

**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 (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.),

The applicant's mailing address is:

City of Decatur
P.O. Box 247
Decatur, AR 72722

The facility address is:

City of Decatur
985 Austin Avenue
Decatur, AR 72722

is authorized to discharge from a facility located as follows: 0.25 miles north of intersection of Hwy 102 and Hwy 59 on Austin Avenue in Benton County, Arkansas.

Latitude: 36° 20' 38.99"; Longitude: 94° 28' 21.76"

to receiving waters named:

Columbia Hollow Creek and thence to Spavinaw Creek in Segment 3J of the Arkansas River Basin.

The outfall is located at the following coordinates:

Outfall 001: Latitude: 36° 20' 37"; Longitude: 94° 28' 24"

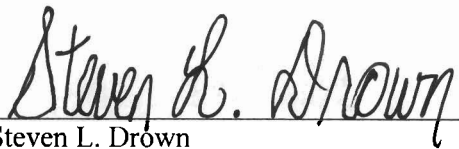
Discharge shall be in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, III, and IV hereof.

Response to Comments is attached.

Issue Date: 04/30/2009

Effective Date: 06/01/2009

Expiration Date: 05/31/2014



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

**PART I
PERMIT REQUIREMENTS**

SECTION A1. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 001 - treated municipal wastewater for a design flow of 1.6 MGD.⁵

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 from a treatment system consisting of flow equalization, anoxic/aerobic extended aeration activated sludge, clarification, rapid sand filtration, chlorination, dechlorination, and post aeration with a design flow of 1.6 MGD.

<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.		
Flow	N/A	Report, MGD	Report, MGD (Daily Maximum)	daily	totalizing
Carbonaceous Biochemical Oxygen Demand (CBOD5)	133.4	10	15	three/week	6-hr composite
Total Suspended Solids (TSS)	200.2	15	23	three/week	6-hr composite
Ammonia Nitrogen (NH3-N)					
(Jul-Feb) ⁷	66.7	5	7.5	three/week	6-hr composite
(Mar-Jun)	133.4	10	15	three/week	6-hr composite
Total Phosphorus	13.34	1.0	1.0	two/week	6-hr composite
Nitrate + Nitrite Nitrogen (NO3 + NO2-N)	133.4 (Inst. Max)	10 (Inst. Max)		two/week	6-hr composite
Dissolved Oxygen ⁶	N/A	6.0 (Inst. Min.)		three/week	grab
Total Residual Chlorine (TRC) ¹	N/A	<0.1 mg/l (Inst Max)		three/week	grab
Fecal Coliform Bacteria (FCB)		(colonies/100ml)			
	N/A	200	400	three/week	grab
pH	N/A	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	three/week	grab
<u>Whole Effluent Toxicity</u> (7-day NOEC) ^{2,3} 22414	<u>Daily Average</u> <u>Minimum</u> Not < 100%	<u>7-day Minimum</u> Not <100%		once/month ⁴	24-hr composite

<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.		
<p><u>Pimephales promelas (Chronic)</u>^{2,3} Pass/Fail Lethality (7-day NOEC) TLP6C Pass/Fail Growth (7-day NOEC) TGP6C Survival (7-day NOEC) TOP6C Coefficient of Variation TQP6C Growth (7-day NOEC) TPP6C</p> <p><u>Ceriodaphnia dubia (Chronic)</u>^{2,3} Pass/Fail Lethality (7-day NOEC) TLP3B Pass/Fail production (7-day NOEC) TGP3B Survival (7-day NOEC) TOP3B Coefficient of Variation TQP3B Reproduction (7-day NOEC) TPP3B</p>		<p><u>7-Day Average</u> Report (Pass=0/Fail=1) Report (Pass=0/Fail=1) Report % Report % Report %</p> <p><u>7-Day Average</u> Report (Pass=0/Fail=1) Report (Pass=0/Fail=1) Report % Report % Report %</p>		<p>once/month⁴ once/month⁴ once/month⁴ once/month⁴ once/month⁴</p>	<p>24-hr composite 24-hr composite 24-hr composite 24-hr composite 24-hr composite</p> <p>24-hr composite 24-hr composite 24-hr composite 24-hr composite 24-hr composite</p>

- 1 See Condition No. 10 of Part II. (TRC Condition).
- 2 The daily average lethality and 7-day minimum lethality (7-day NOEC) value shall not be less than 100% effluent. The daily average lethality (7-day NOEC) is defined as the greatest effluent dilution at and below which lethality that is statistically different from the control (0% effluent) at the 95% confidence level does not occur.
- 3 See Condition No. 13 of Part II (WET Testing Condition).
- 4 Once per month during the following months: January, February, March, April, July, and October.
- 5 See Condition No. 9 of Part II (Transition). Mass effluent limitations have been calculated using a flow of 1.6 MGD.
- 6 The Dissolved Oxygen limit will become effective three (3) years from the effective date of the permit. In interim, monitoring and reporting is required.
- 7 The Ammonia-Nitrogen limit for the months of July-February will become effective three (3) years from the effective date of the permit. In interim, permit limits are as follows:

Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)	
Monthly Avg.	Monthly Avg.	7-Day Avg.
200.2	15	23

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).

Samples taken in compliance with the monitoring requirements specified above shall be taken at the outfall structure at the corner of the post-aeration basin before going to the outfall.

SECTION A2. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 001 - treated municipal wastewater for a design flow of 2.2 MGD.⁵

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 from a treatment system consisting of flow equalization, screening, grit removal, three parallel sequence batch reactors, filtration, uv disinfection, flow monitoring, post aeration (as needed), chlorination/dechlorination (as needed), aerobic sludge digestion, and sludge dewatering with a design flow of 2.2 MGD.

Effluent Characteristics	Discharge Limitations			Monitoring Requirements	
	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)	daily	totalizing
Carbonaceous Biochemical Oxygen Demand (CBOD5)	183.5	10	15	three/week	6-hr composite
Total Suspended Solids (TSS)	275.2	15	22.5	three/week	6-hr composite
Ammonia Nitrogen (NH3-N)					
(Jul-Feb)	91.7	5	7.5	three/week	6-hr composite
(Mar-Jun)	183.5	10	15	three/week	6-hr composite
Total Phosphorus (P)	18.3	1.0	1.0	two/week	6-hr composite
Nitrate + Nitrite Nitrogen (NO3 + NO2-N)	183.5 (Inst. Max)	10 (Inst. Max)		two/week	6-hr composite
Dissolved Oxygen	N/A	6.0 (Inst. Min.)		three/week	grab
Total Residual Chlorine (TRC) ¹	N/A	<0.1 mg/l (Inst Max)		three/week	grab
Fecal Coliform Bacteria (FCB)		(colonies/100ml)			
	N/A	200	400	three/week	grab
pH	N/A	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	three/week	grab
Whole Effluent Toxicity (7-day NOEC) ^{2,3} 22414	<u>Daily Average</u> <u>Minimum</u> Not < 100%	<u>7-day Minimum</u> Not <100%		once/month ⁴	24-hr composite

Effluent Characteristics	Discharge Limitations			Monitoring Requirements	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
		Monthly Avg.	Monthly Avg.		
<u>Pimephales promelas (Chronic)</u> ^{2,3} Pass/Fail Lethality (7-day NOEC) TLP6C Pass/Fail Growth (7-day NOEC) TGP6C Survival (7-day NOEC) TOP6C Coefficient of Variation TQP6C Growth (7-day NOEC) TPP6C <u>Ceriodaphnia dubia (Chronic)</u> ^{2,3} Pass/Fail Lethality (7-day NOEC) TLP3B Pass/Fail production (7-day NOEC) TGP3B Survival (7-day NOEC) TOP3B Coefficient of Variation TQP3B Reproduction (7-day NOEC) TPP3B		<u>7-Day Average</u> Report (Pass=0/Fail=1) Report (Pass=0/Fail=1) Report % Report % Report %		once/month ⁴ once/month ⁴ once/month ⁴ once/month ⁴ once/month ⁴	24-hr composite 24-hr composite 24-hr composite 24-hr composite 24-hr composite 24-hr composite 24-hr composite 24-hr composite 24-hr composite 24-hr composite

- 1 See Condition No. 10 of Part II. (TRC Condition). When chlorinating.
- 2 The daily average lethality and 7-day minimum lethality (7-day NOEC) value shall not be less than 100% effluent. The daily average lethality (7-day NOEC) is defined as the greatest effluent dilution at and below which lethality that is statistically different from the control (0% effluent) at the 95% confidence level does not occur.
- 3 See Condition No. 13 of Part II (WET Testing Condition).
- 4 Once per month during the following months: January, February, March, April, July, and October.
- 5 See Condition No. 9 of Part II (Transition). Mass effluent limitations have been calculated using a flow of 2.2 MGD.

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).

With the exception of Dissolved Oxygen, samples taken in compliance with the monitoring requirements specified above shall be taken at the outfall structure located at the effluent monitoring station located after the UV disinfection and before the cascade aeration unit. Samples taken in compliance with the monitoring requirements for Dissolved Oxygen specified above shall be taken at Outfall 001.

SECTION B. PERMIT COMPLIANCE

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

1. Compliance is required on the effective date of the permit with the exception of Dissolved Oxygen and Ammonia-Nitrogen (months of July-February) at Outfall 001 with a design flow of 1.6 MGD.
2. Compliance with Dissolved Oxygen at Outfall 001 with a design flow of 1.6 MGD is required three (3) years from the effective date of the permit. The permittee shall monitor and report for Dissolved Oxygen during the interim period.
3. Compliance with Ammonia-Nitrogen for the months of July-February at Outfall 001 with a design flow of 1.6 MGD is required three (3) years from the effective date of the permit. In the interim period, the permit limits are as follows:

Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)	
	Monthly Avg.	7-Day Avg.
200.2	15	23

4. Priority Pollutant Scan (PPS) at Outfall 001 for a Design Flow of 2.2 MGD:

The permittee must conduct a Priority Pollutant Scan (PPS) at Outfall 001 (Design Flow of 2.2 MGD) at the next representative discharge of effluent from the new treatment system. The PPS must be submitted to ADEQ within 90 days of the resulting discharge.

**PART II
OTHER CONDITIONS**

1. The operator of this wastewater treatment facility shall be licensed as Class IV by the State of Arkansas in accordance with Act 211 of 1971, Act 1103 of 1991, Act 556 of 1993, and APCEC Regulation No. 3, as amended.
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.
3. 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.
4. 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).
5. The permittee shall report all overflows with the Discharge Monitoring Report (DMR) submittal. These reports shall be summarized and reported in tabular format. The summaries shall include: the date, time, duration, location, estimated volume, and cause of overflow; observed environmental impacts from the overflow; action taken to address the overflow; and ultimate discharge location if not contained (e.g., storm sewer system, ditch, tributary). All overflows which endanger health or the environment shall be orally reported to this department (Enforcement Section of the Water Division), within 24 hours from the time the permittee becomes aware of the circumstance. A written report of overflows which endanger health or the environment, shall be provided within 5 days of the time the permittee becomes aware of the circumstance.
6. 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.

7. 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 acceptable to the Director; 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.

8. Sludge generated by this facility will be hauled to a licensed landfill.

9. Transition Period:

The City of Decatur is constructing a new treatment system at the existing wastewater plant which will increase the design flow from 1.6 MGD to 2.2 MGD.

- a. Beginning on the effective date of the permit, the permittee must submit a Discharge Monitoring Report (DMR) for each permitted design flow (i.e., 1.6 MGD and 2.2 MGD) on a monthly basis. The DMR for the 2.2 MGD design flow can be marked and submitted as "No Discharge", until such time as the new treatment system is operational. The permittee must continue to submit two (2) monthly DMRs until the report required in Part II.9.b below is received.
- b. The permittee must notify the ADEQ when the new treatment system is complete and is discharging at the new design flow within 30 days of said first discharge.

10. If TRC test results are less than Detection Level Achieved (DL), a value of zero (0) may be used for the Discharge Monitoring Report (DMR) calculations and reporting requirements.

Total residual chlorine (TRC) in the effluent composite sample shall be measured and reported both at the time of sample termination and at the time of toxicity test initiation. The permittee shall ensure that the effluent composite used in toxicity testing is representative of normal facility residual chlorine discharge concentration.

11. The permittee must conduct a full Priority Pollutant Scan (PPS) at Outfall 001 (Design Flow of 2.2 MGD) at the next representative discharge of effluent from the new treatment facility. The PPS must be submitted to ADEQ within 90 days of the resulting discharge. The Department reserves the right to reopen the permit as allowed in Part II if necessary to include any additional limits based upon the evaluation of the PPS without a major modification.

12. 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 deg. C (104 deg. F) 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;
- (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 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).

** 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 thereunder (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.

13. Whole Effluent Toxicity Limits (7 Day Chronic NOEC Freshwater)A. SCOPE AND METHODOLOGY

- (1) The permittee shall test the effluent for toxicity in accordance with the provisions in this section.

APPLICABLE TO FINAL OUTFALL(S):	001
REPORTED ON DMR AS FINAL OUTFALL:	001
CRITICAL DILUTION (%):	100%
EFFLUENT DILUTION SERIES (%):	32%, 42%, 56%, 75%, & 100%.
LETHAL LIMIT	100%
TESTING FREQUENCY	Once/month*

* during the months of January, February, March, April, July, and October.

COMPOSITE SAMPLE TYPE:	Defined at PART I
TEST SPECIES/METHODS:	40 CFR Part 136

Ceriodaphnia dubia chronic static renewal survival and reproduction test, Method 1002.0, EPA-821-R-02-013, or the most recent update thereof. This test should be terminated when 60% of the surviving females in the control produce three broods or at the end of eight days, whichever comes first.

Pimephales promelas (Fathead minnow) chronic static renewal 7-day larval survival and growth test, Method 1000.0, EPA-821-R-02-013, or the most recent update thereof. A minimum of five (5) replicates with eight (8) organisms per replicate must be used in the control and in each effluent dilution of this test.

- (2) The NOEC (No Observed Effect Concentration) is herein defined as the greatest effluent dilution at and below which toxicity (lethal or sub-lethal) that is statistically different from the control (0% effluent) at the 95% confidence level does not occur. Chronic lethal test failure is defined as a demonstration of a statistically significant lethal effect at test completion to a test species at or below the critical dilution. Chronic sub-lethal test failure is defined as a demonstration of a statistically significant sub-lethal effect (i.e., growth or reproduction) at test completion to a test species at or below the critical dilution.

- (3) The conditions of this item are effective beginning with the effective date of the WET limit. When the testing frequency stated above is less than monthly and the effluent fails the lethal or sub-lethal endpoint at or below the critical dilution, the permittee shall be considered in violation of this permit limit and the frequency for the affected species will increase to monthly until such time compliance with the No Observed Effect Concentration (NOEC) effluent limitation is demonstrated for a period of three consecutive months, at which time the permittee may return to the testing frequency stated in PART I of this permit. During the period the permittee is out of compliance, test results shall be reported on the DMR for that reporting period. The purpose of additional tests (also referred to as 'retests' or confirmation tests) is to determine the duration of a toxic event. A test that meets all test acceptability criteria and demonstrates significant toxic effects does not need additional confirmation. Such testing cannot confirm or disprove a previous test result.
- (4) This permit may be reopened to require chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.

B. REQUIRED TOXICITY TESTING CONDITIONS

(1) Test Acceptance

The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied, including the following additional criteria:

- a. The toxicity test control (0% effluent) must have survival equal to or greater than 80%.
- b. The mean number of Ceriodaphnia dubia neonates produced per surviving female in the control (0% effluent) must be 15 or more.
- c. 60% of the surviving control females must produce three broods.
- d. The mean dry weight of surviving Fathead minnow larvae at the end of the 7 days in the control (0% effluent) must be 0.25 mg per larva or greater.
- e. The percent coefficient of variation between replicates shall be 40% or less in the control (0% effluent) for: the young of surviving females in the Ceriodaphnia dubia reproduction test, the growth and survival of the Fathead minnow test.
- f. The percent coefficient of variation between replicates shall be 40% or less in the critical dilution, unless significant lethal or sub-lethal effects are exhibited for: the young of surviving females in the Ceriodaphnia dubia reproduction test; the growth and survival endpoints in the Fathead minnow test.

- g. If a test passes, yet the percent coefficient of variation between replicates is greater than 40% in the control and/or in the critical dilution (0% effluent) for: the young of surviving females in the Ceriodaphnia dubia reproduction test; the growth and survival endpoints of the Fathead minnow test, the test is determined to be invalid. A repeat test shall be conducted within the required reporting period of any test determined to be invalid.
- h. If a test fails, test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%.
- i. A Percent Minimum Significant Difference (PMSD) range of 13 - 47 for Ceriodaphnia dubia reproduction;
- j. A PMSD range of 12 - 30 for Fathead minnow growth.

(2) Statistical Interpretation

- a. For the Ceriodaphnia dubia survival test, the statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be Fisher's Exact Test as described in EPA-821-R-02-013 or the most recent update thereof.
- b. 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 critical dilution shall be in accordance with the methods for determining the No Observed Effect Concentration (NOEC) as described in EPA-821-R-02-013, or the most recent update thereof.
- c. If the conditions of Test Acceptability are met in Item 2.a above and the percent survival of the test organism is equal to or greater than 80% in the critical dilution concentration and all lower dilution concentrations, the test shall be considered to be a passing test, and the permittee shall report a survival NOEC of not less than the critical dilution for the DMR reporting requirements found in Item 3 below.

(3) Dilution Water

- a. Dilution water used in the toxicity tests will be receiving water collected as close to the point of discharge as possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar pH, hardness, and alkalinity to the closest downstream perennial water where the receiving stream is classified as intermittent or where the receiving stream has no flow due to zero flow conditions.

- b. If the receiving water is unsatisfactory as a result of instream toxicity (fails to fulfill the test acceptance criteria of Item 2.a), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:
 - i. a synthetic dilution water control which fulfills the test acceptance requirements of Item 2.a was run concurrently with the receiving water control;
 - ii. the test indicating receiving water toxicity has been carried out to completion (i.e., 7 days);
 - iii. the permittee includes all test results indicating receiving water toxicity with the full report and information required by Item 3.a below; and
 - iv. the synthetic dilution water shall have a pH, hardness, and alkalinity similar to that of the receiving water or closest downstream perennial water not adversely affected by the discharge, provided the magnitude of these parameters will not cause toxicity in the synthetic dilution water.

(4) Samples and Composites

- a. The permittee shall collect a minimum of three flow-weighted composite samples from the outfall(s) listed at Item 1.a above. Unless otherwise stated in this section, a composite sample for WET shall consist of 12 subsamples gathered at equal time intervals during a 24-hour period.
- b. The permittee must collect all three flow-weighted composite samples within the monitoring period. The permittee shall collect second and third composite samples for use during 24-hour renewals of each dilution concentration for each test. The permittee must collect the composite samples such that the effluent samples are representative of any periodic episode of chlorination, biocide usage or other potentially toxic substance discharged on a regular or intermittent basis.
- c. The permittee must collect the composite samples so that the maximum holding time for any effluent sample shall not exceed 72 hours. The permittee must have initiated the toxicity test within 36 hours after the collection of the last portion of the first composite sample. Samples shall be chilled to 6 degrees Centigrade during collection, shipping, and/or storage.
- d. 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 have collected an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days if the discharge occurs over multiple days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in Item 3 of this section

- e. MULTIPLE OUTFALLS: If the provisions of this section are applicable to multiple outfalls, the permittee shall combine the composite effluent samples in proportion to the average flow from the outfalls listed in Item 1.a above for the day the sample was collected. The permittee shall perform the toxicity test on the flow-weighted composite of the outfall samples.
- f. The permittee shall not allow the sample to be dechlorinated at the laboratory. At the time of sample collection the permittee shall measure the TRC of the effluent. The measured concentration of TRC for each sample shall be included in the lab report submitted by the permittee.

C. REPORTING

- (1) The permittee shall prepare a full report of the results of all tests conducted pursuant to this section in accordance with the Report Preparation Section of EPA-821-R-02-013, or the most current publication, for every valid or invalid toxicity test initiated whether carried to completion or not. The permittee shall retain each full report pursuant to the provisions of PART III.C.3 of this permit. The permittee shall submit full reports. For any test which fails, is considered invalid or which is terminated early for any reason, the full report must be submitted for agency review.
- (2) The permittee shall report the Whole Effluent Toxicity values for the 30-Day Average Minimum and the 7-Day Minimum under Parameter No. 22414 on the DMR for that reporting period in accordance with PART III.D.4 of this permit.

If more than one valid test for a species was performed during the reporting period, the test NOECs will be averaged arithmetically and reported as the DAILY AVERAGE MINIMUM NOEC for that reporting period.

If more than one species is tested during the reporting period, the permittee shall report the lowest 30-Day Average Minimum NOEC and the lowest 7-Day Minimum NOEC for Whole Effluent Toxicity.

A valid test for each species must be reported on the DMR during each reporting period specified in PART I of this permit. Only ONE set of WET test data for each species is to be recorded on the DMR for each reporting period. The data submitted should reflect the LOWEST lethal and sub-lethal effects results for each species during the reporting period. The full reports for all invalid tests, repeat tests (for invalid tests), and retests (for tests previously failed) performed during the reporting period must be attached to the DMR for Agency review.

(3) The permittee shall submit the results of the valid toxicity test on the DMR for that reporting period in accordance with PART III.D.4 of this permit, as follows below. Submit retest information clearly marked as such with the following month's DMR. Only results of valid tests are to be reported on the DMR.

a. Pimephales promelas (Fathead minnow)

- i. If the No Observed Effect Concentration (NOEC) for survival is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TLP6C
- ii. Report the NOEC value for survival, Parameter No. TOP6C
- iii. Report the NOEC value for growth, Parameter No. TPP6C
- iv. Report the LOEC value for growth, Parameter No. TYP6C
- v. Report the highest (critical dilution or control) Coefficient of Variation for growth, Parameter No. TQP6C

b. Ceriodaphnia dubia

- i. If the NOEC for survival is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TLP3B
- ii. Report the NOEC value for survival, Parameter No. TOP3B
- iii. Report the NOEC value for reproduction, Parameter No. TPP3B
- iv. If the NOEC for reproduction is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TGP3B
- v. Report the higher (critical dilution or control) Coefficient of Variation for reproduction, Parameter No. TQP3B

D. TOXICITY REDUCTION EVALUATIONS (TREs)

TREs for lethal and sub-lethal effects are performed in a very similar manner. EPA Region 6 is currently addressing TREs as follows: a sub-lethal TRE (TRE_{SL}) is triggered based on three sub-lethal test failures while a lethal effects TRE (TRE_L) is triggered based on only two test failures for lethality. In addition, EPA Region 6 will consider the magnitude of toxicity and use flexibility when considering a TRE_{SL} where there are no effects at effluent dilutions of less than 76% effluent.

- (1) Within ninety (90) days of confirming persistent toxicity, the permittee shall submit a Toxicity Reduction Evaluation (TRE) Action Plan and Schedule for conducting a TRE. The TRE Action Plan shall specify the approach and methodology to be used in performing the TRE. A Toxicity Reduction Evaluation is an investigation intended to determine those actions necessary to achieve compliance with water quality-based effluent limits by reducing an effluent's toxicity to an acceptable level. 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 treatment methods which will reduce the effluent toxicity. The goal of the TRE is to maximally reduce the toxic effects of effluent at the critical dilution and includes the following:
- (2) **Specific Activities.** The plan shall detail the specific approach the permittee intends to utilize in conducting the TRE. The approach may include toxicity characterizations, identifications and confirmation activities, source evaluation, treatability studies, or alternative approaches. When the permittee conducts Toxicity Characterization Procedures the permittee shall perform multiple characterizations and follow the procedures specified in the documents 'Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures' (EPA-600/6-91/003) and 'Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I' (EPA-600/6-91/005F), or alternate procedures. When the permittee conducts Toxicity Identification Evaluations and Confirmations, the permittee shall perform multiple identifications and follow the methods specified in the documents 'Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity' (EPA/600/R-92/080) and 'Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity' (EPA/600/R-92/081), as appropriate.

The documents referenced above may be obtained through the National Technical Information Service (NTIS) by phone at (703) 487-4650, or by writing:

U.S. Department of Commerce
National Technical Information Service
5285 Port Royal Road
Springfield, VA 22161

- (3) Sampling Plan (e.g., locations, methods, holding times, chain of custody, preservation, etc.). The effluent sample volume collected for all tests shall be adequate to perform the toxicity test, toxicity characterization, identification and confirmation procedures, and conduct chemical specific analyses when a probable toxicant has been identified;

Where the permittee has identified or suspects specific pollutant(s) and/or source(s) of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical specific analyses for the identified and/or suspected pollutant(s) and/or source(s) of effluent toxicity. Where lethality was demonstrated within 48 hours of test initiation, each composite sample shall be analyzed independently. Otherwise the permittee may substitute a composite sample, comprised of equal portions of the individual composite samples, for the chemical specific analysis;

- a. Quality Assurance Plan (e.g., QA/QC implementation, corrective actions, etc.); and
 - b. Project Organization (e.g., project staff, project manager, consulting services, etc.).
- (4) The permittee shall initiate the TRE Action Plan within thirty (30) days of plan and schedule submittal. The permittee shall assume all risks for failure to achieve the required toxicity reduction.
 - (5) The permittee shall submit a quarterly TRE Activities Report, with the Discharge Monitoring Report in the months of January, April, July and October, containing information on toxicity reduction evaluation activities including:
 - a. any data and/or substantiating documentation which identifies the pollutant(s) and/or source(s) of effluent toxicity;
 - b. any studies/evaluations and results on the treatability of the facility's effluent toxicity; and

- c. any data which identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to meet no significant toxicity at the critical dilution.

A copy of the TRE Activities Report shall also be submitted to the state agency.

- (6) The permittee shall submit a Final Report on Toxicity Reduction Evaluation Activities no later than twenty-eight (28) months from confirming toxicity in the retests, which provides information pertaining to the specific control mechanism selected that will, when implemented, result in reduction of effluent toxicity to no significant toxicity at the critical dilution. The report will also provide a specific corrective action schedule for implementing the selected control mechanism.

A copy of the Final Report on Toxicity Reduction Evaluation Activities shall also be submitted to the state agency.

- (7) Quarterly testing during the TRE is a minimum monitoring requirement. EPA recommends that permittees required to perform a TRE not rely on quarterly testing alone to ensure success in the TRE, and that additional screening tests be performed to capture toxic samples for identification of toxicants. Failure to identify the specific chemical compound causing toxicity test failure will normally result in a permit limit for whole effluent toxicity limits per federal regulations at 40 CFR 122.44(d)(1)(v).

E. TOXICITY RE-OPENER

- (1) If the TRE has identified the source of toxicity and led to the successful elimination of effluent toxicity at the critical dilution, the sub-lethal WET final effluent limits may be replaced by monitoring and reporting only requirement. Otherwise, the permittee must comply with the final sub-lethal WET effluent limits.
- (2) If the TRE has not led to the successful elimination of effluent toxicity at the critical dilution, but has identified a causal parameter, the sub-lethal WET final effluent limit may be replaced by monitoring and reporting only requirement, with the addition of a limit for the causal parameter.

F. MONITORING FREQUENCY REDUCTION

This section does not apply to any species for which the permit establishes whole effluent toxicity (WET) limits. For the first five years after the effective date of a WET limit, the minimum monitoring frequency for the affected species is once per quarter or once per month (in accordance with Item 1.a.).

- (1) The permittee may apply for a testing frequency reduction upon the successful completion of the first four consecutive quarters or first twelve consecutive months

(in accordance with Item 1.a.) of testing for a test species, with no lethal or sub-lethal effects demonstrated at or below the critical dilution. If granted, the monitoring frequency for that test species may be reduced to not less than once per year for the less sensitive species (usually the Fathead minnow) and not less than twice per year for the more sensitive test species (usually the Ceriodaphnia dubia).

- (2) CERTIFICATION - The permittee must certify in writing that no test failures have occurred and that all tests meet all test acceptability criteria in item 3.a. above. In addition the permittee must provide a list with each test performed including test initiation date, species, NOECs for lethal and sub-lethal effects and the maximum coefficient of variation for the controls. Upon review and acceptance of this information the agency will issue a letter of confirmation of the monitoring frequency reduction. A copy of the letter will be forwarded to the agency's Permit Compliance System section to update the permit reporting requirements.
- (3) SUB-LETHAL OR SURVIVAL FAILURES - If any test fails the survival or sub-lethal endpoint at any time during the life of this permit, three monthly retests are required and the monitoring frequency for the affected test species shall be increased to once per quarter until the permit is re-issued. Monthly retesting is not required if the permittee is performing a TRE.
- (4) This monitoring frequency reduction applies only until the expiration date of this permit, at which time the monitoring frequency for both test species reverts to once per quarter until the permit is re-issued.

Any monitoring frequency reduction granted applies only until the expiration date of this permit, at which time the monitoring frequency for both test species reverts to once per quarter until the permit is re-issued.

14. Stormwater Pollution Prevention Plan Requirements

A. General

- (1) If your facility already has a stormwater pollution prevention plan (SWPPP) in place, then you shall continue the implementation of this SWPPP. If you do not have a SWPPP, then you shall prepare a SWPPP for your facility within 60 days of the effective starting date of this permit. Your SWPPP must be prepared in accordance with good engineering practices. Your SWPPP must:
 - (a) Identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges from your facility;
 - (b) Describe and ensure implementation of practices which you will use to reduce the pollutants in stormwater discharges from the facility; and

- (c) Assure compliance with the terms and conditions of this permit.
- (2) No Exposure Exclusions, as allowed by 40 CFR 122.26(g), can be obtained for the stormwater discharges from the facility as long as all of the required conditions for applicability can be certified. These required conditions can be found in the federal regulation. The No Exposure Exclusion application form can be obtained from the Stormwater section of the ADEQ. Application for this exclusion must be made on the form obtained from the ADEQ.

B. Contents of Plan

- (1) Pollution Prevention Team: You must identify the staff individual(s) (by name or title) that comprise the facility's stormwater Pollution Prevention Team. Your Pollution Prevention Team is responsible for assisting the facility/plant manager in developing, implementing, maintaining and revising the facility's SWPPP. Responsibilities of each staff individual on the team must be listed.
- (2) Site Description: Your SWPPP must include the following:
- (a) Activities at Facility. Description of the nature of the industrial activity(ies) at your facility;
 - (b) General Location Map. A general location map (e.g., U.S.G.S. quadrangle, or other map) with enough detail to identify the location of your facility and the receiving waters within one mile of the facility;
 - (c) A legible site map identifying the following:
 - i. Directions of stormwater flow (e.g., use arrows to show which ways stormwater will flow);
 - ii. Locations of all existing structural BMPs;
 - iii. Locations of all surface water bodies;
 - iv. Locations of potential pollutant sources identified under Section B(4)(a) of this Part and where significant materials are exposed to precipitation;
 - v. Location where major spills or leaks identified under Section B(5) of this Part have occurred;
 - vi. Locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes, and liquid storage tanks;

- vii. Locations of stormwater outfalls and an approximate outline of the area draining to each outfall;
 - viii. Location and description of non-stormwater discharges;
 - ix. Locations of the following activities where such activities are exposed to precipitation: processing and storage areas; access roads, rail cars and tracks; the location of transfer of substance in bulk; and machinery;
 - x. Location and source of runoff from adjacent property containing significant quantities of pollutants of concern to the facility (an evaluation of how the quality of the runoff impacts your stormwater discharges may be included).
- (3) Receiving Waters and Wetlands: You must provide the name of the nearest receiving water(s), including intermittent streams, dry sloughs, arroyos and the areal extent and description of wetland or other special aquatic sites that may receive discharges from your facility.
- (4) Summary of Potential Pollutant Source: You must identify each separate area at your facility where industrial materials or activities are exposed to stormwater. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading/unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. For each separate area identified, the description must include:
- (a) Activities in Area. A list of the activities (e.g., material storage, equipment fueling and cleaning, cutting steel beams); and
 - (b) Pollutants. A list of the associated pollutant(s) or pollutant parameter(s) (e.g., crankcase oil, iron, biochemical oxygen demand, pH, etc.) for each activity. The pollutant list must include all significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to stormwater between the time of three (3) years before being covered under this permit and the present.
- (5) Spills and Leaks:
- (a) You must clearly identify areas where potential spills and leaks, which can contribute pollutants to stormwater discharges, can occur, and their accompanying drainage points. For areas that are exposed to precipitation or that otherwise drain to a stormwater conveyance at the facility to be covered under this permit, you must provide a list of significant spills and leaks of toxic or hazardous pollutants that occurred during the three (3) year period prior to the starting date of this

permit. Your list must be updated if significant spills or leaks occur in exposed areas of your facility during the time you are covered by the permit.

- (b) Significant spills and leaks include, but are not limited to releases of oil or hazardous substances in excess of quantities that are reportable under CWA 311 (see 40 CFR 110.10 AND 40 CFR 117.21) or section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Significant spills may also include releases of oil or hazardous substances that are not in excess of reporting requirements.
- (6) Sampling Data: You must provide a summary of existing stormwater discharge sampling data taken at your facility. All stormwater sampling data collected during the term of this permit must also be summarized and included in this part of the SWPPP.

(7) Stormwater Controls

- (a) Description of Existing and Planned BMPs. Describe the type and location of existing non-structural and structural best management practices (BMPs) selected for each of the areas where industrial materials or activities are exposed to stormwater. All the areas identified in Section B(4)(a) of this Part should have a BMP(s) identified for the areas discharges. For areas where BMPs are not currently in place, describe appropriate BMPs that you will use to control pollutants in stormwater discharges. Selection of BMPs should take into consideration:
- i. The quantity and nature of the pollutants, and their potential to impact the water quality of receiving waters;
 - ii. Opportunities to combine the dual purposes of water quality protection and local flood control benefits (including physical impacts of high flows on streams - e.g., bank erosion, impairment of aquatic habitat, etc.);
 - iii. Opportunities to offset the impact impervious areas of the facility on ground water recharge and base flows in local streams (taking into account the potential for ground water contamination.)
- (b) BMP Types to be Considered. The following types of structural, non-structural, and other BMPs must be considered for implementation at your facility. Describe how each is, or will be, implemented. This requirement may have been fulfilled with area-specific BMPs identified under Section B(7)(a) of this Part, in which case the previous descriptions are sufficient. However, many of the following BMPs may be more generalized or non site-specific and therefore not previously considered. If you determine that any of these BMPs are not appropriate for your facility, you must include an explanation of why they are not appropriate. The

BMP examples listed below are not intended to be an exclusive list of BMPs that you may use. You are encouraged to keep abreast of new BMPs or new applications of existing BMPs to find the most cost effective means of permit compliance for your facility. If BMPs are being used or planned at the facility which are not listed here (e.g., replacing a chemical with a less toxic alternative, adopting a new or innovative BMP, etc.), include descriptions of them in this section of the SWPPP.

(c) Non-Structural BMPs

- i. Good Housekeeping: You must keep all exposed areas of the facility in a clean, orderly manner where such exposed areas could contribute pollutants to stormwater discharges. Common problem areas include: around trash containers, storage areas and loading docks. Measures must also include: a schedule for regular pickup and disposal of garbage and waste materials; routine inspections for leaks and conditions of drums, tanks and containers.
- ii. Minimizing Exposure: Where practicable, industrial materials and activities should be protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, or runoff.
- iii. Preventive Maintenance: You must have a preventive maintenance program which includes timely inspection and maintenance of stormwater management devices, (e.g., cleaning oil/water separators, catch basins) as well as inspecting, testing, maintaining and repairing facility equipment and systems to avoid breakdowns or failures that may result in discharges of pollutants to surface waters.
- iv. Spill Prevention and Response Procedures: You must describe the procedures which will be followed for cleaning up spills or leaks. Those procedures, and necessary spill response equipment, must be made available to those employees that may cause or detect a spill or leak. Where appropriate, you must explain existing or planned material handling procedures, storage requirements, secondary containment, and equipment (e.g., diversion valves), which are intended to minimize spills or leaks at the facility. Measures for cleaning up hazardous material spills or leaks must be consistent with applicable RCRA regulations at 40 CFR Part 264 and 40 CFR Part 265.
- v. Routine Facility Inspections: In addition to or as part of the comprehensive site evaluation required under Section G of this Part, you must have qualified facility personnel inspect all areas of the facility where industrial materials or activities are exposed to stormwater. The inspections must include an evaluation of existing stormwater BMPs. Your SWPPP must identify how often these inspections will be conducted. You must correct any deficiencies you find as soon as practicable, but no later than 14 days from the date of the

inspection. You must document in your SWPPP the results of your inspections and the corrective actions you took in response to any deficiencies or opportunities for improvement that you identify.

- vi. Employee Training: You must describe the stormwater employee training program for the facility. The description should include the topics to be covered, such as spill response, good housekeeping, and material management practices, and must identify periodic dates (e.g., every 6 months during the months of July and January) for such training. You must provide employee training for all employees that work in areas where industrial materials or activities are exposed to stormwater, and for employees that are responsible for implementing activities identified in the SWPPP (e.g., inspectors, maintenance people). The employee training should inform them of the components and goals of your SWPPP.

(d) Structural BMPs

- i. Sediment and Erosion Control: You must identify the areas at your facility which, due to topography, land disturbance (e.g., construction), or other factors, have a potential for significant soil erosion. You must describe the structural, vegetative, and/or stabilization BMPs that you will be implementing to limit erosion.
- ii. Management of Runoff: You must describe the traditional stormwater management practices (permanent structural BMPs other than those which control the generation or source(s) of pollutants) that currently exist or that are planned for your facility. These types of BMPs typically are used to divert, infiltrate, reuse, or otherwise reduce pollutants in stormwater discharges from the site. Factors to consider when you are selecting appropriate BMPs should include: 1) the industrial materials and activities that are exposed to stormwater, and the associated pollutant potential of those materials and activities; and 2) the beneficial and potential detrimental effects on surface water quality, ground water quality, receiving water base flow (dry weather stream flow), and physical integrity of receiving waters. Structural measures should be placed on upland soils, avoiding wetlands and flood plains, if possible. Structural BMPs may require a separate permit under section 404 of the CWA before installation begins.
- iii. Example BMPs: BMPs you could use include but are not limited to: stormwater detention structures (including wet ponds); stormwater retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices).

- (e) Other Controls: No solid materials, including floatable debris, may be discharged to waters of the State, except as authorized by a permit issued under section 404 of the CWA. Off-site vehicle tracking of raw, final, or waste materials or sediments, and the generation of dust must be minimized. Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas must be minimized. Velocity dissipation devices must be placed at discharge locations and along the length of any outfall channel to provide a non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g., no significant changes in the hydrological regime of the receiving water).
- C. Maintenance: All BMPs you identify in your SWPPP must be maintained in effective operating condition. If site inspections required by Section B(7)(c)(v) of this Part identify BMPs that are not operating effectively, maintenance must be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of stormwater controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable. In the case of non-structural BMPs, the effectiveness of the BMP must be maintained by appropriate means (e.g., spill response supplies available and personnel trained, etc.).
- D. Non-Stormwater Discharges: Certification of Non-Stormwater Discharges
- (1) Your SWPPP must include a certification that all discharges (i.e., outfalls) have been tested or evaluated for the presence of non-stormwater. The certification must be signed in accordance with Part III Section D.11 of the individual permit, and include:
- (a) The date of any testing and/or evaluation;
 - (b) Identification of potential significant sources of non-stormwater at the site;
 - (c) A description of the results of any test and/or evaluation for the presence of non-stormwater discharges;
 - (d) A description of the evaluation criteria or testing method used; and
 - (e) A list of the outfalls or onsite drainage points that were directly observed during the test.
 - (f) If you are unable to provide the certification required (testing for non-stormwater discharges), you must notify the Director 180 days after the effective starting date of this permit to be covered by this permit. If the failure to certify is caused by the inability to perform adequate tests or evaluations, such notification must describe:
 - (g) The reason(s) why certification was not possible;

- (h) The procedure of any test attempted;
 - (i) The results of such test or other relevant observations; and
 - (j) Potential sources of non-stormwater discharges to the storm sewer.
 - (k) A copy of the notification must be included in the SWPPP at the facility. Non-stormwater discharges to waters of the State which are not authorized by an NPDES permit are unlawful, and must be terminated.
- E. Allowable Non-stormwater Discharges: Certain sources of non-stormwater are allowable under this permit. For the list of allowable non-stormwater discharges please see Part I.B.1.a.i on Page 15 of the Industrial Stormwater General Permit number ARR000000. In order for these discharges to be allowed, your SWPPP must include:
- (1) An identification of each allowable non-stormwater source;
 - (2) The location where it is likely to be discharged; and
 - (3) Descriptions of appropriate BMPs for each source.
 - (4) Except for flows from fire fighting activities, you must identify in your SWPPP all sources of allowable non-stormwater that are discharged under the authority of this permit.
 - (5) If you include mist blown from cooling towers amongst your allowable non-stormwater discharges, you must specifically evaluate the potential for the discharges to be contaminated by chemicals used in the cooling tower and determined that the levels of such chemicals in the discharges would not cause or contribute to a violation of an applicable water quality standard after implementation of the BMPs you have selected to control such discharges.
- F. Comprehensive Site Compliance Evaluation
- (1) Frequency and Inspectors: You must conduct facility inspections at least once a year. The inspections must be done by qualified personnel provided by you. The qualified personnel you use may be either your own employees or outside consultants that you have hired, provided they are knowledgeable and possess the skills to assess conditions at your facility that could impact stormwater quality and assess the effectiveness of the BMPs you have chosen to use to control the quality of your stormwater discharges. If you decide to conduct more frequent inspections, your SWPPP must specify the frequency of inspections.
 - (2) Scope of the Compliance Evaluation: Your inspections must include all areas where industrial materials or activities are exposed to stormwater, as identified in Section

B(4)(a) of this Part, and areas where spills and leaks have occurred within the past 3 years. Inspectors should look for: a) industrial materials, residue, or trash on the ground that could contaminate or be washed away in stormwater; b) leaks or spills from industrial equipment, drums, barrels, tanks, or similar containers; c) offsite tracking of industrial materials or sediment where vehicles enter or exit the site; d) tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas; and e) for evidence of, or the potential for, pollutants entering the drainage system. Stormwater BMPs identified in your SWPPP must be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they must be inspected to see whether BMPs are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations must be inspected if possible.

- (3) Follow-up Actions: Based on the results of the inspections, you must modify your SWPPP as necessary (e.g., show additional controls on the map required by Section B(2)(a)(iii) of this Part and revise the description of controls required by Section B(7)(a) of this Part to include additional or modified BMPs designed to correct the problems identified. You must complete revisions to the SWPPP within 14 calendar days following the inspection. If existing BMPs need to be modified or if additional BMPs are necessary, implementation must be completed before the next anticipated storm event. If implementation before the next anticipated storm event is impracticable, they must be implemented as soon as practicable.
- (4) Compliance Evaluation Report: You must insure a report summarizing the scope of the inspection, name(s) of personnel making the inspection, the date(s) of the inspection, and major observations relating to the implementation of the SWPPP is completed and retained as part of the SWPPP for at least three years from the date permit coverage expires or is terminated. Major observations should include: the location(s) of discharges of pollutants from the site; and location(s) of BMPs that need to be maintained; location(s) where additional BMPs are needed that did not exist at the time of inspection. You must retain a record of actions taken in accordance with Part III Section C.7 (Retention of Records) of this permit as part of the stormwater pollution prevention plan for at least three years from the date that permit coverage expires or is terminated. The inspection reports must identify any incidents of non-compliance. Where an inspection report does not identify any incidents of non-compliance, the report must contain a certification that the facility is in compliance with the stormwater pollution prevention plan and this permit. Both the inspection report and any reports of follow-up actions must be signed in accordance with Part III Section D (Reporting Requirements) of this permit.
- (5) Credit As a Routine Facility Inspection: Where compliance evaluation schedules overlap with inspections required under Section B(7)(c)(v) of this Part, your annual compliance evaluation may also be used as one of the Section B(7)(c)(v) of this Part , routine inspections.

G. Maintaining Updated SWPPP: You must amend the stormwater pollution prevention plan whenever:

- (1) There is a change in design, construction, operation, or maintenance at your facility which has a significant effect on the discharge, or potential for discharge, of pollutants from your facility; and
- (2) During inspections or investigations by you or by local, State, Tribal or Federal officials it is determined the SWPPP is ineffective in eliminating or significantly minimizing pollutants from sources identified under Section B(4) of this Part, or is otherwise not achieving the general objectives of controlling pollutants in discharges from your facility.

H. Signature, Plan Review and Making Plans Available

- (1) You must sign your SWPPP in accordance with Part III Section D.11, and retain the plan on-site at the facility covered by this permit (see Part III Section C.7 for records retention requirements).
- (2) You must keep a copy of the SWPPP on-site or locally available to the Director for review at the time of an on-site inspection. You must make your SWPPP available upon request to the Director, a State, Tribal or local agency approving stormwater management plans, or the operator of a municipal separate storm sewer receiving discharge from the site. Also, in the interest of public involvement, EPA encourages you to make your SWPPPs available to the public for viewing during normal business hours.
- (3) The Director may notify you at any time that your SWPPP does not meet one or more of the minimum requirements of this permit. The notification will identify provisions of this permit which are not being met, as well as the required modifications. Within thirty (30) calendar days of receipt of such notification, you must make the required changes to the SWPPP and submit to the Director a written certification that the requested changes have been made.
- (4) You must make the SWPPP available to the USFWS upon request.

I. Additional Requirements for Stormwater Discharges Associated With Industrial Activity From Facilities Subject to EPCRA Section 313 Reporting Requirements: Potential pollutant sources for which you have reporting requirements under EPCRA 313 must be identified in your summary of potential pollutant sources as per Section B(4) of this Part. Note this additional requirement only applies to you if you are subject to reporting requirements under EPCRA 313.

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.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 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 on “Bypassing” (Part III.B.4.a.), and “Upsets” (Part III.B.5.b), 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 (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 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. Permit Fees

The permittee shall comply with all applicable permit fee requirements 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 II.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 for land application only.

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 discharges 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.

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 and other approved Form by ADEQ). Permittees are required to use preprinted DMR forms provided by ADEQ, unless specific written authorization to use other reporting forms is obtained from ADEQ. 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 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:

Permits 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 individual(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 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:

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 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 II.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:
 - (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 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:
 - (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 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 (Act 472 of 1949, as amended).

PART IV 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 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.
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. *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. *Concentration Calculations:* For pollutants with limitations expressed in other units of measurement, 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 by using the following formula: where C= daily concentration, F=daily flow and n=number of daily samples

$$\frac{C_1F_1 + C_2F_2 + \dots + C_nF_n}{F_1 + F_2 + \dots + F_n}$$

7. **“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) report the monthly average (see 30-day average below).
8. **“Daily Maximum”** discharge limitation means the highest allowable “daily discharge” during the calendar month. The 7-day average for Fecal Coliform Bacteria (FCB) is the

- geometric mean of the values of all effluent samples collected during the calendar week in colonies per 100 ml.
9. **“Department”** means the Arkansas Department of Environmental Quality (ADEQ).
 10. **“Director”** means the Administrator of the U.S. Environmental Protection Agency and/or the Director of the Arkansas Department of Environmental Quality.
 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 Part 403, introducing pollutants to a POTW.
 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 products.
 16. **“APCEC”** means the Arkansas Pollution Control and Ecology Commission.
 17. **“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.
 18. **“7-day average”** discharge limitation, other than for Fecal Coliform Bacteria (FCB), is the highest allowable arithmetic mean of the values for all effluent samples collected during the calendar week. The 7-day average for Fecal Coliform Bacteria (FCB) is the geometric mean of the values of all effluent samples collected during the calendar week in colonies/100 ml. The Discharge Monitoring Report 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 (FCB), 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 (FCB) is the geometric mean of the values for all effluent samples collected during a calendar month. For Fecal Coliform Bacteria (FCB), report the monthly average as a 30-day geometric mean in colonies per 100 ml.
 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 **or** a sample collected at frequent intervals proportional to flow over the 6-hour period.
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 **or** a sample collected at frequent intervals proportional to flow over the 3-hour period.
24. **“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.
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 (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.
27. **“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.
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).
31. **The term “cfs”** shall mean cubic feet per second.
32. **The term “ppm”** shall mean parts per million.
33. **The term “s.u.”** shall mean standard units.
34. **The term “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.

35. **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 25th 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 25th of the month following the monitoring period end date.

MONTHLY:

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

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.

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.

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.

36. **The term “Weekday”** means Monday – Friday.

Final Fact Sheet

for renewal of the discharge Permit Number AR0022292 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 Decatur
P.O. Box 247
Decatur, AR 72722

The facility address is:

City of Decatur
985 Austin Avenue
Decatur, AR 72722

3. PREPARED BY.

The permit was prepared by:

Amanda Gallagher
Staff Engineer
Discharge Permits Section, Water Division
(501) 682-0621
E-mail: gallagher@adeq.state.ar.us

4. DATE PREPARED.

The permit final was prepared on 10/23/2008.

5. PERMIT ACTIVITY.

Previous Permit Effective Date: 10/01/2003
Previous Permit Modification Date: N/A
Previous Permit Expiration Date: 9/30/2008

The permittee submitted an application for revoke and reissue of the permit on 8/19/2006. The application was deemed administratively complete on 01/31/2007. The permittee is building a new system to replace the current activated sludge system. The new treatment system includes fine screening, grit removal, flow monitoring, three parallel sequencing batch reactors, disc filtration, UV disinfection, post aeration, flow monitoring, aerobic sludge digestion, and sludge dewatering with an increased design flow from 1.6 MGD to 2.2 MGD. Since the issuance of the revoke and re-issue was close to the expiration date of the permit, the current discharge permit has been reissued instead of a revoked and re-issued for a 5-year term in accordance with regulations promulgated at 40 CFR Part 122.46(a).

DMR Review:

The Discharge Monitoring Reports (DMR's) from the previous permit cycle were reviewed during the permit renewal process. The following violations were noted:

- 21 violations for Fecal Coliform bacteria with the last dated 07/31/2007.
- 5 violations for CBOD5 with the last dated 01/31/2007.
- 32 violations for Nitrite + Nitrate with the last dated 01/31/2008.
- 9 violations for Ammonia-Nitrogen with the last dated 06/30/2007.
- 2 violations for pH with the last dated 12/31/2005.
- 4 violations for Total Phosphorus with the last dated 01/31/2008.
- 7 violations for TSS with the last dated 01/31/2008.

The facility is building a new treatment system with the intent to keep from having further permit violations. Based on the judgment of the permit writer, no further permit action is needed at this time.

Legal Order Review:

Currently Consent Administrative Order (CAO) 02-080 is active for this facility. Upon review of the active CAO, the determination was made that no further permit action is necessary at this time.

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. Facility coordinates have been revised.
2. Priority Pollutant Scan requirement has been added to the Schedule of Compliance and Part II.
3. Part II, III, and IV have been revised.
4. pH has been changed from 6-9 s.u. to 6.0-9.0 s.u. for accuracy reporting purposes.
5. The permit contains final limitations based on a flow of 1.6 MGD and 2.2 MGD for the same outfall.
6. Dissolved Oxygen has been added to the permit for both flow conditions.
7. Ammonia Nitrogen for the months of July-February has changed.
8. Interim limits and the schedule of compliance for Phosphorus have been removed.
9. The minimum wastewater operator classification has been specified as Class IV in Part II.
10. The design flowrate increased due to construction of a new treatment system.
11. The type of treatment for a design flow of 2.2 MGD has been added due to the construction of a new treatment system.
12. Fecal Coliform condition has been removed from Part II and included in the Part IV Definitions section.
13. Pretreatment language in Part II has been revised.
14. A condition was added to Part II to describe the transition period resulting from the construction of a new treatment system that will increase the facility's design flow from 1.6 MGD to 2.2 MGD.
15. The monitoring frequency for Total Phosphorus and Nitrate + Nitrite has been changed as a result of the response to comments.

6. RECEIVING STREAM SEGMENT AND DISCHARGE LOCATION.

The outfall is located at the following coordinates based on the permit application submitted by the permittee using NAD27:

Latitude: 36° 20' 37" Longitude: 94° 28' 24"

The receiving waters named:

Columbia Hollow Creek and thence to Spavinaw Creek in Segment 3J of the Arkansas River Basin. The receiving stream with USGS Hydrologic Unit Code (H.U.C) of 11070209 and near reach # 048 is a Water of the State classified as a losing stream, for primary 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.

7. 303(d) LIST AND ENDANGERED SPECIES CONSIDERATIONS.

a. 303(d) List:

The receiving stream is not listed on the 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). The draft permit and Fact Sheet was sent to the USF&WS for their review.

8. OUTFALL AND TREATMENT PROCESS DESCRIPTION.

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

- a. Design Flow: 1.6 MGD
- b. Type of Treatment: flow equalization, anoxic/aerobic extended aeration activated sludge, clarification, rapid sand filtration, chlorination, dechlorination, and post aeration
- c. Discharge Description: treated municipal wastewater
- d. Facility Status: This facility is classified as a Major municipal since the facility's design flow of 1.6 MGD is greater than 1.0 MGD.

Transition Period:

The City of Decatur is constructing a new treatment system at the existing wastewater plant which will increase the design flow from 1.6 MGD to 2.2 MGD. **The permittee must notify the ADEQ when the new treatment system is complete and is discharging at the new design flow within 30 days of said first discharge.**

The following is a description of the **modified** treatment facility as described in the application:

- a. Design Flow: 2.2 MGD
- b. Type of Treatment: flow equalization, screening, grit removal, three parallel sequence batch reactors, filtration, UV disinfection, flow monitoring, post aeration (as needed), chlorination/dechlorination (as needed), aerobic sludge digestion, and sludge dewatering
- c. Discharge Description: treated municipal wastewater

- e. Facility Status: This facility is classified as a Major municipal since the facility's design flow of 2.2 MGD is greater than 1.0 MGD.

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

The permittee was required to submit an industrial user survey that consisted of a qualitative analysis of pollutants being contributed by all industrial sources in the city's entire municipal system. City of Decatur receives industrial process wastewater from Peterson Farms. The industrial contributor makes up approximately 80% of Decatur's influent flow. The Department determined that based on the applicant's effluent compliance history, the type of industrial contributions, and the industrial survey, that development of a standard Pretreatment Program did not appear to be warranted at that time (Letter to City of Decatur from Martin Maner dated July 16, 2004).

Based on the fact that City of Decatur still only has the one industrial contributor, Standard boilerplate Pretreatment Prohibitions (40 CFR Part 403.5[b]) and reporting requirements are deemed appropriate at this time.

11. SEWAGE SLUDGE PRACTICES.

The sludge generated at this facility is hauled to a licensed landfill.

12. PERMIT CONDITIONS.

The Arkansas Department of Environmental Quality has made a determination to issue a 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 (Act 472 of 1949, as amended, Ark. Code Ann. 8-4-101 et. seq.).

a. Final Effluent Limitations – Design Flow of 1.6 MGD

Outfall 001- treated municipal wastewater

i. 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.		
Flow (MGD)	N/A	Report	Report	daily	totalizing
Carbonaceous Biochemical Oxygen Demand (CBOD5)	133.4	10	15	three/week	6-hr composite
Total Suspended Solids (TSS)	200.2	15	23	three/week	6-hr composite
Ammonia Nitrogen (NH3-N)					
(Jul-Feb)	66.7	5	7.5	three/week	6-hr composite
(Mar-Jun)	133.4	10	15	three/week	6-hr composite
Total Phosphorus	13.34	1.0	1.0	two/week	6-hr composite
Nitrate + Nitrite Nitrogen (NO3 + NO2-N)	133.4 (Inst. Max.)	10 (Inst. Max.)		two/week	6-hr composite
Dissolved Oxygen	N/A	6.0 (Inst. Min)		three/week	grab
Total Residual Chlorine (TRC)	N/A	<0.1 mg/l (Inst. Max.)		three/week	grab
Fecal Coliform Bacteria (FCB)		(colonies/100 ml)			
	N/A	200	400	three/week	grab
pH	N/A	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	three/week	grab
Chronic WET	N/A	CD<100%		once/month	24-hr composite

ii. **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).

b. Final Effluent Limitations – Design Flow of 2.2 MGD

Outfall 001- treated municipal wastewater

i. Conventional and/or Toxic Pollutants

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>	
	Mass (lbs/day, unless otherwise specified) Monthly Avg.	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
		Monthly Avg.	7-Day Avg.		
Flow (MGD)	N/A	Report	Report	daily	totalizing
Carbonaceous Biochemical Oxygen Demand (CBOD5)	183.5	10	15	three/week	6-hr composite
Total Suspended Solids (TSS)	275.2	15	22.5	three/week	6-hr composite
Ammonia Nitrogen (NH3-N)					
(Jul-Feb)	91.7	5	7.5	three/week	6-hr composite
(Mar-Jun)	183.5	10	15	three/week	6-hr composite
Total Phosphorus	18.3	1.0	1.0	two/week	6-hr composite
Nitrate + Nitrite Nitrogen (NO3 + NO2-N)	183.5 (Inst. Max.)	10 (Inst. Max.)		two/week	6-hr composite
Dissolved Oxygen	N/A	6.0 (Inst. Min.)		three/week	grab
Total Residual Chlorine (TRC)	N/A	<0.1 mg/l (Inst. Max.)		three/week	grab
Fecal Coliform Bacteria (FCB)		(colonies/100 ml)			
	N/A	200	400	three/week	grab
pH	N/A	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	three/week	grab
Chronic WET	N/A	CD<100%		once/month	24-hr composite

ii. **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 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 (48 FR 1413, April 1, 1983).

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

Following regulations promulgated at 40 CFR Part 122.44 (1)(2)(ii), the 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:

Outfall 001 with a Design Flow of 1.6 MGD:

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	15	22.5	30	45	15	23	15	22.5
NH3-N								
(Jul-Feb)	5	7.5	N/A	N/A	15	23	5	7.5
(Mar-Jun)	10	15	N/A	N/A	10	15	10	15
Total Phosphorus	1.0	1.0	N/A	N/A	1.0	1.0	1.0	1.0
Nitrate + Nitrite Nitrogen	10 (Inst. Max)		N/A	N/A	10 (Inst. Max)		10 (Inst. Max)	
Dissolved Oxygen	6.0 (Inst. Min.)		N/A		N/A		6.0 (Inst. Min.)	
TRC (Inst. Max)	N/A		< 0.1 mg/l		< 0.1 mg/l		< 0.1 mg/l	
FCB (col/100 ml)	200	400	N/A	N/A	200	400	200	400
pH	6.0-9.0 s.u.		6.0-9.0 s.u.		6-9 s.u.		6.0-9.0 s.u.	

Outfall 001 with a Design Flow of 2.2 MGD:

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	15	22.5	30	45	15	23	15	22.5
NH3-N								
(Jul-Feb)	5	7.5	N/A	N/A	15	23	5	7.5
(Mar-Jun)	10	15	N/A	N/A	10	15	10	15
Total Phosphorus	1.0	1.0	N/A	N/A	1.0	1.0	1.0	1.0
Total Nitrate + Nitrite Nitrogen	10 (Inst. Max)		N/A	N/A	10 (Inst. Max)		10 (Inst. Max)	
Dissolved Oxygen	6.0 (Inst. Min)		N/A		N/A		6.0 (Inst. Min)	
TRC (Inst. Max)	N/A		< 0.1 mg/l		< 0.1 mg/l		< 0.1 mg/l	
FCB (col/100 ml)	200	400	N/A	N/A	200	400	200	400
pH	6.0-9.0 s.u.		6.0-9.0 s.u.		6-9 s.u.		6.0-9.0 s.u.	

* The previous permit limitations were for a design flow of 1.6 MGD.

Basis for Permit Limitations for Outfall 001:

The permittee is building a new treatment system with a design flow of 2.2 MGD. The only difference in permit limitations between the previous permit (design flow of 1.6 MGD) and the limits for a design flow of 2.2 MGD is dissolve oxygen was added and ammonia-nitrogen for July-February is more stringent due to an updated Multi-SMP model and the new design flow.

Parameter	Water Quality or Technology	Justification
CBOD5	Water Quality	Section 6.301 of Regulation No. 6
TSS	Water Quality	Section 6.301 of Regulation No. 6
NH3-N ¹	Water Quality	Section 2.512 of Regulation No. 2/ Section 6.301 of Regulation No. 6/MultiSMP Model dated 09/26/2006
DO ²	Water Quality	Section 2.505 of Regulation No. 2
Fecal Coliform Bacteria ⁵	Water Quality	Section 6.301 of Regulation No. 6
pH ³	Water Quality	Section 2.504 of Regulation No. 2
Nitrate + Nitrite Nitrogen	Water Quality	Section 6.301 of Regulation No. 6
Phosphorus ⁴	Water Quality	Section 6.401(G) of Regulation No. 6

1. Ammonia-Nitrogen:

The Multi-SMP desktop model was revised to include the increased design flow. As a result, ammonia-nitrogen for the months of July-February was changed in order to adequately protect water quality standards in the receiving stream. A three-year schedule of compliance has been added for Ammonia-Nitrogen for the months of July-February at Outfall 001 with a design flow of 1.6 MGD. Interim permit limitations are based on the previous permit.

Since the facility is building a new treatment system with a design flow of 2.2 MGD, interim limits and a schedule of compliance cannot be provided. The new treatment system must be designed to meet all permit limitations.

See Section 13.b.iii. and Section 15 for further explanation of the derivation of Ammonia-Nitrogen permit limitations.

2. Dissolved Oxygen:

The Instantaneous Minimum effluent limitation for Dissolved Oxygen of 6.0 mg/l has been included to ensure that the in-stream Dissolved Oxygen does not fall below established criteria based on Section 2.505 of APCEC Regulation No. 2.

A three-year schedule of compliance has been added for Dissolved Oxygen at Outfall 001 with a design flow of 1.6 MGD. In the interim, the facility must monitor and report.

Since the facility is building a new treatment system with a design flow of 2.2 MGD, interim limits and schedule of compliance cannot be provided. The new treatment system must meet all permit limitations at first discharge.

3. pH:

The effluent limitations for this parameter have been revised from 6-9 s.u. to 6.0-9.0 s.u. to be consistent with Reg.2.504 of Regulation No. 2.

4. Phosphorus:

The basis for this effluent limitation has changed from the previous permit. APCEC Regulation was amended during the previous permit cycle to add phosphorus limitations for multiple watersheds. Spanivaw Creek was one of the watersheds included in Section 6.401 of Regulation No. 6.

5. Fecal Coliform Bacteria:

The receiving stream is considered a losing stream and is classified for primary contact recreation. Below are fecal coliform bacteria limits as defined in the referenced regulations for a losing stream and for a primary contact water.

FCB (col/100 ml)	Apr-Sept (Monthly Avg./Daily Max)	Oct-Mar (Monthly Avg./Daily Max)
APCEC Reg. 2.507	200/400	1000/2000
APCEC Reg. 6.301	200/400	200/400

As seen above, Regulation No. 6.301 (losing stream) is more stringent than Regulation No. 2.507 and therefore will be the permit limitations.

a. Anti-backsliding

The 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 permit maintains the requirements of the previous permit.

b. Limits Calculations

i. Mass limits:

The calculation of the loadings (lbs per day) uses a design flow of 1.6 MGD or 2.2 MGD and the following equation: $\text{lbs/day} = \text{Concentration (mg/l)} \times \text{Flow (MGD)} \times 8.34$

ii. Daily Maximum Limits:

Daily Maximum limits = Monthly average limits X 1.5

iii. Ammonia-Nitrogen (NH₃-N):

Prior to issuance of the previous permit, EPA had recently updated its national criteria for ammonia toxicity, which coincides with EPA Region 6 studies which indicate that discharge of ammonia in excess of 4 mg/l at the critical dilution increases potential of toxic effects in-stream. 40 CFR 122.44(d)(1)(v) required a WET limit where the permitting authority does not demonstrate in the fact sheet that chemical-specific limits are adequate to prevent an exceedance of a state narrative criterion for aquatic life protection. Since the NH₃-N permit limit was greater than 4 mg/l (monthly average), a monthly Whole Effluent Toxicity Limit for the months of January, February, March, April, September, and December was included in the permit.

Since the previous permit, ammonia toxicity criteria have been added to APCEC Regulation No. 2. Water quality effluent limitations for Ammonia-Nitrogen are usually based on either DO-based effluent limits or on toxicity-based standards, whichever are more stringent. However, since the permit will maintain the Whole Effluent Toxicity Limit, ammonia toxicity criteria as specified in APCEC Regulation No. 2 will not be used in the determination of Ammonia-Nitrogen limitations.

c. 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 updated to revise the Ammonia-Nitrogen and add Dissolved Oxygen to the existing water quality limitations:

July-February: CBOD₅/TSS/NH₃-N/DO/TP/NO₃+NO₂ = 10/15/5/6/1/10 (max) mg/l
March-June: CBOD₅/TSS/NH₃-N/DO/TP/ NO₃+NO₂ = 10/15/10/6/1/10 (max) mg/l
Design flow (Q): 2.2 MGD
Background Flow of the receiving stream (7Q10): 0 cfs

d. Toxics Pollutants - Priority Pollutant Scan (PPS)

The permittee must conduct a full Priority Pollutant Scan (PPS) at Outfall 001 (Design Flow of 2.2 MGD) at the next representative discharge of effluent from the new treatment system. The PPS must be submitted to ADEQ within 90 days of the resulting discharge. The Department reserves the right to reopen the permit as allowed in Part II if necessary to include any additional limits based upon the evaluation of the PPS without a major modification.

14. TOTAL RESIDUAL CHLORINE (TRC) REQUIREMENTS.

After dechlorination and prior to final disposal, the effluent shall contain NO MEASURABLE TRC at any time. NO MEASURABLE will be defined as no detectable concentration of TRC as determined by any approved method established in 40 CFR Part 136 as less than 0.1 mg/l . Thus, the "no measurable TRC concentration" for chlorine becomes the permit limit. The effluent limitation for TRC is the instantaneous maximum and cannot be averaged for reporting purposes. TRC shall be measured with fifteen (15) minutes of sampling.

15. WHOLE EFFLUENT TOXICITY.

Prior to issuance of the previous permit, EPA had recently updated its national criteria for ammonia toxicity, which coincides with EPA Region 6 studies which indicate that discharge of ammonia in excess of 4 mg/l at the critical dilution increases potential of toxic effects instream. 40 CFR 122.44(d)(1)(v) required a WET limit where the permitting authority does not demonstrate in the fact sheet that chemical-specific limits are adequate to prevent an exceedance of a state narrative criterion for aquatic life protection. Since the NH₃-N permit limit was greater than 4 mg/l (monthly average), a monthly Whole Effluent Toxicity Limit for the months of January, February, March, April, September, and December was included in the permit.

Post Third Round Policy and Strategy

Section 101(a)(3) of the Clean Water Act states that ".....it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited....." To ensure that the CWA's prohibitions for toxics are met, EPA has issued a "Policy for the Development of Water Quality-Based Permit Limitations for Toxic Pollutants (49 CFR 9016-9019, 3/9/84)." In support of the national policy, Region 6 adopted the "Policy for Post Third Round NPDES Permitting" and the "Post Third Round NPDES Permit Implementation Strategy" on October 1, 1992. In addition, ADEQ is required under 40 CFR Part 122.44(d)(1), adopted by reference in Regulation 6, to include conditions as necessary to achieve water quality standards as established under Section 303 of the Clean Water Act.

The Regional policy and strategy are designed to ensure that no source will be allowed to discharge any wastewater which (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical State Water Quality Standard (WQS) resulting in non-conformance with the provisions of 40 CFR Part 122.44(d); (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation which threatens human health.

Whole effluent toxicity (WET) testing has been establishing for assessing and protecting against impacts upon water quality and designated used caused by the aggregate toxic effect of the discharge of pollutants. The stipulated test species, which are appropriate to measure whole effluent toxicity, are consistent with the requirements of the State Water Quality Standards. The biomonitoring frequency has been established to reflect the likelihood of ambient toxicity and to provide data representative of the toxic potential of the facility's discharge, in accordance with the regulations promulgated at 40 CFR Part 122.48.

Implementation

Arkansas has established a narrative water quality standard under the authority of Section 303 of the CWA which states "toxic materials shall not be present in receiving waters in such quantities as to be toxic to human, animal, plant or aquatic life or to interfere with the normal propagation, growth and survival of aquatic biota."

Whole effluent toxicity testing conducted by the permittee has shown potential ambient toxicity to be the result of the permittee's discharge to receiving stream or water body, at the appropriate instream critical dilution. Pursuant to 40 CFR 122.44(d)(1)(v), ADEQ has determined from the permittee's self reporting that the discharge from this facility does have the reasonable potential to cause, or contribute to an instream excursion above the narrative standard within the applicable State Water Quality Standards, in violation of Section 101(a)(3) of the Clean Water Act. Therefore, the permit must establish both monthly average and 7-day minimum effluent limitations for lethality following Regulations promulgated by 40 CFR 122.44(d)(1)(v). These effluent limitations for lethality (7-day NOEC) are applied at Outfall 001 on the effective date of the permit. The daily average lethality (7-day NOEC) and 7-day minimum lethality (7-day NOEC) value shall not be less than **100%** (Critical Dilution) effluent for Outfall 001.

Biomonitoring of the effluent is thereby required as a condition of this permit to assess potential toxicity. The biomonitoring procedures stipulated as a condition of this permit are as follows:

TOXICITY TESTS

FREQUENCY

Chronic WET

Once/month*

* during the months of January, February, March, April, July, and October.

Since 7Q10 is less than 100 cfs (ft³/sec) and dilution ratio is less than 100:1, chronic biomonitoring requirements will be included in the permit.

The calculations for dilution used for chronic biomonitoring are as follows

$$\text{Critical dilution (CD)} = (Q_d / (Q_d + Q_b)) \times 100$$

$$Q_d = \text{Design flow} = 2.2 \text{ MGD} = 3.4 \text{ cfs}$$

$$7Q_{10} = 0 \text{ cfs}$$

$$Q_b = \text{Background flow} = 0.67 \times 7Q_{10} = 0 \text{ cfs}$$

$$CD = (3.4 / (0 + 3.4)) \times 100 = 100\%$$

A minimum of five effluent dilutions in addition to an appropriate control (0%) are to be used in the toxicity tests. These additional effluent concentrations are 32%, 42%, 56%, 75%, & 100%. (See **Attachment I** of CPP). The low-flow effluent concentration (critical dilution) is defined as 100% effluent based on a 0 cfs 7Q10 flow of the receiving stream.

Results of all dilutions as well as the associated chemical monitoring of pH, temperature, hardness, dissolved oxygen conductivity, and alkalinity shall be reported according to EPA/600/4-89/001 and shall be submitted as an attachment to the Discharge Monitoring Report (DMR).

Administrative Records

The following information summarized toxicity test failures submitted by the permittee during the term of the current permit at Outfall 001:

Permit Number: AR0022292 AFIN: 04-00052 Outfall Number:
 Date of Review: 1/5/2009 Reviewer: M. Barnett
 Facility Name: City of Decatur
 Previous Dilution series: 32, 42, 56, 75, & 100 Proposed Dilution Series: 32, 42, 56, 75, & 100
 Previous Critical Dilution: 100% Proposed Critical Dilution: 100%
 Previous TRE activities: None

Frequency recommendation by species based on 2008 CPP Section 6.4:

Pimephales promelas (Fathead minnow): once/month
Ceriodaphnia dubia (water flea): once/month

TEST DATA SUMMARY				
TEST DATE	Vertebrate		Invertebrate	
	Lethal NOEC	Sub-Lethal NOEC	Lethal NOEC	Sub-Lethal NOEC
Jan-04	100	100	100	100
Feb-04	100	100	100	100
Mar-04	100	100	100	100
Apr-04	100	100	100	100
Jul-04	100	100	100	100
Oct-04	100	75	100	75
Jan-05	100	100	100	100
Feb-05	100	100	56	75
Mar-05	75	75	75	75
Apr-05	32	32	42	42
Jul-05	100	100	100	100
Oct-05	100	100	100	100
Jan-06	100	100	100	32
Feb-06	100	100	100	100
Mar-06	100	100	100	100
Apr-06	100	100	100	100
Jul-06	100	100	100	100
Dec-06	100	100	100	100
Jan-07	100	100	100	100
Feb-07	100	100	100	100
Mar-07	100	100	100	100
Apr-07	100	100	100	100
Jul-07	100	100	100	100
Oct-07	100	100	100	100
Jan-08	100	100	100	100
Feb-08	100	100	100	100
Mar-08	100	100	100	100
Apr-08	100	100	100	100
Jul-08	100	100	100	100
Oct-08	100	100	100	100

Failures are noted in bold text.

REASONABLE POTENTIAL CALCULATIONS

	Vertebrate Lethal	Vertebrate Sub-Lethal	Invertebrate Lethal	Invertebrate Sub-Lethal
Min NOEC Observed	32	32	42	32
TU at Min Observed	3.13	3.13	2.38	3.13
Count	30	30	30	30
Failure Count	2	3	3	5
Mean	1.082	1.093	1.083	1.150
Std. Dev.	0.391	0.393	0.289	0.458
CV	0.4	0.4	0.3	0.4
RPMF	1.1	1.1	1.1	1.1
Reasonable Potential	3.438	3.438	2.619	3.438

- Vertebrate Lethal** Reasonable Potential exists, Permit requires WET monitoring and WET limit.
- Vertebrate Sub-Lethal** Reasonable Potential exists, Permit requires WET monitoring.
- Invertebrate Lethal** Reasonable Potential exists, Permit requires WET monitoring and WET limit.
- Invertebrate Sub-Lethal** Reasonable Potential exists, Permit requires WET monitoring.

PERMIT ACTION

Notes:

Current Lethal WET limits are required and appropriate.
Although reasonable potential appears to exist for <i>P. promelas</i> sub-lethal, only three failures have been reported, with none during the past three years, therefore WET limits are not required at this time.
Although reasonable potential appears to exist for <i>C. dubia</i> sub-lethal, only five failures have been reported, with only one during the past three years, therefore WET limits are not required at this time.

16. 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 were based on recommended frequencies for self-monitoring of discharges within the flow of 1.0 to 5.0 MGD and the current discharge permit.

Parameter	Previous Permit		Final Permit	
	Frequency of Sample	Sample Type	Frequency of Sample	Sample Type
Flow	daily	totalizing	daily	totalizing
CBOD5	three/week	6-hr composite	three/week	6-hr composite
TSS	three/week	6-hr composite	three/week	6-hr composite
NH3-N				
(Jul-Feb)	three/week	6-hr composite	three/week	6-hr composite
(Mar-Jun)	three/week	6-hr composite	three/week	6-hr composite
Total Phosphorus	three/week	6-hr composite	two/week	6-hr composite
Nitrate + Nitrite Nitrogen	three/week	6-hr composite	two/week	6-hr composite
Dissolved Oxygen	N/A	N/A	three/week	grab
FCB	three/week	grab	three/week	grab
TRC	three/week	grab	three/week	grab
pH	three/week	grab	three/week	grab
Chronic WET Testing	once/month	24-hr composite	once/month	24-hr composite

17. STORMWATER POLLUTION PREVENTION PLAN REQUIREMENTS.

Stormwater pollution prevention plan requirements are included based on the Stormwater General Permit ARR000000, Part I, Section A.4.a.ix which requires the development of a SWPPP for POTW's with discharges greater than 1.0 MGD.

18. PERMIT COMPLIANCE.

Compliance with final effluent limitations is required by the following schedule:

1. Compliance is required on the effective date of the permit with the exception of Dissolved Oxygen and Ammonia-Nitrogen (months of July-February) at Outfall 001 with a design flow of 1.6 MGD.
2. Compliance with Dissolved Oxygen at Outfall 001 with a design flow of 1.6 MGD is required three (3) years from the effective date of the permit. The permittee shall monitor and report for Dissolved Oxygen during the interim period.
3. Compliance with Ammonia-Nitrogen for the months of July-February at Outfall 001 with a design flow of 1.6 MGD is required three (3) years from the effective date of the permit. In the interim period, the permit limits are as follows:

Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)	
	Monthly Avg.	7-Day Avg.
200.2	15	23

4. Priority Pollutant Scan (PPS) at Outfall 001 for a Design Flow of 2.2 MGD:

The permittee must conduct a Priority Pollutant Scan (PPS) at Outfall 001 (Design Flow of 2.2 MGD) at the next representative discharge of effluent from the new treatment system. The PPS must be submitted to ADEQ within 90 days of the resulting discharge.

19. 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.

20. SOURCES.

The following sources were used to draft the permit:

- a. Application No. AR0022292 received 8/19/2006.
- 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 AR0022292.
- h. Discharge Monitoring Reports (DMRs).
- i. "Arkansas Water Quality Inventory Report 2004 (305B)", ADEQ.

- j. Memo from Mo Shafii to Engineers dated March 28, 2005
- k. "Identification and Classification of Perennial Streams of Arkansas", Arkansas Geological Commission.
- l. Continuing Planning Process (CPP).
- m. Technical Support Document For Water Quality-based Toxic Control.
- n. Region 6 Implementation Guidance for Arkansas Water Quality Standards promulgated at 40 CFR Part 131.36.
- o. Inspection Report dated 01/07/2008.
- p. Site Visit dated 05/16/2008.

21. POINT OF CONTACT.

For additional information, contact:

Amanda Gallagher
Permits Branch, Water Division
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317
Telephone: (501) 682-0621

**RESPONSE TO COMMENTS
FINAL PERMITTING DECISION**

Response to comments received on the subject draft permit in accordance with regulations promulgated at 40 CFR Part 124.17 are as follows:

Permit No.: AR0022292
Applicant: City of Decatur – City of Decatur WWTF
Prepared by: Amanda Gallagher
Public Notice Date: The draft permit was publicly noticed on or about February 15, 2009.
Date Prepared: 03/23/2009

The following comments have been received on the draft permit:

Correspondence from James Boston, City of Decatur, to Amanda Gallagher, ADEQ, dated March 12, 2009.

ISSUE #1

Reference page 10 of the Fact Sheet, Section 1 Ammonia-Nitrogen, subparagraph 2, last sentence: “The new treatment system must meet all permit limitations at first discharge.”

This requirement I have been told is not possible by the manufacture of the treatment process. There needs to be a start-up period in which the biological organisms adjust to the type and quantity of organic/solids loading. The City plans to “seed” the new treatment facilities to shorten the time requirement for this acclimation period, but some leeway after start-up should be provided for the plant to achieve the permit limitations. The treatment system manufacture has started new plants in Arkansas and other states and has never had this requirement or says this is possible at first discharge.

Our old treatment system once by passed must be taken out of service due to hydraulic reasons. But more important the contractor must begin the immediate demolition of the existing blower room to make room for the sludge press equipment that is in the plans and is necessary for future sludge dewatering that is a part of the new facility.

Normally a 30-60 day startup period is adequate. Please give us something in this time frame to give us the necessary acclimation period.

RESPONSE #1

The Department understands that a start-up period is necessary for a new treatment system, but a schedule of compliance cannot be given. The new treatment system should be designed to meet permit limitations. The City of Decatur may need to work with the Enforcement Section of the Water Division during the start-up period if permit limitations are exceeded per Part III.D.7.

ISSUE #2

Reference page 12 of the Fact Sheet, Section iii, Ammonia-Nitrogen (NH₃-N), first subparagraph, last sentence: "Since the NH₃ Permit Limit was greater than 4 mg/l (monthly average), a monthly Whole Effluent Toxicity Limit for the... was included in the permit."

With a good track record for the past three years of meeting our limit for Toxicity testing the City feels like the need for six testing dates each year is excessive for the cost that continues to increase for this test. I can find no other City in my part of the State that has to do this much testing. I hope the ADEQ will consider this either now or when the next permit comes up for review. We feel that a quarterly or semiannual Toxicity test would be more cost affective and just as representative, the City would understand that if we start failing these test for some reason that we would go back to the more frequent testing schedule.

Please note reference page 17, table entitled PERMIT ACTION, second and third notes, last clause states, "...therefore WET limits are not required at this time".

RESPONSE #2

The monitoring frequency cannot be changed at this time. The current monitoring frequency is one that the Department and EPA has agreed upon based on the fact that the permittee opted to include a WET limit in the permit in lieu of the ammonia toxicity standards. Monitoring frequency reduction may be requested at a later date in accordance to Condition 13.f. of Part II.

The Department may include lethal and sub-lethal WET limits in NPDES discharge permits. The City of Decatur has a lethal WET limit. The note on page 17 that was referenced in the comment is discussing sub-lethal limits. The Department determined that sub-lethal limits were not necessary at the time of renewal.

ISSUE #3

All references to Peterson Farms being the largest water user should be changed to Simmons Foods as Simmons bought out Petersons processing plant and took control of the facility on or about July 21, 2008.

RESPONSE #3

All references to Peterson Farms contained in the permit have been changed to Simmons Food.

ISSUE #4

Reference Permit, Page 1 of Part II, item 4. Given the rapidly changing situations that can occur with sludge disposal operation, it is requested that the 120-day notification be reduced to 60-days advance notification.

The City has looked into the cost of landfill and does not see this as a solution to our long term sludge disposal process. We will have a dewatering system as part of our new facility that should be able to produce a sludge that is 18% solids or greater.

We have been looking into possibly going to a nearby composting facility and other methods such as inter or intra state land application. Our sludge has never had problems such as heavy metals. Whatever method we do will be compliant with the 503 regulations. But going to a landfill is not an option that is cost effective unless landfill cost comes to within reason.

RESPONSE #4

The 120-day notification period in Condition Number 4 of Part II is time required for a change in land application. This is standard for all permittees. The notification period provides the timeframe needed to process the request to modify the sludge disposal practice. Therefore, the Department cannot shorten the period to 60-days for land application. However, for other disposal methods such as composting or landfill, 60 days notification is acceptable.

ISSUE #5

Please define the term for us “first representative discharge” as it pertains to the PPS test that is required. Does this mean after a startup period or is this the first waters that go to the creek within 24 hours, one week or other?

RESPONSE #5

A representative discharge is a discharge from the facility when the new treatment system is in-service and operating properly at full capacity. Samples taken as required shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. This is after the new treatment system has gone through start-up and all of the issues have been worked out.

ISSUE #6

Please make the requirement that we have two DMR forms to keep track of only one. We are now within 120 days of startup of the new facility. If we must do two DMR forms each month I would like a clearer definition of when and why I am to use which form. I can only imagine how my ADEQ inspector will handle me having two DMR forms, and have his or her reasons why I am using the wrong one to report with. So if two forms are going to be required please give me instructions on how and when to use each form.

RESPONSE #6

Condition No. 9 of Part II provides instructions for the submittal of the two DMR's. The facility must submit both DMR's until such time as the permittee has notified ADEQ when the new treatment system is complete and has begun discharging at the design flow of 2.2 MGD. Until then, the facility will submit the DMR for a flow of 2.2 MGD as "No Discharge".

ISSUE #7

I would like to request that your office consider as far as our regular nutrient testing goes possibly doing a two day testing regiment with a longer composite time. It is very difficult because of the distance to our testing lab to do this schedule without missing a day especially during the winter. If this is not possible the City may have to start doing test in house to make sure we stay in compliance with the testing schedule of three days per week. If we could do a two day or longer composite times it looks like it would be easier to maintain a good testing schedule and be more representative of the effluent flow.

RESPONSE #7

The monitoring frequency for Total Phosphorus and Nitrate + Nitrite Nitrogen has been changed to two/week. The sample type has been left as in the draft permit. The Department reserves the right to re-open the permit and increase monitoring frequency if needed.