FACT SHEET
AND SUPPLEMENTARY INFORMATION
FOR DRAFT GENERAL PERMIT ARG550000

For issuance of the new General Permit for Operators of Individual Treatment Facilities Generating Only Domestic Waste located within the State of Arkansas, Permit Number ARG550000.

Information in this part is organized as follows:

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1. Background

Under 40 CFR 122.28, general permits may be written to cover categories of point sources having common elements, such as facilities that involve the same or substantially similar types of operations, that discharge the same types of wastes, or that are more appropriately regulated by a general permit. Given the number of individual treatment facilities generating domestic waste and requiring NPDES permit coverage, the ADEQ has elected to renew the ARG550000 General Permit for Operators of Individual Treatment Facilities Generating Only Domestic Waste located within the State of Arkansas.

The previous permit became effective on July 1, 2009, was modified on May 1, 2011, and expired on June 30, 2014.

2. Proposed Changes

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

The following changes are proposed from the previously issued permit:

2.1 Part 1.2.2.4 has been modified to exclude discharges into Extraordinary Resource Waters (ERWs) and Natural and Scenic Waterways (NSWs). Arkansas Pollution Control & Ecology Commission (APC&EC) Regulation No. 2 defines certain bodies of water as ERWs, NSWs, and ESWs, which are to be protected by stringent water quality standards. In order to protect these special bodies, the Department will not cover direct discharges to these water bodies under this general permit and will require the applicant to obtain an individual NPDES discharge permit.
The Department can always include more stringent requirements or additional parameters if needed under the individual permit. In addition, the public will have a chance to participate and raise their concern during the 30 day comment period as required under the individual permit. Arkansas Department of Health also requires under “Rules and Regulations Pertaining to Onsite Wastewater Systems”, effective August 1, 2012, to maintain certain buffer zones to property lines and water bodies and therefore will not approve direct discharge into sensitive water bodies.

2.2 Part 1.3.1.2 has been modified to remove the requirement for applicants to submit the NSF data and design plans and specifications (P&S) for pre-approved systems to the Department with the NOI because this information is already on file with the Department.

2.3 Permit renewal documents should be submitted to the Department no later than the effective date of the renewal permit.

2.4 Part 1.3.3.9 has been clarified to state the requirements for corporations to be in Good Standing with the Arkansas Secretary of State and the Secretary of State of the state of incorporation.

2.5 Part 1.10 has been added to clarify the requirements for approval of new treatment systems.

2.6 Parts 2, 5.1, and 5.5 have been slightly changed to clarify the requirements.

2.7 Part 7.11 has been modified to remove a reference to a previous fact sheet.

3. Permit Coverage

This general permit covers discharges from both proposed and existing individual treatment systems that generate less than 1000 gallons per day of domestic waste only, except facilities which are excluded in Part 1.2.2 of the general permit. These facilities should be designed, installed and operated with written approval from the Arkansas Department of Health (ADH).

4. Monitoring Requirements

All facilities operating under conditions of this general permit are required to monitor each parameter twice per year. Sampling and testing must be conducted in accordance with 40 CFR Part 136. Regulations for individual treatment units issued by the Arkansas Department of Health require the operator to enter into a maintenance agreement with the vendor or other qualified person to ensure that the treatment unit functions satisfactorily throughout the life of the unit and remains capable of meeting effluent limitations. It is also required, that the operator employ the services of a commercial laboratory for sampling and analysis required by this general permit.

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 by the permittee. 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). The discharge from these treatment works is usually intermittent and varies according to the water use pattern in the home or business being served. The flow of 1,000 gallons per day is less than 1 gallon per minute (1000/1440 = 0.69 gpm) on a continuous basis. When it stops and starts, it roughly equates to a 5-gallon bucket of water every 7 minutes or a large trash can (45 gallons) every hour. Most treatment works of this type actually discharge in the range of 500 to 600 gallons per day. When they discharge, the effluent may infiltrate into the soil immediately below the discharge point or it may persist in the receiving water course for a very short distance, typically less than 100 yards, except during wet weather. Therefore, the permittee could use timed volume to estimate the flow (time a 1- to 5- gallon bucket as it’s filled to get the discharge in gpm, then covert that to MGD).

This permit has a minimum requirement that samples must be taken and analyzed only once every six months. However, the permittee shall at all times properly operate and maintain the facilities to achieve compliance with the conditions of this permit, including additional sampling and testing as necessary to ensure that permit limitations are not exceeded at any time.

5. Other Conditions

5.1 Geographic Area and Covered Facilities

The general permit, when issued, will authorize discharges from individual treatment units throughout the State of Arkansas. The permit will be applicable only to facilities which have direct discharges to waters of the State and are, therefore, subject to the requirements of Section 301 and 402 of the Clean Water Act. Additionally, the treatment system must be approved in writing by the Arkansas Department of Health.

5.2 Timing of Requests

Requests for coverage shall be submitted as follows:

5.2.1 For new dischargers, at least 30 days prior to the first proposed discharge.

5.2.2 For existing dischargers, no later than the effective date of the renewal permit.

5.3 Expiration Date

In accordance with 40 CFR.46(a), the general permit will expire 5 years from the effective date of the permit. An expired permit will continue in effect until such time that the permit is renewed or a new permit is issued.

5.4 Individual Permits

The Director of ADEQ may consider the issuance of individual permits according to the criteria in 40 CFR 122.28(b)(3).
5.5 Justification of Permit Limits and Conditions

Conditions in Parts 2 through 6 are self-explanatory and are incorporated in the permit based on 40 CFR 122.41, 40 CFR 122.43, 40 CFR 122.62, 40 CFR 124.5, 40 CFR 136, 40 CFR 122.44(d), Appendix D of the Continuing Planning Process (CPP), and APC&EC Reg. No. 3 in order to provide and ensure compliance with all applicable requirements of the CWA and regulations.

Definitions in Part 7 are self-explanatory and have been included in the permit in order to provide and ensure compliance with all applicable requirements of the CWA and regulations.

**BOD5**

Limits for BOD5 are based upon Reg. 6.401.

**TSS**

Limits for TSS are based on Reg. 6.401.

**Dissolved Oxygen (DO)**

DO limits are based on the worst case scenario in order to meet Water Quality Standards for all Eco-Regions set forth in Reg 2.505.

**Fecal Coliform Bacteria**

The limit for Fecal Coliform Bacteria is based on the previous permit limits, the anti-backsliding requirements of 40 CFR 122.44(l) and is based upon a worst case scenario and is consistent with Reg. 2.507.

**pH**

The water quality-based limits for pH are based on Reg. 2.504.

**To Be Determined (TBD)**

Upon review of a Notice of Intent and consideration of the receiving waterbody, the Department may determine that additional parameters are required to ensure that the discharge will comply with water quality standards. Toxic substances shall not be present in receiving waters, after mixing, in such quantities as to be toxic to human, animal, plant or aquatic life or to interfere with the normal propagation, growth and survival of the indigenous aquatic biota.

6. Workgroup Meeting

A workgroup meeting was held on Tuesday, July 9, 2013 at 2:00 pm (Central Time) to discuss the permit renewal with stakeholders. Attendees were representatives of Beaver Water District, the Arkansas Department of Health, and designated representatives.
7. Public Notice, Meeting, and Hearing

The public notice describes the procedures for the formulation of the draft decision and shall provide for a public comment period of 30 days. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permitting decision.

The public comment period began on the date of publication, October 26, 2013 and ended on November 25, 2013 at 4:30 p.m. (Central Time). A public meeting and hearing was held on November 25, 2013 beginning at 2:00 p.m. (Central Time) at ADEQ’s Headquarters in North Little Rock.

8. Economic Impact

This permit does not place any additional undue burden on any private business entity, large or small. It does not restrict any opportunities that are available to any small businesses. The inspection and control requirements are set at a level to protect water quality while minimizing the resources required for compliance.

The permit fee of $200 is allowed by Arkansas Pollution Control and Ecology Commission Regulation No. 9 for commercial facilities.

There may be minimal additional cost for commercial facilities to obtain a Certificate of Good Standing from the Secretary of State of any State other than Arkansas.

For treatment units discharging into ERWs, NSWs, and ESWs, an individual NPDES permit will be required. Obtaining an individual NPDES permit will result in additional cost for public notice and longer processing time. It may also result in additional cost if monitoring of additional parameters is required under the individual permit.

9. Contact Information

For additional information regarding this permit, please contact the General Permits Section of the Water Division:

General Permits Section
Water Division
5301 Northshore Drive
North Little Rock, AR 72218-5317

(501) 682-0623

water-permit-application@adeq.state.ar.us
10. Sources

10.1 Previous Permit, ARG550000.
10.2 Workgroup Meeting, 7/9/2013.
10.3 APCEC Regulation No. 2.
10.4 APCEC Regulation No. 6.
10.5 APCEC Regulation No. 8.
10.6 APCEC Regulation No. 9.
10.7 Arkansas State Board of Health “Rules and Regulations Pertaining to Onsite Wastewater Systems”, Effective August 1, 2012.