WHOLE EFFLUENT TOXICITY.

Section 101(a)(3) of the Clean Water Act states that ".....it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited." In addition, ADEQ is required under 40 CFR Part 122.44(d)(1), adopted by reference in Regulation 6, to include conditions as necessary to achieve water quality standards as established under Section 303 of the Clean Water Act. Arkansas has established a narrative criteria which states "toxic materials shall

not be present in receiving waters in such quantities as to be toxic to human, animal, plant or aquatic life or to interfere with the normal propagation, growth and survival of aquatic biota."

Whole effluent toxicity (WET) testing is the most direct measure of potential toxicity which incorporates the effects of synergism of effluent components and receiving stream water quality characteristics. It is the national policy of EPA to use bioassays as a measure of toxicity to allow evaluation of the effects of a discharge upon a receiving water (49 Federal Register 9016-9019, March 9, 1984). EPA Region 6 and the State of Arkansas are now implementing the Post Third Round Policy and Strategy established on September 9, 1992, and EPA Region 6 Post-Third Round Whole Effluent Toxicity Testing Frequencies, revised March 13, 2000. Whole effluent toxicity testing of the effluent is thereby required as a condition of this permit to assess potential toxicity. The whole effluent toxicity testing procedures stipulated as a condition of this permit are as follows:

<b>TOXICITY TESTS</b>	<b>FREQUENCY</b>
Chronic WET	once/quarter

Since the 7Q10 is greater than 100 cfs (ft<sup>3</sup>/sec) and dilution ratio is less than 100:1, chronic WET testing requirements will remain in the permit.

The calculations for dilution used for chronic WET testing are as follows:

$$\text{Critical dilution (CD)} = (Q_d / (Q_d + Q_b)) \times 100$$

$$Q_d = \text{Design flow} = 14 \text{ MGD} = 21.63 \text{ cfs}$$

$$7Q_{10} = 819 \text{ cfs}$$

$$Q_b = \text{Background flow} = 0.25 \times 7Q_{10} = 205 \text{ cfs}$$

$$CD = (21.63) / (21.63 + 205) \times 100 = 9\%$$

Toxicity tests shall be performed in accordance with protocols described in "Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms", EPA/600/4-91/002, July 1994. A minimum of five effluent dilutions in addition to an appropriate control (0%) are to be used in the toxicity tests. These additional effluent concentrations are **4%, 5%, 7%, 9%, and 12%** (See **Attachment I** of CPP). The low-flow effluent concentration (critical dilution) is defined as 9% effluent. The requirement for chronic WET tests is based on the magnitude of the facility's discharge with respect to receiving stream flow. The stipulated test species, *Ceriodaphnia dubia* and the Fathead minnow (*Pimephales promelas*) are indigenous to the geographic area of the facility; the use of these is consistent with the requirements of the State water quality standards. The WET testing frequency has been established to provide data representative of the toxic potential of the facility's discharge, in accordance with the regulations promulgated at 40 CFR Part 122.48.

Results of all dilutions as well as the associated chemical monitoring of pH, temperature, hardness, dissolved oxygen conductivity, and alkalinity shall be reported according to

EPA/600/4-91/002, July 1994 and shall be submitted as an attachment to the Discharge Monitoring Report (DMR).

This permit may be reopened to require further WET testing studies, Toxicity Reduction Evaluation (TRE) and/or effluent limits if WET testing data submitted to the Department shows toxicity in the permittee's discharge. Modification or revocation of this permit is subject to the provisions of 40 CFR 122.62, as adopted by reference in ADEQ Regulation No. 6. Increased or intensified toxicity testing may also be required in accordance with Section 308 of the Clean Water Act and Section 8-4-201 of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

**16. SAMPLE TYPE AND FREQUENCY.**

Regulations require permits to establish monitoring requirements to yield data representative of the monitored activity [40 CFR Part 122.48(b)] and to ensure compliance with permit limitations [40 CFR Part 122.44(i)(1)]

Requirements for sample type and sampling frequency have been based on the current discharge permit with the exception of Dissolved Oxygen, Total Phosphorus, and Nitrate + Nitrite Nitrogen. Requirements for sample type and sampling frequency for Dissolved Oxygen, have been based on the best engineering judgment of the permit writer, taking into account the nature of the facility and the previous permit information such as the sample frequency for other parameters in the permit.

Monitoring and reporting for Total Phosphorus and Nitrate + Nitrite Nitrogen have been based on the design flow of the facility and other operational aspects such as its discharge conditions. It is the judgment of the permit writer that once a month is sufficient for data gathering purposes.

Parameter	Previous Permit		Final Permit	
	Frequency of Sample	Sample Type	Frequency of Sample	Sample Type
Flow	once/day	totalizing meter	once/day	totalizing meter
Upstream Flow	once/day	record	once/day	record
CBOD5				
(May-Oct)	five/week	24-hr composite	five/week	24-hr composite
BOD5				
(Nov-Apr)	five/week	24-hr composite	five/week	24-hr composite
TSS	five/week	24-hr composite	five/week	24-hr composite
NH3-N				

Parameter	Previous Permit		Final Permit	
	Frequency of Sample	Sample Type	Frequency of Sample	Sample Type
(May-Oct)	five/week	24-hr composite	five/week	24-hr composite
Dissolved Oxygen	N/A	N/A	five/week	grab
FCB				
(Apr-Sept)	five/week	grab	five/week	grab
(Oct-Mar)	five/week	grab	five/week	grab
TRC	five/week	grab	five/week	grab
TP	N/A	N/A	once/month	grab
NO <sub>3</sub> + NO <sub>2</sub> -N	N/A	N/A	once/month	grab
pH	one/day	grab	one/day	grab
Chronic WET Testing	once/quarter	24-hr composite	once/quarter	24-hr composite

**17. STORMWATER POLLUTION PREVENTION PLAN REQUIREMENTS.**

In lieu of stormwater pollution prevention plan requirements, the permittee submitted a No Exposure Certification (Tracking # ARR000451) for exclusion from NPDES Stormwater requirements.

**18. PERMIT COMPLIANCE.**

Compliance with final effluent limitations is required by the following schedule:

1. Compliance is required on the effective date of the permit.
2. Pretreatment:
  - a. Submit proposed Pretreatment Program modification within 12 months of the permit effective date;
  - b. Submit certification/notification statement for technically based local limits (TBLL) within 60 days of the effective date;

OR: If the TBLLs are revised, submit a revised sewer use ordinance within 12 months of the effective date;

  - c. An Annual Pretreatment Program Status Report is due during the month of March each year.

## 19. MONITORING AND REPORTING.

The applicant is at all times required to monitor the discharge on a regular basis and report the results monthly. The monitoring results will be available to the public.

## 20. SOURCES.

The following sources were used to draft the permit:

- a. Application No. AR0033316 received 6/30/2008.
- b. Arkansas Water Quality Management Plan (WQMP).
- c. APCEC Regulation No. 2.
- d. APCEC Regulation No. 3.
- e. APCEC Regulation No. 6.
- f. 40 CFR Parts 122, 125, 133 and 403.
- g. Discharge permit file AR0033316.
- h. Discharge Monitoring Reports (DMRs).
- i. "Arkansas Water Quality Inventory Report 2008 (305B)", ADEQ.
- j. "Identification and Classification of Perennial Streams of Arkansas", Arkansas Geological Commission.
- k. Continuing Planning Process (CPP).
- l. Technical Support Document For Water Quality-based Toxic Control.
- m. Region 6 Implementation Guidance for Arkansas Water Quality Standards promulgated at 40 CFR Part 131.36.
- n. Inspection Report dated 03/20/2007.
- o. Site Visit – 01/15/2009
- p. USGS Low Flow Study 2008-5065

## 21. POINT OF CONTACT.

For additional information, contact:

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**RESPONSE TO COMMENTS  
FINAL PERMITTING DECISION**

Response to comments received on the subject draft permit in accordance with regulations promulgated at 40 CFR Part 124.17 are as follows:

Permit No.: AR0033316

Applicant: Pine Bluff Wastewater Utility-Boyd Point Wastewater Treatment Facility

Prepared by: Amanda Gallagher

Public Notice Date: The draft permit was publicly noticed on or about 6/14/2009.

Date Prepared: 07/17/2009

The following comments have been received on the draft permit:

Correspondence from Mike Phillips, Delta Natural Kraft, to Amanda Gallagher, ADEQ dated July 2, 2009.

Correspondence from Matt Claypool, Evergreen Packaging, to Amanda Gallagher, ADEQ dated July 13, 2009.

Correspondence from Ken Johnson, Pine Bluff Wastewater Utility, to Amanda Gallagher, ADEQ dated July 14, 2009.

ISSUE #1

Several commenters requested that the effluent limitations in Sections A1 and A2 from the draft permit be reflected in the final permit.

RESPONSE #1

The Department appreciates the comment.

ISSUE #2

According to the draft discharge permit and 208 plan, updates have been proposed to add a Dissolved Oxygen Limit of 2.0 mg/l to the existing water quality limitations. Pine Bluff Wastewater-Boyd Point discharges to the Arkansas River. The river is a large receiving stream as compared to other limited receiving streams having wastewater discharges. Since this is a new permit requirement, Pine Bluff Wastewater Utility requests to be able to monitor and report for Dissolved Oxygen until more background data is established to ensure compliance and to ascertain any effects on the Arkansas River.

### RESPONSE #2

The Pine Bluff Wastewater Utility-Boyd Point treatment system at Outfall 001 includes ponds that are expected to have a DO level greater than 2.0 mg/l. No technical reason for a low DO at the outfall was provided, and additional time does not appear to be necessary. Therefore, no compliance schedule has been added.

### ISSUE #3

Pine Bluff Wastewater Utility has provided information and has had several meetings with ADEQ with regards to the Total Residual Chlorine (TRC) limit and designated sampling location for this new permit limit. A report was provided by CDM engineers and sent to ADEQ on the effects of sampling at the end of pipe for TRC. During 2005, Pine Bluff Wastewater Utility project upgrade included the addition of a force main pipe to the Arkansas River. Pine Bluff Wastewater Utility has requested to collect and analyze the TRC at the end of pipe to the Arkansas River. Pine Bluff Wastewater Utility feels the use of the pipe to be a more accurate measurement of any residual effects of chlorine entering the receiving stream.

### RESPONSE #3

The Department agrees. Part 1 has been modified to allow for TRC to be sampled at the end of pipe at the Arkansas River.