

# ADEQ

ARKANSAS  
Department of Environmental Quality

**OCT 13 2016**

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (91 7199 9991 7036 8424 3045)

Jacquelyn Nwanodi, Owner  
Jacquelyn Nwanodi - Baker Apartments  
P.O. Box 151  
Etiwanda, CA 91739

RE: Discharge Permit Number AR0037338 – AFIN 60-00556

Dear Ms. Nwanodi:

Enclosed are the public notice, a copy of the draft permit, and Statement of Basis which the Arkansas Department of Environmental Quality (ADEQ) has prepared and mailed to you on the above date under the authority of the National Pollutant Discharge Elimination System (NPDES) and the Arkansas Water and Air Pollution Control Act. A copy of the final permit will be mailed to you when the Department has made a final permitting decision.

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

For a list of changes, please see Section 6 of the enclosed Statement of Basis. Comments must be received at ADEQ prior to the close of the public comment period as described in the enclosed public notice. Once a final permit is issued by the Director and becomes effective, the permittee must comply with all terms and conditions of the permit, or be subject to enforcement actions for any instances of noncompliance during the duration of the permit, usually five (5) years. Consequently, it is imperative that you, as the applicant, thoroughly review the enclosed documentation for accuracy, applicability, and your ability to comply with all conditions therein.

Should you have any questions concerning any part of the draft permit, please contact Jessica Temple at (501) 682-0621.

Sincerely,



Caleb J. Osborne  
Associate Director, Office of Water Quality

CJO:jt

Enclosure

PUBLIC NOTICE OF DRAFT DISCHARGE PERMIT  
PERMIT NUMBER AR0037338, AFIN 60-00556

In accordance with Ark. Code Ann. § 8-4-203(e), the Arkansas Department of Environmental Quality (ADEQ), Office of Water Quality, gives the following notice:

Jacquelyn Nwanodi - Baker Apartments operates a facility located as follows: 14705 Kanis Road, Little Rock, AR 72210 in Pulaski County. The facility is currently permitted to discharge treated sanitary wastewater into Panther Branch, thence into Brodie Creek, thence into Fourche Creek, thence into Arkansas River in Segment 3C of the Arkansas River Basin. Jacquelyn Nwanodi - Baker Apartments submitted an application on July 19, 2016, with all additional information received by July 25, 2016, to renew NPDES Permit No. AR0037338. The application has been reviewed by the ADEQ's Office of Water Quality and has received tentative approval subject to the terms of this notice.

Citizens wishing to examine or obtain copies of the permit application, the draft permitting decision, or the Statement of Basis may do so at the ADEQ headquarters located at 5301 Northshore Drive, North Little Rock, AR 72118-5317. To request a hard copy of one or more of the documents to be mailed, please call (501) 682-0623. For those with Internet access, a copy of the proposed draft permit as well as the publication date may be found on the ADEQ's website at: [https://www.adeq.state.ar.us/water/permits/drafts\\_pn.aspx](https://www.adeq.state.ar.us/water/permits/drafts_pn.aspx)

Comments on the draft renewal will be accepted in accordance with Arkansas Pollution Control and Ecology Commission Reg. 8.208. ADEQ's contact person for submitting written comments on the draft permit or requesting a public hearing on the draft permit is Jessica Temple at the above address and telephone number or by email at [Water-Draft-Permit-Comment@adeq.state.ar.us](mailto:Water-Draft-Permit-Comment@adeq.state.ar.us).

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

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## Statement of Basis

This Statement of Basis is for information and justification of the permit limits only. Please note that it is not enforceable. This draft permitting decision is for renewal of the discharge Permit Number AR0037338 with Arkansas Department of Environmental Quality (ADEQ) Facility Identification Number (AFIN) 60-00556 to discharge to Waters of the State.

### 1. PERMITTING AUTHORITY.

The issuing office is:

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

### 2. APPLICANT.

The applicant's mailing address is:

Jacquelyn Nwanodi - Baker Apartments  
P.O. Box 151  
Etiwanda, CA 91739

The facility address is:

Jacquelyn Nwanodi - Baker Apartments  
14705 Kanis Road  
Little Rock, AR 72210

### 3. PREPARED BY.

The permit was prepared by:

Jessica Temple  
Staff Engineer  
NPDES Discharge Permits Section  
Office of Water Quality  
(501) 682-0621  
Email: [templej@adeq.state.ar.us](mailto:templej@adeq.state.ar.us)

Carrie McWilliams, P.E.  
Engineer Supervisor  
NPDES Discharge Permits Section  
Office of Water Quality  
(501) 682-0915  
Email: [mcwilliamsc2@adeq.state.ar.us](mailto:mcwilliamsc2@adeq.state.ar.us)

### 4. PERMIT ACTIVITY.

Previous Permit Effective Date:	August 1, 2011
Previous Permit Modification Date:	May 31, 2013
Previous Permit Expiration Date:	July 31, 2016

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Permit Number: AR0037338  
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The permittee submitted a permit renewal application on July 19, 2016, with all additional information received by July 27, 2016. It is proposed that the current discharge permit be reissued for a 5-year term in accordance with regulations promulgated at 40 CFR Part 122.46(a).

## DOCUMENT ABBREVIATIONS

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

APC&EC – Arkansas Pollution Control and Ecology Commission  
BAT - best available technology economically achievable  
BCT - best conventional pollutant control technology  
BMP - best management practice  
BOD<sub>5</sub> - five-day biochemical oxygen demand  
BPJ - best professional judgment  
BPT - best practicable control technology currently available  
CBOD<sub>5</sub> - carbonaceous biochemical oxygen demand  
CD - critical dilution  
CFR - Code of Federal Regulations  
cfs - cubic feet per second  
COD - chemical oxygen demand  
COE - United States Corp of Engineers  
CPP - continuing planning process  
CWA - Clean Water Act  
DMR - discharge monitoring report  
DO - dissolved oxygen  
ELG - effluent limitation guidelines  
EPA - United States Environmental Protection Agency  
ESA - Endangered Species Act  
FCB - fecal coliform bacteria  
gpm - gallons per minute  
MGD - million gallons per day  
MQL - minimum quantification level  
NAICS - North American Industry Classification System  
NH<sub>3</sub>-N - ammonia nitrogen  
NO<sub>3</sub> + NO<sub>2</sub>-N - nitrate + nitrite nitrogen  
NPDES - National Pollutant Discharge Elimination System  
O&G - oil and grease  
Reg. 2 - APC&EC Regulation No. 2  
Reg. 6 - APC & EC Regulation No. 6  
Reg. 8 - APC & EC Regulation No. 8  
Reg. 9 - APC & EC Regulation No. 9  
RP - reasonable potential

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SIC - standard industrial classification  
TDS - total dissolved solids  
TMDL - total maximum daily load  
TP - total phosphorus  
TRC - total residual chlorine  
TSS - total suspended solids  
UAA - use attainability analysis  
USF&WS - United States Fish and Wildlife Service  
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:

Compliance and enforcement history for this facility can be reviewed by using the following web link:

[https://www.adeg.state.ar.us/downloads/WebDatabases/PermitsOnline/NPDES/PermitInformation/AR0037338\\_Compliance%20Review\\_20160803.pdf](https://www.adeg.state.ar.us/downloads/WebDatabases/PermitsOnline/NPDES/PermitInformation/AR0037338_Compliance%20Review_20160803.pdf)

## 5. FINANCIAL ASSURANCE

The permittee shall comply with all applicable financial assurance fee requirements including the trust fund contribution fee. Pursuant to Arkansas Code Annotated § 8-4-203(b), as amended by Section 2 of Act 575 of the 90<sup>th</sup> General Assembly Regular Session, 2015, the permittee shall pay the trust fund contribution fee determined by the Department. The permittee must maintain the required financial assurance for the life of the permit by paying the required trust fund contributions in a timely manner, as required by the Act. Failure to promptly remit all financial assurance fees as required shall be grounds for the Director to initiate action to terminate this permit under the provisions in 40 CFR Parts 122.64 and 124.5(d), as adopted in APC&EC Regulation No. 6 and the provisions in APC&EC Regulation No. 8.

## 6. 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. Condition 4 of Part II has been added to clarify the BMP requirements.
2. Condition 7 of Part II has been added to require the submittal of EPA Form 2E to include Oil & Grease and Total Residual Chlorine upon the first discharge from this facility.

Since the facility currently has low occupancy due to remodeling of the facility, there is currently no discharge to obtain a sample for these parameters.

3. Financial Assurance requirements in Condition 6 of Part II have changed in accordance with Arkansas Code Annotated § 8-4-203(b), as amended by Section 2 of Act 575 of the 90<sup>th</sup> General Assembly Regular Session, 2015.
4. Fecal Coliform Bacteria limits were changed for the months of May-September due to the close proximity of a small neighborhood lake to the outfall. See Section 12.A of this Statement of Basis for additional information.

## 7. RECEIVING STREAM SEGMENT AND DISCHARGE LOCATION.

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

Latitude: 34° 44' 56" N; Longitude: 92° 26' 14" W

The receiving waters named:

Panther Branch, thence into Brodie Creek, thence into Fourche Creek, thence into Arkansas River in Segment 3C of the Arkansas River Basin. The receiving stream with USGS Hydrologic Unit Code (H.U.C.) of 11110207 and reach #915 is a Water of the State classified for secondary contact recreation, raw water source for domestic (public and private), industrial, and agricultural water supplies; propagation of desirable species of fish and other aquatic life; and other compatible uses.

## 8. 303(d) LIST, TOTAL MAXIMUM DAILY LOADS, ENDANGERED SPECIES, AND ANTI-DEGRADATION CONSIDERATIONS.

### A. 303(d) List

The receiving stream is not listed on the 2008 303(d) list. However, Fourche Creek, which is 6 miles downstream of the outfall, is listed on the 2008 303(d) list as Category 5a for Siltation/Turbidity, Category 5d for Zinc, Copper, and Beryllium, Category 5f for Dissolved Oxygen, and Category 5g for Pathogens.

Category 5a streams are considered to be truly impaired and in need of the development of a TMDL or implementation of other remedial actions to correct the problem. This permit contains TSS requirements, so no further permitting action is required for Siltation/Turbidity at this time.

Category 5d streams are those that need additional data verification to confirm the use impairment decision. Due to the size of the discharge and because Zinc has been removed from the draft 2012 303(d) list, no further permitting action is required for Zinc.

Fourche Creek has not been included in the draft 2010 or 2012 303(d) lists for Beryllium. Beryllium is mainly released into the atmosphere by coal and oil combustion as well as metal production facilities, which do not contribute wastewater to this facility. Based on the category of the 2008 listing, the lack of a listing on a more recent 303(d) list, and the typical sources of Beryllium, the permit will not contain any requirements regarding Beryllium at this time. Due to the size of the discharge and because more data is necessary, no permitting requirements are required for Copper at this time.

Category 5f streams are those waterbodies that currently do not meet an applicable water quality standard, but the impairment is not caused by a pollutant. This permit contains Dissolved Oxygen requirements, so no further permitting action is required for DO at this time.

Category 5g streams are designated by the EPA. This permit contains Fecal Coliform Bacteria limits, so no further permitting action is required for Pathogens at this time.

## **B. Applicable Total Maximum Daily Load (TMDL) Reports**

There are no applicable TMDL reports.

## **C. Endangered Species**

No comments on the application were received from the USF&WS. The draft permit and Statement of Basis will be sent to the USF&WS for their review.

## **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 APC&EC Regulation No. 2.

## **9. OUTFALL, TREATMENT PROCESS DESCRIPTION, AND FACILITY CONSTRUCTION.**

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

A. Design Flow: 0.009 MGD

B. Type of Treatment: extended aeration activated sludge package plant, clarifier, intermittent sand filters, and chlorine disinfection

C. Discharge Description: treated sanitary wastewater

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Permit Number: AR0037338  
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- D. Facility Status: This facility was evaluated using the NPDES Permit Rating Worksheet (MRAT) to determine the correct permitting status. Since the facility's MRAT score of 15 is less than 80, this facility is classified as a minor industrial.
- E. Facility Construction: This permit does not authorize or approve the construction or modification of any part of the treatment system or facilities. Approval for such construction must be by permit issued under Reg. 6.202.

## 10. ACTIVITY.

Under the Standard Industrial Classification (SIC) code of 6513 or North American Industry Classification System (NAICS) code of 531110, the applicant's activities are the operation of an apartment complex.

## 11. SEWAGE SLUDGE PRACTICES.

Sludge from this facility is removed by a licensed septic tank hauler as necessary.

## 12. DEVELOPMENT AND BASIS FOR PERMIT CONDITIONS.

The Arkansas Department of Environmental Quality has determined to issue a draft permit for the discharge described in the application. Permit requirements are based on federal regulations (40 CFR Parts 122, 124, and Subchapter N), the National Pretreatment Regulation in 40 CFR Part 403 as adopted in Regulation No. 6 and regulations 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 draft permit and the reasons for them or, in the case of notices of intent to deny or terminate, reasons suggesting the decisions as required under 40 CFR Part 124.7.

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

Following regulations promulgated at 40 CFR Part 122.44, the 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 as follows:



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Parameter	Water Quality-Based		Technology-Based		Previous Permit		Draft Permit	
	Monthly Avg. mg/l	Daily Max. mg/l	Monthly Avg. mg/l	Daily Max. mg/l	Monthly Avg. mg/l	Daily Max. mg/l	Monthly Avg. mg/l	Daily Max. mg/l
CBOD5								
(May – October)	15	22.5	N/A	N/A	15	22.5	15	22.5
(November – April)	20	30	N/A	N/A	20	30	20	30
TSS	N/A	N/A	20	30	20	30	20	30
NH3-N								
(April)	5.2	5.2	N/A	N/A	5.2	5.2	5.2	5.2
(May – October)	6	9	N/A	N/A	6	9	6	9
(November – March)	12	14.7	N/A	N/A	12	14.7	12	14.7
DO	2.0 (Inst. Min.)		N/A		2.0 (Inst. Min.)		2.0 (Inst. Min.)	
FCB (col/100ml)								
(May-September)	200	400	N/A	N/A	1000	2000	200	400
(October- April)	1000	2000	N/A	N/A	1000	2000	1000	2000
pH	6.0-9.0 s.u.		N/A		6.0-9.0 s.u.		6.0-9.0 s.u.	

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

Parameter	Water Quality or Technology	Justification
CBOD5	Water Quality	MultiSMP Model dated September 19, 2016, CWA §402(o), and previous permit
TSS	Technology	40 CFR 122.44(l), and previous permit
NH3-N	Water Quality	Reg. 2.512, MultiSMP Model dated September 19, 2016, CWA §402(o), and previous permit
DO	Water Quality	Reg. 2.505, MultiSMP Model dated September 19, 2016, CWA §402(o), and previous permit
FCB <sup>1</sup>	Water Quality	Reg. 2.507, CWA §402(o), and previous permit
pH	Water Quality	Reg. 2.504, CWA §402(o), and previous permit

<sup>1</sup> The monthly average Fecal Coliform Bacteria (FCB) limit for the months of May-September was changed to 200 col/100ml and the daily maximum FCB limit for the months of May-September was changed to 400 col/100ml due to the proximity of a

small neighborhood lake within one mile of the outfall. It is the judgement of the permit writer that primary contact standards are necessary for this facility due to the potential for full body contact in this neighborhood lake. A primary contact recreation designation is allowed under Regulation 2. A schedule of compliance is not necessary because the facility is demonstrating compliance with the proposed limit.

## B. Anti-backsliding

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

The draft permit meets or exceeds the requirements of the previous permit.

## C. Limits Calculations

### 1. Mass limits:

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

The calculation of the loadings (lbs per day) uses a design flow of 0.009 MGD and the following equation:

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

### 2. Daily Maximum Limits:

The daily maximum limits for NH<sub>3</sub>-N (May through October) as well as CBOD<sub>5</sub> and TSS are based on Section 5.4.2 of the Technical Support Document for Water Quality-Based Toxics Control.

$$\text{daily maximum limits} = \text{monthly average limits} \times 1.5$$

The daily maximum NH<sub>3</sub>-N limits for the months of November through April are based on the requirements of Reg. 2.512.

The daily maximum limit for FCB is based on Reg. 2.507.

### 3. Ammonia-Nitrogen (NH<sub>3</sub>-N):

The water quality effluent limitations for Ammonia are based either on DO-based effluent limits or on toxicity-based standards, whichever are more stringent. The toxicity-based effluent limitations are based on Reg. 2.512 and the CPP.

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

The 208 Plan, developed by the ADEQ under provisions of Section 208 of the federal Clean Water Act, is a comprehensive program to work toward achieving federal water goals in Arkansas. The initial 208 Plan, adopted in 1979, provides for annual updates, but can be revised more often if necessary. There are no changes to the 208 Plan.

### 13. SAMPLE TYPE AND FREQUENCY.

Regulations require permits to establish monitoring requirements to yield data representative of the monitored activity [40 CFR Part 122.48(b)] and to ensure compliance with permit limitations [40 CFR Part 122.44(i)(1)].

Requirements for sample type and sampling frequency have been based on the current discharge permit.

Parameter	Previous Permit		Draft Permit	
	Frequency of Sample	Sample Type	Frequency of Sample	Sample Type
Flow	two/week	instantaneous	two/week	instantaneous
CBOD5	once/quarter	grab	once/quarter	grab
TSS	once/quarter	grab	once/quarter	grab
NH3-N				
(April)	once/month	grab	once/month	grab
(May – October)	once/quarter	grab	once/quarter	grab
(November – March)	once/5 months	grab	once/5 months	grab
DO	once/quarter	grab	once/quarter	grab
FCB				
(May-September)	once/quarter	grab	twice/5 months	grab
(October- April)	once/quarter	grab	twice/7 months	grab

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Parameter	Previous Permit		Draft Permit	
	Frequency of Sample	Sample Type	Frequency of Sample	Sample Type
pH	once/month	grab	once/month	grab

## 14. PERMIT COMPLIANCE.

A Schedule of Compliance has not been included in this permit. Compliance with all permit requirements is required on the effective date of the permit.

## 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 draft the permit:

- A. Application No. AR0037338 received July 19, 2016, with all additional information received by July 27, 2016.
- B. Arkansas Water Quality Management Plan (WQMP).
- C. APC&EC Regulation No. 2.
- D. APC&EC Regulation No. 3.
- E. APC&EC Regulation No. 6 which incorporates by reference certain federal regulations included in Title 40 of the Code of Federal Regulations at Reg. 6.104.
- F. 40 CFR Parts 122 and 125.
- G. Discharge permit file AR0037338.
- H. Discharge Monitoring Reports (DMRs).
- I. "2008 Integrated Water Quality Monitoring and Assessment Report", ADEQ.
- J. "2008 List of Impaired Waterbodies (303(d) List)", ADEQ, February 2008.
- K. "Identification and Classification of Perennial Streams of Arkansas", Arkansas Geological Commission.
- L. Continuing Planning Process (CPP).
- M. Technical Support Document For Water Quality-based Toxic Control.
- N. [Compliance Review Memo](#) from Leslie Allen-Daniel to Jessica Temple dated August 3, 2016.
- O. [MultiSMP Model dated September 19, 2016](#).
- P. Telephone conversation between Jessica Temple and Angie Nwanodi on September 22, 2016 to discuss changes to the permit.

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Permit Number: AR0037338  
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## 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 clarify issues involved in the permitting decision. A request for a public hearing shall be in writing and shall state the nature of the issue(s) proposed to be raised in the hearing.

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

## 18. POINT OF CONTACT.

For additional information, contact:

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

# DRAFT

Permit Number: AR0037338  
AFIN: 60-00556

**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.),

Jacquelyn Nwanodi  
Baker Apartments

is authorized to discharge treated sanitary wastewater from a facility located as follows: 14705 Kanis Road, Little Rock, AR 72210, just east of Baker Elementary School in Pulaski County, Arkansas. The applicant's mailing address is: P.O. Box 151, Etiwanda, CA 91739.

Latitude: 34° 44' 58.15" N; Longitude: 92° 26' 12.37" W

to receiving waters named:

Panther Branch, thence into Brodie Creek, thence into Fourche Creek, thence into Arkansas River in Segment 3C of the Arkansas River Basin.

The outfall is located at the following coordinates:

Outfall 001: Latitude: 34° 44' 56" N; Longitude: 92° 26' 14" 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:

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Caleb J. Osborne  
Associate Director, Office of Water Quality  
Arkansas Department of Environmental Quality

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Issue Date

## PART I PERMIT REQUIREMENTS

### SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 001 - treated sanitary 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 and calculations.

<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.	Daily Max	Monthly Avg.	Daily Max		
Flow	N/A	N/A	Report, MGD	Report, MGD	two/week	instantaneous
Carbonaceous Biochemical Oxygen Demand (CBOD5)						
(May – October)	1.13	1.69	15	22.5	once/quarter	grab
(November – April)	1.5	2.25	20	30	once/quarter	grab
Total Suspended Solids (TSS)	1.5	2.25	20	30	once/quarter	grab
Ammonia Nitrogen (NH3-N)						
(April)	0.39	0.39	5.2	5.2	once/month	grab
(May – October)	0.45	0.68	6	9	once/quarter	grab
(November – March)	0.90	1.35	12	14.7	once/5 months	grab
Dissolved Oxygen (DO)	N/A	N/A	2.0 (Inst. Min.)		once/quarter	grab
Fecal Coliform Bacteria (FCB)			(colonies/100ml)			
(May-September)	N/A	N/A	200	400	twice/5 months	grab
(October- April)	N/A	N/A	1000	2000	twice/7 months	grab
pH	N/A	N/A	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	once/month	grab

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 disinfection and prior to the receiving stream.

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Page 1 of Part IB

## **SECTION B. PERMIT COMPLIANCE SCHEDULE**

None.



## **PART II OTHER CONDITIONS**

1. The operator of this wastewater treatment facility shall be licensed as at least Class II by the State of Arkansas in accordance with APC&EC Regulation No. 3.
2. In accordance with 40 CFR Parts 122.62 (a)(2) and 124.5, this permit may be reopened for modification or revocation and/or reissuance to require additional monitoring and/or effluent limitations when new information is received that actual or potential exceedance of State water quality criteria and/or narrative criteria are determined to be the result of the permittee's discharge(s) to a relevant water body or a Total Maximum Daily Load (TMDL) is established or revised for the water body that was not available at the time of the permit issuance that would have justified the application of different permit conditions at the time of permit issuance.
3. Other Specified Monitoring Requirements

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

- The monitoring and analytical instruments are consistent with accepted scientific practices.
- The requests shall be submitted in writing to the Permits Section of the Office of Water Quality of the ADEQ for use of the alternate method or instrument.
- The method and/or instrument is in compliance with 40 CFR Part 136 or approved in accordance with 40 CFR Part 136.5.
- 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 Control/Quality Assurance program.

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

4. 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. The permittee must amend the BMPs whenever there is a change in the facility or a change in the operation of the facility.
5. Sludge from this facility is removed by a licensed septic tank hauler as necessary.

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6. The permittee shall comply with all applicable financial assurance fee requirements including the trust fund contribution fee. Pursuant to Arkansas Code Annotated § 8-4-203(b), as amended by Section 2 of Act 575 of the 90<sup>th</sup> General Assembly Regular Session, 2015, the permittee shall pay the trust fund contribution fee determined by the Department. The permittee must maintain the required financial assurance for the life of the permit by paying the required trust fund contributions in a timely manner, as required by the Act. Failure to promptly remit all financial assurance fees as required shall be grounds for the Director to initiate action to terminate this permit under the provisions in 40 CFR Parts 122.64 and 124.5(d), as adopted in APC&EC Regulation No. 6 and the provisions in APC&EC Regulation No. 8.
7. Upon the first discharge from this facility's outfall, Section IV of EPA Form 2E must be resubmitted to the Department, and should include results for Oil & Grease and Total Residual Chlorine.

## **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 APC&EC Regulation No. 9 (Permit fees) as required by Part III.A.11 herein.

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

#### 4. **Toxic Pollutants**

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

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

#### 5. **Civil and Criminal Liability**

Except as provided in permit conditions for “Bypass of Treatment Facilities” (Part III.B.4), and “Upset” (Part III.B.5), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of this permit or applicable state and federal 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.

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## 8. Property Rights

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

## 9. Severability

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

## 10. Applicable Federal, State or Local Requirements

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

## 11. Permit Fees

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

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

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

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

## 3. **Duty to Mitigate**

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

## 4. **Bypass of Treatment Facilities**

“Bypass” means the intentional diversion of waste streams from any portion of a treatment facility, as defined at 40 CFR 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 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:

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

## 5. Upset Conditions

- A. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Part III.B.5.B of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- B. Conditions necessary for demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  1. An upset occurred and that the permittee can identify the specific cause(s) of the upset.
  2. The permitted facility was at the time being properly operated.
  3. The permittee submitted notice of the upset as required by Part III.D.6.
  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 CFR Part 503, 40 CFR Part 257, and 40 CFR Part 258.

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- B. Any changes to the permittee's disposal practices described in Part II of the permit 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.

### 2. **Flow Measurement**

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

#### Calculated Flow Measurement

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



### 3. **Monitoring Procedures**

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

### 4. **Penalties for Tampering**

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

### 5. **Reporting of Monitoring Results**

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

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

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

## 6. Additional Monitoring by the Permittee

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

## 7. Retention of Records

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

## 8. Record Contents

Records and monitoring information shall include:

- A. The date, exact place, time, and methods of sampling or measurements, and preservatives used, if any.
- B. The individual(s) who performed the sampling or measurements.
- C. The date(s) and time analyses were performed.
- D. The individual(s) who performed the analyses.
- E. The analytical techniques or methods used.
- 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.
- 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 CFR 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 CFR 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 subject to effluent limitations in the permit, or to the notification requirements under 40 CFR 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.

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## 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.
  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.
  3. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part I of the permit to be reported within 24 hours to the Enforcement Section of the Office of Water Quality of the ADEQ.
- C. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours to the Enforcement Section of the Office of Water Quality of the ADEQ.

## 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. **Reserved**

## 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.

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## 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 APC&EC Regulation No. 6.

## 11. Signatory Requirements

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

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

1. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
  - (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation.
  - (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 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 CFR Part 2 and APC&EC Regulation No. 6, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department of Environmental Quality. As required by the Regulations, the name and address of any permit applicant or permittee, permit applications, permits, and effluent data shall not be considered confidential.

## 13. Penalties for Falsification of Reports

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

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## 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.

## PART IV DEFINITIONS

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

1. **“Act”** means the Clean Water Act, Public Law 95-217 (33.U.S.C. 1251 et seq.) as amended.
2. **“Administrator”** means the Administrator of the U.S. Environmental Protection Agency.
3. **“APC&EC”** means the Arkansas Pollution Control and Ecology Commission.
4. **“Applicable effluent standards and limitations”** means all State and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, and pretreatment standards.
5. **“Applicable water quality standards”** means all water quality standards to which a discharge is subject under the federal Clean Water Act and which has been (a) approved or permitted to remain in effect by the Administrator following submission to the Administrator pursuant to Section 303(a) of the Act, or (b) promulgated by the Director pursuant to Section 303(b) or 303(c) of the Act, and standards promulgated under (APC&EC) Regulation No. 2, as amended.
6. **“Best Management Practices (BMPs)”** are activities, practices, maintenance procedures, and other management practices designed to prevent or reduce the pollution of waters of the State. BMPs also include treatment technologies, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw sewage. BMPs may include structural devices or nonstructural practices.
7. **“Bypass”** means the intentional diversion of waste streams from any portion of a treatment facility, as defined at 40 CFR 122.41(m)(1)(i).
8. **“Composite sample”** is a mixture of grab samples collected at the same sampling point at different times, formed either by continuous sampling or by mixing a minimum of 4 effluent portions collected at equal time intervals (but not closer than one hour apart) during operational hours, within the 24-hour period, and combined proportional to flow or a sample collected at more frequent intervals proportional to flow over the 24-hour period.
9. **“Daily Discharge”** means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.
  - A. **Mass Calculations:** For pollutants with limitations expressed in terms of mass, the “daily discharge” is calculated as the total mass of pollutant discharged over the sampling day.
  - B. **Concentration Calculations:** For pollutants with limitations expressed in other units of measurement, the “daily discharge” is calculated as the average measurement of the pollutant over the day.
10. **“Daily Maximum”** discharge limitation means the highest allowable “daily discharge” during the calendar month.
11. **“Department”** means the Arkansas Department of Environmental Quality (ADEQ).
12. **“Director”** means the Director of the Arkansas Department of Environmental Quality.



13. **“Dissolved oxygen limit”** shall be defined as follows:
  - A. When limited in the permit as a minimum monthly average, shall mean the lowest acceptable monthly average value, determined by averaging all samples taken during the calendar month.
  - B. When limited in the permit as an instantaneous minimum value, shall mean that no value measured during the reporting period may fall below the stated value.
14. **“E-Coli”** a sample consists of one effluent grab portion collected during a 24-hour period at peak loads. For E-Coli, report the 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 per 100 ml.
15. **“Fecal Coliform Bacteria (FCB)”** a sample consists of one effluent grab portion collected during a 24-hour period at peak loads. For FCB, report the 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 per 100 ml.
16. **“Grab sample”** means an individual sample collected in less than 15 minutes in conjunction with an instantaneous flow measurement.
17. **“Industrial User”** means a nondomestic discharger, as identified in 40 CFR Part 403, introducing pollutants to a POTW.
18. **“Instantaneous 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.
19. **“Instantaneous Maximum”** when limited in the permit as an instantaneous maximum value, shall mean that no value measured during the reporting period may fall above the stated value.
20. **“Instantaneous Minimum”** an instantaneous minimum value, shall mean that no value measured during the reporting period may fall below the stated value.
21. **“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 (see Part IV.14 and IV.15 above, respectively).
22. **“Monitoring and Reporting”**

When a permit becomes effective, monitoring requirements are of the immediate period of the permit effective date. Where the monitoring requirement for an effluent characteristic is monthly or more frequently, the Discharge Monitoring Report (DMR) shall be submitted by the 25<sup>th</sup> of the month following the sampling. Where the monitoring requirement for an effluent characteristic is Quarterly, Semi-Annual, Annual, or Yearly, the DMR shall be submitted by the 25<sup>th</sup> of the month following the monitoring period end date.

  - A. **MONTHLY:**

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

**B. BI-MONTHLY:**

is defined as two (2) calendar months or any portion of 2 calendar months for monitoring requirement frequency of once/2 months or more frequently.

**C. QUARTERLY:**

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

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

**D. SEMI-ANNUAL:**

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

**E. ANNUAL or YEARLY:**

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

23. **“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.
24. **“POTW”** means Publicly Owned Treatment Works; a treatment works (see Part IV.29 below) which is owned by a state or municipality.
25. **“Reduction of CBOD5/BOD5 and TSS in mg/l Formula”:**  
[(Influent – Effluent) / Influent] x 100
26. **“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.
27. **“Sewage sludge”** means the solids, residues, and precipitate separated from or created in sewage by the unit processes at a POTW. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and stormwater runoff that are discharged to or otherwise enter a POTW.
28. **“7-day average”** Also known as “average weekly” means the highest allowable average of “daily discharges” over a calendar week, calculated as the sum of all “daily discharges” measured during a calendar week divided by the number of “daily discharges” measured during that week.

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29. **“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.
30. **Units of Measure:**
  - “**MGD**” shall mean million gallons per day.
  - “**mg/l**” shall mean milligrams per liter or parts per million (ppm).
  - “**µg/l**” shall mean micrograms per liter or parts per billion (ppb).
  - “**cfs**” shall mean cubic feet per second.
  - “**ppm**” shall mean parts per million.
  - “**s.u.**” shall mean standard units.
31. **“Upset”** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. Any upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventive maintenance, or careless of improper operations.
32. **“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.
33. **“Weekday”** means Monday – Friday.