ADEQ

A R K A N S A S
Department of Environmental Quality

OCT 08 2015

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (91 7199 9991 7030 4937 1635)

Richard Murders, Plant Manager
Weyerhaeuser NR Company - Dierks Mill
P.O. Box 38
Dierks, AR 71833

RE: Discharge Permit Number AR0002917, AFIN 31-00016

Dear Mr. Murders:

Enclosed are the public notice, a copy of the draft permit, and Statement of Basis which the Arkansas Department of Environmental Quality (ADEQ) has prepared and mailed to you on the above date under the authority of the National Pollutant Discharge Elimination System (NPDES) and 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 permitting decision.

In accordance with Reg. 8.207, the enclosed public notice will be or has been published by ADEQ in a newspaper of general circulation of your facility for one (1) day only. 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 proof of payment to the address at the bottom of this letter as soon as possible but no later than 30 days from the above date. Until this Department receives proof of publication of the public notice and payment of all permit fees, no further action will be taken on the issuance of your discharge permit.

For a list of changes, please see Section 6 of the enclosed Statement of Basis. Comments must be received at ADEQ prior to the close of the public comment period as described in the enclosed public notice. 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.

Should you have any questions concerning any part of the draft permit, please contact Loretta Reiber, P.E. at (501) 682-0612.

Sincerely,

Ellen Carpenter
Chief, Water Division

EC:lr

Enclosure

PUBLIC NOTICE OF DRAFT DISCHARGE PERMIT
AND 208 Plan
PERMIT NUMBER AR0002917, AFIN 31-00016

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) 682-0622, proposes a draft modification of the permit number AR0002917 for which an application was received on April 13, 2015, with all additional information received by April 20, 2015, for the following applicant under the National Pollutant Discharge Elimination System (NPDES) and the Arkansas Water and Air Pollution Control Act.

Applicant: Weyerhaeuser NR Company - Dierks Mill, Hwy 70 East, Dierks, AR 71833. Location: approximately 2500 - 3000 feet southeast of Arkansas Highway 70; Latitude: 34° 07' 02.31"; Longitude: 94° 00' 56.28" in Howard County, Arkansas. The discharge of stormwater runoff, cooling water, filter backwash, cooling tower blowdown, fly ash cooling water, fly ash box and handling equipment rinse water, runoff from fly ash drying pile, steam condensate, non-contact cooling water, boiler blowdown, fire water, and wet deck runoff is into Holly Creek, thence to the Saline River, thence to Millwood Lake, thence to the Little River, thence to the Red River in Segment 1C of the Red River Basin.

This is a modified permit. Only those portions of the permit which have been modified are open for comment at this time in accordance with 40 CFR 122.62. The modifications are as follows:

- Condition No. 11 of Part II of the permit, i.e., the land application requirements, has been removed from the permit. The facility has obtained coverage for the land application of solids under No-Discharge Permit No. 5182-W.
- The effluent flow and upstream flow requirements have been divided into two tiers at Outfall 004. The first tier allows the permittee to discharge a maximum of 2.23 cfs when the upstream flow is at least 10 cfs. The second tier, which contains the requirements already in the permit, allows the permittee to discharge a maximum of 11 cfs when the upstream flow is at least 100 cfs. See Item No. 5 of this Statement of Basis for additional information.
- The description of the receiving waters has been expanded to include Millwood Lake and the Little River.

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. Updates to the 208 Plan have been proposed to include both flow tiers for Outfall 004. These changes have also been incorporated into the draft discharge permit.

Tier I: Outfall 004 Flow = 2.23 cfs maximum when upstream flow is 10 cfs or greater
Tier II: Outfall 004 Flow = 11 cfs maximum when upstream flow is 100 cfs or greater

ADEQ's contact person for submitting written comments on the draft permit or the proposed changes to the 208 Plan, requesting information regarding the draft permit or the 208 Plan, or obtaining a copy of the permit and the Statement of Basis is Loretta Reiber, P.E., 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 as well as the publication date may be found on the ADEQ's website at:
http://www.adeq.state.ar.us/water/branch_permits/individual_permits/pn_permits/pnpermits.asp.

The comment period for the draft permit and the 208 Plan shall end at 4:30 P.M. (Central Time) on the 30th day after the publication date. 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 Loretta Reiber, P.E. at the above address and telephone number or by email at Water-Draft-Permit-Comment@adeq.state.ar.us. Public notice, comments, and hearings will be conducted in accordance with Regulation 6.104(A)(5) [40 CFR Parts 124.10 through 124.12 by reference] and Regulation 8.207 through 8.210 (Administrative Procedures). All persons, including the permittee, who wish to comment on ADEQ's draft permitting decision must submit written comments to ADEQ, along with their name and mailing address. A Public Hearing will be held when ADEQ finds a significant degree of public interest. After the public comment period, ADEQ will issue a final permitting decision. ADEQ will notify the applicant and each person who has submitted written comments or request notice of the final permitting decision. Any interested person who has submitted comments may appeal a final decision by ADEQ in accordance with the APCEC Regulation No. 8.603.

DRAFT

Statement of Basis

All changes to the Statement of Basis based upon the permit application are italicized.

This is a modified permit and only the modified portion of the permit are open for comment. This Statement of Basis is for information and justification of the permit limits only. Please note that it is not enforceable. This *draft* permitting decision is for modification of the discharge Permit Number AR0002917 with Arkansas Department of Environmental Quality (ADEQ) Facility Identification Number (AFIN) 31-00016 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:

   Weyerhaeuser NR Company - Dierks Mill
   P.O. Box 38
   Dierks, AR 71833

   The facility address is:

   Weyerhaeuser NR Company - Dierks Mill
   Hwy 70 East
   Dierks, AR 71833

3. **PREPARED BY.**

   The permit was prepared by:

Loretta Reiber, P.E.
Staff Engineer
Discharge Permits Section, Water Division
(501) 682-0612
E-mail: reiber@adeq.state.ar.us

John Bailey, P.E.
Branch Manager
Permits Branch, Water Division
(501) 682-0629
E-mail: bailey@adeq.state.ar.us

4. **PERMIT APPEAL RESOLUTION - DOCKET NO. 13-003-P.**

On April 29, 2013 the Arkansas Department of Environmental Quality ("ADEQ") issued NPDES permit No. AR0002917 to Weyerhaeuser NR Company – Dierks Mill ("Permittee") with an effective date of June 1, 2013. The permittee filed a timely request for Commission Review and Adjudicatory Hearing ("Appeal") regarding ADEQ's decision to issue the permit. Ultimately, the parties have agreed to resolve the issues in dispute in the Appeal by agreement. Accordingly, the Appeal was closed and the proceedings were remanded to the Department to proceed in accordance with the terms of the Permit Appeal Resolution (PAR) entered in Docket No. 13-003-P. Therefore, the permit has been modified according to the PAR as follows:

- In accordance with Item 1 of the PAR, E. coli limits have replaced the FCB limits. Therefore, Part IA, Effluent Limits, has been revised to include this revision.
- In accordance with Item 2 of the PAR, a six-month schedule of compliance has been included in the permit.

This was a modified draft permit and only the modified portion of the permit was reopened for comment pursuant to 40 CFR 122.62.

5. **PERMIT ACTIVITY.**

Permit Effective Date:	June 1, 2013
1st Major Modification Effective Date:	*February 1, 2014*
2nd Major Modification Effective Date:	*February 1, 2015*
Permit Expiration Date:	May 31, 2018

2nd Major Modification

Water Division personnel conducted an inspection of the facility on April 2, 2014, and identified an unpermitted discharge of fly ash box rinse water through Outfall 002. The permittee conducted an internal audit and discovered that the following unpermitted waste streams were being discharged through Outfall 002:

- Fly ash cooling water;
- Fly ash box and handling equipment rinse water;
- Runoff from fly ash drying pile; and
- Steam condensate.

The facility's air permit (0023-AOP-R7) only allows them to burn wood residuals, used paper, and small quantities of oil spill cleanup products. Based in part on the allowed fuel types, no limits are changing or being added with this permit modification. See Item No. 14.a of this Statement of Basis for additional information.

The permittee submitted an application to modify NPDES Permit No. AR0002917 on May 16, 2014, so that the waste streams can be included in the permit application. The application was deemed complete on May 19, 2014. The discharge permit is modified for the remainder of the 5-year term in accordance with regulations promulgated at 40 CFR Part 122.46(a).

In addition to the changes requested by the permittee, the Department is removing the Permit Compliance Section in Part IB of the permit. The Permit Compliance Schedule allowed the permittee until July 31, 2014, i.e., six months from the date of the first major modification, to comply with the final limits for E. coli as agreed to in Permit Appeal Resolution entered in Docket No. 13-003-P. Since the date for compliance with the final limits, August 1, 2014, has passed, the Permit Compliance Schedule is no longer valid and the permittee must comply with the final limits.

3rd Major Modification

Request

The permittee submitted an application to modify their NPDES permit on April 13, 2015 with all additional information received by April 20, 2015. The permittee requested that the following changes be made to their permit:

- *Removal of the land application of biosolids condition from the permit since they have received coverage for that activity under No-Discharge Permit No. 5182-W; and*
- *A tiered HCR at Outfall 004 to allow for discharges to occur from Outfall 004 if the receiving stream flow is at least 10 cfs and the effluent flow is 1.44 MGD (2.23 cfs) or lower and to maintain the current HCR requirement limiting effluent flow to 11 cfs when the stream flow is 100 cfs or higher.*

Response

The permit writer has confirmed that coverage for the land application of solids was received. Therefore, the condition containing the requirements for this activity will be removed from the permit.

The water quality model was first performed for a permit modification in 1993. At that time, the permittee requested the effluent flow at Outfall 004 be limited to 11 cfs and that discharges would only occur when the background flow of the receiving stream (Holly Creek) is 100 cfs or greater. With those flow restrictions at Outfall 004, the water quality of the receiving stream is protected without the need for COD or TSS limits. The Department therefore issued all subsequent permits with the listed flow restrictions and only monitoring and reporting requirements for COD and TSS.

The Department has reviewed the water quality model submitted with the permit application and is in agreement that the water quality of the receiving stream will be protected if the upstream flow is at least 10 cfs and the effluent flow at Outfall 004 is 2.23 cfs or lower. The permit will be modified to allow for discharges under those conditions and will retain the requirement limiting effluent flow to 11 cfs when the stream flow is 100 cfs or higher.

The Department is not setting the effluent flow limits as percentages of stream flow based upon a request made on behalf of the permittee. The limits on a maximum effluent flow rate and a minimum stream flow rate expressed in terms of cfs make it easier for facility personnel to comply with the terms of the permit.

The Department is expanding the description of the receiving stream to include Millwood Lake and the Little River. No conditions or requirements are being added to the permit as a result of this change.

This is a modified draft permit. Only the modified portions of the permit are open for comments pursuant to 40 CFR 122.62.

DOCUMENT ABBREVIATIONS

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

BAT - best available technology economically achievable
BCT - best conventional pollutant control technology
BMP - best management practice
BOD_5 - five-day biochemical oxygen demand
BPJ - best professional judgment
BPT - best practicable control technology currently available
$CBOD_5$ - carbonaceous biochemical oxygen demand
CD - critical dilution
CFR - Code of Federal Regulations
cfs - cubic feet per second
COD - chemical oxygen demand
COE - United States Corp of Engineers
CPP - continuing planning process
CWA - Clean Water Act
DMR - discharge monitoring report
DO - dissolved oxygen
ELG - effluent limitation guidelines
EPA - United States Environmental Protection Agency
ESA - Endangered Species Act
FCB - fecal coliform bacteria

gpm - gallons per minute
MGD - million gallons per day
MQL - minimum quantification level
NAICS - North American Industry Classification System
NH3-N - ammonia nitrogen
NO_3 + NO_2-N - nitrate + nitrite nitrogen
NPDES - National Pollutant Discharge Elimination System
O&G - oil and grease
Reg. 2 - APCEC Regulation No. 2
Reg. 6 - APCEC Regulation No. 6
Reg. 8 - APCEC Regulation No. 8
Reg. 9 - APCEC Regulation No. 9
RP - reasonable potential
SIC - standard industrial classification
TDS - total dissolved solids
TMDL - total maximum daily load
TP - total phosphorus
TRC - total residual chlorine
TSS - total suspended solids
UAA - use attainability analysis
USF&WS - United States Fish and Wildlife Service
WET - Whole effluent toxicity
WQMP - water quality management plan
WQS - Water Quality standards
WWTP - wastewater treatment plant

Compliance and Enforcement History:

Compliance and Enforcement History for this facility can be reviewed by using the following web link:

http://www.adeq.state.ar.us/downloads/WebDatabases/PermitsOnline/NPDES/PermitInformation/AR0002917_Compliance%20Review_20150603.txt

6. FINANCIAL ASSURANCE

The permittee is not required to submit financial assurance for this permit since they are not operating a non-municipal domestic sewage treatment plant.

7. **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.

This is a modified draft permit. Only the modified portions of the permit are open for comments pursuant to 40 CFR 122.62.

The list of changes which were made in the renewal permit with an effective date of June 1, 2013 and the modified permits with effectives date of February 1, 2015 and February 1, 2015, may be found in the Statement of Basis for those permits. The NPDES permit is now being modified as follows:

- *Condition No. 11 of Part II of the permit, i.e., the land application requirements, has been removed from the permit. The facility has obtained coverage for the land application of solids under No-Discharge Permit No. 5182-W.*
- *The effluent flow and upstream flow requirements have been divided into two tiers at Outfall 004. The first tier allows the permittee to discharge a maximum of 2.23 cfs when the upstream flow is at least 10 cfs. The second tier, which contains the requirements already in the permit, allows the permittee to discharge a maximum of 11 cfs when the upstream flow is at least 100 cfs. See Item No. 5 of this Statement of Basis for additional information.*
- *The description of the receiving waters has been expanded to include Millwood Lake and the Little River.*

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

The outfalls are located at the following coordinates based on the permit application using WGS84:

Outfall 002: Latitude: 34° 06’ 50”; Longitude: 94° 00’ 36”
Outfall 003: Latitude: 34° 06’ 47”; Longitude: 94° 00’ 50”
Outfall 004: Latitude: 34° 06’ 55”; Longitude: 94° 00’ 21”

The receiving waters named:

Holly Creek, thence to the Saline River, *thence to Millwood Lake, thence to the Little River,* thence to the Red River in Segment 1C of the Red River Basin. The receiving stream with USGS Hydrologic Unit Code (H.U.C) of 11140109 and reach #013 is a Water of the State classified for secondary contact recreation, raw water source for domestic (public and private), industrial, and agricultural water supplies, propagation of desirable species of fish and other aquatic life, and other compatible uses.

9. **303(d) LIST, ENDANGERED SPECIES, AND ANTI-DEGRADATION CONSIDERATIONS.**

A. 303(d) List:

Reach #013 of Holly Creek is on the 2008 303(d) for pathogens in Category 5g. The Saline River is on the 2008 303(d) list for Lead (Reach #010) in Category 5d. The cause of the impairments is unknown.

A review of the monitoring data for station RED0021 showed that the Lead standard has not been exceeded since March 2007. According to the assessment methodology contained in the 2008 305(b) report, a stream is only considered to be impaired because of a metal if there are two or more exceedances of the water quality standards. Also, Lead was not detected during the PPS submitted with the renewal application. Therefore, based on the category of the listing and a lack of exceedances of the water quality standard, Lead requirements will not be placed in the permit. The Department reserves the right to reopen the permit if additional monitoring data demonstrates that Reach #010 of the Saline River is truly impaired due to Lead.

A TMDL has been finalized for pathogens in Holly Creek. See Item #13.A for information concerning the implementation of the TMDL in this permit.

B. **Endangered Species**:

No comments on the application were received from the U.S. Fish and Wildlife Service (USF&WS). The draft permit and Statement of Basis were sent to the USF&WS for their review.

The Department of Arkansas Heritage has identified the following species of conservation concern to occur in Holly Creek at or within five miles downstream of the outfalls:

Notropis atrocaudalis, blackspot shiner – state concern

The limits in the permit are designed to protect all beneficial uses of the receiving waters, including propagation of desirable species of fish and other aquatic life, which includes the above species of concern. Therefore, ADEQ has determined that the permit limits will serve to help protect the species of concern identified above.

C. **Anti-Degradation**:

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

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

This is a modified draft permit. Only the modified portions of the permit are open for comments pursuant to 40 CFR 122.62.

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

A. Average Flows:

Different effluent flows were used for the critical season and the primary season since the flows are variable due to stormwater. The permittee has demonstrated that the critical season flows are significantly lower than the primary season flows. The use of the different flows allows the facility to obtain higher effluent limits in the critical season while protecting the water quality of the receiving stream.

Outfall 002: 0.183 MGD (highest monthly average flow 6/2010 - 5/2012, May – Oct.)
0.349 MGD (highest monthly average flow 6/2010 - 5/2012, Nov. – April)
Although not included in permits *prior to the second major modification of this permit*, the streams which are being added to the effluent description have been discharged through Outfall 002 for several years. The flow volumes listed include all waste streams which are listed in the modified effluent description. See Item No. 5 of this Statement of Basis for additional information.

Outfall 003: 0.165 MGD (highest monthly average flow 6/2010 - 5/2012, May – Oct.)
0.291 MGD (highest monthly average flow 6/2010 - 5/2012, Nov. – April)
Outfall 004: No discharge from this outfall occurred during the past five years.

B. Type of Treatment: Outfalls 002, 003, and 004: sedimentation ponds

C. Discharge Description:

Outfall 002: stormwater runoff, cooling water, filter backwash, cooling tower blowdown, fly ash cooling water, fly ash box and handling equipment rinse water, runoff from fly ash drying pile, and steam condensate
Outfall 003: non-contact cooling water, steam condensate, boiler blowdown, stormwater, and fire water

Outfall 004: stormwater runoff and wet deck runoff

Cooling water is obtained from a facility owned pond on site. Therefore, Section 316(b) of the Clean Water Act is not applicable to this facility.

D. Facility Status: This facility was evaluated using the NPDES Permit Rating Worksheet (MRAT) to determine the correct permitting status. Since the facility's MRAT score of 20 is less than 80, this facility is classified as a minor industrial.

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

11. **ACTIVITY.**

Under the Standard Industrial Classification (SIC) code of 2421 or North American Industry Classification System (NAICS) code of 321113, the applicant's activities are the operation of a sawmill and planing mill.

12. **SOLIDS PRACTICES.**

Solids are stored onsite in the sedimentation ponds.

13. **PERMIT CONDITIONS.**

This is a modified draft permit. Only the modified portions of the permit are open for comments pursuant to 40 CFR 122.62.

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 (Ark. Code Ann. 8-4-101 et. seq.).

A. **Effluent Limitations**

Outfall 002 - stormwater runoff, cooling water, filter backwash, cooling tower blowdown, fly ash cooling water, fly ash box and handling equipment rinse water, runoff from fly ash drying pile, and steam condensate

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

Effluent Characteristics	Discharge Limitations				Monitoring Requirements	
	Mass (lbs/day, unless otherwise specified)		Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Daily Max	Monthly Avg.	Daily Max		
Flow	N/A	N/A	Report, MGD	Report, MGD	five/week	instantaneous
Biochemical Oxygen Demand (BOD5)						
(May – October)	22.9	34.3	15	22.5	once/month	grab
(November – April)	61.1	91.7	21	31.5	once/month	grab
Total Suspended Solids (TSS)						
(May – October)	53.4	106.8	35	70	once/month	grab
(November – April)	101.9	203.7	35	70	once/month	grab
Temperature	N/A	N/A	86 °F, Inst. Max.		once/month	grab
Dissolved Oxygen (DO)	N/A	N/A	3.0 (Inst. Min.)		once/2 months	grab
Oil and Grease (O & G)						
(May – October)	15.3	22.9	10	15	once/month	grab
(November – April)	29.1	43.7	10	15	once/month	grab
Escherichia coli (E. coli)	(million col./day)		(col./100ml)			
(April – September)	Report**	Report**	126	410	once/month	grab
(October – March)	Report**	Report**	630	2050	once/month	grab
pH	N/A	N/A	Minimum 6.0 s.u.	Maximum 9.0 s.u.	once/month	grab

*See equation in Condition No. 12 of Part II of the permit.

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

B. **Effluent Limitations**

Outfall 003 - non-contact cooling water, steam condensate, boiler blowdown, stormwater, and fire water

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

Effluent Characteristics	Discharge Limitations				Monitoring Requirements	
	Mass (lbs/day, unless otherwise specified)		Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Daily Max	Monthly Avg.	Daily Max		
Flow	N/A	N/A	Report, MGD	Report, MGD	five/week	instantaneous
Biochemical Oxygen Demand (BOD5)						
(May – October)	20.6	31.0	15	22.5	once/month	grab
(November – April)	51.0	76.4	21	31.5	once/month	grab
Total Suspended Solids (TSS)						
(May – October)	48.2	96.3	35	70	once/month	grab
(November – April)	84.9	169.9	35	70	once/month	grab
Temperature	N/A	N/A	86 °F, Inst. Max.		once/month	grab
Dissolved Oxygen (DO)	N/A	N/A	3.0 (Inst. Min.)		once/2 months	grab
Oil and Grease (O & G)						
(May – October)	13.8	20.6	10	15	once/month	grab
(November – April)	24.3	36.4	10	15	once/month	grab
Escherichia coli (E. coli)	(million col./day)		(col./100ml)			
(April – September)	Report**	Report**	126	410	once/month	grab
(October – March)	Report**	Report**	630	2050	once/month	grab
pH	N/A	N/A	Minimum 6.0 s.u.	Maximum 9.0 s.u.	once/month	grab

*See equation in Condition No. 12 of Part II of the permit.

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

C. **Effluent Limitations**

Outfall 004 – stormwater runoff and wet deck runoff

DISCHARGE FROM OUTFALL 004 IS NOT ALLOWED UNLESS THE UPSTREAM FLOW IN HOLLY CREEK IS 10 CFS OR GREATER. IF THE FLOW IN HOLLY CREEK IS GREATER THAN 10 CFS BUT LOWER THAN 100 CFS, THE EFFLUENT FLOW IS LIMITED TO 2.23 CFS.

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

Effluent Characteristics	**Discharge Limitations**				**Monitoring Requirements**	
	Mass (lbs/day, unless otherwise specified)		Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Daily Max	Monthly Avg.	Daily Max		
Tier I Flow Requirements						
Effluent Flow	*N/A*	*N/A*	*N/A*	*2.23 cfs*	*once/discharge*	*record*
Upstream Flow	*N/A*	*N/A*	*10 cfs, minimum*		*once/discharge*	*record*
Tier II Flow Requirements						
Effluent Flow	N/A	N/A	N/A	11 cfs	once/discharge	record
Upstream Flow	N/A	N/A	*100 cfs, minimum*[3]		once/discharge	record
Limits are applicable at Tier I and Tier II Flows.						
Chemical Oxygen Demand (COD)	N/A	N/A	Report	Report	once/discharge	grab
Total Suspended Solids (TSS)	N/A	N/A	Report	Report	once/discharge	grab
Debris	N/A	N/A	N/A	0[1]	once/discharge	visual
Oil and Grease (O & G)	N/A	N/A	10	15	once/discharge	grab
Escherichia coli (E. coli)	(million col./day)		(col./100ml)			
(April – September)	Report[2]	Report[2]	126	410	once/discharge	grab
(October – March)	Report[2]	Report[2]	630	2050	once/discharge	grab
pH	N/A	N/A	Minimum 6.0 s.u.	Maximum 9.0 s.u.	once/discharge	grab

1. Report 0 if no debris is present and 1 if debris is present.
2. See equation in Condition No. 12 of Part II of the permit.
3. *The requirement of a stream flow of at least 100 cfs was listed in Part IA of the previous permit but not listed in the table itself.*

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

D. **Effluent Limitations**

SUM TOTAL OUTFALL FOR OUTFALLS 002, 003, AND 004

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

Effluent Characteristics	Discharge Limitations				Monitoring Requirements	
	Mass (lbs/day, unless otherwise specified)		Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Daily Max	Monthly Avg.	Daily Max		
Escherichia coli (E. coli)	(million col./day)		(col./100ml)			
(October – March)	86,500	86,500	N/A	N/A	once/month	calculated*
(April – September)	17,300	17,300	N/A	N/A	once/month	calculated*

* The *E. Coli* in colonies per day at the Sum Total Outfall will be calculated by adding the colonies per day discharged from Outfalls 002, 003, and 004. The colonies per day at each of the individual outfalls will be calculated using the formula contained in Condition #12 of Part II of the permit.

14. **BASIS FOR PERMIT CONDITIONS**.

This is a modified draft permit. Only the modified portions of the permit are open for comments pursuant to 40 CFR 122.62.

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.

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

Following regulations promulgated at 40 CFR Part 122.44, 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:

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Parameter	Water Quality-Based		Technology-Based		Previous Permit		Final Permit	
	Monthly Avg. mg/l	Daily Max. mg/l	Monthly Avg. mg/l	Daily Max. mg/l	Monthly Avg. mg/l	Daily Max. mg/l	Monthly Avg. mg/l	Daily Max. mg/l
Outfalls 002 and 003								
BOD5								
(May – October)	15	22.5	N/A	N/A	15	22.5	15	22.5
(November – April)	21	31.5	N/A	N/A	21	31.5	21	31.5
TSS	N/A	N/A	35	70	35	70	35	70
Temperature	86°F, Inst. Max.		N/A		86°F, Inst. Max.		86°F, Inst. Max.	
DO	3.0 (Inst. Min.)		N/A		3.0 (Monthly Avg. Min.)		3.0 (Inst. Min.)	
O & G	10	15	N/A	N/A	10	15	10	15
E. coli (col/100ml)								
(April – September)	126	410	N/A	N/A	126	410	126	410
(October – March)	630	2050	N/A	N/A	630	2050	630	2050
pH	6.0 – 9.0 s.u.		N/A		6.0 – 9.0 s.u.		6.0 – 9.0 s.u.	
Outfall 004 – *Discharge from Outfall 004 is not allowed unless the upstream flow in Holly Creek is 10 cfs or greater. If the flow in Holly Creek is greater than 10 cfs but lower than 100 cfs, the effluent flow is limited to 2.23 cfs.*								
Tier 1								
Effluent Flow	*N/A*	*2.23 cfs*	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*	*2.23 cfs*
Upstream Flow	*10 cfs, minimum*		*N/A*		*N/A*		*10 cfs, minimum*	
Tier II								
Flow	N/A	11 cfs	N/A	N/A	N/A	11 cfs	N/A	11 cfs
Upstream Flow	*100 cfs, minimum*		*N/A*		Report[2]		*100 cfs, minimum*	
Limits applicable at both flow tiers								
COD	N/A	N/A	Report	Report	Report	Report	Report	Report
TSS	N/A	N/A	Report	Report	Report	Report	Report	Report
Debris	N/A	0[1]	N/A	<1”	N/A	0[1]	N/A	0[1]

Parameter	Water Quality-Based		Technology-Based		Previous Permit		Final Permit	
	Monthly Avg. mg/l	Daily Max. mg/l	Monthly Avg. mg/l	Daily Max. mg/l	Monthly Avg. mg/l	Daily Max. mg/l	Monthly Avg. mg/l	Daily Max. mg/l
O & G	10	15	N/A	N/A	10	15	10	15
E. coli (col/100ml)								
(April – September)	126	410	N/A	N/A	126	410	126	410
(October – March)	630	2050	N/A	N/A	630	2050	630	2050
pH	6.0 – 9.0 s.u.		N/A		6.0 – 9.0 s.u.		6.0 – 9.0 s.u.	
Sum Total Outfall for Outfalls 002, 003, and 004								
E. coli (Mcol/day)								
(October – March)	86,500	86,500	N/A	N/A	86,500	86,500	86,500	86,500
(April – September)	17,300	17,300	N/A	N/A	17,300	17,300	17,300	17,300

1. Report 0 if no debris is present. Report 1 if debris is present.
2. *The requirement of a stream flow of at least 100 cfs was listed in Part IA of the previous permit but not listed in the table itself.*

A. **Justification for Limitations and Conditions of the Permit:**

Parameter	Water Quality or Technology	Justification
Outfalls 002 and 003		
BOD5	Water Quality	MultiSMP Model reviewed 8/30/2012
TSS	Technology	40 CFR 122.44(l) and previous permit
Temperature	Water Quality	Reg. 2.502
DO	Water Quality	Reg. 2.505 / MultiSMP Model reviewed 8/30/2012
E. coli	Water Quality	Pathogen TMDLs for Selected Reaches in Planning Segment 1C and Reg. 2.507
O&G	Water Quality	Reg. 2.510
pH	Water Quality	Reg. 2.504
Outfall 004		
Tier I		
Flow	*Water Quality*	*Water Quality Model dated July 30, 2015*
Upstream Flow	*Water Quality*	*Water Quality Model dated July 30, 2015*
Tier II		
Flow	*Water Quality*	*CWA §402(o)* and previous permit
Upstream Flow	*Water Quality*	*CWA §402(o)* and previous permit

Parameter	Water Quality or Technology	Justification
Limits Applicable to Both Tiers		
COD	Technology	40 CFR 122.44(l) and previous permit
TSS	Technology	40 CFR 122.44(l) and previous permit
O & G	Water Quality	Reg. 2.510
Debris	Water Quality	Reg. 2.408
E. coli	Water Quality	Pathogen TMDLs for Selected Reaches in Planning Segment 1C and Reg. 2.507
pH	Water Quality	Reg. 2.504
Sum Total Outfall for Outfalls 002, 003, and 004		
E. coli	Water Quality	Pathogen TMDLs for Selected Reaches in Planning Segment 1C

Outfall 004

The permittee has conducted a water quality model for the discharge from Outfall 004. The model has demonstrated that the water quality of the receiving stream will be protected if the effluent flow from this outfall is limited to 2.23 cfs (1.44 MGD) if the upstream flow of the receiving stream is at least 10 cfs.

The Department has reviewed this model and does not have any objections. Therefore, the permit will now include two tiers for effluent flow and minimum required upstream flow. See Item #5 of this Statement of Basis for additional information.

Outfall 002

Fly Ash Cooling Water

Boxes containing hot fly ash are sprayed with water for cooling, fire suppression, and dust suppression. Water is sprayed on the boxes continuously but is normally regulated to minimize leaks. Water leaks from the boxes are collected in a ditch leading to the pond associated with Outfall 002. Pollutants anticipated in this type of water include TSS, O&G, and trace amounts of some metals such as those listed in Reg. 2.508.

Fly Ash Box and Handling Equipment Rinse Water

After the fly ash boxes are emptied into the landfill, they are returned to the plant and rinsed to remove residual ash. The dozer used in the ash landfill is also rinsed in the same area. This waste stream drains into a concrete pad that drains to ditch leading to the pond associated with Outfall 002. Pollutants anticipated in this type of water include TSS, O&G, and heavy metals such as those listed in Reg. 2.508.

Runoff from Fly Ash Drying Pile

Ash that accumulates from rinsing boxes is moved to a separate location (on concrete) and allowed to dry so that it can be placed in the landfill. Although most of the drying is evaporative, some water does drain into a ditch leading to the pond associated with Outfall 002. Pollutants anticipated in this type of water include TSS, O&G, and heavy metals such as those listed in Reg. 2.508.

Steam Condensate

Steam is vented at various locations around the main plant site which causes condensation to occur. The condensate collects in various ditches leading to the pond associated with Outfall 002. Parameters of concern for this type of water are TSS and temperature.

Determination of Need for Changes to Permit Limits

The permit already contains limits on TSS, O&G, and temperature at Outfall 002. Therefore, no additional permit action is necessary at this time regarding these parameters.

When the PPS was conducted for the renewal application in 2012, the fly ash streams were routed to the pond associated with Outfall 002. Reasonable potential for water quality violations was not demonstrated for any parameter. Therefore, no permit requirements for heavy metals are necessary at this time. The permittee will be required to conduct a PPS as part of the next permit renewal application.

The permitted pH ranges is based on the requirements in Reg. 2.504. The BOD5 and DO requirements are based on a model which was based on effluent flows that included the volumes of the waste streams being added under this permit. Therefore, no changes to the BOD5, DO, and pH requirements are necessary at this time.

The E. coli limits are based on the requirements of a TMDL. The requirements of the TMDL must be met through inclusion of the specified E. coli or FCB limits. As seen in the following paragraph, the permittee has requested the inclusion of E. coli limits instead of FCB limits. Therefore, no changes to the E. coli limits are required.

E. coli

The inclusion of E. coli limits which are replacing the FCB limits is the only change to permit limits occurring with this modification based on the PAR. The permittee stated in their comments on the draft permit sent to public notice on December 27, 2012, that there is interference in the FCB test from Klebsiella Bacteria. In negotiations of the PAR, the

permittee stated that the interference from Klebsiella Bacteria would not occur in an E. coli test. Since the Department is required to implement the TMDL in this permit and the TMDL allows for the use of E. coli or FCB in the permit, the permittee requested that E. coli limits contained in the TMDL replace the FCB limits.

B. **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 with the exception of the mass limits at Outfall 002. The mass limits at Outfall 002 have increased because the highest monthly average flows have increased. These changes are in accordance with the anti-backsliding provisions of 40 CFR 122.44(l) since they are based on new information. See 40 CFR 122.44(l)(2)(i)(B)(*1*).

No permit limits are changing as a result of this permit modification.

C. **Limits Calculations**

1. Mass limits:

   In accordance with 40 CFR 122.45(f)(1), all pollutants limited in permits shall have limitations expressed in terms of mass if feasible. 40 CFR 122.45(f)(2) allows for pollutants which are limited in terms of mass to also be limited in terms of other units of measurement. The calculation of the loadings (lbs per day) uses the average flows listed in Item #9.A of this Statement of Basis and the following equation:

   lbs/day = Concentration (mg/l) X Flow (MGD) X 8.34

2. Daily Maximum Limits:

   The daily maximum limits BOD5 and TSS are based on Section 5.4.2 of the Technical Support Document for Water Quality-Based Toxics Control.

   Daily Maximum limits = Monthly average limits X 1.5 – 2

   The daily maximum limits for O & G are based on Reg. 2.510.

3. Applicable Effluent Limitations Guidelines

Discharges from facilities of this type are covered by Federal Effluent Limitations Guidelines (ELGs) promulgated under 40 CFR Part 429 – Timber Products Processing Point Source Category. Operations at this facility include wet deck log storage (Subpart I – Wet Storage Subcategory), mechanical debarking (Subpart A – Barking Subcategory), sawing and planing (Subpart K – Sawmills and Planing Mills Subcategory), and kiln drying (Subpart L – Finishing Subcategory).

Pursuant to 40 CFR § 429.101, there shall be no debris discharged from the wet deck, and the pH of the treated wet deck runoff shall be within the range of 6.0 to 9.0 s.u. For the Federal requirement, debris is defined as woody material that will not pass through a 1 inch diameter round opening. The State water quality standard in Section 2.408 of APCEC Regulation No. 2 is no visible debris. Thus, the State standard is more stringent and will be used in this permit. The pH standard is the same for the Federal and State requirements.

Pursuant to 40 CFR §§ 429.21(a), 429.121, and 429.131 there shall be no other discharge of process wastewater. Pursuant to 40 CFR § 429.11(c), boiler blowdown, non-contact cooling water (if any), material storage yard runoff (either raw material or processed wood storage), and fire control water are excluded from the definition of "process wastewater."

4. Stormwater Runoff

Stormwater runoff which is not discharged through Outfalls 002, 003, and 004 is covered under the general permit for stormwater runoff associated with industrial activity. See tracking number ARR00A685.

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

The 208 Plan, developed by the ADEQ under provisions of Section 208 of the federal Clean Water Act, is a comprehensive program to work toward achieving federal water goals in Arkansas. The initial 208 Plan, adopted in 1979, provides for annual updates, but can be revised more often if necessary. Updates to the 208 Plan have been proposed to include *both flow tiers for Outfall 004.*

Tier I: Outfall 004 Flow = 2.23 cfs maximum when upstream flow is 10 cfs or greater
Tier II: Outfall 004 Flow = 11 cfs maximum when upstream flow is 100 cfs or greater

E. **Priority Pollutant Scan (PPS)**

ADEQ has reviewed and evaluated the effluent in accordance with the potential toxicity of each analyzed pollutant using the procedures outlined in the Continuing Planning Process (CPP).

The concentration of each pollutant after mixing with the receiving stream was compared to the applicable water quality standards as established in the Arkansas Water Quality Standards (AWQS), Regulation No. 2 (Reg. 2.508) and criteria obtained from the "Quality Criteria for Water, 1986 (Gold Book)".

Under Federal Regulation 40 CFR Part 122.44(d), as adopted by Regulation No. 6, if a discharge poses the reasonable potential to cause or contribute to an exceedance above a water quality standard, the permit must contain an effluent limitation for that pollutant. Effluent limitations for the toxicants listed below have been derived in a manner consistent with the Technical Support Document (TSD) for Water Quality-based Toxics Control (EPA, March 1991), the CPP, and 40 CFR Part 122.45(c).

The following items were used in calculations. Background concentrations have not been used since the 7Q10 of Holly Creek has been set to 0 cfs.

Parameter	Value	Source
Flow = Q	0.64 MGD = 0.99 cfs	DMR data, combined flow for Outfalls 002 and 003
7Q10	0 cfs	U.S.G.S.
TSS	5.5 mg/l	CPP
Hardness as CaCo3	31 mg/l	CPP
pH	7.09 s.u.	RED0034B

The following pollutants were reported above the required MQL:

Pollutant	Outfall	Concentration Reported, µg/l	MQL, µg/l
Copper, Total Recoverable	002	2.3	0.5
	003	2.7	
Nickel, Total Recoverable	003	1.4	0.5
Zinc	002	24	20
	003	39	
Phenols, Total Recoverable	002	30	5
	003	16	

ADEQ has determined from the submitted information that the discharge does not pose the reasonable potential to cause or contribute to an exceedance above a water quality standard. The calculations may be found at the following web address:

http://www.adeq.state.ar.us/ftproot/Pub/WebDatabases/PermitsOnline/NPDES/PermitInformation/AR0002917_PPS_20120917.pdf

15. **SAMPLE TYPE AND FREQUENCY.**

Requirements for sample type (all parameters) and sampling frequency (with the exception of DO) have been based on the current discharge permit. The DO monitoring frequency at Outfalls 002 and 003 has been reduced to once every two months based on the data submitted during the term of the previous permit.

Parameter	Previous Permit		Final Permit	
	Frequency of Sample	Sample Type	Frequency of Sample	Sample Type
Outfalls 002 and 003				
Flow	once/weekday	instantaneous	once/weekday	instantaneous
BOD5				
(May – October)	once/month	grab	once/month	grab
(November – April)	once/month	grab	once/month	grab
TSS				
(May – October)	once/month	grab	once/month	grab
(November – April)	once/month	grab	once/month	grab
Temperature	once/month	in-situ	once/month	in-situ
DO	once/month	grab	once/2 months	grab
E. coli	once/month	grab	once/month	grab
O & G	once/month	grab	once/month	grab
pH	once/month	grab	once/month	grab
Outfall 004				
Tier I				
Effluent Flow	*N/A*	*N/A*	*once/discharge*	*record*
Upstream Flow	*N/A*	*N/A*	*once/discharge*	*record*

Parameter	Previous Permit		Final Permit	
	Frequency of Sample	Sample Type	Frequency of Sample	Sample Type
Tier II				
Effluent Flow	once/discharge	record	once/discharge	record
Upstream Flow	once/discharge	record	once/discharge	record
Limits Applicable to Both Tiers				
COD	once/discharge	grab	once/discharge	grab
TSS	once/discharge	grab	once/discharge	grab
Debris	once/discharge	visual	once/discharge	visual
O & G	once/discharge	grab	once/discharge	grab
E. coli	N/A	N/A	once/discharge	grab
pH	once/discharge	grab	once/discharge	grab
Sum Total Outfall for Outfalls 002, 003, and 004				
E. coli				
(October – March)	N/A	N/A	once/month	calculated*
(April – September)	N/A	N/A	once/month	calculated*

*The *E. coli* in colonies per day at the Sum Total Outfall will be calculated by adding the colonies per day discharged from Outfalls 002, 003, and 004. The colonies per day at each of the individual outfalls will be calculated using the formula contained in Condition #12 of Part II of the permit.

16. **PERMIT COMPLIANCE SCHEDULE.**

None.

17. **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.

18. **SOURCES.**

The following sources were used to draft the permit:

A. Application No. AR0002917 received *April 13, 2015, with all additional information received by April 20, 2015.*

B. APCEC Regulation No. 2.
C. 40 CFR Parts 122, 125, and 429.
D. Discharge permit file AR0002917.
E. Continuing Planning Process (CPP).
F. *Compliance Review Memo from Sandra Farmer to Loretta Reiber, P.E. dated June 3, 2015.*
G. *Modeling Analysis dated July 29, 2015, for Outfalls 002 and 003 during critical flow conditions.*
H. *Modeling Analysis dated July 30, 2015, for Outfall 004 during HCR flow conditions.*
I. *Arkansas Water Quality Management Plan (WQMP).*
J. *Letter from EPA to Mo Shafii dated September 1, 2015, declining full review of draft permit.*

19. ***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.

A copy of the permit and public notice will be sent via email to the Corps of Engineers, the Regional Director of the U.S. Fish and Wildlife Service, the Department of Arkansas Heritage, the EPA, and the Arkansas Department of Health.

20. **POINT OF CONTACT.**

For additional information, contact:

Loretta Reiber, P.E.
Permits Branch, Water Division
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317
Telephone: (501) 682-0612

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Permit Number: AR0002917
AFIN: 31-00016

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

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

Weyerhaeuser NR Company – Dierks Mill

is authorized to discharge stormwater runoff, cooling water, filter backwash, cooling tower blowdown, fly ash cooling water, fly ash box and handling equipment rinse water, runoff from fly ash drying pile, steam condensate, non-contact cooling water, boiler blowdown, fire water, and wet deck runoff from a facility located as follows: Hwy 70 East, Dierks, AR 71833, approximately 2500 - 3000 feet southeast of Arkansas Highway 70 in Howard County, Arkansas. The applicant's mailing address is: P.O. Box 38, Dierks, AR 71833.

Latitude: 34° 07' 02.31"; Longitude: 94° 00' 56.28"

to receiving waters (for all outfalls) named:

Holly Creek, thence to the Saline River, thence to Millwood Lake, thence to the Little River thence to the Red River in Segment 1C of the Red River Basin.

The outfalls are located at the following coordinates:

Outfall 002: Latitude: 34° 06' 50"; Longitude: 94° 00' 36"
Outfall 003: Latitude: 34° 06' 47"; Longitude: 94° 00' 50"
Outfall 004: Latitude: 34° 06' 55"; Longitude: 94° 00' 21"

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

Effective Date:	June 1, 2013
1st Major Modification Effective Date:	February 1, 2014
2nd Major Modification Effective Date:	February 1, 2015
3rd Major Modification Effective Date:	
Expiration Date:	May 31, 2018

_____ _____

Ellen Carpenter
Chief, Water Division
Arkansas Department of Environmental Quality

3rd Modification Issue Date

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PART I
PERMIT REQUIREMENTS

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 002 - stormwater runoff, cooling water, filter backwash, cooling tower blowdown, fly ash cooling water, fly ash box and handling equipment rinse water, runoff from fly ash drying pile, and steam condensate.

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

Effluent Characteristics	**Discharge Limitations**				**Monitoring Requirements**	
	Mass (lbs/day, unless otherwise specified)		Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Daily Max	Monthly Avg.	Daily Max		
Flow	N/A	N/A	Report, MGD	Report, MGD	once/weekday	instantaneous
Biochemical Oxygen Demand (BOD5)						
(May – October)	22.9	34.3	15	22.5	once/month	grab
(November – April)	61.1	91.7	21	31.5	once/month	grab
Total Suspended Solids (TSS)						
(May – October)	53.4	106.8	35	70	once/month	grab
(November – April)	101.9	203.7	35	70	once/month	grab
Temperature	N/A	N/A	86°F, Inst. Max.		once/month	in-situ
Dissolved Oxygen (DO)	N/A	N/A	3.0 (Inst. Min.)		once/2 months	grab
Oil and Grease						
(May – October)	15.3	22.9	10	15	once/month	grab
(November – April)	29.1	43.7	10	15	once/month	grab
Escherichia coli (E. coli)	(million col./day)		(col./100ml)			
(April – September)	Report[1]	Report[1]	126	410	once/month	grab
(October – March)	Report[1]	Report[1]	630	2050	once/month	grab
pH	N/A	N/A	Minimum 6.0 s.u.	Maximum 9.0 s.u.	once/month	grab

1. See Condition No. 12 of Part II (MCol/day calculation).

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

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. Samples shall be taken after the effluent has been discharged from the pond and prior to entering the receiving stream.

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PART I
PERMIT REQUIREMENTS

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 003 – non-contact cooling water, steam condensate, boiler blowdown, stormwater, and fire water.

During the period beginning on the effective date and lasting until the date of expiration, the permittee is authorized to discharge from Outfall 003. Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristics	**Discharge Limitations**				**Monitoring Requirements**	
	Mass (lbs/day, unless otherwise specified)		Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Daily Max	Monthly Avg.	Daily Max		
Flow	N/A	N/A	Report, MGD	Report, MGD	once/weekday	instantaneous
Biochemical Oxygen Demand (BOD5)						
(May – October)	20.6	31.0	15	22.5	once/month	grab
(November – April)	51.0	76.4	21	31.5	once/month	grab
Total Suspended Solids (TSS)						
(May – October)	48.2	96.3	35	70	once/month	grab
(November – April)	84.9	169.9	35	70	once/month	grab
Temperature	N/A	N/A	86°F, Inst. Max.		once/month	in-situ
Dissolved Oxygen (DO)	N/A	N/A	3.0 (Inst. Min.)		once/2 months	grab
Oil and Grease						
(May – October)	13.8	20.6	10	15	once/month	grab
(November – April)	24.3	36.4	10	15	once/month	grab
Escherichia coli (E. coli)	(million col./day)		(col./100ml)			
(April – September)	Report[1]	Report[1]	126	410	once/month	grab
(October – March)	Report[1]	Report[1]	630	2050	once/month	grab
pH	N/A	N/A	Minimum 6.0 s.u.	Maximum 9.0 s.u.	once/month	grab

1. See Condition No. 12 of Part II (MCol/day calculation).

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

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. Samples shall be taken after the effluent has been discharged from the pond and prior to entering the receiving stream.

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PART I
PERMIT REQUIREMENTS

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 004 - stormwater runoff and wet deck overflow.

During the period beginning on the effective date and lasting until the date of expiration, the permittee is authorized to discharge from Outfall 004. Such discharges shall be limited and monitored by the permittee as specified below:

DISCHARGE FROM OUTFALL 004 IS NOT ALLOWED UNLESS THE UPSTREAM FLOW IN HOLLY CREEK IS 10 CFS OR GREATER. IF THE FLOW IN HOLLY CREEK IS GREATER THAN 10 CFS BUT LOWER THAN 100 CFS, THE EFFLUENT FLOW IS LIMITED TO 2.23 CFS.

Effluent Characteristics	Discharge Limitations				Monitoring Requirements	
	Mass (lbs/day, unless otherwise specified)		Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Daily Max	Monthly Avg.	Daily Max		
Tier I Flow Requirements						
Effluent Flow	N/A	N/A	N/A	2.23 cfs	once/discharge	record
Upstream Flow[3]	N/A	N/A	10 cfs, minimum		once/discharge	record
Tier II Flow Requirements						
Effluent Flow	N/A	N/A	N/A	11 cfs	once/discharge	record
Upstream Flow[3]	N/A	N/A	100 cfs, minimum		once/discharge	record
Limits Applicable at Both Tier I and Tier II Flows						
Chemical Oxygen Demand (COD)	N/A	N/A	Report	Report	once/discharge	grab
Total Suspended Solids (TSS)	N/A	N/A	Report	Report	once/discharge	grab
Debris	N/A	N/A	N/A	0[1]	once/discharge	visual
Oil and Grease	N/A	N/A	10	15	once/discharge	grab
Escherichia coli (E. coli)	(million col./day)		(col./100ml)			
(April – September)	Report[2]	Report[2]	126	410	once/discharge	grab
(October – March)	Report[2]	Report[2]	630	2050	once/discharge	grab
pH	N/A	N/A	Minimum 6.0 s.u.	Maximum 9.0 s.u.	once/discharge	grab

1. Report 0 if no debris is present and 1 if debris is present.
2. See Condition No. 12 of Part II (MCol/day calculation).
3. See Condition Nos. 8 and 9 of Part II (Instream Flow Monitoring Requirements).

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

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. Samples shall be taken after the effluent has been discharged from the pond and prior to entering the receiving stream.

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PART I
PERMIT REQUIREMENTS

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: SUM TOTAL OUTFALL for E. coli from Outfalls 002, 003, and 004

During the period beginning on the effective date and lasting until the date of expiration, the permittee is authorized to discharge from Outfalls 002, 003, and 004. Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristics	**Discharge Limitations**				**Monitoring Requirements**	
	Mass (colonies/day, unless otherwise specified)		Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Daily Max	Monthly Avg.	Daily Max		
Escherichia coli (E. coli)	(million col./day)		(col./100ml)			
(October – March)	86,500	86,500	N/A	N/A	once/month	calculated[1]
(April – September)	17,300	17,300	N/A	N/A	once/month	calculated[1]

1. The E. coli in colonies per day at the Sum Total Outfall will be calculated by adding the colonies per day discharged from Outfalls 002, 003, and 004. The colonies per day at each of the individual outfalls will be calculated using the formula contained in Condition #12 of Part II of the permit.

THIS IS THE SUM TOTAL OF E. COLI ALLOWED TO BE DISCHARGED BY THE PERMITTEE. THE LIMIT IS BASED ON "PATHOGEN TMDLS FOR SELECTED REACHED IN PLANNING SEGEMENT 1C."

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SECTION B. PERMIT COMPLIANCE SCHEDULE

None.

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PART II
OTHER CONDITIONS

1. 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.

2. Other Specified Monitoring Requirements

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

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

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

3. Best Management Practices (BMPs), as defined in Part IV.6, must be implemented for the facility to prevent or reduce the pollution of waters of the State from stormwater runoff, spills or leaks, and/or waste disposal. The permittee must amend the BMPs whenever there is a change in the facility or a change in the operation of the facility.

4. Discharge of process wastewater other than wet deck (material storage yard runoff) into waters of the state is prohibited. The term "process wastewater" specifically excludes noncontact cooling water, material storage yard runoff (either raw material or processed wood storage), and boiler blowdown. For the dry process hardboard, veneer, finishing,

particleboard, and sawmills and planing mills subcategories, fire control water is excluded from the definition.

5. The permittee is required to maintain adequate storage capacity for a 10-year, 24-hour storm event. This capacity must exclude 2.0 feet freeboard which must exist above the total volume required for normal operation plus the required storm surge capacity.

6. The term "10-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable recurrence interval of once in ten years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, or equivalent regional or rainfall probability information developed therefrom.

7. Storm water runoff commingling with other process waster discharged from outfalls 002, 003, and 004 shall be managed in accordance with the Best Management Practices (BMPs) in the form of a pollution prevention plan (SWPPP) required by the Arkansas Industrial General Storm Water Permit ARR00000 to control the quality of storm water discharges associated with industrial activity that are authorized by this permit. Use of BMPs in lieu of numeric effluent limitations in NPDES permits is authorized under 40 CFR 122.44(k) when the Permitting Authority finds numeric effluent limitations to be infeasible to carry out the purposes of the Clean Water Act.

8. The permittee shall be required to measure and record background flow in Holly Creek only when there is a discharge from Outfall 004. The background flow in Holly Creek at the time of discharge from Outfall 004 shall be submitted with the monthly Discharge Monitoring Report (DMR) for Outfall 004.

9. The permittee shall maintain the instream flow monitoring equipment and the associated solenoids, valves, etc.; and have the equipment serviced and calibrated on a regular basis. Records shall be kept and made available for inspection upon request.

10. Flow measurements at Outfalls 002 and 003 shall be taken at times when the staff gauge on the V-notch weir indicates an accurate flow reading and is not being influenced by flood conditions from Holly Creek. For the purposes of this permit, flood conditions shall be defined as times when the water level on the creek side of the V-notch weir is above the bottom of the V-notch. When this occurs, the staff gauge on the V-notch weir will indicate an invalid flow rate that is artificially high due to the water level being influenced by the water level in Holly Creek. The permittee shall not include any weekday flow readings taken during flood conditions at Outfalls 002 and 003 in the monthly average or daily maximum calculations for discharge monitoring reports. On weekdays when flood conditions exist, the permittee shall make note of this on the daily flow log which shall be kept on site and made available for inspection upon request.

11. Reserved.

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12. The colonies/day value is to be calculated by the permittee from the measured concentrations, reported flow values, and the following formula. Separate values must be calculated to determine the monthly average and the daily maximum colonies per day. The colonies per day must then be divided by 1,000,000 to obtain million colonies per day.

Col/day = Conc. (col/100 ml) * Flow (MGD) * conversion factor (37,854,120 (100-ml/mg))

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PART III
STANDARD CONDITIONS

SECTION A – GENERAL CONDITIONS

1. Duty to Comply

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

2. Penalties for Violations of Permit Conditions

The Arkansas Water and Air Pollution Control Act provides that any person who violates any provisions of a permit issued under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year, or a fine of not more than twenty-five thousand dollars ($25,000) or by both such fine and imprisonment for each day of such violation. Any person who violates any provision of a permit issued under the Act may also be subject to civil penalty in such amount as the court shall find appropriate, not to exceed ten thousand dollars ($10,000) for each day of such violation. The fact that any such violation may constitute a misdemeanor shall not be a bar to the maintenance of such civil action.

3. Permit Actions

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

A. Violation of any terms or conditions of this permit; or
B. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
C. A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
D. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.
E. Failure of the permittee to comply with the provisions of APCEC Regulation No. 9 (Permit fees) as required by Part III.A.11 herein.

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

4. Toxic Pollutants

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

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

5. Civil and Criminal Liability

Except as provided in permit conditions for "Bypass of Treatment Facilities" (Part III.B.4), and "Upset" (Part III.B.5), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of this permit or applicable state and federal statues or regulations which defeats the regulatory purposes of the permit may subject the permittee to criminal enforcement pursuant to the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 et seq.).

6. Oil and Hazardous Substance Liability

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

7. State Laws

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

8. Property Rights

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

9. Severability

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

10. Applicable Federal, State or Local Requirements

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

11. Permit Fees

The permittee shall comply with all applicable permit fee requirements (i.e., including annual permit fees following the initial permit fee that will be invoiced every year the permit is active) for wastewater discharge permits as described in APCEC Regulation No. 9 (Regulation for the Fee System for Environmental Permits). Failure to promptly remit all required fees shall be grounds for the Director to initiate action to terminate this permit under the provisions of 40 CFR Parts 122.64 and 124.5(d), as adopted in APCEC Regulation No. 6 and the provisions of APCEC Regulation No. 8.

SECTION B – OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

A. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

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

2. Need to Halt or Reduce not a Defense

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

3. Duty to Mitigate

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

4. Bypass of Treatment Facilities

A. Bypass not exceeding limitation

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts III.B.4.b and 4.c.

B. Notice

1. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
2. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part III.D.6 (24-hour notice).

C. Prohibition of bypass

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

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

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal or preventive maintenance; and
(c) The permittee submitted notices as required by Part III.B.4.b.

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

5. Upset Conditions

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

B. Conditions necessary for demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and that the permittee can identify the specific cause(s) of the upset;
2. The permitted facility was at the time being properly operated.
3. The permittee submitted notice of the upset as required by Part III.D.6; and
4. The permittee complied with any remedial measures required by Part III.B.3.

C. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering the waters of the State. The permittee shall give at least 180 days prior notice to the Director of any change planned in the permittee's disposal practices. Produced sludge shall be disposed of by land application only when allowed through a separate land application permit issued in accordance with the applicable provisions of 40 CFR Part 503.

7. Power Failure

The permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failure either by means of alternate power sources, standby generators, or retention of inadequately treated effluent.

SECTION C – MONITORING AND RECORDS

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Director. Intermittent discharge shall be monitored.

2. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than +/- 10% from true discharge rates throughout the range of expected discharge volumes and shall be installed at the monitoring point of the discharge.

Calculated Flow Measurement

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

3. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals frequent enough to insure accuracy of measurements and shall insure that both calibration and maintenance activities will be conducted. An adequate analytical quality control program, including the analysis of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory. At a minimum, spikes and duplicate samples are to be analyzed on 10% of the samples.

4. Penalties for Tampering

The Arkansas Water and Air Pollution Control Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year or a fine of not more than ten thousand dollars ($10,000) or by both such fine and imprisonment.

5. Reporting of Monitoring Results

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

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

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

6. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated on the DMR.

7. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the Director at any time.

8. Record Contents

Records and monitoring information shall include:

A. The date, exact place, time and methods of sampling or measurements, and preservatives used, if any;
B. The individuals(s) who performed the sampling or measurements;
C. The date(s) and time analyses were performed;
D. The individual(s) who performed the analyses;
E. The analytical techniques or methods used; and
F. The measurements and results of such analyses.

9. Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

A. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, and
D. Sample, inspect, or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

SECTION D – REPORTING REQUIREMENTS

1. Planned Changes

The permittee shall give notice within 180 days and provide plans and specification (if applicable) to the Director for review and approval prior to any planned physical alterations or additions to the permitted facility. In no case are any new connections, increased flows, removal of substances, or significant changes in influent quality permitted that cause violation of the effluent limitations specified herein.

2. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. Transfers

The permit is nontransferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

4. Monitoring Reports

Monitoring results shall be reported at the intervals and in the form specified in Part III.C.5. **Discharge Monitoring Reports must be submitted even when no discharge occurs during the reporting period.**

5. Compliance Schedule

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

6. Twenty-four Hour Report

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

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

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

1. Any unanticipated bypass which exceeds any effluent limitation in the permit;
2. Any upset which exceeds any effluent limitation in the permit and
3. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part I of the permit to be reported within 24 hours to the Enforcement Section of the Water Division of the ADEQ.

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

7. <u>Other Noncompliance</u>

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

8. <u>Changes in Discharge of Toxic Substances for Industrial Dischargers</u>

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

A. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" described in 40 CFR Part 122.42(a)(1); or

B. That any activity has occurred or will occur which would result in any discharge on a non-routine or infrequent basis of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" described in 40 CFR Part 122.42(a)(2).

9. Duty to Provide Information

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

10. Duty to Reapply

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

11. Signatory Requirements

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

A. All **permit applications** shall be signed as follows:

1. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

   (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
   (b) The manager of one or more manufacturing, production, or operation facilities, provided: the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. For a partnership or sole proprietorship: by a general partner or proprietor, respectively; or

3. For a municipality, State, Federal, or other public agency, by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

   (a) The chief executive officer of the agency, or
   (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

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

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

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

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

12. <u>Availability of Reports</u>

Except for data determined to be confidential under 40 CFR Part 2 and APCEC Regulation No. 6, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department of Environmental Quality. As required by the Regulations, the name and address of any permit applicant or permittee, permit applications, permits, and effluent data shall not be considered confidential.

13. Penalties for Falsification of Reports

The Arkansas Air and Water Pollution Control Act provides that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this permit shall be subject to civil penalties specified in Part III.A.2. and/or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 et seq.).

14. Applicable Federal, State or Local Requirements

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

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PART IV
DEFINITIONS

All definitions contained in Section 502 of the Clean Water Act and 40 CFR 122.2 shall apply to this permit and are incorporated herein by reference. Additional definitions of words or phrases used in this permit are as follows:

1. **"Act"** means the Clean Water Act, Public Law 95-217 (33.U.S.C. 1251 et seq.) as amended.
2. **"Administrator"** means the Administrator of the U.S. Environmental Protection Agency.
3. **"APCEC"** means the Arkansas Pollution Control and Ecology Commission.
4. **"Applicable effluent standards and limitations"** means all State and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, and pretreatment standards.
5. **"Applicable water quality standards"** means all water quality standards to which a discharge is subject under the federal Clean Water Act and which has been (a) approved or permitted to remain in effect by the Administrator following submission to the Administrator pursuant to Section 303(a) of the Act, or (b) promulgated by the Director pursuant to Section 303(b) or 303(c) of the Act, and standards promulgated under (APCEC) Regulation No. 2, as amended.
6. **"Best Management Practices (BMPs)"** are activities, practices, maintenance procedures, and other management practices designed to prevent or reduce the pollution of waters of the State. BMPs also include treatment technologies, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw sewage. BMPs may include structural devices or nonstructural practices.
7. **"Bypass"** As defined at 122.41(m).
8. **"Composite sample"** is a mixture of grab samples collected at the same sampling point at different times, formed either by continuous sampling or by mixing a minimum of 4 effluent portions collected at equal time intervals (but not closer than one hour apart) during operational hours, within the 24-hour period, and combined proportional to flow or a sample collected at more frequent intervals proportional to flow over the 24-hour period.
9. **Daily Discharge"** means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.
   A. **Mass Calculations***:* For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of pollutant discharged over the sampling day.
   B. **Concentration Calculations**: For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
10. **Daily Maximum"** discharge limitation means the highest allowable "daily discharge" during the calendar month. The 7-day average for Fecal Coliform Bacteria (FCB) or E-Coli is the geometric mean of the values of all effluent samples collected during the calendar week in colonies per 100 ml.

11. **"Department"** means the Arkansas Department of Environmental Quality (**ADEQ**).
12. **"Director"** means the Director of the Arkansas Department of Environmental Quality.
13. **"Dissolved oxygen limit"**, shall be defined as follows:
    A. When limited in the permit as a minimum monthly average, shall mean the lowest acceptable monthly average value, determined by averaging all samples taken during the calendar month;
    B. When limited in the permit as an instantaneous minimum value, shall mean that no value measured during the reporting period may fall below the stated value.
14. **"E-Coli"** a sample consists of one effluent grab portion collected during a 24-hour period at peak loads. For E-Coli, report the monthly average as a 30-day geometric mean in colonies per 100 ml.
15. **"Fecal Coliform Bacteria (FCB)"**a sample consists of one effluent grab portion collected during a 24-hour period at peak loads. For Fecal Coliform Bacteria (FCB) report the monthly average as a 30-day geometric mean in colonies per 100 ml.
16. **"Grab sample"** means an individual sample collected in less than 15 minutes in conjunction with an instantaneous flow measurement.
17. **"Industrial User**" means a nondomestic discharger, as identified in 40 CFR Part 403, introducing pollutants to a POTW.
18. **"Instantaneous Maximum"** when limited in the permit as an instantaneous maximum value, shall mean that no value measured during the reporting period may fall above the stated value.
19. **"Instantaneous Minimum"** an instantaneous minimum value, shall mean that no value measured during the reporting period may fall below the stated value.
20. **"Monthly average"** means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. For Fecal Coliform Bacteria (FCB) or E-Coli, report the monthly average.
21. **"National Pollutant Discharge Elimination System"** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under Sections 307, 402, 318, and 405 of the Clean Water Act.
22. **"POTW"** means a Publicly Owned Treatment Works.
23. **"Severe property damage"** means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in products.
24. **"Sewage sludge"** means the solids, residues, and precipitate separated from or created in sewage by the unit processes at a POTW. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and stormwater runoff that are discharged to or otherwise enter a POTW.
25. **"7-day average"** Also known as Average weekly. means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges"

measured during a calendar week divided by the number of "daily discharges" measured during that week.

26. **"Treatment works"** means any devices and systems used in storage, treatment, recycling, and reclamation of municipal sewage and industrial wastes, of a liquid nature to implement section 201 of the Act, or necessary to recycle reuse water at the most economic cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities, and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.
27. **"Upset"** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. Any upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventive maintenance, or careless of improper operations.
28. **"Visible sheen"** means the presence of a film or sheen upon or a discoloration of the surface of the discharge. A sheen can also be from a thin glistening layer of oil on the surface of the discharge.
29. **"MGD"** shall mean million gallons per day.
30. **"mg/l "**shall mean milligrams per liter or parts per million (ppm).
31. **"µg/l"** shall mean micrograms per liter or parts per billion (ppb).
32. **"cfs"** shall mean cubic feet per second.
33. **"ppm"** shall mean parts per million.
34. **"s.u."** shall mean standard units.
35. **"Weekday"** means Monday – Friday.
36. **Monitoring and Reporting:**
37. 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.

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

    B. **BI-MONTHLY:**
    is defined as two (2) calendar months or any portion of 2 calendar months for monitoring requirement frequency of once/2 months or more frequently.

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

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

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