

ADEQ

ARKANSAS
Department of Environmental Quality

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (91 7199 9991 7030 4937 5725)

OCT 3 2015

Robert Holmes
Goshen Municipal Property Owner's Improvement District #2
d/b/a Waterford Estates at Hissom Ranch
3838 Oaklawn Drive, Ste. 920
Dallas, TX 75219

RE: Permit Number 4815-WR-4; AFIN 72-00974

Dear Mr. Holmes:

Enclosed are the draft public notice, Statement of Basis, and a copy of the draft permit which the Arkansas Department of Environmental Quality prepared under the authority of the Arkansas Water and Air Pollution Control Act. A copy of the final permit will be mailed to you when the Department has made a final permit decision.


The enclosed public notice will be published by ADEQ in the newspaper of general circulation. An invoice for the cost of publishing the public notice and proof of publication will be sent to you by the advertising newspaper. The permittee must send proof of publication and payment to the address below as soon as possible but no later than 30 days after its publication. Until this Department receives proof of publication of the public notice, no further action will be taken on the issuance of your No-Discharge permit.

Comments must be received at ADEQ prior to the close of the public comment period as described in the enclosed public notice. The public comment period will begin on the date of publication and will end no sooner than 30 days from that date. Once a final permit is issued by the Director and becomes effective, the permittee must comply with all terms and conditions of the permit, or be subject to enforcement actions for any instances of noncompliance during the duration of the permit, usually five (5) years. Consequently, it is imperative that you, as the applicant, thoroughly review the enclosed documentation for accuracy, applicability, and your ability to comply with all conditions therein.

For a list of changes, please see No. 6 of the enclosed Statement of Basis.

Should you have any questions concerning any part of the permit, please feel free to contact Colby Ungerank of the Permits Branch at (501) 682-0047 or ungerank@adeq.state.ar.us.

Sincerely,


Ellen Carpenter
Chief, Water Division

EC:cu

Enclosure

PUBLIC NOTICE OF DRAFT NO-DISCHARGE PERMIT
PERMIT NUMBER 4815-WR-4
AFIN 72-00974

This is to give notice that the Arkansas Department of Environmental Quality (ADEQ) Water Division, 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317 at telephone number (501) 682-0648, proposes a draft renewal of the permit for which an application was received on 1/2/2015, with additional information received on January 28, 2015, July 23, 2015, August 10, 2015, and September 15, 2015, for the following applicant under the Arkansas Water and Air Pollution Control Act.

Applicant: Goshen Municipal Property Owner's Improvement District #2 - d/b/a Waterford Estates at Hissom Ranch, 2677 W. Highway 45 Goshen, AR 72735 in Washington County. Location: 2.75 miles West of Goshen, on the South side of Highway 45; Latitude: 36° 6' 0" N Longitude: 94° 2' 2" W.

This permit is for the operation of a decentralized waste water treatment system with drip irrigation dispersal for a residential subdivision. This type of systems is also classified as Class V shallow injection wells under the provisions of APC&EC Regulation No. 17.

The facility is located in Stream Segment 4K of the White River Basin.

ADEQ's contact person for submitting written comments, requesting information regarding the draft permit, or obtaining a copy of the permit and the Statement of Basis is Colby Ungerank, at the above address and telephone number, or by email at Water-Draft-Permit-Comment@adeq.state.ar.us. For those with internet access, a copy of the proposed draft permit may be found on the ADEQ's website at www.adeq.state.ar.us.

The last day of the comment period is 30 days after the publication date at 4:30 P.M. Central Time. If the last day of the comment period is a Saturday, Sunday or legal holiday, the public comment period shall expire on the next day that is not a Saturday, Sunday or legal holiday. For information regarding the actual publication date along with the actual date and time the comment period will end, please contact Colby Ungerank at the above address and telephone number or by email at Water-Draft-Permit-Comment@adeq.state.ar.us. The staff member listed above may be contacted for the actual publication date and the exact date and time for the comment deadline. Comments and public hearing procedures may be found at Regulation No. 8 (Administrative Procedures). All persons, including the permittee, who wish to comment on ADEQ's draft decision to renew the permit, must submit written comments to ADEQ, along with their name and mailing address. After the public comment period, and public hearing, if one is held, ADEQ will issue a final permitting decision. A public hearing will be held when ADEQ finds a significant degree of public interest. ADEQ will notify the applicant and each person who has submitted written comments or requested notice of the final permitting decision. Any interested person who has submitted comments may appeal a final decision by ADEQ in accordance with the Regulation No. 8.

STATEMENT OF BASIS

This Statement of Basis is for information and justification of the permit limits only and is not enforceable. This draft permit decision is for renewal of a No-Discharge operation under draft permit number 4815-WR-4 and AFIN 72-00974.

1. Permitting Authority

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

2. Applicant

Goshen Municipal Property Owner's Improvement District #2
d/b/a Waterford Estates at Hissom Ranch
3838 Oaklawn Drive, Ste. 920
Dallas, AR 75219

3. Facility Location

The facility located as follows: 2.75 miles West of Goshen, on the South side of Highway 45 to nearest city of Goshen in Section 35, Township 17 North, Range 29 West, in Washington County, Arkansas. The facility is located at the following coordinates:

Latitude: 36° 6' 0" N Longitude: 94° 2' 2" W

4. Receiving Stream Location

The decentralized wastewater treatment system is located in Stream Segment 4K of the White River Basin, which is in the Nutrient Surplus Area. Surrounding areas were evaluated to determine if any Extraordinary Resource Waters (ERWs), Ecologically Sensitive Waterbodies (ESWs), Natural or Scenic Rivers, or waterbodies in the 2008 ADEQ 303(d) list of impaired waterbodies in the State of Arkansas are near the decentralized wastewater treatment system. The waterbody evaluation determined that the facility is more than 10 miles away from any impacted waters.

5. Previous Permit Activity

Previous Permit No.: 4815-WR-3
Effective Date: April 28, 2015
Expiration Date: April 30, 2015

The permittee submitted a permit renewal application which was received on January 2, 2015, with additional information submitted on January 28, 2015, February 27, 2015, April 10, 2015, August 10, 2015, and September 15, 2015. It is proposed that the current water No-Discharge permit be reissued for a 5-year term.

No-Discharge Monitoring Report Review:

The previous 5 years of No-Discharge Monitoring Report data were reviewed during the permit renewal process. The facility failed to submit multiple reports and has exceeded pH and Fecal Coliform Bacteria multiple times. The facility is in process of providing a corrective action plan to the Enforcement Branch of the Water Division.

Legal Order Review:

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

Inspections:

The Inspection Branch performed an inspection on July 16, 2011, which revealed multiple violations with the monitoring requirements since the facility has commenced operations.

6. Changes From the Previously Issued Permit

- A. Added total kjeldahl nitrogen, nitrate + nitrite nitrogen, plant available nitrogen (PAN), daily maximum flow, and loading rate to the monitoring requirements for the treated effluent.
- B. Removed the monitoring requirements for the monitoring wells and lysimeters.

7. Applicant Activity

Under the SIC code 4971 or NAICS code 221310, the applicant activities are for a drip irrigation system. This permit is for the operation of a decentralized wastewater treatment with drip irrigation dispersal of the treated wastewater.

8. Consultant for this Facility

Charles L. Presley
Presley, Brannan & Associates, Inc.
111 Madison 7805
Huntsville, AR 72740

9. Waste Treatment System

The treatment system consists of a 35,000 gallon equalization tank, a 95,000 gallon per day Lotus treatment system, 20,000 a gallon sludge tank, a 5,000 gallon dosing tank, and 12 drip zones (7.72 acres).

10. Reserve Irrigation Field Size

The reserve irrigation field is 2.67 acres.

11. Basis for Permit Conditions

The Arkansas Department of Environmental Quality has made a tentative determination to issue a permit for the No-Discharge facility as described in the application and waste management plan. Permit requirements and conditions are based on the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. 8-4-101 *et seq.* and Ark. Code Ann. § 8-4-201 *et seq.*) and regulations promulgated there to and Regulation No. 17 Arkansas Underground Injection Control (UIC) Code.

Specific permit conditions and limits and their sources are listed as follows:

A. Part I – Permit Requirements

i. Monitoring Frequency

The waste cannot be sampled prior to every application as waste is constantly being applied. Therefore, frequent monitoring of the effluent is required to ensure the effluent is meeting the requirements of the permit.

ii. Waste Conditions

a. Reporting requirements for monthly total flow and daily maximum flow

The monthly total flow and daily maximum flow are required to be monitored and reported to assess whether the system is being operated at or below the design flow rates.

b. Limit for Carbonaceous Biochemical Oxygen Demand (CBOD5)

This limit is intended to prevent the formation of algae that contributes to the clogging of emitters and other equipment within the drip irrigation system. According to the Onsite Wastewater Treatment Systems Manual, Drip Irrigation systems are capable of meeting CBOD5 concentrations as low as 5 mg/l. The Department has determined that a concentration of 15 mg/l is a consistently achievable limit and appropriate because treated effluent is being dispersed in a non-public area and is receiving additional treatment by the soil.

c. Limit for Total Suspended Solids (TSS)

This limit is required to prevent the small diameter spray emitters within the drip system from becoming clogged with suspended solids or algae growth within the wastewater. According to the Onsite Wastewater Treatment Systems Manual, Drip Irrigation systems are capable of meeting TSS concentrations as low as 5 mg/l. The Department has determined that a concentration of 15 mg/l is a consistently achievable limit and appropriate because treated effluent is being dispersed in a non-public area and is receiving additional treatment by the soil.

d. Limit for Fecal Coliform Bacteria (FCB)

According to the Onsite Wastewater Treatment Systems Manual, Drip Irrigation systems are capable of meeting low levels of Fecal Coliform. The Department has determined that bacteria concentration of 2,000 col/100ml is a consistently achievable limit and appropriate where treated effluent is being dispersed in a public area and is receiving additional treatment by the soil.

e. Minimum and maximum pH

The allowable pH range of 6.0-9.0 is adopted from APC&EC Regulation No. 2 because this range also supports bacteria and plant growth in the drip irrigation field.

f. Reporting requirements for all nitrogen compounds in the waste

These concentrations are required to calculate the plant available nitrogen to comply with Condition No. 7 of Part II of the permit. The plant available nitrogen dispersed to the irrigation field should not exceed the nitrogen uptake of the vegetation in the drip irrigation area, otherwise nitrogen compounds could migrate to waters of the State. Since the wastewater receives treatment prior to dispersal to the soil, secondary treatment from the soil, low operational flow (average daily flow 17,000 gpd), and the nitrogen parameters results were consistent in the wastewater, the monitoring frequency of the nitrogen parameters will be quarterly. The quarterly monitoring frequency will be identical to the NPDES monitoring requirement for municipal wastewater.

g. Reporting requirements for Total Phosphorus (TP)

Monitoring and reporting requirements for Total Phosphorus are required to evaluate the amount of phosphorus being added to the drip irrigation field. Phosphorus has been determined to cause eutrophication in surface waters, which may be reached due to drip irrigation activities or heavy rains.

h. Drip field loading rates

The drip irrigation field soil loading rates are determined by a Professional Soil Classifier registered in the state of Arkansas to ensure that the drip field zones are not hydraulically overloaded. Loading rates by the system should not exceed the soil loading rates to avoid hydraulically overloading the soil. Effluent flow to a zone can be used to calculate the loading rate of the specified zone. If the calculated loading rate exceeds the design soil loading rate, or visual observation of surfacing effluent, the zone is hydraulically overloaded should be removed from the dosing rotation or dose volume reduced until sufficient time has passed for the zone to dry out.

iii. Schedule of Compliance

The schedule of compliance was added to the permit in order allow the permittee time to sample the new parameters in Table I of Part I.

B. Part II – Specific Conditions

i. Plant Available Nitrogen Requirement

The Water Division has provided the proper Plant Available Nitrogen (PAN) equation in order to ensure the permittee does not exceed the nitrogen uptake of the cover crop. If the PAN of the effluent exceeds the nitrogen uptake of the cover crop, the facility may be required to adjust their treatment system at the next permit renewal to reduce the PAN of the effluent so that it does not exceed the nitrogen uptake rate of the cover crop.

ii. No pooling, no ponding, no discharge

Any activity occurring under this permit shall not discharge to the waters of the State. A discharge from this site may result in pollutants entering the waters of the State, which is a violation of Ark. Code Ann. § 8-4-217. In order to prevent a discharge from the permitted operation, the facility shall control the rate of application to prevent pooling, ponding, overland flow, or runoff.

iii. Bypassing Treatment

In order for the wastewater to received adequate treatment, the wastewater shall be properly treated prior to drip dispersal. Bypassing treatment would be a violation of this permit.

iv. Reporting requirements and monitoring frequency

In order to ensure the facility is being proper maintained and operated the Department will require the facility to submit monthly monitoring reports.

v. Record keeping of liquids or solids leaving the facility

In order to maintain complete records of the disposal of the treated leachate or solids associated with the leachate system, the facility shall maintain records of any type of material that is shipped from the facility.

vi. Vegetation Cover Requirement

In order to ensure proper treatment from the soil and to prevent erosion, the drip fields shall maintain 100% vegetative coverage with a minimum of 80% density. Furthermore, the vegetative coverage and density is also used for stabilization purposes to reduce the risk of soil erosion and runoff.

vii. Removal of grass clippings

The drip irrigation system disperses treated effluent to the root zone of the cover crop for additional treatment from the uptake from the cover crop and from the soil. In order to obtain the appropriate treat from the cover crop the grass clippings shall be removed

viii. Removal of invasive vegetation

This condition was added to the permit in order to prevent damage to the drip dispersal lines or equipment from invasive vegetation.

ix. Inspection of drip fields

This type of system has a history of damaged drip field lines or system components occurring during activities such as disking or mowing the field; therefore, the drip field should be inspected after any activity that may cause damage to the field is completed. Because surfacing of effluent from damaged lines will take time, inspections of the drip field should occur 24 hours after activity has ceased in that area of the drip field. Any damaged lines or other system components should be repaired immediately. The Department requires that records be kept on-site for review of inspections and when repairs are begun and completed.

x. Requirements for maintaining a reserve drip irrigation field

A reserve drip irrigation field is required in the event that the drip irrigation field becomes hydraulically overloaded and no longer absorbs the volume of treated effluent at the soil loading rates for the associated zone.

xi. Requirements for a closure plan

This condition is required to ensure that the permittee takes all of the necessary means to adequately close this type of system, which includes removal of all the waste from the system and properly filling or collapsing the septic systems.

xii. Removal of lysimeter requirements

Upon review of approximately four years of quarterly monitoring data, the Department has determined that the laboratory analysis of the fluids collected in the lysimeters are not providing sufficient information to assess the environmental impact of the treatment unit. Adherence to the treated effluent limitations in Part I, Table 1 of the permit and monthly monitoring of the treated effluent will minimize any migration of pollutants to water of the State. Additionally, the soil provides additional treatment of the effluent in the drip irrigation field.

xiii. Removal of monitoring well requirements

Upon review of approximately four years of quarterly monitoring data, the Department has determined that the laboratory analysis of the fluids collected from the monitoring wells are not providing sufficient information to assess the environmental impact of the treatment unit. Adherence to the treated effluent limitations in Part I, Table 1 of the permit and monthly monitoring of the treated effluent will minimize any migration of pollutants to water of the State. Additionally, the soil provides additional treatment of the effluent in the drip irrigation field.

C. Part III – Standard Conditions

Standard Conditions have been included in this permit based on generally accepted scientific knowledge, engineering practices and the authority of the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 et seq.).

D. Part IV – Definitions

All definitions in Part IV of the permit are self-explanatory.

12. Point of Contact

For additional information, contact

Colby Ungerank
Engineer
Permits Branch, Water Division
5301 Northshore Drive
North Little Rock, AR 72118-5317
501-682-0047
E-mail: ungerank@adeq.state.ar.us

Technical review

Jamal Solaimanian, Ph.D., P.E.
Engineer Supervisor, No Discharge Section
Permits Branch, Water Division
5301 Northshore Drive
North Little Rock, AR 72118-5317
501-682-0620
E-mail: jamal@adeq.state.ar.us

13. Sources

The following Sources were used to draft the permit:

- A. APC&EC Regulation No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas.
- B. APC&EC Regulation No. 3, Licensing of Wastewater Treatment Plant Operators.
- C. APC&EC Regulation No. 8, Administrative Procedures.
- D. APC&EC Regulation No. 9, Permit Fee Regulations.
- E. APC&EC Regulation No. 17, Arkansas Underground Injection Control Code.
- F. Integrated Water Quality and Assessment Report (305(b) Report).
- G. Ark. Code Ann. § 8-4-101 et seq., Arkansas Water and Air Pollution Control Act.
- H. 40 CFR Parts 144 and 146.
- I. Ark. Code Ann. § 8-4-203, as amended.
- J. Arkansas Department of Health, “Rules and Regulations Pertaining to Onsite Wastewater Systems.”
- K. Application No. 4815-WR-4 received January 2, 2015.

- L. Additional Information received on January 28, 2015, July 23, 2015, August 10, 2015, and September 15, 2015.

14. Public Notice

The public notice describes the procedures for the formulation of final determinations and shall provide for a public comment period of 30 days. During this period, any interested persons may submit written comments on the permit and may request a public hearing to clarify issues involved in the permitting decision. A request for a public hearing shall be in writing and shall state the nature of the issue(s) proposed to be raised in the hearing.

The ADEQ will notify via an e-mail public notice of the permit to the Corps of Engineers, the U.S. Fish and Wildlife Service, the Arkansas Game and Fish, the Department of Arkansas Heritage, the EPA, and the Arkansas Department of Health for review and comments.

DRAFT

Permit No. **4815-WR-4**
AFIN 72-00974

AUTHORIZATION FOR A NO-DISCHARGE WATER PERMIT UNDER THE ARKANSAS WATER AND AIR POLLUTION CONTROL ACT

In accordance with the provisions of the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 et seq.) and Arkansas Pollution Control and Ecology Commission (APC&EC) and Regulation No. 17 Arkansas Underground Injection Control (UIC) Code.

Goshen Municipal Property Owner's Improvement District #2

is authorized to operate the decentralized wastewater treatment system with drip irrigation dispersal of the treated domestic wastewater from the facility located at 2677 W. Highway 45 Goshen, AR 72735 in Washington County at the following coordinates:

Latitude: 36° 6' 0" N; Longitude: 94° 2' 2" W

Operation shall be in accordance with all conditions set forth in this permit.

Effective Date:

Expiration Date:

Ellen Carpenter
Chief, Water Division
Arkansas Department of Environmental Quality

Issue Date

PART I Permit Requirements

SECTION A. LIMITATIONS AND MONITORING REQUIREMENTS:

The following tables detail the constituent limits, monitoring frequencies and the requirements for reporting results to ADEQ for each respective parameter listed in the table heading.

Table 1: Treated Effluent Limits, Monitoring, and Reporting Requirements			
Parameter	Limit	Units	Monitoring
Carbonaceous Biochemical Oxygen Demand (CBOD5)	15	mg/l	Grab sample once per month ²
Total Suspended Solids (TSS)	15	mg/l	
Fecal Coliform Bacteria (FCB)	2,000	colonies/100ml	
pH	6.0 – 9.0	s.u.	
Total Phosphorus (TP)	Report	mg/l	
Total Kjeldahl Nitrogen (TKN)	Report	mg/l	Grab sample once per quarter ²
Ammonia Nitrogen (NH ₃ -N)	Report	mg/l	
Nitrate Nitrogen (NO ₃ -N) + Nitrite Nitrogen (NO ₂ -N)	Report	mg/l	
Plant Available Nitrogen (PAN) ³	Report	mg/l	
Flow, monthly total	Report	MGD	Total flow per calendar month ¹
Flow, daily maximum	Report	MGD	Daily
Loading Rate	Report ⁴	gpd/ft ²	

¹Total flow is the sum of the daily flows from the 1st of the month until the end of the month.

² Refer to Condition 16 of Part II of the permit.

³ Refer to Condition 7 of Part II of the permit.

⁴The maximum loading rate cannot exceed those specified in Table 2 below.

Table 2: Drip Field Soil Loading Rates		
Zone Identification	Loading Rate (gpd/ft ²)	Maximum Capacity (gpd)
Zone 1A	0.20	4,377
Zone 1B	0.19	4,158
Zone 2A	0.19	4,158
Zone 2B	0.18	3,939
Zone 3A	0.19	4,158
Zone 3B	0.19	4,158
Zone 4A	0.19	4,158
Zone 4B	0.19	4,158
Zone 5A	0.21	4,596
Zone 5B	0.22	4,814
Zone 6A	0.21	4,596
Zone 6B	0.24	5,252

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Page 2 of Part I
Permit No. 4815-WR-4
AFIN 72-00974

SECTION B. SCHEDULE OF COMPLIANCE:

in previous permit

1. Compliance with the monitoring requirement of total kjeldahl nitrogen, nitrate + nitrite nitrogen, plant available nitrogen (PAN), daily maximum flow, and loading rate shall commence on January 1, 2016.

Part II Specific Conditions

1. This permit is for the operation of a decentralized wastewater treatment system with drip irrigation dispersal of the treated wastewater for a subdivision. This type of systems is also classified as a Class V shallow injection wells under the provisions of Regulation No. 17.
2. The drip irrigation operation shall be managed in accordance with the December 20, 2014 Waste Management Plan (WMP). If the WMP is inconsistent with this permit, the drip irrigation operation shall be managed in accordance with the terms of the permit and the WMP shall be revised to conform to the permit conditions.
3. Under the provisions of Regulation No. 17 and Title 40 of the Federal Code of Regulations (CFR) Parts 144 and 146, promulgated under Part C of the Safe Drinking Water Act (SDWA), no owner or operator shall construct, operate, maintain, convert, plug, abandon, or conduct any other injection activity in a manner that may allow the movement of fluid containing any contaminant into an underground source of drinking water.
4. The waste disposal system shall be operated by a minimum of a licensed Class II wastewater treatment plant operator by the State of Arkansas in accordance with Ark. Code Ann. § 8-5-205 et seq. and APC&EC Regulation No. 3.
5. Wastewater shall not be discharged from this operation to the waters of the State or dispersed to the land in any manner that may result in pooling, ponding, or runoff to the waters of the State. If any of the above conditions occur, dispersal shall cease immediately. Resumption of application activities cannot occur until all conditions of the permit are met. *Note: Any evidence of runoff must be reported within 24 hours to the Enforcement Branch of the Water Division in accordance with Standard Condition 13 of Part III.*
6. Bypassing the disposal system is prohibited and may result in the revocation of this permit and other appropriate enforcement actions by the Department.
7. Plant Available Nitrogen (PAN) shall be calculated using the following equations:

PAN Equations	
For Subsurface applied or Incorporated waste, PAN (mg/l)	$0.3(\text{TKN} - \text{NH}_3) + \text{NH}_3 + \text{NO}_3 + \text{NO}_2$
Conversion from PAN(mg/l) to PAN(lbs/1000 gal)	$0.00834 * \text{PAN}(\text{mg/l})$

The waste must be applied at a rate (calculated in units of 1000 gallons/acre) that provides a quantity of PAN (lbs N/acre) that is equal to or less than the nitrogen uptake rate of the cover crop (lbs/acre). See the table below for a list of Nitrogen uptakes for crops mentioned in the waste management plan. Any crop not listed in the following table may be added to the permit as an update to the WMP.

Nitrogen Uptake of Cover Crops	
Crop Name	Uptake (lbs/acre)
Bermuda	300
Fescue	138

8. The permittee must maintain current records of all activities related to the removal of solid materials, oil, grease, wastewater, etc., from the operation. The following information must be recorded and made available to ADEQ personnel on request: date of the activity, volume, or weight of material removed, type of material removed, interim or final destination of the material discarded, and complete identification of the carrier(s) transporting the material. If the waste is to be recycled or reused, document the name and address of the receiving entity or firm.
9. The drip irrigation field shall be maintained with 100% vegetative cover with a minimum 80% density for additional treatment, minimize erosion and to ensure the nitrogen uptake rate of the cover crop used to calculate the limit in Condition No. 7 or Part I.
10. When the vegetative cover is mowed, clippings shall be removed from the drip field.
11. The drip field shall be inspected for damage with 24 hours after mowing or other activities that may damage the field have ceased. Damaged lines or other system components shall be repaired as soon as possible. Records of inspections and any required repairs shall be kept on-site for review and shall be submitted to the Department upon request.
12. Any invasive vegetation that would impact the integrity of the drip lines, such as tree and shrub growth, shall be removed. The drip field shall be protected from any activity that might damage the irrigation system.
13. Signs shall be posted around the disposal area indicating that the area is irrigated with treated wastewater effluent.
14. The reserve drip irrigation field shall be maintained in a condition to be used should the reserve area need to be brought into service upon failure of the primary drip irrigation field.
15. Should the facility under this permit cease operations, the permittee shall submit to the Department, for approval, a closure plan for the system's storage and treatment structures within sixty (60) days of the final day of operation.
16. The treated effluent shall be sampled in accordance with the monitoring frequencies listed in Table 1 of Part I. The treated effluent sample shall be representative of the effluent to be dispersed to the drip fields. The monthly monitoring reports shall be submitted to the Department prior to the 15th of the following month.

Part III Standard Conditions

1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Arkansas Water and Air Pollution Control Act and is grounds for civil and administrative enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

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 both 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

- A. This permit may be modified; revoked and reissued; or terminated for cause including, but not limited to the following:
 - i. Violation of any terms or conditions of this permit;
 - ii. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
 - iii. 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; or
 - iv. Failure of the permittee to comply with the provisions of Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation No. 9 (Permit fees).
- B. The filing of a request by the permittee for a permit modification; revocation and reissuance; termination; or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

4. Civil and Criminal Liability

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 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.

5. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act and Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

6. **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.

7. **Property Rights**

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any 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.

8. **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.

9. **Permit Fees**

The permittee shall comply with all applicable permit fee requirements (i.e., including annual permit fees following the initial permit fee that will be invoiced every year the permit is active) for No-Discharge permits as described in APC&EC Regulation No. 9 (Regulation for the Fee System for Environmental Permits). Failure to promptly remit all required fees shall be grounds for the Director to initiate action to revoke this permit.

10. **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 and trained operating staff which is duly qualified to carry out operation, maintenance, and testing functions required to insure compliance with the conditions of this permit.

11. **Duty to Mitigate**

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

12. **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.

13. Reporting of Violations and Unauthorized Discharges

- A. Any violations to this permit must be reported to the Enforcement Branch of the Department immediately. Any leaks or seeps shall be reported to the Department and appropriately corrected. Any discharge from the fluids storage system such as an overflow, a broken pipe, etc., shall be immediately reported to the Department.
- B. The operator shall visually monitor and report immediately (within 24 hours) to the Enforcement Branch any unauthorized discharge from any facility caused by dike or structural failure; equipment breakdown; human error; etc., and shall follow up with a written report within five (5) days of such occurrence. The written report shall contain the following:
 - i. A description of the permit violation and its cause;
 - ii. The period of the violation, including exact times and dates;
 - iii. If the violation has not been corrected, the anticipated time expected to correct the violation; and
 - iv. Steps taken or planned to reduce, eliminate, and prevent the recurrence of the violation.
- C. Reports shall be submitted to the Enforcement Branch at the following address:

Arkansas Department of Environmental Quality
Water Division, Enforcement Branch
5301 Northshore Dr.
North Little Rock, Arkansas 72118
Fax (501) 682-0880

Or

Water-enforcement-report@adeq.state.ar.us

14. 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.

15. Laboratory Analysis

All laboratory analyses submitted to the Department shall be completed by a laboratory certified by ADEQ under Ark. Code Ann. § 8-2-201 *et seq.* Analyses for the permittee's internal quality control or process control do not need to be performed by an ADEQ certified laboratory.

16. Retention of Records

The permittee shall retain records of all monitoring information, 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.

17. 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) the 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.

18. 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,
- D. Sample, inspect, or monitor at reasonable times, for the purposes of assuring permit compliance any substances or parameters at any location.

19. Planned Changes

The permittee shall give notice and provide the necessary information to the Director for review and approval prior to any planned physical alterations or additions to the permitted facility.

20. 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.

21. 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.

22. 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; 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.

23. 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. Conditions of this permit will continue in effect past the expiration date pending issuance of a new permit, if:

- A. The permittee has submitted a timely and complete application; and
- B. The Director, through no fault of the permittee, does not issue a new permit prior to the expiration date of the previous permit.

24. Signatory Requirements

- A. All applications, reports, or information submitted to the Director shall be signed and certified. All permit applications shall be signed as follows:
 - i. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - a. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including: having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - ii. For a partnership or sole proprietorship: by a general partner or proprietor, respectively; or
 - iii. For a municipality, State, Federal, or other public agency; by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
 - a. The chief executive officer of the agency, or
 - b. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- B. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - i. The authorization is made in writing by a person described above.
 - ii. 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
iii. The written authorization is submitted to the Director.

- C. 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."

25. Availability of Reports

Except for data determined to be confidential under the Arkansas Trade Secrets Act (Ark. Code Ann. § 4-75-601 *et seq.*), 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.

26. 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 and/or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act.

27. Applicable Federal, State, or Local Requirements

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

Part IV Definitions

“Act” means the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 et seq.)

“APC&EC” means the Arkansas Pollution Control and Ecology Commission.

“Available Acreage” means total acreage minus buffer zones

“Daily Maximum” means the highest allowable “daily discharge” during the calendar month.

“Department” means the Arkansas Department of Environmental Quality (ADEQ).

“Director” means the Director of the Arkansas Department of Environmental Quality.

“Grab sample” means an individual sample collected in less than 15 minutes in conjunction with an instantaneous flow measurement.

“MGD” means million gallons per day.

“mg/l” means milligrams per liter or parts per million (ppm).

“NH₃” means Ammonia Nitrogen.

“NO₃ + NO₂” means Nitrate + Nitrite Nitrogen.

“PAN” means Plant Available Nitrogen.

“ppm” means parts per million.

“Sewage sludge” means the solids, residues, and precipitate separated from or created in sewage by the unit processes a publicly-owned treatment works. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and storm water runoff that are discharged to or otherwise enter a publicly-owned treatment works.

“s.u.” means standard units.

“TKN” means Total Kjeldahl Nitrogen.

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 No-Discharge Monitoring Report (NMR) shall be submitted by the 15th of the month following the sampling. Monthly is defined as a calendar month or any portion of a calendar month for monitoring requirement frequency of once/month or more frequently.