Permit Number: AR0001830
AFIN: 15-00001

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

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

Green Bay Packaging Inc.
Arkansas Kraft Division

is authorized to discharge treated process wastewater, sanitary wastewater, and stormwater from a facility located as follows: 338 Hwy 113 South, Morrilton, AR 72110, in Conway County.

Facility Coordinates: Latitude: 35° 05’ 48.36” N; Longitude: 92° 44’ 22.48” W

Discharge is to receiving waters named:

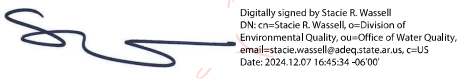
the Arkansas River in Segment 3F of the Arkansas River Basin

The outfall is located at the following coordinates:

Outfall 001: Latitude: 35° 05’ 35.00” N; Longitude: 92° 43’ 56.99” W

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

Effective Date:	July 1, 2024
Minor Modification Effective Date:	December 31, 2024
Expiration Date:	June 30, 2029



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

December 9, 2024
Minor Modification Issue Date

PART I
PERMIT REQUIREMENTS

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 001 - treated process wastewater, sanitary wastewater, and stormwater

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

Effluent Characteristics	**Discharge Limitations**				**Monitoring Requirements**	
	Mass (lbs/day, unless otherwise specified)		Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Daily Max.	Monthly Avg.	Daily Max.		
Flow	N/A	N/A	Report, MGD	Report, MGD	continuous	record
The Arkansas River Flow (cfs)[1]						
(July – September)	N/A	N/A	Report Minimum	Report	daily	record
Biochemical Oxygen Demand (BOD_5)[2]	11,682.4	22,207.7	Report	Report	two/week	composite
	ADDITIONAL BOD_5 REQUIREMENTS APPLICABLE DURING MONTHS OF JULY THROUGH SEPTEMBER					
The Arkansas River flow ≤ 743 cfs[3]	6,000.0	9,000.0	Report	Report	two/week	composite
743 cfs < Arkansas River flow ≤ 1,446 cfs[4]	8.08 lbs/day/cfs	12.12 lbs/day/cfs	N/A	N/A	two/week	calculate
Total Suspended Solids (TSS)	16,910.4	34,151.4	Report	Report	two/week	composite
Total Recoverable Arsenic (As)[5]	Report	Report	Report	Report	once/quarter	grab
E. coli			(colonies/100ml)			
(January – April)	N/A	N/A	Report	2050	once/4 months	grab
(May – June)	N/A	N/A	Report	410	once/2 months	grab
(July – September)	N/A	N/A	Report	410	once/quarter	grab
(October – December)	N/A	N/A	Report	2050	once/quarter	grab
pH	N/A	N/A	Minimum 6.0 s.u.	Maximum 9.0 s.u.	two/week	grab
Chronic WET Testing[6]						
***Pimephales promelas* (Chronic)[6]**	N/A		7-Day Minimum			
Pass/Fail Lethality (7-day NOEC) TLP6C			Report (Pass=0/Fail=1)		once/quarter	composite
Pass/Fail Growth (7-day NOEC) TGP6C			Report (Pass=0/Fail=1)		once/quarter	composite
Survival (7-day NOEC) TOP6C			Report %		once/quarter	composite
Coefficient of Variation (Growth) TQP6C			Report %		once/quarter	composite
Growth (7-day NOEC) TPP6C			Report %		once/quarter	composite
Pass/Fail Retest 1 (7-day NOEC) 22418			Report (Pass=0/Fail=1)		once/month[7]	composite
Pass/Fail Retest 2 (7-day NOEC) 22419			Report (Pass=0/Fail=1)		once/month[7]	composite
Pass/Fail Retest 3 (7-day NOEC) 51444			Report (Pass=0/Fail=1)		once/month[7]	composite
***Ceriodaphnia dubia* (Chronic)[6]**			7-Day Minimum			
Pass/Fail Lethality (7-day NOEC) TLP3B			Report (Pass=0/Fail=1)		once/quarter	composite
Pass/Fail Reproduction (7-day NOEC) TGP3B			Report (Pass=0/Fail=1)		once/quarter	composite
Survival (7-day NOEC) TOP3B			Report %		once/quarter	composite
Coefficient of Variation (Reproduction) TQP3B			Report %		once/quarter	composite
Reproduction (7-day NOEC) TPP3B			Report %		once/quarter	composite
Pass/Fail Retest 1 (7-day NOEC) 22415			Report (Pass=0/Fail=1)		once/month[7]	composite
Pass/Fail Retest 2 (7-day NOEC) 22416			Report (Pass=0/Fail=1)		once/month[7]	composite
Pass/Fail Retest 3 (7-day NOEC) 51443			Report (Pass=0/Fail=1)		once/month[7]	composite

1. See Part II.9.
2. The effluent limitations apply during the months of October – June, and during the months of July through September when the Arkansas River flows are above 1446 cfs.
3. See Part II.9. The effluent limitations apply during the months of July through September when the Arkansas River flows are at or below 743 cfs.
4. See Part II.9. The effluent limitations apply during the months of July through September when the Arkansas River flows are above 743 cfs and at or below 1446 cfs.
5. Monitoring and reporting of Total Recoverable Arsenic is once/quarter and for one year only. See Condition No. 6 of Part II.
6. See Part II.5 (WET Testing Requirements).
7. CONDITIONAL REPORTING: Use only if conducting retests due to a test failure (demonstration of significant toxic effects at or below the critical dilution). If testing on a quarterly basis, the permittee may substitute one of the retests in lieu of one routine toxicity test. If retests are not required, Report NODI=9 (Conditional Monitoring - Not Required This Period) under retest parameters (reported on a quarterly DMR). This condition applies to *P. promelas* and *C. dubia*.

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

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

SECTION B. PERMIT COMPLIANCE SCHEDULE

None

PART II
OTHER CONDITIONS

1. The operator of this wastewater treatment facility shall hold an Advanced Industrial license from the State of Arkansas in accordance with APC&EC Rule 3.

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

3. Other Specified Monitoring Requirements

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

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

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

4. Best Management Practices (BMPs), as defined in Part IV.7, must be implemented for the facility to prevent or reduce the pollution of waters of the State from stormwater runoff, spills or leaks, and/or waste disposal. The permittee must amend the BMPs whenever there is a change in the facility or a change in the operation of the facility.

5. <u>WHOLE EFFLUENT TOXICITY TESTING (7 DAY CHRONIC NOEC)</u>

   It is unlawful and a violation of this permit for a permittee or his designated agent to manipulate test samples in any manner, to delay sample shipment, or to terminate or to cause to terminate a toxicity test. Once initiated, all toxicity tests must be completed unless specific authority has been granted by EPA Region 6 or the State NPDES permitting authority (DEQ).

A. SCOPE AND METHODOLOGY

i. The permittee shall test the effluent for toxicity in accordance with the provisions in this section.

Applicable To Final Outfall(S)	001
Reported On DMR As Final Outfall	OUTFALL 001
Critical Dilution (%)	7
Effluent Dilution Series (%)	3, 4, 5, 7, and 9
Testing Frequency:	Once/quarter
Sample Type	"Composite Sample (defined in Paragraph B.iii)"
Test Species/Methods:	40 C.F.R. § 136

Ceriodaphnia dubia chronic static renewal survival and reproduction test, Method 1002.0, EPA-821-R-02-013, or the most recent update thereof.

Pimephales promelas (Fathead minnow) chronic static renewal 7-day larval survival and growth test, Method 1000.0, EPA-821-R-02-013, or the most recent update thereof.

ii. The NOEC (No Observed Effect Concentration) is herein defined as the greatest effluent dilution at and below which toxicity that is statistically different from the control (0% effluent) at the 95% confidence level does not occur. Chronic lethal test failure is defined as a demonstration of a statistically significant lethal effect at test completion to a test species at or below the critical dilution. Chronic sub-lethal test failure is defined as a demonstration of a statistically significant sub-lethal effect (i.e., growth or reproduction) at test completion to a test species at or below the critical dilution.

iii. This permit may be reopened to require WET limits, chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.

B. REQUIRED TEST ACCEPTABILITY CRITERIA AND TEST CONDITIONS

The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied, including the following additional criteria:

Condition/Criteria	***Ceriodaphnia dubia***	***Pimephales promelas***
Test Duration	Until 60% or more of surviving control females have 3 broods (max 8 days)	7 days
# of replicates per concentration	10	5

# of organisms per replicate	1	8
# of organisms per concentration	10	40 (minimum)
# of test concentrations per effluent	5 and a control	5 and a control
Sample Holding Time *	36 hours for first use	36 hours for first use
Sampling Requirement *	Minimum of 3 samples	Minimum of 3 samples
Test Acceptability Criteria	≥80% survival of all control organisms.	≥80% survival of all control organisms.
	Mean of 15 or more neonates per surviving control female.	Mean dry weight per surviving organism in control must be ≥0.25mg.
	60% of surviving control females must produce 3 broods.	
Coefficient of Variation **	40% or less, unless significant effects are exhibited.	40% or less unless significant effects are exhibited.
Percent Minimum Significant Difference (PMSD range) for Sub-lethal Endpoint **	13 – 47	12 - 30

* If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples and the minimum number of effluent portions are waived during that sampling period. However, the permittee must collect an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent, and must meet the holding time between collection and first use of the sample. When possible, the effluent samples used for the toxicity tests shall be collected on separate days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in Item C of this section.

** Test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%, or a PMSD value greater than the higher value on the range provided.

i. Statistical Interpretation

The statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be in accordance with the methods for determining the No Observed Effect Concentration (NOEC) as described in the appropriate method manual listed in Part II or the most recent update thereof.

ii. Dilution Water

a. Dilution water used in the toxicity tests will be receiving water collected as close to the point of discharge as possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar pH, hardness, and alkalinity to the closest downstream perennial water for:

(1) toxicity tests conducted on effluent discharges to receiving water classified as intermittent streams; and

(2) toxicity tests conducted on effluent discharges where no receiving water is available due to zero flow conditions.

b. If the receiving water is unsatisfactory as a result of instream toxicity (fails to fulfill the test acceptance criteria), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:

(1) a synthetic dilution water control which fulfills the test acceptance requirements was run concurrently with the receiving water control;

(2) the test indicating receiving water toxicity has been carried out to completion;

(3) the permittee includes all test results indicating receiving water toxicity with the full report and information required; and

(4) the synthetic dilution water shall have a pH, hardness, and alkalinity similar to that of the receiving water or closest downstream perennial water not adversely affected by the discharge, provided the magnitude of these parameters will not cause toxicity in the synthetic dilution water.

iii. Samples and Composites

a. The permittee shall collect a minimum of three samples (flow-weighted composite if possible) from the outfall(s).

b. The permittee shall collect a second and third sample (composite samples if possible) for use during the 24-hour renewal of each dilution concentration for each test. The permittee must collect the composite samples so that the maximum holding time for any effluent sample shall not exceed 36 hours for first use of the sample. The permittee must have initiated the toxicity test within 36 hours after the collection of the last portion of the first composite sample. Samples shall be chilled to 0-6 degrees Centigrade during collection, shipping, and/or storage. A holding time up to 72 hours is allowed upon notification to DEQ of the need for additional holding time.

c. The permittee must collect the composite samples such that the effluent samples are representative of the discharge duration, and of any periodic episode of chlorination, biocide usage, or other potentially toxic substance discharged on an intermittent basis.

C. REPORTING

i. The permittee shall prepare a full report of the results of all tests conducted pursuant to this part in accordance with the Report Preparation Section of the most current publication of the method manual, for every valid or invalid toxicity test initiated, whether carried to completion or not. The permittee shall retain each full report and submit them to the Division via NetDMR. For any test which fails, is considered invalid, or which is terminated early for any reason, the full report must be submitted for Division review.

ii. A valid test for each species must be reported during each reporting period specified in PART I of this permit unless the permittee is performing a TRE which may increase the frequency of testing and reporting. One set of biomonitoring data for each species is to be recorded on the DMR for each reporting period. Additional results are reported under the retest codes below.

iii. The permittee shall submit the results of each valid toxicity test on the subsequent DMR for that reporting period as follows below. Submit retest information clearly marked as such with the subsequent DMR. Only results of valid tests are to be reported on the DMR.

Reporting Requirement	**Parameter STORET CODE**	
	Ceriodaphnia dubia	*Pimephales promelas*
Enter a "1" if the No Observed Effect Concentration (NOEC) for survival is less than the critical dilution, otherwise enter a "0."	TLP3B	TLP6C
Report the NOEC value for survival	TOP3B	TOP6C
Enter a "1" if the NOEC for growth or reproduction is less than the critical dilution, otherwise enter a "0."	TGP3B	TGP6C
Report the NOEC value for growth or reproduction	TPP3B	TPP6C
Report the highest (critical dilution or control) Coefficient of Variation	TQP3B	TQP6C

Reporting Requirement	Parameter STORET CODE	
	Ceriodaphnia dubia	*Pimephales promelas*
(If required) Retest 1 – Enter a "1" if the NOEC for survival, growth or reproduction is less than the critical dilution, otherwise enter "0." (reported on quarterly DMR)*	22415	22418
(If required) Retest 2- Enter a "1" if the NOEC for survival, growth or reproduction is less than the critical dilution, otherwise enter "0." (reported on quarterly DMR)*	22416	22419
(If required) Retest 3- Enter a "1" if the NOEC for survival, growth or reproduction is less than the critical dilution, otherwise enter "0." (reported on quarterly DMR)*	51443	51444

* If retests are not required, Report NODI=9 (Conditional Monitoring - Not Required This Period).

iv. DMR parameters

Report the following parameters on the DMR:

Scheduled DMR: TLP6C, TOP6C, TPP6C, TGP6C, TQP6C, 22418, 22419, 51444, TLP3B, TOP3B, TPP3B, TGP3B, TQP3B, 22415, 22416, and 51443.

D. MONITORING FREQUENCY REDUCTION

i. The permittee may apply for a testing frequency reduction upon the successful completion of the first four consecutive quarters of testing for a test species, with no lethal or sub-lethal effects demonstrated at or below the critical dilution. If granted, the monitoring frequency for that test species may be reduced to not less once per six months.

ii. Certification - The permittee must certify in writing that no test failures have occurred and that all tests meet all test acceptability criteria above. In addition, the permittee must provide a list with each test performed including test initiation date, species, and NOECs. Upon review and acceptance of this information, the Division will issue a letter of confirmation of the monitoring frequency reduction. A copy of the letter will be forwarded to the Division's compliance section to update the permit reporting requirements.

iii. Failures - If any test demonstrates lethal or sub-lethal effects at or below the critical dilution at any time during the life of this permit, three monthly retests are required. If a frequency reduction had been granted, the monitoring frequency for the affected test species reverts to once per quarter until the permit is re-issued.

iv. This monitoring frequency reduction applies only until the expiration date of this permit, at which time the monitoring frequency for both test species reverts to once per quarter until the permit is re-issued.

v. For administratively continued facilities where permit renewal was held up by no fault of the permittee, the following language regarding WET testing frequency reduction applies after permit renewal:

The permittee may apply for a testing frequency reduction upon the successful completion of the first four consecutive quarters of testing after the expiration date of the previous permit, for one or both test species, provided that all of the following conditions are met:

a. The permittee tested quarterly upon the expiration date of that permit, and

b. The issuance of the renewed permit was not delayed by any fault of the permittee, and

c. No lethal or sub-lethal effects are demonstrated at or below the critical dilution for the first four consecutive quarters of testing after the expiration date of the previous permit.

E. PERSISTENT TOXICITY

The requirements of this subsection apply only when a toxicity test demonstrates significant lethal and/or sub-lethal effects at or below the critical dilution. Significant toxic effects are herein defined as a statistically significant difference at the 95% confidence level between the survival, growth or reproduction of the appropriate test organism in a specified effluent dilution and the control (0% effluent). If the initial WET test conducted fails, the permittee will conduct three consecutively monthly retests. The purpose of retests is to determine the duration of a toxic event. A test that meets all test acceptability criteria and demonstrates significant toxic effects does not need additional confirmation. Such testing cannot confirm or disprove a previous test result.

i. Retest

The permittee shall conduct a total of three (3) additional tests for any species that demonstrates significant effects at or below the critical dilution. The three additional tests shall be conducted monthly (one test per month) during the next three consecutive months. If testing on a quarterly basis, the permittee may substitute one of the additional tests in lieu of one routine toxicity test. A full report shall be prepared for each test required by this section in accordance with the reporting requirements previously outlined and submitted to the Division.

ii. Requirement to Initiate a Toxicity Reduction Evaluation

If persistent lethality is demonstrated by failure of one or more retests, the permittee shall initiate Toxicity Reduction Evaluation (TRE) requirements as specified in Part F of this section. If persistent sub-lethality is demonstrated by failure of two or more retests, the permittee shall initiate Toxicity Reduction Evaluation (TRE) requirements. The permittee shall notify DEQ in writing within 5 days of notification of the failure of any retest, and the TRE initiation date will be the test completion date of the first

failed retest for lethal TREs or second failed retest for sub-lethal TREs. A TRE may also be required due to a demonstration of intermittent effects at or below the critical dilution, or for failure to perform the required retests.

F. TOXICITY REDUCTION EVALUATION (TRE)

EPA Region 6 is currently addressing TREs as follows: A TRE is triggered following three sub-lethal test failures (a failure followed by two retest failures) or two test failures with lethal effects (a failure followed by one retest failure).

i. Within ninety (90) days of confirming lethality and/or sub-lethality in the retests, the permittee shall submit a Toxicity Reduction Evaluation (TRE) Action Plan and Schedule for conducting a TRE to DEQ. The TRE Action Plan shall specify the approach and methodology to be used in performing the TRE. A TRE is an investigation intended to determine those actions necessary to achieve compliance with water quality based effluent limits by reducing an effluent's toxicity to an acceptable level. A TRE is defined as a step wise process which combines toxicity testing and analyses of the physical and chemical characteristics of a toxic effluent to identify the constituents causing effluent toxicity and/or treatment methods which will reduce the effluent toxicity. The TRE Action Plan shall lead to the successful elimination of effluent toxicity at the critical dilution and include the following:

a. Specific Activities. The plan shall detail the specific approach the permittee intends to utilize in conducting the TRE. The approach may include toxicity characterizations, a Toxicity Identification Evaluation (TIE) and confirmation activities, source evaluation, treatability studies, or alternative approaches. When the permittee conducts Toxicity Identification Evaluations to characterize the nature of the constituents causing toxicity, the permittee shall perform multiple characterizations and follow the procedures specified in the documents “Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures” (EPA 600/6-91/003) or alternate procedures. When the permittee conducts Toxicity Identification Evaluations and Confirmations, the permittee shall perform multiple identifications and follow the methods specified in the documents “Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity” (EPA/600/R-92/080) and “Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity” (EPA/600/R-92/081), as appropriate.

b. Sampling Plan (e.g., locations, methods, holding times, chain of custody, preservation, etc.). The effluent sample volume collected for all tests shall be adequate to perform the toxicity test, toxicity characterization, identification and confirmation procedures, and conduct chemical specific analyses when a probable toxicant has been identified; Where the permittee has identified or suspects specific pollutant(s) and/or source(s) of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical specific analyses for the identified and/or suspected pollutant(s) and/or source(s) of effluent toxicity. Where toxicity was

demonstrated within 24 hours of test initiation, each composite sample shall be analyzed independently. Otherwise the permittee may substitute a composite sample, comprised of equal portions of the individual composite samples, for the chemical specific analysis;

c. Quality Assurance Plan (e.g., QA/QC implementation, corrective actions, etc.); and

d. Project Organization (e.g., project staff, project manager, consulting services, etc.).

ii. The permittee shall initiate the TRE Action Plan within thirty (30) days of plan and schedule submittal.

iii. The permittee shall submit a quarterly TRE Activities Report to DEQ in the months of January, April, July, and October, containing information on toxicity reduction evaluation activities including:

a. Any data and/or substantiating documentation which identifies the pollutant(s) and/or source(s) of effluent toxicity;

b. Any studies/evaluations and results on the treatability of the facility's effluent toxicity; and

c. Any data which identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to meet no significant toxicity at the critical dilution.

d. Any results and interpretation of any chemical specific analysis, and for any characterization, identification, and confirmation tests performed during the quarter.

e. Any changes to the initial TRE plan and schedule that are believed necessary.

iv. Finalizing a TRE

The permittee shall submit (to DEQ) a final report on TRE activities no later than twenty-eight (28) months from confirming toxicity in the retests, which provides information pertaining to the specific control mechanism selected that will, when implemented, result in reduction of effluent toxicity to no significant toxicity at the critical dilution. The report will also provide a specific corrective action schedule for implementing the selected control mechanism.

A TRE may be stopped if there is no toxicity at the critical dilution for a period of 12 consecutive months (with at least monthly testing) following confirmation of toxicity in the retests. The permittee would submit a final report to DEQ at that time.

v. Quarterly testing during the TRE is a minimum monitoring requirement. EPA recommends that permittees required to perform a TRE not rely on quarterly testing alone to ensure success in the TRE, and that additional screening tests be performed to capture toxic samples for identification of toxicants. Failure to identify the specific chemical compound causing toxicity test failure will normally result in a permit limit for whole effluent toxicity limits per federal regulations at 40 C.F.R. § 122.44(d)(1)(v).

6. Minimum Quantification Level

The permittee may use any EPA approved method based on 40 C.F.R. Part 136 provided the minimum quantification level (MQL) for the chosen method is equal to or less than what has been specified in chart below:

Pollutant	MQL (µg/l)
Total Recoverable Arsenic	0.5

The permittee may develop a matrix specific method detection limit (MDL) in accordance with Appendix B of 40 C.F.R. Part 136. For any pollutant for which the permittee determines a site specific MDL, the permittee shall send to DEQ, NPDES Permits Branch, a report containing QA/QC documentation, analytical results, and calculations necessary to demonstrate that a site specific MDL was correctly calculated. A site specific MQL shall be determined in accordance with the following calculation:

$$MQL = 3.3 \times MDL$$

Upon written approval by Permits Branch, the site specific MQL may be utilized by the permittee for all future Discharge Monitoring Report (DMR) calculations and reporting requirements.

7. Monitoring Frequency Reduction

With the exception of whole effluent toxicity testing (WET) requirements, the permittee may request a one-time monitoring frequency reduction for pollutants listed in Part I, Section A, *Effluent Limitations and Monitoring Requirements*. Any request for a monitoring frequency reduction must be submitted in writing to DEQ, and signed by the Responsible Official, in accordance with Part III.D.11.A of the permit.

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

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

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

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

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

8. Chlorophenolic-containing biocides

   The permittee has certified that no chlorophenolic-containing biocides are currently used. Any use of chlorophenolic-containing biocides will require a major modification of this permit.

9. Arkansas River monitoring requirements for the months of July through September

   The permittee shall maintain records of daily flows of the Arkansas River to document compliance with the requirements of this permit. Daily flow measurement shall be at the Arkansas River Lock and Dam No. 9 near Oppelo (ARK0031). The past 3-day flow averaging period shall be used to calculate appropriate mass effluent limitations.

   The following table shall be attached to each monthly DMR submitted to the Division for the months of July through September.

Day	Arkansas River Flow (cfs)	Calculated past 3-day avg. flow (cfs)	BOD_5 (based on composite sample) (mg/l)	Actual BOD_5 discharged (lbs/day)	Flow ≤ 743 cfs BOD_5 (lbs/day)	743 cfs < Flow ≤ 1,446 cfs BOD_5 ((lbs/day)/cfs)
1						
2						
3						
etc.						
Monthly Avg.						
Daily Max.						

10. Clean Water Act Section 316(b) Conditions

    A. The facility shall operate a cooling water intake structure (CWIS) with a maximum through-screen design velocity of 0.5 ft/sec.

    B. The permittee shall maintain the intake screens in good working condition at all times.

    C. The permittee shall maintain the open area of the intake screens by back-flushing the screens at a minimum frequency of twice per year, or more frequently if intake flow decreases due to leaf litter, silt, sticks, etc.

    D. The permittee shall maintain records of the back-flushing events. These records shall include the date and duration of each back-flush event, and intake flow before and after each back-flush event. These records shall be kept on site and made available for inspection by Division personnel upon request.

PART III
STANDARD CONDITIONS

SECTION A – GENERAL CONDITIONS

1. **Duty to Comply**

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

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

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

3. **Permit Actions**

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

A. Violation of any terms or conditions of this permit.
B. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts.
C. A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge.
D. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.
E. Failure of the permittee to comply with the provisions of APC&EC Rule 9 (Permit fees) as required by Part III.A.11 herein.

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

4. **Toxic Pollutants**

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

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

5. **Civil and Criminal Liability**

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

6. **Oil and Hazardous Substance Liability**

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

7. **State Laws**

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

8. **Property Rights**

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

9. **Severability**

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

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

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

11. **Permit Fees**

The permittee shall comply with all applicable permit fee requirements (i.e., including annual permit fees following the initial permit fee that will be invoiced every year the permit is active) for wastewater discharge permits as described in APC&EC Rule 9 (Rule for the Fee System for Environmental Permits). Failure to promptly remit all required fees shall be grounds for the Director to initiate action to terminate this permit under the provisions of 40 C.F.R. §§ 122.64 and 124.5(d), as adopted in APC&EC Rule 6 and the provisions of APC&EC Rule 8.

SECTION B – OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. **Proper Operation and Maintenance**

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

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

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

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

This requirement applies, for example, when the primary source of power for the treatment facility is reduced, is lost, or alternate power supply fails.

3. **Duty to Mitigate**

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

4. **Bypass of Treatment Facilities**

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

A. Bypass not exceeding limitation

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

B. Notice

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

C. Prohibition of bypass

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

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

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

5. **Upset Conditions**

A. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Part III.B.5.B of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

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

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

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

6. **Removed Substances**

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

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

7. **Power Failure**

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

SECTION C – MONITORING AND RECORDS

1. **Representative Sampling**

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before

the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Director. Intermittent discharge shall be monitored.

2. **Flow Measurement**

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

Calculated Flow Measurement

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

3. **Monitoring Procedures**

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

4. **Penalties for Tampering**

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

5. **Reporting of Monitoring Results**

40 C.F.R. § 127.11(a)(1) and 40 C.F.R. § 127.16(a) require that monitoring reports must be reported on a Discharge Monitoring Reports (DMR) and filed electronically. Signatory

Authorities must initially request access for a NetDMR account. Once a NetDMR account is established, access to electronic filing should use the following link https://cdx.epa.gov. Permittees who are unable to file electronically may request a waiver from the Director in accordance with 40 C.F.R. § 127.15. Monitoring results obtained during the previous monitoring period shall be summarized and reported on a DMR dated and submitted no later than the 25th day of the month, following the completed reporting period beginning on the effective date of the permit.

6. **Additional Monitoring by the Permittee**

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

7. **Retention of Records**

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

8. **Record Contents**

Records and monitoring information shall include:

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

9. **Inspection and Entry**

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

A. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.

B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit.
C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit.
D. Sample, inspect, or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

SECTION D – REPORTING REQUIREMENTS

1. **Planned Changes**

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

A. The alteration or addition to a permitted facility may meet one of the criteria for new sources at 40 C.F.R. § 122.29(b).
B. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to the notification requirements under 40 C.F.R. § 122.42(b).

2. **Anticipated Noncompliance**

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

3. **Transfers**

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

4. **Monitoring Reports**

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

5. **Compliance Schedule**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date. Any reports of noncompliance shall include the

cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

6. **Twenty-four Hour Report**

Please be aware that the notifications can be sent by email to water-enforcement-report@adeq.state.ar.us or at 501-682-0624 for immediate reporting:

A. The permittee shall report any noncompliance which may endanger health or the environment within 24 hours from the time the permittee becomes aware of the circumstances to the Enforcement Branch of the Office of Water Quality of DEQ. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain the following information:

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

B. The following must be reported within 24 hours:

1. Any unanticipated bypass which exceeds any effluent limitation in the permit.
2. Any upset which exceeds any effluent limitation in the permit.
3. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part I of the permit.

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

7. **Other Noncompliance**

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

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

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

A. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant including those listed in 40 C.F.R. § 401.15 which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" described in 40 C.F.R. § 122.42(a)(1).

B. That any activity has occurred or will occur which would result in any discharge on a non-routine or infrequent basis of a toxic pollutant including those listed in 40 C.F.R. § 401.15 which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" described in 40 C.F.R. § 122.42(a)(2).

9. **Duty to Provide Information**

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

10. **Duty to Reapply**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The complete application shall be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be implemented through procedures outlined by APC&EC Rule 6.

11. **Signatory Requirements**

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

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

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

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

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

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

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

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

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

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

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

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

12. **Availability of Reports**

Except for data determined to be confidential under 40 C.F.R. Part 2 and APC&EC Rule 6, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Division of Environmental Quality. As required by the Rules, the name and address of any permit applicant or permittee, permit applications, permits, and effluent data shall not be considered confidential.

13. **Penalties for Falsification of Reports**

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

14. **Other Information**

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

PART IV
DEFINITIONS

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

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

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

24. **"Monitoring and Reporting"**
    NPDES permits specify monitoring and reporting requirements for specific periods defined as follows:
    A. **"MONTHLY"** means a calendar month, or any portion of a calendar month, for monitoring requirement frequency of once/month or more frequently.
    B. **"BI-MONTHLY"** means two (2) calendar months or any portion of 2 calendar months for monitoring requirement frequency of once/2 months or more frequently.
    C. **"QUARTERLY"** means:
        1. a **fixed calendar quarter** (or any part of the fixed calendar quarter) for a non-seasonal effluent characteristic with a measurement frequency of once/quarter. Fixed calendar quarters are: January through March, April through June, July through September, and October through December; **OR**
        2. a **fixed three month period** (or any part of the fixed three month period) of, or dependent upon, the seasons specified in the permit for a seasonal effluent characteristic with a monitoring requirement frequency of once/quarter that does not coincide with the fixed calendar quarter. Seasonal calendar quarters are: May through July, August through October, November through January, and February through April.
    D. **"SEMI-ANNUAL"** means the fixed time periods January through June, and July through December (or any portion thereof) for an effluent characteristic with a measurement frequency of once/6 months.
    E. **"ANNUAL" or "YEARLY"** means a fixed calendar year, or any portion of the fixed calendar year, for an effluent characteristic or parameter with a measurement frequency of once/year. A calendar year is January through December, or any portion thereof.
25. **"Monthly Average"** means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month, divided by the number of "daily discharges" measured during that month. For Fecal Coliform Bacteria (FCB) or *E. coli*, report the Monthly Average as the geometric mean of all "daily discharges" within a calendar month.
26. **"National Pollutant Discharge Elimination System (NPDES)"** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under Sections 307, 402, 318, and 405 of the Act.
27. "**NOEC**" means No Observed Effect Concentration.
28. **"Pass Through"** means a discharge which exits the POTW in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
29. **"Percent Removal"** means a percentage expression of the removal efficiency across a treatment plant for a given pollutant parameter, as determined from the 30-day average values of the effluent pollutant concentrations for a given time period.
30. **"PMSD"** means Percent Minimum Significant Difference.
31. **"POTW"** means Publicly Owned Treatment Works, as defined in 40 C.F.R. § 403.3(q).
32. **"Severe property damage"** means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in products.

33. **"Sewage sludge"** means any solid, semi-solid, or liquid residue removed during the treatment of municipal waste water or domestic sewage. Sewage sludge includes, but is not limited to, solids removed during primary, secondary, or advanced waste water treatment, scum, septage, portable toilet pumpings, type III marine sanitation device pumpings (33 C.F.R. Part 159), and sewage sludge products. Sewage sludge does not include grit or screenings, or ash generated during the incineration of sewage sludge.
34. **"Treatment works"** means any devices and systems used in storage, treatment, recycling, and reclamation of municipal sewage and industrial wastes, of a liquid nature to implement section 201 of the Act, or necessary to recycle reuse water at the most economic cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities, and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.
35. **Units of Measure:**
    A. **"cfs"** means cubic feet per second.
    B. **"MGD"** means million gallons per day.
    C. **"µg/l"** means micrograms per liter, or parts per billion (ppb).
    D. **"mg/l"** means milligrams per liter, or parts per million (ppm).
    E. **"ppb"** means parts per billion.
    F. **"ppm"** means parts per million.
    G. **"s.u."** means standard units.
    H. **"lb/d"** means pounds per day.
    I. **"col/100 ml"** means colonies per 100 milliliters, or most probable number (MPN) per 100 milliliters.
36. **"Upset"** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. Any upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventive maintenance, or careless or improper operations.
37. **"Visible sheen"** means the presence of a film or sheen upon or a discoloration of the surface of the discharge. A sheen can also be from a thin glistening layer of oil on the surface of the discharge.
38. **"Week"** means a calendar week, consisting of the 7-day period of Sunday through Saturday.
39. **"Weekday"** means Monday – Friday.

Final Fact Sheet

This Fact Sheet is for information and justification of the permit requirements only. Please note that it is not enforceable. This permitting decision is for the renewal of discharge Permit Number AR0001830 with Arkansas Department of Energy and Environment – Division of Environmental Quality (DEQ) Arkansas Facility Identification Number (AFIN) 15-00001 to discharge to Waters of the State.

1. PERMITTING AUTHORITY

The issuing office is:

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

2. APPLICANT

The applicant's mailing and facility address is:

Green Bay Packaging Inc. - Arkansas Kraft Division
338 Highway 113 South
Morrilton, AR 72110

3. PREPARED BY

The permit was prepared by:

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4. PERMIT ACTIVITY

Previous Permit Effective Date:	May 1, 2018
Previous Permit Modification Date:	August 1, 2022
Previous Permit Expiration Date:	April 30, 2023

The permittee submitted a permit renewal application on October 24, 2022, with all additional information received by May 5, 2023. The previous discharge permit is reissued for a 5-year term in accordance with regulations promulgated at 40 C.F.R. § 122.46(a).

DOCUMENT ABBREVIATIONS

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

APC&EC - Arkansas Pollution Control and Ecology Commission
BAT - best available technology economically achievable
BCT - best conventional pollutant control technology
BMP - best management practice
BOD_5 - five-day biochemical oxygen demand
BPJ - best professional judgment
BPT - best practicable control technology currently available
$CBOD_5$ - carbonaceous biochemical oxygen demand
CD - critical dilution
C.F.R. - Code of Federal Regulations
cfs - cubic feet per second
COD - chemical oxygen demand
COE - United States Corp of Engineers
CPP - continuing planning process
CWA - Clean Water Act
DMR - discharge monitoring report
DO - dissolved oxygen
ELG - effluent limitation guidelines
EPA - United States Environmental Protection Agency
ESA - Endangered Species Act
FCB - fecal coliform bacteria
gpm - gallons per minute
MGD - million gallons per day
MQL - minimum quantification level
NAICS - North American Industry Classification System
NH_3-N - ammonia nitrogen
$NO_3 + NO_2$-N - nitrate + nitrite nitrogen
NPDES - National Pollutant Discharge Elimination System
O&G - oil and grease
Rule 2 - APC&EC Rule 2
Rule 6 - APC&EC Rule 6
Rule 8 - APC&EC Rule 8
Rule 9 - APC&EC Rule 9
RP - reasonable potential
SIC - standard industrial classification
TDS - total dissolved solids
TMDL - total maximum daily load
TP - total phosphorus
TRC - total residual chlorine
TSS - total suspended solids
UAA - use attainability analysis
USF&WS - United States Fish and Wildlife Service
USGS - United States Geological Survey

WET - whole effluent toxicity
WQMP - water quality management plan
WQS - Water Quality standards
WWTP - wastewater treatment plant

Compliance and Enforcement History:

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

https://echo.epa.gov

https://www.adeq.state.ar.us/home/pdssql/pds.aspx

5. SIGNIFICANT CHANGES FROM THE PREVIOUSLY ISSUED PERMIT

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

1. The permittee mailing address and driving directions have been removed from the cover page.
2. The coordinates for the facility and Outfall 001 have been corrected.
3. Sampling frequencies for BOD_5, TSS, *E. coli*, and pH have been revised. See Section 15 below for details.
4. Total Recoverable Arsenic monitoring and reporting requirements have been added at a frequency of once/quarter for one year. See Section 11.G below for details.
5. Production-based mass limits for BOD_5 and TSS have been changed, based upon updated information included with the permit application. See Sections 11.E and 11.F below for details.
6. The upper range of upstream flow during the months of July through September has changed from 1,249 cfs to 1,446 cfs, during which time the water quality-based BOD_5 limit of 8.08 lbs/day/cfs applies. See Section 11.F below for details.
7. The WET testing requirements in Part II.5 have been revised.
8. Part II.6, the minimum quantification level for Total Recoverable Arsenic, has been included in the permit.
9. A monitoring frequency reduction condition has been added as Part II.7.
10. The Twenty-four Hour Report condition in Part III.D.6 has been revised.
11. The Changes in Discharge of Toxic Substances for Industrial Dischargers condition in Part III.D.8 has been revised.

6. RECEIVING STREAM SEGMENT AND DISCHARGE LOCATION

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

Latitude: 35° 05’ 35.00” N; Longitude: 92° 43’ 56.99” W

The receiving waters named:

the Arkansas River in Segment 3F of the Arkansas River Basin. The receiving stream with Assessment Unit AR_11110203_026 is a Water of the State classified for primary and secondary contact recreation; raw water source for domestic (public and private), industrial, and agricultural water supplies; propagation of desirable species of fish and other aquatic life; and other compatible uses.

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

A. 303(d) List

The receiving stream is not listed on the 2018 303(d) list. Therefore, no permit action is needed.

B. Applicable Total Maximum Daily Load (TMDL) Reports

There are no applicable TMDLs for the receiving stream.

C. Endangered Species

No comments on the application were received from the USF&WS. The draft permit and Fact Sheet were sent to the USF&WS for their review.

D. Anti-Degradation

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

8. OUTFALL, TREATMENT PROCESS DESCRIPTION, AND FACILITY CONSTRUCTION

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

A. Average Flow: 8.86 MGD (highest monthly average flow May 2021 – April 2023)

B. Type of Treatment: bar screen, primary clarifier, aerated lagoon, and a polishing basin. Sanitary wastewater is treated in a package plant, and discharged into the polishing basin.

C. Discharge Description: treated process wastewater, sanitary wastewater, and stormwater

D. Facility Status: This facility was evaluated using the NPDES Permit Rating Worksheet (MRAT) to determine the correct permitting status. Since the facility's MRAT score of 145 is greater than 80, this facility is classified as a major industrial.

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

9. ACTIVITY

Under the Standard Industrial Classification (SIC) code of 2631 or North American Industry Classification System (NAICS) code of 322130, the applicant's activities are the operation of an integrated paperboard mill which manufactures linerboard from wood chips and recycled materials for use in corrugated containers.

10. SEWAGE SLUDGE PRACTICES

Sludge from the clarifier is sent to sludge lagoon, belt press, and disposed of in the Arkansas Kraft Landfill covered under the Solid Waste Permit No. 284-S3N. The permittee also holds no-discharge permit 5201-R-3 for the land application of industrial waste.

5. DEVELOPMENT AND BASIS FOR PERMIT CONDITIONS

The Division of Environmental Quality has determined to issue a permit for the discharge described in the application. Permit requirements are based on federal regulations (40 C.F.R. Parts 122, 124, and Subchapter N), and rules promulgated pursuant to the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 et seq.). All of the information contained in the application, including all of the submitted effluent testing data, was reviewed to determine the need for effluent limits and other permit requirements.

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

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

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

Parameter	Water Quality-Based		Technology-Based		Previous Permit		Final Permit	
	Monthly Avg. mg/l	Daily Max. mg/l	Monthly Avg. mg/l	Daily Max. mg/l	Monthly Avg. mg/l	Daily Max. mg/l	Monthly Avg. mg/l	Daily Max. mg/l
BOD_5 (year-round)	Report	Report	11,682.4 lbs/day	22,207.7 lbs/day	10,090 lbs/day	19,181 lbs/day	11,682.4 lbs/day	22,207.7 lbs/day
Additional limitations for BOD_5 for the months of July through September								
$Q_s \leq 743$ cfs	6,000.0 lbs/day	9,000.0 lbs/day	11,682.4 lbs/day[1]	22,207.7 lbs/day	6,000 lbs/day	9,000 lbs/day	6,000.0 lbs/day	9,000.0 lbs/day
743 cfs < $Q_s \leq$ 1,446 cfs[1]	8.08 lbs/day/ cfs	12.12 lbs/day/ cfs	11,682.4 lbs/day[1]	22,207.7 lbs/day	8.08 lbs/day/ cfs	12.12 lbs/day/ cfs	8.08 lbs/day/ cfs	12.12 lbs/day/ cfs
TSS	N/A	N/A	16,910.4 lbs/day	34,151.4 lbs/day	14,316 lbs/day	25,911 lbs/day	16,910.4 lbs/day	34,151.4 lbs/day
As	N/A	N/A	Report	Report	N/A	N/A	Report	Report
E. coli (col/100ml)								
(January – April)	Report	2050	N/A	N/A	Report	2050	Report	2050
(May – June)	Report	410	N/A	N/A	Report	410	Report	410
(July – Sept)	Report	410	N/A	N/A	Report	410	Report	410
(Oct – Dec)	Report	2050	N/A	N/A	Report	2050	Report	2050
pH	6.0-9.0 s.u.		6.0-9.0 s.u.		6.0-9.0 s.u.		6.0-9.0 s.u.	

[1] Upper range of applicable background flow was 1,249 cfs in the previous permit. It has been updated based on the revised technology-based limit and the calculation procedure of the upper flow tier, as shown in footnote * of the last table in Section F below.

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

Parameter	Water Quality or Technology	Justification
BOD_5 (year-round)	Technology	ELGs in 40 C.F.R. Part 430 Subparts C and L (40 C.F.R. §§ 430.32 and 122)
BOD_5 (July- Sept $Q_s \leq 1{,}446$ cfs)	Water Quality	Water Quality Model dated September 13, 2023, CWA § 402(o), and previous permit
TSS	Technology	ELGs in 40 C.F.R. Part 430 Subparts C and L (40 C.F.R. §§ 430.32 and 122)
Arsenic[1]	Technology	Rule. 2.409 and the CPP (Appendix D, ADEQ Discharge Permit, Toxic Control Implementation Procedure § IV.C)
E. coli	Water Quality	Rule 2.507, CWA § 402(o), and previous permit
pH	Water Quality	Rule 2.504, CWA § 402(o), and previous permit

[1] For one year from the effective date of the permit. See Section 11.G.2 below for details.

B. **Anti-backsliding**

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

The permit maintains the requirements of the previous permit with the exception of revised limitations identified for BOD_5 and TSS. This revision is allowed because it is a production-based limit based on the information contained in the permit application, which is updated information not available at the time of the previous permit issuance.

C. **Limits Calculations**

1. Mass Limits:

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

Mass limitations for BOD_5 and TSS are based on Federal Effluent Limitations Guidelines promulgated under 40 C.F.R. Part 430 for Pulp, Paper, and Paperboard Point Source Category Subparts C and L, except for the limitations for BOD_5 for the months of July through September when the receiving stream flows are equal or below 1,446 cfs. At river flow $\leq$ 1,446 cfs, the mass limits for BOD_5 are water-quality based. At river flow > 1,446 cfs, the technology based effluent limit for BOD_5 becomes more stringent than the water quality-based effluent limit.

2. Daily Maximum Limits:

   The daily maximum limits for BOD_5 and TSS are based on Federal Effluent Limitations Guidelines promulgated under 40 C.F.R. 430 for Pulp, Paper, and Paperboard Point Source Category Subparts C and L, except for the daily maximum limitations for BOD_5 for the months of July through September, which are based on Section 5.4.2 of the Technical Support Document for Water Quality-Based Toxics Control:

   daily maximum limits = monthly average limits × 1.5

   The daily maximum limits for *E. coli* are based on Rule 2.507.

D. 208 Plan (Water Quality Management Plan)

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

1. Revise the technology based year-round monthly average BOD5 limit from 10,090 lb/day to 11,682.4 lb/day based on updated production rate.
2. Revise the technology based year-round monthly average TSS limits from 14,613 lb/day to 16,910.4 lb/day based on updated production rate.
3. Revise the upper range of upstream flow during July-September from 1,249 cfs to 1,446 cfs for which the water quality based limit of 8.08 lb/day/cfs applies.

E. Applicable Effluent Limitations Guidelines

Discharges from facilities of this type are covered by Federal effluent limitations guidelines promulgated under 40 C.F.R. Part 430 – Pulp, Paper, and Paperboard Point Source Category.

Based upon the permit application, the following production data are appropriate for establishing production-based limitations:

Operation, Product, Material, etc.	Average Daily Production (1000 lbs/day)	Applicable ELG
Kraft Pulp	2,047	Subpart C – Unbleached Kraft Subcategory
Purchased Pulp	1,653	Subpart L – Tissue, Filter, Non-woven, and Paperboard Subcategory

Subpart C – Unbleached Kraft Subcategory

Best Practicable Control Technology (BPT) limitations for BOD5, TSS, and pH:

The most stringent BOD_5, TSS, and pH limitations in the applicable ELGs are the BPT limitations under 40 C.F.R. § 430.32, and are listed in the following table:

BPT Limits (40 C.F.R. § 430.32)		
Pollutant	Limit (lbs / 1,000 lbs of product)	
	Monthly Average	Daily Maximum
BOD_5	2.8	5.6
TSS	6.0	12.0
pH	6.0-9.0 s.u.	

The technology-based effluent limitations can be found in the following table below. Mass limitations were calculated by multiplying the ELG limitations by 2,047 (the average daily production in units of 1000 lbs/day):

Pollutant	Categorical Standards (lbs / 1000 lbs of product)		Mass Permit Limitations (lbs/day)	
	Monthly Avg.	Daily Max.	Monthly Avg.	Daily Max.
BOD_5	2.8	5.6	5,731.6	11,463.2
TSS	6.0	12.0	12,282.0	24,564.0
pH	6.0-9.0 s.u.		N/A	

Best Available Technology Economically Achievable (BAT) limitations for Pentachlorophenol and Trichlorophenol:

BAT for Pentachlorophenol and Trichlorophenol limitations are specified in 40 C.F.R. § 430.34. The permittee certified that chlorophenolic-containing biocides are not used at the facility, in accordance with the above referenced regulation. Therefore, limitations for Pentachlorophenol and Trichlorophenol are not included in the permit.

Subpart L - Paperboard from Purchased Pulp Subcategory

BCT limitations for BOD_5, TSS, and pH:

The most stringent BOD_5, TSS, and pH limitations in the applicable ELGs are the BCT limitations under 40 C.F.R. § 430.122 (40 C.F.R. § 430.123 sets the BPT limitations the same as in 40 C.F.R. § 430.122), and can be seen in the following table:

BCT Limits (40 C.F.R. § 430.122)		
Pollutant	Limit (lbs / 1000 lbs of product)	
	Monthly Avg.	Daily Max.
BOD_5	3.6	6.5
TSS	2.8	5.8
pH	5.0-9.0 s.u.	

The technology-based effluent limitations can be found in the following table below. Mass limitations were calculated by multiplying the ELG limitations by the average daily production of 1,653 (the average daily production in units of 1000 lbs/day):

Pollutant	Categorical Standards (lbs / 1000 lbs of product)		Mass Permit Limitations (lbs/day)	
	Monthly Avg.	Daily Max.	Monthly Avg.	Daily Max.
BOD_5	3.6	6.5	5,950.8	10,744.5
TSS	2.8	5.8	4,628.4	9,587.4
pH	5.0-9.0 s.u.		N/A	

Best Available Technology Economically Achievable (BAT) limitations for Pentachlorophenol and Trichlorophenol:

BAT for Pentachlorophenol and Trichlorophenol limitations are specified in 40 C.F.R. § 430.124. The permittee certified that chlorophenolic-containing biocides are not used at the facility, in accordance with the above referenced regulation. Therefore, limitations for Pentachlorophenol and Trichlorophenol are not included in the permit.

Total Mass Technology-Based Limitations:

The total mass technology based limits are calculated by summing the subparts C and L:

Pollutant	Kraft Pulp (Subpart C)		Purchased Pulp (Subpart L)		Total Technology-Based Mass Limitations	
	Monthly Avg.	Daily Max.	Monthly Avg.	Daily Max.	Monthly Avg.	Daily Max.
BOD_5	5,731.6	11,463.2	5,950.8	10,744.5	11,682.4	22,207.7
TSS	12,282.0	24,564.0	4,628.4	9,587.4	16,910.4	34,151.4

The following technology-based equivalent concentrations have been calculated for each parameter using the equation shown below:

Technology-based concentration limit = Technology-based mass limit / (avg. flow × 8.34)

where the avg. flow is 8.86 MGD (highest monthly avg. flow May 2021 – April 2023)

Pollutant	Technology Based Mass Limitations (lbs/day)		Equivalent Technology Based Concentration Limitations (mg/l)	
	Monthly Avg.	Daily Max.	Monthly Avg.	Daily Max.
BOD_5	11,682.4	22,207.7	158.1	300.5
TSS	16,910.4	34,151.4	228.9	462.2

The combined waste stream formula is typically used to derive alternative concentration limitations where process wastewater is mixed prior to treatment with wastewaters other than those generated by the regulated process. Since the discharge is into a large river (Arkansas River), no concentration effluent limitations are included in the permit. The concentration limits were modeled to ensure that water quality standards are being met in the receiving stream. Mass limits for categorical waste streams were calculated and applied in this permit to the combined discharge from Outfall 001 (process wastewater, sanitary wastewater, and stormwater) assuring the most conservative approach by assuming no contribution from the non-process waste streams.

F. **BOD_5 Water Quality- and Technology-Based Limits**

The following limitations for BOD_5 were included in the previous permit:

Months	Arkansas River flow, Qs	Monthly Avg.	Daily Max.
Technology-based Year Round	N/A	10,090 lbs/day	19,181 lbs/day
Additional requirements for the months of July-Sept.	Qs ≤ 743 cfs	6,000 lbs/day	9,000 lbs/day
	743 cfs < Qs ≤ 1,249 cfs	8.08 lbs BOD_5/day/cfs of the Arkansas River	12.12 lbs BOD_5/day/cfs of the Arkansas River

Based on the updated production rate, the BOD_5 effluent limits have been recalculated as follows:

Months	Arkansas River flow, Qs	Monthly Avg.	Daily Max.
Technology-based Year Round	N/A	11,682.4 lbs/day	22,207.7 lbs/day
Additional requirements for the months of July- Sept.	Qs ≤ 743 cfs	6,000 lbs/day	9,000 lbs/day
	743 cfs < Qs ≤ 1,446 cfs*	8.08 lbs BOD_5/day/cfs of the Arkansas River**	12.12 lbs BOD_5/day/cfs of the Arkansas River***

*The upper range of the applicable background flow was calculated as follows:

(11,682.4 lbs/day)/8.08 lbs BOD_5/day/cfs of the Arkansas River = 1446 cfs

The 11,682.4 lbs/day for BOD_5 is a technology-based limit based on the production of the facility, as discussed in Section 11.E above. At river flow ≤ 1,446 cfs, the mass limits for BOD_5 are water quality-based. At river flow > 1,446 cfs, the technology-based effluent limit for BOD_5 becomes more stringent than the water quality-based effluent limit.

** Monthly Avg. limitations applicable at background flows of ≤ 7Q10 were calculated as follows:

(6,000 lbs/day)/743 cfs = 8.08 lbs BOD_5/day/cfs of the Arkansas River

*** Daily Max. limitations were calculated as follows:

Monthly Avg. x 1.5 = Daily Max.

G. **Priority Pollutant Scan (PPS)**

DEQ has reviewed and evaluated the effluent in accordance with the potential toxicity of each analyzed pollutant using the procedures outlined in the Continuing Planning Process (CPP).

The concentration of each pollutant after mixing with the receiving stream was compared to the applicable water quality standards as established in the Arkansas Water Quality Standards (AWQS), Rule 2 (Rule 2.508) and criteria obtained from the "Quality Criteria for Water, 1986 (Gold Book)."

Under Federal Regulation 40 C.F.R. § 122.44(d), as adopted by Rule 6, if a discharge poses the reasonable potential to cause or contribute to an exceedance above a water quality standard, the permit must contain an effluent limitation for that pollutant. Effluent limitations for the toxicants listed below have been derived in a manner consistent with the Technical Support Document (TSD) for Water Quality-based Toxics Control (EPA, March 1991), the CPP, and 40 C.F.R. § 122.45(c).

The following items were used in calculations:

Parameter	Value	Source
Discharge Flow = Q	8.86 MGD = 13.71 cfs	Application
7Q10 Background Flow	743 cfs	U.S.G.S.
LTA Background Flow	2229 cfs	Calculated[1]
TSS	10.5 mg/l	CPP
Hardness as $CaCO_3$	125 mg/l	CPP
pH	7.75 s.u.	ARK0031

Parameter	Value	Source
Background Arsenic conc.	3.54 µg/l	ARK0031
Background Copper conc.	1.84 µg/l	ARK0031
Background Nickel conc.	0.25 µg/l	ARK0031
Background Selenium conc.	0 µg/l (non-detect)	ARK0031
Background Zinc conc.	17.90 µg/l	ARK0031
Background Total Phenols conc.	not available	ARK0031

[1] LTA = 7Q10 × 3 based on the TSD

The following pollutants were reported above detection levels:

Pollutant[1]	Concentration Reported, µg/l	MQL, µg/l
Arsenic	18	0.5
Copper	30	0.5
Nickel	8.3	0.5
Selenium	12	5
Zinc	42	20
Total Phenols	5.5	5

[1] Single data point from PPS/EPA Form 2C from application.

Instream Waste Concentrations (IWCs) were calculated in the manner described in Appendix D of the CPP and compared to the applicable Criteria. The following tables summarize the results of the analysis. The complete evaluation can be viewed on the Division's website at the following address:

https://www.adeq.state.ar.us/downloads/WebDatabases/PermitsOnline/NPDES/PermitInformation/AR0001830_Toxicity%20Calculations_20230525.pdf

1. **Aquatic Toxicity Evaluation**

   a. Acute Criteria Evaluation

Pollutant	Concentration Reported (C_e) µg/l	$C_e \times 2.13$[1]	Instream Waste Concentration (IWC)	Criteria[2]	Reasonable Potential (Yes/No)
			Acute, µg/l	Acute, µg/l	
Arsenic	18	38.3	11.72	-	No
Copper	30	63.9	16.44	61.24	No
Nickel	8.3	17.7	4.35	4011.86	No
Selenium	12	25.6	6.01	20.00	No
Zinc	42	89.5	34.73	488.20	No
Phenols	5.5	11.7	2.76	-	No

[1] Statistical ratio used to estimate the 95th percentile using a single effluent concentration or the geometric mean of a dataset.
[2] Criteria are from Rule 2.508 unless otherwise specified.

b. Chronic Criteria Evaluation

Pollutant	Concentration Reported (C_e) µg/l	$C_e \times 2.13$[1]	Instream Waste Concentration (IWC)	Criteria[2]	Reasonable Potential (Yes/No)
			Chronic, µg/l	Chronic, µg/l	
Arsenic	18	38.3	5.93	-	No
Copper	30	63.9	6.11	40.06	No
Nickel	8.3	17.7	1.45	445.55	No
Selenium	12	25.6	1.76	5.00	No
Zinc	42	89.5	22.82	445.80	No
Phenols	5.5	11.7	0.81	-	No

[1] Statistical ratio used to estimate the 95th percentile using a single effluent concentration or the geometric mean of a dataset.
[2] Criteria are from Rule 2.508 unless otherwise specified.

2. **Human Health (Bioaccumulation) Evaluation**

Pollutant	Concentration Reported (C_e) µg/l	$C_e \times 2.13$[1]	Instream Waste Concentration (IWC)	Criteria[2]	Reasonable Potential (Yes/No)
Arsenic	18	38.3	3.75	1.4	Yes
Copper	30	63.9	2.22	13,000	No
Mercury	8.3	17.7	0.36	46,000	No
Nickel	12	25.6	0.16	42,000	No
Zinc	42	89.5	18.34	260,000	No
Phenols	5.5	11.7	0.07	-	No

[1] Statistical ratio used to estimate the 95th percentile using a single effluent concentration or the geometric mean of a dataset.
[2] Unless otherwise specified, criteria are adapted from "National Recommended Water Quality Criteria – Human Health Criteria Table," EPA. The respective WQC from the noted reference are Consumption of Organism Only values. The values from the reference are for a lifetime risk factor of 10^{-6}. These values have been multiplied by 10 to correspond to human health criteria lifetime risk factor of 10^{-5} as stated in Rule 2.508.

As can be seen in the tables above, the calculated IWC for Arsenic is higher than the EPA Water Quality Criterion. A.C.A. § 8-4-216 authorizes the Division to require the submission of any information relevant to meeting the requirements of the Arkansas Water and Air Pollution Control Act. A requirement to monitor and report for Total Recoverable Arsenic once per quarter for one year has been added to the permit so that, in the event that a WQS for Total Recoverable Arsenic is added to Rule 2.508, data will be available to perform a reasonable potential analysis. This is in accordance with the procedure in Appendix D of the CPP (Appendix D, Part IV – Chemical Specific Standards and Criteria, Section E – Protection of Human Health Criteria of the Discharge Permit, Toxic Control Implementation Procedure).

The CPP requires that for all pollutants for which there are no applicable state water standards, IWCs are to be compared with the EPA Human Health Criteria (fish consumption only). If dilution calculations show that the in-stream concentration exceeds these criteria,

the permit will require the permittee to monitor and report for the pollutant of concern once per quarter for one year only. A reopener clause has been included in the permit (see Part II.3) to provide permit limits if state water quality standards are developed for the applicable pollutants, and the data shows that there is a reasonable potential for the discharge to violate those water quality standards.

12. **316(B) REQUIREMENTS FOR COOLING WATER INTAKE STRUCTURES (CWIS)**

EPA promulgated the Existing Facilities Rule pursuant to Clean Water Act Section 316(b) on August 15, 2014. The rule became effective on October 14, 2014. This Existing Facilities Rule is found in Subpart J of 40 C.F.R. Part 125 (§§ 125.90 through 125.99). Subpart J establishes the 316(b) requirements that apply to CWIS at existing facilities for the purpose of minimizing adverse environmental impact associated with the use of CWIS. The requirements are established and implemented in NPDES permits.

Subpart J is applicable to existing facilities that commenced construction on or before January 17, 2002. Since this facility commenced construction prior to that date, this facility is defined as an existing facility as defined in 40 C.F.R. § 125.92(k). Existing facilities are subject to all provisions of Subpart J if all of the following items are true:

(1) The facility is a point source;

(2) The facility uses or proposes to use one or more CWIS with a cumulative design intake flow of greater than 2 million gallons per day (MGD) to withdraw water from waters of the United States; and

(3) Twenty-five percent (25%) or more of the water the facility withdraws on an actual intake flow basis is used exclusively for cooling purposes.

This facility is a point source, and the design intake flow of the CWIS associated with this facility is 11 MGD. However, this facility does not use 25% or more of the water withdrawn exclusively for cooling purposes. Based on the renewal application, the facility uses less than 5% of the water withdrawn for cooling purposes. Therefore, this facility is not subject to requirements under 40 C.F.R. §§ 125.94 through 125.99 of Subpart J for existing facilities. Pursuant to 40 C.F.R. § 125.90(b), the facility must meet 316(b) requirements established by the permitting authority on a case-by-case, best professional judgement (BPJ) basis.

The CWIS at this facility consists of two 24-inch diameter intake pipes leading to two (2) fixed intake screens submerged in the Arkansas River. Each screen is 8 feet long and 3.14 feet wide for a total screen area of 50.3 ft^2. The three (3) intake pumps have a combined rated intake capacity of 11 million gallons per day (17 cubic feet per second). All intake pumps operating at maximum pump capacity results in a maximum through-screen design velocity of 0.34 fps.

Based on the above information, this permit establishes the following BPJ requirements that will minimize any Adverse Environmental Impacts (AEI) from the cooling water intake structure (CWIS):

1. The permittee shall operate a CWIS with a maximum through-screen design velocity of 0.5 ft/sec.
2. The permittee shall maintain the intake screens in good working condition at all times.

3. The permittee shall maintain the open area of the intake screens by back-flushing the screens at a minimum frequency of twice per year, or more frequently if intake flow decreases due to leaf litter, silt, sticks, etc.
4. The permittee shall maintain records of the back-flushing events. These records shall include the date and duration of each back-flush event, and intake flow before and after each back-flush event. These records shall be kept on site and made available for inspection by Division personnel upon request.

13. WHOLE EFFLUENT TOXICITY

Section 101(a)(3) of the Clean Water Act states that "…it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited." In addition, DEQ is required under 40 C.F.R. § 122.44(d)(1), adopted by reference in Rule 6, to include conditions as necessary to achieve water quality standards as established under Section 303 of the Clean Water Act. Arkansas has established a narrative criteria which states, "toxic materials shall not be present in receiving waters in such quantities as to be toxic to human, animal, plant or aquatic life or to interfere with the normal propagation, growth and survival of aquatic biota."

Whole effluent toxicity (WET) testing is the most direct measure of potential toxicity which incorporates the effects of synergism of effluent components and receiving stream water quality characteristics. It is the national policy of EPA to use bioassays as a measure of toxicity to allow evaluation of the effects of a discharge upon a receiving water (49 Federal Register 9016-9019, March 9, 1984). EPA Region 6 and the State of Arkansas are now implementing the Post Third Round Policy and Strategy established on September 9, 1992, and EPA Region 6 Post-Third Round Whole Effluent Toxicity Testing Frequencies, revised March 13, 2000.

Whole effluent toxicity testing of the effluent is thereby required as a condition of this permit to assess potential toxicity. The whole effluent toxicity testing procedures stipulated as a condition of this permit are as follows:

TOXICITY TESTS	FREQUENCY
Chronic WET	once/quarter

Requirements for measurement frequency are based on the CPP.

Although the 7Q10 is greater than 100 cfs (ft^3/sec), the dilution ratio (DR) is less than 100:1. Therefore, chronic WET testing requirements will be included in the permit.

The calculations for dilution used for chronic WET testing are as follows:

Critical dilution (CD) = $(Q_d/(Q_d + Q_b)) \times 100$

Q_d = Average flow= 8.86 MGD = 13.71 cfs
7Q10 = 743 cfs
Q_b = Background flow = $0.25 \times$ 7Q10 = 185.75 cfs
CD = (13.71) / (13.71 + 185.75) × 100 = 6.9% → 7%

DR = 743 / 13.71 = 54.2 < 100

Toxicity tests shall be performed in accordance with protocols described in "Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms," EPA/600/4-91/002, July 1994. A minimum of five effluent dilutions in addition to an appropriate control (0%) are to be used in the toxicity tests. These additional effluent concentrations are **3%, 4%, 5%, 7%, and 9%** (See the CPP). The low-flow effluent concentration (critical dilution) is defined as **7**% effluent. The requirement for chronic WET tests is based on the magnitude of the facility's discharge with respect to receiving stream flow. The stipulated test species, *Ceriodaphnia dubia* and the Fathead minnow (*Pimephales promelas*), are representative of organisms indigenous to the geographic area of the facility; the use of these is consistent with the requirements of the State water quality standards. The WET testing frequency has been established to provide data representative of the toxic potential of the facility's discharge, in accordance with the regulations promulgated at 40 C.F.R. § 122.48.

Results of all dilutions as well as the associated chemical monitoring of pH, temperature, hardness, dissolved oxygen, conductivity, and alkalinity shall be reported according to EPA-821-R-02-013, October 2002, and shall be submitted as an attachment to the Discharge Monitoring Report (DMR).

This permit may be reopened to require further WET testing studies, Toxicity Reduction Evaluation (TRE) and/or effluent limits if WET testing data submitted to the Division shows toxicity in the permittee's discharge. Modification or revocation of this permit is subject to the provisions of 40 C.F.R. §122.62, as adopted by reference in APC&EC Rule 6. Increased or intensified toxicity testing may also be required in accordance with Section 308 of the Clean Water Act and Section 8-4-201 of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

Administrative Records

The following information summarizes toxicity tests submitted by the permittee during the term of the current permit at Outfall 001.

Permit Number:	AR00001830	AFIN:	15-00001	Outfall Number:	001
Date of Review:	9/28/2023	Reviewer:	M. Barnett		
Facility Name:	Green Bay Packaging Inc. - Arkansas Kraft Division				
Previous Dilution series:	3, 4, 5, 7, 9	Proposed Dilution Series:	3, 4, 5, 7, 9		
Previous Critical Dilution:	7	Proposed Critical Dilution:	7		
Previous TRE activities:	None				
Frequency recommendation by species					
Pimephales promelas (Fathead minnow):		once per quarter			
Ceriodaphnia dubia (water flea):		once per quarter			

TEST DATA SUMMARY

	Vertebrate		Invertebrate		
TEST DATE	Lethal	Sub-Lethal	Lethal	Sub-Lethal	
	NOEC	NOEC	NOEC	NOEC	
9/30/2018	9	9	9	9	
12/31/2018	9	9	9	9	
3/31/2019	9	9	9	9	
12/31/2019	9	9	9	9	
6/30/2020	9	9	9	9	
9/30/2020	9	9	9	**5**	
10/31/2020			9	9	retest 1
11/30/2020			9	9	retest 2
12/31/2020			9	9	retest 3
6/30/2021	9	9	9	9	
12/31/2021	9	9	9	9	
6/30/2022	9	9	9	9	
12/31/2022	9	9	9	9	
6/30/2023	9	9	9	9	

Failures noted in BOLD

REASONABLE POTENTIAL CALCULATIONS

	Vertebrate Lethal	Vertebrate Sub-lethal	Invertebrate Lethal	Invertebrate Sub-Lethal
Min NOEC Observed	9	9	9	5
TU at Min Observed	11.11	11.11	11.11	20.00
Count	11	11	14	14
Failure Count	0	0	0	1
Mean	11.111	11.111	11.111	11.746
Std. Dev.	0.000	0.000	0.000	2.376
CV	0	0	0	0.2
RPMF	0	0	0	1.2
Reasonable Potential	0.000	0.000	0.000	1.680
100/Critical dilution	14.286	14.286	14.286	14.286
Does Reasonable Potential Exist	No	No	No	No

PERMIT ACTION

P. promelas - Monitoring
C. dubia - Monitoring

14. STORMWATER REQUIREMENTS

The federal regulations at 40 C.F.R. § 122.26(b)(14) require certain industrial sectors to have NPDES permit coverage for stormwater discharges from the facility. These requirements include the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) to control the quality of stormwater discharges from the facility. This facility was issued stormwater permit coverage under NPDES Tracking number ARR00A634.

15. SAMPLE TYPE AND FREQUENCY

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

Requirements for sample type and sampling frequency for Arsenic are based on the CPP. Requirements for sample type and sampling frequency for discharge flow and Arkansas River flow are based on the previous discharge permit. Requirements for sample type and sampling frequency for all other parameters are based on the best engineering judgment of the permit writer and OWQ memo "OWQ Monitoring Frequency Reduction Guidelines for NPDES Permits, April 13, 2022."

Parameter	Previous Permit		Final Permit	
	Frequency of Sample	Sample Type	Frequency of Sample	Sample Type
Flow	continuous	record	continuous	record
Arkansas River Flow (cfs) (July – September)	daily	record	daily	record
BOD_5 (October – June)	three/week	composite	two/week	composite
BOD_5 Arkansas River flow ≤ 743 cfs (July – September)	three/week	composite	two/week	composite
BOD_5 743 cfs < Arkansas River flow ≤ 1,446 cfs (July – September)	three/week	calculate	two/week	calculate
TSS	three/week	composite	two/week	composite
As	N/A	N/A	once/quarter	grab
E. coli				
(January – April)	one/month	grab	once/4 months	grab
(May – June)	one/month	grab	once/2 months	grab
(July – Sept)	one/month	grab	once/quarter	grab
(Oct – Dec)	one/month	grab	once/quarter	grab
pH	three/week	grab	two/week	grab

16. PERMIT COMPLIANCE SCHEDULE

A Schedule of Compliance has not been included in this permit.

17. 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.

18. SOURCES

The following sources were used to draft the permit:

A. Application No. AR0001830 received October 24, 2022, with all additional information received by May 23, 2023.
B. Arkansas Water Quality Management Plan (WQMP).
C. APC&EC Rule 2.
D. APC&EC Rule 3.
E. APC&EC Rule 6, which incorporates by reference certain federal regulations included in Title 40 of the Code of Federal Regulations at Rule 6.104.
F. 40 C.F.R. Parts 122 and 125.
G. 40 C.F.R. Part 430.
H. Discharge permit file AR0001830.
I. Discharge Monitoring Reports (DMRs).
J. "2018 Integrated Water Quality Monitoring and Assessment Report," DEQ.
K. "2018 List of Impaired Waterbodies (303(d) List)," DEQ, May 2020.
L. "Low-Flow Characteristics and Regionalization of Low-Flow Characteristics for Selected Streams in Arkansas," U.S. Dept. of the Interior, U.S. Geological Survey, Scientific Investigations Report 2008-5065.
M. Continuing Planning Process (CPP).
N. "OWQ Guidelines for Decimal Places and Rounding Conventions in NPDES Permits" documented in a June 12, 2020 Interoffice Memorandum.
O. "OWQ Monitoring Frequency Reduction Guidelines for NPDES Permits," documented in an April 13, 2022 Interoffice Memorandum.
P. OWQ guidance memorandum "Recommended Monitoring Frequencies and Sample Types for NPDES Permits," July 31, 2023.
Q. Monitoring frequency evaluation.
R. Technical Support Document for Water Quality-based Toxic Control.
S. Inspection Report dated September 1, 2021.
T. Planning Review dated November 8, 2022.
U. Compliance Review dated November 17, 2022.
V. NPDES Permit Rating dated December 14, 2022.
W. Certification of No Chlorophenolic Biocides Use dated February 7, 2023.
X. Updated Form 2C Production Data dated February 7, 2023.
Y. Toxicity Calculations.
Z. Water Quality Model dated September 13, 2023.
AA. EPA Review.
BB. EPA 2nd Review.

19. PUBLIC NOTICE

The public notice of the draft permit was published for public comment on May 5, 2024. The last day of the comment period was thirty (30) days after the publication date. No public comments were received on the draft permit.

Copies of the draft permit and public notice were sent via email to the Corps of Engineers, the Regional Director of the U.S. Fish and Wildlife Service, the Department of Parks, Heritage, and Tourism, the EPA, and the Arkansas Department of Health.

20. PERMIT FEE

In accordance with Rule 9.403(A)(1), the annual fee for the permit is $15,000.

This facility is billed under Fee Code J.

21. POINT OF CONTACT

For additional information, contact:

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