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Permit number: AR0021741

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

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

City of Green Forest
P. O. Drawer 1510
Green Forest, AR 72638

is authorized to discharge from a facility located at

approximately 1 3/4 miles southeast of the city square, in Section 10, Township 19 North, Range 23 West in Carroll County, Arkansas.

Latitude: 36° 18' 59"; Longitude: 93° 25' 12"

to receiving waters named:

an unnamed tributary of Dry Creek, thence to Dry Creek, thence to Long Creek, thence to the White River in Segment 4K of the White River Basin.

The outfall is located at the following coordinates:

Outfall 001: Latitude: 36° 18' 59"; Longitude: 93° 24' 35"

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

This permit shall become effective on

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

Signed this day of

Martin Maner, P.E.
Chief, Water Division
Arkansas Department of Environmental Quality

PART I PERMIT REQUIREMENTS

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

During the period beginning on effective date and lasting 3 years, the permittee is authorized to discharge from outfall serial number 001. Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
		Monthly Avg.	Monthly Avg.		
Flow ¹	N/A	Report	Report	Once/day	Totalizing meter
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	200	10	15	Once/week	6-hr composite
Total Suspended Solids (TSS)	300	15	23	Once/week	6-hr composite
Ammonia Nitrogen (NH ₃ -N)					
(May-Oct)	20	1	1.5	Once/week	6-hr composite
(Nov-Apr)	80	4	6	Once/week	6-hr composite
Dissolved Oxygen ²					
(May-Oct)	N/A	7.0 (Inst. Min.)		Once/week	Grab
(Nov-Apr)	N/A	5.0 (Inst. Min.)		Once/week	Grab
Fecal Coliform Bacteria (FCB)		(colonies/100ml)			
	N/A	200	400	Once/week	Grab
Total Residual Chlorine (TRC) ³	N/A	Report (Inst. Max)		Three/week	Grab
Nitrate + Nitrite Nitrogen	N/A	N/A	10	Three/week	Grab
Total Phosphorous	N/A	Report	Report	Twice/month	Grab
pH	N/A	<u>Minimum</u> 6 s.u.	<u>Maximum</u> 9 s.u.	Once/week	Grab
<u>Whole Effluent Lethality</u> (7-day NOEC) ^{4,5} 22414	<u>Daily Average</u> <u>Minimum</u> not < 100 %	<u>7-day Minimum</u> not < 100%		Once/quarter	24-hr composite

DRAFT

<u>Pimephales promelas (Chronic)</u>⁵ Pass/Fail Growth (7-day NOEC) TGP6C Pass/Fail Lethality (7-day NOEC) TLP6C Survival (7-day NOEC) TOP6C Coefficient of Variation TQP6C Growth (7-day NOEC) TPP6C		<u>7-day Average</u> Report (Pass=0/Fail=1) Report (Pass=0/Fail=1) Report % Report % Report %	Once/quarter Once/quarter Once/quarter Once/quarter Once/quarter	24-hr composite 24-hr composite 24-hr composite 24-hr composite 24-hr composite	
	<u>Ceriodaphnia dubia (Chronic)</u>⁵ Pass/Fail Reproduction (7-day NOEC) TGP3B Pass/Fail Lethality (7-day NOEC) TLP3B Survival (7-day NOEC) TOP3B Coefficient of Variation TQP3B Reproduction(7-day NOEC) TPP3B		<u>7-day Average</u> Report (Pass=0/Fail=1) Report (Pass=0/Fail=1) Report % Report % Report %	Once/quarter Once/quarter Once/quarter Once/quarter Once/quarter	24-hr composite 24-hr composite 24-hr composite 24-hr composite 24-hr composite

- 1 Report monthly average and daily maximum as MGD.
- 2 Instantaneous Minimum. Dissolved Oxygen must be equal or exceed the permit limit at all times.
- 3 See Condition No. 10 of Part III.
- 4 The NOEC (No Observed Lethal Effect Concentration) is defined as the greatest effluent dilution at and below which lethality that is statistically different from the control (0% effluent) at the 95% confidence level does not occur. Chronic lethal test failure is defined as a demonstration of a statistically significant lethal effect at test completion to a test species at or below the critical dilution.
- 5 See Condition No. 9 of Part III.

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. No visible sheen (Sheen means an iridescent appearance on the surface of the water).

Samples(all pollutants except flow) taken in compliance with the monitoring requirements specified above shall be taken at the discharge from the final treatment unit. Flow shall be measured just prior to entrance to chlorine contact chamber.

DRAFT

PART I PERMIT REQUIREMENTS

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

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

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Monthly Avg.	7-day Avg.		
Flow ¹	N/A	Report	Report	Once/day	Totalizing meter
Carbonaceous Biochemical Oxygen Demand (CBOD5)	200	10	15	Once/week	6-hr composite
Total Suspended Solids (TSS)	300	15	23	Once/week	6-hr composite
Ammonia Nitrogen (NH3-N)					
(May-Oct)	20	1	1.5	Once/week	6-hr composite
(Nov-Apr)	80	4	6	Once/week	6-hr composite
Dissolved Oxygen ²					
(May-Oct)	N/A	7.0 (Inst. Min.)		Once/week	Grab
(Nov-Apr)	N/A	5.0 (Inst. Min.)		Once/week	Grab
Fecal Coliform Bacteria (FCB)		(colonies/100ml)			
	N/A	200	400	Once/week	Grab
Total Residual Chlorine (TRC) ³	N/A	<0.1 mg/l (Inst. Max.)		Three/week	Grab
Nitrate + Nitrite Nitrogen	N/A	N/A	10	Three/week	Grab
Total Phosphorous	N/A	1	2	Twice/month	Grab
pH	N/A	<u>Minimum</u> 6 s.u.	<u>Maximum</u> 9 s.u.	Once/week	Grab
<u>Whole Effluent Lethality</u> (7-day NOEC) ^{4,5} 22414	<u>Daily Average</u> <u>Minimum</u> not < 100 %	<u>7-day Minimum</u> not < 100%		Once/quarter	24-hr composite

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- 1 Report monthly average and daily maximum as MGD.
- 2 Instantaneous Minimum. Dissolved Oxygen must be equal or exceed the permit limit at all times.
- 3 See Condition No. 10 of Part III.
- 4 The NOEC (No Observed Lethal Effect Concentration) is defined as the greatest effluent dilution at and below which lethality that is statistically different from the control (0% effluent) at the 95% confidence level does not occur. Chronic lethal test failure is defined as a demonstration of a statistically significant lethal effect at test completion to a test species at or below the critical dilution.
- 5 See Condition No. 9 of Part III.

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. No visible sheen (Sheen means an iridescent appearance on the surface of the water).

Samples(all pollutants except flow) taken in compliance with the monitoring requirements specified above shall be taken at the discharge from the final treatment unit. Flow shall be measured just prior to entrance to chlorine contact chamber.

SECTION B. SCHEDULE OF COMPLIANCE

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

Interim Limits:

Compliance is required on the effective date of the permit.

Final Limits:

The permittee shall submit progress reports addressing the progress towards attaining the final effluent limits for Total Residual Chlorine(TRC) and Total Phosphorous(TP):

ACTIVITY

DUE DATE

Progress Report

One (1) year from effective date

Progress Report

Two (2) years from effective date

Achieve Final Limits

Three (3) years from effective date

Compliance with final limits for TRC and TP is required three (3) years from the effective date of the permit. The permittee has the option to undertake any study deemed necessary to meet the final limitations during the interim period. Any additional treatment must be approved and construction approval granted prior to final installation.

PART II STANDARD CONDITIONS

SECTION A – GENERAL CONDITIONS

1. Duty to Comply

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

2. Penalties for Violations of Permit Conditions

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

DRAFT

Permit number: AR0021741

Page 2 of Part II

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

4. Toxic Pollutants

Notwithstanding Part II. A.3., if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Regulation No. 2, as amended, (regulation establishing water quality standards for surface waters of the State of Arkansas) or Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any 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 Regulation No. 2 (Arkansas Water Quality Standards), as amended, or Section 307 (a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Civil and Criminal Liability

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

6. Oil and Hazardous Substance Liability

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

7. State Laws

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

DRAFT

Permit number: AR0021741

Page 3 of Part II

8. Property Rights

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

9. Severability

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

10. Permit Fees

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

DRAFT

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 Part II.B 4.b.and 4 c.

b. Notice

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

c. Prohibition of bypass

- (1) Bypass is prohibited and the Director may take enforcement action against a permittee for bypass, unless:
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal or preventive maintenance; and
 - (c) The permittee submitted notices as required by Part II.B.4.b.
- (2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in Part II.B.4.c(1).

5. Upset Conditions

DRAFT

Permit number: AR0021741

Page 5 of Part II

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

b. Conditions necessary for 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 II.D.6.: and

(4) The permittee complied with any remedial measures required by Part II.B.3.

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

6. **Removed Substances**

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of waste waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering the waters of the State. Written approval must be obtained from the ADEQ for land application only.

7. **Power Failure**

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

SECTION C: MONITORING AND RECORDS

1. **Representative Sampling**

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

2. **Flow Measurement**

DRAFT

Permit number: AR0021741

Page 6 of Part II

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

3. **Monitoring Procedures**

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

4. **Penalties for Tampering**

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

5. **Reporting of Monitoring Results**

Monitoring results must be reported on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1). Permittees are required to use preprinted DMR forms provided by ADEQ, unless specific written authorization to use other reporting forms is obtained from ADEQ. Monitoring results obtained during the previous calendar month shall be summarized and reported on a DMR form postmarked no later than the 25th day of the month, following the completed reporting period to begin on the effective date of the permit. Duplicate copies of DMR's signed and certified as required by Part II.d.11 and all other reports required by Part II.D. (Reporting Requirements), shall be submitted to the Director at the following address:

NPDES Enforcement Section
Water Division
Arkansas Department of Environmental Quality
8001 National Drive

DRAFT

Permit number: AR0021741

Page 7 of Part II

P.O. Box 8913
Little Rock, AR 72219-8913

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

6. Additional Monitoring by the Permittee

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

7. Retention of Records

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

8. Record Contents

Records and monitoring information shall include:

- a. The date, exact place, time and methods of sampling or measurements, and preservatives used, if any;
- b. The individuals(s) who performed the sampling or measurements;
- c. The date(s) analyses were formed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The measurements and results of such analyses.

9. Inspection and Entry

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

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, and

- d. Sample, inspect or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

SECTION D – REPORTING REQUIREMENTS

1. Planned Changes

The permittee shall give notice and provide plans and specification to the Director for review and approval prior to any planned physical alterations or additions to the permitted facility. Notice is required only when:

For Industrial Dischargers

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR Part 122.29(b).
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40CFR Part 122.42 (a)(1).

For POTW Dischargers:

Any change in the facility discharge (including the introduction of any new source or significant discharge or significant changes in the quantity or quality of existing discharges of pollutants) must be reported to the permitting authority. In no case are any new connections, increased flows, or significant changes in influent quality permitted that cause violation of the effluent limitations specified herein.

2. Anticipated Noncompliance

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

3. Transfers

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

4. Monitoring Reports

DRAFT

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

5. Compliance Schedule

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

6. Twenty-four Hour Report

- a. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain the following information:
 - (1) a description of the noncompliance and its cause;
 - (2) the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 - (3) steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.
- b. The following shall be included as information which must be reported within 24 hours:
 - (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
 - (2) Any upset which exceeds any effluent limitation in the permit and
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part III of the permit to be reported within 24 hours.
- c. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

7. Other Noncompliance

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

8. Changes in Discharge of Toxic Substances for Industrial Dischargers

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

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

- a. All permit applications shall be signed as follows:
 - (1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation: or
 - (ii) The manager of one or more manufacturing, production, or operation facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that

the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (2) For a partnership or sole proprietorship: by a general partner or proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency; by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
 - (i) The chief executive officer of the agency, or
 - (ii) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- b. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- (1) The authorization is made in writing by a person described above.
 - (2) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
 - (3) The written authorization is submitted to the Director.
- c. Certification. Any person signing a document under this section shall make the following certification:
- “I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

12. **Availability of Reports**

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

13. **Penalties for Falsification of Reports**

DRAFT

Permit number: AR0021741

Page 12 of Part II

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

PART III OTHER CONDITIONS

1. The operator of this wastewater treatment facility shall be licensed by the State of Arkansas in accordance with Act 211 of 1971, Act 1103 of 1991, Act 556 of 1993, and Regulation No. 3, as amended.
2. For publicly owned treatment works, the 30-day average percent removal for Biochemical Oxygen Demand and Total Suspended Solids shall not be less than 85 percent unless otherwise authorized by the permitting authority in accordance with 40 CFR 133.102, as adopted by reference in APCEC Regulation No. 6.
3. Produced sludge shall be disposed of by land application only when meeting the following criteria:
 - a. Sewage sludge from treatment works treating domestic sewage (TWTDS) must meet the applicable provisions of 40 CFR Part 503; and
 - b. The sewage sludge has not been classified as a hazardous waste under state or federal regulations.
4. The permittee shall give at least 120 days prior notice to the Director of any change planned in the permittee's sludge disposal practice or land use applications, including types of crops grown (if applicable).
5. The permittee shall report all overflows with the Discharge Monitoring report (DMR) submittal. These reports shall be summarized and reported in tabular format. The summaries shall include: the date, time, duration, location, estimated volume, and cause of overflow; observed environmental impacts from the overflow; action taken to address the overflow; and ultimate discharge location if not contained (e.g., storm sewer system, ditch, tributary.) Overflows which endanger health or the environment shall be orally reported to this department (Enforcement Section of Water Division), within 24 hours from the time the permittee becomes aware of the circumstance. A written report of overflows which endanger health or the environment, shall be provided within 5 days of the time the permittee becomes aware of the circumstance.
6. In accordance with 40 CFR Part 122.62 (a) (2), the permit may be modified if new information is received that was not available at the time of permit issuance that would have justified the application of different permit conditions at the time of permit issuance.

7. Contributing Industries and Pretreatment Requirements

- A. The following pollutants may not be introduced into the treatment facility:
1. Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;
 2. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works are specifically designed to accommodate such discharges;
 3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, resulting in Interference;
 4. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;
 5. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees Centigrade (104 degrees Fahrenheit) unless the Department, upon request of the POTW, approves the alternate temperature limit;
 6. Petroleum oil, non-biodegradable cutting oil, or products of mineral origin in amounts that will cause interference or pass through;
 7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 8. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- B. The permittee shall comply with the pretreatment requirements in 40 CFR 403, as specified in the following schedule of compliance. The final approvable package is due 12 months from the effective date of the permit.

DRAFT

<u>ACTIVITY NUMBER</u>	<u>ACTIVITY</u>	<u>DATE</u>
1.	<p>Submit to the Department results of an industrial user survey which consists of a qualitative analysis of pollutants being contributed by all industrial sources in its entire municipal system (including all treatment plants). The industrial users should be asked to provide information on the type and approximate quantity of pollutants discharged into the system. This information may be derived from knowledge of the facility's process, and should not require any sampling at the source.</p> <p>(Unless the Department notifies the permittee otherwise within 30 days after receipt of this survey, the permittee will be required to continue the program past Activity No. 1. If notified that a pretreatment program is not necessary, the permittee will submit to the Department an update of its industrial user survey, documenting changes in industrial flow and/or characteristics and new contributing industries when next reapplying for this NPDES permit.)</p>	2 months from the effective date of permit
2.	<p>Submit to the Department a design of a sampling, inspection and reporting program which will implement the requirements of 40 CFR 403.8 and 403.12, and in particular those requirements referenced in 40 CFR 403.8(f)(1)(iv-v), 403.8(f)(2)(iv-vi) and 403.12(g-j and l-p).</p>	4 months from the effective date of permit
3.	<p>Submit to the Department an evaluation of the financial programs, revenue sources, equipment and staffing, which will be employed to implement the pretreatment program (as required by 40 CFR Parts 403.8(f)(3) and 403.9(b)(3)).</p>	6 months from the effective date of permit
4.	<p>Submit to the Department the results of an influent pollutant scan of a 24-hour composite sample to determine all pollutants being contributed to the system. The type of scan to be performed is the basic priority pollutant scan of the 126 "priority pollutants" plus any other additional pollutants designated in your State Water Quality Standards. All sampling, analyses, and method detection limits must be done in accordance with 40 CFR Part 136. This scan will also serve as the initial scan necessary for developing technically based local limits (Activity 5 as follows).</p>	6 months from the effective date of permit

DRAFT

Permit number: AR0021741

Page 4 of Part III

- a) From the qualitative information supplied by the industrial users in Activity 1 and the quantitative information collected in the pollutant scan, the permittee shall determine which industrial users may be discharging pollutants which may affect the operation of the POTW(s) or pass through untreated.
 - b) Sampling and analysis to quantify the pollutants discharged by the industrial users, identified in the investigation of (a) above, shall be completed.
5. Submit to the Department an approvable technically based local limits submission package as required by 40 CFR 403.8(f)(4). Technically based local limits should be developed in accordance with *EPA Region 6 Technically Based Local Limits Development Guidance*. 9 months from the effective date of permit
6. 40 CFR 403.8(f)(1) requires POTWs to apply and enforce the requirements of Sections 307(b) and (c), and 402(b)(8) of the Act and any regulations implementing those sections. Submit to the Department: 10 months from the effective date of permit
- a) a statement from the city solicitor, a city official acting in a comparable capacity, or the city's independent counsel, that the POTW has the authority to carry out the program;
 - b) a copy of any statute, ordinance, regulation, contract, agreement, or other authority that will be relied on by the POTW to administer the program;
 - c) a statement reflecting the endorsement of or approval by the local boards or bodies responsible for supervising and/or funding the program; and
 - d) any additional documents required in multi-jurisdictional situations for administration of the program.
 - e) an enforcement response plan that shall contain detailed procedures indicating how the POTW will investigate and respond to instances of industrial user noncompliance. The plan shall contain, at a minimum, the aspects defined at 40 CFR 403.8(f)5.

DRAFT

Permit number: AR0021741

Page 5 of Part III

7. Submit to the Department an approvable pretreatment program (and removal credit approval, if desired and appropriate) as required by 40 CFR 403.9. The approvable pretreatment program shall include a compilation of all previously submitted pretreatment program activities as finally amended and supplemented (i.e. Activities 1-6). 12 months from the effective date of permit

Upon notification by the Department of approvability of the submitted program, the permittee is required to submit an official request for program approval, including three (3) copies of the program deemed to be approvable.

- C. If the permittee does not comply with any of the increments of the progress in the above schedule, the permittee shall submit to Department within 14 days of the activity due date a report, including, at a minimum, the date on which the required activity will be submitted, the reason for the delay, and the steps taken to return to the established schedule.
- D. Upon approval of a local pretreatment program by the Department, this permit will be modified, or, alternatively, revoked and reissued to incorporate that pretreatment program.
- E. The permittee may develop and submit an approvable pretreatment program at any time before the deadline established in Activity 7.
- F. The permittee may apply for authority to revise categorical pretreatment standards to reflect POTW removal of pollutants in accordance with the requirements of 40 CFR 403.7 at any time.
- G. The permittee shall require any indirect discharger to the treatment works to comply with the reporting requirements of Sections 204(b), 307, and 308 of the Act, including any requirements established under 40 CFR Part 403.
- H. The permittee shall provide adequate notice to the Department of the following:
1. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 and 306 of the Act if it were directly discharging those pollutants; and
 2. Any substantial change in the volume or character of pollutants being introduced into the treatment works.

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

8. ADDITIONAL CONDITIONS FOR LAND APPLICATION OF BIOSOLIDS

A. GENERAL REQUIREMENTS:

1. Only biosolids which are not classified as a hazardous waste under state or federal regulations may be land applied.
2. Plant Available Nitrogen (PAN) will not be applied at a rate exceeding the annual nitrogen uptake of the crop. At no time will the nitrogen application rate (PAN/acre-year) be allowed to exceed the site specific rate approved by the Department.
3. Biosolids with Polychlorinated Biphenyls (PCB's) concentrations equal or greater than 50 mg/kg (dry basis) will not be land applied at any time.
4. CEILING CONCENTRATIONS (milligrams per kilogram, dry weight basis): If the biosolids to be land applied exceed any of the pollutant concentrations listed below, the biosolids **may not** be land applied.

<u>Pollutant</u>	<u>Ceiling Concentrations</u>
Arsenic	75
Cadmium	85
Copper	4300
Lead	840
Mercury	57
Molybdenum	75
Nickel	420
Selenium	100
Zinc	7500

5. CUMULATIVE CONCENTRATION LIMITS: When the cumulative amount of any pollutant land applied to a specific site exceeds any of the loading rates listed below, no more biosolids may be land applied the specific site.

Cumulative Pollutant

<u>Element</u>	<u>Loading Rate</u>	
	<u>kg/ha (lbs/ac)</u>	
Arsenic	41	(37)
Cadmium	39	(35)
Copper	1500	(1350)
Lead	300	(270)
Mercury	17	(15)
Nickel	420	(378)
Selenium	100	(90)
Zinc	2800	(2520)

6. The biosolids generator must issue a signed certification stating that the Pathogen Reduction, Vector Attraction Reduction, and Pollutant Concentration limits have been met each time the biosolids are released for disposal. The State requirements on Pathogen Reduction, Vector Attraction and Pollutant Concentration limits are the same as those listed in the Federal Regulation 40 CFR Part 503, as amended. All the above information must be made available to the land-applicator, if different from the permittee, before the material is delivered. Concurrently, a signed copy of each certification must be also submitted to ADEQ's Water Division.
7. Proper containers shall be utilized to transport the biosolids. No biosolids material shall be allowed to be blown out of containers, truck beds, or spilled during transportation.
8. Transportation of the biosolids must be such that will prevent the attraction, harborage or breeding of insects or rodents. It must not produce conditions harmful to public health, the environment, odors, unsightliness, nuisances, or safety hazards.
9. Transportation equipment must be leak-proof and kept in a top sanitary conditions at all times. Biosolids must be enclosed or covered as to prevent littering, vector attraction, or any other nuisances.
10. The permittee will be responsible for assuring that the land owner, of any land application site not owned by the permittee, and the waste applicator, if different from the permittee, abide by the conditions of this permit.
11. Biosolids will be spread evenly over the application area and in no way biosolids will be allowed to enter the waters of the State.

12. Biosolids will not be applied to slopes with a gradient greater than 15%; or to soils that are saturated, frozen or covered with snow, during rain, or when precipitation is imminent.
13. The permittee will take all necessary measures to reduce obnoxious and offensive odors. Equipment will be maintained and operated to prevent spillage and leakage.
14. Disposal of biosolids in a floodplain will not restrict the flow of the base flood, reduce the temporary storage capacity of the floodplain, or result in a washout of solid waste, so as to pose a hazard to human life, wildlife or land and water uses.
15. Biosolids will not be spread within 25 feet of rock outcrops; 50 feet of property lines; 200 feet of drinking water well; 100 feet of lakes, ponds, springs, streams, wetlands, and sinkholes; 300 feet of occupied buildings and streams classified as an "extraordinary resource stream."
16. The permittee will give 120 days prior notice to the Director of any change planned in the biosolids disposal practice.
17. All new land application sites must have a waste management plan approved by the Department prior to land application of biosolids. This may require a permit modification.

B. MONITORING AND REPORTING REQUIREMENTS:

1. The permittee will be responsible for the biosolids analyses, soil analyses, and a reporting schedule that must include the following:
 - a. Biosolids Analysis
 - (1) Biosolids samples collected must be representative of the treated biosolids to be land applied. The samples are to be stored in appropriate glass or plastic containers and kept refrigerated or frozen to prevent any change in composition.
 - (2) Grab samples of the land applied biosolids will be analyzed twice per year and results expressed in dry basis in mg/kg, except as otherwise indicated:

Volatile Solids(%)	Total Kjeldahl Nitrogen
Total Solids(%)	Total Phosphorus
Nitrate Nitrogen	Total Potassium
Nitrite Nitrogen	Ammonia Nitrogen
Arsenic	Cadmium
Chromium	Copper
Lead	Mercury
Nickel	Selenium
Zinc	pH (SU)

b. Soils Analysis

- (1) Each land application site will be soil tested in the Spring prior to application for the following parameters:

Nitrate-Nitrogen	Potassium
Phosphorus	Magnesium
Arsenic	Cadmium
Copper	Lead
Selenium	Mercury
Nickel	pH (SU)
Zinc	C.E.C. (mequivalent/100 grams)
Salt Content (micro mohs/cm)	

c. Reporting

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

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

- (2) The permittee will also maintain copies of the above records for Department personnel review at the biosolids generating facility.

9. **WHOLE EFFLUENT TOXICITY TEST REQUIREMENT (WET Limits, 7 DAY CHRONIC, FRESHWATER)**

1. **SCOPE AND METHODOLOGY**

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

APPLICABLE TO OUTFALL(S):	001
REPORTED ON DMR AS OUTFALL:	001
CRITICAL DILUTION:	100 %
EFFLUENT DILUTION SERIES:	32%,42%,56%,75%,100 %
TEST SPECIES/METHODS:	40 CFR Part 136

Ceriodaphnia dubia chronic static renewal survival and reproduction test, Method 1002.0, EPA/600/4-91/002 or the most recent update thereof. This test should be terminated when 60% of the surviving adults in the control produce three broods.

Pimephales promelas (Fathead minnow) chronic static renewal 7-day larval survival and growth test, Method 1000.0, EPA/600/4-91/002, or the most recent update thereof. A minimum of five (5) replicates with eight (8) organisms per replicate must be used in the control and in each effluent dilution of this test.

- b. The NOEC (No Observed Effect Concentration) is defined as the greatest effluent dilution at and below which lethality that is statistically different from the control (0% effluent) at the 95% confidence level does not occur. Chronic lethal test failure is defined as a demonstration of a statistically significant lethal effect at test completion to a test species at or below the critical dilution.
- c. When the testing frequency stated above is less than monthly and the effluent fails the survival endpoint at the critical dilution, the permittee shall be considered in violation of this permit limit and the frequency for the affected species will increase to monthly until such time compliance with the Lethal No Observed

Effluent Concentration (NOEC) effluent limitation is demonstrated for a period of three consecutive months, at which time the permittee may return to the testing frequency stated in Part I of this permit. During the period the permittee is out of compliance, test results shall be reported on the DMR for that reporting period.

- d. This permit may be reopened to require chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.
- e. Test failure is defined as a demonstration of statistically significant sub-lethal or lethal effects to a test species at or below the effluent critical dilution.

2. **REQUIRED TOXICITY TESTING CONDITIONS**

a. Test Acceptance

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

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

Test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%. A repeat test shall be conducted within the required reporting period of any test determined to be invalid.

b. Statistical Interpretation

- i. For the Ceriodaphnia dubia survival test, the statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be Fisher's Exact Test as described in EPA/600/4-91/002, or the most recent update thereof.

If the conditions of Test Acceptability are met in Item 2.a above and the percent survival of the test organism is equal to or greater than 80% in the critical dilution concentration and all lower dilution concentrations, the test shall be considered to be a passing test, and the permittee shall report an NOEC of not less than the critical dilution for the DMR reporting requirements found in Item 3 below.

- ii. For the Ceriodaphnia dubia reproduction test and the Fathead minnow larval survival and growth test, the statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be in accordance with the methods for determining the No Observed Effect Concentration (NOEC) as described in EPA/600/4-91/002, or the most recent update thereof.

c. Dilution Water

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

- ii. If the receiving water is unsatisfactory as a result of instream toxicity (fails to fulfill the test acceptance criteria of Item 2.a.), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:

- A. a synthetic dilution water control which fulfills the test acceptance requirements of Item 2.a. was run concurrently with the receiving water control;
- B. the test indicating receiving water toxicity has been carried out to completion (i.e., 7 days);

- C. the permittee includes all test results indicating receiving water toxicity with the full report and information required by Item 3.a. below; and
 - D. the synthetic dilution water shall have a pH, hardness and alkalinity similar to that of the receiving water or closest downstream perennial water not adversely affected by the discharge, provided the magnitude of these parameters will not cause toxicity in the synthetic dilution water.
- d. Samples and Composites
- i. The permittee shall collect a minimum of three flow-weighted 24-hour composite samples from the outfall(s) listed at item 1.a. above. A 24-hour composite sample consists of a minimum of 4 effluent portions collected at equal time intervals representative of a 24-hour operating day and combined proportional to flow or a sample continuously collected proportional to flow over a 24-hour operating day.
 - ii. The permittee shall collect second and third 24-hour composite samples for use during 24-hour renewals of each dilution concentration for each test. The permittee must collect the 24-hour composite samples such that the effluent samples are representative of any periodic episode of chlorination, biocide usage or other potentially toxic substance discharged on an intermittent basis.
 - iii. The permittee must collect the 24-hour composite samples so that the maximum holding time for any effluent sample shall not exceed 72 hours. The permittee must have initiated the toxicity test within 36 hours after the collection of the last portion of the first 24-hour composite sample. Samples shall be chilled to 4 degrees Centigrade during collection, shipping and/or storage.
 - iv. If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent portions and the sample holding time are waived during that sampling period. However, the permittee must collect an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days if the discharge occurs over multiple days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample

collection must be documented in the full report required in Item 3. of this section.

- v. MULTIPLE OUTFALLS: If the provisions of this section are applicable to multiple outfalls, the permittee shall combine the 24-hour composite effluent samples in proportion to the average flow from the outfalls listed in item 1.a. above for the day the sample was collected. The permittee shall perform the toxicity test on the flow-weighted composite of the outfall samples.
- vi. At the time of sample collection the permittee shall measure the TRC of the effluent. The measured concentration of TRC for each sample shall be included in the lab report submitted by the permittee. The permittee shall not allow the sample to be dechlorinated prior to delivery to the laboratory nor at the laboratory.

3. REPORTING

- a. The permittee shall prepare a full report of the results of all tests conducted pursuant to this section in accordance with the Report Preparation Section of EPA/600/4-91/002, or the most current publication, for every valid or invalid toxicity test initiated whether carried to completion or not. The permittee shall retain each full report pursuant to the provisions of Part III.C. of this permit. The permittee shall submit full reports only upon the specific request of the Department.
- b. The permittee shall report the Whole Effluent Lethality values for the 30-Day Average Minimum and the 7-Day Minimum under Parameter No. 22414 on the DMR for that reporting period.

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

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

A valid test for each species must be reported on the DMR during each reporting period specified in PART I of this permit. Only ONE set of biomonitoring data for each species is to be recorded on the DMR for each reporting period. The data submitted should reflect the LOWEST Survival results for each species during the reporting period. All invalid tests, repeat tests (for invalid tests), and retests (for

tests previously failed) performed during the reporting period must be attached to the DMR for EPA review.

- c. The permittee shall submit the results of the valid toxicity test on the DMR for that reporting period. Submit retest information clearly marked as such with the following month's DMR. Only results of valid tests are to be reported on the DMR.

i. **Pimephales promelas** (Fathead Minnow)

- A. If the No Observed Effect Concentration (NOEC) for survival is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TLP6C.
- B. Report the NOEC value for survival, Parameter No. TOP6C.
- C. Report the NOEC value for growth, Parameter No. TPP6C.
- D. If the No Observed Effect Concentration (NOEC) for growth is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TGP6C.
- E. Report the highest (Critical dilution or control) Coefficient of Variation, Parameter No. TQP6C.

ii. **Ceriodaphnia dubia**

- A. If the NOEC for survival is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TLP3B.
- B. Report the NOEC value for survival, Parameter No. TOP3B.
- C. Report the NOEC value for reproduction, Parameter No. TPP3B.
- D. If the No Observed Effect Concentration (NOEC) for reproduction is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TGP3B.
- E. Report the highest (Critical dilution or control) Coefficient of Variation, Parameter No. TQP3B.

DRAFT

Permit number: AR0021741

Page 16 of Part III

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

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

PART IV DEFINITIONS

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

1. **“Act”** means the Clean Water Act, Public Law 95-217 (33.U.S.C. 1251 et seq.) as amended.
2. **“Administrator”** means the Administrator of the U.S. Environmental Protection Agency.
3. **“Applicable effluent standards and limitations”** means all State and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, and pretreatment standards.
4. **“Applicable water quality standards”** means all water quality standards to which a discharge is subject under the federal Clean Water Act and which has been (a) approved or permitted to remain in effect by the Administrator following submission to the Administrator pursuant to Section 303 (a) of the Act, or (b) promulgated by the Director pursuant to Section 303(b) or 303(c) of the Act, and standards promulgated under regulation No. 2, as amended, (regulation establishing water quality standards for surface waters of the State of Arkansas.)
5. **“Bypass”** means the intentional diversion of waste streams from any portion of a treatment facility.
6. **“Daily Discharge”** means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.
Mass Calculations: For pollutants with limitations expressed in terms of mass, the “daily discharge” is calculated as the total mass of pollutant discharged over the sampling day.
Concentration Calculations: For pollutants with limitations expressed in other units of measurement, determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the “daily discharge” determination of concentration shall be the arithmetic average (weighted by flow value) of all the samples collected during that sampling day by using the following formula: where C= daily concentration, F=daily flow and n=number of daily samples; daily average discharge

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

7. **Monthly average:** means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month. For Fecal Coliform Bacteria (FCB) report the monthly average see 30-day average below.
8. **“Daily Maximum”** discharge limitation means the highest allowable “daily discharge” during the calendar month. The 7-day average for fecal coliform bacteria is the geometric mean of the values of all effluent samples collected during the calendar week in colonies/100 ml.

DRAFT

Permit number: AR0021741

Page 2 of Part IV

9. **“Department”** means the Arkansas Department of Environmental Quality (**ADEQ**).
10. **“Director”** means the Administrator of the U.S. Environmental Protection Agency and/or the Director of the Arkansas Department of Environmental Quality.
11. **“Grab sample”** means an individual sample collected in less than 15 minutes in conjunction with an instantaneous flow measurement.
12. **“Industrial User”** means a nondomestic discharger, as identified in 40 CFR 403, introducing pollutants to a publicly-owned treatment works.
13. **“National Pollutant Discharge Elimination System”** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318 and 405 of the Clean Water Act.
14. **“POTW”** means a Publicly Owned Treatment Works.
15. **“Severe property damage”** means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in products.
16. **“APCEC”** means the Arkansas Pollution Control and Ecology Commission.
17. **“Sewage sludge”** means the solids, residues, and precipitate separated from or created in sewage by the unit processes a publicly-owned treatment works. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and storm water runoff that are discharged to or otherwise enter a publicly-owned treatment works.
18. **“7-day average”** discharge limitation, other than for fecal coliform bacteria, is the highest allowable arithmetic means of the values for all effluent samples collected during the calendar week. The 7-day average for fecal coliform bacteria is the geometric mean of the values of all effluent samples collected during the calendar week in colonies/100 ml. The DMR should report the highest 7-day average obtained during the calendar month. For reporting purposes, the 7-day average values should be reported as occurring in the month in which the Saturday of the calendar week falls in.
19. **“30-day average”**, other than for fecal coliform bacteria, is the arithmetic mean of the daily values for all effluent samples collected during a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. The 30-day average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar month. For Fecal Coliform Bacteria (FCB) report the monthly average as a 30-day geometric mean in colonies per 100 ml.
20. **“24-hour composite sample”** consists of a minimum of 12 effluent portions collected at equal time intervals over the 24-hour period and combined proportional to flow or a sample collected at frequent intervals proportional to flow over the 24-hour period.
21. **“12-hour composite sample”** consists of 12 effluent portions, collected no closer together than one hour and composited according to flow. The daily sampling intervals shall include the highest flow periods.

22. **“6-hour composite sample”** consists of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.

23. **“3-hour composite sample”** consists of three effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.

24. **“Treatment works”** means any devices and systems used in storage, treatment, recycling, and reclamation of municipal sewage and industrial wastes, of a liquid nature to implement section 201 of the Act, or necessary to recycle reuse water at the most economic cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities, and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

25. **“Upset”** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. Any upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack or preventive maintenance, or careless or improper operations.

26. **“For Fecal Coliform Bacteria”**, a sample consists of one effluent grab portion collected during a 24-hour period at peak loads. For Fecal Coliform Bacteria (FCB) report the monthly average as a 30-day geometric mean in colonies per 100 ml.

27. **“Dissolved oxygen limit”**, shall be defined as follows:

a. When limited in the permit as a monthly minimum, shall mean the lowest acceptable monthly average value, determined by averaging all samples taken during the calendar month;

b. When limited in the permit as an instantaneous minimum value, shall mean that no value measured during the reporting period may fall below the stated value.

28. **The term “MGD”** shall mean million gallons per day.

29. **The term “mg/l”** shall mean milligrams per liter or parts million (ppm).

30. **The term “µg/l”** shall mean micrograms per liter or parts per billion (ppb).

31. **The term “cfs”** shall mean cubic feet per second.

32. **The term “ppm”** shall mean part per million.

33. **The term “s.u.”** shall mean standard units.

34. Monitoring and Reporting:

When a permit becomes effective, monitoring requirements are of the immediate period of the permit effective date. Where the monitoring requirement for an effluent characteristic is Monthly or more frequently, the Discharge Monitoring Report 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 Discharge Monitoring report shall be submitted by the 25th of the month following the monitoring period end date.

MONTHLY:

DRAFT

Permit number: AR0021741

Page 4 of Part IV

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

QUARTERLY:

(1) is defined as a fixed calendar quarter or any part of the fixed calendar quarter for a non-seasonal effluent characteristic with a measurement frequency of once/quarter. Fixed calendar quarters are: January through March, April through June, July through September, and October through December; or

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

SEMI-ANNUAL:

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

ANNUAL or YEARLY:

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

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Fact Sheet

for renewal of draft NPDES Permit Number AR0021741 to discharge to Waters of the State

1. **PERMITTING AUTHORITY.**

The issuing office is:

Arkansas Department of Environmental Quality
8001 National Drive
Post Office Box 8913
Little Rock, Arkansas 72219-8913

2. **APPLICANT.**

The applicant is:

City of Green Forest
P. O. Drawer 1510
Green Forest, AR 72638

3. **PREPARED BY.**

The permit was prepared by:

Marysia Jastrzebski, P.E.
NPDES Branch, Water Division

4. **DATE PREPARED.**

The permit was prepared on May 5, 2004.

5. **PREVIOUS PERMIT ACTIVITY.**

Effective Date: October 1, 1999.
Modification Date: N/A
Expiration Date: September 30, 2004.

The permittee submitted a permit renewal application on 03/31/2004. It is proposed that the current NPDES permit be reissued for a 5-year term in accordance with regulations promulgated at 40 CFR Part 122.46(a).

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6. RECEIVING STREAM SEGMENT AND DISCHARGE LOCATION.

The outfall is located at the following coordinates:

Latitude: 36° 18' 59" Longitude: 93° 24' 35"

The receiving waters named:

an unnamed tributary of Dry Creek, thence to Dry Creek, thence to Long Creek, thence to the White River in Segment 4K of the White River Basin. The receiving stream is a Water of the State classified for secondary contact recreation, raw water source for public, industrial, and agricultural water supplies, propagation of desirable species of fish and other aquatic life, and other compatible uses.

a. 303d List and Endangered Species Considerations

i. **303d List**

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

ii. **Endangered Species:**

No comments were received from the U.S. Fish and Wildlife Service (USF&WS). Therefore no permit action is needed. The drafted permit and Fact Sheet will be sent to the USF&WS for their review.

iii. Ammonia Calculations

The proposed effluent limitations for Ammonia Nitrogen are in compliance with the EPA Ammonia Nitrogen toxicity criteria. No further action is necessary.

7. OUTFALL AND TREATMENT PROCESS DESCRIPTION.

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

a. Design Flow: 2.4 MGD

b. Type of treatment: screening followed by grit removal, primary clarification, two-stage trickling filtration, a two-stage complete mix activated sludge process with an anoxic zone followed by an aerobic zone, final clarification, sand filtration, and chlorination.

- c. Discharge Description: treated municipal wastewater.

A quantitative and qualitative description of the discharge described in the NPDES Permit Application Forms received are available for review.

8. INDUSTRIAL WASTEWATER CONTRIBUTIONS.

a. INDUSTRIAL USERS

This facility receives significant industrial process wastewater. Pretreatment language is included requiring the permittee to develop an approvable pretreatment program. ADEQ will review Activity #1 (Submittal of an industrial user survey) to determine if a pretreatment program is appropriate and notify the permittee of that decision.

The following Significant Industrial User (SIU) was listed by the City of Green Forest in the permit application:

<u>Facility Name</u>	<u>Product</u>	<u>Flow Rate</u>
Tyson Foods, Inc.	Processed chicken	1.6 MGD

9. SEWAGE SLUDGE PRACTICES.

Sludge is treated by anaerobic digestion and land applied at the following locations:

Field Number	New/old	Range	Township	Section	Acres
Norris 3	Old	23 W	20 N	36	9
Eldridge 1	Old	23 W	20 N	16 & 21	14
Eldridge 2	Old	23 W	20 N	16 & 21	18
Eldridge 3	Old	23 W	20 N	16 & 21	30
Eldridge 4	Old	22 W	19 N	5	11
Eldridge 5	Old	22 W	19 N	5	264
Eldridge 6	Old	22 W	19 N	5	16
Eldridge 7	Old	22 W	19 N	5	45
Eldridge 8	Old	23 W	19 N	12	17
Eldridge 9	Old	23 W	19 N	12	31
Eldridge 10	Old	23 W	20 N	16 & 21	69
Eldridge 11	Old	23 W	20 N	16 & 21	29
Eldridge 12	Old	23 W	20 N	16 & 21	35

DRAFT

Harp 1	Old	23 W	19 N	14 & 15	48
Harp 2	Old	23 W	19 N	14 & 15	28
Harp 3	Old	23 W	19 N	14 & 15	24
Harp 4	Old	23 W	19 N	14 & 15	20
Harp 5	Old	23 W	19 N	8 & 17	50
Harp 6	Old	23 W	19 N	8 & 17	20
Howerton 5	Old	23 W	19 N	3	10
Young 1	Old	23 W	19 N	10	11
Young 2	Old	23 W	19 N	10	7
Young 3	Old	23 W	19 N	10	3
Young 4	Old	23 W	19 N	10	8
Rose 1	Old	24 W	19 N	2	13
Rose 2	Old	24 W	19 N	2	5.5
Dudley 1	Old	23 W	19 N	10 & 15	15
Dudley 2	Old	23 W	19 N	10 & 15	5
Dudley 3	Old	23 W	19 N	10 & 15	10
Dudley 4	Old	23 W	19 N	10 & 15	27
Dudley 7	Old	23 W	19 N	10 & 15	8
Dudley 8	Old	23 W	19 N	10 & 15	8
Carter 1	Old	23 W	20 N	27	17
Carter 2	Old	23 W	20 N	27	4
Carter 3	Old	23 W	20 N	27	11
Carter 4	Old	23 W	20 N	27	7
Carter 5	Old	23 W	20 N	27	5
Carter 6	Old	23 W	20 N	27	11
Carter 9	Old	23 W	20 N	27	5
Powell 1	Old	23 W	20 N	21	36
Powell 2	Old	23 W	20 N	21	30

10. PERMIT CONDITIONS.

The Arkansas Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application. Permit requirements are based on NPDES regulations (40 CFR Parts 122, 124, and Subchapter N), the National Pretreatment Regulation in 40 CFR 403 and regulations promulgated pursuant to the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended, Ark. Code Ann. 8-4-101 et. seq.).

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a. **Interim Effluent Limitations**

Outfall 001- treated municipal wastewater

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

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
		Monthly Avg.	Monthly Avg.		
Flow	N/A	Report	Report	Once/day	Totalizing meter
Carbonaceous Biochemical Oxygen Demand (CBOD5)	200	10	15	Once/week	6-hr composite
Total Suspended Solids (TSS)	300	15	23	Once/week	6-hr composite
Ammonia Nitrogen (NH3-N)					
(May-Oct)	20	1	1.5	Once/week	6-hr composite
(Nov-Apr)	80	4	6	Once/week	6-hr composite
Dissolved Oxygen					
(May-Oct)	N/A	7.0 (Inst. Min.)		Once/week	Grab
(Nov-Apr)	N/A	5.0 (Inst. Min.)		Once/week	Grab
Fecal Coliform Bacteria(FCB)		(colonies/100ml)			
	N/A	200	400	Once/week	Grab
Total Residual Chlorine(TRC)	N/A	Report (Inst. Max)		Three/week	Grab
Nitrate + Nitrite Nitrogen	N/A	N/A	10	Three/week	Grab
Total Phosphorous	N/A	Report	Report	Twice/month	Grab
pH	N/A	<u>Minimum</u> 6 s.u.	<u>Maximum</u> 9 s.u.	Once/week	Grab
<u>Whole Effluent Lethality</u> (7-day NOEC)	<u>Daily Average</u> <u>Minimum</u> not < 100 %	<u>7-day Minimum</u> not < 100%		Once/quarter	24-hr composite

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

b. **Final Effluent Limitations**

Outfall 001- treated municipal wastewater

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

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
		Monthly Avg.	Monthly Avg.		
Flow	N/A	Report	Report	Once/day	Totalizing meter
Carbonaceous Biochemical Oxygen Demand (CBOD5)	200	10	15	Once/week	6-hr composite
Total Suspended Solids (TSS)	300	15	23	Once/week	6-hr composite
Ammonia Nitrogen (NH3-N)					
(May-Oct)	20	1	1.5	Once/week	6-hr composite
(Nov-Apr)	80	4	6	Once/week	6-hr composite
Dissolved Oxygen					
(May-Oct)	N/A	7.0 (Inst. Min.)		Once/week	Grab
(Nov-Apr)	N/A	5.0 (Inst. Min.)		Once/week	Grab
Fecal Coliform Bacteria(FCB)		(colonies/100ml)			
	N/A	200	400	Once/week	Grab
Total Residual Chlorine(TRC)	N/A	<0.1 mg/l (Inst. Max.)		Three/week	Grab
Nitrate + Nitrite Nitrogen	N/A	N/A	10	Three/week	Grab
Total Phosphorous	N/A	1	2	Twice/month	Grab
pH	N/A	<u>Minimum</u> 6 s.u.	<u>Maximum</u> 9 s.u.	Once/week	Grab
<u>Whole Effluent Lethality</u> (7-day NOEC)	<u>Daily Average</u> <u>Minimum</u> not < 100 %	<u>7-day Minimum</u> not < 100%		Once/quarter	24-hr composite

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

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11. BASIS FOR PERMIT CONDITIONS.

The following is an explanation of the derivation of the conditions of the draft permit and the reasons for them or, in the case of notices of intent to deny or terminate, reasons suggesting the tentative decisions as required under 40 CFR 124.7 (48 FR 1413, April 1, 1983).

a. Technology-Based versus Water Quality-Based Effluent Limitations and Conditions

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

b. Technology-Based Effluent Limitations and/or Conditions

i. General Comments

The permit must at least comply with 40 CFR 133 (Secondary Treatment Regulation) when applicable.

The monitoring and reporting requirements for Phosphorous are included in the proposed permit for a period of three years. After three years the final effluent limitations for Total Phosphorous will become effective.

c. State Water Quality Numerical Standards Based Limitations

i. Conventional and Non-Conventional Pollutants

The water quality-based limits for CBOD5, TSS, Fecal Coliform Bacteria, Ammonia Nitrogen (May through October), Nitrate + Nitrite Nitrogen, pH, and DO have been based on the current NPDES permit, and 40 CFR Part 122.44(1). The calculation of the loadings (lbs per day) uses a design flow of 2.4 MGD and the following equation (See below). These limitations are based on Section 6.301(Effluent Discharges to Losing Stream Segments) of Regulation No. 6, as amended and they will be included in the updated Arkansas Water Quality Management Plan (AWQMP).

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

Ammonia Nitrogen Discussion:

The effluent limitations for Ammonia Nitrogen in the previous permit were included in order to maintain instream dissolved oxygen. The proposed effluent limitation for Ammonia Nitrogen for the months of November through April have been reduced to 4 mg/l (monthly average) and 6 mg/l (7-day average) based upon EPA recommendation.

Justification: EPA has recently updated its national criteria for ammonia toxicity, which coincides with EPA Region 6 studies which indicate that discharge of ammonia in excess of 4 mg/l at the critical dilution increases potential of toxic effects instream. 40 CFR 122.44 (d) (1) (v) requires a WET limit where the permitting authority does not demonstrate in the fact sheet that chemical-specific limits are adequate to prevent an exceedance of a state narrative criterion for aquatic life protection. Although the ADEQ does not agree, EPA concluded that the discharge of ammonia in excess of 4 mg/l (Monthly Average) and 6 mg/l (Daily Maximum) at the instream waste concentration are likely to cause or contribute to instream toxicity. This permit has ammonia limits based on modeling for dissolved oxygen which are higher than the federal requirement. EPA required ADEQ to include Ammonia Nitrogen limit of 4/6 mg/l or monthly WET limits for the specific months of January through April and quarterly testing during the period July through September and again once during the period October through December. After review of the DMR data for the last two years and discussion with the permittee, the permittee agreed to accept limit of 4/6 mg/l for the months of November through April in lieu of monthly biomonitoring.

d. **Toxics Pollutants-Priority Pollutant Scan (PPS)**

i. **General Comments**

Effluent limitations and/or conditions established in the draft permit are in compliance with the Arkansas Water Quality Standards and the applicable Water Quality Management Plan.

ii. **Post Third Round Policy and Strategy**

Section 101 of the Clean Water Act(CWA) states that "...it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited...". To insure that the CWA's prohibitions on toxic discharges are met, EPA has issued a "Policy for the Development of Water Quality-Based Permit Limitations by Toxic Pollutants"(49 FR 9016-9019,3/9/84). In support of the national policy, Region 6 adopted the "Policy for post Third Round NPDES Permitting" and the "Post Third Round NPDES Permit Implementation Strategy" on October 1, 1992. The Regional policy and strategy are designed to insure that no source will be allowed to discharge any wastewater which (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical State water quality standard resulting in non-conformance with the provisions of 40 CFR Part 122.44(d); (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation which threatens human health.

iii. **Implementation**

The State of Arkansas is currently implementing EPA's Post Third-Round Policy in conformance with the EPA Regional strategy. The 5-year NPDES permits contain technology-based effluent limitations reflecting the best controls available. Where these technology-based permit limits do not protect water quality or the designated uses, or where there are no applicable technology-

based limits, additional water quality-based effluent limitations and/or conditions are included in the NPDES permits. State narrative and numerical water quality standards from the Regulation No. 2 are used in conjunction with EPA criteria and other available toxicity information to determine the adequacy of technology-based permit limits and the need for additional water quality-based controls.

iv. **Priority Pollutant Scan**

In accordance with the regional policy ADEQ has reviewed and evaluated the effluent in evaluating the potential toxicity of each analyzed pollutant:

- (a) The results were evaluated and compared to EPA's Minimum Quantification Levels (MQLs) to determine the potential presence of a respective toxic pollutant. Those pollutants which are greater than or equal to the MQLs are determined to be reasonably present in the effluent and an evaluation of their potential toxicity is necessary.
- (b) Those pollutants with one datum shown as "non-detect" (ND), providing the level of detection is equal to or lower than MQL are determined to be not potentially present in the effluent and eliminated from further evaluation.
- (c) Those pollutants with a detectable value even if below the MQL are determined to be reasonably present in the effluent and an evaluation of their potential toxicity is necessary.
- (d) For those pollutants with multiple data values and all values are determined to be non-detect, therefore no further evaluation is necessary. However, where data set includes some detectable concentrations and some values as ND, one-half of the detection level is used for those values below the level of detection to calculate the geometric mean of the data set.

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, Reg. No. 2 and with the aquatic toxicity, human health, and drinking water criteria obtained from the "Quality Criteria for Water, 1986 (Gold Book)". The following expression was used to calculate the pollutant instream waste concentration (IWC):

$$IWC = ((C_e \times Q_e) + (C_b \times Q_b)) / (Q_e + Q_b)$$

where:

- IWC = instream concentration of pollutant after mixing with receiving stream (F g/l)
C_e = pollutant concentration in effluent (F g/l)
Q_e = effluent flow of facility (cfs)

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- C_b = background concentration of pollutant in receiving stream (F g/l)
 Q_b = background flow of receiving stream (cfs)

The following values were used in the IWC calculations:

C_e = varies with pollutant. A single value from the Priority Pollutant Screen (PPS) submitted by the permittee as part of the NPDES permit application or the geometric mean of a group of data points (less than 20 data points) is multiplied by a factor of 2.13. This factor is based on EPA's Region VI procedure (See attachment IV of Continuing Planning Process (CPP)) to extrapolate limited data sets to better evaluate the potential toxicity for higher effluent concentrations to exceed water quality standards. This procedure employs a statistical approach which yields an estimate of a selected upper percentile value (the 95th percentile) of an effluent data set which would be expected to exceed 95% of effluent concentrations in a discharge. If 20 or more data points during the last two years are available, do not multiply by 2.13, but instead use the maximum reported values.

Q_e = 2.4 MGD = 3.7 cfs

C_b = 0 μ g/l

Q_b = (See below):

(e) Aquatic Toxicity

Chronic Toxicity: Flow = 0 cfs, for comparison with chronic aquatic toxicity. This flow is **67** percent of the 7-day, 10-year low-flow (7Q10) for the receiving stream. The 7Q10 of 0 cfs is based on "Identification and Classification of Perennial Stream of Arkansas", Arkansas Geological Commission Map.

Acute Toxicity: Flow = 0 cfs, for comparison with acute aquatic toxicity. This flow is **33** percent of the 7Q10 for the receiving stream.

(f) Bioaccumulation

Flow = 0 cfs, for comparison with bioaccumulation criteria. This flow is the long term average (LTA) of the receiving stream which is based on "Identification and Classification of Perennial Stream of Arkansas", Arkansas Geological Commission Map.

(g) Drinking Water

Flow = 0 cfs, for comparison with drinking water criteria. This flow is the 7Q10 for the receiving stream.

The following values were used to determine limits for the pollutants:

Hardness = 148 mg/l, based on attachment VI of CPP.

pH = 7.66, based on compliance data from "Arkansas Water Quality Inventory Report"305(b), utilizing ADEQ accumulated data for Station WHI0071.

v. **Water Quality Standards for Metals and Cyanide**

Standards for Chromium (VI), Mercury, Selenium, and Cyanide are expressed as a function of the pollutant's water-effect ratio (WER), while standards for cadmium, chromium (III), copper, lead, nickel, silver, and zinc are expressed as a function of the pollutant's water-effect ratio, and as a function of hardness.

The **Water-effect ratio** (WER) is assigned a value of 1.0 unless scientifically defensible study clearly demonstrates that a value less than 1.0 is necessary or a value greater than 1.0 is sufficient to fully protect the designated uses of the receiving stream from the toxic effects of the pollutant.

The WER approach compares bioavailability and toxicity of a specific pollutant in receiving water and in laboratory test water. It involves running toxicity tests for at least two species, measuring LC50 for the pollutant using the local receiving water collected from the site where the criterion is being implemented, and laboratory toxicity testing water made comparable to the site water in terms of chemical hardness. The ratio between site water and lab water LC50 is used to adjust the national acute and chronic criteria to site specific values.

vi. **Conversion of Dissolved Metals Criteria for Aquatic Life to Total Recoverable Metal**

Metals criteria established in Regulation No. 2 for aquatic life protection are based on dissolved metals concentrations and hardness values (See Page 6 of **Attachment 1**). However, Federal Regulations cited at 40 CFR 122.45(c) require that effluent limitations for metals in NPDES permits be expressed as total recoverable (See Pages 1 and 6 of **Attachment 1**). Therefore a dissolved to the total recoverable metal conversion must be implemented. This involves determining a linear partition coefficient for the metal of concern and using this coefficient to determine the fraction of metal dissolved, so that the dissolved metal ambient criteria may be translated to a total effluent limit. The formula for converting dissolved metals to total recoverable metals for streams and lakes are provided in **Attachment 2** and Region 6 Implementation Guidance for Arkansas Water Quality Standards promulgated at 40 CFR 131.36.

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vii. **Results of the comparison of the submitted information with the appropriate water quality standards and criteria**

ADEQ has determined from the information submitted by the permittee that no water quality standards or Gold Book criteria are exceeded. Therefore no permit action is necessary to maintain these standards or criteria (See **Attachment 1**).

e. **Total Residual Chlorine (TRC) Requirements**

A review of the Discharge Monitoring Report (DMR) data for TRC in the current permit from March 2002 through February 2004 shows the daily maximum TRC of 0.57 mg/l. The long term average of the daily maximum values over this same period was 0.40 mg/l. The facility has a critical dilution of 100%, and thus, at the edge of the mixing zone, concentrations of TRC are at least 0.40 mg/l based on the long term average. EPA considers concentrations at the edge of the mixing zone higher than 0.011 mg/l to be toxic to aquatic organisms. The concentrations seen at the edge of the mixing zone at the facility during this time is higher than EPA's criteria for chlorine toxicity (chronic and acute). Therefore, as recommended by EPA, a three year schedule of compliance has been included with a final TRC limit of <0.1 mg/l (inst. Max).

f. **Final Limitations**

The following effluent limitations or "report" requirements were placed in the permit based on the more stringent of the technology-based, water quality-based or previous NPDES permit limitations:

Parameter	Water Quality-Based		Technology-Based/BPJ		Previous NPDES Permit		Draft Permit	
	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l
CBOD5	10	15	25	40	10	15	10	15
TSS	15	23	30	45	15	23	15	23
NH3-N								
(May-Oct)	1	1.5	N/A	N/A	1	1.5	1	1.5
(Nov-Apr)	8	12	4	6	8	12	4*	6*

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Parameter	Water Quality-Based		Technology-Based/BPJ		Previous NPDES Permit		Draft Permit	
	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l
DO (inst. Min)								
(May-Oct)	7.0		N/A		7.0		7.0	
(Nov-Apr)	5.0		N/A		5.0		5.0	
FCB (col/100ml)	200	400	N/A	N/A	200	400	200	400
TRC (Inst. Max)	N/A		< 0.1 mg/l		Report mg/l		<0.1 mg/l	
Nitrate + Nitrite Nitrogen	N/A	10	N/A	10	N/A	10	N/A	10
Total Phosphorous	N/A	N/A	1.0	2.0	N/A	N/A	1.0	2.0
pH	6-9 s.u.		6-9 s.u.		6-9 s.u.		6-9 s.u.	

* More stringent limit of 4 mg/l (Monthly Average) and 6 mg/l (Daily Max) have been included based upon EPA recommendation

g. Biomonitoring

A. Post Third Round Policy and Strategy

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

The Regional policy and strategy are designed to ensure that no source will be allowed to discharge any wastewater which (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical State Water Quality Standard (WQS) resulting in non-conformance with the provisions of 40

CFR Part 122.44(d); (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation which threatens human health.

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

B. Implementation

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

The proposed permit establishes both monthly average and 7-day minimum effluent limitations for lethality following Regulations promulgated by 40 CFR 122.44(d)(1)(v). These effluent limitations for lethality (7-day NOEC) are continued from the previous permit. The daily average lethality (7-day NOEC) and 7-day minimum lethality (7-day NOEC) value shall not be less than **100** % (Critical Dilution) effluent for outfall **001**.

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

TOXICITY TESTS	FREQUENCY
Chronic Biomonitoring	Once/quarter

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

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

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

C. Administrative Records

The following information summarized toxicity test failures submitted by the permittee during the term of the current permit at outfall **001**((See **Attachment 4.**)

h. Sample Type and Sampling Frequency

Regulations promulgated at 40 CFR 122.44(i)(1) require permit to establish monitoring requirements which assure compliance with permit limitations.

- 1) The requirements for sample types and sampling frequencies for Nitrate + Nitrite Nitrogen and Total Residual Chlorine are based on recommended frequencies for self-monitoring of municipal discharges within the flow of 1.0 to 5.0 MGD.
- 2) The requirements for sample type and sampling frequency for Total Phosphorous are consistent with the requirements for this parameter included in the other NPDES permits.
- 3) The requirements for sample types and sampling frequencies for flow, TSS, NH₃-N, FCB, and biomonitoring have been based on the current NPDES permit.
- 4) The sampling frequencies for CBOD₅, pH, and DO have been reduced using EPA's *Interim Guidance for Performance - Based Reductions of NPDES Permit Monitoring Frequencies*. This decrease in monitoring frequency does not constitute backsliding based on 40 CFR 122.44 (1). The circumstances on which the previous permit were based have materially and substantially changed since the time the permit was issued and would constitute cause for permit modification or revocation and reissuance under 40 CFR 122.62.

i. Changes from the previously issued permit:

1. The coordinates for the outfall location have been corrected.
2. The Segment description has been corrected.
3. The final effluent limitations for Ammonia Nitrogen for the months of November through April have been revised.
4. The previous schedule of compliance and the interim effluent limitations have been deleted.
5. The interim monitoring and reporting requirements and the final effluent limitations for Total Residual Chlorine and Total Phosphorous have been added.

DRAFT

6. A schedule of compliance for meeting the final effluent limitations for TRC and Total Phosphorous has been included.
7. The monitoring frequencies for CBOD5, pH, and DO have been reduced.
8. The flow measurement location has been clarified.
9. The monthly average reporting requirement has been deleted and the maximum statistical base has changed to Instantaneous Maximum.
10. The reporting requirements for biomonitoring have changed.
11. The monitoring frequency for land applied biosolids has changed.
12. Parts II, III, and IV have been revised.

j. **Storm water pollution prevention plan requirements**

In lieu of storm water pollution prevention plan requirements the permittee has submitted a "No exposure certification for exclusion from NPDES Storm water" to the Department.

12. **SCHEDULE OF COMPLIANCE.**

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

Interim Limits:

Compliance is required on the effective date of the permit.

Final Limits:

The permittee shall submit progress reports addressing the progress towards attaining the final effluent limits for Total Residual Chlorine and Total Phosphorous:

<u>ACTIVITY</u>	<u>DUE DATE</u>
Progress Report	One (1) year from effective date
Progress Report	Two (2) years from effective date
Achieve Final Limits	Three (3) years from effective date

Compliance with final limits for TRC and TP is required three (3) years from the effective date of the permit. The permittee has the option to undertake any study deemed necessary to meet the final limitations during the interim period. Any additional treatment must be approved and construction approval granted prior to final installation.

13. **OPERATION AND MONITORING.**

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

14. SOURCES.

The following sources were used to draft the permit:

- a. NPDES application No. AR0021741 received 03/31/2004.
- b. Arkansas Water Quality Management Plan(WQMP).
- c. Regulation No. 2.
- d. Regulation No. 6.
- e. 40 CFRs 122, 125, 133 and 403.
- f. NPDES permit file AR00 21741.
- g. Discharge Monitoring Reports (DMRs).
- h. "Arkansas Water Quality Inventory Report 2000 (305B)", ADEQ.
- i. "Identification and Classification of Perennial Streams of Arkansas", Arkansas Geological Commission.
- j. Continuing Planning Process (CPP).
- k. Technical Support Document For Water Quality-based Toxic Control.
- l. E-mail dated April 16, 2004, from Singleton to Jastrzebski.
- m. E-mail dated April 16, 2004, from Riddle to Jastrzebski.
- n. E-mail dated April 20, 2004, from Shelby to Jastrzebski.
- o. E-mail dated May 11, 2004, from Clem to Shafii.
- p. E-mail dated May 4, 2004, from Fuller to Jastrzebski.
- q. E-mail dated June 14, 2004, from Insua to Jastrzebski.
- r. "Interim Guidance for Performance - Based Reductions of NPDES Permit Monitoring Frequencies", EPA.

15. 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 draft permit and may request a public hearing to clarify issues involved in the permit 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 draft permit and draft public notice will be sent to the District Engineer, Corps of Engineers, and to the Regional Director of the U.S. Fish and Wildlife Service on a case-by-case basis, and the EPA and Arkansas Department of Health prior to the publication of that notice.

DRAFT

Page 18 of Fact Sheet
Permit No. AR0021741

16. NPDES POINT OF CONTACT.

For additional information, contact:

Marysia Jastrzebski, P.E.
NPDES Branch, Water Division
Arkansas Department of Environmental Quality
8001 National Drive
Post Office Box 8913
Little Rock, Arkansas 72219-8913
Telephone: (501) 682-0622



ARKANSAS
Department of Environmental Quality

August 6, 2004

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (7002 0860 0007 6824 4877)

Honorable Leonard Tidyman
Mayor, City of Green Forest
P. O. Drawer 1510
Green Forest, AR 72638

RE: Application to Discharge to Waters of the State Permit Number AR0021741

Dear Mayor Tidyman:

Enclosed is the public notice, Fact Sheet, and a copy of the permit which the Arkansas Department of Environmental Quality has drafted under the authority of the National Pollutant Discharge Elimination System 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 permit decision.

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

Comments must be received at ADEQ prior to the close of the public comment period as shown in the enclosed public notice. The public comment period will begin on the date of publication and will end no sooner than 30 days from that date.

Under the provisions of federal and state laws and regulations, all persons, including applicants, who believe any condition of a draft permit is inappropriate must raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by the close of the public comment period. Once a final permit is issued by the Director and becomes effective, the permittee must comply with all terms and conditions of the permit, or be subject to enforcement actions for any instances of noncompliance during the duration of the permit, usually five (5) years. Consequently, **it is imperative that you, as the applicant, thoroughly review the enclosed documentation for accuracy, applicability, and your ability to comply with all conditions therein. Comments must be received at ADEQ prior to the close of the public comment period as shown in the enclosed public notice.**

Should you have any questions concerning any part of the permit, please feel free to contact the Arkansas Department of Environmental Quality, NPDES Branch, at (501) 682-0622.

Sincerely,

Martin Maner, P.E.
Chief, Water Division

MM:mj

Enclosure

Arkansas Department of Environmental Quality NPDES authorization to discharge to Waters of the State, permit number AR0021741.

The applicant's mailing address is:

City of Green Forest
P. O. Drawer 1510
Green Forest, AR 72638

The discharge from this facility is made into an unnamed tributary of Dry Creek, thence to Dry Creek, thence to Long Creek, thence to the White River in Segment 4K of the White River Basin. The receiving stream is a Water of the State classified for secondary contact recreation, raw water source for public, industrial, and agricultural water supplies, propagation of desirable species of fish and other aquatic life, and other compatible uses. The facility is located as follows: approximately 1 3/4 miles southeast of the city square; Latitude: 36° 18' 59"; Longitude: 93° 25' 12" in Section 10, Township 19 North, Range 23 West in Carroll County, Arkansas, and the outfall is located at the following coordinates: Latitude: 36° 18' 59" Longitude: 93° 24' 35". Type of treatment: screening followed by grit removal, primary clarification, two-stage trickling filtration, a two-stage complete mix activated sludge process with an anoxic zone followed by an aerobic zone, final clarification, sand filtration, and chlorination.

Sludge is treated by anaerobic digestion and land applied at the following locations:

Field Number	New/old	Range	Township	Section	Acres
Norris 3	Old	23 W	20 N	36	9
Eldridge 1	Old	23 W	20 N	16 & 21	14
Eldridge 2	Old	23 W	20 N	16 & 21	18
Eldridge 3	Old	23 W	20 N	16 & 21	30
Eldridge 4	Old	22 W	19 N	5	11
Eldridge 5	Old	22 W	19 N	5	264
Eldridge 6	Old	22 W	19 N	5	16
Eldridge 7	Old	22 W	19 N	5	45
Eldridge 8	Old	23 W	19 N	12	17
Eldridge 9	Old	23 W	19 N	12	31
Eldridge 10	Old	23 W	20 N	16 & 21	69
Eldridge 11	Old	23 W	20 N	16 & 21	29
Eldridge 12	Old	23 W	20 N	16 & 21	35
Harp 1	Old	23 W	19 N	14 & 15	48
Harp 2	Old	23 W	19 N	14 & 15	28
Harp 3	Old	23 W	19 N	14 & 15	24
Harp 4	Old	23 W	19 N	14 & 15	20
Harp 5	Old	23 W	19 N	8 & 17	50
Harp 6	Old	23 W	19 N	8 & 17	20
Howerton 5	Old	23 W	19 N	3	10

Young 1	Old	23 W	19 N	10	11
Young 2	Old	23 W	19 N	10	7
Young 3	Old	23 W	19 N	10	3
Field					
Number	New/old	Range	Township	Section	Acres
Young 4	Old	23 W	19 N	10	8
Rose 1	Old	24 W	19 N	2	13
Rose 2	Old	24 W	19 N	2	5.5
Dudley 1	Old	23 W	19 N	10 & 15	15
Dudley 2	Old	23 W	19 N	10 & 15	5
Dudley 3	Old	23 W	19 N	10 & 15	10
Dudley 4	Old	23 W	19 N	10 & 15	27
Dudley 7	Old	23 W	19 N	10 & 15	8
Dudley 8	Old	23 W	19 N	10 & 15	8
Carter 1	Old	23 W	20 N	27	17
Carter 2	Old	23 W	20 N	27	4
Carter 3	Old	23 W	20 N	27	11
Carter 4	Old	23 W	20 N	27	7
Carter 5	Old	23 W	20 N	27	5
Carter 6	Old	23 W	20 N	27	11
Carter 9	Old	23 W	20 N	27	5
Powell 1	Old	23 W	20 N	21	36
Powell 2	Old	23 W	20 N	21	30

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

Changes from the previously issued permit are as follows:

1. The coordinates for the outfall location have been corrected.
2. The Segment description has been corrected.
3. The final effluent limitations for Ammonia Nitrogen for the months of November through April have been revised.
4. The previous schedule of compliance and the interim effluent limitations have been deleted.
5. The interim monitoring and reporting requirements and the final effluent limitations for Total Residual Chlorine and Total Phosphorous have been added.
6. A schedule of compliance for meeting the final effluent limitations for TRC and Total Phosphorous has been included.
7. The monitoring frequencies for CBOD5, pH, and DO have been reduced.
8. The flow measurement location has been clarified.
9. The monthly average reporting requirement has been deleted and the maximum statistical base has changed to Instantaneous Maximum.
10. The reporting requirements for biomonitoring have changed.
11. The monitoring frequency for land applied biosolids has changed.
12. Parts II, III, and IV have been revised.

ARKANSAS Department of Environmental Quality NPDES AUTHORIZATION
TO DISCHARGE TO Waters of the State, PERMIT NUMBER AR0021741

This is to give notice that the Arkansas Department of Environmental Quality has developed Draft Permit for the following applicant under the National Pollutant Discharge Elimination System and the Arkansas Water and Air Pollution Control Act. Development of the draft permit(s) was based on a preliminary staff review.

Arkansas Department of Environmental Quality NPDES authorization to discharge to Waters of the State, permit number AR0021741.

The applicant's mailing address is:

City of Green Forest
P. O. Drawer 1510
Green Forest, AR 72638

The discharge from this facility is made into an unnamed tributary of Dry Creek, thence to Dry Creek, thence to Long Creek, thence to the White River in Segment 4K of the White River Basin. The receiving stream is a Water of the State classified for secondary contact recreation, raw water source for public, industrial, and agricultural water supplies, propagation of desirable species of fish and other aquatic life, and other compatible uses. The facility is located as follows: approximately 1 3/4 miles southeast of the city square; Latitude: 36° 18' 59"; Longitude: 93° 25' 12" in Section 10, Township 19 North, Range 23 West in Carroll County, Arkansas, and the outfall is located at the following coordinates: Latitude: 36° 18' 59" Longitude: 93° 24' 35". Type of treatment: screening followed by grit removal, primary clarification, two-stage trickling filtration, a two-stage complete mix activated sludge process with an anoxic zone followed by an aerobic zone, final clarification, sand filtration, and chlorination.

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Harp 3	Old	23 W	19 N	14 & 15	24
Harp 4	Old	23 W	19 N	14 & 15	20
Harp 5	Old	23 W	19 N	8 & 17	50
Harp 6	Old	23 W	19 N	8 & 17	20
Howerton 5	Old	23 W	19 N	3	10
Young 1	Old	23 W	19 N	10	11
Young 2	Old	23 W	19 N	10	7
Young 3	Old	23 W	19 N	10	3
Young 4	Old	23 W	19 N	10	8
Rose 1	Old	24 W	19 N	2	13
Rose 2	Old	24 W	19 N	2	5.5
Dudley 1	Old	23 W	19 N	10 & 15	15
Dudley 2	Old	23 W	19 N	10 & 15	5
Dudley 3	Old	23 W	19 N	10 & 15	10
Dudley 4	Old	23 W	19 N	10 & 15	27

Dudley 7	Old	23 W	19 N	10 & 15	8
Dudley 8	Old	23 W	19 N	10 & 15	8
Carter 1	Old	23 W	20 N	27	17
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Carter 3	Old	23 W	20 N	27	11
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Changes from the previously issued permit are as follows:

1. The coordinates for the outfall location have been corrected.
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4. The previous schedule of compliance and the interim effluent limitations have been deleted.
5. The interim monitoring and reporting requirements and the final effluent limitations for Total Residual Chlorine and Total Phosphorous have been added.
6. A schedule of compliance for meeting the final effluent limitations for TRC and Total Phosphorous has been included.
7. The monitoring frequencies for CBOD5, pH, and DO have been reduced.
8. The flow measurement location has been clarified.
9. The monthly average reporting requirement has been deleted and the maximum statistical base has changed to Instantaneous Maximum.
10. The reporting requirements for biomonitoring have changed.
11. The monitoring frequency for land applied biosolids has changed.
12. Parts II, III, and IV have been revised.

The permit(s) will become effective on or after October 1, 2004, unless:

Comments are received and/or public hearing is requested prior to September 13, 2004, in which case the permit will be effective on or after November 1, 2004.

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

Marysia Jastrzebski, P.E.
 NPDES Branch, Water Division
 Arkansas Department of Environmental Quality
 Post Office Box 8913
 Little Rock, Arkansas 72219-8913
 (501) 682-0622

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

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

Attachment 1

Attachment 2

Linear Partition Coefficients for Priority Metals in Streams and Lakes*

METAL	STREAMS		LAKES	
	Kpo	a	Kpo	a
Arsenic	0.48×10^6	-0.73	0.48×10^6	-0.73
Cadmium	4.00×10^6	-1.13	3.52×10^6	-0.92
Chromium**	3.36×10^6	-0.93	2.17×10^6	-0.27
Copper	1.04×10^6	-0.74	2.85×10^6	-0.9
Lead***	2.80×10^6	-0.8	2.04×10^6	-0.53
Mercury	2.90×10^6	-1.14	1.97×10^6	-1.17
Nickel	0.49×10^6	-0.57	2.21×10^6	-0.76
Silver****	2.40×10^6	-1.03	2.40×10^6	-1.03
Zinc	1.25×10^6	-0.7	3.34×10^6	-0.68

$$Kp = Kpo \times TSS^a$$

Kp = Linear Partition Coefficient

TSS = Total Suspended Solids (mg/l)-(See **Attachment 3**)

Kpo = found from table

a = found from table

$$C/Ct = 1/(1 + (Kp \times TSS \times 10^{-6})) \quad C/Ct = \text{Fraction of Metal Dissolved}$$

* Delos, C. G., W. L. Richardson, J. V. DePinto, R. B., Ambrose, P. W. Rogers, K. Rygwelski, J. P. St. John, W. J. Shaughnessey, T. A. Faha, W. N. Christie. Technical Guidance for Performing Waste Load Allocations, Book II: Streams and Rivers. Chapter 3: Toxic Substances, for the U. S. Environmental Protection Agency.(EPA-440/4-84-022).

** Linear partition coefficient shall not apply to the Chromium VI numerical criterion. The approved analytical method for Chromium VI measures only the dissolved form. Therefore permit limits for Chromium VI shall be expressed in the dissolved form. See 40 CFR 122.45(c)(3).

*** Reference page 18 of EPA memo dated March 3, 1992, from Margaret J. Stasikowski(WH-586) to Water management Division Directors, Region I-IX.

**** Texas Environmental Advisory Council, 1994

Attachment 3**TOTAL SUSPENDED SOLIDS(15th PERCENTILE) BY RECEIVING STREAM AND ECOREGION**

For direct discharges to the Arkansas, Red, Ouachita, White, and St. Francis Rivers use the following mean values:

TSS(15th percentile)		
Receiving Stream	TSS	Unit
Arkansas River:		
Ft. Smith to Dardanelle Dam	12.0	mg/l
Dardanelle Dam to Terry L&D	10.5	mg/l
Terry L&D to L&D #5	8.3	mg/l
L&D #5 to Mouth	9.0	mg/l
Red River	33	mg/l
Ouachita River:		
above Caddo River	2.0	mg/l
below Caddo River	5.5	mg/l
White River:		
above Beaver Lake	2.5	mg/l
Bull Shoals to Black River	3.3	mg/l
Black River to Mouth	18.5	mg/l
St. Francis River	18	mg/l

For all other discharges use the following ecoregion TSS:

TSS (15th percentile)		
Ecoregion	TSS	Unit
Ouachita	2	mg/l
Gulf Coastal	5.5	mg/l
Delta	8	mg/l
Ozark Highlands	2.5	mg/l
Boston Mountains	1.3	mg/l
Arkansas River Valley	3	mg/l

Attachment 4

Calculations/biomonitoring

Pretreatment Attachments

(get package from Cabinet if necessary)