



ARKANSAS  
Department of Environmental Quality

Permit Tracking Number: ARG670817  
AFIN: 60-00440

**NOTICE OF COVERAGE (NOC)  
PIPELINE HYDROSTATIC TESTING GENERAL PERMIT, ARG670000**

JP Energy ATT, LLC  
Attn: Randolph Stuart  
600 Las Colinas Blvd, Suite 2000  
Irving, TX 75039

The Notice of Intent (NOI) for coverage under the above General Permit was received on 3/12/2015 and has been reviewed. The facility has been assigned Permit Tracking Number **ARG670817** and AFIN **60-00440**. Any permit-related correspondence must include these numbers. This NOC is issued to **JP Energy ATT, LLC** in reliance upon the statements and representations made in the submittal for the following facility located in Pulaski County:

Arkansas Terminaling and Trading  
2207 Central Airport Road  
North Little Rock, AR 72117

Compliance with all conditions and limitations of the enclosed general permit is required. Please be advised that the permit contains monitoring and reporting requirements.

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

Outfall 001: Latitude 34° 46' 15.92" Longitude -92° 10' 45.12"

**Additional Required Monitoring: Chlorine Residual - Instant Maximum 0.1 mg/L**

Coverage Date: 03/20/2015

Expiration Date: 06/30/2018

Mo Shafii  
Assistant Chief, Water Division

3-18-15

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.),

**Hydrostatic Testing Discharges Located within the State of Arkansas**

This general permit authorizes facilities to discharge hydrostatic testing wastewater to the Waters of the State except facilities which are excluded in Part 1.2.2 of the General Permit in accordance with effluent limitations, monitoring requirements, and other conditions set forth in this permit.

Legal permittees within the State of Arkansas who fail to make a written request to the Director to be covered by this general permit are not authorized to discharge under this general permit.

After properly filing a Notice of Intent (NOI) under Part 1.3, facilities that are eligible for coverage under this general permit will receive a Notice of Coverage (NOC) letter, with a tracking number starting with ARG67, and a copy of the permit for the facility.

Effective Date: July 1, 2013

Expiration Date: June 30, 2018



Teresa Marks, Director  
Arkansas Department of Environmental Quality

December 31, 2012  
Issue Date

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## **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** Facilities covered by this general permit include those facilities which engage in the hydrostatic testing of new pipelines or vessels, or those which have been used for the transport, transfer, or storage of potable water, natural gas, crude oil, liquid or gaseous petroleum hydrocarbons, or diesel, unleaded gasoline, natural gasoline, fuel oil, kerosene, jet fuel, naphtha, raffinate, toluene, gasoline additives, or diesel additives which would adequately be detected by the effluent limitations in this permit and which discharge wastewater as a result of these hydrostatic tests. Facilities covered include, but are not limited to, pipelines, flowlines, and storage tanks.

**1.2.1.2** Facilities must meet the requirements identified within the permit.

#### **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** Any facility that is producing and/or receiving wastewater from sources other than hydrostatic testing.

**1.2.2.2** Any facility that is producing wastewater containing substances that cannot be addressed by or would not be adequately detected by the effluent limits in this permit.

**1.2.2.3** Any facility that is a direct discharger into a water body listed pursuant to Section 303(d) of the Clean Water Act where the pollutant of concern is present in the discharge and the requirements of the permit are inadequate to provide sufficient reduction of the listed pollutant.

**1.2.2.4** Any facility that is a direct discharger into Extraordinary Resource Waters (ERWs), Ecologically Sensitive Waters (ESWs), Natural and Scenic Waterways, losing streams, and reservoirs where pollutants of concern are present in the discharge and the requirements of the permit are inadequate to provide sufficient reduction of the pollutants.

- 1.2.2.5** Any facility that is a discharger into a water body for which there is an established Total Maximum Daily Load (TMDL) where the pollutant of concern is present in the discharge and the requirements of the permit are inadequate to provide sufficient reduction of the listed pollutant.
- 1.2.2.6** Discharges that the Department has determined to be or which may reasonably be expected to be contributing to a violation of a water quality standard.
- 1.2.2.7** Facilities not in compliance with a previously issued individual permit, general permit, or in violation of state water quality regulations.
- 1.2.2.8** Pipelines using compressor lubricants containing polychlorinated biphenyls (PCBs).
- 1.2.2.9** Discharges mixed with any other discharge (e.g., stormwater).
- 1.2.2.10** Any facility covered under a National Pollutant Discharge Elimination System (NPDES) individual permit or other NPDES general permits, and the issuance of this permit would violate the anti-backsliding requirements of 40 C.F.R. 122.44(1).
- 1.2.2.11** Discharge of wastewater in order to clean the pipeline.
- 1.2.2.12** Discharges of potable water containing detectable levels of chlorine more than 0.1 mg/l.

This office reserves the right to issue these facilities an individual NPDES permit with more appropriate limitations and conditions.

### **1.3 Notification**

- 1.3.1** A written Notice of Intent (NOI) from dischargers shall be submitted to the Department at least 10 business days prior to the proposed discharge. Unless the applicant is notified otherwise by the Director, authority to discharge under this general permit will become effective within 10 business days of a complete submission of the above notification. The permittee shall request a copy of this general permit from ADEQ or obtain an electronic copy at [http://www.adeg.state.ar.us/water/branch\\_permits/general\\_permits/default.htm](http://www.adeg.state.ar.us/water/branch_permits/general_permits/default.htm)
- 1.3.2** Submit a NOI that includes, at a minimum, the following information:
- 1.3.2.1** The legal name and legal address of the legal permittee;
- 1.3.2.1.1** If the legal permittee is a corporation, then the corporation's name must be listed as it is registered with the office of the Secretary of State of Arkansas. The legal permittee must be in Good Standing with the Secretary of State of Arkansas.
- 1.3.2.1.2** 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.

- 1.3.2.2** The site location (street address or legal description);
- 1.3.2.3** The name and telephone number of the site contact;
- 1.3.2.4** The number and location of outfalls;
- 1.3.2.5** The type of business, facility SIC, and NAICS codes;
- 1.3.2.6** Name of receiving stream;
- 1.3.2.7** Brief description of the activity resulting in the discharge(s) including the anticipated duration of the discharge(s), anticipated volume and rate of discharge(s), and the source of water which is to be discharged;
- 1.3.2.8** The material from which the pipeline/vessel was constructed (e.g. concrete pipe, glass lined steel tank, etc.);
- 1.3.2.9** Whether the vessel has been previously used or is of virgin material;
- 1.3.2.10** A description of the fluid material normally contained or transported through the vessel;
- 1.3.2.11** A site map or schematic diagram showing the general area of the discharge(s);
- 1.3.2.12** A brief description and MSDS sheets for any corrosion inhibitors to be used, including a description of any potentially toxic constituents.

All notices of intent for coverage under this general permit must be signed and certified in accordance with the Part 6.8 of the permit.

- 1.3.3** Submit an ADEQ Disclosure Statement Form as required by Reg. 8.204(B), and;
- 1.3.4** For new permittees, submit the permit fee as required by Reg. 9.404. NOI, permit fees and other required documents may be submitted to the following address:

ADEQ, Water Division  
Attn: General Permits  
5301 Northshore Drive  
North Little Rock, AR 72118

Or by email: [Water-permit-application@adeq.state.ar.us](mailto:Water-permit-application@adeq.state.ar.us)

- 1.3.5** No permit coverage will be issued (new or renewal) until all ADEQ fees have been paid.

- 1.3.6** The Notice of Coverage (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 ARG67, outfall coordinates, issue date, and expiration date.
- 1.3.7** This general permit may provide either site specific or project specific authorization to discharge. Permittees who conduct hydrostatic testing at more than one location for a specific project may obtain project-wide coverage (i.e., more than one outfall) under this permit for discharges related to those testing activities provided the testing activities are all conducted within the same county. The NOI submitted for permit coverage must contain all of the discharge information (i.e., location, duration, volume, receiving stream, etc.) for each testing location. Please note that future additional outfalls not included in the original NOI must be included on a new NOI and obtain separate permit coverage. **Please be aware that the sampling required in Part 2.1 must be conducted during each discharge.**

#### **1.4 Continuation of this Permit**

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

- 1.4.1** 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
- 1.4.2** Submittal of a Notice of Termination; or
- 1.4.3** Issuance of an individual permit for the facility's discharges; or
- 1.4.4** 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.
- 1.4.5** The Department has informed you that you are no longer covered under this permit.

#### **1.5 Terminating Coverage**

- 1.5.1** A facility with permit coverage who was required to submit an NOI as identified in Part 1.2 must submit a Notice of Termination (NOT) within 30 days after one or more of the following conditions have been met:
- 1.5.1.1** All discharges associated with activities authorized by this permit are eliminated; or
- 1.5.1.2** You have obtained coverage under an individual permit or an alternative general permit for all discharges required to be covered by an NPDES permit.

The NOT shall contain the following minimum requirements: applicant name, mailing address, and telephone number of the operator; the facility permit tracking number assigned; the location of the discharge; and the sampling information needed to satisfy the reporting requirements of this permit. The facility with permit coverage is responsible for complying with the terms of this permit until the facility's coverage is terminated.

## **1.6 Requiring an Individual NPDES Permit**

**1.6.1** 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:

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

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

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

**1.6.1.4** 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.

The legal permittee will 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 1.5), 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.

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

## **1.7 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.adeq.state.ar.us/water/branch\\_permits/general\\_permits/](http://www.adeq.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 are 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.

## PART 2 EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

**2.1** The following effluent limitations are applicable for the discharge of hydrostatic testing wastewater:

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type <sup>1</sup>
	Monthly Avg.	Daily Max		
Flow (MGD)	N/A	Report (MGD)	Once Per Continuous Discharge	Record
Total Organic Carbon (TOC)	N/A	50	Once Per Continuous Discharge	Grab
Total Suspended Solids (TSS)	N/A	45	Once Per Continuous Discharge	Grab
Oil and Grease (O&G)	N/A	15	Once Per Continuous Discharge	Grab
Total BTEX <sup>2, 3</sup>	N/A	100 (µg/l)	Once Per Continuous Discharge	Grab
Benzene	N/A	50 (µg/l)	Once Per Continuous Discharge	Grab
pH	<u>Minimum</u> 6.0 s.u.	<u>Maximum</u> 9.0 s.u.	Once Per Continuous Discharge	Grab

<sup>1</sup> The grab sample shall be taken based on one of the following methods for filling and discharging the hydrostatic test water from the pipeline segment(s) being tested:

(a) Using the First In, Last Out method, the grab sample shall be taken at the end of each batch discharge.

(b) Using the First In, First Out method, the grab sample shall be taken at the beginning of each batch discharge.

<sup>2</sup> TOC, BTEX, and Benzene limit applies only to discharge from pipe/vessels which have previously been in service- i.e., those facilities which are not new.

<sup>3</sup> BTEX shall be measured as the sum of benzene, toluene, Ethylbenzene, and total xylene (including ortho-, meta-, and para-xylene) as quantified by EPA methods 601, 602, 624, or 1624.

**2.2** The permittee shall not discharge if the above limits cannot be met.

**2.3** There shall be no discharge of any wastewater except those resulting from hydrostatic testing of pipelines or other fluid vessels.

**2.4** The permittee shall take all necessary steps to prevent or minimize stream channel scouring or erosion of materials and soils into surface waters caused by the discharge.

**2.5** There shall be no discharge of floating solids or visible foam other than trace amounts.

- 2.6** All waters shall be treated to remove suspended solids, turbidity and color to a level consistent with the receiving stream.
- 2.7** In the event of a pipe failure during testing, the permittee shall submit notice of the failure as required in Part 6.3. If a discharge has to occur from the failure location, the permittee must meet all of the applicable effluent limitations and monitoring requirements in Part 2 of the permit. The legal location of the failure point must be identified when submitting the DMRs.

## **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 (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 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**

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 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.

#### **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 ensure 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 6.3.

#### **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 such technology based permit effluent limitations if the requirements of Part 4.5.2 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.

##### **4.5.2** Conditions necessary for a 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 6.3; 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, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent pollutants from materials entering the waters of the State. Written approval for such disposal must be obtained from the ADEQ.

#### **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. All samples shall be taken 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 and the approval of the Director.

### **5.2 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 that 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.

### **5.3 Monitoring Procedures**

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified. The permittee shall calibrate and perform maintenance procedures on all monitoring 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.

### **5.4 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.

## 5.5 Monitoring and Reporting

Each permittee shall be responsible for submitting monitoring information. Within thirty (30) days after completion of the hydrostatic test and cessation of discharge, the permittee shall submit a report summarizing the results of all discharge samples. The report shall contain, at a minimum, the date(s) and duration of discharge, source of test water, discharge point, water volumes used, control and measures implements and description and quantity of any corrosion inhibitor used. Signed and certified copies of these and all reports required herein shall be submitted to:

ADEQ, Water Division  
Attn: Enforcement Branch  
5301 Northshore Dr.  
North Little Rock, AR 72118

## 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 this monitoring shall be included in the calculation and reporting of the data submitted 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 daily logs, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation and copies of all reports required by this permit and records of all data used to request coverage under 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;
- 5.8.2 The individuals(s) who performed the sampling or measurements;
- 5.8.3 The date(s) 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 ensuring permit compliance or as otherwise authorized by the Clean Water Act and/or Arkansas Water and Air Pollution Control Act, any substances or parameters at any location.

## **PART 6 REPORTING REQUIREMENTS**

### **6.1 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.

### **6.2 Monitoring Reports**

Monitoring results shall be reported at the intervals and on the form specified in Part 5.5.

### **6.3 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.

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

**6.3.1** Any unanticipated bypass which exceeds any effluent limitation in the permit; or

**6.3.2** Any upset which exceeds any effluent limitation in the permit.

### **6.4 Other Noncompliance**

The permittee shall report all instances of noncompliance not reported under Part 6.3 at the time monitoring reports are submitted. The reports shall contain the information listed in Part 6.3.

### **6.5 Changes in Discharge of Toxic Substances for Industrial Discharges**

The permittee shall notify the Director as soon as he/she knows or has reason to believe:

**6.5.1** That any activity has occurred or will occur which would result in the discharge, in a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" described in 40 CFR 122.42(a)(1).

**6.5.2** 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 which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" described in 40 CFR 122.42(a)(2).

## **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.

## **6.7 Duty to Reapply**

Except as otherwise provided for in Part 1.5 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 apply for and obtain authorization as required by the new permit once ADEQ issues it.

## **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 ensure 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 ensure 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).

## **6.11 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.



## **PART 7 OTHER CONDITIONS**

### **7.1 Best Management Practices**

**7.1.1** Spills shall be cleaned up expeditiously and not allowed to enter the waste treatment system or outfall(s).

**7.1.2** Where activities ancillary to the primary business of the facility are performed on site, they shall be performed in a manner to prevent pollutants from entering the waste treatment system or outfall(s).

## **PART 8 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:

- 8.1** “**Act**” means the Clean Water Act, Public Law 95-217 (33. U.S.C. 1251 et seq.) as amended.
- 8.2** “**Administrator**” means the Administrator of the U.S. Environmental Protection Agency.
- 8.3** “**ADEQ or Department**” means the Arkansas Department of Environmental Quality.
- 8.4** “**APC&EC**” means the Arkansas Pollution Control and Ecology Commission.
- 8.5** “**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.
- 8.6** “**Applicable water quality standards**” means all water quality standards to which a discharge is subject under the federal Clean Water Act and which have 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 Regulation No. 2, as amended, (regulation establishing water quality standards for surface waters of the State of Arkansas).
- 8.7** “**Bypass**” means the intentional diversion of waste streams from any portion of a treatment facility.
- 8.8** “**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. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the sampling day. "Daily discharge" determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be the arithmetic average (weighted by flow value) of all the samples collected during that sampling day.

- 8.9** "**Daily Maximum**" discharge limitation means the highest allowable "daily discharge" during the calendar month.
- 8.10** "**Director**" means the Administrator of the U.S. Environmental Protection Agency and/or the Director of the Arkansas Department of Environmental Quality.
- 8.11** "**Grab sample**" means an individual sample collected in less than 15 minutes in conjunction with an instantaneous flow measurement.
- 8.12** "**Monthly Average**" discharge limitations means 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.
- 8.13** "**National Pollutant Discharge Elimination System (NPDES)**" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Section 307, 402, 318 and 405 of the Clean Water Act.
- 8.14** "**Process wastewater**" is water that comes into direct contact with or results from the production or use of any new material, intermediate product, finished product, waste product, or wastewater.
- 8.15** "**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 productions.
- 8.16** "**Treatment works**" means any devices and systems used in the 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 or 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 their appurtenances, extensions, improvement, remodeling, additions, 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.
- 8.17** "**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. An 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.