

CERTIFIED MAIL RETURN RECEIPT REQUESTED: (9491 0090 0027 6060 6250 12)

July 29, 2020

Kathryn Bartlett  
Deer Haven Utility, LLC  
P. O. Box 9299  
Fayetteville, AR 72704

RE: Minor Modification; AFIN No. 04-01681; Permit No. 4908-WR-2

Dear Ms. Bartlett:

Division of Environmental Quality – Office of Water Quality (OWQ) received a Permit Transfer Form for the referenced facility on May 19, 2020. The transfer request was submitted to change the Permittee from First Asset Holdings, LLC to Deer Haven Utility, LLC. The OWQ has determined that this change of ownership is a minor modification in accordance with Rule 8.103(W).

Enclosed is the updated Permit Cover Page.

If you have any questions, please contact Sarah Cousins of my staff at (501) 682-0627 or by email at [cousins@adeq.state.ar.us](mailto:cousins@adeq.state.ar.us).

Sincerely,



Bryan Leamons, P.E.  
Sr. Operations Manager  
Office of Water Quality

BL:sc

cc: Charles Presley, Presley, Brannan, & Associates, Inc. ([cjpres@madisoncounty.net](mailto:cjpres@madisoncounty.net))

**AUTHORIZATION FOR A NO-DISCHARGE WATER PERMIT UNDER 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.*)

**Deer Haven Utility, LLC**

is authorized to operate the decentralized wastewater treatment system with drip irrigation dispersal of the treated wastewater from the facility located at 15046 Smith Ridge Road Garfield, AR 72732 in Benton County.

Operation shall be in accordance with all conditions set forth in the permit.

Original Effective Date: December 1, 2017

Minor Modification Effective Date: August 1, 2020

Expiration Date: November 30, 2022



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Robert E. Blanz Ph.D., P.E.  
Associate Director, Office of Water Quality  
Division of Environmental Quality

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7/21/2020  
Issue Date

I, Amy Deardoff, hereby certify that a copy of this permit has been mailed by first class mail to Kathryn Bartlett, P. O. Box 9299, Fayetteville, AR 72704.



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Amy Deardoff  
Administrative Specialist, Office of Water Quality

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7/29/2020

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Date Mailed

**PART I**  
**Permit Requirements**

**SECTION A. LIMITATIONS AND MONITORING REQUIREMENTS:**

The following tables detail the constituent limits, monitoring frequencies and the requirements for reporting results to ADEQ for each respective parameter listed in the table heading.

<b>Table I: Effluent Limits, Monitoring, and Reporting Requirements</b>			
<b>Parameter</b>	<b>Limit</b>	<b>Units</b>	<b>Monitoring</b>
Carbonaceous Biochemical Oxygen Demand (CBOD5)	30	mg/l	Grab sample once per month <sup>A</sup>
Total Suspended Solids (TSS)	45	mg/l	
Fecal Coliform Bacteria (FCB)	4,000	colonies/100ml	
pH	6.0 – 9.0	s.u.	
Total Phosphorus (TP)	Report	mg/l	
Total Kjeldahl Nitrogen (TKN)	Report	mg/l	Grab sample once per quarter <sup>A</sup>
Ammonia Nitrogen (NH <sub>3</sub> -N)	Report	mg/l	
Nitrate Nitrogen (NO <sub>3</sub> -N) + Nitrite Nitrogen (NO <sub>2</sub> -N)	Report	mg/l	
Plant Available Nitrogen (PAN) <sup>B</sup>	Report	mg/l	

<sup>A</sup> Refer to Condition No. 19 of Part II of the permit.

<sup>B</sup> Refer to Condition No. 7 of Part II of the permit.

<b>Table II</b>					
<b>Drip Zones Loading Rate Limits, Monitoring, and Report Requirements</b>					
<b>Zone Identification</b>	<b>Loading Rate Limit<sup>A,C</sup></b>	<b>Units</b>	<b>Maximum Volume Limit<sup>B</sup></b>	<b>Units</b>	<b>Monitoring</b>
Zone 1	0.250	gpd/ft <sup>2</sup>	5,625	gpd	Daily
Zone 2	0.250		5,625		
Zone 3	0.250		5,625		
Zone 4	0.250		5,625		
Zone 5	0.250		5,625		
Zone 6	0.250		5,625		

<sup>A</sup> Loading Rates for each zone shall not be exceeded.

<sup>B</sup> All monitoring records shall be maintained onsite and made available upon request. The volume for each zone shall be monitor and recorded daily. The maximum volume for each zone shall be reported on the No-Discharge Monitoring Report (NMR).

<sup>C</sup> Refer to Condition No. 14 of Part II of the permit.

**SECTION B. SCHEDULE OF COMPLIANCE**

1. The following information shall be submitted to the Department to satisfy Arkansas Code 8-4-203(b), no later than six (6) months from the effective date of this permit.
  - A. Certification that the permit applicant has complied with the applicable local ordinances and regulations, including without limitations:
    - i. Local zoning ordinances;
    - ii. Local planning authority regulations; and
    - iii. Local permitting requirements.
  - B. A nonmunicipal domestic sewage treatment works (NDSTW) assessment developed by a professional engineer licensed by the state shall include:
    - i. A cost estimate for a third party to operate and maintain the NDSTW for five (5) years;
    - ii. A list of all necessary capital expenditures, system upgrades, or significant repairs and a milestone schedule for completion within five (5) years; and
    - iii. A financial plan that demonstrates to the department's satisfaction the permittee's financial ability to operate and maintain the NDSTW for five (5) years.
  - C. A legal description of the service area for the NDSTW;
  - D. A comprehensive connection summary listing the number of connections and types of connections based on Appendix B of the Arkansas Department of Health Rules and Regulations Pertaining to Onsite Wastewater Systems. The summary should include the number of existing connections and an estimated number of new connections for the next five (5) years.

Submittals shall be made to the following address:

Arkansas Department of Environmental Quality  
Office of Water Quality, Enforcement Branch  
5301 Northshore Drive  
North Little Rock, AR 72118-5317  
Fax (501) 682-0880

OR

[Water-enforcement-report@adeq.state.ar.us](mailto:Water-enforcement-report@adeq.state.ar.us)

**Part II**  
**Specific Conditions**

1. This permit is for the operation of a decentralized wastewater treatment system with drip irrigation dispersal of the treated wastewater for a residential subdivision. This type of systems is also classified as a Class V shallow injection wells under the provisions of Regulation No. 17.
2. The drip irrigation operation shall be managed in accordance with the May 2006 Waste Management Plan (WMP). If the WMP is inconsistent with this permit, the drip irrigation operation shall be managed in accordance with the terms of the permit and the WMP shall be revised to conform to the permit conditions.
3. Under the provisions of Regulation No. 17 and Title 40 of the Federal Code of Regulations (CFR) Parts 144 and 146, promulgated under Part C of the Safe Drinking Water Act (SDWA), no owner or operator shall construct, operate, maintain, convert, plug, abandon, or conduct any other injection activity in a manner that may allow the movement of fluid containing any contaminant into an underground source of drinking water.
4. The waste disposal system shall be operated by a minimum of a licensed Class II wastewater treatment plant operator by the State of Arkansas in accordance with Ark. Code Ann. § 8-5-205 et seq. and APC&EC Regulation No. 3.
5. Wastewater shall not be discharged from this operation to the waters of the State or dispersed to the land in any manner that may result in pooling, ponding, or runoff to the waters of the State. If any of the above conditions occur, dispersal shall cease immediately. Resumption of application activities cannot occur until all conditions of the permit are met. *Note: Any evidence of runoff must be reported within 24-hours to the Enforcement Branch of the Office of Water Quality in accordance with Standard Condition No. 13 of Part III.*
6. Bypassing the disposal system is prohibited and may result in the revocation of this permit and other appropriate enforcement actions by the Department.
7. Plant Available Nitrogen (PAN) shall be calculated using the following equations:

<b>PAN Equations</b>	
For Subsurface applied or Incorporated waste, PAN (mg/l)	$0.3(\text{TKN} - \text{NH}_3) + \text{NH}_3 + \text{NO}_3 + \text{NO}_2$
Conversion from PAN(mg/l) to PAN(lbs/1000 gal)	$0.00834 * \text{PAN}(\text{mg/l})$

The waste must be applied at a rate (calculated in units of 1000 gallons/acre) that provides a quantity of PAN (lbs N/acre) that is equal to or less than the nitrogen uptake rate of the cover crop (lbs/acre). See the table below for a list of Nitrogen uptakes for crops mentioned in the waste management plan. Any crop not listed in the following table may be added to the permit as an update to the WMP.

<b>Nitrogen Uptake of Cover Crops</b>	
Crop Name	Uptake (lbs/acre)
Fescue	138

8. The permittee must maintain current records of all activities related to the removal of solid materials, oil, grease, wastewater, etc., from the operation. The following information must be recorded and made available to ADEQ personnel on request: date of the activity, volume, or weight of material removed, type of material removed, interim or final destination of the material discarded, and complete identification of the carrier(s) transporting the material. If the waste is to be recycled or reused, document the name and address of the receiving entity or firm.
9. The drip irrigation field shall be maintained with 100% vegetative cover with a minimum 80% density for additional treatment, minimize erosion and to ensure the nitrogen uptake rate of the cover crop used to calculate the limit in Condition No. 7 or Part I.
10. When the vegetative cover is mowed, clippings shall be removed from the drip field.
11. Any invasive vegetation that would impact the integrity of the drip lines, such as tree and shrub growth, shall be removed. The drip field shall be protected from any activity that might damage the irrigation system.
12. The drip field shall be inspected for damage with 24-hours after mowing or other activities that may damage the field have ceased. Damaged lines or other system components shall be repaired as soon as possible. Records of inspections and any required repairs shall be kept on-site for review and shall be submitted to the Department upon request.
13. Signs shall be posted around the disposal area indicating that the area is irrigated with treated wastewater effluent.
14. The systems current loading rates limits are based on the average loading rates for the entire drip irrigation area. There has not been any sign of the effluent surfacing in the drip zones since the current load on the drip zones are below the design capacity. Once the number of connections exceeds 90 out of 128 or signs of effluent surfacing is observed, the loading rates on the drip zones shall be reevaluated and the lowest loading rate pre zone shall be used.
15. The reserve drip irrigation field shall be maintained in a condition to be used should the reserve area need to be brought into service upon failure of the primary drip irrigation field.
16. A complete "Operations and Maintenance (O&M) Manual" of the wastewater treatment system shall be maintained and followed.
17. Sanitary Sewer Overflow (SSO) Reporting Requirements:
  - A. A sanitary sewer overflow is any spill, release or diversion of wastewater from a sanitary sewer collection system including:
    1. Any overflow, whether it discharges to the waters of the state or not.
    2. An overflow of wastewater, including a wastewater backup into a building (other than a backup caused solely by a blockage or other malfunction in a privately owned sewer or building lateral), even if that overflow does not reach waters of the state.

B. 24-hour Reporting

Overflows that endanger health or the environment shall be orally reported to the Enforcement Branch of the Office of Water Quality by telephone (**501-682-0638**) or by email, [waterenfssso@adeq.state.ar.us](mailto:waterenfssso@adeq.state.ar.us) within 24 hours from the time the permittee becomes aware of the circumstance. At a minimum, the following information shall be reported:

1. Permit number and AFIN
2. The location(s) of overflow.
3. The receiving water (If there is one).
4. Cause of overflow.
5. The estimated volume of overflow (gal)

C. 5-day Follow-Up Written web Reporting:

A web written report of overflows shall be provided to ADEQ within 5 days of the 24 hours oral report.

A 5-day follow-up written report can be filled-in or downloaded from the ADEQ Office of Water Quality/Enforcement Branch Web page at

[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)

D. 24-hour and 5-days reporting:

24-hour reporting can be filled-in or downloaded from the ADEQ Office of Water Quality/Enforcement Branch Web page at address above if all information are available and 5-days follow up reporting is not required.

E. All SSOs shall be reported on the No-Discharge Monitoring Report

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

18. Should the facility under this permit cease operations, the permittee shall submit to the Department, for approval, a closure plan for the system's storage and treatment structures within sixty (60) days of the final day of operation.
19. The treated effluent shall be sampled in accordance with the monitoring frequencies listed in Table 1 of Part I. The treated effluent sample shall be representative of the effluent to be dispersed to the drip fields. The monthly monitoring reports shall be submitted to the Department prior to the 15<sup>th</sup> of the following month. If the permittee monitors any pollutant more frequently than required by this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the No-Discharge Monitoring Report (NMR). Such increased frequency shall also be indicated on the NMR.

20. The permittee shall comply with all applicable trust fund fee requirements (i.e. the initial trust fund fee and the annual trust fund fee that will be invoiced every year the permit is active) stated in Ark. Code Ann. § 8-4-203(b). In accordance with Ark. Code Ann. § 8-4-203(b)(5), a permittee is responsible for ensuring that the required trust fund fee is received. If the Department does not timely receive the required trust fund contribution fees for a nonmunicipal domestic sewage treatment works, the Department may initiate procedures to suspend or revoke the permit under which the nonmunicipal domestic sewage treatment works is operated.

**Part III**  
**Standard Conditions**

**1. Duty to Comply**

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Arkansas Water and Air Pollution Control Act and is grounds for civil and administrative enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**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 both 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**

- A. This permit may be modified; revoked and reissued; or terminated for cause including, but not limited to the following:
- i. Violation of any terms or conditions of this permit;
  - ii. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
  - iii. 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; or
  - iv. Failure of the permittee to comply with the provisions of Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation No. 9 (Permit fees).
- B. The filing of a request by the permittee for a permit modification; revocation and reissuance; termination; or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**4. Civil and Criminal Liability**

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 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.

**5. Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act and Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

**6. 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.

**7. 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.

**8. 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.

**9. 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 No-Discharge permits as described in APC&EC Regulation No. 9 (Regulation for the Fee System for Environmental Permits). Failure to promptly remit all required fees shall be grounds for the Director to initiate action to revoke this permit.

**10. 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 and trained operating staff which is duly qualified to carry out operation, maintenance, and testing functions required to insure compliance with the conditions of this permit.

**11. Duty to Mitigate**

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

**12. 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.

**13. Reporting of Violations and Unauthorized Discharges**

- A. Any violations to this permit must be reported to the Enforcement Branch of the Department immediately. Any leaks or seeps shall be reported to the Department and appropriately corrected. Any discharge from the fluids storage system such as an overflow, a broken pipe, etc., shall be immediately reported to the Department.
- B. The operator shall visually monitor and report immediately (within 24 hours) to the Enforcement Branch any unauthorized discharge from any facility caused by dike or structural failure; equipment breakdown; human error; etc., and shall follow up with a written report within five (5) days of such occurrence. The written report shall contain the following:
  - i. A description of the permit violation and its cause;
  - ii. The period of the violation, including exact times and dates;
  - iii. If the violation has not been corrected, the anticipated time expected to correct the violation; and
  - iv. Steps taken or planned to reduce, eliminate, and prevent the recurrence of the violation.
- C. Reports shall be submitted to the Enforcement Branch at the following address:

Arkansas Department of Environmental Quality  
Office of Water Quality, Enforcement Branch  
5301 Northshore Dr.  
North Little Rock, Arkansas 72118  
Fax (501) 682-0880

Or

[Water-enforcement-report@adeq.state.ar.us](mailto:Water-enforcement-report@adeq.state.ar.us)

**14. 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.

**15. Laboratory Analysis**

All laboratory analyses submitted to the Department shall be completed by a laboratory certified by ADEQ under Ark. Code Ann. § 8-2-201 *et seq.* Analyses for the permittee's internal quality control or process control do not need to be performed by an ADEQ certified laboratory.

**16. Retention of Records**

The permittee shall retain records of all monitoring information, 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.

**17. 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) the 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.

**18. Inspection and Entry**

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

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

**19. Planned Changes**

The permittee shall give notice and provide the necessary information to the Director for review and approval prior to any planned physical alterations or additions to the permitted facility.

**20. 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.

**21. 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.

**22. 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; 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.

**23. 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. Conditions of this permit will continue in effect past the expiration date pending issuance of a new permit, if:

- A. The permittee has submitted a timely and complete application; and
- B. The Director, through no fault of the permittee, does not issue a new permit prior to the expiration date of the previous permit.

**24. Signatory Requirements**

- A. All applications, reports, or information submitted to the Director shall be signed and certified. All permit applications shall be signed as follows:
  - i. 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.
  - ii. For a partnership or sole proprietorship: by a general partner or proprietor, respectively; or
  - iii. 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:
  - i. The authorization is made in writing by a person described above.
  - ii. 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  
iii. The written authorization is submitted to the Director.

- C. 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.”

**25. Availability of Reports**

Except for data determined to be confidential under the Arkansas Trade Secrets Act (Ark. Code Ann. § 4-75-601 *et seq.*), 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.

**26. 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 and/or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act.

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

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

**Part IV**  
Definitions

“**Act**” means the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 et seq.)

“**APC&EC**” means the Arkansas Pollution Control and Ecology Commission.

“**Daily Maximum**” means the highest allowable “daily” during the calendar month.

“**Department**” means the Arkansas Department of Environmental Quality (ADEQ).

“**Director**” means the Director of the Arkansas Department of Environmental Quality.

“**Grab sample**” means an individual sample collected in less than 15 minutes in conjunction with an instantaneous flow measurement.

“**MGD**” means million gallons per day.

“**mg/l**” means milligrams per liter or parts per million (ppm).

“**NH<sub>3</sub>**” means Ammonia Nitrogen.

“**NO<sub>3</sub> + NO<sub>2</sub>**” means Nitrate + Nitrite Nitrogen.

“**PAN**” means Plant Available Nitrogen.

“**ppm**” means parts per million.

“**Sewage sludge**” means the solids, residues, and precipitate separated from or created in sewage by the unit processes a publicly-owned treatment works. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and storm water runoff that are discharged to or otherwise enter a publicly-owned treatment works.

“**s.u.**” means standard units.

“**TKN**” means Total Kjeldahl Nitrogen.

**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 No-Discharge Monitoring Report (NMR) shall be submitted by the 15th of the month following the sampling. Monthly is defined as a calendar month or any portion of a calendar month for monitoring requirement frequency of once/month or more frequently.

## STATEMENT OF BASIS

This Statement of Basis is for information and justification of the permit limits only and is not enforceable. This permit decision is for a No-Discharge operation under permit number 4908-WR-2 and AFIN 04-01681.

### 1. Permitting Authority

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

### 2. Applicant

First Asset Holdings, LLC - Deer Haven Subdivision  
P. O. Box 7  
Fort Smith, AR 72902

### 3. Facility Location

The facility located as follows: From I-49 exit on Hwy 102, head east on Hwy 62 for 3.5 miles, turn right on Rose Street for 0.2 miles, turn left on Pearl Ave. for 0.5 miles, turn right on Smith Ridge Road and the facility will be on the left. The facility is located near the city of Avoca in Section 14, Township 20 North, Range 29 West, in Benton County, Arkansas. The facility is located at the following coordinates:

Latitude: 36° 24' 28" N Longitude: 94° 2' 26" W

### 4. Waterbody Evaluation

The decentralized wastewater treatment system is located in Stream Segment 3J of the Arkansas River Basin, which is in the Nutrient Surplus Area. Surrounding areas were evaluated to determine if any Extraordinary Resource Waters (ERWs), Ecologically Sensitive Waterbodies (ESWs), Natural or Scenic Rivers, or waterbodies in the 2016 ADEQ 303(d) list of impaired waterbodies in the State of Arkansas are near the decentralized wastewater treatment system. The waterbody evaluation determined that the facility is more than 10 miles away from any impacted waterbody. The system is for subsurface disposal and runoff is not permitted; therefore, no additional requirements are necessary at this time.

### 5. Previous Permit Activity

Previous Permit No.: 4908-WR-1  
Effective Date: August 1, 2012  
Expiration Date: July 31, 2017

The permittee submitted a permit application which was received on 3/13/2017, with additional information received on 9/11/2017. The application was received after the duty to reapply date in

the previous permit. However, the Department has assigned the next permit number in the numbering sequence in order to track the history of the permit. It is proposed that the current water No-Discharge permit be issued for a 5-year term.

No-Discharge Monitoring Report Review:

The previous 5 years of No-Discharge Monitoring Reports (NMRs) data were reviewed during the permitting process. The review revealed the facility was not recording and reporting the daily maximum flow correctly. The facility corrected the issue and reported the daily max flow on future NMRs.

Legal Order Review:

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

Site Visits/Inspections:

The Compliance Branch from the Office of Water Quality conducted an inspection on January 15, 2016. The inspection revealed the facility was not recording and reporting the daily maximum flow correctly, and the loading rate was not being reported to the Department. The facility has corrected this since the inspection.

**6. Applicant Activity**

Under the standard industrial classification (SIC) code 4952 or North American Industry Classification System (NAICS) code 221320, the applicant activities are for a sewage treatment facility.

**7. Consultant for this Facility**

Charles Presley  
Presley, Brannan, & Associates, Inc.  
PO Box 607  
Huntsville, AR 72740

**8. Waste Treatment System**

The facility's wastewater treatment system will treat and dispose of domestic wastewater for a subdivision. The wastewater treatment system is designed for a maximum of 128 residential houses, with a design flow of 33,280 gallons per day.

The wastewater treatment system will consist of a collection system, a 33,000-gallon Primary Settling Tank, an 11,000-gallon Equalization Tank, two (2) Bioclere Treatment Units, a 12,000-gallon Final Settling Tank/Dosing Tank, and a six (6) reserve drip zones.

**9. Reserve Irrigation Field Size**

The reserve field is adjacent to the treatment system and has 1.55 acres.

**10. Basis for Permit Conditions**

The Arkansas Department of Environmental Quality has made a determination to issue a permit for the No-Discharge facility as described in the application and waste management plan. Permit requirements and conditions are based on the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. 8-4-101 *et seq.* and Ark. Code Ann. § 8-4-201 *et seq.*) and regulations promulgated there to and Regulation No. 17 Arkansas Underground Injection Control (UIC) Code.

Specific permit conditions and limits and their sources are listed as follows:

A. Part I – Permit Requirements

i. Monitoring Frequency

This decentralized wastewater treatment system treats domestic wastewater from a residential subdivision. The waste cannot be sampled prior to every application as waste is constantly being applied. Therefore, frequent monitoring of the effluent is required to ensure the effluent is meeting the requirements of the permit.

ii. Effluent Conditions

a. Limit for Carbonaceous Biochemical Oxygen Demand (CBOD5)

This limit is intended to prevent taste and odor problem in groundwater and prevent leaching of metals to groundwater. According to the Onsite Wastewater Treatment Systems Manual, Drip Irrigation systems are capable of meeting CBOD5 concentrations as low as 5 mg/l. The Department has determined that a concentration of 30 mg/l is a consistently achievable limit and appropriate because treated effluent is being dispersed in a non-public area and is receiving additional treatment by the soil.

b. Limit for Total Suspended Solids (TSS)

This limit is required to prevent the small diameter spray emitters within the drip system from becoming clogged with suspended solids or algae growth within the wastewater. According to the Onsite Wastewater Treatment Systems Manual, Drip Irrigation systems are capable of meeting TSS concentrations as low as 5 mg/l. The Department has determined that a concentration of 45 mg/l is a consistently achievable limit and appropriate because treated effluent is being dispersed in a non-public area and is receiving additional treatment by the soil.

c. Limit for Fecal Coliform Bacteria (FCB)

According to the Onsite Wastewater Treatment Systems Manual, Drip Irrigation systems are capable of meeting low levels of Fecal Coliform. According to the Onsite Wastewater Treatment Systems Manual, Drip Irrigation systems are capable of meeting low levels of Fecal Coliform. Based on the manual, a bacteria concentration of 10,000 col/100ml is a consistently achievable limit and appropriate where effluent

is being treated by at least 5-feet of soil. According to the facility's Soil Report, the depth of the groundwater is 2-feet at this location. Therefore, the permittee must meet a concentration of 4,000 col/100 ml for fecal coliform.

d. Minimum and maximum pH

The allowable pH range of 6.0-9.0 is adopted from APC&EC Regulation No. 2 because this range also supports bacteria and plant growth in the drip irrigation field.

e. Reporting requirements for all nitrogen compounds in the waste

These concentrations are required to calculate the plant available nitrogen to comply with Condition No. 7 of Part II of the permit. The plant available nitrogen dispersed to the irrigation field should not exceed the nitrogen uptake of the vegetation in the drip irrigation area, otherwise nitrogen compounds could migrate to waters of the State. Since the wastewater receives treatment prior to dispersal to the soil, secondary treatment from the soil, low operational flow (average daily flow 33,280 gpd), and the nitrogen parameters results were consistent in the wastewater, the monitoring frequency of the nitrogen parameters will be quarterly. The quarterly monitoring frequency will be identical to the NPDES monitoring requirement for municipal wastewater.

f. Reporting requirements for Total Phosphorus (TP)

Monitoring and reporting requirements for Total Phosphorus are required to evaluate the amount of phosphorus being added to the drip irrigation field. Phosphorus has been determined to cause eutrophication in surface waters, which may be reached due to drip irrigation activities or heavy rains.

g. Reporting requirements for daily maximum flow

The daily maximum flow are required to be monitored for each drip zone and reported to assess whether the system is being operated at or below the design flow rates for each drip zone.

h. Drip field loading rates

The drip irrigation field soil loading rates are determined by a Professional Soil Classifier registered in the state of Arkansas to ensure that the drip field zones are not hydraulically overloaded. Loading rates by the system should not exceed the soil loading rates to avoid hydraulically overloading the soil. Effluent flow to each zone can be used to calculate the loading rate of the specified zone. If the calculated loading rate exceeds the design soil loading rate, or visual observation of surfacing effluent, the zone is hydraulically overloaded should be removed from the dosing rotation or dose volume reduced until sufficient time has passed for the zone to dry out.

*B. Part II – Specific Conditions*

i. Plant Available Nitrogen Requirement

The Office of Water Quality has provided the proper Plant Available Nitrogen (PAN) equation in order to ensure the permittee does not exceed the nitrogen uptake of the cover crop. The previously submitted monthly monitoring reports showed that the facility has exceeded or was close to exceeding the PAN limit. Therefore, the Department left the PAN limit in this permit in order to provide the amount of nitrogen needed by the crop or vegetation and reduce the risk of nutrients running off into the waters of the State.

If the PAN of the effluent exceeds the nitrogen uptake of the cover crop, the facility may be required to adjust their treatment system at the next permit renewal to reduce the PAN of the effluent so that it does not exceed the nitrogen uptake rate of the cover crop.

ii. No pooling, no ponding, no discharge

Any activity occurring under this permit shall not discharge to the waters of the State. A discharge from this site may result in pollutants entering the waters of the State, which is a violation of Ark. Code Ann. § 8-4-217. In order to prevent a discharge from the permitted operation, the facility shall control the rate of application to prevent pooling, ponding, overland flow, or runoff.

iii. Bypassing Treatment

In order for the wastewater to received adequate treatment, the wastewater shall be properly treated prior to drip dispersal. Bypassing treatment would be a violation of this permit.

iv. Reporting requirements and monitoring frequency

In order to ensure the facility is being proper maintained and operated the Department will require the facility to submit monthly monitoring reports.

v. Record keeping of liquids or solids leaving the facility

In order to maintain complete records of the disposal of the treated leachate or solids associated with the leachate system, the facility shall maintain records of any type of material that is shipped from the facility.

vi. Vegetation Cover Requirement

In order to ensure proper treatment from the soil and to prevent erosion, the drip fields shall maintain 100% vegetative coverage with a minimum of 80% density. Furthermore, the vegetative coverage and density is also used for stabilization purposes to reduce the risk of soil erosion and runoff.

vii. Removal of grass clippings

The drip irrigation system disperses treated effluent to the root zone of the cover crop for additional treatment from the uptake from the cover crop and from the soil. In order to obtain the appropriate treat from the cover crop the grass clippings shall be removed

viii. Removal of invasive vegetation

This condition was added to the permit in order to prevent damage to the drip dispersal lines or equipment from invasive vegetation.

ix. Inspection of drip fields

This type of system has a history of damaged drip field lines or system components occurring during activities such as disking or mowing the field; therefore, the drip field should be inspected after any activity that may cause damage to the field is completed. Because surfacing of effluent from damaged lines will take time, inspections of the drip field should occur 24 hours after activity has ceased in that area of the drip field. Any damaged lines or other system components should be repaired immediately. The Department requires that records be kept on-site for review of inspections and when repairs are began and completed.

x. Average Loading Rates

During the design of this treatment system, the professional soil classifier designed the loading rates based on the average soil loading rate. The soil classifier also stated, "special consideration should be taken when designing the separate zone if that particular area of the field pits has pits with lower than average loading rate." The Department has observed similar systems with loading rates based on the average soil loading rates have issues with effluent surfacing when the system is fully loading. Since this treatment system currently has 19 homes out of 128 homes capacity, the Department will allow the permittee to use an average loading rate for the drip zones. However, once the number of connections exceeds 90 out of 128 or signs of effluent surfacing is observed, the loading rates on the drip zones shall be reevaluated and the lowest loading rate per zone shall be used.

xi. Requirements for maintaining a reserve drip irrigation field

A reserve drip irrigation field is required in the event that the drip irrigation field becomes hydraulically overloaded and no longer absorbs the volume of treated effluent at the soil loading rates for the associated zone.

i. Sanitary Sewer Overflow (SSO) Reporting

Any overflow of sanitary waste can be harmful to human health or the environment; therefore, all SSOs shall be reported.

xii. Requirements for a closure plan

This condition is required to ensure that the permittee takes all of the necessary means to adequately close this type of system, which includes removal of all the waste from the system and properly filling or collapsing the septic systems.

xiii. Annual trust fund contributions

In accordance with Ark. Code Ann. § 8-4-203(b)(1)(B), the permittee is considered to be a nonmunicipal domestic sewage treatment works; therefore, the permittee shall comply with all applicable financial assurance fee requirements stated in Ark. Code Ann. § 8-4-203(b).

C. Part III – Standard Conditions

Standard Conditions have been included in this permit based on generally accepted scientific knowledge, engineering practices and the authority of the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 et seq.).

D. Part IV – Definitions

All definitions in Part IV of the permit are self-explanatory.

**11. Point of Contact**

For additional information, contact

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Technical review

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**12. Sources**

The following Sources were used to draft the permit:

- A. APC&EC Regulation No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas.
- B. APC&EC Regulation No. 3, Licensing of Wastewater Treatment Plant Operators.
- C. APC&EC Regulation No. 8, Administrative Procedures.
- D. APC&EC Regulation No. 9, Permit Fee Regulations.
- E. APC&EC Regulation No. 17, Arkansas Underground Injection Control Code.
- F. Integrated Water Quality and Assessment Report (305(b) Report).
- G. Ark. Code Ann. § 8-4-101 et seq., Arkansas Water and Air Pollution Control Act.
- H. 40 CFR Parts 144 and 146.
- I. Ark. Code Ann. § 8-4-203, as amended.
- J. Arkansas Department of Health, “Rules and Regulations Pertaining to Onsite Wastewater Systems.”
- K. Application No. 4908-WR-2 received 3/13/2017.
- L. Additional Information received 9/11/2017.