

Permit number: AR0021768

**AUTHORIZATION TO DISCHARGE 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.),

Russellville City Corporation  
P.O. Box 3186  
Russellville, AR 72811

is authorized to discharge from a facility located south of the city of Russellville, two miles south of Highway 64, in Section 22, Township 7 North, Range 20 West in Pope County, Arkansas.

Latitude: 35° 14' 56"; Longitude: 93° 06' 50"

to receiving waters named:

Outfall 001: Whig Creek thence to the Arkansas River in Segment 3F of the Arkansas River Basin.  
Outfall 002: Arkansas River in Segment 3F of the Arkansas River Basin.

The outfalls are located at the following coordinates:

Outfall 001: Latitude: 35° 14' 45"; Longitude: 93° 06' 50"  
Outfall 002: Latitude: 35° 13' 24"; Longitude: 93° 08' 48"

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

This permit became effective on April 1, 2005.  
This modified permit shall become effective on

This permit and the authorization to discharge shall expire at midnight, March 31, 2010.

Signed this

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Martin Maner, P.E.  
Chief, Water Division  
Arkansas Department of Environmental Quality

**PART I  
PERMIT REQUIREMENTS**

**SECTION A. INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 001-treated municipal wastewater**

During the period beginning on April 1, 2005, and lasting until March 31, 2008, the permittee is authorized to discharge from outfall serial number 001 -treated municipal wastewater. Such discharges shall be limited and monitored by the permittee as specified below:

| <u>Effluent Characteristics</u>  | <u>Discharge Limitations</u>                           |  |                            | <u>Monitoring Requirements</u>   |   |
|--|--|--|----------------------------|--|---|
|  | Mass<br>(lbs/day,<br>unless<br>otherwise<br>specified) | Concentration<br>(mg/l, unless<br>otherwise specified)   |                            | Frequency  | Sample Type   |
|  |  | Monthly<br>Avg.  | Monthly<br>Avg.            |  |   |
| Flow <sup>1</sup>  | N/A  | Report   | Report                     | once/day   | totalizing meter  |
| Carbonaceous Biochemical<br>Oxygen Demand (CBOD5)  |  |  |                            |  |   |
| (May-Oct)  | 609  | 10   | 15                         | once/weekday   | 24-hr composite   |
| (Nov-Apr)  | 913  | 15   | 23                         | once/weekday   | 24-hr composite   |
| Total Suspended Solids (TSS)   |  |  |                            |  |   |
| (May-Oct)  | 913  | 15   | 23                         | once/weekday   | 24-hr composite   |
| (Nov-Apr)  | 1217   | 20   | 30                         | once/weekday   | 24-hr composite   |
| Ammonia Nitrogen (NH3-N)   | 243  | 4  | 6                          | once/weekday   | 24-hr composite   |
| Dissolved Oxygen <sup>2</sup>  | N/A  | 6.0 (Inst. Min.)   |                            | once/weekday   | Grab  |
| Fecal Coliform Bacteria (FCB)  |  | (colonies/100ml)   |                            |  |   |
|  | N/A  | 1000   | 2000                       | once/weekday   | Grab  |
| Total Residual Chlorine (TRC) <sup>3</sup>   | N/A  | Report (Inst. Max)   |                            | once/weekday   | Grab  |
| Zinc, Total Recoverable <sup>5</sup>   | 5.2  | 86 µg/l  | 172 µg/l                   | once/month   | 24-hr composite   |
| Nitrates (NO3-N)   | Report   | Report   | Report                     | once/weekday   | 24-hr composite   |
| Copper, Total Recoverable <sup>5</sup>   | Report   | Report µg/l  | Report µg/l                | once/month   | 24-hr composite   |
| pH   | N/A  | <u>Minimum</u><br>6.0 s.u.   | <u>Maximum</u><br>9.0 s.u. | once/weekday   | Grab  |
| Chronic Biomonitoring <sup>4</sup>   | N/A  | N/A  | N/A                        | once/quarter   | 24-hr composite   |
| <b><u>Pimephales promelas (Chronic)<sup>4</sup></u></b><br>Pass/Fail Lethality (7-day NOEC) TLP6C<br>Pass/Fail Growth (7-day NOEC)TGP6C<br>Survival (7-day NOEC) TOP6C<br>Coefficient of Variation TQP6C<br>Growth (7-day NOEC) TPP6C            |  | <u>7-Day Average</u><br>Report (Pass=0/Fail=1)<br>Report (Pass=0/Fail=1)<br>Report %<br>Report %<br>Report % |                            | once/quarter<br>once/quarter<br>once/quarter<br>once/quarter<br>once/quarter | 24-hr composite<br>24-hr composite<br>24-hr composite<br>24-hr composite<br>24-hr composite |
| <b><u>Ceriodaphnia dubia (Chronic)<sup>4</sup></u></b><br>Pass/Fail Lethality (7-day NOEC) TLP3B<br>Pass/Fail Reproduction (7-day NOEC)TGP3B<br>Survival (7-day NOEC) TOP3B<br>Coefficient of Variation TQP3B<br>Reproduction (7-day NOEC) TPP3B |  | <u>7-Day Average</u><br>Report (Pass=0/Fail=1)<br>Report (Pass=0/Fail=1)<br>Report %<br>Report %<br>Report % |                            | once/quarter<br>once/quarter<br>once/quarter<br>once/quarter<br>once/quarter | 24-hr composite<br>24-hr composite<br>24-hr composite<br>24-hr composite<br>24-hr composite |

- 1 Report monthly average and daily maximum as MGD.
- 2 Instantaneous Minimum. Dissolved Oxygen must be equal or exceed the permit limit at all times.
- 3 See Condition No. 12 of Part III.
- 4 See Condition No. 9 of Part III.
- 5 See Condition No. 10 of Part III.

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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. No visible sheen (Sheen means an iridescent appearance on the surface of the water).

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at the outfall 001, following the final treatment unit.

**SECTION A. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS:** OUTFALL 001-treated municipal wastewater

During the period beginning on April 1, 2008, and lasting until date of expiration, the permittee is authorized to discharge from outfall serial number 001 -treated municipal wastewater. Such discharges shall be limited and monitored by the permittee as specified below:

| <u>Effluent Characteristics</u>   | <u>Discharge Limitations</u>                           |  |                            | <u>Monitoring Requirements</u>   |   |
|---|--|--|----------------------------|--|---|
|   | Mass<br>(lbs/day,<br>unless<br>otherwise<br>specified) | Concentration<br>(mg/l, unless<br>otherwise specified)   |                            | Frequency  | Sample Type   |
|   |  | Monthly<br>Avg.  | Monthly<br>Avg.            |  |   |
| Flow <sup>1</sup>   | N/A  | Report   | Report                     | once/day   | totalizing meter  |
| Carbonaceous Biochemical<br>Oxygen Demand (CBOD <sub>5</sub> )  |  |  |                            |  |   |
| (May-Oct)   | 609  | 10   | 15                         | once/weekday   | 24-hr composite   |
| (Nov-Apr)   | 913  | 15   | 23                         | once/weekday   | 24-hr composite   |
| Total Suspended Solids (TSS)  |  |  |                            |  |   |
| (May-Oct)   | 913  | 15   | 23                         | once/weekday   | 24-hr composite   |
| (Nov-Apr)   | 1217   | 20   | 30                         | once/weekday   | 24-hr composite   |
| Ammonia Nitrogen (NH <sub>3</sub> -N)   | 243  | 4  | 6                          | once/weekday   | 24-hr composite   |
| Dissolved Oxygen <sup>2</sup>   | N/A  | 6.0 (Inst. Min.)   |                            | once/weekday   | Grab  |
| Fecal Coliform Bacteria (FCB)   |  | (colonies/100ml)   |                            |  |   |
|   | N/A  | 1000   | 2000                       | once/weekday   | Grab  |
| Total Residual Chlorine (TRC) <sup>3</sup>  | N/A  | 0.1 mg/l (Inst. Max)   |                            | once/weekday   | Grab  |
| Zinc, Total Recoverable <sup>5</sup>  | 5.2  | 86 µg/l  | 172 µg/l                   | once/month   | 24-hr composite   |
| Nitrates (NO <sub>3</sub> -N)   | 609  | 10   | 15                         | once/weekday   | 24-hr composite   |
| Copper, Total Recoverable <sup>5</sup>  | 0.56   | 9.24 µg/l  | 18.54 µg/l                 | once/month   | 24-hr composite   |
| pH  | N/A  | <u>Minimum</u><br>6.0 s.u.   | <u>Maximum</u><br>9.0 s.u. | once/weekday   | Grab  |
| Chronic Biomonitoring <sup>4</sup>  | N/A  | N/A  | N/A                        | once/quarter   | 24-hr composite   |
| <b><u>Pimephales promelas (Chronic)</u></b> <sup>4</sup><br>Pass/Fail Lethality (7-day NOEC) TLP6C<br>Pass/Fail Growth (7-day NOEC)TGP6C<br>Survival (7-day NOEC) TOP6C<br>Coefficient of Variation TQP6C<br>Growth (7-day NOEC) TPP6C            |  | <u>7-Day Average</u><br>Report (Pass=0/Fail=1)<br>Report (Pass=0/Fail=1)<br>Report %<br>Report %<br>Report % |                            | once/quarter<br>once/quarter<br>once/quarter<br>once/quarter<br>once/quarter | 24-hr composite<br>24-hr composite<br>24-hr composite<br>24-hr composite<br>24-hr composite |
| <b><u>Ceriodaphnia dubia (Chronic)</u></b> <sup>4</sup><br>Pass/Fail Lethality (7-day NOEC) TLP3B<br>Pass/Fail Reproduction (7-day NOEC)TGP3B<br>Survival (7-day NOEC) TOP3B<br>Coefficient of Variation TQP3B<br>Reproduction (7-day NOEC) TPP3B |  | <u>7-Day Average</u><br>Report (Pass=0/Fail=1)<br>Report (Pass=0/Fail=1)<br>Report %<br>Report %<br>Report % |                            | once/quarter<br>once/quarter<br>once/quarter<br>once/quarter<br>once/quarter | 24-hr composite<br>24-hr composite<br>24-hr composite<br>24-hr composite<br>24-hr composite |

- 1 Report monthly average and daily maximum as MGD.
- 2 Instantaneous Minimum. Dissolved Oxygen must be equal or exceed the permit limit at all times.
- 3 See Condition No. 12 of Part III.
- 4 See Condition No. 9 of Part III.
- 5 See Condition No. 10 of Part III.

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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. No visible sheen (Sheen means an iridescent appearance on the surface of the water).

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at the outfall 001, following the final treatment unit.

**SECTION A. INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS:** OUTFALL 002-treated municipal wastewater

During the period beginning on the effective date of the modified permit and lasting until March 31, 2008, the permittee is authorized to discharge from outfall serial number 002 -treated municipal wastewater. Such discharges shall be limited and monitored by the permittee as specified below:

| <u><b>Effluent Characteristics</b></u>   | <u><b>Discharge Limitations</b></u>                    |  |                            | <u><b>Monitoring Requirements</b></u>  |   |
|--|--|--|----------------------------|--|---|
|  | Mass<br>(lbs/day,<br>unless<br>otherwise<br>specified) | Concentration<br>(mg/l, unless<br>otherwise specified)   |                            | Frequency  | Sample Type   |
|  |  | Monthly<br>Avg.  | Monthly<br>Avg.            |  |   |
| Flow <sup>1</sup>  | N/A  | Report   | Report                     | once/day   | totalizing meter  |
| Biochemical Oxygen Demand (BOD5)   | 1826   | 30   | 45                         | once/weekday   | 24-hr composite   |
| Total Suspended Solids (TSS)   | 1826   | 30   | 45                         | once/weekday   | 24-hr composite   |
| Fecal Coliform Bacteria (FCB)  |  | (colonies/100ml)   |                            |  |   |
| (May – September)  | N/A  | 200  | 400                        | once/weekday   | grab  |
| (October - April)  | N/A  | 1000   | 2000                       | once/weekday   | grab  |
| Total Residual Chlorine (TRC) <sup>3</sup>   | N/A  | Report (Inst. Max)   |                            | once/weekday   | grab  |
| pH   | N/A  | <u>Minimum</u><br>6.0 s.u.   | <u>Maximum</u><br>9.0 s.u. | once/weekday   | grab  |
| Chronic Biomonitoring <sup>4</sup>   | N/A  | N/A  | N/A                        | once/quarter   | 24-hr composite   |
| <b><u>Pimephales promelas (Chronic)<sup>4</sup></u></b><br>Pass/Fail Lethality (7-day NOEC) TLP6C<br>Pass/Fail Growth (7-day NOEC)TGP6C<br>Survival (7-day NOEC) TOP6C<br>Coefficient of Variation TQP6C<br>Growth (7-day NOEC) TPP6C            |  | <u>7-Day Average</u><br>Report (Pass=0/Fail=1)<br>Report (Pass=0/Fail=1)<br>Report %<br>Report %<br>Report % |                            | once/quarter<br>once/quarter<br>once/quarter<br>once/quarter<br>once/quarter | 24-hr composite<br>24-hr composite<br>24-hr composite<br>24-hr composite<br>24-hr composite |
| <b><u>Ceriodaphnia dubia (Chronic)<sup>4</sup></u></b><br>Pass/Fail Lethality (7-day NOEC) TLP3B<br>Pass/Fail Reproduction (7-day NOEC)TGP3B<br>Survival (7-day NOEC) TOP3B<br>Coefficient of Variation TQP3B<br>Reproduction (7-day NOEC) TPP3B |  | <u>7-Day Average</u><br>Report (Pass=0/Fail=1)<br>Report (Pass=0/Fail=1)<br>Report %<br>Report %<br>Report % |                            | once/quarter<br>once/quarter<br>once/quarter<br>once/quarter<br>once/quarter | 24-hr composite<br>24-hr composite<br>24-hr composite<br>24-hr composite<br>24-hr composite |

- 1 Report monthly average and daily maximum as MGD.
- 2 Instantaneous Minimum. Dissolved Oxygen must be equal or exceed the permit limit at all times.
- 3 See Condition No. 12 of Part III.
- 4 See Condition No. 11 of Part III.

Weekday = Monday – Friday

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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. No visible sheen (Sheen means an iridescent appearance on the surface of the water).

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at the outfall 002, following the final treatment unit.

**SECTION A. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS:** OUTFALL 002-treated municipal wastewater

During the period beginning on April 1, 2008 and lasting until date of expiration, the permittee is authorized to discharge from outfall serial number 002 -treated municipal wastewater. Such discharges shall be limited and monitored by the permittee as specified below:

| <u><b>Effluent Characteristics</b></u>   | <u><b>Discharge Limitations</b></u>                    |  |                            | <u><b>Monitoring Requirements</b></u>  |   |
|--|--|--|----------------------------|--|---|
|  | Mass<br>(lbs/day,<br>unless<br>otherwise<br>specified) | Concentration<br>(mg/l, unless<br>otherwise specified)   |                            | Frequency  | Sample Type   |
|  |  | Monthly<br>Avg.  | Monthly<br>Avg.            |  |   |
| Flow <sup>1</sup>  | N/A  | Report   | Report                     | once/day   | totalizing meter  |
| Biochemical Oxygen Demand (BOD5)   | 1826   | 30   | 45                         | once/weekday   | 24-hr composite   |
| Total Suspended Solids (TSS)   | 1826   | 30   | 45                         | once/weekday   | 24-hr composite   |
| Fecal Coliform Bacteria (FCB)  |  | (colonies/100ml)   |                            |  |   |
| (May – September)  | N/A  | 200  | 400                        | once/weekday   | grab  |
| (October - April)  | N/A  | 1000   | 2000                       | once/weekday   | grab  |
| Total Residual Chlorine (TRC) <sup>3</sup>   | N/A  | 0.1 mg/l (Inst. Max)   |                            | once/weekday   | grab  |
| pH   | N/A  | <u>Minimum</u><br>6.0 s.u.   | <u>Maximum</u><br>9.0 s.u. | once/weekday   | grab  |
| Chronic Biomonitoring <sup>4</sup>   | N/A  | N/A  | N/A                        | once/quarter   | 24-hr composite   |
| <b><u>Pimephales promelas (Chronic)<sup>4</sup></u></b><br>Pass/Fail Lethality (7-day NOEC) TLP6C<br>Pass/Fail Growth (7-day NOEC)TGP6C<br>Survival (7-day NOEC) TOP6C<br>Coefficient of Variation TQP6C<br>Growth (7-day NOEC) TPP6C            |  | <u>7-Day Average</u><br>Report (Pass=0/Fail=1)<br>Report (Pass=0/Fail=1)<br>Report %<br>Report %<br>Report % |                            | once/quarter<br>once/quarter<br>once/quarter<br>once/quarter<br>once/quarter | 24-hr composite<br>24-hr composite<br>24-hr composite<br>24-hr composite<br>24-hr composite |
| <b><u>Ceriodaphnia dubia (Chronic)<sup>4</sup></u></b><br>Pass/Fail Lethality (7-day NOEC) TLP3B<br>Pass/Fail Reproduction (7-day NOEC)TGP3B<br>Survival (7-day NOEC) TOP3B<br>Coefficient of Variation TQP3B<br>Reproduction (7-day NOEC) TPP3B |  | <u>7-Day Average</u><br>Report (Pass=0/Fail=1)<br>Report (Pass=0/Fail=1)<br>Report %<br>Report %<br>Report % |                            | once/quarter<br>once/quarter<br>once/quarter<br>once/quarter<br>once/quarter | 24-hr composite<br>24-hr composite<br>24-hr composite<br>24-hr composite<br>24-hr composite |



- 1 Report monthly average and daily maximum as MGD.
- 2 Instantaneous Minimum. Dissolved Oxygen must be equal or exceed the permit limit at all times.
- 3 See Condition No. 12 of Part III.
- 4 See Condition No. 11 of Part III.

Weekday = Monday - Friday

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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. No visible sheen (Sheen means an iridescent appearance on the surface of the water).

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at the outfall 002, following the final treatment unit.

**SECTION B. SCHEDULE OF COMPLIANCE**

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

Outfall 001

The permittee shall monitor and report TRC, Nitrates, and Total Copper at outfall 001 for an interim period of three years following the effective date of April 1, 2005. Following the three year interim period the specified limits for TRC, Nitrates, and Total Recoverable Copper will become effective. The permittee has the option to undertake any study deemed necessary to meet the final limitations during the interim period. Any additional treatment must be approved and construction approval granted prior to final installation.

The permittee shall comply with the following schedule of compliance:

| TRC, Nitrates, and Total Recoverable Copper |                 |
|---|-----------------|
| Action                                      | Compliance Date |
| Submit Progress Report                      | April 1, 2006   |
| Submit Progress Report                      | April 1, 2007   |
| Achieve compliance with final limits        | April 1, 2008   |

Outfall 002

The construction of a new outfall pipeline to the Arkansas River must be approved and a construction permit issued prior to beginning construction on the outfall line.

The permittee shall monitor and report TRC at outfall 002 until March 31, 2008. Beginning on April 1, 2008, the specified limits for TRC will become effective. The permittee has the option to undertake any study deemed necessary to meet the final limitations during the interim period. Any additional treatment must be approved and construction approval granted prior to final installation.

The permittee shall comply with the following schedule of compliance:

| Total Residual Chlorine              |                 |
|--------------------------------------|-----------------|
| Action                               | Compliance Date |
| Achieve compliance with final limits | April 1, 2008   |

**PART II**  
**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; or for denial of a permit renewal application. **Any values reported in the required Discharge Monitoring Report 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 ten thousand dollars (\$10,000) 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 condition II 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 II. A.3., if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Regulation No. 2, as amended, (regulation establishing water quality standards for surface waters of the State of Arkansas) 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 Regulation No. 2 (Arkansas Water Quality Standards), 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 II.B.4.a.), and “Upsets” (Part II.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 be 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 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 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 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 Part 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 II.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 II.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 II.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 base permit effluent limitations if the requirements of Part II.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 II.D.6.: and
  - (4) The permittee complied with any remedial measures required by Part II.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). 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's signed and certified as required by Part II.d.11 and all other reports required by Part II.D. (Reporting Requirements), shall be submitted to the Director at the following address:

NPDES Enforcement Section  
Water Division  
Arkansas Department of Environmental Quality  
8001 National Drive  
P.O. Box 8913  
Little Rock, AR 72219-8913

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 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 individuals(s) who performed the sampling or measurements;
- c. The date(s) analyses were formed;
- 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:

##### ***For Industrial Dischargers***

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR Part 122.29(b).
- b. The alternation or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40CFR Part 122.42 (a)(1).

***For POTW Dischargers:***

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 II.C.5. (Reporting). **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 III of the permit to be reported within 24 hours.
- c. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

7. **Other Noncompliance**

The permittee shall report all instances of noncompliance not reported under Part II.D.4,5 and 6, at the time monitoring reports are submitted. The reports shall contain the information listed at Part II.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, in 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)(2)(48 FR 14153, April 1983, as amended at 49 FR 38046, September 26, 1984).
- 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)(48 FR 14153, April 1, 1983, as amended at 49 FR 38046, September 26, 1984).

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

- 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 Regulation 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 Pollution and Ecology. 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 II.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 III  
OTHER CONDITIONS

1. The operator of this wastewater treatment facility shall be licensed by the State of Arkansas in accordance with Act 211 of 1971, Act 1103 of 1991, Act 556 of 1993, and Regulation No. 3, as amended.
2. For publicly owned treatment works, the 30-day average percent removal for Biochemical Oxygen Demand and Total Suspended Solids shall not be less than 85 percent unless otherwise authorized by the permitting authority in accordance with 40 CFR 133.102, as adopted by reference in ADEQ 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;
  - 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.) Overflows which endanger health or the environment shall be orally reported to this department (Enforcement Section of 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 Part 122.62 (a) (2), the permit may be modified if new information is received that was not available at the time of permit issuance that would have justified the application of different permit conditions at the time of permit issuance.

**7. 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 January 13, 1984 and modified on March 10, 1992. 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. However, in keeping with the requirements of 40 CFR 403.8(f)(2)(v), the permittee must inspect and sample the effluent from each Significant Industrial User at least once a year. 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(t), this control shall be achieved through permits or equivalent individual control mechanisms issued to each such user. Such 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 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, 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.
- 5. The permittee shall evaluate, at least once every two years, whether each Significant Industrial User needs a plan to control slug discharges. If the POTW decides that a slug control plan is needed, the plan shall contain at least the minimum elements required in 40 CFR 403.8 (f)(2)(v).
  - 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 the Department.
- 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). Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and effectively enforce such limits.
- 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 per year and the toxic pollutants in Table III at least once per quarter. 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 once per quarter on both the influent and effluent.



1. 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 four (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)(vii) [rev. 7/24/90] or criteria established in the approved POTW pretreatment program. This list is to be published annually in the largest daily newspaper in the municipality during the month of February.

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

1. An updated list of all significant industrial users. For each industrial user listed, the following information shall be included:
  - a. Standard Industrial Classification (SIC) 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:
    - (1) total number of inspections performed;
    - (2) total number of sampling visits made;
  - d. Status of compliance with both effluent limitations and reporting requirements. Compliance status shall be defined as follows:

- (1) Compliant (C) - no violations during the previous 12 month period;
  - (2) Non-compliant (NC) - one or more violations during the previous 12 months but does not meet the criteria for significant noncompliant industrial users.
  - (3) Significant Noncompliance (SN) - in accordance with requirements described in d. above.
- 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.
2. 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.
  3. 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.
  4. The results of all influent, effluent analyses performed pursuant to paragraph (c) above;
  5. A copy of the newspaper publication of the significantly noncompliant industrial users giving the name of the newspaper and the date published; and
  6. The information requested may be submitted in tabular form as per the example tables provided for your convenience (See Attachments A, B and C); and
  7. 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 to the Department of the following:

1. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Section 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.

8. **ADDITIONAL CONDITIONS FOR LAND APPLICATION OF BIOSOLIDS**

**A. GENERAL REQUIREMENTS:**

1. Only biosolids which are not classified as a hazardous waste under state or federal regulations may be land applied.
2. Plant Available Nitrogen (PAN) will not be applied at a rate exceeding the annual nitrogen uptake of the crop. At no time will the nitrogen application rate (PAN/acre-year) be allowed to exceed the site specific rate approved by the Department.
3. Biosolids with Polychlorinated Biphenyls (PCB's) concentrations equal or greater than 50 mg/kg (dry basis) will not be land applied at any time.
4. CEILING CONCENTRATIONS (milligrams per kilogram, dry weight basis): If the biosolids to be land applied exceed any of the pollutant concentrations listed below, the biosolids **may not** be land applied.

| <u>Pollutant</u> | <u>Ceiling Concentrations</u> |
|------------------|-------------------------------|
| Arsenic          | 75                            |
| Cadmium          | 85                            |
| Copper           | 4300                          |
| Lead             | 840                           |
| Mercury          | 57                            |
| Molybdenum       | 75                            |
| Nickel           | 420                           |
| Selenium         | 100                           |
| Zinc             | 7500                          |

5. CUMULATIVE CONCENTRATION LIMITS: When the cumulative amount of any pollutant land applied to a specific site exceeds any of the loading rates listed below, no more biosolids may be land applied the specific site.

| <u>Cumulative Pollutant</u> | <u>Loading Rate</u>   |
|-----------------------------|-----------------------|
| <u>Element</u>              | <u>kg/ha (lbs/ac)</u> |
| Arsenic                     | 41 (37)               |
| Cadmium                     | 39 (35)               |
| Copper                      | 1500 (1350)           |
| Lead                        | 300 (270)             |
| Mercury                     | 17 (15)               |
| Nickel                      | 420 (378)             |
| Selenium                    | 100 (90)              |
| Zinc                        | 2800 (2520)           |

6. The biosolids generator must issue a signed certification stating that the Pathogen Reduction, Vector Attraction Reduction, and Pollutant Concentration Limits have been met for each time the biosolid is released for disposal. The State requirements on Pathogen Reduction, Vector Attraction Reduction, and Pollutant Concentration Limits are the same as those listed in Federal; Regulation 40 CFR Part 503. All the above information must be made available to the permittee before the material is delivered. Concurrently, a signed copy of each certification must be also submitted to ADEQ's Water Division.
7. Proper containers shall be utilized to transport the biosolids. No biosolids material shall be allowed to be blown out of containers, truck beds, or spilled during transportation.
8. Transportation of the biosolids must be such that will prevent the attraction, harborage or breeding of insects or rodents. It must not produce conditions harmful to public health, the environment, odors, unsightliness, nuisances, or safety hazards.
9. Transportation equipment must be leak-proof and kept in a top sanitary conditions at all times. Biosolids must be enclosed or covered as to prevent littering, vector attraction, or any other nuisances.

10. The permittee will be responsible for assuring that the land owner, of any land application site not owned by the permittee, and the waste applicator, if different from the permittee, abide by the conditions of this permit.
11. Biosolids will be spread evenly over the application area and in no way biosolids will be allowed to enter the waters of the State.
12. Biosolids will not be applied to slopes with a gradient greater than 15%; or to soils that are saturated, frozen or covered with snow, during rain, or when precipitation is imminent.
13. The permittee will take all necessary measures to reduce obnoxious and offensive odors. Equipment will be maintained and operated to prevent spillage and leakage.
14. Disposal of biosolids in a floodplain will not restrict the flow of the base flood, reduce the temporary storage capacity of the floodplain, or result in a washout of solid waste, so as to pose a hazard to human life, wildlife or land and water uses.
15. Biosolids will not be spread within 25 feet of rock outcrops; 50 feet of property lines; 200 feet of drinking water well; 100 feet of lakes, ponds, springs, streams, wetlands, and sinkholes; 300 feet of occupied buildings and streams classified as an "extraordinary resource stream."
16. All new land application sites must have a waste management plan approved by the Department prior to land application of biosolids. This may require a permit modification.

**B. MONITORING AND REPORTING REQUIREMENTS:**

1. The permittee will be responsible for the biosolids analyses, soil analyses, and a reporting schedule that must include the following:

a. Biosolids Analysis

- (1) Biosolids samples collected must be representative of the treated biosolids to be land applied. The samples are to be stored in appropriate glass or plastic containers and kept refrigerated or frozen to prevent any change in composition.
- (2) Quarterly grab samples of the land applied biosolids will be analyzed and results expressed in dry basis in mg/kg, except as otherwise indicated:

|                    |                         |
|--------------------|-------------------------|
| Volatile Solids(%) | Total Kjeldahl Nitrogen |
| Total Solids(%)    | Total Phosphorus        |
| Nitrate Nitrogen   | Total Potassium         |
| Nitrite Nitrogen   | Ammonia Nitrogen        |
| Arsenic            | Cadmium                 |
| Chromium           | Copper                  |
| Lead               | Mercury                 |
| Nickel             | Selenium                |
| Zinc               | pH (SU)                 |

b. Soils Analysis

- (1) Each land application site will be soil tested in the Spring prior to application for the following parameters:

|                              |                                |
|------------------------------|--------------------------------|
| Nitrate-Nitrogen             | Potassium                      |
| Phosphorus                   | Magnesium                      |
| Arsenic                      | Cadmium                        |
| Copper                       | Lead                           |
| Selenium                     | Mercury                        |
| Nickel                       | pH                             |
| Zinc                         | C.E.C. (mequivalent/100 grams) |
| Salt Content (micro mohs/cm) |                                |

c. Reporting

- (1) Annual reports will be sent to the Department and to the owner of the land receiving biosolids **prior to May 1**, which must include the following:

The biosolids and soil analyses conducted under section above (including a statement that the analyses were performed in accordance with EPA Document SW-846, "Test Methods for Evaluation of Solid Waste," or other procedures approved by the Director), application dates and locations, volumes of biosolids applied (in dry tons/acre-year and gallons/acre-year of biosolids), methods of disposal, identity of hauler, and type of crop grown, amounts of nitrogen applied, total elements added that year (lbs/acre), total elements applied to date, and copies of soil analyses for each site.

- (2) The permittee will also maintain copies of the above records for Department personnel review at the biosolids generating facility.

9. **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: 001

CRITICAL DILUTION (%): 100

EFFLUENT DILUTION SERIES (%): 32, 42, 56, 75, 100

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/600/4-91/002 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/600/4-91/002, 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 defined as the greatest effluent dilution at and below which lethality 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.
- 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.



- d. Test failure is defined as a demonstration of statistically significant sub-lethal or lethal effects to a test species at or below the effluent critical dilution.
2. PERSISTENT LETHALITY The requirements of this subsection apply only when a toxicity test demonstrates significant lethal effects at or below the critical dilution. Significant lethal effects are herein defined as a statistically significant difference at the 95% confidence level between the survival of the appropriate test organism in a specified effluent dilution and the control (0% effluent).
- a. Part I Testing Frequency Other Than Monthly
    - i. The permittee shall conduct a total of two (2) additional tests for any species that demonstrates significant lethal effects at or below the critical dilution. The two additional tests shall be conducted monthly during the next two consecutive months. The permittee shall not substitute either of the two additional tests in lieu of routine toxicity testing. The 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 one or both of the two 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 persistent significant sub-lethal effects or intermittent lethal effects at or below the critical dilution, or for failure to perform the required retests.
    - iii. If one or both of the two additional tests demonstrates significant lethal effects at or below the critical dilution, the permittee shall henceforth increase the frequency of testing for this species to once per quarter for the life of the permit.
    - iv. The provisions of Item 2.a are suspended upon submittal of the TRE Action Plan.

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.
- iv. 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.
- v. 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.
- vi. The percent coefficient of variation between replicates shall be 40% or less in the critical dilution, unless significant lethal or nonlethal 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.

Test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%. A repeat test shall be conducted within the required reporting period of any test determined to be invalid.

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/600/4-91/002 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/600/4-91/002 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 an 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.
- 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 are representative of any periodic episode of chlorination, biocide usage or other potentially toxic substance discharged on an intermittent basis.
- iii. 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 4 degrees Centigrade during collection, shipping, and/or storage.
- iv. 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 por-

tions and the sample holding time are waived during that sampling period. However, the permittee must collect 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.

- v. 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.
- vi. 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/600/4-91/002, 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 II.C.7 of this permit. The permittee shall submit full reports upon the specific request of the Department. For any test which fails, is considered invalid or which is terminated early for any reason, the full report must be submitted for 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 biomonitoring data for each species is to be recorded on the DMR for each reporting period. The data submitted should reflect the LOWEST survival results for each species during the

reporting period. 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 ADEQ review.

- c. The permittee shall submit the results of each valid toxicity test on DMR for that reporting period in accordance with PART II.D.4 of this permit, as follows below. Submit retest information clearly marked as such with the following 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) If the No Observed Effect Concentration (NOEC) for growth is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TGP6C.
- (C) Report the NOEC value for survival, Parameter No. TOP6C.
- (D) Report the NOEC value for growth, Parameter No. TPP6C.
- (E) Report the highest (critical dilution or control) Coefficient of Variation, 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) If the No Observed Effect Concentration (NOEC) for reproduction is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TGP3B.
- (B) Report the NOEC value for survival, Parameter No. TOP3B.

- (C) Report the NOEC value for reproduction, Parameter No. TPP3B.
- (E) Report the higher (critical dilution or control) Coefficient of Variation, Parameter No. TQP3B.

5. Monitoring Frequency Reduction

- a. The permittee may apply for a testing frequency reduction upon the successful completion of the first four consecutive quarters of testing for one or both test species, with no lethal or sub-lethal effects demonstrated at or below the critical dilution without a major modification. 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 Department will issue a letter of confirmation of the monitoring frequency reduction. A copy of the letter will be forwarded to the Permit Compliance System section to update the permit reporting requirements.
- c. SUB-LETHAL FAILURES - If a statistically significant sub-lethal effect is demonstrated at or below the critical dilution during any quarterly test, the permittee shall conduct two retests. The retests shall be conducted monthly during the next two consecutive months.

If during the first four quarters, statistically significant sub-lethal effects are exhibited, quarterly testing will be required for that species until the effluent passes both the lethal and sub-lethal tests endpoints for the affected species, for four consecutive quarters. After passing four consecutive quarters for the affected species the permittee may request a reduction in testing frequency. Monthly retesting is not required if the permittee is performing a TRE.

- d. SURVIVAL FAILURES - If any test fails the survival endpoint at any time during the life of this permit, two 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.
- e. This monitoring frequency reduction 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.

6. TOXICITY REDUCTION EVALUATION (TRE)

- a. Within ninety (90) days of confirming lethality in the retests, 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 TRE Action Plan shall lead to the successful elimination of effluent toxicity at the critical dilution and include 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 (800) 553-6847, 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:
  - i. any data and/or substantiating documentation which identifies the pollutant(s) and/or source(s) of effluent toxicity;
  - ii. any studies/evaluations and results on the treatability of the facility's effluent toxicity; and
  - iii. any data which identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to meet no significant lethality at the critical dilution.
  
- d. The permittee shall submit a Final Report on Toxicity Reduction Evaluation Activities no later than twenty-eight (28) months from confirming lethality 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 lethality at the critical dilution. The report will also provide a specific corrective action schedule for implementing the selected control mechanism.

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).

10. If any individual analytical test results is less than the minimum quantification level (MQL) listed below, a value of zero (0) may be used for that individual result for the Discharge Monitoring report (DMR) calculations and reporting requirements.

| Outfall 001              |            |            |
|--------------------------|------------|------------|
| Pollutant                | EPA Method | MQL (µg/l) |
| Total Recoverable Zinc   | 200.7      | 20         |
| Total Recoverable Copper | 220.2      | 10         |

The permittee may develop a matrix specific method detection limit (MDL) in accordance with Appendix B of 40 CFR Part 136. For any pollutant for which the permittee determines a site specific MDL, the permittee shall send to ADEQ, NPDES Permits Branch, a report containing QA/QC documentation, analytical results, and calculations necessary to demonstrate that a site specific MDL was correctly calculated. A site specific minimum quantification level (MQL) shall be determined in accordance with the following calculation:

$$MQL = 3.3 \times MDL$$

Upon written approval by the NPDES Permits Branch, the site specific MQL may be utilized by the permittee for all future Discharge Monitoring Report (DMR) calculations and reporting requirements.

11. **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: 002

CRITICAL DILUTION (%): 8%

EFFLUENT DILUTION SERIES (%): 3%, 5%, 6%, 8%, 11%

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/600/4-91/002 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/600/4-91/002, 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 defined as the greatest effluent dilution at and below which lethality 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.
- 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.

- d. Test failure is defined as a demonstration of statistically significant sub-lethal or lethal effects to a test species at or below the effluent critical dilution.
2. PERSISTENT LETHALITY: The requirements of this subsection apply only when a toxicity test demonstrates significant lethal effects at or below the critical dilution. Significant lethal effects are herein defined as a statistically significant difference at the 95% confidence level between the survival of the appropriate test organism in a specified effluent dilution and the control (0% effluent).
- a. Part I Testing Frequency Other Than Monthly
    - i. The permittee shall conduct a total of two (2) additional tests for any species that demonstrates significant lethal effects at or below the critical dilution. The two additional tests shall be conducted monthly during the next two consecutive months. The permittee shall not substitute either of the two additional tests in lieu of routine toxicity testing. The 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 one or both of the two 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 persistent significant sub-lethal effects or intermittent lethal effects at or below the critical dilution, or for failure to perform the required retests.
    - iii. If one or both of the two additional tests demonstrates significant lethal effects at or below the critical dilution, the permittee shall henceforth increase the frequency of testing for this species to once per quarter for the life of the permit.
    - iv. The provisions of Item 2.a are suspended upon submittal of the TRE Action Plan.

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.
- iv. 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.
- v. 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.
- vi. The percent coefficient of variation between replicates shall be 40% or less in the critical dilution, unless significant lethal or nonlethal 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.

Test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%. A repeat test shall be conducted within the required reporting period of any test determined to be invalid.

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/600/4-91/002 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/600/4-91/002 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 an 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.
- 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 are representative of any periodic episode of chlorination, biocide usage or other potentially toxic substance discharged on an intermittent basis.
- iii. 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 4 degrees Centigrade during collection, shipping, and/or storage.
- iv. 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 collect 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.

- v. 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.
- vi. 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/600/4-91/002, 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 II.C.7 of this permit. The permittee shall submit full reports upon the specific request of the Department. For any test which fails, is considered invalid or which is terminated early for any reason, the full report must be submitted for 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 biomonitoring data for each species is to be recorded on the DMR for each reporting period. The data submitted should reflect the LOWEST survival results for each species during the reporting period. 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 ADEQ review.

- c. The permittee shall submit the results of each valid toxicity test on DMR for that reporting period in accordance with PART II.D.4 of this permit, as follows below. Submit retest information clearly marked as such with the following 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) If the No Observed Effect Concentration (NOEC) for growth is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TGP6C.
- (C) Report the NOEC value for survival, Parameter No. TOP6C.
- (D) Report the NOEC value for growth, Parameter No. TPP6C.
- (E) Report the highest (critical dilution or control) Coefficient of Variation, 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) If the No Observed Effect Concentration (NOEC) for reproduction is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TGP3B.
- (B) Report the NOEC value for survival, Parameter No. TOP3B.
- (C) Report the NOEC value for reproduction, Parameter No. TPP3B.

- (E) Report the higher (critical dilution or control) Coefficient of Variation, Parameter No. TQP3B.

5. Monitoring Frequency Reduction

- a. The permittee may apply for a testing frequency reduction upon the successful completion of the first four consecutive quarters of testing for one or both test species, with no lethal or sub-lethal effects demonstrated at or below the critical dilution without a major modification. 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 Department will issue a letter of confirmation of the monitoring frequency reduction. A copy of the letter will be forwarded to the Permit Compliance System section to update the permit reporting requirements.
- c. SUB-LETHAL FAILURES - If a statistically significant sub-lethal effect is demonstrated at or below the critical dilution during any quarterly test, the permittee shall conduct two retests. The retests shall be conducted monthly during the next two consecutive months.
- If during the first four quarters, statistically significant sub-lethal effects are exhibited, quarterly testing will be required for that species until the effluent passes both the lethal and sub-lethal tests endpoints for the affected species, for four consecutive quarters. After passing four consecutive quarters for the affected species the permittee may request a reduction in testing frequency. Monthly retesting is not required if the permittee is performing a TRE.
- d. SURVIVAL FAILURES - If any test fails the survival endpoint at any time during the life of this permit, two 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.

- e. This monitoring frequency reduction 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.

6. TOXICITY REDUCTION EVALUATION (TRE)

- a. Within ninety (90) days of confirming lethality in the retests, 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 TRE Action Plan shall lead to the successful elimination of effluent toxicity at the critical dilution and include 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 (800) 553-6847, 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:

- i. any data and/or substantiating documentation which identifies the pollutant(s) and/or source(s) of effluent toxicity;
  - ii. any studies/evaluations and results on the treatability of the facility's effluent toxicity; and
  - iii. any data which identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to meet no significant lethality at the critical dilution.
- d. The permittee shall submit a Final Report on Toxicity Reduction Evaluation Activities no later than twenty-eight (28) months from confirming lethality 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 lethality at the critical dilution. The report will also provide a specific corrective action schedule for implementing the selected control mechanism.

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).

12. 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.
13. The permittee shall cease operation of outfall 001 (Whig Creek) upon startup of outfall 002 (Arkansas River).
14. The permittee shall apply for and obtain a final construction permit with ADEQ prior to starting construction on the new pipeline for outfall 002 to the Arkansas River.

## 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 regulation No. 2, as amended, (regulation establishing water quality standards for surface waters of the State of Arkansas.)
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; daily average discharge

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

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 is the geometric mean of the values of all effluent samples collected during the calendar week in colonies/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 403, introducing pollutants to a publicly-owned treatment works.
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 a publicly-owned treatment works. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and storm water runoff that are discharged to or otherwise enter a publicly-owned treatment works.
18. **“7-day average”** discharge limitation, other than for fecal coliform bacteria, is the highest allowable arithmetic means of the values for all effluent samples collected during the calendar week. The 7-day average for fecal coliform bacteria is the geometric mean of the values of all effluent samples collected during the calendar week in colonies/100 ml. The DMR 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, 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 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.

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.

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 or preventive maintenance, or careless or improper operations.

26. **“For Fecal Coliform Bacteria”**, 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:

a. When limited in the permit as a monthly minimum, shall mean the lowest acceptable monthly average value, determined by averaging all samples taken during the calendar month;

b. 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 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 part per million.

33. **The term “s.u.”** shall mean standard units.

**34. 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 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 Discharge Monitoring report 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 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.

## **Fact Sheet**

for modification of NPDES Permit Number AR0021768 to discharge to Waters of the State

1. **PERMITTING AUTHORITY.**

The issuing office is:

Arkansas Department of Environmental Quality  
8001 National Drive  
Post Office Box 8913  
Little Rock, Arkansas 72219-8913

2. **APPLICANT.**

The applicant is:

Russellville City Corporation  
P.O. Box 3186  
Russellville, AR 72811

3. **PREPARED BY.**

The permit was prepared by:

Shane Byrum  
NPDES Branch, Water Division

4. **DATE PREPARED.**

The permit was prepared on 05/05/2006.

5. **PREVIOUS PERMIT ACTIVITY.**

Effective Date: 04/01/2005  
Modification Date: N/A  
Expiration Date: 03/31/2010

The permittee has submitted a permit modification application on March 29, 2005. It is proposed that the current NPDES permit be modified in accordance with regulations promulgated at 40 CFR Part 122.46(a) to add an outfall to the Arkansas River.

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

The outfalls are located at the following coordinates:

Outfall 001: Latitude: 35° 14' 45" Longitude: 93° 06' 50"

Outfall 002: Latitude: 35° 13' 24" Longitude: 93° 08' 48"

The receiving waters named:

Outfall 001:

Whig Creek then to Arkansas River in Segment 3F of the Arkansas River Basin. The receiving stream is a Water of the State classified for secondary contact recreation, raw water source for public, industrial, and agricultural water supplies, propagation of desirable species of fish and other aquatic life, and other compatible uses.

Outfall 002:

Arkansas River in Segment 3F of the Arkansas River Basin. The receiving stream is a Water of the State classified for primary contact recreation, raw water source for public, industrial, and agricultural water supplies, propagation of desirable species of fish and other aquatic life, and other compatible uses.

a. **303d List and Endangered Species Considerations**

i. **303d List**

The receiving stream for Outfall 001 (Whig Creek) is listed on the 303d list as being impaired. Nitrates and Copper are listed as the sources of impairment. A TMDL was established for nitrates for Whig Creek on December 8, 2000, and is being included in this permit at outfall 001. A TMDL was established for Dissolved Copper for Whig Creek in November, 2003, and is being included in this permit at outfall 001 in the form of Total Recoverable Copper as required by 40 CFR 122.45 (c).

The segment of the receiving stream for Outfall 002 (Arkansas River) is not listed on the 303d list. Therefore, no permit action for this outfall related to the 303d list is required.

ii. **Endangered Species:**

No comments were received from the U.S. Fish and Wildlife Service (USF&WS). Therefore; no permit action is needed. The drafted permit and Fact Sheet will be sent to the USF&WS for their review.

7. **OUTFALL AND TREATMENT PROCESS DESCRIPTION.**

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

- a. Design Flow: 7.3 MGD
- b. Type of treatment: screening, primary clarifiers, biotowers, intermediate clarifiers, trickling filters, activated sludge, final clarification, and chlorine disinfection
- c. Discharge Description: treated municipal wastewater

A quantitative and qualitative description of the discharge described in the NPDES Permit Application Forms received March 29, 2005, are available for review.

8. **INDUSTRIAL WASTEWATER CONTRIBUTIONS.**

a. **INDUSTRIAL USERS**

This facility does receive significant industrial wastewater. Based on the applicant's effluent compliance history and the type of industrial contributions, standard pretreatment program implementation requirements are deemed appropriate at this time.

9. **SEWAGE SLUDGE PRACTICES.**

The sludge produced at the treatment plant will be land applied at the following locations:

| Field | Section | Township | Range   |
|-------|---------|----------|---------|
| 1     | 22      | 7 North  | 20 West |
| 2     | 21      | 7 North  | 20 West |
| 3     | 21      | 7 North  | 20 West |

10. **PERMIT CONDITIONS.**

The Arkansas Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application. Permit requirements are based on NPDES regulations (40 CFR Parts 122, 124, and Subchapter N), the National Pretreatment Regulations under 40 CFR 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. **Interim Effluent Limitations**

Outfall 001- treated municipal wastewater

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

| <b><u>Effluent Characteristics</u></b>            | <b><u>Discharge Limitations</u></b>                 |  |                            | <b><u>Monitoring Requirements</u></b> |                     |
|---|---|--|----------------------------|---------------------------------------|---------------------|
|   | Mass<br>(lbs/day, unless<br>otherwise<br>specified) | Concentration<br>(mg/l, unless<br>otherwise specified) |                            | Frequency                             | Sample Type         |
|   |   | Monthly Avg.   | Monthly<br>Avg.            |                                       |                     |
| Flow  | N/A   | Report   | Report                     | Once/day                              | Totalizing<br>meter |
| Carbonaceous Biochemical<br>Oxygen Demand (CBOD5) |   |  |                            |                                       |                     |
| (May-Oct)   | 609   | 10   | 15                         | Once/weekday                          | 24-hr<br>composite  |
| (Nov-Apr)   | 913   | 15   | 23                         | Once/weekday                          | 24-hr<br>composite  |
| Total Suspended Solids (TSS)                      |   |  |                            |                                       |                     |
| (May-Oct)   | 913   | 15   | 23                         | Once/weekday                          | 24-hr<br>composite  |
| (Nov-Apr)   | 1217  | 20   | 30                         | Once/weekday                          | 24-hr<br>composite  |
| Ammonia Nitrogen (NH3-N)                          | 243   | 4  | 6                          | Once/weekday                          | 24-hr<br>composite  |
| Dissolved Oxygen                                  | N/A   | 6.0 (Inst. Min.)                                       |                            | Once/weekday                          | Grab                |
| Fecal Coliform Bacteria<br>(FCB)                  |   | (colonies/100ml)                                       |                            |                                       |                     |
|   | N/A   | 1000   | 2000                       | Once/weekday                          | Grab                |
| Total Residual Chlorine                           | N/A   | Report (Inst. Max)                                     |                            | Once/weekday                          | Grab                |
| Zinc, Total Recoverable                           | 5.2   | 86 µg/l  | 172 µg/l                   | Once/month                            | 24-hr<br>composite  |
| Copper, Total Recoverable                         | Report  | Report<br>µg/l   | Report<br>µg/l             | Once/month                            | 24-hr<br>composite  |
| Nitrates  | Report  | Report   | Report                     | Once/weekday                          | 24-hr<br>composite  |
| pH  | N/A   | <u>Minimum</u><br>6.0 s.u.                             | <u>Maximum</u><br>9.0 s.u. | Once/weekday                          | Grab                |
| Chronic Biomonitoring                             | N/A   | See Section #11e below                                 |                            | Once/quarter                          | 24-hr<br>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. No visible sheen (Sheen means an iridescent appearance on the surface of the water).

**b. Final Effluent Limitations**

Outfall 001- treated municipal wastewater

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

| <u>Effluent Characteristics</u>                   | <u>Discharge Limitations</u>                        |  |                            | <u>Monitoring Requirements</u> |                     |
|---|---|--|----------------------------|--------------------------------|---------------------|
|   | Mass<br>(lbs/day, unless<br>otherwise<br>specified) | Concentration<br>(mg/l, unless<br>otherwise specified) |                            | Frequency                      | Sample Type         |
|   |   | Monthly Avg.   | Monthly<br>Avg.            |                                |                     |
| Flow  | N/A   | Report   | Report                     | Once/day                       | Totalizing<br>meter |
| Carbonaceous Biochemical<br>Oxygen Demand (CBOD5) |   |  |                            |                                |                     |
| (May-Oct)   | 609   | 10   | 15                         | Once/weekday                   | 24-hr<br>composite  |
| (Nov-Apr)   | 913   | 15   | 23                         | Once/weekday                   | 24-hr<br>composite  |
| Total Suspended Solids (TSS)                      |   |  |                            |                                |                     |
| (May-Oct)   | 913   | 15   | 23                         | Once/weekday                   | 24-hr<br>composite  |
| (Nov-Apr)   | 1217  | 20   | 30                         | Once/weekday                   | 24-hr<br>composite  |
| Ammonia Nitrogen (NH3-N)                          | 243   | 4  | 6                          | Once/weekday                   | 24-hr<br>composite  |
| Dissolved Oxygen                                  | N/A   | 6.0 (Inst. Min.)                                       |                            | Once/weekday                   | Grab                |
| Fecal Coliform Bacteria<br>(FCB)                  |   | (colonies/100ml)                                       |                            |                                |                     |
|   | N/A   | 1000   | 2000                       | Once/weekday                   | Grab                |
| Total Residual Chlorine                           | N/A   | 0.1 (Inst. Max)  |                            | Once/weekday                   | Grab                |
| Zinc, Total Recoverable                           | 5.2   | 86 µg/l  | 172 µg/l                   | Once/month                     | 24-hr<br>composite  |
| Copper, Total Recoverable                         | 0.56  | 9.24 µg/l  | 18.54 µg/l                 | Once/month                     | 24-hr<br>composite  |
| Nitrates  | 609   | 10   | 15                         | Once/weekday                   | 24-hr<br>composite  |
| pH  | N/A   | <u>Minimum</u><br>6.0 s.u.                             | <u>Maximum</u><br>9.0 s.u. | Once/weekday                   | Grab                |
| Chronic Biomonitoring                             | N/A   | See Section #11e below                                 |                            | Once/quarter                   | 24-hr<br>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. No visible sheen (Sheen means an iridescent appearance on the surface of the water).



c. **Interim Effluent Limitations**

Outfall 002- treated municipal wastewater

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

| <b><u>Effluent Characteristics</u></b> | <b><u>Discharge Limitations</u></b>                 |  |                            | <b><u>Monitoring Requirements</u></b> |                     |
|--|---|--|----------------------------|---------------------------------------|---------------------|
|  | Mass<br>(lbs/day, unless<br>otherwise<br>specified) | Concentration<br>(mg/l, unless<br>otherwise specified) |                            | Frequency                             | Sample Type         |
|  |   | Monthly Avg.   | Monthly<br>Avg.            |                                       |                     |
| Flow                                   | N/A   | Report   | Report                     | Once/day                              | Totalizing<br>meter |
| Biochemical Oxygen Demand<br>(BOD5)    | 1826  | 30   | 45                         | Once/weekday                          | 24-hr<br>composite  |
| Total Suspended Solids (TSS)           | 1826  | 30   | 45                         | Once/weekday                          | 24-hr<br>composite  |
| Fecal Coliform Bacteria<br>(FCB)       |   | (colonies/100ml)                                       |                            |                                       |                     |
| (May – September)                      | N/A   | 200  | 400                        | Once/weekday                          | Grab                |
| (October – April)                      | N/A   | 1000   | 2000                       | Once/weekday                          | Grab                |
| Total Residual Chlorine                | N/A   | Report (Inst. Max)                                     |                            | Once/weekday                          | Grab                |
| pH                                     | N/A   | <u>Minimum</u><br>6.0 s.u.                             | <u>Maximum</u><br>9.0 s.u. | Once/weekday                          | Grab                |
| Chronic Biomonitoring                  | N/A   | See Section #11e below                                 |                            | Once/quarter                          | 24-hr<br>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. No visible sheen (Sheen means an iridescent appearance on the surface of the water).

d. **Final Effluent Limitations**

Outfall 002- treated municipal wastewater

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

| <b><u>Effluent Characteristics</u></b> | <b><u>Discharge Limitations</u></b>                 |  |                            | <b><u>Monitoring Requirements</u></b> |                     |
|--|---|--|----------------------------|---------------------------------------|---------------------|
|  | Mass<br>(lbs/day, unless<br>otherwise<br>specified) | Concentration<br>(mg/l, unless<br>otherwise specified) |                            | Frequency                             | Sample Type         |
|  |   | Monthly Avg.   | Monthly<br>Avg.            |                                       |                     |
| Flow                                   | N/A   | Report   | Report                     | Once/day                              | Totalizing<br>meter |
| Biochemical Oxygen Demand<br>(BOD5)    | 1826  | 30   | 45                         | Once/weekday                          | 24-hr<br>composite  |
| Total Suspended Solids (TSS)           | 1826  | 30   | 45                         | Once/weekday                          | 24-hr<br>composite  |
| Fecal Coliform Bacteria<br>(FCB)       |   | (colonies/100ml)                                       |                            |                                       |                     |
| (May – September)                      | N/A   | 200  | 400                        | Once/weekday                          | Grab                |
| (October – April)                      | N/A   | 1000   | 2000                       | Once/weekday                          | Grab                |
| Total Residual Chlorine                | N/A   | 0.1 mg/l (Inst. Max)                                   |                            | Once/weekday                          | Grab                |
| pH                                     | N/A   | <u>Minimum</u><br>6.0 s.u.                             | <u>Maximum</u><br>9.0 s.u. | Once/weekday                          | Grab                |
| Chronic Biomonitoring                  | N/A   | See Section #11e below                                 |                            | Once/quarter                          | 24-hr<br>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. No visible sheen (Sheen means an iridescent appearance on the surface of the water).

11. **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 tentative decisions as required under 40 CFR 124.7 (48 FR 1413, April 1, 1983).

This permit is being modified to add an outfall to the Arkansas River.

a. **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.

Pursuant to 40 CFR 122.62, only the conditions subject to this modification are reopened for comment.

b. **Technology-Based Effluent Limitations and/or Conditions**

i. **General Comments**

The permit must at least comply with 40 CFR 133 (Secondary Treatment Regulation) when applicable.

**Total Residual Chlorine (TRC) Requirements**

Outfall 002:

A review of the Discharge Monitoring Report (DMR) data for TRC from 02/28/2003 through 02/28/2005 shows the highest daily maximum TRC of 1.03 mg/l. The long term average of the daily maximum values over this same period was 0.764 mg/l. The facility has a critical dilution of 8%, and thus, at the edge of the mixing zone, concentrations of TRC are at least 0.061 mg/l ( $0.764 \times 8\%$ ), based on the long term average. EPA considers concentrations at the edge of the mixing zone higher than 0.011 mg/l to be toxic to aquatic organisms. The concentrations seen at the edge of the mixing zone at the facility during this time is higher than EPA's criteria for chlorine toxicity (chronic and acute). Therefore, TRC limits and a schedule of compliance have been included based on Regulation No. 2, Section 2.508 which states "Toxic substances shall not be present in receiving waters, after mixing, 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 the indigenous aquatic biota. Chronic toxicity standards shall not be exceeded at, or beyond, the edge of the mixing zone".

c. **State Water Quality Numerical Standards Based Limitations**

i. **Conventional and Non-Conventional Pollutants**

Outfall 001:

Final effluent limits for CBOD5, TSS, NH3-N, and DO have been based on Arkansas Water Quality Management Plan verified on 4/8/04. The calculation of the loadings (lbs per day) uses a design flow of 7.3 MGD and the following equation (See below). Fecal coliform bacteria and pH limitations are based on chapter 5, Sections 2.507 and 2.504 of Regulation No. 2 as amended, respectively.

Outfall 002:

Final effluent limits for BOD5 and TSS have been based on a calibrated model report by FTN Associates dated January 28, 2005 and approved by ADEQ and EPA. These limitations will be included in the Water Quality Management Plan. The calculation of the loadings (lbs per day) uses a design flow of 7.3 MGD and the following equation (See below). Fecal coliform bacteria and pH limitations are based on chapter 5, Sections 2.507 and 2.504 of Regulation No. 2 as amended, respectively.

$$\text{lbs/day} = \text{Concentration (mg/l)} \times \text{Flow (MGD)} \times 8.34$$

**d. Final Limitations**

The following effluent limitations or "report" requirements were placed in the permit based on the more stringent of the technology-based, water quality-based or previous NPDES permit limitations:

Outfall 001:

| Parameter         | Water Quality-Based |                 | Technology-Based/BPJ |                 | Previous NPDES Permit |                 | Final Permit      |                 |
|-------------------|---------------------|-----------------|----------------------|-----------------|-----------------------|-----------------|-------------------|-----------------|
|                   | 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 |
| CBOD              |                     |                 |                      |                 |                       |                 |                   |                 |
| (May-Oct)         | 10                  | 15              | 25                   | 40              | 10                    | 15              | 10                | 15              |
| (Nov-Apr)         | 15                  | 23              | 25                   | 40              | 15                    | 23              | 15                | 23              |
| TSS               |                     |                 |                      |                 |                       |                 |                   |                 |
| (May-Oct)         | 15                  | 23              | 30                   | 45              | 15                    | 23              | 15                | 23              |
| (Nov-Apr)         | 20                  | 30              | 30                   | 45              | 20                    | 30              | 20                | 30              |
| NH3-N             | 4                   | 6               | N/A                  | N/A             | 4                     | 6               | 4                 | 6               |
| DO (inst. Min)    | 6.0                 |                 | N/A                  |                 | 6.0                   |                 | 6.0               |                 |
| FCB (col/100ml)   |                     |                 |                      |                 |                       |                 |                   |                 |
| (Apr-Sept)        | 1000                | 2000            | N/A                  | N/A             | 200*                  | 400*            | 1000              | 2000            |
| (Oct-Mar)         | 1000                | 2000            | N/A                  | N/A             | 1000                  | 2000            | 1000              | 2000            |
| TRC               | N/A                 |                 | 0.1 (Inst. Max)      |                 | N/A                   | Report          | 0.1 (Inst. Max)   |                 |
| Nitrates          | 10                  | 15              | N/A                  | N/A             | N/A                   | N/A             | 10                | 15              |
| Zinc, Total Rec.  | 86 µg/l             | 172 µg/l        | N/A                  | N/A             | 86 µg/l               | 172 µg/l        | 86 µg/l           | 172 µg/l        |
| Copper, Total Rec | 9.24 µg/l           | 18.54 µg/l      | N/A                  | N/A             | N/A                   | N/A             | 9.24 µg/l         | 18.54 µg/l      |
| pH                | 6.0-9.0 s.u.        |                 | 6.0-9.0 s.u.         |                 | 6-9 s.u.              |                 | 6.0-9.0 s.u.      |                 |

\*These FCB limits were in error in previous permit since receiving stream is not classified for primary contact recreation.

Outfall 002:

| Parameter       | Water Quality-Based |                 | Technology-Based/BPJ |                 | Previous NPDES Permit |                 | Final Permit      |                 |
|-----------------|---------------------|-----------------|----------------------|-----------------|-----------------------|-----------------|-------------------|-----------------|
|                 | 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 |
| BOD5            | 30                  | 45              | 30                   | 45              | N/A                   | N/A             | 30                | 45              |
| TSS             | 30                  | 45              | 30                   | 45              | N/A                   | N/A             | 30                | 45              |
| TRC             | N/A                 | N/A             | 0.1 (Inst. Max)      |                 | N/A                   | N/A             | 0.1 (Inst. Max)   |                 |
| FCB (col/100ml) |                     |                 |                      |                 |                       |                 |                   |                 |
| (Apr-Sept)      | 200                 | 400             | N/A                  | N/A             | N/A                   | N/A             | 200               | 400             |
| (Oct-Mar)       | 1000                | 2000            | N/A                  | N/A             | N/A                   | N/A             | 1000              | 2000            |
| pH              | 6.0-9.0 s.u.        |                 | 6.0-9.0 s.u.         |                 | N/A                   |                 | 6.0-9.0 s.u.      |                 |

e. **Biomonitoring**

**Outfall 002:**

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 biomonitoring 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. Biomonitoring of the effluent is thereby required as a condition of this permit to assess potential toxicity. The biomonitoring procedures stipulated as a condition of this permit are as follows:

| <b>TOXICITY TESTS</b> | <b>FREQUENCY</b> |
|-----------------------|------------------|
| Chronic Biomonitoring | Once/quarter     |

Requirements for measurement frequency are based on appendix D of CPP.

Since dilution ratio is less than 100:1 (7Q10 : Design Flow), chronic biomonitoring requirements will be included in the permit.

The calculations for dilution used for chronic biomonitoring are as follows:

$$\text{Critical dilution (CD)} = (Qd / (Qd + Qb)) \times 100$$

$$Qd = \text{Design flow} = 7.3 \text{ MGD} = 11.3 \text{ cfs}$$

$$7Q10 = 504 \text{ cfs}$$

$$Qb = \text{Background flow} = (0.25) \times 7Q10 = 126 \text{ cfs}$$

$$CD = (11.3) / (11.3 + 126) \times 100 = 8\%$$

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 **3%, 5%, 6%, 8%, and 11%** (See **Attachment I** of CPP). The low-flow effluent concentration (critical dilution) is defined as **8%** effluent. The requirement for chronic biomonitoring 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 biomonitoring 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 biomonitoring studies, Toxicity Reduction Evaluation (TRE) and/or effluent limits if biomonitoring 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).

f. **Sample Type and Sampling Frequency**

Outfall 002:

Regulations promulgated at 40 CFR 122.44(i)(1) require permit to establish monitoring requirements which assure compliance with permit limitations. Requirements for sample type and sampling frequency at Outfall 002 have been based on recommended monitoring requirements for municipal NPDES permits with a design flow in the range 5-10 MGD.

g. **Changes from the previously issued permit**

1. Outfall 002 was added for discharge to the Arkansas River.
2. Stormwater pollution prevention plan requirements have been removed since the facility has submitted a "No Exposure Certification For Exclusion from NPDES Stormwater".
3. Limits for BOD5, TSS, Fecal Coliform Bacteria, pH, and TRC have been added at Outfall 002.
4. Outfall 001 (Whig Creek) was moved approximately 700 feet downstream.



**h. Storm water pollution prevention plan requirements**

The permittee submitted “No exposure certification for exclusion from NPDES Storm water “ to the Department with the application, therefore storm water pollution prevention plan requirements are not required.

**12. SCHEDULE OF COMPLIANCE.**

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

Outfall 001

The permittee shall monitor and report Total Residual Chlorine (TRC), Nitrates, and Total Copper at outfall 001 for an interim period of three years following the effective date of April 1, 2005. Following the three year interim period the specified limits for TRC, Nitrates, and Total Recoverable Copper will become effective. The permittee has the option to undertake any study deemed necessary to meet the final limitations during the interim period. Any additional treatment must be approved and construction approval granted prior to final installation.

The permittee shall comply with the following schedule of compliance:

| Total Residual Chlorine, Nitrates, and Total Recoverable Copper |                 |
|---|-----------------|
| Action  | Compliance Date |
| Submit Progress Report  | April 1, 2006   |
| Submit Progress Report  | April 1, 2007   |
| Achieve compliance with final limits                            | April 1, 2008   |

Outfall 002

The construction of a new outfall pipeline to the Arkansas River must be approved and a construction permit issued prior to beginning construction on the outfall line.

The permittee shall monitor and report TRC at outfall 002 until March 31, 2008. Beginning on April 1, 2008, the specified limits for TRC will become effective. The permittee has the option to undertake any study deemed necessary to meet the final limitations during the interim period. Any additional treatment must be approved and construction approval granted prior to final installation.

The permittee shall comply with the following schedule of compliance:

| Total Residual Chlorine              |                 |
|--------------------------------------|-----------------|
| Action                               | Compliance Date |
| Submit Progress Report               | April 1, 2006   |
| Submit Progress Report               | April 1, 2007   |
| Achieve compliance with final limits | April 1, 2008   |

**13. OPERATION AND MONITORING.**

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

**14. SOURCES.**

The following sources were used to draft the permit:

- a. NPDES application No. AR0021768 received March 29, 2005.
- b. Regulation No. 2.
- c. Regulation No. 6.
- d. 40 CFRs 122, 125, 133 and 403.
- e. NPDES permit file AR0021768.
- f. Discharge Monitoring Reports (DMRs).
- g. The Arkansas Geological Commission Map, "Identification and Classification of Perennial Streams of Arkansas", dated 1983.
- h. Continuing Planning Process (CPP).
- i. FTN Associates Report entitled, "Dissolved Oxygen Wasteload Allocation for Arkansas River Downstream of Russellville (Reach 11110203-031L)" dated January 28, 2005.
- j. Letter dated March 28, 2005, from FTN Associates to ADEQ containing a wasteload allocation report with updated modeling and a "no exposure certification" for stormwater.
- k. Letter dated May 24, 2001, from ADEQ to FTN Associates specifying critical flow to be used below Dardanelle Lock and Dam.
- l. E-mail dated September 14, 2005, from Philip Hutchison (EPA) to Martin Maner (ADEQ), approval of the wasteload allocation model for Arkansas River.

**15. PUBLIC NOTICE AND PUBLIC HEARING.**

The public notice describes the procedures for the formulation of final determinations and shall provide for a public comment period of 30 days. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision. A request for a public hearing shall be in writing and shall state the nature of the issue(s) proposed to be raised in the hearing.

A draft permit and draft public notice will be sent to the District Engineer, Corps of Engineers, and to the Regional Director of the U.S. Fish and Wildlife Service on a case-by-case basis, and the EPA and Arkansas Department of Health prior to the publication of that notice.

Hearing Information

A Public Hearing will be held on June 27, 2006, at 6:30 p.m. The location of the hearing is at Doc Bryan Center Lecture Hall; Arkansas Tech University; 1605 Coliseum Drive; Russellville, Arkansas . The purpose of said hearing is to allow public participation in the determination of the terms and conditions of the modification to the NPDES permit. At said hearing, all interested parties may submit written or oral statements regarding the draft NPDES permit modification to the Hearing Officer for consideration.

16. **NPDES POINT OF CONTACT.**

For additional information, contact:  
Mo Shafii  
NPDES Branch, Water Division  
Arkansas Department of Environmental Quality  
8001 National Drive  
Post Office Box 8913  
Little Rock, Arkansas 72219-8913  
Telephone: (501) 682-0622



ARKANSAS  
Department of Environmental Quality

May 20, 2006

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Mr. Craig Noble, General Manager  
Russellville City Corporation  
P.O. Box 3186  
Russellville, AR 72811

RE: Application to Discharge to Waters of the State Permit Number AR0021768

Dear Mr. Noble:

Enclosed is the public notice, fact sheet, and a copy of the permit which the Arkansas Department of Environmental Quality has drafted under the authority of the National Pollutant Discharge Elimination System and the Arkansas Water and Air Pollution Control Act. A copy of the final permit will be mailed to you when the Department has made a final permit decision.

In accordance with APCEC Regulation 8, Part 2.1.6, the enclosed public notice will be published by ADEQ in a newspaper of general circulation on or before May 20, 2006 for one (1) day only. An invoice for the cost of publishing the public notice and proof of publication will be sent to you by the advertising newspaper. The permittee must send proof of publication and payment to the following address as soon as possible but no later than July 12, 2006. Until this Department receives proof of publication of the public notice, no further action will be taken on the issuance of your NPDES discharge permit.

Arkansas Department of Environmental Quality  
NPDES-Water Division  
P.O. Box 8913  
Little Rock, AR 72219-8913  
501-682-0620 Fax: 501-682-0910

Comments must be received at ADEQ prior to the close of the public comment period as shown in the enclosed public notice. The public comment period will begin on the date of publication and will end no sooner than 30 days from that date. Once a final permit is issued by the Director and becomes effective, the permittee must comply with all terms and conditions of the permit, or be subject to enforcement actions for any instances of noncompliance during the duration of the permit, usually five (5) years. Consequently, it is imperative that you, as the applicant, thoroughly review the enclosed documentation for accuracy, applicability, and your ability to comply with all conditions therein.

Should you have any questions concerning any part of the permit, please contact the NPDES Branch at (501) 682-0622.

Sincerely,

Martin Maner, P.E.  
Chief, Water Division

MM: sb  
Enclosure

**PUBLIC NOTICE , PUBLIC MEETING, AND PUBLIC HEARING FOR DRAFT NPDES  
DISCHARGE PERMIT AND 208 PLAN**

**PERMIT NUMBER AR0021768**

This is to give notice that the NPDES Section of the Water Division of the Arkansas Department of Environmental Quality, Post Office Box 8913, Little Rock, Arkansas 72219-8913 proposes a draft modification of the permit for the application which was received on 03/29/2005 for the following applicant under the National Pollutant Discharge Elimination System and the Arkansas Water and Air Pollution Control Act.

Russellville City Corporation  
404 Jimmy Lile Road  
P.O. Box 3186  
Russellville, AR 72811

The applicant is requesting a modification of their existing NPDES discharge permit to move the discharge location from Whig Creek to the Arkansas River approximately 0.4 miles downstream of the Highway 7 bridge and approximately 0.1 miles upstream of the Whig Creek confluence with the Arkansas River at river mile 203.3.

**HEARING INFORMATION**

The Arkansas Department of Environmental Quality (ADEQ) will hold a public meeting and public hearing beginning at 6:30 p.m. June 27, 2006 at Russellville, Arkansas, to receive public comments on the proposed National Pollutant Discharge Elimination System (NPDES) permit involving the City of Russellville, Arkansas, as well as on proposed changes to the Arkansas Water Quality Management Plan (208 Plan).

The format for the event will involve an informal public meeting to explain and discuss the proposed changes, followed by a formal public hearing, at which time official comments for the hearing record will be accepted from interested attendees.

The informal public meeting portion of the event will begin at 6:30 p.m. at Doc Bryan Center Lecture Hall; Arkansas Tech University; 1605 Coliseum Drive; Russellville, Arkansas. Representatives of the ADEQ Water Division will make a brief presentation explaining the proposed permits and 208 Plan changes, and then answer questions from attendees. No comments made during the informal meeting will be considered part of the official record for the proposed permits and 208 Plan changes.

NPDES Public notice and public hearing procedures may be found at 40 CFR 124.10 through 124.12 and Regulation No. 8 of the Arkansas Pollution Control and Ecology Commission. At the public hearing, all interested parties may submit written or oral statements regarding the draft NPDES permits and the 208 Plan. However written comments are preferred in the interest of accuracy. Submitting written comments to ADEQ or making oral statements on the record at the public hearing on the proposed permitting decision provides individuals with legal standing to appeal a final Department permitting decision. Comments supporting or opposing the proposed decision will provide legal standing. Only parties with legal standing may appeal a permitting decision. In addition, written or electronic mail comments will be considered if received no later than 4:30 p.m. July 12, 2006. Written comments should be sent to Mo Shafii, Water Division, Arkansas Department of Environmental Quality, P.O. Box 8913, Little Rock, AR 72219-8913. E-mail comments should be sent to: shafii@adeq.state.ar.us

**Facility Location:** The facility is located as follows: south of Russellville, two miles south of Highway 64; Latitude: 35° 14' 56"; Longitude: 93° 06' 50" in Section 22, Township 7 North, Range 20 West in Pope County, Arkansas.

**Discharge Location:** The discharge from this existing facility is proposed to be moved from Whig Creek to the Arkansas River in Segment 3F of the Arkansas River Basin. The proposed receiving stream is a Water of the State classified for primary contact recreation; raw water source for public, industrial, and agricultural water supplies; propagation of desirable species of fish and other aquatic life; and other compatible uses.

**Outfall Location:** The outfalls are located at the following coordinates:

Outfall 001: Latitude: 35° 14' 45" Longitude: 93° 06' 50" (Whig Creek)

Outfall 002: Latitude: 35° 13' 24" Longitude: 93° 08' 48" (Arkansas River)

**303(d) List Consideration :** The receiving stream is not listed on the 303(d) list. Therefore no permit action is needed.

**Endangered Species Consideration:** No comments on the application were received from the U.S. Fish and Wildlife Service (USF&WS). The drafted permit and fact sheet will be sent to the USF&WS for their review.

**Type of treatment:** screening, primary clarifiers, biotowers, intermediate clarifiers, trickling filters, activated sludge, final clarification, and chlorine disinfection

**Sludge Condition:** The sludge produced at the treatment plant will be land applied at the following locations:

| Field | Section | Township | Range   |
|-------|---------|----------|---------|
| 1     | 22      | 7 North  | 20 West |
| 2     | 21      | 7 North  | 20 West |
| 3     | 21      | 7 North  | 20 West |

**Activity:** Under the standard industrial classification (SIC) code 4952, the applicant's activities are the operation of a municipal treatment plant.

**Changes:** Changes from the previously issued permit listed below. Permittee is responsible for reading this permit in detail carefully and becoming familiar with all the changes even if they are not listed below.

1. Outfall 002 was added for discharge to the Arkansas River.
2. Stormwater pollution prevention plan requirements have been removed since the facility has submitted a "No Exposure Certification For Exclusion from NPDES Stormwater".
3. Limits for BOD5, TSS, Fecal Coliform Bacteria, pH, and TRC have been added at Outfall 002.
4. Outfall 001 (Whig Creek) location was moved approximately 700 feet downstream.

### **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.

Updates to the 208 Plan have been proposed to include water quality limits for the new outfall (outfall 002) to the Arkansas River. Information regarding the discharge location of the facility is included in the above section titled "Discharge Location" Information concerning the location of the facility may be found in the above section titled "Facility Location"

**Issuance of the final permit:** The permit will become effective on or after August 1, 2006 unless comments are received prior to July 12, 2006 , in which case the permit will be effective on or after September 1, 2006.

**Permit Application Record:** The permit application and the administrative record is available for review and copying in the Central Records Section, ADEQ, State Police Headquarters, One State Police Plaza, near Interstate 30 and Geyer Springs, Little Rock, Arkansas.

**Web Site Information :** For those with Internet access, a copy of the proposed draft permit may be found on the Arkansas Department of Environmental Quality's website at:

[http://www.adeq.state.ar.us/water/branch\\_npdes/pn\\_permits/pnpermits.asp](http://www.adeq.state.ar.us/water/branch_npdes/pn_permits/pnpermits.asp).

**Contact Person :** The ADEQ contact person for submitting written comments, requesting information, or obtaining copies of the application, permit and the Fact Sheet is:

Mo Shafii  
NPDES Branch, Water Division  
Arkansas Department of Environmental Quality  
Post Office Box 8913  
Little Rock, Arkansas 72219-8913  
(501) 682-0622