

# Common Mistakes on NPDES Permit Applications and How to Avoid Them

## ADEQ Form 1: Section A

### ***A.1 – Legal applicant name doesn't match***

This entry must exactly match the Secretary of State listing. The Department can only issue permits to legal entities. To be a legal entity, a facility must be registered with the Arkansas Secretary of State unless the facility is a sole proprietorship, partnership, or government entity (includes schools, cities, towns, federal facilities, and state facilities).

The name listed here will be the name of the entity to which the permit is issued. Therefore, it cannot/should not be the name of the cognizant official, responsible official or licensed operator unless the entity is a sole proprietorship.

### ***A.13 – SIC and NAICS codes listed are not applicable***

This applies to the business itself, not just the wastewater treatment plant. Many facilities list the SIC code as 4952 which is applicable to POTWs. This code is not applicable to the WWTP for a subdivision, mobile home park, school, etc. The instructions for this form list common SIC codes as well as a link on where to go to find additional codes if the applicable ones are not listed.

### ***A.16 – Responsible Official listed isn't consistent with the remaining form, or isn't the correct person***

The responsible official listed in this section must match the listing in Section I of this form as well as meet the definition of responsible official in Section I of this form.

Responsible official is defined as follows:

Corporation, a principal officer of at least the level of vice president

Partnership, a general partner

Sole proprietorship: the proprietor

Municipal, state, federal, or other public facility: principal executive officer, or ranking elected official.

### ***A.17 – Cognizant Official listed isn't consistent with the remaining form***

The cognizant official listed in this section must match the listing in Section I of this form.

40 CFR 122.22(b) states that all reports required by the permit, or other information requested by the Director, shall be signed by the applicant (or person authorized by the applicant) 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 the applicant (or person authorized by the applicant); and
- (2) the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity responsibility, or an individual or position having overall responsibility for environmental matters for the company.

**A.18 – Active Consulting Engineer is incorrectly listed**

Information should only be listed in this section if a consulting engineer helped prepare the application being submitted. Consultants who helped prepare previous applications should not be listed in this section. If an engineer was not used to prepare the application being submitted, this section should be marked “N/A.”

**A.19 – Wastewater Operator is incorrectly listed**

This must be the current licensed operator. Only one person needs to be listed if more than one is employed by the WWTP.

**ADEQ Form 1: Section B**

**B.1 – Facility Location is not specific**

The facility coordinates must be taken at the front gate of the facility. These should not match the outfall coordinates.

**B.2 – Outfall Location is not specific**

The outfall coordinates must be taken at the point at which the effluent enters the receiving stream. These should not match the facility coordinates.

The “collection point” is a narrative description of the outfall location. In the revised Form 1, this is listed as “description of outfall location.”

**B.3 – Monitoring Location is not specific when different for the collection point**

If the samples aren’t collected at the point at which the effluent enters the receiving stream, this section must be completed. Otherwise, it must be marked “N/A”.

**B.4 – Type of Treatment System is not detailed**

Each component of the WWTP must be listed in this section. A common mistake is to just write “activated sludge system” even though there’s a bar screen, equalization basin, clarifier, etc. in addition to the activated sludge basin.

**B.5 – Flow and Sample Measurement Methods are not clearly reported**

This item has been changed (revised March, 2018) to simplify the request for how flow is measured and how the required samples are collected, i.e., parshall flume, totalizing meter, etc for flow and grab, automatic sampler, opening a side valve, etc. for sample collection. This should eliminate many of the common mistakes on previously submitted applications.

**B.6 – Flood Plain Map is not submitted**

A link to the FEMA web site is provided in Form 1.

***B.8 – Backup Power Generation for Treatment Plants is not answered to fully correspond to and confirm the requirements of the permit***

Part III.B.7 of the permit states “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.”

Therefore, the permit application requires the applicant to state if there is a backup generator and if not, why not.

**ADEQ Form 1: Section C – Waste Storage and Disposal Information**

***Waste Storage and Disposal Information is left incomplete***

This section must be completed if there is a lagoon or a sewage treatment plant being permitted (i.e. any treatment operation that generates solids). This includes lagoons/ponds at sewage treatment plants as well as other facilities such as wet decks, sand and gravel operations, etc.

Information is needed for lagoons not located at sewage treatment plants since solids can still build up to a point which decreases the treatment capacity of the pond to the point that the effluent cannot meet permitted limits. Facilities such as sand & gravel operations, wet decks at lumber mills, etc. often neglect to fill this information in.

If sludge is hauled off site by a septic tank hauler, as is done for many small activated sludge package plants, that should be noted under “Other” in this section of the permit application.

**ADEQ Form 1: Section D – Water Supply**

***Water Supply sources listed are not applicable***

Water supplies include surface and subsurface (well) sources. For surface water supplies, the water supplies noted in this section should be sources which are downstream of the discharge and could affect the water supply. If the water supply is on a stream that the discharge doesn't flow to, it doesn't need to be listed in this section.

**ADEQ Form 1: Section E – Trust Fund Requirements and Disclosure Statement**

***Trust Fund Requirements and Disclosure Statement, as applicable, are not completed***

The trust fund requirements changed in August 2018. A form must be completed for all nonmunicipal domestic sewage treatment works. Exemptions from this requirement are listed in Section E. It is important to note that sewer improvement districts (SIDs) are now subject to Trust Fund Requirements and must fill out the trust fund requirements form.

Common mistakes with the disclosure statement are typically the same as those for the legal applicant name in Section A.1. Facilities that are allowed to submit the most recent 10k and 10Q SEC filings most

often neglect to send the 10Q. Exemptions from submittal of the Disclosure Statement are listed in Reg. 8.204(B)(7)(a).

### **ADEQ Form 1: Section F – Industrial Activity**

#### ***Industrial Activity facilities incorrectly check “No”***

Some facilities may not realize that they are subject to an ELG and incorrectly mark F.1 as no instead of yes. This most often happens for facilities such as wet decks or sand & gravel operations.

Questions 4 and 5 of this section should be answered by all industrial facilities if they are discharging wastewater other than treated sanitary wastewater. If the facility has deemed production data as confidential, they must contact ADEQ to ensure that the proper procedures for submittal of such information are followed.

### **ADEQ Form 1: Section G – Wastewater Discharge Information**

#### ***Wastewater Discharge Information is not completed by industrial dischargers***

This section is required to be completed by all industrial dischargers (not including nonmunicipal domestic sewage treatment works).

### **ADEQ Form 1: Section Section H – Technical Information**

#### ***The Technical Information Section is unnecessarily filled out***

This section only needs to be completed if a permit is being applied for to construct or modify the wastewater treatment system. This section needs to include a description of the treatment system and must specify the changes which are being made.

### **ADEQ Form 1: Section Section I – Signatory Requirements**

#### ***Signatory Requirements are missing initials, signatures and dates***

These names must match those given in Section A. If the cognizant official is not the responsible official, the responsible official must initial the first item in the responsible official portion of this section. Only corporations and facilities required to be registered with the Arkansas Secretary of State are required to initial the second item.

### **EPA Form (Applies to EPA Forms[2A, 2B, 2C, 2D, 2E, and 2F])**

#### ***Name and signatures don't match ADEQ Form 1 and testing requirements are not completed.***

1. The name listed on the application must match what is listed on ADEQ Form 1.
2. **All required testing must be completed even if sampling and analysis of the parameter is not required in the current permit.**
3. The responsible official must sign this form. The cognizant official is not allowed to sign.

***Incorrect Signature and results not properly reported.***

1. The responsible official must sign this form.
2. If the parameter was not detected, write ND in the appropriate spot.
3. If the parameter was detected but below the MQL, the result should be listed as < X mg/l with X being the MQL used during the test.