Permit Number: AR0000434
AFIN: 14-00040

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.),

LB Amfuel, LLC

is authorized to discharge non-contact cooling water and stormwater from a facility located as follows: 601 Firestone Drive, Magnolia, AR 71753 in Columbia County, Arkansas. From South on I-430 to I-30 West, take Exit 46 (Prescott), left on AR19 through Prescott, left on Hwy 371 to Magnolia, cross over Hwy. 82 and continue on Hwy 371 (Vine), turn right on Firestone Drive.

Facility Coordinates: Latitude: 33° 16' 45.67" N; Longitude: 93° 14' 47.06" W

Discharge is to receiving waters named:

an unnamed tributary of Big Creek, thence to Big Creek, thence to Dorcheat Bayou, thence to the Red River (in LA) in Segment 1A of the Red River Basin.

The outfalls are located at the following coordinates:

Outfall 002:	Latitude: 33° 16' 40" N;	Longitude: 93° 14' 45" W
Outfall 003:	Latitude: 33° 16' 39" N;	Longitude: 93° 14' 49" 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: November 1, 2020
Expiration Date: October 31, 2025



Robert E. Blanz, Ph.D., P.E.
Associate Director, Office of Water Quality
Arkansas Department of Energy and Environment
Division of Environmental Quality

10/16/2020
Issue Date

PART I
PERMIT REQUIREMENTS

SECTION A.1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 002 - non-contact cooling water from calendar room rolling mill and stormwater.

During the period beginning on the effective date and lasting until the date of expiration, the permittee is authorized to discharge from Outfall 002. 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 and calculations.

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	continuous	totalizing meter
Chemical Oxygen Demand (COD)	N/A	N/A	50	75	once/month	grab
Total Suspended Solids (TSS)	N/A	N/A	35.0	52.5	once/month	grab
Temperature	N/A	N/A	N/A	86 °F (Inst. Max.)	continuous	in-situ
Oil and Grease (O & G)	N/A	N/A	10	15	once/month	grab
Lead, Total Recoverable (Pb)	Report	Report	2.67 µg/l	5.37 µg/l	once/quarter	composite
pH	N/A	N/A	Minimum 6.0 s.u.	Maximum 9.0 s.u.	once/month	grab

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 at Outfall 002.

SECTION A.2. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: OUTFALL 003 - non-contact cooling water from cement room rolling mill and stormwater.

During the period beginning on the effective date and lasting until the date of expiration, the permittee is authorized to discharge from Outfall 003. 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 and calculations.

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	continuous	totalizing meter
Chemical Oxygen Demand (COD)	N/A	N/A	50	75	once/month	grab
Total Suspended Solids (TSS)	N/A	N/A	35.0	52.5	once/month	grab
Temperature	N/A	N/A	N/A	86 °F (Inst. Max.)	continuous	in-situ
Oil and Grease (O & G)	N/A	N/A	10	15	once/month	grab
Lead, Total Recoverable (Pb)	Report	Report	2.67 µg/l	5.37 µg/l	once/quarter	composite
pH	N/A	N/A	Minimum 6.0 s.u.	Maximum 9.0 s.u.	once/month	grab

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 at Outfall 003.

SECTION A.3. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS: SUM Load Allocation Outfall (LAO) – non-contact cooling water and stormwater from Outfalls 002 and 003 combined.

During the period beginning on the effective date and lasting until the date of expiration, the permittee is authorized to discharge the following mass loading from Outfalls 002 and 003 combined. Such discharges shall be limited by the permittee as specified below:

Effluent Characteristics	**Discharge Limitations**		**Monitoring Requirements**	
	Mass (lbs/day, unless otherwise specified)		Frequency	Sample Type
	Monthly Avg.	Daily Max.		
Lead, Total Recoverable (Pb)	0.0009[1]	0.0017[1]	once/quarter	calculated

[1] Permittee shall comply with these wasteload allocations for both Outfalls 002 and 003 combined.

SECTION B. PERMIT COMPLIANCE SCHEDULE

None

PART II
OTHER CONDITIONS

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

2. Other Specified Monitoring Requirements

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

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

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

3. [Reserved]

4. The permittee may use any EPA approved method based on 40 CFR 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 (µg/l)
Lead, Total Recoverable	0.5

   The permittee may develop a matrix specific method detection limit (MDL) in accordance with Appendix B of 40 CFR 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.

5. Stormwater runoff commingling with non-contact cooling water discharged from outfalls 002 and 003 shall be managed in accordance with Best Management Practices (BMPs), as defined in Part IV.7, to control the quality of stormwater discharges associated with industrial activity that are authorized by this permit. BMPs 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.

6. This permit only authorizes discharge of non-contact cooling water and stormwater to waters of the state. This permit does not authorize direct discharge of process wastewater to waters of the state. Any discharge of process wastewater directly to waters of the state would require a modification of this permit prior to the direct discharge taking place. The direct discharge of process wastewater to waters of the state would be subject to effluent limitations set forth in the effluent limitations guidelines in 40 CFR Part 428, Subparts E, F, or G.

PART III
STANDARD CONDITIONS

SECTION A – GENERAL CONDITIONS

1. **Duty to Comply**

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

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

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

3. **Permit Actions**

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

A. Violation of any terms or conditions of this permit.
B. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts.
C. A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge.
D. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.
E. Failure of the permittee to comply with the provisions of APC&EC Rule No. 9 (Permit fees) as required by Part III.A.11 herein.

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

4. **Toxic Pollutants**

Notwithstanding Part III.A.3, if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under APC&EC Rule No. 2, as amended, or Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitations on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standards or prohibition and the permittee so notified.

The permittee shall comply with effluent standards, narrative criteria, or prohibitions established under APC&EC Rule No. 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 statues or regulations which defeats the regulatory purposes of the permit may subject the permittee to criminal enforcement pursuant to the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 et seq.).

6. **Oil and Hazardous Substance Liability**

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

7. **State Laws**

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

8. **Property Rights**

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

9. **Severability**

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

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

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

11. **Permit Fees**

The permittee shall comply with all applicable permit fee requirements (i.e., including annual permit fees following the initial permit fee that will be invoiced every year the permit is active) for wastewater discharge permits as described in APC&EC Rule No. 9 (Rule for the Fee System for Environmental Permits). Failure to promptly remit all required fees shall be grounds for the Director to initiate action to terminate this permit under the provisions of 40 CFR Parts 122.64 and 124.5(d), as adopted in APC&EC Rule No. 6 and the provisions of APC&EC Rule No. 8.

SECTION B – OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. **Proper Operation and Maintenance**

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

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

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

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control

production or discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power for the treatment facility is reduced, is lost, or alternate power supply fails.

3. **Duty to Mitigate**

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

4. **Bypass of Treatment Facilities**

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

A. Bypass not exceeding limitation

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

B. Notice

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

C. Prohibition of bypass

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

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

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

5. **Upset Conditions**

A. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Part III.B.5.B of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

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

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

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

6. **Removed Substances**

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

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

7. **Power Failure**

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

SECTION C – MONITORING AND RECORDS

1. **Representative Sampling**

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge during the entire monitoring period. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified,

before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Director. Intermittent discharge shall be monitored.

2. **Flow Measurement**

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than +/- 10% from true discharge rates throughout the range of expected discharge volumes and shall be installed at the monitoring point of the discharge.

Calculated Flow Measurement

For calculated flow measurements that are performed in accordance with either the permit requirements or a Division approved method (i.e., as allowed under Part II.3), the +/- 10% accuracy requirement described above is waived. This waiver is only applicable when the method used for calculation of the flow has been reviewed and approved by the Division.

3. **Monitoring Procedures**

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

4. **Penalties for Tampering**

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

5. **Reporting of Monitoring Results**

40 CFR 127.11(a)(1) and 40 CFR 127.16(a) require that monitoring reports must be reported on a Discharge Monitoring Reports (DMR) and filed electronically. Signatory Authorities must initially request access for a NetDMR account. Once a NetDMR account is established,

access to electronic filing should use the following link https://cdx.epa.gov. Permittees who are unable to file electronically may request a waiver from the Director in accordance with 40 CFR 127.15. Monitoring results obtained during the previous monitoring period shall be summarized and reported on a DMR dated and submitted no later than the 25th day of the month, following the completed reporting period beginning on the effective date of the permit.

6. **Additional Monitoring by the Permittee**

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

7. **Retention of Records**

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

8. **Record Contents**

Records and monitoring information shall include:

A. The date, exact place, time and methods of sampling or measurements, and preservatives used, if any.
B. The individual(s) who performed the sampling or measurements.
C. The date(s) and time analyses were performed.
D. The individual(s) who performed the analyses.
E. The analytical techniques or methods used.
F. The measurements and results of such analyses.

9. **Inspection and Entry**

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

A. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.
B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit.
C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit.

D. Sample, inspect, or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

SECTION D – REPORTING REQUIREMENTS

1. **Planned Changes**

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

A. The alteration or addition to a permitted facility may meet one of the criteria for new sources at 40 CFR 122.29(b).
B. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants subject to effluent limitations in the permit, or to the notification requirements under 40 CFR 122.42(b).

2. **Anticipated Noncompliance**

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

3. **Transfers**

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

4. **Monitoring Reports**

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

5. **Compliance Schedule**

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

6. **Twenty-four Hour Report**

A. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain the following information:

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

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

1. Any unanticipated bypass which exceeds any effluent limitation in the permit.
2. Any upset which exceeds any effluent limitation in the permit.
3. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part I of the permit to be reported within 24 hours to the Enforcement Branch of the Office of Water Quality of the ADEQ.

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

7. **Other Noncompliance**

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

8. **Changes in Discharge of Toxic Substances for Industrial Dischargers**

The Director shall be notified as soon as the permittee knows or has reason to believe:

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

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

9. **Duty to Provide Information**

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

10. **Duty to Reapply**

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

11. **Signatory Requirements**

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

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

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

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

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

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

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

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

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

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

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

12. **Availability of Reports**

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

13. **Penalties for Falsification of Reports**

The Arkansas Air and Water Pollution Control Act provides that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this permit shall be subject

to civil penalties specified in Part III.A.2 and/or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 et seq.).

14. **Other Information**

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

PART IV
DEFINITIONS

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

1. **"7-Day Average"** also known as "average weekly," means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week. The 7-Day Average for Fecal Coliform Bacteria (FCB) or *E. coli* is the geometric mean of the "daily discharges" of all effluent samples collected during a calendar week in colonies per 100 ml.
2. **"Act"** means the Clean Water Act, Public Law 95-217 (33.U.S.C. 1251 et seq.) as amended.
3. **"Administrator"** means the Administrator of the U.S. Environmental Protection Agency.
4. **"APC&EC"** means the Arkansas Pollution Control and Ecology Commission.
5. **"Applicable effluent standards and limitations"** means all State and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, and pretreatment standards.
6. **"Applicable water quality standards"** means all water quality standards to which a discharge is subject under the federal Clean Water Act and which has been (a) approved or permitted to remain in effect by the Administrator following submission to the Administrator pursuant to Section 303(a) of the Act, or (b) promulgated by the Director pursuant to Section 303(b) or 303(c) of the Act, and standards promulgated under (APC&EC) Rule No. 2, as amended.
7. **"Best Management Practices (BMPs)"** are activities, practices, maintenance procedures, and other management practices designed to prevent or reduce the pollution of waters of the State. BMPs also include treatment technologies, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw sewage. BMPs may include structural devices or nonstructural practices.
8. **"Bypass"** means the intentional diversion of waste streams from any portion of a treatment facility, as defined at 40 CFR 122.41(m)(1)(i).
9. **"Composite sample"** is a mixture of grab samples collected at the same sampling point at different times, formed either by continuous sampling or by mixing a minimum of 4 effluent portions collected at equal time intervals (but not closer than one hour apart) during operational hours, within the 24-hour period, and combined proportional to flow or a sample collected at more frequent intervals proportional to flow over the 24-hour period.
10. **"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.
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"** shall be defined as follows:
    A. When limited in the permit as a minimum monthly average, shall mean the lowest acceptable monthly average value, determined by averaging all samples taken during the calendar month.
    B. When limited in the permit as an instantaneous minimum value, shall mean that no value measured during the reporting period may fall below the stated value.
14. **"Division"** means the Division of Environmental Quality (**DEQ**).
15. **"*E. coli*"** a sample consists of one effluent grab portion collected during a 24-hour period at peak loads. For *E. coli*, report the Daily Maximum as the highest "daily discharge" during the calendar month and the Monthly Average as the geometric mean of all "daily discharges" within a calendar month, in colonies per 100 ml.
16. **"Fecal Coliform Bacteria (FCB)"** a sample consists of one effluent grab portion collected during a 24-hour period at peak loads. For FCB, report the Daily Maximum as the highest "daily discharge" during the calendar month and the Monthly Average as the geometric mean of all "daily discharges" within a calendar month, in colonies per 100 ml.
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 nondomestic discharger, as identified in 40 CFR Part 403, introducing pollutants to a POTW.
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, shall mean that no value measured during the reporting period may fall above the stated value.
21. **"Instantaneous Minimum"** an instantaneous minimum value, shall mean that no value measured during the reporting period may fall below the stated value.
22. **"Monitoring and Reporting"**
    When a permit becomes effective, monitoring requirements are of the immediate period of the permit effective date. Where the monitoring requirement for an effluent characteristic is monthly or more frequently, the Discharge Monitoring Report (DMR) shall be submitted by the 25th of the month following the sampling. Where the monitoring requirement for an effluent characteristic is Quarterly, Semi-Annual, Annual, or Yearly, the DMR shall be submitted by the 25th of the month following the monitoring period end date.
    A. **MONTHLY:**
    is defined as a calendar month or any portion of a calendar month for monitoring requirement frequency of once/month or more frequently.
    B. **BI-MONTHLY:**
    is defined as two (2) calendar months or any portion of 2 calendar months for monitoring requirement frequency of once/2 months or more frequently.
    C. **QUARTERLY:**
        1. is defined as a **fixed calendar quarter** or any part of the fixed calendar quarter for a non-seasonal effluent characteristic with a measurement frequency of once/quarter.

Fixed calendar quarters are: January through March, April through June, July through September, and October through December.

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

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

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

23. **"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.
24. **"National Pollutant Discharge Elimination System"** means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under Sections 307, 402, 318, and 405 of the Clean Water Act.
25. **"POTW"** means Publicly Owned Treatment Works;
26. **"Reduction of $CBOD_5$/BOD_5 and TSS in mg/l Formula"**
[(Influent – Effluent) / Influent] × 100
27. **"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.
28. **"Sewage sludge"** means the solids, residues, and precipitate separated from or created in sewage by the unit processes at a POTW. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and stormwater runoff that are discharged to or otherwise enter a POTW.
29. **"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.
30. **Units of Measure:**
"MGD" shall mean million gallons per day.

"mg/l" shall mean milligrams per liter or parts per million (ppm).
"µg/l" shall mean micrograms per liter or parts per billion (ppb).
"cfs" shall mean cubic feet per second.
"ppm" shall mean parts per million.
"s.u." shall mean standard units.

31. **"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.
32. **"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.
33. **"Weekday"** means Monday – Friday.

Statement of Basis

This Statement of Basis is for information and justification of the permit requirements only. Please note that it is not enforceable. This permitting decision is for the renewal of discharge Permit Number AR0000434 with Arkansas Department of Energy and Environment – Division of Environmental Quality (DEQ) Arkansas Facility Identification Number (AFIN) 14-00040 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 address is:

LB Amfuel, LLC
601 Firestone Drive
Magnolia, AR 71753

The facility address is:

LB Amfuel, LLC
601 Firestone Drive
Magnolia, AR 71753

3. PREPARED BY

The permit was prepared by:

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4. PERMIT ACTIVITY

Previous Permit Effective Date:	September 1, 2014
Previous Permit Expiration Date:	August 31, 2019

The permittee submitted a permit renewal application and permit transfer on March 4, 2019, with additional information received March 18, 2019. The current discharge permit is being reissued for a 5-year term in accordance with regulations promulgated at 40 CFR Part 122.46(a).

DOCUMENT ABBREVIATIONS

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

APC&EC - Arkansas Pollution Control and Ecology Commission
BAT - best available technology economically achievable
BCT - best conventional pollutant control technology
BMP - best management practice
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
CFR - Code of Federal Regulations
cfs - cubic feet per second
COD - chemical oxygen demand
COE - United States Corp of Engineers
CPP - continuing planning process
CWA - Clean Water Act
DMR - discharge monitoring report
DO - dissolved oxygen
ELG - effluent limitation guidelines
EPA - United States Environmental Protection Agency
ESA - Endangered Species Act
FCB - fecal coliform bacteria
gpm - gallons per minute
MGD - million gallons per day
MQL - minimum quantification level
NAICS - North American Industry Classification System
NH_3-N - ammonia nitrogen
$NO_3 + NO_2$-N - nitrate + nitrite nitrogen
NPDES - National Pollutant Discharge Elimination System
O&G - oil and grease
Rule 2 - APC&EC Rule No. 2
Rule 6 - APC&EC Rule No. 6
Rule 8 - APC&EC Rule No. 8
Rule 9 - APC&EC Rule No. 9
RP - reasonable potential
SIC - standard industrial classification
TDS - total dissolved solids
TMDL - total maximum daily load

TP - total phosphorus
TRC - total residual chlorine
TSS - total suspended solids
UAA - use attainability analysis
USF&WS - United States Fish and Wildlife Service
USGS - United States Geological Survey
WET - whole effluent toxicity
WQMP - water quality management plan
WQS - Water Quality standards
WWTP - wastewater treatment plant

Compliance and Enforcement History:

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

http://www.adeq.state.ar.us/downloads/WebDatabases/PermitsOnline/NPDES/PermitInformation/AR0000434_Compliance%20Review%20Attachment_20190410.pdf

5. FINANCIAL ASSURANCE

Financial assurance is not required for this facility since the facility is not considered a "nonmunicipal domestic sewage treatment works" as defined in Ark. Code Ann. 8-4-203. All domestic sewage generated at this facility is sent to the City of Magnolia wastewater treatment plant.

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 therein:

1. The permittee and facility names have been changed based on the Permit Transfer Form dated March 4, 2019.
2. Driving directions to the facility have been included based on the renewal application.
3. Mailing address has been removed from the cover page.
4. The 7-day average limit for TSS is now expressed as 52.5 mg/l. See Section 12.A for more information.
5. Part II.3 of the previous permit has been removed. Monitoring frequency reductions can be requested through permit modification.
6. The language in Part II.5 of the permit has been revised.
7. Part III.C.5 of the permit now requires that DMRs be submitted electronically via NetDMR.
8. Part III.D.14, Other Information, has been included in the permit.

7. RECEIVING STREAM SEGMENT AND DISCHARGE LOCATION

The outfalls are located at the following coordinates based on the previous permit and Google Earth using WGS84:

Outfall 002:	Latitude: 33° 16’ 40” N;	Longitude: 93° 14’ 45” W
Outfall 003:	Latitude: 33° 16’ 39” N;	Longitude: 93° 14’ 49” W

The receiving waters named:

an unnamed tributary of Big Creek, thence to Big Creek, thence to Dorcheat Bayou, thence to the Red River (in LA) in Segment 1A of the Red River Basin. The receiving stream with USGS Hydrologic Unit Code (H.U.C.) of 11140203 and reach #923 is a Water of the State classified for secondary contact recreation, raw water source for domestic (public and private), industrial, and agricultural water supplies; propagation of desirable species of fish and other aquatic life; and other compatible uses.

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

A. 303(d) List

The initial receiving stream is not listed on the 2018 303(d) list. However, the discharge travels approximately 1.9 miles before flowing into Reach #923 of Big Creek. Reach #923 of Big Creek is on the 2018 303(d) list for pH and Pb in category 4a as being caused by unknown source(s). This category regards “water quality standards are not attained for one or more designated uses but the development of a TMDL is not required because a TMDL has been completed for the listed parameter(s)” (DEQ, 2018). Since the previous permit contained pH and Pb limits, which are being continued in this renewal discharge permit, no additional permitting action is required at this time.

B. Applicable Total Maximum Daily Load (TMDL) Reports

A TMDL entitled “TMDLs for Chloride, Copper, Dissolved Oxygen, Lead, pH, Sulfate, TDS, and Turbidity in the Bodcau Creek and Dorcheat Bayou Watersheds, Arkansas” was finalized and approved on September 27, 2012. The TMDL report sets forth a wasteload allocation (WLA) for total lead for this facility. Pursuant to 40 CFR 122.44(d)(1)(vii)(B), this renewal permit includes the WLA assigned to this facility in the final TMDL (2.67 µg/l and 0.0009 lb/day). The TMDL report can be viewed at the following weblink:

https://www.adeq.state.ar.us/downloads/WebDatabases/Water/TMDL/pdfs/Bodcau_Dorcheat_2012_09_27.pdf

C. **Endangered Species**

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

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 No. 2.

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

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

A. Average Flows: Outfall 002: 0.6234 MGD[1]
Outfall 003: 1.45 MGD[2]

B. Type of Treatment: none

C. Discharge Description: non-contact cooling water and stormwater

D. Facility Status: This facility was evaluated using the NPDES Permit Rating Worksheet (MRAT) to determine the correct permitting status. Since the facility's MRAT score of 25 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 3061 & 3069 or North American Industry Classification System (NAICS) code of 326299, the applicant's activities are the operation of a rubber fuel cell manufacturing facility (rubber containers of various shapes and sizes to fit inside the bodies of all types of aircraft).

According to the application, the wastewater discharged at Outfalls 002 and 003 consists of only non-contact cooling water commingled with stormwater from building roof drains, and this cooling water and stormwater does not undergo any treatment prior to discharge. If the

[1] This is the highest average flow rate reported during the most recent two years (March 2017 – February 2019) at Outfall 002.
[2] This is the highest average flow rate reported during the most recent two years (March 2017 – February 2019) at Outfall 003.

facility ever adds a treatment process for these outfalls, an Industrial Wastewater Operator as defined in Rule 3.503 may be required.

11. SEWAGE SLUDGE PRACTICES

No sludge is produced by this facility.

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 CFR Parts 122, 124, and Subchapter N), and regulations promulgated pursuant to the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. 8-4-101 et seq.). All of the information contained in the application, including all of the submitted effluent testing data, was reviewed to determine the need for effluent limits and other permit requirements.

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

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

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

Parameter	Water Quality-Based		Technology-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
Outfall 002								
COD	N/A	N/A	50	75	50	75	50	75
TSS	N/A	N/A	35.0	52.5	35	53	35.0	52.5
Temperature	86 °F (Inst. Max.)		N/A		86 °F (Inst. Max.)		86 °F (Inst. Max.)	
O & G	10	15	N/A	N/A	10	15	10	15
Pb	2.67 µg/l	5.37 µg/l	N/A	N/A	2.67 µg/l	5.37 µg/l	2.67 µg/l	5.37 µg/l
pH	6.0 - 9.0 s.u.		N/A		6.0 - 9.0 s.u.		6.0 - 9.0 s.u.	
Outfall 003								
COD	N/A	N/A	50	75	50	75	50	75
TSS	N/A	N/A	35.0	52.5	35	53	35.0	52.5

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
Temperature	86 °F (Inst. Max.)		N/A		86 °F (Inst. Max.)		86 °F (Inst. Max.)	
O & G	10	15	N/A	N/A	10	15	10	15
Pb	2.67 µg/l	5.37 µg/l	N/A	N/A	2.67 µg/l	5.37 µg/l	2.67 µg/l	5.37 µg/l
pH	6.0 - 9.0 s.u.		N/A		6.0 - 9.0 s.u.		6.0 - 9.0 s.u.	
Outfalls 002 and 003 combined								
Pb	0.0009 lbs/day	0.0017 lbs/day	N/A	N/A	0.0009 lbs/day	0.0017 lbs/day	0.0009 lbs/day	0.0017 lbs/day

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

Parameter	Water Quality or Technology	Justification
COD	Technology	Non-contact Cooling Water, Cooling Tower Blowdown, and Boiler Blowdown General Permit ARG250000, 40 CFR 122.44(l), and previous permit.
TSS*	Technology	Non-contact Cooling Water, Cooling Tower Blowdown, and Boiler Blowdown General Permit ARG250000, 40 CFR 122.44(l), and previous permit.
Temperature	Water Quality	Non-contact Cooling Water, Cooling Tower Blowdown, and Boiler Blowdown General Permit ARG250000, Rule 2.502, CWA § 402(o), and previous permit.
O & G	Water Quality	Non-contact Cooling Water, Cooling Tower Blowdown, and Boiler Blowdown General Permit ARG250000, Rule 2.510, CWA § 402(o), and previous permit.
Pb	Water Quality	”TMDLs for Chloride, Copper, Dissolved Oxygen, Lead, pH, Sulfate, TDS, and Turbidity in the Bodcau Creek and Dorcheat Bayou Watersheds, Arkansas” dated September 27, 2012.
pH	Water Quality	Non-contact Cooling Water, Cooling Tower Blowdown, and Boiler Blowdown General Permit ARG250000, Rule 2.504, CWA § 402(o), and previous permit.

* **Total Suspended Solids (TSS)**

The 7-day average limit for TSS was expressed as 53 mg/l in the previous permit. The limit is now expressed as 52.5 mg/l as a significant digit rounding procedure has been updated.

B. **Anti-backsliding**

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

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

C. **Limits Calculations**

1. Mass Limits:

In accordance with 40 CFR 122.45(f)(1), all pollutants limited in permits shall have limitations expressed in terms of mass if feasible. Due to the high variability of the effluent flow and the fact that stormwater commingles with the cooling water prior to discharge, concentration limits are sufficient to protect the receiving stream. Effluent limits for total lead are based on the wasteload allocation given in the TMDL report, which is expressed in terms of both concentration and mass. Thus, the total lead limits are expressed in terms of both concentration and mass to be consistent with the requirements of the TMDL. Additionally, 40 CFR 122.45(f)(2) allows for pollutants that are limited in terms of mass to also be limited in terms of other units of measurement.

The calculation of the total lead mass limit is based on the WLA given for the facility in the TMDL discussed in Section 8.B of this Statement of Basis.

2. Daily Maximum Limits:

The daily maximum limits for COD 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 O&G are based on Rule 2.510.

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

The 208 Plan is being updated with this permit renewal to revise the facility name from Amfuel to LB Amfuel, LLC. This 208 update was public noticed with the draft permit.

E. **Applicable Effluent Limitations Guidelines**

This facility produces fuel storage tanks (fuel cells) for the aircraft industry. The fuel cells are made by coating layers of fabric with rubber cement in molds to form the

desired shape of the fuel cell. The permittee discharges their process wastewater to the City of Magnolia Publicly Owned Treatment Works (POTW). Effluent limitation guidelines (ELG) in 40 CFR Part 428, Subparts E, F, and G contain pretreatment standards for new sources. The new source date for indirect dischargers for these subparts within the ELG is August 23, 1974. Since this facility started producing fuel cells prior to this new source date, the new source pretreatment standards in 40 CFR § 428, Subparts E, F, or G are not applicable to this facility. In addition, the effluent limitations specified in these subparts are not applicable to this facility as long as all process wastewater generated by the production process is discharged to the POTW. Direct discharge of any process wastewater from this facility is not allowed under this permit, and any future discharge of process wastewater directly to waters of the state would require a modification of this permit and would be subject to effluent limitations for existing sources within 40 CFR § 428, Subparts E, F, or G depending on the size classification of the facility.

13. **STORMWATER REQUIREMENTS**

The federal regulations at 40 CFR 122.26(b)(14) require certain industrial sectors to have NPDES permit coverage for stormwater discharges from the facility. These requirements include the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) to control the quality of stormwater discharges from the facility. The facility has several stormwater only outfalls that are currently covered under the Stormwater Industrial General Permit (IGP) under NPDES Tracking number ARR00B815. Stormwater runoff from roof drains over the calendar room and cement room rolling mills are commingled with the non-contact cooling water and discharged via Outfalls 002 and 003 under this individual NPDES permit. This commingled stormwater is required to be managed with BMPs as required by Part II.5 of this permit.

14. **SAMPLE TYPE AND FREQUENCY**

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

Requirements for sample type and sampling frequency have been based on the current discharge permit.

Parameter	Previous Permit		Final Permit	
	Frequency of Sample	Sample Type	Frequency of Sample	Sample Type
Flow	continuous	totalizing meter	continuous	totalizing meter
COD	once/month	grab	once/month	grab
TSS	once/month	grab	once/month	grab
Temperature	continuous	in-situ	continuous	in-situ

Parameter	Previous Permit		Final Permit	
	Frequency of Sample	Sample Type	Frequency of Sample	Sample Type
O & G	once/month	grab	once/month	grab
Pb	once/quarter	composite	once/quarter	composite
pH	once/month	grab	once/month	grab

15. **PERMIT COMPLIANCE SCHEDULE**

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

16. **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.

17. **SOURCES**

The following sources were used to draft the permit:

A. Application No. AR0000434 received March 4, 2019, with additional information received March 18, 2019.
B. Permit Transfer Form for permit No. AR0000434 received March 4, 2019.
C. Arkansas Water Quality Management Plan (WQMP).
D. APC&EC Rule No. 2.
E. APC&EC Rule No. 3.
F. APC&EC Rule No. 6 which incorporates by reference certain federal regulations included in Title 40 of the Code of Federal Regulations at Rule 6.104.
G. 40 CFR Parts 122 and 125.
H. Discharge permit file AR0000434.
I. Discharge Monitoring Reports (DMRs).
J. "2018 Integrated Water Quality Monitoring and Assessment Report", DEQ.
K. "2018 List of Impaired Waterbodies (303(d) List)", DEQ, May 2020.
L. "TMDLs for Chloride, Copper, Dissolved Oxygen, Lead, pH, Sulfate, TDS, and Turbidity in the Bodcau Creek and Dorcheat Bayou Watersheds, Arkansas" completed and approved on September 27, 2012.
M. Continuing Planning Process (CPP).
N. Technical Support Document for Water Quality-based Toxic Control.
O. Inspection Report dated October 1, 2014.
P. Planning Review Memo dated March 26, 2019.
Q. Planning Review Memo 2 dated April 8, 2019.
R. NPDES Permit Rating Sheet dated April 10, 2019.
S. Compliance Review Memo dated April 10, 2019.
T. WQMP Summary Sheet dated May 20, 2019.
U. No Comment Letter from Arkansas Department of Health dated August 27, 2020.

V. Final Compliance Review Memo dated September 17, 2020.

18. **PUBLIC NOTICE**

The public notice of the draft permit was published for public comment on August 19, 2020. The last day of the comment period was thirty (30) days after the publication date. No public comments were received on the draft permit.

Copies of the draft permit and public notice were sent via email to the Corps of Engineers, the Regional Director of the U.S. Fish and Wildlife Service, the Department of Parks, Heritage, and Tourism, the EPA, the Arkansas Department of Health, and Louisiana Department of Environmental Quality.

19. **PERMIT FEE**

In accordance with Rule No. 9.403(E), the annual fee for the permit is calculated from the sum of Average Flows (Q, in MGD) as follows:

$$\text{Fee} = \$200 + (700 \times Q) = \$200 + (700 \times (1.45+0.6234)) = \$1,651$$

20. **POINT OF CONTACT**

For additional information, contact:

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