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Permit Number: AR0021865
AFIN: 08-00036

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

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

City of Eureka Springs

is authorized to discharge treated municipal wastewater from a facility located as follows: 100 Highway 23 North, Eureka Springs, AR, in Carroll County.

Facility Coordinates: Latitude: 36° 25' 14.49" N; Longitude: 93° 44' 05.73" W

Receiving stream: Leatherwood Creek thence to Table Rock Lake, thence to the White River in Segment 4K of the White River Basin.

The permitted outfall is located at the following coordinates:

Outfall 001: Latitude: 36° 25' 12.50" N; Longitude: 93° 44' 04.62" W

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

Effective Date:
Expiration Date:

_____ _____

Stacie R. Wassell
Deputy Director, Office of Water Quality
Arkansas Department of Energy and Environment
Division of Environmental Quality

Issue Date

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PART I
PERMIT REQUIREMENTS

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

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

Effluent Characteristics	**Discharge Limitations**			**Monitoring Requirements**	
	Mass (lbs/day, else specified)	Concentration (mg/l, else specified)		Frequency	Sample Type
	Monthly Avg.	Monthly Avg.	7-Day Avg.		
Flow	N/A	Report, MGD	Report, MGD (Daily Max.)	once/day	totalizing meter
Overflows	Monthly Total SSOs (occurrences/month)			see comments[1]	
Overflow Volume	Monthly Total Volume of SSOs (gallons/month)			see comments[1]	
Carbonaceous Biochemical Oxygen Demand ($CBOD_5$)	75.1	10	15	three/month	composite[2]
Total Suspended Solids (TSS)	112.6	15.0	23.0	three/month	composite[2]
Ammonia Nitrogen (NH_3-N)					
(April)	29.3	3.9	3.9	three/month	composite[2]
(May – October)	18.8	2.5	3.8	three/month	composite[2]
(November – March)	37.6	5.0	7.5	three/month	composite[2]
Dissolved Oxygen (DO)	N/A	6.5 (Inst. Min.)		three/month	grab
E. coli		(colonies/100ml)			
	N/A	126	410	three/month	grab
Total Phosphorus (TP)	3.8	0.5 (6-month rolling avg.)[3]	1.56	three/month	composite[2]
Nitrate + Nitrite Nitrogen (NO_3 + NO_2-N)	75.1	10	10	three/month	composite[2]
pH	N/A	Minimum 6.0 s.u.	Maximum 9.0 s.u.	three/month	grab

[1] See Part II.5 (SSO Condition). If there are no overflows during the entire month, report "zero" (0).
[2] "Composite" sample is a mixture of grab samples collected at the same sampling point at different times, formed either by continuous sampling or by mixing a minimum of 3 effluent portions collected at consecutive discharge cycles (batches) during operational hours, within the 24-hour period, and combined proportional to flow or a sample collected at more frequent intervals proportional to flow over the 24-hour period.
[3] See Part II.9 (6-Month Rolling Avg. Calculation Condition)

Oil, grease, or petrochemical substances shall not be present in receiving waters to the extent that they produce globules or other residue or any visible, colored film on the surface or coat the banks and/or bottoms of the waterbody or adversely affect any of the associated biota. There shall be no visible sheen as defined in Part IV of this permit.

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. Samples shall be taken after final treatment, prior to the receiving stream.

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SECTION B. PERMIT COMPLIANCE SCHEDULE

A map of the service area of the POTW's collection system must be submitted within one (1) year of the effective date of the permit.

The required information must be submitted to the Division at the following address:

EE.Water.Enforcement.Report@arkansas.gov

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PART II
OTHER CONDITIONS

1. The operator of this wastewater treatment facility shall be licensed as Class IV by the State of Arkansas in accordance with PC&EC Rule 3.

2. For publicly owned treatment works, the 30-day average percent removal for Carbonaceous Biochemical Oxygen Demand ($CBOD_5$) and Total Suspended Solids (TSS) shall not be less than 85 percent unless otherwise authorized by the permitting authority in accordance with 40 C.F.R. § 133.102.

3. In accordance with 40 C.F.R. §§ 122.62(a)(2) and 124.5, this permit may be reopened for modification or revocation and/or reissuance to require additional monitoring and/or effluent limitations when new information is received that actual or potential exceedance of State water quality criteria and/or narrative criteria are determined to be the result of the permittee's discharge(s) to a relevant water body or a Total Maximum Daily Load (TMDL) is established or revised for the water body that was not available at the time of the permit issuance that would have justified the application of different permit conditions at the time of permit issuance.

4. Other Specified Monitoring Requirements

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

   - The monitoring and analytical instruments are consistent with accepted scientific practices.
   - The requests shall be submitted in writing to the Permits Branch of the Office of Water Quality of DEQ for use of the alternate method or instrument.
   - The method and/or instrument is in compliance with 40 C.F.R. Part 136 or approved in accordance with 40 C.F.R. § 136.5.
   - All associated devices are installed, calibrated, and maintained to ensure the accuracy of the measurements and are consistent with the accepted capability of that type of device. The calibration and maintenance shall be performed as part of the permittee's laboratory Quality Assurance/Quality Control (QA/QC) program.

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

5. Sanitary Sewer Overflow (SSO) Reporting Requirements

   All Sanitary Sewer Overflows are prohibited.

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

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

B. 24-Hour Reporting:

When an SSO is detected – no matter how small – it must be reported within 24 hours of its discovery to DEQ's Water Quality Enforcement by using the online form in paragraph C below (the preferred method), by email at EE.WaterEnf.SSO@arkansas.gov.

This initial 24-hour report should include the following information:

1. Permit Number
2. Location of overflow (manhole number or street address)
3. The receiving water (if applicable)
4. Cause of overflow (if known)
5. Estimated volume of overflow so far
6. Total duration of the overflow

C. 5-Day Follow-Up Written Web Reporting:

A written report of overflows shall be provided to DEQ within 5 days of the 24-hour report. A follow-up written report (5-day report) can be filled-in and submitted on DEQ Office of Water Quality/Enforcement Branch Web page at:

https://www.adeq.state.ar.us/water/enforcement/sso/submit.aspx?type=s

or on the SEEK data management system (when available) or any future successor of SEEK.

D. 24-Hour and 5-Day Reporting:

If the 24-hour report submitted includes all of the information requested above, then a follow-up 5-day report is not required.

E. Reporting for All SSOs on DMR:

At the end of the month, total the daily occurrences and volumes from all locations on your system and report this number on the DMR. For counting occurrences, each location on the sanitary sewer system where there is an overflow, spill, release, or diversion of wastewater on a given day is counted as one occurrence. For example, if on a given day overflows occur from a manhole at one location and from a damaged pipe at another location then you should record two occurrences for that day.

6. Best Management Practices (BMPs), as defined in Part IV.6, must be implemented for the facility along with the collection system to prevent or reduce the pollution of waters of the state from stormwater runoff, spills or leaks, sludge or waste disposal, or drainage from raw sewage.

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The permittee must amend the BMPs whenever there is a change in the facility or a change in the operation of the facility.

7. Contributing Industries and Pretreatment Requirements

   A. The following pollutants may not be introduced into the treatment facility:

      1. Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit (°F) or 60 degrees Centigrade (°C) using the test methods specified in 40 C.F.R. § 261.21;

      2. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0 s.u., unless the works is specifically designed to accommodate such discharges;

      3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, resulting in Interference or Pass Through;

      4. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause Pass Through or Interference with the POTW;

      5. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 °C (104 °F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits;

      6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;

      7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

      8. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

   B. The permittee shall require any indirect discharger to the treatment works to comply with the reporting requirements of Sections 204(b), 307, and 308 of the Clean Water Act (CWA), including any requirements established under 40 C.F.R. Part 403.

   C. The permittee shall provide adequate notice to the Division of the following:

      1. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 or 306 of the CWA if it were directly discharging those pollutants; and

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2. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.

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

8. Monitoring Frequency Reduction

The permittee may request a one-time monitoring frequency reduction for pollutants listed in Part I, Section A, Effluent Limitations and Monitoring Requirements. Any request for a monitoring frequency reduction must be submitted in writing to DEQ, and signed by the Responsible Official, in accordance with Part III.D.11.A of the permit.

The following requirements must be met before a review of the monitoring frequency reduction request will be performed:

A. Compliance with the permit limits for at least the last two (2) years for the pollutants for which a request has been made for a monitoring frequency reduction;

B. No operational or design changes have been made to the facility for at least the last two (2) years (or during period of review, if greater than two (2) years), and are not anticipated for the remaining term of this permit.

If the above conditions are met, a detailed review of the DMR data will be performed for the pollutants for which a monitoring frequency reduction has been requested. Compliance with the limits does not guarantee a monitoring frequency reduction will be granted. Data must show that the average concentration of the pollutants in the discharge are less than 75% of the permit limits for a monitoring frequency reduction to be granted.

If a monitoring frequency reduction is granted, the frequency can be reduced by no more than half the rate of the corresponding frequency listed in Part I, Section A, Effluent Limitations and Monitoring Frequencies. For example, a monitoring frequency of 4 per month will not be reduced to less than 2 per month. Additionally, the frequency will be no less frequent than monthly.

9. Total Phosphorus Six Months Rolling Basis Compliance Calculations

Compliance with the six-month average concentration limitation for TP shall be determined as a rolling six-month average and shall be calculated as follows:

Step 1: Determine the mass of TP discharged (lbs) for an individual month by multiplying the average of all concentration values (mg/l) measured in that month, times the total flow volume (Million Gallons, MG) for the month, times the conversion factor of 8.34. The following equation illustrates this calculation:

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Monthly mass (lbs) = (Monthly avg conc., mg/l) × (Total monthly flow in MG) × 8.34

Step 2: The monthly mass determined using the above equation for each month shall be summed for the most recent six (6) months and inserted into the numerator of the following equation to determine the six-month average concentration:

$$\text{Six-month average concentration (mg/l)} = \frac{\text{Total lbs (sum of most recent 6 months)}}{\text{Total flow in MG (most recent 6 months)} \times 8.34}$$

This six-month average concentration shall be reported on a 6-month rolling basis on each monthly DMR, which will represent the previous 6-month period. The compliance calculation shall be performed each month after substituting data from the most recent month for the oldest month. A calculated six-month average concentration in excess of the six-month average concentration limitation will be considered equivalent to a violation of a monthly average.

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PART III
STANDARD CONDITIONS

SECTION A – GENERAL CONDITIONS

1. **Duty to Comply**

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

2. **Penalties for Violations of Permit Conditions**

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

3. **Permit Actions**

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

A. Violation of any terms or conditions of this permit.
B. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts.
C. A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge.
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 PC&EC Rule 9 (Permit fees) as required by Part III.A.11 herein.

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

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4. **Toxic Pollutants**

Notwithstanding Part III.A.3, if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under PC&EC Rule 2, as amended, or Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitations on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standards or prohibition and the permittee so notified.

The permittee shall comply with effluent standards, narrative criteria, or prohibitions established under PC&EC Rule 2, as amended, or Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. **Civil and Criminal Liability**

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

6. **Oil and Hazardous Substance Liability**

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

7. **State Laws**

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

8. **Property Rights**

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

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9. **Severability**

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

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

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

11. **Permit Fees**

The permittee shall comply with all applicable permit fee requirements (i.e., including annual permit fees following the initial permit fee that will be invoiced every year the permit is active) for wastewater discharge permits as described in PC&EC Rule 9 (Rule 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 C.F.R. §§ 122.64 and 124.5(d), as adopted in PC&EC Rule 6 and the provisions of PC&EC Rule 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 ensure compliance with the conditions of this permit.

2. **Need to Halt or Reduce not a Defense**

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

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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**

"Bypass" means the intentional diversion of waste streams from any portion of a treatment facility, as defined at 40 C.F.R. § 122.41(m)(1)(i).

A. Bypass not exceeding limitation

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

B. Notice

1. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.
2. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part III.D.6 (24-hour notice).

C. Prohibition of bypass

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

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

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

5. **Upset Conditions**

A. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements

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of Part III.B.5.B of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

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

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

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

6. **Removed Substances**

A. Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the state. The Permittee must comply with all applicable state and federal regulations governing the disposal of sludge, including but not limited to 40 C.F.R. Parts 257, 258, and 503.

B. Any changes to the permittee's disposal practices described in the Statement of Basis, as derived from the permit application, will require at least 180 days prior notice to the Director to allow time for additional permitting. Please note that the 180 day notification requirement may be waived if additional permitting is not required for the change.

7. **Power Failure**

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

SECTION C – MONITORING AND RECORDS

1. **Representative Sampling**

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

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2. **Flow Measurement**

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

Calculated Flow Measurement

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

3. **Monitoring Procedures**

Monitoring must be conducted according to test procedures approved under 40 C.F.R. 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 ensure accuracy of measurements and shall ensure 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 ensure 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**

40 C.F.R. § 127.11(a)(1) and 40 C.F.R. § 127.16(a) require that monitoring reports must be reported on a Discharge Monitoring Reports (DMR) and filed electronically. Signatory Authorities must initially request access for a NetDMR account. Once a NetDMR account is established, use the following link to access electronic filing: https://cdx.epa.gov. Permittees who are unable to file electronically may request a waiver from the Director in accordance with 40 C.F.R. § 127.15. Monitoring results obtained during the previous monitoring period shall be summarized and reported on a DMR dated and submitted no later than the 25th day of the

month, following the completed reporting period beginning on the effective date of the permit.

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 C.F.R. Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated on the DMR.

7. **Retention of Records**

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

8. **Record Contents**

Records and monitoring information shall include:

A. The date, exact place, time and methods of sampling or measurements, and preservatives used, if any.
B. The individual(s) who performed the sampling or measurements.
C. The date(s) and time analyses were performed.
D. The individual(s) who performed the analyses.
E. The analytical techniques or methods used.
F. The measurements and results of such analyses.
G. The chain of custody that records the sequence of custody, control, transfer, analysis, and measurement of the 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.
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.

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SECTION D – REPORTING REQUIREMENTS

1. **Planned Changes**

   The Permittee shall give notice to the Director as soon as possible but no later than 180 days prior to any planned physical alterations or additions to the permitted facility [40 C.F.R. § 122.41(l)]. Notice is required only when:

   A. The alteration or addition to a permitted facility may meet one of the criteria for new sources at 40 C.F.R. § 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 the notification requirements under 40 C.F.R. § 122.42(b).

2. **Anticipated Noncompliance**

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

3. **Transfers**

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

4. **Monitoring Reports**

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

5. **Compliance Schedule**

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

6. **Twenty-four Hour Report**

   Please be aware that the notifications can be sent by email to EE.Water.Enforcement.Report@arkansas.gov or at 501-682-0624 for immediate reporting:

   A. The permittee shall report any noncompliance which may endanger health or the environment within 24 hours from the time the permittee becomes aware of the circumstances to the Enforcement Branch of the Office of Water Quality of DEQ. 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.
3. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

B. The following 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.
3. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part I of the permit.

C. The Director may waive the written report on a case-by-case basis if the notification has been received within 24 hours by the Enforcement Branch of the Office of Water Quality of DEQ.

7. **Other Noncompliance**

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

8. **Changes in Discharge of Toxic Substances for Industrial Dischargers including Existing Manufacturing, Commercial, Mining, and Silvicultural Dischargers**

The Director shall be notified as soon as the permittee knows or has reason to believe:

A. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant including those listed in 40 C.F.R. § 401.15 which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" described in 40 C.F.R. § 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 including those listed in 40 C.F.R. § 401.15 which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" described in 40 C.F.R. § 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

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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 implemented through procedures outlined by PC&EC Rule 6.

11. **Signatory Requirements**

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

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

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

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

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

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

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

B. All **reports** required by the permit and **other information** requested by the Director shall

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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).
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 C.F.R. Part 2 and PC&EC Rule 6, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Division of Environmental Quality. As required by the regulations and rules, the name and address of any permit applicant or permittee, permit applications, permits, and effluent data shall not be considered confidential.

13. **Penalties for Falsification of Reports**

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

14. **Other Information**

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

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PART IV
DEFINITIONS

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

1. **"7-Day Average"** means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week, divided by the number of "daily discharges" measured during that week (also known as "average weekly"). The 7-Day Average for Fecal Coliform Bacteria (FCB), or *E. coli*, is the geometric mean of the "daily discharges" of all effluent samples collected during a calendar week in colonies, or most probable number (MPN) per 100 ml.
2. **"Act"** means the Clean Water Act, Public Law 95-217 (33.U.S.C. 1251 et seq.) as amended.
3. **"Administrator"** means the Administrator of the U.S. Environmental Protection Agency.
4. **"Applicable standards and limitations"** means all State, interstate, and federal standards and limitations to which a "discharge," a "sewage sludge use or disposal practice," or a related activity is subject under the Act, including "effluent limitations," water quality standards, standards of performance, toxic effluent standards or prohibitions, "best management practices," pretreatment standards, and "standards for sewage sludge use or disposal" under sections 301, 302, 303, 304, 306, 307, 308, 403, and 405 of the Act.
5. **"Applicable water quality standards"** means all water quality standards to which a discharge is subject under the 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 (PC&EC) Rule 2, as amended.
6. **"Best Management Practices (BMPs)"** means activities, practices, maintenance procedures, and other management practices designed to prevent or reduce the pollution of waters of the State. BMPs also include treatment technologies, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs may include structural devices or nonstructural practices.
7. **"Bypass"** means the intentional diversion of waste streams from any portion of a treatment facility, as defined at 40 C.F.R. § 122.41(m)(1)(i).
8. **"Composite sample"** means a mixture of grab samples collected at the same sampling point at different times, formed either by continuous sampling or by mixing a minimum of 4 effluent portions collected at equal time intervals (but not closer than one hour apart) during operational hours, within the 24-hour period, and combined proportional to flow or a sample collected at more frequent intervals proportional to flow over the 24-hour period.
9. **"CV"** means coefficient of variation.
10. **"Daily Discharge"** means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.
    A. **Mass Calculations:** For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of pollutant discharged over the sampling day.
    B. **Concentration Calculations:** For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

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11. **"Daily Maximum"** discharge limitation means the highest allowable "daily discharge" during the calendar month.
12. **"Director"** means the Director of the Division of Environmental Quality.
13. **"Dissolved oxygen limit"** means
    A. when limited in the permit as a minimum monthly average, the lowest acceptable monthly average value, determined by averaging all samples taken during the calendar month; **OR**
    B. when limited in the permit as an instantaneous minimum value, that no value measured during the reporting period may fall below the stated value.
14. **"Division"** means the Division of Environmental Quality (**DEQ**).
15. **"E. coli"** means a sample that consists of one effluent grab portion collected during a 24-hour period at peak loads. For *E. coli*, report the Daily Maximum as the highest "daily discharge" during the calendar month, 7-Day Average as the geometric mean of all "daily discharges" within a calendar week, and the Monthly Average as the geometric mean of all "daily discharges" within a calendar month, in colonies or MPN per 100 ml.
16. **"Fecal Coliform Bacteria (FCB)"** means a sample that consists of one effluent grab portion collected during a 24-hour period at peak loads. For FCB, report the Daily Maximum as the highest "daily discharge" during the calendar month, 7-Day Average as the geometric mean of all "daily discharges" within a calendar week, and the Monthly Average as the geometric mean of all "daily discharges" within a calendar month, in colonies or MPN per 100 ml.
17. **"Grab sample"** means an individual sample collected in less than 15 minutes in conjunction with an instantaneous flow measurement.
18. **"Industrial User"** means a source of Indirect Discharge. Indirect Discharge means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c), or (d) of the Act.
19. **"Instantaneous flow measurement"** means the flow measured during the minimum time required for the flow-measuring device or method to produce a result in that instance. To the extent practical, instantaneous flow measurements coincide with the collection of any grab samples required for the same sampling period so that together the samples and flow are representative of the discharge during that sampling period.
20. **"Instantaneous Maximum"** (when limited in the permit as an instantaneous maximum value) means that no value measured during the reporting period may fall above the stated value.
21. **"Instantaneous Minimum"** (when limited in the permit as an instantaneous minimum value) means that no value measured during the reporting period may fall below the stated value.
22. **"Interference"** means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
    A. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal; and
    B. Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation), or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations, or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act (CWA), the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

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23. **"Monitoring and Reporting"**
    NPDES permits specify monitoring and reporting requirements for specific periods defined as follows:
    A. **"MONTHLY"** means a calendar month, or any portion of a calendar month, for monitoring requirement frequency of once/month or more frequently.
    B. **"BI-MONTHLY"** means two (2) calendar months or any portion of 2 calendar months for monitoring requirement frequency of once/2 months or more frequently.
    C. **"QUARTERLY"** means:
        1. 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. a **fixed three month period** (or any part of the fixed three month period) of, or dependent upon, the seasons specified in the permit for a seasonal effluent characteristic with a monitoring requirement frequency of once/quarter that does not coincide with the fixed calendar quarter. Seasonal calendar quarters are: May through July, August through October, November through January, and February through April.
    D. **"SEMI-ANNUAL"** means 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.
    E. **"ANNUAL" or "YEARLY"** means 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.
24. **"Monthly Average"** means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month, divided by the number of "daily discharges" measured during that month. For Fecal Coliform Bacteria (FCB) or *E. coli*, report the Monthly Average as the geometric mean of all "daily discharges" within a calendar month.
25. **"National Pollutant Discharge Elimination System (NPDES)"** 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 Act.
26. "**NOEC**" means No Observed Effect Concentration.
27. **"Pass Through"** means a discharge which exits the POTW in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
28. **"Percent Removal"** means a percentage expression of the removal efficiency across a treatment plant for a given pollutant parameter, as determined from the 30-day average values of the effluent pollutant concentrations for a given time period.
29. **"PC&EC"** means the Pollution Control and Ecology Commission.
30. **"PMSD"** means Percent Minimum Significant Difference.
31. **"POTW"** means Publicly Owned Treatment Works, as defined in 40 C.F.R. § 403.3(q).
32. **"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.

33. **"Sewage sludge"** means any solid, semi-solid, or liquid residue removed during the treatment of municipal waste water or domestic sewage. Sewage sludge includes, but is not limited to, solids removed during primary, secondary, or advanced waste water treatment, scum, septage, portable toilet pumpings, type III marine sanitation device pumpings (33 C.F.R. Part 159), and sewage sludge products. Sewage sludge does not include grit or screenings, or ash generated during the incineration of sewage sludge.
34. **"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.
35. **Units of Measure:**
    A. **"cfs"** means cubic feet per second.
    B. **"MGD"** means million gallons per day.
    C. **"µg/l"** means micrograms per liter, or parts per billion (ppb).
    D. **"mg/l"** means milligrams per liter, or parts per million (ppm).
    E. **"ppb"** means parts per billion.
    F. **"ppm"** means parts per million.
    G. **"s.u."** means standard units.
    H. **"lb/d"** means pounds per day.
    I. **"col/100 ml"** means colonies per 100 milliliters, or most probable number (MPN) per 100 milliliters.
36. **"Upset"** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. Any upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventive maintenance, or careless or improper operations.
37. **"Visible sheen"** means the presence of a film or sheen upon or a discoloration of the surface of the discharge. A sheen can also be from a thin glistening layer of oil on the surface of the discharge.
38. **"Week"** means a calendar week, consisting of the 7-day period of Sunday through Saturday.
39. **"Weekday"** means Monday – Friday.

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Draft Statement of Basis

This Statement of Basis is for information and justification of the permit requirements only. Please note that it is not enforceable. This permitting decision is for renewal of the discharge Permit Number AR0021865 with Arkansas Department of Energy and Environment – Division of Environmental Quality (DEQ) Arkansas Facility Identification Number (AFIN) 08-00036 to discharge to Waters of the State.

1. PERMITTING AUTHORITY

The issuing office is:

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

2. APPLICANT

The applicant's mailing address is:

City of Eureka Springs
3174 East Van Buren
Eureka Springs, AR 72632

The facility address is:

City of Eureka Springs
100 Highway 23 North
Eureka Springs, AR 72632

3. PREPARED BY

The permit was prepared by:

Loretta Carstens, P.E.
Professional Engineer
NPDES Discharge Permits Section
Office of Water Quality

Zachary Carroll, PhD, P.E.
Engineer Supervisor
NPDES Discharge Permits Section
Office of Water Quality
(501) 682-0625
Email: zachary.carroll@arkansas.gov

4. PERMIT ACTIVITY

Previous Permit Effective Date:	February 1, 2019
Previous Permit Minor Mod. Effective Date:	March 1, 2019
Previous Permit Expiration Date:	January 31, 2024

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The permittee submitted a permit renewal application on July 10, 2023, with all additional information received by July 27, 2023. The previous discharge permit is being reissued for a 5-year term in accordance with regulations promulgated at 40 C.F.R. § 122.46(a).

DOCUMENT ABBREVIATIONS

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

BAT - best available technology economically achievable
BCT - best conventional pollutant control technology
BMP - best management practice
BOD_5 - five-day biochemical oxygen demand
BPJ - best professional judgment
BPT - best practicable control technology currently available
$CBOD_5$ - carbonaceous biochemical oxygen demand
CD - critical dilution
C.F.R. - Code of Federal Regulations
cfs - cubic feet per second
COD - chemical oxygen demand
COE - United States Corp of Engineers
CPP - continuing planning process
CWA - Clean Water Act
DMR - discharge monitoring report
DO - dissolved oxygen
ELG - effluent limitation guidelines
EPA - United States Environmental Protection Agency
ERW - extraordinary resource water
ESA - Endangered Species Act
ESW - ecologically sensitive waterbody
FCB - fecal coliform bacteria
gpm - gallons per minute
MGD - million gallons per day
MQL - minimum quantification level
NAICS - North American Industry Classification System
NH_3-N - ammonia nitrogen
$NO_3 + NO_2$-N - nitrate + nitrite nitrogen
NPDES - National Pollutant Discharge Elimination System
NSW - natural and scenic waterways
O&G - oil and grease
PC&EC - Pollution Control and Ecology Commission
Rule 2 - PC&EC Rule 2
Rule 6 - PC&EC Rule 6
Rule 8 - PC&EC Rule 8
Rule 9 - PC&EC Rule 9
RP - reasonable potential
SIC - standard industrial classification

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SSO - sanitary sewer overflow
TDS - total dissolved solids
TMDL - total maximum daily load
TN - total nitrogen
TP - total phosphorus
TRC - total residual chlorine
TSS - total suspended solids
UAA - use attainability analysis
USF&WS - United States Fish and Wildlife Service
USGS - United States Geological Survey
WET - whole effluent toxicity
WQMP - water quality management plan
WQS - Water Quality standards
WWTP - wastewater treatment plant

Compliance and Enforcement History: +

The compliance and enforcement history for this facility can be reviewed by using the following web links:

https://www.adeq.state.ar.us/downloads/WebDatabases/PermitsOnline/NPDES/PermitInformation/AR0021865_Enforcement%20Review_20230823.pdf

5. SIGNIFICANT CHANGES FROM THE PREVIOUSLY ISSUED PERMIT

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

1. The permittee mailing address and driving directions have been removed from the cover page.
2. Parts III and IV have been updated to the current standard conditions and definitions.
3. Decimal places have been revised in accordance with the OWQ's latest rounding policy.
4. The 7-day average TSS limit has been revised to match the requirement in Rule 6.301(C)(2)(b).
5. The monthly average TP limit has been revised from 1.0 mg/l to a 0.5 mg/l 6-month rolling average and the 7-day average TP limit has been revised from 2.0 mg/l to 1.56 mg/l. See section 7.A for more details.
6. The daily maximum Nitrate + Nitrite Nitrogen limit has been revised from 15 mg/l to 10 mg/l.
7. A schedule of compliance has been added for submission of a service area map. See Section 14 of this statement of basis for details.
8. Part II.9 was added regarding calculation of the 6-month rolling average.

6. RECEIVING STREAM SEGMENT AND DISCHARGE LOCATION

The outfall is located at the following coordinates based on the previous permit, and confirmed with Google Earth using WGS84:

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Latitude: 36° 25’ 12.50” N; Longitude: 93° 44’ 04.62” W

The receiving waters named:

Leatherwood Creek thence to Table Rock Lake, thence to the White River in Segment 4K of the White River Basin. The receiving stream with Assessment Unit AR_11010001_816 is a Water of the State classified as a losing stream and for secondary contact recreation, raw water source for domestic (public and private), industrial, and agricultural water supplies; propagation of desirable species of fish and other aquatic life; and other compatible uses.

7. 303(d) LIST, TOTAL MAXIMUM DAILY LOADS, ENDANGERED SPECIES, AND ANTI-DEGRADATION CONSIDERATIONS

A. 303(d) List

The permittee discharges to reach 816 of Leatherwood Creek, which flows approximately 7 miles before reaching the White River arm of Table Rock Lake. In another 0.5 miles, it reaches the Arkansas/Missouri state line.

Approximately 1.5 miles downstream, reach 916 of Leatherwood Creek begins and reach 916 is listed in category 5 for DO on the 2022 303(d) list. The permit already contains limits on oxygen demanding parameters. In addition, the dissolved oxygen model performed at critical low flow conditions shows the instream DO has fully recovered downstream at the beginning of reach 916, therefore no further permit action is deemed necessary.

Table Rock Lake in Missouri is listed on Missouri’s 2022 List of Impaired Waterbodies (303(d) List) as impaired by Chlorophyll-a, Total Nitrogen, and Nutrient/Eutrophication Biological Indicators. The permit includes effluent limitations for Ammonia Nitrogen and Nitrate + Nitrite Nitrogen. According to best professional judgement, it is not necessary to also include effluent limitations for Total Nitrogen. According to best professional judgement, the existing nitrogen limits for this facility adequately address the Chlorophyll-a and Nutrient/Eutrophication Biological Indicators impairments. The permit also includes TP 6-month rolling average limit that is equal to Missouri’s implementation rules of the TP criteria for the watershed of Table Rock Lake [Missouri CSR 20-7.015(3)(F)].

B. Applicable Total Maximum Daily Load (TMDL) Reports

There are no applicable TMDLs for the receiving stream.

C. Endangered Species

No comments on the application were received from the USF&WS.

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D. **Anti-Degradation**

The limitations and requirements set forth in this permit for discharge into waters of the state are consistent with the Anti-degradation Policy and all other applicable water quality standards found in PC&EC Rule 2.

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

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

A. Design Flow: 0.9 MGD

B. Type of Treatment: Screening, degritting, 2-tank sequencing batch reactor (SBR), post-aeration, optional chemical addition for phosphorus removal and pH adjustment, and ultraviolet disinfection.

C. Discharge Description: treated municipal wastewater

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

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

9. **ACTIVITY**

Under the Standard Industrial Classification (SIC) code of 4952 or North American Industry Classification System (NAICS) code of 221320, the applicant's activities are the operation of a sewage treatment plant.

10. **INDUSTRIAL WASTEWATER CONTRIBUTIONS**

Currently, it does not appear the facility receives process wastewater from any significant industrial users as defined by 40 C.F.R. § 403.3(v). General and Specific Pretreatment Prohibitions, at 40 C.F.R. § 403.5(a)(1) and (b), and reporting requirements are deemed appropriate at this time.

11. **SEWAGE SLUDGE PRACTICES**

Sludge is dewatered and either composted or landfilled. Any change to the sludge disposal method shall be in accordance with Part III.B.6 of the permit.

12. **DEVELOPMENT AND BASIS FOR PERMIT CONDITIONS**

The Division of Environmental Quality has determined to issue a permit for the discharge described in the application. Permit requirements are based on federal regulations (40 C.F.R.

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Parts 122, 124, and Subchapter N), the National Pretreatment Regulation in 40 C.F.R. Part 403, and rules promulgated pursuant to the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 et seq.). All of the information contained in the application, including all of the submitted effluent testing data, was reviewed to determine the need for effluent limits and other permit requirements.

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

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

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

Parameter	Water Quality-Based		Technology-Based/BPJ		Previous Permit		Permit Limit	
	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l
$CBOD_5$	10	15	25	40	10.0	15.0	10	15
TSS	15.0	23.0	30	45	15.0	22.5	15.0	23.0
NH_3-N								
(April)	3.9	3.9	N/A	N/A	3.9	3.9	3.9	3.9
(May – October)	2.5	3.8	N/A	N/A	2.5	3.8	2.5	3.8
(November – March)	5.0	7.5	N/A	N/A	5.0	7.5	5.0	7.5
DO	6.5 (Inst. Min.)		N/A		6.5 (Inst. Min.)		6.5 (Inst. Min.)	
FCB (col/100 ml)	N/A	N/A	N/A	N/A	200	400	N/A	N/A
E. coli (col/100 ml)	126	410	N/A	N/A	N/A	N/A	126	410
TP	N/A	N/A	0.5*	1.56	1.0	2.0	0.5*	1.56
$NO_3 + NO_2$ - N	10	10	N/A	N/A	10	15	10	10
pH	6.0-9.0 s.u.		6.0-9.0 s.u.		6.0-9.0 s.u.		6.0-9.0 s.u.	

*6-month rolling avg.

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

Parameter	Water Quality or Technology	Justification
$CBOD_5$	Water Quality	Rule 6.301(C)(2)(a), Water Quality Model dated September 17, 2018 (and reviewed May 16, 2024), CWA § 402(o), and previous permit

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Parameter	Water Quality or Technology	Justification
TSS	Water Quality	Rule 6.301(C)(2)(b), Water Quality Model dated September 17, 2018 (and reviewed May 16, 2024), CWA § 402(o), and previous permit
NH_3-N	Water Quality	Rule 2.512, Water Quality Model dated September 17, 2018 (and reviewed May 16, 2024), CWA § 402(o), and previous permit
DO	Water Quality	Rule 2.505, Water Quality Model dated September 17, 2018 (and reviewed May 16, 2024), CWA § 402(o), and previous permit
E. coli	Water Quality	Rule 2.507, Rule 6.301(C)(2)(d), CWA § 402(o), and previous permit
TP	Technology	Missouri 2020 303(d) list, Missouri 10 CSR 20-7.015(3)(F), and previous permit
$NO_3 + NO_2$ - N	Water Quality	Rule 6.301(C)(2)(e), CWA § 402(o), and previous permit
pH	Water Quality	Rule 2.504, CWA § 402(o), and previous permit

The 7-day average TSS concentration was changed slightly to match the limit in Rule 6.301(C)(2)(b).

The 7-day average limit for $NO_3 + NO_2 – N$ was changed from 15 mg/l to 10 mg/l to match the requirements of Rule 6.301(C)(2)(d).

Table Rock Lake in Missouri has site-specific Total Phosphorus criteria of 9 µg/l, and is listed as impaired for Chlorophyll-a, and Nutrient/Eutrophication Biological Indicators. The monthly average TP limit was changed from 1.0 mg/l to a 6-month rolling average of 0.5 mg/l to be consistent with the requirement in the Missouri Department of Natural Resources' Effluent Regulations [10 CSR 20-7.015(3)(F)] for discharges to the Table Rock Lake watershed. The OWQ recognizes that the regulation exempts facilities which were permitted prior to November 30, 1999, and have a design flow of less than 22,500 gallons per day. The City of Eureka Springs has a design flow of 900,000 gallons per day. Also, the permittee's outfall is approximately 7.5 miles from the state line and in the Table Rock Lake watershed. Therefore, DEQ is implementing a 6-month rolling average TP limit of 0.5 mg/l to be protective of phosphorus levels in Table Rock Lake.

E. coli

FCB limits were replaced with *E. coli* limits. Although Rule 6.301(C)(2)(d) still contains year-round primary contact FCB limits for potential losing streams, the FCB criteria have been removed from state water quality criteria in Rule 2.507. Therefore the year-round primary contact FCB limits have been replaced with equivalent year-round primary contact *E. coli* limits. No schedule of compliance is included for the *E. coli* limits because disinfection technologies that are capable of meeting the previous permit FCB limits are expected to also be capable of meeting the *E. coli* limits.

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B. **Anti-backsliding**

The permit is consistent with the requirements to meet Anti-backsliding provisions of the Clean Water Act (CWA), Section 402(o) [40 C.F.R. § 122.44(l)]. The final effluent limitations for reissuance permits must be as stringent as those in the previous permit, unless the less stringent limitations can be justified using exceptions listed in CWA § 402(o)(2), CWA § 303(d)(4), or 40 C.F.R. § 122.44(l)(2)(i).

With the exception of the 7-day average TSS concentration limit, the permit meets or exceeds the requirements of the previous permit. The TSS concentration limit has increased by 0.5 mg/l to match the requirement in Rule 6.301(C)(2)(b). This does not violate the anti-backsliding standards since the previous limit was based on a mistaken interpretation of the rule.

Replacing FCB limits with *E. coli* limits is not considered backsliding. Rule 2.507 no longer contains FCB criteria, so the equivalent *E. coli* limits for potential losing streams (year-round primary contact criteria) have been implemented in the permit.

C. **Limits Calculations**

1. Mass Limits:

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

   The calculation of the loadings (lbs per day) uses a design flow of 0.9 MGD and the following equation:

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

2. 7-Day Average Limits:

   The 7-day average limits for NH_3-N (May through March), $CBOD_5$, and TSS are based on Section 5.4.2 of the Technical Support Document for Water Quality-based Toxics Control:

   $$\text{7-day average limits} = \text{monthly average limits} \times 1.5$$

   The 7-day average NH_3-N limit for the month of April is based on the requirements of Rule 2.512.

   The 7-day average limit for *E. coli* is based on Rule 2.507 and Rule 6.301(C)(2)(d).

   The 7-day average limit for NO3+NO2-N is based on Rule 6.301(C)(2)(e).

   The total phosphorus (TP) limits are not based on acute or chronic toxicity. The target

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total phosphorus (TP) effluent concentration of 0.5 mg/l is based on prevention of long-term effects including biological nuisances and/or eutrophication in the receiving waters. The Division is directly implementing the target effluent concentration as a 6-month rolling average limit instead of calculating a monthly average limit. The 6-month rolling average is assumed to be approximately equal to the long-term average (LTA) effluent concentration.

The 7-day average TP limit was calculated in accordance with Chapter 5.4.1 of the Technical Support Document For Water Quality-based Toxics Control. Although TP is not a toxic pollutant, the statistical calculations in this chapter can be applied to the development of limits for other pollutants. The maximum daily limit (MDL) was calculated as:

$$MDL = LTA \times e^{[z\sigma - 0.5\sigma^2]}$$

Where z = 2.326 for the 99th percentile probability basis.
Assuming a coefficient of variation (CV) of 0.6:
$\sigma^2 = \ln(CV^2 + 1) = \ln(0.6^2 + 1) = 0.3075$
$\sigma = \text{sqrt}(\sigma^2) = \text{sqrt}(0.3075) = 0.5545$

Therefore, for an LTA effluent concentration of 0.5 mg/l, the MDL is calculated as:

$$MDL = 0.5 \times e^{[2.326 \times 0.5545 - 0.5 \times 0.3075]}$$

$$MDL = 1.56\ mg/l$$

In accordance with 40 C.F.R. § 122.45(d)(2), the MDL is implemented as an average weekly (7-day average) limit rather than a daily maximum limit for POTWs.

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

The 208 Plan, developed by DEQ under provisions of Section 208 of the federal Clean Water Act, is a comprehensive program to work toward achieving federal water goals in Arkansas. The initial 208 Plan, adopted in 1979, provides for annual updates, but can be revised more often if necessary.

The 208 Plan is being updated to revise the year-round monthly average TP limit from 1.0 mg/l to 0.5 mg/l.

13. **SAMPLE TYPE AND FREQUENCY**

Regulations require permits to establish monitoring requirements to yield data representative of the monitored activity [40 C.F.R. § 122.48(b)] and to ensure compliance with permit limitations [40 C.F.R. § 122.44(i)(l)].

Requirements for sample type and sampling frequency were based on recommended frequencies for self-monitoring of discharges within the flow of 0.5 to 1.0 MGD from OWQ

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guidance memorandum "Recommended Monitoring Frequencies and Sample Types for NPDES Permits," July 31, 2023.

Parameter	Previous Permit		Draft Permit	
	Frequency of Sample	Sample Type	Frequency of Sample	Sample Type
Flow	once/day	totalizing meter	once/day	totalizing meter
$CBOD_5$	three/month	composite	three/month	composite
TSS	three/month	composite	three/month	composite
NH_3-N				
(April)	three/month	composite	three/month	composite
(May – October)	three/month	composite	three/month	composite
(November – March)	three/month	composite	three/month	composite
DO	three/month	grab	three/month	grab
*E. coli**	three/month	grab	three/month	grab
TP	three/month	composite	three/month	composite
$NO_3 + NO_2$ - N	three/month	composite	three/month	composite
pH	three/month	grab	three/month	grab

*FCB in previous permit

14. **PERMIT COMPLIANCE SCHEDULE**

A Schedule of Compliance has been included for submission of a service area map. The Division is gathering service area maps of POTW collection systems to enforce A.C.A. § 8-4-203(b)(1)(E)(i), as revised under Act 935 of the 2025 Regular Session, which prohibits issuance of permits for nonmunicipal domestic sewage treatment works if within five (5) miles of a POTW's collection system unless certain conditions are met. A.C.A. § 8-4-201(a)(2)(B) authorizes the Division to gather data and information necessary or desirable in the administration or enforcement of pollution laws.

A Schedule of Compliance for the more stringent TP limits and NO_3-N limit (7-day average) has not been included in the permit because the facility has already demonstrated that they are capable of meeting the limits.

15. **MONITORING AND REPORTING**

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

16. **SOURCES**

The following sources were used to write the permit:

A. Application No. AR0021865 received July 10, 2023, with all additional information

received by July 27, 2023.

B. Arkansas Water Quality Management Plan (WQMP).
C. PC&EC Rule 2, codified in 8 CAR Part 21.
D. PC&EC Rule 3, codified in 8 CAR Part 22.
E. PC&EC Rule 6, codified in 8 CAR Part 25, which incorporates by reference certain federal regulations included in Title 40 of the Code of Federal Regulations at Rule 6.104, codified at 8 CAR § 25-104.
F. 40 C.F.R. Parts 122, 125, 133, and 403.
G. Discharge permit file AR0021865.
H. Discharge Monitoring Reports (DMRs).
I. "2022 Integrated Water Quality Monitoring and Assessment Report," DEQ.
J. "2022 List of Impaired Waterbodies (303(d) List)," DEQ.
K. USGS Streamstats web-based program.
L. Continuing Planning Process (CPP).
M. "OWQ Guidelines for Decimal Places and Rounding Conventions in NPDES Permits" documented in a February 28, 2023 Interoffice Memorandum.
N. OWQ guidance memorandum "Recommended Monitoring Frequencies and Sample Types for NPDES Permits," July 31, 2023.
O. Technical Support Document for Water Quality-based Toxic Control.
P. Inspection Report dated August 15, 2019.
Q. Enforcement Review Memo dated August 23, 2023.
R. Planning Review Memo dated August 28, 2023.
S. Operator License Class Spreadsheet dated August 31, 2023.
T. Water Quality Model dated September 17, 2018 (reviewed May 16, 2024).

17. PUBLIC NOTICE

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

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

18. PERMIT FEE

In accordance with Rule 9.403(C)(1), the annual fee for the permit is calculated from the Design Flow (Q, in MGD) as follows:

Fee = \$200 + (5,600 × Q) = \$200 + (5,600 × 0.9) = \$5,240

This facility is billed under Fee Code B.

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19. **POINT OF CONTACT**

For additional information, contact:

Zachary Carroll, PhD, P.E.
Permits Branch, Office of Water Quality
Division of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317
Telephone: (501) 682-0625

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November 19, 2025

Via Email Only to: Honorable Robert "Butch" Berry, City of Eureka Springs: mayor@eurekaspringsar.gov

RE: Permittee: City of Eureka Springs
Discharge Permit Number AR0021865 – AFIN 08-00036

Dear Mayor Berry:

Attached are the public notice, a copy of the draft permit, and Statement of Basis, which the Arkansas Department of Energy and Environment – Division of Environmental Quality (DEQ) has prepared and emailed to you on the above date under the authority of the National Pollutant Discharge Elimination System (NPDES) and the Arkansas Water and Air Pollution Control Act.

In accordance with Rule 8.207, codified at 8 CAR § 11-207, the attached public notice will be or has been published by DEQ in a newspaper of general circulation of your facility for one (1) day only. An invoice for the cost of publishing the public notice and proof of publication will be sent to you by the advertising newspaper. The permittee must send proof of publication and proof of payment to EE.WaterPermitApp@arkansas.gov or by postal mail to the address at the bottom of this letter as soon as possible, but no later than 30 days from the above date. Until this Division receives proof of publication of the public notice and payment of all permit fees, no further action will be taken on the issuance of your discharge permit.

For a list of changes, please see Section 5 of the attached Statement of Basis. Comments must be received at DEQ prior to the close of the public comment period as described in the attached public notice. Once a final permit is issued by the Director and becomes effective, the permittee must comply with all terms and conditions of the permit, or be subject to enforcement actions for any instances of noncompliance during the duration of the permit, usually five (5) years. Consequently, it is imperative that you, as the applicant, thoroughly review the attached documentation for accuracy, applicability, and your ability to comply with all conditions therein.

Should you have any questions concerning any part of the draft permit, please contact Zachary Carroll, P.E. at (501) 682-0625.

Sincerely,

Digitally signed by Stacie R. Wassell
DN: cn=Stacie R. Wassell, o=Division of Environmental Quality, ou=Office of Water Quality, email=stacie.wassell@adeq.state.ar.us, c=US
Date: 2025.11.19 18:01:06 -06'00'

Stacie R. Wassell
Deputy Director, Office of Water Quality

Attachment

PUBLIC NOTICE OF DRAFT DISCHARGE PERMIT AND 208 PLAN
PERMIT NUMBER AR0021865, AFIN 08-00036

In accordance with Ark. Code Ann. § 8-4-203(e), the Arkansas Department of Energy and Environment (E&E) – Division of Environmental Quality (DEQ), Office of Water Quality, gives the following notice:

The City of Eureka Springs operates a facility located as follows: 100 Highway 23 North, Eureka Springs, AR 72632 in Carroll County. The facility is currently permitted to discharge treated municipal wastewater into Leatherwood Creek thence to Table Rock Lake, thence to the White River in Segment 4K of the White River Basin. The City of Eureka Springs submitted an application on July 10, 2023, with all additional information received by July 27, 2023, for the renewal of NPDES Permit No. AR0021865. The application has been reviewed by DEQ's Office of Water Quality and has received tentative approval subject to the terms of this notice.

The 208 Plan, developed by DEQ under provisions of Section 208 of the federal Clean Water Act, is a comprehensive program to work toward achieving federal water goals in Arkansas. The initial 208 Plan, adopted in 1979, provides for annual updates, but can be revised more often if necessary. An update to the 208 Plan has been proposed to revise the year-round monthly average TP limit from 1.0 mg/l to 0.5 mg/l. This change has also been incorporated into the draft discharge permit.

Citizens wishing to examine or obtain copies of the permit application, the draft permitting decision, the statement of basis, or the 208 Plan, may do so at E&E headquarters located at 5301 Northshore Drive, North Little Rock, AR 72118-5317. To request a copy of one or more of the documents, please call (501) 682-0650. For those with internet access, a copy of the proposed draft permit, as well as the publication date, may be found on DEQ's website at: https://www.adeq.state.ar.us/water/permits/drafts_pn.aspx

Comments on the draft permit will be accepted in accordance with Pollution Control and Ecology Commission (PC&EC) Rule 8.208, codified at 8 CAR § 11-208. DEQ's contact person for submitting written comments on the draft permit, or 208 Plan, or requesting a public hearing on the draft permit, or the proposed changes to the 208 Plan, is Zachary Carroll, P.E. at the above address and telephone number or by email at EE.WaterComment@arkansas.gov.

The period for submitting comments on the draft permit, or 208 Plan, and for requesting a public hearing, shall begin on the date of publication of the public notice and end at 5:00 p.m. (Central Time) on the 30th day after the publication date. If the last day of the comment period is a Saturday, Sunday, or legal holiday, the public comment period shall expire on the next day that is not a Saturday, Sunday, or legal holiday. For information regarding the actual publication date along with the actual date and time the comment period will end, please contact Zachary Carroll, P.E. at the above address and telephone number or by email at EE.WaterComment@arkansas.gov. Public notice, comments, and hearings will be conducted in accordance with Rules 6.104(A)(5) [40 C.F.R. §§ 124.10 through 124.12 by reference] and 8.207 through 8.210 (Administrative Procedures), codified at 8 CAR § 25-104 and 8 CAR §§ 11-207 through 210. All persons, including the permittee, who wish to comment on DEQ's draft permitting decision must submit written comments to DEQ, along with their name and mailing address. A public hearing will be held when DEQ finds a significant degree of public interest. After the public comment period, DEQ will issue a final permitting decision. DEQ will notify the applicant and each person who has submitted written comments or requested notice of the final permitting decision. Any interested person who has submitted comments may appeal a final decision by DEQ in accordance with the PC&EC Rule 8, codified at 8 CAR Part 11.