

**NOTICE OF COVERAGE (NOC)  
INDIVIDUAL TREATMENT SYSTEMS GENERAL PERMIT, ARG550000.**

Attn: Don McCrosky  
Entergy Arkansas, Inc.  
PO Box 551 (A-TCBY-22D)  
Little Rock, AR 72203-0551

The Recertification Notice of Intent (NOI) for coverage under the above General Permit was received on 6/30/2014 and has been reviewed. The facility will continue coverage under the previously assigned Permit Tracking Number **ARG550314** and AFIN **30-00229**. Any permit-related correspondence must include these numbers. This NOC is issued to Entergy Arkansas, Inc. in reliance upon the statements and representations made in the submittal and the Department has no responsibility for adequacy or proper functioning of the following facility located in Hot Spring County:

Hot Spring Plant  
696 Black Branch  
Malvern, AR 72104

The facility's treatment system consists of an AquaSafe 500 followed by chlorination.

Compliance with all conditions and limitations of the enclosed general permit is required. Please be advised that the permit contains monitoring and reporting requirements. Pre-printed Discharge Monitoring Reports (DMRs) will be mailed to you at a later time by the Department.

Discharges allowed by the permit shall only occur at the following outfall location:

Outfall 001: Latitude 34° 17' 47.6" Longitude 92° 52' 7.9"

Original Coverage Date: 11/16/2010

Renewal Coverage Date: 07/01/2014

Expiration Date: 06/30/2019



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Mo Shafii  
Assistant Chief, Water Division

07/11/2014

Date

**Authorization to Discharge 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 Pollution Control Act (Ark. Code Ann. § 8-4-101 *et seq.*), and the Clean Water Act (33 U.S.C. § 1251 *et seq.*),

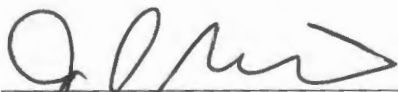
**Operators of Individual Treatment Facilities Generating Only Domestic Waste located within the State of Arkansas**

are authorized to construct, install and discharge to all receiving waters, except those facilities which are excluded in Part 1.2.2 of this general permit, in accordance with effluent limitations, monitoring requirements, and other conditions set forth in this permit.

After properly filing a Notice of Intent (NOI) and other required documentation under Part 1.3 and proceeding through required public notification processes, facilities that are eligible for coverage under this general permit will receive a Notice of Coverage (NOC) with a tracking number starting with ARG55 and a copy of the permit for the facility. The Notice of Coverage includes the Department's determination that a facility is covered under this general permit and may specify alternate requirements outlined in the permit, such as modified sampling frequencies for certain parameters or the inclusion of monitoring for parameters in addition to those requiring regular monitoring.

Effective Date: July 1, 2014

Expiration Date: June 30, 2019



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Ryan Benefield, P.E.  
Deputy Director  
Arkansas Department of Environmental Quality

12/18/13

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Issue Date

**TABLE OF CONTENTS**

<b>Part</b>	<b>Title</b>	<b>Page Number</b>
Part 1	Coverage Under This Permit	1
Part 2	Effluent Limitations and Monitoring Requirements	7
Part 3	General Conditions	8
Part 4	Operation and Maintenance of Pollution Controls	11
Part 5	Monitoring and Records	14
Part 6	Reporting Requirements	17
Part 7	Definitions	21

## **PART 1 COVERAGE UNDER THIS PERMIT**

**1.1 Permit Area.** The area covered by this permit includes all areas within the State of Arkansas.

### **1.2 Authorization**

#### **1.2.1 ELIGIBILITY**

**1.2.1.1** This general permit covers the construction and installation of individual treatment facilities provided that the system design has been approved by the Department and that the system has been approved by the Arkansas Department of Health. Each individual treatment facility shall be designed or equipped so that effluent discharged by the system will be in compliance with effluent limitations set forth in Part 2. The Department will maintain a list of evaluated and approved treatment system designs on the General Permits webpage:

[http://www.adeq.state.ar.us/water/branch\\_permits/general\\_permits/default.htm](http://www.adeq.state.ar.us/water/branch_permits/general_permits/default.htm)

**1.2.1.2** This general permit also covers discharges from individual treatment facilities that are constructed or installed as described above.

**1.2.1.3** Individual treatment facilities covered include only those facilities generating less than 1000 gallons per day of domestic waste.

**1.2.1.4** Facilities within the State of Arkansas discharging from an outfall as described in this permit must be authorized to discharge by either this general permit or an individual NPDES permit.

**1.2.1.5** Facilities must provide a licensed Class II wastewater operator for the operation and maintenance of the system.

#### **1.2.2 EXCLUSIONS**

This general permit does not cover the following types of discharges. Other permits such as an individual NPDES permit, an alternate general permit, or other approval from the Department may be obtained for the following, if applicable:

**1.2.2.1** Facilities having multiple discharges.

**1.2.2.2** Facilities requiring Financial Assurance in accordance with Arkansas Code Annotated 8-4-203b (Homeowners are exempt from this requirement.).

**1.2.2.3** Discharges to waterbodies listed on the most current 303(d) list as impaired by pathogens, nutrients or low Dissolved Oxygen (DO).

**1.2.2.4** Direct discharges into Extraordinary Resource Waters (ERWs), Ecologically Sensitive Waters (ESWs), and Natural and Scenic Waterways (NSWs), as designated in Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation No. 2.

**1.2.2.5** Discharges that include non-domestic waste.

**1.2.2.6** Discharges that are a significant contributor of pollutants. In making this determination, the Director may consider the following factors:

**1.2.2.6.1** The location of the discharge with respect to Waters of the State;

**1.2.2.6.2** The size of the discharge;

**1.2.2.6.3** The quantity and nature of the pollutants discharged to Waters of the State; and

**1.2.2.6.4** Other relevant factors.

### **1.3 Notification Requirements**

**1.3.1** To obtain coverage under this general permit, operators of new individual treatment facilities located within the State of Arkansas must submit a complete and accurate application package to the Department at a minimum of thirty (30) days prior to the first proposed discharge. The application shall contain the following items:

**1.3.1.1** Notice of Intent (NOI); and

**1.3.1.2** the name and type of the preapproved treatment system, site map, and written approval from the Arkansas Department of Health (ADH) (EHP-19 Form). This section also applies to unpermitted facilities.

**1.3.2** The NOI shall include the following minimum information:

**1.3.2.1** the legal name and legal address of the operator;

**1.3.2.2** the facility location (street address or legal description);

**1.3.2.3** name and telephone number of the facility contact;

**1.3.2.4** number and location of outfall along with coordinates;

**1.3.2.5** name of receiving stream, stream segment, and hydrological basin code;

**1.3.2.6** actual or projected wastewater flow;

**1.3.2.7** type of treatment system;

- 1.3.2.8** wastewater operator name and license number;
- 1.3.2.9** If the system is owned by a corporation, a statement that the corporation is registered with the office of the Secretary of State of Arkansas must be included. The legal permittee must be in Good Standing with the Secretary of State of Arkansas. If the legal permittee's state of incorporation is any state other than Arkansas, a Certificate of Good Standing from that state should be submitted with the NOI;
- 1.3.2.10** All Notices of Intent for coverage under this general permit must be signed and certified in accordance with the provisions of 40 CFR 122.22, as adopted by reference in APC&EC Regulation No. 6;
- 1.3.2.11** A permit fee as stated in APC&EC Regulation No. 9 must accompany the Notice of Intent. Per Reg. 9.404(B), homeowners are exempt from this fee;
- 1.3.2.12** A disclosure statement. The filing of a disclosure statement is mandatory. The form may be obtained from ADEQ web site at:  
[http://www.adeq.state.ar.us/disclosure\\_stmt.pdf](http://www.adeq.state.ar.us/disclosure_stmt.pdf).  
Homeowners are exempt from this requirement per Reg 8.204(c)(7)(a)(vi).; and
- 1.3.2.13** Arkansas Department of Health (ADH) (EHP-19 Form) for the new discharges.

- 1.3.3** Submit the above information to:  
Arkansas Department of Environmental Quality  
Water Division, General Permits Section  
5301 Northshore Drive  
North Little Rock, AR 72118

or by electronic mail (Complete documents (NOI) must be submitted in Adobe Acrobat format (.pdf) to: [Water-permit-application@adeq.state.ar.us](mailto:Water-permit-application@adeq.state.ar.us).)

- 1.3.4** No permit coverage will be issued (new or renewal) until all ADEQ fees have been paid.
- 1.3.5** For facilities that are eligible for coverage under a general permit, the Department sends a Notice of Coverage (NOC) to the facility. The NOC includes the Department's determination that a facility is covered under the general permit. The Department may specify alternate requirements outlined in the permit such as modified sampling frequencies for certain parameters or the inclusion of additional monitoring parameters. These alternate requirements will be listed in the NOC. The NOC also includes the permit tracking number which starts with ARG55, outfall coordinates, issue date, and expiration date.

## **1.4 System Modification for an Existing Permittee**

If an existing permittee needs to modify, construct or install new or additional treatment system, then the permittee is required to submit the information identified in Part 1.3.1 to the Department thirty (30) days prior to any system changes. Any modification to the treatment system will be

subject to the same public review as described in Part 1.5 This does not include the replacement of like-kind equipment.

### **1.5 NOI Review and Public Notification Process**

All NOIs (New, Renewal, and Recertification) for permit coverage under this general permit will be reviewed by ADEQ prior to undergoing a public notification process as follows:

Upon receipt of the Notice of Intent (NOI), ADEQ will review the submitted documents to ensure that all permit requirements are fulfilled. ADEQ may request additional information from the applicant if additional information is necessary to complete the NOI. If ADEQ makes a preliminary determination that the NOI is complete, the NOI will be made available for a five (5) business days public review and comment period on the ADEQ website. ADEQ will review comments received during this period and, if necessary, require the applicant to revise the NOI. If determined appropriate by ADEQ, the operator will be granted coverage under this general permit upon written notification by ADEQ.

Comments will only be considered if they regard a specific facility's NOI. Comments on the contents of the General Permit ARG550000 will not be considered during the public comment period for a specific facility's coverage under this permit. Commenters will receive notification of the Department's decision regarding the permit.

### **1.6 Continuation of this Permit**

If the existing permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with Ark. Code Ann. § 8-4-203(m) and remain in force and effect. If you were granted permit coverage prior to the expiration date, you will automatically remain covered by the continued permit until the earliest of:

- 1.6.1** Reissuance or replacement of this permit, at which time the legal permittee must comply with the conditions of the new permit to maintain authorization to discharge; or
- 1.6.2** Submittal of a Notice of Termination; or
- 1.6.3** Issuance of an individual permit for the facility's discharges; or
- 1.6.4** A formal permit decision by the ADEQ to not re-issue this general permit, at which time you must seek coverage under an individual permit or other general permits, if available; or
- 1.6.5** The Department has informed you that you are no longer covered under this permit.

### **1.7 Terminating Coverage**

- 1.7.1** A facility with permit coverage who was required to submit an NOI as identified in Part 1.2 must submit a Notice of Termination within 30 days after one or more of the following conditions have been met:

**1.7.1.1** All discharges associated with activities authorized by this permit are eliminated; or

**1.7.1.2** You have obtained coverage under an individual permit or an alternative general permit for all discharges required to be covered by an NPDES permit.

If a Notice of Termination is submitted without meeting one or more of the conditions identified above, then the Notice of Termination is not valid. The facility with permit coverage is responsible for complying with the terms of this permit until the facility's coverage is terminated.

## **1.8 Requiring an Individual NPDES Permit**

**1.8.1** At the discretion of the Director, the Department may require any permittee covered under this general permit to apply for and obtain an individual NPDES permit for reasons that include but are not limited to the following:

**1.8.1.1** The discharger is not in compliance with the conditions of the general permit; or

**1.8.1.2** Conditions or standards have changed so that the discharger no longer qualifies for a general permit; or

**1.8.1.3** The Department does not renew this general permit; or

**1.8.1.4** Effluent limitation guidelines (ELG) are promulgated for point sources covered by the general permit and requirements of the general permit are inadequate to provide compliance with the ELG.

**1.8.2** The legal permittee must be notified in writing that an application for an individual permit is required. The legal permittee will remain covered under the general permit, including an administratively continued general permit (see Part 1.6), until an individual permit is issued, as long as the legal permittee submits, in a timely manner, a complete application for an individual permit and any other required information. When an individual NPDES permit is issued to a legal permittee otherwise covered under this general permit, the applicability of the general permit to that legal permittee automatically terminates upon the effective date of the individual NPDES permit.

**1.8.3** Any legal permittee covered by this General Permit may request to be excluded from the coverage by applying for an individual NPDES permit.

## **1.9 Permit Transfer**

Facilities that are authorized under this permit, which undergo a change in ownership, facility name, or signatory authorization (e.g., a new cognizant official, responsible person, etc.) must submit a Permit Transfer form to the Director. A Permit Transfer form can be obtained from the General Permits Section of the Water Division at the following website:

[http://www.adeg.state.ar.us/water/branch\\_permits/general\\_permits/](http://www.adeg.state.ar.us/water/branch_permits/general_permits/)



For an ownership change, the permit transfer form must be submitted a minimum of 30 days prior to the date the transfer to the new owner will take place. The new owner must comply with the existing permit for the facility during the interim period. A Disclosure Statement Form will be required. Until the disclosure statement and transfer request is submitted and accepted by ADEQ, the current permittee shall remain liable for all permit fees, even if the current permittee no longer owns the facility.

### **1.10 Approval for New Treatment Systems**

To obtain approval for an individual treatment system that is not on the most current list of approved systems on ADEQ web site, the following items must be submitted to the Department:

**1.10.1** NSF data;

**1.10.2** Plans, Specifications, and Design Calculations bearing the stamp of a Professional Engineer registered in the State of Arkansas; and

**1.10.3** Arkansas Health Department Approval.

**PART 2**  
**EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

OUTFALL 001 –The permittee is authorized to discharge from outfall serial number 001- treated domestic wastewater. Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Daily Max		
Flow <sup>1</sup> (gpd)	report	1000	Once/six months	Estimate
Biochemical Oxygen Demand (BOD5)	10	15	Once/six months	Grab
Total Suspended Solids (TSS)	15	22.5	Once/six months	Grab
Dissolved Oxygen (DO) <sup>2</sup>	6.0 (Inst. Min.)		Once/six months	Grab
Fecal Coliform Bacteria (FCB)	(colonies/100ml)			
	200	400	Once/six months	Grab
pH	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	Once/six months	Grab
Site Specific Parameters <sup>3</sup>	TBD <sup>4</sup>	TBD	TBD	TBD

1 Flow must be monitored and reported. Report in units of gallons per day (gpd).

2 A more stringent DO limit may be required to ensure that the discharge is in compliance with the Ecoregion Water Quality Standards.

3 Based on the location of the proposed discharge, the Department may require additional effluent limitations at the time of issuance of the NOC.

4 To Be Determined

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There shall be no discharge of distinctly visible solids, scum or foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: at the outfall 001, following the final treatment unit.

## PART 3 GENERAL CONDITIONS

### 3.1 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 or for requiring a permittee to apply for an individual NPDES permit. **Any values reported in the required monitoring reports which are in excess of the effluent limitation specified in Part 2 shall constitute evidence of violation of such effluent limitation and of this permit.**

### 3.2 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.

### 3.3 Permit Actions

This general permit may be modified, revoked and reissued, or terminated for cause in accordance with the requirements of the National Pollutant Discharge Elimination System (NPDES) Permit Program Regulations at 40 CFR Parts 122 and 124, as adopted by reference in Reg. 6. 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.

### 3.4 Toxic Pollutants

If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Reg. 2, as amended, (regulation establishing water quality standards for surface waters of the State of Arkansas) 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 standard or prohibition and the permittee so notified.

The permittee shall comply with effluent standards or prohibitions established under Reg. 2 (Arkansas Water Quality Standards), 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.

### **3.5 Civil and Criminal Liability**

Except as provided in permit conditions on "Bypassing" (Part 4.4), and "Upsets" (Part 4.5), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

### **3.6 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 under Section 311 of the Clean Water Act.

### **3.7 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.

### **3.8 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 injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

### **3.9 Severability**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision 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.

### **3.10 Permit Fees**

The permittee shall comply with all applicable permit requirements for wastewater discharge permits as described in Reg. 9 (Regulation for the Fee System for Environmental Permits). Failure to promptly remit all required fees shall be grounds for the Director to initiate action to terminate this permit under the provisions of 40 CFR 122.64 and 124.5(d), as adopted in Reg. 6 and the provisions of Reg. 8.

### **3.11 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 permittee of the responsibility to comply with any other applicable federal, state or local statute, ordinance policy, or regulation.

### **3.12 Re-opener Clause**

In accordance with 40 CFR Part 122.62(a)(2), the permit may be modified, or alternatively, revoked and reissued, if new information is received that was not available at the time of permit issuance that would have justified the application of different permit conditions at the time of permit issuance.

**PART 4**  
**OPERATION AND MAINTENANCE OF POLLUTION CONTROLS**

**4.1 Proper Operation and Maintenance**

- 4.1.1** 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.
- 4.1.2** The permittee shall provide a licensed Class II wastewater operator, which is qualified to carryout operation, maintenance, and testing functions required to ensure compliance with the conditions of this permit.
- 4.1.3** The system must be checked at a minimum of four times a year using the maintenance form available on the Department's website by a licensed Class II wastewater operator. Records of these checks shall be maintained by the permittee and available to the Department upon request. At minimum the system check shall include the following items:
- 4.1.3.1** An assessment of the system components (including but not limited to electrical, pumps, screens, weirs, chlorination, etc.);
  - 4.1.3.2** An assessment of the discharge route;
  - 4.1.3.3** An assessment of proper servicing of grease interceptor, if equipped;
  - 4.1.3.4** An assessment of proper working order of the aerator is equipped; and
  - 4.1.3.5** An assessment of the depth of the sludge within the aeration chamber (please note aeration system must be off during sludge depth assessment).

**4.2 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.

### **4.3 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.

### **4.4 Bypass of Treatment Facilities**

#### **4.4.1 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 is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Part 4.4.2 and Part 4.4.3.

#### **4.4.2 Notice**

**4.4.2.1** 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.

**4.4.2.2** Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part 6.4.

#### **4.4.3 Prohibition of bypass**

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

**4.4.3.1.1** Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

**4.4.3.1.2** 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 installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

**4.4.3.1.3** The permittee submitted notices as required by Part 4.4.2.

**4.4.3.2** 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 4.4.3.1.

## 4.5 Upset Conditions

### 4.5.1 Effect of an upset

An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations, if the requirements of Part 4.5.2 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is a final administrative action subject to judicial review.

### 4.5.2 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:

4.5.2.1 An upset occurred and that the permittee can identify the specific cause(s) of the upset;

4.5.2.2 The permitted facility was at the time being properly operated;

4.5.2.3 The permittee submitted notice of the upset as required by Part 6.4; and

4.5.2.4 The permittee complied with any remedial measures required by Part 4.3.

### 4.5.3 Burden of proof

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

## 4.6 Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of waste waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering the waters of the State. Written approval must be obtained from the ADEQ for land application only.

## 4.7 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.



## **PART 5 MONITORING AND RECORDS**

### **5.1 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 and shall be analyzed using test procedures approved under 40 CFR 136 or as specified in this permit. 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 discharges shall be monitored. The sampling can be performed by any qualified individual, not necessarily the Class II operator contracted by the permittee.

### **5.2 Monitoring Procedures**

Samples shall be taken at the discharge from the final treatment unit and prior to mixing with the receiving waters. Provisions must be made during the installation of the treatment unit for the taking of a proper sample. This permit has a minimum requirement that samples must be taken and analyzed only once per six months using test procedures approved under 40 CFR 136 or as specified in this permit. However, the permittee shall at all times operate and maintain the facilities used to achieve compliance with the conditions of this permit, including additional sampling and testing as necessary to assure that the permit limitations are not exceeded at any time.

### **5.3 Penalties for Tampering**

The Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-103(a)(2)(B), 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 felony and upon conviction thereof shall be subject to imprisonment for not more than five (5) years or a fine of not more than fifty thousand dollars (\$50,000) or by both such fine and imprisonment.

### **5.4 Reporting of Monitoring Results**

The permittee shall submit to the Department the previous year's Discharge Monitoring Reports (DMRs) no later than January 31 of the following year, i.e. 2014 reports would be due by January 31, 2015, per 40 CFR 122.44(i)(2). The permittee shall make available to the Department, upon request, copies of all maintenance reports and any other reports required by this general permit.

The DMRs should be submitted to the following addresses:

ADEQ  
Enforcement, Water Division  
5301 Northshore Drive  
North Little Rock, AR 72118

## **5.5 Reporting of Operator**

The permittee shall identify to the Department the Class II licensed wastewater operator that will be conducting the monitoring and maintenance of the system as part of the Notice of Intent submittal. If the Class II licensed operator changes during the operation, the permittee must immediately provide the Department with the information on the new Class II licensed operator.

## **5.6 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 136 or as specified in this permit, the results of such monitoring shall be included in the calculation and reporting of the data in the summary report. Such increased frequency shall also be indicated in the summary report.

## **5.7 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.

## **5.8 Record Contents**

Records and monitoring information shall include:

- 5.8.1** The date, exact place, time and methods of sampling or measurements, and preservatives used, if any;
- 5.8.2** The individual(s) who performed the sampling or measurements;
- 5.8.3** The date(s) and time analyses were performed;
- 5.8.4** The individual(s) who performed the analyses;
- 5.8.5** The analytical techniques or methods used; and
- 5.8.6** The measurements and results of such analyses.

## **5.9 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:

- 5.9.1** 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;

- 5.9.2** Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- 5.9.3** Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, and
- 5.9.4** 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.

## PART 6 REPORTING REQUIREMENTS

### 6.1 Planned Changes

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

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

### 6.2 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.

### 6.3 Monitoring Reports

Monitoring results shall be completed and maintained at the facility at the intervals and on the Discharge Monitoring Report specified in Part 5.4. **Discharge Monitoring Reports must be completed even when no discharge occurs during the reporting period.**

### 6.4 Twenty-four Hour Reporting

The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A supplemental written submission shall be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrences of the noncompliance. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours to the Enforcement Section of the Water Division of the Department.

The following shall be included as information which must be reported within 24 hours:

- 6.4.1** Any unanticipated bypass which exceeds any effluent limitation in the permit;
- 6.4.2** Any upset which exceeds any effluent limitation in the permit and
- 6.4.3** Violation of a monthly average or a daily maximum discharge limitation for any of the pollutants listed by the Director in Part I of the permit to be reported in writing within 24

hours to the Enforcement Section of the Water Division of the ADEQ. The lab results should also be submitted with the report.

## **6.5 Other Reporting**

The permittee shall report all instances of noncompliance not reported under Part 6.4 at the time monitoring reports are completed. The reports shall contain the information listed at Part 5.8.

## **6.6 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.

## **6.7 Duty to Reapply**

Except as otherwise provided for in Part 1.6 of the permit, if a legal permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the legal permittee must submit a written Notice of Intent for coverage under this general permit to the Department no later than the effective date of this permit.

## **6.8 Signatory Requirements**

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

**6.8.1** All permit applications shall be signed as follows:

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

**6.8.1.1.1** A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

**6.8.1.1.2** 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.

**6.8.1.2** For a partnership or sole proprietorship: by a general partner or proprietor, respectively; or

**6.8.1.3** 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:

**6.8.1.3.1** The chief executive officer of the agency, or

**6.8.1.3.2** A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

**6.8.2** 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:

**6.8.2.1** The authorization is made in writing by a person described above;

**6.8.2.2** The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

**6.8.2.3** The written authorization is submitted to the Director.

**6.8.3 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.”

## **6.9 Availability of Reports**

Except for data determined to be confidential under 40 CFR Part 2 and APCEC Regulation No. 6, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department of Environmental Quality. As required by the Regulations, the name and address of any permit applicant or permittee, permit applications, permits and effluent data shall not be considered confidential.

## **6.10 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 and/or criminal penalties specified in Section 6.2 under the authority of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended).

## PART 7 DEFINITIONS

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

1. **"Act"**: the Clean Water Act, 33.U.S.C.1251 *et seq.*
2. **"ADEQ"**: the Arkansas Department of Environmental Quality.
3. **"Administrator"**: the Administrator of the U.S. Environmental Protection Agency.
4. **"Biochemical Oxygen Demand (BOD5)"**: the amount of oxygen required by bacteria during the decay of organic or nitrogenous material in sanitary sewage.
5. **"Bypass"**: the intentional diversion of waste streams from portion of a treatment facility.
6. **"Daily maximum"**: discharge limitation means the highest allowable "daily discharge" during the calendar month.
7. **"Department"**: the Arkansas Department of Environmental Quality (ADEQ).
8. **"Director"** means the Director of the Arkansas Department of Environmental Quality.
9. **"Dissolved Oxygen"**: the amount of free (not chemically combined) oxygen dissolved in water, wastewater, or other liquid, usually expressed in milligrams per liter, parts per million, or percent of saturation.
10. **"Domestic wastewater"**: wastewater consisting only of discharges from sanitary conveniences and plumbing fixtures such as toilets, urinals, lavatories, bathtubs and showers, water fountains, dishwashers, and washing machines.
11. **"Estimate"**: an approximate judgment or calculation, as of the amount of the discharge (flow). Flow shall be estimated each time effluent samples are taken. If a flow meter, flume, or weir isn't available, then there are several methods available to estimate flow rate that the permittee can do with commonly available tools, such as stopwatches, rulers, and buckets (Timed Volume).
12. **"Facility"**: a pollution source, or any public or private property or site and all contiguous land and structures, other appurtenances and improvements, where any activity is conducted which discharges or may result in the discharge of pollutants into water of the U.S.
13. **"Fecal coliform bacteria"**: a gram negative, no-spore forming, rod shaped bacteria found in the intestinal tract of warm-blooded animals.
14. **"Grab sample"**: an individual sample collected in less than 15 minutes.
15. **"gpd"**: gallons per day.
16. **"mg/l"**: milligrams per liter; it is essentially equivalent to parts per million in dilute aqueous solutions.



17. **"Monthly average"**: discharge limitation meaning the highest allowable average of "daily discharge" 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.
18. **"National Pollutant Discharge Elimination System (NPDES)"**: the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under section 307, 402, 318 and 405 of the Clean Water Act.
19. **"Operator"**: for the purpose of this permit, means any person (an individual, association, partnership, corporation, municipality, state or federal agency) who has the primary management and ultimate decision-making responsibility over the operation of a facility or activity. The operator is responsible for ensuring compliance with all applicable environmental regulations and conditions.
20. **"Process wastewater"**: wastewater containing waste from processes employed in industrial and commercial establishment. Examples include, but are not limited to, restaurants, cooling and heating water, process water, wash water, car washes, laundromats, etc.
21. **"Sanitary sewage"**: treated or untreated wastewater which contains human metabolic and domestic wastes only. Specifically excluded are industrial, manufacturing, and/or process wastes.
22. **"Standard Methods"**: Standard Methods for the Examination of Water and Wastewater, American Public Health Association, Washington, D.C.
23. **"Total Suspended Solids (TSS)"**: the amount of solid material suspended in water, commonly expressed as a concentration, in terms of mg/l.