

# ADEQ

ARKANSAS  
Department of Environmental Quality

September 15, 2009

CERTIFIED MAIL: RETURN RECEIPT REQUESTED ( 7099 3400 0001 2001 2013 )

Mr. William D. King, Jr., Executive Director  
City of Texarkana-North WWTP  
P.O. Box 2008  
Texarkana, TX 75504

RE: Discharge Permit Number AR0048691 – AFIN 46-00237

Dear Mr. King:

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

In accordance with Arkansas Pollution Control and Ecology Commission (APCEC) Regulation No. 8, Part 2.1.6, the enclosed public notice will be published by ADEQ in a newspaper of general circulation 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 payment to the following address 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, no further action will be taken on the issuance of your discharge permit.

Arkansas Department of Environmental Quality  
Discharge Permits Section-Water Division  
5301 Northshore Drive  
North Little Rock, AR 72118-5317  
501-682-0622 Fax: 501-682-0910

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



Steven L. Drown  
Chief, Water Division

SD:gl

Enclosure

PUBLIC NOTICE OF DRAFT DISCHARGE PERMIT  
PERMIT NUMBER AR0048691, AFIN 46-00237

This is to give notice that the Permits Branch of the Water Division of the Arkansas Department of Environmental Quality (ADEQ), 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317 at telephone number (501) 682-0622, proposes a draft renewal of the permit for which an application was received on 4/9/2009 for the following applicant under the National Pollutant Discharge Elimination System (NPDES) and the Arkansas Water and Air Pollution Control Act.

Applicant: City of Texarkana-North WWTP, 8301 Sanderson Lane, Texarkana, AR 71854. Location: 7000 feet east of Hwy 71 North, 5300 feet north of Hwy 245/296; north of I-30; Latitude: 33° 30' 11.09" N; Longitude: 94° 00' 48.32" W in Miller County, Arkansas. The discharge is into an unnamed tributary, thence to the McKinney Bayou, thence to the Red River in Segment 1B of the Red River Basin.

ADEQ's contact person for submitting written comments, requesting information regarding the draft permit, or obtaining 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](mailto:Water-Draft-Permit-Comment@adeq.state.ar.us). For those with Internet access, a copy of the proposed draft permit may be found on the ADEQ's website at:

[http://www.adeq.state.ar.us/water/branch\\_permits/individual\\_permits/pn\\_permits/pnpermits.asp](http://www.adeq.state.ar.us/water/branch_permits/individual_permits/pn_permits/pnpermits.asp).

The last day of the comment period is 30 days 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. The permit will become effective approximately two weeks after the close of the comment period unless comments are received and/or a public hearing is requested prior to the close of the comment period requiring a delay of the effective date. Comments and public hearing procedures may be found at 40 CFR Parts 124.10 through 124.12 and APCEC Regulation No. 8. 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. After the public comment period, and public hearing, if one is held, ADEQ will issue a final permitting decision. A Public Hearing will be held when ADEQ finds a significant degree of public interest. ADEQ will notify the applicant and each person who has submitted written comments or requested notice of the final permitting decision. Any interested person who has submitted comments may appeal a final decision by ADEQ in accordance with the APCEC Regulation No. 8 (Administrative Procedures).

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## Statement of Basis

This Statement of Basis is for information and justification of the permit limits only and is not enforceable.

For renewal of the draft discharge Permit Number AR0048691 with AFIN 46-00237 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:

City of Texarkana-North WWTP  
P.O. Box 2008  
Texarkana, TX 75504

The facility address is:

City of Texarkana-North WWTP  
8301 Sanderson Lane  
Texarkana, AR 71854

### 3. **PREPARED BY.**

The permit was prepared by:

Guy Lester  
Staff Engineer  
Discharge Permits Section, Water Division  
(501) 682-0023  
E-mail: lester@adeq.state.ar.us

### 4. **PERMIT ACTIVITY.**

Previous Permit Effective Date:	10/1/2004
Previous Permit Expiration Date:	9/30/2009

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Page 2 of Statement of Basis  
Permit Number: AR0048691  
AFIN: 46-00237

The permittee submitted a permit renewal application on 4/9/2009. 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).

## DMR Review:

The Discharge Monitoring Reports (DMR's) from May 2006 through April 2009 were reviewed during the permit renewal process. There were no violations noted during the review of permit data. Therefore, no permit action is necessary.

## Legal Order Review:

There are currently no active Consent Administrative Orders (CAOs) or Notice of Violations (NOVs) for this facility.

## 5. **SIGNIFICANT CHANGES FROM THE PREVIOUSLY ISSUED PERMIT.**

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

1. Parts II, III, and IV have been revised.
2. The required Operator Class II for the facility has been added to Part II.
3. The facility's location coordinates have been corrected to match the most recent field data.
4. The outfall location coordinates have been corrected from information provided in the permit renewal application.
5. All of the effluent limits have been corrected to reference the nearest tenth to ensure the required accuracy in reporting.
6. The 7-Day Avg. Ammonia Nitrogen limit for the month of April has been reduced.
7. Monitoring and reporting requirements for TDS and Sulfates have been added to the permit.

## 6. **RECEIVING STREAM SEGMENT AND DISCHARGE LOCATION.**

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

Latitude: 33° 30' 13.7" N; Longitude: 94° 01' 17.4" W

The receiving waters named:

the McKinney Bayou, thence to the Red River in Segment 1B of the Red River Basin. The receiving stream with USGS Hydrologic Unit Code (H.U.C) of 11140201 and Reach #014 is a Water of the State classified for primary contact recreation, raw water source for domestic

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(public and private), industrial, and agricultural water supplies, propagation of desirable species of fish and other aquatic life, and other compatible uses.

## 7. **303(d) LIST AND ENDANGERED SPECIES CONSIDERATIONS.**

### a. **303(d) List:**

The receiving stream (the McKinney Bayou) is listed on the 303d list for Sulfates and Total Dissolved Solids (TDS). However, the listing is in Category 5d which is for stream segments in need of additional data to verify the accuracy of the assessment. Therefore, monitoring and reporting requirements have been added to the permit.

### b. **Endangered Species:**

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

## 8. **OUTFALL AND TREATMENT PROCESS DESCRIPTION.**

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

- a. Design Flow: 0.95 MGD
- b. Type of Treatment: lift station, bar screen, grit removal, aerated activated sludge, secondary clarification, post aeration, and UV disinfection
- c. Discharge Description: treated municipal wastewater
- d. Facility Status: This facility is classified as a Minor municipal since the design flow of 0.95 MGD is less than 1.0 MGD. The permittee has agreed to a flow limitation of 0.95 MGD to ensure to the Department that the WWTP should be classified as Minor. The permit has the appropriate limitations and conditions for a Minor municipal facility.

## 9. **ACTIVITY.**

Under the Standard Industrial Classification (SIC) code of 4952 or the North American Industry Classification System (NAICS) code of 22132, the applicant's activities are the operation of a sewage treatment plant.

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## 10. INDUSTRIAL WASTEWATER CONTRIBUTIONS.

### NO INDUSTRIAL USERS

Currently, it does not appear the permittee receives process wastewater from any significant industrial users as defined by 40 CFR Part 403.3(v). Standard boilerplate Pretreatment Prohibitions (40 CFR Part 403.5[b]) and reporting requirements are deemed appropriate at this time.

## 11. SEWAGE SLUDGE PRACTICES.

Waste activated sludge is pumped to the South Regional WWTP collection system and allowed to flow by gravity to the South Regional WWTP located in Texas.

## 12. PERMIT CONDITIONS.

The Arkansas Department of Environmental Quality has made a determination 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 and regulations promulgated pursuant to the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended, Ark. Code Ann. 8-4-101 et. seq.).

### Effluent Limitations

Outfall 001- treated municipal wastewater

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

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
		Monthly Avg.	Monthly Avg.		
Flow	N/A	Report, MGD	0.95 MGD (Daily Max.)	once/day	totalizing meter
Carbonaceous Biochemical Oxygen Demand (CBOD5)	79.2	10.0	15.0	three/month	3-hr composite
Total Suspended Solids (TSS)	118.8	15.0	22.5	three/month	3-hr composite
Ammonia Nitrogen (NH3-N)					
(April)	47.5	6.0	6.1	three/month	3-hr composite
(May-Oct)	31.7	4.0	6.0	three/month	3-hr composite
(Nov-March)	47.5	6.0	9.0	three/month	3-hr composite

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<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
		Monthly Avg.	Monthly Avg.		
Dissolved Oxygen					
(May-Oct)	N/A	5.0 (Inst. Min.)		three/month	grab
(Nov-Apr)	N/A	7.0 (Inst. Min.)		three/month	grab
Fecal Coliform Bacteria (FCB)		(colonies/100 ml)			
(Apr-Sept)	N/A	200	400	three/month	grab
(Oct-Mar)	N/A	1000	2000	three/month	grab
Total Dissolved Solids (TDS)	N/A	Report	Report	once/month	grab
Sulfates	N/A	Report	Report	once/month	grab
pH	N/A	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	three/month	grab

- ii. **Solids, Foam, and Free Oil:** There shall be no discharge of distinctly visible solids, scum, or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits, or sludge banks. 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 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 (48 FR 1413, April 1, 1983).

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

Following regulations promulgated at 40 CFR Part 122.44 (1)(2)(ii), the draft permit limits are based on either technology-based effluent limits pursuant to 40 CFR Part 122.44 (a) or on State water quality standards and requirements pursuant to 40 CFR Part 122.44 (d), whichever are more stringent as follows:

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Parameter	Water Quality-Based		Technology-Based/BPJ		Previous Permit		Permit Limit	
	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l	Monthly Avg. mg/l	7-day Avg. mg/l
CBOD5	10.0	15.0	25	40	10	15	10.0	15.0
TSS	15.0	22.5	30	45	15	23	15.0	22.5
NH3-N								
(April)	6.0	6.1	N/A	N/A	6	9	6.0	6.1
(May-Oct)	4.0	6.0	N/A	N/A	4	6	4.0	6.0
(Nov-March)	6.0	9.0	N/A	N/A	6	9	6.0	9.0
DO								
(May-Oct)	5.0 (Inst. Min.)		N/A		5.0 (Inst. Min.)		5.0 (Inst. Min.)	
(Nov-Apr)	7.0 (Inst. Min.)		N/A		7.0 (Inst. Min.)		7.0 (Inst. Min.)	
FCB (col/100 ml)								
(Apr-Sept)	200	400	N/A	N/A	200	400	200	400
(Oct-Mar)	1000	2000	N/A	N/A	1000	2000	1000	2000
TDS	N/A	N/A	Report	Report	N/A	N/A	Report	Report
Sulfates	N/A	N/A	Report	Report	N/A	N/A	Report	Report
pH	6.0-9.0 s.u.		6.0-9.0 s.u.		6-9 s.u.		6.0-9.0 s.u.	

Parameter	Water Quality or Technology	Justification
CBOD5	Water Quality	MultiSMP Model dated 7/17/1997, 40 CFR 122.44(l), and previous permit
TSS	Water Quality	40 CFR 122.44(l) and previous permit
NH3-N*	Water Quality	Reg. 2.512, MultiSMP Model dated 7/17/1997, 40 CFR 122.44(l), and previous permit
DO	Water Quality	Reg. 2.505 and previous permit
Fecal Coliform Bacteria	Water Quality	Reg. 2.507
TDS	Technology	Best engineering judgment of the permit writer
Sulfates	Technology	Best engineering judgment of the permit writer
pH	Water Quality	Reg. 2.504



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\* The NH<sub>3</sub>-N limits are based on the toxicity criteria contained in Reg. 2.512 and the DO based standards according to water quality modeling. Based on the review of the DMR data and the judgment of the permit writer, a schedule of compliance is not needed.

a. **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 40 CFR 122.44 (l)(2)(i).

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

b. **Limits Calculations**

i. Mass limits:

The calculation of the loadings (lbs per day) uses a design flow of 0.95 MGD and the following equation:

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

ii. Daily Maximum Limits:

$$\text{Daily Maximum limits} = \text{Monthly average limits} \times 1.5$$

iii. 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 Section 5.35 of the CPP.

A 7-Day Average flow limitation of 0.95 MGD has been included in the permit. A reopener clause has been included in Part II of the permit so that, if the flow from Outfall 001 exceeds the limitation, the facility status may be upgraded from Minor municipal to Major municipal and the permit limitations and conditions revised accordingly.

## 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)]

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Requirements for sample type and sampling frequency have been based on the current discharge permit, except for TDS and Sulfates sampling, which are based on the best engineering judgment of the permit writer.

Parameter	Previous Permit		Draft Permit	
	Frequency of Sample	Sample Type	Frequency of Sample	Sample Type
Flow	once/day	totalizing meter	once/day	totalizing meter
CBOD5	three/month	3-hr composite	three/month	3-hr composite
TSS	three/month	3-hr composite	three/month	3-hr composite
NH3-N				
(April)	three/month	3-hr composite	three/month	3-hr composite
(May-Oct)	three/month	3-hr composite	three/month	3-hr composite
(Nov-March)	three/month	3-hr composite	three/month	3-hr composite
DO				
(May-Oct)	three/month	grab	three/month	grab
(Nov-Apr)	three/month	grab	three/month	grab
FCB				
(Apr-Sept)	three/month	grab	three/month	grab
(Oct-Mar)	three/month	grab	three/month	grab
TDS	N/A	N/A	once/month	grab
Sulfates	N/A	N/A	once/month	grab
pH	three/month	grab	three/month	grab

## 15. PERMIT COMPLIANCE.

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

Compliance is required on the effective date of the permit.

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## 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.

## 17. SOURCES.

The following sources were used to draft the permit:

- a. Application No. AR0048691 received 4/9/2009.
- b. Arkansas Water Quality Management Plan (WQMP).
- c. APCEC Regulation No. 2.
- d. APCEC Regulation No. 3.
- e. APCEC Regulation No. 6.
- f. 40 CFR Parts 122, 125, 133, and 403.
- g. Discharge permit file AR0048691.
- h. Discharge Monitoring Reports (DMRs).
- i. "2008 List of Impaired Waterbodies (303(d) List)", ADEQ
- j. "Integrated Water Quality and Assessment Report 2008", ADEQ.
- k. "Identification and Classification of Perennial Streams of Arkansas", Arkansas Geological Commission.
- l. Continuing Planning Process (CPP).
- m. Site Visit on 7/7/2009.

## 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.

The ADEQ will notify via an e-mail public notice of the permit to the Corps of Engineers, the U.S. Fish and Wildlife Service, the Arkansas Game and Fish, the Department of Arkansas Heritage, the EPA, and the Arkansas Department of Health for review and comments.

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## 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) 682-0023

# DRAFT

Permit Number: AR0048691

AFIN: 46-00237

**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 (Act 472 of 1949, as amended, Ark. Code Ann. 8-4-101 et seq.), and the Clean Water Act (33 U.S.C. § 1251 et seq.),

The applicant's mailing address is:

City of Texarkana-North WWTP  
P.O. Box 2008  
Texarkana, TX 75504

The facility address is:

City of Texarkana-North WWTP  
8301 Sanderson Lane  
Texarkana, AR 71854

is authorized to discharge from a facility located as follows: 7000 feet east of Hwy 71 North, 5300 feet north of Hwy 245/296; north of I-30 in Miller County, Arkansas.

Latitude: 33° 30' 11.09" N; Longitude: 94° 00' 48.32" W

to receiving waters named:

an unnamed tributary, thence to the McKinney Bayou, thence to the Red River in Segment 1B of the Red River Basin.

The outfall is located at the following coordinates:

Outfall 001: Latitude: 33° 30' 13.7" N; Longitude: 94° 01' 17.4" W

Discharge shall be in accordance with effluent limitations, monitoring requirements, and other conditions set forth in the permit.

Issue Date:

Effective Date:

Expiration Date:

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Steven L. Drown  
Chief, Water Division  
Arkansas Department of Environmental Quality

## PART I PERMIT REQUIREMENTS

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

During the period beginning on the effective date and lasting until the date of expiration, the permittee is authorized to discharge from Outfall 001. Such discharges shall be limited and monitored by the permittee as specified below from a treatment system consisting of a lift station, bar screen, grit removal, aerated activated sludge, secondary clarification, post aeration, and UV disinfection with a design flow of 0.95 MGD.

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>	
	Mass (lbs/day, unless otherwise specified)	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
		Monthly Avg.	Monthly Avg.		
Flow <sup>1</sup>	N/A	Report, MGD	0.95 MGD (Daily Maximum)	once/day	totalizing meter
Carbonaceous Biochemical Oxygen Demand (CBOD5)	79.2	10.0	15.0	three/month	3-hr composite
Total Suspended Solids (TSS)	118.8	15.0	22.5	three/month	3-hr composite
Ammonia Nitrogen (NH3-N)					
(April)	47.5	6.0	6.1	three/month	3-hr composite
(May-Oct)	31.7	4.0	6.0	three/month	3-hr composite
(Nov-March)	47.5	6.0	9.0	three/month	3-hr composite
Dissolved Oxygen					
(May-Oct)	N/A	5.0 (Inst. Min.)		three/month	grab
(Nov-Apr)	N/A	7.0 (Inst. Min.)		three/month	grab
Fecal Coliform Bacteria (FCB)		(colonies/100ml)			
(Apr-Sept)	N/A	200	400	three/month	grab
(Oct-Mar)	N/A	1000	2000	three/month	grab
Total Dissolved Solids (TDS) <sup>2</sup>	N/A	Report	Report	once/month	grab
Sulfates <sup>2</sup>	N/A	Report	Report	once/month	grab
pH	N/A	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	three/month	grab

<sup>1</sup> See Condition No. 8 of Part II.

<sup>2</sup> See Condition No. 9 of Part II.

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).

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 following monitoring coordinates: Latitude: 33° 30' 13.7" N; Longitude: 94° 01' 17.4" W

All unauthorized Sanitary Sewer Overflows (SSO) must be reported to ADEQ. See Condition No. 4 of Part II.

# **DRAFT**

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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.

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## PART II OTHER CONDITIONS

1. The operator of this wastewater treatment facility shall be licensed as Class II by the State of Arkansas in accordance with Act 211 of 1971, Act 1103 of 1991, Act 556 of 1993, and APCEC Regulation No. 3, as amended.
2. For publicly owned treatment works, the 30-day average percent removal for Carbonaceous Biochemical Oxygen Demand (CBOD5) and Total Suspended Solids shall not be less than 85 percent unless otherwise authorized by the permitting authority in accordance with 40 CFR Part 133.102, as adopted by reference in APCEC Regulation No. 6.
3. Waste activated sludge is pumped to the South Regional WWTP collection system and allowed to flow by gravity to the South Regional WWTP located in Texas.
4. Sanitary Sewer Overflow (SSO):
  - A. An overflow is any spill, release or diversion of sewage from a sanitary sewer collection system, including:
    - 1) an overflow that results in a discharge to waters of the state; and
    - 2) an overflow of wastewater, including a wastewater backup into a building (other than a backup caused solely by a blockage or other malfunction in a privately owned sewer or building lateral), even if that overflow does not reach waters of the state.

### B. Immediate Reporting

All overflows shall be reported to Enforcement Branch of the Water Division by telephone (501-682-0638), facsimile (501-682-0910), or by email at [WaterEnfSSO@adeq.state.ar.us](mailto:WaterEnfSSO@adeq.state.ar.us) within 24 hours from the time the permittee becomes aware of the circumstance.

At a minimum the report shall identify:

1. The location(s) of overflow;
2. The receiving water (If there is one);
3. The duration of overflow;
4. Cause of overflow; and
5. The estimated volume of overflow (MG).



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## C. Discharge Monitoring Reports (DMRs)

The permittee shall report every month all overflows with the Discharge Monitoring Report (DMR) submittal. These reports shall be summarized and reported in tabular format with the minimum following information. The permittee may use ADEQ Form attached to the permit or a copy of the form may obtain from the following web site:  
[http://www.adeq.state.ar.us/water/branch\\_enforcement/forms/sso\\_report.asp](http://www.adeq.state.ar.us/water/branch_enforcement/forms/sso_report.asp)

1. The location(s) of overflow;
  2. The receiving water (If there is one);
  3. The duration of overflow;
  4. Cause of overflow;
  5. The estimated volume of overflow (MG);
  6. A description of the sewer system component from which the release occurred (e.g., manhole, constructed overflow pipe, crack in pipe);
  7. The estimated date and time when the overflow began and stopped or will be stopped;
  8. The cause or suspected cause of the overflow;
  9. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;
  10. If reasonably made, an estimate of the number of persons who came into contact with wastewater from the overflow; and
  11. Steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps.
5. 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.
6. 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.

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- The method and/or instrument is in compliance with 40 CFR Part 136 or acceptable to the Director; 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.

## 7. Contributing Industries and Pretreatment Requirements

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

- i. Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;
- ii. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works are specifically designed to accommodate such discharges;
- iii. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, resulting in Interference\* or Pass Through\*\*;
- iv. Any pollutant, including oxygen demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration which will cause Pass Through\*\* or Interference\* with the POTW;
- v. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference\*, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 deg. C (104 deg. F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits;
- vi. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference\* or Pass Through\*\*;
- vii. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

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- viii. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
2. The permittee shall require any indirect discharger to the treatment works to comply with the reporting requirements of Sections 204(b), 307, and 308 of the Act, including any requirements established under 40 CFR Part 403.
3. The permittee shall provide adequate notice to the Department of the following:
  - i. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 or 306 of the Act if it were directly discharging those pollutants; and
  - ii. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.

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

\* According to 40 CFR Part 403.3(k) the term *Interference* means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued under (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

\*\* According to 40 CFR 403.3(p) the term *Pass Through* means a Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

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8. If the 7-day average flow exceeds 0.95 MGD, the permit may be reopened to include additional conditions and/or limitations, as deemed necessary by the Department. The facility status may also be upgraded from Minor municipal to Major municipal.
9. If after 2 years of monitoring and reporting the effluent concentrations of Total Dissolved Solids (TDS) and Sulfates, the data indicates that the discharge has no “reasonable potential” (as determined by the methods in the CPP) to cause the receiving stream to exceed State Water Quality Standards for the respective pollutant, the permittee may request to cease monitoring and reporting of the respective pollutant through a minor permit modification.

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

#### **6. Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject 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. Permit Fees**

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

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

#### **b. Notice**

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



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- (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 waste waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering the waters of the State. Written approval must be obtained from the ADEQ for land application only.

## **7. Power Failure**

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

## **SECTION C – MONITORING AND RECORDS**

### **1. Representative Sampling**

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance.

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Monitoring points shall not be changed without notification to and the approval of the Director. Intermittent discharges 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.

## **3. Monitoring Procedures**

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

## **4. Penalties for Tampering**

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

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

Monitoring results must be reported on a Discharge Monitoring Report (DMR) Form (EPA No. 3320-1 or other approved Form by ADEQ). Permittees are required to use preprinted DMR forms provided by ADEQ, unless specific written authorization to use other reporting forms is obtained from ADEQ. Monitoring results obtained during the previous calendar month shall be summarized and reported on a DMR form postmarked no later than the 25<sup>th</sup> day of the month following the completed reporting period to begin on the effective date of the permit. Duplicate copies of DMR forms signed and certified as required by Part III.D.11.

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and all other reports required by Part III.D., shall be submitted to the Director at the following address:

Permits 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:

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

## SECTION D – REPORTING REQUIREMENTS

### 1. Planned Changes

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

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

### 2. Anticipated Noncompliance

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

### 3. Transfers

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

### 4. Monitoring Reports

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.**

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## **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 II.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

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

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sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (2) For a partnership or sole proprietorship: by a general partner or proprietor, respectively; or
  - (3) For a municipality, State, Federal, or other public agency, by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
    - (i) The chief executive officer of the agency, or
    - (ii) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- b. All **reports** required by the permit and **other information** requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- (1) The authorization is made in writing by a person described above.
  - (2) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
  - (3) The written authorization is submitted to the Director.
- c. Certification. Any person signing a document under this section shall make the following certification:

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

## **12. Availability of Reports**

Except for data determined to be confidential under 40 CFR Part 2 and 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.

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## **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 (Act 472 of 1949, as amended).



## PART IV DEFINITIONS

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

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

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

7. **“Monthly average”** means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month. For Fecal Coliform Bacteria (FCB) report the monthly average (see 30-day average below).

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8. **“Daily Maximum”** discharge limitation means the highest allowable “daily discharge” during the calendar month. The 7-day average for Fecal Coliform Bacteria (FCB) is the geometric mean of the values of all effluent samples collected during the calendar week in colonies per 100 ml.
9. **“Department”** means the Arkansas Department of Environmental Quality (**ADEQ**).
10. **“Director”** means the Administrator of the U.S. Environmental Protection Agency and/or the Director of the Arkansas Department of Environmental Quality.
11. **“Grab sample”** means an individual sample collected in less than 15 minutes in conjunction with an instantaneous flow measurement.
12. **“Industrial User”** means a nondomestic discharger, as identified in 40 CFR Part 403, introducing pollutants to a POTW.
13. **“National Pollutant Discharge Elimination System”** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under Sections 307, 402, 318, and 405 of the Clean Water Act.
14. **“POTW”** means a Publicly Owned Treatment Works.
15. **“Severe property damage”** means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in products.
16. **“APCEC”** means the Arkansas Pollution Control and Ecology Commission.
17. **“Sewage sludge”** means the solids, residues, and precipitate separated from or created in sewage by the unit processes 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.
18. **“7-day average”** discharge limitation, other than for Fecal Coliform Bacteria (FCB), is the highest allowable arithmetic mean of the values for all effluent samples collected during the calendar week. The 7-day average for Fecal Coliform Bacteria (FCB) is the geometric mean of the values of all effluent samples collected during the calendar week in colonies/100 ml. The Discharge Monitoring Report should report the highest 7-day average obtained during the calendar month. For reporting purposes, the 7-day average values should be reported as occurring in the month in which the Saturday of the calendar week falls in.
19. **“30-day average”**, other than for Fecal Coliform Bacteria (FCB), is the arithmetic mean of the daily values for all effluent samples collected during a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. The 30-day average for Fecal Coliform Bacteria (FCB) is the geometric mean of the values for all effluent samples collected during a calendar month. For Fecal Coliform Bacteria (FCB), report the monthly average as a 30-day geometric mean in colonies per 100 ml.

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20. **“24-hour composite sample”** consists of a minimum of 12 effluent portions collected at equal time intervals over the 24-hour period and combined proportional to flow or a sample collected at frequent intervals proportional to flow over the 24-hour period.
21. **“12-hour composite sample”** consists of 12 effluent portions, collected no closer together than one hour and composited according to flow. The daily sampling intervals shall include the highest flow periods.
22. **“6-hour composite sample”** consists of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow **or** a sample collected at frequent intervals proportional to flow over the 6-hour period.
23. **“3-hour composite sample”** consists of three effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow or a sample collected at frequent intervals proportional to flow over the 3-hour period.
24. **“Treatment works”** means any devices and systems used in storage, treatment, recycling, and reclamation of municipal sewage and industrial wastes, of a liquid nature to implement section 201 of the Act, or necessary to recycle reuse water at the most economic cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities, and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.
25. **“Upset”** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. Any upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventive maintenance, or careless of improper operations.
26. **“Sanitary Sewer System Overflow”** means an overflow is any spill, release or diversion of sewage from a sanitary sewer collection system, including:
  - 1) an overflow that results in a discharge to waters of the state; and
  - 2) an overflow of wastewater, including a wastewater backup into a building (other than a backup caused solely by a blockage or other malfunction in a privately owned sewer or building lateral), even if that overflow does not reach waters of the state.
27. **“For 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.
28. **“Dissolved oxygen limit”**, shall be defined as follows:
  - 1) 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;
  - 2) 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.

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29. **The term “MGD”** shall mean million gallons per day.
30. **The term “mg/l”** shall mean milligrams per liter or parts per million (ppm).
31. **The term “µg/l”** shall mean micrograms per liter or parts per billion (ppb).
32. **The term “cfs”** shall mean cubic feet per second.
33. **The term “ppm”** shall mean parts per million.
34. **The term “s.u.”** shall mean standard units.
35. **The term “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.
36. **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.
- MONTHLY:**  
is defined as a calendar month or any portion of a calendar month for monitoring requirement frequency of once/month or more frequently.
- QUARTERLY:**  
(1) is defined as a fixed calendar quarter or any part of the fixed calendar quarter for a non-seasonal effluent characteristic with a measurement frequency of once/quarter. Fixed calendar quarters are: January through March, April through June, July through September, and October through December; or  
(2) is defined as a fixed three month period (or any part of the fixed three month period) of or dependent upon the seasons specified in the permit for a seasonal effluent characteristic with a monitoring requirement frequency of once/quarter that does not coincide with the fixed calendar quarter. Seasonal calendar quarters are: May through July, August through October, November through January, and February through April.
- SEMI-ANNUAL:**  
is defined as the fixed time periods January through June, and July through December (or any portion thereof) for an effluent characteristic with a measurement frequency of once/6 months or twice/year.
- ANNUAL or YEARLY:**  
is defined as a fixed calendar year or any portion of the fixed calendar year for an effluent characteristic or parameter with a measurement frequency of once/year. A calendar year is January through December, or any portion thereof.
37. **The term “Weekday”** means Monday – Friday.