

Authorization to Construct and Discharge Under the National Pollutant Discharge Elimination System and the Arkansas Water Pollution Control Act

In accordance with the provisions of the Arkansas Water 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.),

Landfills Located within the State of Arkansas

are authorized to construct and discharge uncontaminated stormwater from sedimentation ponds to all receiving waters, except those facilities and discharges which are excluded in Part 1.3 of this general permit, in accordance with effluent limitations, monitoring requirements, and other conditions set forth in this permit.

Permittees within the State of Arkansas who fail to make a written request to the Director to be covered by this general permit are not authorized to discharge under this general permit.

After properly filing a Notice of Intent (NOI), and other required documentation under Part 1.4, and proceeding through required public notification process, facilities that are eligible for coverage under this general permit, will receive a Notice of Coverage (NOC) with a tracking number starting with ARG16 and a copy of this general permit. The NOC includes ADEQ's determination that a facility is covered under this general permit and may specify applicable requirements outlined in this permit, such as modified sampling frequencies for certain parameters or the inclusion of monitoring for additional parameters to those requiring regular monitoring.

Effective Date: March 1, 2020

Expiration Date: February 28, 2025



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Associate Director, Office of Water Quality
Arkansas Department of Environmental Quality

6.6.19

Issue Date

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PART 1: COVERAGE UNDER THIS PERMIT**1.1. Permit Area**

The area covered by this permit includes all areas within the State of Arkansas.

1.2. Eligibility

- 1.2.1 This general permit covers the construction of sedimentation ponds used to treat uncontaminated stormwater from landfills and the discharge from those ponds of uncontaminated stormwater from landfills. Landfills are required to have sedimentation ponds to control uncontaminated stormwater runoff from areas of fill with daily or intermediate cover and areas of fill with daily or intermediate cover that commingle stormwater with closed areas of the landfill as defined in Part 8. Leachate generated at any active working face shall be directed into the waste mass through proper run-on/run-off controls or other methods to prevent commingling with stormwater discharged under this permit. Construction of landfill cells in accordance with the facility's individual landfill permit, and where the disturbance from that construction is completely drained through one or more outfalls permitted by this permit is also allowed (See Part 1.10).

The following criteria shall be met:

- 1.2.1.1 Sedimentation ponds have been designed and constructed with a storage capacity to handle runoff from a 25-year, 24-hour storm event; Class 4 Landfill sedimentation ponds shall be designed and constructed with a storage capacity to handle runoff from a 10-year, 24-hour storm event; and
- 1.2.1.2 In order for the ponds to maintain the required storage capacity stated in Part 1.2.1.1, operational procedures at the landfill shall include a requirement that sedimentation ponds be dewatered as soon as possible after a storm event and after sufficient settling to ensure that no effluent limitations will be exceeded.
- 1.2.2 Permit coverage is not required for properly closed and certified areas of the landfill if the stormwater runoff from the closed area does not commingle with stormwater runoff from areas of fill with daily or intermediate cover.
- 1.2.3 Facilities within the State of Arkansas discharging from an outfall as described in this permit must be authorized to discharge by either this general permit or an individual NPDES permit.
- 1.2.4 The operator of this wastewater treatment facility shall be licensed as a Basic Industrial Operator by the State of Arkansas in accordance with APC&EC Regulation No. 3.
- 1.2.4.1 New Permittees shall have a Basic Industrial Operator license prior to permit application.

1.3. Exclusions

This permit does not authorize discharges that meet any of the following conditions.

- 1.3.1 **Leachate is specifically prohibited from entering the sedimentation ponds and shall not be discharged to Waters of the State.** In an event that any leachate commingles with stormwater, the stormwater shall be handled as leachate and treated as such.
- 1.3.2 Discharges located within the watershed of any water body or waterway designated as an Outstanding Resource Water (ORW) as defined in the APC&EC Regulation No. 2.203, including Extraordinary Resource Waters (ERWs), Ecologically Sensitive Waterbodies (ESWs), and Natural and Scenic Waterways (NSWs). For the purposes of this permit, the watershed of an Outstanding Resource Water will be identified by the United States Geological Survey's twelve (12) digit Hydrologic Unit Code (HUC).
- 1.3.3 Direct discharges from a facility into a receiving water listed as impaired under Section 303(d) of the Clean Water Act, unless the facility:
 - 1.3.3.1 Prevents all exposure of the pollutant(s) for which the waterbody is impaired, or
 - 1.3.3.2 Documents that the pollutant(s) for which the waterbody is (are) impaired is not present at the site, and retains documentation of this finding on-site.
- 1.3.4 Direct discharges from a facility into receiving waters for which there is an established Total Maximum Daily Load (TMDL) and the conditions of the permit do not meet the assumptions of the TMDL.
- 1.3.5 Discharges that ADEQ has determined to be or which may reasonably be expected to be contributing to a violation of a water quality standard.

1.4. Notification Requirements

- 1.4.1 In order to discharge under this general permit, operators of landfills located within the State of Arkansas must submit the following items to ADEQ:
 - 1.4.1.1 A Notice of Intent (NOI) or a Recertification NOI;
 - 1.4.1.2 A state construction permit number or a certification indicating that the sedimentation pond was constructed in accordance with the plans and specifications based on the Ten State Standards (and listed in Part 1.4.5) including any exceptions allowed through APC&EC Regulation No. 6.202 and approved by ADEQ;
 - 1.4.1.3 A Best Management Practices (BMP) Plan;
 - 1.4.1.4 A Disclosure Form as required by APC&EC Regulation No. 8.204; and
 - 1.4.1.5 A permit fee of \$400 as stated in APC&EC Regulation No. 9.404.
- 1.4.2 The NOI shall include the following minimum information:

1.4.2.1 Legal name and address of the permittee;

1.4.2.1.1 If the permittee is a corporation, then the corporation's name must be listed as it is registered with the office of the Secretary of State of Arkansas. The permittee must be in Good Standing with the Secretary of State of Arkansas.

1.4.2.1.2 If the permittee's state of incorporation is any state other than Arkansas, a Certification of Good Standing from that state should be submitted with the NOI.

1.4.2.2 Facility location along with coordinates (street address or legal description);

1.4.2.3 Name and telephone number of the facility contact;

1.4.2.4 Number and location of outfalls along with coordinates;

1.4.2.5 Name of receiving stream, stream segment, and 8-digit hydrologic basin code;

1.4.2.6 Verification that the receiving stream is not one of the waters included under 1.4.2 or 1.4.3;

1.4.2.7 Actual or projected wastewater flow (gallons per day); and

1.4.2.8 A topographic map indicating the location of each outfall to be covered under this permit.

1.4.2.9 All NOI for coverage under this general permit must be signed and certified by the Responsible Official as described in Section 6.8.1 and in accordance with the provisions of 40 CFR 122.22, as adopted by reference in APC&EC Regulation No. 6.

1.4.2.10 An NOI form can be obtained at the following link or by requesting an NOI from the NPDES Permit Section:

<https://www.adeg.state.ar.us/water/permits/npdes/nonstormwater/pdfs/arg160000/noi.pdf>

1.4.3 Requests for Coverage shall be submitted as follows:

1.4.3.1 For existing discharges already covered under the General Permit (ARG160000), a recertification NOI and all necessary information by the effective date of this permit;

1.4.3.2 For new discharges, a NOI and all necessary information (see Part 1.4.1) must be completed and submitted to ADEQ no later than thirty (30) days prior to date of coverage is desired. A state construction permit number and a certification indicating that the sedimentation pond was constructed in accordance with the plans and specifications based on the Ten State Standards (as listed in Part 1.4.5) including any exceptions allowed through Reg. 6.202 and approved by ADEQ prior to requesting coverage under this general permit. The application for a state construction permit can be found at the link below:

1.4.4 NOI Review and Public Notification Process

All NOIs for permit coverage under this general permit will be reviewed by ADEQ prior to undergoing a public notification process as follows:

Upon receipt of the NOI, ADEQ will review the submitted documents to ensure that all permit requirements are fulfilled. ADEQ may request additional information from the applicant if additional information is necessary to complete the NOI. If ADEQ makes a preliminary determination that the NOI is complete, the NOI will be made available for a five (5) business days public review and comment period on ADEQ website. ADEQ will review comments received during this period and, if necessary, require the applicant to revise the NOI. If determined appropriate by ADEQ, the operator will be granted coverage under this general permit upon written notification by ADEQ.

Comments will only be considered if they regard a specific facility's NOI. Comments on the contents of the General Permit ARG160000 will not be considered during the public comment period for a specific facility's coverage under this permit.

1.4.5 Construction Requirements

- 1.4.5.1 Any facility that will require the construction of a sedimentation pond will require the submission of ADEQ Form 1 and design, plans, and specifications stamped by a Professional Engineer registered in the State of Arkansas in accordance with APC&EC Regulation No. 6.202;
- 1.4.5.2 The sedimentation pond shall be protected from physical damage by a one hundred (100) year flood and should remain fully operational and accessible during a twenty-five (25) year flood in accordance with Section 51.2 of the Ten State Standards;
- 1.4.5.3 There should be a minimum separation of four (4) feet between the bottom of the pond and the maximum ground water elevation in accordance with Section 93.22 of the Ten State Standards.
- 1.4.5.4 There should be a minimum separation of two (2) feet between the top of the liner and bedrock (as adapted from APC&EC Regulation No. 22.431), except in the areas of the St. Joe and Boone formations, where a minimum separation of ten (10) feet will be required between the top of the liner and the highest point of the bedrock or pinnacles (as adapted from APC&EC Regulation No. 22.425);
- 1.4.5.5 Dikes and pond bottoms shall be compacted to at least 95 percent Standard Proctor Density to form a stable structure in accordance with Section 93.411 and Section 93.421 of the Ten State Standards;
- 1.4.5.6 Inner and outer dike slopes shall not be steeper than 1 vertical to 3 horizontal (1:3) in accordance with Section 93.413 of the Ten State Standards;
- 1.4.5.7 Inner slopes should not be flatter than 1 vertical to 4 horizontal (1:4) in accordance with Section 93.414 of the Ten State Standards;
- 1.4.5.8 Minimum freeboard shall be two (2) feet in accordance with Section 93.415 of the Ten State Standards;
- 1.4.5.9 Dikes shall have a covered layer of at least four (4) inches of fertile topsoil to promote establishment of an adequate vegetative cover wherever riprap is not utilized. Erosion control on the interior dike slopes may be necessary for ponds which are subject to severe wave action in accordance with Section 93.417 of the Ten State Standards;

- 1.4.5.10 The sedimentation pond must have a pond bottom liner with a permeability of less than 1×10^{-7} cm/sec (1×10^{-5} cm/sec for Class 4 facilities) and a thickness of at least one (1) foot or equivalent before the start of operation in accordance with Section 93.422 of the Ten State Standards;
 - 1.4.5.11 A pond level gauge shall be provided in accordance with Section 93.56 of the Ten State Standards;
 - 1.4.5.12 The outfall structure must be designed in accordance with Section 55 of the Ten State Standards; and
 - 1.4.5.13 An additional \$500 fee will be required based on APC&EC Regulation No. 9.402(A).
- 1.4.6 The application for coverage must be submitted by one of the following methods:
- 1.4.6.1 Prior to December 21, 2020, applications for coverage can be mailed to the following address:

Arkansas Department of Environmental Quality
Office of Water Quality, Permits Branch
5301 Northshore Drive
North Little Rock, AR 72118
 - 1.4.6.2 Prior to December 21, 2020, applications for coverage can be submitted by email to Water.Permit.Application@adeq.state.ar.us; or
 - 1.4.6.3 Applications for coverage can be submitted and processed online at <https://portal.adeq.state.ar.us>.
- 1.4.7 No permit coverage will be issued (new, renewal, or recertification) until all ADEQ permit fees have been paid including any delinquent fees.
- 1.4.8 For facilities that are eligible for coverage under the general permit, ADEQ will send a Notice of Coverage (NOC) to the facility. The NOC includes ADEQ's determination that a facility is covered under this general permit. ADEQ may specify alternate requirements outlined in the permit such as modified sampling frequencies for certain parameters or the inclusion of additional monitoring parameters. These alternate requirements will be listed in the NOC. The NOC also includes the permit tracking number which starts with ARG16, outfall coordinates, issue date, and expiration date.

1.5. Continuation of the Permit

If this general permit is not renewed or replaced prior to the expiration date, it will be administratively continued in accordance with Ark. Code Ann. § 8-4-203(m) and remain in force and effect. If the facility was issued an NOC prior to the expiration date of this permit, the facility will automatically remain covered by this permit until the earliest of the following:

- 1.5.1. renewal or replacement of this permit, at which time the permittee must comply with the conditions of the new permit to maintain authorization to discharge;
- 1.5.2. submittal of a Notice of Termination (NOT), and ADEQ confirmation of termination;

- 1.5.3. issuance of an Individual NPDES Permit, or other general permit, for the facility's discharges;
- 1.5.4. a formal decision by the Director not to renew this general permit, and a final decision or the issuance of an Individual NPDES Permit in accordance with Ark. Code. Ann. § 8-4-203(m)(5)(D); or
- 1.5.5. ADEQ has informed the permittee that they are no longer covered under this permit.

1.6. Terminating Coverage

- 1.6.1 A facility covered by this permit must submit an NOT within thirty (30) days after one of the following conditions have been met:
 - 1.6.1.1 all discharges authorized by this permit are eliminated; or
 - 1.6.1.2 coverage under an Individual NPDES Permit; or alternative general permit, for all discharges authorized by this permit is obtained.
- 1.6.2 A facility covered by this general permit shall adhere to the requirements of this general permit until notified by ADEQ that the facility is no longer covered by this general permit regardless of the submission of an NOT.
- 1.6.3 An NOT form can be obtained by contacting the NPDES Permits Branch of the Office of Water Quality to have one sent to the permittee or at the following link:

https://www.adeq.state.ar.us/water/permits/npdes/nonstormwater/pdfs/arg_not.pdf

1.7. Requiring an Individual NPDES Permit

- 1.7.1. At the discretion of the Director, ADEQ may require any operator covered under this general permit to apply for and obtain an individual NPDES permit for reasons that include but are not limited to the following:
 - 1.7.1.1 The discharger is a significant contributor of pollution;
 - 1.7.1.2 The discharger is not in compliance with the conditions of the general permit;
 - 1.7.1.3 Conditions or standards have changed so that the discharger no longer qualifies for a general permit;
 - 1.7.1.4 Effluent limitation guidelines (ELGs) are promulgated, for point sources currently covered under this general permit, that are more stringent than the requirements of this general permit; and/or
 - 1.7.1.5 ADEQ does not renew this general permit.
- 1.7.2. The permittee must be notified in writing that an application for an Individual NPDES Permit is required. The permittee will remain covered under the general permit, including an administratively continued general permit (see Part 3.9), until an Individual NPDES Permit is issued, as long as the permittee submits a complete application for an Individual NPDES Permit, and any other required information, in a timely manner. When an Individual NPDES Permit is issued a permittee for a discharge covered under this general

permit, the permittee is required to submit an NOT. Coverage under the general permit will then be terminated no earlier than the effective date of the Individual NPDES Permit.

1.7.2.1. **Timeliness:** Should ADEQ determine at any point that the permittee has not submitted or responded to the permitting process or requests for information in a timely manner, ADEQ will provide a final notice in writing setting a reasonable time/period for the permittee to complete the necessary application(s) or supplementary material to complete processing. After that time ADEQ may terminate the continued coverage and may terminate the review of any incomplete permit application in accordance with permitting procedures identified by APC&EC Regulation No. 8.

1.7.3. Any permittee covered by this general permit may request to be excluded from the coverage by applying for an Individual NPDES Permit.

1.8. Requesting General Permit Coverage

The permittee excluded from coverage by this general permit solely because the facility already has an individual NPDES permit may request that the individual permit be terminated and that the discharge be covered by this general permit. In order to avoid conflict with the “anti-backsliding” provisions of the Clean Water Act (CWA), a permit transfer will be allowed only if the individual permit does not contain numeric water quality-based limitations for the discharge. (Note that a simple pH range limit would not necessarily have to be considered a water-quality based limit unless developed to address known discharge problems at a particular facility. Compliance with the numeric limitations under the individual permit may also be criteria for eligibility to transfer from an individual NPDES permit to the general permit.)

1.9. Best Management Practices

A facility should use BMPs to help reduce the amount of contaminated runoff from a facility into Waters of the State. While ADEQ does not require a particular BMPs be used at a facility, a BMPs should be in place to ensure that leachate does not enter the sedimentation pond or a Waters of the State and to minimize turbidity and sedimentation to Waters of the State.

1.9.1 The permittee shall prepare and implement a BMP Plan which should:

- 1.9.1.1 Provide sediment control to ensure compliance with the suspended solids limitation of this permit;
- 1.9.1.2 Prevent the spillage or loss of fluids, oil, grease, gasoline, etc. from vehicle and equipment maintenance and repair activities and thereby prevent and contamination of stormwater from these substances;
- 1.9.1.3 Provide documentation of quarterly inspections of any structures that function to prevent stormwater pollution or to remove pollutants from stormwater and of the facility in general to ensure that the BMP Plan is continually implemented and effective;

- 1.9.1.4 Include a diagram of the facility showing the locations(s) of outfall, the location of any structures or other mechanisms intended to prevent pollution of stormwater or to remove pollutants from stormwater; and
- 1.9.1.5 Provide quarterly inspection of sanitary treatment facility, if one is located on site, to ensure proper operation and maintenance.

1.9.2 The permittee shall conduct quarterly inspections. Inspection shall include a minimum of:

- 1.9.2.1 Date of inspection;
- 1.9.2.2 Date of last measureable rainfall event;
- 1.9.2.3 Date of last time facility discharged; and
- 1.9.2.4 List of BMPs inspected and if changes to BMPs were changed;

1.9.3 The permittee shall prepare and fully implement the BMP Plan no later than thirty (30) days after the date of coverage under this general permit is granted.

1.9.4 ADEQ Review

- 1.9.4.1 When requested by the Director or their designee, the permittee shall make the BMP Plan available for ADEQ review.
- 1.9.4.2 The Director or their designee may notify the permittee at any time that the BMP Plan is deficient and require correction of the deficiency.
- 1.9.4.3 The permittee shall correct any BMP deficiency identified by the Director or his/her designee within thirty (30) days of receipt of notification and shall certify to ADEQ that the correction has been made and implemented.

1.9.5 Administrative Procedures

- 1.9.5.1 A copy of the BMP Plan shall be maintained at the facility and shall be available for inspection by representatives of ADEQ.
- 1.9.5.2 A log of quarterly inspections required by this permit shall be maintained at the facility and shall be available for inspection by representatives of ADEQ. The log shall contain, at a minimum, the records listed in 1.9.2 for each of the inspections performed for the last four (4) years. Each quarterly entry shall be signed by the person performing the inspection.
- 1.9.5.3 The permittee shall provide training for any personnel required to implement the BMP Plan and shall retain documentation of such training at the facility. This documentation shall be available for inspection by representatives of ADEQ.

1.10. Construction Stormwater

1.10.1 The permittee does not need to obtain a separate construction stormwater general permit (ARR150000) to build new disposal cells as long as:

- 1.10.1.1 All stormwater from the new cell construction areas is routed through the sedimentation pond and the outfall permitted through this general permit;

- 1.10.1.2 A completed Notice of Coverage of general permit (ARR150000) must be posted at the construction site prior to commencing construction;
- 1.10.1.3 A Stormwater Pollution Prevention Plan must be prepared in accordance with good engineering practice as described in APC&EC Regulation No. 6.203(B), and a copy must be maintained at the construction site;
- 1.10.1.4 All permit conditions set forth in general permit (ARR150000) applicable to a *Small Construction Site with Automatic Coverage* (ARR150000, Part 6.A.) must be followed; and
- 1.10.1.5 The permittee is responsible for ensuring that the site is in compliance with any changes or updates of general permit (ARR150000), by either contacting ADEQ or reviewing the ADEQ website:

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

PART 2: EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

OUTFALL 001 - The permittee is authorized to discharge uncontaminated stormwater from landfill sedimentation ponds. Discharges from above are subject to the following effluent limitations.

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u> ²	<u>Monitoring Requirements</u>	
	Concentration (mg/l, unless otherwise specified)	Frequency ³	Sample Type
	Daily Maximum		
Flow ⁸	Report, MGD	Once/discharge	Instantaneous
Chemical Oxygen Demand (COD) ⁵	75.0	Once/discharge	Grab
Total Suspended Solids (TSS) ⁵	100.0	Once/discharge	Grab
Oil and Grease (O & G) ⁶	15.0	Once/discharge	Grab
Total Iron ⁷	Report	Once/discharge	Grab
pH ^{1, 4}	6.0 s.u.- 9.0 s.u.	Once/discharge	Grab

¹ pH shall be measured within fifteen (15) minutes of sampling.

² In the event a discharge occurs as a result of precipitation greater than the 25 year, 24 hour storm event, the discharge is not required to comply with the effluent limitations of this general permit. However, the permittee must submit a discharge monitoring report (DMR) to ADEQ and shall have the burden of proof that discharge was caused by such a precipitation event attached to the DMR.

³ All samples shall be collected from the discharge resulting from a storm event that occurs at least 72 hours from the previous discharge. The grab sample shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of the discharge. The discharger shall then submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable.

⁴ See 7.1.1

⁵ See 7.1.2

⁶ See 7.1.3

⁷ See 7.1.4

⁸ See 7.1.5

There shall be no discharge of distinctly visible solids, scum or foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: at the outfall 001, following the final treatment unit or following the final BMP used.

PART 3: GENERAL CONDITIONS

3.1. 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 or for requiring a permittee to apply for an individual NPDES permit. **Any values reported in the required Discharge Monitoring Report which are in excess of an effluent limitation or outside of a range (i.e., pH limitations) specified in Part 2 shall constitute evidence of violation of such effluent limitation and of this permit.**

3.2. 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.

3.3. Permit Actions

This general permit or a facility specific NOC may be modified, revoked and reissued, or terminated for cause in accordance with the requirements of the National Pollutant Discharge Elimination System (NPDES) Permit Program Regulations at 40 CFR Parts 122 and 124, as adopted by reference in APC&EC Regulation No. 6. 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.

3.4. Toxic Pollutants

Notwithstanding Part 3.3, if any toxic water quality standard or prohibition (including any schedule of compliance specified in such water quality standard or prohibition) is promulgated under APC&EC Regulation No. 2 (Arkansas Water Quality Standards), as amended, or Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitations on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic water quality standards or prohibition and the permittee so notified.

The permittee shall comply with water quality standards or prohibitions established under APC&EC 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.

3.5. Civil and Criminal Liability

Except as provided in permit conditions on "Bypassing" (Part 4.4), and "Upsets" (Part 4.5), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

3.6. 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.

3.7. Property Rights

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

3.8. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision 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.

3.9. Continuance of the Expired General Permit

If this permit is not re-issued or replaced prior to the expiration date, it will be administratively continued in accordance with Ark. Code Ann. § 8-4-203(m) and remain in force and effect. If permit coverage was granted prior to the expiration date, the permittee will automatically remain covered by the continued permit until the earliest of:

- 3.9.1 Re-issuance or replacement of this permit, at which time the permittee must comply with the conditions of the new permit to maintain authorization to discharge;
- 3.9.2 Submittal of a Notice of Termination (NOT) by the permittee and acceptance of the NOT by the Director;
- 3.9.3 Issuance of an individual permit for the facility's discharges;
- 3.9.4 A formal permit decision by ADEQ to not re-issue this general permit, at which time the permittee must seek coverage under an individual permit or other general permits, if available (See Part 1.7.2 for additional information); or
- 3.9.5 Notification from the Department that the facility is no longer covered under this permit.

3.10. Permit Fees

The permittee shall comply with all applicable permit fee requirements for wastewater discharge permits as described in APC&EC Regulation No. 9 (Regulation for the Fee System for Environmental Permits). Failure to promptly remit all required fees shall be grounds for the Director to initiate action to terminate

this permit under the provisions of 40 CFR 122.64 and 124.5 (d), as adopted in APC&EC Regulation No. 6 and the provisions of APC&EC Regulation No. 8.

3.11. Applicable Federal, State or Local Requirements

Permittees are responsible for compliance with all applicable terms and conditions of this permit. Receipt of this permit does not relieve any operator of the responsibility to comply with any other applicable federal, state or local statute, ordinance policy, or regulation.

3.12. Re-opener Clause

In accordance with 40 CFR Part 122.62(a)(2), the permit or a facility specific NOI may be modified, or alternatively, revoked and reissued, if new information is received that was not available at the time of permit issuance that would have justified the application of different permit conditions at the time of permit issuance.

3.13. Stormwater Associated with Construction Activity

This General Permit does not authorize stormwater discharges associated with construction activity as defined in 40 CFR §122.26(b)(14)(x) or 40 CFR§ 122.26(b)(15) which are not routed thru this sedimentation pond. See Part 1.10 for discussion regarding compliance during construction of disposal cells.

PART 4: OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

4.1. Proper Operation and Maintenance

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.

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.

4.2. Need to Halt or Deduce 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.

4.3. 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.

4.4. Bypass of Treatment Facilities

4.4.1 Bypass not exceeding limitation

- 4.4.1.1 The permittee may allow any bypass to occur which does not cause effluent limitation 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 4.4.2 and 4.4.3

4.4.2 Notice

- 4.4.2.1 Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.
- 4.4.2.2 Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part 6.6 (24-hour notice).

4.4.3 Prohibition of bypass

4.4.3.1 Bypass is prohibited and the Director may take enforcement action against a permittee for bypass, unless:

4.4.3.1.1 Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

4.4.3.1.2 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 periods of equipment downtime or preventive maintenance; and

4.4.3.1.3 The permittee submitted notices as required by Part 4.4.1.

4.4.3.2 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 4.4.2.1.

4.5. Upset Conditions

4.5.1 Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Part 4.5.2 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.

4.5.2 Conditions necessary for a 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:

4.5.2.1 An upset occurred and that the permittee can identify the specific cause(s) of the upset;

4.5.2.2 The permitted facility was at the time being properly operated;

4.5.2.3 The permittee submitted notice of the upset as required by Part 6.6; and

4.5.2.4 The permittee complied with any remedial measures required by Part 4.3.

4.5.3 Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

4.6. 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. The Permittee must comply with all applicable state and Federal regulations governing the disposal of sludge, including but not limited to 40 CFR Part 503, 40 CFR Part 257, and 40 CFR Part 258.

4.7. 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.

PART 5: MONITORING AND RECORDS

5.1. 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.

5.2. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to ensure 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 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.

5.3. 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.

5.4. 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.

5.5. Reporting of Monitoring Results

40 CFR 127.11(a)(1) and 40 CFR 127.16(a) require that monitoring reports be reported on a Discharge Monitoring Reports (DMR) and filed electronically. Signatory Authorities must initially request access for a NetDMR account. Once a NetDMR account is established, access to electronic filing should use the following link <https://netdmr.epa.gov>. Permittees who are unable to file electronically may request a waiver from the Director in accordance with 40 CFR 127.15, as detailed below. Monitoring results

obtained during the previous monitoring period shall be summarized and reported on a DMR dated and submitted no later than the 31st day of the month, following the completed reporting period beginning on the effective date of the permit.

To obtain a waiver for electronic reporting, contact the Enforcement Branch of the Office of Water Quality at (501) 682-0615. If the electronic reporting requirement is waived, the paper DMRs are to be submitted to the Department prior to the 25th day of the month following the reporting period at the following address:

Arkansas Department of Environmental Quality
Enforcement Branch, Office of Water Quality
5301 Northshore Drive
North Little Rock, AR 72118

5.6. Additional Monitoring by the Permittee

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

5.7. 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.

5.8. Record Contents

Records and monitoring information shall include:

- 5.8.1 The date, exact place, time and methods of sampling or measurements, and preservatives used, if any;
- 5.8.2 The individuals(s) who performed the sampling or measurements;
- 5.8.3 The date(s) analyses were formed;
- 5.8.4 The individual(s) who performed the analyses;
- 5.8.5 The analytical techniques or methods used; and
- 5.8.6 The measurements and results of such analyses.

5.9. 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:

- 5.9.1 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;
- 5.9.2 Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- 5.9.3 Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- 5.9.4 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.

PART 6: REPORTING REQUIREMENTS

6.1. Planned Changes

The Permittee shall give notice to the Director as soon as possible but no later than 180 days prior to any planned physical alterations or additions to the permitted facility [40 CFR 122.41(l)]. Notice is required only when:

- 6.1.1 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).
- 6.1.2 The alteration or addition could significantly change the nature or increase the quality 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).

6.2. Transfers

Facilities that are authorized under this permit, which undergo a change in ownership, facility name, or signatory authorization (i.e., a new cognizant official, responsible person, etc.) must submit a Permit Transfer form to the Director. A Permit Transfer form can be obtained from the General Permits Section of the Office of Water Quality at the following website:

http://www.adeq.state.ar.us/water/branch_permits/general_permits/

For an ownership change, the permit transfer form must be submitted a minimum of 30 days prior to the date the transfer to the new operator will take place. The new owner must comply with the existing permit for the facility during the interim period. A Disclosure Form will be required.

6.3. Monitoring Reports

Monitoring results shall be reported at the intervals and in the form specified in Part 5.5. Discharge Monitoring Reports (DMRs) must be submitted even when no discharge occurs during the reporting period.

6.4. Twenty-four Hour Report

- 6.4.1 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:
 - 6.4.1.1 A description of the noncompliance and its cause;
 - 6.4.1.2 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
 - 6.4.1.3 Steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.

6.4.2 The following shall be included as information which must be reported within 24 hours:

- 6.4.2.1 Any unanticipated bypass which exceeds any effluent limitation in the permit;
- 6.4.2.2 Any upset which exceeds any effluent limitation in the permit; and
- 6.4.2.3 Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part 2 of the permit to be reported within 24 hours.

6.4.3 The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

6.5. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Part 6.3 and 6.4 at the time monitoring reports are submitted. The reports shall contain the information listed in Part 6.4.1.

6.6. 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:

- 6.6.1 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).
- 6.6.2 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).

6.7. 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 coverage under 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.

6.8. Signatory Requirements

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

6.8.1 All permit applications shall be signed as follows:

- 6.8.1.1 For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

- 6.8.1.1.1 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
- 6.8.1.1.2 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.
- 6.8.1.2 For a partnership or sole proprietorship: by a general partner or proprietor, respectively; or
- 6.8.1.3 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:
 - 6.8.1.3.1 The chief executive officer of the agency, or
 - 6.8.1.3.2 A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- 6.8.2 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:
 - 6.8.2.1 The authorization is made in writing by a person described above;
 - 6.8.2.2 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
 - 6.8.2.3 The written authorization is submitted to the Director.
- 6.8.3 Changes to authorization. If an authorization under Part 6.9.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part 6.9.2 of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
- 6.8.4 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.”

6.9. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2 and Regulation 6, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department of Pollution and Ecology. As required by the Regulations, the name and address of any permit applicant or permittee, permit applications, permits and effluent data shall not be considered confidential.

6.10. 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 3.2 and/or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

PART 7: OTHER REQUIREMENTS

7.1. Monitoring Frequency Reduction

- 7.1.1 After three (3) consecutive months of discharge and no violations are reported for pH, the required monitoring frequency may be reduced to once/month upon request and receipt of written permission from ADEQ. The monitoring reduction will be valid until the effective date of the next renewal permit.
- 7.1.2 After three (3) consecutive months of discharge and no violations are reported for COD and TSS, the required monitoring frequency may be reduced to once/quarter upon request and receipt of written permission from ADEQ. The monitoring reduction will be valid until the effective date of the next renewal permit.
- 7.1.3 After three (3) consecutive months of discharge and no violations are reported for O&G, the required monitoring frequency may be reduced to once/quarter upon request and receipt of written permission from ADEQ. The monitoring reduction will be valid until the effective date of the next renewal permit.
- 7.1.4 After three (3) consecutive months of discharge, Total Iron monitoring frequency may be reduced to once/month upon request and receipt of written permission from ADEQ. The monitoring reduction will be valid until the effective date of the next renewal permit.
- 7.1.5 After three (3) consecutive months of discharge and Parts 7.1.1 through 7.1.4 has been granted, Flow monitoring frequency may be reduced to once/month upon request and receipt of written permission from ADEQ. The monitoring reduction will be valid until the effective date of the next renewal permit.

PART 8: DEFINITIONS

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

- 8.1. **“Act”** the Clean Water Act, Public Law 95-217 (33.U.S.C.1251et seq.) as amended.
- 8.2. **“ADEQ”** the Arkansas Department of Environmental Quality.
- 8.3. **“APC&EC”** the Arkansas Pollution Control and Ecology Commission.
- 8.4. **“Applicable Water Quality Standards”** all water quality standards to which a discharge is subject under the federal Clean Water Act and which have been (a) approved or permitted to remain in effect by the Administrator following submission to the Administrator pursuant to Section 303(a) of the Act, or (b) promulgated by the Director pursuant to Section 303(b) or 303(c) of the Act, and standards promulgated under Regulation No. 2, as amended, (regulation establishing water quality standards for surface waters of the State of Arkansas).
- 8.5. **“Best Management Practices”** are activities, practices, maintenance procedures, and other management practices designed to prevent or reduce the pollution of waters of the State. BMPs may include structural devices or nonstructural practices.
- 8.6. **“Bypass”** the intentional diversion of waste streams from any portion of a treatment facility.
- 8.7. **“Closed Portion”** means that part of the landfill unit that has been covered with a certified final cover system (including full vegetation) and approved by ADEQ.
- 8.8. **“Concentration Calculations”** For pollutants with limitations expressed in other units of measurement, the “daily discharge” is calculated as the average measurement of the pollutant over the day.
- 8.9. **“Contaminated Stormwater”** In accordance with 40 CFR Part 445.2(b), Contaminated Stormwater means stormwater which comes in direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined in 40 CFR Part 445.2(f). Some specific areas of a landfill that may produce contaminated stormwater include (but are not limited to): the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment or machinery that has been in direct contact with the waste; and waste dumping areas.
- 8.10. **“Daily Discharge”** means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.
- 8.11. **“Daily Maximum”** discharge limitation means the highest allowable "daily discharge" during the calendar month.
- 8.12. **“Department”** the Arkansas Department of Environmental Quality (ADEQ).
- 8.13. **“Direct Discharge”** is the direct discharge of wastewater into a waterbody. Overland discharge is not considered direct discharge.
- 8.14. **“Director”** the Director of the Arkansas Department of Environmental Quality.
- 8.15. **“Eligible”** means qualified for authorization to discharge stormwater under this general permit.
- 8.16. **“Facility”** means all contiguous land and structures, other appurtenances, and improvements on the land used for the disposal, treatment or processing of solid waste.
- 8.17. **“Grab Sample”** means an individual sample collected in less than 15 minutes in conjunction with an instantaneous flow measurement.
- 8.18. **“Landfill”** means a discrete area of land or an excavation that is permitted by the Department under these regulations and receives solid waste for disposal, and that is not a land application

unit, surface impoundment, injection well or waste pile, as those terms are defined under 40 CFR 257.2.

- 8.19. **“Leachate”** means a liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible material removed from such waste.
- 8.20. **“MGD”** means million gallons per day.
- 8.21. **“mg/l”** milligrams per liter; it is essentially equivalent to parts per million in dilute aqueous solutions.
- 8.22. **“National Pollutant Discharge Elimination System (NPDES)”** the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under section 307, 402, 318 and 405 of the Clean Water Act.
- 8.23. **“NOI”** means Notice of Intent.
- 8.24. **“NOT”** means Notice of Termination.
- 8.25. **“Operator”** for the purpose of this permit, means any person (an individual, association, partnership, corporation, municipality, state or federal agency) who has the primary management and ultimate decision-making responsibility over the operation of a facility or activity. The operator is responsible for ensuring compliance with all applicable environmental regulations and conditions.
- 8.26. **“Outfall”** where final effluent is discharged into waters of the State.
- 8.27. **“ppm”** means parts per million.
- 8.28. **“s.u.”** means standard units.
- 8.29. **“Total Suspended Solids (TSS)”** the amount of solid material suspended in water, commonly expressed as a concentration, in terms of mg/l.
- 8.30. **“Waters of the State”** as defined in 40 CFR 122.2
- 8.31. **“When Discharging”** means when the pond is naturally discharging or being dewatered after sufficient settling has occurred. A period of discharge may continue for multiple days with only one sample being required during the discharge event.