



ARKANSAS
Department of Environmental Quality

AUG . 4 2016

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (91 7199 9991 7035 3530 7797)

Kent Streeter, Plant Manager
Del-Tin Fiber, LLC
757 Del-Tin Highway
El Dorado, AR 71730

RE: Modification of Discharge Permit Number AR0048461 – AFIN 70-00480

Dear Mr. Streeter:

Enclosed are the public notice, a copy of the draft permit modification, 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.

THIS IS A MODIFIED PERMIT. IN ACCORDANCE WITH 40 CFR 122.62, ONLY THE CONDITIONS WHICH ARE THE SUBJECT OF THE MODIFICATION ARE REOPENED.

The following is the major change to the previously issued permit:

Outfall 003 and associated additional waste streams have been added to the permit.

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 Guy Lester at (501) 682-0023.

Sincerely,

A handwritten signature in black ink, appearing to read "Caleb J. Osborne", is written over a horizontal line.

Caleb J. Osborne
Associate Director, Office of Water Quality

CJO:gl

Enclosure

PUBLIC NOTICE OF DRAFT DISCHARGE PERMIT MODIFICATION
PERMIT NUMBER AR0048461, AFIN 70-00480

This is to give notice that the Arkansas Department of Environmental Quality (ADEQ), Office of Water Quality, 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317 at telephone number (501) 682-0623, proposes a draft modification of the permit number AR0048461 for which an application was received on February 8, 2016, and additional information was received on 2016 for the following applicant under the National Pollutant Discharge Elimination System (NPDES) and the Arkansas Water and Air Pollution Control Act.

Applicant: Del-Tin Fiber, LLC, 757 Del-Tin Highway, El Dorado, AR 71730. Location: 0.85 miles northeast of the intersection of Hwy 15 and Hwy 335; Latitude: 33° 10' 41.67" N; Longitude: 92° 44' 32.54" W in Union County, Arkansas. The discharge of equipment wash down water, ash box quench water, non-contact cooling water from digester plug screw, reverse osmosis reject water, water from emergency firefighting activities, fire hydrant flushings, potable water line flushings, building wash down, steam condensate, condensate from air conditioners, coolers, compressors, and outside storage tanks of refrigerated gases, uncontaminated ground water, and stormwater through Outfall 003, and non-contact cooling water, boiler blowdown, and stormwater through Outfall 004 is into an unnamed tributary, thence to Little Cornie Creek, across the state line into Louisiana, thence to Corney Bayou, thence to Bayou D'Arbonne Lake, thence to Bayou D'Arbonne, thence to the Ouachita River in Segment 2E of the Ouachita River Basin.

ADEQ's contact person for submitting written comments on the draft permit, requesting information regarding the draft permit, or obtaining a copy of the permit and the Statement of Basis is Guy Lester, at the above address and telephone number or by email at Water-Draft-Permit-Comment@adeq.state.ar.us. For those with Internet access, a copy of the proposed draft permit as well as the publication date may be found on the ADEQ's website at: http://www.adeq.state.ar.us/water/branch_permits/individual_permits/pn_permits/pnpermits.asp.

THIS IS A MODIFIED PERMIT. IN ACCORDANCE WITH 40 CFR 122.62, ONLY THE CONDITIONS WHICH ARE THE SUBJECT OF THE MODIFICATION ARE REOPENED.

The following is the major change to the previously issued permit:

Outfall 003 and associated additional waste streams have been added to the permit.

The comment period for the draft permit shall end at 4:30 P.M. (Central Time) on the 30th day after the publication date. If the last day of the comment period is a Saturday, Sunday, or legal holiday, the public comment period shall expire on the next day that is not a Saturday, Sunday, or legal holiday. For information regarding the actual publication date along with the actual date and time the comment period will end, please contact Guy Lester at the above address and telephone number or by email at Water-Draft-Permit-Comment@adeq.state.ar.us. Public notice, comments, and hearings will be conducted in accordance with Regulation 6.104(A)(5) [40 CFR Parts 124.10 through 124.12 by reference] and Regulation 8.207 through 8.210 (Administrative Procedures). All persons, including the permittee, who wish to comment on ADEQ's draft permitting decision must submit written comments to ADEQ, along with their name and mailing address. A Public Hearing will be held when ADEQ finds a significant degree of public interest. After the public comment period, ADEQ will issue a final permitting decision. ADEQ will notify the applicant and each person who has submitted written comments or request notice of the final permitting decision. Any interested person who has submitted comments may appeal a final decision by ADEQ in accordance with the APC&EC Regulation No. 8.603.

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Final Statement of Basis

All changes to the draft Statement of Basis are italicized.

This is a modified permit and only the modified portion of the permit can be reopened for comment.

This Statement of Basis is for information and justification of the permit limits only. Please note that it is not enforceable. This *draft* permitting decision is for *modification* of the discharge Permit Number AR0048461 with Arkansas Department of Environmental Quality (ADEQ) Facility Identification Number (AFIN) 70-00480 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 and the facility address is:

Del-Tin Fiber, LLC
757 Del-Tin Highway
El Dorado, AR 71730

3. PREPARED BY.

The permit was prepared by:

Guy Lester
Staff Engineer
Permits Branch
Office of Water Quality
(501) 682-0023
E-mail: lester@adeq.state.ar.us

Bryan Leamons, P.E.
Engineer Supervisor
Permits Branch
Office of Water Quality
(501) 683-5406
E-mail: leamons@adeq.state.ar.us

4. PERMIT ACTIVITY.

Previous Permit Effective Date: 8/1/2008
Previous Permit Expiration Date: 7/31/2013

THIS IS A MODIFIED PERMIT. IN ACCORDANCE WITH 40 CFR 122.62, ONLY THE CONDITIONS WHICH ARE THE SUBJECT OF THE MODIFICATION ARE REOPENED.

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Page 2 of Statement of Basis
Permit Number: AR0048461
AFIN: 70-00480

The permittee submitted a permit modification application on February 8, 2016, and additional information was received on April 5, 2016, April 12, 2016, and May 2, 2016. See Section 5.8, 5.9, and 5.10 below for details. The current draft discharge permit will be modified for the remainder of the 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:

BAT - best available technology economically achievable
BCT - best conventional pollutant control technology
BMP - best management practice
BOD₅ - five-day biochemical oxygen demand
BPJ - best professional judgment
BPT - best practicable control technology currently available
CBOD₅ - carbonaceous biochemical oxygen demand
CD - critical dilution
CFR - Code of Federal Regulations
cfs - cubic feet per second
COD - chemical oxygen demand
COE - United States Corp of Engineers
CPP - continuing planning process
CWA - Clean Water Act
DMR - discharge monitoring report
DO - dissolved oxygen
ELG - effluent limitation guidelines
EPA - United States Environmental Protection Agency
ESA - Endangered Species Act
FCB - fecal coliform bacteria
gpm - gallons per minute
MGD - million gallons per day
MQL - minimum quantification level
NAICS - North American Industry Classification System
NH₃-N - ammonia nitrogen
NO₃ + NO₂-N - nitrate + nitrite nitrogen
NPDES - National Pollutant Discharge Elimination System
O&G - oil and grease
Reg. 2 - APCEC Regulation No. 2
Reg. 6 - APCEC Regulation No. 6
Reg. 8 - APCEC Regulation No. 8
Reg. 9 - APCEC Regulation No. 9
RP - reasonable potential
SIC - standard industrial classification

TDS - total dissolved solids
TMDL - total maximum daily load
TP - total phosphorus
TRC - total residual chlorine
TSS - total suspended solids
UAA - use attainability analysis
USF&WS - United States Fish and Wildlife Service
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/AR0048461_Compliance%20Review_20160225.pdf

5. FINANCIAL ASSURANCE

Financial Assurance is not required as this facility does not treat sanitary waste.

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. Part II has been modified.
 - a. The third bullet point of Condition No. 3 has been changed. The reference to approval by the Director has been deleted and replaced with “approved in accordance with 40 CFR Part 136.5”.
 - b. A BMP condition has been added as Condition No. 4.
2. Part III has been modified.
 - a. Section A, Condition No. 10 has been changed to Condition 11.
 - b. Section A, Condition No. 10 has been added to the permit. This condition requires the facility to comply with applicable federal, state, and local regulations.
 - c. Section B, Condition No. 6 has been modified to state that the permittee must notify the Department a minimum of 180 days prior to any planned changes to sludge practices, and that land application of sludge is only allowed through a separate land application permit.
 - d. Section C, Condition No. 2 includes requirements for calculated flow measurements.
 - e. Section D, Condition No. 1 has been modified to include only the planned changes notification with which an industrial discharger must comply.

3. Part IV has been modified. The definitions were placed in alphabetical order. Definitions for “Best Management Practices (BMPs),” “composite sample,” “E-coli,” “weekday,” and “Reduction of BOD5 or CBOD5 and TSS in mg/l Formula” were added. Those definitions were added because permits being issued at this time might contain those requirements. The definitions for “3-hour composite sample,” “6-hour composite sample,” “12-hour composite sample,” and “24-hour composite sample” were removed. Those definitions were removed because permits are no longer issued with those sample types.
4. The receiving stream description has been changed to include streams in Louisiana.
5. The Daily Max. TSS limit has been corrected to 52.5 mg/l.
6. The Temperature limit has been corrected to 86 °F.
7. The sample type for Temperature has been corrected to “instantaneous”.
8. *Outfall 003 has been added to the permit.*
9. *Equipment wash down water, ash box quench water, non-contact cooling water from digester plug screw, reverse osmosis reject water, water from emergency firefighting activities, fire hydrant flushings, potable water line flushings, building wash down, steam condensate, condensate from air conditioners, coolers, compressors, and outside storage tanks of refrigerated gases, uncontaminated ground water, and stormwater have been added the discharge description for Outfall 003.*
10. *The prohibition of the discharge of process wastewater in Part II.5 has been revised to specify that equipment wash down water, ash box quench water, non-contact cooling water from digester plug screw, reverse osmosis reject water, water from emergency firefighting activities, fire hydrant flushings, potable water line flushings, building wash down, steam condensate, condensate from air conditioners, coolers, compressors, and outside storage tanks of refrigerated gases, and uncontaminated ground water are not process wastewaters.*

7. RECEIVING STREAM SEGMENT AND DISCHARGE LOCATION.

The outfall is located at the following coordinates based on Google Earth using WGS84:

Outfall 003: Latitude: 33° 10' 32.50" N; Longitude: 92° 44' 13.41" W

Outfall 004: Latitude: 33° 10' 26.52" N; Longitude: 92° 44' 21.45" W

The receiving waters named:

an unnamed tributary, thence to Little Cornie Creek, across the state line into Louisiana, thence to Corney Bayou, thence to Bayou D'Arbonne Lake, thence to Bayou D'Arbonne, thence to the Ouachita River in Segment 2E of the Ouachita River Basin. The receiving stream with USGS Hydrologic Unit Code (H.U.C) of 08040206 and Reach #016 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, ENDANGERED SPECIES, AND ANTI-DEGRADATION CONSIDERATIONS.**

A. **303(d) List:**

The receiving stream is listed on the 2008 303(d) list for Siltation, Zinc, and Sulfates.

TMDLs have not been developed for the impairments. The Siltation and Zinc impairments are in Category 5c and the Sulfates impairment is in Category 5d. Both of these categories require additional information to verify that the stream is actually impaired (in Category 5c the data quality is questionable, and in Category 5d additional data is required). The cause of the impairments are listed as resource extraction (mining).

In consideration of the facts that the impairments have not been verified, and that the facility is not associated with the source of the impairments, the facility is unlikely to cause or contribute to the impairments. Therefore, no additional permit action is required at this time.

It should be noted that approximately 15 miles from the outfall, the receiving stream flows into Louisiana. Approximately 30 miles from the Arkansas/Louisiana border, the receiving stream flows into Bayou D'Arbonne Lake, thence into Bayou D'Arbonne, and thence into the Ouachita River. Bayou D'Arbonne Lake, Bayou D'Arbonne, and the Ouachita River are listed as impaired on the 2012 Louisiana 303(d) List. Bayou D'Arbonne Lake and Bayou D'Arbonne are impaired for DO, and the Ouachita River is impaired for color.

The source of the DO impairments for Bayou D'Arbonne Lake and Bayou D'Arbonne are listed as natural conditions and drought, respectively. Because industrial point sources are not listed as a cause of the DO impairment, the permit contains COD limits, and the impaired waterbody is approximately 45 miles downstream from the discharge, the facility is unlikely to cause or contribute to the DO impairment. Therefore, no permit action for DO is required. The source of the color impairment for the Ouachita River is unknown. Considering the large distance between the discharge and the impaired reach of the Ouachita River (greater than 45 miles), and that none of the waterbodies between the discharge and the Ouachita River (Little Cornie Creek, Corney Bayou, Bayou D'Arbonne Lake, and Bayou D'Arbonne) are impaired for color, the facility is unlikely to cause or contribute to this impairment. Therefore, no permit action is required. The draft permit and Statement of Basis were sent to the Louisiana Department of Environmental Quality for their review.

B. **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.

C. Anti-Degradation:

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

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

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

A. Average Flow:

Outfall 003: variable

Outfall 004: variable

The last discharge from the facility was in February 2007. At that time the facility routed the non-contact cooling water and the boiler blowdown to the El Dorado POTW. The permittee has chosen to renew the permit in the event that discharging the non-contact cooling water or boiler blowdown becomes necessary.

B. Type of Treatment: sedimentation pond

C. Discharge Description:

Outfall 003: equipment wash down water, ash box quench water, non-contact cooling water from digester plug screw, reverse osmosis reject water, water from emergency firefighting activities, fire hydrant flushings, potable water line flushings, building wash down, steam condensate, condensate from air conditioners, coolers, compressors, and outside storage tanks of refrigerated gases, uncontaminated ground water, and stormwater

Outfall 004: non-contact cooling water, boiler blowdown, and stormwater

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 10 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 SIC code of 2493 or NAICS code of 321219, the applicant's activities are the operation of a medium density fiberboard manufacturing facility.

11. SOLIDS PRACTICES.

There are no solids generated at this facility.

12. PERMIT CONDITIONS.

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

Effluent Limitations

Outfall 003 - *treated equipment wash down water, ash box quench water, non-contact cooling water from digester plug screw, reverse osmosis reject water, water from emergency firefighting activities, fire hydrant flushings, potable water line flushings, building wash down, steam condensate, condensate from air conditioners, coolers, compressors, and outside storage tanks of refrigerated gases, uncontaminated ground water, and stormwater*

1. *Conventional and/or Toxic Pollutants*

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>	
	<i>Mass (lbs/day, unless otherwise specified)</i>		<i>Concentration (mg/l, unless otherwise specified)</i>		<i>Frequency</i>	<i>Sample Type</i>
	<i>Monthly Avg.</i>	<i>Daily Max</i>	<i>Monthly Avg.</i>	<i>Daily Max</i>		
<i>Flow</i>	<i>N/A</i>	<i>N/A</i>	<i>Report, MGD</i>	<i>Report, MGD</i>	<i>five/week</i>	<i>instantaneous</i>
<i>Chemical Oxygen Demand (COD)</i>	<i>N/A</i>	<i>N/A</i>	<i>50.0</i>	<i>75.0</i>	<i>once/month</i>	<i>grab</i>
<i>Total Suspended Solids (TSS)</i>	<i>N/A</i>	<i>N/A</i>	<i>35.0</i>	<i>52.5</i>	<i>once/month</i>	<i>grab</i>
<i>Temperature</i>	<i>N/A</i>	<i>N/A</i>	<i>Report (°F)</i>	<i>86 °F</i>	<i>once/month</i>	<i>instantaneous</i>
<i>Oil and Grease (O&G)</i>	<i>N/A</i>	<i>N/A</i>	<i>10.0</i>	<i>15.0</i>	<i>once/month</i>	<i>grab</i>
<i>pH</i>	<i>N/A</i>	<i>N/A</i>	<u><i>Minimum</i></u> <i>6.0 s.u.</i>	<u><i>Maximum</i></u> <i>9.0 s.u.</i>	<i>once/month</i>	<i>grab</i>

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

Outfall 004 - treated non-contact cooling water, boiler blowdown, and stormwater

3. Conventional and/or Toxic Pollutants

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>	
	Mass (lbs/day, unless otherwise specified)		Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Daily Max	Monthly Avg.	Daily Max		
Flow	N/A	N/A	Report, MGD	Report, MGD	five/week	instantaneous
Chemical Oxygen Demand (COD)	N/A	N/A	50.0	75.0	once/month	grab
Total Suspended Solids (TSS)	N/A	N/A	35.0	52.5	once/month	grab
Temperature	N/A	N/A	Report (°F)	86 °F	once/month	instantaneous
Oil and Grease (O&G)	N/A	N/A	10.0	15.0	once/month	grab
pH	N/A	N/A	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	once/month	grab

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

13. BASIS FOR PERMIT CONDITIONS.

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

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

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

Parameter	Water Quality-Based		Technology-Based		Previous Permit		Final Permit	
	Monthly Avg. mg/l	Daily Max. mg/l	Monthly Avg. mg/l	Daily Max. mg/l	Monthly Avg. mg/l	Daily Max. mg/l	Monthly Avg. mg/l	Daily Max. mg/l
<i>Outfall 003 & Outfall 004</i>								
COD	N/A	N/A	50.0	75.0	50.0	75.0	50.0	75.0
TSS	N/A	N/A	35.0	52.5	35.0	53.0	35.0	52.5
Temperature	Report (°F)	86 °F	N/A	N/A	Report (°F)	89.6 °F	Report (°F)	86 °F
O&G	10.0	15.0	N/A	N/A	10.0	15.0	10.0	15.0
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 permit:

Parameter	Water Quality or Technology	Justification
COD ¹	Technology	Generally accepted scientific knowledge and engineering practice, 40 CFR 122.44(l), and previous permit
TSS ²	Technology	Generally accepted scientific knowledge and engineering practice, 40 CFR 122.44(l), and previous permit
Temperature ³	Water Quality	Reg. 2.502
O&G ⁴	Water Quality	Reg. 2.510
pH	Water Quality	Reg. 2.504

¹ COD limits have been included in the permit because COD is the most representative measure of oxygen demand for discharges from facilities of this type and for stormwater. This test can readily indicate the presence of spilled oils and fuels from vehicles and equipment, and also of organic matter. Due to the lack of technology based limits or water quality limitations, the limits have been determined based on best engineering judgment using the typical values associated with this type of facility to ensure protection of water quality standards for Dissolved Oxygen.

² TSS limits have been included in the permit using the typical values associated with this type of facility to ensure the narrative criteria for solids, floating material and deposits are not exceeded. The Daily Max. limit has been corrected to 52.5 mg/l based on Section 12.C.2. below.

³ Temperature limits have been included in the permit to maintain the WQS for temperature for the receiving stream because the facility treats non-contact cooling water and boiler blowdown. The limit has been changed from 89.6 °F to 86 °F because the facility is in the

Gulf Coastal Ecoregion and the WQS for temperature in Reg. 2.502 is 86 °F. The WQS for the Ouachita River is 89.6 °F, but the receiving stream does not flow into the Ouachita River within the state. A review of the DMR data for Temperature (prior to February 2007 when the facility last discharged) shows that the facility is already in compliance with Temperature limit. Therefore, no schedule of compliance for Temperature has been included in the permit.

- ⁴ O&G limits have been included in the permit since oil and grease in some form are present at industrial facilities (e.g. spills or leaks from equipment or vehicles). The limits are based on the values in Reg. 2.510.

B. Anti-backsliding

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

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

C. Limits Calculations

1. Mass limits:

Mass limits have not been included in the permit due to the variability of the flow from the facility.

2. Daily Maximum Limits:

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

Daily Maximum limits = Monthly average limits x 1.5

The daily maximum limits for Temperature and O&G and are based on Regs. 2.502 and 2.510, respectively.

3. Applicable Effluent Limitations Guidelines

Discharges from facilities of this type are covered by Federal effluent limitations guidelines promulgated under 40 CFR Part 429, Subpart M - Particle Board Point Source Category. 40 CFR 429.143 (BAT) specifies that no process wastewater pollutants may be discharged in to navigable waters. The permit only allows the discharge of non-contact cooling water, boiler blowdown, and stormwater. No process wastewater discharge is allowed.

4. Stormwater Runoff

Effluent limitations guidelines have not been promulgated for discharges of this sort. Therefore under the authority of Section 402 (a) (1) of the Clean Water Act and State laws, the State has developed a permit on a case-by-case basis. Stormwater pollution prevention plan requirements are not included in this permit; these requirements are specified under General Industrial Stormwater Permit **ARR00C057**.

14. 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, except the sample type for Temperature, which has been corrected from “grab” (which was a typographical error in the previous permit) to “instantaneous”.

Parameter	Previous Permit		Final Permit	
	Frequency of Sample	Sample Type	Frequency of Sample	Sample Type
Flow	five/week	instantaneous	five/week	instantaneous
COD	once/month	grab	once/month	grab
TSS	once/month	grab	once/month	grab
Temperature	once/month	grab	once/month	instantaneous
O&G	once/month	grab	once/month	grab
pH	once/month	grab	once/month	grab

15. 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.

16. 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.

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Page 12 of Statement of Basis
Permit Number: AR0048461
AFIN: 70-00480

17. SOURCES.

The following sources were used to draft the permit:

- A. Application No. AR0048461 received *February 8, 2016, and additional information received on April 5, 2016, April 12, 2016, and May 2, 2016.*
- B. APCEC Regulation No. 2.
- C. APCEC Regulation No. 3.
- D. APCEC Regulation No. 6.
- E. 40 CFR Parts 122, 125, and 429.
- F. Discharge permit file AR0048461.
- G. Discharge Monitoring Reports (DMRs).
- H. "2008 List of Impaired Waterbodies (303(d) List)", ADEQ
- I. "Integrated Water Quality and Assessment Report 2008", ADEQ.
- J. "Identification and Classification of Perennial Streams of Arkansas", Arkansas Geological Commission.
- K. Continuing Planning Process (CPP).
- L. Technical Support Document For Water Quality-based Toxic Control.
- M. Inspection Report #034144, dated 6/29/2007.
- N. Telephone conversation(s) on 7/19/2013 to discuss changes to the permit.
- O. E-mail letter from EPA, dated 10/22/2013, declining full review of preliminary draft permit.
- P. [E-mail letter from EPA, dated July 19, 2016, declining full review of preliminary draft permit.](#)

18. 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.

19. POINT OF CONTACT.

For additional information, contact:

Guy Lester
Permits Branch, Water Division
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317
Telephone: (501) 682-682-0023

DRAFT

Permit Number: AR0048461
AFIN: 70-00480

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.),

Del-Tin Fiber, LLC

is authorized to discharge equipment wash down water, ash box quench water, non-contact cooling water from digester plug screw, reverse osmosis reject water, water from emergency firefighting activities, fire hydrant flushings, potable water line flushings, building wash down, steam condensate, condensate from air conditioners, coolers, compressors, and outside storage tanks of refrigerated gases, uncontaminated ground water, and stormwater through Outfall 003, and non-contact cooling water, boiler blowdown, and stormwater through Outfall 004 from a facility located as follows: 757 Del-Tin Highway, El Dorado, AR 71730, 0.85 miles northeast of the intersection of Hwy 15 and Hwy 335 in Union County, Arkansas. The applicant's mailing address is: 757 Del-Tin Highway, El Dorado, AR 71730.

Latitude: 33° 10' 41.67" N; Longitude: 92° 44' 32.54" W

to receiving waters named:

an unnamed tributary, thence to Little Cornie Creek, across the state line into Louisiana, thence to Corney Bayou, thence to Bayou D'Arbonne Lake, thence to Bayou D'Arbonne, thence to the Ouachita River in Segment 2E of the Ouachita River Basin.

The outfall is located at the following coordinates:

Outfall 003: Latitude: 33° 10' 32.50" N; Longitude: 92° 44' 13.41" W

Outfall 004: Latitude: 33° 10' 26.52" N; Longitude: 92° 44' 21.45" 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 on or before 180 days prior to the expiration date listed below for permit coverage past the expiration date.

Effective Date: January 1, 2014
Modification Effective Date:
Expiration Date: December 31, 2018

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

Modification Issue Date

PART I PERMIT REQUIREMENTS

SECTION A1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 003 - equipment wash down water, ash box quench water, non-contact cooling water from digester plug screw, reverse osmosis reject water, water from emergency firefighting activities, fire hydrant flushings, potable water line flushings, building wash down, steam condensate, condensate from air conditioners, coolers, compressors, and outside storage tanks of refrigerated gases, uncontaminated ground water, and stormwater.

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

<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	five/week	instantaneous
Chemical Oxygen Demand (COD)	N/A	N/A	50.0	75.0	once/month	grab
Total Suspended Solids (TSS)	N/A	N/A	35.0	52.5	once/month	grab
Temperature	N/A	N/A	Report (°F)	86 °F	once/month	instantaneous
Oil and Grease (O&G)	N/A	N/A	10.0	15.0	once/month	grab
pH	N/A	N/A	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	once/month	grab

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

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. Samples shall be taken after final treatment at the outfall.

PERMIT REQUIREMENTS

SECTION A2. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 004 - non-contact cooling water, boiler blowdown, and stormwater.

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

<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	five/week	instantaneous
Chemical Oxygen Demand (COD)	N/A	N/A	50.0	75.0	once/month	grab
Total Suspended Solids (TSS)	N/A	N/A	35.0	52.5	once/month	grab
Temperature	N/A	N/A	Report (°F)	86 °F	once/month	instantaneous
Oil and Grease (O&G)	N/A	N/A	10.0	15.0	once/month	grab
pH	N/A	N/A	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	once/month	grab

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

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. Samples shall be taken after final treatment at the outfall.

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SECTION B. PERMIT COMPLIANCE

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

Compliance is required on the effective date of the permit.

PART II OTHER CONDITIONS

1. The operator of this wastewater treatment facility shall be a Basic Industrial licensed by the State of Arkansas in accordance with Act 1103 of 1991, Act 556 of 1993, Act 211 of 1971, and Regulation No. 3, as amended.
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 Water Division of the ADEQ for use of the alternate method or instrument.
- The method and/or instrument is in compliance with 40 CFR Part 136 or approved in accordance with 40 CFR Part 136.5; and
- All associated devices are installed, calibrated, and maintained to insure the accuracy of the measurements and are consistent with the accepted capability of that type of device. The calibration and maintenance shall be performed as part of the permittee's laboratory Quality Control/Quality Assurance program.

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

4. Stormwater runoff commingling with other wastewater discharged from Outfalls 003 and 004 shall be managed in accordance with Best Management Practices (BMPs) to control the quality of stormwater discharges associated with industrial activity that are authorized by this permit. Use of BMPs in lieu of numeric effluent limitations in NPDES permits is authorized under 40 CFR 122.44(k) when the Permitting Authority finds numeric effluent limitations to be infeasible to carry out the purposes of the Clean Water Act. All spilled products and other spilled wastes must be immediately cleaned up and properly disposed. The permittee must amend the BMPs whenever there is a change in the facility or a change in the operation of the facility.

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5. Discharge of process wastewater into waters of the state is prohibited.

Boiler blowdown and non-contact cooling water are not process wastewaters according to 40 CFR 429.11(c).

Water from emergency firefighting activities, fire hydrant flushings, potable water line flushings, building wash down, steam condensate, air conditioner and compressor condensate, and uncontaminated ground water are allowable non-stormwater discharges, as noted from the Industrial Stormwater General Permit ARR000000, and are not considered process wastewaters specifically associated with timber products processing.

Equipment wash down water, ash box quench water, and non-contact cooling water from the digester plug screw do not come into contact with timber products during processing, so are therefore not considered process wastewaters.

PART III STANDARD CONDITIONS

SECTION A – GENERAL CONDITIONS

1. Duty to Comply

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

2. Penalties for Violations of Permit Conditions

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

3. Permit Actions

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

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

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

4. Toxic Pollutants

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

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

5. Civil and Criminal Liability

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

9. Severability

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

10. Applicable Federal, State or Local Requirements

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

11. Permit Fees

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

SECTION B – OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

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

2. Need to Halt or Reduce not a Defense

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

3. Duty to Mitigate

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

4. Bypass of Treatment Facilities

A. Bypass not exceeding limitation

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

B. Notice

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

C. Prohibition of bypass

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

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

5. Upset Conditions

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

6. Removed Substances

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

7. Power Failure

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

SECTION C – MONITORING AND RECORDS

1. Representative Sampling

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

2. Flow Measurement

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

Calculated Flow Measurement

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

3. Monitoring Procedures

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

4. Penalties for Tampering

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

5. Reporting of Monitoring Results

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

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

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

6. Additional Monitoring by the Permittee

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

7. Retention of Records

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

8. Record Contents

Records and monitoring information shall include:

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

9. Inspection and Entry

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

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

SECTION D – REPORTING REQUIREMENTS

1. Planned Changes

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

2. Anticipated Noncompliance

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

3. Transfers

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

4. Monitoring Reports

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

5. Compliance Schedule

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

6. Twenty-four Hour Report

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

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

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

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

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

7. 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

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

- A. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the “notification levels” described in 40 CFR Part 122.42(a)(1); or
- B. That any activity has occurred or will occur which would result in any discharge on a non-routine or infrequent basis of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the “notification levels” described in 40 CFR Part 122.42(a)(2).

9. Duty to Provide Information

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

10. Duty to Reapply

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

11. Signatory Requirements

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

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

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

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

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

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

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

12. Availability of Reports

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

13. Penalties for Falsification of Reports

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

PART IV DEFINITIONS

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

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

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

26. **“Treatment works”** means any devices and systems used in storage, treatment, recycling, and reclamation of municipal sewage and industrial wastes, of a liquid nature to implement section 201 of the Act, or necessary to recycle reuse water at the most economic cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities, and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.
27. **“Upset”** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. Any upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventive maintenance, or careless of improper operations.
28. **“Visible sheen”** means the presence of a film or sheen upon or a discoloration of the surface of the discharge. A sheen can also be from a thin glistening layer of oil on the surface of the discharge.
29. **“MGD”** shall mean million gallons per day.
30. **“mg/l”** shall mean milligrams per liter or parts per million (ppm).
31. **“µg/l”** shall mean micrograms per liter or parts per billion (ppb).
32. **“cfs”** shall mean cubic feet per second.
33. **“ppm”** shall mean parts per million.
34. **“s.u.”** shall mean standard units.
35. **“Weekday”** means Monday – Friday.
36. **Monitoring and Reporting:**
37. When a permit becomes effective, monitoring requirements are of the immediate period of the permit effective date. Where the monitoring requirement for an effluent characteristic is monthly or more frequently, the Discharge Monitoring Report (DMR) shall be submitted by the 25th of the month following the sampling. Where the monitoring requirement for an effluent characteristic is Quarterly, Semi-Annual, Annual, or Yearly, the DMR shall be submitted by the 25th of the month following the monitoring period end date.
 - A. **MONTHLY:**
is defined as a calendar month or any portion of a calendar month for monitoring requirement frequency of once/month or more frequently.
 - B. **BI-MONTHLY:**
is defined as two (2) calendar months or any portion of 2 calendar months for monitoring requirement frequency of once/2 months or more frequently.
 - C. **QUARTERLY:**
 1. is defined as a **fixed calendar quarter** or any part of the fixed calendar quarter for a non-seasonal effluent characteristic with a measurement frequency of once/quarter. Fixed calendar quarters are: January through March, April through June, July through September, and October through December; or

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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.