

ADEQ

ARKANSAS
Department of Environmental Quality

August 7, 2018

Lioneld Jordan, Mayor
The City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

RE: City of Fayetteville - Paul R. Noland WWTP Inspection
AFIN: 72-00781 Permit No.: AR0020010

Honorable Lioneld Jordan:

On July 17 – 18, 2018, Jason Bolenbaugh and I performed a Pretreatment Compliance Inspection of the above referenced facility in accordance with the provisions of the Federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, and the regulations promulgated thereunder. A copy of the inspection report is enclosed for your records.

Please refer to the “Summary of Findings” section of the attached inspection report and provide a written response for each violation that was noted. This response should be mailed to the attention of the Office of Water Quality Compliance Branch at the address at the bottom of this letter or e-mailed to Water-Inspection-Report@adeq.state.ar.us. This response should contain documentation describing the course of action taken to correct each item noted. This corrective action should be completed as soon as possible, and the written response with all necessary documentation (i.e. photos) is due by **August 21, 2018**.

If I can be of any assistance, please contact me at grimesg@adeq.state.ar.us or 479-267-0811 extension 16.

Sincerely,



Garrett Grimes
District 1 Field Inspector
Office of Water Quality



ARKANSAS
Department of Environmental Quality

OFFICE OF WATER QUALITY INSPECTION REPORT

AFIN: 72-00781	PERMIT #: AR0020010	DATE: 7/17/2018
COUNTY: 72 Washington	PDS #: 104029	MEDIA: WN
GPS LAT: 36.08076 LONG: -94.08899 LOCATION: Entrance		

FACILITY INFORMATION	INSPECTION INFORMATION
NAME: City of Fayetteville - Paul R. Noland WWTP LOCATION: 1400 N. Fox Hunter Road CITY: Fayetteville	FACILITY TYPE: 1 - Municipal INSPECTOR ID#: 104111 S - State FACILITY EVALUATION RATING: *** INSPECTION TYPE: Pretreatment Compliance DATE(S): 7/17/2018 ENTRY TIME: 09:00 EXIT TIME: 16:00 PERMIT EFFECTIVE DATE: 1/1/2018 7/18/2018 08:00 11:30 PERMIT EXPIRATION DATE: 12/31/2022
RESPONSIBLE OFFICIAL	
NAME: / TITLE Lionel Jordan / Mayor COMPANY: The City of Fayetteville MAILING ADDRESS: 113 West Mountain Street CITY, STATE, ZIP: Fayetteville AR 72701 PHONE & EXT: / FAX: 479-443-8390 / EMAIL:	FAYETTEVILLE SHALE RELATED: N FAYETTEVILLE SHALE VIOLATIONS: ***
	INSPECTION PARTICIPANTS
CONTACTED DURING INSPECTION: No	NAME/TITLE/PHONE/FAX/EMAIL/ETC.: Bruce Richart, Lab./IPP Director, Jacobs Engineering; Ashley Gregg, Lab Analyst, Jacobs Engineering; Jason Bolenbaugh, Branch Manager, ADEQ Garrett Grimes, District 1 Inspector, ADEQ

AREA EVALUATIONS					
(S=Satisfactory, M=Marginal, U=Unsatisfactory, N=Not Applicable/Evaluated)					
**	PERMIT	**	FLOW MEASUREMENT	**	STORMWATER
**	RECORDS/REPORTS	**	LABORATORY	**	FACILITY SITE REVIEW
**	OPERATION & MAINTENANCE	**	EFFLUENT/RECEIVING WATER	**	SELF-MONITORING PROGRAM
**	SAMPLING	**	SLUDGE HANDLING/DISPOSAL	M	PRETREATMENT
**	OTHER:				

SUMMARY OF FINDINGS

The following violations were noted during the inspection:

- At the time of the inspection the Industrial User (IU) Survey had not been updated. Mr. Richart stated that he submitted a draft version of the survey to ADEQ for review. On July 18, 2018, Mr. Richart stated that the draft survey had been approved and that he planned on issuing it to the local Industrial Users.
- The City of Fayetteville has issued permits to seven (7) Significant Industrial Users (SIUs). All of these permits expired during years 2013 - 2015. All of the facilities submitted timely renewal applications and Mr. Richart stated that he was unaware of the reasons why these permits were not renewed. Part III, Section A of the permit issued to the SIUs outlines conditions for permit continuation after expiration. However, because facility processes can change, updated permits must be reissued in a timely manner. Mr. Richart stated that they are in the process of issuing an updated IU survey to the facilities and working towards issuing updated permits.

GENERAL COMMENTS

Refer to the attached PCI report and separate Industrial User Visit reports for specific details.

INSPECTOR'S SIGNATURE: Garrett Grimes	DATE: 8/3/2018
SUPERVISOR'S SIGNATURE: Jason Bolenbaugh	DATE: 8/6/2018

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

PRETREATMENT COMPLIANCE INSPECTION (PCI) REPORT

Name of Municipality: **City of Fayetteville**

AFIN Number: **72-00781 (Noland), 72-01033 (West)**

NPDES Permit Number(s): **AR0020010, ARR00C377 (Noland)**
AR0050288, ARR000390 (West)

Program Tracked under NPDES Permit Number: **AR0020010, AR0050288**

Fact Sheet Preparation Date: **Unknown Date, approximately 2/2010**

Date of Last PCI/Audit: **June 5, 2014/March 1, 2017 (no report);**
September 21, 2012

Date of Last Annual Report: **May 10, 2018 (2017 Annual Report)**

Name of Inspector: **Garrett Grimes (Primary), Jason Bolenbaugh**

Date PCI Performed: **July 17 - 18, 2018**

Name, Title, and Telephone Number of Facility Representative:
Bruce Richart, Laboratory/IPP Director, 479-443-3292
Ashley Gregg, Lab Analyst

Name and Title of Other Participants: _____

Number of IUs Visited: **2**

Name(s) of IUs Visited: **Pinnacle Foods Corporation**
Superior Industries International Arkansas, LLC.

AN IU SITE VISIT FORM SHOULD BE COMPLETED FOR EACH IU VISITED

NOTE: ANY QUESTION PRINTED IN ALL CAPS AND BOLD PRINT INDICATED A REGULATORY REQUIREMENT AND MUST BE ANSWERED FOR THE PCI REPORT TO BE COMPLETE. A NO ANSWER TO ONE OF THESE QUESTIONS SHOULD RESULT IN AN UNSATISFACTORY RATING.

A. INDUSTRIAL USER SURVEY

1. List any Significant Industrial Users (SIUs) which have been added or deleted from the program since the last audit or inspection. Ayrshire Electronics, LLC. was terminated on December 22, 2017.
2. Has ADEQ or EPA been notified of these changes? Yes
3. HAS THE INDUSTRIAL USER SURVEY BEEN KEPT UPDATED? No
4. What procedures are being used to update the IU Survey?
All permits that were issued by the city were not reissued even though timely and complete applications were submitted by the SIUs. The facility is currently evaluating and revising their survey and meeting with a third party in September to discuss the changes. Following the finalization of the survey, it will be submitted to the SIUs for completion and renewal of permits.
5. Total number of Significant Industrial Users, according to the definition used by the POTW. (This number must be greater than or equal to the answer to question 6) 7
6. Number of Categorical Industrial Users: 4
7. How does the POTW determine the appropriate categorical standards to apply to an IU? User Survey, 40 CFR, and other technical professionals in the company
8. List all categorical IUs discharging under the approved (such program. Include the name of the IU, the regulatory category as Metal Finishing), and the regulated process (phosphating, zinc plating, etc.) Additional listings can be made in the comments section if necessary.

Name of IU:	Category:	Regulated Process:
<u>Custom Powder Coating Services, Inc.;</u>	<u>40 CFR 433;</u>	<u>Metal Finishing</u>
<u>Elkhart Products Corporation;</u>	<u>40 CFR 468;</u>	<u>Copper Forming;</u>
<u>Marshalltown Company;</u>	<u>40 CFR 433;</u>	<u>Metal Finishing;</u>
<u>Superior Industries International Arkansas, LLC.;</u>	<u>40 CFR 433;</u>	<u>Metal Finishing</u>

B. LOCAL LIMITS

1. **IS THE POTW APPLYING LOCAL LIMITS WHICH HAVE BEEN APPROVED BY ADEQ OR EPA?** Yes, the 4 Categorical SIUs are sampling for those at different frequencies, and the POTW is sampling for those annually.

2. Describe any apparent problems with the local limits. None. During permit renewal process it was documented by the POTW there were no additional changes needed to the limits.

3. How often are pollutant scans of POTW influent, effluent, and sludge performed by the POTW? Does this fulfill the requirements of the approved program (as described in the fact sheet) and part III of the NPDES permit?

Pollutant:	Frequency:	Requirement in		Comments:
		Permit:	Program:	
Metals:				
Influent:	<u>Quarterly</u>	<u>2/year</u>	<u></u>	<u></u>
Effluent:	<u>Quarterly</u>	<u>2/year</u>	<u></u>	<u></u>
Sludge:	<u>60 Days</u>	<u></u>	<u></u>	<u>TCLP annually</u>
Organics:				
Influent:	<u>1/year</u>	<u></u>	<u></u>	<u></u>
Effluent:	<u>1/year</u>	<u></u>	<u></u>	<u></u>
Sludge:	<u>None</u>	<u></u>	<u></u>	<u></u>

4. Have there been any inhibitions or upsets at the POTW (since the last PCI of Audit) which were believed to be caused by industrial discharges? If so, describe the action taken by the City to ensure that the incident would not recur. Were these actions effective?
None

C. INDUSTRIAL USER CONTROL MECHANISM

1. Is the POTW using the type of control mechanism (permit, agreement, etc.) required by the approved program? Permit
2. How many IU permits (or other control documents) have been issued? All permits are currently expired.
3. DO ALL SIGNIFICANT IUS HAVE CURRENT (UNEXPIRED) CONTROL DOCUMENTS? IF NOT, LIST ALL UNPERMITTED SIUS, THE DATE OF EXPIRATION OF THEIR PREVIOUS PERMIT (IF APPLICABLE), AND THE REASON FOR DELAY IN ISSUING THE REQUIRED DOCUMENT.

All SIUs have submitted timely application renewals; however, new permits were not issued to the SIUs for an unknown reason. Pretreatment personnel are currently working to revise the Industrial User Survey and will send the survey to the SIUs for completion, then review, and renew permits. All permits expired August 2013 and May 2015. Part III, Section A, Conditions 9 and 10 of the Pinnacle Foods Group permit outline permit continuation following timely renewal submittal.

4. Does the control document contain the following items?

An expiration date: Yes

Discharge limitations: Yes

If the program requires self-monitoring by the IUs, do the Permits contain:

IU self-monitoring requirements: Yes

IU reporting requirements: Yes

5. Indicate which of the following recommended standard conditions are contained in the control documents:

Sample location: Part I, Section A (Pinnacle Foods)
Location 005 (Superior Industries)

Type of sample: Part I, Section B (Pinnacle Foods)
Table I-1 (Superior Industries)

Monitoring frequency: Part I, Section B (Pinnacle Foods)
Table I-1 (Superior Industries)

Bypass prohibition: Part III, Section B (Pinnacle Foods)
Part III Section B.4 (Superior Industries)

Right of entry: Part III, Section IV (Pinnacle Foods)
Part IV, Section A (Superior Industries)

Nontransferability: Part III, Section A (Pinnacle Foods)
Part III, Section A.8 (Superior Industries)

Revocation clause: Part III, Sections A and C (Pinnacle Foods)

Part III, Section A.7 (Superior industries)

Penalty Provisions: Part III, Section C (Pinnacle Foods)

Part III, Section C (Superior Industries)

Slug load notification: Part II, Section C (Pinnacle Foods)

Part II, Section C.8 (Superior industries)

Notification of process change: Part II, Section C (Pinnacle Foods)/ Part II, Section C.5 (Superior Industries)

D. MONITORING OF IUS BY POTW

1. Indicate current inspection and sampling frequency and program requirement below:

	Current frequency:	Program Requirement:
Sampling:		
categorical IUs	<u>1</u>	<u>1</u>
other SIUs	<u>1 (O&G) 4 (BOD, TSS, Phosph, pH, Minerals)</u>	<u>1</u>
Inspection:		
categorical IUs	<u>1 (Full), Others</u>	<u>1</u>
other SIUs	<u>1 (Full), Others</u>	<u>1</u>

2. HAS EACH SIU BEEN INSPECTED AND SAMPLED AT THE FREQUENCY REQUIRED BY THE APPROVED PROGRAM? Yes

3. Are inspections announced or unannounced? Announced

4. Are records kept of each inspection? Yes

5. Does the inspection report contain an adequate description of the following:

Date and time of inspection: Yes

Officials present: Yes

Inspection of chemical storage areas: Yes

Description of regulated processes, categorical waste streams, and discharge location of these waste streams: Yes

Inspection of the pretreatment facilities: Yes

Review of self-monitoring records: Yes

Observation of IU self-monitoring procedures: No

Verification that approved analytical techniques are used: Yes

Verification of IU flow measurement (where required): Yes

6. Overall adequacy of inspection documentation: Good
Will be unannounced if they see problems arise near the plant.
Also will contact via phone call to the facility.

7. **DOES THE POTW SAMPLE IUS FOR ALL POLLUTANTS REGULATED IN THEIR PERMITS? (IT IS NOT NECESSARY TO SAMPLE FOR ALL POLLUTANTS EVERY TIME, BUT IT MUST BE DONE PERIODICALLY).**
Yes

8. Are analyses performed in accordance with EPA-approved methods (40 CFR 136)? Yes

9. Are sampling and flow monitoring equipment properly maintained? Have auto-samplers they can set up or use the samplers at the facility.

10. Is the POTW keeping proper field notes and chain of custody forms? Yes

11. Is the sampling location representative of the discharge to the collection system? yes

12. Are sampling locations identified in POTW records? Yes

13. Are sampling services available in an emergency? Yes

14. What are the POTW's procedures for tracking receipt and review of IU reports, such as BMR's, semi-annual reports, progress reports, bypass reports, and self-monitoring reports? Facility is required to report bypasses and they do report. Acknowledge receipt of documents and log that information into a spreadsheet.

15. **ARE SELF-MONITORING REPORTS REVIEWED TO VERIFY THAT ANALYSES WERE PERFORMED FOR ALL REGULATED PARAMETERS, AND TO EVALUATE COMPLIANCE WITH EFFLUENT LIMITS?** Yes
Ashley reviews those reports and has caught reporting errors.

16. **IF VIOLATIONS ARE FOUND IN REPORTS, DOES THE POTW RESPOND**

TO ALL VIOLATIONS? Document violation on spreadsheet. Will then follow their enforcement plan for a specific violation.

17. What are the POTW's procedures for following up violations?
Depends on the nature of the violation. If in SNC then the SIU will be published in the paper; other documentation; fines./ Will use enforcement plan.

18. **HAS THE POTW REVIEWED BMRS FOR COMPLIANCE WITH 40 CFR 403.12(b)?:** N/A

Review a Baseline Monitoring Report from the POTW's file, and indicate which of the following items can be identified in the BMR:

Name and address: _____

Other environmental permits held: _____

Description of operations: _____

Process flow diagrams: _____

Flow measurements: _____

Measurements of regulated pollutants: _____

Certification of compliance by the IU: _____

Compliance schedule (if needed): _____

19. Additional comments on the POTW's inspection and sampling procedures: A new pharmaceutical company is being built That will require additional follow-up because the facility Indicated there would be no discharge from the facility.

E. Enforcement

1. **HAS THE POTW IMPLEMENTED ENFORCEMENT RESPONSE PROCEDURES TO ADEQUATELY ADDRESS EVERY IU VIOLATION OF PRETREATMENT STANDARDS AND REQUIREMENTS?** Yes. The POTW has developed a Standard Operating Procedure for enforcement actions.

2. How does the POTW respond to the following violations?
 Effluent limitations: Informal, Notice of Violation, Consent Order, Show Hearing, Fine

Late reports: Informal, Notice of Violation, Fine

Unpermitted discharges: Informal, Notice of Violation, Cease and Desist Order, Consent Order

Slug loads or spills: Notice of Violation, Cease and Desist Order, Consent Order, Civil Action

3. **IS THE LIST OF SIGNIFICANT VIOLATORS PUBLISHED BY THE POTW DEVELOPED IN ACCORDANCE WITH EPA REGION VI CRITERIA FOR SIGNIFICANT VIOLATING INDUSTRIAL USER (DATED AUGUST 22, 1985)?** Yes

4. List the SIUs which have met the criteria for Significant Violator within the last 12 months, and describe the enforcement action which has been taken by the POTW. If construction is required, please indicate whether the IU has been placed on an enforceable compliance schedule.

Name:	Type of Violation:	Enforcement Action:	Compliance Deadline:
<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
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<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>

5. Comments on the POTW's enforcement procedures:

The Enforcement SOP is complete and the enforcement actions vary depending on the significance of the violation, if the violations are recurring, and the type of violation that occurred.

F. POTW'S PRETREATMENT ORGANIZATION STRUCTURE

1. Is the program structure essentially the same as that presented in the approved pretreatment program? **The previous Coordinator retired, there are now two individuals overseeing The pretreatment program.**

2. Are staffing levels adequate? **Yes**

3. Are the responsible officials familiar with the approved program? **Yes**

G. MULTIJURISDICTIONAL ISSUES

1. List any IUs which are located outside of the jurisdictional area of the POTW: **There are no IUs outside of the POTW's jurisdiction.**

2. Does the POTW have adequate procedures for controlling IUs located outside its jurisdictional area? **N/A**

3. Does the POTW have copies of permits for IUs in other cities? **N/A**

4. Have any of these IUs met the criteria for Significant Violator? If so, have they been published by the POTW in its annual list of Significant Violators? **N/A**

5. Comments on multijurisdictional issues: **N/A**

IU SITE VISIT FORM

Name of Industry: **Pinnacle Foods Corporation**

POTW Name: **City of Fayetteville, Noland WWTP**

Industry Contacts: **Bill Medley, EHS Manager**

Date and Time of Visit: **July 18, 2018 @**

Description of Manufacturing Process:
Cooking and packaging frozen food products such as macaroni and cheese, Hungry Man dinners, and more.

Sources of Process Wastewater:
Process sanitation, frozen food production, some stormwater.

Categorical Industry? **No**

Basis for Limits: _____

Point of Application: **Outfall PFC001**

Description of Pretreatment Equipment and Procedures:
Process waste goes to rotary screens for solids removal; to an in-ground pit, to a 350,000 gallon EQ tank, pH adjustment the DAF Unit for solids removal, then to outfall. Removed solids are Applied.

Spill Prevention and Solvent Management Procedures:
The facility has a Spill Prevention Plan in place.

Sampling Location and Equipment:
The facility has a refrigerated ISCO composite sampler and the ability to easily collect any grab samples. The treatment system is monitored via a computerized system. Average flows are 700k gpd but fluctuates depending on the food items being processed.

IU SITE VISIT FORM

Name of Industry: **Superior Industries International Arkansas LLC**

POTW Name: **City of Fayetteville, Noland WWTP**

Industry Contacts: **David Keeling, Production Manager**

Date and Time of Visit: **July 18, 2018 @**

Description of Manufacturing Process:

Aluminum automobile wheels casting, machining, coating, painting, and finishing.

Sources of Process Wastewater:

Wheel casting, Wheel heat treating, Painting and Coating, and coolant and metals separation.

Categorical Industry? **Yes**

Basis for Limits: **40 CFR 433**

Point of Application: **Outfall SUP005**

Description of Pretreatment Equipment and Procedures:

Settling tanks, in-ground clarifiers, solids separation

Spill Prevention and Solvent Management Procedures:

Sampling Location and Equipment:

SUP005 has a 3-inch Parshall Flume with flow meter. Inside the Sampling shed adjacent to the flume is an ISCO auto sampler and flow meter. Flow meter is calibrated regularly and adjusted if It is found to be out of range by more than 8%.

PPETS CODE SHEET

PRETREATMENT COMPLIANCE INSPECTION (PCI)

INSPECTOR'S NAME: Garrett Grimes
NAME OF FACILITY: City of Fayetteville
PERMIT NUMBER USED
TO TRACK PROGRAM: AR0020010, AR0050288
DATE OF PCI: July 17 - 18, 2018

PPETS WENDB DATA ELEMENTS

NUMBER OF SIGNIFICANT IUS (SIUS):	<u>7</u>
NUMBER OF CATEGORICAL IUS:	<u>4</u>
SIUS NOT SAMPLED OR INSPECTED BY POTW:	<u>0</u>
SIUS WITHOUT CONTROL MECHANISM:	<u>0</u>
SIUS IN SIGNIFICANT NONCOMPLIANCE WITH STANDARDS OR REPORTING:	<u>0</u>
SIUS IN SIGNIFICANT NONCOMPLIANCE WITH SELF-MONITORING REQUIREMENTS:	<u>0</u>
SIUS IN SIGNIFICANT NONCOMPLIANCE WITH SELF-MONITORING AND NOT INSPECTED OR SAMPLED BY POTW:	<u>0</u>

From: [Richart, Robert/FAY](#)
To: [Water-Inspection-Report](#)
Cc: [Grimes, Garrett](#); [Bolenbaugh, Jason](#); [Pemberton, Layne](#); [Yates, Adam](#); [Nyander, Tim](#); [Weeks, Greg/FAY](#); [Gregg, Ashley/FAY](#)
Subject: Response to Pretreatment Compliance Inspection (AR0020010)
Date: Monday, August 20, 2018 2:42:21 PM
Attachments: [AR0020010 IPP Inspection Response.pdf](#)
[Paul R. Noland WWTP Inspection - Permit No. AR0020010.pdf](#)

ADEQ Water Division, (Mr. Grimes, Mr. Bolenbaugh, Mr. Pemberton, Mr. Yates), Please see the attached response to the Pretreatment Compliance Inspection findings conducted at the Fayetteville Paul R. Noland WWTP on July 17 and 18, 2018.
Thanks, Bruce

[Bruce Richart, LEED AP O+M](#)
[Jacobs](#)
Laboratory & Industrial Pretreatment Director
+ 1.479.443.3292
+ 1.479.263.6837 mobile
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United States
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CITY OF
FAYETTEVILLE
ARKANSAS

August 20, 2018

Garrett Grimes, District 1 Field Inspector
Arkansas Department of Environmental Quality
Office of Water Quality Compliance Branch
5301 Northshore Drive
North Little Rock, AR 72118-5317

RE: City of Fayetteville - Paul R. Noland WWTP Inspection
AFIN: 72-00781 Permit No.: AR0020010

Dear Mr. Grimes,

The two findings from the July 2018 Pretreatment Compliance Inspection for the Paul R. Noland facility with our responses are detailed below.

Finding #1:

"At the time of the inspection the Industrial User (IU) Survey had not been updated. Mr. Richart stated that he had submitted a draft version of the survey to ADEQ for review. On July 18, 2018, Mr. Richart stated that the draft survey had been approved and that he planned on issuing it to the local Industrial Users."

Response to Finding #1:

The previous Fayetteville Discharge Permit Application that was sent to and returned by the SIUs was not current with EPA guidance and standards. A new, more detailed, draft form was developed and sent to Adam Yates (ADEQ) for approval. Mr. Yates made recommendations and approved the use of the form. The draft form was modified. On July 18th, the new application form was provided to Mr. Grimes and Mr. Bollenbaugh of ADEQ.

Finding #2:

"The City of Fayetteville has issued permits to seven (7) Significant Industrial Users (SIUs). All of these permits expired during years 2013 - 2015. All of the facilities submitted timely renewal applications and Mr. Richart stated that he was unaware of the reasons why these permits were not renewed. Part III, Section A of the permit issued to the SIUs outlines conditions for permit continuation after expiration. However, because facility processes can change, updated permits must be reissued in a timely manner. Mr. Richart stated that they are in the process of issuing an updated IU survey to the facilities and working towards issuing updated permits."

Response to Finding #2:

The new and approved Fayetteville Discharge Application was sent on July 19th to the 7 SIUs and 1 new industry currently under construction. The industries are currently in various stages of completing the

information and the sampling required by the new form. Brenda Nunnally, a Jacobs Industrial Pretreatment Program subject matter expert, will be visiting the Fayetteville project during the week of September 17th, 2018 to compile the information returned from the industries and assist in the creation of the draft permits that will be sent to the industries. The industries will then have 30 days to review their draft permits. The finalized permits should be issued and in effect by the end of 2018.

Sincerely,

City of Fayetteville



Tim Nyander
Utilities Director
Utilities Department



ARKANSAS
Department of Environmental Quality

RECEIVED

AUG 9 2018

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

August 7, 2018

Lioneld Jordan, Mayor
The City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

RE: City of Fayetteville - Paul R. Noland WWTP Inspection
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Honorable Lioneld Jordan:

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If I can be of any assistance, please contact me at grimesg@adeq.state.ar.us or 479-267-0811 extension 16.

Sincerely,

Garrett Grimes
District 1 Field Inspector
Office of Water Quality

<h1 style="margin:0;">A DE Q</h1> <p style="margin:0;">A R K A N S A S Department of Environmental Quality</p>	OFFICE OF WATER QUALITY INSPECTION REPORT		
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NAME: / TITLE Lioneld Jordan / Mayor COMPANY: The City of Fayetteville MAILING ADDRESS: 113 West Mountain Street CITY, STATE, ZIP: Fayetteville AR 72701 PHONE & EXT: / FAX: 479-443-8390 / EMAIL:		FAYETTEVILLE SHALE RELATED: N FAYETTEVILLE SHALE VIOLATIONS: ***	
CONTACTED DURING INSPECTION: No		INSPECTION PARTICIPANTS	
		NAME/TITLE/PHONE/FAX/EMAIL/ETC.: Bruce Richart, Lab./IPP Director, Jacobs Engineering; Ashley Gregg, Lab Analyst, Jacobs Engineering; Jason Bolenbaugh, Branch Manager, ADEQ Garrett Grimes, District 1 Inspector, ADEQ	
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(S=Satisfactory, M=Marginal, U=Unsatisfactory, N=Not Applicable/Evaluated)			
**	PERMIT	**	FLOW MEASUREMENT
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**	OTHER:	M	PRETREATMENT
**			STORMWATER
**			FACILITY SITE REVIEW
**			SELF-MONITORING PROGRAM
SUMMARY OF FINDINGS			
The following violations were noted during the inspection:			
<ol style="list-style-type: none"> 1. At the time of the inspection the Industrial User (IU) Survey had not been updated. Mr. Richart stated that he submitted a draft version of the survey to ADEQ for review. On July 18, 2018, Mr. Richart stated that the draft survey had been approved and that he planned on issuing it to the local Industrial Users. 2. The City of Fayetteville has issued permits to seven (7) Significant Industrial Users (SIUs). All of these permits expired during years 2013 - 2015. All of the facilities submitted timely renewal applications and Mr. Richart stated that he was unaware of the reasons why these permits were not renewed. Part III, Section A of the permit issued to the SIUs outlines conditions for permit continuation after expiration. However, because facility processes can change, updated permits must be reissued in a timely manner. Mr. Richart stated that they are in the process of issuing an updated IU survey to the facilities and working towards issuing updated permits. 			
GENERAL COMMENTS			
Refer to the attached PCI report and separate Industrial User Visit reports for specific details.			
INSPECTOR'S SIGNATURE: <i>Garrett Grimes</i> Garrett Grimes			DATE: 8/3/2018
SUPERVISOR'S SIGNATURE: <i>Jason R. Bolenbaugh</i> Jason Bolenbaugh			DATE: 8/6/2018

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

PRETREATMENT COMPLIANCE INSPECTION (PCI) REPORT

Name of Municipality: City of Fayetteville

AFIN Number: 72-00781 (Noland), 72-01033 (West)

NPDES Permit Number(s): AR0020010, ARR00C377 (Noland)
AR0050288, ARR000390 (West)

Program Tracked under NPDES Permit Number: AR0020010, AR0050288

Fact Sheet Preparation Date: Unknown Date, approximately 2/2010

Date of Last PCI/Audit: June 5, 2014/March 1, 2017 (no report);
September 21, 2012

Date of Last Annual Report: May 10, 2018 (2017 Annual Report)

Name of Inspector: Garrett Grimes (Primary), Jason Bolenbaugh

Date PCI Performed: July 17 - 18, 2018

Name, Title, and Telephone Number of Facility Representative:
Bruce Richart, Laboratory/IPP Director, 479-443-3292
Ashley Gregg, Lab Analyst

Name and Title of Other Participants: _____

Number of IUs Visited: 2

Name(s) of IUs Visited: Pinnacle Foods Corporation
Superior Industries International Arkansas, LLC.

AN IU SITE VISIT FORM SHOULD BE COMPLETED FOR EACH IU VISITED

NOTE: ANY QUESTION PRINTED IN ALL CAPS AND BOLD PRINT INDICATED A REGULATORY REQUIREMENT AND MUST BE ANSWERED FOR THE PCI REPORT TO BE COMPLETE. A NO ANSWER TO ONE OF THESE QUESTIONS SHOULD RESULT IN AN UNSATISFACTORY RATING.

A. INDUSTRIAL USER SURVEY

1. List any Significant Industrial Users (SIUs) which have been added or deleted from the program since the last audit or inspection. Ayrshire Electronics, LLC. was terminated on December 22, 2017.
2. Has ADEQ or EPA been notified of these changes? Yes
3. HAS THE INDUSTRIAL USER SURVEY BEEN KEPT UPDATED? No
4. What procedures are being used to update the IU Survey?
All permits that were issued by the city were not reissued even though timely and complete applications were submitted by the SIUs. The facility is currently evaluating and revising their survey and meeting with a third party in September to discuss the changes. Following the finalization of the survey, it will be submitted to the SIUs for completion and renewal of permits.
5. Total number of Significant Industrial Users, according to the definition used by the POTW. (This number must be greater than or equal to the answer to question 6) 7
6. Number of Categorical Industrial Users: 4
7. How does the POTW determine the appropriate categorical standards to apply to an IU? User Survey, 40 CFR, and other technical professionals in the company
8. List all categorical IUs discharging under the approved (such program. Include the name of the IU, the regulatory category as Metal Finishing), and the regulated process (phosphating, zinc plating, etc.) Additional listings can be made in the comments section if necessary.

Name of IU: Category: Regulated Process:

Custom Powder Coating Services, Inc.; 40 CFR 433; Metal Finishing

Elkhart Products Corporation; 40 CFR 468; Copper Forming;

Marshalltown Company; 40 CFR 433; Metal Finishing;

Superior Industries International Arkansas, LLC.; 40 CFR 433; Metal Finishing

C. INDUSTRIAL USER CONTROL MECHANISM

1. Is the POTW using the type of control mechanism (permit, agreement, etc.) required by the approved program? Permit
2. How many IU permits (or other control documents) have been issued? All permits are currently expired.
3. DO ALL SIGNIFICANT IUS HAVE CURRENT (UNEXPIRED) CONTROL DOCUMENTS? IF NOT, LIST ALL UNPERMITTED SIUS, THE DATE OF EXPIRATION OF THEIR PREVIOUS PERMIT (IF APPLICABLE), AND THE REASON FOR DELAY IN ISSUING THE REQUIRED DOCUMENT.

All SIUs have submitted timely application renewals; however, new permits were not issued to the SIUs for an unknown reason. Pretreatment personnel are currently working to revise the Industrial User Survey and will send the survey to the SIUs for completion, then review, and renew permits. All permits expired August 2013 and May 2015. Part III, Section A, Conditions 9 and 10 of the Pinnacle Foods Group permit outline permit continuation following timely renewal submittal.

4. Does the control document contain the following items?

An expiration date: Yes

Discharge limitations: Yes

If the program requires self-monitoring by the IUs, do the Permits contain:

IU self-monitoring requirements: Yes

IU reporting requirements: Yes

5. Indicate which of the following recommended standard conditions are contained in the control documents:

Sample location: Part I, Section A (Pinnacle Foods)
Location 005 (Superior Industries)

Type of sample: Part I, Section B (Pinnacle Foods)
Table I-1 (Superior Industries)

Monitoring frequency: Part I, Section B (Pinnacle Foods)
Table I-1 (Superior Industries)

Bypass prohibition: Part III, Section B (Pinnacle Foods)
Part III Section B.4 (Superior Industries)

Right of entry: Part III, Section IV (Pinnacle Foods)
Part IV, Section A (Superior Industries)

Nontransferability: Part III, Section A (Pinnacle Foods)
Part III, Section A.8 (Superior Industries)

Inspection Report: **City of Fayetteville - Paul R. Noland WWTP, AFIN: 72-00781, Permit #: AR0020010**
 Revocation clause: Part III, Sections A and C (Pinnacle Foods)
Part III, Section A.7 (Superior industries)
 Penalty Provisions: Part III, Section C (Pinnacle Foods)
Part III, Section C (Superior Industries)
 Slug load notification: Part II, Section C (Pinnacle Foods)
Part II, Section C.8 (Superior industries)
 Notification of process change: Part II, Section C (Pinnacle Foods)/ Part II, Section C.5 (Superior Industries)

D. MONITORING OF IUS BY POTW

1. Indicate current inspection and sampling frequency and program requirement below:

	Current frequency:	Program Requirement:
Sampling:		
categorical IUs	<u>1</u>	<u>1</u>
other SIUs	<u>1 (O&G)</u> <u>4 (BOD, TSS, Phosph, pH, Minerals)</u>	<u>1</u>
Inspection:		
categorical IUs	<u>1 (Full), Others</u>	<u>1</u>
other SIUs	<u>1 (Full), Others</u>	<u>1</u>

2. **HAS EACH SIU BEEN INSPECTED AND SAMPLED AT THE FREQUENCY REQUIRED BY THE APPROVED PROGRAM?** Yes

3. Are inspections announced or unannounced? Announced

4. Are records kept of each inspection? Yes

5. Does the inspection report contain an adequate description of the following:

Date and time of inspection: Yes

Officials present: Yes

Inspection of chemical storage areas: Yes

Description of regulated processes, categorical waste streams, and discharge location of these waste streams: Yes

Inspection of the pretreatment facilities: Yes

Inspection Report: **City of Fayetteville - Paul R. Noland WWTP, AFIN: 72-00781, Permit #: AR0020010**
Review of self-monitoring records: Yes

Observation of IU self-monitoring procedures: No

Verification that approved analytical techniques are used: Yes

Verification of IU flow measurement (where required): Yes

6. Overall adequacy of inspection documentation: Good
Will be unannounced if they see problems arise near the plant.
Also will contact via phone call to the facility.

7. **DOES THE POTW SAMPLE IUS FOR ALL POLLUTANTS REGULATED IN THEIR PERMITS? (IT IS NOT NECESSARY TO SAMPLE FOR ALL POLLUTANTS EVERY TIME, BUT IT MUST BE DONE PERIODICALLY).**
Yes

8. Are analyses performed in accordance with EPA-approved methods (40 CFR 136)? Yes

9. Are sampling and flow monitoring equipment properly maintained? Have auto-samplers they can set up or use the samplers at the facility.

10. Is the POTW keeping proper field notes and chain of custody forms? Yes

11. Is the sampling location representative of the discharge to the collection system? yes

12. Are sampling locations identified in POTW records? Yes

13. Are sampling services available in an emergency? Yes

14. What are the POTW's procedures for tracking receipt and review of IU reports, such as BMR's, semi-annual reports, progress reports, bypass reports, and self-monitoring reports? Facility is required to report bypasses and they do report. Acknowledge receipt of documents and log that information into a spreadsheet.

15. **ARE SELF-MONITORING REPORTS REVIEWED TO VERIFY THAT ANALYSES WERE PERFORMED FOR ALL REGULATED PARAMETERS, AND TO EVALUATE COMPLIANCE WITH EFFLUENT LIMITS?** Yes
Ashley reviews those reports and has caught reporting errors.

16. **IF VIOLATIONS ARE FOUND IN REPORTS, DOES THE POTW RESPOND**

TO ALL VIOLATIONS? Document violation on spreadsheet. Will then follow their enforcement plan for a specific violation.

17. What are the POTW's procedures for following up violations?
Depends on the nature of the violation. If in SNC then the SIU will be published in the paper; other documentation; fines./ Will use enforcement plan.

18. **HAS THE POTW REVIEWED BMRS FOR COMPLIANCE WITH 40 CFR 403.12 (b) ?:** N/A

Review a Baseline Monitoring Report from the POTW's file, and indicate which of the following items can be identified in the BMR:

Name and address: _____

Other environmental permits held: _____

Description of operations: _____

Process flow diagrams: _____

Flow measurements: _____

Measurements of regulated pollutants: _____

Certification of compliance by the IU: _____

Compliance schedule (if needed): _____

19. Additional comments on the POTW's inspection and sampling procedures: A new pharmaceutical company is being built That will require additional follow-up because the facility Indicated there would be no discharge from the facility.

E. Enforcement

1. **HAS THE POTW IMPLEMENTED ENFORCEMENT RESPONSE PROCEDURES TO ADEQUATELY ADDRESS EVERY IU VIOLATION OF PRETREATMENT STANDARDS AND REQUIREMENTS?** Yes. The POTW has developed a Standard Operating Procedure for enforcement actions.

2. How does the POTW respond to the following violations?
 Effluent limitations: Informal, Notice of Violation, Consent Order, Show Hearing, Fine

Late reports: Informal, Notice of Violation, Fine

Unpermitted discharges: Informal, Notice of Violation, Cease and Desist Order, Consent Order

Slug loads or spills: Notice of Violation, Cease and Desist Order, Consent Order, Civil Action

3. **IS THE LIST OF SIGNIFICANT VIOLATORS PUBLISHED BY THE POTW DEVELOPED IN ACCORDANCE WITH EPA REGION VI CRITERIA FOR SIGNIFICANT VIOLATING INDUSTRIAL USER (DATED AUGUST 22, 1985)?** Yes

4. List the SIUs which have met the criteria for Significant Violator within the last 12 months, and describe the enforcement action which has been taken by the POTW. If construction is required, please indicate whether the IU has been placed on an enforceable compliance schedule.

Name:	Type of Violation:	Enforcement Action:	Compliance Deadline:
None	None	None	None

5. Comments on the POTW's enforcement procedures:

The Enforcement SOP is complete and the enforcement actions vary depending on the significance of the violation, if the violations are recurring, and the type of violation that occurred.

F. POTW'S PRETREATMENT ORGANIZATION STRUCTURE

1. Is the program structure essentially the same as that presented in the approved pretreatment program? **The previous Coordinator retired, there are now two individuals overseeing The pretreatment program.**

2. Are staffing levels adequate? **Yes**

3. Are the responsible officials familiar with the approved program? **Yes**

G. MULTIJURISDICTIONAL ISSUES

1. List any IUs which are located outside of the jurisdictional area of the POTW:
There are no IUs outside of the POTW's jurisdiction.

2. Does the POTW have adequate procedures for controlling IUs located outside its jurisdictional area? **N/A**

3. Does the POTW have copies of permits for IUs in other cities? **N/A**

4. Have any of these IUs met the criteria for Significant Violator? If so, have they been published by the POTW in its annual list of Significant Violators? **N/A**

5. Comments on multijurisdictional issues: **N/A**

Inspection Report: **City of Fayetteville - Paul R. Noland WWTP, AFIN: 72-00781, Permit #: AR0020010**
PRETREATMENT COMPLIANCE INSPECTION

IU SITE VISIT FORM

Name of Industry: **Pinnacle Foods Corporation**

POTW Name: **City of Fayetteville, Noland WWTP**

Industry Contacts: **Bill Medley, EHS Manager**

Date and Time of Visit: **July 18, 2018 @**

Description of Manufacturing Process:
Cooking and packaging frozen food products such as macaroni and
cheese, Hungry Man dinners, and more.

Sources of Process Wastewater:
Process sanitation, frozen food production, some stormwater.

Categorical Industry? **No**

Basis for Limits: _____

Point of Application: **Outfall PFC001**

Description of Pretreatment Equipment and Procedures:
Process waste goes to rotary screens for solids removal; to an
in-ground pit, to a 350,000 gallon EQ tank, pH adjustment the DAF
Unit for solids removal, then to outfall. Removed solids are
Applied.

Spill Prevention and Solvent Management Procedures:
The facility has a Spill Prevention Plan in place.

Sampling Location and Equipment:
The facility has a refrigerated ISCO composite sampler and the
ability to easily collect any grab samples. The treatment system
is monitored via a computerized system. Average flows are 700k
gpd but fluctuates depending on the food items being processed.

IU SITE VISIT FORM

Name of Industry: **Superior Industries International Arkansas LLC**

POTW Name: **City of Fayetteville, Noland WWTP**

Industry Contacts: **David Keeling, Production Manager**

Date and Time of Visit: **July 18, 2018 @**

Description of Manufacturing Process:

Aluminum automobile wheels casting, machining, coating, painting, and finishing.

Sources of Process Wastewater:

Wheel casting, Wheel heat treating, Painting and Coating, and coolant and metals separation.

Categorical Industry? **Yes**

Basis for Limits: **40 CFR 433**

Point of Application: **Outfall SUP005**

Description of Pretreatment Equipment and Procedures:

Settling tanks, in-ground clarifiers, solids separation

Spill Prevention and Solvent Management Procedures:

Sampling Location and Equipment:

SUP005 has a 3-inch Parshall Flume with flow meter. Inside the Sampling shed adjacent to the flume is an ISCO auto sampler and flow meter. Flow meter is calibrated regularly and adjusted if It is found to be out of range by more than 8%.

PPETS CODE SHEET

PRETREATMENT COMPLIANCE INSPECTION (PCI)

INSPECTOR'S NAME: Garrett Grimes
NAME OF FACILITY: City of Fayetteville
PERMIT NUMBER USED
TO TRACK PROGRAM: AR0020010, AR0050288
DATE OF PCI: July 17 - 18, 2018

PPETS WENDB DATA ELEMENTS

NUMBER OF SIGNIFICANT IUS (SIUS): 7
NUMBER OF CATEGORICAL IUS: 4
SIUS NOT SAMPLED OR INSPECTED BY
POTW: 0
SIUS WITHOUT CONTROL MECHANISM: 0
SIUS IN SIGNIFICANT NONCOMPLIANCE
WITH STANDARDS OR REPORTING: 0
SIUS IN SIGNIFICANT NONCOMPLIANCE
WITH SELF-MONITORING REQUIREMENTS: 0
SIUS IN SIGNIFICANT NONCOMPLIANCE
WITH SELF-MONITORING AND NOT
INSPECTED OR SAMPLED BY POTW: 0



ARKANSAS
Department of Environmental Quality

OFFICE OF WATER QUALITY INSPECTION REPORT

AFIN: 72-00781	PERMIT #: AR0020010	DATE: 7/18/2018
COUNTY: 72 Washington	PDS #: 104030	MEDIA: WN
GPS LAT: 36.04868 LONG: -94.17581 LOCATION: Entrance		

FACILITY INFORMATION	INSPECTION INFORMATION	
<small>NAME:</small> Pinnacle Foods Group, LLC <small>LOCATION:</small> 1100 West 15th Street <small>CITY:</small> Fayetteville	<small>FACILITY TYPE:</small> 2 - Industrial <small>INSPECTOR ID#:</small> 104111 S - State <small>FACILITY EVALUATION RATING:</small> N <small>INSPECTION TYPE:</small> Industrial User <small>DATE(S):</small> <small>ENTRY TIME:</small> <small>EXIT TIME:</small> <small>PERMIT EFFECTIVE DATE:</small> 7/18/2018 8:30 09:20 <small>PERMIT EXPIRATION DATE:</small>	
RESPONSIBLE OFFICIAL	<small>FAYETTEVILLE SHALE RELATED:</small> N <small>FAYETTEVILLE SHALE VIOLATIONS:</small> N <th style="text-align: center;">INSPECTION PARTICIPANTS</th>	INSPECTION PARTICIPANTS
<small>NAME / TITLE</small> Mark Rusterholz / <small>COMPANY:</small> Pinnacle Foods Group, LLC <small>MAILING ADDRESS:</small> 1100 West 15th Street <small>CITY, STATE, ZIP:</small> Fayetteville AR 72701 <small>PHONE & EXT: / FAX:</small> 479-718-0517 / <small>EMAIL:</small>	<small>NAME/TITLE/PHONE/FAX/EMAIL/ETC.:</small> Bill Medley, Senior EHS Manager, Pinnacle Foods; Terry Duggie, Wastewater Manager, Pinnacle Foods; Bruce Richart, Lab./IPP Director, Jacobs Engineering; Ashley Gregg, Lab Analyst, Jacobs Engineering; Jason Bolenbaugh, Insp Supervisor, ADEQ Garrett Grimes, District 1 Inspector, ADEQ	
<small>CONTACTED DURING INSPECTION:</small> No		

AREA EVALUATIONS			
(S=Satisfactory, M=Marginal, U=Unsatisfactory, N=Not Applicable/Evaluated)			
** PERMIT	** FLOW MEASUREMENT	** STORMWATER	
** RECORDS/REPORTS	** LABORATORY	** FACILITY SITE REVIEW	
** OPERATION & MAINTENANCE	** EFFLUENT/RECEIVING WATER	** SELF-MONITORING PROGRAM	
** SAMPLING	** SLUDGE HANDLING/DISPOSAL	** PRETREATMENT	
** OTHER:			

SUMMARY OF FINDINGS

No violations identified.

GENERAL COMMENTS

No violations identified.

<small>INSPECTOR'S SIGNATURE:</small> Garrett Grimes	<small>DATE:</small> 8/3/2018
<small>SUPERVISOR'S SIGNATURE:</small> Jason Bolenbaugh	<small>DATE:</small> 8/6/2018

POTW Pretreatment Program

Industrial Site Visit

Name of Industry: Pinnacle Foods Group, LLC.

Industry Contacts: Bill Medley, Senior EHS Manager; Terry Duggie, Manager of Wastewater

Type of Industry: Non Categorical; Primary SIC Code: 2038-Frozen Specialties

Date of Visit: 07/18/2018

- | | | | | |
|-----|---|---|-----------------------------|------------------------------|
| 1. | Significant industrial user: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| 2. | Pretreatment equipment or procedures? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| 3. | Pretreatment equipment maintained
and operational? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| 4. | Hazardous waste generated or stored? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| 5. | Proper solid waste disposal? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| 6. | Solvent management/TTO control? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| 7. | Suitable sampling location? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| 8. | Appropriate self-monitoring
procedures/equipment? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| 9. | Adequate spill prevention? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| 10. | Industry familiar with limits
and requirements? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |

Additional Comments:

Visit Conducted By: Garrett Grimes and Jason Bolenbaugh

Date of Report: 8/2/2018

<h1 style="margin: 0;">A DE Q</h1> <p style="margin: 0;">A R K A N S A S Department of Environmental Quality</p>		OFFICE OF WATER QUALITY INSPECTION REPORT		
		AFIN: 72-00781	PERMIT #: AR0020010	DATE: 7/18/2018
		COUNTY: 72 Washington	PDS #: 104032	MEDIA: WN
		GPS LAT: 36.03226 LONG: -94.13157 LOCATION: Entrance		
FACILITY INFORMATION		INSPECTION INFORMATION		
NAME: Superior Indust. Internat'l AR LOCATION: 1901 Borick Drive CITY: Fayetteville		FACILITY TYPE: 2 - Industrial INSPECTOR ID#: 104111 S - State FACILITY EVALUATION RATING: N INSPECTION TYPE: Industrial User DATE(S): 7/18/2018 ENTRY TIME: 9:45 EXIT TIME: 11:30 PERMIT EFFECTIVE DATE: PERMIT EXPIRATION DATE:		
RESPONSIBLE OFFICIAL		FAYETTEVILLE SHALE RELATED: N		
NAME / TITLE: David Miller / COMPANY: Superior Indust. Internat'l AR MAILING ADDRESS: 1901 Borick Drive CITY, STATE, ZIP: Fayetteville AR 72701 PHONE & EXT: / FAX: 479-443-7870 / EMAIL:		FAYETTEVILLE SHALE VIOLATIONS: N		
CONTACTED DURING INSPECTION: Yes		INSPECTION PARTICIPANTS		
		NAME/TITLE/PHONE/FAX/EMAIL/ETC.: David Miller, Corporate Environmental Director, Superior industries; Bruce Richart, Lab./IPP Director, Jacobs Engineering; Ashley Gregg, Lab Analyst, Jacobs Engineering; Jason Bolenbaugh, Insp Supervisor, ADEQ Garrett Grimes, District 1 Inspector, ADEQ		
AREA EVALUATIONS				
(S=Satisfactory, M=Marginal, U=Unsatisfactory, N=Not Applicable/Evaluated)				
** PERMIT	** FLOW MEASUREMENT	** STORMWATER		
** RECORDS/REPORTS	** LABORATORY	** FACILITY SITE REVIEW		
** OPERATION & MAINTENANCE	** EFFLUENT/RECEIVING WATER	** SELF-MONITORING PROGRAM		
** SAMPLING	** SLUDGE HANDLING/DISPOSAL	** PRETREATMENT		
** OTHER:				
SUMMARY OF FINDINGS				
No violations identified.				
GENERAL COMMENTS				
No comments.				
INSPECTOR'S SIGNATURE: <i>Garrett Grimes</i> Garrett Grimes		DATE: 8/3/2018		
SUPERVISOR'S SIGNATURE: <i>Jason Bolenbaugh</i> Jason Bolenbaugh		DATE: 8/6/2018		

POTW Pretreatment Program

Industrial Site Visit

Name of Industry: Superior industries

Industry Contacts: David miller, Corporate Environmental Manager

Type of Industry: SIC codes 3714 – Motor Vehicles Parts and Accessories, 3365 Aluminum Foundries

Date of Visit: 7/18/2018

- | | | | | |
|-----|---|---|-----------------------------|---|
| 1. | Significant industrial user: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| 2. | Pretreatment equipment or procedures? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| 3. | Pretreatment equipment maintained
and operational? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| 4. | Hazardous waste generated or stored? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| 5. | Proper solid waste disposal? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| 6. | Solvent management/TTO control? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A |
| 7. | Suitable sampling location? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| 8. | Appropriate self-monitoring
procedures/equipment? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| 9. | Adequate spill prevention? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| 10. | Industry familiar with limits
and requirements? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |

Additional Comments:

Visit Conducted By: Garrett Grimes and Jason Bolenbaugh

Date of Report: 8/2/2018

ADEQ

ARKANSAS
Department of Environmental Quality

September 6, 2018

Lioneld Jordan, Mayor
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

RE: City of Fayetteville – Paul R. Noland WWTP Inspection
AFIN: 72-00781 Permit No.: AR0020010

Honorable Mayor Jordan:

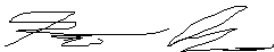
I have reviewed your response pertaining to my July 17 – 18, 2018, Pretreatment Compliance Inspection of the above referenced facility. However, the information provided does not sufficiently address the violations referenced in my inspection report. Please provide the following:

Finding #2: Your response states that the finalized permits for the seven (7) SIUs should be issued and in effect by the end of 2018. Please submit notification and documentation when these permits are in effect.

The above item requires your immediate attention. Please submit a written response to these items to the Office of Water Quality Compliance Branch of this Department. This response should be mailed to the address at the bottom of the first page of the letter or e-mailed to Water-Inspection-report@adeq.state.ar.us. This response is due by the self-imposed deadline of **January 1, 2019**.

Thank you for your attention to this matter. Should you have any questions, feel free to contact me at 479-267-0811, ext. 16 or you may e-mail me at grimesg@adeq.state.ar.us.

Sincerely,



Garrett Grimes
District 1 Field Inspector
Office of Water Quality

From: [Richart, Robert/FAY](#)
To: [Water-Inspection-Report](#)
Cc: [Grimes, Garrett](#); [Yates, Adam](#); [Pemberton, Layne](#); [Nyander, Tim](#); [Weeks, Greg/FAY](#); [Gregg, Ashley/FAY](#)
Subject: AR0020010 Pretreatment Compliance Inspection Follow-Up
Date: Monday, October 01, 2018 1:09:33 PM
Attachments: [ADEQ follow upletter for permits due Jan 1.pdf](#)
[CPC 18.pdf](#)
[HD 18.pdf](#)
[MTT 18.pdf](#)
[PFC 18.pdf](#)
[SUP 18.pdf](#)
[TYS 18.pdf](#)
[EPC 18.pdf](#)

ADEQ Office of Water Quality Compliance Branch, Mr. Garrett Grimes, Mr. Adam Yates, and Mr. Layne Pemberton, Please see the attached cover letters and 7 SIU permits that were delivered to the Fayetteville industrial users last week and went into effect today, Oct. 1, 2018. Please let me know if you have any questions. Thanks, Bruce

Bruce Richart, LEED AP O+M
Jacobs
Laboratory & Industrial Pretreatment Director
+ 1.479.443.3292
+ 1.479.263.6837 mobile
Robert.richart@jacobs.com

www.jacobs.com

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ADEQ

ARKANSAS
Department of Environmental Quality

RECEIVED

SEP 17 2018

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

September 13, 2018

Lionel Jordan, Mayor
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

RE: City of Fayetteville – Paul R. Noland WWTP Inspection
AFIN: 72-00781 Permit No.: AR0020010

Honorable Mayor Jordan:

I have reviewed your response pertaining to my July 17 – 18, 2018, Pretreatment Compliance Inspection of the above referenced facility. However, the information provided does not sufficiently address the violations referenced in my inspection report. Please provide the following:

Finding #2: Your response states that the finalized permits for the seven (7) SIUs should be issued and in effect by the end of 2018. Please submit notification and documentation when these permits are in effect.

The above item requires your immediate attention. Please submit a written response to these items to the Office of Water Quality Compliance Branch of this Department. This response should be mailed to the address at the bottom of the first page of the letter or e-mailed to Water-Inspection-report@adeq.state.ar.us. This response is due by the self-imposed deadline of **January 1, 2019**.

Thank you for your attention to this matter. Should you have any questions, feel free to contact me at 479-267-0811, ext. 16 or you may e-mail me at grimesg@adeq.state.ar.us.

Sincerely,



Garrett Grimes
District 1 Field Inspector
Office of Water Quality



September 21, 2018

Ms. Angela Stevens
Custom Powder Coating Services, Inc.
1629 W. Farmington St.
Fayetteville, AR 72701

RE: Application for Permit Number FAY16

Dear Ms. Stevens,

In accordance with the City of Fayetteville Code, your company submitted a permit application for renewal in a timely manner. Enclosed is a final wastewater discharge permit for Custom Powder Coating Services, Inc.

Except for the items listed below, conditions of this permit are identical to those in your existing permit. The following clauses were added to the permit based upon Arkansas Department of Environmental Quality's (ADEQ) and/or pretreatment streamlining updates:

1. Incorporation of Accidental Spill/Slug Prevention Plan into the permit (Part I Section D.2)
2. Incorporation of Toxic Organic Management Plan into the permit (Part I Section D.3)
3. Changed all references to the contract operator from CH2MHILL or OMI to Jacobs

Based upon the fact that immediate actions to issue this new permit are required, the enclosed permit shall become effective on October 1, 2018. Please be advised that your company may submit a request for permit modification to the City at any time.

Please submit any written request or questions concerning any part of the permit to:

Jacobs
Attn: Industrial Pretreatment Coordinator
1400 N. Fox Hunter Road
Fayetteville, AR 72701
(479) 443-3292

If you should have any questions and comments, please don't hesitate to contact Bruce Richart at robert.richart@jacobs.com or (479) 443-3292.

Sincerely,

City of Fayetteville



Tim Nyander
Utilities Director
Utilities Department

Enclosure

cc: Greg Weeks
Bruce Richart

**CITY OF FAYETTEVILLE, ARKANSAS
INDUSTRIAL WASTE DISCHARGE PERMIT**

PERMIT NO. FAY16

Custom Powder Coating Services, Inc. has been classified as a 40 CFR 433.17 Metal Finisher under Subpart A (Metal Finishing) because of the phosphate cleaning process. In compliance with the provisions and conditions of Article III Discharge and Pretreatment Regulations in Chapter 51 of the Fayetteville Code, of 40 CFR 433, and with any applicable provisions of local, federal or State of Arkansas laws or regulations,

Custom Powder Coating Services, Inc.
1629 West Farmington Street
Fayetteville, Arkansas 72701

hereinafter called the Permittee, is authorized to discharge industrial wastewater from activities classified by SIC Nos. 3479 from premises located at the above address and through outfalls identified herein to the City of Fayetteville's POTW collection system in accordance with effluent limitations, monitoring requirements, compliance schedule, reporting requirements, and conditions set forth in this permit and in the Discharge and Pretreatment Regulations in Chapter 51 of the Fayetteville Code.

Noncompliance with any term or condition of this permit shall constitute a violation of the Fayetteville Code.

This permit shall become effective on **October 1, 2018** and authorization to discharge shall expire at midnight on **September 30, 2023**. The duration of this permit shall not exceed 5 years.

If the Permittee wishes to continue discharge after the expiration date of this permit, an application must be filed for a renewal permit in accordance with requirements of the Discharge and Pretreatment Regulations subchapter of the Fayetteville Code, a minimum of 90 days prior to the expiration date.

Signed this 24TH day of SEPTEMBER, 2018

Approved By: _____



Tim Nyander
Utilities Director
City of Fayetteville

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2018 CPC
FAY16

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PART I - SPECIFIC CONDITIONS, LIMITATIONS, AND REQUIREMENTS

SECTION A. WASTESTREAM LOCATIONS

Location CPC001

This wastestream shall consist of the wastewater from all regulated processes. The permitted point of discharge shall be at the discharge pipe from the iron phosphate cleaning unit into the floor drain in front of Floor Tank No. 4. This drain is located approximately 50 feet west of the east wall and 20 feet north of the south wall. The quality of the effluent discharged from Location CPC001 shall, at a minimum, meet the limitations as set forth in Section B, Table I-1 of this Part.

SECTION B. DISCHARGE LIMITATIONS & MONITORING REQUIREMENTS

The following limitations and monitoring requirements shall apply to discharge from **Location CPC001** except for and flow usage, which apply as specified in the Table I-1 footnotes. The Permittee shall monitor the discharge from **Location CPC001**, and the incoming water usage, and shall be limited as specified below:

Table I-1				
Parameter	LIMITATIONS ¹		MONITORING REQUIREMENTS	
	Daily Maximum (mg/l)	Monthly Average ² (mg/l)	Frequency ³	Sample Type
Cadmium, total	0.11	0.07	1/6 months	Composite
Chromium, total	2.77	1.71	1/6 months	Composite
Copper, total	3.38	2.07	1/6 months	Composite
Lead, total	0.69	0.43	1/6 months	Composite
Nickel, total	3.98	2.38	1/6 months	Composite
Silver, total	0.43	0.24	1/6 months	Composite
Zinc, total	2.61	1.48	1/6 months	Composite
Cyanide, total ⁵	1.20	0.65	1/6 months	Composite
TTO, 40 CFR 433	2.13	-	NA	Certification ⁴
Flow, Usage ⁵	Report	Report	Continuous	Totalizer
Flow, Discharge ⁶	Report	Report	Continuous	Totalizer

¹ It is the Permittee's responsibility to ensure test detection levels are sufficiently low to demonstrate compliance with permit limitations. If an analytical result is below the laboratory detection limit, then the detection limit shall be used in the calculation of pounds unless permitted otherwise by the Control Authority. The EPA recommends the following detection limits in **micrograms** per liter (**ug/l**): 0.5 for cadmium, copper, lead, nickel, and silver; 10 for chromium and cyanide; 0.005 for mercury; 20 for zinc.

² Monthly average is the average of all daily results in a calendar month regardless of the number of samples analyzed.

³ Week means Sunday through Saturday. Month means calendar month. The date and time of an individual grab sample is the date and time at which the sample is collected. The date of a composite sample is the date on which sample collection for the composite sample is started and stopped. The composite sample date will be one day if the composite sample is collected on one day, e.g. April 14, 2018, or two days if the composite sample is collected over two days, e.g. April 14-15, 2018. Monitoring by the Control Authority is not a substitute for monitoring required to be conducted by the Permittee in this permit unless the Control Authority notifies the Permittee in writing that specific monitoring by the Control Authority can be used to meet permit frequency requirements.

⁴ The Permittee has submitted a Toxic Organic Management Plan (TOMP) and must comply with the Toxic Organic Management Plan (TOMP). Certification statements in each monitoring report are required in lieu of TTO monitoring. Any TTO analysis performed according to the methods in 40 CFR 136 must be submitted in the monitoring reports and is limited specified in this table.

⁵ Usage flow (incoming water) shall be measured at the city water meter. Report average daily and total monthly flow for water usage in gallons for each month in which monitoring occurs.

⁶ Estimate total discharge flow from incoming water flow. Any deviation from this discharge flow shall be calculated as 90% of total incoming water flow. Any deviation from this calculation shall be documented in the discharge monitoring report submitted for that period. Report average daily and total monthly flow for wastewater discharge for each month in which monitoring occurs.

SECTION C. COMPLIANCE SCHEDULE

The Permittee shall achieve compliance with the effluent limitations specified for discharges on the effective date of this permit.

SECTION D. OTHER SPECIFIC REQUIREMENTS

1. Pollution Prevention

The Permittee shall reevaluate its pollution prevention assessment and submit the results to the Industrial Pretreatment Coordinator (IPC) within 1 year of the effective date of this permit.

2. Accidental Spill/Slug Prevention Plan Requirement

The Permittee is required to have an Accidental Spill/Slug Prevention Plan (ASPP) in accordance with Part IV, Section C. If the Permittee is required to have an ASPP, the most recent accepted ASPP on file is incorporated by reference and is considered a part of this permit and is enforceable.

3. Toxic Organic Management Plan Requirement

The Permittee is required to have a Toxic Organic Management Plan (TOMP). If the Permittee is required to have a TOMP, the most recent accepted TOMP on file is incorporated by reference and is considered a part of this permit and is enforceable.

PART II - STANDARD MONITORING, RECORD KEEPING & REPORTING REQUIREMENTS

SECTION A. MONITORING

1. Monitoring by Approved Methods

Sampling and analyses must be conducted according to procedures approved under 40 CFR Part 136, unless other procedures have been specified in this permit. The Permittee shall insure that both calibration and maintenance activities will be conducted on all monitoring and analytical instrumentation at intervals frequent enough to ensure accuracy of measurements. An adequate analytical quality control program shall be maintained by the Permittee or State approved commercial laboratory. At a minimum, spikes and duplicate samples are to be analyzed on 10% of the samples where applicable.

If the Permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the industrial monitoring reports.

2. Sampling Facility and Monitoring Equipment

The Permittee shall provide a suitable sampling facility(s) together with such necessary manholes, meters and other equipment to facilitate observation, sampling and measurement of the process and/or combined wastes from the permitted discharge.

Such facility(s) and other appurtenances shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Industrial Pretreatment Coordinator and shall be constructed, operated, and maintained at the Permittee's expense.

Such facility(s) and other appurtenances shall be maintained to be safe and accessible at all times and shall be made available for use by the Industrial Pretreatment Coordinator for monitoring and/or sampling upon request.

3. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring point(s) specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestreams, body of water, or substance. Monitoring points shall not be changed without notification to, and approval of, the Industrial Pretreatment Coordinator.

4. 24-Hour Reporting and Automatic Resampling

If the results of the Permittee's analysis indicate that a violation of this permit has occurred, the Permittee must inform the Industrial Pretreatment Coordinator (IPC) of the violation within 24 hours of becoming aware of the violation. The Permittee shall repeat the sampling and analysis and submit the results of the repeat analysis to the IPC within 30 days of becoming aware of the violation.

If sampling performed by the IPC indicates that a violation has occurred, the IPC shall repeat

the sampling and analysis within 30 days of becoming aware of the violation unless it notifies the Permittee of the violation and requires the Permittee to perform the repeat sampling and analysis.

The IPC may waive the resampling requirement if the IPC performs sampling at the Permittee at least once per month, or the IPC performs sampling at the Permittee between the time when the Permittee performs its initial sampling and the time when the Permittee receives the results of this sampling.

5. Flow Measurement Devices and Method

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected, provided, used, calibrated and maintained by the Permittee to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained by trained personnel to insure that the accuracy of the measurement is consistent with the accepted capability of that device. A calibration log shall be maintained and must include dates of service and calibration, who performed the calibration and the methods used in the calibration. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes. The Industrial Pretreatment Coordinator shall be allowed to check or request a check of the calibration of the system at any time.

SECTION B. RECORD KEEPING

1. Retention of Records

The Permittee shall retain records of all monitoring information resulting from monitoring activities, including all calibration and maintenance records, 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 Industrial Pretreatment Coordinator at any time.

All records which pertain to matters which are the subject of enforcement or litigation activities pursuant hereto shall be retained and preserved by the Permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

2. Record Contents

Records and monitoring information shall include:

- a. The exact date, location, time and method of sampling;
- b. The individual(s) who performed the sampling or measurement;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used;

- f. The results of all required analyses;
- g. Laboratory QA/QC results; and
- h. Chain of Custody documentation.

3. **Manifest of Wastes Removed**

The Permittee shall provide a manifest or other record of wastes removed by the pretreatment system and method(s) of disposal. These records shall be made available to the Industrial Pretreatment Coordinator upon request.

4. **Duty to Provide Information**

The Permittee shall furnish to the Industrial Pretreatment Coordinator (IPC) within a reasonable time, any information, including that requiring additional monitoring and/or analyses, which the IPC may request to determine whether cause exists for modifying, revoking and reissuing or terminating this permit or to determine compliance with this permit. The Permittee shall also furnish, upon request, copies of records required to be kept by this permit.

5. **Availability of Data**

Information included in or pertaining to this permit or any information obtained during or as a result of inspection or other monitoring shall be made available to any agency regulating this program and to the public, to the extent provided by 40 CFR Part 2.302 (Public Information) and 40 CFR Part 403.14 (Confidentiality).

SECTION C. REPORTING

1. **Discharge Monitoring Report**

No later than the 21st day of each month following a monitoring month, the Permittee shall provide the Industrial Pretreatment Coordinator (IPC) with a summary report of pollutant discharges for the previous calendar month. Submit Discharge Monitoring Reports even when no discharge occurs during the reporting period. The report shall include:

- a. Industry name and address;
- b. Industry contact name;
- c. Industrial waste discharge permit number;
- d. Category;
- e. Monitoring location(s);
- f. Reporting period;
- g. Sample dates (the date the grab sample is collected or the date the last aliquot is collected for a composite sample) ;
- h. Pollutant limits;
- i. Daily pollutant concentrations, mass, and units;
- j. Monthly average pollutant concentrations, mass, and units;
- k. Daily flow for wastewater discharge on all monitoring days, and average daily and total monthly flow for water usage and wastewater discharge and units;

- l. Compliance statement;
- m. Statement of compliance with the Accidental Spill/Slug Prevention Plan (AS/SPP) if an AS/SPP is required by this permit;
- n. TTO certification statement if a TOMP plan is required by this permit:
"Based on my inquiry of the person or persons directly responsible for managing compliance with the permit limitation for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing of the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the control authority.";
- o. Certification statement:
"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.";
- p. Signature of authorized signatory (See Attachment A).

2. Compliance Schedule Reporting

If construction or placement of facilities or equipment is required to meet limitations, requirements, and/or conditions of this permit, a proposed compliance schedule shall be submitted by the Permittee within fourteen (14) days of the effective date of this permit unless otherwise specified.

Compliance schedules shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities and procedures required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).

No increment shall exceed 9 months nor shall the entire schedule exceed 18 months.

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any compliance schedules of this permit shall be submitted no later than fourteen (14) days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

3. Averaging Measurements and Detection Limits

Calculations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit. If a result is less than the detection limit, the detection limit is used to determine compliance, to calculate averages, and to calculate mass.

4. Notification of Unusual Loadings

The Permittee shall immediately notify the Industrial Pretreatment Coordinator once aware of any unusual loadings released to the wastewater collection system and shall take immediate appropriate action to mitigate any adverse effects of such loadings, including ceasing of processing operations, if required.

5. Planned Changes

The Permittee shall submit prior notice to the Industrial Pretreatment Coordinator, if possible at least 30 days before any planned change in production or treatment process or any planned physical alterations or additions to the permitted facility.

This notification shall be in writing and shall apply to all pollutants whether limited by this permit or not and to any activity which would result in the discharge or a change in discharge of those pollutants to the POTW.

6. Notification of Shutdown

Notification of any shutdown period of more than (2) days shall take place at least 48 hours prior to the shutdown period. Notification of any shut down period of more than (5) days shall be in writing and shall take place at least (2) weeks prior to the first day of shutdown. Notification shall be given to the Industrial Pretreatment Coordinator (IPC) and shall include the following:

- a. The date shutdown will start;
- b. the last shift to work on the date of shutdown;
- c. the date process operations will resume; and
- d. the first shift to work on the date of startup.

The strength and characteristics of the wastewater load that is generated during any significant shutdown period shall be approved by the IPC.

7. Anticipated Noncompliance

The Permittee shall submit prior notice to the Industrial Pretreatment Coordinator, if possible at least 30 days before any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

8. Twenty-four Hour Reporting (Bypass, Upset, Spill, Slug, or Noncompliance)

The Permittee shall notify the Industrial Pretreatment Coordinator immediately, but no later than twenty-four (24) hours from the time the Permittee becomes aware of the occurrence of any bypass of the treatment system, upset which places the Permittee in a temporary state of noncompliance, any potentially harmful spill, accidental or slug discharge, or any noncompliance which may endanger health, the environment, or operation of the POTW. The notification shall include location of discharge, date and time thereof, type of waste including

concentration and volume, and corrective actions taken. The Permittee's notification of accidental releases in accordance with this section does not relieve it of other reporting requirements under local, State, or federal laws.

Written notification of the accidental discharge shall be made to the Industrial Pretreatment Coordinator within five (5) days and shall contain:

- a. A description of the event and its suspected cause;
- b. The duration of the event, including exact dates and times;
- c. The impact of the event on the Permittee's compliance status;
- d. If cessation of the event has not occurred, the anticipated period of time it is expected to continue; and
- e. Steps taken or planned to reduce, eliminate, and prevent recurrence of the event.

9. Other Noncompliance

The Permittee shall report all instances of noncompliance at the time monitoring reports are submitted unless otherwise required.

10. Certification in Lieu of Monitoring

A Permittee subject to total toxic organics limitations may be allowed to submit a Toxic Organic Management Plan (TOMP) with prior approval of the Industrial Pretreatment Coordinator (IPC). If a TOMP has been accepted by the IPC, the Permittee must submit a certification statement as part of the semi-annual report (or more frequently, if more frequent reporting is required) certifying compliance with the TOMP.

11. Signatory Requirements

All reports or information submitted pursuant to the requirements of this permit must be signed and certified by an authorized signatory of the Permittee. Signed copies of a Signatory Authorization Form (Attachment A) must be submitted to the Industrial Pretreatment Coordinator for any individual to be considered an authorized signatory. See Attachment A for the definition of an authorized signatory.

Any authorized signatory signing reports or information submitted in accordance with this permit shall make the following written certification:

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

12. Address for Report Submissions

All reports and notices required by this permit shall be submitted to:

Jacobs
Attn: Industrial Pretreatment Coordinator
1400 N. Fox Hunter Road
Fayetteville, AR 72701

(479) 443-3292

PART III - STANDARD CONDITIONS**SECTION A. GENERAL CONDITIONS****1. State Laws**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation.

2. Limitations Subject To Revision

Any changes in EPA, State of Arkansas, or local applicable regulations shall supersede this permit. The Permittee will be notified of the changes and required to develop a compliance schedule if changes in the Permittee's treatment processes or facilities are necessary to insure compliance with the regulatory changes.

These specific limitations are subject to revision if and at such time as the effluent limitations and other requirements of the POTW are revised.

These specific limitations are subject to revision if and at such time as it is determined that discharge from the Permittee is or has become detrimental to the public health or safety, the health or safety of the operators of the POTW, the biological or structural integrity of the POTW including the collection system, and/or the protection of the receiving waters.

3. Property Rights

This permit does not convey any property rights in either real or personal property, 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.

4. Regulatory Changes

Any changes in EPA, State, or local pretreatment regulations that are more stringent than the requirements of this permit shall supersede this permit. The Permittee will be notified of the change and required to develop a compliance schedule if changes in the Permittee's treatment process or facility are necessary to insure compliance with the regulatory change(s).

5. Toxic Pollutants

If a toxic effluent standard or prohibition is established for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit may be revised or modified in accordance with the toxic effluent standard or prohibition and the Permittee so notified.

6. 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.

7. Permit Modification, Revocation, Suspension, Termination

This permit may be modified, revoked and reissued, suspended, or terminated with cause in accordance with the requirements of the Discharge and Pretreatment Regulations subchapter of the Fayetteville Code and/or State or federal regulations, or for other good cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, suspension, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

8. Limitations on Permit Transfer

This permit is nontransferable to any person except after notice to the Control Authority. This permit may be transferred to a new owner or operator if the Permittee gives at least seven (7) days advance notice to the Control Authority, provides a copy of the existing permit to the new owner or operator, and the Control Authority approves the wastewater discharge permit transfer. The notice to the Control Authority must include a written certification by the new owner or operator which:

- a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- b. Identifies the specific date on which the transfer is to occur; and
- c. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

9. Duty to Reapply

The Permittee is responsible for filing an application for reissuance of the permit at least ninety (90) days before the expiration date of this permit.

10. Continuation of Expired Permits

If on the date of expiration of this permit, a new permit has not been issued, the requirements and limitations of this permit shall continue to be effective and enforceable unless the Permittee has received notice of suspension, revocation and/or termination of the permit.

SECTION B. OPERATION AND MAINTENANCE**1. Proper Operation and Maintenance**

The Permittee shall at all times maintain in good working order and operate as efficiently as possible all facilities and systems of treatment, control, sampling, measurement and/or

analysis installed or used by the Permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate process control.

2. Need to Halt or Reduce Not a Defense

It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

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, the POTW treatment facility, the waters receiving the POTW treatment facility discharge, or the environment.

Reasonable steps include but are not limited to accelerated or additional monitoring and/or analyses necessary to determine the nature and impact of the noncomplying discharge.

4. Bypass of Treatment System

Bypass of the treatment system is prohibited, unless:

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. There was no feasible alternative to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime;
- c. The Industrial Pretreatment Coordinator approved an anticipated bypass, considering its adverse effects, if the Permittee, knowing in advance of the need for a bypass, submitted prior notice in writing at least ten (10) days before the bypass; or
- d. The bypass does not cause effluent limitations to be exceeded.

5. Affirmative Defense

An upset may constitute an affirmative defense for action brought for the noncompliance. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation. The Permittee has the burden of proof to provide evidence and demonstrate that none of the factors specifically listed above were responsible for the noncompliance.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An upset occurred and that the Permittee can identify the specific cause of the upset;
- b. The permitted facility was at the time being properly operated; and
- c. The Permittee submitted notice of the upset as required.

6. Removed Substances and RCRA Requirements

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 pollutants from such materials from entering the sewer system. The Permittee is responsible to assure its compliance with any requirements regarding the generation, treatment, storage, and/or disposal of hazardous wastes as defined under the Federal Resource Conservation and Recovery Act and State of Arkansas rules and regulations relative to refuse, liquid and/or solid waste disposal.

7. Disposal of Sludges and Spent Chemicals

The Permittee shall dispose of sludges and spent chemicals in accordance with procedures in Section 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.

8. Emergency Action

In the event of a power loss to the Permittee's treatment facility, the Permittee shall provide treatment to the best of his ability and shall report immediately to the Industrial Pretreatment Coordinator any noncompliance resulting from the emergency situation.

9. Dilution Not Permitted

The Permittee shall not increase the use of potable or process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

SECTION C. RESULTS OF NONCOMPLIANCE**1. Duty to Comply**

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Fayetteville Code and may be grounds for enforcement action.

2. Penalties for Violations of Permit Conditions

The Permittee is subject to a civil or criminal penalty of not more than \$1000.00 per violation per day for each day that the Permittee is in violation of the requirements of this permit, the pretreatment standards, or the Discharge and Pretreatment Regulations subchapter of the Fayetteville Code.

3. Permit Suspension, Revocation and Termination

This permit may be suspended, or revoked and terminated in accordance with the requirements of the Discharge and Pretreatment Regulations subchapter of the Fayetteville Code and/or the approved Enforcement Response Plan.

4. Tampering

Any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall be subject to civil and/or criminal penalties.

5. Falsification of Reports

The Fayetteville Code provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1000.00) per day.

6. Publication in Newspaper for Significant Noncompliance

The Fayetteville Code provides that, in accordance with 40 CFR 403.8(f)(2)(vii), the city shall publish annually in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the city's WRRF, a list of the users in significant noncompliance with applicable pretreatment standards and requirements. A user is in significant noncompliance if its violations meet one or more of the following criteria:

- a. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;
- b. Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limits, multiplied by the applicable criteria: 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH;
- c. Any other violation of a pretreatment standard or requirement (daily maximum, long term average, instantaneous limit, or narrative standard) that the city determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of city or WRRF personnel or the general public;
- d. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge;
- e. Failure to meet within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- f. Failure to provide within forty-five (45) days after the due date, any required reports,

including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

- g. Failure to accurately report noncompliance;
- h. Any other violation(s), which may include a violation of best management practices, which the city determines will adversely affect the operation or implementation of the local pretreatment program.

7. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the Permittee from civil and/or criminal penalties for noncompliance under local, State or Federal laws or regulations.

PART IV - OTHER REQUIREMENTS**SECTION A. RIGHT OF ENTRY**

The Permittee shall allow any authorized representative of the EPA, State of Arkansas, or City of Fayetteville pretreatment program, bearing proper credentials and identification:

1. To enter upon the Permittee's premises where a real or potential discharge is located or records are required to be kept under the terms and conditions of this permit;
2. To have access to and copy records required to be kept under the terms and conditions of this permit; to inspect any facility, materials storage or monitoring equipment; to observe monitoring practices, process or facility operations; to sample any discharge; and
3. Where the Permittee has security measures in force which require proper identification and/or clearance before entry onto said Permittee's premises is granted, such Permittee shall make the necessary arrangements with the security guards that upon presentation of proper identification, the IPC shall be permitted to enter without delay. The Industrial Pretreatment Coordinator shall have access to production, materials storage, and wastewater pretreatment areas as well as operating, monitoring, and pretreatment records of the Permittee Plant. Access shall be granted immediately upon request at any time deemed necessary provided proper identification is provided by the entrant.

SECTION B. BOILER SYSTEM

No chemicals other than chlorine, inorganic acids and inorganic bases (e.g., sulfuric acid, sodium hydroxide, etc.) are to be used in the boiler system without prior approval from the Industrial Pretreatment Coordinator. In requesting permission to use chemicals in the boiler system, the Permittee must provide the following information:

1. Name of chemical compound (trade name and/or brand name);
2. Name and address of manufacturer and name and telephone number of local representative;
3. Copy of the Material Safety Data Sheet; and
4. Proposed application rates and frequency of application.

SECTION C. ACCIDENTAL SPILL/SLUG PREVENTION PLAN

If the Permittee is required to have one, an Accidental Spill/Slug Prevention Plan (AS/SPP) shall be developed and submitted. The Permittee shall notify the POTW immediately of any changes at its facility affecting potential for a slug discharge.

Failure of the plan to prevent violations of any other provisions of this permit in no way relieves the Permittee from its legal liability for noncompliance with the permit conditions.

At a minimum, the AS/SPP must address the following:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;

3. Procedures for immediately notifying the POTW of slug discharges or spills, including any discharge that would violate a prohibition under 40 CFR 403.5(b) with procedures for follow-up written notification within five days;
4. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;

The AS/SPP must provide for notification of slug discharges or spill events to the proper authorities, including the POTW. The following information must be included in the plan under notification to the POTW and should be posted on a chain-of-contacts list on information boards and in other appropriate areas throughout the plant:

Paul R. Noland Water Resource Recovery Facility
Jacobs
1400 N. Fox Hunter Road
Fayetteville, Arkansas 72701

479-443-3292, 24 hours/day, 7 days/week

PART V - DEFINITIONS

- A. **CFR** means Code of Federal Regulations
- B. **Composite sample** means a sample usually comprised of a minimum of twelve (12) aliquots collected over a period of no more than twenty-four (24) hours. If the daily discharge is less than (24) hours, a minimum of (4) aliquots per day at equal time intervals should be taken.
- C. **Control Authority** means the local agency regulating the local pretreatment program and its authorized representatives including, but not limited to, the Industrial Pretreatment Coordinator.
- D. **Discharge** means an intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pouring, emitting, emptying, or dumping of a pollutant into the waters of the State or the US, or onto land or into wells from where it might flow or drain into said waters onto lands outside the jurisdiction of the State. Discharge includes the release of any pollutant into a POTW.
- E. **Fayetteville Code** means the City of Fayetteville Code of Ordinances
- F. **Flow proportioned** means a composite sample that is collected proportional to each stream flow at time of collection of each aliquot or to the total flow since the previous aliquot. Sampling may be flow proportioned either by varying the volume of each aliquot or the time interval between each aliquot. If discrete sampling is employed, at least 12 aliquots should be composited.
- G. **Grab sample** means an individual sample collected over a period of time not to exceed 15 minutes. It is a single sample and is representative of conditions and characteristics of the discharge at the time it is collected.
- H. **Industrial Pretreatment Coordinator (IPC)** means an authorized representative of the Control Authority that implements and coordinates the pretreatment program or the IPC's authorized representative.
- I. **lb./day** means pounds per day.
- J. **mg/l** means milligrams per liter.
- K. **NA** means not applicable.
- L. **NPDES** means National Pollutant Discharge Elimination System and refers to the discharge permit issued to the POTW.
- M. **PH** means the acidity or alkalinity of a solution. Neutral is 7.0, acidic is lower, and alkaline is higher.
- N. **POTW** means the publicly owned treatment works including the collection system, treatment plant and other appurtenances. It also means the municipality having jurisdiction over

dischargers to the treatment plant.

- O. **Slug** means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.
- P. **TSS** means total suspended solids.
- Q. **TTO** means total toxic organics.
- R. **Upset** is an unintentional and temporary noncompliance with permitted effluent discharge limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed or inadequate treatment facilities, lack of preventative maintenance, or careless or improper operations.

PART VI - JACOBS AUTHORIZATION

Jacobs is authorized by contract to manage and operate the Paul R. Noland Water Resource Recovery Facility for the City of Fayetteville. Management and operation of this facility includes administering the industrial pretreatment program.

So long as this contract or subsequent contractual agreements remain in effect, the Industrial Pretreatment Coordinator or any other employee of Jacobs will be the authorized representative of the City of Fayetteville.

ATTACHMENT A - SIGNATORY AUTHORIZATION

All reports and information submitted pursuant to the requirements of this discharge permit will be **signed and certified** by an **authorized signatory** of the Permittee. A signed copy of this Signatory Authorization Form must be submitted to the Industrial Pretreatment Coordinator for any individual to be considered an authorized signatory. In accordance CFR Part 403.12(1), an authorized signatory is:

1. A responsible corporate officer, if the industrial user is a corporation. A responsible corporate officer means:
 - a. 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
 - b. 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 initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. A general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively.

The authorized signatory below is for submittals required of:

Facility Name

Facility Address

City, State, and Zip

I understand: A) I must submit a new form when this information changes. B) I may need to periodically provide a new form so the Control Authority can verify the information is current and valid.

I am an authorized signatory as defined above in section (*check one*): ___ 1.a., ___ 1.b., ___ 2.

Signature of the Responsible Official

Date

Typed or Printed Name (First Name, MI, Last Name)

Title

Area Code + Phone

Mailing Address

City, State, and Zip

Email Address

Certification: I certify under penalty of law that this document and all attachments were prepared under my direct 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.

Optional Designation:

___ I hereby designate the following person or position as my Duly Authorized Representative for purposes of signing documents required by the permit issued to this facility.

This person or position has responsibility for the overall operation of the facility from which the industrial discharge originates, such as a plant manager, superintendent, or a position of equivalent responsibility, or has the overall responsibility for environmental matters for the company.

This designation is valid until _____. (If no date given valid until rescinded)

Signature of Duly Authorized Representative

Typed or Printed Name (First Name, MI, Last Name)

Title

Area Code + Phone

Mailing Address

City, State, and Zip

Email Address

OR ___ I hereby designate the following position as having the authority to sign documents required by the pretreatment permit issued to this facility: _____.



CITY OF
FAYETTEVILLE
ARKANSAS

September 21, 2018

Mr. Joseph Goolsby
Hiland Dairy Foods, Inc.
301 E. 15th Street
Fayetteville, AR 72701

RE: Application for Permit Number FAY05

Dear Mr. Goolsby,

In accordance with the City of Fayetteville Code, your company submitted a permit application for renewal in a timely manner. Enclosed is a final wastewater discharge permit for Hiland Dairy Foods, Inc.

Except for the items listed below, conditions of this permit are identical to those in your existing permit. The following clauses were added to the permit based upon Arkansas Department of Environmental Quality's (ADEQ) and/or pretreatment streamlining updates:

1. Incorporation of Accidental Spill/Slug Prevention Plan into the permit (Part I Section D.3)
2. Changed daily maximum pH limitation from 12.5 to 12.4 standard units in accordance with in accordance with 51.075(B)(2)(b) of the City Code
3. Changed all references to the contract operator from CH2MHILL or OMI to Jacobs

Based upon the fact that immediate actions to issue this new permit are required, the enclosed permit shall become effective on October 1, 2018. Please be advised that your company may submit a request for permit modification to the City at any time.

Please submit any written request or questions concerning any part of the permit to:

Jacobs
Attn: Industrial Pretreatment Coordinator
1400 N. Fox Hunter Road
Fayetteville, AR 72701
(479) 443-3292

If you should have any questions and comments, please don't hesitate to contact Bruce Richart at robert.richart@jacobs.com or (479) 443-3292.

Sincerely,

City of Fayetteville

A handwritten signature in blue ink, appearing to read "Tim Nyander", written over the printed name.

Tim Nyander
Utilities Director
Utilities Department

Enclosure

cc: Greg Weeks
Bruce Richart

**CITY OF FAYETTEVILLE, ARKANSAS
INDUSTRIAL WASTE DISCHARGE PERMIT**

PERMIT NO. FAY05

Hiland Dairy Foods, Inc. has been classified as a significant industrial user because of an average process discharge of 25,000 gallons per day or more, and the reasonable potential for adversely affecting the POTW's operations. In compliance with the provisions and conditions of Article III Discharge and Pretreatment Regulations in Chapter 51 of the Fayetteville Code, of 40 CFR 433, and with any applicable provisions of local, federal or State of Arkansas laws or regulations,

Hiland Dairy Foods, Inc., Prairie Farms Dairies & Dairy Farmers of America
301 East 15th Street
Fayetteville, Arkansas 72701

hereinafter called the Permittee, is authorized to discharge industrial wastewater from activities classified by SIC Nos. 2026 and 2086 from premises located at the above address and through outfalls identified herein to the City of Fayetteville's POTW collection system in accordance with effluent limitations, monitoring requirements, compliance schedule, reporting requirements, and conditions set forth in this permit and in the Discharge and Pretreatment Regulations in Chapter 51 of the Fayetteville Code.

Noncompliance with any term or condition of this permit shall constitute a violation of the Fayetteville Code.

This permit shall become effective on **October 1, 2018** and authorization to discharge shall expire at midnight on **September 30, 2023**. The duration of this permit shall not exceed 5 years.

If the Permittee wishes to continue discharge after the expiration date of this permit, an application must be filed for a renewal permit in accordance with requirements of the Discharge and Pretreatment Regulations subchapter of the Fayetteville Code, a minimum of 90 days prior to the expiration date.

Signed this 24TH day of SEPTEMBER, 2018

Approved By: 

Tim Nyander
Utilities Director
City of Fayetteville

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PART I - SPECIFIC CONDITIONS, LIMITATIONS, AND REQUIREMENTS

SECTION A. WASTESTREAM LOCATIONS

Location HD001

Location 001 shall consist of all process and cleanup wastewaters. The permitted point of discharge is a Parshall flume in the manhole located approximately ten (10) feet east of the monitoring room, which is at the southeast corner of the plant. The quality of the effluent discharged from Location HD001 shall, at a minimum, meet the limitations as set forth in Section B, Table I-1 of this Part.

SECTION B. DISCHARGE LIMITATIONS & MONITORING REQUIREMENTS

The following limitations and monitoring requirements shall apply to discharge from **Location HD001** except for and flow usage, which apply as specified in the Table I-1 footnotes. The Permittee shall monitor the discharge from **Location HD001**, and the incoming water usage, and shall be limited as specified below:

Parameter	LIMITATIONS ¹				MONITORING REQUIREMENTS	
	Daily Maximum		Monthly Average ²		Frequency ³	Sample Type
	(mg/l)	lb./day	(mg/l)	lb./day		
Biochemical Oxygen Demand (BOD ₅)	Report	Report	Report	Report	2/week	24-hr composite
Oil & Grease	Report	Report	Report	Report	1/week	Grab
Phosphorus, Total	Report	Report	Report	Report	1/week	24-hr composite
Total Suspended Solids (TSS)	Report	Report	Report	1,988	2/week	24-hr composite
pH	(4)		NA	NA	1/day	Grab
Flow, Usage ⁵	Report		Report		Continuous	Totalizer ⁵
Flow, Discharge ⁶	Report		Report		Continuous	Totalizer ⁶

¹ It is the Permittee's responsibility to ensure test detection levels are sufficiently low to demonstrate compliance with permit limitations. If an analytical result is below the laboratory detection limit, then the detection limit shall be used in the calculation of pounds unless permitted otherwise by the Control Authority.

² Monthly average is the average of all daily results in a calendar month regardless of the number of samples analyzed.

³ Week means Sunday through Saturday. Month means calendar month. For composite samples, the date of the sample is the date that sample collection is started.

⁴ Within the range 5.0 to 12.4 standard units.

⁵ Usage flow (incoming water) shall be measured at the city water meter north of the parking lot north of the

facility.

⁶ Measure continuously with a flow meter with a totalizer. Report daily flow for wastewater discharge on all monitoring days, and average daily and total monthly flow for water usage and wastewater discharge.

SECTION C. COMPLIANCE SCHEDULE

The Permittee shall achieve compliance with the effluent limitations specified for discharges on the effective date of this permit.

SECTION D. OTHER SPECIFIC REQUIREMENTS

1. Pollution Prevention

The Permittee shall reevaluate its pollution prevention assessment and submit the results to the Industrial Pretreatment Coordinator (IPC) within 1 year of the effective date of this permit.

2. Specific Reopener Clause

This permit may be reopened to recalculate BOD, TSS, and flow limits after sufficient data is gathered on industrial discharge to the POTW.

3. Accidental Spill/Slug Prevention Plan Requirement

The Permittee is required to have an Accidental Spill/Slug Prevention Plan (ASPP) in accordance with Part IV, Section C. If the Permittee is required to have an ASPP, the most recent accepted ASPP on file is incorporated by reference and is considered a part of this permit and is enforceable.

4. Toxic Organic Management Plan

The Permittee is not required to have a Toxic Organic Management Plan.

PART II - STANDARD MONITORING, RECORD KEEPING & REPORTING REQUIREMENTS

SECTION A. MONITORING

1. Monitoring by Approved Methods

Sampling and analyses must be conducted according to procedures approved under 40 CFR Part 136, unless other procedures have been specified in this permit. The Permittee shall insure that both calibration and maintenance activities will be conducted on all monitoring and analytical instrumentation at intervals frequent enough to ensure accuracy of measurements. An adequate analytical quality control program shall be maintained by the Permittee or State approved commercial laboratory. At a minimum, spikes and duplicate samples are to be analyzed on 10% of the samples where applicable.

If the Permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the industrial monitoring reports.

2. Sampling Facility and Monitoring Equipment

The Permittee shall provide a suitable sampling facility(s) together with such necessary manholes, meters and other equipment to facilitate observation, sampling and measurement of the process and/or combined wastes from the permitted discharge.

Such facility(s) and other appurtenances shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Industrial Pretreatment Coordinator and shall be constructed, operated, and maintained at the Permittee's expense.

Such facility(s) and other appurtenances shall be maintained to be safe and accessible at all times and shall be made available for use by the Industrial Pretreatment Coordinator for monitoring and/or sampling upon request.

3. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring point(s) specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestreams, body of water, or substance. Monitoring points shall not be changed without notification to, and approval of, the Industrial Pretreatment Coordinator.

4. 24-Hour Reporting and Automatic Resampling

If the results of the Permittee's analysis indicate that a violation of this permit has occurred, the Permittee must inform the Industrial Pretreatment Coordinator (IPC) of the violation

within 24 hours of becoming aware of the violation. The Permittee shall repeat the sampling and analysis and submit the results of the repeat analysis to the IPC within 30 days of becoming aware of the violation.

If sampling performed by the IPC indicates that a violation has occurred, the IPC shall repeat the sampling and analysis within 30 days of becoming aware of the violation unless it notifies the Permittee of the violation and requires the Permittee to perform the repeat sampling and analysis.

The IPC may waive the resampling requirement if the IPC performs sampling at the Permittee at least once per month, or the IPC performs sampling at the Permittee between the time when the Permittee performs its initial sampling and the time when the Permittee receives the results of this sampling.

5. Flow Measurement Devices and Method

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected, provided, used, calibrated and maintained by the Permittee to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained by trained personnel to insure that the accuracy of the measurement is consistent with the accepted capability of that device. A calibration log shall be maintained and must include dates of service and calibration, who performed the calibration and the methods used in the calibration. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes. The Industrial Pretreatment Coordinator shall be allowed to check or request a check of the calibration of the system at any time.

SECTION B. RECORD KEEPING

1. Retention of Records

The Permittee shall retain records of all monitoring information resulting from monitoring activities, including all calibration and maintenance records, 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 Industrial Pretreatment Coordinator at any time.

All records which pertain to matters which are the subject of enforcement or litigation activities pursuant hereto shall be retained and preserved by the Permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

2. Record Contents

Records and monitoring information shall include:

- a. The exact date, location, time and method of sampling;
- b. The individual(s) who performed the sampling or measurement;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used;
- f. The results of all required analyses;
- g. Laboratory QA/QC results; and
- h. Chain of Custody documentation.

3. Manifest of Wastes Removed

The Permittee shall provide a manifest or other record of wastes removed by the pretreatment system and method(s) of disposal. These records shall be made available to the Industrial Pretreatment Coordinator upon request.

4. Duty to Provide Information

The Permittee shall furnish to the Industrial Pretreatment Coordinator (IPC) within a reasonable time, any information, including that requiring additional monitoring and/or analyses, which the IPC may request to determine whether cause exists for modifying, revoking and reissuing or terminating this permit or to determine compliance with this permit. The Permittee shall also furnish, upon request, copies of records required to be kept by this permit.

5. Availability of Data

Information included in or pertaining to this permit or any information obtained during or as a result of inspection or other monitoring shall be made available to any agency regulating this program and to the public, to the extent provided by 40 CFR Part 2.302 (Public Information) and 40 CFR Part 403.14 (Confidentiality).

SECTION C. REPORTING

1. Discharge Monitoring Report

No later than the 21st day of each month following a monitoring month, the Permittee shall provide the Industrial Pretreatment Coordinator (IPC) with a summary report of pollutant discharges for the previous calendar month. Submit Discharge Monitoring Reports even when no discharge occurs during the reporting period. The report shall include:

- a. Industry name and address;
- b. Industry contact name;

- c. Industrial waste discharge permit number;
- d. Category;
- e. Monitoring location(s);
- f. Reporting period;
- g. Sample dates (the date the grab sample is collected or the date the last aliquot is collected for a composite sample) ;
- h. Pollutant limits;
- i. Daily pollutant concentrations, mass, and units;
- j. Monthly average pollutant concentrations, mass, and units;
- k. Daily flow for wastewater discharge on all monitoring days, and average daily and total monthly flow for water usage and wastewater discharge and units;
- l. Compliance statement;
- m. Statement of compliance with the Accidental Spill/Slug Prevention Plan (AS/SPP) if an AS/SPP is required by this permit;
- n. TTO certification statement if a TOMP plan is required by this permit:
"Based on my inquiry of the person or persons directly responsible for managing compliance with the permit limitation for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing of the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the control authority.";
- o. Certification statement:
"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.";
- p. Signature of authorized signatory (See Attachment A).

2. Compliance Schedule Reporting

If construction or placement of facilities or equipment is required to meet limitations, requirements, and/or conditions of this permit, a proposed compliance schedule shall be submitted by the Permittee within fourteen (14) days of the effective date of this permit unless otherwise specified.

Compliance schedules shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities and procedures required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).

No increment shall exceed 9 months nor shall the entire schedule exceed 18 months.

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any compliance schedules of this permit shall be submitted no later than fourteen (14) days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

3. Averaging Measurements and Detection Limits

Calculations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit. If a result is less than the detection limit, the detection limit is used to determine compliance, to calculate averages, and to calculate mass.

4. Notification of Unusual Loadings

The Permittee shall immediately notify the Industrial Pretreatment Coordinator once aware of any unusual loadings released to the wastewater collection system and shall take immediate appropriate action to mitigate any adverse effects of such loadings, including ceasing of processing operations, if required.

5. Planned Changes

The Permittee shall submit prior notice to the Industrial Pretreatment Coordinator, if possible at least 30 days before any planned change in production or treatment process or any planned physical alterations or additions to the permitted facility.

This notification shall be in writing and shall apply to all pollutants whether limited by this permit or not and to any activity which would result in the discharge or a change in discharge of those pollutants to the POTW.

6. Notification of Shutdown

Notification of any shutdown period of more than (2) days shall take place at least 48 hours prior to the shutdown period. Notification of any shut down period of more than (5) days shall be in writing and shall take place at least (2) weeks prior to the first day of shutdown. Notification shall be given to the Industrial Pretreatment Coordinator (IPC) and shall include the following:

- a. The date shutdown will start;
- b. the last shift to work on the date of shutdown;
- c. the date process operations will resume; and
- d. the first shift to work on the date of startup.

The strength and characteristics of the wastewater load that is generated during any significant shutdown period shall be approved by the IPC.

7. Anticipated Noncompliance

The Permittee shall submit prior notice to the Industrial Pretreatment Coordinator, if possible at least 30 days before any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

8. Twenty-four Hour Reporting (Bypass, Upset, Spill, Slug, or Noncompliance)

The Permittee shall notify the Industrial Pretreatment Coordinator immediately, but no later than twenty-four (24) hours from the time the Permittee becomes aware of the occurrence of any bypass of the treatment system, upset which places the Permittee in a temporary state of noncompliance, any potentially harmful spill, accidental or slug discharge, or any noncompliance which may endanger health, the environment, or operation of the POTW. The notification shall include location of discharge, date and time thereof, type of waste including concentration and volume, and corrective actions taken. The Permittee's notification of accidental releases in accordance with this section does not relieve it of other reporting requirements under local, State, or federal laws.

Written notification of the accidental discharge shall be made to the Industrial Pretreatment Coordinator within five (5) days and shall contain:

- a. A description of the event and its suspected cause;
- b. The duration of the event, including exact dates and times;
- c. The impact of the event on the Permittee's compliance status;
- d. If cessation of the event has not occurred, the anticipated period of time it is expected to continue; and
- e. Steps taken or planned to reduce, eliminate, and prevent recurrence of the event.

9. Other Noncompliance

The Permittee shall report all instances of noncompliance at the time monitoring reports are submitted unless otherwise required.

10. Certification in Lieu of Monitoring

A Permittee subject to total toxic organics limitations may be allowed to submit a Toxic Organic Management Plan (TOMP) with prior approval of the Industrial Pretreatment Coordinator (IPC). If a TOMP has been accepted by the IPC, the Permittee must submit a certification statement as part of the semi-annual report (or more frequently, if more frequent reporting is required) certifying compliance with the TOMP.

11. Signatory Requirements

All reports or information submitted pursuant to the requirements of this permit must be signed and certified by an authorized signatory of the Permittee. Signed copies of a Signatory Authorization Form (Attachment A) must be submitted to the Industrial Pretreatment

Coordinator for any individual to be considered an authorized signatory. See Attachment A for the definition of an authorized signatory.

Any authorized signatory signing reports or information submitted in accordance with this permit shall make the following written certification:

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

12. Address for Report Submissions

All reports and notices required by this permit shall be submitted to:

Jacobs
Attn: Industrial Pretreatment Coordinator
1400 N. Fox Hunter Road
Fayetteville, AR 72701

(479) 443-3292

PART III - STANDARD CONDITIONS**SECTION A. GENERAL CONDITIONS****1. State Laws**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation.

2. Limitations Subject To Revision

Any changes in EPA, State of Arkansas, or local applicable regulations shall supersede this permit. The Permittee will be notified of the changes and required to develop a compliance schedule if changes in the Permittee's treatment processes or facilities are necessary to insure compliance with the regulatory changes.

These specific limitations are subject to revision if and at such time as the effluent limitations and other requirements of the POTW are revised.

These specific limitations are subject to revision if and at such time as it is determined that discharge from the Permittee is or has become detrimental to the public health or safety, the health or safety of the operators of the POTW, the biological or structural integrity of the POTW including the collection system, and/or the protection of the receiving waters.

3. Property Rights

This permit does not convey any property rights in either real or personal property, 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.

4. Regulatory Changes

Any changes in EPA, State, or local pretreatment regulations that are more stringent than the requirements of this permit shall supersede this permit. The Permittee will be notified of the change and required to develop a compliance schedule if changes in the Permittee's treatment process or facility are necessary to insure compliance with the regulatory change(s).

5. Toxic Pollutants

If a toxic effluent standard or prohibition is established for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit may be revised or modified in accordance with the toxic effluent standard or prohibition and the Permittee so notified.

6. 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.

7. Permit Modification, Revocation, Suspension, Termination

This permit may be modified, revoked and reissued, suspended, or terminated with cause in accordance with the requirements of the Discharge and Pretreatment Regulations subchapter of the Fayetteville Code and/or State or federal regulations, or for other good cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, suspension, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

8. Limitations on Permit Transfer

This permit is nontransferable to any person except after notice to the Control Authority. This permit may be transferred to a new owner or operator if the Permittee gives at least seven (7) days advance notice to the Control Authority, provides a copy of the existing permit to the new owner or operator, and the Control Authority approves the wastewater discharge permit transfer. The notice to the Control Authority must include a written certification by the new owner or operator which:

- a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- b. Identifies the specific date on which the transfer is to occur; and
- c. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

9. Duty to Reapply

The Permittee is responsible for filing an application for reissuance of the permit at least ninety (90) days before the expiration date of this permit.

10. Continuation of Expired Permits

If on the date of expiration of this permit, a new permit has not been issued, the requirements and limitations of this permit shall continue to be effective and enforceable unless the Permittee has received notice of suspension, revocation and/or termination of the permit.

SECTION B. OPERATION AND MAINTENANCE**1. Proper Operation and Maintenance**

The Permittee shall at all times maintain in good working order and operate as efficiently as

possible all facilities and systems of treatment, control, sampling, measurement and/or analysis installed or used by the Permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate process control.

2. Need to Halt or Reduce Not a Defense

It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

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, the POTW treatment facility, the waters receiving the POTW treatment facility discharge, or the environment.

Reasonable steps include but are not limited to accelerated or additional monitoring and/or analyses necessary to determine the nature and impact of the noncomplying discharge.

4. Bypass of Treatment System

Bypass of the treatment system is prohibited, unless:

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. There was no feasible alternative to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime;
- c. The Industrial Pretreatment Coordinator approved an anticipated bypass, considering its adverse effects, if the Permittee, knowing in advance of the need for a bypass, submitted prior notice in writing at least ten (10) days before the bypass; or
- d. The bypass does not cause effluent limitations to be exceeded.

5. Affirmative Defense

An upset may constitute an affirmative defense for action brought for the noncompliance. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation. The Permittee has the burden of proof to provide evidence and demonstrate that none of the factors specifically listed above were responsible for the noncompliance.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An upset occurred and that the Permittee can identify the specific cause of the upset;

- b. The permitted facility was at the time being properly operated; and
- c. The Permittee submitted notice of the upset as required.

6. Removed Substances and RCRA Requirements

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 pollutants from such materials from entering the sewer system. The Permittee is responsible to assure its compliance with any requirements regarding the generation, treatment, storage, and/or disposal of hazardous wastes as defined under the Federal Resource Conservation and Recovery Act and State of Arkansas rules and regulations relative to refuse, liquid and/or solid waste disposal.

7. Disposal of Sludges and Spent Chemicals

The Permittee shall dispose of sludges and spent chemicals in accordance with procedures in Section 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.

8. Emergency Action

In the event of a power loss to the Permittee's treatment facility, the Permittee shall provide treatment to the best of his ability and shall report immediately to the Industrial Pretreatment Coordinator any noncompliance resulting from the emergency situation.

9. Dilution Not Permitted

The Permittee shall not increase the use of potable or process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

SECTION C. RESULTS OF NONCOMPLIANCE

1. Duty to Comply

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Fayetteville Code and may be grounds for enforcement action.

2. Penalties for Violations of Permit Conditions

The Permittee is subject to a civil or criminal penalty of not more than \$1000.00 per violation per day for each day that the Permittee is in violation of the requirements of this permit, the pretreatment standards, or the Discharge and Pretreatment Regulations subchapter of the Fayetteville Code.

3. Permit Suspension, Revocation and Termination

This permit may be suspended, or revoked and terminated in accordance with the requirements of the Discharge and Pretreatment Regulations subchapter of the Fayetteville Code and/or the approved Enforcement Response Plan.

4. Tampering

Any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall be subject to civil and/or criminal penalties.

5. Falsification of Reports

The Fayetteville Code provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1000.00) per day.

6. Publication in Newspaper for Significant Noncompliance

The Fayetteville Code provides that, in accordance with 40 CFR 403.8(f)(2)(vii), the city shall publish annually in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the city's WRRF, a list of the users in significant noncompliance with applicable pretreatment standards and requirements. A user is in significant noncompliance if its violations meet one or more of the following criteria:

- a. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;
- b. Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limits, multiplied by the applicable criteria: 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH;
- c. Any other violation of a pretreatment standard or requirement (daily maximum, long term average, instantaneous limit, or narrative standard) that the city determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of city or WRRF personnel or the general public;
- d. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge;

- e. Failure to meet within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- f. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- g. Failure to accurately report noncompliance;
- h. Any other violation(s), which may include a violation of best management practices, which the city determines will adversely affect the operation or implementation of the local pretreatment program.

7. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the Permittee from civil and/or criminal penalties for noncompliance under local, State or Federal laws or regulations.

PART IV - OTHER REQUIREMENTS**SECTION A. RIGHT OF ENTRY**

The Permittee shall allow any authorized representative of the EPA, State of Arkansas, or City of Fayetteville pretreatment program, bearing proper credentials and identification:

1. To enter upon the Permittee's premises where a real or potential discharge is located or records are required to be kept under the terms and conditions of this permit;
2. To have access to and copy records required to be kept under the terms and conditions of this permit; to inspect any facility, materials storage or monitoring equipment; to observe monitoring practices, process or facility operations; to sample any discharge; and
3. Where the Permittee has security measures in force which require proper identification and/or clearance before entry onto said Permittee's premises is granted, such Permittee shall make the necessary arrangements with the security guards that upon presentation of proper identification, the IPC shall be permitted to enter without delay. The Industrial Pretreatment Coordinator shall have access to production, materials storage, and wastewater pretreatment areas as well as operating, monitoring, and pretreatment records of the Permittee Plant. Access shall be granted immediately upon request at any time deemed necessary provided proper identification is provided by the entrant.

SECTION B. BOILER SYSTEM

No chemicals other than chlorine, inorganic acids and inorganic bases (e.g., sulfuric acid, sodium hydroxide, etc.) are to be used in the boiler system without prior approval from the Industrial Pretreatment Coordinator. In requesting permission to use chemicals in the boiler system, the Permittee must provide the following information:

1. Name of chemical compound (trade name and/or brand name);
2. Name and address of manufacturer and name and telephone number of local representative;
3. Copy of the Material Safety Data Sheet; and
4. Proposed application rates and frequency of application.

SECTION C. ACCIDENTAL SPILL/SLUG PREVENTION PLAN

If the Permittee is required to have one, an Accidental Spill/Slug Prevention Plan (AS/SPP) shall be developed and submitted. The Permittee shall notify the POTW immediately of any changes at its facility affecting potential for a slug discharge.

Failure of the plan to prevent violations of any other provisions of this permit in no way relieves the Permittee from its legal liability for noncompliance with the permit conditions.

At a minimum, the AS/SPP must address the following:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the POTW of slug discharges or spills, including any discharge that would violate a prohibition under 40 CFR 403.5(b) with procedures for follow-up written notification within five days;
4. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;

The AS/SPP must provide for notification of slug discharges or spill events to the proper authorities, including the POTW. The following information must be included in the plan under notification to the POTW and should be posted on a chain-of-contacts list on information boards and in other appropriate areas throughout the plant:

Paul R. Noland Water Resource Recovery Facility
Jacobs
1400 N. Fox Hunter Road
Fayetteville, Arkansas 72701

479-443-3292, 24 hours/day, 7 days/week

PART V - DEFINITIONS

- A. **CFR** means Code of Federal Regulations
- B. **Composite sample** means a sample usually comprised of a minimum of twelve (12) aliquots collected over a period of no more than twenty-four (24) hours. If the daily discharge is less than (24) hours, a minimum of (4) aliquots per day at equal time intervals should be taken.
- C. **Control Authority** means the local agency regulating the local pretreatment program and its authorized representatives including, but not limited to, the Industrial Pretreatment Coordinator.
- D. **Discharge** means an intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pouring, emitting, emptying, or dumping of a pollutant into the waters of the State or the US, or onto land or into wells from where it might flow or drain into said waters onto lands outside the jurisdiction of the State. Discharge includes the release of any pollutant into a POTW.
- E. **Fayetteville Code** means the City of Fayetteville Code of Ordinances
- F. **Flow proportioned** means a composite sample that is collected proportional to each stream flow at time of collection of each aliquot or to the total flow since the previous aliquot. Sampling may be flow proportioned either by varying the volume of each aliquot or the time interval between each aliquot. If discrete sampling is employed, at least 12 aliquots should be composited.
- G. **Grab sample** means an individual sample collected over a period of time not to exceed 15 minutes. It is a single sample and is representative of conditions and characteristics of the discharge at the time it is collected.
- H. **Industrial Pretreatment Coordinator (IPC)** means an authorized representative of the Control Authority that implements and coordinates the pretreatment program or the IPC's authorized representative.
- I. **lb./day** means pounds per day.
- J. **mg/l** means milligrams per liter.
- K. **NA** means not applicable.
- L. **NPDES** means National Pollutant Discharge Elimination System and refers to the discharge permit issued to the POTW.
- M. **pH** means the acidity or alkalinity of a solution. Neutral is 7.0, acidic is lower, and alkaline is higher.
- N. **POTW** means the publicly owned treatment works including the collection system, treatment

plant and other appurtenances. It also means the municipality having jurisdiction over dischargers to the treatment plant.

- O. **Slug** means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.
- P. **TSS** means total suspended solids.
- Q. **TTO** means total toxic organics.
- R. **Upset** is an unintentional and temporary noncompliance with permitted effluent discharge limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed or inadequate treatment facilities, lack of preventative maintenance, or careless or improper operations.

PART VI - JACOBS AUTHORIZATION

Jacobs is authorized by contract to manage and operate the Paul R. Noland Water Resource Recovery Facility for the City of Fayetteville. Management and operation of this facility includes administering the industrial pretreatment program.

So long as this contract or subsequent contractual agreements remain in effect, the Industrial Pretreatment Coordinator or any other employee of Jacobs will be the authorized representative of the City of Fayetteville.

ATTACHMENT A - SIGNATORY AUTHORIZATION

All reports and information submitted pursuant to the requirements of this discharge permit will be **signed and certified** by an **authorized signatory** of the Permittee. A signed copy of this Signatory Authorization Form must be submitted to the Industrial Pretreatment Coordinator for any individual to be considered an authorized signatory. In accordance CFR Part 403.12(1), an authorized signatory is:

1. A responsible corporate officer, if the industrial user is a corporation. A responsible corporate officer means:
 - a. 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
 - b. 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 initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. A general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively.

The authorized signatory below is for submittals required of:

Facility Name

Facility Address

City, State, and Zip

I understand: A) I must submit a new form when this information changes. B) I may need to periodically provide a new form so the Control Authority can verify the information is current and valid.

I am an authorized signatory as defined above in section (*check one*): ___ 1.a., ___ 1.b., ___ 2.

<i>Signature of the Responsible Official</i>	<i>Date</i>
<i>Typed or Printed Name (First Name, MI, Last Name)</i>	
<i>Title</i>	<i>Area Code + Phone</i>
<i>Mailing Address</i>	<i>City, State, and Zip</i>
<i>Email Address</i>	

Certification: I certify under penalty of law that this document and all attachments were prepared under my direct 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.

Optional Designation:

___ I hereby designate the following person or position as my Duly Authorized Representative for purposes of signing documents required by the permit issued to this facility.

This person or position has responsibility for the overall operation of the facility from which the industrial discharge originates, such as a plant manager, superintendent, or a position of equivalent responsibility, or has the overall responsibility for environmental matters for the company.

This designation is valid until ____. (If no date given valid until rescinded)

<i>Signature of Duly Authorized Representative</i>	
<i>Typed or Printed Name (First Name, MI, Last Name)</i>	
<i>Title</i>	<i>Area Code + Phone</i>
<i>Mailing Address</i>	<i>City, State, and Zip</i>
<i>Email Address</i>	

OR ___ I hereby designate the following position as having the authority to sign documents required by the pretreatment permit issued to this facility: _____



September 21, 2018

Mr. Robert O'Connell
Marshalltown Company
2200 Industrial Drive
Fayetteville, Arkansas 72701

RE: Application for Permit Number FAY10

Dear Mr. O'Connell,

In accordance with the City of Fayetteville Code, your company submitted a permit application for renewal in a timely manner. Enclosed is a final wastewater discharge permit for Marshalltown Company.

Except for the items listed below, conditions of this permit are identical to those in your existing permit. The following clauses were added to the permit based upon Arkansas Department of Environmental Quality's (ADEQ) and/or pretreatment streamlining updates:

1. Incorporation of Accidental Spill/Slug Prevention Plan into the permit (Part I Section D.3)
2. Incorporation of Toxic Organic Management Plan into the permit (Part I Section D.4)
3. Limitations regarding transfer of ownership (Part III Section A.8)
4. Changed all references to the contract operator from CH2MHILL or OMI to Jacobs

Based upon the fact that immediate actions to issue this new permit are required, the enclosed permit shall become effective on October 1, 2018. Please be advised that your company may submit a request for permit modification to the City at any time.

Please submit any written request or questions concerning any part of the permit to:

Jacobs
Attn: Industrial Pretreatment Coordinator
1400 N. Fox Hunter Road
Fayetteville, AR 72701
(479) 443-3292

If you should have any questions and comments, please don't hesitate to contact Bruce Richart at robert.richart@jacobs.com or (479) 443-3292.

Sincerely,

City of Fayetteville

A handwritten signature in blue ink, appearing to read 'Tim Nyander', is written over the printed name.

Tim Nyander
Utilities Director
Utilities Department

Enclosure

cc: Greg Weeks
Bruce Richart

**CITY OF FAYETTEVILLE, ARKANSAS
INDUSTRIAL WASTE DISCHARGE PERMIT**

PERMIT NO. FAY10

Marshalltown Company has been classified as a 40 CFR 433.17 Metal Finisher under Subpart A (Metal Finishing) because of the etching process. In compliance with the provisions and conditions of the Discharge and Pretreatment Regulations in Chapter 51 of the Fayetteville Code, of 40 CFR 433, and with any applicable provisions of local, federal or State of Arkansas laws or regulations,

Marshalltown Company
2200 Industrial Drive
Fayetteville, Arkansas 72701,

hereinafter called the Permittee, is authorized to discharge industrial wastewater from activities classified by SIC No. 3423 from premises located at the above address and through outfalls identified herein to the City of Fayetteville's POTW collection system in accordance with effluent limitations, monitoring requirements, compliance schedule, reporting requirements, and conditions set forth in this permit and in the Discharge and Pretreatment Regulations in Chapter 51 of the Fayetteville Code.

Noncompliance with any term or condition of this permit shall constitute a violation of the Fayetteville Code.

This permit shall become effective on **October 1, 2018** and authorization to discharge shall expire at midnight on **September 30, 2023**. The duration of this permit shall not exceed 5 years.

If the Permittee wishes to continue discharge after the expiration date of this permit, an application must be filed for a renewal permit in accordance with requirements of the Discharge and Pretreatment Regulations subchapter of the Fayetteville Code, a minimum of 90 days prior to the expiration date.

Signed this 24TH day of SEPTEMBER, 2018

Approved By:  _____

Tim Nyander
Utilities Director
City of Fayetteville

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PART I - SPECIFIC CONDITIONS, LIMITATIONS, AND REQUIREMENTS**SECTION A. WASTESTREAM LOCATIONS**Location MTT001

This wastestream shall consist of all facility combined wastestreams including wastestreams from dust collectors, neutralized etching solution, washing, grinding, painting, the vibrating finisher, and from domestic waste. Location 001 was 221 feet east of the east side of the phase I building. This location was eliminated during warehouse construction.

Location MTT002

This wastestream shall consist of all facility combined wastestreams. Location MTT002 shall be the manhole at the southeast corner of the property near the St. Paul Trail. There are no specific requirements in this permit regarding this wastestream.

Location MTT003

This wastestream shall consist of all facility combined wastestreams including wastestreams from dust collectors, neutralized etching solution, washing, grinding, painting, the vibrating finisher, and from domestic waste. This Location is a cleanout approximately 70 feet east of the warehouse addition and 4 feet south of the concrete loop driveway. The quality of the effluent discharged from Location MTT003 shall, at a minimum, meet the limitations as set forth in Section B, Table I-1 of this Part.

SECTION B. DISCHARGE LIMITATIONS & MONITORING REQUIREMENTS

The following limitations and monitoring requirements shall apply to discharge from **Location 003** except for flow usage, which applies as specified in the Table I-1 footnotes. The Permittee shall monitor the discharge from **Location 003**, and the incoming water usage, and shall be limited as specified below:

Parameter	LIMITATIONS ¹			MONITORING REQUIREMENTS	
	Daily Maximum		Monthly Average ²	Frequency ³	Sample Type
	(mg/l)	(lb./day)			
Cadmium, total	0.06	0.001	0.04	Once/6 months	24-hr composite
Chromium, total	1.58	0.261	0.98	Once/6 months	24-hr composite
Copper, total	1.93	0.121	1.18	Once/6 months	24-hr composite
Lead, total	0.39	0.046	0.25	Once/6 months	24-hr composite
Nickel, total	2.27	0.095	1.36	Once/6 months	24-hr composite
Silver, total	0.25	0.640	0.14	Once/6 months	24-hr composite
Zinc, total	1.49	2.295	0.85	Once/6 months	24-hr composite
Cyanide, total	0.69	0.016	0.37	Once/6 months	Grab
TTO, 40 CFR 433 ⁴	1.22	-	-	NA	Certification
Flow, Usage ⁵	Report		Report	Continuous	Totalizer
Flow, Discharge ⁶	Report		Report	Continuous	Totalizer

¹ It is the Permittee's responsibility to ensure test detection levels are sufficiently low to demonstrate compliance with permit limitations. If an analytical result is below the laboratory detection limit, then the detection limit shall be used in the calculation of pounds unless permitted otherwise by the Control Authority. The EPA recommends the following detection limits in **micrograms** per liter (**ug/l**): 0.5 cadmium, 10 chromium, 0.5 copper, 0.5 lead, 0.005 mercury, 0.5 nickel, 0.5 silver, 20 zinc, 10 cyanide.

² Monthly average is the average of all daily results in a calendar month regardless of the number of samples analyzed.

³ Week means Sunday through Saturday. Month means calendar month. For composite samples, the date of the sample is the date that sample collection is started.

⁴ The Permittee has an approved Toxic Organics Management Plan (TOMP) and must comply with the TOMP. Certification statements in each monitoring report are required in lieu of TTO monitoring. Any TTO analysis performed according to the methods in 40 CFR 136 must be submitted in the monitoring reports and is limited as specified in this table.

⁵ Usage flow (incoming water) shall be measured at the city water meter in the valve house at the south end of the property, west of the main building. Report average daily and total monthly flow for water usage for each month in the monitoring period.

⁶ Estimate total discharge flow from incoming water flow measured at the City water meter. Estimates of total discharge flow shall be calculated as 93% of total incoming water flow. Any deviation from this calculation shall be documented in the discharge monitoring report submitted for that period. Report average daily and total monthly flow for wastewater discharge for each month in the monitoring period.

SECTION C. COMPLIANCE SCHEDULE

The Permittee shall achieve compliance with the effluent limitations specified for discharges on the effective date of this permit.

SECTION D. OTHER SPECIFIC REQUIREMENTS

1. Flow Meter

The City of Fayetteville shall be responsible for flow meter calibration, maintenance, and logs specified in Part II, Section A, 5, of this permit.

2. Pollution Prevention

The Permittee shall reevaluate its pollution prevention assessment and submit the results to the Industrial Pretreatment Coordinator (IPC) within 1 year of the effective date of this permit.

3. Accidental Spill/Slug Prevention Plan Requirement

The Permittee is required to have an Accidental Spill/Slug Prevention Plan (ASPP) in accordance with Part IV, Section C. If the Permittee is required to have an ASPP, the most recent accepted ASPP on file is incorporated by reference and is considered a part of this permit and is enforceable.

4. Toxic Organic Management Plan Requirement

The Permittee is required to have a Toxic Organic Management Plan (TOMP). If the Permittee is required to have a TOMP, the most recent accepted TOMP on file is incorporated by reference and is considered a part of this permit and is enforceable.

PART II - STANDARD MONITORING, RECORD KEEPING & REPORTING REQUIREMENTS

SECTION A. MONITORING

1. Monitoring by Approved Methods

Sampling and analyses must be conducted according to procedures approved under 40 CFR Part 136, unless other procedures have been specified in this permit. The Permittee shall insure that both calibration and maintenance activities will be conducted on all monitoring and analytical instrumentation at intervals frequent enough to ensure accuracy of measurements. An adequate analytical quality control program shall be maintained by the Permittee or State approved commercial laboratory. At a minimum, spikes and duplicate samples are to be analyzed on 10% of the samples where applicable.

If the Permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the industrial monitoring reports.

2. Sampling Facility and Monitoring Equipment

The Permittee shall provide a suitable sampling facility(s) together with such necessary manholes, meters and other equipment to facilitate observation, sampling and measurement of the process and/or combined wastes from the permitted discharge.

Such facility(s) and other appurtenances shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Industrial Pretreatment Coordinator and shall be constructed, operated, and maintained at the Permittee's expense.

Such facility(s) and other appurtenances shall be maintained to be safe and accessible at all times and shall be made available for use by the Industrial Pretreatment Coordinator for monitoring and/or sampling upon request.

3. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring point(s) specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestreams, body of water, or substance. Monitoring points shall not be changed without notification to, and approval of, the Industrial Pretreatment Coordinator.

4. 24-Hour Reporting and Automatic Resampling

If the results of the Permittee's analysis indicate that a violation of this permit has occurred, the Permittee must inform the Industrial Pretreatment Coordinator (IPC) of the violation within 24 hours of becoming aware of the violation. The Permittee shall repeat the sampling and analysis and submit the results of the repeat analysis to the IPC within 30 days of becoming aware of the violation.

The IPC may waive the resampling requirement if the IPC performs sampling at the Permittee at least once per month, or the IPC performs sampling at the Permittee between the time when the Permittee performs its initial sampling and the time when the Permittee receives the results of this sampling.

5. Flow Measurement Devices and Method

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected, provided, used, calibrated and maintained by the Permittee to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained by trained personnel to ensure that the accuracy of the measurement is consistent with the accepted capability of that device. A calibration log shall be maintained and must include dates of service and calibration, who performed the calibration and the methods used in the calibration. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes. The Industrial Pretreatment Coordinator shall be allowed to check or request a check of the calibration of the system at any time.

SECTION B. RECORD KEEPING

1. Retention of Records

The Permittee shall retain records of all monitoring information resulting from monitoring activities, including all calibration and maintenance records, 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 Industrial Pretreatment Coordinator at any time.

All records which pertain to matters which are the subject of enforcement or litigation activities pursuant hereto shall be retained and preserved by the Permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

2. Record Contents

Records and monitoring information shall include:

- a. The exact date, location, time and method of sampling;
- b. The individual(s) who performed the sampling or measurement;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used;
- f. The results of all required analyses;
- g. Laboratory QA/QC results; and
- h. Chain of Custody documentation.

3. Manifest of Wastes Removed

The Permittee shall provide a manifest or other record of wastes removed by the pretreatment system and method(s) of disposal. These records shall be made available to the Industrial Pretreatment Coordinator upon request.

4. Duty to Provide Information

The Permittee shall furnish to the Industrial Pretreatment Coordinator (IPC) within a reasonable time, any information, including that requiring additional monitoring and/or analyses, which the IPC may request to determine whether cause exists for modifying, revoking and reissuing or terminating this permit or to determine compliance with this permit. The Permittee shall also furnish, upon request, copies of records required to be kept by this permit.

5. Availability of Data

Information included in or pertaining to this permit or any information obtained during or because of inspection or other monitoring shall be made available to any agency regulating this program and to the public, to the extent provided by 40 CFR Part 2.302 (Public Information) and 40 CFR Part 403.14 (Confidentiality).

SECTION C. REPORTING

1. Discharge Monitoring Report

No later than the 21st day of each month following a monitoring month, the Permittee shall provide the Industrial Pretreatment Coordinator (IPC) with a summary report of pollutant discharges for the previous two calendar months. Submit Discharge Monitoring Reports

even when no discharge occurs during the reporting period. The report shall include:

- a. Industry name and address;
- b. Industry contact name;
- c. Industrial waste discharge permit number;
- d. Category;
- e. Monitoring location(s);
- f. Reporting period;
- g. Sample dates;
- h. Pollutant limits;
- i. Daily pollutant concentrations, mass, and units;
- j. Monthly average pollutant concentrations, mass, and units;
- k. Average daily and total monthly flow for water usage and wastewater discharge and units;
- l. Compliance statement;
- m. TTO certification statement if a TOMP plan has been approved:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the permit limitation for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing of the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the control authority."
- n. Certification statement:

"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."
- o. Signature of authorized signatory (See Attachment A).

2. Compliance Schedule Reporting

If construction or placement of facilities or equipment is required to meet limitations, requirements, and/or conditions of this permit, a proposed compliance schedule shall be submitted by the Permittee within fourteen (14) days of the effective date of this permit unless otherwise specified.

Compliance schedules shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities and procedures required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).

No increment shall exceed 9 months nor shall the entire schedule exceed 18 months.

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any compliance schedules of this permit shall be submitted no later than fourteen (14) days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

3. Averaging Measurements and Detection Limits

Calculations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit. If a result is less than the detection limit, the detection limit is used to determine compliance, to calculate averages, and to calculate mass.

4. Notification of Unusual Loadings

The Permittee shall immediately notify the Industrial Pretreatment Coordinator once aware of any unusual loadings released to the wastewater collection system and shall take immediate appropriate action to mitigate any adverse effects of such loadings, including ceasing of processing operations, if required.

5. Planned Changes

The Permittee shall submit prior notice to the Industrial Pretreatment Coordinator, if possible at least 30 days before any planned change in production or treatment process or any planned physical alterations or additions to the permitted facility.

This notification shall be in writing and shall apply to all pollutants whether limited by this permit or not and to any activity which would result in the discharge of those pollutants to the POTW.

6. Notification of Shutdown

Notification of any shutdown period of more than (2) days shall take place at least 48 hours prior to the shutdown period. Notification of any shut down period of more than (5) days shall be in writing and shall take place at least (2) weeks prior to the first day of shutdown. Notification shall be given to the Industrial Pretreatment Coordinator (IPC) and shall include the following:

- a. The date shutdown will start;
- b. the last shift to work on the date of shutdown;
- c. the date process operations will resume; and
- d. the first shift to work on the date of startup.

The strength and characteristics of the wastewater load that is generated during any significant shutdown period shall be approved by the IPC.

7. Anticipated Noncompliance

The Permittee shall submit prior notice to the Industrial Pretreatment Coordinator, if possible at least 30 days before any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

8. Twenty-four Hour Reporting (Bypass, Upset, Spill, Slug, or Noncompliance)

The Permittee shall notify the Industrial Pretreatment Coordinator immediately, but no later than twenty-four (24) hours from the time the Permittee becomes aware of the occurrence of any bypass of the treatment system, upset which places the Permittee in a temporary state of noncompliance, any potentially harmful spill, accidental or slug discharge, or any noncompliance which may endanger health, the environment, or operation of the POTW. The notification shall include location of discharge, date and time thereof, type of waste including concentration and volume, and corrective actions taken. The Permittee's notification of accidental releases in accordance with this section does not relieve it of other reporting requirements under local, State, or federal laws.

Written notification of the accidental discharge shall be made to the Industrial Pretreatment Coordinator within five (5) days and shall contain:

- a. A description of the event and its suspected cause;
- b. The duration of the event, including exact dates and times;
- c. The impact of the event on the Permittee's compliance status;
- d. If cessation of the event has not occurred, the anticipated period of time it is expected to continue; and
- e. Steps taken or planned to reduce, eliminate, and prevent recurrence of the event.

9. Other Noncompliance

The Permittee shall report all instances of noncompliance at the time monitoring reports are submitted unless otherwise required.

10. Certification in Lieu of Monitoring

A Permittee subject to total toxic organics limitations may be allowed to submit a Toxic Organic Management Plan (TOMP) with prior approval of the Industrial Pretreatment Coordinator (IPC). If a TOMP has been approved by the IPC, the Permittee must submit a

certification statement as part of the semi-annual report (or more frequently, if more frequent reporting is required) certifying compliance with the approved TOMP.

11. Signatory Requirements

All reports or information submitted pursuant to the requirements of this permit must be signed and certified by an authorized signatory of the Permittee. Signed copies of a Signatory Authorization Form (Attachment A) must be submitted to the Industrial Pretreatment Coordinator for any individual to be considered an authorized signatory. See Attachment A for the definition of an authorized signatory.

Any authorized signatory signing reports or information submitted in accordance with this permit shall make the following written certification:

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

12. Address for Report Submissions

All reports and notices required by this permit shall be submitted to:

Jacobs
Attn: Industrial Pretreatment Coordinator
1400 N. Fox Hunter Road
Fayetteville, AR 72701

(479) 443-3292

PART III - STANDARD CONDITIONS**SECTION A. GENERAL CONDITIONS****1. State Laws**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation.

2. Limitations Subject To Revision

Any changes in EPA, State of Arkansas, or local applicable regulations shall supersede this permit. The Permittee will be notified of the changes and required to develop a compliance schedule if changes in the Permittee's treatment processes or facilities are necessary to insure compliance with the regulatory changes.

These specific limitations are subject to revision if and at such time as the effluent limitations and other requirements of the POTW are revised.

These specific limitations are subject to revision if and at such time as it is determined that discharge from the Permittee is or has become detrimental to the public health or safety, the health or safety of the operators of the POTW, the biological or structural integrity of the POTW including the collection system, and/or the protection of the receiving waters.

3. Property Rights

This permit does not convey any property rights in either real or personal property, 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.

4. Regulatory Changes

Any changes in EPA, State, or local pretreatment regulations that are more stringent than the requirements of this permit shall supersede this permit. The Permittee will be notified of the change and required to develop a compliance schedule if changes in the Permittee's treatment process or facility are necessary to insure compliance with the regulatory change(s).

5. Toxic Pollutants

If a toxic effluent standard or prohibition is established for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit may be revised or modified in accordance with the toxic effluent standard or prohibition and the Permittee so notified.

6. 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.

7. Permit Modification, Revocation, Suspension, Termination

This permit may be modified, revoked and reissued, suspended, or terminated with cause in accordance with the requirements of the Discharge and Pretreatment Regulations subchapter of the Fayetteville Code and/or State or federal regulations, or for other good cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, suspension, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

8. Limitations on Permit Transfer

This permit is nontransferable to any person except after notice to the Control Authority. This permit may be transferred to a new owner or operator if the Permittee gives at least seven (7) days advance notice to the Control Authority, provides a copy of the existing permit to the new owner or operator, and the Control Authority approves the wastewater discharge permit transfer. The notice to the Control Authority must include a written certification by the new owner or operator which:

- a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- b. Identifies the specific date on which the transfer is to occur; and
- c. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

9. Duty to Reapply

The Permittee is responsible for filing an application for reissuance of the permit at least ninety (90) days before the expiration date of this permit.

10. Continuation of Expired Permits

If on the date of expiration of this permit, a new permit has not been issued, the requirements and limitations of this permit shall continue to be effective and enforceable unless the Permittee has received notice of suspension, revocation and/or termination of the permit.

SECTION B. OPERATION AND MAINTENANCE

1. Proper Operation and Maintenance

The Permittee shall at all times maintain in good working order and operate as efficiently as possible all facilities and systems of treatment, control, sampling, measurement and/or analysis installed or used by the Permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate process control.

2. Need to Halt or Reduce Not a Defense

It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

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, the POTW treatment facility, the waters receiving the POTW treatment facility discharge, or the environment.

Reasonable steps include but are not limited to accelerated or additional monitoring and/or analyses necessary to determine the nature and impact of the noncomplying discharge.

4. Bypass of Treatment System

Bypass of the treatment system is prohibited, unless:

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. There was no feasible alternative to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime;
- c. The Industrial Pretreatment Coordinator approved an anticipated bypass, considering its adverse effects, if the Permittee, knowing in advance of the need for a bypass, submitted prior notice in writing at least ten (10) days before the bypass; or

- d. The bypass does not cause effluent limitations to be exceeded.

5. Affirmative Defense

An upset may constitute an affirmative defense for action brought for the noncompliance. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation. The Permittee has the burden of proof to provide evidence and demonstrate that none of the factors specifically listed above were responsible for the noncompliance.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An upset occurred and that the Permittee can identify the specific cause of the upset;
- b. The permitted facility was at the time being properly operated; and
- c. The Permittee submitted notice of the upset as required.

6. Removed Substances and RCRA Requirements

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 pollutants from such materials from entering the sewer system. The Permittee is responsible to assure its compliance with any requirements regarding the generation, treatment, storage, and/or disposal of hazardous wastes as defined under the Federal Resource Conservation and Recovery Act and State of Arkansas rules and regulations relative to refuse, liquid and/or solid waste disposal.

7. Disposal of Sludges and Spent Chemicals

The Permittee shall dispose of sludges and spent chemicals in accordance with procedures in Section 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.

8. Emergency Action

In the event of a power loss to the Permittee's treatment facility, the Permittee shall provide treatment to the best of his ability and shall report immediately to the Industrial Pretreatment Coordinator any noncompliance resulting from the emergency situation.

9. Dilution Not Permitted

The Permittee shall not increase the use of potable or process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

SECTION C. RESULTS OF NONCOMPLIANCE

1. Duty to Comply

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Fayetteville Code and may be grounds for enforcement action.

2. Penalties for Violations of Permit Conditions

The Permittee is subject to a civil or criminal penalty of not more than \$1000.00 per violation per day for each day that the Permittee is in violation of the requirements of this permit, the pretreatment standards, or the Discharge and Pretreatment Regulations subchapter of the Fayetteville Code.

3. Permit Suspension, Revocation and Termination

This permit may be suspended, or revoked and terminated in accordance with the requirements of the Discharge and Pretreatment Regulations subchapter of the Fayetteville Code and/or the approved Enforcement Response Plan.

4. Tampering

Any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall be subject to civil and/or criminal penalties.

5. Falsification of Reports

The Fayetteville Code provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1000.00) per day.

6. Publication in Newspaper for Significant Noncompliance

The Fayetteville Code provides that, in accordance with 40 CFR 403.8(f)(2)(vii), an industrial user will be published at least one time annually in a newspaper(s) of general circulation within the jurisdiction(s) served by the POTW when found to be in significant noncompliance. An industrial user is in significant noncompliance if its violations meet one or more of the following criteria:

- a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- b. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- c. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- d. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge;
- e. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- f. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- g. Failure to accurately report noncompliance;
- h. Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

7. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the Permittee from civil and/or criminal penalties for noncompliance under local, State or Federal laws or regulations.

PART IV - OTHER REQUIREMENTS

SECTION A. RIGHT OF ENTRY

The Permittee shall allow any authorized representative of the EPA, State of Arkansas, or City of Fayetteville pretreatment program, bearing proper credentials and identification:

1. To enter upon the Permittee's premises where a real or potential discharge is located or records are required to be kept under the terms and conditions of this permit;
2. To have access to and copy records required to be kept under the terms and conditions of this permit; to inspect any facility, materials storage or monitoring equipment; to observe monitoring practices, process or facility operations; to sample any discharge; and
3. Where the Permittee has security measures in force which require proper identification and/or clearance before entry onto said Permittee's premises is granted, such Permittee shall make the necessary arrangements with the security guards that upon presentation of proper identification, the IPC shall be permitted to enter without delay. The Industrial Pretreatment Coordinator shall have access to production, materials storage, and wastewater pretreatment areas as well as operating, monitoring, and pretreatment records of the Permittee Plant. Access shall be granted immediately upon request at any time deemed necessary provided proper identification is provided by the entrant.

SECTION B. BOILER SYSTEM

No chemicals other than chlorine, inorganic acids and inorganic bases (e.g., sulfuric acid, sodium hydroxide, etc.) are to be used in the boiler system without prior approval from the Industrial Pretreatment Coordinator. In requesting permission to use chemicals in the boiler system, the Permittee must provide the following information:

1. Name of chemical compound (trade name and/or brand name);
2. Name and address of manufacturer and name and telephone number of local representative;
3. Copy of the Material Safety Data Sheet; and
4. Proposed application rates and frequency of application.

SECTION C. ACCIDENTAL SPILL/SLUG PREVENTION PLAN

If the Permittee does not have one, an Accidental Spill/Slug Prevention Plan (ASPP) shall be developed and submitted for approval. The Permittee shall notify the POTW immediately of any changes at its facility affecting potential for a slug discharge.

Failure of the plan to prevent violations of any other provisions of this permit in no way relieves the Permittee from its legal liability for noncompliance with the permit conditions.

At a minimum, the ASPP must address the following:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the POTW of slug discharges or spills, including any discharge that would violate a prohibition under 40 CFR 403.5(b) with procedures for follow-up written notification within five days;
4. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;

The ASPP must provide for notification of slug discharges or spill events to the proper authorities, including the POTW. The following information must be included in the plan under notification to the POTW and should be posted on a chain-of-contacts list on information boards and in other appropriate areas throughout the plant:

Paul R. Noland Water Resource Recovery Facility
Jacobs
1400 N. Fox Hunter Road
Fayetteville, Arkansas 72701

479-443-3292, 24 hours/day, 7 days/week

PART V - DEFINITIONS

- A. **CFR** means Code of Federal Regulations
- B. **Composite sample** means a sample usually comprised of a minimum of twelve (12) aliquots collected over a period of no more than twenty-four (24) hours. If the daily discharge is less than (24) hours, a minimum of (4) aliquots per day at equal time intervals should be taken.
- C. **Control Authority** means the local agency regulating the local pretreatment program and its authorized representatives including, but not limited to, the Industrial Pretreatment Coordinator.
- D. **Discharge** means an intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pouring, emitting, emptying, or dumping of a pollutant into the waters of the State or the US, or onto land or into wells from where it might flow or drain into said waters onto lands outside the jurisdiction of the State. Discharge includes the release of any pollutant into a POTW.
- E. **Fayetteville Code** means the City of Fayetteville Code of Ordinances
- F. **Flow proportioned** means a composite sample that is collected proportional to each stream flow at time of collection of each aliquot or to the total flow since the previous aliquot. Sampling may be flow proportioned either by varying the volume of each aliquot or the time interval between each aliquot. If discrete sampling is employed, at least 12 aliquots should be composited.
- G. **Grab sample** means an individual sample collected over a period of time not to exceed 15 minutes. It is a single sample and is representative of conditions and characteristics of the discharge at the time it is collected.
- H. **Industrial Pretreatment Coordinator (IPC)** means an authorized representative of the Control Authority that implements and coordinates the pretreatment program or the IPC's authorized representative.
- I. **lb./day** means pounds per day.
- J. **mg/l** means milligrams per liter.
- K. **NA** means not applicable.
- L. **NPDES** means National Pollutant Discharge Elimination System and refers to the discharge permit issued to the POTW.
- M. **pH** means the acidity or alkalinity of a solution. Neutral is 7.0, acidic is lower, and alkaline is higher.

- N. **POTW** means the publicly owned treatment works including the collection system, treatment plant and other appurtenances. It also means the municipality having jurisdiction over dischargers to the treatment plant.
- O. **Slug** means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge.
- P. **TSS** means total suspended solids.
- Q. **TTO** means total toxic organics.
- R. **Upset** is an unintentional and temporary noncompliance with permitted effluent discharge limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed or inadequate treatment facilities, lack of preventative maintenance, or careless or improper operations.

PART VI - JACOBS AUTHORIZATION

Jacobs is authorized by contract to manage and operate the Paul R. Noland Wastewater Treatment Facility for the City of Fayetteville. Management and operation of this facility includes administering the industrial pretreatment program.

So long as this contract or subsequent contractual agreements remain in effect, the Industrial Pretreatment Coordinator or any other employee of Jacobs will be the authorized representative of the City of Fayetteville.

ATTACHMENT A - SIGNATORY AUTHORIZATION

All reports and information submitted pursuant to the requirements of this discharge permit will be **signed** and **certified** by an **authorized signatory** of the Permittee. A signed copy of this Signatory Authorization Form must be submitted to the Industrial Pretreatment Coordinator for any individual to be considered an authorized signatory. In accordance CFR Part 403.12(l), an authorized signatory is:

1. A responsible corporate officer, if the industrial user is a corporation. A responsible corporate officer means:
 - a. 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
 - b. 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 initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. A general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively.

The authorized signatory below is for submittals required of:

Facility Name

Facility Address

City, State, and Zip

I understand: A) I must submit a new form when this information changes. B) I may need to periodically provide a new form so the Control Authority can verify the information is current and valid.

I am an authorized signatory as defined above in section (check one): ___ 1.a., ___ 1.b., ___ 2.

Signature of the Responsible Official

Date

Typed or Printed Name (First Name, MI, Last Name)

Title

Area Code + Phone

Mailing Address

City, State, and Zip

Email Address

Certification: I certify under penalty of law that this document and all attachments were prepared under my direct 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.

Optional Designation:

___ I hereby designate the following person or position as my Duly Authorized Representative for purposes of signing documents required by the permit issued to this facility.

This person or position has responsibility for the overall operation of the facility from which the industrial discharge originates, such as a plant manager, superintendent, or a position of equivalent responsibility, or has the overall responsibility for environmental matters for the company.

This designation is valid until _____. (If no date given valid until rescinded)

Signature of Duly Authorized Representative

Typed or Printed Name (First Name, MI, Last Name)

Title

Area Code + Phone

Mailing Address

City, State, and Zip

Email Address

OR ___ I hereby designate the following position as having the authority to sign documents required by the pretreatment permit issued to this facility:



CITY OF
FAYETTEVILLE
ARKANSAS

September 21, 2018

Mr. Bill Medley
Pinnacle Foods Corporation
1100 W. 15th Street
Fayetteville, Arkansas 72701

RE: Application for Permit Number FAY12

Dear Mr. Medley,

In accordance with the City of Fayetteville Code, your company submitted a permit application for renewal in a timely manner. Enclosed is a final wastewater discharge permit for Pinnacle Foods Corporation.

Except for the items listed below, conditions of this permit are identical to those in your existing permit. The following clauses were added to the permit based upon Arkansas Department of Environmental Quality's (ADEQ) and/or pretreatment streamlining updates:

1. Incorporation of Accidental Spill/Slug Prevention Plan into the permit (Part I Section D.3)
2. Changed daily maximum pH limitation from 12.5 to 12.4 standard units in accordance with in accordance with 51.075(B)(2)(b) of the City Code
3. Changed all references to the contract operator from CH2MHILL or OMI to Jacobs

Based upon the fact that immediate actions to issue this new permit are required, the enclosed permit shall become effective on October 1, 2018. Please be advised that your company may submit a request for permit modification to the City at any time.

Please submit any written request or questions concerning any part of the permit to:

Jacobs
Attn: Industrial Pretreatment Coordinator
1400 N. Fox Hunter Road
Fayetteville, AR 72701
(479) 443-3292

If you should have any questions and comments, please don't hesitate to contact Bruce Richart at robert.richart@jacobs.com or (479) 443-3292.

Sincerely,

City of Fayetteville



Tim Nyander
Utilities Director
Utilities Department

Enclosure

cc: Greg Weeks
Bruce Richart

**CITY OF FAYETTEVILLE, ARKANSAS
INDUSTRIAL WASTE DISCHARGE PERMIT**

PERMIT NO. FAY12

Pinnacle Foods Corporation has been classified as a significant industrial user because of flow, BOD and TSS loading, and potential pH, ammonia, and phosphorus impact. In compliance with the provisions and conditions of the Discharge and Pretreatment Regulations in Chapter 51 of the Fayetteville Code and also with any applicable provisions of local, federal or State of Arkansas laws or regulations,

Pinnacle Foods Corporation
1100 W. 15th Street
Fayetteville, Arkansas 72701,

hereinafter called the Permittee, is authorized to discharge industrial wastewater from activities classified by SIC No. 2038, NAICS No. 311412 from premises located at the above address and through outfalls identified herein to the City of Fayetteville's POTW collection system in accordance with effluent limitations, monitoring requirements, compliance schedule, reporting requirements, and conditions set forth in this permit and in the Discharge and Pretreatment Regulations in Chapter 51 of the Fayetteville Code.

Noncompliance with any term or condition of this permit shall constitute a violation of the Fayetteville Code.

This permit shall become effective on **October 1, 2018** and authorization to discharge shall expire at midnight on **September 30, 2023**. The duration of this permit shall not exceed 5 years.

If the Permittee wishes to continue discharge after the expiration date of this permit, an application must be filed for a renewal permit in accordance with requirements of the Discharge and Pretreatment Regulations subchapter of the Fayetteville Code, a minimum of 90 days prior to the expiration date.

Signed this 24TH day of SEPTEMBER, 2018

Approved By: 

Tim Nyander
Utilities Director
City of Fayetteville

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PART I - SPECIFIC CONDITIONS, LIMITATIONS, AND REQUIREMENTS

SECTION A. WASTESTREAM LOCATIONS

Location 001

This wastestream shall consist of the treated wastewater from all processes. The monitoring point shall be just upstream of the flume that is located in the southwest corner of the waste treatment building, which is on the north side of the property. The quality of the effluent discharged from Location 001 shall, at a minimum, meet the limitations as set forth in Table I-1.

SECTION B. DISCHARGE LIMITATIONS & MONITORING REQUIREMENTS

The following limitations and monitoring requirements shall apply to discharge from **Location 001** except for flow usage, which applies as specified in the Table I-1 footnotes. The Permittee shall monitor the discharge from **Locations 001** and the incoming water usage, and shall be limited as specified below:

Table I-1						
Parameter	LIMITATIONS ¹				MONITORING REQUIREMENTS	
	Daily Max mg/L	Daily Max lb./day	Monthly Avg mg/L	Monthly Avg ² lb./day	Frequency ³	Sample Type
BOD	Report	Report	Report	Report	3/week	24-hr composite
TSS	Report	Report	Report	1,315	1/Week	24-hr composite
Phosphorus	Report	Report	Report	Report	1/Week	24-hr composite
Oil & Grease	NA	NA	Report	Report	1/Month	Grab
pH	(4)		NA		3/Week	Grab
Flow, Usage ⁵	Report	Report	Report		Continuous	Totalizer ⁶
Flow, Discharge	Report	Report	Report		Continuous	Totalizer ⁶

¹ It is the Permittee's responsibility to ensure test detection levels are sufficiently low to demonstrate compliance with permit limitations. If an analytical result is below the laboratory detection limit, then the detection limit shall be used in the calculation of pounds unless permitted otherwise by the Control Authority.

² Monthly average is the average of all daily results in a calendar month regardless of the number of samples analyzed.

³ Week means Sunday through Saturday. Month means calendar month. For composite samples, the date of the sample is the date that sample collection is started.

⁴ Within the range 5.0 to 12.4 standard units.

⁵ Usage flow (incoming water) shall be measured at the city water meter on the south side of the property.

⁶ Measure continuously with a flow meter with a totalizer. Report daily flow for water usage and wastewater

discharge on all monitoring days, and average daily and total monthly flow.

SECTION C. COMPLIANCE SCHEDULE

The Permittee shall achieve compliance with the effluent limitations specified for discharges on the effective date of this permit.

SECTION D. OTHER SPECIFIC REQUIREMENTS

1. Specific Reopener Clause

This permit may be reopened to recalculate BOD, TSS, and flow limits after sufficient data is gathered on industrial discharge to the POTW.

2. Pollution Prevention Assessment

The Permittee shall reevaluate its pollution prevention assessment and submit the results to the Industrial Pretreatment Coordinator (IPC) within 1 year of the effective date of this permit.

3. Accidental Spill/Slug Prevention Plan Requirement

The Permittee is required to have an Accidental Spill/Slug Prevention Plan (ASPP) in accordance with Part IV, Section C. If the Permittee is required to have an ASPP, the most recent accepted ASPP on file is incorporated by reference and is considered a part of this permit and is enforceable.

4. Toxic Organic Management Plan Requirement

The Permittee is not required to have a Toxic Organic Management Plan (TOMP).

PART II - STANDARD MONITORING, RECORD KEEPING & REPORTING REQUIREMENTS

SECTION A. MONITORING

1. Monitoring by Approved Methods

Sampling and analyses must be conducted according to procedures approved under 40 CFR Part 136, unless other procedures have been specified in this permit. The Permittee shall insure that both calibration and maintenance activities will be conducted on all monitoring and analytical instrumentation at intervals frequent enough to ensure accuracy of measurements. An adequate analytical quality control program shall be maintained by the Permittee or State approved commercial laboratory. At a minimum, spikes and duplicate samples are to be analyzed on 10% of the samples where applicable.

If the Permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the industrial monitoring reports.

2. Sampling Facility and Monitoring Equipment

The Permittee shall provide a suitable sampling facility(s) together with such necessary manholes, meters and other equipment to facilitate observation, sampling and measurement of the process and/or combined wastes from the permitted discharge.

Such facility(s) and other appurtenances shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Industrial Pretreatment Coordinator and shall be constructed, operated, and maintained at the Permittee's expense.

Such facility(s) and other appurtenances shall be maintained to be safe and accessible at all times and shall be made available for use by the Industrial Pretreatment Coordinator for monitoring and/or sampling upon request.

3. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring point(s) specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestreams, body of water, or substance. Monitoring points shall not be changed without notification to, and approval of, the Industrial Pretreatment Coordinator.

4. 24-Hour Reporting and Automatic Resampling

If the results of the Permittee's analysis indicates that a violation of this permit has occurred, the Permittee must inform the Industrial Pretreatment Coordinator (IPC) of the violation within 24 hours of becoming aware of the violation. The Permittee shall repeat the sampling and analysis and submit the results of the repeat analysis to the IPC within 30 days of becoming aware of the violation.

The IPC may waive the resampling requirement if the IPC performs sampling at the Permittee at least once per month, or the IPC performs sampling at the Permittee between the time when the Permittee performs its initial sampling and the time when the Permittee receives the results of this sampling.

5. Flow Measurement Devices and Method

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected, provided, used, calibrated and maintained by the Permittee to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained by trained personnel to insure that the accuracy of the measurement is consistent with the accepted capability of that device. A calibration log shall be maintained and must include dates of service and calibration, who performed the calibration and the methods used in the calibration. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes. The Industrial Pretreatment Coordinator shall be allowed to check or request a check of the calibration of the system at any time.

SECTION B. RECORD KEEPING

1. Retention of Records

The Permittee shall retain records of all monitoring information resulting from monitoring activities, including all calibration and maintenance records, 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 Industrial Pretreatment Coordinator at any time.

All records which pertain to matters which are the subject of enforcement or litigation activities pursuant hereto shall be retained and preserved by the Permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

2. Record Contents

Records and monitoring information shall include:

- a. The exact date, location, time and method of sampling;
- b. The individual(s) who performed the sampling or measurement;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used;
- f. The results of all required analyses;
- g. Laboratory QA/QC results; and
- h. Chain of Custody documentation.

3. Manifest of Wastes Removed

The Permittee shall provide a manifest or other record of wastes removed by the pretreatment system and method(s) of disposal. These records shall be made available to the Industrial Pretreatment Coordinator upon request.

4. Duty to Provide Information

The Permittee shall furnish to the Industrial Pretreatment Coordinator (IPC) within a reasonable time, any information, including that requiring additional monitoring and/or analyses, which the IPC may request to determine whether cause exists for modifying, revoking and reissuing or terminating this permit or to determine compliance with this permit. The Permittee shall also furnish, upon request, copies of records required to be kept by this permit.

5. Availability of Data

Information included in or pertaining to this permit or any information obtained during or as a result of inspection or other monitoring shall be made available to any agency regulating this program and to the public, to the extent provided by 40 CFR Part 2.302 (Public Information) and 40 CFR Part 403.14 (Confidentiality).

SECTION C. REPORTING

1. Discharge Monitoring Report

No later than the 21st day of each month the Permittee shall provide the Industrial Pretreatment Coordinator (IPC) with a summary report of pollutant discharges for the previous calendar month. Submit Discharge Monitoring Reports even when no discharge

occurs during the reporting period. The report shall include:

- a. Industry name and address;
- b. Industry contact name;
- c. Industrial waste discharge permit number;
- d. Category;
- e. Monitoring location(s);
- f. Reporting period;
- g. Sample dates;
- h. Pollutant limits;
- i. Daily pollutant concentrations, mass, and units;
- j. Monthly average pollutant concentrations, mass, and units;
- k. Daily flow for water usage and wastewater discharge on all monitoring days, and average daily and total monthly flows and units;
- l. Compliance statement;
- m. TTO certification statement if a TOMP plan has been approved:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the permit limitation for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing of the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the control authority."
- n. Certification statement:

"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."
- o. Signature of authorized signatory (See Attachment A).

2. Compliance Schedule Reporting

If construction or placement of facilities or equipment is required to meet limitations, requirements, and/or conditions of this permit, a proposed compliance schedule shall be submitted by the Permittee within fourteen (14) days of the effective date of this permit unless otherwise specified.

Compliance schedules shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities and procedures required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).

No increment shall exceed 9 months nor shall the entire schedule exceed 18 months.

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any compliance schedules of this permit shall be submitted no later than fourteen (14) days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

3. Averaging Measurements and Detection Limits

Calculations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit. If a result is less than the detection limit, the detection limit is used to determine compliance, to calculate averages, and to calculate mass.

4. Notification of Unusual Loadings

The Permittee shall immediately notify the Industrial Pretreatment Coordinator once aware of any unusual loadings released to the wastewater collection system and shall take immediate appropriate action to mitigate any adverse effects of such loadings, including ceasing of processing operations, if required.

5. Planned Changes

The Permittee shall submit prior notice to the Industrial Pretreatment Coordinator, if possible at least 30 days before any planned change in production or treatment process or any planned physical alterations or additions to the permitted facility.

This notification shall be in writing and shall apply to all pollutants whether limited by this permit or not and to any activity which would result in the discharge of those pollutants to the POTW.

6. Notification of Shutdown

Notification of any shutdown period of more than (2) days shall take place at least 48 hours prior to the shutdown period. Notification of any shut down period of more than (5) days shall be in writing and shall take place at least (2) weeks prior to the first day of shutdown. Notification shall be given to the Industrial Pretreatment Coordinator (IPC) and shall include the following:

- a. The date shutdown will start;
- b. the last shift to work on the date of shutdown;

- c. the date process operations will resume; and
- d. the first shift to work on the date of startup.

The strength and characteristics of the wastewater load that is generated during any significant shutdown period shall be approved by the IPC.

7. Anticipated Noncompliance

The Permittee shall submit prior notice to the Industrial Pretreatment Coordinator, if possible at least 30 days before any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

8. Twenty-four Hour Reporting (Bypass, Upset, Spill, Slug, or Noncompliance)

The Permittee shall notify the Industrial Pretreatment Coordinator immediately, but no later than twenty-four (24) hours from the time the Permittee becomes aware of the occurrence of any bypass of the treatment system, upset which places the Permittee in a temporary state of noncompliance, any potentially harmful spill, accidental or slug discharge, or any noncompliance which may endanger health, the environment, or operation of the POTW. The notification shall include location of discharge, date and time thereof, type of waste including concentration and volume, and corrective actions taken. The Permittee's notification of accidental releases in accordance with this section does not relieve it of other reporting requirements under local, State, or federal laws.

Written notification of the accidental discharge shall be made to the Industrial Pretreatment Coordinator within five (5) days and shall contain:

- a. A description of the event and its suspected cause;
- b. The duration of the event, including exact dates and times;
- c. The impact of the event on the Permittee's compliance status;
- d. If cessation of the event has not occurred, the anticipated period of time it is expected to continue; and
- e. Steps taken or planned to reduce, eliminate, and prevent recurrence of the event.

9. Other Noncompliance

The Permittee shall report all instances of noncompliance at the time monitoring reports are submitted unless otherwise required.

10. Certification in Lieu of Monitoring

A Permittee subject to total toxic organics limitations may be allowed to submit a Toxic

Organic Management Plan (TOMP) with prior approval of the Industrial Pretreatment Coordinator (IPC). If a TOMP has been approved by the IPC, the Permittee must submit a certification statement as part of the semi-annual report (or more frequently, if more frequent reporting is required) certifying compliance with the approved TOMP.

11. Signatory Requirements

All reports or information submitted pursuant to the requirements of this permit must be signed and certified by an authorized signatory of the Permittee. Signed copies of a Signatory Authorization Form (Attachment A) must be submitted to the Industrial Pretreatment Coordinator for any individual to be considered an authorized signatory. See Attachment A for the definition of an authorized signatory.

Any authorized signatory signing reports or information submitted in accordance with this permit shall make the following written certification:

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

12. Address for Report Submissions

All reports and notices required by this permit shall be submitted to:

Jacobs
Attn: Industrial Pretreatment Coordinator
1400 N. Fox Hunter Road
Fayetteville, AR 72701

(479) 443-3292

PART III - STANDARD CONDITIONS**SECTION A. GENERAL CONDITIONS****1. State Laws**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation.

2. Limitations Subject To Revision

Any changes in EPA, State of Arkansas, or local applicable regulations shall supersede this permit. The Permittee will be notified of the changes and required to develop a compliance schedule if changes in the Permittee's treatment processes or facilities are necessary to insure compliance with the regulatory changes.

These specific limitations are subject to revision if and at such time as the effluent limitations and other requirements of the POTW are revised.

These specific limitations are subject to revision if and at such time as it is determined that discharge from the Permittee is or has become detrimental to the public health or safety, the health or safety of the operators of the POTW, the biological or structural integrity of the POTW including the collection system, and/or the protection of the receiving waters.

3. Property Rights

This permit does not convey any property rights in either real or personal property, 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.

4. Regulatory Changes

Any changes in EPA, State, or local pretreatment regulations that are more stringent than the requirements of this permit shall supersede this permit. The Permittee will be notified of the change and required to develop a compliance schedule if changes in the Permittee's treatment process or facility are necessary to insure compliance with the regulatory change(s).

5. Toxic Pollutants

If a toxic effluent standard or prohibition is established for a toxic pollutant which is present

in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit may be revised or modified in accordance with the toxic effluent standard or prohibition and the Permittee so notified.

6. 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.

7. Permit Modification, Revocation, Suspension, Termination

This permit may be modified, revoked and reissued, suspended, or terminated with cause in accordance with the requirements of the Discharge and Pretreatment Regulations subchapter of the Fayetteville Code and/or State or federal regulations, or for other good cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, suspension, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

8. Limitations on Permit Transfer

This permit is nontransferable to any person except after notice to the Control Authority. This permit may be transferred to a new owner or operator if the Permittee gives at least seven (7) days advance notice to the Control Authority, provides a copy of the existing permit to the new owner or operator, and the Control Authority approves the wastewater discharge permit transfer. The notice to the Control Authority must include a written certification by the new owner or operator which:

- a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- b. Identifies the specific date on which the transfer is to occur; and
- c. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

9. Duty to Reapply

The Permittee is responsible for filing an application for reissuance of the permit at least ninety (90) days before the expiration date of this permit.

10. Continuation of Expired Permits

If on the date of expiration of this permit, a new permit has not been issued, the requirements and limitations of this permit shall continue to be effective and enforceable unless the Permittee has received notice of suspension, revocation and/or termination of the permit.

SECTION B. OPERATION AND MAINTENANCE

1. Proper Operation and Maintenance

The Permittee shall at all times maintain in good working order and operate as efficiently as possible all facilities and systems of treatment, control, sampling, measurement and/or analysis installed or used by the Permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate process control.

2. Need to Halt or Reduce Not a Defense

It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

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, the POTW treatment facility, the waters receiving the POTW treatment facility discharge, or the environment.

Reasonable steps include but are not limited to accelerated or additional monitoring and/or analyses necessary to determine the nature and impact of the noncomplying discharge.

4. Bypass of Treatment System

Bypass of the treatment system is prohibited, unless:

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. There was no feasible alternative to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime;
- c. The Industrial Pretreatment Coordinator approved an anticipated bypass, considering its adverse effects, if the Permittee, knowing in advance of the need for a bypass, submitted prior notice in writing at least ten (10) days before the bypass; or

- d. The bypass does not cause effluent limitations to be exceeded.

5. Affirmative Defense

An upset may constitute an affirmative defense for action brought for the noncompliance. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation. The Permittee has the burden of proof to provide evidence and demonstrate that none of the factors specifically listed above were responsible for the noncompliance.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An upset occurred and that the Permittee can identify the specific cause of the upset;
- b. The permitted facility was at the time being properly operated; and
- c. The Permittee submitted notice of the upset as required.

6. Removed Substances and RCRA Requirements

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 pollutants from such materials from entering the sewer system. The Permittee is responsible to assure its compliance with any requirements regarding the generation, treatment, storage, and/or disposal of hazardous wastes as defined under the Federal Resource Conservation and Recovery Act and State of Arkansas rules and regulations relative to refuse, liquid and/or solid waste disposal.

7. Disposal of Sludges and Spent Chemicals

The Permittee shall dispose of sludges and spent chemicals in accordance with procedures in Section 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.

8. Emergency Action

In the event of a power loss to the Permittee's treatment facility, the Permittee shall provide treatment to the best of his ability and shall report immediately to the Industrial Pretreatment Coordinator any noncompliance resulting from the emergency situation.

9. Dilution Not Permitted

The Permittee shall not increase the use of potable or process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

SECTION C. RESULTS OF NONCOMPLIANCE

1. Duty to Comply

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Fayetteville Code and may be grounds for enforcement action.

2. Penalties for Violations of Permit Conditions

The Permittee is subject to a civil or criminal penalty of not more than \$1000.00 per violation per day for each day that the Permittee is in violation of the requirements of this permit, the pretreatment standards, or the Discharge and Pretreatment Regulations subchapter of the Fayetteville Code.

3. Permit Suspension, Revocation and Termination

This permit may be suspended, or revoked and terminated in accordance with the requirements of the Discharge and Pretreatment Regulations subchapter of the Fayetteville Code and/or the approved Enforcement Response Plan.

4. Tampering

Any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall be subject to civil and/or criminal penalties.

5. Falsification of Reports

The Fayetteville Code provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1000.00) per day.

6. Publication in Newspaper for Significant Noncompliance

The Fayetteville Code provides that, in accordance with 40 CFR 403.8(f)(2)(vii), an industrial user will be published at least one time annually in a newspaper(s) of general circulation within the jurisdiction(s) served by the POTW when found to be in significant noncompliance. An industrial user is in significant noncompliance if its violations meet one or more of the following criteria:

- a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- b. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- c. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- d. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge;
- e. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- f. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- g. Failure to accurately report noncompliance;
- h. Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

7. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the Permittee from civil and/or criminal penalties for noncompliance under local, State or Federal laws or regulations.

PART IV - OTHER REQUIREMENTS

SECTION A. RIGHT OF ENTRY

The Permittee shall allow any authorized representative of the EPA, State of Arkansas, or City of Fayetteville pretreatment program, bearing proper credentials and identification:

1. To enter upon the Permittee's premises where a real or potential discharge is located or records are required to be kept under the terms and conditions of this permit;
2. To have access to and copy records required to be kept under the terms and conditions of this permit; to inspect any facility, materials storage or monitoring equipment; to observe monitoring practices, process or facility operations; to sample any discharge; and
3. Where the Permittee has security measures in force which require proper identification and/or clearance before entry onto said Permittee's premises is granted, such Permittee shall make the necessary arrangements with the security guards that upon presentation of proper identification, the IPC shall be permitted to enter without delay. The Industrial Pretreatment Coordinator shall have access to production, materials storage, and wastewater pretreatment areas as well as operating, monitoring, and pretreatment records of the Permittee Plant. Access shall be granted immediately upon request at any time deemed necessary provided proper identification is provided by the entrant.

SECTION B. BOILER SYSTEM

No chemicals other than chlorine, inorganic acids and inorganic bases (e.g., sulfuric acid, sodium hydroxide, etc.) are to be used in the boiler system without prior written approval from the Industrial Pretreatment Coordinator. In requesting permission to use chemicals in the boiler system, the Permittee must provide the following information:

1. Name of chemical compound (trade name and/or brand name);
2. Name and address of manufacturer and name and telephone number of local representative;
3. Copy of the Material Safety Data Sheet; and
4. Proposed application rates and frequency of application.

SECTION C. ACCIDENTAL SPILL/SLUG PREVENTION PLAN

If the Permittee does not have one, an Accidental Spill/Slug Prevention Plan (ASPP) shall be developed and submitted for approval. The Permittee shall notify the POTW immediately of any changes at its facility affecting potential for a slug discharge.

Failure of the plan to prevent violations of any other provisions of this permit in no way relieves the Permittee from its legal liability for noncompliance with the permit conditions.

At a minimum, the ASPP must address the following:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the POTW of slug discharges or spills, including any discharge that would violate a prohibition under 40 CFR 403.5(b) with procedures for follow-up written notification within five days;
4. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;

The ASPP must provide for notification of slug discharges or spill events to the proper authorities, including the POTW. The following information must be included in the plan under notification to the POTW and should be posted on a chain-of-contacts list on information boards and in other appropriate areas throughout the plant:

Paul R. Noland Water Resource Recovery Facility
Jacobs
1400 N. Fox Hunter Road
Fayetteville, Arkansas 72701

479-443-3292, 24 hours/day, 7 days/week

PART V - DEFINITIONS

- A. **CFR** means Code of Federal Regulations
- B. **Composite sample** means a sample usually comprised of a minimum of twelve (12) aliquots collected over a period of no more than twenty-four (24) hours. If the daily discharge is less than (24) hours, a minimum of (4) aliquots per day at equal time intervals should be taken.
- C. **Control Authority** means the local agency regulating the local pretreatment program and its authorized representatives including, but not limited to, the Industrial Pretreatment Coordinator.
- D. **Discharge** means an intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pouring, emitting, emptying, or dumping of a pollutant into the waters of the State or the US, or onto land or into wells from where it might flow or drain into said waters onto lands outside the jurisdiction of the State. Discharge includes the release of any pollutant into a POTW.
- E. **Fayetteville Code** means the City of Fayetteville Code of Ordinances
- F. **Flow proportioned** means a composite sample that is collected proportional to each stream flow at time of collection of each aliquot or to the total flow since the previous aliquot. Sampling may be flow proportioned either by varying the volume of each aliquot or the time interval between each aliquot. If discrete sampling is employed, at least 12 aliquots should be composited.
- G. **Grab sample** means an individual sample collected over a period of time not to exceed 15 minutes. It is a single sample and is representative of conditions and characteristics of the discharge at the time it is collected.
- H. **Industrial Pretreatment Coordinator (IPC)** means an authorized representative of the Control Authority that implements and coordinates the pretreatment program or the IPC's authorized representative .
- I. **lb./day** means pounds per day.
- J. **mg/l** means milligrams per liter.
- K. **NA** means not applicable.
- L. **NPDES** means National Pollutant Discharge Elimination System and refers to the discharge permit issued to the POTW.
- M. **pH** means the acidity or alkalinity of a solution. Neutral is 7.0, acidic is lower, and alkaline is higher.

- N. **POTW** means the publicly owned treatment works including the collection system, treatment plant and other appurtenances. It also means the municipality having jurisdiction over dischargers to the treatment plant.
- O. **Slug** means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge.
- P. **TSS** means total suspended solids.
- Q. **TTO** means total toxic organics.
- R. **Upset** is an unintentional and temporary noncompliance with permitted effluent discharge limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed or inadequate treatment facilities, lack of preventative maintenance, or careless or improper operations.

PART VI - JACOBS AUTHORIZATION

Jacobs is authorized by contract to manage and operate the Paul R. Noland Wastewater Treatment Facility for the City of Fayetteville. Management and operation of this facility includes administering the industrial pretreatment program.

So long as this contract or subsequent contractual agreements remain in effect, the Industrial Pretreatment Coordinator or any other employee of Jacobs will be the authorized representative of the City of Fayetteville.

ATTACHMENT A - SIGNATORY AUTHORIZATION

All reports and information submitted pursuant to the requirements of this discharge permit will be **signed and certified** by an **authorized signatory** of the Permittee. A signed copy of this Signatory Authorization Form must be submitted to the Industrial Pretreatment Coordinator for any individual to be considered an authorized signatory. In accordance CFR Part 403.12(1), an authorized signatory is:

1. A responsible corporate officer, if the industrial user is a corporation. A responsible corporate officer means:
 - a. 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
 - b. 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 initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. A general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively.

The authorized signatory below is for submittals required of:

Facility Name

Facility Address

City, State, and Zip

I understand: A) I must submit a new form when this information changes. B) I may need to periodically provide a new form so the Control Authority can verify the information is current and valid.

I am an authorized signatory as defined above in section (*check one*): ___ 1.a., ___ 1.b., ___ 2.

Signature of the Responsible Official _____
Date

Typed or Printed Name (First Name, MI, Last Name)

Title _____
Area Code + Phone

Mailing Address _____
City, State, and Zip

Email Address

Certification: I certify under penalty of law that this document and all attachments were prepared under my direct 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.

Optional Designation:

___ I hereby designate the following person or position as my Duly Authorized Representative for purposes of signing documents required by the permit issued to this facility.

This person or position has responsibility for the overall operation of the facility from which the industrial discharge originates, such as a plant manager, superintendent, or a position of equivalent responsibility, or has the overall responsibility for environmental matters for the company.

This designation is valid until _____. (If no date given valid until rescinded)

Signature of Duly Authorized Representative

Typed or Printed Name (First Name, MI, Last Name)

Title _____
Area Code + Phone

Mailing Address _____
City, State, and Zip

Email Address

OR ___ I hereby designate the following position as having the authority to sign documents required by the pretreatment permit issued to this facility:



September 21, 2018

Mr. David Miller
Superior Industries International, LLC
1901 Borick Drive
Fayetteville, Arkansas 72701

RE: Application for Permit Number FAY09

Dear Mr. Miller,

In accordance with the City of Fayetteville Code, your company submitted a permit application for renewal in a timely manner. Enclosed is a final wastewater discharge permit for Superior Industries International, LLC.

Except for the items listed below, conditions of this permit are identical to those in your existing permit. The following clauses were added to the permit based upon Arkansas Department of Environmental Quality's (ADEQ) and/or pretreatment streamlining updates:

1. Incorporation of Accidental Spill/Slug Prevention Plan into the permit (Part I Section D.2)
2. Incorporation of Toxic Organic Management Plan into the permit (Part I Section D.3)
3. Limitations regarding transfer of ownership (Part III Section A.8)
4. Changed all references to the contract operator from CH2MHILL or OMI to Jacobs

Based upon the fact that immediate actions to issue this new permit are required, the enclosed permit shall become effective on October 1, 2018. Please be advised that your company may submit a request for permit modification to the City at any time.

Please submit any written request or questions concerning any part of the permit to:

Jacobs
Attn: Industrial Pretreatment Coordinator
1400 N. Fox Hunter Road
Fayetteville, AR 72701
(479) 443-3292

If you should have any questions and comments, please don't hesitate to contact Bruce Richart at robert.richart@jacobs.com or (479) 443-3292.

Sincerely,

City of Fayetteville



Tim Nyander
Utilities Director
Utilities Department

Enclosure

cc: Greg Weeks
Bruce Richart

**CITY OF FAYETTEVILLE, ARKANSAS
INDUSTRIAL WASTE DISCHARGE PERMIT**

PERMIT NO. FAY09

Superior Industries International, Inc. has been classified as a new source 40 CFR 433 Metal Finisher under Subpart A (Metal Finishing) because of the conversion coating and chemical etch processes. In compliance with the provisions and conditions of the Article III Discharge and Pretreatment Regulations in Chapter 51 of the Fayetteville Code, of 40 CFR 433, and with any applicable provisions of local, federal or State of Arkansas laws or regulations,

Superior Industries International, Arkansas, LLC
1901 Borick Drive
Fayetteville, AR 72701,

hereinafter called the Permittee, is authorized to discharge industrial wastewater from activities classified by SIC No. 3714 from premises located at the above address and through outfalls identified herein to the City of Fayetteville's POTW collection system in accordance with effluent limitations, monitoring requirements, compliance schedule, reporting requirements, and conditions set forth in this permit and in the Discharge and Pretreatment Regulations in Chapter 51 of the Fayetteville Code.

Noncompliance with any term or condition of this permit shall constitute a violation of the Fayetteville Code.

This permit shall become effective on **October 1, 2018** and authorization to discharge shall expire at midnight on **September 30, 2023**. The duration of this permit shall not exceed 5 years.

If the Permittee wishes to continue discharge after the expiration date of this permit, an application must be filed for a renewal permit in accordance with requirements of the Discharge and Pretreatment Regulations subchapter of the Fayetteville Code, a minimum of 90 days prior to the expiration date.

Signed this 24TH day of SEPTEMBER, 2018

Approved By:  _____

Tim Nyander
Utilities Director
City of Fayetteville

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8-15-18
10:00 AM
10:00 AM

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PART I - SPECIFIC CONDITIONS, LIMITATIONS, AND REQUIREMENTS**SECTION A. WASTESTREAM LOCATIONS**Location 001

Location 001 was re-piped, so no wastewater goes through it. The paint room wastes now flow directly to Location 003. Location 001 shall be a sampling well that is a 4-inch vent in the discharge pipe from the clarifier that is located underground approximately seventy-five feet from the west wall of the mold shop. There are no specific requirements in this permit regarding this location.

Location 002

This wastestream shall consist of sanitary wastewater from the offices. Location 002 shall be in the manhole in the parking lot between the first and the second parking spot east of the main entrance driveway. There are no specific requirements in this permit regarding this wastestream.

Location 003

This wastestream shall consist of the process-generated wastewater from the paint room, premelt, heat treat, and clear coat room. Location 003 shall be after the throat of the 3" Parshall flume that is located approximately 60 feet west and 20 feet north of the northeast corner of the clear coat paint room. There are no specific requirements in this permit regarding this wastestream.

Location 004

Location 004 was decommissioned in plant modifications in 2006 along with the cyanide processes. This wastestream consisted of the treated wastewater from the cyanide destruct unit before mixing with other wastestreams. Location 004 was a valve on a support column in the waste treatment area just east of the overhead door on the south side of the room. This wastestream and location no longer exists so there are no specific requirements in this permit regarding this location.

Location 005

This wastestream shall consist of wastewater from all processes. It shall include wastestreams from Locations 003 and 006. Location 005 shall be in the Parshall flume in the manhole approximately 420 feet north of the east building, next to the sampling shed. The quality of the effluent discharged from Location 005 shall, at a minimum, meet the limitations as set forth in Table I-1.

Location 006

The electroplating processes were decommissioned in 2006. This wastestream consisted of the treated wastewater from all electroplating process-generated wastestreams including wastewater

from Location 004. Currently, this wastestream consists of bright polish and clear coat process waste. Location 006 shall be after the throat of the 3" Parshall flume that is located approximately 8 feet north of the north wall of the bright polish building. There are no specific requirements in this permit regarding this wastestream.

SECTION B. DISCHARGE LIMITATIONS & MONITORING REQUIREMENTS

The following limitations and monitoring requirements shall apply to discharge from **Location SUP005** except for flow usage, which shall apply as specified in the Table I-1 footnotes. The Permittee shall monitor the discharge from **Location SUP005** and the incoming water usage, and shall be limited as specified below:

Parameter	LIMITATIONS ¹			MONITORING REQUIREMENTS	
	Daily Maximum		Monthly Average ²	Frequency ³	Sample Type
	(mg/l)	(lb./day)	(lb./day)		
Cadmium, total	0.10	0.02	0.06	2/month	24-hr composite
Chromium, total	2.41	0.32	1.49	2/month	24-hr composite
Copper, total	2.94	0.69	1.80	2/month	24-hr composite
Lead, total	0.60	0.05	0.37	2/month	24-hr composite
Nickel, total	3.46	0.52	2.07	2/month	24-hr composite
Silver, total	0.37	0.004	0.21	2/month	24-hr composite
Zinc, total	2.27	0.64	1.29	2/month	24-hr composite
Cyanide, total ⁵	1.04	0.06	0.57	1/6 month	Grab
TTO, 40 CFR 433	1.85	-	-	N/A	Certification ⁴
Flow, Usage ⁵	Report		Report	Continuous	Totalizer ⁶
Flow, Discharge	Report		Report	Continuous	Totalizer ⁶

¹ It is the Permittee's responsibility to ensure test detection levels are sufficiently low to demonstrate compliance with permit limitations. If an analytical result is below the laboratory detection limit, then the detection limit shall be used in the calculation of pounds unless permitted otherwise by the Control Authority. The EPA recommends the following detection limits in **micrograms** per liter (**ug/l**): 0.5 for cadmium, copper, lead, nickel, and silver; 10 for chromium and cyanide; 0.005 for mercury; 20 for zinc.

² Monthly average is the average of all daily results in a calendar month regardless of the number of samples analyzed.

³ Week means Sunday through Saturday. Month means calendar month. Once/6 months means once during January through June, and once during July through December unless otherwise specified. The date and time of an individual grab sample is the date and time at which the sample is collected. The date of a composite sample is the date on which sample collection for the composite sample is started and stopped. The composite sample date will be one day if the composite sample is collected on one day, e.g. April 14, 2007, or two days if the composite sample is collected over two days, e.g. April 14-15, 2007. Monitoring by the Control Authority is not

a substitute for monitoring required to be conducted by the Permittee in this permit unless the Control Authority notifies the Permittee in writing that specific monitoring by the Control Authority can be used to meet permit frequency requirements.

⁴ The Permittee has submitted a Toxic Organics Management Plan (TOMP) and must comply with the most recent accepted TOMP. Certification statements in each monitoring report are required in lieu of TTO monitoring. Any TTO analysis performed according to the methods in 40 CFR 136 must be submitted in the monitoring reports and is limited as specified in this table

⁵ Usage flow (incoming water) shall be the sum of flows measured at the three city water meters at the north side of the main office building, at the southwest corner of the property, and at the northeast corner of the property.

⁶ Measure continuously with a flow meter with a totalizer. Report daily flow for wastewater discharge on all monitoring days, and average daily and total monthly flow for water usage and wastewater discharge.

SECTION C. COMPLIANCE SCHEDULE

The Permittee shall achieve compliance with the effluent limitations specified for discharges on the effective date of this permit.

SECTION D. OTHER SPECIFIC REQUIREMENTS

1. Pollution Prevention

The Permittee shall reevaluate its pollution prevention assessment and submit the results to the Industrial Pretreatment Coordinator (IPC) within 1 year of the effective date of this permit.

2. Accidental Spill/Slug Prevention Plan

The Permittee is required to have an Accidental Spill/Slug Prevention Plan (ASPP) in accordance with Part IV, Section C. If the Permittee is required to have an ASPP, the most recent accepted ASPP on file is incorporated by reference and is considered a part of this permit and is enforceable.

3. Toxic Organic Management Plan Requirement

The Permittee is required to have a Toxic Organic Management Plan (TOMP). If the Permittee is required to have a TOMP, the most recent accepted TOMP on file is incorporated by reference and is considered a part of this permit and is enforceable.

PART II - STANDARD MONITORING, RECORD KEEPING & REPORTING REQUIREMENTS

SECTION A. MONITORING

1. Monitoring by Approved Methods

Sampling and analyses must be conducted according to procedures approved under 40 CFR Part 136, unless other procedures have been specified in this permit. The Permittee shall insure that both calibration and maintenance activities will be conducted on all monitoring and analytical instrumentation at intervals frequent enough to ensure accuracy of measurements. An adequate analytical quality control program shall be maintained by the Permittee or State approved commercial laboratory. At a minimum, spikes and duplicate samples are to be analyzed on 10% of the samples where applicable.

If the Permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the industrial monitoring reports.

2. Sampling Facility and Monitoring Equipment

The Permittee shall provide a suitable sampling facility(s) together with such necessary manholes, meters and other equipment to facilitate observation, sampling and measurement of the process and/or combined wastes from the permitted discharge.

Such facility(s) and other appurtenances shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Industrial Pretreatment Coordinator and shall be constructed, operated, and maintained at the Permittee's expense.

Such facility(s) and other appurtenances shall be maintained to be safe and accessible at all times and shall be made available for use by the Industrial Pretreatment Coordinator for monitoring and/or sampling upon request.

3. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring point(s) specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestreams, body of water, or substance. Monitoring points shall not be changed without notification to, and approval of, the Industrial Pretreatment Coordinator.

4. 24-Hour Reporting and Automatic Resampling

If the results of the Permittee's analysis indicate that a violation of this permit has occurred, the Permittee must inform the Industrial Pretreatment Coordinator (IPC) of the violation within 24 hours of becoming aware of the violation. The Permittee shall repeat the sampling and analysis and submit the results of the repeat analysis to the IPC within 30 days of becoming aware of the violation.

If sampling performed by the IPC indicates that a violation has occurred, the IPC shall repeat the sampling and analysis within 30 days of becoming aware of the violation unless it notifies the Permittee of the violation and requires the Permittee to perform the repeat sampling and analysis.

The IPC may waive the resampling requirement if the IPC performs sampling at the Permittee at least once per month, or the IPC performs sampling at the Permittee between the time when the Permittee performs its initial sampling and the time when the Permittee receives the results of this sampling.

5. Flow Measurement Devices and Method

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected, provided, used, calibrated and maintained by the Permittee to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained by trained personnel to insure that the accuracy of the measurement is consistent with the accepted capability of that device. A calibration log shall be maintained and must include dates of service and calibration, who performed the calibration and the methods used in the calibration. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes. The Industrial Pretreatment Coordinator shall be allowed to check or request a check of the calibration of the system at any time.

SECTION B. RECORD KEEPING

1. Retention of Records

The Permittee shall retain records of all monitoring information resulting from monitoring activities, including all calibration and maintenance records, 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 Industrial Pretreatment Coordinator at any time.

All records which pertain to matters which are the subject of enforcement or litigation

activities pursuant hereto shall be retained and preserved by the Permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

2. Record Contents

Records and monitoring information shall include:

- a. The exact date, location, time and method of sampling;
- b. The individual(s) who performed the sampling or measurement;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used;
- f. The results of all required analyses;
- g. Laboratory QA/QC results; and
- h. Chain of Custody documentation.

3. Manifest of Wastes Removed

The Permittee shall provide a manifest or other record of wastes removed by the pretreatment system and method(s) of disposal. These records shall be made available to the Industrial Pretreatment Coordinator upon request.

4. Duty to Provide Information

The Permittee shall furnish to the Industrial Pretreatment Coordinator (IPC) within a reasonable time, any information, including that requiring additional monitoring and/or analyses, which the IPC may request to determine whether cause exists for modifying, revoking and reissuing or terminating this permit or to determine compliance with this permit. The Permittee shall also furnish, upon request, copies of records required to be kept by this permit.

5. Availability of Data

Information included in or pertaining to this permit or any information obtained during or as a result of inspection or other monitoring shall be made available to any agency regulating this program and to the public, to the extent provided by 40 CFR Part 2.302 (Public Information) and 40 CFR Part 403.14 (Confidentiality).

SECTION C. REPORTING

1. Discharge Monitoring Report

No later than the 21st day of each month, the Permittee shall provide the Industrial Pretreatment Coordinator (IPC) with a summary report of pollutant discharges for the previous monitoring period. Submit Discharge Monitoring Reports even when no discharge occurs during the reporting period. The report shall include:

- a. Industry name and address;
- b. Industry contact name;
- c. Industrial waste discharge permit number;
- d. Category, if applicable;
- e. Monitoring location(s);
- f. Reporting period;
- g. Sample dates (the date the grab sample is collected or the date the last aliquot is collected for a composite sample) ;
- h. Pollutant limits;
- i. Daily pollutant concentrations, mass, and units;
- j. Monthly average pollutant concentrations, mass, and units;
- k. Daily flow and units for wastewater discharge on all monitoring days, and average daily and total monthly flow and units for water usage and wastewater discharge for months in which monitoring occurs or should have occurred;
- l. Compliance statement;
- m. Statement of compliance with the Accidental Spill/Slug Prevention Plan (ASPP) if an ASPP is required by this permit:
“Based on my inquiry of the person or persons directly responsible for managing compliance with the slug discharge control measures identified in the Accidental Spill/Slug Prevention Plan, I certify that this facility, to the best of my knowledge and belief, is fully implementing the Accidental Spill/Slug Prevention Plan.”;
- n. TTO certification statement if a TOMP plan is required by this permit:
“Based on my inquiry of the person or persons directly responsible for managing compliance with the permit limitation for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing of the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the control authority.”;
- o. Certification statement:
“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.”;
- p. Signature of authorized signatory (See Attachment A).

2. Compliance Schedule Reporting

If construction or placement of facilities or equipment is required to meet limitations, requirements, and/or conditions of this permit, a proposed compliance schedule shall be submitted by the Permittee within fourteen (14) days of the effective date of this permit unless otherwise specified.

Compliance schedules shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities and procedures required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).

No increment shall exceed 9 months nor shall the entire schedule exceed 18 months.

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any compliance schedules of this permit shall be submitted no later than fourteen (14) days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

3. Averaging Measurements and Detection Limits

Calculations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit. If a result is less than the detection limit, the detection limit is used to determine compliance, to calculate averages, and to calculate mass.

4. Notification of Unusual Loadings

The Permittee shall immediately notify the Industrial Pretreatment Coordinator once aware of any unusual loadings released to the wastewater collection system and shall take immediate appropriate action to mitigate any adverse effects of such loadings, including ceasing of processing operations, if required.

5. Planned Changes

The Permittee shall submit prior notice to the Industrial Pretreatment Coordinator, if possible at least 30 days before any planned change in production or treatment process or any planned physical alterations or additions to the permitted facility.

This notification shall be in writing and shall apply to all pollutants whether limited by this permit or not and to any activity which would result in the discharge or a change in discharge of those pollutants to the POTW.

6. Notification of Shutdown

Notification of any shutdown period of more than (2) days shall take place at least 48 hours prior to the shutdown period. Notification of any shut down period of more than (5) days shall be in writing and shall take place at least (2) weeks prior to the first day of shutdown. Notification shall be given to the Industrial Pretreatment Coordinator (IPC) and shall include the following:

- a. The date shutdown will start;
- b. the last shift to work on the date of shutdown;
- c. the date process operations will resume; and
- d. the first shift to work on the date of startup.

The strength and characteristics of the wastewater load that is generated during any significant shutdown period shall be approved by the IPC.

7. Anticipated Noncompliance

The Permittee shall submit prior notice to the Industrial Pretreatment Coordinator, if possible at least 30 days before any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

8. Twenty-four Hour Reporting (Bypass, Upset, Spill, Slug, or Noncompliance)

The Permittee shall notify the Industrial Pretreatment Coordinator immediately, but no later than twenty-four (24) hours from the time the Permittee becomes aware of the occurrence of any bypass of the treatment system, upset which places the Permittee in a temporary state of noncompliance, any potentially harmful spill, accidental or slug discharge, or any noncompliance which may endanger health, the environment, or operation of the POTW. The notification shall include location of discharge, date and time thereof, type of waste including concentration and volume, and corrective actions taken. The Permittee's notification of accidental releases in accordance with this section does not relieve it of other reporting requirements under local, State, or federal laws.

Written notification of the accidental discharge shall be made to the Industrial Pretreatment Coordinator within five (5) days and shall contain:

- a. A description of the event and its suspected cause;
- b. The duration of the event, including exact dates and times;
- c. The impact of the event on the Permittee's compliance status;
- d. If cessation of the event has not occurred, the anticipated period of time it is expected to continue; and
- e. Steps taken or planned to reduce, eliminate, and prevent recurrence of the event.

9. Other Noncompliance

The Permittee shall report all instances of noncompliance at the time monitoring reports are submitted unless otherwise required.

10. Certification in Lieu of Monitoring

A Permittee subject to total toxic organics limitations may be allowed to submit a Toxic Organic Management Plan (TOMP) with prior approval of the Industrial Pretreatment Coordinator (IPC). If a TOMP has been accepted by the IPC, the Permittee must submit a certification statement as part of the semi-annual report (or more frequently, if more frequent reporting is required) certifying compliance with the TOMP.

11. Signatory Requirements

All reports or information submitted pursuant to the requirements of this permit must be signed and certified by an authorized signatory of the Permittee. Signed copies of a Signatory Authorization Form (Attachment A) must be submitted to the Industrial Pretreatment Coordinator for any individual to be considered an authorized signatory. See Attachment A for the definition of an authorized signatory.

Any authorized signatory signing reports or information submitted in accordance with this permit shall make the following written certification:

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

12. Address for Report Submissions

All reports and notices required by this permit shall be submitted to:

Jacobs
Attn: Industrial Pretreatment Coordinator
1400 N. Fox Hunter Road
Fayetteville, AR 72701

(479) 443-3292

PART III - STANDARD CONDITIONS**SECTION A. GENERAL CONDITIONS****1. State Laws**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation.

2. Limitations Subject To Revision

Any changes in EPA, State of Arkansas, or local applicable regulations shall supersede this permit. The Permittee will be notified of the changes and be required to develop a compliance schedule if changes in the Permittee's treatment processes or facilities are necessary to insure compliance with the regulatory changes.

These specific limitations are subject to revision if and at such time as the effluent limitations and other requirements of the POTW are revised.

These specific limitations are subject to revision if and at such time as it is determined that discharge from the Permittee is or has become detrimental to the public health or safety, the health or safety of the operators of the POTW, the biological or structural integrity of the POTW including the collection system, and/or the protection of the receiving waters.

3. Property Rights

This permit does not convey any property rights in either real or personal property, 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.

4. Regulatory Changes

Any changes in EPA, State, or local pretreatment regulations that are more stringent than the requirements of this permit shall supersede this permit. The Permittee will be notified of the change and be required to develop a compliance schedule if changes in the Permittee's treatment process or facility are necessary to insure compliance with the regulatory change(s).

5. Toxic Pollutants

If a toxic effluent standard or prohibition is established for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such

pollutant in this permit, this permit may be revised or modified in accordance with the toxic effluent standard or prohibition and the Permittee so notified.

6. 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.

7. Permit Modification, Revocation, Suspension, Termination

This permit may be modified, revoked and reissued, suspended, or terminated with cause in accordance with the requirements of the Discharge and Pretreatment Regulations subchapter of the Fayetteville Code and/or State or federal regulations, or for other good cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, suspension, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

8. Limitations on Permit Transfer

This permit is nontransferable to any person except after notice to the Control Authority. This permit may be transferred to a new owner or operator if the Permittee gives at least seven (7) days advance notice to the Control Authority, provides a copy of the existing permit to the new owner or operator, and the Control Authority approves the wastewater discharge permit transfer. The notice to the Control Authority must include a written certification by the new owner or operator which:

- a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- b. Identifies the specific date on which the transfer is to occur; and
- c. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

9. Duty to Reapply

The Permittee is responsible for filing an application for reissuance of the permit at least ninety (90) days before the expiration date of this permit.

10. Continuation of Expired Permits

If on the date of expiration of this permit, a new permit has not been issued, the requirements and limitations of this permit shall continue to be effective and enforceable unless the

Permittee has received notice of suspension, revocation and/or termination of the permit.

SECTION B. OPERATION AND MAINTENANCE

1. Proper Operation and Maintenance

The Permittee shall at all times maintain in good working order and operate as efficiently as possible all facilities and systems of treatment, control, sampling, measurement and/or analysis installed or used by the Permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate process control.

2. Need to Halt or Reduce Not a Defense

It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

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, the POTW treatment facility, the waters receiving the POTW treatment facility discharge, or the environment.

Reasonable steps include but are not limited to accelerated or additional monitoring and/or analyses necessary to determine the nature and impact of the noncomplying discharge.

4. Bypass of Treatment System

Bypass of the treatment system is prohibited, unless:

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. There was no feasible alternative to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime;
- c. The Industrial Pretreatment Coordinator approved an anticipated bypass, considering its adverse effects, if the Permittee, knowing in advance of the need for a bypass, submitted prior notice in writing at least ten (10) days before the bypass; or
- d. The bypass does not cause effluent limitations to be exceeded.

5. Affirmative Defense

An upset may constitute an affirmative defense for action brought for the noncompliance. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation. The Permittee has the burden of proof to provide evidence and demonstrate that none of the factors specifically listed above were responsible for the noncompliance.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An upset occurred and that the Permittee can identify the specific cause of the upset;
- b. The permitted facility was at the time being properly operated; and
- c. The Permittee submitted notice of the upset as required.

6. Removed Substances and RCRA Requirements

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 pollutants from such materials from entering the sewer system. The Permittee is responsible to assure its compliance with any requirements regarding the generation, treatment, storage, and/or disposal of hazardous wastes as defined under the Federal Resource Conservation and Recovery Act and State of Arkansas rules and regulations relative to refuse, liquid and/or solid waste disposal.

7. Disposal of Sludges and Spent Chemicals

The Permittee shall dispose of sludges and spent chemicals in accordance with procedures in Section 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.

8. Emergency Action

In the event of a power loss to the Permittee's treatment facility, the Permittee shall provide treatment to the best of his ability and shall report immediately to the Industrial Pretreatment Coordinator any noncompliance resulting from the emergency situation.

9. Dilution Not Permitted

The Permittee shall not increase the use of potable or process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

SECTION C. RESULTS OF NONCOMPLIANCE**1. Duty to Comply**

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Fayetteville Code and may be grounds for enforcement action.

2. Penalties for Violations of Permit Conditions

The Permittee is subject to a civil or criminal penalty of not more than \$1000.00 per violation per day for each day that the Permittee is in violation of the requirements of this permit, the pretreatment standards, or the Discharge and Pretreatment Regulations subchapter of the Fayetteville Code.

3. Permit Suspension, Revocation and Termination

This permit may be suspended, or revoked and terminated in accordance with the requirements of the Discharge and Pretreatment Regulations subchapter of the Fayetteville Code and/or the approved Enforcement Response Plan.

4. Tampering

Any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall be subject to civil and/or criminal penalties.

5. Falsification of Reports

The Fayetteville Code provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1000.00) per day.

6. Publication in Newspaper for Significant Noncompliance

The Fayetteville Code provides that, in accordance with 40 CFR 403.8(f)(2)(vii), the city shall publish annually in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the city's WRRF, a list of the users in significant noncompliance with applicable pretreatment standards and requirements. A user is in significant noncompliance if its violations meet one or more of the following criteria:

- a. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;
- b. Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limits, multiplied by the applicable criteria: 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH;
- c. Any other violation of a pretreatment standard or requirement (daily maximum, long term average, instantaneous limit, or narrative standard) that the city determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of city or WRRF personnel or the general public;
- d. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge;
- e. Failure to meet within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- f. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- g. Failure to accurately report noncompliance;
- h. Any other violation(s), which may include a violation of best management practices, which the city determines will adversely affect the operation or implementation of the local pretreatment program.

7. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the Permittee from civil and/or criminal penalties for noncompliance under local, State or Federal laws or regulations.

PART IV - OTHER REQUIREMENTS

SECTION A. RIGHT OF ENTRY

The Permittee shall allow any authorized representative of the EPA, State of Arkansas, or City of Fayetteville pretreatment program, bearing proper credentials and identification:

1. To enter upon the Permittee's premises where a real or potential discharge is located or records are required to be kept under the terms and conditions of this permit;
2. To have access to and copy records required to be kept under the terms and conditions of this permit; to inspect any facility, materials storage or monitoring equipment; to observe monitoring practices, process or facility operations; to sample any discharge; and
3. Where the Permittee has security measures in force which require proper identification and/or clearance before entry onto said Permittee's premises is granted, such Permittee shall make the necessary arrangements with the security guards that upon presentation of proper identification, the IPC shall be permitted to enter without delay. The Industrial Pretreatment Coordinator shall have access to production, materials storage, and wastewater pretreatment areas as well as operating, monitoring, and pretreatment records of the Permittee Plant. Access shall be granted immediately upon request at any time deemed necessary provided proper identification is provided by the entrant.

SECTION B. BOILER SYSTEM

No chemicals other than chlorine, inorganic acids and inorganic bases (e.g., sulfuric acid, sodium hydroxide, etc.) are to be used in the boiler system without prior approval from the Industrial Pretreatment Coordinator. In requesting permission to use chemicals in the boiler system, the Permittee must provide the following information:

1. Name of chemical compound (trade name and/or brand name);
2. Name and address of manufacturer and name and telephone number of local representative;
3. Copy of the Material Safety Data Sheet; and
4. Proposed application rates and frequency of application.

SECTION C. ACCIDENTAL SPILL/SLUG PREVENTION PLAN

If the Permittee is required to have one, an Accidental Spill/Slug Prevention Plan (ASPP) shall be developed and submitted. The Permittee shall notify the POTW immediately of any changes at its facility affecting potential for a slug discharge.

Failure of the plan to prevent violations of any other provisions of this permit in no way relieves the Permittee from its legal liability for noncompliance with the permit conditions.

At a minimum, the ASPP must address the following:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the POTW of slug discharges or spills, including any discharge that would violate a prohibition under 40 CFR 403.5(b) with procedures for follow-up written notification within five days;
4. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;

The ASPP must provide for notification of slug discharges or spill events to the proper authorities, including the POTW. The following information must be included in the plan under notification to the POTW and should be posted on a chain-of-contacts list on information boards and in other appropriate areas throughout the plant:

Paul R. Noland Water Resource Recovery Facility
Jacobs
1400 N. Fox Hunter Road
Fayetteville, Arkansas 72701

479-443-3292, 24 hours/day, 7 days/week

PART V - DEFINITIONS

- A. **CFR** means Code of Federal Regulations
- B. **Composite sample** means a sample usually comprised of a minimum of twelve (12) aliquots collected over a period of no more than twenty-four (24) hours. If the daily discharge is less than (24) hours, a minimum of (4) aliquots per day at equal time intervals shall be taken.
- C. **Control Authority** means the City of Fayetteville Mayor or his/her duly authorized representative, or the Fayetteville City Council, the City of Fayetteville, or its duly authorized representatives including, but not limited to, the Industrial Pretreatment Coordinator.
- D. **Discharge** means an intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pouring, emitting, emptying, or dumping of a pollutant into the waters of the State or the US, or onto land or into wells from where it might flow or drain into said waters onto lands outside the jurisdiction of the State. Discharge includes the release of any pollutant into a POTW.
- E. **Fayetteville Code** means the City of Fayetteville Code of Ordinances
- F. **Flow proportioned** means a composite sample that is collected proportional to each stream flow at time of collection of each aliquot or to the total flow since the previous aliquot. Sampling may be flow proportioned either by varying the volume of each aliquot or the time interval between each aliquot. If discrete sampling is employed, at least 12 aliquots should be composited.
- G. **Grab sample** means an individual sample collected over a period of time not to exceed 15 minutes. It is a single sample and is representative of conditions and characteristics of the discharge at the time it is collected.
- H. **Industrial Pretreatment Coordinator (IPC)** means an authorized representative of the Control Authority that implements and coordinates the pretreatment program or the IPC's authorized representative.
- I. **lb./day** means pounds per day.
- J. **mg/l** means milligrams per liter.
- K. **NA** means not applicable.
- L. **NPDES** means National Pollutant Discharge Elimination System and refers to the discharge permit issued to the POTW.
- M. **pH** means the acidity or alkalinity of a solution. Neutral is 7.0, acidic is lower, and alkaline is higher.

- N. **POTW** means the publicly owned treatment works including the collection system, treatment plant and other appurtenances. It also means the municipality having jurisdiction over dischargers to the treatment plant.
- O. **Slug** means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.
- P. **TSS** means total suspended solids.
- Q. **TTO** means total toxic organics.
- R. **Upset** is an unintentional and temporary noncompliance with permitted effluent discharge limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed or inadequate treatment facilities, lack of preventative maintenance, or careless or improper operations.
- S. **WRRF** means the Water Resource Recovery Facility or POTW.

PART VI - JACOBS AUTHORIZATION

Jacobs is authorized by contract to manage and operate wastewater treatment facilities for the City of Fayetteville. Management and operation of facilities includes administering the industrial pretreatment program.

So long as this contract or subsequent contractual agreements remain in effect, the Industrial Pretreatment Coordinator or other duly authorized employees of Jacobs will be the authorized representative of the City of Fayetteville.

ATTACHMENT A - SIGNATORY AUTHORIZATION

All reports and information submitted pursuant to the requirements of this discharge permit will be **signed** and **certified** by an **authorized signatory** of the Permittee. A signed copy of this Signatory Authorization Form must be submitted to the Industrial Pretreatment Coordinator for any individual to be considered an authorized signatory. In accordance CFR Part 403.12(1), an authorized signatory is:

1. A responsible corporate officer, if the Permittee is a corporation. A responsible corporate officer means:
 - a. 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
 - b. 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 initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. A general partner or proprietor if the Permittee is a partnership or sole proprietorship respectively.

The authorized signatory below is for submittals required of:

Facility Name

Facility Address	City, State, and Zip
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I understand: A) I must submit a new form when this information changes. B) I may need to periodically provide a new form so the Control Authority can verify the information is current and valid.

I am an authorized signatory as defined above in section (*check one*): 1.a., 1.b., 2.

<i>Signature of the Responsible Official</i>	<i>Date</i>
<i>Typed or Printed Name (First Name, MI, Last Name)</i>	
<i>Title</i>	<i>Area Code + Phone</i>
<i>Mailing Address</i>	<i>City, State, and Zip</i>
<i>Email Address</i>	

Certification: I certify under penalty of law that this document and all attachments were prepared under my direct 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.

Optional Designation:

I hereby designate the following person or position as my Duly Authorized Representative for purposes of signing documents required by the permit issued to this facility.

This person or position has responsibility for the overall operation of the facility from which the industrial discharge originates, such as a plant manager, superintendent, or a position of equivalent responsibility, or has the overall responsibility for environmental matters for the company.

This designation is valid until _____ . (If no date given valid until rescinded)

<i>Signature of Duly Authorized Representative</i>	
<i>Typed or Printed Name (First Name, MI, Last Name)</i>	
<i>Title</i>	<i>Area Code + Phone</i>
<i>Mailing Address</i>	<i>City, State, and Zip</i>
<i>Email Address</i>	

OR I hereby designate the following position as having the authority to sign documents required by the pretreatment permit issued to this facility: _____ .



September 21, 2018

Mr. Richard Stockton
Tyson of Fayetteville
2615 S. School
Fayetteville, AR 72701

RE: Application for Permit Number FAY07

Dear Mr. Stockton,

In accordance with the City of Fayetteville Code, your company submitted a permit application for renewal in a timely manner. Enclosed is a final wastewater discharge permit for Tyson of Fayetteville.

Except for the items listed below, conditions of this permit are identical to those in your existing permit. The following clauses were added to the permit based upon Arkansas Department of Environmental Quality's (ADEQ) and/or pretreatment streamlining updates:

1. Incorporation of Accidental Spill/Slug Prevention Plan into the permit (Part I Section D.3)
2. Changed daily maximum pH limit from 12.5 s.u. to 12.4 in accordance with 51.075(B)(2)(b) of the City Code
3. Changed all references to the contract operator from CH2MHILL or OMI to Jacobs

Based upon the fact that immediate actions to issue this new permit are required, the enclosed permit shall become effective on October 1, 2018. Please be advised that your company may submit a request for permit modification to the City at any time.

Please submit any written request or questions concerning any part of the permit to:

Jacobs
Attn: Industrial Pretreatment Coordinator
1400 N. Fox Hunter Road
Fayetteville, AR 72701
(479) 443-3292

If you should have any questions and comments, please don't hesitate to contact Bruce Richart at robert.richart@jacobs.com or (479) 443-3292.

Sincerely,

City of Fayetteville



Tim Nyander
Utilities Director
Utilities Department

Enclosure

cc: Greg Weeks
Bruce Richart

**CITY OF FAYETTEVILLE, ARKANSAS
INDUSTRIAL WASTE DISCHARGE PERMIT**

PERMIT NO. FAY07

The Tyson Foods, Inc. - Tyson of Fayetteville facility has been classified as a significant industrial user because of an average process discharge of 25,000 gallons per day or more, organic loading, and the reasonable potential for adversely affecting the POTW's operation. In compliance with the provisions and conditions of the Discharge and Pretreatment Regulations in Chapter 51 of the Fayetteville Code, and with any applicable provisions of local, federal or State of Arkansas laws or regulations,

Tyson Foods, Inc.
2615 S. School
Fayetteville, Arkansas 72701,

hereinafter called the Permittee, is authorized to discharge industrial wastewater from activities classified by SIC Nos. 2038 and 2099 from premises located at the above address and through outfalls identified herein to the City of Fayetteville's POTW collection system in accordance with effluent limitations, monitoring requirements, compliance schedule, reporting requirements, and conditions set forth in this permit and in the Discharge and Pretreatment Regulations in Chapter 51 of the Fayetteville Code.

Noncompliance with any term or condition of this permit shall constitute a violation of the Fayetteville Code.

This permit shall become effective on **October 1, 2018** and authorization to discharge shall expire at midnight on **September 30, 2023**. The duration of this permit shall not exceed 5 years.

If the Permittee wishes to continue discharge after the expiration date of this permit, an application must be filed for a renewal permit in accordance with requirements of the Discharge and Pretreatment Regulations subchapter of the Fayetteville Code, a minimum of 90 days prior to the expiration date.

Signed this 24TH day of SEPTEMBER, 2018

Approved By:



Tim Nyander
Utilities Director
City of Fayetteville

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PART I - SPECIFIC CONDITIONS, LIMITATIONS, AND REQUIREMENTS

SECTION A. WASTESTREAM LOCATIONS

Location TYS001

This wastestream shall consist of process and cleanup wastewaters. The permitted point of discharge is the 3" Parshall flume in the waste building located north of the freezer plant. The quality of effluent discharged from Location TYS001 shall, at a minimum, meet the limitations set forth in Part I, Section B, Table I-1 of this permit.

SECTION B. DISCHARGE LIMITATIONS & MONITORING REQUIREMENTS

The following limitations and monitoring requirements shall apply to discharge from **Location TYS001** except for flow usage, which applies as specified in the Table I-1 footnotes. The Permittee shall monitor the discharge from **Location TYS001**, and the incoming water usage, and shall be limited as specified below:

Table I-1						
Parameter	LIMITATIONS ¹				MONITORING REQUIREMENTS	
	Daily Maximum		Monthly Average ²		Frequency ³	Sample Type
	(mg/l)	(lb./day)	(mg/l)	(lb./day)		
Biochemical Oxygen Demand (BOD ₅)	Report	Report	Report	Report	3/week	24-hr composite
Oil & Grease	Report	Report	Report	Report	1/week	Grab
Phosphorus, Total	Report	Report	Report	Report	1/week	24-hr composite
Total Suspended Solids (TSS)	Report	Report	Report	10,445	3/week	24-hr composite
pH	(4)		NA		1/day	Grab
Flow, Usage ⁵	Report		Report		Continuous	Totalizer ⁶
Flow, Discharge	Report		Report		Continuous	Totalizer ⁶

¹ It is the Permittee's responsibility to ensure test detection levels are sufficiently low to demonstrate compliance with permit limitations. If an analytical result is below the laboratory detection limit, then the detection limit shall be used in the calculation of pounds unless permitted otherwise by the Control Authority.

² Monthly average is the average of all daily results in a calendar month regardless of the number of samples analyzed.

³ Week means Sunday through Saturday. Month means calendar month. For composite samples, the date of the sample is the date that sample collection is started.

⁴ Within the range 5.0 to 12.4 standard units.

⁵ Usage flow (incoming water) shall be measured at the city water meter on the south side of the property.

⁶ Measure continuously with a flow meter with a totalizer. Report daily flow for water usage and wastewater discharge on all monitoring days, and average daily and total monthly flow.

SECTION C. COMPLIANCE SCHEDULE

The Permittee shall achieve compliance with the effluent limitations specified for discharges on the effective date of this permit.

SECTION D. OTHER SPECIFIC REQUIREMENTS

1. Specific Reopener Clause

This permit may be reopened to recalculate BOD, TSS, and flow limits after sufficient data is gathered on industrial discharge to the POTW.

2. Pollution Prevention Assessment

The Permittee shall reevaluate its pollution prevention assessment and submit the results to the Industrial Pretreatment Coordinator (IPC) within 1 year of the effective date of this permit.

3. Accidental Spill/Slug Prevention Plan Requirement

The Permittee is required to have an Accidental Spill/Slug Prevention Plan (ASPP) in accordance with Part IV, Section C. If the Permittee is required to have an ASPP, the most recent accepted ASPP on file is incorporated by reference and is considered a part of this permit and is enforceable.

4. Toxic Organic Management Plan Requirement

The Permittee is not required to have a Toxic Organic Management Plan (TOMP).

PART II - STANDARD MONITORING, RECORD KEEPING & REPORTING REQUIREMENTS

SECTION A. MONITORING

1. Monitoring by Approved Methods

Sampling and analyses must be conducted according to procedures approved under 40 CFR Part 136, unless other procedures have been specified in this permit. The Permittee shall insure that both calibration and maintenance activities will be conducted on all monitoring and analytical instrumentation at intervals frequent enough to ensure accuracy of measurements. An adequate analytical quality control program shall be maintained by the Permittee or State approved commercial laboratory. At a minimum, spikes and duplicate samples are to be analyzed on 10% of the samples where applicable.

If the Permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the industrial monitoring reports.

2. Sampling Facility and Monitoring Equipment

The Permittee shall provide a suitable sampling facility(s) together with such necessary manholes, meters and other equipment to facilitate observation, sampling and measurement of the process and/or combined wastes from the permitted discharge.

Such facility(s) and other appurtenances shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Industrial Pretreatment Coordinator and shall be constructed, operated, and maintained at the Permittee's expense.

Such facility(s) and other appurtenances shall be maintained to be safe and accessible at all times and shall be made available for use by the Industrial Pretreatment Coordinator for monitoring and/or sampling upon request.

3. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring point(s) specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestreams, body of water, or substance. Monitoring points shall not be changed without notification to, and approval of, the Industrial Pretreatment Coordinator.

4. 24-Hour Reporting and Automatic Resampling

If the results of the Permittee's analysis indicate that a violation of this permit has occurred, the Permittee must inform the Industrial Pretreatment Coordinator (IPC) of the violation within 24 hours of becoming aware of the violation. The Permittee shall repeat the sampling and analysis and submit the results of the repeat analysis to the IPC within 30 days of becoming aware of the violation.

The IPC may waive the resampling requirement if the IPC performs sampling at the Permittee at least once per month, or the IPC performs sampling at the Permittee between the time when the Permittee performs its initial sampling and the time when the Permittee receives the results of this sampling.

5. Flow Measurement Devices and Method

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected, provided, used, calibrated and maintained by the Permittee to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained by trained personnel to insure that the accuracy of the measurement is consistent with the accepted capability of that device. A calibration log shall be maintained and must include dates of service and calibration, who performed the calibration and the methods used in the calibration. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes. The Industrial Pretreatment Coordinator shall be allowed to check or request a check of the calibration of the system at any time.

SECTION B. RECORD KEEPING

1. Retention of Records

The Permittee shall retain records of all monitoring information resulting from monitoring activities, including all calibration and maintenance records, 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 Industrial Pretreatment Coordinator at any time.

All records which pertain to matters which are the subject of enforcement or litigation activities pursuant hereto shall be retained and preserved by the Permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

2. Record Contents

Records and monitoring information shall include:

- a. The exact date, location, time and method of sampling;
- b. The individual(s) who performed the sampling or measurement;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used;
- f. The results of all required analyses;
- g. Laboratory QA/QC results; and
- h. Chain of Custody documentation.

3. Manifest of Wastes Removed

The Permittee shall provide a manifest or other record of wastes removed by the pretreatment system and method(s) of disposal. These records shall be made available to the Industrial Pretreatment Coordinator upon request.

4. Duty to Provide Information

The Permittee shall furnish to the Industrial Pretreatment Coordinator (IPC) within a reasonable time, any information, including that requiring additional monitoring and/or analyses, which the IPC may request to determine whether cause exists for modifying, revoking and reissuing or terminating this permit or to determine compliance with this permit. The Permittee shall also furnish, upon request, copies of records required to be kept by this permit.

5. Availability of Data

Information included in or pertaining to this permit or any information obtained during or as a result of inspection or other monitoring shall be made available to any agency regulating this program and to the public, to the extent provided by 40 CFR Part 2.302 (Public Information) and 40 CFR Part 403.14 (Confidentiality).

SECTION C. REPORTING

1. Discharge Monitoring Report

No later than the 21st day of each month the Permittee shall provide the Industrial Pretreatment Coordinator (IPC) with a summary report of pollutant discharges for the previous calendar month. Submit Discharge Monitoring Reports even when no discharge occurs during the reporting period. The report shall include:

- a. Industry name and address;
- b. Industry contact name;
- c. Industrial waste discharge permit number;
- d. Category;
- e. Monitoring location(s);
- f. Reporting period;
- g. Sample dates;
- h. Pollutant limits;
- i. Daily pollutant concentrations, mass, and units;
- j. Monthly average pollutant concentrations, mass, and units;
- k. Daily flow for wastewater discharge on all monitoring days, and average daily and total monthly flow for water usage and wastewater discharge and units;
- l. Compliance statement;
- m. TTO certification statement if a TOMP plan has been approved:
"Based on my inquiry of the person or persons directly responsible for managing compliance with the permit limitation for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing of the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the control authority."
- n. Certification statement:
"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."
- o. Signature of authorized signatory (See Attachment A).

2. Compliance Schedule Reporting

If construction or placement of facilities or equipment is required to meet limitations, requirements, and/or conditions of this permit, a proposed compliance schedule shall be submitted by the Permittee within fourteen (14) days of the effective date of this permit unless otherwise specified.

Compliance schedules shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities and procedures required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).

No increment shall exceed 9 months nor shall the entire schedule exceed 18 months.

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any compliance schedules of this permit shall be submitted no later than fourteen (14) days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

3. Averaging Measurements and Detection Limits

Calculations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit. If a result is less than the detection limit, the detection limit is used to determine compliance, to calculate averages, and to calculate mass.

4. Notification of Unusual Loadings

The Permittee shall immediately notify the Industrial Pretreatment Coordinator once aware of any unusual loadings released to the wastewater collection system and shall take immediate appropriate action to mitigate any adverse effects of such loadings, including ceasing of processing operations, if required.

5. Planned Changes

The Permittee shall submit prior notice to the Industrial Pretreatment Coordinator, if possible at least 30 days before any planned change in production or treatment process or any planned physical alterations or additions to the permitted facility.

This notification shall be in writing and shall apply to all pollutants whether limited by this permit or not and to any activity which would result in the discharge of those pollutants to the POTW.

6. Notification of Shutdown

Notification of any shutdown period of more than (2) days shall take place at least 48 hours prior to the shutdown period. Notification of any shut down period of more than (5) days shall be in writing and shall take place at least (2) weeks prior to the first day of shutdown. Notification shall be given to the Industrial Pretreatment Coordinator (IPC) and shall include the following:

- a. The date shutdown will start;
- b. the last shift to work on the date of shutdown;
- c. the date process operations will resume; and
- d. the first shift to work on the date of startup.

The strength and characteristics of the wastewater load that is generated during any significant shutdown period shall be approved by the IPC.

7. Anticipated Noncompliance

The Permittee shall submit prior notice to the Industrial Pretreatment Coordinator, if possible at least 30 days before any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

8. Twenty-four Hour Reporting (Bypass, Upset, Spill, Slug, or Noncompliance)

The Permittee shall notify the Industrial Pretreatment Coordinator immediately, but no later than twenty-four (24) hours from the time the Permittee becomes aware of the occurrence of any bypass of the treatment system, upset which places the Permittee in a temporary state of noncompliance, any potentially harmful spill, accidental or slug discharge, or any noncompliance which may endanger health, the environment, or operation of the POTW. The notification shall include location of discharge, date and time thereof, type of waste including concentration and volume, and corrective actions taken. The Permittee's notification of accidental releases in accordance with this section does not relieve it of other reporting requirements under local, State, or federal laws.

Written notification of the accidental discharge shall be made to the Industrial Pretreatment Coordinator within five (5) days and shall contain:

- a. A description of the event and its suspected cause;
- b. The duration of the event, including exact dates and times;
- c. The impact of the event on the Permittee's compliance status;
- d. If cessation of the event has not occurred, the anticipated period of time it is expected to continue; and
- e. Steps taken or planned to reduce, eliminate, and prevent recurrence of the event.

9. Other Noncompliance

The Permittee shall report all instances of noncompliance at the time monitoring reports are submitted unless otherwise required.

10. Certification in Lieu of Monitoring

A Permittee subject to total toxic organics limitations may be allowed to submit a Toxic Organic Management Plan (TOMP) with prior approval of the Industrial Pretreatment Coordinator (IPC). If a TOMP has been approved by the IPC, the Permittee must submit a certification statement as part of the semi-annual report (or more frequently, if more frequent reporting is required) certifying compliance with the approved TOMP.

11. Signatory Requirements

All reports or information submitted pursuant to the requirements of this permit must be signed and certified by an authorized signatory of the Permittee. Signed copies of a Signatory Authorization Form (Attachment A) must be submitted to the Industrial Pretreatment Coordinator for any individual to be considered an authorized signatory. See Attachment A for the definition of an authorized signatory.

Any authorized signatory signing reports or information submitted in accordance with this permit shall make the following written certification:

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

12. Address for Report Submissions

All reports and notices required by this permit shall be submitted to:

Jacobs
Attn: Industrial Pretreatment Coordinator
1400 N. Fox Hunter Road
Fayetteville, AR 72701

(479) 443-3292

PART III - STANDARD CONDITIONS**SECTION A. GENERAL CONDITIONS****1. State Laws**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation.

2. Limitations Subject To Revision

Any changes in EPA, State of Arkansas, or local applicable regulations shall supersede this permit. The Permittee will be notified of the changes and required to develop a compliance schedule if changes in the Permittee's treatment processes or facilities are necessary to insure compliance with the regulatory changes.

These specific limitations are subject to revision if and at such time as the effluent limitations and other requirements of the POTW are revised.

These specific limitations are subject to revision if and at such time as it is determined that discharge from the Permittee is or has become detrimental to the public health or safety, the health or safety of the operators of the POTW, the biological or structural integrity of the POTW including the collection system, and/or the protection of the receiving waters.

3. Property Rights

This permit does not convey any property rights in either real or personal property, 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.

4. Regulatory Changes

Any changes in EPA, State, or local pretreatment regulations that are more stringent than the requirements of this permit shall supersede this permit. The Permittee will be notified of the change and required to develop a compliance schedule if changes in the Permittee's treatment process or facility are necessary to insure compliance with the regulatory change(s).

5. Toxic Pollutants

If a toxic effluent standard or prohibition is established for a toxic pollutant which is present

in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit may be revised or modified in accordance with the toxic effluent standard or prohibition and the Permittee so notified.

6. 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.

7. Permit Modification, Revocation, Suspension, Termination

This permit may be modified, revoked and reissued, suspended, or terminated with cause in accordance with the requirements of the Discharge and Pretreatment Regulations subchapter of the Fayetteville Code and/or State or federal regulations, or for other good cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, suspension, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

8. Limitations on Permit Transfer

This permit is nontransferable to any person except after notice to the Control Authority. This permit may be transferred to a new owner or operator if the Permittee gives at least seven (7) days advance notice to the Control Authority, provides a copy of the existing permit to the new owner or operator, and the Control Authority approves the wastewater discharge permit transfer. The notice to the Control Authority must include a written certification by the new owner or operator which:

- a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- b. Identifies the specific date on which the transfer is to occur; and
- c. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

9. Duty to Reapply

The Permittee is responsible for filing an application for reissuance of the permit at least ninety (90) days before the expiration date of this permit.

10. Continuation of Expired Permits

If on the date of expiration of this permit, a new permit has not been issued, the requirements

and limitations of this permit shall continue to be effective and enforceable unless the Permittee has received notice of suspension, revocation and/or termination of the permit.

SECTION B. OPERATION AND MAINTENANCE

1. Proper Operation and Maintenance

The Permittee shall at all times maintain in good working order and operate as efficiently as possible all facilities and systems of treatment, control, sampling, measurement and/or analysis installed or used by the Permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate process control.

2. Need to Halt or Reduce Not a Defense

It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

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, the POTW treatment facility, the waters receiving the POTW treatment facility discharge, or the environment.

Reasonable steps include but are not limited to accelerated or additional monitoring and/or analyses necessary to determine the nature and impact of the noncomplying discharge.

4. Bypass of Treatment System

Bypass of the treatment system is prohibited, unless:

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. There was no feasible alternative to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime;
- c. The Industrial Pretreatment Coordinator approved an anticipated bypass, considering its adverse effects, if the Permittee, knowing in advance of the need for a bypass, submitted prior notice in writing at least ten (10) days before the bypass; or
- d. The bypass does not cause effluent limitations to be exceeded.

5. Affirmative Defense

An upset may constitute an affirmative defense for action brought for the noncompliance. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation. The Permittee has the burden of proof to provide evidence and demonstrate that none of the factors specifically listed above were responsible for the noncompliance.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An upset occurred and that the Permittee can identify the specific cause of the upset;
- b. The permitted facility was at the time being properly operated; and
- c. The Permittee submitted notice of the upset as required.

6. Removed Substances and RCRA Requirements

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 pollutants from such materials from entering the sewer system. The Permittee is responsible to assure its compliance with any requirements regarding the generation, treatment, storage, and/or disposal of hazardous wastes as defined under the Federal Resource Conservation and Recovery Act and State of Arkansas rules and regulations relative to refuse, liquid and/or solid waste disposal.

7. Disposal of Sludges and Spent Chemicals

The Permittee shall dispose of sludges and spent chemicals in accordance with procedures in Section 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.

8. Emergency Action

In the event of a power loss to the Permittee's treatment facility, the Permittee shall provide treatment to the best of his ability and shall report immediately to the Industrial Pretreatment Coordinator any noncompliance resulting from the emergency situation.

9. Dilution Not Permitted

The Permittee shall not increase the use of potable or process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

SECTION C. RESULTS OF NONCOMPLIANCE**1. Duty to Comply**

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Fayetteville Code and may be grounds for enforcement action.

2. Penalties for Violations of Permit Conditions

The Permittee is subject to a civil or criminal penalty of not more than \$1000.00 per violation per day for each day that the Permittee is in violation of the requirements of this permit, the pretreatment standards, or the Discharge and Pretreatment Regulations subchapter of the Fayetteville Code.

3. Permit Suspension, Revocation and Termination

This permit may be suspended, or revoked and terminated in accordance with the requirements of the Discharge and Pretreatment Regulations subchapter of the Fayetteville Code and/or the approved Enforcement Response Plan.

4. Tampering

Any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall be subject to civil and/or criminal penalties.

5. Falsification of Reports

The Fayetteville Code provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1000.00) per day.

6. Publication in Newspaper for Significant Noncompliance

The Fayetteville Code provides that, in accordance with 40 CFR 403.8(f)(2)(vii), an industrial user will be published at least one time annually in a newspaper(s) of general circulation within the jurisdiction(s) served by the POTW when found to be in significant

noncompliance. An industrial user is in significant noncompliance if its violations meet one or more of the following criteria:

- a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- b. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- c. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- d. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge;
- e. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- f. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- g. Failure to accurately report noncompliance;
- h. Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

7. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the Permittee from civil and/or criminal penalties for noncompliance under local, State or Federal laws or regulations.

PART IV - OTHER REQUIREMENTS

SECTION A. RIGHT OF ENTRY

The Permittee shall allow any authorized representative of the EPA, State of Arkansas, or City of Fayetteville pretreatment program, bearing proper credentials and identification:

1. To enter upon the Permittee's premises where a real or potential discharge is located or records are required to be kept under the terms and conditions of this permit;
2. To have access to and copy records required to be kept under the terms and conditions of this permit; to inspect any facility, materials storage or monitoring equipment; to observe monitoring practices, process or facility operations; to sample any discharge; and
3. Where the Permittee has security measures in force which require proper identification and/or clearance before entry onto said Permittee's premises is granted, such Permittee shall make the necessary arrangements with the security guards that upon presentation of proper identification, the IPC shall be permitted to enter without delay. The Industrial Pretreatment Coordinator shall have access to production, materials storage, and wastewater pretreatment areas as well as operating, monitoring, and pretreatment records of the Permittee Plant. Access shall be granted immediately upon request at any time deemed necessary provided proper identification is provided by the entrant.

SECTION B. BOILER SYSTEM

No chemicals other than chlorine, inorganic acids and inorganic bases (e.g., sulfuric acid, sodium hydroxide, etc.) are to be used in the boiler system without prior approval from the Industrial Pretreatment Coordinator. In requesting permission to use chemicals in the boiler system, the Permittee must provide the following information:

1. Name of chemical compound (trade name and/or brand name);
2. Name and address of manufacturer and name and telephone number of local representative;
3. Copy of the Material Safety Data Sheet; and
4. Proposed application rates and frequency of application.

SECTION C. ACCIDENTAL SPILL/SLUG PREVENTION PLAN

If the Permittee is required to have one, an Accidental Spill/Slug Prevention Plan (ASPP) shall be developed and submitted for approval. The Permittee shall notify the POTW immediately of any changes at its facility affecting potential for a slug discharge.

Failure of the plan to prevent violations of any other provisions of this permit in no way relieves the Permittee from its legal liability for noncompliance with the permit conditions.

At a minimum, the ASPP must address the following:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the POTW of slug discharges or spills, including any discharge that would violate a prohibition under 40 CFR 403.5(b) with procedures for follow-up written notification within five days;
4. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;

The ASPP must provide for notification of slug discharges or spill events to the proper authorities, including the POTW. The following information must be included in the plan under notification to the POTW and should be posted on a chain-of-contacts list on information boards and in other appropriate areas throughout the plant:

Paul R. Noland Water Resource Recovery Facility
Jacobs
1400 N. Fox Hunter Road
Fayetteville, Arkansas 72701

479-443-3292, 24 hours/day, 7 days/week

PART V - DEFINITIONS

- A. **CFR** means Code of Federal Regulations
- B. **Composite sample** means a sample usually comprised of a minimum of twelve (12) aliquots collected over a period of no more than twenty-four (24) hours. If the daily discharge is less than (24) hours, a minimum of (4) aliquots per day at equal time intervals should be taken.
- C. **Control Authority** means the local agency regulating the local pretreatment program and its authorized representatives including, but not limited to, the Industrial Pretreatment Coordinator.
- D. **Discharge** means an intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pouring, emitting, emptying, or dumping of a pollutant into the waters of the State or the US, or onto land or into wells from where it might flow or drain into said waters onto lands outside the jurisdiction of the State. Discharge includes the release of any pollutant into a POTW.
- E. **Fayetteville Code** means the City of Fayetteville Code of Ordinances
- F. **Flow proportioned** means a composite sample that is collected proportional to each stream flow at time of collection of each aliquot or to the total flow since the previous aliquot. Sampling may be flow proportioned either by varying the volume of each aliquot or the time interval between each aliquot. If discrete sampling is employed, at least 12 aliquots should be composited.
- G. **Grab sample** means an individual sample collected over a period of time not to exceed 15 minutes. It is a single sample and is representative of conditions and characteristics of the discharge at the time it is collected.
- H. **Industrial Pretreatment Coordinator (IPC)** means an authorized representative of the Control Authority that implements and coordinates the pretreatment program or the IPC's authorized representative.
- I. **lb./day** means pounds per day.
- J. **mg/l** means milligrams per liter.
- K. **NA** means not applicable.
- L. **NPDES** means National Pollutant Discharge Elimination System and refers to the discharge permit issued to the POTW.
- M. **pH** means the acidity or alkalinity of a solution. Neutral is 7.0, acidic is lower, and alkaline is higher.

- N. **POTW** means the publicly owned treatment works including the collection system, treatment plant and other appurtenances. It also means the municipality having jurisdiction over dischargers to the treatment plant.
- O. **Slug** means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.
- P. **TSS** means total suspended solids.
- Q. **TTO** means total toxic organics.
- R. **Upset** is an unintentional and temporary noncompliance with permitted effluent discharge limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed or inadequate treatment facilities, lack of preventative maintenance, or careless or improper operations.

PART VI - JACOBS AUTHORIZATION

Jacobs is authorized by contract to manage and operate the Paul R. Noland Wastewater Treatment Facility for the City of Fayetteville. Management and operation of this facility includes administering the industrial pretreatment program.

So long as this contract or subsequent contractual agreements remain in effect, the Industrial Pretreatment Coordinator or any other employee of Jacobs will be the authorized representative of the City of Fayetteville.
of the City of Fayetteville.

ATTACHMENT A - SIGNATORY AUTHORIZATION

All reports and information submitted pursuant to the requirements of this discharge permit will be **signed** and **certified** by an **authorized signatory** of the Permittee. A signed copy of this Signatory Authorization Form must be submitted to the Industrial Pretreatment Coordinator for any individual to be considered an authorized signatory. In accordance CFR Part 403.12(l), an authorized signatory is:

1. A responsible corporate officer, if the industrial user is a corporation. A responsible corporate officer means:
 - a. 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
 - b. 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 initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. A general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively.

The authorized signatory below is for submittals required of:

Facility Name

Facility Address

City, State, and Zip

I understand: A) I must submit a new form when this information changes. B) I may need to periodically provide a new form so the Control Authority can verify the information is current and valid.

I am an authorized signatory as defined above in section (*check one*): ___ 1.a., ___ 1.b., ___ 2.

Signature of the Responsible Official *Date*

Typed or Printed Name (First Name, MI, Last Name)

Title *Area Code + Phone*

Mailing Address *City, State, and Zip*

Email Address

Certification: I certify under penalty of law that this document and all attachments were prepared under my direct 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.

Optional Designation:

___ I hereby designate the following person or position as my Duly Authorized Representative for purposes of signing documents required by the permit issued to this facility.

This person or position has responsibility for the overall operation of the facility from which the industrial discharge originates, such as a plant manager, superintendent, or a position of equivalent responsibility, or has the overall responsibility for environmental matters for the company.

This designation is valid until _____. (If no date given valid until rescinded)

Signature of Duly Authorized Representative

Typed or Printed Name (First Name, MI, Last Name)

Title *Area Code + Phone*

Mailing Address *City, State, and Zip*

Email Address

OR ___ I hereby designate the following position as having the authority to sign documents required by the pretreatment permit issued to this facility:



September 21, 2018

Mr. Mike Priest
Elkhart Products Corporation
3265 Hwy 71 South
Fayetteville, AR 72701

RE: Application for Permit Number FAY03

Dear Mr. Priest,

In accordance with the City of Fayetteville Code, your company submitted a permit application for renewal in a timely manner. Enclosed is a final wastewater discharge permit for Elkhart Products Corporation.

Except for the items listed below, conditions of this permit are identical to those in your existing permit. The following clauses were added to the permit based upon Arkansas Department of Environmental Quality's (ADEQ) and/or pretreatment streamlining updates:

1. Incorporation of Accidental Spill/Slug Prevention Plan into the permit (Part I Section D.4)
2. Incorporation of Toxic Organic Management Plan into the permit (Part I Section D.5)
3. Limitations regarding transfer of ownership (Part III Section A.8)
4. Changed all references to the contract operator from CH2MHILL or OMI to Jacobs

Based upon the fact that immediate actions to issue this new permit are required, the enclosed permit shall become effective on October 1, 2018. Please be advised that your company may submit a request for permit modification to the City at any time.

Please submit any written request or questions concerning any part of the permit to:

Jacobs
Attn: Industrial Pretreatment Coordinator
1400 N. Fox Hunter Road
Fayetteville, AR 72701
(479) 443-3292

If you should have any questions and comments, please don't hesitate to contact Bruce Richart at robert.richart@jacobs.com or (479) 443-3292.

Sincerely,

City of Fayetteville

A handwritten signature in blue ink, appearing to read "Tim Nyander", is written over the printed name.

Tim Nyander
Utilities Director
Utilities Department

Enclosure

cc: Greg Weeks
Bruce Richart

**CITY OF FAYETTEVILLE, ARKANSAS
INDUSTRIAL WASTE DISCHARGE PERMIT**

PERMIT NO. FAY03

Elkhart Products Corporation has been classified as a 40 CFR 468 Copper Former under Subpart A including parts 40 CFR 468.14 (c), (f), (h), (i), (j) and (q). In compliance with the provisions and conditions of Article III Discharge and Pretreatment Regulations in Chapter 51 of the Fayetteville Code, of 40 CFR 468, and with any applicable provisions of local, federal or State of Arkansas laws or regulations,

Elkhart Products Corporation
3265 Highway 71 South
Fayetteville, Arkansas 72701,

hereinafter called the Permittee, is authorized to discharge industrial wastewater from activities classified by SIC Nos. 3498, 3351, 3366, and 3432 from premises located at the above address and through outfalls identified herein to the City of Fayetteville's POTW collection system in accordance with effluent limitations, monitoring requirements, compliance schedule, reporting requirements, and conditions set forth in this permit and in the Discharge and Pretreatment Regulations in Chapter 51 of the Fayetteville Code.

Noncompliance with any term or condition of this permit shall constitute a violation of the Fayetteville Code.

This permit shall become effective on **October 1, 2018** and authorization to discharge shall expire at midnight on **September 30, 2023**. The duration of this permit shall not exceed 5 years.

If the Permittee wishes to continue discharge after the expiration date of this permit, an application must be filed for a renewal permit in accordance with requirements of the Discharge and Pretreatment Regulations subchapter of the Fayetteville Code, a minimum of 90 days prior to the expiration date.

Signed this 24TH day of SEPTEMBER, 2018

Approved By: 

Tim Nyander
Utilities Director
City of Fayetteville

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PART I - SPECIFIC CONDITIONS, LIMITATIONS, AND REQUIREMENTS**SECTION A. WASTESTREAM LOCATIONS**Location 001

This Location was previously a cleanout for sanitary wastewater from all domestic sources at the facility. This Location has been renovated and no access exists. There are no specific requirements in this permit regarding this wastestream.

Location 002

This wastestream shall consist of cooling tower wastewater. Location 002 shall be at the south end of the building in the waste treatment area after the sample tank. The specific point of discharge is at the connection of the cooling tower discharge pipe and the treated effluent pipe between the sample tank and the discharge to the sewer. There are no specific requirements in this permit regarding this wastestream.

Location 003

This wastestream shall consist of all process-generated wastewater, sanitary wastewater, and cooling tower system wastewater prior to mixing with the City wastewater collection system. Location 003 is outside the manufacturing building in a manhole west of the west wall of the tube mill approximately 30 feet west of the pavement. This the site of the old monitoring station. There are no specific requirements in this permit regarding this wastestream.

Location 004

Location 004 shall consist of treated effluent of all process generated waste streams from the copper forming operations. Location 004 is at the south end of the building in the waste treatment area. The permitted point of discharge shall be in the sample tank after the v-notch weir at the end of the treatment process.

SECTION B. DISCHARGE LIMITATIONS & MONITORING REQUIREMENTS

The following limitations and monitoring requirements shall apply to discharge from **Location 004** except for and flow usage, which apply as specified in the Table I-1 footnotes. The Permittee shall monitor the discharge from **Location 004**, and the incoming water usage, and shall be limited as specified below:

Parameter	LIMITATIONS ¹				MONITORING REQUIREMENTS	
	Daily Maximum (mg/l)	(lb.day)	Monthly Average (mg/l)	(lb./day)	Frequency ³	Sample Type
Chromium, total	Report	0.02	Report	0.01	1/month in April & October	Composite
Copper, total	Report	0.09	Report	0.05	2/month	Composite
Lead, total	Report	0.07	Report	0.06	1/month in April & October	Composite
Nickel, total	Report	0.01	Report	0.01	1/month in April & October	Composite
Zinc, total	Report	0.48	Report	0.26	1/month in April & October	Composite
Oil & Grease	Report	8.96	Report	5.38	1/month in April & October	Composite
TTO, 40 CFR 468	Report	0.290	Report	0.151	NA	Certification ⁴
Flow, Usage ⁵	Report		Report		Continuous	Totalizer ⁶
Flow, Discharge	Report		Report		Continuous	Totalizer ⁶

¹ It is the Permittee's responsibility to ensure test detection levels are sufficiently low to demonstrate compliance with permit limitations. If an analytical result is below the laboratory detection limit, then the detection limit shall be used in the calculation of pounds unless permitted otherwise by the Control Authority. The EPA recommends the following detection limits in **micrograms** per liter (**ug/l**): 0.5 for cadmium, copper, lead, nickel, and silver; 10 for chromium and cyanide; 0.005 for mercury; 20 for zinc.

² Monthly average is the average of all daily results in a calendar month regardless of the number of samples analyzed.

³ Week means Sunday through Saturday. Month means calendar month. The date and time of an individual grab sample is the date and time at which the sample is collected. The date of a composite sample is the date on which sample collection for the composite sample is started and stopped. The composite sample date will be one day if the composite sample is collected on one day, e.g. April 14, 2018, or two days if the composite sample is collected over two days, e.g. April 14-15, 2018. Monitoring by the Control Authority is not a substitute for monitoring required to be conducted by the Permittee in this permit unless the Control Authority notifies the Permittee in writing that specific monitoring by the Control Authority can be used to meet permit frequency requirements.

⁴ Oil and Grease is analyzed as an alternative to Total Toxic Organics (TTO). The Permittee also has an approved Toxic Organic Management Plan (TOMP). Oil and grease monitoring as specified above and certification statements in each monitoring report are required in lieu of TTO monitoring. Any TTO analysis performed according to the methods in 40 CFR 136 must be submitted in the monitoring reports and is limited as specified in this table.

⁵ Usage flow (incoming water) shall be measured at the city water meter in the northeast corner of the fenced area of the property.

⁶ Measure continuously with a flow meter with a totalizer. Report daily flow for wastewater discharge on all monitoring days, and average daily and total monthly flow for water usage and wastewater discharge.

SECTION C. COMPLIANCE SCHEDULE

The Permittee shall achieve compliance with the effluent limitations specified for discharges on the effective date of this permit.

SECTION D. OTHER SPECIFIC REQUIREMENTS

1. Non-discharge Process

Discharge of wastewater from the chrome plating process is prohibited. All chrome plating wastewater shall be hauled off-site for treatment, disposal or recycling...

2. Pollution Prevention

The Permittee shall reevaluate its pollution prevention assessment and submit the results to the Industrial Pretreatment Coordinator (IPC) within 1 year of the effective date of this permit.

3. Specific Reopener Clause

This permit may be reopened to recalculate discharge limitations.

4. Accidental Spill/Slug Prevention Plan Requirement

The Permittee is not required to have an Accidental Spill/Slug Prevention Plan (ASPP) in accordance with Part IV, Section C. If the Permittee is required to have an ASPP, the most recent accepted ASPP on file is incorporated by reference and is considered a part of this permit and is enforceable.

5. Toxic Organic Management Plan Requirement

The Permittee is required to have a Toxic Organic Management Plan (TOMP). If the Permittee is required to have a TOMP, the most recent accepted TOMP on file is incorporated by reference and is considered a part of this permit and is enforceable.

PART II - STANDARD MONITORING, RECORD KEEPING & REPORTING REQUIREMENTS

SECTION A. MONITORING

1. Monitoring by Approved Methods

Sampling and analyses must be conducted according to procedures approved under 40 CFR Part 136, unless other procedures have been specified in this permit. The Permittee shall insure that both calibration and maintenance activities will be conducted on all monitoring and analytical instrumentation at intervals frequent enough to ensure accuracy of measurements. An adequate analytical quality control program shall be maintained by the Permittee or State approved commercial laboratory. At a minimum, spikes and duplicate samples are to be analyzed on 10% of the samples where applicable.

If the Permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the industrial monitoring reports.

2. Sampling Facility and Monitoring Equipment

The Permittee shall provide a suitable sampling facility(s) together with such necessary manholes, meters and other equipment to facilitate observation, sampling and measurement of the process and/or combined wastes from the permitted discharge.

Such facility(s) and other appurtenances shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Industrial Pretreatment Coordinator and shall be constructed, operated, and maintained at the Permittee's expense.

Such facility(s) and other appurtenances shall be maintained to be safe and accessible at all times and shall be made available for use by the Industrial Pretreatment Coordinator for monitoring and/or sampling upon request.

3. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring point(s) specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestreams, body of water, or substance. Monitoring points shall not be changed without notification to, and approval of, the Industrial Pretreatment Coordinator.

4. 24-Hour Reporting and Automatic Resampling

If the results of the Permittee's analysis indicate that a violation of this permit has occurred, the Permittee must inform the Industrial Pretreatment Coordinator (IPC) of the violation within 24 hours of becoming aware of the violation. The Permittee shall repeat the sampling and analysis and submit the results of the repeat analysis to the IPC within 30 days of becoming aware of the violation.

If sampling performed by the IPC indicates that a violation has occurred, the IPC shall repeat the sampling and analysis within 30 days of becoming aware of the violation unless it notifies the Permittee of the violation and requires the Permittee to perform the repeat sampling and analysis.

The IPC may waive the resampling requirement if the IPC performs sampling at the Permittee at least once per month, or the IPC performs sampling at the Permittee between the time when the Permittee performs its initial sampling and the time when the Permittee receives the results of this sampling.

5. Flow Measurement Devices and Method

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected, provided, used, calibrated and maintained by the Permittee to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained by trained personnel to insure that the accuracy of the measurement is consistent with the accepted capability of that device. A calibration log shall be maintained and must include dates of service and calibration, who performed the calibration and the methods used in the calibration. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes. The Industrial Pretreatment Coordinator shall be allowed to check or request a check of the calibration of the system at any time.

SECTION B. RECORD KEEPING

1. Retention of Records

The Permittee shall retain records of all monitoring information resulting from monitoring activities, including all calibration and maintenance records, 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 Industrial Pretreatment Coordinator at any time.

All records which pertain to matters which are the subject of enforcement or litigation

activities pursuant hereto shall be retained and preserved by the Permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

2. Record Contents

Records and monitoring information shall include:

- a. The exact date, location, time and method of sampling;
- b. The individual(s) who performed the sampling or measurement;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used;
- f. The results of all required analyses;
- g. Laboratory QA/QC results; and
- h. Chain of Custody documentation.

3. Manifest of Wastes Removed

The Permittee shall provide a manifest or other record of wastes removed by the pretreatment system and method(s) of disposal. These records shall be made available to the Industrial Pretreatment Coordinator upon request.

4. Duty to Provide Information

The Permittee shall furnish to the Industrial Pretreatment Coordinator (IPC) within a reasonable time, any information, including that requiring additional monitoring and/or analyses, which the IPC may request to determine whether cause exists for modifying, revoking and reissuing or terminating this permit or to determine compliance with this permit. The Permittee shall also furnish, upon request, copies of records required to be kept by this permit.

5. Availability of Data

Information included in or pertaining to this permit or any information obtained during or as a result of inspection or other monitoring shall be made available to any agency regulating this program and to the public, to the extent provided by 40 CFR Part 2.302 (Public Information) and 40 CFR Part 403.14 (Confidentiality).

SECTION C. REPORTING

1. Discharge Monitoring Report

No later than the 21st day of each month following a monitoring month, the Permittee shall provide the Industrial Pretreatment Coordinator (IPC) with a summary report of pollutant discharges for the previous calendar month. Submit Discharge Monitoring Reports even when no discharge occurs during the reporting period. The report shall include:

- a. Industry name and address;
- b. Industry contact name;
- c. Industrial waste discharge permit number;
- d. Category;
- e. Monitoring location(s);
- f. Reporting period;
- g. Sample dates (the date the grab sample is collected or the date the last aliquot is collected for a composite sample) ;
- h. Pollutant limits;
- i. Daily pollutant concentrations, mass, and units;
- j. Monthly average pollutant concentrations, mass, and units;
- k. Daily flow for wastewater discharge on all monitoring days, and average daily and total monthly flow for water usage and wastewater discharge and units;
- l. Compliance statement;
- m. Statement of compliance with the Accidental Spill/Slug Prevention Plan (AS/SPP) if an AS/SPP is required by this permit;
- n. TTO certification statement if a TOMP plan is required by this permit:
"Based on my inquiry of the person or persons directly responsible for managing compliance with the permit limitation for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing of the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the control authority.";
- o. Certification statement:
"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.";
- p. Signature of authorized signatory (See Attachment A).

2. Compliance Schedule Reporting

If construction or placement of facilities or equipment is required to meet limitations, requirements, and/or conditions of this permit, a proposed compliance schedule shall be submitted by the Permittee within fourteen (14) days of the effective date of this permit

unless otherwise specified.

Compliance schedules shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities and procedures required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).

No increment shall exceed 9 months nor shall the entire schedule exceed 18 months.

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any compliance schedules of this permit shall be submitted no later than fourteen (14) days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

3. Averaging Measurements and Detection Limits

Calculations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit. If a result is less than the detection limit, the detection limit is used to determine compliance, to calculate averages, and to calculate mass.

4. Notification of Unusual Loadings

The Permittee shall immediately notify the Industrial Pretreatment Coordinator once aware of any unusual loadings released to the wastewater collection system and shall take immediate appropriate action to mitigate any adverse effects of such loadings, including ceasing of processing operations, if required.

5. Planned Changes

The Permittee shall submit prior notice to the Industrial Pretreatment Coordinator, if possible at least 30 days before any planned change in production or treatment process or any planned physical alterations or additions to the permitted facility.

This notification shall be in writing and shall apply to all pollutants whether limited by this permit or not and to any activity which would result in the discharge or a change in discharge of those pollutants to the POTW.

6. Notification of Shutdown

Notification of any shutdown period of more than (2) days shall take place at least 48 hours prior to the shutdown period. Notification of any shut down period of more than (5) days

shall be in writing and shall take place at least (2) weeks prior to the first day of shutdown. Notification shall be given to the Industrial Pretreatment Coordinator (IPC) and shall include the following:

- a. The date shutdown will start;
- b. the last shift to work on the date of shutdown;
- c. the date process operations will resume; and
- d. the first shift to work on the date of startup.

The strength and characteristics of the wastewater load that is generated during any significant shutdown period shall be approved by the IPC.

7. Anticipated Noncompliance

The Permittee shall submit prior notice to the Industrial Pretreatment Coordinator, if possible at least 30 days before any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

8. Twenty-four Hour Reporting (Bypass, Upset, Spill, Slug, or Noncompliance)

The Permittee shall notify the Industrial Pretreatment Coordinator immediately, but no later than twenty-four (24) hours from the time the Permittee becomes aware of the occurrence of any bypass of the treatment system, upset which places the Permittee in a temporary state of noncompliance, any potentially harmful spill, accidental or slug discharge, or any noncompliance which may endanger health, the environment, or operation of the POTW. The notification shall include location of discharge, date and time thereof, type of waste including concentration and volume, and corrective actions taken. The Permittee's notification of accidental releases in accordance with this section does not relieve it of other reporting requirements under local, State, or federal laws.

Written notification of the accidental discharge shall be made to the Industrial Pretreatment Coordinator within five (5) days and shall contain:

- a. A description of the event and its suspected cause;
- b. The duration of the event, including exact dates and times;
- c. The impact of the event on the Permittee's compliance status;
- d. If cessation of the event has not occurred, the anticipated period of time it is expected to continue; and
- e. Steps taken or planned to reduce, eliminate, and prevent recurrence of the event.

9. Other Noncompliance

The Permittee shall report all instances of noncompliance at the time monitoring reports are submitted unless otherwise required.

10. Certification in Lieu of Monitoring

A Permittee subject to total toxic organics limitations may be allowed to submit a Toxic Organic Management Plan (TOMP) with prior approval of the Industrial Pretreatment Coordinator (IPC). If a TOMP has been accepted by the IPC, the Permittee must submit a certification statement as part of the semi-annual report (or more frequently, if more frequent reporting is required) certifying compliance with the TOMP.

11. Signatory Requirements

All reports or information submitted pursuant to the requirements of this permit must be signed and certified by an authorized signatory of the Permittee. Signed copies of a Signatory Authorization Form (Attachment A) must be submitted to the Industrial Pretreatment Coordinator for any individual to be considered an authorized signatory. See Attachment A for the definition of an authorized signatory.

Any authorized signatory signing reports or information submitted in accordance with this permit shall make the following written certification:

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

12. Address for Report Submissions

All reports and notices required by this permit shall be submitted to:

Jacobs
Attn: Industrial Pretreatment Coordinator
1400 N. Fox Hunter Road
Fayetteville, AR 72701

(479) 443-3292

PART III - STANDARD CONDITIONS

SECTION A. GENERAL CONDITIONS

1. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation.

2. Limitations Subject To Revision

Any changes in EPA, State of Arkansas, or local applicable regulations shall supersede this permit. The Permittee will be notified of the changes and required to develop a compliance schedule if changes in the Permittee's treatment processes or facilities are necessary to insure compliance with the regulatory changes.

These specific limitations are subject to revision if and at such time as the effluent limitations and other requirements of the POTW are revised.

These specific limitations are subject to revision if and at such time as it is determined that discharge from the Permittee is or has become detrimental to the public health or safety, the health or safety of the operators of the POTW, the biological or structural integrity of the POTW including the collection system, and/or the protection of the receiving waters.

3. Property Rights

This permit does not convey any property rights in either real or personal property, 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.

4. Regulatory Changes

Any changes in EPA, State, or local pretreatment regulations that are more stringent than the requirements of this permit shall supersede this permit. The Permittee will be notified of the change and required to develop a compliance schedule if changes in the Permittee's treatment process or facility are necessary to insure compliance with the regulatory change(s).

5. Toxic Pollutants

If a toxic effluent standard or prohibition is established for a toxic pollutant which is present

in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit may be revised or modified in accordance with the toxic effluent standard or prohibition and the Permittee so notified.

6. 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.

7. Permit Modification, Revocation, Suspension, Termination

This permit may be modified, revoked and reissued, suspended, or terminated with cause in accordance with the requirements of the Discharge and Pretreatment Regulations subchapter of the Fayetteville Code and/or State or federal regulations, or for other good cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, suspension, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

8. Limitations on Permit Transfer

This permit is nontransferable to any person except after notice to the Control Authority. This permit may be transferred to a new owner or operator if the Permittee gives at least seven (7) days advance notice to the Control Authority, provides a copy of the existing permit to the new owner or operator, and the Control Authority approves the wastewater discharge permit transfer. The notice to the Control Authority must include a written certification by the new owner or operator which:

- a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- b. Identifies the specific date on which the transfer is to occur; and
- c. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

9. Duty to Reapply

The Permittee is responsible for filing an application for reissuance of the permit at least ninety (90) days before the expiration date of this permit.

10. Continuation of Expired Permits

If on the date of expiration of this permit, a new permit has not been issued, the requirements and limitations of this permit shall continue to be effective and enforceable unless the

Permittee has received notice of suspension, revocation and/or termination of the permit.

SECTION B. OPERATION AND MAINTENANCE

1. Proper Operation and Maintenance

The Permittee shall at all times maintain in good working order and operate as efficiently as possible all facilities and systems of treatment, control, sampling, measurement and/or analysis installed or used by the Permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate process control.

2. Need to Halt or Reduce Not a Defense

It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

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, the POTW treatment facility, the waters receiving the POTW treatment facility discharge, or the environment.

Reasonable steps include but are not limited to accelerated or additional monitoring and/or analyses necessary to determine the nature and impact of the noncomplying discharge.

4. Bypass of Treatment System

Bypass of the treatment system is prohibited, unless:

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. There was no feasible alternative to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime;
- c. The Industrial Pretreatment Coordinator approved an anticipated bypass, considering its adverse effects, if the Permittee, knowing in advance of the need for a bypass, submitted prior notice in writing at least ten (10) days before the bypass; or
- d. The bypass does not cause effluent limitations to be exceeded.

5. Affirmative Defense

An upset may constitute an affirmative defense for action brought for the noncompliance. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation. The Permittee has the burden of proof to provide evidence and demonstrate that none of the factors specifically listed above were responsible for the noncompliance.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An upset occurred and that the Permittee can identify the specific cause of the upset;
- b. The permitted facility was at the time being properly operated; and
- c. The Permittee submitted notice of the upset as required.

6. Removed Substances and RCRA Requirements

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 pollutants from such materials from entering the sewer system. The Permittee is responsible to assure its compliance with any requirements regarding the generation, treatment, storage, and/or disposal of hazardous wastes as defined under the Federal Resource Conservation and Recovery Act and State of Arkansas rules and regulations relative to refuse, liquid and/or solid waste disposal.

7. Disposal of Sludges and Spent Chemicals

The Permittee shall dispose of sludges and spent chemicals in accordance with procedures in Section 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.

8. Emergency Action

In the event of a power loss to the Permittee's treatment facility, the Permittee shall provide treatment to the best of his ability and shall report immediately to the Industrial Pretreatment Coordinator any noncompliance resulting from the emergency situation.

9. Dilution Not Permitted

The Permittee shall not increase the use of potable or process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

SECTION C. RESULTS OF NONCOMPLIANCE

1. Duty to Comply

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Fayetteville Code and may be grounds for enforcement action.

2. Penalties for Violations of Permit Conditions

The Permittee is subject to a civil or criminal penalty of not more than \$1000.00 per violation per day for each day that the Permittee is in violation of the requirements of this permit, the pretreatment standards, or the Discharge and Pretreatment Regulations subchapter of the Fayetteville Code.

3. Permit Suspension, Revocation and Termination

This permit may be suspended, or revoked and terminated in accordance with the requirements of the Discharge and Pretreatment Regulations subchapter of the Fayetteville Code and/or the approved Enforcement Response Plan.

4. Tampering

Any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall be subject to civil and/or criminal penalties.

5. Falsification of Reports

The Fayetteville Code provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1000.00) per day.

6. Publication in Newspaper for Significant Noncompliance

The Fayetteville Code provides that, in accordance with 40 CFR 403.8(f)(2)(vii), the city shall publish annually in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the city's WRRF, a list of the users in significant noncompliance with applicable pretreatment standards and requirements. A user is in

significant noncompliance if its violations meet one or more of the following criteria:

- a. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;
- b. Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limits, multiplied by the applicable criteria: 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH;
- c. Any other violation of a pretreatment standard or requirement (daily maximum, long term average, instantaneous limit, or narrative standard) that the city determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of city or WRRF personnel or the general public;
- d. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge;
- e. Failure to meet within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- f. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- g. Failure to accurately report noncompliance;
- h. Any other violation(s), which may include a violation of best management practices, which the city determines will adversely affect the operation or implementation of the local pretreatment program.

7. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the Permittee from civil and/or criminal penalties for noncompliance under local, State or Federal laws or regulations.

PART IV - OTHER REQUIREMENTS

SECTION A. RIGHT OF ENTRY

The Permittee shall allow any authorized representative of the EPA, State of Arkansas, or City of Fayetteville pretreatment program, bearing proper credentials and identification:

1. To enter upon the Permittee's premises where a real or potential discharge is located or records are required to be kept under the terms and conditions of this permit;
2. To have access to and copy records required to be kept under the terms and conditions of this permit; to inspect any facility, materials storage or monitoring equipment; to observe monitoring practices, process or facility operations; to sample any discharge; and
3. Where the Permittee has security measures in force which require proper identification and/or clearance before entry onto said Permittee's premises is granted, such Permittee shall make the necessary arrangements with the security guards that upon presentation of proper identification, the IPC shall be permitted to enter without delay. The Industrial Pretreatment Coordinator shall have access to production, materials storage, and wastewater pretreatment areas as well as operating, monitoring, and pretreatment records of the Permittee Plant. Access shall be granted immediately upon request at any time deemed necessary provided proper identification is provided by the entrant.

SECTION B. BOILER SYSTEM

No chemicals other than chlorine, inorganic acids and inorganic bases (e.g., sulfuric acid, sodium hydroxide, etc.) are to be used in the boiler system without prior approval from the Industrial Pretreatment Coordinator. In requesting permission to use chemicals in the boiler system, the Permittee must provide the following information:

1. Name of chemical compound (trade name and/or brand name);
2. Name and address of manufacturer and name and telephone number of local representative;
3. Copy of the Material Safety Data Sheet; and
4. Proposed application rates and frequency of application.

SECTION C. ACCIDENTAL SPILL/SLUG PREVENTION PLAN

If the Permittee is required to have one, an Accidental Spill/Slug Prevention Plan (AS/SPP) shall be developed and submitted. The Permittee shall notify the POTW immediately of any changes at its facility affecting potential for a slug discharge.

Failure of the plan to prevent violations of any other provisions of this permit in no way relieves the Permittee from its legal liability for noncompliance with the permit conditions.

At a minimum, the AS/SPP must address the following:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the POTW of slug discharges or spills, including any discharge that would violate a prohibition under 40 CFR 403.5(b) with procedures for follow-up written notification within five days;
4. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;

The AS/SPP must provide for notification of slug discharges or spill events to the proper authorities, including the POTW. The following information must be included in the plan under notification to the POTW and should be posted on a chain-of-contacts list on information boards and in other appropriate areas throughout the plant:

Paul R. Noland Water Resource Recovery Facility
Jacobs
1400 N. Fox Hunter Road
Fayetteville, Arkansas 72701

479-443-3292, 24 hours/day, 7 days/week

PART V - DEFINITIONS

- A. **CFR** means Code of Federal Regulations
- B. **Composite sample** means a sample usually comprised of a minimum of twelve (12) aliquots collected over a period of no more than twenty-four (24) hours. If the daily discharge is less than (24) hours, a minimum of (4) aliquots per day at equal time intervals should be taken.
- C. **Control Authority** means the local agency regulating the local pretreatment program and its authorized representatives including, but not limited to, the Industrial Pretreatment Coordinator.
- D. **Discharge** means an intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pouring, emitting, emptying, or dumping of a pollutant into the waters of the State or the US, or onto land or into wells from where it might flow or drain into said waters onto lands outside the jurisdiction of the State. Discharge includes the release of any pollutant into a POTW.
- E. **Fayetteville Code** means the City of Fayetteville Code of Ordinances
- F. **Flow proportioned** means a composite sample that is collected proportional to each stream flow at time of collection of each aliquot or to the total flow since the previous aliquot. Sampling may be flow proportioned either by varying the volume of each aliquot or the time interval between each aliquot. If discrete sampling is employed, at least 12 aliquots should be composited.
- G. **Grab sample** means an individual sample collected over a period of time not to exceed 15 minutes. It is a single sample and is representative of conditions and characteristics of the discharge at the time it is collected.
- H. **Industrial Pretreatment Coordinator (IPC)** means an authorized representative of the Control Authority that implements and coordinates the pretreatment program or the IPC's authorized representative.
- I. **lb./day** means pounds per day.
- J. **mg/l** means milligrams per liter.
- K. **NA** means not applicable.
- L. **NPDES** means National Pollutant Discharge Elimination System and refers to the discharge permit issued to the POTW.
- M. **pH** means the acidity or alkalinity of a solution. Neutral is 7.0, acidic is lower, and alkaline is higher.

- N. **POTW** means the publicly owned treatment works including the collection system, treatment plant and other appurtenances. It also means the municipality having jurisdiction over dischargers to the treatment plant.
- O. **Slug** means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.
- P. **TSS** means total suspended solids.
- Q. **TTO** means total toxic organics.
- R. **Upset** is an unintentional and temporary noncompliance with permitted effluent discharge limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed or inadequate treatment facilities, lack of preventative maintenance, or careless or improper operations.

PART VI - JACOBS AUTHORIZATION

Jacobs is authorized by contract to manage and operate the Paul R. Noland Water Resource Recovery Facility for the City of Fayetteville. Management and operation of this facility includes administering the industrial pretreatment program.

So long as this contract or subsequent contractual agreements remain in effect, the Industrial Pretreatment Coordinator or any other employee of Jacobs will be the authorized representative of the City of Fayetteville.

ATTACHMENT A - SIGNATORY AUTHORIZATION

All reports and information submitted pursuant to the requirements of this discharge permit will be **signed** and **certified** by an **authorized signatory** of the Permittee. A signed copy of this Signatory Authorization Form must be submitted to the Industrial Pretreatment Coordinator for any individual to be considered an authorized signatory. In accordance CFR Part 403.12(1), an authorized signatory is:

1. A responsible corporate officer, if the industrial user is a corporation. A responsible corporate officer means:
 - a. 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
 - b. 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 initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. A general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively.

The authorized signatory below is for submittals required of:

Facility Name

Facility Address

City, State, and Zip

I understand: A) I must submit a new form when this information changes. B) I may need to periodically provide a new form so the Control Authority can verify the information is current and valid.

I am an authorized signatory as defined above in section (check one): ___ 1.a., ___ 1.b., ___ 2.

Signature of the Responsible Official

Date

Typed or Printed Name (First Name, MI, Last Name)

Title

Area Code + Phone

Mailing Address

City, State, and Zip

Email Address

Certification: I certify under penalty of law that this document and all attachments were prepared under my direct 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.

Optional Designation:

___ I hereby designate the following person or position as my Duly Authorized Representative for purposes of signing documents required by the permit issued to this facility.

This person or position has responsibility for the overall operation of the facility from which the industrial discharge originates, such as a plant manager, superintendent, or a position of equivalent responsibility, or has the overall responsibility for environmental matters for the company.

This designation is valid until _____. (If no date given valid until rescinded)

Signature of Duly Authorized Representative

Typed or Printed Name (First Name, MI, Last Name)

Title

Area Code + Phone

Mailing Address

City, State, and Zip

Email Address

OR ___ I hereby designate the following position as having the authority to sign documents required by the pretreatment permit issued to this facility: _____.

ADEQ

ARKANSAS
Department of Environmental Quality

October 8, 2018

Lioneld Jordan, Mayor
The City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

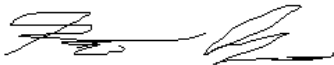
RE: City of Fayetteville - Paul R. Noland WWTP Inspection
AFIN: 72-00781 Permit No.: AR0020010

Honorable Lioneld Jordan:

The Department has received your October 1, 2018 response to the inspection conducted on July 17-18, 2018. Your response adequately addresses the request in the Summary of Findings section of the report. Acceptance of this response by the Department does not preclude any future enforcement action deemed necessary at this site or any other site.

If I need further information concerning this matter, I will contact you. Thank you for your attention to this matter. If I can be any assistance please feel free to contact me at grimesg@adeq.state.ar.us or 479.267.0811 ext. 16.

Sincerely,



Garrett Grimes
District 1 Field Inspector
Office of Water Quality