



DIVISION OF ENVIRONMENTAL QUALITY

Sarah Huckabee Sanders
GOVERNOR

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SECRETARY

DEQ Application Form 1

Form 1 - General Instructions

Who Must Complete Form 1?

All new and existing facilities designated by Arkansas Department of Energy and Environment – Division of Environmental Quality (DEQ) as requiring an NPDES or a State Construction permit must complete Form 1.

Where to File Your Completed Form

- By E-mail:

EE.WaterPermitApp@arkansas.gov

- By mail:

Division of Environmental Quality
Attn: Office of Water Quality
5301 Northshore Drive
North Little Rock, AR 72118

- By ePortal:

<https://eportal.adeq.state.ar.us/>

(if submitting by ePortal, you do not need to fill out a word/pdf version of Form 1; instead use the electronic form on ePortal)

Fees

DEQ does not require applicants to pay a fee when submitting an application for NPDES or State Construction permits. However, there may be a fee that will need to be paid before the permit can be issued.

Public Availability of Submitted Information

The Clean Water Act (CWA) provides for severe penalties for submitting false information on this application form. CWA Section 309(c)(2) provides that “Any person who knowingly makes any false statement, representation, or certification in any application, ...shall upon conviction, be punished by a fine no more than \$10,000 or by imprisonment for not more than six months, or both.”

DEQ will make information from NPDES permit application forms available to the public. You may not claim any information on Form 1 (or related attachments) as confidential.

You may make a claim of confidentiality for any information that you submit to DEQ that goes beyond the information required by Form 1. If you do not assert a claim of confidentiality at the time you submit your information to DEQ, DEQ may make the information available to the public without further notice to you. DEQ will handle claims of confidentiality in accordance with the Agency’s business confidentiality regulations at Part 2 of Title 40 of the Code of Federal Regulations (C.F.R.), 40 C.F.R. § 122.21, and APC&EC Rule 6.105.

Completion of Forms

Form 1 is divided into eight major sections. Note that not all applicants are required to complete each section of the form or all the tables. The questions on the form will direct you to the items you must complete.

Print or type in the specified areas only. If you do not have enough space on the form to answer a question, you may continue on additional sheets, as necessary, using a format consistent with the form.

For existing facilities, provide the NPDES permit number, Arkansas Facility Identification Number (AFIN), and facility name at the top of each page of Form 1 and any attachments. If your facility is new (i.e., not yet constructed), write or type “New Facility” in the space provided for NPDES permit number. AFIN and NPDES permit numbers can be found at the top of each page of the current permit as well as any permit renewal reminders you have received in the mail.

Do not leave any response areas blank unless the form directs you to skip them. If the form directs you to respond to an item that does not apply to your facility or activity, enter “NA” for “not applicable” to show that you considered the item and determined a response was not necessary for your facility.

If you have previously submitted information that answers a specific question to DEQ, you may either repeat the information in the space provided or attach a copy of the submission.

Note for New Dischargers

Provide all information available to you at the time you complete Form 1. If you do not have information to respond to an item because your facility has yet to discharge, write or type “data are not available” next to the item on the form. Note that you are required to submit *actual* data no later than 24 months after your facility commences to discharge.

APC&EC Rule 8 defines “Administratively complete” to mean that all information required by statute, regulation, or application form has been submitted to the Department for the purpose of processing a permit application. An application that is administratively complete is not necessarily technically complete or complete for other purposes. DEQ will consider your application complete when it and any supplementary material are received and completed according to the authority’s satisfaction. DEQ will judge the completeness of any application independently of the status of any other application or permit for the same facility or activity. ***A complete application for existing dischargers must be submitted 180 days prior the expiration of the current permit.*** It is ***strongly*** recommended to applicants to allow for more than 180 days for the initial submittal to allow incompleteness issues to be rectified. Please be aware failure to provide a complete application prior to the expiration of the existing permit can result in enforcement action.

Definitions

Definitions of all key terms used in this application form are included in the “Glossary” at the end of these instructions.

Form 1 - Line-by-line Instructions

Purpose of This Application

Check all that apply

- *Initial application for NEW facility* – For a facility that is yet to be built and has never been covered by a National Pollutant Discharge Elimination System (NPDES) permit. These facilities will require a state construction permit.
- *Initial application for EXISTING facility* – For a facility that has been built but never had been previously covered by an NPDES permit. These facilities may require a state construction permit.
- *Modification of existing permit* – For a facility that is currently covered by an NPDES permit, but is making changes to its treatment system that may affect the current NPDES permit, or is requesting changes to the current NPDES permit. These facilities may require a state construction permit.
- *Reissuance (renewal) of existing permit* – For a facility that is currently covered by an NPDES permit, and is renewing coverage as the current permit is expiring.
- *Construction permit* – For a facility that is building a new treatment system or modifying its existing treatment system.

Section A. General Information

Item A.1. Enter the applicant's legal name. Do not use a colloquial name. The permit will be issued under this name and the Division 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 facility, and state facilities).

It cannot/should not be the name of the cognizant official, responsible official or licensed operator unless the entity is a sole proprietorship.

Item A.2. Indicate the operator type for the facility.

Item A.3. For a corporation, cooperative, LLC, or LP, select the state in which the entity was incorporated (e.g., state of origin). The entity must be in Good Standing with both the Arkansas Secretary of State and the State of Incorporation. The legal name can be searched through the Arkansas Secretary of State website: https://www.sos.arkansas.gov/corps/search_all.php?fullsite

Item A.4. Enter the facility's colloquial name if different from the applicant's official or legal name.

Item A.5. Indicate if the applicant is the owner the facility. If not, indicate who is the owner of the facility.

Item A.6. If activities associated with a construction permit were completed, a *Notice of Completion of Construction for State Construction Permits* should be submitted. Nomenclature for a construction permit is the NPDES permit number, followed by a "C"

Item A.7. Type the NPDES permits for which the facility has coverage.

Item A.8. List all environmental permit numbers and/or names of any permits issued by DEQ or EPA for an activity located in Arkansas held by the applicant seeking coverage.

Item A.9. [Ark. Code Ann. § 8-1-106](#) requires that applicants for any type of permit or transfer of any permit, license, certification or operational authority issued by the DEQ file a Disclosure Statement with their application unless exempt for doing so under Ark. Code Ann. § 8-1-106(b)(2). The filing of a Disclosure Statement is mandatory. No application can be considered administratively complete without a completed Disclosure Statement unless that facility is exempt. Publicly traded companies may submit the most recent 10K and 10Q filings for the Securities and Exchange Commission in lieu of the Disclosure Statement. The form may be obtained from the DEQ web site at:

https://www.adeq.state.ar.us/ADEQ_Disclosure_Statement.pdf

Item A.10. Provide a description of the *physical address* of the facility. If the facility lacks a street name or route number, give the most accurate, alternative geographic information (e.g., section number or quarter section number from county records or "at intersection of Routes 425 and 22").

Specify the latitude and longitude to the nearest hundredth seconds or nearest 0.00001 degree based on the **front door (gate)** of the facility. Latitude and longitude coordinates may be obtained in a variety of ways, including use of hand held devices (e.g., a GPS enabled smartphone), internet mapping tools (e.g., <https://earth.google.com/>), geographic information systems (e.g., ArcView), or paper maps from trusted sources (e.g., USGS). Decimal degrees can be converted to degrees minutes seconds and vice versa from this website: <https://www.fcc.gov/media/radio/dms-decimal>

Location Map should show the location of the facility.

Item A.11. Provide the *mailing address* for the permit, DMR, and invoices.

Item A.12. Check all the states that are within 20 miles of the facility location.

Item A.13. Standard Industrial Code (SIC) and North America Industrial Classification System (NAICS) can be viewed here: <https://www.naics.com/search/>. Note that 40 C.F.R. § 122.21(f)(3) requires submittal of both the applicable SIC and the NAICS codes.

Commonly used SIC and NAICS codes are listed below. SIC code 4952 is applicable to publicly owned treatment works (POTWs) and is not applicable to the treatment systems for a subdivision, mobile home park, schools, etc. (unless the wastewater treatment is provided by a public entity such as an improvement district or public facilities board)

Facility Type	SIC Code	NAICS Code
POTWs	4952	221320
Subdivision	6552	237210
Apartment Complex	6513	531110
Mobile Home Park	6515	533190
Elementary and Secondary Schools	8211	611110
Gas Station with Convenience Store	5541	457110
RV Parks and Campgrounds	7033	721211

Item A.14. Give the name (first and last), company name, work telephone number, and email address of the application contact. This is the person DEQ will initially contact if corrections to the application are required.

Item A.15. Provide name(s) (first and last), license number, and licensed operator class of the operator that currently works for the facility. Attach additional pages as necessary.

Licensee name and license number can be searched from the DEQ website at:

<https://www.adeq.state.ar.us/water/enforcement/wwl/operators.aspx>

Section B. Outfall Information

Item B.1. For each outfall, provide the outfall number, the design flow, and the highest monthly average flow over the last two years. Attach additional pages as necessary.

- End-of-pipe location is where the effluent enters the receiving stream. This should not match the facility coordinates.
- Monitoring Location is where samples are collected if the samples aren't collected at the point at which the effluent enters the receiving stream (i.e., different from end-of-pipe).

Specify the latitude and longitude to the nearest hundredth seconds or 0.000001 degree. Latitude and longitude coordinates may be obtained in a variety of ways, including use of hand held devices (e.g., a GPS enabled smartphone), internet mapping tools (e.g., <https://earth.google.com/>), geographic information systems (e.g., ArcView), or paper maps from trusted sources (e.g., USGS). Decimal degrees can be converted to degrees minutes seconds and vice versa from this website: <https://www.fcc.gov/media/radio/dms-decimal>

Provide the name of the receiving stream (i.e., an unnamed tributary of Mill Creek, thence into Mill Creek; thence into Arkansas River).

List each component of the treatment corresponding to the process diagram request below in Item B.4

Indicate how effluent samples are collected (i.e., grab samples, auto sampler, etc., and where, i.e., after the disinfection unit, prior to cascade aeration, at the receiving stream, etc.)

Indicate how flow is measured and location of flow measurement device (i.e., v-notch weir, totalizing meter, Parshall flume, etc.)

Indicate if the facility is equipped with a diffuser.

Indicate the diameter of the effluent pipe in inches.

Repeat for each outfall.

Item B.2. Describe how influent is collected and conveyed to the treatment system (i.e., through a lift station, vacuum collection system, gravity fed, or etc.)

Item B.3. Provide influent data if you are a POTW.

Indicate how influent samples are collected (i.e., grab samples, auto sampler, etc., and where, i.e., influent pumping wet well, prior to bar screen(s), etc.)

Item B.4. Attach a process flow diagram. The process flow diagram should include each component, e.g. bar screen, equalization basin, clarifier, sludge drying bed, etc. If a treatment system is a package plant, list out each individual component.

Item B.5. Topographic map can be found at U.S. Geological Survey website here:

<https://www.usgs.gov/core-science-systems/ngp/tnm-delivery/topographic-maps>

Item B.6. 100-year flood level can be viewed from FEMA flood plain map at: www.fema.gov.

Item B.7. Number of persons the facility serves (if applicable).

Item B.8. Specify how the facility will operate when power is out. 40 CFR § 122.41(e) *Proper operation and maintenance*, 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. This includes backup generators.

Therefore, please state if there is a backup generator and if not, why not.

Section C. Waste Storage and Disposal Information

Item C.1. Skip this section if solids/sludge are not produced at this facility. However, most facilities will generate solids or sludge during operation, including facilities such as wet decks at lumber mills and sand and gravel operations. More than one method of solids/sludge handling and/or disposal may apply.

Item C.2. Solids/sludge can accumulate in the treatment lagoon. This is most common for a facility that uses a pond/lagoon system as the primary treatment method.

Item C.3. Solids/sludge can be disposed at a landfill. Provide the solid waste permit number that is issued to the landfill that accepts the waste.

Item C.4. Solids/sludge can be disposed by land application. Provide the DEQ state permit number that is issued to the land application site.

Item C.5. Solids/sludge can be disposed by septic tank. Provide the Arkansas Department of Health permit number.

Item C.6. Solids/sludge can be distributed and marketed as a fertilizer. Provide information about the company receiving solids/sludge and how it is distributed.

Item C.7. Solids/sludge can accumulate in a lagoon where the sole purpose is to store sludge produced from a facility's operation until the time it is managed through approved disposal practices.

Item C.8. Solids/sludge can be disposed by incineration. Provide information about the company that provides incineration and the DEQ air permit number.

Item C.9. If disposal methods mentioned above are not applicable, provide a complete description of how the solids/sludge is disposed. If sludge is hauled off site by a septic hauler, as is done for many small activated sludge package plants, it should be included here with the name of the septic hauler.

Section D. Water Supply

Item D.1. Indicate if there are any water supply sources which are downstream of the outfall location. Contact the Arkansas Department of Health at 501-661-2623 for questions regarding water supply.

Item D.2. Indicate if there are any private well and municipal water utility sources downstream from the discharge point.

Item D.3. Indicate if there are any surface water sources downstream from the discharge point.

Item D.4. Indicate if there are other water sources not listed above.

Section E. Trust Fund Requirements

Item E.1. [Ark. Code Ann. § 8-4-203](#)(b) forbids DEQ from issuing, modifying, renewing, or transferring a permit for a Nonmunicipal Domestic Sewage Treatment Works (NDSTW) without the applicant first fulfilling the trust fund requirements. Ark. Code Ann § 8-4-203(b)(1)(B) defines an NDSTW as a device or system operated by an entity other than a city, town, or county that treats, in whole or in part, waste or wastewater from humans or household operations and must continuously operate to protect human health and the environment despite a permittee's failure to maintain or operate the device or system. NDSTWs can include, but are not limited to:

- Improvement Districts;
- Subdivisions;
- Mobile Home Parks;
- Property Owners' Associations;
- RV parks; and
- Apartments

The following are specifically exempted from the requirements of NDSTW:

- State or federal facilities;
- Schools;
- Universities and colleges;
- Entities that continuously operate due to a connection with a city, or county; and
- A commercial (gas station/convenience store, stand alone, restaurant, and etc.) or industrial entity that treats domestic sewage from its operations and does not accept domestic sewage from other entities or residences.
- Property Owners Associations with a population of more than 5,000.

Section F. Industrial Activity

Item F.1. Complete this section if the facility is subject to an effluent limitation guideline promulgated by EPA under

Section 304 of the Clean Water Act. A link to existing and proposed regulations can be found here: <https://www.epa.gov/eg/industrial-effluent-guidelines>

Item F.2. Specify which part of 40 C.F.R. and its subpart(s).

Item F.3. Brief description of all operations at this facility including primary products or services (attach additional sheets if necessary).

Section G. Modification and Construction Information

Item G.1. Complete this section if applying for a **state construction permit** and/or for a **permit modification**.

Item G.2. Describe the proposed changes at the facility.

Item G.3. One set of construction plans and specifications, approved (signed and stamped) by a Professional Engineer (PE) licensed in Arkansas must be submitted.

Item G.4. If a construction project disturbs five or more acres, a construction stormwater general permit must be obtained by submitting a Notice of Intent (NOI) along with a Stormwater Pollution Prevention Plan (SWPPP) to DEQ.

Section H. Signatory Requirements

Item H.1. Review the checklist provided. Mark the sections of Form 1 that have been completed and are being submitted as part of the application. For each section, specify any attachments that will be enclosed.

Item H.2. If only requesting a modification to an existing permit, or if only requesting a construction permit, no additional EPA Forms are required. For other requests, there are additional EPA Forms that are required to be submitted in addition to this Form 1. These forms can be found on the EPA website here:

<https://www.epa.gov/npdes/npdes-applications-and-forms-epa-applications>

- Form 2A – Complete this form if your facility is a new or existing publicly owned treatment works (POTW).
- Form 2B – Complete this form if your facility is a new or existing concentrated animal feeding operation or concentrated aquatic animal production facility.
- Form 2C – Complete this form if your facility is *an existing* manufacturing, commercial, mining, or silvicultural facility that currently discharges *process* wastewater.
- Form 2D – Complete this form if your facility is *a new* manufacturing, commercial, mining, or silvicultural facility that has yet to commence discharge of *process* wastewater.

- Form 2E – Complete this form if your facility is a new or existing manufacturing, commercial, mining, or silvicultural facility that discharges *only nonprocess* wastewater.
- Form 2F – Complete this form if you are a new or existing facility whose discharge is composed entirely of stormwater associated with industrial activity, excluding discharges from construction activity under 40 C.F.R. 122.26 (b)(14)(x) or (b)(15). If your discharge is composed of stormwater and non-stormwater, you must complete DEQ Form 1 and EPA Form 2F, and you must complete Form 2C, 2D, or 2E, as appropriate.

The application is not deemed complete until all necessary EPA Forms are submitted along with this Form 1.

Item H.3. Give the name (first and last), title, work telephone number, and a signature of the person who is duly authorized representative as described on the form.

Item H.4. Give the name (first and last), title, work telephone number, and a signature of the person who meets the requirements of 40 C.F.R. § 122.22.

FEDERAL REGULATIONS AT 40 C.F.R. § 122.22 REQUIRE THIS APPLICATION TO BE SIGNED AS FOLLOWS:

- A. For a corporation, by a responsible corporate office. For the purpose of this section, a responsible corporate officer means: (1) 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 (2) the manager of one or more manufacturing, production, or operating 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.
- B. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively.
- C. For a municipality, state, federal, or other public facility, by either a principal executive officer or

ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes: (1) The chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

END

Submit your completed Form 1 and all associated attachments (and any other required NPDES applications) to DEQ

Form 1 – Glossary

Note: This glossary includes terms used in this application form. If you have any questions concerning the meaning of any of these terms, contact DEQ

1. **Applicant** means any person who files an application for a permit or permit renewal; an application for the reissuance of, revision of, modification of, or transfer of a permit; an application for closure/post closure plan approval or modification; an application for a permit exemption, variance or waiver; an application for a certification or license; and an application for a bond reduction or release; or any other application as required by the Division.
2. **Application** for the purposes of this form and instructions, means Arkansas Department of Energy and Environment's Form 1 for applying for a permit, including any additions, revision, or modifications to the form.
3. **CWA and Regulations** means the Clean Water Act (CWA) and applicable regulations promulgated thereunder. In the case of an approved State program (such as Arkansas), it includes State program requirements.
4. **Design flow** means the wastewater flow rate the plant was built to handle.
5. **Discharge (of a pollutant)** means:
 - Any addition of any pollutant or combination of pollutants to waters of the United States from any point source; or
 - Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.

This definition includes discharges into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any "indirect discharger".

6. **Discharge Monitoring Report (DMR)** means the EPA uniform national form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by permittees. DMRs must be used by "approved States" as well as by EPA.
7. **Disclosure Statement** means a written statement by the applicant that contains:
 - The full name and business address of the applicant and all affiliated persons;
 - The full name and business address of any legal entity in which the applicant holds a debt or equity interest of at least five percent (5%) or that is a parent company or subsidiary of the applicant, and a description of the ongoing organizational relationships as they impact operations within the state;
 - A description of the experience and credentials of the applicant, including any past or present permits, licenses, certifications, or operational authorizations relating to environmental regulation;
 - A listing and explanation of any civil or criminal legal actions by government agencies involving environmental protection laws or regulations against the applicant and affiliated persons in the ten (10) years immediately preceding the filing of the application, including administrative enforcement actions resulting in the imposition of sanctions, permit or license revocations or denials issued by any state or federal authority, actions that have resulted in a finding or a settlement of a violation, and actions that are pending;
 - A listing of any federal environmental agency and any other environmental agency outside this state that has or has had regulatory responsibility over the applicant; and

- Any other information the Director of the Arkansas Department of Environmental Quality may require that relates to the competency, reliability, or responsibility of the applicant and affiliated persons.
8. **Division of Environmental Quality (DEQ)** means Arkansas Department of Energy and Environment-Division of Environmental Quality.
 9. **Effluent** means water that is not reused after flowing out of any wastewater treatment facility or other works used for the purpose of treating, stabilizing, or holding wastes.
 10. **Effluent Limitation** means any restriction imposed by the Director on quantities, discharge rates, and concentrations of “pollutants” which are “discharged” from “point sources” into “waters of the United States,” the waters of the contiguous zone,” or the ocean.
 11. **Effluent Limitations Guidelines** means a regulation published by the Administrator under section 304(b) of the CWA to adopt or revised “effluent limitations.”
 12. **Environmental Protection Agency (EPA)** means the United States Environmental Protection Agency.
 13. **Facility** or **Activity** means any NPDES “point source” or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.
 14. **General Permit** means an NPDES “permit” issued under 40 C.F.R. § 122.28 authorizing a category of discharges under the CWA within a geographical area.
 15. **Municipality** means a city, town, borough, county, parish, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or designated and approved management agency under section 208 of the CWA.
 16. **National Pollutant Discharge Elimination System (NPDES)** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the CWA. The term includes an “approved program.”
 17. **New Discharger** means any building, structure, facility, or installation:
 - From which there is or may be a “discharge of pollutants;”
 - That did not commence the “discharge of pollutants” at a particular “site” prior to August 13, 1979;
 - Which is not a “new source;” and
 - Which has never received a finally effective NPDES permit for discharges at that “site.”

This definition includes an “indirect discharger” which commences discharging into “waters of the United States” after August 13, 1979. It also means any existing mobile point source (other than an offshore or coastal oil and gas exploratory drilling rig or a coastal oil and gas developmental drilling rig) such as a seafood processing rig, seafood processing vessel, or aggregate plant, that begins discharging at a “site” for which it does not have a permit; and any offshore or coastal mobile oil and gas exploratory drilling rig or coastal mobile oil and gas developmental drilling rig that commences the discharge of pollutants after August 13, 1979, at a “site” under EPA’s permitting jurisdiction for which is not covered by an individual or general permit and which is located in an area determined by the Regional Administrator in the issuance of a final permit to be an area of biological concern. In determining whether an area is an area of biological concern, the Regional Administrator shall consider the factors specified in 40 C.F.R. § 125.122(a)(1) through (10).

An offshore or coastal mobile exploratory drilling rig or coastal mobile developmental drilling rig will be considered a “new discharger” only for the duration of its discharge in an area of biological concern.

18. **New Source** means any building, structure, facility, or installation from which there is or may be a “discharge of pollutants,” the construction of which commenced:

- After promulgation of standards of performance under section 306 of the CWA which are applicable to such source, or
 - After proposal of standards of performance in accordance with section 306 of the CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal.
19. **Owner or Operator** means the owner or operator of any “facility or activity” subject to regulation under the NPDES program.
 20. **Permit** means an authorization, license, or equivalent control document issued by EPA or an “approved State” to implement the requirements of this part and parts 123 and 124. “Permit” includes an NPDES “general permit” (40 C.F.R. § 122.28). Permit does not include any permit which has not yet been the subject of final agency action, such as a “draft permit” or a “proposed permit.”
 21. **Person** means an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.
 22. **Point Source** means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharge. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff. (See 40 C.F.R. § 122.3)
 23. **Pollutant** means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. It does not mean:
 - Sewage from vessels; or
 - Water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if the State determines that the injection or disposal will not result in the degradation of ground or surface water resources. Note: Radioactive materials covered by the Atomic Energy Act are those encompassed in its definition of source, byproduct, or special nuclear materials. Examples of materials not covered include radium and accelerator-produced isotopes. See *Train v. Colorado Public Interest Research Group, Inc.*, 426 U.S. 1 (1976).
 24. **Privately Owned Treatment Works** means any device or system which is (1) used to treat wastes from any facility whose operator is not the operator of the treatment works and (2) not a “POTW.”
 25. **Process Wastewater** means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.
 26. **Publicly Owned Treatment Works or POTW** (defined at 40 C.F.R. § 403.3) means a treatment works as defined by CWA Section 212, which is owned by a state or municipality (as defined by CWA Section 502(4)). This definition includes any devices or systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. This definition also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW. The term also means the municipality as defined in CWA Section 502(4), which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.
 27. **Solids/Sludge** means any solid, semi-solid, or quid residue removed during the treatment of municipal waste water or domestic sewage. Solids/sludge includes, but is not limited to, solids removed during primary, secondary, or advanced waste water treatment, scum, septage, portable toilet pumpings, type III marine

sanitation device pumpings (33 C.F.R. Part 159), and sewage sludge products. Solids/sludge does not include ash generated during the incineration of sludge.

28. **Site** means the land or water area where any “facility or activity” is physically located or conducted, including adjacent land used in connection with the facility or activity.
29. **Stormwater** (or **Storm Water**) (defined at 40 C.F.R. § 122.26(b)(13)) means stormwater runoff, snow melt runoff, and surface runoff and drainage.



**DIVISION OF
ENVIRONMENTAL QUALITY**

Sarah Huckabee Sanders
GOVERNOR

Shane E. Khoury
SECRETARY

**NPDES Individual Permit Application
Form 1**

5301 Northshore Drive
North Little Rock, AR 72118-5317

PURPOSE OF THIS APPLICATION (check all that apply)

- ☐ INITIAL APPLICATION FOR NEW FACILITY
☐ INITIAL APPLICATION FOR EXISTING FACILITY
☐ MODIFICATION OF EXISTING PERMIT
☐ REISSUANCE (RENEWAL) OF EXISTING PERMIT
☐ CONSTRUCTION PERMIT
-

SECTION A - GENERAL INFORMATION

A.1. Legal Applicant Name: _____

A.2. Operator Type: Choose an item.

A.3. Corporation, LLC, LP, or Cooperative? ☐ Yes ☐ No → Skip to A.4

State of Incorporation, if not Arkansas: Choose an item.

Attach a Proof/Status of Good Standing from Arkansas Secretary of State and from the state of incorporation, if applicable.

A.4. Facility Name: _____

A.5. Is the applicant identified in A.1, the owner of the facility? ☐ Yes → Skip to A.6 ☐ No

Owner of the facility: _____

A.6. Is there an outstanding state construction permit for this facility that needs to be terminated?

☐ Yes ☐ No → Skip to A.7

A state construction permit can be terminated by submitting Notice of Completion of Construction for State Construction Permits found through the link below:

<https://www.adeq.state.ar.us/water/permits/npdes/individual/pdfs/state-construction-permit-completion-of-construction.pdf>

NPDES Permit Number	AFIN	Facility Name	County
AR00			Choose an item.

A.7. Indicate below any NPDES permits issued by DEQ to this facility, if applicable. (Check all that apply and list the corresponding permit number for each.)

NPDES permits issued by DEQ		
<input type="checkbox"/> NPDES Individual Discharge Permit AR00	<input type="checkbox"/> NPDES Non-Stormwater General Permit ARG	<input type="checkbox"/> NPDES Industrial Stormwater General Permit ARR00

A.8. List permit numbers and/or names of any permits issued by DEQ or EPA for an activity located in Arkansas that is presently held by the applicant or its parent or subsidiary corporation which are not listed above:

Permit Name	Permit Number	Held by

A.9. Is the facility required to file a disclosure statement?

☐ Yes, one has been attached

☐ Exempt

The disclosure statement form may be obtained from the DEQ web site at:

https://www.adeg.state.ar.us/ADEQ_Disclosure_Statement.pdf

A.10. Facility Physical Location. Attach a location map if not previously submitted.

Street address			
City or town	State	ZIP code	County Choose an item.

Front Door (gate) location of the facility.

	<u>Degrees/Minutes/Seconds</u>				<u>Decimal Degrees</u>
Latitude:	____°	____'	____"	<u>OR</u>	____°
Longitude:	____°	____'	____"		____°

NPDES Permit Number	AFIN	Facility Name	County
AR00			Choose an item.

A.11. Mailing Address for permit, DMR, and invoices (Street or Post Office Box):

Street Address			P.O. Box
City or town	State	ZIP code	

A.12. Neighboring states within 20 miles of the permitted facility (Check all that apply):

- | | | |
|------------------------------------|--------------------------------------|-----------------------------------|
| <input type="checkbox"/> Louisiana | <input type="checkbox"/> Mississippi | <input type="checkbox"/> Missouri |
| <input type="checkbox"/> Oklahoma | <input type="checkbox"/> Tennessee | <input type="checkbox"/> Texas |

A.13. Standard Industrial Classification (SIC) code and North America Industrial Classification System (NAICS) code for primary process and secondary process if applicable.

Primary SIC	Primary NAICS
Secondary SIC <input type="checkbox"/> N/A	Secondary NAICS <input type="checkbox"/> N/A

A.14. Who prepared this application?

Contact Name (First and Last)	Title
Company Name	
E-mail Address	Phone Number
Street Address	
City or town	State ZIP Code

A.15. Wastewater Operator Information

Name (First and Last)	License Number	Municipal Wastewater Operator	Industrial Wastewater Operator
		Class Choose an item.	Choose an item.
		Class Choose an item.	Choose an item.
		Class Choose an item.	Choose an item.
		Class Choose an item.	Choose an item.

NPDES Permit Number	AFIN	Facility Name	County
AR00			Choose an item.

SECTION B - OUTFALL INFORMATION

B.1. Outfall Information (If more than two outfalls, attach additional pages)

Outfall _____							
Design Flow _____ MGD				Highest Monthly Average flow over the last two years _____ MGD			
End-of-Pipe Location:	Latitude:	_____° _____'	_____° _____' _____" N	Longitude:	_____° _____'	_____° _____' _____" W	
		OR Decimal: _____°			OR Decimal: _____°		
Monitoring Location (If different from End-of-Pipe Location):	Latitude:	_____° _____'	_____° _____' _____" N	Longitude:	_____° _____'	_____° _____' _____" W	
		OR Decimal: _____°			OR Decimal: _____°		
Name of Receiving Stream _____							
Treatment system (Include all components of the treatment system and attach a process flow diagram): _____							
How and where are effluent samples collected? Include a narrative description of where samples are collected relative to the treatment system. <input type="checkbox"/> Grab <input type="checkbox"/> Composite <input type="checkbox"/> Both _____							
How is flow measured and where (relative to the process flow diagram)? _____							
Is the outfall equipped with a diffuser? <input type="checkbox"/> Yes <input type="checkbox"/> No							
What is the diameter of the effluent pipe? _____ inches							

NPDES Permit Number	AFIN	Facility Name	County
AR00			Choose an item.

Outfall _____								
Design Flow MGD				Highest Monthly Average flow over the last two years MGD				
End-of-Pipe Location:	Latitude:	_____°	_____,	_____” N	Longitude:	_____°	_____,	_____” W
		OR Decimal: _____°				OR Decimal: _____°		
Monitoring Location (If different from End- of-Pipe Location:	Latitude:	_____°	_____,	_____” N	Longitude:	_____°	_____,	_____” W
		OR Decimal: _____°				OR Decimal: _____°		
Name of Receiving Stream								

Treatment system (Include all components of the treatment system and attach a process flow diagram):								

How and where are effluent samples collected? Include a narrative description of where samples are collected relative to the treatment system.								
<input type="checkbox"/> Grab <input type="checkbox"/> Composite <input type="checkbox"/> Both								

How is flow measured and where?								

Is the outfall equipped with a diffuser?								
<input type="checkbox"/> Yes <input type="checkbox"/> No								
What is the diameter of the effluent pipe?								
_____ inches								

NPDES Permit Number	AFIN	Facility Name	County
AR00			Choose an item.

B.2. Describe how influent is collected and conveyed to the treatment system.

B.3. Is this facility a publicly owned treatment works (POTW)?
(includes cities, public facilities boards, and improvement districts)

☐ Yes ☐ No → Skip to B.4

Is this a renewal or new application for an NPDES permit?

☐ Yes ☐ No → Skip to B.4

If “Yes” to both of the above questions, complete the table below:

Pollutant	Maximum Daily Influent		Average Daily Influent		
	Value	Units	Value	Units	Number of Samples ¹
CBOD ₅ /BOD ₅ ²					
TSS					
How and where were the influent samples collected? Include a narrative description of where samples are collected relative to the treatment system.					
<input type="checkbox"/> Grab <input type="checkbox"/> Composite <input type="checkbox"/> Both					

¹ At a minimum, influent testing data must be based on at least three samples taken within 4.5 years prior to the date of the permit application. Existing data may be used, if available, in lieu of sampling done solely for the purpose of this application

² Influent testing must be for the parameter listed in the NPDES permit.

B.4. Attach a process flow diagram.

B.5. Attach a topographic map **extending at least one mile beyond the property boundary with the discharge location(s) (Outfalls) marked** with this application.

NPDES Permit Number	AFIN	Facility Name	County
AR00			Choose an item.

B.6. Is the WWTP located above the 100-year flood level? If the property is located in a Special Flood Hazard Area, this question must be marked no even if measures such as building up pond levees or changing the grading have been made so that the components of the WWTP are above the 100-year flood level.

☐ Yes ☐ No

If "No", what measures are (or will be) used to protect the facility? _____

Has a FEMA map been submitted with a previous application?

☐ Yes ☐ No

If "No", a FEMA map must be submitted with this application as an attachment.

B.7. Population served for Municipal or Domestic Sewer Systems: _____

B.8. Backup Power Generation for Treatment Plants

Are there any permanent backup generators? ☐ Yes ☐ No

If Yes, how many? _____ Total Horsepower (hp)? _____

If No, check all that apply.

- ☐ Portable generator is available.
- ☐ The WWTP does not require power to operate.
- ☐ Operations at the facility will cease if power is not available.
- ☐ The WWTP has sufficient capacity to hold influent until power is restored.
- ☐ Other, please explain. _____

NPDES Permit Number	AFIN	Facility Name	County
AR00			Choose an item.

SECTION C - WASTE STORAGE AND DISPOSAL INFORMATION

C.1. Are solids/sludge produced at this facility?

☐ Yes ☐ No → Skip to Section D

C.2. Do solids/sludge remain in treatment lagoon(s)?

☐ Yes ☐ No → Skip to C.3

How many lagoon(s)? _____ How old is the lagoon(s)? _____

Has sludge depth been measured? ☐ Yes ☐ No

If yes, when was it measured (MM/YYYY)? _____ Average sludge depth? _____ ft.

If no, when will it be measured? _____

Has sludge ever been removed? ☐ Yes ☐ No

If yes, when was it removed (MM/YYYY)? _____

C.3. Are solids/sludge disposed at a landfill?

☐ Yes ☐ No → Skip to C.4

Is the Landfill located in Arkansas? ☐ Yes ☐ No

If Yes, what is the DEQ solid waste permit issued to the landfill? Permit No. _____

If No, which state? State: _____

Provide the solid waste permit Permit No. _____

C.4. Are solids/sludge disposed by land application?

☐ Yes ☐ No → Skip to C.5

Is the land application site located in Arkansas? ☐ Yes ☐ No

If Yes, what is the DEQ state permit issued to the land application site? _____

If No, what state and their state permit? State: _____ Permit No. _____

NPDES Permit Number	AFIN	Facility Name	County
AR00			Choose an item.

C.5. Are solids/sludge disposed by septic tank?

☐ Yes ☐ No → Skip to C.6

Arkansas Department of Health Permit No. _____

C.6. Are solids/sludge distributed and marketed?

☐ Yes ☐ No → Skip to C.7

Company Name receiving solids/sludge		
E-mail Address		Phone Number
Street Address		
City or town	State	ZIP Code
Distributed by (check all that applies) <input type="checkbox"/> Pipe <input type="checkbox"/> Rail <input type="checkbox"/> Truck <input type="checkbox"/> Other		

C.7. Are solids/sludge disposed by sludge storage lagoon? (Lagoon for which the sole purpose is storing sludge):

☐ Yes ☐ No → Skip to C.8

How many lagoon(s)? _____ How old is the lagoon(s)? _____ years

Total surface area of lagoon(s)? _____ acre

Has sludge depth been measured? ☐ Yes ☐ No

If yes, when was it measured (MM/YYYY)? _____ Average depth? _____ ft.

If no, when will it be measured? _____

Has sludge ever been removed? ☐ Yes ☐ No

If yes, when was it removed (MM/YYYY)? _____

Does lagoon(s) have a liner? ☐ Yes ☐ No

NPDES Permit Number	AFIN	Facility Name	County
AR00			Choose an item.

C.8. Are solids/sludge disposed by incineration?

☐ Yes ☐ No → Skip to C.9

Company Name		
E-mail Address		Phone Number
Street Address		
City or town	State	ZIP Code

C.9. Are solids/sludge disposed by **Other** method? (Provide complete description)

NPDES Permit Number	AFIN	Facility Name	County
AR00			Choose an item.

SECTION D - WATER SUPPLY

D.1. Are there any water supply sources which are downstream of the outfall location, i.e., those which could be affected by the discharge from this facility?

☐ Yes ☐ No → Skip to Section E

D.2. Is the water supply source subsurface water?

☐ Yes ☐ No → Skip to D.3

Private Well?

☐ Yes ☐ No

Distance from discharge point: ☐ Within 5 miles ☐ Within 50 miles

Municipal Water Utility?

☐ Yes ☐ No

City or town _____

Distance from discharge point: ☐ Within 5 miles ☐ Within 50 miles

D.3. Is the water supply source surface water

☐ Yes ☐ No → Skip to D.4

Distance from discharge point: ☐ Within 5 miles ☐ Within 50 miles

D.4. **Other** (Provide complete description)

Distance from discharge point: ☐ Within 5 miles ☐ Within 50 miles

NPDES Permit Number	AFIN	Facility Name	County
AR00			Choose an item.

SECTION E - TRUST FUND REQUIREMENTS

E.1. Is the facility considered a “nonmunicipal domestic sewage treatment works” (NDSTW) as defined in [Ark. Code Ann. 8-4-203\(b\)?](#)

☐ Yes

☐ No

If “yes”, a completed NDSTW trust fund form must be submitted. The trust fund form may be obtained from the DEQ web site at:

<http://www.adeq.state.ar.us/water/permits/npdes/individual/pdfs/ndstw-trust-fund-certification-form.pdf>

NPDES Permit Number	AFIN	Facility Name	County
AR00			Choose an item.

SECTION F - INDUSTRIAL ACTIVITY

F.1. Is this facility subject to an effluent limit guideline?

☐ Yes ☐ No → Skip to Section G

F.2. 40 C.F.R. reference for applicable effluent limit guidelines_____

List all applicable Subpart(s) _____

F.3. Description of all operations at this facility including primary products or services (attach additional sheets if necessary):

NPDES Permit Number	AFIN	Facility Name	County
AR00			Choose an item.

SECTION G - MODIFICATION AND CONSTRUCTION INFORMATION

G.1. Was “Modification of existing permit” or “Construction permit” checked off on **Purpose of this Application?** (Above Section A - General Information)

☐ Yes ☐ No → Skip to Section H

G.2. List proposed construction activities and/or requested changes to the NPDES permit.

G.3. If this application is for a State Construction permit, please note that, in accordance with Rule 6.202, plans and specifications and design calculations must be stamped and signed by a **Registered Professional Engineer in the State of Arkansas**. The basic design criteria for wastewater treatment plants in the State of Arkansas should be based on the latest edition of the “Recommended Standards for Sewage Works,” published by the Great Lakes-Upper Mississippi Board of State Sanitary Engineers known as 10 States Standards, with few modifications. Exception to the criteria will only be approved by DEQ when fully justified. A comprehensive list of exceptions to 10 State Standards is listed in Rule 6.202(B) and can be viewed here: https://www.adeq.state.ar.us/regs/files/reg06_final_150918.pdf

Checklist of Items to Be Attached to Application
<input type="checkbox"/> Professional Engineer registered in the State of Arkansas
<input type="checkbox"/> Design calculations signed & stamped, including justification for exceptions to 10 State Standards
<input type="checkbox"/> Plans & drawings signed & stamped, including justification for exceptions to 10 State Standards
<input type="checkbox"/> Specifications, signed & stamped, including justification for exceptions to 10 State Standards
<input type="checkbox"/> If application is for a sanitary sewer WWTP, verification that the necessary submittals to the Arkansas Department of Health have been made.

G.4. In the case of construction, will the construction disturb one acre or more?

☐ Yes ☐ No → Skip to Section H

If the area disturbed is more than one acre up to, but not including, five acres, the facility is automatically covered under the Construction Stormwater General Permit ARR150000 and must comply with the terms and conditions of that permit.

If the area disturbed is five acres or more, a Construction Stormwater General Permit ARR150000 must be obtained by submitting a Notice of Intent and a Stormwater Pollution Prevention Plan to DEQ. The application information can be found here:

<https://www.adeq.state.ar.us/water/permits/npdes/stormwater/>

NPDES Permit Number	AFIN	Facility Name	County
AR00			Choose an item.

SECTION H: CHECKLIST AND SIGNATORY REQUIREMENTS

H.1. Mark the sections of Form 1 below that have been completed and are being submitted as part of the application. For each section, specify any attachments that will be enclosed. Note that not all applicants are required to provide all attachments.

Form 1 Section	Attachments
<input type="checkbox"/> Section A – General Information	<input type="checkbox"/> w/Proof of Good Standing from Arkansas Secretary of State <input type="checkbox"/> w/Proof of Good Standing from State of Incorporation <input type="checkbox"/> w/Notice of Completion of Construction for State Construction Permits <input type="checkbox"/> w/Disclosure Statement <input type="checkbox"/> w/location map
<input type="checkbox"/> Section B – Outfall Information	<input type="checkbox"/> w/additional outfall information <input type="checkbox"/> w/topographic map extending at least one mile beyond the property boundary with the discharge location (outfall) marked <input type="checkbox"/> w/FEMA flood plain map <input type="checkbox"/> w/process flow diagram
<input type="checkbox"/> Section C – Waste Storage and Disposal Information	
<input type="checkbox"/> Section D – Water Supply	
<input type="checkbox"/> Section E – Trust Fund Requirements	<input type="checkbox"/> w/Nonmunicipal Domestic Sewage Treatment Works Trust Fund Certification form
<input type="checkbox"/> Section F – Industrial Activity	
<input type="checkbox"/> Section G – Modification and Construction Information	<input type="checkbox"/> w/design calculations <input type="checkbox"/> w/design specifications <input type="checkbox"/> w/plans and drawing

H.2 Is this submittal for a State Construction permit or the modification or renewal of an existing permit?

- ☐ Construction or Modification → Skip to H.3, ☐ Renewal – an EPA Form(s) (in addition to this EPA Form Not Required Form 1) are required for this application:

Check all boxes that are applicable

- ☐ EPA Form 2A – Publicly Owned Treatment Works (including cities, public facilities boards, and improvement districts)
☐ EPA Form 2B – Concentrated Animal Feeding Operations and Concentrated Aquatic Animal Production
☐ EPA Form 2C – Existing Dischargers of Process Wastewater
☐ EPA Form 2D – New Sources and New Dischargers Application for Permit to Discharge Process Wastewater
☐ EPA Form 2E – Facilities Which Do Not Discharge Process Wastewater (i.e. domestic/sanitary wastewater, cafeteria/restaurant wastewater, non-contact cooling water, etc)
☐ EPA Form 2F – Stormwater Discharges Associated with Industrial Activity (industrial facilities discharging stormwater commingled with other process or non-process wastewaters must submit Form 2F in addition to the applicable form for process or non-process wastewater.)

NPDES Permit Number	AFIN	Facility Name	County
AR00			Choose an item.

H.2. Cognizant Official (Duly Authorized Representative)

40 C.F.R. 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 duly authorized representative only if:

- (1) The authorization is made in writing by the applicant (or person authorized by the applicant);
- (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.

The applicant hereby designates the following person as a Cognizant Official, or duly authorized representative, for signing reports, etc., including Discharge Monitoring Reports (DMR) required by the permit, and other information requested by the Director:

Print name (First and Last)	<u>Email</u>
<u>Official title</u>	<u>Telephone number</u>

H.3. Additional Cognizant Officials (If necessary)

If the applicant wishes to designate more than one person as a Cognizant Official, or duly authorized representative, for all purposes expressed in part H.3, additional spaces are provided below:

Print name (First and Last)	<u>Email</u>
<u>Official title</u>	<u>Telephone number</u>

Print name (First and Last)	<u>Email</u>
<u>Official title</u>	<u>Telephone number</u>

Print name (First and Last)	<u>Email</u>
<u>Official title</u>	<u>Telephone number</u>

Print name (First and Last)	<u>Email</u>
<u>Official title</u>	<u>Telephone number</u>

NPDES Permit Number	AFIN	Facility Name	County
AR00			Choose an item.

H.4. Responsible Official

“By my signature below, I certify that I met the requirement to be the signatory as defined in 40 C.F.R. § 122.22.”

“By my signature below, I certify that the cognizant official designated above is qualified to act as a duly authorized representative under the provisions of 40 CFR 122.22(b).” NOTE: If no duly authorized representative is designated in this section, the Division considers the applicant to be the responsible official for the facility and only reports, etc., signed by the applicant will be accepted by the Division.

“By my signature below, I certify that, if this facility is a corporation, it is registered with the Secretary of State in Arkansas.”

“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. I further certify under penalty of law that all analyses reported as less than detectable in this application or attachments thereto were performed using the EPA approved test method having the lowest detection limit for the substance tested.”

Print name (First and Last)	Official title	<u>Email</u>
Signature	Date signed	Telephone number