

Permit number: AR0020010

**AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM AND THE ARKANSAS WATER AND AIR POLLUTION CONTROL ACT**

In accordance with the provisions of the Air Pollution Control Act (Act 472 of 1949, as amended, Ark. Code Ann. 8-4-101 et seq.), and the Clean Water Act (33 U.S.C. 1251 et seq.),

City of Fayetteville  
113 West Mountain Street  
Fayetteville, Arkansas 72701

is authorized to discharge from a facility located at

White River Outfall 001: Latitude : 36° 05' 00"  
Longitude: 94° 05' 00"  
Mud Creek Outfall 002: Latitude : 36° 05' 25"  
Longitude: 94° 06' 38"

Fayetteville Municipal Pollution Control Facility; One mile north of Lake Sequoyah in Sections 7 and 8, Township 16 North, Range 29 West, in Washington County, Arkansas.

to receiving waters named:

Outfall 001: West Fork of White River in Segment 4K of the White River Basin

Outfall 002: unnamed tributary of Mud Creek in Segment 3J of the Arkansas River Basin

in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II (Version 2), III, and IV (Version 2) hereof.

This permit was issued on June 30, 1994.

This modified permit shall become effective on August 1, 1995.

This permit and the authorization to discharge shall expire at midnight, November 30, 1997

Signed this 31st day of July, 1995.



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Chuck C. Bennett  
Chief, Water Division

PART I  
PERMIT REQUIREMENTS

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 001-Treated Domestic Wastewater

During the period beginning on effective date and lasting until date of expiration, the permittee is authorized to discharge to the White River from outfall serial number 001. Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations		Monitoring Requirements		Sample Type	Totalizing Met.
	Mass (lbs/day) Monthly Avg	Other Units Monthly Avg	Measurement Frequency	(specify) 7-day Avg		
Flow (mgd) <sup>1</sup>	N/A	Report	Report		Daily	
Carbonaceous Biochemical Oxygen Demand (CBOD) (April- November) (December-March)	259 517	5 mg/l 10 mg/l	7 mg/l 15 mg/l		Once/day Once/day	12-hr Composite 12-hr Composite
Total Suspended Solids (TSS) (April- November) (December-March)	259 776	5 mg/l 15 mg/l	7 mg/l 22 mg/l		Once/day Once/day	12-hr Composite 12-hr Composite
Ammonia-Nitrogen Total (as N) (April-November) (December-March)	103 259	2 mg/l 5 mg/l	3 mg/l 7 mg/l		Once/day Once/day	12-hr Composite 12-hr Composite
Total Phosphorus	52	1 mg/l	2 mg/l		Once/day	12-hr Composite
Total Residual Chlorine (TRC) <sup>2</sup>	N/A	Report	Report		Once/day	Grab
Dissolved Oxygen <sup>3</sup> (April-November) (December-March)	N/A N/A	7.6 mg/l, min 7.8 mg/l, min	N/A N/A		Once/day Once/day	Grab Grab
Fecal Coliform Bacteria (April-September) (October-March)	N/A N/A	200 col/100 ml 1000 col/100 ml	400 col/100 ml 2000 col/100 ml		Once/day Once/day	Grab Grab
Chronic Biomonitoring <sup>4</sup>	N/A	N/A	N/A		Once/quarter	24-hr Composi

Receiving Stream (July-September only, See Part III.10):  
Temperature (°C) N/A

Daily Mean Flow (cfs) N/A  
Report Monthly Avg  
Report Monthly Avg  
Report Daily Max  
Report Daily Max

Note: For the period July through September, in addition to compliance with effluent limitations shown above, receiving stream temperature and flow criteria of Part III.10, must also be met before discharge of effluent is allowed (See Part III.10).

<sup>1</sup> Report monthly average and daily maximum as million gallons per day (mgd).  
<sup>2</sup> No measurable total residual chlorine (TRC) shall be discharged from the treatment plant. This determination is based on BPJ of staff, and is in accordance with 40 CFR 122.44(e). No measurable is defined as less than 0.1 mg/l.  
<sup>3</sup> The monthly average Dissolved Oxygen must be equal or above the specified monthly average at all times.  
<sup>4</sup> See Part III.8.

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per day by a grab sample.

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

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): after the final treatment unit.

PART I  
PERMIT REQUIREMENTS

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 002-Treated Domestic Wastewater

During the period beginning on effective date and lasting until date of expiration, the permittee is authorized to discharge to Mud Creek from outfall serial number 002. Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations		Monitoring Requirements	
	Mass (lbs/day) Monthly Avg	Other Units (specify) Monthly Avg	Measurement Frequency	Sample Type
Flow (mgd) <sup>1</sup> Meter	N/A	Report	Daily	Totalizing
Carbonaceous Biochemical Oxygen Demand (CBOD) (April- November) (December-March)	259 517	5 mg/l 10 mg/l	7 mg/l 15 mg/l	12-hr Composite 12-hr Composite
Total Suspended Solids (TSS) (April- November) (December-March)	259 776	5 mg/l 15 mg/l	7 mg/l 22 mg/l	12-hr Composite 12-hr Composite
Ammonia-Nitrogen Total (as N) (April-November) (December-March)	103 259	2 mg/l 5 mg/l	3 mg/l 7 mg/l	12-hr Composite 12-hr Composite
Total Phosphorus	52	1 mg/l	2 mg/l	12-hr Composite
Total Residual Chlorine (TRC) <sup>2</sup> Dissolved Oxygen <sup>3</sup> (April-November) (December-March)	N/A N/A N/A	Report 8 mg/l, min 10 mg/l, min	Report N/A N/A	Grab Grab
Fecal Coliform Bacteria (April-September) (October-March)	N/A N/A	200 col/100 ml 1000 col/100 ml	400 col/100 ml 2000 col/100 ml	Grab Grab
Chronic Biomonitoring <sup>4</sup>	N/A	N/A	N/A	24-hr Composi

<sup>1</sup> Report monthly average and daily maximum as million gallons per day (mgd). See Part III.11 for additional requirements and limitations.

<sup>2</sup> No measurable total residual chlorine (TRC) shall be discharged from the treatment plant. This determination is based on BPJ of staff, and is in accordance with 40 CFR 122.44(e). No measurable is defined as less than 0.1 mg/l.

<sup>3</sup> The monthly average Dissolved Oxygen must be equal or above the specified monthly average at all times.

<sup>4</sup> See Part III.8.

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per day by a grab sample.

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

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): after the final treatment unit.

**SECTION B. SCHEDULE OF COMPLIANCE**

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

Compliance with final effluent limits is required on effective date of the permit.

## PART II — STANDARD CONDITIONS

### SECTION A — GENERAL CONDITIONS

#### 1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Water Act and the Arkansas Water and Air Pollution Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. Any values reported in the required Discharge Monitoring Report which are in excess of an effluent limitation specified in Part I.A. shall constitute evidence of violation of such effluent limitation and of this permit.

#### 2. Penalties for Violations of Permit Conditions

The Arkansas Water and Air Pollution Control Act provides that any person who violates any provisions of a permit issued under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year, or a fine of not more than ten thousand dollars (\$10,000) or by both such fine and imprisonment for each day of such violation. Any person who violates any provision of a permit issued under the Act may also be subject to civil penalty in such amount as the court shall find appropriate, not to exceed five thousand dollars (\$5,000) for each day of such violation. The fact that any such violation may constitute a misdemeanor shall not be a bar to the maintenance of such civil action.

#### 3. Permit Action

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

- Violation of any terms or conditions of this permit; or
- Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
- A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.
- Failure of the permittee to comply with the provisions of ADPCE Regulation No. 9 (Permit fees) as required by condition II A 10 herein

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

#### 4. Toxic Pollutants

Notwithstanding Part II.A.3., if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Regulation No. 2, as amended (regulation establishing water quality standards for surface waters of the State of Arkansas) or Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standards or prohibition and the permittee so notified.

The permittee shall comply with effluent standards or prohibitions established under Regulation No. 2 (Arkansas Water Quality Standards), as amended, or Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

#### 5. Civil and Criminal Liability

Except as provided in permit conditions on "Bypassing" (Part II.B.4.a.), and "Upsets" (Part II.B.5.b.), nothing in this permit shall be construed to relieve the permittee from civil penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of this permit or applicable state and federal statutes or regulations which defeats the regulatory purposes of the permit may subject the permittee to criminal enforcement pursuant to the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

#### 6. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

#### 7. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act

#### 8. Property Rights

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

#### 9. Severability

The provisions of this permit are severable. If any provisions of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provisions to other circumstances, and the remainder of this permit, shall not be affected thereby.

#### 10. Permit Fees

The permittee shall comply with all applicable permit fee requirements for wastewater discharge permits as described in ADPCE Regulation No. 9 (Regulation for the fee System for Environmental Permits). Failure to promptly remit all required fees shall be grounds for the Director to initiate action to terminate this permit under the provisions of 40 CFR 122.64 and 124.5(d), as adopted in ADPCE Regulation No. 6, and the provisions of ADPCE Regulation No. 8.

## SECTION B — OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

#### 1. Proper Operation and Maintenance

- The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- The permittee shall provide an adequate operating staff which is duly qualified to carry out operation, maintenance and testing functions required to insure compliance with the conditions of this permit.

#### 2. Need to Halt or Reduce Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production or discharges or both until the facility is restored or alternative method of treatment is provided. This requirement applies, for example when the primary source of power for the treatment facility is reduced, is lost, or alternate power supply fails.

#### 3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has reasonable likelihood of adversely affecting human health or the environment.

#### 4. Bypass of Treatment Facilities

- Bypass not exceeding limitation. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Part II.B.4.b and 4.c.
- Notice

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II.D.6(24-hour notice)

#### c. Prohibition of bypass

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

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance, and

(c) The permittee submitted notices as required by Part II.B.4.b.

(2) The Director may approve an anticipated bypass, after considering its adverse effects, if the director determines that it will meet the three conditions listed above in Part II.B.4.c.(1)

#### 5. Upset Conditions

- Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Part II.B.5.b of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

- b. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
- (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
  - (2) The permitted facility was at the time being properly operated;
  - (3) The permittee submitted notice of the upset as required by Part II.D.6.; and
  - (4) The permittee complied with any remedial measures required by Part II.B.3
- c. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.
6. **Removed Substances**  
Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering the waters of the state. Written approval for such disposal must be obtained from the ADPCE.
7. **Power Failure**  
The permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failure either by means of alternate power sources, standby generators, or retention of inadequately treated effluent.

## SECTION C — MONITORING AND RECORDS

1. **Representative Sampling**  
Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Director. Intermittent discharges shall be monitored.
2. **Flow Measurements**  
Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to insure the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than  $\pm 10\%$  from true discharge rates throughout the range of expected discharge volumes and shall be installed at the monitoring point of the discharge.
3. **Monitoring Procedures**  
Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals frequent enough to insure accuracy of measurements and shall insure that both calibration and maintenance activities will be conducted. An adequate analytical quality control program, including the analysis of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory. At a minimum, spikes and duplicate samples are to be analyzed on 10% of the samples.
4. **Penalties for Tampering**  
The Arkansas Water and Air Pollution Control Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year or a fine of not more than ten thousand dollars (\$10,000) or by both such fine and imprisonment.
5. **Reporting of Monitoring Results**  
Monitoring results must be reported on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1). Permittees are required to use preprinted DMR forms provided by ADPCE, unless specific written authorization to use other reporting forms is obtained from ADPCE. Monitoring results obtained during the previous calendar month shall be summarized and reported on a DMR form postmarked no later than the 25th day of the month following the completed reporting period to begin on the effective date of the permit. Duplicate copies of DMR's signed and certified as required by Part II.d.11 and all other reports required by Part II.D. (Reporting Requirements), shall be submitted to the Director at the following address:
- Director  
Arkansas Department of Pollution  
Control and Ecology  
8001 National Drive  
P.O. Box 8913  
Little Rock, AR 72219-8913

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

6. **Additional Monitoring by the Permittee**  
If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated on the DMR.
7. **Retention of Records**  
The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
8. **Record Contents**  
Records and monitoring information shall include:
- a. The date, exact place, time and methods of sampling or measurements, and preservatives used, if any;
  - b. The individual(s) who performed the sampling or measurements;
  - c. The date(s) analyses were formed;
  - d. The individual(s) who performed the analyses;
  - e. The analytical techniques or methods used; and
  - f. The measurements and results of such analyses.
9. **Inspection and Entry**  
The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
  - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
  - d. Sample, inspect or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

## SECTION D — REPORTING REQUIREMENTS

1. **Planned Changes**  
The permittee shall give notice and provide plans and specification to the Director for review and approval prior to any planned physical alterations or additions to the permitted facility. Notice is required only when:
- For Industrial Dischargers**
- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR Part 122.29(b).
  - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR Part 122.42(a)(1).
- For POTW Dischargers:**
- c. Any change in the facility discharge (including the introduction of any new source or significant discharge or significant changes in the quantity or quality of existing discharges of pollutants) must be reported to the permitting authority. In no case are any new connections, increased flows, or significant changes in influent quality permitted that will cause violation of the effluent limitations specified herein.
2. **Anticipated Noncompliance**  
The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
3. **Transfers**  
The permit is nontransferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.
4. **Monitoring Reports**  
Monitoring results shall be reported at the intervals and in the form specified in Part II.C.5. (Reporting) Discharge Monitoring Reports must be submitted even when no discharge occurs during the reporting period.
5. **Compliance Schedule**  
Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

**6. Twenty-four Hour Report**

a. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain the following information:

- (1) a description of the noncompliance and its cause;
- (2) the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- (3) steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.

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

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

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

**7. Other Noncompliance**

The permittee shall report all instances of noncompliance not reported under Part II.D.4, 5, and 6, at the time monitoring reports are submitted. The reports shall contain the information listed at Part II.D.6.

**8. Changes in Discharge of Toxic Substances for Industrial Dischargers**

The permittee shall notify the Director as soon as he/she knows or has reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, in a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" described in 40 CFR Part 122.42(a)(2)[48 FR 14153, April 1983, as amended at 49 FR 38046, September 26, 1984].
- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" described in 40 CFR Part 122.42(a)(2)[48 FR 14153, April 1, 1983, as amended at 49 FR 38046, September 26, 1984].

**9. Duty to Provide Information**

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

**10. Duty to Reapply**

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

**11. Signatory Requirements**

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

a. All permit applications shall be signed as follows:

- (1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
  - (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
  - (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

- (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
  - (i) the chief executive officer of the agency, or
  - (ii) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

b. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- (1) The authorization is made in writing by a person described above.
- (2) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
- (3) The written authorization is submitted to the Director.

c. Certification Any person signing a document under this section shall make the following certification:

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

**12. Availability of Reports**

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

**13. Penalties for Falsification of Reports**

The Arkansas Air and Water Pollution Control Act provides that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained under this permit shall be subject to civil penalties specified in Part II A.2. and/or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).



**PART III  
OTHER CONDITIONS**

1. The operator of this wastewater treatment facility shall be licensed by the State of Arkansas in accordance with Act 211 of 1971 and Regulation No. 3, as amended.
2. Any sludge generated from the treatment process shall be stored and/or disposed of in a manner approved by this Department, and in accordance with Part II B6 herein. Written authorization from the facility or facilities where sludge is to be disposed must accompany each request for Department approval.
3. The permittee, at all times, shall handle and dispose of sewage sludge in such a manner so as to protect public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants which may be present. In addition, the permittee shall comply with requirements of 40 CFR 257, and Regulation No. 6, as amended.
4. If an applicable "acceptable management practice" or numerical limitations for pollutants in sewage sludge promulgated under Section 405(d)(2) of the Act is more stringent than the sludge pollutant limits or acceptable management practice in this permit, or controls a pollutant not listed in this permit, this permit shall be promptly modified or revoked and reissued to conform to the requirements promulgated under Section 405(d)(2). The permittee shall comply with the limitations by no later than the compliance deadline specified in the applicable regulation as required in Section 405(d)(2)(D) of the Act.
5. The permittee shall give 30 days prior notice to the Director of any change planned in the permittee's sludge disposal practice or land use applications, including types of crops grown (if applicable).
6. For publicly owned treatment works, the 30-day average percent removal for Biochemical Oxygen Demand and Total Suspended Solids shall not be less than 85 percent unless otherwise authorized by the permitting authority in accordance with 40 CFR 133.102, as adopted by reference in ADPC&E Regulation No. 6.
7. Contributing Industries and Pretreatment Requirements
  - a. The permittee shall operate an industrial pretreatment

program in accordance with Section 402(b)(8) of the Clean Water Act, the General Pretreatment Regulations (40 CFR Part 403) and the approved POTW pretreatment program submitted by the permittee. The pretreatment program was approved on April 26, 1984. The Sewer Use Ordinance and the Pretreatment Program have not been modified to come into compliance with the current 40 CFR 403 regulations. The permittee shall submit all necessary proposed modifications to the ADPC&E within 6 months of the effective date of this permit. The POTW pretreatment program is hereby incorporated by reference and shall be implemented in a manner consistent with the following requirements:

- i. Industrial user information shall be updated at a frequency adequate to ensure that all IUs are properly characterized at all times.
- ii. The frequency and nature of industrial user compliance monitoring activities by the permittee shall be commensurate with the character, consistency and volume of waste. However, in keeping with the requirements of 40 CFR 403.8(f)(2)(v), the permittee must inspect and sample the effluent from each Significant Industrial User at least once a year. This is in addition to any industrial self-monitoring activities;
- iii. The permittee shall enforce and obtain remedies for noncompliance by any industrial users with applicable pretreatment standards and requirements.
- iv. The permittee shall control through permit, order, or similar means, the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements. In the case of Industrial Users identified as significant under 40 CFR 403.3(t), this control shall be achieved through permits or equivalent individual control mechanisms issued to each such user. Such control mechanisms must be enforceable and contain, at a minimum, the following conditions:
  - (1) Statement of duration (in no case more than five years;

- (2) Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
  - (3) Effluent limits based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and State and local law;
  - (4) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards in 40 CFR 403, categorical pretreatment standards, local limits, and State and local law;
  - (5) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond federal deadlines.
- v. The permittee shall evaluate, at least once every two years, whether each Significant Industrial User needs a plan to control slug discharges. If the POTW decides that a slug control plan is needed, the plan shall contain at least the minimum elements required in 40 CFR 403.8 (f) (2) (v).
- vi. The permittee shall provide adequate staff, equipment, and support capabilities to carry out all elements of the pretreatment program; and,
- vii. The approved program shall not be modified by the permittee without the prior approval of the Department.
- b. The permittee shall establish and enforce specific limits to implement the provisions of 40 CFR Parts 403.5(a) and (b), as required by 40 CFR Part 403.5(c). Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and effectively enforce such limits.

In accordance with EPA policy and with the requirements of 40 CFR Part 403.8(f)(4) and 40 CFR Part 403.5(c), the permittee shall conduct a headworks analysis to determine if technically based local limits are necessary to implement the general and specific prohibitions of 40 CFR Parts 403.5(a) and (b). This evaluation should be conducted in accordance with the latest revision of the EPA "Region 6 Technically Based Local Limits Development Guidance", and after review of the "Guidance Manual on the Development and Implementation of Local Discharge Limitations Under the Pretreatment Program" December, 1987. Local limits must be revised and submitted to ADPC&E in approvable form based upon the findings of the technical evaluation within six (6) months of the effective date of this permit. At the same time, a draft Sewer Use Ordinance should be submitted including the proposed, modified local limits and any necessary portions updated to come into compliance with current regulatory requirements.

All specific prohibitions or limits developed under this requirement are deemed to be conditions of this permit. The specific prohibitions set out in 40 CFR Part 403.5(b) shall be enforced by the permittee unless modified under this provision.

- c. The permittee shall analyze the treatment facility influent and effluent for the presence of the toxic pollutants listed in 40 CFR 122 Appendix D (NPDES Application Testing Requirements) Table II at least once per year and the toxic pollutants in Table III at least once per month. If, based upon information available to the permittee, there is reason to suspect the presence of any toxic or hazardous pollutant listed in Table V, or any other pollutant, known or suspected to adversely affect treatment plant operation, receiving water quality, or solids disposal procedures, analysis for those pollutants shall be performed at least four times per year on both the influent and effluent.
  - i. The influent and effluent samples collected shall be composite samples consisting of at least 12 aliquots collected at approximately equal intervals over a representative 24 hour period and composited according to flow. Sampling and analytical procedures shall be in accordance with guidelines established in 40 CFR 136. Where

composite samples are inappropriate, due to sampling, holding time, or analytical constraints, at least 3 grab samples, taken at equal intervals over a representative 24 hour period, shall be taken.

- ii. The permittee shall perform an analysis of its sludge quality at a frequency necessary to document compliance status with all applicable Federal, State and Local sludge disposal criteria and regulations. Additionally, the permittee shall analyze a sample of digested sludge for the toxic pollutants listed in 40 CFR 122 Appendix D, Table III at least four times per year.
  
- d. The permittee shall prepare annually a list of Industrial Users which during the preceding twelve months were in significant noncompliance with applicable pretreatment requirements. For the purposes of this Part, significant noncompliance shall be determined based upon the more stringent of either criteria established at 40 CFR Part 403.8(f)(2)(vii) [rev. 7/24/90] or criteria established in the approved POTW pretreatment program. This list is to be published annually in the largest daily newspaper in the municipality during the month of May.

In addition, during the month of May the permittee shall submit an updated pretreatment program status report to ADPC&E containing the following information:

- i. An updated list of all significant industrial users. For each industrial user listed, the following information shall be included:
  - (1) Standard Industrial Classification (SIC) code and categorical determination.
  - (2) Control document status. Whether the user has an effective control document, and the date such document was last issued, reissued, or modified, (indicate which industrial users were added to the system (or newly identified) within the previous 12 months).
  - (3) A summary of all monitoring activities performed within the previous 12 months. The following information shall be reported:

- (a) total number of inspections performed;
  - (b) total number of sampling visits made;
- (4) Status of compliance with both effluent limitations and reporting requirements. Compliance status shall be defined as follows:
- (a) Compliant (C) - no violations during the previous 12 month period;
  - (b) Non-compliant (NC) - one or more violations during the previous 12 months but does not meet the criteria for significant noncompliant industrial users.
  - (c) Significant Noncompliance (SN) - in accordance with requirements described in d. above.
- (5) For significantly noncompliant industrial users, indicate the nature of the violations, the type and number of actions taken (notice of violation, administrative order, criminal or civil suit, fines or penalties collected, etc.) and current compliance status. If ANY industrial user was on a schedule to attain compliance with effluent limits, indicate the date the schedule was issued and the date compliance is to be attained.
- ii. A list of all significant industrial users whose authorization to discharge was terminated or revoked during the preceding 12 month period and the reason for termination.
  - iii. A report on any interference, pass through, upset or POTW permit violations known or suspected to be caused by industrial contributors and actions taken by the permittee in response.
  - iv. The results of all influent, effluent and sludge analyses performed pursuant to paragraph (1)(c) above;
  - v. A copy of the newspaper publication of the significantly noncompliant industrial users giving the name of the newspaper and the date published;

and

- vi. The information requested may be submitted in tabular form as per the example tables provided for your convenience (See Attachments A, B and C).
- e. The permittee shall provide adequate notice to the Department of the following:
  - i. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Section 301 and 306 of the Act if it were directly discharging those pollutants; and
  - ii. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.

Adequate notice shall include information on (i) the quality and quantity of effluent to be introduced into the treatment works, and (ii) any anticipated impact of the change on the quality or quantity of effluent to be discharged from the POTW.

#### 8. Chronic Biomonitoring Requirements

##### a. Scope

The permittee shall test Outfalls 001 (White River) and 002 (Mud Creek) for toxicity in accordance with the provisions in this section. Such testing will determine if an effluent sample dilution affects the survival and/or reproduction or growth of the appropriate test organism.

The first toxicity test must be initiated within 60 days from the effective date of the permit and the results of the test submitted with the first Discharge Monitoring Report (DMR) following completion of the toxicity test. However, if lethality is demonstrated for either test organism in any toxicity test required by this permit, the test results must be submitted to the Department within 15 days of receipt of results.

The toxicity tests specified herein shall be conducted once per quarter. The permittee shall conduct

biomonitoring of outfalls on alternate quarters (i.e., outfall 001 shall be conducted on the first and third quarters while outfall 002 shall be conducted on the second and fourth quarters).

b. Definitions

Toxicity is herein defined as a statistically significant difference at the 95% confidence level between the survival, reproduction or growth of the appropriate test organism in a specified effluent dilution and the control (0% effluent).

Lethality, a component of toxicity, is herein defined as a statistically significant difference at the 95% confidence level between the survival of the appropriate test organism in a specified effluent dilution and the control (0% effluent).

Significant nonlethal effect, a component of toxicity, is herein defined as a statistically significant difference at the 95% confidence level between the reproduction or growth of the appropriate test organism in a specified effluent dilution and the control (0% effluent).

Toxicity Reduction Evaluation (TRE) is an evaluation intended to determine those actions necessary to achieve compliance with water quality-based effluent limitations by reducing an effluent's toxicity or chemical concentration(s) to acceptable levels. A TRE is defined as a step-wise process which combines toxicity testing and analyses of the physical and chemical characteristics of a toxic effluent to identify the constituents causing effluent toxicity and/or determine the treatment methods which will reduce the effluent toxicity.

c. Test Methods

All test organisms, procedures, and quality assurance requirements used shall be in accordance with the latest revision of "Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms", EPA/600/4-89/001, or the most recent update thereof, unless specified otherwise in the permit. The following tests shall be used:

i. Chronic static renewal survival and reproduction



test using *Ceriodaphnia dubia* (Method 1002.0). This test should be terminated when 60% of the surviving females in the control produce three broods.

- ii. Chronic static renewal 7-day larval survival and growth test using fathead minnow (*Pimephales promelas*) (Method 1000.0). A minimum of five (5) replicates with eight (8) organisms per replicate must be used for this test.
- d. Test Acceptance
- i. The toxicity test control (0% effluent) must have a survival equal to or greater than 80%. Should the control survival be less than 80%, the toxicity test, including control and all effluent dilutions, shall be repeated.
  - ii. The mean number of *Ceriodaphnia dubia* neonates produced per surviving female in the control (0% effluent) must be 15 or more. Should the control neonate production be less than 15, the toxicity test, including control and all effluent dilutions, shall be repeated.
  - iii. The average weight of surviving fathead minnow larvae at the end of the 7 days in the control (0% effluent) must be 0.25 mg or greater. Should the average larval weight be less than 0.25 mg, the toxicity test, including control and all effluent dilutions, shall be repeated.
  - iv. The percent coefficient of variation between replicates shall be 40% or less in the control (0% effluent) for:
    - (1) the young of surviving females in the *Ceriodaphnia dubia* reproduction test;
    - (2) fathead minnow growth test; and
    - (3) fathead minnow survival test.
  - v. The percent coefficient of variation between replicates shall be 40% or less for the low flow dilution (critical dilution) for ADPC&E to agree with a finding of no toxicity for these dilutions.

vi. If the permittee has conducted toxicity testing prior to the effective date of the permit in accordance with the provisions of this section, the test results may be submitted to ADPCE for approval. If approved, the test(s) will constitute partial fulfillment of the toxicity testing requirements of the permit.

e. Statistical Interpretation

i. For the *Ceriodaphnia dubia* survival test, the statistical analyses used to determine if there is a significant difference between the control and the low flow dilution and/or a significant difference between the control and half low flow shall be Fisher's Exact Test as described in the "Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms", EPA/600/4-89/001, or the most recent update thereof.

ii. For the *Ceriodaphnia dubia* reproduction test and the fathead minnow larval survival and growth test, the statistical analyses used to determine if there is a significant difference between the control and the low flow (critical dilution) effluent concentration shall be in accordance with the methods for determining the No Observed Effect Concentration (NOEC) as described in the "Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms", EPA/600/4-89/001, or the most recent update thereof.

f. Dilution Series

Five dilutions in addition to a control (0% effluent) composed of the same water as the dilution water, shall be used in the toxicity tests. These additional effluent dilutions shall be 100%, 94%, 89%, 70%, and 35%. The low-flow effluent concentration (critical dilution) is defined as 89% effluent for outfall 001 (White River) and 100% effluent for outfall 002 (Mud Creek).

g. Dilution Water

Dilution water used in the toxicity tests will be receiving water from White River (outfall 001) and Mud

Creek (outfall 002) collected as close to the point of discharge as possible but unaffected by the discharge. If there is no receiving water due to zero flow conditions, the permittee may substitute synthetic dilution water.

If the receiving water is unsatisfactory as a result of preexisting instream toxicity (fails to fulfill the criteria of 8.d above, or for other reasons substantiated by the permittee) synthetic dilution water may be substituted for the receiving water, provided the following stipulations are met:

- i. a synthetic dilution water control is run;
- ii. the synthetic dilution water fulfills the requirements of item 8.d;
- iii. A receiving water control is run concurrently with the test (provided sufficient receiving water is available), until receiving water toxicity is adequately documented to the Department.
- iv. the permittee submits all test results indicating receiving water toxicity with the report and information required by item 8.1 and the Discharge Monitoring Report (DMR); and
- v. the synthetic dilution water shall have a pH, hardness and alkalinity similar to that of the receiving water and shall be prepared in accordance with the procedures in EPA/600/4-89/001 using ecoregion water characteristics as follows:

For discharges located in the Gulf Coastal, Arkansas River Valley, Boston Mountains, or Ouachita Mountains Ecoregions, and discharges to the Ouachita River, use **SOFT** water:

For discharges located in the Delta or Ozark Highlands Ecoregions, and discharges to the White, Arkansas, Mississippi, and St. Francis Rivers, use **MODERATELY HARD** water:

For discharges to the Red River, use **HARD** water.

Synthetic dilution water may be used in all subsequent tests for both test species provided all of the above

stipulations are met.

h. Samples and Composites

A minimum of three flow-weighted 24-hour composite samples representative of the dry weather flows during normal operation will be collected from Outfalls 001 (White River) and 002 (Mud Creek). A 24-hour composite sample consists of a minimum of twelve (12) effluent portions collected at equal time intervals and combined proportional to flow or a sample continuously collected proportional to flow over a 24-hour operating day.

The 24-hour composite samples must be collected such that the samples include any periodic episode of chlorination, use of a biocide or other potentially toxic substance discharged on an intermittent basis.

i. When collecting composite samples for toxicity testing, the permittee shall also analyze effluent for all parameters as specified in Part 1, Section A of this permit. These analyses may be utilized as those required in Part 1, Section A for the monitoring period encompassing the toxicity test or may be in addition to the requirements of Part 1, Section A, at the permittee's discretion. The results of these analyses shall be included in the reports required in item 8.1 below.

The 24-hour composite samples must be collected so that the maximum holding time for any effluent sample shall not exceed 72 hours. The toxicity test must be initiated within 36 hours after the collection of the last portion of the first 24-hour composite sample. Samples shall be chilled to 4 degrees Centigrade during collection, shipping and/or storage.

If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent portions and the sample holding time are waived during that sampling period. However, the permittee must collect an effluent composite sample volume that is sufficient to complete the required toxicity tests with daily renewal of effluent.

j. Low Flow Lethality Testing - Special Conditions

The requirements of this subsection (item 8.j) apply only when a toxicity test at the 89% effluent concentration for outfall 001 (White River) and 100% effluent concentration for outfall 002 (Mud Creek) demonstrates lethality.

- i. The permittee shall conduct a total of two additional tests (retests) for any species that demonstrates significant lethal effects at the 89% effluent concentration for outfall 001 (White River) and 100% effluent concentration for outfall 002 (Mud Creek). The retests shall be conducted monthly during the next two consecutive months. The permittee shall not substitute a retest in lieu of routine toxicity testing, unless the specified testing frequency for the species demonstrating significant lethal effects is monthly. All retest data shall be submitted within 15 days of each test completion.
- ii. If the results of the increased testing indicate lethality in the effluent at low flow dilution, the permittee shall submit a plan for a Toxicity Reduction Evaluation (TRE) and shall continue toxicity testing at a frequency of once per month for the species showing lethality, using the sample protocols as specified above until notified otherwise by the Department. The TRE plan, including a proposed implementation schedule, shall be submitted to the Department within 60 days of receipt of the results of the verification testing showing a lethal effluent. The plan will be reviewed by the Department. If deemed acceptable, the permittee shall be notified and the TRE plan shall become a requirement of this permit. Incomplete or unsatisfactory TRE plans and/or schedules will be returned to the permittee for correction of deficiencies. Failure to correct identified deficiencies within 30 days shall be considered a violation of this permit.
- iii. The permittee shall conduct the TRE in accordance with the approved schedule and, upon completion, the permittee shall prepare a report which contains, at a minimum:

(1) the source of the toxicity (e.g.

constituents; class of toxicants, suspected industrial contributors, etc.);

- (2) results of any treatability studies conducted;
  - (3) discussion of alternative treatment or management techniques to reduce or eliminate toxicity;
  - (4) selection of the appropriate course of action to be followed by the permittee;
  - (5) an implementation schedule for making any required changes to reduce/eliminate toxicity.
- iv. Upon completion of the TRE, the permittee shall select an appropriate course of action to reduce or eliminate the toxicity, and shall submit an application for modification of this permit, if applicable, including a proposed schedule for accomplishment. Additionally, if recommended solutions include construction or modification of the treatment system, an application for a construction permit shall also be submitted. The above applications shall be submitted within 90 days of completion of the TRE.
- v. If none of the retests demonstrate significant lethality, the permittee shall return to the testing frequency specified in item 8.a.
- k. **Low Flow Nonlethal Effects Testing - Special Conditions**
- The requirements of this subsection (item 8.k) apply only when a toxicity test demonstrates a significant nonlethal effect at the **89% effluent concentration for outfall 001 (White River) and 100% effluent concentration for outfall 002 (Mud Creek)**, and the test does not demonstrate a significant lethal effect as described in item 8.j. above.
- i. Quarterly or Semi-Annual Testing: If the frequency of testing specified in this permit is quarterly or semi-annual, the permittee shall conduct a total of two (2) additional tests (retests) for the **species that demonstrated the significant nonlethal effects**. The retests shall

be conducted monthly during the next two consecutive months. The permittee shall not substitute a retest in lieu of routine toxicity testing. If one of the retests shows significant non-lethal effects at the 89% effluent concentration for outfall 001 (White River) and 100% effluent concentration for outfall 002 (Mud Creek), the permittee may suspend the retesting for this reporting period and shall notify ADPCE in writing. All retest results shall be submitted to ADPCE within fifteen (15) days of test completion. After submitting the results which demonstrate significant non-lethal effects in one of the retests, and at the discretion of ADPCE, the permittee may be required to biomonitor for both species at an increased frequency of once per month for twelve (12) consecutive months; The duration and frequency of biomonitoring will be stated in writing to the permittee.

If none of the retests demonstrate significant toxicity (lethal and nonlethal effects), the permittee shall return to the original testing frequency.

- ii. Monthly Testing: If the frequency of testing specified in item 8.a. is monthly, the permittee will continue testing monthly until the completion of the first year requirement and then test at a frequency of once per six (6) months for the duration of the permit.

1. Reporting

- i. The permittee shall prepare a full report of the results according to the Report Preparation Section of "Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms". The full report must be submitted with the first DMR containing these biomonitoring results. Subsequent reports accompanying DMRs need include only sections 9.4 (Test Methods) and 9.7 (Results) of the full report prepared for the appropriate toxicity test, unless the full report is specifically requested by ADPCE. However, the full report shall be retained pursuant to the provisions of Part II.C.7 of this permit.

ii. The permittee shall submit the toxicity testing information contained in the summary sheet provided by ADPCE along with the DMR submitted for the end of the reporting period following each toxicity test.

m. Permit Reopener Conditions

This permit may be reopened to require effluent limits, additional testing, and/or other appropriate actions to address toxicity. Accelerated or intensified toxicity testing and/or a TRE may be required in accordance with Section 308 of the Clean Water Act, and the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

n. Total Residual Chlorine

The permittee shall report the total residual chlorine (TRC) in each effluent sample at the time of sample collection.

9. Conditions for Land Application of Municipal Sewage Sludge

a. General Requirements:

i. Only sludge which meets the following conditions may be land applied as fertilizer.

(1) Sludge which is not classified as a hazardous waste under state or federal regulations.

(2) Sludge which has undergone a Process to Significantly Reduce Pathogens (PSRP) or Process to Further Reduce Pathogens (PFRP) prior to application, as defined in 40 CFR 257, Appendix II, or an equivalent process.

ii. Plant Available Nitrogen (PAN) shall not be applied at a rate exceeding the annual nitrogen uptake of the crop. At no time shall the nitrogen application rate (PAN/acre-year) be allowed to exceed the site specific rate approved by the Department.

iii. Sludge with Polychlorinated Biphenyls (PCB) concentration greater than or equal to 50 mg/kg dry weight shall not be land applied at any time.

b. Specific Requirements for Sewage Sludge Applied to



Food-Chain Crops on Agricultural Land:

Sludge shall not be applied to food-chain crops (as defined in 40 CFR 257) in a manner that will violate the following rates, loadings, and requirements. Food-chain crops means tobacco, crops grown for human consumption, and animal feed for animals whose products are consumed by humans.

i. Polychlorinated Biphenyls (PCB)

Sewage sludge with Polychlorinated Biphenyls concentration of greater than or equal to 10 mg/kg dry weight shall be incorporated into the soil. "Incorporated into the soil" means the injection of solid waste beneath the surface of the soil or the mixing of solid waste with the surface soil.

ii. Cumulative Metals Loadings

Sewage sludge applied to land shall not exceed the total amounts of cumulative metals loadings listed in table below. If background soil metals concentrations exceed the loadings listed below, land application of sewage sludge to food chain crops is prohibited.

Cumulative Loadings of Metals in kg/ha (lbs/acre)			
Metal	Soil Cation Exchange Capacity (meq/100g)		
	<5	5-15	>15
*Cadmium (Cd)	5 (4.5)	10 (9)	20 (18)
Copper (Cu)	125 (115)	250 (220)	500 (450)
Lead (Pb)	500 (450)	1000 (900)	2000 (1800)
Nickel (Ni)	50 (45)	100 (90)	200 (180)
Zinc (Zn)	250 (220)	500 (450)	1000 (900)

\*If the soil pH is less than 6.5, use 5 kg/ha for Cd regardless of CEC

iii. Additional requirements for sewage sludge applied

to food-chain crops.

- (1) Dairy cattle shall be prevented from grazing on lands where sludge has been applied for sixty (60) days. The cutting of hay or silage for dairy animals is also restricted for this time period.
  - (2) Beef cattle and other domestic animals shall be prevented from grazing on lands where sludge has been applied for thirty (30) days. The cutting of hay or silage for beef cattle and other domestic animals is also restricted for this time period.
  - (3) General public access shall not be allowed on sludge treated lands for twelve (12) calendar months following sludge application.
  - (4) Sludge shall not be spread within 25 feet of rock outcrops; 50 feet of property lines; 200 feet of drinking water wells; 100 feet of lakes, ponds, springs, streams, and sinkholes; 300 feet of occupied buildings.
- iv. Additional requirements for sewage sludge applied to food-chain crops used for direct human consumption.
- (1) If crops for direct human consumption will be grown within 18 months subsequent to sludge application or incorporation, the sludge must be treated with a process to further reduce pathogens (PFRP).
  - (2) Cadmium Rate
    - (a) Annual application rate for cadmium in sewage sludge shall not exceed 0.5 kg/ha-yr (0.43 lbs/acre-yr).
    - (b) The pH of the sewage sludge and soil mixture must be 6.5 or greater at the time of each application for sludge containing cadmium concentrations greater than 2 mg/kg (dry weight).
    - (c) Cumulative application rate of cadmium from sewage sludge for soils with a

background pH of less than 6.5 shall not exceed 5 mg/kg, unless the sludge-soil mixture is adjusted to a pH of 6.5 or greater.

- (d) Cumulative application rate of cadmium from sewage sludge on soils with a background pH of greater than 6.5 shall not exceed the values listed in the table of Cumulative Metal Loadings in section 9.b.ii.

v. Additional requirements for sewage sludge applied to food-chain crops used **only** as animal feed.

- (1) When the only food-chain crop to be grown is for use as animal feed, sludge may be applied to the land if the following conditions are met, and the requirements of section 9.b.iv above shall not apply.
- (2) The pH of the sludge and soil mixture must be 6.5 or greater at the time of sludge application, or at the time the crop is planted, whichever occurs later, and the pH shall be maintained whenever animal feed food-chain crops are grown.
- (3) If cadmium application rate exceeds those found in section 9.b.iv.(2), then the permittee shall develop and maintain a facility operating plan which demonstrates how the animal feed will be distributed to preclude ingestion by humans. The plan describes the measures to be taken to safeguard against possible health hazards from cadmium entering the food chain, which may result from alternative land uses. The permittee shall also ensure that future property owners are notified by a stipulation in the land record or property deed which states that the property has received sewage sludge at high cadmium application rates and that food-chain crops for direct human consumption should not be grown, due to a possible health hazard.

c. Specific Requirements for Sewage Sludge Applied to Non-Food-Chain Crops on Dedicated Land:

- i. The growing of food-chain crops on dedicated lands is prohibited. If food-chain crops are grown, the land becomes agricultural land and only the requirements in section b. for agricultural land are applicable.
- ii. The requirements in section b. for food-chain crops on agricultural land are not applicable for dedicated lands.
- iii. Groundwater monitoring is required for land application of sewage sludge on dedicated lands.
- iv. All surface water run-off must be contained within the site through use of dikes, lagoons, etc., and disposed of through evaporation. All groundwater leachate shall be contained due to natural impervious geological barriers (e.g., impervious clay, bedrock, etc.) between the site and any underground drinking water source. No attempt shall be made to remove moisture or other sludge constituents (e.g., nitrogen, metals) from the site.
- v. Disposal of sewage sludge on dedicated sites with less than 10 feet depth to groundwater is prohibited, unless appropriate measures are taken to protect groundwater from leachate from sites.
- vi. Sludge shall not be spread within 50 feet of rock outcrops; 100 feet of property lines; 1000 feet from wells used for drinking water; 300 feet of any ponds, lakes, springs, streams, and sinkholes; 500 feet of areas used by public.
- vii. Dairy cattle, beef cattle, and other domestic animals shall be prevented from grazing on dedicated lands where sewage sludge has been applied. The cutting of crops for dairy cattle, beef cattle or other domestic animals feed is also prohibited.
- viii. General public access shall be prevented on dedicated lands where sludge has been applied by enclosing with a fence and locking gates.
- ix. The permittee shall also ensure that future property owners are notified by a stipulation in the land record or property deed which states that

the property may have received sewage sludge at high heavy metals (including cadmium) application rates and that food-chain crops should not be grown, due to possible health hazard.

- d. Monitoring and Reporting Requirements for all Sludge Application Facilities:
  - i. The permittee shall be responsible for a sludge analysis, soil analysis, and reporting program which includes the following:
    - (1) Sludge Analysis
      - (a) Sludge samples collected must be representative of the treated sludge to be land applied. The samples are to be stored in appropriate glass or plastic containers and kept refrigerated or frozen to prevent any change in nutritional value.
      - (b) Quarterly grab samples of the land applied sludge shall be analyzed and reported in dry weight (mg/kg) for the following parameters:

% Volatile Solids	Total Kjeldahl Nitrogen
% Total Solids	Nitrate Nitrogen
Total Phosphorus	Nitrite Nitrogen
Total Potassium	Ammonia Nitrogen
Cadmium	Mercury
Copper	Chromium
Lead	Zinc
Nickel	pH
      - (c) Annual grab samples of the land applied sludge shall be analyzed for Polychlorinated Biphenyls (PCB).
      - (d) Annually, the permittee shall test sewage sludge in accordance with the method specified at 40 CFR Part 261, Appendix II, Toxicity Characteristic Leaching Procedure (TCLP), or other approved method. Sludge shall be tested after final treatment prior to leaving the Publicly Owned Treatment

Works (POTW) site. Sewage sludge failing this test shall not be land applied and shall be handled in accordance to RCRA standards for the disposal of hazardous waste.

(2) Soils Analysis

Each land application site shall be soil tested in the Spring prior to application for the following parameters:

Nitrate-Nitrogen	Potassium
Phosphorus	Electric Conductivity (EC)
Magnesium	Cation Exchange Capacity (CEC)
pH	Cadmium
Copper	Zinc
Lead	Nickel

(3) Reporting

- (a) Annual reports shall be sent to the Department and to the owner of the land receiving sludge prior to May 1, which must include the following:

The sludge and soil analyses conducted under section 9.d.i.(1) & 9.d.i.(2) above (including a statement that the analyses were performed in accordance with EPA Document SW-846, "Test Methods for Evaluation of Solid Waste," or other procedures approved by the Director), application dates and locations, volumes of sludge applied (in dry tons/acre-year and gallons/acre-year of sludge), methods of disposal, identity of hauler, and type of crop grown, amounts of nitrogen applied, total metals added that year (lbs/acre), total metals applied to date, and copies of soil analyses for each site.

- (b) The permittee shall also maintain copies of the above records for Department personnel review at the sludge production facility.

- e. Additional Requirements For The Land Application Of Sludge on Any Land:
- i. The permittee shall be responsible for assuring that the land owner of any land application site not owned by the permittee and the waste applicator if different from the permittee abides by the conditions of this permit.
  - ii. Storage facilities (at production facility or disposal site) are required to store sludge during periods of inclement weather, equipment breakdown, frozen or snow-covered ground, or when access would damage the field or crop. Disposal site storage must be limited to less than ten (10) days unless the sludge is covered and a seepage barrier provided.
  - iii. In the event that storage is exceeded and sludge cannot be land applied, sludge shall be disposed of by an alternative method approved by the Director.
  - iv. Sludge shall be spread evenly over the application area and in no way shall sludge be allowed to enter the waters of the State.
  - v. Sludge shall not be applied to slopes with a gradient greater than 15%; or to soils that are saturated, frozen or covered with snow, and during rain or when precipitation is imminent.
  - vi. The permittee shall not cause any underground drinking water source to exceed the limitations in 40 CFR 257 Appendix I.
  - vii. The permittee shall not cause or contribute to the taking of life or the destruction or adverse modification of the critical habitat of any endangered or threatened species of plant, fish or wildlife.
  - viii. The permittee shall take all necessary measures to reduce obnoxious and offensive odors. Equipment shall be maintained and operated to prevent spillage and leakage.
  - ix. Disposal of sewage sludge in a floodplain shall not restrict the flow of the base flood, reduce

the temporary storage capacity of the floodplain, or result in a washout of solid waste, so as to pose a hazard to human life, wildlife or land and water uses.

- x. The permittee shall give 120 days prior notice to the Director of any change planned in the sewage sludge disposal practice.
- xi. All new application sites must have a management plan approved by the Department prior to use.

10. White River Temperature/Flow Criteria (July-September)

There shall be no discharge of wastewater effluent at outfall 001 to the White River during the months of July through September except when the temperature and flow of the receiving stream meet the following criteria:

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Stream Temperature, °C	Minimum Required Stream Flow, cfs
≤22	10
23-25	5
26	15
27	25
28	35
29	45

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For the months of July through September, the permittee shall maintain and report records of daily temperature and flow of the receiving stream (White River) to document compliance with the requirements herein. Temperature measurements shall be in-situ, once per day between the hours of 12:00 p.m. and 4:00 p.m., local time. Daily flow monitoring shall be USGS monitoring station data (USGS Station No. 7048600, White River at Highway 45).

Results of receiving stream temperature and flow measurements for each month (July through September) shall be reported on Discharge Monitoring Reports (DMR), see pages 1 and 2 of Part I, for reporting requirements. In addition to these DMRs, the permittee shall provide a supplemental sheet tabulating each months (July-September) daily effluent



discharge to the White River, which should not exceed 6.0 mgd, and the daily temperature and flow of the White River.

11. Illinois River Basin Water Quality Protection Requirements

a. Noncompliant Effluent Prohibition

- i. Should the effluent quality determinations reveal that the concentration of any pollutant exceeds the 7-day average discharge limitations specified on page 3 of Part I of the permit, the discharge to Mud Creek shall be halted and not restarted until the plant effluent problem is corrected.
- ii. Should the effluent quality determinations reveal that the concentrations of any pollutant exceeds the 30-day average discharge limitations specified on page 3 of Part I of the permit, the discharge to Mud Creek shall be halted and not restarted until the plant effluent problem is corrected.
- iii. For the CBOD<sub>5</sub> parameter, the compliance determination will be made six (6) days after the 7-day period under evaluation.

b. Bypassing and Upsets

- i. Effluent which has not received complete treatment (i.e., "bypassed" around any portion of the treatment plant) shall not be discharged to Mud Creek.
- ii. During periods of short-term noncompliance with effluent limitations ("upsets"), no effluent shall be discharged to Mud Creek.

c. Mud Creek Flow Limitations

- i. The 30-day average flow of treated effluent discharged to Mud Creek shall not exceed 50 percent of the 30-day average flow of treated effluent from the plant.
- ii. The 30-day average flow of treated effluent discharged to Mud Creek shall not exceed 6.1 million gallons per day (mgd).

12. Reporting

All reporting (including written notifications, oral notifications, and discharge monitoring reports) required by this permit shall, unless otherwise specified, be made concurrently to:

(1)  
Director  
Arkansas Department of  
Pollution Control & Ecology  
8001 National Drive  
P.O. Box 8913  
Little Rock, Arkansas 72219

(2)  
Director  
Water Management Division (6W)  
U.S. Environmental Protection  
Agency, Region VI  
1445 Ross Avenue  
Dallas, Texas 75202-2733

13. Permit Modification

- a. A joint Arkansas/Oklahoma/EPA water quality study of the Illinois River Basin is currently being conducted to determine the existing water quality, causative factors, and possible nutrient control measures.
- b. If the findings of this study indicate that more stringent limitations for Fayetteville's effluent are necessary to insure that water quality standards are met, then this permit will be modified to incorporate the more stringent limitations. This may require that additional treatment be provided or that City's discharge to Mud Creek cease.

## PART IV — SECTION A — DEFINITIONS

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

1. "Act" means the Clean Water Act, Public Law 95-217(33 U.S.C. 1251 et seq.) as amended.
2. "Administrator" means the Administrator of the U.S. Environmental Protection Agency.
3. "Applicable effluent standards and limitations" means all State and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, and pretreatment standards.
4. "Applicable water quality standards" means all water quality standards to which a discharge is subject under the federal Clean Water Act and which have been (a) approved or permitted to remain in effect by the Administrator following submission to the Administrator pursuant to Section 303(a) of the Act, or (b) promulgated by the Director pursuant to Section 303(b) or 303(c) of the Act, and standards promulgated under regulation No. 2, as amended, (regulation establishing water quality standards for surface waters of the State of Arkansas).
5. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
6. "Daily Discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the sampling day. "Daily discharge" determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be the arithmetic average (weighted by flow value) of all the samples collected during that sampling day.
7. "Daily Average" (also known as monthly average) discharge limitations means the highest allowable average of "daily discharge(s)" over a calendar month, calculated as the sum of all "daily discharge(s)" measured during a calendar month divided by the number of "daily discharge(s)" measured during that month. When the permit establishes daily average concentration effluent limitations or conditions, the daily average concentration means the arithmetic average (weighted by flow) of all "daily discharge(s)" of concentration determined during the calendar month where C = daily concentration, F = daily flow and n = number of daily samples, daily average discharge =
 
$$\frac{C1F1 + C2F2 + \dots + CnFn}{F1 + F2 + \dots + Fn}$$
8. "Daily Maximum" discharge limitation means the highest allowable "daily discharge" during the calendar month.
9. "Department" means the Arkansas Department of Pollution Control and Ecology (ADPCE).
10. "Director" means the Administrator of the U.S. Environmental Protection Agency and/or the Director of the Arkansas Department of Pollution Control and Ecology.
11. "Grab sample" means an individual sample collected in less than 15 minutes in conjunction with an instantaneous flow measurement.
12. "Industrial User" means a nondomestic discharger, as identified in 40 CFR 403, introducing pollutants to a publicly-owned treatment works.
13. "National Pollutant Discharge Elimination System" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Clean Water Act.
14. "POTW" means a Publicly Owned Treatment Works.
15. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in productions.
16. "ADPCE" means the Arkansas Department of Pollution Control and Ecology.
17. "Sewage sludge" means the solids, residues, and precipitate separated from or created in sewage by the unit processes of a publicly-owned treatment works. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and storm water runoff, that are discharged to or otherwise enter a publicly-owned treatment works.
18. "7-day average" discharge limitation, other than for fecal coliform bacteria, is the highest allowable arithmetic means of the values for all effluent samples collected during the calendar week. The 7-day average for fecal coliform bacteria is the geometric mean of the values of all effluent samples collected during the calendar week. The DMR should report the highest 7-day average obtained during the calendar month. For reporting purposes, the 7-day average values should be reported as occurring in the month in which the Saturday of the calendar week falls in.
19. "30-day average", other than for fecal coliform bacteria, is the arithmetic mean of the daily values for all effluent samples collected during a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. The 30-day average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar month.
20. "24-hour composite sample" consists of a minimum of 12 effluent portions collected at equal time intervals over the 24-hour period and combined proportional to flow or a sample collected at frequent intervals proportional to flow over the 24-hour period.
21. "12-hour composite sample" consists of 12 effluent portions collected no closer together than one hour and composited according to flow. The daily sampling intervals shall include the highest flow periods.
22. "6-hour composite sample" consists of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.
23. "3-hour composite sample" consists of three effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.
24. "Treatment works" means any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage and industrial wastes, of a liquid nature to implement section 201 of the Act, or necessary to recycle reuse water at the most economic cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities, and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.
25. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. Any upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventive maintenance, or careless or improper operations.
26. For "fecal coliform bacteria", a sample consists of one effluent grab portion collected during a 24-hour period at peak loads.
27. "Dissolved oxygen", shall be defined as follows:
  - a. When limited in the permit as a monthly minimum, shall mean the lowest acceptable monthly average value, determined by averaging all samples taken during the calendar month;
  - b. When limited in the permit as an instantaneous minimum value, shall mean that no value measured during the reporting period may fall below the stated value.
28. The term "MGD" shall mean million gallons per day.
29. The term "mg/l" shall mean milligrams per liter or parts per million (ppm)
30. The term "µg/l" shall mean micrograms per liter or parts per billion (ppb)

**STATE OF ARKANSAS**  
**DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY**

8001 NATIONAL DRIVE, P.O. BOX 8913  
LITTLE ROCK, ARKANSAS 72219-8913  
PHONE: (501) 562-7444  
FAX: (501) 562-4632

CERTIFIED MAIL: RETURN RECEIPT REQUESTED ( Z 415 798 053 )

June 9, 1995

Mr. Kevin Crosson, Public Works Director  
City of Fayetteville  
113 West Mountain Street  
Fayetteville Arkansas 72701

RE: Application to Discharge to Waters of the United States  
Permit Number AR0020010

Dear Mr. Crosson:

Pursuant to 40 CFR 122.62, the Department has concluded that cause exists for modification of the NPDES permit AR0020010. A copy of the proposed modified permit, fact sheet, and public notice is enclosed.

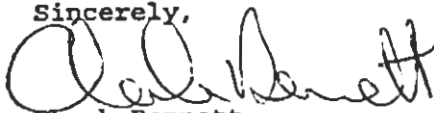
Please note that only those conditions subject to modification will be reopened for revision. A copy of the final permit will be mailed to you when the Director has made a final permit decision.

Federal law requires that all draft NPDES permits prepared by this Department complete a 30 day public notice period. The enclosed public notice will be published by ADPCE in the local paper of general circulation. Act 163 of 1993 requires the permit applicant to bear the expense of the notice's publication. Therefore, an invoice will be sent to you for the cost of publishing the public notice. Until this Department receives proof of publication, no further action will be taken on the modification of your NPDES permit.

Comments must be received at ADPCE prior to the close of the public comment period as shown in the enclosed public notice. The public comment period will begin on the date of publication and will end no sooner than 30 days from that date. Under the provisions of federal and state laws and regulations, all persons, including applicants, who believe any condition of a draft permit is inappropriate must raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by the close of the public comment period. Once a final permit is issued by the Director and becomes effective, the permittee must comply with all terms and conditions of the permit, or be subject to enforcement actions for any instances of noncompliance during the duration of the permit, usually five (5) years. Consequently, it is imperative that you, as the applicant, thoroughly review the enclosed documentation for accuracy, applicability, and your ability to comply with all conditions therein. Comments must be received at ADPCE prior to the close of the public comment period as shown in the enclosed public notice.

Should you have any questions concerning any part of the permit, please feel free to contact the Arkansas Department of Pollution Control and Ecology, NPDES Branch, at (501) 562-7444.

Sincerely,



Chuck Bennett  
Chief, Water Division

CB:mj

Enclosure

Arkansas Department of Pollution Control and Ecology NPDES authorization to discharge to waters of the United States, reissuance of permit number AR0020010.

The applicant's mailing address is:

City of Fayetteville  
113 West Mountain Street  
Fayetteville Arkansas 72701

The discharge from this existing facility is made into the West Fork of White River in Segment 4K of the White River Basin (outfall 001) and an unnamed tributary of Mud Creek in Segment 3J of the Arkansas River Basin (outfall 002). These are waters of the United States classified for primary contact recreation, secondary contact recreation, raw water source for public, industrial, and agricultural water supplies, propagation of desirable species of fish and other aquatic life, and other compatible uses. The discharge is located on that water as follows:

White River Outfall 001: Latitude : 36° 05' 00"  
Longitude: 94° 05' 00"  
Mud Creek Outfall 002: Latitude : 36° 05' 25"  
Longitude: 94° 06' 38"

One mile north of Lake Sequoyah in Sections 7 and 8, Township 16 North, Range 29 West, in Washington County, Arkansas.

At this facility, the sewage sludge disposal practice involves beneficial land application. The sludge produced at the treatment plant will be disposed of at the following location(s):

---

Landowner	Location
City of Fayetteville	Land application site (Permit No. 3195-W) is located on 670 acres due east of the WWTP, across the White River in Sections 4, 5, 8, and 9, Township 16 North, Range 29 West, in Washington County, Arkansas.

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A Fact Sheet is available upon request. Under the standard industrial classification (SIC) code 4952 the applicant's activity is the operation of a municipal wastewater treatment plant.

Modifications to the previously issued permit are:

1. The original "study and reopener" provision contained in the 1990 and draft 1992 Fayetteville permit has been added (Part III, Paragraph 13).
2. Part III, Paragraph 8 has been revised to require that biomonitoring be performed quarterly and reported for the duration of the permit.

## FACT SHEET

for modification of the proposed National Pollutant Discharge Elimination System (NPDES) Permit Number AR0020010 to discharge to waters of the United States.

The issuing office is:

Arkansas Department of Pollution Control and Ecology  
NPDES Branch  
8001 National Drive  
Post Office Box 8913  
Little Rock, Arkansas 72219-8913

The applicant is:

City of Fayetteville  
113 West Mountain Street  
Fayetteville, Arkansas 72701

1. The applicant currently operates a municipal wastewater treatment facility one mile north of Lake Sequoyah in Sections 7 and 8, Township 16 North, Range 29 West, in Washington County, Arkansas:

White River Outfall 001: Latitude : 36° 05' 00"  
Longitude: 94° 05' 00"  
Mud Creek Outfall 002: Latitude : 36° 05' 25"  
Longitude: 94° 06' 38"

2. As described in the application, the facility discharges into the West Fork of White River in Segment 4K of the White River Basin (outfall 001) and to an unnamed tributary of Mud Creek in Segment 3J of the Arkansas River Basin (outfall 002).
3. As found in Regulation No. 2, Arkansas Water Quality Standards, as amended, the receiving water is classified as primary contact recreation, secondary contact recreation, raw water source for public, industrial, and agricultural water supplies, propagation of desirable species of fish and other aquatic life, and other compatible uses.
4. The following is a quantitative description of the discharge as described in the application:
  - a. Design Flow: 12 MGD
  - b. Type of Treatment: Treatment includes screening, primary clarification, aeration, secondary clarification, filtration, chlorination, dechlorination, and post aeration.
  - c. Sludge generated by this facility is aerobically digested prior to land application.

Arkansas Department of Pollution Control and Ecology NPDES authorization to discharge to waters of the United States, reissuance of permit number AR0020010.

The applicant's mailing address is:

City of Fayetteville  
113 West Mountain Street  
Fayetteville Arkansas 72701

The discharge from this existing facility is made into the West Fork of White River in Segment 4K of the White River Basin (outfall 001) and an unnamed tributary of Mud Creek in Segment 3J of the Arkansas River Basin (outfall 002). These are waters of the United States classified for primary contact recreation, secondary contact recreation, raw water source for public, industrial, and agricultural water supplies, propagation of desirable species of fish and other aquatic life, and other compatible uses. The discharge is located on that water as follows:

White River Outfall 001: Latitude : 36° 05' 00"  
Longitude: 94° 05' 00"  
Mud Creek Outfall 002: Latitude : 36° 05' 25"  
Longitude: 94° 06' 38"

One mile north of Lake Sequoyah in Sections 7 and 8, Township 16 North, Range 29 West, in Washington County, Arkansas.

At this facility, the sewage sludge disposal practice involves beneficial land application. The sludge produced at the treatment plant will be disposed of at the following location(s):

Landowner	Location
City of Fayetteville	Land application site (Permit No. 3195-W) is located on 670 acres due east of the WWTP, across the White River in Sections 4, 5, 8, and 9, Township 16 North, Range 29 West, in Washington County, Arkansas.

A Fact Sheet is available upon request. Under the standard industrial classification (SIC) code 4952 the applicant's activity is the operation of a municipal wastewater treatment plant.

Modifications to the previously issued permit are:

1. The original "study and reopener" provision contained in the 1990 and draft 1992 Fayetteville permit has been added (Part III, Paragraph 13).
2. Part III, Paragraph 8 has been revised to require that biomonitoring be performed quarterly and reported for the duration of the permit.

The permit(s) will become effective on August 1, 1995 unless:

1. Comments received prior to June 15, 1995, in which case the permit will be effective September 1, 1995.
2. A public hearing is held requiring delay of the effective date.

The ADPCE contact person for submitting written comments, requesting information regarding the draft permit, and/or obtaining copies of the permit and the Fact Sheet is:

Mark Bradley, Engineer Supervisor, NPDES Permits Section  
Arkansas Department of Pollution Control and Ecology  
8001 National Drive  
Post Office Box 8913  
Little Rock, Arkansas 72219-8913 (501) 562-7444

NPDES comments and public hearing procedures may be found at 40 CFR 124.10 and 124.12 (49 Federal Register 14264, April 1, 1983, as amended at 49 Federal Register 38051, September 26, 1984). The period during which written comments on the draft permit may be submitted extends for 30 days from the date of this notice. During the comment period, any interested person may request a public hearing by filing a written request which must state the issues to be raised. A public hearing will be held if ADPCE finds a significant degree of public interest.

ADPCE will notify the applicant, and each person who has submitted written comments or requested notice, of the final permit decision. A final permit decision means a final decision to issue, deny, modify, revoke and reissue, or terminate a permit. Any interested person who has submitted comments may appeal a final decision by ADPCE in accordance with the Arkansas Department of Pollution Control and Ecology Regulation No. 8 (Administrative Procedures).