

**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.),

Resolute Glenwood LLC

is authorized to wet deck runoff and stormwater from a facility located as follows: 229 South Spur 8, Glenwood, AR 71943, in Pike County. The facility is located along the south side of Sweet Gum Lane and Caddo Valley Railroad approximately 1/4 mile west of Highway 8/27, northeast of Glenwood.

Facility Coordinates: Latitude: 34° 20' 13.09" N; Longitude: 93° 33' 47.8" W

Discharge is to receiving waters named:

an unnamed tributary of the Caddo River, thence to the Caddo River, thence to the Ouachita River in Segment 2F of the Ouachita River Basin.

The outfall is located at the following coordinates:

Outfall 001: Latitude: 34° 20' 02.4" N; Longitude: 93° 33' 56.5" 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: August 1, 2021

Expiration Date: July 31, 2026



Digitally signed by Alan J. York
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email=alan.york@adeq.state.ar.u
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07/26/2021

Alan J. York
Associate Director, Office of Water Quality
Arkansas Department of Energy and Environment
Division of Environmental Quality

Issue Date

**PART I
 PERMIT REQUIREMENTS**

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 001 – wet deck runoff 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.

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>	
	Mass (lbs/day, unless otherwise specified)		Concentration (mg/l, unless otherwise specified)		Frequency ¹	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) (May – October)	N/A	N/A	20	30	once/month	grab
Biochemical Oxygen Demand (BOD ₅) (November – April)	N/A	N/A	30	45	once/month	grab
Total Suspended Solids (TSS)	N/A	N/A	35.0	52.5	once/month	grab
Ammonia-Nitrogen (NH ₃ -N) (May-October)	N/A	N/A	5.5	8.3	once/month	grab
Dissolved Oxygen (DO)						
(May – October) INTERIM ²	N/A	N/A	2.0 (Inst. Min.)		once/month	grab
(May – October) FINAL ³	N/A	N/A	3.0 (Inst. Min.)		once/month	grab
(November – April) ⁴	N/A	N/A	6.0 (Inst. Min.)		once/month	grab
Debris ⁵	N/A	N/A	N/A	0	two/week	visual
pH	N/A	N/A	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	once/month	grab

1. All samples must be taken at the first discharge of the sample period and be representative of the effluent, refer to Part III.C.1.
2. Interim May – October DO limits are applicable beginning on the effective date and lasting three years.
3. Final May – October DO limits are applicable beginning three years from the effective date and lasting until the date of expiration.
4. There are no interim November – April DO limits. November – April DO limits are applicable beginning on the effective date and lasting until the date of expiration.
5. Report 1 = debris present, 0 = no debris present.

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 sedimentation, prior to the receiving stream.

SECTION B. PERMIT COMPLIANCE SCHEDULE

Compliance with the Final Effluent Limitations for Dissolved Oxygen (DO) in the months of May through October 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:

<u>ACTIVITY</u>	<u>DUE DATE</u>
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 water-enforcement-report@adeq.state.ar.us.

¹ If the permittee is already in compliance with a final permit limit, only documentation demonstrating compliance with the final limit will be required for the progress report.

² If the permittee is not in compliance with the Final Limitations following one (1) year of sampling, the initial 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. Options must be provided that were considered along with which option* was selected. 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 and construction approval granted prior to final 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 limits were met on the effective date and that the limits are still being met.

PART II OTHER CONDITIONS

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

2. 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 CFR Part 136 or approved in accordance with 40 CFR Part 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.

3. 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.
4. Discharge of process wastewater from this facility into a Water of the State is prohibited. Material storage yard runoff (e.g. wet deck runoff) is not considered process wastewater according to 40 CFR 429.11(c).

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 requirements such as endangered species, state or local statute, ordinance or regulation.

11. **Permit Fees**

The permittee shall comply with all applicable permit fee requirements (i.e., including annual permit fees following the initial permit fee that will be invoiced every year the permit is active) for wastewater discharge permits as described in 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 CFR Parts 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 CFR 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 CFR Part 503, 40 CFR Part 257, and 40 CFR Part 258.
- 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 CFR Part 136, unless other test procedures have been specified in this permit. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals frequent enough to 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 CFR 127.11(a)(1) and 40 CFR 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 CFR 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 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated on the DMR.

7. **Retention of Records**

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

8. **Record Contents**

Records and monitoring information shall include:

- A. The date, exact place, time and methods of sampling or measurements, and preservatives used, if any.
- B. The 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 CFR 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 CFR 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 subject to effluent limitations in the permit, or to the notification requirements under 40 CFR 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 CFR 401.15 which is not limited in the permit, if that discharge will exceed the highest of the “notification levels” described in 40 CFR Part 122.42(a)(1).

- 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 CFR 401.15 which is not limited in the permit, if that discharge will exceed the highest of the “notification levels” described in 40 CFR Part 122.42(a)(2).

9. **Duty to Provide Information**

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

10. **Duty to Reapply**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The complete application shall be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be 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 CFR 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 Air and Water Pollution Control Act provides that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this permit shall be subject to civil penalties specified in Part III.A.2 and/or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 et seq.).

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 CFR 122.2 shall apply to this permit and are incorporated herein by reference. Additional definitions of words or phrases used in this permit are as follows:

1. **“7-Day Average”** also known as “average weekly,” means the highest allowable average of “daily discharges” over a calendar week, calculated as the sum of all “daily discharges” measured during a calendar week divided by the number of “daily discharges” measured during that week. 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 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 effluent standards and limitations”** means all State and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, and pretreatment standards.
6. **“Applicable water quality standards”** means all water quality standards to which a discharge is subject under the federal Clean Water Act and which has been (a) approved or permitted to remain in effect by the Administrator following submission to the Administrator pursuant to Section 303(a) of the Act, or (b) promulgated by the Director pursuant to Section 303(b) or 303(c) of the Act, and standards promulgated under (APC&EC) Rule 2, as amended.
7. **“Best Management Practices (BMPs)”** are activities, practices, maintenance procedures, and other management practices designed to prevent or reduce the pollution of waters of the State. BMPs also include treatment technologies, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw sewage. BMPs may include structural devices or nonstructural practices.
8. **“Bypass”** means the intentional diversion of waste streams from any portion of a treatment facility, as defined at 40 CFR 122.41(m)(1)(i).
9. **“Composite sample”** is a mixture of grab samples collected at the same sampling point at different times, formed either by continuous sampling or by mixing a minimum of 4 effluent portions collected at equal time intervals (but not closer than one hour apart) during operational hours, within the 24-hour period, and combined proportional to flow or a sample collected at more frequent intervals proportional to flow over the 24-hour period.
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”** 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.
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 Daily Maximum as the highest “daily discharge” during the calendar month and the Monthly Average as the geometric mean of all “daily discharges” within a calendar month, in colonies per 100 ml.
16. **“Division”** means the Division of Environmental Quality (DEQ).
17. **“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 Daily Maximum as the highest “daily discharge” during the calendar month and the Monthly Average as the geometric mean of all “daily discharges” within a calendar month, in colonies 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 nondomestic discharger, as identified in 40 CFR Part 403, introducing pollutants to a publicly owned treatment works (POTW).
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, shall mean that no value measured during the reporting period may fall above the stated value.
22. **“Instantaneous Minimum”** an instantaneous minimum value, shall mean that no value measured during the reporting period may fall below the stated value.
23. **“Monitoring and Reporting”**

When a permit becomes effective, monitoring requirements are of the immediate period of the permit effective date. Where the monitoring requirement for an effluent characteristic is monthly or more frequently, the Discharge Monitoring Report (DMR) shall be submitted by the 25th of the month following the sampling. Where the monitoring requirement for an effluent characteristic is Quarterly, Semi-Annual, Annual, or Yearly, the DMR shall be submitted by the 25th of the month following the monitoring period end date.

 - A. **MONTHLY:**

is defined as a calendar month or any portion of a calendar month for monitoring requirement frequency of once/month or more frequently.
 - B. **BI-MONTHLY:**

is defined as two (2) calendar months or any portion of 2 calendar months for monitoring requirement frequency of once/2 months or more frequently.

C. QUARTERLY:

1. is defined as a **fixed calendar quarter** or any part of the fixed calendar quarter for a non-seasonal effluent characteristic with a measurement frequency of once/quarter. Fixed calendar quarters are: January through March, April through June, July through September, and October through December.
2. is defined as a **fixed three month period** (or any part of the fixed three month period) of or dependent upon the seasons specified in the permit for a seasonal effluent characteristic with a monitoring requirement frequency of once/quarter that does not coincide with the fixed calendar quarter. Seasonal calendar quarters are: May through July, August through October, November through January, and February through April.

D. SEMI-ANNUAL:

is defined as the fixed time periods January through June, and July through December (or any portion thereof) for an effluent characteristic with a measurement frequency of once/6 months or twice/year.

E. ANNUAL or YEARLY:

is defined as a fixed calendar year or any portion of the fixed calendar year for an effluent characteristic or parameter with a measurement frequency of once/year. A calendar year is January through December, or any portion thereof.

24. **“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.
25. **“National Pollutant Discharge Elimination System”** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under Sections 307, 402, 318, and 405 of the Clean Water Act.
26. **“NOEC”** means No Observed Effect Concentration.
27. **“PMSD”** means Percent Minimum Significant Difference.
28. **“POTW”** means Publicly Owned Treatment Works;
29. **“Reduction of CBOD₅/BOD₅ and TSS in mg/l Formula”**
[(Influent – Effluent) / Influent] × 100
30. **“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.
31. **“Sewage sludge”** means the solids, residues, and precipitate separated from or created in sewage by the unit processes at a POTW. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and stormwater runoff that are discharged to or otherwise enter a POTW.
32. **“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.

33. **Units of Measure:**

“**MGD**” shall mean million gallons per day.

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

“**µg/l**” shall mean micrograms per liter or parts per billion (ppb).

“**cfs**” shall mean cubic feet per second.

“**ppm**” shall mean parts per million.

“**s.u.**” shall mean standard units.

34. “**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.

35. “**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.

36. “**Weekday**” means 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 draft permitting decision is for the renewal of discharge Permit Number AR0052591 with Arkansas Department of Energy and Environment – Division of Environmental Quality (DEQ) Arkansas Facility Identification Number (AFIN) 55-00017 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 facility address and applicant's mailing address is:

Resolute Glenwood LLC
229 South Spur 8
Glenwood, AR 71943

3. PREPARED BY

The permit was prepared by:

Zachary Carroll, Ph.D.
Staff Engineer
NPDES Discharge Permits Section
Office of Water Quality
(501) 682-0625
Email: zachary.carroll@adeq.state.ar.us

Carrie McWilliams, P.E.
Engineer Supervisor
NPDES Discharge Permits Section
Office of Water Quality
(501) 682-0915
Email: mcwilliamsc2@adeq.state.ar.us

4. PERMIT ACTIVITY

Previous Permit Effective Date: March 1, 2016
Previous Permit 1st Modification Date: February 1, 2020
Previous Permit 2nd Modification Date: July 1, 2020
Previous Permit Expiration Date: February 28, 2021

The permittee submitted a permit renewal application on July 28, 2020, with all additional information received by October 30, 2020. The current discharge permit is being reissued for a 5-year term in accordance with regulations promulgated at 40 CFR Part 122.46(a).

The permittee requested water-quality based BOD₅ (or CBOD₅ + NH₃-N) limits for oxygen-demanding pollutants instead of the previous technology/BPJ-based COD limits. The

permittee submitted sampling data and a waste load allocation study with the permit renewal application as part of this request.

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

BOD₅ - five-day biochemical oxygen demand

BPJ - best professional judgment

BPT - best practicable control technology currently available

CBOD₅ - carbonaceous biochemical oxygen demand

CD - critical dilution

CFR - Code of Federal Regulations

cfs - cubic feet per second

COD - chemical oxygen demand

COE - United States Corp of Engineers

CPP - continuing planning process

CWA - Clean Water Act

DMR - discharge monitoring report

DO - dissolved oxygen

ELG - effluent limitation guidelines

EPA - United States Environmental Protection Agency

ESA - Endangered Species Act

FCB - fecal coliform bacteria

gpm - gallons per minute

MGD - million gallons per day

MQL - minimum quantification level

NAICS - North American Industry Classification System

NH₃-N - ammonia nitrogen

NO₃ + NO₂-N - nitrate + nitrite nitrogen

NPDES - National Pollutant Discharge Elimination System

O&G - oil and grease

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 link:

https://www.adeg.state.ar.us/downloads/WebDatabases/PermitsOnline/NPDES/PermitInformation/AR0052591_Combpliance%20Review_20200925.pdf

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. COD limits have been replaced with BOD₅ limits based on a water quality model. See Part I.A of the permit and Section 11.A of this Statement of Basis for additional information.
2. The DO limit in the months of May through October was updated based on the water quality model. A 3-year schedule of compliance has been provided for the new DO limit. See Parts I.A and I.B of the permit, and Sections 11.A and 14 of this Statement of Basis for additional information
3. The monthly average limit for debris was removed. See Section 11.A of this Statement of Basis for additional information.
4. The condition in Part II of the previous permit regarding discharges from other than the permitted outfall was removed. This condition was redundant with Part I.A of the permit, which only authorizes discharges from Outfall 001. This permit does not authorize discharges from any other location.
5. Part II.4 was updated to clarify that wet deck runoff is not considered process wastewater.
6. The conditions in Part II of the previous permit defining the 10-year 24-hour storm and requiring storage for the 10-year 24-hour storm were removed. Based on the water quality model, this condition is no longer necessary. See Section 11.A of this Statement of Basis for additional information.
7. The condition in Part II of the pervious permit stating that a state construction permit may be required to modify the pond was removed. This condition is unnecessary because 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.
8. The condition in Part II of the previous permit requiring the permittee to apply for separate permit coverage for stormwater discharged at outfalls other than Outfall 001 was

removed. The permittee has obtained the required stormwater coverage. See Section 12 of this Statement of Basis for additional details.

9. The solids disposal condition in Part III.B.6 of the permit was updated
10. Part III.C.5 of the permit now requires that DMRs be submitted electronically via NetDMR.
11. An email address and phone number for 24-hour reporting was added to Part III.D.6 of the permit.
12. A new section regarding other information was added as Part III.D.14 of the permit.
13. The facility mailing address was removed from the cover page of the permit

6. RECEIVING STREAM SEGMENT AND DISCHARGE LOCATION

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

Latitude: 34° 20' 02.4" N; Longitude: 93° 33' 56.5" W

The receiving waters named:

an unnamed tributary of the Caddo River, thence to the Caddo River, thence to the Ouachita River in Segment 2F of the Ouachita River Basin. The receiving stream with USGS Hydrologic Unit Code (H.U.C.) of 08040102 and reach #019¹ is a Water of the State classified for secondary contact recreation, raw water source for domestic (public and private), industrial, and agricultural water supplies; propagation of desirable species of fish and other aquatic life; and other compatible uses.

Approximately 0.3 miles downstream from the outfall, the unnamed tributary flows into the Caddo River, which is classified as an Extraordinary Resource Water and Ecologically Sensitive Waterbody.

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

A. 303(d) List

The Caddo River is on Arkansas's 2018 List of Impaired Waterbodies (303(d) List) in Category 1b for Copper and Zinc. See the TMDL summary below for additional information with regards to this listing.

B. Applicable Total Maximum Daily Load (TMDL) Reports

A TMDL (["TMDLs for Copper and Zinc for the Caddo River Basin, Arkansas"](#)) was issued on March 21, 2008. The previous permit for this facility (AR0049263, Bean Lumber Company) was considered and mentioned in the TMDL as a point source discharge according to Table 2-7, but the TMDL does not include a Waste Load

¹ This is the closest downstream 3-digit reach code, which is assigned to the Caddo River.

Allocation assigned to this facility because Zinc and Copper are not expected to be in the waste stream. Table 2-7 of the TMDL states that this permit contained limits for floating debris, pH, BOD₅, and TSS and none of these were of interest to the TMDL and were not included.

C. Endangered Species

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

The Arkansas Natural Heritage Commission (ANHC) has identified that the following species of conservation concern are known to occur in the Caddo River at or within five miles downstream of the outfall:

Cyprogenia sp. cf. aberti, Ouachita Fanshell - state concern
Etheostoma clinton, beaded darter - state concern
Etheostoma pallididorsum, paleback darter - state concern
Faxonius acares, Redspotted Stream Crayfish - state concern
Haliaeetus leucocephalus, Bald Eagle - state concern
Noturus taylori, Caddo madtom - state concern
Ptychobranchus occidentalis, Ouachita Kidneyshell - state concern

The limits in the permit are designed to protect all beneficial uses of the receiving waters, including propagation of desirable species of fish and other aquatic life as well as other species which are directly or indirectly affected by the receiving waters, which includes the above species of concern. Therefore, DEQ has determined that the final permit limits will serve to help protect the species of concern identified above.

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: variable
- B. Type of Treatment: settling ponds
- C. Discharge Description: wet deck runoff 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

15 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.

9. ACTIVITY

Under the Standard Industrial Classification (SIC) code of 2421 or North American Industry Classification System (NAICS) code of 321113, the applicant’s activities are the operation of a sawmill with a wet deck.

10. SOLIDS PRACTICES

Solids accumulate in the ponds until cleanout is necessary. The facility will coordinate any cleanout of the ponds with DEQ. Any disposal of solids will be in accordance with Part III.B.6 of the permit.

11. DEVELOPMENT AND BASIS FOR PERMIT CONDITIONS

The Division of Environmental Quality has determined to issue a draft permit for the discharge described in the application. Permit requirements are based on federal regulations (40 CFR Parts 122, 124, and Subchapter N), and regulations 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 draft permit and the reasons for them or, in the case of notices of intent to deny or terminate, reasons suggesting the decisions as required under 40 CFR Part 124.7.

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

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

Parameter	Water Quality-Based		Technology/BPJ-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
COD	N/A	N/A	50.0	75.0	50.0	75.0	N/A	N/A
CBOD ₅ (May – October)	20	30	N/A	N/A	N/A	N/A	20	30

Parameter	Water Quality-Based		Technology/BPJ-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 (November – April)	30	45	N/A	N/A	N/A	N/A	30	45
TSS	35*	N/A	35.0	52.5	35	52.5	35.0	52.5
NH ₃ -N (May – October)	5.5	8.3	N/A	N/A	N/A	N/A	5.5	8.3
DO								
(May – October)	3.0 (Inst. Min.)		N/A		2.0 (Inst. Min.)		3.0 (Inst. Min.)	
(November – April)	6.0 (Inst. Min.)		N/A		2.0 (Inst. Min.)		6.0 (Inst. Min.)	
Debris	N/A	0	N/A	< 1”	0	0	N/A	0
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.	

*Technology-based limits indirectly modeled through sediment oxygen demand to ensure compliance with water quality-based limits.

A. Justification for Limitations and Conditions of the Final Permit

Parameter	Water Quality or Technology	Justification
BOD ₅ (November-April) and CBOD ₅ (May-October)	Water Quality	Water Quality Model dated December 14, 2020 and Hydrologic Study received October 30, 2020
TSS	Technology	Memo regarding Permitting Policy for Sawmills dated December 7, 1992, 40 CFR 122.44(l), and previous permit
NH ₃ -N	Water Quality	Water Quality Model dated December 14, 2020 and Hydrologic Study received October 30, 2020
DO	Water Quality	Rule 2.505, Water Quality Model dated December 14, 2020 , Hydrologic Study received October 30, 2020, CWA § 402(o), and previous permit
Debris	Water Quality	Rule 2.408, CWA § 402(o), and previous permit
pH	Water Quality	Rule 2.504, CWA § 402(o), and previous permit

COD, CBOD₅, BOD₅, NH₃-N, and DO

The previous permit contained COD limits of 50 mg/l based on the Arkansas Department of Pollution Control & Ecology memo: Permitting Policy for Sawmills dated December 7, 1992. As detailed in this memo, a permittee may conduct a DO model of the receiving stream to establish discharge limits for oxygen-demanding pollutants instead of meeting the COD limit.

The permittee requested that water quality-based limits be developed for this facility. Three samples were taken for NH₃-N and BOD analysis. The results were received on August 7, 2020. The permittee also submitted a study titled “Waste Load Allocation Study Resolute Glenwood LLC Hydrologic Modeling Report (Revised October 2020)” by GBMc & Associates on October 30, 2020. This study modeled facility discharges and receiving stream flow for 6, 12, and 24 hour storm events ranging from 0.5 inches to 6.86 inches under dry, normal, and wet conditions. Based on this analysis, the lowest predicted dilution ratio was 6.09, which resulted from the 10-year 24-hour storm (6.86 inches). Therefore, the 10-year 24-hour storm conditions were used to develop the water quality-based limits for this permit.

The draft CBOD₅, BOD₅, NH₃-N, and DO limits are based on the modeled concentrations required to meet the DO standards in APC&EC Rule 2.505.

The BOD₅ samples ranged from 2.9 mg/l to 8.7 mg/l, with an average of 6.0 mg/l. The NH₃-N samples ranged from 0.17 mg/l to 0.23 mg/l, with an average of 0.20 mg/l. Based on these sample results, the permittee should be able to meet the new CBOD₅, BOD₅, and NH₃-N limits on the effective date of the permit.

A review of DMR data from August 2018 through July 2020 shows 14 months with reported discharges, with one DO sample below 3.0 mg/l. Therefore, a 3-year schedule of compliance has been included for the updated DO limit in the months of May through October. In the interim period, the permittee must continue to meet the previous DO limit of 2.0 mg/l in the months of May through October. No schedule of compliance has been provided for the DO limit in the months of November through April because there is no change in this limit from the previous permit.

TSS

TSS limits are based on the Arkansas Department of Pollution Control & Ecology memo: Permitting Policy for Sawmills dated December 7, 1992, and are continued from the previous permit. This limit was indirectly modeled through sediment oxygen demand to ensure compliance with water quality standards at the modeled conditions.

Debris

The previous permit contained a monthly average limit for debris. Rule 2.408 states that “Receiving waters shall have no distinctly visible solids, scum or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits or sludge banks.” The debris limit in this permit is expressed as a binary criterion based on a visual assessment of the discharge – either debris is present in the discharge or it is not. Therefore, it is not appropriate to average debris measurements, and the monthly average limit for debris has been removed. The draft permit contains a daily maximum limit of 0 for debris, which ensures that the requirement of Rule 2.408 for no distinctly visible solids in the receiving stream is met.

Storage Requirements

The previous permit contained a requirement to maintain storage capacity for the 10-year 24-hour storm based on the Arkansas Department of Pollution Control & Ecology memo:

Permitting Policy for Sawmills dated December 7, 1992. As detailed in this memo, the storage requirement was included because of concerns that dischargers with BPJ-based limits of 50 mg/l COD could cause water quality violations if discharge occurred during critical low-flow conditions. The new water quality-based limits for oxygen-demanding pollutants are protective of water quality standards during the worst case dilution ratio derived from the hydrological study dated October 30, 2020. Therefore, it is proposed that the requirement to maintain storage capacity for the 10-year 24-hour storm be removed.

The permittee is at all times required to maintain at least 2 feet of freeboard (from the water surface to the top of the dike) as part of proper operations and maintenance of the ponds, in accordance with Part III.B.1 of the permit.

B. Anti-backsliding

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

The draft permit maintains the requirements of the previous permit with the exception of revised limitations identified for COD and Debris, and revised storage capacity requirements.

The revision of COD limits and storage capacity requirements are based on new information and are allowed in accordance with CWA 402(o)(2)(B)(i). The COD limit has been removed and replaced with new BOD₅ or CBOD₅ + NH₃-N limits. The storage capacity requirements have been removed, because the modeled limits are protective of water criteria under all hydrologic conditions. The new limits and requirements are based on new information contained in a water quality model dated November 6, 2020 and the “Waste Load Allocation Study Resolute Glenwood LLC Hydrologic Modeling Report (Revised October 2020)” by GBMc & Associates, received on October 30, 2020.

The revision of Debris limits is a correction of a technical mistake and is allowed in accordance with CWA 402(o)(2)(B)(ii). The monthly average limit for Debris was removed because it is not appropriate to average this parameter.

C. Limits Calculations

1. Mass Limits:

In accordance with 40 CFR 122.45(f)(1), all pollutants limited in permits shall have limitations expressed in terms of mass if feasible. 40 CFR 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 limits are not feasible for this permit due to the variable nature of the flow.

2. Daily Maximum Limits:

The daily maximum limits for CBOD₅, BOD₅, NH₃-N, and TSS are based on Section 5.4.2 of the Technical Support Document for Water Quality-based Toxics Control:

$$\text{daily maximum limits} = \text{monthly average limits} \times 1.5$$

The daily maximum debris limit is based on Rule 2.408.

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 has been revised to add this facility with the following monthly average limits:

May-October: CBOD₅/TSS/NH₃-N/DO = 20/35.0/5.5/3.0* mg/l

November-April: BOD₅/TSS/DO = 30/35.0/6.0* mg/l

*DO limits are expressed as Instantaneous Minimum

E. **Applicable Effluent Limitations Guidelines**

Discharges from facilities of this type are covered by Federal effluent limitations guidelines promulgated under 40 CFR § 429 – Timber Products Processing Point Source Category.

The present technology-based limits and monitoring requirements are continued based on the previous discharge permit, 40 CFR § 429, and 40 CFR § 122.44(l).

In accordance with Subpart I – Wet Storage Subcategory (40 CFR § 429.103), no debris shall be discharged and the pH shall be within the range of 6.0 to 9.0. Debris is defined in 40 CFR § 429.11 as “woody material such as bark, twigs, branches, heartwood or sapwood that will not pass through a 2.54 cm (1.0 in) diameter round opening and is present in the discharge from a wet storage facility”. Rule 2.408 states that the receiving waters shall have no “distinctly visible solids”. The water quality standard from Rule 2.408 is used as the permit limit because it is more stringent than the requirements in 40 CFR 429.103. The pH range is identical in Rule 2.504 and 40 CFR 429.103.

In accordance with Subpart K – Sawmills and Planing Mills Subcategory (40 CFR § 429.123), there shall be no discharge of process wastewater pollutants from the operations covered by this subpart into navigable waters. As defined in 40 CFR § 429.11(c), the term “process wastewater” specifically excludes material storage yard runoff.

12. STORMWATER REQUIREMENTS

The federal regulations at 40 CFR 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 ARR001659.

13. SAMPLE TYPE AND FREQUENCY

Regulations require permits to establish monitoring requirements to yield data representative of the monitored activity [40 CFR Part 122.48(b)] and to ensure compliance with permit limitations [40 CFR Part 122.44(i)(1)].

Requirements for sample type and sampling frequency have been based on the previous discharge permit, except for COD, CBOD₅, BOD₅, and NH₃-N. COD limits were removed and replaced by BOD₅ or CBOD₅ + NH₃-N limits, so the BOD₅, CBOD₅, and NH₃-N sample types and frequencies have been based on those of COD in the previous permit.

Parameter	Previous Permit		Final Permit	
	Frequency of Sample	Sample Type	Frequency of Sample	Sample Type
Flow	two/week	instantaneous	two/week	instantaneous
COD	once/month	grab	N/A	N/A
BOD ₅ (Nov-Apr)	N/A	N/A	once/month	grab
CBOD ₅ (May-Oct)	N/A	N/A	once/month	grab
TSS	once/month	grab	once/month	grab
NH ₃ -N (May-Oct)	N/A	N/A	once/month	grab
DO	once/month	grab	once/month	grab
Debris	two/week	visual	two/week	visual
pH	once/month	grab	once/month	grab

14. PERMIT COMPLIANCE SCHEDULE

A Schedule of Compliance has been included in this permit for dissolved oxygen (DO) in the months of May through October. 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 3 year Schedule of Compliance for the new DO limit in the months of May through October.

15. 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.

16. SOURCES

The following sources were used to draft the permit:

- A. Application No. AR0052591 received July 28, 2020, with all additional information received by October 30, 2020.
- 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 CFR Parts 122 and 125.
- G. 40 CFR Part 429
- H. Discharge permit file AR0052591.
- 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. [“TMDLs for Copper and Zinc for the Caddo River Basin, Arkansas,” prepared by Tetra Tech, Inc., March 21, 2008.](#)
- M. USGS Streamstats web-based application.
- N. Continuing Planning Process (CPP).
- O. Technical Support Document for Water Quality-based Toxic Control.
- P. [Inspection Report dated April 6, 2020.](#)
- Q. [Compliance Review Memo dated September 25, 2020.](#)
- R. [Planning Review Memo dated September 23, 2020.](#)
- S. [NPDES Permit Rating Spreadsheet \(MRAT\) dated September 18, 2020.](#)
- T. [Water Quality Model dated December 14, 2020.](#)
- U. [“Waste Load Allocation Study Resolute Glenwood LLC Hydrologic Modeling Report \(Revised October 2020\)” by GBMc & Associates on October 30, 2020.](#)
- V. [EPA Response Letter dated April 28, 2021.](#)
- W. [Arkansas Natural Heritage Commission Comment Letter dated June 8, 2021.](#)
- X. [Arkansas Department of Health No Comment Letter dated June 15, 2021.](#)

17. PUBLIC NOTICE

The public notice of the draft permit was published for public comment on May 27, 2021. The last day of the comment period June 28, 2021.

A summary of the comments received by the DEQ during the public comment period and response to the comments are included with this permit decision. The response to comments also includes a discussion of any substantial changes from 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 Arkansas Department of Parks, Heritage, and Tourism, the EPA, and the Arkansas Department of Health.

18. PERMIT FEE

In accordance with Rule 9.403(G), the annual fee for the permit is \$300.

19. POINT OF CONTACT

For additional information, contact:

Zachary Carroll, Ph.D.
Permits Branch, Office of Water Quality
Division of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317
Telephone: (501) 682-0625

**RESPONSE TO COMMENTS
FINAL PERMITTING DECISION**

Permit No.: AR0052591
Applicant: Resolute Glenwood LLC
Prepared by: Zachary Carroll, PhD

The following are responses to comments received by the Division of Environmental Quality (DEQ) regarding the draft permit number referenced above and are developed in accordance with regulations promulgated at 40 C.F.R. §124.17, Arkansas Pollution Control & Ecology Commission (APC&EC) Rule 8 (Administrative Procedures), and Arkansas Code Annotated (A.C.A.) §8-4-203(e)(2).

Introduction

The above permit was submitted for public comment on May 27, 2021. The public comment period ended on June 28, 2021.

This document contains a summary of the comments that the DEQ received during the public comment period. A summary of the changes to the NPDES Permit can be found on the last page of this document.

The following organization sent one comment to DEQ during the public comment period.

Commenter	Number of Comments Raised
1. Arkansas Natural Heritage Commission	1

Comment 1 Staff members of the Arkansas Natural Heritage Commission have reviewed the Draft Permit authorizing discharge into an unnamed tributary, thence to the Caddo River, and thence to the Ouachita River from an outfall located at 34°20'02.4" N, and 93°33'56.5" W for Resolute Glenwood. The following species of conservation concern are known to occur in the Caddo River at or within five miles downstream of the outfall:

Cyprogenia sp. cf. aberti, Ouachita Fanshell - state concern
Etheostoma clinton, beaded darter - state concern
Etheostoma pallididorsum, paleback darter - state concern
Faxonius acares, Redspotted Stream Crayfish - state concern
Haliaeetus leucocephalus, Bald Eagle - state concern
Noturus taylori, Caddo madtom - state concern
Ptychobranchnus occidentalis, Ouachita Kidneyshell - state concern

We are providing this information for your use in the preparation and review of this permit. The information may be appropriate to include in the section of the permit which addresses the receiving stream and endangered species. This letter is intended to make the Department and applicant aware that sensitive resources may occur in the area. It is not intended as an objection to the issuance of the permit.

The opportunity to comment is appreciated.

Response: The limits in the permit are designed to protect all beneficial uses of the receiving waters, including propagation of desirable species of fish and other aquatic life as well as other species which are directly or indirectly affected by the receiving waters, which includes the above species of concern. Therefore, DEQ has determined that the final permit limits will serve to help protect the species of concern identified above.

The species of concern listed above have been added to the Endangered Species section (7.C) of the Statement of Basis for this permit.