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.),

Maverick Tube Corporation

is authorized to discharge treated sanitary wastewater from a facility located as follows: 4950 North County Road #967, Blytheville, AR 72316, in Mississippi County. Facility Coordinates: Latitude: 35° 56’ 03.06” N; Longitude: 89° 45’ 29.66” W

The facility discharges to receiving waters named:

through a six-inch pipe to Ditch No. 38, thence to Crooked Bayou, thence to Pemiscot Bayou (Ditch No. 29), thence to the Little St. Francis River, thence to the St. Francis River in Segment 5C of the St. Francis River Basin.

The outfall is located at the following coordinates:

Outfall 001: Latitude: 35° 55’ 44.90” N; Longitude: 89° 45’ 06.98” 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: October 1, 2025
Expiration Date: September 30, 2030

Digitally signed by Stacie R. Wassell
DN: cn=Stacie R. Wassell, o=Division of Environmental Quality, ou=Office of Water Quality, email=stacie.wassell@adeq.state.ar.us, c=US
Date: 2025.09.23 10:22:30 -05'00'

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

September 23, 2025
Issue Date

PART I
PERMIT REQUIREMENTS

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

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

Effluent Characteristics	**Discharge Limitations**				**Monitoring Requirements**	
	Mass (lbs/day, else specified)		Concentration (mg/l, else specified)		Frequency	Sample Type
	Monthly Avg.	Daily Max.	Monthly Avg.	Daily Max.		
Flow	N/A	N/A	Report, MGD	Report, MGD	two/week	instantaneous
Carbonaceous Biochemical Oxygen Demand ($CBOD_5$)	2.5	3.8	20	30	once/quarter	grab
Total Suspended Solids (TSS)	3.8	5.6	30.0	45.0	once/quarter	grab
Ammonia Nitrogen (NH_3-N)						
(April)	0.7	0.7	5.2	5.2	once/month	grab
(May – October)	0.6	0.9	5.0	7.5	once/quarter	grab
(November – March)	1.5	1.8	12.0	14.7	once/5 months	grab
Dissolved Oxygen (DO)						
(May – October)	N/A	N/A	3.0 (Inst. Min.)		once/quarter	grab
(November – April)	N/A	N/A	2.0 (Inst. Min.)		once/quarter	grab
Fecal Coliform Bacteria (FCB)			(colonies/100ml)			
	N/A	N/A	1000	2000 (7-Day Avg.)	once/quarter	grab
Total Residual Chlorine (TRC)[1]						
INTERIM:	N/A	N/A	Report (Inst. Max.)[2, 3]		once/quarter	grab
FINAL:	N/A	N/A	0.011 (Inst. Max.)[2, 4]		once/quarter	grab
Effluent Temperature[5]	N/A	N/A	Report (°F)		once/quarter	grab
pH	N/A	N/A	Minimum 6.0 s.u.	Maximum 9.0 s.u.	once/quarter	grab

[1] TRC must be measured using any approved test method established in 40 C.F.R. Part 136 capable of meeting a minimum quantification level (MQL) of 0.033 mg/l or lower. If TRC is not reportable at the required MQL (i.e., lab result is "ND"), report "0" on the Discharge Monitoring Report (DMR). Report the concentration if TRC is quantifiable and measured in the sample at or above this or an alternatively approved MQL.

[2] The effluent limitation for TRC is the instantaneous maximum and cannot be averaged for reporting purposes. TRC shall be measured within fifteen (15) minutes of sampling.

[3] Interim limit begins on the effective date and lasts for three years.

[4] Final limit begins three years from the effective date of the permit and lasts until the date of expiration.

[5] Effluent temperature monitoring is only required for the first 4 quarters after the effective date of the permit.

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

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

SECTION B. PERMIT COMPLIANCE SCHEDULE

1. Compliance with the Final Effluent Limitations for TRC is required three years after the effective date of the permit. The permittee shall submit progress reports addressing the progress towards attaining the Final Effluent Limitations for the aforementioned parameters according to the following schedule:

ACTIVITY	DUE DATE
Progress Report[1, 2]	One (1) year from effective date
Progress Report[1, 3]	Two (2) years from effective date
Achieve Final Compliance[1, 4]	Three (3) years from effective date

All progress reports must be submitted to the Division at the following address:

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

Information can also be submitted electronically via email at EE.Water.Enforcement.Report@arkansas.gov.

[1] The required progress report must state if the levels of the aforementioned parameter are above or below the Final Effluent Limitation.

[2] If the levels of the aforementioned parameter are below the Final Effluent Limitation, the final limits become effective one year and 30 days from the effective date. All subsequent Activity Milestones listed in this Compliance Schedule will be effectively met.

If the levels of the aforementioned parameter are above the Final Effluent Limitation, the progress report must detail how the permittee plans to come into compliance with the final limits within the remaining 2 years of the interim period. The progress report must list the options that were considered and justification for the chosen option must be included. Any Best Management Practices (BMPs) that have been instituted to reduce the concentration in the influent must also be discussed. If a study will be performed, a milestone schedule for the study must be provided.

The permittee has the option to undertake any study deemed necessary to meet the final limitations during the interim period. Any additional treatment (including chemical addition) must be approved (including any necessary construction permits) prior to installation.

[3] The second Progress Report must contain an update on the status of the chosen option from the initial Progress Report. If the facility is not meeting any of the milestones provided in

the initial Progress Report, the facility must update the milestone schedule to show how the final limits will be met by the deadline.

4 A final Progress Report must be submitted no later than 30 days following the final compliance date and include a certification that the final effluent limit was met on the effective date and that the limits are still being met.

PART II
OTHER CONDITIONS

1. The operator of this wastewater treatment facility shall be licensed as at least Class II by the State of Arkansas in accordance with PC&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.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 along with the collection system to prevent or reduce the pollution of waters of the State from stormwater runoff, spills or leaks, sludge or waste disposal, or drainage from raw sewage. The permittee must amend the BMPs whenever there is a change in the facility or a change in the operation of the facility.

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 PC&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 PC&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 PC&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 PC&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 PC&EC Rule 6 and the provisions of PC&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, use the following link to access electronic filing: 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.

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 EE.Water.Enforcement.Report@arkansas.gov 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 by 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 permittee shall notify the Director as soon as he/she knows or has reason to believe:

A. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant 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 PC&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 PC&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" ("average weekly")** 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
2. **"Act"** the Clean Water Act, Public Law 95-217 (33.U.S.C. 1251 et seq.) as amended
3. **"Administrator"** the Administrator of the U.S. Environmental Protection Agency
4. **"PC&EC"** the Pollution Control and Ecology Commission
5. **"Applicable effluent standards and limitations"** all State and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, and pretreatment standards
6. **"Applicable water quality standards"** all water quality standards to which a discharge is subject under the federal Clean Water Act and which has been (a) approved or permitted to remain in effect by the Administrator following submission to the Administrator pursuant to Section 303(a) of the Act, or (b) promulgated by the Director pursuant to Section 303(b) or 303(c) of the Act, and standards promulgated under (PC&EC) Rule 2, as amended
7. **"Best Management Practices (BMPs)"** activities, practices, maintenance procedures, and other management practices designed to prevent or reduce the pollution of waters of the State; includes treatment technologies, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw sewage; may include structural devices or nonstructural practices
8. **"Bypass"** 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"** 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. **"Daily Discharge"** 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
11. **"Daily Maximum"** the highest allowable "daily discharge" during the calendar month
12. **"Director"** the Director of the Division of Environmental Quality

13. **"Dissolved oxygen limit"** shall be defined as follows:
    A. when limited in the permit as a minimum monthly average, shall mean the lowest acceptable monthly average value, determined by averaging all samples taken during the calendar month.
    B. when limited in the permit as an instantaneous minimum value, shall mean that no value measured during the reporting period may fall below the stated value
14. **"Division"** the Division of Environmental Quality (**DEQ**)
15. **"*E. coli*"** a sample consists of one effluent grab portion collected during a 24-hour period at peak loads; for *E. coli*, report the 7-Day Average as the geometric mean of all "daily discharges" within a calendar week and the Monthly Average as the geometric mean of all "daily discharges" within a calendar month, in colonies per 100 ml
16. **"Fecal Coliform Bacteria (FCB)"** a sample consists of one effluent grab portion collected during a 24-hour period at peak loads; for FCB, report the 7-Day Average as the geometric mean of all "daily discharges" within a calendar week and the Monthly Average as the geometric mean of all "daily discharges" within a calendar month, in colonies per 100 ml
17. **"Grab sample"** an individual sample collected in less than 15 minutes in conjunction with an instantaneous flow measurement
18. **"Industrial User"** a nondomestic discharger, as identified in 40 C.F.R. Part 403, introducing pollutants to a publicly owned treatment works (POTW)
19. **"Instantaneous flow measurement"** 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
20. **"Instantaneous Maximum"** no value measured during the reporting period may fall above the stated value
21. **"Instantaneous Minimum"** no value measured during the reporting period may fall below the stated value
22. **"Monitoring and Reporting"** when a permit becomes effective, monitoring requirements are of the immediate period of the permit effective date; for monitoring requirements for an effluent characteristic of monthly or more frequently, the Discharge Monitoring Report (DMR) shall be submitted by the 25th of the month following the sampling; for monitoring requirements for an effluent characteristic of Quarterly, Semi-Annual, Annual, or Yearly, the DMR shall be submitted by the 25th of the month following the monitoring period end date
    A. **MONTHLY** a calendar month or any portion of a calendar month for monitoring requirement frequency of once/month or more frequently.
    B. **BI-MONTHLY** two (2) calendar months or any portion of 2 calendar months for monitoring requirement frequency of once/2 months or more frequently
    C. **QUARTERLY:**
        1. a **fixed calendar quarter** or any part of the fixed calendar quarter for a non-seasonal effluent characteristic with a measurement frequency of once/quarter; fixed calendar quarters are January through March, April through June, July through September, and October through December
        2. 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** 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** a fixed calendar year (January through December) or any portion of the fixed calendar year for an effluent characteristic or parameter with a measurement frequency of once/year

23. **"Monthly Average"** the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month; for Fecal Coliform Bacteria (FCB) or *E. coli*, report the Monthly Average as the geometric mean of all "daily discharges" within a calendar month (see Part IV.15 and IV.16 above)
24. **"National Pollutant Discharge Elimination System"** the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under Sections 307, 402, 318, and 405 of the Clean Water Act
25. **"POTW"** Publicly Owned Treatment Works; a treatment works (see Part IV.29 below) which is owned by a state or municipality
26. **"Reduction of $CBOD_5$/BOD_5 and TSS Formula"** [(Influent – Effluent) / Influent] × 100
27. **"Severe property damage"** 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; does not include economic loss caused by delays in products
28. **"Sewage sludge"** the solids, residues, and precipitate separated from or created in sewage by the unit processes at a POTW; any wastes, including wastes from humans, households, commercial establishments, industries, and stormwater runoff that are discharged to or otherwise enter a POTW
29. **"Treatment works"** any devices and systems used in storage, treatment, recycling, and reclamation of municipal sewage and industrial wastes, of a liquid nature to implement section 201 of the Act, or necessary to recycle reuse water at the most economic cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities, and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment
30. **Units of Measure:**

"cfs"	cubic feet per second
"µg/l"	micrograms per liter or parts per billion (ppb)
"mg/l"	milligrams per liter or parts per million (ppm)
"MGD"	million gallons per day
"ppm"	parts per million
"s.u."	standard units

31. **"Upset"** 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; does not include noncompliance to the extent caused by operational

error, improperly designed treatment facilities, lack of preventive maintenance, or careless or improper operations

32. **"Visible sheen"** the presence of a film or sheen upon or a discoloration of the surface of the discharge; a sheen can also be from a thin glistening layer of oil on the surface of the discharge
33. **"Week"** means a calendar week, consisting of the 7-day period of Sunday through Saturday.
34. **"Weekday"** Monday – Friday.

Final Statement of Basis

This Statement of Basis is for information and justification of the permit requirements only. Please note that it is not enforceable. This permitting decision is for renewal of the discharge Permit Number AR0046523 with Arkansas Department of Energy and Environment - Division of Environmental Quality (DEQ) Arkansas Facility Identification Number (AFIN) 47-00251 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 address and physical location is:

Maverick Tube Corporation
4950 North County Road 967
Blytheville, AR 72315

3. PREPARED BY

The permit was prepared by:

Kai Imamura, P.E.
Engineer
NPDES Discharge Permits Section
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Office of Water Quality

4. PERMIT ACTIVITY

Previous Permit Effective Date:	February 1, 2018
Previous Permit Expiration Date:	January 31, 2023

The permittee submitted a permit renewal application on August 3, 2022, with all additional information received on August 29, 2022. The previous discharge permit is being 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:

PC&EC - 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 - PC&EC Rule 2
Rule 6 - PC&EC Rule 6
Rule 8 - PC&EC Rule 8
Rule 9 - PC&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 link:

https://www.adeq.state.ar.us/downloads/WebDatabases/PermitsOnline/NPDES/PermitInformation/AR0046523_Enforcement%20Review_20220822.pdf

5. FINANCIAL ASSURANCE

The facility is an industrial entity that treats domestic sewage from its operations and does not accept domestic sewage from other entities or residences and is exempt from requirements regarding Financial Assurance, as stated in Ark. Code Ann. § 8-4-203(b). Therefore, financial assurance is not required.

6. SIGNIFICANT CHANGES FROM THE PREVIOUSLY ISSUED PERMIT

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

1. The permittee mailing address has been removed from the cover page.
2. Treated acid wash rinse water has been removed from authorized waste stream that can be discharged from the facility.
3. The outfall coordinates have been revised based on the renewal application.
4. An effluent limitation for TRC has been included in the permit and is effective three years after the effective date of the permit.
5. The FCB daily maximum effluent limitation has been changed to 7-day average.
6. A schedule of compliance has been included in the permit for TRC limitations.
7. A requirement to monitor effluent temperature once per quarter for one year has been added. See Part 1.A and Section 12 of this Statement of Basis for more information.
8. Part II.5, the acid wash neutralization condition, has been removed as acid wash rinse water is no longer included in the authorized waste stream.
9. Part II.6, the TRC BMP condition, has been removed as TRC effluent limitations have been added to the permit.
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.

7. RECEIVING STREAM SEGMENT AND DISCHARGE LOCATION

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

Latitude: 35° 55’ 44.90” N; Longitude: 89° 45’ 06.98” W

The receiving waters named:

through a six-inch pipe to Ditch No. 38, thence to Crooked Bayou, thence to Pemiscot Bayou (Ditch No. 29), thence to the Little St. Francis River, thence to the St. Francis River, thence to Mississippi River in Segment 5C of the St. Francis River Basin. The receiving stream with Assessment Unit AR_08020204_003 (closest downstream 3-digit reach code assigned to Pemiscot Bayou) is a Water of the State classified for secondary contact recreation; a raw water source for domestic (public and private), industrial, and agricultural water supplies; the propagation of desirable species of fish and other aquatic life; and other compatible uses.

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

A. 303(d) List

The receiving stream is not listed on the 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.

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 PC&EC Rule 2.

9. OUTFALL, TREATMENT PROCESS DESCRIPTION, AND FACILITY CONSTRUCTION

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

A. Design Flow: 0.015 MGD

B. Type of Treatment: inlet bar screen, package plant (includes extended aeration, non-clog air diffuser, rotary bar blowers, settling tank, and optional bag filter), sludge digester, and chlorine contact chamber.

C. Discharge Description: treated sanitary wastewater

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 20 is less than 80, this facility is classified as a minor industrial.

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

10. **ACTIVITY**

Under the Standard Industrial Classification (SIC) code of 3317 or North American Industry Classification System (NAICS) code of 331210, the applicant's activities are the manufacturing of metal tubing for oil and gas industries.

11. **SEWAGE SLUDGE PRACTICES**

Sludge is hauled off site as necessary by a septic tank hauler.

12. **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
$CBOD_5$	20	30	N/A	N/A	20	30	20	30
TSS	N/A	N/A	30.0	45.0	30.0	45.0	30.0	45.0
NH_3-N								
(April)	5.2	5.2	N/A	N/A	5.2	5.2	5.2	5.2
(May – October)	5.0	7.5	N/A	N/A	5.0	7.5	5.0	7.5
(November – March)	12.0	14.7	N/A	N/A	12.0	14.7	12.0	14.7
DO								
(May – October)	3.0 (Inst. Min.)		N/A		3.0 (Inst. Min.)		3.0 (Inst. Min.)	
(November – April)	2.0 (Inst. Min.)		N/A		2.0 (Inst. Min.)		2.0 (Inst. Min.)	
FCB (col/100ml)	1000	2000 (7-Day Avg.)	N/A	N/A	1000	2000	1000	2000 (7-Day Avg.)
TRC	0.011 (Inst. Max.)		Report (Inst. Max.)		Report (Inst. Max.)		0.011 (Inst. Max.)	
Effluent Temperature (°F)	N/A		Report		N/A		Report	
pH	6.0-9.0 s.u.		N/A		6.0-9.0 s.u.		6.0-9.0 s.u.	

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

Parameter	Water Quality or Technology	Justification
$CBOD_5$	Water Quality	Water Quality Model dated May 4, 2017 (and reviewed February 22, 2023), CWA §402(o), and previous permit
TSS	Technology	40 C.F.R. § 122.44(l) and previous permit
NH_3-N	Water Quality	Rule 2.512, Water Quality Model dated May 4, 2017 (and reviewed February 22, 2023), CWA § 402(o), and previous permit
DO	Water Quality	Rule 2.505, Water Quality Model dated May 4, 2017 (and reviewed February 22, 2023), CWA § 402(o), and previous permit
FCB	Water Quality	Rule 2.507, CWA §402(o), and previous permit
TRC	Water Quality	Rule 2.409, CWA §402(o), and previous permit
Effluent Temperature	Technology	40 C.F.R. § 122.21, A.C.A. § 8-4-216
pH	Water Quality	Rule 2.504, CWA §402(o), and previous permit

Total Residual Chlorine (TRC)

A review of the TRC data submitted during the previous permit term show TRC values ranging from 0.015 mg/l to 1.61 mg/l with an average of 0.144 mg/l. The receiving water for this facility is Ditch No. 38 which has a 7Q10 of 0 cfs so the criteria must be met at end-of-pipe in order to be protective of water quality.

EPA considers concentrations at the edge of the mixing zone higher than 0.011 mg/l (Chronic Criteria) to be toxic to aquatic organisms. Therefore, the Division must include TRC requirements in the permit to comply with PC&EC Rule 2.409 which forbids the discharge of toxic pollutants in amounts which are toxic. A TRC limit based on meeting the EPA criteria in the receiving stream has been included in the permit.

The effluent limitation for TRC is the instantaneous maximum and cannot be averaged for reporting purposes. TRC shall be measured within fifteen (15) minutes of sampling. To demonstrate compliance with the TRC limit, the permittee must determine the effluent concentration by using any EPA approved test method established in 40 C.F.R. Part 136 capable of meeting a detection level of 0.033 mg/l or lower. If TRC is not detected at the required detection level (i.e., lab result is "ND"), the permittee may report a value of "0" on the Discharge Monitoring Report (DMR) thereby demonstrating compliance with the limit of 0.011 mg/l. Please note that if the required detection level is not met, TRC must be reported at the detection level achieved.

Effluent Temperature

Testing data for summer and winter effluent temperature is required by 40 C.F.R. § 122.21. This data was not submitted prior to the effective date of the permit. Ark. Code Ann. § 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 the above parameters once per quarter for one year has been added to the permit in order to comply with the testing requirements of 40 C.F.R. § 122.21.

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 meets or exceeds the requirements of the previous permit.

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.

The calculation of the mass loadings uses a design flow of 0.015 MGD and the following equation:

Mass (lbs/day) = Concentration (mg/l) × Flow (MGD) × 8.34

2. Daily Maximum Limits:

The daily maximum limits for NH_3-N (May through October), $CBOD_5$, and TSS are based on Section 5.4.2 of the Technical Support Document for Water Quality-based Toxics Control:

daily maximum limits = monthly average limits × 1.5

The daily maximum NH_3-N limits for the months of November through April are based on the requirements of Rule 2.512.

3. 7-Day Average

The 7-day average limit for FCB is 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 208 Plan was updated to add a year-round instantaneous maximum TRC limit of 0.011 mg/l to the existing water quality limitations.

E. **Applicable Effluent Limitations Guidelines**

The facility is only permitted to discharge treated sanitary wastewater. Therefore, the discharges at this facility are not subject to the requirements of any effluent limitations guidelines.

13. **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 ARR00B986.

14. 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 have been based on the previous discharge permit except for pH. Sampling frequency has been change to match $CBOD_5$ sampling frequency and "Recommended Monitoring Frequencies and sample types for NPDES Permits" documented in an April 14, 2022 Interoffice Memorandum.

Parameter	Previous Permit		Final Permit	
	Frequency of Sample	Sample Type	Frequency of Sample	Sample Type
Flow	two/week	instantaneous	two/week	instantaneous
$CBOD_5$	once/quarter	grab	once/quarter	grab
TSS	once/quarter	grab	once/quarter	grab
NH_3-N				
(April)	once/month	grab	once/month	grab
(May – October)	once/quarter	grab	once/quarter	grab
(November – March)	once/5 months	grab	once/5 months	grab
DO	once/quarter	grab	once/quarter	grab
FCB	once/quarter	grab	once/quarter	grab
TRC	once/quarter	grab	once/quarter	grab
pH	once/month	grab	once/quarter	grab

15. PERMIT COMPLIANCE SCHEDULE

A Schedule of Compliance has been included in this permit for TRC. Compliance with all permit requirements is required in accordance with the schedule provided in Part IB of the permit. The Division has chosen to exercise its discretion provided for in Rule 2 to allow a three year Schedule of Compliance for the new TRC limit.

16. MONITORING AND REPORTING

The applicant is at all times required to monitor the discharge on a regular basis and report the results monthly. The monitoring results will be available to the public.

17. SOURCES

The following sources were used to draft the permit:

A. Application No. AR0046523 received August 3, 2022, with all additional information received on August 29, 2022.
B. Arkansas Water Quality Management Plan (WQMP).
C. PC&EC Rule 2.
D. PC&EC Rule 3.
E. PC&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. Discharge permit file AR0046523.
H. Discharge Monitoring Reports (DMRs).
I. "2018 Integrated Water Quality Monitoring and Assessment Report," DEQ.
J. "2018 List of Impaired Waterbodies (303(d) List)," DEQ, May 2020.
K. USGS StreamStats web-based program.
L. Continuing Planning Process (CPP).
M. "OWQ Guidelines for Decimal Places and Rounding Conventions in NPDES Permits," documented in a June 12, 2020 Interoffice Memorandum.
N. "Recommended Monitoring Frequencies and sample types for NPDES Permits" documented in an April 14, 2022 Interoffice Memorandum.
O. Technical Support Document for Water Quality-based Toxic Control.
P. Inspection Report dated June 7, 2017.
Q. Compliance Review Memo from dated August 22, 2022.
R. Planning Review Memo dated August 22, 2022.
S. Operator License Class Spreadsheet dated August 23, 2022.
T. TRC average calculation dated August 23, 2022.
U. NPDES Permit Rating Spreadsheet (MRAT) dated August 23, 2022.
V. Water Quality Model dated May 4, 2017 (and reviewed February 22, 2023).
W. Acid Wash Water Information, dated August 29, 2022.

18. PUBLIC NOTICE

The public notice of the draft permit was published for public comment on February 11, 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.

A copy of the permit and public notice was 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.

19. PERMIT FEE

In accordance with Rule 9.403(C)(1), the annual fee for the permit is calculated from the Design Flow (Q, in MGD) as follows:

Fee = $200 + (5,600 × Q) = $200 + (5,600 × 0.015) = $284

This facility is billed under Fee Code B.

20. **POINT OF CONTACT**

For additional information, contact:

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