STATE CONSTRUCTION PERMIT
Permit Number: AR0045578C1

Permittee:

Arkansas Department of Corrections
ADC-East AR Regional Unit
P.O. Box 8707
Pine Bluff, AR 71611

Consulting Engineer:

Haley Hamilton, P.E., Project Engineer
McClelland Consulting Engineers, Inc.
146 W South St
Benton, Ar 72015-3777

This permit allows the permittee listed above to modify the wastewater treatment system in accordance with the permit application and plans and specifications which were received on April 8, 2026, and all additional information received by May 4, 2026, under authority of the Arkansas Water and Air Pollution Control Act (Arkansas Code Annotated § 8-4-101 et seq. and Arkansas Code Annotated § 8-4-201 et seq.) and the following terms and conditions.

1. The treatment system shall be modified in accordance with the final plans and specifications as submitted to the Division of Environmental Quality (DEQ). In case any statement or representation in the aforementioned documents is found to be incorrect, this approval may be revoked.

2. There shall be no deviation from the permitted plans and specifications unless the revisions have been submitted for review and written approval is received.

3. Within thirty (30) days of completion of the construction the permittee shall submit a Notice of Completion of Construction to the Division (Permits Branch of the Office of Water Quality) that the facility has been modified in accordance with the approved plans and specifications. The certification shall be signed by the Responsible Official as well as stamped and signed by a Professional Engineer (P.E.) licensed in the state of Arkansas. The Notice of Completion of Construction form is located at the following web link:

   https://www.adeq.state.ar.us/water/permits/npdes/individual/pdfs/state-construction-permit-completion-of-construction.pdf

4. This permit is issued in reliance upon the statements and representations made in the application and the plans and specifications. Issuance of this State Construction Permit does not guarantee satisfactory performance of the treatment system. The permittee shall ensure that water quality standards are not violated. Any modifications to the treatment facility necessary to meet water quality standards are the responsibility of the permittee and would require a modification to this State Construction Permit.

5. A State Construction Permit for the modification of an existing wastewater treatment facility does not constitute an NPDES permit. Issuance of a State Construction Permit for modification of a treatment system in no way guarantees or assumes that an application for an NPDES permit to operate the system will be approved or an NPDES permit will be issued.

6. A complete “Operations and Maintenance (O&M) Manual” of the wastewater treatment system shall be updated by the facility consultant for the operator’s use before the plant is in operation.

7. Failure to begin construction within one (1) year of the effective date may result in termination of this permit if a request for an extension is not submitted to the Division in a timely manner.

8. The permittee must submit notification of the start of construction within fifteen (15) days after construction has begun.

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9. If a construction site will disturb greater than or equal to one (1) acre and less than five (5) acres, the permittee shall comply with the requirements in PC&EC Rule 6.203 for Stormwater discharge associated with a small construction site, as defined in PC&EC Rule 6. If the construction site will disturb five (5) acres or more, the permittee shall comply with the terms of the Stormwater Construction General Permit Number ARR150000 prior to the start of construction. BMPs must be implemented regardless of the size.

10. This facility is located as follows: Latitude: 34° 50’ 29.59” N; Longitude: 90° 36’ 4.73” W in Lee County, Arkansas.

11. The receiving waters for this facility are the St. Francis River in Segment 5A of the St. Francis River Basin. The outfall is located at the following coordinates: Outfall 001: Latitude: 34° 50’ 10.00” N; Longitude: 90° 36’ 43.00” W.

12. The construction will include: installation of a Peracetic Acid (PAA) disinfection system, and polymer feed system to increase settling of solids. The existing treatment system consists of: screening, grit chamber, activated sludge oxidation ditch, two clarifiers (in parallel), and chlorine disinfection. The design flow will remain unchanged at 0.65 MGD.

13. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The complete application shall be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Conditions of this permit will continue in effect past the expiration date pending issuance of a new permit if:
    a. The permittee has submitted a timely and complete application as described in Rule 6.202(B); and
    b. The Director, through no fault of the permittee, does not issue a new permit prior to the expiration date of this permit.

Effective Date:

Expiration Date:

_____ _____

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

Issue Date

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STATEMENT OF BASIS

For draft State Construction Permit Number AR0045578C1.

The issuing office is:

Division of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118

The applicant's mailing address is:

Arkansas Department of Corrections
ADC-East AR Regional Unit
P.O. Box 8707
Pine Bluff, AR 71611

The facility address is:

Arkansas Department of Corrections
ADC-East AR Regional Unit
326 Lee 601
Brickeys, AR 72320

1. BASIS FOR PERMIT AND CONDITIONS

This permit is your authority to modify the wastewater treatment system in accordance with the permit application and plans and specifications which were received on April 8, 2026, and all additional information received by May 4, 2026. The issuance of this permit and conditions are based on the Arkansas Water and Air Pollution Control Act (Arkansas Code Annotated § 8-4-101 et seq. and Arkansas Code Annotated § 8-4-201 et seq.), Pollution Control and Ecology Commission (PC&EC) Rule 6.202, codified at 8 CAR § 25-202, NPDES Discharge permit AR0045578, and 40 C.F.R. § 122.26.

Specific permit conditions and their sources are listed as follows:

Conditions 1, 2, 3, 4, 5, 6, 7, and 8 are self-explanatory. Condition 9 is based on 40 C.F.R. § 122.26. Conditions 10, 11, and 12 are based on the submitted application and Plans and Specifications. Condition 13 is based on Arkansas Code Annotated § 8-4-203(a).

2. PUBLIC NOTICE

In accordance with PC&EC Rule 8, codified at 8 CAR Part 11, the public notice will be published by DEQ in a newspaper of general circulation for one (1) day only. The public comment period will begin on the date of publication and will end no sooner than thirty (30) days from that date. Comments must be received at DEQ prior to the close of the public comment period.

3. PERMIT FEE

In accordance with PC&EC Rule 9.402(A), codified at 8 CAR § 12-302(b)(2), the fee for issuance of a state construction permit is $500.

4. SOURCES

1. Application Form 1 and Plans and Specifications dated April 8, 2026, and all additional information received by May 4, 2026.
2. 2014 Edition of Recommended Standards for Wastewater Facilities (Ten State Standards).
3. PC&EC Rules 6, 8, and 9, codified at 8 CAR Parts 25, 11, and 12, respectively.
4. A.C.A. § 8-4-217(b)(1)(C).
5. 40 C.F.R. § 122.26.

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5. CONTACT PERSON

The DEQ contact person for submitting written comments, requesting information, or obtaining copies of the application, permit, and the Statement of Basis is:

Guy Lester, P.E.
Professional Engineer
NPDES Branch, Office of Water Quality
Division of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317
(501) 519-0304

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DIVISION OF
ENVIRONMENTAL QUALITY

Sarah Huckabee Sanders
GOVERNOR
Shane E. Khoury
SECRETARY

October 28, 2026

Via Email Only to: Eddie Powell, Assistant Director: eddie.powell@doc.arkansas.gov

Re: Permittee: Arkansas Department of Corrections
Facility: ADC-East AR Regional Unit
NDPES Permit No. AR0045578, State Construction Permit Number AR0045578C1, AFIN 39-00018

Dear Mr. Powell:

Attached are the public notice, copies of the draft permits, and Statements of Basis, which the Arkansas Department of Energy and Environment – Division of Environmental Quality (DEQ) has prepared and emailed to you on the above date under the authority of the National Pollutant Discharge Elimination System (NPDES) program and the Arkansas Water and Air Pollution Control Act.

In accordance with Pollution Control & Ecology Commission (PC&EC) Rule 8.207, codified at 8 CAR § 11-207, the attached public notice will be, or has been, published by DEQ in a newspaper of general circulation of your facility for one (1) day only. An invoice for the cost of publishing the public notice and proof of publication will be sent to you by the advertising newspaper. The permittee must send proof of publication and proof of payment to EE.WaterPermitApp@arkansas.gov or by postal mail to the address at the bottom of this letter as soon as possible but no later than 30 days from the above date. Until this Division receives proof of publication of the public notice and payment of all permit fees, no further action will be taken on the issuance of your discharge permit.

For a list of changes to the NPDES permit, please see Section 6 of the attached Statement of Basis. Comments must be received at DEQ prior to the close of the public comment period as described in the attached public notice. If a final permit is issued by the Director and becomes effective, the permittee must comply with all terms and conditions of the permit, or be subject to enforcement actions for any instances of noncompliance during the duration of the permit, usually five (5) years. Consequently, it is imperative that you, as the applicant, thoroughly review the attached documentation for accuracy, applicability, and your ability to comply with all conditions therein.

Should you have any questions concerning any part of the draft permit, please contact Guy Lester, P.E., at (501) 519-0304.

Sincerely,

Digitally signed by Stacie R. Wassell
DN: cn=Stacie R. Wassell, o=Division of Environmental Quality, ou=Office of Water Quality, email=stacie.wassell@adeq.state.ar.us, c=US
Date: 2026.10.28 08:26:46 -05'00'

Stacie R. Wassell
Deputy Director, Office of Water Quality
Division of Environmental Quality

Attachment

cc: Haley Hamilton, Project Engineer (hhamilton@mce.us.com)

PUBLIC NOTICE OF DRAFT NPDES PERMIT MODIFICATION AR0045578,
DRAFT STATE CONSTRUCTION PERMIT NUMBER AR0045578C1, AND 208 PLAN, AFIN 39-00018

This is to give notice that the Arkansas Department of Energy and Environment (E&E) Division of Environmental Quality (DEQ), Office of Water Quality, 5301 Northshore Drive, North Little Rock, AR 72118-5317 at telephone number (501) 682-0972, proposes a draft NPDES permit modification, and draft state construction permit for which an application was received on April 8, 2026, with all additional information received by May 4, 2026, in accordance with Pollution Control and Ecology Commission (PC&EC) Rule 6, codified at 8 CAR Part 25.

Applicant: Arkansas Department of Corrections - ADC-East AR Regional Unit, 326 Lee 601, Brickeys, AR 72320; Latitude: 34° 50’ 29.59” N; Longitude: 90° 36’ 4.73 W in Lee County, Arkansas.

The discharge from this existing facility is made into the St. Francis River in Segment 5A of the St. Francis River Basin.

Proposed construction will include: installation of a Peracetic Acid (PAA) disinfection system, and a polymer feed system to increase settling of solids. The existing treatment system is: screening, grit chamber, activated sludge oxidation ditch, two clarifiers (in parallel), and chlorine disinfection. The design flow will remain unchanged at 0.65 MGD.

The 208 Plan, developed by DEQ under provisions of Section 208 of the federal Clean Water Act, is a comprehensive program to work toward achieving federal water goals in Arkansas. The initial 208 Plan, adopted in 1979, provides for annual updates, but can be revised more often if necessary. An update to the 208 Plan has been proposed to add a year-round instantaneous maximum PAA limit of 2.0 mg/l to the existing water quality limitations. This change has been incorporated into the draft discharge permit.

Citizens wishing to examine or obtain copies of the permit application, the draft permitting decision, the statement of basis, or the 208 Plan, may do so at E&E headquarters located at 5301 Northshore Drive, North Little Rock, AR 72118-5317. To request a copy of one or more of the documents, please call (501) 682-0972. For those with internet access, a copy of the proposed draft permit, as well as the publication date, may be found on DEQ’s website at: https://www.adeq.state.ar.us/water/permits/drafts_pn.aspx.

Comments on the draft NPDES permit modification, and draft state construction permit, will be accepted in accordance with PC&EC Rule 8.208, codified at 8 CAR § 11-208. DEQ’s contact person for submitting written comments on the draft permits, or 208 Plan, or requesting a public hearing on the draft permits, or the proposed changes to the 208 Plan, is Guy Lester, P.E., at the above address and telephone number or by email at EE.WaterComment@arkansas.gov.

The period for submitting comments on the draft NPDES permit modification, draft state construction permit, and 208 Plan, and for requesting a public hearing, shall begin on the date of publication of the public notice and end at 4:30 p.m. (Central Time) on the 30th day after the publication date. If the last day of the comment period is a Saturday, Sunday, or legal holiday, the public comment period shall expire on the next day that is not a Saturday, Sunday, or legal holiday. For information regarding the actual publication date along with the actual date and time the comment period will end, please contact Guy Lester, P.E., at the above address and telephone number or by email at EE.WaterComment@arkansas.gov. Public notice, comments, and hearings will be conducted in accordance with PC&EC Rules 6.104(A)(5) [40 C.F.R. §§ 124.10 through 124.12 by reference] and 8.207 through 8.210 (Administrative Procedures), codified at 8 CAR § 25-104 and 8 CAR §§ 11-207 through 210. All persons, including the permittee, who wish to comment on DEQ’s draft permitting decision must submit written comments to DEQ, along with their name and mailing address. A public hearing will be held when DEQ finds a significant degree of public interest. After the public comment period, DEQ will issue a final permitting decision. DEQ will notify the applicant, and each person who has submitted written comments or requested notice, of the final permitting decision. Any interested person who has submitted comments may appeal a final decision by DEQ in accordance with the PC&EC Rule 8, codified at 8 CAR Part 11.

AUTHORIZATION TO DISCHARGE WASTEWATER UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM AND THE ARKANSAS WATER AND AIR POLLUTION CONTROL ACT

In accordance with the provisions of the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 et seq.), and the Clean Water Act (33 U.S.C. § 1251 et seq.),

Arkansas Department of Correction
ADC - East Arkansas Regional Unit

is authorized to discharge treated sanitary and food preparation wastewater from a facility located as follows: 326 Lee 601, Brickeys, AR 72320, in Lee County.

Facility Coordinates: Latitude: 34° 50’ 29.59” N; Longitude: 90° 36’ 4.730” W

Discharge is to receiving waters named:

The St. Francis River in Segment 5A of the St. Francis River Basin.

The outfall is located at the following coordinates:

Outfall 001: Latitude: 34° 50’ 10” N; Longitude: 90° 36’ 43” W

Discharge shall be in accordance with effluent limitations, monitoring requirements, and other conditions set forth in this permit. Per Part III.D.10, the permittee must re-apply 180 days prior to the expiration date below for permit coverage to continue beyond the expiration date.

Effective Date: June 1, 2024
Major Modification Effective Date:
Expiration Date: May 31, 2029

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

Major Modification Issue Date

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PART I
PERMIT REQUIREMENTS

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

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

Effluent Characteristics	Discharge Limitations				Monitoring Requirements	
	Mass (lbs/day, unless otherwise specified)		Concentration (mg/l, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Daily Max.	Monthly Avg.	Daily Max.		
Flow	N/A	N/A	Report, MGD	Report, MGD	daily	totalizing meter
Biochemical Oxygen Demand (BOD_5)	162.6	244.0	30	45	three/month	composite
Total Suspended Solids (TSS)	162.6	244.0	30.0	45.0	three/month	composite
Dissolved Oxygen (DO)	N/A	N/A	2.0 (Inst. Min.)		three/month	grab
Fecal Coliform Bacteria (FCB)			(colonies/100ml)			
(May – September)	N/A	N/A	200	400	three/month	grab
(October – April)	N/A	N/A	1000	2000	three/month	grab
Total Residual Chlorine (TRC)[1]	N/A	N/A	Report (Inst. Max)[2]		three/month[3]	grab
Peracetic Acid (PAA)[4]	N/A	N/A	2.0 (Inst. Max)[2]		three/month[5]	grab
Oil and Grease (O&G)	54.0	81.0	10	15	three/month	grab
pH	N/A	N/A	Minimum 6.0 s.u.	Maximum 9.0 s.u.	threemonth	grab

1. TRC must be measured using any approved test method established in 40 C.F.R. Part 136 capable of meeting a detection level of 0.033 mg/l or lower. If TRC is not detected at the required detection level (i.e., lab result is "ND"), report "0" on the Discharge Monitoring Report (DMR). Report the concentration if TRC is detected and measured in the sample.
2. The reporting requirement for TRC and PAA is the instantaneous maximum and cannot be averaged for reporting purposes. TRC and PAA shall be measured within fifteen (15) minutes of sampling.
3. The monitoring and reporting of TRC on the DMRs applies only when Chlorine is being used for disinfection. If Chlorine is not used during a monitoring period, report NODI=9 (Conditional Monitoring – Not Required This Period) for the TRC parameter for that monitoring period.
4. See Part II.7 for acceptable test methods for PAA.
5. The monitoring and reporting of PAA on the DMRs applies only when PAA is being used for disinfection. If PAA is not used during a monitoring period, report NODI=9 (Conditional Monitoring – Not Required This Period) for the PAA parameter for that monitoring period.

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

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

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SECTION B. PERMIT COMPLIANCE SCHEDULE

None

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PART II
OTHER CONDITIONS

1. The operator of this wastewater treatment facility shall be licensed as at least Class III by the State of Arkansas in accordance with APC&EC Rule 3.

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

3. Other Specified Monitoring Requirements

   The permittee may use alternative appropriate monitoring methods and analytical instruments other than as specified in Part I Section A of the permit without a major permit modification under the following conditions:

   - The monitoring and analytical instruments are consistent with accepted scientific practices.
   - The requests shall be submitted in writing to the Permits Branch of the Office of Water Quality of DEQ for use of the alternate method or instrument.
   - The method and/or instrument is in compliance with 40 C.F.R. Part 136 or approved in accordance with 40 C.F.R. § 136.5.
   - All associated devices are installed, calibrated, and maintained to ensure the accuracy of the measurements and are consistent with the accepted capability of that type of device. The calibration and maintenance shall be performed as part of the permittee's laboratory Quality Assurance/Quality Control (QA/QC) program.

   Upon written approval of the alternative monitoring method and/or analytical instruments, these methods or instruments must be consistently utilized throughout the monitoring period. DEQ must be notified in writing and the permittee must receive written approval from DEQ if the permittee decides to return to the original permit monitoring requirements.

4. Best Management Practices (BMPs), as defined in Part IV.7, must be implemented for the facility to prevent or reduce the pollution of waters of the State from stormwater runoff, spills or leaks, and/or waste disposal. The permittee must amend the BMPs whenever there is a change in the facility or a change in the operation of the facility.

5. The permittee must implement or maintain BMPs to reduce the levels of Total Residual Chlorine (TRC) in the effluent. Documentation regarding the implementation and effectiveness of those BMPs must be kept at the facility and made available to Division personnel upon request. In accordance with Part II.2 above, the Division is authorized to reopen the permit to include TRC limits if the receiving stream exhibits negative effects from TRC or if the levels of TRC in the effluent are not reduced.

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The permittee may use any EPA approved method based on 40 C.F.R. Part 136 provided the minimum quantification level (MQL) for the chosen method is equal to or less than what has been specified in chart below:

Pollutant	MQL (mg/l)
TRC	0.033

The permittee may develop a matrix specific method detection limit (MDL) in accordance with Appendix B of 40 C.F.R. Part 136. For any pollutant for which the permittee determines a site specific MDL, the permittee shall send to DEQ, NPDES Permits Branch, a report containing QA/QC documentation, analytical results, and calculations necessary to demonstrate that a site specific MDL was correctly calculated. A site specific MQL shall be determined in accordance with the following calculation:

$$MQL = 3.3 \times MDL$$

Upon written approval by Permits Branch, the site specific MQL may be utilized by the permittee for all future DMR calculations and reporting requirements.

6. Monitoring Frequency Reduction

The permittee may request a one-time monitoring frequency reduction for pollutants listed in Part I, Section A, *Effluent Limitations and Monitoring Requirements*. Any request for a monitoring frequency reduction must be submitted in writing to DEQ, and signed by the Responsible Official, in accordance with Part III.D.11.A of the permit.

The following requirements must be met before a review of the monitoring frequency reduction request will be performed:

A. Compliance with the permit limits for at least the last two (2) years for the pollutants for which a request has been made for a monitoring frequency reduction;

B. No operational or design changes have been made to the facility for at least the last two (2) years (or during period of review, if greater than two (2) years), and are not anticipated for the remaining term of this permit.

If the above conditions are met, a detailed review of the DMR data will be performed for the pollutants for which a monitoring frequency reduction has been requested. Compliance with the limits does not guarantee a monitoring frequency reduction will be granted. Data must show that the average concentration of the pollutants in the discharge are less than 75% of the permit limits for a monitoring frequency reduction to be granted.

If a monitoring frequency reduction is granted, the frequency can be reduced by no more than half the rate of the corresponding frequency listed in Part I, Section A, *Effluent Limitations and Monitoring Frequencies*. For example, a monitoring frequency of 4 per month will not be reduced to less than 2 per month. Additionally, the frequency will be no less frequent than monthly.

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7. Analysis of PAA residual shall be performed using any of the following methods:

   A. CHEMetrics Kit K-7904 (DPD Visual Method)
   B. CHEMetrics Kit K-7913 (DPD Instrumental Method)
   C. Hach Method 10297 (DPD Instrumental Method)

   Use of any other test method for PAA will require prior approval from the Division.

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PART III
STANDARD CONDITIONS

SECTION A – GENERAL CONDITIONS

1. **Duty to Comply**

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Water Act and the Arkansas Water and Air Pollution Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; and/or for denial of a permit renewal application. **Any values reported in the required Discharge Monitoring Report (DMR) which are in excess of an effluent limitation specified in Part I shall constitute evidence of violation of such effluent limitation and of this permit.**

2. **Penalties for Violations of Permit Conditions**

The Arkansas Water and Air Pollution Control Act provides that any person who violates any provisions of a permit issued under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year, or a fine of not more than twenty-five thousand dollars ($25,000) or by both such fine and imprisonment for each day of such violation. Any person who violates any provision of a permit issued under the Act may also be subject to civil penalty in such amount as the court shall find appropriate, not to exceed ten thousand dollars ($10,000) for each day of such violation. The fact that any such violation may constitute a misdemeanor shall not be a bar to the maintenance of such civil action.

3. **Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to the following:

A. Violation of any terms or conditions of this permit.
B. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts.
C. A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge.
D. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.
E. Failure of the permittee to comply with the provisions of PC&EC Rule 9 (Permit fees) as required by Part III.A.11 herein.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

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4. **Toxic Pollutants**

Notwithstanding Part III.A.3, if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under PC&EC Rule 2, as amended, or Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitations on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standards or prohibition and the permittee so notified.

The permittee shall comply with effluent standards, narrative criteria, or prohibitions established under PC&EC Rule 2, as amended, or Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. **Civil and Criminal Liability**

Except as provided in permit conditions for "Bypass of Treatment Facilities" (Part III.B.4), and "Upset" (Part III.B.5), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of this permit or applicable state and federal statutes or regulations which defeats the regulatory purposes of the permit may subject the permittee to criminal enforcement pursuant to the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 et seq.).

6. **Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under Section 311 of the Clean Water Act.

7. **State Laws**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law, rule, or regulation under authority preserved by Section 510 of the Clean Water Act.

8. **Property Rights**

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

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9. **Severability**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provisions of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

10. **Applicable Federal, State, or Local Requirements**

Permittees are responsible for compliance with all applicable terms and conditions of this permit. Receipt of this permit does not relieve any operator of the responsibility to comply with any other applicable federal, state, or local requirement, statute, ordinance, or regulation.

11. **Permit Fees**

The permittee shall comply with all applicable permit fee requirements (i.e., including annual permit fees following the initial permit fee that will be invoiced every year the permit is active) for wastewater discharge permits as described in PC&EC Rule 9 (Rule for the Fee System for Environmental Permits). Failure to promptly remit all required fees shall be grounds for the Director to initiate action to terminate this permit under the provisions of 40 C.F.R. §§ 122.64 and 124.5(d), as adopted in PC&EC Rule 6, and the provisions of PC&EC Rule 8.

SECTION B – OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. **Proper Operation and Maintenance**

A. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

B. The permittee shall provide an adequate operating staff which is duly qualified to carryout operation, maintenance, and testing functions required to ensure compliance with the conditions of this permit.

2. **Need to Halt or Reduce not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production or discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power for the treatment facility is reduced, is lost, or alternate power supply fails.

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3. **Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment or the water receiving the discharge.

4. **Bypass of Treatment Facilities**

"Bypass" means the intentional diversion of waste streams from any portion of a treatment facility, as defined at 40 C.F.R. § 122.41(m)(1)(i).

A. Bypass not exceeding limitation

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts III.B.4.B and 4.C.

B. Notice

1. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.
2. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part III.D.6 (24-hour notice).

C. Prohibition of bypass

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

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
(c) The permittee submitted notices as required by Part III.B.4.B.

2. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in Part III.B.4.C(1).

5. **Upset Conditions**

A. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements

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of Part III.B.5.B of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

B. Conditions necessary for demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and that the permittee can identify the specific cause(s) of the upset.
2. The permitted facility was at the time being properly operated.
3. The permittee submitted notice of the upset as required by Part III.D.6.
4. The permittee complied with any remedial measures required by Part III.B.3.

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

6. **Removed Substances**

A. Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the state. The Permittee must comply with all applicable state and federal regulations governing the disposal of sludge, including but not limited to 40 C.F.R. Parts 257, 258, and 503.

B. Any changes to the permittee's disposal practices described in the Statement of Basis, as derived from the permit application, will require at least 180 days prior notice to the Director to allow time for additional permitting. Please note that the 180 day notification requirement may be waived if additional permitting is not required for the change.

7. **Power Failure**

The permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failure either by means of alternate power sources, standby generators, or retention of inadequately treated effluent.

SECTION C – MONITORING AND RECORDS

1. **Representative Sampling**

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Director. Intermittent discharge shall be monitored.

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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 at least once per year, and maintained to ensure the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than +/- 10% from true discharge rates throughout the range of expected discharge volumes and shall be installed at the monitoring point of the discharge.

Calculated Flow Measurement

For calculated flow measurements that are performed in accordance with either the permit requirements or a Division approved method (i.e., as allowed in the *Other Specified Monitoring Requirements* condition under Part II), the +/- 10% accuracy requirement described above is waived. This waiver is only applicable when the method used for calculation of the flow has been reviewed and approved by the Division.

3. **Monitoring Procedures**

Monitoring must be conducted according to test procedures approved under 40 C.F.R. Part 136, unless other test procedures have been specified in this permit. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals frequent enough to ensure accuracy of measurements and shall ensure that both calibration and maintenance activities will be conducted. An adequate analytical quality control program, including the analysis of sufficient standards, spikes, and duplicate samples to ensure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory. At a minimum, spikes and duplicate samples are to be analyzed on 10% of the samples.

4. **Penalties for Tampering**

The Arkansas Water and Air Pollution Control Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year or a fine of not more than ten thousand dollars ($10,000) or by both such fine and imprisonment.

5. **Reporting of Monitoring Results**

40 C.F.R. § 127.11(a)(1) and 40 C.F.R. § 127.16(a) require that monitoring results must be reported on a Discharge Monitoring Reports (DMR) and filed electronically. Signatory Authorities must initially request access for a NetDMR account. Once a NetDMR account is established, use the following link to access electronic filing: https://cdx.epa.gov. Permittees who are unable to file electronically may request a waiver from the Director in accordance with 40 C.F.R. § 127.15. Monitoring results obtained during the previous monitoring period shall be summarized and reported on a DMR dated and submitted no later than the 25th day of the month, following the completed reporting period beginning on the effective date of the permit.

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6. **Additional Monitoring by the Permittee**

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 C.F.R. Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated on the DMR.

7. **Retention of Records**

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

8. **Record Contents**

Records and monitoring information shall include:

A. The date, exact place, time, and methods of sampling or measurements, and preservatives used, if any.
B. The individual(s) who performed the sampling or measurements.
C. The date(s) and time analyses were performed.
D. The individual(s) who performed the analyses.
E. The analytical techniques or methods used.
F. The measurements and results of such analyses.
G. The chain of custody that records the sequence of custody, control, transfer, analysis, and measurement of the analyses.

9. **Inspection and Entry**

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

A. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.
B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit.
C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit.
D. Sample, inspect, or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

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SECTION D – REPORTING REQUIREMENTS

1. **Planned Changes**

The Permittee shall give notice to the Director as soon as possible but no later than 180 days prior to any planned physical alterations or additions to the permitted facility [40 C.F.R. § 122.41(l)]. Notice is required only when:

A. The alteration or addition to a permitted facility may meet one of the criteria for new sources at 40 C.F.R. § 122.29(b).
B. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to the notification requirements under 40 C.F.R. § 122.42(b).

2. **Anticipated Noncompliance**

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. **Transfers**

The permit is nontransferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

4. **Monitoring Reports**

Monitoring results shall be reported at the intervals and in the form specified in Part III.C.5. **Discharge Monitoring Reports must be submitted even when no discharge occurs during the reporting period.**

5. **Compliance Schedule**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

6. **Twenty-four Hour Report**

Please be aware that the notifications can be sent by email to EE.Water.Enforcement.Report@arkansas.gov or at 501-682-0624 for immediate reporting:

A. The permittee shall report any noncompliance which may endanger health or the environment within 24 hours from the time the permittee becomes aware of the circumstances to the Enforcement Branch of the Office of Water Quality of DEQ. A written

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submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain the following information:

1. A description of the noncompliance and its cause.
2. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue.
3. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

B. The following must be reported within 24 hours:

1. Any unanticipated bypass which exceeds any effluent limitation in the permit.
2. Any upset which exceeds any effluent limitation in the permit.
3. Violation of a maximum daily discharge limitation for any of the pollutants listed in Part I of the permit.

C. The Director may waive the written report on a case-by-case basis if the notification has been received within 24 hours by the Enforcement Branch of the Office of Water Quality.

7. **Other Noncompliance**

The permittee shall report all instances of noncompliance not reported under Parts III.D.4, 5, and 6, at the time monitoring reports are submitted. The reports shall contain the information listed at Part III.D.6.

8. **Changes in Discharge of Toxic Substances for Industrial Dischargers including Existing Manufacturing, Commercial, Mining, and Silvicultural Dischargers**

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

A. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis of any toxic pollutant including those listed in 40 C.F.R. § 401.15 which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" described in 40 C.F.R. § 122.42(a)(1).

B. That any activity has occurred or will occur which would result in any discharge on a non-routine or infrequent basis of a toxic pollutant including those listed in 40 C.F.R. § 401.15 which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" described in 40 C.F.R. § 122.42(a)(2).

9. **Duty to Provide Information**

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

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10. **Duty to Reapply**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The complete application shall be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be implemented through procedures outlined by PC&EC Rule 6.

11. **Signatory Requirements**

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

A. All **permit applications** shall be signed as follows:

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

(a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation.
(b) The manager of one or more manufacturing, production, or operation facilities, provided: the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. For a partnership or sole proprietorship: by a general partner or proprietor, respectively.

3. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

(a) The chief executive officer of the agency.
(b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

B. All **reports** required by the permit and **other information** requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

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1. The authorization is made in writing by a person described above.
2. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).
3. The written authorization is submitted to the Director.

C. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

12. **Availability of Reports**

Except for data determined to be confidential under 40 C.F.R. Part 2 and PC&EC Rule 6, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Division of Environmental Quality. As required by the regulations and rules, the name and address of any permit applicant or permittee, permit applications, permits, and effluent data shall not be considered confidential.

13. **Penalties for Falsification of Reports**

The Arkansas Water and Air Pollution Control Act provides that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this permit shall be subject to civil penalties specified in Part III.A.2 and/or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 et seq.).

14. **Other Information**

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

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PART IV
DEFINITIONS

All definitions contained in Section 502 of the Clean Water Act and 40 C.F.R. § 122.2 shall apply to this permit and are incorporated herein by reference. Additional definitions of words or phrases used in this permit are as follows:

1. **"7-Day Average"** means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week, divided by the number of "daily discharges" measured during that week (also known as "average weekly"). The 7-Day Average for Fecal Coliform Bacteria (FCB), or *E. coli*, is the geometric mean of the "daily discharges" of all effluent samples collected during a calendar week in colonies, or most probable number (MPN) per 100 ml.
2. **"Act"** means the Clean Water Act, Public Law 95-217 (33.U.S.C. 1251 et seq.) as amended.
3. **"Administrator"** means the Administrator of the U.S. Environmental Protection Agency.
4. **"Applicable standards and limitations"** means all State, interstate, and federal standards and limitations to which a "discharge," a "sewage sludge use or disposal practice," or a related activity is subject under the Act, including "effluent limitations," water quality standards, standards of performance, toxic effluent standards or prohibitions, "best management practices," pretreatment standards, and "standards for sewage sludge use or disposal" under sections 301, 302, 303, 304, 306, 307, 308, 403, and 405 of the Act.
5. **"Applicable water quality standards"** means all water quality standards to which a discharge is subject under the Act and which has been (a) approved or permitted to remain in effect by the Administrator following submission to the Administrator pursuant to Section 303(a) of the Act, or (b) promulgated by the Director pursuant to Section 303(b) or 303(c) of the Act, and standards promulgated under (PC&EC) Rule 2, as amended.
6. **"Best Management Practices (BMPs)"** means activities, practices, maintenance procedures, and other management practices designed to prevent or reduce the pollution of waters of the State. BMPs also include treatment technologies, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs may include structural devices or nonstructural practices.
7. **"Bypass"** means the intentional diversion of waste streams from any portion of a treatment facility, as defined at 40 C.F.R. § 122.41(m)(1)(i).
8. **"Composite sample"** means a mixture of grab samples collected at the same sampling point at different times, formed either by continuous sampling or by mixing a minimum of 4 effluent portions collected at equal time intervals (but not closer than one hour apart) during operational hours, within the 24-hour period, and combined proportional to flow or a sample collected at more frequent intervals proportional to flow over the 24-hour period.
9. **"CV"** means coefficient of variation.
10. **"Daily Discharge"** means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.
    A. **Mass Calculations:** For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of pollutant discharged over the sampling day.
    B. **Concentration Calculations:** For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

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11. **"Daily Maximum"** discharge limitation means the highest allowable "daily discharge" during the calendar month.
12. **"Director"** means the Director of the Division of Environmental Quality.
13. **"Dissolved oxygen limit"** means
    A. when limited in the permit as a minimum monthly average, the lowest acceptable monthly average value, determined by averaging all samples taken during the calendar month; **OR**
    B. when limited in the permit as an instantaneous minimum value, that no value measured during the reporting period may fall below the stated value.
14. **"Division"** means the Division of Environmental Quality (**DEQ**).
15. **"E. coli"** means a sample that consists of one effluent grab portion collected during a 24-hour period at peak loads. For *E. coli*, report the Daily Maximum as the highest "daily discharge" during the calendar month, 7-Day Average as the geometric mean of all "daily discharges" within a calendar week, and the Monthly Average as the geometric mean of all "daily discharges" within a calendar month, in colonies or MPN per 100 ml.
16. **"Fecal Coliform Bacteria (FCB)"** means a sample that consists of one effluent grab portion collected during a 24-hour period at peak loads. For FCB, report the Daily Maximum as the highest "daily discharge" during the calendar month, 7-Day Average as the geometric mean of all "daily discharges" within a calendar week, and the Monthly Average as the geometric mean of all "daily discharges" within a calendar month, in colonies or MPN per 100 ml.
17. **"Grab sample"** means an individual sample collected in less than 15 minutes in conjunction with an instantaneous flow measurement.
18. **"Industrial User"** means a source of Indirect Discharge. Indirect Discharge means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c), or (d) of the Act.
19. **"Instantaneous flow measurement"** means the flow measured during the minimum time required for the flow-measuring device or method to produce a result in that instance. To the extent practical, instantaneous flow measurements coincide with the collection of any grab samples required for the same sampling period so that together the samples and flow are representative of the discharge during that sampling period.
20. **"Instantaneous Maximum"** (when limited in the permit as an instantaneous maximum value) means that no value measured during the reporting period may fall above the stated value.
21. **"Instantaneous Minimum"** (when limited in the permit as an instantaneous minimum value) means that no value measured during the reporting period may fall below the stated value.
22. **"Interference"** means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
    A. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal; and
    B. Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation), or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations, or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act (CWA), the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

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23. **"Monitoring and Reporting"**
    NPDES permits specify monitoring and reporting requirements for specific periods defined as follows:
    A. **"MONTHLY"** means a calendar month, or any portion of a calendar month, for monitoring requirement frequency of once/month or more frequently.
    B. **"BI-MONTHLY"** means two (2) calendar months or any portion of 2 calendar months for monitoring requirement frequency of once/2 months or more frequently.
    C. **"QUARTERLY"** means:
        1. a **fixed calendar quarter** (or any part of the fixed calendar quarter) for a non-seasonal effluent characteristic with a measurement frequency of once/quarter. Fixed calendar quarters are: January through March, April through June, July through September, and October through December; **OR**
        2. a **fixed three month period** (or any part of the fixed three month period) of, or dependent upon, the seasons specified in the permit for a seasonal effluent characteristic with a monitoring requirement frequency of once/quarter that does not coincide with the fixed calendar quarter. Seasonal calendar quarters are: May through July, August through October, November through January, and February through April.
    D. **"SEMI-ANNUAL"** means the fixed time periods January through June, and July through December (or any portion thereof) for an effluent characteristic with a measurement frequency of once/6 months.
    E. **"ANNUAL" or "YEARLY"** means a fixed calendar year, or any portion of the fixed calendar year, for an effluent characteristic or parameter with a measurement frequency of once/year. A calendar year is January through December, or any portion thereof.
24. **"Monthly Average"** means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month, divided by the number of "daily discharges" measured during that month. For Fecal Coliform Bacteria (FCB) or *E. coli*, report the Monthly Average as the geometric mean of all "daily discharges" within a calendar month.
25. **"National Pollutant Discharge Elimination System (NPDES)"** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under Sections 307, 402, 318, and 405 of the Act.
26. "**NOEC**" means No Observed Effect Concentration.
27. **"Pass Through"** means a discharge which exits the POTW in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
28. **"PC&EC"** means the Pollution Control and Ecology Commission.
29. **"Percent Removal"** means a percentage expression of the removal efficiency across a treatment plant for a given pollutant parameter, as determined from the 30-day average values of the effluent pollutant concentrations for a given time period.
30. **"PMSD"** means Percent Minimum Significant Difference.
31. **"POTW"** means Publicly Owned Treatment Works, as defined in 40 C.F.R. § 403.3(q).
32. **"Severe property damage"** means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in products.

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33. **"Sewage sludge"** means any solid, semi-solid, or liquid residue removed during the treatment of municipal waste water or domestic sewage. Sewage sludge includes, but is not limited to, solids removed during primary, secondary, or advanced waste water treatment, scum, septage, portable toilet pumpings, type III marine sanitation device pumpings (33 C.F.R. Part 159), and sewage sludge products. Sewage sludge does not include grit or screenings, or ash generated during the incineration of sewage sludge.
34. **"Treatment works"** means any devices and systems used in storage, treatment, recycling, and reclamation of municipal sewage and industrial wastes, of a liquid nature to implement section 201 of the Act, or necessary to recycle reuse water at the most economic cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities, and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.
35. **Units of Measure:**
    A. **"cfs"** means cubic feet per second.
    B. **"MGD"** means million gallons per day.
    C. **"µg/l"** means micrograms per liter, or parts per billion (ppb).
    D. **"mg/l"** means milligrams per liter, or parts per million (ppm).
    E. **"ppb"** means parts per billion.
    F. **"ppm"** means parts per million.
    G. **"s.u."** means standard units.
    H. **"lb/d"** means pounds per day.
    I. **"col/100 ml"** means colonies per 100 milliliters, or most probable number (MPN) per 100 milliliters.
36. **"Upset"** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. Any upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventive maintenance, or careless or improper operations.
37. **"Visible sheen"** means the presence of a film or sheen upon or a discoloration of the surface of the discharge. A sheen can also be from a thin glistening layer of oil on the surface of the discharge.
38. **"Week"** means a calendar week, consisting of the 7-day period of Sunday through Saturday.
39. **"Weekday"** means Monday – Friday.

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Draft Statement of Basis

All changes to the draft statement of basis are italicized.

This is a modified permit, and only the modified portion of the permit can be reopened for comment.

This Statement of Basis is for information and justification of the permit requirements only. Please note that it is not enforceable. This permitting decision is for the *modification* of discharge Permit Number AR0045578 with Arkansas Department of Energy and Environment – Division of Environmental Quality (DEQ) Arkansas Facility Identification Number (AFIN) 39-00018 to discharge to Waters of the State.

1. PERMITTING AUTHORITY

The issuing office is:

Division of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317

2. APPLICANT

The applicant's mailing and facility address is:

Arkansas Department of Correction - ADC-East Arkansas Regional Unit
326 Lee 601
Brickeys, AR 72320

3. PREPARED BY

The permit *modification* was prepared by:

Guy Lester, P.E.
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4. PERMIT ACTIVITY

Previous Permit Effective Date: October 1, 2018
Previous Permit Modification Date: October 24, 2018
Previous Permit Expiration Date: September 30, 2023

The permittee submitted an application for a state construction permit and modification of the individual discharge permit on April 8, 2026, with all additional information received by May 4, 2026. The modification is for addition of PAA limits because the facility is adding PAA as supplemental disinfection to the existing chlorine disinfection. The discharge permit is modified for the remainder of the 5-year term, in accordance with regulations promulgated at 40 C.F.R. § 122.46(a).

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DOCUMENT ABBREVIATIONS

In the document that follows, various abbreviations are used. They are as follows:

BAT - best available technology economically achievable
BCT - best conventional pollutant control technology
BMP - best management practice
BOD_5 - five-day biochemical oxygen demand
BPJ - best professional judgment
BPT - best practicable control technology currently available
$CBOD_5$ - carbonaceous biochemical oxygen demand
CD - critical dilution
C.F.R. - Code of Federal Regulations
cfs - cubic feet per second
COD - chemical oxygen demand
COE - United States Corp of Engineers
CPP - continuing planning process
CWA - Clean Water Act
DMR - discharge monitoring report
DO - dissolved oxygen
ELG - effluent limitation guidelines
EPA - United States Environmental Protection Agency
ERW - extraordinary resource water
ESA - Endangered Species Act
ESW - ecologically sensitive waterbody
FCB - fecal coliform bacteria
gpm - gallons per minute
MGD - million gallons per day
MQL - minimum quantification level
NAICS - North American Industry Classification System
NH_3-N - ammonia nitrogen
$NO_3 + NO_2$-N - nitrate + nitrite nitrogen
NPDES - National Pollutant Discharge Elimination System
NSW - natural and scenic waterways
O&G - oil and grease
PC&EC - Pollution Control and Ecology Commission
Rule 2 - PC&EC Rule 2: 8 CAR Part 21
Rule 6 - PC&EC Rule 6: 8 CAR Part 25
Rule 8 - PC&EC Rule 8: 8 CAR Part 11
Rule 9 - PC&EC Rule 9: 8 CAR Part 12
RP - reasonable potential
SIC - standard industrial classification
TDS - total dissolved solids
TMDL - total maximum daily load
TP - total phosphorus
TRC - total residual chlorine
TSS - total suspended solids

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UAA - use attainability analysis
USF&WS - United States Fish and Wildlife Service
USGS - United States Geological Survey
WET - whole effluent toxicity
WQMP - water quality management plan
WQS - Water Quality standards
WWTP - wastewater treatment plant

Compliance and Enforcement History:

The compliance and enforcement history for this facility can be reviewed by using the following web link:

https://adeq.state.ar.us/downloads/WebDatabases/PermitsOnline/NPDES/PermitInformation/AR0045578_Enforcement%20Review_20260611.pdf

5. FINANCIAL ASSURANCE

Arkansas Code Annotated § 8-4-203 (b)(1)(A)(iii) exempts "State or federal facilities" from Financial Assurance Requirements. This is a State facility and therefore, financial assurance is not required.

6. SIGNIFICANT CHANGES FROM THE PREVIOUSLY ISSUED PERMIT

The permittee is responsible for carefully reading the permit in detail and becoming familiar with all of the changes made as a part of the modification:

1. *A PAA limit has been included in the permit.*
2. *Approved PAA analytical methods have been included in Part II.7.*
3. *Parts III and IV have been updated to the current standard conditions and definitions.*

The changes noted below were from the permit renewal effective June 1, 2024:

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

1. The permittee mailing address has been removed from the permit cover page.
2. The Twenty-four Hour Report condition in Part III.D.6 has been revised.
3. The Changes in Discharge of Toxic Substances for Industrial Dischargers condition in Part III.D.8 has been revised.
4. The definitions in Part IV have been revised for clarity.
5. Added chain of custody requirements in the records content in Part III.C.8.
6. The BOD_5 limits have been revised due to a change in internal rounding procedures.
7. The condition in Part II regarding the implementation of BMPs to reduce TRC has been modified due to the permittee having completed the implementation process.
8. The Schedule of Compliance has been removed.
9. The required monitoring frequency for pH has been revised in accordance with the internal guidance memo "Recommended Monitoring Frequencies for NPDES Permits," July 31, 2023. See Part 1.A and Section 13 of the Statement of Basis for more information.

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7. RECEIVING STREAM SEGMENT AND DISCHARGE LOCATION

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

Latitude: 34° 50’ 10” N; Longitude: 90° 36’ 43” W

The receiving waters named:

the St. Francis River in Segment 5A of the St. Francis River Basin. The receiving stream with Assessment Unit AR_8020203_002 is a Water of the State classified for primary and secondary contact recreation, raw water source for domestic (public and private), industrial, and agricultural water supplies; propagation of desirable species of fish and other aquatic life; and other compatible uses.

The St. Francis River is an Ecologically Sensitive Waterbody due to the presence of fat pocketbook mussel.

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

A. 303(d) List

The receiving stream is not listed on the *2026* 303(d) list. Therefore no permit action is needed.

B. Applicable Total Maximum Daily Load (TMDL) Reports

There are no applicable TMDLs for the receiving stream.

C. Endangered Species

The receiving stream is in an area considered sensitive for *Toxolasma texasiense*, Texas Lilliput-state concern by the USF&WS.

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

D. Anti-Degradation

The limitations and requirements set forth in this permit for discharge into waters of the State are consistent with the Anti-degradation Policy and all other applicable water quality standards found in APC&EC Rule 2.

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9. **OUTFALL, TREATMENT PROCESS DESCRIPTION, AND FACILITY CONSTRUCTION**

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

A. Design Flow: 0.65 MGD

B. Type of Treatment: screening, grit chamber, activated sludge oxidation ditch, two clarifiers (in parallel), *optional* chlorine disinfection*, and optional PAA disinfection*

C. Discharge Description: treated sanitary and food preparation wastewater

D. Facility Status: This facility was evaluated using the NPDES Permit Rating Worksheet (MRAT) to determine the correct permitting status. Since the facility's MRAT score of 20 is less than 80, this facility is classified as a minor industrial.

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

10. **ACTIVITY**

Under the Standard Industrial Classification (SIC) code of 9223 or North American Industry Classification System (NAICS) code of 922140, the applicant's activities are the operation of a state prison.

11. **SEWAGE SLUDGE PRACTICES**

Sludge is dried on drying beds and land applied in accordance with the facility's current land application permit, 5226-WR-1.

12. **DEVELOPMENT AND BASIS FOR PERMIT CONDITIONS**

The Division of Environmental Quality has determined to issue a permit for the discharge described in the application. Permit requirements are based on federal regulations (40 C.F.R. Parts 122, 124, and Subchapter N) and rules promulgated pursuant to the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 et seq.). All of the information contained in the application, including all of the submitted effluent testing data, was reviewed to determine the need for effluent limits and other permit requirements.

The following is an explanation of the derivation of the conditions of the permit and the reasons for them or, in the case of notices of intent to deny or terminate, reasons suggesting the decisions as required under 40 C.F.R. § 124.7.

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

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

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Parameter	Water Quality-Based		Technology-Based		Previous Permit		Final Permit	
	Monthly Avg. mg/l	Daily Max. mg/l	Monthly Avg. mg/l	Daily Max. mg/l	Monthly Avg. mg/l	Daily Max. mg/l	Monthly Avg. mg/l	Daily Max. mg/l
BOD_5	30	45	N/A	N/A	30.0	45.0	30	45
TSS	30.0	45.0	N/A	N/A	30.0	45.0	30.0	45.0
DO	2.0 (Inst. Min.)		N/A		2.0 (Inst. Min.)		2.0 (Inst. Min.)	
FCB (col/100ml)								
(May – September)	200	400	N/A	N/A	200	400	200	400
(October – April)	1000	2000	N/A	N/A	1000	2000	1000	2000
TRC	N/A		Report (Inst. Max)		Report (Inst. Max)		Report (Inst. Max)	
PAA	*N/A*		*2.0 (Inst. Max.)*		*N/A*		*2.0 (Inst. Max.)*	
O&G	10	15	N/A	N/A	10	15	10	15
pH	6.0-9.0 s.u.		N/A		6.0-9.0 s.u.		6.0-9.0 s.u.	

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

Parameter	Water Quality or Technology	Justification
BOD_5	Water Quality	Water Quality Model dated *August 3, 2026*, CWA § 402(o), and previous permit
TSS	Water Quality	Water Quality Model dated *August 3, 2026*, CWA § 402(o), and previous permit
DO	Water Quality	Rule 2.505, Water Quality Model dated *August 3, 2026*, CWA § 402(o), and previous permit
FCB	Water Quality	Rule 2.507, CWA § 402(o), and previous permit
TRC	Technology	Rule 2.409, and previous permit
PAA	*Technology*	*Rule 2.409, and OWQ guidance memorandum "OWQ Technology-based limitations for Peracetic Acid (PAA), March 3, 2026"*
O&G	Water Quality	Rule 2.510, CWA § 402(o), and previous permit
pH	Water Quality	Rule 2.504, CWA § 402(o), and previous permit

TRC

From the permittee's reported data, the average TRC concentration in the last permit term was 0.76 mg/L. The EPA Gold Book lists a TRC concentration of 0.011 mg/L as protective of water quality standards. Based on a design flow of 0.65 MGD and a receiving stream flow of 430 cfs, the Division has determined that the maximum allowable TRC effluent is 1.075 mg/L. The calculations are available online, per the sources in Part 16 below. As the permittee's reported average does not show reasonable potential to exceed this value, no further permit action is needed at this time.

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Peracetic Acid (PAA)

The facility will be using PAA as a supplemental method of disinfection.

The receiving stream, the St. Francis River, has a 7Q10 flow of 430 cfs (Critical Season). In accordance with "OWQ Technology-based limitations for Peracetic Acid (PAA), March 3, 2026," a Dilution Factor (DF) is calculated as follows:

$$DF = \frac{\text{discharge flow} + (7Q10 \times MZ)}{\text{discharge flow}} \quad \text{(all flows in cfs)}$$

Where:

Discharge flow = 0.65 MGD = 1.01 cfs
7Q10 = 430 cfs
MZ = 0.25 for 7Q10 ≥ 100

$$DF = \frac{1.01 + (430 \times 0.25)}{1.01} = 107$$

DF ≥ 2 → PAA limit = 2.0 mg/L (Inst. Max.)

Except for PAA, no new information was received to warrant adding, removing, or revising any limitations in the permit. Therefore, *except for PAA,* the limitations in the permit are consistent with the limitations in the previous permit.

B. **Anti-backsliding**

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

The permit meets or exceeds the requirements of the previous permit.

C. **Limits Calculations**

1. Mass Limits:

In accordance with 40 C.F.R. § 122.45(f)(1), all pollutants limited in permits shall have limitations expressed in terms of mass if feasible. 40 C.F.R. § 122.45(f)(2) allows for pollutants which are limited in terms of mass to also be limited in terms of other units of measurement.

The calculation of the loadings (lbs per day) uses a design flow of 0.65 MGD and the following equation:

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

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2. Daily Maximum Limits:

The daily maximum limits for BOD_5 and TSS are based on Section 5.4.2 of the Technical Support Document for Water Quality-based Toxics Control:

daily maximum limits = monthly average limits × 1.5

The daily maximum limits for FCB and O&G are based on Rules 2.507 and 2.510, respectively.

D. **208 Plan (Water Quality Management Plan)**

The 208 Plan, developed by DEQ under provisions of Section 208 of the federal Clean Water Act, is a comprehensive program to work toward achieving federal water goals in Arkansas. The initial 208 Plan, adopted in 1979, provides for annual updates, but can be revised more often if necessary.

The 208 Plan is being updated to add a year-round instantaneous maximum PAA limit of 2.0 mg/l to the existing water quality limitations.

13. **SAMPLE TYPE AND FREQUENCY**

Regulations require permits to establish monitoring requirements to yield data representative of the monitored activity [40 C.F.R. § 122.48(b)] and to ensure compliance with permit limitations [40 C.F.R. § 122.44(i)(l)].

Requirements for sample type and sampling frequency have been based on the previous discharge permit and *Part 5.4 of the CPP.*

Parameter	Previous Permit		Final Permit	
	Frequency of Sample	Sample Type	Frequency of Sample	Sample Type
Flow	daily	totalizing meter	daily	totalizing meter
BOD_5	three/month	composite	three/month	composite
TSS	three/month	composite	three/month	composite
DO	three/month	grab	three/month	grab
FCB	three/month	grab	three/month	grab
TRC	three/month	grab	three/month[1]	grab
PAA	*N/A*	*N/A*	*three/month*[2]	*grab*
O&G	three/month	grab	three/month	grab
pH	twice/month	grab	three/month	grab

1. *The monitoring and reporting of TRC on the DMRs applies only when Chlorine is being used for disinfection. If Chlorine is not used during a monitoring period, report NODI=9 (Conditional Monitoring – Not Required This Period) for the TRC parameter for that monitoring period.*
2. *The monitoring and reporting of PAA on the DMRs applies only when PAA is being used for disinfection. If PAA is not used during a monitoring period, report NODI=9 (Conditional Monitoring – Not Required This Period) for the PAA parameter for that monitoring period.*

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14. PERMIT COMPLIANCE SCHEDULE

A Schedule of Compliance has not been included in this permit.

15. MONITORING AND REPORTING

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

16. SOURCES

The following sources were used to draft the permit:

A. *Application No. AR0045578 received March 30, 2023, with all additional information received by May 4, 2026.*
B. Arkansas Water Quality Management Plan (WQMP).
C. PC&EC Rule 2, codified in 8 CAR Part 21.
D. PC&EC Rule 3, codified in 8 CAR Part 22.
E. PC&EC Rule 6, codified in 8 CAR Part 25, which incorporates by reference certain federal regulations included in Title 40 of the Code of Federal Regulations at Rule 6.104, codified at 8 CAR § 25-104.
F. 40 C.F.R. Parts 122 and 125.
G. Discharge permit file AR0045578.
H. Discharge Monitoring Reports (DMRs).
I. "*2026* Integrated Water Quality Monitoring and Assessment Report," DEQ.
J. "*2026* List of Impaired Waterbodies (303(d) List)," DEQ.
K. USGS StreamStats web-based program.
L. Continuing Planning Process (CPP).
M. "OWQ Guidelines for Decimal Places and Rounding Conventions in NPDES Permits" documented in a June 12, 2020 Interoffice Memorandum.
N. OWQ guidance memorandum "Recommended Monitoring Frequencies and Sample Types for NPDES Permits," April 14, 2022.
O. Technical Support Document for Water Quality-based Toxic Control.
P. Inspection Report dated September 24, 2020.
Q. *Enforcement Review dated June 11, 2026.*
R. *Planning Review Memo dated June 29, 2026.*
S. NPDES Permit Rating Spreadsheet (MRAT) dated May 16, 2023.
T. Operator License Class Spreadsheet dated May 16, 2023.
U. Water Quality Model dated December 15, 2017 (and reviewed on July 27, 2023).
V. "Permit Compliance- Total Residual Chlorine Reduction," dated April 22, 2019.
W. "Toxicity-Based TRC Calculations," dated August 3, 2023.
X. Site Visit Report dated April 26, 2023.
Y. *OWQ guidance memorandum "OWQ Technology-based limitations for Peracetic Acid (PAA), March 3, 2026."*

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17. PUBLIC NOTICE

The public notice describes the procedures for the formulation of final determinations and shall provide for a public comment period of 30 days. During this period, any interested persons may submit written comments on the permit and may request a public hearing to provide verbal or written comments on the draft decision during the hearing. A request for a public hearing shall be in writing and shall state the nature of the issue(s) proposed to be raised in the hearing.

A copy of the permit and public notice will be sent via email to the Corps of Engineers, the Regional Director of the U.S. Fish and Wildlife Service, the Department of Parks, Heritage, and Tourism, the EPA, and the Arkansas Department of Health.

18. PERMIT FEE

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

Fee = \$200 + (5,600 × Q) = \$200 + (5,600 × 0.65) = \$3,840

This facility is billed under Fee Code B.

19. POINT OF CONTACT

For additional information, contact:

Guy Lester, P.E.
Professional Engineer
Permits Branch, Office of Water Quality
Division of Environmental Quality
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