

ADEQ

ARKANSAS
Department of Environmental Quality

June 15, 2008

CERTIFIED MAIL RETURN RECEIPT REQUESTED (7099 3400 0001 2001 7117)

Mr. David Fitzgerald
Manager, Water & Sewer Dept.
City of Sheridan
P.O. Box 486
Sheridan, AR 72150

RE: Draft Modified Discharge Permit Number AR0034347, AFIN 27-00022
Second Notice (for TSS, TP, and a Proposed Engineering Study ONLY)

Dear Mr. Fitzgerald:

Enclosed is the public notice, Statement of Basis, and a copy of the draft modified permit which the Arkansas Department of Environmental Quality (ADEQ) has prepared under the authority of the National Pollutant Discharge Elimination System and the Arkansas Water and Air Pollution Control Act. A copy of the final modified permit will be mailed to you when the Department has made a final permitting decision. This is a modified draft permit and only the modified portion of the permit can be reopened for comment. This revision is to increase the draft TSS limits, to remove the proposed TP monitoring, and to include a proposed engineering design capacity study.

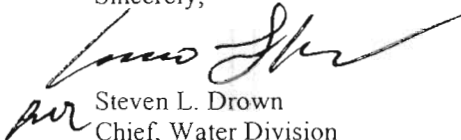
In accordance with Arkansas Pollution Control and Ecology Commission (APCEC) Regulation No. 8, Part 2.1.6, the enclosed public notice will be published by ADEQ in a newspaper of general circulation for one (1) day only. An invoice for the cost of publishing the public notice and proof of publication 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 30 days from the above date. Until this Department receives proof of publication of the public notice, no further action will be taken on the issuance of your discharge permit.

Arkansas Department of Environmental Quality
Discharge Permits Section-Water Division
5301 Northshore Drive
North Little Rock, AR 72118-5317
501-682-0622 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.

If you have any questions concerning the draft modified permit, please contact Chris Roberts at (501) 683-5406.

Sincerely,


Steven L. Drown
Chief, Water Division

SD:MS:JB:cr

Enclosure

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

5301 NORTHSHORE DRIVE / NORTH LITTLE ROCK / ARKANSAS 72118-5317 / TELEPHONE 501-682-0744 / FAX 501-682-0880

www.adeq.state.ar.us

NPDES PERMIT FILE # AR0034347
AFIN # 27-00022
Permit PN
Correspondence
Technical Backup
Date Scanned 6/15/08

PUBLIC NOTICE OF DRAFT DISCHARGE PERMIT
AND 208 PLAN
PERMIT NUMBER AR0034347, AFIN 27-00022

June 15, 2008

This is to give notice that the Permits Branch of the Water Division of the Arkansas Department of Environmental Quality (ADEQ), 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317 at telephone number (501) 682-0622, proposes a second draft modification of the permit for which an application was received on 04/20/2007 for the following applicant under the National Pollutant Discharge Elimination System (NPDES) and the Arkansas Water and Air Pollution Control Act. This is a modified draft permit and only the modified portion of the permit can be reopened for comment. This is a second notice for this modification. Pursuant to 40 CFR Part 124.14(c), only the draft changes made since the previous public notice are open for comment (i.e., relaxing the Total Suspended Solids limits, removing the proposed Total Phosphorus monitoring, and requiring an engineering design capacity study).

Applicant: City of Sheridan, 1800 Highway 167 South, Sheridan, AR 72150. Location: approximately 500 feet southeast of the cul-de-sac at the end of Gatzke Drive off Highway 270 East; Latitude: 34° 18' 13.50"; Longitude: 92° 23' 21.20" in Sheridan, Grant County, Arkansas.

The 208 Plan, developed by the ADEQ under provisions of Section 208 of the federal Clean Water Act, is a comprehensive program to work toward achieving federal water goals in Arkansas. The initial 208 Plan, adopted in 1979, provides for annual updates, but can be revised more often if necessary. The 208 Plan will be revised to include the final permit limits:

January-February:	CBOD5/TSS/NH3-N/DO = 30/90/12/7 mg/l
March, April, Nov., & Dec.:	CBOD5/TSS/NH3-N/DO = 30/90/10/6 mg/l
May-October:	CBOD5/TSS/NH3-N/DO = 30/90/4/5 mg/l
Design Flow (Q):	0.676 MGD
Maximum Flow as a Percentage of Upstream Flow:	30% (January through February) 20% (March through December)
Background Flow of the Receiving Stream (7Q10):	0 cfs (no discharge)
Minimum Upstream Flow Prior to Discharge:	5 cfs (January through February) 10 cfs (March through December)

The discharge from this existing facility is made into Big Creek, thence to Hurricane Creek, thence to the Saline River, thence to the Ouachita River in Segment 2C of the Ouachita River Basin. The receiving stream in Reach # 904 of USGS Hydrologic Unit Code (H.U.C.) 08040203 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. The outfall is located at the following coordinates: Latitude: 34° 17' 54" Longitude: 92° 22' 42". The receiving stream is listed on the 303(d) List for organic enrichment/low dissolved oxygen, siltation, and lead. Sludge generated at this facility remains in the lagoons on site. Under North American Industry Classification System (NAICS) code of 221320, the applicant's activities are the operation of a sewage treatment plant.

ADEQ's contact person for submitting written comments, requesting information regarding the draft permit, or obtaining copy of the permit and the Statement of Basis is Chris Roberts, at the above address and telephone number. For those with Internet access, a copy of the proposed draft permit may be found on the ADEQ's website at: http://www.adeq.state.ar.us/water/branch_npdes/pn_permits/pnpermits.asp.

The last day of the comment period is 30 days after the above date. The permit will become effective approximately two weeks after the close of the comment period unless comments are received and/or a public hearing is requested prior to the close of the comment period requiring a delay of the effective date. Comments and public hearing procedures may be found at 40 CFR Parts 124.10 through 124.12 and APCEC Regulation No. 8. All persons, including the permittee, who wish to comment on ADEQ's draft permitting decision must submit written comments to ADEQ, along with their name and mailing address. After the public comment period, and public hearing, if one is held, ADEQ will issue a final permitting decision. A Public Hearing will be held when ADEQ finds a significant degree of public interest. ADEQ will notify the applicant and each person who has submitted written comments or requested notice of the final permitting decision. Any interested person who has submitted comments may appeal a final decision by ADEQ in accordance with the APCEC Regulation No. 8 (Administrative Procedures).

Statement of Basis

This is the second notice for modification of draft NPDES Permit Number AR0034347 to discharge to Waters of the State.

1. **PERMITTING AUTHORITY.**

The issuing office is:

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

2. **APPLICANT.**

The applicant is:

City of Sheridan
P.O. Box 486
Sheridan, AR 72150

3. **PREPARED BY.**

The permit was prepared by:

Chris Roberts, P.E.
Staff Engineer
NPDES Branch, Water Division
(501) 683-5406
E-mail: roberts@adeq.state.ar.us

4. **DATE PREPARED.**

The draft permit was prepared on June 11, 2008.

5. **PREVIOUS PERMIT ACTIVITY.**

Effective Date: March 1, 2005
Modification Date: N/A
Expiration Date: February 28, 2010

A modification application was received on April 20, 2007, and it requested that the final limits be amended based on a dissolved oxygen total maximum daily load (TMDL) analysis dated January 16, 2007. Based on the application, the approved TMDL, and

other information available to the ADEQ, it is proposed that this NPDES permit be modified as stated in this draft modified permit pursuant to the regulations promulgated at 40 CFR Part 122.62.

Public notice of the draft modified permit was made on January 23, 2008 (i.e., the “first draft modified permit”). This draft included final TSS limits from the previous permit that never went into effect. It has been decided that the Environmental Protection Agency (EPA) Region 6 policy of allowing pond systems to discharge up to 90 mg/l of TSS (on a monthly average) will be continued.¹ Therefore, the first draft modified permit will be withdrawn so that the TSS limits may be relaxed.

Based on comments received from the permittee on the first draft modified permit, the proposed Total Phosphorus (TP) monitoring has been removed at this time. In the future, a TP limit may be imposed, and it will be the permittee’s responsibility to determine how to best meet the limit whether or not the permittee has collected TP discharge data.

A second public notice is necessary pursuant to 40 CFR Part 124.14(b). Only the changes proposed in this second draft modified permit are open for public comment.

6. RECEIVING STREAM SEGMENT AND DISCHARGE LOCATION.

The outfall is located at the following coordinates:

Latitude: 34° 17’ 54” Longitude: 92° 22’ 42”

The receiving waters named:

Big Creek, thence to Hurricane Creek, thence to the Saline River, thence to the Ouachita River in Segment 2C of the Ouachita 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.

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

a. 303(d) List

The receiving stream is currently listed on the 303(d) List for not supporting aquatic life due to organic enrichment/low dissolved oxygen, siltation, and lead. A TMDL for dissolved oxygen dated January 16, 2007 was approved by EPA Region 6. The proposed limits in the TMDL are incorporated into this draft modification.

¹ Letter from Jack Ferguson, P.E., Chief, NPDES Permits Branch, EPA Region 6, to Marysia Jastrzebski, NPDES Program Manager, ADEQ, dated May 19, 1998.

The source of the siltation is unknown, so no reduction in TSS limits is proposed at this time. The approved 2004 303(d) List indicates the lead is coming from the City of Sheridan, so monitoring and reporting requirements have been added for total recoverable lead.

b. **Endangered Species**

No comments were received from the U.S. Fish and Wildlife Service (USF&WS). Therefore no permit action is needed. The draft modification permit and the Statement of Basis will be sent to the USF&WS for their review.

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

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

- a. Design Flow: 0.676 MGD
- b. Type of Treatment: 3-cell stabilization pond system followed by a holding pond utilizing a hydrograph controlled release
- c. Discharge Description: treated municipal wastewater

The maximum reported discharges from February 2002 through February 2007 were 1.61 MGD (Monthly Average in January 2007) and 6.11 MGD (7-Day Average in January 2006).

In some months, there was no reported discharge. Otherwise, the lowest reported discharge was 0.14 MGD (Monthly Average in July 2005) and 0.95 MGD (7-Day Average in January 2003).

9. **INDUSTRIAL WASTEWATER CONTRIBUTIONS.**

The permittee receives process wastewater from significant industrial users. However, the Department has made the decision based on several criteria that the POTW will not be required to develop an approved pretreatment program at this time. Standard boilerplate Pretreatment Prohibitions (40 CFR Part 403.5[b]) and additional monitoring/reporting requirements to determine the potential need for local limits per 40 CFR Part 403.5(c)(2) are deemed appropriate at this time. The additional monitoring/reporting requirements are being added based on the high discharge flow rates reported by the permittee and the receiving stream's inclusion on the 303(d) List for lead.

DRAFT

10. **SEWAGE SLUDGE PRACTICES.**

Sludge generated at this facility remains in the lagoons on site.

11. **PERMIT CONDITIONS.**

The Arkansas Department of Environmental Quality has made a tentative determination to issue a modified 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 Regulation in 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.).

Final Effluent Limitations

Outfall 001 – treated municipal wastewater

a. Conventional and/or Toxic Pollutants

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
		Monthly Avg.	Monthly Avg.		
Flow (in MGD)	N/A	Report	Report	continuous	totalizing meter
Upstream Flow in Big Creek (in MGD)	N/A	Report	Report	continuous	meter
Minimum Upstream Flow in Big Creek before Discharge is Allowed (in MGD)					
(January – February)	N/A	N/A	3.2 MGD Minimum	continuous	meter
(March – December)	N/A	N/A	6.5 MGD Minimum	continuous	meter
Flow as a Percentage of Upstream Flow					
(January – February)	N/A	N/A	30% Maximum	continuous	calculate
(March – December)	N/A	N/A	20% Maximum	continuous	calculate
Carbonaceous Biochemical Oxygen Demand (CBOD5)	N/A	30.0	45.0	three/month	3-hr composite
Total Suspended Solids (TSS)	N/A	90.0	135.0	three/month	3-hr composite
Ammonia Nitrogen (NH3-N)					
(January – February)	N/A	12.0	18.0	three/month	3-hr composite
(March, April, November, & December)	N/A	10.0	15.0	three/month	3-hr composite
(May – October)	N/A	4.0	6.0	three/month	3-hr composite
Dissolved Oxygen (DO)					
(January – February)	N/A	7.0 (Instantaneous Min.)		three/month	grab
(March, April, November, & December)	N/A	6.0 (Instantaneous Min.)		three/month	grab
(May – October)	N/A	5.0 (Instantaneous Min.)		three/month	grab
Fecal Coliform Bacteria (FCB)		(colonies/100 ml)			
(April – September)	N/A	200	400	three/month	grab
(October – March)	N/A	1,000	2,000	three/month	grab
pH	N/A	Minimum 6.0 s.u.	Maximum 10.0 s.u.	three/month	grab
Total Recoverable Lead	N/A	Report µg/l	Report µg/l	once/month	grab
Chronic Biomonitoring	N/A	See Section 12.h. below		once/quarter	24-hr composite

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

12. 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).

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.

b. Technology-Based Effluent Limitations and/or Conditions

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

c. State Water Quality Numerical Standards Based Limitations

The basis for the final effluent limits for CBOD₅, NH₃-N, and DO is a TMDL for DO in Big Creek dated January 16, 2007. These limitations will be included in the updated Arkansas Water Quality Management Plan (WQMP). The concentration limits, minimum background flows, and maximum treated effluent flows were determined by the TMDL.

Fecal coliform bacteria limitations are for primary contact recreation since the receiving stream watershed is greater than ten square miles based on Chapter 5, Section 2.507 of APCEC Regulation No. 2, as amended. The final pH limits of 6.0 – 10.0 s.u. have been changed pursuant to 40 CFR 133.102(c) because no inorganic chemicals are added to the treatment system and no industrial discharger is causing the pH to exceed the range of 6.0 to 9.0 s.u.

In order to assess the nutrients in the receiving stream from the permittee, TP monitoring has been added to the draft modified permit. This is typical for treated sanitary wastewater discharge permits currently being issued where the facility discharges into a small receiving stream.

The receiving stream is on the approved 2004 303(d) List for lead. Pursuant to 40 CFR Parts 122.62(a)(2) and 124.5 (as referenced by Part III Condition 6), monitoring requirements for Total Recoverable Lead have been added.

d. **Anti-backsliding**

The draft permit is consistent with the requirements to meet Anti-backsliding provisions of the Clean Water Act (CWA), Section 402(o) [40 CFR 122.44(l)], which state in part that final effluent limitations for reissuance permits must be as stringent as those in the previous permit, unless material and substantial alternations or additions to the permitted facility occurred after permit issuance which justify the application of a less stringent effluent limitations.

The draft permit maintains the requirements of the previous permit with the exception of revised limitations for CBOD5 and the minimum flow percentage of the upstream flow rate. These are less stringent based on the approved TMDL, and less stringent limits are allowed pursuant to 40 CFR 122.44(l)(2)(i)(B)(1) when additional information becomes available that would have justified less stringent limits.

For TSS, the final limits in the previous permit never went into effect. Therefore, there has been no relaxation of the TSS limits, and no backsliding has occurred.

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

The 208 Plan, developed by the ADEQ under provisions of Section 208 of the federal Clean Water Act, is a comprehensive program to work toward achieving federal water goals in Arkansas. The initial 208 Plan, adopted in 1979, provides for annual updates, but can be revised more often if necessary. The 208 Plan has been revised to include the final permit limits:

January-February:	CBOD5/TSS/NH3-N/DO = 30/90/12/7 mg/l
March, April, Nov., & Dec.:	CBOD5/TSS/NH3-N/DO = 30/90/10/6 mg/l
May-October:	CBOD5/TSS/NH3-N/DO = 30/90/4/5 mg/l
Design Flow (Q):	0.676 MGD
Max. Flow as a Percentage of Upstream Flow:	30% (January through February) 20% (March through December)
Background Flow of the Receiving Stream (7Q10):	0 cfs (no discharge)
Min. Upstream Flow Prior to Discharge:	5 cfs (January through February) 10 cfs (March through December)

f. TMDL Flow Recommendations

The DO TMDL approved on 01/16/2007 recommended the permit limits in the following table. These have been incorporated into this draft modified permit.

	Minimum Upstream Flow		Effluent Flow as a Percentage of Upstream Flow
	(cfs)	(MGD)	(%)
January – February	5	3.2	30 (Maximum)
March – December	10	6.5	20 (Maximum)

g. **Final Limitations**

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

Parameter	Water Quality-Based		Technology-Based/BPJ		Previous Final NPDES Permit		Draft Modified 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
CBOD5	30.0*	45.0*	25	40	15	22.5	30.0*	45.0*
TSS	90.0†	135.0†	90†	135†	20	30	90.0†	135.0†
NH3-N								
(January – February)	12.0*	18.0*	N/A	N/A	6	9	12.0*	18.0*
(March, April, November, & December)	10.0*	15.0*	N/A	N/A	6	9	10.0*	15.0*
(May – October)	4.0	6.0	N/A	N/A	4	6	4.0	6.0
DO								
(January – February)	7.0* (Inst. Min.)		N/A		5.0 (Inst. Min.)		7.0* (Inst. Min.)	
(March, April, November, & December)	6.0* (Inst. Min.)		N/A		5.0 (Inst. Min.)		6.0* (Inst. Min.)	
(May – October)	5.0* (Inst. Min.)		N/A		5.0 (Inst. Min.)		5.0* (Inst. Min.)	
FCB (col/100 ml)								
(April – September)	200	400	N/A	N/A	200	400	200	400
(October – March)	1,000	2,000	N/A	N/A	1,000	2,000	1,000	2,000
pH	6.0 – 9.0 s.u.		6.0 – 9.0 s.u.		6.0 – 9.0 s.u.		6.0 – 10.0*‡ s.u.	
Total Recoverable Lead	Report µg/l	Report µg/l	N/A	N/A	N/A	N/A	Report	Report

* The previous permit limits are being changed to match the recommendations in the approved DO TMDL.

† The previous interim TSS limits of 90 mg/l (Monthly Average) and 135 mg/l (7-day Average) (with an additional significant digit) are being continued pursuant to 40 CFR Parts 133.101(f), 133.101(g), 133.103(c), and 133.105(b) and guidance from EPA Region 6 (i.e., a letter from Jack Ferguson, P.E., Chief, NPDES Permits Branch, EPA Region 6, to Marysia Jastrzebski, NPDES Program Manager, ADEQ, dated May 19, 1998). These limits are being continued with the understanding that proper operation and maintenance is occurring pursuant to 40 CFR Part 133.101(f) et. al.

‡ The allowable pH range is being expanded pursuant to 40 CFR Part 133.102(c).

h. Biomonitoring

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 APCEC Regulation No. 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:

TOXICITY TESTS	FREQUENCY
Chronic Biomonitoring	Once/quarter

Requirements for measurement frequency are based on Appendix D of the CPP. Since the 7Q10 is less than 100 cfs (ft³/sec) and the dilution ratio is less than 100:1, chronic biomonitoring requirements will be included in the permit.

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

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

$$Q_d = \text{Design flow} = 0.676 \text{ MGD} = 1.05 \text{ cfs}$$

$$7Q_{10} = 5 \text{ cfs (January - February)} \text{ or } 10 \text{ cfs (March - December)}$$

$$Q_b = \text{Background flow} = 0.67 \times 7Q_{10} = 3.4 \text{ cfs or } 6.7 \text{ cfs}$$

$$CD = ((1.05) / (1.05 + 3.4)) \times 100 = 24\% \text{ (January - February)}$$

$$CD = ((1.05) / (1.05 + 6.7)) \times 100 = 14\% \text{ (March - December)}$$

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: **10%, 14%, 18%, 24%**,

and 32% (January – February); and 6%, 8%, 11%, 14%, and 19% (March – December). The low-flow effluent concentrations (Critical Dilution) are defined as 24% effluent (January – February), and 14% effluent (March – December).

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 APCEC 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).

i. **Sample Type and Sampling Frequency**

Regulations promulgated at 40 CFR 122.44(i)(1) require permits to establish monitoring requirements which assure compliance with permit limitations. Requirements for sample type and sampling frequency have been based on the current NPDES permit except for flow, upstream flow, minimum upstream flow, flow percentage, and Total Recoverable Lead.

The facility's discharge valve is controlled by a process control system that automatically adjusts the discharge rate (through a butterfly valve) based on the upstream flow meter. Thus, the discharge flow and the upstream receiving stream flow are continuously measured by a meter. (The discharge flow is summed by a totalizing meter, and the upstream flow measurement is an instantaneous meter.) The flow as a percentage of upstream flow is a calculated value. These measurements are made continuously.

Monthly monitoring via grab samples has been added for Total Recoverable Lead. This sampling has been added to collect data about the discharge.

j. **Significant Changes from the Previously Issued Permit**

The permittee is responsible for carefully reading the permit in detail and becoming familiar with all of the changes therein. The following significant changes were made between the previous permit and the draft modified permit sent to public notice on January 23, 2008:

- i. Facility location latitude and longitude coordinates have been updated based on ADEQ field data.
- ii. The monitoring frequency and sampling type have been updated for flow, upstream flow, minimum upstream flow, and flow as a percentage of upstream flow.
- iii. The minimum upstream flow before discharge is allowed has been added.
- iv. The maximum amount of treated effluent allowed to be discharged when compared to the upstream flow rate has changed.
- v. The final concentration limits for CBOD5 and NH3-N have changed, and one significant digit has been added to the concentration limits.
- vi. One significant digit has been added to the final TSS concentration limits.
- vii. The final DO concentration limits have changed.
- viii. The final pH limits changed to 6.0 – 10.0 s.u.
- ix. TP monitoring has been added to collect data on the treated effluent.
- x. Lead monitoring has been added based on the approved 2004 303(d) List.
- xi. The final biomonitoring critical dilutions and dilution series have changed.
- xii. Minor typographical errors have been corrected.
- xiii. The pre-treatment requirements in Part III have been changed based on the high discharge flow rates and the lead in the receiving stream.
- xiv. The biomonitoring requirements in Part III have been updated.
- xv. The definitions in Part IV have been updated.

The following significant changes have been made between the draft modified permit sent to public notice on January 23, 2008 and the second draft permit sent to public notice on April 25, 2008:

- i. The final TSS limits have been based on the interim limits in the previous permit, and one significant digit has been added to the concentration limits.
- ii. The proposed TP monitoring has been removed.
- iii. Part III Condition 10 has been added to determine the design flow capacity of the treatment system, and a compliance schedule has been added.

13. SCHEDULE OF COMPLIANCE.

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

Compliance with all conditions is required on the effective date of the permit.

The reports required by Part III Condition 10 are due to the Permits Branch of the ADEQ's Water Division no later than seven (7) months (file review) and thirteen (13) months (engineering study) after the modified permit's effective date.

14. 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 to report the results monthly. The monitoring results will be available to the public.

15. SOURCES.

The following sources were used to draft the permit:

- i. NPDES Permit No. AR0034347 modification application received April 20, 2007.
- ii. Arkansas Water Quality Management Plan (WQMP).
- iii. APCEC Regulation No. 2.
- iv. APCEC Regulation No. 6.
- v. 40 CFR Parts 122, 125, 133, and 403.
- vi. NPDES Permit No. AR0034347 file.
- vii. Discharge Monitoring Reports (DMRs).
- viii. "Arkansas Water Quality Inventory Report 2004 (305B)," ADEQ.
- ix. "Identification and Classification of Perennial Streams of Arkansas," Arkansas Geological Commission.
- x. 2004 303(d) List of Impaired Waterbodies in Arkansas.
- xi. Final "TMDL for Dissolved Oxygen for Big Creek near Sheridan, AR" dated January 16, 2007.
- xii. Letter from Jack Ferguson, P.E., Chief, NPDES Permits Branch, EPA Region 6, to Marysia Jastrzebski, NPDES Program Manager, ADEQ, dated May 19, 1998.
- xiii. Comment letter from Philip Massirer, P.E., FTN Associates Ltd., on behalf of the City of Sheridan to Chris Roberts, P.E., Permit Engineer, Water Division, ADEQ, dated February 15, 2008.

16. PUBLIC NOTICE.

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 made available 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.

17. **NPDES POINT OF CONTACT.**

For additional information, contact:

Chris Roberts, P.E.
Permits Branch, Water Division
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317
Telephone: (501) 683-5406

DRAFT

Permit Number: AR0034347

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.),

City of Sheridan
P.O. Box 486
Sheridan, AR 72150

is authorized to discharge from a facility located at 1800 Hwy 167 South, approximately 500 feet southeast of the cul-de-sac at the end of Gatzke Drive off Hwy 270 East, in Section 11, Township 5 South, Range 13 West in Grant County, Arkansas.

Latitude: 34° 18' 13.50"; Longitude: 92° 23' 21.20"

to receiving waters named:

Big Creek, thence to Hurricane Creek, thence to the Saline River, thence to the Ouachita River in Segment 2C of the Ouachita River Basin.

The outfall is located at the following coordinates:

Outfall 001: Latitude: 34° 17' 54"; Longitude: 92° 22' 42"

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

Original Issue Date: January 31, 2005

Original Effective Date: March 1, 2005

Modification Issue Date:

Modification Effective Date:

Expiration Date: February 28, 2010

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

PART I PERMIT REQUIREMENTS

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

During the period beginning on the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from Outfall 001. Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristics	Discharge Limitations			Monitoring Requirements	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
		Monthly Avg.	Monthly Avg.		
Flow (in MGD) ¹	N/A	Report	Report	continuous	totalizing meter
Upstream Flow in Big Creek (in MGD) ¹	N/A	Report	Report	continuous	meter
Minimum Upstream Flow in Big Creek before Discharge is Allowed (in MGD) ²					
(January – February)	N/A	N/A	3.2 MGD Minimum	continuous	meter
(March – December)	N/A	N/A	6.5 MGD Minimum	continuous	meter
Flow as a Percentage of Upstream Flow ³					
(January – February)	N/A	N/A	30% Maximum	continuous	calculate
(March – December)	N/A	N/A	20% Maximum	continuous	calculate
Carbonaceous Biochemical Oxygen Demand (CBOD5)	N/A	30.0	45.0	three/month	3-hr composite
Total Suspended Solids (TSS)	N/A	90.0	135.0	three/month	3-hr composite
Ammonia Nitrogen (NH3-N)					
(January – February)	N/A	12.0	18.0	three/month	3-hr composite
(March, April, November, & December)	N/A	10.0	15.0	three/month	3-hr composite
(May – October)	N/A	4.0	6.0	three/month	3-hr composite
Dissolved Oxygen (DO) ⁴					
(January – February)	N/A	7.0 (Instantaneous Min.)		three/month	grab
(March, April, November, & December)	N/A	6.0 (Instantaneous Min.)		three/month	grab
(May – October)	N/A	5.0 (Instantaneous Min.)		three/month	grab
Fecal Coliform Bacteria (FCB)	(colonies/100 ml)				
(April – September)	N/A	200	400	three/month	grab
(October – March)	N/A	1,000	2,000	three/month	grab
pH	N/A	Minimum 6.0 s.u.	Maximum 10.0 s.u.	three/month	grab

Total Recoverable Lead ⁵	N/A	Report µg/l	Report µg/l	once/month	grab
Chronic Biomonitoring ⁶	N/A	N/A	N/A	once/quarter	24-hr composite
<u>Pimephales promelas (Chronic)</u> ⁶ Pass/Fail Lethality (7-day NOEC) TLP6C Pass/Fail Growth (7-day NOEC)TGP6C Survival (7-day NOEC) TOP6C Coefficient of Variation TQP6C Growth (7-day NOEC) TPP6C		<u>7-Day Average</u> Report (Pass=0/Fail=1) Report (Pass=0/Fail=1) Report % Report % Report %		once/quarter once/quarter once/quarter once/quarter once/quarter	24-hr composite 24-hr composite 24-hr composite 24-hr composite 24-hr composite
<u>Ceriodaphnia dubia (Chronic)</u> ⁶ Pass/Fail Lethality (7-day NOEC) TLP3B Pass/Fail Growth (7-day NOEC)TGP3B Survival (7-day NOEC) TOP3B Coefficient of Variation TQP3B Growth (7-day NOEC) TPP3B		<u>7-Day Average</u> Report (Pass=0/Fail=1) Report (Pass=0/Fail=1) Report % Report % Report %		once/quarter once/quarter once/quarter once/quarter once/quarter	24-hr composite 24-hr composite 24-hr composite 24-hr composite 24-hr composite

- 1 Report monthly average and daily maximum as MGD.
- 2 There shall be no discharge unless the upstream flow equals or exceeds the permitted minimum flow rate.
- 3 The discharge cannot exceed the maximum permitted percentage of the upstream flow rate.
- 4 See Item #27(b) of Part IV (Dissolved Oxygen Requirements).
- 5 See Condition No. 9 of Part III (Metal Requirements).
- 6 See Condition No. 8 of Part III (Biomonitoring Requirements).

There shall be no discharge of distinctly visible solids, scum or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits or sludge banks. There shall be no visible sheen. (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 discharge from the final treatment unit except for the upstream flow measurement in Big Creek.

DRAFT

Permit Number: AR0034347
Page 1 of Part IB

SECTION B. SCHEDULE OF COMPLIANCE

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

Compliance with all conditions is required on the effective date of the permit.

The reports required by Part III Condition 10 are due to the Permits Branch of the ADEQ's Water Division no later than seven (7) months (file review) and thirteen (13) months (engineering study) after the modified permit's effective date.

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 twenty-five thousand dollars (\$25,000) or by both such fine and imprisonment for each day of such violation. Any person who violates any provision of a permit issued under the Act may also be subject to civil penalty in such amount as the court shall find appropriate, not to exceed ten thousand dollars (\$10,000) for each day of such violation. The fact that any such violation may constitute a misdemeanor shall not be a bar to the maintenance of such civil action.

3. Permit Actions

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

- a. Violation of any terms or conditions of this permit; or
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
- d. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.
- e. Failure of the permittee to comply with the provisions of APCEC Regulation No. 9 (Permit fees) as required by 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 APCEC 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. 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 25th day of the month, following the completed reporting period to begin on the effective date of the permit. Duplicate copies of DMRs 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:

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

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

6. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated on the DMR.

7. Retention of Records

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

8. Record Contents

Records and monitoring information shall include:

- a. The date, exact place, time and methods of sampling or measurements, and preservatives used, if any;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) 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 40 CFR 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 I 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)(1).
- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit if

that discharge will exceed the highest of the “notification levels” described in 40 CFR Part 122.42(a)(2).

9. Duty to Provide Information

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

10. Duty to Reapply

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

11. Signatory Requirements

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

a. All permit applications shall be signed as follows:

- (1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation: or
 - (ii) The manager of one or more manufacturing, production, or operation facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) For a partnership or sole proprietorship: by a general partner or proprietor, respectively; or

- (3) For a municipality, State, Federal, or other public agency; by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
 - (i) The chief executive officer of the agency, or
 - (ii) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- b. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - (1) The authorization is made in writing by a person described above.
 - (2) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
 - (3) The written authorization is submitted to the Director.
- c. Certification. Any person signing a document under this section shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

12. Availability of Reports

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

- (1) pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR Part 261.21;
- (2) pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works are specifically designed to accommodate such discharges;
- (3) solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, resulting in Interference¹ or Pass Through;²
- (4) any pollutant, including oxygen demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration which will cause Pass Through or Interference with the POTW;
- (5) heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 deg. C (104 deg. F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits;
- (6) petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;
- (7) pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) any trucked or hauled pollutants, except at discharge points designated by the POTW.

b. The permittee shall require any indirect discharger to the treatment works to comply with the reporting requirements of Sections 204(b), 307, and 308 of the Act, including any requirements established under 40 CFR Part 403.

c. The permittee shall sample, analyze, and report the wastewater plant's influent (prior to any return activated sludge or other treatment mixing streams), the plant's effluent after final treatment, and sludge on a dry weight basis (If not generating nor land applying,

¹ See Part IV Item 38 for a definition of Interference.

² See Part IV Item 37 for a definition of Pass Through.

please state. (If this is the case, the sludge analysis/reports will not be required.)). This shall be done once/month for Molybdenum, Selenium, and the parameters in Table III of 40 CFR Part 122 Appendix D using EPA approved methods in 40 CFR Part 136. This monitoring and reporting requirement shall be for a one (1) year period from the effective date of this modified permit.

The permittee shall sample and analyze representative domestic background wastewater for the same parameters as above once/two (2) months over this same period of time for a total of six (6) reports.

The reports shall be sent to the attention of the ADEQ Pretreatment Coordinator denoting samples as 24 hour composites (time or flow weighted) or grab when not applicable (Cyanide, Phenols, etc.) or deemed unfeasible. The following table includes the minimum quantification levels (MQLs) that shall be required of your ADEQ certified lab(s).

METALS, PHENOLS, AND CYANIDE	REQUIRED MQL ($\mu\text{g/L}$)
Antimony, Total Recoverable	60
Arsenic, Total Recoverable	0.5
Beryllium, Total Recoverable	0.5
Cadmium, Total Recoverable	0.5
Chromium, Total Recoverable	10
Chromium (6+), Dissolved	10
Copper, Total Recoverable	0.5
Lead, Total Recoverable	0.5
Mercury, Total Recoverable	0.005
Nickel, Total Recoverable	0.5
Selenium, Total Recoverable	5
Silver, Total Recoverable	0.5
Thallium, Total Recoverable	0.5
Zinc, Total Recoverable	20
Phenols, Total Recoverable	5
Cyanide, Total Recoverable	10

The results of these analyses should be summarized and reported after that twelve month period on the following table.

MONITORING RESULTS (1) FOR THE ANNUAL PRETREATMENT REPORT
REPORTING YEAR: _____, 20____ TO _____, 20____
TREATMENT PLANT: City of _____ **NPDES PERMIT No.** AR00_____
AVERAGE POTW FLOW: _____ **MGD** % IU FLOW: _____ %

METALS, CYANIDE and PHENOLS (Total)	MAHL mg/l (2)	Influent Dates Sampled (mg/l) Once/quarter				WQ level/limit mg/l (2)	Effluent Dates Sampled (mg/l) Once/quarter				Laboratory Analysis (See Attachment PPS)	
											EPA Method Used (1)	Detection Level Achieved (µg/l)
Flow, MGD	N/A					N/A						
Antimony	N/A					N/A						
Arsenic						N/A						
Beryllium	N/A					N/A						
Cadmium												
Chromium												
Copper												
Lead												
Mercury												
Molybdenum						N/A						
Nickel												
Selenium												
Silver												
Thallium	N/A					N/A						
Zinc												
Phenols	N/A					N/A						
Cyanide												
(3)												

Total recoverable results must be reported for each constituent (except for flow).

- (1) It is advised that the influent and effluent samples are collected considering flow detention time through each plant. **Analytical MQLs should be used so that the data can also be used for Local Limits assessment and NPDES application purpose.**
- (2) This value was calculated during the development of TBLL based on State WQ Standards and implementation procedures.
- (3) Record the name of any pollutant [40 CFR Part 122, Appendix D, Table II and/or Table V] detected and the quantity detected.

MAHL – Maximum Allowable Headworks Level
WQ – Water Quality

- d. 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 Sections 301 or 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.
 - (3) Any 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. WHOLE EFFLUENT TOXICITY TESTING (7-DAY CHRONIC NOEC FRESHWATER)

a. SCOPE AND METHODOLOGY

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

APPLICABLE TO OUTFALL: **001**

CRITICAL DILUTION (%): **24% (January – February)**
14% (March – December)

EFFLUENT DILUTION SERIES (%): **10-14-18-24-32 (January – February)**
6-8-11-14-19 (March – December)

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.

- (2) 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.
 - (3) 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.
 - (4) 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.
- b. **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).

(1) 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 e of this section and submitted with the period 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 g 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. Monthly retesting is not required if the permittee is performing a TRE.
- 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 b(1) are suspended upon submittal of a TRE Action Plan.

(2) Part I Testing Frequency of Monthly

The permittee shall initiate the TRE requirements as specified in Item g of this section when any two of three consecutive monthly toxicity tests exhibit significant lethal effects at or below the critical dilution. 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.

- 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 additional tests. The additional tests shall be conducted monthly during the next two consecutive months. The permittee shall not substitute either of the two additional in lieu of routine toxicity testing.

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. **REQUIRED TOXICITY TESTING CONDITIONS**

(1) 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. Sixty percent (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.

- vii. A percent minimum significant difference (PMSD) range of 13 – 47 for water flea reproduction.
- viii. A PMSD range of 12 – 30 for fathead minnow growth.

(2) 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 d(1) 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 e below.

(3) 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 d(1)), 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 d(1) 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 e 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.

(4) Samples and Composites

- i. The permittee shall collect a minimum of three flow-weighted composite samples from the outfall(s) listed at Item a(1) 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 6 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 e 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 a(1) 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 Total Residual Chlorine (TRC) of the effluent. The measured concentration of TRC for each sample shall be included in the lab report submitted by the permittee.

e. REPORTING

- (1) 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 to 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.
- (2) 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.

(3) The permittee shall submit the results of each valid toxicity test on a 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 NOEC for survival is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TLP6C.
- (B) If the 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 NOEC for reproduction is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TGP3B.
- (C) Report the NOEC value for survival, Parameter No. TOP3B.
- (D) Report the NOEC value for reproduction, Parameter No. TPP3B.
- (E) Report the higher (critical dilution or control) Coefficient of Variation, Parameter No. TQP3B.

f. **MONITORING FREQUENCY REDUCTION**

(1) 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).

- (2) CERTIFICATION - The permittee must certify in writing that no test failures have occurred and that all tests meet all test acceptability criteria in Item d(1) 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.
- (3) 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.

g. **TOXICITY REDUCTION EVALUATION (TRE)**

- (1) 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 TRE 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.).
- (2) 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.
 - (3) 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.
- (4) The permittee shall submit a Final Report on TRE 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).

9. If any individual analytical test result is less than the minimum quantification level (MQL) listed below, a value of zero (0) may be used for that individual result for the DMR calculations and reporting requirements. The permittee may use an EPA approved method other than what is specified in the table below provided the MQL for the new method is equal to or less than what has been specified.

Pollutant	MQL ($\mu\text{g/l}$)
Total Recoverable Lead	0.5

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 MQL shall be determined in accordance with the following calculation:

$$\text{MQL} = 3.3 \times \text{MDL}$$

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

10. The permittee shall review its files to determine the original design basis (i.e., the design flow rate) of the permittee's wastewater treatment system. The permittee shall also initiate an engineering study to estimate the current design flow rate of the treatment

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system based on the dimensions, sludge depth, baffle placement, written operating procedures, and published engineering guidance. The file review shall be completed within six (6) months of the effective date of the modified permit, and the findings shall be reported to the Permits Branch of the ADEQ's Water Division within one (1) month thereafter. The engineering study shall be stamped by a Professional Engineer registered in Arkansas, completed within twelve (12) months of the effective date of the modified permit, and reported to the Permits Branch of the ADEQ's Water Division within one (1) month thereafter.