

# ADEQ

ARKANSAS  
Department of Environmental Quality

CERTIFIED MAIL RETURN RECEIPT REQUESTED: 91 7199 9991 7030 4905 7805

**OCT 25 2012**

Honorable James J. Hudson  
Mayor, City of Flippin  
P.O. Box 40  
Flippin, AR 72634

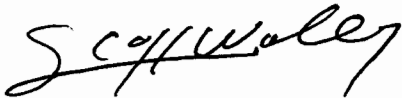
RE: NPDES Permit Number AR0021717, AFIN 45-00021

Dear Mayor Hudson:

This Certificate of Service constitutes notice of the Department's final permit decision and a copy of the final permit is enclosed.

All persons submitting written comments during the thirty (30) day public comment period, and all other persons entitled to do so, may request an adjudicatory hearing and Commission review on whether the decision of the Director should be reversed or modified. Such a request shall be in the form and manner required by Regulation 8.603, including filing a written Request for Hearing with the APC&E Commission Secretary at 101 E. Capitol Ave., Suite 205, Little Rock, Arkansas 72201 within thirty (30) calendar days of the date of issuance of this final permit decision as provided in Reg. 8.211(B)(1). If you have any questions about filing the request, please call the Commission at 501-682-7890.

I, Scott Waller, hereby certify that a copy of this permit has been mailed by first class mail to Honorable James J. Hudson at P.O. Box 40 in Flippin, AR 72634.



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Scott Waller  
Administrative Assistant, Water Division



45-00021

Date: 4-5-2012

PERMIT NUMBER: <u>AR0021717</u>		Name: <u>City of Flippin WWTP</u>			
A A	Issue Deficiency Letter (Code to PCS)	Initials <u>YW</u>	Date <u>4-6-2012</u>		
	Issue Completeness Letter (Files moved to E Drive)	Initials <u>YW</u>	Date <u>4-20-2012</u>		
	Reviewer:	Due Date:			
E N G I N E E R	New ___ Renewal <input checked="" type="checkbox"/> Modification ___ Revoke & Reissue ___ Construction ___ Major ___ Minor <input checked="" type="checkbox"/>				
	MAY AFFECT WATER OF ANOTHER STATE? Yes ___ (State ___ ) No ___				
	POTW ___ EPA Checklist? Yes ___ No ___ N/A ___ Date ___ On E Drive? ___				
	Industrial ___ MRAT Points? ___ EPA Checklist? Yes ___ No ___ N/A ___ Date ___				
	Check Legal Name in Secretary of States Website and Print? Date ___ N/A ___				
	303(d) List: Yes ___ No ___ TMDL: Yes ___ No ___				
	Current Flow: ___ MGD Fee Code? ___ New Flow: ___ MGD Fee Code? ___				
	Invoice Request Sent? Yes ___ No ___ Date ___ N/A ___				
	Financial Assurance? Requested Date ___ Received Date ___ N/A ___				
	WQMP Information Required? Yes ___ No ___ Date Requested: ___				
Site Visit? Yes ___ No ___ Date ___					
PERMIT ROUTING		1 <sup>st</sup> Review		2 <sup>nd</sup> Review	
		Initials	Date	Initials	Date
DRAFT PERMIT PREPARED					
WHOLE EFFLUENT TOXICITY (W/in 3 days)					
PRETREATMENT (W/in 3 days)					
LAND APPLICATION (W/in 3 days)					
OTHERS AS REQUIRED ( )					
ENGINEER					
ENGINEER SUPERVISOR		<u>KAF</u>	<u>8/10/12</u>	<u>KAF</u>	<u>8/21/12</u>
BRANCH MANAGER		<u>GB</u>	<u>8/17/12</u>	<u>GB</u>	<u>8/22/12</u>
ASSISTANT CHIEF					
CHIEF					
SECRETARY				<u>WA</u>	<u>8/24</u>
PERMIT CODING					
PCS (Enforcement)					

REMARKS: \_\_\_\_\_

**NPDES PERMIT PROCESSING**

**Action**

Public Notice of Draft Permit Sent to Local Newspaper  
 Public Notice of Draft Permit Coded to PCS  
 Public Notice Saved on E:\ Drive with Correct Date  
 Proof of Payment for Public Notice Received

**Initials**

PH  
PH  
PH  
 \_\_\_\_\_

**Date**

8/29  
8/29  
8/29  
 \_\_\_\_\_

Permit Fee Code	Description	Annual Fee	Reg. 9 Section
A	Minors <u>with</u> toxic or priority pollutants	200 + (21500 x MGD) Maximum = \$15,000	403(C)(2)
B	Minors <u>without</u> toxic or priority pollutants	200 + (5600 x MGD) Maximum = \$10,000	403(C)(1)
C	Non-contact cooling water (including non-major power plants) and non-contaminated storm water discharges	200 + (700 x MGD) Maximum = \$10,000	403(C)(5)
J	Non-Municipal Majors with MRAT of 100 or greater	\$15,000	403(A)(1)
K	Non-Municipal Majors with MRAT of less than 100	\$11,000	403(A)(3)
L	Discretionary Majors	See K above	403(A)(3)
M	Major Municipals	\$5,000 + (900 x (MGD-1))	403(B)
	Modification:		
	Major Facilities:		
	Major Modification	\$5000	403(A),(B)
	Minor Modification	\$1000	403 (A),(B)
	Minor Facilities:		
	Major Modification	\$2000	403(C)
	Minor Modification	\$1000	403 (C)
	Non-contact cooling water		
	Major Modification	\$2000	403(C)(5)(b)(i)
	Minor Modification	\$1000	403(C)(5)(b)(ii)
	Variable Discharge	\$300	403(C)(7)
P	Variable Discharge (i.e., storm water and land clearing not elsewhere addressed, sand & gravel, mining, etc.)	\$300	403(C)(7)
O	Aquatic Animal Production Facilities (Fish Hatchery)		
	Initial/Annual Modification:	\$2500	403(C)(6)
	Major Modification	\$2000	403(C)(6)
	Minor Modification	\$500	403(C)(6)

## Final Permit Review

**Permittee Name:** City of Flippin

**Permit Number:** AR0021717

	Initials	Date Initialed
<p><b>Permit Writer (Marysia Jastrzebski, P.E.)</b> <i>(by the 20<sup>th</sup> of the month)</i></p> <p>Proof of publication and payment been received?     <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No     If not, give to Secretary</p> <p>Were comment letters received?                             <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p>Are cover page dates completed?                           <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Has FA been received (subdivisions)     N/A                 <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Has draft and public notice information been removed?   <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Saved in E:\NPDES\Permits                                     <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>    AR0021717_Renewal Final_20121031</p> <p>    AR00XXXXX_Final Modification_issue date</p> <p>Is folder complete for scanning:</p> <p>    Permit    <input type="checkbox"/>    Technical    <input type="checkbox"/>    Correspondence    <input type="checkbox"/></p> <p>Were duplicates and revisions removed from all folders?   <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p>Were all changes made in the database?                     <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p>Final permit with attachments ready for final?             <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>   <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p>	mj	10/17/2012
<p><b>Shane Byrum (within 1 day) *</b></p> <p>Is WQMP updated and approved by EPA?                     <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p>	SB	10/19/12
<p><b>Scott Waller (within 1 day)</b></p> <p>All ADEQ fees paid in PDS?                                     <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>3 Blank DMR Forms attached?                                   <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Complete Certification of Service Letter?                     <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Ready for Kim Review?     <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p>	SW	10-17-12
<p><b>Kim Fuller</b></p>	KAF	10/19/12
<p><b>John Bailey</b></p>		
<p><b>Mo Shafii</b></p>		

\* Shane,  
The 208 Plan needs to be revised to add the effluent limitation of 3.9 mg/l for the Ammonia Nitrogen for the month of April.



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

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

City of Flippin

is authorized to discharge treated municipal wastewater from a facility located as follows: 222 East Industrial Drive, Flippin, AR, one block north of Highway 62/412 on Eight Street, then into East Industrial Drive. Follow to dead-end at facility in Marion County, Arkansas.

Facility Coordinates: Latitude: 36° 16' 56"; Longitude: 92° 35' 03"

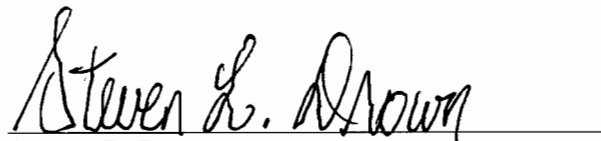
Receiving stream: Fallen Ash Creek, thence into the White River in Segment 4I of the White River Basin.

The permitted outfall is located at the following coordinates:

Outfall 001: Latitude: 36° 17' 00"; Longitude: 92° 35' 10"

Discharge shall be in accordance with effluent limitations, monitoring requirements, and other conditions set forth in this permit. Per Part III.D.10, the permittee must re-apply on or before 180 days prior to the expiration date listed below for permit coverage past the expiration date.

Effective Date: November 1, 2012  
Expiration Date: October 31, 2017



Steven L. Drown  
Chief, Water Division  
Arkansas Department of Environmental Quality

25 OCT 12  
Issue Date





**PART I  
 PERMIT REQUIREMENTS**

**SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 001 - treated municipal wastewater.**

During the period beginning on the effective date and lasting until the date of expiration, the permittee is authorized to discharge from Outfall 001. Such discharges shall be limited and monitored by the permittee as specified below as well as Parts II and III. See Part IV for all definitions and calculations.

<u><b>Effluent Characteristics</b></u>	<u><b>Discharge Limitations</b></u>			<u><b>Monitoring Requirements</b></u>	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
		Monthly Avg.	Monthly Avg.		
Flow	N/A	Report, MGD	Report, MGD (Daily Maximum)	Five/week	Instantaneous
Overflows	Monthly Total SSOs (occurrences/month)			See Comments <sup>1</sup>	
Overflow Volume	Monthly Total Volume of SSOs (gallons/month)			See Comments <sup>1</sup>	
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	14.6	10	15	One/month	Grab
Total Suspended Solids (TSS)	21.9	15	22.5	One/month	Grab
Ammonia Nitrogen (NH <sub>3</sub> -N)					
(April)	5.7	3.9	3.9	One/month	Grab
(May-Oct)	2.9	2	3	One/month	Grab
(Nov-March)	13	9	10.3	One/month	Grab
Dissolved Oxygen (DO)					
(May-Oct)	N/A	7.6, (Inst. Min.)		One/month	Grab
(Nov-Apr)	N/A	9.2, (Inst. Min.)		One/month	Grab
Fecal Coliform Bacteria (FCB)		(colonies/100ml)			
(Apr-Sept)	N/A	200	400	One/month	Grab
(Oct-Mar)	N/A	1000	2000	One/month	Grab
pH	N/A	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	One/month	Grab

<sup>1</sup> See Condition No. 5 of Part II (SSO Condition). If there are no overflows during the entire month, report "zero" (0).

There shall be no discharge of distinctly visible solids, scum, or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits, or sludge banks. There shall be no visible sheen as defined in Part IV of this permit.

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. Samples shall be taken after post-aeration. Flow shall be measured after UV disinfection and prior to post-aeration.



**SECTION B. PERMIT COMPLIANCE**

Compliance is required on the effective date of the permit.



## PART II OTHER CONDITIONS

1. The operator of this wastewater treatment facility shall be licensed as Class III by the State of Arkansas in accordance with APCEC Regulation No. 3.
2. For publicly owned treatment works, the 30-day average percent removal for Carbonaceous Biochemical Oxygen Demand (CBOD5) and Total Suspended Solids shall not be less than 85 percent unless otherwise authorized by the permitting authority in accordance with 40 CFR Part 133.102, as adopted by reference in APCEC Regulation No. 6. The permittee must monitor the influent and effluent CBOD5 and TSS at least once per year and calculate the percent removal to ensure compliance with the required 85 percent removal. This information must be maintained on site and provided to Department personnel upon request.
3. In accordance with 40 CFR Parts 122.62 (a)(2) and 124.5, this permit may be reopened for modification or revocation and/or reissuance to require additional monitoring and/or effluent limitations when new information is received that actual or potential exceedance of State water quality criteria and/or narrative criteria are determined to be the result of the permittee's discharge(s) to a relevant water body or a Total Maximum Daily Load (TMDL) is established or revised for the water body that was not available at the time of the permit issuance that would have justified the application of different permit conditions at the time of permit issuance.
4. Other Specified Monitoring Requirements

The permittee may use alternative appropriate monitoring methods and analytical instruments other than as specified in Part I Section A of the permit without a major permit modification under the following conditions:

- The monitoring and analytical instruments are consistent with accepted scientific practices;
- The requests shall be submitted in writing to the Permits Section of the Water Division of the ADEQ for use of the alternate method or instrument.
- The method and/or instrument is in compliance with 40 CFR Part 136 or approved in accordance with 40 CFR Part 136.5; and
- All associated devices are installed, calibrated, and maintained to insure the accuracy of the measurements and are consistent with the accepted capability of that type of device. The calibration and maintenance shall be performed as part of the permittee's laboratory Quality Control/Quality Assurance program.

Upon written approval of the alternative monitoring method and/or analytical instruments, these methods or instruments must be consistently utilized throughout the monitoring period. ADEQ must be notified in writing and the permittee must receive written approval from ADEQ if the permittee decides to return to the original permit monitoring requirements.

5. Sanitary Sewer Overflow (SSO) Reporting Requirements:

All SSOs are prohibited.

A. A sanitary sewer overflow is any spill, release or diversion of wastewater from a sanitary sewer collection system including:

1. Any overflow, whether it discharges to the waters of the state or not; or
2. An overflow of wastewater, including a wastewater backup into a building (other than a backup caused solely by a blockage or other malfunction in a privately owned sewer or building lateral), even if that overflow does not reach waters of the state.

B. Immediate Reporting

Overflows that endanger health or the environment shall be orally reported to the Enforcement Branch of the Water Division by telephone (501-682-0638) or by email [waterenfssso@adeq.state.ar.us](mailto:waterenfssso@adeq.state.ar.us) within 24 hours from the time the permittee becomes aware of the circumstance.

C. Follow-Up Written Reports/email:

A written report of overflows that endanger health or the environment shall be provided to ADEQ within 5 days of the time the permittee becomes aware of the circumstance.

At a minimum, the report shall identify:

1. The location(s) of overflow;
2. The receiving water (If there is one);
3. The duration of overflow;
4. Cause of overflow; and
5. The estimated volume of overflow (gal).

A 24-hr and 5-day follow-up written report can be filled-in or downloaded from the ADEQ /Water Division/Enforcement Branch Web page at

[http://www.adeq.state.ar.us/water/branch\\_enforcement/forms/sso\\_report.asp](http://www.adeq.state.ar.us/water/branch_enforcement/forms/sso_report.asp)

D. Reporting for All SSOs

Sanitary sewer overflows that enter waters of the state, either directly or through a storm sewer or other conveyance shall be reported on your monthly operating reports. For counting occurrences, each location on the sanitary sewer system where there is an overflow, spill, release, or diversion of wastewater on a given day is counted as one occurrence. For example, if on a given day overflows occur from a manhole at one location and from a damaged pipe at another location and they both enter waters of the state, you should record two occurrences for that day. If overflows from both locations

continue on the following day, you should record two occurrences for the following day. **At the end of the month, total the daily occurrences and volumes from all locations on your system and report this number on the DMR.**

6. Best Management Practices (BMPs), as defined in Part IV.6, must be implemented for the facility along with the collection system to prevent or reduce the pollution of waters of the State from stormwater runoff, spills or leaks, sludge or waste disposal, or drainage from raw sewage. The permittee must amend the BMPs whenever there is a change in the facility or a change in the operation of the facility.
7. Contributing Industries and Pretreatment Requirements
  - A. The following pollutants may not be introduced into the treatment facility:
    1. Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;
    2. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works are specifically designed to accommodate such discharges;
    3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, resulting in Interference\* or pass through\*\*;
    4. Any pollutant, including oxygen demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration which will cause Pass Through\*\* or Interference\* with the POTW;
    5. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference\*, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees Centigrade (104 degrees Fahrenheit) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits;
    6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference\* or Pass Through\*\*;
    7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; and/or
    8. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

- B. The permittee shall require any indirect discharger to the treatment works to comply with the reporting requirements of Sections 204(b), 307, and 308 of the Act, including any requirements established under 40 CFR Part 403.
- C. The permittee shall provide adequate notice to the Department of the following:
1. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 or 306 of the Act if it were directly discharging those pollutants; and
  2. 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.

Any 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.

- \* According to 40 CFR Part 403.3(k) the term *Interference* means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
1. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
  2. Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued under (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
- \*\* According to 40 CFR 403.3(p) the term *Pass Through* means a Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).



**PART III  
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; and/or for denial of a permit renewal application. **Any values reported in the required Discharge Monitoring Report (DMR) which are in excess of an effluent limitation specified in Part I 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 twenty-five thousand dollars (\$25,000) or by both such fine and imprisonment for each day of such violation. Any person who violates any provision of a permit issued under the Act may also be subject to civil penalty in such amount as the court shall find appropriate, not to exceed ten thousand dollars (\$10,000) for each day of such violation. The fact that any such violation may constitute a misdemeanor shall not be a bar to the maintenance of such civil action.

**3. Permit Actions**

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

- A. Violation of any terms or conditions of this permit; or
- B. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- C. A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
- D. 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.
- E. Failure of the permittee to comply with the provisions of APCEC Regulation No. 9 (Permit fees) as required by Part III.A.11 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 III.A.3, if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under APCEC Regulation No. 2, as amended, or Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitations on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standards or prohibition and the permittee so notified.

The permittee shall comply with effluent standards, narrative criteria, or prohibitions established under APCEC Regulation No. 2, 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 for “Bypass of Treatment Facilities” (Part III.B.4), and “Upset” (Part III.B.5), nothing in this permit shall be construed to relieve the permittee from civil or criminal 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 (Ark. Code Ann. § 8-4-101 et seq.).

#### **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 to 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 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, and if any provision of this permit, or the application of any provisions of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

**10. Applicable Federal, State or Local Requirements**

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

**11. Permit Fees**

The permittee shall comply with all applicable permit fee requirements (i.e., including annual permit fees following the initial permit fee that will be invoiced every year the permit is active) for wastewater discharge permits as described in APCEC 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 Parts 122.64 and 124.5(d), as adopted in APCEC Regulation No. 6 and the provisions of APCEC Regulation No. 8.

**SECTION B – OPERATION AND MAINTENANCE OF POLLUTION CONTROLS****1. Proper Operation and Maintenance**

- A. 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.
- B. The permittee shall provide an adequate operating staff which is duly qualified to carryout operation, maintenance, and testing functions required to insure compliance with the conditions of this permit.

**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 an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power for the treatment facility is reduced, is lost, or alternate power supply fails.

### **3. Duty to Mitigate**

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

### **4. Bypass of Treatment Facilities**

#### **A. 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 provisions of Parts III.B.4.b and 4.c.

#### **B. 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 III.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 or preventive maintenance; and
  - (c) The permittee submitted notices as required by Part III.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 III.B.4.c.(1).

## **5. Upset Conditions**

- A. 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 III.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 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 specific 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 III.D.6; and
  4. The permittee complied with any remedial measures required by Part III.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 waste waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering the waters of the State. Written approval must be obtained from the ADEQ prior to removal of substances. Additionally, the permittee shall give at least 120 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). Produced sludge shall be disposed of by land application only when meeting the following criteria:

- A. Sewage sludge from treatment works treating domestic sewage (TWTDS) must meet the applicable provisions of 40 CFR Part 503; and
- B. The sewage sludge has not been classified as a hazardous waste under state or federal regulations.

## **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 waste stream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Director. Intermittent discharge shall be monitored.

### 2. Flow Measurement

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 +/- 10% from true discharge rates throughout the range of expected discharge volumes and shall be installed at the monitoring point of the discharge.

#### Calculated Flow Measurement

For calculated flow measurements that are performed in accordance with either the permit requirements or a Department approved method (i.e., as allowed under Part II.3), the +/- 10% accuracy requirement described above is waived. This waiver is only applicable when the method used for calculation of the flow has been reviewed and approved by the Department.

### 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 provided by the Department or other form/method approved in writing by the Department (e.g., electronic submittal of DMR once approved). Monitoring results obtained during the previous monitoring period shall be summarized and reported on a DMR form postmarked no later than the 25<sup>th</sup> day of the month or submitted electronically by 6:00 p.m. of the 25<sup>th</sup> (after NETDMR is approved), following the completed reporting period beginning on the effective date of the permit. When mailing the DMRs, duplicate copies of the forms signed and certified as required by Part III.D.11 and all other reports required by Part III.D, shall be submitted to the Director at the following address:

Enforcement Branch  
Water Division  
Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, AR 72118-5317

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 Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the 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 individuals(s) who performed the sampling or measurements;
- C. The date(s) and time analyses were performed;
- 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 within 180 days and provide plans and specification (if applicable) to the Director for review and approval prior to any planned physical alterations or additions to the permitted facility. In no case are any new connections, increased flows, removal of substances, or significant changes in influent quality permitted that 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 III.C.5. **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 I of the permit to be reported within 24 hours to the Enforcement Section of the Water Division of the ADEQ.

C. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours to the Enforcement Section of the Water Division of the ADEQ.

#### 7. **Other Noncompliance**

The permittee shall report all instances of noncompliance not reported under Parts III.D.4, 5, and 6, at the time monitoring reports are submitted. The reports shall contain the information listed at Part III.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 on a routine or frequent basis of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the “notification levels” described in 40 CFR Part 122.42(a)(1); or
- 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).

## **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 APCEC Regulation No. 6.

## **11. Signatory Requirements**

All applications, reports, or information submitted to the Director shall be signed and certified as follows:

- 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:
    - (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - (b) The manager of one or more manufacturing, production, or operation facilities, provided: the manager is authorized to make management decisions which

govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. For a partnership or sole proprietorship: by a general partner or 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:
    - (a) The chief executive officer of the agency, or
    - (b) 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 APCEC Regulation No. 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 Environmental Quality. 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 III.A.2. and/or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 et seq.).

**14. Applicable Federal, State or Local Requirements**

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

## PART IV DEFINITIONS

All definitions contained in Section 502 of the Clean Water Act and 40 CFR 122.2 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. **“APCEC”** means the Arkansas Pollution Control and Ecology Commission.
4. **“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.
5. **“Applicable water quality standards”** means all water quality standards to which a discharge is subject under the federal Clean Water Act and which has 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 (APCEC) Regulation No. 2, as amended.
6. **“Best Management Practices (BMPs)”** are activities, practices, maintenance procedures, and other management practices designed to prevent or reduce the pollution of waters of the State. BMPs also include treatment technologies, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw sewage. BMPs may include structural devices or nonstructural practices.
7. **“Bypass”** As defined at 122.41(m).
8. **“Composite sample”** is a mixture of grab samples collected at the same sampling point at different times, formed either by continuous sampling or by mixing a minimum of 4 effluent portions collected at equal time intervals (but not closer than one hour apart) during operational hours, within the 24-hour period, and combined proportional to flow or a sample collected at more frequent intervals proportional to flow over the 24-hour period.
9. **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.
  - A. **Mass Calculations:** For pollutants with limitations expressed in terms of mass, the “daily discharge” is calculated as the total mass of pollutant discharged over the sampling day.
  - B. **Concentration Calculations:** For pollutants with limitations expressed in other units of measurement, the “daily discharge” is calculated as the average measurement of the pollutant over the day.
10. **Daily Maximum** discharge limitation means the highest allowable “daily discharge” during the calendar month. The 7-day average for Fecal Coliform Bacteria (FCB) or E-Coli is the geometric mean of the values of all effluent samples collected during the calendar week in colonies per 100 ml.
11. **“Department”** means the Arkansas Department of Environmental Quality (ADEQ).
12. **“Director”** means the Director of the Arkansas Department of Environmental Quality.
13. **“Dissolved oxygen limit”**, shall be defined as follows:

- A. When limited in the permit as a minimum monthly average, 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.
14. **“E-Coli”** a sample consists of one effluent grab portion collected during a 24-hour period at peak loads. For E-Coli, report the monthly average as a 30-day geometric mean in colonies per 100 ml.
15. **“Fecal Coliform Bacteria (FCB)”**a sample consists of one effluent grab portion collected during a 24-hour period at peak loads. For Fecal Coliform Bacteria (FCB) report the monthly average as a 30-day geometric mean in colonies per 100 ml.
16. **“Grab sample”** means an individual sample collected in less than 15 minutes in conjunction with an instantaneous flow measurement.
17. **“Industrial User”** means a nondomestic discharger, as identified in 40 CFR Part 403, introducing pollutants to a POTW.
18. **“Instantaneous Maximum”** when limited in the permit as an instantaneous maximum value, shall mean that no value measured during the reporting period may fall above the stated value.
19. **“Instantaneous Minimum”** an instantaneous minimum value, shall mean that no value measured during the reporting period may fall below the stated value.
20. **“Monthly average”** means the highest allowable average of “daily discharges” over 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. For Fecal Coliform Bacteria (FCB) or E-Coli, report the monthly average.
21. **“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.
22. **“POTW”** means a Publicly Owned Treatment Works.
23. **“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 products.
24. **“Sewage sludge”** means the solids, residues, and precipitate separated from or created in sewage by the unit processes at a POTW. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and stormwater runoff that are discharged to or otherwise enter a POTW.
25. **“7-day average”** Also known as Average weekly. means the highest allowable average of “daily discharges” over a calendar week, calculated as the sum of all “daily discharges” measured during a calendar week divided by the number of “daily discharges” measured during that week.
26. **“Treatment works”** means any devices and systems used in 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.

27. **“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 of improper operations.
28. **“Visible sheen”** means the presence of a film or sheen upon or a discoloration of the surface of the discharge. A sheen can also be from a thin glistening layer of oil on the surface of the discharge.
29. **“MGD”** shall mean million gallons per day.
30. **“mg/l”** shall mean milligrams per liter or parts per million (ppm).
31. **“µg/l”** shall mean micrograms per liter or parts per billion (ppb).
32. **“cfs”** shall mean cubic feet per second.
33. **“ppm”** shall mean parts per million.
34. **“s.u.”** shall mean standard units.
35. **“Weekday”** means Monday – Friday.
36. **Monitoring and Reporting:**

When a permit becomes effective, monitoring requirements are of the immediate period of the permit effective date. Where the monitoring requirement for an effluent characteristic is monthly or more frequently, the Discharge Monitoring Report (DMR) shall be submitted by the 25<sup>th</sup> of the month following the sampling. Where the monitoring requirement for an effluent characteristic is Quarterly, Semi-Annual, Annual, or Yearly, the DMR shall be submitted by the 25<sup>th</sup> of the month following the monitoring period end date.

**A. MONTHLY:**

is defined as a calendar month or any portion of a calendar month for monitoring requirement frequency of once/month or more frequently.

**B. BI-MONTHLY:**

is defined as two (2) calendar months or any portion of 2 calendar months for monitoring requirement frequency of once/2 months or more frequently.

**C. QUARTERLY:**

1. is defined as a **fixed calendar quarter** or any part of the fixed calendar quarter for a non-seasonal effluent characteristic with a measurement frequency of once/quarter. Fixed calendar quarters are: January through March, April through June, July through September, and October through December; or
2. is defined as a **fixed three month period** (or any part of the fixed three month period) of or dependent upon the seasons specified in the permit for a seasonal effluent characteristic with a monitoring requirement frequency of once/quarter that does not coincide with the fixed calendar quarter. Seasonal calendar quarters are: May through July, August through October, November through January, and February through April.

**D. SEMI-ANNUAL:**

is defined as the fixed time periods January through June, and July through December (or any portion thereof) for an effluent characteristic with a measurement frequency of once/6 months or twice/year.

**E. ANNUAL or YEARLY:**

is defined as a fixed calendar year or any portion of the fixed calendar year for an effluent characteristic or parameter with a measurement frequency of once/year. A calendar year is January through December, or any portion thereof.

**37. Reduction of BOD5 or CBOD5 and TSS in mg/l Formula:**

$((\text{Influent} - \text{Effluent}) / \text{Influent}) \times 100$



## **Final Statement of Basis**

This final Statement of Basis is for information and justification of the permit limits only. Please note that it is not enforceable. This final permitting decision is for renewal of the discharge Permit Number AR0021717 with Arkansas Department of Environmental Quality (ADEQ) Facility Identification Number (AFIN) 45-00021 to discharge to Waters of the State.

### **1. PERMITTING AUTHORITY.**

The issuing office is:

Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, Arkansas 72118-5317

### **2. APPLICANT.**

The applicant's mailing address is:

City of Flippin  
P.O. Box 40  
Flippin, AR 72634

The facility address is:

City of Flippin  
222 East Industrial Drive  
Flippin, AR 72634

### **3. PREPARED BY.**

The permit was prepared by:

Marysia Jastrzebski, P.E.  
Staff Engineer  
Discharge Permits Section, Water Division  
(870)446-5939  
E-mail: [marysia@adeq.state.ar.us](mailto:marysia@adeq.state.ar.us)

### **4. PERMIT ACTIVITY.**

Previous Permit Effective Date:	11/01/2007
Previous Permit Expiration Date:	10/31/2007

The permittee submitted a permit renewal application on 3/30/2012. The current discharge permit is being reissued for a 5-year term in accordance with regulations promulgated at 40 CFR Part 122.46(a).

### DOCUMENT ABBREVIATIONS

In the document that follows, various abbreviations are used. They are as follows:

BAT - best available technology economically achievable  
BCT - best conventional pollutant control technology  
BMP - best management practice  
BOD<sub>5</sub> - five-day biochemical oxygen demand  
BPJ - best professional judgment  
BPT - best practicable control technology currently available  
CBOD<sub>5</sub> - carbonaceous biochemical oxygen demand  
CD - critical dilution  
CFR - Code of Federal Regulations  
cfs - cubic feet per second  
COD - chemical oxygen demand  
COE - United States Corp of Engineers  
CPP - continuing planning process  
CWA - Clean Water Act  
DMR - discharge monitoring report  
DO - dissolved oxygen  
ELG - effluent limitation guidelines  
EPA - United States Environmental Protection Agency  
ESA - Endangered Species Act  
FCB - fecal coliform bacteria  
gpm - gallons per minute  
MGD - million gallons per day  
MQL - minimum quantification level  
NAICS - North American Industry Classification System  
NH<sub>3</sub>-N - ammonia nitrogen  
NO<sub>3</sub> + NO<sub>2</sub>-N - nitrate + nitrite nitrogen  
NPDES - National Pollutant Discharge Elimination System  
O&G - oil and grease  
Reg. 2 - APCEC Regulation No. 2  
Reg. 6 - APCEC Regulation No. 6  
Reg. 8 - APCEC Regulation No. 8  
Reg. 9 - APCEC Regulation No. 9  
RP - reasonable potential  
SIC - standard industrial classification  
TDS - total dissolved solids  
TMDL - total maximum daily load  
TP - total phosphorus  
TRC - total residual chlorine

TSS - total suspended solids  
UAA - use attainability analysis  
USF&WS - United States Fish and Wildlife Service  
WET - Whole effluent toxicity  
WQMP - water quality management plan  
WQS - Water Quality standards  
WWTP - wastewater treatment plant

DMR Review:

The Discharge Monitoring Reports (DMR's) for the last three years were reviewed during the permit renewal process. There was one violation of the effluent limitations (Ammonia Nitrogen in April 2012). No permit action is necessary.

Legal Order Review:

There are currently no active Consent Administrative Orders (CAOs) or Notice of Violations (NOVs) for this facility.

**5. SIGNIFICANT CHANGES FROM THE PREVIOUSLY ISSUED PERMIT.**

The permittee is responsible for carefully reading the permit in detail and becoming familiar with all of the changes therein:

1. The Monthly Average effluent limitations for Ammonia Nitrogen of 3.9 mg/l for the month of April have been added. See Page 8 below for explanation.
2. The effluent limitations for Dissolved Oxygen have been changed from Monthly Avg. Min. to Instantaneous Min. See page 8 below for explanation.
3. The Monthly Total number of Sanitary Sewer Overflows(SSOs) and the Monthly Total Volume of SSOs must be reported on the Discharge Monitoring Reports.
4. A requirement to monitor the influent for CBOD5 and TSS at least once per year has been added to the current Condition No. 2 of Part II. This requirement for testing at least once per year is included to clarify that the facility must test influent and effluent to show compliance with 40 CFR 133.102 which requires the 30-day average percent removal for CBOD5 and TSS of not less than 85 percent.
6. Condition No. 6 addressing Best Management Practices has been included in Part II of the permit. Section 402(a)(1) of the Clean Water Act authorizes the incorporation of BMPs into permits. This requirement is further addressed in 40 CFR 122.44(k) which states that NPDES permit may require BMPs to control and abate the discharge of pollutants if numeric effluent limitations are infeasible and the practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA. Since there is a potential for other pollutants, not specifically limited in this NPDES permit, to be present in any municipal wastewater BMP requirements are included in lieu of limits.
7. Part II, III, and IV have been revised.

**6. RECEIVING STREAM SEGMENT AND DISCHARGE LOCATION.**

The outfall is located at the following coordinates based on the existing permit:

Latitude: 36° 17' 00" Longitude: 92° 35' 10"

The receiving waters named:

Fallen Ash Creek, thence into the White River in Segment 4I of the White River Basin. The receiving stream does not have an assigned reach number. It eventually empties into the White River within USGS Hydrologic Unit Code (H.U.C) of 11010003 and reach # 002. The receiving stream is a Water of the State classified for primary and secondary contact recreation, raw water source for domestic (public and private), industrial, and agricultural water supplies, propagation of desirable species of fish and other aquatic life, and other compatible uses.

**7. 303(d) LIST, ENDANGERED SPECIES, AND ANTI-DEGRADATION CONSIDERATIONS.**

**A. 303(d) List:**

The receiving stream is not listed on the 2008 303(d) list. Therefore no permit action is needed.

**B. Endangered Species:**

No comments on the application were received from the U.S. Fish and Wildlife Service (USF&WS).

**C. Anti-Degradation:**

The limitations and requirements set forth in this permit for discharge into waters of the State are consistent with the Antidegradation Policy and all other applicable water quality standards found in APC&EC Regulation No. 2.

**8. OUTFALL, TREATMENT PROCESS DESCRIPTION, AND FACILITY CONSTRUCTION.**

The following is a description of the facility described in the application:

A. Design Flow: 0.175 MGD

B. Type of Treatment: vortex screen, oxidation ditch, final clarifiers, dosing tank, intermittent sand filter, ultra violet disinfection, post-aeration.

C. Discharge Description: treated municipal wastewater

D. Facility Status: This facility is classified as a Minor municipal since the design flow of the facility listed above is less than 1.0 MGD.

E. Facility Construction: This permit does not authorize or approve the construction or modification of any part of the treatment system or facilities. Approval for such construction must be by permit issued under Reg. 6.202.

**9. ACTIVITY.**

Under the Standard Industrial Classification (SIC) code of 4952 or North American Industry Classification System (NAICS) code of 22132, the applicant's activities are the operation of a sewage treatment plant.

**10. INDUSTRIAL WASTEWATER CONTRIBUTIONS.**

**NO INDUSTRIAL USERS**

Currently, it does not appear the permittee receives process wastewater from any significant industrial users as defined by 40 CFR Part 403.3(v). Standard boilerplate Pretreatment Prohibitions (40 CFR Part 403.5[b]) and reporting requirements are deemed appropriate at this time.

**11. SEWAGE SLUDGE PRACTICES.**

Sludge is transported to the landfill.

**12. PERMIT CONDITIONS.**

The Arkansas Department of Environmental Quality has made a determination to issue a final permit for the discharge described in the application. Permit requirements are based on federal regulations (40 CFR Parts 122, 124, and Subchapter N), the National Pretreatment Regulation in 40 CFR Part 403 and regulations promulgated pursuant to the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. 8-4-101 et. seq.).

**A. Effluent Limitations**

Outfall 001- treated municipal wastewater

**1. Conventional and/or Toxic Pollutants**

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Monthly Avg.	7-Day Avg.		
Flow	N/A	Report, MGD	Report, MGD (Daily Max.)	Five/week	Instantaneous
Overflows <sup>1</sup>	Monthly Total SSOs (occurrences/month)			See Comments	
Overflow Volume <sup>1</sup>	Monthly Total Volume of SSOs (gallons/month)			See Comments	
Carbonaceous Biochemical Oxygen Demand (CBOD5)	14.6	10	15	One/month	Grab
Total Suspended Solids (TSS)	21.9	15	22.5	One/month	Grab
Ammonia Nitrogen (NH3-N)					
(April)	5.7	3.9	3.9	One/month	Grab
(May-Oct)	2.9	2	3	One/month	Grab
(Nov-March)	13	9	10.3	One/month	Grab
Dissolved Oxygen (DO)					
(May-Oct)	N/A	7.6 (Inst. Min.)		One/month	Grab
(Nov-Apr)	N/A	9.2 (Inst. Min.)		One/month	Grab
Fecal Coliform Bacteria (FCB)		(colonies/100 ml)			
(Apr-Sept)	N/A	200	400	One/month	Grab
(Oct-Mar)	N/A	1000	2000	One/month	Grab
pH	N/A	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	One/month	Grab

1 See Condition No. 5 of Part II (SSO Condition) of the permit. If there are no overflows during the entire month, report "zero" (0).

2. **Solids, Foam, and Free Oil:** There shall be no discharge of distinctly visible solids, scum, or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits, or sludge banks. There shall be no visible sheen due to the presence of oil (Sheen means an iridescent appearance on the surface of the water).

### 13. BASIS FOR PERMIT CONDITIONS.

The following is an explanation of the derivation of the conditions of the final permit and the reasons for them or, in the case of notices of intent to deny or terminate, reasons suggesting the decisions as required under 40 CFR Part 124.7.

#### Technology-Based Versus Water Quality-Based Effluent Limitations And Conditions

Following regulations promulgated at 40 CFR Part 122.44, the final permit limits are based on either technology-based effluent limits pursuant to 40 CFR Part 122.44 (a) or on State water quality standards and requirements pursuant to 40 CFR Part 122.44 (d), whichever are more stringent as follows:

Parameter	Water Quality-Based		Technology-Based/BPJ		Previous Permit		Permit Limit	
	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l
CBOD5	10	15	25	40	10	15	10	15
TSS	N/A	N/A	30	45	15	22.5	15	22.5
NH3-N								
(April)	3.9	3.9	N/A	N/A	Report	3.9	3.9	3.9
(May-October)	2	3	N/A	N/A	2	3	2	3
(Nov-March)	9	10.3	N/A	N/A	9	10.3	9	10.3
DO								
(May-Oct)	7.6 (Inst. Min.)		N/A		7.6 (Monthly Avg. Min.)		7.6 (Inst. Min.)	
(Nov-Apr)	9.2 (Inst. Min.)		N/A		9.2 (Monthly Avg. Min.)		9.2 (Inst. Min.)	
FCB (col/100 ml)								
(April-Sept)	200	400	N/A	N/A	200	400	200	400
(Oct-March)	1000	2000	N/A	N/A	1000	2000	1000	2000
pH	6.0-9.0 s.u.		6.0-9.0 s.u.		6.0-9.0 s.u.		6.0-9.0 s.u.	

**A. Justification for Limitations and Conditions of the final permit:**

Parameter	Water Quality or Technology	Justification
CBOD5	Water Quality	Previous permit, 40 CFR 122.44(l)
TSS	Technology	Previous permit, 40 CFR 122.44(l)
NH3-N*	Water Quality	Reg. 2.512 / previous permit, 40 CFR 122.44(l)
DO**	Water Quality	Reg. 2.505
Fecal Coliform Bacteria	Water Quality	Reg. 2.507, previous permit, 40 CFR 122.44(l)
pH	Water Quality	Reg. 2.504, previous permit, 40 CFR 122.44(l)

\* Ammonia Nitrogen

The Monthly Average effluent limitation of 3.9 mg/l for the month of April has been added in accordance with Reg. 2.512 to ensure that the effluent is not causing toxic effects in the receiving stream. A review of Discharge Monitoring Reports indicates that the existing facility is capable of consistently meeting new limitations, therefore, these limits will become effective on the effective date of the renewal permit.

\*\* Dissolved Oxygen

The previous permit included the effluent limitations for DO expressed as Monthly Average Minimum. These limits are now expressed as Instantaneous Minimum since the Arkansas water quality standards for DO do not allow for averaging.

**B. Anti-backsliding**

The final permit is consistent with the requirements to meet Anti-backsliding provisions of the Clean Water Act (CWA), Section 402(o) [40 CFR 122.44(l)]. The final effluent limitations for reissuance permits must be as stringent as those in the previous permit, unless the less stringent limitations can be justified using exceptions listed in 40 CFR 122.44(l)(2)(i).

The final permit maintains the requirements of the previous permit.

**C. Limits Calculations**

1. Mass limits:

In accordance with 40 CFR 122.45(f)(1), all pollutants limited in permits shall have limitations expressed in terms of mass if feasible. 40 CFR 122.45(f)(2) allows for pollutants which are limited in terms of mass to also be limited in terms of other units of measurement.



The calculation of the loadings (lbs per day) uses a design flow of 0.175 MGD and the following equation:

$$\text{lbs/day} = \text{Concentration (mg/l)} \times \text{Flow (MGD)} \times 8.34$$

2. 7-Day Average Limits:

The 7-Day Average limits for NH<sub>3</sub>-N (May through October) as well as CBOD<sub>5</sub> and TSS are based on Section 5.4.2 of the Technical Support Document for Water Quality-Based Toxics Control.

$$\text{7-Day Average limits} = \text{Monthly average limits} \times 1.5$$

The 7-Day Average NH<sub>3</sub>-N limits for the months of November through April are based on the requirements of Reg. 2.512.

The 7-Day Average limits for FCB are based on Reg. 2.507.

3. Ammonia-Nitrogen (NH<sub>3</sub>-N):

The water quality effluent limitations for Ammonia are based either on DO-based effluent limits or on toxicity-based standards, whichever are more stringent. The toxicity-based effluent limitations are based on Reg. 2.512 and the CPP.

D. **208 Plan (Water Quality Management Plan)**

The 208 Plan, developed by the ADEQ under provisions of Section 208 of the federal Clean Water Act, is a comprehensive program to work toward achieving federal water goals in Arkansas. The initial 208 Plan, adopted in 1979, provides for annual updates, but can be revised more often if necessary. The 208 Plan has been revised to add the effluent limitation of 3.9 mg/l for the Ammonia Nitrogen for the month of April.

14. **SAMPLE TYPE AND FREQUENCY.**

Regulations require permits to establish monitoring requirements to yield data representative of the monitored activity [40 CFR Part 122.48(b)] and to ensure compliance with permit limitations [40 CFR Part 122.44(i)(1)].

Requirements for sample type and sampling frequency have been based on the current discharge permit.

Parameter	Previous Permit		Final Permit	
	Frequency of Sample	Sample Type	Frequency of Sample	Sample Type
Flow	Five/week	Instantaneous	Five/week	Instantaneous
CBOD5	One/month	Grab	One/month	Grab
TSS	One/month	Grab	One/month	Grab
NH3-N				
(April)	One/month	Grab	One/month	Grab
(May-Oct)	One/month	Grab	One/month	Grab
(Nov-March)	One/month	Grab	One/month	Grab
DO				
(May-Oct)	One/month	Grab	One/month	Grab
(Nov-Apr)	One/month	Grab	One/month	Grab
FCB				
(Apr-Sept)	One/month	Grab	One/month	Grab
(Oct-Mar)	One/month	Grab	One/month	Grab
pH	One/month	Grab	One/month	Grab

**15. PERMIT COMPLIANCE.**

A Schedule of Compliance has not been included in this permit. Compliance with all permit requirements is required on the effective date of the permit.

**16. MONITORING AND REPORTING.**

The applicant is at all times required to monitor the discharge on a regular basis and report the results monthly. The monitoring results will be available to the public.

**17. SOURCES.**

The following sources were used to prepare the draft and final permits:

- A. Application No. AR0021717 received 3/30/2012.
- B. Arkansas Water Quality Management Plan (WQMP).
- C. APCEC Regulation No. 2.
- D. APCEC Regulation No. 3.
- E. APCEC Regulation No. 6.

- F. 40 CFR Parts 122, 125, 133 and 403.
- G. Discharge permit file AR0021717.
- H. Discharge Monitoring Reports (DMRs).
- I. "Arkansas Water Quality Inventory Report 2008 (305B)", ADEQ.
- J. "Identification and Classification of Perennial Streams of Arkansas", Arkansas Geological Commission.
- K. Continuing Planning Process (CPP).
- L. Technical Support Document For Water Quality-based Toxic Control.

**18. POINT OF CONTACT.**

For additional information, contact:

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